Present: Mayor R. Wade

Councillors A. Bain, D. Braden, C. Collins, M. Caplan
F. D'Amico, L. DiIanni, M. Ferguson, A. Horwath, T. Jackson,
B. Kelly, M. McCarthy, S. Merulla, D. Mitchell, B. Morelli,
R. Powers

Mayor R. Wade called the meeting to order.

Mayor R. Wade called on Father Robert Sims of St. Patrick’s Church for the opening Prayer.

APPROVAL OF THE AGENDA

(Kelly/Horwath)
That the Agenda for the City Council meeting being held on December 11, 2001, be approved as amended. CARRIED

DECLARATIONS OF INTEREST

Mayor R. Wade requested declarations of interest by members of Council.

Councillor A. Horwath declared an interest with regard to Item 10 of HSC Report 01-034 as she owns property where the tenant operates a restaurant.
Councillor L. DiIanni declared an interest with regard to Bill No. 286 respecting an amendment to Zoning by-law No. 3692-92 (Stoney Creek), as he owns property in the vicinity of the subject lands.

**CEREMONIAL ACTIVITIES**

3.1 Presentation to City Council of Dividend Cheque by Mr. Art Leitch, Hamilton Utilities Corporation

Messrs. A. Leitch, President and CEO of Hamilton Utilities Corporation, and C. Hantho, Chairman of the Board of Director, presented a cheque in the amount of $1,917,803.54, representing shareholder dividends payable to the City of Hamilton.

3.2 Presentation of Certificates – 2001 World Karate Championships

Mayor Wade presented Certificates of Achievement to 25 members of the Canadian National Karate Team, and their coaches, who competed at the World Karate Championships in Vienna, Austria, in August, 2001.

**APPROVAL OF MINUTES**

(Morelli/Merulla)
That the Minutes of the City Council held on November 27, 2001, be approved as circulated. **CARRIED**

**COMMUNICATIONS**

(McCarthy/Kelly)

a) That Communication Items 5.1, 5.4 and 5.5 be referred to the appropriate staff;

b) That Communication Items 5.2 and 5.3 be received. **CARRIED.**

(Jackson/Kelly)
That Council move into Committee of the Whole for consideration of the Hearings Sub-Committee and Committee of the Whole Reports. **CARRIED**

**HEARINGS SUB-COMMITTEE REPORT 01-034**

(Dilanni/D’Amico)
That the Thirty-fourth Report of the Hearings Sub-Committee be adopted and the information section received. **CARRIED**
HEARINGS SUB-COMMITTEE REPORT 01-035

Item 3  Ms. Sally Palmer, Ontario Association of Social Workers, respecting Clawback of the National Child Benefit Supplement to families on Ontario Works and the Ontario Disability Support Plan

  (McCarthy/Caplan)
  That the following be added as sub-section (b):
  
  "b) That this resolution be forwarded to AMO and the area MP’s and MPP’s for their information and appropriate consideration.

  Amendment CARRIED.
  Motion as amended CARRIED.

(DiIanni/D’Amico)
That the Thirty-fifth Report of the Hearings Sub-Committee be adopted, as amended, and the information section received. CARRIED.

COMMITTEE OF THE WHOLE REPORT 01-038

Item 19  Ivor Wynne Stadium – Entertainment Events (CS1104)

  Councillor B. Morelli indicated that he wished to be recorded as being OPPOSED to subsection (c) of this item.

Item 30  Establishment of a Joint Hamilton Municipal Retirement Fund (HMRF)/ Hamilton-Wentworth Retirement Fund (HWRF) Pension Administration Committee (FCS01107)

  (D’Amico/Collins)
  That subsection (d) be amended by deleting the words, “and two other members of Council” and replacing it with the words, “Councillors L. DiIanni and R. Powers”.

  Amendment CARRIED.
  Motion as amended CARRIED.

(Mitchell/Merulla)
That Rule 9.9 of the City’s Procedural By-law be invoked for this meeting of City Council in order for Council to conduct business after the 9:00 p.m. curfew. CARRIED.

Item 37  Procedural By-law Amendments (FCS01114)

  Councillor M. Caplan indicated that he wished to be recorded as being OPPOSED to the inclusion of Section 14.6 in the Procedural By-law.
Item 42  Committee of Adjustment – Division Responsibilities (PD01210)

Councillor F. D’Amico indicated that he wished to be recorded as being OPPOSED to this item.

Item 43  Ontario Works Mandatory Literacy Testing and Training Implementation Plan (SPH01037)

Councillor F. D’Amico indicated that he wished to be recorded as being OPPOSED to subsection (a) of this item.

Item 47  Community Safety Zones (TOE01186)

(Jackson/Kelly)
That Subsection 47(b) be amended to include the addition of Councillors F. D’Amico, L. DiIanni and A. Horwath to the Community Safety Zones Subcommittee.  Amendment CARRIED.

Motion as amended CARRIED.

Item 52  A Proposal to Establish an “Open for Opportunity” Task Force (MAY01002)

(Jackson/Kelly)
That Subsection 52(b) be amended to include the addition of Councillor M. McCarthy as a member of the “Open for Opportunity” Task Force.  Amendment CARRIED.

Motion as amended CARRIED.

Item 64  Agricultural Advisory Committee

(Ferguson/Caplan)
That the following be added as subsection (e):

e) That the Agricultural Advisory Committee be requested to submit a list of groups requesting grants to the agricultural community, including amounts, for the consideration of the Grants Committee.  Amendment CARRIED.

Motion as amended CARRIED.

Item 65  Financing of Modernization and Maintenance of Building Automation Systems (BAS) Downtown Hamilton Facilities (FCS01120/CS01102)

This item was DEFEATED on the following recorded vote:

Yeas: Wade, Bain, Caplan, Dilanni, Ferguson, Kelly, McCarthy
Total Yeas:  7
(Ferguson/Dilanni)
That Rule 9.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of an additional Item to the Thirty-eighth Committee of the Whole Report.

CARRIED.

(Ferguson/Dilanni)
That the following be added as Item 66 to the Thirty-eighth Committee of the Whole Report:

66. Ancaster - Triways Power Centre Development Charge Appeal (FCS01126)

a) That the City of Hamilton agree to settle the appeal of Triways Power Centres Limited with the former Town of Ancaster by way of Minutes of Settlement attached as Appendix 1 to FCS01126 with Triways Power Centres Limited to be filed with the Ontario Municipal Board.

b) That the Minutes of Settlement provide for:

i) no revisions in the former Ancaster Development Charges By-laws A99-089 and A2000-062 as a result of the above appeal being settled, and;

ii) a reduction in the amount of $245,336 by the City of Hamilton for Letters of Credit – SBGT-7134449, SBGT-713773 (1051 Highway 53 West / Shaver Road) from $927,008 in total to $681,672, and;

iii) Triways Power Centre Limited be responsible for one half of the costs of Shaver Road reconstruction less the Development Charges contribution as provided for in the former Town of Ancaster 1999 Development Charges Background Study, and;

c) That Corporate Counsel be authorized to sign the Minutes of Settlement on behalf of the City of Hamilton, and;

d) That the Minutes of Settlement be effective as of the date of approval by the Council of the City of Hamilton.

CARRIED.

Note: Committee of the Whole approved that Report FCS01126 be released as a public document.

(Dilanni/Feguson)
That the Thirty-eighth Report of the Committee of the Whole be adopted, as amended, and the information section received.

CARRIED
MOTIONS

(Morelli/Merulla)
That the Finance and Corporate Services Department, Parking and Enforcement Operations 2001 Program Change recommending that 14 underutilized car parks be closed and offered for sale, at a net savings of $65,000, as approved by Council on June 19, 2001 in approving the 2001 Operating Budget, be reconsidered.  CARRIED.

(Morelli/Merulla)
  a) That the Finance and Corporate Services Department, Parking and Enforcement Operations 2001 Program Change recommending that 14 underutilized car parks be closed and offered for sale, at a net savings of $65,000, as approved by Council on June 19, 2001 in approving the 2001 Operating Budget, be rescinded;

  b) That Item 67(a) of Committee of the Whole Report 01-023, approved by City Council on July 10, 2001, respecting the closure of City-Owned Parking Lots, as amended by Item 5 of Committee of the Whole Report 01-029, approved by City Council on September 18, 2001, be rescinded;

  c) That staff be directed to include sufficient funds in the 2002 Operating Budget to maintain the municipal car parks proposed for closure in the 2001 budget.

(Morelli/Merulla)
That the following be added as subsection (d)

  d) That a Committee of four members of Council, being Councillors L. Di Ianni, S. Merulla, D. Mitchell and B. Morelli, be established to review the Parking and Enforcement division and its operational role.  Amendment CARRIED.

  Motion as amended CARRIED.

Note: Council directed that in future, staff notify the BIA's of any anticipated car park closures prior to a report being presented to Council.

(Jackson/Kelly)
That Rule 9.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting amendments to the membership of the Co-ordinating Committees.  CARRIED.

(Jackson/Kelly)
That the appointments to the Co-ordinating Committee approved by the Nominating Committee and City Council at its meeting of May 15, 2001 be amended as follows:

  a) Delete the names of Councillors T. Jackson, B. Morelli and S. Merulla from the Social and Public Health Services Co-ordinating Committee;

  b) Insert the names of Councillors T. Jackson, B. Morelli and S. Merulla to the Corporate Secretariat Co-ordinating Committee;
c) Add Councillors A. Horwath and B. Kelly to the Social and Public Health Services Co-ordinating Committee. **CARRIED**

(Powers/Morelli)
That Rule 9.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting amendments to the Volunteer Co-ordinating Committees. **CARRIED.**

(Powers/Morelli)
That the "Flamborough Recreation Sub-Committee" be deleted from the Community Services Volunteer Co-ordinating Committee. **CARRIED.**

(Caplan/Kelly)
That Rule 9.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting Progress Report on Restaurant Food Safety Inspection Program (SPH01040). **CARRIED.**

(Caplan/Kelly)
a) That staff continue to place high priority on completing the mandated inspection protocol for food premises and provide Council with a monthly status report, commencing February, 2002,

b) That staff advise Council on a monthly basis of all food premises convicted of violations of Ontario Regulation 562 as amended to 586/99 (Food Premises) and/or issued Orders under the Health Protection and Promotion Act,

c) That staff post the names of all food premises convicted of violations of Ontario Regulation 562 as amended to 586/99 (Food Premises) and/or issued Orders under the Health Protection and Promotion Act on the City of Hamilton’s website, and that the name of each food premises convicted and/or issued an Order remain posted on the website for a period of three calendar months,

d) That staff report back to Committee of the Whole by February 5th, 2002 with an interim proposal for an Inspection Disclosure Program for all food premises licensed under the City of Hamilton Licensing Code (By-law No. 01-156), that this interim proposal be an adaptation of the system that the City of Brantford will be implementing effective January 1, 2002, and that this interim inspection disclosure protocol be implemented by February 15, 2002,

e) That staff bring back a recommendation report for a comprehensive Food Premises Food Safety Program based on a thorough review of Food Inspection Disclosure options from other jurisdictions, consultation with the restaurant industry and the general public, and a cost-benefit analysis of the Program recommended, with a target date of March 19, 2002,
f) That the (March) staff report give consideration to amending the City of Hamilton's Licensing Code (By-law No. 01-156) to mandate food handler certification so that food premises are required to have a minimum of one manager certified in safe food handling, and, in addition, must have a minimum of one certified food handler present at any time that food is handled or prepared on the food premises.

(Dilanni/Ferguson)
That subsection (c) be amended by adding the words, “and the community pages of the newspaper (“At Your Service”) following the word, “website”.

Amendment CARRIED.
Motion as amended CARRIED.

Councillor R. Powers indicated that he wished to be recorded as being OPPOSED to the amendment.

(Caplan/Merulla)
That Rule 9.9 of the City’s Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting the Anti-terrorism Act.

CARRIED.

(Caplan/Merulla)
That the Report The Proposed Anti-terrorism Act (Bill C036) (LS01029) be received for information.

CARRIED.

(D’Amico/Ferguson)
That Rule 8.9(b) of the City’s Procedural By-law be invoked for this meeting of City Council to permit the consideration of new business by Council after 10:00 p.m.

CARRIED.

(Caplan/Kelly)
That Rule 9.9 of the City’s Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting Child Care budget.

CARRIED.

(Caplan/Kelly)
WHEREAS it is speculated that Ministry of Community and Social Services of the Government of Ontario intends to introduce $200 million of cuts to the Child Care budget which will decimate regulated and affordable child care in our community; and

WHEREAS it is speculated that the Ministry of Community and Social Services of the Government of Ontario proposes to end wage grants to Child Care workers, to abandon pay equity for Child Care workers and to terminate fee subsidies in the child care sector; and
WHEREAS these cuts will result in: putting children at risk in unregulated care environments; increased costs of programs that are no longer affordable to many families (be they full fee or subsidized families); wage reductions and/or layoffs as child care centres struggle to cut costs; and a decline in productivity in businesses as employees are left without reliable child care;

NOW THEREFORE BE IT RESOLVED THAT

1. The Government of Ontario assure the residents of the City of Hamilton that the child care budget is secure; and

2. If the Minister of Community and Social Services does in fact intend to make these cuts, that the Government of Ontario put in place programs that will:
   - Assist parents in finding safe, affordable and quality regulated care for their children
   - Assist current and future child care graduates in retraining if they are unable to find a job upon graduation

3. And that the City of Hamilton ask AMO to endorse this position and inform area MPPs of this resolution.  
   CARRIED.

(Ferguson/Horwath)
That Rule 9.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting the Joint City/Board Relations Committee with the Boards of Education.  
   CARRIED.

(Ferguson/Horwath)
a) That further to the correspondence received by the Hamilton-Wentworth District School Board and the Hamilton-Wentworth Catholic District School Board dated November 8, 2001, the Mayor be authorized and directed to forward correspondence to the Chairpersons of both boards requesting that the membership on the Joint City/Board Relations Committee consist of four members of City Council, four Trustees representing the Hamilton-Wentworth Catholic District School Board and the Hamilton-Wentworth District School Board respectively, and designated staff members as dictated by the Meeting's Agenda.

b) That the City Clerk contact the School Boards in order to facilitate a meeting of this Committee before the end of January, 2002.  
   CARRIED.

(Ferguson/Horwath)
That Rule 9.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of an item respecting Alternative Service Delivery.  
   CARRIED.
(Ferguson/Horwath)
That the City of Hamilton in its efforts to protect the public interest exercise good stewardship over public funds and deliver quality services, approves the following:

a) That the alternative service delivery principles set out in Schedule A be adopted as amended;

b) That the process for ASD review described in Schedule B be adopted as amended;

c) That the criteria to consider for ASD review set out in Schedule C be adopted;

d) That the City's Purchasing Policy and Procedures and evaluation criteria be adhered to in evaluating and awarding ASD's;

e) That the City's Code of Conduct (Policy #7.3) and the Conflict of Interest Policy set out in the Purchasing Policy be updated and adhered to in evaluating and awarding ASD's;

f) That all ASD plans be approved by Council through the regular approval process;

g) That the foregoing resolutions of council on ASD not apply to current methods of service delivery unless Council requests that the current method of service delivery be reviewed.

(Ferguson/Horwath)
That Subsection b) be amended as follows:

That "Schedule B" be amended so that Item #6 continues (removing the full stop) to include the following: "in order to receive input and develop analysis of current delivery of service and that, bargaining units and employees will be given the opportunity to address the Hearings Sub-Committee with their concerns prior to a final recommendation being considered, and that a mutual atmosphere of labour/management co-operation be adopted."

Amendment CARRIED. 
Motion as amended CARRIED.

(Caplan/Powers)
That Rule 9.9 of the City's Procedural By-law be invoked for this meeting of City Council to allow the introduction of a motion respecting appointments to the Action 2020 Board of Directors.

CARRIED.

(Caplan/Powers)
That Councillors M. Caplan and/or R. Powers be appointed to the Action 2020 Board of Directors, as per their request for Council representatives. 
CARRIED.
NOTICE OF MOTION

Community Reinvestment – Chartered Banks

(Merulla)

a) That City Council request that the Chartered Banks make a voluntary contribution of a portion of their record profits for the purposes of community reinvestment; and

b) That failing their willingness to voluntarily contribute, City Council lobby senior levels of government to legislate this contribution by the Chartered Banks; and

c) That failing the actions in subsection (b), the General Manager of Planning and Development, through the Licensing Division, be requested to report back to Council on the City's ability to impose an annual licence fee on Chartered Banks within the City of Hamilton to create revenue for community reinvestment; and

d) That a public/private partnership with the Credit Unions be created to encourage community profit-sharing endeavours.

GENERAL INFORMATION

2nd Annual Sustainable Communities Conference and Trade Show

Councillor Horwath noted to members of Council that the 2nd Annual Sustainable Communities Conference and Trade Show will be held at the Crowne Plaza Hotel in Ottawa from February 7 to 9, 2002. A brochure outlining the conference itinerary was distributed.

New Schedule of Council Meetings for 2002

Councillor Jackson reminded the viewers at home that starting in January, 2002, the Council meetings will be held on the 2nd and 4th Wednesdays of each month.

BY-LAWS

(D'Amico/Ferguson)

That Bill Nos. 286 to 302 be passed, that the corporate seal be affixed thereto and the by-laws be signed by the Mayor and the City clerk and numbered as 01-286 to 01-302:

286 A By-law to amend Zoning By-law No. 3692-92 (Stoney Creek) respecting Lands Located at 32 Macdui Drive (formerly Stoney Creek).

287 A By-law to amend By-law 01-084 being a By-law to Appoint Municipal Law Enforcement Officers for the City of Hamilton.
A By-law to amend By-law No. 01-218, as amended, To Regulate On-Street Parking.

A By-law to Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues.

A By-law to Authorize An Interim Tax Levy for 2002.

A By-law Respecting the Tariffs of Cemetary Fees and Charges.

A By-law to amend By-law 01-149 respecting Constituting a Committee of Adjustment and the Appointment of its Members.

A By-law to amend By-law 89-72, as amended and By-law No. 01-215, as amended To Regulate Traffic.

A By-law to amend By-law No. 90-31-T, as amended, and By-law No. 01-215, as amended To Regulate Traffic.

A By-law To Incorporate City Land Designated as Block 33 on Plan 62M-750 into Donnici Drive.

A By-law to amend By-law No. 01-215 To Regulate Traffic.

A By-law to amend By-law 82-151 as amended by By-law Nos. 87-317 and 98-14 respecting The Downtown Hamilton Business Improvement Area.

A By-law to amend By-law 76-19 as amended by By-law Nos. 86-211 and 93-260 respecting The International Village Business Improvement Area.

A By-law to amend By-law 83-308 respecting The Concession Street Business Improvement Area.

A By-law to Adopt Rules for Procedures of Council and Committees thereof.

A By-law to amend By-law No. 79-275 (Hamilton) as amended by By-law No.‘s 83-236 and 98-173 (Hamilton) respecting Site Plan Controls.

A By-law respecting Removal of Part Lot Control for Lands Within “Fields of Fiddler’s Green”, Part of Block 85, Registered Plan of Subdivision 62M-800.

A By-law to Confirm the Proceedings of City Council.
The City Council meeting adjourned at 10:25 p.m.

Respectfully submitted,

R. Wade
Mayor

Kevin C. Christenson
City Clerk
December 11, 2001