



## **CITY COUNCIL MINUTES**

**Wednesday, January 11, 2011  
5:00 p.m.  
Council Chambers  
Hamilton City Hall  
71 Main Street West**

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**Present:** Mayor R. Bratina

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

Mayor Bratina called the meeting to order and called upon Dr. Anne Mackenzie Pearson, a member of the Assembly of the Baha'is of Hamilton, to lead Council in prayer.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

**1. ADDED COMMUNICATIONS**

- 5.1(a) Correspondence from the Honourable Ted McMeekin, Minister of Agriculture, Food and Rural Affairs, in response to December 7, 2011 letter requesting support on behalf of Maple Leaf Foods for funding from the Rural Economic Program.

Recommendation: Be received

5.7 Additional Letters of Support from the following respecting Wind Turbine Development

- (f) Vern Erickson
- (g) Darren Green, President – Hamilton Steelworkers Area Council
- (h) Malcolm Buchanan, President – Hamilton, Burlington and Oakville Chapter of the Congress of Union Retirees of Canada
- (i) David Adames, President and CEO – Hamilton Chamber of Commerce
- (j) Bryan Adamczyk
- (k) Hank van Bakel, Vice President, Operations – ORTECH Environmental

Recommendation: Be received

5.12 Letters in Support of the current moratorium on Wind Turbine Development

- (a) Victoria Frank
- (b) Tim & Janette Philips (attachments 5.12 (b)(i) through (viii) included)
- (c) Debbie Murphy, Co-Chair Glanbrook Wind Action Group (attachment 5.12 (c)(i))
- (d) Anita Merritt
- (e) Jane Wilson, President – Wind Concerns Ontario
- (f) Louise Jones, Glanbrook Wind Action Group

Recommendation: Be received

5.13 Resolution of the City of Kingston respecting support for formation of a Consortium on Wind Turbines in the Wolfe Island Shoals

Recommendation: Be received

5.14 Correspondence from Suzanne and Bob Wright, Co-founders of Autism Speaks, requesting the City to illuminate landmarks in blue on the evening of Monday, April 2, 2012 in support of UN Autism Awareness Day 2012

Recommendation: Be referred to the General Manager of Public Works for action

5.15 Correspondence from Ontario Ombudsman's Office respecting Ombudsman's Review of the General Issues Committee meeting of June 27, 2011 – Hamilton Entertainment Convention Facility Inc.

Recommendation: Be received

- 5.16 Correspondence from Ontario Ombudsman's Office respecting Ombudsman's Review of the General Issues Committee meeting of June 27, 2011 – McMaster University

Recommendation: Be received

- 5.17 Correspondence from Sean Finn of the Canadian National Railway Company respecting the Safety of Centennial Parkway bridge

Recommendation: Be received

- 5.18 Appointment For and Notice of Pre-Hearing between Allusions Hair Studio & Spa for Men and Registrar of Alcohol and Gaming to consider an appeal of a Proposal issued by the Registrar of Alcohol and Gaming

Recommendation: That a representative of the City attend the Pre Hearing for Allusions Hair Studio & Spa for Men on February 13, 2012

**2. COMMITTEE REPORTS (TO BE DISTRIBUTED)**

- 6.2 General Issues Committee Report 12-001 – January 9, 2012

- 6.3 General Issues Committee Report 11-037 – December 13, 2011

**3. ADDED PRIVATE & CONFIDENTIAL**

- 10.1 Personnel Matter

- 10.2 Hamilton Farmers' Market – Contractual Matter

**4. BY-LAW LISTING**

**(Pearson/Duvall)**

That the Agenda for the City Council meeting being held on January 11, 2012, be approved, as amended.

**CARRIED**

<b>DECLARATIONS OF INTEREST</b>
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None.

<b>CEREMONIAL ACTIVITIES/ANNOUNCEMENTS</b>
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None.

<b>APPROVAL OF MINUTES</b>
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**4.1 December 14, 2011****(Whitehead/Pasuta)**

That the Minutes of the December 14, 2011, meeting of Council be approved, as presented.

**CARRIED**

**4.2 December 16, 2011****(Whitehead/Pasuta)**

That the Minutes of the December 16, 2011, meeting of Council be approved, as presented.

**CARRIED**

<b>COMMUNICATIONS</b>
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**(Powers/Ferguson)**

That Council Communications 5.1 to 5.18 be approved, as follows:

- 5.1 Correspondence from Mayor B. Bratina to the Honourable Ted McMeekin, Minister of Agriculture, Food and Rural Affairs, expressing support on behalf of Maple Leaf Foods for funding from the Rural Economic Program.

Recommendation: Be received.

- 5.1 (a) Correspondence from the Honourable Ted McMeekin, Minister of Agriculture, Food and Rural Affairs, in response to December 7, 2011 letter requesting support on behalf of Maple Leaf Foods for funding from the Rural Economic Program.

Recommendation: Be received.

- 5.2 Correspondence from the Honourable Kathleen Wynne, Minister of Municipal Affairs and Housing, advising of total three-year national funding allocation for the City of up to \$16,874,982 from the new Investment in Affordable Housing for Ontario (IAH) Program

Recommendation: Be received.

- 5.3 Correspondence from the Honourable Jim Flaherty, Minister of Finance, in response to Council's resolution respecting the municipal tax burden

Recommendation: Be received.

- 5.4 Correspondence from the following members of the Hamilton Literacy Council respecting the City's gift certificate program to assist low-income citizens to eat healthier:

- (a) Jeremy Katz
- (b) Zenaba Mahamet
- (c) Ian Haskett
- (d) Jessica Ransberry
- (e) Peggy Belmore
- (f) Antonia Flores

Recommendation: Be received.

- 5.5 Correspondence from Brock Carlton, Chief Executive Officer, FCM, respecting payment to the City of Hamilton in the amount of \$28,076.22 which constitutes the second and final contribution toward the Green Municipal Fund Study Grant Agreement

Recommendation: Be received.

- 5.6 Correspondence from Jim Commerford, Chair, Hamilton Immigration Partnership Council, respecting Immigration Strategy for the City of Hamilton

Recommendation: Be received.

- 5.7 Letters of Support from the following respecting Wind Turbine Development

- (a) Bill Thompson, Co-ordinator, Blue Green Canada
- (b) Gord McNeil, Director, Business Development McKeil Marine Limited
- (c) Ian D. Baines, P.Eng., President, Windstream Energy Inc.
- (d) Gregory Kern, P.Eng., General Sales Manager, Walter's Inc.
- (e) Simon Granat, Student Representative – Social Science, and Chris Erl, Student Representative – Humanities, McMaster Student Union
- (f) Vern Erickson
- (g) Darren Green, President – Hamilton Steelworkers Area Council
- (h) Malcolm Buchanan, President – Hamilton, Burlington and Oakville Chapter of the Congress of Union Retirees of Canada
- (i) David Adames, President and CEO – Hamilton Chamber of Commerce
- (j) Bryan Adamczyk
- (k) Hank van Bakel, Vice President, Operations – ORTECH Environmental

Recommendation: Be received.

- 5.8 Resolution from the Municipality of Clarington respecting Special Provincial Funding to cover Municipal Deficits

Recommendation: Be received.

- 5.9 Resolution from the City of Waterloo respecting the Municipal Property Assessment Corporation (MPAC) and Supplementary and Omitted Assessments

Recommendation: Be endorsed.

- 5.10 Correspondence from Joe Minor respecting Experimental PFOS Remediation Plan for Hamilton International Airport

Recommendation: Be referred to the General Manager of Planning and Economic Development for appropriate action.

- 5.11 Appointment For and Notice of Pre-Hearing between 1837949 Ontario Inc. o/a Oceano Restaurant and Bar and Registrar of Alcohol and Gaming to consider an appeal of the process issued by the Registrar of Alcohol and Gaming

Recommendation: That a representative of the City attend the Pre-Hearing for the Oceano Restaurant and Bar on January 13, 2012

- 5.12 Letters in Support of the current moratorium on Wind Turbine Development

- (a) Victoria Frank
- (b) Tim & Janette Philips (attachments 5.12 (b)(i) through (viii) included)
- (c) Debbie Murphy, Co-Chair Glanbrook Wind Action Group (attachment 5.12 (c)(i))
- (d) Anita Merritt
- (e) Jane Wilson, President – Wind Concerns Ontario
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Recommendation: Be received

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Recommendation: Be referred to the General Manager of Public Works for action

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Recommendation: Be received

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Recommendation: That a representative of the City attend the Pre-Hearing for Allusions Hair Studio & Spa for Men on February 13, 2012

**CARRIED**

**(Pearson/Partridge)**

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

**CARRIED**

<b>GENERAL ISSUES COMMITTEE REPORT 11-031(b)</b>
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**(Bratina/Partridge)**

That Report 11-031(b) of the General Issues Committee be adopted and the information section received.

**CARRIED**

<b>GENERAL ISSUES COMMITTEE REPORT 12-001</b>
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**Item 10 Illegal Dumping, Litter and Escaped Waste (PW11052(b)) (City Wide)  
(Item 8.1(a))**

Item 10, sub-section (c), CARRIED on the following vote:

Yeas:	Whitehead, Collins, Morelli, Farr, Pearson, Ferguson, Powers, Pasuta, Bratina, Partridge, Clark, Merulla, McHattie and Jackson, Duval
Total	15
Nays:	Johnson
Total:	1
Absent:	None
Total:	0

**Item 12 Review of Various Communications from the Ontario Ombudsman  
respecting Closed Meeting Complaints (LS12001) (City Wide) (Item 12.7)**

Item 12 was split for voting purposes:

Sub-section (a) CARRIED

Sub-section (b), LOST on the following standing recorded vote:

Yeas:	None
Total	0
Nays:	Clark, Whitehead, Collins, Morelli, Farr, Pearson, Ferguson, Powers, Pasuta, Bratina, Partridge, Merulla, McHattie and Jackson, Duval, Johnson
Total:	16
Absent:	None
Total:	0

**(Clark/Whitehead)**

That Item 12 (b) be deleted and replaced with the following:

(b) That report LS12001 be released as a public document.

**Amendment CARRIED  
Motion as amended CARRIED**

Sub-section (c) CARRIED



**Item (v) Information Section: Public Health Services Accommodation – McMaster Health Campus (PED1134(b)/FCS11063(b)/BOH11026(b)) (Ward 2) (Item 8.5)**

**(McHattie/Whitehead)**

That Item (v), in the Information Section, be lifted from the table to allow amendment to item (f)(v)(ii)

The motion CARRIED on the following vote:

Yeas: Whitehead, Morelli, Farr, Ferguson, Powers, Pasuta, Bratina,  
Partridge, Merulla, McHattie and Jackson, Duval I  
Total 12  
Nays: Clark, Collins, Pearson, Johnson  
Total: 4  
Absent: None  
Total: 0

**(Farr/McHattie)**

That sub-section (f), Item (v) (ii) respecting negotiating space for the Public Health Services accommodation be amended by adding the following after the word “only” to read as follows:

- (ii) Or submit a plan to Council showing complete mitigation of all additional costs associated with any additional leased space.

The motion LOST on the following standing recorded vote:

Yeas: Bratina, Whitehead, Farr, McHattie, Ferguson  
Total 5  
Nays: Powers, Duvall, Jackson, Collins, Merulla, Morelli, Clark, Pearson,  
Johnson, Pasuta, Partridge  
Total: 11  
Absent: None  
Total: 0

**(Bratina/Pasuta)**

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

**CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 11-037****(Bratina/Partridge)**

That the Thirty-Seventh Report of the General Issues Committee be adopted and the information section received.

**CARRIED****(McHattie/Johnson)**

That the Committee of the Whole Rise and Report.

**CARRIED****MOTIONS**

None.

**NOTICES OF MOTION**

Councillor J. Partridge introduced the following Notice of Motion:

**8.1 Reconsideration of Motion respecting Request for Moratorium on Industrial Wind Turbine Development (Approved by Council on September 28, 2011)**

That the following motion, approved by Council on September 28, 2011, be reconsidered:

**Request for Moratorium on Industrial Wind Turbine Development**

Whereas the Ontario Green Energy and Green Energy Act removed from the Municipality any planning authority over renewable energy projects within their jurisdiction;

And Whereas significant public concern and opposition to Industrial Wind Turbines has been expressed across the Province, together with seventy Municipal Councils now passing resolutions for a wind turbine moratorium on Industrial Wind Turbine Development.

Now Therefore Be it Resolved:

- (a) That the Premier of Ontario be requested to restore local planning approval authority, immediately, to local governments regarding decision on Industrial Wind Turbines;

- (b) That a moratorium be placed on the establishment of any new Industrial Wind Turbine developments in Hamilton until a comprehensive, independent and peer-reviewed scientific study, as well as a psycho-social impact study, can confirm that industrial wind energy projects do not pose a risk to the community, the health of its citizens, property values, the rural environment and the affects to wildlife, specifically bees;
- (c) That this resolution be forwarded with a request for action to: the Premier's Office, the Ontario Ministries of Health, Environment and Energy, the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM) and the Niagara Escarpment Commission (NEC).

<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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**(Jackson/Morelli)**

That Council move into Closed Session to discuss confidential matters at 7:48 p.m. pursuant to Section 8.1(a), (b) and(f) of the City's Procedural By-law and Section 239 of the Municipal Act as the subject matters pertain to:

- (a) the security of the property of the municipality or local board;
- (b) personal matters about an identifiable individual, including municipal or local board employees; and
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**

**(Merulla/Collins)**

That Committee reconvene in Open Session at 8:43 p.m.

**CARRIED**

**10.1 Personnel Matter**

Pursuant to sub-section 8.1(a) of the City's Procedural By-law and Section 239.2(a) of the Municipal Act as the subject matters pertained to personal matters about an identifiable individual.

No recommendation to report.

**10.2 Hamilton Farmers' Market – Contractual Matter**

Pursuant to sub-sections 8.1(a), (b) and (f) of the City's Procedural By-law and Sections 239.2(a), (b) and (f) of the Municipal Act as the subject matters pertain to:

- (a) the security of the property of the City;
- (b) personal matters about an identifiable individual, including City employees; and,
- (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose,

No recommendation to report.

**BY-LAWS**
**(Powers/Ferguson)**

That Bills No. 001 to 008 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk and read as follows:

<b>By-law No.</b>	<b>Bill No.</b>	
<b>12-001</b>	<b>001</b>	To Incorporate City Land DESIGNATED as PART 1 ON PLAN 62R-8595 and PART 1 ON PLAN 62R-18678 into WOODWARD AVENUE
<b>12-002</b>	<b>002</b>	To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking  Schedule 8 – No Parking Schedule 9 – Alternate Side Parking Schedule 10 – Alternate Side Parking Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones Schedule 20 – School Bus Loading Zones
<b>12-003</b>	<b>003</b>	To Rescind By-law 11-294 and To Incorporate City Land Designated As Part 11 ON PLAN 62R-19090 into CHAMBERS DRIVE

**By-law No. Bill No.**

- |               |            |   |
|---------------|------------|---|
| <b>12-004</b> | <b>004</b> | To Incorporate City Land Designated as Parts 3, 4, and 5 on PLAN 62R-19087 into GEORGE STREET   |
| <b>12-005</b> | <b>005</b> | To Incorporate City Land Designated as PART 2 ON PLAN 62R-19087 into CAROLINE STREET  |
| <b>12-006</b> | <b>006</b> | Removal of Part Lot Control Blocks 3 and 4, Registered Plan No. 62M-1154, "Summit Park – Stage 5, Phase 2" 234 to 374 Pinehill Drive  |
| <b>12-007</b> | <b>007</b> | Removal of Part Lot Control Lots 41 – 49 and 51 – 58, Registered Plan No. 62M-1160, "Summit Park - Phase 5, Stage 3" 4 to 52 Whitworth Terrace and 178 to 222 Pelech Crescent |
| <b>12-008</b> | <b>008</b> | To Confirm Proceedings of Council   |

**(Pearson/Ferguson)**

That, there being no further business, the City Council meeting adjourned at 8:45 p.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini  
City Clerk  
January 12, 2011