



City of Hamilton

CITY COUNCIL

MINUTES 15-019

August 14, 2015, 9:30 a.m.

Council Chambers, Hamilton City Hall, 71 Main Street West

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

**Absent with
Regrets:** Councillor M. Green – Personal

Deputy Mayor B. Johnson called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. ADDED CORRESPONDENCE

- 5.16 Correspondence from Lakewood Beach Community Council respecting Councillors' Remuneration – Continuation of One-Third Tax Allowance (FSC15001).

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services.

- 5.17 Correspondence from Barb Howe, Manager of Payroll & Pensions, in response to item 5.16, correspondence from Lakewood Beach Community Council respecting Councillors' Remuneration – Continuation of One-Third Tax Allowance (FSC15001).

Recommendation: Be received and referred to Item 20 of the General Issues Committee Report.

- 5.18 Correspondence from Susan Lord, Richard Hogg, Rose & Khaled Hawash, respecting the Application for Amendment to the Urban Hamilton Official Plan (UHOP) and Hamilton Zoning By-law No. 05-200 for Land Located at 630 Rymal Road East (Hamilton) (PED15091).

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

8. NOTICES OF MOTIONS

- 8.1 Hamilton Conservation Authority's (HCA) Application to the Green Municipal Fund (GMF) for a Feasibility Study respecting Flood and Erosion Control on Stoney Creek Mountain, Hamilton
- 8.2 Mitigating Risk during the 2016 City Budget Preparation
- 8.3 Stop Control Removal (Tradewind Drive at Sandhill Drive, Ancaster) (Ward 12)

11. BY-LAWS AND CONFIRMING BY-LAW

Revised Bill List

(Pearson/Pasuta)

That the agenda for the August 14, 2015 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared an interest to Item 1 of the Planning Committee Report 15-012, respecting a delegation request submitted by Chris Scafer, UBER Canada to provide a brief presentation respecting UBER, as he has family members in the Taxi Industry.

CEREMONIAL ACTIVITIES

There were no ceremonial activities.

APPROVAL OF MINUTES OF PREVIOUS MEETINGS

4.1 City Council (15-017) – July 10, 2015

(Conley/Pearson)

That the Minutes of the July 10, 2015 meeting of Council be approved, as presented.

CARRIED

4.2 Special City Council (15-018) – July 22, 2015

(VanderBeek/Ferguson)

That the Minutes of the July 22, 2015 Special meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(A. Johnson/Pasuta)

That Council Communications 5.1 through 5.18 be approved, as amended, as follows:

- 5.1 Correspondence from the Town of Aurora respecting a resolution regarding Bill 73, Proposed *Smart Growth for our Communities Act, 2015*.

Recommendation: Be received. **(Pearson/Merulla)**

- 5.2 Correspondence respecting the Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law (PED13167(c)):

(a) Oz Kemal, Partner, MHBC on behalf of Oakrun Farm Bakery, 58 Carluke Road, Hamilton.

(b) Denise Baker, WeirFoulds LLP on behalf of Fern Brook Resort Inc., 5712 Concession Road East, Freelon.

(c) Graham Flint, FORCE – Friends of Rural Communities and the Environment, 11th Concession Road East, Hamilton.

(d) Recommendation: Be received and referred to the General Manager of the Planning and Economic Development Department.
(Partridge/Pasuta)

- 5.3 Citizen Committee Member Resignation Form from Tyler Ferguson a member of the Farmer's Market Board, effective July 31, 2015.

Recommendation: Be received and referred to the Selection Committee.
(Collins/Merulla)

- 5.4 Correspondence from Pam Cress, Clerk, Town of Northeastern Manitoulin and the Islands respecting a resolution regarding the affordability of Ontario Hydro rates.

Recommendation: Be received and endorsed. **(Whitehead/Ferguson)**

- 5.5 Correspondence from Dipika Damerla, Associate Minister, Ministry of Health and Long-Term Care respecting one-time funding up to \$1,125,000 for the period of April 1, 2015 to March 31, 2018 to support the Healthy Kids Community Challenge.

Recommendation: Be received. **(Partridge/Pearson)**

- 5.6 Correspondence from Cindy Anne Maher, Clerk/Director of Administration Services, Town of New Tecumseh requesting support for their resolution regarding Electricity Rates.

Recommendation: Be received. **(Conley/Pasuta)**

- 5.7 Correspondence from David Borsellino respecting Residential Taxes: The New Mortgage.

Recommendation: Be received. **(Jackson/Duvall)**

- 5.8 Correspondence from Beth Hanna, Chief Executive Officer, Ontario Heritage Trust respecting the 2015 Lieutenant Governor's Heritage Awards.

Recommendation: Be received and referred to the Hamilton Municipal Heritage Committee. **(A. Johnson/VanderBeek)**

- 5.9 Correspondence from E.J. Fothergill, Fothergill Planning & Development Inc. respecting a request for extension of ERASE Grant Program – Clappison /Five/Six Properties Inc., Flamborough Power Centre.

Recommendation: Be received and referred to the General Manager of the Planning and Economic Development Department. **(Partridge/Ferguson)**

- 5.10 Correspondence from Randy Pettapiece, MPP, Perth-Wellington respecting a Resolution for Fairness in Provincial Infrastructure Funds.

Recommendation: Be received and endorsed. **(Pearson/Conley)**

Councillor L. Ferguson wished to be recorded as OPPOSED to Item 5.1.

- 5.11 Correspondence from Christie Brenchley, Executive Director, Ontario Society of Occupational Therapists requesting a proclamation of Occupational Therapy Month in the City of Hamilton.

Recommendation: Be received. **(Jackson/Farr)**

- 5.12 Correspondence from Jim Quinn, Chair, Environment Hamilton and Warren Beacham, Sanctuary Director, Hamilton Naturalists' Club respecting Hamilton Pollinator Day.

Recommendation: Be received. **(Pasuta/Eisenberger)**

- 5.13 Correspondence from Joe Minor a resident of the City of Hamilton requesting information on the July 14, 2015 diesel fuel spill into Red Hill Creek.

Recommendation: Be received and referred to the General Manager of Public Works. **(VanderBeek/Whitehead)**

- 5.14 Correspondence from Evelyn Eichenbaum, Clerk, Haldimand County requesting support for Haldimand County's resolution respecting the Vacancy Rebate Program.

Recommendation: Be received. **(Partridge/Ferguson)**

- 5.15 Correspondence from John T. Clinton, Executive Director, St. Leonard's Society of Hamilton requesting an exemption from Development Fees for 22 & 24 Emerald St. South, Hamilton (Ward 3).

Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for a report to the Audit, Finance and Administration Committee. **(Farr/Whitehead)**

- 5.16 Correspondence from Lakewood Beach Community Council respecting Councillors' Remuneration – Continuation of One-Third Tax Allowance (FSC15001).

Recommendation: Be received and referred to Item 20 of the General Issues Committee Report. **(Pearson/Merulla)**

- 5.17 Correspondence from Barb Howe, Manager of Payroll & Pensions, in response to item 5.16, correspondence from Lakewood Beach Community Council respecting Councillors' Remuneration – Continuation of One-Third Tax Allowance (FSC15001).

Recommendation: Be received and referred to Item 20 of the General Issues Committee Report. **(Pearson/VanderBeek)**

- 5.18 Correspondence from Susan Lord, Richard Hogg, Rose & Khaled Hawash, respecting the Application for Amendment to the Urban Hamilton Official Plan (UHOP) and Hamilton Zoning By-law No. 05-200 for Land Located at 630 Rymal Road East (Hamilton) (PED15091).

Recommendation: Be received and referred to the General Manager of Planning and Economic Development. **(Duvall/Jackson)**

(A. Johnson/Merulla)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 15-015

20. Councillors' Remuneration – Continuation of One-Third Tax Allowance (FCS15001) (City Wide) (Referred by the Non-Union Compensation Sub-Committee on August 6, 2015) (Item 8.13)

- (a) That By-Law 02-354 *Respecting Continuation of One-Third Tax Free Benefit*, be repealed;
- (b) That, effective January 1, 2016, the one-third tax free portion of the remuneration for Members of Council, be fully taxable;
- (c) That, effective January 1, 2016, the remuneration for Councillors be adjusted to maintain the net after tax remuneration; and,
- (d) That the 2016 current budget be increased by \$434,245 to fund the cost to convert to a fully taxable remuneration for Members of Council.

Item 20 above CARRIED on the following Standing Recorded Vote:

Yeas: Eisenberger, Whitehead, Duvall, Jackson, Collins, Merulla, Farr, A. Johnson, Conley, Pearson
Total: 10
Nays: B. Johnson, Ferguson, VanderBeek, Pasuta, Partridge
Total: 5
Absent: Green
Total: 1

(Merulla/Eisenberger)

That sub-section (b) to Item 28 of the General Issues Committee Report 15-015, respecting the Non-Union Management & Exempt Group Compensation (HUR15007), be deleted in its entirety and replaced with the following in lieu thereof:

28. Non-Union Compensation Committee Report 15-002

(b) Non-Union Management & Exempt Group Compensation (HUR15007) (Item 5.1)

~~That recommendations (a) through (e), with the exception of recommendation (b), of Private & Confidential Report HUR15007, respecting the Non-Union & Exempt Group Compensation, be approved; and be referred to Council for consideration.~~

- (a) That the salary schedule for the Non-Union Management & Professional Exempt Employee Group be increased by 2.0%

effective January 1, 2016, 2.0% effective January 1, 2017 and 2.0% effective January 1, 2018, to be consistent with the 2015 negotiated memorandum of settlement for CUPE Local 5167 and that individual salaries be adjusted accordingly;

- (b) That the benefit plan for the Non-Union Management & Professional Exempt Group be amended effective October 1, 2015 to include the following changes:
- Introduce an annual Maximum of \$1500 for Physiotherapy services.
 - Increase Massage Therapy benefits from \$15 per visit to \$30 per visit with a 12 visit annual maximum applied.
 - Increase Chiropractic services from \$200 annually to \$300 annually.
 - Introduce a survivor benefit of 6 months for the health & dental program.
 - Amend the Out of Country Travel benefit to include the Emergency Travel Assist feature, a stability clause, and a maximum trip duration of 60 days;
- (c) That Council provide direction to staff to bring back benefit plan redesign options for the Non-Union Management & Professional Exempt Group by the end of 2018; and,
- (d) That the contents of Report HUR15007 respecting the compensation of the Non-Union Management & Professional Exempt Group remain confidential as it contains information related to labour relations and employee negotiations.

(Eisenberger/Partridge)

That the FIFTEENTH Report of the General Issues Committee be adopted, as amended, and the information section received (attached hereto).

CARRIED

PLANNING COMMITTEE REPORT 15-012

12. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 312 and 314 Catharine Street North (Hamilton) (PED15109) (Ward 2) (Item 6.4)

(Partridge/Pearson)

(a) That Recommendation (a) (i) of Item 12, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 312 and 314 Catharine Street North (Hamilton) (PED15109), of Planning Committee Report 15-012 be deleted in its entirety and the following be inserted therein:

(a) That approval be given to Amended Official Plan Amendment Application OPA-14-015, by Sergio Manuel Ferreira and Fabiana Apolinario Pessoa, (Owners), to amend the West Harbour Secondary Plan with a Site Specific Policy to permit a commercial and wholesale bakery, take-out restaurant, catering establishment and two upper storey dwelling units at 312 and 314 Catharine Street North (Hamilton), as shown on Appendix "A" to Report PED15109, on the following basis:

~~(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED15109, be adopted by City Council.~~

(i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED15109, be held in abeyance and not be adopted by City Council until such time that the owner has applied for and received final approval for all required updates to existing Boulevard Encroachment Agreements to the satisfaction of the Manager of Geomatics and Corridor Management (Public Works Department); and, the Manager of Development Planning, Heritage and Design.

(b) That Recommendation (b) (i) of Item 12, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 312 and 314 Catharine Street North (Hamilton) (PED15109), of Planning Committee Report 15-012 be deleted in its entirety and the following be inserted therein:

(b) That approval be given to Amended Zoning By-law Amendment Application ZAR-14-032 by Sergio Manuel Ferreira and Fabiana Apolinario Pessoa, (Owners), for a modification to the "D" (Urban Protected Residential – One and Two Family Dwellings, Etc.) District, to permit a commercial and wholesale bakery, take-out

restaurant, catering establishment and two upper storey dwelling units at 312 and 314 Catharine Street North (Hamilton), as shown on Appendix "A" to Report PED15109, on the following basis:

- ~~(i) That the draft By-law, attached as Appendix "C" to Report PED15109, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,~~
- (i) That the draft By-law, attached as Appendix "C" to Report PED15109, which has been prepared in a form satisfactory to the City Solicitor, be revised to delete Subsection 3 of the By-law; to renumber accordingly the remaining Subsections; and, to delete all references to the 'H' Holding Provision. Furthermore, that the draft By-law also be held in abeyance and not enacted by City Council until such time that the owner has applied for and received final approval for all required updates to existing Boulevard Encroachment Agreements to the satisfaction of the Manager of Geomatics and Corridor Management (Public Works Department); and, the Manager of Development Planning, Heritage and Design."
- (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Growth Plan for the Greater Golden Horseshoe (Places to Grow), and is in conformity with the Hamilton Official Plan upon finalization of Official Plan Amendment No. [REDACTED].

CARRIED

18. 70 Barton St. OMB Appeal RE: Zoning By-law Amendment Application ZAC-13-046 (Flamborough) LS14034(a)/PED14207(a) (Item 12.1)

(Partridge/Pasuta)

That Item 18 of Planning Committee Report 15-012, respecting 70 Barton St. OMB Appeal RE: Zoning By-law Amendment Application ZAC-13-046 (Flamborough) LS14034(a)/PED14207(a), be amended by deleting the recommendation in its entirety and inserting the following therein:

~~That the recommendations in Report LS14034(a)/PED14207(a) remain confidential until Council approval.~~

With regard to appeals to the Ontario Municipal Board by Chelten Developments Inc., Owner/Appellant, for a change in Zoning from the Neighbourhood Institutional (I1) Zone of Hamilton Zoning By-law No. 05-200 to the Medium Density Residential "R6-43" Zone, Modified, (Block 1) of Flamborough Zoning By-law No. 90-145-Z, High Density Residential "R8-1" Zone, Modified, (Block 2) of Flamborough Zoning By-law No. 90-145-Z, and Conservation/Hazard Lands (P5) Zone (Block 3), on its lands located at 70 Barton Street (Flamborough), as

shown on Appendix "A" to Report LS14034(a)/ PED14207(a), and for Site Plan Approval of its proposed Development Application DA-14-092 and for a Consent to sever the apartment building site from the rest of the development: application FL/B14:80:

- (a) That Council support the Staff Position as set out in this Report, including the Staff recommended changes and concerns, any revisions proposed by staff in the text and mapping of the amending Zoning By-law, all as set out in this Report LS14034(a)/PED14207(a) and any Site Plan changes requested by Staff and the Revised conditions for Site Plan and Consent Approval as shown in Appendix A;
- (b) That the City Solicitor and the General Manager of Planning and Economic Development be authorized to present the position in this Report to the Ontario Municipal Board and continue discussions with the Appellant for the purpose of settling the Rezoning, Site Plan Approval and Consent substantively on the basis set out in this Report;
- (c) That if any matter is not resolved in any discussions with the Appellant, to the satisfaction of the Appellant and the City Solicitor and the General Manager of Planning and Economic Development, then staff be directed to proceed to the Ontario Municipal Board for the hearing and adjudication of those matters;
- (d) That the City of Hamilton acknowledge and accept its responsibility for cost-sharing with respect to the Watershed portion of the Watershed and Onsite Storm Management System in an amount that is satisfactory to the General Manager of Planning and Economic Development and to accept the easement for the Watershed Stormwater Management System through this development in form and content satisfactory to the General Manager of Planning and Economic Development and the City Solicitor;
- (e) That Report LS14034(a)/PED14207(a), be made public as the City Position at the Ontario Municipal Board except Appendix "E", which shall remain confidential.

CARRIED

19. OMB Appeal by Nebo Group (2006) Inc. for non-decision of Urban Hamilton Official Plan Amendment UHOPA –14-003 and Zoning By-law Amendment (ZAR-12-071) applications and Legal Direction (LS14002(a)) (Ward 11)(Item 12.2)

(Partridge/Jackson)

That Item 19 of Planning Committee Report 15-012 respecting OMB Appeal by Nebo Group (2006) Inc. for non-decision of Urban Hamilton Official Plan Amendment UHOPA –14-003 and Zoning By-law Amendment (ZAR-12-071) applications and Legal Direction (LS14002(a)) be amended by deleting the recommendation in its entirety and inserting the following therein:

~~That the recommendations in Report LS14002(a) remain confidential until Council approval.~~

- (a) That the recommendations of Report LS14002(a), as amended, respecting the OMB Appeal by Nebo Group (2006) Inc. for non-decision of Urban Hamilton Official Plan Amendment UHOPA – 14-003 and Zoning By-law Amendment (ZAR-12-071) applications and Legal Direction, be approved and remain confidential; and,
- (b) That Appendix “A” to Report LS14002(a), as amended, respecting the OMB Appeal by Nebo Group (2006) Inc. for non-decision of Urban Hamilton Official Plan Amendment UHOPA –14-003 and Zoning By-law Amendment (ZAR-12-071) applications and Legal Direction, be made public at the time of the Ontario Municipal Board (OMB) hearing.

CARRIED

(Partridge/Pasuta)

That the TWELFTH Report of the Planning Committee be adopted, as amended, and the information section received (attached hereto).

CARRIED

(Eisenberger/Merulla)

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 Emergency & Community Services Committee Report 15-008, dated August 12, 2015; and, the Board of Health Report 15-008, dated Wednesday, August 12, 2015.

CARRIED

EMERGENCY & COMMUNITY SERVICES REPORT 15-008

(Whitehead/Duvall)

That the EIGHTH Report of the Emergency & Community Services Committee be adopted, and the information section received (attached hereto).

CARRIED

BOARD OF HEALTH REPORT 15-008

(A. Johnson/Farr)

That the EIGHTH Report of the Board of Health be adopted, and the information section received (attached hereto).

CARRIED

(A. Johnson/Farr)

That Committee of the Whole rise and report.

CARRIED

MOTIONS

7.1 2015 NSA Canada Co-ed Ontario Provincial World Series – Special Occasion Permit Liquor Licence

(Duvall/Whitehead)

WHEREAS, Hamilton City Council has received Notice from Ms. Darlene Bowman on behalf of NSA Canada, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on September 17, 2015 between the hours of 2:00 p.m. and 12:00 a.m.; September 18, 2015 between the hours of 11:00 a.m. and 1:00 a.m.; September 19, 2015 between the hours of 11:00 a.m. and 1:00 a.m. and September 20, 2015 between the hours of 11:00 a.m. and 7:00 p.m. at Turner Park located at 344 Rymal Road East, Hamilton, Ontario, during the 2015 NSA Canada Co-ed Ontario Provincial World Series taking place in Hamilton, Ontario; and,

WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and,

WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BEIT RESOLVED:

- (a) That the City of Hamilton hereby deems the 2015 NSA Canada Co-ed Ontario Provincial World Series, being held in the City of Hamilton, Ontario on September 17th to September 20th, 2015, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) NSA Canada c/o Ms. Darlene Bowman, Hamilton, Ontario.

CARRIED

7.2 Amending By-law for the Inclusion of the Heritage Green Community Trust Leash Free Dog Park

(Conley/Pearson)

WHEREAS an amendment to By-law 12-031, A By-law For Responsible Animal Ownership, in the City of Hamilton, is required in order to include the Heritage Green Community Trust Leash Free Dog Park as a leash free dog park location.

THEREFORE BE IT RESOLVED:

- (a) That the dog park portion of the Heritage Green Passive Park be named the Heritage Green Community Trust Leash Free Dog Park; and,
- (b) That the City Solicitor be authorized and directed to prepare the appropriate by-law to amend By-law 12-031, a By-law for Responsible Animal Ownership, in the City of Hamilton, to include the Heritage Green Community Trust Leash Free Dog Park as a leash free dog park location.

CARRIED

7.3 Hamilton Beer Festival – Special Occasion Permit Liquor Licence

(Farr/A. Johnson)

WHEREAS, Hamilton City Council has received Notice (as shown in Appendix “A”) from Maneesh Singhla on behalf of Lion Guard Holdings Inc., that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on August 21, 2015 between the hours of 3:00 p.m. and 11:00 p.m. and August 22, 2015 between the hours of 12:00 p.m. and 11:00 p.m. at 2 King Street West, Hamilton, Ontario, during the Hamilton Beer Festival taking place in Hamilton, Ontario;

WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and

WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the Hamilton Beer Festival, being held in the City of Hamilton, Ontario on August 21 and 22, 2015, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Lion Guard Holdings Inc. c/o Maneesh Singhla, Hamilton, Ontario.

CARRIED

7.4 Support for the Issuance of a Licence for the Shed Brewing Company

(VanderBeek/Pasuta)

WHEREAS the Shed Brewing Company is expected to become operational in early October at 65 Hatt Street, Dundas;

WHEREAS in addition to brewing, the business model has a significant retail and tourism component; and

WHEREAS the AGCO requires written notice from the Council of the Municipality within which the applicant's manufacturing site is located confirming that it has passed a resolution in support of the issuance of the license.

THEREFORE BE IT RESOLVED;

That the Council of the City of Hamilton confirms their support for the issuance of AGCO license for the Shed Brewing Company located at 65 Hatt Street, Dundas, provided that the proposed use meets all applicable zoning regulations.

CARRIED

7.5 2015 NSA Canada Men's and Women's Ontario Provincial World Series - Special Occasion Permit Liquor Licence

(Duvall/Whitehead)

WHEREAS, Hamilton City Council has received Notice from Ms. Darlene Bowman on behalf of NSA Canada, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on September 24, 2015 between the hours of 2:00 p.m. and 12:00 a.m.; September 25, 2015 between the hours of 11:00 a.m. and 1:00 a.m.; September 26, 2015 between the hours of 11:00 a.m. and 1:00 a.m. and September 27, 2015 between the hours of 11:00 a.m. and 7:00 p.m. at Turner Park located at 344 Rymal Road East, Hamilton, Ontario, during the 2015 NSA Canada Men's and Women's Ontario Provincial World Series taking place in Hamilton, Ontario; and,

WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and,

WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the 2015 NSA Canada Men's and Women's Ontario Provincial World Series, being held in the City of Hamilton, Ontario on September 24th to September 27th, 2015, as municipally significant; and,

- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario.

CARRIED

7.6 Honouring Martin Short

(Merulla/ Collins)

WHEREAS Martin Short was born on March 26, 1950, in Hamilton, Ontario, Canada;

WHEREAS Martin Short appeared in some of the biggest comedy hits of the 1980s, 1990's and presently, including Saturday Night Live, the Three Amigos and Innerspace;

WHEREAS Martin Short's work has been recognized with a Tony Award in 1999 for Best Actor (musical) for the revival of Little Me; and

WHEREAS Martin Short has been recognized across the world for his movie roles and contributions to comedy.

THEREFORE BE IT RESOLVED:

- (a) That Martin Short's name be put forward to the Facility Naming Sub-Committee for an appropriate City Facility to be named in his honour.
- ~~(b) That Martin Short's name be put forward for inclusion in the Hamilton Gallery of Distinction.~~

**AMENDMENT CARRIED
MOTION AS AMENDED, CARRIED**

7.7 Honouring Eugene Levy

(Merulla/Collins)

WHEREAS Eugene Levy was born on December 17, 1946 in Hamilton, Ontario, Canada; and,

WHEREAS Eugene Levy has appeared in over fifty motion pictures, seven of which having topped the one hundred million dollar mark; and,

WHEREAS his box office success in films, like Bringing Down the House, Cheaper by the Dozen 2, the American Pie Family of movies, Father of the Bride Part II has helped establish him as one of Hollywood's most popular comedic character actors; and,

WHEREAS Eugene Levy has also been recognized across the world for his contributions to film and comedy; and,

THEREFORE BE IT RESOLVED:

- (a) That Eugene Levy's name be put forward to the Facility Naming Sub-Committee for an appropriate City Facility to be named in his honour; and,
- (b) That Eugene Levy's name be put forward for inclusion in the Hamilton Gallery of Distinction.

CARRIED

7.8 Annual Labour Day Parade & Picnic - Special Occasion Permit Liquor Licence

(A. Johnson/Farr)

WHEREAS, Hamilton City Council has received Notice (as shown in Appendix "A") from Tom Atterton on behalf of Hamilton and District labour Council that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on September 7, 2015 between the hours of 11:00 a.m. and 3:00 p.m. at 610 York Blvd., Hamilton, Ontario, during the Annual Labour Day Parade & Picnic taking place in Hamilton, Ontario; and,

WHEREAS, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and,

WHEREAS, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the Annual Labour Day Parade & Picnic, being held in the City of Hamilton, Ontario on September 7, 2015, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) Hamilton and District Labour Council c/o Tom Atterton, Hamilton, Ontario.

CARRIED

7.9 Hamilton Conservation Authority's (HCA) Application to the Green Municipal Fund (GMF) for a Feasibility Study – Flood and Erosion Control on Stoney Creek Mountain, Hamilton

(Pasuta/VanderBeek)

WHEREAS, the Green Municipal Fund (GMF) is a program administered by the Federation of Canadian Municipalities (FCM) which supports innovative municipal initiatives resulting in a significant environmental impact in municipal brownfields, energy, transportation, waste, or water, or some combination of these sectors. The GMF provides below market rate loans and grants for plans, studies and capital projects; and,

WHEREAS, residential and commercial property owners within the Stoney Creek watershed have experienced flooding and erosion problems and systematic degradation of the natural environment over many years. Urban encroachment and erosion have had notable impacts along sections of Stoney Creek and Battlefield Creek between the base of the Niagara Escarpment and Queenston Road. Because the area was built up before the 1970's there are very few opportunities left to control flows and reduce the risk of flooding and erosion. Therefore, the last area where we can address some of these concerns is on Stoney Creek Mountain. However, this option will not be available for long as natural features of the land may be lost to fast growing urban encroachment; and,

WHEREAS, the HCA has submitted an application to the GMF for a Feasibility Study – Flood and Erosion Control on Stoney Creek Mountain, Hamilton anticipating the project's start to be in the first quarter of 2016; and,

WHEREAS, the HCA has requested a letter of support from the City of Hamilton to submit with its proposal to the GMF no later than September 2015; and,

WHEREAS, the HCA would need the lead municipality to confirm its funding contribution of at least 10 percent of the initiative's total eligible costs. The HCA is requesting a \$100,000 contribution from the City of Hamilton towards a total project cost of \$429,000; and,

WHEREAS, the HCA will accommodate the \$100,000 contribution from the City of Hamilton within their requested \$2 million in capital funding from the City forecast in 2016; and,

WHEREAS, the City of Hamilton and the Hamilton Conservation Authority have a long standing and successful relationship;

THEREFORE BE IT RESOLVED:

- (a) That City Council provide a letter of support to the Hamilton Conservation Authority for inclusion as part of the Hamilton Conservation Authority's submission to the Federation of Canadian Municipalities for funding from

the Green Municipal Fund for the Feasibility Study – Flood and Erosion Control on Stoney Creek Mountain, Hamilton; and,

- (ii) That the City of Hamilton agree, conditionally on Hamilton Conservation Authority receiving funding for this project from the Green Municipal Fund, to provide \$100,000 in funding from the 2016 City of Hamilton, Hamilton Conservation Authority Capital Contribution (\$2 Million in 2015).

CARRIED

7.10 Stop Control Removal (Tradewind Drive at Sandhill Drive, Ancaster)

(Ferguson/VanderBeek)

- (a) That the northbound and southbound stop control on Tradewind Drive at Sandhill Drive, Ancaster, be removed, and;
- (b) That the amending by-law to have the northbound and southbound stop control on Tradewind Drive at Sandhill Drive, Ancaster removed be passed.

CARRIED

NOTICES OF MOTION

Councillor Pasuta introduced the following Notice of Motion:

8.1 Hamilton Conservation Authority's (HCA) Application to the Green Municipal Fund (GMF) for a Feasibility Study – Flood and Erosion Control on Stoney Creek Mountain, Hamilton

WHEREAS, the Green Municipal Fund (GMF) is a program administered by the Federation of Canadian Municipalities (FCM) which supports innovative municipal initiatives resulting in a significant environmental impact in municipal brownfields, energy, transportation, waste, or water, or some combination of these sectors. The GMF provides below market rate loans and grants for plans, studies and capital projects; and,

WHEREAS, residential and commercial property owners within the Stoney Creek watershed have experienced flooding and erosion problems and systematic degradation of the natural environment over many years. Urban encroachment and erosion have had notable impacts along sections of Stoney Creek and Battlefield Creek between the base of the Niagara Escarpment and Queenston Road. Because the area was built up before the 1970's there are very few opportunities left to control flows and reduce the risk of flooding and erosion. Therefore, the last area where we can address some of these concerns is on Stoney Creek Mountain. However, this option will not be available for long as natural features of the land may be lost to fast growing urban encroachment; and,

WHEREAS, the HCA has submitted an application to the GMF for a Feasibility Study – Flood and Erosion Control on Stoney Creek Mountain, Hamilton anticipating the project's start to be in the first quarter of 2016; and,

WHEREAS, the HCA has requested a letter of support from the City of Hamilton to submit with its proposal to the GMF no later than September 2015; and,

WHEREAS, the HCA would need the lead municipality to confirm its funding contribution of at least 10 percent of the initiative's total eligible costs. The HCA is requesting a \$100,000 contribution from the City of Hamilton towards a total project cost of \$429,000; and,

WHEREAS, the HCA will accommodate the \$100,000 contribution from the City of Hamilton within their requested \$2 million in capital funding from the City forecast in 2016; and,

WHEREAS, the City of Hamilton and the Hamilton Conservation Authority have a long standing and successful relationship;

THEREFORE BE IT RESOLVED:

- (a) That City Council provide a letter of support to the Hamilton Conservation Authority for inclusion as part of the Hamilton Conservation Authority's submission to the Federation of Canadian Municipalities for funding from the Green Municipal Fund for the Feasibility Study – Flood and Erosion Control on Stoney Creek Mountain, Hamilton; and,
- (ii) That the City of Hamilton agree, conditionally on Hamilton Conservation Authority receiving funding for this project from the Green Municipal Fund, to provide \$100,000 in funding from the 2016 City of Hamilton, Hamilton Conservation Authority Capital Contribution (\$2 Million in 2015).

(Pasuta/Conley)

That the Rules of Order be waived to allow for the introduction of a motion respecting Hamilton Conservation Authority's (HCA) Application to the Green Municipal Fund (GMF) for a Feasibility Study – Flood and Erosion Control on Stoney Creek Mountain, Hamilton. **CARRIED**

For disposition of this matter, refer to Item 7.9.

Councillor Merulla introduced the following Notice of Motion:

8.2 Mitigating Risk during the 2016 City Budget Preparation

WHEREAS the Bank of Canada is looking at Canada's economic well-being; and.

WHEREAS there are indications that the Canadian economy is precariously positioned and could face an economic downturn; and,

WHEREAS in 2008, the global economic recession affected cities and left local governments without policies to offset any impacts outside of the Federal economic stimulus program; and,

WHEREAS the Federal Government is looking at its economic policies in an effort to address the economic challenges facing the country;

THEREFORE BE IT RESOLVED:

- (a) That, if during the 2016 City budget preparation, there exists a national structural deficit, staff be directed to report to the General Issues Committee on potential actions to mitigate risks; and,
- (b) That furthermore, if there is a national structural deficit, staff be directed to also look at national and provincial policies and to work with senior levels of government to ensure that the City of Hamilton provides its input as a key stakeholder in any economic policies intended to assist cities.

Councillor Ferguson introduced the following Notice of Motion:

8.3 Stop Control Removal (Tradewind Drive at Sandhill Drive, Ancaster)

- (a) That the northbound and southbound stop control on Tradewind Drive at Sandhill Drive, Ancaster, be removed, and;
- (b) That the amending by-law to have the northbound and southbound stop control on Tradewind Drive at Sandhill Drive, Ancaster removed be passed.

(Ferguson/VanderBeek)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the removal of a Stop Control at Tradewind Drive at Sandhill Drive, Ancaster.

CARRIED

For disposition of this matter, refer to Item 7.10.

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL

10.1 Council Closed Session – July 10, 2015

(Whitehead/Conley)

- (a) That the Closed Session Minutes of the July 10, 2015, meeting of Council be approved, as presented.
- (b) That the Closed Session Minutes of the July 10, 2015 meeting of Council, remain confidential and restricted from public disclosure.

CARRIED

10.2 Special Council Closed Session – July 22, 2015

(Whitehead/Conley)

- (a) That the Closed Session Minutes of the July 22, 2015, Special meeting of Council be approved, as presented.
- (b) That the Closed Session Minutes of the July 22, 2015 Special meeting of Council, remain confidential and restricted from public disclosure.

CARRIED

BY-LAWS AND CONFIRMING BY-LAW

(A. Johnson/Jackson)

That Bills No. 15-176 to No. 15-190 be passed, as amended, and that the Corporate Seal be affixed thereto, and that the By-laws be renumbered and signed by the Mayor and the City Clerk to read as follows:

By-law No.

- 176** To Consolidate and Update Site Plan Control By-laws in the City of Hamilton
- 177** To Amend By-law No. 12-031, A By-law for Responsible Animal Ownership
- 178** Respecting Removal of Part Lot Control
Block 62, Registered Plan No. 62M-1141, "Mountain Gardens"
49, 51, 53 and 55 Candlewood Court, Stoney Creek
(PLC-15-017)
- 179** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting
Lands Located at 350 Highway No. 8 (Stoney Creek)
(ZAH-15-025)

By-law No.

- 180 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 3 – Through Highways – No Parking Prohibitions in Effect
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
- 181 To Incorporate City Land Designated as Part 2 on Plan 62R-16220 into Highway No. 8
- 182 To Incorporate City Land Designated as Parts 1 and 2 on Plan 62R-20094 into Concession 6 West
- 183 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 82 Parkside Drive (Flamborough)
(ZAR-15-012)
- 184 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 601 Barton Street East
(ZAC-14-036)
- 185 To Adopt: Official Plan Amendment No. 38 to the Urban Hamilton Official Plan Respecting: Lands Located on 470 Parkside Drive and 493 Dundas Street East, within the former Town of Flamborough
- 186 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at Concession 3, Part of Lots 2 and 3 (East Flamborough), in the former Town of Flamborough, now in the City of Hamilton
(ZAC-13-055)
- 187 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 470 Parkside Drive, in the former Town of Flamborough, now in the City of Hamilton (ZAC-13-055)
- 188 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 108 James Street North and 111 and 115 Hughson Street North (Hamilton)
- 189 To Amend By-law 15-058, Being a By-law under the *Building Code Act, 1992* Respecting permits and related matters
- 190 To Confirm the Proceedings of City Council.

CARRIED

ADJOURNMENT

(Duvall/Ferguson)

That, there being no further business, Council be adjourned at 11:00 a.m.

CARRIED

Respectfully submitted,

Deputy Mayor B. Johnson

R. Caterini
City Clerk