



**CITY COUNCIL
MINUTES 13-011**

5:00 p.m.

Wednesday, May 22, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

Absent with Councillor B. Morelli, illness
Regrets:

Mayor Bratina called the meeting to order and called upon Reverend John Mahaffey, Pastor of West Highland Baptist Church, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

2. ADDED NOTICE OF MOTION

8.1 Demolition Permit for 89 Stone Church Road, Hamilton

(Pearson/Johnson)

That the agenda for the May 8, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Festitalia Plaque Presentation

Sam Cino, Chairperson of Festitalia, and his fellow Board members Pat Mostacci and Anthony Macaluso presented a plaque to the Mayor in recognition of the City of Hamilton's longstanding support of Festitalia over the last 38 years

3.2 Hamilton Municipal Heritage Committee – Heritage Recognition Awards

Mayor Bratina indicated that two Heritage Recognition Award winners were unable to attend the March award presentation. He called upon Alissa Denham-Robinson, Chair of the Hamilton Municipal Heritage Committee, and Kathy Wakeman to join him for the presentation of these awards.

The "Education in Heritage Award" was presented to Mr. John Aikman, Curator and Manager, Educational Archives and Heritage Centre for Hamilton-Wentworth. The "Heritage Property Conservation Award" was previously presented to Mr. Peter Trajkovski for his efforts respecting Edgewater Manor Restaurant.

APPROVAL OF MINUTES

4.1 May 8, 2013

(Partridge/Pearson)

That the Minutes of the May 8, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Whitehead/Duvall)

That Council Communications 5.1 through 5.2 be approved, as follows:

- 5.1 Correspondence from the Cystic Fibrosis Canada – Hamilton Chapter, respecting a Proclamation Request for May as Cystic Fibrosis Awareness Month

(Pearson/Johnson)

Recommendation: Be received.

- 5.2 Correspondence from Mario Sergio, Minister Responsible for Seniors, respecting a Proclamation Request for June 15th as World Elder Abuse Awareness Day

(Farr/Whitehead)

Recommendation: Be received.

CARRIED

(Ferguson/Johnson)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 13-005
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(Pearson/Clark)

That the FIFTH Report of the Audit, Finance and Administration Committee be adopted, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 13-004

Item 8 Funding for the Stoney Creek Cricket Academy

(Collins/Merulla)

That subsection (b) of Item 8 of Emergency and Community Services Committee Report 13-004 respecting funding for the Stoney Creek Cricket Academy be deleted in its entirety and replaced with the following:

- (b) That the grant as outlined in subsection (a) be funded from Account #108035, the Former City of Hamilton Capital reserve.

The amended Item 8 to read as follows:

- (a) That the City of Hamilton provide a one-time capital grant of \$2,000 to the Stoney Creek Cricket Academy to assist with the cost of replacing their damaged scoreboard, cricket mat and riding mower;
- (b) That the grant as outlined in subsection (a) be funded from Account #108035, the Former City of Hamilton Capital reserve.

Amendment CARRIED

Main Motion as Amended CARRIED

(Farr/McHattie)

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

CARRIED

PLANNING COMMITTEE REPORT 13-008

Item 6 Proposed Niagara Escarpment Plan Amendment No. 179 (February 21, 2013) - Pleasantview Lands (PED11052(a)) (Ward 13) (Item 8.1)

(Powers/Pasuta)

That Item 6 of Planning Committee Report 13-008 be amended by deleting subsection (a)(i) of in its entirety and replaced with the following in lieu thereof:

“(a)(i) That the lands comprised of Areas 1 to 3, illustrated on Schedule “A” to Appendix “A” of Report PED11052(a), fronting on York Road, extending up Valley Road, and adjacent to the Escarpment be designated as Escarpment Rural Area and the lands comprised of Area 4 on Schedule “A” to Appendix “A” of Report PED11052(a) be designated as Escarpment Protection Area;”

**Amendment CARRIED
Main Motion as Amended CARRIED**

(Farr/McHattie)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-011

(Bratina/Partridge)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-006

Item 5 Quick Wins Projects Update - King Street Bus Only Lane & A and B Line Passenger Amenities (PW11079(d)) (City Wide) (Item 7.2)

(McHattie/Farr)

That the motion be amended through the addition of the words, “One year pilot Program”, prior to the words, “King Street Bus Only Lane”, to sub-section (a) (ii) and the addition of a sub-section (d) to read as follows:

(d) That staff be directed to Report to the General Issues Committee at the conclusion of the one year pilot program for a Bus Only Lane on King Street.

The amendment to the amending motion **CARRIED** on the following vote:

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

(McHattie/Farr)

That Item 5 of Public Works Committee Report 13-006 be amended, as follows:

- (i) Deletion of 'the final implementation' in sub-section (a);
- (ii) Deletion of, "as outlined in this Report", in sub-section (a) and replacement therein of, "to be funded from Metrolinx Quick Wins Reserve Account at an estimated cost of \$1.7 million";
- (ii) Addition of a sub-section (a) (ii) to read "King Street Bus Only Lane";
- (iii) Addition of, "and King Street Bus Only Lane", in sub-sections (b) and (c) following, "Passenger Amenities";

To read as follows:

- "(a) That the General Manager, Public Works, be authorized and directed to undertake the following Quick Wins projects, to be funded from Metrolinx Quick Wins Reserve Account at an estimated cost of \$1.7 million:
 - (i) A and B Line Passenger Amenities
 - (ii) One-year pilot program King Street Bus Only Lane;
- (b) That the General Manager, Public Works be authorized and directed to modify the Traffic Bylaw as required, to implement the planned A & B Line Passenger Amenities and King Street Bus Only Lane;
- (c) That the General Manager, Planning and Economic Development, be authorized to revise the Parking Bylaw to reflect changes as part of the A & B Line Passenger Amenities and King Street Bus Only Lane;

- (d) That staff be directed to Report to the General Issues Committee at the conclusion of the one-year pilot program for a Bus Only Lane on King Street.

The amendment to the item **CARRIED** on the following vote:

Yeas: T. Whitehead, S. Duvall, T. Jackson, S. Merulla, M. Pearson,
J. Partridge, R. Powers, J. Farr, B. McHattie, R. Bratina
Total: 10
Nays: C. Collins, B. Clark, B. Johnson, L. Ferguson, R. Pasuta
Total: 5
Absent: B. Morelli
Total: 1

Item 6 Queen Street South at Stanley Avenue - Part-time Left Turn Restriction (PW13036) (Ward 1) (Item 8.1)

(Whitehead/Ferguson)

That Item 6 of Public Works Committee Report 13-006, be referred back to the Public Works Committee.

Amendment CARRIED

(Ferguson/Powers)

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

CARRIED

BOARD OF HEALTH REPORT 13-004

(Bratina/Partridge)

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

CARRIED

(Ferguson/Johnson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

The following motion was deferred to the June 12, 2013 meeting of Council:

7.1 Hamilton Police Service Board Governance

WHEREAS under the *Police Services Act*, the City of Hamilton is mandated to provide for adequate and effective police services;

AND WHEREAS the standards for Police operations and Police behaviour are established by the Province, and there are legislative protections ensuring oversight by the Province and recourse to Ontario Police Services Commission;

AND WHEREAS the Police Services budget constitutes a significant component of the City's annual operating budget, for which the public holds Hamilton City Council accountable;

AND WHEREAS following the model used for public health and emergency services (fire and ambulance), Hamilton City Council believes that the governance of the Police Service Hamilton should align to more accurately reflect this accountability;

AND WHEREAS under the current statutory regime, the Hamilton Police Service is governed by a 7-member Police Services Board comprised 3 members of Council, one Council-appointed citizen, and 3 Provincially-appointed citizens;

AND WHEREAS Council believes that a change in the governance of the Police Service is fair, appropriate, accountable and transparent;

AND WHEREAS Council accepts and supports the key principles for Police Service governance; namely accountability and independence; in particular, accountability, financially, and operationally to the citizens served, and independence in the carrying out of law enforcement;

AND WHEREAS Council supports a model where the Hamilton Police Service is governed directly by Council, as is the case with a number of Cities in Canada such as Quebec City, Quebec; Fredericton, New Brunswick; and, Charlottetown, Prince Edward Island;

AND WHEREAS Council could, alternatively, support a model where the Police Services Board is comprised exclusively of members of Council (like the Hamilton Board of Health) or, alternatively, some combination of Councillors and citizens appointed by City Council, as is the case with several Cities in Canada such as with the Edmonton, Alberta Police Commission (9 Commissioners, all appointed by City Council; a combination of Councillors and citizens); the Regina, Saskatchewan Board of Police Commissioners (5 Commissioners all appointed by City Council; a combination of Councillors and citizens); and, the St. John, New Brunswick Board of Police Commissioners (7 Commissioners; 6 appointed by Council and a combination of Councillors and citizens and 1 by the Province, a citizen);

AND WHEREAS governance directly by Council or by a Police Services Board comprised of members of Council and/or citizens appointed by Council must, according to law, abide by and not interfere with the principle of independence for the Police Service in terms of law enforcement;

AND WHEREAS in terms of accountability, both financially and operationally, a Police Service should be prepared to answer to Council and to the community in that there are protections for the Police Service beyond a municipal council; namely to the Province and its Ontario Police Services Commission such that any direct governance by City Council or indirect governance by a Police Services Board comprised of members of Council and/or citizens appointed by Council would itself still have oversight from the Province;

AND WHEREAS the amalgamation of the municipalities in the former Region of Hamilton-Wentworth into one City of Hamilton was in part recognition of the maturity and commitment to responsibility that an amalgamated City would have through its City Council;

AND WHEREAS the Province should respect that maturity and sense of responsibility, and allow City Council to provide governance to the Police Service directly through Council or by way of a Police Services Board made up entirely of Council-appointed citizens, or a combination thereof, with such governance to be pursuant to the principles of accountability and independence and pursuant to any provincial regulations regarding the financing and operation of a Police Service.

THEREFORE, BE IT RESOLVED:

- (a) That the Province of Ontario be requested to amend the *Municipal Act* and/or the *Police Services Act*, and/or enact special legislation to either:
 - (i) Enable the Hamilton Police Services Board to be governed directly by Hamilton City Council, or
 - (ii) Enable the Hamilton Police Services Board to be appointed by Council and comprised entirely of City Councillors, or a combination of Councillors and citizens, as Council may determine;
- (b) That a copy of this resolution be forwarded to the Hamilton Police Chief and the Hamilton Police Service, assuring them that City Council will continue to respect and strongly support the Police Service under any form of governance, including abiding by the key principle of independence in law enforcement.
- (c) That a copy of this resolution be forwarded to the Premier, The Honourable Kathleen Wynne, and the Minister of Community Safety and Correctional Services, the Honourable Madeleine Meilleur for consideration.
- (d) That a copy of this resolution be forwarded to the Leader of the Opposition, Tim Hudak, the Leader of the NDP, Andrea Horwath, all Hamilton area M.P.P.s, and the Association of Municipalities of Ontario (AMO) seeking their endorsement.

7.2 Special Occasion Permit – Mountain Equipment Co-op. – Bikefest

(Pasuta/Partridge)

WHEREAS, City Council has received Notice (attached as Appendix “A” to the Motion) from Mountain Equipment Co-op. that they wish to obtain a Special Occasion Permit to sell alcohol;

AND WHEREAS, the Alcohol & Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems Bikefest being held on June 8, 2013 at Christie Lake Conservation Area, 1000 Hwy. 5 West, Flamborough, as municipally significant and alcohol may be sold from 11:00 a.m. to 5:00 p.m.
- (b) That once all compliance letters have been received from Fire, Health, Police and Building, the Applicant be provided a copy of this resolution for inclusion with their application to the Alcohol & Gaming Commission of Ontario.

CARRIED

7.3 Special Occasion Permit – Sandbox Sports Inc. – Summer Beach Volleyball Tournament

(Collins/Merulla)

WHEREAS, City Council has received Notice (attached as Appendix “A” to the Motion) from Sandbox Sports Inc. that they wish to obtain a Special Occasion Permit to sell alcohol;

AND WHEREAS, the Alcohol & Gaming Commission of Ontario requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton hereby deems the Summer Beach Volleyball Tournament, being held at Confederation Park, 680 Van Wagners Beach Boulevard, Hamilton, Ontario as municipally significant, and alcohol may be sold on the following dates and times:
 - (i) June 8, 22, 2013 from 11:00 a.m. to 6:00 p.m.

- (ii) July 7, 27, 2013 from 11:00 a.m. to 6:00 p.m.
 - (iii) August 10, 11, 2013 from 11:00 a.m. to 6:00 p.m.
 - (iv) August 21, 2013 from 3:00 p.m. to 11:00 p.m.
 - (v) August 22 -24, 2013 from 11:00 a.m. to 11:00 p.m.
 - (vi) August 25, 2013 from 11:00 a.m. to 6:00 p.m.
 - (vii) September 7, 2013 from 11:00 a.m. to 6:00 p.m.
- (b) That once all compliance letters have been received from Fire, Health, Police and Building, the Applicant be provided a copy of this resolution for inclusion with their application to the Alcohol & Gaming Commission of Ontario.

CARRIED

7.4 Amendment to the Business Appreciation Program

(Merulla/Collins)

- (a) That sub-section (b) of Item 9 of General Issues Committee Report 12-007 respecting Business Appreciation Program (PED12042) approved by Council on March 25, 2012 be amended by deleting the following words from Section C *Appreciation of Businesses* in the attached Appendix C:

- (c)(i) Recognized at commencement of General Issues Committee by Committee
- (c)(iii) ...or until next General Issues Committee meeting

And replacing with the following words in Section (C) (c) (i):

- (c)(i) Recognized at City Council as a formal ceremonial activity
- (b) That Appendix "C" as amended and attached to the Motion, be approved.

CARRIED

7.5 22nd Canadian International Military Tattoo – June 8 and 9, 2013

(Powers/Pasuta)

That the Canadian International Military Tattoo be provided a 50% (\$17,500) advance of their 2013 Community Partnership Program grant, at the 2012 approved grant amount (\$35,000), for the 22nd Canadian International Military Tattoo, which takes place on June 8 and 9, 2013.

CARRIED

7.6 Demolition Permit for 89 Stone Church Road, Hamilton

(Whitehead/Duvall)

That the Director of Building Services be authorized and directed to issue a demolition permit for 89 Stone Church Road West in accordance with By-Law 09-208, pursuant to Section 33 of the Planning Act, as amended.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

8.1 Demolition Permit for 89 Stone Church Road, Hamilton

That the Director of Building Services be authorized and directed to issue a demolition permit for 89 Stone Church Road West in accordance with By-Law 09-208, pursuant to Section 33 of the Planning Act, as amended.

(Whitehead/Duvall)

That the rules of order be waived to allow for the introduction of a Motion respecting a Demolition Permit for 89 Stone Church Road, Hamilton.

CARRIED

For disposition on this matter refer to Item 7.6

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None.

BY-LAWS

(Whitehead/Duvall)

That Bills No. 13-131 to 13-150 be passed, 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:

By-law No.

- | | |
|------------|---|
| 131 | A By-law To Set Optional Property Classes For The Year 2013 |
| 132 | A By-law To Establish Tax Ratios and Tax Reductions for the Year 2013 |
| 133 | A By-law To Set and Levy The Rates Of Taxation For The Year 2013 |
| 134 | A B-law To Adopt Municipal Options For Tax Capping For The Year 2013 |

- 135** A By-law To Levy A Special Charge Upon The Rateable Property In The Business Improvement Areas For The Year 2013
- 136** A By-law to Impose Late Payment Charges for the Non-Payment of Taxes
- 137** To Incorporate City Land Designated as Part 1 on Plan 62R-19479 Into St. Joseph's Drive
- 138** To Amend By-law No. 01-215 Being a By-law To Regulate Traffic
Schedule 6 – One Way Streets
Schedule 10 – No Left Turns
- 139** To Amend By-Law No. 06-147
Being a By-law to Authorize the City to Enter into Extension Agreements
- 140** To Adopt:
Official Plan Amendment No. 176 to the former City of Stoney Creek
Official Plan Respecting: Lands Located at 1361 Barton Street, Stoney Creek
- 141** To Amend Zoning By-law No. 05-200
Respecting Lands Located at 1361 Barton Street, Stoney Creek
- 142** To Adopt
Official Plan Amendment No. 128 to the Former Town of Flamborough
Official Plan Respecting:
257-267 Parkside Drive
- 143** To Amend Zoning By-law No. 90-145-Z (Flamborough),
Respecting Lands Located at 257-267 Parkside Drive,
Part of Lot 8, Concession 4 (Flamborough)
- 144** To Amend By-law No. 10-209, a By-law to Regulate the
Hamilton Farmers' Market
- 145** To Incorporate City Land
Designated as Block 173 on Plan 62M-1159
into Irwin Avenue
- 146** To Amend Zoning By-law 6593 (Hamilton), Respecting Lands
Located at 149 Young Street (Hamilton)
- 147** To Amend Zoning By-law No. 6593 (Hamilton)
Respecting Lands Located at 158 and 162 Locke Street, Hamilton
- 148** To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 5 – Stop Control
Schedule 4- Yield Sign Locations
- 149** To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking

Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones

Schedule 14 – Wheelchair loading zones

150 To Confirm Proceedings of Council

CARRIED

(Johnson/Pearson)

That, there being no further business, the City Council meeting be adjourned at 8:05 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

M. Gallagher
Acting City Clerk
Office of the City Clerk