



CITY COUNCIL MINUTES 18-015

9:30 a.m.

Friday, July 13, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor Ferguson
Councillors T. Whitehead, T. Jackson, C. Collins, S. Merulla, M. Green,
J. Farr, A. Johnson, D. Conley, M. Pearson, B. Johnson, R. Pasuta and J.
Partridge

Absent with

Regrets: Councillor A. VanderBeek - Personal

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish with One Spoon” Wampum Agreement.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

- 5.6 Correspondence from Lakewood Beach Community Council respecting the Reserve Policies Update (FCS18055).

Recommendation: Be received and referred to the consideration of Item 7 of the Audit, Finance and Administration Committee Report 18-010.

8. NOTICES OF MOTION

- 8.1 OPSEU Local 216 and Banyan Community Services
- 8.2 Hamilton Steel Summit
- 8.3 Request for an Independent, Provincial Review of Forensic Psychiatric Patient Escapes from the St. Joseph’s Healthcare Forensic Psychiatric Unit (Hamilton) and Mandatory GPS Monitoring of those Forensic Psychiatric Patients with Outside Passes
- 8.4 Sidewalk Redevelopment – Ward 4

- 8.5 500 MacNab St. N. Renewal Project

10. PRIVATE AND CONFIDENTIAL

- 10.2 Property Acquisition to Support the Transit Maintenance and Storage Facility (PW18045(a)) (Ward 3) (distributed under separate cover)

- 10.2(a) Property Acquisition to Support the Transit Maintenance and Storage Facility (PW18045(b)) (Ward 3) (distributed under separate cover)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

- 10.3 Integrity Commissioner / Lobbyist Registrar Appointment (LS18044/CL18009) (City Wide) (distributed under separate cover)

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (b) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to an identifiable individual, include City employees.

11. BY-LAWS AND CONFIRMING BY-LAW

- 196 Being a By-law to amend By-law No. 14-153, City of Hamilton Development Charges By-law, 2014, to Revise Definitions and Policy Regarding Industrial Development Expansions
Ward: City Wide
- 197 A By-law to Amend By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties
Ward: City Wide
- 198 To Rename Highland Road to Highland Road West
Ward: 6
- 199 A By-law to Prohibit Drive School Instructing in the Restricted Areas
Ward: 5
- 200 To Amend Zoning By-law No. 05-200 (Hamilton), as amended by By-law No. 17-112, Respecting Lands Located at 50 Albright Drive
ZAH-18-032
Ward: 5

- 201 To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 17-155, Respecting Lands Located at 52 Ottawa Street North
ZAH-18-036
Ward: 5
- 202 To Adopt Official Plan Amendment No. 108 to the Urban Hamilton Official Plan Respecting 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Street (Hamilton)
Ward: 4
- 203 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Land Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 Hayes Avenue, Hamilton ZAC-18-010/25T-201802
Ward: 4
- 204 To Adopt Official Plan Amendment No. 17 to the Rural Hamilton Official Plan Respecting 1915, 1995 and 1997 Jerseyville Road West (Ancaster)
Ward: 14
- 205 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1915, 1995 and 1997 Jerseyville Road West, Ancaster ZAC-17-080 &RHOPA-17-037
- 206 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 21 Mill Street North (Flamborough) ZAR-18-011
Ward: 15

(Conley/Pearson)

That the agenda for the July 13, 2018 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Mayor F. Eisenberger declared an interest to Item 1 of the General Issues Report 18-015, respecting Report HUR18011, Cannabis Legislation and Human Resources Implications, as his family has an interest in a legal marijuana grow operation.

Mayor F. Eisenberger declared an interest to Item 2 of the General Issues Report 18-015, respecting Report PED18141, Cannabis Dispensaries, as his family has an interest in a legal marijuana grow operation.

Mayor F. Eisenberger declared an interest to Item 6 of the General Issues Report 18-015, respecting Report FCS18052, City of Hamilton Estimated Costs for the Implementation of Cannabis Legislation, as his family has an interest in a legal marijuana grow operation.

Mayor F. Eisenberger declared an interest to Item 10 of the General Issues Report 18-015, respecting Objection to Consideration of Licensed Cannabis Producer Status for 286/288

Green Mountain Road and 398 Upper Centennial Parkway, Stoney Creek, as his family has an interest in a legal marijuana grow operation.

Mayor F. Eisenberger declared an interest to Item 13 of the Planning Committee Report 18-011, respecting Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14), as his family has an interest in a legal marijuana grow operation.

APPROVAL OF MINUTES OF PREVIOUS MEETING
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4.1 June 27, 2018**(B. Johnson/Partridge)**

That the Minutes of the June 27, 2018 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Ferguson/B. Johnson)

That Council Communications 5.1 to 5.6 be approved, as follows:

- 5.1 Correspondence from Lakewood Beach Community Council respecting TransCab Area Rating.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 5.2 Correspondence from Stephen Covey, CN respecting Rail Safety Week September 23-29, 2018.

Recommendation: Be received

- 5.3 Correspondence from the Ontario SPCA respecting the launch of the 2018 No Hot Pets campaign on June 21st.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

- 5.4 Correspondence from Mayor Ron Nirenberg, City of San Antonio in response to the Mayor's and the Mayor of Sault St. Marie's letter (attached) respecting the trade discussions between Canada and the United States and the serious impact tariffs will have on our municipalities, industries and workers on both sides of the border.

Recommendation: Be received.

- 5.5 Correspondence from the TransCanada's Public Awareness Team respecting information on the function, purpose and safety of the pipeline and the importance of maintaining the integrity of underground utilities.

Recommendation: Be received.

- 5.6 Correspondence from Lakewood Beach Community Council respecting the Reserve Policies Update (FCS18055).

Recommendation: Be received and referred to the consideration of Item 7 of the Audit, Finance and Administration Committee Report 18-010.

CARRIED

(B. Johnson/Pearson)

That Council move into Committee of the Whole to consider the Committee Reports.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 18-015

4. Downtown Entertainment Assets Operating Agreements (CM18013)

(Eisenberger/Partridge)

That a new sub-section (i) be added to Item 4 of the General Issues Committee Report 18-015, respecting Report CM18013 - the Downtown Entertainment Assets Operating Agreements, to read as follows:

- (i) That the City Procurement Policy be followed to the extent the Procurement Section and the Legal Services Division determine the Policy to be applicable in order to maintain a fair process related to the management of the Downtown Entertainment Assets.*

Amendment CARRIED

Main Motion as amended CARRIED

Councillor Green requested to be recorded as OPPOSED to the above motion.

16. Hamilton Tiger-Cats Soccer at Tim Hortons Field (PW18066) (City Wide) (Item 12.6)

(Green/B. Johnson)

That the recommendation of Item 16 respecting the Hamilton Tiger-Cats Soccer at Tim Hortons Field, be deleted in its entirety and the following be inserted therein:

~~That Report PW18066, respecting Hamilton Tiger-Cats Soccer at Tim Hortons Field, remain confidential until such time as an agreement is executed by all parties.~~

- (a) That the City of Hamilton enter into a License Agreement or amendment agreement with the Hamilton Tiger-Cats Football Club (2007) Corp. for the use of Tim Hortons Field to host a professional Canadian Premier League soccer team, on mutually beneficial terms, as outlined in the*

attached Appendix A to Report PW18066 and to the final satisfaction of the GM of Public Works;

- (b) *That the Mayor and City Clerk, be authorized and directed to sign the Soccer License Agreement and that the Mayor and City Clerk, and appropriate City staff, as the case may be, be authorized and directed to sign any other ancillary documents between the City and the Hamilton Tiger-Cats Football Club (2007) Corp., in a form acceptable to the City Solicitor, to implement recommendation 'a' in Report PW18066 and any other ancillary documents;***
- (c) *That Report PW18066, Hamilton Tiger-Cats Soccer at Tim Hortons Field, and its appendices remain confidential.***

Amendment CARRIED

Main Motion as amended CARRIED

(Eisenberger/Partridge)

That the FIFTEENTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 18-011

- 13. Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) (Deferred June 5, 2018) (Item 6.7)**

The motion respecting Item 13, the Applications for an Amendment to the Rural Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1915, 1995, and 1997 Jerseyville Road West, Ancaster (PED18118) (Ward 14) (Deferred June 5, 2018) (Item 6.7) was DEFEATED on the following Standing Recorded Vote, which results in the DENIAL of the applications:

Yeas: Green, Partridge, Pasuta, Pearson

Total: 4

Nays: A. Johnson, J. Farr, Merulla, Collins, Jackson, Whitehead, Ferguson, B. Johnson, Conley

Total: 9

Absent: Eisenberger, VanderBeek

Total: 2

20. The Round-About at Maggie Johnson and Tanglewood, Binbrook Village**(B. Johnson/Pearson)**

That sub-section (b) of Item 20 respecting the Round-About at Maggie Johnson and Tanglewood, Binbrook Village, be amended as follows:

- (b) That **\$1,850** be added to the 2019 Public Works Operating Budget for horticultural service related to said roundabout.

Amendment CARRIED
Main Motion as amended CARRIED

21. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application, Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application and Draft Plan of Subdivision for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle (Flamborough) (LS18007/PED18051) (Ward 15) (Distributed under separate cover.) (Item 12.1)**(Farr/Green)**

That the recommendation of Item 21 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application, Town of Flamborough Zoning By-law No. 90-145-Z Amendment Application and Draft Plan of Subdivision for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle (Flamborough) (LS18007/PED18051) (Ward 15) be deleted in its entirety and the following be inserted therein:

~~That the recommendations of Report LS18007/PED18051 respecting Flamborough Zoning By-law No. 90-145-Z Amendment Application and Draft Plan of Subdivision for Lands Located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle (Flamborough) be approved and remain private and confidential until Council approval.~~

- (a) ***That Legal staff be instructed to oppose the appeal by Parkside Hills Inc. (Country Green Homes Inc.) (Applicant) to the Local Planning Appeal Tribunal of its application to amend the Urban Hamilton Official Plan (UHOPI) for lands located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle, as shown on Appendix "A" to Report LS18007/PED1805, and that Legal staff be authorized to retain such outside professional(s) for said purpose and charge the costs to the Tax Stabilization Reserve 110046;***
- (b) ***That Legal staff be instructed to oppose the appeal by Parkside Hills Inc. (Country Green Homes Inc.) (Applicant) to the Local Planning Appeal Tribunal of its application to amend the Town of Flamborough Zoning By-law No. 90-145-Z for lands located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle, as shown on Appendix "A" to Report LS18007/PED18051, and that Legal staff be authorized to retain such outside professional(s) for said purpose and charge the costs to the Tax Stabilization Reserve 110046;***

- (c) *That Legal staff be instructed to oppose the appeal by Parkside Hills Inc. (Country Green Homes Inc.) (Applicant) to the Local Planning Appeal Tribunal of its application for Draft Plan of Subdivision for lands located at 609 and 615 Hamilton Street North, 3 Nisbet Boulevard and 129-137 Truedell Circle, as shown on Appendix "A" to Report LS18007/PED18051, and that Legal staff be authorized to retain such outside professional(s) for said purpose and charge the costs to the Tax Stabilization Reserve 110046;*
- (d) *That the Local Planning Appeal Tribunal be advised that the reasons for Council's opposition to Parkside Hills Inc. (Country Green Homes Inc.) (Applicant) of its Applications to amend the Urban Hamilton Official Plan (UHOP) and to amend the Town of Flamborough Zoning By-law No. 90-145-Z and for a Draft Plan of Subdivision approval, include but are not limited to the following:*
- *The proposed street network does not represent orderly development;*
 - *The proposed density exceeds that prescribed in the Urban Hamilton Official Plan and Waterdown North Secondary Plan;*
 - *Insufficient information has been provided to determine that there are appropriate levels of infrastructure to service the water and waste water requirements of the proposed development;*
 - *The applications fail to demonstrate consistency with the Provincial Policy Statement (2014) with respect to Archaeological Resources and Human-made Hazards.*
- (f) *That the recommendation of Report LS18007/PED18051 be released to the public.*

Amendment CARRIED
Main Motion as amended CARRIED

(Farr/Green)

That the ELEVENTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

(B. Johnson/Farr)

That Section 5.6(2) of the City's Procedural By-law 14-300, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider the Audit, Finance and Administration Committee Report 18-010, dated Wednesday, July 11, 2017; the Public Works Committee Report 18-010, dated Thursday, July 12, 2018; and, the Board of Health Report 18-006, dated Thursday, July 12, 2018.

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 18-010**10. Commercial Relationship Between City of Hamilton and Algoma Contractors Inc. (LS18041/FCS18078) (City Wide) (Item 12.1)****(Collins/Merulla)**

That the recommendation of Item 10 of Audit, Finance and Administration Committee Report 18-010 respecting the Commercial Relationship Between City of Hamilton and Algoma Contractors Inc. (LS18041/FCS18078), be deleted in its entirety and the following be inserted therein:

~~That the recommendations of Report LS18041/FCS18078, respecting “Commercial Relationship Between City of Hamilton and Algoma Contractors Inc.” be approved and the recommendations remain private and confidential until approved by Council.~~

- (a) *That to protect the best interests of the City of Hamilton (City) due to the impairment of the commercial relationship between the City of Hamilton and Algoma Contractors Inc. (“Algoma”), staff be directed to reject any current and future bids, proposals or quotations received from Algoma, or any of its related corporate or individual entities, until and including July 13, 2020.***
- (b) *That the City of Hamilton not enter into any contract with Algoma, or any of its related corporate or individual entities, until and including July 13, 2020.***
- (c) *That Report LS18041/FCS18070 respecting the Commercial Relationship Between City of Hamilton and Algoma Contractors Inc., remain confidential.***

**Amendment CARRIED
Main Motion as amended CARRIED**

(Collins/Merulla)

That the TENTH Report of the Audit, Finance & Administration Committee be adopted, as amended, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 18-010**(Jackson/Collins)**

That the TENTH Report of the Public Works Committee be adopted, as presented, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 18-006

**7. Appointment of Associate Medical Officer of Health (BOH18027) (City Wide)
(Item 12.1)**

(Eisenberger/B. Johnson)

That the recommendation of Item 7 of Board of Health Report 18-006 respecting the Appointment of Associate Medical Officer of Health (BOH18027), be deleted in its entirety and the following be inserted therein:

~~That the recommendations of Report respecting Appointment of Associate Medical Officer of Health (BOH18027) be approved and the recommendations remain private and confidential until approved by Council.~~

- (a) *That Dr. Bart Harvey be appointed as Associate Medical Officer of Health, and the necessary documentation forwarded to the Minister of Health & Long-Term Care for approval;***
- (b) *That the recommendations be made public, but the contents of the report respecting Appointment of Associate Medical Officer of Health (BOH18027) remain confidential, as the information relates to labour relations and employee negotiations.***

**Amendment CARRIED
Main Motion as amended CARRIED**

(Eisenberger/B. Johnson)

That the SIXTH Report of the Board of Health be adopted, as amended, and the information section received.

CARRIED

(B. Johnson/Collins)

That Committee Rise and Report.

CARRIED

MOTIONS

7.1 Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration (REVISED)

Councillor Collins requested that the motion respecting the Opposition to Buy American Policies and the Tariffs Recently Imposed by the Trump Administration (REVISED) be considered at the August 17, 2018 Council meeting.

7.2 Appointment of an Acting City Manager

(Eisenberger/Whitehead)

- (a) That Mike Zegarac be appointed Acting City Manager for the City of Hamilton effective August 13, 2018;
- (b) That By-law 08-307 a By-law to Appoint and to Prescribe the Duties and Responsibilities of the Chief Administrative Officer, be repealed; and
- (c) That a By-law to Appoint and to Prescribe the Duties and Responsibilities of the Acting Chief Administration Officer be prepared and enacted by Council.

CARRIED

7.3 Appointment of Acting Deputy City Clerks

(Ferguson/B. Johnson)

- (a) That Ida Bedioui; Stephanie Paparella; Lauri Leduc; Loren Kolar; Lisa Chamberlain and Angela McRae be appointed Acting Deputy Clerks for the City of Hamilton effective July 14, 2018; and
- (b) That a By-law to Appoint Acting Deputy Clerks be prepared and enacted by Council.

CARRIED

7.4 Amendment to the 2018 Council / Committee Calendar

(Pearson/B. Johnson)

WHEREAS, Council on June 14, 2017 approved the 2018 Council / Committee Calendar; and

WHEREAS, it is necessary to amend the 2018 Council / Committee Calendar to include the dates of the 2018 – 2022 Council Orientation Sessions.

THEREFORE BE IT RESOLVED:

That the 2018 Council / Committee Calendar be amended to include November 15th and 16th, 2018, as dates for the 2018 – 2022 Council Orientation Sessions.

CARRIED

7.5 Hamilton Steel Summit

(Merulla/Green)

WHEREAS, Hamilton is Canada's Steel City,

WHEREAS, the steel industry in Hamilton supports thousands of jobs in Hamilton and in neighbouring communities,

WHEREAS, the City of Hamilton is committed to protecting the welfare and best interest of employees and pensioners in the Hamilton steel industry,

WHEREAS, the City of Hamilton is committed to supporting and standing up for our world-class steel industry,

WHEREAS, the City of Hamilton wants to engage community partners and industry stakeholders to make our City's voice heard.

THEREFORE BE IT RESOLVED:

- (a) That the City Manager be directed to plan and execute a Hamilton Steel Summit through which members of Council and the public can hear directly from representatives of the steel industry about the challenges being faced in the steel industry, and any efforts that governments of all levels can make to support our steel industry, to be held no later than September 26, 2018;
- (b) That staff in the City Manager's Office, Economic Development Division and Clerks Office work with the Mayor and the Chair of the City's Steel Committee to finalize the format and agenda for the Summit;
- (c) That the Mayor write to Hamilton's MPs, MPPs, labour unions and Chambers of Commerce to invite them to attend the Summit;
- (d) That the Summit be open to members of the public who wish to make delegations;
- (e) That the costs associated with the Hamilton Steel Summit be funded from the Tax Stabilization Reserve, up to a maximum of \$5,000; and
- (f) That staff be directed to report to the General Issues Committee with a summary of the Hamilton Steel Summit, along with recommendations for a longer term Engagement Strategy with the Federal and Provincial governments, by December 2018.

CARRIED

7.6 Request for an Independent, Provincial review of Forensic Psychiatric Patient Escapes from the St. Joseph's Healthcare Forensic Psychiatric Unit (Hamilton) and Mandatory GPS Monitoring for those Forensic Psychiatric Patients with Outside Passes

(Whitehead/Jackson)

WHEREAS, the City of Hamilton understands the significant work and value of the St. Joseph's Healthcare Forensic Psychiatric Unit in the treatment and reintegration of forensic psychiatric patients into the community;

WHEREAS, the City of Hamilton supports the spirit of reintegration into the community of those experiencing mental health issues, who have been involved in a criminal act, upon the completion of the appropriate rehabilitation;

WHEREAS, there have been approximately 26 patients, who have gone missing, from the St. Joseph's Healthcare Forensic Psychiatric Unit in the last three years;

WHEREAS, two of the three patients who have escaped in the last 4 weeks had deemed as being high-risk, violent offenders by the Ontario Review Board;

WHEREAS, although Mohawk College, which is adjacent to the St. Joseph's Healthcare Forensic Psychiatric Unit, has protocols in place to protect the students in the buildings when notified of an escape, cannot protect students outside of the facility or in student housing;

WHEREAS, the community is demanding that higher standards of monitoring and securing the forensic psychiatric patients at the St. Joseph's Healthcare Forensic Psychiatric Unit, and the right to not only feel safe, but to be safe;

WHEREAS, although the St. Joseph's Healthcare Forensic Psychiatric Unit has protocols in place to address matters of missing forensic psychiatric patients, those protocols are clearly not sufficient;

THEREFORE, BE IT RESOLVED:

- (a) That, in the interest of public safety and to assist the St. Joseph's Healthcare Forensic Psychiatric Unit in determining more effective methods of monitoring and securing forensic psychiatric patients, the Mayor correspond with the Honourable Christine Elliott, Deputy Premier and Minister of Health and Long-term Care, to request the Ministry to perform an independent, provincial review of all escapes to-date from this facility, and to provide a report of their findings and recommendations; and
- (b) That the Honourable Christine Elliott, Deputy Premier and Minister of Health and Long-term Care, also be requested to consider making it mandatory for all forensic psychiatric patients, who have outside passes, to be fitted with a GPS monitor to assist those charged with their custody and treatment to better monitor the whereabouts of those patients.

Upon Councillor Green's request, the motion was divided and voted upon, as follows:

(Green/Merulla)

That the following sub-section (c) be added, to read as follows:

- (c) That the Provincial Government be requested to provide additional resources for increased nursing and non-medical staff in the St. Joseph's Healthcare Forensic Psychiatric Unit facility.**

Amendment CARRIED

Sub-section (a) was CARRIED.

(Merulla/Green)

That sub-section (b) be amended to read as follows:

- (b) That the Honourable Christine Elliott, Deputy Premier and Minister of Health and Long-term Care, also be requested to consider *increased capital expenditures to enhance the security of patients above and beyond the St. Joseph's Healthcare Forensic Psychiatric Unit's current infrastructure.***

Amendment CARRIED

The Main Motion, as amended, reads as follows:

WHEREAS, the City of Hamilton understands the significant work and value of the St. Joseph's Healthcare Forensic Psychiatric Unit in the treatment and reintegration of forensic psychiatric patients into the community;

WHEREAS, the City of Hamilton supports the spirit of reintegration into the community of those experiencing mental health issues, who have been involved in a criminal act, upon the completion of the appropriate rehabilitation;

WHEREAS, there have been approximately 26 patients, who have gone missing, from the St. Joseph's Healthcare Forensic Psychiatric Unit in the last three years;

WHEREAS, two of the three patients who have escaped in the last 4 weeks had deemed as being high-risk, violent offenders by the Ontario Review Board;

WHEREAS, although Mohawk College, which is adjacent to the St. Joseph's Healthcare Forensic Psychiatric Unit, has protocols in place to protect the students in the buildings when notified of an escape, cannot protect students outside of the facility or in student housing;

WHEREAS, the community is demanding that higher standards of monitoring and securing the forensic psychiatric patients at the St. Joseph's Healthcare Forensic Psychiatric Unit, and the right to not only feel safe, but to be safe;

WHEREAS, although the St. Joseph's Healthcare Forensic Psychiatric Unit has protocols in place to address matters of missing forensic psychiatric patients, those protocols are clearly not sufficient;

THEREFORE, BE IT RESOLVED:

- (c) That, in the interest of public safety and to assist the St. Joseph's Healthcare Forensic Psychiatric Unit in determining more effective methods of monitoring and securing forensic psychiatric patients, the Mayor correspond with the Honourable Christine Elliott, Deputy Premier and Minister of Health and Long-term Care, to request the Ministry to perform an independent, provincial review of all escapes to-date from this facility, and to provide a report of their findings and recommendations;
- (b) That the Honourable Christine Elliott, Deputy Premier and Minister of Health and Long-term Care, also be requested to consider ***increased capital expenditures to enhance the security of patients above and beyond the St. Joseph's Healthcare Forensic Psychiatric Unit's current infrastructure; and,***
- (c) ***That the Provincial Government be requested to provide additional resources for increased nursing and non-medical staff in the St. Joseph's Healthcare Forensic Psychiatric Unit facility.***

The Main Motion as Amended CARRIED on the following Standing Recorded Vote:

Yeas: Eisenberger, A. Johnson, Farr, Green, Merulla, Jackson, Whitehead,
Conley, Pearson, B. Johnson, Ferguson, Pasuta, Partridge
Total: 13
Nays: --
Total: 0
Absent: Collins, VanderBeek
Total: 2

7.7 Sidewalk Redevelopment – Ward 4

(Merulla/Green)

That Capital Rehabilitation and Technical staff be authorized and directed to proceed with the sidewalk redevelopment in Ward 4, at an approximate cost of \$100,000, to be funded from the Ward 4 Area Rating Reserve Account.

CARRIED

7.8 500 MacNab Street North Renewal Project

(Collins/Merulla)

WHEREAS, it is proposed that Energy, Fleet & Facilities Management Division (EFFM) shall manage schedule, scope, budget and owner administration of projects (throughout the project phases of Initiation, Planning, Execution and Close-Out), on behalf of the CityHousing Hamilton as client; similar to Facilities' project delivery for Libraries, Police, Recreation and Lodges;

WHEREAS, on June 27, 2018, City of Hamilton Council approved a Capital Project Manager, reporting within Public Works Department, Energy, Fleet & Facilities Management Division, and delivering key capital projects with CityHousing Hamilton as client;

WHEREAS Public Works staff do not have direct authority to negotiate contracts, request issuance of Purchase Orders, work or invoices on behalf of CityHousing Hamilton, which are part of the capital project management responsibilities;

WEREAS the details of Public Works' project delivery for CityHousing Hamilton shall be defined by a Service Level Agreement, currently in progress;

WHEREAS the project at 500 MacNab Street has strict funding deadlines for completing the entire package of work required by March 31, 2020 with only 21 months until this deadline;

WHEREAS City staff are proactively assisting CityHousing Hamilton on 500 MacNab Street in parallel with (in advance of) defining all terms of the Service Level Agreement; and,

WHEREAS, on July 11, 2018, CityHousing Hamilton Board of Directors has directed and authorized the CEO of CityHousing Hamilton to negotiate and enter into a single source contract with ERA Architects Inc. as the prime design consultant for the Passive House tower renewal of 500 MacNab St N, due to the required project completion timeline from a funder, with terms acceptable to legal counsel;

THEREFORE, BE IT RESOLVED:

That City staff in the Public Works Department be directed to proceed with a non competitive contract negotiation with ERA Architects Inc. for the 500 MacNab St. N renewal project in accordance with the CityHousing Hamilton Board of Directors resolution, on behalf of the CityHousing Hamilton as client with terms acceptable to the CEO of CityHousing Hamilton and CityHousing Hamilton Legal Counsel.

CARRIED

7.9 Ward 2 Discretionary Funded Project

(Farr/Green)

That the funding in the amount no greater than \$1,500 for installation of the Snail Mural at the intersection of Victoria Avenue South and Stinson Street be funded from the Ward 2 Discretionary ID # 3301809200.

CARRIED

7.10 To Create a Hamilton General Hospital Safety Zone

(Green/Merulla)

WHEREAS, friendly Streets Hamilton, an initiative of Environment Hamilton and Cycle Hamilton, have been working to support and engage community stakeholders in securing safer cycling and walking conditions in urban Hamilton;

WHEREAS, friendly Streets Hamilton engaged over 200 community stakeholders and residents in assessing current challenges and barriers to walking and biking in the Beasley, Keith, and Gibson-Landsdale neighbourhoods; d

WHEREAS, residents of the Beasley, Keith, and Gibson-Landsdale neighbourhoods have raised concerns about the challenges they face when walking or biking in the area;

WHEREAS, the area surrounding the Hamilton General Hospital in particular has a high volume of trucks and vehicles, with insufficient pedestrian crossings and bike lanes, making it hazardous for patients, visitors, and residents navigating the area; and,

WHEREAS, a natural foot-route to the hospital entrance from the parking lot and to the medical centre with over 2,000 patients per month attend Stroke Clinic at that corner which is currently unsafe due to high truck traffic.

THEREFORE, BE IT RESOLVED:

- (a) That an overhead pedestrian crossing with appropriate signage be installed on Victoria Ave. N. at Copeland Ave. to be funded out of the Ward 3 Capital Reserve account 108053 to the upset amount of \$75k;
- (b) that the appropriate staff report back on the feasibility of re-routing trucks away from Victoria Ave. N. and Wellington Ave. N.;
- (c) That the appropriate staff report back to the Public Works Committee respecting creating an alleyway bike path with direct access to the hospital; and,
- (d) That staff be directed to investigate any additional traffic calming measures that would enhance the safety of the area surrounding the Hamilton General Hospital.

(B. Johnson/Pearson)

That sub-section (b) be amended to read as follows:

- (b) that the appropriate staff report back **to the Truck Route Sub-Committee** on the feasibility of re-routing trucks away from Victoria Ave. N. and Wellington Ave. N.

Amendment CARRIED
Main Motion as amended CARRIED

7.11 Free Residential Composter Pilot**(Green/Merulla)**

WHEREAS, the Central Composting Facility has been shut-down in response to odour issues and an increased number of odour complaints;

WHEREAS, green bin material is currently being redirected to the landfill while the City procures a third-party processor for said material;

WHEREAS, adding more waste to the landfill in the long-run is counter to the City of Hamilton's 2012 Solid Waste Management Master Plan, which states: "The City of Hamilton must lead and encourage the changes necessary to adopt the principle of Waste Minimization"; and,

WHEREAS, providing free residential composter units will incentivize more sustainable practices and will help reduce the organic waste being diverted to the landfill;

THEREFORE, BE IT RESOLVED:

- (a) That the Director of Public works be directed to provide lower city Wards 1-5 residents free residential compost units as a part of an ongoing diversion project for the summer months of July and August to be funded from the Ward 3 Capital Reserve Account 108053 with an upset limit of \$35K; and
- (b) That staff be directed to report back to the Public Works Committee on the feasibility of extending this as a city wide annual waste diversion initiative.

(Pearson/Green)

That sub-section (b) be renumbered to (c) and the following sub-section (b) be added, to read as follows:

- (b) ***That information regarding composting best practices be included with each compost unit.***

Amendment CARRIED

(Merulla/Green)

That sub-section (a) be amended, to read as follows:

- (a) That the Director of Public works be directed to provide lower city Wards 1-5 residents free residential compost units as a part of an ongoing diversion project for the summer months of July and August to be funded from the Ward 3 Capital Reserve Account 108053 ***and the Ward 4 Capital Reserve Account*** with an upset limit of \$35K, ***each***; and

Amendment CARRIED
Main Motion as amended CARRIED

7.12 Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette

(Green/Farr)

WHEREAS, direct investments in our community public spaces, parks, and playgrounds have been identified through extensive neighbourhood engagement as well as through our City of Hamilton strategic priorities; and,

WHEREAS, capital upgrades are currently underway at 430 Cumberland as well as the redevelopment of the former parking lot into a Century Street Parkette;

THEREFORE BE IT RESOLVED:

- (a) That \$75,000 be provided to City Housing Hamilton for the construction of a new playground at the property located at 430 Cumberland Avenue, Hamilton;
- (b) That staff be directed to undertake a public art process to plan, select, fabricate and install a work of Public Art in the Century Street Parkette with a budget of \$150,000 that includes student input from neighbouring Cathedral Highschool, the direct neighbourhood, as well as other community engagement as, deemed appropriate by way of our public art process; and,
- (c) That both projects be funded out of the Ward 3 Capital Reserve account 108053.

CARRIED

7.13 Demolition Permit – 82 Lynbrook Drive

(Whitehead/Jackson)

WHEREAS the owner of 82 Lynbrook Dr. has experienced a fire in their home making it uninhabitable;

WHEREAS the time is running out with the insurance settlement; and

WHEREAS the owner intends to rebuild the dwelling at 82 Lynbrook Dr. as soon as practicable;

THEREFORE BE IT RESOLVED:

That the owner of 82 Lynbrook Dr. be permitted to apply for and receive a building permit to demolish the dwelling at 82 Lynbrook Dr. without having to comply with conditions (a), (b) and (c) of the Demolition Control By-law 09-208.

CARRIED

NOTICES OF MOTION

8.1 OPSEU Local 216 and Banyan Community Services

Councillor Jackson introduced the following Notice of Motion respecting OPSEU Local 216 and Banyan Community Services.

WHEREAS, Members of OPSEU Local 216 of Arrell Youth Centre operated by Banyan Community Services find themselves in a critical situation being locked out on April 27, 2018 and without a contract since April 1, 2017;

WHEREAS, Youth in care have been displaced from their communities and the services they rely on;

WHEREAS, 60 youth justice workers at the Arrell Youth Centre are now in a lockout after workers refused to accept a benefit co-sharing arrangement that would cost a full-time employee approximately \$1,200 a year and result in a \$20,000 savings to the employer; and

WHEREAS, the City of Hamilton has a vested interest in protecting the integrity of the Province of Ontario Labour laws and the principal of negotiating collective agreements in good faith;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton ask Banyan Community Services to uphold the integrity of Ontario Labour Laws, which are based on a presumption of good faith bargaining by both parties;
- (b) That the City of Hamilton call on Banyan Community Services to find a resolution to the lockout without imposing further hardship on workers and their families; and
- (c) That if Banyan Community Services refuses to resume bargaining in good faith, the City of Hamilton ask both the Minister of Labour and the Minister of Children, Community and Social Services, the Prime Minister of Canada, and the Premier of Ontario to intervene in order to uphold the integrity of the Ontario Labour Laws, and the underlying principal that both parties in a dispute must, in good faith, negotiate a Collective Agreement; and, that all local MP's and MPP's be copied.

8.2 Hamilton Steel Summit

Councillor Merulla introduced a Notice of Motion respecting the Hamilton Steel Summit.

(Merulla/Green)

That the Rules of Order to be waived to allow for the introduction of a motion respecting the Hamilton Steel Summit.

CARRIED

For disposition of this matter, please refer to Item 7.5.

8.3 Request for an Independent, Provincial review of Forensic Psychiatric Patient Escapes from the St. Joseph's Healthcare Forensic Psychiatric Unit (Hamilton) and Mandatory GPS Monitoring for those Forensic Psychiatric Patients with Outside Passes

Councillor Whitehead introduced a Notice of Motion respecting Request for an Independent, Provincial review of Forensic Psychiatric Patient Escapes from the St. Joseph's Healthcare Forensic Psychiatric Unit (Hamilton) and Mandatory GPS Monitoring for those Forensic Psychiatric Patients with Outside Passes.

(Whitehead/Merulla)

That the Rules of Order to be waived to allow for the introduction of a motion respecting Request for an Independent, Provincial review of Forensic Psychiatric Patient Escapes from the St. Joseph's Healthcare Forensic Psychiatric Unit (Hamilton) and Mandatory GPS Monitoring for those Forensic Psychiatric Patients with Outside Passes.

CARRIED

For disposition of this matter, please refer to Item 7.6.

8.4 Sidewalk Redevelopment – Ward 4

Councillor Merulla introduced a Notice of Motion respecting Sidewalk Redevelopment – Ward 4.

(Merulla/Green)

That the Rules of Order to be waived to allow for the introduction of a motion respecting Sidewalk Redevelopment – Ward 4.

CARRIED

For disposition of this matter, please refer to Item 7.7.

8.5 500 MacNab St. N. Renewal Project

Councillor Collins introduced a Notice of Motion respecting 500 MacNab St. N. Renewal Project.

(Collins/Merulla)

That the Rules of Order to be waived to allow for the introduction of a motion respecting 500 MacNab St. N. Renewal Project.

CARRIED

For disposition of this matter, please refer to Item 7.8.

8.6 Ward 2 Discretionary Funded Project

Councillor Farr introduced a Notice of Motion respecting Ward 2 Discretionary Funded Project.

(Farr/Green)

That the Rules of Order to be waived to allow for the introduction of a motion respecting Ward 2 Discretionary Funded Project.

CARRIED

For disposition of this matter, please refer to Item 7.9.

8.7 To Create a Hamilton General Hospital Safety Zone

Councillor Green introduced a Notice of Motion To Create a Hamilton General Hospital Safety Zone.

(Green/Merulla)

That the Rules of Order to be waived to allow for the introduction of a motion To Create a Hamilton General Hospital Safety Zone.

CARRIED

For disposition of this matter, please refer to Item 7.10.

8.8 Free Residential Composter Pilot

Councillor Green introduced a Notice of Motion respecting Free Residential Composter Pilot.

(Green/Merulla)

That the Rules of Order to be waived to allow for the introduction of a motion respecting Free Residential Composter Pilot.

CARRIED

For disposition of this matter, please refer to Item 7.11.

8.9 Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette

Councillor Green introduced a Notice of Motion respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette.

(Green/Merulla)

That the Rules of Order to be waived to allow for the introduction of a motion respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette.

CARRIED

For disposition of this matter, please refer to Item 7.12.

8.10 No Parking Signs on Bay Street Between Aberdeen Avenue and Herkimer Street

Councillor Farr introduced the following Notice of Motion respecting No Parking Signs on Bay Street Between Aberdeen Avenue and Herkimer Street.

That the "No Stopping" signs along the bicycle lane on Bay Street between Aberdeen Avenue and Herkimer Street be changed to "No Parking" signs, thus bringing them in line with the signage on the adjacent Markland Avenue and other local residential streets.

8.11 Demolition Permit – 82 Lynbrook Drive

Councillor Whitehead introduced a Notice of Motion respecting Demolition Permit – 82 Lynbrook Drive.

(Whitehead/Jackson)

That the Rules of Order to be waived to allow for the introduction of a motion respecting Demolition Permit – 82 Lynbrook Drive.

CARRIED

For disposition of this matter, please refer to Item 7.13.

STATEMENTS BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

PRIVATE AND CONFIDENTIAL

Members of Council determined that no discussion respecting the Closed Session minutes dated June 27, 2018 was required and the minutes were approved in Open Session as shown below:

10.1 Closed Session Minutes – June 27, 2018

(Ferguson/Conley)

That the Closed Session Minutes dated June 27, 2018 be approved, as presented, and remain confidential.

CARRIED

(Pearson/B. Johnson)

That Council move into Closed Session pursuant to Section 8.1, Sub-section (b) and (c) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (b) and (c) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertains to personal matters about an identifiable individual, including City employees and to a proposed or pending acquisition or disposition of land for City purposes.

10.2 Property Acquisition to Support the Transit Maintenance and Storage Facility (PW18045(a)) (Ward 3)**(Pearson/Conley)**

That Report PW18045(a), respecting the Property Acquisition to Support the Transit Maintenance and Storage Facility, remain confidential until completion of the Real Estate transactions.

CARRIED**10.2(a) Property Acquisition to Support the Transit Maintenance and Storage Facility (PW18045(b)) (Ward 3)****(Whitehead/Pearson)**

That Report PW18045(b), respecting the Property Acquisition to Support the Transit Maintenance and Storage Facility, remain confidential and not be released as a public document until completion of the Real Estate transactions.

CARRIED**10.3 Integrity Commissioner / Lobbyist Registrar Appointment (LS180044/CL18009) (City Wide)****(Ferguson/Pearson)**

- (a) That the resignation of George Rust D'Eye as the City of Hamilton Integrity Commissioner and Lobbyist Registrar be accepted;
- (b) That Council appoint Principles Integrity as Integrity Commissioner and Lobbyist Registrar for the City of Hamilton until March 31, 2019; and
- (c) That Report LS18044/CL18009 remain confidential.

CARRIED

BY-LAWS

(Ferguson/B. Johnson)

That Bills No. 18-182 to No. 18-205, ***as amended***, be passed and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and be signed by the Mayor and the City Clerk to read as follows:

- 182 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control)
Ward: 2
- 183 A By-law to Establish Certain 2018 User Fees and Charges for Services, Activities or the Use of Property
Ward: City Wide
- 184 To Appoint and to Prescribe the Duties and Responsibilities of the Acting Chief Administrative Officer

Ward: City Wide

- 185 To Appoint Acting Deputy City Clerks for the City of Hamilton
Ward: City Wide
- 186 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking Schedule 6 (Time Limit Parking) Schedule 8 (No Parking Zones) Schedule 10 (Alternate Side Parking Schedule 12 (Permit Parking Zones) Schedule 13 (No Stopping Zones) Schedule 14 (Wheelchair Loading Zones)
Ward: 2, 3, 4, 7
- 187 To Amend Zoning By-law No. 6593 Respecting Lands Located at 400 Rymal Road West
ZAH-18-016
Ward: 8
- 188 To Amend Zoning By-law No. 6593 Respecting Lands Located at 893, 897 and 903 West 5th Street ZAH-18-021
Ward: 8
- 189 Respecting Removal of Part Lot Control, Block 55, Registered Plan No. 62M-330 PLC-18-020
Ward: 10
- 190 Respecting Removal of Part Lot Control, Blocks 19, 20 and 21 of Registered Plan of Subdivision No. 62M-1240, municipally known as 1, 3, 5, 7, 9, 11, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37 and 39 Talence Drive, Stoney Creek PLC-18-001 (20772)
Ward: 9
- 191 Respecting Removal of Part Lot Control, Blocks 22, 23 and 24 of Registered Plan of Subdivision No. 62M-1240, municipally known as 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36, 38, 40, 42 and 44 Talence Drive, Stoney Creek PLC-18-001 (20773)
Ward: 9
- 192 Respecting Removal of Part Lot Control, Blocks 13, 14, and 15 of Registered Plan of Subdivision No. 62M-1240, municipally known as 1, 3, 5, 7, 8, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41 and 43 Bayonne Drive, Stoney Creek PLC-18-001 (20774)
Ward: 9
- 193 Respecting Removal of Part Lot Control, Blocks 16, 17 and 18 of Registered Plan of Subdivision No. 62M-1240, municipally known as 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, 24, 26, 28, 30, 32, 34, 36 and 38 Bayonne Drive, Stoney Creek PLC-18-001 (20771)
Ward: 9

- 194 To Adopt Official Plan Amendment No. 107 to the Urban Hamilton Official Plan, Respecting 56, 74, 78, 90, 96, 100 and 566 Parkside Drive (Flamborough)
Ward: 15
- 195 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 56, 74, 78, 90, 96, 100 and 556 Parkside Drive (Flamborough) ZAC-15-039/25T-201507
Ward: 15
- 196 Being a By-law to amend By-law No. 14-153, City of Hamilton Development Charges By-law, 2014, to Revise Definitions and Policy Regarding Industrial Development Expansions
Ward: City Wide
- 197 A By-law to Amend By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties
Ward: City Wide
- 198 To Rename Highland Road to Highland Road West
Ward: 6
- 199 A By-law to Prohibit Drive School Instructing in the Restricted Areas
Ward: 5
- 200 To Amend Zoning By-law No. 05-200 (Hamilton), as amended by By-law No. 17-112, Respecting Lands Located at 50 Albright Drive
ZAH-18-032
Ward: 5
- 201 To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 17-155, Respecting Lands Located at 52 Ottawa Street North
ZAH-18-036
Ward: 5
- 202 To Adopt Official Plan Amendment No. 108 to the Urban Hamilton Official Plan Respecting 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Lang Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22 and 24 Hayes Street (Hamilton)
Ward: 4
- 203 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 20 Reid Avenue North, 11-17 and 41 Reid Avenue South, 22-116 Land Street, and 2, 4, 6, 8, 10, 12, 14, 16, 18, 20, 22, and 24 Hayes Avenue, Hamilton
ZAC-18-010/25T-201802
Ward: 4
- 204 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 21 Mill Street North (Flamborough)
ZAR-18-011

Ward: 15

205 To Confirm the Proceedings of City Council

CARRIED

(Partridge/Pearson)

That, there being no further business, City Council be adjourned at 1:25 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon
Acting City Clerk