Mayor Eisenberger called the meeting to order and called upon Father Ted Slaman, of the Blessed Sacrament Parish, to lead Council in prayer.

Mayor Eisenberger led the Council in a moment of silence in recognition of the Day of Mourning to commemorate workers who have died through work place injuries or disease.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

1. **ADDED COMMUNICATIONS**
5.8 Correspondence from Ed Fothergill, Fothergill Planning and Development respecting Flamborough Power Centre – New Draft Industrial Zoning By-law

Recommendation: Be received

Amend recommendation to: Be withdrawn as this matter has been redirected to the Economic Development and Planning Committee for their consideration

5.12 Petitions received from the following Waterdown Residents and Business Owners, respecting Parking Meters in Waterdown:

(a) Cindy Nichols
(b) Alex Bielak
(c) Patty and Daniel Toohy
(d) Robert and Deborah White
(e) Steve Hoover
(f) Gayle Borer

Recommendation: Be received.


Recommendation: Be received.

2. COMMITTEE REPORTS

6.6 Board of Health Report 10-005, April 26, 2010

3. BY-LAW LISTING

(Pearson/Pasuta)
That the Agenda for the City Council meeting being held on April 28, 2010 be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were no declarations of interest.
CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 World Citizenship Award
Mayor Eisenberger invited Rein Ende and Joan Browning of the Hamilton Mundialization Committee to present Dr. Rama Shankar Singh with the World Citizenship Award. Dr. Singh thanked everyone for the honour.

APPROVAL OF MINUTES

(Collins/Ferguson)
That the Minutes of the April 14, 2010 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Pasuta/Merulla)
That Council Communications 5.1 to 5.13 be approved, as amended, as follows:

5.1 AMO – Request for Nominations – Board of Directors
Recommendation: That City Council supports Councillor Russ Powers for consideration to the AMO Regional and Single Tier Caucus Board of Directors

5.2 FCM – Request for Nominations – Board of Directors
Recommendation: That City Council supports Councillor Terry Whitehead for consideration to the FCM National Board of Directors.

5.3 Correspondence from the Honourable Laurel Broten, Minister of Children and Youth Services respecting early learning and child care
Recommendation: Be received

5.4 Correspondence from Barbara Hall, Chief Commissioner, Ontario Human Rights Commission respecting Land use planning and the Human Rights Code
Recommendation: Be received and referred to the General Manager of Planning and Economic Development for a report to the Economic Development and Planning Committee
5.5 Correspondence from the Honourable Deb Matthews, Minister of Health and Long-Term Care respecting funding adjustment – one time funding for negotiated agreements for dedicated nurses to receive ambulance patients at locally selected hospitals

Recommendation: be received

5.6 Petitions from Sherry Bowman, M. Martinuk, Emily Stuparyk, James Stuparyk, Brigitte Vander Knaap, Dwayne King, Priscella Pickett, David Wimble and Barbara Lougheed respecting deer in Iroquoia Heights Conservation Area

Recommendation: be received and referred to the Sub-Committee of Iroquoia Heights of the Hamilton Conservation Authority

5.7 Petitions from concerned citizens with respect to parking meters

Recommendation: Be received

5.8 Correspondence from Ed Fothergill, Fothergill Planning and Development respecting Flamborough Power Centre – New Draft Industrial Zoning By-law

Recommendation: Be withdrawn as this matter has been redirected to the Economic Development and Planning Committee for their consideration

5.9 Correspondence from Gerald Asa respecting OPA 08-015/ZAC-08-069

Recommendation: Be received

5.10 Correspondence from Denise Savoie, MP, Victoria, Jack Layton, MP, Leader, New Democratic Party of Canada, Chris Charlton, MP, Hamilton Mountain, David Christopherson, MP, Hamilton Centre, Wayne Marston, MP, Hamilton East-Stoney Creek respecting support for Bill C-466 – Federal Legislation for Transit and Other Green Commuter Choices

Recommendation: Be referred to the Public Works Committee for a staff report.
5.11 Correspondence from City of Oshawa respecting the Public Sector Salary Disclosure Act, commonly known as the “Sunshine List” – enacting salary cap

Recommendation: Be referred to Audit and Administration Committee.

5.12 Petitions received from the following Waterdown Residents and Business Owners, respecting Parking Meters in Waterdown:

(a) Cindy Nichols
(b) Alex Bielak
(c) Patty and Daniel Toohey
(d) Robert and Deborah White
(e) Steve Hoover
(f) Gayle Borer

Recommendation: Be received.


Recommendation: Be received.

CARRIED

(Clark/ Collins)
That Council move directly into the Items 7.2 and 7.3 in consideration for the audience in attendance.

CARRIED

7.2 Motion to reconsider Item 3(b) and (c) of Committee of the Whole Report 10-001 respecting Installing Paid Parking in All Commercial Areas

(Clark/Pasuta)
That subsection (b) of Item 3 of Committee of the Whole Report 10-001 approved by Council on January 12, 2010, be reconsidered:

3. Increasing On-street Parking Meter Rates; Installing Paid Parking in All Commercial Areas; Revenue Sharing (PED08059(c)) (Item 8.5)

(a) That on-street parking meter rates be increased to $1.00/hour City wide;

(b) That paid parking be implemented in additional commercial areas of the City being Locke Street, Stoney Creek, Ancaster and Waterdown and that staff be directed to
expedite opportunities for off street parking in the Locke street area;

(c) That the estimated Capital cost of $205,000.00 for purchasing additional revenue control equipment be financed from the Parking Capital Reserve #108021;

(d) That the revenue sharing concept as outlined in 2006 Report PED06003, attached as Appendix “A” to Report PED08059(c), be endorsed, and that staff be directed to again consult with the Hamilton Association of Business Improvement Areas (HABIA) to further define the eligible items for expenditure under the revenue sharing program and report back for final approval prior to implementation in 2011;

(e) That staff be directed to look for opportunities to increase parking through the addition of lots/properties to be procured through funds from parking revenue in Stoney Creek and Ancaster.

(f) That staff be directed to consult with the Ward Councillor and the Waterdown B.I.A. with respect to the strategy for paid parking.

The above motion to reconsider was **DEFEATED** on a Standing Vote:

<table>
<thead>
<tr>
<th>Yeas:</th>
<th>Eisenberger, Clark, Collins, Ferguson, McCarthy, Merulla, Mitchell, Pasuta, Pearson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total:</td>
<td>9</td>
</tr>
<tr>
<td>Nays:</td>
<td>Bratina, Duvall, Jackson, McHattie, Powers, Whitehead</td>
</tr>
<tr>
<td>Total:</td>
<td>6</td>
</tr>
<tr>
<td>Absent:</td>
<td>Morelli</td>
</tr>
<tr>
<td>Total:</td>
<td>1</td>
</tr>
</tbody>
</table>

7.3 Retention of Nora Frances Henderson Hospital

**(Duvall/Whitehead)**

Retention of Nora Frances Henderson Hospital

(a) 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 respectfully requested to reconsider their decision.
(b) That the Province of Ontario be requested to review and create a policy for the naming of public buildings and institutions and that, where a name is removed, public consultation be mandated.

The Item was split for voting purposes

The above subsection (a) was CARRIED on a Standing Vote:

Yeas: Bratina, Collins, Duvall, Jackson, McHattie, McCarthy, Merulla, Mitchell, Pasuta, Pearson, Powers, Whitehead
Total: 12
Nays: Eisenberger, Clark, Ferguson
Total: 3
Absent: Morelli
Total: 1

The above subsection (b) was CARRIED on a Standing Vote:

Total: 13
Nays: Clark, Ferguson
Total: 2
Absent: Morelli
Total: 1

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 10-006

4. Accommodation and Leasing Strategy (PW10045/PED10101) (Wards 2 and 15) (Item 8.3)

(Merulla/McHattie)
That Item 4 of the Public Works Report 10-006 be amended in the following manner;

(a) The addition of a new subsection (h) to read as follows;

(h) That Council approve the following funding sources and amounts, in relation to one-time costs for the relocation of staff to 77 James St. N.,Suite 400: $735,300 from the Unallocated Capital Reserve
(b) The addition of a new line at the end of subsection (f) reading as follows;

…that the net proceeds from the sale be directed to the funding sources of the one-time costs for the relocation of staff to 77 James St. N., Suite 400.

(c) That subsection (g) be deleted and replaced with the following;

That the City owned property located at 125 Barton Street comprising an area of approximately 4.46 acres, with a storage warehouse (56,401 square feet) and a shop (10,113 square feet), be declared surplus for the needs of the Public Works Department of the City of Hamilton and that this property be considered for Strategic City Initiatives, and that any net proceeds from the potential sale of this property be directed to the funding sources of the one-time costs for the relocation of staff to 77 James St. N., Suite 400 with the balance to be deposited in the Property Purchases Reserve 100035.

(McCarthy/Whitehead)
That Item 4 of the Public Works Report 10-006 along with the proposed amendments brought before Council to this item be referred back to the Public Works Committee.

CARRIED

Information Item (v) Business Review – Liberty Proposed Incinerator (PW07047(c))

(Merulla/McHattie)
That the referral to staff for independent analysis, with a report back to the next appropriate meeting of the Public Works Committee respecting the conflicting assumptions by Black & Veatch and Liberty Energy, be lifted from the Information Section.

CARRIED

(Merulla/McHattie)
That the conflicting assumptions by Black & Veatch and Liberty Energy be referred to staff for independent analysis, with a report back to the next appropriate meeting of the Public Works Committee.

(Powers/Bratina)
That the conflicting assumptions by Black & Veatch and Liberty Energy, outlined in Liberty Energy’s correspondence dated April 19, 2010 be referred to staff for independent
City Council (9) April 28, 2010

analysis, with a report back to the next appropriate meeting of the Public Works Committee.

The above amended motion was CARRIED on a Standing Vote:

Yeas: Bratina, Clark, Duvall, Ferguson, Jackson, McCarthy, Mitchell, Pasuta, Pearson, Powers, Whitehead
Total: 11
Nays: Collins, Eisenberger, McHattie, Merulla
Total: 4
Absent: Morelli
Total: 1

(Merulla/McHattie)
That the SIXTH Report of the Public Works Committee be adopted, as amended, and the information section received. CARRIED

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 10-008

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

AUDIT & ADMINISTRATION COMMITTEE 10-005

Information Item (h) 2009 Litigation File Closing Summary LS010006

(Clark/Pearson)
That Item (h), 2009 Litigation File Closing Summary LS010006, in the Information Section of the Audit & Administration Committee Report 10-005, be referred to a Committee of the Whole meeting. CARRIED

(Powers/Pearson)
That the FIFTH Report of the Audit and Administration Committee be adopted, and the information section received, as amended. CARRIED
EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-006

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

HAMILTON LICENSING TRIBUNAL REPORT 10-002

(Whitehead/Powers)
That the SECOND Report of the Hamilton Licensing Tribunal be adopted, and the information section received. CARRIED

BOARD OF HEALTH REPORT 10-005

(Eisenberger/Bratina)
That the FIFTH Report of the Board of Health be adopted, and the information section received. CARRIED

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

MOTIONS

7.1 Establishment of a Special Flamborough Reserve Fund
Item 7.1 was withdrawn by Councillor Whitehead

7.2 Motion to reconsider Item 3(b) and (c) of Committee of the Whole Report 10-001 respecting Installing Paid Parking in All Commercial Areas
For this Item see disposition on page 5

7.3 Retention of Nora Frances Henderson Hospital
For this Item see disposition on page 6
Councillor B. Clark introduced the following Notice of Motion:

8.1 Reduction to the 2010 Tax Levy

Item 8.1 was withdrawn by Councillor Clark

Councillor M. McCarthy introduced the following Notice of Motion:

8.2 Ministerial Zoning Order – Participation in St. Mary’s Quarry Application Evaluation Process

WHEREAS The Minister of Municipal Affairs and Housing, on April 13, 2010, issued a Ministerial Zoning Order (MZO) under Section 47 of the Planning Act to freeze the zoning of 154 hectares of lands in the former Town of Flamborough, now part of Hamilton, located near Milburough town Line and the 11th Concession Road East. (St. Mary’s Cement)

AND WHEREAS This MZO permanently restricts the land to its current use or those allowed in its present zoning.

THEREFORE BE IT RESOLVED:

Given that the Province has passed a Ministerial Zoning Order for the subject property, the City of Hamilton will no longer co-ordinate, or participate in, a quarry application evaluation process.

(McCarthy/Jackson)
That the Rules of Order be waived in order to introduce a motion respecting a Ministerial Zoning Order – Participation in St. Mary’s Quarry Application Evaluation Process

CARRIED

(McCarthy/Jackson)
WHEREAS The Minister of Municipal Affairs and Housing, on April 13, 2010, issued a Ministerial Zoning Order (MZO) under Section 47 of the Planning Act to freeze the zoning of 154 hectares of lands in the former Town of Flamborough, now part of Hamilton, located near Milburough town Line and the 11th Concession Road East. (St. Mary’s Cement)

AND WHEREAS This MZO permanently restricts the land to its current use or those allowed in its present zoning.

THEREFORE BE IT RESOLVED:
Given that the Province has passed a Ministerial Zoning Order for the subject property, the City of Hamilton will no longer co-ordinate, or participate in, a quarry application evaluation process.

CARRIED

Councillor B. Bratina introduced the following Notice of Motion:

8.3 Establishment of a Hamilton Farmers Market Transition Sub-Committee

(a) That a short-term Hamilton Farmers’ Market Transition Sub-Committee be established to address issues in the existing temporary location and to oversee the transition into the permanent Hamilton Farmer’s Market location.

(b) That the following Terms of Reference be adopted:

(i) The purpose of the Hamilton Farmers’ Market Transition Sub-committee is to:

(aa) Provide Stallholders with the option for an objective review of issues not resolved through existing decision making processes

(bb) Review, investigate, and wherever possible, resolve issues arising from Stallholders’ concerns regarding the terms and conditions of their leases within the existing temporary location and the transition to the permanent Hamilton Farmer’s Market location;

(cc) Make decisions or recommendations within the parameters of City of Hamilton Bylaws;

(dd) Make decisions in a timely manner;

(ee) Increase Stallholders’ awareness of their obligations and responsibilities under the Market Bylaw and other relevant municipal bylaws;

(ff) Determine the most appropriate method of allocating space to Stallholders in the renovated Market;

(gg) Anticipate and identify potential areas of dispute and make recommendations for mitigation to the Director of Culture.

(ii) That the Hamilton Farmers’ Market Transition Sub-Committee be comprised of:

(a) Three to five members of Council

The Sub-Committee will have access to advice and guidance as required from:

(d) Market Supervisor

(e) Staff representative from Legal Services
City Council  
April 28, 2010

(f) Staff representative from By-law Services  
(g) Staff facilitator

(iii) That the Term of the Sub-Committee be from May 1, 2010 until the opening of the renovated Market (anticipated October 2010)

(Bratina/Pasuta)

That the Rules be waived to allow the introduction of a motion respecting the Establishment of a Hamilton Farmers Market Transition Sub-Committee.

CARRIED

(Bratina/Pasuta)

(a) That a short-term Hamilton Farmers’ Market Transition Sub-Committee be established to address issues in the existing temporary location and to oversee the transition into the permanent Hamilton Farmer’s Market location.

(b) That the following Terms of Reference be adopted:

(i) The purpose of the Hamilton Farmers’ Market Transition Sub-committee is to:

(aa) Provide Stallholders with the option for an objective review of issues not resolved through existing decision making processes

(bb) Review, investigate, and wherever possible, resolve issues arising from Stallholders’ concerns regarding the terms and conditions of their leases within the existing temporary location and the transition to the permanent Hamilton Farmer’s Market location;

(cc) Make decisions or recommendations within the parameters of City of Hamilton Bylaws;

(dd) Make decisions in a timely manner;

(ee) Increase Stallholders’ awareness of their obligations and responsibilities under the Market Bylaw and other relevant municipal bylaws;

(ff) Determine the most appropriate method of allocating space to Stallholders in the renovated Market;

(gg) Anticipate and identify potential areas of dispute and make recommendations for mitigation to the Director of Culture.

(ii) That the Hamilton Farmers’ Market Transition Sub-Committee be comprised of:

(a) Three to five members of Council
The Sub-Committee will have access to advice and guidance as required from:

(d) Market Supervisor  
(e) Staff representative from Legal Services  
(f) Staff representative from By-law Services  
(g) Staff facilitator

(iii) That the Term of the Sub-Committee be from May 1, 2010 until the opening of the renovated Market (anticipated October 2010)

CARRIED

Councillor Duvall Introduced the following Notice of Motion

8.4 That the surplus 3.1 million OMPF money be allocated towards Hamilton’s Infrastructure deficit, to address primarily sidewalks but also things such as roads parks and recreation deficiencies, and that these funds be added to the surplus funds already allocated by Council at the Committee of the Whole meeting on April 13, 2010.

(Duvall/Clark)  
That the Rules of Order be waived in order to introduce a motion respecting the surplus 3.1 million OMPF money be allocated towards Hamilton’s Infrastructure.

CARRIED

(Duvall/Clark)  
That the surplus 3.1 million OMPF money be allocated towards Hamilton’s Infrastructure deficit, to address primarily sidewalks but also things such as roads parks and recreation deficiencies, and that these funds be added to the surplus funds already allocated by Council at the Committee of the Whole meeting on April 13, 2010

CARRIED

Councillor Whitehead introduced the following notice of motion

8.5 In an effort to provide accountability for our Health Care system the City of Hamilton asks that the province of Ontario ensure that the Ombudsman’s Report in reference to the Local Health Integration Network be made public.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.
10.1 Minutes of the April 14, 2010 Closed Session

(Collins/Whitehead)
That Council approve the Closed Session Minutes of the April 14, 2010 meeting in open session and that the minutes 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

(Pasuta/Whitehead)
That Bill Nos. 10-082 to 10-092, 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>10-082</td>
<td>082</td>
<td>To Permanently Close a Portion of Kelly Street road allowance, City of Hamilton, being part of Kelly Street, Registered Plan 255, designated as part 1 on Plan 62R-18597, City of Hamilton</td>
</tr>
<tr>
<td>10-084</td>
<td>084</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 116 Hess Street North</td>
</tr>
<tr>
<td>By-law No.</td>
<td>Bill No.</td>
<td>Details</td>
</tr>
<tr>
<td>-----------</td>
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<td>---------</td>
</tr>
<tr>
<td>10-086</td>
<td>086</td>
<td>Respecting Removal of Part Lot Control, Lots 4-6, 7, 9-14, 16-18, 20-36, 39-41, 44-48, 50-61, and 63-75 of Plan No. 62M-1135, “Ancaster Arbour”</td>
</tr>
<tr>
<td>10-088</td>
<td>088</td>
<td>To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located on Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook and Block 136, Registered Plan 62M-1033, in the former Township of Glanbrook Owned by Multi-Area Developments Inc.</td>
</tr>
<tr>
<td>10-089</td>
<td>089</td>
<td>To Amend Zoning By-law No. 05-200, Respecting Lands Located on Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook and Block 136, Registered Plan 62M-1033, in the former Township of Glanbrook Owned by Multi-Area Developments Inc.</td>
</tr>
<tr>
<td>10-090</td>
<td>090</td>
<td>To Adopt Official Plan Amendment No. 78 to the former Township of Glanbrook Official Plan, Respecting Lands Located at 1280 Hendershot Road</td>
</tr>
<tr>
<td>10-091</td>
<td>091</td>
<td>To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 1280 Hendershot Road</td>
</tr>
<tr>
<td>10-092</td>
<td>092</td>
<td>To Confirm the Proceedings of City Council</td>
</tr>
</tbody>
</table>

(Pearson/Powers)
There being no further business, the City Council meeting adjourned at 10:54 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger,
Mayor

R. Caterini
City Clerk
April 28, 2010