



**CITY COUNCIL
MINUTES 15-011**

5:00 p.m.

Wednesday, April 22, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor S. Duvall - Vacation

Mayor Eisenberger called the meeting to order and called upon Reverend Father Hayrik Hovhannisyan for the invocation.

Mayor Eisenberger acknowledged the 100th Anniversary of the Armenian Genocide, and extended condolences to the Armenian Community. The Mayor invited Hagop Apkarian, President of the Armenian Community Centre of Hamilton to make

Mayor Eisenberger extended condolences on behalf of Council and the City of Hamilton respecting the passing of colleague Melissa Christison. Melissa worked with the City of Hamilton in the Community and Emergency Services Division as a Teacher at the Red Hill Family Centre.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

- 5.1(l) Correspondence from Ray Rocci, President, 2084696 Ontario Inc., respecting Rural Zoning

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

- 5.8 Correspondence from Brad Dee respecting Rezoning Application for 250 Concession 4 West, Waterdown

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

- 5.9 Correspondence from Robert M. Clark, Chief Operating Officer, Port Fuels and Materials Services Inc., respecting an Update on Port Fuels and Materials Inc.'s Environmental Screening Report - An Open Letter to the Hamilton Community

Recommendation: Be received.

- 5.10 Integrity Commissioner Report respecting Complaints of Misconduct against Councillor Maria Pearson - File #2014-03

Recommendation: Be received.

- 5.11 Integrity Commissioner Report respecting Complaints of Misconduct against Councillor Brenda Johnson - File #2014-02

Recommendation: Be received.

- 5.12 Correspondence from Max Cananzi, President and CEO, Horizon Utilities, respecting Horizon's Strategic Merger Opportunity and Council Motion 7.2

Recommendation: Be received.

- 5.13 Correspondence from Peter Pickfield, Garrod-Pickfield LLP, respecting Port Fuels Materials and Services Inc. (PFMSI) Proposed Energy-From-Waste Facility Environmental Screening Report - Environmental Assessment Act

Recommendation: Be received.

2. ADDED NOTICES OF MOTIONS

- 8.1 Paris Ancaster Bicycle Race – Special Occasion Permit Liquor Licence

- 8.2 Application to Restrain Canada Post from Contravening the Road-Equipment Installation By-Law
- 8.3 Support for the Issuance of a Licence for the Arts and Science Brewery

(Pearson/VanderBeek)

That the agenda for the April 22, 2015 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared a conflict of interest with respect to Correspondence Item 5.8, as well as Planning Committee Report 15-007 items 1 and 5, as he is related to an individual involved in the project.

Councillor M. Pearson declared a conflict of interest with respect to Correspondence Item 5.10, as the item pertains to her pecuniary interest.

Councillor B. Johnson declared a conflict of interest with respect to Correspondence Item 5.11, as the item pertains to her pecuniary interest.

CEREMONIAL ACTIVITIES

3.1 Mayor's Poetry City Challenge 2015

Mayor Eisenberger congratulated John Terpstra the winner of the Mayor's Poetry Challenge. Mr. Terpstra addressed the Committee, and expressed appreciation for the acknowledgement. Mr. Terpstra shared his poem "The Highway That Becomes a Footpath" and "Giants" with members of Council.

Mayor Eisenberger and Council also congratulated Chris Pannel for his poem entitled "Night Slides", Ryan Pratt for his poem entitled "Eight Stanzas for Radial Trail" and Paddy Chitty for her poem entitled "Burlington Heights", who received honourable mentions for their poetry submissions.

APPROVAL OF MINUTES

4.1 Special City Council (15-006) – March 30, 2015

(A. Johnson/Farr)

That the Minutes of the March 30, 2015, Special meeting of City Council be approved, as presented.

CARRIED

4.2 Special City Council (15-007) – March 31, 2015

(Ferguson/Partridge)

That the Minutes of the March 31, 2015, Special meeting of City Council be approved, as presented.

CARRIED

4.3 Special City Council (15-008) – April 7, 2015

(Ferguson/Partridge)

That the Minutes of the April 7, 2015, Special meeting of City Council be approved, as presented.

CARRIED

4.4 City Council (15-009) – April 8, 2015

(Whitehead/Green)

That the City Council meeting minutes of April 8, 2015 (15-009), be **amended**, to read as follows:

5.7 Correspondence from Ken Neumann, National Director, the United Steelworkers, respecting the Westray Act

Recommendation: Be received and referred to the Federation of Canadian Municipalities with a copy of Council's previous position **noted as an Emergency Resolution, as requested in their correspondence.**

**Amendment CARRIED
CARRIED as Amended**

(Whitehead/Green)

That the Minutes of the April 8, 2015, meeting of City Council be approved, as amended.

CARRIED

4.5 Special City Council (15-010) – April 15, 2015

(Ferguson/Pearson)

That the Minutes of the April 15, 2015, Special meeting of City Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Ferguson/B. Johnson)

That Council Communications 5.1 through 5.13 be approved as amended, as follows:

- 5.1 Correspondence respecting Proposed Amendments to the Hamilton Rural Official Plan and the Rural Zoning By-Law 05-200
- (a) Correspondence from IBI Group, respecting the Rural Hamilton Official Plan and the Rural Zoning By-Law 05-200
 - (b) Correspondence from Matt Johnston, Urban Solutions respecting 565 Brock Road, Flamborough
 - (c) Correspondence from Matt Johnston, Urban Solutions, respecting 780 8th Concession Road, Flamborough
 - (d) Correspondence from Matt Johnston, Urban Solutions, respecting 1046 Highway No. 6, Flamborough
 - (e) Correspondence from Nando DeCaria, DeSozio Homes Ltd, respecting 339 Trinity Church Road
 - (f) Correspondence from Winifred Klaas (Klaas X-Mas Tree Farm) and Achim Klaas (Klaas Design Inc), respecting Pt. Lot 18, Concession 6, Beverly Flamborough
 - (g) Correspondence from John, Lorna and Annilee Baron, respecting the Rural Hamilton Official Plan and the Rural Zoning By-Law 05-200
 - (h) Correspondence from Eunice and Paul Porritt, respecting the Rural Hamilton Official Plan and the Rural Zoning By-Law 05-200
 - (i) Correspondence from Green Collar Landscaping, respecting the Rural Hamilton Official Plan and the Rural Zoning By-Law 05-200
 - (j) Correspondence from James Feenstra, Millgrove Perennials, respecting the Rural Hamilton Official Plan and the Rural Zoning By-Law 05-200
 - (k) Correspondence from Steve and Christine Clark, respecting the Rural Hamilton Official Plan and the Rural Zoning By-Law 05-200
 - (l) Correspondence from Ray Rocci, President, 2084696 Ontario Inc., respecting Rural Zoning

(Partridge/Pearson)

Recommendation: Be received, and referred to the General Manager of Planning & Economic Development for disposition.

Amendment CARRIED

- 5.2 Correspondence from Lisa Thompson, MPP Huron-Bruce, respecting Bill 66: Great Lakes Protection Act

Recommendation: Be received.

- 5.3 Correspondence from Sylvia Jones, MPP Dufferin-Caledon, respecting Bill 36 the Respecting Private Property Act

Recommendation: Be received.

- 5.4 Correspondence from Gary Carr, Regional Chair, Halton Region, respecting the Halton Region Strategic Action Plan 2015-2018

Recommendation: Be received.

- 5.5 Correspondence from Kathy Somers, Group Leader, Canada TNA (CaTNA), respecting 'Light Up Teal' Request for International Trigeminal Neuralgia Awareness Day

Recommendation: Be received.

- 5.6 Correspondence from the Ombudsman respecting an Investigation into whether the City of Hamilton held an illegal meeting on December 10, 2014

(Conley/Green)

Recommendation: Be received, and the Ombudsman's recommendations be referred to the Governance Review Sub-Committee for discussion.

Amendment CARRIED

- 5.7 Correspondence from Emily Roukhkian, Land Development Manager, SmartCentres, respecting Development Charge Credits Extension for Mountain Plaza Mall

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for a report to the Audit, Finance and Administration Committee.

- 5.8 Correspondence from Brad Dee respecting Rezoning Application for 250 Concession 4 West, Waterdown

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

- 5.9 Correspondence from Robert M. Clark, Chief Operating Officer, Port Fuels and Materials Services Inc., respecting an Update on Port Fuels and Materials Inc.'s Environmental Screening Report - An Open Letter to the Hamilton Community

Recommendation: Be received.

- 5.10 Integrity Commissioner Report respecting Complaints of Misconduct against Councillor Maria Pearson - File #2014-03

Recommendation: Be received.

- 5.11 Integrity Commissioner Report respecting Complaints of Misconduct against Councillor Brenda Johnson - File #2014-02

Recommendation: Be received.

- 5.12 Correspondence from Max Cananzi, CEO of Horizon Utilities Corporation, respecting Council Motion 7.2 - Protection of the City of Hamilton's Majority Ownership of Horizon Utilities

Recommendation: Be received.

- 5.13 Correspondence from Peter Pickfield, Garrod-Pickfield LLP, respecting Port Fuels Materials and Services Inc. (PFMSI) Proposed Energy-From-Waste Facility Environmental Screening Report - Environmental Assessment Act

Recommendation: Be received.

CARRIED as Amended

(Farr/Green)

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

CARRIED

SPECIAL PLANNING COMMITTEE REPORT 15-006

(Partridge/B. Johnson)

That the SIXTH Report of the Special Planning Committee be received.

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 15-004

(Pearson/B. Johnson)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES REPORT 15-004

(Whitehead/Jackson)

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

CARRIED

PLANNING COMMITTEE REPORT 15-007

5. Application for Amendment to Flamborough By-law No. 90-145-Z for Lands Located at 250 Concession 4 Road West (Flamborough) (PED14236) (Ward 15) (Item 6.2)

(Partridge/Pearson)

That Item 5 of Planning Committee Report 15-007 respecting Application for Amendment to Flamborough By-law No. 90-145-Z for Lands Located at 250 Concession 4 Road West (Flamborough) (PED14236) be amended, as follows, to remove the Holding Provision and the stipulation that the by-law be held in abeyance:

- (a) That subsections (a) (iii) and (a) (vii) be deleted in their entirety and the subsequent subsections be re-numbered;
- (b) That subsection (a)(i)4 be amended by deleting the number 1.8 and inserting the number 3m wide
- (a) That approval be given to Zoning Application ZAR-12-066, by Landmark Group, Owner, for a change in zoning to the Flamborough Zoning By-law No. 90-145-Z from the "A" (Agricultural) Zone to the "CM" (Conservation Management) Zone (Block 1) and from the "A" (Agricultural) Zone to the "A-93(H)" (Agricultural) Zone, Modified, Holding with a special exception (Block 2), in order to permit an agricultural operation with a number of agricultural related and accessory uses including, but not limited to: education and resource centre, restaurant, accessory retail

uses, cidery and related parking, as shown on Appendix “C”, on the following basis:

- (i) That the draft By-law, attached as Appendix “B” to Report PED14236, that has been prepared in a form satisfactory to the City Solicitor, *be amended by incorporating the following additional provisions:*
 1. ***Minimum parking requirement of 1 space per 20m² of GFA to a maximum of 95 spaces.***
 2. ***No livestock building or structure, including associated manure storage facility shall be located within 500 metres of the southerly most property line.***
 3. ***No outdoor tents or marquees for events shall be permitted.***
 4. ***A visual barrier shall be provided on the north and west side of any parking area and the north side of the agritourism buildings, to be comprised of a continuous planting of suitable trees or shrubs, with a minimum 3m wide planting area appropriate for healthy plant growth, such trees to have a minimum height of 1.8 metres.***
 5. ***Notwithstanding Section 5: Sub-Section 5.13.5 and Sub-Section 5.21.7, permeable pavers and/or gravel shall be permitted for all parking and loading spaces, except the main driveway.***
 6. ***No part of the land on which a patio or courtyard is situate shall be used as a place of entertainment for the purpose of providing entertainment or amusement including live or recorded music or dance facilities.***
- (ii) That the draft By-law, attached as Appendix “B” to Report PED14236, be further amended by deleting provisions (c), (d) and (e) under 33.2 Zoning Provisions
- ~~(iii) ***That the draft bylaw, as amended, be held in abeyance until such time as a noise assessment conducted by the applicant in-conjunction with neighbouring residents, is completed to the satisfaction of the Ward Councillor. The noise assessment shall include independent verification both at the noise source and adjacent properties.***~~

- (iii) That staff be directed to include the subject lands in the new Rural Zoning By-law, once approved, in the appropriate Agriculture (A1) Zone with a Special Exception.
 - (iv) That the *site specific by-law, once approved, be* added to Schedule “A-11” of former Town of Flamborough Zoning By-law No. 90-145-Z;
 - (v) That ***the site specific by-law, once approved,*** be added to Section 33.3 of Zoning By-law No. 90-145-Z as “A-93(H)”;
 - ~~(vii) That ***the site specific By-law*** apply the following Holding Provision in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Zoning District. The Holding Provision ‘H’ shall not be removed until such time as the following condition has been completed to the satisfaction of the Director of Planning and the Ministry of the Environment:
 - 1) ~~That the Hydrology and Servicing Report receive final approval to the satisfaction of the Ministry of Environment;~~~~
 - (vi) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, and is in conformity with the Rural Hamilton Official Plan (RHOP).
- (b) That the final by-law, as amended, hereto attached as Appendix A, be approved.
 - (c) That the changes proposed to the By-law, in Appendix “B” to Report PED14236, are minor in nature and are made after holding a public meeting on April 14, 2015, that Council determines that no further notice is required prior to the passing of the proposed By-law, pursuant to Section (34)17 of the *Planning Act*.

**Amendment CARRIED
CARRIED as Amended**

6. Application for a Zoning By-law Amendment, Draft Plan of Subdivision and Vacant Land Condominium for Property Located at 301 Shaver Road, Ancaster (PED15045) (Ward 12) (Item 6.4)

(Partridge/Pearson)

That Appendices “B”, “C” and “D” to Report PED15045 regarding Item 6 of Planning Committee Report 15-007 respecting Application for a Zoning By-law Amendment, Draft Plan of Subdivision and Vacant Land Condominium for Property Located at 301 Shaver Road, Ancaster, be amended as follows:

- (a) That the first paragraph under the section entitled **City Cost Sharing** on page 2 of Appendix “B” be amended by adding the word “*and*” after the word “*facilities*” and deleting the words “*and a temporary sidewalk along Shaver Road from the subject lands to Wilson Street*”, as outlined in Appendix “B” hereto attached:
- (b) That Appendix “C” to Report PED15045 be amended by:
 - (i) Removing the words “*and an easement for watermain*” in the first paragraph on page 1;
 - (ii) Removing the word *Sidewalks* in the title of the third section on page 3 and the words “*and sidewalks are*” and inserting the word “*is*” in the first two lines of the paragraph;
 - (iii) Removing the words “*along the condominium road*” on page 8, subsection (i)
 - (iv) Removing subsection (ii) and renumbering the subsequent subsection on page 8, as outlined in Appendix “C” hereto attached:
- (c) That subsection 2(d) of Appendix “D”, the draft by-law, be amended by deleting the words “*2.5m*” and inserting the words “*1.8m*” therein and inserting the word “*abutting*” after the word “*lot*” and inserting the words “*along the common boundary*” after the words “*3.5 m.*” as outlined in Appendix “D”, hereto attached;
- (d) That Council determines that no further notice is required prior to the passing of the proposed By-law, pursuant to Section (34)17 of the *Planning Act* as the changes proposed to Appendices “B”, “C” and “D” to Report PED15045, are minor in nature and are made after holding a public meeting on April 14, 2015.

**Amendment CARRIED
CARRIED as Amended**

(Partridge/B. Johnson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 15-009

(Farr/A. Johnson)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 15-005

(Merulla/Collins)

That the FIFTH Report of the Public Works Committee be received.

CARRIED

BOARD OF HEALTH REPORT 15-004

(Green/Jackson)

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

CARRIED

(Farr/Green)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Feasibility of a Partnership with the Hamilton-Wentworth District School Board

(Pasuta/Partridge)

WHEREAS, there is a longstanding history of partnering with the Hamilton-Wentworth District School Board (HWDSB) for the benefit of the greater Hamilton community;

AND WHEREAS, it was recently announced by the HWDSB Chair that the HWDSB plans to move forward with the construction of a new Greenville School and Beverly School;

THEREFORE BE IT RESOLVED:

That staff be directed to investigate the feasibility of a partnership with the Hamilton-Wentworth District School Board, as it relates to the following, and report to the General Issues Committee:

- (i) Opportunities for recreational programming in both new schools;
- (ii) The addition of dedicated City programming space in the new Greenville school; and,
- (iii) The construction of the new Beverly School on City land.

CARRIED

(Merulla/Partridge)

That the following motion be referred to the Hamilton Utilities Corporation Annual General Shareholders meeting of June 3, 2015, to be considered, subsequent to the presentation by the President and CEO of Horizon Utilities regarding the business plan and governance model for a potential merger opportunity:

7.2 Protection of the City of Hamilton's Majority Ownership of Horizon Utilities Against the Hostile Takeover.

WHEREAS, the City is sole shareholder of Hamilton Utilities Corporation (HUC);

AND WHEREAS, the City, through HUC is the ultimate majority owner of Horizon Utilities;

AND WHEREAS, it is in the City's interest to maintain its majority interest in Horizon Utilities, and it is in the public interest to maintain Horizon Utilities in public control;

THEREFORE BE IT RESOLVED:

- (a) That Council, not support any merger, acquisition or other dilution which would result in the City of Hamilton losing its majority ownership of Horizon Utilities, or any other transaction which would result in Horizon Utilities being controlled by private ownership;
- (b) That staff be directed to take all necessary steps to implement this resolution;
- (c) That the Mayor and Clerk be authorized to execute any documentation required.

CARRIED

7.3 Paris Ancaster Bicycle Race – Special Occasion Permit Liquor Licence (Item 8.1)

(Ferguson/B. Johnson)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Mr. John Thorpe on behalf of the Paris Ancaster Bicycle Race, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on April 26, 2015 between the hours of Noon and 6:00 p.m. at the Ancaster Community Center located at 385 Jerseyville Road, West, Ancaster, Ontario, during the Paris Ancaster Bicycle Race taking place in Ancaster, Ontario;

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

AND WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the Paris Ancaster Bicycle Race, being held in the Town of Ancaster, Ontario on April 26, 2015, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Paris Ancaster Bicycle Race, c/o Mr. John Thorpe, Burlington, Ontario

CARRIED

7.4 Application to Restrain Canada Post from Contravening the Roads-Equipment Installation By-law (Item 8.2)

(Whitehead/Jackson)

Whereas the City of Hamilton enacted a bylaw which requires Canada Post to first obtain a permit prior to installing community mail boxes in or under roads under Hamilton’s jurisdiction; and

Whereas Canada Post has been installing community mail boxes without obtaining a permit or otherwise complying with the by-law;

Therefore be it resolves:

That staff be directed to bring an application to restrain Canada Post from contravening the Roads-Equipment Installation By-law.

CARRIED

7.5 Conditional Support for the Issuance of a Licence for the Arts and Science Brewery (Item 8.3)

(Farr/Collins)

Whereas the Arts and Science Brewery is expected become operational in early May at 201 Burlington St. E., Hamilton.

Whereas in addition to brewing, the business model has a significant retail and tourism component.

Whereas the AGCO requires written notice from the Council of the Municipality within which the applicant's manufacturing site is located confirming that it has passed a resolution in support of the issuance of the license.

Therefore be it resolved;

That, following the issuance of a Building Permit as well as any applicable Planning Act and related approvals from the City of Hamilton, the Council of the City of Hamilton confirms their support for the issuance of AGCO license for the Arts and Science Brewery located at 201 Burlington St. E., Hamilton.

CARRIED

7.6 Hamilton Port Authority Presentations to the General Issues Committee (Item 8.4)

(Collins/Green)

(a) That representatives of the Hamilton Port Authority be invited to a future meeting of the General Issues Committee, to discuss port related activities, and the Port Authorities future plans for Hamilton's Bayfront area;

(b) That City Staff prepare a presentation on the Minutes of Settlement, respecting what legal obligations the Hamilton Port Authority has to the City of Hamilton, and report to the General Issues Committee.

CARRIED

NOTICES OF MOTIONS

Councillor Ferguson introduced the following notice of motion.

8.1 Paris Ancaster Bicycle Race – Special Occasion Permit Liquor Licence

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Mr. John Thorpe on behalf of the Paris Ancaster Bicycle Race, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on April 26, 2015 between the hours of Noon and 6:00 p.m. at the Ancaster Community Center located at 385 Jerseyville Road, West, Ancaster, Ontario, during the Paris Ancaster Bicycle Race taking place in Ancaster, Ontario;

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

AND WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the Paris Ancaster Bicycle Race, being held in the Town of Ancaster, Ontario on April 26, 2015, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Paris Ancaster Bicycle Race, c/o Mr. John Thorpe, Burlington, Ontario

(Ferguson/B. Johnson)

That the rules of order be waived to allow the introduction of a motion respecting the Paris Ancaster Bicycle Race – Special Occasion Permit Liquor Licence.

CARRIED

Please refer to item 7.3 for disposition.

Councillor Jackson introduced the following notice of motion:

8.2 Application to Restrain Canada Post from Contravening the Roads-Equipment Installation By-law

Whereas the City of Hamilton enacted a bylaw which requires Canada Post to first obtain a permit prior to installing community mail boxes in and around roads under Hamilton's jurisdiction; and

Whereas Canada Post has been installing community mail boxes without obtaining a permit or otherwise complying with the by-law;

Therefore be it resolves:

That staff be directed to bring an application to restrain Canada Post from contravening the Roads-Equipment Installation By-law.

(Whitehead/Jackson)

That the rules of order be waived to allow the introduction of a motion respecting the Application to Restrain Canada Post from Contravening the Roads-Equipment Installation By-law.

CARRIED

Please refer to item 7.4 for disposition.

Councillor Farr introduced the following notice of motion:

8.3 Conditional Support for the Issuance of a Licence for the Arts and Science Brewery

Whereas the Arts and Science Brewery is expected become operational in early May at 201 Burlington St. E., Hamilton.

Whereas in addition to brewing, the business model has a significant retail and tourism component.

Whereas the AGCO requires written notice from the Council of the Municipality within which the applicant's manufacturing site is located confirming that it has passed a resolution in support of the issuance of the license.

Therefore be it resolved;

That, following the issuance of a Building Permit as well as any applicable Planning Act and related approvals from the City of Hamilton, the Council of the City of Hamilton confirms their support for the issuance of AGCO license for the Arts and Science Brewery located at 201 Burlington St. E., Hamilton.

(Farr/Collins)

That the rules of order be waived to allow the introduction of a motion respecting the Support for the Issuance of a Licence for the Arts and Science Brewery.

CARRIED

Please refer to item 7.5 for disposition.

Councillor Collins introduced the following notice of motion:

8.4 Hamilton Port Authority Presentations to the General Issues Committee

- (a) That representatives of the Hamilton Port Authority be invited to a future meeting of the General Issues Committee, to discuss port related activities, and the Port Authorities future plans for Hamilton's Bayfront area;
- (b) That City Staff prepare a presentation on the Minutes of Settlement, respecting what legal obligations the Hamilton Port Authority has to the City of Hamilton, and report to the General Issues Committee.

(Collins/Green)

That the rules of order be waived to allow the introduction of a motion respecting the Hamilton Port Authority Presentation to the General Issues Committee.

CARRIED

Please refer to item 7.6 for disposition.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

Mayor Eisenberger advised members of Council that they would need to go into closed session respecting item 10.1, and asked members of Council if they would like deal with items 10.2 through to 10.5 prior to moving into closed session.

10.2 Special Council Closed Session Minutes – March 30, 2015

(Partridge/B. Johnson)

- (a) That the Closed Session Minutes of the March 30, 2015 Special Council meeting, be approved as presented;

- (b) That the Closed Session Minutes of the March 30, 2015 Special Council meeting, remain private and confidential and restricted from public disclosure.

CARRIED

10.3 Special Council Closed Session Minutes – April 7, 2015 (to be distributed)

(Partridge/B. Johnson)

- (a) That the Closed Session Minutes of the April 7, 2015 Special Council meeting, be approved as presented;

- (b) That the Closed Session Minutes of the April 7, 2015 Special Council meeting, remain private and confidential and restricted from public disclosure.

CARRIED

10.4 Selection Committee Report 15-004 – April 10, 2015

Citizen Appointments to the Heritage Permit Review Sub-Committee (Item 4.1)

(Partridge/B. Johnson)

That the following citizens be appointed by Council to the Heritage Permit Review Sub-Committee, for a term commencing on April 23, 2015 and to expire with the 2014-2018 term of Council or until such time as successors are appointed by Council:

- (i) Justin Hogeterp
- (ii) Laura Loney
- (iii) Andy MacLaren
- (iv) Jennifer Trimble
- (v) Wilfred Arndt
- (vi) David Beland
- (vii) Patrick Brown
- (viii) Mark-Anderson McGaw
- (vix) Robin McKee

CARRIED

10.5 Selection Committee Report 15-005 – April 10, 2015

Hamilton Police Service Board Citizen Interviews (Item 3.1)

(Partridge/B. Johnson)

That Wlodzimierz (Walt) Juchniewicz be appointed as the citizen representative to the Hamilton Police Service Board effective immediately and to end with the 2014 – 2018 term of Council or until such time as a successor is appointed by Council.

CARRIED

(Pasuta/Whitehead)

That Council go into Closed Session at 7:20 p.m. pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (d) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to labour relations or employee negotiations.

CARRIED

10.1 Labour Relations/Employee Negotiations

Council rose from Closed Session at 7:56 p.m.

(Jackson/Green)

That the Agreement between the City of Hamilton and the Amalgamated Transit Union (ATU), Local 107 for the period of January 1, 2015 to December 31, 2018 be approved.

The Motion **CARRIED** on the following standing recorded vote:

Yeas: Mayor F. Eisenberger, Councillors A. Johnson, J. Farr, C. Collins,
T. Jackson, T. Whitehead, D. Conley, M. Pearson, B. Johnson,
L. Ferguson, A. VanderBeek, R. Pasuta, J. Partridge
Total: 13
Absent: Councillors M. Green, S. Merulla, S. Duvall
Total: 3

BY-LAWS

(Ferguson/B. Johnson)

That Bills No. 15-093 to No. 15-113 be passed, as amended, 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.

093 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 8 – No Right Turn
Schedule 10 – No Left Turn

- Schedule 13 – Designated Traffic Lanes
- 094** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
- 095** 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 13 – No Stopping Zones
- 096** To Impose a Sanitary Sewer Charge and a Storm Sewer Charge on the owners of land who benefit the installation of sanitary sewer on Eleanor Avenue from 35m south of Dulgaren Street to 190m north and a storm sewer on Dulgaren Street from Eleanor Avenue to 23m west and on Eleanor Avenue from Dulgaren Street to 190m north, in the City of Hamilton
- 097** To Incorporate City Land Designated as Part 1 on Plan 62R-5600 into Dartnall Road
- 098** To Incorporate City Land Designated as Part 3 on Plan 62R-6292 into Dartnall Road
- 099- as amended** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 301 Shaver Road, in the former Town of Ancaster, now in the City of Hamilton
- 100** To Adopt:
Official Plan Amendment No. 36 to the Urban Hamilton Official Plan
Respecting:
Urban Farmers Market
- 101** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting General Text Amendment for an Urban Farmers Market
- 102** To Amend Zoning By-law No. 3581-86 (Dundas), Respecting General Text Amendments for Urban Farmers Markets
- 103** To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting General Text Amendments for Urban Farmers Market
- 104** To Amend Zoning By-law No. 464 (Glanbrook), Respecting General Text Amendments for Urban Farmers Market
- 105** To Amend Zoning By-law No. 6593 (Hamilton), Respecting General Text Amendments for Urban Farmers Market
- 106** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting General Text Amendments for Urban Farmers Market
- 107** To Amend Zoning By-law No. 05-200, Respecting General Text Amendments for Urban Farmers Market
- 108 - as amended** To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands located at 250 Concession 4 Road West (Flamborough)

- 109** Removal of Part Lot Control for Lots 1 – 6 (inclusive), 9 – 35 (inclusive), 37 – 46 (inclusive), 49, 51 – 65 (inclusive), 70 – 76 (inclusive), 79 – 81 (inclusive), 83 – 89 (inclusive), 92 – 104 (inclusive), 106 – 108 (inclusive), 112 – 120 (inclusive), 123 – 127 (inclusive), 130 – 144 (inclusive), 149 – 157 (inclusive), and 160 – 164 (inclusive), and Blocks 177 – 179 (inclusive) on Registered Plan 62M-1214.
- 110** Removal of Part Lot Control for Lots 1-28 inclusive and Block 35 and 36 on Registered Plan of Subdivision No. 62M-1208
- 111** Being a By-law to Permanently Close a Portion of Public Assumed Alleyway Abutting No. 12 and 14 James Street North, Hamilton, designated as Parts 1, 2, 3, 4 and 5 on Plan 62R-20049, Subject to Right of Way over Part 5 on Plan 62R-20049 for Pedestrian Ingress and Egress
- 112** To Amend By-Law 11-080, a By-law to Prohibit Smoking within City Parks and Recreation Properties
- 113** To Confirm the Proceedings of City Council

CARRIED

(Ferguson/B. Johnson)

That there being no further business, the City Council meeting be adjourned at 8:03 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

R. Caterini
City Clerk