CITY COUNCIL
M I N U T E S

Wednesday, April 27, 2011
7:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor R. Bratina

Councillors B. Clark, C. Collins, J. Farr, L. Ferguson, T. Jackson,
B. Johnson, S. Merulla, J. Partridge, R. Pasuta, M. Pearson,
R. Powers, T. Whitehead, S. Duvall, B. McHattie, B. Morelli

Mayor Bratina called the meeting to order and called upon Rev. Dr. Philip Wilson, Lead Pastor of Trinity Presbyterian Church in Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.13 Correspondence from Joe Minor respecting the active and on-going spill of a persistent bioaccumulative toxic pollutant (pfos) exiting City Property (John C. Munro/Hamilton International Airport)

Recommendation: Be referred to the General Manager of Planning for a report to the General Issues Committee

5.14 Correspondence from Peter Hutton, Chair, Waste Reduction Task Force, expressing support to keep the option of bi-weekly waste collection on the table for further discussion (Item 5 of Public Works Committee Report 11-006)

Recommendation: Be received.
2. **ADDED NOTICES OF MOTION**

8.1 Fairness to Hamilton Campaign Sub-Committee Membership

8.2 Federation of Canadian Municipalities – Election to the Board of Directors

*Whitehead/Duvall*

That the Agenda for the City Council meeting being held on April 27, 2011, be approved, as amended. **CARRIED**

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### DECLARATIONS OF INTEREST

**Item 10.1 Selection Committee Report 11-003**

Councillor B. Clark declared an interest in this report as his current Campaign Manager is being recommended for appointment to one of the committees listed in the Report. Councillor Clark vacated the Chamber during discussion of this report in closed session and was not present for the vote.

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### CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

**3.1 Recognition of Soldiers**

Mayor Bratina opened the meeting by welcoming the soldiers present in the gallery. The Mayor brought to the attention of Council and those present a flag of the City of Hamilton displayed in the Chamber which was provided to Corporal Matthew Suffoletta, a member of the Canadian Forces, based at CFB Shilo. While on deployment serving with Stab A as a Signaler for the Kandahar Provincial Reconstruction Team, the City’s flag was flown for the duration of Rotation 8 at Camp Nathan Smith, Kandahar, Afghanistan and brought home by Corporal Suffoletta, and returned to the City of Hamilton.

Mayor Bratina recognized the military personnel in attendance, representing the Argylls and the Rileys, the Gunners – 11th Field Artillery and 8th Field Artillery, the Military Signalers, represented by 31 Signals Regiment; the Logistics Soldiers, represented by 31 Service Battalion, and the Battlefield Medics of 23 Field Ambulance and the HMCS Star, who recruited and trained sailors, as did local air force training units at Mount Hope.

Lieutenant-Colonel Dan Stepaniuk, Commanding Officer of the RHLI, addressed Council with some background history of Hamilton's involvement in various operations and the commitment of the men and women who serve their Country. Lieutenant-Colonel Stepaniuk also presented the Mayor with the Commander’s Coin, which is a Commanding Officer’s commendation for exceptional support to the army.
Following the addresses, each soldier approached the podium and introduced themselves to Council and were received with a standing ovation.

**APPROVAL OF MINUTES**

4.1 **April 5, 2011**

(Pearson/Pasuta)
That the Minutes of the April 5, 2011, special meeting of Council be approved, as presented.  
CARRIED

4.2 **April 13, 2011**

(Pearson/Pasuta)
That the Minutes of the April 13, 2011, meeting of Council be approved, as presented.  
CARRIED

**COMMUNICATIONS**

(Ferguson/Johnson)
That Council Communications 5.1 to 5.14 be approved, as amended, as follows:

5.1 Correspondence from Thomas E. Allan, St. John Ambulance, Hamilton Branch, respecting 100 Years of Service to Hamilton and Area in 2012 and St. John Ambulance Day in Hamilton on June 24, 2012

Recommendation: Be received.

5.2 Correspondence from the Honourable Deb Matthews, Minister of Health and Long-Term Care, respecting annualized base adjustment of up to $800,476 with respect to the land ambulance grant for the 50:50 partnership for the 2011 calendar year

Recommendation: Be received.

5.3 Correspondence from the Embassy of the Republic of Korea respecting the 2011 International Awards for Liveable Communities to be hosted by the District Government of Songpa, Seoul, from October 27 to 31, 2011

Recommendation: Be received.

5.4 Correspondence from Brian Davidson, Manager, Community Services, Ministry of Health and Long-Term Care, respecting 2010/2011 Homemakers and Nurses Services Revised Expenditure Target

Recommendation: Be received.
5.5 Correspondence from Kathy Kielt, Acting Deputy Clerk and Supervisor of Council & Committee Services, Region of Halton, in response to City of Hamilton correspondence respecting St. Mary’s Cement Inc. (Canada – Referral of appeal to Minister’s Zoning Order 138/10 to the Ontario Municipal Board (Flamborough)

Recommendation: Be received.

5.6 Correspondence from the Honourable Deb Matthews, Minister of Health and Long-Term Care, respecting one-time funding of up to $788,427 for the 2011/2012 fiscal year for dedicated nurses to receive ambulance patients at locally-selected hospitals

Recommendation: Be received.

5.7 Correspondence from Dr. Tom Nugent expressing his concerns that the actions of the Ontario Liberal Government and City Council are the main reasons why Hamilton does not have a proper Grids Plan

Recommendation: Be received.

5.8 Correspondence from Dan Thompson, President, Canadian Tire Jumpstart Charities, respecting “Jumpstart Day” on May 28, 2011

Recommendation: Be received.

5.9 Correspondence from the Honourable Dwight Duncan, Minister of Finance, in response to the City’s correspondence to the Honourable Dalton McGuinty, Premier of Ontario, advising that no new additional special assistance will be provided to the City beyond what has already been announced

Recommendation: (Whitehead/Merulla) Be referred to the Fairness to Hamilton Committee for review and further discussion.

5.10 Correspondence from Joan Booth, Executive Director, Spina Bifida and Hydrocephalus Association of Ontario, respecting their 38-year history of delivering programs and services and proclaiming June as Spina Bifida and Hydrocephalus Month

Recommendation: Be received.

5.11 Resolution from the City of Oshawa requesting support for amendment to the Education Act to declare School Boards’ Declaration of Voting Day as a Professional Activity Day

Recommendation: (Powers/Ferguson) Be received.
5.12 Resolution from the Township of Tweed respecting mandatory destruction of buildings that have been used as grow ops

Recommendation: **(Ferguson/Pearson)** Be received and referred to the Hamilton Police Service, Planning Department and Board of Health for comment and report to the Board of Health.

5.13 Correspondence from Joe Minor respecting the active and on-going spill of a persistent bioaccumulative toxic pollutant (pfos) exiting City Property (John C. Munro/Hamilton International Airport)

Recommendation: **(Johnson/Pearson)** Be referred to the General Manager of Planning and Medical Officer of Health for a report to the General Issues Committee

5.14 Correspondence from Peter Hutton, Chair, Waste Reduction Task Force, expressing support to keep the option of bi-weekly waste collection on the table for further discussion (Item 5 of Public Works Committee Report 11-006)

Recommendation: Be received.

**(Farr/McHattie)**
That Council move into Committee of the Whole for consideration of the Standing Committee Reports. **CARRIED**

**GENERAL ISSUES COMMITTEE REPORT 11-011**

**Item 2 Area Rating**

**(Johnson/Merulla)**
That the following be added as sub-section (e):

That in preparation for the 2012 Capital Budget, staff be directed to conduct a feasibility study to be completed in 2012 to provide assistance to the impacted rural area of Mount Hope and any other areas to ensure that these areas receive recreational and other services.

**Amendment CARRIED**

Motion as amended CARRIED

**(Bratina/Partridge)**
That the ELEVENTH Report of the General Issues Committee be adopted, as amended, and the information section received. **CARRIED**
GENERAL ISSUES COMMITTEE REPORT 11-012

(Bratina/Partridge)
That the TWELFTH Report of the General Issues Committee be adopted, and the information section received.  
CARRIED

PUBLIC WORKS COMMITTEE 11-006

Item 5 Waste Collection and Recycling Processing Procurement Processes for 2013-2020 (PW11030) (City Wide)

(Powers/McHattie)
That Item 5 respecting Waste Collection and Recycling Processing Procurement Processes for 2013-2020 be referred to the General Issues Committee for further discussion following the Solid Waste Management Master Plan Workshop scheduled for June 20, 2011.

The Referral Motion was DEFEATED on the following recorded vote:

Yeas: Clark, Johnson, McHattie, Partridge, Pasuta, Pearson, Powers
Total Yeas: 7
Nays: Bratina, Collins, Duvall, Farr, Ferguson, Jackson, Merulla, Morelli, Whitehead
Total Nays: 9

The Main Motion was DEFEATED on the following recorded vote:

Yeas: Collins, Duvall, Farr, Ferguson, Jackson, Merulla, Morelli, Whitehead
Total Yeas: 8
Nays: Bratina, Clark, Johnson, McHattie, Partridge, Pasuta, Pearson, Powers
Total Nays: 8

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

PLANNING COMMITTEE REPORT 11-008

(Clark/Whitehead)
That the EIGHTH Report of the Planning Committee be adopted, and the information section received.  
CARRIED
GENERAL ISSUES COMMITTEE REPORT 11-005(c)

Item 29  2011 Operating Budget – Hamilton Police Service (Item 5.1)

The Motion CARRIED on the following vote:

Yeas:  Bratina, Collins, Duvall, Farr, Jackson, Johnson, McHattie, Merulla, Morelli, Partridge, Pasuta, Pearson, Powers, Whitehead
Total Yeas:  14
Nays:  Ferguson, Clark
Total Opposed  2

Item 30  2011 Operating Budget – HECFI (Item 5.2)

The Motion CARRIED on the following vote:

Yeas:  Bratina, Clark, Collins, Duvall, Farr, Ferguson Jackson, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
Total Yeas:  14
Nays:  Johnson, Partridge
Total Opposed  2

(Bratina/Partridge)
That Report 11-005(c) of the General Issues Committee be adopted, and the information section received.  CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-006

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

HAMILTON LICENSING TRIBUNAL REPORT 11-003

(Whitehead/Duvall)
That the THIRD Report of the General Issues Committee, and the information section received.  CARRIED

(Farr/McHattie)
That Committee of the Whole Rise and Report.  CARRIED
MOTIONS

7.1 **HWRF/HMRF Pension Administration Committee Quorum**

(Pearson/Powers)
That quorum for the HWRF/HMRF Pension Administration Committee be amended by changing the numbers “2” to “1”, for both the HWRF and HMRF representatives, to read as follows:

2 Members of Council
1 Representative of the Hamilton-Wentworth Retirement Fund Group
1 Representative of the Hamilton Municipal Retirement Fund Group  CARRIED

7.2 **Fairness to Hamilton Campaign Sub-Committee Membership**

(Whitehead/Duvall)
(a) That Councillor C. Collins be appointed to the Fairness to Hamilton Campaign Sub-Committee;

(b) That the membership of the Fairness to Hamilton Campaign Sub-Committee be amended by deleting the following community groups:

McQuesten Legal and Community Services
Social Planning and Research Council
Hamilton Civic Coalition

And replacing with the following community groups:

Hamilton Jobs Prosperity Collaborative
Hamilton Roundtable for Poverty Reduction
Hamilton Centre for Civic Inclusion

To read as follows:

<table>
<thead>
<tr>
<th>Members of Council</th>
<th>Community Groups</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mayor B. Bratina, ex officio</td>
<td>Hamilton Jobs Prosperity Collaborative</td>
</tr>
<tr>
<td>Councillor C. Collins</td>
<td>Hamilton Roundtable for Poverty Reduction</td>
</tr>
<tr>
<td>Councillor S. Merulla</td>
<td>Hamilton Centre for Civic Inclusion</td>
</tr>
<tr>
<td>Councillor J. Partridge</td>
<td>Hamilton Chambers of Commerce</td>
</tr>
<tr>
<td>Councillor T. Whitehead</td>
<td></td>
</tr>
</tbody>
</table>

(c) That the term of the community groups be the current (2010 to 2014) term of Council.  CARRIED
7.3 Federation of Canadian Municipalities – Election to the Board of Directors

(Jackson/Duvall)
WHEREAS the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction;

WHEREAS FCM’s Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government;

WHEREAS FCM’s 74th Annual Conference and Municipal Expo™ will take place June 3 to 6, 2011, during which time the Annual General Meeting will be held and followed by the election of FCM’s Board of Directors.

BE IT RESOLVED that the Council of the City of Hamilton endorses Councillor Terry Whitehead to stand for election on FCM’s Board of Directors;

BE IT FURTHER RESOLVED that Council assumes all costs associated with Councillor Terry Whitehead attending FCM’s Board of Directors meetings.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

8.1 Fairness to Hamilton Campaign Sub-Committee Membership

(a) That Councillor C. Collins be appointed to the Fairness to Hamilton Campaign Sub-Committee;

(b) That the membership of the Fairness to Hamilton Campaign Sub-Committee be amended by deleting the following community groups:

McQueston Legal and Community Services
Social Planning and Research Council
Hamilton Civic Coalition

And replacing with the following community groups:

Hamilton Jobs Prosperity Collaborative
Hamilton Roundtable for Poverty Reduction
Hamilton Centre for Civic Inclusion

To read as follows:
That the term of the community groups be the current (2010 to 2014) term of Council.  

(Partridge/Jackson)  
That the Rules of Order be waived to introduce a motion respecting the Membership of the Fairness to Hamilton Campaign Sub-Committee.  

CARRIED  

See Motion 7.2 for the disposition of this item.  

Councillor Jackson introduced the following Notice of Motion:  

8.2 Federation of Canadian Municipalities – Election to the Board of Directors  

WHEREAS the Federation of Canadian Municipalities (FCM) represents the interests of municipalities on policy and program matters that fall within federal jurisdiction;  

WHEREAS FCM’s Board of Directors is comprised of elected municipal officials from all regions and sizes of communities to form a broad base of support and provide FCM with the prestige required to carry the municipal message to the federal government;  

WHEREAS FCM’s 74th Annual Conference and Municipal Expo™ will take place June 3 to 6, 2011, during which time the Annual General Meeting will be held and followed by the election of FCM’s Board of Directors.  

BE IT RESOLVED that the Council of the City of Hamilton endorses Councillor Terry Whitehead to stand for election on FCM’s Board of Directors;  

BE IT FURTHER RESOLVED that Council assumes all costs associated with Councillor Terry Whitehead attending FCM’s Board of Directors meetings.  

(Jackson/Duvall)  
That the Rules of Order be waived to introduce a motion respecting Federation of Canadian Municipalities – Election to the Board of Directors.  

CARRIED  

See Motion 7.3 for the disposition of this item.
STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Powers/Partridge)
That the Committee move into Closed Session at 10:15 p.m. pursuant to sub-section 8.1(b) of the City’s Procedural By-law and the Municipal Act as the subject matter deals with personal matters about an identifiable individual, including City employees, with respect Selection Committee Report 11-003.

CARRIED

(Jackson/Duvall)
That the Committee reconvene in Open Session at 10:10 p.m.

CARRIED

Direction provided to staff in Closed Session.

10.1 Selection Committee Report 11-003

1. Citizen Appointments to the Hamilton Conservation Authority

(Johnson/Collins)
That the following citizens be appointed to the Hamilton Conservation Authority for a term commencing April 28, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

- Dan Bowman
- Jim Howlett
- Santina Moccio
- Duke O’Sullivan
- Maria Topalovic

CARRIED

2. Citizen Appointments to the Accountability and Transparency Sub-Committee

(Johnson/Collins)
That the following citizens be appointed to the Accountability and Transparency Sub-Committee for a term commencing April 28, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

- David Arbuckle
- David Broom
- Joanna Chapman
- Laura Ryan

CARRIED
3. **Citizen Appointments to the Property Standards Committee**

*(Johnson/Collins)*
That the following citizens be appointed to the Property Standards Committee for a term commencing April 28, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Charles Dimitry  
Matt Jelly  
Vern Nelligan  
Daniel Rodrigues  
Flaviano Stanc

CARRIED

4. **Citizen Appointments to the Committee of Adjustment**

*(Johnson/Collins)*
That the following citizens be appointed to the Committee of Adjustment for a term commencing April 28, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Victor Abraham  
Ken Audziss  
Don Drury  
Mark Dudzic  
Ian Dunlop  
Laverne Gaddye  
William Pearce  
David Seratuk  
Dale Smith

CARRIED

5. **Citizen Appointment to the Hamilton Port Authority**

That the following citizen be appointed to the Hamilton Port Authority for a term commencing April 28, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

James Cimba

CARRIED

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**BY-LAWS**

*(Ferguson/Johnson)*
That Bills No. 011-113 to 011-120 attached hereto, be passed, that the Corporate seal be affixed thereto, and that the By-law be signed by the Mayor and the City Clerk and read as follows:
By-law No.

11-113 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 15 – Commercial Vehicle Loading Zones
- Schedule 20 – School Bus Loading Zones

11-114 To Permanently Close and Sell Part of the Unassumed Alleyway Abutting 1594 Barton Street East, Hamilton, Lying Between Normanhurst Avenue, Tolton Avenue, Barton Street and Melvin Avenue, Registered Plan 534, Designated as Part 2 on Plan 62R-18797, City of Hamilton

11-115 To Amend Zoning By-law No. 6593 (Hamilton), Respecting 399 Greenhill Avenue

11-116 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 830-836, and 840 Upper James Street

11-117 To Adopt Official Plan Amendment No. 136 to the former Town of Ancaster Official Plan, Respecting 431 - 497 Southcote Road

11-118 To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 431 - 497 Southcote Road

11-119 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 431 – 497 Southcote Road (Ancaster)

11-120 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,

Mayor R. Bratina

R. Caterini
City Clerk
April 27, 2011