



## **CITY COUNCIL MINUTES**

**Wednesday, February 10, 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, B. Clark, C. Collins, L. Ferguson,  
T. Jackson, M. McCarthy, S. Merulla, B. Morelli, D. Mitchell,  
R. Pasuta, M. Pearson, R. Powers
- Absent with Regrets:** Councillors S. Duvall, B. McHattie, T. Whitehead – FCM  
Councillor M. McCarthy – Personal

Mayor Eisenberger called the meeting to order and called upon Greg White of St. Andrew's United Church to lead Council in prayer.

### **APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

#### **1. ADDED COMMUNICATIONS**

- 5.6 Correspondence from Councillor Robert Pasuta tendering his resignation from the Hamilton SPCA

Recommendation: Be received

5.7 Correspondence from Ward Campbell, President, Starward Homes, respecting Hamilton Private Tree and Woodland Conservation By-law and Associated User Fees and Charges

Recommendation: Be received

5.8 Correspondence from Dr. Tom Nugent respecting option of selling the airport

Recommendation: Be received.

5.9 Correspondence from Bernice Flegg, President, Hamilton-Halton Home-Builders' Association, respecting Hamilton Private Tree and Woodland Conservation By-law and Associated User Fees and Charges

Recommendation: Be received

**2. ADDED NOTICES OF MOTION**

8.1 Extension of Public Consultation Period – Battlefield Park Master Plan

8.2 2010 Membership to the Hamilton Municipal Heritage Committee

**3. ADDED IN CAMERA**

10.2 Verbal Report on RFP C5-37-09 – Canada-Ontario Affordable Housing Program 2009 Extension – New Rental Housing Component – Verbal Report

10.3 City v Avero Security (GTA1) Inc. et al – Superior Court Action No. 09-11760

**(Mitchell/Pasuta)**

That the Agenda for the City Council meeting being held on February 10, 2010, be approved, as amended. **CARRIED**

**DECLARATIONS OF INTEREST**

None

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

None

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

That the Minutes of the January 22, 2010, meeting of Council be approved, as presented.

**CARRIED**

**(Bratina/Ferguson)**

That the Minutes of the January 27, 2010, meeting of Council be approved, as presented.

**CARRIED**

**COMMUNICATIONS****(Merulla/Morelli)**

That Council Communications 5.1 to 5.9 be approved, as amended, as follows:

- 5.1 FCM Members Advisory respecting "FCM proposes municipal reconstruction response for Haiti to Federal Government"

Recommendation: Be received

- 5.2 Correspondence from Peter Hume, President, AMO respecting one-time payout in the amount of \$102,302.40 of the Gas Tax interest accumulated over the 2005-2009 term

Recommendation: Be received

- 5.3 Correspondence from Brian Rogers, Hamilton Conservation Authority enclosing the Conservation Authority's 2010 Budget

Recommendation: Be received

- 5.4 Email from Kevin Ellis respecting Red Fridays

Recommendation: Be received

- 5.5 Fact Sheet and Individually signed postcards in support of Homestead Christian Care's plans to transform 1429 Main Street East into 46 affordable apartments and a community centre

Recommendation: Be received

The post cards received (146 from citizens of Hamilton and 8 from citizens outside of the City) contain personal information and pursuant to Section 32 of the Municipal Freedom of Information and Protection of Privacy Act they remain in the custody of the City Clerk.

5.6 Correspondence from Councillor Robert Pasuta tendering his resignation from the Hamilton SPCA

Recommendation: Be received

5.7 Correspondence from Ward Campbell, President, Starward Homes, respecting Hamilton Private Tree and Woodland Conservation By-law and Associated User Fees and Charges

Recommendation: Be received

5.8 Correspondence from Dr. Tom Nugent respecting option of selling the airport

Recommendation: Be received.

5.9 Correspondence from Bernice Flegg, President, Hamilton-Halton Homebuilders' Association, respecting Hamilton Private Tree and Woodland Conservation By-law and Associated User Fees and Charges

Recommendation: Be received

**(Merulla/Morelli)**

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

**PUBLIC WORKS COMMITTEE REPORT 10-002**

**Item 4 Waterdown Road Corridor Class Environmental Assessment – Environmental Study Report (PW10010) (Ward 15)**

Sub-section (b) of Item 4 **CARRIED** on the following vote:

Yeas: Eisenberger, Bratina, Collins, Ferguson, Jackson, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers

Total Yeas: 11

Nays: Clark

Total Nays: 1

Absent: Duvall, McCarthy, McHattie, Whitehead

Total Absent: 4

**(Merulla/Morelli)**

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

**AUDIT AND ADMINISTRATION COMMITTEE REPORT 10-001****Item 18 Award of Proposal C11-19-09 – Office Furniture (FCS10005) (City Wide)****(Powers/Clark)**

That Item 18 of Audit and Administration Committee Report 10-002 respecting Award of Proposal C11-19-09 – Office Furniture be referred back to the Audit and Administration Committee for further review. **CARRIED**

**(Powers/Morelli)**

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

**ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 10-002****Item 9 Revised Tree Protection Guidelines for Development Sites (PD02229(e)) (City Wide) (Outstanding Business Item)****(Merulla/Morelli)**

That Item 9 of Economic Development and Planning Committee Report 10-002 respecting Revised Tree Protection Guidelines for Development Sites, be referred back to Committee for further discussion. **CARRIED**

**Info Item Update respecting matter before the OMB: Smartcentres, Centennial Parkway/Warrington Street (o)(i)****(Ferguson/Collins)**

That Information Item (o)(i) respecting an update on a matter before the OMB: Smartcentres, Centennial Parkway/Warrington Street, be lifted from the information section. **CARRIED**

**(Ferguson/Collins)**

That the following be added as Item 12 to Economic Development and Planning Committee Report 10-002:

**12. Confederation Park Shopping Centre (Smartcentres), 400-500 Centennial Parkway North and Warrington Street**

- (a) That the City of Hamilton support a settlement respecting the appeal presently before the Ontario Municipal Board, Board (Case/File 090764) between Hamiltonians For Progressive Development and Environment Hamilton, as appellants, and Confederation Park Shopping Centre (Smartcentres), the applicant, which secures both employment (industrial) and commercial Official Plan designations and related zoning, for lands fronting on Centennial Parkway, as implemented through revised

planning instruments (Official Plan and Zoning) prepared by Hamilton planning staff;

- (b) That the Mayor and City Clerk be authorized to execute appropriate Minutes of Settlement with Confederation Park Shopping Centre (Smartcentres) respecting the Official Plan designations of the subject lands in the City's new Urban Official Plan. **CARRIED**

**(Ferguson/Jackson)**

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

<b>COMMITTEE OF THE WHOLE REPORT 10-006</b>
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**Item 5 Citizens Forum Options (CM10002) (City Wide)**

The motion **CARRIED** on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Ferguson, Jackson, Pasuta, Mitchell, Pearson, Powers

Total Yeas: 9

Nays: Collins, Merulla, Morelli

Total Nays: 3

Absent: Duvall, McCarthy, McHattie, Whitehead

Total Absent: 4

**(Merulla/Morelli)**

That the SIXTH Report of Committee of the Whole be adopted, and the information section received. **CARRIED**

**(Merulla/Morelli)**

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

<b>MOTIONS</b>
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**7.1 2010 Recommended Water, Wastewater and Storm Water Budget (FCS09102/PW09100)**

**(Morelli/Merulla)**

- (a) That subsection (e) of Item 3 of Committee of the Whole Report 09-034 respecting 2010 Water and Wastewater User Fees and Charges approved by Council on December 9, 2009 be amended as follows:

- (i) by deleting the 2010 Fee of \$506.00 for Partial Sewer Lateral Cleaning – Regular Hours and replacing it with the 2010 Fee of \$418.00

- (ii) by deleting the 2010 Fee of \$418.00 for Partial Sewer Lateral Cleaning – After Hours and replacing it with the 2010 Fee of \$506.00
- (b) That an amendment to Schedule “A” to By-law No. 09-264 and Amendment to Schedule “B” to By-law No. 09-262 be passed to reflect the revisions. **CARRIED**

<b>NOTICES OF MOTION</b>
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Councillor B. Clark introduced the following Notice of Motion:

**8.1 Extension of Public Consultation Period – Battlefield Park Master Plan**

That staff in the Public Works Division be directed to extend the public consultation period of the Battlefield Park Master Plan by sixty (60) days.

**(Clark/Collins)**

That the Rules of Order be waived to allow for the introduction of a motion with respect to Extension of Public Consultation Period – Battlefield Park Master Plan.

**CARRIED**

**(Clark/Collins)**

That the following be added as Motion 7.2:

**7.2 Extension of Public Consultation Period – Battlefield Park Master Plan**

That staff in the Public Works Division be directed to extend the public consultation period of the Battlefield Park Master Plan by sixty (60) days.

**CARRIED**

Councillor T. Jackson introduced the following Notice of Motion:

**8.2 2010 Membership on the Hamilton Municipal Heritage Committee**

- (a) That the resignation, submitted by Frances Thorp-Neufeld, from the Hamilton Municipal Heritage Committee be accepted;
- (b) That Stan Nowak be appointed to the Hamilton Municipal Heritage Committee for the balance of the 2006-2010 term of Council or until such time as a successor is appointed by Council.

**(Jackson/Powers)**

That the Rules of Order be waived to allow for the introduction of a motion with respect to the 2010 Membership of the Hamilton Municipal Heritage Committee.

**CARRIED**

**(Jackson/Power)**

That the following be added as Motion 7.3:

**7.3 2010 Membership of the Hamilton Municipal Heritage Committee**

- (a) That the resignation, submitted by Frances Thorp-Neufeld, from the Hamilton Municipal Heritage Committee be accepted;
- (b) That Stan Nowak be appointed to the Hamilton Municipal Heritage Committee for the balance of the 2006-2010 term of Council or until such time as a successor is appointed by Council. **CARRIED**

<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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**10.1 Minutes of the January 22, 2010 Closed Session Meeting****(Pearson/Ferguson)**

- (a) That the Closed Session Minutes of the January 22, 2010 meeting of Council be approved, as presented.
- (b) That the January 22, 2010 Minutes of Council remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

**CARRIED****10.2 Verbal Report on RFP C5-37-09 – Canada-Ontario Affordable Housing Program 2009 Extension – New Rental Housing Component – Verbal Report****10.3 City v Avero Security (GTA1) Inc. et al – Superior Court Action No. 09-11760****(Powers/Collins)**

That Council move into Closed Session at 8:00 p.m. as the above-noted subject matters pertain to the following sub-sections of the City's Procedural By-law and the Municipal Act:

- 8.1(e) Litigation or potential litigation, including matters before administrative tribunals affecting the municipality
- 8.1(f) Receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose. **CARRIED**

**(Pearson/Clark)**

That Council reconvene in Open Session at 9:00 p.m.

**CARRIED**



**10.2 RFP C5-37-09 – Canada-Ontario Affordable Housing Program 2009 Extension – New Rental Housing Component – Verbal Report**

Verbal updated provided by Joe Anne Priel, General Manager of Community Services.

**10.3 City v Avero Security (GTA1) Inc. et al – Superior Court Action No. 09-11760**

Direction to staff provided in closed session.

**BY-LAWS**
**(Merulla/Morelli)**

That Bill Nos. 10-018 to 10-032, 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 numbered as 10-018 to 10-032, as follows:

<b>By-law No.</b>	<b>Bill No.</b>	
<b>10-018</b>	<b>018</b>	To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2010
<b>10-019</b>	<b>019</b>	To Amend By-law No. 01-215, to Regulate Traffic: Schedule 4 – Yield Control Schedule 5 – Stop Control
<b>10-020</b>	<b>020</b>	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits Schedule 13 – Designated Traffic Lanes
<b>10-021</b>	<b>021</b>	To Amend By-law No. 01-215, to Regulate Traffic: Schedule 5 – Stop Control
<b>10-022</b>	<b>022</b>	Respecting Removal of Part Lot Control, Blocks 71-76 of Plan No. 62M-1125, “Parkside Hills”
<b>10-023</b>	<b>023</b>	Respecting Removal of Part Lot Control, Lots 24-33 and 41 of Plan No. 62M-1125, “Parkside Hills”
<b>10-024</b>	<b>024</b>	To Adopt Official Plan Amendment No. 77 to the former Township of Glanbrook Official; Respecting Lands Located at 2490 Regional Road No. 56
<b>10-025</b>	<b>025</b>	To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2490 Regional Road 56
<b>10-026</b>	<b>026</b>	To Adopt Official Plan Amendment No. 156 to the former City of Stoney Creek Official Plan, Respecting Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Francis Avenue

<b>By-law No.</b>	<b>Bill No.</b>	
<b>10-027</b>	<b>027</b>	To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Francis Avenue
<b>10-028</b>	<b>028</b>	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 310, 311, 321, 331, 341, 351, 361, 371, 380 and 381 Francis Avenue
<b>10-029</b>	<b>029</b>	To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 465 Springbrook Avenue
<b>10-030</b>	<b>030</b>	To Amend The Sewer and Drain By-law No. 06-026, as amended and To Amend By-law No. 09-264, A By-law To Establish the 2010 Water and Wastewater Fees and Charges for Services, Activities and Use of Property Provided by the City of Hamilton
<b>10-031</b>	<b>031</b>	To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 1 – Arterial Routes Schedule 2 – Through Highways Schedule 5 – Parking Meters 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 21 – Snow Routes
<b>10-032</b>	<b>032</b>	To Confirm the Proceedings of City Council

**(Powers/Pearson)**

There being no further business, the City Council meeting adjourned at 9:02 p.m.

**CARRIED**

Respectfully submitted

Fred Eisenberger  
Mayor

Kevin C. Christenson  
City Clerk  
February 10, 2010