



CITY COUNCIL MINUTES

Wednesday, March 23, 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, J. Partridge, R. Pasuta, M. Pearson,
R. Powers, T. Whitehead, S. Duvall, B. McHattie
- Absent with Regrets:** Councillor B. Morelli – Bereavement

Mayor Bratina called the meeting to order and called upon Minister Seigi Agita from the Japanese United Church on Upper Gage to lead Council in prayer.

Mayor Bratina then called upon Mitch Kawasaki, President of the Canadian Japanese Culture Centre in Hamilton to lead Council in a moment of silence in honour of the victims of the recent earthquake and tsunami that hit Japan. Mr. Kawasaki provided an update to Council on local aid efforts.

Mayor Bratina expressed his condolences to Elizabeth Booth, Supervisor of Parking Revenue Management, and her children and family, for the loss of her husband, Steven, last week. Mayor Bratina also expressed his condolences to Councillor Morelli and his family, after the sudden tragic loss of the Councillor's nephew Nicholas Morelli.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS

- 5.6 Correspondence from Heather Donison on behalf of the Hamilton Community Energy Collaborative Steering Committee, respecting a Council representative on the Hamilton Community Energy Collaborative Steering Committee

Recommendation: For the Consideration of Council

- 5.7 Correspondence from John Ennis, CAA South Central Ontario and Scott R. Butler, Ontario Good Roads Association, respecting CAA South Central Ontario and OGRA proposal to have H.S.T. gas tax revenue dedicated to transportation infrastructure and maintenance

Recommendation: For the Consideration of Council

2. COMMITTEE REPORTS

- 6.2 General Issues Committee Report 11-011 – March 22, 2011 - WITHDRAWN

ADDED NOTICES OF MOTION

- 8.1 Notice of Motion to add Items from March 22, 2011 General Issues Committee Meeting
- 8.2 Notice of Motion to Amend Item 8 of Board of Health Report 11-002, approved by Council on March 9, 2011

(Pasuta/Partridge)

That the Agenda for the City Council meeting being held on March 23, 2011, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES**(Pearson/Johnson)**

That the Minutes of the March 9, 2011, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS**(Farr/McHattie)**

That Council Communications 5.1 to 5.7 be approved, as amended, as follows:

- 5.1 Correspondence from John Slobodzian, Ontario Ministry of Transportation, respecting the Niagara to GRA Corridor Planning and Environmental Assessment Study – Phase 1 – Draft Transportation Development Strategy – Document for Public Access and Review

Recommendation: Be received

Note: Due to bulk, the document in its entirety is available on the City's website at www.hamilton.ca.

- 5.2 Resolution from the Municipality of Clarington respecting Solar Energy Projects in Urban Valleylands

Recommendation: Be received.

- 5.3 Correspondence from Melanie Blum, Secretary, Ancaster, 1812 Bicentennial Committee, requesting monetary support for Ancaster Heritage Days "Rumours of War"

(Powers/Partridge)

Recommendation: Be referred to the Manager of Culture and the War of 1812 Secretariat.

CARRIED

- 5.4 Petition from the Flamborough Citizens' Coalition respecting the installation of parking meters on the streets of downtown Waterdown despite the adamant objections of business owners and Flamborough residents (1621 signatures)

(Partridge/Pasuta)

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

CARRIED

- 5.5 Correspondence from Virginia M. West, Deputy Minister, Ministry of Natural Resources, requesting at least two additional names for consideration for appointment to the Niagara Escarpment Commission

(McHattie/Merulla)

Recommendation:

- (a) That Council reaffirm their previous recommendation of Councillor Russ Powers for appointment on the Niagara Escarpment Commission;
- (b) That the Province be requested to amend the Niagara Escarpment Planning and Development Act with the intent of allowing Councils to appoint one member to sit on the Niagara Escarpment Commission rather than put forward three applicants. **CARRIED**

- 5.6 Correspondence from Heather Donison on behalf of the Hamilton Community Energy Collaborative Steering Committee, respecting a Council representative on the Hamilton Community Energy Collaborative Steering Committee

(Merulla/Jackson)

Recommendation: That Councillor McHattie be appointed as the Council representative on the Hamilton Community Energy Collaborative Steering Committee **CARRIED**

- 5.7 Correspondence from John Ennis, CAA South Central Ontario and Scott R. Butler, Ontario Good Roads Association, respecting CAA South Central Ontario and OGRA proposal to have H.S.T. gas tax revenue dedicated to transportation infrastructure and maintenance

Recommendation:

- (a) That the Council of the City of Hamilton requests that the Government of Ontario consider directing a portion of the revenue derived from HST charged on gasoline and diesel sales to a new predictable funding mechanism that will allow Ontario municipalities to make critical investments needed to be effective stewards of transportation infrastructure; and
- (b) That Premier Dalton McGuinty, the Honourable Dwight Duncan, Minister of Finance, the Honourable Kathleen Wynne, Minister of Transportation, the Honourable Bob Chiarelli, Minister of Infrastructure, the Ontario Good Roads Association, CAA South Central Ontario, and the Association of Municipalities of Ontario be advised of the recommendation of the City of Hamilton. **CARRIED**

(Duvall/Jackson)

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

PLANNING COMMITTEE REPORT 11-006

Item 7 **Application for Amendments to the City of Stoney Creek Official Plan, Zoning By-law No. 3692-92, and Hamilton Zoning By-law No 05-200, as well as Approval of a Draft Plan of Subdivision, for Lands Located Within Part of Lot 29, Concession 6 (Saltfleet), in the Former City of Stoney Creek (PED10196(a)) (Ward 9) (Item 6.2)**

(Clark/Collins)

That item 7 of Planning Committee Report 11-006 be amended to add the following condition to subsection (d):

(d)(iv) That the owner agree that development of the subject lands not exceed 50% of the total developable land area until the Lower Davis Creek downstream erosion works have commenced construction or an assessment of the increased erosion risk has been completed that would determine if additional development can proceed.

Amendment CARRIED
Motion as Amended CARRIED

(Pasuta/Partridge)

That the SIXTH Report of the Planning Committee be adopted as amended and the information section received. **CARRIED**

HAMILTON LICENSING TRIBUNAL REPORT 11-002**(Whitehead/Duvall)**

That the SECOND Report of the Hamilton Licensing Tribunal be adopted as presented and the information section received. **CARRIED**

SELECTION COMMITTEE REPORT 11-001**(Clark/Whitehead)**

That the Report of the Selection Committee be referred to the Private and Confidential Section of the agenda. **CARRIED**

(Johnson/Collins)

That the FIRST Report of the Selection Committee be adopted as presented and the information section received. **CARRIED**

(Duvall/Jackson)

That Committee of the Whole rise and report. **CARRIED**

MOTIONS

7.1 Motion respecting items introduced from the March 22, 2011 meeting of the General Issues Committee:

(Farr/Merulla)

That the following items from the March 22, 2011 meeting of the General Issues Committee be approved:

1. Report of the 2010 Remuneration and Expenses as required under Section 284 of the Municipal Act (FCS11021) (City Wide) (Item 5.3)

That Report FCS11021 respecting Report of the 2010 Remuneration and Expenses as required under Section 284 of the Municipal Act, be received.

2. Ontario Realty Corporation (ORC) Surplus Land – Project 8093 – Located at 1831 Rymal Road East/99 Highland Road West, described as Part of Lots 33 and 34, Concession 8, Former Township of Saltfleet, now City of Hamilton (PED11039) (Ward 9) (Item 5.7)

(a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the Ontario Realty Corporation (ORC) that the City of Hamilton has no interest in acquiring their land located at 1831 Rymal Road East/99 Highland Road West, legally described Part of Lots 33 and 34, Concession 8, in the former Township of Saltfleet, now City of Hamilton, as shown on Appendix “A” attached to Report PED11039;

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to advise the ORC of the City of Hamilton requirements to the development of the site as contained in the “Relevant Consultation” attached hereto as Appendix “A”.

3. Acquisition of Part of 1389 Wilson Street West, Ancaster, from Her Majesty the Queen in Right of Ontario, as represented by the Minister of Infrastructure (PED11043) (Ward 12) (Item 5.8)

(a) That the Real Estate Section of the Economic Development and Real Estate Division be authorized and directed to submit an Offer to Purchase in the amount of \$610,000, to Her Majesty the Queen in Right of Ontario, as represented by the Minister of Infrastructure, those lands described as Part Lot 33, Concession 3, in the former Town of Ancaster now in the City of Hamilton, having an area of 0.93 hectares (2.31 acres) more or less, and being part of PIN 17418-

0068, known municipally as 1389 Wilson Street West, as shown on Appendix "A" attached to Report PED11043;

- (b) That subject to approval of Recommendation (a), the total acquisition costs in the amount of \$610,000 (including purchase price, Legal fees, Real Estate and appraisal costs) be charged to Capital Project ID 59259-5180880681;
- (c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;
- (d) That the costs incurred for the provision of Real Estate's service in the amount of \$19,520, be credited to Account 45408-3560150200 (Property Purchases and Sales) and debited from Project ID 59259-5180880681.

4. Declaration of Surplus and Sale of Part of 306 Woodworth Drive, Ancaster, to Benemar Construction Inc. (Mark and Robert DeBenedictus) (PED11056) (Ward 12) (Item 5.12)

- (a) That the subject land, being a portion of 306 Woodworth Drive in the former Village of Ancaster and described as Parts 4 and 5 on Plan 62R-18331, comprising an area of 7,820 square metres (1.93 acres) more or less, forming part of PIN 17436-0151 (LT) and part of PIN 17436-0137 (LT), and part of Roll No. 250310011017400 (as shown on Appendix "A" attached to Report PED11056) be declared surplus to the requirements of the City of Hamilton in accordance with the Procedural By-law for the Sale of Land, By-law 04-299;
- (b) That an Offer to Purchase executed by Benemar Construction Inc., on February 4, 2011, and scheduled to close on or before June 15, 2011, for the lands described in recommendation (a) be approved and completed, subject to the conditions described in recommendation (e) and the sale proceeds of \$1,668,070 be credited to Grange School Project ID 47702-4400556595; minus the administrative, legal and advertising expenses in the amount of \$70,337 to be deposited into account 45408-3560150200; and that demolition costs in the amount of \$80,000 be charged to Grange School Project ID 4400556595. Furthermore, the net sale proceeds after disbursements are to be transferred from Grange School Project ID 4400556595 and credited to the Ancaster Capital Reserve - Account No. 108030;
- (c) That the required deposit cheque in the amount of \$166,807, being 10% of the purchase price, be held by the General Manager of Finance pending acceptance of this transaction;

- (d) That the sale price of \$1,668,070 does not include the Harmonized Sales Tax (HST); should the HST be applicable and collected by the City, that the HST amount be credited to Account No. 22828 009000 (HST Payable);
- (e) That the sale is subject to the following conditions included in the Offer to Purchase Part of 306 Woodworth Drive;
 - (i) This Offer to Purchase shall be conditional for a period of sixty (60) days from the date of acceptance of this Offer to Purchase by the City ("the Conditional Period"), to allow the Purchaser to enter upon the subject lands for the purposes of carrying out physical and environmental inspections (hereinafter the "Environmental Assessment"), investigations and testing pursuant to the Authority to Enter provided by the City to the Purchaser, which Authority to Enter is attached as Schedule "C". An executed copy of Authority to enter shall be delivered to the City concurrently with the delivery to the Purchaser of an executed copy of this Agreement;
 - (ii) It is further understood and agreed by the Purchaser that in the event the City grants the Purchaser's request to extend the conditional period for a further 60 days, the closing date of this transaction will automatically be extended by 60 days;
 - (iii) The Transferee shall apply for and receive final approval of a site plan and draft plan of condominium in accordance with the desired design concept herein attached as Schedule "B", for the said land with the City of Hamilton, if required by the City of Hamilton, at its own cost;
 - (iv) The Transferee shall commence construction of a building(s) by not later than twelve (12) months from the Closing Date, subject to force majeure and delays attributable to the Transferor. Construction is considered commenced when the foundations have been installed as determined by the City of Hamilton Building Services Division;
 - (v) The Transferee shall complete construction of the said building(s) not later than two (2) years from the Closing Date subject to force majeure and delays attributable to the Transferor. The building(s) are considered completed upon the satisfactory final inspection by the City of Hamilton Building Services Division;
- (f) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, if required, incorporating the following:

- (i) That as required by Section 3 (a) of By-Law 04-299, the subject lands be declared surplus by inclusion in this Report to City Council;
- (ii) An internal appraisal of the fair market value of the real property intended to be sold was completed on December 8, 2010 and the sale price falls in the range of value of the appraisal;
- (iii) That in accordance with the approved method of providing notice in the City of Hamilton By-Law No. 04-299 "Procedural By-Law for the Sale of Land", Section 12 (a) (1) by publication of the notice in a newspaper having general circulation within the municipality in which the land is located, Section 12 (a) (3) by posting a "For Sale" sign on the land proposed to be sold, and Section 12 (a)(6), notice to the public of the proposed sale of land is given by inclusion of the recommendation by City Council to approve the sale of surplus lands.

**5. Dr. Bob Kemp Hospice Outstanding Loan (FCS10092(a)) (City Wide)
(Item 8.4(2) of March 22, 2011 GIC Agenda)**

- (a) That the outstanding loan to the Dr. Bob Kemp Hospice Foundation Inc. in the amount of \$1,500,000 be converted to an Interest-Free Forgivable Loan;
- (b) That the Interest-Free Forgivable Loan be secured by the City with a first mortgage registered against the Hospice's property at 277 Stone Church Road East;
- (c) That the Interest-Free Forgivable Loan be for a term of 20 years;
- (d) That the City enter into a Forgivable Loan Agreement with the Dr. Bob Kemp Hospice Foundation Inc. on the terms set out in Report FCS10092(a), attached hereto as Appendix A, and satisfactory to the General Manager, Corporate Services and the City Solicitor;
- (e) That the Mayor and Clerk be authorized to execute the said Forgivable Loan Agreement.

CARRIED

7.2 Motion to amend Item 8, Board of Health Report 11-002

(Ferguson/Powers)

That Item 8 of Board of Health Report 11-002, approved by Council on March 9, 2011, respecting Physician Recruitment and Retention Steering Committee Meeting, February 15, 2011, be deleted in its entirety and replaced with the following in lieu thereof:

8. Physician Recruitment and Retention Steering Committee Report 11-001 – February 15, 2011

(a) Appointment of Chair and Vice Chair (Item A)

- (i) That Councilor Lloyd Ferguson be appointed as Chair of the Physician Recruitment and Retention Steering Committee for the 2010-2014 term of Council.
- (ii) That Len Falco be appointed as Vice Chair of the Physician Recruitment and Retention Steering Committee for the 2010-2014 term of Council.

(b) Current Physician Statistics Summary, as of December 30, 2010 (Item 4.1)

That the Current Physician Statistics Summary, as of December 30, 2010, be received.

(c) Key Performance Indicators for Family Physicians, as of January 7, 2011 and Retention Program, December 1, 2009 to November 30, 2010 (Item 4.2)

That the Key Performance Indicators for Family Physicians, as of January 7, 2011 and Retention Program, December 1, 2009 to November 30, 2010, be received.

(d) Cash Flow Statement, December 1, 2009 to November 30, 2010 (Item 4.3)

That the Cash Flow Statement, December 1, 2009 to November 30, 2010, be received.

(e) Income Statement, December 1, 2009 to November 30, 2010 for the Physician Recruitment and Retention Program (Item 4.4)

That the Income Statement, December 1, 2009 to November 30, 2010 for the Physician Recruitment and Retention Program, be received.

(f) Three Year Budget Forecast, December 1, 2009 to November 30, 2012 for the Physician Recruitment and Retention Program (Item 4.5)

That the Three Year Budget Forecast, December 1, 2009 to November 30, 2012 for the Physician Recruitment and Retention Program, be received.

(g) Contract Renewal – Physician Recruitment Specialist (Item 6.1)

That the renewal of the Employment Contract, for the Physician Recruitment Specialist (attached as Appendix A to Report 11-001), be approved. (*Private and Confidential Appendix A was distributed under separate cover*).

Amendment CARRIED

NOTICES OF MOTION

Councillor Farr introduced the following Notice of Motion

8.1 Notice of Motion respecting the introduction of items from the March 22, 2011 meeting of the General Issues Committee:

That the following items from the March 22, 2011 meeting of the General Issues Committee be added to the March 23, 2011 meeting of Council:

- (a) Report of the 2010 Remuneration and Expenses as required under Section 284 of the Municipal Act (FCS110321) (City Wide) (Item 5.3 of March 22, 2011 GIC Agenda)
- (b) Ontario Realty Corporation (ORC) Surplus Land – Project 8093 – Located at 1831 Rymal Road East/99 Highland Road West, described as Part of Lots 33 and 34, Concession 8, former Township of Saltfleet, now City of Hamilton (PED11039) (Ward 9) (Item 5.7 of March 22, 2011 GIC Agenda)
- (c) Acquisition of Part of 1389 Wilson Street West, Ancaster, from Her Majesty the Queen in Right of Ontario, as represented by the Minister of Infrastructure (PED11043) (Ward 12) (Item 5.8 of March 22, 2011 GIC Agenda)
- (d) Declaration of Surplus and Sale of Part of 306 Woodworth Drive, Ancaster, to Benemar Construction Inc. (Mark and Robert DeBenedictus) (PED11056) (Ward 12) (Item 5.12 of March 22, 2011 GIC Agenda)
- (e) Dr. Bob Kemp Hospice Outstanding Loan (FCS10092(a)) (City Wide) (Item 8.4(2) of March 22, 2011 GIC Agenda)

(Farr/Merulla)

That the Rules of Order be suspended to allow for the introduction of items from the March 22, 2011 meeting of the General Issues Committee: **CARRIED**

See Motion 7.1 for the disposition of this Item.

Councillor Ferguson introduced the following Notice of Motion

8.2 Motion to amend Item 8, Board of Health Report 11-002

That Item 8 of Board of Health Report 11-002, approved by Council on March 9, 2011, respecting Physician Recruitment and Retention Steering Committee Meeting, February 15, 2011, be deleted in its entirety and replaced with the following in lieu thereof:

8. Physician Recruitment and Retention Steering Committee Report 11-001 – February 15, 2011

(a) Appointment of Chair and Vice Chair (Item A)

- (i) That Councillor Lloyd Ferguson be appointed as Chair of the Physician Recruitment and Retention Steering Committee for the 2010-2014 term of Council.
- (ii) That Len Falco be appointed as Vice Chair of the Physician Recruitment and Retention Steering Committee for the 2010-2014 term of Council.

(b) Current Physician Statistics Summary, as of December 30, 2010 (Item 4.1)

That the Current Physician Statistics Summary, as of December 30, 2010, be received.

(c) Key Performance Indicators for Family Physicians, as of January 7, 2011 and Retention Program, December 1, 2009 to November 30, 2010 (Item 4.2)

That the Key Performance Indicators for Family Physicians, as of January 7, 2011 and Retention Program, December 1, 2009 to November 30, 2010, be received.

(d) Cash Flow Statement, December 1, 2009 to November 30, 2010 (Item 4.3)

That the Cash Flow Statement, December 1, 2009 to November 30, 2010, be received.

(e) Income Statement, December 1, 2009 to November 30, 2010 for the Physician Recruitment and Retention Program (Item 4.4)

That the Income Statement, December 1, 2009 to November 30, 2010 for the Physician Recruitment and Retention Program, be received.

(f) Three Year Budget Forecast, December 1, 2009 to November 30, 2012 for the Physician Recruitment and Retention Program (Item 4.5)

That the Three Year Budget Forecast, December 1, 2009 to November 30, 2012 for the Physician Recruitment and Retention Program, be received.

(g) Contract Renewal – Physician Recruitment Specialist (Item 6.1)

That the renewal of the Employment Contract, for the Physician Recruitment Specialist (attached as Appendix A to Report 11-001), be approved. *(Private and Confidential Appendix A has been distributed under separate cover).*

(Ferguson/Powers)

That the rules of order be suspended to allow the introduction of a Motion respecting an amendment to Item 8, Board of Health Report 11-002, approved by Council on March 9, 2011 respecting Physician Recruitment and Retention Steering Committee Meeting, February 15, 2011. **CARRIED**

See Motion 7.2 for disposition on this Item.

Councillor Johnson advised Council that she will be submitting a petition respecting road safety improvements on Highway 8, east of Jones Road to east of Glover Road, to the City Clerk. This petition will be placed under Council Correspondence on the April 13, 2011 Council agenda.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – March 9, 2011

(Merulla/Collins)

- (a) That the Closed Session Minutes of the March 9, 2011 meeting of Council be approved, as presented.
- (b) That the March 9, 2011 Minutes of Council remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

10.2 Selection Committee Report 11-001**(Clark/Pearson)**

That Council move into Closed Session at 8:37 p.m., respecting Item 10.2 Selection Committee Report 11-001 pursuant to Section 8.1(b) of the Procedural By-law and the Section 239 sub-section (b) of the Municipal Act as the subject matter deals with personal matters about identifiable individuals, including municipal or local employees.

CARRIED**(Johnson/Clark)**

That Council reconvene in Open Session at 9:03 p.m.

CARRIED

For further disposition on this Item refer to Selection Committee Report 11-001.

BY-LAWS

(Farr/McHattie)

That Bills No. 011-082 to 011-093 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.

- | | |
|---------------|--|
| 11-082 | To Incorporate City Land Designated as Part 12 on Plan 62R-18985 into Montreal Circle |
| 11-083 | To Incorporate City Land Designated as Part 3 on Plan 62R-11570 into Highbury Drive |
| 11-084 | To Incorporate City Land Designated as Blocks 152 and 153 on Plan 62M-1017 into Stonhenge Drive |
| 11-085 | To Incorporate City Land Designated as Block 29 on Plan 62M-994 into Redcliff Court |
| 11-086 | To Incorporate City Land Designated as Blocks 170 and 172 on Plan 62M-1065 into Chambers Drive |
| 11-087 | 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 |
| 11-088 | To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 100 Legend Court |
| 11-089 | To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 249 and 251 Parkside Drive and 12 Cole Street |

By-law No.

- 11-090** To Adopt Official Plan Amendment No.164 to the former City of Stoney Creek Official Plan, Respecting Lands Located on the North Side of Mud Street, East of Felkers Creek, Stoney Creek
- 11-092** To Amend Zoning By-law No. 05-200, Respecting Lands Located on the North Side of Mud Street, East of Felkers Creek, Stoney Creek
- 11-093** To Confirm the Proceedings of City Council

(Pearson/Johnson)

There being no further business, the City Council meeting adjourned at 9:08 p.m.

CARRIED

Respectfully submitted

Mayor R. Bratina

R. Caterini
City Clerk
March 23, 2011