CITY COUNCIL
MINUTES 13-016
5:00 p.m.
Wednesday, September 11, 2013
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor R. Bratina

Absent with Regrets: Councillor R. Pasuta - Vacation

Mayor Bratina called the meeting to order and took a moment to acknowledge the 12 th anniversary of the tragic 9/11 events of September 11, 2001.

The Mayor called upon Mr. Jamie Wood of Living Hope Church to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following change to the agenda:

1. ADDED COMMUNICATION

5.9 Correspondence from Jessica Aird, respecting her Resignation from the ESAIEG Committee

Recommendation: Be received and referred to the Selection Committee.

(Pearson/Partridge)
That the agenda for the September 11, 2013 meeting of Council be approved, as amended.

CARRIED
DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest with respect to Item 6 of the General Issues Committee Report 13-017 as his nephew may be a proponent for the Request for Proposal for the potential private use and/or sale of Auchmar Estates.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 August 16, 2013

(Pearson/Johnson)
That the Minutes of the August 16, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Farr/Morelli)
That Council Communications 5.1 through 5.9 be approved, as amended, as follows:

5.1 Correspondence from the Honourable Teresa Piruzza, Minister of Children and Youth Services, respecting Funding to the Children’s Aid Society of Hamilton and the Catholic Children’s Aid Society of Hamilton

Recommendation: Be received. (Farr/McHattie)

5.2 Correspondence from the Honourable Glen Murray, Minister of Infrastructure and Transportation, respecting the Eastgate to McMaster Rapid Transit Corridor

Recommendation: Be received. (Farr/Jackson)

5.3 Correspondence from the Honourable Jeff Leal, Minister of Rural Affairs, respecting the Launch of the Renewed Rural Economic Development (RED) Program

Recommendation: Be received and referred to the General Manager of the Planning & Economic Development Department for a report to the General Issues Committee. (Ferguson/Partridge)
5.4 Correspondence from Fred Hahn, President of the Canadian Union of Public Employees – Ontario; and, Sheila Olan-MacLean, President of Ontario Coalition for Better Child Care, respecting a Request to Proclaim October 30, 2013 as Child Care Worker & Early Childhood Educator Appreciation Day

Recommendation: Be received. (Collins/Merulla)

5.5 Correspondence from Beverly Fernandez, Spokesperson for Stop the Great Lakes Nuclear Dump, respecting Ontario Power Generation’s Plans to Build a Nuclear Waste Repository beside the Great Lakes

Recommendation: That the Resolution Opposing the Construction of the Nuclear Waste Repository in the Great Lakes Basin be supported and copies be forwarded to the Hamilton Conservation Authority, Conservation Halton, the Grand River Conservation Authority, and the Niagara Peninsula Conservation Authority. (McHattie/Pearson)

5.6 Correspondence from Elise Croll, Director of Environmental Programs and Assessment, respecting a Notice of Project – GO Transit Bus Servicing and Storage Facility, City of Hamilton

Recommendation: Be referred to the General Manager of the Planning and Economic Development Department for comments. (Partridge/Collins)

5.7 Correspondence from Peter Hasek respecting CityHousing Hamilton

Recommendation: Be received. (Jackson/Pearson)

5.8 Correspondence from Barry Conway, Hamilton Labour United, Local 21, respecting a Request for Review of Employee Terminations

Recommendation: Be referred to the City Manager and the Executive Director of Human Resources and Organizational Development for a report to the General Issues Committee. (Duvall/Jackson)

5.9 Correspondence from Jessica Aird, respecting her Resignation from the ESAIEG Committee

Recommendation: Be received and referred to the Selection Committee. (Johnson/Pearson)

CARRIED AS AMENDED

(Duvall/Jackson)

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

CARRIED
PUBLIC WORKS COMMITTEE REPORT 13-010

(Ferguson/Johnson)
That the TENTH Report of the Public Works Committee be adopted, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 13-013

Item 14 Red Hill Business Park South Transportation Master Plan Addendum (PED13146) (Ward 11) (Item 8.4)

(Jackson/Johnson)
That sub-section (b) of Item 14 of Planning Committee Report 13-015, respecting Red Hill Business Park South Transportation Master Plan Addendum (PED13146) be amended by adding a sub-section (i) to read as follows:

(b) That the General Manager, Planning and Economic Development Department, be authorized and directed to file the Red Hill Business Park South Transportation Master Plan Addendum for public review (appeal period) for a minimum period of thirty (30) days:

“(i) That the General Manager, Planning and Economic Development Department, be directed to provide written notification to the residents of Glover Road between Dickenson Road and Rymal Road (Wards 6 and 11) respecting the thirty (30) day public review (appeal period) of the Red Hill Business Park South Transportation Master Plan Addendum.”

The Main motion as amended CARRIED, with the exception of Subsection (c) (iii) on the following standing recorded votes:

Yeas: Bratina, Duvall, Jackson, Collins, Merulla, Morelli, Farr, McHattie, Clark, Johnson, Ferguson, Powers, Partridge, Whitehead, Pearson
Total: 15
Nays: 0
Absent: Pasuta
Total: 1

Subsection (c) (iii) of the Main motion CARRIED on the following standing recorded votes:

Yeas: Bratina, Duvall, Jackson, Collins, Merulla, Morelli, McHattie, Clark, Johnson, Ferguson, Powers, Partridge
Total: 12
Nays: Farr, Whitehead, Pearson  
Total: 3  
Absent: Pasuta  
Total: 1

Item 22  Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton, Ontario (LS13031) (Ward 2) (Item 12.3)

(Merulla/Collins)
That Item 22 of the Planning and Economic Development Committee Report 13-013, regarding the Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton be amended by deleting sub-section (b) in its entirety and replacing with the following in lieu thereof:

(b) That staff be directed to hold public meeting(s), as required under the Planning Act, to amend any of the City’s zoning by-laws, which include regulations respecting radial separation between certain types of residential facilities.

The amended Item to read as follows:

(a) That Report LS13031, except for Appendix “A” attached thereto, respecting the Ontario Municipal Board Decision in respect of the appeal by Lynwood Charlton Centre from Council’s refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, remain confidential; and,

(b) That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, and the Human Rights Code.

(b) That staff be directed to hold public meeting(s), as required under the Planning Act, to amend any of the City’s zoning by-laws, which include regulations respecting radial separation between certain types of residential facilities.

(Powers/Bratina)
That the question be called.  
CARRIED

(Clark/Powers)
That the amending motion be withdrawn.  
CARRIED
(Johnson/Ferguson)
That the question be called.  

CARRIED

Item 22  Ontario Municipal Board (OMB) Decision in respect of the appeal by Lynwood Charlton Centre from Council’s Refusal to Enact a Proposed Zoning By-law Amendment to Rezone Lands at 121 Augusta Street, Hamilton, Ontario (LS13031) (Ward 2) (Item 12.3)

(Merulla/Clark)
That subsection (b) be amended by adding the words “radial separation distances” after the words “special needs” to read as follows:

(a) That Report LS13031, except for Appendix “A” attached thereto, respecting the Ontario Municipal Board Decision in respect of the appeal by Lynwood Charlton Centre from Council’s refusal to enact a proposed Zoning By-law Amendment to rezone lands at 121 Augusta Street, Hamilton, Ontario, remain confidential; and,

(b) That staff be directed to report to the Planning Committee with a comprehensive review of residential care facilities in the context of the Provincial Policy, as it relates to special needs, radial separation distances, and the Human Rights Code.

Amendment CARRIED

Main Motion as Amended CARRIED

(Johnson/Pearson)
That the THIRTEENTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-017

Item 10  Memorandum of Agreement - City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct - Update (CM13006(b)) (Ward 3) (Item 7.1(b))

(Morelli/Merulla)
That Item 10 of General Issues Committee Report 13-017 respecting Memorandum of Agreement – City of Hamilton and Hamilton-Wentworth District School Board for a New Secondary School and Community Centre in the Pan Am Stadium Precinct, be deleted in its entirety and replaced with the following in lieu thereof:
Item 10  Construction of a Seniors' Recreation/Community Centre in the Pan Am Stadium Precinct

(a) That an amount up to $17 million for the construction of a seniors’ recreation/community centre (the “facility”) in the Pan Am Stadium Precinct be approved;

(b) That $9.45 million of the $17 million referred to in sub-section (a) above be funded as follows:

(i) Capital Project for the Central City Seniors and Community Centre $ 1.2 million
(ii) Future Development Charges $ 3.4 million
(iii) Ward 3 Capital Reserve $ .5 million
(iv) Proceeds received in 2013 from the 2010 Ontario Municipal Partnership Fund (OMPF) Reconciliation $2.85 million
(v) Council’s Strategic Reserve $ 1.5 million

$9.45 million

(c) That the remaining $7.55 million be funded through existing funding sources that include:

(i) Council’s Strategic Capital Reserve $ 2.7 million
(ii) Hamilton Utilities Corp. (Horizon) 2013 Special Dividend $ 2 million
(iii) Balance of the 2010 Ontario Municipal Partnership Fund (OMPF) Reconciliation $2.85 million

$7.55 million

(d) That any additional costs resulting from not partnering with the Hamilton-Wentworth District School Board, up to a maximum of $2.3 million, be funded from the Unallocated Capital Reserve, and that this Reserve be replenished from any surpluses to a maximum of $2.3 million associated with the Westmount Recreation Centre project;

(e) That should any infrastructure funding program become available through the Federal and/or Provincial governments prior to the construction completion of the facility, that staff be authorized and directed to file the necessary funding request documents;
(f) That the Hamilton Future Fund only be considered as a last resort, should there be a shortfall in funding from existing Reserves;

(g) That the Hamilton-Wentworth District School Board be requested to determine their interest in entering into a facility usage agreement.

The Amendment CARRIED and the Main Motion as Amended CARRIED, on the following standing recorded votes:

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<th>Yeas</th>
<th>Bratina, Duvall, Jackson, Collins, Merulla, Morelli, Farr, McHattie, Clark, Johnson, Ferguson, Powers, Partridge, Whitehead, Pearson</th>
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<td>Absent</td>
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13. Occupational Health and Safety Act Charges - April 9, 2013 (LS13029) (City Wide) (Item 12.3)

Item 13 CARRIED, on the following votes:

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<td>Absent</td>
<td>Pasuta</td>
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<tr>
<td>Total</td>
<td>1</td>
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</tbody>
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(Bratina/Partridge)
That the SEVENTEENTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE 13-009

(Pearson/Clark)
That the NINTH Report of the Audit, Finance & Administration Committee be adopted and the information section received.

CARRIED
EMERGENCY & COMMUNITY SERVICES REPORT 13-007

(Whitehead/Partridge)
That the SEVENTH Report of the Emergency & Community Services Committee be adopted, and the information section received.

CARRIED

(Duvall/Jackson)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Emergency Communications and Information Dissemination

(Merulla/Johnson)
Whereas the recent storm event of July 19th identified the need for coordinated inter-agency information sharing; and

Whereas the residents of the City of Hamilton depend on the municipality to play a significant role in the sharing and dissemination of information during an emergency; and

Whereas, in an emergency information should be coordinated in one central location; and

And whereas, the City of Hamilton currently functions in a decentralized communications model;

Therefore be it resolved that:

The City Manager be directed to report back on the feasibility of:

(a) The City of Hamilton becoming the central repository for all utility and city emergency communications and information dissemination during emergency situations; and

(b) A centralized communications structure in an effort to streamline and enhance the City of Hamilton’s communications efforts.

CARRIED
7.2 Mobile Urban Park Initiative

(Merulla/Morelli)
Whereas the City of Hamilton has a long and rich history of industry, railroads and shipping;

And whereas, urban revitalization historically rises from re-purposing, improving, and renovating buildings, warehouses, or industrial sites;

And whereas, the City of Hamilton wants to be considered a leader in innovative and creative projects;

And whereas, international cities like Montreal, Chicago and Las Vegas have created mobile urban parks using old shipping/rail cars;

And whereas, the creation of open green spaces is desirable;

Therefore be it resolved:

(a) That staff report back on the feasibility of creating a mobile urban park utilizing rail/shipping containers; and

(b) That if the City of Hamilton proceeds with a mobile urban park initiative, that the Ottawa Street BIA be considered a pilot location.

CARRIED

7.3 Objection to Liquor License Application – Rokbar, 15 Hess Street South, Hamilton, Ontario

(Farr/McHattie)
WHEREAS, the City of Hamilton has received notification that Rokbar at 15 Hess Street South, Hamilton, Ontario has applied for a liquor license;

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

THEREFORE, BE IT RESOLVED:

(a) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application (attached hereto) for Rokbar at 15 Hess Street South, Hamilton, Ontario to allow for community and Hess Village Liaison Committee consultation given the property history; and,
(b) That should the AGCO determine that a Hearing is to be scheduled, that Legal Services be authorized and directed to attend the Hearing to represent the City’s interest.

CARRIED

7.4 Request from Global Spectrum Facility Management for a Temporary Road Closure – Friday October 11, 2013 for the Hamilton Bulldogs Opening Game Street Party

(Farr/Morelli)

(a) That the application from Global Spectrum Facility Management, for a Temporary Road Closure of Bay Street from King Street to York Boulevard on Friday October 11, 2013 from 1:00 p.m. to 8:00 p.m. for a Hamilton Bulldogs Opening Game Street Party, be approved;

(b) That the event organizers be required to submit a Certificate of Insurance and pay the required full road closure permit fee of $597.61, prior to the closure;

(c) That all other costs related to the road closure be the responsibility of Global Spectrum Facility Management.

CARRIED

NOTICES OF MOTION

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

BY-LAWS AND CONFIRMING BY-LAW

(Farr/McHattie)

(a) That Bills No. 13-189 and 13-214 to 13-228 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

189 To Amend By-law No. 01-215, Being a By-law To Regulate Traffic Schedule 2- Speed Limits
Schedule 13 – Designated Traffic Lanes
Schedule 18 – Bike Lanes
Tabled from the August 16, 2013 Council Meeting

214 To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
Schedule 2 – Speed limits

215 To Amend By-law No. 01-215 Being a By-law To Regulate Traffic
Schedule 6 – One Way Street

216 To Amend By-law No. 01-215 Being a By-law To Regulate Traffic
Schedule 5 – Stop Control

217 To Amend By-law No. 12-031, a By-law For Responsible Animal Ownership
Subsection 7.4 – Leash Free Parks

218 To Amend By-law No. 01-215 Being a By-law To Regulate Traffic
Schedule 10 – No Left Turns
Schedule 13 – Designated Traffic Lanes

219 To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
Schedule 5 – Stop Control

220 To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
Schedule 5 – Stop Control

221 To Amend By-law No. 01-215, Being a By-law To Regulate Traffic
Schedule 10 – No Left Turns
Schedule 13 – Designated Traffic Lanes

222 To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking
Schedule 5 – Parking Meters
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 9 – Alternate Side Parking
Schedule 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zone
Schedule 14 – Wheelchair Loading Zones
Schedule 15 – Commercial Vehicle Loading Zones

223 To Adopt: Official Plan Amendment No. 152 to the former City of Stoney Creek
Official Plan
Respecting:
Lands Located at 512 Highland Road West, Stoney Creek

224 To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 512 Highland Road West (Stoney Creek)

225 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3250 Homestead Drive

226 To Amend Zoning By-law No. 464 (Glanbrook), as Amended by By-law No. 02-331, Respecting Lands Located on the South Side of Rymal Road, East of Fletcher Road

227 To Amend By-law No. 12-179
Respecting
The Appointments of A Chief Building Official, Deputies and Inspectors

228 To Confirm Proceedings of Council at its meeting
(b) That Bill No. 229, A By-law to Amend Zoning By-law No. 05-200 respecting lands located at 121 August Street, Hamilton, by order of Ontario Municipal Board PL120529 on August 23, 2013, be received

CARRIED

Bill No. 229
The Ontario Municipal Board has ordered “To Amend Zoning By-law No. 05-200Respecting Lands Located at 121 Augusta Street, Hamilton” PL120529

(Pearson/Partridge)
That, there being no further business, the City Council meeting be adjourned at 9:10 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

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