CITY COUNCIL
MINUTES

Wednesday, June 10, 2009
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present:
Mayor F. Eisenberger

Absent with Regrets:
Councillor R. Powers – Other City Business
Councillor M. McCarthy – Personal

Mayor Eisenberger called the meeting to order and called upon Padre Christine Swire, of the Royal Hamilton Light Infantry, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CORRESPONDENCE

5.8 Correspondence from Fred Losani, on behalf of Losani Homes, Empire Communities, Rob-Geof Properties and Branthaven Homes respecting the Recommendation to Council regarding the 2009 Development Charges By-law

Recommendation: Be received.
5.9 Correspondence from Aldo De Santis, President, Multi-Area Developments Inc., respecting Recommendations in the 2009 Development Charges Report

Recommendation: Be received.

2. PRIVATE AND CONFIDENTIAL

10.1 A Land Matter respecting the Hamilton-Wentworth District School Board, 0 DiCenzo Drive, Hamilton (PED090159) (Ward 7)

10.2 A Matter respecting Ivor Wynne Stadium

(Morelli/Duvall)

That the Agenda for the City Council meeting being held on June 10, 2009, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Welcome Home – Hamilton Soldiers Recognized

Mayor Eisenberger, on behalf of Hamilton City Council, welcomed home Hamilton’s troops and extended our heartfelt appreciation for their unwavering allegiance to our Country.

The following soldiers were recognized and provide with a certificate of appreciation and other small token’s of the City’s appreciation:

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THE ROYAL HAMILTON LIGHT INFANTRY
DEPLOYED/DEPLOYING MEMBERS
Task Force Afghanistan Roto 3-08

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<td>Major</td>
<td>Larry</td>
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UNITED NATIONS STABILIZATION MISSION IN HAITI
(MINUSTAH)
OPERATION HAMLET
Task Force Port-au-Prince

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23 (HAMILTON) SERVICE BATTALION PERSONNEL
ON DEPLOYMENT FOR TF 3-08

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11 FIELD ARTILLERY REGIMENT – 11 BATTERY

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705 COMMUNICATION SQUADRON

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23 FIELD AMBULANCE
(PART OF THE CANADIAN FORCES MEDICAL SERVICE)

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Special thanks was given to the following for their donations: Yellow Ribbons, Jean’s Flower Shop, Upper Wellington St., Hamilton; flowers and water bottles, Forestry and Horticulture and Water/Wastewater Divisions, Public Works Department; key chains and lanyards, Tourism and Convention Services Division, Planning and Economic Development Department; and, Flags (City Clerk’s Division, Corporate Services Department.
Following Council’s recognition of Hamilton’s returning soldiers, Lieutenant-Colonel Gary Sexton, new Commanding Officer of the Argyll and Sutherland Highlanders of Canada, provided his appreciation to the Mayor and Council for their acknowledgement of Hamilton’s committed and selfless soldiers.

**APPROVAL OF MINUTES**

**(Ferguson/Duvall)**  
That the Minutes of the May 27, 2009, meeting of Council be approved, as presented.  
CARRIED

**COMMUNICATIONS**

**(Clark/Bratina)**  
That Council Communications 5.1 to 5.9 be approved, as amended, as follows:

5.1 **Correspondence from Arun Patham, Hamilton & District Apartment Association respecting Licensing of Residential Rental Properties**

Recommendation: Be received

5.2 **Correspondence from Dr. T. Nugent respecting the New Urban Official Plan**

Recommendation: Be received and referred to the General Manager of the Planning and Economic Development, as public comments on the new Urban Official Plan Review

5.3 **Correspondence from the Honourable Lincoln M. Alexander, Chairman of Ontario Heritage Trust, respecting the 2009 Heritage Community Recognition Program**

Recommendation: Be received and referred to the Hamilton Municipal Heritage Committee

5.4 **AMO Alert respecting Needle Safety Regulatory Review**

Recommendation: Be received and referred to the Medical Officer of Health and the General Manager/Chief of Hamilton Emergency Services

5.5 **Correspondence from the Town of Fort Erie respecting Petitioning the Province to include Hospitals under the Jurisdiction of Ombudsman**

Recommendation: Be endorsed.
5.6 Correspondence from the Community of Wallaceburg respecting Financial Assistance for Flooding

Recommendation: Be received.

5.7 Correspondence from the Township of South Stormont respecting Request for Simultaneous Dispatch for Emergency Medical Services and Fire Response

Recommendation: Be received and referred to the General Manager/Chief, Hamilton Emergency Services for a report to the Emergency & Community Services Committee.

5.8 Correspondence from Fred Losani, on behalf of Losani Homes, Empire Communities, Rob-Geof Properties and Branthaven Homes respecting the Recommendation to Council regarding the 2009 Development Charges By-law

Recommendation: Be received.

5.9 Correspondence from Aldo De Santis, President, Multi-Area Developments Inc., respecting Recommendations in the 2009 Development Charges Report

Recommendation: Be received.

(Bratina/Clark)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

COMMITTEE OF THE WHOLE 09-018

(Bratina/Collins)
That the EIGHTEENTH Report of Committee of the Whole be adopted, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE 09-009

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

CARRIED
AUDIT AND ADMINISTRATION COMMITTEE 09-010

2. Trade Union Contributions to Municipal Election Campaigns (CL09004) (City Wide) (Item 5.3)

(Eisenberger/Merulla)
That Item 2 of the Audit & Administration Committee Report 09-010, respecting the Trade Union and Corporate Contributions to Municipal Election Campaigns be referred back to staff to prepare a broader report detailing options for election campaign reform; including experiences of comparable municipalities, and report back to the next Audit & Administration Committee meeting.

Item 2 CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson
Total: 12
Nays: Ferguson, Whitehead
Totals: 2
Absent: McCarthy, Powers
Total: 2

4. 2009 City of Hamilton Water and Wastewater Development Charges Bylaw (2-year Term) and Development Charges By-law for all other Growth Services (5-year Term) (FCS09060) (City Wide) (Item 6.1(b))

(Bratina/Collins)
That section (i) of Item 4 of Audit and Administration Committee Report 09-010 respecting 2009 City of Hamilton Water and Wastewater Development Charges Bylaw (2-year Term) and Development Charges By-law for all other Growth Services (5-year Term) be amended by deleting the last sentence, to read as follows:

(i) That the initial 5,000 sq ft of non-industrial (includes commercial/institutional) expansions of developments existing at the commencement of this by-law be exempt from Development Charges. Expansion square footage greater than 5,000 sq. ft. to be assessed 100% of the “non-industrial” rate in effect.

CARRIED

(Mayor Eisenberger/Pearson)
That Item 4 of Audit and Administration Committee Report 09-010 respecting 2009 City of Hamilton Water and Wastewater Development Charges By-law (2-year Term) and Development Charges By-law for all other Growth Services (5-year Term) be amended by adding the following recommendations:

(w) That, when staff reports back to Council on or before April 15, 2010, respecting the 2009 City of Hamilton Water and Wastewater Development
Charges By-law (2-year Term) and Development Charges By-law for all other Growth Services (5-year Term), they include recommendations on how variable rates could be used to encourage sustainable growth across the City in order to help Hamilton achieve its objectives under the Provincial Places to Grow strategy; including intensification, downtown renewal, and agricultural land protection, as well as the existing commercial and industrial parks.

That, when staff reports back to Council on or before April 15, 2010, respecting the 2009 City of Hamilton Water and Wastewater Development Charges By-law (2-year Term) and Development Charges By-law for all other Growth Services (5-year Term), they include recommendations on how the city will recoup the lost revenue that will have been accrued during the development charge freeze period, and that deferred amounts not be added to the tax levy or the rate levy.

CARRIED

(McHattie/Merulla)
That recommendations (b) and (c), of Item 4 of the Audit & Administration Committee Report 09-010, as shown below, be referred back to the Audit & Administration Committee for further consideration:

(b) That the industrial development charge rate be set at $6.65 per sq. ft. (the wastewater service component), effective July 6, 2010.

(c) That the non-residential development charge rate for new commercial, institutional and office developments be set as per the following, effective July 6, 2010:

1. For developments up to 5,000 sq. ft. at 50% of the rate in effect ($9.69 sq. ft.).
2. For developments, 5,001 to 10,000 sq. ft. at 75% of the rate in effect ($14.53 sq. ft.).
3. For developments 10,001 sq. ft. and greater at 100% of the rate in affect ($19.37 sq. ft.).

CARRIED

8. Governance Review Sub-Committee Report 09-002 (Item 8.1)

(McHattie/Merulla)
That the Corporate Strategic Plan section of the proposed new report template be moved up to the front of the report immediately following the Executive Summary section.

This motion was DEFEATED on the following recorded vote:
9. Interview Sub-Committee Report 09-001 (Added Item 8.2)

(a) Citizen Appointments to the Advisory Committee for Immigrants and Refugees

(Collins/Ferguson)
That recommendation (b) be added to Item 9 of the Audit & Administration Committee Report 09-010 to read as follows:

(b) That Councillor B. Bratina be appointed as a member of the Advisory Committee for Immigrants and Refugees for the balance of the 2006-2010 term of Council.

CARRIED

(Bratina/Collins)
That the TENTH Report of the Audit and Administration Committee be adopted, as amended, and the information section received.

CARRIED

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE 09-012

12. City Initiative CI-09-C to Regulate Waste Management Facilities: Official Plan Amendments and Zoning By-law Amendments to Implement Planning Regulations for Waste Management Facilities (PED08064(c)) (City Wide) (Item 6.7)

(Collins/Whitehead)
That Item 12 of the Economic Development & Planning Committee Report 09-012 be amended by deleting recommendation (d) in its entirety and replaced with the following:

(d) That staff be directed to further review the radial distance separation between Private Waste Management Facilities, which hold or require a Ministry of the Environment Waste Certificate of Approval, and report back to the Economic Development & Planning Committee.

This motion was CARRIED on the following recorded vote:
Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Morelli, Mitchell, Pasuta, Pearson

Total: 13

Nays: Whitehead

Totals: 1

Absent: McCarthy, Powers

Total: 2

14. Ontario Municipal Board Hearing respecting K. Swan, 1194 Scenic Drive, proposed rezoning to permit a daycare (Added Item 12.2)

(Ferguson/Whitehead)

That Item 14 of the Economic Development & Planning Committee Report 09-012 be amended by adding recommendation (d) as follows:

(d) That the Ward Councillor be invited to attend the site plan approval meeting.  

CARRIED

(m) Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) (Item 6.8)

(Pearson/Ferguson)

That Item (m) of the Economic Development & Planning Committee Report 09-012, as shown below, be lifted from the Information Section, and added as Item 15:

15. Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) (Ward 11) (Item 6.8)

(a) That the Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) be deferred pending the completion of the following:

(i) Storm Water Management Study
(ii) Traffic Impact Study
(iii) Transit Hub Location
(iv) Detailed Urban design Guidelines
(b) That upon the completion of the requirements outlined in subsection (a) that Holding Provisions be attached to the following:

(i) Sustainable Design Elements/Guidelines
(ii) Record of Site Condition (RSC)
(iii) Archaeological Assessment

CARRIED

(Pearson/Ferguson)
That Item 15 of the Economic Development & Planning Committee Report 09-012 be referred back to the Economic Development & Planning Committee for clarification discussion on all items contained in the recommendations, as shown below:

(a) That the Applications for Amendments to the Hamilton-Wentworth Official Plan, Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 1310 South Service Road, 400 Winona Road and 395 Fifty Road, in the Former City of Stoney Creek (PED09157) be deferred pending the completion of the following:

(i) Storm Water Management Study
(ii) Traffic Impact Study
(iii) Transit Hub Location
(iv) Detailed Urban design Guidelines

(b) That upon the completion of the requirements outlined in subsection (a) that Holding Provisions be attached to the following:

(i) Sustainable Design Elements/Guidelines
(ii) Record of Site Condition (RSC)
(iii) Archaeological Assessment

CARRIED

This motion CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson Jackson, Merulla, Morelli, Pasuta, Mitchell, Pearson, Whitehead
Total: 13
Nays: McHattie
Total: 1
Absent: McCarthy, Powers
Total: 2

(Pearson/Mitchell)
That approval of the Economic Development & Planning Committee Report 09-012 be tabled to move into Closed Session to discuss a land matter, pursuant to Section 8.1, Sub-section (c) of the City’s Procedural By-law and Section 239 of the Ontario Municipal
Act, as the subject matter pertains to a proposed or pending acquisition or disposition of land for municipal or board purposes.

CARRIED

(Duvall/Collins)

That the Economic Development and Planning Committee Report 09-012 be amended by adding Item 16 as follows:

16. A Land Matter respecting the Hamilton-Wentworth District School Board, 0 DiCenzo Drive, Hamilton (PED090159) (Ward 7) (10.1)

(a) That the Real Estate Section of the Economic Development and Real Estate Division, of the Planning and Economic Development Department, be authorized and directed to submit an offer to the Hamilton Wentworth District School Board for the lands composed of Part of Lot 13, Concession 8, described as Parts 3, 4, and 5 on Plan 62R9868, in the Barton Township, of the City of Hamilton, municipally known as 0 DiCenzo Drive, Hamilton.

(b) That Report PED09159, respecting the acquisition of 0 DiCenzo Drive, Hamilton, from the Hamilton Wentworth District School Board, be received and remain a confidential and not be released as a public document.

(c) That “11 to 12 lots on Edwina” of the Verna Ames site and a portion of DiCenzo Drive lands be used for redevelopment purposes, to offset a portion of the City’s initial outlay towards the acquisition of this site.

(d) That the balance of funding required for the purchase be funded by the 2009 Strategic Capital funding, and that the unallocated reserve be replenished by the sale of “11 to 12 lots on Edwina” of the Verna Ames site and a portion of DiCenzo Drive.

(e) That staff be directed to bring forward an appropriate policy to address the future funding and purchase of School Board sites, the use of a portion of redevelopment and return of said monies to the reserve.

(f) That staff be directed to report to the Economic Development & Planning Committee with information related to area rating for the purchase of the Hamilton Wentworth District School Board for the lands composed of Part of Lot 13, Concession 8, described as Parts 3, 4, and 5 on Plan 62R9868, in the Barton Township, of the City of Hamilton, municipally known as 0 DiCenzo Drive, Hamilton.

CARRIED

(Pearson/Mitchell)

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

CARRIED
COMMITTEE OF THE WHOLE REPORT 09-019

(Bratina/Collins)
That the NINETEENTH Report of Committee of the Whole be adopted, and the information section received.  CARRIED

(Bratina/Collins)
That the Committee of the Whole rise and report.  CARRIED

MOTIONS

None.

NOTICES OF MOTION

The following Notice of Motion by Councillor McCarthy was included in the Council Agenda:

8.1 Requirements for Masters Licenses/Trades Licenses in the City of Hamilton

(a) That Planning and Legal staff be directed to prepare a report, for consideration of the Economic Development and Planning Committee, respecting the requirement of Masters Licenses/Trades Licenses in the City of Hamilton.

(b) That the report address, but not be limited to, the following areas:

(i) Regulation, monitoring and enforcement; and,

(ii) Legal issues surrounding the requirement (including liabilities with the current practice).

8.2 National Hockey League (NHL) Rally Contingency Fund

(Whitehead/Pearson)
That the Rules of Order be waived in order to introduce a Motion respecting a National Hockey League (NHL) Rally Contingency Fund.  CARRIED

(Whitehead/Pearson)
(a) That a contingency fund, with an upset limit of $20,000, to cover the costs of logistics, policing and other potential expenditures associated with the NHL Rally, which is being held on Friday, June 19, 2009, from 12:00 noon to 1:30 p.m., at Jackson Square Plaza adjacent to Copps’ Coliseum, be established.
City Council

(b) That notwithstanding the City's policy of not doing proclamations for external agencies, organizations, etc, the Mayor of the City of Hamilton proclaim Friday June 19th, 2009 as “Make it Seven Day”.

(c) That members of the public attending the Make it Seven Day Rally be requested to bring one or more non-perishable food items to assist Hamilton’s food banks at this difficult time.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

Recommendation (b) of Item 8.2 (above) was CARRIED on the following recorded voted:

Yeas: Collins, Duvall, Ferguson, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Whitehead
Total: 10
Nays: Eisenberger, Bratina, Clark, Jackson
Totals: 4
Absent: McCarthy, Powers
Total: 2

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Duvall/Jackson)
That Council move into Closed Session, at 10:05 p.m., to discuss a land matter respecting the Hamilton-Wentworth District School Board, 0 Dicenzo Drive, Hamilton; a matter respecting Ivor Wynne Stadium; and, a matter respecting Education Square, pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act, as the subject matter pertains to a proposed or pending acquisition or disposition of land for municipal or board purposes.

CARRIED

(Duvall/Jackson)
That Council reconvene in Open Session at 11:10 p.m.

CARRIED.

10.1 A Land Matter respecting the Hamilton-Wentworth District School Board, 0 DiCenzo Drive, Hamilton (PED090159) (Ward 7)

Please refer to Item 16 of the Economic Development & Planning Committee Report 09-012 (above) for Council’s disposition on this Item.
10.2 A Matter respecting Ivor Wynne Stadium

(Ferguson/Morelli)

(a) That the City agree to an extension of the Agreement, dated November 12, 2003, between the City of Hamilton and the Hamilton Tiger-Cats Football Club (2003) Corp., for the use of Ivor Wynne Stadium for Canadian Football League games until August 15, 2009; on the same terms and conditions, in a form satisfactory to the City Solicitor.

(b) That all payments made by the Hamilton Tiger-Cats Football Club (2003) Corp., pursuant to the Extension Agreement, be credited against a new, long-term Agreement for the use of Ivor Wynne Stadium for Canadian Football League games.

(c) That the Director of Recreation be directed to negotiate with the Hamilton Tiger-Cats Football Club (2003) Corp., with the goal of finalizing a new, long-term Agreement for the use of Ivor Wynne Stadium for Canadian Football League, and report to Committee of the Whole no later than August 11, 2009.

CARRIED

10.3 Education Centre

There was no action taken with respect to this matter.

BY-LAWS

(Clark/Bratina)

That Bill Nos. 09-118 to 09-132 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 09-118 to 09-132 as follows:

By-law No.
09-118 To Establish Certain 2009 User Fees and Charges for Services, Activities or the Use of Property
09-119 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones
Schedule 14 – Wheelchair Loading Zones
09-120 To Permanently Close a Portion of Road Allowance, Being Blocks 23, 25 and 27, Established by Registered Plan No. 62M-1112, Town of Ancaster, Now City of Hamilton
09-121 Respecting the Removal of Part Lot Control, Lots 3 to 9 Inclusive and
Part of Block 27, Registered Plan No. 62M-1102, “Fontana Gardens – Phase 2”


09-123 To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 471 Highway #52

09-124 To Require the Conveyance of Land for Park or Other Public Recreational Purposes as a Condition of Development or Redevelopment or the Subdivision of Land

09-125 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 63 Ditton Drive

09-126 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 832 Concession Street

09-127 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 832 Concession Street

09-128 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1310 Upper Wellington Street

09-129 To Amend Zoning By-law No. 464 Respecting lands located at 2000 Garth Street (Glanbrook)

09-130 To Adopt:
Official Plan Amendment No. 34 to the former Regional Municipality of Hamilton-Wentworth Official Plan;
Official Plan Amendment No. 126 to the former Town of Ancaster Official Plan;
Official Plan Amendment No. 17 to the former Town of Dundas Official Plan;
Official Plan Amendment No 117 to the former Town of Flamborough Official Plan;
Official Plan Amendment No. 74 to the former Township of Glanbrook Official Plan;
Official Plan Amendment No. 218 to the former City of Hamilton Official Plan
Official Plan Amendment No. 148 to the former City of Stoney Creek Official Plan;
Respecting: Waste Management Facilities

09-131 To Amend:
Zoning By-law 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 No. 6593 (Hamilton);
Zoning By-law No. 3692-92 (Stoney Creek),
Respecting Waste Management Facilities
09-132  To Confirm the Proceedings of City Council

CARRIED

(Pearson/Mitchell)
That, there being no further business, the City Council meeting adjourn at 11:20 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
June 10, 2009