



# CITY COUNCIL MINUTES

Thursday, July 12, 2012

9:30 a.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, B. Clark, M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge

**Absent with  
Regrets:** T. Whitehead - Vacation

Mayor Bratina called the meeting to order.

Mayor Bratina asked those in attendance to reflect in a moment of silence in remembrance of Irene Gelinias who tragically passed away this past week. Irene worked with the City in the dietary department at Wentworth Lodge for over 22 years. On behalf of Council, Mayor Bratina expressed condolences to Irene's family.

<b>APPROVAL OF THE AGENDA</b>
-------------------------------

The Clerk advised of the following changes to the agenda:

**1. ADDED CORRESPONDENCE**

5.11 Correspondence from the Tourism Hamilton Inc. Board of Directors, respecting their resolution to dissolve Tourism Hamilton Inc., and request for the development of a Tourism Advisory Committee.

Recommendation: For the consideration of Council

5.12 Correspondence from the Minister of State, (Science and Technology) (Federal Economic Development Agency for Southern Ontario), respecting the launch of the new Community Infrastructure Improvement Fund (CIIF)

Recommendation: Be received

- 5.13 Correspondence from Mr. Mark McMaster, respecting a Request for Relief from Development Charges Liability at 168 West Avenue North

Recommendation: For the consideration of Council

**2. NOTICES OF MOTION**

- 8.1 City of Hamilton Licensing By-laws

**(Pasuta/Partridge)**

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

**CARRIED**

**DECLARATIONS OF INTEREST**

None.

**APPROVAL OF MINUTES**

**4.1 June 27, 2012**

**(Pearson/Ferguson)**

That the Minutes of the June 27, 2012 meeting of Council be approved, as presented.

**CARRIED**

**COMMUNICATIONS**

**(Ferguson/Johnson)**

That Council Communications 5.1 through 5.13 be approved, as amended, as follows:

- 5.1 Correspondence from the Municipality of Lambton Shores, respecting their resolution recommending changes to Federal guidelines on health, siting requirements and municipal protocols for Telecommunication (cellular) Towers.

**(Pearson/Johnson)**

Recommendation: Be endorsed.

- 5.2 Correspondence from the Toronto and Region Conservation Authority (TRCA), resolution respecting District Energy.

**(McHattie/Farr)**

Recommendation: Be endorsed and referred to Hamilton Community Energy

- 5.3 Correspondence from the Town of Caledon, respecting their resolution regarding the *Aggregate Resources Act*.

**(Powers/Partridge)**

Recommendation: Be received

- 5.4 Correspondence from the McMaster Engineering Society, respecting the use of a Hamilton Street Railway (HSR) bus and operator, for the 2012 McMaster Engineering Bus Pull.

**(Ferguson/Johnson)**

Recommendation: Be supported.

- 5.5 Correspondence from the Ministry of the Environment, respecting Application for Approval of Waste Disposal Sites Processing Facility – Hazardous and Non-Hazardous Waste Hamilton City

**(Clark/Pearson)**

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

- 5.6 Petition from the residents of Sanford Avenue South, requesting installation of Speed Bumps and/or Rumble Strips as well as posting reduced speed signage on Sanford Avenue South, between Delaware Avenue and Main Street East.

**(Powers/Pearson)**

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

- 5.7 Correspondence from the Canadian Football Hall of Fame and Museum, Board of Directors, respecting the resignation of Mr. Paul Micieli, and request for the selection of a new City of Hamilton Representative.

**(Jackson/Farr)**

Recommendation: Be forwarded on to the Selection Committee for appropriate action.

- 5.8 Correspondence from the Town of Ingersoll, respecting their resolution in support of the CAW (Canadian Auto Workers)

**(Powers/Pearson)**

Recommendation: Be received.

- 5.9 Correspondence from the Town of Gwillimbury, respecting their resolution requesting the Province of Ontario to establish regulations to govern the quality of fill imported to a receiving site other than for the purpose of Brownfield redevelopment.

**(Ferguson/Powers)**

Recommendation: Be endorsed.

- 5.10 Correspondence from the Association of Municipalities of Ontario (AMO), respecting their submission to the Ontario Distribution Sector Panel (ODSP) who is conducting a review of the Province's electricity sector, focusing on options to improve efficiencies including local distribution company (LDC) consolidation.

**(Powers/Johnson)**

Recommendation: Be received.

- 5.11 Correspondence from the Tourism Hamilton Inc. Board of Directors, respecting their resolution to dissolve Tourism Hamilton Inc., and request for the development of a Tourism Advisory Committee.

**(Powers/Pasuta)**

Recommendation:

- (a) That the correspondence from Tourism Hamilton Inc. Board of Directors respecting the dissolving of the Tourism Hamilton Board and the creation of a Tourism Advisory Committee, be received;
  - (b) That Council support/agree to this dissolution;
  - (c) That staff be directed to report back to the General Issues Committee on the Terms of Reference for the creation of a Tourism Advisory Committee.
- 5.12 Correspondence from the Minister of State, (Science and Technology) (Federal Economic Development Agency for Southern Ontario), respecting the launch of the new Community Infrastructure Improvement Fund (CIIF)

**(Ferguson/Pearson)**

Recommendation: Be received and referred to Senior Management Team for appropriate action.

- 5.13 Correspondence from Mr. Mark McMaster, respecting a Request for Relief from Development Charges Liability at 168 West Avenue North

**(Morelli/Johnson)**

Recommendation: Be referred to Audit, Finance and Administration Committee

**CARRIED**

**(Farr/McHattie)**

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

**CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 12-018**

**(Bratina/Partridge)**

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

**CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 12-019**

**(Bratina/Partridge)**

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

**CARRIED**

**PLANNING COMMITTEE REPORT 12-011**

**(Clark/Pearson)**

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

**CARRIED**

**BOARD OF HEALTH REPORT 12-006**

**(Bratina/Partridge)**

That the rules of order be waived with respect to the 48 hour rule to allow the introduction of Board of Health Report 12-006.

**CARRIED**

**(Bratina/Partridge)**

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

**CARRIED**

**(Farr/McHattie)**

That the Committee of the Whole Rise and Report.

**CARRIED**

<b>MOTIONS</b>
----------------

**7.1 Motion to Amend Grants Sub-Committee Report 12-002****(Powers/Pasuta)**

- (a) That Item 9(e)(i) of the Audit, Finance & Administration Committee Report 12-005, be amended by deleting the number "\$3,148,341" and replacing it with the number \$3,095,301 to read as follows:

## 9. Grants Sub-Committee Report 12-002 (Item 8.2)

- (e) 2012 Community Partnership Program (GRA12006) (City Wide) (Item 5.4)
- (i) That the 2012 Community Partnership Program recommended funding allocation, in the amount of \$3,095,301, (as outlined in the attached Appendix "D" to Report 12-005), be approved;
- (b) That Appendix "D" to Item 9 of the Audit, Finance & Administration Committee Report 12-005, be amended by deleting the amount of "\$53,040" from the Special Events – Cash Grants Category (SE-19 – Hamilton Folk Arts Heritage Council), under the "2012 Total Recommended" column, and replacing it with the amount of "\$0" (affected page attached hereto).

**CARRIED****7.2 City initiated Official Plan Amendment and Rezoning for 1925 Rymal Road East****(Clark/Johnson)**

Where the City of Hamilton adopted OPA (SC) 159 to include a new Trinity West Secondary Plan into the former City of Stoney Creek Official Plan, for area situated south of Highland Road, north of Rymal Road, east of the proposed Trinity Church Arterial Corridor and west of the midpoint of the Trinity Neighbourhood;

And whereas the OPA(SC) 159 is final and binding since no appeals were received;

And whereas the City of Hamilton adopted OPA (SC) 163 to designate a portion of the lands within the Trinity Neighbourhood 'Open Space', more specifically, the lands located south of Highland Road West, north of Rymal Road East and west of Second Road West to protect the Karst Feeder Lands as Natural Open Space;

And whereas the OPA(SC) 163 is final and binding since no appeals were received;

And whereas the Urban Hamilton Official Plan was modified by the Province's Notice of Decision on March 11, 2011 to reflect Amendment Nos. 159 and 163 made to the former City of Stoney Creek Official Plan.

And whereas the Urban Hamilton Official Plan is not in effect as a result of appeals to the Ontario Municipal Board;

And whereas the lands municipally known as No. 1925 Rymal Road East, as shown as part 3 on the attached map were designated Mixed Use - Medium Density in the former City of Stoney Creek and the Urban Hamilton Official Plan since these lands were outside the Karst Feeder Lands;

And whereas the Hamilton Conservation Authority is entering into a long term lease with the Province to retain the Karst Feeder Lands as well as the lands known as No. 1925 Rymal Road east for open space purposes.

And whereas it is appropriate to designate all the lands within scope of the long term lease as open space;

Therefore, be it resolved that:

- (a) Staff be directed to initiate an Official Plan Amendment for the former City of Stoney Creek to consider the redesignation of the lands known as No. 1925 Rymal Road East from "Mixed Use – Medium Density" to "General Open Space" in the Trinity West Secondary Plan within the former City of Stoney Creek Official Plan;
- (b) Staff be directed to consider the removal of the lands known as 1925 Rymal Road East from the "Neighbourhood Development" (ND) zone in the former City of Stoney Creek Zoning By-law 3692-92 and to include these lands as "General Open Space" (P4) zone in the Comprehensive Zoning By-Law 05-200;
- (c) Staff arrange for a public meeting under the Planning Act for a Planning Committee meeting by Q4 2012 in order for committee to consider the amendments referenced in (a) and (b) above;
- (d) When the Urban Hamilton Official Plan is in effect, staff be directed to initiate an Official Plan Amendment to the Urban Hamilton Official Plan, to consider the redesignation of the lands known as No. 1925 Rymal Road East from "Mixed Use- Medium Density" to "Open Space" on Schedule E-1 -Urban Land Use Designations and Mixed Use – Medium Density" to "General Open Space" on Map B.7.7-1 of the Trinity West Secondary Plan.

**CARRIED**

### **7.3 Bishop Ryan Catholic Secondary School**

#### **(Collins/Merulla)**

Whereas, the Hamilton-Wentworth Catholic District School Board has determined to sell Bishop Ryan Catholic Secondary School, municipally known as 70 Albright

Road, City of Hamilton, in accordance with Ontario Regulation 444/98, at fair market value;

Whereas, Ontario Regulation 444/98 stipulates that a school board shall not dispose of real property except after issuing a proposal to preferred bodies;

Whereas, Notice of intent to sell was received on May 9, 2012 wherein preferred bodies shall notify the Hamilton-Wentworth Catholic District School Board of their interest in the real property within the allotted 90 days by completing a "Declaration of Interest in the Real Property" or by separate correspondence and by submitting a bona-fide offer;

Whereas, should no response be received within the prescribed period, the Hamilton-Wentworth Catholic District School Board may proceed to dispose of said real property on the open market;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to notify the Hamilton-Wentworth Catholic District School Board of their interest in the real property within the allotted 90 days by completing the "Declaration of Interest in the Real Property" attached hereto as Appendix "A";
- b) That the Hamilton-Wentworth Catholic District School Board be requested to extend the 90 day period in order to allow additional time for staff to undertake a business case analysis for City Council's consideration and to seek City Council direction to the submission of a bona-fide offer should City Council so direct;
- c) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enquire with the Hamilton-Wentworth Catholic District School Board as to the Board's position to the disposal of only a portion of the real property rather than the whole of the property to preferred bodies.

**CARRIED**

<b>NOTICES OF MOTION</b>
--------------------------

Councillor Clark introduced the following Notice of Motion:

**8.1 Development of a Criminal Background Check Policy**

Whereas the City of Hamilton Licensing By-law provides the discretion to require criminal background checks on various business licence applicants or renewals;



Whereas the provision of a recent criminal background check has become a more common request for prospective employees and volunteers in MUSH sector (Municipal, University, Schools, Hospital);

Therefore be it resolved that staff report to the General Issues Committee with various policy options that would give City Council the discretion to reject loan and grant applications as a result of convictions listed in a recent criminal background check.

Councillor Collins introduced the following Notice of Motion:

### **8.2 Bishop Ryan Catholic Secondary School**

Whereas, the Hamilton-Wentworth Catholic District School Board has determined to sell Bishop Ryan Catholic Secondary School, municipally known as 70 Albright Road, City of Hamilton, in accordance with Ontario Regulation 444/98, at fair market value;

Whereas, Ontario Regulation 444/98 stipulates that a school board shall not dispose of real property except after issuing a proposal to preferred bodies;

Whereas, Notice of intent to sell was received on May 9, 2012 wherein preferred bodies shall notify the Hamilton-Wentworth Catholic District School Board of their interest in the real property within the allotted 90 days by completing a "Declaration of Interest in the Real Property" or by separate correspondence and by submitting a bona-fide offer;

Whereas, should no response be received within the prescribed period, the Hamilton-Wentworth Catholic District School Board may proceed to dispose of said real property on the open market;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

- a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to notify the Hamilton-Wentworth Catholic District School Board of their interest in the real property within the allotted 90 days by completing the "Declaration of Interest in the Real Property" attached hereto as Appendix "A";
- b) That the Hamilton-Wentworth Catholic District School Board be requested to extend the 90 day period in order to allow additional time for staff to undertake a business case analysis for City Council's consideration and to seek City Council direction to the submission of a bona-fide offer should City Council so direct;
- c) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to enquire with the Hamilton-Wentworth

Catholic District School Board as to the Board's position to the disposal of only a portion of the real property rather than the whole of the property to preferred bodies.

**(Collins/Merulla)**

That the rules be waived to allow the Notice of Motion respecting, Bishop Ryan Catholic Secondary School, to be heard as a Motion at today's meeting.

**CARRIED**

<b>STATEMENT BY MEMBERS</b>
-----------------------------

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

<b>PRIVATE AND CONFIDENTIAL</b>
---------------------------------

<b>BY-LAWS</b>
----------------

**(Ferguson/Johnson)**

That the Bill List for the July 12, 2012 Meeting of Council be amended through the addition of the following as Bill 159, 160 and 161 and renumbering the balance:

**Bill No.**

- |            |   |
|------------|---|
| <b>159</b> | To Adopt Official Plan Amendment No. 168 to the former City of Stoney Creek Official Plan,<br>Respecting:<br>Lands Located at 220 Mud Street West, Stoney Creek |
| <b>160</b> | To Amend Zoning By-law No. 05-200, Respecting Lands Located at 220 Mud Street West, Stoney Creek  |
| <b>161</b> | To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Property Located at 220 Mud Street West, East of Felker's Creek                                   |

**Amendment CARRIED****(Ferguson/Johnson)**

That Bills No. 153 to 162 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:

**Bill No.**

- |            |   |
|------------|---|
| <b>153</b> | To Impose a Watermain Charge upon owners of land abutting Copes Lane from Jones Road to approximately 362m east of Jones Road, in the City of Hamilton                |
| <b>154</b> | To Impose a Storm and Sanitary Sewer Charge upon owners of land abutting Copes Lane from Jones Road to approximately 362m east of Jones Road, in the City of Hamilton |
| <b>155</b> | 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
- Schedule 14 – Wheelchair Loading Zones

- 156 To Adopt Official Plan Amendment No. 144 to the former Town of Ancaster Official Plan  
Respecting:  
411 and 421 Kitty Murray Lane, Ancaster
- 157 To Amend Zoning By-law No. 87-57, Respecting Lands Located at 411 and 421 Kitty Murray Lane, in the former Town of Ancaster, now in the City of Hamilton
- 158 To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program
- 159 To Adopt Official Plan Amendment No. 168 to the former City of Stoney Creek Official Plan,  
Respecting:  
Lands Located at 220 Mud Street West, Stoney Creek
- 160 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 220 Mud Street West, Stoney Creek
- 161 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Property Located at 220 Mud Street West, East of Felker’s Creek
- 162 To Confirm the Proceedings of City Council

**CARRIED AS AMENDED**

**(Pearson/Powers)**

That, there being no further business, the City Council meeting adjourned at 10:50 a.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini  
City Clerk  
July 12, 2012