Mayor F. Eisenberger called the meeting to order at 7:25 p.m. and called upon Pastor Lane Fusilier of Philpott Memorial Church in Hamilton to lead Council in prayer.

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS

5.4 Correspondence from Chris Millar, Upper Canada Consultants respecting Item 12 of the Economic Development and Planning Committee Report 10-018 respecting denial of Application for Zoning By-law Amendment

Recommendation: Be received

(Pearson/Mitchell)
That the Agenda for the City Council meeting being held on September 29, 2010, be approved, as amended. CARRIED
DECLARATIONS OF INTEREST

Councillor Powers declared an interest in Item 15 of Economic Development and Planning Committee Report 10-022 as he has a relative who owns property in the vicinity of the subject property.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

(Whitehead/Morelli)
That the Minutes of the September 15, 2010 meeting of Council be approved, as presented.
CARRIED

COMMUNICATIONS

(Collins/Merulla)
That Council Communications 5.1 to 5.4 be approved, as follows:

5.1 Correspondence from Brock Carlton, FCM respecting payment towards Green Municipal Fund Project Loan Agreement, Green Municipal Fund Project Grant Agreement and Project Reporting Grant Agreement

Recommendation: Be received

5.2 Correspondence from Wayne Hay, Dundas Lions Club respecting reducing Lottery License Fee

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

5.3 Correspondence from Barry McLean, Canada Bread respecting recent tour

Recommendation: Be received

5.4 Correspondence from Chris Millar, Upper Canada Consultants respecting Item 12 of the Economic Development and Planning Committee Report 10-018 respecting denial of Application for Zoning By-law Amendment

Recommendation: Be received
(Clark/Pearson) That Council move into Committee of the Whole for consideration of the Standing Committee Reports. CARRIED

COMMITTEE OF THE WHOLE REPORT 10-025

(Eisenberger/Whitehead) That the TWENTY-FIFTH Report of the Committee of the Whole be adopted as presented and the information section received. CARRIED

PUBLIC WORKS COMMITTEE REPORT 10-010

Item 1 Intersection Control List (PW10007(f))

(Merulla/Morelli) That Item 1 of Public Works Committee Report 10-010 respecting Intersection Control List be amended by deleting sub-section (o), as follows:

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Street 1</th>
<th>Street 2</th>
<th>Existing</th>
<th>Requested</th>
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</thead>
<tbody>
<tr>
<td>(o)</td>
<td>Grassyplain</td>
<td>Idlewilde</td>
<td>NB</td>
<td>EB/ WB</td>
</tr>
</tbody>
</table>

Class Location / Comments / Petition Ward
B W of Garth St, N of Twenty Rd W. 11

Amendment CARRIED
Motion as amended CARRIED

(Merulla/Morelli) That the TENTH Report of the Public Works Committee be adopted, as amended, and the information section received. CARRIED

ECONOMIC DEVELOPMENT AND PLANNING REPORT COMMITTEE 10-009

Item 11 Application for Approval of a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for Lands Located at 345 Glancaster Road, (Glanbrook) (PED10180) (Ward 11) (Item 6.2)

(Ferguson/Mitchell) That Item 11 of Economic Development and Planning Committee Report 10-018 respecting Application for Approval of a Draft Plan of Subdivision, Official Plan Amendment and Zoning By-law Amendment for Lands Located at 345 Glancaster Road, (Glanbrook), be amended as follows:

(a) by amending the date to read September 16, 2010;

(b) by adding the words, “attached to this report as Appendix “B”, following the words, September 16, 2010. Amendment CARRIED
Motion as amended CARRIED
Item 13  Application for Official Plan Amendment (OPA-07-014), Zoning By-law Amendment (ZAC-07-053) and Plan of Subdivision (25T-200712) for the “Brow Lands”, Located at Part 57, Concession 2, City of Hamilton, and Application for Road Closure of a Portion of Sanatorium Road, north of Scenic Drive (PED10116) (Ward 8) (Item 6.5)

(Whitehead/Duvall)
That Item 13 of Economic Development and Planning Committee Report 10-018 respecting Application for Official Plan Amendment (OPA-07-014), Zoning By-law Amendment (ZAC-07-053) and Plan of Subdivision (25T-200712) for the “Brow Lands”, Located at Part 57, Concession 2, City of Hamilton, and Application for Road Closure of a Portion of Sanatorium Road, north of Scenic Drive (PED10116) be amended by adding the following as sub-section (f):

“(f) That James Bennett of MMM Planning be engaged as the planner to represent the City of Hamilton at the OMB Hearing.”

Amendment CARRIED

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

Yeas: Eisenberger, Collins, McHattie, Bratina, Morelli, Merulla, Pasuta, Duvall, Whitehead, Clark, Pearson, Mitchell, Ferguson, Powers, Jackson
Total Yeas: 15
Nays: 0
Absent: McCarthy
Total Absent: 1

Item 16  Applications for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, the City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for the Lands Located at 435 Garner Road East (Ancaster) (PED10186) (Ward 12)

(Ferguson/Mitchell)
That Item 16 of Economic Development and Planning Committee Report 10-018 respecting Applications for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57, the City of Hamilton Zoning By-law No. 05-200 and Draft Plan of Subdivision for the Lands Located at 435 Garner Road East (Ancaster) be amended as follows:

(a) by adding the words, “dated September 20, 2010” following the word “letter”;

(b) by adding the words, “attached to this report as Appendix “C”, following the words, September 21, 2010. Amendment CARRIED

Motion as amended CARRIED
Item 17  Proposed Policy for Sharing of Parking Revenue (PED06003(a))
(Wards 1, 2, 3, 4, 6, 7, 9, 12, 13, 15)

The Motion CARRIED on the following vote:

Yeas: Eisenberger, Collins, McHattie, Bratina, Morelli, Merulla, Pasuta, Whitehead, Clark, Pearson, Mitchell, Ferguson, Powers
Total Yeas: 13
Nays: Duvall, Jackson
Total Nays: 2
Absent: McCarthy
Total Absent: 1

Item 19  22 Green Mountain Road West – Empire Communities

(Clark/Pearson)
That Item 19 of Economic Development and Planning Committee Report 10-018 respecting 22 Green Mountain Road West – Empire Communities be amended as follows:

(a) By adding the following words “with such amendments thereto as the City Solicitor and Director of Planning deem appropriate” following the word devices in the last line of recommendation (4);

(b) By adding the following conditions to recommendation (4) to read as follows:

i. That, the owner shall agree in the Subdivision Agreement, to cover the costs associated with a peer review by a qualified professional environmental engineer, of the risk model data employed by GlobalTox contained within the Revised Landfill Impact Assessment titled “Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood” revised September 14, 2010 and prepared by MTE Consultants Inc., in order to confirm the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills, to the satisfaction of the City of Hamilton, Director of Development Engineering.

ii. That, prior to issuance of building permit, the peer review findings pertaining to the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills will be satisfied through the submission of a certification letter, issued and stamped by a qualified professional environmental engineer, stating that
the required clayey silt soil layer depth has been placed, compacted and graded for all lots within 500 metres of the Operating and Closed Landfills, to the satisfaction of the City of Hamilton, Director of Development Engineering

iii. That, prior to the registration of the final plan of subdivision, a landscape plan shall be prepared and implemented, to the satisfaction of the Director of Planning, that provides for fencing and tree planting along the property boundary between lands within the draft plan and the lands on which Juch-tech Inc./Hamilton Teleport operations are located.

Amendment CARRIED
Motion as amended CARRIED

(Ferguson/Mitchell)
That the EIGHTEENTH Report of the Economic Development and Planning Committee be adopted, as amended, and the information section received. CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 10-010

Item 9  Re-establishment of Sub-Committees Reporting to the Audit, Finance and Administration Committee (formerly known as Audit and Administration Committee (CL10007)

(Powers/Whitehead)
That of Item 9 of Audit and Administration Committee Report 10-010 be amended by deleting the re-establishment of the Copps Coliseum from Appendix D;

And by adding the following as subsections (f), (g) and (h):

(f) That a sub-committee be established to be named the “NHL Proposal Sub-Committee” whose mandate is to review any proposals which are directed to them by Hamilton City Council;

(g) That the sub-committee report to the GIC Committee, and have a membership of 5 members, namely, the Mayor and four members of Council;

(h) That Item 5 of Committee of the Whole Report 10-024, Appendix A be amended to reflect the addition of the NHL Proposal Sub-Committee.

Amendment CARRIED
Motion as amended CARRIED
Item 13  Audit Report 2010-05 – Procurement Card Usage (AUD10022)

(Powers/Clark)
That Item 13 of the Audit and Administration Report 10-010 be deleted in its entirety and replaced with the following in lieu thereof:

(a) That Report AUD10022 respecting Audit Report 2010-05, Procurement Card Usage, be received;

(b) That staff be directed to reduce the number of Procurement cards by a minimum of 15% (90 Cards) by December 31st 2010.

(c) That a new policy for Procurement Cards be presented to the Audit and Administration Committee at its first regular meeting of February, 2011.

(d) That the new Procurement Card Policy include penalties for non compliance.

(e) That effective January 1st, 2011, staff be directed to implement a revised, documented, administration process for the review and payment of P Card Purchases that addresses issues identified in the P Card Audit (Report #AUD10022)

(f) That the Audit Services Division be directed to conduct a P Card Audit in the second half of 2011 and that the Audit Department target transactions from January – June of 2011.

Amendment CARRIED
Motion as amended CARRIED

(Powers/Ferguson)
That the TENTH Report of the Audit & Administration Committee be adopted, as amended, and the information section received. CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-010

(Pasuta/Duvall)
That the TWELFTH Report of the Emergency & Community Services Committee be adopted, and the information section received. CARRIED

BOARD OF HEALTH REPORT 10-007

(Pasuta/Duvall)
That Section 5.6(2) of the City’s Procedural By-law which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider Board of Health Report 10-007 dated September 27, 2010. CARRIED
The Motion **CARRIED** on the following recorded vote:

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

Total Yeas: 14

Nays: Clark

Total Nays: 1

Absent: McCarthy

Total Absent: 1

(McHattie/Bratina)

That Information Item (j) regarding concerns respecting Access to Best Care (ABC) Plan be lifted from the Information Section and added as Item 11 to Board of Health Report 10-007 as follows:

11. **Concerns respecting the Access to Best Care (ABC) Plan for the Obstetrics and Gynaecology Department, Hamilton Health Sciences (Item 9.1)**

Whereas, in January 2008, Hamilton Health Sciences’ (HHS) announced the Access to the Best Care (ABC) Plan for the amalgamation and reorganization of virtually every one of its medical departments; and,

Whereas, McMaster University Medical Centre (MUMC) is the regional referral centre for high-risk obstetric patients from Local Health Integration Networks (LHINs) 3 and 4; and,

Whereas, the Obstetrics and Gynaecology Department is not a stand-alone program like the Children’s Hospital, and is critically dependent on other major adult services such as Critical Care Medicine, Anaesthesia, etc.; and,

Whereas, the Obstetricians in Hamilton have unanimously opposed the ABC Plan as unsafe for patients coming under their care, and have communicated this concern to HHS, LHIN 3 members, and the Ministry of Health and Long-Term Care; and,

Whereas, the Physicians Advisory Committee on Obstetrics and Gynaecology (PACOG), working with HHS administration and using objective criteria, found the ABC Plan for the HHS Department of Obstetrics and Gynaecology to be both medically impractical and medically unsound as it pertains to patient safety; and,

Whereas, PACOG working with HHS administration recommended that HHS women’s reproductive health services relocate to a full-service adult hospital, either the Henderson Hospital or to St. Joseph’s Healthcare Hamilton (SJHH), and preferably amalgamate with the women’s reproductive services now located at SJHH; and,

Whereas, HHS has stated that such a move may not happen for ten years or longer, if at all; and,
Whereas, implementation of the ABC Plan would result in the only level three obstetric unit in the Province to function outside of a full-service adult hospital, with no clear plan for relocation to a full-service adult hospital, representing a failure to meet Provincial standards of care in this respect; and,

Whereas, the City of Hamilton has concern for the health and safety of our citizens, and in particular, the women and children who could be affected by changes to the Obstetrics and Gynaecology services in Hamilton;

THEREFORE BE IT RESOLVED

(a) That the City of Hamilton requests that Hamilton Health Sciences (HHS), St. Joseph’s Healthcare Hamilton (SJHH) and key stakeholders, including HHS and SJHH Obstetricians and Gynaecologists, Family Medicine, Midwifery, Pediatrics and Pediatric Subspecialties, Neonatology, and regional care providers; commit to convene and implement a process to identify the optimal model for Obstetrics, Gynaecology and Neonatology services within Hamilton that can be reasonably achieved with capital changes if necessary;

(b) That the Hamilton Niagara Haldimand Brant Local Health Integration Network participate in the process in keeping with their regional mandate;

(c) That, until such time as the optimal solution identified through the process, outlined in recommendation (a) above, can be implemented, the parties ensure that the necessary supports are in place and continue to be in place within Hamilton Health Sciences and St Joseph’s Healthcare Hamilton to ensure that patient health and safety within the Obstetrics, Gynaecology and Neonatology Services are protected and maintained; and,

(d) That the Medical Officer of Health report back to the Board of Health respecting the progress made in this area in June of 2011. CARRIED

(Eisenberger/Whitehead)
That the SEVENTH Report of the Board of Health be adopted, and the information section received. CARRIED

(Clark/Pearson)
That the Committee of the Whole rise and report. CARRIED
7.1 Warren Park – Leash Free Park Assessment (PW10079) (Ward 13)

(Powers/Ferguson)
That sub-sections (a), (b) and (c) of Item 21 of Committee of the Whole Report 10-022, approved by Council on August 12, 2010, respecting Warren Park – Leash Free Park Assessment, be amended as follows:

(a) That sub-section (a) be amended by deleting the words, “upon the commencement of usage of the new leash free zone as noted in section (b) and further” and replacing it with the words, “effective November 1, 2010” in lieu thereof;

(b) That sub-section (b) be deleted in its entirety;

(c) That sub-section (c) be amended by deleting the words, “(attached to Report PW10079 as Appendix “A”).

CARRIED

7.2 Residential Municipal Relief Assistance Program – September 28, 2010 Rainstorm Event

(Merulla/Morelli)
(a) That for the purpose of invoking the Residential Municipal Relief Assistance Program (up to $1,000) and the Supplemental Relief Program for Basement Flooding (up to $5,000), City Council declares the rainstorm event of September 28, 2010, as a "Disaster" for all affected properties within the boundaries of the City of Hamilton;

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

(c) That the costs associated with these claims be funded from the Waterworks, Sanitary Sewer and Storm Reserves;

(d) That staff be authorized to retain an independent adjuster(s) for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the reserve;

(e) That staff be directed to review and report back on the effectiveness of the backwater valve protective plumbing program.

CARRIED
NOTICES OF MOTION

8.1 Councillor R. Powers introduced the following Notice of Motion:

That sub-sections (a), (b) and (c) of Item 21 of Committee of the Whole Report 10-022, approved by Council on August 12, 2010, respecting Warren Park – Leash Free Park Assessment, which reads as follows, be reconsidered:

21. Warren Park – Leash Free Park Assessment (PW10079) (Ward 13)

(a) That Warren Park’s designation as a Leash Free Park - Free Running Area be revoked; upon the commencement of usage of the new leash free zone as noted in section (b) and further.

(b) That Delottinville Park be designated as the replacement Leash Free Park - Dog Park in Ward 13 at an estimated cost of $50,000 to be funded from the Leash Free Park Reserve;

(c) That the By-law to Amend the Leash Free Zone Provisions of City of Hamilton By-law 01-169, being a By-law Respecting the Control and Licensing of Dogs and Kennels, (attached to Report PW10079 as Appendix “A”), be passed.

(Powers/Ferguson)

That the Rules of Order be waived to allow for the introduction of a motion respecting Warren Park – Leash Free Park Assessment (PW10079) (Ward 13). CARRIED

See Motion 7.1.

8.2 Councillor S. Merulla introduced the following Notice of Motion:

Residential Municipal Relief Assistance Program – September 28, 2010 Rainstorm Event

(a) That for the purpose of invoking the Residential Municipal Relief Assistance Program (up to $1,000) and the Supplemental Relief Program for Basement Flooding (up to $5,000), City Council declares the rainstorm event of September 28, 2010, as a "Disaster" for all affected properties within the boundaries of the City of Hamilton;

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

(c) That the costs associated with these claims be funded from the Waterworks, Sanitary Sewer and Storm Reserves;
(d) That staff be authorized to retain an independent adjuster(s) for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the reserve;

(e) That staff be directed to review and report back on the effectiveness of the backwater valve protective plumbing program.

(Merulla/Morelli)
That the rules of order be waived in order to allow for the introduction of a motion respecting Residential Municipal Relief Assistance Program – September 28, 2010 Rainstorm Event.  

CARRIED

See Motion 7.2.

STATEMENT BY MEMBERS

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

BY-LAWS

(Collins/Merulla)
That Bill Nos. 010-235 to 010-245, 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 read as follows:

By-law No.    Bill No.  
10-235        235    To Incorporate City Land Designated as Parts 1, 2 and 3 on Plan 62R-18826 and Part 1 on Plan 62R-14105 into York Boulevard
10-236        236    To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control
10-237        237    To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control
10-238        238    To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control
10-239        239    To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits  
                        Schedule 6 – One-Way Streets  
                        Schedule 8 – No Right Turns  
                        Schedule 10 – No Left Turns  
                        Schedule 13 – Designated Traffic Lanes  
                        Schedule 18 – Bike Lanes  
                        Schedule 20 – Combined Foot & Bicycle Paths  
                        Schedule 29 – Weight Restrictions on Bridges
### City Council

#### September 29, 2010

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>10-241</td>
<td>241</td>
<td>To Rename a Portion of Highgate Drive and Candlewood Drive to Highgate Heights</td>
</tr>
<tr>
<td>10-242</td>
<td>242</td>
<td>To Adopt Official Plan Amendment No. 123 to the former Town of Flamborough Official Plan, Respecting 403 Old Brock Road</td>
</tr>
<tr>
<td>10-243</td>
<td>243</td>
<td>To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 403 Old Brock Road</td>
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<tr>
<td>10-244</td>
<td>244</td>
<td>To Incorporate City Land Designated as Parts 1 and 2 on Plan 62R-18674 into Fall Fair Way</td>
</tr>
<tr>
<td>10-245</td>
<td>245</td>
<td>To Confirm the Proceedings of City Council</td>
</tr>
</tbody>
</table>

(Pearson/Ferguson)

There being no further business, the City Council meeting adjourned at 9:20 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

R. Caterini
City Clerk
September 29, 2010