



CITY COUNCIL MINUTES 14-008

5:00 p.m.

Wednesday, April 9, 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, B. Clark, M. Pearson, L. Ferguson, R.
Powers, J. Partridge, and R. Pasuta

**Absent with
Regrets:** Councillor S. Duvall – Bereavement
Councillor T. Whitehead – Illness

Mayor Bratina called the meeting to order and called upon Rabbi Jordan D. Cohen, Rabbi of Temple Anshe Sholom, to lead Council in prayer.

Mayor Bratina paid respect to April Duvall-Myer, sister of Councillor S. Duvall, who recently passed away.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.14 Correspondence from Multiple Parties respecting 231 York Road, Dundas

Recommendation: Be received.

5.15 Correspondence from D. Bruce Timms, Chair of the Niagara Peninsula Conservation Authority, respecting NPCA's Response to MPP Cindy Forster's Letter to Minister David Orazietti regarding the Niagara Peninsula Conservation Authority's Strategic Plan

Recommendation: Be received.

2. COMMITTEE REPORT FOR DISTRIBUTION

6.4 Public Works Committee Report 14-004

3. ADDED NOTICE OF MOTION

8.2 Liquor Licence Application – Rokbar, 15 Hess Street South, Hamilton, Ontario – Withdrawal of Objection

(Pearson/Johnson)

That the agenda for the April 9, 2014 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Item 7.2 – Objection to Liquor Licence Application – Hamilton Croatian Centre, 166 Green Mountain Road East, Stoney Creek, Ontario

The Mayor declared a conflict as he is a member of the Croatian community.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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There were no ceremonial activities or announcements.

APPROVAL OF MINUTES

4.1 March 6, 2014 – Special Council

(Ferguson/Partridge)

That the Minutes of the March 6, 2014, special meeting of Council be approved, as presented.

CARRIED

4.2 March 6, 2014

Ferguson/Pasuta

That the Minutes of the March 6, 2014, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Partridge Pasuta)

That Council Communications 5.1 through 5.14 be approved, as amended, as follows:

5.1 Correspondence from Harold W. Becker, President and Founder of The Love Foundation Inc., requesting that May 1st be proclaimed as "Global Love Day"

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

- 5.2 Correspondence from P. Monteith, Executive Correspondence Officer to the the Right Honourable Stephen Harper, Prime Minister, in response to Council's letter of February 18, 2014 respecting Hydraulic Fracturing or Fracking

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

- 5.3 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council's letter of February 18, 2014 respecting Hydraulic Fracturing or Fracking

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

- 5.4 Correspondence from the Honourable Charles Sousa, Minister of Finance, in response to Council's letter of December 12, 2013, requesting an Exemption from Coverage under the Pension Benefits Guarantee Fund (PBGF)

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for the appropriate action. **(Johnson/Partridge)**

- 5.5 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council's letter of February 14, 2014 respecting Access to Services for Undocumented Individuals

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

- 5.6 Correspondence from the Honourable Glen Murray, Minister of Infrastructure and Transportation, in response to Council's letter of November 15, 2013 respecting a proposed Amendment to the Highway Traffic Act (Pedestrian Right of Way)

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

- 5.7 Correspondence from the Regional Municipality of Niagara respecting the Province's Long Term Energy Plan

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

- 5.8 Correspondence from the Association of Municipalities of Ontario (AMO) respecting the Highlights of the March 24, 2014 Board Meeting

Recommendation: Be received and the matter respecting the Anti-Spam Legislation be referred to the General Manager of Finance & Corporate Services for a report to the Audit, Finance & Administration Committee. **(Powers/Pasuta)**

- 5.9 Correspondence from Ted Gill respecting a Submission on Rapid Transit Planning in Hamilton

Recommendation: Be referred to the General Issues Committee and that an invitation be extended to Mr. Gill to attend the meeting of the General Issues Committee. **(McHattie/Jackson)**

- 5.10 Correspondence from Heddy Pearce respecting the Airport Implementation Growth District (AEGD), Part Lot 2, Part Lot 3, Concession 5, Glanford

Recommendation: Be referred to Guy Paparella, Director of Growth Planning, Planning and Economic Development. **(Johnson/Pearson)**

- 5.11 Correspondence from Cindy Forster, MPP Welland Riding, Legislative Assembly of Ontario, respecting the Niagara Peninsula Conservation Authority's Strategic Plan

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

- 5.12 Correspondence from the Association of Municipalities of Ontario (AMO) respecting the New Building Canada Fund Announcement

Recommendation: Be referred to the General Manager of Finance and Corporate Services for a report to the Audit, Finance and Administration Committee on the City's ability to participate in the New Building Canada Fund. **(Powers/Pearson)**

- 5.13 Correspondence from Marguerite Mooney, respecting Various Ward Issues

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

- 5.14 Correspondence from Correspondence from Multiple Parties respecting 231 York Road, Dundas

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

- 5.15 Correspondence from D. Bruce Timms, Chair of the Niagara Peninsula Conservation Authority, respecting NPCA's Response to MPP Cindy Forster's Letter to Minister David Orazietti regarding the Niagara Peninsula Conservation Authority's Strategic Plan

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

(Partridge/Pasuta)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 14-002

Item 2 2014 Tax-Supported Operating Budget – Boards and Agencies (Sub-section C)

(Clark/Partridge)

That subsection C(ii) of Item 2 of GIC Report 14-002 respecting Board and Agencies – Festival of Friends, be amended by deleting “2012” and replacing it with “2013” in lieu thereof.

Amendment CARRIED

Sub-section C(ii), as amended, CARRIED on the following standing recorded vote:

Yeas: Bratina, McHattie, Farr, Collins, Jackson, Clark, Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge
Total: 12
Nays: Morrow, Merulla
Total: 2
Absent: Duvall, Whitehead
Total: 2

Main Motion as Amended CARRIED

Item 2 Public Works Department

Mayor Bratina requested to be noted as being opposed to subsection G(i), page 289, Bridge 163, Item 2 of GIC Report 14-002 respecting the Public Works Department.

Item 3 HRS Bus Loop Located at McMaster Children’s Hospital

(McHattie/Farr)

That Item 3 of GIC Report 14-002 respecting the HRS Bus Loop at McMaster Children’s Hospital be amended by replacing the word “advise” with “request”.

**Amendment CARRIED
Motion as Amended CARRIED**

Item 4 2014 Transit Service Enhancement Plan (Item 4.2 – March 20)

(Ferguson/Powers)

That sub-section (b) of Item 4 of General Issues Committee Report 14-002 respecting 2014 Transit Service Enhancement Plan be deleted in its entirety and replaced with the following in lieu thereof, and the balance of the sections re-numbered accordingly:

- (b) That the enhancement for the Route 44 Rymal bus route through Ancaster (Garner Road to the Ancaster Industrial Park) include the evening and weekend service, but not the 30-minute interval component, and that this service continue on the 60-minute interval;
- (c) That the following Transit Service Enhancements be implemented, with a 2014 levy impact of \$325,000 and an annualized cost of \$965,000:
 - (i) \$675,000 enhancement for Route 44 Rymal
 - (ii) \$200,000 enhancement for Route 43 Stone Church
 - (iii) \$90,000 enhancement for Route 20 A-Line.

To read as follows:

4. 2014 Transit Service Enhancement Plan (Item 4.2 – March 20)

- (a) That the 2014 Transportation Division proposed budget be adjusted to reflect an additional \$500,000 in revenues, based on 2013 year-end results;
- (b) That the enhancement for the Route 44 Rymal bus route through Ancaster (Garner Road to the Ancaster Industrial Park) include the evening and weekend service, but not the 30-minute interval component, and that this service continue on the 60-minute interval;
- (c) That the following Transit Service Enhancements be implemented, with a 2014 levy impact of \$325,000 and an annualized cost of \$965,000:
 - (i) \$675,000 enhancement for Route 44 Rymal
 - (ii) \$200,000 enhancement for Route 43 Stone Church
 - (iii) \$90,000 enhancement for Route 20 A-line.
- (d) That staff be directed to implement the above-mentioned service enhancements effective September 2014;
- (e) That the approved Transportation Division complement be increased by 15 FTE's;
- (f) That an additional bus, at a cost of \$407,000, be approved and funded from the Transit Vehicle Replacement Reserve.

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

Yeas: Jackson, Clark, Pearson, Johnson, Ferguson, Powers, Pasuta,
Partridge
Total: 8
Nays: Bratina, McHattie, Farr, Merulla, Collins
Total: 5
Absent: Morrow, Duvall, Whitehead
Total: 3

(Bratina/Powers)

That Information Item (D)(b) respecting the 2014 Tax Levy, tabled at the March 20, 2014 meeting of the General Issues Committee, be lifted.

CARRIED

(Bratina/Powers)

That the following be added as Item 12 to General Issues Committee Report 14-002:

12. 2014 Tax Levy

That the City Solicitor and Corporate Counsel be authorized and directed to prepare all necessary by-laws for Council approval for the purposed of establishing the tax levy.

CARRIED

(Bratina/Partridge)

That the SECOND Report (BUDGET) of the General Issues Committee be adopted, as amended, and the information section received.

The motion CARRIED on the following standing recorded vote:

Yeas: Bratina, McHattie, Farr, Merulla, Collins, Jackson, Clark,
Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge
Total Yeas: 13
Total Nays: 0
Absent: Morrow, Duvall, Whitehead
Total: 3

PLANNING COMMITTEE REPORT 14-005

3. Request to Designate 304 Main Street East (Hamilton) (Canadian Tire Gas Bar) Under Part IV of the Ontario Heritage Act

Councillor Farr requested to be noted as being opposed to Item 3 of Planning Committee Report 14-005.

10. Application for a Zoning By-law Amendment for Lands Located at 231 York Road (Dundas)

Councillor Farr requested to be noted as being opposed to Item 10 of Planning Committee Report 14-005.

13. 1232 Golf Club Rd. Proposed Settlement of OMB Appeal

(Johnson/Powers)

That Item 13 of Planning Committee Report 14-005 be deleted in its entirety and replaced with the following in lieu thereof:

13. 1232 Golf Club Rd. Proposed Settlement of OMB Appeal (LS14015/PED14090) (Ward 11) (Item 12.3)

- (a) That staff be directed to enter into Minutes of Settlement with the appellant which will reflect the revisions to the proposed application as set out in Report LS14015/PED14090;
- (b) That staff be directed to present the Minutes of Settlement to the Ontario Municipal Board as the basis for a full settlement of the appeal; and,
- (c) That Report LS14015/PED14090, and the appendices, remain Confidential

CARRIED

(Johnson/Ferguson)

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

CARRIED

GENERAL ISSUES REPORT 14-008

3. Formal Marina Management Agreement (MMA) with the Hamilton Port Authority (HPA) regarding Piers 7 and 8

Mayor Bratina requested to be noted as being opposed to subsection (C) of Item 3 of Planning Committee Report 14-005.

5. Citizen Engagement – Two-Way/Complete Streets Conversion

That the General Manager of Public Works be authorized and directed to include a Citizen Engagement Process, in the proposed Updated Transportation Master Plan, to be funded from project ID 4031255222 at an estimated cost of \$95,000, as described in Report PW13097(a).

The motion was DEFEATED on the following standing recorded vote:

Yeas: McHattie, Farr, Merulla, Ferguson

Total: 4
Nays: Bratina, Collins, Jackson, Clark, Pearson, Johnson, Powers,
Pasuta, Partridge
Total: 9
Absent: Morrow, Duvall, Whitehead
Total: 3

(Bratina/Partridge)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 14-004

(Merulla/Collins)

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

CARRIED

(Partridge/Bratina)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Inclusion of Memorial (City) School and W.H. Ballard Public School in the Registry of Property of Cultural Heritage Value or Interest

(Merulla/Collins)

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; and,
- (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 the Planning Committee and Council for direction and prioritization.

CARRIED

7.2 Objection to Liquor Licence Application - Hamilton Croatian Centre, 166 Green Mountain Road East, Stoney Creek, Ontario

(Johnson/Pearson)

Whereas, the Hamilton Croatian Centre, 166 Green Mountain Road East, Stoney Creek, Ontario 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:

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 the Hamilton Croatian Centre at 166 Green Mountain Road East, Stoney Creek, Ontario as concerns have been brought to Council's attention in which the issuing of the license would not be in the best interest of the public.

CARRIED

7.3 Revenue Generation and Cost Reduction Opportunities

In the absence of Councillor Whitehead, the following Motion was TABLED to the April 23, 2014 meeting of Council:

WHEREAS one of the City's strategic objectives is to enhance overall sustainability;

WHEREAS Council has directed staff to explore non-residential tax revenues;

WHEREAS the City of Hamilton has recently realigned resources to support revenue generation;

WHEREAS the City of Hamilton has a number of existing revenue streams that may have incremental revenue opportunities;

WHEREAS the City of Hamilton has many assets including, but not limited to, arenas, auditoriums and outdoor structures that may lend themselves to new advertising revenues;

WHEREAS the City of Hamilton has many assets in the form of City run events that may lend themselves to sponsorship opportunities;

WHEREAS the City of Hamilton owns property that may be repurposed in such a way that additional tax dollars could be generated; and

WHEREAS the City of Hamilton may produce products or services that may have a revenue potential;

THEREFORE BE IT RESOLVED:

That staff be directed to prepare a report for the General Issues Committee in September 2014, which explores all potential revenue generation and cost reduction opportunities including the scope of the opportunities and any increased revenue potential that may be realized in 2015 and 2016 budget years.

7.4 Amending Motion to Item 7.3, respecting the Consideration of an Overpass Display By-law, of the November 27, 2013 Council Minutes

In the absence of Councillor Whitehead, the following Motion was TABLED to the April 23, 2014 meeting of Council:

That Item 7.3, respecting the Consideration of an Overpass Display By-law, of the November 27, 2013 Council Minutes be amended by deleting the word "Planning" and replacing it with the words "Public Works" after the words "report to the", to read as follows:

7.3 Consideration of an Overpass Display By-Law

That Municipal Law Enforcement staff, in consultation with Legal Services and Public Works staff, be directed to report to the **Public Works** Committee on regulating, by by-law, the use of overpasses for displays of any kind.

7.5 Liquor Licence Application – Rokbar, 15 Hess Street South, Hamilton, Ontario – Withdrawal of Objection

(Farr/McHattie)

That the City's objection, approved by Council at its meeting of September 11, 2013 and further clarified at its meeting of February 12, 2014, to a Liquor Licence Application by Rokbar, 15 Hess Street South, Hamilton, Ontario, be withdrawn, as an agreement has been reached with respect to conditions attached to the Liquor Licence, as outlined in the attached Memorandum of Agreement (Appendix A).

The conditions are as follows:

- (a) The holder of the licence shall not provide or permit amplified music or other forms of entertainment in outdoor areas or to be directed towards outdoor areas.
- (b) The holder of the licence shall ensure that no person under the age of 19 years enters the premises.

- (c) The holder of the licence shall ensure that the identification of every patron who appears to be under the age of 25 years is checked and verified.

- (d) The holder of the licence shall ensure that surveillance records from all security cameras are stored and made available for inspection and review upon request by AGCO inspectors and/or police for a period of 90 days.

CARRIED

NOTICES OF MOTION

Councillor Merulla introduced the following Notice of Motion:

8.1 Post-Employment ‘Cooling Off Period’

WHEREAS, many senior levels of government have adopted policies imposing post-employment "cooling-off periods" on senior staff to ensure the integrity of processes and decision-making of the government body;

AND WHEREAS, there may be benefits to having such a policy at the City of Hamilton;

THEREFORE BE IT RESOLVED:

That staff be directed to explore the feasibility of instituting a “cooling off period”, as part of the City of Hamilton’s Corporate policies and/or employment agreements that would limit the ability of former senior level staff from working for organizations in dealings with the City of Hamilton involving matters with which the former staff member had significant dealings during the last year of service with the City, and report to the Audit, Finance and Administration Committee.

Councillor Farr introduced the following Notice of Motion:

8.2 Liquor Licence Application – Rokbar, 15 Hess Street South, Hamilton, Ontario – Withdrawal of Objection

(Farr/McHattie)

That the City’s objection, approved by Council at its meeting of September 11, 2013 and further clarified at its meeting of February 12, 2014, to a Liquor Licence Application by Rokbar, 15 Hess Street South, Hamilton, Ontario, be withdrawn, as an agreement has been reached with respect to conditions attached to the Liquor Licence, as outlined in the attached Memorandum of Agreement (Appendix A).

The conditions are as follows:

- (a) The holder of the licence shall not provide or permit amplified music or other forms of entertainment in outdoor areas or to be directed towards outdoor areas.

- (b) The holder of the licence shall ensure that no person under the age of 19 years enters the premises.
- (c) The holder of the licence shall ensure that the identification of every patron who appears to be under the age of 25 years is checked and verified.
- (e) The holder of the licence shall ensure that surveillance records from all security cameras are stored and made available for inspection and review upon request by AGCO inspectors and/or police for a period of 90 days.

(Farr/Jackson)

That the rules be waived in order to introduce a Motion respecting Liquor Licence Application – Rokbar, 15 Hess Street South, Hamilton, Ontario – Withdrawal of Objection.

CARRIED

See Motion 7.5 for the disposition of this item.

Councillor Merulla introduced the following Notice of Motion:

8.3 Assessment of Legal Fees

Whereas, the City of Hamilton's legal fees and operating budget are significant on an annual basis; and,

Whereas the City of Hamilton has never sought an assessment of those legal fees;

Therefore, Be it Resolved:

That staff be directed to seek an assessment of all of the City of Hamilton's external legal fees over the last twelve months from the Provincial Assessment Office.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

There were no private and confidential items.

BY-LAWS

(Pasuta/Clark)

That Bills No. 14-070 to 14-89 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:

- 070** To Amend By-law No. 01-215
Schedule 27 – Truck Routes
- 071** To Amend By-law No. 01-215
Schedule 5 – Stop Control
- 072** To Incorporate City Land Designated as Block 23 on Plan 62M-685 into
Winterberry Drive
- 073** To Incorporate City Land Designated as Block 58 on Plan 62M-1171 into
Chambers Drive
- 074** Respecting Removal of Part Lot Control Removal of Part Lot Control
from Lots 2-12, inclusive, Lots 14-21, inclusive, Lots 24-32, inclusive, and Lots 35-
43, inclusive, Registered Plan No. 62M-1199, known as
39, 43, 49, 51, 55, 59, 63, 67, 71, 75, 79, 93, 97, 101, 105, 109, 113, 117 and 121
Crafter Crescent and 56, 57, 60, 61, 64, 65, 68, 69, 72, 73, 76, 77, 80, 81, 84, 85,
88 and 89 West Glen Avenue (Stoney Creek)
- 075** Respecting Removal of Part Lot Control
Lots 1-25, inclusive, Registered Plan No. 62M-120, known as
66, 68, 70, 72, 74, 76, 78, 80, 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104,
106, 108, 110, 112, 114 Vinton Road (Ancaster)
- 076** To Permanently Close a Portion of Chartwell Circle being Block 38 on Plan 62M-
1177, City of Hamilton
- 077** To Designate Land Located at 1284 Main Street East, City of Hamilton as Property
of Cultural Heritage Value
- 078** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located
at 272 First Road West
- 079** To Amend Zoning By-law No. 05-200 (Hamilton), as amended, Respecting Lands
Located at 121 Augusta Street, in the City of Hamilton
- 080** To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting
Lands Located at 215 Dundas Street East, in the former Town of Flamborough,
now in the City of Hamilton
- 081** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 87
Redfern Avenue (Hamilton)
- 082** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located
at 1335 Barton Street
- 083** To Adopt Official Plan Amendment No. 15 to the Urban Hamilton Official Plan
Respecting:
Lands Located at 1354 Upper Sherman, Hamilton
- 084** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1354
Upper Sherman Avenue, Hamilton
- 085** To Amend City of Hamilton By-law No. 10-052, as amended, To delegate authority
to the General Manager, Planning and Economic Development for certain grants
under the Ontario Heritage Act

- 086** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 5 – Parking Meters
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 17 – Public Taxi Zones
Schedule 20 – School Bus Loading Zones
- 087** To Confirm the Proceedings of City Council

(Pearson/Johnson)

That there being no further business, the City Council meeting be adjourned at 9:50 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

M. Gallagher
Acting City Clerk