



CITY COUNCIL MINUTES 17-018

5:00 p.m.
Wednesday, October 11, 2017
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor M. Green, Councillors A. Johnson, J. Farr, 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, personal

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 Naveed Iqbal, a Missionary of the Ahmadiyya Muslim Community, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATION ITEMS

- 5.14 Correspondence from Signe Leisk, Cassels Brock & Blackwell LLP respecting the Motion by Councillor Ferguson, Regulatory and Land Use Planning Framework for the Marijuana Industry.

Recommendation: Be received and referred to the consideration of Item 7.3

- 5.15 Correspondence from Csaba Reider, President, The Green Organic Dutchman Holdings Ltd. respecting the Medical Cannabis Industry in Hamilton.

Recommendation: Be received and referred to the consideration of Item 7.3

2. ADDED NOTICES OF MOTION

- 8.1 Urging the Ministry of the Environment & Climate Change (MOECC) to Take Aggressive Action Regarding ArcelorMittal Dofasco Emissions
- 8.2 Transit Corridor Zoning Business Assessment

3. PRIVATE AND CONFIDENTIAL MATTER - WITHDRAWN

- 10.1 Appeal to the Ontario Municipal Board (OMB) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, City of Stoney Creek Zoning By-law No. 3692-92, and Revisions to Draft Plan of Subdivision 25T-201503, for Lands Located at 165 Upper Centennial Parkway (Stoney Creek) (Ward 9)

(B. Johnson/VanderBeek)

That the agenda for the October 11, 2017 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Mayor Eisenberger declared an interest with respect to communication Items 5.14 and 5.15 and Items 7.1 and 7.3 as his family are investors in a federally licensed medical marijuana company.

Councillor B. Johnson declared an interest with respect to Item 5.8 as she is the subject of the report.

CEREMONIAL ACTIVITIES

3.1 Recognition of Lance Sargeant Earl McAllister a World War II Hero

Mayor Eisenberger invited Joyce (McAllister) Mason and her daughter, Barb Cove, to the podium to receive a certificate to honour her brother, Lance Sargeant Earl McAllister, who died a hero while in service in World War II. This fulfills City Council's commitment of 70 years ago when it passed a resolution to honour the sacrifice made by Earl McAllister in battle.

APPROVAL OF MINUTES

4.1 September 27, 2017

(Pearson/Conley)

That the Minutes of the September 27, 2017 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Green/Partridge)

That Council Communications 5.1 through 5.15 be approved, ***as amended***, as follows:

- 5.1 Correspondence from Rosemary Lukosius / Ainslie Wood Community Association (AWCA) respecting the Escarpment Rail Trail (Ainslie Wood East Trail).

Recommendation: Be received.

- 5.2 Correspondence from Pat Doherty requesting support for the Legislative Assembly of Ontario to proclaim a Walk to Work Day.

Recommendation: Be received.

- 5.3 Correspondence from Diane Bloomfield, Manager, Source Water Protection notifying the City of Hamilton that the Hamilton Region and Halton Region Source Protection Authorities are of the opinion that the Halton-Hamilton Source Protection Plan should be revised to include the recent findings of two technical studies completed in Greensville for the protection of the municipal well water and also requests Council's endorsement of the Source Protection Plan amendment.

Recommendation: Be endorsed.

- 5.4 Correspondence from Massimo Bergamini, President and CEO, National Airlines Council of Canada respecting airport privatization.

Recommendation: Be received.

- 5.5 Correspondence from The Honourable Bill Mauro, Minister, Municipal Affairs announcing the confirmed proclamation dates for sections of Bill 68 – the *Modernizing Ontario's Municipal Legislation Act, 2017* (MOMLA).

Recommendation: Be received.

- 5.6 Integrity Commissioner's Report respecting a Complaint Against a Member of Council Alleging Contravention of the Code of Conduct for Members of Council (File #17-001).

Recommendation: Be received for information.

- 5.7 Integrity Commissioner's Report respecting a Complaint Against a Member of Council Alleging Contravention of the Code of Conduct for Members of Council (File #17-004).

Recommendation: Be received for information.

- 5.8 Integrity Commissioner's Report respecting a Complaint Against a Member of Council Alleging Contravention of the Code of Conduct for Members of Council (File #17-003).

Recommendation: Be received for information.

- 5.9 Correspondence from Candy Beauvais, Clerk-Treasurer, Municipality of Killarney respecting the proposed changes to the *Ambulance Act* and *Fire Protection & Prevention Act*.

Recommendation: Be received.

- 5.10 Correspondence from Robert Morris respecting the Navy League's building which is part of Pier 8.

Recommendation: Be received.

- 5.11 Correspondence from Matthew Pigeon submitting his resignation as a Vendor representative on the Hamilton Farmer's Market Board.

Recommendation: Be received and referred to the Hamilton Farmers' Market Stallholders Association.

- 5.12 Correspondence from Gabriel Nicholson requesting an audit of expenditures and processes of the monies provided by the Special Levy applied to Wards 1 – 8 annually from 2011 to today, in time for the 2018 budget process.

Recommendation: Be received **and referred to the Audit, Finance, and Administration Committee for consideration.**

- 5.13 Correspondence from Nour Alideeb, Chairperson, Canadian Federation of Students-Ontario to The Honourable Kathleen Wynne, Premier of Ontario respecting Hamilton Light Rail Transit Operation.

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

- 5.14 Correspondence from Signe Leisk, Cassels Brock & Blackwell LLP respecting the Motion by Councillor Ferguson, Regulatory and Land Use Planning Framework for the Marijuana Industry.

Recommendation: Be received and referred to the consideration of Item 7.3.

- 5.15 Correspondence from Csaba Reider, President, The Green Organic Dutchman Holdings Ltd. respecting the Medical Cannabis Industry in Hamilton.

Recommendation: Be received and referred to the consideration of Item 7.3.

CARRIED

(Ferguson/VanderBeek)

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

CARRIED

PLANNING COMMITTEE REPORT 17-016

6. Expanding and Making Permanent the Mohawk College Co-op Student Program for Communities Around McMaster University (Item 9.2)

Councillor Partridge and Deputy Mayor Green indicated that they wished to be recorded as OPPOSED to this Item.

(Pearson/B. Johnson)

That the SIXTEENTH Report of the Planning Committee be adopted, as presented, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 17-020

(Eisenberger/Partridge)

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

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 17-013

(Skelly/Jackson)

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

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 17-010

(A. Johnson/Farr)

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

CARRIED

(Ferguson/B. Johnson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Meeting with the Owners and Operators of the Marijuana Dispensaries

(Farr/A. Johnson)

That Item 7.1 respecting Meeting with the Owners and Operators of the Marijuana Dispensaries be TABLED until the October 25, 2017 council meeting.

CARRIED

7.2 Limiting the number and location of Pawnbrokers and Second Hand Goods Shops in the City

(Jackson/Collins)

WHEREAS, pursuant to Part IV of the *Municipal Act*, a municipality may pass by-laws with respect to business licensing;

WHEREAS, the City of Hamilton Licensing By-law 07-170 regulates the operating procedures of Jewellery and Precious Metals, Second Hand Goods and Pawnbrokers businesses;

WHEREAS, the City of Hamilton licences 112 Jewellery and Precious Metals, Second Hand Goods and Pawnbrokers businesses;

WHEREAS, the *Municipal Act* provides municipalities with the authority to limit the number and location of other types of businesses; and

WHEREAS, expanded municipal authority under the *Municipal Act* and the *Pawnbrokers Act* to limit the number and location of these businesses within the City of Hamilton would ensure accountability to mitigate or redress losses to, or practices which may negatively impact the community.

THEREFORE BE IT RESOLVED:

- (a) That a letter be forwarded to the Minister of Municipal Affairs and Housing, and the Attorney General to highlight the importance of expanding a municipality's authority to limit the number and location of Pawnbrokers and Second Hand Goods shops within its borders;
- (b) That the Mayor, or his designate, together with Councillor Jackson and any other staff from the City as deemed appropriate meet with the Minister of Municipal Affairs and Housing, and the Attorney General to request that municipalities be granted the authority to limit the number and location of Pawnbrokers and Second-Hand Goods shops.

CARRIED

Deputy Mayor Green indicated that he wished to be recorded as OPPOSED to this Item.

7.3 Regulatory and Land Use Planning Framework for the Marijuana Industry

(Ferguson/Partridge)

WHEREAS, in 2014 Council approved amendments to the City's Official Plan and Zoning By-laws with respect to medical marijuana facilities;

WHEREAS, since 2014 the Federal and Provincial regulatory framework regarding marijuana has changed;

WHEREAS, the City's vision for the rural area is a vibrant rural economy focusing on food production and sustainable stewardship of the land base, water resources and compatibility;

WHEREAS, the City encourages marihuana producers to reuse existing buildings within the urban area; and

WHEREAS, the City has put in place Official Plan policies and zoning regulations to allow limited, small scale production in the rural area;

THEREFORE BE IT IS RESOLVED:

- (a) That Planning staff be directed to consult with Federal and Provincial departments and ministries regarding the regulatory and land use planning framework for the marijuana industry;
- (b) That staff review and report back to Planning Committee on the revisions to the Economic Development Strategy, Official Plan Policies and Zoning Regulations with respect to medical and recreational marijuana production, distribution and sales; and
- (c) That until the review is completed that the City considers any applications for relief or deviation from the zoning by-law regulations within the rural area to be premature.

(Whitehead/Skelly)

That Item 7.5 respecting Regulatory and Land Use Planning Framework for the Marijuana Industry be TABLED for four weeks until the November 8, 2017 Council meeting.

CARRIED

Councillor Ferguson indicated that he wished to be recorded as OPPOSED to the tabling motion.

7.4 Stuffed! Holiday Shopping Event – Special Occasion Permit Liquor Licence

(Green/Merulla)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Katie Rakoczy on behalf of The Vintage Marketplace; Stuffed! and Babybump, Baby and Toddler Expo, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on November 25, 2017 between the hours of 11:00 a.m. and 6:00 p.m. at Collective Arts Brewing, 207 Burlington Street East, Hamilton, Ontario during the Stuffed! Holiday Shopping Event 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 Stuffed! Holiday Shopping Event, being held in the City of Hamilton, Ontario on November 25, 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) The Vintage Marketplace; Stuffed! and Babybump, Baby and Toddler Expo c/o Katie Rakoczy, Hamilton, Ontario.

CARRIED

7.5 Lifting the Motion respecting Final Development Charge Demolition Credit Extension, Tabled at the June 28, 2017 Council meeting

(A. Johnson/Merulla)

That the motion respecting Final Development Charge Demolition Credit Extension TABLED at the June 28, 2017 Council meeting, be LIFTED from the table and withdrawn.

CARRIED

7.6 New Stop controls – Brian Boulevard at Longyear Drive – (Ward 15)

(Partridge/VanderBeek)

WHEREAS, in recognition of the increased volumes at the intersection due to road construction on Parkside Drive; and,

WHEREAS, the City of Hamilton is committed to creating safe neighbourhoods and vibrant communities; and,

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to take the required steps to add new stop controls on Brian Boulevard at Longyear Drive; and
- (b) That the appropriate By-law be presented to City Council for consideration and enactment.

CARRIED

7.7 Urging the Ministry of the Environment & Climate Change (MOECC) to Take Aggressive Action Regarding ArcelorMittal Dofasco Emissions

(Merulla/Collins)

WHEREAS, the issue of confining emissions was a 'site specific standard' in 2010 when the company was secured and has been discussed for many, many years now, as confining emits significant amounts of particulate to the air;

WHEREAS, confining emissions continue to be emitted from the ArcelorMittal Dofasco plant, even over this past weekend;

WHEREAS, ArcelorMittal Dofasco continues to indicate that there were no 'viable' options in place to reduce confining emissions;

WHEREAS, ArcelorMittal Dofasco must be required to take action to control particulate emissions from iron confining in order to mitigate the current situation with a process that is superior to, the basic process of 'wet confining pits', which is creating emissions chaos and is simply not acceptable nor is it fair to the community;

WHEREAS, ArcelorMittal Dofasco current 'site specific standards' focus on their two coke plants, which must be compliant with strict performance measures that are set out in a Director's Order (legally enforceable document);

WHEREAS, ArcelorMittal Dofasco are failing to comply with the Director's Order and have not met the performance measures which came into effect in January of this year and therefore, secured a six month extension (within a site specific standard that is arguably already an extension as it gives the company more time to meet the actual air standards);

WHEREAS, ArcelorMittal Dofasco have recently requested a further six-month extension, which was denied by Ministry of the Environment and Climate Change due to community intervention; and

WHEREAS, the City of Hamilton believes that the Ministry of the Environment and Climate Change should be pursuing the enforcement and taking aggressive action to ensure that ArcelorMittal Dofasco is complying with the performance measures set out in the Director's Order respecting their site specific standards, including laying charges for non-compliance if warranted;

THEREFORE BE IT RESOLVED:

- (a) That the Ministry of the Environment and Climate Change be requested to initiate aggressive action in order to ensure that ArcelorMittal Dofasco complies with the performance measures set out in the Director's Order associated with their site specific standards, including laying charges for non-compliance if warranted; and

- (b) That a summit be hosted on air quality inviting the Premier, Minister of the Environment and Climate Change and Local MPP's as well as industry to discuss solutions.

CARRIED

7.8 Transit Corridor Zoning Business Assessment

(Green/Merulla)

WHEREAS, the City of Hamilton adopted transit corridor zoning regulations in October, 2016 to support and encourage investment along the Light Rail Transit (LRT) corridor;

WHEREAS, the zoning for the lands on King Street East between Barnesdale Avenue and Fairholt Street, limits the non-residential uses to the uses existing as of October, 2016 but this area has been undergoing a renaissance;

WHEREAS, this area provides local commercial uses such as retail, restaurants, cafés, bars, and personal services that serve the immediate neighbourhood;

THEREFORE BE IT RESOLVED:

That staff be directed to review the current zoning and schedule a public meeting of the Planning Committee to consider changes to the zoning by-law to broaden the range of permitted uses to include new local commercial uses that serve the immediate neighbourhood.

CARRIED

NOTICES OF MOTION

8.1 Urging the Ministry of the Environment & Climate Change (MOECC) to Take Aggressive Action Regarding ArcelorMittal Dofasco Emissions

Councillor Merulla introduced a Notice of Motion respecting Urging the Ministry of the Environment & Climate Change (MOECC) to Take Aggressive Action Regarding ArcelorMittal Dofasco Emissions.

(Merulla/Whitehead)

That the rules of order be waived in order to allow the introduction of a motion respecting Urging the Ministry of the Environment & Climate Change (MOECC) to Take Aggressive Action Regarding ArcelorMittal Dofasco Emissions.

CARRIED

For disposition of this matter refer to Item 7.7.

8.2 Transit Corridor Zoning Business Assessment

Councillor Green introduced a Notice of Motion respecting Transit Corridor Zoning Business Assessment.

(Green/Merulla)

That the rules of order be waived in order to allow the introduction of a motion respecting Transit Corridor Zoning Business Assessment.

CARRIED

For disposition of this matter refer to Item 7.8.

STATEMENT BY MEMBERS

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

BY-LAWS

(Green/Partridge)

That Bills No.17-205 to No. 213 be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be renumbered, be signed by the Mayor and the City Clerk to read as follows:

Bill No.

- | | |
|------------|--|
| 205 | To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 2 (Speed Limits)
Schedule 3 (Flashing School Zones – Reduced Speed Limit)
Schedule 28 (Reduced Load)
Ward: 11, 12, 14 |
| 206 | To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 8 (No Parking Zones)
Schedule 10 (Alternate Side Parking)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Ward: 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 14, 15 |
| 207 | Respecting Removal of Part Lot Control, Block 1, Registered Plan No. 62M-1236
PLC-17-020
Ward: 12 |
| 208 | To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 477 Dundas Street East (Flamborough)
ZAH-17-056
Ward: 15 |
| 209 | To Amend Zoning By-law No. 6593 Respecting Lands Located at 1275 Upper Gage Avenue, Hamilton
ZAC-16-058
Ward: 6 |

- 210** To Adopt Official Plan Amendment No. 86 to the Urban Hamilton Official Plan, respecting 60, 68 and 72 Centennial Parkway South, Stoney Creek (Hamilton)
Ward: 9
- 211** To Amend Zoning By-law No. 3692-92, Respecting Lands Located at 60-72 Centennial Parkway South, Stoney Creek
ZAC-16-043
UHOPA-16-17
Ward: 9
- 212** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control)
Ward: 15
- 213** To Confirm the Proceedings of City Council

CARRIED

(Jackson/Collins)

That, there being no further business, City Council be adjourned at 7:15 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Rose Caterini
City Clerk