CITY COUNCIL
MINUTES

Thursday, August 16, 2012
9:30 a.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, M. Pearson, B. Johnson, L. Ferguson, R. Powers,
           R. Pasuta, J. Partridge, T. Whitehead

Absent with
Regrets:  Councillor B. Clark – Illness
           Councillor S. Duvall – Vacation

Mayor Bratina called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

   5.12 Correspondence from Robert and Monika Maric requesting the installation
       of stop signs at Jones Road and Galileo Drive and Jones Road and Copes
       Lane.

       Recommendation: Be received and referred to the General Manager of
       Public Works.

3. MOTIONS

   The following motion has been withdrawn as it appears as Item 25 on the
   General Issues Committee Report 12-021
7.2 Municipal Disaster Relief Assistance Program – Heavy Rain Event, July 22, 2012

4. **ADDED NOTICE OF MOTION**

8.1 Cathedral High School 100 Years Reunion – September 28 and 29, 2012

(Pearson/Partridge)
That the Agenda for the City Council meeting being held on August 16, 2012, be approved, as amended.

CARRIED

**DECLARATIONS OF INTEREST**

Councillor Ferguson indicated a conflict with Item 1 of Planning Committee Report 12-012, as his daughter is employed in the aggregate industry.

**APPROVAL OF MINUTES**

4.1 July 12, 2012

(Powers/Pearson)  
That the minutes of the July 12, 2012 meeting of Council be approved, as presented.

CARRIED

**COMMUNICATIONS**

(Jackson/Collins)
That Council Communications 5.1 through 5.12 be approved, as amended, as follows:

5.1 Correspondence from The Honourable Gary Goodyear, Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), respecting the launch of the new Community Infrastructure Improvement Fund (CIIF).

(Powers/Pearson)  
Recommendation: Be received.
5.2 Correspondence from Imam Abdul Hai Patel, President of the Ontario Multifaith Council, requesting support for the proclamation of Spiritual and Religious Care Awareness Week (SRCAW) throughout Canada during the week of October 14 to 20, 2012.

*(Pearson/Ferguson)*  
Recommendation: Be received.

5.3 Correspondence from the Office of the Prime Minister in response to the Mayor’s letter respecting the cancellation of Remembrance Day services.

*(Pasuta/Merulla)*  
Recommendation: Be received.

5.4 Correspondence from the Office of the Prime Minister in response to the Mayor’s letter respecting the loss of Federal Funding for the Katimavik Volunteer Program.

*(Farr/Jackson)*  
Recommendation: Be received.

5.5 Correspondence from the Honourable Deb Matthews, Minister of Health and Long Term Care, advising that the City will receive an additional annualized base funding with respect to the land ambulance grant for the 50:50 partnership for the 2012 calendar year.

*(Jackson/Whitehead)*  
Recommendation: Be received.

5.6 E-mail with attachments from Mike Galloway, Secretary-Treasurer and Pat Vanini, Executive Director of the Association of Municipalities of Ontario (AMO), advising of the Annual General Meeting and proposed changes to the AMP Corporate By-law.

*(Powers/Ferguson)*  
Recommendation: Be received.

5.7 E-mail from Alan Walker advising of his resignation from the CityHousing Hamilton Board.

*(Johnson/Pearson)*  
Recommendation: Be received and referred to the Selection Committee.

5.8 Correspondence from the Honourable Charles Sousa, Minister of Citizenship and Immigration, responding to the Mayor’s letter regarding “Pay It Forward Day”.

*(Pearson/Farr)*  
Recommendation: Be received.
5.9 Correspondence from The Honourable Denis Lebel, Minister of Transport, regarding the use of perfluorooctane sulfonate (PFOS) and its salts at the Hamilton International Airport.

**(Johnson/McHattie)**
Recommendation: That staff be directed to submit an access to Information and Privacy Request to Transport Canada to obtain the documents pertaining to use of perfluorooctane sulfonate (PFOS).

5.10 Correspondence from Monte McNaughton, MPP, requesting Council’s support for his private members bill, Bill 76, an Act to Amend the Ontario Lottery and Gaming Act of 1999.

**(Partridge/Pasuta)**
Recommendation: Be referred to Legal Staff for review and to provide a legal opinion and report back to the next General Issues Committee.

5.11 Resolution from the Corporation of the Town of Niagara-on-the-Lake regarding the collection and disposal of Municipal Household or Special Waste (MHSW) and requesting Council’s support.

**(Pearson/Johnson)**
Recommendation: Be endorsed.

5.12 Correspondence from Robert and Monika Maric requesting the installation of stop signs at Jones Road and Galileo Drive and Jones Road and Copes Lane.

**(Johnson/Pearson)**
Recommendation: (a) That stop signs be installed at the intersections of Jones Road and Galileo Drive as well as at Jones Road and Copes Lane;

(b) That the appropriate By-law to amend the City of Hamilton Traffic By-law 01-215 be approved.

**CARRIED**

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

**CARRIED**
That the TWENTIETH Report of the General Issues Committee be received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-021

11. Rapid Transit Maintenance and Storage Facility and Spur Line (PW11064(a)) (City Wide) (Item 7.2)

The Motion CARRIED on the following vote:


Total: 13

Nays: L. Ferguson

Total: 1

Absent: B. Clark, S. Duvall

Total: 2

15. Randle Reef Sediment Remediation (PW10042(a)) (City Wide) (Item 8.4)

(Collins/Merulla)

That Item 15 of the General Issues Committee Report 12-021 respecting Randle Reef Sediment Remediation be amended as follows:

(a) That subsection (b) be amended by deleting the words “referred to the 2013 budget process for consideration” after the word “be” and inserting the word “approved” therein:

(b) That subsection (c) be amended by deleting the word “proposed” following the words “for the” and inserting the word “approved” therein;

(c) That the following be added as subsection (d):

(d) That the Mayor and the City Clerk be authorized and directed to execute all necessary agreements and documents to reflect the City of Hamilton's approved funding for, and participation in, the Randle Reef Sedimentation Remediation Project, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services and the General Manager of Public Works.

Amendment CARRIED

Motion as Amended CARRIED
16. Terms of Reference for the School Board Properties Sub-Committee (PED12135) (City Wide) (Item 8.5)

(Pearson/Johnson)
(a) That Item 16(d) of the General Issues Committee Report 12-021 respecting the Terms of Reference for the School Board Properties Sub-Committee be amended by adding Councillor Pearson as the eighth member of the Sub-Committee;

(b) That the requirements of quorum be adjusted to reflect the addition of an eighth member.

Amendment CARRIED
Motion as Amended CARRIED

(Bratina/Johnson)
That the General Issues Committee Report 12-021 be tabled, pending the arrival of the delegation from Infrastructure Ontario.

CARRIED

(Bratina/Ferguson)
That the General Issues Committee Report 12-021 be lifted from the table.

CARRIED

Members of Council proceeded to ask questions of the delegation from Infrastructure Ontario, to seek clarification on matters pertaining to the agreement.

(Ferguson/Powers)
That Information Item (i) respecting Pan Am Stadium Facility Agreement (PW12058), be lifted from the information section of the General Issues Committee Report 12-021 for consideration:

(i) Pan Am Stadium Facility Agreement (PW12058) (Ward 3(Item 8.2)

(a) That the General Manager of Public Works be authorized and directed to negotiate with Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation respecting a Facility Agreement to determine the roles, relationships, joint and separate responsibilities, authorizations and obligations of the Parties for the planning and construction of the new Stadium; operation of the Stadium by City of Hamilton; Toronto 2015 Exclusive Use Period; and Post Games Legacy considerations as part of the 2015 Pan American and Parapan American Games Project;

(b) That the Mayor and City Clerk, and appropriate City staff as the case may be, be authorized and directed to sign the Facility Agreement and any other ancillary agreements between the City and Toronto Organizing Committee
for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation required, in the opinion of the City Solicitor, to implement recommendation (a) in Report PW12058.

CARRIED

(Powers/Merulla)
That the question be called.

CARRIED

(Collins/Merulla)
That the following be added as Item 28 to General Issues Committee Report 12-021:

28. Pan Am Stadium Facility Agreement (PW12058) (Ward 3(Item 8.2)

(a) That the General Manager of Public Works be authorized and directed to negotiate with Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation respecting a Facility Agreement to determine the roles, relationships, joint and separate responsibilities, authorizations and obligations of the Parties for the planning and construction of the new Stadium; operation of the Stadium by City of Hamilton; Toronto 2015 Exclusive Use Period; and Post Games Legacy considerations as part of the 2015 Pan American and Parapan American Games Project;

(c) That the Mayor and City Clerk, and appropriate City staff as the case may be, be authorized and directed to sign the Facility Agreement and any other ancillary agreements between the City and Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation required, in the opinion of the City Solicitor, to implement recommendation (a) in Report PW12058.

The Motion CARRIED on the following vote:

Total: 12
Nays: B. Johnson, L. Ferguson
Total: 2
Absent: B. Clark, S. Duvall
Total: 2

(Bratina/Partridge)
That the TWENTY-FIRST Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED
PLANNING COMMITTEE REPORT 12-012

(Farr/Johnson)
That the TWELFTH Report of the Planning Committee be adopted, and the information section received.

CARRIED

(Ferguson/Powers)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Development of a Criminal Background Check Policy

(Pearson/Johnson)
Whereas the City of Hamilton Licensing By-law provides the discretion to require criminal background checks on various business licence applicants or renewals;

Whereas the provision of a recent criminal background check has become a more common request for prospective employees and volunteers in MUSH sector (Municipal, University, Schools, Hospital);

Therefore be it resolved that staff report to the General Issues Committee with various policy options that would give City Council the discretion to reject loan and grant applications as a result of convictions listed in a recent criminal background check.

CARRIED

Item 7.2 Municipal Disaster Relief Assistance Program – Heavy Rain Event, July 22, 2012 was withdrawn from the Council agenda, as it appears as item 23 of General Issues Committee Report 12-021

7.3 Amendments to Item 9(e) of the Audit, Finance & Administration Committee Report 12-005

(Powers/Johnson)
9. Grants Sub-Committee Report 12-002

(e) 2012 Community Partnership Program (GRA12006) (City Wide)
Whereas there was an administrative error in Appendix "D" to Item 9(e) of the Audit, Finance & Administration Committee Report 12-005, approved by Council on May 23, 2012, which transposed the dollar amounts in two rows of the chart on Page 12 of 26;

Therefore, be it resolved:

(a) That Appendix “D” to Item 9(e) of the Audit, Finance & Administration Committee Report 12-005 be amended by deleting the amount of “$6,121” and replacing it with the amount of “$12,166” for Category D-20 – East Kiwanis Senior Adult Program; and,

(b) That Appendix “D” to Item 9(e) of the Audit, Finance & Administration Committee Report 12-005 be amended by deleting the amount of “$12,166” and replacing it with the amount of “$6,121” for Category D21 – Mountberry Seniors’ Club, to read as follows:

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<th></th>
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<td>East. Kiwanis Adult Program</td>
<td>D-20</td>
<td>74</td>
<td>12,166</td>
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<tr>
<td>Mountberry Seniors’ Club</td>
<td>D-21</td>
<td>71</td>
<td>$6,121</td>
<td>$6,121</td>
</tr>
</tbody>
</table>

CARRIED

7.4 Community Partnership Program Grant Request for the CTC International Print Biennale in Santiago De Cuba

(McHattie/Farr)

(a) That the correspondence (attached hereto) from Alan Flint, CRAM Press Co-Director, respecting a grant request from the 2012 Community Partnership Program, in the amount of $5,000, to assist with the 2012 inaugural launch of the CTC International Print Biennale in Santiago De Cuba in December 2012, be referred to staff for a report to the Grants Subcommittee.

(b) That if the application does not qualify for Community Partnership Program funding, that staff provide suggestions for alternative funding sources.

CARRIED
7.5 Cathedral High School 100 Years Reunion – September 28 and 29, 2012

(Morelli/Merulla)
Whereas, City Council has received Notice from Cathedral High School that they wish to obtain a Special Occasion Permit to sell alcohol during the September 28 and 29, 2012 Cathedral High School 100 Years Reunion festivities, at Cathedral High School, 30 Wentworth Street North;

And Whereas, the AGCO requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

Therefore, Be it Resolved:

(a) That the City of Hamilton hereby deems the Cathedral High School 100 Years Reunion festivities on September 28 and 29, 2012 as municipally significant;

(b) That the Applicant be provided a copy of this resolution for inclusion with their application to the AGCO.

CARRIED

NOTICES OF MOTION

Councillor Morelli introduced the following notice of motion:

8.1 Cathedral High School 100 Years Reunion – September 28 and 29, 2012

Whereas, City Council has received Notice from Cathedral High School that they wish to obtain a Special Occasion Permit to sell alcohol during the September 28 and 29, 2012 Cathedral High School 100 Years Reunion festivities, at Cathedral High School, 30 Wentworth Street North;

And Whereas, the AGCO requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

Therefore, Be it Resolved:

(a) That the City of Hamilton hereby deems the Cathedral High School 100 Years Reunion festivities on September 28 and 29, 2012 as municipally significant;

(b) That the Applicant be provided a copy of this resolution for inclusion with their application to the AGCO.
(Morelli/Merulla)
That the rules be waived to allow the Notice of Motion respecting, Cathedral High School 100 Years Reunion, to be heard as a Motion.

CARRIED

Please refer to item 7.5 for disposition on this item.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Jackson/Collins)
That the Bill List for the August 16, 2012 meeting of Council be amended by adding the following as Bill 189 and renumbering the balance:

Bill No. 189
Being a By-law to Permanently Close an Unassumed Portion of Elizabeth Street and an Unassumed Portion of Unnamed Street, established by Registered Plan 310, City of Stoney Creek, now City of Hamilton, designated as Part 5 on Plan 62R-14865

190
To Confirm Proceedings of Council

CARRIED

(Jackson/Collins)
That Bills No. 168 to 190 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk and read as follows:

Bill No.  By-law No.
168 12-168  To Adopt Official Plan Amendment No. 170 to the former City of Stoney Creek Official Plan
Respecting:
Lands located on the north side of King Street East, east side of Dawson Avenue and south side of Passmore Street, known municipally as 135 and 137 King Street East and 42 Passmore Street, Stoney Creek
NOT FINAL AND BINDING

169 12-169 To Incorporate City Land Designated as Blocks 23 on Plan 62M-1036 into Old Mud Street

170 12-170 To Incorporate City Land Designated as part 2 on Plan 11533 into Arvin Avenue

171 12-171 To Amend By-law No. 01-215 Being a By-law To Regulate Traffic: Schedule 5 – Stop Control

172 12-172 To Amend By-law No. 01-218 Being a By-law To Regulate Traffic: Schedule 5 – Stop Control

173 12-173 To Incorporate City Land Designated as Block 34 on Plan 62M-1153 into Kellogg Avenue

174 12-174 Removal of Part Lot Control Block 12, Lot 1 and Lots 3 to 8, Registered Plan No. 62M-1175 12 Ambrose Avenue

175 12-175 To Adopt Official Plan Amendment No. 171 to the City of Stoney Creek Official Plan Respecting: 120 King Street West

NOT FINAL AND BINDING

176 12-176 Removal of Part Lot Control Block 1, Registered Plan No. 62M-1173 2-12½ Kopperfield Lane, Glanbrook

177 12-177 To Amend Zoning By-law No. 87-57, Respecting Lands Located at 433 Hamilton Drive, in the former Town of Ancaster, now in the City of Hamilton

NOT FINAL AND BINDING

178 12-178 To Incorporate City Land Designated as Block 181 on Plan 62M-700 Into Foxmeadow Drive

179 12-179 The Appointments of a Chief Building Official, Deputies and Inspectors

180 12-180 To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 120 and 124 King Street West

NOT FINAL AND BINDING

181 12-181 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 135 and 137 King Street East and 42 Passmore Street (Stoney Creek)

NOT FINAL AND BINDING

182 12-182 To Adopt Official Plan Amendment No. 169
Respecting: 845 & 857 North Service Road

NOT FINAL AND BINDING

183 12-183  To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 845 and 857 North Service Road

NOT FINAL AND BINDING

184 12-184  Removal of Part Lot Control

185 12-185  Removal of Part Lot Control
Lots 44-54, 63-74 and 90 of Plan No. 62M-1157 “Waterdown Bay”

186 12-186  Removal of Part Lot Control
Lots 92-97, 115-116, 125-126, 154-157, and 163-164 of Plan No. 62M-1157 “Waterdown Bay”

187 12-187  Removal of Part Lot Control
Lots 42-43, 56, 58, 60, 62, 76, 78, 82, and 86 of Plan No. 62M-1157 “Waterdown Bay”

188 12-188  To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking

Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones

189 12-189  Being a By-law to Permanently Close an Unassumed Portion of Elizabeth Street and an Unassumed Portion of Unnamed Street, established by Registered Plan 310, City of Stoney Creek, now City of Hamilton, designated as Part 5 on Plan 62R-14865

190 12-190  To Confirm Proceedings of Council

CARRIED
That, there being no further business, the City Council meeting adjourned at 11:20 a.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
August 16, 2012