CITY COUNCIL
MINUTES

Wednesday, February 25, 2009
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
Hamilton, Ontario

Present:

Mayor F. Eisenberger


Absent with Regrets:

Councillor B. McHattie – Illness

Mayor Eisenberger called the meeting to order and called upon Reverend Jacobsen of the Mountain View Christian Church, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **ADDED COMMUNICATIONS**

   5.12 Correspondence from J. D. Hammond respecting 201 King St. E., Dundas

   5.13 Correspondence from David Sweet, M.P. respecting Banner Hanging in Support of the Canadian Forces

   5.14 Correspondence from George H. Rust-D'Eye, WierFoulds L.L.P. respecting the Integrity Commissioner: Investigation into a matter Involving Conduct of a Councillor
2. COMMITTEE REPORTS “TO BE DISTRIBUTED”

6.3 Economic Development and Planning Committee Report 09-005, February 17, 2009

6.4 Committee of the Whole Report 09-007, February 23, 2009

6.5 Board of Health Report 09-004, February 23, 2009

3. BY-LAW LISTING

(Duvall/Morelli)
That the Agenda for the City Council meeting being held on February 25, 2009, be approved, as amended.  CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared an interest in Item 6 of the Economic Development & Planning Committee Report 09-005, as he has an interest in the taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Keep America Beautiful Certification

Hamilton will be the third Canadian affiliate, and the first Ontario affiliate, of the Keep America Beautiful (KAB) organization.

The City’s Clean City Liaison Committee will act as the Board of the local affiliate under the name “Keep Hamilton Beautiful.” The Mayor recognized the volunteer the Keep Hamilton Beautiful Committee, as follows:

- Dan Rodrigues, Chair
- Ron Speranzini, Vice Chair
- John Hawker
- Robin McKee
- Brad Rich
- Mac Sparrow
- George Zolis
- Councillor Chad Collins
- Councillor Tom Jackson
- Alex Moroz
- Ramona Dechet
- Sue Gilpin
- Phil Homerski
- Ramona Maharaj
- Liz Pelt
- Nello Violin

The Mayor also recognized the contributions of the Public Works staff working group, who ensured all the certification requirements were met, as follows:
The Mayor then welcomed the Hamilton Keep America Beautiful representative who has been the overseer of the KAB pre-certification process, the Executive Director of Keep Nebraska Beautiful, Ms. Jane Polson, who presented Hamilton with the Keep America Beautiful certification.

**APPROVAL OF MINUTES**

(Mitchell/Pasuta)
That the Minutes of the February 11, 2009, meeting of Council be approved, as presented.  
CARRIED

**COMMUNICATIONS**

(Pasuta/Pearson)
That Council Communications 5.1 to 5.14 be approved, as amended, as follows:

5.1 Correspondence from Premier Dalton McGuinty Respecting Hospital Funding

Recommendation: Be received

5.2 Correspondence from Dan Hefkey, Assistant Deputy Minister, Ministry of Community Safety and Correctional Services Respecting Mandatory Emergency Management Activities Required Under the Emergency Management and Civil Protection Act for 2008

Recommendation: Be received

5.3 Correspondence from the Honourable John Gerretsen, Minister of the Environment respecting Blue Box Program Plan Review and the Waste Diversion Act, 2002 Discussion Paper

Recommendation: Be received

5.4 ALERT from AMO respecting “AMO Expresses Concern Provides Recommendations to Minister on Proposed AODA Information and Communications Standard”

Recommendation: Be received
5.5 Correspondence from the following Municipalities respecting Bill 138:

(a) City of Oakville
(b) City of Oshawa
(c) Town of Orangeville
(d) City of Thorold

Recommendation: Be received

5.6 Communication from Minister Jim Bradley, MPP, Minister of Transportation respecting re-appointment of Mayor Eisenberger to Board of Directors of the Greater Toronto Transportation Authority (GTTA)

Recommendation: That Mayor Fred Eisenberger be nominated for reappointment to the Greater Toronto Transportation Authority.

5.7 Correspondence from the City of Toronto respecting Installation of sub-meters in Residential Rental Units and its Impact on Tenant Affordability Units

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

5.8 Correspondence from Prince Edward County Respecting Impacts of Low Frequency Noise and Electrical and Electromagnetic Disturbances

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

5.9 Correspondence from Town of Newmarket respecting Earth Hour – Participation and Challenge

Recommendation: Be received and referred to the Acting General Manager of Public Works for a report back to the Public Works Committee.
5.10 Correspondence from Town of Ajax respecting Authority to prohibit Corporate and Trade Union Contributions to Municipal Election Campaigns

Recommendation: Be received and referred to the Acting General Manager of Finance and Corporate Services for a report back to the Audit & Administration Committee.

Item 5.10 CARRIED on a recorded vote, as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 14

Nays: McCarthy
Total: 1

Absent: McHattie
Total: 1

5.11 Correspondence from Hamilton Conservation Authority respecting Infrastructure Funding

Recommendation: Be received and referred to the Acting General Manager of Finance and Corporate Services for review against potential Federal/Provincial Infrastructure funding opportunities and report back to Committee of the Whole

5.12 Correspondence from J. D. Hammond respecting 201 King St. E., Dundas

Recommendation: Be received.

5.13 Correspondence from David Sweet, M.P. respecting Banner Hanging in Support of the Canadian Forces

Recommendation: Be received and referred to the General Manager of Community Services for inclusion in the Red Friday report coming forward to the Emergency & Community Services Committee.

5.14 Correspondence from George H. Rust-D'Eye, WierFoulds L.L.P. respecting the Integrity Commissioner: Investigation into a matter Involving Conduct of a Councillor

Recommendation: Be received.
(Pasuta/Pearson)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.  CARRIED

AUDIT & ADMINISTRATION COMMITTEE 09-004

6. 2009 Purchasing Policy Updates (FCS09020) (City Wide) (Item 8.1)

(Jackson/Clark)
That the following be added as subsection (vi) to recommendation (a) of Item 6 of the Audit & Administration Committee Report 09-004 to read as follows:

(vi) That staff be directed to report back to the Audit & Administration Committee respecting the issue of incumbent satisfaction being added into the City’s Purchasing Policy.  CARRIED

(Clark/Bratina)
That Item 6 of Audit and Administration Committee Report 09-004, respecting Purchasing Policy Updates, be amended by adding subsection (d) as follows:

“(d) That staff be directed to present the Purchasing Policy as amended by subsection (a) to the Audit and Administration Committee for final approval.”  CARRIED

8. Information Services – Disaster Recovery (FCS09017) (City Wide) (Item 8.3)

(Eisenberger/Collins)
That Item 8, Information Services – Disaster Recovery (FCS09017) (City Wide), be referred back to the Audit & Administration Committee.  CARRIED

(Clark/Bratina)
That the FOURTH Report of the Audit & Administration Committee be approved, as amended, and the information section received.  CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE 09-003

(Duvall/Collins)
That the THIRD Report of the Emergency & Community Services Committee be approved, and the information section received.  CARRIED
6. Re-establishment of the Taxi Reform Sub-Committee (PED09014) (City Wide) (Item 6.4)

(Whitehead/Pearson)

(a) That Item 6(a) of the Economic Development & Planning Committee Report 09-005 be amended by deleting the word “five” and replacing it with the word “three”, and deleting the words “including three from the Economic Development and Planning Committee and two Councillors from the balance of Council”, to read as follows:

“(a) That three members of City Council be appointed to the Taxi Reform Sub-Committee.”

(b) That Item 6(b) be of the Economic Development & Planning Committee Report 09-005 be amended by deleting the words “as amended” and the word “five” and replacing it with the word “three”, and deleting the words “three from the Economic Development and Planning Committee, and two from other members of Council” to read as follows:

“(b) That the Terms of Reference for the Taxi Reform Sub-Committee, attached as Appendix “A” to Report PED09014, be approved to require that three members of Council be appointed to the Taxi Reform Sub-Committee.

CARRIED

The above motion CARRIED on a standing recorded vote, as follows:

Yeas: Collins, Jackson, McCarthy, Merulla, Morelli, Pearson, Powers, Whitehead
Total: 8
Nays: Eisenberger, Bratina, Clark, Duvall, Pasuta, Mitchell
Total: 6
Absent: McHattie
Total: 1
Abstained: Ferguson
Total: 1

(Jackson/Pearson)

That the following be added as subsection (d) to Item 6 of the Economic Development & Planning Committee Report 09-005, to read as follows:

(d) That the following three Councillors be appointed to the Taxi Reform Sub-committee:

(i) Councillor S. Merulla;
(ii) Councillor B. Morelli; and,
(iii) Councillor C. Collins.

CARRIED
That the FIFTH Report of the Economic Development & Planning Committee be approved, as amended, and the information section received. 

CARRIED

**COMMITTEE OF THE WHOLE REPORT 09-007**

1. International Event Opportunities – 2015 Pan Am Games Bid Update (CM09006) (Item 8.1)

(Duvall/Ferguson)
That the Question be Called on Item 1 of the Committee of the Whole Report 09-007 respecting the International Event Opportunities – 2015 Pan Am Games Bid Update (CM09006).

CARRIED

The above motion was CARRIED on a standing recorded vote, as follows:

Yeas: Bratina, Duvall, Ferguson, McCarthy, Mitchell, Pearson, Powers, Whitehead
Total: 8

Nays: Eisenberger, Clark, Collins, Jackson, Merulla, Morelli, Pasuta
Total: 7

Absent: McHattie
Total: 1

The main motion CARRIED on a standing recorded vote, as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, Morelli, Pasuta, Mitchell, Jackson, Pearson, Powers, Whitehead
Total: 12

Nays: Clark, McCarthy, Merulla
Total: 3

Absent: McHattie
Total: 1

(Pearson/Powers)
That the SEVENTH Report of the Committee of the Whole be approved, and the information section received.

CARRIED
5. **Children in Need of Treatment (CINOT) Update BOH09005 (City Wide) (Item 8.2)**

Item 5 of the Board of Health Report 09-004 CARRIED on a recorded vote, as follows:

- **Yeas:** Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McCarthy, Mitchell, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
- **Total:** 14
- **Nays:** Ferguson
- **Total:** 1
- **Absent:** McHattie
- **Total:** 1

**(Pearson/Pasuta)**
That the FOURTH Report of the Board of Health be approved, and the information section received. **CARRIED**

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

### MOTIONS

7.1 **Sustainable Infrastructure Needs**

**(Merulla/McCarthy)**

WHEREAS the City of Hamilton has a significant infrastructure deficit;

AND WHEREAS the Hamilton Future Fund should be invested into sustainable infrastructure, such as water and sewer, roads, sidewalks and bridges;

AND WHEREAS the residents of the City of Hamilton should not experience any tax increases for any unsustainable projects such as a proposed stadium and/or other facilities, as outlined in the proposed 2015 Pan Am Games bid;

AND WHEREAS the City of Hamilton has approximately a $180 million deficit in infrastructure;

THEREFORE, BE IT RESOLVED,

(a) That Public Works staff be directed to report to the Committee of the Whole with a plan that will expedite work that will eliminate and/or mitigate sustainable infrastructure needs. **CARRIED**
Item 7.1 CARRIED on a standing recorded vote, as follows:

Yeas: Clark, Collins, Duvall, Jackson, McCarthy, Merulla, Morelli, Pearson, Powers, Whitehead
Total: 10
Nays: Eisenberger, Bratina, Ferguson, Pasuta, Mitchell
Total: 5
Absent: McHattie
Total: 1

Note: Recommendation (b) of the original Notice of Notion, as shown below, was withdrawn:

“(b) That any monies being considered for use toward the Pan Am Games not be allocated from the Future Fund.”

7.2 Approval of the 2008 Tax Supported Budget (Item 6.2)

(Powers/Pearson)
That the Rules of Order be waived in order to introduce a motion to reconsider Item 1, subsection (e) of the Committee of the Whole Report 08-017a respecting Approval of the 2008 Tax Supported Budget.

CARRIED

(Powers/Pearson)
That Item 1, sub-section (e) of the Committee of the Whole Report 08-017a, approved by City Council at its meeting held April 23, 2008, and reading as follows be reconsidered:

"(e) That the interest from the Future Fund not be used to lower the levy in 2009 and forward."

CARRIED

The above motion CARRIED on a standing recorded vote, as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 12
Nays: Clark, McCarthy, Merulla
Total: 3
Absent: McHattie
Total: 1
(Powers/Pearson)
That Item 1, sub-section (e) of the Committee of the Whole Report 08-017a, approved by City Council at its meeting held April 23, 2008 and reading as follows, be deleted in its entirety and replaced with the following in lieu thereof:

"(e) That the Hamilton Future Fund not be used to directly fund the operating budget in 2009 and forward."

CARRIED

NOTICES OF MOTION

There were none.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes of February 11, 2009

(Mitchell/Pearson)
(a) That the Closed Session Minutes of the February 11, 2009 meeting of Council be approved, as presented.

(b) That the February 11, 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

(Pasuta/Mitchell)
That Bill Nos. 09-036 to 09-041 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 09-036 to 09-041 as follows:

By-law No.

09-036 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 12 – Permit Parking Zones
Schedule 14 – Wheelchair Loading Zones

09-037 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 50 Dartnall Road
By-law No. 09-038
To Amend Zoning By-law No. 6593 (Hamilton), Respecting 434 King Street West

09-039
To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses

09-040
To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses

09-041
To Confirm the Proceedings of City Council

(Bratina/Pearson)
There being no further business, the City Council meeting adjourned at 9:40 p.m.

CARRIED

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
February 25, 2009