CITY COUNCIL
MINUTES

Thursday, August 13, 2009
9:30 a.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
Hamilton, Ontario

Present: Mayor F. Eisenberger

Councillors B. Bratina, C. Collins, L. Ferguson,
T. Jackson, B. McHattie, S. Merulla, D. Mitchell,
B. Morelli, R. Pasuta, M. Pearson, R. Powers,
T. Whitehead

Absent with Regrets: Councillors B. Clark – Medical Reasons
Councillors S. Duvall, M. McCarthy – Vacation

Mayor Eisenberger called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CORRESPONDENCE

5.18 Correspondence from Councillor Brad Clark respecting Interim Integrity Commissioner’s Report

Recommendation: Be received
5.19 Petition submitted by Councillor Brad Clark on behalf of residents of Wentworth Condominium Corporation No. 132 respecting traffic safety measure to be put in place at the corner of Queenston Road & Donn Avenue

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

2. NOTICES OF MOTION

8.1 Notice of Motion by Councillor McHattie respecting Liquor License, GP Grumpys (to be known as Rolly Rockets BBQ), 476 King Street West, Hamilton (AGCO Application #208293; File #92126)

8.2 Notice of Motion by Councillor Pasuta respecting Stimulus Funding support for Westfield Heritage Visitor Orientation Centre

(Pasuta/Collins)
That the Agenda for the City Council meeting being held on August 14, 2009, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

(Pearson/Bratina)
That the Minutes of the July 9, 2009 meeting of Council be approved, as presented. CARRIED

(Mitchell/Morelli)
That the Minutes of the August 4, 2009 special meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS

(Collins/Bratina)
That Council Communications 5.1 to 5.19, as amended, be approved, as follows:
5.1 Correspondence from the Honourable Cynthia Morton, Deputy Minister, Health Promotion respecting funding in the amount of $109,035 for the Healthy Living Hamilton for project – period of January 1, 2009 to December 31, 2009

Recommendation: Be received

5.2 Correspondence from Jason Godin, Union of Canadian Correctional Officers respecting review of fully trained Correctional Officers working in community

(Pasuta/Mitchell)
Recommendation: Be received and that a copy of the correspondence be forwarded to the Federal Minister of Correctional Services for information.

CARRIED.

5.3 Correspondence from Mike Wallace, MP, Burlington supporting the City of Hamilton’s application to the Building Canada Fund for the Woodward Wastewater Treatment Plant Project

Recommendation: Be received

5.4 Correspondence from the Honourable Ministers John Baird, Minister of Transport, Infrastructure and Communities and George Smitherman, Deputy Premier and Minister of Energy and Infrastructure respecting approved projects under the Infrastructure Stimulus Fund

Recommendation: Be received

5.5 Correspondence from Leela Prasaud, Ministry of Health and Long Term Care respecting Assignment of Service Agreement regarding St. Joseph’s Mother House (Martha Wing)

Recommendation: Be received

5.6 Correspondence from Michael Desnoyers, Co-Chair, Hamiltonians for Progressive Development respecting concerns of transparency in addressing Phase II detailed secondary plan studies of the proposed Airport Employment Growth District

Recommendation: Be received

5.7 Correspondence from E.J. Fothergill, Representative on Community Liaison Committee for Hamilton Chamber of Commerce in response to letter from Michael Desnoyers respecting concerns of transparency in addressing Phase II detailed secondary plan studies of the proposed Airport Employment Growth District

Recommendation: Be received
5.8 Petition from Earl Blayney respecting traffic noise at Queenston Road and Reid Avenue
(Merulla/Morelli)
Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee; Hamilton Police Services Board for enforcement and to the Ministry of Transportation to address the emission control issues and the excess noise created by modified vehicles in the city. CARRIED.

5.9 Correspondence from Kathleen Durant, Hamilton Police Services respecting support from the City for “ProAction, Cops and Kids”
Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee

5.10 AMO Communication Alert respecting “Government Releases Draft Build Environment Standard under the AODA for Public Review”
Recommendation: Be received and referred to the Advisory Committee for Persons with Disabilities for comment

5.11 Correspondence from John Rafferty, CNIB respecting recent application filed by the Ontario Human Rights Commission against City of Hamilton transit for not calling all stops on city bus routes
Recommendation: Be received and referred to the General Manager of Public Works for reply

5.12 Correspondence from the City of Welland respecting equal and reasonable access to citizens requiring medical and health services provided through the hospital system
(Mitchell/Powers)
Recommendation: Be endorsed CARRIED.

5.13 Correspondence from Dale Rutledge, North Dufferin Agriculture and Community Task Force respecting protecting the Grand River watershed from the threat to the Grand River system posed by the Open Pit Mine by the Highland Companies
(Pasuta/Mitchell)
Recommendation: Be endorsed and refer to the Rural and Agriculture Affairs Committee CARRIED.

5.14 Correspondence from Bernie Corbett, Haldimand County Disaster Relief Committee requesting funding assistance for Grand River Flood
(Powers/Pearson)
Recommendation: Be received CARRIED.
5.15 Correspondence from the Township of Woolwich respecting support for a review of Chapter 27, Sec. 5(2) of the Development Charges Act 1997

(McHattie/Pearson)

Recommendation: Be endorsed

CARRIED.

5.16 Correspondence from Doug Reycraft, Community Schools Alliance respecting petitioning the Province to implement a “smart moratorium” on disputed school closings to provide for dialogue with the Ministry, School Boards and Municipalities

(Collins/Merulla)

Recommendation: Be endorsed and referred to the City Manager for consideration in the ongoing review.

CARRIED.

5.17 Correspondence and Report by George H. Rust-D-Eye, Interim Integrity Commissioner of an Inquiry into a Complaint regarding a Member of Council

Recommendation: Be received.

CARRIED.

(Mitchell/Pearson)

That Item 5.17 be deferred to the closed session portion of the meeting to further discuss with legal counsel and to receive advice on items surrounding the report.

Motion was DEFEATED on a Standing Recorded Vote:

Yeas: Eisenberger, Bratina, Jackson, Mitchell, Pearson, Powers
Total: 6

Opposed: Collins, Ferguson, McHattie, Merulla, Morelli, Pasuta, Whitehead
Total: 7

Absent: Clark, Duvall, McCarthy
Total: 3

(Eisenberger/Pasuta)

That the following motion be referred to the Accountability and Accessibility Committee for review:

That "By-law No. 08-154 To Establish The Office Of Integrity Commissioner" be amended to direct that where the Integrity Commissioner has filed a report in respect of an inquiry with the City Clerk under section 22, the City Clerk shall place the full report on the next available Council agenda as a public document.

CARRIED.

Councillor Mitchell Opposed.

(Merulla/Morelli)

That the Question be put.

CARRIED. Motion as Amended CARRIED.
5.18 Correspondence from Councillor Brad Clark respecting Interim Integrity Commissioner’s Report (Powers/Pearson)  Recommendation: Be received CARRIED.

5.19 Petition submitted by Councillor Brad Clark on behalf of residents of Wentworth Condominium corporation No. 132 respecting traffic safety measure to be put in place at the corner of Queenston Road & Donn Avenue (Powers/Pearson)  Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee CARRIED. Motion as Amended CARRIED.

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

(Bratina/Merulla) That Motion Item 7.3 be moved forward on the agenda. CARRIED.

(Bratina/Ferguson) That the Rules of Order be waived to allow the introduction of a Motion to Reconsider Item 16 of Economic Development and Planning Committee Report 09-015 approved by City Council on July 9, 2009 respecting All Saints Church and Rectory, 15 Queen Street South, Hamilton. CARRIED

(Bratina/Ferguson) That Item 16 of Economic Development and Planning Committee Report 09-015 approved by City Council on July 9, 2009 respecting All Saints Church and Rectory, 15 Queen Street South, Hamilton, be reconsidered.

16. Hamilton Municipal Heritage Committee Report 09-003 (Item 8.5)

(a) All Saints Church and Rectory, 15 Queen Street South, Hamilton (Item 1)

Whereas the Hamilton Municipal Heritage Committee is established under Part IV of the Ontario Heritage Act to advise and assist Council on matters under Parts IV and V of the Ontario Heritage Act; and

Whereas the Hamilton Municipal Heritage Committee has considered a preliminary cultural heritage evaluation of All Saints Church located at 15 Queen Street South, Hamilton hereto attached as “Appendix A”; and
Whereas the property is believed to be of cultural heritage value or interest according to Ontario Regulation 9/06 *Criteria for Determining Cultural Heritage Value or Interest*; and

Whereas non-designated heritage property may be included in the Municipal Register of Properties of Cultural Heritage Value or Interest under Part IV of the *Ontario Heritage Act* where it is believed that such property is of cultural heritage value or interest;

Now therefore that the property known generally as All Saints Church and Rectory located at 15 Queen Street South, Hamilton be included in the Municipal Register of Properties of Cultural Heritage Value or Interest; and

Furthermore, that staff be directed to undertake a Cultural Heritage Assessment of All Saints Church and Rectory located at 15 Queen Street South, Hamilton with a view to prospective designation and that such work be placed in staff’s work program for completion in 2009 or early in 2010 and that appropriate changes be made to the priorities and work program for remaining years 2009 to 2012. CARRIED.

(Bratina/Ferguson)
That Item 16 of Economic Development and Planning Committee Report 09-015 approved by City Council on July 9, 2009 respecting All Saints Church and Rectory, 15 Queen Street South, Hamilton, be rescinded.

16. Hamilton Municipal Heritage Committee Report 09-003 (Item 8.5)

(a) All Saints Church and Rectory, 15 Queen Street South, Hamilton (Item 1)

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Furthermore, that staff be directed to undertake a Cultural Heritage Assessment of All Saints Church and Rectory located at 15 Queen Street South, Hamilton with a view to prospective designation and that such work be placed in staff’s work program for completion in 2009 or early in 2010 and that appropriate changes be made to the priorities and work program for remaining years 2009 to 2012. CARRIED.

**ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-016**

**Item 37** Amendments to the Property Standards By-law 03-117 to Reflect Current Waste Management Principles (PED09165) (City Wide)

(Collins/Powers)
That the following be added as subsection(c):

That the amendments relating to operation of garbage chutes in multi-residential buildings be referred back to staff for further consultation. CARRIED.

(Whitehead/Powers)
That Information Item (u)(iii) of Economic Development & Planning Committee Report 09-016 respecting Amendments to the Name and Mandate of the Operational Review Sub-Committee be lifted from the table and added as Item 42 to Economic Development & Planning Committee Report 09-016. CARRIED

(Whitehead/Powers)
That the following be added as Item 42 to Economic Development & Planning Committee Report 09-016:

42. Amendments to the Name and Mandate of the Operational Review Sub-Committee

That the Building and Licensing Division Operational Review Sub-Committee Report 08-003 be amended by adding Item 4 to read as follows:

4. Amendments to Name and Mandate of Operational Review Sub-committee (Item 4.4)

(a) That the name of the Building and Licensing Division Operational Review Sub-committee be changed to the City of Hamilton Operational Review Sub-committee.

(b) That the Terms of Reference of the existing Building and Licensing Division Operational Review Sub-committee be amended to reflect
the new City of Hamilton Operational Review Sub-committee, as
attached hereto.  

CARRIED

Councillor Ferguson opposed.

(Pearson/Mitchell)
That the SIXTEENTH Report of the Economic Development and Planning Committee
be adopted, as amended, and the information section received.  

CARRIED

COMMITTEE OF THE WHOLE REPORT 09-022

Item 11  Trade Union Contributions to Municipal Election Campaigns

Councillors Ferguson, Mitchell, Pearson opposed

Item 12  Municipal Democratic Renewal

Councillors Mitchell, Pearson, Pasuta and Ferguson opposed to subsection
(b) and (c) of the recommendation.

Item 14  Efficiency and Rationalization of Call Handling Review

(Jackson/Whitehead)
That subsection (d) be amended by adding Councillor Collins and
McHattie to the membership of the Oversight Committee.  

CARRIED.

(Collins/Bratina)
That the TWENTY-SECOND Report of Committee of the Whole be adopted as
amended and the information section received.  

CARRIED

HAMILTON LICENSING TRIBUNAL REPORT 09-005

(Whitehead/Bratina)
That the FIFTH Report of the Hamilton Licensing Tribunal be approved and the
information section received.  

CARRIED

(Collins/Bratina)
That the Committee of the Whole rise and report.  

CARRIED

MOTIONS

7.1  Dundas Community Arts Foundation Proposal

(Powers/Pearson)
That the Finance and Community Services Departments be authorized to
investigate options for possible financial involvement by the City in the Dundas
Community Arts Foundation proposal.  

CARRIED
7.2 A Matter respecting Ivor Wynne Stadium

(Morelli/Merulla)

(a) By deleting the date August 15, 2009 in subsection (a) and inserting the date: December 31, 2009.

(b) By deleting the date August 11, 2009 in subsection (c) and inserting the date November 25, 2009.

To now read as follows:

10.2 A Matter respecting Ivor Wynne Stadium

(a) That the City agree to an extension of the Agreement, dated November 12, 2003, between the City of Hamilton and the Hamilton Tiger-Cats Football Club (2003) Corp., for the use of Ivor Wynne Stadium for Canadian Football League games until December 31, 2009, on the same terms and conditions, in a form satisfactory to the City Solicitor.

(b) That all payments made by the Hamilton Tiger-Cats Football Club (2003) Corp., pursuant to the Extension Agreement, be credited against a new, long-term Agreement for the use of Ivor Wynne Stadium for Canadian Football League games.

(c) That the Director of Recreation be directed to negotiate with the Hamilton Tiger-Cats Football Club (2003) Corp., with the goal of finalizing a new, long-term Agreement for the use of Ivor Wynne Stadium for Canadian Football League, and report to Committee of the Whole no later than November 25, 2009. CARRIED

NOTICES OF MOTION

8.1(a) Motion to Waive the Rules

(McHattie/Merulla)
That The Rules of Order be waived to allow the introduction of a motion respecting Liquor License, GP Grumpys, 476 King Street West. CARRIED
8.1(b) Liquor License, GP Grumpys (to be known as Rolly Rockets BBQ), 476 King Street West, Hamilton (AGCO Application #208293; File #92126)

(McHattie/Merulla)
Whereas, the Rolly Rockets BBQ has applied for a new 219 indoor and 37 outdoor seat liquor sale licence at 476 King Street West, Hamilton; and,

Whereas, the AGCO 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, the 219+ seats may represent a significant problem in the number of patrons that may be utilising this establishment; and,

Whereas, Hamilton City Council must make this request to AGCO prior to August 29, 2009.

Therefore, Hamilton City Council respectfully requests:

(a) That the 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 the 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.

8.2(a) Motion to Waive the Rules

(Pasuta/Pearson)
That The Rules of Order be waived to allow the introduction of a motion respecting support for Westfield Heritage Visitor Orientation Centre Stimulus Funding.

CARRIED

8.2(b) Support of Application – Westfield Heritage Visitor Orientation Centre

(Pasuta/Pearson)
That the City of Hamilton support the application for the Westfield Heritage Visitor Orientation Centre, by the Hamilton Conservation Authority, under the Federal/Provincial Infrastructure Stimulus Funds’ Not-For-Profit-Program.

CARRIED
The following Notice of Motion was put by Councillor Merulla:

8.3 Multi-Stakeholder Fundraising Strategy

That staff be directed to formulate a multi-stakeholder fundraising strategy to mitigate the financial hardship of Hamilton’s flood victims from the July 26, 2009 storm event.

8.4 Vincent Massey School and Redhill School

(Collins/Jackson)
That the rules of order be waived to allow the introduction of a motion respecting Vincent Massey School and Red Hill School.  

(CARRIED)

(Collins/Jackson)
That the Hamilton-Wentworth District School board be requested to extend the time frame for the disposal of Vincent Massey School and Redhill school, pursuant to the new protocol that had been developed and approved by the Board (90 pre-consultation; 90 days to offer a submission).  

(CARRIED)

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes of July 9, 2009

(Pearson/Powers)
(a) That the Closed Session Minutes of the July 9, 2009 meeting of Council be approved, as presented.

(b) That the July 9, 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)

BY-LAWS

(Collins/Bratina)
That Bill Nos. 09-169 to 09-189 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 09-169 to 09-189 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>09-169</td>
<td>169</td>
<td>To Amend By-law No. 09-118, A By-law to Establish Certain 2009 User Fees and Charges for Services, Activities or the Use of Property</td>
</tr>
<tr>
<td>09-170</td>
<td>170</td>
<td>To Amend By-law No. 09-170, A By-law to License and Regulate Various Businesses</td>
</tr>
<tr>
<td>09-171</td>
<td>171</td>
<td>To Authorize the Submission of Applications to the National Cost Sharing Program and Cultural Spaces Canada Program for Funding as Eligible Capital Projects of the City of Hamilton</td>
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<tr>
<td>09-172</td>
<td>172</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 4 – Special Event Parking Zones 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</td>
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<tr>
<td>09-173</td>
<td>173</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits</td>
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<tr>
<td>09-174</td>
<td>174</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs</td>
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<tr>
<td>09-175</td>
<td>175</td>
<td>Respecting Removal of Part Lot Control, Block 80, Registered Plan No. 62M-1057, Fifty Road Joint Venture Phase 3</td>
</tr>
<tr>
<td>09-176</td>
<td>176</td>
<td>Respecting Removal of Part Lot Control, Block 82, Registered Plan No. 62M-1057, Fifty Road Joint Venture Phase 3</td>
</tr>
<tr>
<td>09-177</td>
<td>177</td>
<td>Respecting Removal of Part Lot Control, Blocks 84 &amp; 86, Registered Plan No. 62M-1057, Fifty Road Joint Venture Phase 3</td>
</tr>
<tr>
<td>09-178</td>
<td>178</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 13 – No Stopping Zones Schedule 16 – Taxi Zones</td>
</tr>
<tr>
<td>09-179</td>
<td>179</td>
<td>To Regulate Filming in the City of Hamilton</td>
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<td>09-180</td>
<td>180</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting</td>
</tr>
</tbody>
</table>
Lands Located at 929 West 5th Street

09-181 181
To Amend Zoning By-law No. 05-200 (Hamilton), Respecting Lands Located at 280 Bay Street South

09-182 182
To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1525 Stone Church Road East

09-183 183
To Adopt:
Official Plan Amendment No. 36 to the Official Plan of the former Regional Municipality of Hamilton-Wentworth and
Official Plan Amendment No. 150 to the Official Plan of the former City of Stoney Creek
Respecting 1310 South Service Road, 400 Winona Road and 395 Fifty Road

09-184 184
To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road

Councillor Pasuta Opposed

09-186 186
To Amend By-law No. 82-82 (Ancaster), Respecting Lands Located at 5 Ravina Crescent

09-187 187
To Adopt Official Plan Amendment No. 221 to the former City of Hamilton Official Plan, Respecting 1151-1171 Upper James Street (Adam Estates)

09-188 188
To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 291 Lorenzo Drive and 1151 Upper James Street

09-185 185
To Amend Locke Street Business Improvement Area By-law No. 06-309

09-188 188
To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 291 Lorenzo Drive and 1151 Upper James Street

09-189 189
To Confirm the Proceedings of City Council

(Powers/Mitchell)
There being no further business, the City Council meeting adjourned at 11:04 a.m.

CARRIED

Respectfully submitted