



CITY COUNCIL MINUTES

**Wednesday, June 9, 2010
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
Hamilton, Ontario**

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- Present:** Mayor F. Eisenberger
Councillors B. Bratina, C. Collins, S. Duvall,
L. Ferguson, T. Jackson, M. McCarthy, B. McHattie,
S. Merulla, B. Morelli, D. Mitchell, R. Pasuta, M. Pearson, ,
T. Whitehead
- Absent with regrets:** Councillor B. Clark, illness
Councillor R. Powers, personal

Mayor Eisenberger called the meeting to order and called upon Pastor Stephen Halden, from Hamilton Chinese Alliance in Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COUNCIL MINUTES

- 4.2 Minutes of the Special City Council meeting held on June 7, 2010

2. ADDED COMMUNICATIONS

- 5.6 Correspondence from Derrick Toigo, Infrastructure Ontario respecting Environmental Assessment – St. Joseph's Healthcare Hamilton – West 5th Campus Redevelopment

Recommendation: Be received

- 5.7 Correspondence from Katherine Hotrum, Ontario Realty Corporation respecting extending review period for St. Joseph's Healthcare Hamilton Redevelopment, 100 West 5th Street

Recommendation: Be received

- 5.8 Petition with 132 signatures submitted by Councillor Mitchell from residents of “the Fairground” Binbrook opposing the City’s proposal to designate Fall Fair Way and eventually Pumpkin Pass as a “No Parking” Zone.

3. ADDED NOTICE OF MOTION

- 8.1 Premises Exhibiting Adult Sex Films

(Morelli/Pasuta)

That the Agenda for the City Council meeting being held on June 9, 2010, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

There were none declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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3.1 Urban Institute Award

The Mayor called upon Terry Cooke to join him at the podium. Together they recognized and congratulated Betty Lou Purdon, Program Manager for the Emergency and Domiciliary Hostels, Housing and Homelessness Division of the Community Services Department and Paul Johnson, Executive Director for Wesley Urban Ministries for being awarded the Local Hero Award. This is a category of the Urban Institute Leadership Awards (ULA) which is an annual initiative designed to recognize those who have made significant contributions to improving the quality of life in Canada’s cities and urban regions. He presented them with the award.

APPROVAL OF MINUTES

4.1 May 26, 2010

(Ferguson/Duvall)

That the Minutes of the May 26, 2010 meeting of Council be approved, as presented.

CARRIED

4.2 June 7, 2010

(Pearson/Mitchell)

That the Minutes of the Special City Council meeting held on June 7, 2010 be approved as presented.

CARRIED**COMMUNICATIONS****(Whitehead/Pearson)**

That Council Communications 5.1 and 5.8 be approved, as amended, as follows:

- 5.1 Correspondence from Melissa Thomson, Ministry of Municipal Affairs and Housing respecting Residential Tenancies Act – Automatic Rent Reductions

Recommendation: Be received

- 5.2 Petition submitted by residents concerns about the lack of proper sidewalks on Highway #53 between Upper Gage Avenue and Upper Wentworth Avenue

Note: Petition signed by 770 residents. All personal information has been severed pursuant to Section 32 of the Municipal Freedom of Information and Protection of Privacy Act.

Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee

- 5.3 Correspondence from City of Kingston respecting Declaration of Parallel Transit as Essential Service

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

- 5.4 Correspondence from Rebecca Repa, St. Joseph's Healthcare respecting delegation status before the Economic Development and Planning Committee to St. Joseph's Healthcare Hamilton Redevelopment – 100 West 5th Street, City of Hamilton

Recommendation: Be received

- 5.5 Correspondence from Geoff Woods, Ontario Realty Corporation respecting MEI/ORC Class Environmental Assessment, West 5th Campus – St. Joseph's Healthcare Hamilton Redevelopment – 100 West 5th Street, City of Hamilton

Recommendation: Be received

- 5.6 Correspondence from Derrick Toigo, Infrastructure Ontario respecting Environmental Assessment – St. Joseph's Healthcare Hamilton – West 5th Campus Redevelopment

Recommendation: Be received

- 5.7 Correspondence from Katherine Hotrum, Ontario Realty Corporation respecting extending review period for St. Joseph's Healthcare Hamilton Redevelopment, 100 West 5th Street

Recommendation: Be received

- 5.8 Petition with 132 signatures submitted by Councillor Mitchell from residents of "the Fairground" Binbrook opposing the City's proposal to designate Fall Fair Way and eventually Pumpkin Pass as "No Parking" Zones.

Recommendation: Be received and referred to the General Managers of Public Works and Economic Development for a report to the Public Works and Economic Development and Planning Committees.

CARRIED as Amended

(Pearson/Pasuta)

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

CARRIED

BOARD OF HEALTH REPORT 10-005

(Pearson/Pasuta)

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 10-008

Item 3 Truck Route Master Plan (PW10052) (City Wide)

(Mitchell/Pearson)

That Centennial Parkway Access, from King Street to Mud Street be deleted.

(Collins/Jackson)

- a) That a decision on sub-section (b)(i)(4) of Item 3 of Public Works Committee Report 10-008 respecting the removal of trucks from Centennial Parkway Access, from King Street to Mud Street, be deferred until such time as an amendment to the Newalta Certificate of Approval can be approved and such time as First Road West, north of Mud Street, is upgraded to handle trucks year round;
- b) That in the interim, correspondence be forwarded to the Ontario Trucking Association (OTA) requesting that they ask for the co-

operation of their members to avoid Centennial Parkway whenever possible by using the Red Hill Valley Parkway, and that the OTA ask their members to avoid using engine brakes within the urban boundary of Hamilton.

DEFERRAL CARRIED on a Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell
Total: 11
Nays: Pearson, Ferguson, Whitehead
Total: 3
Absent: Clark, Powers
Total: 2

This Item will be added to the Council Outstanding Business List to come back to Council for consideration.

(Whitehead/Merulla)

- (a) That Item 3 respecting Truck Route Master Plan be amended by adding a new subsection (e) to read as follows:
- (e) That the inclusion of the section of Garth Street between Mohawk Road and Rymal Road in the truck route system be delayed until such time as the section is urbanized;
- (b) That the subsequent subsections be re-lettered accordingly.

Amendment CARRIED

Subsection (b)(i)(5) of Item 3 respecting Truck Route Master Plan CARRIED on the following votes:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell and Whitehead
Total: 13
Nays: Pearson
Total: 1
Absent: Clark, Powers
Total: 2

Main Motion as Amended CARRIED

Councillor Mitchell submitted copies of a letter with attachments from Leon Sauers, President of Span-Nation Transportation Services Inc., for distribution to Council.

(Merulla/McHattie)

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

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 10-012

Item 9 Trinity East - Future Land Use Options and Transportation Studies (PED07236(c) / PW07112(c)) (Wards 6, 9, and 11) (Outstanding Business List Item) (Item 7.2)

(Ferguson/Pearson)

That Item 9 of Economic Development and Planning Committee Report 10-012 be amended by

- (i) Replacing the existing recommendation (c) with the following;
 - (c) That the appropriate amendments/modifications to the Urban Hamilton Official Plan be undertaken to implement the recommendation from Report PED07236(c)
- (ii) And re-lettering the existing subsequent sections, to become (d) and (e) respectively

Amendment CARRIED

Main Motion as amended CARRIED

Item 10 Class Environmental Assessment Notice of Completion of Consultation and Documentation Report Category B from the Ontario Realty Corporation respecting the West 5th Campus, 100 West 5th Street, Hamilton (Item 3.1(a))

(Ferguson/Bratina)

That in light of the Ontario Realty Corporation (ORC) extension of the review period for the above-mentioned Class EA, until June 24, 2010, that Item 10 of Economic Development and Planning Committee Report 10-012 be referred back to the Economic Development and Planning Committee Meeting of June 15, 2010, to consider the matter further, and to allow delegations from ORC, and from St. Joseph's Healthcare to speak to the Committee.

REFERRAL CARRIED

(Ferguson/Jackson)

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

CARRIED

AUDIT & ADMINISTRATION COMMITTEE REPORT 10-007

(Morelli/Merulla)

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

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-009**(Pasuta/Merulla)**

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

CARRIED

COMMITTEE OF THE WHOLE REPORT 10-015**(Eisenberger/Bratina)**

That the FIFTEENTH Report of the Committee of the Whole be adopted and the information section received.

CARRIED

(Pearson/Pasuta)

That Committee of the Whole rise and report.

CARRIED

MOTIONS**7.1 Amendment to the Role and Terms of Reference of the Hamilton Farmers Market Transition Sub-Committee****(McHattie/Merulla)**

That Item 8.3, respecting the establishment of a Hamilton Farmers' Market Transition Sub-committee, approved by Council on the April 28, 2010, be amended by:

- (a) deleting the words "short-term" from recommendation (a), as the mandate has been expanded.
- (b) That the Terms of Reference, in recommendation (b), be deleted in its entirety and replaced to read as follows:

HAMILTON FARMERS' MARKET TRANSITION SUB-COMMITTEE**TERMS OF REFERENCE****Strategy & Planning**

- Encourage and foster an appreciation of the history of the Hamilton Farmers' Market and its significance to the City of Hamilton;
- Provide vision, strategic direction and establish high level priorities;

- Approve and recommend to the Emergency & Community Services Committee a Four Year Strategic Plan, annual budget and business plan;
- Approve annual marketing and special event plan;

Issues Management

- Provide Stallholders with the option for an objective review of issues not resolved through existing decision making processes;
- Review, investigate, and wherever possible, resolve issues arising from Stallholders' concerns regarding the terms and conditions of their leases within the existing temporary location and the transition to the permanent Hamilton Farmer's Market location;
- Determine the most appropriate method of allocating space to Stallholders in the renovated Market;
- Act as the final appeal for issues raised by Stallholders;
- Anticipate and identify potential areas of dispute and make recommendations for mitigation to the Director of Culture;

By-law & Policies

- Approve and recommend to the Emergency & Community Services Committee Hamilton Farmers' Market Policies;
- Review and recommend to Emergency & Community Services Committee revisions to the Hamilton Farmers' Market By-law;
- Recommend to Emergency & Community Services Committee annual fee structures for the Market;
- Make decisions or recommendations on a timely basis and within the parameters of City of Hamilton Bylaws;
- Increase Stallholders' awareness of their obligations and responsibilities under the Market Bylaw and other relevant municipal bylaws;

Composition

The Hamilton Farmers' Market Transition Sub-committee will be comprised of three to five members of Council.

Support

- The Hamilton Farmers' Market Transition Sub-committee will have support from:
 - (i) Director of Culture or Designate (Facilitator)
 - (ii) Market Supervisor
 - (iii) Staff Representative from Legal Services Division
 - (iv) Staff Representative from the Parking & By-law Services Division

CARRIED

7.2 Motion respecting Seasonal Operations of Sign By-law Enforcement

(Mitchell/Pasuta)

WHEREAS consideration should be given to reducing or eliminating the regulation of signs advertising seasonal businesses *in the rural area only* under the City's Sign By-law;

AND WHEREAS a staff report on reducing or eliminating the regulation of these signs cannot be made and considered before August 2010 at the earliest;

AND WHEREAS staff has been directed to report back to the Economic Development and Planning Committee after consulting with HABIA on the Sign By-law;

THEREFORE BE IT RESOLVED:

- (a) That staff be directed to report back to the Economic Development and Planning Committee, at the same time as it reports back on its consultation with HABIA, on reducing or eliminating the regulation of signs advertising seasonal businesses *in the rural area only* under the City's Sign By-law; and
- (b) That enforcement of the Sign By-law with respect to signs advertising seasonal businesses, namely golf courses, plant nurseries and any other seasonal business as determined by City Council, be suspended until consideration of the said report by Economic Development and Planning Committee and Council.

(Mitchell/Pearson)

That Item 7.2 respecting Seasonal Operations of Sign By-law Enforcement be amended by inserting the words "in the rural area" after the word "businesses" in subsections (a) and (b).

Amendment CARRIED

Motion as Amended was split for Voting Purposes:

Subsection (a) CARRIED.

Subsection (b) DEFEATED on a Standing Recorded Vote as follows:

Yeas:	Bratina, Jackson, McCarthy, Mitchell, Pasuta, and Pearson
Total:	6
Nays:	Eisenberger, Collins, Duvall, Ferguson, McHattie, Merulla, Morelli, Whitehead
Total:	8
Absent:	Clark, Powers
Total:	2

NOTICES OF MOTION

Councillor Merulla introduced the following Notice of Motion:

8.1 Premises Exhibiting Adult Sex Films

- (a) That the Mayor, on behalf of the City of Hamilton, correspond with the Honourable Sophia Aggelonitis, Minister of Consumer Services, to:
 - (i) Express Council's objection to private viewing booths being permitted in premises exhibiting adult sex films;
 - (ii) Request that Class B Exhibitor licences, authorizing the exhibition of adult sex films, be rescinded or refused for any premises equipped with private viewing booths;
 - (iii) Request that the Province assign an inspector to monitor any premises currently holding a Class B Exhibitor licence, within the City of Hamilton, for compliance with all applicable provincial laws.
- (b) That Hamilton Police Services be requested to monitor any premises currently holding a Class B Exhibitor Licence, within the City of Hamilton, to ensure compliance with all laws.

(Merulla/Morelli)

That the Rules of Order be waived in order to introduce a motion respecting Premises Exhibiting Adult Sex Films.

CARRIED

(Merulla/Morelli)

That the following be added as Item 7.3:

7.3 Premises Exhibiting Adult Sex Films

- (a) That the Mayor, on behalf of the City of Hamilton, correspond with the Honourable Sophia Aggelonitis, Minister of Consumer Services, to:

- (i) Express Council's objection to private viewing booths being permitted in premises exhibiting adult sex films;
 - (ii) Request that that Class B Exhibitor licences, authorizing the exhibition of adult sex films, be rescinded or refused for any premises equipped with private viewing booths;
 - (iii) Request that the Province assign an inspector to monitor any premises currently holding a Class B Exhibitor licence, within the City of Hamilton, for compliance with all applicable provincial laws.
- (b) That Hamilton Police Services be requested to monitor any premises currently holding a Class B Exhibitor Licence, within the City of Hamilton, to ensure compliance with all laws.

This Item CARRIED unanimously on a Standing Recorded vote as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, and Whitehead
 Total: 14
 Nays: 0
 Absent: Clark, Powers
 Total: 2

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

None

BY-LAWS

(Whitehead/Pearson)

That Bill Nos. 010-133 to 010-146, 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:

10-133	133	To Amend Traffic By-law 01-215, To Regulate Traffic Schedule 5 – Stop Control
10-134	134	To Amend By-law No. 01-215, To Regulate Traffic Schedule 5 – Stop Control
10-135	135	To Amend By-law No. 01-215, To Regulate Traffic

		Schedule 4 – Yield Signs Schedule 5 – Stop Signs
10-136	136	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 10 – Alternate Side Parking Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones
10-137	137	To Adopt Official Plan Amendment / Modification No. 1 to the Urban Hamilton Official Plan Respecting, 2660-2668 Binbrook Road East and 2651 Regional Road 56 (former Town of Glanbrook)
10-138	138	To Amend Zoning By-law No. 464 (Glanbrook), Respecting lands located at 2651 Regional Road 56, and 2660 and 2668 Binbrook Road East
10-139	139	To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 11 Carruthers Lane, in the former Town of Flamborough, now in the City of Hamilton
10-140	140	To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 10 Abbington Drive
10-141	141	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 10 Abbington Drive in the City of Hamilton
10-142	142	To Regulate fences and to repeal By-law No. 82-82 of the Town of Ancaster, By-law No. 3823-89 of the Town of Dundas, By-law No. 96-27-F of the Town of Flamborough and By-law No. 4054-94 of the City of Stoney Creek
10-143	143	To Authorize the Execution of an Amending Agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Ministry of Energy and Infrastructure and the Ministry of Agriculture, Food and Rural Affairs Related to Funding Provided under the Infrastructure Stimulus Fund Program
10-144	144	To Adopt Official Plan Amendment No. 121 to the former Town of Flamborough, Respecting 878 Concession 8 West
10-145	145	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 27 – Truck Routes
10-146	146	To Confirm the Proceedings of City Council

City Council

(13)

June 9, 2010

CARRIED

(Pearson/Morelli)

There being no further business, the City Council meeting adjourned at 9:05 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

R. Caterini
City Clerk
June 9, 2010