



CITY COUNCIL MINUTES 15-017

9:30 a.m.

Friday, July 10 2015

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger, Deputy Mayor A. Johnson (Chair)
Councillors J. Farr, M. Green, S. Merulla, C. Collins, S. Duvall, T. Jackson, T. Whitehead, D. Conley, M. Pearson, B. Johnson, L. Ferguson, A. VanderBeek, R. Pasuta, J. Partridge

Mayor Eisenberger called the meeting to order.

Mayor Eisenberger congratulated and presented Mr. Frank Nagel with a plaque on his retirement at the age of 90, after 21 years as a crossing guard and thanked him for his efforts in serving the City of Hamilton.

Mayor Eisenberger congratulated and presented Ms. Ethilda "Tillie" Johnson with a plaque on her retirement after 40 years as a Hamilton Farmers' Market stallholder.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. ADDED CORRESPONDENCE

5.6 Correspondence respecting Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for Property located at 102 Ainslie Avenue, Hamilton

- (a) Correspondence from Tordis Coakley, Secretary, Ainslie Wood Community Association
- (b) Correspondence from Vinnie Welsh, Neighbourhood Resident

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

- 5.7 Correspondence from Urban Solutions, Planning & Land Development Consultants Inc. respecting the Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law, on behalf of:
- (a) Artstone Holdings Ltd. (the Owner) of the property municipally known as 60 Regional Road 20 in Binbrook;
 - (b) Artstone Holdings Ltd. (the Owner) of the property municipally known as Regional Road 20, Part Lot 4, Block 3, Concession 1 in Binbrook;
 - (c) Corpveil Holdings Ltd., (the Owner) of the property municipally known as 467 Highway 56 in Binbrook;
 - (d) Twenty Road (Glanbrook) Developments Limited (the Owner) of the property legally described as Part Lot 8, Concession 2, Glanford Save and Except Part 2, PL 62R19566, City of Hamilton
 - (e) Weizer Investments Limited, (the Owner) of the property legally known as Part Lots 7, 8 and 9, Concession 2, Glanford.
 - (f) The Owner of the property municipally known as 780 8th Concession Road West, Flamborough
 - (g) The Owner of the property municipally known as 780 8th Concession Road West, Flamborough

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

- 5.8 Correspondence regarding the feasibility of implementing a municipal land transfer tax
- (a) Correspondence from Allan J. Roshko, President, Hamilton-Halton Home Builders' Association
 - (b) Correspondence from Donna Bacher, President, REALTORS® Association of Hamilton-Burlington

Recommendation: Be received.

- 5.9 Correspondence regarding the Proposed Samsung Renewable Energy Inc. 15 Megawatt (MW) Mountsberg Solar Project, located at 2037 Centre Road, Former Township of East Flamborough:
- (a) Correspondence from Barbara Laking, Neighbourhood Resident
 - (b) Correspondence from Michael Brazeau, Neighbourhood Resident

- (c) Correspondence from Ben Pasuta, Neighbourhood Resident
- (d) Correspondence from Denny Allen, Neighbourhood Resident
- (e) Correspondence from Moe Crickmore Lynden, Neighbourhood Resident

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

8. ADDED NOTICE OF MOTIONS

- 8.1 Requesting Municipal Authority from the Province to limit the number and regulate the locations of payday loan and cheque cashing outlets

10. ADDED PRIVATE AND CONFIDENTIAL

- 10.2 Stadium Facility

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

11. ADDED BY-LAWS AND CONFIRMING BY-LAWS

- 171 To Amend Zoning By-law No. 6593 (Hamilton), Respecting James Street North and South Corridors and "H" District Properties
- 172 To Adopt Official Plan Amendment No. 9 to the Rural Hamilton Official Plan Respecting General Text Amendments
- 173 To Amend By-law No. 05-200 to Create New Zones for the Rural Area of the City of Hamilton

(Pasuta/A. Johnson)

That the agenda for the July 10, 2015 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.

CEREMONIAL ACTIVITIES

There were no ceremonial activities.

APPROVAL OF MINUTES

4.1 Minutes – June 24, 2015

(Pearson/Partridge)

That the Minutes of the June 24, 2015, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(B. Johnson/Partridge)

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

- 5.1 Correspondence from William Curran, Progressive North End Neighbours Association regarding the relocation of the West Harbour Railyard.

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

- 5.2 Correspondence from Connie Martinell, Deputy Clerk, Port Hope respecting Port Hope's resolution to support the City of Hamilton's opposition to the elimination of door to door mail service.

Recommendation: Be received.

- 5.3 Correspondence from The Honourable Kathleen Wynne respecting council's approval of the City of Kingston's motion regarding new multi-residential property class.

Recommendation: Be received.

- 5.4 Correspondence from Sylvia Jones, MPP, Dufferin-Caledon regarding Bill 36, the *Respecting Private Property Act*.

Recommendation: Be received.

- 5.5 Correspondence from Mike Palecek, National President,

Canadian Union of Postal Workers, regarding Canada Post's decision to continue home mail delivery in downtown Toronto and Montreal.

Recommendation: Be received.

(Duvall/Green)

That the Mayor forward a letter to Canada Post Corporation inquiring as to why the Cities of Toronto and Montreal will be continuing to receive home mail delivery.

CARRIED

5.6 Correspondence respecting Proposed Urban Hamilton Official Plan (UHOP) Amendment and Zoning By-law Amendment for Property located at 102 Ainslie Avenue, Hamilton

- (a) Correspondence from Tordis Coakley, Secretary, Ainslie Wood Community Association
- (b) Correspondence from Vinnie Welsh, Neighbourhood Resident

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

5.7 Correspondence from Urban Solutions, Planning & Land Development Consultants Inc. respecting the Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law, on behalf of:

- (a) Artstone Holdings Ltd. (the Owner) of the property municipally known as 60 Regional Road 20 in Binbrook;
- (b) Artstone Holdings Ltd. (the Owner) of the property municipally known as Regional Road 20, Part Lot 4, Block 3, Concession 1 in Binbrook;
- (c) Corpveil Holdings Ltd., (the Owner) of the property municipally known as 467 Highway 56 in Binbrook;
- (d) Twenty Road (Glanbrook) Developments Limited (the Owner) of the property legally described as Part Lot 8, Concession 2, Glanford Save and Except Part 2, PL 62R19566, City of Hamilton
- (e) Weizer Investments Limited, (the Owner) of the property legally known as Part Lots 7, 8 and 9, Concession 2, Glanford.
- (f) The Owner of the property municipally known as 780 8th Concession Road West, Flamborough

- (g) The Owner of the property municipally known as 780 8th Concession Road West, Flamborough

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

5.8 Correspondence regarding the feasibility of implementing a municipal land transfer tax

- (a) Correspondence from Allan J. Roshko, President, Hamilton-Halton Home Builders' Association
- (b) Correspondence from Donna Bacher, President, REALTORS® Association of Hamilton-Burlington

Recommendation: Be received.

5.9 Correspondence regarding the Proposed Samsung Renewable Energy Inc. 15 Megawatt (MW) Mountsberg Solar Project, located at 2037 Centre Road, Former Township of East Flamborough:

- (a) Correspondence from Barbara Laking, Neighbourhood Resident
- (b) Correspondence from Michael Brazeau, Neighbourhood Resident
- (c) Correspondence from Ben Pasuta, Neighbourhood Resident
- (d) Correspondence from Denny Allen, Neighbourhood Resident
- (e) Correspondence from Moe Crickmore Lynden, Neighbourhood Resident

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

CARRIED

(Green/Farr)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 15-014

3. Capital Project Closing Report as of December 31, 2014 (FCS14058(b)) (City Wide)**(Jackson/Duvall)**

That Item 3 of GIC Report 15-014, respecting Report FCS14058(b) – Capital Projects Closing Report as of December 31, 2014, be referred back to the General Issues Committee.

CARRIED**17. Parking Fee Exemption for all Ontario Veteran Licence Plate Holders (PED06157(c)) (City Wide)****(Ferguson/Partridge)**

That Item 17 of GIC Report 15-014, respecting Parking Fee Exemption for all Ontario Veteran Licence Plate Holders, be amended by adding sub-section (c), to read as follows:

- (a) That staff be directed to provide free parking to all veterans who have been issued Ontario Veteran Licence Plates, pursuant to the criteria outlined by the Royal Canadian Legion Ontario Provincial Command, for a 12 month pilot period; and,
- (b) That staff be directed to prepare the appropriate amendments to the By-law to Regulate Municipal Parking Facilities and the By-law to Regulate On-Street Parking, required to implement the free veteran parking, pursuant to the criteria outlined by the Royal Canadian legion Ontario Provincial Command and the Ontario Provincial Government, in a form satisfactory to the City solicitor.
- (c) That the following parties be excluded from the Parking Fee Exemption for Ontario Veteran Licence Plate Holders:**

(i) RCMP Officers

That the above amendment CARRIED, on the following Standing Recorded Vote:

Yeas:	Whitehead, Duvall, Green, Farr, Johnson, Conley, Pearson, Ferguson, VanderBeek
Total:	9
Nays:	Jackson, Collins, Merulla, B. Johnson, Pasuta, Partridge
Total:	6
Absent:	Eisenberger
Total:	1

- (c) That the following parties be excluded from the Parking Fee Exemption for Ontario Veteran Licence Plate Holders:**

(ii) Veterans Under 60 Years of Age

That the above amendment was DEFEATED, on the following Standing Recorded Vote:

Yeas: Whitehead, Pearson, Ferguson
Total: 3
Nays: Eisenberger, Duvall, Jackson, Collins, Merulla, Green, Farr,
A. Johnson, Conley, B. Johnson, VanderBeek, Pasuta, Partridge
Total: 13

The above motion, as amended, CARRIED, on the following Standing Recorded Vote:

Yeas: Eisenberger, Whitehead, Duvall, Jackson, Collins, Merulla, Green,
Farr, A. Johnson, Conley, B. Johnson, VanderBeek, Pasuta, Partridge
Total: 14
Nays: Pearson, Ferguson
Total: 2

(Eisenberger/Partridge)

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

CARRIED

PLANNING COMMITTEE REPORT 15-011

2. Proposed Kalyn 250 Kw Electricity Generator located at 97 5th Concession Road East, Former Township of East Flamborough (PED15107) (Ward 15)

(Partridge/Pasuta)

That Item 2 of the Planning Committee Report 15-011, respecting the Proposed Kalyn 250 kW Electricity Generator located at 97 5th Concession Road East, Former Township of East Flamborough, be amended by replacing “Cecil” with “Anita Marie” in the recommendations below, to read as follows:

- (a) That the Mayor and Council acknowledge the receipt of the letter entitled “Cecil Kalyn Municipal Council Support Resolution”, dated June 9, 2015, from Cecil Kalyn (Appendix “A” to Report PED15107);
- (b) That the Mayor and Council support the development, construction, and operation of the proposed 250 kilowatt (Kw) electrical generator using biomass as fuel located at 97 5th Concession Road East, former Township of East Flamborough by ~~Cecil~~ **Anita Marie** Kalyn for the sole purpose of receiving Priority Points under the Independent Electricity System

Operator's (IESO) Feed-in Tariff (FIT) Program, but not for the approval of the proposed project;

- (c) That the Mayor and City Clerk be authorized and directed to sign the IESO "Prescribed Template – Municipal Council Support Resolution" Form IESOMRD/f-FIT-010r2 attached as Appendix "B" to Report PED15107 on behalf of City Council and any other documents necessary to implement subsection (b);
- (d) Should ~~Mr.~~ **Ms.** Kalyn's bid be successful, the City of Hamilton request the Minister of the Environment that an environmental assessment of this project be conducted; and,
- (e) That the General Manager of Planning and Economic Development or designate be authorized to negotiate and execute any agreements if the General Manager of Planning and Economic Development deems beneficial or necessary to fully implement subsection (b), in a form satisfactory to the City Solicitor, setting out ~~Cecil~~ **Anita Marie** Kalyn's commitments to the City of Hamilton, including commitments provided in Report PED15107.

CARRIED

6. Bill 73 – *Smart Growth for Our Communities Act, 2015* – Draft Amendments to the *Planning Act* (PED15093) (City Wide)

(Partridge/Green)

That Item 6 of the Planning Committee Report 15-011, respecting Bill 73 – *Smart Growth for Our Communities Act, 2015* – Draft Amendments to the *Planning Act*, be amended by inserting a new subsection (a) and by re-lettering the subsequent subsections and inserting the words "as amended" after the words Report PED15093, to read as follows:

- (a) That Report PED15093 be amended to include the words "and senior housing projects" on page 15 of 16 under the heading of "Inclusionary Zoning" to read as follows:

Inclusionary Zoning

- The Province should investigate providing municipalities with the authority to seek affordable housing through the use of inclusionary zoning (a share of new construction to be affordable by people with low to moderate incomes) to support the City's Housing and Homelessness Action Plan to increase affordable housing projects **and senior housing projects** in the City.

- (b) That Council endorse Report PED15093 **as amended** and that staff be directed to forward Report PED15093 **as amended** to the Ministry of

Municipal Affairs and Housing as formal comments on Bill 73 – *Smart Growth for Our Communities Act, 2015*;

- (c) That the Province include the City of Hamilton as part of its working groups to be established to review land use planning elements and propose solutions;
- (d) That the Province be requested to expand the scope of its review to include a review of Ontario Municipal Board (OMB) operations, practices and procedures, as well as alternatives to the OMB.

CARRIED

7. Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law (PED13167(c)) (Wards 9, 11, 12, 13, 14 and 15)

(Pasuta/Partridge)

That subsection (g) (ii) of Item 7 of Planning Committee Report 15-011, respecting Proposed Official Plan Amendment (OPA) and Draft Rural Zoning By-law, be amended by inserting the address 1379 Highway 5 West to read as follows:

- (g) That staff be directed to:
 - (i) amend Rural (A2) Zone-217 in Zoning By-law No. 05-200 as identified on Maps 24 and 25, for the property located at part of 963 Regional Road 97, to permit a motor vehicle repair shop.
 - (ii) amend Existing Rural Industrial (E2) Zone-228 in Zoning By-law No. 05-200 and identified on Map 92, for the properties located at 466 Highway 52, 489 Highway 8 and **1379 Highway # 5 West** to permit Manufacturing

CARRIED

(Pasuta/Partridge)

That subsection (g) of Item 7 of Planning Committee Report 15-011 be amended by adding the following additional subsections:

- (ix) amend Zoning By-law No. 05-200 by zoning the lands at 899 Brock Road, identified on Map 71, as Rural (A2) Zone with a special exception to permit a 2,800 square metres kennel, for training purposes only and to allow the building to be located within 20 m of any property line.
- (x) amend Existing Rural Industrial (E2) Zone-228 in Zoning By-law No. 05-200 and identified on Map 92, for the property located at 1379 Highway 5 West, to permit the following four uses:
 - (1) Fuel depot
 - (2) Motor Vehicle Collision Repair Establishment

- (3) Towing Establishment; and,
 - (4) Warehouse.
- (xi) amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 by zoning part of the lands at 780 Concession 8 Road West, identified on Maps 35 and 36, as Rural (A2) Zone with a special exception to permit medical marihuana growing and harvesting facilities to a maximum gross floor area of 21,500 square metres on the site.

Prior to site plan approval, the proponent will:

- (1) hold a community open house to explain the existing and proposed development;
- (2) prepare and implement a Good Neighbours Strategy to the satisfaction of the Ward Councillor;
- (3) prepare and submit a Safety Strategy for the operation of the site, in consultation with Hamilton Police Services; and,
- (4) prepare and submit a construction management plan which will assess the existing road conditions to the satisfaction of the City and pay for any damage to the road as deemed necessary by the City as a result of the construction on the site.

The amended subsection (g) to read as follows:

- (g) That staff be directed to:
- (i) amend Rural (A2) Zone-217 in Zoning By-law No. 05-200 as identified on Maps 24 and 25, for the property located at part of 963 Regional Road 97, to permit a motor vehicle repair shop.
 - (ii) amend Existing Rural Industrial (E2) Zone-228 in Zoning By-law No. 05-200 and identified on Map 92, for the properties located at 466 Highway 52, 489 Highway 8 and 1379 Highway # 5 West to permit Manufacturing .
 - (iii) amend the Existing Rural Commercial (E1) Zone-224, identified on Map 84 in Zoning By-law No. 05-200 for the property located at 557 Highway No. 5, to permit the following five uses:
 - 1. Fruit and vegetable market;
 - 2. Garden Centre;
 - 3. Manufacturing;
 - 4. Motor Vehicle Sales and Service Establishment; and,

5. Restaurant.
 - (iv) amend Zoning By-law No. 05-200 by extending the Existing Rural Industrial (E2) Zone identified on Map 81, for part of the property located 1419-1421 Concession 4 Road West to include the existing buildings and to add a special exception to permit the following three uses:
 1. Motor vehicle repair shop;
 2. Sawmill; and,
 3. Welding shop, including crane service;
 4. Manufacturing.
 - (v) amend Zoning By-law No. 05-200 to zone the lands located at 18 Short Road, identified on Map 107, as Settlement Residential (S1) Zone with two special exceptions (one for each building) to permit the following uses within the two existing buildings:
 1. the existing building located at the northern limit of the property:
 - (aa) Tradesperson's shop; and,
 - (bb) Storage.
 2. the existing building fronting on Short Road:
 - (aa) Retail store;
 - (bb) Office;
 - (cc) Personal Services;
 - (dd) Craftsperson Shop; and,
 - (ee) One residential unit.
 - (vi) amend Zoning By-law No. 05-200 by zoning the lands at 1190 Highway No. 8, identified on Map 65, as Agriculture (A1) Zone with a special exception to allow reduced setbacks for all uses permitted within the Agriculture (A1) Zone.
 - (vii) amend Zoning By-law No. 05-200 by zoning the lands at 565 Brock Road, identified on Map 83, as Agriculture (A1) Zone with a special exception as follows:
 1. That the following uses be permitted:
 - (aa) aggregate, concrete and asphalt storage and recycling;
 - (bb) topsoil preparation; and,

- (cc) accessory repair, maintenance and storage of Commercial Motor Vehicles associated with the uses above.
2. That the following regulation apply:
- (aa) An earth berm with a minimum height of 2.0 metres and a planting strip along the top of the berm consisting of evergreens with a minimum height of 1.5 metres be provided along the front property line from the north east corner property and extending 115 metres south. The earth berm be setback 6.0 metres from the front property line.
- (viii) amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 to permit a school on a portion of the property located at 680 Highway 8, on the following basis:
- 1. a portion of the 680 Highway 8 property be redesignated from “City Wide Park” to “Settlement Institutional” on Volume 2 – Map 13, Rockton Rural Settlement Area Plan; and,
 - 2. a portion of the 680 Highway 8 property be zoned Settlement Institutional (S3) Zone and identified on Maps 80 and 91.
- (ix) amend Zoning By-law No. 05-200 by zoning the lands at 899 Brock Road, identified on Map 71, as Rural (A2) Zone with a special exception to permit a 2,800 square metres kennel, for training purposes only and to allow the building to be located within 20 m of any property line.**
- (x) amend Existing Rural Industrial (E2) Zone-228 in Zoning By-law No. 05-200 and identified on Map 92, for the property located at 1379 Highway 5 West, to permit the following four uses:**
- (1) Fuel depot**
 - (2) Motor Vehicle Collision Repair Establishment**
 - (3) Towing Establishment; and,**
 - (4) Warehouse.**
- (xi) amend the Rural Hamilton Official Plan and Zoning By-law No. 05-200 by zoning part of the lands at 780 Concession 8 Road West, identified on Maps 35 and 36, as Rural (A2) Zone with a special exception to permit medical marihuana growing and**

harvesting facilities to a maximum gross floor area of 21,500 square metres on the site.

Prior to site plan approval, the proponent will:

- (1) hold a community open house to explain the existing and proposed development;
- (2) prepare and implement a Good Neighbours Strategy to the satisfaction of the Ward Councillor;
- (3) prepare and submit a Safety Strategy for the operation of the site, in consultation with Hamilton Police Services; and,
- (4) prepare and submit a construction management plan which will assess the existing road conditions to the satisfaction of the City and pay for any damage to the road as deemed necessary by the City as a result of the construction on the site.

CARRIED

Councillor B. Johnson indicated that she wished to be recorded as OPPOSED to Item 7 (b) (i) respecting exception 253 of Planning Committee Report 15-011.

8. Hess Village Paid Duty Policing Pilot (Item 9.1)

(Partridge/Green)

That Item 8 of the Planning Committee Report 15-011, respecting Hess Village Paid Duty Policing Pilot, be amended by inserting a new sub-section (b), to read as follows:

- (a) That a two year Hess Village Paid Duty Proportional Fund Sharing Pilot be established retroactive to the 2015 paid duty patio season (commencing the Victoria Day weekend) to cover 50 percent of the cost of Paid Duty Policing through the Tax Stabilization Reserve #110046;
- (b) **That the Hamilton Police Service be requested to review the administrative costs to assess if the current recovery exceeds that actual or full cost of administering the fees, and if so, the administrative fees be adjusted accordingly;**
- (c) That staff from Urban Renewal assist business owners with the establishment of a BIA for Hess Village and measure results of the pilot annually and report back to the Planning Committee on its effectiveness.

The above motion CARRIED, as amended, on the following Standing Recorded Vote:

Yeas: Eisenberger, Whitehead, Merulla, Green, Farr, A. Johnson, Conley, Ferguson, VanderBeek, Pasuta
Total: 10
Nays: Duvall, Collins, Pearson, B. Johnson, Partridge
Total: 5

10. Proposed Samsung Renewable Energy Inc. 15 Megawatt (MW) Mountsberg Solar Project, located at 2037 Centre Road, Former Township of East Flamborough (PED15108) (Ward 15)

(Partridge/Green)

That Item (e)(ii) of the Planning Committee Report 15-011 respecting Proposed Samsung Renewable Energy Inc. 15 Megawatt (MW) Mountsberg Solar Project, be lifted from the information section and added as Item 10 to Planning Report 15-011.

CARRIED

(Partridge/Green)

- (a) That the Mayor and Council acknowledge the receipt of the correspondence entitled “PV Solar Project – Potential Mountsberg Solar Project” dated June 17, 2015 from Samsung Renewable Inc. (Appendix “A” to Report PED15108);
- (b) That the Mayor and Council provide support for the Province’s Independent Electricity System Operator (IESO) “Prescribed Template – Municipal Council Support Resolution” Form IESORP/f-LRP1RFP-031r2 provided in Appendix “B” to Report PED15108, supporting the development, construction and operation of the proposed 15 Megawatt (MW) ground-mounted solar photovoltaic project and connection line located at 2037 Centre Road in Flamborough for the purpose of receiving Rated Criteria Points but not for the approval of the proposed project as outlined in Appendix “B”;
- (c) That the Mayor and City Clerk be authorized and directed to sign the IESO “Prescribed Template – Municipal Council Support Resolution” Form IESORP/f-LRP1RFP-013r2 attached as Appendix “B” to Report PED15108 on behalf of City Council and any other documents necessary to implement subsection (b);
- (d) That the City Clerk or designate be authorized to execute the IESO’s “Municipal Meeting Confirmation” Form IESORP/f-LRP1RFP-011r2 provided in Appendix “C” to Report PED15108 confirming a meeting has been held between the registered proponent (Samsung Renewable Energy Inc.) and representatives of the City of Hamilton but does not constitute an agreement, approval or contract; and,
- (e) That the General Manager of Planning and Economic Development or designate be authorized to negotiate and execute any agreements if the General Manager of Planning and Economic Development deems

beneficial or necessary to fully implement subsection (b), in a form satisfactory to the City Solicitor, setting out Samsung Renewable Energy Inc.'s commitments to the City of Hamilton, including the IESO "Prescribed Form – Municipal Agreement" Form IESORP/f-LRP1RFP-015r2 attached as Appendix "D" to Report PED15108.

The above motion was DEFEATED on the following Standing Recorded Vote:

Yeas: Eisenberger, Green, Partridge
Total: 3
Nays: Whitehead, Duvall, Merulla, Farr, A. Johnson, Conley, Pearson, B. Johnson, Ferguson, VanderBeek, Pasuta
Total: 11
Absent: Jackson, Collins
Total: 2

(Green/Partridge)

That Planning and Public Works staff investigate and report back on the feasibility and Terms of Reference for a Community Energy Plan including but not limited to Renewable Energy Projects; appropriate planning policies; methods and uses, and in consultation with Hamilton Utilities Corporation and other energy providers.

CARRIED

The above motion CARRIED unanimously of the Council members present on a Standing Recorded Vote:

Yeas: Eisenberger, A. Johnson, Farr, Green, Merulla, Duvall, Whitehead, Conley, Pearson, B. Johnson, Ferguson, VanderBeek, Pasuta, Partridge
Total: 14
Absent: Jackson, Collins
Total: 2

(Partridge/Pasuta)

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

CARRIED

(Eisenberger/Partridge)

That Section 5.6 (2) of the City's Procedural By-law 14-300, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider the Audit, Finance and Administration Committee Report 15-008, dated Wednesday, July 8, 2015; the Public Works Committee Report 15-010, dated July 9, 2015; and, the Board of Health Report 15-007, dated Thursday, July 9, 2015.

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 15-008

(Pearson/B. Johnson)

That the EIGHTH Report of the Audit, Finance & Administration Committee be adopted and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 15-010

(VanderBeek/Ferguson)

That the TENTH Report of the Public Works Committee be adopted and the information section received.

CARRIED

BOARD OF HEALTH REPORT 15-007

(Pasuta/Ferguson)

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

CARRIED

(A. Johnson/Green)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Inclusion Policy on Traditional First Nations Ceremonies

(Green/A. Johnson)

Whereas, National Aboriginal Day takes place on June 21st and is a special day to celebrate the unique heritage, diverse cultures and outstanding achievements of First Nations, Inuit, and Metis; and

Whereas, Hamilton is located on the traditional ancestral lands of the Haudenosaunee and home to over 15 000 indigenous people from the four directions of Turtle Island.

Therefore be it resolved:

That staff from our Access and Equity Division , be directed to consult with the Hamilton Executive Directors Aboriginal Coalition and the Hamilton Aboriginal Advisory Committee in order to create an inclusion policy for Traditional First Nations Ceremonies in all public buildings inclusive of Smudging as it relates

to Section 13 of the *Smoke Free Ontario Act* which exempts from restrictions otherwise placed on the use of tobacco, the smoking of tobacco or holding lighted tobacco by First Nations and Métis persons for traditional First Nations and Métis cultural or spiritual purposes.

Nya Weh Chi Miigwetch

CARRIED

7.2 Abolishment of the Voluntary Lobbyist Registry

(Eisenberger/Partridge)

Whereas, in 2004, Council approved the implementation of a voluntary lobbyist registry;

Whereas, Hamilton City Council has approved and implemented a Lobbyist Registry By-law, effective August 1, 2015

Therefore be it resolved,

- (a) That Item 7 of Corporate Administration Committee Report 04-010 be amended by deleting sub-section (b) respecting the Voluntary Lobbyist Registry, in its entirety, to take effect on July 31, 2015, (so as not to compete with the Lobbyist Registry By-law coming into force on August 1, 2015);
- (b) That all lobbyists who have voluntarily registered be contacted to advise the voluntary registry will no longer exist and mandatory registry will be in effect on August 1, 2015.

CARRIED

7.3 2015 NSA Canada Men's & Women's World Series – Special Occasion Permit Liquor Licence

(Duvall/Whitehead)

Whereas, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Ms. Darlene Bowman on behalf of NSA Canada, that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on July 30, 2015 between the hours of 12:00 p.m. and 1:00 a.m.; July 31, 2015 between the hours of 11:00 a.m. and 1:00 a.m.; August 1, 2015 between the hours of 11:00 a.m. and 1:00 a.m.; August 2, 2015 between the hours of 11:00 a.m. and 1:00 a.m. and August 3, 2015 between the hours of 11:00 a.m. to 8:00 p.m. at 344 Rymal Road, East, Hamilton, Ontario, during the 2015 NSA Canada Men's and Women's World Series taking place in Hamilton, Ontario;

Whereas, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a

resolution of the Council is required to designate the event as one of municipal significance; and

Whereas, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

Therefore be it resolved:

- (a) That the City of Hamilton hereby deems the 2015 NSA Canada Men's and Women's World Series, being held in the City of Hamilton, Ontario on July 30, 2015 to August 3, 2015, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:
 - (i) NSA Canada c/o Ms. Darlene Bowman, Hamilton, Ontario.

CARRIED

7.4 Festival of Friends – Special Occasion Permit Liquor Licence

(Ferguson/VanderBeek)

Whereas, Hamilton City Council has received Notice (attached hereto as Appendix "A") from Robyn Allan on behalf of Festival of Friends/Creative Arts Inc., that they wish to obtain approval for a Special Occasion Permit Liquor Licence to sell alcohol on August 7, 2015 between the hours of 11:00 a.m. and 1:00 a.m.; August 8, 2015 between the hours of 11:00 a.m. and 1:00 a.m. and August 9, 2015 between the hours of 11:00 a.m. and 1:00 a.m. at the Ancaster Fairgrounds, 630 Trinity Road South, R.R. #1, Jerseyville, Ontario, during the Festival of Friends taking place in Jerseyville, Ontario;

Whereas, the Alcohol and Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization, that a resolution of the Council is required to designate the event as one of municipal significance; and

Whereas, the City of Hamilton does not have an objection to the Liquor Licence Serving Time Extension for the following establishment;

Therefore be it resolved:

- (a) That the City of Hamilton hereby deems the Festival of Friends, being held in Jerseyville, Ontario on August 7, 2015 to August 9, 2015, as municipally significant; and,
- (b) That the following applicant be provided a copy of this resolution for inclusion with their application to the Alcohol and Gaming Commission of Ontario:

- (i) Festival of Friends/Creative Arts Inc. c/o Robyn Allan, Hamilton, Ontario.

CARRIED

NOTICES OF MOTION

Councillor Green introduced the following Notice of Motion:

8.1 Payday Loans

Whereas, the Province of Ontario's Ministry of Consumer Services is responsible for the *Consumer Protection Act* and the *Payday Loans Acts* which regulates and licenses money lending businesses;

Whereas, the Province of Ontario regulates the interest rates of money lending businesses while Municipalities have the authority to regulate and license businesses to protect consumers if this is not already done by the Province;

Whereas, the use and expansion of payday loan and cheque cashing outlets in Hamilton neighbourhoods is a significant consumer protection issue identified by the Hamilton Roundtable for Poverty Reduction and neighbourhood and community groups; and

Whereas, it is important that customers of payday loan and cheque outlets have a complete understanding of the financial services being offered;

Therefore be it resolved:

- (a) That the Mayor be authorized to forward correspondence to the Province of Ontario, to the attention of the Minister of Consumer Services, requesting that the protections afforded by the *Payday Loans Act* be strengthened and that Municipalities be authorized to limit the number and regulate the locations of payday loan and cheque cashing outlets;
- (b) That Staff be directed to research the feasibility of licensing payday loan and cheque cashing outlets to assist in consumer protection by requiring the businesses to post their rates, show comparative and annualized rates and information regarding debt counselling.
- (c) That staff analyze and map pay day loan and cheque cashing outlets in Hamilton and report back to Council on recommendations for alternative accessible financial services for Hamilton residents

STATEMENT BY MEMBERS

None.

PRIVATE AND CONFIDENTIAL

10.1 Council Closed Session – June 24, 2015

As Council determined that no discussion, respecting the Closed Session Minutes of June 24, 2015 meeting of Council was required, the Minutes were approved in Open Session, as shown below:

(B. Johnson/Merulla)

That the Closed Session Minutes of the June 24, 2015, meeting of Council be approved, as presented.

CARRIED**10.2 Stadium Facility****(Conley/Pearson)**

That Council go into Closed Session at 1:02 p.m. pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 14-300, and Section 239(2), Sub-section (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Council rose from Closed Session at 2:16 p.m.

BY-LAWS

(Farr/Duvall)

That Bills No. 15-167 to No. 15-174 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

By-law No.

- | | |
|------------|---|
| 167 | To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 20 – School Bus Loading Zones |
| 168 | Respecting Removal of Part Lot Control,
Block 146, Registered Plan No. 62M-1051, “Southampton Estates Phase 2”,
9 Hampton Brook Way (Glanbrook)
PLC-15-019(E) |
| 169 | To Designate Land Located at 3027 Homestead Drive, Glanbrook, City of
Hamilton, As Property of Cultural Heritage Value |
| 170 | To Amend By-Law No. 06-147, Being a By-law to Authorize the City to Enter
into Extension Agreements |

- 171** To Amend Zoning By-law No. 6593 (Hamilton), Respecting James Street North and South Corridors and “H” District Properties
- 172** To Adopt Official Plan Amendment No. 9 to the Rural Hamilton Official Plan Respecting General Text Amendments
- 173** To Amend By-law No. 05-200 to Create New Zones for the Rural Area of the City of Hamilton
- 174** To Confirm the Proceedings of City Council

CARRIED

(Partridge/VanderBeek)

That, there being no further business, the City Council meeting be adjourned at 2:17 p.m.

CARRIED

Respectfully submitted,

Mayor Fred Eisenberger

Rose Caterini
City Clerk