



CITY COUNCIL MINUTES

Wednesday, May 9, 2012

5:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** Councillor S. Duvall – City Business
Councillor B. Johnson – Vacation
Councillor J. Partridge – City Business

Mayor Bratina called the meeting to order and introduced Maria Taormina. Mrs. Taormina spent her career working as an assistant librarian at the Hamilton Public Library, and then as a Catholic elementary school teacher and teacher librarian. Mayor Bratina asked Mrs. Taormina to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.11 Correspondence from OCHU/CUPE respecting Registered Practical Nurses Day

Recommendation: Be Received

5.12 Correspondence from John Levie, ASI Group, respecting Proposed Amendment to MOE Certificate of Approval, Waste Transfer & Material Recovery Centre CountryWide Recycling Inc. 900 Nebo Road Hamilton ON

Recommendation: Be Received

2. ADDED NOTICES OF MOTION

- 8.1 Consent to Tradeport International Corporation to permit the holding and staging of the 2012 Air Show at Hamilton International Airport
- 8.2 Canada (Attorney General) v. Bedford, 2012 ONCA 186

3. ADDED BILLS

Added Bills:

- 107 Removal of Part Lot Control, Block 74, Registered Plan No. 62M-1078, 310 Fall Fair Way

(Pasuta/Pearson)

That the Agenda for the City Council meeting being held on May 9, 2012, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 High School Business Heroes Competition – DeGroote School of Business at McMaster University

Mayor Bratina welcomed Brodie Caverhill and Gabriel Cicchi from the DeGroote School of Business at McMaster University to the Council floor to present certificates to top three teams from the High School Business Heroes Competition. Team “Infinity” comprising of Julia Dinh, Abraham Lin, and Anam Vohra of Westmount Secondary, placed first in the competition. Team "JS Consulting" comprised of, Sarah Fulton and Jassin Kelly from Hillfield Strathallan College placed second, and Team "Flare", comprised of Mobeen Malik and Faizan Malik of Orchard Park Secondary School for placed Third. The Mayor congratulated the teams for their achievement and wished them continued success.

3.2 Certificate Presentation - Driven to Quit Challenge

Mayor Bratina recognized the achievement of Amy Ladoucer for winning the Driven to Quit Challenge and the support of her “buddy” Agata Mancini. The Mayor welcomed staff members Heidi McGuire, and Dr. Richardson to the Council floor to discuss the Driven to Quit Challenge and speak to the achievements of Ms. Ladoucer.

APPROVAL OF MINUTES**4.1 April 25, 2012****(Pearson/Pasuta)**

That the Minutes of the April 25, 2012, meeting of Council, be approved, as presented.

CARRIED

COMMUNICATIONS**(Collins/Merulla)**

That Council Communications 5.1 through 5.12 be approved, as amended, as follows:

- 5.1 Correspondence from The Town of Niagara-On-The-Lake respecting support for the City of Kingston's resolution regarding provincial payment-in-Lieu of taxes

Recommendation: Be supported.

- 5.2 Correspondence from Oxford County respecting Support for the Resolution regarding future landfill construction or approval

Recommendation: Be referred to the General Manager of Public Works, for a report back to the Public Works Committee.

- 5.3 Correspondence from Dan Thompson, President, Canadian Tire Jumpstart Charities regarding proclaiming May 26 as "Jumpstart Day".

Recommendation: Be received.

- 5.4 Correspondence from David Adames, President and CEO, the Hamilton Chamber of Commerce regarding Refreshment Vehicle Licensing.

Recommendation: Be received and referred to the Planning Committee for discussion

- 5.5 Correspondence from the Ministry of the Environment respecting Preparing for Implementation of Part IV of the *Clean Water Act*

Recommendation: Be received.

- 5.6 Correspondence from the Township of Wainfleet respecting Setback Distance and Indemnification for Wind Turbines

Recommendation: Be received.

- 5.7 Correspondence from the Ontario Hockey Association respecting Ice Costs Based on Player Residency

Recommendation: Be received and referred to the General Manager of Community Services for a report to the Emergency and Community Services Committee.

- 5.8 Correspondence from Barbara and Ronald Bayne respecting item 5 of Planning Report 12-007

Recommendation: Be received.

- 5.9 Correspondence from Barbara Hall, Chief Commissioner of the Ontario Human Rights Commission, respecting a request for Ontario Human Rights Code Day/Week Proclamation

Recommendation: Be received.

- 5.10 Correspondence from the Voice of Women, respecting Federal Government Military Budget and Municipal Services

Recommendation: Be received.

- 5.11 Correspondence from OCHU/CUPE respecting Registered Practical Nurses Day

Recommendation: Be received.

- 5.12 Correspondence from John Levie, ASI Group, respecting Proposed Amendment to MOE Certificate of Approval, Waste Transfer & Material Recovery Centre CountryWide Recycling Inc. 900 Nebo Road Hamilton ON

Recommendation: Be Received

Motion as amended CARRIED

(Clark/Pearson)

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

CARRIED

PLANNING COMMITTEE REPORT 12-007

(Farr/Morelli)

That item (h)(i) be lifted from the information section of Planning Report 12-007 and added as a new item 8, to read as follows:

8. Gorilla Cheese verses Gallagher's Melt Down

That a 24-person increase to what is a 36-person occupancy, for a three hour period (5:00 p.m. to 8:00 p.m.), May 18th, 2012 be permitted on a patio at Gallagher's in order to allow for the Gorilla Cheese verses Gallagher's Melt Down event (proceeds to Hamilton Food Share) pending approval from the AGCO.

CARRIED

8. Gorilla Cheese verses Gallagher's Melt Down

(Farr/Morelli)

That a 24-person increase to what is a 36-person occupancy, for a three hour period (5:00 p.m. to 8:00 p.m.), May 18th, 2012 be permitted on a patio at Gallagher's in order to allow for the Gorilla Cheese verses Gallagher's Melt Down event (proceeds to Hamilton Food Share) pending approval from the AGCO.

CARRIED

(Clark/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-011

(Bratina/Pasuta)

That item 1(c) of General Issues Committee Report 12-011, be amended by deleting the words, "of Report CM11013c", following the words, "That KPMG LLP be retained to facilitate the negotiations with the proponents outlined in Recommendation a)" to read as follows:

- (c) That KPMG LLP be retained to facilitate the negotiations with the proponents outlined in Recommendation a) based on the fee schedule contained in their Terms of Reference (attached hereto as Appendix "A"), and funded through the HECFI Reserves;

**Amendment CARRIED
Motion as amended CARRIED**

(Bratina/Pasuta)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-012**(Morelli/Jackson)**

That Item 11 of the General Issues Committee be amended by receiving Item 11(a)(i) and (b), and refer Item 11(a)(ii) to the Planning Committee for discussion.

CARRIED**(Bratina/Pasuta)**

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

CARRIED**PUBLIC WORKS COMMITTEE REPORT 12-006****5. Standardization of Radio Communications, Next Stop Announcement and Automated Vehicle Location Equipment 2012 - 2014 (PW12033) (City Wide) (Item 8.1)**

That the Transit Bus Radio Communications, Next Stop Announcement and Automated Vehicle Location system parts be standardized to the existing Motorola and Mentor Engineering parts supplied by Glentel Inc. in accordance with Purchasing Policy 14 - Policy for Standardization for the period of 2012 through 2014, in conjunction with the existing maintenance contract.

The motion CARRIED on the following recorded vote:

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

Total: 11

Nays: L. Ferguson, R. Pasuta

Total: 2

Absent: S. Duvall, B. Johnson, J. Partridge

Total: 3

(McHattie/Farr)

That the SIXTH Report of the Public Works Committee, be adopted, and the information section received.

CARRIED**BOARD OF HEALTH REPORT 12-004****(Bratina/Pasuta)**

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

CARRIED

(Clark/Pearson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Consent to Tradeport International Corporation to permit the holding and staging of the 2012 Air Show at Hamilton International Airport

(Ferguson/Pearson)

- (a) That the City grant its consent to the Licence, provided that Tradeport International Corporation, Hamilton International Airport Limited and/or The Canadian Warplane Heritage Museum supply insurance in favour of the City, satisfactory to the City;

- (b) That the General Manager of Planning and Economic Development be authorized to execute any necessary documents in connection with the resolution in Subsection (a), in a form satisfactory to the City Solicitor.

CARRIED

NOTICES OF MOTION

Councillor Ferguson introduced the following notice of motion:

8.1 Consent to Tradeport International Corporation to permit the holding and staging of the 2012 Air Show at Hamilton International Airport

Whereas by a lease dated July 19, 1996 (the "Lease"), the City of Hamilton, as landlord, leased to Tradeport International Corporation, as tenant, certain premises for the operation and management of the Hamilton International Airport (the "Airport");

And whereas Tradeport International Corporation, through its subsidiary Hamilton International Airport Limited, wishes to license the Airport to The Canadian Warplane Heritage Museum for the purposes of holding and staging an air show in June 2012 (the "Licence");

And whereas the Lease requires Tradeport International Corporation to obtain the consent of the City, as landlord, prior to entering into the Licence;

Therefore be it resolved:

- (a) That the City grant its consent to the Licence, provided that Tradeport International Corporation, Hamilton International Airport Limited and/or The Canadian Warplane Heritage Museum supply insurance in favour of the City, satisfactory to the City;

- (b) That the General Manager of Planning and Economic Development be authorized to execute any necessary documents in connection with the resolution in Subsection (a), in a form satisfactory to the City Solicitor.

(Powers/Ferguson)

That the Rules of Order be waived to allow for the introduction of a motion respecting Consent to Tradeport International Corporation to permit the holding and staging of the 2012 Air Show at Hamilton International Airport.

CARRIED

Councillor Merulla introduced the following notice of motion:

8.2 Canada (Attorney General) v. Bedford, 2012 ONCA 186

That the City of Hamilton supports the Federal Government's appeal of the April 26, 2012 decision from Justices in Ontario's Court of Appeal in Canada (Attorney General) v. Bedford, 2012 ONCA 186.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – April 25, 2012

(Collins/Farr)

- (a) That the Closed Session Minutes of the April 25, 2012 meeting of Council be approved, as presented;
- (b) That the Closed Session Minutes of the April 25, 2012 meeting of Council, remain confidential and restricted from public disclosure.

CARRIED

BY-LAWS

(Collins/Merulla)

That Bills No. 12-104 to 12-108 be amended by adding the following Bill attached hereto, to read as follows:

Bill No.	By-law No.	
107	12-107	Removal of Part Lot Control Block 74, Registered Plan No. 62M-1078

310 Fall Fair Way

Amendment CARRIED**(Collins/Merulla)**

That Bills No. 12-104 to 12-108 be passed, as amended, and 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.	
104	12-104	To Amend Zoning By-law No. 464 (Glanbrook), Respecting the properties located at 2501, 2525 and 2537, Regional Road 56, Town of Binbrook
105	12-105	Being a By-law to Permanently Close an an Unassumed Portion of the Alley abutting 48 Woodbine Crescent, established by Registered Plan 200, City of Hamilton, designated as Part 1 on Plan 62R-18898
106	12-106	To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking Schedule 8 – No Parking Zones Schedule 9 – Alternate Side Parking Schedule 10 – Alternate Side Parking Schedule 12- Permit Parking Zones Schedule 14 – Wheelchair loading Zones
107	12-107	Removal of Part Lot Control Block 74, Registered Plan No. 62M-1078 310 Fall Fair Way
108	12-108	To Confirm the Proceedings of Council

Motion as amended CARRIED**(Pearson/Powers)**

That there being no further business, the City Council meeting be adjourned at 6:50 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina