



CITY COUNCIL MINUTES

Wednesday, January 26, 2011

7:00 p.m.

**Council Chambers
Hamilton City Hall
71 Main Street West**

Present: Mayor R. Bratina

Councillors B. Clark, C. Collins, J. Farr, L. Ferguson,
T. Jackson, B. Johnson, S. Merulla, B. Morelli, J. Partridge,
R. Pasuta, M. Pearson, R. Powers, T. Whitehead, S. Duvall

Absent with Regrets: Councillor B. McHattie - Illness

Mayor Bratina called the meeting to order, and called upon Elder/Counsellor Walter Cooke, of the DeDwa Da Dehs Ney>s Aboriginal Health Centre and the Hamilton First National Community to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMITTEE REPORTS

6.8 Board of Health Report 11-001, dated January 24, 2011

2. NOTICES OF MOTION

8.1 International Games Bid Protocol

8.2 Proposed Two Hour Free Parking on Saturdays for Hamilton Farmers' Market Patrons

(Morelli/Whitehead)

That the Agenda for the City Council meeting being held on January 26, 2011, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Pasuta declared an interest in Items 8 and 9 of the Planning Committee Report 11-001, as he owns property in the area of St. Mary's Cement.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**3.1 Commemoration to Honour Victims of the Holocaust**

Mayor Bratina announced that Council would be honouring the Sixth International Day of Holocaust Remembrance, which is being commemorated around the world on January 27, 2011

The Mayor called upon Dr. Larry Levin, President of the United Jewish Appeal Federation of Hamilton, who brought greetings on behalf of the Federation, and reminded everyone how important it is to pause to honour those who perished in the Holocaust.

The Mayor recognized Madeleine Levy, Chair of the Organizing Committee of Hamilton's Commemoration of International Day of Holocaust Remembrance.

Dr. Nadia Rosa, a Holocaust survivor, addressed Council noting that the United Nations chose January 27th to be the International Day of Holocaust Remembrance, as it was on that day in 1945 that Auschwitz was liberated. It is her wish to ensure that the memory of those who perished during the Holocaust is not forgotten and that we teach our children tolerance and understanding.

APPROVAL OF MINUTES**(Duvall/Whitehead)**

That the Minutes of the January 12, 2011 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS**(Collins/Merulla)**

That Council Communications 5.1 to 5.6 be approved, as amended, as follows:

- 5.1 Correspondence from Jayne Carman, Clerk, County of Brant, respecting appointment of Roy Haggart as the County of Brant, City of Brantford and City of Hamilton representative on the Lake Erie Source Protection Committee for a three-year term to expire on November 20, 2013

Recommendation: Be received.

- 5.2 Correspondence from Dr. Tom Nugent respecting route of Light Rail Transit

Recommendation: Be received.

- 5.3 Correspondence from Councillor B. McHattie resigning from the Red Hill Valley Joint Stewardship Committee

Recommendation: Be received and placed on a future agenda of Council to allow Councillors the opportunity to volunteer.

- 5.4 Resolution from the Municipality of North Perth respecting request to the Provincial Government to implement a moratorium on industrial wind turbines pending completion of independent health studies

Recommendation: Be received and referred to the General Issues Committee and Public Health Services.

- 5.5 Resolution from the Town of Ingersoll respecting making Carbon Monoxide alarms mandatory in all residential buildings in Ontario with amendment to the Ontario Building Code

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

- 5.6 Correspondence from the Ministry of the Environment respecting Update on Clean Water Act, 21006 – Completion of Assessment Reports

Recommendation: Be received.

(Clark/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-001

- 3. 2011 Recommended Water, Wastewater and Storm Budget (FCS11009/PW11004) (City Wide)**

(Bratina/Partridge)

That Item 3 of the General Issues Committee Report 11-001, respecting the 2011 Recommended Water, Wastewater and Storm Budget, be amended, as follows:

- (a) by amending the date in sub-sections (a), (b), (c) and (d) from January 13, 2011 to January 27, 2011;
- (b) by adding the following as sub-section (f), and re-numbering the balance of the sub-sections accordingly:
 - (f) That Appendix "E" be further amended to include the following fees and charges, including all applicable taxes:
 - (i) Discharge of Special Water Service Agreements \$350.00; and,
 - (ii) Discharge of Special Sewer Service Agreements \$350.00.
- (c) by amending sub-section (k) to read recommendations (a) to (f).

(Clark/Johnson)

That the following be added as Sub-section (l) to Item 3 of the General Issues Committee Report 11-001 to read as follows:

- (l) That staff be directed to report back on alternative measures of water costing for the 2012 rate budget.

The Main Motion, as amended, CARRIED on the following recorded vote:

Yeas:	Bratina, Clark, Collins, Duvall, Farr, Ferguson, Merulla, Morelli, Partridge, Pasuta, Pearson, Powers
Total:	12
Nays:	Jackson, Johnson, Whitehead
Total:	3
Absent:	McHattie
Total:	1

(Bratina/Partridge)

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

PUBLIC WORKS COMMITTEE REPORT 11-001

5. Central Fleet Request for Policy 11 Approval (PW09042b) (City Wide) (Item 8.2)

Item 5 above CARRIED on the following recorded vote:

Yeas:	Bratina, Collins, Duvall, Farr, Ferguson, Jackson, Johnson, Merulla, Morelli, Partridge, Pasuta, Pearson, Powers.
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Total: 12
Nays: Clark, Whitehead
Total: 2
Absent: McHattie
Total: 1

7. Vendor Approval Requests - PW11010 (City Wide) (Item 8.4)

(Powers/Ferguson)

That the following be added as Sub-section (c) to item 7 of the Public Works Committee Report 11-001:

- (c) That the issue of single/sole source purchasing, and usage of Purchasing Policy 11 or City-wide purchases, be referred to Council's Purchasing Sub-committee for their consideration.

Item 7(a) above CARRIED on the following recorded vote:

Yeas: Bratina, Collins, Duvall, Farr, Ferguson, Jackson, Johnson, Merulla, Morelli, Partridge, Pasuta, Pearson, Powers.
Total: 13
Nays: Clark, Whitehead
Total: 2
Absent: McHattie
Total: 1

8. 2011 Transportation Summit Funding

(Clark/Ferguson)

- (a) That Item 8 of the Public Works Committee Report 11-001, respecting the 2011 Transportation Summit funding, be referred back to the Public Works Committee.
- (b) That staff be directed to provide information at that meeting, respecting the original contract, costs and scope regarding the Transportation Summit.

CARRIED

(Powers/Pasuta)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 11-001**20. Merging of the Furniture Review and the Purchasing Sub-Committees (Item 11.3)****(Clark/Pearson)**

That Sub-section (d) of Item 20 of Audit, Finance and Administration Committee Report 11-001 respecting Merging of the Furniture Review and the Purchasing Sub-Committees be amended by adding the following as Sub-section 9(d)(i):

(i) That the following Councillors:

1. B. Clark
2. L. Ferguson
3. C. Collins
4. T. Whitehead

be appointed to serve on the Purchasing Review Sub-Committee.

Final disposition of the Audit, Finance & Administration Committee Report 11-001 was deferred until after Closed Session discussion of Item 22, respecting the Settlement of Court Action No. 04-12153.

(Clark/Pearson)

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

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-001**6. Fairness to Hamilton Campaign Sub-Committee (referred from Council December 1, 2010) (Item 8.1)****(Merulla/Morelli)**

That Item 6 of the Emergency and Community Services Committee Report 11-001 be amended by adding Councillor T. Whitehead to the Fairness to Hamilton Campaign Sub-Committee.

CARRIED

(Merulla/Morelli)

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

GENERAL ISSUES COMMITTEE REPORT 11-003**(Bratina/Partridge)**

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

PLANNING COMMITTEE REPORT 11-001**(Pasuta/Partridge)**

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

HAMILTON LICENSING TRIBUNAL 11-001**(Whitehead/Duvall)**

That the FIRST Report of the Hamilton Licensing Tribunal be adopted, and the information section received. **CARRIED**

BOARD OF HEALTH REPORT 11-001**(Bratina/Partridge)**

That the FIRST Report of the Board of Health be adopted, and the information section received. **CARRIED**

(Collins/Morelli)

That Committee of the Whole rise and report.

CARRIED**MOTIONS**

None.

NOTICES OF MOTION

Councillor B. Clark introduced the following Notice of Motion:

8.1 International Games Bid Protocol

Whereas there will be future opportunities for Hamilton to host or participate in international games; and,

Whereas Hamilton has had past successes in hosting international games such as the 1930 British Empire Games, the 1986 World Junior Hockey Championship at Copps, the 1987 Canada Cup Ice Hockey Tournament, the 1993 World Judo

Championships, the 1996 Men's and Women's World Curling Championship, the 2003 World Road Cycling Championships and others; and,

Whereas international games have become highly competitive in the bidding process;

Therefore be it resolved that the city of Hamilton develop, adopt and maintain a current Hamilton international games bid protocol which includes the following:

- (a) a fiscally viable business plan prior to any resolution to participate or host any games,
- (b) a plan for an amateur sports legacy program to assist the local community,
- (c) a feasibility study with a comparative matrix for all potential properties being considered for any new facility including financial viability, environmental, zoning, servicing, and any required municipal infrastructure upgrades,
- (d) a capital funding formula that commits Hamilton to no more than 40% of capital costs;
- (e) a public consultation process prior to the adoption of any resolution to participate in any games.

Councillor J. Farr introduced the following Notice of Motion:

8.2 Proposed Two Hour Free Parking on Saturdays for Hamilton Farmers' Market Patrons

That staff be directed to investigate the feasibility of offering two hours of free parking, at the York Street Parkade on Saturdays only, for validated Hamilton Farmers' Market patrons and report back to the 2011 budget deliberations.

STATEMENTS BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

Audit, Finance & Administration Committee Report 11-001:

22. Settlement of Court Action No. 04-12153 (LS10016) (City Wide) (Item 12.1)

(Pearson/Ferguson)

That Council move into Closed Session, at 9:02 p.m., respecting the Settlement of Court Action 04-12153, pursuant to Section 8.1, Sub-sections (b), (e) and (f) of the City's Procedural By-law 10-053; and, Section 239, Sub-sections (b), (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; litigation or potential litigation, including matters before Administrative Tribunals, affecting the municipality or local Board; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Council had reconvened in Open Session at 9:57 p.m. Staff direction was provided in Closed Session.

BY-LAWS

(Collins/Jackson)

That Bill Nos. 011-026 to 011-041, attached hereto, be passed, that the Corporate seal be affixed thereto, and that the By-laws be signed by the Mayor and the City Clerk and read as follows:

By-law No.

- 11-026** 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 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
- 11-027** To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
Schedule 10 – No Left Turns
Schedule 12 – No “U” Turns
Schedule 13 – Designated Traffic Lanes
- 11-028** To Authorize the Request for Extensions for Recreational Infrastructure Canada/Ontario Recreation Program Projects
- 11-029** To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2011
- 11-030** To Authorize An Interim Tax Levy for 2011

By-law No.

- 11-031** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 9800 and 9814 Twenty Road West
- 11-032** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 72 Creanona Boulevard
- 11-033** To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 397 King Street West and 365 Park Street West
- 11-034** Respecting Removal of Part Lot Control, Blocks 89 and 90 of Plan No. 62M-1131, "Aspen Ridge Homes"
- 11-035** To Establish the 2011 Water and Wastewater Fees and Charges for Services, Activities and Use of Property Provided by the City of Hamilton
- 11-036** To Amend the Waterworks By-law No. R84-026, as amended, and Implement the 2011 Water Fees and Charges
- 11-037** To Amend The Sewer and Drain By-law No. 06-026, as amended, and Implement the 2011 Fees and Charges
- 11-038** To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2011 Fees and Charges
- 11-039** To Amend the Sewer Use By-law No. 04-150, as amended, and Implement the 2011 Sewer Use Fees and Charges
- 11-040** To Establish Retention Periods for Records of the City of Hamilton
- 11-041** To Confirm the Proceedings of City Council

(Pearson/Johnson)

There being no further business, the City Council meeting adjourned at 10:01 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini
City Clerk
January 26, 2011