CITY COUNCIL
MINUTES

Monday, January 11, 2010
6:46 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, B. Morelli,
D. Mitchell, R. Pasuta, M. Pearson, R. Powers, T. Whitehead

(Bratina/Powers)
That the January 11, 2010 meeting of Council be recessed and reconvene following the Committee of the Whole meeting scheduled on January 12, 2010. CARRIED

(Pearson/Mitchell)
That Council reconvene on January 12, 2010 at 3:00 p.m. CARRIED

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

   5.7 Correspondence from The Honourable Murray Segal, Deputy Attorney General respecting Royal Assent of Bill 212, the Good Government Act, 2009

   Recommendation: Be received
5.8 Petition received from Tom Connelly on behalf of 15 residents respecting changing of parking on North Side of Bonaventure Drive

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for appropriate action.

(Ferguson/Collins)
That the Agenda for the City Council meeting being held on January 11, 2010, 2009, be approved, as amended.

CARRIED

DEclarations of interest
None

Ceremonial Activities/Announcements
None

Approval of Minutes
(Pearson/Pasuta)
That the Minutes of the December 9, 2009 meeting of Council be approved, as presented.

CARRIED

Communications
(Merulla/McHattie)
That Council Communications 5.1 to 5.8 be approved, as amended:

5.1 Correspondence from Premier Dalton McGuinty respecting City of Hamilton's request for provincial funding

Recommendation: Be received

5.2 Correspondence from Mayor Stephen Mandel, Mayor of Edmonton and Tony Franceschini, Chair, Edmonton EXPO 2017 Bid Committee thanking the City of Hamilton for its support

Recommendation: Be received

5.3 Correspondence from the Honourable Minister of Community and Social Services Madeleine Meilleur respecting social assistance

Recommendation: Be received
5.4 Correspondence from City of Kawartha Lakes respecting Wind Turbines

Recommendation:  (Mitchell/Ferguson) Be received

5.5 Correspondence from Durham Region respecting amendments to the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman

Recommendation:  (Clark/Whitehead) Be endorsed

5.6 Correspondence from the City of Oshawa respecting Mandating of Superintendents and Key Holders for Condominiums and Apartment Buildings to be bonded and have Criminal Reference Checks

Recommendation:  (Clark/Mitchell) Be endorsed

5.7 Correspondence from The Honourable Murray Segal, Deputy Attorney General respecting Royal Assent of Bill 212, the Good Government Act, 2009

Recommendation:  Be received

5.8 Petition received from Tom Connelly on behalf of 15 residents respecting changing of parking on North Side of Bonaventure Drive

Recommendation:  Be received and referred to the General Manager of Planning and Economic Development for appropriate action.  Amendment CARRIED  
Motion as amended CARRIED  

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

<table>
<thead>
<tr>
<th>COMMITTEE OF THE WHOLE REPORT 10-001</th>
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<tr>
<th>Item 1</th>
<th>International Event Opportunities – 2015 Pan Am Games Bid Update CM09006(b) (City Wide) (Item 8.1)</th>
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</thead>
</table>

Item 1 CARRIED on a Standing Recorded Vote as follows:

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

Total Yeas:  14

Nays:  McCarthy, Merulla

Total Nays:  2
Item 3  Increasing On-street Parking Meter Rates; Installing Paid Parking in All Commercial Areas; Revenue Sharing (PED08059(c)) (City Wide)

(McCarthy/Jackson)
That the following be added as subsection (f):

(f) That staff be directed to consult with Councillor M. McCarthy and the Waterdown B.I.A. with respect to the strategy for paid parking.  CARRIED

(Ferguson/Clark)
That subsection (e) be amended to include Ancaster, to read as follows

(e) That staff be directed to look for opportunities to increase parking through the addition of lots/properties to be procured through funds from parking revenue in Stoney Creek and Ancaster.  Amendment CARRIED

(McHattie/Merulla)
That subsection (b) be amended to include the following:

(b)(i) That paid parking machines be installed in the Locke Street Business area in conjunction with implementation of off-street parking within 12 months;

(b)(ii) That staff be directed to pursue the discussions with the two feasible expressions of interest for the off street parking lots and report back within two months to the Economic Development and Planning Committee;

The Amendment CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, McHattie, Merulla, Morelli, Pasuta, Powers
Total Yeas: 9
Nays: Duvall, Ferguson, Jackson, Mitchell, Pearson, Whitehead
Total Nays: 6
Absent: McCarthy
Total Absent: 1

(Bratina/Merulla)
That the amendment be reconsidered.  CARRIED

McHattie/Merulla)
(b)(i) That paid parking machines be installed in the Locke Street Business area in conjunction with implementation of off-street parking within 12 months;

(b)(ii) That staff be directed to pursue the discussions with the two feasible expressions of interest for the off street parking lots and report back within two months to the Economic Development and Planning Committee
The Amendment was **DEFEATED** on a Standing Recorded Vote as follows:

**Yeas:** McHattie

Total Yeas: 1

**Nays:** Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total Nays: 14

Absent: McCarthy

Total Absent: 1

Item 3, as amended, **CARRIED**.

Item 3(b) **CARRIED** on a Standing Recorded Vote as follows:

**Yeas:** Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead

Total Yeas: 12

**Nays:** Ferguson, McHattie, Mitchell

Total Nays: 3

Absent: McCarthy

Total Absent: 1

**(Duvall/Jackson)**

That Item 4 of Committee of the Whole Report 10-001 respecting Fire – Arbitration Award, be deleted in its entirety and replaced with the following in lieu thereof:

4. **Fire – Arbitration Award**

   (a) That the City of Hamilton award AD and D benefits in the October 2009 arbitration decision of Arbitrator William Kaplan;

   (b) That the City appeal Arbitrator Kaplan’s ruling through the Judicial Review process.

**(Pearson/Whitehead)**

That Council move into closed session pursuant to Sub-section 8(d) of the City’s Procedural By-law and Section 239 of The Municipal Act as the subject matter pertains to labour relations or employee negotiations. 

**DEFEATED**

**(Merulla/Pearson)**

That the question be called. 

**CARRIED**

Item 4 was split for voting purposes on a Standing Recorded Vote:

Item 4(a) **CARRIED**.
Item 4(b) was DEFEATED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Ferguson, Jackson, McHattie, Pearson  
Total Yeas: 6  
Nays: Clark, Collins, Duvall, Merulla, Morelli, Pasuta, Mitchell, Whitehead  
Total Nays 8  
Absent: McCarthy, Powers  
Total Absent: 2

(Merulla/McHattie)  
That the FIRST Report of the Committee of the Whole be adopted, as amended, and the information section received.  
CARRIED

(Merulla/McHattie)  
That the Committee of the Whole rise and report.  
CARRIED

MOTIONS

7.1 Investigating the Possibility of Selling the John C. Munro Hamilton International Airport

Not put:

Whereas the City of Hamilton owns the John C. Munro Hamilton International Airport; and

Whereas the current contract with Tradeport contains a clause that allows the City to re-acquire the airport (in 2010) with conditions; and

Whereas it is unlikely that the City will ever seek to operate the facility as a municipal operation; and

Whereas the land holdings and other assets of the airport operation, wholly owned by the Corporation of the City of Hamilton have great value; and

Whereas the City of Hamilton is seeking revenue sources to pay for a corporate wide capital infrastructure deficit;

Therefore be it resolved that City of Hamilton staff prepare a report that investigates the possibility of divesting itself of the John C. Munro Hamilton International Airport by 2012, with the goal and objective of reinvesting the resources from its sale into the City’s infrastructure.
7.2 Four way Stop at the Intersection of South Service and Fifty Roads

(Mitchell/Pearson)
(a) That a four-way stop at the intersection of South Service and Fifty Roads, Stoney Creek be implemented;

(b) That the appropriate amendment to Traffic By-law 01-215 be passed.  

CARRIED

7.3 Amendments to the 2010 Committee/Council Calendar – Month of October

(Powers/Pearson)
That subsection (b) of Item 11 of the Audit and Administration Committee Report 09-014 respecting 2010 Committee/Council Calendar be amended to accommodate the new date for the Municipal Election (October 25, 2010) by deleting the following Committee/Council meetings from the October 2010 Calendar:

October 18, 2010
9:30 a.m.
Public Works Committee

October 19, 2010
9:30 a.m.
Economic Development and Planning Committee

October 20, 2010
9:30 a.m.
Audit and Administration Committee

October 20, 2010
1:30 p.m.
Emergency and Community Services Committee

October 25, 2010
9:30 a.m.
Board of Health

October 27, 2010
7:00 p.m.
City Council  

CARRIED
7.4(a) Motion to Reconsider Item 18(b) of Committee of the Whole Report 09-011, respecting 2009 Program Change Options – Community Services Department (FCS09011(d))

(McHattie/Merulla)
That Item 18(b) of Committee of the Whole Report 09-011, respecting 2009 Program Change Options – Community Services Department (FCS09011(d)), which was approved by Council on April 1, 2009 and reads as follows, be reconsidered:

18. 2009 Program Change Options – Community Services (FCS09011(d)) (City Wide)

(a) That the 2009 Program Change Options for Community Services, attached as Appendix “A” to Report FCS09011(d), be approved.

(b) That staff be directed to bring forward, to the 2010 Budget process, a recommendation that reinstates the $116,650, which was removed from the Housing - Capital Reserve Allocation for 2009, into that Capital Reserve Fund for 2010. CARRIED

7.4(b) Motion to Delete subsection (b) of Item 18(b) of Committee of the Whole Report 09-011, respecting 2009 Program Change Options – Community Services Department (FCS09011(d))

That Item 18(b) of Committee of the Whole Report 09-011, respecting 2009 Program Change Options – Community Services Department (FCS09011(d)), which was approved by Council on April 1, 2009 and reads as follows, be amended by deleting sub-section (b) in its entirety, to read as follows:

18. 2009 Program Change Options – Community Services (FCS09011(d)) (City Wide)

(a) That the 2009 Program Change Options for Community Services, attached as Appendix “A” to Report FCS09011(d), be approved.

(b) That staff be directed to bring forward, to the 2010 Budget process, a recommendation that reinstates the $116,650, which was removed from the Housing - Capital Reserve Allocation for 2009, into that Capital Reserve Fund for 2010. CARRIED

7.5(a) Motion to Waive the Rules

(Merulla/McHattie)
That the Rules of Order be waived to introduce a motion respecting an additional extension to the commenting period for the Class EA of the Biosolids Management of the Water Wastewater Treatment Plant. CARRIED
7.5(b) Additional Extension to the Commenting Period for the Water Wastewater Treatment Plant Environmental Assessment

(Merulla/McHattie)
That Motion 7.4(b) approved by Council on December 9, 2009 extending the thirty (30) day commenting period for the Woodward Avenue Water Wastewater Treatment Plant Schedule C Class Environmental Assessment (EA) (Phases 3 and 4) of the Biosolids Management Environmental Study to sixty (60) days be further amended by extending the commenting period to ninety (90) days, to end on February 15, 2010.  

CARRIED

NOTICES OF MOTION

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Minutes of the December 9, 2009 Closed Session Meeting

(Whitehead/Pearson)
(a) That the Closed Session Minutes of the December 9, 2009 meeting of Council be approved, as presented.

(b) That the December 9, 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

BY-LAWS

(Merulla/McHattie)
That Bill Nos. 10-001 to 10-003, 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 numbered as 10-001 to 10-003 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>10-001</td>
<td>001</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 18 – Bicycle Lanes Schedule 2 – Speed Limits</td>
</tr>
<tr>
<td>10-002</td>
<td>002</td>
<td>To Amend By-law No. 04-150, a By-Law to Regulate the Discharge of any Matter into the Sanitary, Combined and Storm Sewer Systems of the City of Hamilton</td>
</tr>
</tbody>
</table>
By-law No. Bill No.  
10-003 003  To Confirm the Proceedings of City Council

(Pearson/Powers)
There being no further business, the City Council meeting adjourned at 4:25 p.m.  
CARRIED

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
January 11/12, 2010