



## **CITY COUNCIL MINUTES 14-009**

**5:00 p.m.**

**Wednesday, April 23, 2014**

**Council Chambers**

**Hamilton City Hall**

**71 Main Street West**

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

**Absent with  
Regrets:** Councillor R. Powers, City Business

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Mayor Bratina called the meeting to order and called upon Reverend Drew Maddison an ordained Wiccan Priest from the Correllian Nativist Tradition to lead Council in prayer.

Mayor Bratina acknowledged the passing of World War II Veteran and Canadian Hero Private Stan Darch and extended Council's condolences to his family.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

**1. ADDED CEREMONIAL ACTIVITY**

3.1 Dundas Real McCoy's Senior Hockey Club – 2014 Allan Cup Champions

**2. ADDED CORRESPONDENCE**

5.14(e) Correspondence from May Luong, of Borden Ladner Gervais,  
respecting the Fruitland Winona Secondary Plan

Recommendation: Be received.

- 5.14(f) Correspondence from Paul Gaudet, respecting the Fruitland Winona Secondary Plan

Recommendation: Be received.

- 5.17 Correspondence from Deputy Minister Laurie LeBlanc, respecting a One-Time Ice Storm Assistance Program

Recommendation: Be received and referred to SMT for the appropriate action.

- 5.18 Correspondence from the Honourable Leona Aglukkaq, Minister of the Environment, in response to Council's letter of February 18, 2014 respecting a Province-Wide and National Moratorium on Hydraulic Fracturing

Recommendation: Be received.

- 5.19 Correspondence from the Honourable David Orazietti, Minister of Natural Resources, in response to Council's letter of February 18, 2014 respecting a Province-Wide and National Moratorium on Hydraulic Fracturing

Recommendation: Be received.

- 5.20 Correspondence from the Right Honourable Stephen Harper, Prime Minister of Canada, respecting the Government of Canada's Efforts to Mark the End of our Country's Military Mission in Afghanistan

Recommendation: Be received.

- 5.21 Correspondence from Premier Kathleen Wynne, in response to Council's letter respecting School Closures and the Accommodation Review Committee Process

Recommendation: Be received.

- 5.22 Correspondence from Stephen Fraser, Planner, A. J. Clarke and Associates Ltd., respecting Binbrook Heights Addition, 139 Fall Fair Way, Hamilton (Glanbrook)

Recommendation: Be received.

**3. ADDED COMMITTEE REPORTS**

6.4 Public Works Committee Report 14-005, April 22, 2014

6.5 Board of Health Report 14-003, April 22, 2014

**4. ADDED MOTION**

7.8 Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15) (Item 6.3)

**5. ADDED NOTICES OF MOTION**

8.1 Reconsideration of Item 12(c) of Planning Committee Report 14-004 respecting 170 Longwood Road North (Hamilton), Hamilton Letter

8.2 Municipal Representation on the Halton Hamilton Source Water Protection Committee

**(Pearson/Johnson)**

That the agenda for the April 23, 2014 meeting of Council be approved, as amended.

**CARRIED**

<b>DECLARATIONS OF INTEREST</b>
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Councillor B. Johnson declared an interest with respect to Item 10.1 as a member of her family is employed by the Carpenters Union.

<b>CEREMONIAL ACTIVITIES</b>
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**3.1 Dundas Real McCoy's Senior Hockey Club – 2014 Allan Cup Champions**

Mayor Bratina recognized the recent 3-2 win of the Dundas Real McCoy's Senior Hockey Club over Newfoundland's Clarenville Caribous winning their first Allan Cup.

He invited Don Robertson, General Manager and Associate Head Coach, Kenny Mann, Head Coach and Jay McKee, Team Defenseman to the podium.

Mayor Bratina also took the opportunity to recognize Ken Mann (reporter) who was in attendance for his participation in the Boston Marathon.

<b>APPROVAL OF MINUTES</b>
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**4.1 April 9, 2014**

**(Pearson/Johnson)**

That the Minutes of the April 9, 2014, meeting of Council be approved, as presented.

**CARRIED**

<b>COMMUNICATIONS</b>
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**(Pasuta/Johnson)**

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

- 5.1 Correspondence from Silvia Ruegger, National Director of Start2Finish Running and Reading Clubs, requesting that May 14th be proclaimed as a "Day of Change"

Recommendation: Be received.

- 5.2 Correspondence from Kathy Crowhurst, Lupus Foundation of Ontario, requesting that May 10th be proclaimed "World Lupus Day"; and, October be proclaimed "Lupus Awareness Month"

Recommendation: Be received.

- 5.3 Correspondence from Mario Sergio, Minister Responsible for Seniors Affairs, requesting that June be Proclaimed as Seniors' Month

Recommendation: Be received.

- 5.4 Correspondence from the Honourable Deb Matthews respecting Additional Base Funding for the City of Hamilton Land Ambulance Services Grant

Recommendation: Be received.

- 5.5 Correspondence from Steven Covey, President of Operation Life Saver, requesting the Proclamation of April 28 to May 4, 2014 as Public - Rail Safety Week

Recommendation: Be received.

- 5.6 Correspondence from Frank Klees, MPP - Newmarket-Aurora, respecting First Responders' Day in Ontario - May 1st

Recommendation: Be received.

- 5.7 Correspondence from the Honourable Glen Murray, Minister of Infrastructure and Transportation, in response to Council's letter of August 19, 2013 requesting Funding for Waterdown Memorial Hall

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

- 5.8 Correspondence from the Honourable Linda Jeffrey, Minister of Municipal Affairs and Housing, in response to the City of Hamilton's Formal Submission regarding the Review of the System for Land Use Planning and Appeals

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

- 5.9 Correspondence respecting the Provincial Plan Review

- (a) Correspondence from Carey deGorter, Director of Administration/Town Clerk of Caledon, respecting the Provincial Plan Review

Recommendation: Be received.

- (b) Correspondence from the Town of Richmond Hill in response to the letter from the Town of Caledon respecting the Provincial Plan Review

Recommendation: Be received.

- 5.10 Correspondence from Mark Knight, Environmental Planner, Stantec Consulting Ltd., respecting the Union Gas Pipeline Project - Information Sessions and Preliminary Preferred Route Dawn Parkway System Expansions - Hamilton to Milton Section

Recommendation: Be received.

- 5.11 Correspondence from Philip J. Stewart, Pound & Stewart Associates Limited, to the Honourable Glen R. Murray, Minister of Infrastructure, respecting the Naming of the "Golden Horseshoe Bay"

Recommendation: Be received.

- 5.12 Correspondence from Jean Major, Chief Executive Officer and Registrar, Alcohol and Gaming Commission of Ontario, respecting Regulation 720 Under the Liquor Licence Act, allowing for Vintner's Quality Alliance (VQA) Wines to be Sold at Eligible Farmers' Markets

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

- 5.13 Correspondence from the Honourable Lisa Raitt, Minister of Transport, in response to the City's letter of February 28, 2014, respecting Canada Post's Five-Point Action Plan

Recommendation: Be received.

- 5.14 Correspondence respecting the Fruitland-Winona Secondary Plan and Official Plan Amendment

- (a) Correspondence from Caroline Baker, Senior Planner, GSP Group, respecting the Fruitland Winona Secondary Plan, Foothills of Winona, Phase 4, 1335 Barton Street East

Recommendation: Be received and referred to the Planner on the file.

- (b) John Paolini, Resident

Recommendation: Be received and referred to the Planner on the file.

- (c) Jo-Ann Spetch, Resident

Recommendation: Be received and referred to the Planner on the file.

- (d) Iwona Swierzbinska, Resident

Recommendation: Be received and referred to the Planner on the file.

- (e) Correspondence from May Luong, of Borden Ladner Gervais

Recommendation: Be received and referred to the Planner on the file.

- (f) Correspondence from Paul Gaudet, respecting the Fruitland Winona Secondary Plan

Recommendation: Be received and referred to the Planner on the file.

- 5.15 Correspondence from the Dundas Community Council, respecting a Request for an Impact Study of the Proposed Closure of Parkside High School in Dundas

Recommendation: Be received and referred to the Acting General Manager of Planning and Economic Development for a report to the Planning Committee.

- 5.16 Correspondence from Minister Chiarelli, Ministry of Energy, respecting an Update on Provincial Initiatives

Recommendation: Be received and referred to the General Managers of the Planning and Economic Development, the Public Works and the Finance & Corporate Services Departments for appropriate action.

- 5.17 Correspondence from Deputy Minister Laurie LeBlanc, respecting a One-Time Ice Storm Assistance Program.

Recommendation: Be received and referred to SMT for report back to the Audit, Finance & Administration Committee.

- 5.18 Correspondence from the Honourable Leona Aglukkaq, Minister of the Environment, in response to Council's letter of February 18, 2014 respecting a Province-Wide and National Moratorium on Hydraulic Fracturing

Recommendation: Be received.

- 5.19 Correspondence from the Honourable David Orazietti, Minister of Natural Resources, in response to Council's letter of February 18, 2014 respecting a Province-Wide and National Moratorium on Hydraulic Fracturing

Recommendation: Be received.

- 5.20 Correspondence from the Right Honourable Stephen Harper, Prime Minister of Canada, respecting the Government of Canada's Efforts to Mark the End of our Country's Military Mission in Afghanistan

Recommendation: Be received.

- 5.21 Correspondence from Premier Kathleen Wynne, in response to Council's letter respecting School Closures and the Accommodation Review Committee Process

Recommendation: Be received.

- 5.22 Correspondence from Stephen Fraser, Planner, A. J. Clarke and Associates Ltd., respecting Binbrook Heights Addition, 139 Fall Fair Way, Hamilton (Glanbrook)

Recommendation: Be received and referred to the Planner on the file.

**CARRIED**

**(Partridge/Pasuta)**

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

**CARRIED**

**AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 14-003**

**Item 4 Employer Paid Parking Value for Money Audit Management Action Plan (CM14002) (City Wide) (Item 8.2)**

**(Pearson/Clark)**

That Item 4 of the Audit, Finance & Administration Committee Report 14-003, respecting Report CM14002 – Employer Paid Parking Value for Money Audit Management Action Plan, be amended by adding a sub-section (b) to read as follows:

- (b) That the City Manager and Senior Management Team be directed to report back to the Audit, Finance & Administration Committee, respecting compliance with the Employer Paid Parking Policy and its associated costs, by April 2015.

**Amendment CARRIED  
Main Motion as amended CARRIED**

**(Clark/Pearson)**

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

**CARRIED**

**PLANNING COMMITTEE REPORT 14-006**

**Item 7 Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way (Glanbrook) (PED12182(c)) (Item 6.3)**

**(Johnson/Partridge)**

That Item 7 of Planning Committee Report 14-006 respecting Applications for Amendments to the Urban Hamilton Official Plan and Zoning By-law No. 464, and Approval of a Draft Plan of Subdivision, Known as “Binbrook Heights Addition”, on Lands Located at 139 Fall Fair Way be amended by adding a new sub-section (d) to read as follows:

- (d) That Appendix E, Special Conditions of Draft Plan of Subdivision Approval for “Binbrook Heights Addition”, to Report PED12182(c) be amended by adding a new condition:

“That prior to the registration of the plan, the owner enters into an agreement with the adjoining landowners to the South that ensures the timely and orderly development of Blocks 148 – 154 inclusive on draft plan 25T-201109 (“Binbrook Heights Addition”) and Blocks 110 – 116 inclusive on Plan 62M-1128 and Block 88 on Plan 62M-1078 on terms and conditions satisfactory to the City.”

**CARRIED  
Main Motion as Amended CARRIED**



**Item 8 Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b)) (Ward 11) (Item 7.1)**

**(Collins/Pearson)**

That Item 8 of Planning Committee Report 14-006 respecting Fruitland-Winona Secondary Plan and Official Plan Amendment (PED13099(b)) be amended by adding the following Subsections 9, 10 & 11:

9. That Policy 7.4.7.2 (c), Neighbourhood Park Designation, be amended to read as follows:

The City shall require developers to construct neighbourhood parks on the City's behalf during the construction of the subdivision provided an adequate amount of park land is available and the capital funding for the park development is available.

10. Regarding timing of infrastructure improvements, that the following policy be added to Section 7.4.17 Implementation policies of the Fruitland-Winona Secondary Plan:

In order to ensure that transportation improvements required to facilitate development in the Fruitland-Winona Secondary Plan are constructed when needed, the City may adopt specific transportation phasing strategies or arrange funding agreements for the delivery of road infrastructure project(s).

11. That the Section 7.4.14.1 (j) Block Servicing Strategy policies be amended to add the following policy:

xiv) A phasing strategy for external road infrastructure to ensure that the required upgrades are implemented to support growth subject to the following:

1. .Approved capital budget funding for the road infrastructure project(s);
2. . The availability of storm and sanitary outlets; and,
3. .The servicing needs of abutting developments are co-ordinated with the road project.

**Amendment CARRIED**  
**Main motion as amended CARRIED**

Councillors Pasuta and Johnson indicated they wish to be recorded as OPPOSED to the amendment and the Main motion as amended.

9. **Permit Fees for Farm Buildings and Greenhouses (PED14058) (City Wide)  
(Item 8.1)**

**(Clark/Ferguson)**

That Item 9 of Planning Committee Report 14-006 be amended by deleting the word “received” and inserting the words “referred to the General Manager of Finance and Corporate Services for review and report back to the Planning Committee for consideration and referral to the Agriculture and Rural Affairs Committee.”

**To read as follows:**

That Report PED14058 respecting Permit Fees for Farm Buildings and Greenhouses, be **referred to the General Manager of Finance and Corporate Services for review and report back to the Planning Committee for consideration and referral to the Agriculture & Rural Affairs Committee.**

**Amendment CARRIED**

**Main Motion as AMENDED CARRIED**

**(Pearson/Partridge)**

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

**CARRIED**

Councillors Pasuta and Johnson indicated they wish to be recorded as OPPOSED to the entire Planning Report 14-006.

<b>GENERAL ISSUES COMMITTEE REPORT 14-009</b>
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**Item 23 Settlement of Claims made under the Expropriations Act arising from the Expropriation of 760 West 5<sup>th</sup> Street, being Parts 1 and 2 on Expropriation Plan 159849; OMB File No. LC130019 (Report LS14017)  
(Item 12.4)**

That Item 23 of General Issues Committee Report 14-009 respecting “Settlement of Claims made under the Expropriations Act arising from the Expropriation of 760 West 5<sup>th</sup> Street, being Parts 1 and 2 on Expropriation Plan 159849; OMB File No. LC130019” be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That a settlement of claims made under the *Expropriations Act* by the former owner Andrea Joseph Romano, arising from the expropriation of certain lands known as 760 West 5<sup>th</sup> Street, Hamilton, being Parts 1 and 2 on an Expropriation Plan registered as Instrument No. 159849, entered into by counsel for the City of Hamilton, as Minutes of Settlement subject to Council approval, be approved and completed

and that the total full and final compensation of \$165,000.00, plus \$16,526.59 for the Claimant's legal and appraisal fees, plus up to \$1,041.53 in additional interest for the outstanding market value if full and final payment is made on or before April 30, 2014, plus \$7.89 per day to the date of payment if beyond April 30, 2014, be charged to Account Number 4060087001 Expressway – Land Purchases.

- (e) That a final payment of \$165,000.00 plus \$16,526.59 for Claimant's legal and appraisal fees, plus up to \$1,041.53 in additional interest costs for the outstanding market value if full and final payment is made on or before April 30, 2014 (\$7.89 per diem thereafter), resulting from the settlement of the expropriation of 760 West 5<sup>th</sup> Street, Hamilton be made to Agro Zaffiro LLP (Charles Criminisi), In Trust for the owner;
- (f) That the Mayor and Clerk be authorized and directed to execute any necessary documents in a form satisfactory to the City Solicitor.
- (g) That Report LS14017 and *Minutes* of Settlement remain confidential.

**Amendment CARRIED**  
**Main Motion as amended CARRIED**

**(Bratina/Partridge)**

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

**CARRIED**

<b>PUBLIC WORKS COMMITTEE REPORT 14-005</b>
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**(Whitehead/Duvall)**

That pursuant to Sub-section 5.6(2) of the City's Procedural By-law 10-053, the 48-hour rule be waived in order to allow for the consideration of Public Works Committee Report 14-005, April 22, 2014.

**CARRIED**

**(Whitehead/Duvall)**

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

**CARRIED**

<b>BOARD OF HEALTH REPORT 14-003</b>
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**(Bratina/Partridge)**

That pursuant to Sub-section 5.6(2) of the City's Procedural By-law 10-053, the 48-hour rule be waived in order to allow for the consideration of Board of Health Report 14-003, April 22, 2014

**CARRIED**

**(Bratina/Partridge)**

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

**CARRIED**

**(Partridge/Pasuta)**

That the Committee of the Whole Rise and Report.

**CARRIED**

<b>MOTIONS</b>
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**7.1 Special Occasion Permit - Punisher Adventure Race**

**(Pasuta/Merulla)**

Whereas, City Council has received Notice (attached hereto as Appendix "A") from Event Promotions and Management Services that they wish to obtain a Special Occasion Permit to sell alcohol during the Punisher Adventure Race on May 31, 2014;

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 Punisher Adventure Race, being held at Christie Lake Conservation Area, 1000 Highway 5 West, Dundas, Ontario, on May 31, 2014 from 12:00 p.m. to 3:00 p.m., as municipally significant; and,
- (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 Special Occasion Permit - Seven Sundays**

**(Morrow/Merulla)**

Whereas, City Council has received Notice (attached hereto as Appendix "A") from Sonic Unyon that they wish to obtain a Special Occasion Permit to sell alcohol during the Seven Sundays event on July 6, 2014;

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 Seven Sundays event, being held at Gage Park, 1000 Main Street East, Hamilton, Ontario, on July 6, 2014 from 12:00 p.m. to 8:00 p.m., as municipally significant; and,
- (b) That the Applicant be provided a copy of this resolution for inclusion with their application to the Alcohol & Gaming Commission of Ontario.

**CARRIED**

### **7.3 Special Occasion Permit - Saving Second Base**

#### **(Duvall/Whitehead)**

Whereas, City Council has received Notice (attached hereto as Appendix "A") from the Saving Second Base Organization that they wish to obtain a Special Occasion Permit to sell alcohol during games on July 19, 2014 and July 20, 2014;

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 Second Base Organization, being held at Turner Park, 344 Rymal Road East, Hamilton, on July 19, 2014 from 11:00 a.m. to 10:00 p.m.; and, on July 20, 2014 from 10:00 a.m. to 7:00 p.m., as municipally significant; and,
- (b) That the Applicant be provided a copy of this resolution for inclusion with their application to the Alcohol & Gaming Commission of Ontario.

**CARRIED**

### **7.4 Revenue Generation and Cost Reduction Opportunities**

#### **(Whitehead/Duvall)**

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.

**CARRIED**

**7.5 Amendment to Item 7.3, of the November 27, 2013 Council Minutes, respecting the Consideration of an Overpass Display By-law**

**(Whitehead/Duvall)**

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.

**CARRIED**

**7.6 Post Employment Cooling Off Period**

**(MerullaCollins)**

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 and former elected officials 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.

**CARRIED**

**7.7 Objection to Liquor Licence Application to Increase Occupancy and Add New Area - VISO**

**(Farr/McHattie)**

Whereas, 1820419 Ontario Inc. operating as VISO, located at 11 Hess Street South, Hamilton, Ontario has applied for a Liquor License for an increase to occupancy and to add a new area;

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 1820419 Ontario Inc. operating as VISO, located at 11 Hess Street South, Hamilton, 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 due to past operational history.

**CARRIED**

**7.8 Lifting of Item 6 of Planning Committee Report 14-004 (TABLED March 26, 2014)**

**(Partridge/Johnson)**

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 Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032 ) be LIFTED from the TABLE.

**CARRIED**

**6. Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) (Ward 15) (Item 6.3)**

- (a) That approval be given to **Official Plan Amendment Application OPA-13-017, Fern Brook Resort Inc., Owner**, to amend policies and re-designate lands located at 58 12<sup>th</sup> Concession Road East (Flamborough), on Schedule “D” of the Rural Hamilton Official Plan (RHOP), to establish a Seasonal 100-site Trailer Park (Block “2”) and protected Conservation Areas (Blocks “3” and “5”), as shown on Appendix “A” to Report PED14032, on the following basis:
  - (i) That Blocks “2”, “3”, and “5” be changed from the “Rural” designation to the “Open Space” designation;
  - (ii) That Blocks “2”, “3”, and “5” be identified further as Site-Specific Area “R-\_\_\_\_”;
  - (iii) That the draft Official Plan Amendment (OPA), attached as Appendix “B” to Report PED14032, be adopted by City Council; and,
  - (iv) That the proposed OPA is consistent with the Provincial Policy Statement (PPS), Greenbelt Plan, Rural Hamilton Official Plan (RHOP) and the intent of the Town of Flamborough Strategy for Recreational Vehicle Parks, Report DPD1994-21 (see Appendix “C”).
- (b) That approval be given to **Amended Zoning Applications D14-ST and ZAC-02-093, Fern Brook Resort Inc., Owner**, for changes in zoning to permit a permanent 150-unit mobile home park and ancillary uses (Block “1”), a 100-site seasonal trailer park and ancillary uses (Block “2”), and protected Conservation Areas (Blocks “3”, “4”, and “5”), for the lands located at 57 and 58 12<sup>th</sup> Concession Road East (Flamborough), as shown on Appendix “A” to Report PED14032, on the following basis:
  - (i) That Block “1” be changed from the Recreational Open Space “O3-3”, Zone Modified, to the Residential Mobile Home “R9-6-1-(H)” Zone, Modified, Holding and the Residential Mobile Home “R9-6-2-(H)” Zone, Modified, Holding;



- (ii) That Block “2” be changed from the Agriculture “A” Zone, to the Recreational Open Space “O3-10-1(H)”, Zone, Modified, Holding;
- (iii) That Block “3” be changed from the Conservation Management “CM” Zone, to the Recreational Open Space “O3-10”, Zone, Modified;
- (iv) That Blocks “4” and “5” be changed from the Conservation Management “CM” Zone, to the Conservation Management “CM-4” Zone, Modified;
- (aa) That the amending By-law apply the following Holding Provisions in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, to Blocks “1”, and “2”, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Residential Mobile Home “R9-6-1(H)” Zone, Modified, Holding, the Residential Mobile Home “R9-6-2(H)” Zone, Modified, Holding and the Recreational Open Space “O3-10(H)”, Zone, Modified, Holding;
- (v) That the Holding provision referred to in Section (b) (iv) shall not be removed until such time as the following conditions have been completed:

Holding Provision “R9-6-1(H)” Holding Zone

The removal of the Holding provision “1(H)” will allow for the development of up to 50 permanent mobile home sites (units) on Block “1”, as well as the following uses:

- (a) Clubhouse, accessory to the Manufactured and Mobile Home Park, which may include as ancillary uses to the park, administrative offices, a convenience store, a hotel consisting of 20 suites, a restaurant and tavern, a dining area, games room, fitness and leisure facilities including a pool, hot tub, sauna, showers, and fitness room.
- (b) One Manager’s suite and two staff apartments, adjacent to the existing clubhouse.
- (c) Maintenance, utility and storage buildings; and,

- (d) Facilities for outdoor sports and leisure, including an outdoor pool, hot tub, children's play area, volleyball and tennis courts, and picnic areas.

The Holding provision "1(H)" shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement (SPA)

The Owner shall enter into a Site Plan Agreement with the City and register it on title, for Block "1" - North Lands, to address required improvements and upgrades to the servicing, infrastructure, and layout of the mobile home park in a multi-phase plan, to be developed through the Site Plan approval process, through which the required financial securities for the construction of works, identified through Site Plan approval process, will be specified by the City and posted by the Owner, prior to Site Plan approval of each phase.

The development of the SPA should be made in reference to the requirements outlined in the Municipal Responsibility Agreement, adequately providing services to the development as outlined in the Functional Servicing Report, and to the satisfaction of the Director of Hamilton Water, Public Works.

(2) Municipal Responsibility Agreement

The Owner shall enter into and register the signed Municipal Responsibility Agreement and associate Trust agreement on title. Prior to registration of the Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth Management, the Director of Hamilton Water, Public Works, and the Director of Planning.

(3) Conservation Halton

- (a) Preparation and submission of a Flood Emergency Plan to the satisfaction of Conservation Halton (CH) is required to ensure a safe evacuation of residents during a flood emergency.
- (b) The completion of fill placement/grading and pedestrian bridge upgrades as recommended in the Stantec letter report, dated March 6,

2008, to ensure safe ingress/egress during regulatory storm events, to the satisfaction of Conservation Halton.

City Council shall remove the 'H' symbol "1(H)" and, thereby, give effect to the Residential Mobile Home "R9-6-1(H)" Zone, Modified, Holding provisions, to allow for up to 50 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions 1, 2, and 3, are satisfied.

Holding Provision 'R9-6-2(H) Holding Zone'

The removal of the Holding provision "2(H)" will allow for the development of an additional 100 permanent mobile home sites (units) on Block "1" for a total of 150 permanent mobile home sites (units). The Holding provision "2(H)" shall remain in effect until such time as the completion of the following conditions:

(1) Functional Servicing Report

Preparation and submission of an addendum to the Functional Servicing Report and Operations and Maintenance Manual, to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works. The addendum shall address the following matters:

- a) A Hydrogeological Study, with the assistance of a Qualified Person, to characterize the following:
  - i) The direction of groundwater flow;
  - ii) The existence of both an upstream and downstream monitoring well whose location reflects the groundwater flow regime;
  - iii) Confirm that the downstream well is located within the effluent plume and at least 40 m. from the septic system and tile field;
  - iv) Confirm that the monitoring well number and the monitoring well information provided to date was sampled from the upstream and downstream monitoring wells identified in (ii) and (iii), above;

- v) Determine appropriate effluent trigger limits at the monitoring wells;
  - vi) If recommended by the Hydrogeologist, install additional monitoring wells in order to address items (i) to (v).
- b) Following the collection of at least three consecutive years of monitoring data, the Owner shall reassess the Hydrogeological Study to confirm effluent trigger limits and provide recommendations on any required infrastructure upgrades, referencing the monitoring data in conjunction with the water and waste water flow rate and occupancy records;
- c) Submission of theoretical design flows for both the water and wastewater systems, based on full occupancy of the Fern Brook Development (150 permanent and 100 seasonal sites), following MOE Design Guidelines (2008), City of Hamilton Engineering Guidelines (2006), and the Ontario Building Code;
- d) Submission of historical water and wastewater flow rates which are based on Ministry of Environment Design Criteria and accompanied by occupancy records for the related time period;
- e) Demonstration that the rated capacity of the Water Treatment System is capable of servicing the full Fern Brook Development (150 permanent and 100 seasonal sites), with the rated capacity being based on the largest unit for each process component out of service, and that the system is adequately designed to meet the MOE/Hamilton Fire Department fire storage and fire flow requirements;
- f) Demonstration that the Sewage Treatment System will: i) function adequately for the design flows of the full Fern Brook Development (150 permanent sites and 100 seasonal sites), identifying the need for additional equipment in order to meet the rated firm capacity with the largest unit out of service; ii) operate in accordance with the associated Certificate of Approval; iii) produce an effluent, at the discharge point of the treatment system, with a nitrate concentration less than, or equal to 10 mg/L; and iv) maintain a nitrate concentration, at the property

boundary downstream of the sewage treatment system, that does not exceed 2.5 mg/L.; and,

- g) Revisions to the Operations and Maintenance Manuals for the water and wastewater treatment facilities which follow MOE's prescribed format and which include a comprehensive set of operating instructions and a process narrative to explain how the facility is intended to operate in accordance with the required treatment system, as determined through the ongoing engineering analysis and in consultation with the City.

City Council shall remove the 'H' symbol "2(H)" and, thereby, give effect to the Residential Mobile Home "R9-6" Zone, Modified provisions, to allow for 100 permanent mobile home sites to a maximum of 150 permanent mobile home sites by enactment of an amending By-law, once the above-noted conditions are satisfied.

Holding Provision "O3-10(H)" Zone, Modified

The removal of the Holding provision "(H)" will allow for the development of up to 100 seasonal trailer sites on Block "2" and the sewage treatment plan and dispersal fields on Block "3". The Holding provision "(H)" shall remain in effect until such time as the completion of the following conditions:

(1) Site Plan Agreement

The Owner has entered into a Site Plan Agreement with the City and registered said Agreement on title, for Blocks "2" and "3" ("South Lands"). The Site Plan Agreement will address but shall not be limited to: required improvements and upgrades to the servicing, infrastructure, and layout of the seasonal trailer park, through which the required financial securities for the construction of works identified through the Site Plan Approval process will be specified by the City and posted by the Owner prior to Site Plan Approval.

(2) Municipal Responsibility Agreement

The Owner has executed and registered on title the signed Municipal Responsibility Agreement and associate Trust Agreement to the satisfaction of the Senior Director of Growth Management and the Director of Hamilton Water, Public Works, and the Director of Planning. Prior to registration of said Agreements, the Owner shall post the financial securities required thereunder to the satisfaction of Senior Director of Growth

Management and the Director of Hamilton Water, Public Works, and the Director of Planning.

City Council may remove the Holding provision 'H' and thereby give effect to the Recreational Open Space Zone "O3-10", Zone, Modified zone provisions, for Block "2", to allow for a maximum of 100 seasonal trailer sites and Block "3", to permit the Private Sewage Treatment Plant with Dispersal fields, by enactment of an amending By-law, once the above-noted conditions are satisfied.

- (vi) That Council authorize the Mayor and City Clerk to execute a Municipal Responsibility Agreement and associated Trust Agreement, substantially in the form attached as Appendix "H" to Report PED14032, with content acceptable to the City Solicitor and the Director of Planning.
  - (vii) That the draft By-law, attached as Appendix "C" to Report PED14032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (viii) That the proposed changes in zoning are in conformity with the PPS, the Hamilton-Wentworth Official Plan (HWOP), and the Flamborough Official Plan, and will be in conformity with the RHOP upon approval of OPA No. \_\_\_\_.
- (c) That Appendix "C" to Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough), be deleted and replaced with the REVISED Appendix "C".

**(Partridge/Johnson)**

That subsections (2) (vi) (vii) (viii) and subsection (c) of Item 6 respecting Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12th Concession Road East (Flamborough) (PED14032) which reads as follows be deleted in their entirety:

- "(vi) That Council authorize the Mayor and City Clerk to execute a Municipal Responsibility Agreement and associated Trust Agreement, substantially in the form attached as Appendix "H" to Report PED14032, with content acceptable to the City Solicitor and the Director of Planning.
- (vii) That the draft By-law, attached as Appendix "C" to Report PED14032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,

- (viii) That the proposed changes in zoning are in conformity with the PPS, the Hamilton-Wentworth Official Plan (HWOP), and the Flamborough Official Plan, and will be in conformity with the RHOP upon approval of OPA No.
- (c) That Appendix “C” to Report PED14032, Proposed Official Plan Amendment and Zoning By-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12<sup>th</sup> Concession Road East (Flamborough), be deleted and replaced with the REVISED Appendix “C”.

And replaced in lieu thereof with the following new subsections (c), (d), (e), and (f) as follows:

- (c) That Council authorize the Mayor and City Clerk to execute a Municipal Responsibility Agreement and associated Trust Agreement, substantially in the form attached as Appendix “H” to Report PED14032, with content acceptable to the City Solicitor and the Director of Planning.
- (d) That the proposed changes in zoning are in conformity with the PPS, the Hamilton-Wentworth Official Plan (HWOP), and the Flamborough Official Plan, and will be in conformity with the RHOP upon approval of OPA No. \_\_\_\_\_.
- (e) That the Proposed Official Plan Amendment and Zoning by-law Amendment to Permit a Mobile Home Park and a Seasonal Trailer Park at 57 and 58 12<sup>th</sup> Concession Road East (Flamborough), attached hereto be approved.
- (f) That in accordance with Subsection 34(17) of the Planning Act, the proposed changes to the By-law are for clarification purposes or are more restrictive than the by-law presented at the public meeting and as such no further notice is required.

**Amendment CARRIED**  
**Main Motion as Amended CARRIED**

## **7.9 Assessment of Legal Fees**

### **(Merulla/Morrow)**

That the following Notice of Motion submitted to Council on April 9, 2014 respecting Assessment of all of the City of Hamilton’s external legal fees which reads as follows:

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.

Be withdrawn and replaced with the following in lieu thereof:

- (a) That the City Solicitor provide a review of external legal fees incurred over the past couple of years and report back to the General Issues Committee on what options exist for an independent third party audit of the City's past legal fees; and
- (b) That on a go-forward basis, staff evaluate the use of RFPs or RFQs to tie external legal fees to budgets and outcomes including appropriate cost control mechanisms and consequences to avoid cost overruns.

**Amendment CARRIED  
Main Motion as Amended CARRIED**

**7.10 Reconsideration of Item 12(c) of Planning Committee Report 14-004, respecting 170 Longwood Road North, Hamilton Letter**

**(Pearson/Clark)**

That Item 12(c) to Planning Committee Report 14-004, respecting 170 Longwood Road North, Hamilton Letter, which reads as follows, be reconsidered:

- (c) 170 Longwood Road North, Hamilton letter

That the Hamilton Municipal Heritage Committee be authorized to write a letter to the Ministry of Tourism, Culture & Sport, as well to the Ontario Heritage Trust, outlining concerns with limitations of the Ontario Heritage Act with respect to regulating alterations to non-designated properties that are included in the municipal Register, as demonstrated by the extent of alterations to the existing house at 170 Longwood Road North (for information see Appendix C, attached hereto).

**CARRIED**

**(Pearson/Clark)**

That Item 12(c) respecting 170 Longwood Road North, Hamilton Letter, be amended as follows:

- (i) That the recommendations be amended by deleting the words, "the Hamilton Municipal Heritage Committee be authorized to" and replaced with the word, "Council", to read as follows:

"That Council write a letter to the Ministry of Tourism, Culture & Sport, as well to the Ontario Heritage Trust, outlining concerns with limitations of the Ontario Heritage Act with respect to regulating



alterations to non-designated properties that are included in the municipal Register, as demonstrated by the extent of alterations to the existing house at 170 Longwood Road North (for information see Appendix C, attached hereto)."

- (ii) That Item 3, 170 Longwood Road North, Hamilton letter, be referred back to staff for a report to Planning Committee.

**Amendment CARRIED**

**Main Motion as amended CARRIED**

**7.11 Municipal Representation on the Halton Hamilton Source Water Protection Committee**

**(Partridge/Pasuta)**

That, in the absence of the Senior Project Manager, Source Protection Planning, that Bert Posedowski, Manager, Sustainable Initiatives, Public Works Department, be appointed as the staff representative on the Halton Hamilton Source Water Protection Committee.

**CARRIED**

<b>NOTICES OF MOTIONS</b>
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Councillor Maria Pearson presented the following Notice of Motion:

**8.1 Reconsideration of Item 12(c) of Planning Committee Report 14-004, respecting 170 Longwood Road North, Hamilton Letter**

That Item 12(c) to Planning Committee Report 14-004, respecting 170 Longwood Road North, Hamilton Letter, which reads as follows, be reconsidered:

- (c) 170 Longwood Road North, Hamilton letter

That the Hamilton Municipal Heritage Committee be authorized to write a letter to the Ministry of Tourism, Culture & Sport, as well to the Ontario Heritage Trust, outlining concerns with limitations of the Ontario Heritage Act with respect to regulating alterations to non-designated properties that are included in the municipal Register, as demonstrated by the extent of alterations to the existing house at 170 Longwood Road North (for information see Appendix C, attached hereto).

**(Pearson/Clark)**

That the Rules of Order be waived to allow for the introduction of a motion respecting the reconsideration of Item 12(c) to Planning Committee Report 14-004, respecting 170 Longwood Road North, Hamilton Letter.

**CARRIED**

For disposition of this matter refer to Item 7.10.

Councillor Judi Partridge presented the following Notice of Motion:

**8.2 Municipal Representation on the Halton Hamilton Source Water Protection Committee**

That, in the absence of the Senior Project Manager, Source Protection Planning, that Bert Posedowski, Manager, Sustainable Initiatives, Public Works Department, be appointed as the staff representative on the Halton Hamilton Source Water Protection Committee.

**(Partridge/Pasuta)**

That the Rules of Order be waived to allow for the introduction of a motion respecting Municipal Representation on the Halton Hamilton Source Water Protection Committee.

**CARRIED**

For disposition of this matter refer to Item 7.11.

<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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**10.1 Closed Session Minutes - March 26, 2014**

**(Partridge/Ferguson)**

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

**CARRIED**

<b>BY-LAWS</b>
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**(Pasuta/Pearson)**

That the Bill List for the April 23, 2014 meeting of Council be amended by adding Bill numbers 095, 096 and 097, which read as follows, and renumbering the balance accordingly:

- 095      Respecting Removal of Part Lot Control:  
            Block 71, Registered Plan No. 62M-1194  
            179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, and  
            205 Gowland Drive (Glanbrook)

- 096 To Adopt Official Plan Amendment No. 7 to the Rural Hamilton Official Plan Respecting: 58 12<sup>th</sup> Concession Road East (former Town of Flamborough)
- 097 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 57 and 58 12<sup>th</sup> Concession Road East, in the former Town of Flamborough, now in the City of Hamilton
- 098 To Confirm the Proceedings of City Council

**CARRIED**

**(Pasuta/Pearson)**

That Bills No. 14-088 to 14-098 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:

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**Bill No.**

- 088** To Amend By-law No. R77-109, the Hamilton Regional Roads By-law and and By-law No. 86-77, the Hamilton Streets By-law
- 089** To Amend By-law No. 01-215, To Regulate Traffic:  
Schedule 4 – Yield Sign Location  
Schedule 5 – Stop Control
- 090** To Regulate the discharge of any matter into the sewer works, including the sanitary, combined and storm sewer systems of the City of Hamilton and to Repeal By-law No. 04-150 as amended
- 091** To Amend the Water and Wastewater / Storm Fees and Charges By-law No. 13-325
- 092** To Amend By-law No. 12-179, Respecting The Appointments of a Chief Building Official, Deputies and Inspectors
- 093** To Amend By-law No. 01-215, To Regulate Traffic:  
Schedule 5 – Stop Control
- 094** To Amend By-law No. 01-215, To Regulate Traffic:  
Schedule 2 – Speed Limits  
Schedule 13 – Designated Traffic Lanes
- 095** Respecting Removal of Part Lot Control:  
Block 71, Registered Plan No. 62M-1194  
179, 181, 183, 185, 187, 189, 191, 193, 195, 197, 199, 201, 203, and 205  
Gowland Drive (Glanbrook)

- 096** To Adopt Official Plan Amendment No. 7 to the Rural Hamilton Official Plan Respecting:  
58 12<sup>th</sup> Concession Road East (former Town of Flamborough)
- 097** To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 57 and 58 12<sup>th</sup> Concession Road East, in the former Town of Flamborough, now in the City of Hamilton
- 098** To Confirm the Proceedings of City Council

**CARRIED**

**(Pearson/Johnson)**

That there being no further business, the City Council meeting be adjourned at 7:55 p.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini  
City Clerk