CITY COUNCIL
MINUTES

Tuesday, May 1, 2001
7:00 p.m.
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor R. Wade

Councillors A. Bain, D. Braden, M. Caplan, C. Collins,
F. D’Amico, L. Dilanni, 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 and asked all to rise for the playing of the National Anthem.

Mayor R. Wade called upon Reverend Paul Fayter of First-Pilgrim United Church to lead members of Council and the audience in prayer.

APPROVAL OF THE AGENDA

(Kelly/McCarthy)
That the Agenda for the City Council meeting being held on May 1, 2001 be approved as amended. CARRIED.

DECLARATIONS OF INTEREST

Mayor R. Wade requested declarations of interest by members of Council of which there were none.

MINUTES

(Morelli/Horwath)
That the minutes of the meeting of City Council held on April 17, 2001 be approved as circulated. CARRIED.
COMMUNICATIONS

None.

(Ferguson/Horwath)
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 01-009

Item 4  Application for Draft Plan Approval (PD01062) - "Joya Place Extension
No. 3" (Dundas)

(Powers/Collins)
That this item be referred back to the Hearings Sub-Committee.

CARRIED.

Item 5  Cash in Lieu of Parking Application - 144-146 Locke Street South
Councillor M. Caplan indicated that he wished to be recorded as OPPOSED

to this item.

(Powers/Morelli)
That Rule 9.9 of the Council Procedural by-law to dispense with notice be invoked for
this meeting of City Council in order to allow the introduction of an additional Item to
Hearings Sub-Committee Report 01-009 respecting “Removal of Part Lot Control for
Lands within “Lakeshore Ravine Phase 4”, Registered Plan of Subdivision 62M-133”.

CARRIED.

(Powers/Morelli)
That the following be added as Item 6 to Hearings Sub-Committee Report 01-009:

6.  Application by Frances-Green International Inc. to Remove Part Lot Control
from “Lakeshore Ravine Phase 4”, Blocks “A” and “B”, 62M-133 in Order to
Permit the Creation of 29 Street Townhouse Lots and Maintenance
Easements (PD01087)

a) That approval be given to Part Lot Control Application 01-02, Frances-
Green International Inc., owner, to remove part-lot control from Blocks
“A” & “B”, Registered Plan No. 62M-133, Lakeshore Ravine Phase 4, for
the purpose of creating 29 lots for street townhouses and maintenance
easements, as shown on the attached maps identified as Appendix “A”
and “B”;

b) That the attached By-law, to remove part lot control from Blocks “A” & “B”,
Registered Plan No. 62M-133, which has been prepared in a form
satisfactory to Corporate Counsel, be enacted by Council;
c) That the exempting By-law be restricted to a one-year effective time period to expire on May 15, 2002; and,

d) That following the enactment of this By-law, the Director, Development Division, Planning and Development Department, (as delegate of the Minister of Municipal Affairs and Housing), be requested to grant approval to the By-law and endorse the same on the By-law.

CARRIED.

(Powers/Morelli)
That Report 01-009 of the Hearings Sub-Committee meeting of April 24, 2001, be adopted as amended and the information section received. CARRIED.

<table>
<thead>
<tr>
<th>COMMITTEE OF THE WHOLE REPORT 01-011</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Horwath/Ferguson)</td>
</tr>
<tr>
<td>That Report 01-011 of the Committee of the Whole meeting of April 19, 2001, be adopted and the information section received. CARRIED.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>COMMITTEE OF THE WHOLE REPORT 01-012</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Braden/Bain)</td>
</tr>
<tr>
<td>That Report 01-012 of the Committee of the Whole meeting of April 25, 2001 be adopted as amended. CARRIED.</td>
</tr>
</tbody>
</table>

Item 4 Consolidated Verification Process Funding
Councillor A. Horwath indicated that she wished to be recorded as being OPPOSED to this item.

Item 12 Report and Recommendations from the Council's Working Group on Volunteer Committees in the New City of Hamilton

(Powers/Morelli)
That Item 12 of Committee of the Whole Report 01-012 respecting Report and Recommendations from the Council's Working Group on Volunteer Committees in the New City of Hamilton be amended by adding the following subsections c) to f) as follows:

c) That the approximately 108 vacancies on 15 committees for which interviews previously took place be again interviewed.

d) That the interviews be conducted by the three Council representatives on each of the five Volunteer co-ordinating Committees.

e) That interviews not be conducted for the vacancies on the 33 committees for which interviews were not previously conducted.
f) That Council's "Policy respecting the Appointment of Citizen Members to City Committees, Local Boards and Commission" be reviewed.  

CARRIED.

Item 15  Hamilton Hornets Rugby Football Club, Mohawk Sports Park - 2001 Rugby Season - Sale of Alcoholic Beverages (CS01044)

Councillor T. Jackson indicated that he wished to be recorded as being OPPOSED to this item.

Item 21  Hamilton International Air Show - Funding of Civic Reception

Councillor D. Braden indicated that he wished to be recorded as being OPPOSED to this item.

Item 23  Temporary Street Closure: Hess Street South between Main Street and King Street - Friday, June 22, 2001 to Sunday, June 24, 2001

(Horwath/Ferguson)

That Item 23 of Committee of the Whole Report 01-012 respecting Temporary Street Closure: Hess Street South between Main Street and King Street - Friday, June 22, 2001 to Sunday, June 24, 2001 be amended by adding the following subsections j) to o) as follows:

j) That the applicant be granted an amendment to the City of Hamilton’s Noise By-law No. 79-292 to allow music to be played between the hours of 11:00 a.m. until 12:00 midnight on June 22, 2001 and June 23, 2001 and that a Licensing & Standards Officer monitor the event and be in attendance if necessary, at the expense of the applicant; and

k) That the amplified sound, including set up, testing and performance will not begin until 11:00 a.m. and will cease at 12:00 midnight on all days of the week, except Sunday where the amplified sound will not begin prior to 12:00 noon and will cease at 10:00 p.m.; and

l) That the applicant may seek an amendment to the City’s Noise By-law 79-292 to allow amplified sound to continue until 12:00 midnight but only for Thursday, Friday, and Saturday nights; and

m) That no other music be played outside of any establishments, at any time pursuant to the City of Hamilton Zoning By-law. This includes outdoor speakers and/or live music; and

n) That the level of sound amplification created shall not exceed 85 db (peak) at any time and 80 db after 12:00 midnight (when permitted to exceed the 12:00 midnight noise by-law). These levels to be monitored at the sound stage.
o) After monitored at the sound stage..."All amplified sound on the stage is to be directed towards the north east. Notwithstanding any amendment passed by the Council for the City of Hamilton for events held in Hess Village, should any of the conditions to the amendment of the City of Hamilton Noise By-law 79-292 be violated, the amendment(s) are hereby repealed and the applicant may be charged pursuant to the City of Hamilton Noise By-law 79-292 as if the amendment was never granted.

AMENDMENT CARRIED.

(Braden/Bain)

That Item 26 of Committee of the Whole Report 01-012 respecting Implementation of the Strategy to Achieve Universal Water Metering be amended by deleting any reference to "Request for Proposals" (RFP) in the recommendations and replacing with the word "Tender" in lieu thereof. AMENDMENT CARRIED.

Item 26 was split for voting purposes:

Subsection a) Councillors C. Collins, S. Merulla and B. Morelli indicated that they wished to be recorded as being OPPOSED.

Subsection b) Councillors A. Horwath, C. Collins, T. Jackson, S. Merulla, F. D'Amico, B. Morelli, R. Wade indicated that they wished to be recorded as being OPPOSED.

Subsection c) Councillors C. Collins, S. Merulla, B. Morelli indicated that they wished to be recorded as being OPPOSED.

Note: Subsection c)viii) - typo in second line - "maximum" to indicate "minimum"

(McCarthy/Kelly)

a) That Item f) of the Committee of the Whole Report 01-012 respecting former Town of Flamborough Residential Development Charges Rates Appeal by the Hamilton-Halton Homebuilders Association be lifted from the Table and added as Item 32.

b) That the following be added as Item 32:

That the City of Hamilton agree to settle the appeal of the Hamilton-Halton Homebuilders Association with the former Town of Flamborough by way of Minutes of Settlement with the HHHBA to be filed with the OMB. The Minutes of settlement shall provide for a 13.5% reduction in the former Flamborough's residential development charge rates effective as of the date the original by-law came into force (August 23, 1999). The said Minutes of Settlement shall be in a form satisfactory to the Corporate Counsel.

CARRIED.
MOTIONS

None.

NOTICE OF MOTION

None.

GENERAL INFORMATION

(Caplan/Horwath)
That Council move In Camera to receive legal advice from the Corporate Counsel.
  \textbf{CARRIED}.

(Braden/Collins)
That Council reconvene in Open Session.
  \textbf{CARRIED}.

BY-LAWS

(McCarthy/Kelly)
That Rule 9 of the City’s Procedural By-law be invoked for this meeting of City Council in order to allow the introduction of three additional Bills.
  \textbf{CARRIED}.

(McCarthy/Kelly)
That the following be added as Bill Nos. 078, 079 and 080:

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>078</td>
<td>A By-law respecting removal of part lot control for lands within “Lakeshore Ravine Phase 4”, Registered Plan of Subdivision 62M-133</td>
</tr>
<tr>
<td>079</td>
<td>A By-law to amend By-law No. 134-77 (Glanbrook), as amended.</td>
</tr>
<tr>
<td>080</td>
<td>A By-law to amend By-law No. R89-038 (Hamilton-Wentworth), as amended.</td>
</tr>
</tbody>
</table>

(McCarthy/Kelly)
That \textbf{Bill Nos. 067 to 081} 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 01-060 to 01-081:

- 067 A By-law to Appoint Weed Inspectors for the City of Hamilton.
- 068 A By-law to Appoint Municipal Law Enforcement Officers for the City of Hamilton.
- 069 A By-law to Incorporate City Land designated as Block 202 on Plan 62M-828 into Stonehenge Drive.
070 A By-law to Incorporate City Land designated as Block 146 on Plan 62M-858 and Block 201 on Plan 62M-828 into Suffolk Street.

071 A By-law to Incorporate City Land designated as Block 145 on Plan 62M-858 into Wiltshire Place.

072 A By-law to Incorporate City Land designated as Block 147 and Block 148 on Plan 62M-858 into Yorkshire Drive.

073 A By-law to Incorporate City Land designated as Parts 11 and 12 on Plan 62R-15129 into Rymal Road East.

074 A By-law to Incorporate City Land designated as Part 10 on Plan 62R-15129 into Upper Wellington Street.

075 A By-law to Incorporate City Land designated as Part 12 on Plan 62R-15032 into Eaglewood Drive.

076 A By-law to Designate land located at Municipal No. 17 Augusta Street as property of Historic and Architectural Value and Interest.

077 A By-law to Amend By-law No. 3366-82 (Dundas), as amended, By-law No. 89-72 (Hamilton), as amended, and By-law No. R89-038 (Hamilton-Wentworth), as amended.

078 A By-law respecting removal of part lot control for lands within “Lakeshore Ravine Phase 4”, Registered Plan of Subdivision 62M-133

079 A By-law to amend By-law No. 134-77 (Glanbrook), as amended.

080 A By-law to amend By-law No. R89-038 (Hamilton-Wentworth), as amended.

081 A By-law to Confirm the Proceedings of City Council at its meeting held on May 1, 2001. **CARRIED.**

On motion (Caplan/Horwath) Council adjourned at 8:35 p.m. **CARRIED.**

Mayor

City Clerk