



CITY COUNCIL MINUTES

Wednesday, April 13, 2011

7:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor R. Bratina

Councillors B. Clark, C. Collins, J. Farr, L. Ferguson, T. Jackson,
B. Johnson, S. Merulla, J. Partridge, R. Pasuta, M. Pearson,
R. Powers, T. Whitehead, S. Duvall, B. McHattie, B. Morelli

Mayor Bratina called the meeting to order and called upon Reverend Sue-Ann Ward, of Christ's Church Cathedral on James Street North, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.5 Correspondence from Greg Lawrence, B.Sc., D.Ch., Director, Ontario Society of Chiropractors, requesting that May be declared "Foot Health Month" in 2011

Recommendation: Be received.

5.6 Correspondence from Nancy DiGregorio, Chair, Hamilton Police Services Board, respecting the 2011 Police Budget

Recommendation: Be received.

2. NOTICE OF MOTION

8.1 HWRF/HMRF Pension Administration Committee Quorum

(Whitehead/Duvall)

That the Agenda for the City Council meeting being held on April 13, 2011, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**3.1 Badge Ceremony for Hamilton Fire Chief Rob Simonds**

Council celebrated the ceremonial presentation of the Fire Chief Badge from former Chief Jim Kay to the new Fire Chief Rob Simonds.

Jim Kay and the Honourable Lincoln Alexander, Honorary Fire Chief, addressed Council, welcomed Chief Simonds to Hamilton, and presented him with the official Hamilton Fire Chief badge.

Chief Simonds addressed Council and thanked everyone for the presentation.

3.2 Lady Hamilton Club 40th Anniversary of Volunteer Service to the City of Hamilton

Council recognized the 40th Anniversary of the Lady Hamilton Club. Over the years, many thousands of visitors have been welcomed to the City and assisted by the Ladies to ensure they are having a great Hamilton experience.

The Mayor invited Eileen Collins, current Club President, and Paula Beck, President Elect, to join him at the podium to receive the Mayor's certificate, and to introduce the members of the Lady Hamilton Club.

APPROVAL OF MINUTES**3.1 March 23, 2011****(Pearson/Ferguson)**

That the Minutes of the March 23, 2011, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS**(Ferguson/Powers)**

That Council Communications 5.1 to 5.6 be approved, as amended, as follows:

- 5.1 Petition for Road Safety Improvements on Highway 8, east of Jones Road to east of Glover Road (1416 signatures)

NOTE: Due to bulk, a copy is available for viewing at the Office of the City Clerk or on the City's website at www.hamilton.ca.

Recommendation: **(Duvall/Whitehead)** Be referred to the General Manager of Public Works for a report to the Public Works Committee.

- 5.2 Correspondence from Richard Koroscil, Co-Chair, Hamilton Immigration Partnership Council, requesting that Councillor Brian McHattie represent City Council on the HIPC membership

Recommendation: **(Powers/Ferguson)** That Councillor Brian McHattie be appointed as the City's representative on the Hamilton Immigration Partnership Council

- 5.3 Correspondence from Kathleen Wynne, Minister of Transportation, respecting Niagara to GTA Corridor Planning and Environmental Assessment Study – Release of the Draft Transportation Development Strategy Report

Recommendation: **(Partridge/Pasuta)** Be received and referred to the General Manager of Public Works for a report to the General Issues Committee.

- 5.4 Correspondence from Arthur Esdaile requesting support for Private Member's Bill 22 – An Act to Amend the Children's Law Reform Act

Recommendation: **(Pearson/Partridge)** Be received.

- 5.5 Correspondence from Greg Lawrence, B.Sc., D.Ch., Director, Ontario Society of Chiropodists, requesting that May be declared "Foot Health Month" in 2011

Recommendation: **(Powers/Ferguson)** Be received.

- 5.6 Correspondence from Nancy DiGregorio, Chair, Hamilton Police Services Board, respecting the 2011 Police Budget

Recommendation: **(Whitehead/Duvall)** Be received.

(Farr/Pasuta)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-009

(f)(iii) Gerard Murphy and Kathy Drewitt, Chairman and Executive Director, respectively of the Downtown Hamilton B.I.A., respecting plans for a pilot project for pedestrianizing the south leg of King Street and Gore Park this Summer

(Farr/McHattie)

That Information Item (f)(iii), respecting Gerard Murphy and Kathy Drewitt, requests from the Downtown Hamilton B.I.A., be lifted from the table and added as Item 17 to the General Issues Committee Report 11-009.

CARRIED**(Farr/McHattie)**

(a) That Downtown BIA be provided use of Gore Park between Hughson and James Streets for thirty-five (35) days (Wednesdays through Fridays) during the summer of 2011.

(b) That the total park fee in the amount of \$2,887.50, for the Downtown BIA's use of Gore Park between Hughson and James Streets for thirty-five (35) days (Wednesdays through Fridays) during the summer of 2011, be waived.

(Powers/Collins)

Put the Question.

CARRIED

The Motion CARRIED on the following vote:

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

Total: 15

Nays: Clark

Total: 1

(Bratina/Partridge)

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

CARRIED**PUBLIC WORKS COMMITTEE 11-005**

6. Proposed Permanent Closure and Transfer of a Portion of Road Allowance Abutting 100 Legend Court, Ancaster (PW11023) (Ward 12)

(Powers/Pearson)

That subsection (c) to Item 6 of Public Works Report 11-005 be deleted and replaced to read as follows:

- (c) That the City Solicitor be authorized and directed to convey the subject lands by way of Transfer/Deed of Lands, to be prepared by the recipient in a form satisfactory to the City Solicitor.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

7. Employer Commuter Transit Pass Pilot Program (PW08133(a)) (City Wide)

(Duvall/Clark)

That the following be added as subsection (c) to Item 7 of Public Works Report 11-005:

- (c) That you must be a resident of Hamilton to participate in the Employer Commuter Transit Pass Pilot Program.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Powers/Jackson)

That Item 7 of the Public Works Report 11-005, respecting the Employer Commuter Transit Pass Pilot Program, as amended, be referred back to the Public Works Committee for further discussion.

CARRIED

10. City of Hamilton/Metrolinx Governance Agreement for the Joint Procurement of Conventional Transit (HSR) Buses (PW11026) - (City Wide) (Item 8.4)

(Powers/Pearson)

That subsection (a) to Item 10 of Public Works Report 11-005 be amended by deleting the words 'General Manager of Finance and Corporate Services (City Treasurer)' and replacing with the words 'City Clerk' therein to read as follows:

- (a) That the Mayor and City Clerk be authorized and directed to enter into a Governance Agreement, attached as Appendix "A" to Report PW11026, for the joint procurement of replacement Conventional Transit buses for 2011-2013, in accordance with the Transit ten year capital fleet replacement plan, with Metrolinx, with the understanding that staff is required to report back to Council for authority to enter into a purchase agreement;

CARRIED

(Powers/Pearson)

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

CARRIED

BOARD OF HEALTH REPORT 11-004**(Bratina/Partridge)**

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

CARRIED

PLANNING COMMITTEE REPORT 11-007**7. Parkland Dedication/Cash in Lieu for Schools (PED11041) (City Wide)****(Jackson/Collins)**

That Item 7 of the Planning Committee Report 11-007, respecting Parkland Dedication/Cash in Lieu for Schools, be amended by adding the following as subsection (c):

- (c) That the Joint City School Board report back to the Planning Committee with any recommendations for consideration.

CARRIED

The Main Motion, as amended, CARRIED as follows:

Yeas: Bratina, Collins, Duvall, Farr, Ferguson, Jackson, Johnson, McHattie, Merulla, Morelli, Partridge, Pasuta, Powers, Whitehead

Total: 14

Nays: Clark, Pearson

Total: 2

(m) Locke Street Paid Parking Hours**(McHattie/Farr)**

That Information Item (m) to the Planning Committee Report 11-007, respecting Locke Street Paid Parking Hours, be amended by deleting the words "and that this report also include consideration of the Waterdown, Stoney Creek and Ancaster paid parking areas", to read as follows:

That staff be directed to report back on changing morning paid parking hours in the Locke Street business area from 8:00 a.m. to 9:00 a.m.

CARRIED

The Motion, as amended, CARRIED as follows:

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

Total: 15

Nays: Ferguson

Total: 1

(Pasuta/Partridge)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 11-005**10. Annual Follow Up of Outstanding Audit Report Recommendations (AUD11021) (City Wide)****(Clark/Johnson)**

That subsection (c) to Item 10 of Report 11-005, respecting the Annual Follow Up of Outstanding Audit Report Recommendations, be amended by adding the words "by the end of June 2011", to read as follows:

- (c) That the City Manager be directed to review the non-compliant Internal Audit recommendations, from over the last 6 years, to determine the reasons why the changes were not implemented, and report back to the Audit, Finance & Administration Committee by the end of June 2011.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Clark/Johnson)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-005**(Merulla/Morelli)**

That the FIFTH Report of the Emergency & Community Services Committee be adopted and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-010**10. Water and Wastewater Rate Structure Review (FCS11025) (City Wide) (Item 8.2(b))****(Pearson/Bratina)**

- (b) That staff be authorized and directed to return to Council by the end of June 2012 with an updated water and wastewater rate structure for Council's consideration.

AMENDMENT CARRIED

The Item was split for voting purposes:

Subsection (a) of Item 10 CARRIED on a Recorded Vote, as follows:

Yeas: Bratina, Collins, Duvall, Farr, Johnson, McHattie, Merulla, Morelli,
Partridge, Pasuta, Pearson, Powers, Whitehead

Total: 13

Nays: Clark, Ferguson, Jackson

Total: 3

Subsection (b) of Item 10, as amended, CARRIED on a Recorded Vote, as follows:

Yeas: Bratina, Clark, Collins, Duvall, Farr, Ferguson, Johnson, McHattie, Merulla,
Morelli, Partridge, Pasuta, Pearson, Whitehead

Total: 14

Nays: Jackson, Powers

Total: 2

17. Dundas Business Improvement Area Expansion Boundaries

(Powers/Jackson)

That Information Item (e) of the General Issues Committee Report 11-010 be lifted from the table and added as Item 17 to the Report.

CARRIED

(Powers/Jackson)

(a) That the Dundas B.I.A. boundaries be expanded as identified in Appendix 'A' to Report PED11072;

(b) That the City Clerk's Division be authorized and directed to circularize the existing and proposed expansion area with the notice of intent to amend the designating by-law in accordance with Sections 209, 210, 212 and 213 of the Municipal Act;

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

(d) That the Downtown and Community Renewal Division be authorized and directed to prepare the necessary amendments to By-law 07-061 as amended (the Downtown and Community Renewal Community Improvement Project Area By-law), once the properties are added to the Dundas Business Improvement Area, in order that the properties may participate in applicable community improvement programs.

CARRIED

(Bratina/Partridge)

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

CARRIED

(Farr/Whitehead)

That Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 2011-2013 Community Accountability Planning Submission to the Hamilton, Niagara, Haldimand, Brant Local Health Integration Network

(Ferguson/ Powers)

That Item 3 of Board of Health Report 11-002, approved by Council on March 9, 2011, respecting the 2011-2013 Community Accountability Planning Submission to the Hamilton, Niagara, Haldimand, Brant Local Health Integration Network, be deleted in its entirety and replaced with the following in lieu thereof:

3. 2011-2013 Community Accountability Planning Submission to the Hamilton, Niagara, Haldimand, Brant Local Health Integration Network

- (a) That the 2011-2013 Community Accountability Planning Submission (CAPS), required by the Hamilton, Niagara, Haldimand, Brant, Local Health Integration Network (HNHB – LHIN) to negotiate the new Multi-sector Service Accountability Agreement (M-SAA) for Public Health Services, Community Mental Health Promotion Program of the Mental Health and Street Outreach Services, and Alcohol, Drug & Gambling Services programs, be approved. There is no net levy impact for these programs;
- (b) That the Medical Officer of Health be authorized and directed to sign the Multi-sector Service Accountability Agreement (M-SAA) between the City and the Hamilton, Niagara, Haldimand, Brant Local Health Integration Network (HNHB – LHIN) in a form satisfactory to the City Solicitor;
- (c) That the Medical Officer of Health be authorized and directed to submit reports as required by the LHIN to meet accountability agreements.

CARRIED

NOTICES OF MOTION

Councillor Pearson introduced the following Notice of Motion:

8.1 HWRF/HMRF Pension Administration Committee Quorum

That quorum for the HWRF/HMRF Pension Administration Committee be amended by changing the numbers “2” to “1”, for both the HWRF and HMRF representatives, to read as follows:

- 2 Members of Council
- 1 Representative of the Hamilton-Wentworth Retirement Fund Group
- 1 Representative of the Hamilton Municipal Retirement Fund Group

8.2 Random Testing of Private Wells and Irrigation Ponds

Councillor Johnson introduced the following Notice of Motion:

That staff be directed to work, in consultation with the Niagara Conservation Authority, to randomly test the appropriate number of private wells and irrigation ponds for PFO/s and Ethalyn Glycol.

(Johnson/Whitehead)

That the Rules of Order be waived to introduce a Motion respecting random testing of private wells and irrigation ponds.

CARRIED

(Johnson/Duvall)

That staff be directed to work, in consultation with the Niagara Conservation Authority, to randomly test the appropriate number of private wells and irrigation ponds for PFO/s and Ethalyn Glycol.

CARRIED

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

As Council determined that no discussion, respecting the Closed Session Minutes of the March 23, 2011, meeting of Council was required, the Minutes were approved in Open Session, as shown below:

10.1 Closed Session Minutes – March 23, 2011

(Collins/Jackson)

- (a) That the Closed Session Minutes of the March 23, 2011 meeting of Council be approved, as presented.
- (b) That the March 9, 2011 Minutes of Council remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

As Council determined that no discussion, respecting Selection Committee Report 11-002 was required, the Report was approved in Open Session, as shown below:

10.2 Selection Committee Report 11-002

(Johnson/Whitehead)

(a) Citizen Appointments to the Royal Botanical Gardens

That the following citizens be appointed to the Royal Botanical Gardens Board of Directors for a term commencing on April 14, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Ian Brisbin
Rebecca Raven

(b) Citizen Appointments to the Glanbrook Landfill Co-Ordinating Committee

That the following citizens be appointed to the Glanbrook Landfill Co-Ordinating Committee for a term commencing on April 14, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Andrew Fevez
J. Allan Freeman
Brooke Ryan
Brian Smith

(c) Citizen Appointments to the Hamilton Municipal Heritage Committee

That the following citizens be appointed to the Hamilton Municipal Heritage Committee for a term commencing on April 14, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Hamilton: Michael Adkins
Alissa Denham-Robinson
Walter Furlan
Michael Kirk
Dr. Christine Lei
Paul Wilson

Ancaster: Will Rosart

Dundas: Stan Nowak

Flamborough: Wilfred Arndt

Stoney Creek: Kathy Wakeman

Glanbrook: Ron Sinclair

(d) Citizen Appointments to the Agriculture and Rural Affairs Committee

That the following citizens be appointed to the Agriculture and Rural Affairs Committee for a term commencing on April 14, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Wilfred Arndt
Gary C. Hyde
Doug Cranston
Fritz Trauttmansdorff

(e) Citizen Appointments to the Niagara Peninsula Conservation Authority

That the following citizens be appointed to the Niagara Peninsula Conservation Authority for a term commencing on April 14, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

J. Stewart Beattie
Carmen D'Angelo

(f) Citizen Appointments to the Cleanliness and Security in the Downtown Core Task Force

(a) That the Terms of Reference of the Cleanliness and Security in the Downtown Core Task Force be amended by increasing the composition to four Community Representatives;

(b) That the following citizens be appointed to the Cleanliness and Security in the Downtown Core Task Force for a term commencing on April 14, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

John Hawker
Terri Mines
Megan Platts
Mary Pocius

(g) Visitors' Parking Passes (Added Item)

That staff investigate the current procedure for issuing parking passes to citizen members and report back to the Planning Committee.

CARRIED

BY-LAWS

(Ferguson/Powers)

That Bills No. 011-098 to 011-112 attached hereto, be passed, that the Corporate seal be affixed thereto, and that the By-law be signed by the Mayor and the City Clerk and read as follows:

By-law No.

- 11-098** To Incorporate City Land Designated as Part 1 on Plan 62R-19004 into Meadowlands Boulevard
- 11-099** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control
- 11-100** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 1 – Stop Control
- 11-101** To Incorporate City Land Designated as Block 147 on Plan 62M-1033 into Pinehill Drive
- 11-102** 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
- 11-103** To Amend By-law No. R84-026, A By-law Respecting the Management and Maintenance of the Waterworks Systems of the City of Hamilton and the Establishment of Water Rates and Charges
- 11-104** To Amend the Water and Wastewater Fees and Charges By-law No. 11-035
- 11-105** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
- 11-106** To Authorize the Signing of a Governance Agreement for the Joint Procurement of Transit Buses for Fiscal Year 2011 – Fiscal Year 2013
- 11-107** Respecting Removal of Part Lot Control, Block 8 of Plan No. 62M-917, Eaglewood Estates, Phase 2
- 11-108** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 121 St. Joseph's Drive
- 11-109** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 121 St. Joseph's Drive, Hamilton
- 11-110** To Authorize the Execution of a Grant Funding Agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Minister of Environment Relating to Funding Provided under the Innovative Source Control Stormwater Management for Business or Industrial Park Development Program

By-law No.

11-111 To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses and To Amend By-law No. 10-221, A By-law to Prescribe Standards for the Maintenance and Occupancy of Property

11-112 To Confirm the Proceedings of City Council

(Partridge/Johnson)

There being no further business, the City Council meeting adjourned at 10:29 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini
City Clerk
April 13, 2011