Mayor Bratina called the meeting to order and called upon Reverend Jeffrey Johnston of the King's View Community Church in Stoney Creek, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **ADDED CORRESPONDENCE**

   5.5 Correspondence respecting request for reconsideration of the Responsible Animal Ownership By-law:

   (t) Corrine Borsellino
   (u) Patricia Parkes
   (v) Peter Newton
   (w) Wade Armstrong
   (x) Kent Hunter Duvar
   (y) Cathy Anstee

   Recommendation: Be received

   5.9 Correspondence from the Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities, in response to the December 19, 2011 letter outlining Council’s resolutions regarding municipal infrastructure funding.

   Recommendation: Be received
5.10 Correspondence from Herman Demirici requesting the Expansion of Downtown Hamilton Financial Incentives to the Downtown areas of Former Municipalities.

Recommendation: Be referred to the General Manager of Planning & Economic Development for a report to the General Issues Committee.

5.11 Correspondence from Murray Noble, Senior Vice-President Infrastructure, Toronto 2015 Pan/Parapan Am Games, seeking expressions of interest to locate and build a venue for baseball and softball.

Recommendation: Be referred to the General Manager of Public Works for a report to the General Issues Committee.

5.12 Correspondence from Georgina Beattie requesting the budgeting of funds in 2012 towards Fifty Road Development.

Recommendation: Be received

5.13 Correspondence from Phyllis Kraemer, President Downtown Dundas Business Improvement Area respecting Food Truck Licensing in Hamilton.

Recommendation: Be referred to the General Manager of Planning & Economic Development for a report to the Planning Committee

2. AMENDMENT TO CORRESPONDENCE ITEM 5.8

The Recommendation of Item 5.8 was changed to read as follows:

5.8 Correspondence from Robert Finch and Jeff Thiessen of the Monarchist League of Canada, Ruth Nicholson of the United Empire Loyalist Association of Canada respecting commemorating the Diamond Jubilee of Queen Elizabeth II in renovations to Gore Park.

Recommendation: Be referred to the General Manager of Planning and Economic Development for a report to the Emergency and Community Services Committee.

3. ADDED NOTICE OF MOTION

8.1 2012 Budget Approval Delay - Board & Agencies

4. ADDED PRIVATE AND CONFIDENTIAL

10.1 Proposed or pending Acquisition or disposition of Land for City purposes
That the Agenda for the City Council meeting being held on March 7, 2012, be approved, as amended.

DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest respecting Item 7 of Planning Committee Report 12-003, as his family is involved with one of the businesses (taxi) whose fees are being reviewed.

Councillor Ferguson declared a conflict of interest respecting Item 7.5 respecting Caterpillar Corporation’s Breach of the Investment Canada Act, as his daughter is an employee of Toromont.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

4.1 February 22, 2012

(Clark/Morelli)
That the Minutes of the February 22, 2012, meeting of Council be approved, as presented.

COMMUNICATIONS

(Clark/Pearson)
That Council Communications 5.1 through 5.13 be approved, as amended, as follows:

5.1 Correspondence respecting the Municipal Property Assessment Corporations classification of condominiums as residential properties:

(a) David & Linda Faulkner
(b) Laurel Fenton

Recommendation: Be received and referred to the Audit, Finance and Administration Committee which will be considering this issue on April 10, 2012.

5.2 Correspondence from Dr. Lynda Lukasik, Executive Director Environment Hamilton respecting recognizing February 28, 2012 as Greenbelt day.

Recommendation: Be received.

5.3 Correspondence from Harold W. Becker, President of the Love Foundation respecting recognizing May 1, 2012 as Global Love Day.
Recommendation: Be received.

5.4 Petition from the Developmental Services Transportation Committee in support of the Accessible Transportation Services Master Plan and changes to the eligibility and registration requirements.

Recommendation: Be received.

5.5 Correspondence respecting request for reconsideration of the Responsible Animal Ownership By-law:

(a) Eric Heyer
(b) Ryan Ruthart
(c) Ron Bernardo
(d) Kaytee Shulman
(e) Sam Lang
(f) Shelly Prodaniuk
(g) O. Bobeleh
(h) Mariann Horvath
(i) John Ticki
(j) Mandy Grieve
(k) April Windus
(l) Carrie Sims
(m) LeeAnn Watson
(n) Kari Gruneberg
(o) Teresa Barry Long
(p) Justin Brines
(q) Sara Moffat
(r) Cassandra Jewell
(s) Juliane Gruneberg
(t) Corrine Borsellino
(u) Patricia Parkes
(v) Peter Newton
(w) Wade Armstrong
(x) Kent Hunter Duvar
(y) Cathy Anstee

Recommendation: Be received.

5.6 Correspondence from Karen Dowell of the Parkinson Society, Central and Northern Ontario respecting recognizing April as Parkinson Disease Month.

Recommendation: Be received.

5.7 Correspondence from Lisa Valvasori of the Boys and Girls Clubs of Hamilton requesting 400 public transit passes for the Race for Kids event on June 2, 2012.

Recommendation: Be referred to the General Manager of Public Works for the appropriate action.
5.8 Correspondence from Robert Finch and Jeff Thiessen of the Monarchist League of Canada, Ruth Nicholson of the United Empire Loyalist Association of Canada respecting commemorating the Diamond Jubilee of Queen Elizabeth II in renovations to Gore Park.

Recommendation: Be referred to the General Manager of Planning and Economic Development and the General Manager of Public Works for a report to the Emergency and Community Services Committee.

5.9 Correspondence from the Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities, in response to the December 19, 2011 letter outlining Council’s resolutions regarding municipal infrastructure funding.

Recommendation: Be received

5.10 Correspondence from Herman Demirci requesting the Expansion of Downtown Hamilton Financial Incentives to the Downtown areas of Former Municipalities.

Recommendation: Be referred to the General Manager of Planning & Economic Development for a report to the General Issues Committee.

5.11 Correspondence from Murray Noble, Senior Vice-President Infrastructure, Toronto 2015 Pan/Parapan Am Games, seeking expressions of interest to locate and build a venue for baseball and softball.

Recommendation: Be referred to the General Manager of Public Works for a report to the General Issues Committee.

The recommendation was **DEFEATED** on the following Standing Recorded Vote:

- **Yea**: Bratina, Duvall, Farr, Ferguson, Jackson, Powers, Pasuta, Whitehead
  - Total: 8
- **Nay**: Morelli, Partridge, Clark, Pearson, Collins, McHattie, Johnson, Merulla
  - Total: 8

5.12 Correspondence from Georgina Beattie requesting the budgeting of funds in 2012 towards Fifty Road Development.

Recommendation: Be received

5.13 Correspondence from Phyllis Kraemer, President Downtown Dundas Business Improvement Area respecting Food Truck Licensing in Hamilton.

Recommendation: Be referred to the General Manager of Planning & Economic Development for a report to the General Issues Committee

Amendment **CARRIED**

Motion as Amended **CARRIED**
That Council move into Committee of the Whole for consideration of the Committee Reports.  

**CARRIED**

**HAMILTON LICENSING TRIBUNAL REPORT 12-002**

(Whitehead/Duvall)  
That the SECOND Report of the Hamilton Licensing Tribunal be adopted, and the information section received.  (Attached hereto)  

**CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 12-006**

(Bratina/Partridge)  
That the SIXTH Report of the General Issues Committee be adopted and the information section received.  (Attached hereto)  

**CARRIED**

**PLANNING COMMITTEE REPORT 12-003**


(Merulla/Pearson)  
That Item 9 be deleted in its entirety and replaced with the following therein:

(a) That the City of Hamilton consents to the settlement with Paletta International Corporation and P&L Livestock Limited respecting their appeal of the Severance policies of the Rural Hamilton Official Plan, as set out in the draft revised policy text to the Rural Hamilton Official Plan provided to the Planning Committee on February 28, 2012 by the City Solicitor;

(b) That the revised policy text to the Rural Hamilton Official Plan be in the form as provided to the Planning Committee on February 28, 2012 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;

(c) That the City Solicitor or his delegate is hereby authorized to present the aforesaid settlement to the Ontario Municipal Board, with support from City staff as deemed appropriate;

(d) That the City Solicitor or his delegate is hereby authorized to settle the remaining matters regarding the Severance policies to the Rural Hamilton Official Plan by Paletta International Corporation and P&L Livestock Limited, provided any settlement is confirmed by the General Manager, Planning and Economic Development or his delegate, and by the Chair of Planning Committee.

Amendment CARRIED  
Motion as Amended CARRIED

(Merulla/Pearson)
That Item 10 be deleted in its entirety and replaced with the following therein:

(a) That the City of Hamilton consents to the settlement with Stone, Sand and Gravel Association, St. Mary’s Cement (Canada) Inc., Lafarge Canada Inc., and Dufferin Aggregates, a Division of Holcim (Canada) Inc., respecting their appeal of the Natural Heritage policies of the Rural Hamilton Official Plan, as set out in the draft revised policy text to the Rural Hamilton Official Plan provided to the Planning Committee on February 28, 2012 by the City Solicitor;

(b) That the revised policy text to the Rural Hamilton Official Plan be in the form as provided to the Planning Committee on February 28, 2012 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;

(c) That the City Solicitor or his delegate is hereby authorized to present the aforesaid settlement to the Ontario Municipal Board, with support from City staff as deemed appropriate.

Amendment CARRIED
Motion as Amended CARRIED

Item 11 Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock (PL090114) (Item 12.4)

(Merulla/Pearson)
That Item 11 be deleted in its entirety and replaced with the following therein:

(a) That the City of Hamilton consents to the settlement with Paletta International Corporation and P&L Livestock Limited respecting their appeal of the Natural Heritage policies of the Rural Hamilton Official Plan, as set out in the draft revised policy text to the Rural Hamilton Official Plan provided to the Planning Committee on February 28, 2012 by the City Solicitor;

(b) That the revised policy text to the Rural Hamilton Official Plan be in the form as provided to the Planning Committee on February 28, 2012 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;

(c) That the City Solicitor or his delegate is hereby authorized to present the aforesaid settlement to the Ontario Municipal Board, with support from City staff as deemed appropriate;

(d) That the City Solicitor or his delegate is hereby authorized to settle the remaining matters regarding the Natural Heritage policies to the
Rural Hamilton Official Plan by Paletta International Corporation and P&L Livestock Limited, provided any settlement is confirmed by the General Manager, Planning and Economic Development or his delegate, and by the Chair of Planning Committee.

Amendment CARRIED
Motion as amended CARRIED

(Farr/McHattie)
That the THIRD Report of the Planning Committee be adopted, as amended, and the information section received. (Attached hereto) CARRIED

PUBLIC WORKS COMMITTEE REPORT 12-003

(McHattie/Farr)
That the THIRD Report of the Public Works Committee be adopted and the information section received. (Attached hereto) CARRIED

BOARD OF HEALTH REPORT 12-002

Information Item (d)(ii) Prohibiting Smoking Within City Parks and Recreation Properties

(McHattie/Farr)
That Information Item (d)(ii), respecting Prohibiting Smoking Within City Parks and Recreation Properties, be lifted from the information section and added as Item 5 to the Board of Health Report 12-002.

5. Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(f)) (City Wide) (Item 8.2)

That Report BOH07034(f) Prohibiting Smoking Within City Parks and Recreation Properties, be referred back to staff for further revision, and report back to the April 16, 2012 Board of Health meeting. CARRIED

(McHattie/Farr)
That Item 5 of the Board of Health Report 12-002 be amended by deleting the words “April 16, 2012” and replaced with the words “October 15, 2012” to read as follows:

5. Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(f)) (City Wide) (Item 8.2)

That Report BOH07034(f) Prohibiting Smoking Within City Parks and Recreation Properties, be referred back to staff for further revision, and report back to the October 15, 2012 Board of Health meeting. CARRIED
That the SECOND Report of the Board of Health be adopted, as amended, and the information section received. (Attached hereto) **CARRIED**

**MOTIONS**

7.1 **Recording of Closed Session Meetings**

(Merulla/Collins) That the City Clerk be directed to investigate the possibility of recording the Closed Session Meetings of Committee and Council and provide a report to the Governance Committee outlining any implications with respect to implementing such a process. **CARRIED**

7.2 **Review of the Investment Canada Act**

Councillor Whitehead indicated he wished to leave this Item as a notice of motion until the next meeting.

7.3 **Hamilton Wentworth District School Board (HWDS) Task Force to Explore Downtown Locations for HWDSB Headquarters**

(Farr/McHattie) Whereas, effective Monday, February 27th, the Hamilton Wentworth District School Board Trustees voted in favour of forming a Task Force with the City, charged with exploring downtown locations, including a City Hall Tower Two site, as an alternative to Crestwood (Ward 7) for the HWDSB Board of Education Headquarters;

And Whereas, the timeframe for this Task Force to carry out its mandate is limited to 30 days and a concerted effort by all qualified parties will require a fast and efficient approach;

And Whereas, Councillor B. McHattie (Ward 1) and Councillor J. Farr (Ward 2) have agreed to divide equally, any costs associated with the Task Force’s objective with funds from the Ward 1 and Ward 2 Area Rating Reserve;

And Whereas, the expertise of staff from the appropriate departments is paramount, given the important tight timelines and the over-all objective of the Task Force.

Therefore, be it resolved:
(a) That appropriate staff from various departments be identified and seconded, at the earliest convenience, to work with the Hamilton Wentworth District School Board Trustees and staff in an effort to find a suitable Downtown Hamilton location for the Hamilton Wentworth District School Board Headquarters;

(b) That any costs associated with the objectives of the Task Force be funded equally from the Wards 1 and 2 Area Rating Reserve.

(McHattie/Farr)
That Motion 7.3 be amended by deleting subsection (a) in its entirety and replacing it with the following subsections (a) and (b) and renumbering the current subsection (b) to subsection (c) to now read as follows:

(a) That a Joint City of Hamilton and Hamilton-Wentworth District School Board Task Force be established to pursue keeping the Hamilton-Wentworth District School Board staff downtown;

(b) That the Joint Task Force be comprised of Councillors J. Farr, B. McHattie and Hamilton-Wentworth District School Board Trustees Tim Simmons and Karen Turkstra, who were chosen by the Board, and appropriate staff from both the City of Hamilton and the Board;

(c) That any costs associated with the objectives of the Task Force be funded equally from the Wards 1 and 2 Area Rating Reserve.

(Johnson/Clark)
That the following subsections (d) and (e) be added:

(d) That the Joint City of Hamilton and Hamilton-Wentworth District School Board Task Force report to the General Issues Committee;

(e) That the Joint City of Hamilton and Hamilton-Wentworth District School Board Task Force present a Terms of References which include the scope and anticipated costs associated with the objectives of the Task Force to the General Issues Committee.

Amendment CARRIED
Motion as Amended CARRIED

7.4 Declaration of Interest – Integrity Commissioner

(Pearson/Clark)
That Earl Basse, Integrity Commissioner for the City of Hamilton, be requested to attend a meeting of the General Issues Committee to explain/clarify the policy on Declaration of Interest issues where Council members need to declare a conflict on specific issues, but have to withdraw from discussion on the whole report that may include other areas of interest, but not a conflict situation.

CARRIED
7.5  Caterpillar Corporation’s Breach of the Investment Canada Act

(Merulla/Collins)
That the Motion respecting Caterpillar Corporation’s Breach of the Investment Canada Act be lifted from the TABLE.  CARRIED

Councillor Merulla read into the public record a letter from Ken Lewenza, the National President of the Canadian Auto Workers (CAW) regarding the closure of Caterpillar’s London facility. A copy was attached to the following motion:

(Merulla/Collins)
Whereas the Caterpillar Corporation has allegedly breached the Investment Canada Act, and has been subsidized by Canadian taxpayers who have been betrayed by the closure of its Caterpillar Plant in London, Ontario.

Therefore be it resolved:
That the City of Hamilton review its policy related to any business relationship with the Caterpillar Corporation and boycott Caterpillar and encourage all Hamilton, Ontario and Canadian businesses from doing business with the Caterpillar Corporation.

(Pearson/Clark)
That the question be called.  CARRIED

(Merulla/Collins)
That the City of Hamilton review its policy related to any business relationship with the Caterpillar Corporation and boycott Caterpillar and encourage all Hamilton, Ontario and Canadian businesses from doing business with the Caterpillar Corporation.

The Motion was DEFEATED on the following Standing Recorded Vote:

Yeas: Duvall, Collins, Merulla, McHattie
Total: 4
Nays: Bratina, Powers, Farr, Morelli, Partridge, Clark, Pearson, Jackson, Johnson, Pasuta, Whitehead
Total: 11
Abstained Ferguson
Total 1

7.6  2012 Budget Approval Delay - Board & Agencies

(Pearson/Clark)
That due to the delay in the 2012 Budget Approval, staff be directed to issue payment to Boards & Agencies where it can be proven that the delay will cause cash flow issues to the recipients.
That due to the delay in the 2012 Budget Approval, staff be directed to issue payment to Opera Hamilton where it can be proven that the delay will cause cash flow issues to the recipients.

The Motion, as amended, **CARRIED** on the following votes:

**Yeas:** Bratina, Powers, Farr, Morelli, Partridge, Clark, Pearson, Collins, Johnson, Pasuta, Duvall, Merulla, McHattie, Ferguson

**Total:** 14

**Nays:** Whitehead, Jackson

**Total:** 2

### NOTICES OF MOTION

#### 8.1 2012 Budget Approval Delay - Board & Agencies

Councillor Pearson presented the following Notice of Motion:

That due to the delay in the 2012 Budget Approval, staff be directed to issue payment to Boards & Agencies where it can be proven that the delay will cause cash flow issues to the recipients.

**(Pearson/Clark)**

That the Rules be waived to allow the introduction of a Motion respecting 2012 Budget Approval Delay - Board & Agencies.

The Motion **CARRIED** on the following votes:

**Yeas:** Bratina, Powers, Farr, Morelli, Partridge, Clark, Pearson, Collins, Johnson, Pasuta, Duvall, Merulla, McHattie, Ferguson, Jackson

**Total:** 15

**Nays:** Whitehead

**Total:** 1

For disposition on this matter refer to Item 7.6.

### STATEMENT BY MEMBERS

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

### PRIVATE AND CONFIDENTIAL

**(Ferguson/Partridge)**
That Council move into Closed Session at 8:15 p.m. pursuant to Section 8 (c) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to proposed or pending acquisition or disposition of land for City purposes.

CARRIED

Council reconvened in Open Session at 8:22 p.m.

Direction was given to staff in Closed Session with nothing to report in Open Session.

BY-LAWS

(Johnson/Pearson)
That Bills No. 053 to 059 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk and read as follows:

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>053</td>
<td>To Amend By-laws 09-143, 11-174 and 11-175, Respecting Development Charges on Lands within the City of Hamilton</td>
</tr>
<tr>
<td>054</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits</td>
</tr>
<tr>
<td>055</td>
<td>To Incorporate City Land Designated as Block 41 on Plan 62M-887 into Morgante Court</td>
</tr>
<tr>
<td>056</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking Schedule 6 – Time Limit Parking Schedule 12 – Permit Parking Zones</td>
</tr>
<tr>
<td>057</td>
<td>To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 33 Fall Fair Way</td>
</tr>
<tr>
<td>059</td>
<td>To Confirm the Proceedings of City Council</td>
</tr>
</tbody>
</table>

CARRIED

(Jackson/McHattie)
That, there being no further business, the City Council meeting adjourned at 8:25 p.m.

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
March 7, 2012
THE HAMILTON LICENSING TRIBUNAL PRESENTS REPORT 12-002 AND RESPECTFULLY RECOMMENDS:

1. SHOW CAUSE HEARING - David Twitchett, respecting a City of Hamilton Mobile Licence – Taxi Cab Driver (Item 4.2)
   
   (a) That the Taxi Cab Driver Licence (No. 11 279734 2M) issued to David Twitchett be suspended effective immediately and until such time as it expires on March 22, 2012.

   (b) That the City of Hamilton not accept a renewal application for a Taxi Cab Driver Licence from David Twitchett until such time as the Courts have rendered their final decision respecting the current charges against Mr. Twitchett.
(c) That, upon the Courts final decision, respecting the current charges against David Twitchett, the appellant be permitted to submit a renewal application for a Taxi Cab Driver Licence.

The above recommendations are based upon the following reasons:

It is the opinion of the Hamilton Licensing Tribunal that public safety could be at risk; and, 

It is the opinion of the Hamilton Licensing Tribunal that the conduct of the person affords reasonable grounds for belief that the person will not carry on or engage in this business in accordance with the law.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Tribunal Clerk advised of the following changes to the agenda:

(i) Added as Item 4.3 – Motion to Request an Extension of the Appeal Period, submitted by Kahlil Raghunan, 1837392 Ontario Inc. operating as Rok Bar Hamilton, located at 15 Hess Street South, Hamilton, Ontario

(ii) Added as Item 4.4 – Motion to Request an Extension of the Appeal Period, submitted by Colin MacDonald, Taxi Cab Driver Licence

The February 23, 2012 agenda for the Hamilton Licensing Tribunal was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF THE MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) January 10, 2012 (Item 3.1)

The Minutes of the January 10, 2012 meeting of the Hamilton Licensing Tribunal were approved, as presented.
(d) ADJOURNMENT REQUEST - APPEAL HEARING: Nicholas T. Macos, Black, Sutherland LLP, on behalf of Peter Gassner, respecting the Refusal of an Application for a City of Hamilton Adult Film Theatre Establishment Licence, for 501857 New Brunswick Limited operating as Show World, located at 61 King Street East, Hamilton, Ontario (Item 4.1)

That the adjournment request to the April 12, 2012 hearing date, submitted by Nicholas T. Macos, Black, Sutherland LLP, on behalf of Peter Gassner, respecting the Refusal of an Application for a City of Hamilton Adult Film Theatre Establishment Licence, for 501857 New Brunswick Limited operating as Show World, located at 61 King Street East, Hamilton, Ontario, be approved.

(e) SHOW CAUSE HEARING - David Twitchett, respecting a City of Hamilton Mobile Licence – Taxi Cab Driver (Item 4.2)

On February 3, 2012, the Director of Municipal Law Enforcement sent correspondence, to the Legislative Coordinator for the Hamilton Licensing Tribunal, requesting that pursuant to Section 14(1) of the General Provisions of the City of Hamilton Licensing By-Law 07-170, as amended, a Show Cause hearing be scheduled and brought before the Hamilton Licensing Tribunal to consider whether the above referenced licence should be revoked or suspended or conditions imposed.

Pursuant to Section 8 of the Statutory Powers Procedure Act, R.S.O. 1990, c. S22, the grounds for revocation or suspension or the imposition of conditions at this hearing are:

- City of Hamilton Licensing By-law 07-170, Section 14(1)(f), as amended: In the opinion of the Issuer of Licenses, the business would put public safety at risk; and,

- City of Hamilton Licensing By-law 07-170, Section 14(1)(g), as amended: In the opinion of the Issuer of Licenses, the business is not or will not be carried on in compliance with the law, or the conduct of the person affords reasonable grounds for belief that the person will not carry on or engage in this business in accordance with the law.

Namely,

On October 7, 2011, Mr. David Twitchett allegedly assaulted an individual, and was charged with Assault Level One by Hamilton Police Service.

Mr. Ormond provided his Opening Statement. Mr. Ormond’s comments included, but were not limited to, the following:
Mr. Ormond advised the Tribunal that he had a brief discussion with David Twitchett just prior to today’s hearing and noted strong odour of alcohol emanating from Mr. Twitchett.

Mr. Twitchett was then asked by the Tribunal if he had been drinking and did he believe he was capable of representing himself at today’s proceedings.

Mr. Twitchett responded that the odour was from his drinking the night before and that he must not have cleaned his teeth very well. He was comfortable speaking on his own behalf.

Mr. Ormond’s Opening Statement continued:

- Mr. Twitchett has been licensed as a Taxi Cab Driver with the City of Hamilton since 2006.
- On October 7, 2011, David Twitchett was allegedly involved in an assault at the Tim Hortons at the corner of John Street South and Jackson Street East.
- The Court appearance for this matter is not until May (2012); however, the City has concern for public and consumer safety in allowing Mr. Twitchett to continue to operate as a Taxi Cab Driver in the City of Hamilton, at this time.

Mr. David Twitchett was sworn under Oath, prior to providing his testimony.

Mr. Twitchett provided his Opening Statement. Mr. Twitchett’s comments included, but were not limited to, the following:

- It was just stupid on my part. I lost my temper and haven’t done that in years.
- My mother passed away on December 15, 2011 and wasn’t in good health before that. The situation was very hard on my nerves - this is possibly why it happened.
- I should have had sense to move away from the guy – can guarantee it won’t happen again.

Mr. Ormond entered the following exhibits and provided an overview of same:

Exhibits:

1. Copy City of Hamilton Mobile Licence – Taxi Cab Driver, Licence No. 11279734 2M, issued to Mr. David Twitchett.


5. Correspondence to Blue Line Transportation Ltd., dated February 3, 2012.


7. Exhibit 7 – Will Say Statement from Police Constable April Bilton, dated October 7, 2011

First Witness:

The City called upon its first Witness, Police Constable April Bilton, Hamilton Police Service. Officer Bilton was sworn under Oath, prior to providing her testimony.

Officer Bilton’s comments included, but were not limited to, the following:

- I am a sworn Police Officer with Hamilton Police Service and have been so employed since August 2010.

- Currently assigned to uniformed patrol at Central Station.

- When asked if she was familiar with the events that occurred on October 7, 2012, Officer Bilton confirmed that she was familiar with those events.

- Officer Bilton confirmed that she recognized David Twitchett who was sitting at the table next to Mr. Ormond.

- Officer Bilton requested to refer to her notes during her testimony. Those notes were written by her at the time of the event or shortly thereafter and there have been no alterations or deletions to those notes.

- Neither the Appellant nor staff had any objection to Officer Bilton’s use of her notes.

- On Friday, October 7, 2011 Officer Bilton was dispatched to the intersection of Jackson and John for a street disturbance.

- Upon arrival, Officer Bilton spoke to the complainant, Kenneth Davidge, who stated that he had been assaulted by a cab driver, later identified as David Twitchett.
During her conversation with Mr. Davidge, the cab driver in cab #292 drove by travelling Northbound on John Street. Officer Bilton’s partner, Officer Clarke remained at the scene with the complainant and Officer Bilton followed the cab in her vehicle.

A traffic stop was initiated at Summers Lane and King Street.

Officer Bilton had a conversation with the accused and waited for her partner to contact her, as he was interviewing witnesses at the scene.

Shortly thereafter, Officer Bilton received a call from Officer Clarke who informed her that there were reasonable grounds to arrest Mr. Twitchett for assault.

When asked if he had any questions of Officer Bilton, Mr. Twitchett replied that he did not.

Officer Bilton was then excused.

**Second Witness:**

The City called upon its second Witness, Kenneth Davidge. Mr. Davidge was sworn under Oath, prior to providing his testimony.

Mr. Davidge comments included, but were not limited to, the following:

- Mr. Davidge was involved in the incident at Tim Horton’s at John and Jackson Streets on October 7, 2011.

- Mr. Davidge advised that he had brought his notes from that day and requested to refer to those notes during his testimony.

- Neither the Appellant nor staff had any objections to Mr. Davidge’s use of his notes. Mr. Twitchett had been provided a copy of those notes as part of the disclosure.

- On the date of the incident, Mr. Davidge and his wife had pulled into Tim Horton’s at John and Jackson Streets at approximately 5:30 p.m. to 6:00 p.m. Mr. Davidge waited in his car while his wife went into Tim Horton’s to pick something up for his mother.

- While he was sitting in his car, a Blue Line Taxi Cab (#292) had also pulled into the Tim Horton’s parking lot. Mr. Davidge’s driver side door was adjacent to the side of cab.
• While the Taxi Cab Driver (Mr. Twitchett) was in the Tim Hortons, Mr. Davidge noticed a physically handicapped person waiting in a wheel chair at the back of the taxi. Mr. Davidge was familiar with this person as he had seen him before; noting that this person was physically and mentally handicapped with very little verbal skills, if any at all.

• Mr. Davidge observed the taxi cab driver walking slowly back to the cab and noticed that he became agitated when he noticed the person in the wheel chair waiting for a ride.

• Mr. Twitchett was carrying out food, possibly his lunch, and seemed agitated by a fare that came up suddenly.

• Mr. Davidge stated that he had observed Mr. Twitchett having a conversation with the person in the wheel chair, but was not sure what was said at that time.

• He then observed Mr. Twitchett slam his lunch on the trunk of the cab and he sort of pushed the person from the wheel chair into the back seat, slammed back door and then open the trunk. While opening the trunk, the wheel chair started to roll away, as the parking lot was slightly sloped. Mr. Davidge stated that Mr. Twitchett literally threw the wheel chair into the trunk – not being careful at all.

• Mr. Davidge then proceeded to ask Mr. Twitchett if he always treated his passengers this way.

• Mr. Davidge then stated that Mr. Twitchett asked him what his problem was, told him to mind his own business and made threat toward Mr. Davidge.

• The Tribunal was advised that Mr. Twitchett then yelled “Do you want me to pull out a gun and shoot you?” The conversation somewhat escalated with both parties swearing at each other.

• Mr. Davidge stated that frankly, it is a bit of his business, that he was appalled and felt that he should stand up for someone who couldn’t speak for himself.

• The Tribunal was advised that Mr. Twitchett had made a threat to kill Mr. Davidge (with the gun) and had also threatened to punch him through the car window.

• Mr. Davidge stated that, at this point, he just told him to go on with his day.
Mr. Twitchett had then punched Mr. Davidge in side of head (through the car window). Mr. Davidge did not get out of the car, but he had put his arms up to prevent Mr. Twitchett from punching him any further.

At that time, Mr. Davidge’s wife came out of the Tim Horton’s.

There was also a lady in the parking lot who was watching the incident.

The lady in parking lot had come over to say she had called police and Blue Line.

The Cab Driver got in his car and drove off. When he went to leave, he (Mr. Twitchett) drove forward into the curb a little instead of putting car into reverse.

Mr. Davidge advised that he had also called 911 to report that he had been assaulted by the Taxi Cab Driver.

Mr. Ormond asked if Mr. Davidge if he was able to identify the person in the room who assaulted him. Mr. Davidge identified Mr. Twitchett as being that person.

Mr. Twitchett asked Mr. Davidge if there was any contact with respect to the assault. Mr. Davidge responded “Yes, you punched me in the head.”

Mr. Twitchett had no further questions of Mr. Davidge.

The Tribunal asked Mr. Davidge if Mr. Twitchett had threatened to shoot him. Mr. Davidge confirmed that Mr. Twitchett had threatened to punch him in the head, and also clearly stated “Do you want me to pull out a f***ing gun and shoot you?”

Mr. Davidge clarified for the Tribunal that the punch was a few seconds later, after Mr. Twitchett had closed his trunk and picked up whatever food was thrown down.

At this time, the Witness was excused.

**Third Witness:**

The City called upon its third Witness, Tara Costie. Mrs. Costie was sworn under Oath, prior to providing her testimony.

Mrs. Costie’s comments included, but were not limited to, the following:
• At the time of the incident, Mrs. Costie was in her car with her two children waiting for her husband who was inside the Tim Horton’s.

• She had heard some yelling and obscenities behind her and she saw Mr. Twitchett standing at the driver side of Mr. Davidge’s car yelling and swearing.

• Mrs. Costie got out of her car and yelled for him (Mr. Twitchett) to stop yelling and swearing, as she had her children in the car.

• She then saw Mr. Twitchett reach in through the driver side window of Mr. Davidge’s car and punch Mr. Davidge in the face.

• Mrs. Costie advised that she then called police and Blue Line to advise them of what was happening.

• After Mrs. Costie advised Mr. Twitchett that she called the police and Blue Line, he got into his cab and drove off. Mrs. Costie noted the cab number at that time. She believes it was cab number 292.

• When asked by Mr. Ormond if the individual was in the room, Mrs. Costie identified Mr. Twitchett.

Mr. Twitchett asked Mrs. Costie how many times she saw him hit Mr. Davidge? Mrs. Costie stated “anywhere from 3 to 5 times.”

Neither staff nor Mr. Twitchett had any further questions of Mrs. Costie.

The Tribunal asked Mrs. Costie if she heard any threats from Mr. Twitchett to Mr. Davidge. Mrs. Costie advised that she did not hear any threats – she was on the other side of the parking lot and could not hear everything that was being said – only what was being yelled, but she did hear Mr. Davidge reply to Mr. Twitchett “Are you threatening me?”

There were no further questions of the Witness; therefore, the witness was excused.

Mr. Ormond entered the following Exhibits and provided an overview of same:

8. Copy of the City of Hamilton Mobile Licence – Taxi Cab Driver, Licence No. 11 279734 2M, issued to Mr. David Twitchett, and provided a brief overview.
Mr. Twitchett addressed the Tribunal. Mr. Twitchett’s comments included, but were not limited to, the following:

- Mr. Twitchett stated that he knew the gentlemen (person in wheel chair) that he was taking home – that he had taken him before.

- He had driven down Jackson Street, not John Street, as he was taking the fare home. He then stated that he then went back to the cab stand at the Sheraton (on King Street).

- Mr. Twitchett advised that he had only thrown one punch at Mr. Davidge and that it didn’t really connect, as Mr. Davidge had moved to the side, so Mr. Twitchett’s punch just grazed Mr. Davidge’s face.

- Mr. Twitchett advised that he then got into his car, as he had enough of Mr. Davidge’s abuse - otherwise it wouldn’t have happened.

- Mr. Twitchett apologized for the altercation and stated that it wouldn’t happen again.

- Mr. Twitchett confirmed that he had no further evidence or comments at that time.

Mr. Ormond addressed the Tribunal. Mr. Ormond’s comments included, but were not limited to, the following:

- Mr. Ormond asked Mr. Twitchett if he had approached another driver’s vehicle and reached through the window to hit him. Mr. Twitchett responded “I did, once.”

- Mr. Ormond entered Exhibit 10 for the record – the Business Skills College, City of Hamilton – Driving to Succeed; Serving Customers with Special Needs, Safety and Security.

- Mr. Ormond asked Mr. Twitchett if he had taken the Taxi Services and Skills Training Program. Mr. Twitchett responded “I have.”

- When asked by Mr. Ormond if he was familiar with Special Needs portion of the Program, Mr. Twitchett responded “I believe so, yes”.

- Mr. Ormond asked when Mr. Twitchett had taken the Training Program, Mr. Twitchett responded that they had taken the complete course in February 2010.
Mr. Ormond asked Mr. Twitchett if the program covered Customer Service and how to deal with difficult people or situations. Mr. Twitchett responded “I believe I do, yes.”

Does it address how to assist people with special needs? Mr. Twitchett: “As far as I know, I don’t believe you can refuse a passenger like that.”

Are you aware that there is a provincial mandate that we have to provide these services (the AODA)? Mr. Twitchett: “No, I wasn’t aware of that.”

Mr. Ormond entered Exhibit 10 – the Duties of Municipalities and Taxi Cabs (portion of the Accessibility for Ontarians with Disabilities Act).

The Tribunal asked the following questions of Mr. Twitchett. Mr. Twitchett’s responses included, but were not limited to, the following:

Did you hit Mr. Davidge? Response: The guy was swearing like a sailor and calling me names – I never saw him before in my life. He had no right to do that.

Mr. Davidge stated that you threatened him with a gun – did you? Response: I don’t have a gun, and never owned a gun – why would I do that.

Did you threaten to shoot him with a gun? Response: No.

You stated that you were primarily a truck driver and drive a taxi once in a while, have you had any other documented incidents. Response: No, not documented – I just ignore them.

Did you have the fare in the cab at the time of the incident? Response: Yes.

Why did you leave the scene even though you were aware there was an incident in a public place and the police had been called? Response: I left because I thought it was over with – the man (person in wheel chair/fare) was in awful shape and can hardly even talk. I wanted to take him home.

Were you contacted by Blue Line to return to either the Tim Horton’s or Blue Line to speak with the police? Response: “No, not that I recall.”

When you went to punch Mr. Davidge – did you make contact? Response: I just grazed his face – it didn’t “connect”. Possibly grazed his face that’s all.
When is the Court date for your assault charge? Response: May 14, 2012.

There were no further questions.

In closing, Mr. Twitchett’s comments included, but were not limited to, the following:

- As I already said, this was a one time thing – a mistake, I’ve learned a valuable lesson that you can’t do these sorts of things and get away with it.
- I need my licence to make a living.
- I would like to continue on driving, helping people and making a living.

The Tribunal asked Mr. Twitchett if he was out of truck driving out all together. Mr. Twitchett responded: No, there are just no jobs now.

In closing, Mr. Ormond’s comments included, but were not limited to, the following:

- Mr. Twitchett holds a City of Hamilton Taxi Cab Driver licence and there is an allegation that, on October 7, 2011, a person was assaulted by Mr. Twitchett and there was a witness to that incident.
- Mr. Twitchett alleges that he only “grazed” the face of the party; however, his intent was to punch that person in the face.
- Part of the Service Training is to deal with persons with disabilities, and the Province is currently mandating those portions of the AODA through municipalities. We need to have a work force and drivers that are able to demonstrate confidence, sensitivity and the ability follow that mandate.

**Staff’s Recommendation:**

That the Taxi Cab Driver Licence issued to Mr. David Twitchett be suspended for a 45 day period, and that Mr. Twitchett be required to take the Skills and Service Training again, in order to ensure he knows the obligations he must maintain to retain his City of Hamilton Taxi Cab Driver Licence.

Mr. Twitchett responded to staff’s recommendation with the following:
It seems harsh, and I don't think I need training again. This has never come close to happening before and won't happen again.

The Hamilton Licensing Tribunal moved into Closed Session, at 11:32 a.m., to deliberate upon the submissions of the parties, respecting the Taxi Cab Driver Licence for David Twitchett.

Members of the Public were invited to return to hear any further deliberations upon the Tribunal reconvening in Open Session.

The Tribunal reconvened in Open Session at 11:45 a.m.

Having heard the submissions of the parties, the Tribunal provided their recommendations, which are shown as Item 1 of the Hamilton Licensing Tribunal Report 12-002.

(f) Motion to Request an Extension of the Appeal Period, submitted by Kahlil Raghunan, 1837392 Ontario Inc. operating as Rok Bar Hamilton, located at 15 Hess Street South, Hamilton, Ontario (Item 4.3)

Both Kahlil Raghunan and Tristan Raghunan were sworn under Oath before providing their testimony.

Kahlil Raghunan and Tristan Raghunan provided their Opening Statements. Their comments included, but were not limited to, the following:

- The Manager (of the Rok Bar), Scott Gardner picked up the letter, but the Raghunan’s advised that they did not receive it until the middle of January (2012). Scott Gardner was the Manager that was inherited from the previous business.

- Mr. Ormond advised the Tribunal that the refusal letter that was sent to the Appellant on December 22, 2011 clearly stated that outlined the appeal process and the timelines for submission of the appeal.

- Kahlil stated that he had spoken to someone at City Hall who had told him that he still had time to appeal, but was unable to provide the date he spoke to that person, the floor that person was located on or their name.

- Later Kahlil stated that it was probably on the 3rd or 4th floor – he was at City Hall for a few different reasons that day.

- It was an accident that the appeal period lapsed - it is in their character to speak with health, fire, etc.
Mr. Ormond provided his Opening Statement. Mr. Ormond’s comments included, but were not limited to, the following:

- The refusal letter was issued on December 22, 2011, the appeal period has lapsed and enforcement commenced on the weekend at the establishment, as the applicant failed to file on time.

- It is the City’s position that the request for an extension of time to appeal be denied.

- Mr. Ormond asked the Raghunan’s if it was part of the Manager’s duties to receive correspondence at the establishment. The response was yes, but their mailing address is in Wasaga Beach and they sometimes have difficulty receiving their mail as the establishment is not open during the day and the mail sometimes falls on the ground and in the snow.

- Mr. Ormond had pointed out that attached to their request for an extension of time was a copy of the Canada Post tracking information, which showed a delivery date of December 30, 2011 and that the letter had been picked up at the Post Office, as the delivery attempt at the establishment was unsuccessful. It also showed that the document had been signed for by a party with the last name of Raghunan and showed the signature.

- At that time, Kahlil Raghunan viewed the signature and stated that it was not his, but that it was the signature of Scott Gardener, the Rok Bar Manager.

The Tribunal asked what date Kahlil Raghunan took over the establishment. Kahlil advised that date was October 17, 2011.

The Hamilton Licensing Tribunal moved into Closed Session, at 9:56 a.m., to deliberate upon the submissions of the parties, respecting Kahlil Raghunan’s Motion to Request an Extension of the Appeal Period.

Members of the Public were invited to return to hear any further deliberations upon the Tribunal reconvening in Open Session.

The Tribunal reconvened in Open Session at 10:12 a.m., and provided its decision as shown below:

The Tribunal recognized that City of Hamilton had met all obligations with respect to the notification process; and, advised both Kahlil and Tristan Raghunan that, as potential business owners, it is their responsibility to do their due diligence with respect to what is required to operate a business within the City of Hamilton.
The Tribunal advised the Appellant, that as he currently did not hold a City of Hamilton business licence, the business should not be operating at this time. The Tribunal asked the Appellant if he understood. Kahlil nodded and said yes.

The motion to Request an Extension of the Appeal Period, submitted by Kahlil Raghunan, 1837392 Ontario Inc. operating as Rok Bar Hamilton, located at 15 Hess Street South, Hamilton, Ontario, was approved.

(g) **Motion to Request an Extension of the Appeal Period, submitted by Colin MacDonald, Taxi Cab Driver Licence (Item 4.4)**

Prior to the consideration of this matter, Mr. Ormond requested that the Tribunal consider the possibility of moving into Closed Session, as Mr. MacDonald’s testimony would contain personal information regarding himself and a family member.

The Hamilton Licensing Tribunal moved into Closed Session, at 10:20 a.m., to hear the matter respecting the Motion to Request an Extension of the Appeal Period, submitted by Colin MacDonald, Taxi Cab Driver Licence, pursuant to Section 8.1, Sub-section (b) of the City’s Procedural By-law 03-301, and Section 239, Sub-section (b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees.

Members of the Public were invited to return to hear any further deliberations upon the Tribunal reconvening in Open Session.

The Tribunal reconvened in Open Session at 10:40 a.m. and provided its recommendation as shown below:

The motion to Request an Extension of the Appeal Period, submitted by Colin MacDonald (Taxi Cab Driver Licence), was approved.

(h) **Closed Session Minutes – January 10, 2012 (Item 5.1)**

The Closed Session Minutes of the January 10, 2012 meeting of the Hamilton Licensing Tribunal were approved, as presented.

(i) **ADJOURNMENT (Item 6)**

There being no further business, the Hamilton Licensing Tribunal adjourned at 11:55 a.m.
Respectfully submitted,

Councillor T. Whitehead, Chair
Hamilton Licensing Tribunal

Stephanie Paparella
Legislative Coordinator
Hamilton Licensing Tribunal
February 23, 2012
General Issues Committee

REPORT 12-006

(as approved by Council on March 7, 2012)

9:30 a.m.
Monday, February 27, 2012
Council Chambers
Hamilton City Hall
71 Main Street West

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

Also Present:
C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate Services
G. Davis, General Manager, Public Works
T. McCabe, General Manager, Planning and Economic
Development
Dr. E. Richardson, Medical Officer of Health
P. Barkwell, City Solicitor
C. Biggs, Legislative Co-ordinator

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-006 AND RESPECTFULLY RECOMMENDS:

1. International Alliance of Theatrical and Stage Employees (Item 11.1)

That the Memorandum of Settlement between the City of Hamilton and the International Alliance of Theatrical and Stage Employees, for the period from July 1, 2011 to June 30, 2015, be approved.

2. City of Hamilton ats Yale Properties (LS12004) (City Wide) (Item 11.2)

(a) That Report LS12004 respecting City of Hamilton ats Yale Properties be received;

(b) That the contents of Report LS12004 remain confidential.

Council – March 7, 2012
3. **Ward Boundary Review (CL11004(a)) (City Wide) (Item 7.1)**

That Report CL11004(a) respecting Ward Boundary Review, be received.

**FOR THE INFORMATION OF COUNCIL:**

(a) **CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the agenda:

**ADDED DISCUSSION ITEM**

(i) Lease Extension for Public Health Services – 35 King Street East/1 Hughson Street North, Hamilton – Park Place Real Estate Limited Partnership (PED12013) (Ward 2) (Added Item 7.2)

**ADDED PRIVATE & CONFIDENTIAL**

(ii) Labour Negotiations Update – International Alliance of Theatrical and Stage Employees (No copy) (Added Item 11.1)

(iii) City of Hamilton ats Yale Properties (LS12004) (City Wide) (Added Item 11.2)

On a motion, the agenda was approved, as amended.

(b) **DECLARATIONS OF INTEREST (Item 2)**

None

(c) **APPROVAL OF PREVIOUS MINUTES (Item 3)**

None
(d) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Irene Hubar respecting 201-35 King Street East, Hamilton (Item 5.1)

Irene Hubar appeared before the Committee to express her concerns with respect to the relocation of Public Health Services from their current location at the Right House and the lack of communication and consideration with Aragon Properties Ltd. on this matter.

The Committee was distributed with information from Ms. Hubar which included Aragon Properties Ltd. Investments in Hamilton, a photo of the Right House, showing its late Victorian Design (built in 1893 and designated under the Ontario Heritage Act); potential future of the building (boarded up windows); editorial by Andrew Dreschel in the Spectator on January 23, 2012; details of leased premises at 35 King Street East by Public Health and Community Services Departments; actual square foot rates for 2009, 2010 and 2011; comments regarding Public Health Services Accommodations Report dated January 9, 2012; and, summary of lawsuits by Yale Properties from 2001 to 2010.

In her closing comments, Ms. Hubar stated that Aragon is always on the lookout to invest in Hamilton; the appearance of the Right House is a beautiful building, but if the space that the City currently occupies goes vacant, Aragon will be in a lot of trouble; there would be an annual income of $200,000, which would make operation of the building unaffordable.

A copy of the material distributed by Ms. Hubar (Appendix “A” attached hereto) can be viewed on the City’s website.

On a motion, the presentation provided by Irene Hubar, Senior Property Manager, Aragon Properties Ltd., respecting 201-35 King Street East, Hamilton, was received.

(e) PRESENTATION (Item 6)

(i) Public Health Services Accommodation/McMaster Health Campus (PED11134(c)/FCS11063(c)/BOH11026(c)/CM11008(c)) (Ward 2) (Item 6.1)

Chris Murray provided the following comments prior to the presentation, including:

- Presentation will focus on the lease space needs of the Public Health Department and the need to address some of the shortfalls in the space currently being occupied.
• Will demonstrate to taxpayers that what is before Committee for consideration is a fair deal and compensation cost from the Province of Ontario;

• Will also address some of the key questions directed from January meeting and Chris Phillips will review responses to basic questions, i.e., tax rebate

• Lease space needs are in the order of 52,300 square feet and why attempting to lease larger space

• First four years of lease agreement – at Robert Thomson Building

• Presentation will also address process; report is focused on long-term commitment; opportunity to provide swing-space to the School Board;

• Will be presenting a case that this is appropriate space for Public Health at a cost that is reasonable

Information was provided by power point presentation by:

Chris Phillips – Overview and Summary
Dr. Elizabeth Richardson – Public Health Services Consolidation
Rob Rossini – Financial Analysis

A copy of the presentation was distributed to the Committee and is available for viewing on the City’s website.

On a motion, the presentation respecting Public Health Services Accommodation/McMaster Health Campus provided by Chris Murray, Chris Phillips and Dr. Elizabeth Richardson, was received.

On a motion, the rules of order were waived to allow the opportunity for Dr. John Kelton, Dean and Vice President, Faculty of Health Sciences, to respond to questions of the Committee.

Dr. Kelton, Debbie Martin, Executive Director, McMaster University and Roger Couldrey, Vice President (Administration) approached the podium to respond to questions of the Committee.

On a motion, the delegation from McMaster University, was received.

Rob Rossini, General Manager of Finance and Corporate Services presented to the Committee on the financial aspects of the staff recommendations.
On a motion, the presentation from Rob Rossini respecting the financial analysis was received.

On a motion, a decision on the recommendations contained in Report PED11134(c)/FCS11063(c)/BOH11026(c)/CM11008(c) respecting Public Health Services Accommodation/McMaster Health Campus was deferred until the March 6, 2012 General Issues Committee meeting with the direction that staff report back to the Committee with a response on the concerns expressed during the discussion of this matter.

The motion to defer **CARRIED** on the following recorded vote:

Yeas: Pearson, Ferguson, Powers, Pasuta, Partridge, Whitehead, Collins, Farr, McHattie
Total Yeas: 9
Nays: Bratina, Johnson, Clark, Merulla
Total Nays: 4
Absent: Morelli, Duvall, Jackson
Total Absent: 3

(f) **DISCUSSION ITEM**

(i) **Lease Extension for Public Health Services – 35 King Street East/1 Hughson Street North, Hamilton – Park Place Real Estate Limited Partnership (PED12013) (Ward 2) (Added Item 7.2)**

Report PED12013 will be presented to the Committee at the same time Report PED11134(c)/FCS11063(c)/BOH11026(c)/CM11008(c)) respecting Public Health Services Accommodation/McMaster Health Campus is brought forward for consideration.

(g) **PRIVATE & CONFIDENTIAL**

On a motion, the Committee moved into Closed Session at 9:40 a.m. pursuant to sub-sections 8.1(d),(e) and (f) of the City’s procedural by-law as the subject matters pertain to:

(d) labour relations or employee negotiations respecting Labour Negotiations Update – International Alliance of Theatrical and Stage Employees; and
(e) litigation or potential litigation, including matters before administrative tribunals affecting the City and
(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting City of Hamilton ats Yale Properties.

**Council – March 7, 2012**
On a motion, the Committee reconvened in Open Session at 11:40 a.m.

11.1 Labour Negotiations Update – International Alliance of Theatrical and Stage Employees

See Item 1 for the disposition of this item.

11.2 City of Hamilton ats Yale Properties (LS12004) (City Wide)

See Item 2 for the disposition of this item.

There being no further business, the Committee adjourned at 4:15 p.m.

Respectfully submitted

Councillor T. Whitehead
Deputy Mayor

Carolyn Biggs, Co-ordinator
Committee Services/Council/Budgets
February 27, 2012
Present: Councillors B. Clark (Chair), J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, Councillor L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Also Present: T. McCabe, GM, Planning & Economic Development M. Hazell, Senior Director, Parking & By-Law Services T. Sergi, Senior Director, Growth Management P. Mallard, Director, Planning B. Janssen, Director, Strategic Services G. Wide, Manager, Enforcement S. Robichaud, Manager, Development Planning V. Robicheau, Office of the City Clerk

THE PLANNING COMMITTEE PRESENTS REPORT 12-002 AND RESPECTFULLY RECOMMENDS:

1. Accessible Taxicabs Licensing PED10063(d) (City Wide) (Item 5.1)

   That report PED10063(d), Accessible Taxicabs Licensing, be received.

2. Use of Flak Jackets by Municipal Law Enforcement Officers (PED12028) (City Wide) (Item 5.2)

   That Report PED12028 titled, “Use of Flak Jackets by Municipal Law Enforcement Officers”, be received.
3. **Hamilton Municipal Heritage Committee – Minutes 12-001 (Item 5.3)**

That the Minutes of the Hamilton Municipal Heritage Committee 12-001, be received.

4. **Report 12-001 – Operational Review Sub-Committee (Item 5.4)**

(a) Appointment of Chair and Vice Chair (Item A)

(i) That Councillor T. Whitehead be appointed as the Chair of the Operational Review Sub-committee for the 2010-2014 term of Council;

(ii) That Councillor J. Partridge be appointed as the Vice Chair of the Operational Review Sub-committee for the 2010-2014 term of Council.

(b) Operational Review of the Growth Management Division of the Planning and Economic Development Department (City Wide) (PED11174) (Item 4.1)

That Report PED11174, respecting the Operational review of the Growth Management Division of the Planning and Economic Development Department, be received.

5. **Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a)) (Ward 11) (Item 6.2)**

(a) That approval be given to **Amended Stoney Creek Official Plan Amendment Application OPA-09-004, by 2149589 Ontario Limited, c/o Paul Aneja, [Applicant]**, for Official Plan Amendment No. [ ], to amend the land use designation on Schedule A4 - Urban Lakeshore Area Secondary Plan, from the “Low Density Residential” designation to the “Local Commercial” designation, in order to permit a 2-storey, mixed-use building, on the lands known as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED10194(a), on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED10194(a), be adopted by Council;
(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Places To Grow and the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Amended Zoning By-law Amendment Application ZAC-09-022, by 2149589 Ontario Limited, c/o Paul Aneja, (Applicant/Owner)**, for a change in zoning from the Rural Residential "RR" Zone to the Mixed-Use Commercial (Holding) "MUC-6(H)" Zone, with a Special Exception, to permit a 2-storey, mixed-use building, on the lands known municipally as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix “A” to Report PED10194(a), on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED10194(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Map 4 of Schedule “A” of Zoning By-law No. 3692-92;

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No. 

(c) That approval be given to Urban Hamilton Official Plan Amendment No. 

for a change in designation to the Urban Lakeshore Area Secondary Plan – Map 7.3-1, from the “Low Density Residential 2b” to the “Local Commercial” designation, to be held in abeyance until a final decision has been made regarding the Urban Hamilton Official Plan, for lands known municipally as 1365 and 1367 Baseline Road (Stoney Creek), as shown on Appendix “D” to Report PED10194(a);

(d) That upon finalization of the implementing By-law, the subject lands be identified as Local Commercial (LC) on the Fifty Point Neighbourhood Plan;

(e) That the Ward Councillor be involved in the site plan process.

6. **City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook (Glanbrook) (PED10007(a)) (Item 6.3)**

That approval be given to **City Initiative CI-12-C**, for a change in zoning from the Residential Multiple “RM2” Zone to the Residential Multiple “RM3-231” Zone, with
a Special Exception, to correct a mapping error, for lands located at 33 Fall Fair Way (Binbrook), as shown on Appendix “A” to Report PED10007(a), on the following basis:

(a) That the Draft By-law, attached as Appendix “C” to Report PED10007(a), which has been prepared in a form satisfactory to the City Solicitor, be forwarded to City Council for enactment;

(b) That the amending Schedule be added to Schedule “H” of Zoning By-law No. 464;

(c) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

7. **Business Licensing Fee Review (PD01104(e)) (City Wide) (Item 8.1)**

(a) That the License Fees, as amended, attached hereto as Appendix “A”, be approved and added to the City’s User Fee and Charges By-law for 2012;

(b) That staff be directed to report back on a phase-in, cost recovery approach for 2013 and onward.

8. **Hamilton Municipal Heritage Committee – Report 12-001 (Item 8.2)**

That Council forward a letter of support to the Federal Government’s 1812 Commemoration Fund, in support of the Billy Green 13: Be a Part of History Event’s seeking of fund for a 13 kilometre run in commemoration of the War of 1812 to be held on May 11, 2013.


That the recommendations and draft revised policy text provided in closed session respecting Proposed Settlement Rural Hamilton Official Plan Severance Policies and Definitions Paletta and P and L Livestock, be approved, as amended, and remain confidential until Council’s approval.


That the recommendations and draft revised policy text as provided in closed session respecting Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114) be approved, as amended, and remain confidential until Council’s approval.
Natural Heritage System - Aggregates, be approved, as amended, and remain confidential until Council's approval.


That the recommendations and draft revised policy text provided in closed session respecting, Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock, be approved, as amended, and remain confidential until Council’s approval.

12. Verbal Report - Legal Advice Regarding Severance Policies on the Green Belt and Provincial Policy Standards (Item 12.5)

That staff be directed to obtain an outside Planning opinion on the interpretation of the Provincial Policy Statement and Green Belt Plan respecting farm consolidation and residence surplus to a farming operation severance(s).

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

The Committee Clerk advised of the following changes to the Agenda:

DELEGATION REQUESTS

4.1 Delegation Request from Jacob Leibovitch, respecting by-law enforcement regarding sub-leasing in the taxi industry.

CONSENT ITEMS

5.4 Report 12-001 – Operational Review Sub-Committee

PUBLIC HEARINGS AND DELEGATIONS

6.1(a) Delegation by Graeme Smith and Susan Austin, respecting the upcoming review of refreshment vehicle bylaws in Hamilton

Council – March 7, 2012
12.5 Verbal Update - Legal Advice Regarding Severance Policies on the Green Belt and Provincial Policy Standards

The Agenda for the February 28, 2012 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST

Councillor Partridge declared a conflict of interest on item 7, Business Licensing Fee Review (PD01104(e)), as her family is involved with one of the businesses (plumbing) whose fees are being reviewed.

Councillor Ferguson declared a conflict of interest on item 7, Business Licensing Fee Review (PD01104(e)), as his family is involved with one of the businesses (taxi) whose fees are being reviewed.

Councillor Ferguson declared a conflict of interest on item 10, Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114), as a family member is employed by one of the appellants.

(c) APPROVAL OF MINUTES

(i) January 31, 2012

The Minutes of the January 31, 2012 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS

(i) Delegation Request from Jacob Leibovitch, respecting by-law enforcement regarding sub-leasing in the taxi industry.

The delegation request submitted by Jacob Leibovitch, respecting by-law enforcement regarding sub-leasing in the taxi industry, was approved.
(e) **PUBLIC HEARINGS AND DELEGATIONS**

(i) **Delegation from Don McPhail, respecting the Sign By-law (Item 6.1)**

Mr. McPhail provided an overview of his concerns relating to mobile signs and asked that Councillors and Staff meet with the stakeholders to work through these concerns through the Stakeholder Review Committee.

The delegation by Don McPhail respecting the Sign By-law, was received.

Legal staff advised that there are legal proceedings currently underway; however, this would not limit the ability for Councillors to ask questions.

Questions to staff pertained to information about the Stakeholder Review Committee and current mobile sign businesses in Hamilton.

Staff was directed to provide a background package to Committee members respecting the deliberations regarding the Sign By-law.

(ii) **Delegation by Graeme Smith and Susan Austin, respecting the upcoming review of refreshment vehicle bylaws in Hamilton (Item 6.1(a))**

Graeme Smith and Susan Austin provided an overview of their business and their success. They also provided concerns over the by-law for food trucks relating to the radial separation requirements from restaurants, municipal parks/schools and other properties.

The delegation by Graeme Smith and Susan Austin respecting the upcoming review of refreshment vehicle bylaws in Hamilton, was received.

Questions to the presenter pertained to information about the strong food culture within Hamilton and the rules behind running a food truck business.

(a) Staff was directed to prepare a revised Food Truck By-law no later than June 19, 2012;
(b) Staff was directed to prepare parameters and criteria for a “Pilot Program” that would permit Food Trucks in Regional and/or Community Parks.

(iii) Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a)) (Ward 11) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan and Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting Report PED10194(a), Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek), was closed.

The staff presentation respecting, Report PED10194(a), Applications to Amend the Stoney Creek Official Plan and Zoning By-law No. 3692-92 for Lands Located at 1365 and 1367 Baseline Road (Stoney Creek), was waived.

Councillor Johnson expressed concerns over certain intersections within the area.

The Ward Councillor is to be involved in the site plan process.

For disposition on this Item, refer to item 5.

(iv) City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook (Glanbrook) (PED10007(a)) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Clark advised those in attendance that if a person or public body does not make
oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Official Plan and Zoning By-law amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board, and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

No public speakers came forward.

The public meeting respecting, Report PED10007(a), City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook, was closed.

The staff presentation respecting, Report PED10007(a), City Initiative for an Amendment to Glanbrook Zoning By-law No. 464 for a Portion of the Lands Located at 33 Fall Fair Way, Binbrook, was waived.

For disposition on this Item, refer to item 6.

(f) DISCUSSION ITEMS

(i) Business Licensing Fee Review (PD01104(e)) (City Wide) (Item 8.1)

Mr. Victor Veri was allowed to speak as a delegation today respecting Report PED01104(e), Business Licensing Fee Review.

The motion CARRIED on the following vote:

Yea: Pearson, Johnson, Pasuta
Total: 3
Nay: Farr and Clark
Total: 2
Absent: Whitehead, Ferguson, Collins, Partridge
Total: 4

Mr. Veri spoke to his concerns with the Business Licensing Fee Review.

The presentation by Victor Veri respecting, Business Licensing Fee Review, was received

For disposition on this Item, refer to item 7.
(g) MOTIONS

(i) 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street (Item 9.1)

Item 9.1 respecting, 1215, 1217, 1219, 1221, 1227, 1231, 1235 and 1239 Barton Street, was deferred to the March 20, 2012 meeting of the Planning Committee.

(h) GENERAL INFORMATION AND OTHER BUSINESS

(i) Outstanding Business List Amendments (Item 11.1)

The following items were removed from the Outstanding Business List:

(a) Item H: Separation of enforcement of 12 parking rule from complaints respecting abandoned vehicles Pilot Project – Ward 1 – 12 Hour Parking By-law (PED11079(a))

(b) Item I: Locke Street Paid Parking Hours (PED11105)

(c) Item R: ACPD Proposed Reforms to Taxi Licensing By-law

(d) Item GG: 1365 and 1367 Baseline Road (Stoney Creek) (PED10194(a))

(e) Item HH: Business Licensing Fee Review (PD01104(e))

(f) Item AA: Health and Safety Protocols for the City of Hamilton By-law Officers

The following items were amended to include the New Due Dates:

(a) Item E: Regulating Residential Rental Housing
   New Due Date: Q3 2012

(b) Item F: 17 Ewen Road
   New Due Date: April 17, 2012

(c) Item G: Dutch Mill Country Market, Millgrove Side Road
   New Due Date: June 19, 2012

(d) Item S: 1620 Upper Wentworth and 401 Rymal Road East, application by Schlegel Villages
   New Due Date: March 20, 2012
(e)  Item T: Project Compliance Update  
    New Due Date: Q4 2012

(f)  Item W: Mediation Services for Municipal Law Enforcement  
    New Due Date: May 1, 2012

(g)  Item Y: Prohibition of the Feeding of Wildlife  
    New Due Date: June 19, 2012

(ii) News from the General Manager (Item 11.2)

    Tim McCabe provided an overview of the Tourism and Culture Division in Planning and the pilot program for lot grading.

(i) PRIVATE AND CONFIDENTIAL

    At 1:30 p.m., Committee moved into Closed Session to consider several confidential matters pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

    The Planning Committee reconvened in Open Session at 3:00 p.m.

(i) Closed Session Minutes - January 31, 2012 (Item 12.1)

    The Closed Session Minutes of the January 31, 2012, meeting of the Planning Committee were approved, as presented, and are to remain confidential and restricted from public disclosure.

(ii) Proposed Settlement Rural Hamilton Official Plan Severance Policies and Definitions Paletta and P and L Livestock (PL090114) (Item 12.2)

    Recommendation (e), respecting Proposed Settlement Rural Hamilton Official Plan Severance Policies and Definitions Paletta and P and L Livestock (PL090114), was deleted.

    For disposition on this Item, refer to item 9.
(iii) Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114) (Item 12.3)

Recommendation (d), respecting Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114), was deleted.

(a) That the recommendations and draft revised policy text as provided in closed session respecting, Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates, be approved, as amended and remain confidential until Council's approval.

(b) That the Verbal Report respecting, Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates, remain confidential and restricted from public disclosure.

Item 12.3 CARRIED on the following vote:

Yeas: Whitehead, Pearson, Pasuta, Collins
Total: 4
Nays: Johnson, Clark
Total: 2
Absent: Ferguson, Partridge, Farr
Total: 3

For disposition on this Item, refer to item 10.

(iv) Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock (PL090114) (Item 12.4)

Recommendation (e), respecting Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock (PL090114), was deleted.

For disposition on this Item, refer to item 11.

(v) Verbal Report - Legal Advice Regarding Severance Policies on the Green Belt and Provincial Policy Standards (Item 12.5)

For disposition on this Item, refer to item 12.
(j) **ADJOURNMENT**

There being no further business, the Planning Committee was adjourned at 3:05 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
February 28, 2012
### Comparison of Current and Committee Adjusted Licensing Fees

<table>
<thead>
<tr>
<th>Service or Activity Provided or Use of City Property</th>
<th>2012 Approved Fee</th>
<th>2012 as advised by Committee on Feb 28th</th>
<th>% Change in</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Adult Services</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adult Entertainment Parlour</td>
<td>$4,497.00</td>
<td>$5,235.00</td>
<td>16.4%</td>
</tr>
<tr>
<td>Adult Entertainment Parlor Attendant</td>
<td>$225.00</td>
<td>$435.00</td>
<td>93.3%</td>
</tr>
<tr>
<td>Adult Entertainment Parlour Operator/Manager</td>
<td>$1,503.00</td>
<td>$1,535.00</td>
<td>2.1%</td>
</tr>
<tr>
<td>Adult Film Theatre</td>
<td>$2,964.00</td>
<td>$3,235.00</td>
<td>9.1%</td>
</tr>
<tr>
<td>Adult Video Store Class A</td>
<td>$2,244.00</td>
<td>$3,235.00</td>
<td>44.2%</td>
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<tr>
<td>Adult Video Store Class B</td>
<td>$169.00</td>
<td>$335.00</td>
<td>98.2%</td>
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<tr>
<td>Body Rub Parlour Owner</td>
<td>$7,482.00</td>
<td>$8,235.00</td>
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</tr>
<tr>
<td>Body Rub Parlour Attendant</td>
<td>$307.00</td>
<td>$435.00</td>
<td>41.7%</td>
</tr>
<tr>
<td>Body Rub Parlour Operator/Manager</td>
<td>$307.00</td>
<td>$1,235.00</td>
<td>302.3%</td>
</tr>
<tr>
<td>Cigarette/Tobacco Sales</td>
<td>$154.00</td>
<td>$377.00</td>
<td>144.8%</td>
</tr>
<tr>
<td><strong>Accommodations</strong></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Bed and Breakfast</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
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<tr>
<td>Lodging House</td>
<td>$154.00</td>
<td>$424.00</td>
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<td>Mobile Home Park</td>
<td>$2,750.00</td>
<td>$2,774.00</td>
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<tr>
<td>per site</td>
<td>$282.00</td>
<td>$286.00</td>
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<tr>
<td>Recreational Camping Establishment</td>
<td>$154.00</td>
<td>$160.16</td>
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<tr>
<td>Residential Care Facility (4-10 Residents)</td>
<td>$159.00</td>
<td>$585.00</td>
<td>267.9%</td>
</tr>
<tr>
<td>Residential Care Facility (11 or more Residents)</td>
<td>$317.00</td>
<td>$835.00</td>
<td>163.4%</td>
</tr>
<tr>
<td><strong>Mobile</strong></td>
<td></td>
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<td></td>
</tr>
<tr>
<td>Mobile Sign leasing or renting</td>
<td>$225.00</td>
<td>$265.95</td>
<td>18.2%</td>
</tr>
<tr>
<td>Hawker/Peddler (motorized vehicle)</td>
<td>$154.00</td>
<td>$160.16</td>
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<tr>
<td>Seasonal Food Vendor</td>
<td>$210.00</td>
<td>$218.40</td>
<td>4.0%</td>
</tr>
<tr>
<td>Sign Posters and Bill Distributor</td>
<td>$210.00</td>
<td>$218.40</td>
<td>4.0%</td>
</tr>
<tr>
<td>Limousines (owner)</td>
<td>$476.00</td>
<td>$495.04</td>
<td>4.0%</td>
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<tr>
<td>Limousines (driver)</td>
<td>$113.00</td>
<td>$117.52</td>
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<tr>
<td>Taxi cab owner (private) (Renewal)</td>
<td>$472.00</td>
<td>$490.88</td>
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<tr>
<td>Taxi cab owner (private) (New)</td>
<td>$3,853.00</td>
<td>$4,007.12</td>
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<tr>
<td>Taxi cab owner (transfer)</td>
<td>$695.00</td>
<td>$722.80</td>
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<tr>
<td>Taxi cab Broker</td>
<td>$609.00</td>
<td>$633.36</td>
<td>4.0%</td>
</tr>
<tr>
<td>Taxi cab Driver</td>
<td>$113.00</td>
<td>$117.52</td>
<td>4.0%</td>
</tr>
<tr>
<td>Building Exterior Cleaner</td>
<td>$210.00</td>
<td>$218.40</td>
<td>4.0%</td>
</tr>
<tr>
<td><strong>Refreshment Vehicles</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Class A</td>
<td>$210.00</td>
<td>$218.40</td>
<td>4.0%</td>
</tr>
<tr>
<td>Class B</td>
<td>$210.00</td>
<td>$218.40</td>
<td>4.0%</td>
</tr>
<tr>
<td>Class C</td>
<td>$210.00</td>
<td>$218.40</td>
<td>4.0%</td>
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<tr>
<td>Transient Trader (3 month period)</td>
<td>$563.00</td>
<td>$585.52</td>
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<tr>
<td><strong>Services</strong></td>
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<td></td>
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</tr>
<tr>
<td><strong>Eating Establishments</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bars and Nightclubs</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Food Premises</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Restaurant with Liquor Service</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td><strong>Public Garage</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(A) Buying, Selling, Storing</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>(B1) Combined Engine &amp; Body Work</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>(B2) Engine Work</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>(B3) Body Work</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>(C) Service Station</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>(D) Parking Lot</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>(E) Car Wash Only</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Public Halls</td>
<td>$154.00</td>
<td>$160.16</td>
<td>4.0%</td>
</tr>
</tbody>
</table>
### Comparison of Current and Committee Adjusted Licensing Fees

<table>
<thead>
<tr>
<th>Service or Activity Provided or Use of City Property</th>
<th>2012 Approved Fee</th>
<th>2012 as advised by Committee on Feb 28th</th>
<th>% Change in</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Places of Amusement</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amusement Arcade</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Amusement Rides</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Billiard / Bagatelle Tables</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Bingo Parlour</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Bowling Alley</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Carnival</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Circus</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Motor Vehicle Race Track</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Other</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Proprietary Club</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Roller Skating Rink</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Skateboarding, BMX bikes</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Kennels, Pet Shops</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Personal Aesthetic Services Facility</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Personal Wellness Services Establishment</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td><strong>Used Goods Services</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Antique Market/Flea Market</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td>Auctioneer</td>
<td>$ 210.00</td>
<td>$ 218.40</td>
<td>4.0%</td>
</tr>
<tr>
<td>Pawn Broker</td>
<td>$ 154.00</td>
<td>$ 308.00</td>
<td>100.0%</td>
</tr>
<tr>
<td>Precious Metals &amp; Jewellery Dealers</td>
<td>$ 154.00</td>
<td>$ 308.00</td>
<td>100.0%</td>
</tr>
<tr>
<td>Salvage Yard</td>
<td>$ 154.00</td>
<td>$ 308.00</td>
<td>100.0%</td>
</tr>
<tr>
<td>Second-hand Shop</td>
<td>$ 154.00</td>
<td>$ 160.16</td>
<td>4.0%</td>
</tr>
<tr>
<td><strong>Trade Licence Contractor</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Building Repair</td>
<td>$ 190.00</td>
<td>$ 197.60</td>
<td>4.0%</td>
</tr>
<tr>
<td>Plumber</td>
<td>$ 190.00</td>
<td>$ 197.60</td>
<td>4.0%</td>
</tr>
<tr>
<td>Heating, Ventilation &amp; Air Conditioning</td>
<td>$ 190.00</td>
<td>$ 197.60</td>
<td>4.0%</td>
</tr>
<tr>
<td>Drainage</td>
<td>$ 190.00</td>
<td>$ 197.60</td>
<td>4.0%</td>
</tr>
<tr>
<td>Sprinkler and Fire Protection Installer</td>
<td>$ 190.00</td>
<td>$ 197.60</td>
<td>4.0%</td>
</tr>
<tr>
<td><strong>Trade Licence Masters</strong></td>
<td></td>
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</tr>
<tr>
<td>Building Repair</td>
<td>$ 94.00</td>
<td>$ 97.76</td>
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</tr>
<tr>
<td>Plumber</td>
<td>$ 94.00</td>
<td>$ 97.76</td>
<td>4.0%</td>
</tr>
<tr>
<td>Heating, Ventilation &amp; Air Conditioning</td>
<td>$ 94.00</td>
<td>$ 97.76</td>
<td>4.0%</td>
</tr>
<tr>
<td>Drainage</td>
<td>$ 94.00</td>
<td>$ 97.76</td>
<td>4.0%</td>
</tr>
<tr>
<td>Sprinkler and Fire Protection Installer</td>
<td>$ 94.00</td>
<td>$ 97.76</td>
<td>4.0%</td>
</tr>
<tr>
<td><strong>Other Fees</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Taxi cab Priority list (prior to Sept 30th)</td>
<td>$ 72.00</td>
<td>$ 74.88</td>
<td>4.0%</td>
</tr>
<tr>
<td>Exams/Processing Fee</td>
<td>$ 46.00</td>
<td>$ 47.84</td>
<td>4.0%</td>
</tr>
<tr>
<td>Wheel chair accessible Taxi cab</td>
<td>$ 7.00</td>
<td>$ 7.28</td>
<td>4.0%</td>
</tr>
<tr>
<td>Administration fee - new licence applications</td>
<td>$ 59.00</td>
<td>$ 60.00</td>
<td>1.7%</td>
</tr>
<tr>
<td>Licence re-instatement fee (late fee)</td>
<td>$ 59.00</td>
<td>$ 60.00</td>
<td>1.7%</td>
</tr>
<tr>
<td>Photo ID Card</td>
<td>$ 13.00</td>
<td>$ 13.52</td>
<td>4.0%</td>
</tr>
<tr>
<td>Licence certificate replacement</td>
<td>$ 13.00</td>
<td>$ 13.52</td>
<td>4.0%</td>
</tr>
<tr>
<td>Licence plate replacement</td>
<td>$ 62.00</td>
<td>$ 64.48</td>
<td>4.0%</td>
</tr>
<tr>
<td>Appeal to Liencing committee</td>
<td>$ 118.00</td>
<td>$ 122.72</td>
<td>4.0%</td>
</tr>
<tr>
<td>Annual spare taxicab inspection fee</td>
<td>$ 149.00</td>
<td>$ 150.00</td>
<td>0.7%</td>
</tr>
<tr>
<td>Daily fee for spare taxicabs</td>
<td>$ 21.00</td>
<td>$ 21.84</td>
<td>4.0%</td>
</tr>
<tr>
<td>Taxi cab (limited interest agreement)</td>
<td>$ 69.00</td>
<td>$ 70.00</td>
<td>1.4%</td>
</tr>
</tbody>
</table>

*Note: HST is not included in the 2011 Approved and 2012 Proposed Fees. If HST = "y",
The Public Works Committee Presents Report 12-003 and Respectfully Recommends:

1. **Intersection Control List (PW12001(a)) (Wards 8 & 6) (Item 5.3)**

   That the appropriate By-law to provide traffic control as follows, be passed:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Street 1</th>
<th>Street 2</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location / Comments / Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Pavel Place</td>
<td>Eagleglen Way</td>
<td>N/C</td>
<td>SB</td>
<td>S. of Rymal Rd., E. of Glancaster Rd.</td>
<td>8</td>
</tr>
<tr>
<td>(a)</td>
<td>Rianna Ct.</td>
<td>Eagleglen Way</td>
<td>N/C</td>
<td>SB</td>
<td>S. of Rymal Rd., E. of Glancaster Rd.</td>
<td>8</td>
</tr>
<tr>
<td></td>
<td>East 42nd Street</td>
<td>Pemberton Avenue</td>
<td>EB Stop</td>
<td>N/S Stop</td>
<td>E. of Upper Gage, N. of Mohawk</td>
<td>6</td>
</tr>
<tr>
<td>(c)</td>
<td>East 42nd Street</td>
<td>Ninth Avenue</td>
<td>N/S Stop</td>
<td>E/W Stop</td>
<td>E. of Upper Gage, N. of Mohawk</td>
<td>6</td>
</tr>
<tr>
<td>(d)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
2. **Transportation Summit on Environmental Pricing Reform Follow-up (PW11016a) (City Wide) (Item 5.4)**

That Report PW11016a, respecting Transportation Summit on Environmental Pricing Reform Follow-up, be received.

3. **CarShare On-Street Parking Location Pilot Program (PW12016) (Ward 1) (Item 5.5)**

That Report PW12016, respecting CarShare On-Street Parking Location Pilot Program, be received.

4. **City of Hamilton/Metrolinx Governance Agreement for the Joint Procurement of Specialized Transit (DARTS) Buses (PW12012) (City Wide) (Item 8.1)**

   (a) That the Mayor and City Clerk be authorized and directed to enter into a Governance agreement, attached as Appendix “A” to report PW12012, for the joint procurement of replacement Specialized Transit buses for 2012-2013 in accordance with the DARTS ten year capital fleet replacement plan as approved by Council;

   (b) That a certified copy of this Governance Agreement and accompanying By-Law in a form satisfactory to Corporate Legal Services, Corporate Purchasing, and Corporate Finance be forwarded to Metrolinx upon Council approval.

5. **Shaver Estates Park - Tree Removal Report (PW12013) (Ward 12) (Item 8.2)**

That sixty-one (61) of the existing living trees, attached as Appendix “A” to Report 12-003 be approved for removal to facilitate the creation of neighbourhood parkland facility at Shaver Estates Park

6. **Petition from East End Residents Requesting a Leash Free Area in Gage Park (PW12014) (Ward 3) (Item 8.3)**

   (a) That the request to make a portion of Gage Park leash free be denied based on the historic significance and adopted Master Plan of the park;

   (b) That any future petitions for leash free parks be received and referred to Parks staff for consideration in keeping with the City Hamilton’s leash free policies and by-laws.
7. Policy 11 - Single Source Provider for Project Management Services - Lower Spencer Creek Integrated Subwatershed Study (PW12015) (Ward 13) (Item 8.4)

That the General Manager of the Public Works Department be authorized and directed to retain the Hamilton Conservation Authority as a Procurement Policy #11 - Single Source Provider, to undertake Project Management Services for the proposed Lower Spencer Creek Integrated Subwatershed Study including the procurement of associated consulting services to an amount anticipated not to exceed $350,000 from Project ID: 5181055075, Project ID name: Watershed Project Coordination and Stewardship Action Plans.

8. Conventional Transit (HSR) Fleet Purchasing Policy Review Request for Policy 11 Approval (PW12017) (City Wide) (Item 8.5)

(a) That Council authorize the Central Fleet section to continue to use the current Purchasing Policy 11 for the single source contract for repair and maintenance of the City’s two natural gas compressor stations to MCI Inc. in the estimated annual amount of $300,000 yearly until the feasibility study is completed and recommendations are reported back to Council and staff are given further direction;

(b) That Council authorize approval for the hiring of Marathon Technical Services to complete an in-depth feasibility study for the possibility of returning to the practice of purchasing compressed natural gas (CNG) buses for conventional transit.

9. 2011 Annual Drinking Water Report (PW12018) (City Wide) (Item 8.6)


10. Chamber of Commerce HSR Transportation (Item 9.1)

That Staff be directed to provide shuttle service for the Hamilton Chamber of Commerce to special events during their CCC Convention on the evenings of Sunday September 23, and Monday September 24, 2012 with the understanding that the service can be accommodated within the Transit special events budget.
FOR THE INFORMATION OF COUNCIL:

(a) **CHANGES TO THE AGENDA (Item 1)**

The Committee Clerk advised of the following changes to the agenda:

Notices of Motion

10.1 Winter Control Program - Review of Service Level for Urban Residential Class Three Roadways (Snow plowing activation)

10.2 Earth Day Walk and Earth Day Tree Planting Festival HSR Transportation

10.3 Earth Day Eco Festival HSR Transportation

Private and Confidential

12.1 Security of the property of the municipality (City Wide)

The March 7, 2011 Public Works Committee Agenda was approved, as amended.

(b) **DECLARATIONS OF INTEREST (Item 2)**

None

(c) **APPROVAL OF MINUTES (Item 3)**

(i) **February 6, 2012 (Item 3.1)**

The Minutes of the February 6, 2012 Public Works Committee were approved, as presented.

(d) **CONSENT ITEMS (Item 5)**

(i) **Minutes of Various Sub-Committee (FOR INFORMATION PURPOSES ONLY) (Item 5.1)**

The following Advisory and Sub-committee Minutes be received for information:

5.1.1 Hamilton Cycling Committee
(a) November 2, 2011
(b) December 7, 2011
5.1.2 Waste Reduction Task Force
   (a) November 16, 2011
   (b) December 7, 2011

5.1.3 Solid Waste Management Master Plan Steering Committee
   (a) December 14, 2011
   (b) January 11, 2012

5.1.4 Clean City Liaison Committee - December 14, 2011

(ii) Halton-Hamilton Source Protection Committee - December 14, 2011 (Item 5.2)

The Minutes of the December 14, 2011 Halton-Hamilton Source Protection Committee, were received.

(iii) Intersection Control List (PW12001(a)) (Wards 8, 11, 15 & 5) (Item 5.3)

On a Motion Report PW12001(a) was amended to include the installation of the following intersection controls.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location / Comments / Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street 1</td>
<td>Street 2</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(c) East 42nd Street</td>
<td>Pemberton Avenue</td>
<td>EB Stop</td>
<td>N/S Stop</td>
<td>E. of Upper Gage, N. of Mohawk</td>
</tr>
<tr>
<td>(d) East 42nd Street</td>
<td>Ninth Avenue</td>
<td>N/S Stop</td>
<td>E/W Stop</td>
<td>E. of Upper Gage, N. of Mohawk</td>
</tr>
</tbody>
</table>

(e) MOTIONS (Item 9)

(i) Hamilton Chamber of Commerce HSR Transportation (Item 9.1)

For disposition on this matter refer to Item 10.

(f) NOTICES OF MOTION (Item 10)

Councillor Ferguson introduced the following Notice of Motion

(i) Winter Control Program - Review of Service Level for Urban Residential Class Three Roadways (Snow plowing activation) (Item 10.1)

Whereas the current Winter Control Program (WCP) service level has been in existence since 2001 and its activation parameters for class three roadways do not distinguish between cross sections with or without pedestrian facilities, and;
Whereas recent provincial legislation and policy has placed more emphasis on enhancing active transportation including pedestrian activity within urban areas (i.e. AODA, Transportation Master Plan, Cycling Master Plan, International Charter for Walking, Pedestrian Mobility Plan, etc.)

Therefore staff be directed to review the plowing activation parameters within the WCP Service Level to identify opportunities to enhance active transportation opportunities including pedestrian activity on class three residential roadways within the urban area, which have been constructed without pedestrian facilities and report back with an incremental operating cost impact for the program activation protocol.

Councillor Powers introduced the following Notice of Motion

(ii) Earth Day Walk and Earth Day Tree Planting Festival HSR Transportation (Item 10.2)

That Staff be directed to provide shuttle service for the annual Earth Day Walk and Earth Day Tree Planting Festival on Saturday April 21, 2012 with the understanding that the service can be accommodated within the Transit special events budget

Councillor Powers introduced the following Notice of Motion

(iii) Earth Day Eco Festival HSR Transportation (Item 10.3)

That Staff be directed to provide shuttle service for the Earth Day Eco Festival in coordination with Green Venture on May 15, 16, and 17 with the understanding that the service can be accommodated within the Transit special events budget.

(g) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Outstanding Business List (Item 11.1)

(a) Items Requiring Approval for Removal:

The following items were removed from the Outstanding Business List.

(i) Item C - Car Share Pilot Program 427 Aberdeen Ave.

(ii) Item I - Petition from east end residents requesting a leash-free area in Gage Park
(b) Items Requiring Revised Due Dates:

The following revised due date was approved:

(i) Item B - Installation Policy for Intersection and Mid-Block Pedestrian Signals  
Current Due Date: April 2, 2012  
Proposed Due Date: June 18, 2012

(h) Private & Confidential (Item 12)

(i) Security of the Property of the Municipality (City Wide) (Added Item 12.1)

That Committee move into Closed Session at 10:05 a.m. pursuant to subsection 8.1(a) of the City’s Procedural By-law and sub-section 239(2)(a) of The Municipal Act as the subject matter pertains to the security of the property of the municipality or local board.

The staff update respecting Security of the Property of the Municipality was received.

(i) ADJOURNMENT

There being no further business, the Public Works Committee adjourned at 10:23 a.m.

Respectfully submitted,

Councillor B. McHattie, Chair  
Public Works Committee

Andy Grozelle  
Legislative Co-ordinator  
March 5, 2012

Council – March 7, 2012
THE BOARD OF HEALTH PRESENTS REPORT 12-002 AND RESPECTFULLY RECOMMENDS:

1. Alcohol/Substance Misuse in Hamilton (BOH12003) (City Wide) (Item 7.1)

   That Report BOH12003 respecting Alcohol/Substance Misuse in Hamilton, be received.

2. Rural Well Water Quality Report (BOH12002) (Wards 11, 12, 13, 14, 15) (Item 7.2)

   That Report BOH12002 respecting Rural Well Water Quality, be received.
3. **By-law 11-080 “Prohibiting Smoking within City Parks and Recreation Properties” Communications Plan and Citizen Feedback (BOH12004) (City Wide) (Item 8.1)**

That Report BOH12004 respecting By-law 11-080 “Prohibiting Smoking within City Parks and Recreation Properties” Communications Plan and Citizen Feedback, be received.

4. **Physician Recruitment & Retention Steering Committee Report 12-001 (Added as Item 8.3)**

   a) **Current Physician Statistics Summary (Item 5.1)**

   That the Current Physician Statistics Summary, be received.

   b) **Key Performance Indicators for Family Physicians (Item 5.2)**

   That the Key Performance Indicators for Family Physicians, be received.

   c) **Physician Recruitment & Retention Program Year 8 (2011) Cash flow Statement December 1, 2010 to November 30, 2011 (Item 5.3)**

   That the Physician Recruitment & Retention Program Year 8 (2011) Cash flow Statement, December 1, 2010 to November 30, 2011, be received.

   d) **Physician Recruitment and Retention Program Year 9 (2012) Proposed Budget, December 1, 2011 to November 30, 2012 (Item 5.4)**


   e) **Physician Recruitment and Retention Program Budget Forecast, December 1, 2011 to November 30, 2012 (Item 5.5)**

   That the Physician Recruitment and Retention Program Budget Forecast, December 1, 2011 to November 30, 2012, be approved.
5. **Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(f)) (City Wide) (Item 8.2)**

That Report BOH07034(f) Prohibiting Smoking Within City Parks and Recreation Properties, be referred back to staff for further revision, and report back to the October 15, 2012 Board of Health meeting.

FOR THE INFORMATION OF THE COUNCIL:

(a) **CHANGES TO THE AGENDA (Item 1)**

**ADDED DISCUSSION ITEMS**

8.3 Physician Recruitment & Retention Steering Committee Report 12-001

**ADDED GENERAL INFORMATION ITEMS**

11.1 Update Respecting Recent Outbreaks

The agenda was approved, as amended.

(b) **MINUTES (Item 3)**

(i) **February 6, 2012 (Item 3.1)**

The minutes from the February 6, 2012 Board of Health Meeting, were approved.

(c) **PRESENTATIONS (Item 7)**

(i) **Alcohol/Substance Misuse in Hamilton (BOH12003) (City Wide) (Item 7.1)**

With the aid of a PowerPoint presentation Mike DeVillaer gave a presentation on Report BOH12003 respecting Alcohol and Substance Misuse in Hamilton. A copy of the presentation was retained for the record.

Mr. DeVillaer spoke to the harms of alcohol misuse in Ontario, and indicated that the alcohol abuse is the most common type of drug abuse. The problem is widespread but is more prevalent in males than females,
as well as those below the age of majority. Greater awareness is needed to ensure that people have adequate information respecting the ills of drinking.

The Board ask questions regarding the misuse of alcohol and what measure can be taken to encourage responsible usage.

(ii) Rural Well Water Quality Report (BOH12002) (Wards 11, 12, 13, 14, 15) (Item 7.2)

With the aid of a PowerPoint presentation Eric Mathews gave a presentation to the Board on Report BOH12002 respecting Rural Well Water Quality. A copy of the presentation was retained for the record.

Mr. Mathews gave an overview of the report and research methods. The focus is on health related factors respecting rural well water, and specifically ensuring that water is safe for human consumption. The City facilitates bacteria testing, and provides test bottles at City facilities. Mr. Mathews indicated that the City has done testing on private wells for chemicals and unsafe drinking water.

The Board enquired about the process of having well water inspected, and how the City could better reach out to citizens to encourage having their wells tested. Questions also surrounded the effects how to extract chemicals from drinking water, and some misnomers associated with purifying water. The Board enquired as to how Public Health works with individuals that have problems with their wells.

Public Health Staff were directed to develop a communication campaign for well water testing awareness, and work with rural schools in the Hamilton Wentworth District School Board, Hamilton Wentworth Catholic District School Board and parent councils for distribution to parents.

(d) DISCUSSION ITEMS (Item 8)

(i) By-law 11-080 “Prohibiting Smoking within City Parks and Recreation Properties” Communications Plan and Citizen Feedback (BOH12004) (City Wide) (Item 8.1)

The Board discussed the report, and the steps taken by Public Health to engage the public.

(ii) Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(f)) (City Wide) (Item 8.2)
The Board discussed the proposed amendments to By-law 11-080 which outlines places where smoking is prohibited within the City. Discussion surrounded the enforcement of the By-law, and on the specified parks and recreation areas where smoking is prohibited as outlined in the appendices. The Board felt that more work and research was needed with respect to the specified parks and areas where smoking is prohibited.

Report BOH07034(f) Prohibiting Smoking Within City Parks and Recreation Properties, was referred back to staff for further revision, and report back to the April 16, 2012 Board of Health meeting. (Refer to Item 5 listed above)

(e) GENERAL INFORMATION/OTHER BUSINESS (Item 11)

(i) Update respecting recent outbreaks (Added Item 11.1)

Public Health Staff gave an update respecting the salmonella and Norovirus outbreaks in the City. Staff outlined the measures taken by Public Health and their ongoing efforts.

The update respecting the recent outbreaks, was received.

(f) ADJOURNMENT (Item 13)

The Board of Health was adjourned at 3:40 p.m.

Respectfully submitted,

Councillor B. Clark, Deputy Mayor
Board of Health

Christopher Newman
Legislative Coordinator
March 5, 2012