CITY COUNCIL
MINUTES

Wednesday, February 11, 2009
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present: Mayor F. Eisenberger

Absent with Regrets: Councillor Ferguson (City Business), R. Powers (Bereavement)

Mayor Eisenberger called the meeting to order and called upon Rabbi Daniel Green of Adas Israel Synagogue to lead Council in prayer.

Mayor Eisenberger acknowledged the recent passing of Councillor Pearson’s father and of Linda Powers, the wife of Councillor Russ Powers. He extended condolences to Councillor Pearson, Councillor Powers, and their respective families during this difficult time.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

Added Ceremonial Activity: Economic Developers of Canada Award

Added Council Communication:

Item 5.9 Petition from residents opposing the Official Plan Amendment and Rezoning of 201 King Street East, Dundas

Recommendation: Be received and referred to the Economic Development and Planning Committee

Added Private and Confidential matter respecting Labour Relations
That the Agenda for the City Council meeting being held on February 11, 2009, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Presentation - Gold Box Recipient

The Mayor called Ben Johnston and Councillor McHattie to the podium. Councillor McHattie presented the Gold Box and cheque to Mr. Johnston.

3.2 Hamilton's Hockey Tigers & Redcanoe Productions

The Mayor called Derek Weidl of Red Canoe productions and Russ Boychuk to the podium to make a presentation to Council respecting a documentary on the search for the last Hamilton Tigers hockey sweater.

3.3 Economic Developers Council of Ontario Awards

The Mayor announced that the Economic Development and Real Estate Division was presented with three awards from the Economic Developers Council of Ontario (EDCO).

The first was the Local Economies in Transition (LETI) award. The second award is the top award for innovative technology; that being the Hamilton Business Ambassador Smart Drive. The final award was for Economic Development’s series of marketing ads in November’s Globe and Mail, which highlighted the increasing diversity of Hamilton’s economy and evolving civic image.

On behalf of Hamilton City Council, Mayor Eisenberger invited General Manager of Planning and Economic Development Tim McCabe and Manager of Business Development Norm Schleehahn to the podium to receive their awards.
4.1 January 28, 2009

(Mitchell/Pearson)
That the Minutes of the January 28, 2009, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Pasuta/Pearson)
That Council Communications 5.1 to 5.9 be approved as follows:

5.1 Correspondence from The Honourable Peter Van Loan, Minister of Public Safety respecting contraband tobacco

Recommendation: Be received

5.2 Correspondence from The Honourable Madeleine Meilleur, Minister of Community and Social Services respecting reallocation of funds from the Domiciliary Hostel Program to the Consolidated Homelessness Prevention Program

Recommendation: Be received

5.3 Correspondence from Dr. Tom Nugent respecting Official Plan Policies

Recommendation: Be received

5.4 Correspondence from the City of Ottawa respecting Provincial Review of Property Assessment System

Recommendation: Be received

5.5 Correspondence from Waste Diversion Ontario, Stewardship Ontario and AMO respecting Blue Box Material Commodity Markets

Recommendation: Be received

5.6 Correspondence from Tay Valley township respecting Waste Diversion Act

Recommendation: Be received

5.7 Correspondence from Christian Children’s Fund of Canada respecting financial contributions by families in the City of Hamilton

Recommendation: Be received
5.8 Correspondence from FCM respecting nationwide survey on greenhouse gas emissions

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

5.9 Petition from residents opposing the Official Plan Amendment and Rezoning of 201 King Street East, Dundas

Recommendation: Be received and referred to the Economic Development and Planning Committee

(Pasuta/Jackson)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports. CARRIED

PUBLIC WORKS COMMITTEE 09-003

Item 4 Intersection Control List (PW09001)

(Mitchell/Pearson)

(a) That sub-section (a) of Item 4 of Public Works Committee Report 09-003 respecting Intersection Control List, be amended by adding the following table thereto:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Stop Direction</th>
<th>Class</th>
<th>Location / Comments / Petition</th>
<th>Ward</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tradewind Dr.</td>
<td>Cormorant Dr.</td>
<td>N/C</td>
<td>SB</td>
<td></td>
</tr>
<tr>
<td>Chambers Dr.</td>
<td>Regan Dr.</td>
<td>N/C</td>
<td>N/B &amp; S/B</td>
<td></td>
</tr>
<tr>
<td>Regan Dr.</td>
<td>Springbrook Ave.</td>
<td>N/C</td>
<td>WB</td>
<td></td>
</tr>
<tr>
<td>Regan Dr.</td>
<td>Oleary Dr.</td>
<td>N/C</td>
<td>EB</td>
<td></td>
</tr>
<tr>
<td>Chambers Dr.</td>
<td>Lockman Dr.</td>
<td>N/C</td>
<td>SB</td>
<td></td>
</tr>
<tr>
<td>Lockman Dr.</td>
<td>Springbrook Ave.</td>
<td>N/C</td>
<td>WB</td>
<td></td>
</tr>
<tr>
<td>Lockman Dr.</td>
<td>Fair St.</td>
<td>N/C</td>
<td>EB</td>
<td></td>
</tr>
<tr>
<td>Oleary Dr.</td>
<td>Fair St.</td>
<td>N/C</td>
<td>SB</td>
<td></td>
</tr>
<tr>
<td>Valridge Dr.</td>
<td>Valridge Dr.</td>
<td>N/C</td>
<td>NB</td>
<td></td>
</tr>
</tbody>
</table>

12
(b) That sub-section (b) be deleted in its entirety.  

CARRIED

**Item 5**  
**City Hall Renovations Steering Committee Report 09-001 (Item 8.4)**

Item 5(a) respecting the Enclosure under Council Chamber was LOST on the following standing recorded vote:

<table>
<thead>
<tr>
<th>Yeas:</th>
<th>Eisenberger</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total:</td>
<td>1</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Nays:</th>
<th>Bratina, Clark, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Mitchell, Morelli, Pasuta, Pearson, Whitehead</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total:</td>
<td>13</td>
</tr>
<tr>
<td>Absent:</td>
<td>Ferguson, Powers</td>
</tr>
<tr>
<td>Total:</td>
<td>2</td>
</tr>
</tbody>
</table>

(Bratina/Clark)  
That the THIRD Report of the Public Works Committee be approved, as amended, and the information section received.  

CARRIED

**AUDIT & ADMINISTRATION COMMITTEE 09-003**

(Clark/Duvall)  
That the THIRD Report of the Audit & Administration Committee be approved, and the information section received.  

CARRIED

**BOARD OF HEALTH REPORT 09-003**

(Pearson/Mitchell)  
That the THIRD Report of the Board of Health be approved, and the information section received.  

CARRIED
COMMITTEE OF THE WHOLE REPORT 09-005

(Pearson/Mitchell)
That the FIFTH Report of Committee of the Whole be approved, and the information section received.

CARRIED

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 09-004

Item 11   Parkland Dedication / Cash-in-Lieu: Official Plan Amendment, New Implementing By-law and Policy (PED09028) (City Wide) (Item 6.1)

(Collins/Whitehead)
That Item 11(b) of Economic Development and Planning Committee Report 09-004 be amended by adding the following section (ii):

“That the aforementioned resolution be forwarded to the Ontario Ombudsman for review of school board surplus land disposal policies and the impact on municipalities.”

CARRIED

(Whitehead/Eisenberger)
That Item 11(b)(i) of Economic Development and Planning Committee Report 09-004 be amended by adding “and a copy sent to the Association of Municipalities of Ontario”.

CARRIED

(Duvall/Collins)
That Item 11(b)(i) of Economic Development and Planning Committee Report 09-004 be amended by adding “and area MPPs” at the end to read as follows:

“(i) That the aforementioned resolution be forwarded to the Ontario Ombudsman for review of school board surplus land disposal policies and the impact on municipalities and a copy sent to the Association of Municipalities of Ontario and area MPPs.”

CARRIED

Item 16  Proposed Natural Areas Acquisition Fund (PED09007) (City Wide) (Item 8.1)

Item 16 respecting the Proposed Natural Areas Acquisition Fund CARRIED on the following recorded vote:

Yeas:  Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Mitchell, Morelli, Pasuta, Pearson

Total: 13
Nays: Whitehead  
Total: 1  
Absent: Ferguson, Powers  
Total: 2  

(Pearson/Mitchell)
That the FOURTH Report of the Economic Development & Planning Committee be approved as amended, and the information section received.  
CARRIED

COMMITTEE OF THE WHOLE REPORT 09-006

Item 1  109 George Street, OMB File No. PL080779, OMB Case No. PL080779, C of A File No. A-113/08 (Item 8.1)

(Clark/Whitehead)
That discussion of Item 1 be deferred to the in camera portion of the meeting.

The motion to defer the discussion LOST on the following standing recorded vote:

Yeas: Eisenberger, Clark, Collins, Jackson, Mitchell, Pearson, Whitehead  
Total: 7  
Nays: Bratina, Duvall, McCarthy, McHattie, Merulla, Morelli, Pasuta  
Total: 7  
Absent: Ferguson, Powers  
Total: 2

The main motion LOST on the following standing recorded vote:

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

(Whitehead/McCarthy)
That staff bring back a written report at the conclusion of the trial respecting the outcome and costs.  
CARRIED
That Legal Services be authorized to expend the funds to retain such expert witnesses as may be necessary to complete the hearing.

The motion CARRIED on the following standing recorded vote:

Yeas: Bratina, Clark, Collins, Duvall, McHattie, Merulla, Mitchell
Total: 7
Nays: Eisenberger, Jackson, McCarthy, Pasuta, Pearson, Whitehead
Total: 6
Absent: Ferguson, Morelli, Powers
Total: 3

Item 2  Hess Village

That Item 2 of Committee of the Whole Report 09-006 be amended by adding the following:
“(f) the licensing and regulation of bouncers.”

CARRIED

Item 5  Economic Stimulus Plan (Item 9.1)

That Item 5(a) of Committee of the Whole Report 09-006 be amended by adding “a report on the feasibility of” after “that staff be directed to prepare” to read as follows:
“(a) That staff be directed to prepare a report on the feasibility of a local economic stimulus package that would consist of capital projects to be funded from the Hamilton Future Fund or another appropriate funding source that would not impact the 2009 tax levy (i.e. pending Federal Government economic stimulus package);”

CARRIED

Item 10  Ontario Nurses Association Local 50 (Public Health Nurses)
Memorandum of Settlement (HUR09002) (City Wide)

Item 10 was added as described in the “Private and Confidential” section of the minutes.

That the SIXTH Report of Committee of the Whole be approved as amended, and the information section received.

CARRIED
(Whitehead/Pearson)
That the SECOND Report of the Licensing Tribunal be approved, and the information section received.

CARRIED

(Pasuta/Mitchell)
That Committee of the Whole rise and report.

CARRIED

MOTIONS

7.1 Sustainable Infrastructure Needs
This motion was deferred to the February 25, 2009 meeting of Council.

NOTICES OF MOTION
None

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

PRIVATE AND CONFIDENTIAL

(Pearson/Collins)
That Council move into Closed Session, at 9:25 p.m., pursuant to Section 8.1, Subsections (d) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, to consider matters relating to labour relations and negotiations.

CARRIED

10.1 Ontario Nurses Association Local 50 (Public Health Nurses) Memorandum of Settlement - (HUR09002) - (City Wide)

(Pearson/Mitchell)
That Committee of the Whole Report 09-006 be amended by adding Item 10 as follows:
(a) That the memorandum of Settlement for the City of Hamilton and the Ontario Nurses Association, Local 50 (ONA 50) Public Health Nurses, on file with the Clerk, be approved; and

(b) That the contents of Report HUR09002 remain confidential as they contain information related to labour relations and employee negotiations.

The motion CARRIED on the following recorded vote:

Yea: Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, Pasuta, Mitchell, Pearson
Total: 9

Nay: Whitehead
Total: 1

Absent: Ferguson, McCarthy, McHattie, Merulla, Morelli, Powers
Total: 6

(Pearson/Clark)
That Council reconvene in Open Session at 9:50 p.m. CARRIED

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**BY-LAWS**

(Pasuta/Mitchell)
That Bill Nos. 09-026 to 09-035 attached hereto be passed, that the corporate seal be affixed thereto and the By-laws be signed by the Mayor and the City Clerk, and numbered as 09-026 to 09-035 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>09-026</td>
<td>026 To Amend By-law No. 07-170, A By-law To License and Regulate Various Businesses</td>
</tr>
<tr>
<td>09-027</td>
<td>027 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 99 Ferguson Avenue North (Dr. Edgar Davey Elementary School)</td>
</tr>
<tr>
<td>09-028</td>
<td>028 To Adopt Official Plan Amendment No. 113 to the former Town of Flamborough Official Plan, Respecting 86 Dundas Street East (Flamborough Municipal Centre)</td>
</tr>
<tr>
<td>09-029</td>
<td>029 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 163 Dundas Street East</td>
</tr>
<tr>
<td>09-030</td>
<td>030 To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 1110 – 1160 Jerseyville Road West</td>
</tr>
<tr>
<td>09-031</td>
<td>031 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:</td>
</tr>
</tbody>
</table>
Schedule 2 – Through Highways
Schedule 5 – Parking Meters
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
Schedule 20 – School Bus Loading Zones

09-032 032  
To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
Schedule 5 – Stop Signs

09-033 033  
To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
Schedule 13 – Designated Traffic Lanes
Schedule 6 – One Way Streets

09-034 034  
To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 4 – Yield Sign
Schedule 5 – Stop Signs

09-035 035  
To Confirm the Proceedings of City Council

(Pearson/Bratina)
There being no further business, the City Council meeting adjourned at 9:55 p.m.

CARRIED

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
February 11, 2009