



CITY COUNCIL MINUTES

Thursday, August 11, 2011

9:30 a.m.

Council Chambers

Hamilton City Hall

71 Main Street West

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

**Absent with
Regrets:** Councillor B. McHattie – Vacation

Mayor Bratina called the meeting to order.

(Powers/Partridge)

That Council recess in order to reconvene the General Issues Committee meeting of August 9, 2011 to consider the remaining items on that agenda.

CARRIED

Council reconvened at 2:35 p.m.

Mayor Bratina addressed Council commenting that it is with great sadness today that we observe the passing of Dr. David McCann (on Monday, August 8th). In July of this year, the City renamed its Emergency Operations Centre after this selfless doctor who tirelessly ran to the aid of others after such natural disasters as the Haiti earthquake, the tsunami that devastated Japan, the hurricane's that ravaged Louisiana and Mississippi, as well as to aid with the aftermath of September 11th terrorist attack in New York City. Dr. McCann is truly a man who left a lasting memory with every life he touched.

Our sincere condolences go to Dr. McCann's family during this most difficult time.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

- 5.15 Correspondence from C.E. Crozier, President & Board Chair, Dundas Museum & Archives, respecting the Renovation and Refurbishment of the Museum Complex

Recommendation: For the consideration of Council.

- 5.16 Correspondence from Steve Miazga, Chief Administrative Officer, Hamilton Conservation Authority, respecting Large Commercial Fill Operations

Recommendation: Be received and referred to the Association of Municipalities of Ontario (AMO) for consideration

- 5.17 Correspondence from Matt Jelly, respecting 245 Catherine Street North, Hamilton

Recommendation: For the consideration of Council

2. NOTICE OF MOTION

- 8.1 Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton, and Mendonca Café, 457 Barton Street East, Hamilton

(Pearson/Johnson)

That the Agenda for the City Council meeting being held on August 11, 2011, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

Councillors Lloyd Ferguson, Jason Farr, Terry Whitehead and Rob Pasuta declared an interest to Item 5.10 - Report of Earl D. Basse, Integrity Commissioner, respecting Complaint of Misconduct against Councillors Lloyd Ferguson, Jason Farr, Terry Whitehead and Rob Pasuta.

CEREMONIAL ACTIVITIES

None.

APPROVAL OF MINUTES

4.1 July 4, 2011 (Special)**(Collins/Morelli)**

That the Minutes of the July 4, 2011, Special meeting of Council be approved, as presented.

CARRIED

4.2 July 7, 2011**(Pearson/Pasuta)**

That the Minutes of the July 7, 2011, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Merulla/Morelli)

That Council Communications 5.1 to 5.17 be approved, as amended, as follows:

- 5.1 Correspondence from Magda Kapp, Director of Communications, BrainTrust Canada, and Sharon Shepherd, Mayor, City of Kelowna, respecting "A Run to Remember" in Support of Brain Injury Awareness

Recommendation: Be received.

- 5.2 Correspondence from the Honourable Diane Finley, Minister of Human Resources and Skills Development in response to Council's Resolution respecting Request to Provide Employment Insurance Benefits to the Steel Workers of Local 1005

Recommendation: Be received.

- 5.3 Correspondence from Dr. Thomas Nugent respecting the City's Appeal to the OMB on The Future Urban Boundary Designation for Elfrida

Recommendation: Be received.

- 5.4 Letter of Thanks from Susan Barberstock, Executive Director, Hamilton Region Indian Centre, for the City's Support of Summer Camp and Donation of HSR Family Day Passes

Recommendation: Be received.

- 5.5 Resolutions from the City of Windsor and Municipality of Central Huron respecting a Resolution to the OLG to Amend the Racetrack Municipality Contribution Agreement to Ensure that the Municipal Share of Revenues not be Reduced

Recommendation: Be received and that Report FCS11065, respecting the Reduced Flamboro Slot Revenue due to Ontario Lottery and Gaming Corporation's (OLGC) Accounting Change, be referred to the Association of Municipalities of Ontario (AMO).

- 5.6 Correspondence from the Ministry of the Environment respecting Information for Municipalities: Administering & Enforcement of Part IV of the Clean Water Act, Section 56

Recommendation: Be received.

- 5.7 Release from the Ontario Clean Air Alliance entitled, "McGuinty Prefers High Cost Nuclear over Affordable Hydro"

Recommendation: Be received.

- 5.8 Correspondence from Joe Minor respecting the Flow of PFO's Leaving City Property

Recommendation: Be received and referred the Medical Officer of Health and the General Manager of the Planning and Economic Development Department.

- 5.9 Correspondence from Alaric Woodrow on behalf of the Rapid Transit Citizen Advisory Committee (RTCAC) respecting Recent Media respecting the Future Development of Light Rail Transit within Hamilton

Recommendation: Be received.

- 5.10 Report of Earl D. Basse, Integrity Commissioner, respecting Complaint of Misconduct against Councillors Lloyd Ferguson, Jason Farr, Terry Whitehead and Rob Pasuta

Recommendation: Be received and the recommendation, respecting an amendment to the Code of Conduct, be referred to the Governance Committee for review and a report to the General Issues Committee for consideration.

- 5.11 Correspondence from Dave Levac, M.P.P., respecting the Dedication of Highway 403 from Burlington to Woodstock as the Alexander Graham Bell Parkway

Recommendation: That the request to dedicate the section of Highway 403 from Woodstock to Burlington as the “The Alexander Graham Bell Parkway”, be supported.

Councillors B. Clark and T. Whitehead wished to be recorded as OPPOSED to the recommendation for Item 5.11.

- 5.12 Resolution from Emil Kolb, Regional Chair and Chief Executive Officer, Region of Peel, respecting Provincial Fees in Health Service

Recommendation: Be received and referred to the appropriate staff for a report to the Emergency & Community Services Committee.

- 5.13 Correspondence from Cheryl St. James respecting Fluoride in Hamilton City Water

Recommendation: Be received and referred to the Medical Officer of Health.

- 5.14 Correspondence from Mary Mahler, Fundraising & Administrative Assistant, The Lung Association, requesting 50 free HSR Passes to be used for the Second Annual “Amazing Pace”

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

- 5.15 Correspondence from C.E. Crozier, President & Board Chair, Dundas Museum & Archives, respecting the Renovation and Refurbishment of the Museum Complex

Recommendation: Be received and referred to the General Manager of the Planning and Economic Development Department for a report to the Planning Committee.

- 5.16 Correspondence from Steve Miazga, Chief Administrative Officer, Hamilton Conservation Authority, respecting Large Commercial Fill Operations

Recommendation: Be received and referred to the Association of Municipalities of Ontario (AMO) for consideration.

5.17 Correspondence from Matt Jelly, respecting 245 Catherine Street North, Hamilton

Recommendation: Be received.

(Morelli/Merulla)

That Council move into Committee of the Whole for consideration of the Standing Committee Reports.

CARRIED

PLANNING COMMITTEE REPORT 11-014

(Farr/Collins)

That Item 11 of Planning Committee Report 11-014, respecting Demolition Permit – 245 Catherine Street North, Hamilton (PED11136), be amended by adding subsections (d) and (e) to read as follows:

11. Demolition Permit – 245 Catherine Street North, Hamilton (PED11136) (Ward 2) (Item 8.4)

- (d) That Municipal Law Enforcement staff use their inspection powers under the Property Standards By-law to continue to monitor the property and to require the property owner to provide a schedule, as soon as possible, with respect to the completion of the work;
- (e) That Municipal Law Enforcement staff keep all interested enforcement agencies, in particular the Ministry of the Environment apprised of this matter and give verbal progress reports, to the Planning Committee.

The Amendment CARRIED on the following recorded vote:

Yeas:	Bratina, Collins, Jackson, Merulla, Morelli, Farr, Ferguson Pearson, Johnson, Pasuta
Total:	10
Nays:	Clark, Duvall, Partridge, Powers, Whitehead
Total:	5
Absent:	McHattie
Total:	1

The Main Motion, as amended, CARRIED on the following recorded vote to sub-sections (c), (d) and (e):

Yeas:	Bratina, Collins, Jackson, Merulla, Morelli, Farr, Ferguson, Pearson, Johnson, Pasuta
Total:	10
Nays:	Clark, Duvall, Partridge, Powers, Whitehead
Total:	5
Absent:	McHattie
Total:	1

(Pasuta/Clark)

That the FOURTEENTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 11-025

(Merulla/Duvall)

That Item 15 of General Issues Committee Report 11-025, respecting Sewer Use By-law No. 04-150 – Parameters and Compliance Agreements, be deleted in its entirety and replaced with the following in lieu thereof:

15. Sewer Use By-law No. 04-150 – Parameters and Compliance Agreements (LS11-005(a)/PW11034(a))

- (a) That U.S. Steel be provided a 30 day period to:
 - (i) Have dialogue with all stakeholders and unions and to provide, in detail, the response of those individuals that U.S. Steel claims were preventing them from crossing the picket line;
 - (ii) Advise what U.S. Steel's detailed actions have been to date in order to be in compliance with the Sewer Use By-law No. 04-150 – Parameters and Compliance Agreements; and,
 - (iii) Advise what steps U.S. Steel will be taking in the immediate future to correct the problem, in order to be in compliance with the Sewer Use By-law No. 04-150 – Parameters and Compliance Agreements.
- (b) That U.S. Steel attend at the September 12, 2011 meeting of the General Issues Committee to respond to the above noted issues.

The Motion CARRIED on the following Standing Recorded Vote:

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

24. Item (g) of the Airport Implementation Task Force Report 11-001– July 20, 2011 (Item 8.8)

The Motion CARRIED on the following Recorded Vote:

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

(Morelli/Jackson)

That staff be directed to use the full name of the "John C. Munro Hamilton International Airport", for future references to the airport.

CARRIED**(Bratina/Partridge)**

That the TWENTY-FIFTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED**(Morelli/Merulla)**

That Committee of the Whole Rise and Report

CARRIED

MOTIONS

7.1 Appointment of the Hamilton Entertainment and Convention Facilities Inc. (HECFI) Acting CEO

(Farr/Collins)

That John Hertel be appointed Acting CEO of the Hamilton Entertainment and Convention Facilities Inc. (HECFI), reporting to the City Manager, until such time as the resolution of HECFI has been decided.

CARRIED

Councillor L. Ferguson wished to be recorded as OPPOSED to Item 7.1

The Motion CARRIED on the following Recorded Vote:

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

7.2(a) Motion to Reconsider the Cross-Melville District Heritage Committee (Dundas)**(Powers/Johnson)**

That Item 7 of Selection Committee Report 11-004, respecting the Cross-Melville District Heritage Committee (Dundas), which was approved by Council on May 25, 2011 and reads as follows, be reconsidered:

7. Cross-Melville District Heritage Committee (Dundas)

That the Cross-Melville District Heritage Committee be disbanded and that any heritage permit applications within the District be reviewed by the Heritage Permit Review Sub-Committee and that all other matters related to the District be addressed by the Hamilton Municipal Heritage Committee.

CARRIED

7.2(b) Cross-Melville District Heritage Committee (Dundas)**(Powers/Johnson)**

That Item 7 of Selection Committee Report 11-004, respecting the Cross-Melville District Heritage Committee (Dundas), which was approved by Council on May 25, 2011, be amended by deleting it in its entirety and replacing it with the following in lieu thereof:

7. Cross-Melville District Heritage Committee (Dundas)

- (a) That the Cross-Melville Heritage Conservation District Advisory Committee be re-established;
- (b) That the revised Terms of Reference of the Cross-Melville Heritage Conservation District Advisory Committee, hereto attached as appendix A, be approved;
- (c) That the following members be appointed to the Cross-Melville Heritage Conservation District Advisory Committee for a term commencing August 12, 2011 and to expire with the current term of Council or until such time as a successor is appointed:

Resident Members:

Frances Neufeld
Graham Thomas
Jen Racine
Steve Crosbie
Susan Masterman
Kim Newcombe
Lee Champion

Ecclesiastical representative:
Anne Redish (representative of all Churches in the district)

Hamilton Municipal Heritage Committee representative:
Stan Nowak

Municipal Heritage Permit Review Sub-Committee representative:
Jennifer Trimble

City Council representative:
Councillor Russ Powers

CARRIED

7.3 Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton, and Mendonca Café, 457 Barton Street East, Hamilton

(Morelli/Merulla)

WHEREAS, Oceano Restaurant and Bar (359 Barton Street East, Hamilton) and Mendonca Café (457 Barton Street East, Hamilton) have applied for indoor liquor licences;

AND WHEREAS, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario’s legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

AND WHEREAS, due to existing community concerns about noise, after- hours activities, etc., these facilities would only increase these problems;

THEREFORE, BE IT RESOLVED:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton objects to the said applications on the grounds that it will be negative to an already fragile neighbourhood.

CARRIED

NOTICES OF MOTION

Councillor Morelli introduced the following Notice of Motion:

8.1 Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton, and Mendonca Café, 457 Barton Street East, Hamilton

WHEREAS, Oceano Restaurant and Bar (359 Barton Street East, Hamilton) and Mendonca Café (457 Barton Street East, Hamilton) have applied for indoor liquor licences;

AND WHEREAS, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario's legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

AND WHEREAS, due to existing community concerns about noise, after- hours activities, etc., these facilities would only increase these problems;

THEREFORE, BE IT RESOLVED:

That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton objects to the said applications on the grounds that it will be negative to an already fragile neighbourhood.

(Morelli/Merulla)

That the Rules of Order be waived to permit the introduction of a Motion respecting the Liquor Licence Application – Oceano Restaurant and Bar, 359 Barton Street East, Hamilton; and, Mendonca Café, 457 Barton Street East, Hamilton.

CARRIED

Please refer to Item 7.3 for the disposition of Council.

Councillor Clark introduced the following Notice of Motion:

8.2 Political Staff Employment Policies

That the Non Union Compensation Committee be requested to review political staff employment policies and report back by November 30, 2011

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None.

BY-LAWS

(Merulla/Collins)

That Bills No. 011-194 to 011-212 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.

- 194** To Incorporate City Land Designated as Parts 1 and 2 on Plan 62R-19080 into Kopperfield Land
- 195** To Incorporate City Land Designated as Block 18 on Plan 62M-1012 into Meadow Wood Crescent
- 196** To Incorporate City Land Designated as Part 1 on Plan 62R-14923 into Binbrook Road East
- 197** To Amend Dundas Downtown Improvement Area By-law No. 3072-78
- 198** To Amend By-law No. 07-061, as amended, Respecting the Downtown and Community Improvement Project Area
- 199** Respecting Removal of Part Lot Control, Block 77, Plan No. 62M-1150, "Summerlea West Phase 2A"
- 200** Respecting Removal of Part Lot Control, Block 79, Registered Plan No. 62M-1143 and Part of Block 1, Registered Plan No. 62M-1103, "The Gardens at Summit Park – Phase 2"
- 201** Respecting Removal of Part Lot Control, Blocks 95 and 96 of Plan No. 62M-1125, "Parkside Hills"
- 202** Respecting Removal of Part Lot Control, Blocks 13 and 14, Registered Plan No. 62M-514, "Glendale Summit Addition"
- 203** Respecting Removal of Part Lot Control, Block 1, Registered Plan No. 62M-1155, "Conservation Walk"
- 204** Respecting Removal of Part Lot Control, Lot 6 to 33, Plan No. 62M-1152, "Sapphire"
- 205** Respecting Removal of Part Lot Control, Block 23, Registered Plan No. 62M-1025, "Park Town East"
- 206** 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 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
- 207** To Amend Zoning By-law No. 464 (Glanbrook), Respecting a Portion of the Lands Located at 39 Garinger Crescent
- 208** To Amend Zoning By-law No. 05-200, Respecting Lands Located at 75 Balsam Avenue North and 160 Beechwood Avenue (Hamilton)
- 209** To Amend Zoning By-law No. 6593 (Hamilton), as amended, Respecting Lands Located at 151 John Street South
- 210** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 4 – Special Events Parking Zones
- 211** To Amend By-law No. 04-150, a By-law to Regulate the Discharge of any Matter into the Sanitary, Combined and Storm Sewer Systems of the City of Hamilton
- 212** To Confirm the Proceedings of City Council

(Pearson/Johnson)

There being no further business, the City Council meeting adjourned at 4:30 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
August 11, 2011