



# CITY COUNCIL MINUTES

Wednesday, March 7, 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 Reverend Jeffrey Johnston of the King's View Community Church in Stoney Creek, 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 CORRESPONDENCE**

5.5 Correspondence respecting request for reconsideration of the Responsible Animal Ownership By-law:

- (t) Corrine Borsellino
- (u) Patricia Parkes
- (v) Peter Newton
- (w) Wade Armstrong
- (x) Kent Hunter Duvar
- (y) Cathy Anstee

Recommendation: Be received

5.9 Correspondence from the Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities, in response to the December 19, 2011 letter outlining Council's resolutions regarding municipal infrastructure funding.

Recommendation: Be received

- 5.10 Correspondence from Herman Demirci requesting the Expansion of Downtown Hamilton Financial Incentives to the Downtown areas of Former Municipalities.

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

- 5.11 Correspondence from Murray Noble, Senior Vice-President Infrastructure, Toronto 2015 Pan/Parapan Am Games, seeking expressions of interest to locate and build a venue for baseball and softball.

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

- 5.12 Correspondence from Georgina Beattie requesting the budgeting of funds in 2012 towards Fifty Road Development.

Recommendation: Be received

- 5.13 Correspondence form Phyllis Kraemer, President Downtown Dundas Business Improvement Area respecting Food Truck Licensing in Hamilton.

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

**2. AMENDMENT TO CORRESPONDENCE ITEM 5.8**

The Recommendation of Item 5.8 was changed to read as follows:

- 5.8 Correspondence from Robert Finch and Jeff Thiessen of the Monarchist League of Canada, Ruth Nicholson of the United Empire Loyalist Association of Canada respecting commemorating the Diamond Jubilee of Queen Elizabeth II in renovations to Gore Park.

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

**3. ADDED NOTICE OF MOTION**

- 8.1 2012 Budget Approval Delay - Board & Agencies

**4. ADDED PRIVATE AND CONFIDENTIAL**

- 10.1 Proposed or pending Acquisition or disposition of Land for City purposes

**(Pearson/Whitehead)**

That the Agenda for the City Council meeting being held on March 7, 2012, be approved, as amended. **CARRIED**

**DECLARATIONS OF INTEREST**

Councillor Ferguson declared a conflict of interest respecting Item 7 of Planning Committee Report 12-003, as his family is involved with one of the businesses (taxi) whose fees are being reviewed.

Councillor Ferguson declared a conflict of interest respecting Item 7.5 respecting Caterpillar Corporation's Breach of the *Investment Canada Act*, as his daughter is an employee of Toromont

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

None

**APPROVAL OF MINUTES****4.1 February 22, 2012****(Clark/Morelli)**

That the Minutes of the February 22, 2012, meeting of Council be approved, as presented. **CARRIED**

**COMMUNICATIONS****(Clark/Pearson)**

That Council Communications 5.1 through 5.13 be approved, as amended, as follows:

5.1 Correspondence respecting the Municipal Property Assessment Corporations classification of condominiums as residential properties:

- (a) David & Linda Faulkner
- (b) Laurel Fenton

Recommendation: Be received and referred to the Audit, Finance and Administration Committee which will be considering this issue on April 10, 2012.

5.2 Correspondence from Dr. Lynda Lukasik, Executive Director Environment Hamilton respecting recognizing February 28, 2012 as Greenbelt day.

Recommendation: Be received.

5.3 Correspondence from Harold W. Becker, President of the Love Foundation respecting recognizing May 1, 2012 as Global Love Day.

Recommendation: Be received.

- 5.4 Petition from the Developmental Services Transportation Committee in support of the Accessible Transportation Services Master Plan and changes to the eligibility and registration requirements.

Recommendation: Be received.

- 5.5 Correspondence respecting request for reconsideration of the Responsible Animal Ownership By-law:

- (a) Eric Heyer
- (b) Ryan Ruthart
- (c) Ron Bernardo
- (d) Kaytee Shulman
- (e) Sam Lang
- (f) Shelly Prodaniuk
- (g) O. Bobeleh
- (h) Mariann Horvath
- (i) John Ticki
- (j) Mandy Grieve
- (k) April Windus
- (l) Carrie Sims
- (m) LeeAnn Watson
- (n) Kari Gruneberg
- (o) Teresa Barry Long
- (p) Justin Brines
- (q) Sara Moffat
- (r) Cassandra Jewell
- (s) Juliane Gruneberg
- (t) Corrine Borsellino
- (u) Patricia Parkes
- (v) Peter Newton
- (w) Wade Armstrong
- (x) Kent Hunter Duvar
- (y) Cathy Anstee

Recommendation: Be received.

- 5.6 Correspondence from Karen Dowell of the Parkinson Society, Central and Northern Ontario respecting recognizing April as Parkinson Disease Month.

Recommendation: Be received.

- 5.7 Correspondence from Lisa Valvasori of the Boys and Girls Clubs of Hamilton requesting 400 public transit passes for the Race for Kids event on June 2, 2012.

Recommendation: Be referred to the General Manager of Public Works for the appropriate action.

- 5.8 Correspondence from Robert Finch and Jeff Thiessen of the Monarchist League of Canada, Ruth Nicholson of the United Empire Loyalist Association of Canada respecting commemorating the Diamond Jubilee of Queen Elizabeth II in renovations to Gore Park.

Recommendation: Be referred to the General Manager of Planning and Economic Development and the General Manager of Public Works for a report to the Emergency and Community Services Committee.

- 5.9 Correspondence from the Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities, in response to the December 19, 2011 letter outlining Council's resolutions regarding municipal infrastructure funding.

Recommendation: Be received

- 5.10 Correspondence from Herman Demirci requesting the Expansion of Downtown Hamilton Financial Incentives to the Downtown areas of Former Municipalities.

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

- 5.11 Correspondence from Murray Noble, Senior Vice-President Infrastructure, Toronto 2015 Pan/Parapan Am Games, seeking expressions of interest to locate and build a venue for baseball and softball.

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

The recommendation was **DEFEATED** on the following Standing Recorded Vote:

Yeas:	Bratina, Duvall, Farr, Ferguson, Jackson, Powers, Pasuta, Whitehead
	Total: 8
Nays:	Morelli, Partridge, Clark, Pearson, Collins, McHattie, Johnson, Merulla
Total:	8

- 5.12 Correspondence from Georgina Beattie requesting the budgeting of funds in 2012 towards Fifty Road Development.

Recommendation: Be received

- 5.13 Correspondence from Phyllis Kraemer, President Downtown Dundas Business Improvement Area respecting Food Truck Licensing in Hamilton.

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

**Amendment CARRIED**  
**Motion as Amended CARRIED**

**(Whitehead/Duvall)**

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

**CARRIED**

<b>HAMILTON LICENSING TRIBUNAL REPORT 12-002</b>
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**(Whitehead/Duvall)**

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

**CARRIED**

<b>GENERAL ISSUES COMMITTEE REPORT 12-006</b>
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**(Bratina/Partridge)**

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

**CARRIED**

<b>PLANNING COMMITTEE REPORT 12-003</b>
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**Item 9. Proposed Settlement Rural Hamilton Official Plan Severance Policies and Definitions Paletta and P and L Livestock (PL090114) (Item 12.2)**

**(Merulla/Pearson)**

That Item 9 be deleted in its entirety and replaced with the following therein:

- (a) That the City of Hamilton consents to the settlement with Paletta International Corporation and P&L Livestock Limited respecting their appeal of the Severance polices of the Rural Hamilton Official Plan, as set out in the draft revised policy text to the Rural Hamilton Official Plan provided to the Planning Committee on February 28, 2012 by the City Solicitor;
- (b) That the revised policy text to the Rural Hamilton Official Plan be in the form as provided to the Planning Committee on February 28, 2012 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;
- (c) That the City Solicitor or his delegate is hereby authorized to present the aforesaid settlement to the Ontario Municipal Board, with support from City staff as deemed appropriate;
- (d) That the City Solicitor or his delegate is hereby authorized to settle the remaining matters regarding the Severance policies to the Rural Hamilton Official Plan by Paletta International Corporation and P&L Livestock Limited, provided any settlement is confirmed by the General Manager, Planning and Economic Development or his delegate, and by the Chair of Planning Committee.

**Amendment CARRIED  
Motion as Amended CARRIED**

**Item 10. Proposed Settlement Rural Hamilton Official Plan Definitions Natural Heritage System - Aggregates (PL090114) (Item 12.3)****(Merulla/Pearson)**

That Item 10 be deleted in its entirety and replaced with the following therein:

- (a) That the City of Hamilton consents to the settlement with Stone, Sand and Gravel Association, St. Mary's Cement (Canada) Inc., Lafarge Canada Inc., and Dufferin Aggregates, a Division of Holcim (Canada) Inc., respecting their appeal of the Natural Heritage polices of the Rural Hamilton Official Plan, as set out in the draft revised policy text to the Rural Hamilton Official Plan provided to the Planning Committee on February 28, 2012 by the City Solicitor;
- (b) That the revised policy text to the Rural Hamilton Official Plan be in the form as provided to the Planning Committee on February 28, 2012 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;
- (c) That the City Solicitor or his delegate is hereby authorized to present the aforesaid settlement to the Ontario Municipal Board, with support from City staff as deemed appropriate.

**Amendment CARRIED  
Motion as Amended CARRIED**

**Item 11 Proposed Settlement Rural Hamilton Official Plan Miscellaneous Policies and Site Specific Policy Paletta and P and L Livestock (PL090114) (Item 12.4)****(Merulla/Pearson)**

That Item 11 be deleted in its entirety and replaced with the following therein:

- (a) That the City of Hamilton consents to the settlement with Paletta International Corporation and P&L Livestock Limited respecting their appeal of the Natural Heritage polices of the Rural Hamilton Official Plan, as set out in the draft revised policy text to the Rural Hamilton Official Plan provided to the Planning Committee on February 28, 2012 by the City Solicitor;
- (b) That the revised policy text to the Rural Hamilton Official Plan be in the form as provided to the Planning Committee on February 28, 2012 by the City Solicitor with such minor revisions thereto as the City Solicitor deems appropriate;
- (c) That the City Solicitor or his delegate is hereby authorized to present the aforesaid settlement to the Ontario Municipal Board, with support from City staff as deemed appropriate;
- (d) That the City Solicitor or his delegate is hereby authorized to settle the remaining matters regarding the Natural Heritage policies to the

Rural Hamilton Official Plan by Paletta International Corporation and P&L Livestock Limited, provided any settlement is confirmed by the General Manager, Planning and Economic Development or his delegate, and by the Chair of Planning Committee.

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

**(Farr/McHattie)**

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

**PUBLIC WORKS COMMITTEE REPORT 12-003**

**(McHattie/Farr)**

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

**BOARD OF HEALTH REPORT 12-002**

**Information Item (d)(ii) Prohibiting Smoking Within City Parks and Recreation Properties**

**(McHattie/Farr)**

That Information Item (d)(ii), respecting Prohibiting Smoking Within City Parks and Recreation Properties, be lifted from the information section and added as Item 5 to the Board of Health Report 12-002.

**5. Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(f)) (City Wide) (Item 8.2)**

That Report BOH07034(f) Prohibiting Smoking Within City Parks and Recreation Properties, be referred back to staff for further revision, and report back to the April 16, 2012 Board of Health meeting.

**CARRIED**

**(McHattie/Farr)**

That Item 5 of the Board of Health Report 12-002 be amended by deleting the words "April 16, 2012" and replaced with the words "October 15, 2012" to read as follows:

**5. Prohibiting Smoking Within City Parks and Recreation Properties (BOH07034(f)) (City Wide) (Item 8.2)**

That Report BOH07034(f) Prohibiting Smoking Within City Parks and Recreation Properties, be referred back to staff for further revision, and report back to the October 15, 2012 Board of Health meeting.

**CARRIED**



**(Whitehead/Duvall)**

That the SECOND Report of the Board of Health be adopted, as amended, and the information section received.

**CARRIED**

<b>MOTIONS</b>
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**7.1 Recording of Closed Session Meetings****(Merulla/Collins)**

That the City Clerk be directed to investigate the possibility of recording the Closed Session Meetings of Committee and Council and provide a report to the Governance Committee outlining any implications with respect to implementing such a process.

**CARRIED****7.2 Review of the *Investment Canada Act***

Councillor Whitehead indicated he wished to leave this Item as a notice of motion until the next meeting.

**7.3 Hamilton Wentworth District School Board (HWDS) Task Force to Explore Downtown Locations for HWDSB Headquarters****(Farr/McHattie)**

Whereas, effective Monday, February 27<sup>th</sup>, the Hamilton Wentworth District School Board Trustees voted in favour of forming a Task Force with the City, charged with exploring downtown locations, including a City Hall Tower Two site, as an alternative to Crestwood (Ward 7) for the HWDSB Board of Education Headquarters;

And Whereas, the timeframe for this Task Force to carry out its mandate is limited to 30 days and a concerted effort by all qualified parties will require a fast and efficient approach;

And Whereas, Councillor B. McHattie (Ward 1) and Councillor J. Farr (Ward 2) have agreed to divide equally, any costs associated with the Task Force's objective with funds from the Ward 1 and Ward 2 Area Rating Reserve;

And Whereas, the expertise of staff from the appropriate departments is paramount, given the important tight timelines and the over-all objective of the Task Force.

Therefore, be it resolved:

- (a) That appropriate staff from various departments be identified and seconded, at the earliest convenience, to work with the Hamilton Wentworth District School Board Trustees and staff in an effort to find a suitable Downtown Hamilton location for the Hamilton Wentworth District School Board Headquarters;
- (b) That any costs associated with the objectives of the Task Force be funded equally from the Wards 1 and 2 Area Rating Reserve.

**(McHattie/Farr)**

That Motion 7.3 be amended by deleting subsection (a) in its entirety and replacing it with the following subsections (a) and (b) and renumbering the current subsection (b) to subsection (c) to now read as follows:

- (a) That a Joint City of Hamilton and Hamilton-Wentworth District School Board Task Force be established to pursue keeping the Hamilton-Wentworth District School Board staff downtown;
- (b) That the Joint Task Force be comprised of Councillors J. Farr, B. McHattie and Hamilton-Wentworth District School Board Trustees Tim Simmons and Karen Turkstra, who were chosen by the Board, and appropriate staff from both the City of Hamilton and the Board;
- (c) That any costs associated with the objectives of the Task Force be funded equally from the Wards 1 and 2 Area Rating Reserve.

**(Johnson/Clark)**

That the following subsections (d) and (e) be added:

- (d) That the Joint City of Hamilton and Hamilton-Wentworth District School Board Task Force report to the General Issues Committee;
- (e) That the Joint City of Hamilton and Hamilton-Wentworth District School Board Task Force present a Terms of References which include the scope and anticipated costs associated with the objectives of the Task Force to the General Issues Committee.

**Amendment CARRIED  
Motion as Amended CARRIED**

#### **7.4 Declaration of Interest – Integrity Commissioner**

**(Pearson/Clark)**

That Earl Basse, Integrity Commissioner for the City of Hamilton, be requested to attend a meeting of the General Issues Committee to explain/ clarify the policy on Declaration of Interest issues where Council members need to declare a conflict on specific issues, but have to withdraw from discussion on the whole report that may include other areas of interest, but not a conflict situation.

**CARRIED**

**7.5 Caterpillar Corporation's Breach of the *Investment Canada Act*****(Merulla/Collins)**

That the Motion respecting Caterpillar Corporation's Breach of the *Investment Canada Act* be lifted from the TABLE. **CARRIED**

Councillor Merulla read into the public record a letter from Ken Lewenza, the National President of the Canadian Auto Workers (CAW) regarding the closure of Caterpillar's London facility. A copy was attached to the following motion:

**(Merulla/Collins)**

Whereas the Caterpillar Corporation has allegedly breached the *Investment Canada Act*, and has been subsidized by Canadian taxpayers who have been betrayed by the closure of its Caterpillar Plant in London, Ontario.

Therefore be it resolved:

That the City of Hamilton review its policy related to any business relationship with the Caterpillar Corporation and boycott Caterpillar and encourage all Hamilton, Ontario and Canadian businesses from doing business with the Caterpillar Corporation.

**(Pearson/Clark)**

That the question be called.

**CARRIED****(Merulla/Collins)**

That the City of Hamilton review its policy related to any business relationship with the Caterpillar Corporation and boycott Caterpillar and encourage all Hamilton, Ontario and Canadian businesses from doing business with the Caterpillar Corporation.

The Motion was **DEFEATED** on the following Standing Recorded Vote:

Yeas:	Duvall, Collins, Merulla, McHattie
Total:	4
Nays:	Bratina, Powers, Farr, Morelli, Partridge, Clark, Pearson, Jackson, Johnson, Pasuta, Whitehead
Total:	11
Abstained	Ferguson
Total	1

**7.6 2012 Budget Approval Delay - Board & Agencies****(Pearson/Clark)**

That due to the delay in the 2012 Budget Approval, staff be directed to issue payment to Boards & Agencies where it can be proven that the delay will cause cash flow issues to the recipients.

**(Pearson/Clark)**

That due to the delay in the 2012 Budget Approval, staff be directed to issue payment to Opera Hamilton where it can be proven that the delay will cause cash flow issues to the recipients.

The Motion, as amended, **CARRIED** on the following votes:

Yeas:	Bratina, Powers, Farr, Morelli, Partridge, Clark, Pearson, Collins, Johnson, Pasuta, Duvall, Merulla, McHattie, Ferguson
Total:	14
Nays:	Whitehead, Jackson
Total:	2

<b>NOTICES OF MOTION</b>
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**8.1 2012 Budget Approval Delay - Board & Agencies**

Councillor Pearson presented the following Notice of Motion:

That due to the delay in the 2012 Budget Approval, staff be directed to issue payment to Boards & Agencies where it can be proven that the delay will cause cash flow issues to the recipients.

**(Pearson/Clark)**

That the Rules be waived to allow the introduction of a Motion respecting 2012 Budget Approval Delay - Board & Agencies.

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

Yeas:	Bratina, Powers, Farr, Morelli, Partridge, Clark, Pearson, Collins, Johnson, Pasuta, Duvall, Merulla, McHattie, Ferguson, Jackson
Total:	15
Nays:	Whitehead
Total:	1

For disposition on this matter refer to Item 7.6.

<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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**(Ferguson/Partridge)**

That Council move into Closed Session at 8:15 p.m. pursuant to Section 8 (c) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to proposed or pending acquisition or disposition of land for City purposes.

**CARRIED**

Council reconvened in Open Session at 8:22 p.m.

Direction was given to staff in Closed Session with nothing to report in Open Session.

<b>BY-LAWS</b>
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**(Johnson/Pearson)**

That Bills No. 053 to 059 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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**Bill No.**

- |            |  |
|------------|--|
| <b>053</b> | To Amend By-laws 09-143, 11-174 and 11-175, Respecting Development Charges on Lands within the City of Hamilton  |
| <b>054</b> | To Amend By-law No. 01-215, To Regulate Traffic:<br>Schedule 2 – Speed Limits  |
| <b>055</b> | To Incorporate City Land Designated as Block 41 on Plan 62M-887 into Morgante Court  |
| <b>056</b> | To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking<br>Schedule 6 – Time Limit Parking<br>Schedule 12 – Permit Parking Zones   |
| <b>057</b> | To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 33 Fall Fair Way   |
| <b>058</b> | Respecting Removal of Part Lot Control, Lots 13 – 15, 18 – 29, 31 – 45, 89-97, inclusive, and 99, and Blocks 107, 108, 120 and 121, Plan 62M-1172, “Penny Lane Estates – Phase 1”, 183, 187, 191 211 to 255 and 200 to 256 Penny Lane and 12 to 44 and 52 Bellroyal Crescent |
| <b>059</b> | To Confirm the Proceedings of City Council   |

**CARRIED**

**(Jackson/McHattie)**

That, there being no further business, the City Council meeting adjourned at 8:25 p.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini  
City Clerk  
March 7, 2012