CITY COUNCIL
MINUTES

Wednesday, June 29, 2011
7:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor R. Bratina


Mayor Bratina called the meeting to order and called upon the Reverend Doctor Don Donaghey of Knox Presbyterian Church in Dundas to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.5 Correspondence from Carolyn Kett, Clerk, Town of Fort Erie, respecting request to the OLG to amend the Racetrack Municipality Contribution Agreement to ensure that the municipal share of revenues will not be reduced

Recommendation: Be endorsed

5.6 Correspondence from Sylvia Shedden, Assistant Deputy Minister. Ministry of Health and Long-Term Care, respecting 2008 Physician Services Agreement Year 3 – 2011/12 MOH.AMOH Compensation Initiative

Recommendation: Be referred to the Medical Officer of Health and the General Manager of Finance and Corporate Services for appropriate action.
5.7 Correspondence from Dennis Wood of Wood Bull LLP representing Calloway Real Estate Investment Trust, requesting a deferral of Item 4 of Planning Committee Report 11-012, respecting the Trinity Development Group Inc. Application.

Recommendation: Be received

5.8 Correspondence from Joe Minor respecting his thanks to City Council for taking decisive action with respect to PFO contamination at the Hamilton International Airport.

Recommendation: Be received

5.9 Correspondence from Jeff and Jane McAnally on behalf of residents of Martingrove Drive and Janis Court to have the drainage collection system on abutting CN rail land assessed

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

2. ADDED COMMITTEE REPORTS

6.6 General Issues Committee Report 11-020 (Special) – June 23, 2011

6.7 General Issues Committee Report 11-021 (Special) – June 27, 2011

6.8 General Issues Committee Report 11-022 (Special) – June 20, 2011

6.9 Board of Health Report 11-007 – June 27, 2011

3. NOTICES OF MOTION

8.2 McMaster University-related cut-through traffic – King Street West and Sterling Avenue

8.3 Liquor Licence, NaRoma Pizza Bar, 215 Locke Street South, Hamilton, ON

8.4 Restoration of Sink Hole Area, Churchill Park, Westdale

(Pearson/Morelli)

That the Agenda for the City Council meeting being held on June 29, 2011, be approved, as amended.  

CARRIED

DECLARATIONS OF INTEREST

None.
CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 June 15, 2011

(Pasuta/Clark)
That the Minutes of the June 15, 2011, meeting of Council be approved, as presented.  
CARRIED

(Collins/Jackson)
That the rules of order be waived to move Item 10.1 respecting Collective Bargaining Agreement – Update forward in the agenda.  
CARRIED

10.1 Canadian Union of Public Employees Local 5167 (City Unit) Memorandum of Settlement (City Wide)

(Powers/Clark)
That the Memorandum of Settlement between the City of Hamilton and the Canadian Union of Public Employees, Local 5167 (CUPE 5167) City Unit, for the period January 1, 2011 to December 31, 2014, be approved.  
CARRIED

COMMUNICATIONS

(Johnson /Pearson)
That Council Communications 5.1 to 5.9 be approved, as amended, as follows:

5.1 Correspondence from Reshma Fazlullah, M.Eng., Industrial Group Leader, SNC-Lavalin Environment, respecting submission of application to the MOE for Certificate of Approval (Air and Noise) for 75 Windermere Road, Hamilton (Due to bulk, the Application can be viewed in its entirety on the City of Hamilton website at www.hamilton.ca

Recommendation: (Pearson/Clark) Be received.

5.2 Correspondence from Douglas Cottrell, Many Mansions Spiritual Centre Inc. located at 180 Beach Blvd., Hamilton, requesting exemption from fee of $3,800 for Parkland Dedication

Recommendation: (Partridge/Collins) Be received and referred to the General Manager of Planning for a report to the Planning Committee.
5.3 Correspondence from Nikola Maric, Welcome Week Orientation Committee Member, McMaster Engineering Society, requesting the use of a full-size City bus along with an operator for their Annual Bus Pull on Friday, September 9, 2011

Recommendation: (McHattie/Farr) Be received and referred to the General Manager of Public Works for appropriate action.

5.4 Correspondence from Johnny Kiriakopoulos, International Children’s Games, advising that he is stepping down as President of the ICG Hamilton Inc. and retiring his volunteer position as of September 1, 2011

Recommendation: (Morelli/Farr) Be received

5.5 Correspondence from Carolyn Kett, Clerk, Town of Fort Erie, respecting request to the OLG to amend the Racetrack Municipality Contribution Agreement to ensure that the municipal share of revenues will not be reduced

Recommendation: (Pearson/Partridge) Be endorsed

5.6 Correspondence from Sylvia Shedden, Assistant Deputy Minister, Ministry of Health and Long-Term Care, respecting 2008 Physician Services Agreement Year 3 – 2011/12 MOH.AMOH Compensation Initiative

Recommendation: (Ferguson/Powers) Be referred to the Medical Officer of Health and the General Manager of Finance and Corporate Services for appropriate action.

5.7 Correspondence from Dennis Wood of Wood Bull LLP representing Calloway Real Estate Investment Trust, requesting a deferral of Item 4 of Planning Committee Report 11-012, respecting the Trinity Development Group Inc. Application.

Recommendation: (Ferguson/Collins) Be received

5.8 Correspondence from Joe Minor respecting his thanks to City Council for taking decisive action with respect to PFO contamination at the Hamilton International Airport.

Recommendation: (McHattie/Farr) Be received

5.9 Correspondence from Jeff and Jane McAnally on behalf of residents of Martingrove Drive and Janis Court to have the drainage collection system on abutting CN rail land assessed

Recommendation: (Powers/Partridge) Be received and referred to the General Manager of Public Works for appropriate action. CARRIED
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.  

CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-019

That the NINETEENTH Report of the General Issues Committee be received.  

CARRIED

PUBLIC WORKS COMMITTEE REPORT 11-009

Item 5  
Red Light Camera Program and Other Traffic Safety Initiatives (PW11048) (City Wide)

(Jackson/Whitehead)  
That Appendix A to Item 5 (j) of Public Works Committee Report 11-009 be amended by adding the following intersections:

(i) Upper Ottawa Street & Mountain Brow Boulevard  
(ii) Garth Street & Limeridge Road  
    Amendement CARRIED  
    Main Motion as Amended CARRIED

Item 11  
Photo Radar Endorsement

(Collins/Clark)  
That Item 11 of Public Works Committee Report 11-009 be amended by the addition of the following as subsection (d):

(d) That Councillors meet with staff to prepare a list of potential sites prior to communicating with the Province.  
    Amendment CARRIED  
    Main Motion as Amended CARRIED

(Powers/Pasuta)  
That the NINTH Report of the Public Works Committee be adopted, as amended, and the information section received.  

CARRIED

PLANNING COMMITTEE REPORT 11-012

(Pasuta/Powers)  
That the TWELFTH Report of the PLANNING Committee be adopted, and the information section received.  

CARRIED
AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 11-009

Item 15  2010 Ward 11 Budget Deficit (FCS11052) (City Wide) (Item 8.5)

The Item was split for the purposes of voting.

(a) That report FCS11052 respecting the 2010 Ward 11 Budget Deficit be received.  CARRIED

(b) That staff be directed to fund $1674 out of the Legislative budget towards the 2010 Ward 11 Budget Deficit and pay $1645 to Mr. David Mitchell out of the Legislative budget in consideration of his remaining portion of mileage expenses.

Sub-section (b) was DEFEATED on the following Standing Recorded Vote:

Yeas:  L. Ferguson, B. Morelli, R. Pasuta, R. Powers, M. Pearson
Total:  5
Total: 11

(Clerk/Pearson)
That the NINTH Report of the Audit, Finance & Administration Committee be adopted, and the information section received.  CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-009

(Merulla/Morelli)
That the NINTH Report of the Emergency & Community Services Committee be adopted and the information section received.  CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-020

(Bratina/Partridge)
That the TWENTIETH Report of the General Issues Committee be received.  CARRIED
Item 6 2011 Development Charge Background Study for Water, Wastewater, Storm Water and GO-Transit Services – Watson & Associates (Added Item 8.1)

(Jackson/Whitehead)
That sub-sections (c)(i), (d)(i) and (d)(ii) of Item 6 of the General Issues Committee Report 11-021 be amended by the deletion of the amount of $10.58 and replaced with the amount of $8.85 and that sub-section (c)(i) be amended by the deletion of ‘75% of the roads’ and replaced with ‘50% of the roads’ to read as follows:

(c)(i) That the Industrial development charge rate be set at $8.85 per square foot, covering the non-residential service components in the following manner:

- 100% of the wastewater
- 100% of the stormwater
- 50% of the roads

(c)(ii) That these rates be implemented in order to remove the burden on Hamilton rate payers and to begin recovering the industrial infrastructure deficit.

(d)(i) That the following mitigating options for the proposed increase in Industrial Development Charges to $8.85 per sq. ft. be approved:

1. Phase-in of the proposed rate increase as follows:

   - January 6, 2013, Industrial DC = $8.85 square foot.
   - Base rate and subsequent increases subject to City’s policies regarding annual DC construction cost inflation.

2. Stepped Rate for New Industrial Developments less than 10,000 square feet. The rate would equal 75% of the Council approved Industrial DC rate or $6.65 sq. ft., whichever is greater.

(d)(ii) That the January 6, 2013 development charge for industrial in the amount of $8.85 be subject to the Senior Management Team and Economic Development staff reporting back to the General Issues Committee before the end of December 2012 on increasing the development charge on the industrial sector.
The Amendment **CARRIED** on the following Standing Recorded Vote:


Total: 11

Nays: B. Johnson, B. McHattie, S. Merulla, S. Duvall, B. Clark

Total: 5

**(Bratina/Partridge)**
That Item 6 of the General Issues Report 11-021 be amended by the addition of sub-section d(iii) to read as follows:

(d)(iii) That staff be directed to report back to the General Issues Committee on Industrial Development Charges as applied to existing businesses, with options for Committees consideration.

Amendment **CARRIED**
Main Motion as Amended **CARRIED**

**Item 7**  
**Independent External Review of HECFI Operations (CM11013) (Ward 2)**

The Item was split for the purposes of voting

Sub-section (a) **CARRIED** on the following Recorded Vote


Total: 15

Nays: L. Ferguson

Total: 1

Sub-section (b) **CARRIED** on the following Recorded Vote


Total: 15

Nays: R. Pasuta

Total: 1

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

GENERAL ISSUES COMMITTEE REPORT 11-022

(Bratina/Partridge)
That the TWENTY SECOND Report of the General Issues Committee be adopted, and the information section received. CARRIED

BOARD OF HEALTH REPORT 11-007

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

(Jackson/Duvall)
That Committee of the Whole Rise and Report. CARRIED

MOTIONS

7.1 McMaster University-related cut-through traffic – King Street West and Sterling Avenue

(McHattie/Farr)
(a) That due to the preponderance of McMaster University-related cut-through traffic in the neighbourhood, specifically in the King Street West and Sterling Avenue area, that additional stop signs be installed at the intersection of Paisley Avenue North and North Oval, making this intersection a four-way stop;

(b) That the appropriate amending by-law be approved. CARRIED

NOTICES OF MOTION

Councillor B. Clark introduced the following Notice of Motion:

8.1 Disclosure Policy for Expenses Submitted by Elected Officials and Senior Staff

Whereas the City of Hamilton is committed to an open, transparent and accountable governance model;
And Whereas both the Federal and Provincial Privacy Commissioners have adopted proactive disclosure for accommodation and hospitality expenses for themselves and their staff;

And Whereas the municipal costs to responding to freedom of information requests can be significantly mitigated by adopting a proactive disclosure process,

Therefore be it resolved that:

(a) That the City of Hamilton implement a Proactive Disclosure policy for expenses submitted by elected officials and senior staff;

(b) That all expenses must be filed within 60 days of being incurred including receipts and all details;

(c) That any expense(s) filed after the 60 days of incurrence will not be reimbursed;

(d) That all approved monthly expense reports, with details, be made publicly available online within 30 days.

Councillor B. McHattie introduced the following Notice of Motion:

8.2 McMaster University-related cut-through traffic – King Street West and Sterling Avenue

(a) That due to the preponderance of McMaster University-related cut-through traffic in the neighbourhood, specifically in the King Street West and Sterling Avenue area, that additional stop signs be installed at the intersection of Paisley Avenue North and North Oval, making this intersection a four-way stop;

(b) That the appropriate amending by-law be approved.

(McHattie/Farr)

That the rules be waived to allow the introduction of a motion respecting McMaster University-related cut-through traffic – King Street West and Sterling Avenue. CARRIED

For further disposition on this Item refer to Item 7.1

Councillor B. McHattie Withdrew the following Notice of Motion

8.3 Liquor Licence, NaRoma Pizza Bar, 215 Locke Street South, Hamilton, ON

Whereas, NaRoma Pizza Bar has applied for an 18 indoor seat, 5 indoor seat and 28 outdoor seat liquor sale licence at 215 Locke Street South and;
Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario’s legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act, and

Whereas, due to community concerns about outdoor patios close to residential areas, and

Whereas, a letter expressing concerns must be submitted before June 30, 2011.

Therefore, be it resolved:

(a) That AGCO give the public notice and hold a hearing or meeting into the application so as to hear directly from residents on the public interest and their needs and wishes;

(b) That AGCO provide Hamilton City Council with more time to allow Council to carry out necessary processes before making a decision on a resolution or to receive written submissions directly from residents.

Councillor B. McHattie introduced the following Notice of Motion

8.4 Restoration of Sink Hole Area, Churchill Park, Westdale

Whereas a saturated sink hole area half the size of a football field has developed adjacent to the Aviary in Churchill Park;

And Whereas sampling has indicated that City water is present, suggesting a broken pipe;

And Whereas the area continues to expand, displaying qualities of quick sand, and increasingly developing a strong odour from the volumes of standing water;

And Whereas this area represents a West Nile Virus public health risk due to mosquito breeding;

And Whereas Public Works Parks staff has researched a solution and have undertaken to obtain three quotes to get the work accomplished.

Therefore, be it resolved:

That remedial work be undertaken to repair this area as soon as possible, and that the work be funded to an upset limit of $35,000 from the Tax Stabilization Reserve.
STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Collective Bargaining Agreement - Update

For disposition on this Item refer to Page 3

BY-LAWS

(Johnson/Pearson)

That Bills No. 011-163 to 011-172 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.

11-163  To Permanently Close and Sell a Portion of the Public Assumed Alleyway abutting 19 John Street South, Hamilton, Being Part of Alleyway, Registered Plan 1431, Designated as Part 1 on Plan 62R-19030, City of Hamilton

11-164  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

11-165  To Authorize the City to Enter into Extension Agreements

11-166  To Amend By-law No. 08-161, A By-law Respecting Building Permits and Related Matters

11-167  Respecting Removal of Part Lot Control, Part of Lot 10, Registered Plan No. 62M-1142m, 39 Garinger Crescent

11-168  To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 50 Murray Street West

11-169  To Amend Zoning By-law No. 3692 (Stoney Creek), Respecting Lands Located at 33 Lochside Drive

11-170  To Adopt Official Plan Amendment No. 83 to the former Township of Glanbrook Official Plan, Respecting Lands Located at the northeast corner of Binbrook Road and Fall Fair Way, known municipally as 310 Fall Fair Way, Glanbrook

11-171  To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 310 Fall Fair Way

11-172  To Confirm the Proceedings of City Council

CARRIED
(Pearson/Powers)
There being no further business, the City Council meeting adjourned at 9:52 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

M. Gallagher
Deputy Clerk
June 29, 2011