



CITY COUNCIL MINUTES 14-007

5:00 p.m.

Wednesday, March 26, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

Present:	Mayor R. Bratina Councillors B. McHattie, J. Farr, R. Morrow, S. Merulla, C. Collins, T. Jackson, B. Johnson, S. Duvall, T. Whitehead, B. Clark, M. Pearson, L. Ferguson, J. Partridge, and R. Pasuta
Absent with Regrets:	Councillor Powers – City Business

Mayor Bratina called the meeting to order and called upon Dr. Peter Marshall, Pastor of Victory and Faith International Churches, to lead Council in prayer.

Mayor Bratina also paid respect to two staff members who recently passed away, Douglas Rouse and Valine Vaillancourt.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

- 5.18 Correspondence from Paul Mariutti expressing objection to the official plan amendment and zoning by-law amendment for 1354 Upper Sherman

Recommendation: Be received.

- 5.19 Correspondence from the following respecting 257, 259 and 261 Millen Road, Stoney Creek (Item 5 of Planning Committee Report 14-004:

- (a) George Teodosijevic
- (b) Ray Dietrich
- (c) Louis and Suzanne Mooney
- (d) Viv Saunders

- (e) Don and Connie Sills
- (f) Gerry Graham
- (g) C. Simmons
- (h) Lorraine Smith, including petition with 71 signatories
- (i) Nicki Niceliu
- (j) Dennis and Christine Atlee
- (k) Mitchell Atlee
- (l) Jordan Niceliu
- (m) Christine Davidson
- (n) Rick Smith
- (o) Bruna Di Iorio
- (p) Mike and Barka Domladovac

Recommendation: Be received.

2. ADDED CORRECTION

6.3 Planning Committee Report 14-004 – Information Section

- (e)(ii) Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10) (Item 6.2)

Yeas: Farr
Total: 1
Nays: Collins, Partridge, Whitehead, Johnson, Clark
Total: 5
Absent: Pasuta, Ferguson
Total: 2
Abstain: Pearson
Total: 1

3. ADDED NOTICE OF MOTION

- 8.2 Inclusion of W. H. Ballard Public School in the Register of Property of Cultural Heritage Value or Interest

4. ADDED PRIVATE & CONFIDENTIAL

10.3 Acquisition of Property in Ward 8 (No Copy)

Pursuant to sub-section 8.1(c) of the City's Procedural By-law and Section 239.2 of the Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board respecting the acquisition of property in Ward 8

(Pearson/Johnson)

That the agenda for the March 26, 2014 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Item 2 and 5 – Planning Committee Report 14-004

Councillor Pearson declared an interest as she owns rental property that pertains to these two items.

Item 10.2 – Labour relations Matter respecting the Carpenters’ Union

Councillor B. Johnson declared a conflict as she has a family member who is a member of the Carpenters’ Union.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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3.1 Peacekeeping Medal Presentation

Mayor Bratina presented the Korea Peace Keeping Medal pin to Justice Thomas R. Lofchik.

3.2 Smart Commute Regional Employer of the Year Award Presentation

Mayor Bratina presented the award to Alan Griffiths, Mohawk College, and Peter Topalovic, Project Manager - Transportation Demand Management in the City’s Public Works Department

3.3 “These Hands” Video (Wentworth Lodge)

Vicki Woodcox introduced the video, “These Hands”.

APPROVAL OF MINUTES

4.1 February 26, 2014

(Johnson/Pearson)

That the Minutes of the February 26, 2014, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Partridge/Pasuta)

That Council Communications 5.1 through 5.19 be approved, as amended, as follows:

- 5.1 Request from the Canadian Association of Nurses in Oncology to proclaim Tuesday, April 1, 2014 as Canadian Oncology Nursing Day in the City of Hamilton

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

- 5.2 Request from Lupus Ontario, to proclaim May 10, 2014 as "World Lupus Day" and the month of October as "Lupus Awareness Month"

Recommendation: Be received **(Pearson/Ferguson)**

- 5.3 Correspondence from Craig Ashbaugh, Chair, Lake Erie Region Source Protection Committee, respecting "Source Water Protection- Policy Implementation Cost Share Approaches Guidance Document"

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

- 5.4 Correspondence from Tadeusz Wieclawek, Fire Marshal of Ontario and Chief of Emergency Management, respecting "Municipal Emergency Management Programs" review

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

- 5.5 AMO Communication: AMO Calls for Rethink on Bill 69 - The Prompt Payment Act

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

- 5.6 News Release and Backgrounder from the Ministry of Municipal Affairs and Housing respecting the Ontario Government's decision to help municipalities affected by the December 2013 Ice Storm.

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

- 5.7 Correspondence from Keith Murch, Assistant CAO/Secretary-Treasurer, Grand River Conservation Authority (GRCA), respecting "General Levy"

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

- 5.8 Correspondence from Randy Pettapiece, M.P.P., Perth-Wellington, respecting Private Member's "Resolution on Joint and Several Liability"

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

- 5.9 Correspondence from the City of Toronto respecting "Initiatives to Strengthen Food and Beverage Sector (Collaborating for Competitiveness - Implementation Action 7)"

Recommendation: Be received. **(Pasuta/Partridge)**

- 5.10 Correspondence from the Honourable James Moore, P.C., M.P., Minister of Industry, in response to City Council's invitation to attend a meeting of the Steel Committee to discuss the future of U.S. Steel and its pensioners

Recommendation: Be forwarded to the Steel Committee for information.
(Duvall/Whitehead)

- 5.11 Correspondence from the Honourable Linda Jeffrey, Minister of Municipal Affairs and Housing, in response to City Council correspondence respecting the City of Hamilton's funding under the Community Homelessness Prevention Initiative (CHPI)

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

- 5.12 Correspondence from the Honourable Linda Jeffrey, Minister of Municipal Affairs and Housing, in response to City Council correspondence respecting the City's request to amend the Development Charges Act, 1997

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

- 5.13 Correspondence from the Lakewood Beach Community Council respecting Zoning Amendment for 2 Oceanic

Recommendation: Be received. **(Partridge/Pasuta)**

- 5.14 Environmental Registry Posting respecting "Milkweed and Dog Strangling Vine" (45-day Comment Period between February 28, 2014 and April 14, 2014)

Recommendation: Be referred to the Acting General Manager of Planning and Economic Development for a report to the Planning Committee and the Agriculture and Rural Affairs Sub-Committee **(Johnson/Ferguson)**

- 5.15 Accessibility Directorate of Ontario - Opportunity for Public Input: Accessibility for Ontarians with Disabilities Act Review and Customer Service Standard Review

Recommendation: Be referred to the Advisory Committee for Persons with Disabilities for appropriate action. **(Johnson/Pearson)**

- 5.16 AMO Communication respecting "Legislature Supports Motion on Municipal Liability Reform - More Municipal Action Needed"

Recommendation: Be referred to the City Solicitor for a report to the General Issues Committee. **(Jackson/Collins)**

- 5.17 Resolution from the Town of Aurora respecting "Introduction of Municipal Recall Election Legislation"

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

- 5.18 Correspondence from Paul Mariutti expressing objection to the official plan amendment and zoning by-law amendment for 1354 Upper Sherman

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

- 5.19 Correspondence from the following respecting 257, 259 and 261 Millen Road, Stoney Creek (Item 5 of Planning Committee Report 14-004:

- (a) George Teodosijevic
- (b) Ray Dietrich
- (c) Louis and Suzanne Mooney
- (d) Viv Saunders
- (e) Don and Connie Sills
- (f) Gerry Graham
- (g) C. Simmons
- (h) Lorraine Smith, including petition with 71 signatories
- (i) Nicki Niceliu
- (j) Dennis and Christine Atlee
- (k) Mitchell Atlee
- (l) Jordan Niceliu
- (m) Christine Atlee
- (n) Rick Smith
- (o) Bruna Di Iorio
- (p) Mike and Barka Domladovac

Recommendation: Be received and referred to the appropriate Planning staff for information. **(Johnson/Clark)**

(Partridge/Pasuta)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 14-006

(Bratina/Pasuta)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 14-003

- Item 10 Food Service Vehicles in City of Hamilton Parks - Permitting Program (PW 14026) (City Wide)**

(Morrow/Merulla)

That Gage Park be added to the list of City of Hamilton Parks permitting food service vehicles with the provision that it does not compete with any existing

food services in the park or where organizations are hosting events for revenues.

Amendment CARRIED
Motion as Amended CARRIED.

(Whitehead/Duvall)

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

CARRIED

PLANNING COMMITTEE REPORT 14-004

Item 2 Rental Housing Sub-Committee – Revised Terms of Reference

(McHattie/Farr)

That Item 2 of Planning Committee Report 14-004 respecting Rental Housing Sub-Committee – Revised Terms of Reference, be amended as follows:

2. Rental Housing Sub-Committee – Revised Terms of Reference

- (a) That the Terms of Reference for the Rental Housing Sub-Committee, attached hereto as Appendix “A”, be amended to include three citizens at large as part of the membership;
- (b) That the Terms of Reference for the Rental Housing Sub-Committee, as amended, be approved.

Amendment CARRIED
Motion as Amended CARRIED

Item 5 Applications for Amendments to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92 and Hamilton Zoning By-law No. 05-200 for Lands Located at 257, 259 and 261 Millen Road (Stoney Creek) (PED14042) (Ward 10) (Item 6.2)

That Official Plan Amendment (OPA) Application OPA-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner, for Amendment No. [REDACTED] to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.7.1-1 Western Development Area Secondary Plan to redesignate lands from “Low Density Residential 2b” to “Medium Density Residential 3”, for the lands located at 257, 259 and 261 Millen Road, (Stoney Creek), as shown on Appendix “A” to Report PED14042, be DENIED.

The motion was DEFEATED on the following standing recorded vote:

Yeas: Partridge, Duvall, Collins, Clark, Johnson
Total: 5
Nays: Bratina, McHattie, Farr, Merulla, Jackson, Whitehead, Ferguson, Pasuta, Morrow

Total: 9
Absent: Powers
Total: 1
Abstain: Pearson
Total: 1

(Whitehead/Merulla)

- (a) That approval be given to **Official Plan Amendment (OPA) Application OPA-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner**, for Amendment No. [REDACTED] to the Urban Hamilton Official Plan (UHOP), to amend Land Use Plan Map B.7.1-1 Western Development Area Secondary Plan to redesignate lands from “Low Density Residential 2b” to “Medium Density Residential 3”, for the lands located at 257, 259 and 261 Millen Road, (Stoney Creek), as shown on Appendix “A” to Report PED14042, on the following basis:
- (i) That the draft OPA, attached as Appendix “B” to Report PED14042, be adopted by Council; and,
 - (ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), and conforms to the Growth Plan for the Greater Golden Horseshoe.
- (b) That approval be given to amended **Zoning Application ZAC-12-001, by 1333664 Ontario Inc., c/o Mike Valvasori, Owner**, for changes in zoning to By-law No. 3692-92 from the Single Residential “R2” Zone, to the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 1), and for the removal of lands in Zoning By-law No. 05-200 zoned Neighbourhood Institutional (I1) Zone, and placing them into the Multiple Residential “RM3-53” Zone, with a Special Exception (Block 2), as shown on Schedule “A” to Appendices “C” and “D” to Report PED14042, on the following basis:
- (i) That the draft By-law, attached as Appendix “C” to Report PED14042, 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. 6 of Zoning By-law No. 3692-92.
 - (iii) That the draft By-law, attached as Appendix “D” to Report PED14042, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
 - (iv) That the amending By-law be removed from Schedule “A”, Map No. 1198 of Zoning By-law No. 05-200; and,
 - (v) That the proposed changes in zoning will be in conformity with the UHOP upon finalization of OPA No. [REDACTED].

- (c) That upon finalization of the implementing By-law, the Poplar Park Neighbourhood Plan be amended by changing the designation of 257, 259 and 261 Millen Road (Stoney Creek) from “Low Density Residential” to “Medium Density Residential”.
- (d) That the privacy fencing be increased around the subject property from 1.5m to 2.0m;
- (e) That trees are to be planted beside the fencing to provide additional parking.

The motion CARRIED on the following recorded vote:

Yeas:	Bratina, McHattie, Farr, Merulla, Jackson, Whitehead, Ferguson, Pasuta, Morrow
Total:	9
Nays:	Partridge, Duvall, Collins, Clark, Johnson
Total:	5
Absent:	Powers
Total:	1
Abstain:	Pearson
Total:	1

(Whitehead/Clark)

That Planning Committee Report 14-004 be amended to correct the recorded vote on page 20 as follows: Councillor Whitehead to be noted in the Yeas and Councillor Pearson to be indicated as Abstaining.

CARRIED

Item 6 Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Traffic Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15)

(Partridge/Clark)

- (a) That Item 6 of Planning Committee Report 14-004 respecting “Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Traffic Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15)” be tabled;
- (b) That the implementation of the by-law be held in abeyance until the April 23, 2014 meeting of Council to allow the Ward Councillor the opportunity to resolve outstanding issues with surrounding property owners which may avoid a costly OMB Hearing.

**Amendment CARRIED
Motion as Amended CARRIED**

Item 9 Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15) (Item 8.3)

(Partridge/Johnson)

That Item 9 of Planning Committee Report 14-004 respecting, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15), amended by:

- (a) deleting the words, “in order to remove the regulation permitting a maximum of 34 dwelling units on the subject lands” and replacing them with the words, “in order to increase the maximum number of dwelling units on the subject lands”
- (b) That Appendix B, the draft by-law, be revised to include a provision restricting the maximum number of dwelling units to 71, of which, no more than 45 dwelling units shall be street townhouses.

**Amendment CARRIED
Motion as Amended CARRIED**

Item 11 Medical Marihuana Growing and Harvesting Facility Under the Federal Regulations (MMPR) – Zoning By-law Interpretations (PED14037(a)) (City Wide) (Item 8.4)

(Merulla/Farr)

That the recommendations contained in item 11 of Planning Committee Report 14-004 respecting Medical Marihuana Growing and Harvesting Facility Under the Federal Regulations (MMPR) – Zoning By-law Interpretations, be amended by adding a new sub-section (c) as follows:

- (c) That a Communication Plan be developed to outline the Federal Government’s intentions and best practices nationally to better understand what is being proposed.

**Amendment CARRIED
CARRIED**

Item 13 Shoppers Drug Mart - Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited for Lands Located at 41, 45, 47, 49, 55, 59 Head Street, 22, 24 Dundurn Street North, and 620, 622, 624 Main Street West (Hamilton) regarding City of Hamilton's Refusal or Neglect to Adopt Amendments to the City of Hamilton Official Plan (OPA-12-011) and Hamilton Zoning By-law No. 6593 (ZAC-12-028); and, Failure to Approve Site Plan DA-13:175 (LS14008/ PED14064) (Item 12.3)

(Johnson/Clark)

That Item 13 of Planning Committee Report 14-004 be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That, in regards to appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited regarding Official Plan Amendment Application OPA-12-011, Zoning By-law Amendment Application ZAC-12-028 and Site Plan Application DA-13:175, staff be instructed to:
 - (i) Oppose the appeals at the Ontario Municipal Board as the development proposal is premature on the grounds of unresolved compatibility and urban design issues;
 - (ii) Continue settlement discussions with the appellant and report back to Planning Committee, if a settlement can be recommended by staff.
- (b) That Report LS14008/ PED14064, and Appendices, remain confidential.

Amendment CARRIED
Motion as Amended CARRIED

Item 14 Monterey Heights - Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster) (LS14007) (Item 12.4)

(Johnson/Clark)

That Item 14 of Planning Committee Report 14-004 be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That Legal staff be directed to support the revised concept plan dated November 27, 2013, attached to Report LS14007/ PED14065, Monterey Heights - Appeals to the Ontario Municipal Board on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Ancaster Official Plan and Zoning By-law for Lands Located at 591 and 611 Garner Road West (Ancaster), as Appendix "B", and an Official Plan Amendment and Zoning By-Law in a form satisfactory to the City Solicitor and with content acceptable to the Director of Planning, at the Ontario Municipal Board;
- (c) That Appendix B to Report LS14007/ PED14065, be made public upon Council approval of recommendation (a);
- (b) That Report LS14007/ PED14065, and remaining Appendices, remain confidential.

Amendment CARRIED
Motion as Amended CARRIED

Item 15 1400 Upper James OMB Appeals Re: OPA (OPA-12-012) , ZBA (ZAC-12-029) and Consent (HM/B-13:27) Owner: LPF Reality Inc. (LS14009) (Item 12.5)

(Johnson/Clark)

That Item 15 of Planning Committee Report 14-004 be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That recommendation (a) of Report LS14009 remain confidential;
- (b) That, if a settlement is approved by the Ontario Municipal Board:
 - (i) the Mewburn Neighbourhood Plan be amended in accordance with Appendix "C" attached to Report LS14009/PED14063;
 - (ii) Appendix "C" attached to Report LS14009/PED14063, be made public.
- (c) That, if a settlement is reached, the City Solicitor be authorized to execute Minutes of Settlement in a form acceptable to the City Solicitor;
- (d) That Report LS14009/PED14063, and appendices, remain confidential.

**Amendment CARRIED
Motion as Amended CARRIED**

Item 16 1125 West 5th Street OMB Appeals Re: ZBA (ZAC -12-067 and Plan of Subdivision 25T-2012) Owner: DiCenzo Construction Limited (LS14010) (Item 12.6)

(Johnson/Clark)

That Item 16 of Planning Committee Report 14-004 be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That in regards to the appeals to the Ontario Municipal Board by DiCenzo Construction Company Limited in respect of Zoning By-law Amendment Application (ZAC-12-067) and Plan of Subdivision Application 25T-201202, Staff be instructed to:
 - (i) Oppose the appeals on the basis that approval of the applications is premature;
 - (ii) Continue settlement discussions with the appellant and report back to Planning Committee if a settlement can be recommended by the City Solicitor and Director of Planning.

- (b) That Report LS14010/PED14062, and the appendix, remain confidential.

Amendment CARRIED
Motin as Amended CARRIED

Item 17 1041 West 5th Street OMB Appeals Re: OPA (OPA-12-024) and ZBA (ZAC-12-070) Owner: 1804487 Ontario Inc. (LS14011) (Item 12.7)

(Johnson/Clark)

That Item 17 of Planning Committee Report 14-004 be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That in regards to appeals to the Ontario Municipal Board by 1804487 Ontario Inc. of Official Plan Amendment application OPA-12-024 and Zoning By-law Amendment application ZAC-12-070 concerning lands located at 1041 West 5th Street, Staff be instructed to:

- (i) Oppose the appeals on the basis that approval of the applications is premature; and,
- (ii) Continue settlement discussions with the appellant and report back to Planning Committee if a settlement can be recommended by Staff.

- (b) That Report LS14011/PED14061) and appendices, remain confidential.

Amendment CARRIED
Motion as Amended CARRIED

(Johnson/Clark)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 14-007

Item 3 Status of Discussions for Partnership Opportunities with Evergreen CityWorks and the Hamilton Community Foundation (CM14003)

(Farr/Merulla)

That sub-section (c) of Item 3 of General Issues Committee Report 14-007 respecting "Status of Discussions for Partnership Opportunities with Evergreen CityWorks and the Hamilton Community Foundation (CM14003)" be deleted in its entirety and replaced with the following in lieu thereof:

- (c) That the source of funding commitment of \$150,000 be funded through the Hamilton Realty Capital Corporation Capital Project No. 8200203107.

**Amendment CARRIED
Motion As amended CARRIED**

Item 11 Cannon Street Bi-Directional Cycle Track Pilot Project (PW14031) (Wards 1, 2 and 3) (Item 7.3)

(McHattie/Farr)

That the recommendations contained in Report PW14031, Cannon Street Bi-Directional Cycle Track Pilot Project, be amended by deleting sub-section (c) in its entirety and re-lettering the balance.

**Amendment CARRIED
Motion as Amended CARRIED**

Item 25 City of Hamilton War of 1812 Funding Update (PED12204(a)) (City Wide) (Item 8.10)

(Pearson/Clark)

That the recommendations contained in the General Issues Committee Report 14-007, respecting item 25, City of Hamilton War of 1812 Funding Update (PED12204(a)), be amended as follows:

Whereas as the City of Hamilton War of 1812 Funding Updated (PED12204(a)) approved by the General Issues Committee on March 19, 2014, defined a surplus of \$36,037 in the War of 1812 Commemoration Project Budget;

Where as a project to mark the route taken by the British troops on June 6, 1813 from Burlington Heights to the Battle of Stoney Creek had been removed from the project plan to avoid confusion with a similar project that never went forward;

Therefore be it resolved that \$36,037 be allocated from the unspent project funds and staff be directed to develop and implement signage along the route accordingly.

**Amendment CARRIED
Motion as Amended CARRIED**

Item 26 West Harbour Piers 5-8 - Hamilton Waterfront Trust Project Management Contract

(Clark/Johnson)

That Item 26 of General Issues Committee Report 14-007, respecting West Harbour Piers 5-8 - Hamilton Waterfront Trust Project Management Contract, be amended by adding the following as subsection (c):

- (c) That staff be authorized and directed to negotiate all necessary agreements in a form satisfactory to the City Solicitor, including

management agreements in relation to all work that the Hamilton Waterfront Trust is retained to support, including implementation and construction of the proposed Pier 5-8 Sanitary Pumping Station.

The motion CARRIED on the following recorded vote:

Yeas:	McHattie, Farr, Merulla, Jackson, Whitehead, Ferguson, Pasuta, Partridge, Duvall, Collins, Clark, Johnson, Morrow, Pearson
Total:	14
Nays:	None
Total:	0
Absent:	Powers, Bratina
Total:	2

(Pasuta/McHattie)

That Information Item (i)(ii) of General Issues Committee Report 14-007 respecting "Negotiation with Hamilton Conservation Authority with respect to the Ownership of Westfield Heritage Village" be lifted and deleted in its entirety.

CARRIED

Item 30 Negotiation with Hamilton Conservation Authority with respect to the Ownership of Westfield Heritage Village

(Pasuta/Collins)

That the following be added as Item 30 to General Issues Committee Report 14-007:

- (a) That City lands known as Westfield Heritage Village be declared surplus to the requirements of the City of Hamilton in accordance with Procedural By-law for the Sale of Land, being By-law 04-299;
- (b) That staff be directed to put in place all documents deemed necessary to effect the transfer/sale of Westfield Heritage Village to the Hamilton Conservation Authority as described in the Hamilton Conservation Authority's Board of Directors' resolution of October 3, 2013 as contained in this motion, and to include the additional condition that the City of Hamilton shall retain the right of first refusal to reacquire the lands, structures, heritage assets, artifacts and chattels for the same nominal sum, should the Hamilton Conservation Authority no longer desire to operate the Westfield Heritage Village at some future time;
- (c) That the Mayor and City Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor.

CARRIED

(Bratina/Pearson)

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

CARRIED

BOARD OF HEALTH REPORT 14-002

Item 8 Membership of the Joint City/Board Liaison Committee

(Merulla/Morrow)

That Item 8 of Board of Health Report 14-002, respecting Membership of the Joint City/Board Liaison Committee be deleted in its entirety and the balance of the Items be renumbered accordingly.

CARRIED

(Bratina/Partridge)

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

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 14-002
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(Clark/Johnson)

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

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 14-002

(Farr/McHattie)

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

CARRIED

(Merulla/Collins)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Special Occasion Permit – Wentworth Adult Mixed Slo-Pitch League

(Duvall/Whitehead)

WHEREAS, City Council has received Notice (attached hereto as Appendix “A”) from the Wentworth Adult Mixed Slo-Pitch League that they wish to obtain a Special Occasion Permit to sell alcohol during their scheduled games;

AND WHEREAS, the Alcohol & Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the games of the Wentworth Adult Mixed Slo-Pitch League, being held at Turner Park, 344 Rymal Road East, Hamilton, on the following dates and times as municipally significant:
 - (i) June 20, 2014 – 5:00 p.m. to 11:00 p.m.
 - (ii) June 21, 2014 – 11:00 a.m. to 11:00 p.m.
 - (iii) June 22, 2014 - 11:00 a.m. to 7:00 p.m.
 - (iv) August 22, 2014 – 5:00 p.m. to 11:00 p.m.
 - (v) August 23, 2014 - 11:00 a.m. to 11:00 p.m.
 - (vi) August 24, 2014 - 11:00 a.m. to 7:00 p.m.
- (b) That the Applicant be provided a copy of this resolution for inclusion with their application to the Alcohol & Gaming Commission of Ontario.

CARRIED

7.2 Removal of Stop Control Pritchard Road at Highland Road (Ward 6)

(Jackson/Clark)

- (a) That the north bound and south bound Stop Control at the intersection of Pritchard Road at Highland Road, approved as Item 5 of PW Report 13-013 by Council on November 13, 2013 be removed;
- (b) That the appropriate amending By-law be passed.

CARRIED

7.3 Council Representation on the Hamilton Conservation Authority Board

(Clark/Partridge)

- (a) That Councillor Brenda Johnson replace Councillor Brad Clark as the Council representative on the Board of the Hamilton Conservation Authority for the balance of this term of Council;
- (b) That the Hamilton Conservation Authority be advised accordingly.

CARRIED

7.4 Item 3(a)(vii) of General Issues Committee Report 13-022(a) - Gage Park Tropical House - 4451451004

(Morrow/Merulla)

That Item 3(a)(vii) of General Issues Committee Report 13-022(a), approved by Council on December 11, 2013, which “parked” the amount of \$365,000 for the Gage Park Tropical House to allow for an opportunity to consult with the Ward Councillor, be deleted in its entirety and replaced with the following in lieu thereof:

Gage Park Tropical House - 4451451004

- 3(a)(vii) That the \$365,000 for the Gage Park Tropical House be approved within the 2014 Tax Supported Capital Levy and charged to Account No. 4451451004.

**Amendment CARRIED
MOTION AS AMENDED CARRIED**

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

8.1 Reconsideration of Item 3 of Public Works Committee Report 13-014 respecting Public Works Yards Review Strategy, approved by Council on November 27, 2013

That Item 3 of Public Works Committee Report 14-014 respecting Public Works Yards Review Strategy approved by Council on November 27, 2013 which reads as follows be reconsidered:

That Report PW09029(b) respecting Public Works Yards Review Strategy be received.

(Whitehead/Duvall)

That the rules be waived in order to introduce a Motion respecting Reconsideration of Item 3 of Public Works Committee Report 13-014 respecting Public Works Yards Review Strategy, approved by Council on November 27, 2013.

The motion to waive the rules was withdrawn.

Councillor Merulla introduced the following Notice of Motion:

8.2 Inclusion of W. H. Ballard Public School in the Register of Property of Cultural Heritage Value or Interest

Whereas the Memorial (City) School, located at 1175 Main Street East, Hamilton (Ward 3), is believed to be of cultural heritage value or interest and may be worthy of designation under Part IV of the Ontario Heritage Act.

And Whereas the W.H. Ballard Public School, located at 801 Dunsmure Road, Hamilton, (Ward 4), is believed to be of cultural heritage value or interest and may be worthy of designation under Part IV of the Ontario Heritage Act.

Therefore Be it Resolved:

- (a) That following consultation with the Hamilton Municipal Heritage Committee, the Memorial (City) School and the W.H. Ballard Public School be included in the *Register of Property of Cultural Heritage Value or Interest* as non-designated properties.
- (b) That Planning staff be directed to prepare a Staff Report and Preliminary Screenings of the Memorial (City) School and the W.H. Ballard Public School in accordance with the Council-approved Designation Process and report back to Planning Committee and Council for direction and prioritization.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Collins/Johnson)

That the Council move into Closed Session at 10:44 p.m. pursuant to Sub-sections 8.1(c) and (f) of the City's Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matters pertain to:

- a proposed or pending acquisition or disposition of land in Ward 8 by the municipality or local board;
- the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose respecting a Labour Relations Matter regarding the Carpenters' Union.

CARRIED

The Committee reconvened in Open Session at 11:25 pm.

10.1 Closed Session Minutes – February 26, 2014

(Clark/Pasuta)

- (a) That the Closed Session Minutes of the February 26, 2014 meeting of Council be approved, as presented.
- (b) That the Closed Session Minutes of the February 26, 2014 meeting of Council, remain confidential and restricted from public disclosure.

CARRIED

10.2 Labour Relations Matter respecting Carpenters' Union

Direction was provided in closed session.

10.3 Acquisition of Property in Ward 8

Direction was provided in closed session.

BY-LAWS

(Pasuta/Clark)

That Bills No. 14-048 to 14-069 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:

Bill No.

- 048** To Incorporate City Land
Designated as Lots 7 and 20 on Plan 62M-1127 into Conch Road
- 049** To Authorize the Signing of a Multi-Year Governance Agreement
for Fiscal Year 2013 - Fiscal Year 2018
- 050** To Amend Zoning By-law No. 05-200
Respecting Lands Located at 135-137 King Street East & 42 Passmore Street
(Stoney Creek)
- 051** To Amend By-law No. 01-215
Being a By-law To Regulate Traffic

Schedule 2 – Speed Limits
Schedule 8 – No Right Turns
Schedule 9 – No Right on Red
Schedule 18 – Bike Lanes
- 052** To Incorporate City Land
Designated as Part 1 On Plan 62R-19756
Into Upper James Street
- 053** To Incorporate City Land
Designated as Block 169 On Plan 62M-1159
To Vinton Road

- 054** 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 14 – Wheelchair Loading Zones
- 055** Removal of Part Lot Control
Block 107, Registered Plan No. 62M-1181, “Summit Park – Phase 7”
71-117 Celestial Crescent (Glanbrook)
- 056** Removal of Part Lot Control
Lots 2-9, inclusive, Lots 11-16, inclusive,
Blocks 19-22, inclusive, and Blocks 24-27, inclusive, Registered Plan 62M-1190
64, 69, 73, 77, 81, 85, 88, 89, 92, 93, 97, 100, 101, 108, 109, 112, 113, 116, 117,
120, 121, 125, 128, 129, 132, 133, 136 Springview Drive (Flamborough)
- 057** Removal of Part Lot Control
Lots 1-10, inclusive, and Blocks 11&12, Registered Plan No. 62M-1195
120-144 King Street West (Stoney Creek)
- 058** Removal of Part Lot Control
Lots 138, 141, 142, 144, 145, 153 and 154 Registered Plan No. 62M-1166
14, 16, 20, 22, 68, 70, 74, 76, 86, 88, 92, 94, 110 and 112 Summerberry Way
(Hamilton)
- 059** To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended
Respecting lands located on the South Side of Parkside Drive,
West of Spring Creek Drive
- 060** To Amend Zoning By-law No. 6593 (Hamilton), as amended, respecting lands
located at 151 John Street South, in the City of Hamilton (Ward 2)
- 061** To Amend By-Law No. 06-147
Being a By-law to Authorize the City to Enter into Extension Agreements
- 062** To Amend Zoning By-law No. 3692-92 Respecting Lands Located
at 22 Green Mountain Road West (Stoney Creek)
- 063** To Amend Zoning By-law No. 87-57 (Ancaster), as amended, respecting
lands located at 86 and 90 Raymond Road (Formerly 1061 Garner Road
East), in the former Town of Ancaster, now in the City of Hamilton
- 064** To Adopt:
Official Plan Amendment No. 14 to the Urban Hamilton Official Plan
Respecting:
Lands located at the southwest corner of Rymal Road West and Garth
Street, known municipally as 1670 Garth Street, Hamilton
- 065** To Amend Zoning By-law No. 6593
Respecting Lands Located at 1670 Garth Street (Hamilton)
- 066** To Amend Zoning By-law No. 05-200,
Respecting Lands Located at 1670 Garth Street (Hamilton)
- 067** To Amend By-law No. 12-031,
For Responsible Animal Ownership in the City of Hamilton
- 068** Removal of Part Lot Control
Blocks 97 and 98, Registered Plan No. 62M-1125, “Parkside Hills, Phase 1”
4,6,8,10,14,16,18,20,22,24,28,30,32,34,36,38,42,44,46,48,50 and 52

Nisbet Boulevard (Waterdown)

069 To Confirm Proceedings of Council

(Morrow/Jackson)

That there being no further business, the City Council meeting be adjourned at 11:27 p.m. **CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B.Comm., A.M.C.T.
City Clerk