



CITY COUNCIL MINUTES 15-004

5:00 p.m.

Wednesday, February 25, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger
Deputy Mayor S. Duvall
Councillors A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, T. Whitehead D. Conley, M. Pearson,
B. Johnson, A. VanderBeek, L. Ferguson, R. Pasuta, J. Partridge

Regrets:

Mayor Eisenberger called the meeting to order and the called upon Mr. Jamie Wood from Living Hope Church to lead Council in prayer.

Mayor Eisenberger acknowledged the recent passing of Beatrice McDonough, a Public Health Nurse in the Healthy Living section of the Chronic Disease Prevention Division of the Public Health Services Department, and expressed condolences to her family, on behalf of Council.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

ADDED CORRESPONDENCE

- 5.7 E-mail from the Lakewood Beach Community Council respecting Additional Information Not Contained in Presentation of 560 Grays Road.

Recommendation: Be received and referred to the Planner responsible for the file.

5.8 Integrity Commissioner Update on Status of Open Inquiries

Recommendation: Be received.

5.9 Integrity Commissioner Report respecting Complaint of Misconduct against Councillor Maria Pearson File #2013-03.

Recommendation: Be received.

5.10 Integrity Commissioner Report respecting Complaints of Misconduct against Councillor Lloyd Ferguson File #2014-04 and File #2014-05.

Recommendation: Be received.

REVISED REPORT

6.3 Board of Health Report 15-002, February 19, 2015

NOTICE OF MOTION

8.1 By Councillor Merulla re: Proposed Licensing Cat Program

(Pearson/B. Johnson)

That the agenda for the February 25, 2015 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared a conflict of interest on Correspondence Item 5.10, Integrity Commissioner Report respecting Complaints of Misconduct against Councillor Lloyd Ferguson File #2014-04 and File #2014-05.

APPROVAL OF MINUTES

4.1 February 11, 2015

(Pearson/B. Johnson)

That the Minutes of the February 11, 2015, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Duvall/Whitehead)

That Council Communications 5.1 through 5.10 be approved as amended, as follows:

- 5.1 Letter from Dr. Eric Hoskins, Minister of Health and Long-Term Care approving the appointment of Dr. Jessica Hopkins as an Associate Medical Officer of Health for the City of Hamilton.

(Partridge/Pearson)

Recommendation: Be received and referred to the Medical Officer of Health.

CARRIED

- 5.2 Letter from Carolyn Lance, Council Services Coordinator, Town of Georgina, 26557 Civic Centre Road, Keswick respecting Canada Post Residential Delivery Service.

Recommendation: Be received.

- 5.3 E-mail from John & Karen Molnar expressing their opposition to the proposed development at 560 Grays Road.

Recommendation: Be received and referred to the Planner responsible for the file.

- 5.4 E-mail from Ann Hoy, Assistant Deputy Minister, Accessibility Directorate of Ontario respecting Update on the Second Legislative Review of the Accessibility for Ontarians with Disabilities Act, 2005.

Recommendation: Be received.

- 5.5 E-mail from The Honourable Glen Murray, Minister of the Environment and Climate Change respecting the re-introduction by the Province of a Bill for the establishment of a Great Lakes Protection Act.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 5.6 Letter from Tom Papakonstantinou, General Manager, Ontario Operations Champions Off-Track Betting, Woodbine Entertainment Group respecting request to open a Champions Teletheatre at Boomer's Sports Bar. (Background information is attached.)

(Eisenberger/Jackson)

Recommendation: That the City has no objection to the application.

CARRIED

- 5.7 E-mail from the Lakewood Beach Community Council respecting Additional Information Not Contained in Presentation of 560 Grays Road.

Recommendation: Be received and referred to the Planner responsible for the file.

- 5.8 Integrity Commissioner Update on Status of Open Inquiries

Recommendation: Be received.

- 5.9 Integrity Commissioner Report respecting Complaint of Misconduct against Councillor Maria Pearson File #2013-03.

Recommendation: Be received.

- 5.10 Integrity Commissioner Report respecting Complaints of Misconduct against Councillor Lloyd Ferguson File #2014-04 and File #2014-05

Recommendation: Be received.

CARRIED

Councillors Green and Duvall requested to be recorded as Opposed to Item 5.10.

(Pasuta/Partridge)

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

CARRIED

PLANNING COMMITTEE REPORT 15-003

- Item 7 Urban Hamilton Official Plan: Proposed Settlement of the Appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. of the Urban Hamilton Official Plan and Legal Direction (City Wide) – LS15006/PED15031 (Item 13.2).**

That the Recommendation be deleted in its entirety, replacing it with the following therein:

~~That the staff recommendations in Report LS15006/PED15031 remain confidential until Council approval.~~

- (a) That City of Hamilton staff be directed to settle the appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. respecting their properties located within the Flamborough Business Park in accordance with the amendments and modifications to the Urban Hamilton Official Plan (UHOP) contained in Appendix "A" to Report LS15006/PED15031;
- (b) That staff be directed to present and/or provide evidence in support of the settlement of the Urban Hamilton Official Plan (UHOP) appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. contained in Appendix "A" to Report LS15006/PED15031 to the Ontario Municipal Board, as may be necessary;
- (c) That Report LS15006/PED15031 remain confidential but that Appendix "A" to Report LS15006 / PED15031 be made public in the event a settlement is reached with Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc.

Amendment CARRIED
Main motion as amended CARRIED

(Partridge/B. Johnson)

That consideration of the Planning Committee Report 15-003 be deferred until after the consideration of Item 10.2 in the Private and Confidential section of the agenda.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 15-006

Item 7 The Right to a Healthy Environment (Item 9.1)

- (a) That the Mayor, on behalf of City Council, be directed to correspond with the Right Honourable Stephen Harper, Prime Minister of Canada, and the Honourable Kathleen Wynne, Premier of Ontario, calling for the development of federal and provincial legislation that recognizes that all people have the right to live in a healthy environment;
- (b) That a copy of this resolution be sent to the Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

The above motion CARRIED unanimously on the following Standing Recorded Vote:

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson, L. Ferguson, A. VanderBeek, J. Partridge, R. Pasuta
Total: 16
Nays: 0

Item 8 Correspondence from Port Fuels Materials Services Inc., respecting the Energy-from-Waste Project, Port of Hamilton, Ontario, dated February 16, 2015 (Item 11.2)

(Green/Whitehead)

That the following be added as subsection (b):

- (b) That Council direct Legal Services staff, on behalf of the public of the City of Hamilton, to request an extension to the commenting period from Port Fuels Materials Services Inc., in line with Council's request to the Ministry of the Environment.

To read as follows:

- (a) That the Correspondence from Port Fuels Materials Services Inc., respecting the Energy-from-Waste Project, Port of Hamilton, Ontario, dated February 16, 2015, be received;
- (c) That Council direct Legal Services staff, on behalf of the public of the City of Hamilton, to request an extension to the commenting period from Port Fuels Materials Services Inc., in line with Council's request to the Ministry of the Environment.

**Amendment CARRIED
Main Motion as amended CARRIED**

(Eisenberger/Partridge)

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

CARRIED

BOARD OF HEALTH 15-002

(Eisenberger/Green)

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

CARRIED

SPECIAL PUBLIC WORKS COMMITTEE REPORT 15-002

(Merulla/Collins)

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

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 15-002

(Whitehead/Duvall)

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

CARRIED

MOTIONS

7.1 Feasibility of Designating Tobogganing Areas within the City of Hamilton

(Whitehead/Merulla)

WHEREAS, tobogganing is considered a Canadian recreational activity;

WHEREAS, legal precedence has been established by the courts on tobogganing litigation;

WHEREAS, the City of Hamilton banned tobogganing on city property by by-law, and still remained liable, resulting in a large damage award;

WHEREAS, municipalities within the Province of Ontario who have banned; restricted and closed hills to tobogganing through by-law and posted notices, it remains unclear if the restrictions and hill closures mitigate a municipality from legal proceedings;

NOW THEREFORE BE IT RESOLVED:

That the Manager of Risk Management coordinate, together with the City Solicitor, staff of the Public Works Department or other affected departments, a review of the options available to the City in respect of tobogganing on City property, including the feasibility of the City of Hamilton designating tobogganing areas within the community, and report back to the General Issues Committee.

The above motion CARRIED unanimously on the following Standing Recorded Vote:

Yeas: Mayor Eisenberger, A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, J. Partridge, R. Pasuta

Total: 16

Nays: 0

7.2 Feasibility of Adjusting HSR Fares

That, to assist in the conditioning and branding of HSR and alleviating the stigma attached to public transit use in Hamilton, staff be directed to review the feasibility of a 10 cent increase to HSR fares and the implementation of a policy that would provide free transit for children under 12 years of age, and report back to the Public Works Committee.

The motion was deferred to the March 11, 2015 Council meeting.

7.3 Addition of Hamilton Street Railway (HSR) to the General Levy

(Merulla/Collins)

WHEREAS, transportation and public transit continue to be significant and important public policy matters;

AND WHEREAS, public transit (known as HSR) in the City of Hamilton remains a priority for Council;

AND WHEREAS, public transit is currently apportioned to residents based on geographic area and service levels;

AND WHEREAS, Council has stated on numerous occasions, it supports a system-wide approach to public transit, which includes enhancing service levels;

THEREFORE BE IT RESOLVED:

- (a) That City staff report back, as part of the 2016 Budget process, respecting the feasibility and impacts of adding HSR to the general levy; and,
- (b) That as part of this report, City staff review the feasibility and impacts of alternative transit area rating models including the possibility of a special area levy for the former City of Hamilton; and,
- (b) That the forthcoming report, respecting the feasibility and impacts of adding HSR to the general levy, align with the overall City Transit strategy.

(Merulla/Collins)

That the motion respecting the Addition of Hamilton Street Railway (HSR) to the General Levy, Item 7.3, be deferred to the March 11, 2015 Council meeting.

CARRIED

7.4 Easter Egg Hunts – Facility Rental Fees

(Duvall/Whitehead)

That all City facility rental fees for Easter egg hunts be waived for 2015.

CARRIED

7.5 2015 Mayor's Poetry City Challenge

Mayor Eisenberger relinquished the chair to Deputy Mayor Duvall in order to introduce a motion respecting the Mayor's Poetry City Challenge.

(Eisenberger/A. Johnson)

WHEREAS April is National Poetry Month and March 21st is United Nation's Educational, Scientific and Cultural Organization's (UNESCO) World Poetry Day;

WHEREAS the City of Calgary, in partnership with the League of Canadian Poets; the Saskatchewan Writers' Guild; Loft 112, has issued a Mayor's Poetry City Challenge to other communities across Canada to celebrate poetry, writing, small presses and the contribution of poets and all writers to the cultural life in our communities;

WHEREAS the annual Challenge also celebrates libraries and the work of many to promote arts, culture, literacy and reading;

WHEREAS it is anticipated that the number of Canadian communities participating in the 2015 Mayor's Poetry City Challenge will surpass the over thirty that took part in 2014; and

WHEREAS the City of Hamilton remains committed in its support of programs and initiatives that enhance arts, heritage and culture for residents and visitors to our community.

NOW THEREFORE BE IT RESOLVED:

That the City of Hamilton participate in the 2015 Mayor's Poetry City Challenge inviting the author of the selected poem, to attend and read their poem at the opening of the April 22, 2015 City Council meeting during National Poetry Month.

CARRIED

Mayor Eisenberger assumed the Chair.

NOTICES OF MOTIONS

Item 8.1 **Proposed Licensing Cat Program**

Councillor Merulla introduced the following Notice of Motion:

WHEREAS the City of Hamilton regulates and licenses dogs and Pot Bellied Pigs under the Responsible Animal Ownership By-Law 12-031

AND WHEREAS the licensing of dogs creates responsible pet ownership, provides food, shelter, medical care for lost pets, helps return lost pets to their owners and helps support adoption programs

AND WHEREAS the licensing of cats in such Cities as Calgary, Toronto and London have seen a reduction in stray cats, impound and euthanasia rates and an increase in adoptions within their perspective Cities

AND WHEREAS a Cat Licensing program would create sustainable revenue for programs such as a low cost spay/neutering program, reduce the crisis of overpopulation of cats and support a Trap/Neuter/Release program for feral cat

THEREFORE BE IT RESOLVED:

That staff examine the feasibility of implementing a Licensing Cat Program within By-law 12-031 that would create responsible cat ownership, while at the same time provide the resources to strategically manage the cat overpopulation in Hamilton.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Selection Committee Report 15-001

(Farr/Whitehead)

That Report 15-001 of the Selection Committee be adopted and that the following individuals be appointed to the Cleanliness and Security in the Downtown Core Task Force for a term commencing February 26, 2015 and to expire with the current term of Council or until such time as a successor is appointed:

- Jessica Maurice
- Suffia Mirza
- Steven Sutherland

CARRIED

(Partridge/Pearson)

That Council move into closed session Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to:

- Litigation or potential litigation, including matters before administrative tribunals, affecting the City and the receiving of advice that is subject to solicitor-client privilege.

CARRIED

(B. Johnson/Conley)

That Council move into closed session Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 14-300, and Section 239.2(b) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about identifiable individuals, including municipal or local board employees.

CARRIED

**10.2 560 Grays Road OMB Appeals RE: OPA (OPA-12-010) and ZBA (ZAC-12-027)
Owner: Silvestri Homes (LS15005 / PED15030) (Wards 5 and 10)**

Direction was provided in closed session, with nothing to report in open session.

**10.3 Matter pertaining to personal matters about identifiable individual,
including municipal or local board members (Added Item)**

Direction was provided in closed session, with nothing to report in open session.

City Council reconvened in Open Session at 7:56 pm.

(Partridge/B. Johnson)

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

CARRIED

(Pasuta/Vanderbeek)

That the Committee of the Whole Rise and Report.

CARRIED

BY-LAWS

(Duvall/Whitehead)

That Bills No. 15-056 to No. 15-061 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. 056

To Incorporate City Land Designated as Part 3 on Plan 62R-19043 into Legend Court

Bill No. 057

Respecting Removal of Part Lot Control, Block 51, Registered Plan No. 62M-1199, "Victory Ridge – Phase 1", 34-62 Crafter Crescent (Stoney Creek)

Bill No. 058

A By-law under the *Building Code Act, 1992*, Respecting Permits and Related Matters

Bill No. 059

To Amend Zoning By-law No. 6593 (Hamilton), as amended by Zoning By-law No. 03-306, Respecting Lands Located at 1749 and 1755 Upper James Street, in the City of Hamilton

Bill No. 060

To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 14 – Wheelchair Loading Zones

Bill No. 061

To Confirm the Proceedings of City Council

(Pearson/Conley)

That there being no further business, the City Council meeting be adjourned at 8:05 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

R. Caterini
City Clerk