



CITY COUNCIL MINUTES 15-016

5:00 p.m.

Wednesday, June 24, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets** Councillor T. Jackson, personal

Mayor Eisenberger called the meeting to order and he called upon Paula Baruch, Cantor Intern and Youth Director at Temple Anshe Sholom, Hamilton to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

- 5.8 Correspondence from Cheryl Morrow a resident of Hamilton, requesting that Council forego their decision to appeal the Ontario Court ruling regarding Canada Post Community Mailbox matter.

Recommendation: Be received.

2. ADDED NOTICES OF MOTIONS

- 8.1 Amendment to the Mandate of the Hamilton Port Authority – City of Hamilton Liaison Committee
- 8.2 Hess Street South Sewer Connections
- 8.3 Canada Day Tent Party – Special Occasion Permit Liquor Licence

8.4 Inclusion Policy On Traditional First Nations Ceremonies

8.5 Lease Extension – Rotary Club of Dundas

3. ADDED PRIVATE AND CONFIDENTIAL

10.1 Ontario Nurses' Association (Public Health) Collective Agreement (no copy)

This matter is proposed for discussion in Closed Session 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.

(Pearson/B. Johnson)

That the agenda for the June 24, 2015 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

CEREMONIAL ACTIVITIES

None

APPROVAL OF MINUTES

4.1 Minutes – June 10, 2015

(Pearson/Vanderbeek)

That the Minutes of the June 10, 2015, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Green/Merulla)

That Council Communications 5.1 through 5.8 be approved, as amended, as follows:

- 5.1 Correspondence from D. Bowen, Regional Clerk/Director of Legislative Services, Durham Region respecting their report entitled Planning and Funding For Transit and Transportation Infrastructure Projects.

Recommendation: Be received.

- 5.2 Correspondence from John Bennett and Jim McCullough, Coalition for Rural Ontario Environmental Protection regarding their concerns with the City of Hamilton's Rural Zoning By-law 05-200, and Associated amendments.

Recommendation: Be received and referred to the General Manager of the Planning and Economic Development Department.

- 5.3 Correspondence from Suzanne Mammel, Executive Officer, Hamilton-Halton Home Builders' Association in response to the City's submission/comments respecting the Co-ordinated Land Use Planning Review.

Recommendation: Be received and referred to the General Manager of the Planning and Economic Development Department.

- 5.4 Correspondence from R. N. Donnell, R. N. Donnell & Company Limited requesting an exemption from Development Fees for 547 King Street East, Hamilton.

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

- 5.5 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, Respecting Council's Resolution Regarding Funding for Ontario Municipalities to Support the Accessibility for Ontarians with Disabilities Act.

Recommendation: Be received.

- 5.6 Correspondence from Minister Steven Del Duca, Ministry of Transportation sharing news affecting Off-Road Vehicle (OVR) use in Ontario.

Recommendation: Be received.

- 5.7 Correspondence from Jenney Josipovic respecting her resignation from the Hamilton Farmer's Market Board.

Recommendation: Be received and referred to the Governance Committee. **(Collins/Green)**

- 5.8 Correspondence from Cheryl Morrow a resident of Hamilton, requesting that Council forego their decision to appeal the Ontario Court ruling regarding Canada Post Community Mailbox matter.

Recommendation: Be received.

CARRIED

(Ferguson/B. Johnson)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 15-009

(Merulla/Collins)

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

CARRIED

BOARD OF HEALTH REPORT 15-006

(Eisenberger/Partridge)

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

CARRIED

PLANNING COMMITTEE REPORT 15-010

- 2. Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 201 Robert Street and 166 Ferguson Avenue North (PED15081) (Ward 2) (Item 5.2)**

Councillor Pearson indicated that she wished to be recorded as OPPOSED to this Item.

- 7. Delegation from Sarah Knoll Senior Planner, with GSP, representing her client 1800615 Ontario Inc, the owners of land at the northwest corner of Barton Street and Fifty Road, Hamilton (former City of Stoney Creek) respecting the Coordinated Provincial Plan Review (Added 4.1)**

(Partridge/B. Johnson)

That Item 7 of Planning Committee Report 15-010 respecting the removal of land at the northwest corner of Barton Street and Fifty Road from the Greenbelt boundary be referred back to the Planning Committee for consideration with the

other properties during the review of the Greenbelt Plan boundaries and designations scheduled to take place this Fall.

CARRIED

8. Hamilton Municipal Heritage Committee Report 15-005

(Partridge/Pearson)

That Item 8 of Planning Committee Report 15-010 respecting Hamilton Municipal Heritage Committee Report 15-005 be amended by:

- (a) deleting the recommendation in subsection (c) in its entirety and inserting the following therein:

That Heritage Permit Application HP2015-010 be approved for the erection of a new single-detached dwelling, with a rear attached garage, on the designated property at 1020 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), subject to the finalization of a Site Plan Control application and the following Heritage Permit conditions:

- (i) That the windows in the front façade shall consist of simulated divided panels with external muntins, rather than internal window grills;
- (ii) That the specifications for the proposed windows, porch, railings, garage doors, soffits, eaves and downspouts shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit;
- (iii) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, in accordance with the Site Plan approval process and prior to installation;
- (iv) That the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;
- (v) That a plan depicting the planting of any new trees shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to planting;
- (vi) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,

- (vii) That construction and site alterations, in accordance with this approval, shall be completed no later than May 30, 2017. If the construction and site alterations are not completed by May 30, 2017, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.
- (b) deleting subsections (ii), and (iv) of recommendation (d) in their entirety and inserting the following in subsection (ii):
 - (ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED15077, be amended to include the following additional features: remaining historic wood windows; original flooring, baseboards and doors; and, interior room/cloakroom layout and be approved as amended.

The amended Item 8 to read as follows:

8. Hamilton Municipal Heritage Committee Report 15-005 (8.2)

(a) Appointment of Chair and Vice-Chair

- (i) That Alissa Denham-Robinson be appointed as Chair of the Hamilton Municipal Heritage Committee.
- (ii) That Terri Wallis be appointed as Vice Chair of the Hamilton Municipal Heritage Committee.

(b) Introduction and Appointments to Sub-Committees/Working Groups

- (i) That Wilf Arndt, David Beland and Mark McGaw be appointed to the Heritage Permit Review Sub-Committee.
- (ii) That Kathy Stacey be appointed to the Cross-Melville District Heritage Committee (Dundas).

(c) Heritage Permit Application HP2015-010, Under Part V of the Ontario Heritage Act for the Erection of a Structure at 1020 Beach Boulevard, Hamilton (PED15076) (Ward 5) (Item 8.2)

~~That Heritage Permit Application HP2015-010, Under Part V of the Ontario Heritage Act for the Erection of a Structure at 1020 Beach Boulevard, Hamilton (PED15076), be approved as presented.~~

That Heritage Permit Application HP2015-010 be approved for the erection of a new single-detached dwelling, with a rear attached garage, on the designated property at 1020 Beach Boulevard, Hamilton (Hamilton Beach Heritage Conservation District), subject to

the finalization of a Site Plan Control application and the following Heritage Permit conditions:

- (i) That the windows in the front façade shall consist of simulated divided panels with external muntins, rather than internal window grills;***
 - (ii) That the specifications for the proposed windows, porch, railings, garage doors, soffits, eaves and downspouts shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit;***
 - (iii) That the dimensions and surfacing materials for the new driveway and any walkways, patios or other hard-surface areas, shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, in accordance with the Site Plan approval process and prior to installation;***
 - (iv) That the dimensions, design and materials for any new fencing and gates shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to installation;***
 - (v) That a plan depicting the planting of any new trees shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to planting;***
 - (vi) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of the Director of Planning and Chief Planner, prior to submission as part of any application for a Building Permit; and,***
 - (vii) That construction and site alterations, in accordance with this approval, shall be completed no later than May 30, 2017. If the construction and site alterations are not completed by May 30, 2017, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.***
- (d) Recommendation to Designate 77 Gage Avenue North, Hamilton (former King George School) Under Part IV of the Ontario Heritage Act (PED15077) (Ward 3)**
- (i) That the designation of 77 Gage Avenue North, Hamilton, shown in Appendix "A" of Report PED15077, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved;**

~~(ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED15077, be approved;~~

(ii) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED15077, be amended to include the following additional features: remaining historic wood windows; original flooring, baseboards and doors; and, interior room/cloakroom layout and be approved as amended.

(iii) That the City Clerk be directed to take appropriate action to designate 77 Gage Avenue North, Hamilton under Part IV of the Ontario Heritage Act, in accordance with the draft Notice of Intention to Designate, attached as Appendix "C" to Report PED15077.

~~(iv) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED15077, be amended to include the interior features such as remaining historic wood windows; original flooring; baseboards and doors; and, interior room layout.~~

Amendment CARRIED

Main Motion as Amended CARRIED

10. Urban Hamilton Official Plan: Proposed Settlement of Site Specific Appeal by DiCenzo Construction Company Limited of the Urban Hamilton Official Plan and Legal Direction (LS15013/PED15064)

(Partridge/Pasuta)

That Item 10 of Planning Committee Report 15-010 respecting Urban Hamilton Official Plan: Proposed Settlement of Site Specific Appeal by DiCenzo Construction Company Limited of the Urban Hamilton Official Plan and Legal Direction (LS15013/PED15064) be amended by deleting the recommendation in its entirety and replacing it with the following therein:

~~That the staff recommendations in Report LS15013/PED15064 remain confidential until Council approval.~~

- (a) That City of Hamilton staff be directed to settle the appeal of DiCenzo Construction Company Limited respecting their property located at 305 Stone Church Rd. West in accordance with the amendments and modifications to the Urban Hamilton Official Plan (UHOP) contained in Appendix "A" to Report LS15013/PED15064;
- (b) That staff be directed to present and/or provide evidence in support of the settlement of the UHOP appeal of DiCenzo Construction Company

Limited respecting the property at 305 Stone Church Rd. West contained in Appendix "A" to Report LS15013/PED15064 to the Ontario Municipal Board (OMB), as may be necessary; and,

- (c) That Report LS15013/PED15064 remain confidential but that Appendix "A" to this Report be made public in the event recommendations (a) and (b) to this Report are adopted.

Amendment CARRIED
Main Motion as Amended CARRIED

11. Strathcona Secondary Plan: Proposed Settlement of the Appeal of Moore Sovereign Consistory and Legal Direction (LS15014/PED15065)

(Partridge/Pasuta)

That Item 11 of Planning Committee Report 15-010 respecting Strathcona Secondary Plan: Proposed Settlement of the Appeal of Moore Sovereign Consistory and Legal Direction (LS15014/PED15065) be amended by deleting the recommendation in its entirety and replacing it with the following therein:

~~That the staff recommendations in Report LS15014/PED15065 remain confidential until Council approval.~~

- (a) That City of Hamilton staff be directed to settle the appeal of Moore Sovereign Consistory respecting the lands located at 148, 152 and 154 George Street, shown on Appendix "A" to Report LS15014 / PED15065, in accordance with the amendments and modifications to the Strathcona Secondary Plan contained in Appendix "B" to Report LS15014 / PED15065;
- (b) That staff be directed to present and / or provide evidence in support of the settlement of the Strathcona Secondary Plan appeal by Moore Sovereign Consistory contained in Appendix "B" to Report LS15014 / PED15065 to the Ontario Municipal Board (OMB), as may be necessary; and,
- (c) That Report LS15014 / PED15065 remain confidential but that Appendix "B" be made public in the event Recommendations (a) and (b) are adopted.

Amendment CARRIED
Main Motion as Amended CARRIED

12. Proposed Settlement of the Appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. et al, of Official Plan Amendment Application OPA-13-013 and Zoning By-law Amendment Application ZAC-13-045 Legal Direction (Ward 15) – LS15006(a)/PED15031(a).

(Partridge/Pasuta)

That Item 12 of Planning Committee Report 15-010 respecting Proposed Settlement of the Appeals of Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc. et al, of Official Plan Amendment Application OPA-13-013 and Zoning By-law Amendment Application ZAC-13-045 Legal Direction (Ward 15) – LS15006(a)/PED15031(a) be amended by deleting the recommendation in its entirety and replacing it with the following therein:

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

In regards to appeals to the Ontario Municipal Board by Flamborough Power Centre Inc., Flamborough South Centre Inc. and Clappison Five Six Properties Inc., et al, of Official Plan Amendment Application OPA-13-013 and Zoning By-law Amendment Application ZAC-13-045 (the “Applications”) concerning lands on the north and south sides of Dundas Street East (Highway 5 East), east of Highway 6 North (known generally as Flamborough Power Centre):

- (a) That Council supports the principle of the Applications, as revised by staff, with content consistent with Report LS15006(a)/PED15031(a) and satisfactory to the Director of Planning and Chief Planner.
- (b) That staff be authorized to enter into discussions with the appellant for the purpose of resolving the final text of the planning instruments and in the event of a resolution, to present a settlement before the Ontario Municipal Board.
- (c) That, if any matter is not resolved to the satisfaction of the Director of Planning and Chief Planner, staff be directed to proceed to a contested Ontario Municipal Board hearing on those matters.
- (d) That staff be directed not to proceed to a final settlement until such time that details pertaining to the settlement reached between the appellants and the Flamborough Chamber of Commerce and Waterdown Business Improvement Area have been made available to the satisfaction of the Director of Planning and Chief Planner and the Legal Services Division.
- (e) That Report LS15006(a)/PED15031(a) and all appendices, remain confidential.

Amendment CARRIED
Main Motion as Amended CARRIED

(Partridge/Pasuta)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 15-013

17. City of Hamilton v Canada Post Litigation (LS15018) (Added Item 12.9)

(Partridge/Pearson)

That the question be called.

CARRIED

Item 17 **CARRIED** on the following standing recorded vote:

Yeas: Whitehead, Duvall, Farr, Conley, Green, Pasuta, A. Johnson, Pearson,
B. Johnson, Vanderbeek
Total: 10
Nays: Partridge, Merulla, Ferguson, Collins, Eisenberger
Total: 5
Absent: Jackson
Total: 1

(Eisenberger/Partridge)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 15-007

(Pearson/B. Johnson)

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

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 15-006

(Whitehead/Duvall)

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

CARRIED

(Merulla/Farr)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Wentworth Adult Mixed Slo-Pitch League Play-Offs – Special Occasion Permit Liquor Licence

(Duvall/Collins)

WHEREAS, Hamilton City Council has received a Notice (attached hereto as Appendix A) from Mr. Joe Seroski on behalf of the Wentworth Adult Mixed Slo-Pitch League that they wish to obtain Special Occasion Permits to sell alcohol beyond their normal hours of operation during the Wentworth Adult Mixed Slo-Pitch League Play-Offs taking place on August 28, 2015 between the hours of 5:00 p.m. and 11:00 p.m.; August 29, 2015 between the hours of 11:00 a.m. and 11:00 p.m. and August 30, 2015 between the hours of 11:00 a.m. to 7:00 p.m. at Turner Field located at 344 Rymal Road East in Hamilton, Ontario;

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 Wentworth Adult Mixed Slo-Pitch League Play-Offs, being held in the City of Hamilton, Ontario on August 28, 29 and 30, 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) Wentworth Adult Mixed Slo-Pitch League c/o Mr. Joe Seroski, Hamilton, Ontario.

CARRIED

7.2 Cactus Festival – Special Occasion Permit Liquor Licence

(Vanderbeek/Pasuta)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Ms. Pauline Lee on behalf of 1038641 Ontario Ltd. O/A The Winchester Arms Dundas, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on August 14, 2015 between the hours of 5:00 p.m. and 11:50 p.m. (Section A) and 11:00 a.m. to 11:59 p.m. (Section B); August 15, 2015 between the hours of 11:00 a.m. and 11:59 p.m. (Sections A & B) and August 16, 2015 between the hours of 11:00 a.m. to 5:00 p.m. (Section A) and 11:00 a.m. to 9:00 p.m. (Section B) on King Street West, Dundas, Ontario, during the Cactus Festival taking place in Dundas, Ontario;

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 Cactus Festival, being held in the Town of Dundas, Ontario on August 14, 15 and 16, 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) 1038641 Ontario Ltd. O/A The Winchester Arms Dundas c/o Ms. Pauline Lee, Dundas, Ontario.

CARRIED

7.3 TO2015 Pan Am Games – Special Occasion Permit Liquor Licence

(Farr/Green)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Mr. Michael Daly on behalf of Incognito Restaurant, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on July 10 to July 24, 2015 inclusive between the hours of 12:00 p.m. and 12:00 a.m. daily at Gore Park, Pan Promenade at Celebration Square, King & Hughson (closest intersection), Hamilton, Ontario, during the TO2015 Pan Am Games taking place in Hamilton, Ontario;

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 TO2015 Pan Am Games, being held in the City of Hamilton, Ontario on July 10 to July 24, 2015 inclusive, 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) Incognito Restaurant c/o Mr. Michael Daly, Hamilton, Ontario.

CARRIED

7.4(a) Reconsideration of Item 13 of General Issues Committee Report 15-011 respecting Auchmar Non-Binding Request for Proposals (PED15072) (Ward 8)

(Whitehead/A. Johnson)

That sub-sections (b) through (f) of Item 13 of General Issues Committee Report 15-011, which was amended and approved by Council on May 27, 2015, and reads as follows, be reconsidered:

- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into negotiations for the sale of the land and buildings, legally described as Parts 2, 3, 4 and 5 on Plan 62R-15401, with a right of way over Part 1 on Plan 62R-15401, as shown in Appendix "A" attached to Report PED15072, in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 14-204 and substantially on terms and conditions outlined in Appendix "B" attached to Report PED15072, and any such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department;
- (c) That the Manager of Real Estate be authorized to retain the services of an independent qualified appraiser, in good standing with the Appraisal Institute of Canada, to establish a fair market value of the subject property;
- (d) That all costs, including legal, appraisal and real estate, be debited to 10005 – Revolving Fund-Historic Properties; and,
- (e) That the Manager of Real Estate be directed to report back to the General Issues Committee with any potential purchasers that have (i) substantially met the terms and conditions outlined in Appendix "B" attached to Report PED15072, and any such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department, and (ii) entered into an offer to purchase agreement with the City.
- (f) That, as part of the conditions for a potential Agreement of Purchase and Sale, staff be directed to include a clause that provides the City of Hamilton a first right of refusal, should the new property owner choose to subsequently re-sell the land and buildings, legally described as Parts 2,

3, 4 and 5 on Plan 62R-15401, with a right of way over Part 1 on Plan 62R-15401, currently known as the Auchmar Estate.

This Item **CARRIED** on a 2/3rds majority on the following standing recorded vote:

Yeas: Whitehead, Duvall, Farr, Conley, Green, Pasuta, A. Johnson, Pearson,
B. Johnson, Vanderbeek, Merulla, Collins,
Total: 12
Nays: Partridge, Ferguson, Eisenberger
Total: 3
Absent: Jackson
Total: 1

7.4 (b) Sub-Sections (b) through (f) of Item 13 of General Issues Committee Report 15-011 respecting Auchmar Non-Binding Request for Proposals (PED15072) (Ward 8) (Item 8.11)

(Whitehead/A. Johnson)

That sub-sections (b) through (f) of Item 13 of General Issues Committee Report 15-011, which was amended and approved by Council on May 27, 2015, and reads as follows, be TABLED, for a six month period to allow for a Council disposition of the forthcoming staff report respecting the Operational Plan of the Auchmar Estate by the City of Hamilton:

- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into negotiations for the sale of the land and buildings, legally described as Parts 2, 3, 4 and 5 on Plan 62R-15401, with a right of way over Part 1 on Plan 62R-15401, as shown in Appendix "A" attached to Report PED15072, in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 14-204 and substantially on terms and conditions outlined in Appendix "B" attached to Report PED15072, and any such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development Department;
- (c) That the Manager of Real Estate be authorized to retain the services of an independent qualified appraiser, in good standing with the Appraisal Institute of Canada, to establish a fair market value of the subject property;
- (d) That all costs, including legal, appraisal and real estate, be debited to 10005 – Revolving Fund-Historic Properties; and,
- (e) That the Manager of Real Estate be directed to report back to the General Issues Committee with any potential purchasers that have (i) substantially met the terms and conditions outlined in Appendix "B" attached to Report PED15072, and any such other terms and conditions deemed appropriate by the General Manager, Planning and Economic Development

Department, and (ii) entered into an offer to purchase agreement with the City.

- (f) That, as part of the conditions for a potential Agreement of Purchase and Sale, staff be directed to include a clause that provides the City of Hamilton a first right of refusal, should the new property owner choose to subsequently re-sell the land and buildings, legally described as Parts 2, 3, 4 and 5 on Plan 62R-15401, with a right of way over Part 1 on Plan 62R-15401, currently known as the Auchmar Estate.

CARRIED

This Item **CARRIED** on the following standing recorded vote:

Yeas: Whitehead, Duvall, Farr, Conley, Green, Pasuta, A. Johnson, Pearson,
B. Johnson, Vanderbeek, Merulla, Collins,
Total: 12
Nays: Partridge, Ferguson, Eisenberger
Total: 3
Absent: Jackson
Total: 1

7.5 Amendment to the Mandate of the Hamilton Port Authority – City of Hamilton Liaison Committee

(Collins/Whitehead)

That the Terms of Reference of the Hamilton Port Authority – City of Hamilton Liaison Committee be amended by deleting the words “related to Pier 8” and inserting the words “of mutual interest within the West Harbour, Bayfront and waterfront areas” to read as follows:

Mandate: To liaise on real estate and planning matters ~~related to Pier 8~~ ***of mutual interest within the West Harbour, Bayfront and waterfront areas*** by:

- Ensuring that development on Port lands is compatible with both the economic development of the port and the interest of the City;
- Ensuring effective public consultation on significant decisions relating to the port and adjacent City lands;
- Promotion of the business in the port;
- Enhancement of the marine environment;
- Provision of access to the waterfront and activities of the port for citizens where this is consistent with the work of the port;
- Effective management of the use of the harbour, including recreational use where this is consistent with the work of the Port;

- Provision of effective road and rail access and utility services for the efficient operations of the port;
- Provision of access to water and necessary City utility services; and,
- Provision of effective policing and emergency services in the port and adjacent area of the city, including emergency planning and disaster response.

CARRIED

7.6 Hess Street South Sewer Connections

(Farr/Merulla)

That Item 7 of the Public Works Committee Report 15-007, respecting the Hess Street South Sewer Connections (Item 9.1), be amended by deleting the recommendations in subsections (a), (b) and (d) in their entirety and inserting the following therein:

- (a) That the homeowners with private sewers on Hess Street South each be provided a sewer lateral connection to the new sewer at the front of their residences through the current construction contract;
- (b) That the homeowners directly undertake the assessment for the work to realign their sewer outlets from the rear yards to the front;
- (d) That the cost of this work be funded through the Ward 2 Capital Reserve Account to an upset limit of \$60K to be equally divided amongst the homeowners.

CARRIED

7.7 Canada Tent Party – Special Occasion Permit Liquor Licence

(Pearson/B. Johnson)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Mr. Peter Elliott on behalf of the Mustang's Big Ol' Grill, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on June 29, 2015 between the hours of 11:00 a.m. and 1:00 a.m.; June 30, 2015 between the hours of 11:00 a.m. to 1:00 a.m. and July 1, 2015 between the hours of 11:00 a.m. to 1:00 p.m. at 301 Fruitland Road, Unit 6, Stoney Creek, Ontario, during the Canada Day Tent Party taking place in Stoney Creek, Ontario;

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 Canada Day Tent Party, being held in the City of Stoney Creek, Ontario on June 29, 30 and July 1, 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) Mustang's Big Ol' Grill c/o Mr. Peter Elliott, Stoney Creek, Ontario.

CARRIED

7.8 Lease Extension – Rotary Club of Dundas

(Vanderbeek/Ferguson)

WHEREAS, at its meeting of April 9, 2014, Council approved Item 4 of the Public Works Committee Report 14-008, respecting Report PW14036 - 2555 Creekside Drive Park Development – Rotary Club of Dundas Lease for the Purposes of Permitting Construction by the Rotary Club of Dundas, which endorsed a proposal by the Rotary Club of Dundas to construct community parkland at 2555 Creekside Drive, Dundas within Spencer Creek Village; and,

WHEREAS City Council on April 9, 2014 granted Rotary Club of Dundas a construction lease to undertake construction of the park; and,

WHEREAS the construction lease terminated on April 15, 2014; and,

WHEREAS construction of the park was delayed due to a lack of funding that is now in place;

THEREFORE BE IT RESOLVED:

That the construction lease to the Rotary Club of Dundas be extended to September 30, 2017 to provide additional construction time to permit the Rotary Club of Dundas to complete the construction of the park.

CARRIED

NOTICES OF MOTION

Councillor Collins introduced the following Notice of Motion:

8.1 Amendment to the Mandate of the Hamilton Port Authority – City of Hamilton Liaison Committee

That the Terms of Reference of the Hamilton Port Authority – City of Hamilton Liaison Committee be amended by deleting the words “related to Pier 8” and inserting the words “of mutual interest within the West Harbour, Bayfront and waterfront areas” to read as follows:

Mandate: To liaise on real estate and planning matters ~~related to Pier 8~~ ***of mutual interest within the West Harbour, Bayfront and waterfront areas*** by:

- Ensuring that development on Port lands is compatible with both the economic development of the port and the interest of the City;
- Ensuring effective public consultation on significant decisions relating to the port and adjacent City lands;
- Promotion of the business in the port;
- Enhancement of the marine environment;
- Provision of access to the waterfront and activities of the port for citizens where this is consistent with the work of the port;
- Effective management of the use of the harbour, including recreational use where this is consistent with the work of the Port;
- Provision of effective road and rail access and utility services for the efficient operations of the port;
- Provision of access to water and necessary City utility services; and,
- Provision of effective policing and emergency services in the port and adjacent area of the city, including emergency planning and disaster response.

(Collins/Whitehead)

That the Rules of Order be waived to allow for the introduction of a motion respecting an amendment to the Terms of Reference of the Hamilton Port Authority – City of Hamilton Liaison Committee.

CARRIED

For disposition of this matter, refer to Item 7.5.

Councillor Farr introduced the following Notice of Motion:

8.2 Hess Street South Sewer Connections

That Item 7 of the Public Works Committee Report 15-007, respecting the Hess Street South Sewer Connections (Item 9.1), be amended by deleting the recommendations in subsections (a), (b) and (d) in their entirety and inserting the following therein:

- (c) That the homeowners with private sewers on Hess Street South each be provided a sewer lateral connection to the new sewer at the front of their residences through the current construction contract;
- (d) That the homeowners directly undertake the assessment for the work to realign their sewer outlets from the rear yards to the front;
- (d) That the cost of this work be funded through the Ward 2 Capital Reserve Account to an upset limit of \$60K to be equally divided amongst the homeowners.

(Farr/Collins)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Hess Street South Sewer Connections.

CARRIED

For disposition of this matter, refer to Item 7.6.

Councillor Pearson presented the following Notice of Motion:

8.3 Canada Tent Party – Special Occasion Permit Liquor Licence

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Mr. Peter Elliott on behalf of the Mustang’s Big Ol’ Grill, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on June 29, 2015 between the hours of 11:00 a.m. and 1:00 a.m.; June 30, 2015 between the hours of 11:00 a.m. to 1:00 a.m. and July 1, 2015 between the hours of 11:00 a.m. to 1:00 p.m. at 301 Fruitland Road, Unit 6, Stoney Creek, Ontario, during the Canada Day Tent Party taking place in Stoney Creek, Ontario;

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 Canada Day Tent Party, being held in the City of Stoney Creek, Ontario on June 29, 30 and July 1, 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:

- (ii) Mustang's Big Ol' Grill c/o Mr. Peter Elliott, Stoney Creek, Ontario.

(Pearson/Johnson)

That the Rules of Order be waived to allow for the introduction of a motion respecting Canada Tent Party – Special Occasion Permit Liquor Licence.

CARRIED

For disposition of this matter, refer to Item 7.7.

Councillor Green introduced the following Notice of Motion:

8.4 Inclusion Policy on Traditional First Nations Ceremonies

Whereas, National Aboriginal Day takes place on June 21st and is a special day to celebrate the unique heritage, diverse cultures and outstanding achievements of First Nations, Inuit, and Metis; and

Whereas, Hamilton is located on the traditional ancestral lands of the Haudenosaunee and home to over 15 000 indigenous people from the four directions of Turtle Island.

Therefore be it resolved:

That staff from our Access and Equity Division , be directed to consult with the Hamilton Executive Directors Aboriginal Coalition and the Hamilton Aboriginal Advisory Committee in order to create an inclusion policy for Traditional First Nations Ceremonies in all public buildings inclusive of Smudging as it relates to Section 13 of the *Smoke Free Ontario Act* which exempts from restrictions otherwise placed on the use of tobacco, the smoking of tobacco or holding lighted tobacco by First Nations and Métis persons for traditional First Nations and Métis cultural or spiritual purposes.

Nya Weh Chi Miigwetch

Councillor Vanderbeek presented the following Notice of Motion:

8.5 Lease Extension – Rotary Club of Dundas

WHEREAS, at its meeting of April 9, 2014, Council approved Item 4 of the Public Works Committee Report 14-008, respecting Report PW14036 - 2555 Creekside Drive Park Development – Rotary Club of Dundas Lease for the Purposes of Permitting Construction by the Rotary Club of Dundas, which endorsed a

proposal by the Rotary Club of Dundas to construct community parkland at 2555 Creekside Drive, Dundas within Spencer Creek Village; and,

WHEREAS City Council on April 9, 2014 granted Rotary Club of Dundas a construction lease to undertake construction of the park; and,

WHEREAS the construction lease terminated on April 15, 2014; and,

WHEREAS construction of the park was delayed due to a lack of funding that is now in place;

THEREFORE BE IT RESOLVED:

That the construction lease to the Rotary Club of Dundas be extended to September 30, 2017 to provide additional construction time to permit the Rotary Club of Dundas to complete the construction of the park.

(Vanderbeek/Pasuta)

That the Rules of Orders be waived to allow for the introduction of a motion respecting a Lease Extension – Rotary Club of Dundas.

CARRIED

For disposition of this matter, refer to Item 7.8.

Mayor Eisenberger relinquished the Chair to Deputy Mayor Green for the remainder of the meeting.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Ontario Nurses' Association (Public Health) Collective Agreement (no copy)

Discussion of this matter is proposed in Closed Session 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.

(Collins/Whitehead)

That Council move into Closed Session at 8:10 p.m. respecting Ontario Nurses' Association (Public Health) Collective Agreement 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

Council reconvened in Open Session at 8:20 p.m.

(Ferguson/Vanderbeek)

That the newly negotiated Collective Agreement between the City of Hamilton and Ontario Nurses' Association (Public Health) for the period of January 1, 2015 to December 31, 2018, be approved

CARRIED

BY-LAWS

(Pearson/Green)

That Bills No. 15-154 to No. 15-166 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:

By-Law No.

- | | |
|------------|--|
| 154 | To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
Schedule 3 – School Flashing Zones – Reduced Speed Limit
Schedule 13 – Designated Traffic Lanes |
| 155 | To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 13 – Designated Traffic Lanes |
| 156 | To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 4 – Special Event Parking Zones
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 16 – Taxi Zones
Schedule 20 School Bus Loading Zones |
| 157 | To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 9 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 15 – Commercial Vehicle Loading Zones
Schedule 20 – School Bus Loading Zones |
| 158 | A By-law to Establish Certain 2015 User Fees and Charges for Services, |

Activities or the Use of Property

- 159** Respecting Removal of Part Lot Control for the creation of lots regarding Parts 1 to 5 on Deposited Reference Plan 62R-20055 and Parts 1 to 6 on Deposited Reference Plan 62R-20065
- 160** Respecting Removal of Part Lot Control for the creation of lots regarding Parts 1 to 5 on Deposited Reference Plan 62R-20056
- 161** Respecting Removal of Part Lot Control for the creation of lots regarding Parts 1 to 5 on Deposited Reference Plan 62R-20057 and Parts 1 to 6 on Deposited Reference Plan 62R-20066
- 162** Respecting Removal of Part Lot Control for the creation of lots and maintenance easements regarding Parts 1 to 9 on Deposited Reference Plan 62R-20068
- 163** To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, respecting lands located at 348 Carlisle Road, in the former Town of Flamborough, now in the City of Hamilton
- 164** To Amend Zoning By-law No. 87-57 (Ancaster), as amended by By-law 11-024, respecting lands located at 271 Lime Kiln Road, being Block 21 of Registered Plan 62M-1212 "Legacy", in the City of Hamilton
- 165** To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Lands Located at 542 and 546 Mud Street, Hamilton
- 166** To Confirm the Proceedings of City Council

CARRIED

(Pearson/Pasuta)

That, there being no further business, the City Council meeting be adjourned at 8:25 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk