CITY COUNCIL MINUTES

Wednesday, November 11, 2009
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
Hamilton, Ontario

Present:
Mayor F. Eisenberger

Mayor Eisenberger called the meeting to order and called upon the Hamilton Children's Choir to lead Council in singing the National Anthem. Mayor Eisenberger then called upon Reverend John Mahaffey of West Highland Baptist Church to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following change to the agenda:

1. ADDED CORRESPONDENCE:

5.12 Email correspondence from Ejaz Butt, Cab Drivers Welfare Association of Hamilton respecting beating incident of a Taxicab Driver and the mandatory use of shields and cameras

Recommendation: Be received

(Pasuta/Morelli)
That the Agenda for the City Council meeting being held on November 11, 2009, be approved, as amended.

CARRIED
DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest in Items 9 and 10 of Economic Development and Planning Report 09-023, as he is an investor in the taxi industry.

Councillor McHattie declared an interest in Item 9 of Committee of the Whole Report 09-030, as his wife works in the H1N1 Assessment Clinics.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Remembrance Day

Council observed a moment of silence in memory of the thousands of men and women who sacrificed their lives in military service.

3.2 Hamilton Children’s Choir

The Mayor called Zimfira Poloz, the Hamilton Children’s Choir Artistic Director, to the podium and presented them with a plaque recognizing their most recent achievement, winning the Grand Prize at the Le Choral Mondial World Choral Competition in Laval, Quebec.

APPROVAL OF MINUTES

(Pearson/Ferguson)
That the Minutes of the October 28, 2009, meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS

(McCarthy/Jackson)
That Council Communications 5.1 to 5.12 be approved, as follows:

5.1 Correspondence and Petition (signed by 46 citizens) submitted by Taryn Spohn Lico and Jen Spadafora respecting installation of a 3-way stop sign on Donnici Drive

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

5.2 Correspondence from The Honourable Diane Finley, Minister of Human Resources and Social Development respecting access to Employment Insurance benefits for people living in Ontario

Recommendation: Be received
5.3 Correspondence from The Honourable Jim Watson, Minister of Municipal Affairs and Housing respecting additional funding for First Place Hamilton

Recommendation: Be referred to the General Manager of Community Services for a report to the Emergency and Community Services Committee.

5.4 Correspondence from The Honourable David Caplan, Minister of Health and Long-Term Care respecting additional allocations in HIV/AIDS program funding

Recommendation: Be received

5.5 Correspondence from the Honourable Jim Bradley, Minister of Transportation respecting noise levels from motorcycle exhaust systems

Recommendation: Be received

5.6 Correspondence from the Corporation of the County of Perth respecting Residential-Farmland Property Tax concerns

Recommendation: Be referred to the General Manager of Finance and Corporate Services for a report to the Audit and Administration Committee.

5.7 Correspondence from Peter Lapp, Director of Operations, Office of the Environmental Commissioner of Ontario respecting Environmental Commissioner of Ontario 2008-2009 Annual Report and more specifically Review of Application I2008012 – Alleged Contravention of Section 14 of the EPA re: Black Soot Discharges in the City of Hamilton

Recommendation: Be posted on the City of Hamilton website and a copy sent to Environment Hamilton and the Ministry of the Environment for their evaluation.

5.8 Correspondence from Jim and Charlene Chambers respecting nationwide support for the City of Trenton in appreciation for their community’s part in the repatriation of our fallen soldiers

Recommendation: That $1 be sent to the City of Trenton

5.9 Correspondence from the Township of Frontenac Islands respecting Closing of Prison Farms in New Brunswick, Ontario, Manitoba, Saskatchewan and Alberta

Recommendation: Be received
5.10 Correspondence from Shelley Melanson, Canadian Federation of Students respecting housing crisis
Recommendation: Be received

5.11 Correspondence from the County of Lambton respecting Moratorium on Major Health Care Restructuring
Recommendation: Be received

5.12 Email correspondence from Ejaz Butt, Cab Drivers Welfare Association of Hamilton respecting beating incident of a Taxicab Driver and the mandatory use of shields and cameras
Recommendation: Be received

CARRIED as amended

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

CARRIED

COMMITTEE OF THE WHOLE REPORT 09-029

(Eisenberger/Jackson)
That Information Item (f)(iv) respecting the 2010 Transpit Operating Budget be lifted from the Table and renumbered as Item 4 to the Committee of the Whole Report.

4.  2010 Transit Operating Budget (PW09089)

(a) That the General Manager of Public Works be directed to implement the following recommendations in order to achieve a 2% expenditure increase for the Transit program in 2010:

(i) Amend the HSR fleet replacement policy to purchase only forty foot diesel buses;

(ii) Adopt an ATS fleet replacement policy to purchase only low floor ramp equipped fleet;

(b) That the following amendments to the maintenance budget for implementation be approved:

(i) Authority to amend the current bus advertising contract with Street Seen Media Advertising for HSR fleet, in reference to Report PW08125, to include the ATS (DARTS) fleet;

(ii) An increase in the current contribution to the Operating budget from the Tickets in Public Hands account by $100,000, in accordance with Report FCS09054/PW09047;
(iii) A transit fare increase effective January 1, 2010 that increases fares by an average $0.XX per trip resulting in an estimated increase in fare box revenue of $XX;

(c)(i) That the recommendations from Accessibility Committee for Persons with Disabilities (ACPD) Report 08-006, Item 2, to increase the level of subsidy and increase the Taxi Scrip cap on the maximum purchase be received and referred to the 2011 budget process;

(c)(ii) That this item be removed from the Committee of the Whole Outstanding Business List.

The motion to lift Item (f)(iv) from the Information Section CARRIED on a Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Mitchell, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 15
Nays: Merulla
Total: 1

(Eisenberger/Jackson)
That Item 4 be amended as follows:

1. By inserting the figure $0.15 cents per trip and the figure $1,500,000.00 as the increase for fare box revenue in subsection (b)(iii) to read as follows:

“(b)(iii) A transit fare increase effective January 1, 2010 that increases fares by an average $0.15 per trip resulting in an estimated increase in fare box revenue of $1,500,000.00;”

The amendment CARRIED on a Standing Recorded Vote, as follows:

Yeas: Eisenberger, Clark, Ferguson, Jackson, McCarthy, Mitchell, Pasuta, Pearson, Powers
Total: 9
Nays: Bratina, Collins, Duvall, McHattie, Merulla, Morelli, Whitehead
Total: 7

2. By adding the following as subsections (d) and (e):

“(d) That staff be directed to find $400,000 in non-service level related ongoing efficiencies, City wide, over the course of the 2010 budget process.
(e) That staff be directed to report back to council within 6 months time with a policy for determining transit fares through the setting of a Revenue/Cost Ratio for implementation in the 2011 Budget.”

The amendment CARRIED on a unanimous vote.

Item 4, as amended, CARRIED on a Standing Recorded Vote, as follows:

Yeas: Eisenberger, Clark, Ferguson, Jackson, McCarthy, Mitchell, Pasuta, Pearson, Powers
Total: 9
Nays: Bratina, Collins, Duvall, McHattie, Merulla, Morelli, Whitehead
Total: 7

(Eisenberger/Whitehead)
That the TWENTY-NINTH Report of Committee of the Whole be approved as amended and the information section received. CARRIED

PUBLIC WORKS COMMITTEE REPORT 09-013

10.  Project Manager – Alternative Transportation – Public Works Department (PW09091) (City Wide) (Item 12.1)

(Whitehead/Duvall)
That Item 10 of Public Works Report 09-013 be referred to the 2010 Budget process.

The referral motion LOST on a Standing Recorded Vote, as follows:

Yeas: Clark, Collins, Duvall, Mitchell, Pasuta, Whitehead
Total: 6
Nays: Eisenberger, Bratina, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pearson, Powers
Total: 10

Item 10 CARRIED on a Standing Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pearson, Powers
Total: 10
Nays: Clark, Collins, Duvall, Mitchell, Pasuta, Whitehead
Total: 6
(Bratina/Clark)
That the THIRTEENTH Report of the Public Works Committee be approved and the information section received.  
CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 09-015

7. Council Code of Conduct

(Clark/Powers)
That Item 7 of Audit and Administration Committee Report 09-015 respecting Hamilton Council Code of Conduct, which reads as follows, be deleted and the balance of the Report renumbered accordingly:

7. Council Code of Conduct

That the draft “Section 4 – Gifts and Benefits” of Appendix H, Code of Conduct for Members of Council, to the Procedural By-law be referred to the Governance Review Subcommittee to be reviewed so as to harmonize with the “Gifts and Hospitality” section of the Code of Conduct for Employees Policy.

CARRIED

(Clark/Powers)
That the FIFTEENTH Report of the Audit and Administration Committee be approved as amended and the information section received.  
CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-023

10. Changes to Licensing Code (By-law 07-170) relating to Taxi Cabs requirement respecting the Holding of a Taxicab Driver’s Licence and taking Service and Skills Training - Taxi Reform Sub Committee-Report 09-002 (Item 6.3)

Item 10 was split for voting purposes.

Item 10(a) CARRIED on a Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Mitchell, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 14
Nays: Clark
Total: 1
Abstained: Ferguson
Total: 1
(Pearson/Pasuta)
That the TWENTY-THIRD Report of the Economic Development and Planning Committee be approved and the information section received. **CARRIED**

### COMMITTEE OF THE WHOLE REPORT 09-030

7. **Code of Conduct for Members of Council (LS09016) (City Wide) (Item 8.3)**

   Item 7 CARRIED on a Recorded Vote, as follows:

   Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, Mitchell, Morelli, Pasuta, Pearson, Powers, Whitehead
   Total: 13
   Nays: Clark, McHattie, Merulla
   Total: 3

9. **H1N1 Assessment Centres (BOH09030) (City Wide) (Item 8.5)**

   Item 9 CARRIED on a Recorded Vote, as follows:

   Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, Mitchell, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
   Total: 14
   Nays: Clark
   Total: 1
   Abstained: McHattie
   Total: 1

10. **City of Hamilton v Attorney General of Canada, et al, Ontario Superior court Action No. C-383/04 (LS04021(b) (City Wide) (Item 11.3)**

    Item 10 CARRIED on a Recorded Vote, as follows:

    Yeas: Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, Mitchell, Morelli, Pasuta, Pearson, Powers
    Total: 11
    Nays: Eisenberger, Bratina, McHattie, Merulla, Whitehead
    Total: 5

(Eisenberger/Bratina)
That the THIRTIETH Report of Committee of the Whole be approved and the information section received.  

CARRIED

HAMILTON LICENSING TRIBUNAL REPORT 09-007

(Whitehead/Powers)
That the SEVENTH Report of the Hamilton Licensing Tribunal be approved and the information section received.  

CARRIED

(Jackson/McCarthy)
That the Committee of the Whole rise and report.  

CARRIED

MOTIONS

7.1 Retention of “Nora Frances Henderson” Hospital

(Duvall/Whitehead)
That the City of Hamilton provide their full support for the retention of the name, “Nora Frances Henderson” on the hospital located at 711 Concession Street, and that the Hamilton Health Sciences Board be requested to reconsider their decision.

(Whitehead/Duvall)
That Item 7.1 be amended as follows:

(a) By inserting the word “respectfully” between “be” and “requested”, to read as follows:

“That the City of Hamilton provide their full support for the retention of the name, “Nora Frances Henderson” on the hospital located at 711 Concession Street, and that the Hamilton Health Sciences Board be respectfully requested to reconsider their decision.”

(b) By adding the following as recommendation (b):

“(b) That the Province of Ontario be requested to review and create a policy for the naming of public buildings and institutions and that, where a name is removed, public consultation be mandated.”

(Clark/Bratina)
That Item 7.1 be tabled to allow Mayor Eisenberger to further discuss the renaming of Henderson hospital with Hamilton Health Sciences.
The tabling motion CARRIED on a Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Ferguson, Jackson, Mitchell, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 14
Nays: Duvall
Total: 1
Absent: McCarthy
Total: 1

7.2 Non Union Compensation

(Merulla/Morelli)
That the Councillors’ salaries be frozen for 2010 at the 2008 level.

CARRIED

(Merulla/Morelli)
That the following motion be referred to the Non-Union Compensation Subcommittee for discussion:
That non-union staff salaries for 2010 be frozen at the 2008 level.

CARRIED

NOTICES OF MOTION

(Powers/Pasuta)
That the Rules of Order be waived to allow the introduction of a motion respecting support for the National Cycling Centre of Hamilton’s funding application to the Provincial and Federal Governments.

CARRIED

Application for Funding through the ‘Infrastructure Stimulus Fund for Not-For-Profit Entities in Ontario’ Program

(Powers/Pasuta)
That the following motion be referred to the November 23, 2009 special meeting of Committee of the Whole for discussion:

WHEREAS, the recent success of the Toronto 2015 Pan Am Games bid will result in significant funding to replace the existing Ivor Wynne Stadium and aquatic centre at McMaster University and provide the opportunity to create a legacy project through the construction of the velodrome.

THEREFORE, be it resolved,
(a) That the Council of the City of Hamilton supports the National Cycling Centre of Hamilton’s application to the Federal and Provincial governments for funding through the ‘Infrastructure Stimulus Fund for Not-For-Profit Entities in Ontario’ program for the construction of a world-class, international standard, permanent indoor velodrome facility in Hamilton;

(b) That the National Cycling Centre of Hamilton, appropriate government agencies and the local M.P.’s and M.P.P.’s be so advised.

CARRIED

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None.

BY-LAWS

(Ferguson/Jackson)
That Bill Nos. 09-224 to 09-241, 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 09-224 to 09-241 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>09-224</td>
<td>224</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs</td>
</tr>
<tr>
<td>09-225</td>
<td>225</td>
<td>To Incorporate City Land, Designated as Parts 2 and 7 on Plan 62R-17393 and Parts 1, 2 and 3 on Plan 62R-16864 into Winterberry Trail</td>
</tr>
<tr>
<td>09-226</td>
<td>226</td>
<td>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 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones Schedule 16 – Taxi Zones</td>
</tr>
<tr>
<td>09-227</td>
<td>227</td>
<td>Whistleblower By-law</td>
</tr>
<tr>
<td>09-228</td>
<td>228</td>
<td>To Amend By-law No. 09-143, Respecting Development Charges on Lands within the City of Hamilton</td>
</tr>
<tr>
<td>09-229</td>
<td>229</td>
<td>To Amend By-law No. 09-144, Respecting Development</td>
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</table>
Charges on Lands within the City of Hamilton

09-230  230 To Adopt and Maintain a Purchasing Policy for the City of Hamilton

09-231  231 To Permanently Close a Portion of Hamilton Drive, Ancaster, at the rear of 27 and 31 Stowbridge Crescent (in the former Township of Ancaster), Hamilton, being Part Lot 38, Concession 3 (geographic Township of Ancaster), designated as Parts 2, 3, 4 and 5, on Reference Plan 62R-18550, and to Sell a Portion of said Lands, designated as Parts 2 and 4 on Reference Plan 62R-18550

09-232  232 To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 259 Wilson Street East

09-233  233 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 69 Sanders Boulevard, City of Hamilton

09-234  234 Respecting Removal of Part Lot Control, Block 80 of Plan No. 62M-1091, “Dicenzo Gardens – Phase 9”

09-235  235 Respecting Removal of Part Lot Control, Block 81 of Plan No. 62M-1091, “Dicenzo Gardens – Phase 9”

09-236  236 Respecting Removal of Part Lot Control, Block 57, Registered Plan No. 62M-1105, Jackson Heights Phase 3A

09-237  237 To Amend By-law No. 07-170, A By-law To License and Regulate Various Businesses

09-238  238 To Amend Property Standards By-law No. 03-117

09-239  239 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 796 Rymal Road East

09-240  240 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 8029 Twenty Road East

09-241  241 To Confirm the Proceedings of City Council

(Pearson/Powers)

There being no further business, the City Council meeting adjourned at 10:25 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk