Present: Mayor R. Bratina


Absent with Regrets: Councillors B. Clark, S. Duvall, L. Ferguson, J. Partridge – Vacation

Mayor Bratina called the meeting to order and called upon the Reverend Dwayne Cline, of the Hughson Street Baptist Church, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.6 Correspondence from Allison J. Stuart, Assistant Deputy Minister and Chief, Emergency Management Ontario, Ministry of Community Safety and Correctional Services, expressing gratitude for the role that the City played during the 2011 Northwestern Ontario forest fire evacuations

Recommendation: Be received.
5.7 Appointment For and Notice of Pre-Hearing between 1837705 Ontario Inc. o/a Mendonca Café and Registrar of Alcohol and Gaming to consider an appeal of the process issued by the Registrar of Alcohol and Gaming

Recommendation: That City representation attend the Pre-Hearing for the Mendonca Café on December 16, 2011

2. ADDED NOTICES OF MOTION

8.1 Free Parking in Municipal Lots in Dundas (Ward 13) during December
8.2 Request for First Right of Refusal for the Velodrome Project

(Whitehead/Pearson)
That the Agenda for the City Council meeting being held on November 30, 2011, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Presentation of People’s Choice Award – 2011 Urban Design and Architecture

Mayor Bratina presented the 2011 People’s Choice Award for Urban Design and Architecture to Gary Sohal, President of AUDComp, for their multi-tenant, 5-unit office building in the Ancaster industrial business park.

3.2 McMaster Marauders Football Team – 2011 Vanier Cup Champions!

Mayor Bratina welcomed the Head Coach and members of the McMaster Marauder’s Football team and congratulated them for making history as the winners of the National Football Championship of Canada – the 2011 Vanier Cup.

The Mayor introduced Ted Michaels of CHML who congratulated the team and introduced Joey Cupido, Defensive Back and Former St. Jean De Brebeuf student; leading Wide Receiver and former Bishop Ryan student – Michael Dicroce; Quarter Back and OUA recipient, Kyle Quinlan; and, Head Coach of the McMaster Marauder’s Football Team, Stefan Ptaszek.
APPROVAL OF MINUTES

4.1 November 16, 2011

(Pearson/Johnson)
That the Minutes of the November 16, 2011, meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS

(Pearson/Powers)
That Council Communications 5.1 to 5.7 be approved, as amended, as follows:

5.1 Correspondence from the Honourable Bob Chiarelli, Minister of Infrastructure and Transportation, and the Honourable Ted McMeekin, Minister of Agriculture, Food and Rural Affairs, advising of reimbursement of the provincial share of costs incurred between November 1, 2011 and March 31, 2012 for Recreation Infrastructure Canada Program in Ontario, Project #R1154 (installation of lighting and accessible washrooms at Turner Park Sports Field; IFS – Municipal Intake, Projects #2380 (Westmount Recreation Centre) and #2296 (Lower Stoney Creek Recreation Centre – Phase One)

Recommendation: Be received.

5.2 Correspondence from J. W. Tiernay, Executive Director, Ontario Good Roads Association, respecting Report of the OGRA Nominating Committee

Recommendation: Be received.

5.3 Correspondence from Jane Walker, Physician Recruitment Specialist, Hamilton Physicians, supporting zoning amendment to the building located at 260 Nebo Road

Recommendation: Be received.

5.4 Correspondence from Joe Minor respecting the on-going activity at the Hamilton International Airport, including removing large amounts of fill from the contaminated fire fighting practice pad and spreading material around the perimeter of the airport property

Recommendation: Be referred to the General Manager of Planning for a report to the General Issues Committee.
5.5 Petition from East End Residents requesting a leash-free area in Gage Park, in the East Central part of Hamilton

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

5.6 Correspondence from Allison J. Stuart, Assistant Deputy Minister and Chief, Emergency Management Ontario, Ministry of Community Safety and Correctional Services, expressing gratitude for the role that the City played during the 2011 Northwestern Ontario forest fire evacuations

Recommendation: Be received.

5.7 Appointment For and Notice of Pre-Hearing between 1837705 Ontario Inc. o/a Mendonca Café and Registrar of Alcohol and Gaming to consider an appeal of the process issued by the Registrar of Alcohol and Gaming

Recommendation: That a City representative attend the Pre-Hearing for the Mendonca Café on December 16, 2011

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 11-014

(Powers/Pasuta)
That the FOURTEENTH Report of the Public Works Committee be adopted, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 11-021

3. Application for an Amendment to Hamilton Zoning By-law No. 05-200 for the Property Located at 260 Nebo Road (Hamilton) (PED11205) (Ward 6) (Item 6.2)

(Collins/Merulla)
That Item 3 of the Planning Committee Report 11-021 be amended by deleting the preamble and sub-sections (a) through (c) in their entirety and replacing them with the following in lieu thereof:
That approval be given to **Zoning Application ZAR-11-035, by Dr. Luay Ali Al-Kazely, Owner**, for a change in zoning from the Prestige Business Park (M3) Zone to the Prestige Business Park (M3, 10, H2) Zone, with a Special Exception and Holding Provision, in Hamilton Zoning By-law No. 05-200, in order to permit a Medical Clinic on the ground floor of the existing office building, for the property located at 260 Nebo Road (Hamilton), as shown on Appendix “A” to Report PED11205, on the following basis:

(i) That the draft By-law, attached as Appendix “B” to Report PED11205, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the change in zoning conforms to the Hamilton-Wentworth Official Plan and the Hamilton Official Plan.

**AMENDMENT CARRIED**

**MOTION AS AMENDED CARRIED**

6. **Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton) (PED11147) (Ward 1) (Item 8.1)**

(Collins/Merulla)
That Item 6 of the Planning Committee Report 11-021 be amended by deleting sub-sections (a) through (d) in their entirety and replacing them with the following in lieu thereof:

That Report PED11147, respecting Application for Amendment to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 252-254 Locke Street South (Hamilton), be received.

**AMENDMENT CARRIED**

**MOTION AS AMENDED CARRIED**

(Collins/Merulla)
That the TWENTY-FIRST Report of the Planning Committee be adopted, as amended, and the information section received.

**CARRIED**

**AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 11-013**

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

**CARRIED**
EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-013

(Merulla/Morelli)
That the THIRTEENTH Report of the Emergency & Community Services Committee be adopted, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 11-010

(Bratina/Pasuta)
That the TENTH Report of the Board of Health be adopted, and the information section received.

CARRIED

(Merulla/Collins)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Truck Route Master Plan Study

(Jackson/Merulla)
That sub-section (b) of Item 3 of Public Works Committee Report 10-008, which was approved by Council on June 9, 2010, respecting the Truck Route Master Plan Study be amended by extending the exclusion of truck routes on the following roads for an additional eighteen months commencing in February 2012:

(1) Kenilworth Avenue, south of Main Street to north of Fennell Avenue (which by extension, includes the Kenilworth Access);

(2) Upper Ottawa Street, north of Fennell Avenue East;

(3) Concession Street/Mountain Brow Blvd., from Upper Gage Avenue to Upper Ottawa Street; and,

(4) Dundurn Street North from York Boulevard to King Street West.

CARRIED

7.2 Amendment – Public Health Accountability Agreement (BOH11038) (City Wide)

(Merulla/Morelli)
That Board of Health Report 11-009 be amended by removing sub-section (c) of Item 3, approved by Council on October 26, 2011, respecting Baby Friendly
Initiatives (BOH11035) and adding it as sub-section (c) to Item 4, to read as follows:

4. Public Health Accountability Agreement (BOH11038) (City Wide) (Item 8.1)

(a) That the Medical Officer of Health be authorized and directed to execute the Public Health Accountability Agreement attached as Appendix “A” to Board of Health Report 11-009 and any ancillary or related agreements including any related documents and reports required to give effect to the agreement or required by the agreement;

(b) That the Medical Officer of Health be authorized and directed to negotiate, in a form satisfactory to the City Solicitor, any required amending, ancillary or related agreements, including funding agreements, that do not substantively change the Agreement, during its term, and to execute any amending, ancillary or related agreements, including any related documents and reports required to give effect thereto or required by the Agreement;

(c) That the Medical Officer of Health be directed to enter into discussions with Ontario’s Chief Medical Officer of Health to seek clarity with respect to dispute resolution mechanisms between the Medical Officer of Health and Ontario’s Chief Medical Officer of Health.

CARRIED

7.3 Contract for Animal Services in Glanbrook

(Johnson/Pasuta)
Whereas the 2011 operating budget approved by City Council included a $75,000 reduction to eliminate the private contractor providing Animal Control Services to the former Township of Glanbrook and to in-source this work to City staff; and

Whereas City Council subsequently provided direction for another service review/report and to retain the current contractor on a month-to-month basis until the Fall of 2011; and

Whereas the Glanbrook Community continues to question the City’s ability to maintain the current service levels at reduced costs.

Therefore be it resolved:

(a) That, in accordance with the second alternative identified on Page 4 of Staff Report PED11190 (Contract for Animal Services in Glanbrook), staff
be directed to issue a Request for Tender to provide carcass removal and disposal, pound keeping, and licensing services in Glanbrook using the same tender document as was used for Flamborough in 2011;

(b) That staff be directed to report back to the Planning Committee when the responses to the Request for Tender are received, with a full cost comparison of contractual versus in-house service provision;

(c) That staff be directed to continue extending the contract for Glanbrook Animal Services on a month to month basis until the Request for Tender is awarded or otherwise resolved;

(b) That the estimated additional cost for the month to month contract be funded: firstly from the Planning and Economic Development budget; secondly from the 2011 and 2012 corporate surplus and thirdly from the tax stabilization budget.

CARRIED

7.4 Free Parking in Municipal Lots in Dundas (Ward 13) during December

(Powers/Pearson)
That sub-section (c) of Appendix “A” of Report PD03137 respecting Pre-Christmas Parking Strategy, approved by City Council in adopting Item 10 of Hearings Sub-Committee Report 03-022, approved by Council on June 25, 2003, be amended to read as follows:

(c) That free parking be permitted in all Ward 13 (Dundas) municipal lots only to December 31, 2011, and that free parking be permitted in all Ward 13 (Dundas) municipal lots only from December 1st to December 31st inclusive hereafter.

CARRIED

7.5 Request for First Right of Refusal for Velodrome Project

(McHattie/Powers)
Whereas, Hamilton has one of the best community-level cycling programs in Canada led by the National Cycling Centre Hamilton; a requirement to ensure the long-term sustainability of a National Velodrome beyond the Pan-Am Games period, and;

Whereas, in citing Canada’s National Velodrome in this city, Hamilton is poised to become Canada’s “Cycling City”, having hosted the World Cycling Championships in 2003, having a strong grassroots cycling community, having local bike manufacturing capability, and having recently been awarded a national bike-friendly city award, and;
Whereas, the west Harbour lands were originally acquired by the City of Hamilton to facilitate Pan-Am Games’ facilities, and;

Whereas, there is a need to identify additional funds to support moving ahead to the tendering stage of the Pan-Am Games – Hamilton Velodrome project, and;

Whereas, through a national level campaign supported by Canada’s top-level past and current Olympic cyclists, the Mayor’s Cabinet has raised $1M in only a three week period of time and will be seeking to fundraise $8-10M for the Hamilton Velodrome project, and;

Whereas, while this commitment of funding is required to move on to the tendering stage of the process, it may not be needed when the actual cost of the velodrome is known in February 2012 (i.e., given cost of Pan-Am Stadium project 30% over-stated; and recent velodrome construction cost examples from around the world in the $25-35M range).

Therefore Be it Resolved,

(a) That correspondence be forwarded to TO2015 requesting they provide Hamilton with “first right of refusal” should any additional velodrome project be proposed from another municipality; and,

(b) That up to an additional $5M be allocated to the Pan-Am Games – Hamilton Velodrome from the sale of the West Harbour lands, with the remaining funds from sales of lands allocated to the Hamilton Future Fund.

Sub-section (a) of Item 7.6 was DEFEATED on the following Standing Recorded vote:

Yeas: Farr, McHattie, Pasuta, Powers, Whitehead
Total: 5
Nays: Bratina, Collins, Jackson, Johnson, Merulla, Morelli, Pearson
Total: 7
Absent: B. Clark, S. Duvall, L. Ferguson, J. Partridge
Total: 4

Prior to considering sub-section (b) of Item 7.5, a reconsideration was required, as shown below:
Reconsideration of sub-section (c)(iii) of Item 13 of the General Issues Committee Report 11-025, as approved by Council on August 11, 2011.

(Whitehead/McHattie)
That sub-section (c)(iii) of Item 13 of the General Issues Committee Report 11-025, as approved by Council on August 11, 2011, as follows, be reconsidered:

(c) McMaster Health Campus Proposal McMaster University (CM11008(a)/PED11034/FCS11063/BOH11026) (Council referral of Sub-section (c) (Item 8.1)

(i) That the $10 million contribution to McMaster University be funded as a loan from the Hamilton Future Fund A (Account 112246);

(ii) That the Future Fund Board of Governors is in support of the McMaster Health Campus Proposal as it coincides with the Board’s Guiding Principles and will create a meaningful legacy for the City of Hamilton;

(iii) That all monies from the sale or lease of West Harbour lands be returned to the Future Fund.

The reconsideration motion was DEFEATED on the following Standing Recorded vote:

Yea: Farr, McHattie, Pasuta, Powers, Whitehead
Total: 5

Nays: Bratina, Collins, Jackson, Johnson, Merulla, Morelli, Pearson
Total: 7

Absent: B. Clark, S. Duvall, L. Ferguson, J. Partridge
Total: 4

NOTICES OF MOTION

Councillor R. Powers introduced the following Notice of Motion:

8.1 Free Parking in Municipal Lots in Dundas (Ward 13) during December

That sub-section (c) of Appendix “A” of Report PD03137 respecting Pre-Christmas Parking Strategy, approved by City Council in adopting Item 10 of Hearings Sub-Committee Report 03-022, approved by Council on June 25, 2003, be amended to read as follows:

(c) That free parking be permitted in all Ward 13 (Dundas) municipal lots only to December 31, 2011, and that free parking be permitted in all
Ward 13 (Dundas) municipal lots only from December 1\textsuperscript{st} to December 31\textsuperscript{st} inclusive hereafter.

**Powers/Pearson**
That the Rules of Order be suspended in order to allow for the introduction of a motion respecting Free Parking in Municipal Lots during December.

For disposition of this matter, please refer to Item 7.4.

Councillor B. McHattie introduced the following Notice of Motion:

**8.2 Request for First Right of Refusal for Velodrome Project**

Whereas, Hamilton has one of the best community-level cycling programs in Canada led by the National Cycling Centre Hamilton; a requirement to ensure the long-term sustainability of a National Velodrome beyond the Pan-Am Games period, and;

Whereas, in citing Canada’s National Velodrome in this city, Hamilton is poised to become Canada’s “Cycling City”, having hosted the World Cycling Championships in 2003, having a strong grassroots cycling community, having local bike manufacturing capability, and having recently been awarded a national bike-friendly city award, and;

Whereas, the west Harbour lands were originally acquired by the City of Hamilton to facilitate Pan-Am Games’ facilities, and;

Whereas, there is a need to identify additional funds to support moving ahead to the tendering stage of the Pan-Am Games – Hamilton Velodrome project, and;

Whereas, through a national level campaign supported by Canada’s top-level past and current Olympic cyclists, the Mayor’s Cabinet has raised $1M in only a three week period of time and will be seeking to fundraise $8-10M for the Hamilton Velodrome project, and;

Whereas, while this commitment of funding is required to move on to the tendering stage of the process, it may not be needed when the actual cost of the velodrome is known in February 2012 (i.e., given cost of Pan-Am Stadium project 30% over-stated; and recent velodrome construction cost examples from around the world in the $25-35M range).

Therefore Be it Resolved,
(a) That correspondence be forwarded to TO2015 requesting they provide Hamilton with “first right of refusal” should any additional velodrome project be proposed from another municipality; and,

(b) That up to an additional $5M be allocated to the Pan-Am Games – Hamilton Velodrome from the sale of the West Harbour lands, with the remaining funds from sales of lands allocated to the Hamilton Future Fund.

(Mchattie/Farr)
That the Rules of Order be suspended in order to allow for the introduction of a motion respecting a Request for First Right of Refusal for Velodrome Project.

CARRIED

For disposition of this matter, please refer to item 7.5.

Councillor T. Whitehead introduced the following Notice of Motion:

8.3 Reconsideration of sub-section (c)(iii) of Item 13 of the General Issues Committee Report 11-025, as approved by Council on August 11, 2011, respecting the McMaster Health Campus Proposal at McMaster University (CM11008(a)/PED11034/FCS11063/BOH11026)

That sub-section (c)(iii) of Item 13 of the General Issues Committee Report 11-025, as approved by Council on August 11, 2011, as follows, be reconsidered:

(c) McMaster Health Campus Proposal McMaster University (CM11008(a)/PED11034/FCS11063/BOH11026) (Council referral of Sub-section (c) (Item 8.1)

(i) That the $10 million contribution to McMaster University be funded as a loan from the Hamilton Future Fund A (Account 112246);

(ii) That the Future Fund Board of Governors is in support of the McMaster Health Campus Proposal as it coincides with the Board’s Guiding Principles and will create a meaningful legacy for the City of Hamilton;

(iii) That all monies from the sale or lease of West Harbour lands be returned to the Future Fund.

(Merulla/Whitehead)
That the Rules of Order be suspended in order to allow for the introduction of a motion respecting the reconsideration of sub-section (c)(iii) of Item 13 of the General Issues Committee Report 11-025, as approved by Council on August 11,
2011, respecting the McMaster Health Campus Proposal at McMaster University (CM11008(a)/PED11034/FCS11063/BOH11026).

CARRIED

For disposition of this matter, please refer to Item 7.6.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – November 16, 2011

(Pearson/Johnson)
That the Closed Session Minutes of the November 16, 2011 meeting of Council be approved, as presented.

CARRIED

BY-LAWS

(Pearson/Powers)
That Bills No. 283 to 296 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:

By-law No.
11-283 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control
11-284 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 13 – No Stopping Zones
Schedule 20 – School Bus Loading Zones
11-285 To Control Noise in the City of Hamilton and To Repeal By-law No. 03-020
11-286 To Incorporate City Land Designated as Parts 3 and 4 on Plan 62R-18250 into Regional Road 56
11-287 To Amend By-law No. 10-053, Governing the Proceedings of Council and Committees of Council
11-288 To Adopt: Official Plan Amendment No. 44 to the former Regional Municipality of Hamilton-Wentworth, Respecting 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East (Flamborough)
By-law No.

11-289  To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended by By-law No. 05-021, Respecting Lands Located at 522 Highway No. 6; 5, 6, 11 and 28 Clappison Avenue; 4, 10, 24, 30, 36 and 50 Horseshoe Crescent; and 95 Dundas Street East in the former Town of Flamborough, now in the City of Hamilton

11-290  To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 252 – 254 Locke Street South (Hamilton)

11-291  To Amend Zoning By-law No. 05-200, Respecting Lands Located at 260 Nebo Road (Hamilton)

11-292  To Amend Zoning By-law No. 05-200, Respecting Lands Located at 70 Innovation Drive, in the former Town of Flamborough, now in the City of Hamilton

11-293  To Incorporate City Land Designated as Block 107 on Plan 62M-1144 into Greti Drive

11-294  To Incorporate City Land Designated as Block 30 on Plan 62M-1112 into Chambers Drive

11-295  To Incorporate City Land Designated as Part 7 on Plan 62R-11311 into Bianca Drive

11-296  To Confirm the Proceedings of City Council

CARRIED

(Jackson/Morelli)
That, there being no further business, the City Council meeting adjourned at 8:50 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
November 30, 2011