



CITY COUNCIL MINUTES 17-008

5:00 p.m.
Wednesday, April 26, 2017
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger,
Councillors A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, D. Skelly, T. Whitehead D. Conley, M. Pearson
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 Pastor Samuel Holland with the Access Community Church of God 7th Day to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **ADDED COMMUNICATIONS**

5.8 Correspondence respecting the Light Rail Transit Project:

- (d) Erin Shacklette
- (e) Patti Encinas
- (f) Dr. Thorsten Klaus
- (g) Matthew Nash
- (h) Lori Moulden

Recommendation: Be received and referred to the consideration of the General Issues Committee Report 17-009

5.10 Correspondence from Laura Pettigrew, General Counsel, Ombudsman Ontario notifying the City of Hamilton of an Ombudsman Investigation respecting a complaint alleging that, on March 23 and 24, the General

Issues Committee held meetings that did not comply with the open meeting rules in the *Municipal Act, 2001*.

Recommendation: Be received.

2. NOTICES OF MOTION

- 8.1 Licences for Individuals to Grow and Harvest Marijuana for their own Medical Use
- 8.2 Community Grants for Ward 3
- 8.3 Residential Municipal Relief Assistance Program for Basement Flooding for the Event of April 20, 2017

3. ADDED PRIVATE & CONFIDENTIAL

- 10.2 Selection Committee Report 17-001 (distributed under separate cover)

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees.

(VanderBeek/Pearson)

That the agenda for the April 26, 2017 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor B. Johnson declared an interest with Items 1 and 5 of the Board of Health Report 17-003, respecting commercial water bottling, as her spouse is employed in the beverage industry.

APPROVAL OF MINUTES

4.1 April 12, 2017

(Merulla/Farr)

That the Minutes of the April 12, 2017 meeting of Council be approved, as presented.

CARRIED

4.2 April 20, 2017

(Whitehead/Jackson)

That the Minutes of the April 20, 2017 meeting of Special Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Skelly/Whitehead)

That Council Communications 5.1 through 5.10 be approved, ***as amended***, as follows:

- 5.1 Correspondence from the Municipality of Port Hope regarding a resolution requesting that the Ontario Minister of Environment and Climate Change revise the existing legislation to explicitly ban construction of incinerators, and phase out the use of existing incinerators in Ontario.

Recommendation: Be received ***and referred to the General Manager of Public Works for consideration.***

- 5.2 Correspondence from the City of Kawartha Lakes to Lisa Thompson, MPP respecting a resolution in support of the efforts to eliminate barriers to employment opportunities for CCA's and allow Ontario farmers the freedom to engage in business with expert of their choice.

Recommendation: Be received and referred to the Agriculture and Rural Affairs Advisory Committee for comment.

- 5.3 Correspondence from Donna Cripps, Chief Executive Officer, Hamilton Niagara Haldimand Brant LHIN in response to the City of Hamilton's correspondence respecting the Gender Identity and Gender Expression; Transgender and Gender Non-Conforming Persons.

Recommendation: Be received.

- 5.4 Correspondence from John Vesprini, a resident of Stoney Creek respecting the Speed Monitors on Lake Avenue Drive.

Recommendation: ***Be received.***

- 5.5 Correspondence from the City of Kingston respecting a resolution requesting the Ontario Ministry of Transportation and Ministry of Environment and Climate Change to consider additional safety measures, including prohibition, regarding the transportation of all hazardous materials during severe weather conditions.

Recommendation: Be received.

- 5.6 Correspondence from the Honourable Dipika Damerla, Minister of Seniors Affairs in celebration of the 33rd anniversary of Seniors' Month in Ontario.

Recommendation: Be received and referred to the Seniors Advisory Committee.

- 5.7 Correspondence from Michael Hoffman, VP, Finance & Operations, Actlabs requesting a 1 year extension to defer a portion of development charges.

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

5.8 Correspondence respecting the Light Rail Transit Project:

- (a) Mike Hutchings
- (b) The Kirkendall Neighbourhood Association (KNA) Executive
- (c) Andrew Newitt
- (d) Erin Shacklette
- (e) Patti Encinas
- (f) Dr. Thorsten Klaus
- (g) Matthew Nash
- (h) Lori Moulden

Recommendation: Be received and referred to the consideration of the General Issues Committee Report 17-009

5.9 Correspondence from the Township of Adjala – Tosoronto to the Right Honourable Justin Trudeau respecting a resolution requesting that the federal and provincial governments waive the taxes payable on the purchase of Canadian Flags or Canada 150 Anniversary flag for the year 2017.

Recommendation: Be received.

5.10 Correspondence from Laura Pettigrew, General Counsel, Ombudsman Ontario notifying the City of Hamilton of an Ombudsman Investigation respecting a complaint alleging that, on March 23 and 24, the General Issues Committee held meetings that did not comply with the open meeting rules in the *Municipal Act, 2001*.

Recommendation: Be received.

CARRIED

(VanderBeek/Ferguson)

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

CARRIED

PLANNING COMMITTEE REPORT 17-007

3. Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) (Ward 9) (Item 7.1)

(Conley/Pearson)

That subsection (a) of Item 3 of Planning Committee Report 17-007 respecting Terrapure Stoney Creek Regional Facility EA – Proposed Terms of Reference - Staff Comments to MOECC (PED16184(a)) be amended by deleting the word **Ministry** and inserting the word **Minister** therein to read as follows:

- (a) That the ~~Ministry~~ **Minister** of the Environment and Climate Change be advised that the City of Hamilton opposes the application made by Terrapure Environmental to increase the capacity of their landfill located at the northwest corner of Mud Street and Upper Centennial Parkway;

The amended Item 3 to read as follows:

- (a) That the **Minister** of the Environment and Climate Change be advised that the City of Hamilton opposes the application made by Terrapure Environmental to increase the capacity of their landfill located at the northwest corner of Mud Street and Upper Centennial Parkway;
- (b) That the Staff comments submitted to the Ministry of Environment and Climate Change on March 10, 2017 outlining the City's comments respecting the "Stoney Creek Regional Facility Environmental Assessment – Proposed Terms of Reference, February 8, 2017", attached as Appendix "A" to Report PED16184(a), be endorsed;
- (c) That the City Clerk's Office be authorized and directed to forward Report PED16184(a) to the Ministry of Environment and Climate Change and this Report is considered the City of Hamilton's formal comments on the second phase of the "Stoney Creek Regional Facility Environmental Assessment – Proposed Terms of Reference, February 8, 2017".

AMENDMENT CARRIED

MAIN MOTION, AS AMENDED, CARRIED

5. Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law (PED16155(a)) (City Wide) (Outstanding Business List Item) (Item 8.2)

(A. Johnson/Farr)

That subsection (a) of Item 5 of Planning Committee Report 17-007 respecting Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law (PED16155(a)) be amended by:

- (a) Adding a new clause (a)(iii) and re-lettering the subsequent subsections accordingly:

(a)(iii) That Section 2 of the draft Temporary Use By-law attached as Appendix "A-1" to Report PED16155(a) (copy hereto attached) be amended to read as follows:

2. Section 18(11) **(d) and** (g) shall not apply for a maximum period of two years from the date of passing of the Zoning By-law Amendment, being DATE under Section 39 of the *Planning Act* relating to temporary use provisions.

- (b) Deleting Subsection 34(10) referenced in subsection (a)(vii) and replacing it with Subsection **34(17)**; and
- (c). Adding the following subsection (a)(viii):

(a)(viii) That the submissions received regarding this matter did not affect the decision.

The amended Item 5 to read as follows:

- (a) That approval be given to City Initiative 16-C to establish Temporary Use By-laws for a period of 24 months, to allow for commercial entertainment/recreation, including live or recorded music and dance facilities on Outdoor Commercial Patios for seven pilot project areas: Downtown Hamilton, James Street North, Augusta Street, Hess Village, West Harbour area, Downtown Dundas, parts of Upper James Street (Stone Church to Rymal Road); and some properties within the Rural area identified in Appendices “A” to “A-2”, on the following basis:
 - (i) That Schedules A2, A18, A19, A20 and A8 to Appendix “A” (By-law No. 05-200) to Report PED16155(a) respecting Entertainment on Outdoor Commercial Patios – Amendments to the Zoning By-laws and Noise By-law be amended by:
 - (1) deleting the following properties:
 - (aa) 268 and 276 Carlisle Road (Schedule A2), attached as Appendix “A” to Report 17-007;
 - (bb) 166 Green Mountain Road (Schedule A18), attached as Appendix “B” to Report 17-007;
 - (2) adding the following properties:
 - (aa) 8453 Airport Road (Southern Pines Golf Course as a new Schedule A18, attached as Appendix “B” to this Motion;
 - (bb) 1386 Cooper Road (African Lion Safari) as a new Schedule A19, attached as Appendix “C” to Report 17-007;
 - (cc) 532 Westover Road (Century Pines Golf Course) as a new Schedule A20, attached as Appendix “D” to Report 17-007.
 - (3) changing the Copetown Woods golf course’s address from 1450-1472 2nd Concession Rd W to 1430 2nd Concession Rd W (Schedule A8).
 - (ii) That Schedule “A2” to Appendix “A-1” to Report PED16155(a) (Zoning By-law No. 6593 - Augusta Street area) be deleted and replaced with the amended “A2” attached as Appendix “E” to Report 17-007;
 - (iii) ***That Section 2 of the draft Temporary Use By-law attached as Appendix “A-1” to Report PED16155(a) (copy hereto attached) be amended to read as follows:***

2. Section 18(11) **(d) and** (g) shall not apply for a maximum period of two years from the date of passing of the Zoning By-law Amendment, being DATE under Section 39 of the *Planning Act* relating to temporary use provisions.
- (iv) That draft Temporary Use By-laws, attached as Appendices “A” and “A-1”, as amended, and “A-2”, to Report PED16155(a) for the seven pilot areas and the rural area, be approved by City Council; and,
 - (v) That the Temporary Use By-laws, attached as Appendices “A” and “A-1”, as amended, and “A-2” to Report PED16155(a) be held in abeyance until such time as changes to the City’s Noise By-law for the pilot project areas, as per recommendation (b), have been approved by City Council, and are in effect.
 - (vi) That the draft Temporary Use By-laws are consistent with the Provincial Policy Statement (PPS) 2014, conform to Growth Plan for the Greater Golden Horseshoe, the City of Hamilton Rural (RHOP) and Urban Hamilton Official Plans (UHOP).
 - (vii) That in accordance with Subsection **34(17)** of the Planning Act, no additional public meeting notice is required;
 - (viii) ***That the submissions received regarding this matter did not affect the decision.***
- (b) Subject to the approval of City Initiative 16-C, that the Noise Control By-law No.11-285 be amended to provide for the issuance, refusal and revocation of an outdoor commercial patio exemption permit where live entertainment or recorded music is provided, on the following basis;
 - (i) That the draft amending By-law to the Noise Control By-law No.11-285, as amended, attached as Appendix “F” to Report 17-007 which has been prepared in a form satisfactory to the City Solicitor, be enacted;
 - (ii) That a new application fee of \$500 for outdoor commercial patio exemption permits under the Noise Control By-law be approved and added to the User Fees and Charges By-law;
 - (iii) That Municipal Law Enforcement (MLE) staff be directed to undertake an enforcement pilot program for the duration of the Temporary-Use By-law approved in City Initiative 16-C, to administer and enforce the Outdoor Commercial Patio exemption permits under the Noise Control By-law and monitor related activity levels;
 - (iv) That staff, at the conclusion of the pilot project, analyze the data and evaluate the results to determine if the actions and initiatives

met the goals and objectives of the project for a final report to the Planning Committee;

- (v) That Municipal Law Enforcement (MLE) staff be directed to introduce a public comment component and residents guide into the Noise Control By-law exemption process.

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

Councillor Pearson indicated that she wished to be recorded as OPPOSED to this Item.

(Pearson/B. Johnson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 17-009

(Eisenberger/Partridge)

That the NINTH Report of the General Issues Committee be received for information.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 17-006

1. Amending Item 1(c) of the Public Works Committee Report 17-006

(Ferguson/Collins)

That Item 1(c) of the Public Works Committee Report 17-006, respecting the Waste Management System Development - Public Engagement Strategy Results and Preliminary Waste Management System Alternatives (PW16059(b)) (Item 7.2), be amended to read **2019** as follows:

1. Waste Management System Development - Public Engagement Strategy Results and Preliminary Waste Management System Alternatives (PW16059(b)) (Item 7.2)

- (a) That the public engagement strategy results on the City's waste management services, as outlined in Report PW16059(b), be received;
- (b) That the preliminary waste management system contract extensions as outlined in Report PW16059(b) be approved, which include:
 - (i) The Household Hazardous Waste depot operations contract extension to provide the services until March 31, 2021;
 - (ii) The waste collection services contract extension to provide the services until March 29, 2021;

- (iii) The City negotiates an extension to the existing contract for the Materials Recycling Facility operations and report back to Council by the second half of 2017 on the outcome of the negotiations including the recommended length of the extension;
- (iv) The City negotiates an extension to the existing contract for the Central Composting Facility operations and report back to Council by the second half of 2017 on the outcome of the negotiations including the recommended length of the extension;
- (c) That staff investigate opportunities for various alternative service delivery methods for the City's waste collection programs for Council's consideration, while retaining the current public/private service delivery model, the weekly collection service and the garbage collection days, and that staff report back by the first quarter of ~~2018~~ 2019.

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

(Ferguson/Collins)

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

CARRIED

BOARD OF HEALTH REPORT 17-003

9. Board of Health Interview Sub-Committee Report 17-001 - March 27, 2017 (Item 12.1)

(Eisenberger/Partridge)

That the recommendation of Item 9 of the Board of Health Report 17-003 respecting the Board of Health Interview Sub-Committee Report 17-001 - March 27, 2017 be deleted in its entirety and the following be inserted therein:

That the recommendations of Report 17-001 of the Board of Health Interview Sub-Committee Report 17-001 - March 27, 2017 respecting committee appointments to the Food Advisory Committee be approved and remain confidential until Council's approval.

Food Advisory Committee Appointments

That the following individuals be appointed to the Food Advisory Committee for a term commencing April 27, 2016 and expiring with the current term of Council or until such time as successors are appointed:

Sophie Augurusa
Lauren Beeler
Lynn Gates
Tracy Hutchings
Ravi Shah
Bill Slowka

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

(Eisenberger/Partridge)

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

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 17-006
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(VanderBeek/Ferguson)

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

CARRIED

(VanderBeek/Ferguson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Christie Classic Antique Show – Special Occasion Permit Liquor Licence

(Partridge/Pearson)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Mr. Brian Book on behalf of the Optimist Club of Strabane, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on May 27, 2017 between the hours of 11:00 a.m. and 6:00 p.m. at Christie Lake Conservation Area, 1000 Highway 5 West, Dundas, Ontario during the Christie Classic Antique Show 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 Christie Classic Antique Show, being held in the City of Hamilton, Ontario on May 27, 2017, 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) Optimist Club of Strabane c/o Brian Book, Waterdown, Ontario.

CARRIED

7.2 A Day on the Bridge – Special Occasion Permit Liquor Licence

(A. Johnson/Farr)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Ms. Alison Copoc on behalf of the A Day on the Bridge Inc., that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on June 11, 2017 between the hours of 5:00 p.m. and 12:00 a.m. (midnight) at McQuesten High-Level Bridge, York Blvd., Hamilton, Ontario during the A Day on the Bridge 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 A Day on the Bridge, being held in the City of Hamilton, Ontario on June 11, 2017, 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) A Day on the Bridge Inc. c/o Alison Copoc, Oakville, Ontario.

CARRIED

7.3 Support for the Issuance of a Licence for Clifford Brewing Co.

(Collins/Merulla)

WHEREAS Clifford Brewing Co. is expected to become operational in 2017 at 398 Nash Rd. N., Unit #1, Hamilton;

WHEREAS in addition to brewing, the business model has a retail, tourism and education component; and

WHEREAS the AGCO requires written notice from the Council of the Municipality within which the applicant's manufacturing site is located confirming that it has passed a resolution in support of the issuance of the brewers Manufacturer's Limited Liquor Sales Licence.

THEREFORE BE IT RESOLVED;

That the Council of the City of Hamilton confirms their support for the issuance of AGCO licence for Clifford Brewing Co. located at 398 Nash Rd. N., Unit #1, Hamilton, subject to the proponent securing a building permit.

CARRIED

7.4 Public Transit Infrastructure Fund (PTIF) Approved Project Financing (FCS16083(a)) (City Wide) (Item 8.1) (Referred to Council by the General Issues Committee on April 19, 2017)

(Farr/Merulla)

- (a) That the Public Transit Infrastructure Fund (PTIF) projects, attached as Appendix "A" to Report FCS16083(a) be approved and be funded as follows:
 - (i) For 2017, that the debt charge of \$3.6 M associated with the City's share of Capital Funding required for PTIF Capital Investments be funded from the Unallocated Capital Reserve;
 - (ii) That the remaining debt financing associated with the City's share of Capital Funding required for PTIF Capital Investments be forwarded to the 2018 Capital Budget for Council's consideration;
- (b) That the amended City of Hamilton 2017 Capital Budget and Financing Plan attached as Appendix "B" to Report FCS16083(a), be approved;
- (c) That the operating budget and FTE impacts related to projects with 2018 expected completion, estimated to be \$2,844,000 and 29.0 FTE's, be incorporated into the 2018 Tax Supported Operating Budget;
- (d) That the operating budget and FTE impacts related to projects with 2019 expected completion, estimated to be \$1,784,000 and 30.0 FTE's, be incorporated into the 2019 Tax Supported Operating Budget;
- (e) That staff be authorized to submit project modifications to Infrastructure Canada and the Ministry of Transportation requesting approval for a revised substantial completion date of March 31, 2019 for PTIF projects HAM-003, HAM-007, HAM-010, HAM-012 and HAM-013 as reflected in Appendix "A" to Report FCS16083(a);
- (f) That staff be authorized and directed to tender and implement the projects listed in subsection (e) of Report FCS16083(a) subject to an upset limit of City funding of \$7,234,204;
- (g) That the City Solicitor be authorized and directed to prepare for Council approval, the appropriate By-Law To Authorize the Execution of a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario to Receive Funding Public Transit Infrastructure Funding By-Law;

- (h) That the City Solicitor be authorized and directed to prepare and present to Council for enactment any future By-Laws required to Authorize the Execution of amendments to the Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation for the Province of Ontario to Receive Funding Public Transit Infrastructure Funding By-Law, including a By-law required to give effect to section (e) above;
- (i) That the request in subsection (e) of Report FCS16083(a) be forwarded to Prime Minister Trudeau, Premier Wynne, Minister Sohi and Minister Del Duca, to consider flexibility in the provision of PTIF funding to the City of Hamilton;
- (j) That copies of Report FCS16083(a) be forwarded to local Members of Provincial Parliament and to local Members of Parliament.

CARRIED

7.5 Sew Hungry – Special Occasion Permit Liquor Licence

(Green/Merulla)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Ms. Maggie Burns on behalf of Ottawa Street BIA that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on May 5, 2017 between the hours of 11:00 a.m. and 8:00 p.m. at 204 Ottawa Street North, Hamilton, Ontario during Sew Hungry 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 Sew Hungry, being held in the City of Hamilton, Ontario on May 5, 2017, 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) Ottawa Street BIA c/o Maggie Burns, Hamilton, Ontario.

CARRIED

7.6 Waterdown Arts and Music Festival – Special Occasion Permit Liquor Licence**(Partridge/B. Johnson)**

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Mr. Shawn May on behalf of the Waterdown Arts and Music Festival that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on May 19, 2017 between the hours of 4:00 p.m. and 11:00 p.m.; May 20, 2017 between the hours of 11:00 a.m. and 11:00 p.m. and May 21, 2017 between the hours of 11:00 a.m. and 10:00 p.m. at Memorial Park, 200 Hamilton Street North, Waterdown, Ontario during the Waterdown Arts and Music Festival 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 Waterdown Arts and Music Festival, being held in the City of Hamilton, Ontario on May 19, 20 and 21, 2017, 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) Waterdown Arts and Music Festival c/o Shawn May, Waterdown, Ontario.

CARRIED

7.7 Hamilton Light Rail Transit (LRT) Environmental Project Report (EPR) Addendum for B-Line (PED17056) (City Wide) (Item 8.2) (Referred to Council by the General Issues Committee on April 19, 2017)**(Whitehead/Eisenberger)**

- (a) That the Hamilton B-Line Light Rail Transit (LRT) Environmental Project Report (EPR) Addendum, attached as Appendix “A” to Report PED17056 be updated to include the 3km section from Queenston Traffic Circle to Eastgate as shown in the 2011 approved EPR;
- (b) That the updated EPR Addendum for an LRT system from Eastgate to McMaster be submitted by staff to the Ministry of the Environment and Climate Change (MOECC) and after the EPR is submitted, a copy of the final submission be provided to Council for information;

- (c) That the current Provincial procurement process be updated to include the 3km section from the Queenston Traffic Circle to Eastgate as outlined in the updated EPR Addendum; and
- (d) That this resolution be forwarded to the Province of Ontario, the Premier and Minister of Transportation and Metrolinx.

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas:	Eisenberger, A. Johnson, Farr, Green, Merulla, Collins, Jackson, Whitehead, Ferguson, VanderBeek
Total:	10
Nays:	Skelly, Conley, Pearson, B. Johnson, Partridge
Total:	5
Absent:	Pasuta
Total:	1

(Jackson/Merulla)

That a copy of Councillor Jackson's speech be submitted to the City Clerk for the official record.

CARRIED

A copy of Councillor Jackson's speech is available on the City's website at www.hamilton.ca and through the Office of the City Clerk.

Queen's Park Transit Liaison Committee

(Partridge/B. Johnson)

That City Council approve a Council Team, a Queen's Park Transit Liaison Committee, consisting of Councillors Chad Collins, Judi Partridge, Lloyd Ferguson, Sam Merulla, Terry Whitehead and Maria Pearson, to be a working committee of Council on all related provincial transit matters affecting residents of Hamilton.

(Collins/Merulla)

That the motion respecting the formation of a Queen's Park Transit Liaison Committee be referred to the Governance Review Sub-committee for consideration.

CARRIED

7.8 Cost Implications to the City of Hamilton Should the Light Rail Transit Project be Discontinued (PED17085) (City Wide) (Item 8.3) (Referred to Council by the General Issues Committee on April 19, 2017)

(Merulla/Whitehead)

That Report PED17085, respecting the Cost Implications to the City of Hamilton Should the Light Rail Transit Project be Discontinued, be received.

CARRIED

7.9 Impact on City Infrastructure of the Light Rail Transit (LRT) Project (PW17036/PED17087) (City Wide) (Item 8.4) (Referred to Council by the General Issues Committee on April 19, 2017)

(Merulla/Whitehead)

That Report PW17036/PED17087, respecting the Impact on City Infrastructure of the Light Rail Transit (LRT) Project, be received.

CARRIED

7.10 Lifting of Item 8(e) of the General Issues Committee Report 17-008, Tabled at the April 12, 2017 Council meeting

(Collins/Green)

That Item 8(e) of General Issues Committee Report 17-008, tabled at the April 12, 2017 Council meeting respecting Poverty Reduction Investment Plan which reads as follows be LIFTED from the table:

8. Poverty Reduction Investment Plan (Item 9.1)

- (e) That staff be directed to include in the report back to the General Issues Committee, referenced in sub-section (b) above, the \$10 million to be invested over 10 years (\$1 million/year) toward Indigenous-led poverty reduction and affordable housing, to be allocated to and directed by Hamilton Executive Directors Aboriginal Coalition, to address disproportionate rates of poverty, housing insecurity, and homelessness.

CARRIED

(Collins/A. Johnson)

That Item 8(e) of the General Issues Committee Report 17-008, respecting the Poverty Reduction Investment Plan, be amended to read as follows:

8. Poverty Reduction Investment Plan (Item 9.1)

- (e) That the report referenced in sub-section (b) above, include a strategy to invest \$10 million over 10 years towards Indigenous-led poverty reduction and affordable housing, which would be allocated to and directed by Hamilton Executive Directors Aboriginal Coalition, to address disproportionate rates of poverty housing insecurity, and homelessness.

CARRIED

7.11 Installation of an All-Way Stop Control at East 33rd and Queensdale Avenue (Ward 6)

(Jackson/Merulla)

- (a) That staff be directed to install an All-Way Stop Control at the intersection of East 33rd Street and Queensdale Avenue; and,
- (b) That the necessary By-law authorizing staff to install an All-Way Stop Control at the intersection of East 33rd Street and Queensdale Avenue, be prepared.

CARRIED

7.12 Licences for Individuals to Grow and Harvest Marijuana for Their Own Medical Use

(Merulla/Ferguson)

WHEREAS Health Canada issues licences for individuals to grow and harvest marijuana for their own medical use;

WHEREAS the neighbourhoods where marijuana is grown and harvested under these licences can and have been adversely affected; and

WHEREAS Health Canada already commits to communicating with police with respect to these licences in the context of an investigation under the *Controlled Drugs and Substances Act* or the *Access to Cannabis for Medical Purposes Regulations*.

THEREFORE BE IT RESOLVED:

- (1) That the Mayor be authorized to forward correspondence to the Canadian Government through the Minister of Health requesting:
 - (a) That the Minister of Health explain why conflicting information for the licences for individuals at 229 Kenilworth Ave. N. in the City of Hamilton has been provided, first stating that there were licences and then that there were not; and,
 - (b) That the Minister of Health provide assurance that in the future:
 - (i) The number of marijuana plants permitted under a licence to an individual for medical purposes will be limited appropriately to supply only the individual;
 - (ii) These licences will be monitored by Health Canada on a regular basis, particularly if “pooling” of production is taking place resulting in a commercial-type operation;
 - (iii) Health Canada will communicate accurately about licences with police and municipal enforcement agencies in the context of investigations of criminal or regulatory legislation, including municipal by-laws; and,
 - (iv) Health Canada will actively engage in reviewing these licences where there is reason to believe that the production of marijuana they authorize is resulting in non-compliance with criminal or regulatory legislation, including municipal by-laws.

CARRIED

7.13 Community Grants for Ward 3

(Green/Collins)

WHEREAS, cell tower revenues from Ward 3 of \$124,806.73 are available in project 3301609603 to provide financial support to community led projects and initiatives that benefit Ward 3;

THEREFORE BE IT RESOLVED:

That the funding for the following programs and initiatives, to be financed from the Cell Tower Revenues Project 3301609603, be approved:

- (a) That \$2,000 be provided to the Gibson and Landsdale Community Planning Team to assist with a project to capture the oral history, memories, and stories of residents of the GALA neighbourhood, and to purchase and erect a plaque to commemorate the historic Woodlands Park.
- (b) That \$1000 be provided to the HARRRP Sewing Group to help purchase tools, equipment and supplies to bring neighbours together to learn how to sew and build community.
- (c) That \$1,000 be provided to Phoenix Aikido to purchase new equipment and assist with programming to expand the Aikido program.
- (d) That \$1,000 be provided to the Afro-Canadian Caribbean Association for the purchase of much needed repairs and accessibility upgrades to their community space located at 754 Barton St E.
- (e) That \$1,500 be provided to Centre Francais Hamilton to aid in the Francofest community festival held in Gage Park.
- (f) That \$200.00 be provided to the Crown Point Garden Club for the purpose of celebrating the 2nd annual Monarch Awards to recognize beautiful, biodiverse, and ecological gardens.
- (g) That \$1,000 be provided to the Lucy Day Lottridge Alley Mural Project for the purpose of the Community Mural Project to further beautify the Lucy Day Community.
- (h) That \$1,000 be provided to the Bridge for the purpose of the Powell Park Garden Project to install, plant, and create accessible garden plots in Powell Park for residents to enjoy.
- (i) That \$1,500 be provided to Hamilton Ironmen Football for the purpose of removing barriers to allow youth to play football in our community.

CARRIED

7.14 Residential Municipal Relief Assistance Program for Basement Flooding for the Event of April 20, 2017 (City Wide)

(VanderBeek/Pearson)

- (a) That for the purpose of invoking the Residential Municipal Relief Assistance Program for Basement Flooding, City Council declare the rainstorm event of April 20, 2017, as a "Disaster" for all affected properties within the City of Hamilton;

- (b) That payment of claims be based on compassionate grounds only and not to be construed as an admission of liability on the part of the City of Hamilton;
- (c) That the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program as previously approved in report FCS06007 be applied;
- (d) That the costs associated with these claims be funded from the Storm Sewer Reserve (108010); and
- (e) That staff be authorized, if required, to retain an independent adjuster for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the Storm Sewer Reserve (108010).

CARRIED

NOTICES OF MOTION

Councillor Merulla introduced the following Notice of Motion:

8.1 Licences for Individuals to Grow and Harvest Marijuana for Their Own Medical Use

WHEREAS Health Canada issues licences for individuals to grow and harvest marijuana for their own medical use;

WHEREAS the neighbourhoods where marijuana is grown and harvested under these licences can and have been adversely affected; and

WHEREAS Health Canada already commits to communicating with police with respect to these licences in the context of an investigation under the *Controlled Drugs and Substances Act* or the *Access to Cannabis for Medical Purposes Regulations*.

THEREFORE BE IT RESOLVED:

- (1) That the Mayor be authorized to forward correspondence to the Canadian Government through the Minister of Health requesting:
 - (a) That the Minister of Health explain why conflicting information for the licences for individuals at 229 Kenilworth Ave. N. in the City of Hamilton has been provided, first stating that there were licences and then that there were not; and,
 - (b) That the Minister of Health provide assurance that in the future:
 - (i) The number of marijuana plants permitted under a licence to an individual for medical purposes will be limited appropriately to supply only the individual;

- (ii) These licences will be monitored by Health Canada on a regular basis, particularly if “pooling” of production is taking place resulting in a commercial-type operation;
- (iii) Health Canada will communicate accurately about licences with police and municipal enforcement agencies in the context of investigations of criminal or regulatory legislation, including municipal by-laws; and,
- (iv) Health Canada will actively engage in reviewing these licences where there is reason to believe that the production of marijuana they authorize is resulting in non-compliance with criminal or regulatory legislation, including municipal by-laws.

(Merulla/Ferguson)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Licences for Individuals to Grow and Harvest Marijuana for Their Own Medical Use.

CARRIED

For disposition of this matter, refer to Item 7.12.

Councillor Green introduced the following Notice of Motion:

8.2 Community Grants for Ward 3

WHEREAS, cell tower revenues from Ward 3 of \$124,806.73 are available in project 3301609603 to provide financial support to community led projects and initiatives that benefit Ward 3;

THEREFORE BE IT RESOLVED:

That the funding for the following programs and initiatives, to be financed from the Cell Tower Revenues Project 3301609603, be approved:

- (a) That \$2,000 be provided to the Gibson and Landsdale Community Planning Team to assist with a project to capture the oral history, memories, and stories of residents of the GALA neighbourhood, and to purchase and erect a plaque to commemorate the historic Woodlands Park.
- (b) That \$1000 be provided to the HARRRP Sewing Group to help purchase tools, equipment and supplies to bring neighbours together to learn how to sew and build community.
- (c) That \$1,000 be provided to Phoenix Aikido to purchase new equipment and assist with programming to expand the Aikido program.
- (d) That \$1,000 be provided to the Afro-Canadian Caribbean Association for the purchase of much needed repairs and accessibility upgrades to their community space located at 754 Barton St E.

- (e) That \$1,500 be provided to Centre Francais Hamilton to aid in the Francofest community festival held in Gage Park.
- (f) That \$200.00 be provided to the Crown Point Garden Club for the purpose of celebrating the 2nd annual Monarch Awards to recognize beautiful, biodiverse, and ecological gardens.
- (g) That \$1,000 be provided to the Lucy Day Lottridge Alley Mural Project for the purpose of the Community Mural Project to further beautify the Lucy Day Community.
- (h) That \$1,000 be provided to the Bridge for the purpose of the Powell Park Garden Project to install, plant, and create accessible garden plots in Powell Park for residents to enjoy.
- (i) That \$1,500 be provided to Hamilton Ironmen Football for the purpose of removing barriers to allow youth to play football in our community.

(Green/Collins)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Community Grants for Ward 3.

CARRIED

For disposition of this matter, refer to Item 7.13.

Councillor VanderBeek introduced the following Notice of Motion:

8.3 Residential Municipal Relief Assistance Program for Basement Flooding for the Event of April 20, 2017 (City Wide)

- (a) That for the purpose of invoking the Residential Municipal Relief Assistance Program for Basement Flooding, City Council declare the rainstorm event of April 20, 2017, as a "Disaster" for all affected properties within the City of Hamilton;
- (b) That payment of claims be based on compassionate grounds only and not to be construed as an admission of liability on the part of the City of Hamilton;
- (c) That the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program as previously approved in report FCS06007 be applied;
- (d) That the costs associated with these claims be funded from the Storm Sewer Reserve (108010); and
- (e) That staff be authorized, if required, to retain an independent adjuster for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the Storm Sewer Reserve (108010).

(VanderBeek/Pearson)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Residential Municipal Relief Assistance Program for Basement Flooding for the Event of April 20, 2017.

CARRIED

For disposition of this matter, refer to Item 7.14.

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:

(i) Closed Session Minutes – April 12, 2017 (Item 10.1)

(Farr/Partridge)

- (a) That the Closed Session Minutes – April 12, 2017 be approved, as presented; and,
- (b) That the Closed Session Minutes – April 12, 2017 remain private and confidential and restricted from public disclosure.

CARRIED

(ii) Selection Committee Report 17-001 (Added Item 10.2)

(B. Johnson/Green)

That Stu Laurie be appointed to the Hamilton Farmers' Market Board of Directors for a term commencing April 27, 2017 and to expire with the current term of Council or until such time as successors are appointed.

CARRIED

BY-LAWS

(Skelly/Whitehead)

That Bills No. 17-067 to No. 17-071 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:

- 067** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Ward: 8
- 068** To Amend By-law No. 11-285, a By-law to Control Noise
Ward: City Wide

- 069** To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
Schedule 7 (Kennels and Pet Shops)
Ward: City Wide
- 070** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 5 (Stop Control)
Ward: 6
- 071** To Confirm the Proceedings of City Council

CARRIED

(Pearson/B. Johnson)

That, there being no further business, City Council be adjourned at 9:26 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Janet Pilon
Acting City Clerk