



# CITY COUNCIL MINUTES

Wednesday, February 22, 2012

5:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

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**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 and T. Whitehead

Mayor Bratina called the meeting to order and called upon Pastor David Cummings of the Hamilton Christian Fellowship, to lead Council in prayer. Mayor Bratina expressed Council's condolences to the family of Carter Button.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

**1. ADDED CORRESPONDENCE**

5.8 Final Report of the Ontario Ombudsman respecting Closed Meeting Complaints

Recommendation: Be received.

5.9 Correspondence from Scott Medhurst, President Toromont CAT, and Randy Casson, President Battlefield, respecting resolution calling on the City to boycott businesses or products that have relationships with Caterpillar Inc.

Recommendation: Be received.

**2. ADDED COMMITTEE REPORTS**

6.4 General Issues Committee Report 12-005

**3. NOTICE OF MOTION**

- 8.1 Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands located at 2674 Upper James Street (Glanbrook) (PED11209(a)) (Ward 11)

**(Pearson/Ferguson)**

That the Agenda for the City Council meeting being held on February 8, 2012, be approved, as amended. **CARRIED**

**DECLARATIONS OF INTEREST**

Councillor L. Ferguson declared a conflict of interest respecting Item 5.9, Correspondence from Scott Medhurst, President Toromont CAT, and Randy Casson, President Battlefield, respecting resolution calling on the City to boycott businesses or products that have relationships with Caterpillar Inc, and Item 7.2 respecting Caterpillar Corporation's Breach of the *Investment Canada Act*, as his daughter is an employee of Toromont.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS****3.1 Presentation of Certificates of Achievement for Ontario Heritage Trust Community Recognition**

Mayor Bratina presented the Ontario Heritage Trust's Heritage Community Recognition Award to Anne Charlton, Art French and Sylvia Wray in recognition of their many years of service on the Hamilton Municipal Heritage Committee.

**3.2 Presentation of Certificate of Achievement for 2011 Young Heritage Leaders**

Mayor Bratina presented the 2011 Young Heritage Leaders Achievement Award to Spencer McKee for his contribution to the conservation of Ontario's heritage. Alissa Denham-Robinson, Chair of the Municipal Heritage Committee addressed Council on the importance of supporting heritage and volunteerism in the Community.

**APPROVAL OF MINUTES****4.1 February 8, 2012****(Pearson/Partridge)**

That the Minutes of the February 8, 2012, meeting of Council be approved, as presented. **CARRIED**

**4.2 February 10, 2012 (Special Meeting)****(Pearson/Partridge)**

That the Minutes of the February 10, Special meeting of Council be approved, as presented. **CARRIED**

<b>COMMUNICATIONS</b>
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**(Whitehead/Duval)**

That Council Communications 5.1 through 5.9 be approved, as amended, as follows:

- 5.1 Correspondence from Cornelia Lefevre, Project Manager, Canadian Association of Nurses in Oncology, respecting Canadian Oncology Nursing Day on April 3, 2012 in the City of Hamilton

**(Whitehead/Collins)**

Recommendation: Be received.

- 5.2 Correspondence from the Honourable Leona Aglukkaq, Minister of Health, in response to City's correspondence respecting Perfluorooctane Sulphate contamination at John C. Munro/Hamilton International Airport

**(Powers/Ferguson)**

Recommendation: Be received, and the Ward Councillor be involved in the ongoing consultations respecting this matter.

- 5.3 Correspondence from 9-1-1 Ontario Advisory Board seeking financial assistance

**(Farr /Jackson)**

Recommendation: Be received.

- 5.4 Correspondence from Monique Taylor, M.P.P., Hamilton Mountain, to the Honourable Deb Matthews, Minister of Health and Long-Term Care, respecting funding for additional ambulance crew to be on call 12 hours a day in Hamilton

**(Duval/Pearson)**

Recommendation: Be received and forwarded to the Director of Emergency Services.

- 5.5 Letter of Thanks from Dr. David Galbraith, Ph.D., Chair, Cootes to Escarpment Steering Committee, for the City's financial commitment for Cootes to Escarpment Park System land acquisition

**(Powers/Pearson)**

Recommendation: Be received.

- 5.6 Resolution 2012-0025 from the Town of Halton Hills respecting Private Members Bill to Pave Highway Shoulders

**(Ferguson/Pearson)**

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

- 5.7 Resolution 2012-0046 from the Town of Halton Hills respecting Provincial Regulations regarding Commercial Fill Operations

**(Whitehead/Morelli)**

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

- 5.8 Final Report of the Ontario Ombudsman respecting Closed Meeting Complaints

**(Powers/Partridge)**

Recommendation: Be received.

- 5.9 Correspondence from Scott Medhurst, President Toromont CAT, and Randy Casson, President Battlefield, respecting resolution calling on the City to boycott businesses or products that have relationships with Caterpillar Inc.

**(Powers/Partridge)**

Recommendation: Be received, and the request of Toromont to appear at a General Issues Committee meeting be approved. **CARRIED**

**(Powers/Johnson)**

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

**AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 12-002**

**(Johnson/Pearson)**

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

**EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 12-002**

**(Partridge/Powers)**

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

**GENERAL ISSUES COMMITTEE REPORT 12-004**

**Item 5 Development Charge Exemption Policies for the Expanded Downtown Hamilton Community Improvement Project Area and Protected Heritage Across the City and Demolition Credit Extension for 85 Robinson Street (FCS12015) (City Wide)**

**(Clark/Farr)**

That Sub-section (g) be amended by inserting the words “and redevelopment” after the word “intensification” to read as follows:

- (g) That staff of the Corporate Services Department and the Planning & Economic Development Department be directed to undertake and report back to the General Issues Committee on a comprehensive review of City Development Charges and their impact on intensification and redevelopment; **Amendment CARRIED**

The Motion as Amended **CARRIED** on the following Recorded Vote:

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

**(Bratina/Partridge)**

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

**(Merulla/Collins)**

That the 48-hour rule be waived for the introduction and consideration of General Issues Committee Report 12-005. **CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 12-005**

**Item 1 Waste Collection and Procurement Processes 2013-2020**

The Motion **CARRIED** on the following Recorded Vote:

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

**(Bratina/Partridge)**

That the FIFTH Report of the General Issues Committee be adopted and the information section received. **CARRIED**

**(Powers/Johnson)**

That the Committee of the Whole Rise and Report. **CARRIED**

<b>MOTIONS</b>
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**7.1 U.S. Steel's Intentions respecting Hamilton's Hilton Works****(Merulla/Morelli)**

WHEREAS the *Investment Canada Act* has led to the purchase and operation of the former Steel Company of Canada to the U.S. Steel Corporation;

AND WHEREAS the *Investment Canada Act* has been breached, as a direct result of the conditions placed on the sale by the *Investment Canada Act*, and litigation followed by the Federal Government, which was settled prematurely;

AND WHEREAS U.S. Steel has stated publicly that they are operating all U.S. Plants to maximum capacity excluding Hamilton Canada's Hilton Works from steel production;

Therefore be it resolved:

That Prime Minister Harper intervene on this crisis and that U.S. Steel Executives provide details surrounding their intentions of Hamilton Canada's Hilton Works to the City of Hamilton.

**(Merulla/Morelli)**

That the Motion be amended by deleting the words following "Therefore be it resolved" to be replaced with the following:

- (a) That an invitation be extended to U.S. Steel Executives to attend a future General Issues Committee meeting to address their intentions respecting Hamilton Hilton Works in the City of Hamilton.
- (b) That correspondence be forwarded to Prime Minister Stephen Harper and the Federal government requesting information on how they will hold U.S. Steel accountable for the settlements of the lawsuit and uphold the \$250 million decision as well as the operation of both their plants.

**Amendment CARRIED**

**Main Motion as Amended CARRIED**

**7.2 Caterpillar Corporation's Breach of the *Investment Canada Act*****(Merulla/Morelli)**

That Item 7.2 respecting Caterpillar Corporation's Breach of the *Investment Canada Act*, be TABLED. **CARRIED**

**7.3 Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209(a)) (Ward 11)****(Clark/Johnson)**

That approval be given to Zoning Application ZAC-10-051, as Amended, by Prime Limousine Services Inc., Zafar Choudry, Owner, for a change in zoning from the Deferred Development "DD" Zone to the Airport-Related Business "M5-270" Zone and Airport-Related Business-Holding "H-M5-270" Zone, with a Special Exception and Holding Provision, in the Township of Glanbrook Zoning By-law No. 464, to add a Transportation Depot as a permitted use on the lands located at 2674 Upper James Street (Glanbrook), as shown on Appendix "A" to Report PED11209, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11209(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.

**CARRIED**

**7.4 2012 Budget Deliberations - Full-Time Equivalents (FTE)****(Powers/Pasuta)**

That the 2012 City of Hamilton budget reflect no net increase in FTE's in the City's work force as compared to the 2011 approved FTE numbers, with the exception of Council-approved 2012 Budget Enhancements and Council-approved 2012 Operating Impacts from Capital Projects.

**CARRIED**

<b>NOTICES OF MOTION</b>
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Councillor Clark introduced the following Notice of Motion:

**8.1 Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209(a)) (Ward 11)**

That approval be given to Zoning Application ZAC-10-051, as Amended, by Prime Limousine Services Inc., Zafar Choudry, Owner, for a change in zoning from the Deferred Development "DD" Zone to the Airport-Related Business "M5-270" Zone and Airport-Related Business-Holding "H-M5-270" Zone, with a Special Exception and Holding Provision, in the Township of Glanbrook Zoning By-law No. 464, to add a Transportation Depot as a permitted use on the lands located at 2674 Upper James Street (Glanbrook), as shown on Appendix "A" to Report PED11209, on the following basis:

- (a) That the draft By-law, attached as Appendix "B" to Report PED11209(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (b) That the proposed change in zoning is consistent with the Provincial Policy Statement (PPS), and conforms with the Places to Grow Plan, the Hamilton-Wentworth Official Plan, and the Township of Glanbrook Official Plan.

**(Clark/Johnson)**

That the rules of order be waived in order to introduce a motion respecting, Application for an Amendment to Glanbrook Zoning By-law No. 464 for Lands Located at 2674 Upper James Street (Glanbrook) (PED11209(a)) (Ward 11).

**CARRIED**

For disposition on this matter refer to Item 7.3.

Councillor Powers introduced the following Notice of Motion:

**8.2 2012 Budget Deliberations - Full-Time Equivalents (FTE)**

That the 2012 City of Hamilton budget reflect no net increase in FTE's in the City's work force as compared to the 2011 approved FTE numbers, with the exception of Council-approved 2012 Budget Enhancements and Council-approved 2012 Operating Impacts from Capital Projects.

**(Powers/Pasuta)**

That the rules of order be waived in order to introduce a motion respecting 2012 Budget Deliberations - Full-Time Equivalents (FTE's).

**CARRIED**

For disposition on this matter refer to Item 7.4.

**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. 036 to 052 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:



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**By-law No.**

- 12-036** To Adopt Official Plan Amendment No. 142 to the former Town of Ancaster Official Plan; Respecting: 114 Wilson Street West, Ancaster
- 12-037** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 114 Wilson Street West, in the former Town of Ancaster, now in the City of Hamilton
- 12-038** To Adopt Official Plan Amendment No. 141 to the former Town of Ancaster Official Plan; Respecting: 452 Springbrook Drive, Ancaster
- 12-039** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 452 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton
- 12-040** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 452 Springbrook Avenue, Ancaster
- 12-041** To Adopt Official Plan Amendment No. 228 to the former City of Hamilton Official Plan; Respecting: 555 Sanatorium Road, Hamilton
- 12-042** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 555 Sanatorium Road, Hamilton
- 12-043** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 555 Sanatorium Road, Hamilton
- 12-044** To Adopt Official Plan Amendment No. 229 to the City of Hamilton Official Plan; Respecting: 15 Emerson Street
- 12-045** To Amend Zoning By-law No. 6593 (Hamilton), as Amended by By-law No. 95-02 and By-law No. 95-33, Respecting Lands Located at 15 Emerson Street, Hamilton
- 12-046** To Adopt Official Plan Amendment No. 86 to the former Township of Glanbrook Official Plan;  
Respecting:  
Lands Located east of Royal Windsor Drive and south of Pumpkin Pass, known municipally as 8 Country Fair Way, Glanbrook
- 12-047** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 8 Country Fair Way
- 12-048** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2674 Upper James Street, Glanbrook
- 12-049** To Permanently Close an Unassumed Portion of Webster Street, Established by Registered Plan 780, formerly in the Township of West Flamborough, now in the City of Hamilton, designated as Part 6 on Reference Plan 62R-17776
- 12-050** 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 14 – Wheelchair Loading Zones
- 12-051** To Authorize the Borrowing upon Serial Debentures in the Principal Amount of \$42,000,000.00 Towards the Cost of the Water Program Capital Improvements and Wastewater Program Capital Improvements

**City Council**

**(10)**

**February 22, 2012**

**By-law No.**

**12-052**

To Confirm the Proceedings of City Council

**CARRIED**

**(Pearson/Johnson)**

That, there being no further business, the City Council meeting adjourned at 7:08 p.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini  
City Clerk  
February 22, 2012