



CITY COUNCIL MINUTES

Wednesday, June 13, 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, B. Johnson, J. Farr,
L. Ferguson, S. Merulla, B. Morelli, J. Partridge, R. Pasuta,
M. Pearson, R. Powers, B. McHattie, S. Duvall, T. Whitehead

Mayor Bratina called the meeting to order and called upon Reverend Doctor Kurt Richardson of Ryerson United Church in Ancaster, to lead Council in prayer.

Mayor Bratina expressed Council's condolences to Joe-Anne Priel and her husband Rod for the loss of her mother-in-law, Frances Laurine Priel.

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| APPROVAL OF THE AGENDA |
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The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.12 Correspondence from Patti Barrie, Municipal Clerk, Corporation of the Municipality of Clarington, respecting Regulations for the Movement of Commercial Fill

Recommendation: Be received.

5.13 Correspondence from Paul (Duke) O'Sullivan, Chair, Good Shepherd Centres, requesting a loan of \$5 million toward the development of the Good Shepherd Square on King Street West

Recommendation: For the consideration of Council

- 5.14 Correspondence from Carl Zehr, Mayor, City of Kitchener, respecting the MTO's decision regarding the commercial use of two-way radios

Recommendation: Be referred to the City Manager, Fire Chief and General Manager of Public Works for a report back to the General Issues Committee

- 5.15 Correspondence from Matt Jelly, Chair, Central Neighbourhood Association, requesting initiation of a Phase I Assessment on the environmental condition of Central Park

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

(Ferguson/Johnson)

That the Agenda for the City Council meeting being held on June 13, 2012, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest with respect to Item 5.8 as his daughter is employed in the aggregate industry.

CEREMONIAL ACTIVITIES

3.1 Presentation to Spleit Strings Studio

Spleit Strings Studio, which operates out of Ryerson United Church and is owned by Ilona Spleit was presented with a certificate of congratulations for winning first place at the Toronto Kiwanis Music Festival. The ensemble performed for Council.

APPROVAL OF MINUTES

4.1 May 23, 2012

(Ferguson/Johnson)

That the Minutes of the May 23, 2012, meeting of Council be approved, as presented. **CARRIED**

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| COMMUNICATIONS |
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(Farr/Morelli)

That Council Communications 5.1 through 5.15 be approved, as amended, as follows:

- 5.1 Correspondence from the Honourable Deb Matthews, Minister of Health and Long-Term Care, to Monique Taylor, M.P.P., respecting emergency services in the City of Hamilton

Recommendation: Be received.

- 5.2 Letter of Thanks from Sandra King, Development Staff, Living Rock Ministries, for the City's contribution toward the success of the 2012 Soupfest and request for transportation for Soupfest 11 – February 6, 2013

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 5.3 Correspondence from the Honourable John Milloy, Minister of Community and Social Services, in reply to the City's response to the second Discussion Paper of the Commission for the Review of Social Assistance in Ontario

Recommendation: Be received.

- 5.4 Correspondence from David O'Toole, Deputy Minister, Ministry of Natural Resources, respecting changes to the Bear Wise Program

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

- 5.5 Memorandum from the Ministry of Municipal Affairs and Housing respecting Residential Tenancies Act – Automatic Rent Reductions

Recommendation: Be received.

- 5.6 Correspondence from Tim Simmons, Chair of the Board of Trustees, Hamilton-Wentworth District School Board, advising of the Trustees' resolution to withdraw from the Education Centre Joint Task Force Committee

Recommendation: Be received.

- 5.7 Correspondence from Earle Basse, Integrity Commissioner, respecting complaints of misconduct against Mayor Robert Bratina

Recommendation: Be received.

- 5.8 Resolution from the Corporation of the Municipality of Clarington respecting "Aggregate Resources Act Review"

Recommendation: Be referred to the General Manager of Planning and Economic Development for a report to the Planning Committee.

- 5.9 Correspondence from Joe Minor respecting farming in toxic contaminated Ditch 1, Hamilton International Airport (dated May 26 and May 29, 2012)

Recommendation: Be referred to the General Manager of Planning and Economic Development for appropriate action and that Transport Canada be invited to the meeting.

- 5.10 Resolution from the Regional Municipality of Peel respecting Provincial Action Plan for Health Care

Recommendation: Be referred to the City Manager, the Medical Officer of Health, and the Director of Emergency Medical Services for a report to the General Issues Committee.

- 5.11 Correspondence from the Honourable Charles Sousa, Ministry of Citizenship and Culture, respecting nominations for the Ontario Medal for Good Citizenship

Recommendation: Be received and the information be provided to Members of Council for sharing with their constituents.

- 5.12 Correspondence from Patti Barrie, Municipal Clerk, Corporation of the Municipality of Clarington, respecting Regulations for the Movement of Commercial Fill

Recommendation: Be received.

- 5.13 Correspondence from Paul (Duke) O'Sullivan, Chair, Good Shepherd Centres, requesting a loan of \$5 million toward the development of the Good Shepherd Square on King Street West

Recommendation: Refer to the General Manager of Finance and Corporate Services for a report back to the General Issues Committee.

- 5.14 Correspondence from Carl Zehr, Mayor, City of Kitchener, respecting the MTO's decision regarding the commercial use of two-way radios

Recommendation: Be referred to the City Manager, Fire Chief and General Manager of Public Works for a report back to the General Issues Committee

- 5.15 Correspondence from Matt Jelly, Chair, Central Neighbourhood Association, requesting initiation of a Phase I Assessment on the environmental condition of Central Park

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

CARRIED

(Duvall/Whitehead)

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

CARRIED

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| PUBLIC WORKS COMMITTEE 12-007 |
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Item 3 Proposed Permanent Closure and Sale of a Portion of Road Allowance being Part 2 (Unnamed Road Allowance) and Part 5 (Elizabeth Street) on Plan 62R-14865, Stoney Creek (PW12046) (Ward 11)(Item 6.1)

(McHattie/Morelli)

That Item 3 respecting Proposed Permanent Closure and Sale of a Portion of Road Allowance being Part 2 (Unnamed Road Allowance) and Part 5 (Elizabeth Street) on Plan 62R-14865, Stoney Creek (PW12046) be deleted in its entirety and replace with the following:

- (a) That the portion of unopened road allowance being Part 2 (unnamed road allowance, Registered Plan 310) and Part 5 (Elizabeth Street, Registered Plan 310) on Plan 62R-14865 be permanently closed and transferred to Movengo Corp. the adjacent owner of Parts 1, 3 and 4 on Plan 62R-14865, as shown on Appendix B attached to Report PW12046, subject to the following conditions:
 - (i) That the applicant makes an application to an Ontario Superior Court of Justice Court, under Section 88 of the Registry Act, R.S.O 1990, for an order to permanently close and purchase the subject lands;
 - (ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;
 - (iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor;
 - (iv) That the applicant register a reference plan under the Registry Act and that the said plan be prepared by an Ontario Land Surveyor to the satisfaction of the Manager, Surveys and Technical Services Section and that the applicant deposit a

reproducible copy of said plan with the Manager, Surveys and Technical Services Section;

- (b) That provided the Judge's Order to permanently close the lands is granted:
 - (i) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway;
 - (ii) That the appropriate by-law be introduced and enacted by Council;

**Amendment Carried
Motion as amended CARRIED**

Item 14 Municipal Grass Cutting - Service Levels and Impacts of the Cosmetic Pesticides Ban

(Ferguson/Collins)

That subsection (a) of Item 14, respecting Municipal Grass Cutting - Service Levels and Impacts of the Cosmetic Pesticides Ban be amended by deleting the words '*Bill 88, Pesticides Amendment Act, being an act to*' and inserting the words '*amendments to the Pesticides Act (Ontario Regulation 63/09)*' therein, to read as follows:

- (a) That the Premier of Ontario and leaders of the opposition Parties be requested to support amendments to the *Pesticides Act (Ontario Regulation 63/09)*, to allow the use of pesticides by licensed operators, provided the application of pesticide is part of an accredited Integrated Pest Management (IPM) program.

The Amendment, and the Motion as amended, **CARRIED** on the following Votes:

Yeas: J. Farr, T. Jackson, S. Duvall, T. Whitehead, R. Bratina,
J. Partridge, R. Pasuta, L. Ferguson, R. Powers, M. Pearson,
C. Collins, B. Morelli
Total: 12
Nays: B. McHattie, B. Johnson, B. Clark, S. Merulla
Total: 4
Absent:: 0

(McHattie/Morelli)

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

PLANNING COMMITTEE REPORT 12-009**Item 8 Appeal of the City of Hamilton Committee of Adjustment Decision to Approve Severance Application AN/B-12:18, Marion Goodbrand (Owner), 3134 Jerseyville Road West (Formerly Town of Ancaster) (PED12103) (Ward 14) (Item 8.2)**

This Item **CARRIED** on the following Votes:

Yeas: J. Farr, T. Jackson, S. Duvall, T. Whitehead, R. Bratina, J. Partridge, R. Pasuta, L. Ferguson, R. Powers, M. Pearson, C. Collins, B. Morelli, B. McHattie, B. Johnson, S. Merulla
Total: 15
Nays: B. Clark
Total: 1
Absent:: 0

(Clark/Pearson)

That the NINTH Report of the Planning Committee be adopted and the information section received. **CARRIED**

GENERAL ISSUES COMMITTEE 12-015**Item 10 Interim Maintenance Measures: 52-56 Charlton Avenue West, Hamilton (also known as Charlton Hall) (PED12106/PW12045) (City Wide) (Item 8.1)**

This Item **CARRIED** on the following Votes:

Yeas: J. Farr, T. Jackson, S. Duvall, R. Bratina, J. Partridge, R. Pasuta, L. Ferguson, M. Pearson, C. Collins, B. Morelli, B. McHattie, B. Johnson, S. Merulla
Total: 13
Nays: B. Clark, T. Whitehead, R. Powers
Total: 3
Absent:: 0

(McHattie/Merulla)

That Item (h)(iii) of General Issues Committee Report 12-015 respecting Water, Wastewater and Stormwater Rate Structure Review Update, be lifted from the Information Section.

This Item **CARRIED** on the following Votes:

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

Total: 15

Nays: B. Clark

Total: 1

Absent:: 0

Item 12 Water, Wastewater and Stormwater Rate Structure Review Update

(McHattie/Merulla)

That the following be added as sub-section (b) to Item 12 of General Issues Committee Report 12-015 respecting Water, Wastewater and Stormwater Rate Structure Review Update:

- (b) That the total cost of the Water and Wastewater Rate Structure Review, with an upset limit of \$70,000, be funded equally from the Waterworks Capital Reserve (108015) and the Sanitary Sewer Capital Reserve (108005) with a timeframe of six months for staff to report back to the General Issues Committee.

The amending motion was subsequently withdrawn with the majority consent of Council.

Item 19 One-Time Funding for Hamilton Folk Arts Heritage Council

(Morelli/Merulla)

That Item 19 of General Issues Committee Report 12-015 respecting One-Time Funding for Hamilton Folk Arts Heritage Council be amended by adding the following as sub-section (a), and the balance of the sections re-numbered accordingly:

- (a) That in view of the upper levels of government funding being terminated with little advance notice, and based on this extraordinary circumstance, that the grant policy of not granting additional funds to organizations who have also received Community Partnership Program Funding, be waived in this instance;

to read as follows:

19.One-Time Funding for Hamilton Folk Arts Heritage Council

- (a) That in view of the upper levels of government funding being terminated with little advance notice, and based on this extraordinary circumstance,

that the grant policy of not granting additional funds to organizations who have also received Community Partnership Program Funding, be waived in this instance;

- (b) That a one-time funding grant in the amount of \$40,000 to the Hamilton Folk Arts Heritage Council be approved and funded from the Tax Stabilization Reserve;
- (c) That the Hamilton Folk Arts Heritage Council continue to submit applications through the Community Partnership Program for funding requests in future years.

(Morelli/Powers)

That the amendment to Item 19 of General Issues Committee Report 12-015 respecting One-Time Funding for Hamilton Folk Arts Heritage Council be further amended by deleting subsection (a) and changing the dollar amount in subsection (b) from \$40,000 to \$93,040, and re-lettering the subsections accordingly, to read as follows:

- (a) That a one-time funding grant in the amount of \$93,040 to the Hamilton Folk Arts Heritage Council be approved and funded from the Tax Stabilization Reserve;
- (b) That the Hamilton Folk Arts Heritage Council continue to submit applications through the Community Partnership Program for funding requests in future years.

**Amendment CARRIED
Motion as Amended CARRIED**

(Bratina/Partridge)

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

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| AUDIT, FINANCE & ADMINISTRATION COMMITTEE 12-006 |
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Item 19. Evaluation of the City of Hamilton Purchasing Program Update (FCS09109(d)) (City Wide) (Item 8.6)

This Item **CARRIED** on the following Votes:

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

Total: 15

Nays: B. Johnson

Total: 1
Absent:: 0

(Johnson/Pearson)

That the SIXTH Report of the Audit, Finance & Administration Committee be adopted, and the information section received. **CARRIED**

EMERGENCY & COMMUNITY SERVICES COMMITTEE 12-006

(Partridge/Pasuta)

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

(Duvall/Whitehead)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Open to the Core and Open Streets Festivals, 16-24 James Street North – June 23-24, 2012

Councillor Farr withdrew his motion.

NOTICES OF MOTION

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – May 23, 2012

(Whitehead/Morelli)

That the Closed Session minutes of May 23 2012, be approved.

CARRIED

10.2 Citizen Appointment to the Environmentally Significant Areas Impact Evaluation Group**(Johnson/Duvall)**

- (a) That the resignation from Mr. Dan Thompson from the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), hereto attached, be received;
- (b) That Mr. Barry Myler be appointed to the Environmentally Significant Areas Impact Evaluation Group (ESAIEG), for a term commencing June 14, 2012 and to expire with the current term of Council or until such time as a successor is appointed

CARRIED

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| BY-LAWS |
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(Farr/McHattie)

That Bills No. 124 to 137 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:

- 124** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control
- 125** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control
- 126** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
Schedule 3 – Flashing School Zones – Reduced Speed Limits
Schedule 6 – One-Way Streets
Schedule 13 – Designated Traffic Lanes
- 127** To Amend By-law No. 01-215, To Regulate Traffic:
Section 14 (No Left Turns) of Part 2 – Traffic Regulations
- 128** 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 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 20 – School Bus Loading Zones
- 129** To Incorporate City Land Designated as Block 58 on Plan 62M-1054 into Maggie Johnson Drive
- 130** To Regulate the Feeding of Wildlife and to Repeal By-law No. 02-136
- 131** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 440 Rennie

Street (Hamilton)

- 132** To Amend By-law No. 05-200 – Housekeeping Amendments
- 133** To Adopt Official Plan Amendment No. 143 to the former Town of Ancaster Official Plan
Respecting:
The Ancaster Wilson Street Secondary Plan
- 134** To Amend the Waterworks By-law No. R84-026 and Impose Fees and Charges for Private Unmetered Fire Lines
- 135** To Amend the Water and Wastewater Fees and Charges By-law No. 11-311
- 136** To Amend By-law No. 08-154, A By-law To Establish the Office of Integrity Commissioner
- 137** To Confirm the Proceedings of City Council

CARRIED

(Pearson/Partridge)

That, there being no further business, the City Council meeting adjourned at 7:50 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
June 13, 2012