CITY COUNCIL
MINUTES

Wednesday, May 13, 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,
T. Jackson, M. McCarthy B. McHattie, S. Merulla,
D. Mitchell, B. Morelli, R. Pasuta, M. Pearson, R. Powers,
T. Whitehead

Absent with Regrets: Councillor L. Ferguson – Community Business

Mayor Eisenberger called the meeting to order and called upon Reverend John Smith of
St. George’s Reformed Episcopal Church in Hamilton to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(a) Added Private and Confidential Matter respecting Appointment of General Manager
of Public Works

(b) Added Private and Confidential Matter respecting Proposal of City Facilities

(Pearson/Mitchell)
That the Agenda for the City Council meeting being held on May 13, 2009, be approved,
as amended. CARRIED

DECLARATIONS OF INTEREST
Audit and Administration Committee Report 09-002
Item 11 – Grants Sub-Committee Report 09-001

Councillor R. Powers declared an interest in Item 11, sub-section (d)(i) as his daughter is Executive Director of one of the organizations which receives funds through the grants process.

Private and Confidential Item 10.2 – Arbitration Hearing (HUR09009)

Councillors S. Merulla and B. Morelli declared an interest in this item as they are involved in the issue referenced in this report.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 World Citizenship Award

The Mayor called upon Rein Ende, Chair of the Mundialization Committee, and Joan Browning, Chair of the World Citizenship Award Committee, to approach the podium to introduce the nominees for the World Citizenship Award.

The World Citizenship Award recognizes a citizen of Hamilton who has made significant contributions toward world peace and understanding at the local, national and international level.

Prior to the introduction of the 2009 nominees, Joan Browning introduced previous winners of the World Citizenship Award who were in attendance. She then introduced the nominees for 2009, including Ali Cheaib, Vaden Earle, Patricia Gagic, Gail Rapport, Joanne Ruggieri and Dr. Rama Shankar Singh.

Rein Ende announced Ali Cheaib as the recipient of the 2009 Worlds Citizenship Award and called upon him to approach the podium to accept his award.

APPROVAL OF MINUTES

(Whitehead/Mitchell)
That the Minutes of the April 29, 2009, meeting of Council be approved, as presented.
CARRIED

COMMUNICATIONS

(Bratina/Clark)
That Council Communications 5.1 to 5.8, as amended, be approved, as follows:
5.1 Correspondence from Martin Strybosch, Chair of Hamilton Chapter Board of Directors, Multiple Sclerosis Society of Canada, Hamilton Chapter respecting MS Awareness Month

Recommendation: Be received

5.2 Correspondence from Robert Ebert respecting current tax structure and the burden on taxpayers

Recommendation: Be received

5.3 Correspondence from Gail Cosman, President, Nestle Waters Canada respecting sale of bottled water in facilities

Recommendation: Be received

5.4 Correspondence from the Town of Milton respecting Objection to St. Mary’s Cement – Proposal Flamborough Quarry

Recommendation: Be received

5.5 Correspondence from the Honourable Premier of Ontario, Dalton McGuinty in response to the city’s correspondence respecting plastic bag reduction and recycling

Recommendation: Be received

5.6 Correspondence from Juanita Gledhill, Chair, Hamilton Niagara Haldimand Brant LHIN providing an update on the status of the AAHome Strategy

Recommendation: Be received

5.7 Correspondence from Susan Rogers, Townsend, Rogers, Barristers and Solicitors respecting 20 Road East Landowners, City of Hamilton Draft Urban Structure Official Plan Comments

Recommendation: Be received

5.8 Correspondence from Town of Fort Erie respecting Audit of Niagara Health System and the Hamilton Niagara Haldimand Brant Local Health Integration Network

Recommendation: Be endorsed. CARRIED as amended

(Whitehead/Powers)

That Council move into Committee of the Whole for consideration of the Standing Committee Reports. CARRIED
PUBLIC WORKS COMMITTEE REPORT 09-008

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

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-010

(Pearson/Mitchell)
That the TENTH Report of the Economic Development and Planning Committee be adopted and the information section received.  CARRIED

AUDIT AND ADMINISTRATION COMMITTEE 09-008

(Powers/Mitchell)
That Sub-section (d)(xiii) to Item 11 of Audit & Administration Committee Report 09-008 be deleted in its entirety and replaced with the following in lieu thereof:

Item 11  Grants Sub-Committee Report 09-002 (Item 8.10)

(d)  2009 Community Partnership Program Approval (GRA09006) (City Wide) (Item 4)

(xiii) That all increases to the 2009 Community Partnership Program base funding be for 2009 only; with the exception of the following:

(a) Ancaster Heritage Days
(b) Concession Street Corn Roast
(c) Neighbour to Neighbour Food Bank
(d) Living Rock Ministries – Breakfast Program
(e) Salvation Army – Family Services
(f) Salvation Army – Soup Van

(Clark/Duvall)
That the EIGHTH Report of the Audit and Administration Committee be adopted, as amended, and the information section received.  CARRIED

COMMITTEE OF THE WHOLE REPORT 09-014

(Powers/Pearson)
That the FOURTEENTH Report of Committee of the Whole be approved and the information section received.  CARRIED

(Whitehead/Powers)
That the Committee of the Whole rise and report.  

CARRIED

MOTIONS

7.1 Changes to the Employment Insurance System

(Merulla/Morelli)
WHEREAS a healthy unemployment insurance system is the most powerful of all economic stabilizers and in the recessions of the early 80’s and 90’s, UI prevented deeper, longer downturns and reduced the shock of job and GDP losses;

WHEREAS we have entered this new economic crisis with a much weaker EI system that provides only half of the coverage it did in the last recession because fewer workers qualify and benefit weeks are reduced;

WHEREAS the federal government stopped contributing to EI and diverted EI premiums to other spending ($54 billion between 1994 and 2007);

WHEREAS even the US government has shown leadership through major improvements in the duration of UI benefits and a universal benefit top-up as part of a stimulus package to deal with the crisis;

WHEREAS there will be a negative fiscal impact on all municipalities if residents are unable to access EI benefits or otherwise maintain incomes during this economic downturn, due to the increased reliance on locally provided social programs,

THEREFORE BE IT RESOLVED that the City of Hamilton call upon the Government of Canada to introduce the following changes to the Employment Insurance system:

(a) 360 hours to qualify for EI benefits in all regions of Canada;

(b) Increase benefit duration to at least 50 weeks in all regions;

(c) Provide an additional year of “special extension” benefits if national unemployment exceeds 6.5%, paid from federal general revenues;

(d) Extend EI Part 1 benefits while a worker is in approved training;

(e) Increase benefits to at least 60% of normal earnings, using workers’ 12 best weeks, and raise the maximum, suspend the allocation of severance pay and eliminate the two-week waiting period.

The Motion CARRIED on the following standing recorded vote:
NOTICES OF MOTION

Councillor S. Merulla put forward the following Notice of Motion:

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.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Pearson/Mitchell)
That Council move into Closed Session at 8:00 p.m. pursuant to Sections 8.1(b), (c) and (f) of the City’s Procedural By-law and Section 239 of the Municipal Act as the matters to be discussed pertain to personal matters about an identifiable individual, including municipal or local board employees, a proposed or pending acquisition or disposition of land for municipal or local board purposes and for the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

(Whitehead/Jackson)
That Council reconvene in Open Session at 8:40 p.m. CARRIED

10.4 NHL Steering Committee

(Whitehead/Jackson)
(a) That PSE Sports & Entertainment LP ("PSE") be advised that the City of Hamilton is prepared to enter into an Option Agreement with PSE, in the form attached hereto as Schedule “A”;

(b) That the Mayor and City Clerk be authorized to execute the Option Agreement upon the advice of the City Solicitor that it has been accepted by PSE;
(c) That the City of Hamilton is of the opinion that the Management Agreement attached as Appendix “A” to the Option Agreement contains technical, commercial, financial or labour relations information, supplied to the City in confidence, the disclosure of which could reasonably be expected to prejudice significantly the competitive position of the City and/or PSE, or to interfere significantly with the contractual or other negotiations of the City and/or PSE;

(d) That the Management Agreement attached as Appendix “A” to the Option Agreement be kept confidential until the earlier of:

1. The date upon which its release is authorized pursuant to the terms of the Option Agreement; or,
2. The execution of the Management Agreement by the City and PSE.

The Motion CARRIED on the following standing recorded vote:

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

(Pearson/Collins)
That the Committee recess at 8:50 p.m. and reconvene at 9:10 p.m. CARRIED

(Mitchell/Powers)
That Council move into Closed Session at 9:10 p.m., pursuant to Sections 8.1(b), (c) and (f) of the City’s Procedural By-law and Section 239 of the Municipal Act as the matters to be discussed pertain to personal matters about an identifiable individual, including municipal or local board employees, a proposed or pending acquisition or disposition of land for municipal or local board purposes and for the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose. CARRIED

(Collins/Pearson)
That Council reconvene in Open Session at 10:10 p.m. CARRIED

10.1 Closed Session Minutes of April 29, 2009

(Bratina/Powers)
(a) That the Closed Session Minutes of the April 29, 2009 meeting of Council be approved, as presented.
(b) That the April 15, 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

10.2 Arbitration Hearing (HUR09009) (City Wide)

Direction given to staff in camera.

10.3 Appointment of General Manager of Public Works

(Pearson/McHattie)

That Gerry Davis be appointed as General Manager of Public Works for the City of Hamilton, effective May 13, 2009.

CARRIED

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<tr>
<th>BY-LAWS</th>
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(Bratina/Clark)
That Bill Nos. 09-092 to 09-107 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 09-092 to 09-107 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>09-092</td>
<td>092</td>
<td>To Amend Zoning By-law No. 87-57 Respecting Lands Located at 658 Fiddlers Green Road, in the former Town of Ancaster, now in the City of Hamilton</td>
</tr>
<tr>
<td>09-093</td>
<td>093</td>
<td>To Amend Zoning By-law No. 87-57 respecting Lands Located at 1061 garner Road East, in the former Town of Ancaster, now in the City of Hamilton</td>
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<tr>
<td>09-094</td>
<td>094</td>
<td>To Incorporate City Land Designated Part 6 on Plan 62R-7321 into Flora Drive</td>
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<tr>
<td>09-095</td>
<td>095</td>
<td>To Amend By-law No. 01-215, as amended, To Regulate Traffic: Schedule 5 – Stop Signs</td>
</tr>
<tr>
<td>09-096</td>
<td>096</td>
<td>To Incorporate City Land designated Part 1 on Plan 62R-16623 into Raiano Crescent</td>
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</tbody>
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<th>By-law No.</th>
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<tbody>
<tr>
<td>09-097</td>
<td>097</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 8 – No Parking Zones Schedule 12 – Permit Parking Zones</td>
</tr>
</tbody>
</table>
Schedule 14 – Wheelchair Loading Zones
Schedule 20 – School Bus Loading Zones

09-098  098  To Incorporate City Land Designated Part 8 on Plan 62R-7321 into Teresa Street

09-099  099  To Authorize the Execution 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.

09-100  100  A By-law to Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the year 2009

09-101  101  A By-law to Adopt Municipal Options for Tax Capping

09-102  102  To Amend By-law No. 01-216, as amended, Being a By-law to Regulate Municipal Parking Facilities and By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

09-103  103  To Adopt: Official Plan Amendment No. 72 to the former Township of Glanbrook Official Plan: respecting 1441 Guyatt Road

09-104  104  To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 1441 Guyatt Road

09-105  105  To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting lands located at 40 and 46 Flamboro Street and 62 Barton Street, Flamborough

09-106  106  To Amend Zoning By-law No. 87-57 (Ancaster), respecting lands located at 402 Wilson Street East, in the former Town of Ancaster, now in the City of Hamilton

09-107  107  To Confirm Proceedings of Council

(Powers/Mitchell)
There being no further business, the City Council meeting adjourned at 10:25 p.m.

Respectfully submitted

CARRIED
Fred Eisenberger
Mayor

Kevin Christenson
Clerk
May 13, 2009