



CITY COUNCIL MINUTES 16-008

5:00 p.m.

Wednesday, April 27, 2016

Council Chamber

Hamilton City Hall

71 Main Street West

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

**Absent
with Regrets:** Councillor L. Ferguson - Personal

Mayor Eisenberger called upon Reverend John Ludwig of the Canadian Reformed Church in Ancaster, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED NOTICES OF MOTION

- 8.1 Collective Arts Brewing Community Series Six Label Launch – Special Occasion Permit Liquor Licence
- 8.2 Reaffirming Council's Commitment to the Full Equality of Trans People Under the Law
- 8.3 Proposed Pilot Program for the City's Business Improvement Areas (BIAs) – Establishing Temporary, Seasonal Patios and Seating Areas Utilizing On-Street Parking Spaces
- 8.4 The Conditions of Site Plan Approval with Respect to Access to Medici Lane as it related to OMB Case Number PL151153
- 8.5 Amending Item 21 of the General Issues Committee Report 15-025, respecting the Full Review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the Safety and Operational Characteristics of the Roadway, as approved by Council on December 9, 2015

2. ADDED/REVISED BY-LAWS

- 110 Schedule 13 has been revised
- 119 Deleted and replaced
- 120 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1055 and 1099 King Street East, 876 Cannon Street East and 60 Balsam Avenue North

3. ADDED PRIVATE AND CONFIDENTIAL

- 10.1 Contract Settlement Matter (no copy)

(Merulla/Collins)

That the agenda for the April 27, 2016 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor S. Merulla declared an interest to Items 7 and 8 of the Emergency and Community Services Committee Report 16-004, respecting Update to the Ontario Long Term Affordable Housing Strategy and the 2016 Federal Budget Housing Investments, as he is a landlord.

Councillor B. Johnson declared an interest to Item 10 of the General Issues Committee Report 16-011, respecting Modernizing the City of Hamilton’s Livestreaming Capabilities and Experience, as her son works for a company that web streams.

APPROVAL OF MINUTES

4.1 Minutes – April 13, 2016

(Skelly/A. Johnson)

That the Minutes of the April 13, 2016 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Conley/Pearson)

That Council Communications 5.1 through 5.6 be approved, **as amended**, as follows:

- 5.1 Correspondence from Ginette Martin-Stephan, Deputy Clerk, Township of North Stormont, requesting support for the Township of North Stormont's resolution regarding the proposal to expand natural gas services.

Recommendation: **Be received.**

- 5.2 Correspondence from Tara Mieske, Clerk/Planning Manager, Township of North Frontenac, requesting support for the Township of North Frontenac's resolution regarding Independent Electrical System Operator Review of Request for Proposal Process for the Award of Renewable Energy Contracts.

Recommendation: **Be received.**

- 5.3 Correspondence from Amanda Gubbels, Clerk/Deputy Administrator, Township of Warwick, requesting support for the Township of Warwick's resolution regarding Physician Recruitment.

Recommendation: **Be endorsed.**

- 5.4 Correspondence from The Honourable Ted McMeekin, Minister of Municipal Affairs and Housing, respecting the City of Hamilton's letter requesting funding for Good Shepherd Notre Dame house and YWCA Transitional Living Program.

Recommendation: Be received.

- 5.5 Correspondence from The Honourable Bob Chiarelli, Minister of Energy, respecting the merger of Hydro One Brampton with PowerStream, Enersource and Horizon.

Recommendation: Be received.

- 5.6 Correspondence from The Honourable David Oraziotti, Minister of Government and Consumer Services, respecting the City of Hamilton's amendment to the Hamilton licensing by-law to license payday loan businesses.

Recommendation: Be received **and referred to the General Manager, Planning & Economic Development for review and consideration to City of Hamilton Licensing By-law to License Payday Loan Businesses.**

MOTION, AS AMENDED, CARRIED

(Collins/Merulla)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 16-007

(Whitehead/Skelly)

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

CARRIED

BOARD OF HEALTH REPORT 16-004

(Eisenberger/Skelly)

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

CARRIED

PLANNING COMMITTEE REPORT 16-007

(B. Johnson/Conley)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-011

(Eisenberger/Partridge)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 16-006

(A. Johnson/Farr)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 16-004

(Green/Farr)

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

CARRIED

(Collins/Merulla)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Hamilton Rib Fest – Special Occasion Permit Liquor Licence**(Conley/Pearson)**

WHEREAS, Hamilton City Council has received Notice from Mr. Justin Brown on behalf of the Northern Heat Rib Series, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on June 10, 2016 between the hours of 4:00 p.m. and 10:30 p.m.; June 11, 2016 between the hours of 11:00 a.m. and 11:00 p.m. and June 12, 2016 between the hours of 11:00 a.m. and 4:00 p.m. at Valley Park Recreation Centre located at 970 Paramount Drive, Hamilton, Ontario, during the Hamilton Rib Fest 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 Hamilton Rib Fest, being held in the City of Hamilton, Ontario on June 10, 11 and 12, 2016, 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) Northern Heat Rib Series c/o Justin Brown, London, Ontario.

CARRIED

7.2 Gage Park Rib Fest – Special Occasion Permit Liquor Licence**(Green/Farr)**

WHEREAS, Hamilton City Council has received Notice from Mr. Justin Brown on behalf of the Northern Heat Rib Series, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on August 12, 2016 between the hours of 4:00 p.m. and 11:00 p.m.; August 13, 2016 between the hours of 11:00 a.m. and 11:00 p.m. and August 14, 2016 between the hours of 11:00 a.m. and 7:00 p.m. at Gage Park located in Hamilton, Ontario, during the Gage Park Rib Fest 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 Gage Park Rib Fest, being held in the City of Hamilton, Ontario on August 12, 13 and 14, 2016, 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) Northern Heat Rib Series c/o Justin Brown, London, Ontario.

CARRIED

7.3 Hamilton Food Fest – Special Occasion Permit Liquor Licence

(Farr/A. Johnson)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Mr. Justin Brown on behalf of the Northern Heat Rib Series, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on July 29, 2016 between the hours of 4:00 p.m. and 11:00 p.m.; July 30, 2016 between the hours of 11:00 a.m. and 11:00 p.m.; July 31, 2016 between the hours of 11:00 a.m. and 11:00 p.m. and August 1, 2016 between the hours of 11:00 a.m. and 7:00 p.m. at Pier 4 located at 50 Leander Dr., Hamilton, Ontario, during the Hamilton Food Fest 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 Hamilton Food Fest, being held in the City of Hamilton, Ontario on July 29, 30, 31 and August 1, 2016, 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) Northern Heat Rib Series c/o Justin Brown, London, Ontario.
CARRIED

7.4 Urging the Provincial Government to Ban All Door-To-Door Sales in the Home Services Sector

(Merulla/Collins)

WHEREAS the Provincial Government implemented the *Stronger Protection for Ontario Consumers Act* in April 2015 to address, among other things, aggressive and misleading door-to-door sales tactics;

WHEREAS Ontarians over the last twelve months continue to experience unsolicited, aggressive and misleading sales tactics at their door from companies seeking to sell home energy products, despite this provincial legislation;

WHEREAS the door to door agents acting on behalf of these companies misrepresent their purpose and/or identity, often posing as utility inspectors and government agents needing to gain access to the homes of Ontarians;

WHEREAS people across Ontario, and in particular Hamilton residents, have been targeted by these door to door misrepresentations and misleading sales tactics;

WHEREAS one such company has been recently charged with 142 breaches of the *Consumer Protection Act* due to this fraudulent and misleading sales conduct, previous attempts by the Province to protect Ontarians have failed; and

WHEREAS the province has implemented a ban on door-to-door sales for electricity and natural gas contracts by passing the Strengthening Consumer Protection and Electricity System Oversight Act, 2015;

THEREFORE BE IT RESOLVED:

- a) That the City of Hamilton, urge the Provincial Government to ban all door-to-door sales in the home services sector (more specifically the sale or lease of HVAC equipment, water heaters, water filtration systems, **security systems, plumbing** and other related home energy products and services by door-to-door sales agents) as soon as possible, and before the Spring session of the Ontario Legislature concludes;
- b) That staff be directed to:
 - (i) Issue an Alert via News Release and other forms of communication to Hamilton residents to warn them about ongoing door-to-door sales activities;
 - (ii) Encourage Hamilton residents to sign the online petition at Change.org; and

- (iii) Encourage other municipalities to join with Hamilton in calling on the province to act; and
- (c) That staff be authorized and directed to do all things necessary to give effect to this resolution.

**AMENDMENT CARRIED
MOTION, AS AMENDED, CARRIED**

7.5 Sew Hungry – Special Occasion Permit Liquor Licence

(Merulla/Green)

WHEREAS, Hamilton City Council has received Notice from Ms. Maggie Burns on behalf of the Ottawa Street Business Improvement Area, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on May 6, 2016 between the hours of 11:00 a.m. and 8:00 p.m. at 204 Ottawa Street North, Hamilton, Ontario, during the Sew Hungry 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 Sew Hungry, being held in the City of Hamilton, Ontario on May 6, 2016, 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) Ottawa Street Business Improvement Area c/o Maggie Burns, Hamilton, Ontario.

CARRIED

7.6 Objection to the Liquor Licence Application for Today's Hair Culture located at 355 Main Street, E., Hamilton

(Green/Farr)

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Today's Hair Culture located at 355 Main St. E, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

CARRIED

7.7 Resignation and Appointment to the Arts Advisory Commission

(Merulla/Collins)

- a) That Councillor J. Farr's resignation from the Arts Advisory Commission, be received; and
- b) That Councillor D. Skelly be appointed as Councillor J. Farr's replacement on the Arts Advisory Commission for a term commencing on April 28, 2016 and expiring with the current term of Council or until such time as a successor is appointed.

CARRIED

7.8 Collective Arts Brewing Community Series Six Label Launch – Special Occasion Permit Liquor Licence (Item 8.1)

(Farr/A. Johnson)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Mr. Dan Johnston on behalf of Collective Arts Brewing, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on May 13, 2016 between the hours of 11:00 a.m. and 11:45 p.m. and May 14, 2016 between the hours of 11:00 a.m. and 11:45 p.m. at 207 Burlington St. East, Hamilton, Ontario, during the Collective Arts Brewing Community Series Six Label Launch 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 Collective Arts Brewing Community Series Six Label Launch, being held in the City of Hamilton, Ontario on May 13 and 14, 2016, 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) Collective Arts Brewing c/o Dan Johnston, Burlington, Ontario.

CARRIED

- a) Pride Flag during Hamilton Pride Week
2016. **7.9 Reaffirming Council's Commitment to the Full Equality of Trans People Under the Law (Item 8.2)**

(A.Johnson/Eisenberger)

WHEREAS a strong LGBT community is good for the economy, as indicated by social science research demonstrating significant co-relation between (1) dynamism and growth in a city-region's economy, and (2) a thriving, affirmed LGBT community in the city-region;

WHEREAS the City of Hamilton acknowledges and affirms the rights of trans people as set out in Ontario's *Human Rights Code*;

WHEREAS the City is bound by section 15(1) of the *Charter of Rights and Freedoms* which enshrines the equality rights of all citizens in constitutional law;

WHEREAS the City is bound by Ontario Bill 33, *Toby's Act 2012*, which forbids discrimination on the basis of gender identity and gender expression; and

WHEREAS our Hamilton region is a good place;

BE IT THEREFORE RESOLVED:

- b) That Council re-affirm its commitment to the full equality of trans people under the law, and

That City fly the Transgender

CARRIED

- 7.10 Proposed Pilot Program for the City's Business Improvement Areas (BIAs) –Establishing Temporary, Seasonal Patios and Seating Areas Utilizing On-Street Parking Spaces (Item 8.3)**

(Green/Skelly)

WHEREAS outdoor patios and seating areas can enhance the vibrancy and activity on commercial streets;

WHEREAS opportunities for outdoor patios and seating areas on sidewalks is very limited, or impossible, in many of the City's older commercial areas;

WHEREAS many small businesses and BIAs in the City's older commercial areas could benefit from having additional outdoor space for their customers and clientele; and

WHEREAS other cities in Ontario have implemented programs to support temporary, seasonal patios utilizing the on-street parking areas of commercial streets.

THEREFORE BE IT RESOLVED

- (a) That the Planning and Economic Development Department, with support from the Public Works Department, develop for Council's consideration a report outlining a proposed pilot program for the City's Business Improvement Areas (BIAs); ***Kenilworth Merchant Association; James Street North Merchant Association and all other Merchant Associations and all Business Areas with standard liability insurance in place***, that would permit local businesses and/or the BIAs to establish temporary, seasonal patios and seating areas ***with music/live entertainment*** utilizing on-street parking spaces and ;
- (b) That the pilot program be ready for implementation in 2016;
- (c) That the pilot program include mechanisms to streamline any necessary approvals to permit temporary, seasonal patios and seating areas while ensuring appropriate regard to issues such as safety, traffic flow, parking revenues and other matters; and
- (d) That the report include a process for monitoring the success of the pilot program, and a mechanism for reporting back to Council with recommendations for the continuation and/or expansion of the program in 2017 for Council's consideration

CARRIED**7.11 An Amendment to Item 21 of the General Issues Committee Report 15-025, respecting the Full Review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the Safety and Operational Characteristics of the Roadway, as approved by Council on December 9, 2015****(Farr/A. Johnson)**

That Item 21 of the General Issues Committee Report 15-025, respecting the Full Review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the Safety and Operational Characteristics of the Roadway, as approved by Council on December 9, 2015, be amended by adding a sub-section (b), to read as follows:

21. Full Review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the Safety and Operational Characteristics of the Roadway (Item 9.1)

- (a) That staff, in consultation with all affected Ward Councillors, be directed to undertake a full review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the safety and operational characteristics of the roadway; with specific reference to and harmonization with the recommendations and principles of the updated Transportation Master Plan; with a focus on improvements

to meet the request for a more complete street- and pedestrian-friendly design, including consideration for a road diet, and the recommendations put forward by the Kirkendall Neighbourhood Association Working Group regarding Aberdeen Safety and Road Improvement, and report to the Public Works Committee; and,

- (b) That the appropriate staff be directed to work with the affected Ward Councillors on interim safety measures along Aberdeen Avenue, during the full review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the safety and operational characteristics of the roadway.**

CARRIED

NOTICES OF MOTION

Councillor J. Farr introduced the following Notice of Motion:

8.1 Collective Arts Brewing Community Series Six Label Launch – Special Occasion Permit Liquor Licence

WHEREAS, Hamilton City Council has received Notice from Mr. Dan Johnston on behalf of Collective Arts Brewing, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on May 13, 2016 between the hours of 11:00 a.m. and 11:45 p.m. and May 14, 2016 between the hours of 11:00 a.m. and 11:45 p.m. at 207 Burlington St. East, Hamilton, Ontario, during the Collective Arts Brewing Community Series Six Label Launch 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 Collective Arts Brewing Community Series Six Label Launch, being held in the City of Hamilton, Ontario on May 13 and 14, 2016, 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) Collective Arts Brewing c/o Dan Johnston, Burlington, Ontario.

(Farr/Green)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Collective Arts Brewing Community Series Six Label Launch – Special Occasion Permit Liquor Licence.

CARRIED

For disposition of this matter, please refer to Item 7.8.

Councillor A. Johnson introduced the following Notice of Motion:

8.2 Reaffirming Council's Commitment to the Full Equality of Trans People Under the Law

WHEREAS a strong LGBT community is good for the economy, as indicated by social science research demonstrating significant co-relation between (1) dynamism and growth in a city-region's economy, and (2) a thriving, affirmed LGBT community in the city-region;

WHEREAS the City of Hamilton acknowledges and affirms the rights of trans people as set out in Ontario's *Human Rights Code*;

WHEREAS the City is bound by section 15(1) of the *Charter of Rights and Freedoms* which enshrines the equality rights of all citizens in constitutional law;

WHEREAS the City is bound by Ontario Bill 33, *Toby's Act 2012*, which forbids discrimination on the basis of gender identity and gender expression; and

WHEREAS our Hamilton region is a good place;

BE IT THEREFORE RESOLVED:

- c) That Council re-affirm its commitment to the full equality of trans people under the law, and
- d) That City fly the Transgender Pride Flag during Hamilton Pride Week 2016.

(A. Johnson/Eisenberger)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Reaffirming Council's Commitment to the Full Equality of Trans People Under the Law.

CARRIED

For disposition of this matter, please refer to Item 7.9.

Councillor Green introduced the following Notice of Motion:

8.3 Proposed Pilot Program for the City's Business Improvement Areas (BIAs) -Establishing Temporary, Seasonal Patios and Seating Areas Utilizing On-Street Parking Spaces

WHEREAS outdoor patios and seating areas can enhance the vibrancy and activity on commercial streets;

WHEREAS opportunities for outdoor patios and seating areas on sidewalks is very limited, or impossible, in many of the City's older commercial areas;

WHEREAS many small businesses and BIAs in the City's older commercial areas could benefit from having additional outdoor space for their customers and clientele; and

WHEREAS other cities in Ontario have implemented programs to support temporary, seasonal patios utilizing the on-street parking areas of commercial streets;

THEREFORE BE IT RESOLVED

- a) That the Planning and Economic Development Department, with support from the Public Works Department, develop for Council's consideration a report outlining a proposed pilot program for the City's Business Improvement Areas (BIAs) that would permit local businesses and/or the BIAs to establish temporary, seasonal patios and seating areas utilizing on-street parking spaces;
- b) That the pilot program be ready for implementation in 2016;
- c) That the pilot program include mechanisms to streamline any necessary approvals to permit temporary, seasonal patios and seating areas while ensuring appropriate regard to issues such as safety, traffic flow, parking revenues and other matters; and
- d) That the report include a process for monitoring the success of the pilot program, and a mechanism for reporting back to Council with recommendations for the continuation and/or expansion of the program in 2017 for Council's consideration.

(Green/Merulla)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a Proposed Pilot Program for the City's Business Improvement Areas (Bias) -Establishing Temporary, Seasonal Patios and Seating Areas Utilizing On-Street Parking Spaces

CARRIED

For disposition of this matter, please refer to Item 7.10.

Councillor T. Whitehead withdrew the following Notice of Motion:

8.4 The Conditions of Site Plan Approval with Respect to Access to Medici Lane as it relates to OMB Case Number PL151153

WHEREAS in 2003 Council passed By-law 03-167 to change the zoning of the lands at the intersection of Madonna Drive and Medici Lane for townhouse dwellings;

WHEREAS an application for Site Plan Approval was submitted to the City of Hamilton in 2015 and subsequently conditionally approved to permit the development of the subject lands for townhouse dwellings;

WHEREAS a condition of Site Plan Approval is that the owner prepare and submit a design for the access of the townhouse units on the curve of Medici Lane;

WHEREAS the owner of the subject lands has appealed the site plan control application conditions applicable to the portion of the subject lands connecting to Medici Lane (OMB Case Number PL151153); and

WHEREAS the applicant has provided an access review prepared by an independent professional engineer that concludes the proposed access driveway on Medici Lane meets or exceeds typical industry requirements for corner clearance, angle of intersection and sight distances;

THEREFORE IT BE RESOLVED:

That the City Solicitor be instructed to advise the Ontario Municipal Board that the applicant has satisfied the conditions of site plan approval with respect to access to Medici Lane, subject to the applicant submitting the recommendations of an independent professional engineer's report with respect to detailed engineering design.

Councillor J. Farr introduced the following Notice of Motion:

8.5 An Amendment to Item 21 of the General Issues Committee Report 15-025, respecting the Full Review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the Safety and Operational Characteristics of the Roadway, as approved by Council on December 9, 2015

That Item 21 of the General Issues Committee Report 15-025, respecting the Full Review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the Safety and Operational Characteristics of the Roadway, as

approved by Council on December 9, 2015, be amended by adding a sub-section (b), to read as follows:

21. Full Review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the Safety and Operational Characteristics of the Roadway (Item 9.1)

- (a) That staff, in consultation with all affected Ward Councillors, be directed to undertake a full review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the safety and operational characteristics of the roadway; with specific reference to and harmonization with the recommendations and principles of the updated Transportation Master Plan; with a focus on improvements to meet the request for a more complete street- and pedestrian-friendly design, including consideration for a road diet, and the recommendations put forward by the Kirkendall Neighbourhood Association Working Group regarding Aberdeen Safety and Road Improvement, and report to the Public Works Committee; and,
- (b) *That the appropriate staff be directed to work with the affected Ward Councillors on interim safety measures along Aberdeen Avenue, during the full review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the safety and operational characteristics of the roadway.***

(A. Johnson/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting an amendment to Item 21 of the General Issues Committee Report 15-025, respecting the Full Review of Aberdeen Avenue from Queen Street to Longwood Avenue, respecting the Safety and Operational Characteristics of the Roadway, as approved by Council on December 9, 2015.

CARRIED

For disposition of this matter, please refer to Item 7.11.

Councillor T. Whitehead wished to be recorded as OPPOSED to the waving of the Rules of Order above.

Councillor T. Whitehead introduced the following Notice of Motion:

8.6 Traffic Impacts on Fennel Avenue, Garth Street and Scenic Drive and Area Feasibility Study

WHEREAS, there is a push to put more arterial roads on road diets creating more congestion; and

WHEREAS, a full review of Aberdeen Avenue is set to take place.

THEREFORE, BE IT RESOLVED:

That staff review traffic impacts on Fennel Avenue, Garth Street and Scenic Drive where roughly a kilometre of traffic queuing currently exists, preventing homeowners access to their driveways and the roadway; and

That staff review the feasibility of closing Queen Street Hill at West 5th Street.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Contract Settlement Matter (no copy)

(VanderBeek/Pearson)

That pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-sections (e) and (f) of the *Municipal Act*, 2001, as amended, Council moved into Closed Session at 7:03 p.m., as the subject matters pertain to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Staff was provided with direction in Closed Session.

BY-LAWS

(Conley/B. Johnson)

That the Bill List be amended by:

- (a) Revising the following the Bill:

16-110

- 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 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 Zone)

(b) Deleting and replacing the following Bill:

16-119

Being a By-law to Permanently Close a Portion of Mosaic Drive being Block 158 and 173 on 62M-1183, City of Hamilton

(c) Adding the following Bill and renumbering the balance:

16-120

Being a By-law to To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1055 and 1099 King Street East, 876 Cannon Street East and 60 Balsam Avenue North

CARRIED

(Conley/Pearson)

That Bills No. 16-107 to No. 16-121 be passed, as amended, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

By-law

- 107** To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 4 (Yield Signs)
Schedule 5 (Stop Signs)
- 108** To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 6 (One-Way Streets)
Schedule 13 (Designated Traffic Lanes)
Schedule 18 (Bicycle Lanes)
- 109** To Amend By-law No. 01-215 Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 9 (No Right on Red)
Schedule 13 (Designated Traffic Lanes)
- 110** 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 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)
- 111** A By-law Respecting the Passenger Transportation System Operated and/or Funded by the City of Hamilton

- 112 Respecting Removal of Part Lot Control, Blocks 140 to 143, Registered Plan of Subdivision No. 62M-1219, municipally known as 129, 131, 133, 135, 137, 141, 143, 145, 147, 149, 151, 157, 159, 161, 163, 165, 167, 169, 171, 173, 175, 177, 179 and 181 Lormont Boulevard
PLC-16-010
- 113 Respecting Removal of Part Lot Control, Lots 117 to 138 and Block 139, Registered Plan of Subdivision No. 62M-1219, municipally known as 140, 142, 144, 146, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 194, 196, 198, 200, 202, 204, 206, 208, 210, 212, 214, 216, 218, 220, 222, 224, 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250 and 252 Lormont Boulevard
PLC-16-011
- 114 Respecting Removal of Part Lot Control, Lots 46, 50, 68-71, 73-76, 78 and 81, Registered Plan of Subdivision No. 62M-1219, municipally known as 114 and 130 Chaumont Drive; and, 57, 61, 63, 65, 73, 77, 79, 81, 89 and 97 Narbonne Crescent
PLC-16-012
- 115 To Adopt Official Plan Amendment No. 54 to the Urban Hamilton Official Plan Respecting 120 & 128 Portia Drive (Ancaster)
- 116 To Amend Zoning By-law No. 87-57, Respecting Lands Located at 120 and 128 Portia Drive, in the former Town of Ancaster, now in the City of Hamilton
ZAC-15-037
UHOPA-15-018
- 117 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 219 Dundas Street East (Flamborough)
ZAC-15-027
- 118 To Amend Zoning By-law No. 05-200, as amended by By-law No. 15-118, Respecting Lands Located at 2460-2470 Highway No. 6 (Glanbrook)
ZAH-16-019
- 119 Being a By-law to Permanently Close a Portion of Mosaic Drive being Block 158 and 173 on 62M-1183, City of Hamilton
- 120 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1055 and 1099 King Street East, 876 Cannon Street East and 60 Balsam Avenue North
CI-15-G
- 121 To Confirm the Proceedings of City Council

CARRIED, AS AMENDED

(Pearson/Farr)

That, there being no further business, City Council be adjourned at 8:17 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk