



CITY COUNCIL MINUTES 16-017

9:30 a.m.

Wednesday, September 14, 2016

Council Chamber

Hamilton City Hall

71 Main Street West

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

Mayor Eisenberger called the meeting to order and called upon Mr. Jamie Wood from the Living Hope Church, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

- 5.21 Correspondence from Joel Farber, Fogler, Rubinoff LLP, respecting the Coordinated Provincial Plan Review Coordinated Provincial Plan Review - City of Hamilton Comments on May 2016 Draft Plans (PED15078(b)) (Item 8.4).

Recommendation: Be received and referred to the consideration of Item 5, Planning Committee Report 16-015.

- 5.22 Correspondence from Laurel Whalen-Curran, Recovery Awareness Day Hamilton Committee Member respecting Recovery Awareness Month.

Recommendation: Be received.

- 5.23 Correspondence from Pam Rogers on behalf of the Morelli Family respecting Book Road West lands.

Recommendation: Be received and referred to the consideration

of Item 5, Planning Committee Report 16-015.

- 5.24 Correspondence from the Families and Businesses of the Book Road West Lands respecting the Book Road West Lands with a petition containing 53 signatures. *(A copy of the petition is available for viewing in the Office of the City Clerk)*

Recommendation: Be received and referred to the consideration of Item 5, Planning Committee Report 16-015.

- 5.25 Correspondence from Huan (Jessy) Vu respecting FCS16075, 52 Cannon Street West.

Recommendation: Be received and referred to the consideration of Item 6, Audit, Finance and Administration Committee Report 16-013.

- 5.26 Correspondence from Bishop Douglas Crosby, Bishop of Hamilton respecting Item 8.4 Coordinated Greenbelt Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan – City of Hamilton Comments on May 2016 Draft Plans (PED15078(b))).

Recommendation: Be received and referred to the consideration of Item 5, Planning Committee Report 16-015.

- 5.27 Correspondence from the Gibson-Landsdale Neighbourhood Association respecting the plans for the renovation of Norman Pinky Lewis Recreation Centre.

Recommendation: Be received and referred to the consideration of Item 7, Emergency & Community Services Committee Report 16-008.

- 5.28 Correspondence from Andrew Ferancik, Principal, Walker, Nott, Dragicevic Associates Limited respecting the Coordinated Provincial Plan Review – City of Hamilton Comments on May 2016 Draft Plans (PED15078(b) and Famous PEOPLE Players' Application for Arts and Agricultural Learning Centre.

Recommendation: Be received and referred to the consideration of Item 5, Planning Committee Report 16-015.

- 5.29 Correspondence from John Corbett, President, Corbett Land Strategies on behalf of the Book Road West Land Owners Group respecting Coordinated Provincial Plan Review – City of Hamilton Comments on May 2016 Draft Plans (PED15078(b)).

Recommendation: Be received and referred to the consideration

of Item 5, Planning Committee Report 16-015.

2. ADDED BY-LAW

- 245 To Impose a Sanitary Sewer Charge on the owners of land who benefit the installation of sanitary sewer drains on Rymal Road East from Upper Mount Albion Road/Dakota Boulevard to Fletcher Road, in the City of Hamilton

(Skelly/Collins)

That the agenda for the September 14, 2016 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Green declared an interest with respect to Information Item (h)(i) of Planning Committee Report 16-015 as he is an owner of a fitness club.

Councillor Green declared an interest with respect to Information Items (f)(ii), (f)(iii) and (f)(iv) of Emergency and Community Services Report 16-008 as his spouse is an IBI and ABA Behavioural Therapist.

CEREMONIAL ACTIVITIES

3.1 Badge Ceremony for Hamilton Fire Chief Dave Cunliffe

Mayor Eisenberger invited Joe-Anne Priel, General Manager of Community and Emergency Services to the podium to say a few words. She invited Fire Chief Dave Cunliffe and former Fire Chief Rob Simonds to the podium for the passing of the badge. The Honorary Fire Guards were in attendance to participate in the ceremony.

APPROVAL OF MINUTES

4.1 August 12, 2016

(B. Johnson/Green)

That the Minutes of the August 12, 2016 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Jackson/Skelly)

That Council Communications 5.1 through 5.29 be approved, as amended, as follows:

- 5.1 Correspondence from Stephanie Verkoeyen respecting her resignation from the Tourism Advisory Committee.

Recommendation: Be received and referred to the Selection Committee.

- 5.2 Correspondence from Minister Jean-Yves Duclos, Ministry of Families, Children and Social Development in response to the Mayor's letter respecting the City of Hamilton's support for a basic income guarantee for people in Ontario and Canada.

Recommendation: Be received.

- 5.3 Correspondence from Minister Eleanor McMahon, Ministry of Tourism, Culture and Sport confirming that the Ministry will continue to be a funding partner to the City of Hamilton's 2016-17 After School Program year.

Recommendation: Be received.

- 5.4 Correspondence from Terrapure Environmental respecting the Stoney Creek Regional Facility EA, Annual Reporting Reports for 2014 and 2015, (due to bulk the Report is available for review at the City Clerk's Office)

Recommendation: Be received.

- 5.5 Correspondence from Angela Chen respecting her resignation from the Hamilton Farmer's Market Board.

Recommendation: Be received and referred to the Selection Committee.

- 5.6 Correspondence Mary Masse, Clerk, Town of Lakeshore requesting support for the Town of Lakeshore resolution respecting the debt incurred from the 2015 Pan Am and ParaPan Am Games.

Recommendation: Be received.

- 5.7 Correspondence from Bonnie Adams, Reeve of the Township of Carlow/Mayo requesting support for Bill 171, Highway Traffic Amendment Act (Waste Collection Vehicles and Snow Plows), 2016.

Recommendation: Be supported.

- 5.8 Correspondence from John Henry, Mayor, City of Oshawa requesting a letter of support for continued production at the GM Autoplex in Oshawa.

Recommendation: ***Be supported.***

- 5.9 Correspondence from Bruce McCuaig, President & Chief Executive Officer, Metrolinx in response to the Mayor's letter respecting GO Transit and private bus carriers.

Recommendation: Be received.

- 5.10 Correspondence from the Minister Bill Mauro, Ministry of Municipal Affairs and Minister Kathryn McGarry, Ministry of Natural Resources and Forestry respecting the extension of the deadline for comments to October 31, 2016 on the proposed changes to the Growth Plan for the Greater Golden Horseshoe, the Greenbelt Plan, the Oak Ridges Moraine Conservation Plan and the Niagara Escarpment Plan.

Recommendation: Be received.

- 5.11 Correspondence from Minister Charles Sousa, Ministry of Finance respecting an update on the recent amendments to Ontario Regulation 282/98 under the *Assessment Act*, property tax exemption for non-profit long-term care homes.

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

- 5.12 Correspondence from Allan Doheny, Assistant Deputy Minister, Ministry of Finance respecting Transitional Mitigation to support the implementation of a property tax exemption for non-profit long-term care homes and details regarding the City of Hamilton's allocation under this one-time transitional program.

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

- 5.13 Correspondence from Glen Fell, CEO, FELLFAB Limited expressing their support for the planned future LRT system for the City of Hamilton.

Recommendation: Be received and referred to the Light Rail Transit Sub-Committee.

- 5.14 Correspondence from the Century Manor Task Force² appealing to the members of City Council to do everything in their power to convince our provincial officials, including the Premier, that the City of Hamilton should be the rightful owners of Century Manor and the Century Manor Lands (provincial property)

Recommendation: Be received.

- 5.15 Correspondence from Laura Catone-Tarcea and Marty Klein, Co-Chairs, Family Dispute Resolution Institute of Ontario respecting Family Dispute Resolution Week 2016.

Recommendation: Be received.

- 5.16 Correspondence from Cameron and Janine Watson residents 1 Balgownie Court, Waterdown respecting Connon Development, 383 Dundas Street East, Waterdown application OMB Appeal.

Recommendation: Be received and referred to the consideration of Item 2, Planning Committee Report 16-015.

- 5.17 Correspondence from J.W. Tiernay, Executive Director, Ontario Good Roads Association respecting the OGRA Conference, February 26 – March 1, 2017, Fairmont Royal York Hotel.

Recommendation: Be received.

- 5.18 Correspondence from the Honourable Glenn Thibeault, Ministry of Energy respecting updates to legislation that will help protect electricity consumers from door-to-door energy contract sales.

Recommendation: Be received.

- 5.19 Correspondence from John Corbett, President, Corbett Land Strategies respecting the Coordinated Provincial Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan) – City of Hamilton Comments on May 2016 Draft Plans (PED15078(b)) (Item 8.4).

Recommendation: Be received and referred to the consideration of Item 5, Planning Committee Report 16-015.

- 5.20 Correspondence from Anne Tennier, President, Anne Tennier Consulting Inc. respecting the Coordinated Provincial Plan Review (Growth Plan for the Greater Golden Horseshoe, Greenbelt Plan, Niagara Escarpment Plan) – City of Hamilton Comments on May 2016 Draft Plans (PED15078(b)) (Item 8.4).

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CARRIED

(Green/Merulla)

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

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE REPORT 16-019

(Eisenberger/Partridge)

That Special General Issues Committee Report 16-019 be adopted, as presented, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 16-015

4. **Improving Planning Application Review (CI-15-E) (PED16040(a)) (City Wide) (Matter referred by Council to the Open for Business Sub-Committee and the HHHBA Liaison Committee on February 24, 2016 for input) (Item 8.3)**

(B. Johnson/Pearson)

That the "Guidelines for Public Consultation" referenced as Appendix "D" in subsection (b)(ii) of Item 4 of Planning Committee Report 16-015 respecting

Improving Planning Application Review (CI-15-E) (PED16040(a) be amended by inserting the highlighted sections as outlined below:



Development Planning, Heritage and Design
Planning Division
Planning and Economic Development Department
CITY OF HAMILTON

Hamilton

PUBLIC CONSULTATION STRATEGY GUIDELINES

PURPOSE AND OBJECTIVE:

The purpose of this document is to provide a guideline for preparing a Public Consultation Strategy as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, and Draft Plan of Subdivision. This document will continue to recognize that Public Participation Policy which allows the proponent to hold a Community Consultation meeting before submission of an application; however, the applicant will be required to hold a public meeting either prior to submission of a complete application and submit the required information noted below or submit a Public Consultation Strategy as set out below.

Public Consultation Strategies shall be required for the following applications:

- Official Plan Amendments
- Zoning By-law Amendments
- Draft Plan of Subdivision

Public Consultation Strategies may be requested, if deemed appropriate by the Manager of Development Planning, Heritage and Urban Design, for all other planning applications.

All consultation shall follow the guidelines contained in this document. Failure to adhere to the guidelines may result in a submitted application being deemed incomplete.

The goal of a Public Consultation Strategy is to ensure that the public is informed of proposals in their community and provide a forum of which to obtain information and voice their support/objection. A record of the comments and views from the public shall be recorded and become part of the planning report.

REQUIREMENTS:

Public Consultation Strategies must include the following:

	Explanation
Target audience of the consultation	<i>Who will be informed of the consultation and how. Demonstrate an understanding of the demographics in the neighbourhood.</i>

If done, record of consultation efforts made before the application was submitted	<i>Evidence of the consultation efforts made prior to application, including recorded outcomes.</i>
List the stakeholders and how they are impacted	<i>List the public, businesses BIAs, agencies, neighbourhood associations, and any other parties that would be impacted as a result of the application and how.</i>
Tools to be used to consult/engage the public	<p><i>Given the rapidly changing technology and social media environment, in addition to considering traditional consultation methods such as a meeting, the applicant may present alternative options for connecting with the community/different demographics and stakeholder groups. These alternative methods shall be detailed in the strategy.</i></p> <p><i>The strategy shall include how the consultation is advertised (i.e. how residents/stakeholders are directed to social media or events/public meetings). The public must be notified on the engagement a minimum of 10 days prior.</i></p> <p><i>Consideration must be given to access and equity (AODA requirements).</i></p>
Timing of consultation	<p><i>Consultation efforts must commence: 30 days from date application is deemed complete for routine ZBA. This timeframe shall apply to consents and site plans, if required.</i></p> <p><i>60 days from date of application is deemed complete for complex ZBA, OPA and/or Plan of Subdivision.</i></p> <p><i>If a meeting/event is proposed the consultation strategy must include a date, time and location.</i></p> <p><i>If other consultation methods are proposed (other than a meeting/event), the strategy must specify the date of commencement and duration of the consultation effort.</i></p>
Method to receive and document	<i>Public input must be documented. A</i>

comments	<i>record of public comments and recorded views of named persons referenced shall be submitted.</i> <i>If in person consultation occurs, comment cards/forms shall be made available for those in attendance at the meeting as well as online commenting options.</i>
Proposed participants in consultation and their role	<i>Applicant/Agent, consultants, City Staff (at the request of the applicant), agencies, Councillors, etc.</i>
Requested City resources	<i>Are any City resources required for this consultation to occur?</i>
Expected/Potential Issues	<i>Identify potential issues for the community relating to the application and potential responses/solutions.</i>

Additional Submission Requirements if a public meeting/event is proposed:

- A. Individual invitations to attend the meeting must be provided to the City's Manager of Development Planning, Heritage and Design, the Ward Councillor, and all property owners, Neighbourhood Associations and Business Improvement Area Associations, identified stakeholders, within 120 m of the subject property unless an alternative radius is agreed to by the City and applicant. Input may be solicited from the Ward Councillor. These invitations must be sent a minimum of 10 days prior to the meeting.
- B. The following items shall be required to be submitted to the City as part of community consultation for an application within 14 days of a consultation meeting:
 1. An address list of people/organizations invited to the meeting;
 2. A copy of the materials presented at the meeting;
 3. Sign in sheet of meeting participants;
 4. Minutes of the meeting;
 5. A copy of all written comments received;
 6. A written summary of all of the comments received verbally and in writing; and,
 7. A description of any modifications made to the proposal as a result of the meeting.

Amendment CARRIED
Main Motion as Amended CARRIED

(Pearson/Skelly)

That the following be added as Item 7 to Planning Committee Report 16-015:

7 The Lands North of Barton Street and East of Fifty Road

WHEREAS, Council supports the inclusion of the lands north of Barton Street and east of Fifty Road in the urban area;

WHEREAS, a change to the urban area can only occur through a municipally initiated comprehensive review; and

WHEREAS, the City of Hamilton has commenced an update of the City's Growth Related Integrated Development Strategy, or GRIDS2;

THEREFORE BE IT RESOLVED:

That staff, in consultation with the land owners, as part of the GRIDS2 process initiate the identification of the lands north of Barton Street and east of Fifty Road as a strategic growth area for future development for urban uses to complete the Winona community.

CARRIED

Mayor Eisenberger and Councillor Green indicated that they wished to be recorded as OPPOSED to this motion.

(B. Johnson/Pasuta)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-020

(Eisenberger/B. Johnson)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 16-014

(Whitehead/Skelly)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 16-013
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(Skelly/Collins)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 16-008

(Green/Merulla)

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

CARRIED

(Green/Merulla)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Full Public Inquiry of US Steel's Bankruptcy Protection Process

(Merulla/Pearson)

WHEREAS US Steel pensioners face continued attacks and uncertainty of their future based on US Steel tactics and

WHEREAS Local 1005 and MPP, Paul Miller have called for a public inquiry of US Steel bankruptcy protection process in an attempt to protect pensioners.

THEREFORE, BE IT RESOLVED

That the Council of the City of Hamilton endorses the call for a full public inquiry of US Steel's bankruptcy protection process.

CARRIED

7.2 Making Upper James More Pedestrian Friendly

(Skelly/Whitehead)

WHEREAS, the City of Hamilton's Master Transportation Plan states that promoting and encouraging walking through the provision of facilities and programs helps build active communities, and reduces the dependence on automobile transportation and the associated infrastructure costs, air quality, safety and congestion problems;

WHEREAS, the City of Hamilton's Master Transportation Plan suggests that a successful Pedestrian Network Strategy should facilitate efficient, safe, and enjoyable travel for commuters and other pedestrians through expansion and improvement of the network of on-street pedestrian facilities; and, promote recreational walking and active transportation through the development of off-street facilities; and,

WHEREAS, making the city more pedestrian friendly is consistent with Hamilton's vision statement, "The best place to raise a child and age successfully";

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to prepare a report to the Public Works Committee, respecting the feasibility of making Upper James Street, between the Claremont Access and Rymal Road, more pedestrian friendly without impacting traffic flow; and,
- (b) That the forthcoming report, respecting a More Pedestrian Friendly Upper James Street, provide a phased-in approach with the initial phase of the study focusing on the area between ~~Mountain Brow Boulevard~~ **the Escarpment** and Fennell Avenue, with the inclusion of additional pedestrian crosswalks.

CARRIED

7.3 Cash-In-Lieu of Parking for William Thomas Building

(Farr/A. Johnson)

WHEREAS, on February 24, 2016 Council approved the rezoning application for 46-52 James Street North, known as the William Thomas site;

WHEREAS, the staff report identified that the Zoning By-law requirement for on-site parking could be met through Cash-in-Lieu of Parking as per Section 40 of the Planning Act;

WHEREAS, the staff report identified that Cash-In-Lieu of Parking payment would be equal to \$16,600 per deficient parking space;

WHEREAS, the owner of the subject lands has made an application for Cash-In-Lieu of Parking for 16 parking spaces;

NOW THEREFORE BE IT RESOLVED THAT:

- (a) The request for Cash-In-Lieu of Parking for 16 spaces for 46-52 James Street North be approved;
- (b) That the Cash-In-Lieu of Parking payment to the City of Hamilton be a total of \$265,600, and that the funds be deposited into Cash-In-Lieu

Reserve #115085, for the development of off-street parking within the Downtown Secondary Plan Area;

- (c) That the Mayor and City Clerk be authorized and directed to execute a Cash-in-lieu of Parking Agreement, as well as any ancillary documents whose content is satisfactory to the General Manager of Planning and Economic Development and in a form satisfactory to the City Solicitor and that the Agreement be registered on title to 46-52 James Street North; and
- (d) That the Cash-In-Lieu of Parking Agreement require the payment of the \$265,600 in a manner and time period as determined by the General Manager of Planning and Economic Development.

CARRIED

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

Council approved the following Items in Open Session:

10.1 Closed Session Minutes – August 12, 2016

(Partridge/Ferguson)

- (a) That the Closed Session Minutes of the August 12, 2016 meeting be approved as presented;
- (b) That the Closed Session Minutes of the August 12, 2016 meeting remain confidential and restricted from public disclosure.

CARRIED

10.2 Selection Committee Report 16-002 - September 8, 2016

(B. Johnson/Conley)

1. Heritage Permit Review Committee (Item 4.1(a))

That Diane Gower Dent be appointed to the Heritage Permit Review Committee for a term commencing September 15, 2016 and to expire with the current term of Council or until such time as successors are appointed.

2. Property Standards Committee (Item 4.1(b))

That Ernest Eberhard be appointed to the Property Standards Committee for a term commencing September 15, 2016 and to expire with the current term of Council or until such time as successors are appointed.

3. Tourism Advisory Committee (Item 4.1(c))

That Keith Scott be appointed to the Tourism Advisory Committee for a term commencing September 15, 2016 and to expire with the current term of Council or until such time as successors are appointed.

CARRIED

BY-LAWS

(Green/Farr)

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

- 245 To Impose a Sanitary Sewer Charge on the owners of land who benefit the installation of sanitary sewer drains on Rymal Road East from Upper Mount Albion Road/Dakota Boulevard to Fletcher Road, in the City of Hamilton

CARRIED**(Green/Farr)**

That Bills No. 16-237 to No. 16-246 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws, as amended, be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- 237** To Amend By-law No. 01-215 Being a By-law to Regulate Traffic Schedule 5 (Stop Control)
- 238** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 5 (Parking Meters)
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
- 239** To Incorporate City Land Designated as Parts 2, 3, and 4 on Plan 62R-16439 into Homestead Drive
- 240** To Incorporate City Land Designated as Reserve Block 9 on Plan 62M-910 into Overdale Avenue
- 241** Respecting Removal of Part Lot Control, Blocks 14 and 15 of Registered Plan of Subdivision 62M-1224, "Parkside Hills, Phase 2A" – 56, 58, 60, 62, 64, 66, 68, 70, 72, 74, 76, 78 and 80 Hugill Way, Flamborough

PLC-16-029

- 242** Respecting Removal of Part Lot Control, Lot 15, Registered Plan of Subdivision No. M-101, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140 and 142 Shoreview Place; and, 98 Shoreview Place, units 1-53
PLC-16-017
- 243** Respecting Removal of Part Lot Control, Block 15, Registered Plan of Subdivision No. 62M-1226, "Ancaster Glen Phase 2" for lands municipally known as 1, 3-12 Andruss Lane; 1-10 Bird Lane; 1, 3, 4, 7 and 9 Cheps Lane; 4, 6, 10, 12, 14 and 16 Donovan Lane; 2, 4, 6, 8, 10, 12, 14, 16, 18 and 20 Whaley Lane; 2, 4, 6-10, 12, 14, 16, 18 and 20 Egleston Lane; and 2, 4, 6, 8, 10-18, 20, 22 and 24 Farley
PLC-15-033
- 244** To Amend Zoning By-law No. 05-200, as amended by By-law No. 10-286, Respecting Lands Located at 435 Garner Road East, being Block 4 of Registered Plan 62M-1226 "Ancaster Glen Phase 2" (Ancaster)
ZAH-16-007
- 245** To Impose a Sanitary Sewer Charge on the owners of land who benefit the installation of sanitary sewer drains on Rymal Road East from Upper Mount Albion Road/Dakota Boulevard to Fletcher Road, in the City of Hamilton
- 246** To Confirm the Proceedings of City Council

CARRIED

(Pearson/Farr)

That, there being no further business, City Council be adjourned at 7:23 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk