



CITY COUNCIL MINUTES

Wednesday, October 13, 2010

7:00 p.m.

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Mayor F. Eisenberger

Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
L. Ferguson, T. Jackson, B. McHattie, S. Merulla, B. Morelli,
D. Mitchell, R. Pasuta, M. Pearson, R. Powers, T. Whitehead

Absent with Regrets: Councillor M. McCarthy - Personal

Mayor Eisenberger called the meeting to order at 7:29 p.m. and called upon Reverend David Pett of Paramount Drive Alliance Church in Hamilton to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS

- 5.4** Correspondence from Paul Glendenning respecting deferral of decision on Aerotropolis until new term of council.

Recommendation: Be received

- 5.5** Correspondence from The Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing respecting Municipal Performance Measurement Program and reporting measures

Recommendation: Be received and referred to the City Manager for a report to the General Issues Committee

- 5.6 Correspondence from Manfred Rudolph respecting Airport Employment Growth District/Urban Boundary – Freeland Developments Limited, Garner Road and Hwy 6 Ancaster

Recommendation: Be received

- 5.7 Correspondence from Manfred Rudolph respecting 341 Mountsberg Road, Flamborough, Application for Zoning by-law Amendment

Recommendation: Be received

- 5.8 Correspondence from Manfred Rudolph respecting Airport Employment Growth District/urban Boundary – Butter Road, Ancaster

Recommendation: Be received

- 5.9 Correspondence from Glen Scheels respecting Koppercreek Developments, 345 Glanaster Road, Hamilton

Recommendation: Be received

- 5.10 Correspondence from C.E. Babb, Burlington respecting Pan Am Stadium

Recommendation: Be received

- 5.11 Correspondence from Ian Troop congratulating and thanking Hamilton for launch of Pan/ParaPan Am Toronto 2015

Recommendation: Be received

2. PRIVATE AND CONFIDENTIAL

- 10.2 Setting Sail Secondary Plan – (verbal update Brian Duxbury)

(Pearson/Pasuta)

That the Agenda for the City Council meeting being held on October 13, 2010, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

Councillor Bratina indicated a conflict of interest with Item 9 of the Emergency & Community Services Committee Report 10-013 respecting his mother as resides in the mentioned facility.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Eisenberger congratulated the recipients of the prestigious 2010 RBG Pink Trillium Award;

Ward 1 Lena and Jeff Walker, Ward 2 Sydney Cook, Ward 3 Deborah Cameron, Ward 4 Pat & Bob Henderson, Ward 5 Alfonso & Louise Caruso, Ward 6 Nancy Smith, Ward 7 north Torey Greene, Ward 7 south Wilf & Carole Hart, Ward 8 Brian Ramsey, Ward 9 Gerald & Judith Heeringa, Ward 10 Fred & Helga Schopf, Ward 11 upper Kelly Stukas, Ward 11 lower Laimon & Adelina Audziss, Ward 12 Diamond Award Recipients: Judged by the Ancaster Horticultural Society Carol & Reg Pollard, Elizabeth Moryta, Ward 13 Shari & Angelo Bonaccorso, Ward 14 Melitta Austen, Ward 15 Lee Bolton & Arie VanSpronson

Mayor Eisenberger announced that from this group one would be chosen to receive the 2010 Red Trillium Award. The announcement of this winner will be made at the Hamilton Bloom Celebration Event at the end of the month.

APPROVAL OF MINUTES**(Ferguson/ Mitchell)**

That the Minutes of the September 29, 2010 meeting of Council be approved, as presented. **CARRIED**

(Merulla/Pearson)

That the rules of order be suspended to move item 7.1 respecting Local 1005 and US Steel, forward. **CARRIED**

7.1 Local 1005 and US Steel**(Merulla/Morelli)**

WHEREAS, U.S. Steel has been subsidized by the Government of Canada and the Province of Ontario and;

WHEREAS, Local 1005 and U.S. Steel are in the midst of negotiations to protect nearly ten thousand pensioners from the termination of indexed pensions and the well-being of the most vulnerable U.S. Steel employees and;

WHEREAS, the City of Hamilton has a vested interest in protecting the integrity of the Province of Ontario Labour laws and the principal of negotiating collective agreements in good faith;

WHEREAS, U.S. Steel has not resumed discussions with Local 1005 since July 7, 2010 and unilaterally terminated the indexing of pensions August 1, 2010;

THEREFORE BE IT RESOLVED,

- (a) That the City of Hamilton call on U.S. Steel to restart the Blast Furnace immediately; and stop the Corporate "bullying tactics".

- (b) That the City of Hamilton ask U.S. Steel to restart negotiations with Local 1005 upholding the integrity of Ontario Labour laws, which are based on a presumption of good faith bargaining by both parties;
- (c) That if U.S. Steel refuses to resume bargaining in good faith that the City of Hamilton ask the Ontario Labour Board and the Ontario government to intervene to uphold the integrity of Ontario Labour Laws and the underlying principle that both parties in a dispute must negotiate a collective agreement in good faith.

(Clark/Ferguson)

- (i) That subsection (a) be amended to delete “bullying” and inserting “intimidation”
- (ii) That subsection (c) be amended to read as follows:

That if U.S Steel refuses to resume bargaining in good faith that the City of Hamilton ask the Ministry of labour to intervene to uphold the integrity of the Ontario Labour Laws and the underlying principal that both parties in a dispute must negotiate a collective agreement in good faith.

- (iii) That a subsection (d) be added to the motion reading as follows:

(d) That a copy of this motion be sent to local MP’s and MPP’s as well the Premier of Ontario and the Prime Minister.

The Amendment **CARRIED** on the following standing recorded vote:

Yeas: Clark, Duvall, Ferguson, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total Yeas: 8
Nays: Eisenberger, Bratina, Collins, Jackson, McHattie, Merulla, Morelli
Total Nays: 7
Absent: McCarthy
Total Absent: 1

(Clark/Ferguson)

That subsection (d) be incorporated into subsection (c) to read as follows:

- (c) That if U.S. Steel refuses to resume bargaining in good faith, the City of Hamilton ask the Minister of Labour, the Prime Minister of Canada, and the Premier of Ontario to intervene in order to uphold the integrity of the Ontario Labour Laws, and the underlying principal that both parties in a dispute must, in good faith, negotiate a Collective Agreement; and, that all local MP’s and MPP’s be copied.

Amendment CARRIED

Main Motion as Amended **CARRIED** on the following standing recorded vote:

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

COMMUNICATIONS

(Duvall/Whitehead)

That Council Communications 5.1 to 5.11 be approved, as follows:

- 5.1** Correspondence from Dr. Tom Nugent respecting Airport Employment Growth District Secondary Plan

Recommendation: Be received

- 5.2** Correspondence from the Honourable Deb Matthews, Minister of Health and Long-Term Care and The Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing respecting bed-bug infestation

Recommendation: Be received

- 5.3** Correspondence from Michelle Miller, Canadian Diabetes Association to advise that November is Diabetes Month and November 14, 2010 is World Diabetes Day.

Recommendation: Be received

- 5.4** Correspondence from Paul Glendenning respecting deferral of decision on Aerotropolis until new term of council.

Recommendation: Be received

- 5.5** Correspondence from The Honourable Rick Bartolucci, Minister of Municipal Affairs and Housing respecting Municipal Performance Measurement Program and reporting measures

Recommendation: Be received and referred to the City Manager for a report to the General Issues Committee

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Recommendation: Be received

- 5.7 Correspondence from Manfred Rudolph respecting 341 Mountsberg Road, Flamborough, Application for Zoning by-law Amendment

Recommendation: Be received

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Recommendation: Be received

- 5.9 Correspondence from Glen Scheels respecting Koppercreek Developments, 345 Glanaster Road, Hamilton

Recommendation: Be received

- 5.10 Correspondence from C.E. Babb, Burlington respecting Pan Am Stadium

Recommendation: Be received

- 5.11 Correspondence from Ian Troop congratulating and thanking Hamilton for launch of Pan/ParaPan Am Toronto 2015

Recommendation: Be received

(Collins/Merulla)

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

CARRIED

(Whitehead/Pasuta)

That the rules of order be waived to allow the consideration of Item 33 of Economic Development and Planning Committee Report 10-020 in advance of the Committee of the Whole Report.

CARRIED

Item 33 Airport Employment Growth District Secondary Plan, Zoning By-law and Infrastructure Master Plans (PED10153a/FCS10062a/PW10080) (City Wide)

(Ferguson/Mitchell)

That Item 33 of Economic Development and Planning Committee Report 10-020 respecting Airport Employment Growth District be amended to add the following additional condition;

- (v) That the by-laws of adoption for the Rural and Urban Hamilton Official Plan Amendments, referenced in recommendations (b) and (c) above, be held in abeyance until such time as the Rural and Urban Hamilton Official Plans come into effect.

Amendment CARRIED

(Bratina/McHattie)

That Item 33 of the Economic Development and Planning Committee Report 10-020 respecting, Report PED10153a/FCS10062a/PW10080 Airport Employment Growth District Secondary Plan, Zoning By-law and Infrastructure Master Plans, be referred to Planning Committee in the new term of Council.

The Referral Motion was **DEFEATED** on the following standing recorded vote:

Yeas:	Bratina, McHattie
Total Yeas:	2
Nays:	Eisenberger, Collins, Morelli, Merulla, Pasuta, Duvall, Whitehead, Clark, Pearson, Mitchell, Ferguson, Powers, Jackson
Total Nays:	13
Absent:	McCarthy
Total Absent:	1

Sub-section (t) of the Main Motion **CARRIED** on the following standing recorded vote:

Yeas:	Eisenberger, Collins, McHattie, Morelli, Merulla, Pasuta, Duvall, Whitehead, Ferguson, Powers, Jackson, Bratina
Total Yeas:	12
Nays:	Clark, Pearson, Mitchell,
Total Nays:	3
Absent:	McCarthy
Total Absent:	1

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

Yeas:	Eisenberger, Collins, Clark, Morelli, Merulla, Pasuta, Duvall, Whitehead, Ferguson, Powers, Jackson, Pearson, Mitchell,
Total Yeas:	13
Nays:	McHattie, Bratina
Total Nays:	2
Absent:	McCarthy
Total Absent:	1

COMMITTEE OF THE WHOLE REPORT 10-026**Item 1 International Event Opportunities – Pan Am Games Update CM09066(i)**

The Motion **CARRIED** on the following votes:

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

(Eisenberger/Whitehead)

That the TWENTY-SIXTH Report of the Committee of the Whole be adopted as presented and the information section received. **CARRIED**

PUBLIC WORKS COMMITTEE REPORT 10-011**(Merulla/Collins)**

That the ELEVENTH Report of the Public Works Committee be adopted, as presented, and the information section received. **CARRIED**

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 10-020**Item 24 Application to Amend Town of Flamborough Official Plan and Zoning By-law No. 90-145-Z for the Property Located at 533 Millgrove Side Road (Flamborough) (PED10237) (Ward 15) (Item 6.13)****(Clark/Pasuta)**

That Item 24 of Economic Development and Planning Committee Report 10-020 respecting Dutch Mill Country Market, 533 Millgrove Sideroad be amended by deleting the existing recommendation, and replacing it with the following;

- (a) That Council deem agri-tourism uses to be in conformity with both the Rural policies of the Hamilton Wentworth Official Plan and the Agricultural policies of the Flamborough Official Plan.

- (b) Further, that Zone Change Application ZAC 09-036 by Domson Investments Ltd to recognize existing and proposed uses of the Dutch Mill Country Market, 533 Millgrove Sideroad as generally presented in the submission by Ed Fothergill to Economic Development and Planning Committee on October 5, 2010 be deemed to be agri-tourism and , accordingly, in conformity to said Official Plans
- (c) That staff be directed to process the subject zoning by-law application, and to advertise for a Public Meeting, pursuant to the terms of the Planning Act.

Amendment CARRIED

Item 33 Airport Employment Growth District Secondary Plan, Zoning By-law and Infrastructure Master Plans (PED10153a/FCS10062a/PW10080) (City Wide)

See disposition on page six.

(Ferguson/Mitchell)

That the TWENTIETH Report of the Economic Development and Planning Committee be adopted, as amended, and the information section received. **CARRIED**

AUDIT AND ADMINISTRATION COMMITTEE REPORT 10-011

(Powers/Jackson)

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

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 10-013

(Pasuta/Duvall)

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

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 10-019**(Ferguson/Mitchell)**

That Section 5.6(2) of the City's Procedural By-law, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider Economic Development & Planning Committee Report 10-019, dated September 30, 2010

The motion **CARRIED** on the following votes:

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

(Ferguson/Mitchell)

That the NINETEENTH Report of the Economic Development and Planning Committee be adopted, as presented and the information section received.

The motion **CARRIED** on the following votes:

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

COMMITTEE OF THE WHOLE REPORT 10-027**(Eisenberger/Duvall)**

That Section 5.6(2) of the City's Procedural By-law, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider Committee of the Whole Report 10-10-027, dated October 12, 2010.

The motion **CARRIED** on the following votes:

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

Item 8 Niagara to GTA Corridor Planning and EA Study Update (PW05054a/PED10213) - (City Wide) (Item 7.1)**(Bratina/Pasuta)**

That the following be added as subsection (i):

(i) That the City of Hamilton has concerns with the impacts of the Niagara to GTA Corridor on the community of Flamborough, and requests that the MTO provide the City with detailed environmental, social, economic and community analyses of connecting the 403 to the 407, including the analysis for any alternatives to this connection, and that MTO provide mitigation plans for any negative impacts associated with the Niagara to GTA Corridor, to the satisfaction of the City of Hamilton in advance of construction commencing, and that mitigation measures and strategies be in place and operational prior to the Niagara to GTA Corridor opening.;

to now read as follows:

That the General Manager of Public Works be authorized to forward correspondence to the Ministry of Transportation (MTO) with regard to the *Niagara to GTA Corridor Planning and Environmental Assessment Study*, and indicate:

- (a) That based on the economic impact analysis already conducted, the endorsement of the Southern Ontario Gateway Council (SOGC), the Hamilton Chamber of Commerce, the Hamilton International Airport and the Hamilton Port Authority, that the construction of a Niagara to GTA multi-modal corridor must be identified as the preferred option instead of the last possible alternative currently recommended in the Province of Ontario's Planning & EA Study;
- (b) That in principle, the City of Hamilton supports the Study's "Group 1" concept of optimizing the existing transportation network prior to undertaking additional work;
- (c) That in principle, the City of Hamilton supports the Study's "Group 2" concept that New/Expanded Non-Road Infrastructure be implemented;
- (d) That notwithstanding Highway 403 capacity issues through Hamilton, the City of Hamilton has concerns with the proposed widening of Highway 403 identified in "Group 3" with regard to potential impacts on the Niagara Escarpment and any improvements that would conflict with the City's current plans to provide Light Rail Transit (LRT) infrastructure across this corridor in the King Street and Main Street areas *and the City of Hamilton is supportive of the short term operational improvements to Highway 403 by widening the median and other methods as outlined in the NGTA presentation hand-out page 26, bullet 2 dated October 12, 2010.*;

- (e) That the City of Hamilton has concerns that the Study has not proposed a direct transportation system connection to the Niagara area from the Airport Employment Growth District (AEGD) area;
- (f) That the City of Hamilton has concerns that the Study is suggesting that Highway 6, adjacent to the AEGD, be protected for four-lanes, when a previous MTO pre-design report suggested that this highway section be six-lanes;
- (g) That the City of Hamilton requests that the MTO provide the City with detailed transportation projections and assessments of the impacts on roadways under the jurisdiction of the City specifically including the Red Hill Valley Parkway and the Lincoln Alexander Parkway with due consideration for operational and maintenance costs that would ultimately be borne by the City.;
- (h) That prior to the MTO finalizing their current NGTA Corridor Planning and Environmental Study, Ministry representatives provide a presentation to the Committee of the Whole.
 - (i) That the City of Hamilton has concerns with the impacts of the Niagara to GTA Corridor on the community of Flamborough, and requests that the MTO provide the City with detailed environmental, social, economic and community analyses of connecting the 403 to the 407, including the analysis for any alternatives to this connection, and that MTO provide mitigation plans for any negative impacts associated with the Niagara to GTA Corridor, to the satisfaction of the City of Hamilton in advance of construction commencing, and that mitigation measures and strategies be in place and operational prior to the Niagara to GTA Corridor opening.;

The Motion to Amend was **WITHDRAWN** as the seconder removed his support

The Main Motion was split for voting purposes:

Subsections (a) of the Main Motion **CARRIED** on the following votes:

Yeas:	Eisenberger, Collins, Morelli, Merulla, Pasuta, Duvall, Whitehead, Ferguson, Powers, Jackson, Pearson, Mitchell, Clark,
Total Yeas:	13
Nays:	McHattie, Bratina
Total Nays:	2
Absent:	McCarthy
Total Absent:	1

Subsection (b) of the Main Motion **CARRIED** on the following votes:

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

Subsection (c) of the Main Motion **CARRIED** on the following votes:

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

Subsection (d) of the Main Motion **CARRIED** on the following votes:

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

Subsection (e) of the Main Motion **CARRIED** on the following votes:

Yeas: Eisenberger, Collins, Morelli, Merulla,
Pasuta, Duvall, Whitehead, Ferguson, Powers,
Jackson, Pearson, Mitchell, Clark,
Total Yeas: 13
Nays: McHattie, Bratina
Total Nays: 2
Absent: McCarthy
Total Absent: 1

Subsection (f) of the Main Motion **CARRIED** on the following votes:

Yeas: Eisenberger, Collins, Morelli, Merulla,
Pasuta, Duvall, Whitehead, Ferguson, Powers,
Jackson, Pearson, Mitchell, Clark,
Total Yeas: 13
Nays: McHattie, Bratina
Total Nays: 2
Absent: McCarthy
Total Absent: 1

Subsection (g) of the Main Motion **CARRIED** on the following votes:

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

Subsection (h) of the Main Motion **CARRIED** on the following votes:

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

Item 9 North End Traffic Management Plan PW08094(a) (Ward 2)

(Merulla/Pearson)

That the request to go into Closed Session to receive a verbal update on Item 9 of Committee of the Whole Report 10-027 from Brian Duxbury be approved and added as Item 10.2 on the agenda. **CARRIED**

**Item 12 Capital Projects' Status and Closing Report as of June 30th, 2010
FCS10073 (City Wide)**

(McHattie/Morelli)

That Item 12 of Committee of the Whole Report 10-027 sub-section (c) (iii) be amended by deleting the figure of \$2,000,000 and replacing it with \$1,500,000 and that the following be added as follows:

- (iv) That \$500,000 from the Unallocated Capital levy Reserve be utilized for the Social Service Initiatives Fund.

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

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

The Main Motion CARRIED

**Item 18 International Event Opportunities – 2015 Pan Am Games Update
Business Plan CM09006(j) (City Wide)**

The Motion **CARRIED** on the following votes:

Yeas:	Eisenberger, Collins, Morelli, Pasuta, Duvall, Whitehead, Ferguson, Powers, Jackson, Pearson, Mitchell, Clark, Bratina
Total Yeas:	13
Nays:	McHattie, Merulla
Total Nays:	2
Absent:	McCarthy
Total Absent:	1

**Item 19 International Event Opportunities – 2015 Pan Am Games Velodrome
Business Plan CM10005(a)**

The Motion **CARRIED** on the following votes:

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

Committee of the Whole Report 10-027 was tabled pending an in camera discussion.

MOTIONS

7.1 Local 1005 and US Steel

See disposition on page three.

7.2 Re-establishment of the Operational Review Sub-committee

(Powers/Jackson)

That the Operational Review Sub-committee, which oversees the review of all City Departmental Operational Reviews, conducted by the Internal Auditor or any outside Auditor; and, reporting to the respective Standing Committees, be re-established for the 2010-2014 term of Council.

CARRIED

7.3 Request for 40 km/hr School Zone Speed Limit on East 18th and East 19th Streets, between Concession Street and Inverness Avenue (Ward 7)

(Duvall/Collins)

- (a) That a 40 km/hr School Zone speed limit be implemented on East 18th and East 19th Streets, between Concession Street and Inverness Avenue;
- (b) That an appropriate by-law to amend the City of Hamilton's Traffic By-law 01-215 be passed.

CARRIED

7.4 Request to reallocate funding in the Westdale Village Business Improvement Area to the purchase of sidewalk benches

(McHattie/Bratina)

Whereas the board of Management for the Westdale Village Business Improvement Area voted on October 5, 2010 to request that the City of Hamilton Council approve their request to change a 2010 Budget Allocation item,

Therefore, be it resolved,

That the amount of \$25,000 that was budgeted for Westfest/Kidsfest in the original 2010 Budget be re-allocated to allow for the purchasing of sidewalk benches.

CARRIED

7.5 Community Improvement Plan for Creative Industries Study

(Bratina/Morelli)

Whereas the City has identified "healthy neighbourhoods" as a strategic priority and the City Manager has initiated a strategy to create healthy neighbourhoods;

Whereas the City fully supports the Arts and Culture through the Economic Development Strategy a new City of Hamilton Urban Official Plan;

Whereas the new Urban Official Plan provides policy direction for the encouragement and growth in the Arts and Culture sector by calling for the preparation of Community Improvement Project or community strategy to enhance and support the arts and culture sector;

Whereas the new Urban Official Plan provides policy direction for creative thought to be used in development adaptive reuse of existing buildings;

And whereas, the Ministry's delay in approving the new Urban Official Plan, timing of the resolution of appeals provides uncertainty as to the timing of the implementation of the new Zoning By-Law,

Therefore be it resolved that the Planning and Economic Development Department be directed to initiate a study of a Community Improvement Plan for the creative industries cluster (Arts and Culture), together with a review of City policies and by-laws, including but not limited to the Official Plan, Zoning By-Law and incentive programs to grow the City's Art and Culture industry.

Further that enforcement of the zoning and sign by-laws for Arts and Culture uses, at properties within the study area, where the use was in existence on October 13th, 2010, be suspended until the results of the study are presented to Council and any recommendations implemented. Such suspension of enforcement shall not include any action that is presently before the courts or any violations/actions covered under the Ontario Building Code or Fire/Health related regulations.

The Motion **CARRIED** on the following votes:

Yeas:	Bratina, McHattie, Eisenberger, Collins, McHattie, Morelli, Merulla, Pasuta, Duvall, Mitchell, Ferguson, Powers, Jackson
Total Yeas:	12
Nays:	Pearson, Clark
Total Nays:	2
Absent:	McCarthy, Whitehead
Total Absent:	2

7.6 **Walkway between 28 and 32 King Street West, in the former Town of Dundas**

(Powers/Ferguson)

Whereas, for many decades, there has existed a walkway between 28 and 32 King Street West in the former Town of Dundas providing a connection for the public to/from King Street in the north to/from the City of Hamilton's municipal parking lot 7D in the south and;

And Whereas, this walkway is composed of property owned by 28 and 32 King Street West and the City of Hamilton.

Therefore be it resolved:

- (a) That staff be authorized and directed to prepare an agreement between the three property owners abutting 28 and 32 King Street West, Dundas to formally confirm recognition of this walkway and ensure shared responsibility for ongoing maintenance, liability, etc., in a form satisfactory to the City Solicitor;
- (b) That the Mayor and Clerk be authorized and directed to execute the agreement. **CARRIED**

7.7 Funding for the 91ST Highlanders Athletic Association - Indoor Games

(Powers/Bratina)

- (a) That a grant in the amount of \$30,000 be provided to the 91ST Highlanders Athletic Association to assist with the funding of rent and event costs, at Copps Coliseum, for the 85TH Annual Hamilton Indoor Games scheduled for February 2011.
- (b) That the \$30,000 be funded firstly from any 2011 Operating Budget surplus and secondly from the Tax Stabilization Reserve.

Motion **CARRIED** on the following votes:

Yeas:	Bratina, McHattie, Eisenberger, Collins, McHattie, Morelli, Merulla, Pasuta, Duvall, Clark, Pearson, Mitchell, Powers, Jackson
Total Yeas:	13
Nays:	Ferguson
Total Nays:	1
Absent:	McCarthy, Whitehead
Total Absent:	2

7.8 Amendment to By-Law No 274, respecting driveway widths

(Mitchell/Pearson)

That Bill No. 274 be amended by changing the minimum width requirement for a driveway width for a street townhouse unit from 6 meters to 5.5 meters, and that this change and other revisions to the draft By-Law as authorized by Council be deemed to be in accordance with section 34.(17) of the Planning Act, and that no further notice is required . **CARRIED**

NOTICES OF MOTION

8.1 Councillor R. Powers introduced the following Notice of Motion:

Walkway between 28 and 32 King Street West, in the former Town of Dundas

Whereas, for many decades, there has existed a walkway between 28 and 32 King Street West in the former Town of Dundas providing a connection for the public to/from King Street in the north to/from the City of Hamilton's municipal parking lot 7D in the south and;

And Whereas, this walkway is composed of property owned by 28 and 32 King Street West and the City of Hamilton.

Therefore be it resolved:

(a) That staff be authorized and directed to prepare an agreement between the three property owners abutting 28 and 32 King Street West, Dundas to formally confirm recognition of this walkway and ensure shared responsibility for ongoing maintenance, liability, etc., in a form satisfactory to the City Solicitor;

(b) That the Mayor and Clerk be authorized and directed to execute the agreement.

(Powers/Ferguson)

That the Rules of Order be waived to allow for the introduction of a motion respecting 28 to 32 King Street West, in the former Town of Dundas.

CARRIED

See Motion 7.6

8.2 Councillor R. Powers introduced the following Notice of Motion:

Funding for the 91ST Highlanders Athletic Association - Indoor Games

(a) That a grant in the amount of \$30,000 be provided to the 91ST Highlanders Athletic Association to assist with the funding of rent and event costs, at Copps Coliseum, for the 85TH Annual Hamilton Indoor Games scheduled for February 2011.

(b) That the \$30,000 be funded firstly from any 2011 Operating Budget surplus and secondly from the Tax Stabilization Reserve.

(Powers/Bratina)

That the rules of order be waived to allow the introduction of a motion respecting Funding for the 91ST Highlanders Athletic Association Indoor Games.

CARRIED

See Motion 7.7

8.3 Councillor Mitchell introduced the following Notice of Motion:

Amendment to By-Law No 274, respecting driveway widths

That Bill No. 274 be amended by changing the minimum width requirement for a driveway width for a street townhouse unit from 6 meters to 5.5 meters, and that this change and other revisions to the draft By-Law as authorized by Council be deemed to be in accordance with section 34.(17) of the Planning Act, and that no further notice is required.

(Mitchell/Pearson)

That the rules of order be waived to allow the introduction of a motion respecting an Amendment to By-Law No 274 respecting driveway widths.

CARRIED

See Motion 7.8

STATEMENT BY MEMBERS

Mayor Eisenberger congratulated Jim Kay, General Manager of Emergency Services on his upcoming retirement and thanked him for his commitment and work for the City of Hamilton.

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

PRIVATE AND CONFIDENTIAL

(Pearson/Clark)

That Council move into Closed Session at 12:02 a.m. to consider 2 items, 10.1 respecting 22 Green Mountain Road West – Empire Communities and 10.2 Setting Sail Secondary Plan, both of which are before the OMB and subject to Section 8.1(e) of the City's Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals affecting the City.

CARRIED

Council reconvened in Open Session at 12:21 a.m. and delivered the following recommendations;

10.1 22 Green Mountain Road West – Empire Communities

(Clark/Pearson)

That Item 19 of Economic Development and Planning Committee Report 10-018 respecting 22 Green Mountain Road West – Empire Communities, approved by City

Council on September 29, 2010 be deleted in its entirety and replaced with the following in lieu thereof:

19. 22 Green Mountain Road West – Empire Communities (ZAC-08-026 and 25T-200803)

That the City Solicitor take the position before the Ontario Municipal Board hearing of the appeal of zoning amendment application ZAC-08-026 and the appeal of subdivision application 25T-200803 that the OMB allow the appeals and approve the applications subject to :

- (1) the requirement through a holding provision in the zoning by-law amendment **applicable to Block 2 in the Schedule “A” submitted to Council on October 13, 2010**, that the applicant submit a revised Radio Frequency Emission study that addresses the concerns, regarding the identification of the location of antennae, set out in the peer review, by Francois Gauthier (Spectrum Expert Inc.), of various radio frequency emission studies and measurements undertaken by the applicant and others;
- (2) the requirement through a holding provision in the zoning by-law amendment **applicable to Block 2 in the Schedule “A” submitted to Council on October 13, 2010**, and the appropriate condition of draft approval that Industry Canada complete its measurements of radio frequency electromagnetic fields in the vicinity of the applicants lands and advise that there are no Safety Code 6 issues resulting from the applicant’s proposed development and the implementation of any recommendations by Industry Canada which are applicable to the applicant;
- (3) the requirement through a condition of draft approval that the applicant implement the recommendations in the peer review by AMEC of the Landfill Impact Assessment study submitted by the applicant;
- (4) the conditions of draft approval and draft zoning by-law amendments recommended by staff in report number PED09275 dated September 28, 2010, and as amended by Committee on September 21, 2010, respecting the addition of a warning clause, **in all offers of purchase and sale, on title, for all lots and units within 120m of the common property line between the Juchtech/Hamilton Teleport facility** and the applicants lands, respecting potential interference from the adjacent operations with phone lines and other electronic devices, with such amendments thereto as the City Solicitor and Director of Planning deem appropriate **and conditions consistent with the following:**
 - i. That, the owner shall agree in the Subdivision Agreement, to cover the costs associated with a peer review by a qualified professional environmental engineer, of the risk model data employed by GlobalTox contained within the Revised Landfill Impact

Assessment titled "Redhill Developments, Empire Communities and 706870 Ontario Limited Nash Neighbourhood" revised September 14, 2010 and prepared by MTE Consultants Inc., in order to confirm the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills, to the satisfaction of the City of Hamilton, Director of Development Engineering.

- ii. That, prior to issuance of building permit, the peer review findings pertaining to the minimum depth of clayey silt soil required between the highest groundwater elevation and basement foundation for all lots within 500 metres of the Operating and Closed Landfills will be satisfied through the submission of a certification letter, issued and stamped by a qualified professional environmental engineer, stating that the required clayey silt soil layer depth has been placed, compacted and graded for all lots within 500 metres of the Operating and Closed Landfills, to the satisfaction of the City of Hamilton, Director of Development Engineering
- iii. That, prior to the registration of the final plan of subdivision, a landscape plan shall be prepared and implemented, to the satisfaction of the Director of Planning, that provides for fencing and tree planting along the property boundary between lands within the draft plan and the lands on which Juch-tech Inc./Hamilton Teleport operations are located.

(5) the City's standard conditions of subdivision approval; **and**

(6) the implementation of the revised draft plan of subdivision dated April 2010 as provided to Council on October 13, 2010.

all to the satisfaction of the Director of Planning.

CARRIED

10.2 Setting Sail Secondary Plan (verbal update Brian Duxbury)

Direction provided in Closed Session

(Eisenberger/Collins)

That the TWENTY SEVENTH Report of the Committee of the Whole be adopted, as presented and the information section received.

CARRIED

(Collins/Merulla)

That the Committee of the Whole rise and report.

CARRIED

BY-LAWS

(Duvall/Whitehead)

That Bill Nos. 010-246 to 010-291, 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:

By-law No.	Bill No.	
10-246	246	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control
10-247	247	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits
10-248	248	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 14 – Wheelchair Loading Zones
10-249	249	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control
10-250	250	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits Schedule 6 – One Way Streets Schedule 8 – No Right Turns Schedule 10 – No Left Turns Schedule 13 – Designated Traffic Lanes Schedule 18 – Bike Lanes Schedule 20 – Combined Foot & Bicycle Paths Schedule 29 – Weight Restrictions on Bridges
10-251	251	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits Schedule 3 – Flashing School Zones – Reduced Speed Limits
10-252	252	To Amend the Leash Free Zone Provisions of City of Hamilton By-law No. 01-169, Respecting the Control and Licensing of Dogs and Kennels
10-253	253	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control
10-254	254	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Control
10-255	255	To Amend Purchasing Policy By-law No. 09-230
10-256	256	To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 111 Parkside Drive
10-257	257	To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 366 Bay Street North

By-law No.	Bill No.	
10-258	258	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1 Lyndale Drive, Dundas
10-259	259	To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 45 Brian Boulevard
10-260	260	To Regulate Vacant Buildings "Vacant Building Registry By-Law"
10-261	261	To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands Described as being within Part of Lots 12 and 13, Concession 3, (East Flamborough)
10-262	262	To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located on Springwood Drive
10-263	263	Respecting Removal of Part Lot Control, Block 63, Registered Plan No. 62M-1141, "Mountain Garden"
10-264	264	Respecting Removal of Part Lot Control, Block 64, Registered Plan No. 62M-1141, "Mountain Garden"
10-265	265	Respecting Removal of Part Lot Control, Block 69, Registered Plan No. 62M-1142, Binbrook Heights
10-266	266	Respecting Removal of Part Lot Control, Part of Block 1, Registered Plan No. 62M-1082, Bridgeport Phase 2
10-267	267	Respecting Removal of Part Lot Control, Block 60, Registered Plan No. 62M-1092, Bridgeport Phase 3
10-268	268	Respecting Removal of Part Lot Control, 257 Carla Avenue, Stoney Creek, Lots 2, 3, 10 and 11, Registered Plan No. 62M-1115
10-269	269	Respecting Removal of Part Lot Control, Blocks 110 and 111, Registered Plan No. 62M-1128, Fairgrounds Phase 1
10-270	270	Respecting Removal of Part Lot Control, Block 2, Registered Plan No. 62M-1139, Dewitt Orchard
10-271	271	To Adopt Official Plan Amendment No. 160 to the former City of Stoney Creek Official Plan, Respecting The Rear of 80 Creanona Boulevard
10-272	272	To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at 80 Creanona Boulevard
10-273	273	To Adopt Official Plan Amendment No. 81 to the former Township of Glanbrook Official Plan, Respecting Lands Located on the East Side of Glancaster Road, North of Kopperfield Lane, known municipally as 345 Glancaster Road, Glanbrook
10-274	274	To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 345 Glancaster Road
10-275	275	To Adopt Official Plan Amendment No. 133 to the former Town of Ancaster Official Plan, Respecting 95 Poplar Street

By-law No.	Bill No.	
10-276	276	To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 95 Poplar Street
10-277	277	To Adopt Official Plan Amendment No. 161 to the former City of Stoney Creek Official Plan, Respecting Lands Located on the north side of Highway No. 8, west of Ellington Avenue, known municipally as 315 and 319 Highway No. 8, Stoney Creek
10-278	278	To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 315 and 319 Highway No. 8
10-279	279	To Adopt Official Plan Amendment No. 226 to the City of Hamilton Official Plan, Respecting 236 Pritchard Road
10-280	280	To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 236 Pritchard Road
10-281	281	To Amend Zoning By-law No. 05-200 (Hamilton), as amended by By-law No. 10-128, Respecting 236 Pritchard Road
10-282	282	Respecting Removal of Part Lot Control, Blocks 39 – 46, Plan No. 62M-1138, “Highgate Meadow”
10-283	283	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits
10-284	284	To Adopt Official Plan Amendment No. 134 to the former Town of Ancaster Official Plan, Respecting Lands Located on Lot 46, Concession 3 at the north side of Garner Road East, east of Highway 6 and west of Southcote Road (435 Garner Road East)
10-285	285	To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 435 Garner Road East
10-286	286	To Amend Zoning By-law No. 05-200, 435 Garner Road East (Ancaster)
10-287	287	To Adopt Official Plan Amendment No. 41 to the former Region of Hamilton-Wentworth Official Plan, Official Plan Amendment No. 135 to the former Town of Ancaster Official Plan and Official Plan Amendment No. 82 to the former Township of Glanbrook Official Plan, Respecting The Airport Employment Growth District.
10 – 288	288	To Amend Zoning By-law No. 05-200, To Create New Zones for the Airport Employment Growth District for the City of Hamilton
10-289	289	To Amend By-law No. 06-147, To Authorize the City to Enter into Extension Agreements
10-290	290	To Amend Zoning By-law No. 6593 (Hamilton), Respecting 4 Trinity Church Road
10-291	291	To Confirm the Proceedings of City Council

CARRIED As Amended

(Ferguson/Pearson)

There being no further business, the City Council meeting adjourned at 12:29 a.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

R. Caterini
City Clerk
October 14, 2010