Mayor Bratina called the meeting to order and called upon Dr. Lane Fusilier, Senior Pastor of the Philpott Memorial Church.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

**ADDED COMMUNICATIONS**

5.4 Correspondence from Lois Morin, Administrator, Hamilton Police Services Board, respecting the Board’s request, approved at its meeting held July 21st, 2014, for the City’s Internal Auditor to conduct an Audit Review.

Recommendation: Be received and referred to the City’s Internal Auditor for review and a report to the General Issues Committee.

5.5 Correspondence from John M. Alati, Davies Howe Partners LLP, respecting Borer’s Falls Dog Park Site Evaluation.

Recommendation: Be received and referred to the discussion portion of the Public Works Committee Report 14-001 (Item 8.8) respecting Borer’s Falls Dog Park Site Evaluation.
5.6 Correspondence from Catherine Beattie, respecting the Old Dundas Road Sewage Pumping Station.

Recommendation: Be received and referred to the discussion portion of the Public Works Committee Report 14-011 (Item 5.3) respecting the Old Dundas Road Sewage Pumping Station (HC005) Wet Weather Relief Master Plan and Class Environmental Assessment.

5.7 Correspondence from Anne Tennier, Vice President, Environmental Sustainability, Maple Leaf Foods Inc., respecting a Letter of Appreciation.

Recommendation: Be received.

5.8 Correspondence from Michelle Roeder, respecting Rezoning of Old Highway 8

Recommendation: Be received and referred to the discussion portion of the Planning Committee Report 14-015 (Item 7) respecting 1292 Old Highway No. 8 (Flamborough).

5.9 Petition from 71 residents of the Glanbrook Hills Development respecting Construction of the Glanbrook Hills Park

Recommendation: Be received and referred to the General Manager of Public Works for consideration as part of the 2015 Public Works Budget deliberations.

5.10 Correspondence from the Honourable James Moore, Minister of Industry respecting US Steel Canada Inc.

Recommendation: Be received.

CLERICAL AMENDMENTS TO REPORTS

6.1 The Public Works Committee Report from the meeting held on September 15, 2014 is listed in the Agenda as Report 14-010. The Report number should be amended to read Public Works Committee Report 14-011.

6.2 Planning Committee Report 14-014 should be amended to include Councillor Jackson as being present for the Planning Committee meeting of September 16, 2014.
AMENDED MOTION

7.3 Nomination for Induction into the Hamilton Sports Hall of Fame – Paul Weiler (a.k.a. Pigskin Pete)

ADDED NOTICE OF MOTION

8.1 Transit Shelter Installations – Ward 7
8.2 West Flamborough Accommodation Review Area - the Beverly Community Centre and the Greensville School Site
8.3 Revised No Stopping Southside Place
8.4 US Steel

(Ferguson/Johnson)
That the agenda for the September 24, 2014 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST


CEREMONIAL ACTIVIES

3.1 Kids for Kaga Student Exchange Program - Recognition and Presentation

Mayor Bratina recognized the Kids for Kaga Student Exchange Program. This summer ten students and chaperones from Hamilton travelled to Japan as part of this unique exchange program. The Town of Dundas was the first mundialized municipality in North America. The twinning of Kaga and Dundas started 46 years ago in the aftermath of World War II to help promote world peace and understanding. The Hamilton students presented a gift and a letter on the City’s behalf to the Mayor of Kaga, His Worship Miyamoto. In turn, Mayor Miyamoto gave the Hamilton students a letter and gift for them to bring back to our City.

Councillor Powers called on Robert Winninger, President of the Kids for Kaga Exchange Program and Joseph Morgan, a student at St. Mary Catholic
Secondary School to come forward to make the presentation on behalf of Mayor Miyamoto.

3.2 Presentation of the Governor General’s Certificates of Commendation to Mandie Purdie and Vanessa Meulendyka

Mayor Bratina presented the Governor General’s Certificate of Commendation to two Hamilton paramedics Mandy Purdie and Vanessa Meulendyks.

3.3 United Way Presentation

Mayor Bratina recognized the work that the United Way of Burlington and Greater Hamilton does in our community and called on Jeff Vallentin, CEO of the United Way of Burlington and Greater Hamilton, to tell us about this year’s initiative.

APPROVAL OF MINUTES

4.1 September 10, 2014

(Pearson/Johnson)
That the Minutes of the September 10, 2014, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Whitehead/Duvall)
That Council Communications 5.1 through 5.10 approved, as amended, as follows:

5.1 Correspondence from Robert Gagnon, Project Execution Manager, Enbridge Pipelines, respecting Line 11 Westover Segment Replacement Project Update (Pasuta/Partridge)

Recommendation: Be received.

5.2 Correspondence from Sandra Leja respecting Application Draft Plan Subdivision at 6075 Twenty Road East (Johnson/Pearson)

Recommendation: Be received and referred to the Planner responsible for this file.
5.3 Correspondence from Pat Hudyma, Property Planner, Planning and Accommodation, Facilities Management, Hamilton-Wentworth District School Board, respecting a Proposal to Sell the property municipally known as 125 Rifle Range Road, Hamilton - Prince Philip School ("Property") (Ferguson/Pearson)

Recommendation: Be received.

5.4 Correspondence from Lois Morin, Administrator, Hamilton Police Services Board, respecting the Board’s request, approved at its meeting held July 21st, 2014, for the City’s Internal Auditor to conduct an Audit Review. (Whitehead/Duvall)

Recommendation: Be received and referred to the City’s Internal Auditor for review and a report to the General Issues Committee.

(Clark/Ferguson)
That the motion be amended by deleting “General Issues Committee” and replacing it with “Audit, Finance and Administration Committee” in lieu thereof. Amendment CARRIED.

5.5 Correspondence from John M. Alati, Davies Howe Partners LLP, respecting Borer’s Falls Dog Park Site Evaluation (Refers to Public Works Committee Report 14-001, Item 15) (Pearson/Johnson)

Be received.

5.6 Correspondence from Catherine Beattie, respecting the Old Dundas Road Sewage Pumping Station. (Refers to Public Works Committee Report 14-011, Item 3 (Ferguson/Pearson)

Recommendation: Be received.

5.7 Correspondence from Anne Tennier, Vice President, Environmental Sustainability, Maple Leaf Foods Inc., respecting a Letter of Appreciation. (Johnson/Ferguson)

Recommendation: Be received.

5.8 Correspondence from Michelle Roeder, respecting Rezoning of Old Highway 8 (Refers to Planning Committee Report 14-015, Item 7 (Pasuta/Partridge)

Recommendation: Be received.
5.9 Petition from 71 residents of the Glanbrook Hills Development respecting Construction of the Glanbrook Hills Park (Johnson/Pearson)

Recommendation: Be received and referred to the General Manager of Public Works for consideration as part of the 2015 Public Works Budget deliberations.

5.10 Correspondence from the Honourable Brad Duguid, Minister of Economic Development, Employment and Infrastructure, respecting US Steel Canada Inc. (Duvall/Whitehead)

Recommendation: Be received.

CARRIED AS AMENDED
(Whitehead/Duvall)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 14-011

20. Tree Removal at 814 Limeridge Road East (Added Item 10.3)

(Duvall/Whitehead)
That the recommendation of Item 20 contained in Public Works Report 14-011, Tree Removal at 814 Limeridge Road East (Added Item 10.3), be amended by deleting the number, “814”, and replacing it with the number, “714”, to read as follows:

20. Tree Removal at 714 Limeridge Road East (Added Item 10.3)

That staff be directed to remove the tree located at 714 Limeridge Road East.

Amendment CARRIED

(Whitehead/Duvall)
That the eleventh Report of the Public Works Committee be adopted, as amended, and the information section received.

CARRIED
9. City Initiative 14-E - Official Plan and Zoning By-law Changes for Urban Agriculture (Community Gardens and Urban Farms) in the Urban Area (PED14161) (Wards 1 to 13, 15) (Item 6.2)

(Farr/Merulla)
That the recommendations contained in Item 9 of Planning Committee Report 14-014, be amended by adding the following new sub-sections (j) and (k) to read as follows:

(j) That staff from Planning and Economic Development and Community and Emergency Services work together to educate the public, including farming, community gardening, and social service organizations, about the opportunities created by the new Official Plan and Zoning By-law changes for urban agriculture as part of the ongoing implementation of the City’s Food Strategy;

(k) That staff from Public Works, Planning and Economic Development, Public Health and, Community and Emergency Services be directed to develop a community engagement and communication plan regarding urban agriculture and report back to General Issues Committee in 2015.

Amendment CARRIED

15. Application for a Condominium Conversion for Lands Known as 46 Arkledun Avenue (Hamilton) (PED14189) (Ward 2) (Item 6.8)

The above Item CARRIED on the following vote:

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

Total: 15
Nays: Whitehead
Total: 1
Absent: None
Total: 0

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

CARRIED
27. **Staffing for POA Prosecutions LS14036 (City Wide) (Item 8.8)**

The above Item CARRIED on the following standing recorded vote:

*Yeas: Collins, Farr, McHattie, Clark, Powers, Jackson, Bratina, Morrow, Merulla*

*Total: 9*

*Nays: Whitehead, Duvall, Pasuta, Ferguson, Johnson, Pearson, Partridge*

*Total: 7*

*Absent: None*

*Total: 0*

35. **Shift Splitting Arbitration - Minutes of Settlement (PW14106) - (City Wide) (Item 12.2)**

*(Bratina/Partridge)*

That the recommendation of Item 35 of General Issues Committee Report 14-019 respecting Shift Splitting Arbitration - Minutes of Settlement (PW14106) be deleted in its entirety and replaced with the following therein:

(a) That Council approve $575,000 in accordance with the Minutes of Settlement, attached to Report PW14106 as Appendix “A”, between the City and the ATU Local 107 as full and final settlement inclusive of the period February 2009 through December 31 2013, respecting an arbitration settlement;

(b) That the contents of Report PW14106 respecting Shift Splitting Arbitration, including Appendix “A”, remain confidential and restricted from public disclosure.

**Amendment CARRIED**

36. **Storm Water Easement Purchase of land - 789 & 795 Montgomery Drive (PW14102) - (Ward 12) (Item 12.3)**

*(Bratina/Partridge)*

That Item 36 of General Issues Committee Report 14-019 respecting Storm Water Easement Purchase of land - 789 & 795 Montgomery Drive (PW14102) be deleted in its entirety and the following be inserted therein:

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into negotiations for an Option to Purchase a Storm
Water Easement with Monica Gohkal & Ryan Doyle being the property owner of 789 Montgomery Drive, described as Lot 16, Plan 769, designated as Part 1 on Draft Plan RC-A-814 comprising an area of approximately 190 square metres and; Mary-Anne & Ronald Leach being the property owner of 795 Montgomery Drive, described as Lot 16, Plan 769, designated as Parts 2-4 on Draft Plan RC-A-814 comprising an area of approximately 405 square metres, as shown on Appendix A attached to Report PW14102;

(b) That the total easement acquisition and construction costs related to 789 and 795 Montgomery Drive be funded from the Storm Sewer Capital Reserve 108010;

(c) That a reserve be established for the funding of future private land acquisitions and construction for required municipal works and the establishment of the reserve be referred to the 2015 Operating Budget process as a program enhancement for consideration;

(d) That the financial details of the acquisition outlined in Appendix B attached to Report PW14102 respecting the lands at 789 & 795 Montgomery Drive remain confidential until the completion of the transaction and the balance of Report PW14102 not be released as a public document, following approval;

(e) That upon approval of the Options to Purchase of the easement, Public Works will further extend the existing 750mm diameter storm water culvert by 6-10m. Other work may include erosion control measures in front of the outlet of the culvert and on the bank of the valley;

(f) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

Amendment CARRIED

(Bratina/Powers)

That the nineteenth Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 14-008

4. Good 2 Go Food Box Pilot Project Evaluation – (BOH13039(a)) (City Wide) (Outstanding Business List Item) (Item 7.4)

(McHattie/Merulla)

That the recommendations contained in Item 4, Good 2 Go Food Box Pilot Project Evaluation – (BOH13039(a)) (City Wide), of Board of Health Report 14-008, be amended by adding a new sub-section (f) to read as follows:
(f) That Public Health Services work with Food Share and CESD to develop a community strategy to single Ontario Works recipients to ensure they are aware of when and where the fresh vegetables and fruit will be distributed monthly. The distribution schedule will target the times that single Ontario Works recipients most often utilize food banks.

Amendment CARRIED

(Partridge/Partridge)
That the information Items (g) (aa), (bb) and (cc) be lifted from the table and added to the Board of Health Report 14-008 as items 8, 9 and 10 respectively.

Amendment CARRIED

8. Response to Aboriginal Health Issues in the City of Hamilton (Item 9.2)

(Partridge/Partridge)
WHEREAS, Aboriginal people living in Hamilton experience higher rates of poverty and disproportionate rates of chronic disease and associated risk factors than the general population. Poverty rates are associated with the challenges linked to the determinates of health including access to health care, housing and food security (Social Planning and Research Council (SPRC), Our Health Counts, 2011); and

WHEREAS, Public Health Services (PHS) is mandated to reduce the burden of preventable chronic diseases; and

WHEREAS, PHS has worked with our Aboriginal communities regarding cancer prevention and screening since 2007; and

WHEREAS, PHS has recently had a successful partnership with over ten Aboriginal service providers/agencies to engage Aboriginal communities, promote cancer screening, and help mentor the CASTLE Project Community Health Educator/Navigator (CHEN) to address low cancer screening rates from April 2013-April 2014; and

WHEREAS, PHS Chronic Disease Prevention Program staff are planning to reconvene with the CASTLE Aboriginal Partners in the fall of 2014 to plan how to continue to address health disparities regarding cancer rates and health access; and

WHEREAS, the Hamilton Niagara Haldimand Brant Local Health Integration Network (HNHB LHIN) is mandated to work with Aboriginal communities for improved health and wellness:
“Local Health Integration Networks are mandated to work with Aboriginal communities for improved health and wellness. The HNHB LHIN has a responsibility to learn about and respect Aboriginal communities’ approach to health and wellness and how this approach guides the identification of health needs and solutions”

Therefore be it resolved:

(a) That staff from PHS engage with urban Aboriginal leaders to explore opportunities to address relevant health issues through culturally sensitive solutions; and

(b) That the Mayor, on behalf of the Board of Health and Council, request support from the LHIN to continue/renew funding for an Aboriginal Community Health Educator/Navigator focused on Chronic Disease Prevention.

CARRIED

9. Regulation of Drug Paraphernalia (Item 9.3)

(Whitehead/Duvall)
That Public Health Services (Healthy Living) and the Planning Department (Licensing, Municipal Law Enforcement) be directed to report to the Board of Health on the following:

(a) Regulating, under the Food Premises Schedule of the Business Licensing By-law, convenience store sales of devices such as bongs which facilitate the smoking of drugs by:

(i) Restricting the display of the devices

(ii) Prohibiting the sale of the devices to persons under 18 years of age; and

(b) Opportunities for educating young people and their parents about the dangers of illicit drug use.

CARRIED

10. Provincially Supported Universal Drug Programs (Item 9.4)

(Merulla/Jackson)
WHEREAS, the Canadian Medical Association (CMA) identified and stated in their 2013 Health Care Reform, Change that Works document that, “Crucial to improved care is (A) universal access to comprehensive prescription drug coverage” (page 15);
AND WHEREAS, there are segments of the population that report barriers to acquire financial support for drugs that are deemed required by an authorized health care professional and it is difficult to ensure access is obtained,

Therefore be it resolved:

That the Mayor write to the Ontario Provincial Minister of Health and Federal Minister of Health on behalf of City Council requesting that this matter be brought forward to the appropriate provincial and federal government officials to establish an action plan that would be considered consistent with the following CMA recommendations on page 15 of their report:

“Governments, in consultation with the life and health insurance industry and the public, should establish a program of comprehensive prescription drug coverage to be administered through reimbursement of provincial/territorial and private prescription drug plans to ensure that all Canadians have access to medically necessary drug therapies.

Such a program should include the following elements:

• a mandate for all Canadians to have either private or public coverage for prescription drugs

• uniform income-based ceiling (between public and private plans and across provinces/territories) on out-of-pocket expenditures on drug plan premiums and/or prescription drugs (e.g., 5% of after-tax income)

• federal/provincial/territorial cost-sharing of prescription drug expenditures above a household income ceiling, subject to capping the total federal and/or provincial/territorial contributions either by adjusting the federal/provincial/territorial sharing of reimbursement or by scaling the household income ceiling or both

• group insurance plans and administrators of employee benefit plans to pool risk above a threshold linked to group size

• a continued strong role for private supplementary insurance plans and public drug plans on a level playing field (i.e., premiums and co-payments to cover plan costs)

Furthermore the federal government should:

• establish a program for access to expensive drugs for rare diseases where those drugs have been demonstrated to be effective
• assess the options for risk pooling to cover the inclusion of expensive drugs in public and private drug plan formularies

• provide adequate financial compensation to the provincial and territorial governments that have developed, implemented and funded their own public prescription drug insurance plans

• provide comprehensive coverage of prescription drugs and immunization for all children in Canada

• mandate the Canadian Institute for Health Information (CIHI) and Statistics Canada to conduct a detailed study of the socio-economic profile of Canadians who have out-of-pocket prescription drug expenses, in order to assess barriers to access and to design strategies that could be built into a comprehensive prescription drug coverage program.

CARRIED

(Bratina/Partridge)
That the eighth Report of the Board of Health be adopted, as amended, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 14-015

(Johnson/Partridge)
That the fifteenth Report of the Planning Committee be adopted, and the information section received.

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 14-008

4. Governance Review Sub-Committee Report 14-003 (Item 8.1)

(ii) Review of the City’s Procedural By-law Amendments (Item 4.2)

(Clark/Pearson)
That item 4(ii)(c) and (d) of the Audit, Finance and Administration Committee Report 14-008 be amended by moving recommendation (d) to before recommendation (c) to read as follows:

(c) That subsection 9.2 of By-law 10-053 – A By-law to Govern the Proceedings of Council and Committees of Council be amended by
deleting the words “at least 24 hours following” and replace with “simultaneously with” to read as follows:

9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following simultaneously with the distribution set out in subsection 9.1.

(d) That a new By-law to Govern the Proceedings of Council and Committees of Council to include amendments outlined in recommendation (a) be prepared and enacted by Council.

Amendment CARRIED
Motion as Amended CARRIED.

(v) Inner City/Student Accommodation Fund (Item 4.5)

(Powers/Ferguson)
That item 4(v)(d) of the Audit, Finance and Administration Committee Report 14-008 be amended by deleting the amount $5,000 and replacing it with the amount $2,500 in lieu thereof to read as follows:

(d) That the ‘Geographic Factor’ currently at $2,500 and divided equally between Wards 11 and 14 shall be reviewed and adjusted, where appropriate, based on historical actual;

Amendment CARRIED
Motion as Amended CARRIED.

12. Anti-Racism Resource Centre Project (FCS14044(a)) (City Wide) (Outstanding Business List Item) (Item 8.9)

(Powers/Clark)
That Item 12, Anti-Racism Resource Centre Project (FCS14044(a)) (City Wide), of Audit, Finance and Administration Committee Report 14-008 be referred to the General Issues Committee.

The above Referral CARRIED on the following standing recorded vote:

Yeas: Powers, Pasuta, Partridge, Bratina, Whitehead, Duvall, Johnson, Jackson, Ferguson, Pearson
Total: 10
Nays: Merulla, Collins, Morrow, Farr, McHattie, Clark
Total: 6
Absent: None
Total: 0
(Clark/Pearson)
That the eighth Report of the Audit, Finance & Administration Committee be adopted, as amended, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 14-006

11. Hamilton Snow Angels Program (CES14041) (City Wide) (Item 8.6)

Item 11 was split for voting purposes.

Subsection (a) CARRIED.

(Powers/Merulla)
That Item 11, Hamilton Snow Angels Program (CES14041) (City Wide), of Emergency and Community Services Committee Report 14-006 be amended as follows:

That subsection (b) be referred to staff for a report back to the Emergency and Community Services Committee in the new term of Council, following consultation with those community organizations who currently provide similar programs in the communities of Stoney Creek, Dundas and Flamborough.

The Referral CARRIED on the following standing recorded vote:

Yeas: Powers, Pasuta, Johnson, Bratina, Whitehead, Partridge, Jackson, Ferguson, Pearson, Merulla, Collins, Morrow, Farr, McHattie, Clark
Total: 15
Nays: Duvall
Total: 1
Absent: None
Total: 0

(Farr/Merulla)
That the sixth Report of the Emergency & Community Services Committee be adopted, as amended, and the information section received.

CARRIED
(Clark/Pearson)
That the 48-hour rule be waived in order to introduce General Issues Committee Report 14-020.
CARRIED

(Bratina/Powers)
That the twentieth Report of the General Issues Committee be adopted, and the information section received.
CARRIED

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

MOTIONS

7.1 "Buy American" Provisions

(Powers/Duvall)
WHEREAS cities and communities across Canada support free and fair trade between Canada and the United States;

AND WHEREAS bilateral trade between Canada and the United States amounts to over $600 billion per year in economic activity, significantly contributing to Canada's long-term economic competitiveness;

AND WHEREAS many of the most important supply chains and industry linkages that fuel our respective economies are inexorably linked;

AND WHEREAS provisions, such as 'Buy American' requirements, which serve to inhibit this important economic partnership directly affects the economic prosperity of our country, our businesses and our communities;

AND WHEREAS organizations like the Canadian Manufacturers and Exporters estimate that thousands of manufacturing jobs are continuously at risk from continued 'Buy American' provisions being proposed across the US;

AND WHEREAS Hamilton companies were directly impacted as jobs were lost here due to the 'Buy American' provisions being inserted into projects receiving Federal and Municipal funding;
AND WHEREAS Canadian cities and communities are committed to open and fair trade with American governments and businesses;

AND WHEREAS recent agreements between Canada and the United States have recognized the critical and complementary economic linkages between our two countries, fostering secure, predictable trade and investment environments;

THEREFORE BE IT RESOLVED that municipalities express support for free, fair and reciprocal trade between the United States and Canada and that any restrictive 'Buy American' provisions in U.S. legislation are contrary to that spirit of free trade;

BE IT FURTHER RESOLVED that the City of Hamilton, Ontario calls on the Federation of Canadian Municipalities (FCM) to support and work with the Government of Canada and the Canadian Manufacturers and Exporters and any other stakeholders in their efforts to urge the United States Congress and State governments to abstain from the use of 'Buy American' provisions;

BE IT FURTHER RESOLVED THAT FCM be requested to write to the US National League of Cities and the US Conference of Mayors to request their support for the spirit of this resolution and the need for ‘free’ trade, so that businesses and industries on both sides of the border can compete for contracts in the fairest and most efficient manner;

BE IT FURTHER RESOLVED THAT the Mayor be requested to write a letter and forward this resolution to the Prime Minister, the leaders of the Federal Opposition Parties, the Hamilton Area MP’s and MPP’s for information;

BE IT FURTHER RESOLVED THAT this resolution be forwarded to FCM and the Association of Municipalities of Ontario (AMO) for circulation to all municipalities requesting their support and the Canadian Manufacturers and Exporters for information.

CARRIED

7.2 Creekside Drive Parkette, Dundas

(Powers/Pasuta)
Whereas, Project ID 4401456102 for the development of a new park at 2555 Creekside in the amount of $360,000, to be funded from fundraising by community groups (net City cost $0), was approved in the 2014 Capital Budget; and

Whereas, at its April 9, 2014 meeting, City Council approved of item 8.1 of General Issues Committee Report 14-008, as follows:
“(a) That the Rotary Club of Dundas proposal to contribute all necessary funds to complete the design and construction of the park at 2555 Creekside Drive (attached as Appendix “A” to Report PW14036) by entering into a lease with the City of Hamilton for the purpose of construction be endorsed;

(b) That the City of Hamilton enter into a lease for the purpose of permitting the Rotary Club of Dundas, who will be working with the condominium corporations at Creekside Drive and Amica Mature Lifestyles Inc., to construct and develop the Park in accordance with City standards and practices;

(c) That the associated annual operating costs starting in 2015 for the park at 2555 Creekside Drive, in the amount of $10,000 (increased from $6,000 as identified in the 2014 capital budget), and an additional 0.1 FTE, be referred to the 2015 Operating Budget process for consideration;

(d) That the Mayor and City Clerk be authorized and directed to execute the construction lease in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Public Works; “

And, Whereas, the parties involved with the park development project include the Rotary Club of Dundas, the four (4) Creekside Drive condominium corporations (Wentworth Standard Condominium Corporations #459, #374, #400, and #428, located at 1000, 2000, 3000, and 4000 Creekside Drive in Dundas, respectively), and Amica Mature Lifestyles Inc., a for-profit corporation (the “Parties”); and,

Whereas, the Rotary Club of Dundas has raised approximately $200,000 towards the construction of the park and is still in the process of fundraising; and,

Whereas, the construction costs of park have risen from $360,000 with the Rotary Club now forecasting construction costs to exceed $550,000; and

Whereas, the Parties desire to construct the park prior to all fundraising revenues being received; and,

Whereas, the Rotary Club of Dundas and the four Creekside Drive condominium corporations, wish to collectively borrow $300,000 from the City, by individually entering into five separate loan agreements in the amount of $60,000 each;

Therefore be it resolved:

(a) That in order to move forward with the construction of the Creekside Drive park prior to the upcoming winter, the City of Hamilton (the “City”) agrees to provide five loans with a five year term, in the amount of $60,000 each, to the Rotary Club of Dundas and the four Creekside Drive condominium
corporations in accordance with the City’s “External Loan Guidelines”, with the exception of the requirements listed below in subsection (b).

(b) That the loan referred to in subsection (a) be:

(i) interest free for the first three years, and at the interest rate as prescribed in the City’s “External Loan Guidelines” for years four (4) and five (5) on the outstanding balance;

(ii) repayable in installments, equal to a minimum of $12,000 per year; and

(iii) unsecured without collateral.

(c) That release of the total loan amount of $300,000 is conditional on all of the entities (the Rotary Club and the condominium corporations) securing the appropriate approvals and executing the necessary documentation.

(d) That the General Manager of Finance and Corporate Services be authorized and directed to execute, on behalf of the City, a loan agreement and all other necessary documents to implement subsections (a) and (b), said agreement and documents to be in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.

CARRIED

7.3 Nomination for Induction into the Hamilton Sports Hall of Fame - Mr. Paul Weiler (a.k.a. Pigskin Pete)

(Merulla/Collins)

(a) That Hamilton City Council submit Mr. Paul Weiler (a.k.a. Pigskin Pete) for nomination to the Hamilton Sports Hall of Fame;

(b) That the name Paul Weiler (a.k.a. Pigskin Pete) be recommended for addition to the Wall of Fame at Tim Hortons Stadium.

CARRIED

7.4 Highway 56 Traffic Study

(Johnson/Clark)

WHEREAS Hwy 56, Binbrook, from Rymal Road to Cemetery Road is the only major north/south truck route built to rural standards with only one northbound and one southbound lane of traffic, with gravel shoulders and large ditches with no curbs, sidewalks or bike lanes
AND WHEREAS the Village of Binbrook is growing at a much faster rate than expected, with approximately 3,000 homes built to date and approximately another 2,000 units expected to be built in the near future and has noticeably increasing traffic volumes on an annual basis,

AND WHEREAS it is difficult to safely cross Hwy #56 east/west direction and virtually impossible for most agriculture vehicles to cross safely,

AND WHEREAS the police and traffic are aware of the number of collisions on this section of Hwy 56 including the fatalities,

AND WHEREAS residents of Binbrook want to bike or walk safely from Binbrook to the commercial areas of Elfrida and are unable to given the unsafe pedestrian walking/biking conditions,

AND WHEREAS the City is currently in the process of urbanizing Hwy 56 from Cemetery Road south to the southern limits of the urban boundary of the Village of Binbrook.

THEREFORE BE IT RESOLVED

(a) That staff be directed to complete a traffic study be done on Hwy 56 from Rymal Road south to Cemetery Rd and that this study address both vehicular, bicycle and pedestrian traffic needs and report back to the Public Works Committee with their findings and recommendations,

(b) That staff be directed to investigate viable options for widening and upgrading Hwy #56 from Rymal Road south to Cemetery Rd to accommodate current and future projected growth needs. CARRIED

7.5 Stoney Creek Rugby Club

(Clark/Pearson)
WHEREAS the Stoney Creek Rugby Club has a long history of amateur athletics within the City of Hamilton;

WHEREAS the City of Hamilton is in need of additional athletic field for amateur sports;

THEREFORE IT BE RESOLVED:

(a) That staff be directed to enter into negotiations with the Stoney Creek Rugby Club and the Heritage Green Community Trust to partner on the
construction of a new athletic field to be located at Heritage Green Sports Park.

(b) That staff be directed to report back to the Emergency and Community Services following negotiations.

CARRIED

7.6 Transit Shelter Installations – Ward 7

(Duvall/Whitehead)
Whereas, in 2013 funding for four (4) new transit shelters in Ward 7 was provided through the Transit Shelter Expansion Plan (PW13005); and,

Whereas, an allocation of Ward 7 discretionary funds for new transit shelters, over and above a quantity of four (4), has been identified; and,

Whereas, the current Ward 7 discretionary funds balance is insufficient to fund the installation of any additional new transit shelters in Ward 7;

Therefore be it Resolved:

(a) That transit staff be authorized and directed to investigate, supply and install, in conjunction with the Transit Shelter Expansion Plan, two (2) additional transit shelters, at a budgeted cost of $10,000 per shelter, at the following Ward 7 bus stop locations, subject to each location satisfying the necessary engineering requirements:

(i) At the north east corner of Rymal Road and Upper Wentworth (Westbound)

(ii) At the south east corner of Rymal Road and Upper Wentworth (Eastbound)

(b) That funding, to an upset limit of $20,000, for the installation of the two (2) subject shelters as identified in subsection (a), is to be provided through the Ward 7 Special Capital Re-investment (Area Rating) Reserve #108057.

CARRIED

7.7 West Flamborough Accommodation Review Area - the Beverly Community Centre and the Greensville School Site

(Pasuta/Powers)
That further to the direction approved by City Council at its meeting of June 25, 2014, in which Council recommended the referral to the City’s Joint City/Hamilton-Wentworth District School Board Liaison Committee of the attached correspondence from the Chair of the Hamilton-Wentworth District School Board, Jessica Brennan, in which the Hamilton-Wentworth District School Board requested that City Council explore a working relationship between the Board and the City of Hamilton regarding the West Flamborough Accommodation review area, notably, the Beverly Community Centre and the Greensville School site, that Council agree to entering into such exploratory discussions and that the Board be forwarded communication from the Mayor to so advise.

CARRIED

7.8 Revised No Stopping Southside Place

(Whitehead/Duvall)
(a) That Schedule 13 (No Stopping Zones) of Parking By-law No. 01-218 be amended to extend the existing No Stopping Driveway clearances within the with the cul-de sac of Southside Place;

(b) That an appropriate by-law to amend City of Hamilton Parking By-law 01-218 be passed.

CARRIED

7.9 US Steel

(Duvall/Merulla)
That the City Manager, staff in the Economic Development Division, the City Solicitor, and other staff as required, work with the provincial and federal levels of government, and other necessary parties, to obtain information with regards to the City of Hamilton U.S. Steel pensioners, US Steel operations and land holdings and any future plans; and that this information be forwarded to the Steel Sub-committee.

CARRIED

NOTICES OF MOTIONS

8.1 Transit Shelter Installations – Ward 7

Councillor Duvall introduced the following notice of motion:

Whereas, in 2013 funding for four (4) new transit shelters in Ward 7 was provided through the Transit Shelter Expansion Plan (PW13005); and,
Whereas, an allocation of Ward 7 discretionary funds for new transit shelters, over and above a quantity of four (4), has been identified; and,

Whereas, the current Ward 7 discretionary funds balance is insufficient to fund the installation of any additional new transit shelters in Ward 7;

Therefore be it Resolved:

(a) That transit staff be authorized and directed to investigate, supply and install, in conjunction with the Transit Shelter Expansion Plan, two (2) additional transit shelters, at a budgeted cost of $10,000 per shelter, at the following Ward 7 bus stop locations, subject to each location satisfying the necessary engineering requirements:

(i) At the north east corner of Rymal Road and Upper Wentworth (Westbound)

(ii) At the south east corner of Rymal Road and Upper Wentworth (Eastbound)

(b) That funding, to an upset limit of $20,000, for the installation of the two (2) subject shelters as identified in subsection (a), is to be provided through the Ward 7 Special Capital Re-investment (Area Rating) Reserve #108057.

(Duvall/Whitehead)
That the rules be waived in order to introduce a motion respecting Transit Shelter Installations – Ward 7

CARRIED

8.2 West Flamborough Accommodation Review Area - the Beverly Community Centre and the Greensville School Site

Councillor Pasuta introduced the following notice of motion:

That further to the direction approved by City Council at its meeting of June 25, 2014, in which Council recommended the referral to the City’s Joint City/Hamilton-Wentworth District School Board Liaison Committee of the attached correspondence from the Chair of the Hamilton-Wentworth District School Board, Jessica Brennan, in which the Hamilton-Wentworth District School Board requested that City Council explore a working relationship between the Board and the City of Hamilton regarding the West Flamborough Accommodation review area, notably, the Beverly Community Centre and the Greensville School site, that Council agree to entering into such exploratory discussions and that the Board be forwarded communication from the Mayor to so advise.
(Pasuta/Partridge)
That the rules be waived in order to introduce a motion respecting West Flamborough Accommodation Review Area - the Beverly Community Centre and the Greensville School Site

CARRIED

8.3 Revised No Stopping Southside Place

Councillor Whitehead introduced the following notice of motion:

(a) That Schedule 13 (No Stopping Zones) of Parking By-law No. 01-218 be amended to extend the existing No Stopping Driveway clearances within the cul-de sac of Southside Place;

(b) That an appropriate by-law to amend City of Hamilton Parking By-law 01-218 be passed.

(Duvall/Jackson)
That the rules be waived in order to introduce a motion respecting Revised No Stopping Southside Place

CARRIED

8.4 US Steel

Councillor Duvall introduced the following notice of motion:
That the City Manager, staff in the Economic Development Division, the City Solicitor, and other staff as required, work with the provincial and federal levels of government, and other necessary parties, to address the needs of the City of Hamilton U.S. Steel pensioners, and the future use of the U.S. Steel property located in the City of Hamilton.

(Duvall/Merulla)
That the rules be waived in order to introduce a motion respecting US Steel

CARRIED

STATEMENT BY MEMBERS

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

BY-LAWS
(McHattie/Farr)

That the Bill List be amended by adding Bills No. 14-283 to No. 14-303, as follows:

283  To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 30 Eleanor Avenue (Hamilton)

284  To Amend Zoning By-law No. 90-145-Z Respecting Lands Located at 1292 Old Highway No. 8, in the former Town of Flamborough, now in the City of Hamilton

285  To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands located at 1605 Kirkwall Road, (Flamborough)

286  To Amend Zoning By-law No. 6593 (Hamilton), as Amended by By-law 11-290, Respecting Lands Located at 252-254 Locke Street South (Hamilton)

287  To Amend Zoning By-law No. 6593, Respecting Lands Located at 2791 King Street East (Hamilton)

288  To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 252 Governor’s Road

289  To Adopt Official Plan Amendment No. 32 to the Urban Hamilton Official Plan Respecting 1955 Upper James Street, Glanbrook

290  To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 1955 Upper James Street

291  To Adopt Official Plan Amendment No. 34 to the Urban Hamilton Official Plan Respecting Block 114 of Registered Plan 62M-1181

292  To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located on Block 114 of Registered Plan 62M-1181, in the former Township of Glanbrook, now in the City of Hamilton

293  To Adopt Official Plan Amendment No. 30 to the Urban Hamilton Official Plan Respecting Lands Located on the east side of Park Street South, known municipally as 257 Park Street South, Hamilton

294  To Amend Zoning By-law No. 6593 (Hamilton), as Amended, Respecting Lands Located at 257 Park Street South (Hamilton)

295  To Adopt Official Plan Amendment No. 33 to the Urban Hamilton Official Plan Respecting Lands Located at 406 Pritchard Road, Hamilton

296  To Amend Zoning By-law No. 05-200, Respecting Lands Located at 406 Pritchard Road, Hamilton

297  Respecting Removal of Part Lot Control
Blocks 73, 74, 97 and 98, Registered Plan No. 62M-1167 and Blocks 32, 33, 34, 35, 36, 37, 38 and 39, Registered Plan No. 62M-1188 on lands located at 111 Parkside Drive (Flamborough)

298  Respecting Removal of Part Lot Control
Blocks 1, 2, 3, 4 and 6, Registered Plan No. 62M-1184

299  To Amend By-law No. 08-154, a By-law to Establish the Office of Integrity
300 A By-law To Govern the Proceedings of Council and Committees of Council and to Repeal By-law No. 10-053

301 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking Schedule 13 - No Stopping Zones

302 Being a By-law to Permanently Close to Vehicular Traffic, a portion of Roxborough Avenue road allowance between Province Street North and Graham Avenue North, being Part of Roxborough Avenue, on Plan 497, designated as Part 1 on Plan 62R-19803, City of Hamilton

303 To Confirm the Proceedings of City Council

AMENDMENT CARRIED

(McHattie/Farr)

That Bills No. 14-246 to 14-303 be passed and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

246 To Amend By-law No. 01-215, To Regulate Traffic Schedule 5 - Stop Control

247 To Amend By-law No. 01-215, To Regulate Traffic Schedule 3 - Flashing School Zones - Reduced Speed Limit Schedule 2 - Speed Limits Schedule 13 - Designated Traffic Lanes

248 To Amend By-law No. 01-215, To Regulate Traffic Schedule 5 - Stop Control

249 To Amend By-law No. 01-215, To Regulate Traffic Schedule 5 - Stop Control

250 To Amend By-law No. 01-215, To Regulate Traffic Schedule 5 - Stop Control

251 To Amend By-law No. 01-215, To Regulate Traffic Schedule 4 - Yield Sign Locations Schedule 5 - Stop Control

252 Being a By-law to Provide for Institutional Polls for the 2014 Municipal Election

253 In Respect of Business Improvement Areas

254 To Rescind By-law No. 14-236 and to Permanently Close a Portion of City Land Designated as Part 1 on Plan 62R-19873, on Hughson Street, City of Hamilton

255 To Rename a Portion of Chedmac Drive to Southridge Court

256 To Rename a Portion of Highbury Drive to Picardy Drive
To Rename Thornwood Road to Thornwood Drive

To Rename a Portion of Claudette Gate to Sabrina Boulevard

To Rename a Portion of Highway No. 5 West to Emmons Lane

To Rename Ipswich Road to Ipswich Place

Respecting Removal of Part Lot Control

Respecting Removal of Part Lot Control
Block 102, Registered Plan No. 62M-1181, “Summit Park – Phase 7” 71, 73, 75, 77, 79, 81, 83, 85, 87, 89, 91, 93, 95, 97, 99, 101, 103, 105, 107, 109, 111, 113, 115 and 117 Charleswood Crescent (Glanbrook)

Respecting Removal of Part Lot Control
Block 103, Registered Plan No. 62M-1181, “Summit Park – Phase 7” 82, 84, 86, 88, 90, 92, 94, 96, 98, 100, 102, 104, 106, 108, 112, 114, 116 and 118 Charleswood Crescent (Glanbrook)

Respecting Removal of Part Lot Control

Respecting Removal of Part Lot Control
Part of Block 51, Registered Plan No. 62M-1199, “Victory Ridge – Phase 1” 66, 68, 70, 72, 74, 76, 78 and 80 Crafter Crescent (Stoney Creek)

To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 1125-1143 Wilson Street West, in the former Town of Ancaster, now in the City of Hamilton

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 55 Queenston Road (Hamilton)

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 950 and 956 South Service Road, Hamilton

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands located at 267, 275-283 and 293 Upper Centennial Parkway (Stoney Creek)

To Adopt Official Plan Amendment No. 29 to the Urban Hamilton Official Plan
Respecting Lands Located on the east side of Dundas Street East, known municipally as 122 Dundas Street East, Flamborough

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands
Located at 215 Dundas Street East (Flamborough)

272 To Adopt Official Plan Amendment No. 31 to the Urban Hamilton Official Plan Respecting Urban Agriculture

273 To Amend Zoning By-law No. 05-200, Respecting General Text Amendments for Community Gardens and Urban Farms

274 To Amend Zoning By-law No. 87-57 (Ancaster), Respecting General Text Amendments for Community Gardens and Urban Farms

275 To Amend Zoning By-law No. 3581-86 (Dundas), Respecting General Text Amendments for Community Gardens and Urban Farms

276 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting General Text Amendments for Community Gardens and Urban Farms

277 To Amend Zoning By-law No. 464 (Glanbrook), Respecting General Text Amendments for Community Gardens and Urban Farms

278 To Amend Zoning By-law No. 6593 (Hamilton), Respecting General Text Amendments for Community Gardens and Urban Farms

279 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting General Text Amendments for Community Gardens and Urban Farms

280 To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 158-176 Locke Street South in the City of Hamilton

281 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


283 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 30 Eleanor Avenue (Hamilton)

284 To Amend Zoning By-law No. 90-145-Z Respecting Lands Located at 1292 Old Highway No. 8, in the former Town of Flamborough, now in the City of Hamilton

285 To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands located at 1605 Kirkwall Road, (Flamborough)

286 To Amend Zoning By-law No. 6593 (Hamilton), as Amended by By-law 11-
287 To Amend Zoning By-law No. 6593, Respecting Lands Located at 2791 King Street East (Hamilton)

288 To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 252 Governor’s Road

289 To Adopt Official Plan Amendment No. 32 to the Urban Hamilton Official Plan Respecting 1955 Upper James Street, Glanbrook

290 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 1955 Upper James Street

291 To Adopt Official Plan Amendment No. 34 to the Urban Hamilton Official Plan Respecting Block 114 of Registered Plan 62M-1181

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294 To Amend Zoning By-law No. 6593 (Hamilton), as Amended, Respecting Lands Located at 257 Park Street South (Hamilton)

295 To Adopt Official Plan Amendment No. 33 to the Urban Hamilton Official Plan Respecting Lands Located at 406 Pritchard Road, Hamilton

296 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 406 Pritchard Road, Hamilton

297 Respecting Removal of Part Lot Control Blocks 73, 74, 97 and 98, Registered Plan No. 62M-1167 and Blocks 32, 33, 34, 35, 36, 37, 38 and 39, Registered Plan No. 62M-1188 on lands located at 111 Parkside Drive (Flamborough)

298 Respecting Removal of Part Lot Control Blocks 1, 2, 3, 4 and 6, Registered Plan No. 62M-1184

299 To Amend By-law No. 08-154, a By-law to Establish the Office of Integrity Commissioner

300 A By-law To Govern the Proceedings of Council and Committees of Council and to Repeal By-law No. 10-053

301 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking Schedule 13 - No Stopping Zones

302 Being a By-law to Permanently Close to Vehicular Traffic, a portion of Roxborough Avenue road allowance between Province Street North and Graham Avenue North, being Part of Roxborough Avenue, on Plan 497, designated as Part 1 on Plan 62R-19803, City of Hamilton

303 To Confirm the Proceedings of City Council
(Pearson/Johnson)
That there being no further business, the City Council meeting be adjourned at 10:55 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini  
City Clerk
THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 14-10 AND RESPECTFULLY RECOMMENDS:

1. Intersection Control List (PW14001(d)) (Wards 2, 7, 8, 10, 12 14, 15) (Item 5.1)

   That the appropriate By-law be presented to Council to provide traffic control as outlined in Appendix A to Public Works Committee Report 14-010.

2. Investigation Regarding Flooding Concerns on Lake Avenue Drive (PW13065(b)) (Ward 9) (Item 5.2)

   That Report PW13065(b) respecting an Investigation Regarding Flooding Concerns on Lake Avenue be received.

3. Old Dundas Road Sewage Pumping Station (HC005) Wet Weather Relief Master Plan and Class Environmental Assessment (PW14107) (Ward 2) (Item 5.3)

   (a) That the General Manager, Public Works, be authorized and directed to file the Notice of Completion and issue the Old Dundas Road Sewage Pumping Station (HC005) Wet Weather Relief Master Plan and Class Environmental Assessment for the mandatory 30-day review period;

   (b) That upon completion of the 30-day agency and public review period, the General Manager, Public Works, be authorized and directed to proceed with the implementation of the preferred alternatives within the Old Dundas Road Sewage Pumping Station (HC005) Wet Weather Relief Master Plan and Class Environmental Assessment;
(c) That the General Manager, Public Works, be authorized and directed to proceed with the Emergency Overflow Schedule “C” Municipal Class Environmental Assessment study;

(d) That the Class “D” estimated costs to implement the preferred alternatives and complete the Emergency Overflow Schedule “C” Class Environmental Assessment study ($1,650,000 and $200,000 respectively) be funded as part of the 2015 Capital Budget including an allowance of an additional $600,000 subject to refinement as part of the Schedule “C” undertaking.

4. Assessment of Development Intensification in Rural Drainage Neighbourhoods, Community of Ancaster (PW140105) (Ward 12ide) (Item 5.4)

That Report PW14105 respecting an Assessment of Development Intensification in Rural Drainage Neighbourhoods, Community of Ancaster be received.

5. Binbrook TransCab Update (PW13058(a)) (Ward 11) (Item 5.5)

(a) That the General Manager of Public Works be authorized and directed to extend the Binbrook HSR TransCab service for an additional ten (10) months, from September 2014 until June 2015, to be funded from the remaining $225,000 tax stabilization reserve budget approved in 2013;

(b) That the General Manager of Public Works be directed to incorporate Binbrook HSR TransCab service as a service enhancement in the 2015 Transit Operating Budget.

6. Capital Status Report as of June 30, 2014 (PW14112) (City Wide) (Item 5.6)

(a) That Appendix A attached to Report PW14112 respecting the “Tax Supported Capital Status of each Project by Program” be approved;

(b) That Appendix B attached to Report PW14112 respecting the “Rate Supported Capital Status of each Project by Program” be approved.

7. Truck Route Sub-Committee, Portable Weigh Scales – Police Enforcement Tool (PW14113) (City Wide) (Item 8.1)

That Report PW14112 respecting the Truck Route Sub-Committee, Portable Weigh Scales – Police Enforcement Tool be received.
8. **2014 Transit Capital Fleet Replacement and Compressed Natural Gas (CNG) Station Replacement (PW12017(c)) (City Wide) (Item 8.2)**

   (a) That the General Manager of Public Works be authorized to enter into all necessary agreements with Union Gas Limited (Union) for the design, construction and maintenance of a compressed natural gas station at the City’s Transit facility at 2200 Upper James Street, in a form approved by the City Solicitor, with the understanding that the capital contribution will not exceed $3,600,000, to be funded from the Transit Provincial Gas Tax Reserve (Reserve #112204);

   (b) That the General Manager of Public Works be directed to enter into an agreement up to twenty (20) years with Union, using the Business Terms outlines in the attached Union Gas Proposal to Design, Build, Own and Maintain a Compressed Natural Gas (CNG) Fuelling Station at the City’s/HSR’s Mountain Transit Centre (MTC).

9. **Queen Street North Two-Way Conversion (PW14101) (Ward 1) (Item 8.3)**

   That Queen Street North between Stuart Street and Barton Street West remain a two-way street.

10. **Transportation Master Plan Update (PW14104) (City Wide) (Item 8.4)**

    That the General Manager of Public Works be authorized to transfer capital funds from capital project 4031055369, Specific-Area Transportation Master Plans, to 4031355310, Hamilton Transportation Master Plan Update, in the amount of $260,000 (inclusive of project contingency) to cover the shortfall associated with the Request for Proposals submissions for C-11-05-14 “Consulting Services required for Hamilton Transportation Master Plan, five-year Review and Update”, for the proposal which achieved the highest technical score and lowest compliant bid ($578,957).

11. **Presto Fare Card System Pilot Project (PW04117(f)) (City Wide) (Item 8.5)**

   (a) That the General Manager of Public Works be authorized and directed to undertake a ten month pilot project with Loblaws Inc. as a single source vendor, in accordance with Procurement Policy By-law No. 13-317, Section 4.11 Non-competitive Procurements, for the purposes of selling and reloading PRESTO smartcards;

   (b) That the General Manager of Public Works be authorized and directed to negotiate and execute an agreement between the City of Hamilton and Loblaws Inc. to implement the pilot project in Recommendation (a) of Report PW04117f, together with all necessary associated documents, with content acceptable to the General Manager of Public Works, and in a form acceptable to the City Solicitor.

   COUNCIL – September 24, 2014
12. Highway 403 Westbound On-Ramp at Mohawk Road (PW12051(a) (Ward 12) (Item 8.6)

(a) That the General Manager, Public Works Department, be authorized to continue detailed discussions with the Ministry of Transportation (MTO), to address the Ministry’s concerns and receive written approval for the City of Hamilton to proceed with the next stage of the Highway 403 Westbound On-Ramp at Mohawk Road study process;

(b) That the General Manager, Public Works Department, be authorized and directed to file the Mohawk Road On-Ramp Environmental Study Report (ESR) with the Municipal Clerk for a minimum thirty (30) day public review period, subject to MTO’s written acceptance of the ESR, study findings and recommendations;

(c) That the General Manager, Public Works Department, be authorized and directed to include three hundred thousand dollars ($300,000) as part of the 2015 Capital Budget deliberations for undertaking the next stages of the Highway 403 Westbound On-Ramp at Mohawk Road study process, including risk analysis, design and tender documentation including related municipal local roads as detailed in the financial section of this report;

(d) That the General Manager, Public Works Department, be directed to report back to Council on the status of the Highway 403 Westbound On-Ramp at Mohawk Road and recommend a financing strategy;

(e) That the General Manager, Public Works Department, be authorized and directed to conduct negotiations with the MTO to explore cost-sharing options related to the full cost of design and constructing the Highway 403 Westbound On-Ramp at Mohawk Road project.

13. Hamilton Utilities Corporation Joint Advisory Committee Report 14-001, September 2, 2014 (Item 8.7)

That the Hamilton Utilities Corporation Joint Advisory Committee Report 14-001, September 2, 2014 be received.

14. Proposed Sale of the City of Hamilton’s District Cooling System (DCS) Assets to HCE Energy Inc. (City Wide) (Added Item 10.2)

(a) That the sale of the City's District Cooling System (DCS) Assets to Hamilton Utilities Corporation (HUC) or its wholly owned subsidiary, HCE Energy Inc. (HCE), at a purchase price of $10.5 million be approved subject to the following agreements being prepared to the satisfaction of the City Solicitor, the General Manager of Public Works and the General Manager of Finance and Corporate Services:
(i) An asset purchase and sale agreement pursuant to which HUC or HCE will acquire the assets of the City’s (DCS) Assets including the City’s Central Utility Plant (CUP);

(ii) An energy services agreement (ESA) pursuant to which the City will purchase cooling services from HUC or HCE over a 25 year term;

(iii) A 25-year licence of the space required for the use of the District Cooling System Assets by HUC or HCE.

(b) That staff be directed to apply the cash payment from HUC or HCE. of $2.4 million on closing to the City of Hamilton’s outstanding district cooling system loan;

(c) That, subject to all required approvals, the City of Hamilton provide an interest-bearing loan at an interest rate of 4.06% to the HUC or HCE of $8.1 million to be repaid in full within 25 years from the date of the loan advance;

(d) That principal repayment of $8.1 million over the term of 25 years be applied to the Central Utilities Plant (CUP’s) Control Centre and Building Automation system to an upset limit of $1.5 million, and the balance of $6.6 million be applied to the Unallocated Capital Reserve (108020) for investments towards local neighbourhood roads and sidewalks;

(e) That any future increase in dividend associated to this transaction be applied to reduce future tax levy increases;

(f) That staff report back through the 2015 Budget Process on the required redeployment of 2 FTEs from the CUP to other corporate facilities;

(g) That the Mayor and City Clerk be authorized and directed to execute all agreements referred to in subsections (a) through (f) above, together with all other necessary documents, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services and the General Manager of Public Works.

15. Borer’s Falls Dog Park Site Evaluation (PW14096(a)) (Ward 13) (Added Item 8.8)

(a) That the City’s Responsible Animal Ownership By-law 12-031 be amended to change the hours in which Borer’s Falls Dog Park (Dog Park) is open to the public from 6:00 a.m. to 11:00 p.m. year round, to 7:00 a.m. to 9:00 p.m. from April 1 through October 31 and 7:00 a.m. to 6:00 p.m. from November 1 through March 31;

(b) That a new internal fence be constructed dividing the Dog Park’s naturalized area from its open space to establish a fifty foot buffer between the open space used by dog owners and the adjacent property owner;
(c) That fence line plantings be further enhanced with additional vegetation, as required, with conifers for year round visual screening;

(d) That capital improvements for signage, fencing and additional vegetation plantings be funded from the Leash Free Park Reserve - Dept. ID #112202;

16. Tree Removal at 7 Atkins Drive, Hamilton (Item 9.1)

That Forestry staff be directed to remove the tree located at 7 Atkins Drive, Hamilton.

17. Tree Removal at 819 Garth Street, Hamilton (Item 9.2)

That Forestry staff be directed to remove the tree located at 819 Garth Street, Hamilton.

18. Installation of a Stop Control at Davinci Boulevard and Michelangelo Lane (to the west) and Sistine Court (to the east), Hamilton (Item 9.3)

(a) That an all way stop control be installed at Davinci Boulevard and Michelangelo Lane (to the west) and Sistine Court (to the east), Hamilton; and,

(b) That the appropriate amending By-law, to install an all way stop control at Davinci Boulevard and Michelangelo Lane (to the west) and Sistine Court (to the east), Hamilton; be passed.

19. Tree Removal at 20 Mount Pleasant Drive (Ward 6) (Added Item 10.1)

That Forestry staff be directed to remove the tree located at 20 Mount Pleasant Drive, Hamilton.

20. Tree Removal at 814 714 Limeridge Road East (Added Item 10.3)

That staff be directed to remove the tree located at 814 714 Limeridge Road East.

21. Tree Removal at 162 St. Andrews Drive (Added Item 10.4)

That staff be directed to remove the tree located at 162 St. Andrews Drive.
22. **Water Filling Stations at the Pan Am Stadium (Added Item 10.5)**

(a) That, upon substantial completion of the Pan Am Stadium, staff be directed to install water filling stations on the concourse level of the Pan Am Stadium; and,

(b) That staff, in consultation with the Hamilton Tiger Cats, formulate a policy to allow visitors to the Pan Am Stadium to bring in empty, appropriate containers to use at water filling stations.

**FOR THE INFORMATION OF THE COUNCIL:**

(a) **APPROVAL OF THE AGENDA (Item 1)**

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

(i) Added as Item 4.1 – a Delegation Request from Matthew Di Vona, Davis Howe Partners LLP, respecting the Hopkins Dog Park (for today’s meeting)

(ii) Added as Item 8.8 – Discussion Item respecting the Borer’s Falls Dog Park Site Evaluation (PW14096(a))

(iii) Added as Item 10.1 - a Notice of Motion respecting a Tree Removal at 20 Mount Pleasant Drive (Ward 6)

(iv) Added as Item 10.2 – a Notice of Motion respecting…

The September 15, 2014 Public Works Committee Agenda was approved as amended.

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

Councillor Powers declared an interest respecting Items 4.1 a Delegation Request from Matthew Di Vona respecting the Hopkins Dog Park, Item 6.1 a Delegation from Matthew Di Vona respecting the Hopkins Dog Park and Item 8.8 respecting the Borer’s Falls Dog Park – Site Evaluation (PW14096(a)) (Ward 13) because of solicitor/client advice that he has received.

Councillor Powers advised that he will refrain from discussion and voting on Items 4.1, 6.1, and 8.8 and that he will excuse himself from Council Chambers when these items are being discussed.
(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

The Minutes of the September 2, 2014 Public Works Committee meeting were approved as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation request for Today’s Meeting, from Matthew Di Vona, Davis Howe Partners LLP, respecting the Hopkins Dog Park (Added Item 4.1)

The delegation request from Matthew Di Vona, Davis Howe Partners LLP, respecting the Hopkins Dog Park, was approved for today’s meeting.

(e) CONSENT ITEMS (Item 5)

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

The Minutes of the Glanbrook Landfill Coordinating Committee – May 26, 2014 were received.

(f) PUBLIC HEARINGS/DELEGATIONS (Item 6)

(i) Delegation from Matthew Di Vona (Added Item 6.1)

Mr. Di Vona addressed the Committee respecting the Hopkins Dog Park. Mr. Di Vona advised that he is counsel to Ms. Shirley Hawkins who owns property adjacent to the dog park. Mr. Di Vona stated that progress has been made on the concerns of his client but he feels that there is still more to do. Mr. Di Vona supports the recommendations in PW Report 14096(a) but would like the issues respecting the landscape plan for future plantings to be addressed.

The delegation from Matthew Di Vona respecting the Hopkins Dog Park was received.

(g) PRESENTATIONS

(i) 2014 Capital Budget Preamble (Item 7.1)

Mr. Gary Moore, Director, Engineering Services, presented the 2014 Capital Budget Preamble to the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.
The presentation included, but was not limited, to the following:

- Key Accomplishments
  - Road Network Impacts
  - Sidewalk Network Impacts
  - Council Priority Program
  - Area Rating Projects
- Challenges
- Area Rating Project Scope Review
- Capital Project Timelines
- Project Preparation
- Area Rating Funds (staff resources)
- Looking Ahead – 2015-2024 Levy Allocation
- 25 Year Roads Levels of Service
- Neighbourhood Asset Preservation – Local Roads

The presentation respecting the 2014 Capital Budget Preamble was received.

(ii) **Highway 403 Westbound On-Ramp at Mohawk Road (Item 7.2)**

The presentation respecting the Highway 403 Westbound On-Ramp at Mohawk Road was waived.

(iii) **Update on the Proposed Sale of the City of Hamilton’s District Cooling System (DCS) Assets to Hamilton Utilities Corporation (Item 7.3)**

Mr. Geoff Lupton, Director, Energy, Fleet and Traffic, and Mr. Brian McMullen, Director, Financial Planning and Policy, presented information to the Committee respecting Update on the Proposed Sale of the City of Hamilton’s District Cooling System (DCS) Assets to Hamilton Utilities Corporation with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

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

- Outline of “Who’s Who”
- Previous Direction
- Current Direction
- Proposed Recommendations
- The City’s Objectives
- Hamilton Utilities Objectives
- Proposed Sale Structure
- Reasons for Selling
- Financial Overview
  - Central Utilities Plan Budget – Potential Impact
  - Transfer – Efficiencies
  - Transfer – Avoided Costs
  - Transfer – Potential Benefits
The presentation respecting Update on the Proposed Sale of the City of Hamilton’s District Cooling System (DCS) Assets to Hamilton Utilities Corporation was received.

(h) MOTIONS (Item 9)

(i) Tree Removal at 7 Atkins Drive, Hamilton

Councillor S. Merulla assumed the Chair in order to allow Chair Whitehead to vacate the Chair to introduce the following Motion.

That Forestry staff be directed to remove the tree located at 7 Atkins Drive, Hamilton.

For disposition on this matter refer to Item 16.

(ii) Tree Removal at 819 Garth Street, Hamilton

Councillor S. Merulla assumed the Chair in order to allow Chair Whitehead to vacate the Chair to introduce the following Motion.

That Forestry staff be directed to remove the tree located at 819 Garth Street, Hamilton.

For disposition on this matter refer to Item 17.

(iii) Installation of a Stop Control at Davinci Boulevard and Michelangelo Lane (to the west) and Sistine Court (to the east), Hamilton

Councillor S. Merulla assumed the Chair in order to allow Chair Whitehead to vacate the Chair to introduce the following Motion.

(a) That an all way stop control be installed at Davinci Boulevard and Michelangelo Lane (to the west) and Sistine Court (to the east), Hamilton; and,

(b) That the appropriate amending By-law, to install an all way stop control at Davinci Boulevard and Michelangelo Lane (to the west) and Sistine Court (to the east), Hamilton; be passed.

For disposition on this matter refer to Item 18.

(i) NOTICES OF MOTIONS (Item 10)

Councillor Jackson introduced the following Notice of Motion:

(i) Tree Removal at 20 Mount Pleasant Drive (Ward 6) (Added Item 10.1)
Whereas the residents of 20 Mount Pleasant Drive have indicated that the 30cm healthy Linden City of Hamilton tree is infested with aphids which are attracting wasps causing a nuisance; and

Whereas the wasp infestation has in the past resulted in the hospitalization of the homeowner and poses further potential health problems; and

Whereas the property owners of 20 Mount Pleasant Drive has expressed their desire to their Ward Councillor that the City remove the tree;

Therefore be it resolved:

That Forestry staff be directed to remove the tree located at 20 Mount Pleasant Drive, Hamilton.

The rules of order were waived to allow the introduction of a Motion respecting a Tree Removal at 20 Mount Pleasant Drive.

For disposition on this matter refer to Item 19.

Councillor Ferguson introduced the following Notice of Motion:

(ii) Proposed Sale of the City of Hamilton’s District Cooling System (DCS) Assets to HCE Energy Inc.) (Added Item 10.2)

(a) That the sale of the City's District Cooling System (DCS) Assets to Hamilton Utilities Corporation (HUC) or its wholly owned subsidiary, HCE Energy Inc. (HCE), at a purchase price of $10.5 million be approved subject to the following agreements being prepared to the satisfaction of the City Solicitor, the General Manager of Public Works and the General Manager of Finance and Corporate Services:

(i) An asset purchase and sale agreement pursuant to which HUC or HCE will acquire the assets of the City's (DCS) Assets including the City's Central Utility Plant (CUP);

(ii) An energy services agreement (ESA) pursuant to which the City will purchase cooling services from HUC or HCE over a 25 year term;

(iii) A 25-year licence of the space required for the use of the District Cooling System Assets by HUC or HCE;

(b) That staff be directed to apply the cash payment from HUC or HCE of $2.4 million on closing to the City of Hamilton’s outstanding district cooling system loan;

COUNCIL – September 24, 2014
(c) That, subject to all required approvals, the City of Hamilton provide an interest-bearing loan at an interest rate of 4.06% to the HUC or HCE of $8.1 million to be repaid in full within 25 years from the date of the loan advance;

(d) That principal repayment of $8.1 million over the term of 25 years be applied to Energy Reserve (112272) That principal repayment of $8.1 million over the term of 25 years be applied to the Central Utilities Plant (CUP’s) Control Centre and Building Automation system to an upset limit of $1.5 million, and the balance of $6.6 million be applied to the Unallocated Capital Reserve (108020) for investments towards local neighbourhood roads and sidewalks;

(e) That any future increase in dividend associated to this transaction be applied to reduce future tax levy increases;

(f) That any future increase in dividend associated to this transaction be applied to reduce future tax levy increases; That staff report back through the 2015 Budget Process on the required redeployment of 2 FTEs from the CUP to other corporate facilities;

(g) That the Mayor and City Clerk be authorized and directed to execute all agreements referred to in subsections (a) through (f) above, together with all other necessary documents, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services and the General Manager of Public Works.

For disposition on this matter refer to Item 14.

Councillor Duvall introduced the following Notice of Motion:

(iii) Tree Removal at 814 714 Limeridge Road East(Added Item 10.3)
That staff be directed to remove the tree located at 814 714 Limeridge Road East.

The rules of order were waived to allow the introduction of a Motion respecting a Tree Removal at 814 714 Limeridge Road East.

For disposition on this matter refer to Item 20.

Councillor Merulla introduced the following Notice of Motion:

(iv) Tree Removal at 162 St. Andrews Drive (Added Item 10.4)
That staff be directed to remove the tree located at 162 St. Andrews Drive.

The rules of order were waived to allow the introduction of a Motion respecting a Tree Removal at 162 St. Andrews Drive.

For disposition on this matter refer to Item 21.
Councillor Ferguson introduced the following Notice of Motion:

(v) **Water Filling Stations at the Pan Am Stadium (Added Item 10.5)**

(a) That, upon substantial completion of the Pan Am Stadium, staff be directed to install water filling stations on the concourse level of the Pan Am Stadium; and,

(b) That staff, in consultation with the Hamilton Tiger Cats, formulate a policy to allow visitors to the Pan Am Stadium to bring in empty, appropriate containers to use at water filling stations.

The rules of order were waived to allow the introduction of a Motion respecting Water Filling Stations at the Pan Am Stadium.

For disposition on this matter refer to Item 22.

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

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

(a) The following Items were considered complete and removed from the Outstanding Business List:

(1) Item E – Binbrook Urban Area Transit Service

(2) Item F – Two Way Conversion of Queen Street North between Stuart Street and Barton Street West

(3) Item K – CNG Stations Agreement

(4) Item T – Portable Weight Scales

(k) **ADJOURNMENT (Item 13)**

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

Respectfully submitted,

Councillor T. Whitehead, Chair
Public Works Committee

Lauri Leduc
Legislative Coordinator
Office of the City Clerk

COUNCIL – September 24, 2014
THE PLANNING COMMITTEE PRESENTS REPORT 14-014 AND RESPECTFULLY RECOMMENDS:

1. Amendments to the Site Alteration By-law No. 03-126, as Amended by By-law Nos. 05-115, 11-262, 13-098, and Further Amended by By-law No.13-206 (PED12184(c)) (City Wide) (Item 5.1)

   (a) That amendments to Site Alteration By-law No. 03-126, as amended by By-law Nos. 05-115, 11-262, 13-098 and further amended by By-law No. 13-206, as set out in Report PED12184(c), be approved and that the draft amending By-law, attached as Appendix “A” to Report PED12184(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

   (b) That staff be directed to continue to submit as part of the 2015 Capital Budget process monies for a comprehensive review and update of the City of Hamilton’s Site Alteration By-law.
2. City of Hamilton’s Response to the Resolution from Township of Muskoka Lakes to Correct Errors in the Land Titles Electronic Registry System - Outstanding Business List Item - (PED14162) (City Wide) (Item 5.2)

That the resolution from the Township of Muskoka Lakes regarding the Request for the Ministry of Government Services to correct errors in the Land Titles Electronic Registry System, be received.

3. Committee of Adjustment Minor Variance Application - DN/A-14:50 (93 Head Street, Dundas) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED14168) (Item 5.3)

(a) That Report PED14168, respecting Committee of Adjustment Minor Variance Application DN/A-14:50 (see Appendix “E” to Report PED14168), for the property known as 93 Head Street (Dundas), as shown on Appendix “A” to Report PED14168, supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment, be received;

(b) That Legal Services be directed to not attend to the Ontario Municipal Board, either in support of the Committee’s decision, or against the decision.

4. Requests to Designate 1175 Main Street East, Hamilton (Memorial School) and 801 Dunsmure Road, Hamilton (W.H. Ballard Public School) Under Part IV of the Ontario Heritage Act (PED14175) (Wards 3 and 4) (Item 5.4)

(a) That Council direct staff to carry out a Cultural Heritage Assessment of 1175 Main Street East, Hamilton (Memorial School), shown in Appendix “A1” of Report PED14175, to determine whether the property is of cultural heritage value worthy of designation under Part IV of the Ontario Heritage Act;

(b) That Council direct staff to carry out a Cultural Heritage Assessment of 801 Dunsmure Road, Hamilton (W.H. Ballard Public School), shown in Appendix “A2” of Report PED14175, to determine whether the property is of cultural heritage value worthy of designation under Part IV of the Ontario Heritage Act;

(c) That the Cultural Heritage Assessment work for 1175 Main Street East (Memorial School) and 801 Dunsmure Road (W.H. Ballard Public School) be assigned low priorities, and be added to staff’s work.
program for completion in 2019, as per the attached Appendix “F” of Report PED14175;

(d) That, if 1175 Main Street East, Hamilton (Memorial School), is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act;

(e) That, if 801 Dunsmure Road, Hamilton (W.H. Ballard Public School), is determined to be of cultural heritage value or interest, a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes be prepared by staff for Council's consideration for designation under Part IV of the Ontario Heritage Act;

(f) That a copy of Report PED14175 be forwarded to the Hamilton Municipal Heritage Committee for information;

(g) That a copy of Report PED14175 be forwarded to the owner of 1175 Main Street East and 801 Dunsmure Road for information;

5. **Street Name Housekeeping Amendments (Thornwood Drive, Portion of Claudette Gate, Portion of Chedmac Drive, Portion of Highway 5 West, Portion of Highbury Drive, Portion of Ipswich Road) (Ancaster, Flamborough, Hamilton, Stoney Creek) (PED14201) (Wards 4, 8, 9, 12 and 14) (Item 5.5)**

(a) That Thornwood Road, in the former Town of Ancaster, be renamed “Thornwood Drive” as identified on Appendix “A” to Report PED14201, and that the draft By-law, attached as Appendix “B” to Report PED14201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That a portion of Claudette Gate, in the former City of Hamilton, be renamed “Sabrina Boulevard” as identified on Appendix “C” to Report PED14201, and that the draft By-law, attached as Appendix “D” to Report PED14201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(c) That a portion of Chedmac Drive, in the former City of Hamilton, be renamed “Southridge Court” as identified on Appendix “E” to Report PED14201, and that the draft By-law, attached as Appendix “F” to Report PED14201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
(d) That a portion of Highbury Drive, in the former City of Stoney Creek, be renamed “Picardy Drive” as identified on Appendices “G” and “H” to Report PED14201, and that the draft By-law, attached as Appendix “I” to Report PED14201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(e) That a portion of Highway No. 5 West, in the former Town of Flamborough, be renamed “Emmons Lane” as identified on Appendix “J” to Report PED14201, and that the draft By-law, attached as Appendix “K” to Report PED14201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(f) That a portion of Ipswich Road, in the former City of Hamilton, be renamed “Ipswich Place” as identified on Appendix “L” to Report PED14201, and that the draft By-law, attached as Appendix “M” to Report PED14201, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

6. Terms of Reference for Review of the Heritage Designation Process and Delegated Authority to Consent to Heritage Permits under the Ontario Heritage Act (PED14204) (City Wide) (Item 5.6)

(a) That the Terms of Reference for Review of the Heritage Designation Process and Delegated Authority to Consent to Heritage Permits under the Ontario Heritage Act, attached here to as Appendix “A”, to Report 14-014, be approved.

(b) That staff in the Planning Division be directed to carry out a review of the processes related to heritage designation and delegated authority to consent to heritage permit applications, in accordance with the Terms of Reference attached here to as Appendix “A”, to Report 14-014;

(c) That Staff report back to Planning Committee by the end of the second quarter of 2015.

7. Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593; and the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED14223) (Wards 5 and 10) (Item 5.7)

(a) That Report PED14223, Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593; and the City of
Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located at 560 Grays Road (Hamilton and Stoney Creek), be received.

(b) That staff, in consultation with the Ward Councillors (5 and 10), hold an open house for Ward residents in order to create an issues list to present to the Ontario Municipal Board.

8. Application for an Amendment to Zoning By-law 05-200 for Lands Located at 950 and 956 South Service Road, Stoney Creek (Ward 11) (PED14180) (Item 6.1)

That Zoning By-law Amendment Application ZAR-14-024, by Galanda Properties, Owner, for a modification in zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 460) Zone, Modified, with a Special Exception (Block 1) and from the General Business Park (M2) Zone to the General Business Park (M2, 460) Zone, Modified, with a Special Exception (Block 2), on lands located at 950 and 956 South Service Road (Stoney Creek), as shown on Appendix “A” to Report PED14180, be approved, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14180, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Map Nos. 1202 and 1256 of Schedule “A” of City of Hamilton Zoning By-law No. 05-200;

(c) That the proposed changes in Zoning are in conformity with the Urban Hamilton Official Plan.

9. City Initiative 14-E - Official Plan and Zoning By-law Changes for Urban Agriculture (Community Gardens and Urban Farms) in the Urban Area (PED14161) (Wards 1 to 13, 15) (Item 6.2)

(a) That approval be given to City Initiative 14-E, for Official Plan Amendment (OPA) No. to the Urban Hamilton Official Plan, to define community garden and urban farm, and to permit the uses within residential, institutional areas, parks and open spaces zones, and mixed use and commercial areas, on the following basis:

(i) That the draft OPA, attached as Appendix “A” to Report PED14161, be adopted by Council; and,
(ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS) 2014, and conforms to the Growth Plan for the Greater Golden Horseshoe.

(b) That approval be given to **City Initiative 14-E**, for a general text amendment to Zoning By-law 05-200, to define community garden and urban farm, to permit these uses, either as ancillary or as principle uses, in institutional and specific parks and open space, and downtown, and to establish appropriate regulations, on the following basis:

(i) That the Draft By-law, attached as Appendix “B” to Report PED14161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.

(c) That approval be given to **City Initiative 14-E**, for a general text amendment to Town of Ancaster Zoning By-law 87-57, to define community garden and urban farm, to permit these uses, either as ancillary or as principle uses, in residential, institutional, and commercial and mixed use zones and to establish appropriate regulations, on the following basis:

(i) That the Draft By-law, attached as Appendix “C” to Report PED14161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.

(d) That approval be given to **City Initiative 14-E**, for a general text amendment to Town of Dundas Zoning By-law 3581-86, to define community garden and urban farm, to permit these uses, either as ancillary or as principle uses, in residential, institutional, and commercial and mixed use zones and to establish appropriate regulations, on the following basis:

(i) That the Draft By-law, attached as Appendix “D” to Report PED14161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.
(e) That approval be given to City Initiative 14-E, for a general text amendment to Town of Flamborough Zoning By-law 90-145-Z, to define community garden and urban farm, to permit these uses, either as ancillary or as a principle uses, in residential, institutional, and commercial and mixed use zones and to establish appropriate regulations, on the following basis:

(i) That the Draft By-law, attached as Appendix “E” to Report PED14161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.

(f) That approval be given to City Initiative 14-E, for a general text amendment to Township of Glanbrook Zoning By-law No. 464, to define community garden and urban farm, to permit these uses, either as ancillary or as a principle uses, in residential, institutional, and commercial and mixed use zones and to establish appropriate regulations, on the following basis:

(i) That the Draft By-law, attached as Appendix “F” to Report PED14161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.

(g) That approval be given to City Initiative 14-E, for a general text amendment to City of Hamilton Zoning By-law No. 6593, to define community garden and urban farm, to permit these uses, either as ancillary or as a principle uses, in residential, institutional, and commercial and mixed use zones and to establish appropriate regulations, on the following basis:

(i) That the Draft By-law, attached as Appendix “G” to Report PED14161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.
(h) That approval be given to **City Initiative 14-E**, for a general text amendment to City of Stoney Creek Zoning By-law No. 3692-92, to define community garden and urban farm, to permit these uses, either as ancillary or as a principle uses, in residential, institutional, and commercial and mixed use zones and to establish appropriate regulations, on the following basis:

(i) That the Draft By-law, attached as Appendix “H” to Report PED14161, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Official Plan Amendment No.

(i) That the definition of Urban Farms be amended to include grains.

(j) That staff from Planning and Economic Development and Community and Emergency Services work together to educate the public, including farming, community gardening, and social service organizations, about the opportunities created by the new Official Plan and Zoning By-law changes for urban agriculture as part of the ongoing implementation of the City’s Food Strategy;

(k) That staff from Public Works, Planning and Economic Development, Public Health and, Community and Emergency Services be directed to develop a community engagement and communication plan regarding urban agriculture and report back to General Issues Committee in 2015.

10. **Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for the lands located at 55 Queenston Road (former City Motor Hotel Site), (Hamilton) (PED14186) (Ward 4) (Item 6.3)**

(a) That approval be given to **City Initiative CI-13-F, by The City of Hamilton, Owner**, for a change in zoning from the Community Shopping and Commercial “H” District, to the Downtown Mixed Use (D3, 461, HS4) Zone, to permit an eight-storey residential building and a six-storey mixed use building, in Zoning By-law No. 05-200 for the lands located at 55 Queenston Road, Hamilton, as shown on Appendix “A”, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED14186, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
(ii) That the change in zoning conforms to the Urban Hamilton Official Plan.

(b) That staff be authorized to include the subject lands in the implementation of the Commercial and Mixed Use Zoning for Zoning By-law 05-200;

(c) That upon finalization of the implementing Zoning By-law, the approved Normanhurst Neighbourhood Plan be amended to change the designation from “Commercial” to “Mixed Use”.

11. **Application for Approval of a Draft Plan of Subdivision known as “Nebo Trail”, on Lands Located at 6075 Twenty Road East, Glanbrook (PED14192) (Ward 11) (Item 6.4)**

That approval be given to revised Draft Plan of Subdivision Application 25T-201207 by Movengo Corporation, Owner, to establish a draft plan of subdivision known as “Nebo Trail”, on lands located at 6075 Twenty Road East (Glanbrook), as shown on Appendix “A” to Report PED14192, subject to the following conditions:

(a) That this approval apply to “Nebo Trail”, 25T-201207, prepared by IBI Group, and certified by S.D. McLaren, O.L.S., dated December 13, 2012, attached as Appendix “D”, as revised July 2, 2014, showing five blocks (Blocks 1 – 5) for industrial purposes, two blocks for road widening purposes (Blocks 6 and 7), two blocks for a 0.3 m (1 ft) reserve (Blocks 8 and 9), and one new municipal street (Street ‘A’) attached as Appendix “B” to Report PED14192, subject to the owner entering into a standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix “C” to Report PED14192;

(b) Acknowledgement that there will be no City share for any municipal works associated with this development, in accordance with the financial policies for development, as approved by Council;

(c) That Payment of Cash-in-Lieu of Parkland will not be required for the development prior to the issuance of each building permit for the lots within the plan.

(d) That Appendix “C” to Report PED14192, Application for Approval of a Draft Plan of Subdivision known as “Nebo Trail”, on Lands Located at 6075 Twenty Road East, Glanbrook, be amended by deleting Condition #9 and replacing it with the revised Condition #9, as follows:
9. That, prior to preliminary grading, the Owner prepares a stormwater management plan for the property to the satisfaction of the Hamilton Conservation Authority and the City of Hamilton, Senior Director of Growth Management. The stormwater management plan shall demonstrate how existing conditions (flow rates) are being maintained with development.

12. Application for Amendments to the Urban Hamilton Official Plan and Township of Glanbrook Zoning By-law No. 464 for Lands Located at Block 114 of Registered Plan 62M-1181 (Glanbrook) (PED14200) (Item 6.5)

   (a) That approval be given to **Urban Hamilton Official Plan Amendment Application UHOPA-14-011, by Multi-Area Developments Inc., Owner**, for Official Plan Amendment No., to amend portions of Map B.5.2-1, Rymal Road Secondary Plan Land Use Plan, from “Local Commercial” to “Local Commercial, Site Specific Policy – Area ___” on the land located at Block 114 of Registered Plan 62M-1181 (as shown on Appendix “D” to Report PED14200), and to update the Rymal Road Secondary Plan policies to reflect Official Plan Amendment No. 67:

      (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14200, be adopted by City Council.

      (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2014) and conforms to the Growth Plan for the Greater Golden Horseshoe.

   (b) That approval be given to **Glanbrook Zoning By-law Amendment Application ZAC-14-026, by Multi-Area Developments Inc., Owner**, for a further modification to the Neighbourhood Commercial “C1-173” Zone, Modified, to permit additional uses, on lands known as Block 114 of Registered Plan 62M-1181 (as shown on Appendix “D” to Report PED14200), on the following basis:

      (i) That the draft By-law, attached as Appendix “C” to Report PED14200, 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 “J”, of Zoning By-law No. 464.
That the proposed zoning change is in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No. 13.

13. Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 267, 275 – 283 and 293 Upper Centennial Parkway (Stoney Creek) (PED14195) (Ward 9) (Item 6.6)

(a) That approval be given to amended, Zoning Application ZAC-13-042 by 919 Upper Paradise Rd. Inc., Owner, for changes in zoning from the Neighbourhood Development “ND” Zone, Highway Commercial “HC” Zone and Highway Commercial “HC-6” Zone, Modified to the Highway Commercial (Holding) “HC-6 (H)” Zone, Modified, for lands located at 267, 275 – 283 and 293 Upper Centennial Parkway (Stoney Creek), as shown on Appendix “A” to Report PED14195, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED14195, 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. 11 of Zoning By-law No. 3692-92;

(iii) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan;

(b) That approval be given to amend the Nash Neighbourhood Plan by designating the subject lands from “Low Density Residential” to “General Commercial” to recognize the proposed commercial plaza.

14. Application for Amendment to the Urban Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 257 Park Street South (PED14196) (Ward 2) (Item 6.7)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-14-010 by David Kozar, (Owner), to establish a Site Specific Policy Area, in order to permit the development of street townhouses at a maximum net residential density of 65 units per hectare, for lands located at 257 Park Street South (Hamilton), as shown on Appendix “A” to Report PED14196, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14196, be adopted by City Council.
(b) That approval be given to **Zoning Application ZAR-13-032, by David Kozar, (Owner)**, for a change in zoning from the “DE-3” (Multiple Dwelling) District to the “RT-30/S-1714” (Street-Townhouse) District, Modified, to permit a three-unit street townhouse development, on lands located at 257 Park Street South (Hamilton), as shown on Appendix “A” to Report PED14196, on the following basis:

(i) That the draft By-law, attached as Appendix “C” to Report PED14196, 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 Section 19B of Zoning By-law No. 6593.

(iii) That the proposed change in zoning is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe.

(iv) That the proposed changes in zoning will be in conformity with the Urban Hamilton Official Plan upon finalization of Official Plan Amendment No.

(v) That upon finalization of the implementing By-law, the Durand Neighbourhood Plan be amended to re-designate the lands “Attached Housing” and permit a density of 26 units per acre (65 units per hectare) for the lands located at 257 Park Street South.

(c) That Appendix “C” to Report PED14196, Application for Amendment to the Urban Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 257 Park Street South, be amended to reduce the building footprint and ensure a required larger rear and southerly side yard.

15. **Application for a Condominium Conversion for Lands Known as 46 Arkledun Avenue (Hamilton) (PED14189) (Ward 2) (Item 6.8)**

That approval be given to **Condominium Conversion Application CDM-CONV-12-03, by 46 Arkledun Avenue (Hamilton) Limited, Owner**, as amended by staff, to establish a Draft Plan of Condominium for the existing apartment building, consisting of 72 dwelling units and associated parking spaces, located at 46 Arkledun Avenue (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED14189, subject to the following:
(a) That this approval apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated September 26, 2012, as red-lined revised, attached as Appendix “B” to Report PED14189; and,

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

(i) That the Final Plan of Condominium comply with all applicable provisions of Hamilton Zoning By-law No. 6593;

(ii) That the owner applies for and receives a building permit for one additional dwelling unit beyond the currently recognized 71 dwelling units;

(iii) That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton;

(iv) That the owner shall submit a report, in accordance with Section 9 (4) of The Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the building and any owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration;

(v) That the owner shall include the following warning clause in all Development Agreements and Offers of Purchase and Sale or Lease/Rental Agreements:

(a) Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria; and,

(b) Purchaser/tenants are advised that parking in the surrounding neighbourhood is highly restricted and on-street parking permits and time limit exemption permits are not available for multi-tenant buildings;

(vi) That the owner shall provide the Manager of Design and Construction, Growth Management Division, with evidence that there is a centralized mail facility within a common indoor or sheltered space;
(vii) That the owner shall provide the Manager of Design and Construction, Growth Management Division, with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication services provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information; and,

(viii) The owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.


(a) That approval be given to Amended Official Plan Application UHOPA-13-020 by P.J. Daly Contracting Limited, Owner, as further amended by staff, for Amendment No. ___ to the Urban Hamilton Official Plan, in order to permit a place of worship on lands known as 1955 Upper James Street (Glanbrook), as shown on Appendix “A” to Report PED14210, on the following basis:

(i) That the draft OPA, attached as Appendix “B” to Report PED14210, be adopted by Council; and,

(ii) That the proposed OPA is consistent with the Provincial Policy Statement (PPS) and conforms to the Growth Plan for the Greater Golden Horseshoe.

(b) That approval be given to Amended Zoning Application ZAR-13-056 by P.J. Daly Contracting Limited, Owner, as further amended by staff, for a further modification to the Airport-Related Commercial “C5-053” Zone, Modified, to the Airport-Related Commercial (Holding) “H-C5-053(A)” Zone, Modified, in order to permit a place of worship, on lands known as 1955 Upper James Street (Glanbrook), as shown on Appendix “A” to Report PED14210, on the following basis:
(i) That the Draft By-law, attached as Appendix “C” to Report PED14210, 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 “E” of Zoning By-law No. 464;

(iii) That the proposed change in zoning will be in conformity with the Urban Hamilton Official Plan upon approval of Urban Hamilton Official Plan Amendment No. ___.

c) That the application, as amended by the applicant to permit development on private waste water services, be approved;

d) That staff be directed to negotiate with the applicant an implementing By-law and agreement, to ensure the public interest with respect to the provision of sewers is protected (ie. cost sharing, timing and hook-up).

17. Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for lands located at 406 Pritchard Road (Hamilton) (PED14170) (Item 6.10)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-13-010, by Effort Trust Realty, Owner, for Amendment No. 33 to the Urban Hamilton Official Plan, for changes in designations on “Schedule B – Natural Heritage System” and “Schedule B-6 - Detailed Natural Heritage Features – Local Natural Area Environmentally Significant Areas”, to remove “Core Areas” and “Local Natural Area Environmentally Significant Areas” designations, and add “Site-Specific Policy UHE-5”, in order to permit a community centre, including a place of worship, on the lands located at 406 Pritchard Road (Hamilton), on the following basis:

(i) That the draft Official Plan Amendment, be adopted by City Council;

(b) That approval be given to amended Zoning Application ZAC-13-041, by Effort Trust Realty, Owners, by changing the zoning in the Hamilton Zoning By-law No. 05-200 from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 465) Zone, Modified (Block 1); from the Prestige Business Park (M3, 465, H55) (Holding) Zone, Modified (Block 2); and, from the Conservation/Hazard (P5) Zone to the Prestige Business Park (M3, 465, H55) (Holding) Zone, Modified Block (3); for the property located at 406 Pritchard Road (Hamilton), on the following basis:
(i) That the draft By-law, 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 Nos. 1500 and 1501, of Zoning By-law No. 05-200.

18. Revised Hamilton Municipal Heritage Committee Report 14-009(a) (Item 8.1)

(a) That the properties listed in Schedule 1 of Appendix “A” attached to the Hamilton Municipal Heritage Committee Report 14-009(a) be included in the Register of Property of Cultural Heritage Value or Interest as non-designated properties;

(b) That staff be directed to add the properties listed in Schedule 2 of Appendix “A” attached to the Hamilton Municipal Heritage Committee Report 14-009(a) to the staff’s work program for designation;

(c) That Schedule 3 of Appendix “A” attached to the Hamilton Municipal Heritage Committee Report 14-009(a) be approved as amended to include the Candidates for Designation;

(d) That staff be directed to prepare a Capital Budget Submission to be brought forward in the 2015 Budget Deliberations to address the work program for designation, as per Schedule 3 of Appendix “A” attached to the Municipal Heritage Committee Report 14-009(a);

(e) That the recommendations regarding 206, 208 and 210 King Street East be removed from Schedule 1, Schedule 2 and Schedule 3 of Appendix “A” attached to Hamilton Municipal Heritage Committee Report 14-009(a);

(f) That the recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest be referred to staff for further consultation with the property owner and the appropriate Councillors prior to reporting back to Planning Committee;

(g) That the recommendations to add 206-210 King Street East to staff’s designation work program be referred to staff for further consultation with the property owner and the appropriate Councillors prior to reporting back to Planning Committee.

FOR THE INFORMATION OF COUNCIL:

Council – September 24, 2014
(a)  **CHANGES TO THE AGENDA (Item 1)**

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

1. **ADDED DELEGATION REQUESTS**
   
   4.1 Delegation from Lakewood Beach Community Council respecting item 5.7, 560 Gray's Road
   
   4.2 Delegation Request from Catherine Hughes and Celeste Licorish respecting item 6.2 CI-14-E Community Gardens and Urban Farms

2. **DISCUSSION ITEMS**

   8.1 Revised Hamilton Municipal Heritage Committee Report 14-009(a) (referred from the September 3, 2014 Planning Committee meeting)

3. **MOTIONS**

   9.1 **REMOVED FROM THE AGENDA:** Hamilton Municipal Heritage Committee Report 14-009 (referred from the September 3, 2014 Planning Committee meeting) (see item 8.1)

The Agenda for the September 16, 2014 meeting of the Planning Committee was approved, as amended.

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

None.

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

   (i)  **September 3, 2014**

   The Minutes of the September 3, 2014 Planning Committee meeting were approved.

(d)  **DELEGATION REQUESTS (Item 4)**
(i) **Delegation from Viv Saunders, Lakewood Beach Community Council, respecting item 5.7, 560 Gray's Road (Item 4.1)**

The delegation from Viv Saunders, Lakewood Beach Community Council, respecting item 5.7, 560 Gray's Road, was approved.

(ii) **Delegation Request from Catherine Hughes and Celeste Licorish respecting item 6.2 CI-14-E Community Gardens and Urban Farms (Item 4.2)**

The delegation from Catherine Hughes and Celeste Licorish respecting item 6.2 CI-14-E Community Gardens and Urban Farms, was approved.

(e) **CONSENT ITEMS (Item 5)**

(i) **Committee of Adjustment Minor Variance Application - DN/A-14:50 (93 Head Street, Dundas) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED14168) (Item 5.3)**

The recommendations contained in Report PED14168, Committee of Adjustment Minor Variance Application - DN/A-14:50 (93 Head Street, Dundas) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment, were amended by adding a new recommendation (b) to read as follows:

(b) That Legal Services not be sent to the Ontario Municipal Board, either in support of the Committee’s decision, or against the decision.

For disposition on this Item, refer to item 3.

(ii) **Street Name Housekeeping Amendments (Thornwood Drive, Portion of Claudette Gate, Portion of Chedmac Drive, Portion of Highway 5 West, Portion of Highbury Drive, Portion of Ipswich Road) (Ancaster, Flamborough, Hamilton, Stoney Creek) (PED14201) (Wards 4, 8, 9, 12 and 14) (Item 5.5)**

Chair B. Johnson advised those in attendance that they may speak to this item.

No public speakers came forward.
For disposition on this Item, refer to item 5.

(iii) Appeals to the Ontario Municipal Board on the City of Hamilton’s Refusal or Neglect to Adopt Amendments to the City of Hamilton Official Plan and Zoning By-law No. 6593; and the City of Stoney Creek Official Plan and Zoning By-law No. 3692-92, for Lands Located at 560 Grays Road (Hamilton and Stoney Creek) (PED14223) (Wards 5 and 10) (Item 5.7)

Viv Saunders requested that the Lakewood Beach Community Council be added as party status to this Ontario Municipal Board hearing.

The presentation was received.

Staff advised that this request should be put forward through the Ontario Municipal Board.

For disposition on this Item, refer to item 7.

(f) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for an Amendment to Zoning By-law 05-200 for Lands Located at 950 and 956 South Service Road, Stoney Creek (Ward 11) (PED14180) (Item 6.1)

In accordance with the provision of the Planning Act, Vice-Chair J. Partridge 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 proposed 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 staff presentation respecting Report PED14180, Application for an Amendment to Zoning By-law 05-200 for Lands Located at 950 and 956 South Service Road, Stoney Creek, was waived.
The public meeting respecting Report PED14180, Application for an Amendment to Zoning By-law 05-200 for Lands Located at 950 and 956 South Service Road, Stoney Creek, was closed.

For disposition on this Item, refer to item 8.

(ii) City Initiative 14-E - Official Plan and Zoning By-law Changes for Urban Agriculture (Community Gardens and Urban Farms) in the Urban Area (PED14161) (Wards 1 to 13, 15) (Item 6.2)

(aa) Correspondence from Kimberly McKibbon

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed official plan and 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.

Joanne Hickey-Evans, Manager, Planning Policy and Zoning By-Law Reform, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The presentation was received.

Public Speakers:


   Ms. Hughes, The Downstairs Kitchen, provided an overview of her support with the aid of speaking notes. A copy of her speaking notes has been included in the public record.

2. Greg Dawson – 13 James St., Dundas, ON L9H 2J4

   Mr. Dawson provided examples of his experience with community gardens.

3. Victor Veri - 971 Highway No. 6, RR #2, Flamborough, ON L8N 2Z7
Mr. Veri provided an overview of his objections.

4. Bill Wilcox – 504 Upper Sherman Ave., Hamilton, ON L8V 3L8

Mr. Wilcox expressed concerns with the restrictions of urban farms in brownfields.

The presentations were received.

The correspondence respecting Report PED14161, City Initiative 14-E - Official Plan and Zoning By-law Changes for Urban Agriculture (Community Gardens and Urban Farms) in the Urban Area, was received.

The public meeting respecting Report PED14161, City Initiative 14-E - Official Plan and Zoning By-law Changes for Urban Agriculture (Community Gardens and Urban Farms) in the Urban Area, was closed.

The recommendations contained in Report PED14161, City Initiative 14-E - Official Plan and Zoning By-law Changes for Urban Agriculture (Community Gardens and Urban Farms) in the Urban Area, was amended by adding a new sub-section (i), to read as follows:

(i) That the definition of Urban Farms be amended to include grains.

For disposition on this Item, refer to item 9.

(iii) Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for the lands located at 55 Queenston Road (former City Motor Hotel Site), (Hamilton) (PED14186) (Ward 4) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed 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.
Shannon McKie, Planner, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The presentation was received.

Public Speaker:

1. Victor Veri - 971 Highway No. 6, RR #2, Flamborough, ON L8N 2Z7

   Mr. Veri provided an overview of his objections as to how the City obtained the property.

   The presentation was received.

The public meeting respecting Report PED14186, Application for an Amendment to City of Hamilton Zoning By-law No. 05-200 for the lands located at 55 Queenston Road (former City Motor Hotel Site), (Hamilton), was closed.

For disposition on this Item, refer to item 10.

(iv) Application for Approval of a Draft Plan of Subdivision known as “Nebo Trail”, on Lands Located at 6075 Twenty Road East, Glanbrook (PED14192) (Ward 11) (Item 6.4)

In accordance with the provision of the Planning Act, 2nd Vice-Chair C. Collins 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 proposed draft plan of subdivision, 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.

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

The presentation was received.

Public Speaker:
1. Sandra Leja – 6044 Twenty Rd. E., Hamilton, ON L0R 1P0

Ms. Leja expressed concerns on behalf of herself and residents at 6058 and 6074 Twenty Rd. E., the concerns were related to heavy industrial, noise pollution, ground water, intersection reconstruction, road extensions and site plan.

The presentation was received.

Matt Johnston, IBI Group, provided an overview of the report with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The presentation was received.

The public meeting respecting Report PED14192, Application for Approval of a Draft Plan of Subdivision known as “Nebo Trail”, on Lands Located at 6075 Twenty Road East, Glanbrook, was closed.

Appendix “C” to Report PED14192, Application for Approval of a Draft Plan of Subdivision known as “Nebo Trail”, on Lands Located at 6075 Twenty Road East, Glanbrook, was amended by deleting Condition #9 and replacing it with the revised Condition #9, as follows:

9. That, prior to preliminary grading, the Owner prepares a stormwater management plan for the property to the satisfaction of the Hamilton Conservation Authority and the City of Hamilton, Senior Director of Growth Management. The stormwater management plan shall demonstrate how existing conditions (flow rates) are being maintained with development.

For disposition on this Item, refer to item 11.

(v) Application for Amendments to the Urban Hamilton Official Plan and Township of Glanbrook Zoning By-law No. 464 for Lands Located at Block 114 of Registered Plan 62M-1181 (Glanbrook) (PED14200) (Item 6.5)

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed official plan and 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 staff presentation respecting Report PED14200, Application for Amendments to the Urban Hamilton Official Plan and Township of Glanbrook Zoning By-law No. 464 for Lands Located at Block 114 of Registered Plan 62M-1181 (Glanbrook), was waived.

The public meeting respecting Report PED14200, Application for Amendments to the Urban Hamilton Official Plan and Township of Glanbrook Zoning By-law No. 464 for Lands Located at Block 114 of Registered Plan 62M-1181 (Glanbrook), was closed.

For disposition on this Item, refer to item 12.

(vi) Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 267, 275 – 283 and 293 Upper Centennial Parkway (Stoney Creek) (PED14195) (Ward 9) (Item 6.6)

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed 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 staff presentation respecting Report PED14195, Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 267, 275 – 283 and 293 Upper Centennial Parkway (Stoney Creek), was waived.

The public meeting respecting Report PED14195, Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92 for
Lands Located at 267, 275 – 283 and 293 Upper Centennial Parkway (Stoney Creek), was closed.

For disposition on this Item, refer to item 13.

(vii) Application for Amendment to the Urban Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 257 Park Street South (PED14196) (Ward 2) (Item 6.7)

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed official plan and 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 staff presentation respecting Report PED14196, Application for Amendment to the Urban Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 257 Park Street South, was waived.

The public meeting respecting Report PED14196, Application for Amendment to the Urban Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 257 Park Street South, was closed.

Appendix “C” to Report PED14196, Application for Amendment to the Urban Hamilton Official Plan and for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 257 Park Street South, was amended to reduce the building footprint and ensure a required larger rear and southerly side yard.

For disposition on this Item, refer to item 14.

(viii) Application for a Condominium Conversion for Lands Known as 46 Arkledun Avenue (Hamilton) (PED14189) (Ward 2) (Item 6.8)
In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed condominium conversion, 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 staff presentation respecting Report PED14189, Application for a Condominium Conversion for Lands Known as 46 Arkledun Avenue (Hamilton), was waived.

The public meeting respecting Report PED14189, Application for a Condominium Conversion for Lands Known as 46 Arkledun Avenue (Hamilton), was closed.

For disposition on this Item, refer to item 15.

(ix) Applications for Official Plan and Zoning By-law Amendments for Lands Located at 1955 Upper James Street (Glanbrook) (PED14210) (Ward 11) (Item 6.9)

In accordance with the provision of the Planning Act, Vice-Chair J. Partridge 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 proposed official plan and 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.

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

The presentation was received.
Sergio Manchia, IBI Group, provided an overview of the report with concerns for the holding by-law.

The presentation was received.

**Public Speakers:**

1. Kathy Tedesco – 1947 Upper James St., Hamilton, ON L9B 1K8

   Ms. Tedesco expressed concerns with parking and traffic.

The presentation was received.

The public meeting respecting Report PED14210, Applications for Official Plan and Zoning By-law Amendments for Lands Located at 1955 Upper James Street (Glanbrook), was closed.

The recommendations contained in Report PED14210, Applications for Official Plan and Zoning By-law Amendments for Lands Located at 1955 Upper James Street (Glanbrook), were amended by adding new sub-sections (c) and (d), to read as follows:

(c) That the application, as amended by the applicant to permit development on private waste water services, be approved;

(d) That staff be directed to negotiate with the applicant an implementing By-law and agreement, to ensure the public interest with respect to the provision of sewers is protected (i.e. cost sharing, timing and hook-up).

For disposition on this Item, refer to item 16.

(x) **Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for lands located at 406 Pritchard Road (Hamilton) (PED14170) (Item 6.10)**

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed official plan and 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 staff presentation respecting Report PED14170, Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for lands located at 406 Pritchard Road (Hamilton), was waived.

The public meeting respecting Report PED14170, Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for lands located at 406 Pritchard Road (Hamilton), was closed.

Sergio Manchia, IBI Group, provided an overview of the report and reasons for reconsideration with the aid of a PowerPoint Presentation. A copy of the presentation has been included in the public record.

The presentation was received.

The recommendations contained in Report PED14170, Applications for an Amendment to the Urban Hamilton Official Plan and the City of Hamilton Zoning By-law No. 05-200 for lands located at 406 Pritchard Road (Hamilton), were deleted and replaced with the following recommendations:

(a) That approval be given to **Urban Hamilton Official Plan Amendment Application OPA-13-010, by Effort Trust Realty, Owner**, for Amendment No. 33 to the Urban Hamilton Official Plan, for changes in designations on “Schedule B – Natural Heritage System” and “Schedule B-6 - Detailed Natural Heritage Features – Local Natural Area Environmentally Significant Areas”, to remove “Core Areas” and “Local Natural Area Environmentally Significant Areas” designations, and add “Site-Specific Policy UHE-5”, in order to permit a community centre, including a place of worship, on the lands located at 406 Pritchard Road (Hamilton), on the following basis:

(i) That the draft Official Plan Amendment, be adopted by City Council;
(b) That approval be given to amended Zoning Application ZAC-13-041, by Effort Trust Realty, Owners, by changing the zoning in the Hamilton Zoning By-law No. 05-200 from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 465) Zone, Modified (Block 1); from the Prestige Business Park (M3) Zone, to the Prestige Business Park (M3, 465, H55) (Holding) Zone, Modified (Block 2); and, from the Conservation/Hazard (P5) Zone to the Prestige Business Park (M3, 465, H55) (Holding) Zone, Modified Block (3); for the property located at 406 Pritchard Road (Hamilton), on the following basis:

(i) That the draft By-law, 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 Nos. 1500 and 1501, of Zoning By-law No. 05-200.

For disposition on this Item, refer to item 17.

(g) DISCUSSION ITEMS (Item 8)

(i) Revised Hamilton Municipal Heritage Committee Report 14-009(a) (Item 8.1)

The recommendations to Hamilton Municipal Heritage Committee Report 14-009(a), were amended by adding sub-sections (e), (f) and (g), as follows:

(e) That the recommendations regarding 206, 208 and 210 King Street East be removed from Schedule 1, Schedule 2 and Schedule 3 of Appendix “A” attached to Hamilton Municipal Heritage Committee Report 14-009(a);

(f) That the recommendations to include 206, 208 and 210 King Street East in the Register of Property of Cultural Heritage Value or Interest be referred to staff for further consultation with the property owner and the appropriate Councillors prior to reporting back to Planning Committee;

(g) That the recommendations to add 206-210 King Street East to staff’s designation work program be referred to staff for further consultation with the property owner and the appropriate Councillors prior to reporting back to Planning Committee.
For disposition on this Item, refer to item 18.

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

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

(aa) Item E: City of Hamilton Revised Sidewalk Policy for New Development (PED12234) (City Wide)
Current Due Date: August 12, 2014
New Due Date: TBD

(bb) Item M: Synergies between infrastructure Development and New School Openings
Current Due Date: August 12, 2014
New Due Date: TBD

(cc) Item O: Establishment of a Specialized By-law Enforcement Unit (PED13108) (City Wide)
Current Due Date: August 12, 2014
New Due Date: TBD

(dd) Item MM: Proposal to Proceed with an OMB Appeal for Minor Variance Application, 55 Rymal Road East, Hamilton (PED14108) (Ward 7)
Current Due Date: August 12, 2014
New Due Date: TBD

(ee) Item EE: Dundas Community Council Request for an Impact Study of the Proposed Closure of Parkside High School
Current Date: September 16, 2014
Proposed Date: TBD

(ff) Item Z: Milkweed and Dog Strangling Vine (EBR Registry Number 012-1204)
Current Date: September 16, 2014
Proposed Date: TBD

(gg) Item S: Request to Designate 437 Wilson Street East (Ancaster) Under Part IV of the Ontario Heritage Act (PED12166)
Current Date: September 16, 2014
Proposed Date: TBD
(hh) Item N: City Initiative to Amend Hamilton Zoning By-law No. 6593 for the Properties Located at 118 to 338 Mountain Brow Boulevard (Hamilton) (PED13101)  
Current Date: September 16, 2014  
Proposed Date: TBD

(ii) D: Proposed Permanent Closure and Sale of a Portion of the Road Allowance of Limeridge Rd  
Current Date: September 16, 2014  
Proposed Date: TBD

The following items were removed from the Outstanding Business List:

(aa) Item G: Development of an Urban Woodland Conservation By-law (August 12, 2014 Planning Committee)

(bb) Item K: Fifty Road (August 12, 2014 Planning Committee)


(dd) Item X: Application for Approval of Waste Disposal Sites Amend ECA No. A130407 Hamilton – MOE Reference 9153-9CXXKQH (September 3, 2014 Planning Committee)

(ee) Item TT: Capital Projects’ Status as of June 30, 2014 (PED14163) (City Wide) (Item 5.5) (September 3, 2014 Planning Committee)

(ff) Item OO: Application for Amendment to City of Hamilton Zoning By-law No. 6593 and Vacant Land Condominium for Lands Located at 1187-1201 Upper James Street (Hamilton) (PED14137) (Ward 7) (August 12, 2014 Planning Committee)

(gg) Item WW: Hamilton Municipal Heritage Committee Report 14-009

(hh) Item NN: Delegated Authority to Consent to Heritage Permits Under the Ontario Heritage Act

(ii) Item GG: Correspondence from the Township of Muskoka Lakes respecting a resolution to request the Ministry of Government Services to correct errors in the Land Titles Electronic Registry System
(jj) Item DD: HMHC Report - 170 Longwood Rd North

(kk) Item TT: Capital Projects' Status as of June 30, 2014 (PED14163) (City Wide) (Item 5.5)

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – September 3, 2014

(a) The Closed Session Minutes of the September 3, 2014 meeting of the Planning Committee were approved, as presented.

(b) The Closed Session Minutes of the September 3, 2014 meeting of the Planning Committee, are to remain confidential and restricted from public disclosure.

(j) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 1:40 p.m.

Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
Review of the Heritage Designation Process and Delegated Authority to Consent to Heritage Permits under the *Ontario Heritage Act*

**Terms of Reference**

That Planning Division staff shall undertake a review of:

a) The delegated authority to consent to heritage permits for alterations under the *Ontario Heritage Act*, including:

   i. Background regarding By-law No. 05-364, as amended by 07-322, delegating the power to consent to heritage permits to the Director of Planning;
   
   ii. An assessment of the current delegated authority to consent to heritage permits, including the identification of any issues with the current process or any opportunities for improvement;
   
   iii. A summary and comparison of municipal practices across Ontario;
   
   iv. Consultation with the Hamilton Municipal Heritage Committee and engagement of relevant stakeholders; and,
   
   v. Recommendations for amendments to the heritage permit process and/or the delegated authority to consent to heritage permits, as deemed appropriate.

b) The Council-approved heritage designation process, including:

   i. Background on the Council-approved process for addressing requests to designate properties under Part IV of the *Ontario Heritage Act*;
   
   ii. An overview of recent Council direction to designate properties as high priorities outside of the typical designation process and staff work program;
   
   iii. An assessment and evaluation of the current designation process, including the identification of any issues with the current process or any opportunities for improvement;
   
   iv. A summary and comparison of municipal practices across Ontario;
   
   v. Consultation with the Hamilton Municipal Heritage Committee and engagement of relevant stakeholders; and,
   
   vi. Recommendations for amendment to the designation process, as deemed appropriate.
THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-019 AND RESPECTFULLY RECOMMENDS:

1. Revenue Generation and Cost Reduction Opportunities (FCS14069) (City Wide) (Item 5.2)

   That Report FCS14069, respecting Revenue Generation and Cost Reduction Opportunities, be received.

2. Cut-through Traffic (PW14103) - (City Wide) (Outstanding Business List Item) (Item 5.3)

   (a) That Public Works staff be authorized to continue discussions with various Ministry of Transportation (MTO) staff through on-going City-MTO Liaison meetings, and other opportunities, to determine mitigation measures by the Ministry, to lessen future impacts on the City of Hamilton’s road network, as a result of highway congestion, collisions and closures;

   (b) That Public Works and Planning & Economic Development staff continue to participate on the Western Golden Horseshoe Municipal Network concerning the Niagara to Greater Toronto Area (NGTA) Transportation Corridor Study;
(c) That Public Works staff continue to work on the proposed Emergency Detour Route (EDR) plans, including the consideration of Freeway Traffic Management System (FTMS) signs and the implementation of emergency traffic signal timing plans.

3. **Capital Projects' Closing Report as of June 30th, 2014 (FCS14058) (City Wide) (Item 5.4)**

(a) That the General Manager of Finance & Corporate Services be directed to close the completed and/or cancelled capital projects listed in Appendix “A” to Report FCS14058 in accordance with the Capital Closing Policy;

(b) That the General Manager of Finance & Corporate Services be authorized to transfer $477,060 to the "Unallocated Capital Levy Reserve (108020)" from capital projects as outlined in Table 3 to Report FCS14058;

(c) That Appendix “B” to Report FCS14058 detailing the Capital Projects' Budget work-in-progress (WIP) transfers completed as part of the approved 2014 Capital Budget be received for information;

(d) That Appendix “C” to Report FCS14058 detailing the Capital Projects' Budget Appropriations for the period covering January 1, 2014 through June 30, 2014 be received for information.

4. **Institutional and Special Advance Polls By-law (CL14009) (City Wide) (Item 5.5)**

That the By-law to provide for Institutional and Special Advance Polls for the 2014 Municipal Election, attached as Appendix “A” to report CL14009, be passed.

5. **Hamilton Farmers' Market Incorporation (CM12009(d)) (City Wide) (Item 5.6)**

(a) That the City Solicitor be authorized and directed to file the Letters Patent, attached as Appendix “A” to Report CM12009(d), respecting the Hamilton Farmers’ Market Incorporation, subject to any revisions required by the Ministry of Government Services and satisfactory to the City Solicitor;

(b) That the General Manager of Finance and Corporate Services be authorized and directed to appoint the following three staff members to execute the Letters Patent and act as the incorporators and initial Directors of the Hamilton Farmers’ Market Corporation, until such time that a Board of Directors is chosen by the Selection Committee:
(i) Mike Zegarac, General Manager of Finance and Corporate Services

(ii) Brian McMullen, Director of Financial Planning and Policy

(iii) John Hertel, Director of Finance, Administration, and Revenue Generation

(c) That Corporate By-law No. 1, attached as Appendix “B” to Report CM12009(d), respecting the Hamilton Farmers’ Market Incorporation, be approved as the initial corporate by-law for the Hamilton Farmers’ Market Corporation;

(d) That the City Clerk be directed to advertise for citizens to serve on the board of directors of the Hamilton Farmers’ Market Corporation;

(e) That the Selection Committee, through the selection process, conduct interviews and recommend citizen appointments to the Board of Directors of the Hamilton Farmers’ Market Corporation to the General Issues Committee for consideration;

(f) That two members of Council, through the Nomination Committee, be approved to the Hamilton Farmers’ Market Corporation Board of Directors;

(g) That staff be authorized and directed to negotiate an Operating Agreement with the Hamilton Farmers’ Market Corporation Board of Directors addressing the operational, financial, personnel, reporting and other requirements of the parties, and report back to the General Issues Committee with respect to such negotiations;

(h) That, until such time as an Operating Agreement between the City and the Hamilton Farmers’ Market Corporation is signed, the Hamilton Farmers’ Market continue to operate as set out in the Market By-law No. 10-209.

6. Environmental Remediation And Site Enhancement (ERASE) Redevelopment Grant Application (ERG-12-02 - Part 2), DCR Holdings Inc., 440 Victoria Ave. N., Hamilton, ON (PED12154(a)) (Ward 3) (Item 5.7)

(a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-12-02 – Part 2, submitted by Urbancore Developments Inc., on behalf of the owner of the property at 440 Victoria Avenue North, Hamilton - DCR Holdings Inc. - for an ERASE Redevelopment Grant not to exceed $1,283,375, for a total of $1,933,375...
(Part 1 and Part 2), payable to DCR Holdings Inc. over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Grant Agreement;

(b) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, the Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Agreement with DCR Holdings Inc., referred to in Recommendation (a) of Report PED12154(a) with respect to the redevelopment of 440 Victoria Avenue North, Hamilton and all necessary associated documents, all in a form satisfactory to the City Solicitor;

(c) That DCR Holdings Inc., c/o Urbancore Developments Inc., be approved for funding under the Environmental Remediation and Site Enhancement (ERASE) Municipal Acquisition and Partnership Program (MAPP) – Brownfield Pilot Project in the amount of $150,000 for remediation activities on the portion of the property at 440 Victoria Avenue North to be donated to the City of Hamilton;

(d) That the $150,000 be charged to Brownfield Pilot Project Capital Account #3620155102 which is funded from the 20% portion of increased tax generated, and not returned to applicants through the ERASE Redevelopment Grant program.

7. Proposed Hamilton Business Improvement Area By-law (PED14202) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) (Item 5.8)

(a) That the proposed Hamilton Business Improvement Area By-law, which is in a form satisfactory to the City Solicitor and attached as Appendix “A” to Report PED14202, be enacted;

(b) That the Business Improvement Area By-laws listed in Appendix “A” to Report PED14202 be repealed, with the Business Improvement Areas continuing under the new Hamilton Business Improvement Area By-law.

8. Declaration of Surplus Property and Sale of Land - 93 Hanover Place, Hamilton (PED14211) (Ward 5) (Item 5.9)

(a) That the land municipally known as 93 Hanover Place, legally described as Block W, on Plan M-95, and identified as PIN 17097-0308, Roll No. 25180505325720, as shown on Appendix “A” attached to Report PED14211, be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299;
(b) That the Real Estate Section of the 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.

9. Declaration of Surplus and Sale of Landlocked Parcel Behind 8 Aries Court, Hamilton (PED14212) (Ward 6) (5.10)

(a) That the subject site located immediately north of the Lincoln M. Alexander Parkway, slightly east of Upper Ottawa Street and immediately west of 8 Aries Court, described as Part of Lot 3, Concession 7, Formerly Barton Township, and further identified as Parts 3 and 4, Plan 62R-19839, part of PIN 16934-0480 (LT) and part of Roll No. 251806071103431, as shown on Appendix “A” attached to Report PED14212, be declared surplus to the requirements of the City of Hamilton in accordance with the “Sale of Land Policy By-Law”, being By-law No. 14-204 and sold to John Cilia for the amount of $3,500 plus HST;

(b) That the required deposit of $350, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction;

(c) That the proceeds of sale be credited to Account No. 47702-3560150200 (Land and Property Sales) for recovery of expenses including Real Estate administration fees, appraisal and legal expenses;

(d) That any applicable HST be collected by the City and credited to Account No. 22828-009000 (HST Payable).

10. Declaration of Surplus and Sale of Landlocked Parcel Behind 12 Aries Court, Hamilton (PED14213) (Ward 6) (Item 5.11)

(a) That the subject site located immediately north of the Lincoln M. Alexander Parkway, slightly east of Upper Ottawa Street and immediately west of 12 Aries Court, described as Part of Lot 3, Concession 7, Formerly Barton Township, and further identified as Parts 2 and 5, Plan 62R-19839, part of PIN 16934-0480 (LT) and part of Roll No. 251806071103431, as shown on Appendix “A” attached to Report PED14213, be declared surplus to the requirements of the City of Hamilton in accordance with the “Sale of Land Policy By-law”, being By-law No. 14-204 and sold to Jose Medeiros for the amount of $7,500 plus HST;
(b) That the required deposit of $750, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction;

(c) That the proceeds of sale be credited to Account No. 47702-3560150200 (Land and Property Sales) for recovery of expenses including Real Estate administration fees, appraisal and legal expenses;

(d) That any applicable HST be collected by the City and credited to Account No. 22828-009000 (HST Payable).

11. **Lease Renewal Agreement with Fourth Real Properties Limited, (Yale Properties, as Lessor) and City of Hamilton (Lessee) – Suite 900, 120 King Street West, Hamilton, (PED14214) (Ward 2) (Item 5.12)**

(a) That City Council approve a Lease Renewal Agreement with Fourth Real Properties Limited, for Suite 900, 120 King Street West, (Standard Life Building) subject to the following terms and conditions:

(i) **Term:** Five years commencing September 1, 2014, and terminating on August 31, 2019;

(ii) **Property:** 120 King Street West, Suite 900, comprising 32,549 square feet;

(iii) **Rental Rate:** The net rental rate on renewal remains unchanged at $10.50 per square foot commencing September 1, 2014. The net annual rent is $341,764.50 plus H.S.T., payable monthly in advance;

(iv) **Operating Costs:** The City is responsible for all operating costs, save and except property taxes, which have been exempted. Excluding taxes, operating costs are currently $11.61 per square foot;

(v) **Early Termination Option:** As long as the Lease is in good standing, the City has the option of terminating the Lease early at any time after August 31, 2018, by providing nine months’ written notice prior to the termination date;

(vi) **Other:** The landlord, at their expense, agrees to resolve any electrical deficiencies and clean the diffuser for better dust control;
(b) That all rent and operating costs be funded from Account No. 55358 and each Lessee’s Lease expenses (Finance / Human Resources) will be paid from their respective departmental budgetary allocations;

(c) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to complete the Lease Renewal Agreement;

(d) That the Mayor and City Clerk be authorized and directed to execute the Lease and all other necessary associated documents to implement Recommendation (a), subsections (i) to (vi) of Report PED14214, such Lease and documents to be in a form satisfactory to the City Solicitor, and with content acceptable to the General Manager of Finance and Corporate Services.

12. License Agreement between City of Hamilton (Licensor) and 1224563 Ontario Inc. (DRD Used Cars, as Licensee) - 1572 Barton Street East, Hamilton (PED14215) (Ward 4) (Item 5.13)

(a) That City Council approve a new License Agreement with 1224563 Ontario Inc., subject to the following terms and conditions:

(i) **Term:** Five years commencing July 1, 2014, and terminating on June 30, 2019;

(ii) **Property:** 1572 Barton Street East, an irregular shaped paved parking area approximately 7,050 square feet in size used to display used cars for sale and customer and employee parking;

(iii) **Rental Rate:** From the date of commencement, being July 1, 2014, the Licensee shall pay net rent of $6,600 per year, plus H.S.T., $550 monthly payable in advance;

(iv) **Operating Costs:** 1224563 Ontario Inc. is responsible for all operating costs, utilities, maintenance, insurance, snow removal and taxes;

(v) **Renewal Option:** Upon six months' notice before expiry of the five-year term (June 30, 2019), 1224563 Ontario Inc. will have the option to renew the License for one additional five-year term under the same terms and conditions, save for the rental rate, which will be negotiated at the prevailing market rate;

(b) That all revenue earned be credited to Account No. 46110-514330;
(c) That the Mayor and City Clerk be authorized and directed to execute the Licence and all other necessary associated documents to implement Recommendation (a), subsections (i) to (v) of Report PED14215, such Licence and documents to be in a form satisfactory to the City Solicitor, and with content acceptable to the General Manager of Finance and Corporate Services.

13. Renewal of Cell Tower Lease (Fire Station 15), 415 Arvin Avenue, Stoney Creek, between City of Hamilton (Lessor) and Rogers Wireless Inc. (Lessees) (PED14216) (Ward 10) (Item 5.14)

(a) That City Council approve a Lease Amending and Renewal Agreement with Rogers Wireless Inc., subject to the following terms and conditions:

(i) Term: Five years commencing January 1, 2014, and terminating on December 31, 2018, together with a five-year renewal option;

(ii) Property: Parts 1, 2 and 3, Plan 62R-12737 comprising 784.01 square metres (8,439 sq. ft.);

(iii) Rental Rate: From the date of commencement, being January 1, 2014, the Lessee shall pay net annual rent of $25,750 plus H.S.T. in the first year, escalating by 3.0% per year plus H.S.T. in subsequent years, payable annually in advance. In addition, for each telecom that co-locates on the tower, the Lessee will pay an additional $10,300 in rent each year, plus H.S.T., escalating by 3.0% per year thereafter. Bell Mobility Inc. currently co-locates on the cell tower and generates co-location fees;

(iv) Operating Costs: Rogers Wireless Inc. is responsible for all operating costs;

(v) Renewal Option: Upon six months’ notice, before expiry of the five-year term on December 31, 2018, Rogers Wireless Inc. will have the option to renew the Lease for one additional five-year term under the same terms and conditions, save for the rental rate, which will be negotiated at the prevailing market rate;

(vi) Other: During the last Renewal Agreement, the City negotiated the right to install six antennae on the tower at no cost. Subsequently, antennae were added as part of the EMS/Police communication system and the City shall retain that right;
(b) That all revenue shall be credited to Capital Project Stoney Creek Reserve No. 108034 (also known as the Area Municipal Capital Reserve Fund for Ward 10);

(c) That the Mayor and City Clerk be authorized and directed to execute the Lease and all associated documents to implement subsections (i) to (vi) of Recommendation (a) to Report PED14216, such Lease and documents to be in a form satisfactory to the City Solicitor, and with content acceptable to the General Manager of Finance and Corporate Services.

14. **Sale of 175 Dartnall Road, Hamilton to St. John Council for Ontario (St. John Ambulance) (PED14219) (Ward 6) (Item 5.15)**

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to convey Part 2, Plan 62M-658, municipally known as 175 Dartnall Road as shown on Appendix “A” attached to Report PED14219, to St. John Council for Ontario for the consideration of $600,000, plus HST;

(b) That the required deposit of $60,000, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction;

(c) That the proceeds of the sale be deposited in Account No. 47702-3560150200 (Property Purchases and Sales) and all associated legal costs, unpaid loans, appraisal fees, receivables, back taxes and property maintenance costs related to the subject property be sourced from this account;

(d) That the net proceeds from this transaction be transferred to the Property Purchases Reserve Account Number 100035;

(e) That any applicable HST be collected by the City and credited to Account No. 22828-009000 (HST Payable);

(f) That the Mayor, General Manager, Finance and Corporate Services and City Clerk be authorized and directed to execute the sale in a form satisfactory to Corporate Counsel.
15. **Wayfinding – Lower City of Hamilton – (PED14218) (Wards 1, 2, 3 and 4) (Item 5.16)**

That Report PED14218 respecting Wayfinding – Lower City of Hamilton, be received.

16. **Open Walls Program in the Pan Am Stadium Precinct (PED14224) (Ward 3) (Item 5.17)**

That Report PED14224 respecting Open Walls Program in the Pan Am Stadium Precinct, be received.

17. **Establishment of the City of Hamilton’s Advisory/Sub-Committees/Volunteer Committees and the Citizen Engagement Process (CL14010) (City Wide) (Item 7.1)**

(a) That the Advisory/Sub-Committees outlined in Appendix “A” to Report 14-019 be established for the 2014-2018 term of Council.

(b) That the Advisory/Sub-Committees outlined in Appendix “B” to Report 14-019, be disbanded;

(c) That the remainder of the report be deferred to the 2014-2018 term of Council;

(d) That the City Clerk’s office work with the Director of Neighbourhood and Community Initiatives and his citizen engagement team to obtain community input regarding the establishment of the City’s Advisory/Volunteer/Sub-Committees;

(e) That an extension be granted to the terms of the existing complement of the Advisory/Volunteer/Sub-Committees until the completion of the consultation process.

18. **City Enrichment Fund – Implementation (FCS14024)(b)) (City Wide) (Item 7.2)**

(a) That the Guidelines for the proposed new ‘City Enrichment Fund’, as outlined in the attached Appendix “A” to Report FCS14024(b), be approved to replace the ‘Community Partnership Program (CPP);
(b) That the Implementation Plan for 2015 and 2016, attached as Appendix “B” to Report FCS14024(b), be received;

(c) That the Application Forms, attached as Appendix “C” to Report FCS14024(b) be received;

(d) That expenses incurred to launch the City Enrichment Fund, including implementation, public communication and applicant education, be funded from the Community Partnership Grants Reserve (112230), for an amount not to exceed $20,000;

(e) That staff be directed to advise any ‘For Profit’ entities who may have received City of Hamilton grant funds in 2014, that they will not be considered an eligible applicant in the new City Enrichment Fund starting in 2015;

(f) That staff be directed to advise any organizations who may have received City of Hamilton grant funds towards fund raising activities in 2014 or prior, that these activities are ineligible in the new City Enrichment Fund, and they will be advised of a phase out plan for the 2016 grant cycle;

(g) That, in accordance with the “Budget Control Policy”, the 2014 budget restatements, transferring budget from one department/division to another with no impact on the levy, as outlined in Appendix “D” to Report FCS14024(b) be approved;

(h) That an additional $96,500 in base funding to cover the current shortfall for event road closure services and the Sport & Active Lifestyles category of the City Enrichment Fund, be forwarded to the 2015 budget process (GIC) for consideration;

(i) That, for the 2015 transition period, staff be directed to hold City Enrichment Fund grant application funding levels at the 2014 funding amounts; for both previous non-legislated Board and Agencies and Community Partnership Program applicants, unless the organization, program or event has experienced significant changes;

(j) That the Contingency Fund amount for the new integrated City Enrichment Fund be established annually as 1% of the total fund budget versus 1.5% of the previous and smaller Community Partnership Program;

(k) That increased funding for the new City Enrichment Fund grants program, in the amount of $750,000, to offset the following categories, be referred to the 2015 budget deliberations (GIC) for consideration:

(i) Arts – $500,000
(ii) Agriculture/Environmental, Communities Culture & Heritage, Community Services, and Sport & Active Lifestyles – $250,000;

(l) That staff be directed to report to the Grants Sub-Committee for consideration of all staff recommendations for City Enrichment Fund funding requests;

(m) That staff be directed to consult with the Public Works Department, the Planning and Economic Development Department, and Hamilton based community organizations, to assess the community’s opportunities and needs, in the new Agriculture and Environment program grant category, and make the appropriate recommendations to the Grants Sub-Committee in time for the 2016 intake process;

(n) That staff be directed to implement the pilot on-line application system in the Sport & Active Lifestyles program, and provide recommendations to the Grants Sub-Committee regarding a full rollout across all program areas in time for the 2016 grants cycle.

19. Neighbourhood Action Strategy Annual Update 2014 (CES14054) (City Wide) (Item 7.5)

That Report CES14054 respecting the Neighbourhood Action Strategy Annual Update 2014, be received.

20. Hamilton Gateway Marquee Partnership License Agreement (PW14111) - (Ward 4 with City Wide Implications) (Item 8.1)

(a) That the City of Hamilton enter into a 20 Year License Agreement with the Hamilton Tiger-Cats Football Club (2007) Corp. pending the approval of the Sign Variance Appeal for 900 Woodward Avenue, Hamilton, Ontario (Report PED14217) for a Hamilton Gateway Marquee to display changing information promoting Tim Hortons Field, events and sponsors;

(b) That a Community “Gateway Fund” Reserve be established and staff be directed to prepare a plan for allocation of the funds for special community projects in the Wards surrounding the Gateway Marquee;

(c) That the Mayor and City Clerk, be authorized and directed to sign a 20 Year Gateway Marquee Partnership License Agreement and that the Mayor and City Clerk, and appropriate City staff as the case may be, be authorized and directed to sign any other ancillary agreements between the City and the Hamilton Tiger-Cats Football Club (2007) Corp., in a form
acceptable to the City Solicitor, to implement Recommendation (a) in Report PW14111 and any other ancillary documents.

21. **Creation of “Learning Annex” Project, in partnership with the Ministry of Training, Colleges and Universities and Mohawk College (CES14028) (City Wide) (Item 8.2)**

   (a) That the City of Hamilton (Community & Emergency Services Department) accept $153,107 from the Ministry of Training, Colleges and Universities for the purpose of hiring two temporary staff to develop and support the “Learning Annex” Project from October 1, 2014 – March 31, 2015, should the City’s funding application submitted to the Ministry of Training, Colleges and Universities for the purpose of developing an implementation plan for the aforementioned project be successful;

   (b) That two temporary staff be hired to develop and support the continuation of the Learning Annex Project from April 1 – September 31, 2105 at a cost of $111,558, to be funded through the Neighbourhood Action Strategy Fund (Project # 2051255204) should the City’s funding application submitted to the Ministry of Training, Colleges and Universities for the project outlined in subsection (a) be successful.

22. **YWCA Request for Aquatic Capital Grant and YWCA Seniors Centre Operating Agreement (FCS14071) (City Wide) (Outstanding Business List Item) (Item 8.3)**

   (a) That the City of Hamilton (“City”) provide an interest free loan to Hamilton Young Women’s Christian Association (“YWCA”) for capital improvements to the aquatic facilities in the amount of $500,000 to be repaid in full within ten (10) years from the date of the loan advance;

   (b) That the loan to YWCA be repaid with annual payments of $50,000 on the anniversary dates of the loan advance;

   (c) That the loan be secured by way of a mortgage registered on title to Aquatic facilities on 52 Ottawa Street North, Hamilton and 75 MacNab Street South, Hamilton and such other security as the General Manager, Finance and Corporate Services deems appropriate and that the General Manager, Finance and Corporate Services or her/his designate be authorized to execute any documentation necessary to make such security effective;

   (d) That a Long Term Receivable account be established to record the Loan Receivable to YWCA on the City’s books;
(e) That the Mayor and Clerk be authorized and directed to execute a loan agreement together with any required ancillary documentation required to effect recommendations (a) and (b) above, with content satisfactory to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;

(f) That the agreement between the City and YWCA for the operation of two seniors centres dated April 1, 2010, attached as Appendix “A” to Report FCS14071, be extended for a further term of five years and that the General Manager of Community & Emergency Services or her/his designate be authorized and directed to execute any documentation recommended and approved by Legal Services that is required to effect the extension.

23. Bayfront Strategy – Project Work Plan (PED14117(a)) (City Wide) (Item 8.4)

(a) That staff be directed to proceed with the Bayfront Strategy as set out in Appendix “C” to Report 14-019;

(b) That staff be further directed to present a report regarding Phases 1 and 2 of the Bayfront Strategy to the new Council by June 2015.

24. Agreement with McMaster University Regarding the Fraunhofer Project Centre for Biomedical Engineering and Advanced Manufacturing (BEAM) (PED14091(a)) (City Wide) (Item 8.5)

(a) That the agreement between the City of Hamilton and McMaster University, attached as Appendix “A” to Report PED14091(a), regarding the provision of a grant for the Fraunhofer Project Centre for Biomedical Engineering and Advanced Manufacturing at McMaster University (“FMPC”) be approved;

(b) That the City Manager be authorized and directed to execute the agreement, attached as Appendix “A” to Report PED14091(a), in a form satisfactory to the City Solicitor, with such revisions as may be deemed necessary by the City Solicitor, which maintain the intent of the agreement;

(c) That, subject to the approval of Recommendations (a) and (b) of Report PED14091(a), that the subject site (see Appendix “B” to Report PED14091(a)) described as Part Lot 20, Concession 3, Barton; Part Park Lots 11, 12, 15, and 16, A., MacNab Survey (aka OM1434); designated as Parts 1, 2, 7, 11, 13, and 15 on Reference Plan 62R-17420; subject to Rights-of-Ways and easements over the lands designated as Part 7 on
Reference Plan 62R-17420, as described in Instrument No. CD331623 and CD 342223; subject to an easement over the lands designated as Part 2 on Reference Plan 62R-17420, as described in Instrument No. NS290560; City of Hamilton; and Part Park Lots 11 and 14, A. MacNab Survey, being Parts 1, 2, 3 and 4, Plan 62R-10973 (aka OM1434); together with an Easement as in NS290560, now partially release as to Part 1 on Plan 62R-18835, as in WE715100; subject to an Easement as in HL262531; save and except Parts A, B, C, D and K, on Plan No. RC-H-676A Surveys, City of Hamilton, comprising a lot area of 14.825 acres, be declared surplus to the requirements of the City of Hamilton, in accordance with the “Sale of Land Policy By-law”, being By-law No. 14-204;

(d) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to transfer the subject property at fair market value to McMaster University in accordance with the “Sale of Land Policy By-law”, being By-law No. 14-204, subject to approval of Recommendations (a) and (b) of Report PED14091(a);

(e) That the Mayor and City Clerk, the General Manager of Corporate Services or delegate be authorized to execute any documentation required in the opinion of the City Solicitor, to implement this transaction.

25. Art Gallery of Hamilton (AGH) (PED14199) (City Wide) (Outstanding Business List Item) (Item 8.6)

That Report PED14199 respecting Art Gallery of Hamilton (AGH), be received.

26. Designation of a Business Improvement Area (BIA) to Comprise the Area; James Street South to John Street South, South of Beckley Street / Haymarket Street to Charlton Avenue East and the Properties on the West Side of James Street South to Markland Street (PED14221) (Ward 2) (Item 8.7)

(a) That a Business Improvement Area (BIA) be designated in the area from James Street South to John Street South, south of Beckley Street / Haymarket Street to Charlton Avenue East and the properties on the west side of James Street South to Markland Street as identified in Appendix “A” to Report PED14221;
(b) That the City Clerk’s Division be authorized and directed to circulate the proposed area with the notice of intent to approve the designating by-law in accordance with Sections 204, 210, 212 and 213 of The Municipal Act;

(c) That the City Solicitor be authorized and directed to prepare the necessary by-law.

27. **Staffing for POA Prosecutions LS14036 (City Wide) (Item 8.8)**

That an additional 2.0 FTE Municipal Prosecutors, with a total combined financial impact of $210,000 (salaries & benefits), be approved immediately within the Legal Services Division budget of the City Manager’s Office, to be funded through the additional POA revenues that will be generated, including revenues resulting from red light camera infractions.

28. **Facility Naming Sub-Committee Report 14-005 (Item 8.9)**

(a) **Naming of Rymal Heritage Soccer Fields at William Schwenger Park (PW14109) - (Ward 8)**

That the request to name the soccer fields located at William Schwenger Park, the Rymal Heritage Soccer Fields be approved as this request meets the approval of the City of Hamilton Municipal Property and Building Naming Policy.

(b) **Naming of "Stoney Creek Rotary Community Parkette" (PW14110) - (Ward 9)**

That the request to rename the western parcel of Town Square Parkette the “Stoney Creek Rotary Community Parkette” be approved as this request meets the approval of the City of Hamilton Municipal Property and Building Naming Policy.

(c) **Renaming of Churchill Park Lawn Bowling Clubhouse (Ward 1)**

That the Churchill Park Lawn Bowling Clubhouse, located at 145 Cline Ave N, Hamilton, be renamed the Churchill Park Clubhouse.
29. Steel Committee Report 14-004 (Added Item 8.10)

(a) U.S. Steel Canada – Economic Impact Study Update (PED14229) (City Wide)

That Report PED14229 respecting U.S. Steel Canada – Economic Impact Study Update be received.


(a) Review of the Social Navigator Program

That the Hamilton Police Service be requested, as part of their current review of the Social Navigator Program, to report to the Cleanliness and Security in the Downtown Core Task Force on the following:

(i) Overall economic benefits of the Social Navigator Program for the City of Hamilton; and

(ii) How the Social Navigator Program impacts courts costs and the time spent by clients of the Social Navigator Program who are currently in a correctional facility.

(b) Amendments to the Terms of Reference of the Cleanliness and Security in the Downtown Core Task Force

That the following recommendations be referred to the Governance Review Sub-Committee and the Deputy Clerk for inclusion in the citizen engagement process:

That the Terms of Reference of the Cleanliness and Security in the Downtown Core Task Force (as amended in 2011) be further amended as follows:

(i) That the geographic boundary of the Cleanliness and Security in the Downtown Core Task Force be defined as follows:

1. King Street and Main Street from Dundurn Street in the West to Wentworth Street in the East
2. The James Street Mobility Hub on James Street North to Strachan Street in the north

3. Barton Street from Wentworth Street in the East to Bay Street in the West.

(ii) That the Composition of the Cleanliness and Security in the Downtown Core Task Force be amended by deleting and replacing the Composition as follows:

1. Two Councillors
   Three Business Improvement Area Representatives
   Four Community Representatives
   Representatives from:
   (a) Barton Street Business Improvement Area (BIA)
   (b) King Street West BIA
   (c) Main Street West Esplanade BIA
   (d) Downtown BIA
   (e) Hamilton International Village BIA
   (f) James Street South Business District
   (g) James Street North Business Merchants
   (h) Ward 2 Councillor
   (i) Community Representatives.

(iii) That the name of the Cleanliness and Security in the Downtown Task Core Force be changed to the Downtown Commercial Corridor Task Force.

31. Ward 1 Area Rating Funded Projects – Bridge Fencing Improvements at Hill and Dundurn Streets and Alexander Park Master Plan (9.1)

(a) That $27,500 from the Ward 1 Area Rating Reserve be allocated to relocating and securing the fencing at Hill and Dundurn Streets to improve safety, and re-painting the bridge fencing on Dundurn Street;

(b) That the General Manager of Public Works be authorized and directed to prepare, advertise and award tenders, as required, for relocating and securing the fencing at Hill and Dundurn Streets to improve safety, and re-painting the bridge fencing on Dundurn Street;

(c) That $60,000 from the Ward 1 Area Rating Reserve be allocated to undertake the Master Plan process for Alexander Park;
(d) That the General Manager of Public Works be authorized and directed to prepare, advertise and award tenders, as required, for the undertaking of the Master Plan process for Alexander Park.

32. **Hermitage Heritage Ruins, Ancaster (9.2)**

WHEREAS The Hermitage is a heritage property designated under the Ontario Heritage Act and the ruins are in a state of collapse;

AND WHEREAS the Hamilton Conservation Authority (HCA) has requested a Heritage permit for removal of portions of the ruins;

AND WHEREAS the HCA would prefer to keep the existing structure but lack sufficient funds to complete the work;

AND WHEREAS at the Council meeting of August 15, 2014 the Heritage Permit application was referred to the Ward Councillor to try to find a solution to salvage the existing structure;

AND WHEREAS the HCA is prepared to use the $200,000 that has been allocated for the demolition for an alternative solution;

AND WHEREAS there has been significant interest in the community to support the restoration of the ruins;

AND WHEREAS it has been suggested the cost of the proper restoration of the Hermitage is in the area of $600,000;

THEREFORE BE IT RESOLVED:

(a) That the City accept the Hamilton Conservation Authority’s suggestion that their $200,000 to demolish the Hermitage Heritage Ruins to 1.5 meters above grade be reallocated to restoring the existing structure;

(b) That the City allocate $200,000 from Council’s Strategic Capital Reserve Account 108022 towards restoring the structure;

(c) That the balance of funds required to complete the project come from the community;

(d) That the $200,000 from the City be contingent on receiving Heritage Permit approval for the restoration of the ruins, including the specifications of the repair method and adequate funds are raised from the community, beyond the City and HCA commitments to finish the project.
33. Pipeline Trail Master Plan (9.4)

(a) That an amount not to exceed $50,000, to be funded equally from the Wards 3 and 4 Area Rating budget, to retain a consultant to develop a Pipeline Trail Master Plan, in conjunction with the neighbourhood groups and community stakeholders, be approved;

(b) That the General Manager of Public Works be authorized and directed take the appropriate steps, as required, to hire a consultant to develop a Pipeline Trail Master Plan, in conjunction with the neighbourhood groups and community stakeholders.

34. Dundas Real McCoys – Rinkboard lease and Access Hours (Added Item)

Whereas the Dundas Real McCoys Senior ‘AAA’ Hockey Club – the 2014 Allan and Robertson Cup winners and current National Senior Hockey Champions have called the J.L. Grightmire Memorial Arena, 35 Market St South, Dundas home for many years and regularly attract significant crowds to that arena during the hockey season;

And whereas, unlike a formal tendering process for the granting of advertising sales in the majority but not all City operated arenas, the Dundas Real McCoys have historically had a lease arrangement for revenue sharing of rink board sales with the City of Hamilton;

Therefore be it resolved:

(a) That the City of Hamilton enter into a new five (5) year lease with the Dundas Real McCoys with an annual payment of $3,825.00 commencing with the 2014/15 season with that base to be increased annually by the inflationary factor, to end with the 2018/19 season;

(b) That notwithstanding, city policy pertaining to adult sports teams, the Dundas Real McCoys be permitted to utilize ice in the J.L.Grightmire Arena for their practices prior to 10PM, if the ice is either available or has been negotiated to be available.

The recommendations of Item 35 were deleted and replaced as follows:

35. Shift Splitting Arbitration - Minutes of Settlement (PW14106) - (City Wide) (Item 12.2)

That the recommendations in Report PW14106 respecting Shift Splitting Arbitration - Minutes of Settlement remain confidential until Council approval.

(a) That Council approve $575,000 in accordance with the Minutes of Settlement, attached to Report PW14106 as Appendix “A”, between the
City and the ATU Local 107 as full and final settlement inclusive of the period February 2009 through December 31 2013, respecting an arbitration settlement;

(b) That the contents of Report PW14106 respecting Shift Splitting Arbitration, including Appendix “A”, remain confidential and restricted from public disclosure.

The recommendations of Item 36 were deleted and replaced as follows:

36. Storm Water Easement Purchase of land - 789 & 795 Montgomery Drive (PW14102) - (Ward 12) (Item 12.3)

That the recommendations in Report PW14102 respecting Storm Water Easement Purchase of land - 789 & 795 Montgomery Drive remain confidential until Council approval.

(a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enter into negotiations for an Option to Purchase a Storm Water Easement with Monica Gohkale & Ryan Doyle being the property owner of 789 Montgomery Drive, described as Lot 16, Plan 769, designated as Part 1 on Draft Plan RC-A-814 comprising an area of approximately 190 square metres and; Mary-Anne & Ronald Leach being the property owner of 795 Montgomery Drive, described as Lot 16, Plan 769, designated as Parts 2-4 on Draft Plan RC-A-814 comprising an area of approximately 405 square metres, as shown on Appendix A attached to Report PW14102;

(b) That the total easement acquisition and construction costs related to 789 and 795 Montgomery Drive be funded from the Storm Sewer Capital Reserve 108010;

(c) That a reserve be established for the funding of future private land acquisitions and construction for required municipal works and the establishment of the reserve be referred to the 2015 Operating Budget process as a program enhancement for consideration;

(d) That the financial details of the acquisition outlined in Appendix B attached to Report PW14102 respecting the lands at 789 & 795 Montgomery Drive remain confidential until the completion of the transaction and the balance of Report PW14102 not be released as a public document, following approval;

(e) That upon approval of the Options to Purchase of the easement, Public Works will further extend the existing 750mm diameter storm water culvert by 6-10m. Other work may include erosion control measures in front of the outlet of the culvert and on the bank of the valley;
(f) That the Mayor and City Clerk be authorized and directed to execute the necessary documents in a form satisfactory to the City Solicitor.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED DELEGATION REQUESTS (FOR TODAY’S MEETING)

4.1 Marlon Picken, LGBTQ Citizen Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010)

4.2 Yvonne Maracle, Aboriginal Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010)

4.3 Connie Bellamy, Tenant Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010)

4.4 Denise Doyle to speak Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010)

4.5 Dena Honig, Immigration and Refugee Advisory Committee, respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010)

4.6 Will Rosart, respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010)
PUBLIC HEARINGS / DELEGATIONS

6.1 The delegation from Don Jaffray and Linda Dayler respecting the transformation of the Community Partnership Program will be heard after Item 7.2 which is the staff presentation on the same topic.

REPORTS

Copies of the following amended /added Items were distributed:

5.5 Institutional and Special Advance Polls By-law (CL14009) (City Wide)

Page 2 of Appendix “A” has a typo. Bishop Tonnos Seniors Apartments are in Ward 1 not Ward 2.

8.5 Agreement with McMaster University Regarding the Fraunhofer Project Centre for Biomedical Engineering and Advanced Manufacturing (BEEAM) (PED14091)(a))

The first 33 pages of Appendix A (up to Article 31) have been amended since the time or printing.

8.9 Facility Naming Sub-Committee Report 14-005, September 9, 2014

8.10 Steel Committee Report 14-004, September 10, 2014 Added Item

8.11 Cleanliness and Security in the Downtown Core Task Force Report 14-003, September 10, 2014 Added Item

CORRECTION TO REPORT NUMBER

12.6 Alleyway Encroachment at 14 James St N. PW12059(b)/LS12021(b)/PED12158(b) PW12059(c)/LS12021(c)

(distributed under separate cover.)

The agenda for the September 17, 2014 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.
(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 3)

(i) September 4, 2014 (Item 3.1)

The Minutes of the September 4, 2014 meeting of the General Issues Committee were approved, as presented.

(d) DELEGATIONS REQUESTS (Item 4)

The following delegation requests were approved to address Committee at today’s meeting:

(i) Marlon Picken, LGBTQ Citizen Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.1)

(ii) Yvonne Maracle, Aboriginal Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.2)

(iii) Connie Bellamy, Tenant Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.3)

(iv) Denise Doyle to speak Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.4)

(v) Dena Honig, Immigration and Refugee Advisory Committee, respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.5)

(vi) Will Rosart, respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.6)
(e) CONSENT ITEMS (Item 5)

(i) Minutes of Various Advisory and Sub-Committee Meetings:

The following Sub-Committee Minutes were received:

(a) Pan Am Stadium Precinct Sub-Committee Minutes of August 26, 2014 (Item 5.1(a))

(f) PRESENTATIONS (Item 7)

(i) Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (City Wide) (Item 7.1)

Mary Gallagher, Deputy Clerk, addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. Handouts were distributed and a copy has been retained for the Clerk’s file and has been uploaded onto the City’s website.

Mary Gallagher responded to questions from Committee.

Committee received the staff presentation.

1. Marlon Picken, LGBTQ Citizen Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.1)

Marlon Picken spoke in support of Committee’s proposed motion to defer the report to the next term of council to undertake a consultation process and to extend the terms of the advisory committees for six months to allow for the consultation.

Committee received the delegation.

2. Yvonne Maracle, Aboriginal Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.2)

Yvonne Maracle addressed Committee. She read from a prepared statement copies of which were distributed and a copy has been included in the Clerk’s file and has been updated to the City’s
website. Cindy Sue McCormack attended at the podium with Ms. Maracle to provide support.

Yvonne Maracle indicated that she is not in favour of the recommendation to merge the Aboriginal Advisory Committee with other groups.

Committee received the delegation.

3. Connie Bellamy, Tenant Advisory Committee respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Added Item 4.3)

Connie Bellamy was not in attendance.

4. Denise Doyle to speak Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Copy attached)

Denise Doyle addressed Committee and advised that she is the Co-chair of Status of Women Committee. In her opinion there was not enough citizen consultation. She thanked Committee for their proposed motion to defer the report and she looks forward to the citizen engagement with Paul Johnson. She believes that engaging citizens leads to a more rounded council process. Many government models do not include citizen groups.

Committee received the delegation.

5. Dena Honig, Immigration and Refugee Advisory Committee, respecting Item 7.1 entitled Establishment of the City of Hamilton’s Advisory / Sub-Committees / Volunteer Committees and Citizen Engagement Process (CL14010) (Copy attached)

Dena Honig addressed Committee and read from a prepared statement. A copy was submitted to the Clerk for the public record and was uploaded onto the City’s website.

Dena Honig indicated that she does not support recommendation to merge the Refugee Advisory Committee with other groups.
Committee received the delegation.


Will Rosart addressed Committee. He is recommending that the Hamilton Municipal Heritage Committee be merged with the Hamilton Historical Committee. Both Committees report to the Planning Committee. The Municipal Heritage Committee has only three Council members. Also, there are a number of sub-committees that report to the Hamilton Municipal Heritage Committee. Committee received the delegation.

Committee approved the following amending motion:

(a) That the following subsections (n) and (o) of the report be approved:

(n) That the Advisory/Sub-Committees outlined in Appendix “B” to Report CL14010 be established for the 2014-2018 term of Council.

(o) That the Advisory/Sub-Committees outlined in Appendix “C” to Report CL14010, be disbanded;

(b) That the remainder of the report be deferred to the 2014-2018 term of Council

(c) That the City Clerk’s office work with the Director of Neighbourhood and Community Initiatives and his citizen engagement team to obtain community input regarding the establishment of the City’s Advisory/Volunteer/Sub-Committees;

(d) That an extension be granted to the terms of the existing complement of the Advisory/Volunteer/Sub-Committees until the completion of the consultation process.

For disposition of this matter refer to Item 17.
(ii) City Enrichment Fund – Implementation (FCS14024)(b)) (City Wide) (Item 7.2)

John Hertel, Director of Finance Administration and Revenue Generation addressed Committee with the aid of a PowerPoint presentation and provided an overview of the report. Copies of the hand-out were distributed and a copy has been retained for the Clerk’s record and has been uploaded onto the City’s website.

John Hertel thanked the community groups and the City staff that assisted him with the report. He responded to questions from Committee.

Committee received the presentation and thanked John Hertel for his hard work in preparing this report.

1. Don Jaffray and Linda Dayler, representing a select set of Community Services in Hamilton to provide comment on and recommendations regarding the transformation of the Community Partnership Program to the City Enrichment Fund (Item 7.2) (Approved August 11, 2014) (Item 6.1)

Linda Dayler, Executive Director of Catholic Family Services of Hamilton and Don Jaffray, Executive Director of Social Planning and Research Council of Hamilton addressed Committee and read from speaking notes. A copy has been submitted for the Clerk’s record and has been uploaded onto the City’s website.

Linda Dayler spoke in support of the report but indicated that they have some additional recommendations.

Don Jaffray read the following recommendations

- That the process going forward offer more engagement of community services through a transition phase to the new funding model and development of related policies, procedures and directives;
- That the framework for defining measureable outcomes to be achieved through Community Enrichment Fund investments be created in closed consultation with community services and other sectors;
- That investments in strategic priorities incorporate an equity lens (see Ottawa model);
• That Community services and other funded programs be supported through a transition phase to develop new accountability and performance measures that meet the application requirements of the Fund.

The delegation, from Don Jaffray and Linda Dayler, was received.

Councillor Powers, as Chair of the Grants Committee spoke to this issue and recognized the contributions of staff over the past years with respect to the grants program.

Committee approved the Report on the following standing recorded vote:

Yeas: Bratina, McHattie, Farr, Merulla, Collins, Jackson, Whitehead, Pasuta, Powers, Ferguson, Johnson, Pearson, Clark
Total: 13
Nays: 0
Absent: Morrow, Duvall, Partridge
Total: 3

For disposition of this matter, refer to Item 18.

(iii) 2011-2014 Council Term Accomplishments (No copy) (Item 7.3)

Chris Murray, City Manager, addressed Committee with the aid of a Prezi presentation providing an overview of the City’s accomplishments to date. Copies of the City’s 2013 Community Report were distributed to the Committee.

Chris Murray responded to questions from Committee.

Committee thanked Chris Murray for his great work as a City Manager.

Committee received the presentation.

(iv) City of Hamilton Young Professionals (No copy) (Item 7.4)

Michael Marini, Marketing Coordinator, addressed Committee with the aid of a Prezi presentation. Copies of the hand-out were distributed and a copy was retained in the Clerk’s file.

Michael Marini provided an overview of the establishment of the City of Hamilton Young Professionals (HYP), their mission, strategic plan, membership and structure and he responded to questions from Committee.
Committee received the presentation.

(v) Neighbourhood Action Strategy Annual Update 2014 (CES14054) (City Wide) (Item 7.5)

Paul Johnson, Director of Neighbourhood and Community Initiatives addressed Committee and provided an overview of the Report with the aid of a PowerPoint presentation. Suzanne Brown, Manager of Neighbourhood and Community Initiatives and Terry Cooke, President and CEO of the Hamilton Community Foundation also addressed Committee. Terry Cooke requested that the City stay the course and he acknowledged the leadership of Joe-Anne Priel with respect to this initiative.

Copies of the hand-out were distributed and a copy was retained in the Clerk’s file and was uploaded onto the City’s website.

Committee acknowledged the hard work of staff and received the presentation.

For disposition of this matter, refer to Item 19.

(g) DISCUSSION ITEMS (Item 8)

(i) Creation of “Learning Annex” Project, in partnership with the Ministry of Training, Colleges and Universities and Mohawk College (CES14028) (City Wide) (Item 8.2)

Councillor Johnson indicated that she wished to be recorded as OPPOSED to this Item.

(ii) YWCA Request for Aquatic Capital Grant and YWCA Seniors Centre Operating Agreement (FCS14071) (City Wide) (Outstanding Business List Item) (Item 8.3)

Committee amended the staff recommendations as follows:
(a) Subsection (a) was amended by deleting the word “bearing” and inserting the word “free” therein and by deleting the words “with interest at 2.95% annually”;

(b) Subsection (b) be amended by deleting the sum of $58,466 and inserting the sum of $50,000 therein.
For disposition of this matter, refer to Item 22.

(iii) **Bayfront Strategy – Project Work Plan (PED14117(a)) (City Wide) (Item 8.4)**

Committee amended the staff recommendation by adding the following subsection (b):

(b) That staff be further directed to present a report regarding Phases 1 and 2 of the Bayfront Strategy to the new Council by June 2015.

For disposition of this matter, refer to Item 23.

(iv) **Staffing for POA Prosecutions LS14036 (City Wide) (Item 8.8)**

Councillors Johnson, Ferguson, Pasuta and Duvall indicated that they wished to be recorded as OPPOSED to this Item:

(iv) **Cleanliness and Security in the Downtown Core Task Force Report 14-003, September 10, 2014 (Added Item 8.11)**

Committee referred the following subsection to the Governance Review Sub-Committee and the Deputy Clerk for inclusion in the citizen engagement process:

(b) Amendments to the Terms of Reference of the Cleanliness and Security in the Downtown Core Task Force

For disposition of this matter, refer to Item 30.

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

Councillor S. Duvall presented the following Motion:

**Canada Post Super Mailbox Conversion in Hamilton Location Criteria & Requirements (Item 9.3)**

Whereas Canada Post has announced that it will be changing mail delivery in several communities within Hamilton in 2015 to convert residents from home delivery to community “super” mailboxes (CMB’s) in order to cut their labour costs; and
Whereas Canada Post has exclusive jurisdiction over Postal Services in Canada, and Whereas Canada Post has announced that it intends to install community mailboxes within the municipal road allowance on public roadways with Hamilton; and

Whereas pursuant to the Municipal Act the City has authority to regulate with respect to public highways and in particular, authority to regulate to ensure the protection of property, the prevention of nuisance, and the health, safety and well-being of its inhabitants; and

Whereas Canada Post is embarking on a conversion without appropriate criteria being in place to address health and safety concerns, among other issues, of Council and citizens of Hamilton; and

Whereas, Council believes that CMB’s are inconvenient and inaccessible, especially for seniors and persons with mobility issues and they are vulnerable to break-ins and theft,

Therefore be it resolved:

That staff provide a report to GIC with respect to options available to the City to prevent installation of community super mailboxes in the City’s road allowances pending agreement with Canada Post on appropriate locational criteria and such other measures as may be necessary to prevent safety hazards, property damage or nuisance, before the installation of community mailboxes by Canada Post proceeds.

(i) NOTICES OF MOTION (Item 10)

Councillor T. Jackson introduced the following Notice of Motion:

(i) Dundas Real McCoys – Rinkboard lease and Access Hours (Added 10.1)

Whereas the Dundas Real McCoys Senior ‘AAA’ Hockey Club – the 2014 Allan and Robertson Cup winners and current National Senior Hockey Champions have called the J.L. Grightmire Memorial Arena, 35 Market St South, Dundas home for many years and regularly attract significant crowds to that arena during the hockey season;

And whereas, unlike a formal tendering process for the granting of advertising sales in the majority but not all City operated arenas, the Dundas Real McCoys have historically had a lease arrangement for revenue sharing of rink board sales with the City of Hamilton,

Therefore be it resolved:
(a) That the City of Hamilton enter into a new five (5) year lease with the Dundas Real McCoys with an annual payment of $3,825.00 commencing with the 2014/15 season with that base to be increased annually by the inflationary factor, to end with the 2018/19 season;

(b) That notwithstanding, city policy pertaining to adult sports teams, the Dundas Real McCoys be permitted to utilize ice in the J.L.Grightmire Arena for their practices prior to 10PM, if the ice is either available or has been negotiated to be available.

(ii) Waiving the Rules of Order

The rules of order were waived in order to introduce a motion respecting Dundas Real McCoys – Rinkboard lease and Access Hours.

For disposition of this matter, refer to Item 34.

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

The following Items were identified as completed and removed from the outstanding business list:

I – Cut-Through Traffic

FF – Revenue Generation and Cost Reduction Opportunities

II – Fraunhofer Project

LL – YWCA Request for Capital Investment and Annual Grant Increase

U – Art Gallery of Hamilton Fundraising Campaign

(k) PRIVATE & CONFIDENTIAL (Item 12)

(i) Closed Session Minutes – September 4, 2014 (Item 12.1)

Committee approved the Closed Session Minutes from the September 4, 2014 meeting of the General Issues Committee as presented and directed that they remain confidential and restricted from public disclosure.

The Committee moved into Closed Session at 4:30 p.m. to consider matters pursuant to Sub-sections 8.1 (c) (d), (e) and (f) of the City’s Procedural By-law
and Section 239.2 of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to:

- labour relations or employee negotiations Item 12.2
- a proposed or pending acquisition or disposition of land for City purposes Items 12.3, 12.5 and 12.6
- to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and the receiving of advice that is subject to solicitor client privilege including communications necessary for that purpose Items 12.4 and 12.6

The Committee reconvened in Open Session at 5:20 p.m.

(ii) **Shift Splitting Arbitration - Minutes of Settlement (PW14106) - (City Wide) (Item 12.2)**

For disposition of this matter see Item 35.

(iii) **Storm Water Easement Purchase of land - 789 & 795 Montgomery Drive (PW14102) - (Ward 12) (Item 12.3)**

For disposition of this matter see Item 36.

(iv) **Potential Litigation Relating to Sewer Damage (LS14035/PW14114) - (Wards 10 and 11) (Item 12.4)**

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

(v) **Acquisition of 606 Aberdeen Avenue, Hamilton, from Hamilton Metal Trading Inc. (a.k.a. Samee Metals) (PED14220) (Ward 1) (Item 12.5)**

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

(vi) **Alleyway Encroachment at 14 James St N. PW12059(c)/LS12021(c) (Item 12.6)**

Direction was given to staff in Closed Session with nothing to report in Open Session.
(I)  ADJOURNMENT (Item 13)

There being no further business, the General Issues Committee adjourned at 5:20 p.m.

Respectfully submitted,

Deputy Mayor C. Collins, Chair
General Issues Committee

Ida Bediou
Legislative Co-ordinator
Office of the City Clerk
Appendix “A” to Item 17(a) of GIC Report 14-019

City of Hamilton
Sub-Committees (2014-2018 Term)
To be ESTABLISHED

<table>
<thead>
<tr>
<th>STANDING COMMITTEE</th>
<th>SUB-COMMITTEES</th>
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<tbody>
<tr>
<td>General Issues Committee</td>
<td>Airport Implementation Task Force</td>
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<td>Advisory Committee for Persons with Disabilities</td>
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<td>ATS Review Sub-Committee</td>
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<td>Business Improvement Area Advisory Committee</td>
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<td>NHL/AHL/OHL Proposal Sub-Committee</td>
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<td>Facility Naming Sub-Committee</td>
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<td>Greater Bay Area Committee (Hamilton &amp; Burlington)</td>
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<td>Hamilton Future Fund Board of Governors</td>
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<td>Hess Village Community Liaison Committee</td>
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<td>HWDSB Liaison Committee</td>
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<td>Non-Union Compensation Sub-Committee</td>
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<td>Open for Business Sub-Committee</td>
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<td>Pan Am Stadium Precinct Sub-Committee</td>
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<td>Red Hill Valley Joint Stewardship Committee</td>
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<td>School Board Properties Sub-Committee</td>
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<td>Sesquicentennial Steering Committee</td>
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<td>Steel Committee</td>
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<td>Tourism Advisory Committee</td>
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<td>Web and Service Channel Sub-Committee</td>
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<td>Board of Health</td>
<td>Physician Recruitment and Retention Steering Committee</td>
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<td>STANDING COMMITTEE</td>
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<td>Audit, Finance &amp; Administration</td>
<td>Development Charges Stakeholders Sub-Committee</td>
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<td>Governance Review Sub-Committee</td>
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<td>Grants Sub-Committee</td>
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<td>HMRF/HWRF Pension Administration Sub-Committee</td>
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<td>Procurement Sub-Committee</td>
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<td>Planning Committee</td>
<td>Agricultural and Rural Affairs Advisory Committee</td>
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<td>Airport Employment Growth District Community Liaison Committee</td>
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<td>Cross-Melville District Heritage Committee (Dundas)</td>
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<td>Hamilton Municipal Heritage Committee</td>
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<td>Hamilton Port Authority-City of Hamilton Liaison Committee</td>
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<td>Rental Housing Sub-Committee</td>
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<td>Tow Truck Licensing Sub-Committee</td>
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<td>STANDING COMMITTEE</td>
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<td>Emergency &amp; Community Services</td>
<td>Fairness to Hamilton Campaign Committee (includes Hamilton Day)</td>
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<td>Wentworth Lodge Trust Fund</td>
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<td>STANDING COMMITTEE</td>
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<td>Public Works</td>
<td>Accessible Transit Services Review Sub-Committee</td>
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<td>Hamilton Utilities Corporation Joint Advisory Committee</td>
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<td>Glanbrook Landfill Co-ordinating Committee</td>
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<td>Hess Village Pedestrian Mall Authority</td>
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<td>Municipal Drainage Court of Revision</td>
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<td>SERG (Storm Event Response Group)</td>
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<td>Woodward Avenue Wastewater Treatment Plant Phases 3 and 4 Class EA Sub-Committee</td>
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<td>Truck Route Sub-Committee</td>
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<td>Waste Management Advisory Committee</td>
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<th>SUB-COMMITTEES – AUTONOMOUS BODIES</th>
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<td>Property Standards Committee</td>
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<td>Compliance Audit Committee</td>
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<td>Committee of Adjustment</td>
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<td>Hamilton Licensing Committee</td>
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Appendix “B” to Item 17 (b) of GIC Report 14-019

City of Hamilton
Sub-Committees (2014-2018 Term)
To be DISBANDED (“RETIRED”)

<table>
<thead>
<tr>
<th>SUB-COMMITTEES</th>
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<tbody>
<tr>
<td>Joint City/School Board Relations Committee</td>
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<tr>
<td>Hamilton Triple Bottom Line Business Criteria Task Force</td>
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<tr>
<td>City Hall Renovations Steering Committee</td>
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<tr>
<td>City of Hamilton Operational Review Sub-committee</td>
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<tr>
<td>Parkway Implementation Committee</td>
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<tr>
<td>Hamilton Farmer’s Market</td>
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<tr>
<td>Hamilton Velodrome Advisory Committee</td>
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<tr>
<td>ESAIG – Environmentally Significant Areas Impact Evaluation Group - This committee has no reporting relationship to Council and provide staff support only</td>
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Bayfront Strategy – Project Work Plan

The Bayfront Strategy will be completed in two phases and include a public and stakeholder consultation program. Phase 1 will review the market opportunities associated with the Bayfront and provide for the basis for Phase 2 of the Study. Phase 2 will look at the short, medium and long-term opportunities associated with the Bayfront as an employment area and review opportunities to provide for other land uses in the area. The intent of the Strategy is to ensure the effective use of the Bayfront and to identify and assist with opportunities to strengthen this City asset and assist with any transition required over time to maximize its success.

Leading up to the launch of first phase of the Study, staff will prepare a background report on the Bayfront. The report will include reference information about the Bayfront. This report will assist with both the development of Phase 1 and Phase 2 of the Strategy. The background report will be brought forward to Council in Q1 2015.

Phase 1: Market Opportunities Study

Phase 1 will include the following:

- Current situation assessment – collect and review background information. Identify key opportunities, constraints and limitations regarding matters including redevelopment potential, brownfields, Hamilton Port lands, steel and manufacturing industry, and others. The Bayfront will be benchmarked against other Business Parks in Hamilton to provide a better understanding of how it is performing relative to other business parks/ employment areas in the City.

- Review and analysis of industrial redevelopment projects – assess redevelopment potential in terms of available public and private financial incentives, impact of location, transportation, infrastructure, etc.

- Conduct market soundings with key market participants – to gain input from large national and international real estate firms related to development and redevelopment options and implications of significant land use changes in the Bayfront area.

- Identify future real estate potential – undertake a high level market review to provide an economic “reality check” on development potential.

- Develop a baseline report – to identify strategic market opportunities over the short, medium and long term.

- Presentation to GIC/Council – the outcome of Phase 1 will be presented to GIC/Council.
Phase 1 will be initiated following direction from Council to proceed with the work and will take approximately three to four months to complete. Phase 1 results will be presented to Council. The report will inform the development of Phase 2 of the Strategy. It will serve a baseline and framework.

Phase 2: Development of the Strategy/Action Plan

Phase 2 of the project will utilize and expand on the recommendations from the Market Opportunities Study. A consultant or consortium of firms will be retained through a request for proposals process which will be initiated shortly after the completion of Market Opportunities Study. The successful proponent will be required to consult and collaborate with Phase 1 consultants, Deloitte, throughout Phase 2. Based on the results of the market opportunities work, the study will look the short, medium and long-term potential and opportunities for the Bayfront. The short and medium terms work will likely focus on opportunities associated with employment uses, the mix of employment uses and the transition to other forms of employment uses. The long-term perspective will consider other potential uses in the Bayfront and the potential for transitioning from employment uses. The Study will identify the obstacles associated with achieving the short, medium and long-term visions for the Bayfront, and consider opportunities associated with leveraging the Bayfront lands to provide opportunities in other areas of the City.

The key components of Phase 2 include:

1. Develop a Stakeholder and Public Consultation and Communication Plan

   The successful proponent shall prepare a Consultation and Communication Plan that includes innovative ways to consult with stakeholders and engage the public. Potential tools to engage the stakeholders and the public include consultation sessions, focus groups, surveys, social media, telephone interviews, tactical engagement techniques. The plan must include methods for providing information about the Bayfront and the Study process, as well as consultation at key points in the process. The consultation must reach to the following:

   - Councillors;
   - City staff;
   - Hamilton Port Authority;
   - Property owners within Study area;
   - Business owners within Study area;
   - Neighbourhood Associations and Neighbourhood Development Strategy Planning Teams (Keith, South Sherman, Crown Point, Jamesville, Gibson/Landsdale);
   - Relevant Agencies (Conservation Authority, Ministry of the Environment (MOE), etc.); and,
   - General Public.
In addition, there is an opportunity to continue the Phase 1 market soundings discussions with industry experts as Phase 2 moves forward.

2. Short, Medium and Long-Term Vision

A vision for the Bayfront will be developed with a focus on the short, medium and long term. This work will be framed by the information developed in Phase 1.

3. Brownfield-Review and Analysis

The Historic Land Use Inventory for properties located within the Bayfront Study Area will be updated. This work will be completed by staff.

Brownfield information and case studies will be reviewed as they relate to the challenges associated with the redevelopment of industrial lands for new industrial and employment uses.

4. Conditions Review and Gap Analysis, Infrastructure and Transportation

- Review and analysis of existing servicing infrastructure (water, waste water, storm water); and,
- Review and analysis of transportation and goods movement.

5. Financing Assessment

The financing implications associated with infrastructure, transportation and development options will be reviewed, and the potential for brownfield and other incentive programs will be considered.

6. Land Use Review

Consistent with the developed short medium and long term visions for the waterfront, land use will be reviewed. A “road-map” to implement future land uses will be developed including but not limited to:

- Policy and zoning;
- Conversion consideration;
- Compatibility;
- Contamination;
- Financial implications; and,
- Liability.

7. Publication Materials

This component includes the design and preparation of publication materials that the City can use at a later date to promote the Bayfront in connection with the established vision, goals and actions resulting from the Study.
8. Strategy and Action Plan

A strategy that highlights the established vision, recommendations, goals, and actions required over the short, medium and long term will be developed.

The results of Phase 2 of the Study will be presented to Council. It is estimated that Phase 2 will take approximately 18 months to complete once the successful consultant has been retained.
THE BOARD OF HEALTH PRESENTS REPORT 14-008 AND RESPECTFULLY RECOMMENDS:

1. Healthy Babies Healthy Children Protocol (BOH13010(a)) (City Wide)

That Report BOH13010(a) respecting Healthy Babies Healthy Children Protocol be received.

2. Communicable Disease and Health Hazard Investigations Semi-Annual Report, January 1, 2014-June 30, 2014 (BOH14029) (City Wide)

3. Choices and Changes and Other Funding Grants Budget 2014-2015 (BOH14030) (City Wide)

(a) That the 2014-2015 Alcohol, Drug and Gambling Services Choices and Changes Program budget as outlined in BOH14030, funded by the Ministry of Children and Youth Services be approved;

(b) That the 2014-2015 Community Funding/Grants, Back on Track, Remedial Measures cost recovery budget as outlined in BOH14030 be approved;

(c) That the 0.5 FTE reduction in Community Funding/Grant, Back on Track, Remedial Measures cost recovery budget as outlined in BOH14030 be approved;

(d) That the Medical Officer of Health be authorized and directed to execute all 2014/2015 Provincial Service Agreements and any ancillary agreements and contracts required to give effect to the Choices and Changes and Back on Track programs, as provided for in the budget outlined in report BOH14030. This includes the authority to authorize the submission of budgets and quarterly/year-end reporting the Service Agreement and any other agreement required for the Choices and Changes Program between the City and the Ministry of Children and Youth Services, and the Children’s Aid Societies in a form satisfactory to the City Solicitor;

(e) That the Medical Officer of Health be authorized and directed to submit reports as required by the Ministry of Children and Youth Services, and the Centre for Addiction and Mental Health to meet accountability agreements.

4. Good 2 Go Food Box Pilot Project Evaluation – (BOH13039(a)) (City Wide) (Outstanding Business List Item) (Item 7.4)

(a) That the Good 2 Go Food Box Pilot Project be terminated;

(b) That the remaining funds for the Good 2 Go Food Box pilot project be reallocated to monthly purchasing of fresh vegetables and fruit by Hamilton Food Share for distribution to food banks until March 2015;

(c) That a one-time 15-month extension to July 2016, under the title Healthy Food Supplement Pilot Program in the amount of $83,000 ($5,000/month for food x 15 months + $8,000 for administration) for the provision of fresh vegetables and fruit to food banks via Hamilton Food Share, be referred to the 2015 budget process;
(d) That any future requests for funding of food assistance projects be referred to the Interdepartmental Food Strategy Steering Team for review and recommendations to ensure alignment with Hamilton’s Food Strategy. The Strategy is targeted for completion by March 2016;

(e) That the Waterdown Food Bank and Flamborough Food Bank be included in the new pilot program.

(f) That Public Health Services work with Food Share and CESD to develop a community strategy to single Ontario Works recipients to ensure they are aware of when and where the fresh vegetables and fruit will be distributed monthly. The distribution schedule will target the times that single Ontario Works recipients most often utilize food banks.

5. Vaccine Program Update (BOH14025(a)) (City Wide) (Item 8.1)

That Public Health Services discontinue large community-based seasonal influenza vaccine clinics with the exception of the Ward 15 location.

6. Neonicotinoid Pesticides and Honey Bee Populations (BOH14031) (City Wide) (Outstanding Business List Item) (Item 8.2)

That Report BOH14031 respecting Neonicotinoid Pesticides and Honey Bee Populations be received.

7. Appointment of Associate Medical Officer of Health – BOH14033 (City Wide)

(a) That Dr. Jessica Hopkins be appointed as Associate Medical Officer of Health, and the necessary documentation forwarded to the Minister of Health & Long-Term Care for approval;

(b) That Dr. Jessica Hopkins be appointed as an Acting Medical Officer of Health until such time as the Minister of Health & Long-Term Care approves her appointment as Associate Medical Officer of Health.

8. Response to Aboriginal Health Issues in the City of Hamilton (Item 9.2)

WHEREAS, Aboriginal people living in Hamilton experience higher rates of poverty and disproportionate rates of chronic disease and associated risk factors than the general population. Poverty rates are associated with the challenges linked to the determinates of health including access to health care, housing and food security (Social Planning and Research Council (SPRC), Our Health Counts, 2011); and
WHEREAS, Public Health Services (PHS) is mandated to reduce the burden of preventable chronic diseases; and

WHEREAS, PHS has worked with our Aboriginal communities regarding cancer prevention and screening since 2007; and

WHEREAS, PHS has recently had a successful partnership with over ten Aboriginal service providers/agencies to engage Aboriginal communities, promote cancer screening, and help mentor the CASTLE Project Community Health Educator/Navigator (CHEN) to address low cancer screening rates from April 2013-April 2014; and

WHEREAS, PHS Chronic Disease Prevention Program staff are planning to reconvene with the CASTLE Aboriginal Partners in the fall of 2014 to plan how to continue to address health disparities regarding cancer rates and health access; and

WHEREAS, the Hamilton Niagara Haldimand Brant Local Health Integration Network (HNHB LHIN) is mandated to work with Aboriginal communities for improved health and wellness:

“Local Health Integration Networks are mandated to work with Aboriginal communities for improved health and wellness. The HNHB LHIN has a responsibility to learn about and respect Aboriginal communities’ approach to health and wellness and how this approach guides the identification of health needs and solutions”

Therefore be it resolved:

(a) That staff from PHS engage with urban Aboriginal leaders to explore opportunities to address relevant health issues through culturally sensitive solutions; and

(b) That the Mayor, on behalf of the Board of Health and Council, request support from the LHIN to continue/renew funding for an Aboriginal Community Health Educator/Navigator focused on Chronic Disease Prevention.

9. Regulation of Drug Paraphernalia (Item 9.3)

That Public Health Services (Healthy Living) and the Planning Department (Licensing, Municipal Law Enforcement) be directed to report to the Board of Health on the following:
(a) regulating, under the Food Premises Schedule of the Business Licensing By-law, convenience store sales of devices such as bongs which facilitate the smoking of drugs by:

(i) restricting the display of the devices
(ii) prohibiting the sale of the devices to persons under 18 years of age; and

(b) opportunities for educating young people and their parents about the dangers of illicit drug use.

10. Provincially Supported Universal Drug Programs (Item 9.4)

WHEREAS, the Canadian Medical Association (CMA) identified and stated in their 2013 Health Care Reform, Change that Works document that, “Crucial to improved care is (A) universal access to comprehensive prescription drug coverage” (page 15);

AND WHEREAS, there are segments of the population that report barriers to acquire financial support for drugs that are deemed required by an authorized health care professional and it is difficult to ensure access is obtained, Therefore be it resolved:

That the Mayor write to the Ontario Provincial Minister of Health and Federal Minister of Health on behalf of City Council requesting that this matter be brought forward to the appropriate provincial and federal government officials to establish an action plan that would be considered consistent with the following CMA recommendations on page 15 of their report:

“Governments, in consultation with the life and health insurance industry and the public, should establish a program of comprehensive prescription drug coverage to be administered through reimbursement of provincial/territorial and private prescription drug plans to ensure that all Canadians have access to medically necessary drug therapies.

Such a program should include the following elements:

• a mandate for all Canadians to have either private or public coverage for prescription drugs

• uniform income-based ceiling (between public and private plans and across provinces/territories) on out-of-pocket expenditures on drug plan premiums and/or prescription drugs (e.g., 5% of after-tax income)
• federal/provincial/territorial cost-sharing of prescription drug expenditures above a household income ceiling, subject to capping the total federal and/or provincial/territorial contributions either by adjusting the federal/provincial/territorial sharing of reimbursement or by scaling the household income ceiling or both

• group insurance plans and administrators of employee benefit plans to pool risk above a threshold linked to group size

• a continued strong role for private supplementary insurance plans and public drug plans on a level playing field (i.e., premiums and co-payments to cover plan costs)

Furthermore the federal government should:

• establish a program for access to expensive drugs for rare diseases where those drugs have been demonstrated to be effective

• assess the options for risk pooling to cover the inclusion of expensive drugs in public and private drug plan formularies

• provide adequate financial compensation to the provincial and territorial governments that have developed, implemented and funded their own public prescription drug insurance plans

• provide comprehensive coverage of prescription drugs and immunization for all children in Canada

• mandate the Canadian Institute for Health Information (CIHI) and Statistics Canada to conduct a detailed study of the socio-economic profile of Canadians who have out-of-pocket prescription drug expenses, in order to assess barriers to access and to design strategies that could be built into a comprehensive prescription drug coverage program.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED DELEGATION REQUESTS (ITEM 4)
4.3 Myrtle Greve, Canadian Federation of University Women, respecting the Good 2 Go Food Box Pilot Project (request to speak today)

4.4 John Mills, Community Members of OW-ODSP Operations Committee, respecting the Good 2 Go Food Box Pilot Project (request to speak today)

4.5 Katrina Gervais respecting the Good 2 Go Food Box Pilot Project (request to speak today)

4.6 Dave Cherkewski respecting the Good 2 Go Food Box Pilot Project (request to speak today)

4.7 Deirdre Pike, Social Planning and Research Council of Hamilton, respecting the Good 2 Go Food Box Pilot Project (request to speak today)

4.8 Peter Hutton respecting the Good 2 Go Food Box Pilot Project (request to speak today)

WITHDRAWN DELEGATION (Item 6)

6.3 Jim McLean respecting the Good to Go Food Box Program (Approved on August 14, 2014) (no copy)

ADDED DISCUSSION ITEM (Item 8)

8.3 Appointment of Associate Medical Officer of Health (BOH14033) (City Wide)

The agenda of the September 18, 2014 Board of Health 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) August 14, 2014 (Item 3.1)

The Minutes of the August 14, 2014 meeting of the Board of Health were approved, as presented.
(d) DELEGATION REQUESTS (Item 4)

(i) Tom Cooper, Hamilton Roundtable for Poverty Reduction, respecting the Good to Go Food Box Evaluation (request to speak today) (Item 4.1)

(a) The delegation request of Tom Cooper, Hamilton Roundtable for Poverty Reduction, respecting the Good to Go Food Box Evaluation, was approved; and

(b) The Rules of Order were waived to allow the delegate to speak at today’s meeting.

(ii) Susan Muma, Hamilton Organizing for Poverty Elimination, respecting the Good to Go Food Box Pilot Project (request to speak today) (Item 4.2)

(a) The delegation request of Susan Muma, Hamilton Organizing for Poverty Elimination, respecting the Good to Go Food Box Pilot Project, was approved; and

(b) The Rules of Order were waived to allow the delegate to speak at today’s meeting.

(iii) Myrtle Greve, Canadian Federation of University Women, respecting the Good 2 Go Food Box Pilot Project (request to speak today) (Item 4.3)

(a) The delegation request of Myrtle Greve, Canadian Federation of University Women, respecting the Good 2 Go Food Box Pilot Project, was approved; and

(b) That the Rules of Order were waived to allow the delegate to speak at today’s meeting.

(iv) John Mills respecting the Good 2 Go Food Box Pilot Project (request to speak today) (Item 4.4)

(a) The delegation request of John Mills, Community Members of OW-ODSP Operations Committee, respecting the Good 2 Go Food Box Pilot Project, was approved; and

(b) The Rules of Order were waived to allow the delegate to speak at today’s meeting.
(v) Katrina Gervais respecting the Good 2 Go Food Box Pilot Project (request to speak today) (Item 4.5)

(a) The delegation request of Katrina Gervais respecting the Good 2 Go Food Box Pilot Project, was approved; and

(b) The Rules of Order were waived to allow the delegate to speak at today’s meeting.

(vi) Dave Cherkewski respecting the Good 2 Go Food Box Pilot Project (request to speak today) (Item 4.6)

(a) The delegation request of Dave Cherkewski respecting the Good 2 Go Food Box Pilot Project, was approved; and

(b) The Rules of Order were waived to allow the delegate to speak at today’s meeting.

(vii) Deirdre Pike, Social Planning and Research Council of Hamilton, respecting the Good 2 Go Food Box Pilot Project (request to speak today) (Item 4.7)

(a) The delegation request of Deirdre Pike, Social Planning and Research Council of Hamilton, respecting the Good 2 Go Food Box Pilot Project, was approved; and

(b) The Rules of Order were waived to allow the delegate to speak at today’s meeting.

(viii) Peter Hutton respecting the Good 2 Go Food Box Pilot Project (request to speak today) (Item 4.8)

Peter Hutton sent his regrets as he was unable to attend the Board of Health Meeting.

(e) DELEGATIONS (Item 6)

(i) Sally Palmer, Social Action Committee, respecting the Good to Go Food Box Pilot Project (Item 6.1)

Sally Palmer, Social Action Committee, presented support for the Good 2 Go Food Box Pilot Project (G2GFB) with the aid of a handout. A copy of
the handout has been included in the public record. The presentation included, but was not limited to, the following:

**Food Supplement for Single People Received Ontario Works**

- History and Results of the G2GFB
- Fresh Produce Supplement
- Participants’ views of the G2GFB Program
- Nutritious Food
- Recommendations for funds

The presentation respecting support for the Good 2 Go Food Box Pilot Project was received.

(ii) **Elizabeth McGuire, Campaign for Adequate Welfare & Disability Benefits, respecting the Good to Go Food Box Program (Item 6.2)**

Elizabeth McGuire allotted her delegation time to other delegates.

(iii) **Jim McLean respecting the Good to Go Food Box Program (Item 6.3)**

The delegation of Jim McLean was withdrawn.

(iv) **Tom Cooper, Hamilton Roundtable for Poverty Reduction, respecting the Good to Go Food Box Evaluation (Item 6.4)**

Laura Cattari, Hamilton Roundtable for Poverty Reduction, spoke on behalf of Tom Cooper expressing support of the Good 2 Go Food Box Pilot Project.

The presentation respecting support for the Good 2 Go Food Box Pilot Project was received.

(v) **Susan Muma, Hamilton Organizing for Poverty Elimination, respecting the Good to Go Food Box Pilot Project (Item 6.5)**

Susan Muma, Hamilton Organizing for Poverty Elimination (HOPE), presented support for the Good 2 Go Food Box Pilot Project with the aid of a handout. A copy of the handout has been included in the public record. The presentation included, but was not limited to, the following:

- Hamilton Organizing for Poverty Elimination (HOPE)
• Participation in the Good 2 Go Food Box Pilot Project
• Low Incomes and Healthy Foods

The presentation respecting support for the Good 2 Go Food Box Pilot Project was received.

The Chair directed the Clerk to provide any correspondence from the following delegates respecting the Good 2 Go Food Box Pilot Project, who did not speak at the Board of Health meeting on September 18, 2014, to Council members before September 24, 2014:

(aa) Myrtle Greve, Canadian Federation of University Women, respecting the Good 2 Go Food Box Pilot Project (Item 6.6)

(bb) John Mills respecting the Good 2 Go Food Box Pilot Project (Item 6.7)

(cc) Katrina Gervais respecting the Good 2 Go Food Box Pilot Project (Item 6.8)

(dd) Dave Cherkewski respecting the Good 2 Go Food Box Pilot Project (Item 6.9)

(ee) Deirdre Pike, Social Planning and Research Council of Hamilton, respecting the Good 2 Go Food Box Pilot Project (Item 6.10)

(ff) Peter Hutton respecting the Good 2 Go Food Box Pilot Project (Item 6.11)

(f) PRESENTATIONS (Item 7)

(i) Hamilton Health Links (Item 7.1)

Brenda Flaherty, Executive Vice President of Operations, Hamilton Health Sciences, Dr. David Higgins, President, St. Joseph’s Health Care Hamilton and Jim Williams, Lead Physician, Hamilton Family Health Team presented Hamilton Health Links with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Hamilton Health Links

• Hamilton Health Links in Hamilton
• Improve the Quality and Experience
• Factors that Shape Out Health
• Guiding Principles  
• Organizations Across the City  
• A Prosperous and Health Community

The presentation respecting Hamilton Health Links was received.

(ii) Public Health Services/Board of Health Celebration (Item 7.2)

Dr. Richardson, Medical Officer of Health, presented Hamilton Board of Health Sensation with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Hamilton Board of Health Sensation

• Accomplishments 2010-2014  
• Healthy Community  
• 2010-2014 Awards  
• Foundation for Future State  
• 2015 – Major Initiatives

The presentation respecting Hamilton Board of Health Sensation was received.

(iii) Pan Am Public Health Implications (Item 7.3)

Brent Browett, Director, Planning, Public Health Services and Ellen Pezzetta, Director, Public Health Nurse, presented Pan Am 2015 with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. The presentation included, but was not limited to, the following:

Pan Am 2015

• Event Information  
• Emergency Planning  
• Pan Am Risk Assessment – Local & Provincial  
• Consequence Management Planning  
• Pan Am Working Groups  
• Pan Am Tobacco Control

The presentation respecting the Pan Am Public Health Implications was received.
(iv) **Good 2 Go Food Box Pilot Project Evaluation – (BOH13039(a)) (City Wide) (Outstanding Business List Item) (Item 7.4)**

The presentation respecting the Good 2 Go Food Box Pilot Project Evaluation Report BOH13039(a) was waived.

The Good 2 Go Food Box Pilot Project Evaluation Pilot Project Evaluation (BOH13039(a)) was amended by adding the following:

(f) That the Waterdown Food Bank and Flamborough Food Bank be included in the new pilot program.

The Motion as amended CARRIED on the following vote:


Total: 9

Nays: 0


Total: 7

Item “B” respecting the Good 2 Go Food Box Program (formerly known as the Easy Food Box Program) was removed from the PHS Outstanding Business List.

For disposition of this matter, refer to Item 4.

(g) **MOTIONS (Item 9)**

(i) **Gasification Process Operation in Hamilton (Item 9.1) (TABLED on May 22, 2014)**

The motion respecting the Gasification Process Operation in Hamilton was tabled to the 2014-2018 term of Council.

The following motions were tabled to the Council of September 24, 2014 for consideration:
(h) ADJOURNMENT (Item 13)

There being no further business, the Board of Health adjourned at 3:42 p.m.

Respectfully submitted,

Mayor R. Bratina
Chair, Board of Health

Jasmine Branton
Legislative Coordinator
Office of the City Clerk
As Amended by Procedural By-law No. 14-300 – Section 3.13 (1) (h)

9:30 am
Friday, September 19, 2014
Council Chambers
Hamilton City Hall
71 Main Street West

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

Also Present: Councillor T. Jackson

THE PLANNING COMMITTEE PRESENTS REPORT 14-015 AND RESPECTFULLY RECOMMENDS:

1. Revisions to Parkside Hills Phase 2 Draft Plan of Subdivision (25T-201003(R)) (Waterdown) (PED14226) (Ward 15) (Item 5.1)

That Revised Subdivision Application 25T-201003(R), as red-line revised, by Parkside Hills Inc, Owner, to establish a draft plan of subdivision (“Parkside Hills - Phase 2”) on lands located at 619 Centre Road, Waterdown (Flamborough), as shown on Appendix “A” to Report PED14226, be approved subject to the following conditions:

(a) That this approval for the Redline Revised Draft Plan of Subdivision, 25T-201003(R), prepared by Metropolitan Consulting Inc., and certified by Tom Salb, J.D. Barnes Surveying Inc., dated April 7, 2014, as red-line revised, showing nineteen (19) Blocks consisting of, one Block (Block 11) for low density residential development; nine Blocks (Blocks 1, 2, 3, 5, 6, 7, 8, 10 and 16) for medium density residential development; three Blocks (Blocks 14, 17 and 18) for District Commercial uses; one Block (Block 12) for storm water management facility; one Block (Block 13) for Open Space; two Blocks (Blocks 9 and 15) for future development; and...
two Blocks (Blocks 4 and 19) for road widening purposes, be received and endorsed by City Council; and,

(b) That the Amended Conditions of Draft Plan Approval for Revised Draft Plan of Subdivision, 25T-201003(R) provided as Appendix “B”, be received and endorsed by City Council;

(c) That the proposed changes the Revised Draft Plan of Subdivision, as red-line revised, are consistent with the Provincial Policy Statement, and conforms with the Growth Plan for the Greater Golden Horseshoe (Places to Grow), the Urban Hamilton Official Plan (UHOP) and the Waterdown North Secondary Plan; and,

(d) That Legal Counsel be directed to bring the Revised Draft Plan of Subdivision, as red-line revised, and associated Conditions of Draft Plan Approval, attached as Appendix “B” to the Ontario Municipal Board for approval.

(e) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items:

(i) The City of Hamilton will share costs with the Owner for the stormwater management facility, based on the upset limit identified in the current Development Charges Background Study, and in accordance with the City’s financial policies and as outlined by the D/C Settlement Agreement between Parkside Hills Inc. and the City.

(ii) The City of Hamilton will share costs with the Owner for the re-alignment of the creek in accordance with the D/C Settlement Agreement between Parkside Hills Inc. and the City.

(iii) The City of Hamilton shall pay the full cost of construction of the East–West Corridor Road, save and except the cost for installation of any turning lanes to service the subject lands. The City shall pay the land required for the road in excess of 26.0m in accordance with the City’s financial policies.

All in accordance with the Financial Policies for Development, as approved by Council.

(f) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit.
All in accordance with the City’s Parkland Dedication By-law, as approved by Council.

2. Hamilton Historical Board Minutes - July 15, 2014 (Item 5.3)

That the Hamilton Historical Board Minutes - July 15, 2014, be received.

3. Proposed Zoning By-law Amendment Affecting Lands Located at 252 Governor’s Road (PED14205) (Ward 13) (Item 6.1)

(a) That the draft By-law, attached as Appendix “B” to Report PED14205, be deleted and replaced with the revised draft by-law (attached hereto);

(b) That the staff recommendation for 252 Governors Road be deleted in its entirety and replaced with the following recommendation:

That approval be given to Amended Zoning By-law Amendment Application ZAR-14-017, by Steve Dunham, Owner, for a modification to the Single Detached Residential “R1” Zone, to the Single Detached Residential “R1/S-128” Zone, Modified, with a Special Exception, on lands located at 252 Governor’s Road (Dundas) to permit a day nursery having a maximum of 26 children, as shown on Appendix “A” to Report PED14205, on the following basis:

(a) That the revised draft By-law, attached as Appendix “B” to Report PED14205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Schedule “A” of Zoning By-law No. 3581-86;

(c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP).”

4. Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) (Item 6.2)

That Zoning By-law Amendment Application ZAR-14-021, by Barry Buckley, Margaret Buckley, and Sheila Land, Owner, for a modification to the “R-4” (Small Lot Single Family Residential) District, with a Holding Provision, on lands located at 30 Eleanor Avenue (Hamilton), as shown on Appendix “A” to Report PED14206, be approved, on the following basis:
(a) That the draft By-law, attached as Appendix “B” to Report PED14206, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Schedule “A”, Map No. E38c of Zoning By-law No. 6593; and,

(c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP) and the Eleanor Neighbourhood Plan.

5. **Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton) (PED14197) (Ward 1) (Item 6.3)**

That approval be given to **Zoning Application ZAR-14-020, by Cynthia Bernstein, Owner**, for a modification to the “H/S-1644” (Community Shopping and Commercial) District, Modified, to the Community Shopping and Commercial “H/S-1644a” District, Modified, to permit the establishment of a 36-seat commercial outdoor licensed patio in the rear yard and to recognize the existing six-seat patio located in the northeast side yard for a total patio seating of 42 seats (Block “1”), on lands located at 252-254 Locke Street South (Hamilton), as shown on Appendix “A” to Report PED14197, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14197, 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 Section 19B of Zoning By-law No. 6593 as “S-1644a”.

(c) That the proposed change in zoning conforms to the Growth Plan for the Greater Golden Horseshoe, is consistent with the Provincial Policy Statement, and is in conformity with the Urban Hamilton Official Plan.

(d) That the application fee be reduced to reflect the 2011 fee for a routine rezoning application.

That approval be given to revised Zoning Application ZAC-13-030, by Todd Walker, Owner, for a change in zoning from the “A” (Agricultural) Zone to the “R3-6”-‘H’ (Estate Residential) Holding Zone, Modified, to facilitate the establishment of four lots along Concession 8 Road West through future severance applications, on lands located at 1605 Kirkwall Road (Flamborough), as shown on Appendix “A” to Report PED14198, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the proposed change in zoning is consistent with the Provincial Policy Statement, and conforms to the Greenbelt Plan, Growth Plan for the Greater Golden Horseshoe and the Rural Hamilton Official Plan.

7. Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough) (PED14225) (Ward 14) (Item 6.5)

That approval be given to Zoning Application ZAR-14-012, Dumfries Mutual Insurance Company, Applicant, for a further modification to the Settlement Commercial “SC-7” Zone, Modified, to the Settlement Commercial “SC-19-H” Holding Zone, Modified, on lands located on a portion of 1292 Old Highway No. 8, Sheffield (Flamborough), as shown on Appendix “A” to Report PED14225, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14225, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the amending By-law apply the following Holding Provision in accordance with Section 36 (1) of the Planning Act, R.S.O., 1990, by introducing the Holding Symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision ‘H’ shall not be removed until such time as the following condition has been completed to the satisfaction of the Director of Water and Wastewater Planning and Capital.

“That no development take place until such time as the proposed private servicing strategy, including design details and monitoring, has been approved by the Sustainable Initiatives Section, to the satisfaction of the Director of Water and Wastewater Planning and Capital.”

(c) That the proposed change in zoning is consistent with the Provincial Policy Statement (2014), and conforms to the Growth Plan for the Greater Golden Horseshoe and the Greenbelt Plan, and is in conformity with the Rural Hamilton Official Plan.
8. **Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton) (PED14158) (Ward 5) (Item 6.6)**

That approval be given to amended **Zoning Application ZAR-14-007 by 1298089 Ontario Inc. (Mohinder Lamba), Owner**, for a modification in zoning to the “AA/S-1712”-'H’ (“Agricultural” – ‘Holding’) District, Modified, of Hamilton Zoning By-law No. 6593, to allow a stand-alone parking lot in conjunction with the proposed medical/office use located at 2803 King Street East, for the lands located at 2791 King Street East, Hamilton, as shown on Appendix “A”, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED14158, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(b) That the change in zoning is consistent with the Provincial Policy Statement, and conforms to the Growth Plan for the Greater Golden Horseshoe and the Urban Hamilton Official Plan;

(c) That upon finalization of the implementing By-law, the Greenford Neighbourhood Plan be amended to change the designation from “Commercial Residential Conservation” to “Commercial”.

(d) That Planning, Growth Management and Public Works staff be directed to work with the applicant to enter into the necessary agreements to implement the concept plan as shown on Appendices “C” and “D”.

(e) That Planning Division Staff, in conjunction with the Ward Councillors for Wards 5 and 10, be directed to ensure that as part of the Site Plan review process that enhanced landscaping is provided within the road allowance and along the neighbouring residential properties to the west and north of 2791 King Street East, and as part of the Site Plan review process coordinate with the Ward Councillor for opportunities for consultation with the adjacent property owners.

9. **Hamilton Gateway Marquee Partnership (Ward 4 with City Wide Implications) (PW14093) (Item 8.1)**

That report PW14093, Hamilton Gateway Marquee Partnership (Ward 4 with City Wide Implications), be received.
10. Sign Variance Application SV-14-007 for the Property Known as 900 Woodward Avenue, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant (PED14217) (Ward 4) (Item 8.2)

(a) That the Appeal of Sign Variance Application SV-14-007 dated August 15, 2014, by Jeremy Kramer of Kramer Design Associates (KDA), to construct one Ground Sign to advertise Tim Hortons Field, the Hamilton Tiger Cats and other events, for the property located at 900 Woodward Avenue (Hamilton), as shown on Appendix “A” to Report PED14217, be approved.

(b) That the Mayor write to the Minister of Transportation indicating the City of Hamilton’s support for the sign variance.

11. City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, as Permitted Uses in Rural Areas (PED14037(c)) (Wards 9, 11, 12, 14 and 15) (Item 8.3)

(a) That staff be directed to consult on the definition of a medical marihuana growing and harvesting facility, including accessory laboratory facilities, and the associated regulations, including distance separation, for the proposed Zoning By-law No. 05-200 Agricultural (A1) and Agricultural (A2) Zones for the Rural area. Staff will continue to monitor these facilities and identify if any changes are required to the regulations as part of the proposed Agricultural zones.

(b) That Site Control By-law 03-294 is amended by adding a medical marihuana growing and harvesting facility and an aquaponics facility as paragraphs 9.6 and 9.7 respectively to address such matters water quality/quantity, storm drainage, and wastewater.

12. Barton-Tiffany Urban Design Study (PED14164) (Wards 1 and 2) (Item 8.4)

(a) That the Barton-Tiffany Urban Design Study, Design Concept and Guidelines, attached as Appendix “E” to Report PED14164, be adopted;

(b) That staff be directed to prepare and schedule a public meeting of the Planning Committee to present the Official Plan and Zoning By-Law Amendments required to implement the findings as illustrated in Appendix “D” of Report PED14164 – Sites that require Official Plan and/or Zoning By-Law Amendments, and outlined in Appendix “E” - Barton-Tiffany Urban Design Study, Design Concept and Guidelines; specifically:
(i) 180, 182 and 198 Barton Street West, north side (between Hess Street North and Caroline Street North): Reduce building height from four storeys to three storeys;

(ii) 239 Caroline Street North (west side) at intersection with proposed East-West road: Increase residential density from Medium Density to High Density; Increase building height from eight storeys to twelve stories;

(iii) 128 Barton Street West (lands fronting onto Caroline Street North) at intersection with proposed East-West road: Increase residential density from Medium Density to High Density, and, increase building height from eight storeys to sixteen storeys;

(iv) Caroline Street North (between Barton Street West and Stuart Street): Increase front yard and building setbacks to a range between four to ten metres;

(v) 168 Bay Street North (Central Park): delete the proposed residential designations for the lands near Harriet Street, Mill Street, Caroline Street North and Railway Street and maintain as Neighbourhood Park designation; Connect north and south portions of Caroline Street North through the existing park;

(c) That Landscape Architectural Services staff be directed to undertake the Master Planning process required to re-design and re-construct Central Park located at 168 Bay Street North;

(d) That staff be directed to develop a strategy for the Public Works building and yard located at 125 Barton Street West, by undertaking a property appraisal of the site, and to determine the relocation options for the Public Works facility, as illustrated in Appendix “C” to Report PED14164 – Design Concept Plan;

(e) That Fire Department staff be directed to develop a strategy for the Fire Station #13, Mechanical Division located at 177 Bay Street North, including the undertaking of a needs analysis and the development of relocation options for the Fire Department Mechanical Division, as illustrated in Appendix “C” to Report PED14164 – Design Concept Plan;

(f) That Public Works and Planning staff be directed to implement the Streetscape Design Guidelines and conceptual right-of-way sections as illustrated in Appendix “E” to Report PED14164 – Barton-Tiffany Urban Design Study, Design Concept and Guidelines.
13.  **James Street North Mobility Hub Study (PED14169) (Wards 1, 2, and 3) (Item 8.5)**

(a) That the Report entitled “James Street North Mobility Hub Study” (attached as Appendix “B” to Report PED14169), be approved;

(b) That Planning staff be directed to report back on the Implementation Strategies and Phasing Recommendations contained within the James Street North Mobility Hub Study.

14.  **Recommendation to Designate 52 and 56 Charlton Avenue West, Hamilton (Charlton Hall) Under Part IV of the Ontario Heritage Act (PED14176) (Ward 2) (Item 8.6)**

(a) That the designation of 52 and 56 Charlton Avenue West, Hamilton, shown in Appendix “A” of Report PED14176, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;

(b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED14176, be approved;

(c) That the *City Clerk* be directed to take appropriate action to designate 52 and 56 Charlton Avenue West, Hamilton, under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED14176;

(d) That staff be directed to add conditions in the agreement of sale of 52 and 56 Charlton Avenue West providing for the erection of a historical plaque and for the purchaser(s) to enter into a heritage conservation easement agreement with the City.

15.  **Funding of External Consultants for OMB Appeals: Strathcona Secondary Plan (Ward 1), Ancaster-Wilson Street Secondary Plan (Ward 12) & Approval of Funding Sources until February 2015 (City Wide) (LS14040) (Item 8.7)**

(a) That respecting the appeal to the Ontario Municipal Board of the Strathcona Secondary Plan (OPA No. 11) by Glenn Hamilton, Council authorize that the amount required to retain external consultants be funded from the Tax Stabilization Reserve (110046);
(b) That respecting the appeal to the Ontario Municipal Board of the Ancaster-Wilson St. Secondary Plan (OPA No. 24) relating to 121 Fiddler’s Green Rd., Council authorize that the amount required to retain external consultants be funded from the Tax Stabilization Reserve (110046);

(c) That if any additional appeals require external consultants to be retained prior to the January 13, 2015 Planning Committee, that the amounts required to retain such consultants also be from the Tax Stabilization Reserve (110046), up to a maximum of $100,000 per retainer;

(d) That staff report back to the January 13, 2015 Planning Committee if any external consultants are retained and funded.

16. **Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road (Item 10.1)**

WHEREAS this area has experienced major growth since 2003;

AND WHEREAS, there has been a significant increase in traffic and the Ward Councillor has received numerous concerns regarding pedestrian and vehicular safety;

AND WHEREAS, Council approved the Rymal Road East project from Dartnall Road to Fletcher as part of the 2013 budget;

AND WEREAS, the project was being tendered in two phases (Phase 1A from Dartnall Road to Upper Red Hill Valley Parkway and Phase 1B from Upper Red Hill Valley Parkway to Fletcher Road);

AND WHEREAS, Phase 1A tendered construction costs came in at higher than estimated costs and there are insufficient funds to tender Phase 1B works;

THEREFORE BE IT RESOLVED:

That the $9M shortfall to complete Phase 1B of the Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road project, be funded as follows, be approved:

(i) The growth related portion, in the amount of $7.38-million as per the City’s Development Charge Background Study from Road Development Charges;

(ii) The balance of the funding $1.62-million be funded from Account No. 23122-000100.
In regards to appeals to the Ontario Municipal Board by 2190557 Ontario Inc. and 2197925 Ontario Inc. of Zoning By-law Amendment application ZAC-13-023 and Plan of Subdivision (25T-201305) (the “Applications”) concerning lands at 172 & 178 Rymal Road West and 1204 West 5th Street:

(a) That Council supports the principle of the Applications, as revised by staff, subject to resolving the final text of the zoning by-law and conditions of draft plan approval, with content consistent with Report LS14032/PED14173 and satisfactory to the Senior Director, Growth Management and the Director of Planning.

(b) That staff be authorized to enter into discussions with the appellant for the purpose of resolving the final text of the planning instruments.

(c) That, if any matter is not resolved to the satisfaction of the Senior Director, Growth Management and the Director of Planning, staff be directed to proceed to a contested Ontario Municipal Board hearing on those matters.

(d) Acknowledgement by the City of Hamilton of its responsibility for cost-sharing with respect to this development for the following items, all in accordance with the City’s Financial Policies, as approved by Council:

(i) The City of Hamilton will not share costs with the Owner for the stormwater management facility in William Connell Park.

(ii) The City of Hamilton will share costs with the Owner for the wider pavement on part of Street “F” which will be a 26m right-of-way.

(e) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of each building permit for the lots within the plan and no Parkland Dedication is being provided. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of the building permit.

(f) That the approved Sheldon Neighbourhood Plan be revised to reflect the changes to the proposed road pattern as shown on the proposed draft plan of subdivision.
(g) That Report LS14034/PED14207, and all appendices, remains confidential.

(h) That staff be directed to amend condition #6 of the draft conditions so that the former condition is deleted and replaced with a condition that states:

“That prior to pre-grading, or servicing, the Owner prepare a detailed lot grading plan adjacent to regulated lands to the satisfaction of Hamilton Conservation Authority.”

18. 70 Barton St. OMB Appeal RE: Zoning By-law Amendment Application ZAC-13-046 (Flamborough) (LS14034/PED14207) (Item 12.2)

In regards to appeals to the Ontario Municipal Board by Cheltenham Development Inc. of Zoning By-law Amendment application ZAC-13-046 concerning lands at 70 Barton St.:

(a) That staff be instructed to oppose the appeal on the basis that approval of the application cannot be supported due to environmental and stormwater management concerns.

(b) That staff be authorized to prepare and present an issues list to the appellant and if the appellant confirms its intention to revise the proposal to address the issues identified, then staff be authorized to enter into settlement discussions with the appellant.

(c) That, if any or all issues are resolved prior to Planning Committee meeting in December 2014 to the satisfaction of the Senior Director, Growth Management and the Director of Planning and the Ward Councillor:

(i) staff be authorized and directed to present such resolution to the Ontario Municipal Board, which may include preparing and/or executing any necessary or ancillary documents, and

(ii) staff inform City Council on the outcome of any such resolution.

(d) That Report LS14034/PED14207 remains confidential.
19. Shoppers Drug Mart - Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited for Lands Located at 620, 622, and 624 King Street West, 22 and 24 Dundurn Street North, and 41, 45, 47, 49, 55, and 59 Head Street (Hamilton) regarding Official Plan Amendment Application OPA-12-011, Zoning By-law Amendment Application ZAC-12-028, Site Plan Application DA-13:175, UHOP Official Plan Amendment 14-002, and the Strathcona Secondary Plan (Hamilton) (Ward 1) (LS14039/PED14228) (Item 12.3)

In regards to appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited regarding Official Plan Amendment Application OPA-12-011, Zoning By-law Amendment Application ZAC-12-028, Site Plan Application DA-13:175, UHOP Official Plan Amendment 14-002 (the “Applications”) and the Strathcona Secondary Plan:

(a) That Council supports the Applications and any necessary amendments to the Strathcona Secondary Plan in accordance with the 2014 Further Revised Concept Plan, attached as Appendix “D” to Report LS14039/PED14228 and that Legal staff:

(i) Be directed to finalize the text of the amendments to the Urban Hamilton Official Plan, Strathcona Secondary Plan and Zoning By-law to reflect and implement the 2014 Further Revised Concept Plan, attached as Appendix “D” to Report LS14039/PED14228;

(ii) Be directed to prepare proposed conditions of Site Plan approval, including any red-line revisions to the 2014 Further Revised Concept Plan, attached as Appendix “D” to Report LS14039/PED14228;

(iii) Be authorized to enter into discussions with the appellant for the purpose of resolving the final text of the planning instruments identified in recommendations (i) and (ii);

(iv) Be authorized and directed to take such necessary steps to secure the scoping of the appeal to the Strathcona Secondary Plan to a site-specific appeal, which may include preparing and/or executing any necessary or ancillary documents; and

(v) Be authorized and directed to present such resolution to the Ontario Municipal Board, which may include preparing and/or executing any necessary or ancillary documents.

(b) That, if the Ontario Municipal Board approves the planning instruments in Recommendation (a)(i), that staff be directed to amend the Strathcona Neighbourhood Plan accordingly.

(a) That Council support the settlement of the Ontario Municipal Board appeals reached between Rise Real Estate Inc., 17 Ewen (Hamilton) Corp., Mondelez Canada Inc., and TCI Realty Holdings Inc., including the agreement to request that the Ontario Municipal Board approve of applicable official plan and zoning by-law amendments to permit a 10 storey residential use for student housing on the lands at 17 Ewen Road in the form as set out in Appendices A and B respectively attached to Report LS14037;

(b) That Council designate the lands at 17 Ewen Road as the site of a future 10 storey residential use as a Class 4 area pursuant to Ministry of Environment Noise Guideline NPC 300;

(c) That the Mayor and City Clerk execute the Multi-Party Agreement, as set out in Appendix “C” attached to Report LS14037, and any other documents- or instruments arising from the Multi-Party Agreement where required or applicable;

(d) That Council amend the Noise By-law, being By-law No. 11-285 in accordance with the amendment set out in Appendix “D” attached to Report LS14037;

(e) That Legal staff be authorized to finalize the details of the proposed official plan and zoning by-law amendments, as well as of the Multi-Party Agreement in the event of technical or drafting requirements, together with such drafting, editorial or technical modifications as may be necessary and consented to by the Director of Planning or his delegate provided these are consistent with the intent of the proposed documents, as set out in Appendices “A”, “B” and “C” attached to Report LS14037;

(f) That Report LS14037 respecting the Urban Hamilton Official Plan Proposed Settlements and Legal Direction, remain confidential, but that the Appendices be made public in the event that Council supports recommendations (a) through (e).
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

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

1. DELEGATION REQUESTS

   4.1 Delegation request from S. Jasper Kujavsky respecting item 8.4 Barton-Tiffany Urban Design Study

   4.2 Delegation request from Bill Panagiotakopoulos respecting item 8.3 CI-14-B Review of Medical Marihuana

   4.3 Delegation request from Sara Mayo respecting item 8.4 Barton-Tiffany Urban Design Study

   4.4 Delegation request from John Vail respecting item 8.4 Barton-Tiffany Urban Design Study

   4.5 Delegation request from Steve Rudaniecki respecting item 8.4 Barton-Tiffany Urban Design Study

   4.6 Delegation request from Glenn Gibson and Jeremy Kramer respecting item 8.1 and 8.2, Hamilton Gateway Marquee Partnership and Sign Variance at 900 Woodward Ave

   4.7 Delegation Request from Matt Johnston respecting Item 12.3 Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited

2. PUBLIC HEARING ITEMS

   6.5 Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough) (PED14225) (Ward 14)

      (i) Correspondence from John and Julie Richer

      (ii) Correspondence from Sharon and Ken Richer

      (iii) Correspondence from Robert and Angie Brain

3. DISCUSSION ITEMS

   8.3 City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, as
Permitted Uses in Rural Areas (PED14037(c)) (Wards 9, 11, 12, 14 and 15)

(i) Correspondence from Ed Fothergill (on behalf of 381 Hwy 8, Dundas)

5. OTHER BUSINESS

11.1 Outstanding Business List - Items to be removed:

(ii) Item MM: Proposal to Proceed with an OMB Appeal for Minor Variance Application, 55 Rymal Road East, Hamilton (PED14108) (Ward 7) (Item 5.2)

The Agenda for the September 19, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) DELEGATION REQUESTS (Item 4)

(i) Delegation request from S. Jasper Kujavsky respecting item 8.4 Barton-Tiffany Urban Design Study (Item 4.1)

The delegation request from S. Jasper Kujavsky respecting item 8.4 Barton-Tiffany Urban Design Study, was approved for today’s meeting.

(ii) Delegation request from Bill Panagiotakopoulos respecting item 8.3 CI-14-B Review of Medical Marihuana (Item 4.2)

The delegation request from Bill Panagiotakopoulos respecting item 8.3 CI-14-B Review of Medical Marihuana, was approved for today’s meeting.

(iii) Delegation request from Sara Mayo respecting item 8.4 Barton-Tiffany Urban Design Study (Item 4.3)

The delegation request from Sara Mayo respecting item 8.4 Barton-Tiffany Urban Design Study, was approved for today’s meeting.
(iv) Delegation request from John Vail respecting item 8.4 Barton-Tiffany Urban Design Study (Item 4.4)

The delegation request from John Vail respecting item 8.4 Barton-Tiffany Urban Design Study, be approved for today’s meeting.

(v) Delegation request from Steve Rudaniecki respecting item 8.4 Barton-Tiffany Urban Design Study (Item 4.5)

The delegation request from Steve Rudaniecki respecting item 8.4 Barton-Tiffany Urban Design Study, was approved for today’s meeting.

(vi) Delegation request from Glenn Gibson and Jeremy Kramer respecting item 8.1 and 8.2, Hamilton Gateway Marquee Partnership and Sign Variance at 900 Woodward Ave (Item 4.6)

The delegation request from Glenn Gibson and Jeremy Kramer respecting item 8.1 and 8.2, Hamilton Gateway Marquee Partnership and Sign Variance at 900 Woodward Ave, was approved for today’s meeting.

(vii) Delegation Request from Matt Johnston respecting Item 12.3 Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited (Item 4.7)

The delegation request from Matt Johnston respecting Item 12.3 Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited, was approved for today’s meeting.

(d) CONSENT ITEMS (Item 5)

(i) Sign Variance Application SV-14-002 for the Hamilton Port Authority Lands, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant (PED14227)(Ward 5)

Report PED14227, Sign Variance Application SV-14-002 for the Hamilton Port Authority Lands, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant, was tabled to the December meeting of Planning Committee.
(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Proposed Zoning By-law Amendment Affecting Lands Located at 252 Governor’s Road (PED14205) (Ward 13) (Item 6.1)

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

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

The staff presentation was received.

Public Speakers:

1. Jeff Hughes – 4 Creekwood Pl., Hamilton, ON L9H 6S9
   
   Mr. Hughes expressed concerns to traffic and notice provision.

2. Bruce Lockheart – 254 Governor’s Rd., Hamilton, ON L9H 3K3
   
   Mr. Lockheart expressed concerns to traffic and parking.

   
   Mr. Parliament expressed concerns to traffic and the number of people at the residence.

The public speakers were received.

The public meeting respecting Report PED14205, Proposed Zoning By-law Amendment Affecting Lands Located at 252 Governor’s Road, was closed.
Paul Mallard, agent on behalf of the applicant, spoke to the amendment and the application, as well as the need for child care.

The agent’s presentation was received.

(a) The draft By-law, attached as Appendix “B” to Report PED14205, was deleted and replaced with the revised draft by-law (attached hereto);

(b) The staff recommendation for 252 Governors Road was deleted in its entirety and replaced with the following recommendation:

That approval be given to Amended Zoning By-law Amendment Application ZAR-14-017, by Steve Dunham, Owner, for a modification to the Single Detached Residential “R1” Zone, to the Single Detached Residential “R1/S-128” Zone, Modified, with a Special Exception, on lands located at 252 Governor's Road (Dundas) to permit a day nursery having a maximum of 26 children, as shown on Appendix “A” to Report PED14205, on the following basis:

(a) That the revised draft By-law, attached as Appendix “B” to Report PED14205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Schedule “A” of Zoning By-law No. 3581-86;

(c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan (UHOP).”

For disposition on this Item, refer to item 3.

(ii) Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton) (PED14206) (Ward 7) (Item 6.2)

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed 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 PED14206, Proposed Zoning By-law Amendment Affecting Lands Located at 30 Eleanor Avenue (Hamilton), was closed.

The staff presentation was waived.

For disposition on this Item, refer to item 4.

(iii) Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton) (PED14197) (Ward 1) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed 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 PED14197, Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton), was closed.

The staff presentation was waived.

Stephen Bernstein, legal consultant on behalf of the applicant, requested that the fees for the application be waived due to the history of the application.

The agent’s presentation was received.

The recommendations contained in Report PED14197, Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands
Located at 252-254 Locke Street South (Hamilton), were amended by adding a new sub-section (d) to read as follows:

(d) That the application fee be reduced to reflect the 2011 fee for a routine rezoning application.

For disposition on this Item, refer to item 5.

(iv) Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for the Lands Located at 1605 Kirkwall Road (PED14198) (Ward 14) (Item 6.4)

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed 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 PED14198, Application for Amendment to the Town of Flamborough Zoning By-Law 90-145-Z for the Lands Located at 1605 Kirkwall Road, was closed.

The staff presentation was waived.

For disposition on this Item, refer to item 6.

(v) Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough) (PED14225) (Ward 14) (Item 6.5)

(aa) Correspondence from John and Julie Richer

(bb) Correspondence from Sharon and Ken Richer

(cc) Correspondence from Robert and Angie Brain
In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed 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 correspondence respecting Report PED14225, Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough), was received.

The public meeting respecting Report PED14225, Proposed Zoning By-law Amendment Affecting Lands Located at 1292 Old Highway No. 8 (Flamborough), was closed.

The staff presentation was waived.

For disposition on this Item, refer to item 7.

(vi) **Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton) (PED14158) (Ward 5) (Item 6.6)**

Report PED14158, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton), was tabled.

Report PED14158, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton), was lifted from the table.

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the proposed 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.
Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

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

The staff presentation was received.

Public Speakers:

1. Karen Dick and Shawn Jones – 2787 King St. E., Hamilton, ON L8G 1J3

   Mrs. Dick and Mr. Jones expressed concerns with the parking area and privacy.

   The presentation was received.

The public meeting respecting Report PED14158, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton), was closed.

Nick Defilippis, on behalf of the applicant, addressed concerns with setbacks, parking leeway, privacy and requested that the required setbacks on the west property be amended from 2 metres.

The presentation was received.

The recommendations contained in Report PED14158, Application for an Amendment to City of Hamilton Zoning By-law No. 6593 for the Lands Located at 2791 King Street East (Hamilton), were amended by adding new sub-sections (d) and (e) as follows:

(d) That Planning, Growth Management and Public Works staff be directed to work with the applicant to enter into the necessary agreements to implement the concept plan as shown on Appendices “C” and “D”.

(e) That Planning Division Staff, in conjunction with the Ward Councillors for Wards 5 and 10, be directed to ensure that as part of the Site Plan review process that enhanced landscaping is provided within the road allowance and along the neighbouring residential properties to the west and north of 2791 King Street East, and as part of the Site Plan review process coordinate with
the Ward Councillor for opportunities for consultation with the adjacent property owners.

For disposition on this Item, refer to item 8.

(f) DISCUSSION ITEMS (Item 8)

(i) Hamilton Gateway Marquee Partnership (Ward 4 with City Wide Implications) (PW14093) (Item 8.1)

Glenn Gibson and Jeremy Kramer, Hamilton Tiger-Cats and KDA Associates, provided an overview of the application with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentation was received.

For disposition on this Item, refer to item 9.

(ii) Sign Variance Application SV-14-007 for the Property Known as 900 Woodward Avenue, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant (PED14217) (Ward 4) (Item 8.2)

The recommendations contained in report PED14217, Sign Variance Application SV-14-007 for the Property Known as 900 Woodward Avenue, Hamilton, Denied by the Director, Planning Division, and Appealed by the Applicant, were deleted and replaced with the following recommendations:

(a) That the Appeal of Sign Variance Application SV-14-007 dated August 15, 2014, by Jeremy Kramer of Kramer Design Associates (KDA), to construct one Ground Sign to advertise Tim Horton’s Field, the Hamilton Tiger Cats and other events, for the property located at 900 Woodward Avenue (Hamilton), as shown on Appendix “A” to Report PED14217, be approved.

(b) That the Mayor write to the Minister of Transportation indicating the City of Hamilton’s support for the sign variance.

For disposition on this Item, refer to item 10.
(iii) City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, as Permitted Uses in Rural Areas (PED14037(c)) (Wards 9, 11, 12, 14 and 15) (Item 8.3)

(aa) Correspondence from Ed Fothergill (on behalf of 381 Hwy 8, Dundas)

Joanne Hickey-Evans spoke to the changes in the report and to clerical errors that will be changed in the by-laws.

The correspondence respecting Report PED14037(c) City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, as Permitted Uses in Rural Areas, was received.

Delegations:

1. Scott Snider, Turkstra Mazza, representing Farm Meds Limited

   Mr. Snider, on behalf Paul Bernier and David Varghese, expressed concerns on the proposed caps to the size of the buildings in the rural area as it is a down zoning and suggested monitoring sizes rather than restrict the size of the buildings.

2. Bill Panagiotakopoulos

   Mr. Panagiotakopoulos expressed concerns for the proposed caps to the size of the buildings as it limits competition and being small would not work for the future of this business. He also asked what the grandfathering rules are for this type of establishment.

The delegations were received.

Recommendations (a), (b), (c) and (d) contained in Report PED14037(c) City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, were received:

(a) That approval be given to City Initiative 14-B, for a general text amendment to Town of Ancaster Zoning By-law 87-57, to establish a definition for a medical marihuana growing and harvesting facility, to add this use to the list of agricultural uses, to establish appropriate regulations, and to prohibit it in certain zones in the urban area that permit some agricultural uses, on the following basis:
(i) That the Draft By-law, attached as Appendix “A” to Report PED14037(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning conform to the Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP).

(b) That approval be given to City Initiative 14-B, for a general text amendment to Town of Flamborough Zoning By-law 90-145-Z, to establish a definition for a medical marihuana growing and harvesting facility, to add this use to the list of agricultural uses, to establish appropriate regulations and to prohibit it in certain zones that permit some agricultural uses, on the following basis:

(i) That the Draft By-law, attached as Appendix “B” to Report PED14037(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning conform to the Rural Hamilton Official Plan (RHOP).

(c) That approval be given to City Initiative 14-B, for a general text amendment to Township of Glanbrook Zoning By-law No. 464, to establish a definition for a medical marihuana growing and harvesting facility, to add this use to the list of agricultural uses, to establish appropriate regulations, to permit this use in the Rural Industrial Business Park “M6” Zone with appropriate regulations and to prohibit a medical marihuana growing and harvesting facility and an aquaponics facility in certain zones that permit some agricultural uses, on the following basis:

(i) That the Draft By-law, attached as Appendix “C” to Report PED14037(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning conform to the Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP).

(d) That approval be given to City Initiative 14-B, for a general text amendment to City of Stoney Creek Zoning By-law No. 3692-92, to establish a definition for a medical marihuana growing and harvesting facility, to add a medical marihuana growing and harvesting facility and aquaponics uses to the list of agricultural
uses, to establish appropriate regulations and to prohibit a medical marihuana growing and harvesting facility and an aquaponics facility in certain zones in the urban area that permit some agricultural uses, on the following basis:

(i) That the Draft By-law, attached as Appendix “D” to Report PED14037(c), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council; and,

(ii) That the proposed changes in zoning conform to the Rural Hamilton Official Plan (RHOP) and the Urban Hamilton Official Plan (UHOP).

The motion CARRIED on the following vote:

Total: 7
Nays: T. Whitehead
Total: 1
Absent: B. Clark
Total: 1

Recommendation (e) contained in Report PED14037(c) City Initiative 14-B - Review Medical Marihuana Growing and Harvesting Facility, Greenhouse and Aquaponics Facility, was deleted and replaced with the following:

(e) That staff be directed to consult on the definition of a medical marihuana growing and harvesting facility, including accessory laboratory facilities, and the associated regulations, including distance separation, for the proposed Zoning By-law No. 05-200 Agricultural (A1) and Agricultural (A2) Zones for the Rural area. Staff will continue to monitor these facilities and identify if any changes are required to the regulations as part of the proposed Agricultural zones.

For disposition on this Item, refer to item 11.
(iv) Barton-Tiffany Urban Design Study (PED14164) (Wards 1 and 2) (Item 8.4)

Julia van der Laan de Vries, Urban Designer, David Dow, Diamond Schmitt Architects, and Kevin Muir, GSP Group, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The presentations were received.

Delegations:

1. S. Jasper Kujavsky, Golden Horseshoe Enterprises Inc.
   
   Mr. Kujavsky provided an overview of his experience with waterfront redevelopment and possible directions to consider for future use (ie. CN Rail Yard).

2. Sara Mayo, Social Planning and Research Council of Hamilton
   
   Ms. Mayo provided information respecting affordable housing.

3. John Vail
   
   Mr. Vail expressed concerns with the report coming forward before the municipal election due to new strategic directions.

4. Steve Rudaniecki
   
   Mr. Rudaniecki expressed concerns with public health associated with the former developments on Central Park. He is concerned the changes will disturb the toxic waste in the area from the former use. He is also concerned with the compatibility of proposed developments.

The presentations were received.

For disposition on this Item, refer to item 12.

(g) MOTIONS (Item 9)

(i) Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road (Item 9.1)

WHEREAS this area has experienced major growth since 2003;
AND WHEREAS, there has been a significant increase in traffic and the Ward Councillor has received numerous concerns regarding pedestrian and vehicular safety;

AND WHEREAS, Council approved the Rymal Road East project from Dartnall Road to Fletcher as part of the 2013 budget;

AND WHEREAS, the project was being tendered in two phases (Phase 1A from Dartnall Road to Upper Red Hill Valley Parkway and Phase 1B from Upper Red Hill Valley Parkway to Fletcher Road);

AND WHEREAS, Phase 1A tendered construction costs came in at higher than estimated costs and there are insufficient funds to tender Phase 1B works;

THEREFORE BE IT RESOLVED:

That the $9M shortfall to complete Phase 1B of the Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road project, be funded as follows, be approved:

(i) The growth related portion, in the amount of $7.38-million as per the City’s Development Charge Background Study from Road Development Charges;

(ii) The balance of the funding $1.62-million be funded from Account No. 23122-000100.

For disposition on this Item, refer to item 16.

(h) NOTICES OF MOTION (Item 10)

Councillor Johnson introduced the following Notice of Motion:

(i) Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road (Item 10.1)

WHEREAS this area has experienced major growth since 2003;

AND WHEREAS, there has been a significant increase in traffic and the Ward Councillor has received numerous concerns regarding pedestrian and vehicular safety;
AND WHEREAS, Council approved the Rymal Road East project from Dartnall Road to Fletcher as part of the 2013 budget;

AND WHEREAS, the project was being tendered in two phases (Phase 1A from Dartnall Road to Upper Red Hill Valley Parkway and Phase 1B from Upper Red Hill Valley Parkway to Fletcher Road);

AND WHEREAS, Phase 1A tendered construction costs came in at higher than estimated costs and there are insufficient funds to tender Phase 1B works;

THEREFORE BE IT RESOLVED:

That the $9M shortfall to complete Phase 1B of the Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road project, be funded as follows, be approved:

(i) The growth related portion, in the amount of $7.38-million as per the City’s Development Charge Background Study from Road Development Charges;

(ii) The balance of the funding $1.62-million be funded from Account No. 23122-000100.

The rules were waived in order to introduce a motion respecting Rymal Road East Urbanization and Road Widening – Dartnall Road to Fletcher Road.

For disposition on this Item, refer to item 16.

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

(i) Outstanding Business List Amendments (Item 11.1)

The following items were removed from the Outstanding Business List:

(aa) Item V: A Review of the Federal Marihuana for Medical Purposes Regulations (MMPR) - Planning and Building Implications for the City of Hamilton

(bb) Item MM: Proposal to Proceed with an OMB Appeal for Minor Variance Application, 55 Rymal Road East, Hamilton (PED14108) (Ward 7) (Item 5.2)
PRIVATE AND CONFIDENTIAL (Item 12)

The Planning Committee moved into Closed Session, at 4:27 p.m. for the discussion of Items 12.1 through to item 12.4, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to:

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

Committee moved into open session at 5:10 p.m.

(i) 172 & 178 Rymal Rd. W. and 1204 West 5th Street OMB Appeals RE: ZBA (ZAC-13-023) and Plan of Subdivision (25T-201305) Owner: 2190557 Ontario Inc. and 2197925 Ontario Inc. (Sheldon's Gate) (LS14032/PED14173) (Item 12.1)

The recommendations contained in Report LS14032/PED14173, 172 & 178 Rymal Rd. W. and 1204 West 5th Street OMB Appeals RE: ZBA (ZAC-13-023) and Plan of Subdivision (25T-201305) Owner: 2190557 Ontario Inc. and 2197925 Ontario Inc. (Sheldon's Gate), were amended by adding a new sub-section (h), to read as follows:

(h) That staff be directed to amend condition #6 of the draft conditions so that the former condition is deleted and replaced with a condition that states:

“That prior to pre-grading, or servicing, the Owner prepare a detailed lot grading plan adjacent to regulated lands to the satisfaction of Hamilton Conservation Authority.”

For disposition on this Item, refer to item 17.

(ii) 70 Barton St. OMB Appeal RE: Zoning By-law Amendment Application ZAC-13-046 (Flamborough) (LS14034/PED14207) (Item 12.2)

For disposition on this Item, refer to item 18.
(iii) Shoppers Drug Mart - Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited for Lands Located at 620, 622, and 624 King Street West, 22 and 24 Dundurn Street North, and 41, 45, 47, 49, 55, and 59 Head Street (Hamilton) regarding Official Plan Amendment Application OPA-12-011, Zoning By-law Amendment Application ZAC-12-028, Site Plan Application DA-13:175, UHOP Official Plan Amendment 14-002, and the Strathcona Secondary Plan (Hamilton) (Ward 1) (LS14039/PED14228) (Item 12.3)

Delegation:

1. Matt Johnston, IBI Group

   Mr. Johnston provided an overview of the concerns with respect to item 12.3, Shoppers Drug Mart - Appeals to the Ontario Municipal Board, with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

(Pearson/Whitehead)
That the delegation be received.

CARRIED

The recommendations contained in Report LS14039/PED14228 be amended by deleting and replacing the recommendations to read as follows:

In regards to appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited regarding Official Plan Amendment Application OPA-12-011, Zoning By-law Amendment Application ZAC-12-028, Site Plan Application DA-13:175, UHOP Official Plan Amendment 14-002 (the “Applications”) and the Strathcona Secondary Plan:

(a) That Council supports the Applications and any necessary amendments to the Strathcona Secondary Plan in accordance with the 2014 Further Revised Concept Plan, attached as Appendix “D” to Report LS14039/PED14228 and that Legal staff:

   (i) Be directed to finalize the text of the amendments to the Urban Hamilton Official Plan, Strathcona Secondary Plan and Zoning By-law to reflect and implement the 2014 Further Revised Concept Plan, attached as Appendix “D” to Report LS14039/PED14228;

   (ii) Be directed to prepare proposed conditions of Site Plan approval, including any red-line revisions to the 2014 Further
Revised Concept Plan, attached as Appendix “D” to Report LS14039/PED14228;

(iii) Be authorized to enter into discussions with the appellant for the purpose of resolving the final text of the planning instruments identified in recommendations (i) and (ii);

(iv) Be authorized and directed to take such necessary steps to secure the scoping of the appeal to the Strathcona Secondary Plan to a site-specific appeal, which may include preparing and/or executing any necessary or ancillary documents; and

(v) Be authorized and directed to present such resolution to the Ontario Municipal Board, which may include preparing and/or executing any necessary or ancillary documents.

(b) That, if the Ontario Municipal Board approves the planning instruments in Recommendation (a)(i), that staff be directed to amend the Strathcona Neighbourhood Plan accordingly.

(c) That, if any external consultants are required to support Council’s position, that the amounts required to retain such consultants be from the Tax Stabilization Reserve (110046).

(d) That this Report remains confidential, except for the Recommendations and Appendix “D”.

For disposition on this Item, refer to item 19.

(iv) **Urban Hamilton Official Plan Proposed Settlements and Legal Direction (LS14037) (Item 12.4)**

For disposition on this Item, refer to item 20.

(k) **ADJOURNMENT**

There being no further business, the Planning Committee adjourned at 5:23 p.m.
Respectfully submitted,

Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
Present: Councillors B. Clark (Vice Chair),
B. Johnson, M. Pearson, C. Collins, R. Morrow

Absent: Councillor R. Powers (Chair) – City Business

THE AUDIT, FINANCE & ADMINISTRATION COMMITTEE PRESENTS REPORT 14-008 AND RESPECTFULLY RECOMMENDS:

1. Treasurer’s Apportionment of Land Taxes (FCS14002(c)) (Wards 11, 12 and 15) (Item 5.1)

   (a) That the 2013 land taxes in the amount of $2,193 for 3151 Hendershot Rd., Glanbrook, (Roll #2518 901 410 22000 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to attached hereto;

   (b) That the 2014 land taxes in the amount of $2,421 for 0 Irwin Ave., Ancaster, (Roll #2518 140 280 36742 0000) be apportioned and split amongst the three newly created parcels as set out in Appendix A attached hereto;

   (c) That the 2014 land taxes in the amount of $6,153 for 100-114 Burke St., Flamborough, (Roll #2518 303 310 07170 0000) be apportioned and split amongst the eight newly created parcels as set out in Appendix A to attached hereto;

   (d) That the 2014 land taxes in the amount of $3,360 for 83-89 Skinner Rd., Flamborough, (Roll #2518 303 310 07215 0000) be apportioned and split
amongst the four newly created parcels as set out in Appendix A attached hereto;

(e) That the 2014 land taxes in the amount of $3,730 for 91-99 Skinner Rd., Flamborough, (Roll #2518 303 310 07220 0000) be apportioned and split amongst the five newly created parcels as set out in Appendix A attached hereto; and

(f) That the 2014 land taxes in the amount of $5,107 for 70-84 McKnight Ave., Flamborough, (Roll #2518 303 310 07235 0000) be apportioned and split amongst the eight newly created parcels as set out in Appendix A attached hereto.

2. Succession & Leadership Development Progress Report (HUR14008) (Outstanding Business List Item) (Item 5.2)

That Report HUR14008 respecting Succession & Leadership Development Progress be received.

3. Anti-Spam Legislation (Correspondence from AMO) (CM14016) (City Wide) (Outstanding Business List Item) (Item 5.3)

That Report CM14016 respecting Anti-Spam Legislation (Correspondence from AMO) be received.

4. Governance Review Sub-Committee Report 14-003 (Item 8.1)

(i) Review of Selection Process (City Wide) (CL14006(a)) (Item 4.1)

(a) That the revised City of Hamilton Policy respecting the Appointment of Citizen Members to Agencies, Boards, Commissions and Committees, attached hereto as Appendix “B”, be approved;

(b) That the Selection Committee Citizen Member Guiding Principles attached hereto as Schedule “A” to Appendix “B”, be approved.

(ii) Review of the City’s Procedural By-law Amendments (Item 4.2)

(a) That the following sections of By-law 10-053 - A By-law to Govern the Proceedings of Council and Committees of Council, attached hereto as Appendix “C”, be amended as follows:

Section 1 – Definitions
• Addition of “approve” and “receive”

Council – September 24, 2014
Section 3.8 – Delegations
• Addition of new subsection 3.8.1 - Communication Items

Section 3.11 – Voting Procedures
• Amendment to subsection (11) Dispensing with Notice
• Addition of new subsection (19) Motion to Rescind

Section 5.3 – Standing Committee Membership
• Clarification to composition

Section 5.5 – Regular Meeting Times of Standing Committees
• Clarification on meeting dates

Section 5.6 – Committee Reports
• Addition of Selection Committee reporting to Council

Section 5.10 – Order of Business
• Clarification amendment

Section 5.11 – Delegations
• Clarification amendment

Section 6.2 – Establishment of Advisory Committees or Task Forces
• Amendments to section

Section 7.2 – Conduct of Members – Order and Decorum
• Amendment to designate floor of Council

Appendices A, D, E, F and I
• Clarification to composition
• Clarify Audit duties in Appendix F – add Schedule F1
• Amendments to Appendix I

(b) That By-law 10-053 – A By-law to Govern the Proceedings of Council and Committees of Council be repealed;

c) That a new By-law to Govern the Proceedings of Council and Committees of Council to include amendments outlined in recommendation (a) be prepared and enacted by Council.

(d) That subsection 9.2 of By-law 10-053 – A By-law to Govern the Proceedings of Council and Committees of Council be amended by deleting the words “at least 24 hours following” and replace with “simultaneously with” to read as follows:
9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following **simultaneously** with the distribution set out in subsection 9.1.

(c) That subsection 9.2 of By-law 10-053 – A By-law to Govern the Proceedings of Council and Committees of Council be amended by deleting the words “at least 24 hours following” and replace with “simultaneously with” to read as follows:

9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following **simultaneously with** the distribution set out in subsection 9.1.

(d) That a new By-law to Govern the Proceedings of Council and Committees of Council to include amendments outlined in recommendation (a) be prepared and enacted by Council.

(iii) **Review of the City’s Advisory Committee/Sub-Committee and Volunteer Committees (City Wide) (CL14008) (Item 4.3)**

That the Report CL14008, Review of the City's Advisory Committee/Sub-Committee and Volunteer Committees (City Wide), be received.

(iv) **2014 December Calendar – Meeting Schedule (Item 4.4)**

That the 2014 December Calendar, attached hereto as Appendix “D”, be approved.

(v) **Inner City/Student Accommodation Fund (Item 4.5)**

That the collective financial impact of the following recommendations be finalized to form part of the 2015 City Budget deliberations:

(a) That the ‘Inner City Fund’ (ICF) be maintained for the exclusive use of Wards 2, 3, 4 and 5;

(b) That the Inner City Fund, currently at $46,838, be divided equally between the four Wards (2, 3, 4 and 5) or in a manner that has agreement amongst the respective four Ward Councillors;

(c) The base amount of $46,838 be eligible for an annual inflationary increase;
(d) That the ‘Geographic Factor’ currently at $5000 $2,500 and divided equally between Wards 11 and 14 shall be reviewed and adjusted, where appropriate, based on historical actual;

(e) That a new ‘Student Accommodation Factor Benefit* be established to assist specific Ward budgets as outlined below:

- **Ward 1** (presence of main campuses of McMaster University and Columbia International College).
  - 12% benefit*(29,496) = $1769.76

- **Ward 8** (presence of main campuses of Mohawk College and Hillfield Strathallan College and a presence by Columbia International College).
  - 12% benefit*(49,661) = $2979.66

- **Ward 10** (presence of satellite campus of Mohawk College).
  - 5% benefit*(24,278) = $606.95

- **Ward 12** (presence of main campus of Redeemer University College).
  - 7% benefit*(34,825) = $1218.88

Total: $6,575.25

Benefit* is percentage x ward population (based on 2011 census) x $0.50/person = $value.

(vi) Integrity Commissioner By-law Amendment – Referral by the Audit, Finance and Administration Committee of June 9, 2014 (Item 4.6)

That the revised draft by-law, attached hereto as Appendix “E”, which amends section 22 of the Integrity Commissioner By-law No. 08-154 and has been prepared in a form satisfactory to the City Solicitor, be approved;

(vii) Post-Employment Restrictions – “Cooling Off Period” – Referral by the Audit, Finance and Administration Committee of June 9, 2014 (Item 4.7)

That the update regarding, Post-Employment Restrictions – “Cooling Off Period”, be received.
5. Hamilton Aboriginal Advisory Committee – Terms of Reference (FCS14041) (City Wide) (Outstanding Business List Item) (Item 8.2)

That the Terms of Reference for the Hamilton Aboriginal Advisory Committee attached hereto as Appendix "F" be approved.

6. Audit Report 2014-05 – Roster Requirements Review (AUD14023) (City Wide) (Item 8.3)

(a) That the Management Action Plans as detailed in Appendix “G” attached hereto, be approved; and

(b) That the General Managers of Public Works and Corporate Services be directed to instruct the appropriate staff to have the Management Action Plans (attached as Appendix “G”) implemented.

7. Follow Up of Report 2012-09 – City Vehicle Use, Allowances & Mileage Claims (AUD14024) (City Wide) (Item 8.4)

That Report AUD14024, respecting the follow up of Audit Report 2012-09, City Vehicle Use, Allowances & Mileage Claims, be received.

8. Request to Reduce Development Charges – 50 Keith Street (Outstanding Business List Item) (FCS14063) (City Wide) (Item 8.5)

That the request to reduce the City Development Charges (DC) at 50 Keith Street, Hamilton, in the amount of $28,095 by 90% be denied.

9. Emergency Community Assistance Program Replacement – Community Partnership Program (GRA14005) (City Wide) (Item 8.6)

That funding in the amount of $30,000, for the Good Shepherd Centre Emergency Diaper and Infant Supply Program, to be funded from the 2014 Community Partnership Program, be approved.

10. Code of Conduct for Employees (HUR14007) (Item 8.7)

(a) That the revised Code of Conduct for Employees, as detailed in Appendix “H”, attached hereto, be approved;

(b) That staff be directed to further review ‘Former Employee’ Restrictions for addition as a separate schedule to the Code of Conduct for approval in the next term of Council.

Council – September 24, 2014
11. Rygiel Supports for Community Living’s Request to Waive Development Charges – 220 Cranbrook Drive (Outstanding Business List Item) (FCS14072) (City Wide) (Item 8.8)

That City Development Charges (DC) for Rygiel’s conversion of the former St. Catherine of Siena School’s existing building located at 220 Cranbrook Drive, Hamilton (20 Gemini Drive, Hamilton) currently calculated at $248,214 be waived.

12. Anti-Racism Resource Centre Project (FCS14044(a)) (City Wide) (Outstanding Business List Item) (Item 8.9)

That Item 12, Anti-Racism Resource Centre Project (FCS14044(a)) (City Wide), of Audit, Finance and Administration Committee Report 14-008 be referred to the General Issues Committee.

13. Hamilton East Food Bank (Item 9.1)

That the request for funding, through the 2014 Community Partnership Program Reserves in the amount of $15,000, to offset a portion of the operating costs for a new Hamilton East Food Bank through the end of the 2014 calendar year, be approved; contingent upon the Ward 5 Councillor providing the required 2014 application and associated documents to the Coordinator of the Community Partnership Program for review/rating of a Community Partnership Program application.

14. Waiver of Development Charges for the Lyonsgate Montessori School (Item 10.1)

That the Development Charges payable by the Lyonsgate Montessori School, in the amount of $42,000, be waived.

15. Funding for the Stoney Creek Battalions Girls U14 Soccer Team at the Nationals (Item 10.2)

That funding, in the amount of $12,000, to be financed from the Newalta Reserve (#117036) to provide the Stoney Creek Battalions Girls U14 Soccer Team the opportunity to represent the Hamilton and the Stoney Creek area by competing at the national level in a few short weeks in Charlottetown, P.E.I., be approved.
16. Commercial Relationship Between the City of Hamilton and Pine Valley Enterprises Inc. (LS14018/FCS14073) (City Wide) (Item 12.1)

(a) That, due to the impairment of the commercial relationship between the City of Hamilton and Pine Valley Enterprises Inc. (“Pine Valley”) that has resulted from litigation, staff be directed to reject any current and future bids, proposals or quotations received from Pine Valley Enterprises Inc. or any of its related corporate or individual entities, until and including September 23, 2016;

(b) That the City of Hamilton not enter into any contract with Pine Valley Enterprises Inc., or any of its related corporate or individual entities until and including September 23, 2016;

(c) That the contents of Report LS14018/FCS14073 remain confidential.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

(i) Added as Item 4.1 – Rabbi Selsberg and Rachel Lyons, Lyonsgate Montessori School, respecting Waiver of Development Charges for Lyonsgate Montessori School (request to speak today)

(ii) Added as Item 4.2 – Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 (request to speak today)

(iii) Added as Item 4.3 - Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street (request to speak today)

(iv) Added as Item 10.1 – Waiver of Development Charges for the Lyonsgate Montessori School

(v) Added as Item 10.2 - Funding for the Stoney Creek Battalions Girls U14 Soccer Team at the Nationals

(vi) Item 5.2 respecting Succession & Leadership Development Progress Report HUR14006 should read HUR14008

The agenda for the September 22, 2014 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) September 8, 2014 (Item 3.1)

The Minutes of the September 8, 2014 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) DELEGATION REQUESTS (ITEM 4)

(i) Rabbi Selsberg and Rachel Lyons, Lyonsgate Montessori School, respecting Waiver of Development Charges for Lyonsgate Montessori School (request to speak today) (Item 4.1)

(a) The request from Rabbi Selsberg and Rachel Lyons respecting Waiver of Development Charges for Lyonsgate Montessori School, was approved; and

(b) The Rules of Order were waived in order for the delegate to appear before the Audit, Finance & Administration Committee at the September 22, 2014 meeting.

(ii) Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 (request to speak today) (Item 4.2)

(a) The request from Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 was approved; and

(b) The Rules of Order were waived in order for the delegate to appear before the Audit, Finance & Administration Committee at the September 22, 2014 meeting.

(iii) Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street (request to speak today) (Item 4.3)

(a) The request from Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street was approved; and

(b) The Rules of Order were waived in order for the delegate to appear before the Audit, Finance & Administration Committee at the September 22, 2104 meeting.

Council – September 24, 2014
(e) DELEGATIONS (ITEM 6)

(i) Rabbi Selsberg and Rachel Lyons, Lyonsgate Montessori School, respecting Waiver of Development Charges for Lyonsgate Montessori School (Item 6.1)

Rabbi Selsberg and Rachel Lyons, Lyonsgate Montessori School, provided a verbal presentation respecting the Waiver of Development Charges for Lyonsgate Montessori School with the aid of a handout. A copy of the handout, respecting the School Budget of September 2014-June 2015, has been included in the public record.

The presentation respecting Waiver of Development Charges for Lyonsgate Montessori School was received.

(ii) Joey Coleman respecting the Governance Review Sub-Committee Report 14-003 (Item 6.2)

Joey Coleman provided a verbal presentation respecting the Governance Review Sub-Committee Report 14-003. Mr. Coleman spoke to the Committee respecting the timing of releasing agendas of Committee and Council to the public.

The presentation from Joey Coleman was received.

(iii) Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street (Item 6.3)

Kathy Cruickshanks provided a verbal presentation respecting the Request to Reduce Development Charges at 50 Keith Street. Ms. Cruickshanks provided a brief overview respecting the owners of the property and the request.

The presentation from Kathy Cruickshanks respecting the Request to Reduce Development Charges – 50 Keith Street was received.

(f) DISCUSSION ITEMS (Item 8)

(i) Governance Review Sub-Committee Report 14-003 (Item 8.1)

Item 2 of the Governance Review Sub-Committee Report 14-003 was amended by adding the following:

(d) That subsection 9.2 of By-law 10-053 – A By-law to Govern the Proceedings of Council and Committees of Council be amended by Council – September 24, 2014
deleting the words “at least 24 hours following” and replace with “simultaneously with” to read as follows:

9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following simultaneously with the distribution set out in subsection 9.1.

For disposition of this matter, refer to Item 4.

(ii) Request to Reduce Development Charges – 50 Keith Street (Outstanding Business List Item) (FCS14063) (City Wide) (Item 8.5)

Councillor Morrow was recorded as being opposed to the recommendation as carried.

For disposition of this matter, refer to Item 8.

(iii) Anti-Racism Resource Centre Project (FCS14044(a)) (City Wide) (Outstanding Business List Item) (Item 8.9)

The Committee Against Racism was directed to report back to the new Council with the final Terms of Reference in the first quarter of 2015; and

Councillor Johnson was recorded as opposed to Item (c) of the recommendation as carried.

For disposition of this matter, refer to Item 12.

(g) NOTICES OF MOTION (Item 10)

(i) Waiver of Development Charges for the Lyonsgate Montessori School (Item 10.1)

Councillor McHattie introduced the following Notice of Motion:

WHEREAS, the Lyonsgate Montessori School has been run out of Melrose United Church for the past nine years and recently moved 300 metres away to Beth Jacob Synagogue;

AND WHEREAS, despite no impact on City services a Development Charge fee of $42,000 is payable, as a result of a Change of Use permit required to differentiate the Synagogue and Lyonsgate Montessori School uses;
AND WHEREAS, the small size and budget of the Lyonsgate Montessori School makes the payment of the development charges onerous;

AND WHEREAS, loss of the Lyonsgate Montessori School would negatively affect the viability of Beth Jacob Synagogue who are experiencing declining attendance and the recent closure of their Hebrew school.

THEREFORE BE IT RESOLVED:

That the Development Charges payable by the Lyonsgate Montessori School, in the amount of $42,000, be waived.

That the Rules of Order be waived to allow for the introduction of a Motion respecting the waiver of Development Charges for the Lyonsgate Montessori School.

The Rules of Order were waived to allow for the introduction of a motion respecting the Waiver of Development Charges for the Lyonsgate Montessori School.

For disposition of this matter, refer to Item 14.

(ii) Funding for the Stoney Creek Battalions Girls U14 Soccer Team at the Nationals (Item 10.2)

Councillor Clark introduced the following Notice of Motion:

WHEREAS The Stoney Creek Girls U14 team has been in existence for 8 years and has accomplished many accolades over the years;

AND WHEREAS, this past year the Team’s success has earned them a first place finish in the Ontario Youth Soccer League playing the top teams in Ontario;

AND WHEREAS, these girls also captured the Provincial title and have now been given the opportunity to represent Hamilton and the Stoney Creek area by competing at the national level in a few short weeks in Charlottetown, P.E.I.;

AND WHEREAS, the Stoney Creek Girls U14 Team is entirely self-funded and able to provide the girls the best training possible, with the help of some generous sponsors; however, the opportunity to play at a National level is very expensive and in only a few short weeks.

THEREFORE BE IT RESOLVED:
That funding, in the amount of $12,000, to be financed from the Newalta Reserve (#117036) to provide the Stoney Creek Battalions Girls U14 Soccer Team the opportunity to represent the Hamilton and the Stoney Creek area by competing at the national level in a few short weeks in Charlottetown, P.E.I.; be approved.

The Rules of Order were waived to allow for the introduction of a motion respecting Funding for the Stoney Creek Battalions Girls U14 Soccer Team at the Nationals.

For disposition of this matter, refer to Item 15.

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

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

The following Audit, Finance & Administration Committee’s Outstanding Business List item were removed:

(aa) Item “G” – Succession Development Program (Item 5.2 on the agenda)

(bb) Item “Q” – Anti-Spam Legislation (Correspondence from AMO) (Item 5.3 on the agenda)

(cc) Item “Y” - Request for a Reduction of Development Charges - Correspondence from Kathy Cruickshanks, on behalf of Dave and Linda Fenton

(dd) Item “CC” - The Anti-Racism Resource Centre Project Report (FCS14044)

(ee) Item “W” - Creation of a policy regarding tampering with any City of Hamilton Global Positioning Device (GPS)

(ff) Item “AA” - Rygiel Supports for Community Living’s Request to Waive Development Charges – 220 Cranbrook Drive (FCS14072)

(i) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Commercial Relationship Between the City of Hamilton and Pine Valley Enterprises Inc. (LS14018/FCS14073) (City Wide) (Item 12.1)

Pursuant to Sub-sections 8.1(f) and (e) of the City’s Procedural By-law and Section 239.2 of the Municipal Act as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and litigation or potential
litigation, including matters before administrative tribunals, affecting the municipality or local board.

For disposition of this matter, refer to Item 16.

(j) ADJOURNMENT (Item 13)

There being no further business, the Audit, Finance & Administration Committee, be adjourned 11:00 a.m.

Respectfully submitted,

Councillor B. Clark, Vice Chair
Audit, Finance & Administration Committee

Jasmine Branton
Legislative Coordinator
Office of the City Clerk
APPORTIONMENT OF TAXES

That the original land taxes recorded against;

(a) Roll #2518 901 410 22000 0000 – (3151 Hendershot Rd., Glanbrook) in the amount of $2,193 be split amongst the two newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2013</td>
<td>0 Hendershot Rd.</td>
<td>2518 901 410 22000 0000</td>
<td>439,700</td>
<td>$1,048</td>
</tr>
<tr>
<td>2013</td>
<td>3151 Hendershot Rd.</td>
<td>2518 901 410 22010 0000</td>
<td>97,550</td>
<td>1,145</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>537,250</td>
<td>$2,193</td>
</tr>
</tbody>
</table>

(b) Roll #2518 140 280 36742 0000 (0 Irwin Ave., Ancaster) in the amount of $2,421 be split amongst the three newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>0 Irwin Ave.</td>
<td>2518 140 280 36742 0000</td>
<td>129,829</td>
<td>$1,672</td>
</tr>
<tr>
<td>2014</td>
<td>15 Irwin Ave.</td>
<td>2518 140 280 36744 0000</td>
<td>26,978</td>
<td>347</td>
</tr>
<tr>
<td>2014</td>
<td>21 Irwin Ave.</td>
<td>2518 140 280 36745 0000</td>
<td>31,193</td>
<td>402</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>188,000</td>
<td>$2,421</td>
</tr>
</tbody>
</table>

(c) Roll #2518 303 310 07170 0000 – (100-114 Burke St., Flamborough) in the amount of $6,153 be split amongst the eight newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>100 Burke St.</td>
<td>2518 303 310 07170 0000</td>
<td>69,444</td>
<td>$886</td>
</tr>
<tr>
<td>2014</td>
<td>102 Burke St.</td>
<td>2518 303 310 07172 0000</td>
<td>58,666</td>
<td>748</td>
</tr>
<tr>
<td>2014</td>
<td>104 Burke St.</td>
<td>2518 303 310 07173 0000</td>
<td>58,666</td>
<td>748</td>
</tr>
<tr>
<td>2014</td>
<td>106 Burke St.</td>
<td>2518 303 310 07174 0000</td>
<td>58,666</td>
<td>748</td>
</tr>
<tr>
<td>2014</td>
<td>108 Burke St.</td>
<td>2518 303 310 07175 0000</td>
<td>58,666</td>
<td>748</td>
</tr>
<tr>
<td>2014</td>
<td>110 Burke St.</td>
<td>2518 303 310 07176 0000</td>
<td>58,666</td>
<td>748</td>
</tr>
<tr>
<td>2014</td>
<td>112 Burke St.</td>
<td>2518 303 310 07177 0000</td>
<td>58,666</td>
<td>748</td>
</tr>
<tr>
<td>2014</td>
<td>114 Burke St.</td>
<td>2518 303 310 07178 0000</td>
<td>61,060</td>
<td>779</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td></td>
<td>482,500</td>
<td>$6,153</td>
</tr>
</tbody>
</table>
(d) Roll #2518 303 310 07215 0000 – (83-89 Skinner Rd., Flamborough) in the amount of $3,360 be split amongst the four newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>83 Skinner Rd.</td>
<td>2518 303 310 07215 0000</td>
<td>70,210</td>
<td>$ 895</td>
</tr>
<tr>
<td>2014</td>
<td>85 Skinner Rd.</td>
<td>2518 303 310 07222 0000</td>
<td>63,097</td>
<td>805</td>
</tr>
<tr>
<td>2014</td>
<td>87 Skinner Rd.</td>
<td>2518 303 310 07223 0000</td>
<td>63,097</td>
<td>805</td>
</tr>
<tr>
<td>2014</td>
<td>89 Skinner Rd.</td>
<td>2518 303 310 07224 0000</td>
<td>67,096</td>
<td>855</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>263,500</td>
<td></td>
<td>$3,360</td>
</tr>
</tbody>
</table>

(e) Roll #2518 303 310 07220 0000 – (91-99 Skinner Rd., Flamborough) in the amount of $3,730 be split amongst the five newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>91 Skinner Rd.</td>
<td>2518 303 310 07220 0000</td>
<td>60,423</td>
<td>$ 770</td>
</tr>
<tr>
<td>2014</td>
<td>93 Skinner Rd.</td>
<td>2518 303 310 07227 0000</td>
<td>57,219</td>
<td>730</td>
</tr>
<tr>
<td>2014</td>
<td>95 Skinner Rd.</td>
<td>2518 303 310 07228 0000</td>
<td>57,219</td>
<td>730</td>
</tr>
<tr>
<td>2014</td>
<td>97 Skinner Rd.</td>
<td>2518 303 310 07229 0000</td>
<td>57,219</td>
<td>730</td>
</tr>
<tr>
<td>2014</td>
<td>99 Skinner Rd.</td>
<td>2518 303 310 07241 0000</td>
<td>60,420</td>
<td>770</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>292,500</td>
<td></td>
<td>$3,730</td>
</tr>
</tbody>
</table>

(f) Roll #2518 303 310 07235 0000 – (70-84 McKnight Ave., Flamborough) in the amount of $5,107 be split amongst the eight newly created lots listed below:

<table>
<thead>
<tr>
<th>YEAR</th>
<th>ADDRESS</th>
<th>ROLL NUMBER</th>
<th>APPORTIONED ASSESSMENT</th>
<th>TAX AMOUNT</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>84 McKnight Ave.</td>
<td>2518 303 310 07235 0000</td>
<td>51,845</td>
<td>$ 661</td>
</tr>
<tr>
<td>2014</td>
<td>82 McKnight Ave.</td>
<td>2518 303 310 07252 0000</td>
<td>49,410</td>
<td>630</td>
</tr>
<tr>
<td>2014</td>
<td>80 McKnight Ave.</td>
<td>2518 303 310 07253 0000</td>
<td>49,410</td>
<td>630</td>
</tr>
<tr>
<td>2014</td>
<td>78 McKnight Ave.</td>
<td>2518 303 310 07254 0000</td>
<td>49,410</td>
<td>630</td>
</tr>
<tr>
<td>2014</td>
<td>76 McKnight Ave.</td>
<td>2518 303 310 07255 0000</td>
<td>49,410</td>
<td>630</td>
</tr>
<tr>
<td>2014</td>
<td>74 McKnight Ave.</td>
<td>2518 303 310 07256 0000</td>
<td>49,410</td>
<td>630</td>
</tr>
<tr>
<td>2014</td>
<td>72 McKnight Ave.</td>
<td>2518 303 310 07257 0000</td>
<td>49,410</td>
<td>630</td>
</tr>
<tr>
<td>2014</td>
<td>70 McKnight Ave.</td>
<td>2518 303 310 07258 0000</td>
<td>52,195</td>
<td>666</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>400,500</td>
<td></td>
<td>$5,107</td>
</tr>
</tbody>
</table>
City of Hamilton Policy respecting the Appointment of Citizen Members Agencies, Boards, Commissions and Committees

Eligibility

1. The Selection Process is open to all residents and business owners of the City of Hamilton who are at least 18 years of age, unless otherwise stated (Note: Additional requirements may be requested by the individual Agency, Board, Commission or Committee, if they are governed by separate legislation, policies or mandates);

2. City Council wishes to ensure that its Agencies, Boards, Commissions and Committees reflect the diverse nature of the City of Hamilton's population and encourages all residents to apply for appointment opportunities.

Public Notice

3. The City Clerk's Office advertises for all citizen member vacancies on the City's Agencies, Boards, Commissions and Committees in the Hamilton Spectator and/or relevant Community Newspapers, on the City's web-site and through other appropriate methods.

Recruitment

4. Membership on all City Agencies, Boards, Commissions and Committees, with the exception of those terms of office defined by Provincial or Federal legislation, will be to serve for a period of four years, which coincides with the Term of Council, or until a successor is appointed by Council.

5. Applicants are permitted to apply for membership on no more than two (2) City, Agencies; Boards, Commissions or Committees.

6. Applications and information regarding all the Committees (i.e. Terms of Reference, Mandate, approximate number of meetings per year, etc.) are made available at the City Clerk's Office, at all Municipal Service Centre locations and on the City's web-site (www.hamilton.ca);

7. Completed and signed application forms are to be returned to the City Clerk's Office or any of the Municipal Service Centres by the application deadline date and time, as set out in the advertised Public Notice. Applications received after the deadline will not be considered for appointment unless the Selection Committee decides otherwise.
8. Completed and signed applications may be submitted by one of the following methods:
   (a) Hand delivered or mailed to the Office of the City Clerk, 1st Floor, 71 Main Street West, Hamilton, Ontario, L8P 4Y5;
   (b) Delivered to any Municipal Service Centre;
   (c) Sent by e-mail to the contact person listed in the Advertisement (Note: application must be signed and scanned); or,
   (d) By Facsimile Transmission at (905) 546-2095 (Note: application must be signed).

9. Applications shall be kept on file by the City Clerk’s Office for the Term of Council. In the event of a vacancy, the Selection Committee or Interview Sub-Committee may consider interviewing applicants whose applications are on file for that term, and the appointment would be for the balance of that Council term only.

10. Incumbents who are eligible and willing to seek reappointment to a City Agency, Board, Commission or Committee must reapply in the same manner as other applicants.

**Orientation Sessions**

11. Orientation Session(s) are scheduled during the recruitment process and although they are not mandatory, attendance is strongly encouraged for new applicants.

   At the Orientation Session(s), citizens are provided information regarding the various Agencies, Boards, Commissions and Committees, and are afforded the opportunity to ask questions of staff Liaisons.

   If they wish, interested citizens may also fill out and submit an application during the orientation session.

**Selection Process for Committees, Boards, Agencies and Commissions**

12. A minimum of five (5) members of Council are appointed to the Selection Committee whose mandate will be to:

   (i) Review citizen member applications to the City’s Agencies, Boards, Commissions and Committees;

   (ii) Shortlist where appropriate, based on the applicant information provided;

   (iii) Interview candidates;

   (iv) Make recommendations to City Council for the appointment of citizen members to the various Agencies, Boards, Commissions and Committees.
Selection Process for Volunteer Committees

13. A minimum of three (3) Council members of each Standing Committee (plus two alternates) are appointed to Interview Sub-Committees whose mandate will be to:

   (i) Review citizen member applications to the City’s Volunteer Committees;
   (ii) Shortlist where appropriate, based on applicant information provided;
   (iii) Interview candidates;
   (iv) Make recommendations to the appropriate Standing Committee for the appointment of members to the various Volunteer Committees. These recommendations are to be ratified by Council.

Interview Process

14. Criteria for Short Listing Applicants

   The Selection Committee or Interview Sub-Committee may, at its discretion, shortlist candidates using the following criteria:

   (i) Related competencies;
   (ii) Previous committee experience; and,
   (iii) Number of citizens who applied for vacancy(ies).

15. Interviews will be conducted, where required, with those applicants who are most suited to serve on the City’s Agencies, Boards, Commissions or Committees as follows:

   (i) Applicants will be notified verbally or by e-mail of their interview date and time by the City Clerk’s office;
   (ii) The allotted time for each interview will be approximately ten (10) minutes in length;
   (iii) An established set of interview questions will be developed by the various staff liaisons to the Agency, Board, Commission or Committee in consultation with the City Clerk’s Office;
   (iv) The City Clerk’s Office will notify all applicants in writing once the appointments have been approved by Council;
   (v) Applicants may be required to have background checks.
16. One (1) City of Hamilton staff liaison to the Agency, Board, Commission or Committee, shall attend the interviews and serve as a resource person.

Roles and Responsibilities of Appointed Citizen Members

17. Citizen members are encouraged to make themselves familiar with the Terms of Reference and Mandated activities of the specific Agency, Board, Commission or Committee(s) to which they are making application to.

18. Citizen members are required to attend and participate fully in the meetings:

   (i) Citizen members who miss three (3) consecutive meetings without Committee approval, may be subject to replacement on the Agency, Board, Commission or Committee;

   (ii) Any citizen member who is absent for more than fifty per cent (50%) of the meetings during their term of appointment shall not be eligible for reappointment; and,

   (iii) Upon appointment, citizens will be required to sign an Acknowledgement (Declaration) Form (attached hereto as Appendix “C”), provided by the City Clerk’s Office, prior to attending the first meeting of the Agency, Board, Commission or Committee to which they are appointed. Such declaration will remain on file in the Office of the City Clerk for the duration of the citizen’s appointment.

19. Citizen members are bound by the Municipal Conflict of Interest Act. Copies of which shall be provided to appointed members and are also available for viewing on the following site:

   http://www.e-laws.gov.on.ca/html/statutes/english/elaws_statutes_90m50_e.htm

Filling of Vacancies

20. Vacancies on the City’s Agencies, Boards, Commissions and Committees shall occur:

   (i) Immediately after a Municipal Election;

   (ii) Throughout the Term of Council due to a member’s resignation; or,

   (iii) When a newly created committee of Council is established, requiring citizen members during the term.
Should a vacancy occur during the Term of Council:

(i) The citizen who is resigning shall do so formally in writing by providing a completed and signed copy of the Resignation Form (attached hereto as Appendix “D”) to the appropriate Legislative Coordinator, in the City Clerk’s office, stating which Committee(s) the citizen is resigning from and general reasons why (the inclusion of private/personal information is not required).

(ii) The Resignation Form will be placed on a Standing Committee or Council Agenda to be formally received by Committee/Council; and, consideration of the vacancy shall be forwarded to the Selection Committee or Interview Sub-Committee for review.

(iii) The Selection Committee or respective Interview Sub-Committee will consider filling the vacancy and whether to fill the vacancy from those applicants who applied in the initial call for applications, or to re-advertise.

(iv) If the vacancy occurs within 12 months of the end of the Council term, the vacancy will not be filled, and the quorum of the Committee will be adjusted accordingly.
SELECTION COMMITTEE
CITIZEN MEMBER GUIDING PRINCIPLES

1. The Selection Committee is committed to fulfilling the recruitment and selection of its Citizens to the City’s Agencies, Boards, Commissions and Committees in an open, transparent and equitable manner.

2. The Selection Committee is committed to a public recruitment process which is communicated well in advance and which encourages a broad range and diverse participation of citizens, free of barriers.

3. The Selection Committee is committed to a competitive recruitment process which seeks suitable candidates evaluated on interest, merit and related competencies.

4. The Selection Committee is committed to unbiased decision making essential to a fair and impartial selection process.
City of Hamilton
Committee Member Acknowledgement Form

I ____________________________ in consideration of the City of Hamilton appointing me to the ____________________________, acknowledge, undertake and agree as follows:

1. I will make all reasonable efforts to attend all meetings of this body to which I have been appointed and to participate in an impartial manner with the understanding that:

   (a) If I am absent from three consecutive meetings without Committee approval that I may be subject to replacement on the Committee.

   (b) If I miss 50% of the meetings during a term of appointment that I shall not be eligible for re-appointment

2. I will exercise all the rights and responsibilities of a member of the body to which I have been appointed.

3. I will be respectful of the views expressed by my fellow Committee members and City staff.

4. I understand that I am prohibited from disclosing any confidential information, which may be shared with me as a member of this Committee.

5. For Volunteer Committee members, I have received, read and have a general understanding of the City of Hamilton Volunteer Committee Handbook

Dated at City of Hamilton, in the Province of Ontario this ______ day of ____________, 20__.
Applicant:

(Please Print Your Name)

(Please Sign)

Witness:
(Must be at least 18 years of age.)

(Please Print Your Name)

(Please Sign)
CITIZEN COMMITTEE MEMBER RESIGNATION FORM

I, ____________________________, would like to submit my resignation, effective __________________, 20__, from the ____________________________, for the following reason(s):

☐ My circumstances have changed and I know longer have the time to effectively participate on the Committee.
☐ Personal reasons.
☐ Other (please explain briefly):

____________________________________________________________

____________________________________________________________

____________________________________________________________

Additional Comments (optional)

____________________________________________________________

____________________________________________________________

____________________________________________________________

____________________________________________________________

Signature ___________________________ Date ___________________________
CITY OF HAMILTON

BY-LAW NO. 10-053

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL
AND COMMITTEES OF COUNCIL

(PROCEDURAL BY-LAW)

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CITY OF HAMILTON

BY-LAW NO. 10-053

A BY-LAW TO GOVERN THE PROCEEDINGS OF COUNCIL
AND COMMITTEES OF COUNCIL

WHEREAS section 238 of the Municipal Act, 2001 requires that Council of the City of Hamilton adopt, by By-law, procedures governing the calling, place, and proceedings of meetings;

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

SECTION 1 - DEFINITIONS

1.1 In this By-law,

“Act” means the Municipal Act, 2001;

“amend” means to alter or vary the terms of a main motion without materially changing its purpose, and amendment has a corresponding meaning;

“Bill” means a proposed form of By-law;

“By-law” means a By-law, in a form approved by Council, passed for the purpose of giving general effect to a previous decision or proceedings of Council;

“City” means the geographical area of the City of Hamilton or the municipal corporation as the context requires;

“Chair” means the member presiding at any meeting of Council or Committee;

“challenge” means to appeal a ruling of the Chair;

“Clerk” means the City Clerk, or his or her designate;

“Closed Meeting” means a meeting, or part of a meeting, of Council or a Committee, which is closed to the public as permitted by the Act, also referred to as an “in-camera meeting”;

Comment [MG2]: “approve” means to support or endorse the action/report/document.
"Committee" means a Standing Committee, Licensing Tribunal, Selection Committee or an Advisory Committee or Task Force established by Council from time to time;

"Committee of the Whole" means all Members of Council present, sitting in committee of the whole;

"Council" means the City Council;

"defer / table" means to delay consideration of a matter by Council or a Committee until a specified time or event;

"Deputy Mayor" means a Member of Council who is appointed from amongst Council on a scheduled basis:

(a) to assist the Mayor; and
(b) to act from time to time in the place of the Mayor, exercising:
   (i) all the rights, powers and authority of the Mayor when the Mayor is absent from the City or the office of Mayor is vacant; and
   (ii) subject to paragraph (i), those rights, powers and authority of the Mayor that:
      1. the Mayor is unable to exercise for the time being due to illness, incapacity or other reason, including acting in the place of the Mayor at any Council or Committee meeting when the Mayor is absent; or,
      2. the Mayor refuses to exercise;

"emergency" means a situation or impending situation that constitutes a danger of major proportions that could result in serious harm to persons or substantial damage to property and that is caused by the forces of nature, a disease or other health risk, an accident or an act whether intentional or not;

"ex-officio" means by virtue of the office or position and the Mayor is an ex officio member of all Standing Committees who, when attending a Standing committee meeting, shall have full voting privileges and shall be counted for the purposes of the Standing Committee's quorum as such quorum is set out in Section 5.4 of this By-law;

"majority" for the purposes of voting, means more than half the total of members of Council or Committee present and not prohibited by statute from voting;

"Mayor" means the Head of the Council and in this By-law means the Deputy Mayor when the Deputy Mayor is acting in place and stead of the Mayor;
“meeting” means any regular or special meeting of Council or Committee;

“Member of Council” means a member of Council, including the Mayor;

“motion” means a proposal by a member for the consideration of Council or a Committee that is moved by a member and seconded by another member;

“notice of motion” means a notice of motion received by the Clerk in writing, moved by a member for inclusion on a future agenda of a meeting of Council or Committee;

“point of order” means a question by a member with respect to any departure from the Procedural By-law or in the practised conduct of Council or Committee business;

“point of privilege” means a question by a member with respect to the rights of a member individually or Council or a Committee collectively hold, that ensure Council's or a Committee's ability to function freely;

“quorum” means the number of members required to be present at a meeting to validate the transactions of its business;

“recess” means a short intermission in a meeting's proceedings which does not close the meeting, and after which business will immediately be resumed at exactly the point where it was stopped;

“refer” means to refer (13-319) a matter seeking its consideration by any individual or body, including a Committee;

“recorded vote” means a written record of the name and vote of each member of Council or a Committee who votes on a question and of each member present who does not vote;

“rules of procedure” means the rules and procedures set out in this By-law, for the calling, place and proceedings of the meetings of Council and its Committees;

“Senior Management Team” means the City Manager and General Managers appointed by Council and the Medical Officer of Health appointed by the Board of Health;

“Standing Committee” means a Committee established by Council, comprised entirely of Members of Council, to carry out duties on an ongoing basis, as specified by Council; and

“website” means the official City internet website.
SECTION 2 - APPLICATION

2.1 The rules of procedure shall be observed in all proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.

2.2 All matters relating to the proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of Bourinot's Rules of Order.

SECTION 3 – COUNCIL MEETINGS

3.1 First Council Meeting

The First Meeting of Council shall be held on the first Wednesday of December in an election year at 5:00 p.m. (13-319)

The Proceedings of the First Meeting of Council shall include:

(a) Ceremonial - special address by guests;
(b) Filing of Declarations of Office in accordance with the provisions of the Act;
(c) Council appointments to Standing Committees, Boards and Agencies; and
(d) Confirming By-law.

3.2 Regular Meeting Times

(1) Unless otherwise decided by Council, regular meetings of Council shall be held:

(a) every second and fourth Wednesday of each month, commencing at 5:00 p.m., (13-319) unless such day is a public or civic holiday, in which case Council shall set an alternate day and time; or
(b) in accordance with the schedule approved by Council.

(2) Advance notice of meetings for the public’s information may be found by accessing the City’s website at www.hamilton.ca (Select Public Meetings and Consultations.)
3.3 Location of Meetings

Meetings of Council shall be held in the Council Chambers at City Hall in the City of Hamilton or at such other place within the City of Hamilton as Council may from time to time determine.

3.4 Special Meetings of Council

(1) In addition to regular meetings, the Mayor may at any time summon a special meeting of Council by giving written direction to the Clerk stating the date, time, and purpose of the special meeting.

(2) The Clerk shall also summon a special meeting of Council when requested to do so in writing by a majority of Members of Council.

(3) The Clerk shall give each Member of Council, or his or her designated staff, notice of a special meeting of Council at least 48 hours before the time appointed for such meeting by:
   (a) delivering a written notice personally;
   (b) delivering such notice at his or her residence or place of business; or
   (c) facsimile transmission or electronic mail to such residence or place of business.

(4) The written notice to be given under subsection (3) shall state the nature of the business to be considered at the special meeting of Council and no other business other than that which is stated in the notice shall be considered at such meeting except with at least two-thirds of the Members of Council present and voting in the affirmative.

3.5 Meetings of Council for Emergencies

(1) Despite any other provisions of this By-law, a meeting of Council for an emergency may be called by the Mayor, without written notice, to deal with an emergency, provided that an attempt has been made by the Clerk to notify Members of Council about the meeting as soon as possible and in the most expedient manner available.

(2) The only business to be dealt with at a meeting of Council for an emergency shall be business dealing directly with the emergency.

(3) The lack of receipt of a notice of, or an agenda for, a meeting of Council for an emergency by any Member of Council shall not affect the validity of the meeting or any action taken at such meeting.
3.6 Quorum

(1) As soon as there is a quorum after the time set for the meeting, the Mayor shall take the chair and call the meeting to order.

(2) A majority of Members of Council is necessary to constitute a quorum of Council.

(3) If the Mayor does not attend within 15 minutes of the time a quorum is to be present for a meeting of the Council, the Deputy Mayor shall call the Members of Council to order and he/she will preside until the arrival of the Mayor. (13-319)

(4) If a quorum is not achieved within 30 minutes after the time appointed for a meeting of Council, the Clerk shall record the names of the Members of Council present and the meeting shall stand adjourned until the date of the next regular meeting or other meeting called in accordance with the provisions of this By-law.

(5) If quorum cannot be maintained during a meeting, the Clerk will advise the Chair that quorum is lost and the decision to continue the meeting will rest with the Chair. During the absence of quorum, no decisions may be approved. (13-319)

3.7 Remedy for Lack of Quorum – Municipal Conflict of Interest Act

Where the number of Members of Council who, by reason of provisions of the Municipal Conflict of Interest Act, are disabled from participating in a meeting is such that at that meeting the remaining Members of Council are not of sufficient number to constitute a quorum, then, the remaining number of Members of Council shall be deemed to constitute a quorum, provided such number is not less than 2.

3.8 Delegations

-Delegations are not permitted at meetings of Council.

**Added New Section 3.8.1 Communication Items**

3.9 Order of Business

The Order of Business for the regular meetings of Council, unless changed by Council in the course of the meeting, shall be as follows: (10.20)

(a) Approval of Agenda
(b) Declarations of Interest

Comment [MG4]: (a). Shall be addressed to the Mayor and Members of Council or the City Clerk and presented to Council for consideration. (b). Shall be forwarded to the Office of the City Clerk no later than 12 Noon on the Wednesday the week prior to the city Council meeting for inclusion in the printed Council Agenda (c). If the Communication Item is relevant to a matter that appears on the Council Agenda for that meeting, and not received for inclusion in the Agenda package, it shall be introduced under Changes to the agenda, provided that it is received in the Office of the City Clerk no later than 12 Noon on the day prior to the Council meeting (d). Shall not contain any obscene or improper language (e). Debate on Council communications shall be limited to the recommended disposition, or limited to reason for or against the referral of the matter to an appropriate Standing Committee.
(c) Ceremonial Activities
(d) Approval of Minutes of Previous Meeting
(e) Communications
(f) Committee Reports
(g) Motions
(h) Notice of Motions
(i) Statement by Members (non-debatable)
(j) Private and Confidential
(k) By-laws and Confirming By-law
(l) Adjournment

3.10 Rules of Debate

(1) No Member of Council shall be deemed to have precedence or seniority over any other Member of Council.

(2) Before speaking to a question or motion, a Member of Council shall be recognized by the Mayor and be placed on the speakers' list.

(3) When a Member of Council is speaking, no other Member of Council shall pass between that Member of Council and the Mayor or interrupt that Member of Council except to raise a point of order or privilege.

(4) If a Member of Council disagrees with the announcement of the Mayor that a question is Carried or Lost, he or she may immediately after the declaration by the Mayor, object to the Mayor's declaration and require that a recorded vote be taken.

(5) A Member of Council may require the question or motion under discussion to be read at any time during the debate but not so as to interrupt a Member of Council who is speaking.

(6) The following matters may be introduced orally without written notice and without leave:
   (a) a point of order
   (b) a point of privilege
   (c) a motion to adjourn
   (d) a motion to call the question
   (e) a motion to go into committee of the whole
   (f) a motion to recess.
The following motions may be introduced without notice and without leave, but shall be in writing and signed by the Mover and Seconder:

(a) to amend
(b) to suspend the rules of procedure
(c) to refer (see section 3.11(14))
(d) to defer/table (13-319)
(e) to go into a closed meeting.

Relinquishing the Chair

The Mayor may designate another Member of Council as acting Chair during any part of a meeting of the Council and while presiding, such Member of Council shall have all the powers of the Mayor with respect to chairing the meeting and shall be entitled to vote as a Member of Council.

Voting Procedures

Every Member of Council present at a meeting of Council or Committee when a question is put shall vote unless prohibited by statute, in which case, the Clerk shall record the name of the Member of Council and the reason that he or she is prohibited from voting.

When a vote is taken and a tie results, a question is deemed to be lost.

If any Member of Council at a meeting of Council does not vote when a question is put and a recorded vote is taken, he or she shall be deemed to have voted in the negative except where prohibited from voting by statute.

When a recorded vote is requested by a Member of Council immediately before or after a question is put, the Clerk shall record the name and vote of every Member of Council on the question.

When the Mayor calls for a vote on a question, each Member of Council shall occupy his or her seat and shall remain in his or her seat until the result of the vote has been declared by the Mayor, and during such time no Member of Council shall walk across the room or speak to any other Member of Council or make any noise or disturbance.

After a question is put by the Mayor, no Member of Council shall speak to the question nor shall any other motion be made until after the vote is taken and the result has been declared.

No vote shall be taken by ballot or by any other method of secret voting and every vote so taken is of no effect, except where permitted by statute.
(8) Despite subsection (7), a meeting may be closed to the public during a vote if:
   (a) the vote relates to an issue permitting the meeting to be closed to the public in accordance with section 8 (Closed Meetings) of this By-law; and
   (b) the vote is for a procedural matter or for giving directions or instructions to officers, employees or agents of the City or persons retained by or under a contract with the City.

(9) The Mayor shall, upon request of a Member of Council, divide a question and the vote upon each proposal shall be taken separately.

(10) Notice of Motion
   (a) Notice of all new motions, except motions listed in subsections 3.10(6) and 3.10(7), shall be given in writing:
      (i) at a meeting of Council, but shall not be debated until the next regular meeting of Council; or
      (ii) delivered to the Clerk at any time prior to noon of the last business day preceding the date of the meeting at which the notice of motion is to be introduced.
   (b) Where a Member of Council's notice of motion has been called by the Mayor at the subsequent meeting and not proceeded with, it shall be dropped from the agenda unless Council decides otherwise.
   (c) Where Council has determined not to drop a notice of motion from the agenda, and at the second meeting such notice of motion is called by the Mayor and not proceeded with, it shall be deemed to have been withdrawn.

(11) Dispensing with Notice

A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of the majority of the Members of Council present and voting.

(12) Motion to Withdraw

After a motion is moved and seconded it shall be deemed to be possession of Council, but may, by the majority vote of Council, withdrawn at any time before decision or amendment.
(13) **Motion to Amend**

A motion to amend:
(a) shall be presented in writing, duly moved and seconded;
(b) shall be made only to a previous question or to amend an amendment to the question;
(c) shall be relevant to the question to be decided;
(d) shall not be received if in essence it constitutes a rejection of the main question;
(e) shall be put in the reverse order to that which it is moved.

(14) **Motion to Defer/Table**

A motion to defer/table a question:
(a) shall be duly moved and seconded
(b) is debatable
(c) when discussion of the item is to resume, requires a motion to lift from the table

(15) **Motion to Refer**

(a) A motion to refer the question:
(i) shall include the name of the individual or body to whom the question is to be referred.
(ii) may include instructions respecting the terms upon which the question is to be referred.
(b) A motion to refer a question is not debatable except where instructions are included, in which case, only the instructions shall be debatable.
(c) A motion to refer a question may be amended in accordance with subsection 3.11(13).
(d) When a motion to refer a question to Council is defeated by a Standing Committee, the Chair of the Standing Committee shall call the question on the matter.

(16) **Motion to Adjourn**

A motion to adjourn a Council meeting shall always be in order except:
(a) when a Member of Council is speaking or during the taking of a vote;
Procedural By-law

(b) immediately following the affirmative resolution of a motion that a vote on the question now be taken;
(c) when a Member of Council has already indicated to the Mayor, that he or she desires to speak on the question;
(d) when resolved in the negative, cannot be made again until Council has conducted further proceedings.

(17) Motion to Call the Question

A motion to call the question shall be in order except when a Member of Council is speaking or before the first-time speakers' list is exhausted.

(18) Motion to Reconsider

(a) At any regular Council Meeting, after a matter has been decided by Council, a Member of Council who voted in the majority, may present a Notice of Motion to reconsider the matter. The Chair may ask the Member of Council to confirm that he or she voted with the majority on the issue in question. Such Notice of Motion shall be referred to the next available meeting of Council and shall be included on the agenda under "Motions".

(b) No decided matter shall be reconsidered more than once during the term of Council.

(c) A motion to reconsider a decided matter shall require the approval of at least two-thirds of Council present.

(d) Actions of Council that cannot be reversed or suspended cannot be reconsidered.

(e) No motion to reconsider may, itself, be the subject of a motion to reconsider.

(f) Debate on a motion to reconsider shall be confined to reasons for or against the reconsideration.

(g) Sub-sections (a) to (f) do not apply when a motion pertains to a decision of a previous Council.

19. **Added Section - Motion to Rescind**

The following motions are procedurally in order in the following sequence:

(a) to adjourn
(b) to recess
(c) to request information
(d) to call the question
(e) to defer/table
(f) to refer
(g) to amend

(2124) The following motions are not debatable

(a) a motion to adjourn
(b) a motion to refer (except on the advisability or appropriateness of referring the question), close, limit or extend debate
(c) a motion to suspend the rules
(d) a point of privilege
(e) a motion to lift from the table

(2224) Motions Beyond Jurisdiction of Council

A motion in respect of a matter which is beyond the jurisdiction of Council shall not be in order.

3.12 Bills and By-laws

(1) All Bills coming before Council shall be in typewritten form and shall contain no blanks except as may be required to conform to accepted procedure or to comply with provisions of any statute or regulation and shall be complete with the exception of the number and date.

(2) All Bills coming before Council shall receive one reading, unless otherwise requiring more than one reading, pursuant to a Provincial or Federal statute or regulation.

(3) Every Bill shall be introduced upon motion by a Member of Council, and any number of Bills may be introduced together in one motion, but Council may at the request of a Member of Council, deal separately with any Bill. If Council deals separately with a Bill:

(a) all amendments or debate on the content of the Bill shall be held in committee of the whole;

(b) Council will move into committee of the whole for discussion on any Bill following a successful verbal motion to go into committee of the whole;

(c) all amendments made in committee of the whole shall be reported by the Mayor to Council, which shall receive the same forthwith, and after
the report has been received, a vote on the motion to pass the Bill shall be taken;

(d) every By-law passed by Council shall be numbered and dated and shall be sealed with the seal of the municipality and signed by the Mayor and Clerk.

(4) No Bill or By-law may be defeated on the floor of Council without reconsideration of the original motion which gave rise to the consideration of the Bill or By-law.

3.13 Editorial and Other Changes

(1) The Clerk may make the following changes to By-laws or resolutions to: (13-319)

(a) Correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature.

(b) Alter the style or presentation of text or graphics to improve electronic or print presentation.

(c) Replace a description of a date or time with the actual date or time.

(d) If a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result.

(e) When the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address.

(f) Correct errors in the numbering of provisions or other portions of a By-law and make any changes in cross-references that are required as a result.

(g) If a provision of a transitional nature is contained in a By-law, make any changes that are required as a result.

(h) Make a correction, if it is patent both that an error has been made and what the correction should be.

(2) (a) The Clerk may provide notice of the changes made under paragraphs (1)(a) to (c) inclusive in the manner that he or she considers appropriate.

(b) The Clerk shall provide notice of the changes made under paragraphs (1)(d) to (h) inclusive in the manner that he or she considers appropriate.

(c) In determining whether to provide notice under subsection 2(a), the Clerk shall consider:

(i) the nature of the change; and
(ii) the extent to which notice, and the information provided in it, would provide assistance in understanding the relevant legislative history.

(d) In providing notice under subsection 2(a) or 2(b), the Clerk shall state the change or the nature of the change.

(3) No legal significance shall be inferred from the timing of the exercise of a power under this section.

(4) Regardless of when a change is made to a By-law under this section, the change may be read into the By-law as of the date it was enacted if it is appropriate to do so.

3.14 Shareholder and Board of Director Meetings

Where Council acts as the Shareholder or the Board of Directors, or both, of a corporation:

(a) Council shall meet as the Shareholder or the Board of Directors as necessary to complete such business as would normally be completed by the Shareholder or Board of Directors and as required by the corporation's by-laws and resolutions and any laws that govern the corporation; and

(b) the Mayor and Clerk are authorized, upon approval by Council, to sign any necessary resolutions.

SECTION 4 - COMMITTEE OF THE WHOLE

4.1 Council may, by resolution:

(a) move into the Committee of the Whole to consider, including debate, Committee reports on the Council meeting agenda; and

(b) move out of the Committee of the Whole to report to Council.
SECTION 5 – STANDING COMMITTEE MEETINGS

5.1 Standing Committees

The Standing Committees reporting to Council shall be as follows:
(a) General Issue Committee
(b) Board of Health
(c) Public Works Committee
(d) Planning Committee
(e) Emergency & Community Services Committee
(f) Audit, Finance & Administration Committee

5.2 Appointment of Standing Committee Chairs and Vice Chairs

(1) Each Standing Committee shall recommend to Council the appointment of a Chair, Vice-Chair and, where applicable, 2nd Vice-Chair for the required term.
(a) The term of the Chair, Vice-Chair and 2nd Vice-Chair shall be for a calendar year, or part of a calendar year in an election year.
(b) No Member of Council may serve as Chair, Vice-Chair or 2nd Vice-Chair of the same Standing Committee for more than one year in a Council term.
(c) The role of the Chair of the General Issues Committee shall be rotated amongst the Deputy Mayors.

(2) Despite paragraphs (1)(a) and (b), the Mayor shall stand as Chair for the term of Council for the following Committees:
(a) Board of Health

5.3 Standing Committee Membership

(1) General Issues Committee and Board of Health shall be comprised of all Members of Council.

(2) The Public Works Committee and Planning Committee shall be comprised of a minimum of 8 Members of Council.

(3) The Emergency & Community Services Committee shall be comprised of a minimum of 5 and a maximum of 8 members of Council and the Audit, Finance & Administration Committee shall be comprised of a minimum of 5 and maximum of 7 members of Council.
(4) Each Member of Council shall sit on a minimum of 2 Standing Committees, in addition to the Board of Health and General Issues Committee. (13-319)

(5) Membership on Standing Committees shall be for the duration of the term of Council.

5.4 Quorum

The quorum for all Standing Committees shall be a half of the membership rounded up to the nearest whole number. (10-230)

5.5 Regular Meeting Times of Standing Committees (11-287)

(1) Unless otherwise decided by Council, regular meetings of the Standing Committees shall be as follows:

(a)(i) General Issues Committee shall meet on the first and third Wednesday of every month commencing at 9:30 a.m.; (13-319)

(ii) Board of Health shall meet on the third Monday of every month commencing at 1:30 p.m.; (13-319)

(iii) Public Works Committee shall meet on the first and third Monday of every month commencing at 9:30 a.m.;

(iv) Planning Committee shall meet on the first and third Tuesday of every month commencing at 9:30 a.m.;

(v) Emergency & Community Services Committee shall meet on the first and third Monday, if required of every month commencing at 1:30 p.m.; (10-319)

(vi) Audit, Finance & Administration Committee shall meet on the first and third Monday, if required of every month commencing at 9:30 a.m.; (13-319) unless such a day is a public or civic holiday, in which case an alternate date and time will be selected; or

(b) in accordance with the schedule approved by Council.

(2) In addition to regular meetings, a special meeting of a Standing Committee may be scheduled, when required, at locations and times to permit convenient access for members of the public most affected by such a matter. (10-230)

(3) Advance notice of meetings for the public's information may be found by accessing the City's website at www.hamilton.ca (Select Public Meetings and Consultations.)
5.6 Committee Reports

(1) Each Standing Committee shall make recommendations to Council.

(2) A minimum of 48 hours shall pass before a Standing Committee Report is presented to Council.

At the request of the Ward Councillor, every effort will be made for reports to be released at an earlier date to provide adequate opportunity for review. 

(3) Despite subsection (2), this rule may be suspended by the affirmative vote of two-thirds of the Members of Council present and voting.

5.7 Rules of Procedure

(1) The rules governing the procedure of the Council and conduct of Members of Council at Council meetings shall be observed in Standing Committees, so far as they are applicable.

(2) No member of Council shall speak more than once, until every member of a Standing Committee, followed by every Member of Council who is not a member of the Standing Committee, has spoken, and then only to provide information or seek clarification from the Chair, other Members of Council or staff. A Member of Council who is not a member of a Standing Committee may speak before members of the Standing Committee when the subject matter directly affects his or her Ward.

(3) A Member of Council may place an item on a future agenda of a Standing Committee meeting by delivering a Notice of Motion (see Section 3.11(10)) to the Chair of the Standing Committee and to the Committee Legislative Assistant.

(4) A member of Council who is not a member of a Standing Committee is entitled to attend such Standing Committee meetings and to participate, provided that the Member of Council shall:

(a) not be counted for quorum purposes, and;

(b) not move any motion or vote on any matter.

5.8 Duties of Standing Committees

The duties of the Standing Committees shall be as set out in Appendices A to F inclusive.
5.9 Provisional Governance Committee

(1) The Provisional Governance Committee may carry out the duties and responsibilities of the Council only at such times when, to the satisfaction of at least 5 members of Council attending a properly scheduled meeting of Council, at least 8 members of Council are not able to attend such meeting due to death, illness or circumstances attributable to an emergency which has been declared by the Mayor or his or her designate in accordance with the City's Emergency Plan.

(2) The Provisional Governance Committee shall be comprised of eight Members of Council, and shall elect its own Chair from amongst the attending Members.

(3) The Provisional Governance Committee shall have all the powers and duties that may legally be delegated to the Committee pursuant to the Act, or any other applicable Provincial or Federal legislation, subject to the following conditions and restrictions:

(a) the delegation shall be effective only during the times specified; and

(b) the Committee shall conduct its meetings in accordance with this By-law, providing that the quorum for the constitution of a valid meeting of the Committee shall be 5 Members of Council.

5.10 Order of Business

The general Order of Business for the regular meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:

(a) Changes to the Agenda

(b) Declarations of Interest

(c) Approval of Minutes of Previous Meeting

(d) Delegation Requests

(e) Consent Items

(f) Public Hearings/Delegations

(g) Staff Presentations

(h) Discussion Items

(i) Motions

(j) Notice of Motions

(k) General Information/Other Business
5.11 Delegations

(1) Persons who wish to attend as a delegation to address a Standing Committee on a matter that:
   (a) is not listed on a Standing Committee agenda, may make a request in writing to be listed as a delegation, such request to be received by the Clerk, no later than 12 noon on the day before the Standing Committee meeting.
   (b) is listed on the agenda for a Standing Committee meeting, may make a request in writing to be listed as a delegation, such request to be received by the Clerk no later than 12:00 noon the day before the meeting. If the Standing Committee is meeting on a Monday, the deadline will be 12:00 noon on the Friday. (13-319)
   (c) provided that a person may attend as a delegation in the absence of a request under paragraphs (a) or (b) where prescribed by applicable legislation or allowed by the Standing Committee. (15-230)

The request forms are available at www.hamilton.ca (Select Request to Speak to a Committee)

(2) A request to attend as a delegation shall include the person's name, address, telephone number, reasons for the delegation, and if applicable the name, address and telephone number of any person, corporations or organizations which he or she represents.

(3) Upon receipt of a request to attend as a delegation, the Clerk shall list the delegation request on the next appropriate agenda for the relevant Standing Committee and the decision whether or not to entertain the delegation will be made by the Standing Committee.

(4) A delegation granted permission to appear before the Standing Committee is encouraged to provide the Clerk with a brief of his or her presentation, which in turn will be provided by the Clerk to the Members of the Standing Committee in advance of the meeting.

(5) When a person is listed as a delegation on a Standing Committee agenda and such person, without notification to the Clerk, does not attend said meeting, that person must make a new request to be considered as a delegation and must re-apply in accordance with subsections (1) and (2).

(6) A delegation shall be limited to a presentation of not more than five minutes, except as otherwise prescribed for a public meeting by applicable legislation.
**Delegations can be two or more people; however, the presentation is still limited to five minutes. (10-230)**

(7) A delegation making a request to address a Standing Committee in accordance with applicable legislation shall be heard without the request being received in writing and in advance, if not required by such legislation.

5.12 Public Hearings

General

(1) Public Hearings shall be held at Standing Committee meetings, as required by applicable legislation, or by Council. (13-319)

(2) Appropriate advertising shall be undertaken as required by applicable legislation, by-law, or according to City policy, to advise interested persons.

Procedure

(3) A delegation shall be in accordance with section 5.11.

(4) Public Hearings shall commence with:

(a) an introduction of the subject matter by the Chair or by staff;

(b) the staff presentation, if any and if not waived by the members of the Standing Committee;

(c) the signing in of all delegations on a sheet, provided by staff, with their name, address, including postal code, phone number and e-mail address (optional).

Written information

(5) A delegation may provide additional written material regarding the subject matter, for the public record. Where a delegation wishes copies of the information to be provided to all members of a Standing Committee, either 1 copy of the material shall be provided to the Clerk at least 2 weeks ahead of the meeting date, for inclusion in the agenda or 25 copies shall be provided to the Clerk for distribution at the meeting.

SECTION 6 – ESTABLISHMENT OF ADVISORY COMMITTEES OR TASK FORCES

6.1 Council may from time to time, as needed, establish Advisory Committees or Task Forces in response to specific matters requiring immediate or long term attention.
6.2 When Council or a Standing Committee approves of the formation of the Advisory Committee or Task Force the procedures as outlined in Appendix I shall be followed.

(a) the Clerk may invite citizens to serve as members and such invitations shall include the Advisory Committee or Task Force’s mandate including any membership expertise requirements and the time needed to complete the mandate;

(b) applications received for membership shall be forwarded by the Clerk to the Selection Committee;

(c) the Selection Committee shall consider balanced geographical representation in selecting the members;

(d) the rules of procedure shall be observed so far as they are applicable;

(e) all minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and

(f) staff may act as resource persons in a non-voting capacity.

6.23 When an Advisory Committee or Task Force has completed its mandate, the Standing Committee to which the Advisory Committee or Task Force reports shall dissolve it by motion.

SECTION 7 - CONDUCT OF MEMBERS - ORDER AND DECORUM

7.1 No member of Council or a Committee shall:

(a) speak disrespectfully of any vote of Council or a Committee;

(b) use offensive words or unparliamentary language in or against Council or a Committee or against any member, or any officer or employee of the City;

(c) disobey the rules of Council or a Committee or a decision of the Mayor or a Chair of a Committee on questions of order or practice or upon the interpretation of the rules and should a member persist in such disobedience after having been called to order by the Mayor or a Chair of a Committee, the Mayor or a Chair may forthwith order him or her to vacate the place the meeting is being held. If the member apologizes, he or she may, by vote of a majority of the members, be permitted to take his or her seat;

(d) speak in a manner that is discriminatory in nature based on an individual’s race, ancestry, place of origin, ethnic origin, citizenship, creed, gender, sexual orientation, age, colour, marital status, family status or disability;
(e) in the case of Council only, bring food or beverages, water excepted, into the place the meeting is being held;
(f) speak on any matter other than the matter being debated; or
(g) speak on a matter longer than a 5 minute period, without leave of Council or a Committee, except as otherwise prescribed by applicable legislation.

7.2 No person except members of Council or a Committee, the Clerk, and officials authorized by the Clerk:

(a) shall be allowed on the floor of the place a meeting is being held while Council or a Committee is sitting;
(b) shall, before or during a meeting of the Council or a Committee, place on the desks of members or otherwise distribute any material whatsoever unless such person is so acting with the approval of the Clerk.

7.3 No person shall display signs or placards, applaud participants in debate or engage in conversation or other behaviour which may disrupt the proceedings of Council or a Committee.

7.4 Electronic devices at Meetings:

(a) Every person shall have cellular telephones, pagers, blackberries, portable computers and any similar electronic devices switched to a non-audible function during Council and Committee meetings.
(b) Staff from the Office of the City Clerk are exempted from subsection (a) when using electronic devices for record-keeping purposes.

SECTION 8 – MEETINGS CLOSED TO THE PUBLIC

For the purposes of this section, "Committee" means any advisory or other committee, subcommittee or similar entity of which at least 50% of the members are also members of Council.

8.1 No meeting of Council or a Committee or part thereof shall be closed to the public unless the subject matter being considered is:

(a) the security of the property of the City;
(b) personal matters about an identifiable individual, including City employees;
(c) a proposed or pending acquisition or disposition of land for City purposes;
(d) labour relations or employee negotiations;
(e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;
(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; or
(g) a matter in respect of which Council or a Committee may hold a closed meeting under an Act other than the Municipal Act, 2001.

8.2 A meeting of Council shall be closed to the public if the subject matter relates to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if Council is designated as head of the institution for the purposes of that Act;

8.3 A meeting of Council or a Committee may be closed to the public if:
(a) it is held for the purposes of educating or training members; and
(b) at the meeting, no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council or the Committee.

8.4 Before holding a meeting or part of a meeting that is to be closed to the public, a Council or Committee shall state specifically by resolution the fact of the holding of the closed meeting and the general nature of the matter to be considered at the closed meeting.

SECTION 9 - ROLE OF CLERK

9.1 The Clerk shall distribute the regular agendas of Council and Standing Committee meetings to members of Council and Senior Management Team at least 5 days prior to the scheduled meetings.

9.2 The Clerk shall make the regular agendas of Council and Standing Committee meetings, available to the media and general public, at least 24 hours following the distribution set out in subsection 9.1.

9.3 The Clerk may make the regular agendas of Council and Standing Committee meetings available on the City website.

9.4 The Clerk shall advise the Mayor or Chair when items are required to be added to or removed from an agenda.

9.5 The Clerk shall submit for confirmation the minutes of the previous regular Council or Standing Committee meeting. Upon approval of the majority of the members of Council or Standing Committee, the Mayor or Chair and Clerk shall sign the minutes as confirmed or as amended.

9.6 The Clerk shall advise the Mayor or Chair, if in his or her opinion, a matter or portion of a matter being discussed in a meeting that is closed to the public is
Procedural By-law

not procedurally appropriate in accordance with section 239 of the Act and section 8 of this By-law.

9.7 All matters not covered by this By-law shall be decided by the Mayor or Chair. The Mayor or Chair may call upon the Clerk to provide advice regarding procedure. The Clerk shall provide this advice following which the Mayor or Chair will announce his or her ruling.

9.8 The Clerk shall assume the role of the Mayor or Chair as the chair of Council or a Standing Committee, when a ruling of the Mayor or Chair is challenged by a Member of Council on a decision. The Clerk shall take a vote of the challenge for Members of Council in favour or opposed to the ruling. The ruling fails when there is a majority vote in favour to the challenge.

SECTION 10 – GENERAL

10.1 This By-law shall not be amended or repealed except by a majority vote of all Members of Council.

10.2 No amendments or repeal of this By-law shall be considered at any meeting of Council unless notice of Council’s intention to amend or repeal is provided to the public.

10.3 General guidelines describing the respective roles and responsibilities of Council, the Mayor and the Chair of a Committee are set out in Appendix G to this By-law.

10.4 A Code of Conduct, setting out general standards for acceptable conduct by Members of Council in the performance of their public duties, is set out in Appendix H to this By-law.

10.5 This By-law comes into force on March 11, 2010.

10.6 The short title of this By-law is the Procedural By-law or the Council Procedural By-law.

10.7 By-law No. 03-301, governing the rules and procedures of Council of the City of Hamilton is repealed.

PASSED this 40th day of March, 2014.

R. Bratina
Mayor

R. Caterini
City Clerk
GENERAL ISSUES COMMITTEE

Composition: General Issues Committee shall be comprised of all 16 members of Council:
- Mayor
- Chair of General Issues Committee to be rotated amongst the Deputy Mayors
- All Members of Council

Mandate:
General: To report and make recommendations to Council on matters relating to:
- Council Strategic Plan
- Corporate Strategic Plan
- MPMP, OMBI
- Annual Operating and Capital Budgets
- Economic Development matters
- Portfolio Management Strategy – Real Estate Acquisitions/Disposals
- Hamilton International Airport matters
- G.R.I.D.S.
- Vision 20/20
- Department Work Programs: Planning and Economic Development
- Legal Services – litigation matters
- Human Resources – labour negotiations
- Boards and Agencies
- Hamilton Utilities Corporation
- any and all other matters which Council chooses to refer to the General Issues Committee for consideration

Specific duties shall include:
- To review and monitor the City’s and Council’s Strategic Plan
- To review corporate and program objectives and performance measures and make recommendations to Council
- To consider and recommend to Council on matters relating to budgets, budget monitoring, re-assessment and related tax policies
- To consider and recommend to Council on matters relating to Business Development, the Small Business Enterprise Centre, Incentive...
Loans/Grants programs and approvals, BIA initiatives, the Hamilton Incubator of Technology and Tourism

- To consider and recommend to Council on matters relating to G.R.I.D.S.
- To receive briefings on legal matters involving the City and give direction to the City Solicitor on litigation matters
- To receive information on labour negotiations and provide direction to the Director of Labour Relations
- To consider and make recommendations to Council on matters regarding Boards and Agencies
- To Meet as Shareholders and/or Board of Directors of a corporation when required.
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
Appendix B

BOARD OF HEALTH

Composition: The Board of Health shall be comprised of all 16 members of Council:
- Mayor (as Chair)
- All Members of Council

Mandate:
General: To ensure the City of Hamilton meets or exceeds its obligations as a Board of Health under the Health Protection and Promotion Act, and in all matters relating to Public Health in order to promote well-being and create opportunities to enhance the quality of life in our community.

Specific duties shall include:

- To consider and recommend to Council on policy matters and emerging issues related to Public Health
- To provide advice and guidance to the Public Health Department including input to Departmental Strategic Planning initiatives to ensure alignment with Council’s Mission, Vision, Values and Goals, and the Social Development Strategy
- To receive delegations from the public and conduct public hearings as required by statute and Council
- To consider and recommend to Council the overall service levels in relation to the delivery of Public Health programs
- To consider and recommend to Council policies governing service delivery of the Department
- To consider and monitor program implementation and performance through staff reports
- To consider the public health needs of the community and recommend advocacy by Council to address these needs
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
Appendix C

PUBLIC WORKS COMMITTEE

Composition: The Public Works Committee shall be comprised of a minimum of 8 Members of Council.

Mandate:

General: To report and make recommendations to Council on matters relating to:

- Water & Wastewater (Collection/Distribution, Treatment, and Compliance)
- Waste Management (Solid Waste Planning, Collection, and Disposal)
- Operations & Maintenance (Roads, Traffic, Forestry & Beautification, Parks & Cemeteries, and Trails)
- Transit (Operations and Transit Fleet, ATS)
- Fleet and Facilities (Central Fleet, Corporate Buildings, Energy Office)
- Capital Planning and Implementation (Strategic and Environmental Planning, Asset Management, Design and Construction, Open Space Planning)
- Major road construction projects

Specific duties shall include:

- To consider and recommend to Council, Service Programs and Service Levels for all direct and indirect services provided by the Department (i.e. business plans, management plans, operating plans, and other relevant plans)
- To consider and recommend to Council, Policies, By-laws, and procedures governing service delivery implemented by the Department
- To consider and recommend to Council, Asset Management Plans and Forecasts for all infrastructure managed by the Department
- To consider and monitor program implementation and performance through staff reports and make recommendations to Council respecting program management initiatives (i.e. continuous improvement, budget performance, revenue generation and other relevant issues)
- To consider and recommend to Council, procurement in accordance with corporate policies
- To consider recommendations of any Sub-Committees and/or Task Forces established by Committee and Council which report directly to the Public Works Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
Appendix D

PLANNING COMMITTEE

Composition: The Planning Committee shall be comprised of a minimum of 9 Members of Council.

Mandate:

General: To report and make recommendations to Council on matters relating to:

- Long Range Planning, land use management, development planning and engineering, and downtown planning and implementation
- Parking Operations and Enforcement, School Crossing Guards
- By-law Enforcement, Municipal Licensing, Lottery Licensing, Building Code issues

Specific duties shall include:

- To consider and recommend to Council on:
  - the administration and enforcement of the Ontario Building Code, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws
  - all matters related to the Planning Act, the Ontario Heritage Act, the Municipal Act, 2001, the Niagara Escarpment Act and other applicable legislation regarding planning, development engineering, by-law enforcement and licensing and downtown planning issues
  - the City’s Official Plan and Zoning By-laws and amendments thereto, pursuant to the Planning Act, and to conduct such related public meetings as may be required
  - applications for subdivision and condominium approval pursuant to the Planning Act and Condominium Act, as applicable
  - matters such as community planning, urban design guidelines, heritage policy and related housing policy and programs in accordance with the directions contained in the Official Plan
  - matters relating to Parking Operations and Enforcement
  - To advise and assist Council in any matters arising from the work of the Committee of Adjustment in considering applications for consent and minor variance under the Planning Act, including possible City participation at any Ontario Municipal Board Hearings to consider the appeal of Committee of Adjustment decisions
  - To consider recommendations of any Sub-Committees and/or Task Forces established by Committee and Council which report directly to the Planning Committee
To receive delegations for the public and conduct public hearings as required by statute and Council, specific to the mandate of this committee on matters under the Standing Committee.
EMERGENCY & COMMUNITY SERVICES COMMITTEE

Composition: The Emergency & Community Services Committee shall be comprised of a minimum of 5 or maximum of 8 members of Council. **new suggested amendment**

Mandate:

General: To report and make recommendations to Council on matters relating to:
- Social Development and Early Childhood Services
- Strategic Services
- Benefit Eligibility
- Community Programs
- Employment and Income Support
- Social Housing and Homelessness
- Homes for the Aged: Macassa Lodge and Wentworth Lodge
- Hamilton Veterans Committee
- Recreation
- Fire protection, fire prevention, emergency medical services, corporate emergency planning & preparedness, and corporate radio communications

Specific duties shall include:
- To consider and recommend to Council on:
  - service levels for all direct and indirect services provided by the Department
  - policies governing service delivery implemented by the Department
  - procurement in accordance with corporate policies
  - asset management plans for all community facility infrastructure
  - the delivery of protective services including fire operations, fire prevention, emergency medical services, corporate emergency planning and preparedness, and corporate radio communications
- To consider and monitor program implementation and performance through staff reports
- To consider recommendations of any Sub-Committees and/or Task Forces established by Committee and Council which report directly to the Emergency and Community Services Committee
- To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee
Composition: The Audit, Finance & Administration Committee shall be comprised of a minimum of 5 or 7 members of Council.

Mandate:

General: To report and make recommendations to Council on matters relating to:
- Internal/external audits
- Oversight of internal control, financial reporting
- Human Resources - programs and services
- Programs related to Financial Planning and Policy, Treasury Services, Customer Service, Information Technology, Legislative Services, Records Management, Legal Services, Procurement and Risk Management
- Access & Equity

Specific duties shall include:
- To consider and make recommendations to Council on:
  - matters of policy respecting human resources, including health and safety, union/management relations, organizational planning and development and compensation administration
  - matters of policy involving communications issues
  - matters of policy and oversight involving financial management, investment, reserves, debt, procurement and risk management
  - matters of policy involving general policies and procedures and administrative By-laws
  - all audit matters, including promoting an appropriate environment for the management of public funds and the economy, efficiency and effectiveness of operations and a high level of accountability. Ensure compliance with laws, regulations, policies and support high standard of ethical conduct
  - matters of policy and direction related to Access and Equity, including the annual corporate accessibility plan
- To act as liaison to the Access & Equity volunteer advisory committees (with the exception of the Advisory Committee for Persons with Disabilities reporting to the General Issues Committee)
- To consider recommendations of any Sub-Committees and/or Task Forces established by Committee and Council which report directly to the Audit and Administration Committee
To receive delegations from the public and conduct public hearings as required by statute and Council specific to the mandate of this committee on matters under the Standing Committee.

**Added Schedule F1 – Audit Charter**
AUDIT CHARTER

RESPONSIBILITIES:

The Audit, Finance and Administration Committee has the authority to conduct or authorize investigations into any matters within its scope of responsibility. It is empowered to:

1. Appoint, compensate, and oversee the work of any registered public accounting firm employed by the City of Hamilton.
2. Resolve any disagreements between management and the external auditor regarding financial reporting.
3. Pre-approve all audit and non audit services.

FINANCIAL STATEMENTS

The Audit, Finance and Administration Committee will carry out the following responsibilities:

1. Review with Management and External Auditors the results of the audit, including any difficulties encountered.
2. Review the annual financial statements.
3. Review with management and the External Auditors all matters required to be communicated to the Audit, Finance and Administration Committee under generally accepted auditing standards.

INTERNAL CONTROL

1. Consider the effectiveness of the City’s internal control system, including information technology security and control.
2. Understand the scope of internal and external auditor’s review of internal control over financial reporting, and obtain reports on significant findings and recommendations, together with management’s responses.

INTERNAL AUDIT

1. Review with management and the Director of Audit Services, the Charter activities, staffing, and organizational structure of the internal audit function.
2. Ensure there are no unjustified restrictions or limitations, and review and concur in the appointment, replacement, or dismissal of the Director of Audit Services.

EXTERNAL AUDIT

1. Review the external auditors’ proposed audit scope and approach, including coordination of audit effort with internal auditing.
2. Review the performance of the external auditors and exercise final approval on their appointment or discharge.
3. Review and confirm the independence of the external auditors by obtaining statements from the auditors on relationships between the auditors and the organization, including non audit services, and discussing the relationships with the auditors.
ROLES OF COUNCIL, MAYOR AND COMMITTEE CHAIR

PREAMBLE

The general requirements for holding office for elected officials for the City of Hamilton are contained in the Municipal Act, 2001.

GENERAL ROLE/GUIDELINES (COUNCIL)

(a) Within the authority of enabling legislation, to develop policies for the purpose of guiding the administration of municipal government in the City of Hamilton.

(b) Subject to legislative restrictions, develop regulations to be adopted in By-laws and resolutions for the overall benefit of the citizens of the community.

(c) Appoint statutory officers and senior officials to ensure that a functional management system is in place and which will administer the City within the adopted policies of Council.

(d) To collectively oversee the administrative functions as carried out by appointed officials within the delegated authority and the policies adopted by Council.

(e) To monitor the administrative process and ensure that the will and direction of the City is placed into effect.

(f) To be prepared to attend regular and special meetings of Council and Committees as required and to participate in the debate for the purpose of developing and adopting policies and directions for the City of Hamilton.

(g) Note that absence from the meetings of Council for three successive months results in a member's seat being declared vacant unless authorized by resolution of Council.

(h) To act as liaison between the citizens they represent and the City, to ensure that the intention of established policies and regulations are applied in a manner that is conducive to the interests of the citizens as a whole.

(i) To oversee the financial affairs and delivery of City services through the adoption of policies and budget control guidelines and to ensure that appropriate audit procedures and monitoring programmes are in effect.
ROLE OF THE MAYOR

The Mayor is responsible to act as the Head of Council, as detailed in the Municipal Act, 2001, providing leadership to other Members of Council.

(a) To act as the Council's corporate representative when dealing with other government agencies and the private sector consistent with the vision and direction expressed by the Council of the day.

(b) The Mayor and the City Manager must work in close liaison as the pivotal link between the policy-making body of Council and the administrative organization of the City.

(c) The role of Mayor is considered as statutory and policy-related, to act as the Head of Council and to co-ordinate political representation on behalf of the City when required at meetings, receptions, functions, and community activities, and to direct administrative functions to the attention of the City Manager.

ROLE OF COMMITTEE CHAIR

(a) To ensure that the general functions noted in the roles of Council and in the policies and procedures established by the City are maintained.

(b) To ensure that the rules of procedure with respect to conduct are followed.

(c) The role of Chair, in co-ordinating the meetings of a Committee, will be considered statutory and policy-related, with administrative functions to be delegated to appointed staff and officials through the appropriate General Manager or Medical Officer of Health, following appropriate reporting procedures of the City.

(d) It is recognized that the role of Chair, as outlined above, does not provide any administrative authority over staff, and that any administrative requests should be brought to the attention of the City Manager, appropriate General Manager or Medical Officer of Health or appropriate delegated staff.

DUTIES OF COMMITTEE CHAIR

(a) Open the meetings of the Committee by taking the chair and calling the members to order.

(b) Announce the business before the Committee and the order in which it is to be acted upon.

(c) Receive and submit, in the proper manner, all motions presented by the members of the Committee.
Put to a vote all motions, which are moved, or necessarily arise in the course of the proceedings, and to announce the result.

Enforce the rules of procedure and rule upon all procedural matters.

Guide the members when engaged in debate in accordance with the rules of procedure.

Enforce on all occasions the observance of order and decorum among the members and the attending public.

Order any member persisting in a breach of the rules of procedure to vacate the meeting room.

Permit questions to be asked through the Chair of any staff in order to provide information to assist any debate when the Chair deems it proper.

Rule on any points of order or points of privilege without debate or comment.

Rule whether a motion or proposed amendment is in order.

Determine which member has the right to speak.

Ascertain that all members who wish to speak on a motion have spoken and that the members are ready to vote, and shall then put the vote.

May call a member to order.

Where it is not possible to maintain order, the Chair may, without any motion being put, adjourn the meeting to a time to be named by the Chair.

Adjourn the meeting when the business is concluded.

The Chair may state relevant facts and the Chair's position on any matter before the Committee without leaving the chair, but it shall not be permissible for the Chair to move a motion or debate a question without first leaving the chair.

If the Chair desires to leave the chair to move a motion, or to take part in the debate, the Chair shall call on the Vice-Chair, or in the absence of the Vice-Chair, on another member to preside until the Chair resumes the chair.

The Committee Chair shall vote on any questions before the Committee and in the event of an equality of votes the Committee Chair will not have an extra casting vote and the question being voted upon is deemed lost.
CODE OF CONDUCT FOR MEMBERS OF COUNCIL

PREAMBLE

Purpose:

A written Code of Conduct helps to ensure that the members of Council share a common basis for acceptable conduct. The Code of Conduct is not intended to replace personal ethics. The Code of Conduct:

- is designed to provide a reference guide and a supplement to the legislative parameters within which the members must operate.

- serves to enhance public confidence that the City's elected representatives operate from a base of integrity, transparency, justice and courtesy.

- forms a part of the City's Procedural By-law No. 10-053, as amended.

- is enforced by the Integrity Commission under the City's Integrity Commissioner By-law No. 08-154, as amended.

Statutory Provisions Regulating Conduct:

In addition, the Code of Conduct operates along with and as a supplement to the existing five statutes that govern the conduct of members of Council:

• the Municipal Act, 2001
• the Municipal Conflict of Interest Act
• the Municipal Elections Act, 1996
• the Municipal Freedom of Information and Protection of Privacy Act
• the Criminal Code (Canada)

SECTION 1 - DEFINITIONS

1.1 In this Code of Conduct:

(a) "benefit" means anything (other than a gift) given that confers an advantage, including but not limited to discounted or free services, food or beverages for immediate consumption, activities or event tickets, unless payment in any form, including the exchange of goods or services, of equal or greater value is received by the individual or entity giving the benefit;
(b) "charity" means a registered charity as defined in the Income Tax Act (Canada) or successor legislation, which has a registration number issued by the Canada Revenue Agency, or successor agency;

(c) "City" means the City of Hamilton, either in the sense of the geographic area of the municipality or in the sense of the identity of the municipal corporation, as the context requires;

(d) "community organization" means a non-profit group of persons organized for the advancement of a civic, cultural, social, health, philanthropic or recreational purpose within the City of Hamilton;

(e) "confidential information" includes but is not limited to information:

i) in the possession of the City that the City is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse to disclose under the Municipal Freedom of Information and Protection of Privacy Act\(^1\), or other legislation; and

ii) concerning matters that are considered in an in-camera meeting under section 239 of the Municipal Act, 2001\(^2\);

(f) "Council" means the Council of the City of Hamilton;

(g) "family member" means:

i) spouse, including but not limited to common-law spouse and same-sex partner;

ii) child, mother, father, sister, brother, grandchild, grandparent, aunt, uncle, niece and nephew;

iii) mother-in-law, father-in-law, sister-in-law and brother-in-law;

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\(^1\) Generally, the Municipal Freedom of Information and Protection of Privacy Act restricts or prohibits disclosure of information received in confidence from third parties of a corporate, commercial, scientific or technical nature and information that is personal, and permits the restriction or prohibition of disclosure of information that is subject to solicitor-client privilege.

\(^2\) Section 239 of the Municipal Act, 2001 permits information concerning the following matters to be considered in an in-camera meeting: the security of the property of the City; personal matters about an identifiable individual, including City employees; a proposed or pending acquisition or disposition of land by the City; labour relations or employee negotiations; litigation or potential litigation, including matters before administrative tribunals, affecting the City; advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a matter in respect of which Council may hold a closed meeting under another Act; a matter relating to the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act; or the education or training of the members of Council.
iv)  step-mother, step-father, step-sister, step-brother and step-child; and

v)  child, mother or father in a relationship where the role of parent has been assumed;

(h)  "gift" means any real or personal property given, including but not limited to artwork, clothing, money, gift certificates or gift cards, unless payment in any form, including the exchange of goods or services, of equal or greater value is received by the individual or entity giving the gift;

(i)  "in camera" means the conduct of a meeting or part of a meeting, of Council or a Committee of Council, which is closed to the public as permitted under section 239 of the Municipal Act, 2001; and

(j)  "lobbyist" means a person who is registered as a lobbyist in the City's Voluntary Lobbyist Registry.

SECTION 2 - GENERAL

2.1  The key statements of principle that underlie the Code of Conduct are as follows:

(a)  Members of Council shall serve and be seen to serve their constituents in a conscientious and diligent manner;

(b)  Members of Council shall be committed to performing their functions with integrity and to avoiding the improper use of the influence of their office, and conflicts of interest, both apparent and real;

(c)  Members of Council shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny; and

(d)  Members of Council shall seek to serve the public interest by upholding both the letter and the spirit of the laws and policies established by the Federal Parliament, Ontario Legislature, and Council.

SECTION 3 - APPLICATION

3.1  This Code of Conduct applies to all members of Council including the Mayor.
SECTION 4 - GIFTS AND BENEFITS

4.1 No member of Council shall accept a fee, advance, gift or benefit that is connected directly or indirectly with the performance of their duties in office, unless permitted by the exceptions listed in subsection 4.3.

4.2 For the purposes of subsection 4.1, a fee or advance paid to or a gift or benefit given with the member of Council’s knowledge to their family member or to their staff that is connected directly or indirectly to the performance of their duties in office is deemed to be a gift or benefit to that member of Council.

4.3 The following are exceptions to subsection 4.1:

(a) compensation authorized by law;

(b) such gifts or benefits that normally accompany the duties of office and are received as an incident of protocol or social obligation;

(c) a political contribution otherwise reported by law;

(d) admission to a widely attended event, such as a convention, conference, symposium, forum, panel discussion, dinner, viewing, reception or similar event, offered by the entity responsible for organizing and presenting the event and unsolicited by the member of Council, if attending or participating in their official capacity, including:

(i) participation in an event as a speaker or panel participant by presenting information related to City matters;

(ii) performance of a ceremonial function appropriate to the member of Council’s office;

(iii) attendance at an event that is appropriate to the official capacity of the member of Council;

(e) admission to a charity or community organization event offered by the charity or community organization for whose benefit the event is being held and unsolicited by the member of Council;

(f) admission to a training or education program, including meals and refreshments furnished to all attendees, if such training or education is related to the member of Council’s duties in office and in the interest of the City;

(g) services provided without compensation by persons volunteering their time;
(h) a suitable memento of a function honouring the member of Council;
(i) food, lodging, transportation and entertainment provided by federal, provincial or municipal governments or by political subdivisions of them or by a foreign government within a foreign country;
(j) food and beverages consumed at banquets, receptions or similar events, if:
   (i) attendance serves a legitimate business purpose;
   (ii) the person extending the invitation or a representative of the organization is in attendance; and
   (iii) the value is reasonable and the invitations infrequent;
(k) communication to the office of a member of Council including subscriptions to newspapers and periodicals.

4.4 Except for paragraph (c), the exceptions listed in subsection 4.3 do not apply to lobbyists. Lobbyists are not permitted to give a gift or benefit under this section unless it is a political contribution permitted by law.

4.5(1) In the case of paragraphs (b), (h), (i), (j) and (k) of subsection 4.3, if the value of the gift or benefit exceeds $200, or if the total value received from any one source during the course of a calendar year exceeds $200, the member of Council shall within 30 days of receipt of the gift or benefit or of reaching the annual limit, file a disclosure statement with the City Clerk. The disclosure statement must indicate:
(a) the nature of the gift or benefit;
(b) its source and date of receipt;
(c) the circumstances under which it was given or received;

(2) Any disclosure statement made under subsection paragraph 4.5(1) will be a matter of public record.

SECTION 5 - CONFIDENTIALITY

5.1 No member of Council shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law or authorized by Council to do so.
Office Consolidation

5.2 No member of Council shall use confidential information for financial or other gain, or for the financial or other gain of a family member or any person or corporation. For example, no member of Council should directly or indirectly benefit, or aid others to benefit, from knowledge respecting bidding on the sale of City property or assets.

5.3 No member of Council shall disclose the content of a matter that has been discussed at or the substance of deliberations of an in-camera meeting, except for content that has been authorized by Council or a Committee of Council to be released to the public.

5.4 Examples of the types of content that a member of Council must keep confidential under this section include but are not limited to:

(a) items under litigation, negotiation, or personnel matters;

(b) information that infringes on the rights of others (e.g., sources of complaints where the identity of a complainant is given in confidence);

(c) price schedules in contract tender or Request For Proposal submissions if so specified;

(d) information deemed to be personal information under the Municipal Freedom of Information and Protection of Privacy Act;

(e) statistical data required by law not to be released (e.g. certain census or assessment data).

5.5 Members of Council shall not access or attempt to gain access to confidential information in the possession of the City unless it is necessary for the performance of their duties and not prohibited by Council policy.

SECTION 6 - USE OF CITY PROPERTY, SERVICES AND OTHER RESOURCES

6.1 No member of Council shall use or permit the use of City land, facilities, equipment, supplies, services, City employees or other resources (for example, City-owned materials, websites, Council transportation delivery services or Councillor global budgets) for activities other than the business of the City.

6.2 No member of Council shall obtain financial gain from the use or sale of City-developed intellectual property (for example, inventions, creative writings or drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the City.
SECTION 7 - ELECTION CAMPAIGN WORK

7.1 Members of Council are required to comply with the Municipal Elections Act, 1996.

7.2 No member of Council shall use the facilities, equipment, supplies, services or other resources of the City for any election campaign or campaign-related activities, except on the same basis (including paying a fee if any) as such resources are normally made available to members of the public.

7.3 No member of Council shall use their newsletter or their website linked through the City's website for any election campaign or campaign-related activities.

7.4 No member of Council shall use the services of City employees for any election campaign or campaign-related activities during hours in which those City employees receive any compensation from the City.

SECTION 8 - CONDUCT AT COUNCIL AND COMMITTEE

8.1 Members of Council shall conduct themselves with decorum at Council and Committees of Council in accordance with the provisions of the Procedural By-law.

8.2 Under its Accountability and Transparency Policy, the City supports ensuring accountability and transparency in all its actions. Accordingly, in addition to disclosing a pecuniary interest under the Municipal Conflict of Interest Act, members of Council shall disclose non-pecuniary interests they have in a matter, either on their own behalf or while acting for, by, with or through another, prior to consideration of that matter at Council or a Committee of Council.

8.3 Examples of types of non-pecuniary interests in a matter to be disclosed under subsection 8.2 include but are not limited to:

(a) a member of Council being a director or senior officer of an entity, whether or not appointed by Council;

(b) a member of Council's family member being a director or senior officer of an entity;

(c) a member of Council or their family member holding a licence or other permission issued by the City.

8.4 Subsection 8.2 does not apply to a non-pecuniary interest which is so remote or insignificant in its nature that it cannot reasonably regarded as likely to influence the member of Council.
SECTION 9 - REPRESENTING THE CITY

9.1 Members of Council shall make every effort to participate diligently in the activities of the agencies, boards, and commissions to which they are appointed.

SECTION 10 - IMPROPER USE OF INFLUENCE

10.1 No member of Council shall use the influence of their office for any purpose other than for the exercise of their official duties.

10.2 Examples of types of prohibited conduct under this section include but are not limited to:

(a) the use of one's status as a member of Council to improperly influence the decision of another person to the private advantage of oneself, or one's family members, City employees, friends, or associates, business or otherwise, including attempts to secure preferential treatment beyond activities in which members of Council normally engage on behalf of their constituents as part of their official duties;

(b) the holding out of the prospect or promise of future advantage through a member of Council's supposed influence within Council in return for present actions or inaction.

10.3 For the purposes of this section "private advantage" does not include a matter that:

(a) is of general application;

(b) affects a member of Council, their family members, City employees, friends, or associates, business or otherwise, as one of a broad class of persons; or

(c) that concerns the remuneration or benefits of a member of Council.

SECTION 11 - BUSINESS RELATIONS

11.1 No member of Council shall act as a paid agent before Council, its Committees, or an agency, board or commission of the City except in compliance with the Municipal Conflict of Interest Act.

11.2 No member of Council shall refer a third party to a person, partnership, or corporation in exchange for financial or other gain.
SECTION 12 - CONDUCT RESPECTING CURRENT AND PROSPECTIVE EMPLOYMENT

12.1 No member of Council shall allow the prospect of their future employment by a person or entity to detrimentally affect the performance of their duties as a member of Council.

SECTION 13 - CONDUCT RESPECTING CITY EMPLOYEES

13.1 Only Council as a whole has the authority to approve budget, policy, Committee processes and other such matters. Accordingly, members of Council shall direct requests for action outside of Council-approved budget, process or policy, to the appropriate Standing Committee.

13.2 Under the direction of the City Manager, City employees serve the Council as a whole, and the combined interests of all members of Council as evidenced through the decisions of Council. Accordingly:

(a) members of Council shall be respectful of the role of City employees to advise based on political neutrality and objectivity and without undue influence from any individual member or faction of the Council;

(b) no member of Council shall maliciously, falsely, negligently or recklessly injure the professional or ethical reputation, or the prospects or practice of City employees; and

(c) members of Council shall show respect for the professional capacities of City employees.

13.3 No member of Council shall ask, request or compel City employees to engage in partisan political activities or be subjected to threats or discrimination for refusing to engage in such activities.

13.4 No member of Council shall use, or attempt to use, their authority or influence for the purpose of intimidating, threatening, coercing, commanding, or influencing any City employee with the intent of interfering with that employee's duties, including the duty to disclose improper activity.

SECTION 14 - RESPECT FOR THE CITY AND ITS BY-LAWS

14.1 Members of Council shall encourage public respect for the City and its By-laws.
SECTION 15 - ADHERENCE TO COUNCIL POLICIES AND PROCEDURES

15.1 Members of Council shall observe the terms of all policies and procedures established by City Council, provided that a member of Council's failure to observe the rules of procedure as set out in sections 1 to 8 and Appendices A to G and I of the Procedural By-law is deemed not to be a contravention of this Code of Conduct. The rules of procedure set out in sections 1 to 8 and Appendices A to G and I are in the control of the Chairs of Committees and Council and members of Committees and Council. In addition, investigations of closed meetings, which are addressed in section 8, are under the jurisdiction of either the Ombudsman appointed under the Ombudsman Act or such closed meeting investigator as may be appointed by the City under section 239.2 of the Municipal Act, 2001. (15-100)

15.2 Subsection 15.1 does not prevent a member of Council from requesting that Council grant an exemption from a policy or procedure and such an exemption may be limited as to time or scope and subject to amendment or revocation.

SECTION 16 - COMPLAINTS UNDER THE INTEGRITY COMMISSIONER BY-LAW

16.1 No member of Council shall take a reprisal or make a threat of reprisal against a Complainant or any other person for providing information to the Integrity Commissioner under the Integrity Commissioner By-law.

16.2 No member of Council shall obstruct the Integrity Commissioner in carrying out their responsibilities under the Integrity Commissioner By-law.

16.3 Examples of the types of obstruction prohibited under subsection 16.2 include but are not limited to:

(a) destroying documents including erasing electronic documents;

(b) withholding or concealing documents including electronic documents;

(c) failing to respond to the Integrity Commissioner within 15 days after a written request is given or within such longer period as the Integrity Commissioner may allow.
SECTION 17 – HARASSMENT

17.1 It is the policy of the City that all persons be treated fairly in the workplace in an environment free of discrimination and of personal and sexual harassment. Accordingly:

(a) no member of Council shall harass another member of Council, City employees or any member of the public; and

(b) all members of Council shall:

i) treat one another, City employees and members of the public appropriately and without abuse, bullying or intimidation; and

ii) make all reasonable efforts to ensure that their work environment is free from discrimination and harassment.

SECTION 18 - EMPLOYMENT OF FAMILY MEMBERS

18.1 No member of Council shall attempt to influence the hiring or promotion of their family member.

18.2 No member of Council shall make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate their family member.

18.3 If a family member of a member of Council is an applicant for employment with the City or candidate for promotion or transfer, the family member will proceed through the usual selection process with no special consideration.

18.4 No member of Council shall act as a supervisor of their family member, or be placed in a position where they could have influence over their family member’s employment.

18.5 No member of Council shall attempt to use a family relationship for financial or other gain.

SECTION 19 - COMPLIANCE WITH THE CODE OF CONDUCT

Harassment may be defined as any behaviour by any person that is directed at or is offensive to another person on the grounds of race, ancestry, place of origin, colour, ethnic origin, citizenship, creed, sex, age, handicap, sexual orientation, marital status, or family status and any other grounds under the provisions of the Ontario Human Rights Code.
19.1 Where, under the Integrity Commissioner By-law, the Integrity Commissioner
decides that a member of Council has contravened this Code of Conduct,
they may, under section 19 of that By-law:

(a) reprimand the member of Council; or

(b) suspend the remuneration paid to the member of Council in respect of
their services as a member of Council for period of up to 90 days.

SECTION 20 - INTERPRETATION

20.1 Members of Council seeking clarification of any part of this Code of Conduct
may consult with the City Clerk, City Solicitor or the Integrity Commissioner.
Appendix I

CRITERIA FOR THE CREATION OF ADVISORY COMMITTEES OR TASK FORCES

(a) That all requests for the formation of an Advisory Committee or Task Force be presented to a Standing Committee for consideration.

(b) That all requests, upon approved motion by the Standing Committee, be referred to the applicable General Manager for a report back on the following;

(i) inventory of previous and existing activities related to the issue
(ii) Inclusion of a sunset clause which outlines the time needed to complete the mandate
(iii) reporting structure, membership composition, mandate, objectives, legislative requirements, work plan and timelines for the Special Purpose Body
(iv) responsibilities of the members
(v) membership expertise requirements for the Special Purpose Body
(vi) proposed budget allocation requirement and source of funding
(vii) staffing requirements
(viii) other necessary resources

(c) The Clerk may invite citizens to serve as members and such invitations shall include the Advisory Committee or Task Force's mandate including any membership expertise requirements and the time needed to complete the mandate;

(d) Applications received for membership shall be forwarded by the Clerk to the Selection Committee;

(e) The Selection Committee may consider balanced geographical representation in selecting the members, where appropriate;

(f) The rules of procedure shall be observed so far as they are applicable;

(g) All minutes and reports shall be submitted to the Standing Committee to which the Advisory Committee or Task Force reports; and

(h) Staff may act as resource persons in a non-voting capacity.
# December 2014

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<td>SHUTDOWN</td>
<td></td>
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<td></td>
</tr>
</tbody>
</table>

GIC = General Issues Committee  
PW = Public Works Committee  
PLANNING = Planning Committee  
AF&A = Audit, Finance & Administration Committee  
E&CS = Emergency & Community Services Committee  
BOH = Board of Health  
All meetings will be in the COUNCIL Chambers, Hamilton City Hall  
** Denotes meeting is subject to change
CITY OF HAMILTON

BY-LAW NO. __________

To Amend By-law No. 08-154, a By-law to Establish the Office of Integrity Commissioner.

WHEREAS Council enacted a by-law to establish the Office of Integrity Commissioner, being City of Hamilton By-law No. 08-154;

AND WHEREAS this By-law provides for the amendment of By-law No. 08-154, as amended;

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

1. Section 22 of By-law No. 08-154 is deleted and replaced with the following new subsection 22:

   22.(1) Where the Integrity Commissioner has received a Complaint regarding a member of Council, they shall, on the earliest date after they have made a decision and no later than 60 days after receiving the Complaint, prepare and file with the City Clerk a report to Council regarding their inquiry into the Complaint.

   (2) Where, in the opinion of the Integrity Commissioner, it is not possible to prepare and file a report to Council within the time set out in subsection (1) or on or before a date established under this subsection, they shall advise Council of this together with:

   (a) the reasons for their inability to prepare and file the report; and

   (b) the date on or before which the report will be prepared and filed.

2. This By-law comes into force on the day it is passed.

PASSED this day of , 2014.

MAYOR
R. Bratina

CITY CLERK
R. Caterini
CITY OF HAMILTON
Vision

To be the best city in Canada to raise a child, promote innovation, engage citizens and provide diverse economic opportunities.

HAMILTON ABORIGINAL ADVISORY COMMITTEE
Terms of Reference

Preamble: this document uses the format and content typically used by the City of Hamilton for its advisory committees, but this Committee’s work should be understood to have vital cultural traditions and teachings at its core. These may not be obvious in this document, but they are part of this Committee’s approach and philosophy and how it pursues an effective path and a meaningful future through its work. The Committee respects a whole-world view that recognizes each individual’s interconnectedness and also their contributions to the collective wellbeing of the whole. Balance, harmony, peace and justice are valued concepts within this philosophy.

COMMITTEE MANDATE
The Aboriginal Advisory Committee assists the City of Hamilton to honour and engage its Aboriginal citizens in the pursuit of the City’s vision by providing advice and/or recommendations, through the appropriate Standing Committee of Council, that enhance the wellbeing of Aboriginal people and/or resolve municipal issues.

The Committee envisions a future where Hamilton is an inclusive and culturally-aware community, where issues of importance to its Aboriginal peoples are addressed proactively, effectively and respectfully on the municipal agenda.

COMMITTEE OBJECTIVES

- to assist the City in achieving and demonstrating progress or positive change in support of the equitable economic, social, health and overall wellbeing of Aboriginal citizens;

- to provide a forum and mechanism for coordinated dialogue and consultation between and among Aboriginal leaders and other stakeholders, acting as a catalyst for the development of positive relationships and open, transparent dialogue between and among the City and these stakeholders; and,

- to offer input, advice and recommendations, through the Audit, Finance & Administration Committee, informed by stakeholder consultation, to support the
City in determining effective municipal strategies and/or policies on issues of importance to Aboriginal peoples.

COMMITTEE VALUES

In fulfilling our mandate, members of the Committee uphold the following values of collective and individual importance: trust, respect, unity, truthfulness, inclusiveness, pride and empowerment. In our collective work with the City and with Aboriginal stakeholders, members of the Committee seek relationships that are sustained by mutual respect and flexibility and that lead to constructive solutions, productive outcomes and improved opportunities for Aboriginal peoples. We value increased visibility and recognition of the importance of Aboriginal peoples and cultures, as a means to eliminating stereotypes.

COMPOSITION

The Advisory Committee will be comprised of one member of Council and up to 14 citizen appointees.
BACKGROUND

A Consulting and Professional Services Roster is established every two years through a formal Request for Rostered Candidates process. Candidates in a total of 40 specified categories submit Forms of Submittal that outline the hourly rates and any disbursement costs that will be charged when Roster assignments are awarded to successful candidates.

When a candidate is successful and accepted for inclusion in the Consulting and Professional Services Roster, the consultant agrees to abide by specific rules including using the rates outlined in the Form of Submittal if selected to complete an assignment.

A Roster Assignment Proposal is submitted by the consultant selected from the Roster. This proposal includes the estimated total cost of the assignment along with a breakdown of hours and corresponding hourly rates as well as any disbursements (e.g. mileage, travel, photocopying and printing costs) that will be invoiced. The hourly rates and disbursement costs on the proposal are to be consistent with those on the original Form of Submittal provided by the consultant when they were awarded a place on the Roster.

The hourly rates and disbursement costs charged on any issued invoices must be consistent with those on the proposal and Form of Submittal.

The Procurement Section performed a review of purchase orders issued under the Roster from January 1 to May 31, 2012 and found that only 6% of these purchase orders had been invoiced correctly (i.e. in accordance with Roster Procedures).

REVIEW OBJECTIVES AND SCOPE

The objectives of this review were:

- To evaluate compliance of Roster-based expenditures with the existing Roster Requirements. In particular, the level of compliance of project invoices from Roster contractors with terms and rates as per the Forms of Submittal and the project proposals was assessed.
- To determine if there have been improvements in the level of compliance with Roster Requirements since the Procurement Section's review that was performed in 2012.

The scope for this project was limited to all Purchase Orders related to a roster category issued between January 1, 2013 and June 30, 2013. Twenty percent (a sample of 41 purchase orders) of the overall population was examined during the review.
ANALYSIS

Of a total population of 205 purchase orders issued from January 1, 2013 to June 30, 2013 related to a Roster assignment, a sample of 41 purchase orders was selected over most of the categories. For each of the selected purchase orders, a further sample of related invoices was chosen for detailed rates and disbursement terms comparisons with previously submitted proposal and submittal documents from the Roster contractor. The same five broad categories – (i) Wrong Rate/Disbursement Inclusions (e.g. invoice rates do not agree with proposal rates; disbursements charged which proposal did not indicate or at different rates), (ii) Billing as a % Completion or Lump Sum without Detail (e.g. original submittal/proposal provided rates and hours of individual staff but invoices billed as lump sum or percentage completion and no detail or build up provided for comparison), (iii) No Invoices Received to Date, (iv) Billed Correctly/No Discrepancies and (v) No Info Provided for P.O – as were developed for a similar exercise conducted by Procurement in 2012 were applied to both the POs selected (Chart 1) and the corresponding invoices (Chart 2).

CHART 1

<table>
<thead>
<tr>
<th>COMPLIANCE CATEGORY</th>
<th>2014 REVIEW</th>
<th>2012 REVIEW (TOTAL)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SAMPLE P.O.s</td>
<td>ASSIGNMENT</td>
</tr>
<tr>
<td></td>
<td>#</td>
<td>%</td>
</tr>
<tr>
<td>Wrong Rate/Disbursement Inclusion</td>
<td>8</td>
<td>19.5%</td>
</tr>
<tr>
<td>Billing on a % of Completion or Lump Sum without Detail</td>
<td>15</td>
<td>36.6%</td>
</tr>
<tr>
<td>No Invoices Received to Date</td>
<td>2</td>
<td>4.9%</td>
</tr>
<tr>
<td>Billed Correctly/No Discrepancies</td>
<td>16</td>
<td>39.0%</td>
</tr>
<tr>
<td>No Info Provided for PO</td>
<td>0</td>
<td>0.0%</td>
</tr>
<tr>
<td></td>
<td>41</td>
<td>100.0%</td>
</tr>
</tbody>
</table>

*NOTE: The 2012 "#" figures presented for general comparison relate to assignments as the total invoice population was reviewed. The 2014 figures represent the sample of P.O.s examined.
As noted in CHART 1, there has been some improvement in the agreement of roster related P.O.s with original rates and disbursements costs in the Forms of Submittal and project proposals. The 2014 selection of P.O.s provided compliance (i.e. Billed Correctly/No Discrepancies) in 39% of the cases as compared to the 2012 exercise which provided consistency and no billing discrepancies in only 6% of the assignments.

The 2014 selection of invoices produced similar results in regard to the level of agreement with the Forms of Submittal and project proposals. As summarized in Chart 2 below, 44% of the invoices were billed correctly with no discrepancies from the original quotations. However, this still leaves 18% of invoices paid with incorrect rates or unlisted disbursements and another 34% of invoices billed as a % completion or lump sum without providing the build up based on rates and hours, not allowing for the determination of conformity with original documentation as in the Forms of Submittal. These two categories account for 52% of the sampled invoices being paid with no evidence of meeting compliance.

CHART 2

<table>
<thead>
<tr>
<th>INVOICE CATEGORY</th>
<th>2014 REVIEW SAMPLE</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>INVOICES</td>
</tr>
<tr>
<td></td>
<td>#</td>
</tr>
<tr>
<td>Wrong Rate/Disbursement Inclusion</td>
<td>9</td>
</tr>
<tr>
<td>Billing on a % of Completion or Lump.Sum without Detail</td>
<td>17</td>
</tr>
<tr>
<td>No Invoices Received to Date</td>
<td>2</td>
</tr>
<tr>
<td>Billed Correctly/No Discrepancies</td>
<td>22</td>
</tr>
<tr>
<td>No Info Provided for PO</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>50</td>
</tr>
</tbody>
</table>

Even though there has been increased compliance, the overall level of compliance still remains low and further improvements and oversight are required.
RECOMMENDATIONS

The issues identified above deal primarily with invoices received for approved Roster contracts. In some cases, these invoices do not agree to the rates/disbursement details on the Form of Submittal. As seen in the chart above, a large portion of the non-compliant invoices are in the form of lump sum or percentage completion billings without rate details to compare to the original submitted documents. In these cases, it is necessary for proposals to contain stated rates and hours extended to justify the lump sum or total billing amount so that comparison to the original Form of Submittal can be made and staff can pass judgement on the reasonableness of the total charge. The current Roster Procedures do not address the fact that invoice rates and disbursements need to agree to both the Roster Assignment Proposal and the Form of Submittal or that alternately, steps required to allow for lump sum/percentage completion billings.

It is recommended:

That the Roster Committee update the Roster Procedures to include invoice approval responsibilities, in particular checking conformity with original documents submitted. Particular instructions for dealing with lump sum/percentage completion billings should be developed and included in the update. The Roster Captains should participate in the development of these amendments.

Management Action Plan:

Agreed. The Roster Procedures were updated in March, 2014 to allow for lump sum/percentage completion billings. However, the procedures remain silent in regards to invoices. Roster Procedures will be updated further to include invoice approval responsibilities, in particular checking conformity with original documents submitted. Roster captains will be included in the development of these amendments.
Work will be completed by year-end 2014 such that the update aligns with next roster cycle (2015-2016).
Per the current Roster Procedures, it is the responsibility of the Roster Captains to explain the procedures to staff who have been approved to use a rostered contractor and review the Roster Assignment Proposal for compliance.

It is recommended:

*That the Roster Captains provide adequate training to Roster users in regard to ensuring compliance with roster requirements. Methods of checking invoice compliance prior to approval for payment should be clearly defined and explained.*

**Management Action Plan:**

Agreed. For training of Roster users, Roster Captains currently provide the following documents for City staff that are outside of the Category Captain’s Section:

i. Information on where to find City Policy #9 or a copy of the Policy #9;

ii. Professional and Consultant Roster Procedures (latest version);

iii. Roster Use Agreement Form;

iv. Rates and disbursements for the roster consultant to be utilized.

The Roster User must review the documents and sign and return the Roster User Agreement prior to utilizing the roster. By signing the Roster Use Agreement form, the City staff person requesting the use of the Roster has read, understood and agrees to the terms and conditions provided within.

This requirement has been added to the updated Roster Procedures (dated March, 2014). To ensure Roster Captains are aware of this requirement, this will be included as a standing agenda item at Roster Captain meetings. This will be completed by August 2014.
Roster Captains maintain a summary of Roster Assignments to ensure a reasonably equitable distribution of the work over the term of the Request for Roster Candidates document. This is reported to the Procurement Specialist on a semi-annual basis. Random spot checks for invoice conformity with the original submissions, similar to the one carried out by Audit Services, should be conducted by each Roster Captain and the results reported to Procurement in the semi-annual report mentioned above.

It is recommended:

*That Roster Captains report the results of random invoice checks for conformity with Forms of Submittal and proposal terms as part of the semi-annual reporting requirements to Procurement. In turn, Procurement should review these outcomes with the aim of bringing compliance to an acceptable pre-established level with the option of conducting its own monitoring and checking activities.*

**Management Action Plan:**

*Roster Captains:*
Agreed with the intent of this recommendation. However, the responsibility of this should not lie with the Roster Captains as they would, in many cases, be auditing themselves. This approach would not be as open, transparent or successful as random invoice checks conducted by another party. Therefore, we suggest that this is a function that be carried out by a third party on behalf of Finance and Corporate Services effective the start of the 2015/2016 roster term.

*Procurement:*
Agreed. It would be best if the random check is undertaken by a third party, independent of the Roster Captains. However, Procurement does not have the financial or staffing resources to undertake the review. Procurement will incorporate a request for the necessary funding for the invoice checking in the 2015 operating budget submission and if Council approves the funding, Procurement will engage an external resource to conduct the invoice checking.
**Code of Conduct for Employees**

**POLICY STATEMENT**

The residents and businesses of the City of Hamilton are entitled to fair, ethical and accountable local government administration. Accordingly, the City of Hamilton has high expectations of its employees for integrity and ethical conduct in their service to the community.

The City recognizes that employees strive to perform their duties in a manner that maintains and enhances public confidence and trust in the integrity, objectivity and impartiality of the City, understanding that trust and mutual respect are the cornerstones of any relationship between the public and its municipal government.

City employees owe a duty of loyalty and commitment to the City as a condition of accepting employment with the City of Hamilton. In serving the public interest they are entrusted with access to a wide range of information, resources and responsibilities. The City expects its employees to operate with a sense of honesty and accountability in accordance with the values and goals established in the Mission, Vision and Values of the City.

**PURPOSE**

The City of Hamilton’s work is diverse, multi-faceted and complex. Consequently, City employees must be independent, impartial and responsible to the public in carrying out their duties. By signing the Code of Conduct for Employees, employees acknowledge and accept responsibility to act and behave in a manner that is consistent with the expectations prescribed in this Policy. Employees collectively benefit from an overall atmosphere of high ethical conduct that flows from this commitment.

While it is not possible to cover every possible conflict of interest situation that might arise, this Policy and the related Schedules outline the City’s expectations regarding real and apparent conflicts of interest between an employee’s personal interests and the best interests of the City of Hamilton. If employees have questions or are unclear whether they have a conflict of interest, they are encouraged to discuss the situation with their supervisors or managers.

**SCOPE**

This Code of Conduct and all related Schedules apply to all City employees, including but not limited to regular, temporary and contract employees, volunteers, students and interns (collectively called “Employees”).
**PRINCIPLES**

Employees of the City of Hamilton are guided by the following principles:

1. We are a government that the community has confidence and trust in. We are conscious of our City’s public duty and the part that each of us play in carrying out this duty.

2. We have high ethical standards and are accountable for our actions.

3. We are respectful of each other and towards members of the community we serve. We treat all with dignity and without discrimination.

4. We live our corporate values and demonstrate our shared principles through our work practices, our decisions, and our interactions.

5. We act with Integrity avoiding actual or perceived conflicts of interest.

6. We promote and foster a safe, secure and healthy work environment for all.

7. We abide by the law and adhere to all City of Hamilton policies and procedures.

8. We are conscious of our role as public servants and ambassadors of the City of Hamilton and do not engage in any conduct or business practice which might bring the reputation of the City into ill-repute or damage or diminish the reputation of the City in the eyes of members of the community.

The Code of Conduct for Employees is one element of the City of Hamilton’s broader ethical program that underlines, supports, and is reflective of the City of Hamilton’s corporate culture.

**TERMS & CONDITIONS**

All employees are responsible and accountable for using good judgment in the exercise of their duties and must carry out those duties in accordance with the principles within this policy and its related schedules.
Each Employee shares the obligation of ensuring compliance with the Code. They are required to address any situations of existing or potential non-compliance with the Code that they suspect or become aware of.

Employees are required to report all conflicts of interest that may come to their attention to the City Manager, their General Manager or equivalent (hereafter “General Manager”), director, manager, or supervisor.

Some City of Hamilton Employees belong to Professional Associations that are guided by their own Code of Conduct and Ethics that may have greater or lesser standards than are outlined within this policy. These external Codes do not replace the obligations that Employees have under the City’s Code of Conduct and Employees should act to the highest standard.

**RESPONSIBILITIES**

The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:

**City Manager**
- Provide overall administration of the Policy to ensure implementation and compliance
- Provide guidance in interpreting the Policy
- Oversee annual review of this Policy to ensure it continues to reflect changing needs and responsibilities of the City’s employees and administration

**Human Resources**
- Educate new employees and distribute copy of Policy during corporate orientation
- Assist managers with interpretation and application of the Policy
- Ensure reference to Policy in all employment agreements Request a signature of new employees, verifying that they have seen, read and understand their responsibility under the Policy. Signed letter shall be filed with employee’s personnel file in Human Resources.
- Investigate violations of this Policy, subject to the application of the Whistleblower By-law, with the assistance of Audit Services and/or Hamilton Police Services if required
- Provide support and consultation to Supervisors and Managers in determining and assessing risk related to the Code of Conduct
Corporate Human Resources Policy
Work Environment
Policy No: HR-01-09

---

### General Managers

- Review the Policy on an annual basis and update as necessary
- Administer the Policy and ensure compliance
- Provide guidance in interpreting the Policy
- Deal fairly and firmly with any confirmed violations of the Policy

### Directors, Managers, Supervisors, and Elected Officials

- Ensure that all employees have received a copy of the Policy and are provided with any updates
- Ensure that employees review and sign off on the Code of Conduct annually
- Incorporate Ethics and Code of Conduct discussions into staff meetings
- Highlight any areas that have particular relevance, given the nature of the employee’s work
- Identify, in consultation with Human Resources, any positions that may pose a risk based on the terms and conditions of the Code of Conduct and its related Schedules
- Consult with General Manager, Human Resources or City Manager if interpretation of the Policy is required
- Report any violations of the Policy to the General Manager

### Employees

- Subscribe with signature as part of employment offer prior to, or on first day of employment, or following orientation with supervisor, that he or she has read and agrees to abide by the Code of Conduct for Employees
- Annually review and sign off on this Policy
- Adhere to the standards outlined in this Policy
- Seek clarification if unsure about any information included in this Policy
- Consult with their immediate manager for guidance if they suspect a potential breach of this Policy

### COMPLIANCE

Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious
wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Policy may result in appropriate disciplinary measures, up to and including dismissal.

### ATTACHED SCHEDULES

A) Conflict of Interest  
B) Fees, Gifts and Hospitality  
C) Financial and Business Integrity  
D) Outside Employment and Activity

### RELATED

The following policies and acts are related to the Code of Conduct, and employees must be aware and abide by these policies as well.

- Computer and Technology Acceptable Use Policy
- Anti-Nepotism Policy
- Fraud Policy & Protocol
- Harassment & Discrimination Prevention Policy
- *Municipal Freedom of Information Act*
- *Personal Health Information Protection Act*
- Personal Harassment Prevention Policy
- Procurement Policy By-law
- Substance Abuse Prevention Policy
- Equity and Inclusion Policy
- Violence in the Workplace Prevention Policy
- Whistleblower By-law

### HISTORY

The following stakeholders were consulted in the creation or revisions made to this Policy:

- Legal Services
- Corporate Policy Review Group
- Human Resources Leadership Team
- Senior Management Team (SMT)

This Policy replaces the former Code of Conduct for Employees Policy approved by Council on 2009-11-11

This policy was approved by Council on 2014-MM-DD
Step-child, and
(d) step-mother, step-father, step-sister, step-brother and
law
(c) mother-in-law, father-in-law, sister-in-law and brother-in-
grandparent, aunt, uncle, niece and nephew
(b) child, mother, father, sister, brother, grandchild,
and same-sex partner
(a) spouse, including but not limited to common-law spouse

means:

Influence the exercise of those duties.
2. has a connection to the employee's duties that is sufficient to
1. is known to the employee;

Real Conflict
A real conflict of interest exists where a personal
interest exists and that interest:

Apparent Conflict
An apparent conflict of interest exists where a personal
interest exists that may compete with the public
interest

Definitions

Schedule A: Conflict of Interest

Approval: YEAF-MM-DD

Policy No: HR-01-09

Corporate Human Resources Policy

Purpose

Recognizing, understanding, addressing and preventing conflicts of
interest are important to ensuring that employees meet the City of
Hamilton's goal to provide fair, ethical and accountable local
government.

This Schedule provides employees with the tools to identify and
address potential and real conflicts of interest that may arise when

Affirmative Action

Schedule A: Conflict of Interest

Approval: YEAF-MM-DD

Policy No: HR-01-09

Corporate Human Resources Policy

Purpose

Recognizing, understanding, addressing and preventing conflicts of
interest are important to ensuring that employees meet the City of
Hamilton's goal to provide fair, ethical and accountable local
government.

This Schedule provides employees with the tools to identify and
address potential and real conflicts of interest that may arise when

Affirmative Action
(e) child, mother or father in a relationship where the role of parent has been assumed.

**Interests**

**Direct Interests:** Direct interests are those interests in which the employee has an apparent significant social relationship or financial relationship and with respect to which the employee may gain benefits or losses, advantages or disadvantages.

**Indirect Interests:** Indirect interests are those interests in which the employee, by virtue of a significant social relationship or a financial relationship, may reasonably be seen to gain benefits or losses, advantages or disadvantages, even though the employee may never have a direct interest.

**Personal Interest:** A personal interest includes a right, entitlement, or legal share in something and involves any situation where the employee is likely to secure some benefit or loss, or advantage or disadvantage. A personal interest includes but is not limited to financial interests and can be a direct interest or an indirect interest.

A personal interest does not include an interest:

(a) that is of general application to residents, businesses, or employees of the City; or

(b) where the interest is so remote or insignificant in its nature that a decision affecting the interest cannot reasonably be regarded as likely to influence the employee.

**Relationships**

**Financial Relationship:** A financial relationship is one in which:

a) the employee or his or her agent,
   i. is a shareholder in, or a director or senior officer of, a corporation that does not offer its securities to the public;
   ii. has a controlling interest in, or is a director or senior officer of, a corporation that offers its securities to the public; or,
   iii. is a member of a body that potentially has a financial interest in matters within the scope of the employee’s duties or responsibilities.

b) The employee is a partner of a person, a business associate of, or is, in addition to the employee’s position at the City, in the employment of another person or body.
### Significant Social Relationship:
A significant social relationship includes personal relationships, such as family and emotional relationships, and memberships in volunteer and professional organizations.

### TERMS & CONDITIONS

#### Personal Interests

No employee in the course of his or her duties shall seek to advance a personal interest, whether or not it is detrimental to the City.

Examples of advancing a personal interest include but are not limited to:

1. Influencing or attempting to influence the City to contract with a person, partnership or corporation for any purpose in which the employee has a personal interest, or for which the employee has received or reasonably anticipates receiving some profit, payment, or compensation.

2. Soliciting or accepting from any person or corporation any profit, commissions or other payments or favours in the way of price or other advantages, such as loans or services, when:

   - (a) the person or corporation has had, has, or may reasonably be expected to have, any business, commerce or trade dealings with the City; or
   - (b) the person or corporation is seeking any decision, act, advice, comment, endorsement or anything whatsoever from the City, its employees or City Council;

3. Soliciting or accepting any share of profits, commissions or other payments or favours in the way of price or other advantages, such as loans or services, in exchange for referral of third parties to any City employee for the purpose of securing or continuing business with the City.

#### Public Duty

Some positions in the organization are more subject than others to conflicts of interest. General Managers, Directors, Managers and employees who give professional advice or assistance, or participate in enforcement and/or inspection...
activities, shall take every reasonable action not to place themselves in conflict of interest situations, or exhibit behaviour or commit acts which could bring disrepute to the City or undermine the City’s reputation.

Since public criticism can also undermine the City’s reputation, employees are expected to refrain from public criticism of the City or of other City employees through all venues including social networking. This does not remove employees’ rights as citizens to comment generally on matters of public interest, but in exercising this right, City employees must not identify themselves as such or purport to be speaking on behalf of the City.

Employees Doing Business with the City

No employee shall knowingly approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the City for his or her own personal use, or for the use of an individual with whom the employee has a financial or social relationship. This is in accordance with the City’s Procurement Policy By-law.

Influencing the Employment Process

No employee shall personally make any decision or participate in the process to hire, transfer, promote, demote, discipline or terminate any family member, friends, or business associates.

No employee shall attempt to interfere with the employment process or influence any City employee to hire, transfer, promote, demote, discipline or terminate any family member, friends or business associates (see Anti Nepotism Policy).

Reporting a Conflict of Interest

If employees have a personal interest, whether direct or indirect, that might present a conflict of interest in connection with their duties as City Employees, they must report this conflict to their director, manager or supervisor in writing. The director, manager or supervisor shall notify the General Manager of the Department or designate, who, in consultation with Human Resources, shall determine whether the employee has breached or may potentially become in breach of this Policy.
If a real or apparent conflict exists, and it is duly reported, such that the employee is or may become in breach of the Policy, the General Manager or designate shall instruct the employee, in writing, to withdraw from participation in any dealings or decision-making processes relative to the issue at hand. If the employee has knowingly or willfully breached the Policy, the General Manager shall determine the appropriate disciplinary measure, in consultation with Human Resources.

A written record of the employee's declaration of the conflict of interest, the decision of the General Manager, and the written instructions to the employee with respect to the conflict of interest shall be maintained in the employee's personnel file.

**COMPLIANCE**

Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal.
## Schedule B: Fees, Gifts, and Hospitality

### PURPOSE
There may be occasions where City of Hamilton Employees are presented with gifts, hospitality, or are paid a fee by an outside agency for services related to their position. This schedule clarifies the expectations that the City has of employees when faced with these situations.

### DEFINITIONS

<table>
<thead>
<tr>
<th>Term</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fees</td>
<td>An amount of money that is paid for work conducted</td>
</tr>
<tr>
<td>Gifts</td>
<td>Any business related gift, gift certificate, gift card, discount, favour, or assistance given to an employee(s) from an outside organization or individual.</td>
</tr>
<tr>
<td>Hospitality</td>
<td>Any business related hospitality event (e.g. a dinner, golf game, theatre tickets, sporting tickets, etc) given to an employee(s) from an outside organization or individual.</td>
</tr>
</tbody>
</table>

### TERMS AND CONDITIONS

**Gifts and Hospitality**

An employee may not solicit or accept any gift, benefit, money, discount, favours, gift certificate, gift card or other assistance from any person or business which has or desires to have a contract with the City to supply goods or services, unless the gift, benefit, money, discount, favours, gift certificate, gift card or assistance is available to all members of the public or is available on a discounted basis to all City employees e.g. discounted cell phone package or automobile insurance.

No employees shall accept any gifts, hospitality, and invitations to special events which exceed $100 in value. An employee may accept a nominal gift or hospitality with a value of $25, or under (for example, lunch, dinner, coffee, a business portfolio, a plant) provided that:

- it is in the context of a business meeting or interaction, or in the context of a recognized charitable event; and
- it is an infrequent occurrence; and
- it legitimately serves a business purpose; and
- it is appropriate to the business responsibilities...
of the individual employee; and

- the gift or hospitality is not an attempt to seek special favours or advantages from the employee or the City.

Receipt of gifts, hospitality, and invitations to special events with a value ranging from $25 to $100 inclusive shall be documented and disclosed to the General Manager. General Managers shall likewise document and disclose to the City Manager receipt of gifts, hospitality and invitations to special events with a value ranging from $25 to $100 inclusive.

Exceptions Specific to Gifts and Hospitality

Some management and professional staff are required, as a part of their business responsibilities for the City, to participate in hospitality events that may be more frequent or that may involve a higher monetary value than the guideline above. Such participation is not a breach of this Policy, so long as the hospitality event serves a legitimate business purpose.

Gifts received by an employee on behalf of the City where the gift is intended by the giver to become the property of the City and/or the gift commemorates or records a significant event, place, or individual (such as, without being limited to, a commemorative plaque) are excluded from this Schedule.

In limited circumstances it may be acceptable for an employee to accept a gift or hospitality that is valued at over $100. These exclusions must be approved by the General Manager who will complete a form that authorizes the employee to keep the gift or attend the event.

Public Engagements

No employee shall charge or knowingly accept a fee for taking part in a public speaking engagement such as a public radio/television broadcast, web site broadcast or conference to which he or she was invited as a direct result of his or her position as an employee.

Any fee that is received for a speaking engagement during normal working hours, or at any time where the employee is representing the City, shall be turned over to the City, unless the value of the fee does not exceed expenses (incurred for such speaking engagement) which are not reimbursed by the City.
Accepting a nominal gift for a speaking engagement such as a pen or other souvenir, with a value of $25, or under, is not a violation of this Policy. Accepting free admission from the seminar or conference organizers for the balance of the seminar or conference is not a violation of this Policy.

Employees may charge or accept a fee for speaking engagements during time off work (e.g. vacation time) providing such employees are not representing or purporting to represent the City.

No employee shall charge or knowingly accept a fee for writing or publishing articles or books in any print or online publications, including journals and newsletters, if such article or book directly relates to the employee’s position as a City employee or uses insider information about the City.

Any fee that is received for articles or books written during normal working hours, or at any time where the employee is representing the City, shall be turned over to the City, unless the value of the fee does not exceed expenses (incurred for writing the publication) which are not reimbursed by the City.

Accepting a nominal gift for an article or book, such as a pen or other souvenir with a value of $25 or under, is not a violation of this Policy.

Employees may charge or accept a fee for writing and publishing articles and books during time off work (e.g. vacation time) providing such employees are not representing or purporting to represent the City and providing that the article or book does not contain insider information.

No employee shall charge or knowingly accept a witness fee for taking part in a court, tribunal, or other adjudicative process to which he or she was requested to attend as a direct result of his or her position as an employee.

Any witness fee that is received shall be turned over to the City, unless the value of the fee does not exceed expenses (incurred for such attendance as a witness) which are not reimbursed by the City.
### Exceptions Related to Fees

Requests for exceptions related to Fees for public engagements, publications and witness fees will be dealt with on a case-by-case and must be approved by a General Manager in consultation with Human Resources.

### Related Documents

Gifts and Hospitality Disclosure Form

### COMPLIANCE

Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal.
# Schedule C: Financial and Business Integrity

## PURPOSE
City of Hamilton employees are trusted to perform their job duties with integrity, transparency, and accountability. This is important in all positions, but especially so for those who are trusted with substantial access to or influence over confidential information and/or the City's resources. To ensure that the public trust is maintained, employees have a responsibility to act with diligence and integrity.

This Schedule outlines the expectations that the City of Hamilton has of its employees in regard to financial and business integrity, including the security of confidential information.

## DEFINITIONS

### Confidential Information
Includes but is not limited to information in the possession of the City that the City is either prohibited from disclosing, is required to refuse to disclose or exercises its discretion to refuse under the *Municipal Freedom of Information and Protection of Privacy Act, Personal Health Information Protection Act* or other legislation, and information concerning matters that are considered in an in-camera meeting under section 239 of the *Municipal Act, 2001*.

### Fraud
Fraud includes any array of acts characterized by intentional deception. Dishonest, illegal or fraudulent activities include, but are not limited to:
- Forgery or alteration of documents (cheques, promissory notes, time sheets, independent contractor agreements, purchase orders, etc.);
- Misrepresentation of information by an individual;
- Misrepresentation of information on documents;
- Misappropriation of funds, securities supplies or any other asset;
- Tampering with City systems, programs or global positioning (GPS) devices for the purpose of misrepresenting information;
- Unauthorized use, disappearance, or destruction of City property, equipment, materials or records;
- Improproprieties in the handling or reporting of money transactions;
- Authorization or receipt of payments for goods not received or services not performed;
- Authorization or receipt of payment for hours not worked;
### Intellectual Property

- Any inappropriate expense claim made, which is unrelated to City business or the employee's job responsibilities.
- Any apparent violation of Federal, Provincial or local laws.

Ownership over creations of the mind. These creations are intangible; they represent such things as original ideas and concepts.

### TERMS AND CONDITIONS

#### Financial Integrity

Employees of the City of Hamilton are trusted to act with honesty and integrity. Employees must not engage in fraudulent, illegal or dishonest activities.

Every employee who maintains the City's accounting records shall do so with the utmost integrity, reflecting accurately and punctually all transactions, assets and liabilities of the City. All business records, expense accounts, invoices, vouchers, bills, payroll and employee records and other reports are to be prepared with care and honesty. False or misleading entries, other false or misleading information, or omissions of entries in the records or reports of the City, or any unrecorded bank accounts, are strictly prohibited.

No employee shall undertake any fraudulent activities. This includes misrepresenting information on documents, authorizing payment for goods and services not received, unauthorized use, destruction, or disappearance of City assets and information, and forgery or alteration of documents. Further details can be found in the Fraud & Protocol Policy.

No employee shall establish or maintain secret or unrecorded cash funds or other assets of the City for any purpose or conceal any transaction from the City's internal or external auditors.

No employee shall use City funds or financial processes for any personal use at any time.

### Purchase or Lease of Real Property

No employee of the City shall directly or indirectly purchase or lease real property from or to the City, nor shall an employee have any direct or indirect interest in a company which purchases or leases real property from or to the City, unless this interest has been fully disclosed to the appropriate approving authority and unless the purchase or lease of the real property is done through a public process.
<table>
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<th>Use of City Property</th>
<th>No employee shall use the City’s property, funds, equipment, tools, supplies or services for any personal uses whatsoever. Limited use of City telephones and cell phones, without incurring long distance or other charges, and limited personal use of a City computer in accordance with the Computer Technology Acceptable Use Policy, is acceptable</th>
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| Confidential Information | Employees must ensure that information is securely held and used only for the purposes for which it was collected. Every employee shall safeguard confidential information and shall not release confidential information to anyone other than the persons who are authorized to receive such information. The following information must not be used or disclosed:  
1. except in accordance with the Municipal Freedom of Information and Protection of Privacy Act:  
   - personal information about an employee (name, address, payroll or benefits information)  
   - items under litigation  
   - labour relations matters  
   - information that constitutes the proprietary information of a third party, individual or group  
   - information that might reasonably be regarded as having been disclosed to the employee in confidence,  
   - information that is of a sensitive nature, or  
   - information that imparts to the person in possession of such information an advantage not available to the public generally.  
2. except in accordance with the Personal Health Information Protection Act, identifying information about an individual in oral or recorded form, if the information:  
   - relates to the physical or mental health of the individual, including information that consists of the health history of the individual’s family;  
   - relates to the providing of health care to the individual, including the identification of a person as a provider of health care to the individual;  
   - is a plan of service within the meaning the Long-Term Care Act, 1994 for the individual;  
   - relates to payment or eligibility for health care, or eligibility for coverage for health care, in respect of the individual; |
Corporate Human Resources Policy
Work Environment
Policy No: HR-01-09

Appendix "H" to AF&A Report 14-008
Code of Conduct for Employees
Content Updated: 2014-08-18
Approval: YEAR-MM-DD

- relates to the donation by the individual of an body part or bodily substance of the individual or is derived from the testing or examination of any such body part or bodily substance,
- an individual's health number, or
- identifies an individual's substitute decision-maker.

Employees shall consult with the City's Coordinator of Elections & Freedom of Information in the City's Clerk Division if clarification is required.

Insider Information
No employee shall access, use or transmit confidential or privileged information available only to City employees to obtain personal or financial gain, or for the personal or financial gain of any other individual, partnership or company, whether directly or indirectly, or for any other purpose except as required by law.

Intellectual Property
The intellectual property rights in any work produced by an employee through the course of their employment at the City are the exclusive property of the City, unless there is a written agreement stating otherwise between the City and the employee.

No employee shall sell, transfer, or in any way authorize the use of any intellectual property, including copyrighted property such as literary or artistic works, patented inventions or processes, technological innovations, computer programs, data bases, and trademarks, belonging to the City, without express authority from the City.

Software Piracy
The City forbids software piracy, defined as using any unlicensed copy of a software package that has not been purchased for City purposes. It includes taking a copy of a licensed software package for one's own use or passing a copy on to another person for their use (See the Computer & Technology Acceptable Use Policy).

Return of City Property
Upon termination of employment, an employee shall promptly deliver to the City any and all property, technology, data, manuals, notes, records, plans, or other documents, including any such documents stored on any video or software related medium, held by the employee concerning the City's services
and programs, know-how, developments, and equipment. This includes property made or prepared by the employee and relating in any way to the affairs of the City. With permission, employees may retain samples of their work if such work is in the public domain. However, this paragraph shall not apply to any original research or to any articles or papers for which the employee is an author or co-author, for which the employee shall retain all intellectual property rights.

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<th>RELATED DOCUMENTS</th>
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<tbody>
<tr>
<td>• Fraud Policy &amp; Protocol</td>
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<tr>
<td>• Municipal Freedom of Information and Protection of Privacy Act</td>
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<td>• Personal Health Information Protection Act</td>
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## Schedule D: Outside Employment and Activity

### Purpose

The City of Hamilton recognizes that some employees desire to gain employment outside of and in addition to their position at the City. Likewise, it is recognized that some employees are greatly involved within their communities through political action or board involvement. While the City supports employees in their personal endeavors, it is essential that employees ensure that outside employment and activity does not pose a conflict of interest or misrepresent the City of Hamilton in any way.

### Terms and Conditions

#### Outside Business & Financial Activity

No employee participating in any outside business or financial activity shall do so during work hours, or use the City's facilities or property including but not limited to vehicles, equipment, tools, photocopiers, stationery, telephones or cell phones, computers, etc., for the benefit or purpose of such business or activity.

#### Purchase or Lease of Real Property

No employee of the City shall directly or indirectly purchase or lease real property from or to the City, nor shall an employee have any direct or indirect interest in a company which purchases or leases real property from or to the City, unless this interest has been fully disclosed to the appropriate approving authority and unless the purchase or lease of the real property is done through a public process.

#### Employees Doing Business With the City

No employee shall knowingly approve or attempt to influence the approval of any license, permit, contract, agreement or other document on behalf of the City for his or her own personal use, or for the use of an individual with whom the employee has a financial or social relationship. This is in accordance with the City's Procurement Policy By-law.

#### Outside Employment

Employees shall not take outside employment, including self-employment, if such employment:

- causes a real or apparent conflict of interest; or
- is performed in such a way as to appear to be an official act of or to represent the City; or
• interferes with regular duties in any way, or involves the use of City premises, resources or equipment including but not limited to City e-mail, telephones, cell phones, or supplies.

Where it appears that a conflict of interest might arise in accepting outside employment, employees must notify their supervisor in writing of the nature of such outside employment prior and receive written permission prior to the acceptance of such employment (See Reporting a Conflict of Interest below).

No employee shall accept an appointment to the Board of a community agency or association that deals with matters related to the activities of the City, without the written permission of his or her General Manager or designate. Written permission of the General Manager or designate is not required if the employee is appointed to the Board of the agency or association by the City to represent the City’s interests.

Any City employee serving on a community board shall take all reasonable actions to avoid any real conflict or apparent conflict between Board activity and the City’s interests. Where a real or apparent conflict exists, the employee shall declare the conflict and shall not take part in, or be present for, any Board discussion or decision about the issue raising the conflict of interest. If the conflict of interest is significant, the employee shall resign from the board.

To ensure public trust in the City of Hamilton, employees must be, and appear to be, both personally impartial and free from undue political influence in the exercise of their duties.

Employees engaged in political activities must take care to separate personal political activities from their position of employment with the City.

Employees who are politically involved in Municipal, Provincial, or Federal levels of government must make it clearly understood that they are acting personally and not as representatives of the City.

Employees who are running for elected office at the municipal level must abide by the respective legislation governing such elections. This includes abiding by s. 30 of the Municipal
Elections Act, 1996 which requires that employees request and obtain an unpaid leave of absence beginning as of the day the employee is nominated and ending on voting day; and deems employees who are elected to office to have resigned from employment immediately before making their declaration of office.

Any employee who is politically involved shall ensure that such involvement does not interfere with his or her ability to perform his or her corporate duties objectively. Employees should not engage in any political activity during working hours, or utilize City assets resources or property. Employees shall not identify themselves as City employees when engaged in political activity (e.g. employees shall not wear clothing with the City of Hamilton logo while canvassing for a candidate). Notices, posters or similar material in support of a particular candidate or political party are not to be displayed or distributed by employees at City work sites or on City property. An employee's decision to support a candidate or political party financially remains a personal decision.

COMPLIANCE

Every employee is expected to be aware of and act in compliance with the Code of Conduct for Employees Policy and the related Schedules. Any employee under investigation may be suspended with or without pay or be re-assigned to other duties pending completion of the investigation, depending on the particulars of the case and the best interests of the City. Where there is a serious wrongdoing, as defined in the Whistleblower By-law, that By-law applies. Violations of this Schedule may result in appropriate disciplinary measures, up to and including dismissal.
ANTI-RACISM RESOURCE CENTRE
PROJECT STEERING COMMITTEE TERMS OF REFERENCE

PURPOSE
The purpose of the proposed Anti-Racism Resource Centre and telephone helpline is to fill existing service gaps by offering a central location that provides resources, support and information for individuals impacted by racism and/or race-related oppression.

TIMEFRAME
The pilot project will run for an 18-month period to allow sufficient time for planning, implementing, and evaluating the support services including referrals offered.

ROLES AND RESPONSIBILITIES

Steering Committee
• Provide ongoing monitoring of milestones
• Provide feedback to research team
• Receive updates regarding progress of services and programs
• Provide information on emerging issues and trends
• Assist with marketing and promotional activities
• Assist with seeking funding and resources through grants and commitments from member organizations
• Assist with the development of member protocols
• Report back to their respective agencies

City of Hamilton
Recruit and hire staff for the Resource Centre
Management of Resource Centre staff
Provide ongoing direction, monitoring and evaluation of the Centre’s finances
Provide office space and logistical supports

Membership and Recruitment
• Members will be comprised of ethno-cultural and ethno-racial community members as well as representatives from organizations and agencies with a commitment to anti-oppression and anti-racism (e.g. agencies such as Hamilton Police Services, HCCI, McMaster University, etc.)
• Organizations and individuals who participated in the Anti-Racism Resource Centre Project surveys will be invited to join the Steering Committee
• Individual citizens at large will be recruited as per the City Clerk’s process and will be appointed along with the agency representatives by Council
• The Steering Committee will consist of a maximum of nine external members
Meeting Frequency and Location
  • The Steering Committee will meet on a monthly basis or as required and at an agreed upon location

Reporting
  • The Committee Against Racism (CAR) will prepare and submit progress reports on a quarterly basis, including the final report to Audit Finance and Administration Committee
  • Reports will be based on the monthly progress reports submitted to CAR by the staff person

Reporting Relationship
  • The staff person will report to the Manager, Access & Equity Office regarding work-related and operational matters such as project-related activities and provide monthly progress updates
THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 14-006 AND RESPECTFULLY RECOMMENDS:

1. Lodges - Power of Attorney (CES14049) (Wards 6 and 13) (Outstanding Business List Item) (Item 5.1)

That Report CES14049 respecting Lodges - Power of Attorney be received.

2. Cardiac Safe City and CPR Training (CES14036) (City Wide) (Item 5.2)

That Report CES14036 respecting Cardiac Safe City and CPR Training be received.

3. 2014 Green Venture Base Funding (CES14055) (City Wide) (Item 5.3)

(a) That the City of Hamilton enter into a funding agreement with Hamilton-Wentworth Green Venture (“Green Venture”) which incorporates the following terms and conditions:

(i) That funding in the amount of $40,000 be provided to Green Venture, as already approved in the 2014 budget;

(ii) That the agreement include an option for the City to renew for four additional one-year periods to provide $40,000 annually to Green

Council – September 24, 2014
Venture for 2015-2018 inclusive, subject to annual budget approval and the annual receipt of Green Venture’s annual report and audited financial statements;

(b) That the General Manager of Community and Emergency Services be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documentation to implement the agreement as outlined in Recommendation (a) in a form satisfactory to the City Solicitor.

4. 2015 Hamilton Environmental Summit (CES14045) (City Wide) (Outstanding Business List Item) (Item 5.4)

That the City of Hamilton organize and host a third annual Environmental Summit, which will take place on or near Earth Day in April 2015 at a cost of $10,000 (gross) to be funded through the Neighbourhood and Community Initiatives Division's existing budget.

5. Hamilton’s Plan for an Age-Friendly City (CES14053) (City Wide) (Item 7.2)

(a) That Hamilton’s Plan for an Age-Friendly City, attached as Appendix A to Report CES14053, be endorsed;

(b) That the Neighbourhood and Community Initiatives Division of the Community & Emergency Services Department continue its partnership with the Hamilton Council on Aging to develop the implementation process and its associated actions;

(c) That funding in the amount of $50,000 be referred to the 2015 Capital Budget process to ensure implementation of the current draft plan and any subsequent revisions required;

(d) That the City of Hamilton apply to join the World Health Organization (WHO) Global Network of Age-Friendly Cities.

6. Seniors Advisory Committee – 4 Year Report (14-007) (Item 8.1)

That the Seniors Advisory Committee – 4 Year Report (14-007) be received.

7. Hamilton Municipal Senior of the Year Awards Ceremony (CS13023(b)) (City Wide) (Item 8.2)

Council – September 24, 2014
(a) That the Hamilton Municipal Senior of the Year Awards ceremony continue as a large scale gala event to recognize seniors across all sectors of the community;

(b) That the funding for an additional .5 FTE staff to manage the Hamilton Municipal Senior of the Year Awards ceremony, in the amount of $50,000, be referred to the 2015 budget process.

8. New 100% Funded Positions at Macassa and Wentworth Lodges (CES14058) (City Wide) (Item 8.3)

That an increase of staff complement of 2.4 Full-Time Equivalents (FTEs) (one Nurse Manager and 1.4 FTE Administrative support), to provide additional nursing and support services care at Macassa and Wentworth Lodges, funded 100% through the Ministry of Health and Long-Term Care, in the amount of $204,650, be approved.

9. Hamilton Paramedic Service – Service Delivery Update September 2014 (Period January 1 through August 31) (CES14050) (City Wide) (Outstanding Business List Item) (Item 8.4)

That Report CES14050 respecting Hamilton Paramedic Service – Service Delivery Update September 2014 (Period January 1 through August 31) be received.

10. Affordable Transit Pass Pilot Program Extension (CES14040) (City Wide) (Outstanding Business List Item) (Item 8.5)

(a) That the Affordable Transit Pass (ATP) pilot program be continued from January 1 to May 31, 2015 at a cost of $126,685 (net) to be funded from the Tax Stabilization Reserve;

(b) That the General Manager of Community and Emergency Services Department or her designate, be authorized to implement spending caps, benefit frequency limits or other controls necessary to ensure costs are contained within the approved budget amount as outlined in Recommendation (a).

Item 11 was amended as outlined below:

11. Hamilton Snow Angels Program (CES14041) (City Wide) (Item 8.6)

(a) That approval be given to Volunteer Hamilton to continue with the co-ordination and administration of the Snow Angels Program for the 2014-2015 snow season in the amount of $100,000 (gross/net), to be funded
from the existing Emergency and Community Service Departmental Operating Budget;

Subsection (b) was referred to staff for a report back to the Emergency and Community Services Committee in the new term of Council, following consultation with those community organizations who currently provide similar programs in the communities of Stoney Creek, Dundas and Flamborough:

(b) That the administrator of the Snow Angels Program contract with a third party to service residents that have not been matched to a volunteer for the 2014-2015 season in the amount of $120,000 (gross/net), to be funded from Departmental Surplus, Corporate Surplus or the Tax Stabilization Reserve.

12. Investment in Affordable Housing for Ontario (IAH) Program Extension (CES14059) (City Wide) (Item 8.7)

(a) That the Investment in Affordable Housing for Ontario funds be deposited into Account # 000100-23194 "Prov Funding IAH";

(b) That the General Manager of the Community and Emergency Services Department or her designate be authorized and directed to deliver and administer the Investment in Affordable Housing for Ontario program;

(c) That the Mayor and City Clerk be authorized and directed to execute the "Service Manager Administration Agreement - Investment in Affordable Housing for Ontario (2014 Extension)" with content acceptable to the General Manager of the Community and Emergency Services Department or her designate and in a form satisfactory to the City Solicitor;

(d) That the General Manager of Community and Emergency Services or her designate be authorized and directed to execute all agreements as may be required to deliver the Investment in Affordable Housing in Ontario Program, in a form satisfactory to the City Solicitor;

(e) That the General Manager of Community and Emergency Services Department or her designate be authorized to increase Housing Services Division’s budgeted complement by one full time permanent position, that being a Program Manager for the Investment in Affordable Housing Program, at an annual cost of $133,450, using the Investment in Affordable Housing Program administration funds.
13. Co-ordinated Access System for Social Housing (CES14052) (City Wide) (Item 8.8)

That Report CES14052 respecting Co-ordinated Access System for Social Housing be received.

14. Hamilton Fire Fighters Drum and Bugle Corp (Item 8.9)

Whereas the Hamilton Fire Fighters Drum and Bugle Corp have been valued ambassadors of the City of Hamilton and the Hamilton Fire Department for many years;

And Whereas, as a way to support their efforts, the Fire Department has been for a number of years, through its operating budget, funding the annual cost of the Hamilton Fire Fighters Drum and Bugle Corp’s musical instructors fees and instrument/uniform maintenance in the amount of approximately $7,000.00;

And Whereas, the Hamilton Fire Fighters Drum and Bugle Corp has approached the Hamilton Fire Department with their 2014 funding request documentation which included their 2013 musical instructors fees in the amount of $2,400.00 and the funding of their 2014 Fire /Liability insurance for their facility in the amount of $3,439.89;

And Whereas, the funding of the Fire /Liability insurance for the Hamilton Fire Fighters Drum and Bugle Corp facility is a new request;

Therefore, be it resolved, that approval be given to cover the 2014 funding request of the Hamilton Fire Fighters Drum and Bugle Corp in the total amount of $5,839.89 which includes the musical instructors fees and the Fire/Liability insurance of their facility to be charged to the Fire Department operating budget.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that Robert Fyfe, Chair of the Hamilton Veterans Committee is not able to attend today’s meeting to make the presentation listed as Item 7.1 on the agenda. Therefore, Item 7.1 will be presented to Committee at a later date.

The agenda was approved as amended.
(b) DECLARATIONS OF INTEREST (Item 2)

There were none declared.

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

(i) September 8, 2014

The Minutes of the September 8, 2014 meeting were approved as presented.

(d) DELEGATION REQUESTS

The following delegation requests were approved to be heard today:

(i) Denise Doyle – CEO, YWCA Hamilton, respecting Hamilton’s Plan for an Age-Friendly City (Item 4.1)

(ii) Anju Joshi – Department of Health, Aging and Society, McMaster University, respecting Hamilton’s Plan for an Age-Friendly City (Item 4.2)

(e) PUBLIC HEARINGS/DELEGATIONS

(i) Tom Cooper, on behalf of the Hamilton Roundtable for Poverty Reduction, to provide an update on the Work of the Roundtable and Information in Changes to the Roundtable’s Sponsor Organization (Approved September 8, 2014) (Item 6.1)

Committee waived the rules to allow for a fifteen minute time limit on the delegation.

Howard Elliott, Chair of the Hamilton Roundtable for Poverty Reduction addressed Committee and indicated that there will be some administrative changes to the Roundtable.

Tom Cooper made a PowerPoint presentation and copies of the hand-out were distributed.

The topics covered by the presentation included the following:

- Our commitment;
- Our role: Creating new space for discussion – 80 members from Multiple Sectors across the Community;
• Action Plan;
• Goals:
• The Work Groups
• Shifting Attitudes Work Group
• Living Wage Work Group
• Living Wage Canada
• Social Policy Work Group
• Ontario Poverty Reduction Strategy
• Social Assistance Rates 1993-2013 (Factored for Inflation)
• In real terms, Social assistance rates are lower today than they were in the late 1990’s under Mike Harris
• Please fix social assistance - everybody in Ontario deserves dignity, opportunity and a future

Celeste Licorish, who is the Speakers Bureau Coordinator addressed Committee respecting the “Speak now Hamilton” program.

Committee thanked the presenters for their work on the Roundtable. Tom Cooper responded to questions from Committee.

The presentation from Tom Cooper and members of the Hamilton Roundtable for Poverty Reduction was received.

(f) PRESENTATIONS (Item 7)

(i) Hamilton Veterans Committee Presentation of their Accomplishments To-date (Item 7.1)

Item deferred to the next meeting.

(ii) Hamilton’s Plan for an Age-Friendly City (CES14053) (City Wide) (Item 7.2)

Paul Johnson addressed Committee and thanked Council for its direction to work on this initiative. He advised that there was a typo on page 6 of the report. The actual number of older age citizens reads 81,575 and it should read 147,800. The Committee Clerk was requested to correct the report for the official record.

Mark Weingartner, Senior Policy Analyst for the City of Hamilton addressed Committee with the aid of a PowerPoint presentation and he was joined by Doctor Margaret Denton, Vice President of the Hamilton Council on Aging and Professor Emeritus at McMaster University. Copies of the hand-out were distributed and a copy has been retained for the Clerk’s record and a copy has been uploaded onto the City’s website.
Doctor Denton spoke to the following:

- Population of Hamilton is Aging;
  - Percentage of Population 55 Years and Older
- WHO Response to an Aging Population Age-Friendly Cities & Communities (AFC);
- Hamilton Council on Aging;
- Four Steps to an Age-Friendly City (WHO, 2007);
- Hamilton: A City of ALL Ages
- Age-Friendly Hamilton Collaborative 2010-2014 - To engage the community in Age-Friendly planning;
- Hamilton: A City of ALL Ages – Three Years On;
- Steering Committee (2014) - To guide the development of an Age-Friendly Plan
- "We believe the community is enhanced by the wisdom, experience and participation of older adults."

Mark Weingartner spoke to the following:

- The need for an Age-Friendly Plan;
- Definitions;
- Research, engagement and consultation;
- Vision;
- Hamilton’s Plan for an Age-Friendly City;
- Goal 1 - Housing;
- Goal 2 – Getting around Greater Hamilton;
- Goal 3 – Communication & Information;
- Goal 4 – Health & Community Services;
- Goal 5 – Social Participation: Recreation, Learning, Arts & Culture;
- Goal 6 – Civic Engagement, Volunteerism & Employment;
- Goal 7 – Age-Friendly Public Service;
- Summary of Recommendations.

The presenters and staff responded to questions from Committee. Ron Smithson, Chair of the Seniors Advisory Committee participated and also answered questions from Committee.

The presentation respecting Hamilton’s Plan for an Age-Friendly City was received.

1. Denise Doyle – CEO, YWCA Hamilton, respecting Hamilton’s Plan for an Age-Friendly City (Item 4.1)

Denise Doyle, CEO of the YWCA Hamilton spoke in support of the report.
Committee received the delegation.

2. **Anju Joshi – Department of Health, Aging and Society, McMaster University, respecting Hamilton’s Plan for an Age-Friendly City (Item 4.2)**

Anju Joshi from the Department of Health, Aging and Society, at McMaster University spoke in support of the report. She indicated that the older population should not be viewed as a problem but as an asset as they benefit society with their wisdom and experience.

Committee received the delegation.

Committee approved the staff recommendations including the following:

(b) That staff be directed to report back to the Emergency and Community Services Committee on suitable implementation measures (including cost and resource implications) that will be undertaken by the City of Hamilton to support the implementation of Hamilton’s Plan for an Age-Friendly City.

For the balance of the recommendations refer to Item 5.

(g) **DISCUSSION ITEMS**

(i) **Seniors Advisory Committee – 4 Year Report (14-007) (Item 8.1)**

Ron Smithson, Chair of the Seniors Advisory Committee addressed Committee and provided a brief overview of the Seniors Advisory Committee report. He noted the Advisory Committee’s commitment to the previous Item 7.2 respecting Hamilton’s Plan for an Age-Friendly City.

Committee recognized the phenomenal year of the Seniors Advisory Committee.

For disposition of this matter, refer to Item 6.

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

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

Committee approved the following changes to the Outstanding Business List, as amended:
(a) The following completed items were removed:

“D” - That staff report back with an update and recommendation(s) for the Affordable Transit Program

“H” - That Legal staff, the Director of Audit Services and the Administrator for Homes for the Aged be directed to devise a policy respecting Powers of Attorney for residents of City of Hamilton homes for the aged and report back to the Emergency & Community Services Committee.

“I” - Cardiac Safe City - Staff to report back on Heart and Stroke Foundation recommendations

“J” - Hamilton Environmental Summit 2014 – staff to consult with community stakeholders to develop terms of reference for an Environmental Roundtable

(ii) Final Meeting of the Term

As this was the final meeting of the term, Joe-Anne Priel distributed a list of the staff’s accomplishments which she acknowledged were made possible by Committee’s co-operation and she thanked the members for their support over the past four years.

(i) ADJOURNMENT (Item 13)

There being no further business, the Emergency & Community Services Committee meeting adjourned at 4:00 p.m.

Respectfully submitted,

Councillor J. Farr, Chair
Emergency & Community Services Committee

Ida Bediou
Legislative Co-ordinator
Office of the City Clerk
GENERAL ISSUES COMMITTEE
REPORT 14-020
1:30 p.m.
Tuesday, September 23, 2014
Council Chambers
Hamilton City Hall
71 Main Street West

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

Absent with Mayor R. Bratina – City Business
Regrets: J. Partridge - City Business

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-020 AND RESPECTFULLY RECOMMENDS:

1. Audit Report 2014-11 – DARTS Review (AUD14025) (City Wide) (Item 8.1)

   That Report AUD14025, respecting Audit Report 2014-11 – DARTS Review be received.

2. DARTS Deficit Funding (PW14064) (City Wide) (Item 8.2)

   (a) That the General Manager of Public Works be authorized to pay D.A.R.T.S. an additional $225,993 from account 12607-006100 for services provided for the year 2013, over and above those funds approved within the 2013 City budget;

   (b) That Staff be authorized and directed to provide interim direction to D.A.R.T.S. to schedule client pickups and on board trip times within contractual targets to the greatest reasonable extent with the understanding that there will be current and future year budget implications;

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(c) That Staff assess the cost and quality impacts and report back within the 2015 budget process;

(d) That an immediate moratorium be implemented on any fleet purchases by D.A.R.T.S. until operational issues at D.A.R.T.S. are addressed with the condition that the moratorium remain in place only if passenger services are not disrupted nor passenger trips cancelled;

(e) That Staff be directed to take immediate action to reduce the number of complaints received by D.A.R.T.S.;

(f) That Staff be directed to work collaboratively with D.A.R.T.S. and report to the Accessible Transit Services Review Committee with a proposed Terms of Reference for undertaking an independent, third-party survey of D.A.R.T.S. passengers to examine ways to improve service.

3. Advisory Committee for Persons with Disabilities Report 14-004, July 4, 2014 (Item 8.3)

That the Mayor correspond with the Premier of Ontario, the Minister of Transportation and the Minister of Community and Social Services expressing the need for a provincial transportation funding strategy.

4. Advisory Committee for Persons with Disabilities Report 14-005, July 8, 2014 (Item 8.4)

(a) Outdoor Handrails at Hamilton City Hall

(i) That staff be directed to examine, in a timely manner, a re-design and re-construction of handrails outside of Hamilton City Hall, adjacent to or part of any stairway, ramp or walkway, so they do not pose a safety hazard and report to the Accessibility Committee for Persons with Disabilities; and

(ii) That staff consult members of the Accessibility Committee for Persons with Disabilities in this examination.

(b) Revision of Disabled and Regional Transit System (DARTS) Policies respecting Length of Trip/On Board Time and Call Returns

(i) That the Disabled and Regional Transit System (DARTS) current Length of Trip/On Board Time policy be amended to reflect the following:
A passenger might potentially expect to be on a vehicle or up to sixty (60) minutes, depending on trip length, time of day and other factors, under normal conditions. In any instance where a passenger is on a vehicle for more than sixty (60) minutes, then these “hostage” trips must be reported to the Accessibility Committee for Persons with Disabilities (ACPD) Transportation Subcommittee through Accessible Transportation Services on a quarterly basis.

(ii) That the Disabled and Regional Transit System (DARTS) Call Returns Policy be amended to reflect the following:

Required by passengers for medical trips, where the duration of the appointment may not be readily known to the passenger at the time of trip reservation. DARTS will provide the passenger with a call return booking number at the time of trip booking. The passenger calls dispatch when the return trip is required, and the Contractor responds as soon as possible within a guaranteed one hour time frame. In any instance where a call return is more than sixty (60) minutes, these delinquent trips must be reported to the ACPD Transportation Subcommittee through ATS on a quarterly basis.

(c) Accessibility Issues with Hamilton Street Railway (HSR) Bus Stops at Hamilton Health Sciences (HHS) Properties

(i) That staff consult with Hamilton Health Sciences on how best to address issues of accessibility for persons with disabilities when travelling to Hamilton Health Sciences facilities via public transportation; and,

(ii) That staff report to the Advisory Committee for Persons with Disabilities on the outcome of discussions with HHS and any actions or recommendations to be taken.

5. Advisory Committee for Persons with Disabilities Report 14-006, September 9, 2014 (Item 8.5)

(a) Improving Accessibility in Municipal Elections

(i) That the Elections Manager for the City of Hamilton be directed to examine ways to increase the number of accessible polling stations, as part of the 2014-2018 Ward Boundaries Study, and report the findings to the Accessibility Committee for Persons with Disabilities.
(b) Student Employment for the 2018 Municipal Election

(i) That the Elections Manager for the City of Hamilton be directed to communicate with student associations and Political Science and/or Social Sciences Faculties at McMaster University, Mohawk College and Redeemer University College to examine ways to increase the employment of students in the 2018 Municipal Election.

(c) Disabled and Aged Regional Transportation Service (DARTS) on Municipal Election Day

(i) That staff be directed to examine how DARTS service can be made available from 9 a.m. to 6 p.m. (the entire time that polling stations are open) in the 2014 municipal election and in all future municipal elections.

(d) HSR Complaint Mechanism for Persons with Disabilities

(i) That staff be directed to develop a comprehensive complaint mechanism for persons with disabilities, apart from any other complaint system in place by the HSR; and,

(ii) That quarterly reports on service complaints be provided to Council and shared with the Advisory Committee for Persons with Disabilities; and

(iii) That staff be directed to work with the McMaster academic community to undertake comprehensive research on the overall practice of driver behaviour as it relates to supporting passengers with disabilities and assess the operator’s obligation to comply with the Accessibility for Ontarians with Disabilities Act (AODA) and Human Rights regulations in their service provision.

(e) Access to Voting

(i) That the Mayor correspond with the following individuals and tribunals to ask for an evaluation of the practices used by all levels of government to ensure that persons with disabilities receive equal access to accessible transportation when voting:

(i) Ontario Ombudsman
(ii) Human Rights Tribunal of Ontario
(iii) Federal Ombudsman
(iv) Canadian Human Rights Tribunal
FOR THE INFORMATION OF COUNCIL:

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

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the September 23, 2014 General Issues Committee meeting was approved as presented.

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

There were no declarations of interest.

(c)  **DELEGATION REQUESTS (Item 4)**

(i)  **Delegation Request from the Advisory Committee for Persons with Disabilities (Added Item 4.1)**

The delegation request from the Advisory Committee for Persons with Disabilities respecting the DARTS Review was approved for today’s meeting.

(ii)  **Delegation Request from Fay Booker, Booker and Associates, representing the DARTS Board (Added Item 4.2)**

The delegation request from Fay Booker, Booker and Associates, respecting the DARTS Review was approved for today’s meeting.

(d)  **DELEGATIONS (Item 6)**

(i)  **Delegation from the Advisory Committee for Persons with Disabilities (Added Item 6.1)**

Ms. Paula Kilburn, Member, Advisory Committee for Persons with Disabilities (ACPD), addressed the Committee respecting concerns with the Disabled and Regional Transportation System (DARTS). Ms. Kilburn indicated that the current DARTS system is outdated and does not meet the needs of persons with disabilities. Ms. Kilburn reported that DARTS passengers often become anxious because they do not know if they will be able to arrive at their destination on time. Ms. Kilburn indicated that persons with disabilities are not able to fully participate in the workforce, attend school, take part in volunteer activities nor attend to their healthcare needs because transit is unreliable.

The delegation from the Advisory Committee for Persons with Disabilities respecting DARTS was received.

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(ii) Delegation from Fay Booker, Booker and Associates, representing the DARTS Board (Added Item 6.2)

Ms. Madelaine Steller-Cain, Chair of the Board of Directors, Disabled and Regional Transportation System (DARTS), introduced Ms. Booker’s presentation and provided a brief overview of the Board’s concerns.

Ms. Fay Booker, Booker and Associates, representing the DARTS Board of Directors, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record. Ms. Booker’s presentation included, but was not limited to the following:

- **Outline of Services**
  - Nature of Operations and Basis of Service
  - History of Trips
  - Day to Day Impacts on Service
- **Current Context**
  - Costs and Staffing
  - Comparison to Other Municipalities
  - Performance Metrics
  - Cost Recovery Model
- **Recommendations to Better Serve the Community**
  - Registrants and In Take Process
  - Handling of Complaints
  - Budget Relationship
  - Recalibration of Metrics

The delegation from Fay Booker, Booker and Associates, representing the DARTS Board was received.

(e) PRESENTATIONS (Item 7)

(i) Ann Pekaruk, Director, Audit Services, respecting Report AUD14025 (City Wide) (Item 7.1)

Ann Pekaruk, Director, Audit Services, addressed the Committee respecting Audit Report 2014-11 – DARTS Review (AUD14025) with the aid of a PowerPoint presentation. A copy of the presentation has been retained for the public record.

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

- Background and Structure of DARTS
- Overview of the Responses to the 7 Questions (as per Council Direction provided on September 11, 2013)

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• Consultation with Stakeholder Groups
• Consideration of an On-Demand Service Delivery Model

The presentation by Ann Pekaruk, Director, Audit Services, respecting Report AUD14025 was received.

(f) DISCUSSION ITEMS (Item 8)

(i) DARTS 2013 Deficit Funding (PW14064) (City Wide) (Item 8.2)

The recommendations contained in Report PW14064 respecting DARTS 2013 Deficit Funding were amended by adding new sub-sections (d), (e) and (f) as follows:

(d) That an immediate moratorium be implemented on any fleet purchases by D.A.R.T.S. until operational issues at D.A.R.T.S. are addressed with the condition that the moratorium remain in place only if passenger services are not disrupted nor passenger trips cancelled;

(e) That Staff be directed to take immediate action to reduce the number of complaints received by D.A.R.T.S.;

(f) That Staff be directed to work collaboratively with D.A.R.T.S. and report to the Accessible Transit Services Review Committee with a proposed Terms of Reference for undertaking an independent, third-party survey of D.A.R.T.S. passengers to examine ways to improve service.

For disposition of this matter refer to Item 2.

(ii) Revision of Disabled and Regional Transit System (DARTS) Policies respecting Length of Trip/On Board Time and Call Returns (Item 8.4)

(a) That the Disabled and Regional Transit System (DARTS) current Length of Trip/On Board Time policy be deleted in its entirety:

The service delivered by DARTS involves shared rides, where the passenger might reasonably expect to be on a vehicle for up to sixty (60) minutes, depending on trip length, time of day and many other factors. Passenger trips shall be scheduled such that a passenger is not on a vehicle for more than the greater of seventy-five (75) minutes or two times the direct driving time, under normal conditions. In any instance where a passenger is on a vehicle for more than ninety (90) minutes, for any reason, the driver shall submit a report, noting the reason, and a summary report of incidents shall be provided to the City at the end of each month.

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(b) That the Disabled and Regional Transit System (DARTS) Call Returns policy be deleted in its entirety:

Required by passengers for medical trips, where the duration of the appointment may not be readily known to the passenger at the time of trip reservation. The passenger calls dispatch when the return trip is required, and the Contractor responds as soon as possible within a one hour time frame.

For disposition of this matter refer to Item 4 (b) (i) and (ii).

(iii) Advisory Committee for Persons with Disabilities Report 14-006, September 9, 2014 (Item 8.5)

(a) Delegation Request for the September 23, 2014 Special Meeting of the General Issues Committee respecting DARTS (Added Item 7.4)

The delegation request from the Accessibility Committee for Persons with Disabilities to appear at the September 23, 2014 Special Meeting of the General Issues Committee respecting DARTS was approved.

For disposition of this matter refer to Item 5.

(g) ADJOURNMENT (Item 13)

There being no further business the General Issues Committee adjourned at 6:09 p.m.

Respectfully submitted,

Deputy Mayor C. Collins, Chair
General Issues Committee

Lauri Leduc
Legislative Co-ordinator
Office of the City Clerk

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