CITY COUNCIL MINUTES

Wednesday, March 10, 2010
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present: Mayor F. Eisenberger


Absent with Regrets: Councillor M. McCarthy, personal commitment

Mayor Eisenberger called the meeting to order and called upon Reverend Roopnarine Rampersaud, Pastor of the Mountain Church of the Nazarene, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.4 Correspondence from the Niagara Peninsula Conservation Authority respecting 2010 Operating and Capital Budget Levy

   Recommendation: Be received

(Pasuta/Mitchell)
That the Agenda for the City Council meeting being held on March 10, 2010, be approved, as amended.

CARRIED
DECLARATIONS OF INTEREST

There were none declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Eisenberger recognized that this was Kevin Christenson’s last Council meeting, as City Clerk, and he presented him with a plaque in recognition of his retirement.

APPROVAL OF MINUTES

4.1 February 24, 2010

(Pearson/Mitchell)
That the Minutes of the February 24, 2010 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

That Council Communications 5.1 to 5.4 be approved:

(Pearson/Mitchell)
5.1 Correspondence from Patrick J. Dillon, Building and Construction Trades Council of Ontario respecting athletics stadium at the West Harbourfront

Recommendation:  Be received

5.2 Correspondence from the Town of Fort Erie respecting petitioning the Province to include hospitals under jurisdiction of Ombudsman

Recommendation:  Be endorsed

5.3 Correspondence from Dr. Tom Nugent respecting Stadium location

Recommendation:  Be received

5.4 Correspondence from the Niagara Peninsula Conservation Authority respecting 2010 Operating and Capital Budget Levy

Recommendation:  Be received

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

CARRIED

PUBLIC WORKS 10-003

(Merulla/Morelli)
That the THIRD Report of the Public Works Committee be adopted, and the information section received.

CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 10-003

(Powers/Morelli)
That the THIRD Report of the Audit and Administration Committee be adopted, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-003

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

CARRIED

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 10-005

Item (n) Heritage Permit Application (HP2010-011) for Alterations to 71 Main Street West, Hamilton, Hamilton City Hall (Item 8.3)

(Ferguson/Pearson)
That Information item (n) of Economic Development and Planning Committee Report 10-005 respecting the proposal to permit the installation of four interactive information kiosks on the ground floor of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall) be lifted from the Information Section

CARRIED

(Ferguson/Pasuta)
That the following be added as item 21 to Economic Development and Planning Report 10-005:
21. Heritage Permit Application (HP2010-011) for Alterations to 71 Main Street West, Hamilton, Hamilton City Hall (Item 8.3)

That approval be given to **Heritage Permit Application (HP2010-011) by City of Hamilton Public Works**, to permit the installation of four interactive information kiosks on the ground floor of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall), as shown on Appendix “A” to Report PED10061.

**(Eisenberger/Powers)**
That the question be called.

**CARRIED**

This Item CARRIED on the following votes:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, Morelli, Pasuta, Pearson, Powers, Whitehead

Total: 12

Nays: McHattie, Merulla, Mitchell

Total: 3

Absent: McCarthy

Total: 1

Item (o) Heritage Permit Application (HP2010-012) for Alterations to 71 Main Street West, Hamilton, Hamilton City Hall (Item 8.4)

**(Ferguson/Pearson)**
That information Item (o) of Economic Development and Planning Committee respecting the installation of four exterior speakers on the underside of the Council Chambers of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall), be lifted from the Information Section

**CARRIED**

**(Ferguson/Whitehead)**
That the following be added as item 22 to Economic Development and Planning Report 10-005;

22 Heritage Permit Application (HP2010-012) for Alterations to 71 Main Street West, Hamilton, Hamilton City Hall (Item 8.3)

That approval be given to **Heritage Permit Application (HP2010-012) by City of Hamilton Public Works**, to permit the installation of four exterior speakers on the underside of the Council Chambers of the designated property at 71 Main Street West, Hamilton (Hamilton City Hall), as shown on Appendix “A” to Report PED10062.
That the question be called.

CARRIED

This Item CARRIED on the following votes:

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

Total: 14

Nays: McHattie

Total: 1

Absent: McCarthy

Total: 1

Item (q)  Airport Implementation Task Force Report 10-002

That the land matter addressed in the Information Section noted as Item (q) be discussed in Closed Session.

CARRIED

Approval of the Economic Development and Planning Committee Report was deferred pending discussion of an Item on the Airport Implementation Task Force Report 10-002 which pertains to proposed or pending acquisition or disposition of land by the municipality or local board, respecting land adjacent to the John C. Munro International Airport in Closed Session.

(Ferguson/Pearson)
That the following be added as Item 23 to Economic Development and Planning Committee Report 10-005:

23. City of Hamilton Purchase of 9705 Airport Road, Described as Part of Lot 2, Concession 5, in the Former Township of Glanford, now in the City of Hamilton, from 9705 Airport Develop. Ltd. (Frank Rosati, Vincent Molinaro, Emilio Mascia and Anthony DeSantis) (PED10022) (City Wide)

(a) That an Option to Purchase, executed by 9705 Airport Develop. Ltd. and scheduled to close on or before February 11, 2010 to purchase the land described as Part of Lot 2, Concession 5, in the former Township of Glanford, now in the City of Hamilton, more particularly described as all of PIN 17400-0301, known municipally as 9705 Airport Road, Hamilton (attached as Appendix “A” to Report PED10022), be approved and completed;

(b) That as consideration, the amount of $2, paid to the owner pursuant to the agreement be approved and completed;
(c) That the financial details of the acquisition outlined in Appendix “B” attached to Report PED10022 remain confidential until final disposition by Council, and the completion of the transaction and balance of Report PED10022 remain confidential and not be released as a public document.

(d) That upon the closing date, the City will lease the land at 9705 Airport Road, as described in Recommendation (a) to the existing tenant farmer for agricultural production and for no other purpose;

(e) That completion of the Option to Purchase document is conditional upon the City of Hamilton being satisfied with the results of an Environmental Site Assessment to be completed on the property prior to the date of closing;

(f) That Legal Services be authorized to pay the Land Transfer Tax in advance of registering the transfer deed;

(g) That the property remain in the ownership of the City and not vested in the Hamilton International Airport at this time.

(Collins/Morelli) That the following sub-section (h) be added to Item 23:

(h) That the additional lands beyond those required for the runway be identified and investigated for re-sale or lease at the appropriate time

Amendment CARRIED
Main Motion as AMENDED CARRIED

(Ferguson/Jackson) That the FIFTH Report of the Economic Development & Planning Committee, be adopted, as amended, and the information section received.

CARRIED

| COMMITTEE OF THE WHOLE REPORT 10-011 |

Item 3 Governance Review Sub-Committee Report 10-001

(Powers/Mitchell) That Item 3 of Committee of the Whole Report 10-011 be amended by adding subsection (b) to read as follows:

(b) That the City’s Procedural By-law be further amended by:

(i) SECTION 1 - DEFINITIONS
deleting and replacing the definition of “ex-officio” as outlined below:

"ex-officio" means by virtue of the office or position and the Mayor is an ex officio member of all Standing Committees who, when attending a Standing Committee meeting, shall have full voting privileges and shall be counted for the purposes of the Standing Committee's quorum as such quorum is set out in section 5.4 of this By-law.

(ii) SECTION 5 – STANDING COMMITTEE MEETINGS

by deleting Sub-section 5.3 (5) in its entirety and renumbering the remaining subsections accordingly;

(iii) SECTION 5 – STANDING COMMITTEE MEETINGS

by deleting Sub-section 5.4 in its entirety and replacing it with the following therein:

5.4 Quorum

The quorum for all Standing Committees shall be a half of the membership, plus 1, not including the Mayor.

(iv) That Appendices C, D, E, and F be amended by deleting the phrase “plus the Mayor, ex-officio”, from the Composition section.

Amendment CARRIED
Main Motion as Amended CARRIED

Item 8  City Manager’s Office – Re-organization (CM10003) (Item 11.4)

This Item CARRIED on the following votes:

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

Total: 14
Nays: Clark,
Total: 1
Absent: McCarthy
Total: 1

Item (g)(iv)  HUC Shareholders Meeting

(Eisenberger/Whitehead)
That Information Item (g) (iv) respecting a resolution for Hamilton Utilities Corporation be lifted and added as Item 10 to Committee of the Whole Report 10-011 as follows:


That the resolution of Shareholders for Hamilton Utilities Corporation attached to Committee of the Whole Report 10-011 be approved.

CARRIED

(Eisenberger/Whitehead)

That the ELEVENTH Report of the Committee of the Whole be adopted, as amended, and the information section received.

CARRIED

MOTIONS

7.1(a) Motion to waive the Rules of Order

(Pearson/Collins)

That the rules of order be waived in order to allow for the introduction of a motion respecting QEW Underpass Rehabilitation Projects – Grays Road, Winona Road and Fifty Road Interchanges.

CARRIED

7.1(b) QEW Underpass Rehabilitation Projects – Grays Road, Winona Road and Fifty Road Interchanges

(Pearson/Collins)

(a) That staff meet with representatives of the Ministry of Transportation to discuss the timing of the QEW Underpass Rehabilitation projects at the Grays Road, Winona Road and Fifty Road interchanges;

(b) That staff investigate the installation of sidewalks on the north and south bridge approaches on the Grays Road, Winona Road and Fifty Road interchanges as part of this project;

(c) That this matter be referred to staff for follow up and a report to the Public Works Committee outlining options and alternatives that seek to incorporate a source of funding for the new sidewalks in the capital budget process.

CARRIED

NOTICES OF MOTION

Councillor Merulla presented the following Notice of Motion:
The City of Hamilton requests the Government of Ontario to direct Ontario Power Generation to put its coal plants on standby reserve immediately and only operate them if they are absolutely needed to keep the lights on in Ontario.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Mitchell/Pearson)
That Council move into Closed Session, at 9:20 p.m., in accordance with sub-section (c) of the Procedural By-law and Section 239 of the Municipal Act, as the subject matter pertains to a proposed or pending acquisition or disposition of land adjacent to the John C. Munro International Airport for municipal or local board purposes.
CARRIED

(Whitehead/Powers)
That Council reconvene in Open Session at 9:25 p.m.
CARRIED

For disposition of this Item, see Item 23 of Economic Development and Planning Committee Report 10-005.

(McHattie/Merulla)
That the Committee of the Whole rise and report.
CARRIED

BY-LAWS

(Pearson/Duvall)
That Bill Nos. 10-042 to 10-054, 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 10-042 to 10-054 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-042</td>
<td>042</td>
<td>Being a By-law to Permanently Close a Portion of Helena Avenue road allowance, City of Stoney Creek, now City of Hamilton, being part of Helena Avenue and Part of Parcel “B”, Registered Plan 1057, designated as Parts 1 and 3 on Plan 62R-15918, City of Stoney Creek, now City of Hamilton</td>
</tr>
<tr>
<td>10-043</td>
<td>043</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate</td>
</tr>
</tbody>
</table>
On-Street Parking:
Schedule 8 – No Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones

10-044 044 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located within Block 75-78, Registered Plan 62M-1057

10-045 045 Respecting Removal of Part Lot Control, Blocks 80-84 of Plan No. 62M-1125, “Parkside Hills”

10-046 046 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at 367 Highway No. 8

10-047 047 To Amend the Hamilton LEEDING the Way Community Improvement Project Area

10-048 048 To Adopt Amendment No. 1 to the Hamilton LEEDING the Way Community Improvement Plan

10-049 049 To Amend the Environmental Site Remediation and Site Enhancement (ERASE) Project Area

10-050 050 To Adopt Amendment No. 1 to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan

10-051 051 To Adopt Amendment No. 4 to the Downtown and Community Renewal Community Improvement Plan

10-052 052 To Enact a By-law to Delegate Authority to the General Manager, Planning and Economic Development for Certain Grants and Loans under the Downtown and Community Renewal Community Improvement Plan

10-053 053 To Govern the Proceedings of Council and Committees of Council

10-054 054 To Confirm the Proceedings of Council

(Powers/Pearson)
There being no further business, the City Council meeting adjourned at 9:27 p.m.

CARRIED

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
March 10, 2010