



CITY COUNCIL MINUTES

Wednesday, May 11, 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, J. Partridge, R. Pasuta, M. Pearson, R. Powers, T. Whitehead, S. Duvall, B. McHattie, and B. Morelli

Mayor Bratina called the meeting to order and called upon Rabbi Dan Selsberg of Beth Jacob Synagogue in Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CEREMONIAL ACTIVITY

Presentation of an award to the City of Hamilton as a symbol of friendship from the City of Sarasota.

2. REPORTS

6.5 Hamilton Licensing Tribunal Report 11-004, withdrawn as the meeting was adjourned

3. ADDED NOTICE OF MOTION

8.1 Membership on the Fairness to Hamilton Campaign Sub-Committee

(Pasuta/Powers)

That the Agenda for the City Council meeting being held on May 11, 2011, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest with respect to Item 7 of Planning Committee Report 11-009 as he is an investor in the taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**3.1 Presentation of Sculpture from the City of Sarasota (Added Item)**

Councillor Pearson presented an award to Mayor Bratina which was received last night at the Mundialization Awards. It is a sculpture presented to the City of Hamilton as a symbol of friendship from the City of Sarasota.

APPROVAL OF MINUTES**4.1 April 27, 2011****(Ferguson/Partridge)**

That the Minutes of the April 27, 2011, meeting of Council be approved, as presented. **CARRIED**

COMMUNICATIONS**(Jackson/Duvall)**

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

- 5.1 Correspondence from Joe Minor respecting persistent and ongoing flow of pfo's leaving City property

Recommendation: Be received and referred to the General Manager of Planning and Medical Officer of Health for a report to the General Issues Committee.

- 5.2 Correspondence from the Municipal Property Assessment Corporation respecting MPAC's Delivery of Assessment Products and Services

Recommendation: Be received.

- 5.3 Correspondence from Doug Reycraft, Chair, Community Schools Alliance, respecting a new consultation process for student accommodation reviews in London, Ontario

Recommendation: Be referred to the Joint City/School Board Liaison Committee for discussion

CARRIED

(Ferguson/Johnson)

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

CARRIED

BOARD OF HEALTH REPORT 11-005

(Bratina/Partridge)

That the FIFTH Report of the Board of Health be adopted and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 11-009

Item 8 Enforcement of the 12 Hour Parking By-law (PED11079) (City Wide) (Outstanding Business List Item) (Item 8.1)

(McHattie/Collins)

That Item 8 of Planning Committee Report 11-009 be amended by adding a subsection (b) as follows:

- (b) That staff be directed to provide a terms of reference for a pilot project which addresses the on-street 12 hour parking rule in Ward 1, and report back to Committee.

CARRIED

This Item CARRIED on the following votes:

Yeas: McHattie, Farr, Morelli, Merulla, Collins, Duvall, Whitehead, Jackson, Bratina, Partridge, Pasuta, Powers, Johnson, Pearson, Clark

Total: 15

Nays: Ferguson

Total: 1

Absents: 0

(Whitehead/Duvall)

That Item (o) respecting Ontario Municipal Board Hearing – PL100691 – Deanlee Management Inc./Chedoke Browlands be lifted from the Information Section of Planning Committee Report 11-009 and deferred to the Private and Confidential section of the agenda.

CARRIED

Approval of the Planning Committee Report was deferred pending discussion of information Item (o) respecting Ontario Municipal Board Hearing – PL100691 – Deanlee Management Inc./Chedoke Browlands in Closed Session.

(Collins/Merulla)

That the following be added as Item 10 to Planning Committee Report 11-009:

10. Ontario Municipal Board Hearing – PL100691 – Deanlee Management Inc./Chedoke Browlands (Item 12.1)

- (a) That the City Solicitor be instructed to appear before the Ontario Municipal Board in the matter of certain applications by Deanlee Management Inc. for the development of lands described as Part 57, Concession 2, City of Hamilton, as set out in report PED10116, and to advance the alternative development proposal prepared by MMM Group dated March 3, 2011;
- (b) That the City Solicitor be authorized to retain such outside expert assistance, including legal counsel, as may be required to implement recommendation (a), with funding for same to come from, firstly, existing budgets; secondly, from any corporate surpluses; and, thirdly, from the Tax Stabilization Reserve Fund;
- (c) That minor modifications to the said alternative plan and supporting planning instruments made or proposed during the hearing process for the purpose of scoping or removing issues from dispute may, where supported by the City's outside experts, be approved by the General Manager of Planning and Economic Development, in consultation with the City Solicitor;
- (d) That the staff information memo, dated May 3, 2011, in its entirety, shall remain confidential, and not be released to the public, with the exception of sheets 12.1(c) 12.1(d), 12.1(e) and 12.1(f).

(Pasuta/Partridge)

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

CARRIED

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 11-006**(Pearson/Powers)**

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

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-007**(Merulla/Collins)**

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

GENERAL ISSUES COMMITTEE REPORT 11-013**Item 1 City of Hamilton v Attorney General of Canada et al, Ontario Superior Court Action No. C-383/04 (LS04021(c)) (City Wide) (Item 12.5)**

This Item **CARRIED** on the following votes:

Yeas: Clark, Collins, Duvall, Farr, Ferguson, Jackson, Morelli, Partridge, Pasuta, Pearson, and Whitehead
Total: 11
Nays: Bratina, Johnson, McHattie, Merulla, and Powers
Total: 5
Absent: 0

(Bratina/Partridge)

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

(Powers/Johnson)

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

MOTIONS

7.1 The Fairness to Hamilton Campaign Sub-Committee Membership**(Jackson/Duvall)**

That the membership of the Fairness to Hamilton Campaign Sub-Committee be amended by the removal of Councillors R. Powers and C. Collins to read as follows:

Members of Council	Community Groups
Mayor B. Bratina, ex officio	Hamilton Jobs Prosperity Collaborative
Councillor B. McHattie	Hamilton Roundtable for Poverty Reduction
Councillor S. Merulla	Hamilton Centre for Civic Inclusion
Councillor J. Partridge	Hamilton Chamber of Commerce
Councillor T. Whitehead	

CARRIED

NOTICES OF MOTION

Councillor Jackson introduced the following Notice of Motion:

8.1 The Fairness to Hamilton Campaign Sub-Committee Membership

That the membership of the Fairness to Hamilton Campaign Sub-Committee be amended by the removal of Councillors R. Powers and C. Collins to read as follows:

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Mayor B. Bratina, ex officio	Hamilton Jobs Prosperity Collaborative
Councillor B. McHattie	Hamilton Roundtable for Poverty Reduction
Councillor S. Merulla	Hamilton Centre for Civic Inclusion
Councillor J. Partridge	Hamilton Chamber of Commerce
Councillor T. Whitehead	

(Jackson/Duvall)

That the Rules of Order be waived to introduce a motion to amend the Membership of the Fairness to Hamilton Campaign Sub-Committee.

CARRIED

See Item 7.1 for the disposition of this Item.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

12.1 Minutes of Closed Session – April 27, 2011**(Collins/Merulla)**

- (i) That the Private and Confidential Minutes of April 27, 2011 be approved.
- (ii) That the Private and Confidential Minutes of April 27, 2011 remain Private and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

(Duvall/Whitehead)

That Committee move into Closed Session at 8:35 p.m. pursuant to Section 239 of the Municipal Act, 2001 and Sections 8.1 (e) and (f) to discuss matters regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and to receive advice that is subject to solicitor-client privilege.

CARRIED

(Powers/Pasuta)

That Committee reconvene in Open Session at 8:50 p.m.

CARRIED

For disposition of this Item, see Item 10 of Planning Committee Report 11-009.

BY-LAWS

(Jackson/Duvall)

That Bills No. 011-121 to 011-126 attached hereto, be passed, that the Corporate seal be affixed thereto, and that the By-law be signed by the Mayor and the City Clerk and read as follows:

By-law No.	Bill No.
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11-121	121	To Amend By-law No. 10-209, A By-law to Regulate the Hamilton Farmers' Market
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| 11-122 | 122 | 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
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 15 – Commercial Vehicle Loading Zones
Schedule 20 – School Bus Loading Zones |
| 11-123 | 123 | Respecting Removal of Part Lot Control, Lots 8 – 16, Registered Plan No. 62M-1151, “Albion Mills Estates – Phase 2” |
| 11-124 | 124 | To Amend Zoning By-law No. 05-200, Respecting Lands Located at 392 Dundas Street East, Flamborough |
| 11-125 | 125 | To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses |
| 11-126 | 126 | To Confirm the Proceedings of City Council |

(Powers/Pearson)

There being no further business, the City Council meeting adjourned at 9:00 p.m.

CARRIED

Respectfully submitted,

Mayor R. Bratina

R. Caterini
City Clerk
May 11, 2011