



CITY COUNCIL MINUTES

Wednesday, November 16, 2011

7:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor R. Bratina

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

Mayor Bratina called the meeting to order and called upon the Reverend Andy Crowell from Westdale United Church to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
 - 3.1 Urban Design and Architecture Award 2011: Presentation of the People's Choice Award – POSTPONED TO A LATER DATE
2. COMMITTEE REPORTS
 - 6.7 General Issues Committee Report 11-033 – November 14, 2011
3. NOTICES OF MOTION
 - 8.1 Truck Route Master Plan Study

(Collins/Pearson)

That the Agenda for the City Council meeting being held on November 16, 2011, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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None.

APPROVAL OF MINUTES

4.1 October 26, 2011

(Pearson/Clark)

That the Minutes of the October 26, 2011, meeting of Council be approved, as presented. **CARRIED**

COMMUNICATIONS

That Council Communications 5.1 to 5.11 be approved, as amended, as follows:

- 5.1 Correspondence from Eiji Yamamoto, Consul-General of Japan (Toronto), to welcome and foster further business interactions between Japan and Canada and Japan and Ontario

(Pearson/Whitehead)

Recommendation: Be received. **CARRIED**

- 5.2 Correspondence from Dr. Tom Nugent respecting OMB Case No. PL110331 – the new City of Hamilton Urban Official Plan

(Pearson/Whitehead)

Recommendation: Be received. **CARRIED**

- 5.3 Correspondence from Perry Holman, Executive Director, Vitamin D Society, respecting proposal to declare November 2 Vitamin D Day

(Pearson/Whitehead)

Recommendation: Be received. **CARRIED**

- 5.4 Correspondence from Ruth Dolan, Toronto Chapter, PH Support Group Co-Leader, Pulmonary Hypertension Association of Canada, respecting declaration of November as Pulmonary Hypertension Month

(Pearson/Whitehead)

Recommendation:

Be received.

CARRIED

- 5.5 Response to Council's resolution respecting OLG Share of Revenues from Matthew Wilson, Senior Policy Advisor, Association of Municipalities of Ontario

(Pearson/Whitehead)

Recommendation:

Be received.

CARRIED

- 5.6 Correspondence from Vern Nelligan respecting licence requirement for cutting down trees in every Ward in the City of Hamilton

(Pearson/Whitehead)

Recommendation:

Be received.

CARRIED

- 5.7 Correspondence from Paul Wilson respecting, "Take a Lesson from the Past – Council Can Keep Education Jobs Downtown"

(Pearson/Whitehead)

Recommendation:

Be received.

CARRIED

- 5.8 Correspondence from Margaret Eaton, President, ABC Life Literacy Canada, requesting that January 27, 2012 be declared "Family Literacy Day"

(Pearson/Whitehead)

Recommendation:

Be received.

CARRIED

- 5.9 Correspondence from Lise Levesque, Secretary Board of Directors, ACFO/AFO Regionale Hamilton, requesting reinstatement of the French Committee at City Hall

(Powers/Pearson)

Recommendation:

Be received and referred to the Audit, Finance & Administration Committee for consideration.

CARRIED

- 5.10 Resolution from the Municipality of Central Huron objecting to the direction from the Fire Marshal's office restricting the use of farm buildings

(Ferguson/Pasuta)

Recommendation: Be received and referred to appropriate staff for a Report back to the Emergency & Community Services Committee. **CARRIED**

- 5.11 Resolution from the Region of Peel respecting Bystander Cardiopulmonary Resuscitation

(Pearson/Ferguson)

Recommendation: Be endorsed. **CARRIED**

(Partridge/Pasuta)

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

GENERAL ISSUES COMMITTEE REPORT 11-031

Item 3 2012 Budget Guiding Principles (FCS11097) (City Wide)

The Item **CARRIED** on the following Recorded Vote:

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge
Total:	15
Nays:	B. Clark
Total:	1

(Bratina/Partridge)

That the THIRTY-FIRST Report of the General Issues Committee be adopted, and the information section received. **CARRIED**

GENERAL ISSUES COMMITTEE REPORT 11-032

(Bratina/Partridge)

That the THIRTY-SECOND Report of the General Issues Committee be adopted, and the information section received. **CARRIED**

PUBLIC WORKS COMMITTEE REPORT 11-013**(Powers/Ferguson)**

That the THIRTEENTH Report of the Public Works Committee be adopted, and the information section received. **CARRIED**

PLANNING COMMITTEE REPORT 11-019**Item 19 Pre-Christmas Free Parking Strategy****(Ferguson /Johnson)**

That the item be amended through the addition of “and the Ancaster Business Improvement Area” to read as follows:

That the Pre-Christmas Free Parking Strategy, approved by City Council on June 25, 2003, be amended as follows; That on-street parking be free at all times from November 24, 2011 to December 24, 2011 and limited to two (2) hours in duration for the Waterdown Business Improvement Area and the Ancaster Business Improvement Area.

Amendment CARRIED
Main Motion as Amended CARRIED

(Pasuta/Clark)

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

GENERAL ISSUES COMMITTEE REPORT 11-032(a)**(Bratina/Partridge)**

That the THIRTY-SECOND (a) Report of the General Issues Committee be adopted, and the information section received. **CARRIED**

HAMILTON LICENSING TRIBUNAL REPORT 11-006**(Whitehead/Duvall)**

That the SIXTH Report of the Hamilton Licensing Tribunal be adopted, and the information section received. **CARRIED**

GENERAL ISSUES COMMITTEE REPORT 11-033

Item 12 Hamilton Waterfront Trust Financial Statements

The Item **CARRIED** on the following Standing Recorded Vote:

Yeas: R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla,
 C. Collins, T. Jackson, S. Duvall, T. Whitehead,
 M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta,
 J. Partridge, B. Clark
Total: 16

**Item 18 Waterfront Outdoor Rink Management Agreement (FCS11106)
(City Wide)**

The Item **CARRIED** on the following Standing Recorded Vote:

Yeas: R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla,
 C. Collins, T. Jackson, S. Duvall, T. Whitehead,
 M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta,
 J. Partridge, B. Clark
Total: 16

**Item 19 Councillors' Remuneration - Continuation of One-Third Tax Allowance
(FCS11054) (City Wide)**

The Item **CARRIED** on the following Recorded Vote:

Yeas: R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla,
 C. Collins, S. Duvall, T. Whitehead, B. Clark, M. Pearson,
 B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge
Total: 15
Nays: T. Jackson
Total: 1

Item 21 Financing of the 2011 HECFI Budgetary Variance**(Clark/Powers)**

That the issue respecting Financing of the 2011 HECFI Budgetary Variance be referred to the General Issues Committee for a Report back with further financial information. **CARRIED**

Item 25 Report 11-003 of the Non-Union Compensation Sub-Committee

The Item **CARRIED** on the following Recorded Vote:

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, S. Duvall, T. Whitehead, B. Clark, M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge, T. Jackson
Total:	15
Nays:	S. Duvall opposed to recommendation (b) (ii)
Total:	1

Item 26 Lake Ontario Offshore Network Windstream Energy Inc.**(Partridge/Powers)**

That Item 26 be deleted.

CARRIED

(Partridge/McHattie)

That the following be added to General Issues Committee Report 11-033 as a new Item 26.

Lake Ontario Offshore Network Windstream Energy Inc.

Whereas, the Clean Technology sector has been identified as one of Hamilton's key industry clusters in the June 18, 2010 Council approved Economic Development Strategy; and

Whereas, a senior staff member of the Planning & Economic Development Department's Economic Development Division has been dedicated to this sector for the last three years and that the City is a member of both the Ontario Clean Technology Alliance (OCTA) and the Golden Horseshoe Strategic Energy Alliance; and

Whereas, the City of Hamilton has been requested to participate in a joint partnership with the City of Kingston and Windstream Energy Inc. to enter into an association to establish a consortium that will be responsible for the fabrication, assembly, staging, and installation of 100 off-shore wind turbines in the Wolfe Island Shoals wind project which is located approximately 5 kilometres off Wolfe Island in eastern Lake Ontario; and

Whereas, the direct benefit to Hamilton's economy will be related to the local Clean Technology supply chain including the Port of Hamilton and several major industrial/marine related companies located at the Bayfront Industrial area; and

Whereas, there will be no wind turbines associated with this partnership located within Hamilton's municipal boundaries; and

Whereas, the Mayor of Hamilton, designated City Councillors and Senior City staff will work cooperatively with Kingston counterparts to support, facilitate and expedite this development at the Provincial level.

Therefore Be It Resolved:

That the Mayor, on behalf of City Council, be authorized and directed to provide a letter to Windstream Energy Inc. confirming the City's support of the formation of this consortium and the importance of the estimated \$850 million in direct economic benefits to the members of the local wind energy supply chain and the City of Hamilton.

(Clark/Bratina)

That the Motion be amended through the deletion of the first six paragraphs which commence with the word "Whereas"

(Merulla/Collins)

That the question be called.

CARRIED

The Motion to Amend was DEFEATED on the following Standing Recorded Vote:

Yeas:	B. Clark, L. Ferguson, R. Pasuta, R. Powers
Total:	4
Nays:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, T. Jackson, J. Partridge
Total:	12

The Main Motion **CARRIED** on the following Standing Recorded Vote:

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, S. Duvall, T. Whitehead, M. Pearson, T. Jackson, J. Partridge
Total:	11
Nays:	B. Clark, L. Ferguson, B. Johnson, R. Pasuta, R. Powers
Total:	5

Prior to consideration of Item 31, rescinding of a previous Motion approved by Council is required, as follows:

(Pasuta/Clark)

That sub-section (i) of Item 33 of Economic Development and Planning Committee Report 10-020 respecting Airport Employment Growth District Secondary Plan, Zoning By-law and Infrastructure Master Plans (PED10153a/FCS10062a/PW10080), approved by Council on October 13, 2010 and which reads as follows, be rescinded:

33. Airport Employment Growth District Secondary Plan, Zoning By-law and Infrastructure Master Plans (PED10153a/FCS10062a and PW10080)

- (i) That the land holdings of Solomon and Marvin Wasserman located at No. 3876 Upper James Street, as shown on Appendix "A" to Report PED10153b, be deferred from the Airport Employment Growth District Secondary Plan and the implementing zoning by-law as recommended in Report PED10153a/FCS10062a/PW10080 and that staff be directed to initiate the acquisition of these lands for the future expansion of the John C. Munro/Hamilton International Airport.

CARRIED

Item 31 Airport Land Acquisitions and Ontario Municipal Board Appeals (Ward 11) (PED11208) (Item 12.5)

The Main Motion **CARRIED** on the following Recorded Vote:

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, S. Duvall, B. Clark, S. Duvall, T. Jackson, M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge
Total:	15
Nays:	T. Whitehead
Total:	1

Information Item (f)(v) Sanjay Chopra, 2202879, 2202919, 2202917 and 2201896 Ontario Inc., respecting 958, 962, 966 and 970 Beach Boulevard, Hamilton, regarding a Request for an Extension to the Covenants of Agreement of Purchase of Lots that require Commencement of Construction by November 9, 2011

(Collins/Merulla)

That Information Item (f)(v) of General Issues Committee Report 11-033 respecting Sanjay Chopra, 2202879, 2202919, 2202917 and 2201896 Ontario Inc., respecting 958, 962, 966

and 970 Beach Boulevard, Hamilton, regarding a Request for an Extension to the Covenants of Agreement of Purchase of Lots that require Commencement of Construction by November 9, 2011, be lifted from the table. **CARRIED**

Item 32 City Re-purchase of 958, 962, 966, and 970 Beach Blvd. from 2202918 Ontario Inc. (Neeru Chopra) and Extension of Building Covenants – 974 Beach Blvd. Hamilton (PED11201) (Ward 5)

(Collins/Jackson)

- (a) That the City Solicitor be authorized and directed to re-purchase the properties listed below pursuant to the restrictive covenants contained in each of the conveyances to 2202918 Ontario Inc. (Neeru Chopra) registered as:

<i>Instrument No.</i>	<i>Legal Description</i>	<i>Municipal Address</i>
VM280404	Parts 11 & 12, Plan 62R-17405	958 Beach Boulevard
VM280401	Parts 9 & 10, Plan 62R-17405	962 Beach Boulevard
VM280402	Parts 7 & 8, Plan 62R-17405	966 Beach Boulevard
VM280403	Parts 5 & 6, Plan 62R-17405	970 Beach Boulevard

- (b) That the City Solicitor amend the restrictive covenants contained in the transfer of 974 Beach Boulevard to 2202918 Ontario Inc. (Neeru Chopra) registered as Instrument VM280026 dated October 30, 2009, by extending the date for commencement of construction from November 1, 2010 to November 1, 2012, and the date for completion of construction from November 1, 2012 to November 1, 2013;
- (c) That in the event construction on the land at 974 Beach Boulevard has not commenced by November 1, 2012, in accordance with Recommendation (b), the City Solicitor be authorized and directed to re-purchase 974 Beach Boulevard pursuant to the restrictive covenants contained in Instrument No. VM280026;
- (d) That as a condition of the re-purchase of the lands identified in Recommendations (a) and (b), the City Solicitor be directed to deduct all outstanding municipal property taxes and local improvement charges from the purchase price;
- (e) That the re-purchase price of \$216,000 for the lands identified in Recommendation (a), be debited from Account No. 59259-3560150200 (Property Purchases and Sales). The funding for this purchase is to be transferred from the Beach Park Development Reserve No. 108037; and,

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

(Bratina/Partridge)

That the THIRTY-THIRD Report of the General Issues Committee be adopted as amended and the information section received. **CARRIED**

(Partridge/Pasuta)

That the Committee of the Whole Rise and Report. **CARRIED**

MOTIONS

None.

NOTICES OF MOTION

Councillor Jackson introduced the following Notice of Motion.

8.1 Truck Route Master Plan Study

That sub-section (b) of Item 3 of Public Works Committee Report 10-008 approved by Council on June 9, 2010 respecting the Truck Route Master Plan Study be amended by extending the exclusion of truck routes on the following roads for an additional eighteen months commencing in February 2012:

- (a) Kenilworth Avenue, south of Main Street to north of Fennell Avenue (which by extension, includes the Kenilworth Access);
- (b) Upper Ottawa Street, north of Fennell Avenue East;
- (c) Concession Street/Mountain Brow Blvd., from Upper Gage Avenue to Upper Ottawa Street;
- (d) Dundurn Street North from York Boulevard to King Street West.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL**10.1 Closed Session Minutes – October 26, 2011****(Clark/Pearson)**

- (a) That the Closed Session Minutes of the October 26, 2011 meeting of Council be approved, as presented.
- (b) That the October 26, 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**10.2 City Re-purchase of 958, 962, 966, and 970 Beach Blvd. from 2202918 Ontario Inc. (Neeru Chopra) and Extension of Building Covenants – 974 Beach Blvd. Hamilton (PED11201) (Ward 5)****(Collins/Pearson)**

That Council move into Closed Session pursuant to Section 8.1(b) of the City's Procedural By-law and Section 239(2)(b) of the Municipal Act as the subject matter pertains to personal matters about an identifiable individual with respect to City Re-purchase of 958, 962, 966 and 970 Beach Blvd. from 2202918 Ontario Inc. (Neeru Chopra) and Extension of Building Covenants – 974 Beach Blvd.

CARRIED

Council reconvened in Open Session at 9:37 p.m. Refer to page 10, Item 32 of General Issues Committee Report 11-033 for disposition of this matter.

BY-LAWS**(Pearson/Clark)**

That Bills No. 011-266 to 011-282 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be number signed by the Mayor and the City Clerk and read as follows:

By-law No. Bill No.

11-266	266	To Incorporate City Land Designated as Block 22 on Plan 62M-1161 and Block 103 on Plan 62M-1116 into Fair Street
11-267	267	To Incorporate City Land Designated as Block 107 on Plan 62M-1116 into Fair

By-law No.	Bill No.	
11-268	268	To Amend By-law 01-215, Being a By-law To Regulate Traffic Schedule 2 – Speed Limits Schedule 10 – No Left Turns Schedule 13 – Designated Traffic Lanes
11-269	269	To Permanently Close an Unassumed Portion of the Alley at between 176 Locke Street North and 170 Locke Street North, Hamilton established by Registered Plan 284, City of Hamilton, designated as Part 1 on Plan 62R-19145
11-270	270	To Amend Zoning By-law No. 6593 (Hamilton), as Amended, Respecting Lands Located at 649 Upper James Street (Hamilton)
11-271	271	To Amend Zoning By-law No. 6593 (Hamilton) Respecting the Property Located at 1285 Upper Ottawa Street
11-272	272	To Designate The Downtown and Community Renewal Community Improvement Project Area
11-273	273	To Adopt The Downtown and Community Renewal Community Improvement Plan
11-274	274	To Amend City of Hamilton By-law No. 10-052 as amended to delegate authority to the General Manager, Planning and Economic Development for certain grants and loans under the Downtown and Community Renewal Community Improvement Plan
11-275	275	To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking. Schedule 8 – No Parking Zones Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones Schedule 14 – Wheelchair loading Zones
11-276	276	Respecting, Housekeeping Amendments to By-law No. 05-200
11-277	277	To Amend Zoning By-law No. 05-200 (Hamilton), Respecting the Property Located at South-West Corner of Twenty Road East and Glover Road

By-law No. Bill No.**11-278 278**

To Adopt:

Official Plan Amendment No. 140 to the former Town of Ancaster Official Plan; Official Plan Amendment No. 21 to the former Town of Dundas Official Plan; Official Plan Amendment No. 126 to the former Town of Flamborough Official Plan; Official Plan Amendment No. 85 to the former Township of Glanbrook Official Plan; Official Plan Amendment No. 227 to the former City of Hamilton Official Plan; Official Plan Amendment No. 165 to the former City of Stoney Creek;

Respecting:

Employment Designations

11-279 279

To Adopt Official Plan Amendment No. 84 to the former Township of Glanbrook;

Respecting:

5365 Twenty Road East, former Township of Glanbrook

11-280 280

To Amend Zoning By-law No. 464 (Glanbrook),
Respecting the Property Located at 5365 Twenty Road East

11-281 281

Removal of Part Lot Control

Blocks 23 and 24, Registered Plan No. 62M-1036
"Paramount West",

419, 421, 423 & 425 Old Mud Street

11-282 282

To Confirm Proceedings of Council

CARRIED**(Johnson/Pearson)**

There being no further business, the City Council meeting adjourned at 9:40 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
November 16, 2011