



**CITY COUNCIL
MINUTES 12-023**

5:00 p.m.

Wednesday, November 28, 2012

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, T. Whitehead, B. Clark, M. Pearson,
B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge

Mayor Bratina called the meeting to order, and called upon Bob Warriner, Pastor of Flamborough Christian Fellowship, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. NOTICES OF MOTION

- 8.1 The Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan (PED11193) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15)

2. PRIVATE & CONFIDENTIAL

- 10.1 Selection Committee Report 12-001, dated November 28, 2012 (distributed under separate cover)

(Pearson/Fergusons)

That the agenda for the November 28, 2012 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson indicated a conflict of interest with respect to item 16 of Planning Committee Report 12-018, respecting Taxi Cab Broker Participation in Seasonal Promotional Public Service Campaign with the LCBO, as he has family employed in the taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

4.1 November 14, 2012

(Pearson/Ferguson)

That the Minutes of the November 14, 2012, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Merulla/Morelli)

That Council Communications 5.1 through 5.4 be approved, as follows:

5.1 Correspondence from the Honourable Bob Chiarelli, Minister of Infrastructure, Transportation and Municipal Affairs and Housing, respecting the Proposed Amendment 2 to the Growth Plan for the Greater Golden Horseshoe, 2006

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

5.2 Correspondence from Patricia Saunders, respecting the Establishment of an Ad Hoc Committee for the Preparation of Canada's Sesquicentennial Celebration

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

5.3 Correspondence from the Honourable Bob Chiarelli, Minister of Infrastructure, Transportation and Municipal Affairs and Housing, respecting an Update on Ontario's Municipal Infrastructure Strategy

Recommendation: Be received.

5.4 Correspondence from the Municipal Property Assessment Corporation (MPAC), respecting Legislative Changes for Cemeteries

Recommendation: Be received.

CARRIED

(McHattie/Farr)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 12-013

(McHattie/Farr)

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

CARRIED

BOARD OF HEALTH REPORT 12-009

(Bratina/Partridge)

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

CARRIED

PLANNING COMMITTEE REPORT 12-018

8. Enforcement of Accessible Parking Spaces on Municipal and Private Property (PED12226) (City Wide) (Item 5.7)

(Clark/Pearson)

That Item 8 of Planning Report 12-018 be amended by deleting the words, "no action be taken on", before the words, "the Council Direction of May 9, 2012", and that the words, "be delayed" be added before the words, "until such time as", to read as follows:

"That the Council direction of May 9, 2012 to update the design of accessible parking spaces for persons with disabilities for implementation into every parking

lot within the City of Hamilton, and the corresponding By-law 01-220 (Private and Municipal Properties), be delayed until such time as the Province releases the new accessible parking space standards.”

**Amendment CARRIED
Motion as Amended CARRIED**

14. Application to Amend Zoning By-law No. 90-145-Z for the Property Located at 533 Millgrove Side Road (Flamborough) (PED12209) (Ward 15) (Item 6.5)

(Partridge/Clark)

That Item 14 sub-section (e) of Planning Committee Report 12-018 be amended by deleting the words “on an agreed to timeline by the applicant or compliance agreement” and be replaced with “on a satisfactory compliance agreement” to read as follows:

(e) That the approval be conditional on a satisfactory compliance agreement.

**Amendment CARRIED
Motion as Amended CARRIED**

20. Appeals to the Ontario Municipal Board by Recchia Developments Inc. on the City of Hamilton's Refusal or Neglect to Adopt Amendments to the Town of Dundas Official Plan and Zoning By-law for Lands located at 231 York Road (Dundas) (LS12036) (Item 12.4)

(Clark/Pearson)

That Item 20 of Planning Committee Report 12-018, of be amended, as follows:

(A) That recommendation (c) be deleted and replaced with the following:

(c) That Official Plan Amendment Application OPA-11-019, by Recchia Developments Inc., Owner, for a change in designation and policy of the Town of Dundas Official Plan, in order to permit a residential development consisting of 1 single detached dwelling and 14 townhouse dwellings, be Denied on the following basis:

(i) The application does not meet the intent of the Town of Dundas Official Plan regarding infill development within existing residential neighbourhoods;

(ii) The proposed development would not be compatible with existing development within the surrounding area, which is characterized by low density single detached dwellings on large lots;

(iii) That the application has failed to address outstanding issues related to safe vehicular access.

(B) And that a new sub-section (d) be added as follows:

- (d) That Amended Zoning Application ZAC-11-066, by Recchia Developments Inc., Owner for changes in zoning in order to permit a residential developments consisting of 1 single detached dwelling and 14 townhouse dwellings, be denied on the following basis:
- (i) The application does not meet the intent of the Town of Dundas Official Plan regarding infill development within existing residential neighbourhoods;
 - (ii) The proposed development would not be compatible with existing development within the surrounding area, which is characterized by low density single detached dwellings on large lots;
 - (iii) That the application has failed to address outstanding issues related to safe vehicular access.

Amendment CARRIED
Motion as Amended CARRIED

(Clark/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE 12-033
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15. Hamilton Downtown Multi-Residential Property Investment Program – Increase of Line of Credit (PED12220/FCS12090) (City Wide) (Item 7.5)

(McHattie/Collins)

That item 15 sub-section (a) of the General Issues Committee Report 12-033 be amended by deleting “\$45 million” and replace with “\$35 million”, and that the following be added after the words “2013 Operating Budget”, “and that the balance of the balance of the proposed increase to \$45 million be referred to the 2013 budget process” to read as follows:

- (a) That the loan commitments under the Hamilton Downtown Multi-Residential Property Investment Program (HDMRPIP) be increased from \$26 million to \$35 million provided that the total loan monies lent under the program at one time not exceed \$35 million and, that the increase be approved within the 2013 Operating Budget, and that the balance of the balance of the proposed increase to \$45 million be referred to the 2013 budget process;

and, that sub-section (b) of the General Issues Committee Report 12-033 be amended by deleting “\$400,000” and replace with “\$200,000” and that the following be added after the words “be approved within the 2013 Operating

Budget”, “and that the balance of the proposed \$400,000 be referred to the 2013 Budget Process” to read as follows:

- (b) That subject to the approval of recommendation (a), above, the estimated net operating budget increase for the 2013 interest cost in the amount of \$200,000 associated with increasing the total loan monies to \$35 million lent under the program at one time, be approved within the 2013 Operating Budget; and that the balance of the proposed \$400,000 be referred to the 2013 Budget Process;

The Amendment **CARRIED**, on the following standing recorded vote:

Yeas: Bratina, McHattie, Farr, Morelli, Merulla, Collins, Jackson, Duvall, Whitehead
Total: 9
Nays: Clark, Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge
Total: 7

Motion as Amended CARRIED

16. 2013 Tax Supported User Fees (FCS12080) (City Wide) (Item 8.1)

The motion **CARRIED** on the following vote:

Yeas: Bratina, McHattie, Farr, Morelli, Merulla, Collins, Jackson, Whitehead, Clark, Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge
Total: 15
Nays: Duvall
Total: 1

20. Enbridge Pipelines Inc. Line 9A Flow Reversal Project

The motion **CARRIED** on the following vote:

Yeas: Bratina, McHattie, Farr, Morelli, Merulla, Collins, Jackson, Duvall, Whitehead, Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge
Total: 15
Nays: Clark
Total: 1

(Bratina/Patridge)

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

CARRIED

(McHattie/Farr)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Parking on the North Side of King Street West, between Caroline Street and Hess Street

(Farr/McHattie)

Whereas; it has been determined that roof installation at the apartment development at 275 King Street West at Hess is expected to be complete in less than a week, thus stabilizing the walls in the development;

And Whereas the integrity of the walls and public safety are the reason for the barrier lane closure on the south side of King West at this project site;

And Whereas the parking restrictions on the north side of King Street West in this area occurring between the hours of 4:00 p.m. until 6:00 p.m. (erected under staff delegated authority) has caused significant loss of business for those businesses in the King West BIA for over a year;

And Whereas the merchants particularly felt hardship during the holiday season last year as a result of the parking restrictions;

And Whereas at a November 20, 2012 meeting of the King West BIA, members emphatically reiterated this as their urgent concern, particularly with the coming holiday season.

Therefore be it resolved:

- (a) That parking be permitted at the sixteen (16) meters on the north side of King Street West, from Caroline Street to Queen Street, between 4:00 p.m. and 6:00 p.m., effective November 29, 2012
- (b) That staff be requested to continue to stay on course with the developer with respect to the timing of the removal of the barrier on the south side of King Street West at Hess Street.

The motion **CARRIED** on the following vote:

Yeas:	Bratina, McHattie, Farr, Morelli, Merulla, Collins, Jackson, Duvall, Whitehead, Clark, Pearson, Johnson, Powers, Pasuta, Partridge
Total:	15
Nays:	Ferguson
Total:	1

7.2 Amendment to section (i) of Item 9 of the Public Works Committee Report 12-012 – Outstanding Business

(McHattie/Farr)

That sub-section (i) to Item 9 of the Public Works Committee Report 12-012, approved by Council on November 14, 2012, be deleted in its entirety and replaced to read as follows:

9. Outstanding Business List Items (Item 11.1)

That the following items be referred to the General Issues Committee for deliberation:

- ~~(i) Item A – Installation Policy for Intersection and Mid-Block Pedestrian Signals~~
- (i) Item H – Installation of Bicycle Racks / Storage at Municipal Facilities.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following notice of motion:

8.1 The Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan (PED11193) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15)

That Item 13 of General Issues Committee Report 11-033 respecting The Hamilton Association of Business Improvement Areas (H.A.B.I.A.) Terms of Reference and Strategic Plan (PED11193) (Wards 1, 2, 3, 4, 6, 7, 9, 12, 13 and 15) be amended by deleting the Terms of Reference for The Hamilton Association of Business Improvement Areas (H.A.B.I.A.) in their entirety and replacing them with the Terms of Reference for the Business Improvement Advisory Committee, attached hereto as Appendix "A".

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Selection Committee Report 12-001, dated November 28, 2012 (distributed under separate cover)

(Johnson/Morelli)

1. Citizen Appointments to the Canadian Football Hall of Fame Museum Board

(a) That the following citizens be appointed to the Canadian Football Hall of Fame Museum Board for a two year term commencing November 29, 2012 and to expire November 30, 2014 or until such time as a successor is appointed:

(i) Darrell Hicks (Ward 12)

(ii) Vandana Verma (Ward 4)

(b) That the following citizens be appointed to the Canadian Football Hall of Fame Museum Board for a four year term commencing November 29, 2012 and to expire November 30, 2016 or until such time as a successor is appointed:

(i) Ernie Caterini

(ii) Michael McCarthy

2. Citizen Appointment to the Hamilton CityHousing Board

That the following citizen be appointed to the CityHousing Hamilton Board for a term commencing November 29, 2012 and to expire with the current term of Council or until such time as a successor is appointed:

(i) Carmine Filice (Ward 11)

3. Citizen Appointments to the Property Standards Committee

That the following citizen be appointed to the Property Standards Committee for a term commencing November 29, 2012 and to expire with the current term of Council or until such time as a successor is appointed:

(i) Marianne Brown

4. Citizen Appointments to the Tourism Advisory Committee

That the following citizens be appointed to the Tourism Advisory Committee for a term commencing November 29, 2012 and to expire with the current term of Council or until such time as a successor is appointed:

- (i) Jamie Aitken
- (ii) Susie Braithwaite
- (iii) Eileen Collins
- (iv) Joseph Fardell
- (v) Stephen Goulding
- (vi) Jeffrey John Hamblin
- (vii) Tim Potocic
- (viii) Lindsay Puddicombe
- (ix) Stephanie Trendoche

CARRIED

BY-LAWS

(Merulla/Morelli)

That Bills No. 259 to 267 attached hereto, be passed, as amended, 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.

- 259** 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 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 20 – School Bus Loading Zones
- 260** To Amend By-law No. 09-067, the Solid Waste Management By-law
- 261** To Permanently Close a Portion of Penny Lane being Block 105, Plan 62M-1172, City of Hamilton
- 262** Respecting Removal of Part Lot Control, Lots 17-24 and 26-36 and Blocks 40-44, Registered Plan No. 62M-1171 – “Springbrook Meadows – Phase II”
- 263** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 471 to 535 Old Mud Street
- 264** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 273 Parkside Drive in the former Town of Flamborough, now in the City of Hamilton
- 265** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 788 Upper Ottawa Street
- 266** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at

446 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton

267 To Confirm the Proceedings of City Council

CARRIED

(Pearson/Ferguson)

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

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk