



**CITY COUNCIL
MINUTES**
Wednesday, April 11, 2012
5:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West

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

**Absent with
Regrets:** Councillor R. Pasuta – Vacation

Mayor Bratina called the meeting to order and called upon Rabbi Jordan D. Cohen, of the Temple Anshe Sholom in Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.8 Correspondence from Councillor Brian McHattie respecting his resignation from the Farmers' Market Sub-Committee

Recommendation: For the Consideration of Council

5.9 Correspondence from the Lynwood Charlton Centre respecting a Request / Agreement to Delay Decision by Council

Recommendation: Be received.

2. ADDED REPORTS

6.5 Emergency & Community Services Committee Report 12-004 – April 10, 2012

6.6 General Issues Committee Report 12-009 – April 11, 2012

3. NOTICES OF MOTION

- 8.1 Confirmation of Hamilton City Council's Support for Flamboro Downs Slot & Race Track
- 8.2 On-site Landfill Inspector for the Newalta East Quarry ICI Landfill
- 8.3 Nomination for Position of President of the Association of Municipalities of Ontario

4. BILL LIST

Bills:

- 087** To Amend Zoning By-law 6593 (Hamilton), Respecting 75 Queenston Road
- 088** Respecting Removal of Part Lot Control, Blocks 58 – 61 and 64 – 68 of Plan No. 62M-1167, "Silverwoods"
- 089** Respecting Removal of Part Lot Control, Blocks 62 and 63 of Plan No. 62M-1167, "Silverwoods"
- 090** Respecting Removal of Part Lot Control, Block 124, Registered Plan No. 62M-665, 511 Winona Road and 3, 7, 11 & 15 Mercedes Lane

(Pearson/Ferguson)

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

CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 March 28, 2012

(Powers/Pearson)

That the Minutes of the March 28, 2012, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Collins/Merulla)

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

- 5.1 Correspondence from Treasureventure requesting the use of Hamilton Street Railway (HSR) to provide Shuttle Bus Service to and from the Adventure Fair from June 22 – 24, 2012

Recommendation: Be received and referred to the Director of Transit for a report to the Public Works Committee.

- 5.2 Correspondence from the Ontario Building Officials Association (OBOA) respecting their Development and Adoption of a Strategic Plan

Recommendation: Be received.

- 5.3 Correspondence from the Ministry of Citizenship and Immigration respecting the Municipal Immigration Information Online Program – Partnership and Enhancement Initiative 2011-12

Recommendation: Be received.

- 5.4 Correspondence from the Ministry of Community Safety and Correctional Services Commending the City of Hamilton for Completing the Emergency Management Program Elements

Recommendation: Be received.

- 5.5 Correspondence from Astral Media Radio Station, OLDIES 1150 CKOC respecting their 90th Birthday in Hamilton.

Recommendation: Be received.

- 5.6 Correspondence from the Municipality of Clarington respecting the Horse Racing Industry

Recommendation: Be endorsed.

- 5.7 Correspondence from Joe Minor respecting the Release of PFO Data

Recommendation: That the City Manager, together with legal staff, be directed to make inquiries of the Federal Government and demand the

answers required to mitigate the contamination at the John. C. Munro Hamilton International Airport.

- 5.8 Correspondence from Councillor Brian McHattie respecting his resignation from the Farmers' Market Sub-Committee

Recommendation:

- (a) That the resignation of Councillor McHattie from the Farmer's Market Sub-Committee be received;
- (b) That Councillor C. Collins be appointed to the Farmers' Market Sub-Committee.

- 5.9 Correspondence from the Lynwood Charlton Centre respecting a Request / Agreement to the Delay Decision by Council

Recommendation: Be received.

(Clark/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE BUDGET REPORT 12-002

2. Removal of Parking Meters in Downtown Stoney Creek and Downtown Waterdown (Item 6.2 – February 24, 2012)

Item 2 CARRIED on a Standing Recorded Vote, as follows:

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

17(c) 2012 Tax Supported Operating Budget (FCS12014) (City Wide) (March 2, 2012)

Sub-section (c) of Item 17 CARRIED on the following vote:

Yeas: B. Bratina, C. Collins, B. Clark, S. Duvall, T. Jackson, B. Johnson, J. Farr, B. McHattie, S. Merulla, B. Morelli, J. Partridge, M. Pearson, R. Powers and T. Whitehead
Total: 14
Nays: L. Ferguson
Total: 1
Absent: R. Pasuta
Total: 1

25. Conservation Halton 2012 Budget Request (February 24, 2012)

(Whitehead/Clark)

That Item 25 of the General Issues Committee Report 12-002, respecting Conservation Halton 2012 Budget Request, be referred to the City Manager with the direction that a meeting be arranged with the General Manager of Conservation Halton to review their financial recording process.

AMENDMENT CARRIED

(Bratina/Partridge)

That the SECOND Report of the General Issues (Budget) Committee be adopted as amended, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 12-004

(McHattie/Farr)

That the FOURTH Report of the Planning Committee be adopted, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 12-005

(Clark/Pearson)

That the FIFTH Report of the Planning Committee be adopted, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE BUDGET REPORT 12-008

(Bratina/Powers)

That the EIGHTH Report of the General Issues Committee be adopted, and the information section received.

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 12-004**(Partridge/Powers)**

That Section 5.6(2) of the City's Procedural By-law, 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 Emergency and Community Services Committee Report 12-004, dated Tuesday, April 10, 2012.

CARRIED**5(c) Interim Market Manager Position**

Sub-section (c) to Item 5 CARRIED on the following vote:

Yeas: B. Bratina, C. Collins, B. Clark, S. Duvall, B. Johnson, J. Farr, L. Ferguson, B. McHattie, S. Merulla, B. Morelli, J. Partridge, M. Pearson, R. Powers
Total: 13
Nays: T. Jackson, T. Whitehead
Total: 2
Absent: R. Pasuta
Total: 1

8. Provincial Budget 2012 and Implications to Ontario Works (CS12020) (City Wide)**(Bratina/Merulla)**

That Item 8 of the Emergency & Community Services Committee Report 12-004 be amended by adding the following as sub-section (c):

- (c) That the Fairness to Hamilton Committee meet with the local MPP's to ascertain and clearly identify the specific sections of the 2012 Provincial Budget that will affect the most vulnerable citizens in our community.

CARRIED**(Partridge/Bratina)**

That the FOURTH Report of the Emergency and Community Services Committee be adopted, as amended, and the information section received.

CARRIED**GENERAL ISSUES COMMITTEE BUDGET REPORT 12-009****(Whitehead/Duvall)**

That Section 5.6(2) of the City's Procedural By-law, 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 General Issues Committee Report 12-009, dated Wednesday April 11, 2012.

CARRIED

(Whitehead/Duvall)

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

CARRIED

(Clark/Pearson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

(Farr/McHattie)

That the item respecting Lynwood Charlton Centre be lifted from the table for consideration.

CARRIED

7.1 Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 121 Augusta Street (Hamilton) (PED12002) (Ward 2) (Item 6.5)

(Farr/McHattie)

That the Item respecting the Application for an Amendment to Hamilton Zoning By-law No. 6593 for Lands Known as 121 Augusta Street (Hamilton) (PED12002) be tabled to the April 25, 2012 Council meeting.

CARRIED

7.2 Confirmation of Hamilton City Council's Support for Flamboro Downs Slot & Race Track

(Partridge/McHattie)

WHEREAS Hamilton has an existing casino/slots and horse track facility located in Flamborough for 30 years;

AND WHEREAS the operator of this facility, Great Canadian Gaming Corporation, as an important business partner has committed and invested \$80 million into the facility and local economy in support of the slots and race track;

AND WHEREAS Flamboro Downs facility contributes significantly to the \$1.5 billion local agri-business economy in Hamilton, is an important Hamilton Tourism partner, employs many Flamborough/Hamilton residents, provides financial viability to local horse breeders, equipment and feed suppliers, veterinarians and farmers who's very existence is dependant on the race facility, as well as contributing to the spill over economy generated by Flamboro Downs;

AND WHEREAS the city of Hamilton has benefitted by approximately \$4 million annually in tax revenues, as well as tax revenues generated by affiliated area businesses;

THEREFORE BE IT RESOLVED:

- (a) That Hamilton City Council confirms its support of Flamboro Downs Slots and Race Track, Great Canadian Gaming Corporation, the Ontario Horse Race Industry Association (OHRIA) and other affiliated associations, as well as the local area farms and businesses; and,
- (b) That, notwithstanding discussions about any other gambling facilities in Hamilton, the existing Flamboro Downs facility remains Council's number one priority; and,
- (c) That Hamilton City Council request the Government of Ontario to continue to work with the slots and horse race combined facilities (Ontario Slots and Racetracks Program) identified as viable, to continue a joint business venture, to look at new formulas to keep operations such as Flamboro Downs Slots and Race Track sustainable to the benefit of our community.
- (d) That this resolution be circulated to the Legislative Assembly of Ontario, the Association of Municipalities of Ontario (AMO), the Ontario Horse Race Industry Association (OHRIA) and the Ontario Harness Horse Association.

Item 7.2 CARRIED a Standing Recorded Vote, as follows:

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

7.3 ON-SITE LANDFILL INSPECTOR FOR THE NEWALTA EAST QUARRY ICI LANDFILL

(Clark/Pearson)

WHEREAS, the Newalta Community Liaison Committee was recently informed by Ministry of Environment staff that the MOE had made a unilateral decision to cancel the on-site landfill inspector position for the Newalta East Quarry ICI Landfill;

AND WHEREAS Newalta has stated that they were not involved in the decision, confirming that the MOE staff acted unilaterally without any consultation;

AND WHEREAS the on-site landfill inspector was approved as clause 69 in the original Certificate of Approval, January 15 1997;

AND WHEREAS clause 69 reads "The Company SHALL reimburse the crown for costs incurred to retain an Environmental Inspector. The Terms of Reference for

the Environmental Inspector SHALL be determined by the Regional Director following consultation with the company, the CLC and the City. A copy of the Terms of Reference SHALL be provided to the CLC and the City”;

AND WHEREAS the Ministry of Environment staff have admitted that there was no consultation with the City;

AND WHEREAS Ministry of the Environment staff, Mr. Knapper, has been quoted in Hamilton Community News dismissing concerns by saying “times have changed and Newalta’s record as a corporate citizen speaks for themselves in terms of what they’ve done and how they administer that site”;

AND WHEREAS the Certificate of Approval is a site specific licence and is not based on measurements of good corporate citizenship;

AND WHEREAS Ontario Law permits the transfer of a Certificate of Approval licence to be sold as a capital asset;

AND WHEREAS, regardless of the MOE’s intentions to review their decision in 12 months, the cancellation of this inspector will have an immediate, chilling effect on the sale of 3,000 or more residential units being constructed within 500 meters of the landfill;

THEREFORE, BE IT RESOLVED:

- (a) That City Council forward correspondence to the Minister of the Environment notifying him of the City’s strongest objections to the MOE’s improper amendment to the Certificate of Approval for the Newalta ICI Landfill in Stoney Creek, and demand that the Landfill Environmental Inspector position be reinstated, as per the original Terms of Reference;
- (b) That City Council forward correspondence to Newalta, requesting as a good corporate citizen, they use their authority to rectify this error immediately; and,
- (c) That local MPP’s be forwarded copies of the above noted correspondence.

Item 7.3 CARRIED on a Standing Recorded Vote, as follows:

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

7.4 Nomination for Position of President of the Association of Municipalities of Ontario**(Collins/Merulla)**

That Hamilton City Council supports the nomination of Councillor Russ Powers for the position of "President" for the Association of Municipalities of Ontario for their 2012 - 2014 term of office.

CARRIED

NOTICES OF MOTION

Councillor J. Partridge introduced the following Notice of Motion:

8.1 Confirmation of Hamilton City Council's Support for Flamboro Downs Slot & Race Track

WHEREAS Hamilton has an existing casino/slots and horse track facility located in Flamborough for 30 years;

AND WHEREAS the operator of this facility, Great Canadian Gaming Corporation, as an important business partner has committed and invested \$80 million into the facility and local economy in support of the slots and race track;

AND WHEREAS Flamboro Downs facility contributes significantly to the \$1.5 billion local agri-business economy in Hamilton, is an important Hamilton Tourism partner, employs many Flamborough/Hamilton residents, provides financial viability to local horse breeders, equipment and feed suppliers, veterinarians and farmers who's very existence is dependant on the race facility, as well as contributing to the spill over economy generated by Flamboro Downs;

AND WHEREAS the city of Hamilton has benefitted by approximately \$4 million annually in tax revenues, as well as tax revenues generated by affiliated area businesses;

THEREFORE BE IT RESOLVED:

- (a) That Hamilton City Council confirms its support of Flamboro Downs Slots and Race Track, Great Canadian Gaming Corporation, the Ontario Horse Race Industry Association (OHRIA) and other affiliated associations, as well as the local area farms and businesses; and,
- (b) That, notwithstanding discussions about any other gambling facilities in Hamilton, the existing Flamboro Downs facility remains Council's number one priority; and,
- (c) That Hamilton City Council request the Government of Ontario to continue to work with the slots and horse race combined facilities (Ontario Slots and Racetracks Program) identified as viable, to continue a joint business

venture, to look at new formulas to keep operations such as Flamboro Downs Slots and Race Track sustainable to the benefit of our community.

- (d) That this resolution be circulated to the Legislative Assembly of Ontario, the Association of Municipalities of Ontario (AMO), the Ontario Horse Race Industry Association (OHRIA) and the Ontario Harness Horse Association.

(Partridge/McHattie)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Confirmation of Hamilton City Council's Support for Flamboro Downs Slot & Race Track.

CARRIED

Item 8.1 CARRIED on a Recorded Vote, as follows:

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

Total: 14

Nays: L. Ferguson

Total: 1

Absent: R. Pasuta

Total: 1

For disposition of this Item, please refer to Item 7.2.

Councillor B. Clark introduced the following Notice of Motion:

8.2 ON-SITE LANDFILL INSPECTOR FOR THE NEWALTA EAST QUARRY ICI LANDFILL

WHEREAS, the Newalta Community Liaison Committee was recently informed by Ministry of Environment staff that the MOE had made a unilateral decision to cancel the on-site landfill inspector position for the Newalta East Quarry ICI Landfill;

AND WHEREAS Newalta has stated that they were not involved in the decision, confirming that the MOE staff acted unilaterally without any consultation;

AND WHEREAS the on-site landfill inspector was approved as clause 69 in the original Certificate of Approval, January 15 1997;

AND WHEREAS clause 69 reads "The Company SHALL reimburse the crown for costs incurred to retain an Environmental Inspector. The Terms of Reference for the Environmental Inspector SHALL be determined by the Regional Director following consultation with the company, the CLC and the City. A copy of the Terms of Reference SHALL be provided to the CLC and the City";

AND WHEREAS the Ministry of Environment staff have admitted that there was no consultation with the City;

AND WHEREAS Ministry of the Environment staff, Mr. Knapper, has been quoted in Hamilton Community News dismissing concerns by saying “times have changed and Newalta’s record as a corporate citizen speaks for themselves in terms of what they’ve done and how they administer that site”;

AND WHEREAS the Certificate of Approval is a site specific licence and is not based on measurements of good corporate citizenship;

AND WHEREAS Ontario Law permits the transfer of a Certificate of Approval licence to be sold as a capital asset;

AND WHEREAS, regardless of the MOE’s intentions to review their decision in 12 months, the cancellation of this inspector will have an immediate, chilling effect on the sale of 3,000 or more residential units being constructed within 500 meters of the landfill;

THEREFORE, BE IT RESOLVED:

- (a) That City Council forward correspondence to the Minister of the Environment notifying him of the City’s strongest objections to the MOE’s improper amendment to the Certificate of Approval for the Newalta ICI Landfill in Stoney Creek, and demand that the Landfill Environmental Inspector position be reinstated, as per the original Terms of Reference;
- (b) That City Council forward correspondence to Newalta, requesting as a good corporate citizen, they use their authority to rectify this error immediately; and,
- (c) That local MPP’s be forwarded copies of the above noted correspondence.

(Clark/Pearson)

That the Rules of Order be waived to allow for the introduction of a motion respecting the on-site landfill inspector for the Newalta East Quarry ICI Landfill.

CARRIED

For disposition of this Item, please refer to Item 7.3.

Councillor C. Collins introduced the following Notice of Motion:

8.3 Nomination for Position of President of the Association of Municipalities of Ontario

That Hamilton City Council supports the nomination of Councillor Russ Powers for the position of "President" for the Association of Municipalities of Ontario for their 2012 - 2014 term of office.

(Collins/Merulla)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Nomination for Position of President of the Association of Municipalities of Ontario.

CARRIED

For disposition of this item, please refer to Item 7.4.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – March 28, 2012

(Collins/Jackson)

That the Closed Session Minutes of the March 28, 2012 meeting of Council be approved, as presented.

CARRIED

BY-LAWS

(Collins/Merulla)

That Bills No. 12-075 to 12-086 be amended by adding the following Bills attached hereto, to read as follows:

- | | | |
|------------|---------------|---|
| 087 | 12-087 | To Amend Zoning By-law 6593 (Hamilton), Respecting 75 Queenston Road |
| 088 | 12-088 | Respecting Removal of Part Lot Control, Blocks 58 – 61 and 64 – 68 of Plan No. 62M-1167, "Silverwoods" |
| 089 | 12-089 | Respecting Removal of Part Lot Control, Blocks 62 and 63 of Plan No. 62M-1167, "Silverwoods" |
| 090 | 12-090 | Respecting Removal of Part Lot Control, Block 124, Registered Plan No. 62M-665, 511 Winona Road and 3, 7, 11 & 15 Mercedes Lane |

(Collins/Merulla)

That Bill No. 12-075 to 12-091 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 to read as follows:

Bill No. By-law No.

- | | | |
|------------|---------------|---|
| 075 | 12-075 | To Impose a Storm Sewer Charge upon owners of land abutting Binbrook Road East from Tanglewood Drive to Southbrook Drive, in the City of Hamilton |
| 076 | 12-076 | To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control |
| 077 | 12-077 | To Incorporate City Land Designated as Block 119 on Plan 62M-1116 into Chambers Drive |
| 078 | 12-078 | To Incorporate City Land Designated as Block 131 on Plan 62M-1116 and Part of Block 127 on Plan 62M-1116 into Regan Drive |
| 079 | 12-079 | To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 4 – Special Event Parking Zones |
| 080 | 12-080 | To Adopt Official Plan Amendment No. 231 to the former City of Hamilton Official Plan,
Respecting:
Lands Located on the south side of Beach Road between Woodleigh Avenue and Agincourt Avenue, known municipally as 360 Beach Road, Hamilton
NOT FINAL AND BINDING |
| 081 | 12-081 | To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 360 Beach Road (Hamilton)
NOT FINAL AND BINDING |
| 082 | 12-082 | To Adopt Official Plan Amendment No. 230 to the former City of Hamilton Official Plan;
Respecting:
1620 Upper Wentworth Street and 401 Rymal Road East, Hamilton
NOT FINAL AND BINDING |
| 083 | 12-083 | To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1620 Upper Wentworth and 401 Rymal Road East, Hamilton
NOT FINAL AND BINDING |
| 084 | 12-084 | To Amend Zoning By-law No. 87-57 (Ancaster), as amended by By-law No. 10-285, Respecting Lands Located at 435 Garner Road East, in the former Town of Ancaster, now in the City of Hamilton
NOT FINAL AND BINDING |

Bill No. By-law No.

- 085 12-085** 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 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
- 086 12-086** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 5 – Parking Meters
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 13 – No Stopping Zones
- 087 12-087** To Amend Zoning By-law 6593 (Hamilton), Respecting 75 Queenston Road
- 088 12-088** Respecting Removal of Part Lot Control, Blocks 58 – 61 and 64 – 68 of Plan No. 62M-1167, “Silverwoods”
- 089 12-089** Respecting Removal of Part Lot Control, Blocks 62 and 63 of Plan No. 62M-1167, “Silverwoods”
- 090 12-090** Respecting Removal of Part Lot Control, Block 124, Registered Plan No. 62M-665, 511 Winona Road and 3, 7, 11 & 15 Mercedes Lane
- 091 12-091** To Confirm the Proceedings of City Council

CARRIED**(Pearson/Ferguson)**

That there being no further business, the City Council meeting be adjourned at 7:33 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

M. Gallagher
Acting City Clerk
April 11, 2012