



# CITY COUNCIL MINUTES

Wednesday, May 25, 2011

7:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

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**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, and B. Morelli

Mayor Bratina called the meeting to order and called upon Reverend Diane Distler of St. Alban the Martyr Church to lead Council in prayer.

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

**1. ADDED COMMUNICATION**

5.5 Correspondence from the following parties respecting the Animal Control Contract in Glanbrook:

- (l) William John Hamilton
- (m) Lorain Fretz
- (n) Joanne and Rodney Hopkins
- (o) Peggy Park
- (p) Bob and Evelyn Smith
- (q) Chris Paisey

5.6 Amendment to Correspondence from the Hamilton Conservation Authority, respecting Additional Funding for the Crooks' Hollow Dam Decommissioning and Restoration of Spencer Creek

**2. ADDED COMMITTEE REPORTS**

6.7 Planning Committee Report 11-010 – May 17, 2011

6.8 Hamilton Licensing Tribunal Report 11-004 – May 19, 2011

**4. ADDED NOTICES OF MOTION**

8.1 Hamilton Job Action Center

**5. BY-LAW LISTING**

**(Pearson/Johnson)**

That the Agenda for the City Council meeting being held on May 24, 2011, be approved, as amended. **CARRIED**

**DECLARATIONS OF INTEREST**

Councillor M. Pearson declared an interest to Item 4 of the Audit, Finance & Administration Committee and Item 10.2 of the Council Agenda, as a relative is associated with the company.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

Mayor Bratina and members of Council acknowledged the retirement of Alexandra Rawlings from the City Clerks Office and extended thanks for the years of passionate service and dedication to the City of Hamilton.

**APPROVAL OF MINUTES**

**4.1 May 11, 2011**

**(Merulla/Collins)**

That the Minutes of the May 11, 2011, meeting of Council be approved, as presented. **CARRIED**

**COMMUNICATIONS**

- 5.1 Correspondence from the Ancaster Senior Achievement Centre Advisory Board, respecting Proposed Discussions with the City of Hamilton regarding the Needs of the Ancaster Senior Achievement Centre

**(Ferguson/Pearson)**

Recommendation: Be received and referred to the General Manager of the Community Services Department for a report to the Emergency & Community Services Committee. **CARRIED**

- 5.2 Correspondence from the Corporation of the Town of Amherstburg, respecting their Opposition to the Shipment of Radioactive Materials from the Canadian Nuclear Safety Commission through the Great Lakes to the St. Lawrence Seaway to Sweden

**(McHattie/Whitehead)**

Recommendation: Be endorsed **CARRIED**

- 5.3 Correspondence from the Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing, respecting the Declaration of Provincial Interest, Minister's Zoning Order – O. Reg. 138/10, Ontario Municipal Board File No. MM100037

**(Powers/Partridge)**

Recommendation: Be received. **CARRIED**

- 5.4 Correspondence from Joe Minor respecting the Flow of PFO's Leaving City Property

**(Jackson/Johnson)**

Recommendation: Be received and referred to the General Manager of Planning and Medical Officer of Health for a report to the General Issues Committee.

**CARRIED**

- 5.5 Correspondence from the following parties respecting the Animal Control Contract in Glanbrook:

- (a) Tammy Strong
- (b) Susan Rahija
- (c) Linda Teplin
- (d) Sheri MacPherson
- (e) Bill and Irene Kay
- (f) Jack Bartlett
- (g) Zenon Tutko, President, Binbrook Auto Service
- (h) Joanne Weeks
- (i) Judy Sutton
- (j) Vicky Frank
- (k) Brenda Reeves

- (l) William John Hamilton
- (m) Lorain Fretz
- (n) Joanne and Rodney Hopkins
- (o) Peggy Park
- (p) Bob and Evelyn Smith
- (q) Chris Paisey

**(Partridge/Johnson)**

Recommendation: Be received.

**CARRIED**

- 5.6 Correspondence from the Hamilton Conservation Authority, respecting Additional Funding for the Crooks' Hollow Dam Decommissioning and Restoration of Spencer Creek

**(Jackson/Pearson)**

Recommendation: That the request from HCA for \$223,000 in support of the Crooks' Hollow Dam Decommissioning and Restoration of Spencer Creek be funded from the 2011 Unallocated Capital Reserve 108020 contribution of \$1,294,000.

**Amendment CARRIED**

**(Jackson/Duvall)**

That Council Communications 5.1 to 5.6 be approved, as amended.

**CARRIED**

**(Ferguson/Powers)**

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

**CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 11-014**

**(Ferguson/Powers)**

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

**CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 11-013(a)**

2. **Development Charges for Student Residences and Lodging Houses (Residential Facility Rate) (FCS11028) (City Wide) (Item 8.3)**

The Motion **CARRIED** on the following vote:

Yeas: Bratina, Collins, Duval, Farr, Ferguson, Jackson, Johnson, McHattie, Merulla, Morelli, Partridge, Pasuta, Pearson, Powers, Whitehead

Total: 15

Nays: Clark

Total: 1

**(Ferguson/Powers)**

That the 11-013(a) Report of the General Issues Committee be adopted, and the information section received. **CARRIED**

**PUBLIC WORKS COMMITTEE REPORT 11-007**

**(Whitehead/Farr)**

That Information Item (g) in Public Works Committee Report 11-007 respecting Review of Traffic Policies in relation to promotion of pedestrian issues be lifted from the Information Section. **WITHDRAWN**

**(Powers/Pasuta)**

That the SEVENTH Report of the Public Works Committee be adopted, and the information section received. **CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 11-013(b)**

**1. Business Review – Liberty Proposed Incinerator (PW07047(d)) (City Wide) (Item 7.1(b) – May 9 GIC Agenda) (Item 7.1(b))**

The Motion CARRIED on the following standing recorded vote:

Yeas: Bratina, Duval, Farr, Ferguson, Jackson, Partridge, Pasuta, Pearson, Powers, Whitehead

Total: 10

Nays: Clark, Collins, Johnson, McHattie, Merulla, Morelli

Total: 6

**(Ferguson/Powers)**

That the 11-013(b) Report of the General Issues Committee be adopted, and the information section received. **CARRIED**

<b>AUDIT, FINANCE &amp; ADMINISTRATION COMMITTEE REPORT 11-007</b>
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**4. Commercial Relationship between the City of Hamilton and All Around Contracting Inc. (FCS11031(a)/LS11004(a)) (City Wide) (Item 12.1)****(McHattie/Merulla)**

That item 4 be amended by adding the following as subsections (c) to (e):

- (c) That, to protect the best interest of the City of Hamilton and due to the impairment of the commercial relationship between the City of Hamilton and All Around Contracting Inc., staff be directed to reject any current and future bids, proposals or quotations received from All Around Contracting Inc., or any of its related corporate or individual entities, until December 31, 2012 or upon completion of all current work and deficiencies to the satisfaction of the General Manager of the appropriate department, whichever is later (hereinafter referred to as the "Freeze Period");
- (d) That, upon the expiration of the Freeze Period, defined in Recommendation (c), staff be directed to limit any future bids, proposals or quotations received from All Around Contracting Inc., or any of its related corporate or individual entities, to a maximum of 1 project, until 1 year after the Freeze Period; and
- (e) That Terracon Underground Ltd (2nd lowest bidder) be awarded the contract for Request for Tenders PW-11-22(HSW) Watermain Replacement, Storm Sewer Construction, Road and Sidewalk Reconstruction on Crockett Street from Upper Wentworth Street to Upper Sherman Avenue.

**Amendment CARRIED  
Motion as amended CARRIED**

**(Johnson/Powers)**

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

<b>GENERAL ISSUES COMMITTEE REPORT 11-015</b>
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**(Ferguson/Powers)**

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

<b>PLANNING COMMITTEE REPORT 11-010</b>
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- 2. Application for Ministry of Environment Certificate of Approval for a Waste Disposal Site, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue (Stoney Creek) (PED11087) (Ward 10) (Item 5.2)**

**(Ferguson/Johnson)**

That item 2, Application for Ministry of Environment Certificate of Approval for a Waste Disposal Site, Ministry of Environment Reference #7216-8CZLEL, 565 Arvin Avenue be referred back to the Planning Committee for further discussion. **CARRIED**

- 4. Zoning Verification Certificate Fee Review (PED11107) (City Wide)**

That item 4 of Planning Committee Report 11-010 respecting Zoning Verification Certificate Fee Review be amended by adding the following as subsection (b) and (c):

**(Pasuta/Partridge)**

- (b) That Appendix A of Item 2 of the General Issues Report 10-001 respecting 2011 Tax Supported User Fees be amended by deleting the current fee Schedule for Zoning Verification Work Order Reports for Regular and Express and replacing with the Proposed Fee Schedule attached hereto;
- (c) That the 2011 User Fees and Charges By-law be amended accordingly to reflect the revised fee schedule.

**Amendment CARRIED**  
**Motion as amended CARRIED**

- 7. Creating an Adult Film Theatre Licence Category (PED08261(a))(City Wide) Outstanding Business List Item (Item 6.4)**

**(Clark/Johnson)**

That Item 7, Creating an Adult Film Theatre Licence Category be referred back to the Planning Committee. **DEFEATED**

- 7. Creating an Adult Film Theatre Licence Category (PED08261(a))(City Wide) Outstanding Business List Item (Item 6.4)**

The Motion **CARRIED** on the following vote:

Yeas:	Collins, Duval, Farr, Ferguson, Jackson, Johnson, McHattie, Merulla, Morelli, Partridge, Pasuta, Pearson, Powers, Whitehead
Total:	14
Nays:	Clark
Total:	1
Absent:	Bratina
Total:	1

**(Johnson/Partridge)**

- (a) That Information Item (p)(ii) in Planning Committee Report 11-010 respecting Animal Control Service Delivery be lifted from the Information Section;
- (b) That the following be added as Item 14 to the Planning Committee Report 11-010 respecting the Issue of Animal Control Service Delivery: **CARRIED**

**14. Animal Control Service Delivery****(Johnson/Partridge)**

- (a) That staff be directed to conduct a review of Animal Control Service Delivery in the former Township of Glanbrook;
- (b) That staff be directed to complete the review and report back to the Planning Committee by the Fall of 2011 with their report;
- (c) That staff be directed to complete the review and report back to the Planning Committee by the Fall of 2011 with their report;
- (d) That the estimated additional cost for the month to month contract be funded firstly from the Planning and Economic Development budget; secondly from the 2011 corporate surplus and thirdly from the tax stabilization budget.

**CARRIED****(Pasuta/Whitehead)**

- (a) That Information Item (q)(ii) in Planning Committee Report 11-010 Comprehensive Zoning By-law – Industrial Zone Appeals PED11063(a) be lifted from the Information Section;
- (b) That the following be added as Item 15 to the Planning Committee Report 11-010 respecting the Issue of Animal Control Service Delivery: **CARRIED**

**15. Comprehensive Zoning By-law – Industrial Zone Appeals PED11063(a) (City Wide)****(Pasuta/Whitehead)**

- (a) That approval be given to the staff recommended Ontario Municipal Board settlements, related to the implementation of the new Industrial Zones, as outlined in Report PED11063(a) and that staff be directed to present these settlements to the Ontario Municipal Board, regarding the following appellant:

Wayne Clayton  
TDL Group Corp.  
5A Developments Inc., 650 South Service Road  
1823474 Ontario Inc., 620 South Service Road



- (b) That the details of the settlements, as outlined in Report PED11063(a), remain confidential, until the time of the OMB Hearing into this matter, whereafter they will be released as public information;
- (c) That no settlement be entered into with ZBX, 80 Brant Street; and
- (d) That Report PED11063(a), in its entirety, shall remain confidential, and not be released to the public, with the exceptions of the matters outlined in (b) above.

**CARRIED**

**(Pasuta/Partridge)**

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

**CARRIED**

**HAMILTON LICENSING TRIBUNAL REPORT 11-004**

**(Whitehead/Duvall)**

That the FOURTH Report of the Hamilton Licensing Tribunal be adopted, and the information section received.

**CARRIED**

**(Ferguson/Powers)**

That Committee of the Whole Rise and Report.

**CARRIED**

**MOTIONS**

**7.1 Amendment to Item 12 of the Audit & Administration Committee Report 10-010, respecting the Award of Corporate Tender C12-01-10, Janitorial Cleaning Services required at Various Facilities (FCS10083)**

**(Powers/Pasuta)**

That Item 12 of the Audit and Finance Committee Report 10-010, respecting the Award of Corporate Tender C12-01-10 – Janitorial Cleaning Services required at Various Facilities, be amended by deleting the number \$1,705,160 and replacing it with the number \$2,705,160, to read as follows:

- 12. Award of Corporate Tender C12-01-10 Janitorial Cleaning Services required at Various Facilities (FCS10083) (Item 8.4)

That the Corporate Tender C12-01-10 for the Janitorial Cleaning Services required at Various Facilities be awarded to the lowest compliant bidder per package, as per the terms and conditions of the Request for Tenders, as follows:

Package 'A' – Sunshine Building Maintenance Inc. with a 5 year total of \$2,140,428

Package 'B' – Service Master Contract Services with a 5 year total of \$653,100

Package 'C' – Omni Facility Services with a 5 year total of \$822,292

Package 'D' – Sunshine Building Maintenance Inc. with a 5 year total of **\$2,705,160**

Package 'E' – Service Master Contract Services with a 5 year total of \$2,001,960

Package 'F' – Service Master Contract Services with a 5 year total of \$705,216 **CARRIED**

<b>NOTICES OF MOTION</b>
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### 8.1 Hamilton Job Action

Councillor Merulla introduced the following Notice of Motion:

- (a) That the correspondence from Hamilton Job Action Center advising that the Center is scheduled to close on June 30, 2011, be received;
- (b) That the correspondence from Hamilton and District Labour Council in support of the Hamilton Job Action Center be received;
- (c) That the Mayor be directed to forward correspondence to the Ontario Ministry of Training, Colleges and Universities requesting an extension to the funding for Hamilton Job Action Center.

**(Merulla/Morelli)**

That the Rules of Order be waived to allow the introduction of a motion respecting the Hamilton Job Action Centre. **CARRIED**

**(Merulla/Morelli)**

- (a) That the correspondence from Hamilton Job Action Center advising that the Center is scheduled to close on June 30, 2011, be received;
- (b) That the correspondence from Hamilton and District Labour Council in support of the Hamilton Job Action Center be received;
- (c) That the Mayor be directed to forward correspondence to the Ontario Ministry of Training, Colleges and Universities requesting an extension to the funding for Hamilton Job Action Center. **CARRIED**

<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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**10.1 Closed Session Minutes – May 11, 2011****(Powers/Partridge)**

That the Closed Session Minutes dated May 11, 2011, be approved.

**CARRIED**

**10.2 Commercial Relationship between the City of Hamilton and All Around Contracting**

For further disposition on this matter, please refer to the Audit Finance and Administration report 11-007.

As Council determined that no discussion, respecting Selection Committee Report 11-002 was required, the Report was approved in Open Session, as shown below:

**10.3 Selection Committee Report 11-004, May 20, 2011 (to be distributed)****(Johnson/Merulla)****(a) Additional Citizen Appointment to the Agriculture and Rural Affairs Committee**

- (a) That the membership of the Agriculture and Rural Affairs Committee be increased to “five” members-at-large;
- (b) That Melvin Switzer be appointed to the Agriculture and Rural Affairs Committee for a term commencing May 26, 2011 and to expire with the current term of Council or until such time as a successor is appointed.

**(b) Citizen Appointments to the CityHousing Hamilton Board**

That the following citizens be appointed to the CityHousing Hamilton Board for a term commencing May 26, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Chris McLaughlin

Peter Schafft

Patricia Reid

Alan Walker

**(c) Citizen Appointments to the Hamilton Library Board**

That the following citizens be appointed to the Hamilton Library Board for a term commencing May 26, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Rich Bagdonas

Kathy Baker

Suzan Fawcett

Jennifer Gautrey

George Geczy

George Nakamura

David Simpson

Wenda Tulloch

Nicholas Van Velzeh

**(d) Citizen Appointments to the Knowles Bequest Trust (Referred from Council April 27, 2011)**

(a) That the membership of the Knowles Bequest Trust be increased to five citizens of the former Town of Dundas;

(b) That the following citizens be appointed to the Knowles Bequest Trust for a term commencing April 28, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Douglas Edwards

Julia Kollek

Stan Nowak

Jeff Saunders

Elizabeth Templeton

**(e) Citizen Appointments to the Advisory Committee for Persons with Disabilities**

- (a) That the residence criteria for citizen applicants be waived on a one-time basis to allow for an appointment to the Advisory Committee for Persons with Disabilities of an individual with an expertise in accessibility issues not currently represented within the group membership;
- (b) That the following citizens be appointed to the Advisory Committee for Persons with Disabilities for a term commencing May 26, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Pat Cameron  
Roger Wayne Cameron  
Raihanna Hirji-Khalfan  
Paula Kilburn  
Brian Lane  
Aznive Mallet  
Denise Maraj  
Tim Murphy  
Kim Nolan  
Tim Nolan  
Debbie Sanche  
Robert Semkow  
Mary Smithson  
Robert Thompson  
Terri Wallis

**(f) Citizen Appointments to Conservation Halton**

That the following citizens be appointed to Conservation Halton for a term commencing May 26, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Ian Dunlop  
Ed Wells

**(g) Cross-Melville District Heritage Committee (Dundas)**

That the Cross-Melville District Heritage Committee be disbanded and that any heritage permit applications within the District be reviewed by the Heritage Permit Review Sub-Committee and that all other matters related to the District be addressed by the Hamilton Municipal Heritage Committee.

**CARRIED**

<b>BY-LAWS</b>
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**(Ferguson/Powers)**

That Bills No. 011-127 to 011-143 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.**

- |               |  |
|---------------|--|
| <b>11-127</b> | To Set Optional Property Classes for the Year 2011   |
| <b>11-128</b> | To Establish Tax Ratios and Tax Reductions for the Year 2011   |
| <b>11-129</b> | To Set and Levy the Rates of Taxation for the Year 2011  |
| <b>11-130</b> | To Adopt Municipal Options for the Tax Capping for the Year 2011   |
| <b>11-131</b> | To Levy a Special Charge upon the Rateable Property in the Business Improvement Areas for the Year 2011  |
| <b>11-132</b> | To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:<br>Schedule 8 – No Parking Zones<br>Schedule 12 – Permit Parking Zones<br>Schedule 13 |
| <b>11-133</b> | To Rescind By-law No. 11-083 and To Incorporate City Land Designated as Part 3 on Plan 62R-11570 into Highbury Drive   |
| <b>11-134</b> | To Incorporate City Land Designated as Block 47 on Plan 62M-1029 into Lorenzo Drive  |
| <b>11-135</b> | To Incorporate City Land Designated as Blocks 178 and 179 on Plan 62M-1101 into Stillwater Crescent  |
| <b>11-136</b> | To Incorporate City Land Designated as Block 91 on Plan 62M-1078 into Pumpkin Pass   |
| <b>11-137</b> | To Amend By-law No. 01-215, To Regulate Traffic:<br>Schedule 10 – No Left Turns  |
| <b>11-138</b> | To Incorporate City Land Designated as 2, 3, 4, 10, 11, 12, and 13 on Plan 62R-18918 into Windermere Road  |
| <b>11-139</b> | To Provide for the Appointment of Deputy Treasurers  |
| <b>11-140</b> | To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 23 Orchard Drive  |

**By-law No.**

- 11-141** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 480 & 500 Centennial Parkway North and 20 Warrington Street
- 11-142** To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses
- 11-143** To Confirm the Proceedings of City Council

**CARRIED**

**(Pearson/Farr)**

There being no further business, the City Council meeting adjourned at 9:05 p.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini  
City Clerk  
May 25, 2011