



CITY COUNCIL MINUTES 13-018

5:00 p.m.

Wednesday, October 9, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

The Mayor called upon Reverend Rick Burgess to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE
 - 5.6 Correspondence from Larry Fedec, P.Eng., M.B.A., Senior Waste Services Engineer, AECOM, respecting Application for an Amendment to Newalta Corporation's Stoney Creek Landfill Environmental Compliance Approval No. A181008

Recommendation: Be received.
 - 5.7 Correspondence from George F. Benton, Peter D. Ewen and Kenneth C. Adamson, The Trustees of Moore Sovereign Consistory, respecting the Scottish Rite and the Strathcona Secondary Plan

Recommendation: Be received.
2. REPORTS
 - 6.5 Audit, Finance & Administration Committee Report 13-010

(Johnson/Pearson)

That the agenda for the October 9, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 September 25, 2013

(Partridge/Johnson)

That the Minutes of the September 25, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Powers/Pasuta)

That Council Communications 5.1 through 5.7 be approved, as amended, as follows:

- 5.1 AMO News respecting "Development Charges Act (DCA) Consultations"

Recommendation: Be received.

- 5.2 AMO Report to Members – Highlights of the September 2013 Board Meeting

Recommendation: Be received.

- 5.3 Correspondence from Marilyn and Darvin Dolyniuk respecting the authority of police officers to carry tasers

Recommendation: Be received and be referred to the Police Services Board.

- 5.4 Correspondence from Ken Phillips, CAO/Secretary-Treasurer, respecting Conservation Halton 2014 Budget

Recommendation: Be received.

- 5.5 Resolution from the City of Kenora respecting "Provincial Ban of Flying Lanterns"

Recommendation: Be endorsed.

Yeas: Bratina, Duvall, Collins, Merulla, Farr, McHattie, Clark, Pasuta, Powers, Partridge, Whitehead, Pearson, Jackson, Morelli

Total: 14

Nays: Ferguson, Johnson

Total: 2

- 5.6 Correspondence from Larry Fedec, P.Eng., M.B.A., Senior Waste Services Engineer, AECOM, respecting Application for an Amendment to Newalta Corporation's Stoney Creek Landfill Environmental Compliance Approval No. A181008

Recommendation: Be received.

- 5.7 Correspondence from George F. Benton, Peter D. Ewen and Kenneth C. Adamson, The Trustees of Moore Sovereign Consistory, respecting the Scottish Rite and the Strathcona Secondary Plan

Recommendation: Be received.

CARRIED AS AMENDED

(Farr/McHattie)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-018(a)
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(Bratina/Partridge)

That the 13-018(a) Report of the General Issues Committee be received.

CARRIED

PLANNING COMMITTEE REPORT 13-015

Item 4 The Strathcona Secondary Plan and Official Plan Amendment and the Strathcona Transportation Management Plan (PED13143/ PW13053) (Ward 1) (Item 6.2)

(Farr/Partridge)

That Item 4 of Planning Committee Report 13-015, be amended by adding a new sub-section (m) as follows:

(m) That Appendix "A" to Report PED13143/PW13053, Amendment No. ____ to the Urban Hamilton Official Plan, be amended, as follows:

(i) That on Page 19 of 61, Policy number 6.6.6.2 subsection e) v) be amended by deleting the words "the policies of this Plan" following the words "facility shall address" to read as follows:

"v) The proposed drive-through facility shall address the design principles of Section B.3.3.2 of Volume 1, the built form policies of Section B.3.3.3 of Volume 1, and the Access and Circulation policies of Section B.3.3.9 of Volume 1."

(ii) That on page 42 of 61, Policy number 6.6.15.2, Area Specific Policy – Area B, be amended by adding the following policy:

e) In addition to the uses permitted in Policy 6.6.15.2 a) – Area Specific Policy – Area B, for the property located at 443 Main Street West, designated Mixed Use – Medium Density, on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, a drive-through facility in conjunction with a restaurant within the building existing at the date of the final approval and coming into effect of the Sections of this Official Plan shall be permitted."

(iii) That on page 44 of 61, the following site specific policies be added:

Site Specific Policy – Area H

6.6.15.8 Notwithstanding the uses permitted in Section E.4.6.5 b) – Mixed Use – Medium Density Designation of Volume 1, for the property located at 50 Dundurn Street South, designated Mixed Use – Medium Density, shown as Area H on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, a drive-through facility within the building existing at the date of the final approval and coming in to effect of the Sections of this Official Plan shall be permitted.

Site Specific Policy – Area I

6.6.15.9 Notwithstanding the uses permitted in Section E.4.6.5 b) – Mixed Use – Medium Density Designation of Volume 1, for the properties

located at 620, 622 and 624 King Street West, designated Mixed Use – Medium Density, shown as Area I on Map B.6.6-1 Strathcona Secondary Plan: Land Use Plan, one drive-through facility in conjunction with a restaurant shall be permitted.

Amendment CARRIED

The motion was separated for voting purposes:

Recommendation (c) CARRIED, on the following vote:

Yeas: Bratina, Duvall, Collins, Merulla, Farr, McHattie, Clark, Johnson,
Pasuta, Powers, Partridge, Whitehead, Pearson, Jackson, Morelli
Total: 15
Nays: Ferguson
Total: 1

The main motion (excluding recommendation (c)) CARRIED, on the following vote:

Yeas: Bratina, Duvall, Collins, Merulla, Farr, McHattie, Clark, Johnson,
Ferguson, Pasuta, Powers, Partridge, Whitehead, Pearson,
Jackson, Morelli
Total: 16
Nays: 0

Item 5 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton) (PED13119) (Ward 3) (Item 8.1)

(Merulla/Clark)

That item 5 of the Planning Committee Report 13-015 be amended by adding a new sub-section (c) to read as follows:

- (c) That the outpatient and inpatient complement not change from the current complement.

The amendment CARRIED, on the following standing recorded vote:

Yeas: Bratina, Duvall, Collins, Merulla, Farr, McHattie, Clark, Johnson,
Ferguson, Pasuta, Powers, Partridge, Whitehead, Pearson,
Jackson
Total: 15
Nays: Morelli
Total: 1

The main motion as amended CARRIED, on the following standing recorded vote:

Yeas: Bratina, Duvall, Farr, McHattie, Clark, Johnson, Ferguson, Pasuta,
Powers, Partridge, Whitehead, Pearson
Total: 12
Nays: Morelli, Jackson, Merulla, Collins
Total: 4

Item 11 Newalta Landfill Proposal (Item 9.5)

(Clark/Johnson)

That item 11 of the Planning Committee Report 13-015 be amended by adding a new sub-section (e) to read as follows:

- (e) That a copy of the resolution be forwarded to the Minister of the Environment, local MPPs, the Premier of Ontario and Newalta.

Amendment CARRIED

(Farr/Morelli)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-020

Item 12 Impacts of Provincial Downloading (New Business)

By consensus, Council agreed to add the words “and Caucus Committees”, following the words, “Standing Committee”, to read as follows:

That City Council explore the feasibility of making a formal presentation to the appropriate Standing Committee and Caucus Committee at Queen’s Park when the Province is considering any Bill which will correlate to any impacts of downloading to the City of Hamilton.

Item 13 Removal of Correctional Staff from Federal Halfway House in Downtown Hamilton

(Farr/Morelli)

- (a) That Item 13 of General Issues Committee Report 13-020 respecting “Removal of Correctional Staff from Federal Halfway House in Downtown Hamilton” be amended by deleting sub-section (a) in its entirety and replacing it with the following in lieu thereof:

- “(a) That staff from the City Manager's Office confirm with Public Safety Canada what staffing changes are being made at the downtown Federal halfway house and the impact of those changes on public safety;
- (b) That representatives from Public Safety Canada be invited to a meeting of the General Issues Committee at the earliest possible date to present their reasoning behind the staffing changes and to answer questions regarding the Federal halfway house including information about the current program and residents, and future plans for the facility including relocation;
- (c) That a request be made to the Hamilton Police Services Board to provide a report to the General Issues Committee outlining their concerns relative to safety and security related to the location of the Halfway house on York Blvd.”

Amendment CARRIED as Amended

(Jackson/Ferguson)

That the amendment be amended by adding the words, “beyond Hamilton’s borders”, after the words, “future plans for the facility including relocation”

Amendment to the Amendment CARRIED

(Jackson/Ferguson)

That Item 13 of General Issues Committee Report 13-020 be amended by adding a new sub-section (d) to read as follows:

- (d) That MPs be circulated the resolution and invited to attend the General Issues Committee.

Amendment to the Amendment CARRIED

(Bratina/Pasuta)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-012

(Ferguson/Powers)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 13-010

(Pearson/Johnson)

That the Rules of Order be waived with respect to the 48 hour rule to allow the introduction of Audit, Finance & Administration Committee Report 13-010.

CARRIED

(Pearson/Johnson)

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

CARRIED

(Farr/McHattie)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Burlington Lift Bridge

(Collins/Merulla)

Whereas Hamilton City Council passed a Motion on May 25, 2005 asking the active participation and funding of Public Works Canada in the design and construction of multi-use pathway on the Lake Side of the Burlington Lift Bridge; and

Whereas on September 14, 2005 Council received a positive response from the Ministry of Public Works and Government Services which indicated their support of the co-operative approach and commissioning of a study on the construction of a sidewalk; and

Whereas the Burlington Lift Bridge provides an essential Canal crossing link for motor vehicles and pedestrians via a sidewalk on the Bay side of the Structure; and

Whereas the cities of Burlington and Hamilton have linked their multi-use paths along their respective shorelines on the Lakeside of Eastport Drive leading directly to the Lift Bridge; and

Whereas a functional and safe means of crossing the Canal is required; and

Whereas promoting safe routes for cyclists will assist the Government of Canada in meeting its commitment to reduce greenhouse gas emissions with the added benefit of improving air quality and improving the sustainability of the cities of Burlington and Hamilton; and

Whereas it is in the public interest for all levels of government to act cooperatively and in partnership in funding and implementing a safe and functional connection across the Lift Bridge for the benefit of all users of the multiuse pathway;

Therefore Be It Resolved:

- (a) That the City of Hamilton requests, in co-operation with the City of Burlington, that Public Works Canada resume their active participation role in the design and funding of a multi-use pathway on the Lake side of the Burlington Lift Bridge to connect with the multiuse pathways in the City of Burlington and the City of Hamilton;
- (b) That a copy of this resolution be sent to the Minister of Public Works, area Members of Parliament, the City of Burlington, The Hamilton Port Authority, the Hamilton Waterfront Trust, the Hamilton Harbour Remedial Action Plan office, the Greater Bay Area Sub-Committee and the Hamilton Cycling Committee.

CARRIED

7.2 Amendment to Item 3 of Public Works Committee Report 13-005

(Jackson/Johnson)

That the sub-sections 3 (c)(i)(2) and 3(c)(i)(2)(aa) of Public Works Committee Report 13-005, approved by Council on April 24, 2013, be amended through the deletion of the word “temporary”, to read as follows:

3. ROPA9 Transportation Master Plan Review (PW13032) (Wards 6, 9 & 11) (Item 8.1)

- (c) (i) That Public Works and Planning & Economic Development staff be directed to stage, implement and fund the following projects, included in *ROPA9 Transportation Master Plan Review* (2013), with funds advanced from Capital Project Account No. (s) 4030980986 and 4030980984 (not to exceed the estimated costs):
 - 1. Closure of Upper Mount Albion Road at Rymal Road at an estimated cost of \$81,000;
 - 2. Provision of a ~~temporary~~ traffic control signal at the intersection of Pritchard Road and Rymal Road at an estimated cost of \$79,000;
- (aa) That staff be required to consult with the Ward Councillor prior to removal of the ~~temporary~~

control signal at Pritchard Road and Rymal Road.

CARRIED

7.3 Amendment to Item 3 of Planning Committee Report 13-014

(Farr/Partridge)

That the sub-section (a) of Planning Committee Report 13-014, approved by Council on September 25, 2013, be amended by adding a new sub-section (a)(iv), to read as follows:

3. Application for Amendments to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 392, 488, and 530 Dundas Street East (Flamborough) (PED13140) (Ward 15) (Item 6.5)

(a) That approval be given to Zoning Application ZAC-12-013, by Waterdown Bay Ltd., for a change in zoning to permit a residential, commercial, and mixed-use subdivision, for lands located at 392, 488, and 530 Dundas Street East (Flamborough), as shown on Appendix "A" to Report PED13140, on the following basis:

(iv) That the draft By-law, attached as Appendix "C" to Report PED13140, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

CARRIED

7.4 QPA Solar Inc. – Ontario Power Authority New Feed in Tariff Program

(Powers/Partridge)

Whereas, by Council resolution of September 26, 2012 the City of Hamilton supported the Ontario Power Authority's new Feed in Tariff Program for the construction and operation of roof mounted solar photovoltaic installations within the City of Hamilton;

And Whereas, by Council resolution of September 26, 2012, the City of Hamilton directed that ground mounted installations be dealt with on an individual basis and forwarded to Council for approval;

And Whereas, Council has received correspondence from QPA Solar Inc. requesting municipal council support for roof mounted and ground mounted Solar PV System installations

Therefore, Be It Resolved:

(a) That the correspondence attached as Appendix "A" hereto from QPA Solar be received;

- (b) That the request submitted by QPA Solar Inc. for roof-mounted and ground-mounted solar photovoltaic installations for the locations outlined in Appendix B attached hereto, be approved.

CARRIED

7.5 Funding for a Multi-Use Concrete Pad in Westover Park

(Pasuta/Partridge)

- (a) That the City of Hamilton provide a one-time grant of \$75,000 to the Rockton Lions Club, who is working in conjunction with the Rockton Parks and Recreation Sub-Committee towards the construction of an outdoor multi-use concrete pad at Westover Park;
- (b) That the grant funds be conditional on the completion of (d) and (e) below, to the satisfaction of the City;
- (c) That the conditional grant monies be funded from the Unallocated Capital Reserve Flamborough - Account No. 108032;
- (d) That the City enter into a construction agreement with the Rockton Lions Club for the construction of an outdoor concrete multi-use pad at Westover Park;
- (e) That the City enter into a new land lease agreement with Enbridge Pipeline Incorporated for the lands comprising Westover Park, for a new 10-year term, commencing September 1, 2014, with a lease cost of \$1.00 per year, with a renewal option, and with terms and conditions acceptable to the General Manager of Community and Emergency Services;
- (f) That the Mayor and City Clerk be authorized and directed to execute the construction agreement, the land lease agreement, and all necessary ancillary documents in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Community and Emergency Services.

CARRIED

NOTICES OF MOTION

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – September 25, 2013

(Duvall/Partridge)

That the Closed Session Minutes of September 25, 2013 be approved as presented and remain confidential.

CARRIED

BY-LAWS AND CONFIRMING BY-LAW

(Powers/Pasuta)

That Bill 258 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 22 - 24 Emerald Street South, Hamilton, be deleted from the Bill's List and the remaining Bills be renumbered accordingly.

CARRIED

(Powers/Pasuta)

That Bills No. 13-243 to 13-254 be passed, 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.

- | | |
|------------|--|
| 243 | To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 1- Official Signs
Schedule 13 – Designated Traffic Lanes |
| 244 | To Repeal By-law No. 13-202
To Amend Zoning By-law No. 6593 (Hamilton)
Respecting 273, 277, and 279 East Avenue North |
| 245 | To Amend Zoning By-law No. 6593 (Hamilton)
Respecting 273, 277, and 279 East Avenue North |
| 246 | To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 392, 488, and 530 Dundas Street East,
Concession 3, Part of Lots 2, 3, 4, and 5 (East Flamborough), in the Former
Town of Flamborough, now in the City of Hamilton |
| 247 | To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Lands Located at 98 Shoreview Place |
| 248 | To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 5 – Stop Control |
| 249 | To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 5 – Stop Control |

- 250** To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 1 – Official Signs
Schedule 13 - Designated Traffic Lanes
- 251** To Incorporate City Land Designated as Parts 10 and 11 on Plan 62R-14991
into Highland Road West
- 252** Removal of Part Lot Control
Blocks 32 and 33, Registered Plan No. 62M-1190
- 253** Removal of Part Lot Control
Blocks 109 & 110, Registered Plan No. 62M-1181, “Summit park – Phase 7” (2-
38 & 54-66 Celestial Crescent)
- 254** To Confirm Proceedings of Council

CARRIED As Amended

(Partridge/Collins)

That, there being no further business, the City Council meeting be adjourned at 8:15
p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

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