CITY COUNCIL
MINUTES

Wednesday, March 31, 2010
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, B. Morelli, D. Mitchell, R. Pasuta, M. Pearson,
R. Powers, T. Whitehead

Absent with Regrets: B. McHattie – Personal Commitment

Mayor Eisenberger called the meeting to order and called upon George Robertson of
Knox Presbyterian Church in Waterdown to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CEREMONIAL ACTIVITY

   Recognition of Public Health response to Pandemic H1N1 2009 Influenza

2. APPROVAL OF MINUTES

   4.2 Special City Council minutes of March 29, 2010
3. ADDED COMMUNICATIONS

5.8 Correspondence from The Honourable Dwight Duncan, Minister of Finance respecting one-time grant of $14,200,000 to the City of Hamilton

Recommendation: Be received

5.9 Correspondence from Walter Stayshyn respecting Application for Approval of an Official Plan Amendment and change in Zoning for Lands located at 56 Governor’s Road, Dundas

Recommendation: Be received

5.10 Correspondence from Gwyneth Steinnagel respecting Application for Approval of an Official Plan Amendment and change in Zoning for Lands located at 56 Governor’s Road, Dundas

Recommendation: Be received

5.11 Correspondence from The Honourable Minister of Agriculture, Food and rural Affairs respecting one-time grant of $100,000,000 to be used for the Woodward Avenue Wastewater Treatment Plant Upgrades

Recommendation: Be received

5.12 Correspondence from Anil Wijesooriya, Ontario Realty Corporation, dated March 29, 2010 respecting Urban Hamilton Official Plan Draft Modifications

Recommendation: Be received

5.13 Correspondence from Anil Wijesooriya, Ontario Realty Corporation, dated March 30, 2010 respecting Urban Hamilton Official Plan Draft Modifications and Implementation of Council Decision regarding Official Plan Amendment and Zoning By-law Amendment Applications for Provincial Land at the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek)

Recommendation: Be received

5.14 Correspondence from Susan Rogers, Law Office, respecting lack of notice and concerns over the treatment of future Urban Growth Districts in the City of Hamilton Rural Official Plan

Recommendation: Be received
4. NOTICE OF MOTION

8.2 Request to Operate a Special Event Beer Garden for the 2010 Golden Horseshoe Conference Championship/Sutherland Cup Playdowns at Dave Andreychuk Mountain Arena

5. PRIVATE AND CONFIDENTIAL

10.1 Minutes of the March 10, 2010 Closed Session Meeting

(Pasuta/ Morelli)
That the Agenda for the City Council meeting being held on March 10, 2010, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

Deputy Mayor Maria Pearson declared a conflict of interest with Item 15 of the Economic Development and Planning Committee Report 10-006 as it relates to rental housing and could have impacts on tenant/landlord dispute resolutions. Deputy Mayor Pearson removed herself from the position of Chair when this item came before Council and abstained from voting.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Eisenberger presented a plaque from Deb Matthews, Minister of Health and Long-Term Care to Debbie Sheehan Director of the Family Health Division who accepted the award on behalf of Doctor Elizabeth Richardson in recognition of public health’s response to the Pandemic (H1N1) 2009 Influenza.

APPROVAL OF MINUTES

(Pearson/ Mitchell)
That the Minutes of the March 10, 2010 meeting of Council be approved, as presented. CARRIED

(Duvall/ Ferguson)
That the Minutes of the March 29, 2010 special meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS

(Pearson/ Pasuta)
That Council Communications 5.1 to 5.14 be approved, as amended, as follows:
5.1 Correspondence from The Honourable Gerry Phillips, Chair of Cabinet, Minister Without Portfolio, Responsible for Seniors respecting nominations for the 2010 Senior of the Year Award

Recommendation: Be received and forwarded to the Seniors Advisory Committee

5.2 Correspondence from Tim Bullock, Chairman, Downtown Hamilton BIA respecting support for Light Rapid Transit in Hamilton

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

5.3 Correspondence from Tim Bullock, Chairman, Downtown Hamilton BIA reaffirming their position with respect to Stadium precinct concept and the addition of any more parking spaces within the Stadium footprint

Recommendation: Be received

5.4 Correspondence from J.W. Tiernay, Executive Director, Ontario Good Roads Association respecting Municipal DataWorks project

Recommendation: Be received

5.5 Correspondence from Jerry Ouellette, Official Opposition Critic, Natural Resources respecting feedback from Council concerning legislation, regulations and the organizational responsibilities of the Conservation Authorities

Recommendation: Be received and referred to the City Manager for a report to the Committee of the Whole

5.6 Petition from 13 residents living on Wood Street East between James St. North and Hughson St. North respecting the following problems:

(a) Supply trucks and vans delivering to Fishers Pier 4 restaurant blocking driveways
(b) Heavy traffic and speeding cars on Wood St. East (between James St. North and Hughson St. North)
(c) Fishers Pier 4 Restaurant patrons vehicles blocking driveways

Recommendation: Be received and forwarded to the General Manager of Public Works for a report to the Public Works Committee

Note: The original petition received is in the custody of the City Clerk. All personal information has been severed pursuant to Section 32 of the Municipal Freedom of Information and Protection of Privacy Act.
5.7 Correspondence from Sheilagh Croxon, Chair, Coaches Association of Ontario respecting “Coaches Week”

Recommendation: Be received

5.8 Correspondence from The Honourable Dwight Duncan, Minister of Finance respecting one-time grant of $14,200,000 to the City of Hamilton

Recommendation: Be received

5.9 Correspondence from Walter Stayshyn respecting Application for Approval of an Official Plan Amendment and change in Zoning for Lands located at 56 Governor’s Road, Dundas

Recommendation: Be received

5.10 Correspondence from Gwyneth Steinnagel respecting Application for Approval of an Official Plan Amendment and change in Zoning for Lands located at 56 Governor’s Road, Dundas

Recommendation: Be received

5.11 Correspondence from The Honourable Minister of Agriculture, Food and rural Affairs respecting one-time grant of $100,000,000 to be used for the Woodward Avenue Wastewater Treatment Plant Upgrades

Recommendation: Be received

5.12 Correspondence from Anil Wijesooriya, Ontario Realty Corporation, dated March 29, 2010 respecting Urban Hamilton Official Plan Draft Modifications

Recommendation: Be received

5.13 Correspondence from Anil Wijesooriya, Ontario Realty Corporation, dated March 30, 2010 respecting Urban Hamilton Official Plan Draft Modifications and Implementation of Council Decision regarding Official Plan Amendment and Zoning By-law Amendment Applications for Provincial Land at the Northwest Corner of Highland Road and Upper Mount Albion Road (Stoney Creek)

Recommendation: Be received

5.14 Correspondence from Susan Rogers, Law Office, respecting lack of notice and concerns over the treatment of future Urban Growth Districts in the City of Hamilton Rural Official Plan

Recommendation: Be received

CARRIED
City Council (6) March 31, 2010

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 10-004

Item 11 Cold Patch Standardization and Assignment to Coco Paving Inc. (PW08137a) (City Wide) (Item 8.3)

This Item CARRIED on the following votes:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McCarthy, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 14
Nays: Ferguson
Total: 1
Absent: McHattie
Total: 1

Item 12 Transit Shelter Advertising Agreement (TOE01061a) (City Wide)

(Powers/Whitehead)
That Item 13 of Public Works Committee Report 10-004 be amended by deleting the words, "or longer", following "2015" in sub-section (a), to read as follows:

13(a) That staff be authorized to undertake negotiations with CBS Outdoor Advertising (CBS) respecting amendments to the existing transit shelter advertising agreement for the period 2011 to 2015, in a form acceptable to the General Manager of Public Works, Purchasing and Legal Services;

Amendment CARRIED
Motion as amended CARRIED

Item 13 D.A.R.T.S. 2009 Deficit Funding (PW10030) (City Wide) (Item 8.5)

This Item CARRIED on the following votes:

Yeas: Eisenberger, Bratina, Ferguson, Collins, Duvall, Jackson, McCarthy, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 14
Nays: Clark
Total: 1
Absent: McHattie
Total: 1
Item 16  Dundas Hockeyville – Saturday, March 6, 2010 (Item 10.2)

(Powers/Merulla)
That Item 16 of the Public Works Committee Report 10-004 be deleted in its entirety and replaced with the following in lieu thereof:

That the cost for set up and delivery of bleachers in the amount of $2,945 for the Dundas Hockeyville events of Saturday, March 6, 2010 and April 3, 2010 be funded through the Public Works operating budget, and further that the events be covered under the City’s liability insurance.  CARRIED

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

AUDIT AND ADMINISTRATION COMMITTEE REPORT 10-004

(Powers/Morelli)
That the FOURTH Report of the Audit and Administration Committee be adopted, and the information section received.  CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-004

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

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 10-006

Item 1  Harmonized Animal Control By-law (PED09303(a)) (City Wide)

(Mitchell/ Pasuta)
That Item 1 of Economic Development and Planning Committee Report 10-006 respecting Harmonized Animal Control By-law (PED09303(a)) be amended by deleting sub-section (b)(iv) and adding the following as sub-section (c):

1(c) That an existing exemption in the City’s Noise By-law respecting barking dogs in rural areas be limited to working farm dogs, and that the City’s Noise By-law be amended accordingly.  Amendment CARRIED

Motion as amended CARRIED
Item 15  Neighbourhood Residential Rental Housing Community Liaison Committee – Proactive By-law Enforcement Pilot Program (PED10049) (Wards 1 and 8)

(Whitehead)
That sub-section (a) of Item 15 of Economic Development and Planning Committee Report 10-006 respecting Neighbourhood Residential Rental Housing Community Liaison Committee – Proactive By-law Enforcement Pilot Program (PED10049) (Wards 1 and 8) be deleted in its entirety and replaced with the following in lieu thereof:

(a) That, in accordance with the direction to investigate/report with costing and an implementation plan for an 18 month proactive by-law enforcement pilot program for Wards 1 to 8, approval be given to the following;

(i) hiring six temporary part-time Municipal Law Enforcement Officers, at a cost of $450,000;

(ii) a temporary full-time clerk, at a cost of $90,000;

(iii) the allocation of $58,000 operating costs of 3 cars;

(iv) that the total cost of $598,000 for the 18 month programme be financed from the Parking Reserve #108021, and that fees and fines from the program be returned to the Reserve to off-set the costs.

Amendment CARRIED  
Motion as amended CARRIED

Item 16  Application for a Change in Zoning for the Lands Located at 399 Greenhill Avenue (Hamilton) (PED10060) (Ward 5) (Item 6.7)

(Collins/Clark)
That Item 16 of the Economic Development and Planning Committee Report 10-006 be deferred pending completion of a noise study and a report brought back to the Economic Development and Planning Committee.

CARRIED

Item 19  Urban Hamilton Official Plan – Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(c)) (City Wide)

(Ferguson/Bratina)
That Item 19 of Economic Development and Planning Committee Report 10-006 respecting the Urban Hamilton Official Plan – Draft Modifications from the Ministry of Municipal Affairs and Housing (PED09164(c)) be
referred back to the Economic Development and Planning Committee for further discussion and review. CARRIED

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

**HAMILTON LICENSING TRIBUNAL REPORT 10-001**

(Whitehead/Powers)
That the FIRST Report of the Hamilton Licensing Tribunal be adopted, and the information section received. CARRIED

**BOARD OF HEALTH REPORT 10-004**

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

(Merula/Morelli)
That the Committee of the Whole rise and report. CARRIED

**MOTIONS**

7.1 Request to Government of Ontario respecting Ontario Power Generation Coal Plants

Councillor Merulla deferred the Motion until after Mr. Jack Gibbons could present a delegation before the appropriate Committee.

**NOTICES OF MOTION**

Councillor R. Powers put forward the following Notice of Motion:

8.1 Amendment to Tender Documents

That Item 8 of Audit and Administration Committee Report 10-003 be amended by adding the following as Sub-section (b):

8(b) That Purchasing Policy #18 – Policy for Vendor Complaint Resolution, be amended to permit a vendor to challenge only the one year ban described in sub-section (a) to the appropriate Standing Committee of Council (currently Audit and Administration) where there are extenuating
circumstances respecting why the initialling was not done within one (1) business day of the City’s request. The Standing Committee will provide to Council a recommendation with respect to the vendor’s complaint.

(Powers/Whitehead)
That the Rules of Order be waived to allow for the introduction of a motion with respect to an amendment to Item 8 of Audit and Administration Committee Report 10-003 respecting Amendment to Tender Documents.  

CARRIED

(Ferguson/Clark)
That Item 8 Sub-section (b) of Audit and Administration Committee Report 10-003 be referred back to the Audit and Administration Committee for further explanation.

CARRIED

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

8.2. Request to Operate a Special Event Beer Garden for the Golden Horseshoe Conference Championship/Sutherland Cup Playdowns at the Dave Andreychuk Mountain Arena, Hamilton

(a) That the Stoney Creek Warriors Junior B Hockey Club be approved to host a Beer Garden at Dave Andreychuk Mountain Arena, Hester Street, Hamilton, as part of the Golden Horseshoe Conference Championship/ Sutherland Cup Playdowns on Saturday, April 3, 2010 from 7:00 p.m. to 10:00 p.m.

(b) That, if the request to host a Beer Garden is approved, the hosting organization must comply with:

(i) The **Ontario Liquor License Act**, R.S.O. 1990, Chapter L.19 and the administration of the Act by the Alcohol and Gaming Commission of Ontario (AGCO);

(ii) The conditions contained within the City of Hamilton’s Municipal Alcohol Guidelines, Appendix A of the Policy for Special Event Planning;

(iii) The applicant must provide $5,000,000 comprehensive general liability insurance coverage (which shall include a host liquor liability endorsement), and that the City of Hamilton is named as an additional insured party to this Policy;

(iv) The applicant must pay all City Service costs associated with the operation of this event.

(Duvall/Merulla)
That the Rules of Order be waived to allow for the introduction of a motion with respect to a Request to Operate a Special Event Beer Garden for the Golden Horseshoe
Conference Championship/Sutherland Cup Playdowns at the Dave Andreychuk Mountain Arena, Hamilton.

(Duvall/Merulla)
That the following be added as Motion 7.2:

7.2 Request to Operate a Special Event Beer Garden for the Golden Horseshoe Conference Championship/Sutherland Cup Playdowns at the Dave Andreychuk Mountain Arena, Hamilton

(a) That the Stoney Creek Warriors Junior B Hockey Club be approved to host a Beer Garden at Dave Andreychuk Mountain Arena, Hester Street, Hamilton, as part of the Golden Horseshoe Conference Championship/Sutherland Cup Playdowns on Saturday, April 3, 2010 from 7:00 p.m. to 10:00 p.m.

(b) That, if the request to host a Beer Garden is approved, the hosting organization must comply with:

(i) The Ontario Liquor License Act, R.S.O. 1990, Chapter L.19 and the administration of the Act by the Alcohol and Gaming Commission of Ontario (AGCO);

(ii) The conditions contained within the City of Hamilton’s Municipal Alcohol Guidelines, Appendix A of the Policy for Special Event Planning;

(iii) The applicant must provide $5,000,000 comprehensive general liability insurance coverage (which shall include a host liquor liability endorsement), and that the City of Hamilton is named as an additional insured party to this Policy;

(iv) The applicant must pay all City Service costs associated with the operation of this event.

Councillor T. Whitehead introduced the following Notice of Motion:

8.3 Establishment of a Special Flamborough Reserve Fund

(a) That subject to an overall city-wide tax supported surplus, any year-end surpluses in the annual budget for Flamboro Slots Revenues be transferred to a new Special Flamborough Reserve Fund;

(b) That the special Flamborough Reserve Fund be used to finance Flamborough community projects above and beyond the current budget of 4.4 billion and the program be reviewed in three years.
(c) That this fund be set up and recognized for Flamborough because of the historic significance and work accomplished to secure the casino revenue.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Minutes of the March 10, 2010 Closed Session Meeting

(Whitehead/Collins)
(a) That the Closed Session Minutes of the March 10, 2010 meeting of Council be approved, as presented.

(b) That the March 10, 2010 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

BY-LAWS

(Pearson/Powers)
That Bill Nos. 010-057 to 010-066, 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:

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Schedule 2 – Speed Limits

10-061  061  To Permanently Close a Portion of a Temporary Road being Blocks 157, 158, 159, 160, and 161 on Plan 62M-1065, Meadowlands of Ancaster (Phase 8), City of Hamilton

10-062  062  Respecting Removal of Part Lot Control, Block 1 of Plan No 62M-1135, “Ancaster Arbour”

10-063  063  To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2130 and 2140 Rymal Road East

10-064  064  To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Property Located at 130-134 Wellington Street North

10-065  065  To Confirm the Proceedings of City Council

(Pearson/Mitchell)
There being no further business, the City Council meeting adjourned at 9:29 p.m.  
CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

R. Caterini
City Clerk
February 10, 2010