



CITY COUNCIL MINUTES 14-011

5:00 p.m.

Wednesday, May 28, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

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

Mayor Bratina called the meeting to order and called upon Rev. Sri Ramachandran of Mission Services of Hamilton, to lead Council in prayer.

Mayor Bratina expressed condolences on behalf of City Council for the passing of Mary Smithson.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

- 5.8 Correspondence from the Honourable Chris Alexander, PC, MP, Canada's Citizenship and Immigration Minister respecting establishment of a regularization program to assist residents with undocumented status in Canada

Recommendation: Be received

- 5.9 Report from the Office of the Integrity Commissioner respecting Complain of Misconduct against Councillor Chad Collins

Recommendation: Be received

2. ADDED NOTICES OF MOTIONS

- 8.1 Amendment to Audit, Finance and Administration Report 13-009, Appendix D to Item 17 respecting City-Wide Cash Handling Guidelines (AUD13031) (City Wide) (Item 8.3)
- 8.2 All-Way Stop Citino Drive and Stonepine Crescent/Fortissimo Drive
- 8.3 Scott Park Lands
- 8.4 Hertigate Designation, 1 Saint James Place, Hamilton
- 8.5 Proceeds from fines to be used for environmental mitigation in Crown Point Neighbourhood

(Pearson/Johnson)

That the agenda for the May 28, 2014 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor C. Collins declared an interest respecting Item 5.9, Report from the Office of the Integrity Commissioner respecting Complaint of Misconduct against Councillor Chad Collins, as he is the subject of the correspondence.

CEREMONIAL ACTIVITIES

There were no ceremonial activities.

APPROVAL OF MINUTES

4.1 May 14, 2014

(Merulla/Morrow)

That the Minutes of the May 14, 2014, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Pearson/Clark)

That Council Communications 5.1 through 5.7 be approved, as amended, as follows:

- 5.1 Correspondence from Maria Motschman, Chairperson for Festitalia, respecting June as Italian Heritage Month

Recommendation: **(Powers/Pearson)** Be Received.

- 5.2 Correspondence from The Premier of Ontario, the Honourable Kathleen Wynne, respecting provincial pesticide regulations

Recommendation: **(Pasuta/Partridge)** Be received.

- 5.3 Resignation letter from Darrell Hicks for the Board of Directors of the Canadian Football Hall of Fame

Recommendation: **(Duvall/Farr)** Be Received and referred to the Selection Process.

- 5.4 Correspondence from the Cement Association of Canada, respecting changes to the Ontario Building Code

Recommendation: **(Ferguson/Pearson)** Be received and referred to the Hamilton Fire Chief for a report back to Emergency and Community Services Committee.

- 5.5 Correspondence from Ron Smith, Canadian Professional Hockey League, respecting franchising opportunities

Recommendation: **(Farr/Powers)** Be Received and forwarded to the Hamilton Chamber of Commerce.

- 5.6 Correspondence from Bousfields Inc. respecting development charge credits extension for Kenilworth Avenue Investments Inc. Centre on Barton Development

Recommendation: **(Pearson/Johnson)** Be Received and Referred to the General Manager of Finance and Corporate Services for a report back to the Audit, Finance and Administration Committee.

- 5.7 Correspondence from the AMO Board of Directors respecting 2014-2016 Request for Nominations (tabled from May 14, 2014 Council meeting)

Recommendation: **(Powers/Pasuta)** Be Received.

- 5.8 Correspondence from the Honourable Chris Alexander, PC, MP, Canada's Citizenship and Immigration Minister respecting establishment of a regularization program to assist residents with undocumented status in Canada

Recommendation: **(Johnson/Pearson)** Be Received.

- 5.9 Report from the Office of the Integrity Commissioner respecting Complaint of Misconduct against Councillor Chad Collins

Recommendation: **(Merulla/Pearson)** Be received.

(Pasuta/Partridge)

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

CARRIED

Councillor M. Pearson introduced Jason Thorne, the new General Manager, Planning and Economic Development.

PLANNING COMMITTEE REPORT 14-008

7. **Planning Division Complement Adjustment (PED14107) (City Wide) (Item 12.1)**

(Johnson/Ferguson)

That Item 7 of Planning Committee Report 14-008 respecting Planning Division Complement Adjustment, be amended by deleting and replacing the recommendations to read as follows:

That the General Manager of Planning and Economic Development be authorized to convert two (2) Planner I positions, within the Zoning By-law Reform Section, into one (1) Senior Planner position and one Planner II position, and to convert two (2) Senior Planner positions within the Development Planning, Heritage and Urban Design Section, into one (1) Senior Project Manager position and one (1) Planner I position, all within the existing Planning Division Operating Budget.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Johnson/Ferguson)

That the Eighth Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 14-011

(Bratina/Partridge)

That the Eleventh Report of the General Issues Committee be adopted, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 14-006

5. Corporate Energy Policy - Corporate Energy and Energy Commodity Policies (PW14050) (City Wide) (Outstanding Business List) (Item 7.3)

(Ferguson/Partridge)

That Item 5 of Public Works Committee Report 14-006, be amended by adding the following as subsection (d):

- (d) That staff be directed to include a line item in the annual Public Works Budget Presentation showing "Energy Savings" and include in the Budget Presentation information respecting Cost Avoidances and Cost Savings."

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

6. 2014 Transit Capital Fleet Replacement and Compressed Natural Gas (CNG) Station Replacement (PW12017(b)) (City Wide) (Item 7.4)

(Ferguson/Clark)

That Item 6 of Public Works Committee Report 14-006 be amended by deleting subsection (h) in its entirety, and replacing it with the following in lieu thereof:

- (h) That staff report back to the Public Committee prior to the ratification and signing of any agreement for the design, construction and maintenance of a compressed natural gas station at the City's Transit facility.

(Ferguson/Clark)

That the amendment noted as subsection (h) which is reflected in Information Section (iv) to the Public Works Committee Report 14-006 be deleted in its entirety.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Whitehead/Duvall)

That the Sixth Report of the Public Works Committee be adopted, as amended, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 14-004

(Bratina/Partridge)

That the Fourth Report of the Board of Health be adopted, and the information section received.

CARRIED

(Pasuta/Powers)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

Councillor Merulla withdrew the following motion:

7.1 Moratorium on LRT Debate

Whereas the City of Hamilton has been working on the Rapid Transit initiative since 2008;

And whereas the City of Hamilton first completed a feasibility study of Light Rail Transit (LRT) and the B-Line in 2008;

And whereas the City of Hamilton has also completed 30 percent detailed design on the B-line;

And whereas in 2010, a Benefits Case Analysis by Metrolinx was undertaken with respect to LRT in comparison to BRT on the B-Line;

And whereas Hamilton City Council has provided unanimous support for LRT as described in the Rapid Ready Report, which was approved on February 27th, 2013;

And whereas the City's Rapid Ready Report also speaks to the importance of investments in the entire transit system;

And whereas City Council has provided Metrolinx with reports on funding tools and an investment strategy on May 8, 2013 and September 25, 2013 relating to Council's position of 100 percent capital funding;

And whereas, Council requested at its GIC meeting on April 16, 2014 that Transportation Minister Glen Murray be invited and attend an upcoming GIC meeting;

And whereas, Minister Murray has declined to attend a meeting;

And whereas, a provincial election has been called and will take place on June 12, 2014;

Therefore be it resolved:

That a moratorium be placed on any LRT debates pending confirmation from the Provincial Government of the funding formula requested by the City of Hamilton.

7.2 Amendment to Item 3 of General Issues Committee Report 13-008 respecting “Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP) – 137-149 Main Street West (PED13052) (Ward 2)

(Farr/Morrow)

That subsection (a) of Item 3 of General Issues Committee Report 13-008, approved by Council on April 10, 2013, respecting Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP) – 137-149 Main Street be amended by adding the words “and subject to the following additional conditions” after the word “conditions” and by adding the following subsections

- (i) the corporate control be amended to Azim Kassam 50% shareholder and Jose Fernandez 50% shareholder;
- (ii) Joint and several guarantees of the two Azim Kassam and Jose Fernandez;
- (iii) no payments shall be made by Jackson Hospitality Inc. or Azim Kassam in respect of any loan by Jose Fernandez (shareholder’s loan) to Jackson Hospitality until the City’s loan has been paid in full;
- (iv) any security of any shareholder in respect of any debt to Jackson Hospitality Inc. shall be postponed and subordinated to any security of the City of Hamilton in respect of its loan to Jackson Hospitality Inc.

The amended resolution to read as follows:

3. Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP) – 137-149 Main Street West (PED13052) (Ward 2) (Item 5.3)

- (a) That a conditional loan commitment totalling \$2,325,000 for Jackson Hospitality Inc. (Azim Kassam), the registered owner of the property at 137-149 Main Street West, be authorized and approved under the Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP) in accordance with the Program’s terms and conditions ***and subject to the following additional conditions;***
 - (i) ***the corporate control be amended to Azim Kassam 50% shareholder and Jose Fernandez 50% shareholder;***
 - (ii) ***Joint and several guarantees of the two Azim Kassam and Jose Fernandez;***

(iii) no payments shall be made by Jackson Hospitality Inc. or Azim Kassam in respect of any loan by Jose Fernandez (shareholder's loan) to Jackson Hospitality until the City's loan has been paid in full;

(iv) any security of any shareholder in respect of any debt to Jackson Hospitality Inc. shall be postponed and subordinated to any security of the City of Hamilton in respect of its loan to Jackson Hospitality Inc.

(b) That the Mayor and City Clerk be authorized and directed to execute a loan 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 loan amending agreements, together with any ancillary amending documentation, if required, provided that the terms and conditions of the Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP), as approved by City Council, are maintained.

CARRIED

7.3 Amendment to Audit, Finance and Administration Report 13-009, Appendix D to Item 17 respecting City-Wide Cash Handling Guidelines (AUD13031) (City Wide) (Item 8.3)

(Clark/Johnson)

(a) That, in order to further strengthen the Cash Handling Guidelines, Appendix "D" to Item 17 of the Audit, Finance & Administration Committee Report 13-009, respecting the City-Wide Cash Handling Guidelines, which was approved by Council on September 11, 2013 (attached hereto) be amended by:

17. City-Wide Cash Handling Guidelines (AUD13031) (City Wide) (Item 8.3)

(i) Adding the words "**cheques, money orders and credit/debit card transactions**" after the words "Cash – Canadian and US bills, coins" to read as follows:

DEFINITIONS

Cash – Canadian and U.S. currency, bills and coins, **cheques, money orders and credit/debit card transactions.**

- (ii) Deleting the word “should” and replacing it with the word “must” after the word “purchases” to read as follows:

Deposits

All funds should be deposited intact. No cash receipts should be retained or expended to pay invoices or miscellaneous expenses, replenish petty cash or make loans or advances. Cash back for debit or credit card purchases **must** not be allowed.

- (iii) Adding the words “**(as outlined in the Cash Handling Policy)**” after the words “Deposits should occur”; adding the word “**weekly**” after the word “Policy); and by deleting the words “*within 24 hours or the next business day of receipt of cash funds in order to limit the amount of cash stored on site. Where it is not practical to deposit cash on a daily basis, management should determine the dollar threshold for accumulated cash receipts that will trigger a bank deposit. At a minimum, deposits should occur on a bi-monthly,* to read as follows:

Deposits

Deposits should occur **(as outlined in the Cash Handling Policy) weekly** basis. Cash awaiting deposit should be stored in a secure location with limited access.

- (b) That Appendix “D” to Item 17 of the Audit, Finance & Administration Committee Report 13-009, respecting the City-Wide Cash Handling Guidelines (attached hereto) be approved, as amended.

CARRIED

7.4 All-Way Stop Citino Drive and Stonepine Crescent/Fortissimo Drive

(Whitehead/Duvall)

- (a) That all-way stop be implemented at the westerly intersection of Citino Drive and Stonepine Crescent/Fortissimo Drive;
- (b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

CARRIED

7.5 1 Saint James Place, Hamilton

(Farr/McHattie)

Whereas City Council has included 1 St. James Place, Hamilton in the Register of Property of Cultural Heritage Value or Interest as a non-designated property;

And Whereas a Building Permit for the demolition of the attached garage and porch has been issued and remains in effect;

And Whereas Subsection 29 (1) of the Ontario Heritage Act enables the Council of a municipality to designate by by-law property that is of cultural heritage value or interest if such property satisfies the prescribed criteria in Ontario Regulation 9/06;

And Whereas Subsection 33 (1) and Subsection 34 (1) of the Ontario Heritage Act provide for a process to manage alterations to property and demolition or removal of buildings or structures designated under the Ontario Heritage Act;

And Whereas the property located at 1 St. James Place, Hamilton, meets the criteria specified in Ontario Regulation 9/06 including, but not limited to:

- The property's design value as a representative example of the Art Moderne style within the City of Hamilton and as an example of the use of a steel structure in residential construction.
- The property's historical associations with Hutton and Souter, architects, and the Pigott Construction Company, as well as associations with the theme of the development of modern construction materials, practices and conveniences.

Therefore be it resolved:

- (a) That the Notice of Intention to Designate 1 St. James Place, Hamilton attached as Appendix "A" , be approved by Council;
- (b) That the Notice of Intention to Designate 1 St. James Place, Hamilton be forwarded to the Hamilton Municipal Heritage Committee for its consideration;
- (c) That, provided the Hamilton Municipal Heritage Committee approves the Notice of Intention to Designate 1 St. James Place, the City Solicitor be directed to take appropriate action to serve Notice of Intention to Designate 1 St. James Place, Hamilton, under Part IV of the Ontario Heritage Act on the owner of the property and on the Ontario Heritage Trust, and to publish the Notice of Intention to Designate in a newspaper having general circulation in the municipality; and,

- (d) That the resolution approved by Council on May 14, 2014 which directed staff to prepare a staff report including a Preliminary Evaluation of 1 St. James Place, Hamilton and report back to Planning Committee and Council for direction and prioritization of any further research and evaluation, be rescinded.

CARRIED

NOTICES OF MOTIONS

8.1 Amendment to Audit, Finance and Administration Report 13-009, Appendix D to Item 17 respecting City-Wide Cash Handling Guidelines (AUD13031) (City Wide) (Item 8.3)

Councillor Clark introduced the following Notice of Motion:

- (a) That, in order to further strengthen the Cash Handling Guidelines, Appendix "D" to Item 17 of the Audit, Finance & Administration Committee Report 13-009, respecting the City-Wide Cash Handling Guidelines, which was approved by Council on September 11, 2013 (attached hereto) be amended by:

17. City-Wide Cash Handling Guidelines (AUD13031) (City Wide) (Item 8.3)

- (i) Adding the words "**cheques, money orders and credit/debit card transactions**" after the words "Cash – Canadian and US bills, coins" to read as follows:

DEFINITIONS

Cash – Canadian and U.S. currency, bills and coins, **cheques, money orders and credit/debit card transactions.**

- (ii) Deleting the word "should" and replacing it with the word "must" after the word "purchases" to read as follows:

Deposits

All funds should be deposited intact. No cash receipts should be retained or expended to pay invoices or miscellaneous expenses, replenish petty cash or make loans or advances. Cash back for debit or credit card purchases **must** not be allowed.

- (iii) Adding the words “**(as outlined in the Cash Handling Policy)**” after the words “Deposits should occur”; adding the word “**weekly**” after the word “Policy”; and by deleting the words “*within 24 hours or the next business day of receipt of cash funds in order to limit the amount of cash stored on site. Where it is not practical to deposit cash on a daily basis, management should determine the dollar threshold for accumulated cash receipts that will trigger a bank deposit. At a minimum, deposits should occur on a bi-monthly,* to read as follows:

Deposits

Deposits should occur **(as outlined in the Cash Handling Policy) weekly** basis. Cash awaiting deposit should be stored in a secure location with limited access.

- (b) That Appendix “D” to Item 17 of the Audit, Finance & Administration Committee Report 13-009, respecting the City-Wide Cash Handling Guidelines (attached hereto) be approved, as amended.

(Clark/Johnson)

That the Rules of Order be waived in order to introduce a motion respecting an amendment to Appendix “D” to Item 17 of the Audit, Finance & Administration Committee Report 13-009, respecting the City-Wide Cash Handling Guidelines.

CARRIED

Refer to Item 7.3

8.2 All-Way Stop Citino Drive and Stonepine Crescent/Fortissimo Drive

Councillor Whitehead introduced the following Notice of Motion:

- (a) That all-way stop be implemented at the westerly intersection of Citino Drive and Stonepine Crescent/Fortissimo Drive;
- (b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.

(Whitehead/Duvall)

That the Rules of Order be waived in order to introduce a motion respecting an All-Way Stop at Citino Drive and Stonepine Crescent/Fortissimo Drive.

CARRIED

Refer to Item 7.4

8.3 Scott Park Lands

Councillor Morrow introduced the following Notice of Motion:

That the City Manager in conjunction with the Mayor, as he wishes, and the Ward 3 Councillor be asked to supervise discussions among the following, and not limited to, organizations responsible for the future of the current Scott Park lands – including the Bernie Morelli Seniors Centre, the school site, Jimmy Thompson Pool, parking requirements for current and future needs, playing fields and open spaces and that a timely report be made back to Hamilton City Council through its appropriate committees.

8.4 1 Saint James Place, Hamilton

Councillor Farr introduced the following Notice of Motion:

Whereas City Council has included 1 St. James Place, Hamilton in the Register of Property of Cultural Heritage Value or Interest as a non-designated property;

And Whereas a Building Permit for the demolition of the attached garage and porch has been issued and remains in effect;

And Whereas Subsection 29 (1) of the Ontario Heritage Act enables the Council of a municipality to designate by by-law property that is of cultural heritage value or interest if such property satisfies the prescribed criteria in Ontario Regulation 9/06;

And Whereas Subsection 33 (1) and Subsection 34 (1) of the Ontario Heritage Act provide for a process to manage alterations to property and demolition or removal of buildings or structures designated under the Ontario Heritage Act;

And Whereas the property located at 1 St. James Place, Hamilton, meets the criteria specified in Ontario Regulation 9/06 including, but not limited to:

- The property's design value as a representative example of the Art Moderne style within the City of Hamilton and as an example of the use of a steel structure in residential construction.
- The property's historical associations with Hutton and Souter, architects, and the Pigott Construction Company, as well as associations with the theme of the development of modern construction materials, practices and conveniences.

Therefore be it resolved:

- (a) That the Notice of Intention to Designate 1 St. James Place, Hamilton attached as Appendix "A" , be approved by Council;

- (b) That the Notice of Intention to Designate 1 St. James Place, Hamilton be forwarded to the Hamilton Municipal Heritage Committee for its consideration;
- (c) That, provided the Hamilton Municipal Heritage Committee approves the Notice of Intention to Designate 1 St. James Place, the City Solicitor be directed to take appropriate action to serve Notice of Intention to Designate 1 St. James Place, Hamilton, under Part IV of the Ontario Heritage Act on the owner of the property and on the Ontario Heritage Trust, and to publish the Notice of Intention to Designate in a newspaper having general circulation in the municipality; and,
- (d) That the resolution approved by Council on May 14, 2014 which directed staff to prepare a staff report including a Preliminary Evaluation of 1 St. James Place, Hamilton and report back to Planning Committee and Council for direction and prioritization of any further research and evaluation, be rescinded.

(Partridge/Farr)

That the Rules of Order be waived in order to introduce a motion respecting the Notice of Intention to Designate 1 St. James Place, Hamilton.

CARRIED

Refer to Item 7.5

8.5 Proceeds from fines to be used for environmental mitigation in Crown Point Neighbourhood

Councillor Merulla introduced the following Notice of Motion:

Whereas ArcelorMittal Dofasco recently pleaded guilty to six charges of exceeding visible pollution standards related to smoke plumes in 2012;

And whereas these fines totalled \$390,000;

And whereas one of the areas most impacted is the Crown Point neighbourhood specifically the area north of Barton between Ottawa and Kenilworth streets;

And whereas all parties are focused on continuous improvement and methods to reduce impacts on the environment;

Therefore be it resolved:

- (a) That staff work with community stakeholders on identifying environmental mitigation tools and community development efforts for the Crown Point neighbourhood specifically the area north of Barton boundaries as identified between Ottawa and Kenilworth streets;

- (b) That the City financial contribution related to the identified environmental mitigation tools not exceed \$390,000 in related fine revenues and be funded through POA revenues, corporate surplus or the unallocated capital reserve.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Powers/Partridge)

That the Bill List for the May 28, 2014 meeting of Council be amended by adding Bill number 131, which reads as follows, and renumbering the balance accordingly:

- 131 To Amend By-law No. 01-215, a By-law to Regulate Traffic
Section 55
- 132 To Confirm proceedings of Council

AMENDMENT CARRIED

(Partridge/Powers)

That Bills No. 14-124 to 14-132 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:

By-Law

- 124 To Incorporate City Land Designated as Blocks 85 and 87 on Plan 62M-1150 into Binhaven Boulevard
- 125 Removal of Part Lot Control
Lots 1 to 7, inclusive, Lots 10 to 25, inclusive, Lots 27 to 42, inclusive, and Block 46
of Registered Plan No. 62M-1200, "Orchard Park"; known municipally as, 3, 4, 7, 8, 11, 12, 15, 16, 19, 20, 23, 24, 27 and 31 Saxony Court; and, 415, 418, 419, 422, 423, 426, 427, 430, 431, 434, 435, 438, 439, 442, 443, 446, 447, 450, 451, 454, 455, 459, 463, 467, 471 and 475 Macintosh Drive (Stoney Creek) (Ward 10)
- 126 Removal of Part Lot Control
Block 71, Registered Plan No. 62M-1194
164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188 and 190
Whitwell Way (Glanbrook)

- 127 To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking
Schedule 5 - Parking Metres
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 Zones
Schedule 24 – Wheelchair Loading Zones
- 128 To Adopt:
Official Plan Amendment No. 20 to the Urban Hamilton Official Plan
Respecting:
Lands located at 1117 Garner Road East, Ancaster
- 129 To Amend Zoning By-law No. 87-57 (Ancaster),
Respecting Lands Located at 1117 Garner Road East (Ancaster)
- 130 To Amend Zoning By-law No. 6593
Respecting Lands Located at 198 and 206 Wellington Street South (Hamilton)
- 131 To Amend By-law No. 01-215, a By-law to Regulate Traffic
Section 55
- 132 To Confirm Proceedings of Council

CARRIED AS AMENDED

(Partridge/Powers)

That there being no further business, the City Council meeting be adjourned at 6:52 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk



PLANNING COMMITTEE

REPORT 14-008

9:30 am

Tuesday, May 20, 2014

As Amended by Council on May 28, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

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

THE PLANNING COMMITTEE PRESENTS REPORT 14-008 AND RESPECTFULLY RECOMMENDS:

- 1. Sign Kiosks/Poster Sleeve Pilot Evaluation (PED05172(k)) (City Wide) (Item 5.1)**
 - (a) That the current Sign Kiosk/Poster Sleeve locations in the Downtown, International Village, Westdale and the Dundas Business Improvement Areas (BIAs) be deemed permanent locations;
 - (b) That the responsibility for the Sign Kiosk/Poster Sleeve Program be transferred to the Public Works Department as part of the City's Street Furniture Program;
 - (c) That the remaining \$250,000 of approved Capital funding for Sign Kiosks/Poster Sleeves in the following Planning and Economic Development Department accounts be transferred to the Public Works Department:
 - (i) Project # 8200703600 (\$ 50,000)
 - (ii) Project # 8200803611 (\$150,000)
 - (iii) Project # 8200803800 (\$ 50,000);

- (d) That the Public Works Department be directed to consult with stakeholders and report back with respect to expansion of the Sign Kiosk/Poster Sleeve Program.

2. Tech Park Industrial Subdivision (PED14101) (Ward 15) (Item 5.2)

That the required cost for the completion of roads in the Tech Park Industrial Subdivision be funded from the Shared Land – Industrial Parks Reserve Fund Account No. 110060.

3. Application for an Amendment to Ministry of Environment Environmental Compliance Approval by Newalta Corporation for Lands Located at 237 Brant Street, Hamilton (PED14104) (Ward 3) (Item 5.3)

That Report PED14104, Application for an Amendment to Ministry of Environment Environmental Compliance Approval by Newalta Corporation for Lands Located at 237 Brant Street, Hamilton, be received.

4. Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South (Hamilton) (PED14099) (Ward 2) (Item 6.2)

That Amended Zoning By-law Amendment Application ZAC-11-055, by Spallacci Construction Limited, Owner, for a change in zoning from the “D” (Urban Protected Residential – One and Two Family Dwellings, Etc.) District to the “E/S-1705” (Multiple Dwellings, Lodges, Clubs, Etc.) District, Modified, on lands located at 198 and 206 Wellington Street South (Hamilton), as shown on Appendix “A” to Report PED14099, be approved, on the following basis:

- (a) That the draft By-law, attached as Appendix “B” to Report PED14099, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;
- (b) That the amending By-law be added to Schedule 19B of Zoning By-law No. 6593 as “E/S-1705”;
- (c) That the change in Zoning is consistent with the Provincial Policy Statement (2014), and conforms to the Places to Grow Growth Plan, and is in conformity with the Hamilton-Wentworth Regional Official Plan and the City of Hamilton Official Plan;
- (d) That the change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP);

- (e) That upon finalization of the amending By-law, the subject lands within the Corktown Neighbourhood Plan be redesignated from “Single and Double” to “Medium Density Apartments”.

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

That the comprehensive Report on business license fees be delayed until 2015 as a result of the March 26, 2014 City Council direction to:

- (a) Adjust the current work plan to ensure that unlicensed businesses are inspected;
- (b) Investigate and detail the costs of staff resources and technology improvements required to address the recommendations of the approved performance audit with respect to unlicensed businesses.

6. Residential Drainage Assistance Pilot Program – Interim Report (PED14105) (City Wide) (Item 8.2)

- (a) That the Residential Drainage Assistance Pilot Program (RDAPP) be extended to September 2015 to match the Enforcement of Blocked Swales Pilot Program (Report PED13084);
- (b) That the temporary full-time equivalent (FTE) position (Residential Drainage Assistance Project Manager) reporting to the Manager of Engineering Approvals also be extended and the position be funded from Capital Account No. 5181159150 at an estimated staff cost of \$162,000 for the period of May 2014 to September 2015;
- (c) That the implementation of drainage improvements identified in the Capri Crescent Drainage Study (Ward 5), with an estimated cost of \$25,000 for permits and works within the public right-of-way, be approved and funded from Capital Account No. 5181159150;
- (d) That the implementation of drainage improvements identified in the Martingrove and Janis Drainage Study, with an estimated cost of \$25,000 for permits and works within the public right-of-way, be approved and be funded from Capital Account No. 5181159150;
- (e) That recommendations (c) and (d) be subject to:
 - (i) An appropriate agreement between the City and the identified landowners for the above grant monies based on the provisions of the RDAPP in a form satisfactory to the City Solicitor;

- (ii) In the event of a shortfall of funds for works located on private property, a portion of the cost of works located on private property may be funded from the local Councillor's Area Rating Funds or available surplus Capital accounts or WIPS with the preceding being subject to the identified landowners undertaking the work in accordance with the City's tendering policies, purchasing policies, and the identified homeowners obtaining all necessary permits.
- (f) That the Mayor and City Clerk are authorized to execute all necessary agreements related to the Capri Crescent Residential Drainage Assistance Program Study and the Martingrove and Janis Residential Drainage Assistance Program Study, with content acceptable to the Manager, Development Engineering and in a form satisfactory to the City Solicitor.

7. Planning Division Complement Adjustment (PED14107) (City Wide) (Item 12.1)

That the General Manager of Planning and Economic Development be authorized to convert two (2) Planner I positions, within the Zoning By-law Reform Section, into one (1) Senior Planner position and one Planner II position, and to convert two (2) Senior Planner positions within the Development Planning, Heritage and Urban Design Section, into one (1) Senior Project Manager position and one (1) Planner I position, all within the existing Planning Division Operating Budget.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

DISCUSSION ITEMS - AMENDMENT FOR DISTRIBUTION

- 8.2 Amendment to the Residential Drainage Assistance Pilot Program - Interim Report (PED14105) (City Wide)

MOTIONS - FOR DISTRIBUTION

9.1 Redevelopment of a City of Hamilton Owned Surface Parking Lot

9.2 Construction Information Ground Signs

NOTICE OF MOTION

10.1 Delegated Authority to Consent to Heritage Permits under the Ontario Heritage Act

10.2 North Hamilton Community Health Centre

The Agenda for the May 20, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) May 6, 2014

The Minutes of the May 6, 2014 Planning Committee meeting were approved.

(d) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Masonry Worx respecting new home construction and municipal sustainability (Item 6.1)

Brittany LeClerc and John Armstrong, Masonry Worx, provided an presentation with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The presentation respecting new home construction and municipal sustainability was received.

(ii) Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South (Hamilton) (PED14099) (Ward 2) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Johnson 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 amendments, 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.

Edward John, Senior Project Manager, 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 PED14099, Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South, was received.

James Webb, on behalf of the applicant and owners, 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 agent's presentation respecting Report PED14099, Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South, was received.

Public Speakers:

1. Mary Hudecki – 107 Augusta St., Hamilton, ON L8N 1R3

Ms. Hudecki expressed concerns, on behalf of herself and the Neighbourhood Association, respecting the number of new developments in the area and the impact it will have on traffic and parking. She is also disappointed that it will be an apartment building rather than a condominium development.

2. Kelvin John – 264 Charlton Ave. E., Hamilton, ON L8N 121

Mr. John expressed concerns with shadowing, parking and traffic. He is also concerned with the height of the building and other buildings in the area.

3. Shirley Baker – 236 Forest Ave., Hamilton, ON L8N 1Y1

Ms. Baker expressed concerns with parking and privacy.

The public presentation respecting Report PED14099, Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South, was received.

The public meeting respecting Report PED14099, Proposed Zoning By-law Amendment Affecting Lands Located at 198 and 206 Wellington Street South, was closed.

For disposition on this Item, refer to item 4.

(e) DISCUSSION ITEMS (Item 8)

(i) Residential Drainage Assistance Pilot Program – Interim Report (PED14105) (City Wide) (Item 8.2)

The recommendations contained in Report PED14105, Residential Drainage Assistance Pilot Program – Interim Report, were amended by adding a new sub-section (f), as follows:

- (f) That the Mayor and City Clerk are authorized to execute all necessary agreements related to the Capri Crescent Residential Drainage Assistance Program Study and the Martingrove and Janis Residential Drainage Assistance Program Study, with content acceptable to the Manager, Development Engineering and in a form satisfactory to the City Solicitor.

For disposition on this Item, refer to item 6.

(f) MOTIONS (Item 9)

(i) Redevelopment of a City of Hamilton Owned Surface Parking Lot (Item 9.1)

WHEREAS The City of Hamilton owns lands that are currently used for surface parking within the Downtown Community Improvement Plan area which is not the highest and best use of these lands;

AND WHEREAS it is a goal of the Downtown Community Improvement Plan area “To ensure a viable population of residents, jobs and visitors to the Project Areas that provide local business support, employment and economic opportunities” and “To make more efficient use of existing infrastructure”;

AND WHEREAS ss 106(3) of the Municipal Act, 2001 provides that the prohibition on a municipality granting bonuses in ss 106(1) does not apply where a Council exercises its authority within a community improvement project area pursuant to ss 28(6) or (7) of the Planning Act.

AND WHEREAS Section 8.2 of the Downtown and Community Renewal Community Improvement Plan states that “The City may also dispose, including sale, lease, or otherwise, of municipal land and buildings within any Community Improvement Project Area for the purpose of achieving the goals and objectives of this Plan”;

AND WHEREAS through the disposition of a surface parking lot the City of Hamilton can provide for the opportunity for the redevelopment of City owned lands currently utilized solely for the purpose of surface parking, provide for additional residential and employment opportunities in the Downtown Community Improvement Plan area and achieve excellence in urban design;

NOW THEREFORE IT IS RESOLVED:

- (a) That Planning and Economic Development Department staff be directed and authorized to report back to Planning Committee by September, 2014 on:

A Request for Proposals process for the redevelopment of a City of Hamilton owned surface parking lot in which the City of Hamilton will facilitate the process through the conveyance of the City of Hamilton lands for the best offer subject to the successful project meeting the City of Hamilton’s requirements including, but not limited to, matters of design, timing, density and affordability;

- (b) That in preparing the Request for Proposal, Planning and Economic Development Department staff report include a cost-benefit analysis on the redevelopment of the City-owned lands;
- (c) That Planning and Economic Development Department staff report back on the process for the evaluation and assessment of the Request for Proposals, including a stakeholder advisory committee and the composition of the committee.

The motion was amended to include a new sub-section (d), to read as follows:

- (d) That the intent is to maximize the capital return to the City of Hamilton.

(ii) Construction Information Ground Signs (Item 9.2)

WHEREAS the Hamilton Sign By-Law No.10-197 regulates signs, including temporary “Construction Information Ground Signs” within the City of Hamilton;

AND WHEREAS the Hamilton Sign By-Law No.10-197 restricts the height (7.5 m) and size(maximum area 18.0 m² for a single-faced or 36.0 m² for a double or multi-faced Sign) of ground mount signs, including temporary “Construction Information Ground Signs”;

AND WHEREAS there are available space challenges to locating “Construction Information Ground Signs” in the most visible and effective manner for many of the vital new developments occurring within the Downtown;

NOW THEREFORE IT IS RESOLVED:

- (a) That Planning and Economic Development Department staff be directed to review the provisions of the Hamilton Sign By-Law No.10-197 and to report back with possible alternatives to address the challenges in locating “Construction Information Ground Signs” associated with Downtown developments;
- (b) That staff be directed to use discretion in enforcing “Construction Information Ground Signs” in the Downtown area until the requested report is considered by Committee and City Council.

(iii) North Hamilton Community Health Centre (Item 9.3)

Whereas the North Hamilton Community Health Centre is a registered non-profit charitable organization;

And Whereas the North Hamilton Community Health Centre have received funding from the Ministry of Health to operate a horticultural therapy program in this greenhouse

And Whereas the North Hamilton Community Health Centre is proposing to construct a greenhouse at 438 Hughson Street for the purpose of supporting multiple educational and health promotion program opportunities in the City of Hamilton community and beyond.

And Whereas Section 11(6) of the City of Hamilton Parkland Dedication By-law provides for the exemption from Parkland Dedication where a use has been deemed by Council as a charitable non-profit use;

Now Therefore it is resolved:

That the North Hamilton Community Health Centre, located at 428 Hughson Street, is hereby deemed to be a charitable non-profit use and that the Director of Planning be directed and authorized to exempt the North Hamilton Community Health Centre from the parkland dedication requirements in accordance with the City of Hamilton Parkland Dedication By-law.

The motion respecting North Hamilton Community Health Centre, was tabled to the June 3, 2014 meeting of the Planning Committee.

(g) NOTICES OF MOTION (Item 10)

Councillor Farr introduced the following Notice of Motion:

(i) Delegated Authority to Consent to Heritage Permits Under the Ontario Heritage Act (Item 10.1)

Whereas the *Ontario Heritage Act* requires consent from City of Hamilton Council or its delegate for alterations to properties designated under the *Ontario Heritage Act*, and that this consent be obtained through the issuance of a Heritage Permit;

And Whereas the *Ontario Heritage Act* requires consultation with the Municipal Heritage Committee on Heritage Permit applications, but not public notice or public consultation, before a decision with respect to a Heritage Permit application is made;

And Whereas City Council passed By-law No.05-364, as amended by By-law No. 07-322, delegating the power to consent to Heritage Permits to the Director of Planning.

And Whereas the delegated power to consent has been in place for approximately 9 years and it is prudent to conduct periodic review of by-laws and procedures;

Therefore be it resolved:

That staff in the Planning Division be directed to carry out a review of the Heritage Permit process, and report back to Planning Committee.

Councillor Farr introduced the following Notice of Motion:

(ii) North Hamilton Community Health Centre (Item 10.2)

Whereas the North Hamilton Community Health Centre is a registered non-profit charitable organization;

And Whereas the North Hamilton Community Health Centre have received funding from the Ministry of Health to operate a horticultural therapy program in this greenhouse

And Whereas the North Hamilton Community Health Centre is proposing to construct a greenhouse at 438 Hughson Street for the purpose of supporting multiple educational and health promotion program opportunities in the City of Hamilton community and beyond.

And Whereas Section 11(6) of the City of Hamilton Parkland Dedication By-law provides for the exemption from Parkland Dedication where a use has been deemed by Council as a charitable non-profit use;

Now Therefore it is resolved:

That the North Hamilton Community Health Centre, located at 428 Hughson Street, is hereby deemed to be a charitable non-profit use and that the Director of Planning be directed and authorized to exempt the North Hamilton Community Health Centre from the parkland dedication requirements in accordance with the City of Hamilton Parkland Dedication By-law.

The rules were waived in order to allow the introduction of a motion respecting North Hamilton Community Health Centre.

For disposition on this Item, refer to item 9.3.

(h) 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 O: Synergies between infrastructure Development and New School Openings (Added Item 10.1 & 9.2)
Current Due Date: May 20, 2014
New Due Date: August 12, 2014
- (bb) Item Y: Amendment to Site Plan Control By-law No. 03-294, as Amended by By-law No. 08-298 (PED14014) (City Wide)
Current Due Date: May 20, 2014
New Due Date: June 17, 2014

The following items were removed from the Outstanding Business List:

- (aa) Item W: Amendments to the Prohibition of Exotic Animals within the Responsible Animal Ownership By-law – Criteria and Process (Motion from GIC)
- (bb) Item JJ: Delegation Request from MasonryWorx

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Planning Division Complement Adjustment (PED14107) (City Wide) (Item 12.1)

For disposition on this Item, refer to item 7.

(j) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 12:36 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk



**GENERAL ISSUES COMMITTEE
REPORT 14-011**

(as approved by Council on May 28, 2014)

9:30 a.m.

Wednesday, May 21, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Regrets: Councillors T. Jackson, R. Powers – Vacation

**THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-011 AND
RESPECTFULLY RECOMMENDS:**

1. Hamilton Police Service Monthly Report (PSB14-060) (Item 5.1)

That Hamilton Police Service Monthly Report PSB 14-060 be received.

2. Development of a Farmers' Market Policy (PED14084) (City Wide) (Item 5.4)

That Report PED14084 respecting "Development of a Farmers' Market Policy" be received.

3. Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP), 137-149 Main Street West, Change in Corporate Control of Jackson Hospitality Inc. (PED14102) (Ward 2) (Item 5.5)

That Report PED14102 respecting "Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP), 137-149 Main Street West, Change in Corporate Control of Jackson Hospitality Inc." be received.

**4. Request for Support on the Morriston By-Pass (PED14080) (City Wide)
(Item 5.6)**

That Report PED14080 respecting “Request for Support on the Morriston By-Pass” be received.

**5. Terms and Conditions for the Use of the Downtown Public Art Reserve
(PED14096) (Wards 1, 2 and 3) (Item 5.7)**

- (a) That the Terms and Conditions for the Use of the Downtown Public Art Reserve Policy, attached hereto as Appendix “A”, be approved;
- (b) That the Downtown Public Art Reserve Policy (RESCUL-005), attached hereto as Appendix “B”, be approved.

**6. Annual Comprehensive Legal Services Report (LS14012) (City Wide)
(Item 5.8)**

That Report LS14012 respecting “Annual Comprehensive Legal Services Report” be received.

**7. Employee Attendance Report 2013 (HUR14003) (Outstanding Business
List) (Item 7.1)**

That Report HUR14003 respecting “Employee Attendance Report 2013” be received.

**8. Report 14-001 of the Task Force on Cleanliness and Security in the
Downtown Core - March 27, 2014 (Item 8.1)**

(a) Task Force Strategic Planning Exercise (Item 5.1)

That the Committee Clerk be directed to invite representatives from Evergreen CityWorks to attend a future meeting of the Cleanliness and Security in the Downtown Task Force to discuss common issues and concerns and possible partnership opportunities.

(b) Environmental Scan/Walking Tour of the Downtown Core (Item 5.3)

- (i) That the Committee Clerk contact the following City departments to arrange for their participation in an Environmental Scan/Walking Tour of the Downtown Core:

- Municipal By-Law Enforcement/Property Standards
- Public Works
- Urban Renewal
- Hamilton Police Services
- Pan Am Games Staff
- Heritage
- Public Health

- (ii) That the Committee Clerk contact the James Street North Merchants Association and invite them to participate in the Environmental Scan/Walking Tour of the Downtown Core.

9. Report 14-002 of the Advisory Committee for Persons with Disabilities - April 8, 2014 (Item 8.2)

Correspondence from the Accessibility Directorate of Ontario respecting Deadline Extension – Comment on Proposed Changes to the Customer Service Standard

That an informal Working Group be established for the purpose of drafting a response for the consideration of Council to be sent to the Accessibility Directorate of Ontario respecting the Proposed Changes to the Customer Service Standard.

10. St. Mark's Feasibility Study (PED12059(a)) (Ward 2) (Item 8.3)

- (a) That the St. Mark's Cultural Programming Space Feasibility Study, attached as Appendix "A" to Report PED12059(a), be received.
- (b) That Tourism and Culture Division staff report back to the General Issues Committee with a financial and operating plan for the proposed St. Mark's cultural programming space, based on the operating model outlined in the St. Mark's Cultural Programming Space Feasibility Study;
- (c) That the Real Estate Section, in partnership with the City's Revenue Generation Office, issue and advertise an Expression of Interest (EOI)/non-binding Request for Proposal (RFP) for the St. Mark's Facility, and that the marketing and advertising of the EOI/ non-binding RFP run concurrent with the Feasibility Study, taking into consideration the need for green space and the heritage designation.

11. Partial Relocation of the Ottawa Street Farmers' Market

- (a) That the staff of the Planning and Economic Development Department be directed to report to the Planning Committee with respect to initiating a site-specific Zoning By-law Amendment to permit the partial relocation of the Ottawa Street Farmers' Market to Car Park #2B at 116 Campbell Avenue;
- (b) That the cost to undertake the City Initiated zoning change be charged to the tax stabilization reserve.

12. Accounts Receivable Systems Review (Item 12.3)

- (a) That the interim update with respect to the Accounts Receivable Systems Review be received;
- (b) That additional details with respect to this matter be made available at the appropriate time in the future.

13. Funding for the Purchase of Memorial School, Ancaster (FCS14040) (Ward 12) (Item 12.2)

- (a) That the funding sources to purchase Memorial School at 357 Wilson Street, Ancaster, as detailed in Report FCS14040, be approved;
- (b) That any net proceeds from the sale of Memorial School land (for development) be directed back to the Ancaster Capital Reserve (108030);
- (c) That the annual operating costs associated with maintaining the school property be funded from the Tax Stabilization Reserve (110046) for 2014 and be referred to the annual budget process thereafter;
- (d) That the financial details remain confidential pending completion of the real estate transaction, and that Report FCS14040 be released as a public document at that time.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED NOTICES OF MOTION

10.1 Partial Re-Location of the Ottawa Street Farmers' Market

10.2 YWCA Request for Capital Investment and Increase to Annual Operating Grant

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES

(i) Minutes of the May 7, 2014 Meeting (Item 3.1)

The Minutes of the May 7 2014 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS

(i) Delegation Request from Lorna Zaremba, Theatre Aquarius, on behalf of the Hamilton Anchor Arts Organizations (Art Gallery of Hamilton, Brott Festival, Hamilton Philharmonic Orchestra and Theatre Aquarius) to speak at the June 18, 2014 meeting of the Committee in response to the staff presentation respecting the arts funding recommendations (Item 4.1)

The delegation request from Lorna Zaremba, Theatre Aquarius, on behalf of the Hamilton Anchor Arts Organizations (Art Gallery of Hamilton, Brott Festival, Hamilton Philharmonic Orchestra and Theatre Aquarius) to speak at the June 18, 2014 meeting of the Committee in response to the staff presentation respecting the arts funding recommendations, was approved.

(ii) Delegation Request from Janet Mowat, Art Gallery of Hamilton, on behalf of the Board of Directors of the Art Gallery of Hamilton, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations (Item 4.2)

The delegation request from Janet Mowat, Art Gallery of Hamilton, on behalf of the Board of Directors of the Art Gallery of Hamilton, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations, was approved.

- (iii) **Delegation Request from the Hamilton Philharmonic Orchestra, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations (Item 4.3)**

The delegation request from the Hamilton Philharmonic Orchestra, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations, was approved.

- (iv) **Delegation Request from Boris Brott, of the Boris Brott Music Festival, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations (Item 4.4)**

That the delegation request from Boris Brott, of the Boris Brott Music Festival, to speak at the June 18, 2014 meeting of the Committee respecting arts funding recommendations, was approved.

(e) CONSENT ITEMS

- (i) **Minutes of Various Sub-Committees (For Information Purposes Only) (Item 5.2)**

That Minutes of the March 25, 2014 meeting of the Arts Advisory Commission were received.

- (ii) **Hamilton Municipal Parking System - Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton (PED14097) (Ward 2) (Item 5.3)**

Report PED14097 respecting "Hamilton Municipal Parking System - Renewal of Parking Lease (Car Park #80), 191 King Street West and 22-30 Bay Street South, Hamilton" was tabled pending receipt of additional information with respect to the City's costs.

(f) DELEGATIONS/PUBLIC HEARINGS

- (i) **Grades 6, 7 and 8 Students from Westview Middle School Photovoice Project to present their findings with respect to Community Change following Completion of their Photovoice Project (Item 6.1)**

Laura Ryan from the Social Planning and Research Council appeared before the Committee with twelve Grades 6, 7 and 8 students from Westview Middle School to present PhotoVoice: Rolston Neighbourhood. Each student spoke to a component of the presentation which addressed:

- What is Photovoice
- What we did
- Westview Vision for Rolston Neighbourhood
- Priority 1: Clean up the graffiti
- Priority 2: More garbage cans in the community
- Priority 3: Fix cracks in the road
- Priority 4: Improve relationships
- Priority 5: Improve traffic around schools

The presentation from the students from Westview Middle School respecting the findings of their Photovoice Project was received.

The comments provided by the students was provided in writing to the Clerk for the public record.

A copy of the presentation was distributed to the Committee and can be viewed on the City of Hamilton website.

(g) PRESENTATIONS

(i) Employee Attendance Report 2013 (HUR14003)

Chris Murray, City Manager, provided introductory remarks in response to concerns expressed in the past with respect to absenteeism in the City's work force, and to explain what is behind the numbers in the report, what they mean, and what is going to be done i.e., Management Action Plan.

Helen Hale Tomasik, Executive Director of Human Resources, and Zac Nichol, HR Metrics Analyst, provided a PowerPoint presentation with respect to the 2013 Employee Attendance Report and spoke to the following:

- What we now know about short-term Disability (STD) Absences in 2013
- City's Categories of Absenteeism
- Short-Term Disability Benefit Plans
- Different Types of Short-Term Disability Absences

Business Intelligence (BI) Solution

- Legacy Reporting vs. Business Intelligence (BI) Solution
- New Reporting Capabilities with HR Business Intelligence Tool
- Technology Improvements for STD Management

Short-Term Disability Analysis

- 2013 Short-Term Disability Pareto Chart
- Significant Sick Absences – IPP and Sick Bank
- IPP Incidental Sick Absences (less than 6 days)
- IPP Significant Sick Absences (6 to 130 days)
- IPP Maternity Related Sick Absences
- IPP Modified Sick Absence Trends
- Previous Questions from Council
- Management Action Plan Strategies that are working
- Management Action Plan – 2014 (Management and Human Resources)
- Summary

Staff was directed to report back to the General Issues Committee on implementing a policy corporate wide that does not conflict with Collective Bargaining Agreements, where employees have a mandatory obligation of providing a doctor's note justifying their absence after 3 days of illness.

The presentation respecting "Employee Attendance Report 2013" was received.

A copy of the PowerPoint presentation was submitted to the Clerk for the public record and can be viewed on the City of Hamilton website.

See Item 7 for additional disposition of this item.

(h) DISCUSSION ITEMS

(i) St. Mark's Feasibility Study (PED12059(a)) (Ward 2)

The following was added as sub-section (c), to read as follows:

- "(c) That the Real Estate Section, in partnership with the City's Revenue Generation Office, issue and advertise an Expression of Interest (EOI)/non-binding Request for Proposal (RFP) for the St. Mark's Facility, and that the marketing and advertising of the EOI/non-binding RFP run concurrent with the Feasibility Study, taking into consideration the need for green space and the heritage designation."

The Amendment CARRIED and the Main Motion, as amended, CARRIED.

See Item 10 for additional disposition of this item.

(i) MOTIONS

(i) Review of Arts Funding (Item 9.1)

The following Motion was deferred pending presentation of staff reports addressing funding/grants:

“That funding of the Arts by the City of Hamilton be reassessed with a view to increasing their level of funding, and that a report be brought back by the appropriate Standing Committee(s) and staff.”

(ii) YWCA Request for Capital Investment and Increase to Annual Operating Grant (Item 9.2)

Staff was directed to review the request by the YWCA for an on-going capital investment of \$500,000 over the next three years and an increase to their annual operating grant and provide recommendations to the General Issues Committee.

(j) NOTICES OF MOTION

Councillor S. Merulla introduced the following Notice of Motion:

(i) Partial Relocation of the Ottawa Street Farmers' Market (Item 10.1)

Whereas in 2007 the City of Hamilton facilitated the relocation of the Centre Mall Farmers' Market from the Centre Mall to Municipal Car Parks #2C and #2D at 11 and 18 Britannia Avenue;

And Whereas the current location at Car Park #2D, 18 Britannia Avenue does not meet the needs of the Ottawa Street Farmers' Market and the Market is seeking to relocate a portion of the Market to Municipal Car Park #2B at 116 Campbell Avenue;

And Whereas the current zoning of Car Park #2B at 116 Campbell Avenue does not permit a Farmers' Market and that the City of Hamilton is currently undertaking a zoning review to facilitate and promote farmers markets;

Therefore be it Resolved:

That the staff of the Planning and Economic Development Department be directed to report to the Planning Committee with respect to initiating a site-specific Zoning By-law Amendment to permit the partial relocation of the Ottawa Street Farmers' Market to Car Park #2B at 116 Campbell Avenue and that the cost to undertake the City Initiated zoning change be charged to the tax stabilization reserve.

The rules of order were waived in order to allow for the introduction of a motion respecting Partial Relocation of the Ottawa Street Farmers' Market.

See Item 11 for the disposition of this item.

Councillor S. Merulla introduced the following Notice of Motion:

(ii) YWCA Request for Capital Investment and Increase to Annual Operating Grant (Item 10.2)

WHEREAS Municipalities, Boards and Agencies are experiencing large capital expenditures associated with aging infrastructure; and

WHEREAS the YWCA of Hamilton has provided valuable programs and services to the residents of the City of Hamilton for over 125 years; and

WHEREAS the YWCA provides women's and seniors', community programming that benefits the lives of Hamilton residents; and

WHEREAS the current operating agreement between the City of Hamilton and the YWCA expires in March 2015; and

WHEREAS the YWCA has been faced with increasing costs in operating aquatic facilities; and

WHEREAS the YWCA has requested from the City of Hamilton an ongoing capital investment of \$500K over the next three years and an increase to their annual operating grant.

Therefore be it resolved:

That staff be directed to review the request by the YWCA for an on-going capital investment of \$500,000 over the next three years and an increase to their annual operating grant and provide recommendations to the General Issues Committee.

The rules of order were waived in order to allow for the introduction of a motion respecting "YWCA Request for Capital Investment and Increase to Annual Operating Grant".

See Information Item (i)(ii) for the disposition of this item.

(k) OTHER BUSINESS/GENERAL INFORMATION

(i) Outstanding Business List Items

(aa) Revised Due Dates

The due date for the following item on the Outstanding Business List was amended accordingly, as follows:

Item CC: Art Gallery of Hamilton Fundraising Campaign

Due Date: June 4, 2014

Revised Due Date: August 11, 2014

(l) PRIVATE & CONFIDENTIAL

(i) Closed Session Minutes – May 7, 2014 (Item 12.1)

That the Closed Session Minutes from the May 7, 2014 meeting of the General Issues Committee were approved as presented and will remain confidential and restricted from public disclosure.

The Committee moved into Closed Session at 1:20 p.m. pursuant to Sub-sections (b) and (c) of the City's Procedural By-law and Section 239.2 of the Ontario Municipal Act, 2001, as amended, as the subject matters pertained to:

- (a) Item 12.2, a proposed or pending acquisition or disposition of land by the municipality or local board respecting Funding for the Purchase of Memorial School, Ancaster; and
- (b) Item 12.3, personal matters about an identifiable individual(s), including municipal or local board employees, respecting Accounts Receivable Systems Review

The Committee reconvened in Open Session at 3:10 p.m.

(ii) Accounts Receivable Systems Review (Item 12.3)

See Item 12 for the disposition of this item.

Additional direction was provided in closed session.

(iii) Funding for the Purchase of Memorial School, Ancaster (PED14040) (Ward 12) (Item 12.2)

See Item 13 for the disposition of this item.

(m) ADJOURNMENT

There being no further business, the Committee adjourned at 3:15 p.m.

Respectfully submitted

Councillor M. Pearson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk

Terms and Conditions for the Use of **THE DOWNTOWN PUBLIC ART RESERVE**

(Draft March 31, 2014)

1.0 BACKGROUND

In February 2012 Council approved the creation of a Downtown Public Art Reserve. This reserve is funded through voluntary contributions for which developers receive a Dollar for Dollar exemption in Development Charges for eligible developments within the Downtown Hamilton Community Improvement Project Area (DHCIPA).

2.0 PURPOSE

The Downtown Public Art Reserve was created as a mechanism to allow property owners and developers in downtown to support the arts and creative industries sectors that are making a major contribution to the continuing revival of downtown Hamilton. The Public Art projects funded from this reserve will focus on downtown to improve the quality of public space, animate street life and contribute to the evolving image of downtown as a place for the arts and innovation benefiting future residents as well as the existing community.

3.0 ELIGIBLE AREA

The funds of the Downtown Public Art Reserve shall be used to fund permanent and temporary *Public Art* projects located only within the DHCIPA.

4.0 DEFINITION

a. Public Art

Public Art is created by artists or in collaboration with artists through a public process and existing in publicly accessible City of Hamilton property such as public sidewalks, parks and public buildings.

These works of art can be of a permanent or temporary nature and include examples such as; sculptures, murals, street furnishings, park amenities, light works, live art, and artists collaborations on architecture, landscape architecture or amenity design.

Public Art projects follow the policies and procedures outlined in the City of Hamilton's Public Art Master Plan and the Public Art Call for Artists Policy.

b. Placemaking

Placemaking is an evolving field of practice that intentionally leverages the power of the arts, culture and creativity to serve a community's interest while driving a broader agenda for change, growth and transformation in a way that also builds character and quality of place. The success of creative placemaking is dependent upon collaborations between various stakeholders such as governments, private investment, not-for-profit organizations, artists and citizen groups.

5.0 GOALS

The Downtown Public Art Reserve shall be used to fund Public Art projects that:

- a. Contribute to making the public spaces of the DHCIPA more inviting and distinctive through placemaking;
- b. Are reflective of the unique history, physical context and community values of the DHCIPA;
- c. Display innovation and artistic excellence;
- d. Provide a range of opportunities to artists through different types and scales of both permanent and temporary public art projects;
- e. Allow for flexibility in funding and implementation by providing a full range of Public Art projects from large and complex to small and simple;
- f. Encourage property owners and developers to become engaged in the public art process;
- g. Are distributed throughout the DHCIPA; and,
- h. Demonstrate an evolution by endeavoring to implement at least one public art project in the DHCIPA annually.

6.0 LOCATIONS AND TYPES OF PUBLIC ART

The locations for and types of Public Art projects funded will be determined through a public consultation process directed by City staff in keeping with city policies including the Public Art Master Plan. Developers and property owners contributing to the Downtown Public Art Reserve will not directly determine the locations and types of projects however they will be invited and encouraged to join community stakeholders, citizens and artists in focus groups and juries to help determine the types, locations and themes for public art projects and select the winning proposals. In keeping with its mandate to monitor and assist with the implementation of the Public Art Program, the City of Hamilton Arts Advisory Commission will be engaged in these consultations.

7.0 FUNDING APPROVAL/USE OF FUNDS

The approval for the use of funds in the Downtown Public Art Reserve shall be in accordance with the Downtown Public Art Reserve Policy (RESCUL-005).

8.0 RELATED DOCUMENTS

- a. Downtown Public Art Reserve Policy (RESCUL-005)
- b. Public Art Master Plan
- c. Public Art Call for Artists Policy

CITY OF HAMILTON RESERVE POLICIES

DEPT/DIVISION RESPONSIBLE: TOURISM AND CULTURE		POLICY NO: RESCUL-005	
EFFECTIVE DATE: June 1, 2014	LAST REVISION DATE: April 22, 2014	REVIEW DATE: April 2019	
SUBJECT: USE OF DOWNTOWN PUBLIC ART RESERVE POLICY		RESERVE: DOWNTOWN PUBLIC ART RESERVE (108049)	

Purpose:

The Downtown Public Art Reserve was created as a mechanism to allow property owners and developers in downtown to support the arts and creative industries sectors that are making a major contribution to the continuing revival of downtown Hamilton. The Public Art projects funded from this Reserve will focus on downtown to improve the quality of public space, animate street life and contribute to the evolving image of downtown as a place for the arts and innovation benefiting both newcomers and the existing community.

This Reserve is not intended to be a long term funding source for general operations.

Authorization:

That all transfers from the Downtown Public Art Reserve (108049) be approved by City Council either via a budget submission, via a separate Council report or via a Council motion.

Source of Funding:

- Voluntary contributions based on Dollar for Dollar exemption in Development Charges for eligible developments within the Downtown Hamilton Community Improvement Project Area (DHCIPA).

Application of funds:

Funds to be used as follows subject to Council approval:

- To fund permanent and temporary Public Art projects located only within the Downtown Hamilton Community Improvement Project Area as outlined in the *Terms and Conditions for the Use of the Downtown Public Art Reserve* document.
- To fund all components of eligible Public Art projects including contract, artist fees, fabrication, installation, maintenance, administration and selection process costs.

Target Reserve Level and Ceiling:

Target Level- N/A

Ceiling – \$1 million cash balance

**CITY OF HAMILTON
RESERVE POLICIES**

DEPT/DIVISION RESPONSIBLE: TOURISM AND CULTURE		POLICY NO: RESCUL-005	
EFFECTIVE DATE: June 1, 2014	LAST REVISION DATE: April 22, 2014	REVIEW DATE: April 2019	
SUBJECT: USE OF DOWNTOWN PUBLIC ART RESERVE POLICY		RESERVE: DOWNTOWN PUBLIC ART RESERVE (108049)	

Borrowing From Reserve:

- There will be no borrowing from the Downtown Public Art Reserve.

Duration:

Ongoing

Interest Bearing:

Yes

Separate Bank Account:

No



PUBLIC WORKS COMMITTEE

REPORT 14-006

AS AMENDED BY COUNCIL MAY 28, 2014

9:30 a.m.

Thursday, May 22, 2014

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors T. Whitehead (Chair), S. Merulla (Vice Chair),
C. Collins, S. Duvall, L. Ferguson, B. McHattie, R. Pasuta.

Absent with Regrets: Councillor R. Powers - Personal
Councillor T. Jackson - Personal

THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 14-006 AND RESPECTFULLY RECOMMENDS:

1. Tree Removal to Facilitate Robb Avenue Storm Outfall and Battlefield Creek Rehabilitation (PW14048) (Ward 5) (Item 5.1)

That the necessary existing trees be approved for removal to facilitate the implementation of Capital Projects, which include the rehabilitation of watercourse and stabilization of valley slopes from the Robb Avenue storm outfall to the confluence with the main channel of Battlefield Creek.

2. Crown Point East Neighbourhood Park: Closure of a Portion of Public Assumed Alleyway and Closure of a Portion of Roxborough Avenue to Vehicular Traffic (PW14051) (Ward 4) (Item 6.1)

(a) That a portion of the public assumed alleyway running parallel to Province Street North and Graham Avenue North, Hamilton, be permanently closed, as shown on Appendix A, attached to Report PW14051;

(b) That a portion of Roxborough Avenue road allowance, be permanently closed to vehicular traffic, as shown on Appendix A, attached to Report PW14051;

(c) That a portion of land described as the southerly 3.048 metres of Lot 449, Plan 497(municipally known as 112 Province Street North), be established and laid

out as a public highway, as shown on Appendix A, attached to Report PW14051;

- (d) That the Manager, Geomatics and Corridor Management, be authorized and directed to prepare and deposit a reference plan under the Registry Act showing the parts to be closed and the established portion of Lot 449, Plan 497 as a public highway;
- (e) That the City Solicitor be authorized and directed to prepare the appropriate by-law(s) to give effect to the following:
 - (i) Closing of the portion of the public assumed alleyway running parallel to Province Street North and Graham Avenue North, Hamilton, as shown on Appendix A, attached to Report PW14051
 - (ii) Closing of a portion of Roxborough Avenue road allowance to vehicular traffic, as shown on Appendix A, attached to Report PW14051; and,
 - (iii) Closing of a portion of land described as the southerly 3.048 metres of Lot 449, Plan 497(municipally known as 112 Province Street North), to be established and laid out as a public highway, as shown on Appendix A, attached to Report PW14051;
- (f) That the following by-law(s) be passed:
 - (i) To close the portion of the public assumed alleyway running parallel to Province Street North and Graham Avenue North, Hamilton, as shown on Appendix A, attached to Report PW14051;
 - (ii) To Close a portion of Roxborough Avenue road allowance to vehicular traffic, as shown on Appendix A, attached to Report PW14051; and,
 - (iii) To close a portion of land described as the southerly 3.048 metres of Lot 449, Plan 497(municipally known as 112 Province Street North), to be established and laid out as a public highway, as shown on Appendix A, attached to Report PW14051;
- (g) That the City Solicitor be authorized and directed to register certified copies of the following by-laws in the proper Land Registry Office:
 - (i) To close the portion of the public assumed alleyway running parallel to Province Street North and Graham Avenue North, Hamilton, as shown on Appendix A, attached to Report PW14051;

- (ii) To Close a portion of Roxborough Avenue road allowance to vehicular traffic, as shown on Appendix A, attached to Report PW14051; and,
- (iii) To close a portion of land described as the southerly 3.048 metres of Lot 449, Plan 497(municipally known as 112 Province Street North), to be established and laid out as a public highway, as shown on Appendix A, attached to Report PW14051;
- (h) That the by-law permanently closing the highway take effect upon a certified copy of the by-law being registered in the proper Land Registry Office.

3. Permanent Closure and Sale of a Public Unassumed Alleyway Abutting 15 Cottrill Street, Hamilton (PW14043) (Ward 1) (Item 6.2)

- (a) That the public unassumed alleyway abutting 15 Cottrill Street, Hamilton, be permanently closed and sold to the owner of 15 Cottrill Street, Hamilton, as shown on Appendix A, attached to Report PW14043 (the "Subject Lands"), subject to the following conditions:
 - (i) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close the Subject Lands;
 - (ii) That the General Manager, Public Works or his designate be authorized and directed to sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;
 - (iii) That the documentation regarding the application to the Ontario Superior Court of Justice be prepared by the applicant, to the satisfaction of the City Solicitor;
 - (iv) That the applicant deposit a Reference Plan under the Registry Act, to be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Geomatics and Corridor Management Section;
 - (v) That the applicant deposit a reproducible copy of the Reference Plan with the Manager, Geomatics and Corridor Management Section;
- (b) That the City Solicitor be authorized and directed to prepare the by-law to permanently close the highway;
- (c) That the appropriate by-law be introduced and enacted by Council;
- (d) That the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to sell the

Subject Lands, in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299 for a nominal fee (one dollar);

- (e) That the City Solicitor be authorized and directed to register certified copy of the by-law permanently closing the highway in the proper land registry office, upon confirmation from the Public Works Department that all applicable fees and costs associated with the application have been paid by the applicant;
- (f) That the by-law permanently closing the highway take effect upon a certified copy of the by-law being registered in the proper Land Registry Office;
- (g) That Public Works Department staff be directed to publish a notice of the City's intention to pass the by-law, pursuant to City of Hamilton By-law 04-299 being a By-law to Establish Procedures, including the Giving of Notice to the Public, Governing the Sale of Land Owned by the City of Hamilton.

4. 2013 Annual Energy Report (PW14049) (City Wide) (Item 7.2)

The Report PW14049, respecting the 2013 Annual Energy Report, be received.

5. Corporate Energy Policy - Corporate Energy and Energy Commodity Policies (PW14050) (City Wide) (Outstanding Business List) (Item 7.3)

- (a) That the revised Corporate Energy Policy attached as Appendix A to Report PW14050 be adopted;
- (b) That all Boards and Agencies be encouraged to adopt the policy and actively participate towards the stated reporting, targets and goals;
- (c) That the Office of Energy Initiatives report annually, to the Public Works Committee, on the progress and results of the Corporate Energy Policy annually.
- (d) That staff be directed to include a line item in the annual Public Works Budget Presentation showing "Energy Savings" and include in the Budget Presentation information respecting Cost Avoidances and Cost Savings.

6. 2014 Transit Capital Fleet Replacement and Compressed Natural Gas (CNG) Station Replacement (PW12017(b)) (City Wide) (Item 7.4)

- (a) That the General Manager of Public Works or delegate be authorized to amend the approved 2014 Transit Fleet replacement capital budget to purchase eighteen (18) sixty-foot (60') articulated buses at an upset cost of \$15,500,000 in the alternative to the planned purchase of eighteen (18) forty-foot (40') buses

at a budget cost of \$8,765,000 with the understanding that the Transit Fleet replacement reserve remains sustainable for ten (10) years as identified in the Financial Section of Report PW12017b;

- (b) That the General Manager of Public Works or delegate be authorized to single source the purchase of eighteen (18) CNG sixty foot articulated buses from New Flyer Industries with the understanding that they are the only Canadian manufacturer;
- (c) That the General Manager of Public Works or delegate be authorized to single source three (3) low excavation replacement shop hoists to accommodate the maintenance of the sixty-foot articulating bus fleet from Nova Quip Lifting Systems consistent with a previous approval in PW report PW10020 under Purchasing Policy 11 with the understanding that Capital budget has been approved for this purchase through project ID's #5301151500 and #5301351500 - Replace Bus Hoists in the total amount of \$1,080,000;
- (d) That related facility upgrades at the Mountain Transit Centre, for the purpose of due diligence and risk mitigation arising from AMEC's report (attached as Appendix A to Report PW12017b), be approved in the amount of \$350,000 and funded from reserve #108027 - Transit Capital Grant Reserve;
- (e) That the General Manager of Public Works be authorized to enter into all necessary agreements with Union Gas Limited (Union) for the design, construction and maintenance of a compressed natural gas station at the City's Transit facility at 2200 Upper James Street, in a form approved by the City Solicitor, with the understanding that there is no net levy impact and capital contribution not to exceed \$3,600,000 to be funded from the Transit Provincial Gas Tax Reserve (Reserve #112204);
- (f) That the General Manager of Public Works or delegate be authorized to complete identified CNG station upgrades at 330 Wentworth Street North as an emergency backup station to support the current natural gas operation for Transit, with the understanding that this station will also support any pilot of natural gas powered vehicles in the Central Fleet to be funded from reserve #108027 - Transit Capital Grant Reserve;
- (g) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into a long-term lease with Union Gas Limited for land suitable for a new natural gas compressor site at the Mountain Transit Centre, 2200 Upper James Street, together with a right-of-way for access to the natural gas compressor site, at a nominal (\$2.00) rent per annum, subject to the satisfaction of the City Solicitor and the Real Estate Section of the Planning and Economic Development Department.
- (h) That staff report back to the Public Works Committee prior to the ratification and signing of any agreement for the design, construction and maintenance of a compressed natural gas station at the City's Transit facility.

- (i) That staff be directed to include the issue of transit passbys as part of the formulation of the 2015 Transit Improvement Plan.

7. Fessenden Neighbourhood Stormwater Project Municipal Class EA – Phase III Flood Protection Tender (PW11080(b)) (Ward 8) (Item 7.5)

- (a) That the budget in project ID 5181360311 (Fessenden – Sir A MacNab Pond) be increased in the amount of \$1,600,000 from \$6,220,000 to \$7,820,000 and that the increase funding of \$1,600,000 be transferred from the Storm Sewer Reserve # 108010, and;
- (b) That the tender C15-10-14(HS) be awarded to Gedco Excavating Ltd, in the amount of \$3,606,764.18 as the lowest of three bids according to the Procurement Polices.
- (c) That staff work with the successful bidder on the Fessenden Neighbourhood Stormwater Project to conduct a Value Engineering Assessment that considers using native backfill instead of granular backfill in order to determine if cost savings can be found.

8. Amendments with Respect to Provisions of the Traffic By-law 01-215 (PW14052) (City Wide) (Item 8.1)

That the proposed by-law attached as Appendix “A” to Report PW14052, which amends Traffic By-law No. 01-215 and which has been prepared in a form satisfactory to the City Solicitor, be enacted.

9. Backwater Valves at 22 Rosedene Avenue (Item 10.1)

- (a) That staff be directed to reimburse the homeowners at 22 Rosedene Avenue for the installation of backwater valves as part of the City’s 3P Program.
- (b) That the residents at 22 Rosedene Avenue be required to submit the appropriate documentation, including receipts from the installation of their backwater valve.

10. Funding for Tree Plantings and Invasive Species Removal in the Red Hill Valley (Item 10.2)

- (a) That the City of Hamilton provide the necessary resources (approximately \$30,000) for tree plantings and invasive species removal in the Red Hill Valley;
- (b) That the City of Hamilton contractually partner with Kayanese of the Six Nations

(Haudenosaunee) community to perform the work;

- (c) That the attached scope of work be forwarded to Forestry staff for their information and review;
- (d) That the project be managed through the Public Works Department;
- (e) That the project be funded as follows: \$12,000 from the Ward 5 Area Rating Reserve, \$8,000 from the Ward 5 Red Hill Reserve and \$10,000 from EAB program;
- (f) That this recommendation be forwarded to the City's Joint Stewardship Board for their information.

11. Tree Removal at 380 East 42nd Street (Item 10.3)

That Forestry staff be directed to remove the tree located at 380 East 42nd Street.

12. Mountable Curbs on Selway Court (Added Item 10.4)

- (a) That staff be directed to replace the mountable curbs at numbers 19,31, 35, 36, 43 and 44 Selway Court as part of the 2014 replacement schedule; and
- (b) That the estimated cost of \$17,000 be financed through the Ward 5 Area Rating fund.

13. Area Rating Special Capital Re-Investment Reserve Funded Projects (Miscellaneous Road Work) (Ward 5) (Added Item 10.5)

- (a) That the engineering design process be initiated toward the asset preservation of a large portion of the Vincent Neighbourhood, with the work to include the rehabilitation of the existing asphalt, complete base repairs, along with high risk concrete curb and sidewalk repairs and re-paving of the following roadways being Hildegard Drive, Venus Court, Bunker Hill Drive, Country Club Road, Alto Drive, Rio Court, Glen Valley Drive, Toro Drive, Joy Court, Renis Court, Zell Court, Sherry Lane, Par Place and Quigley Road (from Hildegard Drive to Greenhill Avenue);
- (b) That \$100,000 from Reserve #108055 – Ward 5 Area Rating Special Capital Reinvestment Reserve – be utilized to fund the road rehabilitation design using asset preservation practices for the roadways noted above;
- (c) That the General Manager of Public Works be authorized and directed to prepare tenders as required for the above-noted works with intentions of the proposed works being brought forward through the Capital Budget process in 2015;

- (d) That the balance of \$1,740,000 to construct the project be funded from the Ward 5 Area Rating Special Capital Reinvestment Reserve.

14. Area Rating Special Capital Re-Investment Reserve Funded Projects (Blossom Lane) (Ward 8) (Added Item 10.6)

- (a) That Blossom Lane from Upper James to Forbes Street be reconstructed to an urban section, with the work to include the reconstruction of the existing roadway, complete with concrete curb and sidewalks;
- (b) That \$240,000 from Reserve #108058 – Ward 8 Area Rating Special Capital Reinvestment Reserve – be utilized to fund the urbanization of Blossom Lane;
- (c) That surplus funding in the amount of \$120,000 within project ID 5141371301 being Watermain Replacement with Roads – be utilized to fund the water main replacement coordinated with the Blossom Lane urbanization;
- (d) That the General Manager of Public Works be directed and authorized to include the urbanization of Blossom Lane within Contract C15-17-14 being the reconstruction of West 5th Street from Stone Church Road to the LINC therefore to be carried out under the current unit prices for the above-noted works.

15. Riverdale Neighbourhood Action Team (Added Item 10.7)

- (a) That \$18,000 be granted to the Riverdale Neighbourhood Action Team to build a community garden on Lake Avenue North;
- (b) That the funds be utilized to install a water line, chain link fence and garden supplies; and
- (c) That the capital works be coordinated through City staff and funded from the Ward 5 Area Rating Reinvestment Reserve.

FOR THE INFORMATION OF COUNCIL:

(a) APPROVAL OF 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 Margaret Jamieson, Fessenden Flood Citizen Committee, respecting Deferral of Flood Relief Work in the Fessenden Neighbourhood
- (ii) Added as Item 4.3 - a Delegation Request from Dana Gardiner-

Rousseaux respecting Approval of funds for Stage 3 of Fessenden Neighbourhood Flood Reduction Project

- (iii) Added as Item 4.4 - a Delegation Request from Anne Flanagan, Citizen's Liaison Committee, respecting Approval of funds for Stage 3 of Fessenden Neighbourhood Flood Reduction Project
- (iv) Added as Item 7.5 - Report PW11080(b) respecting the Fessenden Neighbourhood Stormwater Project Municipal Class EA – Phase III Flood Protection Tender
- (v) Added as Item 10.4 - a Notice of Motion respecting Mountable Curbs on Selway Court
- (vi) Added as Item 10.5 – a Notice of Motion respecting Area Rating Special Re-Investment Reserve Funded Projects (Miscellaneous Road Work) (Ward 5)
- (vii) Added as Item 10.6 – a Notice of Motion respecting Area Rating Special Re-Investment Reserve Funded Projects (Blossom Lane) (Ward 8)
- (viii) Added as Item 10.7 – a Notice of Motion respecting the Riverdale Neighbourhood Action Team
- (ix) Added as Item 11.3 - Verbal update respecting the Kenilworth Access

Items 4.2, 4.3, 4.4 and 7.5 all respecting Flood Relief Work in the Fessenden Neighbourhood were moved up in the agenda.

The May 22, 2014 Public Works Committee Agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) MINUTES (Item 3)

(i) April 22, 2014 (Item 3.1)

The Minutes of the April 22, 2014 Public Works Committee meeting were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

- (i) The delegation request from Matthew Froese respecting the Installation of Traffic Calming Measures on Charlton Avenue East was approved.

- (ii) The delegation request from Margaret Jamieson, Fessenden Flood Citizen Committee, respecting Deferral of Flood Relief Work in the Fessenden Neighbourhood was approved for today's meeting.
- (iii) The delegation request from Dana Gardiner-Rousseaux respecting Approval of Funds for Stage 3 of Fessenden Neighbourhood Flood Reduction Project was approved for today's meeting.
- (iv) The delegation request from Anne Flanagan, Citizen's Liaison Committee Fessenden Flood Project, respecting Phase 3 Project Funding was approved for today's meeting.

(e) CONSENT ITEMS (Item 5)

(i) Minutes of Various Sub-Committees (FOR INFORMATION PURPOSES ONLY) (Item 5.2)

The following Sub-committee Minutes were received:

- (a) Keep Hamilton Clean and Green Committee – February 18, 2014
- (b) Keep Hamilton Clean and Green Committee – March 18, 2014
- (c) Woodward Avenue Wastewater Treatment Plan Phases 3 and 4 Class EA Sub-Committee – October 31, 2013
- (d) Woodward Avenue Wastewater Treatment Plan Phases 3 and 4 Class EA Sub-Committee – April 7, 2013
- (e) Hamilton Cycling Committee (HCyC) Minutes - December 4, 2013
- (f) Hamilton Cycling Committee (HCyC) Minutes – January 8, 2014

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Delegation from Margaret Jamieson respecting Fessenden Flood Citizen Committee, respecting Deferral of Flood Relief Work in the Fessenden Neighbourhood (Added as Item 4.2)

Ms. Jamieson addressed the Committee respecting her concerns with the Fessenden Flood Relief Project.

Ms. Jamieson reported that she has experienced continuing issues with water even though Phases I and II of the project have been completed. She stated that Phase III needs to take place in order for these issues to be resolved.

The delegation by Margaret Jamieson, Fessenden Flood Citizen Committee, respecting the Deferral of Flood Relief Work in the Fessenden Neighbourhood was received.

(ii) Delegation from Dana Gardiner-Rousseaux respecting Approval of Funds for Stage 3 of Fessenden Neighbourhood Flood Reduction Project (Added as Item 4.3)

Ms. Gardiner-Rousseaux addressed the Committee respecting her concerns with the Fessenden Flood Relief Project.

Ms. Gardiner-Rousseaux indicated that she has experienced two major floods and several smaller floods. She reported that her children are afraid to go in the basement because of safety issues.

Ms. Gardiner-Rousseaux also reported that the flood coverage portion of her insurance policy has been reduced. She is also concerned that the foundation of her home may be at risk.

The delegation by Dana Gardiner-Rousseaux respecting the Approval of Funds for Stage 3 of Fessenden Neighbourhood Flood Reduction Project was received.

(iii) Delegation from Anne Flanagan, Citizen's Liaison Committee Fessenden Flood Project, respecting Phase 3 Project Funding (Added as Item 4.4)

Ms. Flanagan addressed the Committee respecting her concerns with the Fessenden Flood Relief Project.

Ms. Flanagan explained how flood issues have taken an emotional toll on her and other residents in the neighbourhood. She indicated that insurance covered most of the damage to her home however the flood coverage portion has been reduced since the floods. Ms. Flanagan reported that some residents have lost their flood coverage insurance coverage completely. Ms. Flanagan told the Committee that she and her husband lost two cars in one of the floods and a third vehicle during another flood.

The delegation by Anne Flanagan, Citizen's Liaison Committee Fessenden Flood Project, respecting Phase 3 Project Funding was received.

(iv) Crown Point East Neighbourhood Park: Closure of a Portion of Public Assumed Alleyway and Closure of a Portion of Roxborough Avenue to Vehicular Traffic (PW14051) (Ward 4) (Item 6.1)

Chair Whitehead informed Committee members that because Item 6.1 relates to a proposed closure of a public assumed alleyway and closure of a portion of Roxborough Avenue to vehicular traffic that a public meeting was required.

The Public Works Committee moved into a public meeting respecting Report PW14051 - Crown Point East Neighbourhood Park: Closure of a Portion of Public Assumed Alleyway and Closure of a Portion of Roxborough Avenue to Vehicular Traffic.

Chair Whitehead indicated that a notice about the public meeting was placed in local newspapers on Friday May 9, 2014 advising that anyone whose lands are prejudicially affected may appear before the Committee. The Committee Clerk advised that no one registered to speak to this issue.

Chair Whitehead asked if any members of the public wished to come forward to speak to this matter. No members of the public came forward.

The presentation from staff respecting Report PW14051 regarding the Crown Point East Neighbourhood Park: Closure of a Portion of Public Assumed Alleyway and Closure of a Portion of Roxborough Avenue to Vehicular Traffic was waived.

The public meeting respecting the Crown Point East Neighbourhood Park: Closure of a Portion of Public Assumed Alleyway and Closure of a Portion of Roxborough Avenue to Vehicular Traffic was closed.

For disposition on this matter refer to Item 2.

(v) Permanent Closure and Sale of a Public Unassumed Alleyway Abutting 15 Cottrill Street (PW14043) (Ward 1) (Item 6.2)

Chair Whitehead informed Committee members that because Item 6.2 relates to a proposed permanent alleyway closure and sale that a public meeting was required.

The Public Works Committee moved into a public meeting respecting Report PW14043 - Permanent Closure and Sale of a Public Unassumed Alleyway Abutting 15 Cottrill Street.

Chair Whitehead indicated that a notice about the public meeting was placed in local newspapers on Friday May 9, 2014 advising that anyone whose lands are prejudicially affected may appear before the Committee. The Committee Clerk advised that no one registered to speak to this issue.

Chair Whitehead asked if any members of the public wished to come forward to speak to this matter. No members of the public came forward.

The presentation from staff respecting Report PW14043 regarding the Permanent Closure and Sale of a Public Unassumed Alleyway Abutting 15 Cottrill Street was waived.

The public meeting respecting the Permanent Closure and Sale of a Public Unassumed Alleyway Abutting 15 Cottrill Street was closed.

For disposition on this matter refer to Item 3.

(g) PRESENTATIONS

(i) Landscape Architectural Services/Capital Upgrade (Item 7.1)

Steve Barnhart, Manager, Landscape Architectural Services, addressed the Committee respecting Landscape Architectural Services/Capital Upgrade with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

The presentation included, but was not limited, to the following:

- Mandate
- Organizational Structure
- Business Culture and Corporate Culture Strategy
- Team Division of Work
- Capital Project Implementation
- Partners, Stakeholders, Clients and Resources
- Corporate Strategic Plan Projects
- Key Accomplishments for 2013 and 2014 Key Deliverables
- Waterfront Priority Implementation Strategy
- West Harbour Implementation – Key Projects for 2014-2018

The presentation respecting Landscape Architectural Services/Capital Upgrade was received.

(ii) 2013 Annual Energy Report (PW14049) (City Wide) (Item 7.2)

Tom Chessman, Manager, Energy Initiatives, addressed the Committee respecting the 2013 Annual Energy Report with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

The presentation included, but was not limited to, the following:

- 2013 Utility Costs
- Energy Targets
- 2013 versus 2005 Base Year
- Green House Gas Emissions

- Energy Savings and Avoided Costs
- Cumulative Energy Savings and Avoided Costs
- Energy Procurement
- Green Energy Act
- 2013 Project Highlights
- Future Initiatives
- Hamilton Renewable Power Inc.
- Awards

The presentation respecting the 2013 Annual Energy Report was received.

For disposition on this matter refer to Item 4.

(iii) Corporate Energy Policy - Corporate Energy and Energy Commodity Policies (PW14050) (City Wide) (Outstanding Business List) (Item 7.3)

Tom Chessman, Manager, Energy Initiatives, addressed the Committee respecting the Corporate Energy Policy - Corporate Energy and Energy Commodity Policies with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

The presentation included, but was not limited, to the following:

- Forecast Savings versus Actual Savings
- Annual Savings and Avoided Costs Summary
- Energy Project and Program Success Highlights
- Hamilton Renewable Power Inc.
- Energy Efficiency as a Top Priority
- Adopting New Targets
- Corporate Energy Policy Actions Summary
- Emerging Opportunities

The presentation respecting Corporate Energy Policy - Corporate Energy and Energy Commodity Policies was received.

For disposition of this matter refer to Item 5.

(iv) 2014 Transit Capital Fleet Replacement and Compressed Natural Gas (CNG) Station Replacement (PW 12017(b)) (City Wide) (Item 7.4)

Report PW12017(b) respecting 2014 Transit Capital Fleet Replacement and Compressed Natural Gas (CNG) Station Replacement was lifted from the table.

Mr. Don Hull, Director of Transportation, addressed the Committee respecting the 2014 Transit Capital Fleet Replacement and Compressed Natural Gas (CNG) Station Replacement with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

The presentation included, but was not limited to, the following:

- Fuel Cost Savings
- 40' bus versus 60' bus Cost Comparison
- Passenger Pass-bys
- Proposed Route Assignments of 60' Buses
- Barton Stop Adjustments for 60' Bus Usage
- Mountain Transit Centre CNG Station Users
- CNS Station Cost
- CNG Station Ownership

Mr. Geoff Lupton, Director, Energy, Fleet and Traffic, addressed the Committee about the replacement of the CNG Station. Mr. Lupton advised that he had discussions with Union Gas about the replacement and staff then conducted an analysis of the best option for replacement. Mr. Lupton listed the benefits to the City of working with Union Gas on this project.

The presentation respecting the 2014 Transit Capital Fleet Replacement and Compressed Natural Gas (CNG) Station Replacement was received.

Staff were directed to include a line item in the annual Public Works Budget Presentation showing "Energy Savings" and include in the Budget Presentation information respecting Cost Avoidances and Cost Savings.

Staff were directed to include the issue of transit passbys as part of the formulation of the 2015 Transit Improvement Plan.

The following sub-section (h) was added:

- (h) That staff report back to the Public Works Committee prior to the ratification and signing of any agreement for the design, construction and maintenance of a compressed natural gas station at the City's Transit facility.

For disposition of this matter refer to Item 6.

(v) Fessenden Neighbourhood Stormwater Project Municipal Class EA – Phase III Flood Protection Tender (PW11080(b)) (Ward 8) (Item 7.5)

That staff provide the Public Works Committee with an Information Report at the earliest opportunity regarding their findings.

For disposition on this matter refer to Item 7.

(h) NOTICE OF MOTIONS (Item 10)

Councillor Duvall introduced the following Notice of Motion:

(i) Backwater Valves at 22 Rosedene Avenue (Item 10.1)

- (a) That staff be directed to reimburse the homeowners at 22 Rosedene Avenue for the installation of backwater valves as part of the City's 3P Program.
- (b) That the residents at 22 Rosedene Avenue be required to submit the appropriate documentation, including receipts for the installation of their backwater valve.

The rules of order were waived to allow the introduction of a Motion respecting Backwater Valves at 22 Rosedene Avenue.

For disposition on this matter refer to Item 9.

Councillor Collins introduced the following Notice of Motion:

(ii) Funding for Tree Plantings and Invasive Species Removal in the Red Hill Valley (Item 10.2)

- (a) That the City of Hamilton provide the necessary resources (approximately \$30,000) for tree plantings and invasive species removal in the Red Hill Valley;
- (b) That the City of Hamilton contractually partner with Kayanese of the Six Nations (Haudenosaunee) community to perform the work;
- (c) That the attached scope of work be forwarded to Forestry staff for their information and review;
- (d) That the project be managed through the Public Works Department;
- (e) That the project be funded as follows: \$12,000 from the Ward 5 Area Rating Reserve, \$8,000 from the Ward 5 Red Hill Reserve and \$10,000 from EAB program;
- (f) That the motion be forwarded to the City's Joint Stewardship Board for their information.

The rules of order were waived to allow the introduction of a Motion respecting Funding for Tree Plantings and Invasive Species Removal in the Red Hill Valley

For disposition on this matter refer to Item 10.

Councillor Collins introduced the following Notice of Motion:

(iii) Tree Removal at 380 East 42nd Street (Item 10.3)

Whereas the residents of 380 East 42nd Street have indicated that the 35cm Locust City Tree on the road allowance adjacent to their property had branches fall during the December 2013 ice storm, had branches fall in the past causing safety concerns for the residents and the tree roots have caused damage to their front yard and they want to landscape their front yard; and

Whereas the property owners of 380 East 42nd Street have expressed their desire to their Ward Councillor that the City remove the tree;

Therefore be it resolved:

That forestry staff be directed to remove the tree located at 380 East 42nd Street.

The rules of order were waived to allow the introduction of a Motion respecting Tree Removal at 380 East 42nd Street.

For disposition on this matter refer to Item 11.

Councillor Collins introduced the following Notice of Motion:

(iv) Mountable Curbs on Selway Court (Item 10.4)

- (a) That staff be directed to replace the mountable curbs at numbers 19,31, 35, 36, 43 and 44 Selway Court as part of the 2014 replacement schedule; and
- (b) That the estimated cost of \$17,000 be financed through the Ward 5 Area Rating fund.

The rules of order were waived to allow the introduction of a Motion respecting Mountable Curbs on Selway Court.

For disposition on this matter refer to Item 12.

Councillor Collins introduced the following Notice of Motion:

(v) Area Rating Special Capital Re-Investment Reserve Funded Projects (Miscellaneous Road Work) (Ward 5) (Item 10.5)

- (a) That the engineering design process be initiated toward the asset preservation of a large portion of the Vincent Neighbourhood, with the work to include the rehabilitation of the existing asphalt, complete base repairs, along with high risk concrete curb and sidewalk repairs and re-paving of the following roadways being Hildegard Drive, Venus Court,

Bunker Hill Drive, Country Club Road, Alto Drive, Rio Court, Glen Valley Drive, Toro Drive, Joy Court, Renis Court, Zell Court, Sherry Lane, Par Place and Quigley Road (from Hildegard Drive to Greenhill Avenue);

- (b) That \$100,000 from Reserve #108055 – Ward 5 Area Rating Special Capital Reinvestment Reserve – be utilized to fund the road rehabilitation design using asset preservation practices for the roadways noted above;
- (c) That the General Manager of Public Works be authorized to prepare tenders as required for the above-noted works with intentions of the proposed works being brought forward through the Capital Budget process in 2015;
- (d) That the balance of \$1,740,000 to construct the project be funded from the Ward 5 Area Rating Special Capital Reinvestment Reserve.

The rules of order were waived to allow the introduction of a Motion respecting Area Rating Special Capital Re-Investment Reserve Funded Projects (Miscellaneous Road Work) (Ward 5).

For disposition on this matter refer to Item 13.

**(vi) Area Rating Special Capital Re-Investment Reserve Funded Projects
(Blossom Lane) (Ward 8) (Item 10.5)**

- (a) That Blossom Lane from Upper James to Forbes Street be reconstructed to an urban section, with the work to include the reconstruction of the existing roadway, complete with concrete curb and sidewalks;
- (b) That \$240,000 from Reserve #108058 – Ward 8 Area Rating Special Capital Reinvestment Reserve – be utilized to fund the urbanization of Blossom Lane;
- (c) That surplus funding in the amount of \$120,000 within project ID 5141371301 being Watermain Replacement with Roads – be utilized to fund the water main replacement coordinated with the Blossom Lane urbanization;
- (d) That the General Manager of Public Works be directed and authorized to include the urbanization of Blossom Lane within Contract C15-17-14 being the reconstruction of West 5th Street from Stone Church Road to the LINC therefore to be carried out under the current unit prices for the above-noted works.

The rules of order were waived to allow the introduction of a Motion respecting Area Rating Special Capital Re-Investment Reserve Funded Projects (Blossom Lane) (Ward 8).

For disposition on this matter refer to Item 14.

(vii) Riverdale Neighbourhood Action Team (Added Item 10.6)

- (a) That \$18,000 be granted to the Riverdale Neighbourhood Action Team to build a community garden on Lake Avenue North and;
- (b) That the funds be utilized to install a water line, chain link fence and garden supplies; and
- (c) That the capital works be coordinated through City staff and funded from the Ward 5 Area Rating Reinvestment Reserve.

The rules of order were waived to allow for the introduction of a Motion respecting the Riverdale Neighbourhood Action Team.

For disposition on this matter refer to Item 15.

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

(i) Item 3 of Public Works Committee Report 13-014 respecting Public Works Yards Review Strategy (Item 11.1)

Discussion on this matter was deferred until the next meeting.

(ii) Outstanding Business List (Item 11.2)

- (a) The following items were considered complete and removed from the Outstanding Business List:
 - (i) Item A - Wentworth Street and Sanford Avenue 2-Way Traffic Study
 - (ii) Item C – Two-Way Conversion Victoria Avenue North
 - (iii) Item L – Reduction in Greenhouse Gas and Energy
 - (iv) Item R – Use of Overpasses for Displays
- (b) The new due date of following item was approved:
 - Item D - Review and Update Option 4 – Strategic Renewal and New Construction Strategy (every five years)
Current Date –September 15, 2014
Revised Date – 2015

(iii) Update on the Kenilworth Access (Added Item 11.3)

Mr. Gary Moore, Acting General Manager, Public Works, advised the Committee that in order to make repairs to the Kenilworth Access that it will be

closing at 7 a.m. on May 23, 2014 and re-opening in about one week's time. If the weather is favourable the opening may be sooner. Mr. Moore is coordinating with other City departments to manage the issues caused by the closure. Staff will be issuing a Public Service Announcement about the closure.

The verbal update respecting the Kenilworth Access was received.

(iv) Workplace Injuries (Added Item 11.4)

Staff were directed to report to the Public Works Committee on the corrective actions being taken to address time lost to workplace injuries in the Waste Management Department.

(j) ADJOURNMENT (Item 13)

There being no further business, the Public Works Committee adjourned at 12:58 p.m.

Respectfully submitted,

Councillor T. Whitehead, Chair
Public Works Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk



BOARD OF HEALTH REPORT 14-004

As Amended by Council on May 28, 2014

1:30 p.m.

Tuesday, May 22, 2014

Council Chambers

Hamilton City Hall

Present: Mayor R. Bratina (Chair), Councillors S. Merulla, J. Farr, J. Partridge, T. Whitehead, C. Collins, M. Pearson, B. McHattie, R. Pasuta, R. Morrow

Absent with regrets: Councillor T. Jackson - Personal
Councillor R. Powers - Personal
Councillor S. Duvall - City Business
Councillor B. Clark - Personal
Councillor L. Ferguson – City Business
Councillor B. Johnson – City Business

THE BOARD OF HEALTH PRESENTS REPORT 14-004 AND RESPECTFULLY RECOMMENDS:

- 1. Public Health Nurse/Lactation Consultant Secondments – McMaster Family Health Team and the Maternity Centre of Hamilton (BOH14014) (City Wide) (Item 5.1)**
 - (a) That the Medical Officer of Health be authorized and directed to receive, utilize and report on new funding for the Breastfeeding Team from the McMaster Family Health Team and the Maternity Centre,
 - (b) That the Medical Officer of Health be authorized and directed to execute a secondment agreement between the City and the McMaster Family Health Team and Maternity Centre, satisfactory in form to the City Solicitor;
 - (c) That the Medical Officer of Health be authorized and directed to increase complement in the Breastfeeding Team by 1.0 FTE full time equivalent

Council – May 28, 2014

Public Health Nurse.

2. Cancer Prevention Strategies (BOH1400) (Item 7.1)

That Report BOH1400, Cancer Prevention Strategies, be received.

3. Accountability Agreement Indicators 2013 Year-End Results (BOH14013) (City Wide) (Item 8.1)

That Report BOH14013, respecting Accountability Agreement Indicators 2013 Year-End Results, be received.

4. Air Monitoring Pilot Project Findings for Sam Manson Park (BOH10022(a)) (Ward 5) (Item 8.2)

That Report BOH10022(a), respecting Air Monitoring Pilot Project Findings for Sam Manson Park, be received.

5. Prevention and Protection Strategy for E-Cigarettes (Item 10.1)

That the Chair of the Board of Health for the City of Hamilton, on behalf of the Board of Health, invite the Ministry of Health and Long-Term Care and the Ministry of Municipal Affairs and Housing to consult with Public Health Services' and Legal Services' staff concerning a joint prevention and protection strategy for e-cigarettes which are rapidly undermining the progress made to limit the use and harm of tobacco products in Ontario.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED NOTICE OF MOTION (ITEM 10)

10.1 Prevention and Protection Strategy for E-Cigarettes

ADDED GENERAL INFORMATION/OTHER BUSINESS (Item 11)

11.1 Revised Due Dates on the Outstanding Business List

- (a) Item A: Review of the City of Hamilton Streets By-law
Due Date: TBD
Revised Due Date: July 10, 2014

The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

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

(i) April 22, 2014 (Item 3.1)

The Minutes from the April 22, 2014 meeting of the Board of Health were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Danxia Wang of Hi Temp Heaters Hamilton respecting a response to the Bed Bug Strategy (Item 4.1)

The delegation request from Danxia Wang of Hi Temp Heaters Hamilton respecting a response to the Bed Bug Strategy, was approved for a future meeting.

(e) PRESENTATIONS (Item 7)

(i) Cancer Prevention Strategies (BOH1400) (Item 7.1)

Tricia Hack, Public Health Nurse, and David Derbyshire presented Cancer Prevention Strategies with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentation included, but was not limited to, the following:

- Public Health Services Programs to Lower Cancer Burden
- Innovative Public Health Services Approaches
- Who is Our Target?

- Community Health Education Navigator's (CHEN) Approach
- Benefits of the Community Health Educator/Navigator (CHEN) Role
- Momentum for Next Steps

For disposition on this item, refer to item 2.

(ii) Carol Rand and Dr. R. Meyer, Juravinski Hospital & Cancer Centre, respecting Strategies to Address Cancer (Item 7.2)

Dr. R. Meyer, Juravinski Hospital & Cancer Centre, presented Strategies to Address Cancer with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentation included, but was not limited to, the following:

- Variation in cancer screening
- Anti-cancer drug funding policies
- Implications of the Hamilton Niagara Haldimand Brant Regional Cancer Program (HNHB RCP)

The presentation from Dr. Meyer respecting Strategies to Address Cancer was received.

(f) MOTIONS (Item 9)

(i) Gasification Process Operation in Hamilton (Item 9.1)

That the City of Hamilton formally oppose the gasification process operation planned for the Sherman Avenue and Burlington Street area.

The motion was tabled.

(ii) Prevention and Protection Strategy for E-Cigarettes (Item 10.1)

For disposition on this item, refer to item 5.

(g) NOTICES OF MOTION (Item 10)

Councillor Merulla introduced the following Notice of Motion:

(i) Prevention and Protection Strategy for E-Cigarettes (Item 10.1)

That the Chair of the Board of Health for the City of Hamilton, on behalf of the Board of Health, invite the Ministry of Health and Long-Term Care and the Ministry of Municipal Affairs and Housing to consult with Public Health Services' and Legal Services' staff concerning a joint prevention and protection strategy for e-cigarettes which are rapidly undermining the progress made to limit the use and harm of tobacco products in Ontario.

The rules were waived in order to introduce a motion respecting Prevention and Protection Strategy for E-Cigarettes

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

(i) Revised Due Date on the Outstanding Business List (Item 11.1)

The due date for the following item on the Outstanding Business List was amended accordingly, as follows:

Item A: Review of the City of Hamilton Streets By-law
Due Date: TBD
Revised Due Date: July 10, 2014

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – April 22, 2014 (Item 12.1)

- (aa) The Closed Session Minutes from the April 22, 2014 meeting of the Board of Health were approved as presented;
- (bb) The Closed Session Minutes from the April 22, 2014 meeting are to remain confidential and restricted from public disclosure.

(j) ADJOURNMENT (Item 13)

There being no further business, the Board of Health adjourned at 3:15 p.m.

Respectfully submitted,

Mayor R. Bratina
Chair, Board of Health

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk