CITY COUNCIL
MINUTES

Wednesday, February 24, 2010
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present: Mayor F. Eisenberger

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

Absent with Regrets: Councillor L. Ferguson – Vacation

Mayor Eisenberger called the meeting to order and called upon Reverend Ian McPhee,
of Erskine Presbyterian Church, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.5 Correspondence from Dwayne Alexander Brown and Sandra Penner,
Crown Point Community Planning Team respecting 1429 Main Street East
– Homestead Christian Care

Recommendation: Be received

2. ADDED MINUTES

10.2 Minutes of the February 17, 2010 Closed Session Meeting
That the Agenda for the City Council meeting being held on February 24, 2010, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were none declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 February 10, 2010

(Collins/Jackson)
That the Minutes of the February 10, 2010 meeting of Council be approved, as presented.

CARRIED

4.2 February 17, 2010 (Special)

(Pearson/Mitchell)
That the Minutes of the February 17, 2010 special meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

That Council Communications 5.1 to 5.5 be approved, as amended:

(McHattie/Merulla)
5.1 Correspondence from Gerald Fisher and Dr. Larry Levin respecting Holocaust Memorial Observance at City Council on January 27, 2010

Recommendation: Be received

5.2 Correspondence from Rich and Diane Gibbs respecting Sign By-law

Recommendation: Be received
5.3 Correspondence of City of Kingston respecting debt forgiveness to the nation of Haiti

(Powers/Pearson)
Recommendation: Be received.

5.4 Information Bulletin from Bob Fowler, Land Use Council Communications respecting Conservation Authorities in Ontario

(Whitehead/Morelli)
Recommendation: Be endorsed.

5.5 Correspondence from Dwayne Alexander Brown and Sandra Penner, Crown Point Community Planning Team respecting 1429 Main Street East – Homestead Christian Care

Recommendation: Be received

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

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

CARRIED

AUDIT & ADMINISTRATION COMMITTEE REPORT 10-002

(Powers/Morelli)
That the SECOND Report of the Audit & Administration Committee be adopted, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-002

8. Mount Hamilton Youth Soccer Club Renovations of the Existing Club House at Macassa Park Field House – 9 Dallas Avenue, Hamilton (CS10009) (Ward 6) (Item 8.3)

(Jackson/Duvall)
That Item 8 of the Emergency & Community Services Committee Report 10-002 be amended by adding recommendation (d) to read as follows:

(d) That the Licensee shall pay to the City of Hamilton a License Fee of One Dollar ($1.00) per annum, plus as may be applicable, Goods and Services Tax (“GST”) or Harmonized Sales Tax (HST), to be payable annually, in advance of the first day of each and every year during the term of the Construction and Operation Agreement.

CARRIED
(Pasuta/Morelli)
That the SECOND Report of the Emergency & Community Services Committee be adopted, as amended, and the information section received.  

CARRIED

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 10-003

(Mitchell/Pasuta)
That Item 1 of the Economic Development & Planning Committee Report 10-003 be referred back to the Economic Development & Planning Committee for further consultation.

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

Total: 13

Nays:  F. Eisenberger, S. Merulla
Total: 2

Absent:  L. Ferguson
Total: 1

(Bratina/Clark)
That the information section, of the THIRD Report of the Economic Development & Planning Committee, be received.  

CARRIED

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 10-004

5. Sale of City Lands, Municipally Known as 240 Helena Avenue, Stoney Creek to Miroslav and Stevan Grkinic (PED10034) (Ward 11) (Item 5.5)

(Bratina/Clark)
That Item 5 of the Economic Development & Planning Committee Report 10-004 be amended by deleting the dollar amount of “$30,000” and replacing it with the dollar amount of “$35,000”, to read as follows:

(b) That the deposit of $35,000 be held by the General Manager of Finance and Corporate Services pending acceptance of the transaction.  

CARRIED
13. Telecommunication Tower and Antenna Protocol

(Clark/Pearson)
That a copy of the correspondence be forwarded to the Prime Minister and the Minister of Industry Canada.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

(Bratina/Clark)
That the FOURTH Report of the Economic Development & Planning Committee be adopted, as amended, and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 10-008

(Merulla/Pasuta)
That the question be put.

CARRIED

1. International Event Opportunities – 2015 Pan Am Games Update (CM090006(b)) (Item 8.1)

Item 1 was split for voting purposes and, on a Standing Recorded Vote, CARRIED, as follows:

(a) That the West Harbour precinct be approved as the site for the new Pan Am stadium, warm-up track and velodrome;

Yeas: Eisenberger, Collins, Duvall, Jackson, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 9

Nays: Bratina, Clark, McHattie, McCarthy, Merulla, Mitchell
Total: 6

Absent: Ferguson
Total: 1

(b) That staff be directed to consult with the Province of Ontario and the Host Corporation, and report back to Council with detailed timelines, budget, and implementation plans for the 2015 Pan American Games;

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, Clark, McCarthy, Mitchell
Total: 4
(c) That the draft Deloitte report titled “City of Hamilton Pan Am Games Stadium Business Plan”, included as Appendix “A” of Report CM09006(b) be received;

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead  
Total: 11

Nays: Bratina, Clark, McCarthy, Mitchell  
Total: 4

Absent: Ferguson  
Total: 1

(d) That the draft IBI Group report titled “West Harbour Stadium Site Transportation Impact Assessment” included as Appendix “B” of Report CM09006(b), be received.

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead  
Total: 11

Nays: Bratina, Clark, McCarthy, Mitchell  
Total: 4

Absent: Ferguson  
Total: 1

(e) That a surcharge be imposed on tickets for all events at the new Hamilton Pan Am Stadium and that staff be directed to discuss and negotiate with tenants and report back with a suggested fee;

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead  
Total: 10

Nays: Bratina, Clark, McCarthy, Mitchell, Merulla  
Total: 5

Absent: Ferguson  
Total: 1
(f) That city staff be directed to complete a business plan for the velodrome with a report back as soon as reasonably possible;

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, Clark, McCarthy, Mitchell
Total: 4

Absent: Ferguson
Total: 1

(g) That development of the business plan require consultation with the Canadian Cycling Association, the Ontario Cycling Association, the National Cycling Centre of Hamilton and the Hamilton Cycling Committee, Youth Serving Agencies Network and any others deemed appropriate;

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, Clark, McCarthy, Mitchell
Total: 4

Absent: Ferguson
Total: 1

(h) That the City of Hamilton work with Infrastructure Ontario and 2015 Pan Am Games HostCo to develop a local content requirement for goods and labour;

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, Clark, McCarthy, Mitchell
Total: 4

Absent: Ferguson
Total: 1

(i) That staff be directed to prepare a draft social inclusion strategy, in consultation with Hamilton Roundtable for Poverty Reduction, Hamilton Centre for Civic Inclusion and other Hamilton stakeholders and report back to council by September 2010;
(j) That staff be directed to review on site parking and address the need for additional on site parking and report back to committee;

Yeas: Eisenberger, Collins, Duvall, Jackson, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 9

Nays: Bratina, Clark, McCarthy, McHattie, Merulla, Mitchell
Total: 6

Absent: Ferguson
Total: 1

(k) That approval of the site include implementation of a program to ensure that the North End, Strathcona, Beasley and Central Neighbourhoods are protected from adverse traffic and parking impacts related to the stadium/velodrome site uses, through comprehensive traffic and parking management strategies to be developed in consultation with residents of those neighbourhoods.

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, Clark, McCarthy, McHattie, Merulla, Mitchell
Total: 4

Absent: Ferguson
Total: 1

(l) That all capital and operating costs associated to Pan Am Games be paid for on a city wide basis;

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

Absent: Ferguson  
Total: 1

(m) That should the West Harbour Plan fail, that the City explore other options as potential sites including the East Harbour Front among others.

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead  
Total: 10

Nays: Bratina, Clark, McCarthy, Mitchell, Merulla  
Total: 5

Absent: Ferguson  
Total: 1

2. International Event Opportunities – 2015 Pan Am Games Update (CM090006(c)) (Item 11.1)

Item 2 was split for voting purposes and, on a Standing Recorded Vote, CARRIED, as follows:

(a) That the Real Estate Section of the Economic Development and Real Estate Division be authorized and directed to commence the process of land acquisitions and negotiate and execute interim permission to enter access agreements for environmental testing within the West Harbour precinct pursuant to City Council's approved Real Estate Portfolio Strategy Plan and Council's approved Delegation of Authority for routine real estate matters, based on the following:

(i) that the budget amount for the total acquisition costs including land access agreements for the lands identified in Appendix "A" as amended, be subject to the financial details and funding outlined in Report CM09006(b) and be funded from Project 3621054100;

(ii) that the funding source for the purposes of undertaking environmental audits be charged to Project 3621054100;

(iii) that the Director of Energy, Fleet and Facilities be authorized and directed to take all the necessary steps for the demolition of the subject buildings, and that the cost for the demolition and any additional ancillary expenses be charged to Project 3621054100;
Yeas: Eisenberger, Clark, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, McCarthy, Mitchell, Merulla
Total: 4

Absent: Ferguson
Total: 1

(b) That in the event that an Option to Purchase cannot be reached by all parties pursuant to Clause 3, that appropriate legal counsel be retained, authorized and directed, working with the assistance of appropriate City officials and staff, if available, and the City solicitor to:

(i) Proceed with the necessary steps to expropriate the necessary lands, as per the mapping contained in Appendix “A” as amended;

(ii) Prepare an Application for the Approval to Expropriate by the City of Hamilton for the affected lands to be signed by the City Clerk;

(iii) Cause the necessary Notice of Application to be served on the registered owners of the lands affected and for the advertisement of the said Notice of Expropriation to be placed in the local newspaper for three (3) consecutive weeks;

(iv) Apply for an Order to dispense of any request for hearing pursuant to the Expropriations Act, chap. E.26, Section 6(3);

(v) Forward to the Chief Inquiry Officer any Request for Hearings received and to report to City Council of such information in the event subsection (iv) is not granted;

(vi) Introduce the appropriate Expropriation By-law to City Council in the event no requests for Hearing are received;

(vii) Direct the Manager of Real Estate, Planning and Economic Development Department to obtain external Appraisals for the affected lands, if and when necessary, to form the basis of compensation to be offered by the City and that the Manager of Real Estate, if and when necessary, be authorized and directed to negotiate compensation with the owner of the expropriated lands on the basis of the appraisal report;

(viii) Direct the Surveys/Technical Services Section of the Environment and Sustainable Infrastructure Division to prepare a Plan of Expropriation for registration in the Land registry Office;
Yeas: Eisenberger, Collins, Clark, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 10

Nays: Bratina, McCarthy, Mitchell, Merulla
Total: 5

Absent: Ferguson
Total: 1

(iv) Apply for an Order to dispense of any request for hearing pursuant to the Expropriations Act, chap. E.26, Section 6(3);

Yeas: Eisenberger, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 10

Nays: Bratina, Clark, McCarthy, Mitchell, Merulla
Total: 5

Absent: Ferguson
Total: 1

(c) That the Mayor and Clerk be authorized and directed to sign the Certificate of Approval affixed to the Plan of Expropriation and the City Clerk be authorized and directed to affix the Corporate Seal thereto;

Yeas: Eisenberger, Clark, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, McCarthy, Mitchell, Merulla
Total: 4

Absent: Ferguson
Total: 1

(d) That the City Clerk be authorized and directed to sign, and the City Solicitor be authorized and directed to serve, any Notices required by the Expropriations Act and such Notices of Compensation and possession and any other action, as may be required, to obtain and authorize entry and possession of the expropriated lands at the earliest possible date, and to settle compensation before the Land Compensation Board, if necessary, for the City of Hamilton.

Yeas: Eisenberger, Clark, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
(e) That the cost of Expropriations be charged to Project 3621054100;

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

(f) That Public Works be authorized and directed to undertake the process to assemble and close all necessary road allowances within the West Harbour precinct and, that the cost be charged to Project 3621054100;

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

(g) That the Surveys/Technical Services Section of the Environment and Sustainable Infrastructure Division be authorized and directed to undertake all necessary surveys and, that the cost be charged to Project 3621054100;

Yeas: Eisenberger, Clark, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11
Nays: Bratina, McCarthy, Mitchell, Merulla
Total: 4
Absent: Ferguson
Total: 1
(h) That Gowling, Lafleur Henderson (Gowlings) be retained as outside Counsel to the City and be authorized and directed, working with the assistance of such City officials and staff as may be available and other retained outside consultants, to advise on and obtain environmental and planning approvals for acquiring, environmental testing, preparation and use of the West Harbour lands for the Pan Am Games facilities;

Yeas: Eisenberger, Clark, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, McCarthy, Mitchell, Merulla
Total: 4

Absent: Ferguson
Total: 1

(i) That Gowlings further be authorized for these purposes, to retain Decommissioning Consulting Services Limited (DCS) to carry out the required environmental site investigations of the West Harbour lands, including City owned streets and property, for the purpose of carrying out a risk assessment and other actions necessary to prepare a Record of Site Condition (RSC) for the lands and file and obtain Ministry of Environment acceptance of the RSC, and to direct and supervise the actions required to environmentally prepare the West Harbour lands for Pan Am facility construction, including demolition of on-site buildings, as outlined in the DCS work plan to be provided by Gowlings to the City Solicitor;

Yeas: Eisenberger, Clark, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, McCarthy, Mitchell, Merulla
Total: 4

Absent: Ferguson
Total: 1

(j) That the cost of the work carried out under these retainers be charged to Project 3621054100;

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

Absent: Ferguson
Total: 1

(k) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor;

Yeas: Eisenberger, Clark, Collins, Duvall, Jackson, McHattie, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11

Nays: Bratina, McCarthy, Mitchell, Merulla
Total: 4

Absent: Ferguson
Total: 1

Information Section (g):

Councillor T. Whitehead to be recorded as being Opposed to moving into Closed Session.

(Eisenberger/Whitehead)
That the EIGHTH Report of the Committee of the Whole be adopted, and the information section received.  

CARRIED

BOARD OF HEALTH REPORT 10-002

(Eisenberger/Whitehead)
That the SECOND Report of the Board of Health be adopted, and the information section received.

CARRIED

(Merulla/McHattie)
That the Committee of the Whole rise and report.

CARRIED

MOTIONS

(Mitchell/Pearson)
That the Rules of Order be waived in order to allow for the introduction of a motion with respect to GO Transit Stations – Preferred Locations.

CARRIED
7.1 GO Transit Stations – Preferred Locations

(Mitchell/Pearson)

Whereas Metrolinx (GO Transit) is undertaking an Environmental Assessment for the extension of rail service to Niagara;

And Whereas the City of Hamilton has previously supported a GO/VIA platform on James Street North;
And Whereas said station is included in "The Big Move" (Metrolinx' Regional Transportation Plan) and has received Quick Wins funding;

And Whereas the City of Hamilton is going forward with its design of and implementation of a City wide transportation hub in Winona Fifty Road, QEW interchange area;

And Whereas we have an opportunity to share many of these costs with the commercial development of the site and GO Transit;

And Whereas the Winona site is the gateway entrance to transport residents to our downtown station and on to Toronto;

Therefore Be It Resolved that the City of Hamilton respectfully request that the James Street North and Winona locations be the preferred locations for GO Transit stations.

The above motion CARRIED on a unanimous Standing Recorded Vote as follows:


Total: 15

Absent: L. Ferguson
Total: 1

NOTICES OF MOTION

None.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.
10.1 Minutes of the February 10, 2010 Closed Session Meeting

(Whitehead/Pearson)
That the Closed Session Minutes of the February 10, 2010 Council meeting be approved, as presented.

CARRIED

10.2 Minutes of the February 17, 2010 Closed Session Meeting (Special)

(Jackson/Pasuta)
That the Closed Session Minutes of the February 17, 2010 special Council meeting be approved, as presented.

CARRIED

BY-LAWS

(McHattie/Merulla)
That Bill Nos. 10-035 to 10-040, 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 numbered as 10-035 to 10-040 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>10-035</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:</td>
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<td>Section 13(1)</td>
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<td>Schedule 2 – Through Highways</td>
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<td>Schedule 5 – Parking Meters</td>
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<td>Schedule 12 – Permit Parking Zones</td>
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<td>Schedule 13 – No Stopping Zones</td>
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<td>Schedule 14 – Wheelchair Loading Zones</td>
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<td>10-036</td>
<td>To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 250, 262, and 270 Springbrook Avenue</td>
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<tr>
<td>10-037</td>
<td>To Amend Zoning By-law No. 05-200, Respecting Lands Located at 250, 262 and 270 Springbrook Avenue, Ancaster</td>
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<tr>
<td>10-038</td>
<td>To Adopt Official Plan Amendment No. 222 to the former City of Hamilton Official Plan, Respecting 741 Rymal Road East</td>
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<tr>
<td>10-039</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting 741 Rymal Road East</td>
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<tr>
<td>10-040</td>
<td>To Confirm the Proceedings of City Council</td>
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CARRIED
(Pearson/Powers)
There being no further business, the City Council meeting adjourned at 8:11 p.m.

Respectfully submitted,

Fred Eisenberger
Mayor

Rose Caterini
Deputy Clerk
February 24, 2010