Present: Mayor R. Bratina

Absent with Regrets: Councillor R. Powers – Illness
Councillor M. Pearson – Vacation

Mayor Bratina led Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATION

5.6 Correspondence from Diane Le Houillier, agr., Vegetation Management Specialist, Eastern Canada and U.S., Canadian Pacific Railway, respecting 2011 Vegetation Control Program

Recommendation: Be received

5.7 Correspondence from Richard Koroscil, President and CEO, Hamilton International Airport, in support of excluding Flamborough and North Burlington from the MTO study area for the Niagara-GTA Corridor/Mid-Penn

Recommendation: Be received.
5.8 Correspondence from Ted McMeekin, M.P.P., respecting the GTA Corridor/Mid-Peninsula Study in Carlisle

Recommendation: Be received.

2. ADDED COMMITTEE REPORTS


3. ADDED NOTICES OF MOTION

8.1 Municipal Disaster Relief Assistance Program – Heavy Rain Event, June 8, 2011

4. PRIVATE & CONFIDENTIAL

10.1 Closed Session Minutes, May 25, 2011 – Withdrawn

(Johnson/Clark)
That the Agenda for the City Council meeting being held on June 15, 2011, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest to Item 7 of the Public Works Committee Report 11-008, respecting Report PW11046, Emergency Generator at Central Utilities Plant, indicating that his daughter is an employee of Toromont Industries. Councillor Ferguson abstained from the discussion and vote on this matter.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 May 25, 2011

(Morelli/Collins)
That the Minutes of the May 25, 2011, meeting of Council be approved, as presented. CARRIED

4.2 June 6, 2011 (Special)

(Morelli/Collins)
That the Minutes of the June 6, 2011, Special meeting of Council be approved, as presented. CARRIED
COMMUNICATIONS

(Johnson/Ferguson)
That Council Communications 5.1 to 5.8 be approved, as amended, as follows:

5.1 Correspondence from J. W. Tiernay, Executive Director, Ontario Good Roads Association, respecting Minimum Maintenance Standards Litigation – Status Report

   Recommendation:  (Jackson/Partridge) Be received.

5.2 Request from Pai Chideya, United Nations High Commissioner for Refugees (UNHCR), requesting Recognition of World Refugee Day on June 20, 2011

   Recommendation:  (Ferguson/Johnson) Be referred to the General Manager of Public Works to take the appropriate steps to light City Hall in blue on the occasion of World Refugee Day

5.3 Correspondence from Daniel Penn respecting Proposed Changes to the City of Hamilton’s Media Policy

   Recommendation:  (Ferguson/Duvall) Be received

5.4 Correspondence from Rebecca Vanderelst, Doctor of Audiology, Red Hill Valley Neighbourhood Association, respecting the Urgent Need for Follow-up Noise Measurements at Sites Nearby to the Red Hill Expressway

   Recommendation:  (Ferguson/Whitehead) Be referred to the General Manager of Public Works

5.5 Correspondence from Elizabeth Bilobrk and Maurice Cecca, Coldwell Banker Real Estate, on behalf of James Nagy, requesting an extension of the Development Charge Demolition Credit for Properties Located at 119 and 121 Young Street, Hamilton

   Recommendation:  (Farr/Whitehead) Be referred to the General Manager of Corporate Services for a report to the Audit, Finance and Administration Committee.

5.6 Correspondence from Diane Le Houliier, agr., Vegetation Management Specialist, Eastern Canada and U.S., Canadian Pacific Railway, respecting 2011 Vegetation Control Program

   Recommendation:  (Johnson/Morelli) Be received.

5.7 Correspondence from Richard Koroscil, President and CEO, Hamilton International Airport, in support of Excluding Flamborough and North Burlington from the MTO Study Area for the Niagara-GTA Corridor/Mid-Peninsula Study

   Recommendation:  (Ferguson/Partridge) Be received.
5.8 Correspondence from Ted McMeekin, M.P.P., respecting the GTA Corridor/Mid-Peninsula Study in Carlisle

Recommendation: (Whitehead/Duvall) Be received.

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

BOARD OF HEALTH REPORT 11-006

(Bratina/Partridge)
That the SIXTH Report of the Board of Health be adopted, and the information section received. CARRIED

PUBLIC WORKS COMMITTEE REPORT 11-008

(McHattie/Farr)
That the EIGHTH Report of the Public Works Committee be adopted, and the information section received. CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-013(c)

9. Niagara to GTA Corridor Planning and Environmental Assessment Study – Phase 1, Draft Transportation Development Strategy (PW05054(b)/PED10213(a)) (City Wide) (Item 8.2)

Sub-section (a) CARRIED, as follows:

Yeas: Clark, Collins, Duvall, Farr, Ferguson, Jackson, Merulla, Morelli, Pasuta, Partridge, Whitehead
Total: 11
Nays: Bratina, McHattie, Johnson
Total: 3
Absent: Pearson, Powers
Total: 2

(Bratina/Partridge)
That Report 11-013(c) of the General Issues Committee be adopted, and the information section received. CARRIED
AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 11-008

(Clarke/Ferguson)
That Item (g) of the Audit, Finance & Administration Committee Report 11-08 be lifted from the Information Section and added as sub-section (b) to Item 6 of the Audit, Finance & Administration Committee Report 11-008, to reads as follows:

6. 2010 City of Hamilton Financial Report and Audited Financial Statements (FCS11048) (City Wide) (Item 7.2)

(Clarke/Ferguson)
(b) Staff was directed to prepare a report to advise Committee as to what funding has been set aside and the amounts that will be required to support the financial obligations that the City will be required to pay out; such as sick leave and vacation accrued, for the approximately 35% of the workforce expected to retire within the next five years, and report back to the Audit, Finance & Administration Committee. CARRIED

(Bratina/Clark)
That sub-section (c)(iv), of Item 7 of the Audit, Finance & Administration Committee Report 11-008, as shown below, be referred back to the Audit, Finance & Administration Committee for further discussion:

(c) 2011 Community Partnership Program – Special Events Funding for Late Applications (GRA11008) (City Wide) (Item 5.2)

(iv) That the funding request in the amount of $5,000 from the Rockton Agricultural Fair for its annual Rockton World’s Fair, October 7-10, 2011, be denied. CARRIED

(Pasuta/Ferguson)
That sub-section (b)(i), of Item 7 of the Audit, Finance & Administration Committee Report 11-008, as shown below, be referred back to the Audit, Finance & Administration Committee for further discussion:

7. Grants Sub-committee Report 11-003, dated June 2, 2011 (Item 8.1)

(b) 2011 Community Partnership Program – Culture Stream Funding for Late Applications (GRA11007) (City Wide) (Item 5.1)

(i) That funding in the amount of $2,025 for the Shen Yun Performing Arts to showcase traditional Chinese music and dance submitted by the Falun Dafa Association, be funded from the Community Partnership Program - Culture budget, be approved. CARRIED

(Clarke/Ferguson)
That the EIGHTH Report of the Audit, Finance & Administration Committee be adopted, as amended, and the information section received. CARRIED
EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 11-008

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

PLANNING COMMITTEE REPORT 11-011

(Morelli/Merulla)
That sub-section (b) to Item 5 of the Planning Committee Report 11-011, respecting Report PED11101, Committee of Adjustment Minor Variance Application HM/A-11:10, for the Property Located at 696 Main Street East (Hamilton), Partially Supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment, be amended by deleting the words “…the City retain external planning and legal advice/representation”, and replacing them with the words “City Legal and Planning staff be authorized”, to read as follows:

5. Committee of Adjustment Minor Variance Application HM/A-11:10, for the Property Located at 696 Main Street East (Hamilton), Partially Supported by the Planning and Economic Development Department, but Denied by the Committee of Adjustment (PED11101) (Ward 3) (Item 5.5)

(b) That City Legal and Planning staff be authorized to appear before the Ontario Municipal Board, as it relates to Report PED11101, respecting the Minor Variance Application HM/A-11:10 for 696 Main Street, East, Hamilton. AMENDMENT CARRIED MOTION AS AMENDED CARRIED

6. Heritage Permit Application HP2011-010 Under Part V of the Ontario Heritage Act for Erection of Structures at 908 Beach Boulevard (Hamilton) (PED11106) (Ward 5) (Item 5.6)

(Collins/Merulla)
That sub-section (a) of Item 6 of Planning Committee Report 11-011 respecting Heritage Permit Application HP2011-010 under Part V of the Ontario Heritage Act for Erection of Structures at 908 Beach Boulevard, Hamilton, be amended by adding the words “and that vinyl siding be permitted as an acceptable material at 908 Beach Blvd., Hamilton” after the words, “Building Permit”; and, by adding the words “excluding their consideration of vinyl siding” after the words “Sub-committee and Planning Staff”, to read as follows:

(a) That the specifications of the cladding materials for the new house and garage shall be submitted, to the satisfaction and approval of the Heritage Permit Review Sub-Committee and Planning staff; excluding their consideration of vinyl siding, prior to submission as part of any application for a Building Permit, and that vinyl siding be permitted as an acceptable material at 908 Beach Boulevard, Hamilton. CARRIED
The Amendment to sub-section (a) CARRIED, as follows:

Yeas: Bratina, Clark, Collins, Duvall, Farr, Ferguson, Jackson, Johnson, Merulla, Morelli, Pasuta, Partridge, Whitehead
Total: 13
Nays: McHattie
Total: 1
Absent: Pearson, Powers
Total: 2

7. Applications for Amendments to the Glanbrook Official Plan and Zoning By-Law No. 464 for Lands Located at 310 Fall Fair Way (Glanbrook) (PED11064) (Ward 11) (Item 6.1)

The Main Motion CARRIED, as follows:

Yeas: Bratina, Clark, Duvall, Farr, Ferguson, Jackson, McHattie, Merulla, Morelli, Pasuta, Partridge, Whitehead
Total: 12
Nays: Johnson, Collins
Total: 2
Absent: Pearson, Powers
Total: 2

(Pasuta/Ferguson)
That the ELEVENTH Report of the Planning Committee be adopted, as amended, and the information section received. CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-017

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

GENERAL ISSUES COMMITTEE REPORT 11-018

20. Hamilton-Wentworth District School Board (HWDSB) Surplus Land located at 155 Macassa Avenue, legally described as Concession 5, Lot 7 Barton, Hamilton (PED11082/CS11047) (Ward 6) (Item 12.3)

(Jackson/Duvall)
That sub-section (b) of Item 20 of General Issues Committee Report 11-018, respecting Hamilton-Wentworth District School Board (HWDSB) Surplus Land located at 155 Macassa Avenue, legally described as Concession 5, Lot 7 Barton, Hamilton (PED11082/CS11047) (Ward 6), be deleted in its entirety and replaced with the following in lieu thereof:
20(b) That the parkland purchase be funded from the Parkland Dedication Reserve 104090, with the loan repayments amortized over 15 years at an interest rate of 4.25%, and area rated to Wards 1 to 8. **CARRIED**

(McHattie/Whitehead)
That Information Item (e)(iii), respecting Report PED11122/LS11007/FCS11049, Provincial Offences and Municipal Law Enforcement Workload Challenges, be lifted from the table and added as Item 21 to the General Issues Committee Report 11-018 for consideration. **CARRIED**

21. **Provincial Offences and Municipal Law Enforcement Workload Challenges (PED11122/LS11007/FCS11049) (City Wide) (Item 7.3)**

(a) That an additional 4.0 FTEs (2.0 Municipal Prosecutors and 2.0 Municipal Prosecution Assistants) be approved within the Legal Services Division of the City Manager’s Office;

(b) That an additional 2.0 FTEs (1.0 court reporter and 1.0 administrative support) be approved for POA Court Administration within the City Clerk’s Division of the Corporate Services Department;

(c) That an additional 2.0 FTEs be approved for back-end/administrative support to by-law enforcement in the Parking and By-Law Services Division of the Planning and Economic Development Department;

(d) That the above new positions be temporarily funded from the Tax Stabilization Reserve, and future costs to be funded through fine revenues with no impact to the net levy and subject to approval of the 2012 budget.

(McHattie/Whitehead)
That Report PED11122/LS11007/FCS11049, respecting Provincial Offences and Municipal Law Enforcement Workload Challenges, be referred back to staff to investigate alternative options such as implementing a pilot program and phase-in process, and report back to the General Issues Committee. **AMENDMENT CARRIED**

MOTION AS AMENDED CARRIED

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

(Jackson/Duvall)
That Committee of the Whole Rise and Report. **CARRIED**
7.1 Amendment to Item 3 of the Hamilton Licensing Tribunal Report 11-004 - APPEAL HEARING: Respecting the Renewal Application for an Eating Establishment Restaurant Licence for 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, located at 151 Emerson Street, Hamilton, Ontario (Mr. Simon Ruzzier)

(Whitehead/Duvall)
That Item 3 of the Hamilton Licensing Tribunal Report 11-004 be amended by deleting sub-sections (e) and (f) and renumbering the balance of the sub-sections accordingly, to read as follows:

3. APPEAL HEARING: Respecting the Renewal Application for an Eating Establishment Restaurant Licence for 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, located at 151 Emerson Street, Hamilton, Ontario (Mr. Simon Ruzzier) (Item 4.3)

That the renewal application for an Eating Establishment Restaurant Licence for 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, located at 151 Emerson Street, Hamilton, Ontario, submitted by Simon Ruzzier, be accepted and a licence be issued provided that Mr. Ruzzier satisfies all necessary requirements, as set out in the Licensing By-law 07-170, as amended, contingent upon the following condition(s):

(a) That 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, immediately implement a patron count system to ensure capacities are not exceeded;

(b) That 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, use licensed security personnel on Friday’s from 8:00pm until Saturday’s at 3:00 a.m. and Saturday evenings from 8:00 p.m. until Sunday’s at 3:00 a.m.;

(c) That 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, use licensed security personnel during the full week of September for McMaster Frosh/Welcome Week and Homecoming events, Super Bowl, Grey Cup, St Patrick’s Day and Pub Crawls as well as during all other events that the establishment hosts;

(d) That, best efforts must be made by the Owner/Operator of 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, to notify the Issuer of Licences of any events or activities occurring at West End Restaurant and Sports Bar, located at 151 Emerson Street, Hamilton, Ontario;
(e) That the patio for 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, located at 151 Emerson Street, Hamilton, Ontario, be closed at 10:00 p.m.

(f) That Mr. Ruzzier request of the Alcohol & Gaming Commission of Ontario that the Liquor Licence for 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, located at 151 Emerson Street, Hamilton, Ontario, be amended to indicate the patio closing time of 10:00 p.m.

(e) That the Owner/Operator of 2004431 Ontario Limited, operating as West End Restaurant and Sports Bar, immediately install the glass partitions onto the south side of the patio to assist in the mitigation of the noise issues;

(f) That staff be directed to increase random inspections of West End Restaurant and Sports Bar, located at 151 Emerson Street, Hamilton, Ontario for a one year period; and,

(g) That, after one (1) year, the Licensee may come forward to request modifications to the conditions; however, those conditions will continue and remain in place until such time as the Licensee requests modifications to those conditions and those modifications have been approved. CARRIED

NOTICES OF MOTION

Councillor T. Whitehead introduced the following Notice of Motion:

Municipal Disaster Relief Assistance Program – Heavy Rain Event, June 8, 2011

(a) That the Residential Municipal Disaster Relief Assistance Program be enacted to provide residents, city-wide, with a compassionate grant in the amount not to exceed $1,000 for residential basement flooding, during the heavy rain event on June 8, 2011;

(b) That payment of such claims be based on compassionate grounds only and not to be construed as an admission of liability on part of the City of Hamilton; and,

(c) That costs associated with these claims be funded from the Residential Municipal Disaster Relief Program Reserve.

(Collins/Merulla) That the Rules be waived to allow the introduction of a motion respecting the Municipal Disaster Relief Assistance Program – Heavy Rain Event, June 8, 2011. CARRIED
Municipal Disaster Relief Assistance Program – Heavy Rain Event, June 8, 2011

(Whitehead/Merulla)
(a) That the Residential Municipal Disaster Relief Assistance Program be enacted to provide residents, city-wide, with a compassionate grant in the amount not to exceed $1,000 for residential basement flooding, during the heavy rain event on June 8, 2011;

(b) That payment of such claims be based on compassionate grounds only and not to be construed as an admission of liability on part of the City of Hamilton; and,

(c) That costs associated with these claims be funded from the Residential Municipal Disaster Relief Program Reserve.

CARRIED

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – May 25, 2011

This Item was withdrawn from the agenda, as there were no Closed Session Minutes for the May 25, 2011 meeting of Council.

10.2 Selection Committee Report 11-005 – June 11, 2011

(Collins/Partridge)
(i) Citizen Appointments to the Canadian Football Hall of Fame Museum Board

(a) That the following citizens be appointed to the Canadian Football Hall of Fame Museum Board for a term commencing June 16, 2011 and to expire November 30, 2012 or until such time as a successor is appointed:

1. Ernie Caterini
2. Michael McCarthy
3. Donald Graves

(b) That the following citizens be appointed to the Canadian Football Hall of Fame Museum Board for a term commencing June 16, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

1. Ed Valtenbergs
2. Paul Micieli
(ii) **Citizen Appointments to the Hamilton Future Fund Board of Directors**

That the following citizens be appointed to the Hamilton Future Fund Board of Directors for a term commencing June 16, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

1. Kieran Dickson
2. Vincent Raso
3. Tara Yvette Crugnale
4. John Kirkpatrick
5. Richard Bagdonas
6. James Michael Kirk
7. Jeff Saunders
8. Thomas Weisz
9. Megan Dickson
10. Greg Hoath
11. Chris McLaughlin
12. Glenn Robinson
13. John Ruetz

(iii) **Citizen Appointments to the Development Charges Stakeholders Sub-Committee**

That the following citizens be appointed to the Development Charges Stakeholders Sub-Committee for a term commencing June 16, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

1. John Chivers-Wilson
2. Melanie Winterle

(iv) **Citizen Appointments to the Hamilton Waterfront Trust**

That the following citizens be appointed to the Hamilton Waterfront Trust for a term commencing June 16, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

1. Bob Charters
2. Willem de Ruijter

CARRIED

BY-LAWS

*(Johnson/Ferguson)*

That Bills No. 011-145 to 011-162 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. 11-145 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control

11-146 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 4 – Special Event Parking Zones
Schedule 8 – No Parking Zones
Schedule 10 – Alternate Side Parking
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 15 – Commercial Vehicle Loading Zones

11-147 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Control

11-148 To Incorporate City Land Designated as Parts 1 and 4 on Plan 62R-12003 and
Parts 1 and 3 on Plan 62R-18420 into Highbury Drive

11-149 To Incorporate City Land Designated as Part 1 on Plan 62R-17862 into Dicenzo
Drive

11-150 To Impose a Storm and Sanitary Sewer Charge upon owners of land abutting
Upper Wellington Street from approximately 70 metres north of Desoto Drive to
approximately 145 metres north of Desoto Drive, in the City of Hamilton

11-151 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, Designated as Part 1 on Plan 62R-
18797, City of Hamilton

11-152 Respecting Removal of Part Lot Control, Lot 18 of Plan No. 62M-711 –
“Gatesbury – Phase 3A”

11-153 Respecting Removal of Part Lot Control, Lots 49, 52 and 53 of Plan No. 62M-
1125, “Parkside Hills”

11-154 Respecting Removal of Part Lot Control, Block 4 of Plan No. 62M-1081 (The
Keg)

11-155 Respecting Removal of Part Lot Control, Blocks 103 of Plan No. 62M-1125,
“Parkside Hills”

11-156 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at
3157 Hendershot Road

11-157 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at
3328 Golf Club Road

11-158 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at
480 Stone Church Road East

11-159 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at
800 Upper Wentworth / 362 Mohawk Street West
By-law No. 11-160
To Amend Zoning By-law No. 87-57 (Ancaster) Respecting Lands Located at 1541 Fiddlers Green Road, in the former Town of Ancaster, now in the City of Hamilton.

11-161
To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program.

11-162
To Confirm the Proceedings of City Council

CARRIED

(Jackson/Johnson)
There being no further business, the City Council meeting adjourned at 9:09 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

M. Gallagher
Deputy Clerk
June 15, 2011