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 Richard Palmer the Senior Pastor of Access Community Church to provide the invocation.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

1. **COMMUNICATIONS**

   5.16 Correspondence from MHBC Planning Urban Design & Landscape Architecture respecting Block 2 Servicing Strategy.

   Recommendation: Be received and referred to the consideration of Item 12 of the Planning Committee Report 18-013.

   5.17 Correspondence from the Ministry of Natural Resources and Forestry, Natural Resources Conservation Policy Branch respecting the commenting period on the proposed updated Regional Body Procedures and Compact Council Guidance and Rules from September 10th to October 10, 2018.

   Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.
5.18 Correspondence from Krysia Steinberg respecting Columbia College 925 Main St. W. Objection.

Recommendation: Be received and referred to the consideration of Item 3 of the Planning Committee Report 18-013

2. NOTICES OF MOTIONS

The following Notices of Motion were added:

8.2 Installation of an All-Way Stop at Millgrove Side Road at Cumminssville Drive

8.3 Repairs to the Leaking Watermain at 22 Patrick Street

8.4 Installation of an All-Way Stop on John Street between Strachan Street

8.5 Ward 7 Area Rating Contribution to the Bruce Park Project

8.6 Service Signs Repair in Stoney Creek

8.7 Concrete pad for transit shelter

3. BY-LAWS

The following by-laws were replaced, with two added by-laws:

267 To Permanently Close and Sell a Portion of Springbrook Avenue being Blocks 45 to 57 (inclusive) on Plan 62M-1171, Ward: 12

268 To Amend Zoning By-law No. 3692-92, as Amended by By-law No. 15-259 Respecting Lands Located at 435 First Road West (Stoney Creek)

The following by-laws were added:

270 A By-law to Govern the Proceedings of Council and Committees of Council

271 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control), Ward: 2

272 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control), Ward: 15

(Farr/A. Johnson)
That the agenda for the September 12, 2018 meeting of Council be approved, as amended.

CARRIED
DECLARATIONS OF INTEREST

Mayor Eisenberger declared an interest to Item 5.6 and Item 9 of the Planning Committee Report 18-013 respecting the Proposed Changes to the Official Plans and Zoning By-law No. 05-200 relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18194), as his family has an interest in a legal marijuana grow operation.

APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 August 17, 2018

(Whitehead/Anderson)
That the Minutes of the August 17, 2018 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Whitehead/Anderson)
That Council Communications 5.1 to 5.18 be approved, *as amended* as follows:

5.1 Correspondence from Les F. Jagodich respecting noise adjacent to Highway 403 in Hamilton.

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

5.2 Correspondence from Werner Plessl, Executive Director, Hamilton Waterfront Trust respecting the December 31, 2017 Audited Financial Statements.

Recommendation: Be received.

5.3 Correspondence from the Federation of Canadian Municipalities advising the City of Hamilton of the adoption of the resolution respecting Canadian Municipalities Supporting Local Economies in International Trade on June 2, 2018 at their Annual Conference.

Recommendation: Be received and referred to the Community Benefits Protocol Advisory Committee at a meeting to be scheduled prior to the September 26, 2018 Council meeting.
5.4 Correspondence from the Town of Aurora to the Honourable Doug Ford, Premier of Ontario in support of Greenbelt protection.

Recommendation: Be received.

5.5 Correspondence from the Town of Oakville to the Honourable Caroline Mulroney, Attorney General urging the Province to limit and regulate the display and distribution of posters, signs and leaflets that contain disturbing images.

Recommendation: Be received \textit{and referred to Legal Services for appropriate action.}

5.6 Correspondence from IBI Group respecting the Proposed Changes to the Official Plans and Zoning By-law No. 05-200 relating to Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses (PED18194) (Item 6.9), Planning Committee Meeting 18-013.

Recommendation: \textit{Be received.}

5.7 Correspondence from Urban Solutions respecting the Official Plan Amendment Application No. UHOPA-17-023, Zoning By-law Amendment Application No. ZAC-17-053, 71 Rebecca Street, Hamilton.

Recommendation: Be received and referred to the consideration of Item 8 of the Planning Committee Report 18-013.

5.8 Correspondence from Karl Stensson representing Sheridan Nurseries respecting the proposed change to the Dunington-Grubb Gardens at Gage Park an historical garden for the installation of a Firefighters Memorial.

Recommendation: \textit{Be received.}

5.9 Correspondence from the Honourable Todd Smith, Minister of Government and Consumer Services in response to the Mayor’s letter respecting the Payday Loans Act, 2008 and gift cards.

Recommendation: Be received.

5.10 Correspondence from Art Drysdale respecting the proposed change to the Dunington-Grubb Gardens at Gage Park for a Firefighters Memorial.

Recommendation: Be received.

5.11 Correspondence from Raymond Wilson respecting the Application for Approval of the Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) PED18189.

Recommendation: Be received and referred to the consideration of Item 2 of the Planning Committee Report 18-013.
5.12 Correspondence from Jon Pegg, Chief of Emergency Management, Ministry of Community Safety and Correctional Services respecting the City of Hamilton's compliance with the Emergency Management and Civil Protection Act (EMCPA) in 2017.

Recommendation: Be received.

5.13 Correspondence from Renate Manthei respecting 925 Main Street West and 150 Longwood Road.

Recommendation: Be received and referred to the consideration of Item 3 of the Planning Committee Report 18-013.

5.14 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to the Mayor's letter respecting an item identified by the City of Hamilton's Advisory Committee for Persons with Disabilities with respect to the Ontario Building Code.

Recommendation: Be received and referred to the Advisory Committee for Persons with Disabilities for information.

5.15 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing in response to the Mayor's letter respecting the City of Hamilton's experience with the Community Homelessness Prevention Initiative (CHPI).

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities Department for appropriate action.

5.16 Correspondence from MHBC Planning Urban Design & Landscape Architecture respecting Block 2 Servicing Strategy.

Recommendation: Be received and referred to the consideration of Item 12 of the Planning Committee Report 18-013.

5.17 Correspondence from the Ministry of Natural Resources and Forestry, Natural Resources Conservation Policy Branch respecting the commenting period on the proposed updated Regional Body Procedures and Compact Council Guidance and Rules from September 10th to October 10, 2018.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.
5.18 Correspondence from Krysia Steinberg respecting Columbia College 925 Main St. W. Objection.

Recommendation: Be received and referred to the consideration of Item 3 of the Planning Committee Report 18-013.

CARRIED

Councillor Conley wished to be recorded as OPPOSED to the disposition of Item 5.6.

(VanderBeek/Partridge)
Council move into Committee of the Whole to consider the Committee Reports.

CARRIED

| PLANNING COMMITTEE REPORT 18-013 |

2. Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) (Ward 12) (Item 6.1)

(A. Johnson/Farr)
That subsection (b) of Item 2 of Planning Committee Report 18-013 respecting Application for Approval of a Draft Plan of Condominium (Common Element) for Lands Located at 961 and 989 Garner Road East (Ancaster) (PED18189) be deleted in its entirety and the following be inserting therein:

(b) That there were no public submissions received regarding this matter.

(b) That the public submissions received regarding this matter did not affect the decision.

The amended Item 2 to read as follows:

(a) That Draft Plan of Condominium Application 25CDM-201706, by A.J. Clarke & Associates Inc., on behalf of Marz Homes (Garner) Inc., owner, to establish a Draft Plan of Condominium (Common Element) to create a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, on lands located at 961 and 989 Garner Road East (Ancaster), as shown on Appendix “A”, attached to Report PED18189, be APPROVED subject to the following conditions:

(i) That the approval for Draft Plan of Condominium (Common Element) Application 25CDM-201706 applies to the plan prepared by A.J. Clarke & Associates, Ltd., certified by B. J. Clarke, and dated October 13, 2017, consisting of a condominium road network, sidewalks and pedestrian pathway, landscaped areas, 56 visitor parking spaces, and centralized mailboxes, in favour of 38 maisonette and 73 townhouse dwelling units, attached as Appendix “B” to Report PED18189;
(ii) That the conditions of Draft Plan of Condominium Approval 25CDM-201706, attached as Appendix “C” to Report PED18189, be received and endorsed by City Council;

(b) That the public submissions received regarding this matter did not affect the decision. Amendment Carried Main Motion, as Amended, CARRIED

3. Applications to Amend the Urban Hamilton Official Plan and City of Hamilton Zoning By-law No. 6593 for Lands Located at 925 Main Street West and 150 Longwood Road South (PED18199) (Ward 1)

Councillors A. Johnson, Green and B. Johnson indicated that they wished to be recorded as OPPOSED to this item.


(B. Johnson/Farr)

That the REVISED DRAFT By-law attached as Appendix “B” to Item 9(c)(i) to Planning Committee Report 18-013 be amended to ensure consistent and appropriate setbacks between urban and rural zones by:

(a) deleting Subsections 9.2.3 l) iii), 9.3.3 s) iii), 9.10.3 m) iii) and 9.11.3 o) iii) and replacing them with the following amended clause:

(iii) Notwithstanding Section 4.12 c), any building or structure used for a Cannabis Growing and Harvesting Facility shall be setback a minimum of 150 metres from:

a) any portion of a lot line abutting a Residential, Institutional or Commercial and Mixed Use Zone; and,

b) any residential dwelling unit existing at the date of the passing of the by-law, any building used for farm labour residence, mobile home, educational establishment, residential care facility, place of worship, or day care or park in a Rural Classification Zone.”

(b) deleting Subsections and 12.1.3.1 m) iv) 1) and 12.2.3.1 m) iv) 1) and replacing them with the following amended clause:

1. any portion of a lot line abutting Residential, Institutional Commercial and Mixed Use Zones, Settlement Residential (S1), Settlement Commercial (S2) or Settlement Institutional (S3) Zone; or;”
(c) That as the above changes to the Zoning By-law are minor in nature, that Council determines that no further notice is required prior to the passing of the proposed By-law, as amended, pursuant to Section (34)17 of the Planning Act.

Amendment Carried
Main Motion, as Amended, CARRIED

12. Amendment to Item 12, of the Planning Committee Report 18-013, respecting Report PED18203, Fruitland-Winona Secondary Plan – Block 2 Servicing Strategy Completion

(A. Johnson/Farr)
WHEREAS, staff have completed the Block 2 Servicing Strategy, as directed by the Fruitland-Winona Secondary Plan policies: 7.4.14, 7.4.14.1 a, b, f, g, h, i, j (i) –(ii), j (iv) - (xiv), o, q, r, s, 7.4.16, 7.4.16.1;

WHEREAS, staff have generally followed the Municipal Engineers Association’s Municipal Class Environmental Assessment document (October 2000, as amended in 2007, 2011 and 2015) to fulfill the process of consultation with affected land owners requirement, as directed to by the Fruitland-Winona Secondary Plan Section 7.4.14.1 -l;

THEREFORE, BE IT RESOLVED:

That Item 12, of the Planning Committee Report 18-013, respecting Report PED18203, Fruitland-Winona Secondary Plan – Block 2 Servicing Strategy Completion, be amended by deleting the words “That Report PED18203 respecting Fruitland-Winona Secondary Plan – Block 2 Servicing Strategy Completion (Block 2), be received” and replacing them with new sub-sections (a) and (b), to read as follows:

12. Fruitland Winona Secondary Plan – Block Servicing Strategy Completion (Block 2) (PED18203) (Ward 11) (Item 8.2)

That Report PED18203 respecting Fruitland-Winona Secondary Plan – Block 2 Servicing Strategy Completion (Block 2), be received.

(a) That staff be directed to use the Block 2 Servicing Strategy for Fruitland-Winona Secondary Plan Lands Final Report, July 31, 2018, as a basis for reviewing and approving all development applications within the Block 2 Servicing Strategy area; and,
(b) That the Senior Director, Growth Management, or their designate, be directed to use their discretion in applying the Block 2 Servicing Strategy for the Fruitland-Winona Secondary Plan Lands, Final Report, July 31, 2018 to individual developments by making any necessary minor modifications to the Block 2 Servicing Strategy provided that the intent of the Block 2 Servicing Strategy is maintained.

Amendment Carried
Main Motion, as Amended, CARRIED

15. Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (Ward 12) (LS18004/PED18052) (Item 12.1)

(A. Johnson/Farr)
That the confidential amendments to the recommendations respecting the Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) (Ward 12) (LS18004/PED18052), be approved, as presented.

Amendment Carried

(Ferguson/B. Johnson)
That the recommendation of Item 15 of Planning Committee Report 18-013 be deleted in its entirety and the following be inserted therein:

That the recommendations of Report LS18004/PED18052 respecting Appeal to the Local Planning Appeal Tribunal (LPAT) on the City of Hamilton’s Refusal or Neglect to Adopt an Amendment to the Town of Ancaster Zoning By-law No. 87-57, for Lands Located at 941 Old Mohawk Road (Ancaster) be approved and remain confidential pending Council’s approval.

(a) That the recommendations of Report LS18004/PED18052 remain confidential until approval by the Local Planning Appeal Tribunal (LPAT); and

(b) That the remainder of Report LS18004/PED18052 and its appendices remain confidential.

Amendment Carried
Main Motion, as Amended, CARRIED

(A. Johnson/Farr)
That the TWELFTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED
GENERAL ISSUES COMMITTEE REPORT 18-017

(Eisenberger/Partridge)
That sub-sections (a) and (b) to Item 8 of the General Issues Committee Report 18-017, being Report PED18187, respecting the Transfer of Responsibilities and FTEs, Major Project Delivery, be deleted in their entirety and replaced with the following in lieu thereof:

8. Transfer of Responsibilities and FTEs, Major Project Delivery (PED18187) (City Wide) (Item 8.7)

(a) That the recommendation, outlined in Appendix “A” to Report PED18187, respecting Transfer of Responsibilities and FTE, Major Project Delivery, be approved; and,

(b) That the recommendation, outlined in Appendix “A” to Report PED18187, respecting Transfer of Responsibilities and FTE, Major Project Delivery, remain confidential until approved by Council.

(a) That the transfer of 1 FTE from the Revenue Generation Section in the City Manager’s Office, to the Real Estate Section in the Planning and Economic Development Department, be approved; and,

(b) That the transfer of 1 FTE from the Housing Services Section in Healthy and Safe Communities, to the Real Estate Section in the Planning and Economic Development Department, be approved.

Amendment Carried
Main Motion, as Amended, CARRIED

(Eisenberger/Partridge)
That the SEVENTEENTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 18-012

9. Dundas Community Services – Community Outreach Base Budget Increase Request – City Enrichment Fund (CS F-8)

(VanderBeek/Ferguson)
WHEREAS, at its meeting of May 9, 2018, Council approved Item 12 of the Audit, Finance and Administration Committee Report 18-006, which amended Appendix “A” to Report GRA18003, being the 2018 City Enrichment Funding Recommendations:

12. Grants Sub-Committee Report 18-002 - April 20, 2018 (Item 8.4)

(a) 2018 City Enrichment Funding Recommendations (GRA18003) (City Wide) (Item 4.1)
(i) That the 2018 City Enrichment Fund recommended funding allocation, in the amount of $6,196,732, as outlined in the attached Appendix “A”, as further amended, to Report GRA18003, be approved;

WHEREAS, part of the Council approved amendment to Appendix “A” to Report GRA18003, respecting the 2018 City Enrichment Funding Recommendations, was an increase of the recommended 2018 City Enrichment Fund grant for the Dundas Community Services – Community Outreach by $329, from $10,770 to $11,099, with the $329 to be funded from the Grant Reserve #112230 for 2018;

WHEREAS, in order to have the annual base budget for the Dundas Community Services – Community Outreach increased by $329, from $10,770 to $11,099, for 2019 and onward, the matter needs to be referred to the 2019 Operating Budget Process (GIC) for consideration with the previous City Enrichment Fund enhancement requests;

THEREFORE, BE IT RESOLVED:

That Item 9 to the Audit, Finance & Administration Committee Report 18-006, be by deleting the words “That the following motion be referred to the Grants Sub-Committee” to read as follows:

That the following motion be referred to the Grants Sub-Committee:

That an enhancement of an additional $329 for the Dundas Community Services – Community Outreach (CS F-8) base budget, be referred to the 2019 Operating Budget process (GIC) for consideration.

Amendment Carried
Main Motion, as Amended, CARRIED

10. Commercial Relationship Between the City of Hamilton and APM Construction Services Inc. (LS18037 / FCS18026) (City Wide) (Item 12.2)

(VanderBeek/Ferguson)

That the recommendation (c) of Item 10 of Audit, Finance and Administration Committee Report 18-012 respecting Commercial Relationship Between City of Hamilton and APM Construction Services Inc. (LS18037 / FCS18026) be deleted in its entirety and the following be inserted therein:

(c) That recommendations (a) and (b) be released publicly following approval by Council; and

(a) That due to the impairment of the commercial relationship between the City of Hamilton and APM Construction Services Inc. (“APM”) that has resulted from litigation, staff be directed to reject any current and future bids, proposals or quotations received from APM or any of its related corporate or individual entities, until and including August 27, 2023;
(b) That the City of Hamilton not enter into any contract with APM Construction Services Inc., or any of its related corporate or individual entities until and including August 27, 2023;

Amendment Carried
Main Motion, as Amended, CARRIED

(VanderBeek/Ferguson)
That the TWELFTH Report of the Audit, Finance and Administration Committee be adopted, as amended, and the information section received.

CARRIED

HEALTHY AND SAFE COMMUNITIES COMMITTEE REPORT 18-009

(Merulla/Collins)
That the NINTH Report of the Healthy and Safe Communities Committee be adopted, as presented, and the information section received.

CARRIED

(VanderBeek/Partridge)
That Section 5.6(2) of the City’s Procedural By-law 14-300, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider the Special General Issues Committee (AODA) Report 18-018, dated Tuesday, September 11, 2018.

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE (AODA) REPORT 18-018

(Eisenberger/Partridge)
That the EIGHTEENTH Report of the Special General Issues Committee (AODA) be adopted, as presented, and the information section received.

CARRIED

(VanderBeek/Partridge)
That Committee Rise and Report.

CARRIED

MOTIONS

7.1 Amendment to Appendix “D” of Item 12 of the Audit, Finance & Administration Committee Report 18-006 (Grants Sub-Committee Report 18-002, respecting Report GRA18003, 2018 City Enrichment Funding Recommendations)

(B. Johnson/Green)
That, in order to allow for the approved grants to be paid to the applicants, Appendix “D” to Item 12 of the Audit, Finance & Administration Committee Report 18-006 (Grants Sub-Committee Report 18-002, respecting Report GRA18003, 2018 City Enrichment Funding Recommendations), which was approved by Council on May 9,
2018, be amended by deleting the incorrect organization names provided by the applicants, and replacing them with the correct organization names, to read as follows:

(a) ART B-9  Renaissance Music  
*Ontario Public Interest Research Group McMaster*

(b) ART D-2  Double Pendulum Performance (Yellow Wallpaper)  
*James Ruxton*

(c) ART D-10  Gillian Nicola  
*Gillian Nicola Alexander*

(d) ART D-11  Industry (Industry Performance Makers)  
*Anna Chatterton*

CARRIED

7.2 Amendment to subsections (d), (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update

(Whitehead/Anderson)

(a) That subsections (d), (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be amended by deleting “(b)” and replacing it with “(c)”, to read as follows:

(d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection (b) (c), including but not limited to, external legal counsel and fiscal agents;

(e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsection (b) (c), in a form satisfactory to the City Solicitor;

(f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsection (b) (c);

(b) That subsections (e) and (f) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be further amended by adding the words “and (d)”, to read as follows:
(e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and/or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsections (c) and (d), in a form satisfactory to the City Solicitor;

(f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsections (c) and (d);

(c) That subsection (d) to Item 15 of the General Issues Committee Report 18-007, respecting Report PW18021/FCS18024 - 50 Main Street East Finance Update, which was approved by Council on March 28, 2018, be further amended by adding the words “, and Infrastructure Ontario’s Loan Program” after the words “fiscal agents”, to read as follows:

(d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection (c), including but not limited to, external legal counsel and fiscal agents, and Infrastructure Ontario’s Loan Program.

The Main Motion, as amended, to read as follows:

15. 50 Main Street East Finance Update (PW18021/FCS18024) (City Wide) (Item 8.6)

(a) That the additional project budget, as described the attached Appendix “E” to Report 18-007, in the amount of $1.438M, be debt financed and funded from lease savings;

(b) That the revised funding for the $37,237,998 overall project budget at 50 Main Street East (3541441401), be approved as follows:

(i) $17,480,000 Original Construction – Debt funded from additional Net POA Revenues – Debt charge of $1.575M; 15 years, amortized at 4% interest rate;

(ii) $10,000,000 Original Construction – Debt funded through levy of $7.7 M and Development Charges (DC) of $2.3M;

(iii) $4,900,000 Hamilton Community Energy Infrastructure – Debt funded through levy – Debt charge of $440K; 15 years, amortized at 4% interest rate;

(iv) $349,998 Capital Budget Increase Work-in-Progress (WIP) Appropriations (December 2017);
(v) $500,000 Window Insulation funded from Red Light Camera Reserve;

(vi) $1,000,000 Tenant Fit-ups – Funded from 50 Main Street East Facility Capital Reserve;

(vii) $1,570,000 Tenant Fit-ups – Debt funded from lease savings – Debt charge of $150K; 15 years, amortized at 4% interest rate; and,

(viii) $1,438,000 Capital Budget Increase – Debt funded from additional lease savings – Debt charge of $130K; 15 years, amortized at 4% interest rate;

(c) That the General Manager, Finance and Corporate Services, be authorized to negotiate the terms and placement of a debenture issue(s), and / or private placement debenture issue(s), and / or bank loan agreement and debenture issue(s), and / or variable interest rate bank loan agreement and debenture issue(s), in an amount not to exceed $35,388,000 Canadian currency related to 50 Main Street East included in Report PW18021/FCS18024, which includes $2,300,000 in Development Charges Tax Supported debt;

(d) That the General Manager, Finance and Corporate Services, be authorized to engage all required professional services to implement subsection (c), including but not limited to, external legal counsel and fiscal agents, and Infrastructure Ontario’s Loan Program.

(e) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are each authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents requiring their respective signatures to implement subsections (c) and (d), in a form satisfactory to the City Solicitor;

(f) That all necessary By-Law(s) be passed to authorize the debenture issue(s) negotiated and placed in accordance with subsections (c) and (d);

(g) That pursuant to the City's Procurement Policy By-law (Policy #11 – Non-Competitive Procurements), a single source procurement for the additional budget requirements for 50 Main Street East, Hamilton, be awarded to the Construction Manager currently onsite, Eastern Construction Company Limited, to be added to the Purchase Order to complete contract C11-15-15; and,
(h) That the General Manager of Public Works be authorized to negotiate, enter into and execute all required documentation to give effect thereto with Eastern Construction Company Limited, in a form satisfactory to the City Solicitor.

CARRIED

7.3 Item 3 of the School Board Properties Sub-Committee Report 18-001, August 29, 2018 (Referred to Council by GIC at its meeting of September 5, 2018)

(Anderson/Jackson)
Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton (PED18208) (Ward 7) (Item 8.3) (attached hereto as Appendix “A”)

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 4 Vickers Road, as shown on Appendix “E” to School Board Properties Sub-Committee Report 18-001; and,

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton’s site development requirements as identified in Appendix “F” to School Board Properties Sub-Committee Report 18-001.

(Anderson/Jackson)
That Item 3 of the School Board Properties Sub-Committee Report 18-001, August 29, 2018, be amended by deleting sub-section (a) in its entirety and replacing with the following in lieu thereof:

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton has no interest in acquiring its property located at 4 Vickers Road, as shown on Appendix “E” to School Board Properties Sub Committee Report 18-001; and,

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton may have an interest and is exploring the extent to what its interest might be in acquiring its property located at 4 Vicker Road, as shown on Appendix “A” attached to Report PED18208; and,
Item 3 of the School Board Properties Sub-Committee Report 18-001, August 29, 2018 (Referred to Council by GIC at its meeting of September 5, 2018)

3. Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton (PED18208) (Ward 7) (Item 8.3) (attached hereto)

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton may have an interest and is exploring the extent to what its interest might be in acquiring its properly located at 4 Vicker Road, as shown on Appendix "A" attached to Report PED18208; and,

(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton's site development requirements as identified in Appendix "F" to School Board Properties Sub-Committee Report 18-001.

Amendment Carried
Main Motion, as Amended, CARRIED

7.4 Feasibility of Joining a Sidewalk from the Mount Hope Urban Boundary to the John C. Munro International Airport Lands

(B. Johnson/Pearson)
That Public Works staff be directed to review the feasibility of joining a sidewalk from the Mount Hope Urban Boundary to the John C. Munro International Airport lands, and report back to the Public Works Committee.

CARRIED

7.5 Request for Review of Decision of the Local Planning Appeal Tribunal in Case No. PL171270 for a Zoning By-law Amendment for Lands Located at 952-954 Concession Street (Ward 6)

(Jackson/Anderson)
WHEREAS in a decision dated August 16, 2018, the Local Planning Appeal Tribunal granted the appeal of Sammani 786 Inc. from the failure of Council to make a decision on its application for an amendment to City of Hamilton Zoning By-law 6593 to permit the renovation of an existing commercial building to accommodate a veterinary practice on the ground floor and to construct a second storey for three new residential apartment units;
WHEREAS at its meeting on November 22, 2017, City Council approved a direction to Legal staff to oppose Sammani 786 Inc.’s appeal before the Local Planning Appeal Tribunal;

WHEREAS the City appeared at the Local Planning Appeal Tribunal hearing in opposition to the applicant; and

WHEREAS Section 35 of the Local Planning Tribunal Act, 2017, S.O. 2017, c.23, Sched. 1, states the Local Planning Appeal Tribunal may review, rescind, or vary any decision or order made by it in accordance with Tribunal’s rules;

THEREFORE BE IT RESOLVED:

(a) That City staff proceed with filing a request to review the decision of the Local Planning Appeal Tribunal in this matter under Section 35 of the Local Planning Appeal Tribunal Act, 2017;

(b) That the City Solicitor be directed and authorized to take any steps necessary to make the request for review, including submissions to and appearing before the Local Planning Appeal Tribunal, requesting a ‘stay’ of the Site Plan Process; and

(c) That the City Solicitor be authorized to retain such External Consultants as may be necessary to provide expert advice and evidence to the Local Planning Appeal Tribunal respecting the request for review and any subsequent rehearing, and the amount required to retain any such external consultants be funded through the Tax Stabilization Reserve, account 110046.

CARRIED

7.6 Reconsideration of Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing

(Collins/Pearson)

WHEREAS, at its meeting of August 17, 2018, Council approved Item 9 of the Audit, Finance & Administration Committee Report 18-011, which read as follows:

9. Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)

(a) That the request for Development Charge exemptions for the affordable units in the Highbury and Winona Developments by Trillium Housing, be denied;

(b) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to deliver and administer a municipal Down Payment Assistance Program, with an upset limit of $1,800,175, for eligible purchasers of the two Trillium
Housing Non-Profit housing developments (Winona and Highbury), in accordance with the program guidelines, attached as Appendix “B” to AF&A Report 18-011;

(c) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized to approve and execute any agreements and ancillary documentation, in a form satisfactory to the City Solicitor, that are required to deliver and administer a municipal Down Payment Assistance Program for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury);

(d) That the annual interest cost of $61,000 (when the program is at capacity) of providing the Trillium Down Payment Assistance Program in accordance with the program guidelines, be absorbed within the Housing Services Division existing operating budget;

(e) That the initial, one-time cost of administration of the Trillium Housing Down Payment Assistance Program for the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in the amount of $100,000 be funded through the Municipal Down Payment Assistance Program Reserve (#112009); and,

(f) That the matter respecting “Trillium Housing Non-Profit” be identified as complete and removed from the Audit, Finance and Administration Committee Outstanding Business List.

WHEREAS, staff have advised that Appendix “B” to Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing, states that the applicants would be applying for a Trillium Municipal Down Payment Assistance Program forgivable loan;

WHEREAS, staff have advised that the report should have stated that the applicants would be applying for a Trillium Municipal Down Payment Assistance Program repayable loan; and,

WHEREAS, staff have advised that several housekeeping amendments also need to be completed in order to correct and provided clarity to the Trillium Municipal Down Payment Assistance Program Guidelines;

THEREFORE, BE IT RESOLVED:

That Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing, which was approved by Council on August 17, 2018, be reconsidered at this time.

CARRIED on a 2/3rds Majority
9. Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)

That Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing, be amended by:

(a) deleting Appendix “B” to Item 9 in its entirety and replacing it with the REVISED Appendix “B” attached to Item 8.1;

(b) adding the words “as amended” to sub-section (b); and,

(c) adding the word “Municipal” to sub-sections (d) and (e).

To read as follows:

9. Development Charge Exemption Request from Trillium Housing (HSC18040) (City Wide) (Outstanding Business List Item) (Added Item 8.5)

(a) That the request for Development Charge exemptions for the affordable units in the Highbury and Winona Developments by Trillium Housing, be denied;

(b) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized and directed to deliver and administer a municipal down payment assistance program, with an upset limit of $1,800,175, for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in accordance with the program guidelines, as amended, attached as REVISED Appendix “B” to the AF&A Report 18-011;

(c) That the General Manager of the Healthy and Safe Communities Department or his designate be authorized to approve and execute any agreements and ancillary documentation, in a form satisfactory to the City Solicitor, that are required to deliver and administer a municipal down payment assistance program for eligible purchasers of the two Trillium Housing Non-Profit housing developments (Winona and Highbury);

(d) That the annual interest cost of $61,000 (when the program is at capacity) of providing the Trillium Municipal Down Payment Assistance Program in accordance with the program guidelines, be absorbed within the Housing Services Division existing operating budget; and,
(e) That the initial, one-time cost of administration of the Trillium Municipal Housing Down Payment Assistance Program for the two Trillium Housing Non-Profit housing developments (Winona and Highbury), in the amount of $100,000 be funded through the Municipal Down Payment Assistance Program Reserve (#112009).

CARRIED

7.7 Installation of an All-Way Stop at Millgrove Side Road at Cumminsville Drive

(Partridge/VanderBeek)
WHEREAS the Millgrove residents requested as an interim measure an all-way stop be installed at Millgrove Side Road at Cumminsville Drive;

WHEREAS there has been significant resident concerns for roadway safety on Millgrove Side Road between Highway 6 and 5th Concession;

WHEREAS there is documented illegal use of Millgrove Side Road by heavy truck traffic; and

WHEREAS there is a documented record of speeding and aggressive driving on Millgrove Side Road between Highway 6 and 5th Concession.

THEREFORE BE IT RESOLVED:

That an All-Way Stop sign complete with flashing lights and ladder crosswalk be installed as soon as possible in 2018 at the intersection of Millgrove Side Road at Cumminsville Drive, such that northbound and southbound traffic on Millgrove Side Road be required to stop at Cumminsville Drive; and

That the necessary By-law authorizing staff to install an All-Way Stop at the intersection of Millgrove Side Road at Cumminsville Drive, be prepared.

CARRIED

7.8 Repairs to the Leaking Watermain at 22 Patrick Street

(Farr/Collins)
WHEREAS, 22 Patrick Street shares a private watermain with three other properties.

WHEREAS, the owner of 22 Patrick Street has a significant water leak on the portion the shared private watermain that is located on its property.

WHEREAS, pursuant to the City By-law R84-026 (the Waterworks By-law), City of Hamilton is responsible for the maintenance and repair of the public portion of the water service, with the property owner responsible for the portion of water service pipes on private property.

WHEREAS, the owners of the other properties serviced by the private watermain are unwilling or unable to assist the owner of 22 Patrick Street with the repair required to the private watermain at this time.
WHEREAS, 22 Patrick Street was a customer of Service Line Warranties of Canada, but the water leak was not eligible for repair under warranty as not all of the other property owners serviced by the private water main were also customers, as is required by the warranty.

WHEREAS, there is no other City program in place to assist the owner of 22 Patrick Street with the repair to the leak in the private water main on its property at this time; and

WHEREAS; following consultation with Hamilton Water staff, it is desired to provide the owner of 22 Patrick Street with financial assistance to effect the repairs to the leaking private water main on a compassionate basis.

THEREFORE BE IT RESOLVED:

That following the completion of the repairs to the leaking water main at 22 Patrick Street by a qualified contractor retained by the resident (including obtaining all required permits, payment of the prescribed City fees and charges, and confirmation by City staff following an inspection that the repair was conducted to the sole satisfaction of the City), and subject to the owner of 22 Patrick Street executing a release in the form and with content satisfactory to the City Solicitor, the homeowner be reimbursed the costs of repair in the form of a grant up to a maximum amount of $35,000.00 from the Ward 2 Area Rating capital reserve (Account #108052).

CARRIED

7.9 Installation of an All-Way Stop on John Street between Strachan Street

(Farr/A. Johnson)

WHEREAS recent mobility improvements on John Street between Strachan Street and Burlington Street have led to one reduced lane along John Street; and;

WHEREAS visual issues related to the grade of the John Street North CN Bridge to the immediate south of these improvements require immediate attention; and,

THEREFORE BE IT RESOLVED:

(a) That staff be directed to erect an all-way stop, advance signs and flashers to increase awareness in the area of John Street between Strachan Street; and;

(b) That an interim centre lane become a left turn lane, demarcated with left turn arrows.

CARRIED
7.10 Ward 7 Area Rating Contribution to the Bruce Park Project

(Anderson/Eisenberger)
WHEREAS, the Bruce Park project is an approved capital project;

WHEREAS, the design-build RFP for the project resulted in a low bidder that exceeds available funds for the project; and,

WHEREAS, the community has been anticipating this project to be constructed in 2018;

THEREFORE BE IT RESOLVED:

That $140,000 be approved from the Ward 7 Area Rating Reserve account number 108057, and added to the existing Bruce Park project id 4401856900.  

CARRIED

7.11 Service Signs Repair in Stoney Creek

(Conley/Pearson)
WHEREAS, the service signs are a gateway to our communities and,

WHEREAS, to bring the signs up to standard,

THEREFORE, BE IT RESOLVED:

That $3900 for the Stoney Creek Chamber of Commerce to fund community service sign repair, to be funded from the Terrapure Reserve account (#117036), be approved.

CARRIED

7.12 Concrete Pad for Transit Shelter

(Conley/Pearson)
WHEREAS, there is a new seniors housing complex in downtown Stoney Creek and,

WHEREAS, seniors using transit in front of said complex may have to deal with inclement weather,

THEREFORE, BE IT RESOLVED:

That $1000 for the installation of a concrete pad to fund a transit shelter, to be funded from the Terrapure Reserve account (#117036), be approved.

CARRIED
NOTICES OF MOTION

8.1 Reconsideration of Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing

Councillor Collins introduced a Notice of Motion respecting Reconsideration of Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing.

(Collins/Pearson)
That the Rules of Order to be waived to allow for the introduction of a motion respecting the Reconsideration of Item 9 of the Audit, Finance & Administration Committee Report 18-011, respecting Report HSC18040, Development Charge Exemption Request from Trillium Housing.

CARRIED

For disposition of this matter, please refer to Item 7.6.

8.2 Installation of an All-Way Stop at Millgrove Side Road at Cumminsville Drive

Councillor Partridge introduced a Notice of Motion respecting Installation of an All-Way Stop at Millgrove Side Road at Cumminsville Drive.

(Partridge/VanderBeek)
That the Rules of Order to be waived to allow for the introduction of a motion respecting the Installation of an All-Way Stop at Millgrove Side Road at Cumminsville Drive.

CARRIED

For disposition of this matter, please refer to Item 7.7.

8.3 Repairs to the Leaking Watermain at 22 Patrick Street

Councillor Farr introduced a Notice of Motion respecting Repairs to the Leaking Watermain at 22 Patrick Street.

(Farr/Collins)
That the Rules of Order to be waived to allow for the introduction of a motion respecting the Repairs to the Leaking Watermain at 22 Patrick Street.

CARRIED

For disposition of this matter, please refer to Item 7.8.
8.4 **Installation of an All-Way Stop on John Street between Strachan Street**

Councillor Farr introduced a Notice of Motion respecting Installation of an All-Way Stop on John Street between Strachan Street

*(Farr/A. Johnson)*

That the Rules of Order to be waived to allow for the introduction of a motion respecting the Installation of an All-Way Stop on John Street between Strachan Street.

CARRIED

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

8.5 **Ward 7 Area Rating Contribution to the Bruce Park Project**

Councillor Anderson introduced a Notice of Motion respecting the Ward 7 Area Rating Contribution to the Bruce Park Project

*(Anderson/Jackson)*

That the Rules of Order to be waived to allow for the introduction of a motion respecting Ward 7 Area Rating Contribution to the Bruce Park Project.

CARRIED

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

8.6 **Service Signs Repair in Stoney Creek**

Councillor Conley introduced a Notice of Motion respecting Service Signs Repair in Stoney Creek.

*(Conley/Pearson)*

That the Rules of Order to be waived to allow for the introduction of a motion respecting the Service Signs Repair in Stoney Creek.

CARRIED

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

8.7 **Concrete Pad for Transit Shelter**

Councillor Conley introduced a Notice of Motion respecting Concrete Pad for Transit Shelter.

*(Conley/Pearson)*

That the Rules of Order to be waived to allow for the introduction of a motion respecting the Concrete Pad for Transit Shelter.

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

**STATEMENTS BY MEMBERS**

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

**PRIVATE AND CONFIDENTIAL**

As Council determined that discussion of Item 10.1 was not required in Closed Session, the matter was addressed in Open Session, as follows:

**10.1  Closed Session Minutes - August 17, 2018**

*(Partridge/Conley)*

That the Closed Session Minutes dated August 17, 2018 be approved, as presented, and remain confidential.

CARRIED

**BY-LAWS**

*(Whitehead/Anderson)*

That Bills No. 18-251 to No. 18-272, be passed 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:

251 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)
    Ward: 1, 2, 3, 7, 9

252 To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
    Schedule 24 (Personal Transportation Provider)
    Schedule 25 (Taxi Cabs)
    Ward: City Wide

253 To Amend Zoning By-law No. 3692-92, as amended by By-law No. 17-186
    Respecting Lands Located at 440 First Road West (Stoney Creek)
    ZAH-18-038
    Ward: 9

254 To Amend Zoning By-law No. 3692-92, as amended by By-law No. 18-055
    Respecting Lands Located at 2 Glover Mountain Road (Stoney Creek)
    ZAH-18-044
    Ward: 9
255 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 9 (No Right Turn on Red)
Ward: 6

256 To Adopt Official Plan Amendment No. 113 to the Urban Hamilton Official Plan Respecting 925 Main Street West and 150 Longwood Road South (Hamilton)
Ward: 1

257 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 925 Main Street West and 150 Longwood Road South, Hamilton
ZAC-16-029
Ward: 1

258 To Adopt Official Plan Amendment No. 19 to the Rural Hamilton Official Plan Respecting 163 and 167 Highway No. 5 West (Flamborough)
Ward: 15

259 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 163 and 167 Highway No. 5 West, formerly in the Town of Flamborough, now in the City of Hamilton
RHOPA-18-019
ZAC-18-019
Ward: 15

260 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 5 Hamilton Street North (Flamborough)
ZAR-18-015
Ward: 15

261 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 5 Hamilton Street North (Flamborough)
ZAR-18-015
Ward: 15

262 To Amend Zoning By-law No. 6593 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton)
ZAR-18-027
Ward: 4

263 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 256 Parkdale Avenue North and 205 Melvin Avenue (Hamilton)
ZAR-18-027
Ward: 4

264 To Adopt Official Plan Amendment No. 21 to the Rural Hamilton Official Plan Respecting Cannabis Growing and Harvesting Facilities
Ward: City Wide
265 To Adopt Official Plan Amendment No. 112 to the Urban Hamilton Official Plan Respecting Cannabis Growing and Harvesting Facilities, Aquaponics and Greenhouses within Specific Employment Districts
Ward: City Wide

266 To Amend Zoning By-law No. 05-200 Respecting General Text for Greenhouses, Aquaponics and Cannabis Growing and Harvesting Facilities CI-18-H
Ward: City Wide

267 To Permanently Close and Sell a Portion of Springbrook Avenue being Blocks 45 to 57 (inclusive) on Plan 62M-1171
Ward: 12

268 To Amend Zoning By-law No. 3692-92, as amended by By-law No. 15-259, Respecting Lands Located at 435 First Road West (Stoney Creek) ZAH-16-024
Ward: 9

269 To Permanently Close and Sell a Portion of a Road Allowance Abutting 40 Maple Drive, Stoney Creek, namely Part of Road Allowance between Lots 18 &19, Concession 3, in the Geographic Township of Saltfleet, in the City of Hamilton, designated as Part 1, Plan 62R-20595, being Part of PIN 17319-0569 (LT)
Ward: 10

270 A By-law to Govern the Proceedings of Council and Committees of Council

271 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control)
Ward: 2

272 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control)
Ward: 15

273 To Confirm the Proceedings of City Council

(Ferguson/Pearson)
That, there being no further business, City Council be adjourned at 7:26 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon
Acting City Clerk