



CITY COUNCIL MINUTES 15-023

5:00 p.m.

Wednesday, October 28, 2015

Council Chambers

Hamilton City Hall

71 Main Street West

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

Mayor Eisenberger called the meeting to order and then called upon Reverend Peter Wall, Rector of the Cathedral and Dean of Niagara to lead Council in prayer.

Mayor Eisenberger congratulated all the successful candidates in the recent Federal election including former Councillor Scott Duvall who was the successful NDP candidate for the Hamilton Mountain riding. He invited Member of Parliament Elect, Scott Duvall, to the podium to address Council.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.3 Letter of Resignation from Hamilton City Council from Scott Duvall.

Recommendation: Be received; the Ward 7 Councillor seat be declared vacant, and the City Clerk be directed to report to the General Issues Committee on the filling of the vacancy.

2. ADDED NOTICES OF MOTION

8.1 Filling a Vacancy on CityHousing Hamilton Corporation

(VanderBeek/Pearson)

That the agenda for the October 28, 2015 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

- (i) Councillor Pearson acknowledged for the public record that she owns property near the corridor affected by the proposed Interim Control By-law (Item 9 of the Planning Committee Report 15-016), but not within the subject lands nor within the 120 metres and confirmed that she does not have a conflict of interest regarding this matter.
- (ii) Councillor L. Ferguson declared an interest with respect to Items 1 and 2 of GIC Report 15-020, regarding UBER Canada, as his family has an interest in the Taxi Industry.

CEREMONIAL ACTIVITIES

There were no ceremonial activities.

APPROVAL OF MINUTES

4.1 Minutes – October 14, 2015

(Pearson/Partridge)

That the Minutes of the October 14, 2015, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Merulla/Collins)

That Council Communications 5.1 through 5.3 be approved, as amended, as follows:

- 5.1 Correspondence from Minister Ed Fast, Ministry of International Trade respecting the Trans-Pacific Partnership (TPP).

Recommendation: Be received.

- 5.2 Correspondence from Bruce McCuaig, President & CEO, Metrolinx respecting a Metrolinx Update.

Recommendation: Be received ***and referred to the Citizens' Jury on Transit Options.***

5.3 Letter of Resignation from Hamilton City Council from Scott Duvall

That the letter of resignation from Hamilton City Council from Scott Duvall be received;

That the Ward 7 Councillor seat be declared vacant;

That the vacancy be filled by holding a by-election; and

That the City Clerk be directed to report to the General Issues Committee on the by-election process.

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

(Partridge/Jackson)

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

CARRIED

PUBLIC WORKS REPORT 15-013

(Vanderbeek/Pasuta)

That the THIRTEENTH Report of the Public Works Committee be adopted, as presented, and the information section received (attached hereto).

CARRIED

BOARD OF HEALTH REPORT 15-010

(B. Johnson/Vanderbeek)

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

CARRIED

PLANNING COMMITTEE REPORT 15-016

9. Interim Control By-laws – Certain Lands along Main Street West, King Street West/East, Queenston Road, James Street North Light Rapid Transit (LRT) Corridor (PED15157) (Wards 1, 2, 3 and 4) (Item 8.3)

(Whitehead/Green)

That Item 9 respecting Interim Control By-laws for Certain Lands along Main Street West, King Street West/East, Queenston Road, James Street North Light Rapid Transit (LRT) Corridor be amended by adding subsection (e) as follows:

- (e) That residents who are required to apply to the Committee of Adjustment for a minor variance due to the Interim Control By-laws and are granted a building permit, be reimbursed for the application fee.

To read as follows:

- (a) That staff be directed to undertake a planning review and study to evaluate the Official Plan designations / policies and the Zoning By-law regulations, for the lands generally fronting on Main Street West between Thorndale Street and the 403 Interchange, King Street West between the 403 Interchange and the west side of Queen Street North, King Street East between Wellington Street North to west of Parkdale Avenue, and James Street North between Cannon Street and Strachan Street, to ensure the City's planning documents:
 - (i) support the residential and commercial intensification that is beneficial to transit investment, ridership, strengthening communities and long term prosperity of the City;
 - (ii) do not impede the operation of the Light Rapid Transit (LRT) system;
 - (iii) contribute to city building through the establishment of appropriate built form and urban design requirements;
- (b) That approval be given to City Initiative 15-F to establish an Interim Control By-law pursuant to the provisions of subsection 38(1) of the *Planning Act*, for certain lands subject to Zoning By-law No.6593, generally fronting on Main Street West between Thorndale Street and the 403 Interchange, King Street West between the 403 Interchange and the west side of Queen Street North, King Street East between Wellington Street North to west of Parkdale Avenue, and James Street North between Cannon Street and Strachan Street, on the following basis:
 - (i) That the properties at 1500 Main Street East and 925 Main Street West, be exempt from the Interim Control By-law;
 - (ii) That the Draft By-law, attached as Appendix "A" to Report PED15157, as amended, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
 - (iii) That the proposed Interim Control By-law conforms to the Urban Hamilton Official Plan (UHOP);
- (c) That approval be given to City Initiative 15-F to establish an Interim Control By-law pursuant to the provisions of Section 38(1) of the *Planning Act*, for certain lands subject to Zoning By-law No.05-200, generally fronting on Main Street West between Cootes Drive / Leland Avenue and the 403 Interchange, King Street West between the 403 Interchange and the west side of Queen Street North, King Street East between Wellington Street North to west of Parkdale Avenue, and James Street North between Cannon Street and Strachan Street, on the following basis:

- (i) That the Draft By-law, attached as Appendix “B” to Report PED15157, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (ii) That the proposed Interim Control By-law conforms to the Urban Hamilton Official Plan (UHOP);
- (d) That \$300,000 be transferred from the Aggregate Resources Strategy Capital Account 8140755700 to Zoning By-law Capital Account 8101355100 to finance this work.
- (e) ***That residents who are required to apply to the Committee of Adjustment for a minor variance due to the Interim Control By-laws and are granted a building permit, be reimbursed for the application fee.***

**Amendment CARRIED
Main Motion as Amended CARRIED**

Councillors Partridge, B. Johnson and Collins indicated that they wished to be recorded as OPPOSED to this Item.

10. Alternative Financing for the Work Required for the Interim Control By-laws

(Farr/Ferguson)

That Item 10 respecting Alternative Financing for the Work Required for the Interim Control By-laws be amended by inserting the following words at the end of subsection (b):

“if applicable to the terms and conditions of the Metrolinx Advance”

To read as follows:

- (a) That staff confirm whether the City is in receipt of the \$2,000,000 Metrolinx Light Rail Transit (LRT) Advance;
- (b) In the event that the \$2,000,000 Metrolinx LRT advance has been received, that \$300,000 from the advance be credited to the Aggregate Resources Strategy Capital Account 8140755700 to replenish the funds transferred to the Zoning By-law Capital Account 8101355100 to finance the work required for the Interim Control By-laws, ***if applicable to the terms and conditions of the Metrolinx Advance.***

**Amendment CARRIED
Main Motion as Amended CARRIED**

(B. Johnson/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE (BUDGET) REPORT 15-019**3. Establishment of a West Harbour Development Sub-Committee (Item 4.3)****(B. Johnson/Farr)**

That sub-sections (a) and (b) to Item 3 of the General Issues Committee (Budget) Report 15-019, be amended by deleting the words "General Issues Committee" and replacing them with the words "Planning Committee", to read as follows:

- (a) That a West Harbour Development Sub-Committee, of an appropriate number of Councillors, be established and report regularly to the **Planning Committee**; and,
- (b) That the appropriate staff be directed to draft a Terms of Reference for West Harbour Development Sub-Committee and to report to the **Planning Committee**.

Amendment CARRIED
Main Motion as Amended CARRIED

(B. Johnson/Conley)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 15-020**(B. Johnson/Ferguson)**

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

CARRIED

(Partridge/Jackson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS**7.1 Use of Chat Technology for the Hamilton Youth Advisory Committee Meetings****(Merulla/Jackson)**

WHEREAS, the Hamilton Youth Advisory Committee is a group which enables youth to assist in the identification of issues and the development of solutions;

WHEREAS, participation of youth in the committee process is vital to ensuring those needs are identified and met;

WHEREAS, the Hamilton Youth Advisory Committee is committed to increasing engagement among the City's youth population; and

WHEREAS, it is important that the City of Hamilton provide members of the Hamilton Youth Advisory Committee and youth with options to participate in committee meetings, including using technology;

THEREFORE BE IT RESOLVED:

That staff investigate and report back to the Governance Review Sub Committee on the ability of the City of Hamilton being one of the first municipalities in Canada to broadcast their Youth Advisory Committee meetings using video chat technology in order to enable members of the Hamilton Youth Advisory Committee to join in those meetings for quorum and participation accordingly.

CARRIED

7.2 Objection to the Liquor Licence Application for Coco Bongo Lounge and Dining Located at 303 York Boulevard in the City of Hamilton

(A. Johnson/Farr)

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 Coco Bongo Lounge and Dining located at 303 York Boulevard in the City of Hamilton as the applicant has been found not suitable to possess a liquor licence at this time.

CARRIED

7.3 Hamilton Steelhawks SRAAA Hockey Games – Special Occasion Permit Liquor Licence

(Jackson/Whitehead)

WHEREAS, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Jim Hickey on behalf of Hamilton Steelhawks Hockey Club that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on November 7, 2015 between the hours of 7:00 p.m. and 10:00 p.m.; November 14, 2015 between the hours of 7:00 p.m. and 10:00 p.m. and November 28, 2015 between the hours of 7:00 p.m. and 10:00 p.m. at the Dave Andreychuk Mountain Arena, 25 Hester St, Hamilton, Ontario, during the Hamilton Steelhawks SRAAA Hockey Games 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 Steelhawks SRAAA Hockey Games, being held in Hamilton, Ontario on November 7, 2015; November 14, 2015 and November 28, 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 Steelhawks Hockey Club c/o Jim Hickey, Hamilton, Ontario.

CARRIED

7.4 Filling a Vacancy on CityHousing Hamilton Corporation

(Collins/Pasuta)

WHEREAS, Councillor Duvall has resigned from City Council as of October 22, 2015; and

WHEREAS, Councillor Duvall's resignation has resulted in a vacancy on City Housing Hamilton Corporation.

THEREFORE BE IT RESOLVED:

That Councillor Doug Conley be appointed to the City Housing Hamilton Corporation for the remainder of the term of Council.

CARRIED

7.5 Moratorium on Super Mailboxes

(Whitehead/Jackson)

WHEREAS, following the recent election of the Federal Liberals, a moratorium was placed on the implementation of community mail boxes by Canada Post, and further consultation is to be conducted;

THEREFORE BE IT RESOLVED:

That the City of Hamilton seek through the consultation to clarify the authority of municipalities to regulate the road allowance, through an amendment to the regulations under the Canada Post Act.

CARRIED

NOTICES OF MOTION

Councillor Collins introduced the following Notice of Motion:

8.1 Filling a Vacancy on CityHousing Hamilton Corporation

WHEREAS, Councillor Duvall has resigned from City Council as of October 22, 2015; and

WHEREAS, Councillor Duvall's resignation has resulted in a vacancy on City Housing Hamilton Corporation.

THEREFORE BE IT RESOLVED:

That Councillor Doug Conley be appointed to the City Housing Hamilton Corporation for the remainder of the term of Council.

(Collins/Pasuta)

That the Rules of Order be waived to allow for the introduction of a motion respecting Filling a Vacancy on CityHousing Hamilton Corporation.

CARRIED

For disposition of this matter, refer to Item 7.4.

Councillor Whitehead introduced the following Notice of Motion:

8.2 Moratorium on Super Mailboxes

Whereas following the recent election of the Federal Liberals, a moratorium was placed on the implementation of community mail boxes by Canada Post, and further consultation is to be conducted;

Therefore be it resolved:

That the City of Hamilton seek through the consultation to clarify the authority of municipalities to regulate the road allowance, through an amendment to the regulations under the Canada Post Act.

(Whitehead/Conley)

That the rules of order be waived to allow for the introduction of a motion respecting the Moratorium on the Super Mailboxes.

CARRIED

For disposition of this matter refer to Item 7.5.

STATEMENT BY MEMBERS

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

BY-LAWS

(Merulla/Green)

That Bills No. 15-240 to No. 15-247 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.

- 240** To Amend By-law No. 01-215 Being a By-law to Regulate Traffic Schedule 5 (Stop Signs)
- 241** To Amend By-law No. 01-215 Being a By-law to Regulate Traffic Schedule 2 (Speed Limits)
Schedule 3 (Flashing School Zones – Reduced Speed)
Schedule 13 (Designated Traffic Lanes)
- 242** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 12 (Permit Parking Zones)
Schedule 14 (Wheelchair Loading Zones)
- 243** To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands Located at 623 Upper James Street, Hamilton
ZAC-14-014
- 244** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 72 Wilson Street East (Ancaster)
ZAC-14-041
- 245** To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 6593, in the former City of Hamilton, generally fronting on Main Street West between Thorndale Street and the 403 Interchange; King Street West between the 403 Interchange and the west side of Queen Street North; King Street East between Wellington Street North to west of Parkdale Avenue; and James Street North between Cannon Street to Strachan Street
CI 15-F
- 246** To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 05-200 in the former City of Hamilton: 38 Emerson Street/1349 Main Street West; 700, 1150, 1355 Main Street West; 458, 545 and 570 King Street West; 350, 420 King Street East; 30 Wentworth Street North; 1153 and 1284 Main Street East; and 252-254 James Street North
CI 15-F
- 247** To Confirm the Proceedings of City Council

CARRIED

(Farr/Collins)

There being no further business, that the City Council meeting be adjourned at 7:40 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk