



CITY COUNCIL MINUTES 17-006

5:00 p.m.

Wednesday, April 12, 2017

Council Chamber

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger,
Councillors A. Johnson, J. Farr, M. Green, S. Merulla, C. Collins,
T. Jackson, D. Skelly, T. Whitehead D. Conley, M. Pearson
B. Johnson, L. Ferguson. A. VanderBeek and J. Partridge

**Absent with
Regrets:** Councillor R. Pasuta – Sick Leave

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish With One Spoon” wampum agreement.

The Mayor called upon Mr. Jamie Wood with the Living Hope Church to provide the invocation.

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| APPROVAL OF THE AGENDA |
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The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.3 Correspondence respecting the Light Rail Transit project:

- (e) Robert Cooper
- (f) Ned Nolan
- (g) Sabine O'Donnell
- (h) Johanna Bleeker
- (i) Karl Andrus

Recommendation: Be received and referred to the Light Rail Transit Sub-Committee.

- 5.12 Correspondence from Correspondence from Denise Baker, WeirFoulds LLP respecting discussion of Item 8.1, Ward 12, Staff Report PED17037, Applications to Amend the Urban Hamilton Official Plan (UHOP) and Former Town of Ancaster Zoning By-law No. 87-57, 125 Wilson Street East and Part of 130 Dally Drive.

Recommendation: Be received and referred to the consideration of Item 3 of the Planning Committee Report 17-006.

2. ADDED NOTICES OF MOTION

- 8.1 Proposed Acquisition of Land - Lloyd Street, Hamilton (PED17062) (Ward 3)
- 8.2 Reconsideration of Appendix C, as amended, of Item 7(e) of the Planning Committee Report 16-020 respecting Update and Declaration of Surplus and Sale of Downtown City-owned Surface Parking Lots (PED16205) (Ward 2)
- 8.3 Management of Delegations Respecting the Light Rail Transit Project for the April 19, 2017 and April 28, 2017 General Issues Committee Meetings

3. ADDED BILLS

- 064 To Adopt and Maintain a Procurement Policy for the City of Hamilton
Ward: City Wide

4. ADDED PRIVATE AND CONFIDENTIAL

- 10.2 West Harbour OPA 233 / ZBA 14-042 OMB Update and Instructions (no copy)

Pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), 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; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(Farr/Pearson)

That the agenda for the April 12, 2017 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

APPROVAL OF MINUTES

4.1 **March 29, 2017**

(Jackson/VanderBeek)

That the Minutes of the March 29, 2017 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Skelly/Jackson)

That Council Communications 5.1 through 5.12 be approved, **as amended**, as follows:

- 5.1 Correspondence from Doug Legge, President, Terratec Environmental respecting Biosolids Management.

Recommendation: Be received and referred to the General Manager of Public Works.

- 5.2 Correspondence from the Municipality of East Ferris regarding a resolution respecting the proposed changes to the Building Code adopted by their Council on March 28, 2017.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development.

- 5.3 Correspondence respecting the Light Rail Transit project:

- (a) Patti Encinas
- (b) Hamilton/Burlington Society of Architects
- (c) John Perry
- (d) Paul Slater
- (e) Robert Cooper
- (f) Ned Nolan
- (g) Sabine O'Donnell
- (h) Johanna Bleeker
- (i) Karl Andrus

Recommendation: Be received and referred to the **Special General Issues Committee - Light Rail Transit**.

- 5.4 Correspondence from the Honourable Steven Del Duca, Minister of Transportation in response to the Mayor's letter respecting the proposed new Highway 5 and 6 interchange and the City of Hamilton's plans to replace the Canadian National (CN) and Canadian Pacific (CP) Rail Bridge in Waterdown.

Recommendation: Be received.

- 5.5 Correspondence from Summer MacGregor, Legislative Assistant, Peel Region regarding a resolution respecting the steps Peel Region will undertake while they wait for the Province's response to their request regarding water fluoridation.

Recommendation: Be received and referred to the Medical Officer of Health for review and ***an information*** report to the Board of Health.

- 5.6 Correspondence from the Honourable Steven Del Duca, Minister of Transportation in response to the Mayor's letter respecting the widening of Highway 403 from the Lincoln M. Alexander Parkway to Main Street in Hamilton and the request to examine traffic congestion at the Red Hill Valley Parkway and the Queen Elizabeth Way (QEW).

Recommendation: Be received ***and referred to staff as part of the review of the Transportation Master Plan.***

- 5.7 Correspondence from the Honourable Steven Del Duca, Minister of Transportation in response to the Mayor's letter respecting the widening of Highway 403 to three lanes in Hamilton.

Recommendation: Be received ***and referred to staff as part of the review of the Transportation Master Plan.***

- 5.8 Correspondence from Sylvia Jones, MPP, Dufferin-Caledon, respecting her private member's bill, *The Greater Access to Hepatitis C Treatment Act, 2016*.

Recommendation: Be received.

- 5.9 Correspondence from the Provincial Building & Construction Trades Council of Ontario expressing their support for Enbridge's Line 10 Westover Segment Replacement Project.

Recommendation: Be received.

- 5.10 Correspondence from Francois Choquette, Member of Parliament (Drummond) Official Languages Critic requesting support of Bill C-203.

Recommendation: Be received.

- 5.11 Correspondence from David Sweet, M.P., Flamborough- Glanbrook encouraging the City of Hamilton to write to the Minister of Health Jane Philpott to ask that she split Bill C-37 with the City's thoughts on the input City Council would like to have on the application for and approval of safe injection sites in the City of Hamilton.

Recommendation: Be received and referred to the Medical Officer of Health.

- 5.12 Correspondence from Denise Baker, WeirFoulds LLP respecting discussion of Item 8.1, Ward 12, Staff Report PED17037, Applications to Amend the Urban Hamilton Official Plan (UHOP) and Former Town of Ancaster Zoning By-law No. 87-57, 125 Wilson Street East and Part of 130 Dally Drive.

Recommendation: Be received and referred to the consideration of Item 3 of the Planning Committee Report 17-006.

CARRIED

Councillor Green requested to be recorded as being OPPOSED to Item 5.11.

(VanderBeek/Partridge)

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

CARRIED

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| SPECIAL GENERAL ISSUES COMMITTEE REPORT 17-007 |
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(Eisenberger/Partridge)

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

CARRIED

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| PUBLIC WORKS COMMITTEE REPORT 17-005 |
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4. **Removal of the Leash-Free/Free-Running Designation at Little John Park (Item 9.1)**

(VanderBeek/Merulla)

That Item 4 of Public Works Committee Report 17-005 respecting the Removal of the Leash-Free/Free-Running Designation at Little John Park be **amended** by adding the following subsection (b):

- (b) ***That staff prepare the necessary amending by-law to By-law 12-031 in a form satisfactory to the City Solicitor.***

The amended Item 4 to read as follows:

WHEREAS, Little John Park is designated as a neighbourhood park by the City of Hamilton and is located on Little John Road, in Dundas (Ward 13);

WHEREAS, a portion of the Little John Park was designated as a free running area in 1986 by the former Town of Dundas, by By-law No. 3676-87 and subsequently, in 2001, the City of Hamilton repealed that by-law, replacing it with By-law No. 01-169, retaining the leash-free parks established by the former Town of Dundas;

WHEREAS, in 2003, the City of Hamilton adopted a City-wide Leash Free Parks Program Policy (PW03067) to adopt facility standards, service levels, and operating regulations to guide their development and operation;

WHEREAS, the free running leash-free designation at Little John Park is limited to the hours of 6:00 am to 9:00 am and 7:00 pm to 11:00 pm and is unfenced along both Lynden Avenue and Little John Road;

WHEREAS, the park borders the Rail Trail, includes a children's playground, public tennis courts and, during winter, a City approved, volunteer-run, outdoor skating rink (and the rink is located within the unfenced free-running leash-free area), in contravention to the City's current leash-free policies;

WHEREAS, the Ward Councillor's office has received inquiries, requests and concerns from neighbouring residents regarding the appropriateness of the designation in Little John Park and citing various issues around the safety of animals and people, disregard for the time limitations, inattentive dog owners, among others;

WHEREAS, a public meeting with residents of the neighbourhood was held by the Ward Councillor in conjunction with City staff, followed by distribution of an opinion survey by the Councillor's office;

WHEREAS, the overriding response at the meeting, through the opinion survey, and from comments to the Councillor's office indicate the majority of respondents favour re-designation of Little John Park to a leashed park;

WHEREAS, City Parks staff supports the removal the free-running designation at Little John Park, in response to the neighbourhood residents' concerns and requests,

THEREFORE BE IT RESOLVED:

- (a) That the free-running, leash-free, designation at Little John Park in Dundas (Ward 13) be removed and staff be directed to post appropriate signage to alert the park users.
- (b) ***That staff prepare the necessary amending by-law to By-law 12-031 in a form satisfactory to the City Solicitor.***

**AMENDMENT CARRIED
MAIN MOTION, AS AMENDED, CARRIED**

(VanderBeek/Partridge)

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

CARRIED

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| PLANNING COMMITTEE REPORT 17-006 |
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3. Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) (TABLED March 21, 2017) (Item 8.1)

(A. Johnson/Farr)

That Item 3 of Planning Committee Report 17-006 respecting Applications for an Official Plan and Zoning By-law Amendment for Lands Located at 125 Wilson Street East and Part of 130 Dalley Drive (Ancaster) (Ward 12) (PED17037) be amended by adding the following subsection (e)

- (e) That, in the event that an appeal is made with respect to this denial, the City Solicitor be authorized to retain professional consultants as may be necessary to provide evidence in support of Council's position at the Ontario Municipal Board, and that the costs be funded through the Tax Stabilization Reserve 110046.

The amended Item 3 to read as follows:

- (a) That Amended Urban Hamilton Official Plan Amendment Application UHOPA-16-016, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner), for OPA No. XX, to redesignate a portion of the subject lands municipally known as 130 Dalley Drive from "General Open Space" to "Medium Density Residential 2" in the Ancaster Wilson Street Secondary Plan; and to redesignate the lands municipally known as 125 Wilson Street East from "Low Density Residential 3" to "Medium Density Residential 2", and to add a site specific policy in the Ancaster Wilson Street Secondary Plan to permit a three storey multiple dwelling with a maximum of 19 units to be developed at a maximum density of 91 units per hectare, on the lands as shown on Appendix "A" to Report PED17037, be DENIED for the following reasons:
- (i) The proposed density and lot coverage will result in a development with unacceptable scale, massing, and intensity for the site;
 - (ii) The proposed reduction in the front yard setback, in combination with the reduced road widening requirement, does not allow for the opportunity for short term stopping such as for delivery trucks or D.A.R.T.S.;
 - (iii) The proposed reduction in side yard setback is significant;
 - (iv) The proposed development is out of character for the area;

- (b) That Zoning By-law Amendment Application ZAC-16-040, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner), for a change in zoning from the General Commercial “C3-655” Zone, Modified and a portion of the Public Open Space “O2” Zone to the Multiple Residential “RM6-685” Zone, Modified, in order to permit a three storey multiple dwelling with a maximum of 19 units with 38 parking spaces, for lands located at 125 Wilson Street East and 130 Dalley Drive, as shown on Appendix “A” to Report PED17037 be DENIED based on the following reasons:
- (i) The proposed density and lot coverage will result in a development with unacceptable scale, massing, and intensity for the site;
 - (ii) The proposed reduction in the front yard setback, in combination with the reduced road widening requirement, does not allow for the opportunity for short term stopping such as for delivery trucks or D.A.R.T.S.;
 - (iii) The proposed reduction in side yard setback is significant;
 - (iv) The proposed development is out of character for the area;
- (c) That Amended Zoning By-law Amendment Application ZAC-16-040, by Wellings Planning Consultants Inc. (Agent) on behalf of Sonoma Homes Inc. (Owner), for a change in zoning from the Public Open Space “O2” Zone in the Town of Ancaster Zoning By-law 87-57 to the Conservation / Hazard (P5, 610) Zone, in the City of Hamilton Zoning By-law 05-200; for a portion of the lands known as 130 Dalley Drive, as shown on Appendix “A” to Report PED17037 be DENIED, based on the following reasons:
- (i) The proposed density and lot coverage will result in a development with unacceptable scale, massing, and intensity for the site;
 - (ii) The proposed reduction in the front yard setback, in combination with the reduced road widening requirement, does not allow for the opportunity for short term stopping such as for delivery trucks or D.A.R.T.S.;
 - (iii) The proposed reduction in side yard setback is significant;
 - (iv) The proposed development is out of character for the area;
- (d) That the submissions received regarding this matter supported the denial of these applications.
- (e) ***That, in the event that an appeal is made with respect to this denial, the City Solicitor be authorized to retain professional consultants as may be necessary to provide evidence in support of Council’s position at the Ontario Municipal Board, and that the costs be funded through the Tax Stabilization Reserve 110046.***

**AMENDMENT CARRIED
MAIN MOTION, AS AMENDED, CARRIED**

(Pearson/Conley)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 17-008

8. Poverty Reduction Investment Plan (Item 9.1)

(Collins/Whitehead)

That Item 8(e), as shown below, be TABLED to the April 26th, 2017 Council meeting to provide the Clerk with an opportunity to review the motion and seek clarification on the direction.

- (e) That staff be directed to include in the report back to the General Issues Committee, referenced in sub-section (b) above, the \$10 million to be invested over 10 years (\$1 million/year) toward Indigenous-led poverty reduction and affordable housing, to be allocated to and directed by Hamilton Executive Directors Aboriginal Coalition, to address disproportionate rates of poverty, housing insecurity, and homelessness.

CARRIED

Councillors A. Johnson and Green requested to be recorded as being OPPOSED to tabling Item 8(e).

(Eisenberger/VanderBeek)

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

CARRIED

GENERAL ISSUES COMMITTEE (BUDGET) REPORT 17-002

43. Tax Supported Operating Budget – Recommendations (FCS17001) (City Wide) (Item 8.2)

(Eisenberger/Partridge)

That Item 43(e)(iii) of General Issues Committee (Budget) Report 17-002 respecting Tax Supported Operating Budget – Recommendations (FCS17001) (City Wide) be **amended** to delete **Ontario Works** Stabilization Reserve and replace with **Tax** Stabilization Reserve, as follows:

(e) Community and Emergency Services Department

- (iii) That should an unfavourable variance arise in 2017 or 2018 related to the budgeted adjustment of the provincial upload of OW client case costs, the variance be funded from the **Tax** Stabilization Reserve.

**AMENDMENT CARRIED
MAIN MOTION, AS AMENDED, CARRIED**

(Eisenberger/Partridge)

That the SECOND (Budget) Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

2. Hamilton Police Services Board Report 16-113 – Hamilton Police Service Projected Capital Expenditures (Item 6.1)

Councillor Green requested to be recorded as being OPPOSED to Item 2.

5. Living Wage (CM16020) (City Wide) (Item 5.2)

Councillors Green and Whitehead requested to be recorded as being OPPOSED to Item 5.

6. Living Wage (CM16020(a)) (City Wide) (Item 5.3)

Councillors Green and Whitehead requested to be recorded as being OPPOSED to Item 6.

31. Ten Year Local Transit Strategy 2017 Budget Update (PW17029) (City Wide) (Item 8.9)

Councillor Green requested to be recorded as being OPPOSED to Item 31.

36. Council Referred and Staff Enhancements – Recommendations (Item 7.2)

(a) PED: Tourism & Culture: Tourism Strategy

That Item 2, respecting PED: Tourism & Culture: Tourism Strategy as shown below, be amended by deleting the dollar amount of “\$200,000” and replacing it with the dollar amount of “**\$100,000**”, to read as follows:

| Item | Initiative | 2017 Gross Impact | 2017 Net Impact | Annualized FTE |
|------|--|-------------------|------------------|----------------|
| 2 | PED: Tourism & Culture: Tourism Strategy | \$100,000 | \$100,000 | 0.00 |

Councillors Green and B. Johnson requested to be recorded as being OPPOSED to Item 36(a).

36. Council Referred and Staff Enhancements – Recommendations (Item 7.2)

(b) PED: Annual Arts Week Implementation

That Item 3, as shown below, respecting PED: Annual Arts Week Implementation, be approved:

| Item | Initiative | 2017 Gross Impact | 2017 Net Impact | Annualized FTE |
|------|--------------------------------------|-------------------|-----------------|----------------|
| 3 | PED: Annual Arts Week Implementation | \$25,000 | \$25,000 | 0.00 |

Councillor B. Johnson requested to be recorded as being OPPOSED to Item 36(b).

36. Council Referred and Staff Enhancements – Recommendations (Item 7.2)

(g) CMO: Living Wage

That Item 11, as shown below, respecting CMO: Living Wage, be received:

| Item | Initiative | 2017 Gross Impact | 2017 Net Impact | Annualized FTE |
|------|------------------|-------------------|-----------------|----------------|
| 11 | CMO: Living Wage | \$1,032,000 | \$1,032,000 | 0.00 |

Councillors A. Johnson, Green and Whitehead requested to be recorded as being OPPOSED to Item 36(g).

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 17-005

(Collins/Merulla)

That the FIFTH Report of the Audit, Finance and Administration Committee be adopted, as presented, and the information section received.

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 17-003

8. Interview Sub-committee of the Emergency & Community Services Committee – Report 17-001 (Item 12.1)

(A. Johnson/Farr)

That the recommendation of Item 8 of the Emergency & Community Services Report 17-003 respecting the Interview Sub-committee of the Emergency & Community Services Committee – Report 17-001 be deleted in its entirety and the following be inserted therein:

~~That the recommendations of Report 17-001 of the Interview Sub-committee of the Emergency & Community Services Committee respecting committee appointments to the Housing & Homelessness Advisory Committee and the Seniors' Advisory Committee be approved and remain confidential until Council's approval.~~

(i) Housing & Homelessness Advisory Committee (Item 4.1(a))

That Michael Cameron, Stephanie Greenaway, Chelsea MacDonald and Obaid Shah be appointed to the Housing & Homelessness Advisory Committee for a term commencing April 13, 2017 and to expire with the current term of Council or until such time as successors are appointed.

(ii) Seniors' Advisory Committee (Item 4.1(b))

That Barry Spinner and Ramanath Kamath be appointed to the Seniors' Advisory Committee for a term commencing April 13, 2017 and to expire with the current term of Council or until such time as successors are appointed.

**AMENDMENT CARRIED
MAIN MOTION, AS AMENDED, CARRIED**

(A. Johnson/Farr)

That the THIRD Report of the Emergency and Community Services Committee be adopted, as amended, and the information section received.

CARRIED

(VanderBeek/Partridge)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Freedom of the City – Canadian Forces National Search and Rescue Exercise (SAREX) and the 75th Anniversary Celebration of the 424th City of Hamilton Transport and Rescue Squadron

(Eisenberger/Partridge)

WHEREAS, the 424 Squadron has a long history with Hamilton that dates back to the 1930's and 2017 is the 75th Anniversary the Squadron's designation, as the 424th Royal Canadian Air Force Squadron;

WHEREAS, the Canadian Forces National Search and Rescue Exercise (SAREX) is also taking place in 2017, and this exercise brings together the Search and Rescue (SAR) Units from across Canada;

WHEREAS, each Search and Rescue (SAR) platform should be represented including the CC130H Hercules, CH149 Cormorant, CH146 Griffon, and CC115 Buffalo, the 5 day exercise scheduled to take place from September 23 – 27, 2017, and is a showcase of SAR procedures;

WHEREAS, this friendly competition between Units to hone skills is also heavily featured with events ranging from Overland Search, Mountain Extraction, Water Rescue, to Parachute Rescue and Medical Rescue, and many Hamilton Units outside of the military will also be represented including the Coast Guard and Police Marine units;

WHEREAS, Approximately 200 Canadian Forces members will also descend on Hamilton and live on the economy during their stay and be supported by the Hamilton Airport Authority and the Canadian Warplane Heritage Museum;

WHEREAS, the City of Hamilton 424th Transport and Rescue Squadron of the Royal Canadian Air Force wishes to conduct a series of events to “give back” to Hamilton;

THEREFORE BE IT RESOLVED THAT:

That Freedom of the City be granted for the Canadian Forces National Search and Rescue Exercise (SAREX) and the 75th Anniversary Celebrations of the 424th City of Hamilton Transport and Rescue Squadron of the Royal Canadian Air Forces from September 23 to 27, 2017, to take place at the John C. Munro International Airport and throughout the City.

CARRIED

7.2 Traffic Signal Installation at the Intersection of Chatham St. and Dundurn St. South

(A. Johnson/Farr)

WHEREAS, the safety of pedestrians crossing at the intersection of Chatham Street and Dundurn Street South is a growing concern which needs immediate attention; and,

WHEREAS, the installation of a traffic signal at this intersection would improve safety; and,

WHEREAS, the cost of installing this traffic signal is estimated to be \$250,000; and,

WHEREAS, \$125,000 has already been approved in the Capital Budget for the traffic signal installation; and,

THEREFORE BE IT RESOLVED:

That \$125,000 be allocated from the 2017 Ward 1 Area Rating Budget for a full traffic signal to be installed at the corner of Chatham Street and Dundurn Street South.

CARRIED

7.3 City-Wide Tax Policies for Heritage Properties and the Cultural Section

(Farr/Merulla)

WHEREAS, on January 31, 2017, the City of Toronto passed a motion (attached hereto) requesting that the Government of Ontario work with municipalities to examine property assessments and explore tools to support the conservation of heritage properties, as well as the vibrancy of non-profit arts and culture organizations and incubators, including Municipal Property Assessment Corporation property assessment tools and processes and changes to the Ontario Culture Strategy;

WHEREAS, the City of Hamilton recognizes culture as an essential tool in city-building and that the conservation of significant cultural heritage resources is paramount to maintaining and enhancing Hamilton's vibrancy;

WHEREAS, a key action of the City of Hamilton Cultural Plan is to develop the capacity and sustainability of existing and emerging not-for-profit cultural organizations;

WHEREAS, the Ontario Culture Strategy encourages collaboration between federal, provincial and territorial partners on strategies to improve the socioeconomic status of artists and to improve support for culture-related infrastructure;

WHEREAS, the City of Hamilton provides tax rebates for eligible charities and similar organizations; and,

WHEREAS the City of Hamilton offers a range of financial incentives to support the conservation, adaptive reuse, and redevelopment of heritage properties including development charge exemption, grants, loans and tax increment grants,

THEREFORE BE RESOLVED:

- (a) That the City of Toronto's initiative respecting the viability of heritage and arts and culture spaces, attached hereto, ***be referred to staff for consideration and a report to the Audit, Finance and Administration Committee***; and,
- (b) That staff be directed to monitor any further action by the City of Toronto, or the Government of Ontario, with respect to the viability of heritage and arts and culture spaces and report back to the Audit, Finance and Administration Committee for further direction.

**AMENDMENT CARRIED
MAIN MOTION, AS AMENDED, CARRIED**

7.4 Proposed Acquisition of Land - Lloyd Street, Hamilton (PED17062) (Ward 3)

(Eisenberger/Partridge)

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to purchase 49 Lloyd Street, Hamilton, land described as Part of Lot 36, Registered Plan 1488, as in Registered Instrument CD461330, in the City of Hamilton, subject to and together with an encroachment as in Registered Instrument CD461330, comprising an area of 2,178 square feet and further identified as all of the PIN 17217-0064 (LT), and shown on Appendix "A" attached to Report PED17062, from Michael DeFazio, on such terms and conditions deemed appropriate by the General Manager of Planning and Economic Development, be approved;
- (b) That subject to a successful acquisition under Recommendation (a) of Report PED17062:
 - (i) Staff be authorized and directed to use the property as a construction site office during development of the Stadium Precinct Park;
 - (ii) Staff be authorized and directed to demolish the existing structure upon completion of the park;
- (c) That an annual operating allowance of \$10,000 for 49 Lloyd Street be funded from Account Number 4401456401 (Parkland - Stadium Precinct) for 2017 Operating Budget for Facilities Management and Capital Programs, pending acquisition of this property;
- (d) That an annual operating allowance of \$10,000 for 49 Lloyd Street be allocated as a 2018 future Operating Budget Impact for Facilities Management and Capital Programs for ongoing operating and maintenance costs of the property;
- (e) That funding for this property acquisition, including all Real Estate and Legal Services administrative fees, building condition abatement, demolition, site remediation, contingency and other related costs, as detailed in Appendix "B" attached to Report PED17062 be approved;
- (f) That the City Solicitor be authorized and directed to complete this transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (g) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;

- (h) That Appendix "B" of Report PED17062 remain confidential and not be released as a public document.

CARRIED

7.5 Reconsideration of Appendix C, as amended, of Item 7(e) of the Planning Committee Report 16-020 respecting Update and Declaration of Surplus and Sale of Downtown City-owned Surface Parking Lots (PED16205) (Ward 2)

(Green/Farr)

That Carpark Lot No. 60 which is listed as a lot declared as surplus on Appendix C, as amended, to Item 7(e) of Planning Committee Report 16-020 respecting Update and Declaration of Surplus and Sale of Downtown City-owned Surface Parking Lots (PED16205) (Ward 2) which was approved by Council on November 23, 2016, be reconsidered:

Appendix C, as amended, to Item 7(e) of Planning Committee Report 16-020

Lots Declared Surplus - Downtown Car Park Lots – Hold – Pending LRT & Other Considerations

| Carpark Lot No. | Reference Location | Address/PIN No. |
|-----------------|---------------------------------|--|
| 60 formerly | Century/ Wilson/ Wentworth N | 80 Century Street PIN No. 171810184 |

CARRIED on a 2/3rds Majority

7.6 Amendment to Appendix C, as amended, to Item 7(e) of Planning Committee Report 16-020 respecting Update and Declaration of Surplus and Sale of Downtown City-owned Surface Parking Lots (PED16205) (Ward 2)

That Carpark Lot No. 60 which is listed as a lot declared as surplus on Appendix C, as amended, to Item 7(e) of Planning Committee Report 16-020 respecting Update and Declaration of Surplus and Sale of Downtown City-owned Surface Parking Lots (PED16205) (Ward 2) be removed from the list as capital funding has been approved in the 2017 budget to convert property into a parkette:

Appendix C, as amended, to Item 7(e) of Planning Committee Report 16-020

Lots Declared Surplus - Downtown Car Park Lots – Hold – Pending LRT & Other Considerations

| Carpark Lot No. | Reference Location | Address/PIN No. |
|-----------------|--|---|
| 60 formerly | Century/Wilson/Wentworth N | 80 Century Street PIN No. 171810184 |

7.7 Management of Delegations Respecting the Light Rail Transit Project for the April 19, 2017 and April 28, 2017 General Issues Committee Meetings

(Skelly/Jackson)

WHEREAS this motion is being put forward to assist with the management of delegations respecting the Light Rail Transit Project for the April 19, 2017 and April 28, 2017 General Issues Committee meetings, in order to ensure there is sufficient time for the Committee to deliberate;

WHEREAS Section 5.11 (b) of the City of Hamilton By-Law No. 14-300, a By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-Law) prescribes that:

“Persons who wish to appear as a delegation to address a Standing Committee on a matter that 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;”

WHEREAS the five (5) minute procedural rule could potentially result in multiple hours of delegations (i.e. 60 delegations @ 5 minutes each = 5 hours), not taking into considerations the Committee’s questions of the delegates;

THEREFORE BE IT RESOLVED:

- (a) That the Clerk be authorized to inform the first to the sixtieth delegate whose requests respecting the Light Rail Transit Project are received for the April 19, 2017 General Issues Committee meeting, prior to the deadline of Noon the day before the meeting, that they will be included on the April 19, 2017 General Issues Committee agenda;
- (b) That the Clerk be authorized to inform the sixty-first and so on, delegate whose requests respecting the Light Rail Transit Project are received for the April 19, 2017 General Issues Committee meeting, prior to the deadline of Noon the day before the meeting, that they will be included on the April 28, 2017 General Issues Committee meeting agenda;
- (c) That the Clerk be authorized to inform late (received after the deadline of Noon of April 18, 2017) delegation requests respecting the April 19, 2017 General Issues Committee meeting respecting the Light Rail Transit Project, that their request is denied; and

- (d) That a Special General Issues Committee, Light Rail Transit (LRT) be scheduled on the earliest possible date in May 2017 to specifically discuss the Environmental Assessment.

(Skelly/Jackson)

That the motion respecting the Management of Delegations Respecting the Light Rail Transit Project for the April 19, 2017 and April 28, 2017 General Issues Committee Meetings, be WITHDRAWN.

CARRIED

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| NOTICES OF MOTION |
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Mayor Eisenberger relinquished the Chair to Deputy Mayor Skelly in order to introduce the following Notice of Motion:

8.1 Proposed Acquisition of Land - Lloyd Street, Hamilton (PED17062) (Ward 3)

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to purchase 49 Lloyd Street, Hamilton, land described as Part of Lot 36, Registered Plan 1488, as in Registered Instrument CD461330, in the City of Hamilton, subject to and together with an encroachment as in Registered Instrument CD461330, comprising an area of 2,178 square feet and further identified as all of the PIN 17217-0064 (LT), and shown on Appendix "A" attached to Report PED17062, from Michael DeFazio, on such terms and conditions deemed appropriate by the General Manager of Planning and Economic Development, be approved;
- (b) That subject to a successful acquisition under Recommendation (a) of Report PED17062:
 - (i) Staff be authorized and directed to use the property as a construction site office during development of the Stadium Precinct Park;
 - (ii) Staff be authorized and directed to demolish the existing structure upon completion of the park;
- (c) That an annual operating allowance of \$10,000 for 49 Lloyd Street be funded from Account Number 4401456401 (Parkland - Stadium Precinct) for 2017 Operating Budget for Facilities Management and Capital Programs, pending acquisition of this property;
- (d) That an annual operating allowance of \$10,000 for 49 Lloyd Street be allocated as a 2018 future Operating Budget Impact for Facilities Management and Capital Programs for ongoing operating and maintenance costs of the property;

- (e) That funding for this property acquisition, including all Real Estate and Legal Services administrative fees, building condition abatement, demolition, site remediation, contingency and other related costs, as detailed in Appendix "B" attached to Report PED17062 be approved;
- (f) That the City Solicitor be authorized and directed to complete this transaction on behalf of the City, including paying any necessary expenses, amending the closing, due diligence and other dates, and amending and waiving terms and conditions on such terms as she considers reasonable;
- (g) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;
- (h) That Appendix "B" of Report PED17062 remain confidential and not be released as a public document.

(Eisenberger/Partridge)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Proposed Acquisition of Land - Lloyd Street, Hamilton (PED17062) (Ward 3).

CARRIED

(Eisenberger/Partridge)

That the consideration of the motion respecting the Proposed Acquisition of Land - Lloyd Street, Hamilton (PED17062) (Ward 3), be deferred until after Council rises from Closed Session.

CARRIED

For disposition of this matter, refer to Items 7.4 and Item 10(i).

Mayor Eisenberger assumed the Chair.

Councillor Green introduced the following Notice of Motion:

8.2 Reconsideration of Appendix C, as amended, of Item 7(e) of the Planning Committee Report 16-020 respecting Update and Declaration of Surplus and Sale of Downtown City-owned Surface Parking Lots (PED16205) (Ward 2)

That Carpark Lot No. 60 which is listed as a lot declared as surplus on Appendix C, as amended, to Item 7(e) of Planning Committee Report 16-020 respecting Update and Declaration of Surplus and Sale of Downtown City-owned Surface Parking Lots (PED16205) (Ward 2) which was approved by Council on November 23, 2016, be reconsidered:

Appendix C, as amended, to Item 7(e) of Planning Committee Report 16-020

Lots Declared Surplus - Downtown Car Park Lots – Hold –
Pending LRT & Other Considerations

| Carpark Lot No. | Reference Location | Address/PIN No. |
|-----------------|---------------------------------|--|
| 60 formerly | Century/ Wilson/ Wentworth N | 80 Century Street PIN No. 171810184 |

(Green/Farr)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Proposed Acquisition of Land - Lloyd Street, Hamilton (PED17062) (Ward 3).

CARRIED

For disposition of this matter, refer to Item 7.5.

Councillor Skelly introduced the following Notice of Motion:

8.3 Management of Delegations Respecting the Light Rail Transit Project for the April 19, 2017 and April 28, 2017 General Issues Committee Meetings

WHEREAS this motion is being put forward to assist with the management of delegations respecting the Light Rail Transit Project for the April 19, 2017 and April 28, 2017 General Issues Committee meetings, in order to ensure there is sufficient time for the Committee to deliberate;

WHEREAS Section 5.11 (b) of the City of Hamilton By-Law No. 14-300, a By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-Law) prescribes that:

“Persons who wish to appear as a delegation to address a Standing Committee on a matter that 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;”

WHEREAS the five (5) minute procedural rule could potentially result in multiple hours of delegations (i.e. 60 delegations @ 5 minutes each = 5 hours), not taking into considerations the Committee’s questions of the delegates;

THEREFORE BE IT RESOLVED:

- (e) That the Clerk be authorized to inform the first to the sixtieth delegate whose requests respecting the Light Rail Transit Project are received for the April 19, 2017 General Issues Committee meeting, prior to the deadline of Noon the day before the meeting, that they will be included on the April 19, 2017 General Issues Committee agenda;

- (f) That the Clerk be authorized to inform the sixty-first and so on, delegate whose requests respecting the Light Rail Transit Project are received for the April 19, 2017 General Issues Committee meeting, prior to the deadline of Noon the day before the meeting, that they will be included on the April 28, 2017 General Issues Committee meeting agenda;
- (g) That the Clerk be authorized to inform late (received after the deadline of Noon of April 18, 2017) delegation requests respecting the April 19, 2017 General Issues Committee meeting respecting the Light Rail Transit Project, that their request is denied; and
- (h) That a Special General Issues Committee, Light Rail Transit (LRT) be scheduled on the earliest possible date in May 2017 to specifically discuss the Environmental Assessment.

(Skelly/Jackson)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Management of Delegations Respecting the Light Rail Transit Project for the April 19, 2017 and April 28, 2017 General Issues Committee Meetings.

CARRIED

For disposition of this matter, refer to Item 7.7.

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| STATEMENT BY MEMBERS |
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Members of Council used this opportunity to discuss matters of general interest.

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| PRIVATE AND CONFIDENTIAL |
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(Ferguson/Pearson)

That Council move into Closed Session Pursuant to Section 8.1, Sub-section (c), (e) and (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (c), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition of land for City purposes and to litigation or potential litigation, including matters before Administrative Tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

- (i) **Proposed Acquisition of Land – Lloyd Street, Hamilton (PED17062) (Ward 3) (Added Item 8.1)**

For disposition on this matter, refer to Items 7.4 and 8.1.

- (ii) **Amending Item 22 of the General Issues Report 17-001 respecting the Hamilton Conservation Authority Board Report BD/Dec. 01-2016 respecting the Expropriate of Private Property (Item 10.1)**

(Ferguson/Collins)

That Item 22 of the General Issues Committee Report 17-001, respecting the Hamilton Conservation Authority Board Report BD/Dec. 01-2016 respecting the Expropriation of Private Property, which was approved by Council on January 25, 2017, be amended to read as follows:

- 22. Hamilton Conservation Authority Board Report BD/Dec. 01-2016 respecting the Expropriation of Private Property (Item 12.3)**

That the Hamilton Conservation Authority Board Report BD/Dec. 01-2016 respecting the Expropriation of Private Property, *as amended*, remain confidential.

CARRIED

- (iii) **West Harbour OPA 233 / ZBA 14-042 OMB Update and Instructions (no copy) (Added Item 10.2)**

Direction was provided to Staff in Closed Session with nothing to report in Open Session.

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| BY-LAWS |
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(Skelly/Whitehead)

That the Bill List be amended by adding Bill 64 – a By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton and renumbering the balance.

CARRIED

(Skelly/Whitehead)

That Bills No. 17-058 to No. 17-065 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:

- 058** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
 - Schedule 8 (No Parking Zones)
 - Schedule 9 (Alternate Side Parking)
 - Schedule 10 (Alternate Side Parking)
 - Schedule 12 (Permit Parking Zones)
 - Schedule 13 (No Stopping Zones)
 - Ward: 2, 3, 4, 6, 7, 10, 11
- 059** Being a By-law to Authorize the Use of Vote Counting Equipment
 - Ward: City Wide
- 060** To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3079 Homestead Drive

- ZAC-14-018
Ward: 11
- 061** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 9890 & 9906 Twenty Road West, in the former Township of Glanbrook, now in the City of Hamilton
ZAC-16-011
25T-201603
Ward: 11
- 062** Respecting Removal of Part Lot Control, Block 13, Registered Plan No. 62M-1224, known as Parkside Hills 2A
PLC-17-017
Ward: 15
- 063** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 5 (Parking Meters)
Ward: 1, 2, 3, 4, 7, 8, 12, 13
- 064** To Adopt and Maintain a Procurement Policy for the City of Hamilton
Ward: City Wide
- 065** To Confirm the Proceedings of City Council

CARRIED

(Pearson/B. Johnson)

That, there being no further business, City Council be adjourned at 7:53 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk