



CITY COUNCIL MINUTES

Wednesday, January 12, 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, B. McHattie

Mayor Bratina called the meeting to order at 7:00 p.m. and introduced the Serbian Folklore Dance Group from the St. Nicholas Serbian Orthodox Church and thanked them for their performance. Mayor Bratina called upon Father Vojislav Pavlovic of St. Nicholas Serbian Orthodox Church in Hamilton to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS

- 5.5 Correspondence from Dr. Tom Nugent, respecting projects to be included in the Capital Budget.

Recommendation: Be received

- 5.6 Correspondence from Joe Beattie of the Hamilton Brantford Ontario Building & Construction Trades Council, respecting the Pan Am Stadium

Recommendation: Be received

- 5.7 Resolution from the City of Kingston requesting the Province of Ontario to increase “heads and beds” payments to municipalities

Recommendation: To be endorsed

- 5.8 Correspondence from Bill Senn, Senior Vice President of Infrastructure Toronto 2015, respecting the Pan American Football [Soccer] Stadium Contingency Plan.

Recommendation: Be received

- 5.9 Correspondence from the Federation of Canadian Municipalities requesting nominations to their National Board of Directors.

Recommendation: For the consideration of Council

2. NOTICES OF MOTION

- 8.1 Ivor Wynne / Pan Am Stadium

(Pasuta/Johnson)

That the Agenda for the City Council meeting being held on January 12, 2011, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

Councillors Jackson, Whitehead and Ferguson indicated a conflict of interest to Item 8 of General Issues Committee Report 11-002, Annual Report 2010, Office of the Integrity Commissioner, as they were involved in investigations

Councillor Ferguson declared a conflict of interest to Information Item (h)(iii)(bb) of General Issues Committee Report 11-002, Proposed Reforms to Taxi Licensing By-law, as he has a family members in the taxi industry

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Cheque Presentation – Winona Peach Festival

The Mayor welcomed Linda Shuker, of the Winona Peach Festival, to address Council. Linda Shuker informed Council that the 2010 Winona Peach Festival was a great success and provided the City of Hamilton with a letter of acknowledgment that they have presented a cheque of \$13,000 to the City of Hamilton.

APPROVAL OF MINUTES

(Ferguson/Pearson)

That the Minutes of the December 15, 2010, meeting of Council be approved, as presented. **CARRIED**

(Ferguson/Pearson)

That the Minutes of the December 22, 2010, meeting of Council be approved, as presented. **CARRIED**

COMMUNICATIONS

(Collins/ Morelli)

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

- 5.1** Correspondence from Richard Koroscil, President & C.E.O of Tradeport International Corporation, respecting correspondence from the Mayor's Office in relation to Item 6 of Committee of the Whole Report 10-007 'Hamilton Airport Lay-off pertaining to security, maintenance and the elimination of the firefighter role'

Recommendation: Be received

- 5.2** Correspondence from J.W. Tiernay, Ontario Good Roads Association (OGRA) respecting the Report of the OGRA Nominating Committee

Recommendation: Be received

- 5.3** Correspondence from the Honourable Dwight Duncan , Minister of Finance and The Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing respecting Ontario Municipal Partnership Fund allocations for 2011

Recommendation: Be received

- 5.4** Correspondence from Canada Ontario Infrastructure Secretariat respecting the process for requesting an extension for completion of stimulus projects funded under the Infrastructure Stimulus Fund.

Recommendation: Be received

- 5.5** Correspondence from Dr. Tom Nugent, respecting projects to be included in the Capital Budget.

Recommendation: Be received

- 5.6 Correspondence from Joe Beattie of the Hamilton Brantford Ontario Building & Construction Trades Council, respecting the Pan Am Stadium

Recommendation: Be received

- 5.7 Resolution from the City of Kingston requesting the Province of Ontario to increase “heads and beds” payments to municipalities

(Clark/Jackson)

Recommendation: That the Resolution from the City of Kingston requesting the Province of Ontario to increase “heads and beds” payments to municipalities be endorsed

CARRIED

- 5.8 Correspondence from Bill Senn, Senior Vice President of Infrastructure Toronto 2015, respecting the Pan American Football [Soccer] Stadium Contingency Plan.

(Jackson/Whitehead)

Recommendation: Be received and referred to the Notice of Motions section of the Agenda

CARRIED

- 5.9 Correspondence from the Federation of Canadian Municipalities requesting nominations to their National Board of Directors.

(Powers/Pasuta)

Recommendation: That Councillor Terry Whitehead’s name be submitted as Hamilton’s City Council nominee to fill the vacancy in the Federation of Canadian Municipalities National Caucus for their 2010-2011 term

CARRIED as Amended

(Bratina/Whitehead)

That Item 8.1, Ivor Wynne Pan Am Stadium Notice of Motion be moved forward on the agenda

CARRIED

Mayor Bratina introduced the following Notice of Motion:

8.1 Ivor Wynne / Pan Am Stadium

- (a) That Hostco be advised that the Ivor Wynne site is the preferred venue location for the Pan Am Stadium, subject to:
- (1) a review by staff on the feasibility and analysis of the site including ongoing operations of the stadium;
 - (2) ways to mitigate the financial obligations of the City by way of external funding sources including additional public-private

partnerships, private contributions and investment, fundraising efforts etc

- (b) That a further request for confirmation of additional financial assistance required for the construction of a new Pan Am Stadium that meets both FIFA Soccer standards and current CFL size requirements, facility amenities and standards be submitted to the Provincial and Federal Governments for a response prior to January 24, 2011;
- (c) That staff report back to the General Issues Committee by January 24, 2011 on the above matters.

(Bratina/Farr)

That the rules of order be waived to dispense with notice to allow consideration of a motion respecting Ivor Wynne – Pan Am Stadium site

CARRIED

For further disposition of this item refer to page 8 – Motion 7.4

(Clark/Pearson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 10-003

(Bratina/Partridge)

That the THIRD Report of the General Issues Committee be adopted as presented and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-002

Item 17 **Hamilton Future Fund Board of Governors Report 10-002 (October 27, 2010)**

(Clark/ Pearson)

That the following be added as sub-section (d) to Item 17:

- (d) That Jan Nicols and Beth Ellis be invited to a future General Issues Committee to answer inquiries with respect to the Outstanding Loan for the Bob Kemp Hospice

**Amendment CARRIED
MOTION as Amended CARRIED**

Councillors noted the following corrections to the General Issues Committee Report 11-002:

Item 20 Appointments to Sub-Committees, Agencies, Boards and Commissions

That sub-sections (b) and (c) be amended to reflect that Councillor Powers has been appointed to the Newalta Landfill Co-ordinating Liaison Committee and there remains a vacancy on the Solid Waste Management Plan Steering Committee

Information Item (h)(i) Hamilton Police Services Board – Theft of Gas Drive-Offs (City Wide) (PSB10-101)

That Councillor Duvall's name be removed from the absent column of the recorded vote

The Clerk indicated that the necessary corrections would be made to Report 11-002 of the General Issues Committee.

(Bratina/Farr)

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

MOTIONS

7.1 Councillor and Non-Union Salary Freeze

(Merulla/Morelli)

That the motion be deleted in its entirety and replaced with the following:

'That the salaries for members of Council be frozen for 2011'

Amendment CARRIED

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

Yeas:	Bratina, McHattie, Collins, Farr, Morelli, Merulla, Pasuta, Duvall, Clark, Pearson, Partridge Powers, Jackson, Ferguson, Whitehead, Johnson
Total Yeas:	16
Nays:	0
Total Nays:	0
Absent:	
Total Absent:	0

7.2 HSR Fare Freeze**(Merulla/Jackson)**

That the motion on HSR Fare Freeze be referred to the 2011 budget deliberations

CARRIED**7.3 Hamilton Farmers' Market – Expansion and Market By-Law Amendments****(Ferguson/Pasuta)**

Whereas at its meeting of December 9, 2010, the Hamilton Farmers' Market Transition Sub-committee passed a motion which provided in part:

Whereas there is a higher demand for stall space than currently available in the Hamilton Farmers' Market,

Therefore be it resolved:

- (a) That Culture Division staff in conjunction with Real Estate staff be directed to negotiate with Yale Properties Inc. for additional vendor space adjacent to the Hamilton Farmers' Market to expand its operation;
- (b) That staff be directed to negotiate a favourable rate similar to current stall fees; ...

And whereas at its meeting of December 16, 2010, the Sub-committee passed the following motion:

Whereas the configuration of the renovated Hamilton Farmers' Market has resulted in challenging spaces; and

Whereas Market By-law 10-209 allows stalls to have a frontage of no more than 24 feet; and

Whereas existing equipment owned by stallholders cannot be accommodated in the stalls assigned;

Therefore be it resolved:

- (a) That the Market Supervisor be allowed to assign up to ten stalls which are in excess of 24 feet frontage to a maximum of 30 feet frontage upon acceptance of a sound business case; and
- (b) That the necessary by-law be passed to reflect the resolution in subsection (a), in a form satisfactory to the City Solicitor.

And whereas at its meeting of December 16, 2010, the Sub-committee also passed the following motion:

Whereas the Market Café operator is required to complete significant leasehold improvements to operate a Café; and

Whereas Market By-law 10-209 permits contracts of up to 12 months;

Therefore be it resolved:

- (a) That the Market Supervisor be allowed to sign a contract up to 5 years for the operation of the Market Café; and
- (b) That the necessary by-law be passed to reflect the resolution in subsection (a), in a form satisfactory to the City Solicitor.

And whereas it is desirable to enter into a lease with Yale Properties Inc. for additional vendor space adjacent to the Hamilton Farmers' Market to expand its operation, only in the event that such expansion will be cost neutral to the City;

Therefore be it resolved:

- (a) That Culture Division staff in conjunction with Real Estate staff be directed to negotiate with Yale Properties Inc. for additional vendor space adjacent to the Hamilton Farmers' Market to expand its operation;
- (b) That staff be directed to negotiate a favourable rate similar to current stall fees;
- (c) That no lease with Yale Properties Inc. shall be entered into by the City for the expansion of the Hamilton Farmers' Market unless such expansion is cost neutral to the City; and
- (d) That the By-law to Amend By-law No. 10-209, being a By-law to Regulate the Hamilton Farmers' Market, attached hereto, be passed.

CARRIED

7.4 Ivor Wynne / Pan Am Stadium

(Bratina/Farr)

- (a) That Hostco be advised that the Ivor Wynne site is the preferred venue location for the Pan Am Stadium, subject to:
 - (1) a review by staff on the feasibility and analysis of the site including ongoing operations of the stadium;
 - (2) ways to mitigate the financial obligations of the City by way of external funding sources including additional public-private

partnerships, private contributions and investment, fundraising efforts etc

- (b) That a further request for confirmation of additional financial assistance required for the construction of a new Pan Am Stadium that meets both FIFA Soccer standards and current CFL size requirements, facility amenities and standards be submitted to the Provincial and Federal Governments for a response prior to January 24, 2011;
- (c) That staff report back to the General Issues Committee by January 24, 2011 on the above matters.

(Clark/Pearson)

That sub-section (a) be deleted in its entirety and replaced with the following

‘That staff be directed to conduct a review on the feasibility and analysis of the Ivor Wynne site including ongoing operations of the stadium and guarantee the ways to mitigate financial shortfalls to the City of Hamilton’

(McHattie/Ferguson)

That the question be called

CARRIED
Amendment CARRIED

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

Yeas:	Bratina, McHattie, Collins, Farr, Morelli, Merulla, Pasuta, Duvall, Clark, Pearson, Partridge Powers, Jackson, Ferguson, Whitehead, Johnson
Total Yeas:	16
Nays:	0
Total Nays:	0
Absent:	
Total Absent:	0

7.5 Item 5.9 Correspondence from Toronto 2015

(McHattie/Farr)

That should arrangements for the use of Ivor Wynne Stadium as the Pan Am Stadium for some reason not be successful, the City of Hamilton prepare a written submission to TO2015 by January 20, 2011 stating a willingness to construct the 5,000 – 6,000 seat scalable Pan AM Games Soccer stadium, and that it be ratified by Council no later than February 1, 2011.

(Powers/Pearson)

That the question be called.

CARRIEDThe Motion **CARRIED** on the following Standing Recorded Vote:

Yeas:	McHattie, Farr, Pasuta, Duvall, Clark, Pearson, Partridge, Powers, Ferguson, Whitehead
Total Yeas:	10
Nays:	Jackson, Morelli, Bratina, Collins, Merulla, Johnson
Total Nays:	6
Absent:	
Total Absent:	0

NOTICES OF MOTION**8.1 Ivor Wynne / Pan Am Stadium**

For disposition of this item refer to page 8 - Motion 7.4

Councillor McHattie introduced the following Notice of Motion

8.2 Item 5.9 Correspondence from Toronto 2015

That should arrangements for the use of Ivor Wynne Stadium as the Pan Am Stadium for some reason not be successful, the City of Hamilton prepare a written submission to TO2015 by January 20, 2011 stating a willingness to construct the 5,000 – 6,000 seat scalable Pan AM Games Soccer stadium, and that it be ratified by Council no later than February 1, 2011.

(McHattie/Farr)

That the rules of order be waived to allow the introduction of a motion respecting Item 5.9, Correspondence from Toronto 2015

CARRIED

For disposition of this item refer to page 9 - Motion 7.5

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Collins/Merulla)

That Bill No. 011-021, attached hereto, be passed, that the Corporate seal be affixed thereto, and that the By-law be signed by the Mayor and the City Clerk and read as follows:

By-law No.

- | | |
|---------------|--|
| 11-001 | To Impose a Sanitary Sewer Charge upon owners of land abutting Upper Mount Albion Road from Stone Church Road/Paramount Drive to Mud Street, in the City of Hamilton |
| 11-002 | To Incorporate City Land Designated as Parts 1 and 2 on Plan 62R-11575 into McNeilly Road |
| 11-003 | To Incorporate City Land Designated as Parts 1 and 5 on Plan 62R-12003 into Highbury Drive |
| 11-004 | To Incorporate City Land Designated as Block 18 on Plan 62M-1099 into Desoto Drive |
| 11-005 | To Incorporate City Land Designated as Block 33 on Plan 62M-1037 and Block 50 on Plan 62M-1138 into Highgate Drive |
| 11-006 | To Incorporate City Land Designated as Block 129 on Plan 62M-1122 into Lorupe Court |
| 11-007 | To Incorporate City Land Designated as Part 1 on Plan 62R-18737 into Waterberry Trail |
| 11-008 | To Incorporate City Land Designated as Block 47 on Plan 62M-1029 into Lorenzo Drive |
| 11-009 | To Incorporate City Land Designated as Parts 1, 2, and 3 on Plan 62R-18907 into Regan Drive |
| 11-010 | To Incorporate City Land Designated as Block 25 on Plan 62M-829 into Eaglewood Drive |

By-law No.

- 11-011** 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 14 – Wheelchair Loading Zones
- 11-012** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 31 Trinity Church Road
- 11-013** To Adopt Official Plan Amendment No. 39 to the former Region of Hamilton-Wentworth Official Plan and Official Plan Amendment No. 132 to the former Town of Ancaster Official Plan, Respecting 1169 Garner Road East (Ancaster)
- 11-014** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 1169 Garner Road East
- 11-015** To Amend Zoning By-law No. 05-200, as amended, Respecting Lands Located at 1169 Garner Road East, Part of Lots 52 and 53, Concession 3 (Ancaster)
- 11-016** Respecting Removal of Part Lot Control, Block 173, Registered Plan No. 62M-700, “Deerfield Estates Phase One” and Lot 19, Registered Plan No. 62M-1141, “Mountain Garden”
- 11-017** To Amend By-law No. 07-170, A By-law To License and Regulate Various Businesses
- 11-018** To Authorize the Execution of a Contribution Agreement Addendum between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Ministry of Energy and Infrastructure and the Ministry of Agriculture, Food and Rural Affairs Related to Funding Provided Under the Infrastructure Stimulus Fund Program
- 11-019** To Authorize the Request for Extensions for Infrastructure Stimulus Fund Projects
- 11-020** To Amend By-law No. 10-209, A By-law to Regulate the Hamilton Farmers’ Market
- 11-021** To Confirm the Proceedings of City Council **CARRIED**

(Pearson/Johnson)

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

CARRIED

Respectfully submitted

Mayor R. Bratina

R. Caterini
City Clerk
January 12, 2011