



CITY COUNCIL MINUTES

Wednesday, March 9, 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, B. McHattie, S. Merulla, B. Morelli,
J. Partridge, M. Pearson, R. Powers, T. Whitehead,
S. Duvall

Absent with Regrets: Councillor R. Pasuta – Vacation

Mayor Bratina called the meeting to order called upon Major Glenda Davis from the Salvation Army to lead Council in prayer.

Mayor Bratina recognized and acknowledged the attendance of Paul Wilson, former Street Beat writer for The Spectator. Mr. Wilson addressed Council, speaking to how Street Beat came about.

APPROVAL OF THE AGENDA

The Clerk advised of the following additions to the agenda:

1. ADDED PRIVATE AND CONFIDENTIAL

10.1 City of Hamilton ats 775377 Ontario Limited (Belmont Developments)

(Farr/Ferguson)

That the Agenda for the City Council meeting being held on February 9, 2011, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST**Board of Health Report 11-002, Item 9(c)
Peterborough County – City Health Unit Energy Drinks**

Councillor B. Johnson declared an interest as her husband is employed by the Coca-Cola Company.

**Planning Committee Report 11-005, Item 2
Taxicab Inspection and Enforcement**

Councillor L. Ferguson declared an interest as he is an investor in the taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES**(Morelli/Pearson)**

That the Minutes of the February 23, 2011 meeting of Council be approved, as presented.
CARRIED

COMMUNICATIONS**(Farr/McHattie)**

That Council Communications 5.1 to 5.3 be approved, as amended, as follows:

- 5.1 Correspondence from Barbara Hall, Chief Commissioner, Ontario Human Rights Commission, advising that effective July 1, 2011, all new or used transit vehicle purchases or acquisitions would need to meet the accessibility standards set out under Part 4 of the Proposed Regulation.

Recommendation: **(Pearson/Johnson)** Be received.

- 5.2 Correspondence from Keith Murch, Grand River Conservation Authority, respecting GRCA General Levy

Recommendation: **(Powers/Pearson)** Be received and that staff be directed to present the appropriate recommendations to the General Issues Committee and Council for approval within the specified timeframe.

- 5.3 Petition from residents of Ward 7 concerning dissatisfaction with snow clearing (signed by 24 residents)

Recommendation: **(Duvall/Whitehead)** Be referred to the General Manager of Public Works for appropriate action. **CARRIED**

(Pearson/Clark)

That staff be authorized and directed to address and receive clarification on the issue of disclosing signatures on petitions with the Privacy Commissioner.

CARRIED

(Duvall/Whitehead)

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

GENERAL ISSUES COMMITTEE REPORT 11-007

(Bratina/Partridge)

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

GENERAL ISSUES COMMITTEE REPORT 11-008

Item1 Citizens' Forum Report on Area Rating (CM11004) (City Wide)

(Whitehead/Jackson)

That Item 1 of General Issues Committee Report 11-008 respecting the Citizens' Forum Report on Area Rating be amended as follows:

- (i) by adding the words, "by mid-April, 2011" following the words, "General Issues Committee", in sub-section (b), to read as follows:
 - (b) That staff be directed to analyze the implications of the recommendations of the Citizens' Forum Report and report back during budget deliberations to the appropriate General Issues Committee by mid-April, 2011.
- (ii) by deleting sub-section (c) in its entirety and replacing it with the following in lieu thereof:
 - (c) That staff be directed to provide a high level conceptual overview and assessment of the feasibility of introducing a geographic zone model pursuant to the Chamber of Commerce report, including legal authority and advantages, and report back during budget deliberations to the appropriate General Issues Committee by mid-April 2011.

(Powers/Partridge)

That Item 1 of General Issues Committee Report 11-008 be further amended by deleting the words, "during budget deliberations to the appropriate General Issues Committee meeting by mid-April, 2011." in sub-sections (b) and (c), and replacing it with the words, "at the June 13, 2011 General Issues Committee meeting."

The Amendment to the Amendment was **DEFEATED** on the following Standing Recorded Vote:

Yeas: Pearson, Johnson, Ferguson, Powers, Partridge
Total Yeas: 5
Nays: Bratina, Farr, Whitehead, Duvall, Jackson, Collins,
Merulla, Morelli, McHattie, Clark
Total Nays: 10
Absent: Pasuta
Total Absent: 1

The Amendment **CARRIED** on the following Standing Recorded Vote:

Yeas: Bratina, Farr, Whitehead, Duvall, Jackson, Collins,
Merulla, Morelli, McHattie, Clark
Total Yeas: 10
Nays: Pearson, Johnson, Ferguson, Powers, Partridge
Total Nays: 5
Absent: Pasuta
Total Absent: 1

(Ferguson/Powers)

That the rules of order be waived to allow Mr. Tim Dobbie to respond to questions of the Committee. **CARRIED**

(Clark/Pearson)

That a sub-committee of two urban and two suburban Councillors be created to meet with the City Manager and General Manager of Corporate Services to assist with finding ways to make area rating more palatable.

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

Yeas: Clark, Johnson, McHattie, Partridge, Pearson, Powers
Total Yeas: 6
Nays: Bratina, Collins, Duvall, Farr, Ferguson, Jackson,
Merulla, Morelli, Whitehead
Total Nays: 9
Absent: Pasuta
Total Absent: 1

(Powers/Whitehead)

That the question be called.

CARRIEDThe Main Motion, as amended, **CARRIED**.**(Bratina/Partridge)**That the EIGHTH Report of the General Issues Committee be adopted, as amended, and the information section received. **CARRIED**

BOARD OF HEALTH REPORT 11-002

Item 4 Smoking and Second-hand Smoke in Outdoor Municipal Recreational Areas in Hamilton (BOH07034(e)) (City Wide)The Motion **CARRIED** on the following vote:

Yeas:	Bratina, Farr, Whitehead, Jackson, Collins, Merulla, Morelli, McHattie, Clark, Pearson, Johnson, Ferguson, Powers, Partridge
Total Yeas:	14
Nays:	Duvall
Total Nays:	1
Absent:	Pasuta
Total Absent:	1

Item 6 Legionella: Cooling Tower Registry By-law (BOH09021(b)) (City Wide)The Motion **CARRIED** on the following vote:

Yeas:	Bratina, Farr, Whitehead, Jackson, Duvall, Collins, Merulla, Morelli, McHattie, Pearson, Johnson, Ferguson, Powers, Partridge
Total Yeas:	14
Nays:	Clark
Total Nays:	1
Absent:	Pasuta
Total Absent:	1

(Bratina/Partridge)That the SECOND Report of the Board of Health be adopted, and the information section received. **CARRIED**

PLANNING COMMITTEE REPORT 11-005**Item 5 Parkland Dedication/Cash-in-Lieu for Schools (PED11041)
(City Wide)****(Clark/Pearson)**

That Information Item (j) respecting comments made by Pat Daly, Chair, Hamilton-Wentworth Catholic District School Board be amended by deleting the words, "and suggested McMaster and Mohawk should be charged parkland dedication", and insert the following words in lieu thereof, "and suggested that like McMaster and Mohawk, the School Board should be exempt from parkland dedication. **CARRIED**

(Merulla/Jackson)

That sub-section (a) of Item 5 of Planning Committee Report 11-005 respecting Parkland Dedication/Cash-in-Lieu for Schools be referred back to the Planning Committee for further discussion; **CARRIED**

(Clark/Pearson)

That sub-section (b) be amended to read as follows:

- (b) That this matter be referred to the School Board Liaison Committee to develop a joint position to be communicated to the Government of Ontario. **Amendment CARRIED**

Motion as amended CARRIED

(Clark/Partridge)

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

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 11-004**Item 12 Audit Report 2010-08 – Human Resources – Recruitment and Selection (AUD11011) (City Wide)****(Clark/Pearson)**

That the following be added as sub-sections (e) and (f):

- (e) That staff be directed to provide a verbal update on the Management Action Plan by the fourth quarter of 2011;

- (f) That the Human Resources Department provide a report to the Audit, Finance & Administration Committee on the services they provide to individual departments. **Amendment CARRIED**

Motion as amended CARRIED

(Clark/Powers)

That the FOURTH Report of the Audit, Finance & Administration Committee be adopted, as amended, and the information section received. **CARRIED**

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-004

Item 8 Renewal of the Homelessness Partnering Strategy Agreement (CS11016)

(Merulla/Partridge)

That subsection (b) (ii) of Item 8 of Emergency and Community Services Report 11-004 respecting *Renewal of the Homelessness Partnering Strategy Agreement (CS11016)* be amended by inserting the words “in a form satisfactory to the City Solicitor” after the word “projects” to read as follows:

(b)(ii) To enter into and execute Agreements with the agency(s) responsible for the delivery of those projects *in a form satisfactory to the City Solicitor*, and: **Amendment CARRIED**

Motion as amended CARRIED

Item 10(b) Hamilton Farmers’ Market Transition Sub-Committee Report 11-001 – Waiving January 2011 Rent for Hamilton Farmers’ Market Stallholders

(McHattie/Morelli)

That the question be called on Item 10(b). **CARRIED**

Item 10(b) **CARRIED.**

(Merulla/Morelli)

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

GENERAL ISSUES COMMITTEE REPORT 11-005(a)

Item 2 City of Hamilton Policy for Hamilton Renewable Power Inc. (HRPI) Dividends (FCS11002) (City Wide)

Sub-section (c) of Item 2 **CARRIED** on the following vote:

Yeas: Bratina, Farr, Duvall, Collins, Merulla, Morelli, McHattie, Clark, Pearson, Johnson, Ferguson, Powers, Partridge

Total Yeas: 13

Nays: Collins, Whitehead

Total Nays: 2

Absent: Pasuta

Total Absent: 1

(Bratina/Partridge)

That Report 11-005(a) of the General Issues Committee be adopted, and the information section received. **CARRIED**

PUBLIC WORKS COMMITTEE REPORT 11-004**(Powers/Partridge)**

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

(Duvall/Whitehead)

That Committee of the Whole rise and report. **CARRIED**

MOTIONS

None

NOTICES OF MOTION

None

STATEMENTS BY MEMBERS

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

PRIVATE AND CONFIDENTIAL**(Farr/McHattie)**

That Council move into Closed Session at 9:52 p.m. pursuant to Sections 8.1(e) and (f) of the Procedural By-law and the Municipal Act as the subject matter deals with litigation or potential litigation, including matters before administrative tribunals, affecting the City and for the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose respecting City of Hamilton ats 775377 Ontario Limited (Belmont Developments). **CARRIED**

(Johnson/Clark)

That Committee reconvene in Open Session at 10:50 p.m.

10.1 City of Hamilton ats 775377 Ontario Limited (Belmont Developments)

Direction provided to staff in camera.

CARRIED

BY-LAWS

(Farr/McHattie)

That Bill Nos. 011-076 to 011-081, 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.	
11-076	076	To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 6 – Time Limit Parking Schedule 8 – No Parking Zones Schedule 12 – Permit Parking Zones
11-077	077	To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 741 Rymal Road East
11-078	078	Respecting the Registration of Cooling Towers
11-079	079	To Authorize the Execution of an Agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Minister of Environment Relating to Funding Protocol under the 2010-2011 Ontario Drinking Water Stewardship Program – Special Project Land Securement (SPLS1011-23)
11-080	080	To Prohibit Smoking within City Parks and Recreation Properties
11-081	081	To Confirm the Proceedings of City Council

(Clark/Pearson)

There being no further business, the City Council meeting adjourned at 10:31 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini
City Clerk
March 9, 2011