



CITY COUNCIL MINUTES

Wednesday, May 27, 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, B. McHattie, S. Merulla, D. Mitchell, B. Morelli, R. Pasuta, M. Pearson, and R. Powers, and T. Whitehead

Mayor Eisenberger called the meeting to order and called upon Reverend Roy Pierce of Crossfire Assembly in Hamilton to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised that there were no changes to the agenda.

(Mitchell/Powers)

That the Agenda for the City Council meeting being held on May 27, 2009, be approved, as presented. **CARRIED**

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**3.1 Cheque Presentation - Rotary Clubs of Ancaster**

Mayor Eisenberger called Carolyn Seabrook-Ferguson, President of the Rotary Club of Ancaster AM; Joanne Serkeyn, Incoming President, Rotary Club of Ancaster AM; and Roger Crysler, Incoming President of Rotary Club of Ancaster PM to the podium.

Ms. Seabrook-Ferguson presented Council with a cheque for \$27,400, which represented funds raised by the two Rotary Clubs for the construction of the Ancaster Community Centre.

Councillor Ferguson provided some background information respecting the Rotary Club of Ancaster's financial commitment towards the Ancaster Community Centre and thanked the clubs for their pledge.

APPROVAL OF MINUTES**(Morelli/Pearson)**

That the Minutes of the May 13, 2009, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS**(Bratina/Clark)**

That Council Communications 5.1 to 5.7 be approved, as amended, as follows:

- 5.1 Correspondence from the Honourable Minister of Children and Youth Services, Deb Matthews, respecting funds in the 2010-2011 fiscal year to stabilize the child care system

Recommendation: Be referred to the Emergency and Community Services Committee for a motion to endorse the resolution, and that staff attach the City of Hamilton's figures to the report in order to reflect the City's specific circumstances.

- 5.2 Correspondence from Dr. Tom Nugent respecting Hamilton's Urban Future

Recommendation: Be received

- 5.3 Correspondence from Jennifer Haley, Chair, Homegrown Ontario Steering Committee respecting purchase of locally produced meat and poultry

Recommendation: Be referred to staff to be addressed in the future report on "Buy Local, Buy Ontario, Buy Canada"

- 5.4 Letter of Objection respecting Application for a Category 2 Class "A" Licence under the Aggregate Resources Act - St. Marys Cement Inc. (Canada) – Flamborough Quarry

Recommendation: Be endorsed

- 5.5 Correspondence from Mark Farrugia, President, Board of Directors, Tourism Hamilton respecting school tours to Hamilton farms

Recommendation: Be referred to the Hamilton-Wentworth District and the Hamilton-Wentworth District Catholic School Boards for their consideration.

- 5.6 Correspondence from Taylor Noakes respecting Veteran Appreciation Day

Recommendation: Be referred to the Veteran's Committee

- 5.7 Correspondence from the City of Cornwall respecting Provincial Harmonized Sales Tax

Recommendation: Be referred to the General Manager of Finance and Corporate Services

CARRIED

(Whitehead/Powers)

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

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-011

- Item 4 Demolition Permit – 1078 Garth Street (PED09133) (Ward 8) (Item 5.4)**

(McHattie/Whitehead)

That Item 4 of Economic Development and Planning Report 09-011 be referred back to the Economic Development and Planning Committee for further discussion.

CARRIED

- Item 5 Proactive Enforcement of Traffic By-law 01-215 Respecting Trucks Utilizing Non-Truck Routes (PED09141) (City Wide) (Item 5.5)**

(Mitchell/Pasuta)

That Item 5(a) and (b) of Economic Development and Planning Report 09-011 be referred to the Truck Route Sub-Committee.

CARRIED

Item 8 Application for a Change in Zoning for the Lands Located at 1396 Seaton Road (Flamborough) (PED09135) (Ward 14) (Item 6.2)

Item 8 **CARRIED** on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Morelli, Mitchell, Pearson, Powers, Whitehead

Total Yeas: 14

Nays: Merulla, Pasuta

Total Nays: 2

Item 9 Application to Amend Hamilton Zoning By-law No. 05-200 for the Property Located at 69 Sanders Boulevard (Hamilton) (PED09136) (Ward 1) (Item 6.4)

Item 9 **CARRIED** on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total Yeas: 15

Nays: McHattie

Total Nays: 1

Item 16 Expropriation of Certain Lands Required for the North Glanbrook Industrial Business Park (NGIBP) (PED08083(c)) (City Wide)

(Pearson/Mitchell)

That Item 16 be added to Economic Development and Planning Report 09-011 to read as follows:

16. Expropriation of Certain Lands Required for the North Glanbrook Industrial Business Park (NGIBP) (PED08083(c)) (City Wide)

- (a) That the City Solicitor or his agent be authorized and directed to proceed with the necessary steps to expropriate the lands listed below, which the Director of Industrial Parks and Airport Development is unable to purchase through negotiations:

Municipal Address

Owner

Description

Part of 5407 Twenty Road Thomas and Charlene Tadeson Part 8, Plan 62R-18129

Part of 5787 Twenty Road Giuseppe and Vittoria DiCienzo Parcel B, Plan RC-G-639-B

- (b) That the City Solicitor or his agent prepare and the City Clerk sign Applications for approval to Expropriate by the City of Hamilton for the lands, described above in recommendation (a), for infrastructure, roadway and municipal purposes.
- (c) That the Applications of the City of Hamilton signed by the City Clerk to expropriate the lands, described above, be authorized and that the said Applications be hereby received and that the City Solicitor or his agent be authorized and directed to cause the necessary Notices in these Applications to be served on the registered owners of the lands affected and for advertisement of the said Notices of Application to be placed in The Hamilton Spectator for three (3) consecutive weeks.
- (d) That the City Solicitor or his agent be authorized to forward to the Chief Inquiry Officer any Request for Hearings received and to report to Council such information.
- (e) That in the event no Requests for Hearings are received, the City Solicitor or his agent be authorized to introduce Expropriation By-laws to Council.
- (f) That the Director of Economic Development and Real Estate or his agent be authorized to obtain appraisals of the lands, described above in recommendation (a), if and when necessary.
- (g) That all costs of the expropriations be charged to Account No. 59259-5160507001 (North Glanbrook Industrial-Business Park Servicing).
- (h) That Report PED08083(c), respecting Expropriation of Certain Lands Required for the North Glanbrook Industrial Business Park (NGIBP), remain confidential and not be released as a public document until final disposition of City Council.

CARRIED

(Pearson/Mitchell)

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

CARRIED

AUDIT AND ADMINISTRATION COMMITTEE 09-009**(Clark/Collins)**

That the NINTH Report of the Audit and Administration Committee be adopted, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE 09-008**(Duvall/Collins)**

That the EIGHTH Report of the Emergency & Community Services Committee be adopted, and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 09-015**Item 1 Hess Village Review (PED09127) (City Wide) (Item 7.1)****(McHattie/Merulla)**

That subsection (p) of Item 1 of Committee of the Whole Report 09-015 be deleted in its entirety:

- (p) That the Public Health Services Staff report to the Economic Development and Planning Committee on what the monitoring program, as it relates to bar density and alcohol related issues, will consist of and how they anticipate addressing this issue.

Amendment CARRIED
Motion as amended CARRIED

(Whitehead/Powers)

That the FIFTEENTH Report of Committee of the Whole be adopted, as amended, and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 09-016**(Whitehead/Powers)**

That the SIXTEENTH Report of Committee of the Whole be adopted, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 09-009

Item 4 D.A.R.T.S. 2008 Deficit Funding (PW09051) (City Wide) (Item 5.6)

Item 4 **CARRIED** on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total Yeas: 15

Nays: Merulla

Total Nays: 1

(Collins/Duvall)

That the NINTH Report of the Public Works Committee be adopted, and the information section received. **CARRIED**

BOARD OF HEALTH 09-006

(Whitehead/Powers)

That the SIXTH Report of the Board of Health be adopted, and the information section received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 09-017

(Whitehead/Powers)

That the SEVENTEENTH Report of Committee of the Whole be adopted, and the information section received. **CARRIED**

(Whitehead/Powers)

That the Committee of the Whole rise and report. **CARRIED**

MOTIONS

7.1 Bridging of US Steel Employees

(Merulla/Morelli)

- (a) That the City of Hamilton initiate discussions with the Provincial and Federal governments to lobby US Steel to facilitate the bridging of those US Steel employees who are one year removed from retirement.

- (b) That, prior to initiating discussions with the Provincial and Federal government to lobby US Steel to facilitate the bridging of those US Steel employees who are one year removed from retirement, the City of Hamilton dialogue with union presidents.

CARRIED

7.2 Implications of an Arbitration Award respecting payment of overtime for the Ontario Nurses Association (ONA) Public Health Unit PH06019(a)/HUR06008(a) (City Wide) (Item 12.1)

(Bratina/Clark)

That the Rules of Order be waived to allow the introduction of a motion to reconsider subsection (b) of Item 8 of the Board of Health Report 07-001, approved by Council on January 24, 2007 respecting Implications of an Arbitration Award respecting payment of overtime for the Ontario Nurses Association (ONA) Public Health Unit Report PH06019(a)/HUR06008(a).

CARRIED

(Bratina/Jackson)

That subsection (b) of Item 8 of Board of Health Report 07-001, approved by Council on January 24, 2007, which reads as follows, be reconsidered:

8. Implications of an Arbitration Award respecting payment of overtime for the Ontario Nurses Association (ONA) Public Health Unit PH06019(a)/HUR06008(a) (City Wide) (Item 12.1)

- (b) That Public Health Services staff discontinue providing weekend prenatal classes for the reasons provided in this report;

CARRIED

(Bratina/Jackson)

That subsection (b) of Item 8 of Board of Health Report 07-001, approved by Council on January 24, 2007, be deleted in its entirety and replaced with the following in lieu thereof:

8. Implications of an Arbitration Award respecting payment of overtime for the Ontario Nurses Association (ONA) Public Health Unit PH06019(a)/HUR06008(a) (City Wide) (Item 12.1)

- (b) That Public Health Services staff be directed to resume providing weekend prenatal classes as the ratification of the ONA Public Health collective agreement (January 1, 2008 to December 31, 2010) changed the remuneration for nurses on the weekend which significantly decreases the fiscal burden of offering this service.

CARRIED

7.3 Proposed Permanent Closure of a Portion of Unopened Road Allowance of Webster Street, Dundas**(Pasuta/Mitchell)**

That the Rules of Order be suspended in order to allow for the introduction of a Motion respecting Proposed Permanent Closure of a Portion of Unopened Road Allowance of Webster Street, Dundas.

CARRIED**(Pasuta/Mitchell)**

That Item 4 of Public Works, Infrastructure and Environment Committee Report 06-002, approved by Council on February 15, 2006, respecting Proposed Permanent Closure of a Portion of Unopened Road Allowance of Webster Street, Dundas, be deleted in its entirety and replaced with the following in lieu thereof:

Proposed Permanent Closure of a Portion of Unopened Road Allowance of Webster Street, formerly in the Township of West Flamborough, now in the City of Hamilton (PW06020/PED0046) (Ward 14)

That the application to permanently close a portion of unopened road allowance known as Webster Street, formerly in the Township of West Flamborough, now in the City of Hamilton, be approved, subject to the following conditions:

- (a) (i) That the applicant makes an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase the unopened road allowance known as Webster Street, established by Plan 780, formerly in the Township of West Flamborough, now in the City of Hamilton designated as Part 6 on Reference Plan 62R-17776;
- (ii) That the applicant be authorized to expand the application to the District Court Judge in order to request a declaration and/or an Order that title to the one-foot reserve being Reserve B, Plan 780, formerly in the Township of West Flamborough, now in the City of Hamilton, be vested in the name of the City of Hamilton;
- (iii) That the Acting General Manager, Public Works, or his designate, sign the appropriate documentation confirming that no public funds have been expended on the lands to be closed;
- (iv) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor;

- (v) That the applicant register a reference plan under the Registry Act and that said plan be prepared by an Ontario land Surveyor to the satisfaction of the Senior Project Manager, Survey and Technical Services, and that the applicant deposit a reproducible copy of said plan with the Senior Project Manager, Survey and Technical Services;
- (b) That provided the Judge's Order to permanently close the lands is granted:
 - (i) the City Solicitor be authorized and directed to prepare the by-law to permanently close the highway;
 - (ii) the appropriate by-law be introduced and enacted by Council;
 - (iii) the Development and Real Estate Division, Planning and Economic Development Department, be authorized and directed to sell this closed highway in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299.

CARRIED

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes of May 13, 2009

(Clark/Collins)

- (a) That the Closed Session Minutes of the May 13, 2009 meeting of Council be approved, as presented.
- (b) That the May 13, 2009 minutes, of Council, remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act."

CARRIED

The minutes were approved in open session.

BY-LAWS

(Bratina/Clark)

That Bill Nos. 09-108 to 09-117 attached hereto be passed, that the corporate seal be affixed thereto and the By-laws be signed by the Mayor and the City Clerk, and numbered as 09-108 to 09-117 as follows:

By-law No.	Bill No.	
09-108	108	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
09-109	109	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs
09-110	110	To Prohibit and Regulate Certain Public Nuisances within the City of Hamilton
09-111	111	To Repeal By-law No. 06-234, A By-law to Regulate Restaurant and Public Halls in the Hess Village Entertainment District and to Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses
09-112	112	To Authorize the Submission of Applications to the Recreational Infrastructure Program in Ontario for Funding from the Recreational Infrastructure Canada Program in Ontario and Ontario Recreation Program as Eligible Capital Projects of the City of Hamilton
09-113	113	To Amend By-law No. 08-161, A By-law Under the <u>Building Code Act, 1992</u> Respecting Permits and Relate Matters
09-114	114	To Amend Zoning By-law No. 05-200 (Hamilton), Respecting Lands Located at 69 Sanders Boulevard
09-115	115	To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 1396 Seaton Road
09-116	116	To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 3206 Regional Road 56
09-117	117	To Confirm Proceedings of Council

(Powers/Mitchell)

There being no further business, the City Council meeting adjourned at 8:35 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Rose Caterini
Acting City Clerk
May 27, 2009