



CITY COUNCIL MINUTES 16-026

9:30 a.m.

Wednesday, December 14, 2016

Council Chamber

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** Councillors R. Pasuta, Personal and A. VanderBeek, City Business

Mayor Eisenberger called the meeting to order and called upon Markad V. Kamath, the Chief Election officer of the board of the Hindu Samaj Temple, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED NOTICES OF MOTIONS (Item 8)

- 8.1 Processing of Refugees
- 8.2 Amendment to GIC Report 16-017, Item 13
- 8.3 Federal Infrastructure Phase 2 Incrementality
- 8.4 Niagara Peninsula Conservation Authority Audit
- 8.5 One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods

2. ADDED PRIVATE AND CONFIDENTIAL (Item 10)

- 10.5 Stelco / US Steel Litigation

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter

pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

3. AMENDED BILL LIST (Item 11)

- Numbered 313-336
- No. 335 added from the Audit, Finance & Administration Committee

4. ADDED REPORT

6.8 General Issues Committee Report 16-033 – December 9, 2016

(A. Johnson/Farr)

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

CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared an interest to Item 2 of Planning Committee Report 16-021 as he is an investor in the taxi industry.

Councillor B. Johnson declared an interest to Item 27 of General Issues Committee Report 16-032, being a motion respecting the Implications of Banning the Sale of Bottled Water at Municipal Locations, as she has family members involved in that industry.

CEREMONIAL ACTIVITY

3.1 Cheque Presentation from the Board of Directors of the Winona Peach Festival for loan repayment

Linda Shuker from the Board of Directors of the Winona Peach Festival presented Mayor Eisenberger and Ward Councillor Brenda Johnson with a cheque representing the final loan repayment

APPROVAL OF MINUTES

**4.1 Special Council - Hamilton Street Railway Company (Corp.) AGM Minutes
November 22, 2016****(Whitehead/Ferguson)**

That the Minutes of the November 22, 2016 meeting of Special Council - Hamilton Street Railway Company (Corp.) AGM be approved, as presented.

CARRIED

**4.2 Special Council - Hamilton Utilities Corporation Resolution Minutes
November 22, 2016**

(Whitehead/B. Johnson)

That the Minutes of the November 22, 2016 meeting of Special Council - Hamilton Utilities Corporation Resolution be approved, as presented.

CARRIED

4.3 Regular Council - November 23, 2016

(Partridge/Conley)

That the Minutes of the November 23, 2016 meeting of Regular Council be approved, as presented.

CARRIED

**4.4 Special Council - Hamilton Renewable Power Inc. Shareholder AGM
Minutes 16-025 – December 5, 2016**

(Green/Farr)

That the Minutes of the December 5, 2016 meeting of Special Council - Hamilton Renewable Power Inc. Shareholder AGM Minutes 16-025 be approved, as presented.

CARRIED

COMMUNICATIONS

(Merulla/Collins)

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

- 5.1 Correspondence from the Hamilton-Wentworth District School Board respecting accommodation reviews for elementary schools in Ancaster.

Recommendation: Be received.

- 5.2 Correspondence from the Hamilton-Wentworth District School Board respecting accommodation reviews for elementary schools in West Hamilton City.

Recommendation: Be received.

- 5.3 Correspondence from the Association of Municipalities of Ontario respecting a Discussion Paper on Expanding Medical Responses through Fire Services.

Recommendation: Be received.

- 5.4 Correspondence from Councillor Conley respecting his resignation from the Aboriginal Advisory Committee.

Recommendation: Be received.

- 5.5 Correspondence from the Township of Madawaska Valley respecting Bill 7, Promoting Affordable Housing Act, 2016.

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

- 5.6 Correspondence from Janice Dupuis, Deputy Clerk, Municipality of West Nipissing respecting a support resolution to amend the funding formula for municipal homes.

Recommendation: Be endorsed.

- 5.7 Correspondence from Councillor Pearson respecting her resignation from the Mundialization Committee.

Recommendation: Be received.

- 5.8 Correspondence from R.N. Donnell, R.N. Donnell & Company Limited, respecting a request for exemption from Development Charges for property located at 547 King Street East, Hamilton.

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

- 5.9 Correspondence from the Town of Lakeshore respecting a support resolution for the Accommodation Review Process.

Recommendation: Be received.

- 5.10 Correspondence from the City of St. Catharines respecting Niagara Peninsula Conservation Authority (NPCA) - Investigation.

Recommendation: Be endorsed.

- 5.11 Correspondence from D. Bruce Timms, Chair, Niagara Peninsula Conservation Authority (NPCA) respecting the Township of Wainfleet's request for an independent audit of the NPCA.

Recommendation: Be received.

CARRIED

(B. Johnson/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE, 2017 TAX CAPITAL BUDGET REPORT 16-031

(Eisenberger/Partridge)

That Report 16-031 of the General Issues Committee, 2017 Tax Capital Budget be adopted, as presented, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 16-020

(Whitehead/Skelly)

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

CARRIED

BOARD OF HEALTH 16-012

(Jackson/Green)

That Item 7 to the Board of Health Report 16-012, be amended by deleting the words “, with no option for future renewal” to read as follows:

7. Informed Decisions Empowering Adolescents (IDEA's) (BOH16059) (City Wide) (Item 8.2)

That the Board of Health endorse the renewal of the Informed Decisions Empowering Adolescents (IDEAs) Program funding from Impact Education Consulting beginning January 1, 2017 and ending December 31, 2017, ~~with no option for future renewal.~~

AMENDMENT CARRIED

(Eisenberger/Partridge)

That the TWELFTH Report of the Board of Health be adopted, as amended, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 16-021

16. Update and instructions regarding Ontario Municipal Board Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029/PED16248)(City Wide) (Item 12.2)

(B. Johnson/Conley)

That the recommendation of Item 16 of Planning Committee Report 16-021 be amended by deleting the words “the recommendations” and inserting the words

“recommendation (b)” therein and by adding the following subsections (b) and (c) as follows:

- (a) That ~~the recommendations~~ **recommendation (b)** of Report LS16029/PED16248 respecting Update and instructions regarding Ontario Municipal Board Appeals of Rural and Urban Hamilton Official Plans – Urban Boundary Expansion be approved and remain confidential;
- (b) That the balance of Report LS16029/PED16236 remain confidential;**
- (c) That the Report entitled City of Hamilton Residential Land Needs Technical Working Paper (November 2016) prepared by Deloitte attached as Appendix “B” to Report LS16029/PED16248 be released to the public.**

AMENDMENT CARRIED

(B. Johnson/Green)

That the TWENTY-FIRST Report of the Planning Committee be adopted, **as amended**, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 16-032

5. Economic Development Action Plan (PED16216(a)) (City Wide) (Item 7.5)

(Eisenberger/Partridge)

- (a) That Appendix “B” to Item 5 of the General Issues Committee Report 16-032, being the Economic Development Action Plan, be amended by adding an eleventh Stretch Goal of “Hamilton – a Digital City”, to read as follows:
 - 1. Increase Hamilton’s shovel-ready land supply by 500 acres.
 - 2. Add 7 million square feet of new Industrial/Commercial space.
 - 3. Generate a total of \$2 Billion in Industrial and Commercial construction value.
 - 4. Triple the municipal tax assessment generated from surplus U.S. Steel Canada lands.
 - 5. Extend regular HSR service **(connected to the broader BLAST network)** to the interior of the Red Hill, Flamborough, and Stoney Creek Business Parks **and offer 24/7 service to John C. Munro Hamilton International Airport.**
 - 6. Reduce Hamilton’s office vacancy rate to 7% (current at 13%).

7. Add the following new major economic development assets: a major film studio, data centre, 800 to 1,200 seat multi-use performance centre, manufacturing incubation space.
 8. Have 10 local companies on the PROFIT Magazine's "Fastest Growing Businesses" list.
 9. Attract five major events (like the JUNOs) that generate a total combined economic impact of at least \$50 million.
 10. Achieve Intelligent Communities Forum Top 7 ranking.
 11. Hamilton – A Digital City; and, by 2020 we will enable access to broadband internet speeds of; 250 megabit/second to all rural Hamilton, 1 gigabit/second to all urban Hamilton, 10 gigabit/second to all of our business parks and major commercial areas.
- (b) That sub-section (a) to Item 5 of the General Issues Committee Report 16-032, be amended, by adding the words "**as amended**" following the words "attached as Appendix "B"", to read as follows:
- (a) That the City of Hamilton's 2016-2020 Economic Development Action Plan attached as Appendix "B", **as amended**, to Report 16-032, be approved;

AMENDMENT CARRIED

(Ferguson/B Johnson)

That Public Works staff be directed to report to the Public Works Committee to advise if Bell Canada, or any other provider, has applied to the City for a Municipal Contract Agreement for the installation of fibre optics cables in the rural areas and upgrades in the urban areas and whether they have been denied, and refer the issue to the Mayor's Intelligent Community Task Force, if required.

CARRIED

(Eisenberger/Partridge)

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

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 16-018
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(A. Johnson/Farr)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 16-012**(Green/Farr)**

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

CARRIED**GENERAL ISSUES COMMITTEE REPORT 16-033****(Eisenberger/Partridge)**

That the THIRTY-THIRD Report of the General Issues Committee be adopted, **as presented**, and the information section received.

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

That the Committee of the Whole Rise and Report.

CARRIED**MOTIONS****7.1 Naming an Area of the McQuesten Urban Farm after Patricia Reid****(Merulla/Collins)**

WHEREAS, Patricia Reid has been a longstanding resident, advocate, chair and supporter of the McQuesten neighbourhood;

WHEREAS, Patricia Reid has had a vision of food security within the McQuesten Neighbourhood for over 15 years;

WHEREAS, Patricia Reid led the development of the first community garden on City Housing Hamilton property within the Oriole Crescent community;

WHEREAS, through the work of the Neighbourhood Action Strategy Patricia Reid led the inclusion of the Urban Farm as a priority action in the McQuesten Neighbourhood Action Plan;

WHEREAS, Patricia Reid's vision of an urban farm came to life in 2016; and,

WHEREAS, it is important to recognize residents whose significant efforts continue to evolve neighbourhoods and the City as a whole;

THEREFORE BE IT RESOLVED:

- (a) That City Council support the naming of the outdoor community gathering area, within the McQuesten Urban Farm, as the "Patricia Reid Community Gathering Place"; and,

- (b) That Staff work with Councillor Merulla and Patricia Reid to install appropriate signage.
- (c) That this Item be forwarded to the Facility Naming Committee for their information.

CARRIED

7.2 Processing of Refugees

(A. Johnson/Eisenberger)

WHEREAS, many citizen sponsors responded very positively to the government's call in late 2015 for Syrian refugees to come to Canada;

WHEREAS, many groups raised money, undertook training and generally prepared to welcome a refugee family;

WHEREAS, because of a change in policy by the Federal government, many sponsorship groups and Groups of 5 are still waiting for a refugee family; and,

WHEREAS, it has been shown that the best way to integrate refugees into Canadian society is with a group of citizens hosting them;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor, on behalf of Council, correspond with the Right Honourable Justin Trudeau, Prime Minister of Canada, to request the federal government take whatever steps necessary to ensure that refugee families both from Syria and other countries are processed, and travel arrangements made, so the sponsorship groups and Groups of 5 that are ready to host such refugees can welcome those refugee families within three months; and,
- (b) That a copy of this resolution be provided to The Honourable John McCallum Minister of Immigration, Refugees and Citizenship.

CARRIED

(Skelly/A. Johnson)

That Item 7.2 be amended by adding subsection (b) as follows and re-lettering the subsequent subsection:

- (b) That the Federal government consider an extension of the financial assistance provided to the Syrian refugees who arrived in Canada in 2016.

Amendment CARRIED

The Main Motion as amended reads as follows:

(A. Johnson/Eisenberger)

WHEREAS, many citizen sponsors responded very positively to the government's call in late 2015 for Syrian refugees to come to Canada;

WHEREAS, many groups raised money, undertook training and generally prepared to welcome a refugee family;

WHEREAS, because of a change in policy by the Federal government, many sponsorship groups and Groups of 5 are still waiting for a refugee family; and,

WHEREAS, it has been shown that the best way to integrate refugees into Canadian society is with a group of citizens hosting them;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor, on behalf of Council, correspond with the Right Honourable Justin Trudeau, Prime Minister of Canada, to request the federal government take whatever steps necessary to ensure that refugee families both from Syria and other countries are processed, and travel arrangements made, so the sponsorship groups and Groups of 5 that are ready to host such refugees can welcome those refugee families within three months; and,
- (b) That the Federal government consider an extension of the financial assistance provided to the Syrian refugees who arrived in Canada in 2016.
- (c) That a copy of this resolution be provided to The Honourable John McCallum Minister of Immigration, Refugees and Citizenship.

CARRIED

7.3 Amendment to Sub-Section (a) of Item 13 of General Issues Committee Report 16-017 respecting Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 44 - 52 James Street North.

(Farr/A. Johnson)

That subsection (a) to Item 13 of the General Issues Committee Report 16-017, which was approved by Council on July 8, 2016, be amended to reflect the name of the current owner, by deleting the name "***LiUNA Local 837 Lister Property Corporation***" and replacing it with the name "***James Street Residences Inc.***" in lieu thereof, to read as follows:

- 13. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 44 - 52 James Street North (ERG15-04) (PED16143) (Ward 2) (Item 8.8)**

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-15-04, submitted by Stonehaven Specialty Contracting Corp (Tony De Pasquale) the Agent on behalf of **James Street Residences Inc.**, the owner of the property at 44 - 52 James Street North, Hamilton, for an ERASE Redevelopment Grant not to exceed \$2,225,361, the actual cost of the remediation, payable to **James Street Residences Inc.**, over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the ERASE Redevelopment Agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED16143, 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 grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

CARRIED

7.4 Federal Infrastructure Phase 2 Incrementality

(Eisenberger/Partridge)

WHEREAS, municipal governments' infrastructure is critical to our collective economic health;

WHEREAS, stable, predictable and formula-based infrastructure funding allows municipal governments to plan and schedule investments in infrastructure;

WHEREAS, Ontario municipal governments have asset management plans which set out a municipality's longer term capital plan which reflects the infrastructure priorities of these asset management plans; and,

WHEREAS, a federal incrementality rule interferes with municipal long-term infrastructure priorities and diminishes the value of municipal asset planning and management;

WHEREAS, it is very difficult to complete the capital projects within the allotted one year time line;

NOW THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton calls on the federal government to provide long-term, predictable, and formula-based funding in its Phase 2 programs for municipal governments; and,
- (b) That the City of Hamilton calls on the federal government to change incremental requirements in Phase 2 to recognize in Ontario that a municipal government' asset management plan meets a municipal incremental infrastructure requirement.
- (c) That copies of this resolution be forwarded to AMO and FCM

CARRIED

7.5 Niagara Peninsula Conservation Authority Audit

(B. Johnson/Merulla)

WHEREAS, the Niagara Peninsula Conservation Authority (NPCA), a Provincial agency operating in the City of Hamilton, Regions of Niagara and Haldimand County, is funded partially by the City of Hamilton;

WHEREAS, the City of Hamilton has asked in the past for the Province of Ontario to review and oversee operations at the NPCA;

WHEREAS, serious questions have been raised about the financial and human resource management of the NPCA;

WHEREAS, serious questions have been raised about the functioning of the NPCA in upholding its duty to fulfill the legislative mandate, as set out for it in Section 20 of The Conservation Authorities Act, "to establish and undertake programs designed to balance the conservation, restoration, development and management of natural resources";

WHEREAS, the City of St. Catharines has unanimously passed a motion asking the Province to initiate an appropriately thorough investigation be it a value for money and/or a forensic audit of the Niagara Peninsula Conservation Authority;

WHEREAS, the Township of Wainfleet unanimously passed a motion; "That Wainfleet Town Council request the NPCA Board to consider obtaining an independent third party audit, such as a value for money audit and/or forensic audit, above and beyond their annual financial audits;

WHEREAS, both Niagara on the Lake and City of Port Colbourne also passed unanimously a motion requesting a forensic audit of the NPCA; and,

WHEREAS, the people of the City of Hamilton, Region of Niagara, Haldimand County and Province of Ontario deserve openness and accountability as to how their tax dollars are being spent and how effectively our natural environment is being protected;

THEREFORE BE IT RESOLVED:

That the Mayor, on behalf of Council, send a letter to Premier Kathleen Wynne and Kathryn McGarry, Minister of Natural Resources and Forestry, the Auditor General of Ontario, with copies distributed to the NPCA, all Hamilton and Niagara MPPs, the Niagara Region, local tier municipalities in Niagara, and Haldimand County, urging the Province to immediately initiate an appropriately thorough investigation, be it a value for money and/or a forensic audit of applicable 2012 – 2016 transactions of the Niagara Peninsula Conservation Authority.

The Motion CARRIED on the following Standing Recorded Vote:

Yeas: Eisenberger, Whitehead, Skelly, Jackson, Collins, Merulla, Green,
Farr, A. Johnson, Conley, Partridge, B. Johnson, Ferguson, Partridge
Total: 14
Nays: 0
Absent: Pasuta, VanderBeek
Total: 2

7.6 One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods

(A. Johnson/B. Johnson)

WHEREAS, a motion to approve one full-time Environmental By-law Officer to enforce the City's by-laws in the communities surrounding McMaster University was TABLED by the Planning Committee on December 6, 2016 to allow the Ward Councillor to investigate alternative funding sources including, but not limited to, Bell Cell Tower Funding and Capital Reinvestment Reserves (Area Rating); and,

WHEREAS, no viable alternative funding sources are available for increased by-law enforcement in the communities surrounding McMaster University;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to expand the current Mohawk College Co-op Student program by hiring two additional students for enforcement of the one year pilot program for yard maintenance related by-laws in the McMaster neighbourhoods, based on full cost recovery through Fee for Inspection charges for non-compliant properties;
- (b) That, as part of the one year pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods, the Mohawk College Co-op Students be directed to collect baseline data in order to assist in determining adequate, permanent yard maintenance by-law enforcement resource requirements for the McMaster neighbourhoods;

- (c) That one Parking Control Officer be redeployed to proactively address parking issues in the McMaster neighbourhoods; and,
- (d) That staff be directed to report back to the Planning Committee before the end of the 12 month pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods, with the results of the pilot and recommendations for permanent by-law enforcement resource requirements for the McMaster neighbourhoods.

CARRIED

Councillors L. Ferguson and M. Green indicated that they wished to be recorded as **OPPOSED** to this Item.

NOTICES OF MOTION

Councillor A. Johnson introduced the following Notice of Motion:

8.1 Processing of Refugees

WHEREAS, many citizen sponsors responded very positively to the government's call in late 2015 for Syrian refugees to come to Canada;

WHEREAS, many groups raised money, undertook training and generally prepared to welcome a refugee family;

WHEREAS, because of a change in policy by the Federal government, many sponsorship groups and Groups of 5 are still waiting for a refugee family; and,

WHEREAS, it has been shown that the best way to integrate refugees into Canadian society is with a group of citizens hosting them;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor, on behalf of Council, correspond with the Right Honourable Justin Trudeau, Prime Minister of Canada, to request the federal government take whatever steps necessary to ensure that refugee families both from Syria and other countries are processed, and travel arrangements made, so the sponsorship groups and Groups of 5 that are ready to host such refugees can welcome those refugee families within three months; and,
- (b) That a copy of this resolution be provided to The Honourable John McCallum Minister of Immigration, Refugees and Citizenship.

(A. Johnson/Farr)

That the Rules of Order be waived in order allow for the introduction of a motion respecting Processing Refugees.

CARRIED

For disposition of this matter, please refer to Item 7.2.

Councillor Farr introduced the following Notice of Motion:

8.2 Amendment to Sub-Section (a) of Item 13 of General Issues Committee Report 16-017 respecting Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 44 - 52 James Street North.

That subsection (a) to Item 13 of the General Issues Committee Report 16-017, which was approved by Council on July 8, 2016, be amended to reflect the name of the current owner, by deleting the name "***LiUNA Local 837 Lister Property Corporation***" and replacing it with the name "***James Street Residences Inc.***" in lieu thereof, to read as follows:

13. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 44 - 52 James Street North (ERG15-04) (PED16143) (Ward 2) (Item 8.8)

- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-15-04, submitted by Stonehaven Specialty Contracting Corp (Tony De Pasquale) the Agent on behalf of ***James Street Residences Inc.***, the owner of the property at 44 - 52 James Street North, Hamilton, for an ERASE Redevelopment Grant not to exceed \$2,225,361, the actual cost of the remediation, payable to ***James Street Residences Inc.***, over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute the ERASE Redevelopment Agreement together with any ancillary documentation required, to effect recommendation (a) of Report PED16143, 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 grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

(Farr/A. Johnson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting an amendment to Subsection (a) to Item 13 of the General Issues Committee Report 16-017, respecting Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application, 44 - 52 James Street North.

CARRIED

For disposition of this matter, please refer to Item 7.3.

Mayor Eisenberger presented the following Notice of Motion

8.3 Federal Infrastructure Phase 2 Incrementality

WHEREAS, municipal governments' infrastructure is critical to our collective economic health;

WHEREAS, stable, predictable and formula-based infrastructure funding allows municipal governments to plan and schedule investments in infrastructure;

WHEREAS, Ontario municipal governments have asset management plans which set out a municipality's longer term capital plan which reflects the infrastructure priorities of these asset management plans; and,

WHEREAS, a federal incrementality rule interferes with municipal long-term infrastructure priorities and diminishes the value of municipal asset planning and management;

NOW THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton calls on the federal government to provide long-term, predictable, and formula-based funding in its Phase 2 programs for municipal governments; and,
- (b) That the City of Hamilton calls on the federal government to change incremental requirements in Phase 2 to recognize in Ontario that a municipal government' asset management plan meets a municipal incremental infrastructure requirement.

(Eisenberger/Partridge)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Federal Infrastructure Phase 2 Incrementality.

CARRIED

For disposition of this matter, please refer to Item 7.4.

Councillor B. Johnson introduced the following Notice of Motion:

8.4 Niagara Peninsula Conservation Authority Audit

WHEREAS, the Niagara Peninsula Conservation Authority (NPCA), a Provincial agency operating in the City of Hamilton, Regions of Niagara and Haldimand County, is funded partially by the City of Hamilton;

WHEREAS, the City of Hamilton has asked in the past for the Province of Ontario to review and oversee operations at the NPCA;

WHEREAS, serious questions have been raised about the financial and human resource management of the NPCA;

WHEREAS, serious questions have been raised about the functioning of the NPCA in upholding its duty to fulfill the legislative mandate, as set out for it in Section 20 of The Conservation Authorities Act, “to establish and undertake programs designed to balance the conservation, restoration, development and management of natural resources”;

WHEREAS, the City of St. Catharines has unanimously passed a motion asking the Province to initiate an appropriately thorough investigation be it a value for money and/or a forensic audit of the Niagara Peninsula Conservation Authority;

WHEREAS, the Township of Wainfleet unanimously passed a motion; “That Wainfleet Town Council request the NPCA Board to consider obtaining an independent third party audit, such as a value for money audit and/or forensic audit, above and beyond their annual financial audits;

WHEREAS, both Niagara on the Lake and City of Port Colbourne also passed unanimously a motion requesting a forensic audit of the NPCA; and,

WHEREAS, the people of the City of Hamilton, Region of Niagara, Haldimand County and Province of Ontario deserve openness and accountability as to how their tax dollars are being spent and how effectively our natural environment is being protected;

THEREFORE BE IT RESOLVED:

That the Mayor, on behalf of Council, send a letter to Premier Kathleen Wynne and Kathryn McGarry, Minister of Natural Resources and Forestry, the Auditor General of Ontario, with copies distributed to the NPCA, all Hamilton and Niagara MPPs, the Niagara Region, local tier municipalities in Niagara, and Haldimand County, urging the Province to immediately initiate an appropriately thorough investigation, be it a value for money and/or a forensic audit of the Niagara Peninsula Conservation Authority.

(B. Johnson/Merulla)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Niagara Peninsula Conservation Authority Audit

CARRIED

For disposition of this matter, please refer to Item 7.5.

Councillor A. Johnson introduced the following Notice of Motion:

8.5 One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods

WHEREAS, a motion to approve one full-time Environmental By-law Officer to enforce the City's by-laws in the communities surrounding McMaster University was TABLED by the Planning Committee on December 6, 2016 to allow the Ward Councillor to investigate alternative funding sources including, but not limited to, Bell Cell Tower Funding and Capital Reinvestment Reserves (Area Rating); and,

WHEREAS, no viable alternative funding sources are available for increased by-law enforcement in the communities surrounding McMaster University;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to expand the current Mohawk College Co-op Student program by hiring two additional students for enforcement of the one year pilot program for yard maintenance related by-laws in the McMaster neighbourhoods, based on full cost recovery through Fee for Inspection charges for non-compliant properties;
- (b) That, as part of the one year pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods, the Mohawk College Co-op Students be directed to collect baseline data in order to assist in determining adequate, permanent yard maintenance by-law enforcement resource requirements for the McMaster neighbourhoods;
- (c) That one Parking Control Officer be redeployed to proactively address parking issues in the McMaster neighbourhoods; and,
- (d) That staff be directed to report back to the Planning Committee before the end of the 12 month pilot program for enforcement of yard maintenance related by-laws in the McMaster neighbourhoods, with the results of the pilot and recommendations for permanent by-law enforcement resource requirements for the McMaster neighbourhoods.

(A. Johnson/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a One Year Pilot Program for Yard Maintenance Related By-laws in the McMaster Neighbourhoods.

CARRIED

For disposition of this matter, please refer to Item 7.6.

Councillor Green presented the following Notice of Motion:

8.6 New Urban Agenda

WHEREAS, the New Urban Agenda is an action-oriented document which sets the Global Standards under the United Nations of inclusive sustainable urban development;

WHEREAS, the United Nations Conference on Housing and Sustainable Urban Development (Habitat III) held from October 17-20, 2016 in Quito, Ecuador successfully concluded with the adoption of the New Urban Agenda resolution, attached as Appendix "A"; and,

WHEREAS, the Honourable Yves DeClos, Minister of Families, Children and Social Development, led an official delegation of which Hamilton was included;

THEREFORE BE IT RESOLVED:

That the City Manager be directed to report back on the local applications of the declaration of the New Urban Agenda for review and opportunities for further action items be recommended for Council's consideration and final approval.

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 - November 23, 2016

(Farr/A. Johnson)

- (a) That the Closed Session Minutes of the November 23, 2016 Council meeting be approved as presented;

- (b) That the Closed Session Minutes of the November 23, 2016 Council meeting remain private and confidential and restricted from public disclosure.

CARRIED

10.2 Selection Committee Report 16-004 - December 1, 2016

(Collins/Merulla)

1. Hamilton Farmers' Market Board of Directors (Item 4.1(a))

That Wilf Arndt and Elly Bowen be appointed to the Hamilton Farmers' Market Board of Directors for a term commencing December 15, 2016 and to expire with the current term of Council or until such time as successors are appointed.

2. Agriculture and Rural Affairs Advisory Committee (Item 4.1(b))

That Woody Galloway and Gavin Smuk be appointed to the Agriculture and Rural Affairs Advisory Committee for a term commencing December 15, 2016 and to expire with the current term of Council or until such time as successors are appointed.

3. Hamilton Municipal Heritage Committee (Item 4.1(c))

That Graham Carroll be appointed to the Hamilton Municipal Heritage Committee for a term commencing December 15, 2016 and to expire with the current term of Council or until such time as successors are appointed.

CARRIED

(Whitehead/Jackson)

That Item 10.4 respecting Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands (PED16254) (Ward 8) be TABLED to allow for further discussions with the interested parties.

CARRIED

(Jackson/Skelly)

That Council move into Closed Session at 1:15 p.m. respecting:

Item 10.3. the Stadium Litigation Update, 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 *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains 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.

And

Item 10.5 regarding Stelco / US Steel Litigation, pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee reconvened in Open Session at 2:58 p.m.

(i) Stadium Litigation Update (Item 10.3)

Direction was given to staff in Closed Session with nothing to report in Open Session.

(ii) Item 10.5 regarding Stelco/ US Steel Litigation

An update was provided to staff in Closed Session with nothing to report in Open Session.

BY-LAWS

(Farr/Collins)

That Bills No. 16-313 to No. 16-336 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:

By-law No.

- | | |
|------------|---|
| 313 | To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 2 (Speed Limits) |
| 314 | To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control) |
| 315 | 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)
Schedule 14 (Wheelchair Loading Zones) |
| 316 | To Incorporate City Land Designated as Parts 3, 4, and 5 on Plan 62R-20431 into Rebecca Street |
| 317 | To Incorporate City Land Designated as Part 2 on Plan 62R-20432 into Mary Street |
| 318 | To Incorporate City Land Designated as Lot 62 on Plan RCP1424 into Mountain Avenue North |
| 319 | To Incorporate City Land Designated as Part 2 and 7 on Plan 62R-17526 and Part |

- 5 on Plan 62R-20292 into Fortissimo Drive
- 320** To Amend By-law No. 06-147, Being a By-law to Authorize the City to Enter into Extension Agreements
- 321** To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272 and Implement the 2017 Fees and Charges
- 322** To Amend the Sewer and Drain By-law No. 06-026, and Implement the 2017 Fees and Charges
- 323** To Amend the Waterworks By-law No. R84-026 and Implement the 2017 Fees and Charges
- 324** A By-law to Establish the 2017 Water and Wastewater/Storm Fees and Charges for Services, Activities and Use of Property Provided by the City of Hamilton
- 325** Respecting Removal of Part Lot Control, Lots 1-178 and 181-193, Registered Plan of Subdivision 62M-1231 "Mattamy Waterdown, Phase 2B"
PLC-16-022
- 326** Respecting Removal of Part Lot Control, Block 1, Registered Plan of Subdivision 62M-1191, municipally known as 501, 555, 559, and 565 Sanatorium Road, Hamilton
PLC-16-027
- 327** Respecting Removal of Part Lot Control, bLocks 1 to 4 (inclusive for the creation of 24 Residential Lots on Parts 1, 5 to 8 (inclusive), 11, 12, 14, 16, 20, 22, 25, 26, 30 to 32 (inclusive), 34, 37, 28, 41, 43, 44, 46, and 49, as well as for the creation of 16 access easements and 10 maintenance easements on Parts 2 to 4 (inclusive), 9, 10, 13, 15, 17 to 19 (inclusive), 21, 23, 24, 27 to 29 (inclusive), 33, 35, 36, 29, 40, 42, 45, 47, 48, and 50 on Registered Plan 62M-1224 (Plan 62R-20470) known as "Park Place – Phase 2a" – 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, and 27 Savage Drive, and 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, and 140 Cole Street, Flamborough
PLC-16-037
- 328** To Amend By-law No. 15-058, a By-law respecting Building Permits and Related Matters
- 329** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 21 Panabaker Drive, in the former Town of Ancaster, now in the City of Hamilton
ZAC-16-027
- 330** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 120 Binbrook Road, Former Township of Glanbrook
ZAA-16-049
- 331** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 9196 Dickenson Road (Glanbrook)
ZAC-16-004
- 332** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 2750 King Street East, Hamilton
ZAC-15-060
- 333** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 2750 King

Street East, Hamilton
ZAC-15-060

- 334** To Designate Lands Located at 601 Barton Street East, City of Hamilton, as
Property of Cultural Heritage Value
- 335** CityHousing Hamilton Municipal Housing Project Facilities Tax Exemption By-law
- 336** To Confirm the Proceedings of City Council

CARRIED

(Partridge/Conley)

That, there being no further business, City Council be adjourned at 3:05 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk