



CITY COUNCIL MINUTES 16-009

5:00 p.m.

Wednesday, May 11, 2016

Council Chamber

Hamilton City Hall

71 Main Street West

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

**Absent
with Regrets:** Councillor A. VanderBeek - Personal

Mayor Eisenberger called upon Rabbi Jordan D. Cohen of Temple Anshe Sholom in Hamilton, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.6(c) Manuel Bastos, Business Manager, LiUNA Local 837, respecting Increasing Affordable Housing and Reducing Poverty.

5.6(d) The Gibson and Landsdale (GALA) Community Planning Team, respecting Increasing Affordable Housing and Reducing Poverty.

Recommendation: Be received and referred to the consideration of Item 7 of General Issues Committee Report 16-012.

5.13 Ken Watson respecting plans to develop a Light Rail Transit (LRT) through downtown Hamilton.

Recommendation: Be received and referred to the LRT sub-committee.

5.14 Kirkendall Neighbourhood Association respecting Implications of Lower City Traffic Changes that have Put Additional Pressures on Mountain Road Networks Motion.

Recommendation: Be received and referred to the consideration of Item 7.1.

- 5.15 Dr. David Higgins, President, St. Joseph's Healthcare Hamilton, respecting a Traffic Study on West Mountain Roads and Accesses.

Recommendation: Be received and referred to the consideration of Item 7.1.

2. MOTION WITHDRAWN

The following motion was withdrawn as the amendment already appears on page 4 of the May 2, 2016 Public Works Committee Report 16-008:

- 7.2 An Amendment to (f)(i) of the Public Works Committee Report 16-007, respecting the Lakewood Beach Community Council delegation respecting Public Safety and Transportation in their neighbourhood, as approved by Council on April 27, 2016

3. ADDED NOTICES OF MOTIONS

- 8.1 City of Hamilton's Strategic Planning Exercise
- 8.2 Licensing of Medical Marihuana Growing and Harvesting Facilities
- 8.3 Urbanization of Rural Cross-Section Roads

4. AMENDMENT TO THE BILL LIST

The following Bill was deleted and replaced:

Bill 124 Removal of Part Lot Control

(Pearson/B. Johnson)

That the agenda for the May 11, 2016 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared an interest respecting Item 11(ii) of Audit, Finance and Administration Report 16-007, regarding the Colombian Community's Request regarding Council's Code of Conduct as he is the subject of the recommendations.

APPROVAL OF MINUTES

4.1 Minutes – April 27, 2016**(A. Johnson/Green)**

That the Minutes of the April 27, 2016 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(A. Johnson/Farr)

That Council Communications 5.1 through 5.15 be approved, ***as amended***, as follows:

- 5.1 Correspondence from Kari Stevenson, Acting Clerk/Planning Technician, Municipality of Trent Lakes, requesting support for the Bill 158, *Saving the Girl Next Door Act, 2016*.

Recommendation: ***Be endorsed.***

- 5.2 Correspondence from the Municipality of South Dundas, requesting support for the Municipality of South Dundas' resolution requesting that the Government of Ontario reconsider the suspension of and the integration of the Rural Economic Development Program into the Jobs and Prosperity Fund.

Recommendation: ***Be received.***

- 5.3 Correspondence from Gary McNamara, President, Association of Municipalities of Ontario, respecting Support for Fort McMurray – Call to Action.

Recommendation: ***Be received and that staff be directed to donate \$25,000 to the "Fort McMurray Disaster Fund" established by the Association of Municipalities of Ontario "; and,***

That the \$25,000 donation to the "Fort McMurray Disaster Fund" be absorbed in the approved 2016 Corporate Financials operating budget Dept ID 211090, Account 58201.

- 5.4 Correspondence from Tara Stephens, Acting City Clerk, City of Welland, requesting support for the City of Welland's resolution respecting the development of Provincial Legislation requiring the registration, licensing and setting Provincial Standards for Private Supportive Living Accommodations.

Recommendation: ***Be referred to the Emergency and Community Services Committee for consideration.***

- 5.5 Correspondence from Jim Szabo, respecting the LRT plans.

Recommendation: Be received and referred to the LRT Sub Committee.

5.6 Correspondence respecting Item 7 of General Issues Committee Report 16-012, Initiative to Increase Affordable Housing and Reduce Poverty by Investing in People:

- (a) Glenn Harkness, Executive Director, Boys & Girls Clubs of Hamilton
- (b) Elizabeth Bader, Chief Executive Officer, North Hamilton Community Health Centre
- (c) Manuel Bastos, Business Manager, LiUNA Local 837, respecting Increasing Affordable Housing and Reducing Poverty.
- (d) The Gibson and Landsdale (GALA) Community Planning Team.

Recommendation: Be received and referred to the consideration of Item 7 of General Issues Committee Report 16-012.

5.7 Correspondence from Elizabeth Harding, Assistant Deputy Minister, Municipal Services Division, Ministry of Municipal Affairs and Housing respecting the proclamation of the *Infrastructure for Jobs and Prosperity Act, 2015* on May 1, 2016.

Recommendation: Be received.

5.8 Correspondence from Tammy Fowkes, Deputy Clerk, Town of Amherstburg requesting support for the Town of Amherstburg's resolution respecting the Marathon Petroleum Facility.

Recommendation: **Be received.**

5.9 Correspondence from Tammy Fowkes, Deputy Clerk, Town of Amherstburg requesting support for the Town of Amherstburg's resolution respecting Bill 180, the *Workers Day of Mourning Act, 2016*.

Recommendation: **Be received.**

5.10 Correspondence from the residents of the community and the businesses on Barton Street respecting a petition containing 21 signatures, requesting that the bump-outs and day-long (including rush hour) parking be preserved and made permanent to ensure safety, calm traffic and improve the public realm. (A copy of the petition is available for viewing in the Office of the City Clerk)

Recommendation: Be received and referred to the LRT Sub Committee.

5.11 Correspondence from Gord Thompson respecting the LRT.

Be received and referred to the LRT Sub Committee.

5.12 Correspondence from the Town of Essex requesting support for the Town of Essex' resolution respecting the widening of Highway 3 to improve public safety.

Recommendation: **Be received.**

5.13 Ken Watson respecting plans to develop a Light Rail Transit (LRT) through downtown Hamilton.

Recommendation: Be received and referred to the LRT Sub-Committee.

5.14 Kirkendall Neighbourhood Association respecting Implications of Lower City Traffic Changes that have Put Additional Pressures on Mountain Road Networks Motion.

Recommendation: Be received and referred to the consideration of Item 7.1.

5.15 Dr. David Higgins, President, St. Joseph's Healthcare Hamilton, respecting a Traffic Study on West Mountain Roads and Accesses.

Recommendation: Be received and referred to the consideration of Item 7.1.

MOTION, AS AMENDED, CARRIED

(Conley/Pearson)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 16-008

(Whitehead/Skelly)

That the EIGHTH Report of the Public Works Committee be adopted and the information section received (attached hereto).

CARRIED

PLANNING COMMITTEE REPORT 16-008

(Pearson/Conley)

That the EIGHTH Report of the Planning Committee be adopted and the information section received (attached hereto).

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-012**Item 7 Initiative to Increase Affordable Housing and Reduce Poverty by Investing in People (Item 9.2)**

That subsection (d) of Item 7 of General Issues Committee Report 16-012 respecting Initiative to Increase Affordable Housing and Reduce Poverty by Investing in People be amended by inserting the words “across all Wards in the City of Hamilton” after the word “People” to read as follows:

- (d) That staff be directed to report to the General Issues Committee by October 2016 with a Plan to Increase Affordable Housing and Reduce Poverty by Investing in People, ***across all Wards in the City of Hamilton***, for consideration and approval by Council.

CARRIED

Councillors Skelly, B. Johnson and Ferguson indicated that they wished to be recorded as OPPOSED to this Item.

(Eisenberger/Partridge)

That the TWELFTH Report of the General Issues Committee be adopted, as amended, and the information section received (attached hereto).

CARRIED**AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 16-007****(Skelly/Whitehead)**

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

CARRIED**(Conley/Pearson)**

That the Committee of the Whole Rise and Report.

CARRIED**MOTIONS****7.1 Implications of Lower City Traffic Changes that have Put Additional Pressures on Mountain Road Networks**

Councillor Whitehead requested that Item 7.1 respecting Implications of Lower City Traffic Changes that have Put Additional Pressures on Mountain Road Networks be deferred to a future Council meeting.

7.2 An Amendment to (f)(i) of the Public Works Committee Report 16-007, respecting the Lakewood Beach Community Council delegation respecting Public Safety and Transportation in their neighbourhood, as approved by Council on April 27, 2016

As indicated in the changes to the agenda this Item was removed.

7.3 Reaffirming the Acceptance of the One Billion Dollar Investment in Infrastructure and Public Transit Investment from the Province of Ontario

(Partridge/Pearson)

That the motion as outlined below be referred to the May 18, 2016 meeting of the General Issues Committee following consideration of the LRT Sub-Committee Report 16-003 and that a presentation be made by LRT staff:

WHEREAS the Province of Ontario, in May 2015, announced \$1.0 billion in funding for Hamilton's B-line (and north spur) Light Rail Transit (LRT) project which begins the implementation of the City of Hamilton's rapid transit strategy;

WHEREAS the provincial funding covers 100% of the capital cost of the LRT project which includes investments to renew critical City infrastructure such as sidewalks, road surfaces, water and sewer lines along the LRT corridor;

WHEREAS the City of Hamilton has already entered into a Memorandum of Agreement with Metrolinx signaling the City's intent to work collaboratively with Metrolinx to fully implement the LRT project; and

WHEREAS it is acknowledged that the LRT project is one part of the City of Hamilton's broader transit strategy as outlined in the City's Rapid Ready report and Ten Year Transit Strategy.

THEREFORE BE IT RESOLVED:

That Hamilton City Council reaffirm the acceptance of the \$1.0 billion dollar investment in infrastructure and public transit that the Province of Ontario has provided for the express purpose of completing the LRT project.

This motion carried on the following standing recorded vote:

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

Yeas: Whitehead, Skelly, Jackson, Collins, Conley, Pearson, B. Johnson, Pasuta, Partridge

Total: 9

Nays: Eisenberger, Merulla, Green, Farr, A. Johnson, Ferguson

Total: 6

Absent: 1

(Farr/Green)

That the motion to refer Item 7.3 to the General Issues Committee be amended to include all of the Reports from the LRT Sub-Committee which were formerly approved by Council.

CARRIED

7.4 An Amendment to Item 4 of the General Issues Committee Report 15-015, respecting the Office Tenancy Assistance Program, McMaster University's Downtown Accelerator Program – 245 James Street North, Hamilton, as approved by Council on August 14, 2015

(Farr/Merulla)

WHEREAS, a General Security Agreement required under the Office Tenancy Assistance Program (OTAP) would secure all assets of McMaster University as collateral for the \$38,505 forgivable loan approved by City Council at its meeting held August 10, 2015 for McMaster University under the OTAP for tenant improvements at 245 James Street North;

WHEREAS, the General Manager of Planning and Economic Development has recommended that a Site Specific or Specific General Security Agreement from McMaster University would be an acceptable alternative as collateral for the \$38,505 forgivable loan.

THEREFORE BE IT RESOLVED:

That Item 4 of the General Issues Committee Report 15-015, respecting Report PED15063 - Office Tenancy Assistance Program, McMaster University's Downtown Accelerator Program – 245 James Street North, Hamilton, be **amended** by adding the words "***with the exception of the General Security Agreement***" to the end of sub-sections (a) and (d), to read as follows:

4. Office Tenancy Assistance Program, McMaster University's Downtown Accelerator Program – 245 James Street North, Hamilton (PED15063(a)) (Ward 2) (Item 5.5)

- (a) That a conditional forgivable loan commitment totalling \$38,505 for McMaster University, the tenant leasing office space at 245 James Street North, Hamilton, attached as Appendix "A" to Report PED15063(a), be authorized and approved under the Office Tenancy Assistance Program (OTAP) in accordance with the Program's terms and conditions, ***with the exception of requiring a General Security Agreement and replacing the requirement with a Site Specific or Specific General Security Agreement;***
- (b) That in order to earn forgiveness of the loan as recommended in Recommendation (a) of Report PED15063(a), McMaster University must occupy the space to which the loan was used for leasehold improvements for a 36 month period and the forgiveness will not be

prorated if McMaster University vacates the space prior to the 36 month period;

- (c) That the Mayor and City Clerk be authorized and directed to execute the Loan Agreement together with any ancillary documentation required, to effect Recommendations (a) and (b) of Report PED15063(a) in a form satisfactory to the City Solicitor; and,
- (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Office Tenancy Assistance Program (*with the exception of the requiring a General Security Agreement and replacing the requirement with a Site Specific or Specific General Security Agreement*) as approved by City Council, are maintained.

CARRIED

7.5 City of Hamilton's Strategic Planning Exercise

(Jackson/B. Johnson)

That staff be directed to consider when preparing the report to the General Issues Committee on the City of Hamilton's Strategic Planning Exercise the following recommendation put forward by the Seniors Advisory Committee as an amendment to the City of Hamilton's Vision Statement:

"To be the best place in Canada to raise a child **and to grow old**, promote innovation, engage citizens and provide diverse economic opportunities."

CARRIED

7.6 Licensing of Medical Marihuana Growing and Harvesting Facilities

(Merulla/Collins)

WHEREAS, Health Canada has issued licenses for Medical Marihuana Growing and Harvesting Facilities in Hamilton without proper zoning verification related to the City of Hamilton zoning bylaw;

WHEREAS, the City of Hamilton has established a zoning bylaw to accommodate Medical Marihuana Growing and Harvesting Facilities;

WHEREAS, the knowledge of how many licenses are presently operating contrary to the zoning by-law in Hamilton is unknown,

THEREFORE BE IT RESOLVED:

That staff be directed to request from Health Canada, a list of all licenses issued and active in Hamilton, to allow the City to cross reference the license to the address and zoning to determine any more breaches to Hamilton's zoning by-law regarding Medical Marihuana Growing and Harvesting Facilities.

CARRIED

NOTICES OF MOTION

Councillor Jackson introduced the following Notice of Motion:

8.1 City of Hamilton's Strategic Planning Exercise

That staff be directed to consider when preparing the report to the General Issues Committee on the City of Hamilton's Strategic Planning Exercise the following recommendation put forward by the Seniors Advisory Committee as an amendment to the City of Hamilton's Vision Statement:

"To be the best place in Canada to raise a child **and to grow old**, promote innovation, engage citizens and provide diverse economic opportunities."

(Jackson/B. Johnson)

That the rules of order be waived to allow for the introduction of a motion respecting City of Hamilton's Strategic Planning Exercise.

CARRIED

For disposition of this matter refer to Item 7.5.

Councillor Merulla introduced the following Notice of Motion

8.2 Licensing of Medical Marihuana Growing and Harvesting Facilities

WHEREAS, Health Canada has issued licenses for Medical Marihuana Growing and Harvesting Facilities in Hamilton without proper zoning verification related to the City of Hamilton zoning bylaw;

WHEREAS, the City of Hamilton has established a zoning bylaw to accommodate Medical Marihuana Growing and Harvesting Facilities;

WHEREAS, the knowledge of how many licenses are presently operating contrary to the zoning by-law in Hamilton is unknown,
THEREFORE BE IT RESOLVED:

That staff be directed to request from Health Canada, a list of all licenses issued and active in Hamilton, to allow the City to cross reference the license to the address and zoning to determine any more breaches to Hamilton's zoning by-law regarding Medical Marihuana Growing and Harvesting Facilities.

(Merulla/Collins)

That the rules of order be waived to allow for the introduction of a motion respecting Licensing of Medical Marihuana Growing and Harvesting Facilities.

CARRIED

For disposition of this matter refer to Item 7.6.

Councillor Whitehead introduced the following Notice of Motion

8.3 Urbanization of Rural Cross-Section Roads

WHEREAS, there are rudimentary safety issues on the road networks within the urban boundary;

WHEREAS, an urbanist approach to planning safer streets in our communities has gained support amongst City of Hamilton Councillors, staff and citizens alike;

WHEREAS, there has been a great deal of community engagement and encouragement regarding initiatives that push for many enhancements in the name of safety on our streets;

WHEREAS, there are many neighbourhoods that have rural cross-section roads with no sidewalks within the urban boundary;

WHEREAS, residents are trying to walk to their churches and schools in these neighbourhoods safely;

WHEREAS, the city has a responsibility to prioritize fundamental safety in neighbourhoods over enhancements in other areas that are already adequately urbanized;

WHEREAS, crossing guards are not assigned in neighbourhoods that have no sidewalks,

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to report to the Public Works Committee with a Capital Plan to urbanize rural cross-section roads in the next 5 years; and,
- (b) That staff develop a strategy for ensuring safety in neighbourhoods not yet urbanized.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

Council approved the following Items without moving into Closed Session:

10.1 Closed Session Minutes – April 27, 2016

(Whitehead/Partridge)

- (a) That the Closed Session Minutes of the April 27, 2016 meeting be approved;
- (b) That the Closed Session Minutes of the April 27, 2016 meeting remain private and confidential and restricted from public disclosure.

CARRIED

10.2 Emergency & Community Services Interview Sub-Committee Report 16-001

(Jackson/Green)

(i) Housing and Homelessness Committee (Item 4.1)

That the following individuals be appointed to the Housing and Homelessness Committee for a term commencing May 12, 2016 and expiring with the current term of Council or until such time as successors are appointed:

- Campbell, Eileen
- Bellamy, Connie
- Benn, Tyson
- Raftis, Marie
- de Visch Eybergen, Elske
- Verbitsky, Julia
- Gervais, Katrina
- Chung, Lisa
- Coxson, Kelly
- Slusarenko, Michael
- Mobley, Thomas
- Leyland, Sandy
- Dingman, Lance
- Ansari, Mubashera Laeeq
- Jaundoo, Trevor

(ii) Seniors Advisory Committee (Item 4.1)

That the following individuals be appointed to the Seniors Advisory Committee for a term commencing May 12, 2016 and expiring with the current term of Council or until such time as successors are appointed:

- Fernandes, Carolann
- Kennard, John
- Mayo, Jeanne
- Petrie, Penelope
- Sinclair, Mary

- Thomson, Robert (Bob)
- Wahlman, Marjorie
- Winslow, John
- Weisz, Emmy
- Smithson, Ron
- DeStephanis, Lou
- Hough, George
- Kilburn, Paula
- Stone, Doug
- Tayyab, Basharat
- Cheyne, Margaret
- Thomson, Karen
- McKibbon, Kimberly
- Petgrave, Dahlia

(iii) Veterans Committee (Item 4.1)

That the following individuals be appointed to the Veterans Committee for a term commencing May 12, 2016 and expiring with the current term of Council or until such time as successors are appointed:

- Babic, Marko
- Ellis, Keven
- Elms, Robert (Gordie)
- Fyfe, Robert
- Muir, Dan
- Paddon, Victor (Rodney)
- Sculthrope, Ed
- Steckham, David
- Tompkins, Art

CARRIED

BY-LAWS

(A. Johnson/Farr)

That the Bill List be amended by deleting the following:

- 124** Respecting Removal of Part Lot Control, Part of Block 1 and Block 5, Registered Plan of Subdivision No. 62M-1220, municipally known as 1133, 1137 and 1139 West 5th Street; 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41-65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, and 91-105 Sonoma Valley Crescent; 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23 and 25 Santa Barbara Lane; and, 22, 24, 26, 28, 30, 32, 34, 36, 38, and 40 Carmel Drive PLC-15-040

and inserting the following therein:

- 124** Removal of Part Lot Control Part of Block 1 and Block 5, Registered Plan of Subdivision No. 62M-1220, municipally known as 1133, 1137 and 1139 West 5th Street; 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41 - 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91 – 105, 107, 109, 111, 113, 115 and 117 Sonoma Valley Crescent; 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23 and 25 Santa Barbara Lane; and, 22, 24, 26, 28, 30, 32, 34, 36, 38 and 40 Carmel Drive PLC-15-040

CARRIED

(A. Johnson/Farr)

That Bills No. 16-122 to No. 16-131 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

- 122** 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 13 (No Stopping Zones)
- 123** To Amend By-law No. 15-138, Being a By-law to Establish a System of Administrative Penalties
- 124** Removal of Part Lot Control Part of Block 1 and Block 5, Registered Plan of Subdivision No. 62M-1220, municipally known as 1133, 1137 and 1139 West 5th Street; 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41 - 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91 – 105, 107, 109, 111, 113, 115 and 117 Sonoma Valley Crescent; 1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23 and 25 Santa Barbara Lane; and, 22, 24, 26, 28, 30, 32, 34, 36, 38 and 40 Carmel Drive PLC-15-040
- 125** To Designate The Downtown and Community Renewal Community Improvement Project Area
- 126** To Adopt The Downtown and Community Renewal Community Improvement Plan (2016)
- 127** To Amend City of Hamilton By-law No. 10-052 as amended to Delegate Authority to the General Manager, Planning and Economic Development for certain grants and loans under the Downtown and Community Renewal Community Improvement Plan
- 128** To Adopt Official Plan Amendment No. 234 to the City of Hamilton Official Plan Respecting Lands Located at the southeast corner of Murray Street East and Catharine Street North, known municipally as 312 and 314 Catharine Street North, Hamilton

- 129** To Amend Zoning By-law No. 6593 Respecting Lands located at 312 and 314 Catharine Street North (Hamilton)
ZAR-14-032/OPA-14-015
- 130** To Amend Zoning By-law 6593 (Hamilton) Respecting the Lands Located at 701 Upper James Street, Hamilton
ZAC-15-044
- 131** To Confirm the Proceedings of City Council **CARRIED**

(Pearson/Conley)

That, there being no further business, City Council be adjourned at 6:36 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk