



CITY COUNCIL MINUTES 13-020

5:00 p.m.

Wednesday, November 13, 2013

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** T. Whitehead – Bereavement
J. Partridge - Vacation

The Mayor called upon Deacon Gerry Guinto from Our Lady of Assumption Parish to lead Council in prayer. The Mayor also called upon Boanerjes Villabroza President of the Hamilton Filipino Community Centre, to speak about the ongoing relief efforts, and way to get involved to assist those affected by the recent typhoon in the Philippines.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

- 5.11 Correspondence from Earl D. Basse, Integrity Commissioner respecting a Complaint against Mayor B. Bratina

Recommendation: Be received.

- 5.12 Correspondence from the IBI Group regarding Item 5 of Planning Committee Report 13-017, Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited PED13178

Recommendation: Be received.

2. ADDED PRIVATE AND CONFIDENTIAL

- 10.1 Personal Matter about an identifiable individual, including municipal or local board employees - Public Works (No Copy)

Pursuant to sub-section 239 (b) of the *Municipal Act 2001* and sub-section 8.1 (b) of the Procedural By-Law as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees.

(Pearson/Johnson)

That the agenda for the November 13, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

- 3.1 Presentation of the Urban Design and Architecture Awards (UDAA) People's Choice Award**

Mayor Bratina gave an overview of the Urban Design and Architecture Awards, which are being awarded for the fifth year. The Mayor invited Gerald Asa to receive The Urban Design and Architecture Awards People's Choice Award for the Winterberry Office Building.

APPROVAL OF MINUTES

- 4.1 October 23, 2013**

(Johnson/Pearson)

That the Minutes of the October 23, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Jackson/Duvall)

That Council Communications 5.1 through 5.12 be approved, as amended, as follows:

5.1 Correspondence from Loretta Paszkat respecting hours of bus service on Centennial Parkway North

Recommendation: Be received.

5.2 Response from the Office of the Prime Minister respecting the Council endorsement of September 11, 2013 (Item 5.5) regarding the Ontario Power Generation's Plans to Build a Nuclear Waste Repository beside the Great Lakes

Recommendation: Be received.

5.3 Correspondence regarding Item 2 of Planning Committee Report 13-017, Application for Amendment to the Town of Flamborough Zoning By-law No. 90-145-Z for Lands Located at 176 Parkside Drive:

- (a) Mark Gillner
- (b) Kevin Kelly

Recommendation: Be received.

5.4 Correspondence from the Niagara Peninsula Conservation Authority respecting their Draft Strategic Plan

Recommendation: Be received.

5.5 Correspondence from Leanna Caron, President of Skate Canada respecting the International Skating Union World Synchronized Skating Championships

Recommendation: Be received.

5.6 Response from the Honourable Jim Bradley, Minister of the Environment respecting Newalta Stoney Creek Landfill - Item 18 of Planning Committee Report 13-012

Recommendation: Be received.

5.7 Notice of Commencement of Preliminary/Detailed Design and Class Environmental Assessment Studies by Morrison Hershfield on behalf of the Ministry of Transportation:

- (a) Highway 403 Desjardins Canal Bridges
- (b) Detail Design of Six Structures on Highway 403 & QEW

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

5.8 Correspondence from the Town of Richmond Hill respecting Freedom of Expression and Religion in Public Places in Ontario

Recommendation: Be received.

5.9 Correspondence from the Ontario Good Roads Association, call for nominations to Board of Directors 2014-2015 term.

Recommendation: Be received.

5.10 Correspondence respecting the Niagara to Greater Toronto Area Corridor Planning and Environmental Assessment Study:

- (a) City of Burlington comments to the Ministry of Transportation
- (b) Niagara Escarpment Commission comments to the Ministry of Transportation

Recommendation: Be received.

5.11 Correspondence from Earl D. Basse, Integrity Commissioner respecting a Complaint against Mayor B. Bratina

Recommendation: Be received.

5.12 Correspondence from the IBI Group regarding Item 5 of Planning Committee Report 13-017, Appeals to the Ontario Municipal Board by Shoppers Drug Mart Limited PED13178

Recommendation: Be received.

CARRIED AS AMENDED

(Powers/Ferguson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-022

(Bratina/Pasuta)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-013

(Collins/Merulla)

That the THIRTEENTH Report of the Public Works Committee be adopted, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 13-017

(Farr/McHattie)

That the SEVENTEENTH Report of the Planning Committee be adopted, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-023

(McHattie/Farr)

That item 6 of General Issues Committee Report 13-023 respecting Traffic Calming/Management Policy Update, be amended by adding sub-section (c) to read as follows:

- (c) That staff report back to the General Issues Committee on the policy and its implementation in January 2015.

**Amendment CARRIED
MOTION AS AMENDED CARRIED**

(Bratina/Pasuta)

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

CARRIED

(Powers/Pasuta)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Protection for Municipalities from Claims in Respect of Operations, Public Assets and Roads

Councillor Whitehead was not in attendance. The Mayor indicated that this motion will be placed on the November 27, 2013 City Council meeting.

7.2 Amendment to Item 7 of Planning Committee Report 13-016 respecting Rural Hamilton Official Plan Amendment: New Policies and Minor Revisions (Wards 9, 11, 12, 13, 14, and 15) (PED13165)

(Farr/McHattie)

That Item 7 of Planning Committee Report 13-016 be amended by adding recommendations (e) and (f), to read as follows:

(e) That Appendix A to Report PED13165 be amended on page 94 of 159 by adding a new clause e) to Policy C.5.4.1 as follows, “

i) “Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of the Parkside Hills Subdivisions – Phase 2 (25T201003) shall be permitted on lands located north of the future east west corridor, west of Centre Road, Waterdown North.”

(f) That Appendix A to Report PED13165 be amended on page 95 of 159 by:

i) amending Policy D.6.30 to delete the word “lands” and replacing with the words “*significant cultural heritage resources*”; and,

ii) amending Policy D.6.31 to:

1) Add the words “Where possible,” to the beginning of the policy; and,

2) delete the word “landscape” and replacing with the words “*significant cultural heritage resources*” and adding the word “significant” before the word “cultural heritage elements” in the fourth line.

CARRIED

7.3 Vacancy on the Advisory Committee for Persons with Disabilities – 2013 (Referred from Council to the Selection Committee on August 16, 2013)

(Johnson/Collins)

(a) That the current complement of citizen members on the Advisory Committee for Persons with Disabilities be maintained at fourteen (14) for the balance of the 2010-2014 term of Council;

(b) That any absences of citizen members on the Advisory Committee for Person with Disabilities due to illness or maternity leave be accommodated for the balance of the 2010-2014 term of Council by the Committee Clerk adjusting quorum accordingly.

CARRIED

7.4 Vacancy on the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) (Referred from Council to the Selection Committee on September 11, 2013.)

(Johnson/Collins)

That the current complement of eight (8) citizen members on the Environmentally Significant Areas Impact Evaluation Group (ESAIEG) be maintained for the balance of the 2010-2014 term of Council.

CARRIED

7.5 Amendment to Membership – Steel Committee

(Duvall/Merulla)

- (a) That the membership of the Steel Committee be amended through the addition of the Mayor;
- (b) That the Terms of Reference of the Steel Committee be amended accordingly;

(Farr/Merulla)

The sub-section (a) be amended by adding the name of Councillor B. McHattie to read as follows:

- (a) That the membership of the Steel Committee be amended through the addition of the Mayor and Councillor B. McHattie;
- (b) That the Terms of Reference of the Steel Committee be amended accordingly;

**Amendment CARRIED
MOTION AS AMENDED CARRIED**

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

- 10.1 Personal Matter about an identifiable individual, including municipal or local board employees - Public Works (No Copy)

Pursuant to sub-section 239 (b) of the *Municipal Act 2001* and sub-section 8.1 (b) of the Procedural By-Law as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees.

(McHattie/Duvall)

That City Council move into closed session at 7:10 p.m. pursuant to sub-section 239 (b) of the Municipal Act 2001 and sub-section (b) of the Procedural By-law as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees.

CARRIED

Council reconvened in open session at 7:20 p.m. and indicated that they received information about an identifiable individual, with nothing further to report.

BY-LAWS AND CONFIRMING BY-LAW

(Jackson/Duvall)

That the Bill List for the November 13, 2013 meeting of Council be amended by adding the following as Bill 287 and renumbering the balance:

Amendment CARRIED

(Jackson/Duvall)

That Bills No. 13-272 to 13-288 be passed, as amended, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

By-law No.

- | | |
|------------|---|
| 272 | To Incorporate City Land
Designated as Blocks 59 and 60 on Plan 62M-846
into Redfern Avenue |
| 273 | Being a By-law to Permanently Close a Portion of Public Unassumed
Alley abutting 211 Park Row South, Hamilton, established by Registered
Plan 546, City of Hamilton, designated as Part 1 on Plan 62R-19369 |
| 274 | Being a By-law to Permanently Close a Portion of Greti Drive being
Block 96, Plan 62M-1144, City of Hamilton |
| 275 | To Incorporate City Land
Designated as Part 3 on Plan 62R-9081
into Tradewind Drive |
| 276 | To Incorporate City Land
Designated as Reserve C (1 FOOT) and Part of lot 23, Concession 3
on Registered Plan 1016
into Dawson Avenue |
| 277 | To Amend By-law 11-272 as amended respecting the
Downtown and Community Renewal Community Improvement Project |

- Area
(Mount Hope Airport Gateway CIPA)
- 278 To Amend By-law 11-273 as amended, respecting the
Downtown and Community Renewal Community Improvement Plan
- 279 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting
Lands Located at 215 Dundas Street East (Flamborough)
- 280 Removal of Part Lot Control
Lot 111, 117, and 118, Registered Plan No. 62M-1101
"Upcountry Estates Phase 1A"
- 281 To Adopt:
Official Plan Amendment No. 11 to the Urban Hamilton Official Plan
Respecting:
The Strathcona Secondary Plan
- 282 To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
- Schedule 5 – Stop Control
- 283 To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
- Schedule 5 – Stop Control
- 284 Official Plan Amendment No. 5 to the
Rural Hamilton Official Plan
Respecting:
The Rural Area of the City of Hamilton
- 285 To Amend By-law No. 01-218, as amended,
Being a By-law 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
Schedule 15 – Commercial Vehicle Loading Zones
- 286 To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended,
respecting lands located at 257 - 267 Parkside Drive, in the former Town
of Flamborough, now in the City of Hamilton
- 287 Being a By-law to Permanently Close a Portion of Public Unassumed Alley
abutting 2 Thorndale Street North, Hamilton, established by Registered Plan
647, City of Hamilton, designated as Part 1 on Plan 62R-19461
- 288 To Confirm Proceedings of Council

MOTION AS AMENDED CARRIED

(Powers/Ferguson)

That, there being no further business, the City Council meeting be adjourned at 7:30 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk