



CITY COUNCIL MINUTES

**Wednesday, September 29, 2004
7:00 p.m.
Council Chambers, Hamilton City Hall
71 Main Street West, Hamilton**

Present: Mayor L. Dilanni

Councillors P. Bruckler, C. Collins, M. Ferguson,
T. Jackson, B. Kelly, M. McCarthy, B. McHattie, D. Mitchell,
S. Merulla, B. Morelli, M. Pearson, T. Whitehead

Absent: with regrets: Councillor D. Braden, vacation

Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Father Robert Sims of St. Anthony's Roman Catholic Church to lead the Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

- (a) Added Council Communication from Cathy Gazzola, President, Durand Neighbourhood Association, respecting funding to cultural organizations, which was added as Item 5.2
- (b) Added Council Communication from Carl Henderson, Stoney Creek Non-Profit Housing Corporation, requesting that Council reject the recommendation in Item 5 of the Corporate Administration Committee Report respecting Co-ordinated Access to Social Housing was noted as Item 5.3.
- (c) Added Council Communication Item 5.4 from Karen Davis, Hamilton East Kiwanis Non Profit Homes Inc. requesting that Council refer the recommendation in Item 5 of the Corporate Administration Committee Report respecting Co-ordinated Access to Social Housing back to the Public Health and Community Services Committee.

- (d) Receipt of a number of e-mails from concerned residents respecting an application made by Lowndes Holdings for an aggregate open pit mine operation in Flamborough.
- (e) Added Motion noted as Item 7.4 by Councillor McCarthy respecting whistle blowing at public crossings.
- (f) Added Motion noted as Item 7.6 by Councillor McHattie respecting the upcoming CRTC hearings.

(McCarthy/Ferguson)

That the Agenda for the City Council meeting being held on September 29, 2004, as amended, be approved. **CARRIED.**

DECLARATIONS OF INTEREST

Item 6.3 Item 1 of the Corporate Administration Committee Report 04-012 respecting Monthly Status Report of Tenders and Requests for Proposals for April 2004 (FCS04023(f)) (City Wide).

Councillor M. Ferguson declared an interest as he has a relative employed by one of the companies awarded contracts.

Item 6.2 Item 16 of the Planning and Economic Development Committee Report 04-016 entitled Appeal of the City of Hamilton Committee of Adjustment (Rural) Decision to Approve Severance Application AN/B-04:117 (Don Robertson (Agent) on Behalf of Kevin and Charlene Whalen), 724 Ferguson Road (Former Town of Ancaster) City of Hamilton (PD04251) (Ward 12) (Item 8.2)

Councillor Ferguson declared an interest since the applicant is his next door neighbour.

Item 7.6 Upcoming CTRC hearings (Added motion)

Councillor B. Kelly declared an interest as he is employed by a local television station.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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Mayor Dilanni invited Jim Kay and Glen Peace to join him at the podium. In keeping with long-standing tradition of the firefighting services, former Fire Chief, Glen Peace, presented the Chief's badge and uniform medals to Jim Kay, officially investing him as Fire Chief for the City of Hamilton.

Mayor Dilanni called upon Rikki Frith from the City's Public Health and Community Services to address Council about the upcoming CIBC Run for the Cure, to be held in Burlington, Ontario on Sunday, October 3, 2004.

APPROVAL OF MINUTES

(Kelly/Ferguson)

That the Minutes of the City Council Meeting held on September 15, 2004, be approved. **CARRIED.**

COMMUNICATIONS

(Jackson/Kelly)

- (a) That Council Communication Item 5.1 from Sonya Pacheco, Legislative Co-ordinator, City of Brampton respecting Request for Additional Judicial Resources be received and referred to the City Clerk for a report to the Corporate Administration Committee
- (b) That the following added Council Communications be received:
 - (i) Item 5.2 from Cathy Gazzola, President of Durand Neighbourhood Association respecting funding to cultural organizations and
 - (ii) Item 5.3 from Carl Henderson, Stoney Creek Non Profit Housing Corporation respecting Co-ordinated Access to Social Housing.
 - (iii) Item 5.4 from Karen Davis, Hamilton East Kiwanis Non Profit Homes Inc. respecting Co-ordinated Access.
- (c) That the e-mails received from concerned residents respecting an application made by Lowndes Holdings for an aggregate open pit mine operation in Flamborough, be forwarded to the Planning Department. **CARRIED.**

(Jackson/Kelly)

That Council move into Committee of the Whole for consideration of the following Committee Reports:

- (a) Public Works, Infrastructure and Environment Committee Report 04-016
- (b) Planning and Economic Development Committee Report 04-016
- (c) Corporate Administration Committee Report 04-012
- (d) Strategic Planning and Budgets Committee Report 04-011
- (e) Public Health and Community Services Committee Report 04-003 **CARRIED.**

**PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT
COMMITTEE REPORT 04-016**

(Collins/Ferguson)

That the SIXTEENTH Report of the Public Works, Infrastructure and Environment Committee be adopted and the information section received. **CARRIED.**

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 04-016

14. Response to Province of Ontario Greater Golden Horseshoe Growth Plan Report (PD04243) (City Wide) (Item 7.1)

(Mitchell/Pearson)

That subsection (a) be amended by inserting the words, *as amended by OPA #14 for the Stoney Creek urban expansion area*, after the word *boundaries* as follows:

- (a) Map No. 2 – *Areas Experiencing Rapid Growth* be corrected to reflect approved Regional Official Plan boundaries, *as amended by OPA #14 for the Stoney Creek urban expansion area*, in the City of Hamilton. It is requested that Waterdown and Binbrook be represented as areas ‘Experiencing Rapid Growth’ and Greensville be represented as a ‘Designated Settlement Area’ as identified on Appendix A to report PD04243.

**Amendment CARRIED.
Motion as amended CARRIED.**

(Kelly/Jackson)

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

CORPORATE ADMINISTRATION COMMITTEE REPORT 04-012

Item 3 Community Partnership Program – Arts and Special Events Funding Ceiling (GRA04008) (City Wide)

(Ferguson/Collins)

That Item 3 of the Corporate Administration Committee respecting Community Partnership Program – Arts and Special Events Funding Ceiling, be referred back to Committee. **CARRIED.**

Mayor Dilanni requested that Members of Council be informed when this item is considered.

**Item 5 RFP Co-ordinated Access System for Housing (HCS04059)
(City Wide)**

That subsection (b) of Item 5 of Corporate Administration Committee Report 04-012 be deleted in its entirety and replaced with the following in lieu thereof:

- (b) That staff Report HCS04059 be publicly released following the severance of information, by the appropriate City staff, referencing identifiable proponents.

**Amendment CARRIED.
Motion as amended CARRIED.**

Item 9 Litigation Trials Costs (City Wide) (LS03001(b)) (Item 13.3)

Item 10. Civil Litigation Trials Costs (City Wide) (LS03002(a)) (Item 13.4)

Councillor McCarthy indicated that she wished to be recorded as OPPOSED to these items.

(Ferguson/Collins)

That the TWELFTH Report of the Corporate Administration Committee be adopted, as amended, and the information section received. **CARRIED.**

STRATEGIC PLANNING AND BUDGETS COMMITTEE REPORT 04-011

(Jackson/Kelly)

That the ELEVENTH Report of the Strategic Planning and Budgets Committee be adopted and the information section received. **CARRIED.**

PUBLIC HEALTH AND COMMUNITY SERVICES COMMITTEE REPORT 04-003

Item 6 Dental Clinics (City Wide) HCS04066 (Item 8.3)

(Bruckler/Collins)

That Item 6 of the Public Health and Community Services Committee Report 04-003 respecting Dental Clinics be deleted in its entirety and the remaining items of the report be renumbered accordingly. **CARRIED.**

Item 8. Golf Courses/Ski Hill Operations (HCS04053) (City Wide) (Item 7.3)**(Jackson/Kelly)**

That subsection (a) of Item 8 be amended by inserting the words "*commencing in the 2006 season*" as follows:

- (a) That staff be directed to proceed and advertise for a "Request for Proposal" for a Partnership for the management and operation of either or both municipal golf courses and ski hill "*commencing in the 2006 season*";

**Amendment CARRIED.
Motion as amended CARRIED.**

(Merulla/Morelli)

That the THIRD Report of the Public Health and Community Services Committee be adopted, as amended, and the information section received. **CARRIED.**

MOTIONS

7.1 Establishment of an Election Review Task Force**(McHattie/Merulla)**

Whereas the City of Toronto Council has established an Election Review Task Force to examine all aspects of municipal election campaign financing and to make recommendations to the Council on legislative amendments and process improvements that will enhance the public accountability of candidate financial disclosure;

And Whereas the Election Review Task Force has submitted a series of recommendations on election campaign finance reform to the Toronto City Council, including but not limited to, a request that Elections Ontario perform election finance audit activities (i.e., instead of City Council);

Therefore be it resolved that the recommendations of the Toronto Election Review Task Force be referred to the City Clerk's Office for report to the Corporate Administration Committee with a recommendation on the feasibility of the City of Hamilton undertaking its own municipal election campaign financing review. **CARRIED.**

7.2 Demolition Permit – 432 MacNab Street North, Hamilton**(Morelli/Merulla)**

That Item 2 of Planning and Economic Development Committee Report 04-013 respecting Demolition Permit – 432 MacNab Street North be reconsidered.

CARRIED.

(Morelli/Merulla)

That Item 2 of the Planning and Economic Development Committee Report 04-013 respecting Demolition Permit – 432 MacNab Street North approved by Council on July 14, 2004 be amended by deleting the words “and received” in subsection (a) as follows:

- (a) That the applicant has applied for ~~and received~~ a building permit for a replacement building on this property. **CARRIED.**

7.3 Appointment of Citizens to the Compliance Audit Committee**(Kelly/Jackson)**

That the following citizens be appointed to the Compliance Audit Committee to oversee applications received for the October 1, 2004 By-election and the 2006 Municipal Election:

Mr. Gary Ostofi
Ms. Mary Jane Weirshora
Mr. John Klein
Ms. Linda Lister
Mr. Ross Anderson

CARRIED**7.4 Whistle Blowing at Public Railway Crossings****(McCarthy/Merulla)**

That staff be directed to enter into discussions with CP Rail and prepare a report for consideration of the Public Works, Infrastructure and Environment Committee addressing the required procedures for seeking relief from Rule 14(L)(ii) of the Canadian Rail Operating Rules (CROR) which requires whistling at public crossings, specifically as it relates to Carlisle Road and that the City of Hamilton/CP Rail Liaison Committee participate in these discussions. **CARRIED.**

7.5 Dental Program Clinics**(Bruckler/Collins)**

That the Rules of Order be suspended to allow for a motion to reconsider Item 11, subsection (5) of the Committee of the Whole Final Budget Report 04-003 respecting the closing of Dental Program Clinics (\$130,000). **CARRIED.**

(Bruckler/Collins)

That Item 11 subsection 5 of Committee of the Whole Final Budget Report 04-003 approved by City Council on April 29, 2004 respecting the closing of Dental Program Clinics (\$130,000) be reconsidered. **CARRIED.**

(Bruckler/Collins)

That Item 11 subsection 5 of Committee of the Whole Final Budget Report 04-003 approved by City Council on April 29, 2004 respecting the closing of Dental Program clinics (\$130,000) be rescinded and the financing be found in the Public Health and Community Services Department operating budget. **CARRIED.**

7.6 Upcoming CTRC hearings**(McHattie/Merulla)**

That as per Council's direction provided at it's meeting held August 12, 2004, regarding the lack of television media diversity in the City of Hamilton, the City Manager be authorized to negotiate and purchase the services of the Centre for Community Study to represent the City's interests at the upcoming CRTC hearings at a cost not to exceed \$5,000 to be charged to the General Contingency fund. **CARRIED.**

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL**(Whitehead/Pearson)**

That Council move In Camera to deliberate matters pertaining to two contractual issues and legal proceedings respecting the Red Hill Creek Expressway.

CARRIED

(Ferguson/Jackson)

That Council reconvene in Open Session.

CARRIED

There was no action to be reported.

(Kelly/Morelli)

That Rule 3.12(a) of the City's Procedural By-law be invoked for this meeting of City Council to allow business to be extended beyond the 9:00 p.m. time period.

CARRIED

BY-LAWS

(Jackson/Kelly)

That Bill Nos. 04-228 to 04-240 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 04-228 to 04-240:

- 04-228** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking (Schedules 6, 8, 12, 13, 14, 20)
- 04-229** To Amend City of Hamilton By-law No. 01-084, Being a By-law to Appoint Municipal Law Enforcement Officers
- 04-230** Respecting Removal of Part Lot Control Block 23, Registered Plan No. 62M-968.
- 04-231** Respecting Removal of Part Lot Control Block 7, Registered Plan 62M-1004.
- 04-232** Respecting Removal of Part Lot Control Block 6, Registered Plan 62M-1004.
- 04-233** Respecting Removal of Part Lot Control Block 4, Registered Plan 62M-1004.
- 04-234** Respecting Removal of Part Lot Control Block 5, Registered Plan 62M-1004.
- 04-235** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located on the North Side of Hemlock Avenue, West of Ferris Park, Between Madoc Street and Valrose Drive.
- 04-236** To Amend By-law No. 01-215 Being a By-law To Regulate Traffic (Schedule 5).
- 04-237** To Amend Zoning By-law No. 87-57(Ancaster) Respecting Lands Located at 1147 Garner Road West.
- 04-238** To Amend By-law No. 01-215 Being a By-law to Regulate Traffic (Schedule 13)
- 04-239** To Amend By-law No. 01-215 Being a By-law to Regulate Traffic (Schedule 5)
- 04-240** To Confirm the Proceedings of City Council at its meeting held on September 29, 2004.

The City Council meeting adjourned at 9:25 p.m.

Respectfully submitted,

Larry Dilanni
Mayor

Kevin Christenson
City Clerk
September 29, 2004