



CITY COUNCIL MINUTES

**Wednesday, September 30, 2009
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
Hamilton, Ontario**

Present: Mayor F. Eisenberger

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

Absent with Regrets: Councillor B. Clark (illness)

Mayor Eisenberger called the meeting to order and called upon Dr. Syd Hielema, of Redeemer University College, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. Added Council Communication Item 5.2, from the Honourable Jim Watson, Minister of Municipal Affairs and Housing respecting July 26, 2009 storm event and request by the City for assistance through the Ontario Disaster Relief Assistance Program

Recommendation: Be received

2. Item 2 of Economic Development and Planning Committee Report 09-018 will be moved to the information section and renumbered as Info Item (m) (vi) as this matter was dealt with by a special Committee of the Whole and Council meeting held on September 24, 2009

(Pearson/Morelli)

That the Agenda for the City Council meeting being held on September 30, 2009, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**3.1 Knights of Columbus Centennial Celebration**

Mayor Eisenberger called upon Grand Knight Mike Petis, Past Grand Knight Joe Nielson, Al Richard, and Stan Czaika of the Knights of Columbus to join him at the podium.

Mayor Eisenberger presented Mr. Richard, Mr. Petis, Mr. Nielson, and Mr. Czaika with a certificate in recognition of the fact that Council 1454 of the Knights of Columbus is celebrating 100 years of service to Hamilton and surrounding area.

**3.2 Niagara Escarpment Achievement Award
Presentation to Optimist Club of Greensville**

Mayor Eisenberger called on Councillor Ferguson to present the award. Councillor Ferguson invited Brian Green, Georget Flosman and Woody Thomson from the Optimist Club in Greensville, as well as Councillor Pasuta, to join him at the podium and presented them with the Niagara Escarpment Commission's "Award for Individual Achievement", which honours the outstanding efforts that individuals bring to the Niagara Escarpment. He thanked them for their vision, hard work and contribution to the Niagara Escarpment Biosphere Reserve and the City of Hamilton.

APPROVAL OF MINUTES**(Whitehead/Pasuta)**

That the Minutes of the September 16, 2009, meeting of Council be approved, as presented. **CARRIED**

(Duvall/Collins)

That the Minutes of the September 16, 2009, special meeting of Council be approved, as presented. **CARRIED**

(Bratina/Morelli)

That the Minutes of the September 24, 2009, special meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Ferguson/Jackson)

That Council Communications 5.1 and 5.2 be approved, as amended, as follows:

- 5.1 Petition submitted by Karen Wilkins respecting Ancaster Transportation Master Plan (Wilson Street and the Wilson/Rouseaux intersection)

Recommendation: Be received and referred to the General Manager of Public Works and to the Ancaster Transportation Master Plan Team

- 5.2 Correspondence from the Honourable Jim Watson, Minister of Municipal Affairs and Housing respecting July 26, 2009 storm event and request by the City for assistance through the Ontario Disaster Relief Assistance Program

Recommendation: Be received and referred to the Audit and Administration Committee for discussion respecting the Ontario Disaster Relief Assistance Program and the Ontario Ombudsman's role in appealing the decision of the Ministry of Municipal Affairs and Housing.

CARRIED

(Duvall/Collins)

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

CARRIED

COMMITTEE OF THE WHOLE REPORT 09-025

(Eisenberger/McHattie)

That the TWENTY-FIFTH Report of the Committee of the Whole be adopted, and the information section received.

CARRIED

PUBLIC WORKS REPORT 09-012

**Item 1 Protective Plumbing Subsidy Program for Basement Flood Relief
(PW09082) (City Wide) (Item 7.1)****(Collins/Jackson)**

That Item 1(c) of the Public Works Committee Report 09-012 be deleted in its entirety and replaced with the following in lieu thereof:

“(c) That the City of Hamilton absorb the Protective Plumbing Subsidy Program permit fees and that they be funded from the Water and Wastewater Rate Budget.”

CARRIED**(Mitchell/Powers)**

That Item 1 of the Public Works Committee Report 09-012 be amended by adding recommendation (e) as follows:

“(e) (i) That staff be directed to adjust the Supplementary Flooding Relief Program to include the installation of a Back Flow Preventor for those properties which have experienced multiple basement flooding events; and

(ii) That refusal by the homeowner to install a Back Flow Preventor will result in the denial of compassionate grants made available in the future.”

(Powers/Pearson)

That the question be called.

CARRIED**(Whitehead/Jackson)**

That the motion to add recommendation (e) to Item 1 of Public Works Report 09-012 be referred to the October 21, 2009 Audit and Administration Committee meeting.

CARRIED**Item 7 Revision to Hours of Leash-Free Park – Hill Street Park (Ward 1)****(McHattie/Merulla)**

That Item 7 of Public Works Committee Report 09-012 respecting “Revision of Hours of Leash-Free Park – Hill Street Park” be amended by adding the following as sub-section (b):

“(b) That Section 4(3)(g) of By-law 01-169, as amended, being a By-law respecting the Control and Licensing of Dogs and Kennels, be further amended accordingly.”

CARRIED

(Bratina/Collins)

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

AUDIT & ADMINISTRATION COMMITTEE REPORT 09-013**Item 5 Redeemer College - \$1,000,000 Loan Request for the Redeemer Community Soccer Project (FCS09086) (Ward 12) (Item 8.1)****(McHattie/Merulla)**

That Item 5 be tabled for two weeks so that staff can provide additional information respecting organizations who responded to the Expression of Interest.

LOST

The main motion CARRIED on the following recorded vote:

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

Total: 14

Nays: McHattie

Total: 1

Absent: Clark

Total: 1

(Powers/Pearson)

That the THIRTEENTH Report of the Audit & Administration Committee be adopted, and the information section received. **CARRIED**

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 09-018**Item 2 Hamilton Downtown Residential Loan Program – 80 King William Street (RL03/05 PED08297(b)) (Ward 2)****(Pearson/Mitchell)**

That Item 2 be moved to the Information Section and renumbered Information Item (m)(vi) as this matter was dealt with by a special Committee of the Whole and Council meeting held on September 24, 2009.

CARRIED**(Pearson/Mitchell)**

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

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 09-019**Matter before the OMB****(Pearson/Mitchell)**

That Information Item (e) (ii) of Economic Development and Planning Committee Report 09-019 respecting matter before the OMB be deferred to the Private and Confidential Section of the Council Agenda.

(ii) Matter before the OMB

CARRIED**(Pearson/Mitchell)**

That the NINETEENTH Report of the Economic Development & Planning Committee be adopted and the information section received.

CARRIED**HAMILTON LICENSING TRIBUNAL REPORT 09-006****(Whitehead/Powers)**

That the SIXTH Report of the Hamilton Licensing Tribunal be adopted, and the information section received.

CARRIED**BOARD OF HEALTH REPORT 09-009****(Eisenberger/McHattie)**

That the NINTH Report of the Board of Health be adopted, and the information section received.

CARRIED**(Duvall/Ferguson)**

That the Committee of the Whole rise and report.

CARRIED**MOTIONS****7.1 Proposed Federal All Party Committee to Investigate National Hockey League**

Councillor Whitehead deferred his motion to the next meeting of Council.

7.2 Participation in the Market Rent Portion of the Grand Connaught Affordable Housing Proposal**(Bratina/Whitehead):**

Whereas certain details regarding the relationship between Grand Connaught Inc. and the City of Hamilton have only recently emerged,

And Whereas the Grand Connaught proposal for Affordable Housing also includes a significant Market rent component not covered by Provincial or Federal grants,

Therefore be it resolved

That staff report back to Council with information regarding the extent to which the City of Hamilton may be asked to participate in the market rent portion of the Grand Connaught affordable housing proposal, and whether any impediments exist which may affect the City's ability to extend incentives such as interest free loans, tax-rebates, etc. and whether any such impediments would imperil the successful completion of the project.

(Merulla/Bratina)

That Item 7.2 be amended by deleting the first three paragraphs, and by deleting "the Grand Connaught Affordable Housing Proposal" and replacing it with "affordable housing projects" to read as follows:

"That staff report back to Council with information regarding the extent to which the City of Hamilton may be asked to participate in the market rent portion of the affordable housing projects, and whether any impediments exist which may affect the City's ability to extend incentives such as interest free loans, tax-rebates, etc. and whether any such impediments would imperil the successful completion of the projects."

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED.**

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

Downtown Office Attraction Strategy

That the Economic Development and Real Estate and the Downtown Renewal Divisions be directed to prepare a report for the Economic Development and Planning Committee regarding the development of a downtown office attraction strategy.

Further that this strategy investigate the potential of new innovative incentives to recruit new companies to the City's core.

And, that this report be included in the Community Redevelopment component of the city's new Economic Development Strategy now in progress.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Pearson/Jackson)

That Council move into Closed Session at 9:40 p.m. to consider a matter pursuant to Section 239 of the Municipal Act, 2001 and 8.1(c) of the Procedural Bylaw respecting a proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

(Pearson/Powers)

That Council reconvene in Open Session at 10:20 p.m.

CARRIED

Matter before the OMB (Information Item (e)(ii) of Economic Development and Planning Report 09-019)

Council provided staff direction in Closed Session with nothing to report in Open Session.

BY-LAWS

(Ferguson/Jackson)

That Bill Nos. 09-203 to 09-212 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 09-203 to 09-212 as follows:

By-law No.	Bill No.	
09-203	203	To Authorize the Execution of an Agreement between the City of Hamilton and The Federation of Canadian Municipalities, as Trustee of the Green Municipal Fund
09-204	204	To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 470 Parkside Drive and 12, 49, 51, 53,55, 57, 59, 61, 63, 65, 67, 69, 71, 73, 75, 77, 79, 81, 83, 85,

87, 89 Blue Sky Trail

- | | | |
|---------------|------------|--|
| 09-205 | 205 | To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 2 – Through Highways
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 20 – School Bus Loading Zones |
| 09-206 | 206 | To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
Schedule 13 – Designated Traffic Lanes |
| 09-207 | 207 | To Authorize the Execution of an Agreement between the City of Hamilton and Her Majesty the Queen in the Right of Ontario as represented by the Ministry of Energy and Infrastructure and the Ministry of Agriculture, Food and Rural Affairs Related to Funding Protocol Under the Infrastructure Stimulus Fund Program |
| 09-208 | 208 | To Enact a Demolition Control Area By-law and to Repeal and Replace By-law No. 08-266 Entitled “Demolition Control” |
| 09-209 | 209 | To Amend Zoning By-law No. 05-200, 390 Highland Road West (Stoney Creek) |
| 09-210 | 210 | To Amend Zoning By-law No. 87-57 (Ancaster), Zoning By-law No. 3581-86 (Dundas), Zoning By-law No. 90-145-Z (Flamborough), Zoning By-law No. 464 (Glanbrook), Zoning By-law 6593 (Hamilton), Zoning By-law No. 3692-92 (Stoney Creek), and City of Hamilton Comprehensive Zoning By-law No. 05-200, Respecting Outdoor Commercial Patios |
| 09-211 | 211 | To Authorize the City to Enter into Extension Agreements |
| 09-212 | 212 | To Confirm the Proceedings of City Council |

CARRIED

ADJOURNMENT

(Bratina/Ferguson)

That, there being no further business, the City Council meeting adjourn at 10:24 p.m.

CARRIED

Respectfully submitted

City Council

(10)

September 30, 2009

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
September 30, 2009