



CITY COUNCIL MINUTES 18-007

5:00 p.m.
Wednesday, April 25, 2018
Council Chamber
Hamilton City Hall
71 Main Street West

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

**Absent with
Regrets:** Councillor D. Conley, illness

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 acknowledged the tragic events which took place in Toronto on April 23, 2018 and a moment of silence was held for the victims of the van attack.

The Mayor called upon Pastor Connan Kublic of New City Church to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE (Item 5)

- 5.12 Correspondence from the Hamilton-Halton Home Builders’ Association respecting the Draft Downtown Secondary Plan and Zoning By-law

Recommendation: Be received and referred to Item 7 of the Planning Committee Report 18-006.

- 5.13 Correspondence from Turkstra Mazza objecting to the Downtown Hamilton Secondary Plan and Zoning By-law in their current form.

Recommendation: Be received and referred to Item 7 of the Planning Committee Report 18-006.

There is an amendment to the disposition of the following Communication Item:

- 5.11 Correspondence from the Honourable Kathryn McGarry, Minister of Transportation and the Honourable Daiene Vernile, Minister of Tourism, Culture and Sport respecting the Launch of #CycleON Action Plan 2.0.

Ontario's Cycling Strategy: <http://www.mto.gov.on.ca/english/publications/cycleon-ontario-cycling-strategy.shtml>

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

2. ADDED NOTICES OF MOTION (Item 8)

8.2 Capital Funding for the John Rebecca Park Project

8.3 One Time Funding for Residential Care Facilities

3. ADDED BILL (Item 11)

108 Removal of Part Lot Control, Blocks 8, 10 to 12, 21 to 25, Part of Block 9, Registered Plan of Subdivision No. 62M-1241, municipally known as 57 – 72 Foothills Lane, 1 – 15, 17, 19, 21, 23, 25, 27,29, 29, 31 and 33 – 65 Pinot Crescent, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119 – 131 Sonoma Lane, 2, 4, 6, and 8 – 20 Zinfandel Drive, Stoney Creek (Ward 11)

(B. Johnson/Ferguson)

That the agenda for the April 25, 2018 meeting of Council be approved, **as amended.**

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 April 11, 2018

(Whitehead/Partridge)

That the Minutes of the April 11, 2018 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Partridge/B. Johnson)

That Council Communications 5.1 to 5.13 be approved, **as amended**, as follows:

- 5.1 Correspondence from Enbridge Pipelines Inc. respecting the Proposed Sale of Enbridge Line 10 Pipeline to United Refining Company Notification of Future Assignment of Permanent Pipeline Crossings.

Recommendation: Be received **and referred to staff to report to the General Issues Committee respecting any potential impacts the proposed sale of the pipeline may have on existing City agreements and/or easements and any potential disruption and that representatives from Enbridge Pipelines Inc. be invited to provide an update to Committee.**

- 5.2 Correspondence from the Ministry of the Environment and Climate Change respecting Regulatory decisions - Clean Water Act & Safe Drinking Water Act.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action **and to the Halton-Hamilton Water Source Protection Committee.**

- 5.3 Correspondence from the Township of Killaloe, Hagarty and Richards requesting support for their resolution calling on the Province to formally grant municipalities the authority to approve landfill projects in or adjacent to their communities, prior to June 2018.

Recommendation: Be received.

- 5.4 Correspondence from Ernie Hardeman, MPP, Oxford requesting support for a private members' bill which would give municipalities the authority to decide whether or not they would be willing to receive a landfill.

Recommendation: Be received.

- 5.5 Correspondence from the Honourable Kathleen Wynne, Premier, in response to the Mayor's letter respecting recognition of January 29 as a Day of Remembrance and Action on Islamophobia.

Recommendation: Be received.

- 5.6 Correspondence from the Township of Selwyn requesting support for their resolution strongly urging the Province of Ontario to reconsider the implementation procedure and include transition policies to provide greater flexibility for those applications that were made prior to February 9, 2018 and are impacted by the Agricultural System (AS) or Natural Heritage System (NHS) mapping.

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

- 5.7 Correspondence from Imperial Oil's Community Awareness/Right of Way Coordinator requesting that their agricultural neighbours contact Imperial Oil before they perform activities outside of normally accepted farming practices which may disturb the ground in excess of 30cm, and or involved placement or clean out of draining facilities in order to eliminate any potential pipeline conflicts on your property.

Recommendation: Be received.

- 5.8 Correspondence from Shekar Chandrashekar respecting the Hamilton Police Services Budget.

Recommendation: Be received.

- 5.9 Correspondence respecting Official Plan Amendment and Zoning By-law Amendment for the Downtown Hamilton Secondary Plan:

5.9 (a) WEBB Planning Consultants Inc. on behalf of DiCenzo Construction Limited.

5.9 (b) Bousfield Inc on behalf of Television City Hamilton Inc., 163 Jackson Street West, Hamilton

5.9 (c) People's Plan for Downtown

5.9 (d) Gabriel Zelea

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 18-006.

- 5.10 Correspondence respecting Modifications to the Existing Residential "ER" Zone in the Town of Ancaster Zoning By-law No. 87-57 - Redevelopment in Mature Neighbourhoods:

5.10 (a) Jana Pekarcikova

5.10 (b) Meg Tyrell

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 18-006

- 5.11 Correspondence from the Honourable Kathryn McGarry, Minister of Transportation and the Honourable Daiene Vernile, Minister of Tourism, Culture and Sport respecting the Launch of #CycleON Action Plan 2.0.

Ontario's Cycling Strategy: <http://www.mto.gov.on.ca/english/publications/cycleon-ontario-cycling-strategy.shtml>

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

- 5.12 Correspondence from the Hamilton-Halton Home Builders' Association respecting the Draft Downtown Secondary Plan and Zoning By-law

Recommendation: Be received and referred to Item 7 of the Planning Committee Report 18-006.

- 5.13 Correspondence from Turkstra Mazza objecting to the Downtown Hamilton Secondary Plan and Zoning By-law in their current form.

Recommendation: Be received and referred to Item 7 of the Planning Committee Report 18-006.

**Amendment CARRIED
Main Motion, as Amended, CARRIED**

(Merulla/Collins)

That Council move into Committee of the Whole to consider the Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 18-005

(Ferguson/B. Johnson)

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

CARRIED

BOARD OF HEALTH REPORT 18-004

(Eisenberger/VanderBeek)

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

CARRIED

PLANNING COMMITTEE REPORT 18-006

- 3. Modifications to the Existing Residential “ER” Zone in the Town of Ancaster Zoning By-law No. 87-57 – Redevelopment in Mature Neighbourhoods (Ancaster) (Ward 12) (PED18036(a)) (Item 8.1)**

(Ferguson/B. Johnson)

That Item 3 of Planning Committee Report 18-006 respecting City Initiative CI-18-A to amend the Existing Residential “ER” Zone regulations in the Town of Ancaster Zoning By-law No. 87-57, to address the redevelopment of single detached dwellings in mature neighbourhoods, as amended, be amended as outlined below:

- (a) That Appendix “B” to Report PED18036(a), Subsection 1.1, Table 10.3.4, be amended by deleting the word “minimum” from clause (2).**
- (b) That Appendix “B” to Report PED18036(a), Subsection 10.3.6 (ii), be amended by deleting “10.3.5 (i)” and replacing it with “10.3.6 (i)”.**
- (c) That Appendix “B” to Report PED18036(a), Section 4 be amended by:**
 - 1. Adding the words “as shown on Schedules “A1”, “A3”, and “A4”:**” to the end of the introductory sentence.

2. ***Amend the existing site specific exception for the property located at 357 Shaver Road (ER-691), to recognize an in process Building Permit application:***
 - a. ***Maximum garage projection of 3.7 metres; and,***
 - b. ***Parking space size with a minimum width of 2.6 metres and a minimum length of 5.5 metres.***

3. ***Amend the existing site specific exception for the property located at 196 Woodview Crescent (ER-695), to recognize minor variances:***
 - a. ***A front yard setback between 10.7 metres and 10.9 metres;***
 - b. ***A minimum easterly side yard setback of 1.6 metres;***
 - c. ***A minimum westerly side yard setback of 2.2 metres;***
 - d. ***A minimum rear yard setback of 10.9 metres;***
 - e. ***A maximum height of 9.8 metres; and,***
 - f. ***Parking space size with a minimum width of 2.6 metres and a minimum length of 5.5 metres.***

4. ***Add the following site specific exception for the property located at 908 Bishop Place (ER-696), to recognize an in process Minor Site Plan application:***

ER-696

- a. ***A front yard setback between 7.9 metres and 8.2 metres;***
 - b. ***A minimum easterly side yard setback of 2.0 metres;***
 - c. ***A minimum westerly side yard setback of 2.5 metres;***
 - d. ***A minimum rear yard setback of 6.8 metres to the second storey covered porch and a minimum rear yard setback of 10.6 metres to the rear wall of the principal dwelling;***
 - e. ***A maximum height of 10.5 metres;***
 - f. ***Parking space size with a minimum width of 2.6 metres and a minimum length of 5.5 metres; and,***
 - g. ***Eaves or gutters projection into the minimum side yard up to 65 centimetres.***
- (d) ***That the Draft By-law attached as Appendix “B” to Report PED18036(a) be replaced with the Draft By-law hereto attached and be enacted by Council***

**Amendment CARRIED
Main Motion, as Amended, CARRIED**

(A. Johnson/Farr)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 18-009**(Eisenberger/Pasuta)**

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 18-005**(VanderBeek/Ferguson)**

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

CARRIED

HEALTHY & SAFE COMMUNITIES COMMITTEE REPORT 18-004

3. Organizational Structure Changes for the Healthy & Safe Communities Department (HSC18018) (City Wide) (Item 12.1)

(Merulla/Collins)

That the recommendation of Item 3 of Healthy and Safe Communities Committee Report 18-004 respecting the Organizational Structure Changes for the Healthy & Safe Communities Department (HSC18018)), be deleted in its entirety and the following be inserted therein:

~~That Report HSC18018 respecting Organizational Structure Changes for the Healthy and Safe Communities Department, be approved and remain confidential until such time as it is approved by Council.~~

- (a) That the resources of the PHS – Communicable Disease Control and Wellness Division be re-aligned within the PHS – Planning and Business Improvement (PBI) Division and be renamed “PHS – Epidemiology, Wellness, and Communicable Disease Control”;
- (b) That resources of the Hamilton Immigration Partnership Council (HIPC) be transferred to the Planning and Economic Development Department (PED);
- (c) That the remaining resources of the Neighbourhood and Community Initiatives (NCI) Division be re-aligned within the Children’s and Home Management Services Division (CHMS) and be renamed “Children’s Services and Neighbourhood Development”; and,
- (d) That the contents of Report HSC18018 (including Appendix A to Report HSC18018) remain confidential.

***Amendment* CARRIED
Main Motion, as Amended, CARRIED**

(Merulla/Collins)

That the FOURTH Report of the Healthy & Safe Communities Committee be adopted, **as amended**, and the information section received.

CARRIED

(Merulla/Collins)

That Committee Rise and Report.

CARRIED

MOTIONS

7.1 Removal of Norway Spruce Tree at 148 Valleyview Drive, Ancaster, Ward 12

(Ferguson/B. Johnson)

WHEREAS, the owner would like to remove a Norway Spruce tree at 148 Valleyview Drive; and,

WHEREAS, the owner will do so at their own expense;

THEREFORE, BE IT RESOLVED:

That approval be given to the owner to remove the Norway Spruce tree on private property at 148 Valleyview Drive, at their own expense.

CARRIED

7.2 Amendment to Item 4 of the General Issues Committee Report 17-024, respecting Report PED16089(b) - City Operated Events – Determine Interests of Event Vendors

(Jackson/Skelly)

WHEREAS, at its meeting of November 22, 2017, Council approved Item 4 of the General Issues Committee Report 17-024, which reads as follows:

4. City Operated Events – Determine Interests of Event Vendors (PED16089(b)) (City Wide) (Outstanding Business List Item) (Item 8.2)

- (a) That staff be directed to issue a Request for Proposals (RFP) through Centralized Procurement to retain a service provider to develop and implement the Winterfest Program through a three-year contract beginning in 2019, to be funded from the Planning and Economic Development Department (Tourism and Culture) Operating Budget;
- (b) That staff be directed to work with Legal Services to execute a three-year service contract between the City of Hamilton and the Downtown Hamilton Business Improvement Area (Downtown BIA) to retain the services of the Downtown BIA to operate on behalf of the City the annual Gore Park Holiday Tree Lighting event, working in conjunction

with CHML/Y108 and the Parks and Cemeteries Section of the Public Works Department beginning in 2018, to be signed by the Mayor and the City Clerk;

- (c) That the City of Hamilton provided the Downtown Hamilton Business Improvement Area (Downtown BIA) \$17,000 for each year that the service contract related to the City's annual Holiday Tree Lighting event at Gore Park is in place; with \$7,000 to be funded from the Planning and Economic Development Department (Tourism and Culture) Operating Budget and \$10,000 to be funded from the Public Works Department Operating Budget; and,
- (d) That a Request for Proposals (RFP) not be issued for Canada Day and the Canadian Pacific Holiday Train events.

WHEREAS, Procurement staff are recommending that the original 3-year contract be changed to a 5-year contract;

WHEREAS, the rationale for issuing a Request for Proposal (RFP) to retain a service provider to develop and implement the Winterfest Program through a 5-year contract (beginning in 2019) as opposed to a 3-year contract, is as follows:

- (1) The successful proponent to the RFP will be paid a modest, fixed fee-for-service for planning, developing and implementing the Winterfest Program. Therefore, a longer-term contract will attract a great number of qualified responses because the successful proponent can realize efficiencies in the later years through knowledge retention and established relationships with program participants;
- (2) The successful proponent will have the option to enhance the Winterfest Program budget beyond the City's contractual contribution through revenue sources such as cash sponsorships and grants from other levels of government. The majority of these opportunities operate on multi-year funding cycles. As a result, a 5-year contract would increase the realization of mutually beneficial business partnerships and successful grant applications;
- (3) The successful proponent will have the option to leverage in-kind contributions of goods and services to enhance marketing and promotion of community events that participate in Winterfest. The successful proponent will solicit and secure effective marketing partnerships and media relations through a longer-term contract; and,
- (4) The term of a 5-year RFP contract would be for a one-year period that may be extended for a maximum of four, one-year terms at the sole discretion of the City. Therefore, there is no risk to the City in offering a longer contract term that allows for greater flexibility for revenue generation and programming direction;

THEREFORE, BE IT RESOLVED:

That sub-section (a) to Item 4 of the General Issues Committee Report 17-024, respecting Report PED16089(b) - City Operated Events – Determine Interests of Event Vendors, be amended by deleting the word “three” and replacing it with the word “**five**”, to read as follows:

- (a) That staff be directed to issue a Request for Proposals (RFP) through Centralized Procurement to retain a service provider to develop and implement the Winterfest Program through a ~~three~~ **five**-year contract beginning in 2019, to be funded from the Planning and Economic Development Department (Tourism and Culture) Operating Budget;

CARRIED

7.3 Capital Funding for the John Rebecca Park Project

(Farr/Partridge)

WHEREAS, the John Rebecca Park has approved design funding as part of the 2018 Capital budget;

WHEREAS, Information Report PW16096 was received by General Issues Committee on November 2, 2016, and outlined the history of the park design;

WHEREAS, the Beasley Neighbourhood currently has a deficit of parkland of 3.9 hectares and the citizens have long advocated for the advancement of the park design and construction through delegations to committee;

WHEREAS, the capital construction costs are estimated at \$2.5 million, and are shown in project id 4401856615 in 2021 and 2022 capital budget forecast;

WHEREAS, the new Downtown Secondary Plan places an emphasis on enhancing parks and open spaces in our Downtown Growth Centre and the John Rebecca Park plan aligns with the sustainable themes the plan endorses;

WHEREAS, through thorough consultation and engagement over time, the well-established and regarded Patrick J. McNally Charitable Foundation graciously committed one million dollars toward the capital funding of the John Rebecca Park project; and

WHEREAS, the city owns a majority of the future park and can proceed with development of the park once an approved capital funding source for construction is identified;

THEREFORE, BE IT RESOLVED:

That the \$2.5 Million construction cost for the John Rebecca Park be funded as follows:

- (a) \$1,000,000 external revenues (private donation – agreement to be signed)
- (b) \$750,000 from the Capital Account Property Purchases and Sales (3560150200)

(c) \$750,000 from the Parking Capital Reserve #108021

CARRIED

7.4 One Time Funding for Residential Care Facilities

(Whitehead/Merulla)

WHEREAS, a delegation from the Residential Care Facilities presented at the January 22, 2018 Emergency & Community Services Committee;

WHEREAS, the Residential Care Facilities are currently funded at \$50 per diem, and there has been no per diem or cost of living increase in funding to the Residential Care Facilities since April 1, 2015;

WHEREAS, the average cost per diem for other Residential Care Facilities in Ontario is \$52 per diem;

WHEREAS, in March 2017, through the Long Term Affordable Housing Strategy (LTAHS) the Province released its Supportive Housing Policy Framework with guidelines on a review of the Residential Care Facilities to ensure alignment with Housing First legislation;

WHEREAS, staff will be using the LTAHS Supportive Housing Policy Framework and Best Practices to conduct a review of the Residential Care Facilities in 2018 with a focus on outcomes and funding models; and

WHEREAS, Council received the information report requested on February 14, 2018, regarding the One Time Funding for Residential Care Facilities.

THEREFORE, BE IT RESOLVED:

That the appropriate staff from Healthy and Safe Communities be authorized to provide an additional \$200,000 to the Residential Care Facilities Program on a one time basis within existing 2017/2018 CHPI budget to mitigate some of their financial pressures, pending the 2018 review of the Residential Care Facilities.

CARRIED

NOTICES OF MOTION

8.1 Zoning By-Law Regulations for Accessory Apartments

Councillor Jackson presented the following Notice of Motion:

WHEREAS the City of Hamilton Zoning By-law No. 6593 permits accessory apartments as of right throughout the former City of Hamilton;

WHEREAS the Hamilton regulations were updated in 1992 with the intent of encouraging accessory apartments throughout the entire City;

WHEREAS the Urban Hamilton Official Plan policies permit and encourage accessory apartments throughout residential areas on the entire urban areas of Ancaster, Dundas, Hamilton, Flamborough, Glanbrook and Stoney Creek;

WHEREAS the Places to Grow Plan requires the City of Hamilton to prepare and implement a comprehensive housing strategy that includes accessory apartments; and

WHEREAS the City is currently in the process of updating the zoning by-law for the residential areas.

THEREFORE, BE IT RESOLVED:

That staff be directed to:

- (a) review and report back on the current accessory apartment zoning by-law permissions for all residential areas in the urban areas of the City; and,
- (b) review the process going forward for revising the regulations to harmonize accessory apartment zoning permissions to implement the UHOP and conform

8.2 Capital Funding for the John Rebecca Park Project

Councillor Farr presented a Notice of Motion respecting Capital Funding for the John Rebecca Park Project.

(Farr/Partridge)

That the rules of Order be waived to allow for the introduction of a Motion respecting the Capital Funding for the John Rebecca Park Project.

CARRIED

For disposition of this matter refer to Item 7.3.

8.3 One Time Funding for Residential Care Facilities

Councillor Whitehead presented a Notice of Motion respecting One Time Funding for Residential Care Facilities.

(Whitehead/Merulla)

That the Rules of Order be waived to allow for the introduction of a motion regarding One Time Funding for Residential Care Facilities.

CARRIED

For disposition of this matter refer to Item 7.4

STATEMENTS BY MEMBERS

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

BY-LAWS

(Partridge/Pasuta)

That Bills No. 18-100 to No. 18-109, be passed, as amended, and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

By-law No.

- 100** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control) Ward: 8
- 101** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 2 (Speed Limits) Ward: 9
- 102** Respecting Removal of Part Lot Control, Lot 73, Plan No. 62M-1150 “Summerlea West Phase 2A”, 3 and 9 Binhaven Boulevard Ward: 11 PLC-18-016
- 103** Respecting Removal of Part Lot Control, Block 6, Registered Plan No. 62M-417Ward: 12 PLC-16-028
- 104** To Amend Site Plan Control By-law No. 15-176 Respecting Lands Located in Certain Residential Areas of Ancaster (“ER” Zoned Lands) Ward: 12 CI-18-A
- 105** To Amend Zoning By-law No. 87-57 To Delete Certain Regulations and Implement New Regulations for the Existing Residential “ER” Zone (Ancaster) Ward: 12 CI-18-A
- 106** To Amend Zoning By-law No. 6593 Respecting Lands Located at 500 Upper Wellington Street (Hamilton) Ward: 7 ZAC-17-061
- 107** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
 - Schedule 6 (Time Limit Parking)
 - Schedule 8 (No Parking)
 - Schedule 10 (Alternate Side Parking)
 - Schedule 12 (Permit Parking Zones)
 - Schedule 14 (Wheelchair Loading Zones)
 - Ward: 2, 3, 4, 6, 7, 8, 11
- 108** Removal of Part Lot Control, Blocks 8, 10 to 12, 21 to 25, Part of Block 9, Registered Plan of Subdivision No. 62M-1241, municipally known as 57 – 72 Foothills Lane, 1 – 15, 17, 19, 21, 23, 25, 27,29, 29, 31 and 33 – 65 Pinot Crescent, 101, 103, 105, 107, 109, 111, 113, 115, 117, 119 – 131 Sonoma Lane, 2, 4, 6, and 8 – 20 Zinfandel Drive, Stoney Creek (Ward 11)

109 To Confirm the Proceedings of City Council

CARRIED

(B. Johnson/Ferguson)

That, there being no further business, City Council be adjourned at 6:43 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon
Acting Clerk