



CITY COUNCIL MINUTES

Wednesday, February 23, 2011

7:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor R. Bratina

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

Absent with Regrets: B. McHattie (vacation), S. Duvall (bereavement),

Mayor Bratina welcomed Michael Highgate of Stewart Memorial Methodist Episcopal Church in Hamilton who led council in prayer.

Mayor Bratina extended condolences on behalf of Council to Councillor Duvall on the recent passing of his mother, Eleanor.

APPROVAL OF THE AGENDA

The Clerk advised of the following additions to the agenda:

- 5.4 Correspondence from Clifford Woodhead, World War II Veteran, respecting free parking for Veterans with a Veteran's licence plate

Recommendation: Be received.

- 5.5 Resolution from the Niagara Region respecting Town of fort Erie Request to Petition Minister of Natural Resources to improve the Delivery of Land Conservation Services in Ontario

Recommendation: For the consideration of Council.

- 5.6 Correspondence from Dr. Tom Nugent respecting the need to include job creation in the Capital Budget

Recommendation: Be received.

ADDED REPORT

- 6.5 Emergency & Community Services Report 11-003 – February 17, 2011

(Pearson/Ferguson)

That the Agenda for the City Council meeting held on February 23, 2011, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Bratina acknowledged the following recipients of BIA Excellence in Property Awards.

James Panoff
Dodsworth & Brown Funeral Home
Within the Ancaster B.I.A.

Ray Edwards Realty
116-120 Ottawa Street North
Within the Ottawa Street B.I.A.

Don & Doreen Herrow
International Village Antiques
Within the International Village B.I.A.

Teeradech Pramauntanyatath
Bangkok Spoon Deluxe Inc.
Within the Dundas B.I.A.

Emil Fusaro
E. Fusaro Custom Tailor
Within the Downtown Hamilton B.I.A.

Carl Williams
Westdale Cafe
Within the Westdale Village B.I.A.

Tanya Sheets

Burning Desires
Within the Barton Village B.I.A.

Don and Doreen Herrow
International Village Antiques
Within the City of Hamilton

APPROVAL OF MINUTES

(Partridge/Pasuta)

That the Minutes of the February 9, 2011 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Clark/Pearson)

That Council Communications 5.1 to 5.6 be approved, as amended, as follows:

- 5.1 Petition from Ancaster residents requesting 90-day extension of planning process for the Ancaster Transportation Master Plan to provide sufficient time for further review and modifications
(14 signatories)

(Ferguson/Pearson)

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

- 5.2 Petition from residents respecting Unspent City Budget Funds
(15 signatories)

(Powers/Pearson)

Recommendation: Be received.

- 5.3 Resolution from the Township of Woolwich respecting applications for mineral aggregate extractions

(Pearson/Partridge)

Recommendation: Be received.

- 5.4 Correspondence from Clifford Woodhead, World War II Veteran, respecting free parking for Veterans with a Veteran's licence plate.

(Powers/Morelli)

Recommendation: Be received.

- 5.5 Resolution from the Niagara Region respecting Town of Fort Erie Request to Petition Minister of Natural Resources to improve the Delivery of Land Conservation Services in Ontario.

(Powers/Ferguson)

Recommendation: Be received.

- 5.6 Correspondence from Dr. Tom Nugent respecting the need to include job creation in the Capital Budget

(Pearson/Ferguson)

Recommendation: Be received.

CARRIED AS AMMENDED

(Clark/Johnson)

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

CARRIED

GENERAL ISSUSE COMMITTEE REPORT 11-006

5. **Ontario Realty Corporation (ORC) Surplus Land – Project 8193 – located at 560 Grays Road, described as Parts 1 and 2, Plan 62R015557, Former Township of Saltfleet, now City of Hamilton (PED11018) (Ward 5) (Item 5.5)**

(Johnson/Clark)

Be referred back to Heritage Staff for review and report back to the General Issues Committee.

CARRIED

10. **Terms of Reference for Stormwater Rate Review Sub-Committee (PW10085(a)) (City Wide)**

(Morelli/Merulla)

Be referred back to staff for review and report back to the General Issues Committee.

The referral motion LOST on a standing recorded vote, as follows:

Yeas: Bratina, Collins, Farr, Merulla, Morelli, Whitehead
Total: 6

Nays: Clark, Ferguson, Jackson, Johnson, Partridge, Pasuta, Pearson, Powers,
Total: 8

Absent: McHattie, Duvall
Total: 2

10. **Terms of Reference for Stormwater Rate Review Sub-Committee (PW10085(a)) (City Wide)**

- (a) That Report PW10085a respecting the Terms of Reference for the Stormwater Rate Review Sub-Committee, be received;

- (b) That the Storm Water Rate Review Sub-Committee be cancelled.

The above motion CARRIED on a standing recorded vote, as follows:

Yeas: Bratina, Clark, Collins, Farr, Ferguson, Jackson, Johnson, Morelli, Partridge,
Pasuta, Pearson, Powers,

Total: 12

Nays: Merulla, Whitehead

Total: 2

Absent: McHattie, Duvall

Total: 2

(Bratina/Partridge)

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

PLANNING COMMITTEE REPORT 11-003

1. **Committee of Adjustment Minor Variance Application HM/A-10:249, for the Property Located at 99 Burris Street (Hamilton), Supported by the Planning and Economic Development Department But Denied by the Committee of Adjustment (PED11016) (Ward 3) (Item 5.1)**

That Report PED11016, respecting Committee of Adjustment Minor Variance Application HM/A-10:249, for the property located at 99 Burris Street (Hamilton), as shown on Appendix "A" to Report PED11016, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information.

DEFEATED

The following motion was then put:

1. **Committee of Adjustment Minor Variance Application HM/A-10:249, for the Property Located at 99 Burris Street (Hamilton), Supported by the Planning and Economic Development Department But Denied by the Committee of Adjustment (PED11016) (Ward 3) (Item 5.1)**

(Morelli/Merulla)

- (a) That Legal Services be instructed to attend the OMB Hearing, in support of the Committee of Adjustment decision, and to retain outside professional(s);
- (b) That the amount required to retain outside professional(s) to support the City's position before the Ontario Municipal Board be funded firstly, through the 2011 Budget, secondly, through year-end Corporate surpluses, and lastly, through the Tax Stabilization Reserve.

CARRIED

2. **Committee of Adjustment Minor Variance Application HM/A-10:271, for the Property Located at 22-24 Emerald Street South (Hamilton), Supported by the Planning and Economic Development Department But Denied by the Committee of Adjustment (PED11023) (Ward 3) (Item 5.2)**

That Report PED11023, respecting Committee of Adjustment Minor Variance Application HM/A-10:271, for the property located at 22-24 Emerald Street South (Hamilton), as shown on Appendix "A" to Report PED11023, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information.

DEFEATED

The following motion was then put:

2. **Committee of Adjustment Minor Variance Application HM/A-10:271 for the property located at 22-24 Emerald Street South (Hamilton), supported by the Planning and Economic Development Department but denied by the Committee of Adjustment (PED11-23) (Ward 3)**

(Morelli/ Merulla)

- (a) That Legal Services be instructed to attend the OMB Hearing, in support of the Committee of Adjustment decision, and to retain outside professional(s);
- (b) That the amount required to retain outside professional(s) to support the City's position before the Ontario Municipal Board be funded firstly, through the 2011 Budget, secondly, through year-end Corporate surpluses, and lastly, through the Tax Stabilization Reserve.

CARRIED

(Pasuta/Clark)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 11-002
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(Clark/Johnson)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-002

(Whitehead/Jackson)

That the SECOND Report of the Emergency & Community Services Committee be adopted, and the information section received. **CARRIED**

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-003**(Whitehead/Jackson)**

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

CARRIED**(Clark/Johnson)**

That Committee of the Whole rise and report.

CARRIED**MOTIONS****7.1 Amendment – International Event Opportunities/2015 Pan Am Games Update (CM09006(I)) (City Wide)****(Whitehead/Clark)**

That sub-section (k) of Item 1 of General Issues Committee Report 11-004 respecting International Event Opportunities/2015 Pan Am Games Update, approved by Council on February 9, 2011, be amended by deleting the words, “appropriate staff from the Mayor’s Office” and replacing it with the words, “the Mayor or his delegate”, to read as follows:

- (k) That the Mayor or his designate, and Councillors L. Ferguson and B. Morelli be appointed as Council’s liaison with the staff and stakeholders involved during the construction process;

CARRIED**NOTICES OF MOTION**

None

STATEMENTS BY MEMBERS

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

PRIVATE AND CONFIDENTIAL**10.1 Minutes of the February 9, 2011 Closed Session Meeting****(Whitehead/Collins)**

- (a) That the Closed Session Minutes of the February 9, 2011 meeting of Council be approved, as presented.

- (b) That the February 9, 2011 Minutes of Council remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

BY-LAWS

(Collins/Merulla)

That Bill Nos. 011-061 to 011-075, attached hereto, be passed, that the Corporate seal be affixed thereto, and that the By-laws be signed by the Mayor and the City Clerk and read as follows:

By-law No.	Bill No.	
11-061	061	To Incorporate City Land Designated as Block 123 on Plan 62M-1128 into Pumpkin Pass
11-062	062	To Incorporate City Land Designated as Block 120 on Plan 62M-1128 into Pavilion Drive
11-063	063	To Incorporate City Land Designated as Block 121 on Plan 62M-1118 into Davinci Boulevard
11-064	064	To Incorporate City Land Designated as Block 124 on Plan 62M-1128 into Kinsman Drive
11-065	065	To Incorporate City Land Designated as Part 1 on Plan 62R-18975 into Royal Vista Drive
11-066	066	To Incorporate City Land Designated as Part 2 on Plan 62R- 18709 into King Street East
11-067	067	To Incorporate City Land Designated as Block 122 on Plan 62M-1128 into Royal Winter Drive
11-068	068	To Incorporate City Land Designated as Block 119 on Plan 62M-1128 into Festival Way
11-069	069	To Incorporate City Land Designated as Block 121 on Plan 62M-1128 into Hitching Post Ridge
11-070	070	To Incorporate City Land Designated as Blocks 116 and 117 on Plan 62M-1118 into Michelangelo Lane
11-071	071	To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 10 – Alternate Side Parking Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones
11-072	072	To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1081 to 1091 Beach Boulevard
11-073	073	Respecting Removal of Part Lot Control, Blocks 149-151 of Plan No. 62M-1101, "Upcountry Estates"
11-074	074	To Amend By-law No. 10-053 Governing the Proceedings of Council and Committees of Council

11-075 075 To Confirm the Proceedings of City Council

(Partridge/Johnson)

There being no further business, the City Council meeting adjourned at 9:15 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini
City Clerk
February 23, 2011