



CITY COUNCIL MINUTES 17-003

5:00 p.m.

Wednesday, February 22, 2017

Council Chamber

Hamilton City Hall

71 Main Street West

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

Absent with

Regrets: Councillor R. Pasuta – Sick Leave

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish With One Spoon” wampum agreement.

The Mayor called upon Father Geoffrey Korz from the All Saints of North America Orthodox Church to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.11 Correspondence respecting the Light Rail Transit Sub-committee Report 17-001, January 30, 2017 – Bay Street Stop Assessment

- (c) Bob Berberick
- (d) Arnie Strub, Executive Director, Stoney Creek Chamber of Commerce
- (e) Dave Heidebrecht
- (f) Susie Braithwaite, Executive Director, International Village BIA
- (g) Kathy Della-Nebbia, GR Chair, Realtors Association
- (h) Keanin Loomis, President & CEO, Hamilton Chamber of Commerce
- (i) Ollie Thomson
- (j) Michele Ballagh, Lawyer & Trademark Agent, Ballagh & Edward LLP

- (k) Arend Kersten, Executive Director, Flamborough Chamber of Commerce
- (l) Suzanne Mammel, Executive Officer, Hamilton-Halton Home Builders' Association
- (m) Peter Tosh, Director of Operations, Vrancor

Recommendation: Be received and referred to the consideration of Item (g) of the Information Section of the General Issues Committee Report 17-004.

2. NOTICES OF MOTION

- 8.1 Ancaster Avalanche Junior Hockey Team Blueline Club – Special Occasion Permit Liquor Licence

3. ADDED BY-LAW

- 034 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 392, 488 and 530 Dundas Street East (Flamborough)

(VanderBeek/Partridge)

That the agenda for the February 22, 2017 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Pearson declared a conflict regarding Item 6.2 Planning Committee Report 17-003 Item 3, Rental Housing Sub-committee Report 17-001, as she is the owner of rental properties.

Councillor Green declared a conflict regarding Item 6.2 Planning Committee Report 17-003 Item 3, Rental Housing Sub-committee Report 17-001, and Item 7.1 a Motion respecting Council Appointment to the Rental Housing Sub-committee, as he is the owner of rental properties.

Councillor VanderBeek declared a conflict regarding Item 6.2 Planning Committee Report 17-003 Item 3, Rental Housing Sub-committee Report 17-001 as she is the owner of rental properties.

Councillor Merulla declared a conflict regarding Item 7.1 a Motion respecting Council Appointment to the Rental Housing Sub-committee, as he is the owner of rental properties.

APPROVAL OF MINUTES

4.1 February 8, 2017**(A. Johnson/Farr)**

That the Minutes of the February 8, 2017 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Pearson/Conley)

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

- 5.1 Correspondence from George Rust-D'Eye, Integrity Commissioner to the City of Hamilton respecting the Code of Conduct for Members of Council – Proposed Amendment.

Recommendation: ***Be received and referred to the Governance Review Sub-Committee.***

- 5.2 Correspondence from the Township of Scugog regarding a resolution recommending the initiation of a provincial working group to examine the financial implications associated with being located in the Greenbelt adopted at their Council meeting of January 30, 2017, requesting consideration and endorsement.

Recommendation: Be received.

- 5.3 Correspondence from Marsha Duncan respecting Joe-Anne Priel, General Manager, Community and Emergency Services.

Recommendation: Be received.

- 5.4 Correspondence from Stephen Covey, President, and Sarah Mayes, National Director (Interim), Operation Lifesaver, respecting Canada's 15th annual Rail Safety Week from April 24 - 30, 2017.

Recommendation: Be received.

- 5.5 Correspondence from Minister Bill Mauro, Ministry of Municipal Affairs in response to the Mayor's letter respecting municipal elections and the voters list.

Recommendation: Be received.

- 5.6 Correspondence from Minister Kathryn McGarry, Ministry of Natural Resources and Forestry in response to the Mayor's letter respecting Council's resolution regarding the Niagara Peninsula Conservation Authority (NPCA).

Recommendation: Be received.

- 5.7 Correspondence from Dan Mathieson, Chair, MPAC Board of Directors respecting the 2017 Budget and Municipal Levy.

Recommendation: Be received.

- 5.8 Correspondence from Lakewood Beach Community Council respecting the Stoney Creek TransCab Transit Levy.

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

- 5.9 Correspondence from the Town of Pelham regarding a resolution respecting the process for appointments to the Niagara Peninsula Conservation Authority.

Recommendation: Be endorsed ***and that the Association of Municipalities of Ontario be included in the distribution.***

- 5.10 Correspondence from the Town of Lincoln regarding a resolution respecting Niagara Peninsula Conservation Authority investigation.

Recommendation: Be endorsed ***and that the Association of Municipalities of Ontario be included in the distribution.***

- 5.11 Correspondence respecting the Light Rail Transit Sub-Committee Report 17-001, January 30, 2017 - Bay Street Stop Assessment:

- (a) Robert A. Brosius
- (b) Jason Chavret
- (c) Bob Berberick
- (d) Arnie Strub, Executive Director, Stoney Creek Chamber of Commerce
- (e) Dave Heidebrecht
- (f) Susie Braithwaite, Executive Director, International Village BIA
- (g) Kathy Della-Nebbia, GR Chair, Realtors Association
- (h) Keanin Loomis, President & CEO, Hamilton Chamber of Commerce
- (i) Ollie Thomson
- (j) Michele Ballagh, Lawyer & Trademark Agent, Ballagh & Edward LLP
- (k) Arend Kersten, Executive Director, Flamborough Chamber of Commerce
- (l) Suzanne Mammel, Executive Officer, Hamilton-Halton Home Builders' Association
- (m) Peter Tosh, Director of Operations, Vrancor

Recommendation: Be received and referred to the consideration of Item (g) of the Information Section of the General Issues Committee Report 17-004.

CARRIED

(Partridge/B. Johnson)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 17-002

1. Intersection Control List (PW17001(a)) (Wards 1, 7, 13 and 15) (Item 5.1)

(VanderBeek/Ferguson)

That Item 1 of the Public Works Committee Report 17-002 respecting Intersection Control List (PW17001(a)) (Wards 1, 7, 13 and 15), be deleted in its entirety as it was previously considered by Council on January 25, 2017.

AMENDMENT CARRIED

MAIN MOTION, AS AMENDED, CARRIED

(VanderBeek/Ferguson)

That the SECOND Report of the Public Works Committee (attached hereto) meeting be adopted, as amended, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 17-003

11. Update and Instructions Regarding Ontario Municipal Board Appeals of Rural Hamilton Official Plan Amendment 9, Zoning By-law Nos. 15-173 and 15-238, PL150005 & PL151130 (LS17001/PED17001) (Wards 11 to 15) (Item 12.1)

(A. Johnson/Farr)

That the recommendation of Item 11 of Planning Committee Report 17-003 respecting Update and Instructions Regarding Ontario Municipal Board Appeals of Rural Hamilton Official Plan Amendment 9, Zoning By-law Nos. 15-173 and 15-238, PL150005 & PL151130 (LS17001/PED17001) (Wards 11 to 15) be deleted in its entirety and the following be inserted therein:

~~That the recommendations of Report LS17001/PED17001 respecting Update and Instructions Regarding Ontario Municipal Board Appeals of Rural Hamilton Official Plan Amendment 9, Zoning By-law Nos. 15-173 and 15-238, PL150005 & PL151130 be approved and remain confidential until Council approval.~~

- (a) That the settlement proposal contained in Report LS17001/PED17001 be approved, and the Mayor and Clerk be authorized to execute Minutes of Settlement, substantially in accordance with Appendix "A" to the Report;
- (b) That the City Solicitor be authorized and directed to take any steps necessary to implement the settlement respecting the appeals by Coalition for Rural Environment Protection;
- (c) That, upon final execution of the Minutes of Settlement, staff be directed to bring forward an amendment to the Site Plan Control By-law No. 15-176 to

add "Landscape Contracting Establishment Secondary" as a use subject to the by-law;

- (d) That Report LS17001/PED17001 remain confidential.

CARRIED

(A. Johnson/Farr)

That the THIRD Report of the Planning Committee (attached hereto) be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 17-004

(Whitehead/Partridge)

That Item (g) of the General Issues Committee Report 17-004, respecting the Light Rail Transit Sub-committee Report 17-001, January 30, 2017 – Bay Street Stop Assessment, be lifted from the Information Section.

CARRIED

(Farr/Eisenberger)

That Item (g) of the General Issues Committee Report 17-004, respecting the Light Rail Transit Sub-committee Report 17-001, January 30, 2017 – Bay Street Stop Assessment, be referred to the next Special LRT General Issues Committee Meeting.

CARRIED

The motion above CARRIED on the following Standing Recorded Vote:

Yeas:	Eisenberger, A. Johnson, Farr, Green, Merulla, Jackson, Whitehead, Pearson
Total:	8
Nays:	Collins, Skelly, Conley, B. Johnson, Ferguson, VanderBeek, Partridge
Total:	7
Absent:	Pasuta
Total:	1

(Eisenberger/Partridge)

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

CARRIED

(Partridge/Ferguson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Council Appointment to the Rental Housing Sub-Committee**(Whitehead/Skelly)**

That Councillor D. Conley be appointed as a member of the Rental Housing Sub-Committee for a term commencing on February 23, 2017 and expiring with the current term of Council.

CARRIED**7.2 Installation of a Rainbow-Coloured Crosswalk in the International Village BIA (Ward 2)**

Councillor Merulla WITHDREW the Motion.

7.3 Absence through Illness – Councillor Robert Pasuta**(Partridge/Ferguson)**

WHEREAS Section 259(c) of the Municipal Act stipulates that the seat of a Member of Council becomes vacant if the member is absent from meetings of the Council for three successive months without being authorized to do so by a resolution of Council.

THEREFORE BE IT RESOLVED:

That Councillor Robert Pasuta, be authorized to absent himself from meetings of the Council of the City of Hamilton for a period in excess of three successive months, until his recovery is complete.

CARRIED**7.4 Recruitment for the Citizen Appointee Vacancy on the Property Standards Committee****(B. Johnson/Green)**

WHEREAS Mr. James Summers has resigned from the Property Standards Committee.

THEREFORE BE IT RESOLVED:

- (a) That Mr. Summers resignation, be received;
- (b) That the Selection Committee be requested to fill the citizen appointee vacancy on the Property Standards Committee; and,
- (c) ***That the matter of City employees appointed as Citizen Members to City Advisory Committees, Boards and Commissions be referred to the Governance Review Sub-committee.***

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

7.5 Appointment to the Hamilton Utilities Corporation Board of Directors**(Ferguson/B. Johnson)**

WHEREAS, as a result of becoming a Director of Alectra Inc., Mayor Fred Eisenberger, tendered his resignation as a Director of the Hamilton Utilities Corporation (the Corporation"); and

WHEREAS, pursuant to section 4b. of the Amended and Restated Shareholder Declaration dated August 31, 2000 in respect of the Corporation, Mayor Fred Eisenberger named Councillor Maria Pearson as his designate to serve as a Director of the Corporation, to hold office for a term ending on the earlier of: (a) the end of the current term of Fred Eisenberger as the Mayor of the City of Hamilton; (b) the end of the current term of Maria Pearson as a member of the Council of the City of Hamilton; and (c) the resignation of Maria Pearson as a Director of the Corporation;

THEREFORE BE IT RESOLVED:

- (a) That the resignation of Mayor Fred Eisenberger as a Director of the Hamilton Utilities Corporation (the Corporation), be accepted;
- (b) That the designation by Mayor Fred Eisenberger of Councillor Maria Pearson to serve as a Director of the Corporation, be received; and
- (c) That Councillor Maria Pearson is declared to be elected a Director of the Corporation, to hold office for a term ending on the earlier of: (a) the end of the current term of Fred Eisenberger as the Mayor of the City of Hamilton; (b) the end of the current term of Maria Pearson as a member of the Council of the City of Hamilton; and (c) the resignation of Maria Pearson as a Director of the Corporation.

CARRIED

7.6 Amendment to Item 4 of the General Issues Committee Report 17-003**(B. Johnson/Pearson)****4. City of Hamilton Ward Boundary Review – Final Consultant Report (Amended) (CL16009(b)) (City Wide) (Item 7.2)**

That the recommendation of Item 4 of General Issues Committee Report 17-003 respecting the City of Hamilton Ward Boundary Review – Final Consultant Report (Amended) (CL16009(b)) (City Wide) be amended to delete and replace Appendix “B” with the **Revised** Appendix “B” that accurately reflects the boundary adjustment between Wards 10 and 11 referenced on page 29 of the Consultant’s report:

- (a) That Option #1, attached as **Revised** Appendix “B”, respecting the City of Hamilton Ward Boundary Review – Final Consultant Report, be approved; and,

- (b) That staff be directed to prepare the required by-law to bring into affect the new Hamilton Ward boundaries, as substantially described in the attached **Revised** Appendix “B”.

AMENDMENT CARRIED

MAIN MOTION, AS AMENDED, CARRIED

Councillor Green wished to be recorded as OPPOSED to the Motion and the Amendment.

7.7 Ancaster Avalanche Junior Hockey Team Blueline Club – Special Occasion Permit Liquor Licence

(Ferguson/B. Johnson)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Ryan Kuwabara on behalf of the Ancaster Avalanche Junior Hockey Team, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on March 2, 2017 to May 15, 2017 inclusive between the hours of 7:00 p.m. and 9:30 p.m. at the Morgan Firestone Arena, 385 Jerseyville Road in Hamilton, Ontario, during the Ancaster Avalanche Junior Hockey Team Blueline Club taking place in Hamilton, Ontario;

WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and

WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the Ancaster Avalanche Junior Hockey Team Blueline Club, being held in the City of Hamilton, Ontario on March 2, 2017 to May 15, 2017 inclusive, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Ancaster Avalanche Junior Hockey Team c/o Ryan Kuwabara, Hamilton, Ontario.

CARRIED

NOTICES OF MOTION

Councillor Ferguson introduced the following Notice of Motion:

8.1 Ancaster Avalanche Junior Hockey Team Blueline Club – Special Occasion Permit Liquor Licence

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Ryan Kuwabara on behalf of the Ancaster Avalanche Junior Hockey Team, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on March 2, 2017 to May 15, 2017 inclusive between the hours of 7:00 p.m. and 9:30 p.m. at the Morgan Firestone Arena, 385 Jerseyville Road in Hamilton, Ontario, during the Ancaster Avalanche Junior Hockey Team Blueline Club taking place in Hamilton, Ontario;

WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and

WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the Ancaster Avalanche Junior Hockey Team Blueline Club, being held in the City of Hamilton, Ontario on March 2, 2017 to May 15, 2017 inclusive, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Ancaster Avalanche Junior Hockey Team c/o Ryan Kuwabara, Hamilton, Ontario.

(Ferguson/B. Johnson)

That the Rules of Order be waived to allow for the introduction of a motion respecting Ancaster Avalanche Junior Hockey Team Blueline Club – Special Occasion Permit Liquor Licence.

CARRIED

For disposition of this matter, refer to Item 7.7

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Pearson/VanderBeek)

That Report PED16254 respecting Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands be Lifted from the Table.

CARRIED

(Green/Skelly)

That Report PED16254 respecting Potential Acquisition of the Former Hamilton Psychiatric Hospital Lands, be received and remain confidential.

CARRIED

(Ferguson/B. Johnson)

That Council move in to Closed Session at 6:26 p.m. respecting:

Item 10.1, the Potential Acquisition of Former Hamilton Psychiatric Hospital Lands, pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 14-300, and Section 239, Sub-section (c) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

10.1 Potential Acquisition of Former Hamilton Psychiatric Hospital Lands (PED16254(a)) (Ward 8) (Item 10.1)

There was nothing to report in open session.

BY-LAWS

(Pearson/B. Johnson)

That the Bill List be amended by amending Bill 030 – A By-law to Establish Ward Boundaries for the City of Hamilton and adding Bill 034 – To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 392, 488 and 530 Dundas Street, and renumbering the balance.

CARRIED

(Pearson/B. Johnson)

That Bills No. 17-029, 17-030 **as amended** to No. 17-035 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.

- 029 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
- 030 A By-law to Establish Ward Boundaries for the City of Hamilton **as amended**
- 031 To Incorporate City Land Designated as Block 22 on Plan 62M-883 into Hauser Place
- 032 To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands located at 57-67 Academy Street (Ancaster)
ZAC-16-022
- 033 To Amend Zoning By-law No. 6593, Respecting Lands located at 942 Upper Gage Avenue (Hamilton)
ZAR-16-038
- 034 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 392, 488 and 530 Dundas Street
- 035 To Confirm the Proceedings of City Council

CARRIED

(Farr/Merulla)

That, there being no further business, City Council be adjourned at 7:09 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk