



CITY COUNCIL MINUTES 16-004

5:00 p.m.

Wednesday, February 24, 2016

Council Chamber

Hamilton City Hall

71 Main Street West

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

**Absent with
regrets:** Councillors R. Pasuta, and J. Partridge, personal

Mayor Eisenberger called upon Hosam Helal, Imam at the Muslim Association of Hamilton.

Mayor Eisenberger acknowledged the recent passing of Dieppe Veteran Jack McFarland and advised that the flag at the City's Dieppe Veterans Memorial Park will be lowered to half-mast to honour his service to the Military, as a member of the Hamilton Veterans Committee and with the Hamilton Police Service.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATION

5.11 Correspondence from Suzanne Mammel, Executive Officer, Hamilton-Halton Home Builders' Association, respecting City Initiated OPA regarding Improving Planning Application Review.

Recommendation: Be received and referred to the consideration of Item 2 of Planning Committee Report 16-003.

2. ADDED NOTICES OF MOTION

8.1 Reaffirming Council's Position on the Hamilton Police Services Board Governance

8.2 Land Development Task Force

8.3 Ward 8 Area Rating Special Capital Reinvestment Reserve

(Pearson/Vanderbeek)

That the agenda for the February 24, 2016 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None

APPROVAL OF MINUTES

4.1 Minutes – February 10, 2016

(Green/Collins)

That the Minutes of the February 10, 2016 meeting of Council be approved, as presented.

CARRIED

4.2 Minutes – February 18, 2016

(Whitehead/Jackson)

That the Minutes of the February 18, 2016 Special meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Whitehead/Jackson)

That Council Communications 5.1 through 5.11 be approved, as amended, as follows:

5.1 Correspondence from The Honourable Dr. Eric Hoskins, Minister of Health and Long-Term Care, respecting funding for additional ambulance vehicles and an additional supervisor.

Recommendation: Be received.

5.2 Correspondence from Pam Cress, Clerk, Town of Northeastern Manitoulin and the Islands, respecting a motion regarding supporting a request to the Province to increase funding to Long-Term Care Facilities.

Recommendation: Be endorsed.

- 5.3 Correspondence from Stephen M. A. Huycke, Town Clerk, Town of Aurora, respecting a motion regarding Ontario Municipal Board Jurisdiction.

Recommendation: Be referred to the General Manager of Planning and Economic Development for an information report back to the Planning Committee.

- 5.4 Correspondence from The Honourable Jean-Yves Duclos, Minister of Families, Children and Social Development, respecting the City of Hamilton's letter to The Right Honourable Justin Trudeau, Prime Minister, regarding the development of a national child care strategy.

Recommendation: Be received.

- 5.5 Correspondence from AMO Communications respecting a request for support of a resolution which asks the for the province to change the current Municipal Act investment regulation.

Recommendation: Be received and supported.

- 5.6 Correspondence from Elana Arthurs, Clerk, Township of Cavan Monaghan, respecting Ontario's Consultation on Primary, Home, and Community Health Care.

Recommendation: Be received.

- 5.7 Correspondence from Eucharist Church of Hamilton respecting Support for the Amendment to Bylaw 07-170 to License Payday Loan Businesses.

Recommendation: Be received and referred to the consideration of Item 6 of Planning Committee Report 16-003.

- 5.8 Correspondence from Arnold & Gladys Hood respecting the condition of roads in and around the Taylor Survey located at Old Brock Road and Highway 5.

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

- 5.9 Correspondence from Kevin Gonci respecting the 2016 Budget – Recreational Infrastructure Development.

Recommendation: Be received.

- 5.10 Correspondence from Jeff Leal, Minister of Agriculture, Food and Rural Affairs, respecting the 2016 Premier's Award for Agri-Food Innovation Excellence program. *(The information package is available for viewing at www.ontario.ca/agrifoodinnovation)*

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

- 5.11 Correspondence from Suzanne Mammel, Executive Officer, Hamilton-Halton Home Builders' Association, respecting City Initiated OPA regarding Improving Planning Application Review.

Recommendation: Be received and referred to the consideration of Item 2 of Planning Committee Report 16-003.

CARRIED

(Pearson/Conley)

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

CARRIED

PLANNING COMMITTEE REPORT 16-003

- 2. Improving Planning Application Review (CI-15-E) (PED16040) (City Wide) (Item 8.1)**

(Pearson/Collins)

That Item 2 of Planning Committee Report 16-003 respecting Improving Planning Application Review (CI-15-E) (PED16040) be referred to the Open for Business Sub-Committee and the Hamilton-Halton Home Builders Association Development Industry Liaison Group for review and input to the Planning Committee.

CARRIED

(B. Johnson/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-005

(Pearson/B. Johnson)

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

CARRIED

BOARD OF HEALTH REPORT 16-002

(Pearson/B. Johnson)

That the SECOND Report of the Board of Health be adopted as presented, and the information section received.

CARRIED

AUDIT, FINANCE & ADMINISTRATION REPORT 16-003

(A. Johnson/Farr)

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

CARRIED

(Pearson/Conley)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Feasibility Assessment of an Annual Culinary Entrepreneur Event

(Merulla/Collins)

WHEREAS, Hamilton's culinary scene is helping to advance a new image of Hamilton to the world and inspiring a new class of entrepreneurs and thriving businesses in the community;

WHEREAS, Hamilton's culinary scene is generating local, regional, and national attention in a very positive light; and,

WHEREAS, Small Business Week is October 16-22, 2016;

THEREFORE BE IT RESOLVED:

That staff in the Economic Development Division be directed to place a focus on celebrating and promoting Hamilton's culinary entrepreneurs as part of Small Business Week 2016, and conduct feasibility assessment of an annual event accordingly and report to the General Issues Committee.

CARRIED

7.2 Ward 8 Area Rating Special Capital Reinvestment Reserve

(Whitehead/Jackson)

That the following projects be funded from Reserve #108058 – Ward 8 Area Rating Special Capital Reinvestment Reserve:

- (a) That \$150,000 be utilized to replace and/or repair sidewalks and mountable curbs in Ward 8 for 2016;

- (b) That \$20,000 be utilized for the replacement of the asphalt walkway and steel culvert at the north boundary of Gourley Park; running from the rear of James MacDonald School to the tennis/basketball courts;
- (c) That \$65,000 be utilized for sewer and water service to the Gourley Park 'Snack Shack';
- (d) That \$15,000 be utilized for the purchase and installation of dynamic speed signs;
- (e) That \$100,000 be utilized for the enhancements to Carpenter Park;
- (f) That \$20,000 be set aside for the installation of speed humps within Ward 8 to the end of term (2018); and
- (g) That \$50,000 be set aside for matching the funds raised by Mohawk College for their community shared ice surface.

CARRIED

NOTICES OF MOTION

Councillor Merulla introduced the following Notice of Motion:

8.1 Reaffirming Council's Position on the Hamilton Police Services Board Governance

WHEREAS under the *Police Services Act*, the City of Hamilton is mandated to provide for adequate and effective police services;

WHEREAS the standards for Police operations and Police behaviour are established by the Province, and there are legislative protections ensuring oversight by the Province and recourse to Ontario Police Services Commission;

WHEREAS the Police Services budget constitutes a significant component of the City's annual operating budget, for which the public holds Hamilton City Council accountable;

WHEREAS following the model used for public health and emergency services (fire and ambulance), Hamilton City Council believes that the governance of the Police Service Hamilton should align to more accurately reflect this accountability;

WHEREAS under the current statutory regime, the Hamilton Police Service is governed by a 7-member Police Services Board comprised 3 members of Council, one Council-appointed citizen, and 3 Provincially-appointed citizens;

WHEREAS Council believes that a change in the governance of the Police Service is fair, appropriate, accountable and transparent;

WHEREAS Council accepts and supports the key principles for Police Service governance; namely accountability and independence; in particular, accountability, financially, and operationally to the citizens served, and independence in the carrying out of law enforcement;

WHEREAS Council supports a model where the Hamilton Police Service is governed directly by Council, as is the case with a number of Cities in Canada such as Quebec City, Quebec; Fredericton, New Brunswick; and, Charlottetown, Prince Edward Island;

WHEREAS Council could, alternatively, support a model where the Police Services Board is comprised exclusively of members of Council (like the Hamilton Board of Health) or, alternatively, some combination of Councillors and citizens appointed by City Council, as is the case with several Cities in Canada such as with the Edmonton, Alberta Police Commission (9 Commissioners, all appointed by City Council; a combination of Councillors and citizens); the Regina, Saskatchewan Board of Police Commissioners (5 Commissioners all appointed by City Council; a combination of Councillors and citizens); and, the St. John, New Brunswick Board of Police Commissioners (7 Commissioners; 6 appointed by Council and a combination of Councillors and citizens and 1 by the Province, a citizen);

WHEREAS governance directly by Council or by a Police Services Board comprised of members of Council and/or citizens appointed by Council must, according to law, abide by and not interfere with the principle of independence for the Police Service in terms of law enforcement;

WHEREAS in terms of accountability, both financially and operationally, a Police Service should be prepared to answer to Council and to the community in that there are protections for the Police Service beyond a municipal council; namely to the Province and its Ontario Police Services Commission such that any direct governance by City Council or indirect governance by a Police Services Board comprised of members of Council and/or citizens appointed by Council would itself still have oversight from the Province;

WHEREAS the amalgamation of the municipalities in the former Region of Hamilton-Wentworth into one City of Hamilton was in part recognition of the maturity and commitment to responsibility that an amalgamated City would have through its City Council; and

WHEREAS the Province should respect that maturity and sense of responsibility, and allow City Council to provide governance to the Police Service directly through Council or by way of a Police Services Board made up entirely of Council-appointed citizens, or a combination thereof, with such governance to be pursuant to the principles of accountability and independence and pursuant to

any provincial regulations regarding the financing and operation of a Police Service.

THEREFORE, BE IT RESOLVED:

- (a) That Council reaffirm their previous request that the Province be requested to amend the *Municipal Act* and/or the *Police Services Act*, and/or enact special legislation to either:
 - (i) Enable the Hamilton Police Services Board to be governed directly by Hamilton City Council, or
 - (ii) Enable the Hamilton Police Services Board to be appointed by Council and comprised entirely of members of Council, or a combination of members of Council and citizens, as Council may determine;
- (b) That a copy of this resolution be forwarded to the Hamilton Police Chief and the Hamilton Police Services Board, assuring them that City Council will continue to respect and strongly support the Police Service under any form of governance, including abiding by the key principle of independence in law enforcement.
- (c) That a copy of this resolution be forwarded to the Premier, The Honourable Kathleen Wynne, and the Minister of Community Safety and Correctional Services, the Honourable Yasir Naqvi for consideration.
- (d) That a copy of this resolution be forwarded to the Leader of the Opposition, Patrick Brown, the Leader of the NDP, Andrea Horwath, all Hamilton area M.P.P.s, and the Association of Municipalities of Ontario (AMO) seeking their endorsement.

Mayor Eisenberger presented the following Notice of Motion:

8.2 Land Development Task Force

WHEREAS the City of Hamilton's Strategic Plan supports the development and implementation of neighbourhood and City wide strategies that will improve the health and well-being of residents;

WHEREAS the City of Hamilton owns over 2,000 properties representing over 25,000 acres, and the City's Portfolio Management Strategy sets out a framework for how the City's real estate interests can be maximized to support and/or deliver key City priorities;

WHEREAS the City of Hamilton has interests in real property that could be leveraged for broader community-building initiatives to achieve priorities for the City;

WHEREAS the City of Hamilton owns vacant and underutilized properties which may present opportunities for value maximization through strategic repurposing, consolidation, or disposition;

WHEREAS the City of Hamilton has to consider strategic land acquisitions to support LRT implementation;

WHEREAS significant needs have been identified regarding the availability of affordable housing, and the current condition of the City Housing Hamilton inventory;

WHEREAS the West Harbour development requires comprehensive consideration of the neighbourhood and City requirements;

WHEREAS the City of Hamilton currently leases over 350,000 s.f. of office space to accommodate employees of the City, 85% of which will expire within the next 5 years;

WHEREAS the City of Hamilton and its agencies have a number of dispersed facilities with common functions that may present opportunities for more efficient program delivery;

WHEREAS the City of Hamilton has established vitally important partnerships among anchor public agencies and not-for-profit sector organizations, whereby combining our common property interests may present opportunities to deliver greater collective impact and benefit for the public;

WHEREAS a strategic and focused portfolio review, and identification and development of priority opportunities may positively impact the City's tax base and/or revenue position;

WHEREAS the City of Hamilton is committed to "the Growth Plan that encourages intensification and transit-supportive, mixed use development to make better use of existing, underutilized infrastructure"⁽¹⁾; and,

WHEREAS the operation and management of City properties and the implementation of major City initiatives are currently undertaken by a number of different divisions across the City.

THEREFORE BE IT RESOLVED:

- (a) That the City Manager be directed to establish the Terms of Reference for a focused team comprised of subject matter experts, to identify strategic opportunities and to achieve realizable outcomes related to the City's real estate interests;
- (b) That the City Manager be directed to report back to the General Issues Committee with an enabling framework that includes but is not limited to

- models such as 1) an internal staff team, 2) an agency or 3) a Land Development Corporation;
- (c) That the proposed work plan narrow the focus to a priority list that enables realistic and measurable completion targets for the initial 3 years that include, but are not limited to, vacant and underutilized properties which may present opportunities for value maximization, and tax revenues, through strategic repurposing, consolidation, or disposition; and,
 - (d) That the Council approved nodes and corridors master plan provide the primary focus of the 3-year work plan to be presented for Council consideration on or before April 31, 2016.

(1) Downtown and Community Renewal Community Improvement Plan, February 2014 Consolidation pg. 10 of 32

Councillor Whitehead introduced the following Notice of Motion

8.3 Ward 8 Area Rating Special Capital Reinvestment Reserve

That the following projects be funded from Reserve #108058 – Ward 8 Area Rating Special Capital Reinvestment Reserve:

- (a) That \$150,000 be utilized to replace and/or repair sidewalks and mountable curbs in Ward 8 for 2016;
- (b) That \$20,000 be utilized for the replacement of the asphalt walkway and steel culvert at the north boundary of Gourley Park; running from the rear of James MacDonald School to the tennis/basketball courts;
- (c) That \$65,000 be utilized for sewer and water service to the Gourley Park 'Snack Shack';
- (d) That \$15,000 be utilized for the purchase and installation of dynamic speed signs;
- (e) That \$100,000 be utilized for the enhancements to Carpenter Park;
- (f) That \$20,000 be set aside for the installation of speed humps within Ward 8 to the end of term (2018); and
- (g) That \$50,000 be set aside for matching the funds raised by Mohawk College for their community shared ice surface.

(Whitehead/Jackson)

That the Rules of Order be waived to allow for the introduction of a motion respecting Ward 8 Area Rating Special Capital Reinvestment Reserve.

CARRIED

For disposition of this matter, refer to Item 7.2.

Councillor Green presented the following notice of motion:

8.4 A Bank for Everyone – Support Postal Banking

WHEREAS we need a “public” review of Canada Post to discuss the future and our options for building a successful 21st century post office with the ability to meet the needs of Canadians and create new revenue streams, such as postal banking;

WHEREAS there is an urgent need for this service because thousands of rural towns and villages do not have a bank and nearly two million Canadians desperately need alternatives to payday lenders;

WHEREAS postal banking helps keep post offices viable and financial services accessible in many parts of the world; and

WHEREAS postal banking has the support of hundreds of municipalities and close to two-thirds of Canadians (Stratcom poll, 2013).

THEREFORE BE IT RESOLVED

- (a) That the City of Hamilton supports the addition of postal banking at Canada Post, with a mandate to promote financial inclusion; and
- (b) That the Mayor, on behalf of the City of Hamilton, call on the Federal Government's review of Canada Post to recommend the addition of financial and banking services at Canada Post, or at a minimum, a task force to determine how to deliver new financial and banking services through our postal service.

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

BY-LAWS

(Whitehead/Jackson)

That the Bill List be amended by deleting the following Bills and renumbering the balance:

- 054** To Adopt Official Plan Amendment No. 49 to the Urban Hamilton Official Plan Respecting Road Widening and Complete Application Policies

- 055** To Adopt Official Plan Amendment No. 12 to the Rural Hamilton Official Plan Respecting Road Widening and Complete Application Policies

CARRIED

(Whitehead/Jackson)

That Bills No. 16-049 to No. 16-058, as amended, be passed and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- 049** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
 Schedule 3 (Through Highways – No Parking Prohibitions in effect)
 Schedule 5 (Parking Meters)
 Schedule 6 (Time Limit Parking)
 Schedule 8 (No Parking Zones)
 Schedule 12 (Permit Parking Zones)
 Schedule 13 (No Stopping Zones)
 Schedule 14 (Wheelchair Loading Zones)
 Schedule 16 (Taxi Zones)
 Schedule 20 (School Bus Loading Zones)
- 050** Respecting Removal of Part Lot Control, Part of Block 116, Registered Plan of Subdivision No. 62M-1122, “Southcote Woodlands – Phase 2” municipally known as 103, 115 and 127 Gregorio Avenue, and 110, 120 and 130 Bookjans Drive
 PLC-16-004
- 051** Respecting Removal of Part Lot Control, Blocks 113-118, 123-128, 137-139, 142-144 of Registered Plan No. 62M-1182 and Lots 4-13 (inclusive) and Blocks 14 & 15 on Registered Plan No. 62M-1223
 PLC-16-003
- 052** Respecting Removal of Part Lot Control for Lots 1-6 (inclusive), and 24-27 (inclusive) on Registered Plan No. 62M-1222, known as Mattamy Waterdown Phase 2A
 PLC-15-037
- 053** To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
- 054** To Amend Zoning By-law No. 05-200 Respecting Lands Located at 46-52 James Street North in the City of Hamilton
 ZAR-15-049
- 055** To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 72 Second Road West
 ZAC-12-040
- 056** To Impose a Watermain Charge Upon Owners of Land Abutting Parkside Drive from Robson Road to Approximately 905m Westerly, in the City of Hamilton

057 To Impose a Watermain Charge Upon Owners of Land Abutting Trinity Road South from Wilson Street West to Approximately 700m South, in the City of Hamilton

058 To Confirm the Proceedings of City Council

CARRIED

(Pearson/B. Johnson)

That, there being no further business, the City Council meeting be adjourned at 6:34 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk