



CITY COUNCIL MINUTES 16-012

5:00 p.m.

Wednesday, June 8, 2016

Council Chamber

Hamilton City Hall

71 Main Street West

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

Mayor Eisenberger called upon Pastor Lane Fusilier of the Philpott Memorial Church in Hamilton, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED BY-LAW

165 To Amend Zoning By-law No. 05-200 respecting lands located at 2460-2470 Highway No. 6, ZAH-16-019

(Pearson/B. Johnson)

That the agenda for the June 8, 2016 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Green declared an interest to Item 6 of Community & Emergency Services Committee Report 16-005 respecting Ontario Autism Program Changes, as his spouse is an IBI and ABA Behavioural Therapist.

Councillor Farr declared an interest in Item 11 of Public Works Committee Report respecting Gage Park Pond Project, as he is a resident of the area.

APPROVAL OF MINUTES

4.1 Minutes – May 25, 2016

(Partridge/Ferguson)

That the Minutes of the May 25, 2016 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Farr/Green)

That Council Communications 5.1 through 5.9 be approved, **as amended**, as follows:

- 5.1 Correspondence from John Bolognone, City Clerk, City of Kingston to The Right Honourable Justin Trudeau, Prime Minister and The Honourable Kathleen Wynne, Premier of Ontario requesting that the Province of Ontario adopt a Building Code Amendment passed by the Province of Quebec to incorporate 220V outputs in all new buildings and major renovations to accommodate charging stations.

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

- 5.2 Correspondence from Leslie Lamont respecting her resignation from Hamilton Farmer's Market Board of Directors.

Recommendation: Be received and referred to the Selection Committee.

- 5.3 Correspondence from Judy Smith, Manager Municipal Governance, Municipality of Chatham-Kent to The Honourable Kathleen Wynne requesting support for the Municipality of Chatham-Kent's resolution regarding the Climate Change Action Plan.

Recommendation: **Be endorsed**

- 5.4 Correspondence from Dr. Eric Hoskins, Minister of Health and Long-Term Care respecting one-time funding in the amount of \$1,328,963 for the 2016-17 funding year to support dedicated nurses to receive ambulance patients at locally selected hospitals.

Recommendation: Be received.

- 5.5 Correspondence from Minister Michael Coteau, Ministry of Tourism, Culture and Sport respecting funding in the amount up to \$124,175 for the Older Adult Recreation Opportunities Closer to Home initiative.

Recommendation: Be received.

- 5.6 Correspondence from Minister Steven Del Duca, Ministry of Transportation in response to Hamilton Council's request for an amendment to the *Highway Traffic Act* to include a requirement for vehicles to slow down and provide a right-of-way to waste/recycling collection vehicles.

Recommendation: Be received.

- 5.7 Petition submitted by Councillor Collins in opposition to Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5), submissions received from:

- (a) Lindsey Wiebe, 71-470 Beach Blvd
- (b) Judy Robins, 593 Beach Blvd

Recommendation: Be received and referred to the consideration of Item 2 of the Planning Committee Report 16-011.

- 5.8 Correspondence from Tyler Grinyer, Bousfields Inc. respecting Development Charge Credits Extension for Kenilworth Avenue Investments Inc. Centre on Barton Development (1147 & 1227 Barton St. East)

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

- 5.9 Correspondence from David Rohrer, President & CEO, Canadian Warplane Heritage Museum respecting Mixed Biological Identified Washrooms.

Recommendation: Be received.

CARRIED

(A. Johnson/Farr)

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

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE REPORT 16-014

(Eisenberger/Partridge)

That the FOURTEENTH Report of the Special General Issues Committee, Hamilton Health Sciences' 20-Year Vision be received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 16-010**9. Central Composting Facility Capital Improvements (PW16049) (City Wide) (Item 8.2)**

Councillor Ferguson requested that he be recorded as OPPOSED to Item 9 of the Public Works Committee Report 16-010, respecting the Central Composting Facility Capital Improvements (PW16049).

(Whitehead/Jackson)

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

CARRIED

PLANNING COMMITTEE REPORT 16-011**(Collins/Merulla)****2. Proposed Zoning By-law Amendment (ZAC-15-036) and Draft Plan of Condominium (Common Element) (25CDM-201510) for Property Located at 271 Beach Boulevard, Hamilton (PED16115) (Ward 5) (Item 6.2)**

- (a) That Amended Zoning By-law Amendment Application ZAC-15-036, by W.E. Oughtred and Associates on behalf of Coastal Land Development Corp., Owner, for a change in zoning from the "C/S-1435" (Urban Protected Residential, etc.) District, Modified to the R-4/S-1732 District, Modified in order to permit a single detached dwelling and two semi-detached dwellings (four units) along a common element condominium road for lands located at 271 Beach Boulevard (Hamilton), and a change in zoning from the "C/S-1435" (Urban Protected Residential, etc.) District, Modified to the Conservation / Hazard Land (P5, 474) Zone to identify the Erosion Hazard Limit to prohibit development, as shown on Appendix "A" to Report PED16115, be DENIED on the following basis:
- (i) The proposed development is not compatible with the character of the existing neighbourhood;
- (ii) The numerous proposed variances are not consistent with the established Neighbourhood Plan.
- (b) That the Amended Draft Plan of Condominium (Common Element) Application 25CDM-201510 by W.E. Oughtred and Associates on behalf of Coastal Land Development Corp., Owner, to establish a Draft Plan of Condominium (Common Element) consisting of a condominium road with two visitor parking spaces and a storm water management / open space block that will be tied to five new residential dwelling lots (POTLS) on lands located at 271 Beach Boulevard, as shown on Appendix "A" to Report PED16115, be DENIED on the following basis:

- (i) The proposed development is not compatible with the character of the existing neighbourhood;
- (ii) The numerous proposed variances are not consistent with the established Neighbourhood Plan.
- (c) That Legal Staff retain outside legal or planning professional(s) to support Council’s decision should there be an OMB appeal and charge the costs to the ~~Hamilton Beach Reserve~~ **Tax Stabilization Reserve 110046**.

Amendment CARRIED
Main Motion as Amended CARRIED

(B. Johnson/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-015

5. Vital Signs: Poverty and Employment Indicators (CES16021/PED16129) (City Wide) (Outstanding Business List Item) (Item 5.6)

(Green/Merulla)

That Report CES16021/PED16129, respecting Vital Signs: Poverty and Employment Indicators, be **referred to the Emergency & Community Services Committee**.

CARRIED

8. 2016 - 2025 Strategic Plan - Components (CM16003(b)) (Item 7.1)

(Ferguson/Pearson)

- (a) That the “Our Mission” section of Appendix “A” to Item 8 of the General Issues Committee Report 16-015, respecting the 2016-2015 Strategic Plan – Components (CM16003(b)), be amended by adding the words “**cost conscious**” after the words “high quality” to read as follows:

Our Mission

To provide high quality **cost conscious** public services that contribute to a healthy, safe and prosperous community, in a sustainable manner; and,

- (i) That sub-section (a) to Item 8 of the General Issues Committee Report 16-015, respecting the 2016-2015 Strategic Plan – Components (CM16003(b)), be amended by adding the word “**further**” before the word “amended” to read as follows:

- (ii) That the 2016 – 2025 Strategic Plan, including Our Vision, Our Mission, Our Priorities, attached as Appendix “C” to Report 16-005, as **further** amended, be approved and communicated to staff;

Amendment CARRIED

Main Motion as Amended CARRIED

13. Community Policing Partnerships (CPP) Program Agreement with the Ministry of Community and Safety and Correctional Services for Additional Funding for Front-line Officers (PSB 98-069(k)) (City Wide) (Item 8.6)

Councillor Green requested that he be recorded as OPPOSED to Item 13 of the General Issues Report 16-015, respecting Community Policing Partnerships (CPP) Program Agreement with the Ministry of Community and Safety and Correctional Services for Additional Funding for Front-line Officers (PSB 98-069(k)).

14. Funding Agreement: Safer Communities – 1,000 Officers Partnership Program (SCOPP) (PSB 05-0551) (City Wide) (Item 8.7)

Councillor Green requested that he be recorded as OPPOSED to Item 14 of the General Issues Report 16-015, respecting Funding Agreement: Safer Communities – 1,000 Officers Partnership Program (SCOPP) (PSB 05-0551).

15. Transfer of the City Clerk’s Division (Item 12.1)

(Merulla/Whitehead)

That Item 15 respecting Transfer of the City Clerk’s Division **be referred back to the General Issues Committee.**

CARRIED

16. Corporate Services Department (Access and Equity Division) (Item 12.2)

Councillor Green requested that he be recorded as OPPOSED to Item 16 of the General Issues Report 16-015, respecting the Corporate Services Department (Access and Equity Division).

(Eisenberger/Pasuta)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 16-009

(A. Johnson/Green)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 16-005

(Green/Merulla)

That the FIFTH Report of the Emergency and Community Services Committee be adopted, as presented, and the information section received.

CARRIED

(A. Johnson/Green)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 New Policy for Opening City Wide Splash Pads

(Green/B. Johnson)

WHEREAS the City of Hamilton's heat alert and response system includes seasonal monitoring and three response stages;

WHEREAS, a Stage 1 Heat Advisory includes a forecasted temperature of 31 degrees Celsius or more and includes 61 City operated splash pads as "places open for residents to cool off"; and

WHEREAS the current operational season for splash pads begins the week of June 13th.

THEREFORE BE IT RESOLVED:

That Public Works staff report back on the feasibility of using forecasted temperatures at or approaching the Stage 1 Heat Advisory as the new policy for opening City wide splash pads to the Public Works Committee.

CARRIED

7.2 Objection To Liquor Licence Application For Venetian Place, 265 Barton Street, Units 29 & 30, Hamilton, Ontario, L8E 2K4

(Pearson/Conley)

WHEREAS, the Venetian Place, 265 Barton Street, Units 29 & 30, Hamilton, Ontario has applied for a Liquor Licence; and

WHEREAS, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act.

THEREFORE BE IT RESOLVED:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor Licence application for Venetian Place, 265 Barton Street, Units 29 & 30, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

CARRIED

7.3 311 Non-Emergency Line

(Merulla/Green)

- (a) That staff be directed to research the concept of a 311 Non-Emergency Information Line which would relieve pressure on the 911 Emergency lines; and
- (b) That staff report back to ~~Emergency and Community Services~~ **Audit Finance and Administration** Committee as soon as possible with appropriate recommendations.

Amendment CARRIED

Main Motion as Amended CARRIED

Councillor Farr assumed the Chair.

7.4 Resolution of the Sole Voting Member of the Hamilton Farmers' Market Corporation respecting Notice, Financial Statements, Audit Appointment

(Eisenberger/Pasuta)

WHEREAS the Corporation is a corporation without share capital to which the *Corporations Act*, R.S.O. 1990, c.38 (the "Act") applies;

WHEREAS by the Corporation's Letters Patent, the City of Hamilton is the sole voting member of the Corporation ("Sole Voting Member");

WHEREAS the Corporation was incorporated on December 16, 2014 but did not become operational until the City of Hamilton signed an operating agreement with the Corporation on December 21, 2015, at which time it transferred operation of the Hamilton Farmers' Market to the Corporation; and

WHEREAS by section 15 of the Corporation's By-Law No.1, the City of Hamilton, as the sole voting member, is authorized to or may require the Directors of the Corporation to appoint an auditor;

1. NOTICE

BE IT RESOLVED:

That the Sole Voting Member hereby waives its right to receive general or special notice of an annual meeting of the members of the Corporation.

2. FINANCIAL STATEMENTS

BE IT RESOLVED:

That receipt and approval of financial statements for the Corporation be deferred until the next annual meeting of the members of the Corporation.

3. AUDIT APPOINTMENT

BE IT RESOLVED:

That the City of Hamilton, being the Sole Voting Member, hereby authorizes the Directors of the Corporation to appoint an auditor of the Corporation to hold office until the next following annual meeting at such remuneration as may be fixed by the Directors and the Directors are hereby authorized to fix such remuneration.

CARRIED

7.5 Hamilton Pride Festival 2016

(Farr/A. Johnson)

WHEREAS, the City of Hamilton's Strategic Plan supports the development and implementation of neighbourhood and City wide strategies that will enable the continued development of a prosperous and healthy community;

WHEREAS, the Lesbian, Gay, Bisexual, Transgender & Queer (LGBTQ) community organizes an annual festival that includes a symposium on queer issues, cultural exhibitions, and a parade; and,

WHEREAS, the Pride Hamilton Committee was not established in time to meet the City Enrichment Program application submission deadline and the 2016 Hamilton Pride Festival is scheduled to take place in June of 2016;

THEREFORE BE IT RESOLVED:

- (a) That a 2016 City Enrichment Fund (CEF) grant be approved for the Pride Hamilton Committee, in the amount of ~~\$15,000~~, **\$7,500** for the Hamilton

Pride Festival 2016 (June 18, 2016) to be secured through the CEF Reserve Account; and

- (b) That the Pride Hamilton Committee commit in writing to submit a completed application for a 2016 City Enrichment Fund (CEF) grant no later than July 20, 2016, in accordance with the CEF Terms and Conditions;

Amendment CARRIED
Main Motion as Amended CARRIED

Councillor Green requested that he be recorded as OPPOSED to the 30% cap contained in the City Enrichment Fund Policy.

(Green/Partridge)

That staff be directed to report back to the Audit, Finance & Administration Committee on all successful Enrichment Fund applications receiving funds over and above our Enrichment Policy, capping requests to a 30% maximum of their total operating budget; and that staff include the rationale for the approvals.

CARRIED

NOTICE OF MOTION

Councillor A. Johnson introduced the following Notice of Motion:

Hamilton Pride Festival 2016

WHEREAS, the City of Hamilton's Strategic Plan supports the development and implementation of neighbourhood and City wide strategies that will enable the continued development of a prosperous and healthy community;

WHEREAS, the Lesbian, Gay, Bisexual, Transgender & Queer (LGBTQ) community organizes an annual festival that includes a symposium on queer issues, cultural exhibitions, and a parade; and,

WHEREAS, the Pride Hamilton Committee was not established in time to meet the City Enrichment Program application submission deadline and the 2016 Hamilton Pride Festival is scheduled to take place in June of 2016;

THEREFORE BE IT RESOLVED:

- (a) That a 2016 City Enrichment Fund (CEF) grant be approved for the Pride Hamilton Committee, in the amount of \$15,000, for the Hamilton Pride Festival 2016 (June 18, 2016) to be secured through the CEF Reserve Account; and
- (b) That the Pride Hamilton Committee commit in writing to submit a completed application for a 2016 City Enrichment Fund (CEF) grant no later than July 20, 2016, in accordance with the CEF Terms and Conditions.

(A. Johnson/Farr)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Hamilton Pride Festival 2016.

CARRIED

For disposition of this matter, refer to Item 7.5

STATEMENT BY MEMBERS

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

BY-LAWS

(Farr/A. Johnson)

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

16-165 To Amend Zoning By-law No. 05-200 respecting lands located at 2460-2470 Highway No. 6, ZAH-16-019

CARRIED**(Farr/A. Johnson)**

That Bills No. 16-159 to No. 16-166 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- | | |
|------------|---|
| 159 | 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 10 (Alternate Side Parking)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones) |
| 160 | To Appoint a Drainage Superintendent for the City of Hamilton Pursuant to the Drainage Act, R.S.O. 1990 |
| 161 | To Amend By-law No. 10-221, a By-law to Prescribe Standards for the Maintenance and Occupancy of Property |
| 162 | To Amend Zoning By-law No. 87-57 (Ancaster), as amended by By-law No. 15-296, respecting lands located at 153 Wilson Street West, in the City of Hamilton
ZAH-16-025 |
| 163 | To Adopt Official Plan Amendment No. 55 to the Urban Hamilton Official Plan Respecting 3 Shippee Avenue (Stoney Creek) |
| 164 | To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Lands Located at 3 Shippee Avenue
CI-16-D
ZAC-15-045 |

165 To Amend Zoning By-law No. 05-200 respecting lands located at 2460-2470
Highway No. 6
ZAH-16-019

166 To Confirm the Proceedings of City Council

CARRIED

(Ferguson/Pearson)

That, there being no further business, the City Council meeting be adjourned at 8:08 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk