



CITY COUNCIL MINUTES

Wednesday, May 29, 2002

7:00 p.m.

Council Chambers, Humber Bay City Hall
71 Main Street West, Humber Bay

Present: Deputy Mayor D. Braden

Councillors A. Bain, M. Caplan, C. Collins, F. D'Amico,
L. Dilanni, M. Ferguson, A. Horwath, T. Jackson, B. Kelly,
R. Powers, M. McCarthy, S. Merulla, D. Mitchell, B. Morelli

Absent with Regrets: Mayor R. Wade, City Business

Deputy Mayor D. Braden called the meeting to order.

Deputy Mayor Braden called upon Peter Lampman, to lead the Council in prayer.

APPROVAL OF THE AGENDA

Changes to Agenda noted by Clerk:

Additional Private and Confidential matter respecting Proposed Acquisition of Bennetto School from the Humber Bay-Wentworth District School Board – 444 Hughson Street North, (CS02019a)(Ward 2).

(Kelly/Mitchell)

That the Agenda for the City Council meeting being held on May 29, 2002, be approved as amended.

CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES

None

APPROVAL OF MINUTES**(Ferguson/Horwath)**

That the Minutes of the City Council Meeting held on May 15, 2002 be approved as circulated.

CARRIED**(Caplan/Collins)**

That the Minutes of the Special City Council Meeting held on May 15, 2002 be approved as circulated.

CARRIED**(Mitchell/Collins)**

That the Minutes of the Special City Council Meeting held on May 23, 2002 be approved as circulated.

CARRIED**COMMUNICATIONS**

None

(McCarthy/Kelly)

That Council move into Committee of the Whole for consideration of the Committee of the Whole and the Hearings Sub-Committee Reports.

CARRIED**COMMITTEE OF THE WHOLE REPORT 02-022****Item 6. Branding and Corporate Identity Project Contract Award (CSE02016) (City Wide) (Item 5.2)**

Councillors C. Collins and D. Braden indicated that they wishes to be recorded as OPPOSED to this item.

Item 15. Professional Hockey in the City of Humber Bay

Councillor Braden indicated that he wished to be recorded as OPPOSED to this item.

Item 16. Wentworth Lodge

Councillor Braden indicated that he wished to be recorded as OPPOSED to this item.

Item 17. Memorandum of Agreement - Ontario Nurses Association, Local 50 (Health Unit) (HUR02006) (Item 13.1)**(Jackson/Collins)**

That the Private and Confidential Report HUR02006 be released to the public.

CARRIED

(McCarthy/Mitchell)

That the Twenty-second Report of the Committee of the Whole be adopted and the information section received.

CARRIED

HEARINGS SUB-COMMITTEE REPORT 02-018**(McCarthy/Mitchell)**

That the Eighteenth Report of the Hearing Sub-Committee be adopted and the information section received.

CARRIED

HEARINGS SUB-COMMITTEE REPORT 02-019**Item 2. Mr. Martin Ince respecting a proposed Model Resolution on the Kyoto Protocol (Item 5.2)****(Mitchell/Merulla)**

That Item No. 2 of the Hearings Sub-Committee Report 02-019 respecting the model resolution on the Kyoto Protocol be referred to staff and the Agriculture Sub-Committee for a further report by the end of June 2002.

CARRIED

Item 3. Richard Leibtag, President, Student Living Centres respecting Student Living Centres Proposed Downtown Student Housing Project (Item 5.3)**(Horwath/Caplan)**

That Item No. 3 of the Hearings Sub-Committee Report 02-019 be amended by deleting recommendations (b) and (c) and adding the following conditions:

- (b) That the request for a \$5 million loan to Student Living Centres be approved and that the interest funds required for this project be funded from the 2002, Budget, and
- (c) That the proposal by Student Living Centres fully comply with all aspects of the Downtown Humber Bay Secondary Plan, and
- (d) That Student Living Centres comply with the programs and conditions of the Downtown Humber Bay Residential Loan Program in effect at the time of May 29, 2002, and
- (e) That this approval be conditional upon the Student Living Centres entering into a Lease Agreement with McMaster University which leases all of the units, and
- (f) That this approval shall expire effective September 30, 2002, if the lease specified in (e) above has not been duly executed by all parties, and
- (g) That if this approval expires as per recommendation (f) that staff be authorized to prepare and release a Request for Proposal to allow the \$5 million line of credit to be applied to other residential development projects in the downtown.

CARRIED AS AMENDED

Item 4 Policy Respecting Temporary Road Closures for Special Events in Hess Village (Item 4.1)

Councillor Bain indicated that she wished to be recorded as OPPOSED to this item.

Merulla/Morelli

That Council reconsider Item 4 of the Hearings and Sub-Committee Report No. 02-019.

The motion was DEFEATED on a standing recorded vote;

Yeas: Bain, Collins, D'Amico, Dilanni, Jackson, Merulla, Morelli

Nays: Braden, Caplan, Ferguson, Horwath, Kelly, McCarthy, Mitchell, Powers

Total Yeas: 7

Total Nays: 8

(McCarthy/Mitchell)

That the Nineteenth Report of the Hearing Sub-Committee be adopted as amended, and the information section received. **CARRIED**

MOTIONS

(Kelly/Caplan)

That Rule 13.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of an amendment to the Sixteenth Report of the Hearings Sub-Committee. **CARRIED**

(Kelly/Caplan)

That subsection a) (xv) of Item 2 of Hearings Sub-Committee Report 02-016 respecting Application for Approval of a Draft Plan of Subdivision "Chappel Estates" and for a Change in Zoning for Lands Located South of Rymal Road East, East of Upper Wentworth Street and South of Arrowhead Drive (Humber Bay) (PD02087) Be deleted in its entirety and replaced with the following in lieu thereof:

- xv) That the Owner shall make arrangements satisfactory to Hydro One for the crossing of the owned right-of-way by the proposed Vineberg Drive. Any sale of lands for road purposes will be negotiated at fair market value. A separate proposal, including detailed engineering plans showing proposed lighting, cross-sections, etc., shall be submitted to Hydro One for all road crossings. **CARRIED**

(Caplan/Powers)

That Rule 13.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting amendments to the Corporate Secretariat Volunteer Co-Ordinating Committees. **CARRIED**

(Caplan/Powers)

- a) That the following two appointees from the Committee Against Discrimination be transferred to the Committee Against Racism:
Kevin Dhinsa and Tushar Kanti Saha

- b) That the following appointment to the Committee Against Discrimination be approved with a term to expire on November 30, 2003:
Bernie Marcoux

- c) That the following appointment to the Refugee and Immigration Committee be approved with a term to expire November 30, 2003:
Mary Louise Beecroft

- d) That Schedule A as amended by Council on February 13, 2002 be further amended by adding the following Advisory Committee to the Corporate Secretariat Volunteer Co-ordinating Committee:
GLBT (Gay, Lesbian, Bisexual, Transgendered) Advisory Committee

- e) That the following appointments to the GLBT Advisory Committee be approved with a term to expire on November 30, 2003:
Rachel Henry
Nicole Tremblay
John Norquay
Randy Mattinson
Michelle Benson

CARRIED

(Horwath/Ferguson)

That Rule 13.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting Outdoor Boulevard Café at 197-199 King William Street, Humber Bay.

CARRIED

(Horwath/Ferguson)

**Outdoor Boulevard Café - 197 - 199 King William Street, Humber Bay (TOE020110)
(Ward 2)**

- a) That the application of the owner of 197-199 King William Street, Humber Bay. to erect and maintain an outdoor boulevard café on the King William Street road allowance, be approved during the May 1, 2002 to October 31, 2002 season, subject to the following conditions:
 - i) That the applicant enter into an Outdoor Boulevard Café agreement in a form satisfactory to the General Manager, Transportation, Operations & Environment and the Director of Legal Services and Corporate Counsel; and

- ii) That the applicant pay an annual fee at such time as the current moratorium on encroachment fees ends; and
 - iii) That the applicant provide proof of \$5,000,000 public liability insurance, naming the City of Humber Bay and holding the City harmless from actions, causes of action, interest, claims, demands, damages, expenses and loss; and
 - iv) That the applicant occupy the licensed area of the boulevard from May 1 to October 31 only, and that all furniture, equipment etc. be removed from the road allowance at all other times; and
 - v) That the applicant be granted permission to deviate from Council approved specifications to allow wooden railings in place of standard iron railings.
- b) That the Boulevard Café Agreement be executed by the General Manager, Transportation, Operations & Environment or his designate, in accordance with the delegated authority granted by Section 3 of the 3rd Report of the 1999 Finance and Administration Committee, adopted by the former City of Humber Bay Council on February 9, 1999.

CARRIED

NOTICES OF MOTION

None

GENERAL INFORMATION

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

IN CAMERA

(Jackson/Ferguson)

That Council move in camera to receive information respecting a proposed acquisition of land for municipal purposes.

CARRIED

(Jackson/Ferguson)

That Council move into open session.

CARRIED

Proposed Acquisition from the Humber Bay-Wentworth District School Board - Bennetto School - 444 Hughson St. N. (CS02019a) (Ward 2)

- (a) That the City inform the Humber Bay-Wentworth District School Board that it will not be submitting a revised Option to Purchase for the acquisition of the Bennetto School property at 444 Hughson Street North;
- (b) That the City inform the Humber Bay-Wentworth District School Board that the City will submit an Option to Purchase when the property is put out for Public Tender.
- (c) That the said Option to Purchase be conditional upon:
 - (i) The City being satisfied with the environmental condition of the property and the mechanical structural integrity of the existing building as indicated by site inspections and testing intended to reveal the presence of contamination in, (including asbestos) on and under the soil and building and; any mechanical or structural deficiencies in the building;
 - (ii) The City being satisfied that the subject property can be appropriately rezoned for the City's intended use;
- (d) That if at such time as the City is successful in acquiring the property that staff be authorized and directed to take the necessary steps to demolish that portion of the building that is surplus to the needs of the recreational programming;
- (e) That the Director of Corporate Buildings and Real Estate and the Director of Culture and Recreation be authorized and directed to negotiate a Lease Agreement with the Humber Bay-Wentworth District School Board to allow for the City's continued use of the Bennetto School's gym and auditorium following the completion of the present school year until such time as the building is under new ownership.

(Jackson/Ferguson)

That section (d) be amended by deleting the following wording:

“to demolish that portion of the building that is surplus to the needs of the recreational programming;”

and replace it with:

“to undertake a process to implement a Request for Letters of Interest (R.O.I.) and a Request for Proposal (R.F.P.) and that the Legal and Planning Departments be directed to report back on the status of the existing partnership agreements, property zoning clarification and that consultation be held with the Humber Bay Public Library Board;”

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

BY-LAWS

(McCarthy/Kelly)

That Bill Nos. 144 to 157 be passed, that the corporate seal be affixed thereto and the by-laws be signed by the Mayor and the City Clerk, and numbered as 02-144 to 02-157:

- 144 A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 249 Upper Centennial Parkway Owned by Imperial Oil Limited
- 145 A By-law To Repeal and Adopt
- 146 A By-law To Amend Zoning By-law No. 06593 Respecting Lands Located at 17 ½ Fairmount Avenue Owned by the City of Humber Bay
- 147 A By-law To Amend By-law No. 02-215 and By-law No. 218 Being By-laws to Regulate Traffic and On-Street Parking
- 148 A By-law To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended Respecting Lands Located at 30 Moffat Road (Flamborough) Owned by Annie Nagy and Alexander Nagy
- 149 A By-law To Adopt Official Plan Amendment No. 85 to the Ancaster Official Plan Respecting Part of Lots 50 and 51, Concession 3, Designated as Parts 1 and 4, 62R-15914, located north and west of the Meadowlands Boulevard and Stonehenge Drive intersection
- 150 A By-law To Adopt Official Plan Amendment No. 86 to the Ancaster Official Plan; Respecting 1217 Old Mohawk Road
- 151 A By-law To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking
- 152 A By-law To Amend By-law No. 01-215 To Regulate Traffic
- 153 A By-law to Levy a Special Charge Upon the Ratable Property in the Business Improvements Areas for the Year 2002
- 154 A By-law To Amend By-law 92-7 Regarding Site Plan Control in the former Town of Ancaster for Land Described as Blocks 169 and 170 on Registered Plan 62M-926
- 155 A By-law To Repeal and Replace By-laws No. R00-061 and R00-072, Respecting Woodland Conservation By-law Enforcement Officers
- 156 A By-law To Impose a sewer rate under Section 221 of the Municipal Act, R.S.O. 1990, c M45, as amended, upon owners or occupants of land abutting Stone Church Road, in the City of Humber Bay

157 A By-law To Confirm The Proceedings of City Council

CARRIED

The City Council meeting adjourned at 9:45 p.m.

Respectfully submitted,

D. Braden
Deputy Mayor

Kevin Christenson
City Clerk
May 29, 2002