



CITY COUNCIL MINUTES 13-006

5:00 p.m.

Wednesday, February 27, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** Councillor B. Clark – Personal Business

Mayor Bratina called the meeting to order, and called upon Rev. Glen Wells from St. John United Church in Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

- 5.10 Correspondence from Janet Mason, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing respecting Growing the Greenbelt – Glenorchy Lands (Oakville) and Urban River Valleys approval of Amendment No. 1 to the Greenbelt Plan and Greenbelt Area boundary regulation (O.Reg.6/13).

Recommendation: Be received.

2. ADDED NOTICES OF MOTION

- 8.1 Objection to Liquor License Application Blue Nile Ethiopian Restaurant, 90 Wellington Street North, Hamilton, Ontario, L8R 1N1

- 8.2 Objection to Liquor License Application F.L.A. Café and Bar, 658-660 Barton Street East, Hamilton, Ontario, L8L 6L6
- 8.3 Theatre Ancaster Renovation with Mohawk College

3. ADDED BY-LAWS

Bill No.	
061	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1295 Cormorant Road (Ancaster)
062	Respecting Removal of Part Lot Control, Blocks 104 and 105, Registered Plan No. 62M-1172, "Penny Lane Estates – Phase 1" 263, 267, 271 and 275 Penny Lane

(Pearson/Ferguson)

That the agenda for the February 27, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest with Planning Committee Report 13-003, items 1, 6, and 9 as he has family involved in the taxi industry:

- Accessible Taxicab Licensing Consultation Staff Resources (PED10063(f)) (City Wide) (Item 5.1)
- Vehicle Inspection Manual for Taxis (PD05141(c)) (City Wide) (Item 8.1)
- Taxi Insurance Premiums (Item 10.1)

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Ontario Heritage Trust – 2012 Heritage Community Recognition Awards

Mayor Bratina acknowledged the winners of the Ontario Heritage Trust and congratulated them on their accomplishment. Mayor Bratina called upon Alissa Denham Robinson, Chair of the Hamilton Municipal Heritage Committee, Committee members Kathy Wakeman and Councillor Brenda Johnson to assist him in awarding the recipients.

Clayton Barker was awarded for his work with Built Heritage and the group "Friends of the Lee" consisting of Marian Austin, Lynda Booker, Margaret Byl, Jean McEvoy, Judith Phillips, Jerinne Porteous, Barbara Stones and Cleda Yachetti were awarded for their contributions to Cultural Heritage.

APPROVAL OF MINUTES

4.1 February 13, 2013

(Pearson/Partridge)

That the Minutes of the February 13, 2013, meeting of Council be approved, as presented.

CARRIED

4.2 February 20, 2013 (Special Meeting)

(Pearson/Partridge)

That the Minutes of the February 20, 2013, Special meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Pasuta/Powers)

That Council Communications 5.1 through 5.10 be approved, as amended, as follows:

- 5.1 Correspondence from Allison J. Stuart, Assistant Deputy Minister and Chief of the Ministry of Community Safety and Correctional Services congratulating Hamilton on completing the mandatory emergency management program elements required under the Emergency Management and Civil Protection Act (EMCPA) and Ontario Regulation 380/04 for 2012.

Recommendation: Be received.

- 5.2 Correspondence from Al Gordon, Chair of the Ancaster Senior Achievement Centre (ASAC) Advisory Board thanking the City of Hamilton for entering into partnership with ASAC and the Federal Government through the Community Infrastructure Improvement Fund in support of the Centre's Expansion Project.

Recommendation: Be received.

- 5.3 Correspondence Jennifer Lawrence, Manager of Environment Planning with Conservation Halton respecting Conservation Halton Regulatory Shoreline Policy Update – Development, Interference with Wetlands and Alterations to Shorelines and Watercourses Regulation – Draft for Discussion.

Recommendation: Be received.

- 5.4 E-mail correspondence from Harold W. Becker, President/Founder of The Love Foundation, Inc. Announcing Global Love Day 2013 and Proclamation Request

Recommendation: Be received.

- 5.5 Correspondence from John Ennis, Government and Community Relations with CAA South Central Ontario respecting CAA public opinion research on one-way to two-way street conversions.

Recommendation: Be received and referred to the Ward 1, Ward 2 and Ward 3 - One Way to Two Way Street Implementation Team.

- 5.6 Correspondence from Aaron Schat, Chair, on behalf of the Council of First Hamilton Christian Reformed Church respecting the Casino proposal.

Recommendation: Be received.

- 5.7 Correspondence from Frank Russo, Senior Vice President of Global Spectrum and Riley O'Connor, Chairman of Live Nation Canada respecting the Casino proposal.

Recommendation: Be received.

- 5.8 Correspondence from Tim Simmons, Chair of the Hamilton-Wentworth District School Board respecting a proposal for new school in the Pan Am Stadium precinct.

Recommendation: Be received and referred to the City Manager for a report to the General Issues Committee.

- 5.9 Correspondence from Michael Fougere, Mayor of the City of Regina respecting the Mayor's Poetry City Challenge: A Celebration of Poetry, Writing and Publishing.

Recommendation: Be received.

- 5.10 Correspondence from Janet Mason, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing respecting Growing the Greenbelt – Glenorchy Lands (Oakville) and Urban River Valleys approval of Amendment No. 1 to the Greenbelt Plan and Greenbelt Area boundary regulation (O.Reg.6/13).

Recommendation: Be received.

CARRIED

(Pearson/Johnson)

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

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE REPORT 13-004

4. Proposed Gaming Facility (Item 10.3)

WHEREAS the Ontario Lottery and Gaming Corporation has confirmed that the City of Hamilton has full control over the location of the proposed gaming facility;

AND WHEREAS the Ontario Lottery and Gaming Corporation (OLG) has provided, in writing (attached hereto), confirmation that the proposed gaming facility site must be approved by the OLG, the private sector operator and the City of Hamilton in order to proceed.

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton reserves the right to veto the proposed alternative gaming facility site(s), as identified in the Request for Proposal process.
- (b) That the City of Hamilton supports, in principle, being a "willing host" for a gaming facility site in the Hamilton Gaming Zone (SW9);
- (c) That the Ontario Lottery and Gaming Corporation consider 967 Highway 5 West, Flamborough, Ontario, which is currently known as the Flamboro Downs location, within the Hamilton Gaming Zone (SW9), as the City of Hamilton's choice for a gaming facility site;
- (d) That the City of Hamilton strongly encourages the Ontario Lottery and Gaming Corporation to establish a Request for Pre-Qualification process that is fair, transparent, open and competitive; and, one which will provide proponents, including the current Flamboro Downs operators, Great Canadian Gaming Corporation, an opportunity to compete within a level playing field;
- (e) That, if during the Request for Proposal process, any potential, prequalified proponents demonstrate to the Ontario Lottery and Gaming Corporation and the City of Hamilton that the 967 Highway 5 West, Flamborough Ontario site, which is known as the current Flamboro Downs location, is not a viable site, that only then, the City be willing to explore other sites of interest with prospective proponents, within the Hamilton Gaming Zone (SW9) that permits a gaming facility operation;

- (f) That any and all sites to be considered as the gaming facility site, be subject to Council approved conditions.

The motion **CARRIED** on the following Standing Recorded Vote.

Yeas: R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, L.
Ferguson, R. Powers, R. Pasuta, J. Partridge
Total Yeas: 15
Nays: None
Total Nays: 0
Absent: B. Clark
Total Absent: 1

(Bratina/Partridge)

That the FOURTH Report of the General Issues Committee meeting be adopted and the information section received. (attached hereto)

CARRIED

PLANNING COMMITTEE REPORT 13-003

11. Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction (LS13005) (Item 12.2)

(Farr/McHattie)

That the recommendation contained in Report LS13005 respecting Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be amended by deleting subsection (c) and replacing with the following sub-sections (c) and (d):

- (c) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be approved as the basis of a settlement of Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan;
- (d) That staff be directed to advise the OMB that the City of Hamilton and Parkside Hills Inc. have settled Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report.

To read as follows:

- (a) That Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be received;

- (b) That Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, remain confidential, but that the appendices be made public in the event that a settlement is reached with the appellant;
- ~~(c) That recommendations (c) and (d) contained in Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc., be made public upon Council approval.~~
- (c) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be approved as the basis of a settlement of Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan;
- (d) That staff be directed to advise the OMB that the City of Hamilton and Parkside Hills Inc. have settled Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Farr/Morelli)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-005

(Bratina/Partridge)

That the FIFTH Report of the General Issues Committee be adopted and the information section received. (attached hereto)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-006

1. Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide) (Item 5.1)

- (a) That Report PW13014 be submitted, including Appendix A, "Rapid Ready - Expanding Mobility Choices in Hamilton (January 2013)", as the City of Hamilton's submission to Metrolinx in accordance with the Contribution Agreement between the City and Metrolinx, with the understanding that the funding requirements for Hamilton's public transportation program are as follows:

- (i) 100% capital and any upset net operating levy impact for Light Rail Transit;
 - (ii) Growth funding for the overall public transportation program, as summarized on Pages 43 and 44 of Appendix A to Report PW03014 (refer to Investment Plan Tab), necessary to support a successful Light Rail Transit system.
- (b) That the Work Plan detailed in the Appendix A to Report PW03014 be used as the basis for future budget submissions.
- (c) That the correspondence requesting the reimbursement of the total funding allocated by the City of Hamilton to the transit initiative sent to John Howe, Vice President Investment Strategy & Project Evaluation Metrolinx from Don Hall, Director of Transportation on May 3, 2012, as directed by Council on October 26, 2011, Item 1 of General Issues Committee Report 11-030, be resubmitted with a request that Metrolinx provide a formal response.
- (d) That the Medical Officer of Health be directed to consult with Health Care Institutions to obtain their input on Hamilton Specific Health Impacts for purposes of supporting the City's Public Transportation Program as outlined in Report PW13014.

The Motion **CARRIED** on the following Standing Recorded Vote:

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge
Total Yeas:	15
Nays:	None
Total Nays:	0
Absent:	B. Clark
Total Absent:	1

(Bratina/Powers)

That the SIXTH Report of the General Committee be adopted, and the information section received. (attached hereto)

CARRIED

(Pearson/Johnson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Amendment to Item 11 (c) Audit, Finance & Administration Report 13-002

(Powers/Pearson)

That a sub-section (vi) be added to Item 11(c) of the Audit, Finance and Administration Report 13-002 to read as follows:

- (vi) That the amounts relating to Green Venture (Open Streets), cash \$6,942 and Police Services actual cost of \$11,132 be transferred to the Community Partnership Reserve Account #112230 for 2012.

CARRIED

7.2 RE: Lease Negotiations with the Hamilton Conservation Authority

(Partridge/Powers)

Whereas interest has been expressed by the Hamilton Conservation Authority to lease the Millgrove Yard #1 for a nominal sum of \$2.00 (see Attachment A); the subject property legally known as Part of Lot 13, Concession 4, FW, FLM, being all of PIN 17545-0018, also municipally known as 594 5th Concession Road, West (Millgrove Yard #1);

And Whereas in exchange, the Hamilton Conservation Authority shall lease to the City of Hamilton a parcel of land described as Part of Lot 22, Concession 2, City of Hamilton formerly Town of Dundas at a nominal sum of \$2.00 for the purpose of a “dog park” in Borer’s Fall Conservation Area;

And Whereas City Council at its meeting held on May 12, 2010 adopted Item 11 of the Public Works Committee Report 10-007, declaring the Millgrove Yard #1 surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;

And Whereas the current zoning of the Millgrove site is zoned Public “P” Zone and Conservation Management “CM” Zone, wherein said parcel is majority zoned Public “P” Zone in the Flamborough Zoning By-law 90-145-Z;

And Whereas the current Public “P” Zone permits a “public use” only which is defined as:

Public Use shall mean the use of a *lot, building or structure* by a Municipal, Regional, Provincial or Federal Government or any board or commission thereof, not otherwise identified in this By-law, including, but not limited to:

- (a) municipal offices, libraries, post offices, police stations, fire halls;
- (b) water treating, pumping and storage facilities, sewage pumping or treating facilities and works yards.

And Whereas the intent of the Hamilton Conservation Authority is to relocate their current works operations from there existing facilities located at 838 Mineral Springs Road, Hamilton, On to the Millgrove Yard #1 with all capital and operating costs to be borne by the Hamilton Conservation Authority;

And Whereas Council by way of Public Works Committee Report 10-007, Item 11 (f) directed that the net proceeds from the sale be directed to the funding sources of the one-time costs for the relocation of staff to 77 James Street North, Hamilton;

Therefore, Be it Resolved:

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into lease negotiations with the Hamilton Conservation Authority for the lands legally known as Part of Lot 13, Concession 4, FW, FLM, being all of PIN 17545-0018, also municipally known as 594 5th Concession Road, West (Millgrove Yard #1), for a nominal sum of \$2.00 per annum subject to all capital and operating costs to be borne by the Hamilton Conservation Authority;
- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into lease negotiations with the Hamilton Conservation Authority for the lands legally described as Part of Lot 22, Concession 2, City of Hamilton formerly Town of Dundas at a nominal sum of \$2.00 for the purpose of a “dog park” in Borer’s Fall Conservation Area;
- (c) That subsection 11(f) of Public Works Committee Report 10-007 be amended by deleting the words: “that the net proceeds from the sale be directed to the funding sources of the one-time costs for the relocation of staff to 77 James Street North, Hamilton” as the accommodation/ relocation costs have been accommodated within existing budgets;
- (d) That the City Solicitor be authorized and directed to complete the real estate transactions on the terms and conditions set out herein;
- (e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;

(Powers/Ferguson)

That the following be added as subsection (f) as follows:

- (f) That should the land leases be successfully negotiated, that an appropriate by-law to amend By-law 01-169, to include the Borer Falls Conservation Area parcel of land as a Leash Free location, be passed and that staff be authorized to construct the Leash Free area using the Leash Free Park Reserve.

AMENDMENT CARRIED

MOTION AS AMENDED CARRIED

7.3 Objection to Liquor License Application Blue Nile Ethiopian Restaurant, 90 Wellington Street North, Hamilton, Ontario, L8R 1N1

(Morelli/Collins)

Whereas, the Blue Nile Ethiopian Restaurant at 90 Wellington Street North, 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:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Blue Nile Ethiopian Restaurant at 90 Wellington Street North, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

CARRIED

7.4 Objection to Liquor License Application F.L.A. Café and Bar, 658-660 Barton Street East, Hamilton, Ontario, L8L 6L6

(Morelli/Merulla)

Whereas, the F.L.A. Café and Bar at 658-660 Barton Street East, 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:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for F.L.A. Café and Bar at 658-660 Barton Street East, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

CARRIED

7.5 RE: Theatre Ancaster Renovation with Mohawk College

(Ferguson/Powers)

WHEREAS, Hamilton All Star Jazz Band Inc. and Theatre Ancaster are in good standing with their lease for the building commonly identified as the former Fire Hall at 334 Wilson Street in Ancaster; and,

WHEREAS, there are provisions in the lease for the lessee to make alterations to the premises with the prior written approval of the Lessor; and

WHEREAS, Theatre Ancaster received a Trillium grant in the amount of \$74,000 to make renovations to the Theatre Ancaster space at 334 Wilson Street in Ancaster; and

WHEREAS, Theatre Ancaster has requested permission to engage students from the Mohawk College Construction Engineering Technician – Building Renovation Program, a two-year program which offers students intensive hands-on education consisting of various lab and practical projects, to undertake this work as part of their program; and

WHEREAS, Procurement, Risk, Legal, and Facilities Management have reviewed this request and identified the necessary requirements to ensure the protection of the City of Hamilton if entering into an agreement of this nature;

Therefore Be It Resolved:

- (a) That the Theatre Ancaster proposal to renovate the Theatre Ancaster space at 334 Wilson Street, Ancaster by entering into an agreement with Hamilton All Star Jazz Band Inc. and Theatre Ancaster be endorsed at no cost to the City of Hamilton;
- (b) That Theatre Ancaster fund \$74,000 for the renovation costs;
- (c) That prior to the renovation of Theatre Ancaster, that staff be directed to prepare, with Hamilton All Star Jazz Band Inc. and Theatre Ancaster any necessary documentation, in a form satisfactory to the City Solicitor and the General Manager of Public Works;
- (d) That the Mayor and the City Clerk be authorized and directed to execute an Agreement with Hamilton All Star Jazz Band Inc. and Theatre Ancaster for the renovation of the theatre space at 334 Wilson Street in Ancaster and any further agreements or documents as may be required to give effect to the foregoing, in a form satisfactory to the City Solicitor.

CARRIED

NOTICES OF MOTION

Councillor Morelli Introduced the following notice of motion:

8.1 Objection to Liquor License Application Blue Nile Ethiopian Restaurant, 90 Wellington Street North, Hamilton, Ontario, L8R 1N1

Whereas, the Blue Nile Ethiopian Restaurant at 90 Wellington Street North, 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:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Blue Nile Ethiopian Restaurant at 90 Wellington Street North, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

(Morelli/Collins)

That the Rules of Order be waived in order to allow the introduction of a motion respecting "Objection to Liquor License Application Blue Nile Ethiopian Restaurant, 90 Wellington Street North, Hamilton, Ontario, L8R 1N1"

CARRIED

Please refer to Item 7.3 for disposition.

Councillor Morelli Introduced the following notice of motion:

8.2 Objection to Liquor License Application F.L.A. Café and Bar, 658-660 Barton Street East, Hamilton, Ontario, L8L 6L6

Whereas, the F.L.A. Café and Bar at 658-660 Barton Street East, 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;

Be it resolved:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for F.L.A. Café and Bar at 658-660 Barton Street East, Hamilton, Ontario as the issuing of the license would not be in the best interest of the public.

(Morelli/Merulla)

That the Rules of Order be waived in order to allow the introduction of a motion respecting "Objection to Liquor License Application F.L.A. Café and Bar at 658-660 Barton Street East, Hamilton, Ontario"

CARRIED

Please refer to Item 7.4 for disposition.

Councillor Ferguson introduced the following notice of motion:

8.3 RE: Theatre Ancaster Renovation with Mohawk College

WHEREAS, Hamilton All Star Jazz Band Inc. and Theatre Ancaster are in good standing with their lease for the building commonly identified as the former Fire Hall at 334 Wilson Street in Ancaster; and,

WHEREAS, there are provisions in the lease for the lessee to make alterations to the premises with the prior written approval of the Lessor; and

WHEREAS, Theatre Ancaster received a Trillium grant in the amount of \$74,000 to make renovations to the Theatre Ancaster space at 334 Wilson Street in Ancaster; and

WHEREAS, Theatre Ancaster has requested permission to engage students from the Mohawk College Construction Engineering Technician – Building Renovation Program, a two-year program which offers students intensive hands-on education consisting of various lab and practical projects, to undertake this work as part of their program; and

WHEREAS, Procurement, Risk, Legal, and Facilities Management have reviewed this request and identified the necessary requirements to ensure the protection of the City of Hamilton if entering into an agreement of this nature;

Therefore Be It Resolved:

- (a) That the Theatre Ancaster proposal to renovate the Theatre Ancaster space at 334 Wilson Street, Ancaster by entering into an agreement with Hamilton All Star Jazz Band Inc. and Theatre Ancaster be endorsed at no cost to the City of Hamilton;
- (b) That Theatre Ancaster fund \$74,000 for the renovation costs;

- (c) That prior to the renovation of Theatre Ancaster, that staff be directed to prepare, with Hamilton All Star Jazz Band Inc. and Theatre Ancaster any necessary documentation, in a form satisfactory to the City Solicitor and the General Manager of Public Works;
- (d) That the Mayor and the City Clerk be authorized and directed to execute an Agreement with Hamilton All Star Jazz Band Inc. and Theatre Ancaster for the renovation of the theatre space at 334 Wilson Street in Ancaster and any further agreements or documents as may be required to give effect to the foregoing, in a form satisfactory to the City Solicitor.

(Ferguson/Powers)

That the Rules of Order be waived in order to allow the introduction of a motion respecting Theatre Ancaster Renovation with Mohawk College

CARRIED

Please refer to item 7.5 for disposition.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Pasuta/Ferguson)

That the Bill List for the February 27, 2013 meeting of Council be amended by adding the following as Bills 61 and 62 (attached hereto) and renumbering the balance:

- 061** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1295 Cormorant Road (Ancaster)
- 062** Respecting Removal of Part Lot Control, Blocks 104 and 105, Registered Plan No. 62M-1172, "Penny Lane Estates – Phase 1"
263, 267, 271 and 275 Penny Lane

CARRIED

(Pasuta/Collins)

That Bills No. 13-053 to 13-063 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.

- 053** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
- 054** To Impose a Sanitary Sewer Charge upon owners of land abutting Southcote Road from Bookjans Drive to approximately 47 metres south of Bookjans Drive, in the City of Hamilton
- 055** To Impose a Storm Sewer Charge upon owners of land abutting Southcote Road from Bookjans Drive to approximately 116m north of Bookjans Drive, in the City of Hamilton
- 056** To Impose a Storm and Sanitary Sewer Charge upon owners of land abutting Southcote Road from Secinaro Drive to approximately 40 metres north of Secinaro Drive, in the City of Hamilton
- 057** Respecting Removal of Part Lot Control, Blocks 23 and 25, Registered Plan No. 62M-1030, “Red Hill Vista – Phase 1” (6-16 Cedarville Drive, Stoney Creek)
- 058** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 0 Jessica Street (Hamilton)
- 059** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 5 & 9 Hampton Brook Way (Glanbrook)
- 060** To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses
Schedule 25 – Taxicabs
- 061** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1295 Cormorant Road (Ancaster)
- 062** Respecting Removal of Part Lot Control, Blocks 104 and 105, Registered Plan No. 62M-1172, “Penny Lane Estates – Phase 1”
263, 267, 271 and 275 Penny Lane
- 063** To Confirm the Proceedings of City Council

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Pearson/Ferguson)

That, there being no further business, the City Council meeting be adjourned at 6:00 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

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



SPECIAL GENERAL ISSUES COMMITTEE REPORT 13-004

1:00 p.m.

Thursday, February 14, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** Councillor S. Duvall – Federation of Canadian Municipalities

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-004 AND RESPECTFULLY RECOMMENDS:

- 1. Response to the Gaming Facility Proposal Sub-Committee Related to Casino Locations, Potential Conditions, and Economic Impacts (PED13036) (City Wide) (Item 4.1)**

That Report PED13036, respecting the Response to the Gaming Facility Proposal Sub-Committee Related to Casino Locations, Potential Conditions, and Economic Impacts, be received.

- 2. Health and Social Impacts of Gambling (BOH12040(a)) (City Wide) (Item 5.1)**

That Report BOH12040(a), respecting the Health and Social Impacts of Gambling, be received.

- 3. Correspondence from the MacNeil Baptist Church, respecting a Downtown Casino (Item 8.1)**

That the correspondence from the MacNeil Baptist Church, respecting a Downtown Casino, be received.

4. Proposed Gaming Facility (Item 10.3)

WHEREAS the Ontario Lottery and Gaming Corporation has confirmed that the City of Hamilton has full control over the location of the proposed gaming facility;

AND WHEREAS the Ontario Lottery and Gaming Corporation (OLG) has provided, in writing (attached hereto), confirmation that the proposed gaming facility site must be approved by the OLG, the private sector operator and the City of Hamilton in order to proceed.

THEREFORE BE IT RESOLVED:

- (a) That the City of Hamilton reserves the right to veto the proposed alternative gaming facility site(s), as identified in the Request for Proposal process.
- (b) That the City of Hamilton supports, in principle, being a "willing host" for a gaming facility site in the Hamilton Gaming Zone (SW9);
- (c) That the Ontario Lottery and Gaming Corporation consider 967 Highway 5 West, Flamborough, Ontario, which is currently known as the Flamboro Downs location, within the Hamilton Gaming Zone (SW9), as the City of Hamilton's choice for a gaming facility site;
- (d) That the City of Hamilton strongly encourages the Ontario Lottery and Gaming Corporation to establish a Request for Pre-Qualification process that is fair, transparent, open and competitive; and, one which will provide proponents, including the current Flamboro Downs operators, Great Canadian Gaming Corporation, an opportunity to compete within a level playing field;
- (e) That, if during the Request for Proposal process, any potential, prequalified proponents demonstrate to the Ontario Lottery and Gaming Corporation and the City of Hamilton that the 967 Highway 5 West, Flamborough Ontario site, which is known as the current Flamboro Downs location, is not a viable site, that only then, the City be willing to explore other sites of interest with prospective proponents, within the Hamilton Gaming Zone (SW9) that permits a gaming facility operation;
- (f) That any and all sites to be considered as the gaming facility site, be subject to Council approved conditions.

FOR THE INFORMATION OF COUNCIL:

The Rules of Order were waived to allow for signs/placards within Chambers during the meeting, respecting the Casino matter.

The above motion CARRIED on the following Standing Recorded vote:

Yeas: Pasuta, Partridge, Johnson, Jackson, Collins, Merulla, Morelli, Farr, McHattie
Total: 9
Nays: Bratina, Ferguson, Pearson, Clark, Whitehead
Total: 5
Absent: Duvall and Powers
Total: 2

(a) CHANGES TO THE AGENDA (Item 1)

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

- (i) Added as Item 4.2(a) – Delegation Request from David J. Anderson, Churches Against a Downtown Casino
- (ii) Added as Item 4.2(b) – Delegation Request from John McGreal, respecting the a Downtown Casino
- (iii) Added as Item 4.2(c) – Delegation Request from Valerie Sturrock, respecting the Casino
- (iv) Added as Item 8.1 – Correspondence from the MacNeil Baptist Church, respecting a Downtown Casino
- (v) Added as Item 10.1 – a Motion Ministerial Zoning Order – Flamboro Downs
- (vi) Added as Item 10.2 – Motion Current Flamborough Location City's Choice for Casino Site

The agenda for the February 14, 2013 Special General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) Response to the Gaming Facility Proposal Sub-Committee Related to Casino Locations, Potential Conditions, and Economic Impacts (PED13036) (City Wide) (Item 4.1)

Tim McCabe, General Manager of Planning and Economic Development Department, introduced the staff presentation, respecting Report PED13036, the Response to the Gaming Facility Proposal Sub-Committee Related to Casino Locations, Potential Conditions, and Economic Impacts.

Paul Mallard, Director of Planning, provided a PowerPoint presentation with respect to Location Criteria and Urban Design of a potential gaming facility.

Norm Schleeahn, Manager of Business Development, continued the presentation with respect to the Operations and Economic Impacts of a gaming facility.

The presentation, respecting Report PED13036, Response to the Gaming Facility Proposal Sub-Committee Related to Casino Locations, Potential Conditions, and Economic Impacts, was received.

A full copy of the presentation is available on line at www.hamilton.ca or through the Office of the City Clerk.

(d) DELEGATION REQUESTS/DELEGATIONS (Item 4.2)

(i) Delegation Request from David J. Anderson, Churches Against a Downtown Casino (Item 4.2(a))

The delegation request from David J. Anderson, Churches Against a Downtown Casino, was approved.

A full copy of Mr. Anderson's PowerPoint presentation is available on the City's web site at www.hamilton.ca or through the Office of the City Clerk.

The presentation from David J. Anderson, Churches Against a Downtown Casino, was received.

(ii) Delegation Request from John McGreal, respecting the a Downtown Casino (Item 4.2(b))

The delegation request from John McGreal, respecting a Downtown Casino, was approved.

Mr. McGreal's comments included, but were not limited to, the following:

- Not in my backyard.

- Vision of downtown was the casino, but maybe not now – if we're not going to get enough revenue.
- What percentage of the revenue would the City receive?

The presentation from John McGreal, respecting the Casino matter, was received.

(iii) Delegation Request from Valerie Sturrock, respecting the Casino (Item 4.2 (c))

The delegation request from Valerie Sturrock, respecting the Casino matter, was approved.

Ms. Sturrock's comments included, but were not limited to, the following:

- This is a great City – we just need to pull things together. Don't get distracted by the Casino.
- Premature to consider a Casino.

The presentation from Valerie Sturrock, respecting the Casino matter, was received.

(e) Ministerial Zoning Order – Flamboro Downs (Item 4.1) (Referred from previous General Issues Committee meeting.) (Item 10.1)

Councillor J. Partridge withdrew her motion, respecting a Ministerial Zoning Order for Flamboro Downs, which read as follows:

WHEREAS a Ministerial Zoning Order (MZO) was issued in December 1998 on Flamboro Downs property to permit slot machine operations;
AND WHEREAS the McGuinty government imposed the *Green Belt Act* in 2005;

AND WHEREAS Flamboro Downs zoning is in the *Green Belt Act* and additional construction or non-agricultural uses are prohibited;

AND WHEREAS the current Provincial government gave a two year extension to Woodbine Entertainment Group (WEG) for Woodbine and Mohawk Race tracks;

AND WHEREAS the *Green Belt Act* is up for review in 2015.

Therefore Be It Resolved:

- (a) That the City of Hamilton request the Province provide a two-year extension Operating Agreement for the operation of Flamboro Downs.

- (b) That the City of Hamilton request a Ministerial Zoning Order be signed by the Minister of Municipal Affairs and Housing for an amendment to allow a full gaming facility and ancillary casino uses such as a hotel and restaurants, as well as construction expansion of Flamboro Downs.

(f) Ontario Lottery and Gaming Corporation (OLGC) – Establishment of a Gaming Facility (10.2)

The motion, respecting the Ontario Lottery and Gaming Corporation – Establishment of a Gaming Facility, was lifted from the table.

The motion respecting the Ontario Lottery and Gaming Corporation (OLGC) – Establishment of a Gaming Facility, which reads as follows, was withdrawn:

Ontario Lottery and Gaming Corporation (OLGC) – Establishment of a Gaming Facility

WHEREAS Hamilton City Council, on April 11, 2012, confirmed its support for Flamboro Downs Slots and Race Track as Council's number one priority and requested the Provincial Government to explore new formulas to keep operations such as Flamboro Downs Slots and Race Track sustainable to the benefit of our community;

AND WHEREAS the Ontario Lottery and Gaming Corporation (OLGC) has identified Gaming Zones as geographic areas where regulated private-sector providers will be allowed to operate a single gaming facility, subject to approvals;

AND WHEREAS the OLGC has identified Hamilton/Burlington as one of the 29 Gaming Zones;

AND WHEREAS inside gaming zones, each operator will be allowed to establish a new facility, operate the current facility, or relocate existing facilities within the boundaries of the zone, subject to relevant approvals, including:

- (i) OLGC's approval of business case;
- (ii) Municipal approval from the host municipality for the establishment and operation of a gaming facility in that municipality;

THEREFORE BE IT RESOLVED:

- (a) That the Minister of Municipal Affairs and Housing be requested to make an order requiring the Clerk to submit a question to the electors regarding a gaming facility in time for the 2014 Municipal Election;

- (b) That the Province be requested to put a moratorium on the selection process of a casino in the Hamilton/Burlington area pending the results of a question to the electors of the City of Hamilton.

(g) Proposed Gaming Facility (Item 10.3)

The motion CARRIED on the following Standing Recorded vote:

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

Total: 14

Absent: Duvall and Powers

Total: 2

(h) ADJOURNMENT (Item 10)

There being no further business, the Special General Issues Committee meeting adjourned at 6:26 p.m.

Respectfully submitted,

Councillor R. Pasuta, Chair
Deputy Mayor

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk



PLANNING COMMITTEE

AS AMENDED BY COUNCIL FEBRUARY 27, 2013

REPORT 13-003

9:30 am

Tuesday, February 19, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors J. Farr (Chair), B. Johnson (1st Vice Chair),
Councillor J. Partridge (2nd Vice Chair), B. Clark, C. Collins,
L. Ferguson, R. Pasuta, M. Pearson and T. Whitehead

THE PLANNING COMMITTEE PRESENTS REPORT 13-003 AND RESPECTFULLY RECOMMENDS:

1. Accessible Taxicab Licensing Consultation Staff Resources (PED10063(f)) (City Wide) (Item 5.1)

That, in accordance with the direction to hire a consultant to conduct a review of the regulation of the taxicab industry to be completed before January 2015, including an assessment of accessible taxicab service in Hamilton, approval be given to hire one (1) temporary, full-time Project Manager for 12 months (at an estimated cost of \$95,000 to be financed from the Parking Reserve Account No. 108021).

2. Parking Enforcement in Wards 9, 10, 11, 12, 13, 14 and 15 (PED13035) (Wards 9, 10, 11, 12, 13, 14 and 15) (Item 5.2)

(a) That staff be authorized and directed to discontinue the services of the mobile Canadian Corps of Commissionaires (Hamilton) in Wards 9, 10, 11, 12, 13, 14 and 15 at the expiry of the current Agreement on April 30, 2013;

- (b) That 1.0 Parking Control Officer FTE be approved at an estimated annual cost of \$79,068 (full cost recovery) for parking enforcement services in Wards 9, 10, 11, 12, 13, 14 and 15;
- (c) That staff be authorized and directed to purchase one (1) vehicle at an estimated annual cost of \$25,728 to be financed from the Operating Budget.

3. Enforcement of Businesses Operating without a Licence (PED13037) (City Wide) (Item 5.3)

- (a) That Report PED13037, Enforcement of Businesses Operating without a Licence, be received;
- (b) That staff be directed to advise the respective Ward Councillor to assist in compliance of applications.

4. Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (PED13032) (Ward 7) (Item 6.2)

That approval be given to **Zoning By-law Amendment Application ZAR-12-002, by Chappel South Developments, Owners**, for changes in zoning from the "RT-20/S-1252" (Townhouse - Maisonette) District, Modified (Block 1) and the "AA" (Agriculture) District (Block 2) to the "R-4" (Small Lot Single Family Detached) District, to facilitate the construction of a new single detached dwelling, following the re-alignment of Jessica Street, in accordance with approved Draft Plan of Subdivision "Chappel Estates - Phase 4" (25T200202), on the lands located at 0 Jessica Street (Hamilton), as shown on Appendix "A" to Report PED13032, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED13032, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the proposed changes in zoning are consistent with the Provincial Policy Statement, and conform with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

5. Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) (Item 6.3)

- (a) That approval be given to Zoning By-law Amendment Application ZAR-12-033, 1449814 Ontario Limited, Owner for changes in Zoning from the General Business Park (M2) Zone, in Hamilton Zoning By-law 05-200, to permit office uses within the existing building shown as Building “E” on Appendix “B” of Report PED13031, having a maximum gross floor area of 3,735 square metres, but not including a medical clinic, located at 1295 Cormorant Road (Ancaster);
- (b) That staff be directed to prepare the implementing zoning by-law amendment.

6. Vehicle Inspection Manual for Taxis (PD05141(c)) (City Wide) (Item 8.1)

- (a) That the amending by-law attached as Appendix “A” to Report PD05141(c) which is in a form satisfactory to the City Solicitor, and which amends the General Provisions to Schedule 25 (Taxis) of the Licensing By-Law, be approved;
- (b) That the Vehicle Inspection Manual (VIM), attached as Appendix “B” as amended to Report PD05141(c), which includes the addition of standards for modifications of accessible taxis, be approved for use in taxicab and limousine vehicle licensing inspections.

7. Design Consultant for York Boulevard Parkade (PED13034) (Ward 2) (Item 8.2)

- (a) That staff be authorized and directed to negotiate a single source contract, in a form satisfactory to the City Solicitor, with Read Jones Christoffersen Consulting Engineers to complete the design specifications, tender documents and project management/warranty review for the remaining five (5) phases of the York Boulevard Parkade rehabilitation (28 York Boulevard) which is scheduled to occur from 2013 – 2017;
- (b) That the associated costs for the design specifications, tender documents and project management/warranty review for the York Boulevard Parkade rehabilitation, not to exceed \$75,000 per phase (total \$375,000), be funded from the Parking Reserve Account No. 108021.

8. Ancaster Tree Preservation By-law (Verbal Update – no copy) (Item 8.3)

That the verbal update respecting the Ancaster Tree Preservation By-law, be received.

9. Taxi Insurance Premiums (Item 9.2)

Whereas taxi service is an important transportation option for many citizens in the City of Hamilton,

And whereas taxi fares are regulated by the City’s Licensing By-Law for reasons of consumer protection,

And whereas it has been reported that taxi insurance premiums are increasing by as much as 400%.

Therefore, be it resolved:

- (a) That City Council supports Hamilton taxi owners and operators by asking the Provincial Government to review changes to Ontario’s vehicle insurance system which resulted in significant increases to taxi insurance premiums, and to consider legislation to correct the situation;
- (b) That a copy of the motion be forwarded to Hamilton’s Local MPPs for their consideration and support;
- (c) That a copy of this resolution be forwarded to the Minister of Finance and AMO.

10. OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City’ Court Application (LS13004) (Item 12.1)

That Report LS13004, OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and

Brenda Pickles Requesting a Stay of the City' Court Application remain confidential.

11. Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction (LS13005) (Item 12.2)

- (a) That Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be received;
- (b) That Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, remain confidential, but that the appendices be made public in the event that a settlement is reached with the appellant;
- (c) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13005, Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction, be approved as the basis of a settlement of Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan;
- (d) That staff be directed to advise the OMB that the City of Hamilton and Parkside Hills Inc. have settled Parkside Hills Inc.'s appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to Report LS13005.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

- 1. DELEGATION REQUESTS
 - 4.1 Delegation from Andy Hale respecting item 6.1 Sunday Gun Hunting in the City of Hamilton
- 2. PUBLIC HEARINGS AND DELEGATIONS
 - 6.1 Delegation from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton

- (aa) Correspondence from John Brittain
- (bb) Petition from Charlie Bois respecting Sunday Gun Hunting
- (cc) Correspondence from Angelo and Monika Fiorino
- (dd) Correspondence from Kathryn Bennett
- (ee) Correspondence from Wendy Webber
- (ff) Correspondence from Mel Switzer
- (gg) Correspondence from Drew Spoelstra

3. NOTICES OF MOTION

10.1 Taxi Insurance Premiums

4. PRIVATE AND CONFIDENTIAL

12.1 OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application (LS13004) (Delivered Under Separate Cover)

12.2 Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction (LS13005) (Delivered Under Separate Cover)

The Agenda for the February 19, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict of interest in the following items, as his family is involved with the taxi industry:

- Accessible Taxicab Licensing Consultation Staff Resources (PED10063(f)) (City Wide) (Item 5.1)
- Vehicle Inspection Manual for Taxis (PD05141(c)) (City Wide) (Item 8.1)
- Taxi Insurance Premiums (Item 10.1)

(c) APPROVAL OF MINUTES (Item 3)

(i) February 5, 2013

The Minutes of the February 5, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation from Andy Hale respecting item 6.1 Sunday Gun Hunting in the City of Hamilton (Item 4.1)

The delegation request from Andy Hale respecting item 6.1 Sunday Gun Hunting in the City of Hamilton on today's agenda, was approved.

(e) CONSENT ITEMS (Item 5)

(i) Enforcement of Businesses Operating without a Licence (PED13037) (City Wide) (Item 5.3)

Staff were directed to advise the respective Ward Councillor to assist in compliance of applications.

For disposition on this Item, refer to item 3.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton (Item 6.1)

- (aa) Correspondence from John Brittain
- (bb) Petition from Charlie Bois respecting Sunday Gun Hunting
- (cc) Correspondence from Angelo and Monika Fiorino
- (dd) Correspondence from Kathryn Bennett
- (ee) Correspondence from Wendy Webber
- (ff) Correspondence from Mel Switzer
- (gg) Correspondence from Drew Spoelstra

Bob McRae, Ontario Federation of Anglers and Hunters, spoke to the benefits of Sunday gun hunting and expressed the support of Sunday gun hunting.

The presentation from the Ontario Federation of Anglers and Hunters, respecting item 6.1, Delegation from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton, was received.

Andy Hale expressed his support for not having Sunday gun hunting.

The presentation from Mr. Hale, respecting item 6.1, Delegation from the Ontario Federation of Anglers and Hunters respecting Sunday Gun Hunting in the City of Hamilton, was received.

(ii) Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (PED13032) (Ward 7) (Item 6.2)

In accordance with the provision of the Planning Act, Chair J. Farr 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 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 PED13032, Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (Ward 7), was closed.

The staff presentation respecting, Report PED13032, Application for an Amendment to the City of Hamilton Zoning By-law No. 6593 for the Lands Located at 0 Jessica Street (Hamilton) (Ward 7), was waived.

For disposition on this Item, refer to item 4.

(iii) Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster) (PED13031) (Ward 12) (Item 6.3)

In accordance with the provision of the Planning Act, Chair J. Farr 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 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 PED13031, Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster), was closed.

Timothy Lee, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting, Report PED13031, Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster), was received.

John Ariens, agent, provided an overview of the application and expressed the benefits of the zoning application.

The agent's presentation respecting, Report PED13031, Application for an Amendment to the City of Hamilton Zoning By-law 05-200 for Lands Located at 1295 Cormorant Road (Ancaster), was received.

The recommendations to report PED13031, Zoning By-law Amendment Application ZAR-12-033, by 1449814 Ontario Limited, Owner, were deleted and replaced with the following revised recommendations:

- (a) That approval be given to **Zoning By-law Amendment Application ZAR-12-033, 1449814 Ontario Limited, Owner** for changes in Zoning from the General Business Park (M2) Zone, in Hamilton Zoning By-law 05-200, to permit office uses within the existing building shown as Building "E" on Appendix "B" of Report PED13031, having a maximum gross floor area of 3,735 square metres, but not including a medical clinic, located at 1295 Cormorant Road (Ancaster);
- (b) That staff be directed to prepare the implementing zoning by-law amendment.

For disposition on this Item, refer to item 5.

(g) DISCUSSION ITEMS (Item 8)

(i) Vehicle Inspection Manual for Taxis (PD05141(c)) (City Wide) (Item 8.1)

- (a) Staff were requested to review standards for modification of accessible taxis;
- (b) Staff were requested to consult with Transport Canada for Standards for Modifications of accessible taxis;
- (c) The standards for modification of accessible taxis are to be added to the vehicle inspection manual PD05141(c).

For disposition on this Item, refer to item 6.

(h) MOTIONS (Item 9)

(i) Incentive and Loan Programs (Item 9.1)

The motion respecting the Incentive and Loan Programs, was tabled.

(i) NOTICES OF MOTION (Item 10)

Councillor Collins introduced the following Notice of Motion:

(i) Taxi Insurance Premiums (Item 10.1)

Whereas taxi service is an important transportation option for many citizens in the City of Hamilton,

And whereas taxi fares are regulated by the City's Licensing By-Law for reasons of consumer protection,

And whereas it has been reported that taxi insurance premiums are increasing by as much as 400%.

Therefore, be it resolved:

- (a) That City Council supports Hamilton taxi owners and operators by asking the Provincial Government to review changes to Ontario's vehicle insurance system which resulted in significant increases to taxi insurance premiums, and to consider legislation to correct the situation;

- (b) That a copy of the motion be forwarded to Hamilton's Local MPPs for their consideration and support;
- (c) That a copy of this resolution be forwarded to the Minister of Finance and AMO.

The rules were waived to hear the notice of motion respecting Taxi Insurance Premiums as a motion at today's meeting.

(j) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

- (aa) Item G: Racing Pigeons
 Current Due Date: February 19, 2013
 Proposed Due Date: April 30, 2013
- (bb) Item F: Request the province to Establish a process to govern the quality of Fill Imported to a Receiving Site
 Current Due Date: March 19, 2013
 Proposed Due Date: April 2, 2013
- (cc) Item K: Dust Control: Clean Air Hamilton 2011 Progress Report (BOH12015) (City Wide)
 Current Due Date: Q1 2013
 Proposed Due Date: Q1 2014

The following items were removed from the Outstanding Business List:

- (a) Item Z: Ancaster Tree Preservation By-law
- (b) Item N: 530 Sherman Ave. N. Application for Approval of Waste Disposal Sites Processing Facility

(k) PRIVATE AND CONFIDENTIAL (Item 12)

- (i) **OMB Appeal of Zoning By-law Amendment Application ZAC-09-050, 341 Mountsberg Road, Flamborough; OMB Appeal of Rural Hamilton Official Plan by Keith and Brenda Pickles Regarding 341 Mountsberg Road, Flamborough; Court Application by City of Hamilton against**

Keith and Brenda Pickles Regarding Enforcement of Demolition Permit for Second Dwelling at 341 Mountsberg Road Flamborough; and Court Application by Keith and Brenda Pickles Requesting a Stay of the City' Court Application (LS13004)

Direction was provided in closed session.

For further disposition on this Item, refer to item 10.

(ii) Urban Hamilton Official Plan Proposed Settlement of Appeal by Parkside Hills Inc. and Legal Direction (LS13005)

For disposition on this Item, refer to item 11.

(I) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 12:34 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk



GENERAL ISSUES COMMITTEE

REPORT 13-005

9:30 a.m.

Wednesday, February 20, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillor B. Clark – City Business
Councillor S. Merulla – Illness

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-005 AND RESPECTFULLY RECOMMENDS:

1. **Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-12-04) – 135-137 King Street East and 42 Passmore Street, Stoney Creek (PED13010) (Ward 9) (Item 5.2)**
 - (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-12-04, submitted by 1507939 Ontario Limited (Bernard Dejonge, Marinus Dejonge Jr. and Lorne Goldstein), owner of the property at 135–137 King Street East, and Alex Kepecs, owner of the property at 42 Passmore Street in Stoney Creek, for an ERASE Redevelopment Grant, not to exceed the amount of \$853,000, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement;
 - (b) That the Mayor and City Clerk be authorized and directed to execute the ERASE Redevelopment Agreement, together with any ancillary documentation required, to effect recommendation (a), above, in a form satisfactory to the City Solicitor;
 - (c) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any grant amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Environmental

Council – February 27, 2013

Remediation and Site Enhancement (ERASE) Redevelopment Grant, as approved by City Council, are maintained.

2. 161 Meadowlands Boulevard, Part of Lot 51, Concession 3, Township of Ancaster (PW13009) (Ward 12) (Outstanding Business List Item) (Item 5.3)

That Report PW13009, respecting 161 Meadowlands Boulevard, Part of Lot 51, Concession 3, Township of Ancaster, be received.

3. Events Strategy Update (PED13038) (City Wide) (Item 5.4)

That Report PED13038, respecting Events Strategy Update, be received.

4. LEED Certification and LEED Grant Program Participation (PED13024) (City Wide) (Item 8.1)

That Report PED13024, respecting LEED Certification and LEED Grant Program Participation, be received.

5. Funding from the Ontario Ministry of Citizenship & Immigration to Continue Development of the Hamilton Immigration Portal (CM13004) (City Wide) (Item 8.2)

(a) That the City of Hamilton accept \$110,000 from the Ontario Ministry of Citizenship and Immigration to significantly increase the content and quality of the Hamilton Immigration Portal and align the content with the immigrant attraction strategy currently underway;

(b) That the City manager be authorized to execute an agreement between the City and the Ontario Ministry of Citizenship and Immigration, in a form satisfactory to the City Solicitor, to implement the above recommendation.

6. Neighborhood Development Strategy Initiative – Ontario Job Creation Program – Hamilton Home Renovation Partnership (CM13001) (City Wide) (Item 8.3)

(a) That the City of Hamilton enter into a partnership with the Ministry of Training, Colleges and Universities (MTCU), Threshold School of Building and the Hamilton Community Foundation, to provide work experience for unemployed job seekers residing in the priority of neighbourhoods identified in the Neighbourhood Development Strategy through on-site work experience that will assist home owners in these neighbourhoods with small renovation projects;

- (b) That \$35,000 of the Neighbourhood Strategy Fund be provided to the Threshold School of Building to assist in the delivery of this initiative;
- (c) That the City Manager be authorized to execute an agreement between the City of Hamilton and the Threshold School of Building, in a form satisfactory to the City Solicitor, to implement the above recommendations.

7. 55 Queenston Road – City Motor Hotel – Offers of Compensation (LS12009(b)/PED12076(b)) (Ward 4) (item 8.4)

- (a) That the Offers of Compensation, based on an appraisal received, for Part of Lot 34, Concession 2, geographic Township of Saltfleet, designated as Part 1 on Reference Plan 62R-19362 and as expropriated by City of Hamilton By-law No. 12-202, registered as Part 1 on Expropriation Plan No. WE866275, registered on November 2, 2012 having a total area of 5241 m², be made as follows:
 - (i) Jointly to KMTC-Key Management Technology Corporation, Corporations Canada, Public Works and Government Services Canada – Ontario Region, 1284342 Ontario Inc., Patrick Di Monte, Harmeet Chauhan, Sivabatham Visvalingam, Her Majesty The Queen in Right of Ontario as Represented by the Minister of Finance, Her Majesty The Queen in Right of Canada as Represented by the Minister of National Revenue, and Workplace Safety and Insurance Board, in the amount of One Million and Nine Hundred and Sixty Thousand (\$1,960,000.00) Dollars, for the fee simple interest in the subject lands, subject to an adjustment of +5 percent to reflect changes (if any) to the market value as of the Owner's statutory date for the election of compensation;
 - (ii) Spouse of Patrick Di Monte, \$1.00;
 - (iii) Spouse of Harmeet Chauhan, \$1.00;
 - (iv) Spouse of Sivabatham Visvalingam, \$1.00;
 - (v) Pattison Outdoor Advertising Ltd., \$1.00;
 - (vi) The Lord's Ministry House, \$1.00.
- (b) That should the Owner(s) jointly accept the Offer and sign and execute the required Agreement by Owner to Accept Compensation, that the Mayor and the City Clerk be authorized and directed to sign and execute the said Agreement on behalf of the City of Hamilton;

- (c) That in the event that the Owner(s) do not jointly execute the required Agreement by Owner to Accept Compensation that the City Solicitor be authorized and directed to pay the Offer into the Office of the Accountant of the Superior Court of Justice together with a sum equal to the interest thereon at the rate of 6 percent a year for six months;
- (d) That the City Clerk, City Solicitor, and all other required officials be authorized and directed to prepare, sign and serve the Notice of Possession and any other notices or documents required to finalize this transaction;
- (e) That in the event that resistance or opposition is made to the City, or any person authorized by the City, in entering upon, using or taking possession of the land when it is entitled so to do, the City Solicitor, or their designate, be authorized to apply to a judge for a warrant directing the sheriff to put down the resistance or opposition;
- (f) That the City Solicitor, or their designate, be authorized to apply to the Courts to abridge the time for vacant possession, if deemed necessary;
- (g) That all expenditures associated with this transaction be charged to Capital Budget Account No. 3301250231 and be funded from Reserve No. 108054 (Ward 4 Capital Re-investment).

8. Hamilton Future Fund Board of Governors Report 13-001 (Item 8.6)

(a) Hamilton Future Fund Reserve Status and Project Funding as of December 31, 2012 (FCS13013) (City Wide) (Item 7.1)

That Report FCS13013 respecting Hamilton Future Fund Reserve Status and Project Funding as of December 31, 2012, attached to Report 13-001 as Appendix A, be received.

(b) Reallocation of Future Fund Grant (PED13026) (Ward 3 and 8) (Item 8.1) (Report Attached as Appendix B to Report 13-001)

- (a) That a portion of the unused funds previously committed to the Heritage Curatorial Centre, estimated to be in the amount of \$800,000, be reallocated towards the repair of the stone walls at Auchmar Estate;
- (b) That the remaining funds of approximately \$400,000 be used to upgrade the existing Artifact Storage Facility on Burlington Street East, to be renovated to conservation standards, as the Curatorial Centre.

(c) Requested for updates on Outstanding Projects (Added Item 9.1)

That the appropriate staff be directed to attend an upcoming Hamilton Future Fund Board of Governors meeting in order to provide updates on the following outstanding projects:

- (a) The Hamilton Affordable Housing Partnership Initiative
- (b) Urban Development Bank

9. Advisory Committee for People with Disabilities Report 13-002 (Item 8.7)

That the Advisory Committee for People with Disabilities Report 13-002 be referred to the General Manager of Public Works for a report back to the Public Works Committee

10. Construction of a Multi-Use Building at Sam Manson Park (Item 9.1)

- (a) That a multi-use building be constructed in Sam Manson Park, adjacent to the existing storage facility, and that the building include a barrier free washroom & kitchenette;
- (b) That the existing building at Sam Manson Park be upgraded for use by the soccer club including but not limited to painting, security improvements through door and window replacements, and sanitary system upgrades;
- (c) That subject to the approval of (a) and (b), the estimated cost of approximately \$550,000 be funded by the Ward 5 Area Rating Special Capital Re-Investment Reserve #108055;
- (d) That subject to the approval of (a) and (b), the operating impacts, amounting to approximately \$5,000 annually when fully implemented, be approved and incorporated into the 2014 Tax-Supported Operating Budget;
- (e) That subject to the approval of (a), (b), (c) and (d), the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the works approved in (a) and (b).

11. 2013 Mountable Curb Program in Ward 5 (Item 9.3)

- (a) That twenty-eight (28) mountable curbs within Ward 5 be reconstructed;
- (b) That the reconstruction cost for the 28 mountable curbs in the amount of \$72,000 be funded from the Ward 5 Area Rating Special Capital Re-Investment Reserve Account No. 108055;
- (c) That the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the above-noted works.

12. Sale of Land Arkledun Avenue (Item 9.4)

WHEREAS before selling any land, the Council of the City of Hamilton shall by by-law or resolution declare the land(s) surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;

AND WHEREAS interest has been expressed by owners residing at 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, more particularly described as Parts 4, 5, 8 & 9 on Plan No. RC-H-767, attached hereto as Appendix "A" for a nominal sum of \$2;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land(s);

AND WHEREAS the sum of \$ 2 for the subject property is below the range of the estimated fair market value as determined through an in-house appraisal being in the range of \$5,000 - \$9,000;

AND WHEREAS, due to the differential in grade elevation from St. Joseph's Drive to the private residents of approximately 4 feet, the grade elevation is delineated by an old, deteriorating, concrete retaining wall, wherein the property owners have constructed stairways to access their motor vehicles which are also established within the said Parts, being the only means of parking and access to their homes;

AND WHEREAS divestiture of the said Parts will absolve the City from potential Risk and Liability due to several staircases encroaching upon said Parts and providing a means of access to their motor vehicles;

AND WHEREAS the registered owner of 1 Arkledun Avenue had constructed a new second storey stairwell and landing onto adjacent City owned lands; divestiture of Part 4 on Plan RC-H-767 would dispense with this encroachment and a related minor variance application currently before the City of Hamilton;

AND WHEREAS Council deems the sale of Parts 4, 5, 8 and 9 on Plan No. RC-H-767 to the registered property owners of 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, for the nominal sum of \$2 to be in the best public interest;

AND WHEREAS Council deems that the City owned vacant parcel identified as Parts 6 and 7 on Plan RC-H-767 as surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299 and that the sale proceeds be allocated to another project within Ward 2;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- a) That the lands described as Parts 4, 5, 6, 7, 8 and 9 on Plan No. RC-H-767 be declared surplus to the requirements of the City of Hamilton in accordance with the "Procedural By-law for the Sale of Land", being By-law No. 04-299;
- b) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to dispose of Parts 4, 5, 8 and 9 on Plan RC-H-767 to the adjoining registered property owners of 1, 7 and 9 Arkledun Avenue, in the City of Hamilton, for a nominal sum of \$2, subject to the respective owners being responsible for the maintenance of the the retaining wall;
- c) That the sale proceeds from the sale of Parts 6 and 7 on Plan RC-H-767 be allocated to another project within Ward 2;
- d) That the City Solicitor be authorized and directed to complete the real estate transaction on the terms and conditions set out herein.
- e) That the Mayor and City Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. ADDED ADOPTION OF MINUTES (Item 3)

3.2 February 14, 2013

2. ADDED DISCUSSION ITEMS (Item 8)

8.7 Advisory Committee for Persons with Disabilities Report 13-002

The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

(i) February 6, 2013 (Item 3.1)

The February 6, 2013 minutes of the General Issues Committee Meeting were approved as presented.

(ii) February 14, 2013 (Item 3.2)

The February 14, 2013 minutes of the General Issues Committee Meeting were approved as presented.

(d) CONSENT ITEMS

(i) Minutes from Various Sub-Committees (for information purposes only):

(a) Hamilton Association of Business Improvement Areas (H.A.B.I.A.) – December 11, 2012

The minutes of the Hamilton Association of Business Improvement Areas (H.A.B.I.A.) – December 11, 2012, were received.

(e) PUBLIC HEARINGS/DELEGATIONS

(i) Ryan P. Moran, Hamilton Hive, to provide an update respecting 2nd Annual Hive X Young Professionals Conference (Item 6.1)

Ryan Moran gave a presentation to the Committee. A copy of the presentation was retained by the Clerk.

Mr. Moran's presentation spoke of the work done by the Hamilton Hive, explaining their workshop directives, policy initiatives, and steps moving forward.

The delegation by Ryan P. Moran, representing the Hamilton Hive, to provide an update respecting 2nd Annual Hive X Young Professionals Conference, was received.

(f) PRESENTATIONS (Item 7)

(i) City Manager's Annual Update (2012) (No copy) (Item 7.1)

Chris Murray, City Manager, gave a presentation respecting the City Manager's Annual Update to the Committee. A copy of the presentation was retained by the Clerk.

Mr. Murray spoke to the focus of the City Manager's position and conditions for success. The key accomplishments for 2012 were discussed with emphasis given to the areas of strategic planning, finance, people focused and citizen focused, public engagement and service delivery.

The presentation respecting the City Manager's Annual Update, was received.

(g) DISCUSSION ITEMS (Item 8)

(i) Historical Review of Wage Increases and Provincial Comparison (HUR13002) (City Wide) (Outstanding Business List) (Item 8.5)

Report HUR13002, was referred back to staff for further investigation.

(h) MOTIONS (Item 9)

(i) Funding for Victoria Park – Outdoor Adult Area (Item 9.2)

Councillor McHattie withdrew his motion respecting Funding for Victoria Park – Outdoor Adult Area

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

(i) Outstanding Business Items List

The due dates were revised for the following Outstanding Business List items:

Public Works

Item D: Conventional, Rapid and Inter-Regional Transit
(Metrolinx)
Due Date: February 2013
Revised Due Date: March 20, 2013

(ii) Removal of Items from the Outstanding Business List

The following item were removed from the Outstanding Business List:

Planning

Item D: Hamilton LEEDing the Way (Item 8.1)

Public Health

Item A: City of Hamilton Food Strategy (presented to Board of Health on February 4, 2013)

(j) PRIVATE & CONFIDENTIAL

(i) City v. Attorney General of Canada Superior Court Action C383/04 – Litigation (LS04021(f)) (City Wide) (to be distributed) (Item 12.1)

The Committee moved into closed session at 12:00 p.m. pursuant to Section 8.1, sub-sections (b), (e), and (f) of the City's Procedural By-law and Section 239.1, subsection (b), (e), and (f) of the Ontario Municipal Act as the subject matters pertained to personal matters about an identifiable individual, including City employees. Litigation or potential litigation, including matters before administrative tribunals, affecting the City. The receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Committee reconvened in Open Session at 1:15 p.m.

- (a) Direction was given in accordance with LS04021(f);
- (b) Report LS04021(f) remained confidential.

(ii) City Manager Performance Review (Item 12.2)

The Committee moved into closed session at 2:30 p.m. pursuant to Section 8.1, sub-sections (b) of the City's Procedural By-law and Section 239.1, subsection (b) of the Ontario Municipal Act as the subject matters

pertained to personal matters about an identifiable individual, including City employees.

The Committee reconvened in Open Session at 2:57 p.m.

The Committee had no action to report.

(k) ADJOURNMENT

There being no further business, the Committee adjourned at 3:00 p.m.

Respectfully submitted

Councillor R. Pasuta
Deputy Mayor

Christopher Newman
Legislative Coordinator
Office of the City Clerk



SPECIAL GENERAL ISSUES COMMITTEE REPORT 13-006

9:30 a.m.

Monday, February 25, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** Councillor R. Powers – City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-006 AND RESPECTFULLY RECOMMENDS:

1. **Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide) (Item 5.1)**
 - (a) That Report PW13014 be submitted, including Appendix A, “Rapid Ready - Expanding Mobility Choices in Hamilton (January 2013)”, as the City of Hamilton’s submission to Metrolinx in accordance with the Contribution Agreement between the City and Metrolinx, with the understanding that the funding requirements for Hamilton’s public transportation program are as follows:
 - (i) 100% capital and any upset net operating levy impact for Light Rail Transit;
 - (ii) Growth funding for the overall public transportation program, as summarized on Pages 43 and 44 of Appendix A to Report PW03014 (refer to Investment Plan Tab), necessary to support a successful Light Rail Transit system.

- (b) That the Work Plan detailed in the Appendix A to Report PW03014 be used as the basis for future budget submissions.
- (c) That the correspondence requesting the reimbursement of the total funding allocated by the City of Hamilton to the transit initiative sent to John Howe, Vice President Investment Strategy & Project Evaluation Metrolinx from Don Hull, Director of Transportation on May 3, 2012, as directed by Council on October 26, 2011, Item 1 of General Issues Committee Report 11-030, be resubmitted with a request that Metrolinx provide a formal response.
- (d) That the Medical Officer of Health be directed to consult with Health Care Institutions to obtain their input on Hamilton Specific Health Impacts for purposes of supporting the City's Public Transportation Program as outlined in Report PW13014.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

- 3.1 Delegation Request from David Adames respecting Item 5.1, Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide)
- 3.2 Delegation Request from Sara Mayo respecting Item 5.1, Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide)

The agenda for the February 25, 2013 Special General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) DELEGATION REQUESTS (Item 3)

- (i) Delegation Request from David Adames respecting Item 5.1, Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide) (Item 3.1)

The delegation request from David Adames, respecting Item 5.1, Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide), was approved and the rules of order were suspended in order to allow the opportunity for the presentation to be heard at today's meeting.

(ii) Delegation Request from Sara Mayo respecting Item 5.1, Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide) (Item 3.2)

The delegation request from Sara Mayo, respecting Item 5.1, Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide), was approved and the rules of order were suspended in order to allow the opportunity for the presentation to be heard at today's meeting.

(d) PRESENTATIONS (Item 5)

(i) Rapid Ready – Expanding Mobility Choices in Hamilton (PW13014) (City Wide) (Item 5.1)

Don Hull, Director of Transit provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record and is available for viewing on the City of Hamilton website.

Chris Murray, City Manager addressed the Committee and provided a high level overview of the Regional and Corporate Strategic Perspective.

Christine Newbold, Policy Planning Division, addressed the Committee respecting the Setting and Planning Context.

Dr. Neil Tran, Associate Medical Officer of Health, addressed the Committee respecting Transportation and Health.

Don Hull, Director of Transit, addressed the Committee respecting expanding Transportation Choices in Hamilton.

The staff presentation respecting Report PW13014, Rapid Ready – Expanding Mobility Choices in Hamilton, was received.

Delegations:

(aa) David Adames

David Adames, President and CEO, Hamilton Chamber of Commerce, presented his comments respecting Report PW13014, Rapid Ready – Expanding Mobility Choices in Hamilton and provided Committee

members with a handout. A copy of the handout has been included in the official record.

The presentation from David Adames, President and CEO, Hamilton Chamber of Commerce, respecting Report PW13014, Rapid Ready – Expanding Mobility Choices in Hamilton, was received.

(bb) Sara Mayo

Sara Mayo, Social Planning and Research Council presented her comments, respecting Report PW13014, Rapid Ready – Expanding Mobility Choices in Hamilton and provided Committee members with a handout. A copy of the handout has been included in the official record.

The presentation from Sara Mayo, Social Planning and Research Council, respecting Report PW13014, Rapid Ready – Expanding Mobility Choices in Hamilton, was received.

The following amendments were made to the motion:

- (i) That sub-section (a)(i) be deleted in its entirety and replaced with the following:
 - (a)(i) 100% capital and any upset net operating levy impact for Light Rail Transit.
- (ii) That a sub-section (c) be added to read as follows:
 - (c) That the correspondence requesting the reimbursement of the total funding allocated by the City of Hamilton to the transit initiative sent to John Howe, Vice President Investment Strategy & Project Evaluation Metrolinx from Don Hall, Director of Transportation on May 3, 2012, as directed by Council on October 26, 2011 by Item 1 of General Issues Committee Report 11-030, be resubmitted with a request that Metrolinx provide a formal response.
- (iii) That a sub-section (d) be added to read as follows:
 - (d) That the Medical Officer of Health be directed to consult with Health Care Institutions to obtain their input on Hamilton Specific Health Impacts for purposes of supporting the City's Public Transportation Program as outlined in Report PW13014.

See Item 1 for the disposition of this matter.

**(ii) Public Bike Share Transit System Implementation Plan (PW13015)
(City Wide) (Item 5.2)**

Peter Topalovic, Project Manager – Transportation Design Management, addressed Committee with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record and is available for viewing on the City of Hamilton website.

The staff presentation respecting Report PW13015, Public Bike Share Transit System Implementation Plan, was received.

On a Motion Report PW13015 respecting Public Bike Share Transit System Implementation Plan was referred to staff for report back to the General Issues Committee with further information on similar systems in other municipalities, legal risks, and possible alternative uses for funding.

(e) GENERAL INFORMATION/OTHER BUSINESS

(i) Outstanding Business List

The item respecting Rapid Transit Maintenance & Storage Facility was removed from the General Issues Committee Outstanding Business List.

(f) ADJOURNMENT (Item 6)

There being no further business, the Special General Issues Committee meeting be adjourned at 5:06 p.m.

Respectfully submitted,

Councillor R. Pasuta, Chair
Deputy Mayor

Andy Grozelle
Legislative Co-ordinator
Office of the City Clerk