Present: Mayor R. Bratina


Mayor Bratina called the meeting to order and called upon Reverend Duane Henry, Senior Pastor of Christian Life Assembly, Downtown Dundas to lead Council in prayer. Mayor Bratina expressed Council’s condolences to the family of Ed Simpson, former City Clerk.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **ADDED CORRESPONDENCE**

   5.7 Correspondence from Mohawk College respecting the Agreement of Cooperation with Jaixing Vocational Technical College

   Recommendation: That the Mayor be authorized to extend a letter of invitation sign jointly with Rob MacIsaac, President of Mohawk College, to the delegation of Jaixing Vocational Technical College on their visit to Hamilton.

   5.8 Correspondence from ORHMA respecting Planning Report 12-008, Item 7

   Recommendation: Be received.
5.9 Correspondence from Wood Bull LLP respecting Planning Report 12-008, Item 9

Recommendation: Be received.

(Pearson/Johnson)
That the Agenda for the City Council meeting being held on May 23, 2012, be approved, as amended.  CARRIED

DECLARATIONS OF INTEREST

None.

APPROVAL OF MINUTES

4.1 May 9, 2012

(Pearson/Pasuta)
That the Minutes of the May 9, 2012, meeting of Council be approved, as presented.  CARRIED

COMMUNICATIONS

(Duvall/Whitehead)
That Council Communications 5.1 through 5.9 be approved, as amended, as follows:

5.1 Correspondence from the Township of Cavan Monaghan respecting Modernizing Lottery and Gaming in Ontario

(Pearson/Partridge)
Recommendation: Be endorsed.

5.2 Correspondence from the City of Greater Sudbury respecting a National Dementia Strategy

(Merulla/Collins)
Recommendation: Be received.

5.3 Correspondence from the CUPE respecting Comprehensive Economic and Trade Agreement (CETA)

(McHattie/Farr)
Recommendation: Be received.
5.4 Correspondence from the Town of Tillsonburg respecting Council Resolution – Provincial Payment-in-lieu of Taxes

(Whitehead/Duvall)
Recommendation: Be endorsed.

5.5 Correspondence from the Autism Speaks respecting the Third Annual “Light It Up Blue” Campaign

(Whitehead/Collins)
Recommendation: Be received.

5.6 Correspondence from the United Nations High Commissioner for Refugees (UNHCR) respecting World Refugee Day Proclamation

(Johnson/Pearson)
Recommendation: Be received.

5.7 Correspondence from Mohawk College respecting the Agreement of Cooperation with Jaixing Vocational Technical College

(Farr/McHattie)
Recommendation: That the Mayor be authorized to extend a letter of invitation sign jointly with Rob MacIsaac, President of Mohawk College, to the delegation of Jaixing Vocational Technical College on their visit to Hamilton.

5.8 Correspondence from ORHMA respecting Planning Report 12-008, Item 7

(Whitehead/Merulla)
Recommendation: Be received.

5.9 Correspondence from Wood Bull LLP respecting Planning Report 12-008, Item 9

(Ferguson/Pasuta)
Recommendation: Be received. CARRIED

(Collins/Merulla)
That Council move into Committee of the Whole for consideration of the Committee Reports. CARRIED

GENERAL ISSUES COMMITTEE 12-013

Item 1 Biosolids Management Project - P3 Canada Funding Business Plan Approval (PW11098a/FCS11112a)(City Wide)

(Powers/Merulla)
That the question be called. CARRIED
The Motion CARRIED on the following Standing Recorded Vote:

Yeas:  B. McHattie, J. Farr, T. Jackson, S. Duvall, T. Whitehead,  
      R. Bratina, J. Partridge, R. Pasuta, L. Ferguson,  
      R. Powers, M. Pearson  
Total: 11
Nays:  B. Clark, S. Merulla, C. Collins, B. Johnson, B. Morelli  
Total: 5

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

AUDIT, FINANCE & ADMINISTRATION COMMITTEE 12-005

(Johnson/Pearson)  
That the FIFTH Report of the Audit, Finance & Administration Committee be adopted, and the information section received.  
CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE 12-005

Item 8 2012 Proposed Provincial Budget and Changes to the Discretionary Benefits (CS12020(a)) (City Wide)

(Clark/Pearson)  
That Item 8 of Emergency & Community Services Report 12-005 be amended through the deletion of sub-section (b) to be replaced with the following sub-sections (b) and (c):

(b) That the City of Hamilton advise the Premier of Ontario, Ontario Works, Disability Support Program and Low Income Program recipients that the City of Hamilton will only fund discretionary benefits until December 31, 2012;

(c) That the City of Hamilton will advocate with community leaders to the Province of Ontario to resume the funding for discretionary benefits as of January 1, 2013;

(d) That staff report back on advocacy outcomes and next steps in the 2013 budget.  
Amendment CARRIED

(Ferguson/Johnson)  
That Item 8 of Emergency & Community Services Report 12-005 be amended through the addition of a sub-section (e) to read as follows:
(e) That the Mayor, Chair of the Emergency & Community Services Committee and the General Manager of Community Services meet with the Premier of Ontario before November 30, 2012 to show statistically why funding should be reinstated for the discretionary benefits and report back to the General Issues Committee on the outcomes of this discussion.

The Amendment CARRIED on the following Standing Recorded Vote:

Total: 11
Nays: B. McHattie, S. Duvall, R. Powers, M. Pearson, B. Clark
Total: 5

Main Motion as Amended CARRIED

(Partridge/Pasuta)
That the FIFTH Report of the Emergency & Community Services Committee be adopted as amended and the information section received. CARRIED

PLANNING COMMITTEE REPORT 12-008

Item 7 Food Service Vehicles (PED12085) (City Wide)

(Powers/Partridge)
That Item 7 of Planning Report 12-008, be amended by adding a new section (a) (iii), to read as follows:

(a) (iii) to not allow food service vehicles to operate within 100 metres of the defined limits of the Downtown Dundas BIA, Westdale BIA, Waterdown BIA, Concession Street BIA, Ancaster BIA, Locke Street BIA and Locke Street Merchants Association boundaries, except during an approved special event.

(Clark/Pearson)
That the amendment and Item 7 of Planning Report 12-008 respecting Food Service Vehicles Report (PED12085), be referred back to the Planning Committee for legal advice including items of clarification on exemptions and those matters referred to in (d) and (e) (i), (ii), (iii),(iv), and (v).

The referral CARRIED on the following Recorded Vote:

Total: 12
(Clark/Pearson)
That the EIGHTH Report of the Planning Committee be adopted as amended and the information section received.  CARRIED

| GENERAL ISSUES COMMITTEE 12-014 |
| Item 8  | Public Health Services Accommodation and Consolidation within the Downtown Core (PED11134(d)/FCS11063(d)/BOH11026(d)/CM11008(d)) (Ward 2) |
| The Motion CARRIED on the following Recorded Vote: |
| Total: 11 |
| Nays: C. Collins, J. Partridge, B. Johnson, B. Clark, S. Duvall |
| Total: 5 |

| Item 9  | City of Hamilton ats Yale Properties (LS12004)(City Wide) |
| The Motion CARRIED on the following Recorded Vote: |
| Total: 14 |
| Nays: B. Johnson, B. Clark, |
| Total: 2 |

| Item 10  | City of Hamilton ats Yale Properties LS12004(a)(City Wide) |
| The Motion CARRIED on the following Recorded Vote: |
| Total: 14 |
| Nays: B. Johnson, B. Clark, |
| Total: 2 |

| Item 25  | Court Action No. 04-12153 (LS10016(a)) (City Wide) |
| (Johnson/Pearson) |
That Item 25 of General Issues Committee Report 12-014 be tabled to Closed Session deliberations. **CARRIED**

**MOTIONS**

7.1 **Re: Canada (Attorney General) v. Bedford, 2012 ONCA 186**

**(Merulla/Morelli)**
That the City of Hamilton supports the Federal Government's appeal of the April 26, 2012 decision from Justices in Ontario's Court of Appeal in Canada (Attorney General) v. Bedford, 2012 ONCA 186.

The Motion **CARRIED** on the following Recorded Vote:

S. Merulla, B. Morelli, M. Pearson, R. Bratina, R. Pasuta,
L. Ferguson, C. Collins, S. Duvall, B. Johnson, B. Clark
Total: 15
Nays: B. McHattie
Total: 1

**NOTICES OF MOTION**

**STATEMENT BY MEMBERS**

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

**PRIVATE AND CONFIDENTIAL**

**Item 25** Court Action No. 04-12153 (LS10016(a)) (City Wide)

**(Partridge/Pearson)**
That Council move into Closed Session at 9:32 p.m. pursuant to sub-section 8.1 (e) and (f) of the City’s Procedural By-law and Section 239.2 (e) and (f) of the Municipal Act, as amended, as the subject matter pertains to:

(e) litigation or potential litigation, including matters before administrative tribunals, affecting the City;

(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**CARRIED**
Council reconvened in Open Session at 9:57 p.m. and delivered the following Recommendations:

(Duvall/Collins)
That the FOURTEENTH Report of the General Issues Committee be lifted from the table. CARRIED

Item 25 Court Action No. 04-12153 (LS10016(a)) (City Wide)

(Duvall/Collins)
(a) That the City pursue an appeal to the Ontario Court of Appeal concerning liability, and if recommended by counsel, concerning Family Law Act damages, of the award against the City in favour of the plaintiffs in Court Action No. 04-12153. CARRIED

(b) That Report LS10016(a) respecting Court Action No. 04-12153 not be released as a public document, as the information relates to pending litigation affecting the City. CARRIED

(Duvall/Partridge)
That the FOURTEENTH Report of the General Issues Committee be adopted and the information section received. CARRIED

(Collins/Merulla)
That the Committee of the Whole Rise and Report. CARRIED

BY-LAWS

(Duvall/Collins)
That Bill No. 119, To Amend By-law 01-70, A By-law to License and Regulate Various Businesses be deleted from the Bill list and the remaining Bills be renumbered accordingly. CARRIED

(Duvall/Collins)
That Bills No. 109 to 123 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk and read as follows:

109 To Incorporate City Land Designated As Parts 1 and 2 On Plan 62R-11761 into Jones Road

110 To Impose a Storm Sewer Charge upon owners of land abutting Paramount Drive from Upper Mount Albion Road to Winterberry Drive, in the City of Hamilton

111 To Impose a Storm, Sanitary Sewer and Watermain Charge upon owners of land abutting Stone Church Road East from Trinity Church Ramp off Red Hill Creek Expressway to Upper Mount Albion Road,
in the City of Hamilton.

112 A By-law To Set Optional Property Classes For the Year 2012
113 A By-law to Establish Tax Ratios and Tax Reductions for the Year 2012
114 A By-law to Set and Levy the Rates of Taxation for the Year 2012
115 A By-law To Adopt Municipal Options for Tax Capping for the year 2012
116 A By-law to Provide Property Tax Rebates for veterans’ Clubhouses and Legion Halls Occupying Property in the City of Hamilton
117 A By-law to Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the year 2012
118 To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses
Schedule 28
119 To Amend By-law No. 10-209, a By-law to Regulate the Hamilton Farmers’ Market
120 To Amend By-law No. 06-147 being a By-law to Authorize the City to Enter into Extension Agreements
121 To Amend By-law 01-215, as amended, Being a By-law To Regulate On-Street Parking
Schedule 5 – Parking meters
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
122 To Incorporate City Land Designated as Block 42 on Plan 62M-1152 into Stonehenge Drive
123 To Confirm Proceedings of Council

(CARRIED)

(Pearson/Johnson)

That, there being no further business, the City Council meeting adjourned at 10:00 p.m.

(CARRIED)

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
May 23, 2012