



CITY COUNCIL MINUTES 17-020

5:00 p.m.

Wednesday, November 8, 2017

Council Chamber

Hamilton City Hall

71 Main Street West

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

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 Major Ken Smith, of the Salvation Army - Meadowlands, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

- 5.12 Correspondence from Andrew Jeanrie, Bennett Jones LLP, solicitors for Beleave Inc. (“Beleave”) respecting the Motion by Councillor L. Ferguson, Regulatory and Land Use Planning Framework for the Marijuana Industry.

Recommendation: Be received and referred to the consideration of Item 7.1

- 5.13 Correspondence from Scott Arbuckle, Director, Office Lead, IBI Group respecting the City of Hamilton Amendment to Zoning By-law No. 05-200 to Amend Parking Requirements.

Recommendation: Be received.

- 5.14 Correspondence from Brenda Khes, Senior Associate, GSP Group respecting the New Commercial Mixed Use C5 Zone, Bill 240 – To Amend By-law no. 05-200, 211-224 John Street South and 70-78 Young Street, Hamilton.

Recommendation: Be received.

- 5.15 Correspondence from Michael Gagnon, Managing Principal Planner, and Michelle Harris, Associate Planner, Gagnon Walker Domes Professional Planners respecting the Proposed Commercial Mixed Use Zones, Official Plan and Zoning By-law Amendments (PED16100(c)), Proposed Bills 239 and 240 (Wards 1 – 13 and 15).

Recommendation: Be received.

It was also noted that the recommendations to the following items have been amended to read as “Be received”:

- 5.8 Correspondence from E.J. Fothergill, President, Fothergill Planning & Development Inc., respecting an Application for Site Plan Approval, File DA-17-109, 1041 West 5th Ave, Hamilton - Commercial Zoning By-law and Parking Stall Sizes.

Recommendation: **Be received.** and ~~referred to the General Manager of Planning and Economic Development for appropriate action.~~

- 5.9 Correspondence from E.J. Fothergill, President, Fothergill Planning & Development Inc., respecting an Application for Site Plan Approval – 2531083 Ontario Inc., - 325 Nebo Road and 1280 Rymal Road East, Hamilton, Commercial Zoning By-law and Parking Stall Sizes.

Recommendation: **Be received.** and ~~referred to the General Manager of Planning and Economic Development for appropriate action.~~

- 5.10 Correspondence from E.J. Fothergill, President, Fothergill Planning & Development Inc., respecting an Application for Official Plan Amendment and Rezoning, File UHOPA-17-20 and ZAC-17-049, Marfad Holdings – 928 Queenston Road, Commercial Zoning By-law and Parking Stall Sizes.

Recommendation: **Be received.** and ~~referred to the General Manager of Planning and Economic Development for appropriate action.~~

2. ADDED NOTICES OF MOTION

- 8.1 Hamilton I Heart Beer Holiday Festival – Special Occasion Permit Liquor Licence
- 8.2 Provincial Downloading Engagement Strategy
- 8.3 Analysis of HSR Absenteeism (PW17096) (City Wide)
- 8.4 Minor Variance Application A-323/17

8.5 Amendment to Item 11 of Planning Committee Report 17-017

8.6 Community Grants for Ward 3

3. ADDED BY-LAWS

242 To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235 and 1239 Barton Street
CI-17-D
Ward: 11

(Jackson/A. Johnson)

That the agenda for the November 8, 2017 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

- (i) Mayor Eisenberger declared an interest to communication Item 5.5, respecting correspondence from the Honourable Charles Sousa, Minister of Finance, respecting cannabis legalization, as his family is an investor in the medical marijuana (cannabis) industry.

The Mayor relinquished the Chair during the consideration of this matter.

- (ii) Mayor Eisenberger declared an interest to communication Item 5.12, respecting correspondence from Andrew Jeanrie, Bennett Jones LLP, solicitors for Beleave Inc. (“Beleave”), respecting the motion by Councillor L. Ferguson regarding the regulatory and land use planning framework for the marijuana industry, as his family is an investor in the medical marijuana (cannabis) industry.

The Mayor relinquished the Chair during the consideration of this matter.

- (iii) Mayor Eisenberger declared an interest to Item 7.1, being a motion respecting the regulatory and land use planning framework for the marijuana (cannabis) industry, as his family is an investor in the medical marijuana (cannabis) industry.

The Mayor relinquished the Chair during the consideration of this matter.

- (iv) Mayor Eisenberger declared an interest to Item 7.15, being a motion respecting the review of the standards for recreational marijuana, as his family is an investor in the medical marijuana (cannabis) industry.

The Mayor relinquished the Chair during the consideration of this matter.

- (v) Councillor L. Ferguson declared an interest to Item 11 of the Planning Committee Report 17-018, respecting Report PED17191 – Vehicle Inspection Station, as his family has an interest in the taxi industry.

APPROVAL OF MINUTES

4.1 October 25, 2017

(Pearson/Partridge)

That the Minutes of the October 25, 2017 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(B. Johnson/VanderBeek)

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

- 5.1 Correspondence from John Ariens, Associate Director/Planning Lead, IBI Group, requesting a financial charges reduction for 390 Aberdeen Avenue, Hamilton.

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

- 5.2 Correspondence from Tammy Fowkes, Deputy Clerk, Town of Amherstburg, requesting support for the Town of Amherstburg’s Council resolution respecting concrete barriers on Highway 401.

Recommendation: Be received.

- 5.3 Correspondence from the Metrolinx Accessibility Team respecting an invitation to attend the Accessibility Public Meetings being held across the Greater Toronto and Hamilton Area.

Recommendation: Be received ***and referred to the City’s Communications Division, the Advisory Committee for Persons with Disabilities, the Seniors Advisory Committee and the Hamilton Veteran’s Committee.***

- 5.4 Correspondence from Anna Roberts, Lakewood Beach Community Council, respecting public transparency in regards to an “an update of further traffic initiatives that will be take affect with development coming in the area”.

Recommendation: Be received.

- 5.5 Correspondence from the Honourable Charles Sousa, Minister of Finance, respecting Cannabis Legalization.

Recommendation: Be received.

- 5.6 Correspondence from Nancy Michie, Administrator Clerk-Treasurer, Municipality of Morris-Turnberry, requesting support for the Municipality of Morris-Turnberry's Council resolution respecting the Tenanted Farm Tax properties being changed to the Residential Tax Class.

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

- 5.7 Correspondence from Bob Hart, CAO/Corporate Secretary, Hamilton Port Authority, respecting Ms. Sandy Shaw's unpaid leave of absence from her position as a director of the Board of the Hamilton Port Authority, as she is nominated to run as a candidate in the 2018 provincial election.

Recommendation: Be received ***and referred to staff for review and report to the Selection Committee, in consultation with Ms. Sandy Shaw, and copied to the Greater Bay Area Sub-Committee for information.***

- 5.8 Correspondence from E.J. Fothergill, President, Fothergill Planning & Development Inc., respecting an Application for Site Plan Approval, File DA-17-109, 1041 West 5th Ave, Hamilton - Commercial Zoning By-law and Parking Stall Sizes.

Recommendation: ***Be received.***

- 5.9 Correspondence from E.J. Fothergill, President, Fothergill Planning & Development Inc., respecting an Application for Site Plan Approval – 2531083 Ontario Inc., - 325 Nebo Road and 1280 Rymal Road East, Hamilton, Commercial Zoning By-law and Parking Stall Sizes.

Recommendation: ***Be received.***

- 5.10 Correspondence from E.J. Fothergill, President, Fothergill Planning & Development Inc., respecting an Application for Official Plan Amendment and Rezoning, File UHOPA-17-20 and ZAC-17-049, Marfad Holdings – 928 Queenston Road, Commercial Zoning By-law and Parking Stall Sizes.

Recommendation: ***Be received.***

- 5.11 Correspondence from Mary Masse, Clerk, Town of Lakeshore to the Honourable Kathleen Wynne, Premier, requesting support for the Town of Lakeshore’s Council resolution urging the Government of Ontario to create a Provincial Flood Insurance Program.

Recommendation: **Be endorsed.**

- 5.12 Correspondence from Andrew Jeanrie, Bennett Jones LLP, solicitors for Beleave Inc., (“Beleave”) respecting the Motion by Councillor L. Ferguson, Regulatory and Land Use Planning Framework for the Marijauna Industry.

Recommendation: Be received and referred to the consideration of Item 7.1

- 5.13 Correspondence from Scott Arbuckle, Director, Office Lead, IBI Group, respecting the City of Hamilton Amendment to Zoning By-law No. 05-200 to Amend Parking Requirements.

Recommendation: Be received.

- 5.14 Correspondence from Brenda Khes, Senior Associate, GSP Group, respecting the New Commercial Mixed Use C5 Zone, Bill 240 – To Amend By-law no. 05-200, 211-224 John Street South and 70-78 Young Street, Hamilton.

Recommendation: Be received.

- 5.15 Correspondence from Michael Gagnon, Managing Principal Planner, and Michelle Harris, Associate Planner, Gagnon Walker Domes Professional Planners respecting the Proposed Commercial Mixed Use Zones, Official Plan and Zoning By-law Amendments (PED16100(c)), Proposed Bills 239 and 240 (Wards 1 – 13 and 15).

Recommendation: Be received.

(Green/Farr)

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

CARRIED

PLANNING COMMITTEE REPORT 17-018

(B. Johnson/Pearson)

That Item 8 of the Planning Committee Report 17-018, respecting City Initiative to Amend City of Hamilton Zoning By-law No. 05-200 and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street (Stoney Creek) (Ward 11)(PED17189), be **amended** by adding sub-sections (iii), (iv) and (v) to subsection (a), to read as follows:

8. **City Initiative to Amend City of Hamilton Zoning By-law No. 05-200 and City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street (Stoney Creek) (Ward 11)(PED17189) (Item 6.3)**

- (a) That City Initiative CI-17-D, to rezone the lands located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235, and 1239 Barton Street, Stoney Creek, from Prestige Business Park (M3) Zone in Zoning By-law No. 05-200, to Neighbourhood Development “ND” Zone, in City of Stoney Creek Zoning By-law No. 3692-92, as shown on the attached map marked as Appendix “A” to Report PED17189, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED17189, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED17189, be added to Map No. 1311 of Schedule “A” – Zoning Maps, of Zoning By-law No. 05-200;
 - (iii) That the draft By-law, attached as Appendix “C” to Report PED17189, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;**
 - (iv) That the amending By-law, attached as Appendix “C” to Report PED17189, be added to Map No. 3 of Schedule “A” of Zoning By-law No. 3692-92; and,**
 - (v) That the proposed change in zoning complies with the Urban Hamilton Official Plan; and,**
- (b) That the public submissions received regarding this matter did not affect the decision.

CARRIED

(Pearson/B. Johnson)

That Item 11 of the Planning Committee Report 17-018, respecting Vehicle Inspection Station (PED17191) be **amended** by deleting the recommendation in its entirety and inserting the following therein:

11. Vehicle Inspection Station (PED17191) (City Wide) (Item 12.1)

~~That the staff recommendations of Report PED17191 be approved and the recommendations and the report remain private and confidential, pending Council approval.~~

- (a) That City staff discontinue mandatory taxicab inspections, subject to:

- (i) reduction of the Licensing and By-Law Services Division complement by 0.5 full-time equivalent (FTE);
 - (ii) Development of a prioritization methodology of random roadside inspections, and spot-checks carried out by City staff;
 - (iii) The Business Licensing By-law 07-170 be amended to include updates to, Schedule 25 (Taxicabs) attached as Appendix "A" to Report PED17191, which has been prepared in a form satisfactory to the City Solicitor, be enacted; and,
 - (iv) The restatement of the 2017 Budget of \$15,000 from Planning and Economic Development, Licensing and By-Law Services to Public Works, Facilities; and,
- (b) That the contents of Report PED17191 remain confidential as it relates to identifiable individual(s).

CARRIED

(Pearson/B. Johnson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 17-023

(Eisenberger/Partridge)

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

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 17-015

(Skelly/Jackson)

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

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 17-012

(A. Johnson/Farr)

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

CARRIED

(Green/Farr)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Lifting of the Motion Respecting the Regulatory and Land Use Planning Framework for the Marijuana (cannabis) Industry, Tabled at the October 11, 2017 Council meeting

(Ferguson/Partridge)

That the motion respecting the Regulatory and Land Use Planning Framework for the Marijuana (cannabis) Industry, tabled at the October 11, 2017 Council meeting which reads as follows be LIFTED from the table:

Regulatory and Land Use Planning Framework for the Marijuana (cannabis) Industry

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

WHEREAS since 2014 the Federal and Provincial regulatory framework regarding marijuana (cannabis) 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 marijuana (cannabis) 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 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 (cannabis) 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 (cannabis) 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.

(Ferguson/Partridge)

That the Motion respecting the Regulatory and Land Use Planning Framework for the Marijuana (cannabis) Industry, be amended by deleting sub-section (c) in its entirety and replaced with the following in lieu thereof:

~~(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.~~

(c) That staff be directed to report back to the Planning Committee on an interim control by-law to be in place until the report respecting Official Plan Policies and Zoning Regulations with respect to medical and recreational marijuana (cannabis) production, distribution and sales, is received by Council.

The Motion above was DEFEATED on the following Standing Recorded Vote:

Yeas:	M. Green, B. Johnson, L. Ferguson, J. Partridge
Total:	4
Nays:	T. Whitehead, D. Skelly, T. Jackson, C. Collins, S. Merulla, J. Farr, A. Johnson, D. Conley, M. Pearson, A. VanderBeek, R. Pasuta
Total:	11
Abstained:	F. Eisenberger
Total:	1

(Ferguson/Partridge)

That the Motion respecting the Regulatory and Land Use Planning Framework for the Marijuana (cannabis) Industry, be amended by deleting sub-section (c) in its entirety:

~~(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.~~

CARRIED

(Ferguson/Partridge)

WHEREAS in 2014 Council approved amendments to the City’s Official Plan and Zoning By-laws with respect to medical marijuana (cannabis) facilities;

WHEREAS since 2014 the Federal and Provincial regulatory framework regarding marijuana (cannabis) 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 marijuana (cannabis) 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 (cannabis) industry; and,
- (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 (cannabis) production, distribution and sales.

MAIN MOTION, AS AMENDED, CARRIED

7.2 Garth Reservoir and/or William Connell Park as a Winter Destination Location(s)

(Whitehead/Skelly)

WHEREAS, the Garth reservoir has already been designated as a toboggan hill;

WHEREAS, staff have already been working in earnest with the city councillor to establish the Garth reservoir as a winter destination;

WHEREAS, winter activities are limited for families across the city;

WHEREAS, William Connell Park is adjacent to the Garth Reservoir and may afford opportunities for winter destination activities as well;

WHEREAS, tobogganing hill design is a specialty within landscape architecture profession and Baker Turner Inc. is an Ontario firm that has experience in the design and construction of tobogganing and winter recreation facilities;

WHEREAS, the city has already established the healthy kids community initiative to encourage healthy habits in our youth; and,

WHEREAS, the reservoir is well attended in the winter months;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to bring back a concept plan funded through Ward 8 Area Rating to an upset limit of \$200,000 (\$100,000 for 2017 from Account 3301709800 and \$100,000 from Account 3301809800 for 2018) that would evaluate the capital and operating costs and scope of work for the options for the creation of a winter destination at either the Garth Reservoir or William Connell Park or a combination thereof; and,
- (b) That the single source procurement to Baker Turner Inc., pursuant to Procurement Policy #11 – non-competitive procurements, for the design and analysis of the options for creating a winter destination in Ward 8, funded by Area Rating Account 3301709800, be approved.

CARRIED

7.3 Restoration of the Cross of Lorraine

(Whitehead/Skelly)

That the Motion respecting the Restoration of the Cross of Lorraine, be TABLED until such time as the Ward 1 Councillor has had an opportunity to consult with the Inuit Leaders and the Hamilton Aboriginal Advisory Committee.

CARRIED

7.4 Chedoke Elementary School Outdoor Classroom Funding

(Whitehead/Skelly)

WHEREAS, there is a growing trend in Canada where Schools are building dedicated infrastructure to encourage outdoor learning;

WHEREAS, technology is changing the way children learn, making it all the more important to encourage them to become more acquainted with nature;

WHEREAS, Chedoke Elementary School has launched their plans for the development of their outdoor classroom;

WHEREAS, this learning space will also be available for use to the neighbouring community; and,

WHEREAS, this type of amenity space in a neighbourhood provides a number of different kinds of uses that a neighbourhood could take advantage of and further the strength and cohesion of the neighbourhood;

THEREFORE BE IT RESOLVED:

- (a) That \$50,000, to be funded through area rating (Ward 8), which will be matched by the Hamilton-Wentworth District School Board, be provided to Chedoke Elementary School for the development of their outdoor classroom; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) with such term and conditions in a form satisfactory to the City Solicitor.

CARRIED

7.5 Amendment to sub-section (b)(i) of Item 3 of the Audit, Finance and Administration Committee Report 17-008 – Grants Sub-Committee Report 17-002

(B. Johnson/Green)

That Appendix "A" to sub-section (b)(i) of Item 3 of the Audit, Finance & Administration Committee Report 17-008, which was approved by Council on May 24, 2017, be amended by:

3. Grants Sub-Committee Report 17-002, May 11, 2017 (Added Item 8.1)

That Appendix "A" to sub-section (b)(i) of Item 3 of the Audit, Finance & Administration Committee Report 17-008, which was approved by Council on May 24, 2017, be amended by:

- (i) deleting the word "May" under the Organization Name heading for ART D-8, and replacing it with the word "**English**" to read as Megan **English**; and,
- (i) deleting the word "May" under the Organization Name heading for ART D-8, and replacing it with the word "**English**" to read as Megan **English**.

CARRIED

7.6 Design and Conversion of Queen Street from Aberdeen Avenue to Main Street from One-Way to Two-Way Traffic Operations**(A. Johnson/Farr)**

- (a) That the Motion respecting the Design and Conversion of Queen Street from Aberdeen Avenue to Main Street from One-Way to Two-Way Traffic Operations, be deleted in its entirety and replaced with the following in lieu thereof:
 - ~~(a) That, based on the report prepared by AECOM Canada Ltd., the matter of the conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, at an estimated capital cost of \$1,100,400 for the detailed design conversion, be referred to the Capital Budget process (GIC) for consideration;~~
 - ~~(b) That, should the design and conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations based on the report prepared by AECOM Canada Ltd., be approved during the 2018 Capital budget process, staff be directed to included the estimated annual operating cost of up to \$160,000 for snow removal, in the Public Works Department 2019 Operating Budget (Public Works), for consideration; and,~~
 - ~~(c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents to give effect to the conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, in a form satisfactory to the City Solicitor.~~

WHEREAS, a report has been prepared by AECOM Canada Ltd., respecting the matter of the conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, at an capital cost of \$1,100,400 for the detailed design conversion;

THEREFORE BE IT RESOLVED:

- (a) That the design and conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, based on the report prepared by AECOM Canada Ltd., to be funded in the amount of \$1,100,400 from the Red Light Camera Reserve, be approved; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents to give effect to the conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, in a form satisfactory to the City Solicitor,

CARRIED

(Whitehead/Farr)

That the Motion respecting the Design and Conversion of Queen Street from Aberdeen Avenue to Main Street from One-Way to Two-Way Traffic Operations, be further amended by adding a new sub-section (c) to read as follows:

- (c) That staff from the Public Works Department and the Light Rail Transit office meet, with the objective of including the King to Main block in the conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, without delaying progress on the currently presented route.

CARRIED

The Motion, as amended, reads as follows:

WHEREAS, a report has been prepared by AECOM Canada Ltd., respecting the matter of the conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, at an capital cost of \$1,100,400 for the detailed design conversion;

THEREFORE BE IT RESOLVED:

- (a) That the design and conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, based on the report prepared by AECOM Canada Ltd., to be funded in the amount of \$1,100,400 from the Red Light Camera Reserve, be approved;
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents to give effect to the conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, in a form satisfactory to the City Solicitor; and,
- (c) That staff from the Public Works Department and the Light Rail Transit office meet, with the objective of including the King to Main block in the conversion of Queen Street from Aberdeen Avenue to Main Street from one-way to two-way traffic operations, without delaying progress on the currently presented route.

MAIN MOTION, AS AMENDED, CARRIED

7.7 Amendment to Item 11 of Planning Committee Report 17-017**(Pearson/Pasuta)**

That Item 11 of the Planning Committee Report 17-017, respecting Proposed Commercial and Mixed Use Zones: Implementing Urban Hamilton Official Plan Amendment and Zoning By-law Amendment (Wards 1 – 13 and 15) (PED16100(c)), approved by Council on October 25, 2017, be amended by deleting Subsection (h) and inserting the following therein:

- (h) ~~That staff be directed to discuss the concerns raised by Bousfields in their letter of October 13, 2017 to determine if additional modifications to the Zoning By-law 05-200 can be included in the site specific exception for the Limeridge Mall site in advance of the passage of the Commercial and Mixed Use Zoning By-law Amendment.~~
- (h) That Special Exception 302 be revised to include the following regulations and add Special Figure 10, attached as:
 - (i) identify Areas A to E, each with their own set of regulations as follows:
 1. Entire mall Site (Areas A to E)
 - a. allow additional uses (including definitions) of a motor vehicle show room, amusement arcade as part of other commercial uses and an educational establishment.
 - b. parking stall sizes and visual barriers
 2. Areas along Upper Wentworth Street (Areas A to D)
 - a. Building less than 1,000 square metres in size, minimum height of 6 metres
 - b. building greater than 1,000 square metres size, minimum height of 7.5 metres
 - c. 50% of the ground floor façade has to be up to the street line with buildings for buildings over 1,000 square metres
 3. Mall interior (Area E)
 - a. commercial buildings – no minimum height
 - b. office, residential and mixed commercial/residential buildings – minimum 11 metre height
 - c. building setbacks, outdoor storage and visual barrier regulations.

CARRIED

7.8 Montgomery Park Basketball Court Improvements

(Merulla/Collins)

That staff be directed to proceed with redeveloping the basketball court in Montgomery Park, Hamilton, with work to include the demolition and removal of the existing court, and replacement of new fencing, subsurface base, asphalt, posts and marking at a cost of \$125,000 to be funded from the Ward 4 Capital Reserve.

CARRIED

7.9 Hamilton I Heart Beer Holiday Festival – Special Occasion Permit Liquor Licence (Item 8.1)

(Farr/Green)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix “A”) from Faron Benoit on behalf of I Heart Beer Limited that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on December 2, 2017 between the hours of 2:00 p.m. and 11:00 p.m. at the Hamilton Convention Centre, 1 Summers Lane, Hamilton, Ontario during Hamilton I Heart Beer Holiday 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 Hamilton I Heart Beer Holiday Festival, being held in the City of Hamilton, Ontario on December 2, 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) I Heart Beer Limited c/o Faron Benoit, Brantford, Ontario.

CARRIED

7.10 Provincial Downloading Engagement Strategy (Item 8.2)

(Merulla/Collins)

WHEREAS, the City of Hamilton residential taxpayer pays almost 50% of their taxes for services that are of limited City control;

WHEREAS, the total average residential tax bill in 2017 is \$3,928;

WHEREAS, about 13% or \$514 pays for provincially shared services such as paramedics, public health, social housing and social services;

WHEREAS, about 20% or \$811 pays for Boards and Agencies of limited City control such as Police Services and Conservation Authorities;

WHEREAS, about 14% or \$564 pays for Education, which is exclusively controlled by the Province;

WHEREAS, this leaves only 52% or \$2,039 of the \$3,928 tax bill contributing directly to City controlled services;

WHEREAS, many of the provincially shared services and Boards and Agency costs are increasing well beyond the rate of inflation;

WHEREAS, some of the provincially shared services are in dire service and financial circumstances including Paramedics, where recent code zero instances continue to peak; and, Social Housing, where wait lists continue to grow and capital requirements far exceed funding capabilities; and,

WHEREAS, existing Federal and Provincial funding initiatives do not adequately address the aforementioned concerns;

THEREFORE BE IT RESOLVED:

- (a) That the City's Government Relations Sub-Committee be instructed to develop an engagement strategy that will include, but not be limited to: the planning of possible summits that involve local MPP's, provincial Ministers, local and provincial candidates, community leaders, business leaders and Hamilton taxpayer's to educate and solicit solutions to the growing issue of provincial downloading and its impact on the City of Hamilton, to be designed and implemented no later than March 30, 2018; and,
- (b) That staff be directed to report to the General Issues Committee with the findings of the Engagement Strategy, along with recommendations, by April 18, 2018.

CARRIED

7.11 Analysis of HSR Absenteeism (Item 8.3)

(Eisenberger/Merulla)

- (a) That the Transit Bus Operator Complement Control Policy, attached as Appendix "A" to Report PW17096, be approved;
- (b) That the General Manager of Public Works be authorized and directed to implement the Transit Bus Operator Complement Control Policy, attached as Appendix "A" to Report PW17096, immediately, including the development of all necessary procedures; and,
- (c) That the General Manager of Public Works be directed to report back to the General Issues Committee, every three months, illustrating the effectiveness of the Transit Bus Operator Complement Control Policy, with recommendations relative to its ongoing application.

The above Motion CARRIED on the following Standing Recorded Vote:

Yeas: F. Eisenberger, T. Whitehead, T. Jackson, C. Collins, S. Merulla, M. Green, J. Farr, A. Johnson, D. Conley, M. Pearson, B. Johnson, A. VanderBeek, R. Pasuta
Total: 13
Nays: L. Ferguson
Total: 1
Absent: J. Partridge, D. Skelly
Total: 2

7.12 Minor Variance Application A-323/17 (Item 8.4)

(Whitehead/Farr)

WHEREAS, the Committee of Adjustment denied minor variance application HM/A-17:323 to increase the capacity of an existing residential care facility on 12 Lotus Avenue from the currently legally recognized capacity of 10 persons to a total of 16 persons;

WHEREAS, Planning Staff were also not supportive of the application and recommended denial;

WHEREAS, the applicant has appealed the decision of the Committee of Adjustment to the Ontario Municipal Board;

WHEREAS, absent any further direction from Council, City Legal and Planning staff will attend the hearing in opposition to the application;

WHEREAS, approval of minor variance application HM/A-17:323 will coincide with the closure of an existing Residential Care Facility and thereby will facilitate the accommodation of the existing 6 occupants at the 12 Lotus Avenue location; and,

WHEREAS, the 12 Lotus Avenue location is not disruptive to the surrounding neighbourhood;

THEREFORE BE IT RESOLVED:

- (a) That the City not oppose the applicant's appeal against the decision of the Committee of Adjustment (HM/A-17:323); and
- (b) That Legal Staff be directed to advise the Ontario Municipal Board that it will not oppose the appeal and that the City will not be appearing at the hearing of the appeal.

CARRIED

7.13 Amendment to Item 11 of Planning Committee Report 17-017 (Item 8.5)**(Pearson/Conley)**

That Item 11 of the Planning Committee Report 17-017, respecting Proposed Commercial and Mixed Use Zones: Implementing Urban Hamilton Official Plan Amendment and Zoning By-law Amendment (Wards 1 – 13 and 15) (PED16100(c)), approved by Council on October 25, 2017, be further amended by adding subsections (i) and (j) as outlined below and re-lettering the balance:

- (i) That the Draft By-law, attached as Appendices “B” (Zoning By-law Text) and “B-1” (Zoning By-law Maps) to Report PED16100(c), which have been prepared in a form satisfactory to the City Solicitor, be amended as follows:
 - 1. That the Arterial Commercial (C7) Zone and Special Exception 327 be modified to remove the lands located at the east portion of No. 165 Upper Centennial Parkway from Map 1552 of Zoning By-law 05-200, and all text referencing the subject lands under Appendix “B” shall be removed;

- (j) That the Mixed Use Medium Density (C5) Zone and Special Exception 582 be modified, for lands located at 115 Hamilton Street North, to permit the expansions to buildings legally existing at the date of the passing of the by-law provided the total expansion of the gross floor area of all the buildings on the site does not exceed 1,475 square metres;

CARRIED

7.14 Community Grants for Ward 3 (Item 8.6)**(Green/Farr)**

WHEREAS, cell tower revenues from Ward 3 of \$82,261.16 are available in project 3301609603 to provide financial support to community led projects and initiatives that benefit Ward 3;

THEREFORE BE IT RESOLVED:

- (a) That the funding for the following programs and initiatives, to be financed from the Cell Tower Revenues Project 3301609603, be approved:
 - (i) That a grant be provided to John Huculiak in the amount of \$350 be provided for a corn roast in the Lucy Day Park neighbourhood;
 - (ii) That a grant be provided to David Gould in the amount of \$1000.00 for the purpose of the Winter Solstice Festival of Lights parade and gathering;

- (iii) That a grant be provided to Larry Pattison and Tara Aronson in the amount of \$1000 for the Pumpkin Prowl family Halloween event in Belview Park; and,
 - (iv) That a grant be provided to Nightmare on Elmore in the amount of \$1390.74 for assistance with park permits for construction of a haunted house in Gage Park; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such term and conditions in a form satisfactory to the City Solicitor.

CARRIED

7.15 The Review of Standards for Recreational Marijuana (Item 8.7)

(Ferguson/Merulla)

That staff be directed to review the appropriate standards for recreational marijuana, using the current standards for medical marijuana as a guideline, and report back to the Planning Committee.

CARRIED

NOTICES OF MOTION

8.1 Hamilton I Heart Beer Holiday Festival – Special Occasion Permit Liquor Licence

Councillor Farr introduced a Notice of Motion respecting the Hamilton I Heart Beer Holiday Festival – special occasion permit liquor licence.

(Farr/Green)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Hamilton I Heart Beer Holiday Festival – special occasion permit liquor licence.

CARRIED

For disposition of this matter, please refer to Item 7.9.

8.2 Provincial Downloading Engagement Strategy

Councillor Merulla introduced a Notice of Motion respecting a provincial downloading engagement strategy.

(Merulla/Collins)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a provincial downloading engagement strategy.

CARRIED

For disposition of this matter, please refer to Item 7.10.

8.3 Analysis of HSR Absenteeism

Mayor Eisenberger introduced a Notice of Motion respecting the analysis of HSR absenteeism.

(Eisenberger/Whitehead)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the analysis of HSR absenteeism.

CARRIED

For disposition of this matter, please refer to Item 7.11.

8.4 Minor Variance Application A-323/17

Councillor Whitehead introduced a Notice of Motion respecting Minor Variance Application A-323/17.

(Whitehead/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Minor Variance Application A-323/17.

CARRIED

For disposition of this matter, please refer to Item 7.12.

8.5 Amendment to Item 11 of Planning Committee Report 17-017

Councillor Pearson introduced a Notice of Motion respecting an amendment to Item 11 of Planning Committee Report 17-017.

(Pearson/Conley)

That the Rules of Order be waived to allow for the introduction of a Motion respecting an amendment to Item 11 of Planning Committee Report 17-017.

CARRIED

For disposition of this matter, please refer to Item 7.13.

8.6 Community Grants for Ward 3

Councillor Green introduced a Notice of Motion respecting community grants for Ward 3.

(Green/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion respecting community grants for Ward 3.

CARRIED

For disposition of this matter, please refer to Item 7.14.

8.7 The Review of Standards for Recreational Marijuana

Councillor Ferguson introduced a Notice of Motion respecting the review of standards for recreational marijuana.

(Ferguson/Merulla)

That the Rules of Order be waived in order to introduce a Motion respecting The Review of Standards for Recreational Marijuana.

CARRIED

For disposition of this matter, please refer to Item 7.15.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – October 25, 2017

(Whitehead/Farr)

- (a) That the Closed Session Minutes of the October 25, 2017 Council meeting, be approved; and,
- (b) That the Closed Session Minutes of the October 25, 2017 Council meeting remain confidential.

CARRIED

BY-LAWS

(B. Johnson/Ferguson)

That Bills No. 17-223 to No. 17-243 be passed and that the Corporate Seal be affixed thereto, and that the By-laws be signed by the Mayor and the City Clerk to read as follows:

By-Law No.

- 223** 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)
Schedule 13 (No Stopping Zones)
Ward: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 14, 15
- 224** To Designate Lands Located at 13-15 Inglewood Drive, in the City of Hamilton, as a Property of Cultural Heritage Value
Ward: 2

- 225** Being a By-law to Establish a System of Administrative Penalties, Repealing and Replacing By-law No. 15-138
Ward: City Wide
- 226** Respecting Removal of Part Lot Control, Blocks 68 and 70, Registered Plan No. 62M-1232
PLC-17-002
Ward: 9
- 227** Respecting Removal of Part Lot Control, Blocks 63 and 64, Registered Plan No. 62M-1232
PLC-17-003
Ward: 9
- 228** Respecting Removal of Part Lot Control, Blocks 67 and 71, Registered Plan No. 62M-1232
PLC-17-004
Ward: 9
- 229** Respecting Removal of Part Lot Control, Block 65, Registered Plan No. 62M-1232
PLC-17-005
Ward: 9
- 230** Respecting Removal of Part Lot Control, Blocks 70 and 75, Registered Plan No. 62M-1234
PLC-17-006
Ward: 9
- 231** Respecting Removal of Part Lot Control, Block 62, Registered Plan No. 62M-1234
PLC-17-007
Ward: 9
- 232** Respecting Removal of Part Lot Control, Blocks 62 and 69, Registered Plan No. 62M-1232
PLC-17-008
Ward: 9
- 233** Respecting Removal of Part Lot Control, Blocks 77 and 78, Registered Plan No. 62M-1234
PLC-17-010
Ward: 9
- 234** Respecting Removal of Part Lot Control, Block 76, Registered Plan No. 62M-1234
PLC-17-011
Ward: 9
- 235** Respecting Removal of Part Lot Control, Blocks 71 and 74, Registered Plan No. 62M-1234
PLC-17-012
Ward: 9

- 236 Respecting Removal of Part Lot Control, Blocks 66 and 69, Registered Plan No. 62M-1234
 PLC-17-014
 Ward: 9

- 237 Respecting Removal of Part Lot Control, Blocks 72 and 73, Registered Plan No. 62M-1234
 PLC-17-015
 Ward: 9

- 238 Respecting Removal of Part Lot Control, Blocks 66 and 72, Registered Plan No. 62M-1232:
 PLC-17-016
 Ward: 9

- 239 To Adopt Official Plan Amendment No. 69 to the Urban Hamilton Official Plan, Respecting Commercial and Mixed Use Zoning Implementation
 Ward: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15

- 240 To Amend By-law No. 05-200 to Create New Commercial and Mixed Use and Utility Zones for the City of Hamilton
 Ward: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 15

- 241 A By-law to Amend Zoning By-law No. 05-200 by Repealing said By-law on Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235 and 1239 Barton Street (Stoney Creek)
 CI-17-D
 Ward: 11

- 242 To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 1215, 1217, 1219, 1221, 1227, 1229, 1231, 1235 and 1239 Barton Street
 CI-17-D
 Ward: 11

- 243 To Confirm the Proceedings of City Council

CARRIED

(Pearson/Collins)

That, there being no further business, City Council be adjourned at 9:53 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Rose Caterini
City Clerk