Mayor Bratina called the meeting to order.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

1. **ADDED COMMUNICATIONS**

   5.8 Correspondence from the Robert Land Community Association requesting the waiving of development charges and parkland dedication charges.

   Recommendation: Be referred to the General Manager of Finance and Corporate Services for a report back to the Audit, Finance, and Administration Committee.

5.9 Correspondence from Wood Bull LLP on behalf of Dakota Shopping Centres Ltd. and SmartCentres Inc. respecting Heritage Highlands Corporation – Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131)

Recommendation: Be received
2. **ADDED NOTICES OF MOTION**

   8.1 Emergency Communications and Information Dissemination

   8.2 Mobile Urban Park Initiative

*(Powers/Pearson)*

That the agenda for the August 16, 2013 meeting of Council be approved, as amended.  
**CARRIED**

### DECLARATIONS OF INTEREST

Councillor L. Ferguson declared an interest to Item 5.7, a Petition from the Ontario Taxi Workers Union, respecting increased taxi insurance rates, increasing rates, and potential solutions to aid in this matter, as he has a family member that is involved in the Taxi industry.

Councillor B. Johnson declared an interest to Item 18 of the General Issues Committee Report 09-016, respecting Bill 73 – the Fair and Open Tendering Act, as her son is a member of the Carpenters’ Union.

### CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

### APPROVAL OF MINUTES

4.1 **July 12, 2013**

*(Powers/Pearson)*

That the Minutes of the July 12, 2013, meeting of Council be approved, as presented.

**CARRIED**

### COMMUNICATIONS

*(Duvall/Jackson)*

That Council Communications 5.1 through 5.9 be approved, as amended, as follows:

5.1 Correspondence from Newalta Corporation responding to the request for an extension of public comment period.

Recommendation: *(Clark/Pearson)* Be received.
5.2 Correspondence from The Honourable Michael Chan, Minister of Tourism, Culture and Sport respecting continued funding for the Ontario’s After School Program for children and youth in high-priority communities.

Recommendation: (Pearson/Jackson) Be received.

5.3 Correspondence from Premier Kathleen Wynne responding to Council’s resolution respecting funding for the Children’s Aid Society of Hamilton and the Catholic Children’s Aid Society of Hamilton.

Recommendation: (Duvall/Merulla) Be received.

5.4 Correspondence from The Honourable Michael Chan, Minister of Tourism, Culture and Sport respecting approval to Access to Affordable Recreation initiative funding.

Recommendation: (Jackson/Collins) Be received.

5.5 Correspondence from the Hamilton Waterfront Trust respecting Hamilton Port Authority Land Lease – parking.

Recommendation: (Jackson/Farr) Be referred to the City Manager for a Report back to the General Issues Committee.

5.6 Correspondence from the Toronto Lynx Soccer Club accompanied by letters of support respecting relocation of the franchise operations to the City of Hamilton.

Recommendation: (Ferguson/Pasuta) Be referred to the General Manager of Public Works for a report back to the Public Works Committee.

5.7 Petition from the Ontario Taxi Workers Union respecting increased taxi insurance rates, increasing rates, and potential solutions to aid in this problem.

Recommendation: (Collins/Clark) Be referred to the General Manager of Planning and Economic Development for a report to the Planning Committee.

5.8 Correspondence from the Robert Land Community Association requesting the waiving of development charges and parkland dedication charges.

Recommendation: (Farr/McHattie) Be referred to the General Manager of Finance and Corporate Services for a report back to the Audit, Finance, and Administration Committee.
5.9 Correspondence from Wood Bull LLP on behalf of Dakota Shopping Centres Ltd. And SmartCentres Inc. respecting Heritage Highlands Corporation – Applications for Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131)

Recommendation: (Clark/Ferguson) Be received. **CARRIED AS AMENDED**

(Collins/Merulla)
That Council move into Committee of the Whole for consideration of the Committee Reports. **CARRIED**

<table>
<thead>
<tr>
<th>BOARD OF HEALTH REPORT 13-007</th>
</tr>
</thead>
</table>

(Bratina/Partridge)
That the SEVENTH Report of the Board of Health be adopted, and the information section received (attached hereto). **CARRIED**

<table>
<thead>
<tr>
<th>GENERAL ISSUES COMMITTEE REPORT 13-016</th>
</tr>
</thead>
</table>

(Powers/Pasuta)
That Item 3 of General Issues Committee Report 13-016 respecting “Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15)” be deleted in its entirety and replaced with the following in lieu thereof:

3. **Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15)**

That the proposed amendments to the Program Descriptions of the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Program, attached as Appendices "A" and "B" to General Issues Committee Report 13-016, be presented to a Public Meeting of the Planning Committee through an amendment to the Downtown and Community Renewal Community Improvement Plan as legislated under the Planning Act." **CARRIED**

(Partridge/Ferguson)
That Information Item (h)(iv) of General Issues Committee Report 13-016 respecting “Bill 73 – Fair and Open Tendering Act”, be lifted from the Information Section and added as Item 18, to read as follows:

18. **Bill 73 – Fair and Open Tendering Act (Item 9.4)**

Whereas on September 12, 2005, the Ontario Labour Relations Board (the “OLRB”) certified the United Brotherhood of Carpenters and Joiners of America,
Local 18 (the “Carpenters Union”), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the "City") meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement; and

Whereas this certification has had significant financial consequences to the City and has adversely affected the City’s ability to tender bids in an efficient manner; and,

Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the Ontario Labour Relations Act, 1995 (the “Act”) notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and,

Whereas an amendment of the Ontario Labour Relations Act, 1995 (the “Act”), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures; and,

Whereas Bill 73, the Fair and Open Tendering Act, which was tabled and received First Reading at Queen’s Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act; and,

Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City’s existing obligations to the Carpenters Union such that the City’s construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City’s construction projects.

Therefore Be It Resolved:

(a) That the City of Hamilton fully supports any and all efforts to pass Bill 73, the Fair and Open Tendering Act, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply;

(b) That a copy of this motion be forwarded to Mayor Hazel McCallion, Chair of the Large Urban Mayors' Caucus of Ontario (LUMCO), with a request that the motion be circulated to the members of LUMCO, to the Mayors and Regional Chairs of Ontario (MARCO), and to the Honourable Yasir Naqvi, Minister of Labour, Michael Harris, M.P.P. for Kitchener-Conestoga, the Association of Municipalities of Ontario and the local M.P.P.'s for their information;
(Partridge/Ferguson)
That the motion respecting Item 18 of the General Issues Committee Report 13-016, respecting Bill 73 – Fair and Open Tendering Act, which reads as follows, be withdrawn:

18. Bill 73 – Fair and Open Tendering Act (Item 9.4)

Whereas on September 12, 2005, the Ontario Labour Relations Board (the “OLRB”) certified the United Brotherhood of Carpenters and Joiners of America, Local 18 (the “Carpenters Union”), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the “City”) meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement; and

Whereas this certification has had significant financial consequences to the City and has adversely affected the City’s ability to tender bids in an efficient manner; and,

Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the *Ontario Labour Relations Act, 1995* (the “Act”) notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and

Whereas an amendment of the *Ontario Labour Relations Act, 1995* (the “Act”), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures; and

Whereas Bill 73, the *Fair and Open Tendering Act*, which was tabled and received First Reading at Queen’s Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act; and,

Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City’s existing obligations to the Carpenters Union such that the City’s construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City’s construction projects.
Therefore Be It Resolved:

(a) That the City of Hamilton fully supports any and all efforts to pass Bill 73, the *Fair and Open Tendering Act*, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply;

(b) That a copy of this motion be forwarded to Mayor Hazel McCallion, Chair of the Large Urban Mayors' Caucus of Ontario (LUMCO), with a request that the motion be circulated to the members of LUMCO, to the Mayors and Regional Chairs of Ontario (MARCO), and to the Honourable Yasir Naqvi, Minister of Labour, Michael Harris, M.P.P. for Kitchener-Conestoga, the Association of Municipalities of Ontario and the local M.P.P.'s for their information;

(c) That the Information Update dated August 14, 2013 respecting Bill 73 and Background Information re: Previous Decisions of Council with respect to the Carpenters' Union Certification, attached hereto, be received.

CARRIED

(Bratina/Partridge)

That the SIXTEENTH Report of the General Issues Committee be adopted, as amended, and the information section received (attached hereto).

CARRIED

<table>
<thead>
<tr>
<th>PLANNING COMMITTEE REPORT 13-012</th>
</tr>
</thead>
</table>

(Farr/McHattie)

That Item 19 of the Planning Committee Report 13-012, respecting Report LS13019, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and other appellants and Legal Direction LS13027(City Wide), be deleted in its entirety and replaced with the following in lieu thereof:

19. **Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Other Appellants and Legal Direction – City Wide (LS13027) (Item 12.1)**

(a) That Report LS13027 remain confidential, but that the appendices be made public in the event that a settlement is reached with the appellant;

(b) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13027 be approved as the basis of a settlement of part of the appeal of the Urban Official Plan by Paletta International Corporation as identified in Appendix "A";

(c) That staff be directed to advise the OMB that the City of Hamilton and Paletta International Corporation have settled part of Paletta International
Corporation’s appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report;

(d) That the amendments described in the recommendation contained in Appendix "B" be approved as: (1) the position of the City in the UHOP appeal proceedings; and (2) as the basis of a partial settlement of a portion of the appeals of the following appellants: 2000963 Ontario Inc., 2084696 Ontario Inc., 2188410 Ontario Inc., Mud and First Inc., Multi-Area Developments Inc., Paletta International Corporation, Artstone Holdings Limited and Corpveil Holdings Limited.

CARRIED

(Farr/McHattie)
That the following be added as item 20 to Planning Committee Report 13-012

20. Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands Located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (PED09220) (Ward 9) (Item 6.11)

That Item 35 of the Economic Development and Planning Committee Report 09-016, respecting Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek), which was approved by Council on August 13, 2009, and reads as follows, be deleted in its entirety:

(a) That approval be given to amended Official Plan Amendment Application OPA-07-036, by the Ministry of Energy and Infrastructure, Owner, for Official Plan Amendment No. _______, to amend Schedule ‘A’, General Land Use Plan, from “Service Commercial”, “Open Space” and “Residential” to “Mixed Use” and “Residential”, and Schedule ‘A3’, Secondary Plan—West Mountain Planning District (Heritage Green), from “Service Commercial”, “Neighbourhood Park” and “Medium High Density Residential” to “Mixed Use” and “Medium High-Density Residential”, on the lands located at the northwest corner of Highland Road and Upper Mount Albion Road, known as Part of Lot 33, Concession 7, in the former Township of Saltfleet (Stoney Creek), as shown on Appendix “A” to Report PED09220, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “C” to Report PED09220, be held in abeyance until such time as the City of Hamilton and the Ministry of Energy and Infrastructure have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement and conforms to the Hamilton-Wentworth Official Plan.
(b) That approval be given to amended Zoning Application ZAC-07-112, by the Ministry of Energy and Infrastructure, Owner, for changes in Zoning from the Neighbourhood Development “ND” Zone to the Mixed Use Commercial (Holding) “MUC-2 (H)” Zone, with a Special Exception (Block 1), the Mixed Use Commercial (Holding) “MUC-3 (H)” Zone, with a Special Exception (Block 2), and the Multiple Residential (Holding) “RM3-34 (H)” Zone, with a Special Exception (Block 3), to permit future mixed use development on the westerly and northerly portions of the subject lands, and medium high density residential development on the south-easterly portion of the subject lands, for the lands located at the northwest corner of Highland Road and Upper Mount Albion Road (Stoney Creek), as shown on Appendix “B” to Report PED09220, on the following basis:

(i) That the draft By-law, attached as Appendix “D” to Report PED09220, which has been prepared in a form satisfactory to the City Solicitor, be held in abeyance until such time as the City of Hamilton and the Ontario Realty Corporation have entered into an agreement for the transfer of the Trinity Church Road Corridor lands, to the satisfaction of the Directors of Planning and Development Engineering.

(ii) That the amending By-law be added to Schedule ‘A’, Map No. 15, of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the City of Stoney Creek Official Plan upon approval of OPA No. ________.

(c) That upon finalization of the implementing By-laws, the Valley Park Neighbourhood Plan be amended to change the designation of the subject lands from “Service Commercial”, “Neighbourhood Park” and “Medium-High Density Residential” to “Mixed Use” and “Medium-High Density Residential”.

(d) That staff be directed to request the Minister of Municipal Affairs and Housing to appropriately modify the Urban Hamilton Official Plan to implement Council’s decision, once Official Plan Amendment No. ________ in Recommendation (a) is final and binding.

and replaced with the following in lieu thereof:

(a) That approval be given to Amended Official Plan Amendment Application OPA-07-036(R), by Heritage Highlands Corporation, Owner, for Amendment No. ________ to the Stoney Creek Official Plan, for changes in designation on “Schedule A - General Land Use Plan” from “Service Commercial”, “Open Space”, and “Residential” to “Shopping Centre”; and for changes in designation on Schedule A3 - West Mountain Planning District (Heritage Green) Secondary Plan” from “Service
Commercial”, “Neighbourhood Park”, and “Medium-High Density Residential” to “Community Shopping Centre”, in order to permit a shopping centre with various retail uses, on the lands located at 512 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13131, be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to **Amended Zoning Amendment Application ZAC-07-112(R), by Heritage Highlands Corporation, Owner**, for a change in zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre “SC2-7(H1)(H2)(H3)(H4)(H5)” (Holding) Zone, with a Special Exception and Holding Provisions, to permit the development of a shopping centre, for lands located at 512 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED13131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Schedule “A”, Map No. 15, of Zoning By-law No. 3692-92;

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

(c) That upon finalization of the implementing By-laws, the subject lands be redesignated from “Commercial - Service Commercial”, “Parkland - Neighbourhood Park”, and “Medium - High Density Residential” to “Commercial - Community Shopping Centre”, in the Valley Park Neighbourhood Plan.

**CARRIED**

**Farr/McHattie**

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

**CARRIED**
AUDIT, FINANCE & ADMINISTRATION COMMITTEE 13-008

(Pearson/Johnson)
That the EIGHTH Report of the Audit, Finance & Administration Committee be adopted and the information section received (attached hereto).

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-009

(Ferguson/Powers)
That the Rules of Order be waived with respect to the 48 hour rule to allow the introduction of the Public Works Committee Report 13-009.

CARRIED

(Ferguson/Powers)
That the NINTH Report of the Public Works Committee be adopted, and the information section received (attached hereto).

CARRIED

(Collins/Merulla)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Purchase of Hamilton Wentworth District School Board (HWDSB) Surplus Property – Broughton East – 16 Broughton Avenue (Ward 6) (Item 7.1)

(Jackson/Duvall)
That Item 20 of General Issues Committee Report 13-013 respecting Purchase of Hamilton Wentworth District School Board (HWDSB) Surplus Property – Broughton East – 16 Broughton Avenue (Ward 6), approved by Council on June 26, 2013, and as amended by Council on July 12, 2013, be further amended by adding the following as sub-sections (b) and (c) and renumbering the balance of the sub-sections:

(b) That in the event a higher priority agency is successful in the purchase of the whole of the land and subsequently deems a portion of their land surplus, that staff be authorized and directed to submit a bona-fide offer and/or lease to the said respective agency so as to protect the city’s municipal asset in its current location or on an alternative location on the subject site;

(c) That in the event the Hamilton Wentworth District School Board sells the larger portion of land having an area of 7 acres more or less, to a higher priority agency, as opposed to the whole of the land having a total area of 9.5 acres, more or less, that staff be authorized and directed to secure the
balance of the land from the Hamilton Wentworth District School Board having an area of 2 acres more or less.

to read as follows:

**Purchase of Hamilton Wentworth District School Board (HWDSB) Surplus Property – Broughton East – 16 Broughton Avenue (Ward 6)**

(a) That the City of Hamilton purchase the two parcels of land totalling 9.5 acres at 16 Broughton Avenue West;

(b) That in the event a higher priority agency is successful in the purchase of the whole of the land and subsequently deems a portion of their land surplus, that staff be authorized and directed to submit a bona-fide offer and/or lease to the said respective agency so as to protect the city’s municipal asset in its current location or on an alternative location on the subject site;

(c) That in the event the Hamilton Wentworth District School Board sells the larger portion of land having an area of 7 acres more or less, to a higher priority agency, as opposed to the whole of the land having a total area of 9.5 acres, more or less, that staff be authorized and directed to secure the balance of the land from the Hamilton Wentworth District School Board having an area of 2 acres more or less;

(d) That the Real Estate Section of the Planning and Economic Department be authorized and directed to submit a bona-fide offer based on the estimated market value prepared, as amended, by Jacob Ellens & Associates Inc., Real Estate Appraisers & Consultants;

(e) That the Mayor and City Clerk be authorized and directed to execute the requisite documentation to the satisfaction of the City Solicitor;

(f) That the financial details contained in Report FCS13057, as amended, respecting the purchase of surplus Hamilton-Wentworth District School Board (HWDSB) lands located at 16 Broughton Avenue not be released as a public document until conclusion of the real property transaction.

**CARRIED**

7.2 **Objection to Liquor License Application – A-Cross-the-Road – 1121-23 Main Street East, Hamilton, Ontario, L8M 1P2 (Item 7.2)**

*(Morelli/Merulla)*

Whereas, the City of Hamilton has received pre-notification that A-Cross-the-Road at 1121-23 Main Street East, Hamilton has applied for a liquor license;

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

Therefore, be it resolved:

(a) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised
that the City of Hamilton wishes to object to the Liquor License application
for A-Cross-the-Road at 1121-23 Main Street East, Hamilton, Ontario as
the issuing of this license would not be in the best interest of the public.

(b) That should the AGCO determine that a Hearing is to be scheduled, that
Legal Services be authorized and directed to attend the Hearing to
represent the City’s interest.

CARRIED

7.3 Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-law
Amendment Application – 24 Brock Street North, Dundas, (LS13020) (Ward
13) (Outstanding Business List) (Item 7.3)

(Farr/McHattie)
That Council Outstanding Business List Item “D”, respecting the Proposed
Settlement of Appeal to Ontario Municipal Board Zoning By-law Amendment
Application – 24 Brock Street North, Dundas (LS13020), be lifted from the table.

(Farr/McHattie)
That item 9 to Planning Committee Report 13-009, approved by Council on June
12, 2013 respecting Proposed Settlement of Appeal to Ontario Municipal Board
of Zoning By-law Amendment Application – 24 Brock Street North, Dundas,
(LS13020) (Ward 13) be amended by being deleted in its entirety and replaced
with the following:

Proposed Settlement of Appeal to Ontario Municipal Board of Zoning By-
law Amendment Application – 24 Brock Street North, Dundas, (LS13020)
(Ward 13) (Outstanding Business List)

(a) That Appendix “A” titled Report PED10229 to Appendix “A” to
Report LS13020 is a public document, while the remainder of
Appendix “A” to Report LS13020 only be made public in the event
that a settlement is reached with the appellant;

(b) That the zoning by-law amendments described in Appendix “C” and
“F”, and attached to Appendix “A” to report LS13020 as amended,
be approved as the basis of a settlement of the appeal of the zoning
by-law amendment application for 24 Brock Street North,
Dundas, with OMB File Number PL121211;

(i) That the zoning by-law described in Appendix “C” be
amended by adding the following subsection (ii) to Section 4:
“(ii) The Senior Director of Growth Management confirms that he is satisfied there is sufficient and adequate water service and water pressure available, including sufficient and adequate water service and pressure for firefighting purposes, for any development at 24 Brock Street North, permitted by By-law 3581-86, as amended."

(ii) That the zoning by-law described in Appendix "C" be further amended by adding the following subsection (ii) to Section 3(a):

"(ii) Notwithstanding Sections 3.2.34 (Grade) and 3.2.38 (Height) within By-law No. 3581-86 (Dundas), for the purpose of this by-law the following shall apply: Building Height shall be determined by the mean elevation of all the existing ground adjoining the building or structure and within 4.5 metres of it."

(c) That staff be directed to advise the OMB that the City of Hamilton and EcoBuilding Corp. have settled the zoning by-law amendment by EcoBuilding Corp. on the basis of the zoning by-law amendments attached as Appendix “C” and “F” to Appendix “A” to Report LS13020, as amended by Council.

CARRIED

NOTICES OF MOTION

Councillor Merulla introduced the following Notice of Motion:

8.1 Emergency Communications and Information Dissemination

Whereas the recent storm event of July 19, 2013 identified the need for coordinated inter-agency information sharing; and,

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

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

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

Therefore be it resolved that:

The City Manager be directed to report on the feasibility of:
(a) The City of Hamilton becoming the central repository for all utility and city emergency communications and information dissemination during emergency situations; and

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

Councillor Merulla introduced the following Notice of Motion:

**8.2 Mobile Urban Park Initiative**

Whereas the City of Hamilton has a long and rich history of industry, railroads and shipping;

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

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

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

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

Therefore be it resolved:

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

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

---

**STATEMENT BY MEMBERS**

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

---

**PRIVATE AND CONFIDENTIAL**

**10.1 Closed Session Minutes – June 26, 2013**

Pursuant to Section 8.1, Sub-section (b) of the City’s Procedural By-law 10-053, and Section 239, Sub-section (b) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees.
As Council determined that no discussion, respecting the Closed Session Minutes of the June 26, 2013 meeting of Council was required, the Minutes were approved in Open Session, as shown below:

(Whitehead/Jackson)
(a) That the Closed Session Minutes of the June 26, 2013, meeting of Council be approved, as presented.

(b) That the Closed Session Minutes of the June 26, 2013 meeting of Council, remain confidential and restricted from public disclosure.

CARRIED

BY-LAWS

(Duvall/Jackson)
That the Bill List for the August 16, 2013 meeting of Council be amended by adding the following as Bills 192 to 212 (attached hereto) and renumbering the balance:

Bill No.  
192  Removal of Part Lot Control  
Block 146, Registered Plan No. 62M-1051, “Southampton Estates Phase 2”, 9 Hampton Brook Way (Glanbrook)

193  Removal of Part Lot Control  
Lots 1 and 20 to 48, inclusive, Registered Plan No. 62M-1193 “Oasis – Phase 2”, 845 and 857 North Service Road (Stoney Creek) (Ward 11)

194  To Amend Zoning By-law No. 98-57 (Ancaster), as amended, respecting lands located at 131 and 141 Vinton Road (Formerly 927 and 1062 Garner Road East), in the former Town of Ancaster, now in the City of Hamilton

195  To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, respecting lands located at 43, 47, 51, 55, 59 and 63 Tews Lane, in the former Town of Flamborough, now in the City of Hamilton

196  Removal of Part Lot Control  
Lots 2 to 12, inclusive, 23 to 25, inclusive, 30, 35, 37, 38, 40 to 42, inclusive, 47, and 61 to 63, inclusive, Registered Plan No. 62M-1178 33, 37, 41, 45, 49, 53, 57, 61, 65, 69 and 73 O’Donnel Drive, 19 Cook Street, 27, 28, 32 and 36 McAllistar Drive, and 26, 34, 38, 46, 50 and 54 Yager Drive

197  Removal of Part Lot Control  
Lots 9, 10, 13, 49 to 54, inclusive, 59 to 63, inclusive, 68 and 70, Registered Plan No. 62M-1150 21, 27 and 33 Binhaven Boulevard, 67, 71, 99, 103, 107, 111, 115 and 119 Gowland Avenue and 68 Whitwell Way

198  Removal of Part Lot Control  
Block 108, Registered Plan No. 62M-1181, “Summit Park – Phase 7” (80-116 Celestial Crescent)

199  Removal of Part Lot Control  
Block 89, Registered Plan No. 62M-1164, 1290 Arvin Avenue
Bill No.

200 Removal of Part Lot Control
Lots 16 to 21, inclusive, 27, 49, 51, 52, and 56 to 60, inclusive, Registered Plan No. 62M-1178
50, 54, 58, 62, 66 & 70 O'Donnel Drive, 7 Cook Street and 8, 11, 12, 15, 16, 20, 23 & 24 McAllistar Drive

201 Removal of Part Lot Control
Lots 55, 56 and 58, Registered Plan No. 62M-1150
123, 127 and 135 Gowland Avenue

202 To Amend Zoning By-law No. 6593 (Hamilton)
Respecting 273, 277, and 279 East Avenue North

203 To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended,
Respecting Lands Located at Part of 533 Millgrove Side Road

204 To Amend Zoning By-law No. 6593
Respecting Lands Located at 438, 444, 446 and 450 Concession Street and 18 East 18th Street in the City of Hamilton

205 To rename a portion of Fieldway Drive to Education Court

206 To Amend By-law No. 03-126
Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

207 To Amend Zoning By-law No. 3581-86, Respecting Lands Located at 65 Hatt Street, in the former Town of Dundas, now in the City of Hamilton

208 To Amend Zoning By-law No. 87-57, Respecting Lands Located at 331 and 333 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton

209 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 601 Upper Centennial Parkway (Stoney Creek)

210 To Amend Zoning By-law No. 05-200
Respecting Lands Located at 601 Upper Centennial Parkway, Stoney Creek

211 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272

212 To Amend Zoning By-law No. 3581-86 (Dundas) as Amended
Respecting Lands Located at 24 Brock Street North

CARRIED

(Farr/McHattie)
That Bill No. 189, respecting a By-law to Amend By-law No. 01-215, Being a By-law to Regulate Traffic; Schedule 2 – Speed Limits; Schedule 13 – Designated Traffic Lanes; and, Schedule 18 – Bike Lanes, be TABLED to the September 11, 2013 meeting of Council.

CARRIED

(Duvall/McHattie)
That Bills No. 13-187 to 13-213; with the exception of Bill 13-189, be passed, as amended, 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 No.

187  To Incorporate City Land Designated as Blocks 178 and 179 on Plan 62M-1183 into Springview Drive

188  To Incorporate City Land Designated as Parts 4,6,7 and 8 on Plan 62R-18785 into Arvin Avenue

189  TABLED to September 11, 2013
      To Amend By-law No. 01-215
      Being a By-law To Regulate Traffic;
      Schedule 2 – Speed Limits
      Schedule 13 – Designated Traffic Lanes
      Schedule 18 – Bike Lanes

190  To Amend By-law No. 01-218, as amended,
      Being a By-law To Regulate On-Street Parking
      Schedule 8 – No Parking Zones
      Schedule 12 – Permit Parking Zones
      Schedule 13 – No Parking Zones
      Schedule 14 – Wheelchair loading zones

191  Being a By-law to Permanently Close a Portion of Public Unassumed Alley abutting 1430 Main Street East, Hamilton, established by Registered Plan 579, City of Hamilton, designated as Part 1 on Plan 62R-19520

192  Removal of Part Lot Control
      Block 146, Registered Plan No. 62M-1051, “Southampton Estates Phase 2”, 9 Hampton Brook Way (Glanbrook)

193  Removal of Part Lot Control
      Lots 1 and 20 to 48, inclusive, Registered Plan No. 62M-1193 “Oasis – Phase 2”, 845 and 857 North Service Road (Stoney Creek) (Ward 11)

194  To Amend Zoning By-law No. 98-57 (Ancaster), as amended, respecting lands located at 131 and 141 Vinton Road (Formerly 927 and 1062 Garner Road East), in the former Town of Ancaster, now in the City of Hamilton

195  To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, respecting lands located at 43, 47, 51, 55, 59 and 63 Tews Lane, in the former Town of Flamborough, now in the City of Hamilton

196  Removal of Part Lot Control
      Lots 2 to 12, inclusive, 23 to 25, inclusive, 30, 35, 37, 38, 40 to 42, inclusive, 47, and 61 to 63, inclusive, Registered Plan No. 62M-1178
      33, 37, 41, 45, 49, 53, 57, 61, 65, 69 and 73 O'Donnell Drive, 19 Cook Street, 27, 28, 32 and 36 McAllistar Drive, and 26, 34, 38, 46, 50 and 54 Yager Drive
By-law No.

197  Removal of Part Lot Control  
Lots 9, 10, 13, 49 to 54, inclusive, 59 to 63, inclusive, 68 and 70, Registered Plan No. 62M-1150  
21, 27 and 33 Binhaven Boulevard, 67, 71, 99, 103, 107, 111, 115 and 119 Gowland Avenue and 68 Whitwell Way

198  Removal of Part Lot Control  
Block 108, Registered Plan No. 62M-1181, “Summit Park – Phase 7” (80-116 Celestial Crescent)

199  Removal of Part Lot Control  
Block 89, Registered Plan No. 62M-1164, 1290 Arvin Avenue

200  Removal of Part Lot Control  
Lots 16 to 21, inclusive, 27, 49, 51, 52, and 56 to 60, inclusive, Registered Plan No. 62M-1178 50, 54, 58, 62, 66 & 70 O’Donnel Drive, 7 Cook Street and 8, 11, 12, 15, 16, 20, 23 & 24 McAllistar Drive

201  Removal of Part Lot Control  
Lots 55, 56 and 58, Registered Plan No. 62M-1150  
123, 127 and 135 Gowland Avenue

202  To Amend Zoning By-law No. 6593 (Hamilton)  
Respecting 273, 277, and 279 East Avenue North

203  To Amend Zoning By-law No. 90-145-Z (Flamborough), as Amended,  
Respecting Lands Located at Part of 533 Millgrove Side Road

204  To Amend Zoning By-law No. 6593  
Respecting Lands Located at 438, 444, 446 and 450 Concession Street and 18 East 18th Street in the City of Hamilton

205  To rename a portion of Fieldway Drive to Education Court

206  To Amend By-law No. 03-126  
Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

207  To Amend Zoning By-law No. 3581-86, Respecting Lands Located at 65 Hatt Street, in the former Town of Dundas, now in the City of Hamilton

208  To Amend Zoning By-law No. 87-57, Respecting Lands Located at 331 and 333 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton

209  To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 601 Upper Centennial Parkway (Stoney Creek)
By-law No. 210
To Amend Zoning By-law No. 05-200 Respecting Lands Located at 601 Upper Centennial Parkway, Stoney Creek

211 To Amend the Sanitary Surcharge and Wastewater Abatement By-law No. 03-272

212 To Amend Zoning By-law No. 3581-86 (Dundas) as Amended Respecting Lands Located at 24 Brock Street North

213 To Confirm Proceedings of Council

CARRIED

(Merulla/Morelli)
That, there being no further business, the City Council meeting be adjourned at 10:52 a.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina
R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk
THE BOARD OF HEALTH PRESENTS REPORT 13-007 AND RESPECTFULLY RECOMMENDS:

1. Correspondence (Item 11.1)

   (a) Correspondence from the Public Health Agency of Canada respecting Extension Requirements for Community Action Program for Children (CAPC) and Canada Prenatal Nutrition Program (CPNP) Programs (Item 11.1 (a))

       Recommendation: Be received

   (b) Correspondence from the Windsor-Essex County Board of Health (WECHU) respecting actions taken by the Ontario Convenience Store Association (OCSA) advocating for a reduction in contraband tobacco (Item 11.1 (b))

       Recommendation: Be endorsed
(c) Correspondence from Haliburton, Kawartha, Pine Ridge District Health Unit respecting Municipal and Community Involvement and Control in Renewable Energy Development (Item 11.1 (c))

Recommendation: Be referred to Planning Committee for consideration

(d) Correspondence from Durham Region respecting an action plan for seniors (Item 11.1 (d))

Recommendation: Be endorsed

2. Public Health Secondment to Hamilton Family Health Team as a Community Network (BOH13032) (Ward 4) (Item 12.1)

That the Medical Officer of Health be directed to execute an agreement between the City of Hamilton Family Health Team in a form satisfactory to the City Solicitor that supports a secondment of a Public Health Nurse to the Hamilton Family Health Team as a Community Networker; and a temporarily increase complement in the Living Division program by 0.8 full time equivalent Public Health Nurse.

FOR THE INFORMATION OF THE COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The agenda was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) MINUTES (Item 3)

(i) July 11, 2013 (Item 3.1)

The minutes from the July 11, 2013 Board of Health meeting were approved, as presented.

(d) ADJOURNMENT (Item 13)

Council – August 16, 2013
As there was no further business, the Board of Health adjourned at 9:20 a.m.

Respectfully submitted,

Mayor R. Bratina
Chair, Board of Health

Christopher Newman
Legislative Coordinator
THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 13-016 AND RESPECTFULLY RECOMMENDS:

1. **King Street West Business Improvement Area (BIA) Revised Board of Management (PED11036(b)) (Ward 2) (Item 5.1)**

   That Gilles Duchon and Michael Losak be appointed to the King Street West Business Improvement Area (B.I.A.) Board of Management.

2. **Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP) – 149 Young Street (PED13120) (Ward 2) (Item 5.2)**

   (a) That a conditional loan commitment totaling $356,000 for G. S. Maher Property Holdings Ltd. (Garnet Shawn Maher) the registered owner of the property at 149 Young Street, be authorized and approved under the Hamilton Downtown Multi-Residential Property Investment Program in accordance with the Program’s terms and conditions;

Council- August 16, 2013
(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) of Report PED13120, 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, as approved by City Council, are maintained.

Item 3 was deleted in its entirety and replaced with the following in lieu thereof:

3. Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (Item 5.3)

   (a) That the proposed amendments to the Property Descriptions of the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Programs, attached hereto as Appendices "A" and "B", be presented to a Public Meeting of the Planning Committee;

   (b) That the proposed amendments be presented to the General Issues Committee for consideration/approval following the Public Meeting referenced in sub-section (a).

   That the proposed amendments to the Program Descriptions of the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Program, attached as Appendices "A" and "B" to General Issues Committee Report 13-016, be presented to a Public Meeting of the Planning Committee through an amendment to the Downtown and Community Renewal Community Improvement Plan as legislated under the Planning Act."

4. Declaration of Surplus Property and Sale of Vacant Land, 10-16 Patterson Street and 9-15 Clarence Street, Hamilton (PED13141) (Ward 1) (Item 5.4)

   (a) That the property municipally known as 10-16 Patterson Street and 9-15 Clarence Street, comprising an area of approximately 2828 square metres (19,676 square feet) on the north limit of Clarence Street and the south limit of Patterson Street, identified as PIN 17149-0262(LT) and Roll Number 2518020125017900001, as shown on Appendix "A" attached to Report PED13141, be declared surplus to the requirements of the City of Hamilton;
(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to sell the subject lands at fair market value in accordance with the Procedural By-law for the Sale of Land, being By-law 04-299, following, and subject to, completion and final approval of a City Initiated Zoning By-law Amendment that conforms to the applicable Official Plan and the "Medium Density Residential" policies of the Setting Sail Secondary Plan.

5. Parking Revenue Shortfalls (PED13050(a)) (City Wide) (Outstanding Business Item – 2013 Budget Deliberations) (Item 5.5)

That Report PED13050(a) respecting "Parking Revenue Shortfalls" be received.

6. Criminal Conviction Record Checks for Applicants under Certain City Loan/Grant Programs (LS13028) (City Wide) (Item 5.6)

(a) That the following proposed policy amendment to the City of Hamilton's Downtown and Community Renewal Loan/Grant Programs be approved, in principle:

"Without limiting the discretion as set out in paragraph XX herein, the City Council, whether or not an Applicant satisfies the requirements of the Program, may reject any application received from an applicant where the applicant's criminal conviction record raises concerns that the applicant, in undertaking the activity, operation or business for which the loan/grant is sought, will not conduct himself with honesty and integrity. For corporate applicants, it is the individuals behind the corporation (Officers/Directors/Shareholders) whose criminal conviction record will be considered."

(b) That staff be directed to submit the proposed amendment to the Information and Privacy Commissioner for comment prior to implementation.

7. Enbridge Pipelines Inc. 9B Reversal and Line 9 Capacity Expansion Project – Update (PED12160(b)/LS12022(b)) (City Wide) (Item 5.7)

That Report PED12160(b)/LS12022(b) respecting “Enbridge Pipelines Inc. 9B Reversal and Line 9 Capacity Expansion Project” be received.
8. **Real Estate Matter regarding 64 Melrose Avenue North (PW13060) (Ward 3 with City Wide Implications (Item 12.4)**

That Report PW13060 respecting the “Real Estate Matter regarding 64 Melrose Avenue North”, be received and the contents remain confidential.

9. **Extension of Service Contract for Management of the Hamilton Farmers’ Market (CS12045(a)) (Ward 2) (Item 12.3)**

(a) That staff be directed to renew the current employment contract for management of the Hamilton Farmers’ Market for a maximum additional six-month period to December 31, 2013;

(b) That Report CS12045(a) respecting the “Extension of Service Contract for Management of the Hamilton Farmers’ Market” remain confidential and not be released as a public document as the information relates to identifiable individuals.

10. **Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area (PED11118(b)/PED12228) (Ward 11) (Item 7.1)**

(a) That Urban Renewal staff be directed to prepare amendments to the Downtown and Community Renewal Community Improvement Plan and Project Area to implement community improvement initiatives as outlined in Report PED11118(b) in the Mount Hope/Airport Gateway area as delineated on Appendix “C” to Report PED11118(b);

(b) That such amendments be prepared for presentation to a Public Meeting of the Planning Committee.


(a) **Built Environment Sub-Committee Report – June 4, 2013-08-07**

That staff be directed to investigate various funding options and the development of a charitable fund program to be used toward the installation of Accessible Pedestrian Signals to allow the City of Hamilton to meet the requirements of the Built environment Standard by the year 2025.

(a) Quorum and Attendance at Meetings

(i) That Roger Cameron be removed from the membership of the Advisory Committee for Persons with Disabilities due to continued and on-going non-attendance;

(ii) That a letter be sent to R. Cameron thanking him for his work with the Advisory Committee for Persons with Disabilities, and encouraging him to volunteer to serve on City Committees again in the future;

(iii) That the vacant position on the Advisory Committee for Persons with Disabilities be referred to the Selection Committee for consideration.


(a) Correspondence from Michael Borrelli, Co-President of the Beasley Neighbourhood Association, respecting Cleanliness and Security in the Beasley Neighbourhood

That the item of correspondence from Michael Borrelli, Co-President of the Beasley Neighbourhood Association, respecting “Cleanliness and Security in the Beasley Neighbourhood” be received.

(b) Gore Park Demolition

That the City’s Building Department be directed to work with Budget Environmental respecting shrouding and any other possible opportunities for dust mitigation during the demolition of 24 and 28 King Street East.


(a) Renaming of Skyway Park to Reg Wheeler Park (PW13052) (Ward 5)

That the request to rename the park site commonly known as Skyway Park to Reg Wheeler Park, located at 189 Beach Boulevard, be approved as the request meets the approval of the City of Hamilton Municipal Property and Building Naming Policy.

Council – August 16, 2013
(b) Renaming of Red Hill Bowl to Jack MacDonald Park (PW13051) (Ward 4)

That the request to rename the park site commonly known as Red Hill Bowl to Jack MacDonald Park, located at 1570 Lucerne Avenue, be denied at this time as this request does not meet the approval of the MacDonald family.


Whereas the Lac-Mégantic derailment of July 6, 2013 illustrated the devastating and horrific impact that can result from lax safety standards; and

Whereas the Lac-Mégantic tragedy was due in no small part to a train carrying dangerous materials being left unattended; and

Whereas Transportation Canada has since issued an emergency directive requiring that any train carrying dangerous goods requires a minimum of two crew members and no such train shall be left unattended; and

Whereas the emergency directive is set to expire in December, 2013 at which time Transportation Canada has indicated a desire that railways will have developed new permanent rules to reflect the directives;

Therefore Be It Resolved:

(a) That the City of Hamilton fully support Transport Canada’s introduction of the emergency directive placing greater safety measures in place around the rail transportation of dangerous goods;

(b) That the Federal Government be requested to make this emergency directive binding on all dangerous goods transported via railway through the passage of supporting legislation or regulations prior to the expiration of the emergency directive;

(c) That a copy of this resolution be sent to the Federal Minister of Transportation, the Federation of Canadian Municipalities, the Association of Municipalities of Ontario and to all local M.P.’s and M.P.P.’s.
16. Funding Request for Waterdown Memorial Hall – Minister Ted McMeekin (Item 9.5)

Whereas the Waterdown Memorial Hall located at 317 Dundas Street East in Waterdown is one of only seven war memorial buildings erected in Canada after World War 1 and, as with the creation of most war memorials, was the result of a larger community fundraising effort; and

Whereas the building itself can be seen as “an expression of the community’s feeling towards those war heroes who lost their lives so we could have freedom”, and plays a significant role as the heart of the Waterdown community; and

Whereas, it has been determined that the 1922 Waterdown Memorial Hall possesses cultural heritage value due to its association with the themes of Canadian military commemoration and the home-front wartime efforts and it is also a good example of the Edwardian Classicist style of architecture and a landmark in the Waterdown community; and

Whereas the total amount needed to restore the heritage features, plus a new glass enclosed entrance and elevator upgrade to allow accessibility is estimated at $1.4 million, and the City has committed $600,000 as part of the 2013 capital fund (Community Hall retrofits – 7101341701) for Phase 1 of the multi-phase project to renovate the Waterdown Memorial Hall; and

Whereas efficiencies and cost effectiveness can be gained by bundling work into a single phase project with building the elevator enclosure at the same time.

Therefore Be It Resolved:

That the Council of the City of Hamilton request that the Province of Ontario, through Minister Ted McMeekin’s office, provide Two Hundred and Fifty Thousand Dollars ($250,000) toward the Waterdown Memorial Hall Restoration Project, thereby contributing to the community spirit as a partner to this historic memorial building.

17. Asphalt Pathway Replacement at T. B. McQuesten Community Park

(a) That a portion of the asphalt pathway (approximately 1250 square metres) be replaced at T. B. McQuesten Community Park;

(b) That the associated costs of approximately $40,000 for replacing the asphalt pathway at T. B. McQuesten Community Park be funded from the Ward 7 Area Rating Special Capital Reinvestment Reserve #108057.
Information Item (h)(iv) was lifted from the Information Section and added as Item 18. The motion was subsequently Withdrawn.

18. Bill 73 – Fair and Open Tendering Act (Item 9.4)

Whereas on September 12, 2005, the Ontario Labour Relations Board (the “OLRB”) certified the United Brotherhood of Carpenters and Joiners of America, Local 18 (the “Carpenters Union”), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the “City”) meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement; and

Whereas this certification has had significant financial consequences to the City and has adversely affected the City’s ability to tender bids in an efficient manner; and

Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the Ontario Labour Relations Act, 1995 (the “Act”) notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and

Whereas an amendment of the Ontario Labour Relations Act, 1995 (the “Act”), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures; and

Whereas Bill 73, the Fair and Open Tendering Act, which was tabled and received First Reading at Queen’s Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act; and

Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City’s existing obligations to the Carpenters Union such that the City’s construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City’s construction projects.

Therefore Be It Resolved:
(a) That the City of Hamilton fully supports any and all efforts to pass Bill 73, the *Fair and Open Tendering Act*, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply;

(b) That a copy of this motion be forwarded to Mayor Hazel McCallion, Chair of the Large Urban Mayors’ Caucus of Ontario (LUMCO), with a request that the motion be circulated to the members of LUMCO, to the Mayors and Regional Chairs of Ontario (MARCO), and to the Honourable Yasir Naqvi, Minister of Labour, Michael Harris, M.P.P. for Kitchener-Conestoga, the Association of Municipalities of Ontario and the local M.P.P.'s for their information;

(c) That the Information Update dated August 14, 2013 respecting Bill 73 and Background Information re: Previous Decisions of Council with respect to the Carpenters’ Union Certification, attached hereto, be received.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

ADDED DELEGATION REQUESTS

For Future Meeting

4.2 Delegation Request from Graham MacNally and Philip Toms, Tactical Urbanism Hamilton, “to provide background information on what Tactical Urbanism is and how it can benefit the City of Hamilton”

For Today’s Meeting

4.3 Delegation Request from Lynda Lukasik, Environment Hamilton, respecting Particulate Matter Reduction By-law (Item 9.2 of this Agenda)

ADDED CONSENT ITEM

5.7 Enbridge Pipelines Inc. 9B Reversal and Line 9 Capacity Expansion Project – Update (PED12160(b)/LS12022(b)) (City Wide)
PRESENTATIONS

7.1 Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area (PED11118(b)/PED12228) (Ward 11)

Typographical error – PED12228 in the subject line is to be deleted

ADDED NOTICE OF MOTION

10.1 Asphalt Pathway Replacement at T. B. McQuesten Community Park (Ward 7)

10.2 Financing of the Pan Am Stadium Precinct (Ward 3)

PRIVATE & CONFIDENTIAL

12.4 Real Estate Matter regarding 64 Melrose Avenue North (PW13060) (Ward 3 with City Wide Implications)
Reason for Private & Confidential is to be deleted and replaced with the following in lieu thereof:

Pursuant to Sub-sections 8.1(c) and (f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to: (c) a proposed or pending acquisition or disposition of land by the municipality or local board; and (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Item 9.4 Bill 73 – Fair and Open Tendering Act

Councillor B. Johnson declared an interest in this item as she has a family member who is a member of the Carpenters’ Union.

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

The Minutes of the General Issues Committee Meetings held on July 8 and July 11, 2013 were approved as presented.

(d) DELEGATION REQUESTS

The following delegation requests were approved:
(i) John D. Hall, RAP Co-ordinator, Hamilton Harbour Remedial Action Plan, to provide an update on the Remedial Action Plan and the Bay Area Restoration Council

(ii) Graham MacNally and Philip Toms, Tactical Urbanism Hamilton, to provide background information on what Tactical Urbanism is and how it can benefit the City of Hamilton

The delegation request from Lynda Lukasik, Environment Hamilton, to appear before the Committee respecting Particulate Matter Reduction By-law (Item 9.2 of this agenda) was approved and the rules of order were suspended in order to allow for Ms. Lukasik to appear before the Committee at this meeting.

(e) CONSENT AGENDA

(i) Hamilton Heritage Property Improvement Grant Program and GORE Building Improvement Grant Program – Amendments to Program Descriptions (PED13132) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (Item 5.3)

Sub-sections (a), (b) and (c) of Report PED13132 were deleted in their entirety and replaced with the following in lieu thereof:

(a) That the proposed amendments to the Property Descriptions of the Hamilton Heritage Property Grant Program and the GORE Building Improvement Grant Programs, attached as Appendices "A" and "B" to Report PED13132, be presented to a Public Meeting of the Planning Committee;

(b) That the proposed amendments be presented to the General Issues Committee for consideration/approval following the Public Meeting referenced in sub-section (a).

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

(ii) Criminal Conviction Record Checks for Applicants under Certain City Loan/Grant Programs (LS13028) (City Wide) (Item 5.6)

(Clark/McHattie)
That sub-section (a) be amended by adding the words, “in principle”, following the word, “approved”.

The Amendment Carried and the Main Motion, as amended, Carried.
(f) PUBLIC HEARINGS/DELEGATIONS

(i) John C. Munro/Hamilton International Airport – Annual Report (Item 6.1)

Frank Scremin, Director of Operations, John C. Munro/Hamilton International Airport appeared before the Committee and provided a PowerPoint presentation which addressed the following:

- Strategic Focus
- 5-year Objectives
  - Passenger Service Retention and Development
  - Cargo Service Retention and Development
  - Non-Aeronautical Revenue Development
  - Operational Excellence
  - Infrastructure Development
- Financial Performance
- Capital Investments
  - Capital Investments in 2012 = $3 million
  - Projected 2013 Capital Investment = $3.5 million
- Activity Highlights: Passenger, Cargo and General Aviation
- Customer Service: 2012 and 2013 Initiatives
- Giving Back
  - $209 million direct benefit to the City
  - 2,876 jobs created
  - $195,000 donations and gifts in kind
- Airport Operations
  - Noise
  - Environmental
  - Safety
- Airport Operations
- PFOS Update
  - Phase/Report complete and submitted to MOE
  - MOE Review
  - Transport Canada Involvement
- Funding Initiatives
  - Cargo facility
- Lease Agreement Status
  - Lease Term
  - Extension Term
  - Critical for Future Investment

A copy of the PowerPoint presentation was submitted to the Clerk for the public record and is available for viewing on the City of Hamilton website.
The presentation from Frank Scremin, Director of Operations, respecting the Annual Report of John C. Munro/Hamilton International Airport was received.

(ii) **Lynda Lukasik, Environment Hamilton, respecting the Particulate Matter Reduction By-law (Item 9.2 of this Agenda) (Item 4.3/6.2)**

Lynda Lukasik appeared before the Committee to speak in support of the motion being put forward by Councillor B. McHattie respecting Particulate Matter Reduction By-law (Item 9.2).

A copy of Ms. Lukasik’s comments was submitted to the Clerk for the public record and are attached hereto as Appendix “C”.

The presentation from Lynda Lukasik, Environment Hamilton, respecting Particulate Matter Reduction By-law was received.

(g) **PRESENTATIONS**

(i) **Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area (PED11118(b))**

Hazel Milsome, Co-ordinator, Urban Renewal Incentives, provided a PowerPoint presentation with respect to the “Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area, and spoke to the following:

- What is a Community Improvement Plan
- Existing Plans, Programs and Project Areas
- Community Improvement Project Areas (CIPA)
- Study Background
- Policy Basis
- Mount Hope Secondary Plan
- Topographical Maps of the Proposed Project Area Boundary and the Study Area Boundary
- Reasons to Designate a CIPA
- Proposed CIPA
- Proposed Programs
- Next Steps

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.

The presentation respecting “Proposed Mount Hope/Airport Gateway Community Improvement Initiatives and Project Area” was received.
(h) MOTIONS

(i) **Reduction in Greenhouse Gas and Energy (Item 9.1)**

Whereas Hamilton is recognized as a leader across Canada in climate change and energy conservation actions (i.e., top milestone on Federation of Canadian Municipalities’ Partners in Climate Change Program, and numerous awards and grants for the work done in the Office of Energy Initiatives); and

Whereas Hamilton had earlier established greenhouse gas (GHG) and energy use reduction targets; and

Whereas greenhouse gas and energy reduction efforts are closely linked; and

Whereas those targets are close to being met, ahead of the 2020 schedule; and

Whereas despite efforts by Hamilton and others, greenhouse gases, mainly in the form of carbon dioxide levels, continue to increase in the atmosphere, recently overtopping the dangerous 400ppm threshold.

Therefore Be It Resolved:

That staff report back on revised science-based greenhouse gas and energy reduction corporate targets for the City of Hamilton by December 2013.

(ii) **Particulate Matter Reduction By-law (Item 9.2)**

Whereas Hamilton has one of the more challenged airsheds in Ontario with multiple emitters of air pollution; and

Whereas one of the most dangerous forms of air pollution is fine particulate (i.e., PM2.5 microns in size), causing significant respiratory health issues for Hamiltonians; and

Whereas the Town of Oakville has enacted a Particulate Matter Reduction By-law with the full sanction of the Ontario Ministry of the Environment.

Therefore Be It Resolved:
That Municipal Law Enforcement staff report back on Oakville’s Particulate Matter Reduction By-law, with assistance from Legal Services and other departments as required, and how it could be adapted for a similar By-law in Hamilton.

(iii) Transportation of Dangerous Goods by Railway – Emergency Directive (Item 9.3)

Sub-section (c) was amended to include the Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

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

(iv) Bill 73 – Fair and Open Tendering Act (Item 9.4)

Whereas on September 12, 2005, the Ontario Labour Relations Board (the “OLRB”) certified the United Brotherhood of Carpenters and Joiners of America, Local 18 (the “Carpenters Union”), as the bargaining agent for all construction carpentry work performed by or for the City of Hamilton (the “City”) meaning that all such work be performed by contractors that are signatory to the Carpenters Union Collective Agreement; and

Whereas this certification has had significant financial consequences to the City and has adversely affected the City’s ability to tender bids in an efficient manner; and

Whereas the OLRB treats municipalities as businesses for the purpose of its interpretation of the construction industry provisions in the Ontario Labour Relations Act, 1995 (the “Act”) notwithstanding that municipalities are not businesses and have a different purpose and mandate from commercial enterprises; and

Whereas an amendment of the Ontario Labour Relations Act, 1995 (the “Act”), to specifically exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act would ensure that municipalities are able to tender construction work in a fair and open competitive environment that would maximize value for construction expenditures; and

Whereas Bill 73, the Fair and Open Tendering Act, which was tabled and received First Reading at Queen’s Park on May 16, 2013, amends the Act to exempt certain public sector employers (such as municipalities) from the construction industry provisions of the Act and terminates existing collective agreements involving those public sector employers that were entered into for the purposes of those provisions of the Act; and
Whereas the effect of Bill 73 on the City, if it is passed, will be to bring to an end the City’s existing obligations to the Carpenters Union such that the City’s construction carpentry work will no longer be required to be performed by contractors who are a signatory to the Carpenters Union Collective Agreement. This would in turn allow all contractors the opportunity to participate in a fair and open competition for the City’s construction projects.

Therefore Be It Resolved:

That the City of Hamilton fully supports any and all efforts to pass Bill 73, the Fair and Open Tendering Act, so that any collective bargaining obligations to the United Brotherhood of Carpenters and Joiners of America, Local 18 as it relates to the City of Hamilton construction projects would no longer apply;

(Partridge/Ferguson)
That the following be added as sub-section (b):

(b) That a copy of this motion be forwarded to Mayor Hazel McCallion, Chair of the Large Urban Mayors' Caucus of Ontario (LUMCO), with a request that the motion be circulated to the members of LUMCO, and to the Honourable Yasir Naqvi, Minister of Labour, Michael Harris, M.P.P. for Kitchener-Conestoga, the Association of Municipalities of Ontario and the local M.P.P.'s for their information.

The Amendment Carried.

Sub-section (b) was amended to include that a copy of the motion be forwarded to the Mayors and Regional Councillors of Ontario (MARCO)

The Amendment Carried.

The above-noted motion, as amended, was deferred to the August 16, 2013 meeting of Council in order to allow staff (Legal and Human Resources) to provide additional information with respect to how this legislation aligns with Council's previous decisions.

(v) Pre-Paid Fare System for all City of Hamilton Taxi Cab Trips between 10:00 p.m. and 5:00 a.m. (Item 10.3)

Staff was directed to evaluate the feasibility of implementing a compulsory pre-paid fare system for all City of Hamilton taxi cab trips between 10:00 p.m. and 5:00 a.m. and report back to the Planning Committee.
(i) NOTICES OF MOTION

Deputy Mayor S. Duvall relinquished the Chair in order to introduce the following Notice of Motion:

(i) **Asphalt Pathway Replacement at T. B. McQuesten Community Park (Ward 7) (Item 10.1)**

(aa) That a portion of the asphalt pathway (approximately 1250 square metres) be replaced at T. B. McQuesten Community Park;

(bb) That the associated costs of approximately $40,000 for replacing the asphalt pathway at T. B. McQuesten Community Park be funded from the Ward 7 Area Rating Special Capital Reinvestment Reserve Account No. 108057.

The rules of order were suspended in order to allow for the introduction of a motion respecting “Asphalt Pathway Replacement at T. B. McQuesten Community Park”.

See Item 17 for the disposition of this item.

Councillor S. Merulla introduced the following Notice of Motion:

(ii) **Financing of the Pan Am Stadium Precinct (Ward 3) (Item 10.2)**

Whereas the City and the Hamilton Wentworth School Board have entered into a Memorandum of Agreement wherein the City will contribute up to $17 million toward the construction of a joint secondary school/community centre on the land bounded by Cannon Street East, King Street East, Balsam Avenue North and Melrose Avenue North; and

Whereas financing of $9.45 million is available from the following sources:

(a) Capital Project for the Central City Seniors and Community Centre $1.2 million

(b) Future Development Charges $3.4 million;

(c) Ward 3 Capital Reserve $500,000;

(d) Proceeds received in 2013 from the 2010 Ontario Municipal Partnership Fund (OMPF) Reconciliation $2.85 million;

(e) Council’s Strategic Reserve $1.5 million;
Whereas the remaining financing for the City’s share of the project is $7.55 million; and

Whereas construction of the joint secondary school/community centre is expected to be completed for the start of the school year in September 2016; and

Whereas the balance in “Hamilton Future Fund A” is forecasted to be $33,258,000 as at December 31, 2016, exclusive of the proceeds from the sale of West Harbour Lands.

Therefore Be It Resolved:

That the remaining financing of the City’s share for the construction of a joint secondary school/community centre project in the amount of $7.55 million be funded from the “Hamilton Future Fund A”.

Councillor S. Merulla introduced the following Notice of Motion:

(iii) Pre-Paid Fare System for all City of Hamilton Taxi Cab Trips between 10:00 p.m. and 5:00 a.m.

That staff be directed to evaluate the feasibility of implementing a compulsory pre-paid fare system for all City of Hamilton taxi cab trips between 10:00 p.m. and 5:00 a.m. and report back to the Planning Committee.

The rules of order were suspended in order to allow for the introduction of a motion respecting Pre-Paid Fare System for all City of Hamilton Taxi Cab Trips between 10:00 p.m. and 5:00 a.m.

See Information Item (h)(v) for the disposition of this item.

Councillor J. Farr introduced the following Notice of Motion:

(iv) Bi-directional Bike Lane Pilot Project – South Side of Cannon Street, from Sherman Avenue to Bay Street

Whereas Councillors B. McHattie (Ward 1), J. Farr (Ward 2) and B. Morelli (Ward 3) had earlier established the One-Way to Two-Way Street Study Group through Council motion, and;

Whereas community workshops/walk-abouts have since occurred on both Cannon Street and Queen Street to evaluate current traffic conditions and consider options and alternatives, and;
Whereas there is support from the study group along with increasing public support for the implementation of a "complete street" treatment of Cannon Street, which includes, but not limited to a Cannon Contra-flow blueprint from the Jamesville Neighbourhood Action Plan, the NE07 Ward 2 Participatory Budgeting Initiative and the YesWeCannon on-line campaign, and;

Whereas the City of Hamilton’s Cycling Master Plan – Shifting Gears, has identified a plan for the implementation of a "Road Diet" configuration for cycling Infrastructure on Cannon Street, and;

Whereas planning on the implementation of Complete Street approaches has been recently identified through the Social Planning and Research Council’s draft Complete Streets Policy, and the joint Chamber of Commerce/HIVE/City of Hamilton Sustainable Mobility workshop featuring Gil Penalosa from 8-80 Cities, and;

Whereas in cities like New York, Chicago, Vancouver and Toronto, similar pilot projects have served to test the efficacy of complete street approaches; and

Whereas Cannon street may provide for a direct multi-model link to the Pan-Am Precinct.

Therefore be it resolved:

(a) That a bi-directional bike lane be installed as a pilot project on the south side of Cannon Street from Sherman Avenue to Bay Street,

(b) That through the design phase, staff contemplate various methods that include, but not limited to bollards, paint, knock down sticks, along with a preference toward planters erected to delineate a contra-flow bike lane from the auto traffic lanes;

(c) That the implementation of a bi-directional bike lane pilot project on Cannon Street be funded from the from the area rating capital reserves, along with appropriate sources to be identified by Public Works.

(j) GENERAL INFORMATION/OTHER BUSINESS (Item 11.1)

(i) Outstanding Business Items List

(aa) The due dates for the following items on the Outstanding Business List were revised as follows:
Item V: Waterfront and Shoreline  
Due Date: August 12, 2013  
Revised Due Date: October 2, 2013

Item T: Advertising along RHVP and LINC  
Due Date: September 5, 2013  
Revised Due Date: November 20, 2013

(bb) The following items were deemed complete and removed from the Outstanding Business List:

Item A: Realignment of Staffing (2011 Budget Outstanding Business List)  
(Item 11, GIC Report 12-004 (FCS12011(a))  
CM: February 22, 2012)

Item D: Parking Meter Rates (2013 Budget Outstanding Business List)  
(Item 5.5)

(k) PRIVATE & CONFIDENTIAL

(i) Closed Session Minutes – July 8 and July 11, 2013 (Items 12.1 and 12.2)

The Minutes of the Closed Session Meetings of the General Issues Committee held on July 8 and July 11, 2013, were approved and will remain confidential and restricted from public disclosure.

The Committee moved into closed session at 12:34 p.m. pursuant to subsections 8.1(b), (c) and (f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matters pertained to:

(b) personal matters about an identifiable individual(s), including City Employees respecting Extension of Service Contract for Management of the Hamilton Farmers’ Market (Item 12.3)

and

(c) a proposed or pending acquisition or disposition of land by the municipality or local board; and,

(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting real estate matter regarding 64 Melrose Avenue North (Item 12.4).

The Committee reconvened in Open Session at 2:43 p.m.

Council – August 16, 2013
12.4 Real Estate Matter regarding 64 Melrose Avenue North (PW13060) (Ward 3 with City Wide Implications)

See Item 8 for the disposition of this item.

12.3 Extension of Service Contract for Management of the Hamilton Farmers' Market (CS12045(a)) (Ward 2)

See Item 9 for the disposition of this item.

(l) PROCEDURAL MATTERS

The Committee recessed at 12:00 noon and reconvened at 12:30 p.m., at which time a motion was approved to move into Closed Session.

(m) ADJOURNMENT

There being no further business, the Committee adjourned at 3:58 p.m.

CARRIED

Respectfully submitted

Councillor S. Duvall
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk
Present: Councillors J. Farr (Chair), B. Johnson (1st Vice Chair), J. Partridge (2nd Vice Chair), B. Clark, C. Collins, L. Ferguson, R. Pasuta and M. Pearson

Absent with Regrets: Councillor T. Whitehead – City Business

Also Present: Councillor R. Powers

THE PLANNING COMMITTEE PRESENTS REPORT 13-012 AND RESPECTFULLY RECOMMENDS:

1. Inflatable Pools (PED13106) (City Wide) (Item 5.1)
   That Report PED13106, Inflatable Pools, be received.

2. Heritage Permit Application HP2013-017, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 958 Beach Boulevard (Hamilton) (PED13127) (Ward 5) (Item 5.2)
   That Heritage Permit Application HP2013-017 be approved for the erection of a new single detached dwelling with an attached garage, on the designated property at 958 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix “A” to Report PED13127, subject to the submission of a completed site plan and the following conditions:
   (a) That the final design, including specifications for the attached garage, windows, doors, cladding, and porch details, shall be submitted, to the
satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(b) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;

(c) That the dimensions, design, and materials for any new fencing and gates, shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(d) That as many existing trees as possible shall be retained, and a minimum of one new tree of a minimum caliper of 55mm of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;

(e) That a plan depicting the removed, retained, and new trees, including the calliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(f) That any minor changes to the plans and elevations following approval shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(g) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

3. **Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) (Item 5.3)**

That Heritage Permit Application HP2013-026 be approved for the erection of a new single detached dwelling on the designated property at 890 Beach Boulevard (Hamilton Beach Heritage Conservation District) (Hamilton), as shown on Appendix “A” to Report PED13128, subject to the submission of a completed site plan and the following conditions:

(a) That the specifications of the cladding materials for the new dwelling shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

Council – August 13, 2013
(b) That the specifications for the proposed windows, doors, cladding, porch columns, and railings, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(c) That the dimensions and surfacing materials for the new driveway and any walkways, patios, or other hard-surface areas, shall be submitted, to the satisfaction and approval of Planning staff, in accordance with the Site Plan approval process and prior to installation;

(d) That the dimensions, design, and materials for any new fencing and gates, shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(e) That as many existing trees as possible shall be retained, and/or that at least one new tree of a minimum caliper of 55mm and of a species consistent with the City of Hamilton’s Tree Species and Recommended Use Index, shall be planted within one year of occupancy of the new dwelling;

(f) That a plan depicting the removed, retained, and new trees, including the caliper size, locations, and species, shall be submitted, to the satisfaction and approval of Planning staff, prior to any grading or tree removals;

(g) That any minor changes to the plans and elevations following approval, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;

(h) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton;

(i) That vinyl be permitted on the exterior of the building.

4. **Request to Designate 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church), Under Part IV of the *Ontario Heritage Act* (PED13129) (Ward 9) (Item 5.4)**

(a) That 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) be included in the Register of Property of Cultural Heritage Value or Interest, and staff make the appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;
(b) That staff be directed to carry out a Cultural Heritage Assessment of 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act;

(c) That if 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the Ontario Heritage Act;

(d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff’s workplan for completion in 2018, as per Appendix “G” to Report PED13129;

(e) That Report PED13129 be forwarded to the Hamilton Municipal Heritage Committee for information;

(f) That Report PED13129 be forwarded to the owner of 2251 Rymal Road East (Stoney Creek) (Former Elfrida Church) for information.

5. **Request to Designate 105 Erie Avenue (Hamilton) Under Part IV of the Ontario Heritage Act** (PED13130) (Ward 2) (Item 5.5)

(a) That 105 Erie Avenue (Hamilton) be included in the Register of Property of Cultural Heritage Value or Interest, following consultation with the Hamilton Municipal Heritage Committee, as per the provisions of the Ontario Heritage Act and Recommendation (e) to Report PED13130, and that staff makes the appropriate amendments to the Register of Property of Cultural Heritage Value or Interest;

(b) That staff be directed to carry out a Cultural Heritage Assessment of 105 Erie Avenue (Hamilton) to determine whether the property is of cultural heritage value and worthy of designation under Part IV of the Ontario Heritage Act;

(c) That if 105 Erie Avenue (Hamilton) is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value and Description of Heritage Attributes be prepared by staff for Council’s consideration for designation under Part IV of the Ontario Heritage Act;

(d) That the Cultural Heritage Assessment work be assigned a low priority, and be added to staff’s workplan for completion in 2018, as per Appendix “G” to Report PED13130;
(e) That Report PED13130 be forwarded to the Hamilton Municipal Heritage Committee for information and consultation, prior to the Council-approved inclusion of 105 Erie Avenue (Hamilton) in the Register of Property of Cultural Heritage Value or Interest;

(f) That Report PED13130 be forwarded to the owner of 105 Erie Avenue (Hamilton) for information.

6. Application to Amend Town of Flamborough Zoning By-law No. 90-145-Z for the Property Located at 533 Millgrove Side Road (Flamborough) (PED13145) (Ward 15) (Item 5.7)

(a) That the Compliance Agreement, attached as Appendix “B” to Report PED13145, be deemed to satisfy Item 14, Recommendation (e) of the Planning Committee Report 12-018 from the meeting of November 20, 2012, which reads as follows:

“(e) That the approval be conditional on an agreed to timeline by the applicant or compliance agreement.”

(b) That the Mayor and Clerk be authorized and directed to execute the Compliance Agreement, attached as Appendix “B” to Report PED13145;

(c) That the draft By-law, attached as Appendix “C” to Report PED13145, for Zoning By-law Amendment Application ZAC-09-036, by Domson Investments Ltd., Owner, be enacted by City Council.


That Heritage Permit Application HP2013-034 be approved for the demolition of an existing garage and erection of a new garage, on the designated property at 6 Victoria Street (Cross-Melville Heritage Conservation District) (Dundas), subject to the following conditions:

(a) That the design and location for any light fixtures on the front elevation shall be submitted, to the satisfaction and approval of Planning staff, prior to installation;

(b) That detailed plans and elevations, including any minor changes following Heritage Permit approval, shall be submitted, to the satisfaction and approval of Planning staff, prior to submission as part of any application for a Building Permit;
(c) That construction and site alterations, in accordance with this approval, shall be completed no later than August 31, 2015. If the construction and site alterations are not completed by August 31, 2015, then this approval expires as of that date, and no alterations shall be undertaken without a new approval issued by the City of Hamilton.

8. **Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton) (PED13144) (Ward 3) (Item 6.2)**

That approval be given to Zoning By-law Amendment Application ZAR-12-057, by 2287135 Ontario Inc., Owner, for a change in zoning from the “D/S-172a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District and “D/S-437a” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District to the “D/S-1665” (Urban Protected Residential - One and Two Family Dwellings, Etc.) District, in order to permit the adaptive reuse of the existing warehouse building for a commercial wholesale food operation, with an accessory/ancillary office, on the lands located at 273 - 279 East Avenue North (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED13144, subject to the following conditions:

(a) That the draft By-law, attached as Appendix “B” to Report PED13144, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law, attached as Appendix “B” to Report PED13144, be added to Schedule “E12” of City of Hamilton Zoning By-law No. 6593;

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

9. **Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton) (PED13136) (Ward 12) (Item 6.3)**

That approval be given to Zoning By-law Amendment Application ZAR-13-006, by Scarlett Homes Ltd., Owner, for a change in Zoning from the Residential “R4-549” Zone, Modified, and the Residential “R4-555” Zone, Modified, to the Residential “H-R4-548” Zone, Modified, with a Special Exception, and a Holding Provision, to permit 3 single-detached dwellings, located at 331 Springbrook Avenue and on the front portion of lands located at 331 and 333 Springbrook
Avenue (Hamilton), as shown on Appendix “A” to Report PED13136, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED13136, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law be added to Map 1 Schedule “B” of Zoning By-law No. 87-57;

(c) That the proposed changes in zoning are consistent with the Provincial Policy Statement and conform to the Places to Grow Growth Plan, the Hamilton-Wentworth Official Plan, and the Town of Ancaster Official Plan.

10. Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas) (PED13135) (Ward 13) (Item 6.4)

(a) That approval be given to Zoning Application ZAR-12-054, by Shed Brewing Company Limited, (Applicant), for a change in zoning from the Central Area Commercial (C.A.C.) Zone to the Central Area Commercial – Holding (H - C.A.C./S-125) Zone, Modified, with a Special Exception, to permit a craft brewery within the existing building, on lands municipally known as 65 Hatt Street (Dundas), as shown on Appendix “A” to Report PED13135, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED13135, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Town of Dundas Official Plan.

(b) That Urban Hamilton Official Plan Amendment No. 3, to amend Schedule E-1 - Urban Land Use Designations, attached as Appendix “D” to Report PED13135, be received and held in abeyance until such time as the relevant sections of the Urban Hamilton Official Plan come into force and effect; and following such final decision, that Planning and Economic Development Department staff be directed and authorized to hold a Public Meeting, pursuant to the provisions of the Planning Act, to consider the proposed Urban Hamilton Official Plan Amendment, for lands located at 65 Hatt Street (Dundas).
11. **Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek)** (PED13131) (Ward 9) (Item 6.5)

That Report PED13131, Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), be received.

12. **Street Name Change from Fieldway Drive to Education Court, Hamilton** (PED13133) (Ward 7) (Item 6.7)

(a) That Fieldway Drive, in the former City of Hamilton, be renamed “Education Court” as identified on Appendix “A” to Report PED13133;

(b) That the draft By-law, attached as Appendix “G” to Report PED13133, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

13. **Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(b)) (City Wide)** (Item 8.1)

That the amending by-law changing the delegated authority in the Site Alteration By-law No. 03-126 from the Director of Building Services to the Senior Director of Growth Management effective January 1, 2014, which is attached as Appendix “A” to Report PED12184(b) and prepared in a form satisfactory to the City Solicitor, be passed.

14. **Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek)** (PED13096(a)) (Ward 9) *(Referred from June 18, 2013)* (Item 8.2)

That approval be given to Zoning Application ZAC-11-073, by Norman and Isabelle Vartanian, Owners, for a change in zoning to By-law No. 3692-92 from the Neighbourhood Development “ND” Zone to the Multiple Residential (Holding) “RM3-50(H)” Zone, with a Special Exception and Holding Provision, and to the Multiple Residential (Holding) “RM3-51(H)” Zone, with a Special Exception and Holding Provision, and by adding lands to Hamilton Zoning By-law No. 05-200 under the Conservation/Hazard Lands (P5, 452) Zone, with a Special Exception, as shown on Appendix “A” to Report PED13096(a), on the following basis:
(a) That the revised draft By-law, attached as Appendix “B” to Report PED13096(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the amending By-law be added to Schedule “A”, Map No. 11, of Zoning By-law No. 3692-92;

(c) That the draft By-law, attached as Appendix “C” to Report PED13096(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(d) That the amending By-law be added to Schedule “A”, Map Nos. 1354 and 1406, of Zoning By-law No. 05-200; and,

(e) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, the City of Stoney Creek Official Plan, and the Nash Neighbourhood Secondary Plan;

(f) That a warning clause regarding landfill proximity be included in the Bill of Sale.

15. The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Item 8.3)

(a) That staff be directed to establish a Design Review Panel, for a two year Pilot Program commencing on January 1, 2014, as set out in the Mandate, attached hereto as Revised Appendix “A”;

(b) That staff be directed to assess and report back to Planning Committee on the effectiveness of the Design Review Panel Pilot Program at the end of the two years.

(c) That Appendix “A”, Design Review Panel – Mandate, Section 6.3(d) be amended so that the words “in closed session” be added following the words “beginning their deliberations”, and that the words “on a consensus basis” be added after the words “advice with respect to the project”, to read as follows:

6.3(d) Following the proponent’s presentation, the DRP will have the opportunity to ask questions for clarification before beginning their deliberations in closed session and developing its advice with respect to the project on a consensus basis.

(d) That Appendix “A”, Design Review Panel – Mandate, Section 7.0 be amended so that all pertinent Ontario Legislation and Regulation is referenced, to read as follows:
7.0 Conflict of interest rules will apply to all Design Review Panel members, pursuant to the Municipal Conflict of Interest Act, R.S.O., 1190, Chapter M.50. (a copy of which will be provided to members upon their appointment) or any other pertinent legislation of governing bodies applying to professionals.

16. **Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton) (PED13147) (Ward 2) (Item 8.4)**

That the application for Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), be approved with no conditions, as recommended by the Hamilton Municipal Heritage Committee.

17. **Newalta Stoney Creek Landfill – Supporting Documents (Item 9.1)**

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents to support the proposals within seven days.

18. **Newalta Stoney Creek Landfill – Ministry of the Environment (Item 9.2)**

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

(a) That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights;
(b) That a copy of the request to the Minister of Environment be forwarded to local MPPs and the Environmental Commissioner.

19. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Other Appellants and Legal Direction – City Wide (LS13027) (Item 12.1)

(a) That Report LS13027 remain confidential, but that the appendices be made public in the event that a settlement is reached with the appellant;

(b) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13027 be approved as the basis of a settlement of part of the appeal of the Urban Official Plan by Paletta International Corporation as identified in Appendix "A";

(c) That staff be directed to advise the OMB that the City of Hamilton and Paletta International Corporation have settled part of Paletta International Corporation's appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to this report;

(d) That the amendments described in the recommendation contained in Appendix "B" be approved as: (1) the position of the City in the UHOP appeal proceedings; and (2) as the basis of a partial settlement of a portion of the appeals of the following appellants: 2000963 Ontario Inc., 2084696 Ontario Inc., 2188410 Ontario Inc., Mud and First Inc., Multi-Area Developments Inc., Paletta International Corporation, Artstone Holdings Limited and Corpveil Holdings Limited.

20. Applications for an Amendment to the Stoney Creek Official Plan and Changes in Zoning for Lands Located on the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek) (PED09220) (Ward 9) (Item 6.11)

(a) That approval be given to Amended Official Plan Amendment Application OPA-07-036(R), by Heritage Highlands Corporation, Owner, for Amendment No. to the Stoney Creek Official Plan, for changes in designation on “Schedule A - General Land Use Plan” from “Service Commercial”, “Open Space”, and “Residential” to “Shopping Centre”; and for changes in designation on Schedule A3 - West Mountain Planning District (Heritage Green) Secondary Plan” from “Service Commercial”, “Neighbourhood Park”, and “Medium-High Density Residential” to “Community Shopping Centre”, in order to permit a shopping centre with various retail uses, on the lands located at 512
Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED13131, be adopted by City Council;

(ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement, and conforms to the Hamilton-Wentworth Official Plan.

(b) That approval be given to Amended Zoning Amendment Application ZAC-07-112(R), by Heritage Highlands Corporation, Owner, for a change in zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre “SC2-7(H1)(H2)(H3)(H4)(H5)” (Holding) Zone, with a Special Exception and Holding Provisions, to permit the development of a shopping centre, for lands located at 512 Highland Road West (Stoney Creek), as shown on Appendix “A” to Report PED13131, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED13131, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law be added to Schedule “A”, Map No. 15, of Zoning By-law No. 3692-92;

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

(c) That upon finalization of the implementing By-laws, the subject lands be redesignated from “Commercial - Service Commercial”, “Parkland - Neighbourhood Park”, and “Medium - High Density Residential” to “Commercial - Community Shopping Centre”, in the Valley Park Neighbourhood Plan.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS
4.2 Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), for today’s meeting

4.3 Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9), on today’s agenda

2. PUBLIC HEARINGS AND DELEGATIONS

6.5 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9)

   (i) Correspondence from Nick DeFilippis

3. DISCUSSION ITEMS

8.3 The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Outstanding Business List Item)

   (i) Correspondence from Julie Greer

The Agenda for the August 13, 2013 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict of interest for item 11.1(b), as his family is involved with the taxi business.

(c) APPROVAL OF MINUTES (Item 3)

   (i) July 9, 2013

   The Minutes of the July 9, 2013 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS (Item 4)
Planning Committee

Report 13-012
Page 14 of 24

(i) Delegation Request from Paul Goulet and Steve Featherstone respecting an exemption to the Responsible Pet Ownership By-law (Item 4.1)

The Delegation Request from Paul Goulet and Steve Featherstone respecting an exemption to the Responsible Pet Ownership By-law, was approved for a future meeting.

(ii) Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), for today’s meeting (Item 4.2)

The Delegation Request from David Premi respecting item 8.3, The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide), was approved for today’s meeting.

(iii) Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9), on today’s agenda (Item 4.3)

The Delegation Request from Michael Rajk, Stephen Armstrong and/or Ed English respecting item 8.2, Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9), on today’s agenda, was withdrawn.

(e) CONSENT ITEMS (Item 5)

(i) Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5) (PED13128) (Item 5.3)

The recommendations contained in Report PED13128, Heritage Permit Application HP2013-026, Under Part V of the Ontario Heritage Act, for the Erection of a Structure at 890 Beach Boulevard (Hamilton) (Ward 5), were amended by adding a new sub-section (i), to read as follows:

(i) That vinyl be permitted on the exterior of the building.

For disposition on this Item, refer to item 3.
(ii) Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough) (PED13139) (Ward 14) (Item 5.6)

Report PED13139, Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application FL/B-13:05, Spruce Court Farms Inc. (Owner), 2505 Highway 5 West (Flamborough), was tabled to the September 4, 2013 meeting of the Planning Committee.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Delegation from Dean Carr respecting access to his private garage from Bull’s Lane (tabled from July 9, 2013) (Item 6.1)

Christina Crane, on behalf of Dean Carr, provided an overview of Bull’s Lane history with the aid of speaking notes. A copy of the speaking notes has been included as part of the public record.

The delegation request from Christina Crane, on behalf of Dean Carr, respecting access to a private garage from Bull’s Lane, was received.

This item was referred to Public Works committee on August 15, 2013.

The motion CARRIED on the following vote:

Yeas: R. Pasuta, J. Partridge, M. Pearson, B. Clark, B. Johnson, C. Collins
Total: 6
Nays: J. Farr, L. Ferguson
Total: 2
Absent: T. Whitehead
Total: 1

(ii) Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton) (PED13144) (Ward 3) (Item 6.2)

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

No public speakers came forward.

The public meeting, respecting Report PED13144 Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton), was closed.

The staff presentation, respecting Report PED13144 Application to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 273 - 279 East Avenue North (Hamilton), was waived.

For disposition on this Item, refer to item 8.

(iii) Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton) (PED13136) (Ward 12) (Item 6.3)

In accordance with the provision of the Planning Act, Chair J. Farr advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the zoning by-law 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.

No public speakers came forward.

The public meeting, respecting Report PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was closed.

Timothy Lee, Planner, provided an overview of Report PED13136, with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The staff presentation respecting Report PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was received.

Glen Wellings, agent, expressed his client’s intent for the property.

The agent’s presentation respecting Report PED13136, Application for an Amendment to the Town of Ancaster Zoning By-law No. 87-57 for Lands Located at 331 and 333 Springbrook Avenue (Hamilton), was received.

Council – August 13, 2013
For disposition on this Item, refer to item 9.

(iv) Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas) (PED13135) (Ward 13) (Item 6.4)

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

No public speakers came forward.

The public meeting, respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was closed.

Heather Travis, Senior Planner, provided an overview of Report PED13135, with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The staff presentation respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was received.

James Webb, agent on behalf of the proponent, and the proponent, expressed the intent for the property.

The agent and proponent’s presentation respecting Report PED13135 Application for a Change in Zoning for Lands Located at 65 Hatt Street (Dundas), was received.

For disposition on this Item, refer to item 10.

(v) Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek) (PED13131) (Ward 9) (Item 6.5)

(i) Correspondence from Nick DeFilippis

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

No public speakers came forward.

The public meeting, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was closed.

The staff presentation, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was waived.

The correspondence, respecting Report PED13131 Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 512 Highland Road West (Stoney Creek), was received.

For disposition on this Item, refer to item 11.

(vi) Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton) (PED13119) (Ward 3) (Item 6.6)

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

No public speakers came forward.

The public meeting, respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was closed.

The staff presentation, respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was waived.
Ed Fothergill, agent on behalf of the proponent, spoke to the application and indicated that the capacity and number of occupants would not increase.

The agent’s presentation respecting Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was received.

Report PED13119 Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for Lands Located at 22 - 24 Emerald Street South (Hamilton), was tabled for a future meeting to allow for the Ward Councillor to conduct public meetings.

(vii) Street Name Change from Fieldway Drive to Education Court, Hamilton (PED13133) (Ward 7) (Item 6.7)

The public meeting, respecting Report PED13133 Street Name Change from Fieldway Drive to Education Court, Hamilton, was closed.

The staff presentation, respecting Report PED13133 Street Name Change from Fieldway Drive to Education Court, Hamilton, was waived.

For disposition on this Item, refer to item 12.

(g) DISCUSSION ITEMS (Item 8)

(i) Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek) (PED13096(a)) (Ward 9) (Referred from June 18, 2013) (Item 8.2)

The recommendations contained in Report PED13096(a), Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (Stoney Creek), were amended by adding a new sub-section (f), to read as follows:

(f) That a warning clause regarding landfill proximity be included in the Bill of Sale.

For disposition on this Item, refer to item 14.

(ii) The Feasibility and Merit in Establishing a Design Review Panel (PED13137) (City Wide) (Item 8.3)

(i) Correspondence from Julie Greer
David Premi expressed his support for the report with the aid of a PowerPoint presentation. A copy of the presentation has been included as part of the public record.

The delegation from David Premi respecting Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, was received.

The correspondence from Julie Greer, respecting Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, was received.

That staff seek the Design Review Panel’s advice on the pilot program’s scope;

The recommendations contained in Report PED13137, The Feasibility and Merit in Establishing a Design Review Panel, were amended by adding new sub-sections (d), (e) and (f), to read as follows:

(d) That staff seek the Design Review Panel’s advice on the pilot program’s scope;

(e) That Appendix “A”, Design Review Panel – Mandate, Section 6.3(d) be amended so that the words “in closed session” be added following the words “beginning their deliberations”, and that the words “on a consensus basis” be added after the words “advice with respect to the project”, to read as follows:

6.3(d) Following the proponent’s presentation, the DRP will have the opportunity to ask questions for clarification before beginning their deliberations in closed session and developing its advice with respect to the project on a consensus basis.

(f) That Appendix “A”, Design Review Panel – Mandate, Section 7.0 be amended so that all pertinent Ontario Legislation and Regulation is referenced, to read as follows:

7.0 Conflict of interest rules will apply to all Design Review Panel members, pursuant to the Municipal Conflict of Interest Act, R.S.O., 1190, Chapter M.50. (a copy of which will be provided to members upon their appointment) or any other pertinent legislation of respective professional governing body.

For disposition on this Item, refer to item 15.
(iii) **Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton) (PED13147) (Ward 2) (Item 8.4)**

The recommendations contained in Report PED13147, Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), were amended by deleting the current recommendations and replacing them with the following recommendations, to read as follows:

That the application for Heritage Permit Application HP2013-035, Under Part IV of the Ontario Heritage Act, for the Installation of Planters in the Forecourt of 71 Main Street West (Hamilton City Hall) (Hamilton), be approved with no conditions, as recommended by the Hamilton Municipal Heritage Committee.

The amendment CARRIED on the following vote:

**Yea**s:  L. Ferguson, R. Pasuta, J. Partridge, M. Pearson, B. Johnson, J. Farr

Yea **Total**: 6

**Nay**s:  C. Collins, B. Clark

Nay **Total**: 2

**Absent**:  T. Whitehead

Absent **Total**: 1

For disposition on this Item, refer to item 16.

(h) **MOTIONS (Item 9)**

(i) **Newalta Stoney Creek Landfill – Supporting Documents (Item 9.1)**

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents support the proposals within seven days.

For disposition on this Item, refer to item 17.
(ii) Newalta Stoney Creek Landfill – Ministry of the Environment (Item 9.2)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights. Further that a copy of this request be forwarded to local MPPs and the Environmental Commissioner.

For disposition on this Item, refer to item 18.

(i) NOTICES OF MOTION (Item 10)

Councillor Clark introduced the following Notice of Motion:

(i) Newalta Stoney Creek Landfill – Supporting Documents (Item 10.1)

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the proponent indicated that they have supporting documents for the undertaking

Be it resolved:

That the city solicitor write the proponent requesting all documents support the proposals within seven days.

The rules were waived in order to allow for a Motion respecting Newalta Stoney Creek Landfill – Supporting Documents.
Councillor Clark introduced the following Notice of Motion:

(ii) **Newalta Stoney Creek Landfill – Ministry of the Environment (Item 10.2)**

Whereas Newalta Stoney Creek Landfill informed the City of its intent to increase the height of the landfill

Whereas the local Ministry of Environment has indicated that this proposed amendment is technical in nature

Whereas there is no monitor of the public consultation

Be it resolved:

That the City write to the Minister of Environment to request that the undertaking be required to file with the environmental bill of rights. Further that a copy of this request be forwarded to local MPPs and the Environmental Commissioner.

The rules were waived in order to allow for a Motion respecting Newalta Stoney Creek Landfill – Ministry of the Environment.

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

(i) **Outstanding Business List Amendments (Item 11.1)**

The following Outstanding Business List due dates were revised:

(a) Item P: Hamilton Municipal Heritage Committee Report 12-006 (Proactive Heritage Building Protection Strategy)
    Current Due Date: May 12, 2013
    Proposed New Due Date: December 3, 2013

(b) Item S: Vehicle Inspection Manual for Taxis (PD05141(c))
    Current Due Date: August 13, 2013
    Proposed New Due Date: 2014

The following items were removed from the Outstanding Business List:

(a) Item U: (A) Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law No. 05-115 and Further Amended by By-law No. 11-262 (PED12184(a))
(b) Item GG: Application for Amendments to Zoning By-law No. 3692-92 and Zoning By-law No. 05-200 for Lands Located at 601 Upper Centennial Parkway - Nash Neighbourhood (PED13096)

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

The General Manager provided updates of current events and initiatives within the department.

(k) PRIVATE AND CONFIDENTIAL (Item 12)

At 2:05 p.m., Committee moved into Closed Session to consider item 12.1 which is subject to Section 239.2 (e) and (f) of the Municipal Act and Section 8.1(e) and (f) of the Procedural Bylaw as the subject matter of this item pertains to:

• litigation or potential litigation, including matters before administrative tribunals affecting the City, and
• the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

The Planning Committee reconvened in Open Session at 2:20 p.m.

(i) Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Other Appellants and Legal Direction – City Wide (LS13027) (Item 12.1)

For disposition on this Item, refer to item 19.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 2:23 p.m.

Respectfully submitted,

Councillor J. Farr
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk

Council – August 13, 2013
THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 13-008
AND RESPECTFULLY RECOMMENDS:

1. Treasurer’s Apportionment of Land Taxes (FCS13001(d)) (Ward 14) (Item 5.2)
   (a) That the 2013 land taxes in the amount of $6,257 for 401 Lynden Road, Ancaster (Roll #2518 140 210 28000 0000) be apportioned and split amongst the two newly created parcels, as set out in Appendix “A” to Report 13-008.

   (b) That the 2013 land taxes in the amount of $3,399 for 117 Rockcliffe Road, Flamborough (Roll #2518 303 330 31800 0000) be apportioned and split amongst the two newly created parcels, as set out in Appendix “A” to Report 13-008.

2. Freedom of Information Quarterly Report (April 1 to June 30, 2013) (CL13001(a)) (City Wide) (Item 5.3)
   That Report CL13001(a), respecting the Freedom of Information Quarterly Report (April 1 to June 30, 2013), be received.
3. Tax Appeals Under Sections 357 and 358 of the Municipal Act, 2001 (FCS13027(c) (City Wide) (Item 5.4)

   (a) That Appendix “B” attached to Report 13-008, respecting the “Tax Appeals processed under Section 357 of the Municipal Act, 2001”, in the amount of $491,541, be approved;

   (b) That Appendix “C” attached to Report 13-008, respecting the “Tax Appeals due to a Gross or Manifest Clerical Error, Pursuant to Section 358 of the Municipal Act, 2001”, in the amount of $13,711, be approved.

4. Citizen Committee for Wireless Mesh Network (FCS13049) (City Wide) (item 5.5)

   That Report FCS13049, respecting a Citizen Committee for Wireless Mesh Network, be received.

5. Monthly Status Report of Tenders and Requests for Proposals for June 1, 2013 to July 5, 2013 (FCS13016(e)) (City Wide) (Item 5.6)

   That Report FCS13016(e), respecting the Monthly Status Report of Tenders and Requests for Proposals for June 1, 2013 to July 5, 2013, be received.

6. Negotiation of Agreement with Manulife Financial, Insurance Provider for City of Hamilton (HUR13010) (City Wide) (Item 8.1)

   That the Executive Director of Human Resources and the General Manager of Finance and Corporate Services, or their designates, be authorized to negotiate a 3 year agreement with Manulife Financial (in a form satisfactory to the City Solicitor) for the provision of Extended Health and Dental Insurance, Group Life Insurance, and Long-Term Disability (LTD) Services, effective September 1, 2014, with the provision of cancellation on thirty-one days’ notice.

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA (Item 1)

   The Committee Clerk advised of the following changes to the agenda:
(i) Added as Item 4.1 – Delegation Request from Kim and Kevin Wong, respecting Hamilton Hydro Fixed Fees for 409 and 411 King Street East, Hamilton, ON

(ii) 11.1 Amendments to the Outstanding Business List:

(a) Change to the following due date:

(i) Item “L” – Debt Policy for the City of Hamilton
Current Due Date: September 9, 2013
Proposed New Due Date: October 8, 2013

The agenda for the August 14, 2013 Audit, Finance & Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

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

(i) July 10, 2013 (Item 3.1)

The Minutes of the July 10, 2013 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

4.1 Kim and Kevin Wong, respecting Hamilton Hydro Fixed Fees for 409 and 411 King Street East, Hamilton, ON

The delegation request, submitted by Kim and Kevin Wong, respecting Hamilton Hydro Fixed Fees for 409 and 411 King Street East, Hamilton, ON, was approved.

(e) Minutes of Various Advisory Committees (Items 5.1(a) to 5.1(j))

That the following Advisory Committee Minutes were received:

(i) Immigrant & Refugee Advisory Committee, March 14, 2013 (Item 5.1(a))
(ii) Aboriginal Advisory Committee, April 4, 2013 (Item 5.1(b))

(iii) Hamilton Mundialization Committee, April 17, 2013 (Item 5.1(c))

(iv) LGBTQ Advisory Committee, April 18, 2013 (Item 5.1(d))

(v) Committee Against Racism, April 23, 2013 (Item 5.1(e))

(vi) Status of Women Committee, April 25, 2013 (Item 5.1(f))

(vii) Immigrant & Refugee Advisory Committee, May 9, 2013 (Item 5.1(g))

(viii) Aboriginal Advisory Committee, May 9, 2013 (Item 5.1(h))

(ix) Hamilton Mundialization Committee, May 15, 2013 (Item 5.1(i))

(x) Committee Against Racism, May 28, 2013 (Item 5.1(j))

(f) DELEGATIONS (Item 6)

(i) Frank Sondola, respecting an Appeal for a Flat Rate Water Assessment for 118 Steven Street, Hamilton, ON (Item 6.1)

Mr. Sondola was not in attendance when called. Therefore, the Chair deferred the matter to the end of the agenda, in case Mr. Sondola arrived later in the meeting.

Mr. Sondola was not in attendance at the meeting. Mr. Sondola was advised (on July 10th) that should he not be in attendance at the August 14th AF&A meeting, his request will have to be resubmitted, should he still wish to appear before Committee.

(ii) Larry Pomerantz respecting the Handling of a Freedom of Information Request (Item 6.2)

Mr. Pomerantz addressed Committee, respecting the Handling of his Freedom of Information Request. Mr. Pomerantz’s comments included, but were not limited to, the following:

○ Mr. Pomerantz provided a handout (Action Request Form), dated June 4, 2008 and enquired as to the accuracy of its contents.
Mr. Pomerantz provided an outline of his experience respecting an FOI request; confirming that the matter is currently before Ontario's Information and Privacy Commissioner (IPC).

The presentation by Larry Pomerantz, respecting the Handling of a Freedom of Information Request, was received.

(g) MOTIONS (Item 9)

(i) Retention of Live Streamed Recordings (Item 9.1)

That staff be directed to review the feasibility of amending the City of Hamilton Retention Periods for Records By-law 11-040 to include the permanent retention of all Council and Standing Committee live-streamed recordings and report to the Audit, Finance & Administration Committee.

(ii) Timelines for the Retention of E-mails (Item 9.2)

That staff be directed to report to the Audit, Finance & Administration regarding the feasibility and criteria for the retention of e-mails related to City business.

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

(i) Amendments to the Outstanding Business List (Item 11.1)

(a) The following Item was considered complete and removed from the Audit, Finance & Administration Committee’s Outstanding Business List:

(i) Feasibility of a Citizen Committee to Build a Mesh (Wireless) Network (Item 5.5 on this agenda.)

(b) The following proposed new due date was approved:

(i) Item “L” – Debt Policy for the City of Hamilton

Current Due Date: September 9, 2013
Proposed New Due Date: October 8, 2013
(i) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance & Administration Committee, adjourned at 10:06 a.m.

Respectfully submitted,

Councillor M. Pearson, Chair
Audit, Finance & Administration Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 13-009 AND RESPECTFULLY RECOMMENDS:

1. Binbrook Urban Area Transit Service (PW13058) (Ward 11) (Item 8.1)

   That the General Manager of Public Works be authorized and directed to implement Binbrook HSR TransCab service, effective September 2013, on a one (1) year trial basis, to be funded from the tax stabilization reserve at an upset limit of $225,000.

2. HSR On-Street Routing Modifications (PW13057) (Wards 2, 3, 4 and 8) (Item 8.2)

   (a) That the General Manager of Public Works be authorized and directed to permanently modify the on-street routing for HSR Route #33 Sanatorium, effective December 29, 2013, such that all bus trips will operate on Chedmac Drive and Redfern Avenue, in both directions, and that the routing on Sanatorium Road, between Rice Avenue and Redfern Avenue, and through the Chedoke Twin-Pad Arena roadway, be discontinued;

   (b) That the General Manager of Public Works be authorized and directed to permanently modify the on-street routing for HSR Route #35 College, effective December 29, 2013, such that all bus trips will operate on West
5th Street, in both directions, between Chester Avenue and Stone Church Road, and that the routing on Chester Avenue and Chesley Street be discontinued; and,

(c) That the General Manager of Public Works be authorized and directed to permanently modify the on-street routing for HSR Route #5E/52 Delaware/Dundas, effective December 29, 2013, such that all bus trips will operate Westbound on Justine / Lawrence / Gage / Maplewood / Delaware / Stinson / Hunter / John and Eastbound on Wellington / Stinson / Delaware / Maplewood / Gage / Lawrence / Justine, between Province Street and John Street, and that the routing on Ottawa Street South, King (between Ottawa and John) and Main (between Wellington and Ottawa) be discontinued.

3. **Policy 11 Single Source Provider for Project Management Advisory Services for the Pan Am Stadium (PW13059) (City Wide) (Item 8.3)**

   That the General Manager of Public Works be authorized and directed to retain MHPM Project Managers Inc. (MHPM), as a Procurement Policy #11 - Single Source Provider, to undertake project management advisory services for the design development and construction phase of the new Pan Am Stadium; at a cost not to exceed $302,000 for the duration of the project, which ends in July 2014, and to be funded from the Pan Am Games Operating Dept. ID: 560325.

4. **Single Source Supply of Coagulant Chemical Products for the Woodward Water Treatment Plant (PW13054) (City Wide) (Item 8.4)**

   That the General Manager of Public Works be authorized to purchase coagulant chemical products from Kemira Water Solutions Canada Inc. as a single source purchase on an interim basis until such time as the proposed new competitive procurement process has been concluded.

5. **Wastewater Abatement Program Changes and Sanitary Surcharge and Wastewater Abatement Bylaw No. 03-272 Amendments (PW13006(a)) (City Wide) (Item 8.5)**

   (a) That the technical and housekeeping changes to the Sanitary Surcharge and Wastewater Abatement Program, detailed in Report PW13006(a), be approved;

   (b) That the By-law to amend The Sanitary Surcharge and Wastewater Abatement By-law, in substantially the form attached as Appendix “A” to Report PW13006(a), and satisfactory to the City Solicitor, be enacted; and,
(c) That the Director of Hamilton Water and the General Manager of Finance and Corporate Services be authorized and directed to continue receiving new applications for an Abatement under the Sanitary Surcharge and Wastewater Abatement By-law.


(a) That the City of Hamilton support Environmental Bill of Rights Registry Numbers 011-9260 - Waste Reduction Act and 011-9262 - Waste Reduction Strategy; representing the legislation and implementation plan that will increase waste reduction and diversion, subject to consideration of the following:

(i) Establishing individual producer responsibility making individual producers responsible for the end of life management of the products and packaging they put into the Ontario marketplace;

(ii) Setting enforceable standards for producers to meet;

(iii) Rejuvenating the need for the Industrial, Commercial and Institutional sector to divert more of the waste they generate;

(iv) Ensuring that there are no eco-fees applied to products at retail, and that the cost of reduction, diversion and recycling are included in the price of a product or its packaging;

(v) Transforming Waste Diversion Ontario to the Waste Reduction Authority, with a stronger mandate of oversight and compliance to ensure outcomes are met;

(vi) Ensuring municipalities continue to play a strong role in waste diversion;

(vii) Ensuring the residents of Ontario will continue to enjoy current levels of service for waste diversion programs; and,

(viii) The future disposition of municipal waste infrastructure, as potentially stranded assets, be addressed through appropriate legislation and/or regulation.

7. **Waiver of Costs for Use of City Bleachers for Community Event, Westdale High School (Ward 1) (Item 9.1)**

That two portable bleachers be installed for the October 10, 2013 Homecoming event, to be funded in the amount of $1,959.44 from the unallocated Capital Reserve #108020.

8. **Design Changes Mud Street and Pritchard Street Intersection (Ward 6) (Item 9.2)**

(a) That design and construction of a designated right turn lane and associated traffic island to separate turning and through traffic be approved on Mud Street eastbound, west of Pritchard Road, to be funded up to a maximum of $200,000 from Ward 6 area derived funding;

(i) That staff be directed to consult with the Ward Councillor at the conclusion of the design phase and prior to beginning construction on the intersection;

(ii) That upon completion of the new intersection design and construction a stop control be placed upon through traffic on Mud Street eastbound at the intersection of Pritchard Road; and,

(iii) That the appropriate amending By-law be passed.

9. **Installation of a Stop Control at the intersection of Seabreeze Crescent and Watercrest Drive/Glover Access Road (Ward 11) (Item 9.3)**

(a) That North/South Stop Controls be placed on Watercrest Drive/Glover Access Road at the intersection of Seabreeze Crescent;

(b) That the appropriate amending By-law be passed.

10. **Waiver of Costs for Use of City Bleachers for Community Event, the Hamilton Spectator Cup Soccer (Hamilton and District Soccer Association) (Ward 7) (Item 9.4)**

That two portable bleachers be installed at Sackville Hill Park, for the August 18, 2013 Hamilton Spectator Cup event, to be funded in the amount of $1,959.44 from the unallocated Capital Reserve #108020.
11. Two Way Conversion of Queen Street North between Stuart Street and Barton Street West (Item 9.5)

   (a) That Queen Street North between Stuart Street and Barton Street West be converted to two way traffic; and,

   (b) That the appropriate amending By-law to City of Hamilton Traffic By-law 01-215 be passed.

12. Speed Limit Change on Glover Road from Dickenson Road East (Item 9.6)

   (a) That the existing 60 km/h speed limit on Glover Road from Dickenson Road East to a point approximately 650 meters northerly be reduced to 50 km/h; and,

   (b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed.

13. Items to be Referred to the General Issues Committee (Item 11.1(b))

   That the following items be referred to the General Issues Committee:

   (i) The issue of the Pedestrian Mobility Plan
       Due Date – November 20, 2013

   (ii) Item “A” - Installation Policy for Intersection and Mid-Block Pedestrian Signals
        Current Due Date – August 15, 2013
          Revised Due Date – November 20, 2013

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

(i) Added as Item 6.1 – Delegation from Christina Crane respecting access to their Private Garage from Bull’s Lane (Referred by Planning Committee on August 13, 2013.)

(ii) Added as Item 10.1 – Notice of Motion respecting the Waiver of Costs for Use of City Bleachers for Community Event, the Hamilton Spectator Cup Soccer (Hamilton and District Soccer Association) (Ward 7)
(iii) Added as Item 10.2 – Notice of Motion respecting Two Way Conversion of Queen Street North between Stuart Street and Barton Street West

(iv) Added as Item 10.3 – Notice of Motion respecting a Speed Limit Change on Glover Road from Dickenson Road East

(v) Added as Item 11.2 – An update respecting the Time Line for the Beckett Drive Design and Construction

The August 15, 2013 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) June 17, 2013 (Item 3.1)

The Minutes of the June 17, 2013 Public Works Committee meeting were approved, as presented.

(d) CONSENT ITEMS (Item 5)

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

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

(a) Glanbrook Landfill Coordinating Committee

   (i) February 25, 2013
   (ii) May 27, 2013

(b) Hamilton Cycling Committee

   (i) August 1, 2012
   (ii) September 5, 2012
   (iii) October 3, 2012
   (iv) November 7, 2012
   (v) December 5, 2012
   (vi) January 9, 2013
(vii) February 6, 2013
(viii) March 6, 2013
(ix) April 3, 2013
(x) May 1, 2013

c) Clean City Liaison Committee - June 18, 2013

e) DELEGATIONS (Item 6)

(i) Christina Crane, respecting access to Private Garage from Bull’s Lane (Referred by Planning Committee on August 13, 2013.) (Item 6.1)

Ms. Crane addressed Committee and provided the following comments, which included, but were not limited to, the following:

- Requesting access to Bull’s Lane for residents of Searle Street that back on to the City owned property.

- There are eight (8) homes on the west side of Searle Street and six (6) have signed a petition to be granted access to their properties on Bull’s Lane. The two other properties have front or side access garages that they can already use with ease, so they would not have any benefit to accessing Bull’s Lane.

- At this time, we are the only home that is planning to renovate our garage. The other families that have signed the petition do not appear interested in renovating as we are at this time, but would like to have the option to do so in the future.

- Our reason for wanting to access our garage from Bull’s Lane is to safely store our antique cars without risk of damage. It is almost impossible to park our vehicles through the Searle Street entrance without damaging them. We had to cut out our back step in order to get one of the vehicles into the garage this summer. Without access to Bull’s Lane, our garage is basically useless to us and we are left paying storage fees when we could have cars at our home.

- Our intention is not to park in the lane or to increase traffic flow. We have no intention of impeding traffic in any way. Our everyday vehicles are parked on Searle Street. Accessing Bull’s Lane would not be an everyday occurrence.

- We have no intention of altering the existing landscape backing onto our property.
o We cannot access the garages in the back of our homes like other streets can, which makes it frustrating when you own a garage backing onto a public lane that we are not allowed to access.

o We have learned that:

  o In 1969, the City acquired the property in front of the church (now known as the Native Women’s Centre) and the 40’ strip of land to Bull’s Lane.

  o On February 8, 1972, Council directed the City’s Legal Department to prepare right-of-way agreements for property owners on Bull’s Lane, only granting them access over the 40’ strip of land.

  o On May 26, 1987, the Planning and Development Committee asked to reconfirm the Right-of-Way Agreement with the residents of Bull’s Lane; and, that no additional rights-of-way over these lands be granted to the owners of properties on Searle Street.

  o Bull’s Lane is open and serviced by garbage trucks, mail delivery, tree trimming and snow plows.

The presentation by Christina Crane, respecting access to their Private Garage from Bull’s Lane, was received.

Staff was directed to provide a full report to the Public Works Committee, respecting the history of the access to Bull’s Lane that is to include a copy of the original agreement provided to the Bull’s Lane residents; the reasoning behind that agreement; and, the reasoning behind not allowing the residents of Searle Street access to Bull’s Lane.

(f) Binbrook Urban Area Transit Service (PW13058) (Ward 11) (Item 8.1)

Staff was directed to monitor and evaluate TransCab ridership and report to the Public Works Committee in October 2014, with a transit service recommendation for incorporation into the 2015 Transit Operating Budget.

(g) PRESENTATIONS (Item 7)

(i) Strategic Planning, Capital & Compliance (Item 7.1)

Marnie Cluckie, Manager of Strategic Planning, Capital & Compliance, provided the presentation respecting Strategic Planning, Capital and
Compliance. The presentation included, but was not limited to, the following:

- Facilities Overview
- Strategic Planning, Capital & Compliance (SPCC)
  - Project Management Office Background & Overview
- SPCC Structure
- What the Strategic Planning Team Does
- The SPCC Team
- Capital Projects Overview
- Project Samples

The presentation, respecting Strategic Planning, Capital & Compliance, was received.

A full copy of the presentation is available online at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

(h) **Waiver of Costs for Use of City Bleachers for Community Event, Westdale High School (Ward 1) (Item 9.1)**

Councillor McHattie introduced the following motion:

WHEREAS, the Westdale Athletic Committee is planning a Homecoming event for Thanksgiving weekend to build support for enhancing their sports fields and facilities;

AND WHEREAS, the Westdale community and the City of Hamilton greatly benefit from the use of the Westdale High School athletic facilities;

THEREFORE BE IT RESOLVED:

That two portable bleachers be installed for the October 10, 2013 Homecoming event, to be funded in the amount of $1,959.44 from the unallocated Capital Reserve #108020.

For disposition of this matter, please refer to Item 7 above.

(i) **Two Way Conversion of Queen Street North between Stuart Street and Barton Street West (Item 9.5)**

Staff was directed to review the effectiveness of the two way traffic conversion on Queen Street North between Stuart Street and Barton Street West after a one year period and report to the Public Works Committee.
(j) Waiver of Costs for Use of City Bleachers for Community Event, the Hamilton Spectator Cup Soccer (Hamilton and District Soccer Association) (Ward 7) (Item 10.1)

Councillor Duvall introduced the following Notice of Motion:

WHEREAS, The Hamilton Spectator Cup has been relocated for 2013 from the Brian Timmis Stadium to Sackville Hill Park;

AND WHEREAS, this venue change will limit the available seating for the August 18, 2013 event;

THEREFORE BE IT RESOLVED:

That two portable bleachers be installed at Sackville Hill Park for the August 18, 2013 Hamilton Spectator Cup event to be funded, in the amount of $1,959.44, from the unallocated Capital Reserve #108020.

The Rules of Order were waived to allow for the introduction of a motion respecting the Waiver of Costs for Use of City Bleachers for the Hamilton Spectator Cup Soccer event.

For disposition of this matter, please refer to Item 10 above.

(k) Two Way Conversion of Queen Street North between Stuart Street and Barton Street West (Item 10.2)

Councillor McHattie introduced the following Notice of Motion:

WHEREAS, Queen Street operates as a one way southbound from Stuart Street to Herkimer Avenue;

AND WHEREAS, the current manufacturing business located on the west side of Queen Street North between Stuart Street and Barton Street West has requested that the operation of traffic flow in this short section of Queen Street North be changed to two way;

AND WHEREAS, Traffic Engineering staff have reviewed this request and have advised that Queen Street North between Stuart Street and Barton Street West can be converted to a two way traffic operation with minimal costs covered within the 2013 Traffic Operations and Engineering Operating Account;

AND WHEREAS, the current business owner has been advised and has agreed that heavy vehicles accessing their site will continue to do so by utilizing existing truck route system;
AND WHEREAS, the section of Queen Street between Barton Street West and Herkimer Street is the subject of a different review and will remain as one way operation until such time that the review is completed;

THEREFORE BE IT RESOLVED:

(a) That Queen Street North between Stuart Street and Barton Street West be converted to two way traffic; and,

(b) That the appropriate amending By-law to City of Hamilton Traffic By-law 01-215 be passed.

The Rules of Order were waived to allow for the introduction of a motion respecting Two Way Conversion of Queen Street North between Stuart Street and Barton Street West.

For disposition of this matter, please refer to Item 11 above.

(l) Speed Limit Change on Glover Road from Dickenson Road East (Item 10.3)

Councillor Jackson introduced the following Notice of Motion:

(a) That the existing 60 km/h speed limit on Glover Road from Dickenson Road East to a point approximately 650 meters northerly be reduced to 50 km/h; and,

(b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed.

The Rules of Order were waived to allow for the introduction of a motion respecting a Speed Limit Change on Glover Road from Dickenson Road East.

For disposition of this matter, please refer to Item 12 above.

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

(i) Outstanding Business List (Item 11.1)

The following proposed new due date was approved:

1. Item N - Increased Street sweeping in industrial and surrounding residential areas
   Current Date – August 15, 2013
   Revised Date – September 3, 2013
(ii) An update respecting the Time Line for the Beckett Drive (Queen Street Hill) Design and Construction (Item 11.2)

Gary Moore, Director of Engineering Services, addressed Committee and provided a verbal update, respecting the time line for the Beckett Drive (Queen Street Hill) design and construction (to present day). Mr. Moore’s presentation included, but was not limited to, the following:

**2012:**

- **September 12**th - Project scope given to Design PM.
- **September 19**th - First meeting with consultant to review the proposed functional design status and have them go forward with the final design.
- **October 3**rd - Species at Risk (SAR) Screening Proposal received from consultant and given the go ahead.
- **October 4**th - GEO request received from consultant.
- **November 17**th - GEO works completed onsite.
- **November 21**st - SAR not yet finalized but signs of butternut tree are known, thought to be potential hybrids (at that time).
- **December 11**th - City Contacts the Niagara Escarpment Commission (NEC) to advised them of the project and establish any requirements/submissions the NEC requires to move forward.
- **December 13**th - NEC provides information into what should be sent to them for review and comments.
- **December 17**th - SAR submitted by the City to the Ministry of Natural Resources (MNR) for review/comments.

**2013:**

- **January 4**th - MNR advises the City that the SAR report is clear of all species except the Butternut trees and advises that the City retain a consultant to move forward with further study of the possible Butternut trees.
- **January 10**th - It was determined that another consultant would needed to be used for the Butternut assessments.
- **February 21**st - Dougan and Associates brought on to job to complete tree inventory and help with Butternut Trees location/assessment.
- **March 1**st - City Survey Dept. has been out completing the Tree inventory survey and state that they have completed 800 trees today with approximately 1,200 more to go.
- **March 5**th - DOUGAN met with City and City Survey Crew on site.
March 25th DNA testing to be completed for True/Hybrid Butternut.

March 28th NEC advises the City that Beckett project is exempt and does not require NEC approvals.

April 24th Hamilton Conservation Authority confirms that they have no jurisdiction over Beckett Dr. and no longer require any further input into the project.

April 29th Contract out to tender.

April 30th DOUGAN has issues with correlating their hand held GPS data to our surveyed data. Creates delay in coordinating works for submission to the MNR.

May 13th Tender Closes – A1 Asphalt the Lowest Bid Contractor.

May 5th MNR contacted regarding Butternut location.

May 13th Nesting Bird Review requested from DOUGAN.

May 27th Pre Construction Meeting.

May 27th DNA testing returned from the MNR and it is determined that all trees sampled are true Butternut tree. MNR advises that a Butternut Health assessment be undertaken of all the trees to determine their value and if they should be retained and protected.

May 30th Trees are mapped with a 25m radius, which contractor cannot work including station and drawings. MNR approval is needed to work in the 25 m. City awaiting MNR on how to proceed. Contractor able to work in limited locations.

May 31st DOUGAN Nesting Bird survey indicates that there are no nesting birds currently present on site, no impact to construction.

June 3rd Construction Start Date.

June 10th Butternut Health Assessment sent to MNR by City for review and comments.

June 14th Problems with the proposed wall design and depth of existing steel bin walls not matching was identified.

June 18th MNR Senior Arborist meets on site to discuss the Butternut trees. 7 trees are on site are deemed to be retainable and must be protected or planted. City cannot work within the 25 m radius.

June 26th MRN expressed its concern for an individual tree at station 6+15 (Tree #907), which is found to be showing resistance to the Butternut Canker and is classified as “Archival”.

Council – August 16, 2013
June 26th  Stabilization Analyses completed for portion of the RSS Wall and determined an extension is required section of RSS Wall.

June 27th  MNR advises City that all Butternut Trees can be dealt with under a Butternut Planting Plan which can include tree (#907) if construction practices will not kill the tree with its close proximity. Planting Plan must be submitted before July 1, when OReg’s change and the process would have to start over.

June 28th  Butternut Planting Plan submitted and approved by MNR District Manager. Methods of completing the works around the tree are being finalized and to be conveyed to MNR for approval to ensure the safety of Tree# 907.

July 2nd  MNR approved tree planting and 25m radius lifted from 7 trees. City must show that the design will not damage tree 907.

July 17th  Bore holes are completed to determine option for structural design to avoid damage to tree roots at tree #907. No tree roots are found under the road base or the area for the proposed structure.

July 19th  Summation of Proposal of work around tree 907 submitted to MNR with layout showing no tree roots in the proposed area.

July 24th  Site held meeting to discuss changes to wall design and additional work requiring caisson design. Discussion of Completion date change to mid-October.

July 26th  Meeting with City Staff to discuss the Change in Completion date of the Contract to October 18th.

July 31st  MNR gives approval to construct the proposed wall given that they will not affect the tree. City is clear to move forward with construction in front of Tree #907, as outlined in the email to the MNR.

The presentation, respecting the time line for the Beckett Drive (Queen Street Hill) Design and Construction was received.
(n) ADJOURNMENT (Item 13)

There being no further business, the Public Works Committee adjourned at 11:07 a.m.

Respectfully submitted,

Councillor L. Ferguson, Chair
Public Works Committee

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk