CITY COUNCIL
MINUTES

Wednesday, June 23, 2010
7:00 p.m.
Council Chambers
City Hall
71 Main Street West
Hamilton, Ontario

Present:
Mayor F. Eisenberger


Mayor Eisenberger called the meeting to order and called upon Reverend Henry Huberts, from St. Andrews Presbyterian Church in Ancaster, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CORRECTIONS

   Economic Development and Planning Committee Report 10-014, Item 13, Subsection (d). The words “during July and August” after the word “received” in the last line to be deleted.

   Public Works Report 10-009 contains a typographical error, Item 17, Subsection (a) should read “65% Waste Diversion” not “6%”

2. ADDED COMMUNICATIONS

   5.3 Correspondence from Lee Hillman respecting Bob Young’s objections to the west-harbour site and his open letter to the City for the Pan Am/Ti-Cat Stadium

   Recommendation: Be received
5.4 Correspondence from Paul Miller, MPP. Hamilton East-Stoney Creek, respecting funding for improperly buried War of 1812 soldiers in Stoney Creek

Recommendation: For the consideration of Council

5.5 Correspondence from Susan James, Wentworth Standard Condominium Corporation No. 399 respecting support for the plan to investigate mitigating the cost of services provided to condominium residents.

Recommendation: Be received

5.6 Correspondence from Joe Beattie, Hamilton-Brantford, Ontario Building & Construction Trades Council respecting location of Pan Am Stadium

Recommendation: Be received

3. ADDED NOTICE OF MOTION

8.1 Fruitland Road Truck Route

(Pearson/Collins)
That the Agenda for the City Council meeting being held on June 23, 2010, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3. CEREMONIAL ACTIVITY

3.1 Welcome Back to City Hall

Mayor Eisenberger welcomed Councillors, staff and the public back to the newly renovated City Hall. Councillors commented on the project and the success it has been.

APPROVAL OF MINUTES

4.1 June 9, 2010

(Pearson/Collins)
That the Minutes of the June 9, 2010 meeting of Council be approved, as presented.
(Whitehead/McCarthy)
That Council Communications 5.1 through 5.6 be approved, as amended, as follows:

5.1 Correspondence received from Brian Rodgers, Hamilton Conservation Authority submitting 2009 Audited Financial Statements

Recommendation: Be received

5.2 Correspondence from John and Donna McColl respecting Pan Am Stadium at West Harbour

Recommendation: Be received

5.3 Correspondence from Lee Hillman respecting Bob Young’s objections to the west-harbour site and his open letter to the City for the Pan Am/Ti-Cat Stadium

Recommendation: Be received

5.4 Correspondence from Paul Miller, MPP. Hamilton East-Stoney Creek, respecting funding for improperly buried War of 1812 soldiers in Stoney Creek

(Clark/Merulla)
That Council direct staff to file a request for funding to the Minister of Tourism and Culture, Michael Chan, in the amount of $200,000 as the Province’s contribution to the Smith’s Knoll project which includes the property purchase, demolition, archaeological dig, site restoration, reinterment, site interpretation and expansion of the Parkette.

Amendment CARRIED

5.5 Correspondence from Susan James, Wentworth Standard Condominium Corporation No. 399 respecting support for the plan to investigate mitigating the cost of services provided to condominium residents.

Recommendation: Be received

5.6 Correspondence from Joe Beattie, Hamilton-Brantford, Ontario Building & Construction Trades Council respecting location of Pan Am Stadium

Recommendation: Be received

CARRIED as Amended

(Powers/Pearson)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.

CARRIED
LICENSING TRIBUNAL COMMITTEE REPORT 10-004

(Bratina/McHattie)
That the FOURTH Report of the Licensing Tribunal Committee be adopted, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 10-009

Item 17  Status of Solid Waste Management Master Plan, Options for Increasing Diversion and Landfill Capacity – Follow-up Report on Additional Diversion Options to Reach 65% Waste Diversion (PW07151(c)) (City Wide) (Outstanding Business List Item) (Item 8.6)

(McHattie/Bratina)
That Item 17 of Public Works Committee Report 10-009 respecting “Status of Solid Waste Management Master Plan, Options for Increasing Diversion and Landfill Capacity – Follow-Up Report on Additional Diversion Options to Reach 65% Waste Diversion” (PW07151(c)), be amended by adding the following as sub-section (f):

“(f) That staff be directed to initiate discussions with the publicly funded school boards on the possible implementation of the Green Cart program.”

Amendment CARRIED
Main Motion as amended CARRIED

(Pasuta/Morelli)
That the NINTH Report of the Public Works Committee be adopted as amended, and the information section received.

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 10-013

(Ferguson/Mitchell)
That the THIRTEENTH Report of the Economic Development and Planning Committee be received.

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 10-014

Item 12  Business Licensing Category Review (PED10131) (City Wide) (Item 7.3)

This Item CARRIED on the following votes:
Yeas: Eisenberger, Bratina, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Pearson, Mitchell, Powers and Whitehead
Total: 14
Nays: Ferguson and Clark
Total: 2
Absent: Total: 0

Item 13  Airport Employment Growth District (AEGD) (PED10133 / PW10061) (City Wide) (Item 8.1)

(Eisenberger/Jackson)
That Item 13 of Economic Development and Planning Committee Report 10-014 be amended by deleting the recommendation in its entirety and replacing it with the following:

(a) That the draft Airport Employment Growth District Secondary Plan (AEGD) Appendix “A” and draft implementing Zoning By-law Appendix “B” both attached to Report PED10133 / PW10061 be received;

(b) That the General Manager of the Planning and Economic Development Department be authorized and directed to release the draft Airport Employment Growth District Secondary Plan, draft implementing Zoning By-law and the supporting studies, as outlined in Appendix “C” to Report PED10133 / PW10061 for public consultation / public feedback during July, August and early September;

(c) That, as part of the public consultation process, the General Manager of the Planning and Economic Development Department be authorized and directed to hold a three Public Information Centres, one of which shall be in early September, 2010, to present the draft Airport Employment Growth District Secondary Plan and draft implementing Zoning By-law.

(d) That a special public meeting of the Economic Development and Planning Committee be arranged for late September, 2010 to consider formal approval of the Secondary Plan and implementing Zoning By-law. Further, that the staff report for this public meeting include all written public comments received during July, August and September.

(Mitchell/Pearson)
That the motion be amended to add a Subsection (e) to read as follows;

(e) That a meeting of the Airport Community Liaison Committee occur prior to Public Information Consultations so the public will hear the conclusion of their work.

Amendment CARRIED
The Motion, as amended, CARRIED on the following Standing Recorded votes:

Yeas: Eisenberger, Collins, Duvall, Jackson, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 11
Nays: Bratina, Clark, Ferguson, McCarthy and McHattie
Total: 5
Absent: 0
Total: 0

(Ferguson/Powers)
That the FOURTEENTH Report of the Economic Development and Planning Committee be adopted as amended, and the information section received. CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 10-008

Item 4  Re: Freedom of Information Request #09-152 (Appeal MA10-40) (Added Item 11.2)

(Merulla/Collins)
That Item 4 of Audit and Administration Report 10-008 be deleted in its entirety and replaced to read as follows:


(b) That the contents of Report CL10003 remain confidential. Amendment CARRIED
Main Motion as amended CARRIED

Item 5  Municipal Alcohol Policy (CS10025) (Item 7.1)

(Ferguson/Jackson)
That the City of Hamilton Designated Properties List for Permissible and Non-Permissible Facilities, attached as Appendix “B” to Report CS10025 and referenced in subsections ‘c, d, e, f and g’ of Item 5 of Audit and Administration Committee Report 10-008 be amended by adding the Ancaster Seniors Achievement Centre to the list of permissible facilities. CARRIED
Main Motion as amended CARRIED
(Powers/Pearson)
That the EIGHTH Report of the Audit and Administration Committee be adopted as amended, and the information section received.  
CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 10-010

(Pasuta/Duvall)
That the TENTH Report of the Emergency and Community Services Committee be adopted, and the information section received.  
CARRIED

COMMITTEE OF THE WHOLE REPORT 10-016

(Eisenberger/Duvall)
That the SIXTEENTH Report of the Committee of the Whole be adopted, and the information section received.  
CARRIED

COMMITTEE OF THE WHOLE REPORT 10-017

Item 1  2011 Tax Budget Pressures, Process & Schedule (FCS10005) (City

(Merulla/Bratina)
That Item 1(d) of Committee of the Whole Report 10-017 be amended by adding the words “on dealing with the Provincial Government” following the words “plan of action” to read as follows:

(d) That staff be directed to report back to Council on the ongoing Provincial download deficit to the City of Hamilton of $129.3 million dollars equating to 21.5% in municipal taxes and formulate a plan of action on dealing with the Provincial Government to mitigate the financial impact to the residents of the City of Hamilton.  
Amendment CARRIED

(Duvall/Whitehead)
That the following be added as sub-section (e):

(e) That all City departments target a 0% budget increase and if this target is not met, that the reasons be provided.

(Merulla/Collins)
That this motion be TABLED and referred to staff to determine the impact on our community.

The TABLING was DEFEATED on the following Standing Recorded votes:
The Motion made by Councillor Duvall respecting the 0% budget increase was withdrawn.

Item 1 as amended CARRIED on the following votes:

Yeas: Eisenberger, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers
Total: 11
Nays: Clark, Mitchell, Whitehead
Total: 3
Absent: Bratina, McCarthy
Total: 2

(Eisenberger/Pearson)
That the SEVENTEENTH Report of the Committee of the Whole be adopted as amended, and the information section received. CARRIED

(Powers/Pearson)
That Committee of the Whole rise and report. CARRIED

MOTIONS

None

NOTICES OF MOTION

Councillor D. Mitchell put forward the following Notice of Motion:

8.1 Fruitland Truck Route

Whereas trucks on Fruitland Road are a continuous problem for local residents;
And Whereas the ability to completely resolve the truck issue with a by-pass is premature at this time;
And Whereas there is a current need to give residents some peace from the continuous truck traffic;
And Whereas it is recognized that trucks still need access and use of Fruitland Road.

Therefore be it resolved:

(a) That Fruitland Road be a non truck route from 7 p.m. to 7 a.m. (19:00 hours to 07:00 hours inclusive), seven days a week and until such time as a new by-pass route is constructed;

(b) That By-law 01-215, as amended, being a by-law to regulate traffic, be amended accordingly.

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

None

BY-LAWS

(Whitehead/Jackson)
That Bill Nos. 010-147 to 010-166 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 read as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-147</td>
<td>147</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control</td>
</tr>
<tr>
<td>10-149</td>
<td>149</td>
<td>To Levy the Prescribed Amount on Institutions Designated as Eligible for Grant In Lieu of Tax Under Section 323 of the Municipal Act</td>
</tr>
<tr>
<td>By-law No.</td>
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<tr>
<td>10-150</td>
<td>150</td>
<td>Respecting Removal of Part Lot Control, Blocks 103-104 of Plan No. 62M-1135, “Ancaster Arbour”</td>
</tr>
<tr>
<td>10-151</td>
<td>151</td>
<td>Respecting Removal of Part Lot Control, Blocks 105-106 of Plan No. 62M-1135, “Ancaster Arbour”</td>
</tr>
<tr>
<td>10-154</td>
<td>154</td>
<td>Respecting Removal of Part Lot Control, Lots 1, 4-8, 10-13, 16, 17, 21-23, 30, 31, 34, 42, 43 and 81-83 and of Plan No. 62M-1131, “Rosehaven Homes”</td>
</tr>
<tr>
<td>10-155</td>
<td>155</td>
<td>Respecting Removal of Part Lot Control, Lots 46-55, 61, 62, 64, 65, 69, 70, 72 and 75-78 of Plan No. 62M-1131, “Rosehaven Homes”</td>
</tr>
<tr>
<td>10-156</td>
<td>156</td>
<td>To Incorporate City Land Designated as Parts 1 and 2 on Plan 62R-18589 into Pinehill Drive</td>
</tr>
<tr>
<td>10-157</td>
<td>157</td>
<td>To Incorporate City Land Designated as Parts 6 and 7 on Plan 62R-18589 into Rymal Road East</td>
</tr>
<tr>
<td>10-158</td>
<td>158</td>
<td>To Incorporate City Land Designated as Parts 3, 4, 5 and 8 on Plan 62R-18589 into Trinity Church Road</td>
</tr>
<tr>
<td>10-159</td>
<td>159</td>
<td>To Adopt Official Plan Amendment No. 225 to the former City of Hamilton Official Plan, Respecting Lands Located Within Part of Lot 40, Plan 1475, Parts 1-10 of Reference Plan 62R-11918, City of Hamilton, 1510 Main Street West</td>
</tr>
<tr>
<td>10-160</td>
<td>160</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1510 Main Street West</td>
</tr>
<tr>
<td>10-161</td>
<td>161</td>
<td>To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Land Located at 1163 2nd Concession Road West and 315 Highway 8</td>
</tr>
<tr>
<td>10-162</td>
<td>162</td>
<td>To Amend By-law No. 06-147, To Authorize the City to Enter into Extension Agreements</td>
</tr>
</tbody>
</table>
| 10-164     | 164      | To Adopt Official Plan Amendment No. 224 to the former City of Hamilton Official Plan and Official Plan Amendment No. 159 to the former City of Stoney Creek Official Plan, Respecting Trinity
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West Secondary Plan

10-165 165 To Adopt Official Plan Amendment/Modification No. 2 to the Urban Hamilton Official Plan, Respecting Trinity West Secondary Plan (former City of Stoney Creek)

10-166 166 To Confirm the Proceedings of City Council

CARRIED

(Powers/Pearson)
There being no further business, the City Council meeting adjourned at 9:50 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

R. Caterini
City Clerk
June 23, 2010