CITY COUNCIL
MINUTES

Wednesday, April 14, 2010
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present: Councillor R. Pasuta, Deputy Mayor

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

Absent with Regrets: Mayor Eisenberger – Personal
Councillor L. Ferguson – Other City Business

Deputy Mayor Pasuta called the meeting to order and called upon Major Glenda Davis,
of the Salvation Army, to lead Council in prayer.

A moment of silence was observed to recognize the President of Poland, Lech Kaczynski
along with Polish Political, Military and Civil Society Leaders who passed tragically on April
12, 2010.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

Item 6.2 in the agenda – the Emergency & Community Services Report number should
read 10-005 rather than 10-006.
1. COMMUNICATIONS

5.7 Correspondence from Dr. Tom Nugent, respecting the denial of a delegation before the Economic Development and Planning Committee on April 6, 2010

Recommendation: Be received.

5.8 Correspondence from Dennis H. Wood, Wood Bull, Barristers and Solicitors, respecting the City of Hamilton’s New Official Plan

Recommendation: Be received.

5.9 Rick Ludwig, President, Kitching, Steepe & Ludwig Funeral Home Limited, respecting Parking Meters in Waterdown

Recommendation: Be received.

5.10 Identical Correspondence, received from the following Waterdown Residents and Business Owners, respecting Parking Meters in Waterdown:

(a) Derrick Thornborrow, Waterdown Optometric Clinic
(b) Glenn Sherwood
(c) Jolaine Montgomery
(d) Debbie Yates
(e) Pam Marler
(f) Holly Bryan
(g) Glenys Grainger
(h) Doug Bremner
(i) Pat and Marianne Verhaeghe
(j) Craig Sampson
(k) Hans Jochen Gottsche
(m) James J. McEntee
(n) Elizabeth and Frank Gallant
(o) Julie Brown
(p) Jeff and Judi Partridge
(q) Laurie and Blake Phillips
(r) Pat Dickinson
(s) Mary Beaton
(t) Dr. Richard C. Kitchen
(u) Tracy Crewson
(v) Andrea MacDougall
(w) Michael P. Clarke
(x) Bill Longley
(y) Gord and Joan Eagle
(z) Alison and Wayne Morris
(aa) Chuck and Debbie Stanton  
(bb) Vivienne Reaveley  
(cc) Lyn Lunsted  

Recommendation:  Be received.

5.11 Correspondence from Susan Somers respecting Parking Meters in Waterdown  
Recommendation:  Be received.

5.12 Correspondence from JoAnne Haworth respecting Parking Meters in Waterdown  
Recommendation:  Be received.

5.13 Correspondence from Tracey Vanderkolk respecting Parking Meters in Waterdown  
Recommendation:  Be received.

5.14 Correspondence from Blair Purvis respecting Parking Meters in Waterdown  
Recommendation:  Be received.

5.15 Correspondence from Penny Gardiner, President, Board of Directors, Flamborough Chamber of Commerce, respecting Parking Meters in Waterdown  
Recommendation:  Be received.

5.16 Correspondence from Paul Miller, M.P.P., respecting Parking Meters in Downtown Stoney Creek  
Recommendation:  Be received.

5.17 Correspondence from Brad Perco, C.A., President, The Stoney Creek Chamber of Commerce, respecting Parking Meters in Downtown Stoney Creek  
Recommendation:  Be received.
5.18 Correspondence from Derrick Thornborrow, Waterdown Optometric Clinic respecting Parking Meters in Waterdown

Recommendation: Be received.

3. **NOTICES OF MOTION**

8.1 Reduction to the 2010 Tax Levy

8.2 Securing a New Company to Operate former Lakeport Brewery

8.3 Name to be displayed on the Water Tower in Waterdown North

*(Pearson/Whitehead)*

That the Agenda for the City Council meeting being held on April 14, 2010 be approved, as amended.

**CARRIED**

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**DECLARATIONS OF INTEREST**

There were no declarations of interest.

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**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

None.

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**APPROVAL OF MINUTES**

*(Duvall/Morelli)*

That the Minutes of the March 31, 2010 meeting of Council be approved, as presented.

**CARRIED**

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**COMMUNICATIONS**

*(Pearson/Whitehead)*

That Council Communications 5.1 to 5.18 be approved, as amended, as follows:

5.1 Correspondence from Joe Ferrante, Realtors Association of Hamilton-Burlington respecting location of Pan Am Stadium at the West Harbour site

Recommendation: Be received
5.2 Correspondence from the Honourable John Baird, Minister of Transport, Infrastructure and Communities respecting funding consideration under Green Infrastructure fund for Woodward Avenue Wastewater Treatment Plant Project

Recommendation: Be received

5.3 Correspondence from Brock Carlton, FCM respecting payment for Green Municipal Fund Study Grant Agreement

Recommendation: Be received

5.4 Correspondence from Deputy Minister of Transportation respecting one-time grant of $4,402,867 for replacement of municipal transit buses

Recommendation: Be received

5.5 Correspondence from Linda Rourke, Chair, Waterdown BIA respecting opposition to parking meters in Waterdown

Recommendation: Be received.

5.6 Correspondence from Matt Jelly respecting designation of Royal Connaught Hotel

Recommendation: Be received and referred to the General Manager of the Planning and Economic Development Department for a report to the Economic and Development and Planning Committee.

5.7 Correspondence from Dr. Tom Nugent, respecting the denial of a delegation before the Economic Development and Planning Committee on April 6, 2010

Recommendation: Be received.

5.8 Correspondence from Dennis H. Wood, Wood Bull, Barristers and Solicitors, respecting the City of Hamilton’s New Official Plan

Recommendation: Be received.
5.9 Rick Ludwig, President, Kitching, Steepe & Ludwig Funeral Home Limited, respecting Parking Meters in Waterdown

Recommendation: Be received.

5.10 Identical Correspondence, received from the following Waterdown Residents and Business Owners, respecting Parking Meters in Waterdown:

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(b) Glenn Sherwood
(c) Jolaine Montgomery
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(w) Michael P. Clarke
(x) Bill Longley
(y) Gord and Joan Eagle
(z) Alison and Wayne Morris
(aa) Chuck and Debbie Stanton
(bb) Vivienne Reaveley
(cc) Lyn Lunsted

Recommendation: Be received.

5.11 Correspondence from Susan Somers respecting Parking Meters in Waterdown

Recommendation: Be received.
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Recommendation: Be received.

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Recommendation: Be received.

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Recommendation: Be received.

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Recommendation: Be received.

5.16 Correspondence from Paul Miller, M.P.P., respecting Parking Meters in Downtown Stoney Creek

Recommendation: Be received.

5.17 Correspondence from Brad Perco, C.A., President, The Stoney Creek Chamber of Commerce, respecting Parking Meters in Downtown Stoney Creek

Recommendation: Be received.

5.18 Correspondence from Derrick Thornborrow, Waterdown Optometric Clinic respecting Parking Meters in Waterdown

Recommendation: Be received.

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

CARRIED
6. Comprehensive Review of the Sign By-law (PED05172(g)) (City Wide)  

(Whitehead/Powers)  
That Item 6 of the Economic Development and Planning Committee Report 10-007 be referred back to the Economic Development and Planning Committee for further consultation with the Hamilton Association of Business Improvement Areas (HABIA).

The above motion was CARRIED on a Recorded Vote:

Yeas: Bratina, Collins, Duvall, Jackson, McCarthy, Merulla, Mitchell, Morelli, Pasuta, Powers, Whitehead  
Total: 11  
Nays: McHattie, Pearson  
Total: 2  
Absent: Clark, Eisenberger, Ferguson,  
Total: 3

18. Urban Hamilton Official Plan - Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(d)) (City Wide) (Added Report)  

(Bratina/Collins)  
That Item 18 of the Economic Development & Planning Committee Report 10-007 be amended by adding the following as recommendation (j), and that the existing item (j) be re-lettered as item (k):

(j) That Area Specific Policy UF-1 be amended by:

(i) Deleting 101,742 square meters in Policy 1.0 (a) and replacing it with 93,610 square meters; and,

(ii) Deleting 60,114 square meters in Policy 1.2(b)(i) and replacing it with 52,000 square meters.  

AMENDMENT CARRIED.  
MOTION AS AMENDED CARRIED.

(Bratina/Collins)  
That the SEVENTH Report of the Economic Development and Planning Committee be adopted, as amended, and the information section received.  
CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-005

(Pasuta/Duvall)  
That the FIFTH Report of the Emergency & Community Services Committee be adopted, and the information section received.  
CARRIED
COMMITTEE OF THE WHOLE REPORT (BUDGET) 10-012

45. 2010 Tax Supported Levy

Motion CARRIED on a Recorded Vote:

Yeas: Bratina, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli, Pearson, Powers
Total: 10
Nays: Pasuta, Mitchell, Whitehead
Total: 3
Absent: Clark, Eisenberger, Ferguson
Total: 3

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

PUBLIC WORKS COMMITTEE REPORT 10-005

(Merulla/Morelli)
That the FIFITH Report of the Public Works Committee be adopted, and the information section received. CARRIED

COMMITTEE OF THE WHOLE REPORT 10-013

(Collins/Duvall)
That Section 5.6(2) – A minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider Committee of the Whole Report 10-013, dated Tuesday, April 13, 2010. CARRIED

1. Amendments to Schedule 20 (Residential Care Facilities) of the Licensing By-law 07-170 (PED10005(a)) (City Wide) – Supplementary Report and By-law

Motion CARRIED on a Standing Recorded Vote:

Yeas: Bratina, Collins, McCarthy, McHattie, Merulla, Mitchell, Morelli, Pasuta, Pearson, Powers
Total: 10
Nays: Duvall, Jackson, Whitehead
Total: 3
Absent: Clark, Eisenberger, Ferguson
Total: 3

(Collins/Jackson)
That Item 6(c) of the Committee of the Whole Report 10-013 be amended by deleting the word “roads” in the parenthesis. AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

11. Canada Mortgage and Housing Corporation Municipal Infrastructure Lending Program (FCS10022)

(Jackson/Duvall)
That the projects noted under 4030911016, as outlined in Appendix A to Item 1 of the Committee of the Whole Report 08-037, respecting 2009 Tax Capital Budget and financing Plan, approved by City Council on December 10, 2008, be reconsidered. CARRIED

(Whitehead/Pearson)
That the following be added as Item 13 to Committee of the Whole Report 10-013:

13. Landmart OMB appeals in North Waterdown, OMB Case No. PL081128, and 25T200802 and ZAC-08-10

(a) That the City of Hamilton seek an adjournment of the Landmart OMB hearing (OMB Case No. PL081128) given that the Waterdown North Master Drainage Plan Addendum is not expected to be publicly available until mid June 2010;

(b) That, in the event that the Ontario Municipal Board does not grant an adjournment of OMB Case No. PL081128, the City of Hamilton support the Landmart development before the Board on the basis of subdivision conditions which have been deemed appropriate by staff. CARRIED

(Whitehead/Pearson)
That the following be added as Item 14 to Committee of the Whole Report 10-013:

14. Investigations directed into the allegations of A. Khan (LS10007)

(a) That Appendices B, C, D and E to Report LS10007 remain confidential;

(b) That the balance of Report LS10007, together with Appendix A (document A-1, A-2 and A-3), be made public;

(c) That no further steps be taken to investigate the allegation of A. Khan that the Region of Halton is considering a “pipe to the lake” in regard to its project at the Skyway Wastewater Treatment plant;
(d) That no further steps be taken to investigate the allegation of A. Khan that the prices for biogas and heat as between the City (Wastewater Treatment Plant) and Hamilton Renewable Power Inc., were not set at arms length;

(e) That the balance of the investigation be coordinated by the City Solicitor, as outlined in Appendices B, C and D, and that the City Solicitor report back to the Committee of the Whole with the findings of the investigation and the legal advice flowing out of those findings;

(f) That the City Solicitor’s use of Purchasing Policy, SCHEDULE B – Recurring and Non-competitive Expenditures, to retain Professional Services (outside experts) to assist with the investigation without obtaining competitive quotes be endorsed;

(g) That the cost of the balance of the investigation being co-ordinated by the City Solicitor be charged to Account 108005 (Wastewater Reserve), with an upset limit of $250,000; and

(h) That the total cost of the investigation be publicly disclosed when Council deems the investigation to be complete.

CARRIED

(Whitehead/Pearson)
That the following be added as Item 15 to Committee of the Whole Report 10-013:

15. City of Hamilton ats 775377 Ontario Limited (Belmont Developments) (LS100008) (City Wide)

(a) That the City decline the Plaintiff’s Offer to Settle in Ontario Court of Justice Action No. 05-CV-301207PD3;

(b) That Report LS10008 remain confidential.

CARRIED

(Merulla/Collins)
That the THIRTEENTH Report of the Committee of the Whole be adopted, as amended, and the information section received.

CARRIED

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

CARRIED

MOTIONS

7.1 Establishment of a Special Flamborough Reserve Fund

Councillor Whitehead deferred this motion to the next meeting of Council.
7.2 **Motion to reconsider Item 3(b) and (c) of Committee of the Whole Report 10-001 respecting Installing Paid Parking in All Commercial Areas**

Item 7.2 was deferred to the next meeting of Council.

7.3 **Retention of Nora Frances Henderson Hospital**

(Duvall/Whitehead)

That Council’s Outstanding Business List Item “A”, respecting the Retention of Nora Frances Henderson Hospital, be lifted from the table and placed on the next Council agenda for discussion.

CARRIED

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**NOTICES OF MOTION**

Councillor B. Clark circulated the following Notice of Motion:

8.1 **Reduction to the 2010 Tax Levy**

WHEREAS the Province of Ontario has reconciled payments made through the Ontario Municipal Partnership Fund; and,

WHEREAS that reconciliation brought about a $3.1 million reimbursement to the City of Hamilton from the Province of Ontario for actual social service costs incurred; and,

WHEREAS these actual social service costs were already paid for by Hamilton tax-payers; and,

WHEREAS the province annually reconciles OMPF payments against actual social services costs incurred;

THEREFORE BE IT RESOLVED:

That the City of Hamilton reimburse our tax payers by allocating the $3.1 million against this year’s tax levy resulting in a fair reconciliation with taxpayers and a reduction in the 2010 levy of .50 %, which means a tax increase of 1.5% for 2010.

Councillor B. Bratina introduced the following Notice of Motion:

8.2 **Securing a New Company to Operate Former Lakeport Brewery**

(a) That the retention of the 143 full-time jobs at Lakeport Brewery, to be terminated on April 30, 2010, be approved as a top priority for the Corporation;
(b) That the City Manager and Senior Staff be directed to continue negotiations with prospective purchasers in order to facilitate a mutually acceptable acquisition of the former Lakeport Brewery;

(c) That the Mayor, and/or his designate, be directed to secure political support from both the Province of Ontario and the Government of Canada to encourage Labatt Breweries of Canada to sell the Lakeport Brewery’s equipment and transfer the existing lease of the building from the Hamilton Port Authority to a purchaser who will continue Brewery operations.

(Bratina/Merulla)

That the Rules of Order be waived in order to introduce a motion respecting Securing a new company to operate the former Lakeport Brewery.  

CARRIED

(Bratina/Duvall)

(a) That the retention of the 143 full-time jobs at Lakeport Brewery, to be terminated on April 30, 2010, be approved as a top priority for the Corporation;

(b) That the City Manager and Senior Staff be directed to continue negotiations with prospective purchasers in order to facilitate a mutually acceptable acquisition of the former Lakeport Brewery;

(c) That the Mayor, and/or his designate, be directed to secure political support from both the Province of Ontario and the Government of Canada to encourage Labatt Breweries of Canada to sell the Lakeport Brewery’s equipment and transfer the existing lease of the building from the Hamilton Port Authority to a purchaser who will continue Brewery operations.

CARRIED

Councillor M. McCarthy introduced the following Notice of Motion:

8.3 Name to be displayed on the Water Tower in Waterdown North (PED10024) (Ward 15) (Item 5.2)

That Item 2 of the Economic Development & Planning Committee Report 10-004, which was approved by Council on February 10, 2010, be amended by deleting the year “1878” from the lettering to be included on the water tower in Waterdown North, to read as follows:

That approval be given for “Village of Waterdown” as the name to be displayed on the water tower in Waterdown North on the sides parallel to Parkside Drive and the future east-west arterial road, as per the design shown on Appendix “A” to Report PED10024.
(McCarthy/Jackson) That the Rules of Order be waived in order to introduce a motion respecting an amendment to Item 2 of the Economic Development & Planning Committee Report 10-004, which was approved by Council on February 10, 2010.

CARRIED

(McCarthy/Jackson) That Item 2 of the Economic Development & Planning Committee Report 10-004, which was approved by Council on February 10, 2010, be amended by deleting the year “1878” from the lettering to be included on the water tower in Waterdown North, to read as follows:

That approval be given for “Village of Waterdown” as the name to be displayed on the water tower in Waterdown North on the sides parallel to Parkside Drive and the future east-west arterial road, as per the design shown on Appendix “A” to Report PED10024.

CARRIED

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Duvall/Pearson) That Council move into Closed Session to discuss Items 9.3 respecting Landmart OMB appeals in North Waterdown, OMB Case; 9.4 – respecting Investigations directed into the allegations of A. Khan; and, 9.5 respecting City of Hamilton ats 775377 Ontario Limited (Belmont Developments) of Committee of the Whole Report 10-013, pursuant to Section 8.1, Sub-sections (e) and (f) of the City’s Procedural By-law 10-053, and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to litigation or potential litigation and the receiving of advice that is subject to solicitor client privilege including communications necessary for that purpose.

CARRIED

Council reconvened in Open Session at 9:57 p.m.

Please refer to Items 13, 14, 15 of Committee of the Whole Report 10-013 for disposition of the Confidential Items.

BY-LAWS

(Pearson/Whitehead) That Bill Nos. 10-066 to 10-079, 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 read as follows:
By-law No.

10-066 To Amend By-law No. 01-215, To Regulate Traffic:
   Schedule 5 – Stop Control

10-067 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
   Schedule 5 – Parking Meters
   Schedule 6 – Time Limit Parking
   Schedule 8 – No Parking Zones
   Schedule 9 – Alternate Side Parking
   Schedule 12 – Permit Parking Zones
   Schedule 13 – No Stopping Zones

10-068 To Authorize the Receipt of Funding from the Province of Ontario to undertake Transportation Demand Management Initiatives related to the Smart Commute Hamilton Pedestrian Initiative

10-069 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 3015, 3021 and 3027 Binbrook Road West and 3016, 3030 and 3034 Regional Road 56 and Lands Identified as Part 2, Reference Plan 62R-18548

10-070 Respecting Removal of Part Lot Control, Blocks 76 and 77, Registered Plan No. 62M-1057, “Fifty Road Joint Venture, Phase 3”

10-071 Respecting Removal of Part Lot Control, Blocks 75 and 78, Registered Plan No. 62M-1057, “Fifty Road Joint Venture, Phase 3”

10-072 Respecting Removal of Part Lot Control, Block 1, Registered Plan No. 62M-1107, Heritage Green

10-073 To Adopt Official Plan Amendment/Modification No. 1 to the Rural Hamilton Official Plan, Respecting 497 Millgrove Side Road and part of 533 Millgrove Side Road

10-074 To Adopt Official Plan Amendment No. 119 to the Former Town of Flamborough Official Plan, Respecting 497 Millgrove Side Road and part of 533 Millgrove Side Road

10-075 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 497 Millgrove Side Road and Part of 533 Millgrove Side Road

10-076 Housekeeping Amendments to Zoning By-law No. 87-57 (Ancaster), Zoning By-law No. 90-145-Z (Flamborough), Zoning By-law No. 6593 (Hamilton), Zoning By-law No. 3692-92 (Stoney Creek and City of Hamilton Comprehensive Zoning By-law No. 05-200

10-077 To Amend By-law No. 07-170, A By-law To License and Regulate Various Businesses

10-078 To Amend By-law No. 07-170, A By-law To License and Regulate Various Businesses
10-079 To Confirm the Proceedings of City Council

(Powers/Pearson)
There being no further business, the City Council meeting adjourned at 10:00 p.m.

CARRIED

Respectfully submitted

Councillor R. Pasuta
Deputy Mayor

R. Caterini
City Clerk
April 14, 2010