



CITY COUNCIL MINUTES 13-006

5:00 p.m.

Wednesday, February 27, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor R. Bratina
Councillors B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, L.
Ferguson, R. Powers, R. Pasuta, J. Partridge

**Absent with
Regrets:** Councillor B. Clark – Personal Business

Mayor Bratina called the meeting to order, and called upon Rev. Glen Wells from St. John United Church in Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

- 5.10 Correspondence from Janet Mason, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing respecting Growing the Greenbelt – Glenorchy Lands (Oakville) and Urban River Valleys approval of Amendment No. 1 to the Greenbelt Plan and Greenbelt Area boundary regulation (O.Reg.6/13).

Recommendation: Be received.

2. ADDED NOTICES OF MOTION

- 8.1 Objection to Liquor License Application Blue Nile Ethiopian Restaurant, 90 Wellington Street North, Hamilton, Ontario, L8R 1N1

8.2 Objection to Liquor License Application F.L.A. Café and Bar, 658-660 Barton Street East, Hamilton, Ontario, L8L 6L6

8.3 Theatre Ancaster Renovation with Mohawk College

3. ADDED BY-LAWS

Bill No.	
061	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1295 Cormorant Road (Ancaster)
062	Respecting Removal of Part Lot Control, Blocks 104 and 105, Registered Plan No. 62M-1172, "Penny Lane Estates – Phase 1" 263, 267, 271 and 275 Penny Lane

(Pearson/Ferguson)

That the agenda for the February 27, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest with Planning Committee Report 13-003, items 1, 6, and 9 as he has family involved in the taxi industry:

- Accessible Taxicab Licensing Consultation Staff Resources (PED10063(f)) (City Wide) (Item 5.1)
- Vehicle Inspection Manual for Taxis (PD05141(c)) (City Wide) (Item 8.1)
- Taxi Insurance Premiums (Item 10.1)

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Ontario Heritage Trust – 2012 Heritage Community Recognition Awards

Mayor Bratina acknowledged the winners of the Ontario Heritage Trust and congratulated them on their accomplishment. Mayor Bratina called upon Alissa Denham Robinson, Chair of the Hamilton Municipal Heritage Committee, Committee members Kathy Wakeman and Councillor Brenda Johnson to assist him in awarding the recipients.

Clayton Barker was awarded for his work with Built Heritage and the group "Friends of the Lee" consisting of Marian Austin, Lynda Booker, Margaret Byl, Jean McEvoy, Judith Phillips, Jerinne Porteous, Barbara Stones and Cleda Yachetti were awarded for their contributions to Cultural Heritage.

APPROVAL OF MINUTES

4.1 February 13, 2013

(Pearson/Partridge)

That the Minutes of the February 13, 2013, meeting of Council be approved, as presented.

CARRIED

4.2 February 20, 2013 (Special Meeting)

(Pearson/Partridge)

That the Minutes of the February 20, 2013, Special meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Pasuta/Powers)

That Council Communications 5.1 through 5.10 be approved, as amended, as follows:

- 5.1 Correspondence from Allison J. Stuart, Assistant Deputy Minister and Chief of the Ministry of Community Safety and Correctional Services congratulating Hamilton on completing the mandatory emergency management program elements required under the Emergency Management and Civil Protection Act (EMCPA) and Ontario Regulation 380/04 for 2012.

Recommendation: Be received.

- 5.2 Correspondence from Al Gordon, Chair of the Ancaster Senior Achievement Centre (ASAC) Advisory Board thanking the City of Hamilton for entering into partnership with ASAC and the Federal Government through the Community Infrastructure Improvement Fund in support of the Centre's Expansion Project.

Recommendation: Be received.

- 5.3 Correspondence Jennifer Lawrence, Manager of Environment Planning with Conservation Halton respecting Conservation Halton Regulatory Shoreline Policy Update – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation – Draft for Discussion.

Recommendation: Be received.

- 5.4 E-mail correspondence from Harold W. Becker, President/Founder of The Love Foundation, Inc. Announcing Global Love Day 2013 and Proclamation Request

Recommendation: Be received.

- 5.5 Correspondence from John Ennis, Government and Community Relations with CAA South Central Ontario respecting CAA public opinion research on one-way to two-way street conversions.

Recommendation: Be received and referred to the Ward 1, Ward 2 and Ward 3 - One Way to Two Way Street Implementation Team.

- 5.6 Correspondence from Aaron Schat, Chair, on behalf of the Council of First Hamilton Christian Reformed Church respecting the Casino proposal.

Recommendation: Be received.

- 5.7 Correspondence from Frank Russo, Senior Vice President of Global Spectrum and Riley O'Connor, Chairman of Live Nation Canada respecting the Casino proposal.

Recommendation: Be received.

- 5.8 Correspondence from Tim Simmons, Chair of the Hamilton-Wentworth District School Board respecting a proposal for new school in the Pan Am Stadium precinct.

Recommendation: Be received and referred to the City Manager for a report to the General Issues Committee.

- 5.9 Correspondence from Michael Fougere, Mayor of the City of Regina respecting the Mayor's Poetry City Challenge: A Celebration of Poetry, Writing and Publishing.

Recommendation: Be received.

- 5.10 Correspondence from Janet Mason, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing respecting Growing the Greenbelt – Glenorchy Lands (Oakville) and Urban River Valleys approval of Amendment No. 1 to the Greenbelt Plan and Greenbelt Area boundary regulation (O.Reg.6/13).

Recommendation: Be received.

CARRIED

(Pearson/Johnson)

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

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE REPORT 13-004

4. Proposed Gaming Facility (Item 10.3)

WHEREAS the Ontario Lottery and Gaming Corporation has confirmed that the City of Hamilton has full control over the location of the proposed gaming facility;

AND WHEREAS the Ontario Lottery and Gaming Corporation (OLG) has provided, in writing (attached hereto), confirmation that the proposed gaming facility site must be approved by the OLG, the private sector operator and the City of Hamilton in order to proceed.

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton reserves the right to veto the proposed alternative gaming facility site(s), as identified in the Request for Proposal process.
- (b) That the City of Hamilton supports, in principle, being a "willing host" for a gaming facility site in the Hamilton Gaming Zone (SW9);
- (c) That the Ontario Lottery and Gaming Corporation consider 967 Highway 5 West, Flamborough, Ontario, which is currently known as the Flamboro Downs location, within the Hamilton Gaming Zone (SW9), as the City of Hamilton's choice for a gaming facility site;
- (d) That the City of Hamilton strongly encourages the Ontario Lottery and Gaming Corporation to establish a Request for Pre-Qualification process that is fair, transparent, open and competitive; and, one which will provide proponents, including the current Flamboro Downs operators, Great Canadian Gaming Corporation, an opportunity to compete within a level playing field;
- (e) That, if during the Request for Proposal process, any potential, prequalified proponents demonstrate to the Ontario Lottery and Gaming Corporation and the City of Hamilton that the 967 Highway 5 West, Flamborough Ontario site, which is known as the current Flamboro Downs location, is not a viable site, that only then, the City be willing to explore other sites of interest with prospective proponents, within the Hamilton Gaming Zone (SW9) that permits a gaming facility operation;

- (f) That any and all sites to be considered as the gaming facility site, be subject to Council approved conditions.

The motion **CARRIED** on the following Standing Recorded Vote.

Yeas: R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, L.
Ferguson, R. Powers, R. Pasuta, J. Partridge
Total Yeas: 15
Nays: None
Total Nays: 0
Absent: B. Clark
Total Absent: 1

(Bratina/Partridge)

That the FOURTH Report of the General Issues Committee meeting be adopted and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 13-003

11. Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction (LS13005) (Item 12.2)

(Farr/McHattie)

That the recommendation contained in Report LS13005 respecting Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be amended by deleting subsection (c) and replacing with the following sub-sections (c) and (d):

- (c) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be approved as the basis of a settlement of Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan;
- (d) That staff be directed to advise the OMB that the City of Hamilton and Parkside Hills Inc. have settled Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report.

To read as follows:

- (a) That Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be received;

- (b) That Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, remain confidential, but that the appendices be made public in the event that a settlement is reached with the appellant;
- ~~(c) That recommendations (c) and (d) contained in Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc., be made public upon Council approval.~~
- (c) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be approved as the basis of a settlement of Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan;
- (d) That staff be directed to advise the OMB that the City of Hamilton and Parkside Hills Inc. have settled Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Farr/Morelli)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-005

(Bratina/Partridge)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-006

1. Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide) (Item 5.1)

- (a) That Report PW13014 be submitted, including Appendix A, "Rapid Ready - Expanding Mobility Choices in Hamilton (January 2013)", as the City of Hamilton's submission to Metrolinx in accordance with the Contribution Agreement between the City and Metrolinx, with the understanding that the funding requirements for Hamilton's public transportation program are as follows:

- (i) 100% capital and any upset net operating levy impact for Light Rail Transit;
 - (ii) Growth funding for the overall public transportation program, as summarized on Pages 43 and 44 of Appendix A to Report PW03014 (refer to Investment Plan Tab), necessary to support a successful Light Rail Transit system.
- (b) That the Work Plan detailed in the Appendix A to Report PW03014 be used as the basis for future budget submissions.
- (c) That the correspondence requesting the reimbursement of the total funding allocated by the City of Hamilton to the transit initiative sent to John Howe, Vice President Investment Strategy & Project Evaluation Metrolinx from Don Hall, Director of Transportation on May 3, 2012, as directed by Council on October 26, 2011, Item 1 of General Issues Committee Report 11-030, be resubmitted with a request that Metrolinx provide a formal response.
- (d) That the Medical Officer of Health be directed to consult with Health Care Institutions to obtain their input on Hamilton Specific Health Impacts for purposes of supporting the City's Public Transportation Program as outlined in Report PW13014.

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge
Total Yeas:	15
Nays:	None
Total Nays:	0
Absent:	B. Clark
Total Absent:	1

(Bratina/Powers)

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

CARRIED

(Pearson/Johnson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Amendment to Item 11 (c) Audit, Finance & Administration Report 13-002

(Powers/Pearson)

That a sub-section (vi) be added to Item 11(c) of the Audit, Finance and Administration Report 13-002 to read as follows:

- (vi) That the amounts relating to Green Venture (Open Streets), cash \$6,942 and Police Services actual cost of \$11,132 be transferred to the Community Partnership Reserve Account #112230 for 2012.

CARRIED

7.2 RE: Lease Negotiations with the Hamilton Conservation Authority

(Partridge/Powers)

Whereas interest has been expressed by the Hamilton Conservation Authority to lease the Millgrove Yard #1 for a nominal sum of \$2.00 (see Attachment A); the subject property legally known as Part of Lot 13, Concession 4, FW, FLM, being all of PIN 17545-0018, also municipally known as 594 5th Concession Road, West (Millgrove Yard #1);

And Whereas in exchange, the Hamilton Conservation Authority shall lease to the City of Hamilton a parcel of land described as Part of Lot 22, Concession 2, City of Hamilton formerly Town of Dundas at a nominal sum of \$2.00 for the purpose of a “dog park” in Borer’s Fall Conservation Area;

And Whereas City Council at its meeting held on May 12, 2010 adopted Item 11 of the Public Works Committee Report 10-007, declaring the Millgrove Yard #1 surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;

And Whereas the current zoning of the Millgrove site is zoned Public “P” Zone and Conservation Management “CM” Zone, wherein said parcel is majority zoned Public “P” Zone in the Flamborough Zoning By-law 90-145-Z;

And Whereas the current Public “P” Zone permits a “public use” only which is defined as:

Public Use shall mean the use of a *lot, building or structure* by a Municipal, Regional, Provincial or Federal Government or any board or commission thereof, not otherwise identified in this By-law, including, but not limited to:

- (a) municipal offices, libraries, post offices, police stations, fire halls;
- (b) water treating, pumping and storage facilities, sewage pumping or treating facilities and works yards.

And Whereas the intent of the Hamilton Conservation Authority is to relocate their current works operations from there existing facilities located at 838 Mineral Springs Road, Hamilton, On to the Millgrove Yard #1 with all capital and operating costs to be borne by the Hamilton Conservation Authority;

And Whereas Council by way of Public Works Committee Report 10-007, Item 11 (f) directed that the net proceeds from the sale be directed to the funding sources of the one-time costs for the relocation of staff to 77 James Street North, Hamilton;

Therefore, Be it Resolved:

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into lease negotiations with the Hamilton Conservation Authority for the lands legally known as Part of Lot 13, Concession 4, FW, FLM, being all of PIN 17545-0018, also municipally known as 594 5th Concession Road, West (Millgrove Yard #1), for a nominal sum of \$2.00 per annum subject to all capital and operating costs to be borne by the Hamilton Conservation Authority;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into lease negotiations with the Hamilton Conservation Authority for the lands legally described as Part of Lot 22, Concession 2, City of Hamilton formerly Town of Dundas at a nominal sum of \$2.00 for the purpose of a “dog park” in Borer’s Fall Conservation Area;
- (c) That subsection 11(f) of Public Works Committee Report 10-007 be amended by deleting the words: “that the net proceeds from the sale be directed to the funding sources of the one-time costs for the relocation of staff to 77 James Street North, Hamilton” as the accommodation/ relocation costs have been accommodated within existing budgets;
- (d) That the City Solicitor be authorized and directed to complete the real estate transactions on the terms and conditions set out herein;
- (e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;

(Powers/Ferguson)

That the following be added as subsection (f) as follows:

- (f) That should the land leases be successfully negotiated, that an appropriate by-law to amend By-law 01-169, to include the Borer Falls Conservation Area parcel of land as a Leash Free location, be passed and that staff be authorized to construct the Leash Free area using the Leash Free Park Reserve.

AMENDMENT CARRIED

MOTION AS AMENDED CARRIED

7.3 Objection to Liquor License Application Blue Nile Ethiopian Restaurant, 90 Wellington Street North, Hamilton, Ontario, L8R 1N1

(Morelli/Collins)

Whereas, the Blue Nile Ethiopian Restaurant at 90 Wellington Street North, Hamilton, Ontario has applied for a Liquor License;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

Therefore be it resolved:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Blue Nile Ethiopian Restaurant at 90 Wellington Street North, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

CARRIED

7.4 Objection to Liquor License Application F.L.A. Café and Bar, 658-660 Barton Street East, Hamilton, Ontario, L8L 6L6

(Morelli/Merulla)

Whereas, the F.L.A. Café and Bar at 658-660 Barton Street East, Hamilton, Ontario has applied for a Liquor License;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

Therefore be it resolved:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for F.L.A. Café and Bar at 658-660 Barton Street East, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

CARRIED

7.5 RE: Theatre Ancaster Renovation with Mohawk College

(Ferguson/Powers)

WHEREAS, Hamilton All Star Jazz Band Inc. and Theatre Ancaster are in good standing with their lease for the building commonly identified as the former Fire Hall at 334 Wilson Street in Ancaster; and,

WHEREAS, there are provisions in the lease for the lessee to make alterations to the premises with the prior written approval of the Lessor; and

WHEREAS, Theatre Ancaster received a Trillium grant in the amount of \$74,000 to make renovations to the Theatre Ancaster space at 334 Wilson Street in Ancaster; and

WHEREAS, Theatre Ancaster has requested permission to engage students from the Mohawk College Construction Engineering Technician – Building Renovation Program, a two-year program which offers students intensive hands-on education consisting of various lab and practical projects, to undertake this work as part of their program; and

WHEREAS, Procurement, Risk, Legal, and Facilities Management have reviewed this request and identified the necessary requirements to ensure the protection of the City of Hamilton if entering into an agreement of this nature;

Therefore Be It Resolved:

- (a) That the Theatre Ancaster proposal to renovate the Theatre Ancaster space at 334 Wilson Street, Ancaster by entering into an agreement with Hamilton All Star Jazz Band Inc. and Theatre Ancaster be endorsed at no cost to the City of Hamilton;
- (b) That Theatre Ancaster fund \$74,000 for the renovation costs;
- (c) That prior to the renovation of Theatre Ancaster, that staff be directed to prepare, with Hamilton All Star Jazz Band Inc. and Theatre Ancaster any necessary documentation, in a form satisfactory to the City Solicitor and the General Manager of Public Works;
- (d) That the Mayor and the City Clerk be authorized and directed to execute an Agreement with Hamilton All Star Jazz Band Inc. and Theatre Ancaster for the renovation of the theatre space at 334 Wilson Street in Ancaster and any further agreements or documents as may be required to give effect to the foregoing, in a form satisfactory to the City Solicitor.

CARRIED

NOTICES OF MOTION

Councillor Morelli Introduced the following notice of motion:

8.1 Objection to Liquor License Application Blue Nile Ethiopian Restaurant, 90 Wellington Street North, Hamilton, Ontario, L8R 1N1

Whereas, the Blue Nile Ethiopian Restaurant at 90 Wellington Street North, Hamilton, Ontario has applied for a Liquor License;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

Therefore be it resolved:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Blue Nile Ethiopian Restaurant at 90 Wellington Street North, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

(Morelli/Collins)

That the Rules of Order be waived in order to allow the introduction of a motion respecting "Objection to Liquor License Application Blue Nile Ethiopian Restaurant, 90 Wellington Street North, Hamilton, Ontario, L8R 1N1"

CARRIED

Please refer to Item 7.3 for disposition.

Councillor Morelli Introduced the following notice of motion:

8.2 Objection to Liquor License Application F.L.A. Café and Bar, 658-660 Barton Street East, Hamilton, Ontario, L8L 6L6

Whereas, the F.L.A. Café and Bar at 658-660 Barton Street East, Hamilton, Ontario has applied for a Liquor License;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

Be it resolved:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for F.L.A. Café and Bar at 658-660 Barton Street East, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

(Morelli/Merulla)

That the Rules of Order be waived in order to allow the introduction of a motion respecting "Objection to Liquor License Application F.L.A. Café and Bar at 658-660 Barton Street East, Hamilton, Ontario"

CARRIED

Please refer to Item 7.4 for disposition.

Councillor Ferguson introduced the following notice of motion:

8.3 RE: Theatre Ancaster Renovation with Mohawk College

WHEREAS, Hamilton All Star Jazz Band Inc. and Theatre Ancaster are in good standing with their lease for the building commonly identified as the former Fire Hall at 334 Wilson Street in Ancaster; and,

WHEREAS, there are provisions in the lease for the lessee to make alterations to the premises with the prior written approval of the Lessor; and

WHEREAS, Theatre Ancaster received a Trillium grant in the amount of \$74,000 to make renovations to the Theatre Ancaster space at 334 Wilson Street in Ancaster; and

WHEREAS, Theatre Ancaster has requested permission to engage students from the Mohawk College Construction Engineering Technician – Building Renovation Program, a two-year program which offers students intensive hands-on education consisting of various lab and practical projects, to undertake this work as part of their program; and

WHEREAS, Procurement, Risk, Legal, and Facilities Management have reviewed this request and identified the necessary requirements to ensure the protection of the City of Hamilton if entering into an agreement of this nature;

Therefore Be It Resolved:

- (a) That the Theatre Ancaster proposal to renovate the Theatre Ancaster space at 334 Wilson Street, Ancaster by entering into an agreement with Hamilton All Star Jazz Band Inc. and Theatre Ancaster be endorsed at no cost to the City of Hamilton;
- (b) That Theatre Ancaster fund \$74,000 for the renovation costs;

- (c) That prior to the renovation of Theatre Ancaster, that staff be directed to prepare, with Hamilton All Star Jazz Band Inc. and Theatre Ancaster any necessary documentation, in a form satisfactory to the City Solicitor and the General Manager of Public Works;
- (d) That the Mayor and the City Clerk be authorized and directed to execute an Agreement with Hamilton All Star Jazz Band Inc. and Theatre Ancaster for the renovation of the theatre space at 334 Wilson Street in Ancaster and any further agreements or documents as may be required to give effect to the foregoing, in a form satisfactory to the City Solicitor.

(Ferguson/Powers)

That the Rules of Order be waived in order to allow the introduction of a motion respecting Theatre Ancaster Renovation with Mohawk College

CARRIED

Please refer to item 7.5 for disposition.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Pasuta/Ferguson)

That the Bill List for the February 27, 2013 meeting of Council be amended by adding the following as Bills 61 and 62 (attached hereto) and renumbering the balance:

- 061** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1295 Cormorant Road (Ancaster)
- 062** Respecting Removal of Part Lot Control, Blocks 104 and 105, Registered Plan No. 62M-1172, "Penny Lane Estates – Phase 1"
263, 267, 271 and 275 Penny Lane

CARRIED

(Pasuta/Collins)

That Bills No. 13-053 to 13-063 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

- 053** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
- 054** To Impose a Sanitary Sewer Charge upon owners of land abutting Southcote Road from Bookjans Drive to approximately 47 metres south of Bookjans Drive, in the City of Hamilton
- 055** To Impose a Storm Sewer Charge upon owners of land abutting Southcote Road from Bookjans Drive to approximately 116m north of Bookjans Drive, in the City of Hamilton
- 056** To Impose a Storm and Sanitary Sewer Charge upon owners of land abutting Southcote Road from Secinaro Drive to approximately 40 metres north of Secinaro Drive, in the City of Hamilton
- 057** Respecting Removal of Part Lot Control, Blocks 23 and 25, Registered Plan No. 62M-1030, “Red Hill Vista – Phase 1” (6-16 Cedarville Drive, Stoney Creek)
- 058** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 0 Jessica Street (Hamilton)
- 059** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 5 & 9 Hampton Brook Way (Glanbrook)
- 060** To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses
Schedule 25 – Taxicabs
- 061** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1295 Cormorant Road (Ancaster)
- 062** Respecting Removal of Part Lot Control, Blocks 104 and 105, Registered Plan No. 62M-1172, “Penny Lane Estates – Phase 1”
263, 267, 271 and 275 Penny Lane
- 063** To Confirm the Proceedings of City Council

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Pearson/Ferguson)

That, there being no further business, the City Council meeting be adjourned at 6:00 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk