



## CITY COUNCIL MINUTES

Wednesday, June 27, 2012

5:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

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**Present:** Mayor R. Bratina  
Councillors T. Jackson, B. Johnson, J. Farr, L. Ferguson,  
S. Merulla, B. Morelli, J. Partridge, R. Pasuta, M. Pearson,  
R. Powers, B. McHattie, S. Duvall

**Absent with  
Regrets:** B. Clark, C. Collins – Vacation  
T. Whitehead – Personal

Mayor Bratina called the meeting to order and called upon Pastor Ace Clark of the Joshua Centre Church to lead Council in prayer.

### APPROVAL OF THE AGENDA

The Clerk advised that there was a correction required to the General Issues Report 12-017 in order to include an item that was omitted from a section of the report. The Clerk indicated that the correction would be done by motion when General Issues Committee Report 12-017 was being considered.

**(Pearson/Johnson)**

That the Agenda for the City Council meeting being held on June 27, 2012, be approved,  
as presented. **CARRIED**

### DECLARATIONS OF INTEREST

None.

<b>APPROVAL OF MINUTES</b>
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**4.1 June 13, 2012****(Partridge/Pasuta)**

That the Minutes of the June 13, 2012 meeting of Council be approved, as presented. **CARRIED**

**4.2 June 20, 2012 (Special)****(Partridge/Pasuta)**

That the Minutes of the June 20, 2012 Special meeting of Council be approved, as presented. **CARRIED**

<b>COMMUNICATIONS</b>
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**(Farr/McHattie)**

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

- 5.1 Correspondence from the Township of Uxbridge respecting Aggregate Resoures Act Review and support of Municipality of Clarington resolution

**(Power/Pearson)**

Recommendation: Be received.

- 5.2 Correspondence from Andrea Horwath, M.P.P., respecting 2012 Proposed Provincial Budget and Changes to Discretionary Benefits

**(Merulla/Jackson)**

Recommendation: Be received.

- 5.3 Resolution from the Town of Minto respecting the Source Water Protection Program

**(Pearson/Ferguson)**

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

- 5.4 Correspondence from QPA Solar Inc. respecting Municipal Council support resolution for Solar PV Systems

**(Duvall/Powers)**

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

- 5.5 Correspondence from Kathryn Pagonis, Director, Ministry of Health and Long-Term Care, respecting City of Hamilton 2011-2012 Homemakers and Nurses Services Revised Expenditure Target

**(Farr/McHattie)**

Recommendation: Be received.

- 5.6 Correspondence from Andrew L. McCallum, Chief Coroner for Ontario, respecting Inquest into the death of Christopher Skinner

**(Partridge/Pearson)**

Recommendation: Be referred to the Hamilton Police Services Board for consideration and to Dr. E. Richardson, Medical Officer of Health, for a report to the General Issues Committee.

- 5.7 Resolution from the Township of Woolwich respecting the Elmira Municipal Aquifer

**(Powers/Pearson)**

Recommendation: Be received

- 5.8 Correspondence from Tim Simmons, Chair, Hamilton-Wentworth District School Board, requesting the use of City Council Chambers as an interim location for Board meetings during construction of the new Education Centre

**(Farr/Ferguson)**

Recommendation: That the Board's request be approved, subject to the scheduling of Board meetings not conflicting with Council/Standing Committee meetings, and that the Hamilton Wentworth District School Board shall be responsible for all applicable administration, janitorial and security costs relating to the use of the City Council Chambers until the Board's new administration building is completed.

Further, that the City Clerk be directed to communicate Councils' meeting schedule to the Board office.

- 5.9 Correspondence from Hans Feldmann, Co-ordinator, Golden Horseshoe Food and Farming Action Plan, requesting a City of Hamilton representative to the Golden Horseshoe Food and Farming Action Plan Alliance

**(Duvall/Partridge)**

Recommendation: That Councillor Robert Pasuta be appointed as the City's representative to the Golden Horseshoe Food and Farming Action Plan Alliance

**CARRIED**

**(Duvall/Jackson)**

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

**CARRIED**

<b>PUBLIC WORKS REPORT 12-008</b>
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**Item 9 Cemeteries Harmonized By-law and Ownership of City of Hamilton Cemeteries (PW12052)****(McHattie/Morelli)**

- (a) That subsection (a) to Item 9 of Public Works Committee Report 12-008, be deleted in its entirety and replaced with the following:

“That the Hamilton Cemeteries By-law attached hereto as Appendix A be approved as amended to reflect the following additions:

- burials on Saturday afternoons, Sundays and Statutory Holidays for special circumstances, and
- visitation after sundown for special circumstances.”

- (b) That the following be added as subsection (e):

That the amended Hamilton Cemeteries By-law be enacted by Council.

**Amendment CARRIED**

**Main Motion as Amended CARRIED**

**Item 11 Truck Route Sub-committee, Report 12-001 – June 7, 2012****(Morelli/McHattie)**

That the sub-section (b) (ii) be amended through the deletion of the words “a truck route be re-established, incorporating the use of Gage Avenue to accommodate truck route traffic accessing Century Brick” and replacing with the words “That the Item be referred back to the Truck Route Sub-Committee.”

**Amendment CARRIED**

**Main Motion as Amended CARRIED**

**Item 13 Installation of a Pedestrian Activated Signal at Ferguson Street & Kelly Street**

Council members identified a typo in sub-section (b) and requested it be corrected to reflect that funding would come from Ward “2” area derived funding.

**(McHattie/Morelli)**

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

**CARRIED**

<b>BOARD OF HEALTH REPORT 12-005</b>
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**Information Item (e)(ii) Retirement Homes Act, 2010 Implications BOH11008(a)  
(City Wide)****(Duvall/Merulla)**

That Item (e)(ii) respecting the *Retirement Homes Act, 2010 Implications BOH11008(a)*, be lifted from the Information Section. **CARRIED**

**Item 11 Retirement Homes Act, 2010 Implications (BOH11008(a))****(Duvall/ Merulla)**

That Item 11 of Board of Health Report 12-005 respecting Retirement Homes Act, 2010 Implications be amended by adding subsections (i) and (j) to read in it's entirety as follows:

- (a) That all Residential Care Facilities continue to be licensed under the Licensing By-Law, and retirement homes regulated under the *Retirement Homes Act, 2010* be exempted from the provisions of Schedule 20 that are now covered in the Act;
- (b) That the draft amendment to the Licensing By-law respecting Residential Care Facilities attached as Appendix A to Report BOH11008(a), which is in a form satisfactory to the City Solicitor, be passed;
- (c) That the per bed health fees associated with a Residential Care Facility licence be applied only to Residential Care Facilities not licensed or required to be licensed by the Retirement Homes Regulatory Authority and that the User Fees and Charges by-law be amended accordingly;
- (d) That the current service level with respect to Residential Care Facility nurse inspections be maintained;
- (e) That the staff within the Residential Care Facility Inspection program be reduced by 1 FTE Registered Nurse, effective August, 2012;
- (f) That, for 2012, any shortfall within the Residential Care Facility budget be funded firstly from any Public Health Services and/or corporate surplus, and secondly from the Tax Stabilization Reserve;
- (g) That the annualized impact of approximately \$36,000 be included in the 2013 Public Health Services operating budget;

- (h) That City of Hamilton request that the Ontario Senior's Secretariat expand the current scope of the *Retirement Homes Act, 2010* to include environmental design requirements.

**(Duvall/Merulla)**

That the following be added as subsections (i) and (j):

- (i) That Public Health Services and City departments collaborate on an ongoing basis with all Residential Care Facilities containing domiciliary hostel beds, within homes defined as retirement homes in the Act, to ensure no conflicts between Retirement Homes Act requirements and City bylaw requirements.
- (j) That staff bring forward in 1 years' time, a report which addresses any implications and ongoing challenges including changes to environmental design standards to allow for any possible amendments to the by-law, if required.

**Amendment CARRIED  
Main Motion as Amended CARRIED**

**(Bratina/Partridge)**

That the FIFTH Report of the Board of Health be adopted as amended and the information section received. **CARRIED**

<b>PLANNING COMMITTEE REPORT 12-010</b>
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**Item 7      Application for an Amendment to Flamborough Zoning By-law No. 90-145-Z for Lands Known as 592 Westover Road (Flamborough) (PED12112) (Ward 14)**

**(Ferguson/Pasuta)**

- (a) That subsection (a) be amended by deleting it in its entirety and replacing with the following in lieu thereof:
- (a)(i) That the By-law attached as Appendix "B" to Report PED12112, be amended by deleting Section 2(b) *Interior Side Yard (minimum)*;
- (a)(ii) That Council deems the change minor, and confirms that no further notice is to be given in respect of the proposed By-law pursuant to Section 34(17) of the Planning Act.
- (b) That the following be added as Sub-section (e):
- (e) That the amended By-law, To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting Lands located at 592 Westover Road (Flamborough), be enacted by Council.

**Amendment CARRIED**

The Main Motion as Amended **CARRIED** on the Following Recorded Votes:

Yeas: R. Bratina, T. Jackson, J. Farr, L. Ferguson, S. Duvall,  
S. Merulla, B. Morelli, J. Partridge, R. Pasuta, M. Pearson,  
R. Powers  
Total: 11  
Nays: B. Johnson, B. McHattie  
Total: 2  
Absent: C. Collins, T. Whitehead, B. Clark  
Total: 3

**Item 8 Applications for Approval of a Revised Draft Plan of Subdivision, “Jackson Heights – Phase 3B”, and Amendment to the Glanbrook Zoning By-law No. 464 for Lands Known as 250 Tanglewood Drive in the Former Township of Glanbrook (Binbrook) (PED12095) (Ward 11)**

**(Johnson/Ferguson)**

That Item 8 of Planning Report 12-010, be amended by deleting and replacing recommendation (c) with the following:

- (c) That Appendix D, as attached to Report PED12095, be amended by adding a new sub-section 42 (b), to read as follows:
- (i) “Owner/tenants are advised that access to/from this phase of the subdivision is currently limited to Tanglewood Drive. In the event that remedial work is required on or within this roadway, (including but not limited to roadwork maintenance, underground service repair/remediation, Enbridge Pipelines Inc. emergency work, etc.) access may be temporarily limited/restricted.”
- Amendment CARRIED**  
**Main Motion as Amended CARRIED**

**Item 10 Food Service Vehicles (PED12085(a)) (City Wide)**

The Item **CARRIED** on the Following Recorded Votes:

Yeas: R. Bratina, T. Jackson, J. Farr, L. Ferguson, S. Duvall,  
S. Merulla, B. Morelli, J. Partridge, R. Pasuta, M. Pearson,  
B. Johnson, B. McHattie  
Total: 12  
Nays: R. Powers (to sub-section (e) only)  
Total: 1  
Absent: C. Collins, T. Whitehead, B. Clark  
Total: 3

**(Johnson/Pearson)**

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

<b>GENERAL ISSUES COMMITTEE 12-016</b>
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**(Ferguson/Johnson)**

That the following be added as Item 20 to General Issues Committee Report 12-016:

**Item 20      709 Wilson Street East, Ancaster – Connection to City Watermain**

That the owner of 709 Wilson Street East, Ancaster, be permitted to connect to the City watermain at Montgomery and Wilson Streets.

**CARRIED****(Bratina/Partridge)**

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

<b>GENERAL ISSUES COMMITTEE 12-017</b>
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**Item 2      Ward Boundary Review (CL11004(b)) (City Wide)****(Bratina/Powers)**

That Item 2 of General Issues Committee Report 12-017 be amended through the addition of the following as a subsection (c) and the renumbering of sections (c) and (d) accordingly to read as follows:

- (c) That in order to address OMB expectations for full public participation in municipal ward boundary reviews, the City Clerk be directed to include a public consultation process, in developing the terms of reference for this comprehensive ward boundary review.

**Amendment CARRIED**

The Main Motion as Amended **CARRIED** on the Following Recorded Votes:

Yeas:	R. Bratina, T. Jackson, J. Farr, S. Duvall, R. Powers, B. McHattie, S. Merulla, B. Morelli, R. Pasuta, M. Pearson
Total:	10
Nays:	B. Johnson, J. Partridge, L. Ferguson
Total:	3
Absent:	C. Collins, T. Whitehead, B. Clark
Total:	3



**Item 3 Commercial Relations between the City and TMR Construction Inc. (FCS12051/LS12015) (City Wide)**

The Item **CARRIED** on the Following Recorded Votes:

Yeas: R. Bratina, T. Jackson, J. Farr, L. Ferguson, ,J. Partridge,  
R. Pasuta, M. Pearson, B. Johnson, B. McHattie, Powers  
Total: 10  
Nays: S. Duvall, S. Merulla, B. Morelli  
Total: 3  
Absent: C. Collins, T. Whitehead, B. Clark  
Total: 3

**(Bratina/Powers)**

That General Issues Committee Report 12-017 be adopted as amended and the information section received. **CARRIED**

**(Duvall/Jackson)**

That the Committee of the Whole Rise and Report. **CARRIED**

**MOTIONS**

**7.1 Amendment to Grants Sub-Committee Report 12-002 – 2012 Community Partnership Program**

Councillor Powers requested deferral of the Motion to the July 12, 2012 meeting of Council.

**NOTICES OF MOTION**

**STATEMENT BY MEMBERS**

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

**PRIVATE AND CONFIDENTIAL**

**10.1 Citizen Appointments to the Hamilton Youth Advisory Committee**

**(Jackson/Merulla)**

(a) That the following citizens be appointed to the following Advisory Committees for the balance of the 2010-2014 term of Council or until such time as successors are appointed by Council:

(i) **Hamilton Youth Advisory Committee**

1.	Ryan Markesic	10.	Sarah Medeiros
2.	Joselin Marcciccio	11.	Becky Schmor

3.	Daniel Puglia		12.	Marten Kaas
4.	Nicole Lachapelle		13.	Nashwa Khan
5.	Ahmad Ahmad		14.	Liam Askwith
6.	Camilo Sanchez-Galindo		15.	Fiorella Villanueva-Heldmaier
7.	Daniel Sanchez-Galindo		16.	Alexandra daSilva
8.	Lauren Hicks		17.	Jackson Virgin-Holland
9.	Alina Protopopescu			

- (b) That the membership for the Hamilton Youth Advisory Committee be increased by 5 members. **CARRIED**

<b>BY-LAWS</b>
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**(Farr/Morelli)**

That the Bill List for the June 27, 2012 Meeting of Council be amended through the addition of the following as Bill 151 and renumbering the balance:

- 151** Respecting the City of Hamilton's Cemeteries and Repealing By-law No. 81-9, Town of Ancaster; By-law 4459-09, Town of Dundas; By-law 91-16-C, Town of Flamborough; By-law 500-94, Township of Glanbrook; By-law No. 95-125, City of Hamilton; By-law 4402-96, City of Stoney Creek
- 152** To Confirm the Proceedings of City Council

**CARRIED****(Farr/Morelli)**

That Bills No. 139 to 152 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:

- 139** To Establish Certain 2012 User Fees and Charges for Services, Activities or the Use of Property
- 140** To Amend By-law No. 10-118, A By-law To Regulate Exterior Property Maintenance
- 141** To Incorporate City Land Designated as Parts 1 and 3 on Plan 62R-17526 into Fortissimo Drive
- 142** To Incorporate City Land Designated as Block 35 on Plan 62M-1066 into Fortissimo Drive
- 143** To Incorporate City Land Designated as Part 1, 2 and 3 on Plan 62R-19306 into Ralfana Crescent

- 144 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:  
Schedule 4 – Special Event Parking  
Schedule 8 - No Parking Zones  
Schedule 10 – Alternate Side Parking  
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
- 145 To Amend By-law No. 01-215, To Regulate Traffic:  
Schedule 5 – Stop Control
- 146 To Adopt Official Plan Amendment No. 167 to the former City of Stoney Creek  
Official Plan  
Respecting:  
The Rear of 76 Creanona Boulevard (former City of Stoney Creek)
- 147 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands  
Located at 76 Creanona Boulevard, Stoney Creek
- 148 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at  
250 Tanglewood Drive, Jackson Heights – Phase 3B
- 149 To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended,  
Respecting Lands Located at 592 Westover Road
- 150 To Amend By-law No. 07-170, A By-law to License and Regulate Various  
Businesses “Food Service Vehicles”
- 151 Respecting the City of Hamilton’s Cemeteries and Repealing By-law No. 81-9,  
Town of Ancaster; By-law 4459-09, Town of Dundas; By-law 91-16-C, Town of  
Flamborough; By-law 500-94, Township of Glanbrook; By-law No. 95-125, City  
of Hamilton; By-law 4402-96, City of Stoney Creek
- 152 To Confirm the Proceedings of City Council

**CARRIED**

**(Pearson/Ferguson)**

That, there being no further business, the City Council meeting adjourned at 6:22 p.m.

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

R. Caterini  
City Clerk  
June 27, 2012