



**CITY COUNCIL
MINUTES 13-007
5:00 p.m.
Wednesday, March 27, 2013
Council Chambers
Hamilton City Hall
71 Main Street West**

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

Mayor Bratina called the meeting to order, and called upon Pastor Dwayne Cline, from Hughson Street Baptist Church, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

- 5.16 Correspondence from Roberta Prince, requesting the designation of Saturday April 9, 2013 as Equal Pay Day – Ontario’s Equal Pay Coalition

Recommendation: Be received

- 5.17 Correspondence from Joe Minor respecting PFCs/PFOS/PFOA at Hamilton International/John C. Munro Airport.

Recommendation: Be referred to the General Manager of Planning and Economic Development for appropriate action

2. REPORTS (to be distributed)

- 6.5 Audit, Finance & Administration Committee Report 13-003 – March 25, 2013
- 6.6 Emergency & Community Services Committee Report 13-003 – March 25, 2013

3. ADDED NOTICE OF MOTION

- 8.1 Comment to CRTC Consultations respecting the designation of a frequency for CBC radio service in the City of Hamilton

4. PRIVATE AND CONFIDENTIAL

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

(Pearson/Johnson)

That the agenda for the March 27, 2013 meeting of Council be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest with Communication item 5.8, Correspondence from Monique Taylor, MPP Hamilton Mountain, and Paul Miller, MPP Hamilton East – Stoney Creek to The Honourable Charles Sousa, Minister of Finance respecting the issue of taxi-cab insurance premiums, February 27, 2013 Council Meeting, as he has family employed in the taxi industry.

Councillor Pearson declared a conflict of interest respecting Planning Committee Item 2, Water and Wastewater Infrastructure Support Community Improvement Plan, as she is involved in the rental housing industry.

Councillor Farr declared a conflict of interest with item 3 of Emergency & Community Services report, respecting renewal Funding from Citizenship and Immigration Canada for the Immigration Strategy, as his wife is an employee of Citizenship and Immigration Canada.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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None

APPROVAL OF MINUTES

4.1 February 27, 2013

(Partridge/Ferguson)

That the Minutes of the February 27, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Johnson/Ferguson)

That Council Communications 5.1 through 5.17 be approved, as amended, as follows:

- 5.1 Correspondence from Alexandra Limousin, Canadian Association of Nurses in Oncology, requesting the designation of Tuesday April 2, 2013 as Canadian Oncology Nurse Day.

Recommendation: Be received.

- 5.2 Correspondence from Sharon MacKenzie, Executive Director, i2i Intergenerational Society of Canada, requesting the designation of Saturday June 1, 2013 as Intergenerational Day Canada.

Recommendation: Be received.

- 5.3 Correspondence from Christine Joseph-Davies, President Autism Ontario - Hamilton Chapter, requesting the designation of Tuesday April 2, 2013 as World Autism Awareness Day.

Recommendation: Be received.

- 5.4 Correspondence from Clinton Shane Ekdal, requesting the designation of Wednesday May 29, 2013 as Day of the Honey Bee.

Recommendation: Be received

- 5.5 Response from the Honourable Gary Goodyear, Minister of State to Council correspondence of January 31, 2013, respecting the Ancaster Senior Achievement Centre Community Infrastructure Improvement Fund.

Recommendation: Be received

- 5.6 Correspondence from Brock Carlton, Chief Executive Officer, FCM, respecting payment to the City of Hamilton in the amount of \$44,683.64 which constitutes the second and final contribution toward the Building A Strong Foundation Project under the Green Municipal Fund Study Grant Agreement.

Recommendation: Be received.

- 5.7 Correspondence from Keith Murch, Assistant CAO/Secretary-Treasurer Grand River Conservation Authority, respecting GRCA General Levy

Recommendation: Be received.

- 5.8 Correspondence from Monique Taylor, MPP Hamilton Mountain, and Paul Miller, MPP Hamilton East – Stoney Creek to The Honourable Charles Sousa, Minister of Finance respecting Council correspondence on the issue of taxi-cab insurance premiums, February 27, 2013 Council Meeting.

Recommendation: (a) That the correspondence be referred to Planning and Economic Development Staff for a report back to the Planning Committee;

(b) That staff provide information to the Planning Committee respecting the following:

(i) What other Ontario municipalities are doing to address the issue of increasing insurance premiums;

(ii) An overview of the legislation.

- 5.9 Correspondence from the Ontario Municipal Board, Environment and Land Tribunals Ontario, respecting St. Marys Cement Inc's withdrawal of their request for the revocation of Ministerial Zoning Order 138/10.

Recommendation: Be received.

- 5.10 Response from the Honourable Jim Bradley, Minister of the Environment, regarding Councils letter of December 12, 2012, Item 20 of General Issues Committee Report 12-033, respecting Enbridge Pipeline Inc. Line 9A Flow Reversal Project.

Recommendation: Be received.

- 5.11 Resolution from Ontario Small Urban Municipalities (OSUM) requesting consultation and an independent Economic Impact Study on the federal governments announced deregulations in the area of food manufacturing.

Recommendation: Be endorsed.

- 5.12 Resolution from the Township of Melancthon, requesting that the Province of Ontario conduct a review of the *Aggregate Resources Act 1990*.

Recommendation: Be endorsed

- 5.13 Resolution from the Township of Adjala–Tosorontio, requesting changes to the *Development Charges Act 1997* to allow for the collection of development charges for the purposes of hospital improvements and expansions.

Recommendation: That the Correspondence be referred to finance staff for a report back to the Audit, Finance & Administration Committee.

- 5.14 Correspondence from Janet Mason, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing and respecting a joint partnership with the City of Hamilton and the Ontario Municipal Benchmarking Initiative (OMBI)

Recommendation: (a) That Item 5.14 - Correspondence from Janet Mason, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing respecting a joint partnership with the City of Hamilton and the Ontario Municipal Benchmarking Initiative (OMBI) be received;

(b) That the City Manager or designate be authorized to execute an Agreement (attached hereto as Appendix "A") on behalf of the Ontario Municipal CAO Benchmarking Initiative (OMBI), with the Ministry of Municipal Affairs and Housing to receive full funding to carry-out a joint performance measurement project

- 5.15 Annual Report of Earl D. Basse, Integrity Commissioner for the Period of January 1, 2012 to December 31, 2012.

Recommendation: Be received

- 5.16 Correspondence from Roberta Prince, requesting the designation of Saturday April 9, 2013 as Equal Pay Day – Ontario's Equal Pay Coalition

Recommendation: Be received

5.17 Correspondence from Joe Minor respecting PFCs/PFOS/PFOA at Hamilton International/John C. Munro Airport.

- Recommendation:
- (a) That representatives from Transport Canada and the Ministry of the Environment, be invited to attend a future meeting of the General Issues Committee, to update Council on the results of the risk management assessment regarding the contamination at the airport;
 - (b) That staff arrange a public meeting to present the results of the risk management report;
 - (c) That the Mayor send a request to the Federal Government of Canada, to earmark funds to assist with the cleanup at the airport.

(Pasuta/Merulla)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-003

8. Development of Lane Closure Policy (PW13021)

(Farr/Ferguson)

That Item 8 of Public Works Committee Report 13-003 respecting Development of Lane Closure Policy be referred back to the Public Works Committee to allow for:

- (a) Consultation with Planning and Economic Development staff
- (b) Further review of the fee during the prescribed period
- (c) Consideration of a more broader definition of when penalties will be implemented

CARRIED

**9. Hamilton Utilities Corporation Joint Advisory Committee Report 13-001
(Attached hereto as Appendix "B" to Report 13-003)(Item 8.6)**

(i) Court House District Energy Proposal

- (a) That the City of Hamilton enter into a Memorandum of Understanding (MOU) for the Court House District Energy Proposal

with Hamilton Community Energy (HCE), subject to the satisfaction of the City Solicitor;

- (b) That staff be directed to proceed with the district energy proposal engineering/design for the Court House, for the replacement of the existing steam boilers and cooling systems with new hot water boiler, new chiller and cooling tower and all related HVAC systems and to review the geothermal supplement option at an estimated cost of \$5,830,000 for the aforementioned upgrades;
- (c) That staff be directed to begin formal negotiations on a lease and final agreement between the City of Hamilton and Hamilton Community Energy (HCE) with respect to the Court house, to be presented for approval through the Hamilton Utilities Corporation Joint Advisory Committee and then Council for final approval.

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

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge
Total Yeas:	15
Nays:	B. Clark
Total Nays:	1
Absent:	None
Total Absent:	0

(Whitehead/Duvall)

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

CARRIED

BOARD OF HEALTH REPORT 13-002

(Bratina/Partridge)

That sub-section (a) to Item 8 of Board of Health report 13-002, be amended by deleting the words "one other Councillor" and replace with "Councillor Brian McHattie", to read as follows:

8. Public Health Accreditation 2013 Application (BOH13006) (City Wide) (Item 8.1)

- (a) That members of the Board of Health agree to participate in the accreditation process and appoint the Chair and Councillor Brian McHattie who will meet with the Ontario Council on Community Health Accreditation representatives during the on-site visit occurring on June 17 – 19, 2013;

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Bratina/Pasuta)

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

CARRIED

PLANNING COMMITTEE REPORT 13-004

(Farr/Ferguson)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-007

(Jackson/Duvall)

That Sub-section (e) of Item 15 of General Issues Committee Report 13-007 respecting Public Bike Share Transit System Implementation be amended by deleting the word, "update" and replacing it with the word, "uptake" in lieu thereof, to read as follows:

**15. Public Bike Share Transit System Implementation (City Wide) (PW13015)
(Item 8.4(b))**

- (e) That staff be requested to provide a report back to the Public Works Committee at the end of each full year period to provide a progress/status report on the program which would include **uptake**, accident claims, etc.

AMENDMENT CARRIED

The **MOTION AS AMENDED CARRIED** on the following standing recorded vote:

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, T. Jackson, S. Duvall, T. Whitehead, B. Clark, M. Pearson, B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge
Total Yeas:	16
Nays:	None
Total Nays:	0
Absent:	None
Total Absent:	0

(McHattie/Partridge)

That sub-section (b)(ii) of Item 19 of General Issues Committee Report 13-007 respecting Enbridge Pipelines Inc. Line 9B Reversal and Line 9 Capacity Expansion Project be amended by deleting the word, "sensitive" and replacing it with the word, "significant" in lieu thereof, to read as follows:

19. Enbridge Pipelines Inc. Line 9B Reversal and Line 9 Capacity Expansion Project

- (b)(ii) The need for pipeline isolation valves to be installed where the pipeline crosses the Sheffield-Rockton Complex and other provincially-significant wetlands and environmentally-significant areas;

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Bratina/Powers)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 13-003
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(Pearson/Powers)

That the THIRD Report of the Audit, Finance & Administration Committee be adopted, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 13-003

(Partridge/Pasuta)

That Item 9 of Emergency & Community Services Report 13-003 be amended by deleting the words “at a General Issues Committee Meeting” to read as follows:

9. Request to CityHousing Hamilton

That CityHousing Hamilton be requested to make a formal presentation and annual report to the Shareholders before the end of June 2013.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

(Whitehead/Duvall)

That the THIRD Report of the Emergency & Community Services Committee be adopted, as amended, and the information section received.

CARRIED

(Pasuta/Jackson)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Objection to Liquor License Application Konoba, 34 Hess Street South, Hamilton, Ontario, L8P 3N1 – for Outdoor Area

(Farr/McHattie)

Whereas, the City of Hamilton is pleased that both the provincial government and the opposition have kept the issue of interest arbitration reform at the forefront of major policy discussions;

And Whereas, the City of Hamilton supports the overall intention of interest arbitration renewal;

And Whereas, a preliminary review indicates that there needs to be improvement in both pieces of draft legislation to be considered by the legislature;

And Whereas, the City of Hamilton trusts that through further consultation, these issues can be resolved;

And Whereas, the City of Hamilton is aware that AMO and the Emergency Services Steering Committee are reviewing these issues and are requesting further discussion and input;

Therefore be it resolved that:

- (a) That the City of Hamilton requests that the Legislature work collectively in the best interest of Ontario municipalities and Ontario taxpayers on this important issue of interest arbitration reform and support AMO's recent request for revised legislation that is efficient, accountable and transparent;
- (b) That this resolution be forwarded to the Premier, the Leader of the Opposition, the leader of the New Democratic Party, the Association of Municipalities of Ontario (AMO) and Hamilton-area MPP's, conveying Council's approval of this motion.

CARRIED

7.2 Amendments to Subsection (a) and (b) of Item 5 of the Public Works report 12-011 respecting Transit Fare Parity, AODA Integrated Standard (PW3128(e))

(Merulla/Collins)

That sub-sections (a) and (b) of item 5 of Public Works Committee Report 12-011, approved by Council on October 30, 2012 be further amended by deleting the words "April" and replacing them with the words "June", to read as follows:

5. Transit Fare Parity, AODA Integrated Standard (PW03128(e)) (City Wide) (Item 7.1)

- (a) That the General Manager of Public Works be directed to implement a Fare Parity policy respecting the Conventional Transit (HSR) and Specialized Transit (ATS/DARTS) programs effective **June** 1, 2013, in accordance with the Transportation Standards regulations made under the *Accessibility for Ontarians with Disabilities Act, 2005*;
- (b) That the Voluntary Pay Policy for persons using Personal Mobility Devices (PMD), including 4-point canes, walkers, scooters and wheelchairs, on the HSR and free fare for CNIB cardholders be eliminated until **June** 1, 2013.

CARRIED

7.3 Additional Full-Time Equivalents – Building Services Division, Planning and Economic Development

(Ferguson/Johnson)

That the hiring of four (4) Full-Time Equivalents (FTE's) for the Building Services Division to address increase in building permit activity, be approved and funded entirely from the Building Enterprise Reserve (2013 Requested Budget Enhancements).

CARRIED

7.3 Comment to CRTC Consultations respecting the designation of a frequency for CBC radio service in the City of Hamilton

(McHattie/Farr)

Whereas, Hamilton City Council has been working on obtaining a live CBC Radio station frequency since November 2005, and;

Whereas, Hamilton did receive a CBC digital station in 2010, and;

Whereas, the City of Kitchener recently received a live CBC Radio station, and;

Whereas, CBC Radio executives committed to moving the Hamilton digital service to live radio service as soon as was technically possible (i.e., when a frequency on the dial was available), and;

Whereas, BCE recently asked the CRTC to approve the acquisition of Astral Media, and;

Whereas, the CRTC rejected the takeover as it did not provide significant benefits to Canadians, and would serve to concentrate ownership of television and radio stations, and;

Whereas. Astral has now delivered a revised application to the CRTC which would include divestiture of several stations nationally, including two radio stations in Toronto, to be considered shortly by the CRTC.

Therefore be it Resolved:

That the Mayor be authorized and directed to forward the Comments, attached as Appendix "A", prepared by the Centre for Community Study on behalf of the City of Hamilton, to the Broadcasting Notice of Consultations CRTC 2013-106, requesting that the CTRC direct Astral/BCE to make available one frequency from within the Toronto and Hamilton regions to CBC in order to facilitate full radio service for the Hamilton region

CARRIED

NOTICES OF MOTION

Councillor McHattie introduced the following notice of motion:

8.1 Comment to CRTC Consultations respecting the designation of a frequency for CBC radio service in the City of Hamilton

Whereas, Hamilton City Council has been working on obtaining a live CBC Radio station frequency since November 2005, and;

Whereas, Hamilton did receive a CBC digital station in 2010, and;

Whereas, the City of Kitchener recently received a live CBC Radio station, and;

Whereas, CBC Radio executives committed to moving the Hamilton digital service to live radio service as soon as was technically possible (i.e., when a frequency on the dial was available), and;

Whereas, BCE recently asked the CRTC to approve the acquisition of Astral Media, and;

Whereas, the CRTC rejected the takeover as it did not provide significant benefits to Canadians, and would serve to concentrate ownership of television and radio stations, and;

Whereas. Astral has now delivered a revised application to the CRTC which would include divestiture of several stations nationally, including two radio stations in Toronto, to be considered shortly by the CRTC.

Therefore be it Resolved:

That the Mayor be authorized and directed to forward the Comments, attached as Appendix "A", prepared by the Centre for Community Study on behalf of the City of Hamilton, to the Broadcasting Notice of Consultations CRTC 2013-106,

requesting that the CTRC direct Astral/BCE to make available one frequency from within the Toronto and Hamilton regions to CBC in order to facilitate full radio service for the Hamilton region

(McHattie/Farr)

That the rules of order be waived to allow for the introduction of a Motion respecting City of Hamilton submit a comment to the Broadcasting Notice of Consultations CRTC 2013-106.

CARRIED

Please refer to item 7.3 for disposition.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Personal matters about an identifiable individual, including municipal or local board employees

(Jackson/Collins)

That Council move into Closed Session to consider a matter regarding Personal matters about an identifiable individual, including municipal or local board employees pursuant to section 239 (b) of the Municipal Act 2001 and Section 8.1(b) of the Procedural By-law

CARRIED

Council reconvened in Open Session, with no public action to report.

BY-LAWS

(Johnson/Pearson)

That Bills No. 13-064 to 13-082 be passed, 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:

Bill No.

13-064 Respecting Delegation of Authority to the Treasurer and Deputy Treasurers for Assessment Appeals

13-065 To Rescind By-law 13-032 and To Incorporate City Land Designated as Part 1 on Plan 62R-19490 and Part 36 on Plan 62R-222 into Barton Street East

- 13-067** To Incorporate City Land Designated as Block 8 on Plan 62M-787 into Fellowes Creek
- 13-068** To Incorporate City Land Designated as Parts 7, 8 and 9 on Plan 62R-19508 into Beechwood Avenue
- 13-069** To Incorporate City Land Designated as Parts 3, 4, 5 and 6 on Plan 62R-19508 into Cannon Street East
- 13-070** To Incorporate City Land Designated as Reserved Block 103 on Plan 62M-1172 into Penny Lane
- 13-071** Respecting Removal of Part Lot Control, Lots 102 – 115, 118 – 130, Registered Plan No. 62M-1186
- 13-072** Respecting Removal of Part Lot Control, Lots 1 – 10, 13 – 18, 21 – 25, 27 – 35, Registered Plan No. 62M-1183
“Kaleidoscope – Phase 1”
- 13-073** Respecting Removal of Part Lot Control, Lots 37 – 42, 45 – 52, 54 – 58, Blocks 36, 59, 170, 171, 172, Registered Plan No. 62M-1183
“Kaleidoscope – Phase 1”
- 13-074** Respecting Removal of Part Lot Control, Lots 61 – 68, 91, 92, 95 – 99, 102, 103, Registered Plan No. 62M-1183
“Kaleidoscope – Phase 1”
- 13-075** Respecting Removal of Part Lot Control, Lots 70 – 76, 78, 79, 111 – 113, 116 – 119, 122 – 124, Registered Plan No. 62M-1183
“Kaleidoscope – Phase 1”
- 13-076** Respecting Removal of Part Lot Control, Lots 81 – 87, 89, 90, 132 – 134, 137 – 140, 143 – 145, Registered Plan No. 62M-1183
“Kaleidoscope – Phase 1”
- 13-077** Respecting Removal of Part Lot Control, Blocks 52, 53, 54, 55 and 56, Registered Plan No. 62M-1179, “Fairgrounds East – Phase 3”
7 – 41 and 8 – 26 Hitching Post Ridge, Glanbrook
- 13-078** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 14 Kenilworth Avenue South
- 13-079** To Adopt the Water and Wastewater Infrastructure Support Community Improvement Project Area
- 13-080** To Adopt the Water and Wastewater Infrastructure Support Community Improvement Plan
- 13-081** To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses
Schedule 28 – Tow Truck Businesses
- 13-082** To Confirm the Proceedings of City Council

CARRIED

(Pearson/Johnson)

That, there being no further business, the City Council meeting be adjourned at 10:05 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

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