



## **CITY COUNCIL MINUTES**

**Wednesday, October 14, 2009  
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, S. Duvall,  
L. Ferguson, T. Jackson, B. McHattie, S. Merulla,  
D. Mitchell, B. Morelli, R. Pasuta, M. Pearson,  
T. Whitehead

**Absent with Regrets:** Councillor M. McCarthy – City Business  
Councillor R. Powers – City Business

Mayor Eisenberger called the meeting to order and called upon Reverend Dianne Distler of St. Alban the Martyr Church in Hamilton to lead Council in prayer.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following change to the agenda:

**1. ADDED:**

- 5.4 Correspondence from Paul Douglas Mazza, Players Paradise Sports Complex Inc. respecting New Hockey Facility, Stoney Creek

Recommendation: Be received and referred to the General Manager of Community Services for a report to the Emergency and Community Services Committee

- 7.3 Motion respecting an amendment to Public Works Committee Report 09-010 regarding a correction to Item 1 – Intersection Control List

**(Ferguson/Duvall)**

That the Agenda for the City Council meeting being held on October 14, 2009, be approved, as amended. **CARRIED**

**DECLARATIONS OF INTEREST**

**Economic Development and Planning Committee Report 09-020**

**Item 1 Membership for the Community Liaison Committee for City-Wide Regulation of Rental Housing (PED07296(e)) (City Wide)**

Councillor M. Pearson declared a conflict as she owns rental properties.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

None

**APPROVAL OF MINUTES**

**(Collins/Duvall)**

That the Minutes of the September 30, 2009, meeting of Council be approved, as presented. **CARRIED**

**COMMUNICATIONS**

**(Jackson/Ferguson)**

That Council Communications 5.1 to 5.4 be approved, as follows:

- 5.1 Correspondence from Canadian Diabetes Association respecting the Month of November as Diabetes Month and November 14, 2009 as World Diabetes Day

Recommendation: Be received.

- 5.2 Correspondence from the Minister of Public Safety, The Honourable Peter Van Loan respecting damage caused by heavy rainfall on July 26, 2009

Recommendation: **(Merulla/Clark)** Be received.

- 5.3 Correspondence from Ontario Good Roads Association respecting Annual Conference and nomination to the 2010-2011 Board of Directors

Recommendation: **(Jackson/Whitehead)** That Councillor B. Bratina be nominated to the 2010-2011 Board of Directors of the Ontario Good Roads Association (South Central Region).

- 5.4 Correspondence from Paul Douglas Mazza, Players Paradise Sports Complex Inc. respecting New Hockey Facility, Stoney Creek

Recommendation: Be received and referred to the General Manager of Community Services for a report to the Emergency and Community Services Committee  
**CARRIED as amended**

**(Ferguson/Duvall)**

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

<b>EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 09-012</b>
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**(Duvall/Collins)**

That Item 9(b) of Emergency and Community Services Report 09-012 respecting Hamilton Snow Angels, which reads as follows, be deleted and added as Information Item (j), and the balance of the Information Section be renumbered accordingly:

**(j) Hamilton Snow Angels Program (ECS08054(a)) (City Wide) (Item 8.5)**

That staff be directed to:

- (i) Investigate the best method of providing this service of sidewalk snow removal to those who require assistance;
- (ii) Investigate the various means of partnering with other groups in the recruitment of volunteers;
- (iii) Contact the Property Elves respecting their volunteer recruitment process and

report back to the Emergency & Community Services Committee. **CARRIED**

**(Duvall/Collins)**

That Item 9 of Emergency and Community Services Report 09-012 respecting Hamilton Snow Angels be amended by adding the following as sub-sections (b), (c) and (d):

**9. Hamilton Snow Angels Program (ECS08054(a)) (City Wide)**

- (b) That the continuation of the Hamilton Snow Angel Program for 2010, at a cost not to exceed \$100,000, be funded from the Community Services Departmental Operating Budget;
- (c) That the City Manager be authorized and directed to enter into a Letter of Agreement (attached as appendix "B" to Report ECS08054(a)) with Volunteer Hamilton to continue to provide the Hamilton Snow Angels Program for 2010;
- (d) That Item W – Hamilton Snow Angels Program, be considered complete and removed from the Emergency & Community Services Committee's Outstanding Business List.

**(Morelli/Merulla)**

That the following be added as sub-section (d) and the balance of the sections renumbered accordingly:

- (d) That staff be directed to provide a mechanism outlining the following:
  - (i) point of contact for citizens wishing to volunteer their services to the Snow Angels Program;
  - (ii) point of contact for citizens wishing to acquire the services of the Program and information pertaining to it;
  - (iii) methods used to communicate and advertise the Program.

**Amendment CARRIED**

The Main Motion, as amended, **CARRIED** on the following vote:

Yeas: Eisenberger, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Whitehead  
Total Yeas: 12  
Nays: Bratina, Clark  
Total Nays: 2  
Absent: McCarthy, Powers  
Total Absent: 2

**(Duvall/Collins)**

That Information Item (i)(iii) of Emergency & Community Services Report 09-012 respecting Hamilton Snow Angels Program (ECS08054(a)), be deleted in its entirety.

**CARRIED**

**Item 12 Discussions with Hamilton Health Sciences regarding Repercussions of the McMaster University Medical Centre Adult Emergency Department Closure (Item 9.3)**

**(Clark/Bratina)**

That Item 12 of Emergency and Community Services Committee Report 09-012 be deferred for six months to allow staff to meet with representatives from Hamilton Health Sciences and the Local Health Integrated Network (LHIN) to discuss the recovery of the current projected cost of \$1.5 million.

**DEFEATED**

**(McHattie/Merulla)**

That Item 12 of Emergency and Community Services Committee Report 09-012 be amended by adding, "and representatives of the Local Health Integration Network (LHIN)" following the words, "Hamilton Health Sciences staff".

**Amendment CARRIED**

**Motion as amended CARRIED**

**(Duvall/Collins)**

That the TWELFTH Report of the Emergency and Community Services Committee be adopted, as amended, and the information section received.

**CARRIED**

**ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-020**

Approval of Economic Development and Planning Committee Report 09-020 was deferred pending discussion of Information Item (t)(iii) respecting an Ontario Municipal Board Appeal (LS09014) in Closed Session.

No action reported following the In Camera discussions.

**COMMITTEE OF THE WHOLE REPORT 09-027**

**Item 5 Contribution Agreement between Metrolinx and the City of Hamilton for Rapid Transit Studies (PW09088)**

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

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

Total Yeas: 13

Nays: Clark

Total Nays: 1

Absent: McCarthy, Powers

Total Absent: 2

**Item 6 Agreement of Purchase and Sale between Rheem Canada Ltd. And the City of Hamilton for Lands Municipally Known as 128 Barton Street West, Hamilton )PE09286) (City Wide)**

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

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

**(Eisenberger/Pearson)**

That the TWENTY-SEVENTH Report of Committee of the Whole be approved and the information section received. **CARRIED**

<b>MOTIONS</b>
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**7.1 Proposed Federal All Party Committee to Investigate National Hockey League**

That the City of Hamilton request that the Federal Government establish and all Party committee to investigate the National Hockey League (NHL) in its handling of the purchase by Mr. Balsillie of the Phoenix Coyotes.

Councillor Whitehead withdrew this motion and advised that he will be presenting it to the NHL Steering Committee for consideration.

**7.2 Development of a Downtown Office Attraction Strategy**

**(Whitehead/Pearson)**

- (a) That the Economic Development and Real Estate and the Downtown Renewal Divisions be directed to prepare a report for the Economic Development and Planning Committee regarding the development of a downtown office attraction strategy;
- (b) Further, that this strategy investigate the potential of new innovative incentives to recruit new companies to the City's core;
- (c) And, that this report be included in the Community Redevelopment component of the city's new Economic Development Strategy now in progress. **CARRIED**

**7.3 Intersection Control List (PW09001(c)) (Wards 3, 7, 11 and 14)**

**(Bratina/Clark)**

That Item 1 of Public Works Committee Report 09-010 respecting Intersection Control List (PW09001(c)), approved by Council on June 24, 2009, be deleted in its entirety and replaced with the following in lieu thereof:

**1. Intersection Control List (PW09001(c)) (Wards 3, 7, 11 and 14)**

That the appropriate By-law to provide traffic control as follows, be passed and enacted:

Intersection		Stop Direction		Class	Location/Comments/ Petition	Ward	
Street 1	Street 2	Existing	Requested				
(a)	Gordon Street	Lincoln Street	N/C	E/B stop	A	N. of Barton, E. of Gage	3
(b)	Gordon Street	Cavell Avenue	N/C	W/B stop	A	N. of Barton, E. of Gage	3
(c)	Showcase Drive	Sundance Crescent (east leg)	N/C	NB	A	S. of Rymal, E. of Fletcher	11
(d)	Showcase Drive	Sundance Crescent (west leg)	N/C	NB	A	S. of Rymal, E. of Fletcher	11
(e)	Bolzano Drive	Erika Crescent (west leg)	All-Way Stop	N/B & S/B Stop	A	N. of Rymal, W. of Upper Gage	7
(f)	Safari Rd.	Cooper Rd.	NB/SB	All way	C	N. of Hwy 8, W. of Kirkwall Rd.	14
(g)	Bolzano Drive	Erika Crescent (east leg)	S/B Stop	All-way	A	N. of Rymal, W. of Upper Gage	7

**CARRIED**

<b>NOTICES OF MOTION</b>
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Councillor Duvall introduced the following Notice of Motion:

**Retention of “Nora Frances Henderson” Hospital**

That the City of Hamilton provide their full support for the retention of the name, “Nora Frances Henderson” on the hospital located at 711 Concession Street, and that the Hamilton Health Sciences Board be requested to reconsider their decision.

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

**(Mitchell/Pasuta)**

That the Rules of Order be waived to allow for the introduction of a motion respecting a concern regarding a livestock operation having financial difficulty with Haldimand Hydro.

**CARRIED****(Mitchell/Pasuta)**

(a) That Hamilton City Council supports agricultural operations;

- (b) That the Minister of Agriculture be respectfully requested to exercise sensitivity toward people who are experiencing financial difficulties in their agricultural operations, specifically involving livestock.

The Motion **CARRIED** on the following vote:

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

<b>PRIVATE AND CONFIDENTIAL</b>
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### 10.1 Closed Session Minutes of September 30, 2009

**(Pearson/Morelli)**

- (a) That the Closed Session Minutes of the September 30, 2009 meeting of Council be approved, as presented;
- (b) That the September 30, 2009 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**

**(Pearson/Whitehead)**

That the Committee move into Closed Session at 9:00 p.m. to consider Information Item (t)(iii) of Economic Development and Planning Committee Report 09-020 which is subject to Section 8.1, sub-section (e) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the municipality or local board and advice to which solicitor-client privilege attaches.

**CARRIED**

**(Pearson/Mitchell)**

That the Committee reconvene in Open Session at 9:30 p.m.

**CARRIED**

### 10.2 Ontario Municipal Board Appeal (LS09014) (Ward 13) Information Item (t)(iii) of Economic Development and Planning Committee Report 09-020

Michael Kovacevic, Senior Solicitor, provided the Committee with an update on the above-noted matter.

<b>ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-020</b>
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**(Pearson/Mitchell)**



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

**(Ferguson/Duvall)**

That the Committee of the Whole rise and report.

<b>BY-LAWS</b>
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**(Jackson/Ferguson)**

That Bill Nos. 09-213 to 09-216, 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 09-213 to 09-216 as follows:

<b>By-law No.</b>	<b>Bill No.</b>	
<b>09-213</b>	<b>213</b>	To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 8 – No Parking Zones Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones Schedule 20 – School Bus Loading Zones
<b>09-214</b>	<b>214</b>	To Amend Zoning By-law No. 6593 (Hamilton), respecting lands located at 354 East 14 <sup>th</sup> Street (Hamilton)
<b>09-215</b>	<b>215</b>	Removal of Part Lot Control Blocks 82 & 83, Registered Plan No. 62M-1078, “Woodview Estates”
<b>09-216</b>	<b>216</b>	To Confirm the Proceedings of City Council

**(Pearson/Mitchell)**

There being no further business, the City Council meeting adjourned at 9:35 p.m.

**CARRIED**

Respectfully submitted

Fred Eisenberger  
Mayor

Rose Caterini  
Deputy Clerk  
October 14, 2009