



CITY COUNCIL MINUTES 15-026

5:00 p.m.

Wednesday, November 25, 2015

Council Chamber

Hamilton City Hall

71 Main Street West

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

Mayor Eisenberger called the meeting to order and then called upon Gen Kelsang Rabgye, Resident Teacher of Samudra Kadampa Buddhist Centre, to lead Council in the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATION (Item 5)

5.8 Correspondence from Julie Litzen, Secretary to the Dundas Community Council, respecting the proposal for 71 Main Street, Dundas

2. CORRECTION (Item 7)

7.1 First Nations Artefacts – *Dundurn Park*

3. NOTICE OF MOTION (Item 8)

8.1 Feasibility Study to Provide a GO Bus Service on the Mountain

8.2 Moratorium on any New Projects, Roadway Alterations or Designs that Reduce Motor Vehicular Capacity on any Roadway within the LRT Corridor

(Pasuta/Farr)

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

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

CEREMONIAL ACTIVITIES

3.1 Business Appreciation Awards

The following Business Appreciation Awards were announced, to publicly recognize the local business community and their contributions to Hamilton's growth and prosperity:

City Wide

- Small Business: Britannia Cleaners, Stoney Creek

Ward 1

- Large Business: Republic Steel
- Small Business: Carrothers and Associates Inc.

Ward 3

- Large Business: McKeil Marine
- Small Business: European Textiles

Ward 7

- Large Business: Airport Ford
- Small Business: Salon D

Ward 9

- Large Business: Effort Trust Company
- Small Business: Picture Palace

Ward 13

- Large Business: Picone Fine Food
- Small Business: Bienenstock Natural Playgrounds

Ward 15

- Large Business: Stryker Canada
- Small Business: Gelderman Landscape Services

APPROVAL OF MINUTES

4.1 Minutes – November 11, 2015

(Pearson/Partridge)

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

CARRIED

COMMUNICATIONS

(Conley/Pearson)

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

- 5.1 Correspondence from Arend Kersten, Executive Director, on behalf of the Board of Directors, Flamborough Chamber of Commerce, respecting the Return of the Rain Tax.

Recommendation: Be received.

- 5.2 Correspondence from Dr. Eric Hoskins, Minister of Health and Long-Term Care, respecting the Ontario Award for Paramedic Bravery.

Recommendation: Be received and referred to the General Manager of Community & Emergency Services.

- 5.3 Correspondence from Michael Chan, Minister of Citizenship, Immigration and International Trade, respecting Ontario's volunteer recognition programs for 2016.

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

- 5.4 Correspondence from Ernie Hardeman, MPP, Oxford, respecting Local Government Week.

Recommendation: Be received.

- 5.5 Correspondence from Neil Bonnor respecting 71 Main Street, Dundas, ZAC-14-025/UHOPA-14-009

Recommendation: Be received and referred to the consideration of Item 2 of Planning Committee Report 15-018.

- 5.6 Correspondence from Doug Mack, Anaphylaxis Section Head,

Canadian Society of Allergy and Clinical Immunology, respecting peanut-free City owned facilities.

Recommendation: Be received ***and that staff be directed to consult with Dr. Doug Mack, Anaphylaxis Section Head, Canadian Society of Allergy and Clinical Immunology, respecting peanut-free City owned facilities, with a report back to the Board of Health.***

- 5.7 Correspondence from Rosalie A. Evans, Solicitor-Clerk, on behalf of Mayor Ziggy Polkowski, Municipality of Neebing, respecting consultation on the Police Services Act.

Recommendation: Be received.

- 5.8 Correspondence from Julie Litzen, Secretary to the Dundas Community Council, respecting the proposal for 71 Main Street, Dundas

Recommendation: Be received and referred to the consideration of Item 2 of Planning Committee Report 15-018.

CARRIED

(Merulla/Collins)

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

CARRIED

PUBLIC WORKS REPORT 15-015

(Merulla/Conley)

That the FIFTEENTH Report of the Public Works Committee be adopted, as presented, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 15-011

(Eisenberger/Partridge)

That Item 2 (e) of Board of Health Report 15-011 respecting Food Advisory Committee (BOH15029) be deleted and replaced as follows:

- (e) That the following members of City Council be appointed to the recruitment process for the Food Advisory Committee, for the balance of the 2014-2018 term of Council:

- (i) Councillor Green
- (ii) Councillor Collins
- (iii) Councillor A. Johnson
- (iv) Councillor Conley (alternate member)

CARRIED

(Eisenberger/Pasuta)

That the ELEVENTH Report of the Board of Health be adopted, as amended, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 15-017

(Partridge/B. Johnson)

That Item 1 of Planning Committee Report 15-018 respecting Applications to Amend the Town of Ancaster Official Plan and Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 153 Wilson Street West (Ancaster) (PED15172) be amended by adding subsection (e) which reads as follows:

- (e) That the implementing by-law be revised accordingly to give effect to subsections (c) and (d).

The amended Item 1 to read as follows:

- (a) That approval be given to Ancaster Official Plan Amendment Application OPA-14-018, by Garth Trails Limited, Owner, to amend Site Specific Policy - Area C, of the Ancaster Wilson Street Secondary Plan to permit a multiple dwelling with a maximum density of 161 units per hectare, where the height of the multiple dwelling shall have no more than three storeys entirely above grade at the front façade, and no more than four storeys entirely above grade at the rear, for lands located at 153 Wilson Street West (Ancaster), as shown on Appendix "A" to Report PED15172, on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED15172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That staff be directed to settle the appeal of the Ancaster Wilson Street Secondary Plan based on the draft wording for a future Urban Hamilton Official Plan Amendment attached as Appendix "F" to Report PED15172, which is consistent with the intent of the Ancaster Wilson Street Secondary Plan Official Plan Amendment, as approved by the Director of Planning and Chief Planner, and the City Solicitor.

- (b) That approval be given to Amended Zoning By-law Amendment Application ZAC-13-014 by Garth Trails Limited, Owner, for a change in zoning from the Residential "R4-637" Zone, Modified to the Residential Multiple "RM6-665" Zone, Modified, in order to permit the development of a three-storey multiple residential building with 76 residential units and associated underground and surface parking areas, for lands located at 153 Wilson Street West (Ancaster), as shown on Appendix "A" to Report PED15172, on the following basis:
- (i) That the draft By-law, attached as Appendix "C" to Report PED15172, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Map 1 of Schedule "B" of the Town of Ancaster Zoning By-law No. 87-57.
- (c) That the current owner, or any future owner of 153 Wilson Street West, Ancaster, and the Board of Directors of 173 Wilson Street West, Ancaster, agree to the following:
- (i) The owner of 153 Wilson Street West, at their own expense, plant a minimum of 23 trees, 6 metres high, on the east and south perimeter property of 173 Wilson Street West to create a landscape buffer between the two adjacent properties,
 - (ii) Prior to the planting of the trees, the owners of 153 Wilson St. West and the Board of Directors of 173 Wilson St. West agree in writing to the species of trees and the location of the species to be planted in the perimeter landscape buffer,
 - (iii) That the trees have a minimum 2 year warranty,
 - (iv) That the trees be planted by June 30th, 2016.
- (d) That the external surface parking lot be constructed with impressed concrete in a flagstone pattern with a dark grey pigment or approved equal.
- (e) ***That the implementing by-law be revised accordingly to give effect to subsections (c) and (d).***

CARRIED

(VanderBeek/Pasuta)

That Item 2 of Planning Committee Report 15-018, be tabled to the December 9, 2015 Council meeting.

CARRIED

(Partridge/Pasuta)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 15-023

(Mayor Eisenberger/Pearson)

That the TWENTY-THIRD Report of the General Issues Committee be adopted, as presented, and the information section received.

CARRIED

AUDIT, FINANCE AND ADMINISTRATION REPORT 15-012

(Jackson/B. Johnson)

That Item 6 of the Audit, Finance & Administration Committee Report 15-012, respecting the Grants Sub-Committee Report 15-003, be amended by adding sub-section (x) to read as follows:

6. Grants Sub-Committee Report 15-003 (Item 8.4)

(x) 2016 City Enrichment Fund Advance for the 91st Highlanders

- (a) That effective January 1, 2016, an advance of City Enrichment funds, from the Sport & Active Lifestyle Program Category, be provided to the 91st Highlanders, in five equal payments (January to May 2016), in the total amount of \$13,542, be approved; and,
- (b) That any outstanding arrears due to the City of Hamilton by the 91st Highlanders be first applied against the approved grant funding, including advances, until the debt is satisfied, prior to that organization receiving the balance of any approved payment.

CARRIED

(Pearson/B. Johnson)

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

CARRIED

(Merulla/Collins)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 First Nations Artefacts – Dundurn Park**(A. Johnson/Farr)**

WHEREAS, Hamilton has made important efforts to cultivate a relationship of respect with the First Nations, as in the City's constructive relations with the Indigenous community in connection to the development of the Red Hill Creek Expressway;

WHEREAS, our Indigenous Justice Strategy commits the City to preserving the honour of the Crown by protecting Indigenous equality; and

WHEREAS, First Nations artefacts have been found on our municipal land (e.g. at Red Hill and Dundurn Park) and will be found again.

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to review the best practices for ensuring that the honour of the Crown and Indigenous property and cultural rights are honoured in the handling of First Nations artefacts discovered on municipal land, and to consider the legal aspects of the issue as well as best practices for ensuring that First Nations artefacts are housed in rightful and appropriate locations, and report to the General Issues Committee; and,
- (b) That staff be directed to take the necessary steps, through consultation with relevant Indigenous authorities and with the archaeology program at McMaster University, to ensure appropriate handling of the artefacts discovered at Dundurn Park, including opportunities for public display of the artefacts at the Dundurn Castle site.

CARRIED

7.2 Letter of Support to Habitat for Humanity Respecting a Mandate Change to Include Affordable Rental Housing**(A. Johnson/Farr)**

That Item 7.2, a Motion respecting a Letter of Support to Habitat for Humanity respecting a Mandate Change to Include Affordable Rental Housing be tabled.

CARRIED

7.3 Filling a Vacancy on the Hamilton Licensing Tribunal**(Ferguson/Green)**

WHEREAS, Councillor Duvall's resignation has resulted in a vacancy on the Hamilton Licensing Tribunal.

THEREFORE BE IT RESOLVED:

That Councillor Robert Pasuta be appointed to the Hamilton Licensing Tribunal for the remainder of the term of Council.

CARRIED

7.4 Conversion of Wentworth Street

(Green/Farr)

WHEREAS Council has directed staff to convert Wentworth Street to two-way traffic from Delaware Street to King Street;

WHEREAS concerns have been raised by area residents on Sanford Avenue with respect to through traffic coming from Wentworth Street as a result of the current one-way street system; and

WHEREAS in consultation with Traffic Operations and Engineering, Transportation Management staff and the Ward 2 Councillor, all parties are in agreement that Wentworth Street can be converted to two way operation for its entirety and provide a continuous northbound road network.

THEREFORE BE IT RESOLVED:

That Wentworth Street be converted to two way traffic from Delaware Street to Barton Street, such that it is a two way street for its entire length between the escarpment and Burlington St, and that this project be charged to Traffic Capital Account 4661620630 Two-way road conversions, and

That no action be taken to convert Sanford Avenue South to two-way traffic operation, from Delaware Street to King Street at this time, and that Traffic report back on this matter one year after the conversion of Wentworth St to two way traffic.

CARRIED

7.5 Municipal Campaign Contributions from Corporations and Trade Unions

(Whitehead/ Green)

That the following Motion, respecting Municipal Campaign Contributions from Corporations and Trade Unions, be referred to the Governance Review Sub-Committee, for consideration:

That City Council request that the Provincial government make the required amendments to the *Municipal Elections Act, 2006* and the *Taxation Act, 2007* to:

- (a) prohibit municipal campaign contributions from corporations and trade unions; and
- (b) replace the current municipal campaign contribution rebate by extending the political contribution tax credit for individuals,

which currently applies to provincial campaign contributions, to include municipal campaign contributions.

CARRIED

7.6 Toll Route Program on both the Red Hill Valley Parkway and the Lincoln Alexander Parkway

(Merulla/VanderBeek)

WHEREAS, concerns have been raised with respect to the operations and safety of the Red Hill Valley Parkway and Lincoln Alexander Parkway; and,

WHEREAS, the initial intent of both roadways was to provide inter-city connection for both residents and the movement of goods for the City of Hamilton;

THEREFORE BE IT RESOLVED:

That Traffic Operations and Engineering staff be directed to undertake a review of the expected impacts and costs associated with implementing a Toll Route program on both the Red Hill Valley Parkway and Lincoln Alexander Parkway for the through movement of Out-of-Town Trucks and report back to Public Works Committee.

The above motion, was DEFEATED on the following Standing Recorded Vote:

Yeas:	F. Eisenberger, T. Jackson, S. Merulla, M. Green J. Farr, A. Johnson,
Total:	6
Nays:	T. Whitehead, D. Conley, M. Pearson, B. Johnson, L. Ferguson, R. Pasuta, J. Partridge
Total:	7
Absent:	C. Collins, A. VanderBeek
Total:	2

7.7 Provincial Engagement on the Cootes-to-Escarpment EcoPark System

(Partridge/VanderBeek)

WHEREAS, the collaborative nature of the Cootes-to-Escarpment EcoPark System initiative has allowed the partners to do more together than they would have been able to do alone;

WHEREAS, the long-term sustainability of the Ecopark System requires support and resources that exceed what the partners are able to contribute;

WHEREAS, supporting and investing in the Cootes-to-Escarpment EcoPark System, the government of Ontario can deliver the significant benefits of urban greenspace and biodiversity conservation at a fraction of the cost of establishing a new provincial park; and,

WHEREAS, the partners are seeking support from senior levels of government and welcome their participation in the initiative;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor correspond with the Minister of Natural Resources and Forestry to request that special purpose legislation be enacted to recognize the Cootes-to-Escarpment Ecopark System as an area of Provincial significance, as a priority for funding under Provincial programs to protect and enhance natural and cultural heritage, and to grant the partner agencies powers to manage, protect and enhance this important area; and,
- (b) That the Province of Ontario be invited to join the Cootes-to-Escarpment Ecopark System partnership by becoming a party to the Memorandum of Understanding, conveying and/or enhancing ecological stewardship of Crown property and collaborating on joint initiatives.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

8.1 Feasibility Study to Provide a GO Bus Service on the Mountain

WHEREAS, the 403 is becoming chronically congested especially at peak hours through the Hamilton corridor, and

WHEREAS, the Lincoln Alexander Parkway has been impacted causing significant congestion at peak hours.

THEREFORE, BE IT RESOLVED:

That the City requests the Province of Ontario to embark on a feasibility study to provide a GO Bus service on the mountain; one of the considerations being a location around the airport lands.

Councillor Whitehead introduced the following Notice of Motion:

8.2 Moratorium on any New Projects, Roadway Alterations or Designs that Reduce Motor Vehicular Capacity on any Roadway within the LRT Corridor

WHEREAS the City is currently reviewing the existing road network and road use priorities via a Transportation Master Plan Update;

WHEREAS City Council has already directed staff to convert specific roadways from one-way to two-way operation which effects capacity on roadways as follows:

- (i) Bold St. from James St. S. to Queen St. S.
- (ii) Duke St. from James St. S. to Queen St. S.
- (iii) Hughson St. N. from Wilson St. to Barton St. E.
- (iv) King William St. from John St. N. to Wellington St. N.
- (v) Wentworth St. N. from Delaware Ave. to King St. E.
- (vi) Victoria Ave. N. from Barton St. E. to Burlington St. E.
- (vii) Caroline St. N. from King St. to York Blvd.
- (viii) Hess St. N. from York Blvd. to Barton St. W.

WHEREAS Traffic staff support the additional conversion of Wentworth St. N. between King St. E. and Barton St. E. such that Wentworth St be a continuous two way street between the escarpment and Burlington St.;

WHEREAS bicycle lanes have already been established or approved for implementation on Hunter St., York Blvd., Cannon St., Charlton Ave., Herkimer St., Dundurn St. and Bay St. thereby reducing motor vehicle capacity on these major roadways;

WHEREAS The Province has approved 1.2 Billion Dollars in funding for the development of Light Rail Transit (LRT) in the City of Hamilton;

WHEREAS LRT Traffic Impact studies have not yet been completed and therefore the impact of the vehicle offloading from King St. and Main St. to the adjacent surrounding road network in the lower City is unknown; and

WHEREAS the parking, delivery and loading of goods and services in the LRT corridor has not been determined;

THEREFORE BE IT BE RESOLVED:

- (a) That the City place a moratorium on any new projects, roadway alterations or designs that reduce motor vehicular capacity on any roadway within the LRT corridor, bounded by Cootes Dr., the escarpment, Hamilton Harbour and Parkdale Ave. in order to to safeguard the capacity of the existing road system within the LRT corridor such that when volumes need to be reassigned from Main and or King during the LRT Construction and subsequent operation, that there is available capacity within the remaining roadway system;
- (b) That planned or emergency roadway reconstruction, repaving of roadways and servicing of utilities in the corridor be exempt from the moratorium with the condition that they be scheduled to have minimum concurrent interference with LRT construction; and

(c)That the LRT Project Team report back to the General Issues Committee once traffic impacts studies are completed, with the expected roadway traffic volume reassignment and traffic impacts of the reassignment on roadways within the LRT corridor.

Councillor Farr introduced the following Notice of Motion:

8.3 Consulting the Affected Ward Councillor(s) when Notice of Motions Seek to Waive the Rules at Council or Standing Committee Meetings

WHEREAS, there have been Notice of Motions seeking to Waive the Rules at Council or Standing Committee meetings, which are written by staff for a Councillor outside the Wards affected by said Notice of Motion;

THEREFORE BE IT RESOLVED:

That, at the very least, those staff involved in the formulation of the Notice of Motion be directed to review the Notice of Motion with the affected Ward Councillors so that they may have a reasonable timeframe with which to engage their communities.

Councillor Green introduced the following Notice of Motion:

8.4 City Security Program Policies and Procedures respecting Video Surveillance and Security Footage

That the City Manager be directed to undertake a review of the City’s security program and to look at bringing back policies and procedures, as they relate specifically to video surveillance and security footage.

(Green/Merulla)

That the Rules of Order be waived to allow for the introduction of a motion respecting City Security Program Policies and Procedures respecting Video Surveillance and Security Footage.

The above motion to waive the Rules of Order to allow for the introduction of a motion, was DEFEATED.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Hamilton Farmers’ Market Stallholder Appointment to the Hamilton Farmers’ Market Board of Directors

(Pasuta/Farr)

That, at the request of the Hamilton Farmers’ Market Stallholders Association (attached hereto), the following Hamilton Farmers’ Market Stallholder be appointed to the Hamilton Farmers’ Market Board of Directors, commencing November 24, 2015 to end on June 10, 2017 or until such time as a successor is appointed by the Hamilton Stallholders Association and subsequently approved by Council:

- (i) Matt Pigeon

CARRIED

BY-LAWS

(Pasuta/Partridge)

That Bill 265, be amended by referring Schedule 29 (Weight Restrictions on Bridges) back to the General Manager of Public Works, for further review.

CARRIED

(Conley/Pearson)

That Bills No. 15-265 to No. 15-269, as amended, be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be renumbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- 265, as amended** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 2 (Speed Limits)
Schedule 3 (Flashing School Zones)
Schedule 13 (Designated Traffic Lanes)
Schedule 28 (Reduced Loads)
- 266** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 16 (Taxi Zones)
Schedule 20 (School Bus Loading Zones)
- 267** To Incorporate City Land Designated as Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22 & 23 on Plan 62R-17987 into Dartnall Road
- 268** To Amend Zoning By-law 87-57 (Ancaster), Respecting Lands Located at 275 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton ZAC-13-054/25T-201307
- 269** To Confirm the Proceedings of City Council

CARRIED

(Pearson/Ferguson)

There being no further business, that the City Council meeting be adjourned at 7:57 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk