



CITY COUNCIL MINUTES

Wednesday, October 26, 2011

7:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor R. Bratina

Councillors B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins,
T. Jackson, S. Duvall, T. Whitehead, B. Clark, M. Pearson,
B. Johnson, L. Ferguson, R. Powers, R. Pasuta, J. Partridge

Mayor Bratina called the meeting to order and called upon the Pastor, Major Paul Rideout, from The Salvation Army Winterberry Heights Church in prayer.

APPROVAL OF THE AGENDA

(Pasuta/Pearson)

That the Agenda for the City Council meeting being held on October 26, 2011, be approved, as presented. **CARRIED**

DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest with Item 10: Report 11-002 of the Joint Plaquing Sub-Committee of the Hamilton Historical Board, of the Emergency and Community Services Committee Report 11-0012, as his family has an interest in this item.

Mayor Bratina declared a conflict of interest with Item 1: New 100% Funded Positions at Macassa & Wentworth Lodges, of the Emergency and Community Services Committee Report 11-02, as his mother is a resident.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**3.1 Signing of Hamilton Climate Charter**

Mayor Bratina spoke to the signing of the Hamilton Climate Charter, and signed on behalf of City Council and joining with the Hamilton community in taking leadership on climate change action.

3.2 Remembrance Day - Veterans from Afghanistan

Mayor Bratina notified Council that Corporal Meagan Ryan, daughter of Susan Ryan, an employee of the Provincial Offences Office, has been nominated to stand as sentry at the Cenotaph in Ottawa on November 11, 2011. Corporal Ryan has been with the Canadian Forces for 3 1/2 years stationed in Khandahar from June 9, 2010 to December 24, 2010 and is currently station in Trenton.

APPROVAL OF MINUTES**4.1 October 11, 2011 (Special)**

(Pearson/Johnson)

That the Minutes of the October 11, 2011, special meeting of Council be approved, as presented. **CARRIED**

4.2 October 12, 2011

(Pearson/Johnson)

That the Minutes of the October 12, 2011, meeting of Council be approved, as presented. **CARRIED**

4.3 October 19, 2011 (Special)

(Pearson/Johnson)

That the Minutes of the October 11, 2011, special meeting of Council be approved, as presented. **CARRIED**

COMMUNICATIONS

That Council Communications 5.1 to 5.5 be approved, as amended, as follows:

5.1 Resolution from the County of Brant requesting the Province of Ontario reclassify commercial grain elevators from an industrial property class to a commercial property class, for reasons of property taxation.

(Partridge/Pearson)

Recommendation: Be received.

CARRIED

- 5.2 Correspondence from the Town of Caledon requesting a representative from Hamilton Council for membership on the Top Ten Aggregate Producing Municipalities Committee.**

(Powers/Whitehead)

Recommendation: Be received and that Councillor Pasuta be appointed to the Top Ten Aggregate Producing Municipalities Committee. **CARRIED**

- 5.3 Correspondence from Belma Diamante, CEO and Lucy Stawiarski, President of the Canadian Ballet youth ensemble requesting one time grant funding of \$35,000, to hire Hamilton Philharmonic Orchestra for performances.**

(Merulla/Morelli)

Recommendation: Be received and referred to the Grants Subcommittee for consideration. **CARRIED**

- 5.4 Correspondence from the Honourable Denis Lebel, Minister of Transport, Infrastructure and Communities, respecting the City of Hamilton request for Westmount Recreation Centre and Lower Stoney Creek Recreation Centre Projects to be fully cash flowed by October 31, 2011.**

(Whitehead/Duvall)

Recommendation:

- (a) That Communication Item 5.4 respecting cash flow from the Ministry of Transportation, infrastructure and Communities be referred to the Fairness to Hamilton Campaign Committee for discussion;
- (b) That the Government Relations Contact Team meet with the appropriate Ministers to explain Hamilton's situation with respect to project completion, and that AMO and FCM be appropriately advised through Council's representatives;
- (c) That correspondence be forwarded to all local MP's and MPP's requesting their assistance, and that such correspondence be copied to City Council for information. **CARRIED**

- 5.5 Correspondence from Jake Pastore Manager, Municipal and Community Relations, Ontario Lottery and Gaming Corporation, respecting the July 1, 2011 to September 30, 2011 quarterly financial payment to the City of Hamilton for operation of Flamboro Downs Slots.**

(Collins/Partridge)

Recommendation: Be received. **CARRIED**

(Partridge/Pasuta)

That the items of correspondence be received, as amended.

CARRIED**(McHattie/Farr)**

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

CARRIED

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| GENERAL ISSUES COMMITTEE REPORT 11-030 |
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Item 1 Conventional, Rapid and Inter-Regional Transit: Technical, Financial and Land Use Considerations (CM11016/PW11064/PED11154/FCS11072) – (City Wide) (Item 7.1)

This Item CARRIED on the following standing recorded vote:

| | |
|---------|---|
| Yeas: | Whitehead, Collins, Morelli, Farr, Pearson, Johnson, Ferguson, Powers, Pasuta, Bratina, Partridge, Clark, Duvall, Merulla, McHattie and Jackson |
| Total | 16 |
| Nays: | None |
| Total: | 0 |
| Absent: | None |
| Total: | 0 |

(Clark/McHattie)

That the General Issues Committee Report 11-030 be amended, by adding a new Item 3, as follows:

Item 3 Meeting Respecting the City's Position on the LRT

That the Mayor and the Government Relations Contact Team meet with the Minister of Transportation, Official Leader of the Opposition and Leader of the Third Party to bring Hamilton's current position on LRT to their attention and the City's need for 100% Capital Funding.

Amendment CARRIED
Motion as amended CARRIED

(Bratina/Partridge)

That the THIRTIETH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

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| PUBLIC WORKS COMMITTEE REPORT 11-012 |
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**Item 6 Telecommunication Tower and Antenna Protocol (PW11033a) (City Wide)
(Item 8.2)**

Item 6, sub-section (a), CARRIED on the following vote:

| | |
|---------|---|
| Yeas: | Whitehead, Collins, Morelli, Farr, Pearson, Johnson, Ferguson, Powers, Pasuta, Bratina, Partridge, Clark, Merulla, McHattie and Jackson |
| Total | 15 |
| Nays: | Duvall |
| Total: | 1 |
| Absent: | None |
| Total: | 0 |

(Powers/McHattie)

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

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| PLANNING COMMITTEE REPORT 11-018 |
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**Item 5 Municipal Law Enforcement Quarterly Updates (PED11180) (City Wide)
(Item 5.5)****(Pasuta/Partridge)**

That Item 5 of the Planning Committee Report 11-018 be amended, by deleting recommendations (a) through (f), as recommendations (a) through (f) were placed, in error, and were previously dealt with at the October 12, 2011 Council Meeting as Item 4 of Planning Report 11-017. The appropriate recommendation is as follows:

That Report PED11180 respecting, Municipal Law Enforcement Quarterly Updates, be received.

**Amendment CARRIED
Motion as amended CARRIED**

Item 7 Mediation Services for Municipal Law Enforcement (PED11181) (City Wide) (Item 8.1)

This Item CARRIED on the following vote:

Yeas: Whitehead, Collins, Morelli, Farr, Pearson, Johnson, Ferguson,
Powers, Pasuta, Bratina, Partridge, Duvall, Merulla, McHattie and
Jackson
Total 15
Nays: Clark
Total: 1
Absent: None
Total: 0

Item 8 Lot Grading, Drainage and Site Alteration – Comprehensive Policy Review PED10091(d) (City Wide) (Item 8.2)

Item 8, sub-sections (a), (b), (c), (d) and (e), CARRIED on the following vote:

Yeas: Whitehead, Collins, Morelli, Farr, Pearson, Johnson, Clark, Powers,
Pasuta, Bratina, Partridge, Duvall, Merulla, McHattie and Jackson
Total 15
Nays: Ferguson
Total: 1
Absent: None
Total: 0

(Collins/Merulla)

That item 8 of the Planning Committee Report 11-018 be amended by:

- (i) deleting the words in sub-section (g), “be referred to the 2012 budget process”, and replacing it with the words following the figure “\$300,000” in the fifth line, “be funded from surpluses in existing approved Capital Works In Process accounts within the Stormwater Capital Program budget.”;
- (ii) deleting the words in sub-section (h), “That the following staffing enhancement be referred to the 2012 Budget Process for consideration”, and replacing it with the words following the figure “\$220,000” in the last line, “to be funded from surpluses in existing approved Capital Works In Process accounts within the Stormwater Capital Program budget.”.

**Amendment CARRIED
Motion as amended CARRIED**

(Pasuta/Partridge)

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

AUDIT FINANCE & ADMINISTRATION REPORT 11-012**Item 4 Award of Contract (C12-08-11) Inventory Management & Supply of Engine Antifreeze (FCS11086) (City Wide) (Item 5.4)****(Pasuta/Ferguson)**

That Item 4 of the Audit Finance and Administration Report 11-012, be referred back to the Committee for further consideration.

CARRIED**Item 8 Amended Water Leak Adjustment Policy (FCS11071) (City Wide) (Item 5.7)**

This Item CARRIED on the following vote:

Yeas: Whitehead, Collins, Morelli, Farr, Pearson, Powers, Pasuta, Bratina, Partridge, Duvall, Merulla, McHattie and Jackson

Total 13

Nays: Johnson, Clark, Ferguson

Total: 3

Absent: None

Total: 0

Item 13 Governance Review Sub-Committee Report 11-004 (Item 8.6)

This Item CARRIED on the following standing recorded vote:

Yeas: Bratina, Clark, Ferguson, Johnson, Partridge, Pasuta, Pearson, Powers

Total 8

Nays: Collins, Duvall, Farr, Jackson, McHattie, Merulla, Whitehead

Total: 7

Absent: Morelli

Total: 1

(Johnson/Pearson)

That the TWELFTH Report of the Audit Finance & Administration Committee be adopted, as amended, and the information section received.

CARRIED**EMERGENCY & COMMUNITY SERVICES REPORT 11-012****(Merulla/Collins)**

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

CARRIED

BOARD OF HEALTH REPORT 11-009**(Bratina/Powers)**

That the NINTH Report of the Board of Health be adopted, as amended and the information section received. **CARRIED**

(McHattie/Farr)

That the Committee of the Whole Rise and Report. **CARRIED**

MOTIONS

None.

NOTICES OF MOTION

None.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL**10.1 Closed Session Minutes – October 12, 2011****(Whitehead/Pearson)**

- (a) That the Closed Session Minutes of the October 12, 2011 meeting of Council be approved, as presented.
- (b) That the October 12, 2011 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 Closed Session Minutes – October 19, 2011 (Special)****(Whitehead/Pearson)**

- (a) That the Closed Session Minutes of the October 19, 2011 meeting of Council be approved, as presented.
- (b) That the October 19, 2011 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/Johnson)

That Council move into Closed Session to discuss a matter respecting Personal matters about identifiable individuals at 10:17 p.m. pursuant to Section 8.1(b) of the Procedural By-law and Section 239(2)(b) of the Municipal Act as the subject matter pertains to personal matters about identifiable individuals, including municipal employees.

CARRIED**(Merulla/Collins)**

That Committee reconvene in Open Session at 10:36 p.m.

CARRIED**10.3 Personal matters about identifiable individuals**

The verbal update regarding personal matters about identifiable individuals, was received.

CARRIED**BY-LAWS****(Partridge/Pasuta)**

That Bills No. 011-261 to 011-265 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be number signed by the Mayor and the City Clerk and read as follows:

| By-law No. | Bill No. | |
|-------------------|-----------------|--|
| 11-261 | 261 | 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 9 – Alternate Side Parking Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones Schedule 15 – Commercial Vehicle Loading Zones Schedule 20 – School Bus Loading Zones |
| 11-262 | 262 | To Amend the Site Alteration By-law No. 03-126, as amended |
| 11-263 | 263 | To Incorporate City Land Designated as Block 130 on Plan 62M-1125 into Browview Drive |
| 11-264 | 264 | Respecting Removal of Part Lot Control, Block 83, Registered Plan No. 62M-1078, “ Woodview Estates” 267 – 281 Fall Fair Way |
| 11-265 | 265 | To Confirm the Proceedings of City Council |

CARRIED

(Pearson/Powers)

There being no further business, the City Council meeting adjourned at 10:40 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
October 26, 2011