CITY COUNCIL
M I N U T E S

Wednesday, November 25, 2009
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
Hamilton, Ontario

Present: Mayor F. Eisenberger

Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
L. Ferguson, T. Jackson, M. McCarthy, S. Merulla,
B. Morelli, D. Mitchell, R. Pasuta, M. Pearson, R. Powers,
T. Whitehead

Absent with Regrets: Councillor B. McHattie – Illness

Mayor Eisenberger called the meeting to order and called upon Reverend Peter Cowley
of Ryerson United Church in Hamilton to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following change to the agenda:

1. ADDED CORRESPONDENCE

5.6 Correspondence from Deborah Carlson, Campaigner, Climate Change
Program, David Suzuki Foundation, respecting support of a strong
international climate agreement

Recommendation: For the consideration of Council
2. ADDED PRIVATE AND CONFIDENTIAL

12.2 Westmount Recreation Centre

(Pasuta/Mitchell)
That the Agenda for the City Council meeting being held on November 25, 2009, be approved, as amended.  

CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 2009 Excellence in Property Awards

The Excellence in Property Awards honours individual B.I.A. members for the vital contribution they make to the community through the beautification and continual upkeep of their properties. The six participating B.I.A.s nominated two properties within their boundaries based on criteria established by a panel of judges. The judges – Rick Lintack, George Dark, and Mike Piczak – then had to choose one winner.

The Mayor called upon Councillor Whitehead to join him at the podium to present them with a gift.

The Mayor announced the six winners: Liza’s Hari Salon (Liza Ward); Shakespeare’s Steakhouse and Seafood (Franco Putignano); Kids and Crafts (David Anderson); Victoria Hall (Kathy Drewitt); Albert Snow Hair Designs Group (Albert Snow) and C & DC Orthopaedic Services (Joseph Cottone and Idalecio DoCarmo). The Mayor, Councillor Whitehead and the respective Ward Councillor presented the awards to the representatives.

The Mayor then announced Shakespeare’s Steakhouse and Seafood as the overall award winner in the City of Hamilton and presented the award to Franco Putignano.

3.2 City of Hamilton’s Urban Design and Architecture Award 2009: Presentation of the People’s Choice Awards

Mayor Eisenberger announced that the City’s 3rd Urban Design and Architecture Awards took place at the Hamilton Art Gallery on November 12, 2009 and extended congratulations to all of the award winners. These awards highlight projects that clearly indicate that Hamilton is innovative, energy efficient and sustainable, respectful of the City's heritage and thoughtful of its current surroundings and citizens.
Mayor Eisenberger called upon Councillor Pearson to join him at the podium to present the 2009 People’s Choice Award to Heritage Green Mixed Use Development.

**APPROVAL OF MINUTES**

(Pearson/Collins)
That the Minutes of the November 11, 2009, meeting of Council be approved, as presented. CARRIED

**COMMUNICATIONS**

(McCarthy/Jackson)
That Council Communications 5.1 to 5.6 be approved, as amended, as follows:

5.1 Correspondence from Rob Kelly, President, Local 911 Greater Hamilton Volunteer firefighters’ Association respecting support and resolution by the city of Hamilton regarding Presumptive Legislation for Volunteer Firefighters in the Province of Ontario

Recommendation: Be received

5.2 Correspondence from Sylvia Opl requesting council reconsider it’s decision to repeal policy to prohibit the holding of rodeos and wild west shows

Recommendation: Be received

5.3 Correspondence from Peter Veltheer, Councillor, Town of Greater Napanee and President, Ontario Municipal Water Association respecting meeting the new provincial standard for drinking water safety

Recommendation: Be received

5.4 Correspondence from Jim Hudson and Debra McBride, Bay Area Restoration Council respecting locating the police marine facility in Macassa Bay

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

5.5 Correspondence from the City of Ottawa respecting speed limits on local roads in residential communities

Recommendation: Be received.
5.6 Correspondence from Deborah Carlson, Campaigner, Climate Change Program, David Suzuki Foundation, respecting support of a strong international climate agreement

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

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

PUBLIC WORKS COMMITTEE REPORT 09-014

Item 3 Signage on the LINC – “Avoid Use of Engine Brakes”

(Clark/Collins)
That the following be added as sub-section (b):

(b) That staff be requested to report back on a proposal to ban the use of engine brakes within the urban boundary, and review the Calgary model. Amendment CARRIED
Motion as amended CARRIED

(Bratina/Clark)
That the FOURTEENTH Report of the Public Works Committee be adopted, as amended, and the information section received. CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 09-016

(Clark/Bratina)
That the SIXTEENTH Report of the Audit and Administration Committee be adopted, and the information section received. CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 09-014

(Duvall/Collins)
That the FOURTEENTH Report of the Emergency and Community Services Committee be adopted, and the information section received. CARRIED
Item 11 respecting “Committee of Adjustment Minor Variance Application FL/A-09:173 for the property known as 10 Houndtrail Drive, Flamborough; John Gladiator, 10 Houndtrail Drive (Flamborough); Proposed Settlement of Outstanding Ontario Municipal Board Hearing PL090767” CARRIED on the following recorded vote:

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

Item 14 First Dundas Leasing Proposed Self Storage Facility at 201 King Street East, Dundas – Ontario Municipal Board Appeal

(Ferguson/Whitehead)
That Item 14 of Economic Development and Planning Committee Report 09-024 be deferred to the In Camera session in order to allow the Committee of the Whole to receive information which is subject to solicitor-client privilege and communications necessary for that purpose.

The deferral motion CARRIED on the following Standing Recorded Vote:

Yeas: Eisenberger, Duvall, Ferguson, McCarthy, Pasuta, Mitchell, Pearson, Whitehead
Total Yeas: 8
Nays: Bratina, Clark, Collins, Jackson, Merulla, Powers
Total Nays: 6
Abssent: McHattie, Morelli
Total Absent: 2

Approval of Economic Development and Planning Committee Report 09-024 was deferred pending discussion of Item 14 respecting “First Dundas Leasing Proposed Self Storage Facility at 201 King Street East, Dundas – Ontario Municipal Board Appeal” in Closed Session.

(Economic Development and Planning Committee 09-025)

(Pearson/Whitehead)
That the TWENTY-FIFTH Report of the Economic Development and Planning Committee be adopted, and the information section received. CARRIED
(Eisenberger/Powers)
That the TENTH Report of the Board of Health be adopted, and the information section received.  
CARRIED

COMMITTEE OF THE WHOLE REPORT 09-031

Item 1  Application for Funding through the “Infrastructure Stimulus Fund for Not-for-Profit Entities in Ontario” Program

(Clark/Powers)
That the following be added as sub-section (c):

(c) That the capital funding be limited to $5 million for the City of Hamilton and $6.5 million for the bid corp.

The Amendment CARRIED on the following Standing Recorded Vote:

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

The Main Motion, as amended, CARRIED on the following Standing Recorded Vote:

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

(Jackson/Collins)
That the THIRTY-FIRST Report of Committee of the Whole be approved, as amended, and the information section received.  
CARRIED
COMMITTEE OF THE WHOLE REPORT 09-032

Item 4  Area Rating – Citizens’ Forum and Area Rating Options (FCS09087)

(Clark/Pearson)
That Item 4 of Committee of the Whole Report 09-032 be amended by adding the following as sub-sections (f), (g) and (h):

(f) That the citizens on the Forum must be residents of the City of Hamilton;

(g) That there be no fee paid to the members on the Forum;

(h) That any costs borne by the Forum be funded from the Government Relations Fund.

The Amendment CARRIED on the following Standing Recorded Vote:

Yeas: Eisenberger, Bratina, Clark, Ferguson, McCarthy, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total Yeas: 10

Nays: ` Collins, Duvall, Jackson, Merulla, Morelli

Total Nays: 5

Absent: Mchattie

Total Absent: 1

(Merulla/Collins)
That Item 4 of Committee of the Whole Report 09-032 be further amended by adding the following as sub-section (i):

(i) That future costs as related to any costs associated with the Toronto Pan Am Games 2015 and related facilities not be area rated.

(Merulla/Collins)
That the further amendment to add the following as sub-section (i) to Item 4 of Committee of the Whole Report 09-032, which reads as follows, be referred to staff for further discussion for a report back to the Committee of the Whole:

(i) That future costs as related to any costs associated with the Toronto Pan Am Games 2015 and related facilities not be area rated.

Amendment CARRIED

(Pearson/Powers)
That the question be called.

CARRIED

The Main Motion, as amended, CARRIED on the following Standing Recorded Vote:
Yea: Eisenberger, Bratina, Clark, Ferguson, McCarthy, Pasuta, Mitchell, Pearson, Powers
Total Yea: 9
Nays: Collins, Duvall, Jackson, Merulla, Morelli, Whitehead
Total Nays: 6
Absent: McHattie
Total Absent: 1

(Eisenberger/Powers)
That the THIRTY-SECOND Report of Committee of the Whole be approved, as amended, and the information section received. CARRIED

MOTIONS

None

NOTICES OF MOTION

Councillor B. Clark introduced the following Notice of Motion:

Smith’s Knoll Archaeological Site - Archaeology and Conservation

(a) That staff be directed to develop an Archaeology and Conservation Strategy for the potential human burials and remains associated with the Smith's Knoll archaeological site, located in lower Stoney Creek across from Battlefield Park, and report to Emergency & Community Services on the recommendations of the Strategy.

(b) That an amount not to exceed $30,000, for the Archaeology and Conservation Strategy for the potential human burials and remains associated with the Smith's Knoll archaeological site, located in lower Stoney Creek across from Battlefield Park, be referred to the Emergency & Community Services Committee’s 2010 Budget Process for consideration.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.
(Pearson/Collins)
That the Committee move into Closed Session at 9:50 p.m. in accordance with sub-
sections (c) and (f) of the Procedural By-law and Section 239 of the Municipal Act as the
subject matters of Items 10.1 and 10.2 pertain to a proposed or pending acquisition or
disposition of land for municipal or local board purposes regarding Ancaster Industrial
Business Park and Westmount Recreation Centre, and Item 14 of Economic Development
and Planning Committee Report 09-032 pertains to a matter of solicitor-client privilege,
including communications necessary for that purpose regarding an OMB Appeal, 201 King
Street, Dundas. CARRIED

(Collins/Pearson)
That Council reconvene in Open Session at 11:05 p.m. CARRIED

10.1 Sale of City Lands known as Block I, Plan 62M-1121 (Ancaster Industrial
Business Park – Phase 5), former Geographic Township of Ancaster, now in the City of Hamilton, submitted In Trust for a Corporation to be Names
(PED09332) (City Wide)

(Pearson/Ferguson)
(a) That an Offer to Purchase City lands known as Block I, Plan 62M-1121
(Ancaster Industrial Business Park – Phase 5), former Geographic
Township of Ancaster, now in the City of Hamilton, submitted In Trust for a
corporation to be named, be approved;

(b) That the City Solicitor be authorized and directed to accept the executed
Offer to Purchase Agreement submitted In Trust for a corporate to be
named for the sale by the City of the vacant City-owned property known
as Block I, Plan 62M-1121 (Ancaster Industrial Business Park – Phase 5),
former Geographic Township of Ancaster, now in the City of Hamilton,
comprising 3.264 hectares (8.06 acres) of vacant land more or less, as
shown on Appendix “A” to Report PED09332;

(c) That the Mayor and Clerk be authorized and directed to sign all relevant
documents relating to this transaction, in a form satisfactory to the City
Solicitor;

(d) That the financial details/purchase price of the land, outlined in Appendix
“B” attached to Report PED09332, remain confidential until such time as
the transaction has been completed by Council, and that the balance of
the Report PED09332 remain confidential and not be released as a public
document. CARRIED

10.2 Westmount Recreation Centre

Direction given to staff In Camera.
Item 14 First Dundas Leasing Proposed Self Storage Facility at 201 King Street East, Dundas – Ontario Municipal Board Appeal

Item 14 CARRIED on the following Recorded Vote:

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

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-024

(Pearson/Mitchell)
That the TWENTY-FOURTH Report of the Economic Development and Planning Committee be adopted, and the information section received. CARRIED

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

BY-LAWS

(Ferguson/Jackson)
That Bill Nos. 09-242 and 09-243, 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 09-242 to 09-243 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>09-242</td>
<td>242</td>
<td>To Amend By-law No. 09-242, 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</td>
</tr>
<tr>
<td>09-243</td>
<td>243</td>
<td>To Confirm the Proceedings of City Council</td>
</tr>
</tbody>
</table>
(Pearson/Powers)
There being no further business, the City Council meeting adjourned at 11:10 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk
November 25, 2009