



City of Hamilton

CITY COUNCIL REVISED

19-007

Wednesday, April 10, 2019, 5:00 P.M.

Council Chambers, Hamilton City Hall

71 Main Street West

Call to Order

1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with *)

2. DECLARATIONS OF INTEREST

3. CEREMONIAL ACTIVITIES

3.1 McMaster Women's National Basketball Champions

4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 March 27, 2019

5. COMMUNICATIONS

5.1 Correspondence from Stu Laurie respecting his resignation from his role as Director for the Hamilton Farmers' Market Board.

Recommendation: Be received.

- 5.2 Correspondence from the Ontario Public Works Association (OPWA) respecting the 2019 National Public Works Week May 19 - 25, 2019, "It Starts Here".

Recommendation: Be received.

- 5.3 Correspondence from Durham Region to the Minister of Transport Canada respecting their resolution regarding the Proposed Amalgamation of the Oshawa and Hamilton Port Authorities.

Recommendation: Be received.

- 5.4 Correspondence from The Honourable Francois-Philippe Champagne, Minister of Infrastructure and Communities respecting the Government of Canada's provision for an additional \$2.2 billion to the Gas Tax Fund.

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

- *5.5 Correspondence from Cycle Hamilton respecting their formal position regarding the motion for a hybrid solution to on-street parking on Bay Street North between Barton Street West and Stuart Street.

Recommendation: Be received and referred to the consideration of Item (g)(i) of the Public Works Report 19-005

- *5.6 Local Planning Appeal Tribunal proceedings with respect to Sonoma Homes Inc., request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment.

Recommendation: Be received and referred to the consideration of Item (f)(ii) of the Planning Committee Report 19-005.

- *5.7 Correspondence from John McLennan, Manager, Risk Management Services in response to the motion respecting the Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property.

Recommendation: Be received and referred to the consideration of Item 7.2

6. COMMITTEE REPORTS

- 6.1 Public Works Committee Report 19-005 - April 1, 2019

- 6.2 Planning Committee Report 19-005 - April 2, 2019

- 6.3 General Issues Committee Report 19-007 - April 3, 2019

- 6.4 Audit, Finance and Administration Committee Report 19-005 - April 4, 2019

6.5 Emergency and Community Services Committee Report 19-003 - April 4, 2019

7. MOTIONS

7.1 Federation of Canadian Municipalities - Election to the Board of Directors

7.2 Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property (City Wide)

(Referred to Council by the General Issues Committee on April 3, 2019 to allow for comments from Legal Services and Risk Management with respect to the waiving of insurance fees (to be funded by the City) for all Easter Egg Hunts being held on City owned property)

7.3 Special Enforcement Area with Increased Fines - Webster and Tews Falls and the Dundas Peak

7.4 Amendment to Item 6 of Planning Committee Report 19-003 respecting Demolition Permits for 255 Wellington Street North (PED19044) (Item 10.1)

7.5 Amendment to Item 7 of Planning Committee Report 19-003 respecting Demolition Permits for 257 Wellington Street North (PED19045) (Item 10.2)

7.6 Operations and Maintenance of the Central Composting Facility

8. NOTICES OF MOTIONS

*8.1 Mountable Curbs in Ward 14

*8.2 Removal of the Stop Sign at Atkins Drive & Golfwood Drive

9. STATEMENTS BY MEMBERS

10. PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes - March 27, 2019 (distributed under separate cover)

10.2 Appointments to Various City of Hamilton Agencies, Boards and Committees for the 2018-2022 Term (distributed under separate cover)

10.3 Update on Paramedic Litigation and Employment Matter (LS19014 / HUR19012 / HSC19019) (City Wide) (distributed under separate cover)

11. BY-LAWS AND CONFIRMING BY-LAW

11.1 065

To Adopt Official Plan Amendment No. 240 to the City of Hamilton Official Plan Respecting Part of 128 Barton Street West; Part of 271 Bay Street North; 239 and 259 Caroline Street North; 249 Hess Street North; Part of 242 Queen Street North; Part of 243 Queen Street North; 245 Queen Street North' 107 Stuart Street; 175 Stuart Street; Part of 232 Stuart Street; and 26, 28, 30, 32 and 26 Tiffany Street, Hamilton

Ward: 1, 2

11.2 066

To Amend Zoning By-law No. 05-200, Respecting Lands Located within Barton Tiffany (Hamilton)

Production Studio

Ward: 1, 2

11.3 067

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 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Schedule 20 (School Bus Loading Zones)

Ward: 3, 4, 7, 13, 14

11.4 068

Being a By-law to Amend On-Street Parking By-law No. 01-218, and Administrative Penalty By-law No. 17-255 to Create Special Enforcement Areas

Schedule 23 (Special Enforcement Areas)

Ward: 13

11.5 069

To Amend By-law No. 01-215, Being a By-law to Regulate Traffic

Schedule 5 (Stop Control)

Ward: 3, 6, 9, 11, 12, 15

11.6 070

Respecting Removal of Part Lot Control, Block 203 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 227, 229, 231, 233, 235 and 237 Skinner Road

PLC-18-033

Ward: 15

11.7 071

Respecting Removal of Part Lot Control, Block 209 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 59, 61, 63 and 65 Riverwalk Drive

PLC-18-033

Ward: 15

11.8 072

Respecting Removal of Part Lot Control, Block 210 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 67, 69, 71 and 73 Riverwalk Drive

PLC-18-033

Ward: 15

11.9 073

Respecting Removal of Part Lot Control, Block 213 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 93, 95, 97 and 99 Burke Street

PLC-18-033

Ward: 15

11.10 074

Respecting Removal of Part Lot Control, Block 214 and 215 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 101, 103, 105, 107, 109, 111, 113 and 115 Burke Street

PLC-18-033

Ward: 15

*11.11 075

To Amend Zoning By-law No. 05-200, as amended by By-law No. 15-183,
Respecting Lands Located at 82 Parkside Drive, Flamborough

ZAH-18-039

Ward: 15

11.12 076

To Confirm the Proceedings of City Council

12. ADJOURNMENT



CITY COUNCIL MINUTES 19-006

5:00 p.m.
March 27, 2019
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger
Councillors T. Jackson (Deputy Mayor), B. Clark, C. Collins, J.P. Danko, J. Farr, L. Ferguson, B. Johnson, S. Merulla, N. Nann, J. Partridge, E. Pauls, M. Pearson, A. VanderBeek, T. Whitehead and M. Wilson

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.

The Mayor called upon Father Mark Gatto of St. Catherine of Siena Roman Catholic Church, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **COMMUNICATIONS (Item 5)**

- 5.19 Correspondence from Aird Berlis respecting Local Planning Appeal Tribunal Appeal No. PL170981, 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) (Ward 11)

Recommendation: Be received and referred to Item 12 of Planning Committee Report 19-004

- 5.20 Correspondence from the Beasley Neighbourhood Association respecting the Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a))

Recommendation: Be received and referred to Item 9 of the Planning Committee Report 19-004

- 5.21 Correspondence from Hamilton-Halton Home Builders' Association respecting Modifications to C5 Zoning brought about through PED19029.

Recommendation: Be received and referred to the consideration of Item 10 of the Planning Committee Report 19-004.

- 5.22 Correspondence from Ben Gould, Milli Ltd., providing Council with observations from the point of view of a Hamilton based entrepreneurial business.

Recommendation: Be received and referred to the consideration of Item 1 of the General Issues Committee Report 19-006.

2. MOTIONS (Item 7)

- 7.4 Binbrook Memorial Hall & Ball Diamond Municipal Sewer Connections (2600 Hamilton Regional Road 56) (*REVISED*)

4. NOTICES OF MOTION (Item 8)

- 8.1 Integrity Commissioner / Lobbyist Registrar Appointment

5. BY-LAWS AND CONFIRMING BY-LAW (Item 11)

- 061 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1557 Concession 2 West, Flamborough (Ward 12) (*INCORRECT TITLE IN THE PRINTED AGENDA*)
- 062 To Amend By-law No. 05-200 Respecting Modifications and Updates to certain Definitions, General Provisions, Parking, Open Space, Industrial, Commercial and Mixed Use Zones, Transit Oriented Corridor Rules, Rural Zones Utility Zone, Special Exceptions, and Holding Provisions for the City of Hamilton
CI-18-J
Ward: City Wide (*REVISED*)
- 063 To Amend Zoning By-law No. 05-200, as amended by By-law No. 18-263, respecting lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton
ZAH-19-022
Ward: 4 (*ADDED*)

(Wilson/Nann)

That the agenda for the March 27, 2019 meeting of Council be approved, as amended.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson

YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

DECLARATIONS OF INTEREST

Mayor Eisenberger declared an interest to Item 7.5 of Planning Committee Report 19-004, respecting Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal (LS19006), as he is a shareholder in this medical marijuana producer company publicly traded on the Toronto stock exchange.

Councillor Clark declared an interest to Item 3 of Emergency & Community Services Committee Report 19-002, respecting the Tenant Defence Fund, as the Hamilton and District Apartment Association, with whom he had a past professional relationship, submitted correspondence in relation this item.

Councillor Merulla declared an interest to Item 3 of Emergency & Community Services Committee Report 19-002, respecting the Tenant Defence Fund, as he is a landlord within the City of Hamilton.

Councillor Pauls declared an interest to Item 3 of Emergency & Community Services Committee Report 19-002, respecting the Tenant Defence Fund, as she is a landlord within the City of Hamilton.

Councillor Pearson declared an interest to Item 3 of Emergency & Community Services Committee Report 19-002, respecting the Tenant Defence Fund, as she is a landlord within the City of Hamilton.

Councillor VanderBeek declared an interest to Item 3 of Emergency & Community Services Committee Report 19-002, respecting the Tenant Defence Fund, as she is a landlord within the City of Hamilton.

Councillor Danko declared an interest to Item 7.2 as it relates to Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, as his wife sits on the Hamilton-Wentworth District School Board as Vice-Chair.

Councillor Johnson declared an interest to Item 5.15 as it relates to the City of Quinte West's resolution to reduce or eliminate the use of bottled water, as her husband works for Coca-Cola which distributes bottled water.

APPROVAL OF MINUTES OF PREVIOUS MEETING**4.1 February 27, 2019****(Collins/Pauls)**

That the Minutes of the February 27, 2019 meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4.2 March 20, 2019**(Collins/Whitehead)**

That the Minutes of the March 20, 2019 meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

COMMUNICATIONS

(Jackson/Pauls)

That Council Communications 5.1 to 5.22 be approved, ***as amended***, as follows:

- 5.1 Correspondence from Grand River Conservation Authority respecting the Municipal Levy Apportionment, 2019.

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for appropriate action.

- 5.2 Correspondence from the Town of Fort Erie requesting support for their resolution respecting the Participation of Local Municipalities in the Financial Administration and Governance of Conservation Authorities and Endorsement and Support

Recommendation: Be ***endorsed***.

- 5.3 Correspondence from Grand River Conservation Authority respecting the Municipal Levy & Budget 2019.

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for appropriate action.

- 5.4 Correspondence from Conservation Halton respecting the 2019 Budget Municipal Funding Apportionment.

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for appropriate action.

- 5.5 Correspondence from Wade Poziomka, Ross & McBride LLP, respecting Mirle Chandrashekar.

Recommendation: Be received.

- 5.6 Correspondence from Niagara Region respecting their Niagara Peninsula Conservation Authority Board Appointments.

Recommendation: Be received.

- 5.7 Correspondence from Koya University respecting the Hamilton-Erbil Sister City Proposal for consideration.

Recommendation: Be received.

- 5.8 Correspondence from the Town of Saugeen Shores requesting support for their resolution respecting a request to Governments of Canada and the Province of Ontario to open the application process for the Bi-lateral "Investing in Canada Infrastructure Program" that was signed on March 14th, 2017.

Recommendation: Be received.

- 5.9 Correspondence from the Ontario Ombudsman notifying the City of Hamilton of an investigation respecting the February 9th and February 23rd City Manager Recruitment Steering Committee meetings.

Recommendation: Be received.

- 5.10 Correspondence from the Ministry of Education in response to a request from the Hamilton Cycling Committee respecting education around cycling found in Ontario curriculum.

Recommendation: Be received and referred to the Hamilton Cycling Committee for information.

- 5.11 Correspondence from the City of Toronto requesting support for their resolution to adequately fund the Local Planning Appeal Tribunal.

Recommendation: Be received ***and that Item No. 1 and Item No. 2 within the correspondence be referred to the Planning Committee.***

- 5.12 Correspondence from the Nigerian Canadian Association Hamilton respecting the "temporary pause" of the Hamilton Anti-Racism Resource Center (HARRC).

Recommendation: Be received ***and referred to Human Resources.***

- 5.13 Correspondence from the Ontario Ombudsman respecting a complaint to the Ontario Ombudsman relating to public access to candidates' election documents at the City Clerk's Office.

Recommendation: Be received ***and referred to the Mayor's Office to write to the Minister of Municipal Affairs and Housing to seek advice on ways in which the municipality can consult the public to improve the election process without infringing upon the Municipal Elections Act.***

- 5.14 Correspondence from Jodi Dean on behalf of Easter Seals Ontario respecting Easter Seals Month in March.

Recommendation: Be received ***and referred to the Acting City Clerk to advise Easter Seals Ontario of the City's protocols respecting proclamations.***

- 5.15 Correspondence from the City of Quinte West respecting their resolution to reduce or eliminate the use of bottled water wherever possible.

Recommendation: Be received ***and referred to Public Health to respond to the City of Quinte with respect to Council's previous resolutions and actions respecting the elimination of bottled water where possible.***

- 5.16 Correspondence from the Central Neighbourhood Association respecting the Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) to the City of Hamilton Zoning By-law No. 05-200.

Recommendation: Be received and referred to Item 9 of the Planning Committee Report 19-004.

- 5.17 Correspondence from York Region regarding their resolution respecting a Proposed Amendment 1 to the Growth Plan.

Recommendation: Be received.

- 5.18 Correspondence from Dan Van Den Beukel, City of Hamilton (Ward 10) respecting the Urgent Review - Development & Site Application at 310 Frances Avenue, Stoney Creek (Ward 10) for 3 Towers (48, 54 & 59 Storeys High).

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

- 5.19 Correspondence from Aird Berlis respecting Local Planning Appeal Tribunal Appeal No. PL170981, 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) (Ward 11)

Recommendation: Be received and referred to Item 12 of Planning Committee Report 19-004

- 5.20 Correspondence from the Beasley Neighbourhood Association respecting the Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a))

Recommendation: Be received and referred to Item 9 of the Planning Committee Report 19-004

- 5.21 Correspondence from Hamilton-Halton Home Builders' Association respecting Modifications to C5 Zoning brought about through PED19029.

Recommendation: Be received and referred to the consideration of Item 10 of the Planning Committee Report 19-004.

- 5.22 Correspondence from Ben Gould, Milli Ltd., providing Council with observations from the point of view of a Hamilton based entrepreneurial business.

Recommendation: Be received and referred to the consideration of Item 1 of the General Issues Committee Report 19-006.

Councillor Partridge wished to be recorded as OPPOSED to Item 5.13.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Sam Merulla
 YES - Councillor Chad Collins
 YES - Deputy-Mayor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge
 YES - Councillor Terry Whitehead
 YES - Councillor Arlene VanderBeek
 YES - Councillor Lloyd Ferguson
 YES - Councillor Brenda Johnson
 YES - Councillor Maria Pearson
 YES - Councillor Brad Clark

(Collins/Merulla)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 19-004

- 2. Proposed Permanent Closure and Sale of a Portion of Road Allowance Abutting 600 5th Concession Road West, Flamborough (PW19027) (Ward 15) (Item 8.1)**

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Sam Merulla
 YES - Councillor Chad Collins
 YES - Deputy-Mayor Tom Jackson
 YES - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 20 Birch Avenue, Hamilton (PW19028) (Ward 3) (Item 8.2)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

5. Proposed Amendments to City of Hamilton By-law No. 10-103 Respecting the Prevention of Backflow into the Water Distribution System of the City of Hamilton (PW19023) (City Wide) (Item 10.1)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

6. Speed Limit Reduction on Highland Park Drive and Lynndale Drive (Ward 13) (Item 11.1)

(VanderBeek/Ferguson)

That Item 6 of the Public Works Committee Report 19-004, be amended by updating the item title, adding a new subsection (c), re-lettering the following subsections accordingly, and amending subsection (d), to read as follows:

6. Speed Limit Reduction on Highland Park Drive, *Mayfair Avenue*, and Lynndale Drive (Ward 13) (Item 11.1)

- (a) That staff be directed to implement a 40km/h speed limit on Highland Park Drive between Bridlewood Drive and Lynndale Drive;
- (b) That staff be directed to implement a 40km/h speed limit on Lynndale Drive between Highland Park Drive and Creighton Drive;
- (c) ***That staff be directed to implement a 40km/h speed limit on Mayfair Avenue between Lynndale Drive and Creighton Drive;***
- (d) That the by-law authorizing staff to implement a 40km/h speed limit on Highland Park Drive between Bridlewood Drive and Lynndale Drive and on Lynndale Drive between Highland Park Drive and Creighton Drive ***and on Mayfair Avenue between Lynndale Drive and Creighton Drive***, attached hereto as Appendix "A", be approved; and,
- (e) That funding for signage for the speed limit reductions, as outlined above, be taken from the Red Light Camera Fund at an upwards costs of \$2,000.

Result: Amendment CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

Result: Main Motion, *As Amended*, CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Deputy-Mayor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

7. Conversion of Queen St. S. to Two-Way Traffic Between King St. W. and Main St. W. (Wards 1 and 2) (Item 11.3)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Deputy-Mayor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

(Ferguson/VanderBeek)

That the FOURTH Report of the Public Works Committee be adopted, *as amended*, and the information section received.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

BOARD OF HEALTH REPORT 19-003

1. Communications (Items 5.1, 5.2 and 5.13)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. **Accelerating and Prioritizing Climate Action in Response to the Climate Emergency (Added Item 8.3)**

(Merulla/Collins)

That Item 3 of the Board of Health Report 19-003, be amended by adding a new subsection (c) (iii) and re-lettering the following subsections accordingly, to read as follows:

- (a) That the City of Hamilton declare a climate emergency that threatens our city, region, province, nation, civilization, humanity and the natural world;
- (b) That a multi-departmental Corporate Climate Change Task Force of City of Hamilton staff be created under the leadership of the City Manager;
- (c) That the Corporate Climate Change Task Force be directed to investigate and identify:
 - (i) Additional actions to be taken to incorporate into existing plans and policies to achieve net zero carbon emissions before 2050;
 - (ii) Best processes to centralize reporting on Climate Change for the Corporation of the City of Hamilton;
 - (iii) ***Green initiative investments and returns to the community, including, but not limited to, the following:***
 - (1) ***The City of Hamilton has reduced its carbon footprint since 2005. In addition to efforts surrounding mitigating personal property flooding the City has initiated a number of energy conservation initiatives;***
 - (2) ***Energy intensity at City facilities (e.g. Recreation, Lodges, Entertainment, Police, etc.), has been reduced by 28% when comparing 2017 versus 2005;***
 - (3) ***The City of Hamilton was a leader in the development of local district energy. The City of Hamilton established Hamilton Renewal Power Inc. (HRPI), which operates cogeneration at the wastewater treatment plant and landfill. HRPI generates 28,000,000 kwh of renewable energy annually with a reduction of 100,000 tonnes of carbon dioxide;***
 - (4) ***Cumulative greenhouse gas (GHG) reductions from energy conservation initiatives over the period 2011-2017 is 52,325 tonnes;***
 - (5) ***When comparing greenhouse gas (GHG) emissions for the periods 2016 versus 2005, 2005 emissions were in excess of***

120,000 tonnes, decreasing to in excess of 80,000 tonnes by 2016; and,

(6) *At the Bay Area Climate Change Summit some clear directions were discussed that would allow Hamilton to meeting its climate change targets:*

(aa) *All new building be built net zero by 2030 and all new buildings retrofitted by 2050 including fuel switching;*

(bb) *All diesel vehicles be decommissioned by 2030 and all vehicles electrified by 2050;*

(cc) *Low carbon technology for our steel manufacturing and other district energy technologies; and,*

(dd) *These initiatives would need to be taken by all partners and the City could show leadership by committing to these actions for construction and renovations of City facilities, requiring net zero construction where the City funds organizations for building (i.e. affordable housing) and the City could continue to “green” its own fleet of vehicles towards the goals listed above;*

(iv) Gaps in current programs and projects and strategies to address those gaps; and,

(v) The establishment of a critical path and Terms of Reference to initiate an awareness strategy campaign to encompass the history of global warming, climate change and the United Nation’s Declaration on a Climate Emergency, which is to include the impacts of not taking such action, and the investment vs. the expense of taking such action;

(d) That the Corporate Climate Change Task Force report back to the Board of Health within 120 days; and,

(e) That Council supports City of Hamilton staff participation in Bay Area Climate Change Implementation Teams as subject matter experts to accelerate climate action across the Bay Area.

Result: *Amendment CARRIED by a vote of 13 to 3, as follows:*

NO - Councillor Maureen Wilson

YES - Councillor Jason Farr

NO - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Councillor Esther Pauls

NO - Councillor John-Paul Danko

YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

Result: Main Motion, *As Amended*, CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4. Consumption and Treatment Services in Hamilton (BOH19017) (Item 9.1)

Result: Motion CARRIED by a vote of 13 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Eisenberger/VanderBeek)

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

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

PLANNING COMMITTEE REPORT 19-004

1. Hamilton Municipal Heritage Committee Report 19-001 (Item 7.1)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
NOT PRESENT - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. Update to the Letter of Credit Policy for Site Plan Control Applications (PED19043) (City Wide) (Item 7.3)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
NOT PRESENT - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

8. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 1557 Concession 2 Road West, Flamborough (PED19042) (Ward 12) (Item 8.1)

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
NOT PRESENT - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

9. **Official Plan and Zoning By-law Amendment to Add a Production Studio Use Within the Barton and Tiffany Lands (PED18210(a)) (Wards 1 and 2) (Item 8.2)**

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

10. **Modifications and Updates to the City of Hamilton Zoning By-law No. 05-200 (PED19029) (City Wide) (Item 10.2)**

(Pearson/Clark)

(a) That the proposed changes to Section 10.5.3 c) respecting the interior side yard in the Mixed Use Medium (C5) Zone in Zoning By-law No. 05-200, be referred back to staff for further consultation with development industry key stakeholders; and,

(b) That the recommendations be amended by adding the following sub-section (e):

(e) *That the public submissions received supported the passing of the by-law with amendments.*

Result: Amendment CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

Result: Main Motion, *As Amended*, CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

11. Urban Design Through Site Plan Control Authority (Item 11.1)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

12. Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) (Ward 11) (Item 14.2)

(Pearson/Johnson)

That the recommendation of Item 12 of Planning Committee Report 19-004 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) for Lack of Decision on Urban Hamilton Official Plan Amendment Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Amendment Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) (Ward 11) (LS19003/PED19031) (Ward 11), with the exception of item (c) in the Closed minutes, be deleted in its entirety and the following be inserted therein:

~~That the direction to staff respecting the Appeal to the Ontario Municipal Board (OMB) for Lack of Decision on Urban Hamilton Official Plan Application (UHOPA-16-18) and Township of Glanbrook Zoning By-law No. 464 Application (ZAC-16-051) for Lands Located at 3033, 3047, 3055, 3063 Binbrook Road (PED19031/LS19003) (Glanbrook) be approved and remain private and confidential until approved by Council.~~

- (a) That external legal counsel retained in respect of the appeals by Binbrook Heritage Developments (the "Applicant") to the Local Planning Appeal Tribunal of its applications to amend the Urban Hamilton Official Plan (UHOPA-16-18) and Glanbrook Zoning By-law No. 464 (ZAC-16-051) for lands located at 3033, 3047, 3055, 3063 Binbrook Road (Glanbrook) be instructed to oppose the appeals based upon the issues contained in Appendix "A" to Report LS19003 / PED19031, and that Legal staff, in consultation with the Director of Planning and Chief Planner, be authorized to retain such outside professional(s) for said purpose and charge the costs to the Development Fee Stabilization Reserve 110086;
- (b) That the Local Planning Appeal Tribunal be advised that the reasons for Council's opposition to the applications by Binbrook Heritage Developments Inc. (Applicant) to amend the Urban Hamilton Official Plan (UHOP) and to amend the Township of Glanbrook Zoning By-law No. 464, for lands located at 3033, 3047, 3055 and 3063 Binbrook Road include but are not limited to the following:
 - (i) The proposed development is not in character with the existing built form of the surrounding neighbourhood, along Binbrook Road, and the existing community surrounding the subject lands, with respect to matters of building articulation, massing and setback;
 - (ii) The proposed development is not in keeping with the Binbrook Village Community Core Urban Design Guidelines as required by the Binbrook Village Secondary Plan, in particular relating to built form character, conservation of built heritage, height, scale and articulated massing;

- (iii) The proposed development has not provided sufficient information to demonstrate that there is adequate infrastructure (existing or planned) to service the water and waste water requirements of the proposed development, and in the absence of sufficient servicing capacity, how will the applicant implement the necessary servicing upgrades to allow the proposed development to proceed; and,
 - (iv) The proposed development has not provided sufficient information to determine that the revised concept will promote safe and efficient movement of people and goods, and if transportation infrastructure will be affected, and how will the applicant ensure no negative impact on existing or planned transportation infrastructure;
- (c) That Report LS19003 / PED19031, Appendix “A” thereto and recommendations therein be released to the public except for Appendix “B” which shall remain confidential.

Result: Main Motion, *As Amended*, CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Pearson/Clark)

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

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko

YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 19-005

1. Main West Esplanade Business Improvement Area (BIA) Appointment of Board of Management 2019 to 2023 (PED19048) (Wards 1 and 2) (Item 7.1)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

2. Locke Street Business Improvement Area (BIA) Appointment of Board of Management for 2019 to 2023 (PED19050) (Ward 1) (Item 7.2)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4. Creative Industries Sector Profile Report and Implementation Recommendations (PED19056) (City Wide) (Item 9.1)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

5. Main West Esplanade Business Improvement Area (BIA) Proposed 2019 Budget and Schedule of Payment (PED19049) (Wards 1 and 2) (Item 10.1)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

6. Locke Street Business Improvement Area (BIA) 2019 Proposed Budget and Schedule of Payment (PED19051) (Ward 1) (Item 10.2)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Deputy-Mayor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

7. Transition of Golf Operations and Services to the Recreation Division (HSC19007/PW19021) (City Wide) (Item 10.3)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Deputy-Mayor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

8. West Harbour Development Sub-Committee Report 19-001, February 26, 2019 (Item 10.4)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

10. Court Security and Prisoner Transportation Program Agreement for 2019 (FCS19024) (City Wide) (Item 10.6)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

11. Six Year Event Partnership with Golf Canada (PED18100(b)) (City Wide) (Item 14.2)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

12. Settlement of Outstanding Issues with respect to City Real Estate Obligations (PED19067) (City Wide) (Item 14.3)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

13. Disposition of Real Estate in the Barton-Tiffany Area (PED19063) (Ward 2) (Item 14.4)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

14. Waterfront Lease Update (LS18053(b) (Ward 2) (Item 14.5)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Eisenberger/Ferguson)

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

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 19-004
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(Collins/Merulla)

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

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 19-002

2. Allocation Policy for Sport Fields, Diamonds and Arenas (HSC19013) (City Wide) (Item 9.1)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. Tenant Defence Fund (HSC19011) (City Wide) (Outstanding Business List Item) (Item 10.1)

Result: Motion CARRIED by a vote of 11 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
CONFLICT - Councillor Sam Merulla
YES - Councillor Chad Collins
CONFLICT - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
CONFLICT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
CONFLICT - Councillor Maria Pearson
CONFLICT - Councillor Brad Clark

(Merulla/Collins)

That the SECOND Report of the Emergency & Community Services Committee be adopted, as presented, and the information section received.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

SPECIAL GENERAL ISSUES COMMITTEE REPORT 19-006

1. 2019 Proposed Tariff of Fees for Planning and Engineering Development Applications (City Wide) (PED19015(a)) (Item 10.1)

Councillor Danko wished to be recorded as OPPOSED to sub-sections 5(a)(i), 5(b)(i), and 5(c)(i) in Appendix "A" of Item 1 of Special General Issues Committee Report 19-006.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. 2019 Operating Budget Offsets from Planning and Development Fees (PED19066) (City Wide) (Item 10.3)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Eisenberger/Johnson)

That the SIXTH Report of the Special General Issues Committee be adopted, as presented, and the information section received.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

GENERAL ISSUES COMMITTEE 2019 OPERATING BUDGET REPORT 19-002

1. Conservation Authorities' Reserves (Item 8.1)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

2. Appeal of the 2019 Conservation Authority Levy Apportionments (Item 8.2)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. Review of the Service Delivery Model for Accessible Transit (Item 8.2)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

6. Food Advisory Committee 2019 Budget Request and Annual Report (BOH19004) (City Wide) (Item 7.2)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7. 2019 Volunteer Committee Budget Submission – Hamilton Cycling Committee (PED18224) (City Wide) (Item 7.3)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

8. 2019 Volunteer Committee Budget – Keep Hamilton Clean and Green Committee (PW18095) (City Wide) (Item 7.4)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

9. 2019 Budget Submission Volunteer Advisory Committees (HUR18021) (City Wide) (Item 7.5)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

10. 2019 Budget Submission – Housing and Homelessness Advisory Committee (HSC18051) (City Wide) (Item 7.6)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

11. 2019 Budget Submission – Seniors Advisory Committee (HUR18019) (City Wide) (Item 7.7)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

12. City of Hamilton Veteran's Committee 2019 Budget Submission (PED18236) (City Wide) (Item 7.8)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

13. Arts Advisory Commission 2019 Budget Submission (PED18235) (City Wide) (Item 7.9)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

14. 2019 Tax Supported Capital Budget (Update) (FCS18097) (City Wide) (Item 7.10)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

15. 2019 Budget Submission for the Advisory Committee for Persons with Disabilities (HUR18020) (City Wide) (Item 7.11)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

18. Hamilton Strategic Road Safety Program and Vision Zero Action Plan 2019 - 2025 (PW19015) (City Wide) (Item 6.6)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

19. Hess Village Paid Duty Policing (PED18081(a) (Ward 2) (Item 6.7)

Result: Motion CARRIED by a vote of 15 to 1, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

21. 2019 Operating Budget: Our Citizen Survey Business Case (BC-08) (CM19002) (City Wide) (Item 6.9)

Result: Motion CARRIED by a vote of 15 to 1, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

25. Transit Service Levels, Demand and Growth Opportunities by Ward (PW19026) (City Wide) (Item 6.14)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

26. A System-Wide Approach to Public Transit (Item 7.1)

Result: Motion CARRIED by a vote of 15 to 1, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
NO - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

27. Alternative Funding Options for Transit (Item 7.2)

Result: Motion CARRIED by a vote of 14 to 2, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
NO - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
NO - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Clark/Eisenberger)

That the vote for Item 27 of the General Issues Committee 2019 Operating Budget Report 19-002, respecting Alternative Funding Options for Transit, be reconsidered.

Result: Motion CARRIED by a 2/3's majority vote of 15 to 1, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
NO - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

Upon the vote being retaken:

Result: Motion CARRIED by a vote of 14 to 2, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr

YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
NO - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

30. Councillor Ward Office Budgets and Policy and Guidelines for Eligible Expenses for Elected Officials (FCS18083(b)) (City Wide) (Item 7.1)

Result: Motion CARRIED by a vote of 15 to 1, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
NO - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

31. Implementation of Living Wage (FCS19017) (City Wide) (Item 7.2)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

32. 2019 Tax Supported Operating Budget - Recommendations (FCS18096(a)) (City Wide) (Item 7.3)

Councillor Clark wished to be recorded as OPPOSED to Item 32 (b) (Police Services Board budget within Boards and Agencies) of General Issues Committee Final Operating Budget Report 19-002.

Councillor Danko wished to be recorded as OPPOSED to Item 32 (b) (Police Services Board budget within Boards and Agencies) of General Issues Committee Final Operating Budget Report 19-002.

Councillor Nann wished to be recorded as OPPOSED to Item 32 (b) (Police Services Board budget within Boards and Agencies) of General Issues Committee Final Operating Budget Report 19-002.

Councillor Wilson wished to be recorded as OPPOSED to Item 32 (b) (Police Services Board budget within Boards and Agencies) of General Issues Committee Final Operating Budget Report 19-002.

Councillor Ferguson wished to be recorded as OPPOSED to Item 32 (e) (Transit Portion of Public Works Operating Budget) of General Issues Committee Final Operating Budget Report 19-002.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

33. Lincoln M. Alexander Parkway and Red Hill Valley Parkway Enhanced Enforcement Initiative (PW19014(a)) (City Wide) (Item 7.4)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Deputy-Mayor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

34. Project 7101954902 - Valley Park Life Cycle Renewal and Accessibility Funding (Item 8.1)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Deputy-Mayor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

35. Additional Administrative Support for Councillors' Offices (Item 8.3)

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Eisenberger/Partridge)

That the SECOND Report of the General Issues Committee 2019 Operating Budget Report be adopted, as presented, and the information section received.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Collins/Merulla)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

Mayor Eisenberger relinquished the Chair to Deputy Mayor Jackson.

7.1 Appointment of City Manager

(Eisenberger/Pearson)

- (a) That Janette Smith be appointed to the position of Chief Administrative Officer/City Manager effective May 6, 2019;
- (b) That the By-Law to Appoint and Prescribe the Duties and Responsibilities of the Chief Administrative Officer be enacted by Council;
- (c) That the work of the City Manager Recruitment Steering Committee be deemed completed and the Committee disbanded; and,
- (d) That thanks be extended to Ms. Margaret Campbell of Odgers Berndtson for her assistance in the search process.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.2 Amendments to Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, as amended and Item 7.7 of the September 13, 2017 Council minutes, respecting the Reallocation of the Previously Approved Funding for the Remediation and the Demolition of the Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School

(Pauls/Jackson)

WHEREAS, as per the direction in Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, which was

approved by Council on February 10, 2016, the City of Hamilton has purchased and now owns the Surplus School Property at 155 East 26th Street, known as Eastmount Park Elementary School;

WHEREAS, staff were authorized and directed to demolish the existing surplus school structure and finish the property with a grassed area, subject to the successful acquisition of the property at 155 East 26th Street, known as Eastmount Park Elementary School;

WHEREAS, staff were verbally directed at the November 2, 2016 General Issues Committee (GIC) meeting, to hold off on the demolition of the former Eastmount Park Elementary School building, until such time as staff reported back to GIC in response to the motion put forward at that same November 16, 2016 meeting, respecting the feasibility of a fashion incubator at the Eastmount School site that would include, but not be limited to: fashion and related businesses; opportunities for community groups; operating costs offset by partnerships with the private sector; and, steps to transform the former elementary school into a place for creative people to work, connect with peers, and learn to further their trades;

THEREFORE, BE IT RESOLVED:

- (a) That Private & Confidential Appendix “B” to Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be deleted in its entirety and replaced with Appendix “A”, attached hereto;
- (b) That sub-section (ii) of Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be amended by adding the words “**as amended**”, to read as follows:
 - (ii) That the budget and funding for the property acquisition consisting of the market value of the land, including all Real Estate and Legal Services administrative fees, building condition abatement, demolition, site remediation, contingency and other related costs, as detailed in Private and Confidential Appendix “B” of Report (PED15127(a)), **as amended**, be approved;
- (c) That sub-section (iii) of Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be amended by deleting sections (1) to (5) in their entirety and replacing them with the following in lieu thereof:
 - (iii) That subject to a successful acquisition under Recommendation (a) of Report PED15127(a):
 - (1) ~~That Public Works staff be directed to report to the 2018 budget process (General Issues Committee) with the following, as it~~

~~relates to the former Eastmount School property, and to include a funding source(s) for each:~~

- ~~(i) the backlog of outstanding, unfunded capital projects necessary to bring the Eastmount school building up to current Building Code requirements;~~
- ~~(ii) the capital funding required over the next 10 years to maintain the facility; and,~~
- ~~(iii) the required Corporate Facilities operating enhancements and pressures to maintain and operate the facility with full occupancy at 30,000 square feet.~~

- ~~(2). The Recreation Division be directed to complete a recreation needs assessment for Eastmount Park and the subject lands, including engagement of the Ward Councillor, adjacent Community and recreation stakeholders;~~
- ~~(3) Any recommendations from the recreation needs assessment that include new parkland infrastructure will be funded through the Wards 1-8 discretionary funding, other funding sources, or considered in the Open Space Development Capital Program;~~
- ~~(4) The unopened road allowance located north of East 28th Avenue be deemed surplus (if determined feasible as per Recommendation (b) to Report PED15127) and Real Estate staff be authorized and directed to dispose of the surplus unopened road allowance in accordance with the "Sale of Land Policy By-law", being By-law 14-204; and,~~
- ~~(5) Any net proceeds from the sale of the East 28th Avenue unopened road allowance be returned to Parkland Dedication Reserve Account No. 104090;~~

- (1) That staff be authorized and directed to demolish the existing surplus school structure on the property at 155 East 26th Street known as Eastmount Park Elementary School, and finish the property with a grassed area;**
- (2) That staff be directed to complete a recreation and park facilities needs assessment for the property at 155 East 26th Street known as Eastmount Park Elementary School site, and the adjacent Eastmount Park (including the Eastmount Community Center) lands, including engagement of the Ward Councillor, adjacent Community and parks and recreation stakeholders, and report back to the Emergency & Community Services Committee;**

- (3) ***That, if determined feasible through the recreation needs assessment, the unopened road allowance located north of East 28th Avenue be deemed surplus;***
- (4) ***That, should the unopened road allowance located north of East 28th Avenue be deemed surplus, Real Estate staff be authorized and directed to dispose of the surplus unopened road allowance in accordance with the “Sale of Land Policy By-law”, being By-law 14-204;***
- (d) That Item 11 of the General Issues Committee Report 16-004, respecting Report PED15127(a) - Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, as amended, be further amended by adding new sub-sections (a), (b), (c) and (d), to read as follows:
- (vi) ***That as part of the recreation and park facilities needs assessment for the property at 155 East 26th Street known as Eastmount Park Elementary School site, and the adjacent Eastmount Park (including the Eastmount Community Center), staff to be directed to undertake a Building Condition Assessment and Code Compliance review, during which staff also clean, paint and complete minor repairs of the Eastmount Community Centre at a cost of \$75,000, to be funded from Capital Project Account 2051550502;***
- (vii) ***That staff be authorized to and directed to provide a storage unit for the Mountain Kidz Klub during the time required for the City to have vacant possession of the building to undertake the Building Condition Assessment and Code Compliance review and improvements;***
- (viii) ***That staff be authorized and directed to enter into a renewed standard City rental agreement with Mountain Kidz Klub, on a nominal value basis, to continue their occupancy subsequent to the review/repair process; and,***
- (ix) ***That the matter respecting Surplus School Property at 155 East 26th Street, Hamilton, known as Eastmount Park Elementary School, be considered complete and removed from the General Issue Committee’s Outstanding Business List.***
- (e) That Item 7.7 of the September 13, 2017 Council minutes, be deleted in its entirety:
- ~~7.7 Reallocation of the Previously Approved Funding for the Remediation and the Demolition of the Surplus School Property at 155 East 26th Street know as Eastmount Park Elementary School~~**
- ~~(a) That, concurrent with staff reporting to the 2018 budget process (General Issues Committee), as it relates to the former~~**

~~Eastmount School property, the previously approved funding of \$600,000 for the remediation and the demolition, as outlined in Private & Confidential Appendix "B" to Report PED15127(a), respecting the Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School, be reallocated to possibly fund all or a portion of the backlog of outstanding, unfunded capital projects necessary to bring the Eastmount school building up to current Building Code requirements; and~~

- ~~(b) That Tourism & Culture staff be directed to review alternative uses for the property at 155 East 26th Street, known as the Eastmount Park Elementary School site, as it would relate to opportunities for not-for-profit community groups and report back to the General Issues Committee.~~
- ~~(c) That no money be spent until the report coming through the 2018 budget process is completed.~~

With the fully amended resolution to read as follows:

11. School Board Properties Sub-Committee Report 16-001, January 15, 2016 (Item 8.8)

(a) Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School (PED15127(a)) (Ward 7) (Item 12.2)

- (i) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to present a bona-fide offer to purchase the surplus property located at 155 East 26th Street, legally described as Lots D, E, 324 – 330 and 393 – 399, Part Lots 331 and 392, Plan 608 as in HL193448; Part of East 27th Street, Plan 608 as in HL170834 and HL193448, Closed by Order as in HL167453; Part East 27th Street, Plan 608 as in HL240204, Closed by By-law 9904 as in HL219047 except AB24304; City of Hamilton, and further identified as PIN 17058-0027(LT); being 0.683 ha (1.687 acres) in size, more or less, as shown on Appendix "A" attached to Report (PED15127(a)) to the Hamilton-Wentworth District School Board (HWDSB), on terms and conditions acceptable to the General Manager, Planning and Economic Development;
- (ii) That the budget and funding for the property acquisition consisting of the market value of the land, including all Real Estate and Legal Services administrative fees, as detailed in Private and Confidential Appendix "B" to Report (PED15127(a)), as amended, be approved;
- (iii) That, subject to a successful acquisition under Recommendation (a) of Report PED15127(a):

- (1) Staff be authorized and directed to demolish the existing surplus school structure on the property at 155 East 26th Street known as Eastmount Park Elementary School, and finish the property with a grassed area;
 - (2) That staff be directed to complete a recreation and park facilities needs assessment for the property at 155 East 26th Street known as Eastmount Park Elementary School site, and the adjacent Eastmount Park (including the Eastmount Community Center) lands, including engagement of the Ward Councillor, adjacent Community and parks and recreation stakeholders, and report back to the Emergency & Community Services Committee;
 - (3) That, if determined feasible through the recreation needs assessment, the unopened road allowance located north of East 28th Avenue be deemed surplus;
 - (4) That, should the unopened road allowance located north of East 28th Avenue be deemed surplus, Real Estate staff be authorized and directed to dispose of the surplus unopened road allowance in accordance with the "Sale of Land Policy By-law", being By-law 14-204;
- (iv) That Report PED15127(a) respecting Surplus School Property at 155 East 26th Street known as Eastmount Park Elementary School (PED15127(a)), remain confidential and not be released as a public document until following the completion of a transaction pursuant to an agreement of purchase and sale, and that the financial details outlined in Appendix "B", as amended, attached to Report PED15127(a) remain confidential and not be released as a public document;
 - (v) That the Mayor and Clerk be authorized and directed to execute all necessary documents for the proposal respecting the surplus school property 155 East 26th Street (PED15127(a)) in a form satisfactory to the City Solicitor;
 - (vi) That as part of the recreation and park facilities needs assessment for the property at 155 East 26th Street known as Eastmount Park Elementary School site, and the adjacent Eastmount Park (including the Eastmount Community Center), staff to be directed to undertake a Building Condition Assessment and Code Compliance review, during which staff also clean, paint and complete minor repairs of the Eastmount Community Centre at a cost of \$75,000, to be funded from Capital Project 2051550502;
 - (vii) That staff be authorized to and directed to provide a storage unit for the Mountain Kidz Klub during the time required for the City to have vacant possession of the building to undertake the Building Condition Assessment and Code Compliance review and improvements;

- (vii) That staff be authorized and directed to enter into a renewed standard City rental agreement with Mountain Kidz Klub, on a nominal value basis, to continue their occupancy subsequent to the review/repair process; and,
- (ix) That the matter respecting Surplus School Property at 155 East 26th Street, Hamilton, known as Eastmount Park Elementary School, be considered complete and removed from the General Issue Committee's Outstanding Business List.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
CONFLICT - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.3 Amendment to Item 10 of the General Issues Committee Report 17-008, respecting an Investigation of Negative Impacts to the Greensville and Dundas Neighbourhoods Associated with the Increase in Visitors to Webster and Tews Falls and the Dundas Peak

(VanderBeek/Partridge)

WHEREAS, collective effort, focus and problem solving is still required to address the continuing problems specific to the Greensville and Dundas neighbourhoods associated with visitors to Webster and Tews Falls as well as the Dundas Peak;

THEREFORE, BE IT RESOLVED:

That Item 10 of the General Issues Committee Report 17-008, respecting an Investigation of Negative Impacts to the Greensville and Dundas Neighbourhoods Associated with the Increase in Visitors to Webster and Tews Falls and the Dundas Peak, be amended by deleting sub-section (c) in its entirety and replacing it to read as follows:

- ~~(c) — That staff be directed to report back to the 3 area Councillors and the General Issues Committee no later than September 2017 with potential solutions to the~~

~~problems associated with the increase in visitors to Webster and Tews Falls and the Dundas Peak.~~

- (c) ***That staff, in consultation with the Ward 13 Councillor, be directed to review the problems associated with the increase in visitors to Webster and Tews Falls as well as the Dundas Peak, and report back to the Planning Committee with potential solutions, prior to the 2020 budget process.***

With the fully amended resolution to read as follows:

WHEREAS, Hamilton has been promoted as “The Waterfall Capital of the World” and annual visitors to Webster and Tews Falls and the Dundas Peak continue to increase (84,000 in 2016 not including annual pass holders or unpaid visitors);

WHEREAS, the increased visitors to Webster and Tews Falls and the Dundas Peak are wreaking havoc on Greensville and Dundas neighbourhoods with serious negative impacts including, but not limited to:

- traffic and parking issues for local residents such as gridlock on local streets, visitors blocking roadways and blocking resident’s driveways; and,
- nuisance issues such as littering and picnicking on resident’s lawns;
- emergency vehicle access impacts for residents

WHEREAS, measures to combat overcrowding such as the installation of “No Parking” signs, extra staff and proactive by-law enforcement on weekends, and the implementation of fees for visitors to Webster and Tews Falls and the Dundas Peak have had no deterrent effect whatsoever;

WHEREAS, increased visitors to Webster and Tews Falls and the Dundas Peak are also having negative effects on the environment including damage from littering and trampled ecosystems, as well as safety issues for people on the narrow trails; and,

WHEREAS, regular rescue calls for “risk takers” at Webster and Tews Falls and the Dundas Peak is a concern for emergency service providers (i.e. fire, police and paramedics);

THEREFORE, BE IT RESOLVED:

- (a) That City staff be directed to form a multi-disciplinary working group to conduct a comprehensive, multi-faceted investigation of public safety and the negative impacts to the Greensville and Dundas neighbourhoods associated with the increase in visitors to Webster and Tews Falls and the Dundas Peak;
- (b) That the Hamilton Conservation Authority, the Hamilton Police Service, EMS, Traffic, Parking, By-law, and CN Railway and any other required staff/agency be requested to participate in the review; and,
- (c) ***That staff, in consultation with the Ward 13 Councillor, be directed to review the problems associated with the increase in visitors to Webster***

and Tews Falls as well as the Dundas Peak, and report back to the Planning Committee with potential solutions, prior to the 2020 budget process.

(Wilson/VanderBeek)

That Item 10 of the General Issues Committee Report 17-008, respecting an Investigation of Negative Impacts to the Greensville and Dundas Neighbourhoods Associated with the Increase in Visitors to Webster and Tews Falls and the Dundas Peak, be amended by revising sub-section (a) to read as follows:

- (a) That City staff be directed to form a multi-disciplinary working group to conduct a comprehensive, multi-faceted investigation of public safety and the negative impacts to the ***natural environment and the*** Greensville and Dundas neighbourhoods associated with the increase in visitors to Webster and Tews Falls and the Dundas Peak;

Result: Amendment CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

Main Motion as ***amended*** to read as follows:

WHEREAS, Hamilton has been promoted as “The Waterfall Capital of the World” and annual visitors to Webster and Tews Falls and the Dundas Peak continue to increase (84,000 in 2016 not including annual pass holders or unpaid visitors);

WHEREAS, the increased visitors to Webster and Tews Falls and the Dundas Peak are wreaking havoc on Greensville and Dundas neighbourhoods with serious negative impacts including, but not limited to:

- traffic and parking issues for local residents such as gridlock on local streets, visitors blocking roadways and blocking resident’s driveways; and,
- nuisance issues such as littering and picnicking on resident’s lawns;
- emergency vehicle access impacts for residents

WHEREAS, measures to combat overcrowding such as the installation of “No Parking” signs, extra staff and proactive by-law enforcement on weekends, and the implementation of fees for visitors to Webster and Tews Falls and the Dundas Peak have had no deterrent effect whatsoever;

WHEREAS, increased visitors to Webster and Tews Falls and the Dundas Peak are also having negative effects on the environment including damage from littering and trampled ecosystems, as well as safety issues for people on the narrow trails; and,

WHEREAS, regular rescue calls for “risk takers” at Webster and Tews Falls and the Dundas Peak is a concern for emergency service providers (i.e. fire, police and paramedics);

THEREFORE, BE IT RESOLVED:

- (a) That City staff be directed to form a multi-disciplinary working group to conduct a comprehensive, multi-faceted investigation of public safety and the negative impacts to the ***natural environment and the*** Greensville and Dundas neighbourhoods associated with the increase in visitors to Webster and Tews Falls and the Dundas Peak;
- (b) That the Hamilton Conservation Authority, the Hamilton Police Service, EMS, Traffic, Parking, By-law, and CN Railway and any other required staff/agency be requested to participate in the review; and,
- (c) ***That staff, in consultation with the Ward 13 Councillor, be directed to review the problems associated with the increase in visitors to Webster and Tews Falls as well as the Dundas Peak, and report back to the Planning Committee with potential solutions, prior to the 2020 budget process.***

Result: Main Motion, As Amended, CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.4 Binbrook Memorial Hall & Ball Diamond Municipal Sewer Connections (2600 Hamilton Regional Road 56)**(Johnson/Partridge)**

WHEREAS, the Binbrook Agricultural Society is preparing design and specification plan documents for the installation of underground municipal sewer connections in order to migrate from current aged septic system to the municipal available service;

WHEREAS, the current septic system at the Binbrook Memorial Hall is at the end of life and the holding tank at the Ball Diamond washrooms is consistently backing up and cannot be replaced as per the Ontario Building Code;

WHEREAS, capitalizing on the current work being done by the Binbrook Agricultural Society would result in an estimated cost avoidance of approximately \$130K due to contractor mobilization fee savings, utilization of planned road allowance construction and reconstruction, paving, soft costs, programming and public disruption as well as displacement if emergency fixes and removal due to end-of-life infrastructure is required; and,

WHEREAS, the Binbrook Agricultural Society is proposing a cost share agreement for design, supply and install for new underground sewer connections to the baseball diamond and Binbrook Memorial Hall to new municipal services located in the road allowance, including paving in areas disturbed by construction.

THEREFORE, BE IT RESOLVED:

- (a) That, in order to capitalize on the current underground municipal sewer connection initiative by the Binbrook Agricultural Society, for the installation of underground municipal sewer connections for the Binbrook Memorial Hall system and the ball diamond washroom and potential removal the septic systems, as well as utilize a cost share model for common access space, staff be directed to:
 - (i) enter into an agreement(s) with the Binbrook Agricultural Society that outlines the cost share terms and conditions;
 - (ii) enter into necessary agreements(s) with the same contractor and consultant retained by the Binbrook Agricultural Society for the installation of underground municipal sewer connections for the Binbrook Memorial Hall system and the ball diamond washroom and potential removal of septic systems;
 - (iii) establish and fund a capital project in the amount of \$400,000 from the Unallocated Capital Reserve Account #108020 for the installation of underground municipal sewer connections for the Binbrook Memorial Hall system and the ball diamond washroom and potential removal of septic systems; and,
- (b) That the General Manager of Public Works be authorized and directed to execute all required documents for the Binbrook Memorial Hall and Ball

Diamond Municipal Sewer Connections (2600 Hamilton Regional Road 56), and the removal of septic systems, if required; in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.5 Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal (LS19006) (Item 13 of Planning Committee Report 19-003)

(Clark/Johnson)

That the discussion of Item 7.5, respecting Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal (LS19006) (Item 13 of Planning Committee Report 19-003), be deferred to the Closed Session portion of the agenda.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

7.6 Integrity Commissioner / Lobbyist Registrar Appointment

(Danko/Partridge)

WHEREAS, the temporary appointment of Principle Integrity expires on March 31, 2019;

THEREFORE, BE IT RESOLVED:

- (a) That Council extend the existing contract with Principle Integrity as the City of Hamilton's Integrity Commissioner and Lobbyist Registrar to September 30th, 2019;
- (b) That a 'Request for Interest' (RFI) in the position of Integrity Commissioner and Lobbyist Registrar be initiated;
- (c) That a staff committee of the City Manager, City Solicitor, City Clerk and Executive Director of Human Resources conduct the initial evaluation of the qualified firms; and,
- (d) That the Governance Review Sub Committee conduct the interviews and recommend the preferred candidate for the position of Integrity Commissioner / Lobbyist Registrar along with terms and conditions of the appointment to City Council for approval.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Deputy-Mayor Tom Jackson

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

NOTICES OF MOTION

8.1 Integrity Commissioner / Lobbyist Registrar Appointment**(Danko/Partridge)**

That the Rules of Order be waived to allow for the introduction of a motion respecting Integrity Commissioner / Lobbyist Registrar Appointment.

Result: Motion CARRIED by a 2/3's majority vote of 16 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Deputy-Mayor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.6.

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL

10.1 Closed Session Minutes – February 27, 2019**(Partridge/Johnson)**

That the Closed Session Minutes dated February 27, 2019 be approved, as presented, and remain confidential.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins

YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Brad Clark

10.2 Closed Session Minutes – March 20, 2019

(Whitehead/Collins)

That the Closed Session Minutes dated March 20, 2019 be approved, as presented, and remain confidential.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Brad Clark

Council determined that discussion of Item 10.3 was not required in Closed Session, the matter was addressed in Open Session, as follows:

10.3 Appointments to Various City of Hamilton Agencies, Boards and Committees for the 2018-2022 Term

(Ferguson/Collins)

(a) That the following citizens be appointed to the Hamilton Waterfront Trust, for a term commencing March 27, 2019, and until a successor is chosen:

1. Trent Jarvis

2. Bernie Mueller
- (b) That the following citizens be appointed to the Heritage Permit Review Sub-Committee, for a term commencing March 27, 2019, and until a successor is chosen:
1. Melissa Alexander
 2. Laurie Brady
 3. Diane Dent
 4. Andy MacLaren
 5. Carol Priamo
 6. John Scime
 7. Stefan Spolnik
 8. Steve Wiegand
- (c) That the following citizens be appointed to the Hess Village Pedestrian Mall Authority, for a term commencing March 27, 2019, and until a successor is chosen:
1. Michael Pernfuss
 2. Jerome Skara
- (d) That the following citizens be appointed to the Knowles Bequest, for a term commencing March 27, 2019, and until a successor is chosen:
1. Michelle Chin
 2. Doug Edwards
 3. Jeff Saunders
- (e) That the following citizens be appointed to the Property Standards Committee, for a term commencing March 27, 2019, and until a successor is chosen:
1. Ernest Eberhard
 2. Thomas Lofchik
 3. Frank Perri
 4. James Summers
 5. Brian Tisdale
- (f) That the following citizens be appointed to the Police Services Board for a term commencing March 27, 2019, and until a successor is chosen:
1. Fred Bennink

Councillor Johnson wished to be recorded as OPPOSED to sub-section (f).
Councillor Whitehead wished to be recorded as OPPOSED to sub-section (f).

Result: Motion CARRIED by a vote of 13 to 1, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
NO - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Brad Clark

(VanderBeek/Pearson)

That Council move into Closed Session respecting Items 10.4 and 10.5, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Result: Motion CARRIED by a vote of 14 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Brad Clark

10.4 Update Re: Local Planning Appeal Tribunal appeals of Zoning By-law Amendments 17-095 and 17-096 and Draft Plan of Subdivision Approval for Lands Located at Pier 8, 65 Guise Street East (LS18013(a)) (Ward 2)

Staff were provided with direction in Closed Session.

(Farr/Johnson)

- (b) That Report LS18013(a) and its appendices and recommendations remain confidential.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

10.5 Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12)

(Whitehead/Pearson)

That the Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12), be referred to the next Planning Committee meeting.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

MOTIONS - CONTINUED

7.5 Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal (LS19006) (Item 13 of Planning Committee Report 19-003)

(Whitehead/VanderBeek)

That the recommendation in Report LS19006 respecting Local Planning Appeal Tribunal appeals by The Green Organic Dutchman Holdings Limited (PL180732 and PL180818) – settlement proposal, be approved, ***as amended***.

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson

YES - Councillor Jason Farr

YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla

YES - Councillor Chad Collins

YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko

YES - Deputy-Mayor Tom Jackson

NOT PRESENT - Mayor Fred Eisenberger

YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek

YES - Councillor Lloyd Ferguson

YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson

YES - Councillor Brad Clark

BY-LAWS

(Collins/Pauls)

That Bills No. 19-044 to No. 19-064, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

By-law No.

19-044 To Appoint and Prescribe the Duties and Responsibilities of the Chief Administrative Officer
Ward: City Wide

- 19-045** To Establish City of Hamilton Land Described as Reserve Blocks 268 and 269 on Plan 62M-1257 as Part of Cuesta Heights
Ward: 9
- 19-046** To Establish City of Hamilton Land Described as Block 200 on Plan 62M-1157 as Part of Burke Street
Ward: 15
- 19-047** To Establish City of Hamilton Land Described as Part 74 on Plan 62M-1232 as Part of Bedrock Drive
Ward: 9
- 19-048** To Permanently Close and Sell a portion of the road allowance abutting 75 Steel City Court, Hamilton, Ontario, legally described as Firstly: Part of Lots 31 & 32, Broken Front Concession, Geographic Township of Saltfleet, designed as Part 1, Plan 62R-20907, being Part of PIN 17543-0078 (LT); and, Secondly: Part of Lot 31, Broken Front Concession, Geographic Township of Saltfleet, designated as Part 2, Plan 62R-20907, being Part of PIN 17572-0048 (LT); City of Hamilton
Ward: 4
- 19-049** Respecting Removal of Part Lot Control, Block 217, Registered Plan No. 62M-1238, Waterdown Bay Phase 2 – 66, 68, 70, 72 and 74 Humphrey Street
PLC-18-032
Ward: 15
- 19-050** Respecting Removal of Part Lot Control, Block 200, Registered Plan No. 62M-1238, Waterdown Bay Phase 2 – 311, 313, 315, 317, 319 Humphrey Street
PLC-18-032
Ward: 15
- 19-051** Respecting Removal of Part Lot Control, Block 218, Registered Plan No. 62M-1238, Waterdown Bay Phase 2 – 57, 59, 61, 63, 65, 67 Skinner Road
PLC-18-032
Ward: 15
- 19-052** Respecting Removal of Part Lot Control, Block 204, Registered Plan No. 62M-1238, Waterdown Bay Phase 2 – 215, 217, 219, 221, 223, 225 Skinner Road
PLC-18-032
Ward: 15
- 19-053** To Amend Zoning By-law No. 05-200, as amended by By-law No. 17-240, respecting lands located at 512 Highland Road West, Stoney Creek
ZAH-19-005
Ward: 9
- 19-054** To Adopt Official Plan Amendment No. 120 to the Urban Hamilton Official Plan, respecting 264 Governor's Road (Dundas)
Ward: 13
Not Final and Binding
- 19-055** To Amend Zoning By-law No. 3581-86, Respecting Lands Located at 264 Governor's Road, in the former Town of Dundas
ZAC-17-088
Ward: 13
Not Final and Binding

- 19-056** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 2 (Speed Limits)
Ward: 13
- 19-057** To Amend By-law No. 10-103 Respecting the Prevention of Backflow into the Water Distribution System of the City of Hamilton
Ward: City Wide
- 19-058** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 8 (No Parking Zones)
Schedule 10 (Alternate Side Parking – April-November)
Schedule 12 (Permit Parking Zones)
Ward: 1, 3, 4, 6, 7, 14, 15
- 19-059** Being a By-law to Permanently Close and Sell a Portion of a Public Unassumed Alley abutting 208 MacNab Street North, Hamilton, Ontario, established by Registered Plan 104, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-20818, being Part of PIN 17160-0242 (LT)
Ward: 2
- 19-060** Respecting Removal of Part Lot Control, Block 153, Registered Plan of Subdivision No. 62M-1251, “Summit Park Phase 10”, municipally known as 188, 190, 192, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 22, 222, 224, 226, 228 Dalglish Trail
PLC-19-004
Ward: 9
- 19-061** To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1557 Concession 2 West, Flamborough (Ward 12)
ZAA-18-052
Ward: 12
- 19-062** To Amend By-law No. 05-200 Respecting Modifications and Updates to certain Definitions, General Provisions, Parking, Open Space, Industrial, Commercial and Mixed Use Zones, Transit Oriented Corridor Rules, Rural Zones Utility Zone, Special Exceptions, and Holding Provisions for the City of Hamilton
CI-18-J
Ward: City Wide
- 19-063** To Amend Zoning By-law No. 05-200, as amended by By-law No. 18-263, respecting lands located at 256 Parkdale Avenue North and 205 Melvin Avenue, Hamilton
ZAH-19-022
Ward: 4
- 19-064** To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 15 to 0, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Chad Collins
YES - Councillor Esther Pauls

YES - Councillor John-Paul Danko
YES - Deputy-Mayor Tom Jackson
NOT PRESENT - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Whitehead/Ferguson)

That, there being no further business, City Council be adjourned at 11:39 p.m. on March 27, 2019.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon
Acting City Clerk

Pilon, Janet

Subject: Resignation from the Hamilton Farmers' Market Board

From: Stu Laurie
Sent: December-10-18 10:02 AM
To: Hertel, John; Wilfred Arndt
Cc: Elly Bowen
Subject: Term Renewal

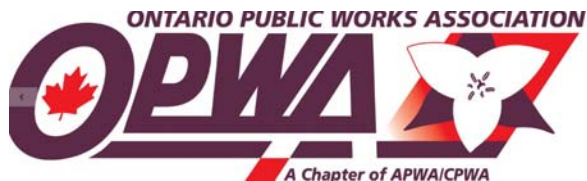
John/Wilf

As I approach the end of my initial 2 year term as a Director for the Hamilton Farmers Market I have decided that I will not be exercising the option to extend my term by an additional 2 years per 5.03 of the Hamilton Farmers Market Corporation By-Laws. Therefore I am formally notifying you Wilf as the Board Chair and you John as the Representative of the Sole Shareholder that the March 2019 Board meeting will be my last as a member of this Board of Directors.

While I will remain a patron and staunch supporter of the Farmers Market I believe that my time and particular talents can be best applied elsewhere to provide the greatest benefit to my community and fellow Hamiltonians. I have also grown increasingly uncomfortable with the aggressive posturing of some of my fellow board members and the toxic environment that often inhabits our meetings and can no longer be a party to this in good conscience.

Above all else, my fervent desire is for this Market to continue to evolve and thrive as an integral part of this great city and our vibrant downtown core.

Best Regards,
Stu Laurie



Ontario Public Works Association (OPWA)
 1525 Cornwall Road, Unit 22
 Oakville, ON
 L6J 0B2

March 29, 2019

Via Email

Dear Mayor and Council:

Re: 2019 National Public Works Week
May 19 – 25, 2019
"It Starts Here"

Since 1960, public works officials in Canada and the United States have celebrated National Public Works Week. This annual observance, which takes place during the third full week in May, is designed to educate the public regarding the importance of our nation's public infrastructure and services. It serves, moreover, as a time to recognize the contributions of public works professionals who work in the public interest to build, manage and operate the essential infrastructure and services of our communities. The week is organized by the Canadian Public Works Association (CPWA) and the American Public Works Association (APWA) and is being celebrated for its 59th year in 2019.

The theme for the 2019 National Public Works Week is **"It Starts Here"**. This theme represents the many facets of modern civilization that grow out of the efforts put forth by the public works professionals across North America. What starts here? *Infrastructure* starts with public works... *Growth and innovation* starts with public works... *Mobility* starts with public works... *Security* starts with public works... *Healthy communities* start with public works... The bottom line is that citizens' quality of life starts with public works.

As a steward of your municipality's public interest, we appeal to you to lend your support to our efforts by issuing a proclamation officially recognizing May 19–25, 2019 as National Public Works Week. Enclosed for your consideration is a draft proclamation. We hope to have all proclamations in our possession by April 30, 2019.

Together, the more than 30,000 members of CPWA and APWA in North America design, build, operate, and maintain the transportation, water supply, sewage and refuse disposal systems, public buildings, and other structures and facilities essential to our economy and way of life. Their dedication and expertise at all levels of government are a capital investment in the growth, development, economic health—and ultimate stability—of the nation. Therefore, we believe it is in the national interest to honour those who devote their lives to its service.

An effective public works program requires the confidence and informed support of all our citizens. To help public works professionals win that confidence and support, it is the mission of CPWA and APWA to promote professional excellence and public awareness through education, advocacy and the exchange of knowledge.

Through a variety of public education activities conducted by CPWA, its chapters and individual public works agencies—particularly during National Public Works Week—tens of thousands of adults and children have been shown the importance of the role of public works in society. The program also seeks to enhance the prestige of the professionals, operators and administrators serving in public works positions and to arouse the interest of young people to pursue careers in the field.

We as the Ontario Chapter, and on behalf of CPWA and APWA, respectfully request that you join other Canadian and U.S. Municipalities in proclaiming the importance of public works to the quality of life in our nations and affirm the contributions of public works professionals.

Should you have questions, please contact me at:

Angela Storey
2019 President, Ontario Chapter
astorey@hamilton.ca
905-546-2424 x 6483

Sincerely,

A handwritten signature in cursive script that reads "A. Storey".

Angela Storey
2019 President
Ontario Chapter, Canadian Public Works Association

National Public Works Week
May 19–25, 2019
"It Starts Here"

Municipal Proclamation

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Ontario; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are engineers, managers and employees from provincial and municipal governments and the private sector, who are responsible for rebuilding, improving and protecting our nation's transportation, water supply, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Canada to gain knowledge of and to maintain a progressive interest and understanding of the importance of public works and public works programs in their respective communities,

WHEREAS, the year 2018 marks the 58th annual National Public Works Week sponsored by the American Public Works Association and Canadian Public Works Association be it now,

RESOLVED, We, the Mayor and Council of **MUNICIPALITY** do hereby designate the week May 19–25, 2019 as National Public Works Week; I urge all our people to join with representatives of the Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the Municipality to be affixed,

DONE at the _____, Ontario this _____ the day of _____ 2019.

Mayor



The Regional
Municipality of
Durham

Corporate Services
Department –
Legislative Services

605 Rossland Rd. E.
Level 1
P.O. Box 623
Whitby, ON L1N 6A3
Canada

905-668-7711
1-800-372-1102
Fax: 905-668-9963

durham.ca

March 28, 2019

The Honourable Marc Garneau
Minister of Transport Canada
330 Sparks Street
Ottawa, ON K1A 0N5

Dear Minister Garneau:

**RE: Proposed Amalgamation of the Oshawa and Hamilton Port
Authorities (2019-EDT-5), Our File: D02**

Council of the Region of Durham, at its meeting held on March 27, 2019, adopted the following recommendations of the Planning & Economic Development Committee:

- “A) That Report #2019-EDT-5 of the Commissioner of Planning and Economic Development be endorsed and submitted to Transport Canada as Durham Region’s preliminary comments on the proposed amalgamation of the Oshawa and Hamilton Port Authorities, including the following key comments and recommendations:
- i) The timeline of 30 days to provide comment is insufficient and should be extended by 90 days to adequately and meaningfully consult with the business communities, municipal governments, and indigenous communities that may be affected;
 - ii) The proposed name of “Oshawa-Hamilton Port Authority” is most preferable;
 - iii) The City of Oshawa, and the Region of Durham each be granted the authority to appoint one member to the Board of Directors of the amalgamated port authority;
 - iv) That the amalgamated Port Authority engage in early consultation with the City of Oshawa and Region of Durham prior to any proposed changes to land use at the Port of Oshawa, to ensure any development is appropriate and compatible with surrounding land uses;
 - v) That the Durham Regional Chair respectfully requests a meeting with the Minister of Transport to discuss the Region’s objectives and concerns; and

- vi) That as part of any amalgamation, that a recreational boating facility be re-established in the Oshawa basin;
- B) That the Regional Chair be authorized to provide further comments on the proposed amalgamation to Transport Canada, if necessary, as additional information becomes available and meetings take place; and
- C) That a copy of Report #2019-EDT-5 be forwarded to the City of Oshawa and Durham Region's area municipalities, the Oshawa Port Authority, the Greater Oshawa Chamber of Commerce, the City of Hamilton, the Hamilton Port Authority, all Durham MPs and MPPs."

Please find enclosed a copy of Report #2019-EDT-5 for your information.

Ralph Walton

Ralph Walton,
Regional Clerk/Director of Legislative Services

RW/tf

- c: A. Harras, Acting Clerk, Town of Ajax
T. Gettinby, CAO/Clerk, Township of Brock
A. Greentree, Clerk, Municipality of Clarington
M. Medeiros, Acting Clerk, City of Oshawa
S. Cassel, Clerk, City of Pickering
J.P. Newman, Clerk, Township of Scugog
D. Leroux, Clerk, Township of Uxbridge
C. Harris, Clerk, Town of Whitby
D. Taylor, President & CEO, Oshawa Port Authority
N. Shaw, CEO, Greater Oshawa Chamber of Commerce
R. Caterini, Clerk, City of Hamilton
I. Hamilton, President & CEO, Hamilton Port Authority
Jennifer O'Connell, MP (Pickering/Uxbridge)
Mark Holland, MP (Ajax)
Celina Caesar-Chavannes, MP (Whitby)
Dr. Colin Carrie, MP (Oshawa)
Erin O'Toole, MP (Durham)
Jamie Schmale, MP (Haliburton/Kawartha Lakes/Brock)
Kim Rudd, MP (Northumberland-Peterborough South)
Peter Bethlenfalvy, MPP (Pickering/Uxbridge)
Rod Phillips, MPP (Ajax)
Lorne Coe, MPP (Whitby)

Jennifer French, MPP (Oshawa)

Lindsey Park, MPP (Durham)

Laurie Scott, MPP (Haliburton/Kawartha Lakes/Brock)

David Piccini, MPP (Northumberland-Peterborough South)

B. Bridgeman, Commissioner of Planning and Economic Development



The Regional Municipality of Durham Report

To: Planning and Economic Development Committee
From: Commissioner of Planning and Economic Development
Report: #2019-EDT-5
Date: March 5, 2019

Subject:

Proposed Amalgamation of the Oshawa and Hamilton Port Authorities

Recommendations:

That the Planning and Economic Development Committee recommends to Regional Council:

- A) That Commissioner's Report #2019-EDT-5 be endorsed and submitted to Transport Canada as Durham Region's preliminary comments on the proposed amalgamation of the Oshawa and Hamilton Port Authorities, including the following key comments and recommendations:
- i) The timeline of 30 days to provide comment is insufficient and should be extended by 90 days to adequately and meaningfully consult with the business communities, municipal governments, and indigenous communities that may be affected;
 - ii) The proposed name of "Oshawa-Hamilton Port Authority" is most preferable;
 - iii) The City of Oshawa, and the Region of Durham each be granted the authority to appoint one member to the Board of Directors of the amalgamated port authority;
 - iv) That the amalgamated Port Authority engage in early consultation with the City of Oshawa and Region of Durham prior to any proposed changes to land use at the Port of Oshawa, to ensure any development is appropriate and compatible with surrounding land uses; and

- v) That the Durham Regional Chair respectfully requests a meeting with the Minister of Transport to discuss the Region's objectives and concerns.
 - B) That the Regional Chair be authorized to provide further comments on the proposed amalgamation to Transport Canada, if necessary, as additional information becomes available and meetings take place; and
 - C) That a copy of this report be forwarded to the City of Oshawa and Durham Region's area municipalities, the Oshawa Port Authority, the Greater Oshawa Chamber of Commerce, the City of Hamilton, the Hamilton Port Authority, all Durham MPs and MPP.
-

Report:

1. Purpose

- 1.1 On February 5, 2019, the Honourable Marc Garneau, Federal Minister of Transport, announced that the Government of Canada intends to amalgamate the Oshawa and Hamilton Port Authorities ("OPA" and "HPA", respectively) to form a new entity to be named the "Oshawa-Hamilton Port Authority" in an effort to improve port efficiencies and planning in the region. Notice of intent to amalgamate was published in the Canada Gazette on February 9, 2019.
- 1.2 The publication of the notice of intent to amalgamate marked the beginning of a 30-day consultation period, and interested parties have until March 11, 2019 to submit comments on the Government of Canada's proposal.
- 1.3 The purpose of this report is to provide preliminary Regional comments to Transport Canada on the proposed amalgamation.

2. Background

- 2.1 The Federal Government has the authority under the *Canada Marine Act* to amalgamate two or more port authorities. In this case, the newly amalgamated authority would assume the geographical jurisdictions, assets, liabilities and obligations of the OPA and the HPA.
- 2.2 After the consultation period concludes on March 11, 2019, the Government of Canada could decide whether to confirm the amalgamation through the publication of a certificate of amalgamation in the Canada Gazette.
- 2.3 The notice of intent to amalgamate noted that:

- This proposal seeks to strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port development, land use and marketing and would allow the amalgamated port authority to leverage the operations of the HPA and the established operations of the OPA to successfully broaden multimodal transportation options in the Greater Toronto Area;
- The benefits of amalgamating Canadian Port Authorities (CPAs) were raised in the 2016 review of the Canada Transportation Act which recommended that work be conducted to further the amalgamation of Port Authorities;
- Canada's national port system is made up of 18 CPAs that are non-share capital corporations incorporated under the Canada Marine Act ("CMA"). CPAs handle about 60% of Canada's marine commercial cargo tonnage and contribute over 213,000 direct and indirect jobs and over \$25B to Canada's GDP;
- This amalgamation is administrative in nature and would represent no further financial costs for the Government of Canada or to the Canadian public. Operations at both ports would continue without disruption and the amalgamated port would be in a strong financial position and forecast positive growth; and
- There are no expected environmental implications, as no changes to the current land holdings, infrastructure, or real property of the OPA and HPA are being proposed.

2.4 CPAs are intended operate at arm's length from the federal government and are governed by a board of directors chosen by port users and the municipal, provincial and federal governments. Each board:

- Sets the business direction and makes commercial decisions for the port;
- Sets fees (e.g. berthage and wharfage fees);
- Is responsible for maintaining and dredging commercial shipping channels; and
- Acts as a landlord, leasing port operations to private operators.

2.5 Transport Canada states that CPAs must also be financially self-sufficient. They do not receive federal funding to meet operating costs or deficits, and finance capital projects using their own revenues. CPAs can partner with the private sector, borrow from commercial lenders or apply for certain federal grants related to infrastructure, the environment or security.

3. Preliminary Responses to the Proposed Amalgamation

3.1 The City of Oshawa Development Services Committee received a staff report (see Attachment 1) September 24, 2018 which provided responses to the Federal Discussion Paper regarding the Transport Canada Ports Modernization Review. Responses were grouped in 6 themes:

- a. Theme 1: Communication, Building Relationships and Building Trust
- b. Theme 2: Land Use and Environmental Responsibility
- c. Theme 3: Innovation
- d. Theme 4: Safety
- e. Theme 5: Financial Support
- f. Theme 6: Governance

3.2 The City of Oshawa, during their Council meeting February 8, 2019, resolved as follows (see Attachment 2) regarding the proposed amalgamation:

- a. That the Development Services staff be directed to present a report to the February 25, 2019 Development Services Committee regarding the proposal to amalgamate the Oshawa Port Authority and Hamilton Port Authority in order to provide a submission to the Federal Minister of Transport on this matter and that a Special Council meeting be held thereafter to meet the March 11, 2019 deadline for comments;
- b. That:
 - (i) The City re-establish a city working group consisting of the Mayor, Chair of Development Services Committee, a Ward 5 Councillor and a Councillor from another Ward, as determined by Council, and appropriate staff to monitor the evolving governance and land use issues at the Port of Oshawa and adjacent lands and to provide recommendations and advice to City Council through the Development Services Committee.
 - (ii) The Federal Minister of Transport be requested to meet with the Working Group to discuss the Government of Canada's intent to amalgamate the Oshawa Port Authority and Hamilton Port Authority before any final decision is made on the matter; and
 - (iii) Councillors Nicholson and McConkey be appointed to the Working Group.
- c. That Transport Canada be requested to provide the public, the Indigenous community and other stakeholders additional time (90 additional days) to provide comments to the Government of Canada's certificate of intent to amalgamate the Oshawa Port Authority and Hamilton Port Authority and to

allow the City of Oshawa to host a public meeting to obtain comments from its residents and businesses, the Indigenous community and other stakeholders on this important matter to Council and which could influence the Federal Government's final decision on this matter; and

- d. A copy of this resolution be forwarded to the Prime Minister of Canada, the Federal Minister of Transport, Region of Durham, all Durham area municipalities, the Greater Oshawa Chamber of Commerce, all Durham MP's and MPP's, the Oshawa Port Authority, Friends of the Second Marsh and Central Lake Ontario Conservation Authority."

3.3 The City of Hamilton Council received a staff report (see Attachment 3) on February 20, 2019 which recommended:

- a. That the Mayor be directed, on behalf of the City of Hamilton, to request a meeting with the federal Minister of Transport to discuss this proposed amalgamation and outline the City of Hamilton's objectives and concerns;
- b. That Transport Canada be requested to provide to the City of Hamilton, the draft Letters Patent proposed for the newly amalgamated port authority for the City's review and input prior to finalization;
- c. That the Mayor be directed, on behalf of the City of Hamilton, to make written representations to the Minister regarding the amalgamation respectfully requesting that the:
 - (i) Corporate name of the amalgamated port authority be known as the 'Hamilton-Oshawa Port Authority' and have its registered offices located in Hamilton, Ontario;
 - (ii) Board of Directors of the amalgamated port authority have no more than seven members and that the Cities of Burlington, Hamilton and Oshawa each be granted the authority to appoint one member; and
 - (iii) Newly amalgamated port authority be directed to continue the close working relationship established between the Hamilton Port Authority and the City of Hamilton, its citizens and stakeholders particularly with respect to the transparency of port operations, project reviews, development planning, site plan approvals and the issuance of building permits.

4. Discussion

- 4.1 Durham Regional staff are still gathering relevant information and consulting stakeholders to determine potential Regional impacts and draft the response to the

Minister of Transport.

- 4.2 Regional Economic Development staff are supportive of the City of Oshawa's submission to the Federal Minister of Transport, including the request for more time for consultation and comment.
- 4.3 The HPA has considerably more shipping traffic than the OPA. The HPA is 16 times larger in terms of total assets, and in 2017 generated considerably more net income than the OPA.
- 4.4 The proposed amalgamation could present various economic development opportunities:
 - a. The HPA is space-constrained, and growth of certain components of its shipping business and operations depend on being able to access additional development land. In this respect, the OPA lands may offer some opportunities for new development for the newly created port authority. The HPA's customers would be more easily able to access the Eastern & Central Ontario and Durham markets through the Oshawa Port.
 - b. The HPA's size and global industry network is considerable. The HPA may have customers or partners in their network that are prospective investors seeking to establish a new physical presence. If these connections are well suited to the Durham Regional economy, and if there is a strong relationship between the Region, City of Oshawa, and the new port authority, the Region may be able to leverage this large network to generate new investment.
 - c. The HPA, due to space constraints, may be operating at capacity at certain times of year. Diversion of overflow shipping traffic to Oshawa could be a potential outcome, resulting in increased economic activity.
 - d. The HPA has considerable current assets so it is possible that the amalgamation may enable the newly formed port authority to pursue and fund new projects in Durham with greater speed in the future, such as new intermodal capabilities. The HPA generates annual free cash flow of \$12M-\$14M which is continually being reinvested in Port infrastructure and new projects.
 - e. The HPA's significant cash position allows them to commit matching funds for applications for funding from Transport Canada's \$2B National Trade Corridors Fund for infrastructure projects, presenting opportunities to access new infrastructure capital streams for projects at the Oshawa port lands.
 - f. Local Regional businesses may be able to access a broader range of customers and shipping logistics service providers if services are now offered

more broadly across both ports.

4.5 The proposed amalgamation presents certain Regional concerns:

- a. Since the HPA has a much larger administration, it is possible that the centralized office location and registered place of business for the newly-created port authority would be Hamilton. This may result in:
 - The relocation of OPA jobs away from Oshawa to Hamilton;
 - Lack of focus or attention by the new port authority on supporting the economic development mandates of the City of Oshawa or the Region, or timely response to requests by Oshawa or the Region;
 - Difficulty in Oshawa maintaining strong relationships with executive-level port authority staff due to the travel distance.

5. Conclusion and Next Steps

- 5.1 The proposed amalgamation of the Oshawa Port Authority and the Hamilton Port Authority by the Federal Minister of Transport presents concerns as well as potential economic development opportunities.
- 5.2 A 30-day consultation period is considered inadequate; therefore, it is recommended that the Regional Chair be authorized to provide further comments, if necessary, as additional information becomes available and meetings take place.

6. Attachments

Attachment #1: City of Oshawa staff report dated September 20, 2018

Attachment #2: City of Oshawa correspondence dated February 11, 2019

Attachment #3: City of Hamilton staff report dated February 20, 2019

Respectfully submitted,

Original signed by

Brian Bridgeman, MCIP, RPP
Commissioner of Planning and
Economic Development

Recommended for Presentation to Committee

Original signed by

Elaine C. Baxter-Trahair
Chief Administrative Officer



Public Report

To: Development Services Committee

From: Paul D. Ralph, BES, MCIP, RPP, Commissioner,
Development Services Department

Report Number: DS-18-150

Date of Report: September 20, 2018

Date of Meeting: September 24, 2018

Subject: Transport Canada Ports Modernization Review, 2018 -
Recommended City Comments

File: F-3041-0005

1.0 Purpose

Transport Canada is undertaking a review of Canada Port Authorities to optimize their current and future role in the transportation system. Transport Canada wants to hear from key partners and stakeholders, including Canada Port Authorities and municipal governments and local communities that have a particular interest in port activities.

Transport Canada released a discussion paper to help guide the review of the Canada port's system and to obtain meaningful feedback from stakeholders (see Attachment 1).

The purpose of this report is to obtain Council approval of City comments on the discussion paper for Transport Canada's Ports Modernization Review. The deadline to provide comments is October 26, 2018.

Attachment 1 is a copy of the discussion paper for Transport Canada's Ports Modernization Review.

Attachment 2 is a copy of the main body of Staff Report DS-13-02 dated January 10, 2013, which includes staff comments on the proposed Oshawa Port Authority Draft Land Use Plan at that time.

Attachment 3 is a copy of a letter dated December 22, 2016 forwarding City comments for consideration by the expert panel tasked with reviewing federal environmental assessment processes.

Attachment 4 is a copy of the Oshawa Harbour Land Use, Development and Municipal Services Agreement dated July 15, 2010 between the City and Port Authority, which remains in effect to July 15, 2020 as a result of an extension of term agreement made on July 15, 2015.

2.0 Recommendation

That the Development Services Committee recommend to City Council:

1. That Report DS-18-150, dated September 20, 2018, be endorsed as the City's comments on the discussion paper for Transport Canada's Ports Modernization Review.
2. That a copy of Report DS-18-150, dated September 20, 2018, and the related Council resolution be sent to Transport Canada, the Oshawa Port Authority, the Region of Durham, the Friends of the Second Marsh and the Central Lake Ontario Conservation Authority.
3. That Transport Canada be requested to meet with the Mayor to discuss the City's comments on the discussion paper for the Ports Modernization Review.

3.0 Executive Summary

Not applicable.

4.0 Input From Other Sources

The following have been consulted in the preparation of this report:

- City Manager
- Commissioner, Community Services
- Director of Economic Development

5.0 Analysis

5.1 Background - Canada's Port System

5.1.1 Legislative Framework

Today's port system is governed by the 1995 National Marine Policy and the 1998 Canada Marine Act.

The National Marine Policy lays out a detailed model for Canada's marine transportation system, whose key principles emphasize accountability to users and the public, business discipline and self-sufficiency to shift port operation costs from the general taxpayer to port users.

The 1998 Canada Marine Act created 18 Canada Port Authorities having national significance, and began the divestiture of other ports owned by Transport Canada to local interests. These changes were intended to promote a more competitive, effectively managed and sustainable port system.

On February 18, 2012 the Port of Oshawa was given its Port Authority status through the issuance of letters of patent under the 1998 Canada Marine Act and its previous status as a Harbour Commission under the Harbour Commissions Act ceased to apply.

5.1.2 The Importance of Ports

Canadian ports play an important role in supporting economic development and global trading. Many Canadians rely on the port system for the goods they use and consume and for delivering their merchandise to domestic and international markets.

The Port of Oshawa is a major economic driver and the City recognizes the importance of the port from an economic development and jobs creation perspective. The role and capabilities of the Port of Oshawa represent significant infrastructure for the City and Region and create a competitive economic advantage.

Canadian Ports are also important community members as they manage land within our municipal boundaries, function as marine security and safety, contribute to environmental protection and contribute to the creation of direct and indirect jobs.

5.1.3 Port of Oshawa

The Port of Oshawa has had a long history of being the centre of trade, and a vital transportation link for industries dating back to the 1800's. From facts and statistics published on-line by the Port of Oshawa, the port has handled more than 500 vessels carrying over 3 million metric tonnes of cargo over the last decade. Further, the same source material indicates the movement of cargo through the port supports 294 jobs.

According to the latest facts and statistics available on-line at the Port of Oshawa's website, the Port of Oshawa on average handles approximately \$23 million worth of cargo annually, including products such as salt, steel, asphalt and grain.

5.2 Purpose of Transport Canada's Ports Modernization Review

Transport Canada indicates that over the last 20 years the operating landscape for Canadian Ports has changed and will continue to change at a greater pace, thereby creating new challenges and opportunities. In order to ensure our country remains well-positioned to innovate and compete within the port industry, Transport Canada feels it necessary to re-examine Canada Port Authorities and how they operate.

Key drivers of change include:

- An evolving marine industry;
- Reconciliation with Indigenous peoples;
- Local communities;
- Environmental protection and climate change;
- Safety and security; and,
- Governance.

Submissions and comments to Transport Canada are due on or before October 26, 2018. The Honourable Marc Garneau, Minister of Transport, launched a roundtable series of meetings for the ports modernization review, with Indigenous peoples, provincial governments, municipalities, etc. To date staff are not aware that the City of Oshawa has been notified by Transport Canada of any roundtable discussions to discuss the review, and staff have not located any online calendars or advertisements related to any roundtable discussions being held by Transport Canada prior to the October 26, 2018 deadline for comment.

5.3 Staff Response to Discussion Paper

Transport Canada prepared a discussion paper (see Attachment 1) including background information as well as a list of 14 questions to lead the discussions and comments from stakeholders.

Staff has reviewed the discussion paper and notes that only certain questions require input from the City as the balance of the questions are more appropriately answered by others, such as the indigenous community or port users. These questions are relevant to the City of Oshawa in its role as a municipal authority and host to a Canada Port Authority, and read as follows:

- Discussion paper Q3. What strategies could link business to research, and research to learners in support of innovative solutions and greater competitiveness?
- Discussion paper Q7. How can ports ensure their operations and future development remain environmentally sustainable and adapt to climate risks?
- Discussion paper Q8. How can Canada Port Authorities contribute to building healthier communities?
- Discussion paper Q13. What models or approaches could be pursued to ensure Canada Port Authorities are more responsive to user and local perspectives?

In developing appropriate responses to these questions, it became apparent that the responses share a variety of commonalities and similar themes. Responding to the questions is therefore most effectively achieved through a thematic approach. On this basis, it is recommended that the following comments be endorsed by Council and forwarded to Transport Canada for their consideration during the Ports Modernization Review.

5.3.1 Theme 1: Communication, Building Relationships and Building Trust

Fostering and maintaining a collaborative, respectful and trusting relationship between Port Authorities and host municipalities and the public is critical to building a strong relationship and trust. This should be a key objective for all parties. Regularly scheduled, ongoing meetings between Port Authorities and local municipal governments are an important and highly effective way to ensure alignment of the municipality's and the Port Authority's strategic plans and corporate objectives.

Waterfront districts are highly visible, important areas of shoreline communities, and communities having the added advantage of a port stand to benefit from substantial economic opportunities as well as opportunities for well-being and recreation.

Municipalities and Port Authorities can parlay these assets to their mutual advantage provided that they work collaboratively and are in frequent communication. For this reason it is important to recognize that over time, board members, port staff and elected officials change and nothing in the current legislative framework mandates having regular set meetings. As personalities change, previous relationships can diminish or disappear in the absence of a formal communications framework.

The City's relationship with the Port Authority has improved over the years. For example, the City of Oshawa and the Oshawa Port Authority (O.P.A.) staff have committed to meet both quarterly and on an as-needed basis rather than merely comply with the minimum annual meeting requirement. In addition, the Mayor and Councilor Pidwerbecki are invited to attend certain O.P.A. meetings. Communication and interaction between the City and the O.P.A. has been further facilitated recently through arranging bus tours of the port facility for elected representatives.

Both the City and the O.P.A. have benefitted from this collaborative approach to communication, as recently exemplified when the parties came together to successfully amend a long-standing agreement to now allow fishing on the landmark pier under the O.P.A.'s jurisdiction.

In addition to recommending that Port Authorities and their host municipalities formally establish a communications framework that is regular, frequent and multi-faceted in terms of incorporating different opportunities for building relationships and trust, staff agrees with the ideas provided in the discussion paper as examples of communication approaches being employed by leading ports, i.e.:

- Hosting open houses to explain their major projects;
- Starting good neighbor committees; and,
- Talking with Canadians on social media.

The above communication approaches should be mandatory for each Port Authority.

In addition, it is recommended that Port Authorities post agendas and minutes for all their meetings, to be more open and transparent. This would improve on the current situation which requires only the agenda and minutes from the single annual public meeting along with the annual financial statement to be publicly available.

As noted under subsection 5.3.2, regular environmental monitoring to gauge compliance with standards for matters such as noise, vibration, and air and water quality is an important ongoing function. Sharing monitoring results with the community is an ideal opportunity to reinforce positive communication and build trust. Similarly, the posting of incident reports (e.g., spills) for the benefit of the public would augment the efforts of Port Authorities to demonstrate greater transparency and accountability.

5.3.2 Theme 2: Land Use and Environmental Responsibility

Port Authorities should be accountable for their environmental performance as it relates to greenhouse gas emissions, energy use and energy conservation, air quality, water quality, impact on wildlife habitat and provincially significant wetlands etc. It is recommended that

Port Authorities take a leadership role in environmental stewardship by producing a plan for reducing their overall impact on the environment (i.e. greenhouse gas emissions reductions, improved air quality, restoration of certain plant and wildlife habitats, etc.) and publicly reporting on their performance each year.

Port Authorities could produce a climate adaptation plan based on local climate science, to better prepare for the rapidly and ever changing climate. Greater frequency of severe weather events and higher precipitation levels may have significant impact on port operations in years to come.

As an example, Durham Region and all lower-tier Durham municipalities have adopted a Durham Community Climate Adaptation Plan consisting of a number of programs which will address local adaptation measures to protect the residents and infrastructure from the changing climate. The Durham Community Climate Adaptation Plan received national recognition and is the winner of the Federation of Canadian Municipalities 2018 Sustainable Communities Award, in the climate change category.

Port Authorities could also benefit from a greenhouse gas emissions reduction plan to actively pursue climate mitigation and reduce the impact of their operations/activities on the environment. The City of Oshawa has itself committed to reducing its greenhouse gas emissions and energy consumption, and is required to provide a Corporate Facilities Energy Management Plan to Ontario's Ministry of the Environment, Conservation and Parks. As a member of the Federation of Canadian Municipalities Partners for Climate Protection program, the City has successfully completed key milestones in its Corporate Plan aimed at reducing emissions and is now developing a community-based plan to help reduce the impacts of climate change and respond to the goal of Environmental Responsibility as outlined in the Oshawa Strategic Plan.

In addition to being environmentally responsible, Port Authorities can contribute to building healthier and economically robust communities by ensuring land use compatibility and optimizing the use of port lands for activities well-suited to benefit from proximity to port facilities.

In accordance with the Canada Marine Act, 1998, the O.P.A. adopted a Land Use Plan in early 2013. Through Report DS-13-02, the City of Oshawa provided comments to the O.P.A. on the proposed Land Use Plan in January 2013 (see Attachment 2). The City's primary concern was that the O.P.A.'s Land Use Plan did not include a detailed land-use plan or land use map showing land use designations and applicable policies. The City of Oshawa's comments that were expressed in Report DS-13-02 are largely still applicable. It is recommended that Port Authorities work together with local governments and the community to determine appropriate land uses on port lands that have regard for the land use designations and policies contained in their municipal Official Plans, to ensure compatibility and harmony with land uses in the vicinity of the port.

It is recommended that Land Use Plans developed by Port Authorities reference the standards and requirements applicable to users/tenants in terms of site development, erosion control during construction, applicable building code standards, applicable emergency and fire standards, appropriate air and water emissions standards, appropriate

standards for noise and vibration, lighting standards, odour standards, impact studies (i.e. traffic, environmental), etc.

As key environmental stewards of federal Crown land, Port Authorities should adopt the most rigorous standards in place, whether they be Federal or Provincial in origin.

For example, on December 19, 2016 Oshawa Council endorsed comments for consideration of the expert panel tasked with reviewing federal environmental assessment processes (see attachment 3). These comments include a recommendation that projects subject to federal environmental assessment processes should also be subject to compliance with provincial standards and guidelines where they are more rigorous than federal standards and guidelines.

Mechanisms to monitor and enforce the aforementioned standards are likewise recommended.

Land Use Plans also provide an excellent mechanism for Port Authorities to identify strategies to optimize the use of port lands and facilities by targeting development that can make the most advantageous use of a port location, as opposed to uses whose locational needs can be appropriately accommodated elsewhere. It is recommended that consideration be given to requiring Port Authority Land Use Plans to include goals, objectives and strategies in this regard. In addition, Port Authority Land Use Plans should include requirements for due diligence in terms of undertaking archaeological investigations prior to development and sharing the results of such investigations with the public and host municipality. Archeology studies are important given the possibility of indigenous and early settler activity in the area of ports along the waterfront.

It is also recommended that a priority of land offerings protocol be implemented by Port Authorities giving host municipalities the first opportunity to acquire port lands deemed surplus by the Crown, in the event that a Port Authority decides to dispose of lands that no longer serve the needs of the Port Authority.

5.3.3 Theme 3: Innovation

The City of Oshawa Council is committed to economic growth in the City through strategic activities that enhance job growth and create investment opportunities, including actively encouraging the growth of the City's post-secondary educational institutions.

The City of Oshawa is home to four (4) universities and colleges:

- University of Ontario Institute of Technology
- Durham College
- Trent University
- Queen's University

In June 2017 the City of Oshawa teamed up with its educational partners and research partners (Canadian Urban Institute and University of Toronto) to spearhead an initiative called TeachingCity. The partners address Oshawa's urban issues through innovation, collaboration, applied research and shared experiential learning opportunities with the aim

to position Oshawa as a local, national and global community of urban research and learning.

Transport Canada and the Port Authorities could explore a similar model of partnership and collaboration between post-secondary institutions, researchers, local and provincial governments to discover innovative solutions to real life issues in the port industry.

In particular, the Port of Oshawa is encouraged to investigate collaboration with the Teaching City initiative in Oshawa.

5.3.4 Theme 4: Safety

As noted earlier, waterfront areas are of significant importance to shoreline municipalities, including Oshawa. As part of the City's efforts to promote its waterfront, the City is investigating the reestablishment of a boat launch in the harbor and have marketed the opportunity to reintroduce a marina facility for recreational boating as components of the City's waterfront revitalization plans. Given the presence of a working industrial port that is also important to Oshawa as a major generator of economic activity and jobs, working closely with the O.P.A. to ensure that recreational waterfront activity is safely accommodated is paramount. This activity includes boating as well as the use of the Waterfront Trail for active transportation purposes, where there is a need to ensure a safe crossing for pedestrians and cyclists where the trail traverses the main driveway leading into the port facility. Accordingly, it is recommended that Port Authorities continue to investigate ways of allowing safe public access to waterfront areas near ports.

Another key element under the theme of safety relates to a requirement under the Oshawa Harbour Land Use, Development and Municipal Services Agreement (see Attachment 4) between the City and the O.P.A. for the Port Authority to consult with Oshawa Fire Services to identify special needs and equipment. Port facilities may include uses and involve operations/activities that do not commonly occur in municipal settings outside of port lands. Accordingly, it is recommended that Port Authorities take appropriate steps to ensure that the need for specialized fire services/training is communicated with the host municipality and appropriate procedures are developed to contain potential incidents. It is also recommended that other Port Authorities consider similar types agreements with their host municipalities.

5.3.5 Theme 5: Financial Support

It is recommended that a sustainable funding source be established for Port Authorities to undertake the above recommended activities identified under the preceding themes. In addition, a sustainable funding source would enable investment in infrastructure, maintenance and modernization. Support staff for Port Authorities may be limited and in the absence of financial support to augment staff resources (either internally or externally), implementing the recommendations contained in this report may not be feasible.

In addition, it is recommended that the Crown be responsible for contributing financially to the costs incurred by a host municipality (at both the Regional and local area municipal level) for such matters as erosion control and road, bridge and other service infrastructure installation and/or maintenance attributable in whole or in part to the activities associated

with the Port Authority. For example, Port Authorities should be required to undertake traffic studies for a major development to determine the impact of traffic on Regional or City roads. If the study requires road improvements (i.e. traffic signals or road widenings) then the Crown should financially contribute to these improvements.

In addition, heavy truck traffic to and from a port can impact road quality.

5.3.6 Theme 6: Governance

In some cases, a Port Authority may operate in a location under the governance of more than one host municipality (such as an upper-tier Regional municipality and a lower-tier local area municipality). Given that the activities of the Port Authority in such circumstances will involve the use of resources and infrastructure (e.g., roads) under the jurisdiction of both levels of government, and the port's economic importance will similarly relate to both municipalities, appropriate Board representation for each host municipality is recommended (i.e. Regional and Local).

6.0 Financial Implications

There are no financial implications associated with the comments in this report.

7.0 Relationship to the Oshawa Strategic Plan

The comments are intended to advance the Economic Prosperity, Social Equity, Environmental Responsibility and Accountable Leadership goals of the Oshawa Strategic Plan.



Warren Munro, HBA, Director,
Planning Services



Paul D. Ralph, BES, MCIP, RPP, Commissioner,
Development Services Department



Corporate Services Department
City Clerk Services

File: A-2100

February 11, 2019

The Honourable Marc Garneau, MP
Minister of Transport
Email: marc.garneau@parl.gc.ca

Re: Government of Canada's Intent to Amalgamate the Oshawa and Hamilton Port Authorities to Form a New Entity

Oshawa City Council considered the above matter at its meeting of February 8, 2019 and adopted the following recommendation:

"Whereas, on February 5, 2019 the Honourable Marc Garneau, Minister of Transport, announced that the Government of Canada intends to amalgamate the Oshawa and Hamilton Port Authorities to form a new entity in an effort to improve port efficiencies and planning in the region; and,

Whereas, the notice of intent to amalgamate will be published in the Canada Gazette on February 9, 2019; and,

Whereas, the publication of the notice of intent to amalgamate will mark the beginning of a 30 day consultation period, and interested parties will only have until March 11, 2019 to submit comments on the Government's proposal to amalgamate the Oshawa Port Authority and Hamilton Port Authority; and,

Whereas, after the 30 day consultation period the Government of Canada can decide to confirm the amalgamation through the publication of a certificate of amalgamation in the Canada Gazette; and,

Whereas it appears the Federal Government has been working on this proposal for some time without consulting with the City and without any details concerning this important matter at this time such as a proposed governance structure, the business case for the amalgamation and the priorities for this new entity; and,

Whereas, the Port of Oshawa is a major economic driver and the City recognizes the importance of the port from an economic development and jobs creation perspective; and,

Whereas, given the importance of the Port of Oshawa to the Regional and City economies, the importance of a good working relationship between the Port Authority and the City, 30 days is an insufficient amount of time for the public, the Indigenous community and other stakeholders to provide comments; and,

Whereas, on September 24, 2018 in accordance with Report DS 18 150 dated September 20, 2018, City Council provided comments on Transport Canada's Ports Modernization Review and requested that Transport Canada meet with the Mayor to discuss the City's comments; and,

Whereas, as of the current date Transport Canada has yet to schedule a meeting with the Mayor to discuss the future of Canada Port Authorities, and more specifically the future of the Oshawa Port Authority and the City is unaware that a final report has been released on Transport Canada's Port Modernization Review; and,

Whereas it comes as a surprise to the City that the notice of intent to amalgamate the two Port Authorities was provided before the final report of Transport Canada's Port Modernization Review was released;

Therefore be it resolved:

1. That the Development Services staff be directed to present a report to the February 25, 2019 Development Services Committee regarding the proposal to amalgamate the Oshawa Port Authority and Hamilton Port Authority in order to provide a submission to the Federal Minister of Transport on this matter and that a Special Council meeting be held thereafter to meet the March 11, 2019 deadline for comments; and,
- 2
 - a) That the City re-establish a city working group consisting of the Mayor, Chair of Development Services Committee, a Ward 5 Councillor and a Councillor from another Ward, as determined by Council, and appropriate staff to monitor the evolving governance and land use issues at the Port of Oshawa and adjacent lands and to provide recommendations and advice to City Council through the Development Services Committee.
 - b) That the Federal Minister of Transport be requested to meet with the Working Group to discuss the Government of Canada's intent to amalgamate the Oshawa Port Authority and Hamilton Port Authority before any final decision is made on the matter; and,
 - c) That Councillors Nicholson and McConkey be appointed to the Working Group.
3. That Transport Canada be requested to provide the public, the Indigenous community and other stakeholders additional time (90 additional days) to provide comments to the Government of Canada's certificate of intent to amalgamate the Oshawa Port Authority and Hamilton Port Authority and to allow the City of Oshawa to host a public meeting to obtain comments from its residents and businesses, the Indigenous community and other stakeholders on this important matter to Council and which could influence the Federal Government's final decision on this matter; and,
4. A copy of this resolution be forwarded to the Prime Minister of Canada, the Federal Minister of Transport, Region of Durham, all Durham area municipalities, the Greater Oshawa Chamber of Commerce, all Durham MP's and MPP's, the Oshawa Port Authority, Friends of the Second Marsh and Central Lake Ontario Conservation Authority."

If you need further assistance, please contact Paul Ralph, Commissioner, Development Services Department at the address listed below or by telephone at 905-436-3311.



Andrew Brouwer
City Clerk

/ld

- c. Prime Minister of Canada
- Region of Durham
- All Durham Area Municipalities
- Greater Oshawa Chamber of Commerce
- Durham MP's
- Durham MPP's
- Oshawa Port Authority
- Friends of Second Marsh
- Central Lake Ontario Conservation Authority
- Development Services Department



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members General Issues Committee
COMMITTEE DATE:	February 20, 2019
SUBJECT/REPORT NO:	Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Glen Norton (905) 546-2424 Ext. 5780 Michael Kyne (905) 546-2424 Ext. 4716 Ed VanderWindt (905) 546-2424 Ext. 2574 Tom Hewitson (905) 546-2424 Ext. 4159 Anita Fabac (905) 546-2424 Ext. 1258 Chris Phillips (905) 546-2424 Ext. 5304 Ray Kessler (905) 546-2424 Ext. 7019
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the Mayor be directed, on behalf of the City of Hamilton, to request a meeting with the federal Minister of Transport to discuss this proposed amalgamation and outline the City of Hamilton's objectives and concerns;
- (b) That Transport Canada be requested to provide to the City of Hamilton, the draft Letters Patent proposed for the newly amalgamated port authority for the City's review and input prior to finalization;
- (c) That the Mayor be directed, on behalf of the City of Hamilton, to make written representations to the Minister regarding the amalgamation respectfully requesting that the:
 - (i) Corporate name of the amalgamated port authority be known as the 'Hamilton-Oshawa Port Authority' and have its registered offices located in Hamilton, Ontario;

- (ii) Board of Directors of the amalgamated port authority have no more than seven members and that the Cities of Burlington, Hamilton and Oshawa each be granted the authority to appoint one member; and,
- (iii) Newly amalgamated port authority be directed to continue the close working relationship established between the Hamilton Port Authority and the City of Hamilton, its citizens and stakeholders particularly with respect to the transparency of port operations, project reviews, development planning, site plan approvals and the issuance of building permits.

EXECUTIVE SUMMARY

This Report responds to Planning Committee's February 5, 2019 direction to staff to report on the implications of the proposed merger of the Hamilton Port Authority (HPA) and the Oshawa Port Authority (OPA).

This staff review indicates that:

1. With little prior notice or explanation, on February 9, 2019, the federal Minister of Transport formally proposed the amalgamation of the HPA and OPA to continue as a single port authority named the "Oshawa-Hamilton Port Authority". Interested persons have 30 days to make representations to the Minister subsequent to which the Minister may propose that the federal Governor in Council issue a Certificate of Amalgamation formally amalgamating the two authorities;
2. The federal government has the specific authority under the *Canada Marine Act* to amalgamate two or more port authorities the effect of which would be that the newly amalgamated authority would assume the geographical jurisdictions, assets, liabilities and obligations of the HPA and OPA;
3. Recent financial reports indicate that the HPA is in a stronger financial position than the OPA;
4. The City and the HPA have long enjoyed a cooperative, consultative and mutually beneficial relationship—particularly with respect to land use planning and development—that the City of Oshawa does not apparently enjoy with the OPA;
5. The City has a number of ongoing agreements with the HPA (which will be assumed by the newly amalgamated port authority) and is currently resolving a few issues of common interest (including the lease of part of Pier 22 and the acquisition of water lots to facilitate the rehabilitation of the Pier 8 shore-wall); and,

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

6. In order to provide useful input to the federal government regarding this proposed amalgamation, the City requires a better understanding of the federal government's motivations and objectives. To that end, staff recommend that the City meet with the federal Minister of Transport to obtain that information—including a copy of the draft Letters Patent for the newly amalgamated port authority—and directly communicate the City's concerns to the Minister. The City will then be better informed to provide its formal written submissions.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: While the financial implications are more fully outlined in this Report, a review of recent financial statements indicates that the HPA currently enjoys a stronger financial position than the OPA particularly in terms of asset value under management, annual revenues/deficits, debt and borrowing limits.

Staffing: There are no known staffing implications for the City of Hamilton.

Legal: The complete legal implications are more fully outlined in this Report. Significantly, the newly amalgamated port authority will assume the geographical jurisdictions, assets, liabilities and obligations of the HPA and the OPA.

HISTORICAL BACKGROUND

Planning Committee's Direction

Subsequent to the February 5, 2019 announcement by the federal Minister of Transport (Minister) that the federal government intended to amalgamate the Hamilton Port Authority (HPA) and the Oshawa Port Authority (OPA), Planning Committee directed staff "to report back to the General Issues Committee on the legal, financial, economic and development implications of the recently announced merger of the Hamilton Port Authority and Oshawa Port Authority".

Formal Announcement of Intent—Canada Gazette (February 9, 2019)

On February 9, 2012, the federal government formally announced its intent to merge the HPA and OPA by publishing a Certificate of Intent to Amalgamate in the Canada Gazette (<http://gazette.gc.ca/rp-pr/p1/2019/2019-02-09/html/order-decret-eng.html>) which noted that:

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OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 4 of 14

- Pursuant to section 59.1 of the Port Authorities Management Regulations the Minister recommended that the OPA and the HPA be amalgamated and continue as one port authority to be named the “Oshawa-Hamilton Port Authority”;
- This “proposal seeks to strengthen the Canadian supply chain in Ontario by providing a coordinated approach to port development, land use and marketing” and “would allow the amalgamated port authority to leverage the operations of the” HPA and “the established operations of the” OPA “to successfully broaden multimodal transportation options in the Greater Toronto Area”;
- The benefits of amalgamating Canadian Port Authorities (CPAs) have been raised in the 2016 review of the *Canada Transportation Act* (which recommended “that work be conducted to further the amalgamation of CPAs guided by ‘common user principles embodied in the *Canada Marine Act*’ and also noted the success of the previous Port Metro Vancouver amalgamation”) as well as the Minister of Transport’s Transportation 2030 vision which “proposed a broad agenda for the future of Canada’s transportation system that includes examining the governance and the optimization of CPAs”;
- Canada’s national port system is made up of 18 CPAs—non-share capital corporations incorporated under the *Canada Marine Act* (CMA). CPAs handle about 60% of Canada’s marine commercial cargo tonnage and contribute over 213,000 direct and indirect jobs and over \$25 B to Canada’s GDP;
- This amalgamation is administrative in nature and would represent no further financial costs for the Government of Canada or to the Canadian public. Operations at both ports would continue without disruption and the amalgamated port would be in a strong financial position and forecast positive growth;
- There are no expected environmental implications, as no changes to the current land holdings, infrastructure, or real property of the OPA and HPA are being proposed. Available industrial land at both ports would complement one another in terms of business coordination and development planning to strengthen the Ontario regional supply chain. Continuity of operations at both ports would result in continued direct and indirect economic benefits for surrounding communities; and,
- Consultations will be conducted after the posting of this Certificate of Intent. Interested persons may make written representations to the Minister within 30 days after publication of the Certificate. “The results of these consultations would be considered within the context of a second submission to the Governor in Council

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on whether to seek the issuance of a Certificate of Amalgamation that officially amalgamates the two ports. Consultation with entities directly affected by a proposed amalgamation will be conducted by Transport Canada within the consultation period.”

The Creation of the Hamilton and Oshawa Port Authorities

The federal government created the HPA in 2001 to replace the Hamilton Harbour Commission (which had been in operation since 1912) and created the OPA in 2012 to replace the Oshawa Harbour Commission (which had been in place since 1960).

The Port Authorities Management Regulations (PAMR) are issued under the *Canada Marine Act* (CMA) which was enacted in 1998 with the stated purpose of establishing a system of “competitive, efficient and commercially oriented” Canadian ports and commercializing the St. Lawrence Seaway.

CPAs are intended operate at arm’s length from the federal government and are governed by a board of directors chosen by port users and the municipal, provincial and federal governments. Each board:

- Sets the business direction and makes commercial decisions for the port;
- Sets fees (e.g. berthage and wharfage fees);
- Is responsible for maintaining and dredging commercial shipping channels; and,
- Acts as a landlord, leasing port operations to private operators.

Transport Canada states that CPAs must also be financially self-sufficient. They don’t receive federal funding to meet operating costs or deficits but finance capital projects using their own revenues. However, CPAs can also partner with the private sector, borrow from commercial lenders or apply for certain federal grants related to infrastructure, the environment or security.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

RELEVANT CONSULTATION

- Ian Hamilton, CEO, Hamilton Port Authority;
- Financial Policy and Planning Division and Legal Services Division, Corporate Services;

SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 6 of 14

- Building Division, Planning Division, Real Estate Section of the Economic Development Division, Planning and Economic Development Department;
- City Manager's Office.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The Amalgamation Process

The PAMR were specifically amended in 2007 to permit the amalgamations of two or more port authorities using the following process:

1. The government must publish a Certificate of Intent to Amalgamate in the Canada Gazette and at least one major newspaper that is distributed in the municipalities where the affected ports are situated. The Certificate shall also state that interested persons may make written representations to the Minister within 30 days of publication;
2. The government may, at any time after the 30-day period, amalgamate the port authorities by issuing a Certificate of Amalgamation which shall specify the day on which the amalgamation takes effect and contain the Letters Patent of the amalgamated port authority; and,
3. The government may also revoke a proposed amalgamation by issuing a Certificate of Revocation of Intent to Amalgamate at any time before the Certificate of Amalgamation is issued.

The Legal Effect of Amalgamation

On the day on which an amalgamation takes effect:

- (a) Every director of an amalgamating port authority who remains in office continues as a director of the amalgamated port authority for the balance of their term or until s/he ceases to hold office. However, the federal government may remove any director of an amalgamating port authority during the period that begins on the day on which the federal government requires the amalgamation and ends on the day before the day on which the amalgamation takes effect;
- (b) The navigable waters within the jurisdiction of each amalgamating port authority continue to be within the jurisdiction of the amalgamated port authority;

- (c) The property, rights and interests of each amalgamating port authority continue to be the property, rights and interests of the amalgamated port authority. However, this does not constitute a disposition of the property, rights and interests of an amalgamating port authority to the amalgamated port authority;
- (d) The amalgamated port authority continues to manage any real property or immovable (i.e. a fixture) that the Minister has given to an amalgamating port authority;
- (e) The real property or immovables occupied by each amalgamating port authority continue to be occupied by the amalgamated port authority;
- (f) The amalgamated port authority continues to be liable for the obligations of each amalgamating port authority;
- (g) An existing cause of action, claim or liability to prosecution is unaffected;
- (h) A civil, criminal or administrative action or proceeding pending by or against an amalgamating port authority may be continued to be prosecuted by or against the amalgamated port authority;
- (i) A conviction against, or ruling, order or judgment in favour of or against, an amalgamating port authority may be enforced by or against the amalgamated port authority;
- (j) Every fee fixed by an amalgamating port authority continues in force until the expiry date specified in the provision that fixes the fee or until the amalgamated port authority repeals that provision or replaces the fee; and,
- (k) The letters patent contained in the Certificate of Amalgamation are the letters patent of the amalgamated port authority.

The Importance of the Letters Patent

Under the CMA, the power of a port authority to operate a port is limited to the power to engage in:

- (a) Port activities related to shipping, navigation, transportation of passengers and goods, handling of goods and storage of goods, to the extent that those activities are specified in the Letters Patent; and,
- (b) Other activities that are deemed in the Letters Patent to be necessary to support port operations.

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SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 8 of 14

Letters Patent are the official documents issued by the federal government confirming the creation/incorporation of the new amalgamated port authority as well as its official name, headquarters and the composition/authority of its Board of Directors.

The CMA specifies that the Letters Patent shall set out:

- (a) The corporate name of the port authority;
- (b) The place where the registered office of the port authority is located;
- (c) The navigable waters that are within the port authority's jurisdiction;
- (d) The federal real property and federal immovables under the management of the port authority;
- (e) The real property and immovables, other than the federal real property and federal immovables, held or occupied by the port authority; and,
- (f) The number of directors, between seven and eleven, to be appointed, to be chosen as follows:
 - (i) One individual nominated by the Minister;
 - (ii) One individual appointed by the municipalities mentioned in the Letters Patent;
 - (iii) One individual appointed by the province in which the port is situated; and,
 - (iv) The remaining individuals nominated by the Minister in consultation with the users selected by the Minister or the classes of users mentioned in the Letters Patent;
- (g) A code of conduct governing the conduct of the directors and officers of the port authority;
- (h) The charge on the gross revenues of the port authority, or the formula for calculating it, that the port authority shall pay each year to the Minister on the day fixed by the Minister to maintain its Letters Patent in good standing;

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- (i) The extent to which the port authority and a wholly-owned subsidiary of the port authority may undertake port activities referred to in paragraph 28(2)(a) and other activities referred to in paragraph 28(2)(b);
- (j) The maximum term of a lease or licence of federal real property or federal immovables under the management of the port authority;
- (k) The limits on the authority of the port authority to contract as agent for Her Majesty;
- (l) The limits on the power of the port authority to borrow money on the credit of the port authority for port purposes or a code governing that power, as the case may be; and,
- (m) Any other provision that the Minister considers appropriate to include in the Letters Patent and that is not inconsistent with this Act.

Comparing the Current Letters Patent for the HPA and the OPA

Except for expected differences outlining their respective geographical jurisdictions, the current Letters Patent for both the HPA and the OPA are largely similar and meet the legislated requirements listed above. That said, the HPA's present Letters Patent:

1. Provides more precise instruction regarding the appointment of directors. For example, although both Boards are composed of seven members appointed as follows:
 - the Governor in Council appoints one individual nominated by the Minister;
 - the Province of Ontario appoints one individual;
 - The local municipality appoints one individual. However, the City of Oshawa appoints its member independently while the City of Hamilton is required to consult with the City of Burlington; and,
 - The Governor in Council appoints the four remaining individuals. For the OPA, all four are appointed from one 'User' group (described as "Major Business Users") whereas, for the HPA, these appointments come from three "User" groups—"Private Docks" (one position), "Port Authority Docks and Related Businesses" (two positions) and "All other port users, including but not limited to labour, environmental and recreational users" (one position);

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SUBJECT: Proposed Amalgamation of Hamilton Port Authority and Oshawa Port Authority (PED19065) (City Wide) - Page 10 of 14

2. Grants the HPA the explicit authority to operate or maintain a railway within the port;
3. Provides the HPA with more explicit authority to delegate activities to any subsidiary corporations it creates. For example, a HPA subsidiary company can operate a freight forwarding facility or a dry dock;
4. In certain circumstances, limits the length of a licence/lease of federal real property granted by the HPA to 40 years (OPA's limit is 60 years) but both the HPA and OPA can extend this limit to 99 years with Minister's approval; and,
5. Permits the HPA to borrow up to \$5 M while the OPA is limited to \$500 K and a 365-day term and must borrow from a member of the Canadian Payments Association.

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Financial Comparison of the HPA and the OPA

A review of the financial statements of both the HPA and OPA reveals a very dissimilar picture. The HPA is in a relatively strong financial position marked by operating surpluses, significant assets and little debt. The OPA, in turn, would appear to be in a relatively weak financial position marked by operating losses, declining asset base and increasing short term debt.

The chart below provides highlights of the financial information:

Port Authority Financial Information (2017)

Financial Indicator	Hamilton		Oshawa	
	\$	Trend	\$	Trend
Assets	145,425,725	↑	9,909,613	↓
Current Assets (CA)	14,555,887	↑	234,658	↓
Equity	134,202,739	↑	3,812,220	↓
Net Income	3,645,543	✓	(230,306)	✗
Cash/Investment	11,807,642	✓	0	✗
Liabilities				
Current Liabilities (CL)	5,211,705	↓	5,525,220	↓
Non-Current Liabilities	6,011,281	↑	21,141	↑
Debt (Borrowings)	0	✓	551,032	↑
Ratios:				
<i>Liquidity Measurement Ratio</i>				
Current Ratio (CA/CL)	2.79	✓	0.04	✗
<i>Debt Ratio</i>				
Debt to Equity Ratio	0.08	✓	1.60	✗

In general, the HPA's financial measures are healthy and trending positively while the OPA's measures are less healthy and trending negatively. With respect to assets, the HPA has significantly more resources including current assets which include cash and investments. The OPA's assets are declining and include no cash or investments. With respect to liabilities, the HPA's Liquidity Current Ratio (Current Assets vs. Current Liabilities) is fairly strong at 2.79 (2.79 times the assets versus liabilities) while the OPA's ratio is quite weak with current liabilities far exceeding current assets. A ratio over 1.0 is considered positive.

Debt to Equity Ratio is also a common measure of financial health. In general, a measure less than 1.0 is considered positive (indicating equity surpasses debt), while a measure

over 1.0 is considered poor (more debt than equity). HPA's ratio of 0.08 is quite strong, while OPA's ratio of 1.60 is quite weak.

The HPA's net income of \$3.6 M in 2017 (\$8.6 M in 2016) is modest given the assets, but none-the-less positive. The OPA had a deficit of about -\$230 K in 2017 (-\$4.4 M in 2016).

With respect to this industry in general, the majority of port authorities have annual surpluses with revenue exceeding expenditures. In a 2015-2016 report entitled "Federal Port Review" by Canadian Sailings, there were only two ports that had operating losses (deficits) that year: Oshawa and Nanaimo. The report noted the challenging financial circumstances of the OPA identifying that their current liabilities exceed its current assets by more than \$6.0 M. The article quotes the OPA's auditor as indicating that this situation would "cast significant doubt on the Port Authority's ability to continue as a going concern".

The primary driver for the OPA's liabilities is a recent arbitration ruling that directed the OPA to pay \$4.4 M related to a development issue. The terms and conditions of this payment have not been finalized and certainly would transfer to the merged corporation.

Based on the OPA's financial challenges, it is possible that the primary reason for the Federal Government to propose this merger is financially motivated (the announcement indicates increased supply chain efficiencies). The significantly different financial positions give cause for concern that the merger may lead to HPA's financial strength being diminished in the short-term as its assets become merged and possibly used to support the OPA's operations. HPA's assets could also be used to make investments in the OPA lands which may possibly divert potential business from Hamilton to Oshawa.

Land Use Planning and Development Implications

In August 2000, Report PDC00137 was approved by Council which established a "project review" or Site Plan Control process for the area known as Eastport. The report established the mutual goals and objectives of the City and the HPA (then the Hamilton Harbour Commission) and laid out the process for development proposals which required the HPA to attend pre-consultation meetings with staff and submit Site Plan applications.

When the City established its current Site Plan Control Process, the previous direction remained in place. City staff and the HPA continue to have pre-consultation meetings to discuss the HPA's land use plan, vision and upcoming projects, and the HPA utilizes the City's Site Plan Control process for its projects, including attending Development Review

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Team meetings and consulting Building Division decision-makers. While the City is not the formal approval authority for HPA developments, this cooperative process results in jointly developed recommendations related to matters such as engineering requirements, urban design, landscaping treatments and other site planning matters which the HPA typically implements.

City of Oshawa Planning staff recently confirmed that Oshawa does not enjoy a similar established process with the OPA. City of Oshawa staff do not have pre-consultation meetings and the OPA does not utilize the site plan process for its projects nor does it receive recommendations from City staff on development proposals.

City Building Division and Planning staff are particularly concerned that the long established, cooperative and mutually beneficial relationship and consultations between the City and the HPA may be lost if the newly amalgamated port authority does not accord the relationship the same priority as the HPA. The continuation of this relationship is particularly critical given the extensive developments presently underway on the Hamilton waterfront.

Economic Development Implications

The Economic Development Division acknowledges the potential value of an amalgamated port network. However, the Division think it appropriate to seek a commitment from the new port authority that any prospective investments introduced to new port authority by City staff would not be solicited to locate in Oshawa, unless the City first concluded that there is no other viable location anywhere within Hamilton.

Other Issues of Common Interest Between the City and the HPA

The City has several commercial agreements with the HPA including, importantly, the 2000 Dispute Resolution Agreements and the 2014 Marina Management Agreement. In addition, City is presently negotiating with the HPA regarding a lease of a portion of the Pier 22 lands, the City's acquisition of water lot property for the construction of the new Pier 8 shore-wall and pedestrian way and the potential realignment of Ship and Niagara Streets to accommodate a new rail spur.

While the legislation dictates that the newly amalgamated port authority would assume the HPA's rights and responsibilities under these agreements, staff reiterates the benefit of the established relationships with current HPA representatives and is concerned that any change in management philosophy may alter the tone of the relationship and adversely impact the traditionally successful cooperation between the parties.

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Summary

While the federal government has the legal authority to amalgamate port authorities, it is noted that the City has little prior notice of, and still lacks a complete insight into the motivation for, this proposed amalgamation. As such, staff recommends that the City promptly request a meeting with the federal Minister of Transport in order to better understand the federal government's plans and objectives regarding this proposed amalgamation and to directly outline the City's concerns. The City can then incorporate that new information and its known concerns into its formal written submissions on a more informed basis. City staff also recommend that the federal government be specifically requested to provide the draft Letters Patent proposed for the newly amalgamated port authority for the City's review and input prior to finalization.

ALTERNATIVES FOR CONSIDERATION

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

N/A

GN:dt

Minister of Infrastructure
and Communities



Ministre de l'Infrastructure
et des Collectivités

Ottawa, Canada K1P 0B6

March 27, 2019

His Worship Fred Eisenberger
Mayor
City of Hamilton
71 Main St. W., 2nd Floor
Hamilton, Ontario L8P 4Y5

Dear Mr. Mayor:

I am pleased to inform you that, in accordance with the commitment in Budget 2019, the Government of Canada will provide an additional \$2.2 billion to the Gas Tax Fund. This one-time top-up will provide additional support to municipalities that face infrastructure deficits to support improved productivity, economic growth, a clean environment, and help to build strong cities and communities.

This special funding will be provided to Ontario recipients under the Canada–Ontario–Association of Municipalities of Ontario–Toronto Gas Tax Fund Administrative Agreement. An amount of \$819,443,895 will be provided to Ontario as well as individual signatories, and will then be distributed to ultimate recipients in accordance with the allocation formula used for gas tax payments made in 2018, as follows:

• Ontario:	\$819,443,895
○ Association Municipalities of Ontario	\$649,940,923
○ City of Toronto	\$167,421,424
○ Province of Ontario	\$2,081,548

Funds must be used in accordance with all the terms of the current Gas Tax Fund Administrative Agreement. Information on Ontario's federal Gas Tax Fund allocations per community prior to Budget 2019 can be found on Infrastructure Canada's website¹.

The gas tax top-up funding is expected to be transferred following royal assent of Budget 2019.

March 14, 2019 marked one year since the Canada–Ontario Integrated Bilateral Agreement was signed.

¹ <https://www.canada.ca/en/office-infrastructure/news/2018/background-ontarios-2018-19-federal-gas-tax-fund-allocations.html>

As I know you appreciate, under the Investing in Canada Infrastructure Program, proposed projects must first be prioritized by the province before they are submitted to Infrastructure Canada for consideration.

As a reminder, through the Integrated Bilateral Agreement with Ontario, \$11.9 billion is available to the province and is broken down as follows:

- \$8.3 billion for public transit;
- \$2.8 billion for green infrastructure;
- \$407 million for community, culture, and recreation infrastructure; and
- \$250 million for infrastructure in rural and northern communities.

The one-time top-up to the Gas Tax Fund adds substantial dollars to this Agreement. More importantly, those dollars flow to you.

We believe this is an important step to take to ensure your local priorities have the resources needed so projects can get moving and, crucially, the summer construction season is not missed. We all know how important that season is to make real progress on projects, not to mention job creation locally.

In the meantime, we continue to press the Ontario government to open intakes for all four streams so as to maximize the number of projects we can build together for Ontarians in 2019 and the years ahead.

We know you have proposals ready, and last week's announcement in Budget 2019 is a clear signal that we are there to support you.

Spring is already (at last) in the air. It is time to get projects moving so we do not lose a historic opportunity to build our communities and create good-paying jobs now.

I look forward to continuing to work with you on our shared infrastructure interests.

Yours sincerely,



The Honourable François-Philippe Champagne, P.C., M.P.
Minister of Infrastructure and Communities

c.c. City Clerk and Council

Enclosure – Gas Tax Fund fact sheet

THE FEDERAL GAS TAX FUND IN ONTARIO

The federal Gas Tax Fund delivers over \$2 billion every year to over 3600 communities across the country. For the 2018-19 fiscal year, this represents an investment of more than \$819 million from the Government of Canada to Ontario municipalities.

The **federal Gas Tax Fund (GTF)** is a permanent source of annual funding to provinces and territories, who in turn flow this funding to their municipalities to support local infrastructure priorities.

Every year, municipalities benefit from the support and flexibility of the federal Gas Tax Fund. They can pool, bank, and borrow against this funding — providing significant financial flexibility to plan infrastructure projects over the long term. Projects are chosen locally and prioritized according to the infrastructure needs of each community.

Communities select how best to direct the funds and have the flexibility to make strategic investments across 18 different project categories.

Because many municipalities across Canada continue to face serious infrastructure deficits, **Budget 2019** proposes a **one-time transfer of \$2.2 billion** through the federal Gas Tax Fund to address short-term priorities in municipalities and First Nations communities. This will double the Government of Canada's commitment to municipalities in 2018–19, with **Ontario municipalities of all sizes sharing an additional federal investment in local infrastructure of over \$819 million, for a total of approximately \$1.64 billion.**

QUICK FACTS:

- The federal Gas Tax Fund is allocated on a per capita basis for provinces, and provides a base funding amount of 0.75 percent of total annual funding for Prince Edward Island and each territory.
- On-reserve First Nations communities in provinces also receive an allocation on a per capita basis.
- The federal Gas Tax Fund has been indexed at two percent per year, meaning that it will continue to grow to provide additional support to municipalities.
- To date, more than \$23 billion has been invested in municipalities through the federal Gas Tax Fund.

THE FEDERAL GAS TAX FUND

Eligible projects include investments in infrastructure for construction, renewal or material enhancement in each of the following categories:



1. **Local roads and bridges** – roads, bridges and active transportation infrastructure (active transportation refers to investments that support active methods of travel. This can include: cycling lanes and paths, sidewalks, hiking and walking trails).
2. **Highways** – highway infrastructure.
3. **Short-sea shipping** – infrastructure related to the movement of cargo and passengers around the coast and on inland waterways.
4. **Short-line rail** – railway-related infrastructure for carriage of passengers or freight.
5. **Regional and local airports** – airport-related infrastructure (excludes the National Airport System).
6. **Broadband connectivity** – infrastructure that provides internet access to residents, businesses, and/or institutions in Canadian communities.
7. **Public transit** – infrastructure that supports a shared passenger transport system which is available for public use.
8. **Drinking water** – infrastructure that supports drinking water conservation, collection, treatment and distribution systems.
9. **Wastewater** – infrastructure that supports wastewater and storm water collection, treatment and management systems.
10. **Solid waste** – infrastructure that supports solid waste management systems including the collection, diversion and disposal of recyclables, compostable materials and garbage.
11. **Community energy systems** – infrastructure that generates or increases the efficient usage of energy, including energy retrofits of municipal buildings.
12. **Brownfield redevelopment** – remediation or decontamination and redevelopment of a brownfield site.
13. **Sport infrastructure** – amateur sport infrastructure (excludes facilities, including arenas, which would be used as the home of professional sports teams or major junior hockey teams, e.g. Junior A).
14. **Recreational infrastructure** – recreational facilities or networks.
15. **Cultural infrastructure** – infrastructure that supports arts, humanities, and heritage.
16. **Tourism infrastructure** – infrastructure that attracts travelers for recreation, leisure, business or other purposes.
17. **Disaster mitigation** – infrastructure that reduces or eliminates the long-term impacts and risks associated with natural disasters.
18. **Capacity building** – investments related to strengthening the ability of municipalities to develop long-term planning practices (e.g., including local asset management planning, public transit network planning, etc.)

Note: Investments in health infrastructure (hospitals, convalescent and senior centres) are not eligible.



April 8, 2019

Mayor and Members of the Public Works Committee,

Please accept this letter outlining Cycle Hamilton's formal position regarding the motion for a *hybrid solution to on-street parking on Bay Street North between Barton Street West and Stuart Street*.

Cycle Hamilton's View

Cycle Hamilton is a not-for-profit organization advocating on behalf of our members, which includes individuals and businesses who want safer and more bike-friendly streets in the city. As such, we firmly object to the proposition that the Bay Street bike lane between Barton Street West and Stuart Street be converted into either sharrows or a hybrid bike lane allowing for parking on so called "off-peak" hours.

The Bay Street bike lane facilitates safer road use along a fundamental North-South corridor for cyclists. The infrastructure has been well studied and intelligently implemented and is a very important component of Hamilton's aspiration to encourage more cycling throughout the city. Rather than weakening protection for cyclists on Bay Street, there is in fact work to be done to strengthen our cycling infrastructure to align with international best practices, which would include physical separation between motor vehicles and cyclists. The hybrid suggestion would certainly be a step backwards.

An Unworkable Suggestion

The hybrid and sharrow suggestions are against best-practices and would put the most vulnerable road users at risk. It would create confusion, lack of predictability, and unlike 1 of 2 *driving* lanes being used for parking on off peak hours, the suggested hybrid approach in this case would mean the *complete removal* of the bi-directional cycling infrastructure all together during off-peak hours.

When considering this suggestion, the City must question if this change would align with its own vision to be the best place to raise a child and age successfully.

Not Us vs. Them

We wish to caution the City against viewing this issue as a conflict between cyclists and drivers, or worse, between "cyclists and taxpayers" as erroneously suggested by the complainant. Of course, cyclists are also taxpayers, and often drivers too!

The "us vs. them" dichotomy isn't helpful nor is it accurate and it appears to be at the heart of this issue. This can't be about the mere preferences of one "interest group" up against the parochial preferences of a few property owners. We are all in this together. The City as a whole has recognized the need to reduce congestion and get cars off the road; to encourage healthy and active behaviour; to make our streets safer for everyone; to do our part to combat the climate emergency; to connect residents to our beautiful waterfront at the end of Bay Street; and to be the best place to raise a child and age successfully.

That takes commitment and a collective willingness on everyone's part to adjust accordingly. We cannot make these types of progressive changes on any civic issue if, at every turn, we're asked to make special exemptions to simultaneously preserve the status quo for those that preferred things just the way they were.

Cycle Hamilton is cognizant that some people are inconvenienced by a variety of new City initiatives including, from time to time, bike lanes. Without being insensitive to these inconveniences, it is possible to also stay the course and accept the notion that everyone has to make adjustments and yes, put up with some inconvenience, as we slowly change, adjust, and improve as a society.

Not Only About Numbers

Lastly, we wish to caution the City against viewing this as a numbers game as was suggested by the complainant. The suggestion that the Bay Street bike lane may not be all that important because it is only used for 28,000 trips per year, is based on the false understanding that the bike lane exists merely to service those people who are already cycling. In fact, the reason the City is increasing the prevalence of safer cycling infrastructure across the city is to encourage more people to choose to ride. This habit change takes time, and is working! It would be an error along the way to point to a year or two of data in an effort to de-legitimize an attempt to build the complete network of infrastructure needed to precipitate culture change.

Thank you for taking the time to consider Cycle Hamilton's view on this matter and we welcome the opportunity to engage in further dialogue on this or other related issues.

Sincerely,

A handwritten signature in cursive script that reads "Kate Whalen".

Kate Whalen
Co-Chair, Board of Directors
Cycle Hamilton
Chair@cyclehamont.ca

Local Planning Appeal Tribunal
Tribunal d'appel de l'aménagement
local



ISSUE DATE: February 22, 2019

CASE NO(S): PL161240

The Ontario Municipal Board (the “OMB”) is continued under the name Local Planning Appeal Tribunal (the “Tribunal”), and any reference to the Ontario Municipal Board or Board in any publication of the Tribunal is deemed to be a reference to the Tribunal.

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sonoma Homes Inc.
Subject:	Request to amend the Official Plan - Failure of the City of Hamilton to adopt the requested amendment
Existing Designation:	Medium Density Residential 2C
Proposed Designated:	High Density Residential
Purpose:	To permit the proposed 12-storey residential building on lands
Property Address/Description:	1117 Garner Rd East
Municipality:	City of Hamilton
Approval Authority File No.:	UHOPA-16-010
OMB Case No.:	PL161240
OMB File No.:	PL161240
OMB Case Name:	Sonoma Homes Inc. v. Hamilton (City)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant:	Sonoma Homes Inc.
Subject:	Application to amend Zoning By-law No. 87-57 - Neglect of the City of Hamilton to make a decision
Existing Zoning:	H-RM6-658 Zone
Proposed Zoning:	Site specific to permit the proposed development
Purpose:	To permit the proposed 12-storey residential building on lands
Property Address/Description:	1117 Garner Rd East
Municipality:	City of Hamilton

Municipality File No.: ZAR-16-026
OMB Case No.: PL161240
OMB File No.: PL161241

Heard: June 18-22, 2018 in Dundas, Ontario

APPEARANCES:

Parties

1804482 Ontario Limited
(Sonoma Homes Inc.)

City of Hamilton

Rosehaven Homes Limited
and Ancaster-Rose Homes
Inc.

Counsel

Denise Baker

Brian Duxbury

Russell Cheeseman

Participants

Donato Cascioli

Edward Hansen

Lazo Pejic

Elizabeth Morison

Self-represented

Self-represented

Self-represented

Self-represented

DECISION DELIVERED BY JUSTIN DUNCAN AND ORDER OF THE BOARD

BACKGROUND

[1] This decision follows from a five-day hearing of an appeal filed by 1804482 Ontario Limited (Sonoma Homes Inc.) (“Appellant”) from the failure of the City of Hamilton (“City”) to make a decision on applications for an Official Plan Amendment (“OPA”) and a Zoning By-law Amendment (“ZBA”) to permit the development of a 12-storey residential building on a property known municipally as 1117 Garner Road East (“Subject Property”).

[2] At the outset of the hearing, Rosehaven Homes Limited and Ancaster-Rose Homes Inc. ("Rosehaven"), owners of the lands to the west of the Subject Property which had been granted party status at the Pre-hearing Conference that took place on November 1, 2017, notified the Tribunal that it had reached a settlement of its issues with the Appellant. As part of the minutes of settlement between Rosehaven and the Appellant it has been agreed that the applications would be revised as follows:

- a. Reduce the height of the proposed building from 12 to 9 storeys;
- b. Eliminate all west facing balconies, with no remaining balconies to protrude beyond the exterior walls of the building;
- c. Relocate the garbage storage area from the north-west portion of the property at the back of the building to the south-east portion of the property;
- d. Redesign the building to meet a 45 degree angular plane from the west property line, which results in the addition of terracing on the west side of the building at the sixth and eighth storeys;
- e. Construction of a screening fence along the west property line; and
- f. Inclusion of a landscape buffer planting strip 3 metres ("m") wide along the west property line, to be planted with Serbian Spruce trees spaced at 3 m on centre at a minimum height of 3 m.

[3] On the basis of this settlement, Rosehaven advised that it now supports the proposed development and would not be calling any evidence at the hearing.

[4] The revised applications before the Tribunal now consist of the following:

- a. An OPA that would amend the Urban Hamilton Official Plan ("UHOP") to

redesignate the Subject Property from “Medium Density Residential 2C” to “High Density Residential” and amend the wording of Site Specific Policy - Area F to permit a nine-storey condominium apartment building with a maximum density of approximately 187 residential units per net hectare.

- b. A ZBA that would amend Zoning By-law No. 87-57 to establish site-specific zoning standards relating to maximum density, maximum building height, maximum lot coverage, minimum front, rear, east and west setbacks, minimum areas of planting strips, minimum landscaped area, and parking. The ZBA would also eliminate the requirement for a children’s outside play area and maintains holding provisions requiring the extension of suitable sanitary sewer servicing to the Subject Property.

[5] During the hearing the Tribunal heard evidence from the following witnesses on behalf of the Appellant:

- a. Glenn Wellings was qualified to provide expert planning evidence.
- b. David Premi was qualified to provide expert evidence in the field of architecture and urban design.

[6] On behalf of the City, the Tribunal heard from the following witnesses:

- a. George Zajac was qualified to provide expert planning evidence.
- b. Robert Freedman was qualified to provide expert urban design evidence.

[7] Additionally, the Tribunal heard from the following participants: Donato Cascioli, Edward Hansen and Lazo Pejic who had previously been granted status on the appeal. On consent of the parties, the Tribunal also added Elizabeth Morison as a participant to the appeal on the basis that her purchase of a property in the abutting subdivision developed by Rosehaven closed on June 3, 2018 and she only recently became aware

of the Appellant's proposal. Ms. Morison also gave a presentation to the Tribunal.

THE SUBJECT PROPERTY AND SITE CONTEXT

[8] The Subject Property is located on the north side of Garner Road East close to where Garner Road connects with Rymal Road which extends to the east. The Subject Property has approximately 83.8 m of frontage on Garner Road and a depth of approximately 61 m.

[9] The Subject Property was formerly a brownfield site, having been used as an automotive service station. It had also previously been designated Utility in the former Town of Ancaster Official Plan and zoned variously Motor Vehicle Services and Agricultural.

[10] After the property was cleaned up and a record of site condition had been obtained, approvals were granted by the City in 2014 to redesignate the Subject Property Neighbourhoods under the UHOP and Medium Density Residential 2C under the Meadowlands Neighbourhood IV Secondary Plan ("Secondary Plan") and to rezone it Residential Multiple in order to permit the development of a three-storey mixed use building.

[11] To the rear of the Subject Property is an elevated water reservoir with a new subdivision beyond consisting of single family residences. The Subject Property has a separation from this subdivision to the north of approximately 170 m. Additionally, the Appellant proposes that a two-level structured parking element at the rear of the proposed development which will set back the main building element from the rear of the Subject Property by a further 21.84 m.

[12] Directly east of the Subject Property and fronting on Garner Road is a 58 m wide, City-owned property containing a pumping station and access area associated with the reservoir. Beyond that is a property hosting a residence owned by Mr. Cascioli and further to the east is a new development consisting of three-storey townhouses.

[13] Directly to the south of the Subject Property across Garner Road, is a large playing field associated with the Hamilton District Christian School ("School Property") and older single-family residences located to the west of the School Property that are currently designated Rural. Located at the east end of the school grounds close to the intersection of Garner Road East and Glancaster Road is a public transit bus loop area ("Glancaster Loop") currently serviced by three bus routes. There are transit stops in close proximity to the Subject Property on Garner Road East. Further west and south of the older residences and the School Property are lands located close to the Hamilton International Airport ("Airport Employment Lands") which were recently redesignated Employment Areas in the UHOP. Additionally, the lands hosting the older residences are currently under consideration for redesignation by the City. At the time of hearing no decision had been made regarding the redesignation of these lands, with a decision expected as part of the next municipal comprehensive review of the UHOP.

[14] Directly to the west of the Subject Property are the Rosehaven lands on which three-storey townhouses will be built with frontage on an internal "window road" running parallel to Garner Road East. Most of the single-family detached residences behind these townhouses had already been constructed at the time of hearing. The Appellant's development proposes to incorporate a west side-yard setback of 17.59 m and step-backs at the sixth and eighth floors which will provide 26.14 m and 34.59 m setbacks respectively at those levels from the Rosehaven lands.

[15] Currently there is bus service on the Rymal Road/Garner Road corridor. An Environmental Assessment was completed in February 2014 to examine future bike lanes, sidewalks and the establishment of a rapid transit corridor. Rymal Road/Garner Road is identified on Appendix B to the UHOP as a potential rapid transit corridor terminating at a business park in Ancaster to the west of the Subject Property. A date for the development of the "S-line" rapid transit corridor on Rymal Road/Garner Road has not yet been determined but road widening is planned to be completed by 2031 and rapid transit establishment may take place within the next 20 years depending on the finalization of transit planning and the securement of funding.

ISSUES

[16] Generally, in an evaluation of applications for an official plan amendment and a zoning by-law amendment, the Tribunal is required to assess proposed planning instruments for conformity with the policies contained in the Growth Plan for the Greater Golden Horseshoe, 2017 (“Growth Plan”) as required by s. 3(5)(b) of the *Planning Act* (“Act”), consistency with the policies contained in the Provincial Policy Statement, 2014 (“PPS”) as required by s. 3(5)(a) of the Act and for consistency with applicable official plan policy, which, in this case, is contained in the UHOP and the Secondary Plan. Furthermore, in assessing the applications for planning instruments, the Tribunal is to have regard for those matters of Provincial interest set out in s. 2 of the Act and is to have regard to the decision of Council and to information and material considered by Council in making its decision as required by s. 2.1 of the Act.

[17] By way of summary, it is the Appellant's position that the proposed development optimizes the use of existing lands and infrastructure consistent with provincial policy and is consistent with the policies of the UHOP with regards to fit within the neighbourhood and being transit-supportive. The Appellant submits that the applications simply seek relief from outdated height and density regulations contained in the Secondary Plan and in the Zoning By-law.

[18] The City acknowledges that the proposed development conforms to the Growth Plan and is consistent with the PPS. It is the City's position that the issue for determination for the Tribunal is one of balancing intensification against fit with the neighbourhood character in accordance with the UHOP, including the Secondary Plan, and that fit should be the determinative consideration in this case. The City submits that the proposed development does not fit within the low-rise residential neighbourhood and that rapid transit planned on Garner Road East may be years away and should not dictate the development on the Subject Property at this time. The City submits that the development is not consistent with various policies contained in the UHOP requiring that the development be compatible with the character of the neighbourhood. Rezoning of

the Subject Property had been approved by City Council in 2014 to permit a three-storey mixed use building on the Subject Property and it is the City's position that this development is more appropriate for the site.

[19] The participants variously opposed and supported the application on similar bases to the submissions made by the Appellant and the City.

DISCUSSION, ANALYSIS AND FINDINGS

[20] The Tribunal considers each of the applicable tests contained in the Act set out above.

Matters of Provincial Interest: Section 2 of the Act

[21] In considering the evidence and submissions of the parties, the Tribunal finds that the following matters of provincial interest are relevant in this context:

(f) the adequate provision and efficient use of communication, transportation, sewage and water services and waste management systems;

...

(h) the orderly development of safe and healthy communities;

...

(j) the adequate provision of a full range of housing, including affordable housing;

...

(p) the appropriate location of growth and development;

(q) the promotion of development that is designed to be sustainable, to support public transit and to be oriented to pedestrians;

(r) the promotion of built form that,

(i) is well-designed,

(ii) encourages a sense of place, and

(iii) provides for public spaces that are of high quality, safe, accessible, attractive and vibrant;

(s) the mitigation of greenhouse gas emissions and adaptation to a changing climate.

[22] The Tribunal finds that the Appellant's proposal has appropriate regard to each of these matters of provincial interest. In particular, based on the evidence heard, the Tribunal finds that the proposal will make efficient use of municipal services, the planning instruments will provide for the orderly development of a healthy community, will provide a housing type that is currently lacking in the immediate area surrounding the Subject Property, and will secure intensification at an appropriate location that is transit-supportive. Finally, by locating intensification in close proximity to transit and by promoting the development of active transportation infrastructure that is planned along Garner Road, I find that the proposal provides a form of development that is necessary for achieving reductions in greenhouse gas emissions.

Regard for the Decision of Council and Materials Considered: Section 2.1 of the Act

[23] At the time of hearing, Council had not rendered a decision on the applications but had directed legal counsel to oppose the appeal. The Tribunal has had regard to the material contained in the City's file provided to the Tribunal, including available staff reports and public comments on the applications. The Tribunal notes that most of the material contained in the City's file relates to the original proposal at 12 storeys absent the revisions resulting from the settlement with Rosehaven and, as a result, has been considered and weighed against the more specific evidence led during the course of the hearing which specifically focuses on the revised applications.

Conformity with the Growth Plan: Section 3(5)(b) of the Act

[24] The current version of the Growth Plan came into effect on July 1, 2017. The changes to the Growth Plan coming into effect at that time were not inconsequential when compared to the 2006 version of the Plan. The Province's direction to municipalities and this Tribunal now stresses, with even greater force, the requirement to promote intensification that is supportive of transit and active transportation in

particular.

[25] The introductory part of the Growth Plan explains that the 2017 version of the Plan contains enhanced policy direction aimed at achieving complete communities that are compact and transit-supportive:

Since the introduction of the Growth Plan for the Greater Golden Horseshoe in 2006, the region has seen a shift to more compact development patterns, a greater variety of housing options, more mixed-use development in *urban growth centres* and other *strategic growth areas*, and greater integration of transit and land use planning.

Despite these early successes, there is still more work to do. Now is the time to build on the progress that has been made towards the achievement of *complete communities* that are compact, *transit-supportive*, and make effective use of investments in *infrastructure* and *public service facilities*. At the same time, the Growth Plan will continue to ensure protection of our agricultural and natural areas and support climate change mitigation and adaptation as Ontario moves towards the long-term goal of net-zero communities.

The Growth Plan for the Greater Golden Horseshoe, 2017 ("this Plan"), builds upon the success of the initial Growth Plan, 2006 and responds to the key challenges that the region continues to face over the coming decades with enhanced policy directions. [emphasis added]

[26] Section 1.2.1 of the Growth Plan sets out the Guiding Principles of the Plan. This section was significantly revised in 2017. It provides, in part:

The policies of this Plan regarding how land is developed, resources are managed and protected, and public dollars are invested are based on the following principles:

- Support the achievement of *complete communities* that are designed to support healthy and active living and meet people's needs for daily living throughout an entire lifetime.
- Prioritize *intensification* and higher densities to make efficient use of land and *infrastructure* and support transit viability.
- ...
- Integrate climate change considerations into planning and managing growth such as planning for more resilient communities and *infrastructure* – that are adaptive to the impacts of a changing climate – and moving towards low-carbon communities, with the long-term goal of net-zero communities, by incorporating approaches to reduce greenhouse gas emissions.

[27] The Growth Plan now appears to recognize that intensification and higher densities are needed to support transit viability. In other words, that densities come first in order to support transit and not the other way around. In the Tribunal's mind, this is a logical and sound approach to land use planning and fiscal management of transit systems.

[28] Section 2.1, the Context section of Part 2, of the Growth Plan provides, in part:

Building more compact greenfield communities reduces the rate at which land is consumed. Communities need to grow at transit-supportive densities, with walkable street configurations. Compact built form and intensification efforts go together with more effective transit and active transportation networks and are fundamental to where and how we grow. They are necessary to ensure the viability of transit; connect people to homes, jobs and other aspects of daily living for people of all ages; and meet climate change mitigation and adaptation objectives. Moreover, an increased *modal share* for active transportation and transit, including convenient, *multimodal* options for intra- and inter-municipal travel, supports reduced air pollution and improved public health outcomes.
[emphasis added]

[29] The Growth Plan is stressing that communities need to develop in a form that is more dense in order to reduce the rate of land consumption and to provide for transit-supportive densities.

[30] Similar themes and direction are provided at policies 2.2.1.2 (forecasting growth), 2.2.1.3 (integrated planning by upper and single-tier municipalities), 2.2.1.4 (achieving complete communities), and 2.2.7 (development in greenfield areas).

[31] Part 3 of the Growth Plan, entitled Infrastructure to Support Growth, contains the following in s. 3.1 which provides context for the policy contained in Part 3:

It is estimated that over 30 per cent of *infrastructure* capital costs, and 15 per cent of operating costs, could be saved by moving from lower density development to a more *compact built form*.

The *transportation system* for the [Greater Golden Horseshoe] must be planned and managed for the safe and efficient movement of goods and people, and to reduce greenhouse gas emissions and other negative environmental impacts.

Transit is the first priority for transportation planning and investment. The transit network will support and facilitate improved linkages between *strategic growth*

areas and other areas planned for a mix of uses and *transit-supportive* densities. System users will benefit from improved linkages between and within municipalities as well as *transit service integration*.

[32] The policies of Part 3 provide, in part, at policy 3.2.3 that transit planning and investment is to consider, as a criteria, expanding transit to areas that have already or are planned to achieve transit-supportive densities and provide for a mix of land uses:

3.2.3 Moving People

1. Public transit will be the first priority for transportation *infrastructure* planning and major transportation investments.
2. All decisions on transit planning and investment will be made according to the following criteria:
 - a) aligning with, and supporting, the priorities identified in Schedule 5;
 - b) prioritizing areas with existing or planned higher residential or employment densities to optimize return on investment and the efficiency and viability of existing and planned transit service levels;
 - ...
 - d) expanding transit service to areas that have achieved, or will be planned to achieve, *transit-supportive* densities and provide a mix of residential, office, institutional, and commercial development, wherever possible;
 - ...
 - f) increasing the *modal share* of transit; and
 - g) contributing towards the provincial greenhouse gas emissions reduction targets. [emphasis added]

[33] In 2017 a new policy was incorporated into the Growth Plan directed at climate change specifically that provides, in part, that upper and single-tier municipalities are to develop policy in their official plans to support existing and planned transit and active transportation:

4.2.10 Climate Change

1. Upper- and single-tier municipalities will develop policies in their official plans to identify actions that will reduce greenhouse gas emissions and address climate change adaptation goals, aligned with the Ontario Climate Change Strategy, 2015 and the Climate Change Action Plan, 2016 that will include:

- a) supporting the achievement of *complete communities* as well as the minimum intensification and density targets in this Plan;
- b) reducing dependence on the automobile and supporting existing and planned transit and *active transportation*;
- c) assessing *infrastructure* risks and vulnerabilities and identifying actions and investments to address these challenges; [emphasis added]

[34] Part 5 of the Growth Plan relates to implementation. Context section 5.1 provides that previous to a municipalities updating its official plan to conform with the new Growth Plan, the policies of the Growth Plan must still be considered:

Where a municipality must decide on a planning matter before its official plan has been amended to conform with this Plan, or before other applicable planning instruments have been updated accordingly, it must still consider the impact of the decision as it relates to the policies of this Plan which require comprehensive municipal implementation.

[35] Part 7 contains the Growth Plan definitions. The following are among the relevant definitions in this context:

Compact Built Form

A land use pattern that encourages the efficient use of land, walkable neighbourhoods, mixed land uses (residential, retail, workplace, and institutional) all within one neighbourhood, proximity to transit and reduced need for *infrastructure*. *Compact built form* can include detached and semi-detached houses on small lots as well as townhouses and walk-up apartments, multi-storey commercial developments, and apartments or offices above retail. Walkable neighbourhoods can be characterized by roads laid out in a well-connected network, destinations that are easily accessible by transit and *active transportation*, sidewalks with minimal interruptions for vehicle access, and a pedestrian-friendly environment along roads to encourage *active transportation*.

Complete Communities

Places such as mixed-use neighbourhoods or other areas within cities, towns, and *settlement areas* that offer and support opportunities for people of all ages and abilities to conveniently access most of the necessities for daily living, including an appropriate mix of jobs, local stores, and services, a full range of housing, transportation options and *public service facilities*. *Complete communities* are age-friendly and may take different shapes and forms appropriate to their contexts.

Transit-supportive

Relating to development that makes transit viable and improves the quality of the experience of using transit. It often refers to compact, mixed-use development that has a high level of employment and residential densities. *Transit-supportive*

development will be consistent with Ontario's Transit Supportive Guidelines.
(Based on PPS, 2014 and modified for this Plan) [emphasis added]

[36] Although the City acknowledged that the Appellant's proposed development conforms to the policies contained in the Growth Plan, I find that the City has not fully come to grips with the policies contained in this policy document and how these policies affect the application of the policy contained in the UHOP and the Secondary Plan.

[37] It was Mr. Wellings' evidence that the applications before the Tribunal represent a better fit for the Subject Property in that they advance the key provincial policy objectives contained in the Growth Plan. Mr. Wellings explained that bus routes currently support the Subject Property and he referenced comments received from the Hamilton Street Railway ("HSR") in relation to the applications. The HSR noted that construction of higher densities helps reduce net operating costs and higher densities are needed to ensure the viability of a future rapid transit system.

[38] I find that in this context, where the Subject Property is located on a road that is currently serviced by a number of HSR bus routes and where a proposed rapid transit line being considered for implementation in the next 20 years and further, is located in close proximity to a planned employment area, that the question of intensification and transit-supportive development become paramount considerations for the purpose of conformity with the Growth Plan.

[39] In considering the evidence, I find that the Appellant's proposal conforms to the policies of the Growth Plan and will contribute towards the density needed on Garner Road to better support existing public transit and the potential rapid transit line.

Consistency with the PPS: Section 3(5)(a) of the Act

[40] For the same reasons that I have found that the Appellant's proposal conforms to the Growth Plan, I find that the proposal is consistent with the PPS. The proposal is consistent with policies in the PPS that promote development of complete communities with a variety of housing that meets the needs of people throughout their entire lives,

promoting intensification, efficient use of land and municipal infrastructure, and transit-supportive development.

[41] Similar to the Growth Plan, the housing policies contained in the PPS provide that planning authorities shall provide for an appropriate range and mix of housing types and densities and promote densities for new housing which efficiently use land, resources, infrastructure and public services, and that supports not just existing but planned active transportation and transit (policy 1.4.3(d)).

Consistency with the UHOP and Secondary Plan

a. Applicable UHOP and Secondary Plan Policy

[42] The UHOP was approved on August 16, 2013. Many policies contained in the UHOP are duplicative and overlapping. What follows is a summary of the applicable sections, policies and schedules of the UHOP and the Secondary Plan that were referenced by the parties in their evidence and submissions.

[43] Schedule C of the UHOP identifies Garner Road as a Major Arterial Road and Appendix B identifies Garner Road as the location of a potential rapid transit line. The Subject Property is currently designated Neighbourhoods on Schedule E of the UHOP. Appendix G identifies the Subject Property as being outside the City's Built Up Area and it is deemed Greenfield as a result. As explained above, the Appellant seeks to redesignate the Subject Property High Density residential in the Secondary Plan.

[44] The Parties' witnesses generally referred to the same policies of the UHOP and the Secondary Plan in their evidence, with varying interpretations of how policy ought to be applied in this context as set out below.

[45] Neighbourhood policies are contained in Chapter E, Urban Systems and Designations, of the UHOP. Sections 2 and 3 of Chapter E are relevant in this context. Section E.2.6 explains, partly, that Neighbourhoods are largely stable but not static and

that intensification is to be compatible with neighbourhood character:

Hamilton's neighbourhoods are, by and large, regarded as stable. However, that does not mean these areas are static. These neighbourhoods will see some physical change over time. Neighbourhoods will evolve as older residents move out, younger residents and families move in, homes are renovated or rebuilt, infill development occurs, commercial areas are invigorated, or underutilized commercial areas redeveloped. Residential intensification within Neighbourhoods is part of the evolution of a neighbourhood and can happen at a range of scales and densities provided the intensification is compatible with and respects the built form and character of the surrounding neighbourhood.

[46] Policy 2.6.2 provides that uses in the Neighbourhood designation are to be primarily residential with complementary uses also being permitted.

[47] Policy 2.6.7 provides that each neighbourhood has a unique scale and character and stipulates that changes compatible with the existing character shall be permitted:

Neighbourhoods shall generally be regarded as physically stable areas with each neighbourhood having a unique scale and character. Changes compatible with the existing character or function of the neighbourhood shall be permitted. Applications for development and residential intensification within Neighbourhoods shall be reviewed in consideration of the local context and shall be permitted in accordance with Sections B.2.4 – Residential Intensification, E.3.0 – Neighbourhoods Designation, E.4.0 – Commercial and Mixed Use Designations, and, E.6.0 – Institutional Designation.

[48] The UHOP defines “compatible” as follows:

Compatibility/compatible: means land uses and building forms that are mutually tolerant and capable of existing together in harmony within an area. Compatibility or compatible should not be narrowly interpreted to mean “the same as” or even as “being similar to”.

[49] Neighbourhood-specific policies are found at s. E.3.0 of the UHOP. The first goal contained in policy 3.1.1 is to develop compact, mixed use, transit-supportive, and active transportation friendly neighbourhoods. Other goals, at policy 3.1.4 and policy 3.1.5, are to promote and support design which enhances and respects the character of existing neighbourhoods while at the same time allowing their ongoing evolution and to promote and support residential intensification of appropriate scale and in appropriate locations throughout the neighbourhoods.

[50] Policy 3.2.4 relates to scale and design, stipulating that any intensification in the Neighbourhoods designation shall enhance and be compatible with the scale and character of the existing residential neighbourhood in accordance with s. B.2.4 and other policy contained in the UHOP. Policy 3.2.7 also provides that the City shall require quality urban and architectural design and establishes criteria for the consideration of development in the Neighbourhoods designation:

3.2.7 The City shall require quality urban and architectural design. *Development* of lands within the Neighbourhoods designation shall be designed to be safe, efficient, pedestrian oriented, and attractive, and shall comply with the following criteria:

- a) New *development* on large sites shall support a grid system of streets of pedestrian scale, short blocks, street oriented structures, and a safe and attractive public realm.
- b) Garages, parking areas, and driveways along the public street shall not be dominant. Surface parking between a building and a public street (excluding a public alley) shall be minimized.
- c) Adequate and direct pedestrian access and linkages to *community facilities/services* and local commercial uses shall be provided.
- d) *Development* shall improve existing landscape features and overall landscape character of the surrounding area.
- e) *Development* shall comply with Section B.3.3 – Urban Design Policies and all other applicable policies.

[51] Policies 3.3.1 and 3.3.2 set out policy relating to the location of higher density forms of residential development, namely that lower density uses be located in the neighbourhood interior while higher density uses and building forms be located close to arterial roads, and an assessment for compatibility be undertaken when new development or redevelopment is considered in proximity to existing lower density uses:

3.3.1 Lower density residential uses and building forms shall generally be located in the interiors of neighbourhood areas with higher density dwelling forms and supporting uses located on the periphery of neighbourhoods on or in close proximity to major or minor arterial roads.

3.3.2 Development or redevelopment adjacent to areas of lower density shall ensure the height, massing, and arrangement of buildings and structures are compatible with existing and future uses in the surrounding area.

[52] Section E.3.6 sets out the High Density Residential policies. Similar to policy

3.3.1, policy 3.6.1 provides that higher density residential uses are to be located at the periphery of neighbourhoods in proximity to arterial roads. Policy 3.6.4 also provides that high density residential uses shall be located within safe and convenient walking distance of existing or planned community facilities/services, including public transit, schools, and active or passive recreational facilities.

[53] Policy 3.6.6(b) sets out the scale of development acceptable in high density residential areas outside of the Central Hamilton area: 100-200 net units per hectare.

[54] Policy 3.6.7 sets out the Design Criteria for high density residential, including requirements that:

- a. development should have direct access to a collector or an arterial road;
- b. high profile multiple dwellings shall not generally be permitted immediately adjacent to low profile residential uses, that a separation distance shall generally be required and may be in the form of a suitable intervening land use, such as medium density residential;
- c. development shall provide adequate landscaping, amenity features, on-site parking, and buffering and be compatible with existing and future uses and provide adequate access to the property, designed to minimize conflicts between traffic and pedestrians both on-site and on surrounding streets; and
- d. development shall contribute to an attractive public realm by minimizing the view of surface parking areas, parking structures, utility and service structures such as garbage enclosures and expanses of blank walls from abutting public streets.

[55] Chapter B of the UHOP sets out the Communities policies. Section B.2.4 of the UHOP contains the Residential Intensification policies referenced in policies set out

above. Policy 2.4.1.4 establishes criteria for considering residential intensification:

2.4.1.4 *Residential intensification* developments shall be evaluated based on the following criteria:

- a) a balanced evaluation of the criteria in b) through g), as follows;
- b) the relationship of the proposal to existing neighbourhood character so that it maintains, and where possible, enhances and builds upon desirable established patterns and built form;
- c) the development's contribution to maintaining and achieving a range of dwelling types and tenures;
- d) the *compatible* integration of the development with the surrounding area in terms of use, scale, form and character. In this regard, the City encourages the use of innovative and creative urban design techniques;
- e) the development's contribution to achieving the planned urban structure as described in Section E.2.0 – Urban Structure;
- f) infrastructure and transportation capacity; and,
- g) the ability of the development to comply with all applicable policies.

[56] Adding to the general residential intensification criteria of policy 2.4.1.4 is policy 2.4.2.2 of the UHOP which sets out intensification criteria for residential intensification in the Neighbourhoods designation specifically:

2.4.2.2 When considering an application for a residential intensification *development* within the Neighbourhoods designation, the following matters shall be evaluated:

- a) the matters listed in Policy B.2.4.1.4;
- b) *compatibility* with adjacent land uses including matters such as shadowing, overlook, noise, lighting, traffic, and other nuisance effects;
- c) the relationship of the proposed building(s) with the height, massing, and scale of nearby residential buildings;
- d) the consideration of transitions in height and density to adjacent residential buildings;
- e) the relationship of the proposed lot(s) with the lot pattern and configuration within the neighbourhood;
- f) the provision of amenity space and the relationship to existing patterns of private and public amenity space;

- g) the ability to respect and maintain or enhance the streetscape patterns including block lengths, setbacks and building separations;
- h) the ability to complement the existing functions of the neighbourhood;
- i) the conservation of *cultural heritage resources*; and,
- j) infrastructure and transportation capacity and impacts.

[57] Section B.3.2 contains the community housing policies of the UHOP. Policy 3.2.1 sets out the goals of the UHOP in relation to housing, including to: provide for a range of housing types, forms, and densities to meet the social, health and well-being requirements of all current and future residents, provide housing within complete communities, and increase the mix and range of housing types, forms, tenures, densities, and affordability levels.

[58] Section B.3.3 contains the urban design policies of Chapter B. Policy 3.3.1.8 promotes intensification that “makes appropriate and innovative use of buildings and sites and is compatible in form and function to the character of existing communities and neighbourhoods”, while policy 3.3.2.3 establishes urban design goals which are as follows:

3.3.2.3 Urban design should foster a sense of community pride and identity by:

- a) respecting existing character, development patterns, built form, and landscape;
- b) promoting quality design consistent with the locale and surrounding environment;
- c) recognizing and protecting the cultural history of the City and its communities;
- d) conserving and respecting the existing built heritage features of the City and its communities;
- e) conserving, maintaining, and enhancing the natural heritage and topographic features of the City and its communities;
- f) demonstrating sensitivity toward community identity through an understanding of the character of a place, context and setting in both the public and private realm;
- g) contributing to the character and ambiance of the community through appropriate design of streetscapes and amenity areas;

- h) respecting prominent sites, views, and vistas in the City; and,
- i) incorporating public art installations as an integral part of urban design.

[59] Policy 3.3.2.6 provides that compatible new development and redevelopment should enhance the character of the existing environment by:

- a) complementing and animating existing surroundings through building design and placement as well as through placement of pedestrian amenities;
- b) respecting the existing cultural and natural heritage features of the existing environment by re-using, adapting, and incorporating existing characteristics;
- c) allowing built form to evolve over time through additions and alterations that are in harmony with existing architectural massing and style;
- d) complementing the existing massing patterns, rhythm, character, colour, and surrounding context; and,
- e) encouraging a harmonious and *compatible* approach to infilling by minimizing the impacts of shadowing and maximizing light to adjacent properties and the public realm.

[60] Policy 3.3.3 similarly provides, in part, that new development shall serve to maintain and support existing character, or create and promote the evolution of the character in areas where transformations are appropriate and planned, while policies 3.3.3.2 to 3.3.3.5 set out considerations to ensure that new development shall be designed to minimize impact on neighbouring buildings and public spaces, that new development shall define the street through consistent setbacks and building elevations, and that built form shall create comfortable pedestrian environments.

[61] Chapter C of the UHOP contains policy relating to City-wide systems such as transit. Policy 4.2.5 of Chapter C provides, in part, that public transit shall be an integral component of planning for new development and redevelopment of residential uses. Policy 4.4.8 requires the City to evaluate the potential to establish rapid transit on proposed corridors identified as Potential Rapid Transit Lines and policy 4.2.3.1 provides that the timing of new developments shall be coordinated with the availability of adequate, matched transportation network capacity.

[62] The Secondary Plan was approved on February 25, 2004 and predates the

UHOP, although the Secondary Plan was carried over into the UHOP when it was approved and, as a result, the Secondary Plan policies continue to apply. The Secondary Plan covers an area of approximately 204 hectares. There was no dispute that but for the Subject Property, the Secondary Plan area has been built-out through various development approvals since 2004.

[63] Chapter F contains the implementation policies of the UHOP. Policy F.1.2.2 provides that a secondary plan is to prevail in the event of discrepancy between designations and/or policy contained in the UHOP.

[64] The Secondary Plan contains policies relating to land use, the transportation network, community facilities, infrastructure requirements and development standards to guide development and redevelopment of the Secondary Plan area.

[65] Policy 2.6.1.3 of the Secondary Plan sets out the General Residential policy, including policy limiting heights to three storeys, provision of a mix and range of housing, and encouraging higher densities:

- a) Residential buildings in the Low Density Residential and Medium Density Residential designations shall have no more than three occupied storeys entirely above grade.
- b) Development within the Meadowlands Neighbourhood IV is intended to provide a mix and diversity of housing opportunities in terms of lot size, unit size, style and tenure that are suitable for different age levels, income groups, lifestyles, and household structures.
- c) To make best use of urban lands higher densities shall be encouraged throughout this neighbourhood. This density can be achieved through the provision of smaller lots in interior locations and higher density developments located at external locations within the neighbourhood.

[66] Policy 2.6.5.1 establishes additional urban design policy for the Secondary Plan area, including requirements to create pedestrian pathways to access public transit and to employ building and site design, setbacks, landscaping, screening and buffering techniques to minimise potential conflicts between new and existing uses.

b. Application of Policy in this Context

[67] There is no dispute that the density proposed by the Appellant now fits within the range contained in UHOP policy 3.6.6 for high density, that the use proposed by the Appellant is consistent with the UHOP Neighbourhood policies, that the high density use proposed is located on an arterial road in close proximity to neighbourhood facilities, including a new school located within the Rosehaven subdivision which will be safely accessible by pedestrians from the Subject Property. Furthermore, the Subject Property is located close to an area recently redesignated Employment Area.

[68] I also find that the on-site amenity areas required by the draft ZBA are adequate and that the location of the structured parking area is consistent with the Design Criteria policy of the UHOP and meets parking policy contained at policy B.3.3.10.1 of the UHOP promoting the creation of safe, attractive, pedestrian-oriented streetscapes by utilizing structured parking. The Appellant acknowledged that the location of the garbage loading area as currently proposed needs to be reworked and I am satisfied that this matter can be addressed through the site planning process.

[69] The main disagreement between the parties relates to the application of policy that requires that new development be compatible with the existing neighbourhood. The participants also raised several matters additionally addressed below.

[70] Mr. Wellings and Mr. Premi provided evidence on behalf of the Appellant. It was Mr. Wellings' opinion that the policies and definitions of the UHOP relating to compatibility require that the Tribunal consider whether the development is capable of existing in harmony with the existing neighbourhood.

[71] It was Mr. Wellings' opinion that the neighbourhood is difficult to specifically define as it is an area currently in transition given the recent changes in new and planned development and the redesignation of the employment lands to the south and west. He did acknowledge in cross-examination that the Secondary Plan area is predominated by two- and three-storey new homes which are typical for a 2004

secondary plan in the Ancaster area where automobile reliance has been the norm. He expressed the opinion that the relevant neighbourhood in this context is not simply the Secondary Plan area but that the Airport Employment lands and future rapid transit line are relevant broader considerations.

[72] Mr. Wellings opined that there is currently no policy basis in the UHOP for a transition from the proposed development to the Rural designated properties south and southeast of the Subject Property. Mr. Wellings also referenced policy 3.6 of the UHOP and opined that medium density townhouses are an appropriate transition between low and higher scale residential.

[73] Mr. Wellings explained that the City has consistently permitted lower, rather than higher, densities throughout the Secondary Plan area following the approval of the Secondary Plan in 2004. He explained that this has occurred despite the UHOP requirement that Neighbourhoods and Corridors contribute 40% each to intensification targets in the UHOP and despite provincial policy contained in the Growth Plan and the PPS promoting intensification that predated adoption of the UHOP. He explained that currently there is no high density residential lands designated in the Secondary Plan, although he acknowledged that high density designations are not required by the UHOP in every Secondary Plan area.

[74] It was Mr. Wellings' opinion that the Secondary Plan is currently outdated and that it appears to have been simply carried over into the UHOP without regard for the need to update the Secondary Plan to accord with UHOP policy. By way of example, he explained that the Secondary Plan permits three storeys above grade for the medium density designation whereas the UHOP has now been updated to permit six storeys in such a designation. He also referred to the lack of any reference in the Secondary Plan to Garner Road as a major arterial and a planned rapid transit corridor. Mr. Wellings expressed the opinion that the only reason the OPA is needed by the Appellant is as a result of the outdated policies contained in the Secondary Plan.

[75] Mr. Wellings also explained that the City's Zoning By-law has not yet been

updated to conform to the UHOP. He explained that the ZBA, as drafted, would carry forward two holding provisions from the 2014 amendments to the Zoning By-law that were approved by the City.

[76] Mr. Wellings also explained that taller forms of development have been occurring to the east of the Subject Property to date and that it is progressing west. He explained that several developments with heights and setbacks to lower scale residential uses similar to what the Appellant proposes have been approved on Rymal Road within several kilometers to the east of the Subject Property. It was Mr. Wellings' opinion that these taller buildings exist in harmony with the surrounding lower scale residential uses.

[77] Mr. Premi explained that the area east of the Subject Property is dominated by fences at the rear of properties and that the pedestrian realm has been ignored along Rymal Road to date. He opined that this is not a desirable characteristic that should be replicated along a major road. Mr. Premi explained that it is a common standard in urban design that buildings not be taller than the road allowance absent setbacks. He explained that here the building proposed is not taller than the road allowance and that step-backs are not required at the front of the building as a result. It was Mr. Premi's opinion that the proposal has a healthy relationship with the street and promotes a better pedestrian realm in accordance with applicable policy. It was his opinion that a step-back at the third storey, as suggested as necessary by the City, would erode the streetscape at this location.

[78] Mr. Premi reviewed the City's Transit Oriented Development Guidelines and opined that a certain level of density is necessary to support successful transit. It was his opinion that it is appropriate at this time to begin introducing density in this area in order to support transit goals.

[79] Mr. Premi opined that the proposed development conforms to the applicable urban design policies of the UHOP. He reviewed the proposed development against the ten design goals set out in UHOP policy 3.3.1 and various other policies, including B.2.4.1.4, B.3.3.1.8, B.3.3.2.3 to B.3.3.2.6, B.3.3.3.2 to B.3.3.3.5, E.3.2.7, and the policy

contained in the Secondary Plan. He opined that the proposal is compatible with the neighbourhood in terms of uses, form and character. He opined that the Subject Property presents a rare opportunity to introduce some density, absent adverse impacts. He opined that the separation distances to the east and north are sufficient to address any potential for impact. He explained that a 45 degree angular plane is widely used to mitigate overlook impacts, which has been met here at the western property line and with the elimination of west-facing balconies the proposal will establish a sensitive interaction with the Rosehaven subdivision.

[80] Mr. Premi also opined that but for the issue of locating the garbage loading area, the proposed development conforms to the site plan control policy contained in s. F.1.7.1 of the UHOP.

[81] Mr. Premi disagreed with the proposition in cross-examination that the proposed development will appear as an aberration and that judging the proposal based on the current area alone would be unnecessarily reactive whereas it would be preferable to be proactive in planning for the future of the area.

[82] Mr. Premi explained that the proposed building has been designed to break of the mass of the building visually.

[83] In cross-examination, Mr. Premi opined that UHOP policy B.2.4.1.4(b) requires the Appellant to address the neighbourhood character but that policy also contains the modifier “desirable”. He opined that a consideration of desirable character should be conducted through a review of the UHOP policies as a whole. Mr. Premi opined that in his review of the neighbourhood around the Subject Property that he did not identify desirable patterns of development as intended by the UHOP. Mr. Premi opined that the proposal represented a desirable development that does not replicate existing character of the neighbourhood but that is compatible with the existing character of the neighbourhood.

[84] Mr. Premi expressed the opinion that if the S-line is established on Garner Road

that it is likely that a station will be located in proximity to the existing Glancaster Loop.

[85] For the City, both Mr. Zajac and Mr. Freedman expressed the opinion that the proposed development will not be compatible with the area and represents an over-intensification of the Subject Property in this context.

[86] Mr. Zajac agreed that it was appropriate to consider both the current and planned character of the neighbourhood in assessing the proposed development. Mr. Zajac characterized the neighbourhood as an area of transition between the urban and rural areas of the City and that the pattern of development for the area has already been established with two and three storey buildings which he opined is fulfilling the vision of the Secondary Plan. Mr. Zajac opined that the neighbourhood character is low-rise, semi-rural/suburban. On the basis of UHOP policy, he opined that the height and urban design of the proposal should be consistent with the character of the area. It was Mr. Zajac's opinion that the proposed development does not conform to the planning and urban design policies of the UHOP.

[87] Mr. Zajac explained that the Subject Property is on a potential rapid transit line and that the S-line is not currently planned or proposed and that the implementation is contemplated into the long-term. He explained that the City's 2015-2025 transit strategy does not indicate that funding will be allocated towards the S-line.

[88] Mr. Zajac explained that the Secondary Plan is to prevail over the UHOP policy as set out in policy F.1.2.2 of the UHOP and that policy B.2.6.1.3 of the Secondary Plan provides that there shall be no more than three occupied storeys above grade. On this basis, he opined that the 2014 approval of a three-storey mixed use building on the Subject Property meets the intent of UHOP and Secondary Plan but the new proposal does not.

[89] Further, Mr. Zajac opined that at a density of 82 units per hectare the density proposed is 12 units more than the highest density currently permitted by the Secondary Plan. He also referred to policy E.3.6.7 of the UHOP which provides that high profile

multiple dwellings shall not generally be permitted immediately adjacent to low rise development.

[90] Mr. Zajac acknowledged that the Subject Property has access to an arterial, that it is within walking distance to the Glancaster Loop and has easy access to schools and recreation fields. He did express concern about the lack of easy access to commercial locations however. Mr. Zajac also acknowledged that the raised grade of the reservoir may block views of the proposed rear parking garage but he opined that the streetscape will not be improved by the proposal. It was his overall view that the proposed development does not sufficiently mitigate its impact on the surrounding area.

[91] Regarding compatibility and intensification, Mr. Zajac opined that the policy B.2.4.1.4 requirement to maintain and, where possible, enhance the neighbourhood character is not met. He opined that UHOP policy requires consideration not just of immediately neighbouring properties but the broader relationship with the area. Mr. Zajac opined that the loss of ground-related landscaping as proposed is indicative of over-intensification.

[92] In cross-examination, Mr. Zajac acknowledged that there are no traffic or parking or servicing issues with the proposed development and that the UHOP promotes structured parking being located at the rear of properties. He explained that his main concerns relate to the height and density of the proposed development.

[93] Mr. Zajac acknowledged in cross-examination that the landscaped areas in the proposed ZBA are 42 per cent of the lot area which includes both ground-oriented and above-grade landscaped areas to be located above the structured parking.

[94] Mr. Zajac acknowledged that a 45 degree angular plane assists with transition, privacy and overlook issues and that landscaping, setbacks and step-backs can be used to mitigate impacts. He also explained that he does not generally have an issue with the front yard setback proposed but rather, with the proposed height with such a setback.

[95] Mr. Zajac acknowledged in cross-examination that the staff report to City Council for the proposal mentions the S-line in the consultation section and the fact that additional density would be beneficial and supportive of rapid transit. Mr. Zajac also acknowledged that the City has a shortfall in density in the Secondary Plan area in the range of approximately 80 per cent of the planned population for the area. Mr. Zajac opined that the proposal is not the proper manner to make up for the deficit however.

[96] Mr. Zajac acknowledged in cross-examination that the Secondary Plan allows for greater density to be established on the periphery and that intensification and high density is permitted in the Neighbourhoods designation in UHOP policy. He also acknowledged that policy E.2.6.7 of the UHOP provides that changes that can be compatible with the existing character or function shall be permitted.

[97] Mr. Freedman's opinion was that the main issue for consideration is one of balancing intensification against contextual fit/compatibility. He opined that the proposal has improperly tipped the balance towards intensification. It was his view that the proposed building would be comfortable on a commercial, mixed-use street where buildings frame the street, whereas that is not the context at this location.

[98] Mr. Freedman explained that although the UHOP permits intensification, policy also requires that character of the area be maintained and even enhanced. He opined that intensification that supports transit cannot come at any cost.

[99] Mr. Freedman opined that the neighbourhood is characterized by a mix of single-detached, semi-detached and townhouse residential. He opined that much of the development done to date in the area has been in the form of sensitive infill. Similar to Mr. Zajac, Mr. Freedman was of the opinion that the 2014 approved three-storey mixed use building on the Subject Property would fit well in the context of the neighbourhood. Overall, Mr. Freedman's opinion of the context and character of the area was as follows:

- a. The area has an edge condition with greenspace to the immediate east and rural to the south;

- b. There is an emerging character being realized as required by the Secondary Plan;
- c. The character of the area is very clear and will soon be set as approved development in the Secondary Plan area has been built-out;
- d. No major development is occurring or planned south of Garner Road; and
- e. Garner Road is currently two lanes with gravel shoulders and the area will not be an intense pedestrian environment for a long time.

[100] Mr. Freedman agreed with Mr. Premi that “compatible” is to be interpreted as capable of existing together in harmony. He explained that harmony to him means pleasing and not disjointed. It was his opinion that the proposal is jarring when viewed in context. It was his opinion that nine storeys is simply too tall for the area.

[101] Mr. Freedman explained that since the Rosehaven development will have a “window road” running parallel to Garner Road for access to the townhouses that the proposed development will have a stark juxtaposition at the streetscape level with the front setback proposed.

[102] Mr. Freedman opined that the proposed development should be quieter in the landscape and should not act as a marker building that will be visible for long stretches along Rymal Road/Garner Road.

[103] Although Mr. Freedman acknowledged that steps have been taken at the western side of the building to mitigate impact, terraces would still provide some opportunities for overlook to properties to the west.

[104] On the basis that the Secondary Plan has largely been developed out, the School Property is across the street from the Subject Property, and there is a pocket of land remaining in the Rural designation to the south, Mr. Freedman opined that Garner

Road cannot be expected to redevelop in response to or similarly to the proposal and that the proposal will not come to fit over time.

[105] Mr. Freedman also opined that even with the separation distance to the east, a nine-storey wall will appear jarring. It was his opinion that if the proposal were to be approved that the east side of the building should be sculpted to lessen the impact of the height.

[106] Mr. Freedman opined that the proposed building should be setback further from the street to provide space for permanent landscaping after the road widening strip is taken by the City, rather than simply have a temporary landscaping area. He also opined that greater setbacks at the rear and east should be provided to create opportunities for landscaping. It was his opinion that the proposal would better frame the street with greater setbacks, step-backs and landscaping.

[107] With regards to height, Mr. Freedman explained that sometimes the street right of way width can be used to assess height with 80 percent or even 100 percent of the right-of-way being used to limit height but it was his opinion that such a measurement should not be applied in this context where there is no room for other development to redefine the street edge and height character of the area.

[108] Overall, Mr. Freedman's opinion was that the visual perception of the proposed building will have a negative adverse impact in this context and there is a lack of harmony resulting from the height and massing proposed.

[109] In cross-examination, Mr. Freedman acknowledged that a building with more than three storeys could be built on the Subject Property in consideration of all relevant factors and policy but he was unprepared to provide an opinion as to what height should be permitted. He also acknowledged that the goal should be to develop in a pedestrian-friendly manner but that is not what has occurred on Garner Road to date.

[110] With regards to an angular plane, Mr. Freedman opined in cross-examination

that a shallower angle would be more appropriate given the suburban context.

[111] The participants provided the following evidence to the Tribunal regarding the proposed development.

[112] Mr. Cascioli explained that he owns two properties on Garner Road, including the closest residential property to the east of the Subject Property. It was his view that the lands around the Subject Property provide a large buffering to other properties. He explained that he intends to redevelop his properties in future with townhomes or a midrise building. He explained that Garner Road is getting busy and that residents of the area walk and bike on Garner Road regularly and that additional road infrastructure, including sidewalks, is needed in the area.

[113] Ms. Morison opposed the proposed development on the basis of her views that it was too tall and does not fit in the area. She expressed the view that nobody walks on Garner Road and that the closest grocery store is 2-3 kilometers away. It was her view that the Growth Plan does not support this type of intensification. She also expressed the view that it would not be a good idea to build below grade at this location as a result of groundwater and flood risk issues.

[114] Mr. Hansen explained that his property begins directly across the street from the western property line of the Subject Property. He explained that buses are infrequent on Garner Road and that he can walk to the closest grocery store in 25 minutes, although it is difficult to walk on Garner Road because of the lack of sidewalks. He also explained that the schools in the area are busy and that he has concerns about the Tiffany Creek wetland to the south of his property and the potential impact of all the development in the area on it.

[115] Mr. Pejic explained that he owns a property directly across the street from the Subject Property between Mr. Hansen's property and the School Property. He explained that although the area needs more apartments that this is not a proper location for development beyond the three storeys approved in 2014.

[116] On the basis of the evidence provided and an examination of the applicable UHOP and Secondary Plan policy, the Tribunal makes the following findings.

[117] With regards to compatibility with the neighbourhood, I find that the definition of compatibility and the policies contained in the UHOP does not mandate that the very same scale of development be required on the Subject Property as exists in the rest of the area. Although the Secondary Plan area currently consists of low and medium density development, the relevant question here is whether the Appellant's development can co-exist harmoniously with that other development and furthermore, whether the application serves to meet other policy objectives contained in the UHOP, including those relating to achieving intensification, transit-supportive and pedestrian-oriented development, and ensuring a range of housing types are made available.

[118] In considering the totality of the evidence, I find that the Appellant's proposal will not give rise to adverse impacts to any other properties or to the neighbourhood as a whole that are unacceptable in this context. Other than the Subject Property's proximity to the Rosehaven lands, there are very generous separation distances between the Subject Property and any other residential properties. The evidence was that the development does not give rise to any unacceptable shadow impacts. I further find that the large separation distances, in addition to the terracing and landscape buffering provided at the western property line will adequately address the potential for overlook and privacy issues on the residences closest to the Subject Property.

[119] Further, I find that by fitting within a 45 degree angular plane from the western property line and with the other mitigative measures agreed to as part of the settlement with Rosehaven, that the proposal will not give rise to unacceptable impacts to existing or future residences located on the Rosehaven lands to the west. I further find that the medium-density townhouse development on the Rosehaven lands provides for an adequate form of additional transition to the low density development in the interior of the neighbourhood consistent with the UHOP policy set out above.

[120] With regards to the existing older residences across Garner Road to the west, I

find that the proposed development will not give rise to adverse impacts. The eventual road corridor width will be greater than 36.5 m and the proposed building will have a further front yard setback of 5 m from the road corridor. Additionally, the residences are setback an additional distance from Garner Road. All of these separations combined gives rise to a significant separation between the proposed development and the older residences and is acceptable in this context.

[121] At nine storeys, I find that the proposed development will not appear jarring or out of context. Given the location of the Subject Property, being at the periphery of the Secondary Plan area and given the Subject Property's unique location, directly fronting on an arterial road while having a substantial reservoir property wrapping around it on two sides, the proposal is uniquely situated and capable of co-existing in harmony with the surrounding low and medium density development that has developed since approximately 2004 as contemplated by the UHOP and applicable Secondary Plan policy.

[122] Other than the potential for increased traffic, there is no dispute that there is adequate servicing in the area to support the proposal with holding provisions continuing to apply through the ZBA. The amount of parking proposed by the Appellant is undisputed as being adequate to service the number of residential units proposed.

[123] As for the potential for transportation impacts, the participants have complained that there is a lack of sidewalk infrastructure and traffic continues to increase on Garner Road. However, the Appellant's proposal is intended to improve sidewalk infrastructure which will eventually connect to other sidewalks as they are introduced on other properties along Garner Road. Further, the sidewalk to be introduced on the Subject Property will connect to the sidewalks that will form part of the Rosehaven development and the interior neighbourhood sidewalks that exist within the Rosehaven subdivision. Furthermore, the 8.23 m road widening dedication to the City to be provided by the Appellant will allow for future transportation infrastructure improvements along Garner Road that will address the issues identified by the participants.

[124] Although I agree with the City that there are not many commercial services within walking distance of the Subject Property and that it will take time to establish a complete community as other lands are developed south and west of the Subject Property, I find that the policy of the UHOP, including policy 3.6.4, does not require that high density residential uses must be located within a safe and convenient walking distance of commercial/shopping facilities specifically and nor does the UHOP require that any such facilities exist immediately. Although it may take some time, I accept the evidence of Mr. Wellings that as the lands redesignated Employment Areas to the south and the west of the Subject Property develop, they will most likely include commercial locations that can be utilized by employees working on those lands and also by residents living in the broader area. I also note that other than commercial/shopping facilities, there was no dispute at the hearing that other community services and amenities are located close-by.

[125] With regards to the issue raised by the participants relating to the potential for flooding and impacts on the Tiffany Creek wetland, there was no evidence led suggesting that the proposed development will have any specific impact on the wetland. As far as the Tribunal can make out, the wetland is located quite some distance from the Subject Property and Mr. Hansen's concern is that cumulative development impacts are detrimentally impacting the wetland's hydrology. Without more, the Tribunal is unable to conclude that this particular proposal will have any adverse impact on the wetland. Similarly, although Ms. Morison raised a general concern indicating that basement flooding is a potential issue in this area, I am unable to conclude, based on the evidence heard, that there is an issue relating to groundwater flow or flooding that cannot be managed and addressed.

[126] To the extent that the Secondary Plan is relevant in this context, where the Appellant is seeking an amendment to the Plan to permit a high density form of residential development, I find that the proposal is consistent with the policy contained therein. In particular, the proposed development consists of a higher density form of development to be located at an "external location" of the neighbourhood in a form that

is compatible with the lower density forms of existing development.

[127] I conclude this analysis of consistency with the UHOP and the Secondary Plan by stressing that the City has not yet assessed these documents for conformity with the 2017 Growth Plan. In applying the UHOP and Secondary Plan policies, the Tribunal is required to consider whether the policies conform to the policies contained in the 2017 Growth Plan.

[128] In considering the Growth Plan as a whole and the policies and definitions contained in the Growth Plan set out above, I find that what had occurred in the Secondary Plan Area since its adoption in 2004, with development applications subsequently being approved for lower density development, may no longer be tolerated by the policies of the 2017 version of the Growth Plan. Staff reports from previous approvals suggest that reductions in density were supported, in part, because of the three storey height limit contained in the Secondary Plan. Mr. Freedman acknowledged that development with a height greater than three storeys could be accommodated on the Subject Property specifically, while Mr. Zajac acknowledged that the population target for the Secondary Plan area will not be met by the City given the approvals granted to date.

[129] The Growth Plan mandates that municipalities achieve greater efficiencies in land use through compact built form and intensification and that greater densities of land use support existing and planned public transit. Lower density residential development in areas located in close proximity to existing and planned public transit appears to be an unacceptable juxtaposition in the current provincial policy context.

[130] To conclude this analysis, I find that the Appellant's proposed development and the planning instruments proposed by the Appellant are consistent with the UHOP, including the Secondary Plan.

Conditions of Approval

[131] The City submitted that the Tribunal's final approval of the OPA and ZBA should be withheld until a Site Plan has been approved by the City. Mr. Wellings expressed the view and the Appellant submitted that approval should not be withheld until a Site Plan is approved by the City as discussions with the City to date have not been particularly constructive.

[132] I find that it is unnecessary to withhold the Tribunal's final order approving the planning instruments until the City has approved a Site Plan. I do not view this situation as necessitating that the ZBA, or even the OBA, contents be informed through Site Planning.

[133] That said, I do find, based on the evidence heard and the applicable UHOP policy, that as a condition of approval that the Site Plan should stipulate that garbage loading be located somewhere other than the front of the building in order to minimize the potential for movement conflicts and to ensure that the garbage loading area is hidden from the street.

ORDER

[134] The Tribunal orders that the appeal is allowed in part and that:

- a. The OPA and the ZBA proposed by the Appellant and contained in Exhibit 4 are approved.
- b. The City Clerk may assign numbers to the OPA and the ZBA to accord with municipal record keeping.

- c. The Site Plan shall include provision for a garbage loading that is not located at the front of the building.

“Justin Duncan”

JUSTIN DUNCAN
MEMBER

If there is an attachment referred to in this document,
please visit www.elto.gov.on.ca to view the attachment in PDF format.

Local Planning Appeal Tribunal

A constituent tribunal of Tribunals Ontario – Environment and Land Division
Website: www.elto.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

Memorandum

Corporate Services

Date: April 10, 2019

To: Mayor Eisenberger, Members of Council, and Senior Leadership Team

From: John McLennan, Manager,
Risk Management Services

Subject: **Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property**

In response to Councillor Brenda Johnson's Motion at General Issues Committee of April 3, 2019, which is as follows:

Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property

That all park rental and insurance fees, for Easter Egg Hunts held on City owned property, be permanently waived, effective immediately.

The primary concern of Risk Management Services relative to this issue is that insurance be in place to cover the activities of any organized activity by outside groups on City property.

With respect to waiving park rental (permit) fees specifically for Easter Egg Hunts in City parks, Council has previously approved the permanent waiving of rental fees associated with non-profit organizations executing community Holiday Egg Hunts in City parks consistent to the parameters of the Recreation Fee Waiver/Reduction Policy by way of Emergency & Community Services Committee Report: Holiday Egg Hunts in Parks (CES17034)(City Wide). It is attached as Appendix A, for reference.

CES17034 does not allow for the waiving of insurance fees for Holiday Egg Hunts in City parks.

The City's general liability policy will only apply to injuries or property damage related to the condition of City property or the negligence of City staff or those acting under the control and direction of the City. As such, coverage would not apply for a number of situations that might occur during and Easter Egg Hunt. Foreseeable examples are choking, food contamination, fights, concussion (two children knocking heads while racing for the same egg), to name several.

Subject: Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property

April 10, 2019

Alternatively, the City's policy would apply if an individual injured themselves due to an irregularity in parks grounds. Foreseeable examples are trip hazards and faulty park/playground equipment.

The insurer underwrites the City of Hamilton based on the premise that its departments and employees operate according to established policies and processes that have been developed to provide the optimum outcomes for the City. External parties, such as those organizing Easter Egg Hunts do not operate according to the policies and procedures inherent in the City's operations, nor does the City direct their activities, and as such the insurer cannot extend coverage.

While the basic activities within an Easter Egg Hunt are well known, it is entirely possible that one or more groups may extend activities to include something which increases risk, for example, a barbecue or hot chocolate/coffee dispenser.

A Festival and Event Approval Application (formerly S.E.A.T. application), is required for:

ANY event that takes place outdoors on City property (i.e. parks, roadway or on the City Hall Forecourt) that includes ANY of the following elements:

- Food being given (such as Easter eggs) or sold to the GENERAL PUBLIC (not a picnic, BBQ or family reunion where food is being given to invited guests)
- Amplified sound
- Amusement rides and inflatables

Festival and Event Approval Applications are reviewed by the City's Special Events Advisory Team which follows Council approved policy that ensures the health and safety of citizens and visitors attending events and for the protection of city assets (park and streets).

The City's Game Day Insurance Program exists as an inexpensive and convenient way for organized groups to acquire insurance when using City property for their activities.

Individuals or non professional groups are generally eligible for coverage through the City's Game Day Insurance Program, which is administered by Pearson-Dunn Insurance Inc. If the applicant is accepted they would then be required to pay a relatively nominal premium to the broker who would then arrange to cover the applicant on a master Commercial General Liability insurance policy having a \$5 Million limit of coverage. Coverage can be purchased through the City's Recreation Division.

Risk Management Services does not recommend allowing Easter Egg Hunts to happen in City parks without approval from the S.E.A.T., a park permit obtained through Recreation, and corresponding insurance in place.

Subject: **Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property**

April 10, 2019

It is of course the discretion of Council to designate a funding source for insurance fees. It should be noted; however, that funding insurance fees will likely be viewed as preferential treatment to one group's organized activity over another.

Attachment:

Appendix A - Holiday Egg Hunts in Parks (CES17034) (City Wide)



CITY OF HAMILTON
COMMUNITY AND EMERGENCY SERVICES DEPARTMENT
Recreation Division

TO:	Chair and Members Emergency & Community Services Committee
COMMITTEE DATE:	August 16, 2017
SUBJECT/REPORT NO:	Holiday Egg Hunts in Parks (CES17034) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Steve Sevor 905-546-2424 ext. 4645
SUBMITTED BY:	Christ Herstek Director, Recreation Community & Emergency Services Department
SIGNATURE:	

RECOMMENDATION

That rental fees associated with non-profit organizations executing community Holiday Egg Hunts in City parks consistent to the parameters of the Recreation Fee Waiver/Reduction Policy be waived permanently.

EXECUTIVE SUMMARY

Holiday Egg Hunts are a popular community building event in Hamilton and are run predominantly by community volunteers and with limited financial resources. Volunteers are able to secure donations for the candy eggs and accessories related to the collection of the eggs to offset expenses, however, many events incur a park rental fee charged by the City of Hamilton.

In the past, various Councillors have initiated motions to waive rental fees for a specific year. In 2014, Council approved Report CES14001 which included an update to the Recreation Fee Waiver/Reduction process. Provided that they are organized by non-profit organizations and are for the benefit of the local community, Holiday Egg Hunts can qualify for a fee waiver under the policy. In order to avoid the application step for community groups, the above recommendation will remove the park rental fee charged by the City.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: These events would have generated \$4,595 had the park rental fees not been waived through Council motions. Insurance fees cannot be waived, which is consistent with the Recreation Fee Waiver/Reduction Policy. Since

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

2013, there have been 20 permitted Holiday Egg Hunts at City of Hamilton parks.

Staffing: There are no staffing implications associated with Report CES17034.

Legal: There are no legal implications associated with Report CES17034.

HISTORICAL BACKGROUND

Holiday Egg Hunt organizers are required to apply for approval of their event through the Special Event Advisory Team (SEAT) if the event takes place on City property, such as a park. Once approved, organizers are required to submit payment for the park rental fee to Recreation Facility Bookings and provide evidence of insurance to staff in the Events Office.

For a number of years, event organizers have sought approval to have park rental fees waived for various Holiday Egg Hunts throughout the City. These events have either made an application through the Recreation Fee Waiver/Reduction Policy or have received approval for fee reduction through Council Motion.

Since 2014, Council has unanimously approved the same motion each year to waive fees for these activities. In this instance, the process used to waive fees for Holiday Egg Hunts is repetitive and creates an added barrier for event organizers.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Recreation Fee Waiver/Reduction Policy is still in effect. There are no material changes to the existing policy and therefore no impacts to the policy. Additionally, there are no legislated requirements associated with this Report. After review by Recreation staff, the Holiday Egg Hunts that have been approved annually through a Council resolution over the past five years would have qualified to receive a fee waiver if they were all assessed through the policy.

RELEVANT CONSULTATION

SEAT staff within the Planning and Economic Development Department have reviewed the Report.

Events Office staff within the Planning and Economic Development Department have reviewed the Report.

Finance and Administration staff within Corporate Services have also reviewed the Report.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The recommendation considers the fact that volunteer event organizers have access to minimal financial resources and that the largest expenditure for their event is the park rental fee. Insurance fees cannot be waived as they are required to cover the liability aspects related to executing the event. Insurance can be provided by the organization's supplier, or can be purchased at competitive rates through the Recreation Division.

The Holiday Egg Hunts permitted in City of Hamilton parks in the last five years have been organized by non-profit organizations or volunteer community organizations. Consequently, these events have met various aspects of the Recreation Fee/Waiver policy, such as the activity must be recreation or leisure based, the event must be open to the entire community, no user fees should be charged and the event must be run by a community group operating on a non-profit basis. Since the application of the Recreation Fee/Waiver policy is intact, the recommendation removes the burden from the event organizer of applying for the Fee Waiver process. It also formalizes a process that City Council has continuously approved for a number of years.

ALTERNATIVES FOR CONSIDERATION

None

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement & Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Healthy and Safe Communities

Hamilton is a safe and supportive city where people are active, healthy, and have a high quality of life.

APPENDICES AND SCHEDULES ATTACHED

None



PUBLIC WORKS COMMITTEE REPORT 19-005

9:30 a.m.

Monday, April 1, 2019
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors L. Ferguson (Chair), J.P. Danko (Vice-Chair), C. Collins, J. Farr, S. Merulla, N. Nann, E. Pauls, M. Pearson, A. VanderBeek, and T. Whitehead

**Absent with
Regrets:** Councillor T. Jackson – Personal

Also Present: Councillor M. Wilson

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 19-005 AND RESPECTFULLY RECOMMENDS:

1. On-Street Parking and Bicycle Lanes (PED19074) (Ward 2) (Outstanding Business List Item) (Item 7.4)

That Report PED19074, respecting On-Street Parking and Bicycle Lanes, be received.

2. Intersection Control List (PW19001(a)) (Wards 3, 6, 9, 11, 12, and 15) (Item 7.5)

That the appropriate By-law be presented to Council to provide traffic control as follows:

Intersection			Stop Control Direction		Class	Comments / Petition	Ward
Street 1	Street 2	Existing	Requested				
Section “A” Ancaster							
(a)	Regan Drive	Klein Circle (West Intersection)	NC	WB	A	Plan of New Subdivision	12
(b)	Regan Drive	Klein Circle (East Intersection)	NC	NB/SB	A	Plan of New Subdivision	12
(c)	Regan Drive	Springbrook Avenue	NC	EB	A	Plan of New Subdivision	12
Section “C” Flamborough							
(d)	Riley Street	Premier Road	All	WB	A	Cancelled all-way stop control (never installed) – Councillor approved	15
Section “D” Glanbrook							
(e)	Twenty Road East	Ambitious Court	NC	NB	B	Plan of New Subdivision	11
Section “E” Hamilton							
(f)	Elm Street	Balsam Avenue South	NC	WB	A	Housekeeping – missing t-type stop sign	3
(g)	Dianne Court	Palmer Road	NC	EB	A	Housekeeping – missing t-type stop sign	6
(h)	Rosanne Crescent	Palmer Road	NC	EB	A	Housekeeping – missing t-type stop sign	6
(i)	Bellagio Avenue	Terryberry Road	NC	EB	A	Plan of New Subdivision	9
(j)	Bethune Avenue	Dalgleish Trail	NC	EB	A	Plan of New Subdivision	9
(k)	Bethune Avenue	Rockledge Drive	NC	WB	A	Plan of New Subdivision	9
(l)	Dolomiti Court	Dalgleish Trail	NC	EB	A	Plan of New Subdivision	9
(m)	Cittadella Boulevard	Dalgleish Trail	NC	EB	A	Plan of New Subdivision	9
(n)	Piazzetta Avenue	Bethune Avenue	NC	NB	A	Plan of New Subdivision	9
(o)	Piazzetta	Cittadella	NC	NB/SB	A	Plan of New	9

Intersection		Stop Control Direction		Class	Comments / Petition	Ward
Street 1	Street 2	Existing	Requested			
	Avenue	Boulevard			Subdivision	
(p)	Piazzetta Avenue	Dolomiti Court	NC	SB	A	Plan of New Subdivision 9
(q)	Rockledge Drive	Dalglish Trail	NC	NB	A	Plan of New Subdivision 9
(r)	Rockledge Drive	Cittadella Boulevard	NC	SB	A	Plan of New Subdivision 9
(s)	Terryberry Road	Dalglish Trail	NC	SB	A	Plan of New Subdivision 9

Legend

No Control Existing (New Subdivision) - **NC**

Intersection Class: **A** - Local/Local **B** - Local/Collector **C** - Collector/Collector

3. Sewer Use By-law Proposed Amendments Report (PW19029) (City Wide) (Item 7.6)

That Report PW19029, respecting Sewer Use By-law Proposed Amendments Report, be received.

4. Truck Route Sub-Committee Report 19-001 - March 26, 2019 (Added Item 7.7)

(a) Appointment of Chair and Vice-Chair (Item 1.1)

- (i) That Councillor J. Farr be appointed as Chair of the Truck Route Sub-Committee for the 2018-2022 term; and,
- (ii) That Councillor N. Nann be appointed as Vice-Chair of the Truck Route Sub-Committee for the 2018-2022 term.

(b) Truck Route Master Plan Review: Terms of Reference (PED19073) (City Wide) (Item 9.1)

- (a) That Report PED19073, dated March 26, 2019, respecting Truck Route Master Plan Study Review, be received;
- (b) That Appendix "A" attached to Public Works Committee Report 19-005, respecting (Terms of Reference for Truck Route Master Plan Review), be amended to be subject to additional opportunities for civic engagement, public meetings, Truck Route Sub-Committee meetings, mainstream and social media opportunities and any

other aspect that staff would feel is beneficial and be further amended as follows:

- (i) That the terms of reference for the Truck Route Master Plan review be revised to include reference to the City of Hamilton's vision statement and the goal of Vision Zero;
 - (ii) That the City's vision statement – to be the best place to raise a child and age successfully – and the goal of Vision Zero be set out at the start of the terms of reference; and,
 - (iii) That the City's vision statement and Vision Zero action plan guide the objectives and principles of the Truck Route Master Plan;
- (c) That \$100,000 from the Red Light Camera Reserve (Account #112203) be dedicated toward enhancing the current Terms of Reference for the Truck Route Master Plan Review Budget, and that the additional budget primarily be directed at enhanced public engagement to help inform the final report back to the Truck Route Sub-Committee.

5. Public Planning Results for 2018 Plan Local Initiative Resulting in Ward 2 Area Rating Funded Projects (Ward 2) (Item 11.1) (REVISED)

- (a) (Central, Durand and Stinson Neighbourhood) That \$400 for a total of 13 metal containers, at \$30 per metal container be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052, and that \$18,930 be included in the Public Works Department 2020 base operating budget submission for the ongoing maintenance of the waste containers;
- (b) (Central Neighbourhood 15, Corktown Neighbourhood 1, Durand Neighbourhood 7, Stinson Neighbourhood 3) That \$39,000 for public bench seating (the installation of 32 standard bench seating), be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (c) (Stinson Neighbourhood) That \$149,850 for Graffiti removal and curbing by Mural(s) Under Claremont Access to act as a "gateway", as Wards 2 and 3 meet at the Access, be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (d) (Beasley Neighbourhood) That \$75,000 for Graffiti Removal/Prevention at Ferguson Station and a public art mural at 250 King St. E. be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052; and that the International Village BIA be authorized to facilitate these initiatives;

- (e) (Beasley Neighbourhood) That \$9,000 for Planters for the Cannon Bike Track be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052, and that \$2,980 be included in the Public Works Department 2020 base operating budget submission for the ongoing maintenance of the planters;
- (f) (Beasley and Central Neighbourhood) That funding in the amount of \$75,000 for trees be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052 (15k for Central, 54k for Beasley), and that \$990 be included in the Public Works Department 2020 base operating budget submission for the ongoing maintenance of the street trees;
- (g) (Corktown Neighbourhood) That \$60,000 for playground equipment for Corktown Park & Shamrock park be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (h) (Central, Corktown and Durand Neighbourhood) That \$105,000 for installation of a solar lighting be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052; (Central 5, Corktown 1 and Durand 1);
- (i) (Corktown Neighbourhood) That \$75,000 for Bike path at Shamrock Park 120m long multi-use path beside the existing sidewalk so cyclists can ride from existing Ferguson bike lanes to the tunnel – to Young St., be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (j) (Durand Neighbourhood) That \$15,000 for installation of completion of the Durand heritage neighbourhood street signage be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (k) (Central Neighbourhood) That \$6000 for 15 Hanging Baskets be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052, and that \$3,100 be included in the Public Works Department 2020 base operating budget submission for the ongoing maintenance of the hanging baskets;
- (l) (North End Neighbourhood) That \$100,000 for bathroom upgrades at Eastwood Park be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (m) (North End Neighbourhood) That \$56,000 for playground equipment for Eastwood Park be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052;
- (n) (Central Neighbourhood) That 12,600 for planters be funded from the Ward 2 Area Rating Special Capital Reinvestment Reserve No. 108052 and that

\$3,900 be included in the Public Works Department 2020 base operating budget submission for the ongoing maintenance of the planters; and,

- (o) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

6. Implementation of Alternate Concept Design for Concrete Planters on James St. S. Between Duke St. and Bold St. (Ward 2) (Item 11.2)

WHEREAS, the recent installation of concrete planters to act as required pedestrian safety measures on the west side of James Street South between Duke Street and Bold Street requires adequate modification as a result of input by local businesses stating that the current configuration greatly limits visibility of their businesses; and,

WHEREAS, an alternate concept design requires the removal of some planters and replacement with an enhanced railing and some permanent seating has been approved by local business and residents following consultation respecting what a modification should entail;

THEREFORE, BE IT RESOLVED:

- (a) That Public Works implement the alternate concept design attached as Appendix "B" to Public Works Committee Report 19-005 and, in keeping with City standards, be funded from the Ward 2 Area Rating Special Capital Reserve No. 108052 up to \$100,000; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

7. Sidewalk Repairs and Rolled Curb Replacements (Ward 5) (Item 11.3)

- (a) That \$160,000 be allocated to sidewalk repairs and rolled curb replacements in Ward 5, and that the capital works be funded by utilizing the Ward 5 – 2019 Area Rating Reserve (#108055); and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

8. Area Rating Special Capital Re-Investment Reserve Funded Projects (Ward 4) (Item 11.4)

WHEREAS, Tragina Avenue, within Ward 4 is in need of rehabilitation to extend the life of the roadway and therefore improving service levels and reducing maintenance costs; and,

WHEREAS, Melvin Avenue, within Ward 4 is in need of rehabilitation to extend the life of the roadway in addition to improved cycling facilities as defined through the City of Hamilton Transportation Master Plan and therefore increasing service levels and reducing maintenance costs;

THEREFORE, BE IT RESOLVED:

- (a) That Tragina Avenue, from Normandy Road to Main Street East, at an estimated cost of \$300,000, be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving, along with concrete repairs;
- (b) That Melvin Avenue, from Shelby Avenue to Woodward Avenue, at an estimated cost of \$1,030,000, be rehabilitated using asset preservation practices, with the work to include the rehabilitation of the existing asphalt with repaving, along with concrete repairs;
- (c) That \$1,030,000 from Reserve #108054 – Ward 4 Area Rating Special Capital Reinvestment Reserve – be utilized to fund the road rehabilitation design using asset preservation practices for the roadways noted above;
- (d) That cycling facilities be coordinated with the resurfacing of Melvin Avenue from Walter Avenue to Woodward Avenue as identified within the Transportation Master Plan as identified and funded within the 2019 Capital Budget submission;
- (e) That the General Manager of Public Works be authorized to prepare design and tender documents as required for the above-noted works; and,
- (f) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS (Item 5)

5.1 Correspondence respecting the Truck Route Master Plan Study:

- (a) Chelsea Cox and Thea Jones, Hamilton Bike Share
- (b) Chris Saunders
- (c) Laurie Brady
- (d) Dave Wells

Recommendation: Be received and referred to the consideration of
Added Item 7.7 - Truck Route Sub-Committee Report 19-001 -
March 26, 2019.

2. DELEGATION REQUESTS (Item 6)

**6.1 Giovanni Puzzo, respecting Item 7.4 - On-Street Parking and
Bicycle Lanes (PED19074) (for today's meeting)**

3. CONSENT ITEMS (Item 7)

7.7 Truck Route Sub-Committee Report 19-001 - March 26, 2019

4. PUBLIC HEARINGS / DELEGATIONS (Item 8)

**8.2 Anne Pearson and Gail Rappolt, United Nations Association in
Canada Hamilton Branch and Culture of Peace Hamilton,
respecting April 25th Peace Luncheon With a Focus on the
Reduction of Plastic Use (Approved by the Public Works
Committee on March 18, 2019 and will be heard on April 29, 2019
as per the delegate's request)**

5. MOTIONS (Item 11)

**11.1 Public Planning Results for 2018 Plan Local Initiative Resulting in
Ward 2 Area Rating Funded Projects (Ward 2) (REVISED)**

The agenda for the April 1, 2019 Public Works Committee meeting was
approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

Council – April 10, 2019

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) March 18, 2019 (Item 4.1)

The Minutes of the March 18, 2019 meeting of the Public Works Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

(i) Correspondence respecting the Truck Route Master Plan Study: (Added Item 5.1)

- (a) Chelsea Cox and Thea Jones, Hamilton Bike Share
- (b) Chris Saunders
- (c) Laurie Brady
- (d) Dave Wells

The correspondence, respecting the Truck Route Master Plan Study, was received and referred to the consideration of Item 7.7 - Truck Route Sub-Committee Report 19-001 - March 26, 2019.

(e) DELEGATION REQUESTS (Item 6)

(i) Giovanni Puzzo, respecting Item 7.4 - On-Street Parking and Bicycle Lanes (PED19074) (For today's meeting) (Added Item 6.1)

The delegation request, submitted by Giovanni Puzzo, respecting Item 7.4 - On-Street Parking and Bicycle Lanes (PED19074), was approved for today's meeting.

(f) CONSENT ITEMS (Item 7)

(i) Hamilton Cycling Committee Minutes - October 3, 2018 (Item 7.1)

The Minutes of the October 3, 2018 meeting of the Hamilton Cycling Committee were received.

(ii) Hamilton Cycling Committee Minutes – November 7, 2018 (Item 7.2)

The Minutes of the November 7, 2018 meeting of the Hamilton Cycling Committee were received.

- (iii) Bollard Installation along Herkimer St. and Motor Vehicle Turning Restriction at the Intersection of Herkimer St. and Queen St. S. (Wards 1 and 2) (Hamilton Cycling Committee - Citizen Committee Report) (Item 7.3)**

That the Hamilton Cycling Committee - Citizen Committee Report respecting Bollard Installation along Herkimer St. and Motor Vehicle Turning Restriction at the Intersection of Herkimer St. and Queen St. S. be received, and referred to staff for a report back to the Public Works Committee in six months.

Added Item 8.3, the delegation request, submitted by Giovanni Puzzo, respecting Item 7.4 - On-Street Parking and Bicycle Lanes (PED19074), was moved up in the agenda to be heard at this time.

(g) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i) Giovanni Puzzo, respecting Item 7.4 - On-Street Parking and Bicycle Lanes (PED19074) (Added Item 8.3)**

Giovanni Puzzo, addressed the Committee respecting Item 7.4 - On-Street Parking and Bicycle Lanes (PED19074).

The delegation from Giovanni Puzzo, respecting Item 7.4 - On-Street Parking and Bicycle Lanes (PED19074), was received.

WHEREAS, property owner, Mr. Giovanni Puzzo, has suggested to the Public Works Committee a hybrid solution respecting the loss of on-street parking on Bay Street North between Barton Street West and Stuart Street; and,

WHEREAS, since the bike lanes have been installed, the property owner (Mr. Giovanni Puzzo) has shared that he has difficulty accessing his property for maintenance, etc.;

THEREFORE, BE IT RESOLVED:

- (a) That Staff report back to the Public Works Committee on the hybrid solution suggested by the resident (Mr. Giovanni Puzzo) to provide for off-peak short-term parking on Bay Street North between Barton Street West and Stuart Street, and which may feature a sharrows approach versus delineated lanes; and,
- (b) That Public Works Committee Staff engage with the Hamilton Cycling Committee on the hybrid solution to provide for off-peak short-term parking on Bay Street North between Barton Street West

and Stuart Street and invite Mr. Giovanni Puzzo to the meeting to inform the report back to the Public Works Committee.

For disposition of this matter, refer to Item 1.

(h) CONSENT ITEMS (Item 7) – CONTINUED

(i) Truck Route Sub-Committee Report 19-001 - March 26, 2019 (Added Item 7.7)

That Item 2 of the Truck Route Sub-Committee Report 19-001, be further amended by amending subsection (b), to read as follows:

WHEREAS, the City of Hamilton will be undertaking a review of its truck routes in years 2019-2020;

WHEREAS, a Truck Route Sub-Committee has been formed to oversee this review;

WHEREAS, the Truck Route Sub-Committee is in receipt of terms of reference to guide the work of a consultant in the review and assessment of the 2010 Truck Route Master Plan (TRMP);

WHEREAS, the consultant will recommend policies and strategies for managing the movement of trucks in Hamilton;

WHEREAS, the city of Hamilton's vision statement best reflects the kind of city Hamiltonians want to aspire to become over the next 10-years;

WHEREAS, the city of Hamilton has recently approved an action plan to guide its goal of realizing zero fatalities on its streets and roads with the goal of Vision Zero; and,

WHEREAS, the terms of reference should lead with reference to the city's vision statement and commitment to Vision Zero so that they may be included in the consultant's scope of work and assessment framework;

2. Truck Route Master Plan Review: Terms of Reference (PED19073) (City Wide) (Item 9.1)

- (a) That Report PED19073, dated March 26, 2019, respecting Truck Route Master Plan Study Review, be received;

- (b) That Appendix “A” attached to Truck Route Sub-Committee Report 19-001, respecting (Terms of Reference for Truck Route Master Plan Review), be amended to be subject to additional opportunities for civic engagement, public meetings, Truck Route Sub-Committee meetings, mainstream and social media opportunities and any other aspect that staff would feel is beneficial; and, ***be further amended as follows:***
 - (i) ***That the terms of reference for the Truck Route Master Plan review be revised to include reference to the City of Hamilton’s vision statement and the goal of Vision Zero;***
 - (ii) ***That the City’s vision statement – to be the best place to raise a child and age successfully – and the goal of Vision Zero be set out at the start of the terms of reference; and,***
 - (iii) ***That the City’s vision statement and Vision Zero action plan guide the objectives and principles of the Truck Route Master Plan;***
- (c) That \$100,000 from the Red Light Camera Reserve (Account #112203) be dedicated toward enhancing the current Terms of Reference for the Truck Route Master Plan Review Budget, and that the additional budget primarily be directed at enhanced public engagement to help inform the final report back to the Truck Route Sub-Committee.

For disposition of this matter, refer to Item 4.

(i) PUBLIC HEARINGS/DELEGATIONS (Item 8) – CONTINUED

- (i) **Peter Burroughs, respecting South Service Rd. Between Belgraden Ave. and Dewitt Rd. Being a Dangerous Road without Proper Signage (Approved by the Public Works Committee on Feb. 22, 2019) (Item 8.1)**

Peter Burroughs, addressed the Committee respecting South Service Rd. Between Belgraden Ave. and Dewitt Rd. Being a Dangerous Road without Proper Signage, with the aid of a presentation.

The presentation from Peter Burroughs, respecting South Service Rd. Between Belgraden Ave. and Dewitt Rd. Being a Dangerous Road without Proper Signage, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(j) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendments to the Public Works Committee's Outstanding Business List, were approved:

(a) Items to be referred:

- (i) Feasibility of a Lead Pipe Watermain Replacement Grant Program for Residents**
Item on OBL: Y
To be referred to the Audit, Finance and Administration Committee, pursuant to the mandate of the Committee (Grants).

(b) Items to be removed:

- (i) On Street Parking and Bike Lanes**
Addressed as Item 7.3 on today's agenda – Report PED19074
Item on OBL: X

(c) Items requiring a new due date:

- (i) Full Review of Aberdeen Ave. from Queen to Longwood**
Item on OBL: B
Current Due Date: April 15, 2019
Proposed New Due Date: May 13, 2019
- (ii) Annual Clean and Green Strategy Progress Update**
Item on OBL: H
Current Due Date: September 16, 2019
Proposed New Due Date: June 17, 2019
- (iii) PRESTO Operating Agreement**
Item on OBL: N
Current Due Date: April 15, 2019
Proposed New Due Date: April 29, 2019

- (iv) Emergency Shoreline Protection Works
Item on OBL: R
Current Due Date: July 10, 2019
Proposed New Due Date: September 30, 2019
 - (v) Red Hill Valley Project Integrated Environmental Monitoring Program
Item on OBL: Z
Current Due Date: April 15, 2019
Proposed New Due Date: September 30, 2019
 - (vi) Tiger Tail Stop Signs
Item on OBL: AH
Current Due Date: July 10, 2019
Proposed New Due Date: June 17, 2019
- (ii) **Close of the Public Tender for Prequalified General Contractor Required for Secondary Plant Upgrades, New Tertiary Treatment Facility, New Chlorine Contact Tank and Modifications to Red Hill Creek Located at the Woodward Avenue Wastewater Treatment Plant - UPDATE (C13-71-18) (Added Item 13.2)**

Andrew Grice, Director, Hamilton Water, informed Committee that this is the third and final tender associated with the Woodward Avenue Wastewater Treatment Plant upgrades and a step towards delisting Hamilton Harbour as an Area of Concern.

(k) ADJOURNMENT (Item 15)

There being no further business, the Public Works Committee be adjourned at 11:26 a.m.

Respectfully submitted,

Councillor L. Ferguson
Chair, Public Works Committee

Alicia Davenport
Legislative Coordinator
Office of the City Clerk

Consulting Services for:

Hamilton Truck Route Master Plan Study Review

Table of Content

Contents

1.0 INTRODUCTION.....	1
2.0 PURPOSE, GOALS, OBJECTIVES & GUIDING PRINCIPLES	5
2.1 Purpose and goal of TRMP study update.....	5
2.2 Objectives and Guiding Principles of the TRMP update	5
3.0 BACKGROUND	6
3.1 IDENTIFIED ISSUES	7
4.0 SCOPE OF CONSULTING ASSIGNMENT.....	8
4.1 Understanding and Approach to Project.....	9
4.2 Project Team Qualification and Experiences	9
4.3 Project Schedule and Reporting	9
5.0 STUDY WORK PLAN	10
5.1 Stage 1: Review of the Relevant Background Material and Problem Identification	10
5.3 Stage 2: Policy Review and Development	12
5.2 Stage 3: Alternative Solution and Evaluation.....	13
5.4 Stage 4: Study Documentation	14
5.5 Public Consultation/Engagement Plan.....	15
6.0 STATEMENT OF REQUIREMENTS.....	17

TERMS OF REFERENCE

Hamilton Truck Route Study Review

Preamble

The Truck Route Master Plan Study update shall be undertaken and guided using vision, objectives and principals established in Hamilton's (2016-2025) Strategic Plan and the 2018 City-wide Transportation Master Plan (TMP), which is inclusive of Complete-Livable-Better Streets and Vision Zero policies. The plan shall be developed with the priorities and desired outcomes established within these plans.

Hamilton's (2016-2015) Strategic Plan guides how the City approaches all of it's activities.

The Plan's vision is:

"To be the best place to raise a child and age successfully"

The TMP's vision is to:

"Provide a comprehensive and attainable transportation blueprint for Hamilton as a whole that balances all modes of transportation to become a healthier city."

1.0 INTRODUCTION

The City of Hamilton is seeking a proposal to provide professional consulting services to review and update the 2010 Council approved Hamilton Truck Route Master Plan Study (TRMP), the objectives and guiding principles, related policies, and implementation strategies, aligned with the City's Strategic Plan vision. The study area is identified in **Figures 1 and 2**. Though we do not anticipate any new road infrastructure projects to be recommended, the study should follow Phases 1 and 2 of the Municipal Class Environmental Assessment process (October 2000, as amended in 2007, 2011 and 2015).

The TRMP is a strategic document that addresses City-Wide goods movement via truck routes, their related issues, conditions, and opportunities. This document is a key component of the Council approved City-Wide Transportation Master Plan (TMP) and supports the 2016-2020 Economic Development Action Plan. The TRMP provides guidance that balances the needs of goods movement and trucking industry with added emphasis on minimizing the adverse impacts of heavy vehicles on the interest of the greater community (e.g. public health, quality of life etc.).

The TRMP Study update, aligned with the City's vision should develop strategies to minimize the adverse impacts of heavy vehicles over the air quality, health and the quality of life of citizens, in addition to improving the multimodal level of service and transportation safety to achieve the objectives of the Vision Zero policy.

The objective of this review is to determine whether the existing truck route network can support the current and future needs of local, regional and global goods movement, considering the location of Hamilton in the Greater Toronto and Hamilton Area (GTHA) and as the North American Gateway for goods movement. Additionally, to develop a safe, reliable, economically efficient, and environmentally sustainable goods movement network that provides a direct connection between goods-generating land uses, the major multi-

modal transportation system and inter-modal terminals, and ensures robust connectivity with the regional and global networks.

The TRMP update should address the following as a minimum, but not limited to:

- Enhance the vision statement for the City's goods movement
- Update or renew the objectives and principles of the TRMP, along with technical justifications, in order to achieve the set goals for the truck route network
- Update the criteria for selecting routes to be included in the truck route network and revise the truck route mapping compatible with the City's GIS system, including system pinch points, which may be restrictive to certain design vehicles (e.g. overhead clearances)
- Review and update of the information that should be contained in the City's by-law to support the truck route network and update of relevant by-law schedules
- A review of specific Truck-related problem location and identify a toolbox of solutions (e.g. communications/education programs)
- Identify monitoring and enforcement strategies
- Investigate best practices relating to routes for heavy trucks versus other types of trucks and other truck distinctions
- Update operational policies such as signing methodology, with respect to the newly adopted hybrid-truck route signing approach
- A review of boundary roads and connecting links to the regional truck route networks
- Examines the integration of goods movement into Complete-Livable-Better streets, along with technical justifications, including geometric design considerations
- Impacts of Climate Change and need to expand seasonal load restrictions
- Develop truck route related policies and recommend implementation strategies

<https://www.hamilton.ca/streets-transportation/driving-traffic/hamiltons-truck-route-network>

Figure 1: 2017 Truck Route Map

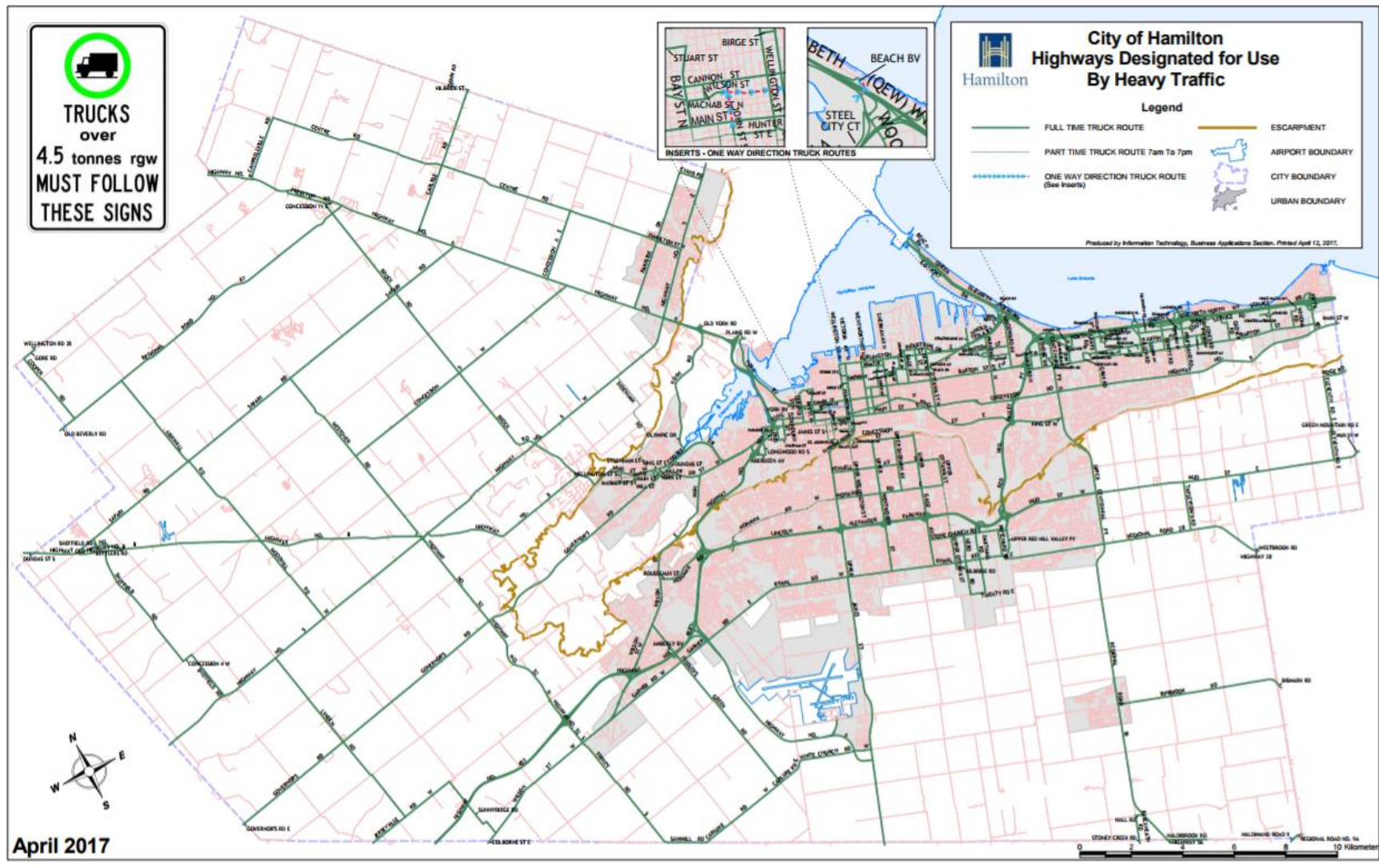
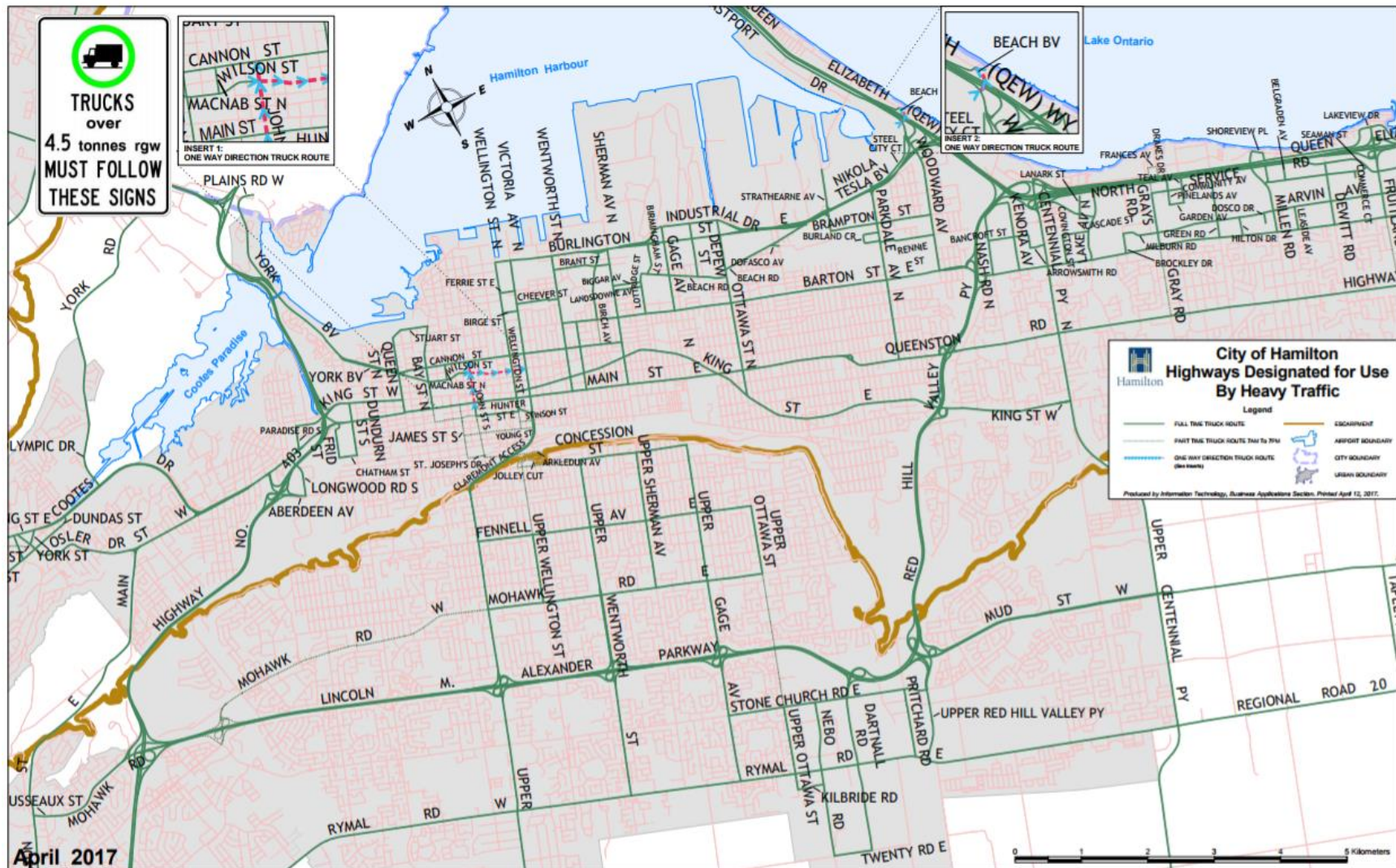


Figure 2: 2017 Truck Route Map (Urban)



2.0 PURPOSE, GOALS, OBJECTIVES & GUIDING PRINCIPLES

2.1 Purpose and goal of TRMP study update

- To update the 2010 Hamilton Truck Route Master Plan Study, the truck route network map, policies, and implementation strategies that can assist the city in managing the truck route network, for the next five to ten years. The overall goal of the study is to support the City's strategic and transportation plans to support the City's vision and priorities including healthy and safety communities and economic prosperity. This can be achieved through maximizing the efficiency of goods movement and minimizing the impacts of heavy vehicles on the community (including sensitive land uses).

2.2 Objectives and Guiding Principles of the TRMP update

The primary objective of this TRMP study update is to evaluate the objectives and principles identified in the 2010 study and illustrated in Table 1. This study will determine whether updated or new objectives and principles are required.

Key considerations for an updated set of objectives include:

- Hamilton's growing role as a regional intermodal transportation centre within the GTHA-Windsor-Sarnia Trade Corridor, Canada's Innovation corridor, and the Ontario-Quebec Continental Gateway Trade Corridor;
- Need to examine and address the impacts of freight transport vehicles on climate, public and environmental health, road user's safety, local and regional economy, and sensitive land uses
- Integration of goods movement in multimodal transportation systems and Complete-Livable-Better (CLB) streets;
- Embrace the community and support local prosperity by striving toward a safe, and reliable road network and make roadways throughout the City of Hamilton the safest by addressing safety holistically for all road users, including vulnerable road users such as seniors and children;
- Need to address bottlenecks to ensure adequate multimodal levels of service, as the city's employment and population grows;
- Providing connectivity with other regions in the south-central Ontario and into the United States including how bottlenecks beyond the City's boundaries influence goods movement;
- Emerging technologies and trends in manufacturing, freight and transportation industries that will likely have a considerable impact on the future of goods movement in Hamilton;
- Approaches to optimize existing infrastructure and capacity, and minimize adverse economic, social, and environmental impacts caused by goods movement;

Table 1: 2010 Truck Route Study Objectives and Principles

Objectives	Principles
<ul style="list-style-type: none"> • Identify the purpose and goals of a truck route network, along with technical justification, in order to achieve the goals of the truck route systems; • Set the basic criteria for selecting routes to be included in such a network; and a review of the overall system structure, specific truck-related problem areas, and boundary roads; • Follow the Phases 1 and 2 of Municipal Class EA process dealing with transportation system problems or opportunities, and alternatives planning strategies respectively; • Summarize the information that should be contained in the City's by-law (Traffic By-Law No. 01-205) to support the truck route network, and; the by-law and by-law schedules to provide a new comprehensive by-law; • Develop operational specifics such as signing methodology, including engine brake noise issues; and • Revise truck route mapping to be compatible with the City's GIS system 	<ul style="list-style-type: none"> • Balancing Social, environmental, and economic factors; • Consistent and transparent decision-making • Minimizing the demand for enforcement; • Minimizing dead ends in the network; • Transferring of truck traffic to higher quality facilities; and • Matching relationship of trucks to road category and roadway configuration

3.0 BACKGROUND

The 2010 Council approved TRMP was developed as a key component of the 2007 TMP as part of the [GRIDS](#) process. The TRMP is utilized to manage the truck route network and contribute to achieve City's economic prosperity and improve quality of life.

The development of the Hamilton 2010 TRMP study was consistent with directions taken in the 2008 Metrolinx release of "*The Big Move*", an integrated multi-modal Regional Transportation Plan (RTP) for the GTHA. Subsequent to the RTP, Metrolinx undertook a GTHA Urban Freight study that fed into background reports as part of the 2018 update to the RTP. The TRMP update is an opportunity to address any policy gaps and inconsistencies between these three documents and develop strategies to move people and goods on shared infrastructures effectively.

The Council approved TMP update (2018) highlights the significance of a reliable goods movement network and freight supportive land uses over Hamilton's economic growth and prosperity. The TMP update undertook a high-level overview of goods movement policies, supporting actions, and considerations for the integration of goods movement and Complete-Livable-Better (CLB) streets. It recognized the need for updating the 2010 TRMP, the truck route network map, and a comprehensive review of the truck route network from a connectivity standpoint with other regions in south-central Ontario and beyond.

Aligned with the objectives of the TMP, the truck route network must satisfy the needs for effective transport of goods in integration with other modes of transportation and on shared infrastructure, in the short, intermediate and long term. An increase in the number of truck-related problem locations, implementation of Light Rail Transit, and embracing the CLB streets approach by the City, will need to be addressed as part of this study.

The Proponent will be required to review existing truck route network and outline the current and expected truck route-related problems as a result of an increase in trucking activities due to anticipated growth, to provide solutions and recommend supporting policies the City can contemplate to mitigate these matters.

3.1 IDENTIFIED ISSUES

Some issues and problem areas have been identified concerning truck traffic and truck route network, to review and address as part of the TRMP study:

Network Issues

- Light Rail Transit – Impact of LRT project over truck route network
- Lack of a lower Hamilton east-west truck route corridor
- Connecting Hamilton Airport Employment Growth District to Red Hill Valley Business Park
- Connecting Hamilton Aerotropolis to Hamilton Port and Intermodal Rail Terminal
- Downtown Hamilton goods delivery services – curbside lane loading/unloading zone accommodation – permit small to midsize trucks at the CBD
- Off-peak delivery service
- 400 series Highway improvements

Rural Issues

- Farm equipment
- Illegal dumping
- Binbrook-Ancaster agriculture routes
- Quarry haul routes and impacts on adjacent land use such as schools
- Heavy construction vehicles/machinery haul routes

Road Safety and Environmental Issues

- Heavy vehicle integration into complete streets
- Air quality and noise pollution
- Low traffic reliability, CO2 emission and acidification Driver behaviour and increased freight vehicle kilometers traveled

- Design integration of heavy vehicles into roundabouts and other road infrastructure
- Appropriate signage of truck routes
- Public health and quality of life
- Air-brake noise and vibration
- Dust pollution mitigation
- Truck traffic speed
- Distinction between “heavy load” trucks versus other similar sized delivery trucks
- Impacts of Climate Change on reduced load roadways

Identified Truck-related problem areas

- Cannon Street – Bicycle conflict with heavy truck traffic and noise complaints at the intersection of James Street North at Cannon Street
- Bay Street North – No designated truck route due to new bike lane installation
- Carlisle Road – Concern with respect to noise, speed and deterioration of the roadbed and pavements condition due to excessive heavy truck traffic
- Victoria Street – Two-way conversion & creating General Hospital Safety Zone
- Wellington Street – Creating General Hospital Safety Zone
- Parkdale Avenue North -
- Sydenham Hill (Downbound)
- Queen Street – No-trucks
- Millen Road – No-trucks, north of South Service Road
- Gray Road- No-trucks north of South Service Road
- Wellington Street South (Dundas)- No-truck route
- Wilson Street (Ancaster) – No truck route
- Hess Street North Cannon to Barton – Violation of truck route
- Dickenson Road – Violation of truck route
- Gage Avenue – Violation of truck routes, trucks entering from King Street East
- Millgrove Side Road - Violation of truck route – No signal at concession 5 and highway 6
- York Boulevard / Wilson Street (Hamilton) – No-truck route
- Main Street – Downtown Core
- Sawmill Road – No-truck route
- Glover Road Hydro-Line to Rymal Road - Violation of truck route
- Knox Ave - Violation of truck route and deterioration of road infrastructure
- Haldibrook Road & Westbrook Road – Municipal boundary road
- Barton Street (Stoney Creek) – Lewis Road to Fifty Road (no truck route)
- Cut-through traffic in various neighbourhoods
- Barton Village Business Improvement Area – No-truck route
- Mitigation near sensitive receptors (e.g. elementary schools / day cares)

4.0 SCOPE OF CONSULTING ASSIGNMENT

The Consultant shall submit a work plan and cost estimate reflecting the above scope of work and after further review of relevant background materials and review of the study area. Upon discovery of any discrepancies or omissions through review of this TOR, the Consultant shall request clarification of the matter.

4.1 Understanding and Approach to Project

The Consultant shall demonstrate their knowledge in best practice of urban and rural multimodal transportation planning, design of an effective truck route network, application of public health and environmental principles in to transportation planning, as well as specific issues that are contributing to the need for a truck route network review in the City of Hamilton at the current time. The proponent is also expected to indicate the approach to be taken to define a strategic basis for examining the truck route network as holistic and route by route.

4.2 Project Team Qualification and Experiences

The Consultant shall identify the Project Manager and key staff responsible for the delivery of various tasks of this project. Resumes shall be provided for each team member not listed on the roster (maximum of two pages) to demonstrate their respective qualification and experience relevant to the scope of this project.

An organizational chart should be submitted to demonstrate the organization of the project team, their specific role, and their reporting hierarchy. The Project Manager and key staff shall demonstrate the skills and ability:

- To manage projects of similar scope, and the ability to deliver high-quality work, on time, and set budget;
- To work as a multi-disciplinary team on projects of similar scope; and
- To work effectively with a wide variety of interest groups and authorities including all levels of government, special interest groups and the members of the public

To avoid unexpected disruption in project progress due to unforeseen circumstances, the Proponent shall provide the City's Project Manager with a contingency plan for key project team members, as well as an organizational chart for this back-up plan.

4.3 Project Schedule and Reporting

- The Consultant shall provide the City with the project schedule (e.g. Gantt-Chart) highlighting the milestones, tasks and subtask with their respective timelines;
- The Consultant should comment on the critical path for this TRMP study on the basis of key project milestones completion dates, and monitor/update the project progress accordingly
- A monthly project status report shall be submitted summarizing the status of the project progress on the task contained in the study schedule, to the satisfaction of the City Project Manager

Key Milestones	Approximate Completion Dates
Project Award Assignment	Q2 2019
Data Collection	Coordinate with various City Departments/ Divisions, and other agencies Q2 2019
Staff (TAC) Meeting	Project Commencement - Q3 2019, and subsequent meetings with Staff prior to public and stakeholder meetings

Public Consultation/ Engagement	Q3 2019
Technical Memorandum	Q3 2019 – Vision, Problem and Opportunity Statement, and Summary of Public and Stakeholders Q&A
Develop Preferred Alternatives/ Solutions & Policy Recommendations	Q4 2019
Public Consultation/ Engagement	Q1 2020
Draft Report	Q2 2020
Final Report	Q2/Q3 2020
Council Presentation	Q3 2020
Public Review	Q3/Q4 2020 for a minimum of 30 days Public Review (if EA filing is necessary)

5.0 STUDY WORK PLAN

The Consultant will need to follow a staged process that should reflect the following stages, as a minimum:

Technical:

- Stage 1: Review of the Relevant Background Material and Problem Identification
- Stage 2: Alternative Solution and Evaluations
- Stage 3: Policy Review and Development
- Stage 4: Study Documentation

Consultation:

- On-going: Consultation/Engagement Plan and Communications Strategy

The work plan shall be presented in a logical and chronological order to ensure that all necessary steps are completed prior to moving to the subsequent stage in the study. The Consultant is expected to develop an innovative and cost-effective work plan while still satisfying the minimum requirements outlined in this document.

The public consultation/engagement is mandatory at each stage of the study, in order to keep Hamilton's citizens and the stakeholders engaged in the process, progress and recommendations as well as avenues for communication. (Allow 3 weeks publication and mail out time prior to each Public and Stakeholders Meeting/Invite)

5.1 Stage 1: Review of the Relevant Background Material and Problem Identification

The TRMP study update should account for the goods movement requirements for the anticipated population and employment growth based on the Official Plan's structure. The increased demand for transport of goods is directly linked to the population and employment growth and the changing landscape of logistics and goods distribution. Developing the truck route network for the current and future needs of transporting goods will be presented to the various stakeholders, the City of Hamilton staff, the public, and City Council for consideration. Through the investigative methodology, the developed alternatives will be refined until the preferred scenario is identified.

The Proponent should obtain and review the background material and relevant literature, along with the objectives and principles of the existing TRMP study - to be able to identify the current issues, conditions and opportunities of truck route network in Hamilton, and develop the problem and opportunity statement. The City of Hamilton will provide the proponent with the following documents:

- Applicable portions of the Traffic By-law
- The most updated version of truck route network map-2017 and reduced truckload map-2007, along with previous versions of truck route maps for 2010 and 2014
- The background information and nature of concern on areas of interest
- [Hamilton Transportation Master Plan 2018 and supporting reports](#)
- [Hamilton Official Plan](#)
- [Hamilton Truck Route Master Plan 2010](#)
- [University of Toronto Study; large trucks are biggest culprits of near-road air pollution](#)
- [Hamilton Goods Movement Study Background Review report \(2015\)](#)
- Hamilton Goods Movement Study Report (2005)
- [Freight Transport and Health: a comprehensive investigation of planning and public participation within U.S. host communities](#)
- [Hamilton Annual Air Quality Report](#)
- [Hamilton Port Land Use Plan and supporting documents](#) & [Hamilton Airport Master Plan](#)
- [Metrolinx Regional Transportation Plan](#)
- The Intersection TMC and Mid-block counts will be provided by the City, along with the trucks and overall collision statistics. The City-Wide 2013-2017 Collision analysis report can be retrieved through the link below:
<https://pub-hamilton.escibemeetings.com/filestream.ashx?DocumentId=178638>
- [Metrolinx's Strategic Goods Movement Network](#)
- [GTHA Urban Freight Study](#) & [Freight Supportive Guidelines](#) by the MTO

Consultant Deliverable(s):

- Technical memorandum that summarizes the findings of Stage 1 including:
 - Vision Statement for City's Truck Route System within context of City-wide TMP and Goods Movement/ Economic Development Strategy
 - Problem and Opportunity Statement
 - Updated Goals, Objectives and Guiding Principles
 - Preferred Alternative Strategy(s)
- Prepare the Notice of Study commencement, in consultation with the City staff
- Preparation of meeting agenda, presentations, handouts, minutes etc
- Receive approval from the City of Hamilton for the Table of Content of the TRMP study update
- Adhere to the requirements of this Terms of Reference and liaise with the City's project team as required
- Assist and collaborate with the city staff in:
 - Chair the Technical Advisory Committee (TAC) meetings, the TAC will be made up of technical and professional City staff (Planning and Economic

Development, Transportation Operation, Engineering/Design, Hamilton Police, and Public Health)

- Attend and act as the moderator-facilitator at themed panel discussions relating to truck routes organized by the City
- Conduct focus group meetings
- Adjacent municipal and provincial government agencies meeting (one)
- Public Information Centres (PICs)

Staff Responsibility:

- The City will make arrangements for meetings and PIC locations and logistics.
- The City will arrange delivery of the Notice of Study Commencement to affected public agencies and advertising
- The City will be responsible for the selection process relating to any focus group and associated meeting logistics
- Monitor progress, coordinate City resources, circulate requests for information to the appropriate departments and respond to questions in a timely manner

5.3 Stage 2: Policy Review and Development

This stage consists of a comprehensive review and update of the truck route related policies and guiding literature that are developed to provide direction for managing the goods movement in Hamilton. A review and update of these policies will form a robust foundation for the development of the TRMP update.

The policy review and consideration of new policy papers should be within the social, economic, and environmental contexts. Key considerations include:

- The prioritization of truck route network improvement
 - This could include evaluation criteria as part of a transparent framework for assessing future goods movement priorities, which may include network connectivity, environmental sustainability, economic efficiency, safety, community impact, integration with CLB streets, cost and constructability

Consultant Deliverable(s):

- Technical memorandum that summarizes the findings of Stage 2 that will include:
 - Development of policy for goods vehicle access and curbside loading/unloading zones in urban areas;
 - Development of policy for safe operation of Long Combination Vehicles (LCV) for the transport of goods;
 - Development of policy for integration of goods movement into CLB streets;
 - Review the potential for embracing Urban Consolidation Centers (UCC), their significance in sustainable freight transport, and consideration for future updates of Official Plan and Zoning By-laws;
 - A review of embracing emerging technologies in goods movement in Hamilton and their potential impact on socio-economical environments
- Propose wording changes required to the traffic by-law

Staff Responsibility:

- Monitor project progress, coordinate City resources, circulate requests for information to the appropriate departments and respond to questions in a timely manner.

- Review the recommended policies and provide feedback on all deliverables

5.2 Stage 3: Alternative Solution and Evaluation

This stage consists of a qualitative and quantitative assessment of alternatives developed, and documentation of the opportunities and constraints for changes to the truck route network based on both the current and projected future needs. For systematic determination of alternative and development of efficient, reliable, economical, and environmentally sustainable truck route network the consultant should assume the following, as a minimum:

- Develop a strategic vision paper, elaborating on the purpose and importance of the truck route network in general and the advantage of a system in the Hamilton context, as well as the context of truck goods transport by road in the future needs
- Undertake field investigations, where new or modified roads associated with seasonal restrictions may be proposed, to characterize the road network and determine whether these roads should become part of the truck route network
- Include the safety component as part of the evaluation process to justify the proposed truck route network, wherever possible and deemed necessary. Tabulate five-year collision frequency for the intersections and Mid-blocks of the roads that could potentially be added or removed from the network. The analysis should specifically document truck related collisions and identify countermeasures for safety improvements as part of truck route revision.
- Examine the attributes required of the truck route network in general and at the roadway level. This will address the integration of trucks into CLB streets from design and as well as the social and environmental perspectives. The possible issues are, but not limited to: lane widths, pavement strength, corner turning radius, safety of vulnerable road users, connectivity, density of route structure, preferred type of adjacent land uses (including sensitive receptors such as day cares, elementary schools and retirement residences), etc.
- Develop a recommended truck route network that will best serve the movement of commercial traffic in the City of Hamilton. Provide alternatives for consideration in satisfaction with the minimum requirement of the Municipal Class EA
- Develop a suitable number of criteria to evaluate each of the truck route alternatives appropriately. The evaluation method developed must be easily understandable to the public
- Review and comment on the validity and acceptability of the current by-law literature
- Undertake the evaluation of each alternative and select a preferred alternative

Consultant Deliverable(s):

- Technical memorandum that summarizes the findings of Stage 3 including:
 - Recommended alternatives
 - Truck route network map for each alternative
- Preparation of material and attendance at City meetings, Stakeholders meetings, Focus Groups meetings, PICs, and any other public outreach and community events

Staff Responsibility:

- The City will make arrangements for meeting and PIC locations and logistics
- Monitor progress, coordinate City resources, circulate requests for information to the appropriate departments and respond to questions in a timely manner
- The City Project team will review the developed alternatives and recommended solutions, and will provide comments in a timely manner

5.4 Stage 4: Study Documentation

Developing the truck route network for the current and future needs of transporting goods will be presented to the various stakeholders, City of Hamilton staff, members of the public, and Council for consideration.

In this stage, all of the study findings and received feedback from the public, stakeholders and the City staff should culminate in the final draft report for review by the City's Project team and endorsement by the City Council.

Deliverable(s):

- Technical memorandum that documents the City's goods movement vision statement, problems and opportunities statement, and inventory of the technical, social, and economic environments, to be considered in the development of alternatives and solutions
- Technical memorandum that will form a part of the TRMP update report, in addition to the vision statement and problem and opportunity statement, this document will contain:
 - The technical, social, economic, environmental, and health criteria used in the development of alternatives
 - All recommended alternatives
 - The possible positive and negative impacts of each alternative on social, economic, environment and health, as well as a systematic evaluation of each, identified alternative, in terms of their advantages and disadvantages
 - Identify and recommend the preferred alternative with a network map for presentation and Public and Council consideration
- A summary memorandum of inputs received during the public consultation, focus groups meeting, and agencies circulation
- A Truck Route Master Plan Study Update draft report that documents all analysis, findings, and recommendations for review by the City of Hamilton. The draft report will also document the public consultation that was completed as part of the study and will include: (an electronic copy (PDF and MS WORD-file) of the draft report shall be submitted)
 - Policy recommendations
 - Network Improvements and associated priorities including cost saving and funding sources (Federal/Provincial Grants)
 - The final revision of the selected/approved truck route network map
- A Truck Route Master Plan Study Review final report documenting all activities undertaken to date through the Approach#1 of the Master Plan MEA Class EA process.
- Based in the final plan, prepare revised by-law schedules for defined truck routes

and reduced load roads in an electronic form (MS WORD) identical to the current by-law, so that the new listings may be presented to Council for approval

- Develop any wording changes required to the traffic by-law text
- Electronic copies (PDF-file and MS WORD) of the final report and the network maps are to be submitted to the City of Hamilton.

Staff Responsibility:

- Monitor progress, coordinate city resources, circulate requests for information to the appropriate departments and respond to questions in a timely manner
- The City will make arrangements for meetings and PIC locations and logistics
- Review and provide feedback on all deliverables, in a timely manner
- Obtain Council endorsement for the final recommendation of the Truck Route Master Plan Study review, the final truck route network map, and filing the final TRMP report in public records, via a report to Council
- Printing of final reports (as required).

Intellectual Property Rights:

All reports produced by the Consultant will become property of the City of Hamilton. These reports and any other documents or presentation material may be produced and distributed as decided by the City without any required permission from the consultant who authored them.

Personal Information provided through public comments is collected by the City of Hamilton in accordance with the Freedom of Information and Protection of Privacy Act and will be used by the City in making a decision on this project. With the exception of personal information, all comments will become part of the public record.

5.5 Public Consultation/Engagement Plan

Through their identified work plan, the Consultant should develop a consultation plan and an effective communication strategy to ensure that people are well informed of the progress in each stage of this strategically important project. It will be vital to the citizens of Hamilton that they understand the scope and reason for the project, identification of the current issues as well as any potential short, intermediate and long-term impacts, both locally in their neighbourhood as well as the City as a whole. The consultation process will serve the Project team and City staff with an understanding of the position and needs of the community and the industry through citizen and stakeholders input. The proposed strategy should make use of emerging technologies yet be cognizant that not all residents may have access to certain technology and provide alternatives to maximize participation.

Several key stakeholders should be consulted over the course of TRMP update to merge resulting insights for the development of an efficient network. Below is a summary of potential meetings with the various stakeholders. The proponent should identify the number of required meetings within their Proposal. However, there is an expectation of extensive community engagement, which will be a shared responsibility between the City and the proponent.

Stakeholder Group(s)	Potential Number of Meetings
City Project Team	4
Adjacent Municipalities/Provincial Agencies	1
Council Truck Route Sub-committee	4
Moderate-Facilitate Panel Discussion / Focus Groups	4
Business Community (BIAs, Chamber of Commerce)	4
City-wide Engagement Meetings	two major phases of broader community forums at multiple locations
Council Meeting	1

Consultation is subject to additional opportunities for civic engagement, public meetings, Truck Route Sub-committee meetings, mainstream and social media opportunities and any other aspects that staff would feel is beneficial.

It is upon the discretion of the Proponent to develop their preferred engagement strategy approach which will likely be based upon their experience on previous related projects; however, the following should be considered, as a minimum:

- Public Information Centres/Workshops, Moderated Panel Discussions, Focus Groups, Open Houses, Pop-Up community events
- Public Surveys/Questionnaires – including collection, analysis, presentation and distribution of data/results
- Meetings - with staff, stakeholders, review agencies, associations, committees and Council

The strategy should be cognizant of Accessibility for Ontarians with Disabilities Act (AODA) requirements

Consultant Deliverable(s):

- Preparation of materials and attendance at Project team meetings, stakeholder meetings, public meetings and Council
- Preparation of all meeting agendas and minutes
- Preparation and maintaining a contact list over the course of the project, in collaboration with the City staff. The list shall include affected provincial and municipal government ministries/agencies, Hamilton Airport, Hamilton Port Authority, and other stakeholders
- Preparation of content to be housed on the City's Project web page
- Preparation of materials, including graphics and text for display boards, surveys as required, for all Public Meetings
- Preparation of materials for simplified messaging for the intended of City staff's attending various pop-up engagement events

- Reports that summarize the approach and feedback received from each public consultation/engagement method
- Support City staff with public inquiries, as needed
- Participate in strategic pop-up engagement events throughout the City with the City's project team, as required

Staff Responsibilities:

- The City's Project Manager will be responsible for responding to all public inquiries
- The City's Project Manager and support team will participate in strategic pop-up engagement events throughout the City
- The City will make arrangements for meeting and PIC locations and logistics
- Monitor progress, coordinate City resources, circulate requests for information to the appropriate departments and respond to questions in a timely manner
- The City will set up and maintain the project website
- The City's Project Manager will review all technical report/memos, display, web materials prepared for the study
- The City will monitor/ensure compliance to the MEA Class EA and appropriate EA standards of practice
- The City will obtain Council endorsement for the final recommendations and filing of the TMP report in the public record, via a report to Council;

Defined Public Consultation

- Notice of Project Commencement – to be announced on the City's website and local newspapers to the attention of general public and agencies
- Staff technical advisory committee meeting prior to each public information centre and key decision-making events/meetings of the study – to provide input and advice on the identified issues
- Speaker Series / Focus Group meetings to obtain feedback

6.0 STATEMENT OF REQUIREMENTS

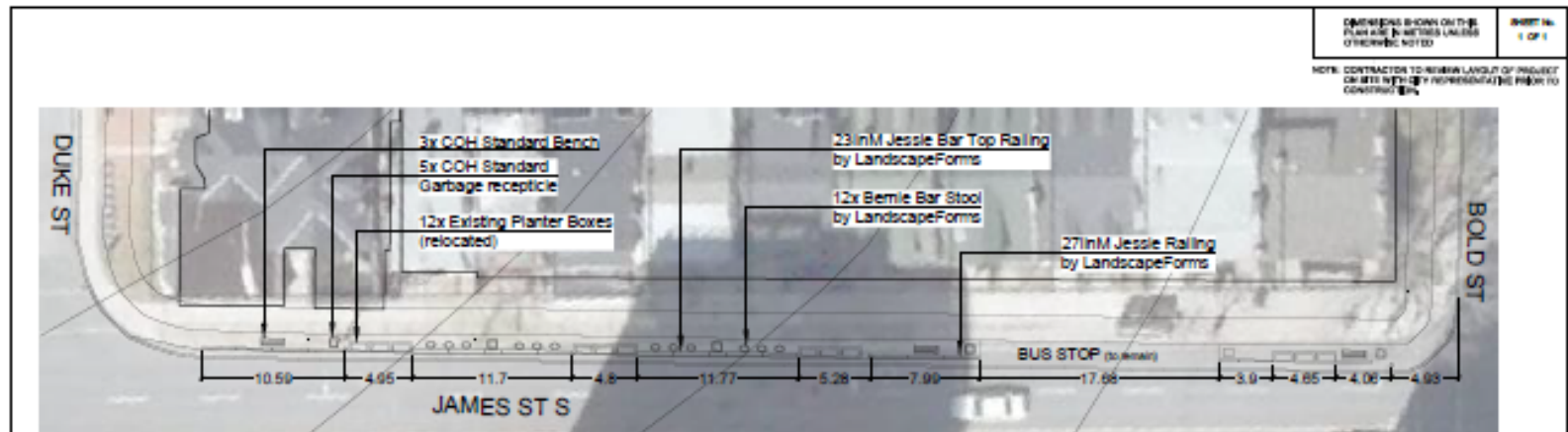
The successful proponent will prepare a draft and final Hamilton Truck Route Master Plan Study Update report, which will satisfy Phases 1 & 2 of the Environmental Assessment process.

Deliverable(s):

- Truck Route Study Review Report – an electronic copy of pdf and other applicable formats
 - Vision Statement for City's goods movement policy
 - Problem and opportunity statement
 - Review of preferred strategy and targets
 - Updated policy papers and develop new policies
 - Updated relevant By-Law schedules
 - Preparation of materials and attendance at project team meetings, stakeholder meetings, public meetings and the Council
 - Preparation of all meeting minutes

- Preparation of content to be housed on the City's project web page
- Report recommendations
- Truck Route Network Map compatible with the City's GIS and open data platform
- Truck Route Network improvements and associated priorities
- Cost impacts including funding sources and cost of do-nothing approach
- Decision-making toolbox

JAMES ST S - Beautification Project



Artists Rendering of James St S Beautification and Urban Edge Enhancements:



Future View along James South:
Looking South to Duke St



Future View along James South:
Looking SouthWest



Future View along James South:
Looking SouthWest



Future View along James South:
Looking SouthWest Near Bold St



Future View along James South:
Looking NorthWest Near Duke St



Future View along James South:
Looking North Jessie Bar Rail and Bernie Stools



Future View along James South:
Looking North Jessie Rail

LandscapeForms Site Furniture:



Jessie Railing with Bernie Bar Stools



NO.	REVISIONS	DATE	REVISION BY	DATE	SCALE	DATE	BY	CITY OF HAMILTON	JAMES ST S - Beautification Project
1			DESIGNED BY					City of Hamilton	Proposed Urban Edge Concept
2			DESIGNED BY					Planning and Economic Development	
3			DESIGNED BY						
4			DESIGNED BY						
5			DESIGNED BY						
6			DESIGNED BY						
7			DESIGNED BY						
8			DESIGNED BY						
9			DESIGNED BY						
10			DESIGNED BY						



PLANNING COMMITTEE

REPORT 19-005

9:30 a.m.

Tuesday, April 2, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors M. Pearson (Chair), M. Wilson, J. Farr (1st Vice Chair), C. Collins, J.P. Danko, B. Clark, T. Whitehead and J. Partridge

Absent with Councillor B. Johnson - Personal
Regrets:

THE PLANNING COMMITTEE PRESENTS REPORT 19-005 AND RESPECTFULLY RECOMMENDS:

1. **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) (Item 8.1)**
 - (a) That Amended Official Plan Amendment Application UHOPA-17-041 by John Barton Investments, Owner, for a change in designation on Schedule "M-2" of the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan from "Low Density Residential" to "Prime Retail", a change in Building Height permissions on Schedule "M-4" Building Heights, and to add a Site Specific Policy Area to permit the development of a five storey professional office building (including medical clinic) and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North, as shown on Appendix "A" to Report PED19060, be approved on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED19060, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe (2017).

Council – April 10, 2019

- (b) That Amended Zoning By-law Amendment Application ZAC-17-090 by John Barton Investments, Owner, for a change in zoning from the “H/S-1058” (Community Shopping and Commercial Etc.) District, Modified, “H” (Community Shopping and Commercial Etc.) District, “L-mr-2” (Planned Development) District, and the “L-mr-2/S-1058 (Planned Development) District, Modified to the Mixed Use Medium Density - Pedestrian Focus (C5a, 723, H73) Zone, to permit a 4,552 sq m office building (including medical clinic), with 117 parking spaces and 45 dwelling units, in the form of Multiple Dwelling and Stacked Townhouse Dwelling units, with 55 associated parking spaces, for lands located at 80 and 92 Barton Street East and 245 Catharine Street North as shown on Appendix “A” to Report PED19060, be approved, subject to the following:
- (i) That the draft By-law, attached as Appendix “C”, as amended, to Report PED19060, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (2017), and complies with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. ____.
 - (iii) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the holding symbol “H73” to the proposed Mixed Use Medium Density – Pedestrian Focus (C5a, 723) Zone.

The Holding Provision “H73” is to be removed to allow the development of the proposed medical office building and 45 dwelling units upon:

- (1) That the owner submits and receives approval of a Documentation and Salvage Report in accordance with the City of Hamilton Documentation and Salvage Report guidelines to the satisfaction of the Director of Planning and Chief Planner;
- (2) That the owner submits and receives approval of a revised fire flow calculation based on the more advanced building design plans to demonstrate that the existing watermain can provide for sufficient flow for firefighting for the future development on the site all to the satisfaction of the Manager of Engineering Approvals;

- (3) The owner submits a signed Record of Site Condition to the City of Hamilton and the Ministry of the Environment Conservation and Parks (MOECP). This RSC must be to the satisfaction of the Director of Planning and Chief Planner, including a notice of acknowledgement of the RSC by the MOECP, and submission of the City of Hamilton's current RSC administration fee.
- (c) That the public submissions received supported the approval of the proposed Zoning By-law Amendment with amendments.

2. Early Payment Removal for Parking By-laws (PED19052) (City Wide) (Item 10.1)

That the Administrative Penalty System By-law 17-225 (APS) be amended to remove the Early Payment for By-law 01-216 Regulating Municipal Parking Facilities, By-law 01-217 To Establish and Regulate Fire Routes, By-law 01-218 Regulating On-Street Parking, By-law 01-219 To Manage and Regulate Municipal Parks, By-law 01-220 Regulating Parking on Private and Municipal Property, By-law 80-179 Regulating Hess Village Pedestrian Mall, By-law 16-009 Regulating Unauthorized Parking on Boulevards, Side Yards and Front Yards, and for staff to prepare an amended Administrative Penalty System By-law 17-225 which would be prepared in a form satisfactory to the City Solicitor and be enacted by Council at a future date, upon reviewing the feasibility of implementation with current operations.

FOR INFORMATION:

(a) APPROVAL OF THE AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. DELEGATION REQUESTS (Item 6)

- 6.1 Lakewood Beach Community Council respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.2 Jen Davis respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.3 Mark Victor respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.4 Frank D'Amico respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)
- 6.5 Sherry Hayes respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

6.6 Eleanor Boyle respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

6.7 David Bertrand respecting Development at 310 Frances Avenue, Hamilton (For the April 16th meeting)

2. PUBLIC HEARINGS / DELEGATIONS (Item 8)

8.1.a Added Staff Presentation

8.1.b Added Written Comments from J. Alejandro Lopez

8.2.a Added Staff Presentation

8.2.b Added Written Comments from:

1. Murray and Jane Slote
2. Christopher Ritsma
3. T.J. De Pasquale

8.2.c Registered Speakers:

1. Lucian Puscariu, Romanian Church
2. Lachlan Holmes, Hamilton Forward

3. PRIVATE AND CONFIDENTIAL (Item 14)

14.2 Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12) (Deferred from the March 27, 2019 Council meeting)

The agenda for the April 2, 2019 meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) March 19, 2019 (Item 4.1)

Councillor Partridge noted that her absence at the March 19, 2019 Planning Committee meeting should be noted as “City Business”, and the Clerk advised the Minutes would be corrected for the official record.

The Minutes of the March 19, 2019 meeting were approved, as amended.

(d) DELEGATION REQUESTS (Item 6)

(i) Delegation Requests respecting Development at 310 Frances Avenue, Hamilton (Added Items 6.1 – 6.7)

The following Delegation Requests respecting Development at 310 Frances Avenue, Hamilton, were approved for the April 16, 2019 Planning Committee meeting:

- 6.1 Lakewood Beach Community Council
- 6.2 Jen Davis
- 6.3 Mark Victor
- 6.4 Frank D'Amico
- 6.5 Sherry Hayes
- 6.6 Eleanor Boyle
- 6.7 David Bertrand

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 80 and 92 Barton Street East and 245 Catharine Street North, Hamilton (PED19060) (Ward 2) (Item 8.1)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The public meeting was closed.

Shannon McKie, Senior Project Manager – Urban Team, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available online at www.hamilton.ca.

The staff presentation was received.

Scott Arbuckle, IBI Group, agent for the applicant was in attendance and indicated that the applicant is in agreement with the staff report.

The written comments from J. Alejandro Lopez (Item 8.1.b), were received.

- (a) Policy d) vii) – Parking in the proposed by-law, attached as Appendix “C” to Report PED19060, was amended by changing paragraph 1 from “1” to “1.22”, deleting paragraph 2 and renumbering the balance accordingly, to read as follows:
- (i) Policy d) vii) – Parking, sub-section B)
1. 4 **1.22** spaces per dwelling unit shall be required.
 - ~~2. In addition to 1. above, 0.22 visitor parking spaces per dwelling unit shall be required.~~
 2. Parking space size shall be a minimum of 2.6 metres in width and 5.5 metres in length
- (b) Policy e) ii) – Minimum Side Yard in the proposed by-law, attached as Appendix “C” to Report PED19060, was amended by changing 1.4” to “0.9”, to read as follows:
- ii) Minimum Side Yard 4.4 **0.9** metres.
- (c) ***The recommendations in Report PED19060 were amended by adding the following sub-section (c):***
- (c) ***That the public submissions received supported the approval of the proposed Zoning By-law Amendment with amendments.***

For disposition of this matter, refer to Item 1.

(ii) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton (PED19071) (Ward 2) (Item 8.2)

In accordance with the provisions of the *Planning Act*, Chair Pearson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment and Zoning By-law Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The staff presentation was waived.

Delegations:

1. Lucian Puscariu, 581 Queen Street, Hamilton

Lucian Puscariu addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

2. Lachlan Holmes, 50 Young Street, Hamilton

Lachlan Holmes addressed the Committee in support of the proposed Zoning By-law Amendment.

3. Florin Patrau, 92 Buckingham Drive, Hamilton

Florin Patrau addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

4. David Slote, 306-50 Murray Street West, Hamilton

David Slote addressed the Committee in support of the denial of the proposed Zoning By-law Amendment.

The delegations were received.

Written Comments:

8.2.b

1. Murray and Jane Slote in support of the denial of the proposed Zoning By-law Amendment.
2. Christopher Ritsma in support of the proposed Zoning By-law Amendment.
3. T.J. De Pasquale, Project Manager and Agent of the property owner, in support of the proposed Zoning By-law Amendment.

The written comments were received.

The public meeting was recessed, and Report PED19071 respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 282 MacNab Street North, Hamilton, was deferred for approximately thirty days in order to allow the Ward Councillor and staff to work with the applicant.

(f) PRIVATE AND CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – March 19, 2019 (Item 14.1)

- (a) The Closed Session Minutes of the March 19, 2019 Planning Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the March 19, 2019 Planning Committee meeting, are to remain confidential.

Committee moved into Closed Session, respecting Item 14.2, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(ii) Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL161240 for Official Plan and Zoning By-law Amendments for the Lands Located at 1117 Garner Road East (Ward 12) (Added Item 14.2)

There was nothing to report in Open Session.

(g) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee was adjourned at 12:20 p.m.

Respectfully submitted,

Councillor M. Pearson
Chair, Planning Committee

Lisa Chamberlain
Legislative Coordinator
Office of the City Clerk



GENERAL ISSUES COMMITTEE REPORT 19-007

9:30 a.m.

Wednesday, April 3, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor B. Clark (Chair)
Councillors M. Wilson, N. Nann, S. Merulla, C. Collins, T. Jackson,
E. Pauls, J. P. Danko, M. Pearson, B. Johnson, A. VanderBeek,
T. Whitehead, J. Partridge

Absent: Councillor J. Farr – Personal
Councillor L. Ferguson – Other City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 19-007 AND RESPECTFULLY RECOMMENDS:

1. Our People Survey Update (HUR19006) (City Wide) (Item 9.1)

That Report HUR19006, respecting Our People Survey Update, be received.

**2. Synapse Life Science Consortium Request for Funding - 2019 (PED19057)
(City Wide) (Item 10.1)**

- (a) That the \$25K funding request by Synapse Life Sciences Consortium of the City of Hamilton's 2019 annual community partnership contribution be approved;
- (b) That the \$25K annual contribution for the Synapse Life Sciences Consortium be conditional on the Council established annual Key Performance Indicators;

- (c) That the annual \$25K contribution for the Synapse Life Sciences Consortium be funded from the Economic Development Investment Reserve Account No. 112221; and,
- (d) That City staff, together with the Synapse Life Sciences Consortium, report back to the General Issues Committee with an annual review of the Municipal Funding Program, prior to the approval of a renewal option for 2020 and satisfactory Key Performance Indicator results of the previous year.

3. Art and Monuments Donation Policy (PED19068) (City Wide) (Item 10.2)

- (a) That the Art and Monuments Donation Policy, attached as Appendix “A” to Report 19-007, *as amended*, be approved; and,
- (b) That the Art and Monuments Donation Process, attached as Appendix “B” to Report 19-007, be approved.

4. Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property (Item 11.1)

That the Motion respecting the Waiver of Park and Insurance fees for Easter Egg Hunts on City owned property, be referred to the April 10, 2019 meeting of Council to allow for comments from Legal Services and Risk Management with respect to waiving insurance fees (to be funded by the City) for all Easter Egg Hunts being held on City owned property.

5. Hamilton Professional Fire Fighters' Association, Local 288 - Ratification of Collective Agreement (HUR19009) (City Wide) (Item 14.2)

- (a) That the tentative agreement between the City of Hamilton and the Hamilton Professional Fire Fighters' Association, Local 288, representing Hamilton Fire Department, be ratified; and,
- (b) That Report HUR19009, respecting Hamilton Professional Fire Fighters' Association, Local 288 - Ratification of Collective Agreement, remain confidential.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised of the following changes to the agenda:

1. NOTICES OF MOTION (Item 12)

- 12.1 Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property

2. PRIVATE & CONFIDENTIAL (Item 14)

- 14.2 Hamilton Professional Fire Fighters' Association, Local 288 - Ratification of Collective Agreement (HUR19009) (City Wide)

Pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

The agenda for the April 3, 2019 General Issues Committee meeting, was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETINGS (Item 4)

(i) March 20, 2019 (Item 4.1)

The Minutes of the March 20, 2019 meeting of the General Issues Committee were approved, as presented.

(ii) March 22, 2019 – Special (Item 4.2)

That the Minutes of the March 22, 2019 Special meeting of the General Issues Committee were approved, as presented.

(iii) March 22, 2019 – Operating Budget (Item 4.3)

The Minutes of the March 22, 2019 meeting of the General Issues Committee (Operating Budget) were approved, as presented.

(d) CONSENT ITEMS (Item 7)

(i) Business Improvement Area Advisory Committee Minutes, February 12, 2019 (Item 7.1)

The Business Improvement Area Advisory Committee Minutes, of February 12, 2019, were received.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Rob MacIsaac, President and CEO, Hamilton Health Sciences, Annual Presentation respecting an Overview of Current Issues, Opportunities and Future Planning (Item 8.1)

Rob MacIsaac, President and CEO, Hamilton Health Sciences, addressed Committee and provided a PowerPoint presentation respecting an overview of current issues, opportunities and future planning for Hamilton Health Sciences.

Rob MacIsaac, President and CEO, Hamilton Health Sciences, was provided additional time, beyond the 5 minutes, to provide the presentation respecting an overview of current issues, opportunities and future planning for Hamilton Health Sciences.

That the presentation provided by Rob MacIsaac, President and CEO, Hamilton Health Sciences, respecting an overview of current issues, opportunities and future planning for Hamilton Health Sciences, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

(ii) Ted Scott, Synapse Life Sciences Consortium, respecting Item 10.1 - Report PED19057, Synapse Life Science Consortium Request for Funding – 2019 (Item 8.2)

Ted Scott, Synapse Life Sciences Consortium, addressed Committee respecting Item 10.1 - Report PED19057, Synapse Life Science Consortium Request for Funding – 2019.

The presentation provided by Ted Scott, Synapse Life Sciences Consortium, respecting Item 10.1 - Report PED19057, Synapse Life Science Consortium Request for Funding – 2019, was received.

For disposition of this matter, please refer to Item 2.

(iii) Anne Pearson and Gail Rappolt, United Nations Association in Canada, Hamilton Branch, and Culture of Peace Hamilton, to Share Information from Hamilton's September 2018 International Day of Peace Celebration (Item 8.3)

Anne Pearson and Gail Rappolt, United Nations Association in Canada, Hamilton Branch, and Culture of Peace Hamilton, addressed Committee to share information from Hamilton's September 2018 International Day of Peace Celebration.

The presentation provided by Anne Pearson and Gail Rappolt, United Nations Association in Canada, Hamilton Branch, and Culture of Peace Hamilton, to Share Information from Hamilton's September 2018 International Day of Peace Celebration, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

As the delegate respecting this matter was present, Item 10.1, respecting Report PED19057 - Synapse Life Science Consortium Request for Funding - 2019, was moved up on the agenda to be considered before Item 9.1.

(f) STAFF PRESENTATIONS (Item 9)

(i) Our People Survey Update (HUR19006) (City Wide) (Item 9.1)

Dawn Hannemann, Manager of Organizational Development and Learning, addressed Committee and provided a PowerPoint presentation respecting Report HUR19006, Our People Survey Update.

The presentation respecting Report HUR19006, Our People Survey Update, was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 1.

(g) DISCUSSION ITEMS (Item 10)

(i) Art and Monuments Donation Policy (PED19068) (City Wide) (Item 10.2)

Appendix "A" to Report PED19068, respecting the Art and Monuments Donation Policy, was amended as follows:

3.0 DEFINITIONS

Artwork or Commemorative Feature

A work of art, signage, monument, marker, statue, or other such feature that is intended to memorialize, celebrate or in some other way signify an event, individual, group or organization, exclusive of commemorative or memorial features that are subject to the processes and policies of the Parks & Cemeteries Section of the Public Works Department.

4.0 DONATION CRITERIA

4.1 Relevance

- (iv) The Donation shall generally not replicate an existing monument or memorial in the public realm in the City of Hamilton pertaining to the same theme.

5.0 FINANCIAL

The Donor shall make a financial contribution to the City in an amount to be determined by City staff to offset the costs of ongoing maintenance of the Donation, unless otherwise agreed to by Council.

6.0 TITLE

All rights, title and interest in and to the Donation shall be assigned to the City of Hamilton unless otherwise approved by City Council, excluding intellectual property rights, when appropriate.

(h) NOTICES OF MOTION (Item 11)

(i) Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property (Item 11.1)

Councillor B. Johnson introduced a Notice of Motion respecting the waiver of park and insurance fees for Easter Egg Hunts on City owned property.

The Rules of Order were waived to allow for the introduction of a Motion respecting the waiver of park and insurance fees for Easter Egg Hunts on City owned property.

(i) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – March 20, 2019 (Item 14.1)

- (a) The Closed Session Minutes of the March 20, 2019 General Issues Committee meeting were approved, as presented; and,
- (b) The Closed Session Minutes of the March 20, 2019 General Issues Committee meeting, shall remain confidential.

The Committee moved into Closed Session, respecting Item 14.2, pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

(j) ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 2:05 p.m.

Respectfully submitted,

B. Clark, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

ART AND MONUMENTS DONATION POLICY

1.0 POLICY STATEMENT

The City of Hamilton recognizes the importance of its public spaces and that Donations of art, memorials and other commemorative features by individuals, private sector groups, or community groups can add to the enjoyment of these spaces and to the understanding of the community’s collective culture.

2.0 PURPOSE

To outline the terms and criteria by which the City of Hamilton may evaluate and accept a Donation by an individual, private sector group, or community group of an Artwork or Commemorative Feature for long term installation outdoors on City owned publicly accessible property.

To provide guidance to staff to implement a Donation process to guide the evaluation and Council’s consideration of recommended art and monuments Donations.

3.0 DEFINITIONS

Artwork or Commemorative Feature

A work of art, signage, monument, marker, statue, or other such feature that is intended to memorialize, celebrate or in some other way signify an event, individual, group or organization, ***exclusive of commemorative or memorial features that are subject to the processes and policies of the Parks & Cemeteries Section of the Public Works Department.***

The Donation of an interpretive panel (or series of panels) is not covered by this Policy. See the <https://www.hamilton.ca/attractions/culture/plaques-and-markers>

Donation

Artworks or Commemorative Features given to the City of Hamilton as a gift bequeath or sponsored acquisition.

Donor

Individual, private sector or community group who wishes to donate Artwork or Commemorative Feature to the City of Hamilton.

4.0 DONATION CRITERIA

The following criteria shall be considered in determining whether a Donation is accepted:

4.1 Relevance

- (i) The Donation has relevance to the citizens of Hamilton, to the proposed site and its surroundings, including considerations of scale, architecture, topography, history and the physical and social dynamics of the community in which the Artwork or Commemorative Feature will be placed.
- (ii) The subject matter of the Donation and the characterization of that subject matter are factually correct and historically appropriate.
- (iii) The Donation will remain relevant over time
- (iv) The Donation **shall generally** not replicate an existing monument or memorial in the public realm in the City of Hamilton pertaining to the same theme.
- (v) Where the Donation relates to recent events or recently deceased individuals, at least five years have passed since the date of the event or death.
- (vi) The Donation does not promote or endorse a current commercial product, service or business other than recognition of the Donor’s name on an information plaque or label.

4.2 Location

- (i) The location is accessible to citizens as defined by current provincial and City regulations.
- (ii) The Donation is compatible with other uses of the public space in which it is proposed to be located.
- (iii) The location is feasible to allow access to install the proposed Donation.

- (iv) The location can adequately accommodate any ceremony or event(s) proposed as a result of the display of the Artwork or Commemorative Feature.

4.3 Durability

- (i) The materials and installation methods proposed will be durable in the outdoor Canadian environment and other urban conditions.
- (ii) The design and installation minimize ongoing maintenance requirements by considering design features that deter graffiti, allow for easy graffiti removal and minimize any other possible environmental damage.
- (iii) The Donation is in good condition at the time of installation.

4.4 Public Safety

The design and installation are stable and secure and maximize public safety by discouraging climbing, and minimizing trip hazards, sharp edges, light reflectiveness, and motorist distraction in addition to addressing any other project specific safety or security concern.

4.5 Legal

The Donor has the legal authority to donate the work and is in compliance with all other applicable bylaws, policies, guidelines and provincial or federal legislation and regulations that may apply.

5.0 FINANCIAL

All costs associated with the preparation of the Donation proposal, evaluation of the proposal, approval, acceptance and installation of the Donation (excluding City staff time) shall be funded in whole by the Donor unless otherwise agreed to by City Council **unless otherwise agreed to by Council.**

The Donor shall make a financial contribution to the City in an amount to be determined by City staff to offset the costs of ongoing maintenance of the Donation.

6.0 TITLE

All rights, title and interest in and to the Donation shall be assigned to the City of Hamilton unless otherwise approved by City Council, ***excluding intellectual property rights, when appropriate.***

The Donation may be relocated, altered, removed to storage or disposed of if conditions change in such a way that the Donation is no longer in compliance with this policy as determined at the sole discretion of the City of Hamilton.

7.0 AUTHORITY

The Director of Tourism and Culture or their designate shall oversee the process to evaluate a Donation and if the Donation is determined to satisfy the requirement of this policy a recommendation that the Donation be accepted and installed will be made to the appropriate committee of Council for consideration.

8.0 DONATION EVALUATION PROCESS

Proposed Donations of Artworks or Commemorative Features for long term installation on outdoor City of Hamilton property shall be evaluated as outlined in the Art and Monuments Donation Process.

ART AND MONUMENTS DONATION PROCESS

1.0 PURPOSE

To outline the process through which the City of Hamilton may evaluate and accept an offer of Donation by an individual, private sector group, or community group of an Artwork or Commemorative Feature for long term installation outdoors on City owned publicly accessible property.

2.0 OVERVIEW

The Art and Monuments Donation Process has five steps:

1. Preliminary proposal submission and review;
2. Detailed proposal submission;
3. Evaluation;
4. Conditions and Costs Report to Donor; and,
5. Recommendation to accept and install.

3.0 COMMUNICATION

All offers to donate an Artwork or Commemorative feature for public display shall be made in writing by the Donor and submitted to the Director of Tourism and Culture (or their designate):

Director of Tourism and Culture
28 James Street North, 2nd Flr
Hamilton, Ontario
L8R 2K1

4.0 EVALUATION TEAM

In order to determine the Donation’s compliance with the Art and Monuments Donation Policy the Director of Tourism and Culture (or their designate) shall assemble an evaluation team based on the scope and subject matter of the Donation proposal. The team will include relevant City staff from affected areas such as but not limited to, Parks and Cemeteries, Landscape Architectural Services, Facilities, and Legal Services to evaluate the Donation proposal. In addition, when deemed necessary by the Director of Tourism and Culture (or their designate), community stakeholders and sector experts may also be invited to provide input.

5.0 PROCESS

5.1 Preliminary Donation Proposal

The Donor shall submit a short, written description to the Director of Tourism and Culture of the proposed Donation, proposed location (if known) and reasons for the donation.

Based on a review of this proposal by the Director of Tourism and Culture (or their designate), additional information required as part of a Detail Donation Proposal will be identified and requested of the Donor.

The Donor will also be informed of any aspects of the preliminary donation proposal that may not satisfy the criteria and terms outlined in the Art and Monuments Donation Policy. Recommendations may be made to the Donor to revise the proposal in order to satisfy the criteria.

5.2 Detail Donation Proposal

Based on the information provided to the Donor as a result of the review of the preliminary donation proposal a Detail Donation Proposal shall be submitted to the Director of Tourism and Culture (or their designate). This proposal is to include sufficient information to evaluate the proposed donation including, but not limited to, the following:

- a. Drawings, photos and written description or a combination of these to fully illustrate and describe the proposed Artwork or Commemorative Feature to be donated. This shall include overall dimensions, colours, materials, any text included in the work and any other information as required;
- b. A site plan drawing or map to scale, that clearly indicates the proposed location(s) and describes the surrounding building, streets and other site features;

Note: The City may consult the Donor on potential locations for the Donation but will ultimately make the final determination on the chosen location for the Donation.

- c. A written explanation of why the Artwork or Commemorative Feature should be displayed on public property, how the display of the Donation contributes to the artistic, social or historical culture of the City of Hamilton, how the Donation is appropriate for the proposed site and to the interests of the public and the City of Hamilton;
- d. Installation and Maintenance Statement outlining the following:
 - The method and requirements for installation of the Artwork or Commemorative Feature at the site including all proposed foundation and attachment methods, any proposed site improvements and access requirements.
 - A description of the anticipated ongoing maintenance required for the Artwork or Commemorative Feature including any provisions to prevent graffiti, remove graffiti and reduce damage from salt or other environmental issues that may affect the Donation in the public realm.
 - Provide a proposed date for the installation and outline the estimated time the public space would be disturbed to allow for the installation.

- e. Budget proposal identifying the cost of installing the Artwork or Commemorative Feature and the annual ongoing maintenance costs. Unless waived by the City, the Donor is responsible for all costs including, but not limited to:
- Appraisal or evaluation by a certified specialist.
 - Photographs for inventory and insurance purposes.
 - Transporting the Donation.
 - A minimum 10% of the current market value of the Donation to cover future maintenance and conservation. This percentage will be higher for an Artwork or Commemorative Feature deemed to be subject to a high maintenance cost.
 - Engineering, site planning and preparation and installation of the Artwork or Commemorative Feature.
 - Permits or approvals required by governing authorities such as but not limited to; building permit and archeology.
- f. A written explanation of the how the design of the Artwork or Commemorative Feature and its installation account for public safety, including discouraging climbing, minimizing sharp edges and protrusions, and incorporating any other relevant safety and security features;
- g. A written explanation of legal issues, including but not limited to identifying the current legal owner of the Artwork or Commemorative Feature, the existence of any copyrights, patents or other title rights in or to the Artwork or Commemorative Feature (e.g., any interest to remain with the artist or designer of the item), and an explanation of any proposed conditions or limitations on the donation of the Artwork or Commemorative Feature;
- h. A written description of the background/historical information associated with the Donation, including but not limited to, information about the creation of the Artwork or Commemorative Feature and, if applicable, the artist who created the Artwork or Commemorative Feature;
- i. The estimated current market value of the Artwork or Commemorative Feature (including appraisals of the item by a certified specialist if a charitable receipt is to be requested);
- j. The method by which the Donor would like to be recognized; and,
- k. Any additional information the Director of Tourism and Culture (or their designate) deems necessary or appropriate to evaluate the offer of Donation.

A failure to provide the information outlined above may result in the Director of Tourism and Culture (or their designate) terminating the evaluation process as there is insufficient

documentation to assess the Donation.

5.3 Evaluation Report

Once the Director of Tourism and Culture (or their designate) receives an adequately documented Detail Donation Proposal, they will distribute it to members of the evaluation team. The team will review the information provided in the Detail Donation Proposal to determine compliance with the Art and Monument Donation Policy, identify any conditions that may need to be met to comply with the Policy and identify any costs required to be paid to the City and report back to the Director of Tourism and Culture (or their designate).

5.4 Conditions and Costs Report to Donor

Upon completion of the evaluation the Director of Tourism and Culture (or their designate) will provide a written Conditions and Cost Report to the Donor. This report will outline any conditions the Donor must satisfy and the amount the Donor is to pay the City to offset costs, as identified in the Policy, in order for City staff to recommend to Council that the Donation be accepted and installed.

5.5 Recommendation to accept and install

Upon the determination by the Director of Tourism and Culture (or their designate) that the Detail Donation Proposal satisfies all the City’s criteria and that the Donor agrees to meet all conditions and to cover the identified costs, City staff will prepare a report to the appropriate Committee of Council recommending that the City enter into an agreement with the Donor to accept ownership of the Artwork or Commemorative Feature and approve its installation as per the terms and conditions outlined in the Detail Donation Proposal and the Conditions and Costs Report submitted to the Donor.



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 19-005

9:30 a.m.
April 4, 2019
Council Chambers
Hamilton City Hall

Present: Councillors C. Collins (Chair), M. Wilson (Vice-Chair), B. Johnson, M. Pearson, J. Partridge, and B. Clark

**Absent with
Regrets:** Councillor A. VanderBeek – City Business
Councillor L. Ferguson – City Business

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 19-005 AND RESPECTFULLY RECOMMENDS:

1. 2018 Fourth Quarter Request for Tenders and Proposals Report (FCS18037(c)) (City Wide) (Item 7.2)

That Report FCS18037(c) respecting the 2018 Fourth Quarter Request for Tenders and Proposals Report, be received.

2. 2018 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS18038(c)) (City Wide) (Item 7.3)

That Report FCS18038(c) respecting the 2018 Fourth Quarter Emergency and Non-competitive Procurements Report, be received.

3. Fourth Quarter Non-compliance with the Procurement Policy Report (FCS18039(c)) (City Wide) (Item 7.4)

That Report FCS18039(c) respecting the Fourth Quarter Non-compliance with the Procurement Policy Report, be received.

4. Appointments to the Various City of Hamilton Advisory Committee for the 2018 - 2022 Term (Item 14.1)

That the recommendations of Appointments to the Various City of Hamilton Advisory Committees for the 2018 – 2022 Term, be released publicly following approval by Council.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the April 4, 2019 Audit, Finance and Administration Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) March 21, 2019 (Item 4.1)

The Minutes of the March 21, 2019 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) CONSENT ITEMS (Item 7)

(i) Hamilton Aboriginal Advisory Committee Minutes - February 7, 2019 (Item 7.1)

The Minutes from the February 7, 2019 Hamilton Aboriginal Advisory Committee meeting, were received.

(ii) Interview Sub-Committee to the Audit, Finance and Administration Committee Report - March 21, 2019 (Item 7.5)

The Minutes from the March 21, 2019 Interview Sub-Committee to the Audit, Finance and Administration Committee meeting, were received.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)

(i) Vince Dipietro, Angelica Homes, respecting a rental property's water bill (Approved January 17, 2019) (Item 8.1)

Vince Dipietro, Angelica Homes, addressed the Committee respecting a rental property's water bill.

The delegation from Vince Dipietro, Angelica Homes, respecting a rental property's water bill, was received.

(ii) Supporting documentation provided by staff respecting Vince Dipietro's Water Bill (Item 8.1(a))

The supporting documentation provided by staff respecting Vince Dipietro's water bill, was received.

(f) PRIVATE AND CONFIDENTIAL (Item 14)

Committee determined that discussion of Item 14.1 was not required in Closed Session; those items were addressed in Open Session, as follows:

(i) Appointments to the Various City of Hamilton Advisory Committee for the 2018 - 2022 Term (Item 14.1)

For disposition of this matter, refer to Item 4.

(g) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration Committee, be adjourned at 9:54 a.m.

Respectfully submitted,

Councillor Collins, Chair
Audit, Finance and Administration
Committee

Alicia Davenport
Legislative Coordinator

Office of the City Clerk



EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 19-003

1:30 p.m.
Thursday, April 4, 2019
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Councillors S. Merulla (Chair), E. Pauls (Vice-Chair), B. Clark, T. Jackson, and T. Whitehead

**Absent with
Regrets:** Councillor N. Nann – Personal

THE EMERGENCY & COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 19-003 AND RESPECTFULLY RECOMMENDS:

1. Establishment of a Sub-Committee of Council: Expanding Housing and Support Services for Women and Transgender Community Sub-Committee (HSC19017) (City Wide) (Outstanding Business List) (Item 10.1)

That the Terms of Reference for the Expanding Housing and Support Services for Women and Transgender Community Sub-Committee attached as Appendix “A” to Emergency and Community Services Report 19-003, be approved.

2. Renewal of Beasley Community Centre Operating Agreement (CS13018(c)) (Ward 2) (Item 10.2)

- (a) That the Operating Agreement between the City of Hamilton and Wesley Urban Ministries for the operation of the Beasley Community Centres from October 1, 2015 to September 30, 2018 be renewed for an additional three years until December 31, 2021 with an option for one two-year extension; and,
- (b) That the General Manager of Healthy and Safe Communities Department or his designate be authorized and directed to execute the renewal of the Operating Agreement between the City of Hamilton and Wesley Urban Ministries for the operation of Beasley Community Centres, in a form satisfactory to the City Solicitor.

Council – April 10, 2019

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

The Committee Clerk advised of the following change to the agenda:

1. DELEGATION REQUESTS (Item 6)

- 6.3 Nancy Silva-khan, respecting a Request that the City of Hamilton Appeal to the Provincial Government to Pause the Plan to Change the Ontario Autism Program to Allow for Further Consultation (for a future meeting)
- 6.4 Cameron Kroetsch, respecting Item 10.2 - Renewal of Beasley Community Centre Operating Agreement (CS13018(c)) (for today's meeting)

The agenda for the April 4, 2019 Emergency and Community Services Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 4)

(i) March 21, 2019 (Item 4.1)

The Minutes of the March 21, 2019 meeting of the Emergency and Community Services Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Ruth Greenspan, John Howard Society of Hamilton, Burlington & Area, respecting the Hamilton Restorative Justice Collaboration Initiative (for a future meeting) (Item 6.1)

The delegation request, submitted by Ruth Greenspan, John Howard Society of Hamilton, Burlington & Area, respecting the Hamilton Restorative Justice Collaboration Initiative, was approved for a future meeting.

- (ii) **Paul Empringham, Ancaster Minor Hockey, respecting the Protection of Interests and Availability of Ice for the Ancaster Minor Hockey League (for a future meeting) (Item 6.2)**

The delegation request, submitted by Paul Empringham, Ancaster Minor Hockey, respecting the Protection of Interests and Availability of Ice for the Ancaster Minor Hockey League, was approved for a future meeting.

- (iii) **Nancy Silva-khan, respecting a Request that the City of Hamilton Appeal to the Provincial Government to Pause the Plan to Change the Ontario Autism Program to Allow for Further Consultation (for a future meeting) (Item 6.3)**

The delegation request, submitted by Nancy Silva-khan, respecting a Request that the City of Hamilton Appeal to the Provincial Government to Pause the Plan to Change the Ontario Autism Program to Allow for Further Consultation, was approved for a future meeting.

- (iv) **Cameron Kroetsch, respecting Item 10.2 - Renewal of Beasley Community Centre Operating Agreement (CS13018(c)) (for today's meeting) (Item 6.4)**

The delegation request, submitted by Cameron Kroetsch, respecting Item 10.2 - Renewal of Beasley Community Centre Operating Agreement (CS13018(c)), was approved for today's meeting.

(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)

- (i) **Cameron Kroetsch, respecting Item 10.2 - Renewal of Beasley Community Centre Operating Agreement (CS13018(c)) (Added Item 8.1)**

Cameron Kroetsch addressed the Committee respecting Item 10.2 - Renewal of Beasley Community Centre Operating Agreement (CS13018(c)), with the aid of a presentation.

The presentation from Cameron Kroetsch, respecting Item 10.2 - Renewal of Beasley Community Centre Operating Agreement (CS13018(c)), was received.

A copy of the presentation is available on the City's website at www.hamilton.ca or through the Office of the City Clerk.

For disposition of this matter, refer to Item 2.

(f) DISCUSSION ITEMS (Item 10)

Item 10.2, respecting Renewal of Beasley Community Centre Operating Agreement S13018(c)) (Ward 2), was moved up in the agenda to be heard at this time.

For disposition of this matter, refer to Item 2.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendments to the Emergency and Community Services Committee's Outstanding Business List, were approved:

(a) Items to be removed:

- (i) Expanding Housing and Support Services for Women**
Partially addressed as Item 10.1 on today's agenda – Report HSC19017
Item on OBL: OOO - only sub-section (d) is to be removed

(h) ADJOURNMENT (Item 15)

There being no further business, the Emergency and Community Services Committee was adjourned at 2:07 p.m.

Respectfully submitted,

Councillor S. Merulla
Chair, Emergency and Community Services
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

**TERMS OF REFERENCE
FOR THE
EXPANDING HOUSING AND SUPPORT SERVICES FOR
WOMEN AND TRANSGENDER COMMUNITY SUB-COMMITTEE**

MANDATE

The Expanding Housing and Support Services for Women and Transgender Community Sub-Committee is empowered by and responsible to City Council for its activities; reporting on emerging issues as required pertaining to expanding housing and support services for women, transgender and gender non-binary identified persons to address the intersections of identities such as race, sexual orientation, and gender identity which create unique experiences of housing instability and homelessness. The Sub-Committee will report through the Emergency and Community Services Committee.

MEMBERSHIP

The Expanding Housing and Support Services for Women and Transgender Community Sub-Committee membership will consist of:

- four (4) members of Council;
- three (3) Council appointed volunteer citizens with experience and interest in homelessness prevention and the provision of affordable housing; and,
- A minimum of one (1) staff representative from the City’s Homelessness Policy and Programs Team, Housing Services Division will also sit on the Sub-Committee as a non-voting member.

Volunteer Citizen members of the Sub-Committee will be selected as per the City of Hamilton’s Policy respecting the Appointment of Citizens to the City’s Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees for the term of Council.

Preference will be given to female-identified, non-binary and/or LGBTQ identified persons with lived or living experience of homelessness; members of racialized communities with lived or living experience of homeless or demonstrated interest in matters of women/LGBTQ homelessness; affordable housing providers; researchers and academics with expertise on homelessness subject matter.

ROLES OF THE EXPANDING HOUSING AND SUPPORT SERVICES FOR WOMEN AND TRANSGENDER COMMUNITY SUB-COMMITTEE AND SUPPORTING STAFF PROVIDING TECHNICAL SUPPORT

Sub-Committee

1. As required, the Sub-Committee will make decisions, informed by best practice, data, and ongoing consultation, reporting to and working collaboratively with the City of Hamilton’s staff and Council on issues that address the supply and provision of women’s and transgender community’s housing and support services relating to homelessness and housing instability.
2. Work actively with institutions and all other relevant organizations, including educational institutions, Police Services, the health care sector, public, private, volunteer sector and all levels of government to advise, consult, and promote proactive measures pertaining to equity, diversity and inclusion and its impacts.
3. Consult with individuals and/or stakeholder groups including but not limited to the Women’s Housing Planning Collaborative (WHPC) with respect to high level trends regarding equity, diversity and inclusion.
4. Facilitate connections between individuals and/or groups, leveraging existing committees and mechanisms, to address issues and concerns of equity, diversity and inclusion and/or while promoting respect and understanding in the community.
5. Encourage every person, regardless of their race, ancestry, place of origin, colour, ethnic origin, citizenship, religion, creed or any other grounds based on the Ontario Human Rights Code (OHRC), to participate in programs and services for the improvement of community relations and the fulfilment of Human Rights.

Supporting Staff

The following resources will be made available to the Expanding Housing and Support Services for Women and Transgender Community Sub-Committee:

1. City staff liaison(s) from the City’s Housing Services Division will provide staff support, linking the ongoing work of coordinated access and systems planning in Hamilton’s homelessness serving system to the mandate of the Sub-Committee in order to ensure that decisions and recommendations are evidence informed and data driven.
2. Meeting facilities that are adequate and accessible will be provided.
3. The Sub-Committee may request information or support voluntarily received from other experts in the fields of health, legal, housing, planning, etc. to assist in formulating appropriate decisions and recommendations, and for work-planning purposes.

TECHNICAL SUPPORT

Technical support will be provided by staff of the Housing Services Division, Healthy and Safe Communities Department and other Departments, as required.

The Clerk’s Division will provide legislative support and be responsible for the administrative costs of operating the Sub-Committee meetings.

The Purchasing Section of Financial Services will provide support for any procurement processes that may be required.

MEETINGS AND GENERAL INFORMATION

City of Hamilton Procedural By-law 18-270: The Expanding Housing and Support Services for Women and Transgender Community Sub-Committee is subject to City of Hamilton By-law 18-270 being a By-law to Govern the Proceedings of Council and Committees of Council and shall comply with the Advisory Committee Procedural Handbook.

Quorum: shall be a half of the membership rounded up to the nearest whole number (Section 5.4 (1) of By-law 18-270).

Sub-Committee Chair and Vice Chair - Members will elect both a Chair and Vice-Chair of the Expanding Housing and Support Services for Women and Transgender Community Sub-Committee from its own membership, each calendar year.

Frequency of Meetings and Location - Regular meetings will occur at City Hall four (4) to six (6) times per year at the call of the Chair in consultation with Sub-Committee members. Regular meetings will not be scheduled during July, August or December but special meetings may be called during those months. The Sub-Committee will report to the Emergency and Community Services Committee.

Conflict of Interest: Members of the Expanding Housing and Support Services for Women and Transgender Community Sub-Committee have a duty to make decisions solely in terms of the best interest of the community. A conflict of interest is defined as a situation in which the personal, professional or business interests of a member or a close relative/associate of the member are in conflict with the member’s ability to contribute to achieving the overall goals of the Expanding Housing and Support Services for Women and Transgender Community Sub-Committee.

A conflict of interest arises when a person or close associate may benefit or appear to benefit from that position financially or in some other inappropriate way. Where a conflict exists, a Sub-Committee member must not take part in any discussions or participate in any decisions on activities or resolutions of the Sub-Committee pertaining to the issue. The Chair may determine a conflict exists and so declare.

Conflict of Interest rules will apply to all Sub-Committee members, pursuant to the *Municipal Conflict of Interest Act*, R.S.O., 1990, Chapter M.50

Lobbyist Registry: The City of Hamilton’s Lobbyist Registry is an accountability and transparency tool. The goal of the Registry is to allow members of the public to clearly see who is lobbying the City of Hamilton’s public office holders and aligns with the City’s Values and Strategic Priorities. The Registry emphasizes a culture of open, transparent and accountable government.

Hamilton’s Lobbyist Registry By-law No.14-244 applies to all delegations and presentations received by the Expanding Housing and Support Services for Women and Transgender Community Sub-Committee. Further information can be found at: <https://www.hamilton.ca/government-information/accountability/lobbyist-registry>

Terms of Reference Amendments - The Terms of Reference may be amended periodically by consensus of the Sub-Committee. Any amendment(s) to these Terms of Reference shall be forwarded to the Sub-Committee for approval.

Approved by Council (Date)

CITY OF HAMILTON

MOTION

Council: April 10, 2019

MOVED BY COUNCILLOR J. PARTRIDGE.....

SECONDED BY MAYOR / COUNCILLOR

Federation of Canadian Municipalities - Election to the Board of Directors

WHEREAS the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction;

WHEREAS FCM's Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government; and

WHEREAS FCM's Annual Conference and Trade Show will take place from May 30 to June 2, 2019, during which time the Annual General Meeting will be held and followed by the election of FCM's Board of Directors;

BE IT THEREFORE RESOLVED:

That Council of the City of Hamilton endorse Councillor Judi Partridge to stand for election on FCM's Board of Directors for the period starting in June 2019 to the end of the 2018 – 2022 Council term; and

That Council assumes all costs associated with Councillor Judi Partridge attending FCM's Board of Directors meetings.

CITY OF HAMILTON
MOTION

Council: April 10, 2019

MOVED BY COUNCILLOR B. JOHNSON.....

SECONDED BY MAYOR / COUNCILLOR.....

Waiver of Park and Insurance Fees for Easter Egg Hunts on City Owned Property

That all park rental and insurance fees, for Easter Egg Hunts held on City owned property, be permanently waived, effective immediately.

CITY OF HAMILTON

MOTION

Council: April 10, 2019

MOVED BY COUNCILLOR A. VANDERBEEK.....

SECONDED BY MAYOR / COUNCILLOR

Special Enforcement Area with Increased Fines – Webster and Tews Falls and the Dundas Peak

WHEREAS, the increased visitors to Webster and Tews Falls and the Dundas Peak, Greensville and Dundas neighbourhoods are experiencing serious negative impacts that include, but are not limited to, the following:

- traffic and parking issues for local residents on local streets;
- visitors blocking roadways and residents' driveways; and,
- emergency vehicle access impacts for residents;

WHEREAS, the installation of "No Parking" signs, extra staff, proactive by-law enforcement on weekends, and use of existing parking enforcement by-laws/fine structures have not been sufficient to address traffic and parking issues;

WHEREAS, it is necessary to implement additional remedial measures at the start of the waterfall viewing season to provide some relief for local residents; and,

WHEREAS, staff, in consultation with the Ward 13 Councillor, have recommended piloting a Special Enforcement Area utilizing an increased fine structure and enforcement strategy.

THEREFORE, BE IT RESOLVED:

That the By-Law to Amend By-law 01-218 (being a By-law to Regulate On-Street Parking) to enforce parking related matters utilizing a Special Enforcement Area, and 17-225 (being a By-Law to Establish a System of Administrative Penalties) by adding Item 91 to Table 3, attached hereto as Appendix "A", be enacted.

Authority: Item ____ (Motion)
CM: April 10, 2019

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**Being a by-law to amend On-Street Parking By-law No. 01-218, and Administrative
Penalty By-law No. 17-255 to create Special Enforcement Areas**

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The On-Street Parking By-law No. 01-218 is amended by:

- (a) in section 6, striking out “22” and substituting “23”;
- (b) adding the following section after section 12:

12.1 (1) No person shall park, stand, or stop a vehicle in contravention of any provision of this By-law within a Special Enforcement Area.

(2) For the purposes of subsection (1), “Special Enforcement Area” means an area set out on Schedule 23.

(3) Schedule 23 describes the following:

(a) in column one thereof, the name of the highway or part highway included within the Special Enforcement Area;

(b) in column two thereof, the side of the highway, by compass direction, where the Special Enforcement Area regulation applies;

(c) in column three thereof, the point upon the subject highway where the Special Enforcement Area regulation commences and the point where the regulation terminates;

(d) in column four thereof, those periods during which the Special Enforcement Area regulation is in force and effect.

(4) Schedule 23 shows the following Special Enforcement Areas:

(a) A - Greenville Waterfall Area.

(c) adding Schedule 23, as follows:

Schedule 23 - Special Enforcement Areas			
A - Greenville Waterfall Area			
Highway	Side	Location	Increased Fine in Effect
Brock Rd.	Both	Taylor Cres. to Hwy 8	March 15 - November 15
Old Brock Rd.	Both	Taylor Cres. (north leg) to Crook Hollow Rd./Harvest Rd.	March 15 - November 15
Taylor Cres.	Both	Old Brock Rd. to Brock Rd.	March 15 - November 15
Lenore Ave.	Both	Taylor Cres. to westerly end	March 15 - November 15
Spencercreek Dr.	Both	Old Brock Rd. to Midsummers Ln.	March 15 - November 15
Moxley Rd.	Both	Old Brock Rd to northerly end	March 15 - November 15
Midsummers Ln.	Both	End to End	March 15 - November 15
Shakespeare Rd.	Both	Midsummers Ln. (N. Leg) to Midsummers Ln. (S. Leg)	March 15 - November 15
Cora Rd.	Both	Old Brock Rd. to westerly end	March 15 - November 15
Nicol St.	Both	Cora Rd. to Crooks Hollow Rd.	March 15 - November 15
Cramer Rd.	Both	Crooks Hollow Rd. to northerly end	March 15 - November 15
Wesite Ave.	Both	Harvest Rd. to Meldrum Ave.	March 15 - November 15
Forest Ave.	Both	Harvest Rd. to Cedar Ave.	March 15 - November 15
Meldrum Ave.	Both	Forest Ave. to westerly end	March 15 - November 15
Cedar Ave.	Both	Forest Ave. to easterly end	March 15 - November 15
Birch Cres.	Both	Forest Ave. to easterly end	March 15 - November 15
Maple Cres.	Both	Forest Ave. to easterly end	March 15 - November 15
Tews Ln.	Both	Harvest Rd. to northerly end	March 15 - November 15
Medwin Dr.	Both	Tews Ln. to westerly end	March 15 - November 15
Ofield Rd.	Both	275m north of Harvest Rd. to Fallsview Rd.	March 15 - November 15
Fallsview Rd.	Both	Ofield Rd. to 1km easterly	March 15 - November 15
Crooks Hollow Rd.	Both	Hwy 8 to Old Brock Rd.	March 15 - November 15
Harvest Rd.	Both	Brock Rd. to 310m east of Ofield Rd.	March 15 - November 15
Kirby Ave.	Both	Hwy 8 to Brock Rd.	March 15 - November 15
Hunts Dr.	Both	Kirby Ave. to easterly end	March 15 - November 15
Haines Ave.	Both	Kirby Ave. to Briencrest Ave.	March 15 - November 15
Harvest Ct.	Both	Harvest Rd. to southerly end	March 15 - November 15
Short Rd.	Both	Harvest Rd. to Fallsview Rd.	March 15 - November 15
Fallsview Rd.	Both	Short Rd. to 560m easterly	March 15 - November 15
Wilchar Ln.	Both	Harvest Rd. to southerly end	March 15 - November 15
Jameson Dr.	Both	Moutain View Rd to westerly end	March 15 - November 15
Rosebough St.	Both	Hwy 8 to Maple Ave.	March 15 - November 15
Grandview Ct.	Both	Rosebough St. to northerly end	March 15 - November 15
Valleydale Ct.	Both	Rosebough St. to easterly end	March 15 - November 15
Flamboro Ct.	Both	Rosebough St. to westerly end	March 15 - November 15

Marshboro Ave.	Both	Hwy 8 to southerly end	March 15 - November 15
Kew Ct.	Both	Marshboro Ave. to easterly end	March 15 - November 15
Herbert Pl	Both	Marshboro Ave. (W. Int.) to Marshboro Ave. (E. Int.)	March 15 - November 15
Hauser Pl	Both	Herbert Pl. to easterly end	March 15 - November 15
Marshboro Ave	Both	westerly end to easterly end	March 15 - November 15
Mountain View Rd	Both	Hwy 8 to Maple Ave.	March 15 - November 15
Webster St	Both	Mountain View Rd. to Park Ave.	March 15 - November 15
Park Ave	Both	Hwy 8 to Maple Ave.	March 15 - November 15
Maple Ave	Both	Park Ave. to westerly end	March 15 - November 15
Marion Dr	Both	Webster St. to Hillcrest Ave.	March 15 - November 15
Hillcrest Ave	Both	Marion Dr. to westerly end	March 15 - November 15
Hillcrest Ave	Both	Marion Dr. to Hwy 8	March 15 - November 15
Sun Ave	Both	Hillcrest Ave. to northerly end	March 15 - November 15
Highview Ct.	Both	Park Ave. to easterly end	March 15 - November 15
Newton Ave.	Both	Park Ave. to westerly end	March 15 - November 15
Oak Ave.	Both	Mountain View Rd. to westerly end	March 15 - November 15
Bayview Ave.	Both	Maple Ave. to northerly end	March 15 - November 15
Greenwood Ct.	Both	Bayview Ave. to easterly end	March 15 - November 15
Kusins Ct.	Both	Bayview Ave. to west end	March 15 - November 15
Hwy 8	Both	Crooks Hollow Rd. to King St W	March 15 - November 15
King St W	Both	115m west of Bond St. to Hwy 8	March 15 - November 15
Woodleys Ln.	Both	King St W to westerly end	March 15 - November 15
Websters Fall Rd.	Both	Hwy 8 to east end	March 15 - November 15

2. Table 3 of the Administrative Penalty By-law No. 17-255 is amended by adding the following item:

Item	Column 1 Designated By-law & Section		Column 2 Short Form Wording	Column 3 Early Payment	Column 4 Set Penalty
91	01-218	12.1(1)	Park, Stand or Stop in Contravention in a Special Enforcement Area	\$200.00	\$250.00

3. This By-law comes into force on the day it is passed.

PASSED this 10th Day of April , 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

CITY OF HAMILTON

MOTION

Council Date: April 10, 2019

MOVED BY COUNCILLOR PEARSON.....

SECONDED BY COUNCILLOR.....

Amendment to Item 6 of Planning Committee Report 19-003 respecting Demolition Permits for 255 Wellington Street North (PED19044) (Item 10.1)

That Item 6 of Planning Committee Report 19-003, ***be amended*** by deleting sub-section (a) and renumbering the balance accordingly, and the new sub-section (a) ***be amended*** as follows:

Demolition Permit 255 Wellington Street North

That the Chief Building Official be authorized and directed to issue a demolition permit for 255 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:

~~(a) That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;~~

(a) ~~That the said building permit specifies that if the~~ ***That if the*** replacement building is not erected ***on this property*** within four years of the demolition of the existing building ~~on the property~~, the City be paid the sum of \$20,000 which sum:

- (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
- (ii) is a lien or charge on the property until paid;

(b) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

(To be completed by the Clerk)

MOTION APPROVED ☐ ON A RECORDED VOTE ☐ Yeas: _____ Nays: _____
(Refer to Recorded Vote Sheet)

MOTION DEFEATED ☐ ON A RECORDED VOTE ☐ Yeas: _____ Nays: _____
(Refer to Recorded Vote Sheet)

CITY OF HAMILTON

MOTION

Council Date: April 10, 2019

MOVED BY COUNCILLOR PEARSON.....

SECONDED BY COUNCILLOR.....

Amendment to Item 7 of Planning Committee Report 19-003 respecting Demolition Permits for 257 Wellington Street North (PED19045) (Item 10.2)

That Item 7 of Planning Committee Report 19-003, **be amended** by deleting sub-section (a) and renumbering the balance accordingly, and the new sub-section (a) **be amended** as follows:

Demolition Permit 257 Wellington Street North

That the Chief Building Official be authorized and directed to issue a demolition permit for 257 Wellington Street North in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of The Planning Act, subject to the following conditions:

~~(a) That the applicant applies for, receives a building permit for and erects a replacement building(s) on this property;~~

~~(a) That the said building permit specifies that if the~~ **That if a** replacement building is not erected **on this property** within four years of the demolition of the existing building ~~on the property~~, the City be paid the sum of \$20,000 which sum:

- (i) the City Clerk is authorized to enter on the collector's roll and collect in like manner as municipal taxes;
- (ii) is a lien or charge on the property until paid;

(b) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions in a form satisfactory to the Chief Building Official and the City Solicitor.

(To be completed by the Clerk)

MOTION APPROVED ☐ ON A RECORDED VOTE ☐ Yeas: _____ Nays: _____
(Refer to Recorded Vote Sheet)

MOTION DEFEATED ☐ ON A RECORDED VOTE ☐ Yeas: _____ Nays: _____
(Refer to Recorded Vote Sheet)

CITY OF HAMILTON

MOTION

Council: April 10, 2019

MOVED BY COUNCILLOR S. MERULLA.....

SECONDED BY COUNCILLOR.....

Operations and Maintenance of the Central Composting Facility

WHEREAS, the current operations and maintenance contract for the City of Hamilton's (City) Central Composting Facility (CCF) commenced in June 2006;

WHEREAS, the current operations and maintenance contract for the CCF will expire on December 31, 2020;

WHEREAS, the City's CCF temporarily closed in June 2018 due to odour issues;

WHEREAS, the City's CCF restarted operations in February 2019;

WHEREAS, there is a good example of bringing the operation of a City owned facility in-house in the City's Wastewater and Water Treatment Plants; and,

WHEREAS, Committee and Council need to have all available information relating to the cost and staffing of maintaining and operating the CCF by comparing contracted and in-house service providers;

THEREFORE, BE IT RESOLVED:

- (a) That the Manager of Procurement be authorized and directed to issue a Request for Proposals for the operations and maintenance of the City's Central Composting Facility;
- (b) That the General Manager of Public Works be authorized and directed to establish an in-house bid team to prepare and submit a bid to the Request for Proposals with the potential to transfer the operations and maintenance of the City's Central Composting Facility from a contracted service provider to an in-house service, as outlined in the City's Procurement Policy #22 – In-House Bid Submission;

- (c) That the General Manager of Public Works be directed to submit an Information Report to the Public Works Committee in lieu of the report contemplated in the City's Procurement Policy #22 – In-House Bid Submissions, Section 4.22 subsection (2);
- (d) That staff be directed to conduct a risk assessment of contracted operations and maintenance versus in-house operations and maintenance with respect to the City's Central Composting Facility; and,
- (e) That staff report back to the Public Works Committee with recommendations, based on the results of the risk assessment and both the in-house bid and external bids received in response to the Request for Proposals for the City's Central Composting Facility.

CITY OF HAMILTON

NOTICE OF MOTION

Council: April 10, 2019

MOVED BY COUNCILLOR T. WHITEHEAD.....

Mountable Curbs in Ward 14

That \$54,000 from Reserve #108064 – Ward 14 Area Rating Special Capital Reinvestment Reserve – be utilized to replace and/or repair mountable curbs in Ward 14 for 2019.

CITY OF HAMILTON

NOTICE OF MOTION

Council: April 10, 2019

MOVED BY COUNCILLOR T. WHITEHEAD.....

Removal of the Stop Sign at Atkins Drive & Golfwood Drive

WHEREAS many of the community members in the Gurnett neighbourhood have requested the removal of the stop sign at Atkins Drive & Golfwood Drive;

THEREFORE BE IT RESOLVED:

That the stop sign at Atkins Drive & Golfwood Drive, be removed.

Authority: Item 9, Planning Committee
Report: 19-004 (PED18210(a))
CM: April 10, 2019
Ward: 1, 2

Bill No. 065

CITY OF HAMILTON

BY-LAW NO. 19-

To Adopt:

**Official Plan Amendment No. 240 to the
City of Hamilton Official Plan**

Respecting:

Part of 128 Barton Street West; Part of 271 Bay Street North; 239 and 259 Caroline Street North; 249 Hess Street North; Part of 242 Queen Street North; Part of 243 Queen Street North; 245 Queen Street North; 107 Stuart Street; 175 Stuart Street; Part of 232 Stuart Street; and 26, 28, 30, 32, and 36 Tiffany Street, Hamilton

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Amendment No. 240 to the City of Hamilton Official Plan consisting of Schedule "1", hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 10th day of April, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Amendment to the Official Plan of the City of Hamilton

The following text, together with Appendix "A", attached hereto, constitutes Official Plan Amendment No. 240 to the City of Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to establish a Site Specific Policy for lands designated Commercial within the Barton-Tiffany Special Policy Area of the West Harbour (Setting Sail) Secondary Plan to permit the use of a Production Studio.

2.0 **Location:**

The lands affected by this Amendment are known municipally as:

Property Address
Part of 128 Barton Street West, Hamilton
Part of 271 Bay Street North, Hamilton
239 and 259 Caroline Street North, Hamilton
249 Hess Street North, Hamilton
Part of 242 Queen Street North, Hamilton
Part of 243 Queen Street North, Hamilton
245 Queen Street North, Hamilton
107 Stuart Street, Hamilton
175 Stuart Street, Hamilton
Part of 232 Stuart Street, Hamilton
26, 28, 30, 32, and 36 Tiffany Street, Hamilton

3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed Amendment complies with policies of the West Harbour (Setting Sail) Secondary Plan and the City of Hamilton Official Plan; and,

- The proposed Amendment is consistent with the Provincial Policy Statement, 2014, conforms to the Growth Plan for the Greater Golden Horseshoe, 2017 and complies with the Hamilton-Wentworth Official Plan.

4.0 Changes:

4.1 Text Changes:

4.1.1 That Section A.6.3.3.1.16 be amended by adding Policy No. A.6.3.3.1.16.19:

"A.6.3.3.1.16.1.19 For the lands designated Commercial and shown as Site Specific Area 6 on Schedule M-2a: Barton-Tiffany Area General Land Use, the following additional policies shall apply:

- i) In addition to Policy A.6.3.3.1.16.1.3, a *production studio* shall also be permitted;
- ii) A *production studio* shall mean the use of land, building or structure used for creation and production of motion pictures or audio or video recordings and the associated warehousing prop and set design and storage. Digital media uses, such as animation studio and associated software development and processing, but shall not include the mass reproduction of film;
- iii) In addition to Policy A.6.3.3.1.16.1.4, outdoor storage associated with a *production studio* shall be prohibited;
- iv) A *production studio* shall only be permitted if:
 - a) the site is developed as a campus setting; and,
 - b) if the *production studio* is combined with a range of commercial uses constructed as part of or prior to the construction of the *production studio*;

- v) Commercial uses shall be located close to the street to create a strong pedestrian orientation with the *production studio* located interior to the site;
- vi) The implementing Zoning By-law shall identify the following requirements:
 - a) appropriate setbacks for the *production studio* to regulate function and built form;
 - b) the location of parking;
 - c) minimum gross floor area thresholds required for commercial development to ensure a range and variety of commercial uses are built at the same time or in advance of the *production studio*; and
 - d) Phasing and timing of commercial uses in association with the *production studio*.
- vii) In accordance with Subsection D.11 – Complete Application Requirements and Formal Consultation, the urban design brief submitted as part of a development application shall include:
 - a) A campus masterplan detailing the layout and arrangement of buildings associated with the *production studio* and commercial uses shall address matters such as the following:
 - 1) Vision as contained within the Urban Design Guidelines;
 - 2) Massing and articulation of all buildings;
 - 3) Shadow and wind impacts;
 - 4) Circulation;
 - 5) Street animation;
 - 6) Sustainability;
 - 7) Accessibility;
 - 8) Compatibility with adjacent land

- uses; and
- 9) Publicly accessible open space areas.

b) A Traffic Impact Study."

4.2 Schedule Change:

That Schedule M-2a: Barton-Tiffany Area General Land Use – West Harbour Secondary Plan be amended by adding Site Specific Area 6, as shown on Appendix "A", attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan Control will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule "1" to By-law No. 19-065 passed on the 10th day of April, 2019.

**The
City of Hamilton**

F. Eisenberger
MAYOR

J. Pilon
ACTING CITY CLERK

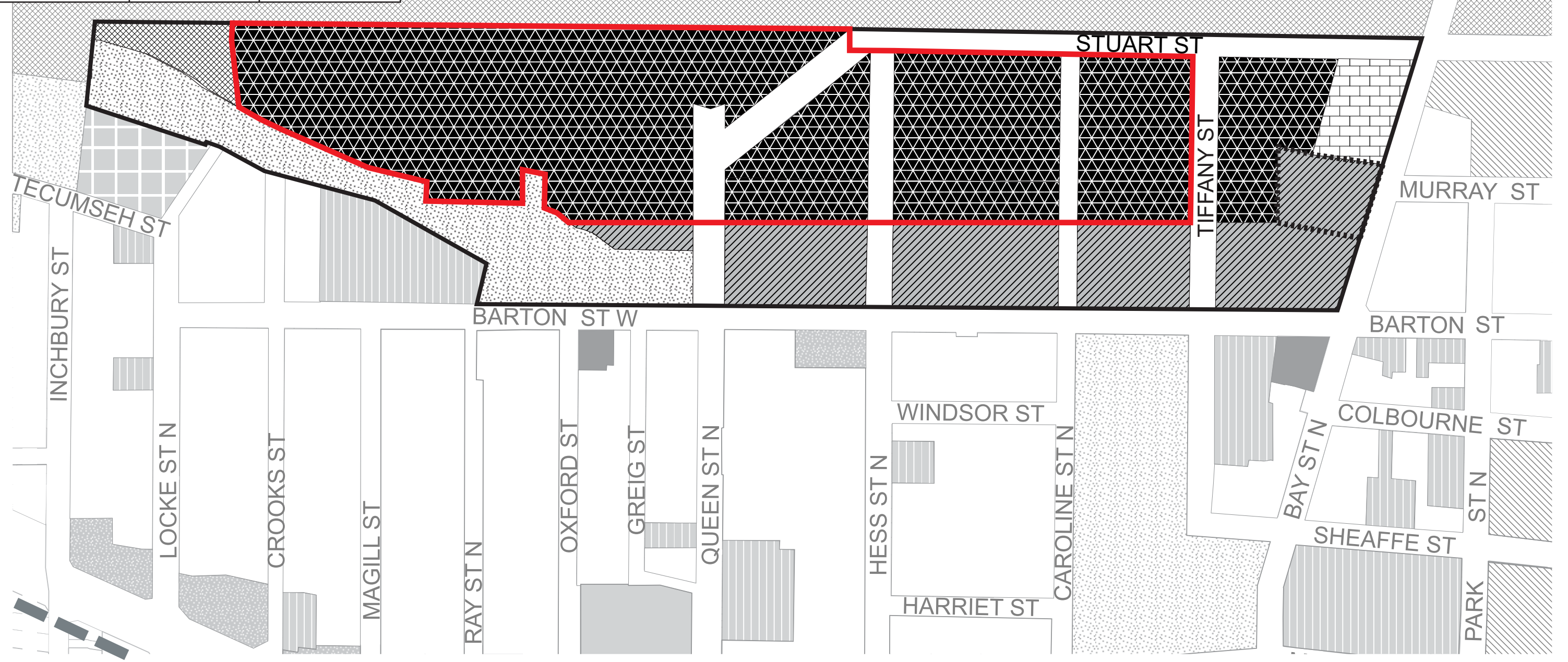
Appendix A
 APPROVED Amendment No. 240
 To the Official Plan
 to the City of Hamilton Official Plan

 Lands to be identified as Site Specific Area 6

Date:
 March 27, 2019

Revised By:
 DM/NB

Reference File No.:
 OPA-240(H)



Legend

- | | | | |
|--|--|--|--|
|  Low Density Residential |  Commercial |  Utilities and Transportation |  Site Specific Area 1 |
|  Medium Density Residential |  Open Space |  Barton-Tiffany Area | |



Hamilton West Harbour Planning Area Study



Schedule M-2a: Barton-Tiffany Area General Land Use
 West Harbour Secondary Plan

Waterfront
 February 2012

Authority: Item 9, Planning Committee
Report 19-004 (PED18210(a))
CM: April 10, 2019
Ward: 1, 2

Bill No. 066

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend Zoning By-law No. 05-200, Respecting Lands Located within Barton Tiffany (Hamilton)

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by virtue of the City of Hamilton Act, 1999, S.O. 1999, Chap. 14;

AND WHEREAS the City of Hamilton is the lawful successor to the former Municipalities identified in Section 1.7 of By-law No. 05-200;

AND WHEREAS Zoning By-law No. 05-200 was enacted on the 25th day of May, 2005;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 9 of Report 19-004 of the Planning Committee, at its meeting held on the 10th day of April, 2019, recommended that Zoning By-law No. 05-200 be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the Official Plan of the Hamilton Planning Area, approved by the Minister under the *Planning Act* on June 1, 1982.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map No. 867 and 868 of Schedule "A" – Zoning Maps, to Zoning By-law No. 05-200 be amended by amending the following zone:
 - a) Downtown Mixed Use – Pedestrian Focus (D2) Zone the extent and boundaries of which are shown on a plan hereto annexed as Schedule "A":
2. That Schedule "C" of By-law 05-200 is amended by repealing and replacing Special Exception 442 to include amended uses and regulations as follows:

"442. Notwithstanding Section 6.2, on those lands zoned Downtown Mixed Use – Pedestrian Focus (D2) Zone, identified on Maps 867 and 868 of Schedule "A" – Zoning Maps and described as:

Property Address	Map Number
Part of 271 Bay Street North	868
Part of 128 Barton Street West	868
239, 259 Caroline Street North, 175 Stuart Street	868
249 Hess Street North	868
Part of 242 Queen Street North	868
Part of 243, 245 Queen Street North	867, 868
107 Stuart Street	868
Part of 232 Stuart Street	867, 868
26 Tiffany Street	868
28 Tiffany Street	868
30 Tiffany Street	868
32, 36 Tiffany Street	868

The following provisions shall apply:

No person shall erect, or use any building in whole or in part, or use any land in whole or in part, within the Downtown Mixed Use – Pedestrian Focus (D2) Zone for any purpose other than one or more of the following uses, or uses accessory thereto. Such erection or use shall also comply with the following prescribed regulations.

a) PERMITTED USES

Artist Studio
Commercial Entertainment
Commercial Parking Facility
Commercial Recreation
Commercial School
Conference or Convention Centre
Craftsperson Shop
Financial Establishment
Medical Clinic
Office
Personal Services
Performing Arts Theatre
Production Studio
Recreation
Restaurant
Retail
Tradesperson's Shop

b) RESTRICTED USES

- i) In addition to Section a) PERMITTED USES the following uses shall only be permitted in accordance Section c) and the

following additional restrictions:

A) Commercial Parking Facility

- 1) Shall only be contained within a building; and,
- 2) With the exception of an access driveway to the parking facility, the ground floor of the facility which faces any street shall only be used for uses listed in Section a), other than parking.

B) Production Studio

- 1) The soundstage/warehousing associated with a Production Studio shall only be permitted in conjunction with office and retail use(s).
- 2) The soundstage/warehousing associated with a Production Studio shall only be contained within the building of the site.

C) Permitted Uses in the portion of the Building abutting the Street

Notwithstanding Section a), the portion of the building(s) that is within the minimum and maximum building setback from a street line shall be limited to the following uses:

Artist Studio
Commercial Entertainment
Commercial Recreation
Commercial School
Craftsperson Shop
Financial Establishment
Medical Clinic
Office
Personal Services
Performing Arts Theatre
Production Studio
Recreation
Restaurant
Retail

c) PROHIBITED USES

- i) Notwithstanding Section a), the following uses are prohibited even as an accessory use:

Dwelling Unit(s)
Drive Through Facility
Hotel

- ii) Notwithstanding Section a), the following uses are prohibited except as an accessory use:

Garden Centre
Dry Cleaning Plant

- iii) Notwithstanding Subsection a), a Production Studio shall be prohibited on the following properties:

271 Bay Street North
107 Stuart Street
26 Tiffany Street
28 Tiffany Street
30 Tiffany Street
32, 36 Tiffany Street

d) REGULATIONS

- | | | |
|------|---|---|
| i) | Building Setback from a Street Line | A) Minimum 3.0 metres; and,
B) Maximum 4.5 metres.
C) Clause d)i)A) shall not apply for any portion of a building that exceeds the requirement of Clause d)ix)A). |
| ii) | Minimum Rear Yard | 6.0 metres abutting a Residential Zone property line; |
| iii) | Minimum Interior Side Yard | 3.0 metres abutting a Residential Zone property line; |
| iv) | Maximum Building Height | 15.0 metres; |
| v) | Maximum Gross Floor Area for each Retail Unit | 6,000 square metres; |
| vi) | Maximum Lot Coverage for Retail Uses | 20 percent; |
| vii) | Maximum Floor Area Ratio for Retail Uses | 0.2; |

- | | | |
|-------|---|---|
| viii) | Maximum Gross Floor Area for Office Uses within each Building | 3,000 square metres; |
| ix) | Built Form for New Development | <p>In the case of buildings constructed or alterations to the exterior of existing buildings, excluding any alterations to façade, fenestration or doors, after the effective date of this By-law:</p> <ul style="list-style-type: none">A) For an interior lot, corner lot or a through lot the minimum width of the ground floor façade facing the front lot line shall be greater than or equal to 25% of the measurement of the front lot line and shall exclude access driveways and lands within a required yard.B) No parking, driveways or aisles shall be located between a building façade and the public streetC) A minimum of one principal entrance shall be provided:<ul style="list-style-type: none">1) within the ground floor façade that is set back is closest to a street; and,2) shall be accessible from the building façade with direct access from the public sidewalk; and,3) A walkway shall be permitted in a Planting Strip where required by the Bylaw. |
| x) | Maximum Gross Floor | 2,000 square metres |

Area for Soundstage/ Warehouse associated with a Production Studio		
xi)	Minimum Gross Floor Area of Permitted Uses in Conjunction with the Soundstage/Warehouse associated with a Production Studio	For every 1.0 square metres of gross floor area dedicated to a soundstage/warehousing associated with a Production Studio, a minimum of 1.0 square metres of gross floor area must be dedicated to any use identified in Subsection a).
xii)	Minimum Distance of soundstage/warehousing associated with a Production Studio from a Public Street	The soundstage/warehousing associated with a Production Studio shall be no closer than 40.0 metres from a Downtown Multiple Residential (D6) Zone.
xiii)	Visual Barrier Requirements	A visual barrier is required along any yard abutting a Downtown Residential (D5) or Downtown Multiple Residential (D6) Zone, except where a building is located or the area used for an access driveway, in accordance with Section 4.19 of this By-law.
xiv)	Outdoor Storage	A) No outdoor storage of goods, materials or equipment shall be permitted. B) Notwithstanding Clause xi) A), the display of goods or materials shall be permitted.
xv)	Accessory Buildings	In accordance with the requirements of Section 4.8 of this By-law.
xvi)	Parking	A) In accordance with the requirements of Section 5 of this By-law. B) Notwithstanding Subsection

5.1a)v)a), parking spaces and aisles, giving direct access to abutting parking spaces, excluding driveways extending directly from the street, shall not be located within 4.0 metres of a street line.

C) Notwithstanding Subsection 5.1a)v)b), a 4.0 metre wide planting strip and visual barrier being required and permanently maintained between the street line and the parking spaces or aisle.

3. That Schedule “D” – Holding Provisions of By-law 05-200 be amended by amending Holding Provision No. 44:

“44. That notwithstanding Section 6.2 and Special Exception No.442 of this By-law, on those lands zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone, identified on maps 867 and 868 of Schedule “A” – Zoning Maps no development shall be permitted until such time as:

- (i) A Vibration Study, prepared by a qualified Professional Engineer, completed to the satisfaction of the Director of Planning, Planning and Economic Development Department.
- (ii) An Urban Design Brief and Campus Masterplan, to the satisfaction of the Director of Planning, Planning and Economic Development Department.

That notwithstanding Section 6.2 and Special Exception No.442 of this By-law, on those lands zoned Downtown Mixed Use - Pedestrian Focus (D2) Zone, identified on maps 867 and 868 of Schedule “A” – Zoning Maps no development of a Production Studio shall be permitted until such time as:

- (i) A Traffic Management Plan, to the satisfaction of the Director of Transportation Planning and Parking, Planning and Economic Development Department.

To Amend Zoning By-law No. 05-200,
Respecting Lands Located within Barton Tiffany (Hamilton)

Page 8 of 9

7. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 10th day of April, 2019.

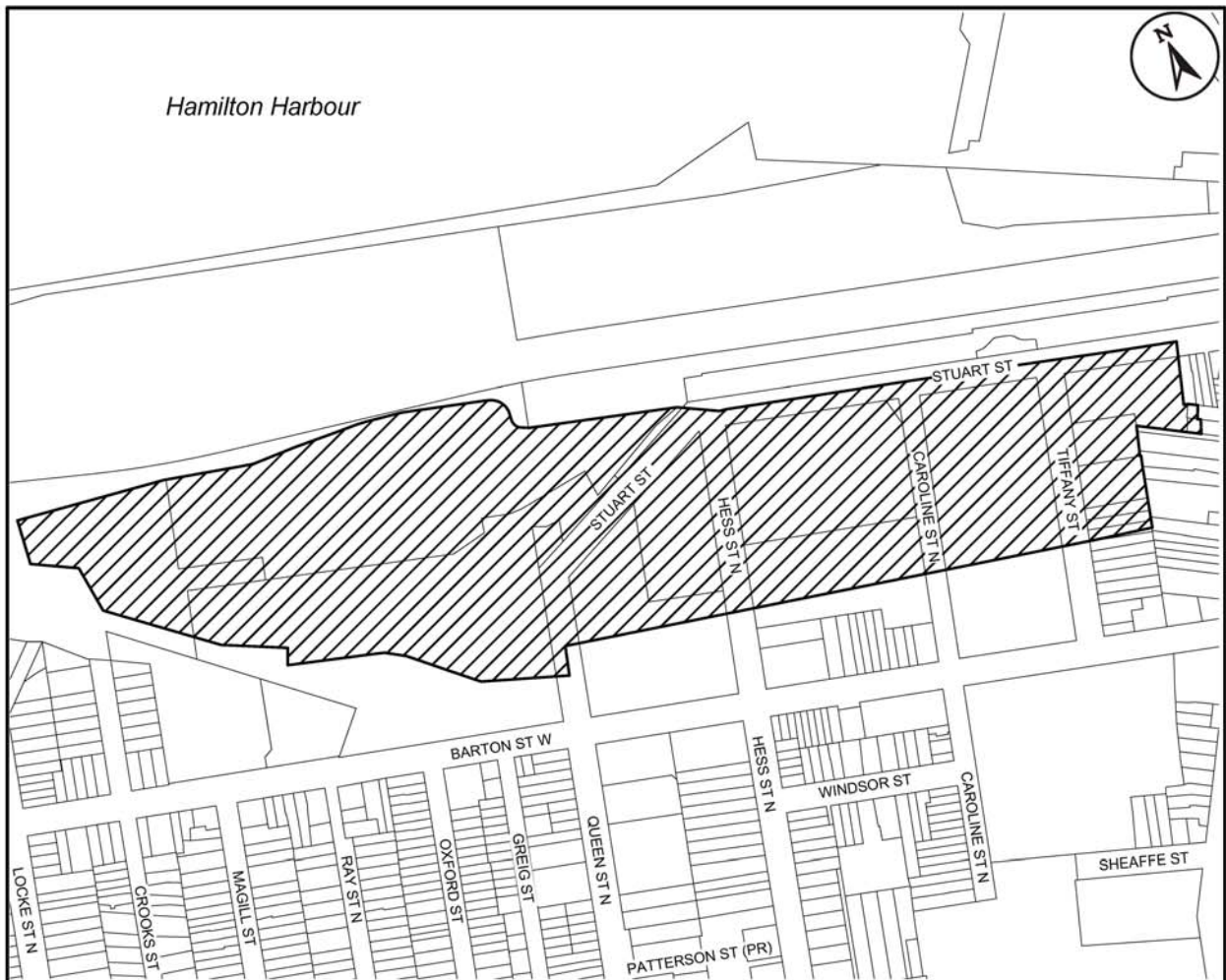
F. Eisenberger
Mayor

J. Pilon
Acting City Clerk



Production Studio

To Amend Zoning By-law No. 05-200,
Respecting Lands Located within Barton Tiffany (Hamilton)

Page 9 of 9



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the day of, 2019</p>	<p>-----</p> <p>Mayor</p>
	<p>-----</p> <p>Clerk</p>

<p>Schedule "A"</p> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Maps 867 & 868</p>		<p>Subject Property</p> <p> Amendment to the Downtown Mixed Use Pedestrian Focus (D2, 442, 44) Zone, Modified, with a Holding Provision</p>
<p>Scale: N.T.S.</p>	<p>File Name/Number: Production Studio</p>	 Hamilton
<p>Date: Jan. 31, 2019</p>	<p>Planner/Technician: EJ/AL</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001
Ward: 3, 4, 7, 13, 14

Bill No. 067

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

WHEREAS *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS it is necessary to amend By-law No. 01-218, as amended.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Times	Days	Adding/ Deleting
6 – <i>Time Limit</i>	<i>B</i>	Osler Crt	East	from 57.1m north-easterly of Osler Drive along the curb line to 40m northerly	1 hr	Anytime	Anyday	Deleting
6 – <i>Time Limit</i>	<i>B</i>	Osler Crt.	West	45m north of Osler Dr. to 23m northerly	1 hr	8 am - 6 pm	Mon -Sat	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 2 of 4

Schedule	Section	Highway	Side	Location	Duration	Times	Days	Adding/ Deleting
<i>6 – Time Limit</i>	<i>E</i>	Osler Crt.	East	50m north of Osler Dr. to 25m northerly	1 hr	8 am - 6 pm	Mon -Sat	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
<i>8 – No Parking</i>	<i>E</i>	Hummingbird	East	Bobolink to southerly end	Anytime	Deleting
<i>8 – No Parking</i>	<i>E</i>	Hummingbird Ln.	East	Skylark Dr. to 170m northerly	Anytime	Adding
<i>8 – No Parking</i>	<i>B</i>	Church	East	from 35.8m north of King to 5.9m northerly	8:00 a.m. to 5:00 p.m. Monday to Friday	Deleting
<i>8 – No Parking</i>	<i>A</i>	Old Mohawk Rd.	South	75m west of Mohawk Rd. to 470m westerly	Anytime	Deleting
<i>8 – No Parking</i>	<i>A</i>	Old Mohawk	North	Mohawk to 87.8m westerly	Anytime	Deleting
<i>8 – No Parking</i>	<i>A</i>	Old Mohawk Rd.	South	85m west of Mohawk Rd. to 93m westerly	Anytime	Adding
<i>8 – No Parking</i>	<i>A</i>	Old Mohawk Rd.	South	190m west of Mohawk Rd. to 35m westerly	Anytime	Adding
<i>8 – No Parking</i>	<i>A</i>	Old Mohawk Rd.	South	305m west of Mohawk Rd. to 35m westerly	Anytime	Adding
<i>8 – No Parking</i>	<i>A</i>	Old Mohawk Rd.	South	505m west of Mohawk Rd. to 80m westerly	Anytime	Adding
<i>8 – No Parking</i>	<i>A</i>	Old Mohawk Rd.	North	Mohawk Rd. to 35m westerly	Anytime	Adding
<i>8 – No Parking</i>	<i>A</i>	Old Mohawk Rd.	North	57m west of Mohawk Rd. to 6m westerly	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 3 of 4

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 – No Parking	E	Paling Ave.	East	Vansitmart St. to 85m northerly	7 am - 12 noon, each Wednesday	Adding
8 – No Parking	E	Paling Ave.	West	85m north of Vansitmart St. to northerly end	7 am - 12 noon, each Wednesday	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 – Permit	E	East 18th St.	East	28m south of Queensdale Ave. to 6m southerly	Anytime	Adding
12 – Permit	E	Case St.	North	55m east of Sherman Ave to 6m easterly	Anytime	Adding
12 – Permit	E	Case St.	South	58m east of Sherman Ave. to 6m easterly	Anytime	Adding
12 – Permit	E	Barnesdale Blvd.	East	100m north of Main St. to 6m northerly	Anytime	Adding
12 – Permit	E	Arthur St.	East	20m north of King St. to 6m northerly	Anytime	Adding
12 – Permit	E	Arthur St.	West	21m north of King St. to 6m northerly	Anytime	Adding
12 – Permit	E	Weir St.	West	146m south of Barton to 6m southerly	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
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To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 4 of 4

Deleting

13 – No Stopping	B	John St.	East	Hatt St. to 40m southerly	Anytime	Adding
13 – No Stopping	A	Old Mohawk Rd.	South	Mohawk Rd. to 75m westerly	Anytime	Deleting
13 – No Stopping	A	Old Mohawk Rd.	South	Mohawk Rd. to 45m westerly	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
20 – School Bus Loading	E	Hummingbird	East	from 43.5m south of Bobolink to 85.9m southerly	7:00 a.m. to 4:00 p.m. Monday to Friday	Deleting

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 10th day of April, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 7.3 (Motion)
CM: April 10, 2019
Ward: 13
Bill No. 068

CITY OF HAMILTON

BY-LAW NO. 19-

Being a By-law to Amend On-Street Parking By-law No. 01-218, and Administrative Penalty By-law No. 17-255 to Create Special Enforcement Areas

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The On-Street Parking By-law No. 01-218 is amended by:

(a) in section 6, striking out “22” and substituting “23”;

(b) adding the following section after section 12:

12.1 (1) No person shall park, stand, or stop a vehicle in contravention of any provision of this By-law within a Special Enforcement Area.

(2) For the purposes of subsection (1), “Special Enforcement Area” means an area set out on Schedule 23.

(3) Schedule 23 describes the following:

(a) in column one thereof, the name of the highway or part highway included within the Special Enforcement Area;

(b) in column two thereof, the side of the highway, by compass direction, where the Special Enforcement Area regulation applies;

(c) in column three thereof, the point upon the subject highway where the Special Enforcement Area regulation commences and the point where the regulation terminates;

(d) in column four thereof, those periods during which the Special Enforcement Area regulation is in force and effect.

(4) Schedule 23 shows the following Special Enforcement Areas:

(a) A - Greensville Waterfall Area.

(c) adding Schedule 23, as follows:

Schedule 23 - Special Enforcement Areas			
A - Greenville Waterfall Area			
Highway	Side	Location	Increased Fine in Effect
Brock Rd.	Both	Taylor Cres. to Hwy 8	March 15 - November 15
Old Brock Rd.	Both	Taylor Cres. (north leg) to Crook Hollow Rd./Harvest Rd.	March 15 - November 15
Taylor Cres.	Both	Old Brock Rd. to Brock Rd.	March 15 - November 15
Lenore Ave.	Both	Taylor Cres. to westerly end	March 15 - November 15
Spencercreek Dr.	Both	Old Brock Rd. to Midsummers Ln.	March 15 - November 15
Moxley Rd.	Both	Old Brock Rd to northerly end	March 15 - November 15
Midsummers Ln.	Both	End to End	March 15 - November 15
Shakespeare Rd.	Both	Midsummers Ln. (N. Leg) to Midsummers Ln. (S. Leg)	March 15 - November 15
Cora Rd.	Both	Old Brock Rd. to westerly end	March 15 - November 15
Nicol St.	Both	Cora Rd. to Crooks Hollow Rd.	March 15 - November 15
Cramer Rd.	Both	Crooks Hollow Rd. to northerly end	March 15 - November 15
Wesite Ave.	Both	Harvest Rd. to Meldrum Ave.	March 15 - November 15
Forest Ave.	Both	Harvest Rd. to Cedar Ave.	March 15 - November 15
Meldrum Ave.	Both	Forest Ave. to westerly end	March 15 - November 15
Cedar Ave.	Both	Forest Ave. to easterly end	March 15 - November 15
Birch Cres.	Both	Forest Ave. to easterly end	March 15 - November 15
Maple Cres.	Both	Forest Ave. to easterly end	March 15 - November 15
Tews Ln.	Both	Harvest Rd. to northerly end	March 15 - November 15
Medwin Dr.	Both	Tews Ln. to westerly end	March 15 - November 15
Ofield Rd.	Both	275m north of Harvest Rd. to Fallsview Rd.	March 15 - November 15
Fallsview Rd.	Both	Ofield Rd. to 1km easterly	March 15 - November 15
Crooks Hollow Rd.	Both	Hwy 8 to Old Brock Rd.	March 15 - November 15
Harvest Rd.	Both	Brock Rd. to 310m east of Ofield Rd.	March 15 - November 15
Kirby Ave.	Both	Hwy 8 to Brock Rd.	March 15 - November 15
Hunts Dr.	Both	Kirby Ave. to easterly end	March 15 - November 15
Haines Ave.	Both	Kirby Ave. to Briencrest Ave.	March 15 - November 15
Harvest Ct.	Both	Harvest Rd. to southerly end	March 15 - November 15
Short Rd.	Both	Harvest Rd. to Fallsview Rd.	March 15 - November 15
Fallsview Rd.	Both	Short Rd. to 560m easterly	March 15 - November 15
Wilchar Ln.	Both	Harvest Rd. to southerly end	March 15 - November 15
Jameson Dr.	Both	Moutain View Rd to westerly end	March 15 - November 15
Rosebough St.	Both	Hwy 8 to Maple Ave.	March 15 - November 15
Grandview Ct.	Both	Rosebough St. to northerly end	March 15 - November 15
Valleydale Ct.	Both	Rosebough St. to easterly end	March 15 - November 15
Flamboro Ct.	Both	Rosebough St. to westerly end	March 15 - November 15
Marshboro Ave.	Both	Hwy 8 to southerly end	March 15 - November 15
Kew Ct.	Both	Marshboro Ave. to easterly end	March 15 - November 15
Herbert Pl	Both	Marshboro Ave. (W. Int.) to Marshboro Ave. (E. Int.)	March 15 - November 15

Being a By-law to Amend On-Street Parking By-law No. 01-218, and Administrative Penalty By-law No. 17-255 to Create Special Enforcement Areas

Page 3 of 3

Hauser Pl	Both	Herbert Pl. to easterly end	March 15 - November 15
Marshboro Ave	Both	westerly end to easterly end	March 15 - November 15
Mountain View Rd	Both	Hwy 8 to Maple Ave.	March 15 - November 15
Webster St	Both	Mountain View Rd. to Park Ave.	March 15 - November 15
Park Ave	Both	Hwy 8 to Maple Ave.	March 15 - November 15
Maple Ave	Both	Park Ave. to westerly end	March 15 - November 15
Marion Dr	Both	Webster St. to Hillcrest Ave.	March 15 - November 15
Hillcrest Ave	Both	Marion Dr. to westerly end	March 15 - November 15
Hillcrest Ave	Both	Marion Dr. to Hwy 8	March 15 - November 15
Sun Ave	Both	Hillcrest Ave. to northerly end	March 15 - November 15
Highview Ct.	Both	Park Ave. to easterly end	March 15 - November 15
Newton Ave.	Both	Park Ave. to westerly end	March 15 - November 15
Oak Ave.	Both	Mountain View Rd. to westerly end	March 15 - November 15
Bayview Ave.	Both	Maple Ave. to northerly end	March 15 - November 15
Greenwood Ct.	Both	Bayview Ave. to easterly end	March 15 - November 15
Kusins Ct.	Both	Bayview Ave. to west end	March 15 - November 15
Hwy 8	Both	Crooks Hollow Rd. to King St W	March 15 - November 15
King St W	Both	115m west of Bond St. to Hwy 8	March 15 - November 15
Woodleys Ln.	Both	King St W to westerly end	March 15 - November 15
Websters Fall Rd.	Both	Hwy 8 to east end	March 15 - November 15

2. Table 3 of the Administrative Penalty By-law No. 17-255 is amended by adding the following item:

Item	Column 1 Designated By-law & Section		Column 2 Short Form Wording	Column 3 Early Payment	Column 4 Set Penalty
91	01-218	12.1(1)	Park, Stand or Stop in Contravention in a Special Enforcement Area	\$200.00	\$250.00

3. This By-law comes into force on the day it is passed.

PASSED this 10th Day of April , 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 2, Public Works Committee
Report 19-005 (PW19001(a))
CM: April 10, 2019
Ward: 3, 6, 9, 11, 12, 15

Bill No. 069

CITY OF HAMILTON

BY-LAW NO. 19-

To Amend By-law No. 01-215 Being a By-law To Regulate Traffic

WHEREAS sections 8, 9 and 10 of the Municipal Act, 2001, S.O. 2001, c. 25, authorize the City of Hamilton to pass by-laws as necessary or desirable for the public and municipal purposes, and in particular paragraphs 4 through 8 of subsection 10(2) authorize by-laws respecting: assets of the municipality, the economic, social and environmental well-being of the municipality; health, safety and well-being of persons; the provision of any service or thing that it considers necessary or desirable for the public; and the protection of persons and property;

AND WHEREAS on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-215 to regulate traffic;

AND WHEREAS it is necessary to amend By-law No. 01-215.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Schedule 5 (Stop Control) of By-law No. 01-215, as amended, is hereby further amended by adding to Section "A" (Ancaster) thereof the following items, namely;

Regan Drive	Westbound	Klein Circle (West Intersection)
Regan Drive	Northbound/Southbound	Klein Circle (East Intersection)
Regan Drive	Eastbound	Springbrook Avenue

And by removing from Section "C" (Flamborough) thereof the following items, namely;

Riley Street	Northbound / Southbound	Premier Road
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And by adding to Section "D" (Glanbrook) thereof the following items, namely;

Ambitious Court Northbound Twenty Road East

And by adding to Section “E” (Hamilton) thereof the following items, namely;

Elm Street	Westbound	Balsam Avenue South
Dianne Court	Eastbound	Palmer Road
Rosanne Crescent	Eastbound	Palmer Road
Bellagio Avenue	Eastbound	Terryberry Road
Bethune Avenue	Eastbound	Dalgleish Trail
Bethune Avenue	Westbound	Rockledge Drive
Dolomiti Court	Eastbound	Dalgleish Trail
Cittadella Boulevard	Eastbound	Dalgleish Trail
Piazzetta Avenue	Northbound	Bethune Avenue
Piazzetta Avenue	Northbound/Southbound	Cittadella Boulevard
Piazzetta Avenue	Southbound	Dolomiti Court
Rockledge Drive	Northbound	Dalgleish Trail
Rockledge Drive	Southbound	Cittadella Boulevard
Terryberry Road	Southbound	Dalgleish Trail

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-215, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 10th day of April, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 15

Bill No. 070

CITY OF HAMILTON

BY-LAW NO. 19-

Respecting Removal of Part Lot Control

Block 203 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 227, 229, 231, 233, 235 and 237 Skinner Road

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

"(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating lots for street townhouse dwellings, shown as Parts 1, 3, 5, 6, 8 and 10 inclusive, including maintenance easements, shown as Parts 2, 4, 7 and 9 inclusive, on deposited Reference Plan 62R-21025, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Block 203, Registered Plan No. 62M-1238, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 10th day of April, 2021

PASSED this 10th day of April, 2019

Fred Eisenberger
Mayor

J. Pilon
Acting City Clerk

PLC-18-033

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 15

Bill No. 071

CITY OF HAMILTON

BY-LAW NO. 19-

Respecting Removal of Part Lot Control

**Block 209 within Registered Plan No. 62M-1238 “Waterdown Bay – Phase 2”, 59, 61, 63
and 65 Riverwalk Drive**

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating lots for street townhouse dwellings, shown as Parts 1, 3 and 5 to 7, inclusive, including maintenance easements, shown as Parts 2, 4 and 6 inclusive, on deposited Reference Plan 62R-21026, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Block 209, Registered Plan No. 62M-1238, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 10th day of April, 2021

PASSED this 10th day of April, 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

PLC-18-033

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 15

Bill No. 072

CITY OF HAMILTON

BY-LAW NO. 19-

Respecting Removal of Part Lot Control

**Block 210 within Registered Plan No. 62M-1238 “Waterdown Bay – Phase 2”, 67, 69, 71
and 73 Riverwalk Drive**

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

“(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating lots for street townhouse dwellings, shown as Parts 1, 3 and 5 to 7, inclusive, including maintenance easements, shown as Parts 2, 4 and 6 inclusive, on deposited Reference Plan 62R-21007, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Block 210, Registered Plan No. 62M-1238, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 10th day of April, 2021

PASSED this 10th day of April, 2019

Fred Eisenberger
Mayor

J. Pilon
Acting City Clerk

PLC-18-033

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 15

Bill No. 073

CITY OF HAMILTON

BY-LAW NO. 19-

Respecting Removal of Part Lot Control

**Block 213 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 93, 95, 97
and 99 Burke Street**

WHEREAS the sub-section 50(5) of the Planning Act, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the Planning Act, provides as follows:

"(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the Planning Act, for the purpose of creating lots for street townhouse dwellings, shown as Parts 1, 3, 6 and 8, inclusive, including maintenance easements, shown as Parts 2, 4, 5 and 7, inclusive, on deposited Reference Plan 62R-21027, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Part of Block 213, Registered Plan No. 62M-1238, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 10th day of April, 2021

PASSED this 10th day of April, 2019.

Fred Eisenberger
Mayor

J. Pilon
Acting City Clerk

PLC-18-033

Authority: Item 12, Committee of the Whole
Report 01-033 (PD01184)
CM: October 16, 2001
Ward: 15

Bill No. 074

CITY OF HAMILTON

BY-LAW NO. 19-

Respecting Removal of Part Lot Control

**Block 214 and 215 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2",
101, 103, 105, 107, 109, 111, 113 and 115 Burke Street**

WHEREAS the sub-section 50(5) of the *Planning Act*, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

AND WHEREAS sub-section 50(7) of the *Planning Act*, provides as follows:

"(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

AND WHEREAS the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating lots for street townhouse dwellings, shown as Parts 1, 3, 4, 6, 7, 9, 10 and 13, inclusive, including maintenance easements, shown as Parts 2, 5, 8, 11 and 12, inclusive, on deposited Reference Plan 62R-21024, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Blocks 214 and 215, Registered Plan No. 62M-1238, in the City of Hamilton

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 10th day of April, 2021

Respecting Removal of Part Lot Control
Block 214 and 215 within Registered Plan No. 62M-1238 "Waterdown Bay – Phase 2", 101, 103, 105, 107, 109,
111, 113 and 115 Burke Street

Page 2 of 2

PASSED this 10th day of April, 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

PLC-18-033

CITY OF HAMILTON

BY-LAW NO. 19-

**To Amend Zoning By-law No. 05-200, as amended by By-law No. 15-183,
Respecting Lands Located at 82 Parkside Drive, Flamborough**

WHEREAS the City of Hamilton has in force several Zoning By-laws which apply to the different areas incorporated into the City by Virtue of the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap 14;

WHEREAS the City of Hamilton is the lawful successor to the former Municipalities, identified in Section 1.7 of By-law No. 05-200;

WHEREAS it is desirable to enact a new Zoning By-law to comprehensively deal with Zoning through the City;

WHEREAS the first stage of the new Zoning By-law, being By-law No. 05-200, came into force on the 25th day of May, 2005; and,

AND WHEREAS the Council of the City of Hamilton, in adopting Section 31 of Report 06-005 of the Planning and Economic Development Committee at its meeting held on the 12th day of April 2006, recommended that the Director of Development and Real Estate be authorized to give notice and prepare by-laws for presentation to Council, to remove the "H" Holding Provision from By-laws where the conditions have been met; and,

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Map 515, appended to and forming part of By-law No. 05-200, as amended by By-law No. 15-183, is hereby further amended by changing the zoning from the Prestige Industrial (M3, 469, H58) Zone to Prestige Industrial (M3, 469) Zone, on the lands the extent and boundaries of which are shown on Schedule "A", annexed hereto and forming part of this by-law.
2. That Schedule "D" – Holding Provisions, of By-law No. 05-200, be amended by deleting Holding Provision 58.
3. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
4. No building or structure shall be erected, altered, extended or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Prestige Industrial (M3, 469) Zone provisions.

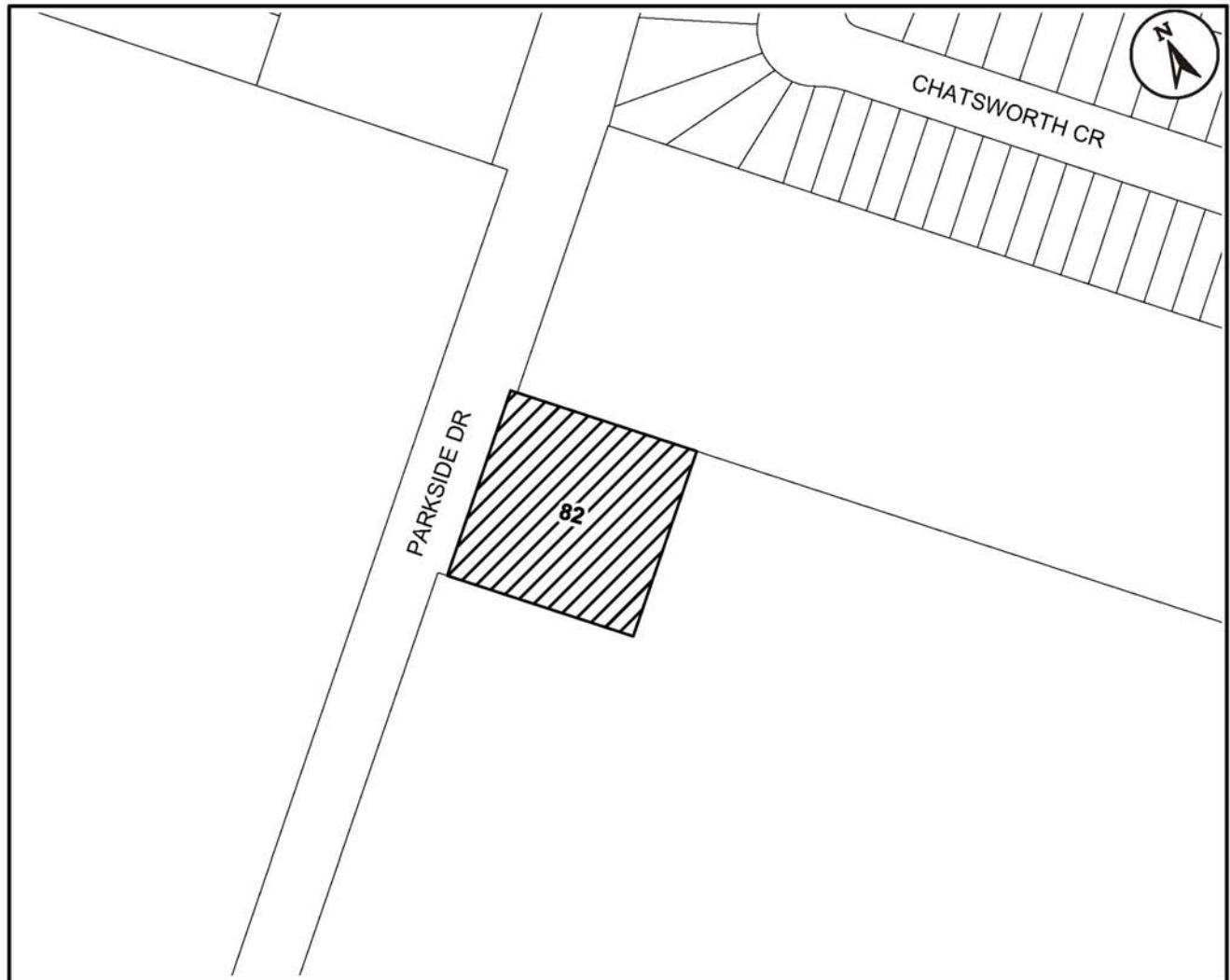
5. That this By-law No. 19-075 shall come into force and be deemed to come into force in accordance with Sub-section 34(21) of the Planning Act, upon the date of passage of this By-law.

PASSED this 10th day of April, 2019

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk

ZAH-18-039



This is Schedule "A" to By-law No. 19-

Passed the day of, 2019

Mayor

Clerk

Schedule "A"

Map Forming Part of
By-law No. 19-_____

to Amend By-law No. 05-200
Map 515

Subject Property

82 Parkside Drive



Change in Zoning from Prestige Industrial (M3, 469, H58)
Zone to Prestige Industrial (M3, 469) Zone.

Scale:
N.T.S.

File Name/Number:
ZAH-19-039

Date:
April 3, 2019

Planner/Technician:
AB/VS



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

CITY OF HAMILTON

BY-LAW NO. 19-

To Confirm the Proceedings of City Council at its meeting held on April 10, 2019.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 10th day of April, 2019, in respect of each recommendation contained in

Public Works Committee Report 19-005 – April 1, 2019,
Planning Committee Report 19-005 – April 2, 2019,
General Issues Committee Report 19-007 – April 3, 2019,
Audit, Finance and Administration Committee Report 19-005 – April 4, 2019,
and
Emergency and Community Services Committee Report 19-002 – April 4, 2019,

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 10th day of April, 2019.

F. Eisenberger
Mayor

J. Pilon
Acting City Clerk