



CITY COUNCIL MINUTES 18-003

5:00 p.m.

Wednesday, February 28, 2018

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent: Councillor J. Farr – Personal
Councillor T. Whitehead - 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 Reverend Victor Cyr of Mission Services Hamilton to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS - ADDED

- 5.16 Correspondence from Karen Armstrong, Deputy CAO & Secretary-Treasurer, Grand River Conservation Authority respecting the Grand River Conservation Authority 2018 Municipal Levy & Budget.

Recommendation: Be received and referred to the General Manager of Corporate Services for appropriate action.

- 5.17 Correspondence from Sarit Chandaria, President, Tibro Group respecting their concerns with the Development Charge Rebate Program.

Recommendation: Be received and referred to the consideration of Item 8.4.

2. COMMUNICATIONS – REVISED

- 5.15 Correspondence from Arun Pathak, President, Hamilton and District Apartment Association respecting a recommendation for the Provincial "Development Charge Rebate Program".

Recommendation: Be received ***and referred to the consideration of Item 8.4.***

3. MOTIONS

- 7.1 Lifting the Motion respecting Hamilton Waterfront Trust Board Reorganization Proposal LS18005 (Governance Review Sub-Committee Report 18-001, January 31, 2018), Tabled at the February 14, 1028 Council meeting. ***REVISED***
- 7.4 Amendment to Item 21 of Planning Committee Report 18-002 respecting Application for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 860 Queenston Road (OMB Case No. PL170282) (LS18010). ***REVISED***

4. NOTICES OF MOTIONS

- 8.1 Conservation Authority Levies (FCS18029) (City Wide)
- 8.2 Hamilton Summit
- 8.3 Temporary Asphalt Repairs
- 8.4 Amendment to Item 1 of Emergency & Community Services Committee Report 18-002 respecting Development Charge Rebate Program Expression of Interest (CES18011)
- 8.5 Introduction of a Climate Change Lens on All City of Hamilton Departmental Reports

5. PRIVATE AND COFIDENTIAL – ADDED

- 10.2 Citizen Appointment - Boards and Commissions

(Pearson/B. Johnson)

That the agenda for the February 28, 2018 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest with Planning Committee Report 18-003, Item 7 and 8, as his family has an interest in the Taxi industry.

APPROVAL OF MINUTES

4.1 February 14, 2018**(Jackson/Green)**

That the Minutes of the February 14, 2018 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Jackson/Skelly)

That Council Communications 5.1 through 5.17 be approved, as amended, as follows:

- 5.1 Correspondence from the Township of Norwich requesting support for their resolution requesting that the Province ensure that the intent of the legislation and regulations relative to the Ontario Building Code.

Recommendation: Be received.

- 5.2 Correspondence from Niagara Region requesting comment and support for their resolution respecting Algae Bloom on Western Lake Erie.

Recommendation: Be received.

- 5.3 Correspondence from Art French respecting news clippings about Glanbrook's last Mayor, Glen Etherington and his way of looking at his community and the process of its governance.

Recommendation: Be received.

- 5.4 Correspondence from the County of Simcoe respecting their White Paper entitled "Building a Seniors Campus: A Sustainable Model to Support Positive Aging and Strengthen our Communities".

Recommendation: Be received and referred to the **Seniors Advisory Committee** *and* General Manager of Healthy and Safe Communities for appropriate action.

- 5.5 Correspondence from the Town of Essex requesting support for their resolution respecting the ongoing issue of school closures throughout Ontario.

Recommendation: Be endorsed.

- 5.6 Correspondence from the City of Kingston requesting support for their resolution seeking cannabis excise tax revenues to cover all additional costs of municipal policing and bylaw.

Recommendation: Be received.

- 5.7 Correspondence from George Rust-D'Eye, Integrity Commissioner for the City of Hamilton providing advice respecting the City of Hamilton's Code of Conduct with respect to "Conflict of Interest" in relation to the Rental Housing Sub-Committee matters.

Recommendation: Be received.

- 5.8 Correspondence from Allyson Wenzowski on behalf of Interval House of Hamilton respecting the Interval House of Hamilton Mentor Action, Be More Than a Bystander.

Recommendation: Be received.

- 5.9 Correspondence from McMaster Student Union respecting the One Year Pilot Program for Yard Maintenance By-laws in the McMaster Neighbourhoods.

Recommendation: Be received and referred to the consideration of Item 3 of Planning Report 18-003.

- 5.10 Correspondence from the County of Simcoe respecting the County's Age Friendly Initiative Project Update - Positive Aging Strategy.

Recommendation: Be received and referred to the **Seniors Advisory Committee** **and** General Manager of Healthy and Safe Communities for appropriate action.

- 5.11 Correspondence from Debbie Ramsay, Manager, Niagara Escarpment Commission respecting the Application by Armstrong Planning & Project Management on Behalf of Empire (Red Hill) Ltd. for Lands Located at 2 Glover Mountain Road, Stoney Creek.

Recommendation: Be received and referred to Item 6 of Planning Report 18-003.

- 5.12 Correspondence from the City of Cornwall requesting support for their resolution Asking Ontario to Better Promote and Support Remediation of Contaminated Properties in Urban Centres.

Recommendation: Be **endorsed**.

- 5.13 Correspondence from the Honourable Navdeep Bains, Minister of Innovation, Science and Economic Development in response to the Mayor's letter requesting an extension to the Canada 150 Community Infrastructure Program (CIP 150)

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 5.14 Correspondence from the Honourable Bob Chiarelli, Minister of Infrastructure in response to the Mayor's letter respecting the Community Infrastructure Program (CIP) 150 and the Clean Water Wastewater Fund (CWWF).

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 5.15 Correspondence from Arun Pathak, President, Hamilton and District Apartment Association respecting a recommendation for the Provincial "Development Charge Rebate Program".

Recommendation: Be received **and referred to the consideration of Item 8.4.**

- 5.16 Correspondence from Karen Armstrong, Deputy CAO & Secretary-Treasurer, Grand River Conservation Authority respecting the Grand River Conservation Authority 2018 Municipal Levy & Budget.

Recommendation: Be received and referred to the General Manager of Corporate Services for appropriate action.

- 5.17 Correspondence from Sarit Chandaria, President, Tibro Group respecting their concerns with the Development Charge Rebate Program.

Recommendation: Be received and referred to the consideration of Item 8.4.

CARRIED

(Merulla/Collins)

That Item 10.2 be moved up in the agenda to be considered at this time, and that Council move into Closed Session to consider Item 10.2.

Councillor Merulla requested a Standing Recorded Vote.

The above motion was DEFEATED on the following Standing Recorded Vote.

Yeas: Green, Merulla, Collins, Jackson
 Total: 4
 Nays: Eisenberger, A. Johnson, Skelly, Partridge, Pasuta, VanderBeek, Ferguson, B. Johnson, Pearson, Conley
 Total: 10
 Absent: Farr, Whitehead
 Total: 2

(A. Johnson/Green)

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

CARRIED

PLANNING COMMITTEE REPORT 18-003

- 9. **Business Licensing By-law 07-170, Payday Loans Businesses (Schedule 11) (PED16039(a)) (City Wide) (Outstanding Business List Item) (Item 7.3)**

(Partridge/Pasuta)

That Item 9 to Planning Committee Report 18-003 respecting Business Licensing By-law 07-170, Payday Loans Businesses (Schedule 11) (PED16039(a)) be amended by deleting the recommendation in its entirety and inserting the following therein:

~~That the Business Licensing By-law 07-170 (Licensing By-law) be amended by replacing Payday Loans (Schedule 11) with the draft By-law attached as Appendix "A" to Report PED16039(a), which has been prepared in a form satisfactory to the City Solicitor, and that the draft by-law, be enacted by Council;~~

- (a) That the Business Licensing By-law 07-170 (Licensing By-law) be amended by replacing Payday Loans (Schedule 11) with the draft By-law hereto attached as Appendix "A" which has been prepared in a form satisfactory to the City Solicitor, and which excludes any lands within Rural Hamilton, including Rural Settlement Areas as permitted Payday Loan locations;
- (b) That the draft By-law, hereto attached as Appendix "A", as amended, be enacted by Council;
- (c) That staff be directed to report on an annual basis to the Planning Committee regarding the status of the number of Payday Loan Licences.

Main Motion, As Amended, CARRIED

11. Animal Adoptions for the City of Hamilton (PED18004) (City Wide) (Item 8.2)

- (a) That staff be directed to commence an Animal Adoption Pilot Program and report back to the Planning Committee at the end of an 18 month term regarding the impact on current operations and the City's animal rescue partners;
- (b) That the General Manager of Planning and Economic Development be authorized to execute all necessary documents to implement Recommendation (a), as outlined above, in a form satisfactory to the City Solicitor.

Councillor A. Johnson requested a Standing Recorded Vote.

The above motion was CARRIED on the following Standing Recorded Vote:

Yeas:	Jackson, Skelly, Collins, Merulla, Green, Eisenberger, Partridge, Pasuta, VanderBeek, Ferguson, Pearson, Conley
Total:	12
Nays:	A. Johnson, B. Johnson
Total:	2
Absent:	Farr, Whitehead
Total:	2

(A. Johnson/Green)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 18-005

9. Canadian Country Music Week 2019 (PED18058) (City Wide) (Item 8.4)

Councillor Green wished to be recorded as OPPOSED to this item.

(Eisenberger/Partridge)

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

CARRIED

PUBLIC WORKS COMMITTEE CLERK'S REPORT 18-003

(Ferguson/B. Johnson)

That the THIRD Public Works Committee Clerk's Report be received for information.

CARRIED

BOARD OF HEALTH COMMITTEE REPORT 18-002

(Eisenberger/Pasuta)

That the SECOND Report of the Board of Health Committee be adopted, as presented, and the information section received.

CARRIED

HEALTHY AND SAFE COMMUNITIES COMMITTEE REPORT 18-001

(Merulla/Collins)

That the FIRST Report of the Healthy and Safe Communities Committee be adopted, as presented, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 18-006

(Eisenberger/Partridge)

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

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

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1(a) Lifting the Motion respecting Hamilton Waterfront Trust Board Reorganization Proposal LS18005 (Governance Review Sub-Committee Report 18-001, January 31, 2018), Tabled at the February 14, 2018 Council meeting.**(Collins/Jackson)**

That the motion respecting Hamilton Waterfront Trust Board Reorganization Proposal LS18005 (Governance Review Sub-Committee Report 18-001, January 31, 2018), Tabled at the February 14, 2018 Council meeting, which reads as follows be LIFTED from the table:

Hamilton Waterfront Trust Board Reorganization Proposal LS18005 (City Wide)(Item 12.1)

- (i) That the City Manager or his delegate be authorized and directed to advise the Hamilton Waterfront Trust (HWT) and the Hamilton Port Authority (HPA) that the City of Hamilton consents to the removal of the HPA board member as outlined in the HWT's January 10, 2017 resolution, with the exception of the HPA Board member remaining as a member of the HWT Board until the review of the HWT's governance model is completed by Council.
- (ii) That Report LS18005 remain confidential.

CARRIED**7.1(b) Hamilton Waterfront Trust Board Reorganization Proposal (LS18005) (City Wide) (Item 12.1)****(Collins/Jackson)**

That the motion respecting Hamilton Waterfront Trust Board Reorganization Proposal (LS18005) (Governance Review Sub-Committee Report 18-001, January 31, 2018), be deleted in its entirety and replaced with the following in lieu thereof:

- (i) That the City Manager or his delegate be authorized and directed to advise the Hamilton Waterfront Trust (HWT) and the Hamilton Port Authority (HPA) that the City of Hamilton consents to the removal of the HPA board member as outlined in the HWT's January 10, 2017 resolution;

- (ii) That the Hamilton Waterfront Trust Board vacant Board member position, which was held by a member of the Hamilton Port Authority be replaced with Councillor Conley, a member of Council; and,
- (iii) That Report LS18005, respecting the Hamilton Waterfront Trust Board Reorganization Proposal, remain confidential.

CARRIED

7.2 Inch Park Improvements (Ward 7)

(Skelly/Jackson)

WHEREAS, Inch Park is home to Hamilton Challenger Baseball, an organization that provides sports for players with special needs, and;

WHEREAS, Hamilton Challenger Baseball consists of more than 190 players and 60 dedicated volunteers, and offers the opportunity for those with developmental and physical disabilities to be empowered and assert their independence through sport, and;

WHEREAS, Challenger Baseball has applied for a \$150,000 Field of Dreams Capital Space Grant, through the Jays Care Foundation, to fund improvements to Inch Park. The proposed improvements include a large Picnic shelter, a storage shed, dugout renovations, and upgrades to the baseball diamonds, and;

WHEREAS, allocating additional funding would help ensure proposed improvements are implemented at Inch Park,

THEREFORE BE IT RESOLVED:

That staff be directed to proceed with proposed improvements to Inch Park, and that the funding of \$150,000 be approved from the Ward 7 Area Rating Reserve account number 108057 in support of this project.

CARRIED

7.3 Urging the Provincial Government to invest in Cycling Infrastructure

(Merulla/Collins)

WHEREAS, the Provincial government has implemented *CycleON: Ontario's Cycling Strategy* with the vision of seeing cycling recognized, respected and valued as a core mode of transportation that provides individuals and communities with health, economic, environmental, social and other benefits, and;

WHEREAS, the City of Hamilton has set a target of 15% of all daily trips being made by walking or biking within the 2021-2031 timeframe, and;

WHEREAS, the City of Hamilton has committed to continue funding new cycling infrastructure to increase the safety of our residents and encourage more cycling as a means of transportation,

THEREFORE BE IT RESOLVED:

- (a) That the Mayor correspond with the Minister of Transportation to urge the Provincial Government to include an annual investment of \$75 million in cycling infrastructure in its capital budget,
- (b) That other municipalities across Ontario, through the Association of Municipalities of Ontario, be encouraged to join with the City of Hamilton in calling on the Province to act.

CARRIED

7.4 Amendment to Item 21 of Planning Committee Report 18-002 respecting Application for Official Plan Amendment and Zoning By-law Amendments for Lands Located at 860 Queenston Road (OMB Case No. PL170282) (LS18010)

(A. Johnson/Pearson)

WHEREAS, the recommendations contained in Report LS18010 which were approved by Council on February 14, 2018 can be made public;

Therefore, be it resolved that Item 21 of Planning Committee Report 18-002 respecting Application for Official Plan Amendment and Zoning By-law Amendments for Lands Located at 860 Queenston Road (OMB Case No. PL170282) be deleted in its entirety and the following be inserted therein:

~~That the direction to staff outlined in the recommendations of Report LS18010 be approved and the report and appendices remain private and confidential and restricted from public disclosure.~~

With regard to the appeal to the Ontario Municipal Board (the "Board" or "OMB") by Queenston Road Holdings Inc. ("QRH"), Owner/Appellant, from the refusal by City Council of QRH's applications for amendments to the Urban Hamilton Official Plan, City of Hamilton Zoning By-law 05-200, and Former City of Stoney Creek Zoning By-law 3692-92 to permit a 19 storey apartment building consisting of 219 units for lands located at 860 Queenston Road (Stoney Creek) as shown on Appendix 'A' to Report LS18010:

- (a) That staff be directed to settle the OMB appeal respecting the Subject Lands, substantially in accordance with the draft official plan and zoning by-law amendments and drawings attached as Appendices 'B', 'C', and 'D' to Confidential Report LS18010;
- (b) That staff be directed to present and/or provide evidence in support of the settlement to the Board, as may be necessary;
- (c) That the City Solicitor, or his/her designate, be authorized to execute Minutes of Settlement and/or a Draft Order substantially in accordance with the

recommendations of this Report LS18010, and substantially in accordance with the form attached as Appendix 'E' to this Report LS18010; and

- (d) That Report LS18010 and its appendices remain confidential.

CARRIED

Councillor Collins wished to be recorded as OPPOSED to the above Motion.

7.5 Gypsy Moth Infestation Control (City Wide) - (PW17088a)

(Ferguson/VanderBeek)

- (a) That Council approve the Single Source Procurement of Zimmer Air Services (ZAS) (Zimmer Air Services Incorporated), pursuant to Procurement Policy #11, Non-competitive Procurements, for the aerial application of the biological pesticide *Bacillus thuringiensis 'kurstaki'* ("Btk") in the areas identified in Appendix A to Report PW17088a;
- (b) That the General Manager, Public Works Department be authorized to negotiate, enter into, and execute a Contract and any ancillary documents required to give effect thereto with Zimmer Air Services, in a form satisfactory to the City Solicitor;
- (c) That staff coordinate the contract Terms of Reference with those of area municipalities who are also undertaking aerial Gypsy Moth control programs in order to engage Policy #12, Cooperative Procurement and benefit from the favourable pricing that economies of scale offers in the coordination of the aerial application of Btk.

CARRIED

7.6 Amendment to Item 20 of Planning Committee Report 18-002 respecting Bill 139, Building Better Communities and Conserving Watersheds Act, 2017 – Ontario Proposed Changes to the Land Use Planning and Appeals System (LS16027(c)/PED16237(b))

(A. Johnson/Pearson)

WHEREAS, the recommendations contained in Report LS16027(c)/PED16237(b) which were approved by Council on February 14, 2018 can be made public;

THEREFORE BE IT RESOLVED, that Item 20 of Planning Committee Report 18-002 respecting Bill 139, *Building Better Communities and Conserving Watersheds Act*,

2017 - Ontario Proposed Changes to the Land Use Planning and Appeals System be deleted in its entirety and the following be inserted therein:

~~That the direction to staff outlined in the recommendations of Report LS16027(c)/PED16237(b) be approved and the report and appendices remain private and confidential and restricted from public disclosure.~~

WHEREAS, on May 18, 2010, staff were directed to report to Planning Committee on matters relating to non-decision appeals filed under the Ontario Municipal Board process and specific instructions have not yet been given;

NOW THEREFORE BE IT RESOLVED:

- (a) That staff be instructed and directed as follows:
 - (i) Where an appellant has agreed to postpone the scheduling of any hearing event until such time as Planning Committee has had an opportunity to consider the matter and that agreement has been communicated to the Ontario Municipal Board or its successor, that Planning staff be directed to process those matters accordingly and bring those matters to Planning Committee at a non-statutory public meeting for consideration and for direction to be given to the City Solicitor;
 - (ii) Where an appellant does not agree as described in (i), that Planning and Legal Services be directed to report back on the specific matter for further instructions or direction;
 - (iii) That the City Solicitor be instructed to oppose these appeals until such time as further instruction is given on any specific appeal.
- (b) That, the City Solicitor and General Manager of Planning and Economic Development be authorized and directed to obtain any necessary legal, planning and engineering resources to manage any increased workloads due to Bill 139 transition appeals, including any required temporary contract staff and/or external legal counsel, planning and engineering resources;
- (c) That staff be directed to fund any additional planning and engineering resources referred to in subsection (b) from the Development Fee Stabilization Reserve (110086) for up to a maximum amount of \$800,000;
- (d) That staff be directed to fund any additional legal resources referred to in subsection (b) from the Tax Stabilization Reserve (110046) for up to a maximum amount of \$430,000;
- (e) That staff be directed to monitor the number of appeals and impacts on overall workload, and report back to Planning Committee if additional funding or resources are needed;
- (f) That Report LS16027(c)/PED16237(b) remain confidential.

CARRIED

7.7 Amendment to Item 9 of Public Works Committee Report 17-010 respecting the Ontario Municipal Commuter Cycling (OMCC) 2018 Funding Agreement**(VanderBeek/Pasuta)**

WHEREAS, on August 18, 2017, Council of the City of Hamilton approved Item 9 of Public Works Committee Report 17-010, and authorized the City of Hamilton to apply to receive funding for 17 City of Hamilton projects listed in Schedule 1 to this Motion under the Ontario Municipal Commuter Cycling (“OMCC”) Program;

WHEREAS, the Ontario Ministry of Transportation has approved funding for the 17 City of Hamilton projects under the OMCC Program;

WHEREAS, at its meeting on August 18, 2017, Council of the City of Hamilton also authorized the signing of a Transfer Payment Agreement with Her Majesty the Queen in right of Ontario as represented by the Minister of Transportation to receive funding for the approved projects under the OMCC Program;

WHEREAS, the OMCC Transfer Payment Agreement requires the City to confirm, by way of a by-law, the approval by the City of the 17 projects submitted under the OMCC Program as well as the approval by the City of its 20% funding Contribution to the projects.

THEREFORE BE IT RESOLVED:

That sub-section (d) of Item 9 of Public Works Committee Report 17-010 respecting the Ontario Municipal Commuter Cycling (OMCC) 2018 Funding Agreement be deleted and replaced and that a new sub-section (f) be added to read as follows:

- (a) That the list of proposed cycling projects described in Appendix A to Report PW17069 be approved for submission to the Ontario Ministry of Transportation (MTO) for the Ontario Municipal Commuter Cycling (OMCC) 2018 Funding Application;
- (b) That the Mayor and City Clerk be directed to sign the Ontario Municipal Commuter Cycling (OMCC) Program Application Declaration, Appendix B to Report PW17069, to be submitted to the Ontario Ministry of Transportation;
- (c) That the General Manager of Public Works, or their designate, be authorized and directed to enter into and sign, on behalf of the City of Hamilton, all negotiated agreements and associated documents with the Province of Ontario, Ministry of Transportation, for funding from the Ontario Municipal Commuter Cycling Program (OMCC) in a form satisfactory to the City Solicitor;
- ~~(d) That a By-law authorizing and directing the Mayor, the City Clerk, and the General Manager, Finance and Corporate Services to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario~~

~~*with respect to funding under the Ontario Municipal Commuter Cycling (OMCC) Program;*~~

- (d) ***That a By-law authorizing and directing the Mayor, the City Clerk and the General Manager of Finance and Corporate Services to sign the Agreement between the City of Hamilton and the Province of Ontario with respect to funding for projects approved by Council for submission to the Ontario Ministry of Transportation through PW17069 under the Ontario Municipal Commuter Cycling (OMCC) Program, confirming the approval by the City of the projects submitted under the OMCC Program, and confirming the City 20% funding contribution to the projects under the OMCC Program, be prepared.***
- (e) That the funding requirement over the three year Ontario Ministry of Transportation (MTO) completion deadline be forwarded to Council for consideration in the 2018 to 2020 Capital Budget Process;
- (f) ***That the City's 20% own share contribution of \$927,000 be funded as follows:***
- (i) ***\$300,000 in 2018 as approved by Council in the 2018 Tax Supported Capital Budget (FCS17099) through Project ID 4661817124;***
- (ii) ***\$600,000 pre-committed in principle by Council (\$300,000 in 2019, \$300,000 in 2020) in the 2018 Tax Supported Capital Budget (FCS17099) through Project ID 4661817124;***
- (iii) ***\$27,000 surplus funds from 2017 Project ID 4661717124 On Street Bike Facilities.***

CARRIED

(Skelly/Merulla)

That staff be directed to report back to the Public Works Committee on the feasibility and costs associated with tracking current use of bike lanes across the city.

CARRIED

7.8 Conservation Authority Levies (FCS18029) (City Wide)

(Jackson/Skelly)

- (a) That staff be authorized to appeal any apportionment levied by a conservation authority against the City which staff determines does not comply with the *Conservation Authorities Act* and Ontario Regulation 670/00, in the discretion of the General Manager of Finance and Corporate Services and City Solicitor; and,
- (b) That any levy payment which the City is required to make pursuant to the *Conservation Authorities Act* pending the appeals shall be made under protest.

CARRIED

7.9 Hamilton Summit

(Merulla/Eisenberger)

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 Manager be directed to plan and execute a Hamilton Summit that involves 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 held no later than April 30, 2018;
- (b) That the topics of the Hamilton Summit include: Local Healthcare - Impact on Emergency Medical Services, Social and Affordable Housing, Infrastructure and Tax Policies;
- (c) That the format of the Hamilton Summit be in a format to be determined by the City Manager; and,
- (d) That staff be directed to report to the General Issues Committee with a summary of the Hamilton Summit, along with recommendations for a longer

term Engagement Strategy with the Federal and Provincial governments, by May 16, 2018.

CARRIED

7.10 Temporary Asphalt Repairs

(A. Johnson/Ferguson)

WHEREAS, Main Street West between Cootes Drive and approximately Dalewood School (West Section) was originally constructed in 1969 and has received only one remedial intervention since; that action being a “shave and pave” in 2005;

WHEREAS, Main Street West between Dalewood School and Highway 403 (East Section) was fully reconstructed in 1992 and has not received a remedial intervention since then;

WHEREAS, Main Street West between Cootes Drive and Highway 403 experiences approximately 55,000 vehicle trips per day making it one of the most heavily travelled roads in Hamilton;

WHEREAS, modern winters are trending toward a higher frequency of freeze/thaw cycles with more extremes in temperature and therefore increasing the adverse affects on pavement structures;

WHEREAS, this section of roadway is the gateway to one of our premiere and prominent institutions being McMaster University and McMaster Children’s Hospital; and,

WHEREAS, there exists significant risk that these sections of roadway may fail before their next programmed capital replacement;

THEREFORE BE IT RESOLVED:

- (a) That Public Works staff be directed to take immediate action, as per the City’s Procurement Bylaw Policy #10, to undertake all necessary, temporary asphalt repairs in the form of “asphalt shave and pave” on Main Street West between Cootes Drive and Macklin Avenue (eastbound and westbound lanes), as determined by the General Manager of Public Works, to a maximum of \$1.4 Million and funded accordingly, \$700,000 from the Ward 1 Minor Maintenance Capital Project 4031611601 and \$700,000 from the Unallocated Capital Reserve 108020;
- (b) That the General Manager of Public Works Department be authorized and directed to negotiate, enter into and execute a Contract(s) and any ancillary documents required to give effect to all necessary, temporary asphalt repairs in the form of “asphalt shave and pave” on Main Street West between Cootes Drive and Macklin Avenue (eastbound and westbound lanes), as determined by the General Manager of Public Works, in a form satisfactory to the City Solicitor; and,

- (c) That the General Manager of the Public Works Department be directed to submit an Information Update to Council, reporting on the Policy #10 – Emergency Procurement, as required.

CARRIED

Councillor Green requested a Standing Recorded Vote on the above Motion which CARRIED on the following unanimous vote of those in attendance:

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

7.11 Amendment to Item 1 of Emergency & Community Services Committee Report 18-002 respecting Development Charge Rebate Program Expression of Interest (CES18011)

(Merulla/Collins)

That sub-section (f) of Item 1 of Emergency & Community Services Committee Report 18-002 respecting Development Charge Rebate Program Expression of Interest (CES18011) **be amended** as follows:

- 1. Development Charge Rebate Program Expression of Interest (CES18011) (City Wide) (Item 5.1)**
 - (a) That staff be directed to submit an expression of interest to the Minister of Housing indicating the City of Hamilton’s interest in participating in the Ontario Development Charges Rebate Program;
 - (b) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to deliver and administer the Development Charges Rebate Program;
 - (c) That the Mayor and City Clerk be authorized and directed to execute the “Transfer Payment Agreement” for the Development Charges Rebate Program with content acceptable to the General Manager of the Healthy and Safe Communities Department or his designate and in a form satisfactory to the City Solicitor;
 - (d) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to execute all agreements as may be required to deliver the Development Charges Rebate Program, in a form satisfactory to the City Solicitor;
 - (e) That a letter be sent to the Minister of Housing requesting that the existing Development Charge waivers that the City has on affordable

housing be included for consideration within the application process; and,

- (f) That staff be directed to include as a condition of the Development Charge Rebate Program on new apartment developments, that the unit rental rates be capped at no more than ~~150% of the present market rent~~ **175% of the present market rent for the Province of Ontario** for a minimum of ten years after occupation.

CARRIED

Councillor Green wished to be recorded as OPPOSED to the above Motion.

NOTICES OF MOTION

8.1 Conservation Authority Levies (FCS18029) (City Wide)

Councillor Jackson introduced a Notice of Motion respecting Conservation Authority Levies (FCS18029).

(Jackson/Skelly)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Conservation Authority Levies (FCS18029).

CARRIED

For disposition of this matter, please refer to Item 7.8.

8.2 Hamilton Summit

Councillor Merulla introduced a Notice of Motion respecting a Hamilton Summit.

(Merulla/Collins)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a Hamilton Summit.

CARRIED

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

8.3 Temporary Asphalt Repairs

Councillor A. Johnson introduced a Notice of Motion respecting Temporary Asphalt Repairs.

(A. Johnson/Ferguson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting Temporary Asphalt Repairs.

CARRIED

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

8.4 Amendment to Item 1 of Emergency & Community Services Committee Report 18-002 respecting Development Charge Rebate Program Expression of Interest (CES18011)

Councillor Merulla introduced a Notice of Motion respecting Amendment to Item 1 of Emergency & Community Services Committee Report 18-002 respecting Development Charge Rebate Program Expression of Interest (CES18011).

(Merulla/Collins)

That the Rules of Order be waived to allow for the introduction of a Motion respecting an Amendment to Item 1 of Emergency & Community Services Committee Report 18-002 respecting Development Charge Rebate Program Expression of Interest (CES18011).

CARRIED

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

8.5 Introduction of a Climate Change Lens on All City of Hamilton Departmental Reports

Councillor Green introduced a Notice of Motion respecting Introduction of a Climate Change Lens on All City of Hamilton Departmental Reports.

WHEREAS, current research forecasts we are on track for an average of 1.5 metres of sea level rise this century, i.e., within the lifetime of today's toddlers;

WHEREAS, without protective measures, this amount of sea level rise would submerge land currently home to 153 million people. And it is now plausible that today's toddlers could experience a staggering 2.4 metre sea level rise during their lifetimes;

WHEREAS, the storm surges that already put millions of people at risk of catastrophic floods, would inundate coastal cities, ports and nuclear plants around the globe; and

WHEREAS, Climate Change must be "a central part of all government decision-making, investing and regulating".

THEREFORE BE IT RESOLVED:

- (a) That staff report back on the feasibility of the addition of a section specific to climate change implications across all departmental reports; and

- (b) That a procurement process for knowing the GHG footprint of everything the city purchases be designed, implemented, and be given significant weight in awarding procurement decisions.

STATEMENTS BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

Council determined that they did not need to go into Closed Session to discuss Report HUR18004 respecting Hamilton Street Railway TransCab Service.

10.1 Hamilton Street Railway TransCab Service (HUR18004) (City Wide)

(B. Johnson/Pearson)

- (a) That Report HUR18004 respecting Hamilton Street Railway TransCab Service, be received; and,
- (b) That Report HUR18004 respecting Hamilton Street Railway TransCab Service remain confidential.

CARRIED

(Jackson/Partridge)

That Council move into Closed Session at 7:56 p.m. to discuss Citizen Appointment – Boards and Commissions, pursuant to Section 8.1, Sub-sections (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 matter pertains to personal matters about an identifiable individual, including City employees.

CARRIED

Council reconvened in Open Session at 8:25 p.m.

10.2 Citizen Appointment - Boards and Commissions

(Skelly/B. Johnson)

That Council reconvene in Open Session.

CARRIED

(Jackson/B. Johnson)

That the confidential correspondence respecting Citizen Appointment – Boards and Commissions, be received.

CARRIED

BY-LAWS

(Jackson/Skelly)

That Bills No. 18-034 to No. 18-058 be passed and that the Corporate Seal be affixed thereto, and that the By-laws, as amended, be signed by the Mayor and the City Clerk to read as follows:

By-law No.

- | | |
|---------------|---|
| 18-034 | To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 2 (Speed Limits)
Ward: 2, 3, 6, 9 |
| 18-035 | 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)
Schedule 20 (School Bus Loading Zones)
Ward: 2, 3, 6, 9, 10 |
| 18-036 | To Establish City of Hamilton Land Described as Block 108 on Plan 62M-1144 as Part of Greti Drive
Ward: 11 |
| 18-037 | To Permanently Close and Sell a Portion of a Road Allowance between Stonechurch Road West and Upper Horning Road, Hamilton, namely Part of Road Allowance between Lots 54 and 55, Concession 3, in the Geographic Township of Ancaster, designated as Part 8, Plan 62R-14003, save and except Part 4, Plan 62R-16769, City of Hamilton
Ward: 8 |
| 18-038 | To Repeal and Replace By-law No. 18-001, Being a By-law to Permanently Close and Sell a Portion of Kinsman Drive, being Parts 1 to 6, inclusive, on Plan 62R-19974, City of Hamilton
Ward: 11 |
| 18-039 | To Impose a Sanitary Sewer Charge Upon Owners of Land Abutting Garner Road West from Shaver Road to Approximately 190m Easterly, in the City of Hamilton
Ward: 12 |
| 18-040 | To Amend By-law No. 07-170, Being a By-law to License and Regulate Various Businesses
Schedule 25 (Taxicabs)
Ward: City Wide |
| 18-041 | To Amend By-law No. 07-170, Being a By-law to License and Regulate Various Businesses
Schedule 25 (Taxicabs)
Ward: City Wide |
| 18-042 | To Amend By-law No. 07-170, Being a By-law to License and Regulate Various Businesses |

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- Schedule 11 (Payday Loans Businesses)
Ward: City Wide
- 18-043** To Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties
Ward: City Wide
- 18-044** To Amend By-law No. 17-225, a By-law to establish a System of Administrative Penalties
Ward: City Wide
- 18-045** To Amend Ancaster Zoning By-law No. 87-57, Respecting Lands Located at 555 Highvalley Road (Ancaster)
ZAH-17-035
Ward: 12
- 18-046** To Adopt Official Plan Amendment No. 93 to the Urban Hamilton Official Plan Respecting 235 Tanglewood Drive (Glanbrook)
Ward: 11
- 18-047** To Amend Zoning By-law No. 464, Respecting Lands Located at 235 Tanglewood Drive in the Former Township of Glanbrook, now in the City of Hamilton
ZAC-17-025/UHOPA-17-019
Ward: 11
- 18-048** To Adopt Official Plan Amendment No. 95 to the Urban Hamilton Official Plan Respecting 2782 Barton Street East, Hamilton
Ward: 5
- 18-049** To Repeal By-law No. 87-77 and to Amend Zoning By-law No. 6593, as amended by By-law No. 74-007, Respecting Lands Located at 2782 Barton Street East, Hamilton
ZAC-17-050
Ward: 5
- 18-050** To Adopt Official Plan Amendment No. 96 to the Urban Hamilton Official Plan Respecting 503 & 515 Garner Road West (former Ancaster)
Ward: 12
- 18-051** To Amend Zoning By-law No. 87-57 Respecting Lands Located at 503 and 515 Garner Road West (Ancaster)
ZAC-16-017/UHOPA-16-007
Ward: 12
- 18-052** A By-law to Amend Zoning By-law No. 05-200 Respecting Lands Located at 503 and 515 Garner Road West (Ancaster)
ZAC-16-017/UHOPA-16-007
Ward: 12
- 18-053** To Adopt Official Plan Amendment No. 16 to the Rural Hamilton Official Plan Respecting 1051 Green Mountain Road East (Stoney Creek)
Ward: 11
- 18-054** To Amend Zoning By-law No. 05-200 Respecting Lands Located at 1051 Green Mountain Road (Stoney Creek)
ZAC-15-052/RHOP-15-022
Ward: 11
- 18-055** To Amend Zoning By-law 3692-92 (Stoney Creek) Respecting Lands Located at 2 Glover Mountain Road (Stoney Creek)

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- ZAC-16-001/25T-201601
Ward: 11
- 18-056** To Amend Zoning By-law No. 05-200 Respecting Lands Located at 2 Glover Mountain Road (Stoney Creek)
ZAC-16-001/25T-201601
Ward: 11
- 18-057** To Authorize the Execution of the Ontario Municipal Commuter Cycling (OMCC) Program 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 (Funding Year 2017-2018)
Ward: City Wide
- 18-058** To Confirm the Proceedings of City Council

(Pearson/B. Johnson)

That, there being no further business, City Council be adjourned at 8:29 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk