Present: Mayor F. Eisenberger

Mayor Eisenberger called the meeting to order and called upon Reverend Liz Mackenzie, of Melrose United Church, to lead Council in prayer.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

1. **COMMUNICATIONS**

   5.2 Correspondence from Nancy Smith, Turkstra Mazza Associates, Lawyers, on behalf of Herman Turkstra, respecting 545 and 547 Beach Boulevard, Hamilton, Ontario – Committee of Adjustment Decision

      Recommendation: Be received

2. **MOTIONS/NOTICES OF MOTION**

   7.2 Item 7(f) of the Board of Health Report 10-005, dated May 25, 2010

   Item 9 on the Council Agenda should read “Statements by Members”, and the balance of the agenda renumbered accordingly.
That the Agenda for the City Council meeting being held on May 26, 2010, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared an interest to Item 8, of the Economic Development & Planning Committee Report 10-011, respecting Report PED10114 – Amendment to the City of Hamilton Licensing By-law 07-170, Schedule 25 – Taxicab Priority List, as he an investor in the Taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Eisenberger introduced Joanne Santucci, Executive Director of Food Share, and provided a certificate to Hamilton Food Share for their valuable contribution to the community, and in recognition of National Hunger Awareness Day.

Ms. Santucci advised that on Hunger Awareness Day, June 1, 2010, Hamilton Food Share is calling on the community for a “Hunger Intervention”. They are asking for people to give up their lunch for just one day and donate the money; a donation of $7.00 will feed a person nutritionally for one day. Ms. Santucci asked the Mayor, members of Councillors, City staff and the broader community to show their support to the more than 18,500 people who are struggling to eat. All proceeds will go to buy bulk food for local food banks and hot meal programs.

On this day, Hamilton Food Share will also be releasing their new hunger statistics for 2010.

APPROVAL OF MINUTES

4.1 May 12, 2010

(Mitchell/Whitehead)
That the Minutes of the May 12, 2010 meeting of Council be approved, as presented. CARRIED

4.2 May 19, 2010 (Special)

(Whitehead/Clark)
That the Minutes of the May 19, 2010 meeting of Council be approved, as presented. CARRIED
COMMUNICATIONS

(Powers/Pearson)
That Council Communications 5.1 and 5.2 be approved, as follows:

5.1 Correspondence from Rachel O’Reilly, Hamilton Food Share respecting Hunger Awareness Day, June 1, 2010

   Recommendation: Be received

5.2 Correspondence from Nancy Smith, Turkstra Mazza Associates, Lawyers, on behalf Herman Turkstra, respecting 545 and 547 Beach Boulevard, Hamilton, Ontario – Committee of Adjustment Decision

   Recommendation: Be received

   CARRIED

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

   CARRIED

AUDIT & ADMINISTRATION COMMITTEE REPORT 10-006

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

   CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-008

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

   CARRIED

LICENSING TRIBUNAL REPORT 10-003

(Clark/Bratina)
That Item 1 of the Hamilton Licensing Tribunal Report 10-003 be deleted in its entirety and replaced to read as follows:

1. Appeal Hearing: Karsten Rumpf, Karrum Amusements Ltd.; and Peter Gassner, Prime Properties, respecting the Adult “B” Video Store Licence for 61 King Street East, Hamilton, Ontario operating as Show World (Item 4.2)
(a) That the application for renewal for an Adult Entertainment Establishment – Adult Video “B” Licence, submitted by Karsten Rumpf, Karrum Amusements Ltd., for the property at 61 King Street East, Hamilton, Ontario, operating as Show World, not be accepted for a period of six (6) months, commencing May 27, 2010.

(b) That, subsequent to the six (6) month waiting period, identified in recommendation (a) above, has elapsed, an application for a Adult Entertainment Establishment - Adult Video "B" Licence, to be submitted by Karsten Rumpf, Karrum Amusements Ltd., for the property at 61 King Street East, Hamilton, Ontario, operating as Show World, not be accepted and no licence be issued until the applicant has provided evidence, before the Hamilton Licensing Tribunal, indicating complete compliance with the Hamilton Licensing Code By-law 07-170, as amended; and, any applicable provincial laws.

(c) That Municipal By-law Enforcement be directed to inspect the premises at 61 King Street East, Hamilton, Ontario, on an impromptu basis, to ensure compliance with the Hamilton Licensing Code By-law 07-170.

The reasons for suspension of the above noted licenses are:

That in accordance with Section 12(1)(d) of the City of Hamilton Licensing Code By-law 07-170, as amended, the conduct of the licence holder affords reasonable grounds for belief that the business is not or will not be carried on in compliance with the law or honesty or integrity.

To Wit:

(a) The Licence Holder permitted the viewing of adult videos on a television screen on the licensed premises contrary to Sub-sections 26(1), 26(2) and 26(3) of the General Provisions of the City of Hamilton Licensing Code By-law 07-170; Sub-Section 25(e) of Schedule 1 of the By-law; and, Sections 13, 38(1)(c) and 38(2) of the Film Classification Act, S.O. 2005, c.17.

(b) The Licence Holder permitted the exhibition of adult videos in twenty-nine (29) private video display booths without holding a licence for the exhibition, contrary to Sub-sections 26(1), 26(2) and 26(3) of the General Provisions of the City of Hamilton Licensing Code By-law 07-170; Sub-Section 25(e) of Schedule 1 of the By-law; and, Sections 13, 38(1)(c) and 38(2) of the Film Classification Act, S.O. 2005, c.17.

CARRIED

(Bratina/Clark)
That the THIRD Report of the Hamilton Licensing Tribunal be adopted, as amended, and the information section received.

CARRIED
MOTIONS

7.1 Council Appointments to the Hamilton Farmers Market Transition Sub-Committee

(Merulla/McHattie)
That the following Councillors be appointed to the Hamilton Farmers’ Market Transition Sub-Committee:

(i) Councillor B. Bratina
(ii) Councillor B. McHattie
(iii) Councillor R. Pasuta
(iv) Councillor L. Ferguson
(v) Councillor B. Clark

CARRIED

7.2(a) Item 7(f) of Board of Health Report 10-005 dated May 25, 2010

(Powers/Pearson)
That Section 5.6(2) of the City’s Procedural By-law which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council be waived in order to consider Item 7(f) of Board of Health Report 10-005, dated Tuesday, May 25, 2010.

CARRIED

7.2(b) Item 7(f) of Board of Health Report 10-005 dated May 25, 2010

7. Correspondence (Item 11.1)

(Powers/Pearson)
That the dispositions for the following Items of communication be approved:
(f) (1) E-mail from Linda Stewart, Executive Director of alPHa responding to some questions respecting the Public Sector Compensation Restraint to Protect Public Services Act, 2010, which had third reading on May 18, 2010, copy hereto attached as Appendix A.

Recommendation Be received.

(2) Memorandum from the Deputy Minister of Health and Long-Term Care and the Acting Deputy Minister of Health Promotion respecting Public Sector Compensation Restraint to Protect Public Services Act, 2010, copy hereto attached as Appendix B.

Recommendation Be received.

CARRIED

NOTICES OF MOTION

None.

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

10.1 Closed Session Minutes of May 19, 2010

(Ferguson/Pearson)

That the Closed Session Minutes, of the May 19, 2010 meeting of Council be approved, as presented.

That the May 19, 2010 Closed Session Minutes of Council remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.”

CARRIED

10.2 Acquisition of Lands

(Clark/Bratina)

(a) That the Real Estate Section of the Planning and Economic Development Department be authorized and directed to enter into negotiations with the owner of the property, for the purpose of
acquiring the property shown in Appendix “A” and described in Appendix “B” to Report PED10138/CS10065;

(b) That the City of Hamilton be authorized and directed to submit an Offer to Purchase for the subject property at fair market value;

(c) That the Option to Purchase be conditional for a period of 45 days from the date of acceptance to allow the City to undertake, at its own expense, a Building Condition and an Environmental Assessment, to the satisfaction of the City, in the City’s sole, absolute and unfettered discretion, failing which the Option shall be null and void and to no further effect;

(d) That Report PED10138/CS10065, including Appendices “A” and “B” to the Report, remain confidential until final disposition of Council and the completion of the transaction;

(e) That the Mayor and Clerk be authorized and directed to execute all requisite documentation and related agreements to implement the acquisition of the property shown in Appendix “A” and described in Appendix “B” to Report PED10138/CS10065;

(f) That Real Estate staff be authorized and directed to negotiate an agreement with Heritage Green Community Trust, respecting the terms and conditions of its financial contribution to the acquisition of property described in Appendix “B”, said agreement to deal with the renovation and repair of the site in accordance with approved plans; on-going maintenance and preservation of the property as a historical monument; the archeological assessment of the site; the disinterment and re-interment of any human remains situated thereon; the recognition of the contribution of the Trust through signage and other promotional materials; future fund raising for the property; the disbursement and accounting for of any funds received on account of this project; and, any other related or similar matters arising from this negotiation;

(g) That the Mayor and Clerk be authorized to execute the above-mentioned agreement with Heritage Green Community Trust in a form satisfactory to the General Manager of the Corporate Services Department, the General Manager of Community Services Department and the City Solicitor;

(h) That the Mayor and Clerk be authorized to execute any agreement required by the Government of Canada to be entered into by the City on account of the Federal contribution to the acquisition of the said property in a form satisfactory to the General Manager of the Corporate Services Department, the General Manager of the Community Services Department and the City Solicitor; and,
(i) That the Mayor and Clerk, the General Manager of Corporate Services or delegate, or the General Manager of Community Services or delegate, as the case may be, be authorized to execute any documentation required, in the opinion of the City Solicitor, to implement the above transaction and related agreements.

CARRIED

BY-LAWS

(Powers/Pearson)

That Bill Nos. 010-109 to 010-131, 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:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>10-109</td>
<td>To Authorize the borrowing of debentures in the principle amount of $25,000,000 for a purpose of the City of Hamilton</td>
</tr>
<tr>
<td>10-110</td>
<td>To Establish Tax ratios and Tax reductions for the year 2010</td>
</tr>
<tr>
<td>10-111</td>
<td>To set optional property classes for the year 2010</td>
</tr>
<tr>
<td>10-112</td>
<td>To set and levy the rates of Taxation for the year 2010</td>
</tr>
<tr>
<td>10-113</td>
<td>To Adopt Municipal options for tax capping</td>
</tr>
<tr>
<td>10-114</td>
<td>To Levy a Special Charge upon the Rateable Property in the Business Improvement Area for the year 2010</td>
</tr>
<tr>
<td>10-115</td>
<td>To Provide for advance voting for the 2010 Municipal Election</td>
</tr>
<tr>
<td>10-116</td>
<td>To Amend Traffic By-law 01-218, as amended, Being a By-law To Regulate On-Street Parking</td>
</tr>
<tr>
<td>Schedule 1 – Arterial Roads</td>
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<tr>
<td>Schedule 2 – Through Highways</td>
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<tr>
<td>Schedule 8 – No Parking Zones</td>
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<td>Schedule 9 – Alternate Side Parking</td>
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<tr>
<td>Schedule 10 – Alternate Side Parking</td>
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<td>Schedule 12 – Permit Parking Zones</td>
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<tr>
<td>Schedule 13 – No Stopping Zones</td>
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<tr>
<td>Schedule 21 – Snow Routes</td>
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<tr>
<td>10-117</td>
<td>To Provide tax assessment to certain elderly and disabled residents who are owners of real property in the City of Hamilton</td>
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<tr>
<td>By-law No.</td>
<td>Description</td>
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<tr>
<td>10-118</td>
<td>To Adopt the Yard Maintenance By-law, being a By-law to regulate exterior property maintenance including vegetation, waste and graffiti, and to repeal By-law No. 03-118</td>
</tr>
<tr>
<td>10-119</td>
<td>To Amend Zoning By-law No. 05-200, respecting lands located at 19 Niagara Street (formerly 460 Wentworth St N)</td>
</tr>
<tr>
<td>10-120</td>
<td>Respecting Part Lot Control Blocks 81, Registered Plan No. 62M-1057, “Fifty Road Joint Venture, phase 3”</td>
</tr>
<tr>
<td>10-121</td>
<td>To Amend By-law No. 03-020 to Regulate Noise in the City of Hamilton</td>
</tr>
<tr>
<td>10-122</td>
<td>To Prohibit and Regulate Fortification and Protective Elements of Land</td>
</tr>
<tr>
<td>10-123</td>
<td>To Amend By-law No. 08-161 A By-law respecting Building Permits and related Matters</td>
</tr>
<tr>
<td>10-124</td>
<td>To Amend Zoning By-law 3581-86, Respecting lands located at 104 King Street West in the former Town of Dundas, now in the City of Hamilton</td>
</tr>
<tr>
<td>10-125</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), respecting lands located at 195 Locke Street South (Hamilton)</td>
</tr>
<tr>
<td>10-126</td>
<td>To Amend Licensing By-law 07-170, a By-law to License and Regulate Various Businesses</td>
</tr>
<tr>
<td>10-127</td>
<td>To Adopt Official Plan Amendment No.: 38 to the former Regional Municipality of Hamilton Wentworth OPA No. 130 to the former Town of Ancaster; OPA No. 19 to the former Town of Dundas; OPA No. 120 to the former Town of Flamborough; OPA No. 80 to the former Town of Glanbrook; OPA No. 223 to the former City of Hamilton; OPA o. 158 to the former City of Stoney Creek</td>
</tr>
<tr>
<td>10-128</td>
<td>To Amend By-law 05-200 to Create new Industrial Zones for the City of Hamilton</td>
</tr>
</tbody>
</table>
By-law No.

10-129  To Adopt Official Plan Amendment No. 37 to the former Regional Municipality of Hamilton Wentworth; Official Plan Amendment to the former City of Stoney Creek; Respecting 568 Ridge Road

10-130  To Adopt Official Plan Amendment No. 2 to the Rural Hamilton Official Plan respecting: 568 Ridge Road

10-131  To Confirm Proceedings of Council  CARRIED

(Powers/Collins)
There being no further business, the City Council meeting adjourned at 7:59 p.m.  CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

R. Caterini
City Clerk
May 26, 2010