Present: Mayor R. Wade


Absent with regrets: Councillors B. Morelli, D. Braden, R. Powers,

Mayor R. Wade called the meeting to order.

(McCarthy/Dilanni)
That Rule 8.9 of the City’s Procedural By-law be invoked for this meeting of City Council in order to approve the agenda. CARRIED.

APPROVAL OF THE AGENDA

(Caplan/McCarthy)
That the Agenda for the City Council meeting being held on August 22, 2001 be approved as amended. CARRIED.

DECLARATIONS OF INTEREST

Mayor R. Wade requested declarations of interest by members of Council of which there were none.
CEREMONIAL ACTIVITIES

None

APPROVAL OF MINUTES

(Kelly/Horwath)
That the minutes of the meetings of City Council held on July 10, be approved as circulated. CARRIED.

COMMUNICATIONS

(McCarthy/Dilanni)
That Rule 8.9 of the City’s Procedural By-law be invoked for this meeting of City Council in order to allow for the introduction of ten communications. CARRIED

(McCarthy/Dilanni)
That the following be added as communication Items 5.6 to 5.15:

<table>
<thead>
<tr>
<th></th>
<th>Correspondence from John Bryden, M.P. respecting Red Hill Creek Expressway</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.6</td>
<td>Recommendation: Be received.</td>
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<thead>
<tr>
<th></th>
<th>Correspondence from the Honourable David Anderson, Minister of the Environment respecting Red Hill Creek Expressway</th>
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<tbody>
<tr>
<td>5.7</td>
<td>Recommendation: Be received.</td>
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<tr>
<th></th>
<th>Correspondence from Michael J. Williams, Director, Environmental Assessment &amp; Approvals Branch, Ministry of the Environment respecting Ontario Power Generation’s proposal to install Selective Catalytic Reduction Units on its Nanticoke coal-fired power plant</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.8</td>
<td>Recommendation: Be received.</td>
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</tbody>
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<tr>
<th></th>
<th>Correspondence from Wayne Marston, President, Hamilton and District Labour Council respecting Comprehensive By-law to prohibit smoking in all public places</th>
</tr>
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<tbody>
<tr>
<td>5.9</td>
<td>Recommendation: Be received and referred to the Smoking Sub-Committee.</td>
</tr>
</tbody>
</table>

5.10 Correspondence from Paul Milne respecting World Cycling Championships
Recommendation: Be received.

5.11 Correspondence from Mark Shurvin, Chairman, Hamilton Region Conservation Authority respecting Confederation Park - West End Redevelopment
Recommendation: Be received and referred to the Senior Management Team for their consideration.

5.12 Correspondence from Brian Klunder, Special Assistant to the Minister of Transport, to Mr. Harold Kuschnik respecting the Red Hill Creek Expressway
Recommendation: Be received.

5.13 Correspondence from Frank Frawley, Director, Niagara Escarpment Commission, to Jason Thorne, Executive Director, Coalition on The Niagara Escarpment, respecting the Red Hill Creek Expressway
Recommendation: Be received.

5.14 Correspondence from Boris Brott, Artistic Director, Brott Music Festivals, requesting sponsorship of the Brott Summer Music Festival’s post-concert reception on Saturday, August 18, 2001 at Hamilton Place
Recommendation: Be received and referred to the General Manager of Finance and Corporate Services.

5.15 Media Release from the Public Health Department, Regional Municipality of Niagara – “Residents Urged to Avoid Contact with Bats” – August 15, 2001
Recommendation: Be received. CARRIED.

(McCarthy/Dilanni)
That Communications 5.1 to 5.15 inclusive be received and referred as noted. CARRIED.

(Collins/Merulla)
That Council move into Committee of the Whole for consideration of the Hearings Subcommittee and Committee of the Whole Reports. CARRIED.
HEARINGS SUB-COMMITTEE REPORT 01-020

(Collins/Merulla)
That the Twentieth Report of the Hearings Sub-Committee be adopted and the information section received.  CARRIED.

COMMITTEE OF THE WHOLE REPORT 01-025

(Caplan/Jackson)
That the Twenty-fifth Report of the Committee of the Whole be adopted and the information section received.  CARRIED.

MOTIONS

(Caplan/Merulla)
That Rule 8.9 of the City’s Procedural By-law be invoked for this meeting of City Council in order to introduce a motion respecting photo radar.  CARRIED.

(Caplan/Merulla)
Whereas the City of Hamilton is interested in finding ways to help the Hamilton Police Service to efficiently reduce traffic accidents, injuries and fatalities;

Whereas photo radar is a proven automated enforcement of speed violators;

NOW THEREFORE BE IT RESOLVED:

That the City of Hamilton respectfully request the Provincial Government to enact legislation enabling municipalities in Ontario to implement a photo radar program on municipal roads.  CARRIED.

(Collins/Caplan)
That Rule 8.9 of the City’s Procedural By-law be invoked for this meeting of City Council in order to introduce a motion respecting the Taxi Advisory Committee.  CARRIED.

(Collins/Caplan)
That the motion respecting establishing a sub-committee to address the Taxi Reform Issue approved by City Council at its meeting held on July 10, 2001 be amended by adding the name of Councillor Tom Jackson as a member to the Sub-Committee.  CARRIED.

(Ferguson/Kelly)
That Rule 8.9 and 9.9 of the City’s Procedural By-law be invoked for this meeting of City Council in order to introduce a motion respecting "Garner Grove" Draft Plan of Subdivision.  CARRIED.
That Planning and Development Department Report No. PD01049, as deferred at the May 29, 2001 Council Meeting, be approved as submitted, subject to the following amendments:

(a) That approval be given to **Subdivision Application 25T200003, Dreamworks Homes Inc. (Grant Sanders – principal), owner**, to establish a draft plan of subdivision “Garner Grove”, on lands located at 219 Garner Road (Ancaster), as shown on the attached maps marked as Appendices “A” and “B”, subject to the following conditions:

(i) That this approval apply to the plan prepared by Stephen Popovich Associates Inc., and certified by L. G. Woods Surveying Inc., an Ontario Land Surveyor, and dated July 30, 2001 as “Redlined Revision” as submitted to the City of Hamilton, showing eighteen (18) lots for single detached residential development;

(ii) That the owner dedicate sufficient lands to the City of Hamilton by Certificate on the Final Plan to establish the property line 18.29m from the centreline of construction of Garner Road;

(iii) That the owner dedicate to the City of Hamilton by deed on the Final Plan for road widening purposes 15m x 15m daylighting triangles at the intersection of Garner Road West and Street “A”; or alternatively, the owner shall submit detailed Engineering plans of the north-east corner of Garner Road West and Street A based on a report which will address the adequacy of an interim intersection design which will provide for safe vehicular ingress and egress within the limits of the subject lands to the satisfaction of the Manager of Development Engineering;

(iv) That the owner convey by deed to the City of Hamilton a 0.30m reserve adjacent to the widened limits of Garner Road and the daylight triangles;

(v) That the owner agrees that any dead-ends and open sides of road allowance created by this draft plan of subdivision be terminated in 0.3m reserves which shall be to be conveyed by deed to the City of Hamilton;

(vi) That the owner transfer a 9.0 metre easement by deed to the City of Hamilton, shown as Block 23 on the submitted draft plan and provide a suitable access over Block 23 to ensure any future servicing of the sanitary sewer to the satisfaction of the Manager of Development Engineering;

(vii) The owner transfer any easements required for utility purposes to the appropriate authority;
(viii) The owner shall prepare a plan showing the design and location of siltation and erosion control devices in accordance with the “Keeping Soils On Construction Sites” Manual to the satisfaction of the Manager of Development Engineering;

(ix) The owner agrees that the Final Plan will not be registered until a servicing report which shall address the future sanitary flow upstream of the proposed development has been approved, to the satisfaction of the Manager of Development Engineering;

(x) The owner agrees that the Final Plan of “Garner Grove Estates” will not be registered until sanitary sewers and watermains have been constructed to the limits of the draft plan of subdivision to the satisfaction of the Manager of Development Engineering;

(xi) The owner shall submit a site specific Storm Water Management Report addressing the ultimate stormwater management scenario in accordance with the current Municipal and Provincial guidelines and the Garner Neighbourhood Master Drainage Plan, as prepared by Philips Engineering Ltd. Notwithstanding the requirements of the Master Drainage Plan, the above noted Report may recognize the necessity for a provision of an interim stormwater management scenario, wherein sufficient back-up information shall be required to verify that the interim solution can be adequately addressed to the satisfaction of the Manager of Development Engineering;

(xii) The owner agrees that the Storm Water Management report shall determine what impacts the runoff from the site will have on the water course downstream of the development and provide recommendations for any necessary mitigative measures to the satisfaction of the Manager of Development Engineering;

(xiii) That the owner agrees that the Storm Water Management report shall include “Best Management Practices” recommendations to be implemented within the development to the satisfaction of the Manager of Development Engineering;

(xiv) That the owner prepare a Geotechnical Report to determine the soils conditions and to provide data indicating those soils characteristics are conducive to the recommendations in the Storm Water Management Report and the proposed “Best Management Practices” to the satisfaction of the Manager of Development Engineering;

(xv) That the owner agrees to provide a proportionate cash contribution for the construction of the future storm water management facilities, including land costs required in the Garner Neighbourhood Master Drainage Plan (MDP) as prepared by Philips Engineering Ltd. if deemed necessary by the Manager of Development Engineering;
(xvi) That the owner agrees that the lots and blocks be developed with full municipal services to the satisfaction of the Manager of Development Engineering;

(xvii) That the owner agrees that storm sewers are taken to proper outlets at stormwater management facilities to the satisfaction of the Manager of Development Engineering;

(xviii) That the owner agrees that all road allowances, having a minimum 20 metre right-of-way width, be dedicated by certificate on the plan to the City of Hamilton as public highways on the final plan;

(xix) That the owner agrees that all roads shall be constructed to the current standard drawings and specifications to the satisfaction of the Manager of Development Engineering;

(xx) That the owner shall submit detailed engineering design drawings to current City of Hamilton standards and to the satisfaction of the Manager of Development Engineering;

(xx) That the owner agrees that all street lighting shall be provided and installed to proper urban standards throughout the subdivision and along the north side of Garner Road at the expense of the owner, to the satisfaction of the Manager of Development Engineering;

(xxii) That the streets are to be named to the satisfaction of the City of Hamilton;

(xxiii) That sidewalks be provided on the north side of Garner Road, both sides of Street “A”, the west side of Street “B” and the north side of Street “C”;

(xxiv) That the owner agrees that the length of Street “A” between Garner Road and the first cross street must be sufficient in length to accommodate the maximum number of queuing vehicles anticipated on the side street at such time as this entire residential area is developed to the satisfaction of the Manager of Development Engineering;

(xxv) That the owner submit a detailed traffic and capacity analysis study and implement the recommendations of the Traffic Study to the satisfaction of the Manager of Development Engineering;

(xxvi) That the owner agrees that the Final Plan will not be registered until a detailed grading plan has been approved, which shall include details as to how the grading of the subdivision lands shall be integrated with the widened road allowance of Garner Road and the adjacent lands, to the satisfaction of the Manager of Development Engineering;
(xxvii) That the owner be responsible for all costs for the regrading of the Garner Road road allowance including the widening, the relocation of utilities, tree removal and replacement, etc. as required to provide the motorist sight lines entering Garner Road from Street “A”, to the satisfaction of the Manager of Development Engineering;

(xxviii) That the owner submit a detailed Landscape and Tree Preservation Plan, which shall indicate which dead or diseased trees shall be removed from the property and from within the road allowances, to the satisfaction of the Manager of Forestry, Community Services Department;

(xxix) That the owner install a 1.5m high chain link fence along the lot lines adjacent to the park;

(xxx) That the owner shall install a minimum 1.8 high metre solid board fence adjacent to the abutting lands to the east;

(.xxx) That the owner convey 5% cash-in-lieu of parkland dedication to the City of Hamilton;

(.xxxi) That the owner prepare a municipal street numbering plan to the satisfaction of the Director of Development, Planning and Development Department;

(.xxxii) That the owner shall erect a sign in accordance with Section XI of the Subdivision Agreement prior to the issuance of a final release by the City of Hamilton;

(.xxxiii) That the final plan conform to Town of Ancaster Zoning By-law No. 87-57;

(.xxxiv) That a certified list of all lots and blocks showing lot frontages and areas, as prepared by an Ontario Land Surveyor, be submitted to the satisfaction of the City of Hamilton;

(.xxxv) That the owner shall provide a detailed Noise Impact Study addressing the impacts of road traffic and air traffic on this development prior to the registration of the final plan of subdivision, to the satisfaction of the Municipality and all other appropriate agencies. All noise mitigation measures required shall be undertaken at the expense of the owner. Air traffic noise shall be addressed in conjunction with the latest Noise Exposure Forecast (NEF) contour mapping;

(.xxxvii) The owner submit a Groundwater Study, which will assess the impact that the proposed development would have on the water supply and the sewage disposal systems on the adjacent properties. Pending the outcome of the Study, the applicant/owner shall propose appropriate mitigative measures to address any identified concerns, to the satisfaction of the Manager of Development Engineering;
(xxxviii) That the owner agree in writing to satisfy all requirements, financial and otherwise, of the City of Hamilton prior to development of any portion of the subject lands;

(xxxix) That the owner be required to enter into a Subdivision Agreement with the City of Hamilton prior to development of any portion of the subject lands;

(xl) That the owner submit a stormwater management report and plans for Ministry of Transportation of Ontario (MTO) review and approval, to specifically address any proposed site flows via MTO property (including culverts);

(xli) That the owner prepare and implement an erosion and sediment control plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan should include the following notes:

(xlii) That all erosion and sediment control measures shall be installed prior to development and maintained throughout the construction process, until all disturbed areas have been re-vegetated;

(xliii) That all erosion and sediment control measures shall be inspected after each rainfall to the satisfaction of Authority staff;

(xliv) That any disturbed area not scheduled for further construction within 45 days will be provided with a suitable temporary mulch and seed cover within 7 days of the completion of that particular phase of construction; and,

(xlv) That all disturbed areas shall be re-vegetated with permanent cover immediately following completion of construction.

(xlvi) That the owner prepare and implement a stormwater management plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority. The approved plan shall address storm water quantity and quality issues and will ensure that current Provincial drainage and stormwater quality guidelines are implemented. The master drainage plan for this area should be consulted when preparing the required stormwater management plan;

(xlvii) That the owner prepare and implement a tree preservation and planting plan for the subject property to the satisfaction of the Hamilton Region Conservation Authority;

(xlviii) That the owner pay the required commutation amount of Local Improvement Charges to the Finance Department;
(xlix) That the owner connect any proposed or existing development to full municipal services to the satisfaction of the Manager of Development Engineering;

(l) That the owner ensure that any existing abandoned wells be properly decommissioned in accordance with Ministry of Environment (MOE) guidelines;

(li) That the owner ensure that any existing Class 4 septic tanks and class 5 holding tanks be pumped out by a licensed sewage hauler, to the satisfaction of the MOE;

(lii) That the owner agrees to provide Canada Post facilities as required by Canada Post Corporation and to locate these facilities to the satisfaction of the City of Hamilton and Canada Post. The facilities are to be installed as part of the installation of Public Works;

(liii) That Bell Canada shall confirm that satisfactory arrangements, financial and otherwise, have been made with Bell Canada for any Bell Canada facilities serving this draft plan of subdivision which are required by the Municipality to be installed underground; a copy of such confirmation shall be forwarded to the City of Hamilton;

(liv) That the owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. If there are any conflicts with Bell Canada facilities or easements, the owner/developer shall be responsible for rearrangements or relocation;

(b) That approval be given to Zoning Application ZB-00-10, Dreamworks Homes Ltd. (Grant Sanders – principal), owner, for a change in zoning from “A-216” (Agricultural) District to “R2” (Residential) District for lands located at 219 Garner Road (Ancaster), as shown on the attached map marked as Appendix “B” on the following basis:

(i) That the subject lands be rezoned from “A-216” (Agricultural) District to the “R2” (Residential) District;

(ii) That the “R2” (Residential) District regulations, as contained in Section 11.2 of Zoning By-law No.87-57 (Ancaster) applicable to the subject lands be amended to the extent of the following special requirement:

1.0 notwithstanding Section 11.2.2 (b), the minimum lot frontage shall be 21 metres, except that one lot may have a lot frontage no less than 18 metres.
(iii) That the General Manager of the Planning and Development Department be authorized and directed to prepare a By-law to amend Zoning By-law No. 87-57 (Ancaster) in a form satisfactory to Corporate Counsel for presentation to City Council;

(iv) That the proposed change in zoning is in conformity with the Official Plan for the Ancaster Planning Area; and,

(v) That the amending By-law be added to Schedule 1, Map 1: Urban Area of Ancaster Zoning By-law No. 87-57. CARRIED.

GENERAL INFORMATION

The following issues were raised under general information:

1. Mustard Festival - August 30, 2001 - September 1, 2001
2. Winona Peach Festival - August 24, 2001 - August 26, 2001

BY-LAWS

(Collins/Kelly)

That the following be added as Bills No. 181 to 206, be passed and that the corporate seal be affixed thereto and the by-laws be signed by the Mayor and the City Clerk, and numbered as 01-181 to 01-206:

01-181 A By-law to amend By-law 01-157 ( Levy the Rates of Taxation for the Year 2001).

01-182 A By-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act, R.S.O. 1990.

01-183 A By-law to provide tax assistance to certain elderly and disabled residents who are owners of real property in the New City of Hamilton.

01-184 A By-law to Appoint Municipal Law Enforcement Officers for the City of Hamilton.

01-185 A By-law to Amend By-law No. 89-72 (Hamilton), as amended.

01-186 A By-law respecting removal of Part Lot Control for land within “Governor's Lane Estates – Phase II, Stage 2” Registered Plan of Subdivision 62M-735.

01-187 A By-law respecting removal of Part Lot Control for lands within “Shadyglen Stage 1” Registered Plan of Subdivision 62M-918.
01-188 A By-law to amend By-law No 76-46 (Ancaster), as amended, to Regulate Traffic.

01-189 A By-law to amend By-law No. 89-72 (Hamilton), as amended, to Regulate Traffic.

01-190 A By-law to incorporate city land designated as Part 1 on Plan 62R-15251 into Beddoe Drive.

01-191 A By-law to incorporate city land designated as Part 1 on 62R-10277 into Centennial Parkway.

01-192 A By-law to incorporate city land designated as Block 33 on 62M-744 into Chudleigh Street.

01-193 A By-law to incorporate city land designated as Part 13 on 62R-11054 into Fieldway Drive.

01-194 A By-law to amend Zoning By-law No. 87-57 (Ancaster), as amended respecting lands located at 120 Wilson Street West. (former Town of Ancaster)

01-195 A By-law to amend Zoning By-law No. 87-57 (Ancaster), as amended respecting lands located at 600 Old Dundas Road. (former Town of Ancaster)

01-196 A By-law to Adopt Amendment No. 80 to the Official Plan for the Town of Ancaster.

01-197 A By-law to Adopt Amendments to The Downtown Hamilton Community Improvement Plan.

01-198 A By-law to amend Zoning By-law No. 6593 (Hamilton) respecting lands located at Municipal No. 130 Edgehill Drive.

01-199 A By-law respecting removal of Part Lot Control for lands within “Rymal Square Estates, Phase 4” Registered Plan of Subdivision 62M-743.

01-200 A By-law respecting removal of Part Lot Control for lands within “Scenic Park South, Phase 2” Registered Plan of Subdivision 62M-929.

01-201 A By-law respecting the exemption of lands from Part Lot Control for lands within “Wellington Estates, Phase 2” Registered Plan of Subdivision 62M-905.

01-202 A By-law to Adopt Official Plan Amendment No. 173 to the City of Hamilton Official Plan respecting lands located west of Upper James and north of Blossom Lane.
A By-law to amend Zoning By-law No. 6593 (Hamilton) respecting lands located at Municipal No. 1224 Upper James Street.

A By-law to Amend By-law No. 3366-82 (Dundas), as amended, By-law 90-31-T (Flamborough), as amended, By-law No. 4818-98 (Stoney Creek), as amended, By-law 89-72 (Hamilton), as amended, and By-law No. R89-038 (Hamilton-Wentworth), as amended.

A By-law to Amend By-law No. 89-72 (Hamilton), as amended.

A By-law to Confirm the Proceedings of City Council CARRIED.

On motion (D'Amico/Ferguson) Council adjourned at 11:45 p.m. CARRIED

Mayor

City Clerk