



**CITY COUNCIL
MINUTES 13-015**

5:00 p.m.

Friday, August 16, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor R. Bratina
Councillors B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, B. Clark, M. Pearson,
B. Johnson, L. Ferguson, J. Partridge, R. Pasuta, R. Powers

Mayor Bratina called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

- 5.8 Correspondence from the Robert Land Community Association requesting the waiving of development charges and parkland dedication charges.

Recommendation: Be referred to the General Manager of Finance and Corporate Services for a report back to the Audit, Finance, and Administration Committee.

- 5.9 Correspondence from Wood Bull LLP on behalf of Dakota Shopping Centres Ltd. And SmartCentres Inc. respecting Heritage Highlands Corporation – Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131)

Recommendation: Be received

2. ADDED NOTICES OF MOTION

- 8.1 Emergency Communications and Information Dissemination
- 8.2 Mobile Urban Park Initiative

(Powers/Pearson)

That the agenda for the August 16, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared an interest to Item 5.7, a Petition from the Ontario Taxi Workers Union, respecting increased taxi insurance rates, increasing rates, and potential solutions to aid in this matter, as he has a family member that is involved in the Taxi industry.

Councillor B. Johnson declared an interest to Item 18 of the General Issues Committee Report 09-016, respecting Bill 73 – the Fair and Open Tendering Act, as her son is a member of the Carpenters' Union.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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None.

APPROVAL OF MINUTES

4.1 July 12, 2013

(Powers/Pearson)

That the Minutes of the July 12, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Duvall/Jackson)

That Council Communications 5.1 through 5.9 be approved, as amended, as follows:

- 5.1 Correspondence from Newalta Corporation responding to the request for an extension of public comment period.

Recommendation: **(Clark/Pearson)** Be received.

- 5.2 Correspondence from The Honourable Michael Chan, Minister of Tourism, Culture and Sport respecting continued funding for the Ontario's After School Program for children and youth in high-priority communities.

Recommendation: **(Pearson/Jackson)** Be received.

- 5.3 Correspondence from Premier Kathleen Wynne responding to Council's resolution respecting funding for the Children's Aid Society of Hamilton and the Catholic Children's Aid Society of Hamilton.

Recommendation: **(Duvall//Merulla)** Be received.

- 5.4 Correspondence from The Honourable Michael Chan, Minister of Tourism, Culture and Sport respecting approval to Access to Affordable Recreation initiative funding.

Recommendation: **(Jackson/Collins)** Be received.

- 5.5 Correspondence from the Hamilton Waterfront Trust respecting Hamilton Port Authority Land Lease – parking.

Recommendation: **(Jackson/Farr)** Be referred to the City Manager for a Report back to the General Issues Committee.

- 5.6 Correspondence from the Toronto Lynx Soccer Club accompanied by letters of support respecting relocation of the franchise operations to the City of Hamilton.

Recommendation: **(Ferguson/Pasuta)** Be referred to the General Manager of Public Works for a report back to the Public Works Committee.

- 5.7 Petition from the Ontario Taxi Workers Union respecting increased taxi insurance rates, increasing rates, and potential solutions to aid in this problem.

Recommendation: **(Collins/Clark)** Be referred to the General Manager of Planning and Economic Development for a report to the Planning Committee.

- 5.8 Correspondence from the Robert Land Community Association requesting the waiving of development charges and parkland dedication charges.

Recommendation: **(Farr/McHattie)** Be referred to the General Manager of Finance and Corporate Services for a report back to the Audit, Finance, and Administration Committee.

- 5.9 Correspondence from Wood Bull LLP on behalf of Dakota Shopping Centres Ltd. And SmartCentres Inc. respecting Heritage Highlands Corporation – Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131)

Recommendation: **(Clark/Ferguson)** Be received.

CARRIED AS AMENDED

(Collins/Merulla)

That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

BOARD OF HEALTH REPORT 13-007

(Bratina/Partridge)

That the SEVENTH Report of the Board of Health be adopted, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-016

(Powers/Pasuta)

That Item 3 of General Issues Committee Report 13-016 respecting “Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15)” be deleted in its entirety and replaced with the following in lieu thereof:

- 3. Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15)**

That the proposed amendments to the Program Descriptions of the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Program, attached as Appendices "A" and "B" to General Issues Committee Report 13-016, be presented to a Public Meeting of the Planning Committee through an amendment to the Downtown and Community Renewal Community Improvement Plan as legislated under the Planning Act."

CARRIED

(Partridge/Ferguson)

That Information Item (h)(iv) of General Issues Committee Report 13-016 respecting “Bill 73 – Fair and Open Tendering Act”, be lifted from the Information Section and added as Item 18, to read as follows:

- 18. Bill 73 – Fair and Open Tendering Act (Item 9.4)**

Whereas on September 12, 2005, the Ontario Labour Relations Board (the “OLRB”) certified the United Brotherhood of Carpenters and Joiners of America,

Local 18 (the "Carpenters Union"), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the "City") meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement; and

Whereas this certification has had significant financial consequences to the City and has adversely affected the City's ability to tender bids in an efficient manner; and,

Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the *Ontario Labour Relations Act, 1995* (the "Act") notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and,

Whereas an amendment of the *Ontario Labour Relations Act, 1995* (the "Act"), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures; and,

Whereas Bill 73, the *Fair and Open Tendering Act*, which was tabled and received First Reading at Queen's Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act; and,

Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City's existing obligations to the Carpenters Union such that the City's construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City's construction projects.

Therefore Be It Resolved:

- (a) That the City of Hamilton fully supports any and all efforts to pass Bill 73, the *Fair and Open Tendering Act*, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply;
- (b) That a copy of this motion be forwarded to Mayor Hazel McCallion, Chair of the Large Urban Mayors' Caucus of Ontario (LUMCO), with a request that the motion be circulated to the members of LUMCO, to the Mayors and Regional Chairs of Ontario (MARCO), and to the Honourable Yasir Naqvi, Minister of Labour, Michael Harris, M.P.P. for Kitchener-Conestoga, the Association of Municipalities of Ontario and the local M.P.P.'s for their information;

- (c) That the Information Update dated August 14, 2013 respecting Bill 73 and Background Information re: Previous Decisions of Council with respect to the Carpenters' Union Certification, attached hereto, be received.

CARRIED

(Partridge/Ferguson)

That the motion respecting Item 18 of the General Issues Committee Report 13-016, respecting Bill 73 – Fair and Open Tendering Act, which reads as follows, be withdrawn:

18. Bill 73 – Fair and Open Tendering Act (Item 9.4)

Whereas on September 12, 2005, the Ontario Labour Relations Board (the "OLRB") certified the United Brotherhood of Carpenters and Joiners of America, Local 18 (the "Carpenters Union"), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the "City") meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement; and

Whereas this certification has had significant financial consequences to the City and has adversely affected the City's ability to tender bids in an efficient manner; and,

Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the *Ontario Labour Relations Act, 1995* (the "Act") notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and

Whereas an amendment of the *Ontario Labour Relations Act, 1995* (the "Act"), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures; and

Whereas Bill 73, the *Fair and Open Tendering Act*, which was tabled and received First Reading at Queen's Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act; and,

Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City's existing obligations to the Carpenters Union such that the City's construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City's construction projects.

Therefore Be It Resolved:

- (a) That the City of Hamilton fully supports any and all efforts to pass Bill 73, *the Fair and Open Tendering Act*, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply;
- (b) That a copy of this motion be forwarded to Mayor Hazel McCallion, Chair of the Large Urban Mayors' Caucus of Ontario (LUMCO), with a request that the motion be circulated to the members of LUMCO, to the Mayors and Regional Chairs of Ontario (MARCO), and to the Honourable Yasir Naqvi, Minister of Labour, Michael Harris, M.P.P. for Kitchener-Conestoga, the Association of Municipalities of Ontario and the local M.P.P.'s for their information;
- (c) That the Information Update dated August 14, 2013 respecting Bill 73 and Background Information re: Previous Decisions of Council with respect to the Carpenters' Union Certification, attached hereto, be received.

CARRIED

(Bratina/Partridge)

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

CARRIED

PLANNING COMMITTEE REPORT 13-012

(Farr/McHattie)

That Item 19 of the Planning Committee Report 13-012, respecting Report LS13019, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and other appellants and Legal Direction LS13027(City Wide), be deleted in its entirety and replaced with the following in lieu thereof:

19. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Other Appellants and Legal Direction – City Wide (LS13027) (Item 12.1)

- (a) That Report LS13027 remain confidential, but that the appendices be made public in the event that a settlement is reached with the appellant;
- (b) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13027 be approved as the basis of a settlement of part of the appeal of the Urban Official Plan by Paletta International Corporation as identified in Appendix "A";
- (c) That staff be directed to advise the OMB that the City of Hamilton and Paletta International Corporation have settled part of Paletta International

Corporation's appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report;

- (d) That the amendments described in the recommendation contained in Appendix "B" be approved as: (1) the position of the City in the UHOP appeal proceedings; and (2) as the basis of a partial settlement of a portion of the appeals of the following appellants: 2000963 Ontario Inc., 2084696 Ontario Inc., 2188410 Ontario Inc., Mud and First Inc., Multi-Area Developments Inc., Paletta International Corporation, Artstone Holdings Limited and Corpveil Holdings Limited.

CARRIED

(Farr/McHattie)

That the following be added as item 20 to Planning Committee Report 13-012

20. Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands Located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (PED09220) (Ward 9) (Item 6.11)

That Item 35 of the Economic Development and Planning Committee Report 09-016, respecting Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek), which was approved by Council on August 13, 2009, and reads as follows, be deleted in its entirety:

- ~~(a) That approval be given to **amended Official Plan Amendment Application OPA-07-036, by the Ministry of Energy and Infrastructure, Owner**, for Official Plan Amendment No. , to amend Schedule 'A', General Land Use Plan, from "Service Commercial", "Open Space" and "Residential" to "Mixed Use" and "Residential", and Schedule 'A3', Secondary Plan – West Mountain Planning District (Heritage Green), from "Service Commercial", "Neighbourhood Park" and "Medium-High Density Residential" to "Mixed Use" and "Medium-High Density Residential", on the lands located at the northwest corner of Highland Road and Upper Mount Albion Road, known as Part of Lot 33, Concession 7, in the former Township of Saltfleet (Stoney Creek), as shown on Appendix "A" to Report PED09220, on the following basis:~~
- ~~(i) That the draft Official Plan Amendment, attached as Appendix "C" to Report PED09220, be held in abeyance until such time as the City of Hamilton and the Ministry of Energy and Infrastructure have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.~~
- ~~(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.~~

- ~~(b) That approval be given to amended Zoning Application ZAC-07-112, by the Ministry of Energy and Infrastructure, Owner, for changes in Zoning from the Neighbourhood Development “ND” Zone to the Mixed Use Commercial (Holding) “MUC-2 (H)” Zone, with a Special Exception (Block 1), the Mixed Use Commercial (Holding) “MUC-3 (H)” Zone, with a Special Exception (Block 2), and the Multiple Residential (Holding) “RM3-34 (H)” Zone, with a Special Exception (Block 3), to permit future mixed use development on the westerly and northerly portions of the subject lands, and medium-high density residential development on the southeasterly portion of the subject lands, for the lands located at the northwest corner of Highland Road and Upper Mount Albion Road (Stoney Creek), as shown on Appendix “B” to Report PED09220, on the following basis:~~
- ~~(i) That the draft By-law, attached as Appendix “D” to Report PED09220, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as the City of Hamilton and the Ontario Realty Corporation have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.~~
- ~~(ii) That the amending By-law be added to Schedule ‘A’, Map No. 15, of Zoning By-law No. 3692-92.~~
- ~~(iii) That the proposed changes in zoning are in conformity with the Hamilton Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of OPA No. .~~
- ~~(c) That upon finalization of the implementing By-laws, the Valley Park Neighbourhood Plan be amended to change the designation of the subject lands from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use” and “Medium-High Density Residential”.~~
- ~~(d) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision, once Official Plan Amendment No. in Recommendation (a) is final and binding.~~

and replaced with the following in lieu thereof:

- (a) That approval be given to Amended Official Plan Amendment Application OPA-07-036(R), by Heritage Highlands Corporation, Owner, for Amendment No. to the Stoney Creek Official Plan, for changes in designation on “Schedule A - General Land Use Plan” from “Service Commercial”, “Open Space”, and “Residential” to “Shopping Centre”; and for changes in designation on Schedule A3 - West Mountain Planning District (Heritage Green) Secondary Plan” from “Service

Commercial”, “Neighbourhood Park”, and “Medium-High Density Residential” to “Community Shopping Centre”, in order to permit a shopping centre with various retail uses, on the lands located at 512 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13131, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.
- (b) That approval be given to **Amended Zoning Amendment Application ZAC-07-112(R), by Heritage Highlands Corporation, Owner**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre “SC2-7(H1)(H2)(H3)(H4)(H5)” (Holding) Zone, with a Special Exception and Holding Provisions, to permit the development of a shopping centre, for lands located at 512 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED13131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule “A”, Map No. 15, of Zoning By-law No. 3692-92;
 - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No. [REDACTED].
- (c) That upon finalization of the implementing By-laws, the subject lands be redesignated from “Commercial - Service Commercial”, “Parkland - Neighbourhood Park”, and “Medium - High Density Residential” to “Commercial - Community Shopping Centre”, in the Valley Park Neighbourhood Plan.

CARRIED

(Farr/McHattie)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE 13-008

(Pearson/Johnson)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-009

(Ferguson/Powers)

That the Rules of Order be waived with respect to the 48 hour rule to allow the introduction of the Public Works Committee Report 13-009.

CARRIED

(Ferguson/Powers)

That the NINTH Report of the Public Works Committee be adopted, and the information section received.

CARRIED

(Collins/Merulla)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Purchase of Hamilton Wentworth District School Board (HWDSB) Surplus Property – Broughton East – 16 Broughton Avenue (Ward 6) (Item 7.1)

(Jackson/Duvall)

That Item 20 of General Issues Committee Report 13-013 respecting Purchase of Hamilton Wentworth District School Board (HWDSB) Surplus Property – Broughton East – 16 Broughton Avenue (Ward 6), approved by Council on June 26, 2013, and as amended by Council on July 12, 2013, be further amended by adding the following as sub-sections (b) and (c) and renumbering the balance of the sub-sections:

- (b) That in the event a higher priority agency is successful in the purchase of the whole of the land and subsequently deems a portion of their land surplus, that staff be authorized and directed to submit a bona-fide offer and/or lease to the said respective agency so as to protect the city's municipal asset in its current location or on an alternative location on the subject site;
- (c) That in the event the Hamilton Wentworth District School Board sells the larger portion of land having an area of 7 acres more or less, to a higher priority agency, as opposed to the whole of the land having a total area of 9.5 acres, more or less, that staff be authorized and directed to secure the

balance of the land from the Hamilton Wentworth District School Board having an area of 2 acres more or less.

to read as follows:

**Purchase of Hamilton Wentworth District School Board (HWDSB)
Surplus Property – Broughton East – 16 Broughton Avenue (Ward 6)**

- (a) That the City of Hamilton purchase the two parcels of land totalling 9.5 acres at 16 Broughton Avenue West;
- (b) That in the event a higher priority agency is successful in the purchase of the whole of the land and subsequently deems a portion of their land surplus, that staff be authorized and directed to submit a bona-fide offer and/or lease to the said respective agency so as to protect the city's municipal asset in its current location or on an alternative location on the subject site;
- (c) That in the event the Hamilton Wentworth District School Board sells the larger portion of land having an area of 7 acres more or less, to a higher priority agency, as opposed to the whole of the land having a total area of 9.5 acres, more or less, that staff be authorized and directed to secure the balance of the land from the Hamilton Wentworth District School Board having an area of 2 acres more or less;
- (d) That the Real Estate Section of the Planning and Economic Department be authorized and directed to submit a bona-fide offer based on the estimated market value prepared, as amended, by Jacob Ellens & Associates Inc., Real Estate Appraisers & Consultants;
- (e) That the Mayor and City Clerk be authorized and directed to execute the requisite documentation to the satisfaction of the City Solicitor;
- (f) That the financial details contained in Report FCS13057, as amended, respecting the purchase of surplus Hamilton-Wentworth District School Board (HWDSB) lands located at 16 Broughton Avenue not be released as a public document until conclusion of the real property transaction.

CARRIED

**7.2 Objection to Liquor License Application – A-Cross-the-Road – 1121-23
Main Street East, Hamilton, Ontario, L8M 1P2 (Item 7.2)**

(Morelli/Merulla)

Whereas, the City of Hamilton has received pre-notification that A-Cross-the-Road at 1121-23 Main Street East, Hamilton has applied for a liquor license;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and

wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

Therefore, be it resolved:

- (a) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for A-Cross-the-Road at 1121-23 Main Street East, Hamilton, Ontario as the issuing of this license would not be in the best interest of the public.
- (b) That should the AGCO determine that a Hearing is to be scheduled, that Legal Services be authorized and directed to attend the Hearing to represent the City's interest.

CARRIED

7.3 Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law Amendment Application – 24 Brock Street North, Dundas, (LS13020) (Ward 13) (Outstanding Business List) (Item 7.3)

(Farr/McHattie)

That Council Outstanding Business List Item "D", respecting the Proposed Settlement of Appeal to Ontario Municipal Board Zoning By-law Amendment Application – 24 Brock Street North, Dundas (LS13020), be lifted from the table.

(Farr/McHattie)

That item 9 to Planning Committee Report 13-009, approved by Council on June 12, 2013 respecting Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law Amendment Application – 24 Brock Street North, Dundas, (LS13020) (Ward 13) be amended by being deleted in its entirety and replaced with the following:

Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law Amendment Application – 24 Brock Street North, Dundas, (LS13020) (Ward 13) (Outstanding Business List)

- (a) That Appendix "A" titled Report PED10229 to Appendix "A" to Report LS13020 is a public document, while the remainder of Appendix "A" to Report LS13020 only be made public in the event that a settlement is reached with the appellant;
- (b) That the zoning by-law amendments described in Appendix "C" and "F", and attached to Appendix "A" to report LS13020 as amended, be approved as the basis of a settlement of the appeal of the zoning by-law amendment application for 24 Brock Street North, Dundas, with OMB File Number PL121211;
 - (i) That the zoning by-law described in Appendix "C" be amended by adding the following subsection (ii) to Section 4:

- “(ii) The Senior Director of Growth Management confirms that he is satisfied there is sufficient and adequate water service and water pressure available, including sufficient and adequate water service and pressure for firefighting purposes, for any development at 24 Brock Street North, permitted by By-law 3581-86, as amended.”
- (ii) That the zoning by-law described in Appendix "C" be further amended by adding the following subsection (ii) to Section 3(a):
- "(ii) Notwithstanding Sections 3.2.34 (Grade) and 3.2.38 (Height) within By-law No. 3581-86 (Dundas), for the purpose of this by-law the following shall apply: Building Height shall be determined by the mean elevation of all the existing ground adjoining the building or structure and within 4.5 metres of it.”
- (c) That staff be directed to advise the OMB that the City of Hamilton and EcoBuilding Corp. have settled the zoning by-law amendment by EcoBuilding Corp. on the basis of the zoning by-law amendments attached as Appendix “C” and “F” to Appendix “A” to Report LS13020, as amended by Council.

CARRIED

NOTICES OF MOTION

Councillor Merulla introduced the following Notice of Motion:

8.1 Emergency Communications and Information Dissemination

Whereas the recent storm event of July 19, 2013 identified the need for coordinated inter-agency information sharing; and,

Whereas the residents of the City of Hamilton depend on the municipality to play a significant role in the sharing and dissemination of information during an emergency; and

Whereas, in an emergency information should be coordinated in one central location; and

And whereas, the City of Hamilton currently functions in a decentralized communications model;

Therefore be it resolved that:

The City Manager be directed to report on the feasibility of:

- (a) The City of Hamilton becoming the central repository for all utility and city emergency communications and information dissemination during emergency situations; and
- (b) That a centralized communications structure in an effort to streamline and enhance the City of Hamilton's communications efforts.

Councillor Merulla introduced the following Notice of Motion:

8.2 Mobile Urban Park Initiative

Whereas the City of Hamilton has a long and rich history of industry, railroads and shipping;

And whereas, urban revitalization historically rises from re-purposing, improving, and renovating buildings, warehouses, or industrial sites;

And whereas, the City of Hamilton wants to be considered a leader in innovative and creative projects;

And whereas, international cities like Montreal, Chicago and Las Vegas have created mobile urban parks using old shipping/rail cars;

And whereas, the creation of open green spaces is desirable;

Therefore be it resolved:

- (a) That staff report on the feasibility of creating a mobile urban park utilizing rail/shipping containers; and
- (b) That if the City of Hamilton proceeds with a mobile urban park initiative, that the Ottawa Street BIA be considered a pilot location.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – June 26, 2013

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 10-053, and Section 239, Sub-section (b) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees.

As Council determined that no discussion, respecting the Closed Session Minutes of the June 26, 2013 meeting of Council was required, the Minutes were approved in Open Session, as shown below:

(Whitehead/Jackson)

- (a) That the Closed Session Minutes of the June 26, 2013, meeting of Council be approved, as presented.
- (b) That the Closed Session Minutes of the June 26, 2013 meeting of Council, remain confidential and restricted from public disclosure.

CARRIED

BY-LAWS

(Duvall/Jackson)

That the Bill List for the August 16, 2013 meeting of Council be amended by adding the following as Bills 192 to 212 (attached hereto) and renumbering the balance:

Bill No.

- 192** Removal of Part Lot Control
Block 146, Registered Plan No. 62M-1051, "Southampton Estates Phase 2", 9 Hampton Brook Way (Glanbrook)
- 193** Removal of Part Lot Control
Lots 1 and 20 to 48, inclusive, Registered Plan No. 62M-1193 "Oasis – Phase 2", 845 and 857 North Service Road (Stoney Creek) (Ward 11)
- 194** To Amend Zoning By-law No. 98-57 (Ancaster), as amended, respecting lands located at 131 and 141 Vinton Road (Formerly 927 and 1062 Garner Road East), in the former Town of Ancaster, now in the City of Hamilton
- 195** To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, respecting lands located at 43, 47, 51, 55, 59 and 63 Tews Lane, in the former Town of Flamborough, now in the City of Hamilton
- 196** Removal of Part Lot Control
Lots 2 to 12, inclusive, 23 to 25, inclusive, 30, 35, 37, 38, 40 to 42, inclusive, 47, and 61 to 63, inclusive, Registered Plan No. 62M-1178
33, 37, 41, 45, 49, 53, 57, 61, 65, 69 and 73 O' Donnel Drive, 19 Cook Street, 27, 28, 32 and 36 McAllistar Drive, and 26, 34, 38, 46, 50 and 54 Yager Drive
- 197** Removal of Part Lot Control
Lots 9, 10, 13, 49 to 54, inclusive, 59 to 63, inclusive, 68 and 70, Registered Plan No. 62M-1150
21, 27 and 33 Binhaven Boulevard, 67, 71, 99, 103, 107, 111, 115 and 119 Gowland Avenue and 68 Whitwell Way
- 198** Removal of Part Lot Control
Block 108, Registered Plan No. 62M-1181, "Summit Park – Phase 7" (80-116 Celestial Crescent)
- 199** Removal of Part Lot Control
Block 89, Registered Plan No. 62M-1164, 1290 Arvin Avenue

Bill No.

- 200** Removal of Part Lot Control
Lots 16 to 21, inclusive, 27, 49, 51, 52, and 56 to 60, inclusive, Registered Plan No. 62M-1178
50, 54, 58, 62, 66 & 70 O'Donnel Drive, 7 Cook Street and 8, 11, 12, 15, 16, 20, 23 & 24 McAllistar Drive
- 201** Removal of Part Lot Control
Lots 55, 56 and 58, Registered Plan No. 62M-1150
123, 127 and 135 Gowland Avenue
- 202** To Amend Zoning By-law No. 6593 (Hamilton)
Respecting 273, 277, and 279 East Avenue North
- 203** To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended,
Respecting Lands Located at Part of 533 Millgrove Side Road
- 204** To Amend Zoning By-law No. 6593
Respecting Lands Located at 438, 444, 446 and 450 Concession Street and 18 East 18th Street in the City of Hamilton
- 205** To rename a portion of Fieldway Drive to Education Court
- 206** To Amend By-law No. 03-126
Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil
- 207** To Amend Zoning By-law No. 3581-86, Respecting Lands Located at 65 Hatt Street, in the former Town of Dundas, now in the City of Hamilton
- 208** To Amend Zoning By-law No. 87-57, Respecting Lands Located at 331 and 333 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton
- 209** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 601 Upper Centennial Parkway (Stoney Creek)
- 210** To Amend Zoning By-law No. 05-200
Respecting Lands Located at 601 Upper Centennial Parkway, Stoney Creek
- 211** To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272
- 212** To Amend Zoning By-law No. 3581-86 (Dundas) as Amended
Respecting Lands Located at 24 Brock Street North

CARRIED

(Farr/McHattie)

That Bill No. 189, respecting a By-law to Amend By-law No. 01-215, Being a By-law to Regulate Traffic; Schedule 2 – Speed Limits; Schedule 13 – Designated Traffic Lanes; and, Schedule 18 – Bike Lanes, be TABLED to the September 11, 2013 meeting of Council.

CARRIED

(Duvall/McHattie)

That Bills No. 13-187 to 13-213; with the exception of Bill 13-189, be passed, as amended, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

By-law No.

- 187** To Incorporate City Land Designated as Blocks 178 and 179 on Plan 62M-1183 into Springview Drive
- 188** To Incorporate City Land Designated as Parts 4,6,7 and 8 on Plan 62R-18785 into Arvin Avenue
- 189** **TABLED** to September 11, 2013
To Amend By-law No. 01-215
Being a By-law To Regulate Traffic;
Schedule 2 – Speed Limits
Schedule 13 – Designated Traffic Lanes
Schedule 18 – Bike Lanes
- 190** To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 13 – No Parking Zones
Schedule 14 – Wheelchair loading zones
- 191** Being a By-law to Permanently Close a Portion of Public Unassumed Alley abutting 1430 Main Street East, Hamilton, established by Registered Plan 579, City of Hamilton, designated as Part 1 on Plan 62R-19520
- 192** Removal of Part Lot Control
Block 146, Registered Plan No. 62M-1051, “Southampton Estates Phase 2”, 9 Hampton Brook Way (Glanbrook)
- 193** Removal of Part Lot Control
Lots 1 and 20 to 48, inclusive, Registered Plan No. 62M-1193 “Oasis – Phase 2”, 845 and 857 North Service Road (Stoney Creek) (Ward 11)
- 194** To Amend Zoning By-law No. 98-57 (Ancaster), as amended, respecting lands located at 131 and 141 Vinton Road (Formerly 927 and 1062 Garner Road East), in the former Town of Ancaster, now in the City of Hamilton
- 195** To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, respecting lands located at 43, 47, 51, 55, 59 and 63 Tews Lane, in the former Town of Flamborough, now in the City of Hamilton
- 196** Removal of Part Lot Control
Lots 2 to 12, inclusive, 23 to 25, inclusive, 30, 35, 37, 38, 40 to 42, inclusive, 47, and 61 to 63, inclusive, Registered Plan No. 62M-1178
33, 37, 41, 45, 49, 53, 57, 61, 65, 69 and 73 O’Donnell Drive, 19 Cook Street, 27, 28, 32 and 36 McAllistar Drive, and 26, 34, 38, 46, 50 and 54 Yager Drive

By-law No.

- 197** Removal of Part Lot Control
Lots 9, 10, 13, 49 to 54, inclusive, 59 to 63, inclusive, 68 and 70, Registered Plan No. 62M-1150
21, 27 and 33 Binhaven Boulevard, 67, 71, 99, 103, 107, 111, 115 and 119 Gowland Avenue and 68 Whitwell Way
- 198** Removal of Part Lot Control
Block 108, Registered Plan No. 62M-1181, "Summit Park – Phase 7" (80-116 Celestial Crescent)
- 199** Removal of Part Lot Control
Block 89, Registered Plan No. 62M-1164, 1290 Arvin Avenue
- 200** Removal of Part Lot Control
Lots 16 to 21, inclusive, 27, 49, 51, 52, and 56 to 60, inclusive, Registered Plan No. 62M-1178 50, 54, 58, 62, 66 & 70 O'Donnel Drive, 7 Cook Street and 8, 11, 12, 15, 16, 20, 23 & 24 McAllistar Drive
- 201** Removal of Part Lot Control
Lots 55, 56 and 58, Registered Plan No. 62M-1150
123, 127 and 135 Gowland Avenue
- 202** To Amend Zoning By-law No. 6593 (Hamilton)
Respecting 273, 277, and 279 East Avenue North
- 203** To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended,
Respecting Lands Located at Part of 533 Millgrove Side Road
- 204** To Amend Zoning By-law No. 6593
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- 207** To Amend Zoning By-law No. 3581-86, Respecting Lands Located at 65 Hatt Street, in the former Town of Dundas, now in the City of Hamilton
- 208** To Amend Zoning By-law No. 87-57, Respecting Lands Located at 331 and 333 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton
- 209** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 601 Upper Centennial Parkway (Stoney Creek)

By-law No.

- 210** To Amend Zoning By-law No. 05-200
Respecting Lands Located at 601 Upper Centennial Parkway, Stoney Creek
- 211** To Amend the Sanitary Surcharge and Wastewater
Abatement By-law No. 03-272
- 212** To Amend Zoning By-law No. 3581-86 (Dundas) as Amended
Respecting Lands Located at 24 Brock Street North
- 213** To Confirm Proceedings of Council

CARRIED

(Merulla/Morelli)

That, there being no further business, the City Council meeting be adjourned at 10:52
a.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk