



## CITY COUNCIL MINUTES

Wednesday, September 28, 2011

7:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

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**Present:** Mayor R. Bratina

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

Mayor Bratina expressed his condolences on behalf of Council on the passing of former Alderman, Joe Kostyk.

Mayor Bratina expressed his condolences on behalf of Council on the passing of Columbia College Student, Jiao Shi Qi.

Mayor Bratina called the meeting to order and called upon the Reverend Martin Valley from Saint Francis Xavier Roman Catholic Church in prayer.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

1. REPORTS TO BE DISTRIBUTED

6.4 Board of Health Report 11-008 – September 26, 2011

**(Morelli/Whitehead)**

That the Agenda for the City Council meeting being held on September 28, 2011, be approved, as amended. **CARRIED**

**DECLARATIONS OF INTEREST**

Councillor Ferguson indicated a conflict of interest with Item 5: Housekeeping and Technical Amendments to the Fence By-law, Licensing By-law, Yard Maintenance By-law, Sign By-law and Vacant Building By-law, of the Planning Committee Report 11-016, as he is an investor in the taxi industry.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS****3.1 United Way 2012 Campaign Kick-off**

Rikki Firth, Co-ordinator for Departmental Initiatives in the Community Services Department spoke the Hamilton-Burlington United Way 2012 Campaign.

**3.2 Canadian Institute of Planners “Great Places in Canada” Award Ottawa Street B.I.A.**

Mayor Bratina, Councillor Merulla, Councillor Morelli, and Mary Lou Tanner from the Canadian Institute of Planners invited Julie Denardi, Chairperson, Tony Cabral, Vice Chairman and Patty Despinic, Executive Director, of the Ottawa Street B.I.A. to the podium to award the Ottawa Street B.I.A. for being one of the “Great Places in Canada” in the category of Great Streets. Larry Pattison was presented a certificate from the Canadian Institute of Planners for nominating the Ottawa B.I.A. for their award.

**3.3 Recognition of Healthy Neighbourhoods Initiative**

Mayor Bratina and Paul Johnson, Director of Neighbourhood Development Strategies, talked about the City’s Neighbourhood Development Strategy. Specifically, a program called Artasia engaged children across Hamilton to focus on how to transform Hamilton, and expressed their ideas through performing and visual arts. Vitek Wincza, Artistic Director of the Hamilton Conservatory of the Arts and founder of the Artasia program as well as Nathan, an Artasia student, spoke to Council of the benefits of the program to the City of Hamilton.

**APPROVAL OF MINUTES****4.1 September 14, 2011****(Pearson/Johnson)**

That the Minutes of the September 14, 2011, meeting of Council be approved, as presented.

**CARRIED**

**COMMUNICATIONS**

That Council Communications 5.1 to 5.3 be approved, as amended, as follows:

- 5.1 Correspondence from Tony D’Amario, P.Eng., CAO/Secretary-Treasurer, Niagara Peninsula Conservation Authority, respecting 2012 Preliminary Operating and Capital Budgets**

**(Whitehead/Duvall)**

Recommendation: Be received and referred to the General Issues Committee for the 2012 budget process. **CARRIED**

- 5.2 Petition from residents of Winona Road requesting traffic calming measures on the section of Winona Road between Highway 8 and the escarpment**

**(Whitehead/Duvall)**

Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee. **CARRIED**

- 5.3 Correspondence from Robert Tyrrell respecting 252-254 Locke Street South application for Zoning By-law amendment**

**(McHattie/Pearson)**

Recommendation: Be received and referred to the Planning Committee. **CARRIED**

**(Merulla/Morelli)**

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

**PLANNING COMMITTEE REPORT 11-016**

**(Pasuta/Farr)**

That the SIXTEENTH Report of the Planning Committee be adopted, and the information section received. **CARRIED**

**AUDIT FINANCE & ADMINISTRATION REPORT 11-011**

**Item 11 Grants Sub-Committee Report 11-004 (Item 8.5)**

- (c) 2011 Community Partnership Program – Special Events Funding for Late Applications (Rockton Agricultural Fair for its Annual Rockton World’s Fair (GRA11008) (*referred back by Council June 15, 2011*))

- (iv) That the funding request in the amount of \$5,000 from the Rockton Agricultural Fair for its Annual Rockton World's Fair, October 7-10, 2011, be denied. **DEFEATED**

**(Pastuta/Whitehead)**

That the following be added as sub-section (c)(v) to item 11 of Audit Finance & Administration Report 11-011:

- (v) That the funding request in the amount of \$4,500 from the Rockton Agricultural Fair for its Annual Rockton World's Fair, October 7-10, 2011, be approved. **CARRIED**

**(Clark/Pearson)**

That the following be added as Item 13 to Audit Finance & Administration Committee Report 11-011:

**Item 13 Citizen Appointments to the Hamilton Aboriginal Advisory Committee**

That the following citizens be appointed to the Hamilton Aboriginal Advisory Committee for the balance of the 2010-2014 term of Council, or until such time as their successors are appointed:

Marilyn Wright	Constance (Connie) Bellamy
David Bentley	Yvonne Maracle
Debra (Debb) Elmes	Cindy Sue Montana McCormack
Allan Loft	

**CARRIED**

**(Clark/Pearson)**

That the ELEVENTH Report of the Audit Finance & Administration Committee be adopted, as amended, and the information section received. **CARRIED**

**EMERGENCY & COMMUNITY SERVICES REPORT 11-011**

**(Merulla/Collins)**

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

## BOARD OF HEALTH REPORT 11-008

**Item 9 Harm Reduction Program - Street Health & Van Needle Exchange Situational Assessment (BOH11031) (City Wide) (Item 8.2)****(Whitehead/Merulla)**

That Item 9 of Board of Health Report 11-008 be amended by adding the words “as a 2 year pilot project and to be reviewed at the end of the 1<sup>st</sup> year” after the word “services”.

The amendment was **DEFEATED** on the following standing recorded vote:

Yeas: McHattie, Whitehead, Collins, Merulla, Morelli, Farr, Ferguson, Bratina  
 Total Yeas: 8  
 Nays: Duvall, Jackson, Clark, Pearson, Johnson, Powers, Pasuta, Partridge  
 Total Nays: 8  
 Absent:  
 Total Absent: 0

The main motion was **DEFEATED** on the following standing recorded vote:

Yeas: McHattie, Collins, Merulla, Morelli, Farr, Bratina  
 Total Yeas: 6  
 Nays: Whitehead, Duvall, Jackson, Clark, Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge  
 Total Nays: 10  
 Absent:  
 Total Absent: 0

**(Merulla/Morelli)**

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

**(Merulla/Collins)**

That the Committee of the Whole Rise and Report. **CARRIED**

## MOTIONS

**7.1 Illegally Discarded Curb Side Bulk Items****(Morelli/Merulla)**

- (a) That Waste Management and Municipal Law Enforcement staff jointly report back to the Public Works Committee on a method to address illegally discarded curb side bulk items in front of residential and multi-residential properties;

- (b) That, as part of the review, staff investigate a "fee for service" charge or "fine" as part of their enforcement procedures. **CARRIED**

## 7.2 Review of Ward and General Legislative Budgets

### (Powers/Whitehead)

That a review of the overall Ward and General Legislative Budgets be referred to the Governance Review Sub-committee with a report to be included in the 2012 budget deliberations. **CARRIED**

## 7.3 Request for Confirmation of LRT Commitment from the Province

### (Clark/Ferguson)

Whereas on June 15, 2007, the Liberal Government announced "Move Ontario 2020" would develop \$17.5 billion in 52 rapid transit projects;

And Whereas the Province promised that GTA municipalities would not contribute to Capital;

And Whereas Hamilton was included in "Move Ontario 2020" with two LRT projects;

And Whereas on September 12, 2007, Premier McGuinty and local Liberal candidates promised Hamilton two LRT lines and said that the Conservatives would cancel the projects;

And Whereas on April 1, 2009, the MTO announced \$3 million in grant to establish two LRT lines, EA, plans, etc.;

And Whereas on May 17, 2010, Metrolinx presented to the Metro Board of Trade that the Sheppard LRT, Eglinton LRT, York VIVA, Scarborough LRT and Finch LRT worth \$9.5 billion would proceed at no cost to the TTC or Toronto;

And Whereas Hamilton, like Toronto, does not have the capacity to contribute to LRT.

Therefore Be It Resolved:

That the City of Hamilton request confirmation on LRT commitment from the Province to fully fund Capital for two LRT lines, and use of Gas Tax for operating costs.

### (Powers/Clark)

That the motion be amended by deleting "and use of Gas Tax for operating costs" **Amendment CARRIED**

The motion as amended **CARRIED** on the following standing recorded vote:

Yeas: Whitehead, Duvall, Jackson, Collins, Merulla, Morelli, Clark,  
Pearson, Johnson, Ferguson, Powers, Pasuta, Partridge  
Total Yeas: 13  
Nays: Bratina, Farr, McHattie  
Total Nays: 3  
Absent:  
Total Absent: 0

#### 7.4 Request for Moratorium on Industrial Wind Turbine Development

**(Johnson/Pearson)**

Whereas the Ontario Green Energy and Green Energy Act removed from the Municipality any planning authority over renewable energy projects within their jurisdiction; and

Whereas significant public concern and opposition to Industrial Wind Turbines has been expressed across the Province, together with seventy Municipal Councils now passing resolutions for a wind turbine moratorium on Industrial Wind Turbine Development.

Now Therefore Be It Resolved:

- (a) That the Premier of Ontario be requested to restore local planning approval authority, immediately, to local governments regarding decision on Industrial Wind Turbines; and
- (b) That a moratorium be placed on the establishment of any new Industrial Wind Turbine developments in Ontario until a comprehensive, independent, and peer-reviewed scientific study can confirm that industrial wind energy projects do not pose a risk to the community, the health of its citizens, property values, the rural environment and the affects of wildlife, specifically bees.
- (c) That this resolution be forwarded with a request for action to: the Premier's Office, the Ontario Ministries of Health, Environment and Energy, the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM).

**(Clark/Johnson)**

That sub-section (b) be amended as follows:

- (i) by deleting "Ontario" and replacing it with "Hamilton" in lieu thereof;
- (ii) by adding the following "as well as a psycho-social impact study" after the word "study".

**Amendment CARRIED**

**(Powers/Johnson)**

That sub-section (c) be amended by adding the following “and the Niagara Escarpment Commission (NEC)” after the word “(FCM)”.

**Amendment CARRIED  
Main Motion as Amended CARRIED**

<b>NOTICES OF MOTION</b>
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Councillor Johnson introduced the following Notice of Motion:

**8.1 Request for Moratorium on Industrial Wind Turbine Development**

Whereas the Ontario Green Energy and Green Energy Act removed from the Municipality any planning authority over renewable energy projects within their jurisdiction; and

Whereas significant public concern and opposition to Industrial Wind Turbines has been expressed across the Province, together with seventy Municipal Councils now passing resolutions for a wind turbine moratorium on Industrial Wind Turbine Development.

Now Therefore Be It Resolved:

- (a) That the Premier of Ontario be requested to restore local planning approval authority, immediately, to local governments regarding decision on Industrial Wind Turbines; and
- (b) That, a moratorium be placed on the establishment of any new Industrial Wind Turbine developments in Ontario until a comprehensive, independent, and peer-reviewed scientific study can confirm that industrial wind energy projects do not pose a risk to the community, the health of its citizens, property values, the rural environment and the affects of wildlife, specifically bees.
- (c) That this resolution be forwarded with a request for action to: the Premier’s Office, the Ontario Ministries of Health, Environment and Energy, the Association of Municipalities of Ontario (AMO) and the Federation of Canadian Municipalities (FCM).

**(Johnson/Powers)**

That the rules of order be waved to allow the introduction of a motion respecting a Request for Moratorium on Industrial Wind Turbine Development **CARRIED**

Refer to item 7.4 for the disposition of this item.



<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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None

<b>BY-LAWS</b>
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**(McHattie/Farr)**

That Bills No. 011-229 to 011-241 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:

<b>By-law No.</b>	<b>Bill No.</b>	
<b>11-229</b>	<b>229</b>	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 14 – Wheelchair Loading Zones
<b>11-230</b>	<b>230</b>	A By-law To Amend By-law No. 10-142, A By-law to Regulate Fences; By-law No. 07-170, A By-law To License and Regulate Various Businesses; By-law No. 10-118, A By-law to Regulate Exterior Property Maintenance; By-law No. 10-197, A By-law to Regulate Signs; and By-law 10-260, A By-law to Regulate Vacant Businesses
<b>11-231</b>	<b>231</b>	A By-law To Repeal Regional Municipality of Hamilton-Wentworth By-law No. R79-202, being a By-law To Regulate the hours of Closing of Retail Shops
<b>11-232</b>	<b>232</b>	A By-law Respecting Removal of Part Lot Control, Block 62, Registered Plan No. 62M-1141, "Mountain Garden"
<b>11-233</b>	<b>233</b>	A By-law Respecting Removal of Part Lot Control, Lots 3 to 9 Inclusive, and Part of Block 27, Registered Plan No. 62M-1102, "Fontana Gardens – Phase 2"
<b>11-234</b>	<b>234</b>	A By-law Respecting Removal of Part Lot Control, Block 47, Registered Plan No. 62M-1148, "Paradise Townes"
<b>11-235</b>	<b>235</b>	A By-law Respecting Removal of Part Lot Control, Block 49, Registered Plan No. 62M-1148, "Paradise Townes"
<b>11-236</b>	<b>236</b>	A By-law Respecting Removal of Part Lot Control, Block 48, Registered Plan No. 62M-1148, "Paradise Townes"
<b>11-237</b>	<b>237</b>	A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 130 and 170 Palacebeach Trail

By-law No.	Bill No.	
11-238	238	A By-law To Amend Zoning By-law No. 05-200, Respecting Lands Located at 130 Palacebeach Trail, (Stoney Creek)
11-239	239	A By-law To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Locatd at 625 Rymal Road West, Hamilton
11-240	240	A By-law To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 143 and 153 Wilson Street West (Ancaster)
11-241	241	A By-law To Confirm the Proceedings of City Council

**CARRIED**

**(Powers/Ferguson)**

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

**CARRIED**

Respectfully submitted,

Mayor B. Bratina

M. Gallagher  
Deputy Clerk  
September 26, 2011