Present: Mayor L. Di Ianni


Mayor Di Ianni called the meeting to order.

The Mayor called upon Reverend Steve Lindsay of Cheyne Presbyterian Church, Stoney Creek to lead the Council in Prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. Added Council Minutes from the special Council meeting of May 9, 2005
2. Added Motion by Councillor Merulla respecting Affordable Housing in Ontario
3. Added Notice of Motion by Councillor McHattie respecting CBC Radio
4. Two Personnel Matters were added to the Private and Confidential Section
5. Correction of typo in the numbering of the Strategic Planning and Budgets Committee. Item 8 to be renumbered as Item 7.

(Pearson/Mitchell)
That the Agenda for the City Council meeting being held on May 11, 2005, as amended, be approved.  CARRIED.
DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

The Mayor welcomed everyone attending this meeting of Council being held in the Council Chambers of the former City of Stoney Creek. He thanked the Stoney Creek Chamber of Commerce for hosting the meet-and-greet held prior to the meeting and also facilities staff for preparing the Chambers.

The Mayor announced that this evening Council will celebrate its special partnership with the Regional Municipality of Niagara called Niagara-Hamilton WastePlan, a joint initiative to find a way to manage the solid waste remaining after diversion from landfill. This is the first time an Environmental Terms of Reference have been undertaken for waste disposal in 10 years and the first time it has been undertaken by two municipalities. The Terms of Reference were approved by the Province on February 7, 2005.

The Mayor welcomed Peter Partington, Niagara Regional Chair and Lord Mayor Gary Burroughs of Niagara-on-the-Lake who is Co-Chair of WastePlan together with Councillor Dave Braden. He also welcomed Ian Neville, Commissioner of Public Works, Niagara Region.

The Mayor acknowledged Grant Shaw former Deputy Mayor of Stoney Creek and Frank Carrocci, the former Treasurer of Stoney Creek, who were in the audience.

To commemorate this significant partnership, the Mayor presented Chairman Partington with the flag of the City of Hamilton and he asked him to join him in signing a commemorative certificate.

APPROVAL OF MINUTES

(Bruckler/Pearson)
That the Minutes of the City Council Meeting held on April 27, 2005, be approved.
CARRIED.

(Collins/Morelli)
That the Minutes of the Special City Council Meeting held on May 9, 2005, be approved.
CARRIED

COMMUNICATIONS

(Braden/Bratina)
That the dispositions of the Council Communications, as amended be approved as follows:

5.1 Correspondence from the Honourable Dr. Marie Bountrogianni, Minister of Children and Youth Services respecting locations for the Best Start Plan Recommendation: Be received
5.2 Correspondence from the Honourable Ralph Goodale, Minister of Finance and the Honourable John Godfrey, Minister of State (Infrastructure and Communities) respecting Update on the 2005 Federal Budget
Recommendation: Be received

5.3 Resolution from the Town of Parry Sound respecting Policing Costs
Recommendation: Be received

5.4 Petition submitted by Eileen Butson, President of Auchmar Millennium Fund respecting designation of Auchmar as a National Heritage Site
Recommendation: Be received and forwarded to the Municipal Heritage Committee for comment and report to the Planning and Economic Development Committee

5.5 Resignation of Councillor Bill Kelly from the Selection Committee

(Braden/Bratina)
That Council Communication Item 5.5 be amended by deleting the words “a Member of Council” and replacing with the words “Councillor Maria Pearson” in lieu thereof as follows:

Recommendation: That the resignation of Councillor Kelly from the Selection Committee be received and that Councillor Pearson be appointed to fill the vacancy.

Amendment CARRIED
Motion as amended CARRIED

Councillor Whitehead requested that the Selection Committee composition and membership be referred to the Selection Committee for review.

(Braden/Bratina)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.

CARRIED.

PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 05-008

(Mitchell/Pearson)
That the EIGHTH Report of the Public Works, Infrastructure and Environment Committee be adopted and the information section received. CARRIED.
PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 05-010

Item 10  Information Request Due to Public Safety Related to Dogs Statute Law Amendment Act, 2005 (PD05116) (City Wide) (Item 8.2)

(Jackson/Whitehead)
That Item 10 of the Planning and Economic Development Committee Report 05-010 be amended by adding the following subsection (d):

(d) That the Province of Ontario be requested to cover any additional costs that the City of Hamilton’s Animal Control Division has incurred, resulting from their new legislation the Public Safety Related to Dogs Statute Law Amendment Act, 2005.

Amendment CARRIED
Motion as amended CARRIED

Item 13  Application to Amend the Flamborough Official Plan and Zoning By-law No. 90-145-Z, to Permit an Expansion of Rural Industrial Development for Part of Lot 5, 6th Concession Road East (Flamborough) (PD05084) (Ward 15) (Item 6.7)

This Item was DEFEATED on a Standing Recorded vote as follows:

Yeas: Dilanni, Bratina, Pearson, Mitchell, Ferguson, Samson, Kelly
Total:  7

Nays: Braden, Bruckler, Jackson, Whitehead, McCarthy, McHattie, Merulla, Morelli, Collins
Total: 9

(Ferguson/Pearson)
13.  Application to Amend the Flamborough Official Plan and Zoning By-law No. 90-145-Z, to Permit an Expansion of Rural Industrial Development for Part of Lot 5, 6th Concession Road East (Flamborough) (PD05084) (Ward 15) (Item 6.7)

(a) That approval be given to Amended Official Plan Amendment Application OPA-02-12, The Flamborough Group, owner, to change the designation in the Flamborough Official Plan from “Agriculture” to “Rural Industrial – Specific Policy Area” to permit a water bottling plant with accessory indoor uses on lands described as Part of Lot 5, 6th Concession Road East (Flamborough), to the rear of 381, 383 and 385 6th Concession Road East, shown as Block “2” on the attached Appendix “A”;

(b) That approval be given to Amended Zoning By-law Amendment Application ZAC-02-47, The Flamborough Group, owner, to change the zoning from Agricultural “A” Zone to Conservation Management “CM”
Zone to permit conservation uses, and to change the zoning from Agricultural “A” Zone to a modified Rural Industrial “M3–16” Zone to permit only a water bottling plant with indoor accessory uses, on lands described as Part of Lot 5, 6th Concession Road East (Flamborough), to the rear of 381, 383 and 385 6th Concession Road East, shown as Blocks “1” and “2” respectively, on the attached Appendix “A”, on the following basis:

(i) That Schedule “A-5” of By-law No. 90-145 Z, Flamborough, as amended, is hereby amended by changing the zoning of Block “1” from Agricultural “A” Zone to Conservation Management “CM” Zone;

(ii) That Schedule “A-5” of By-law No. 90-145 Z, Flamborough, as amended, is hereby further amended by changing the zoning of Block “2” from Agricultural “A” Zone to a modified Rural Industrial “M3-16” Zone;

(iii) That Section 31 – Rural Industrial “M3” Zone of Zoning By-law No. 90-145-Z (Flamborough) applicable to Block “2”, is hereby amended by adding thereto the following subsection:

“31.3.16 ‘M3-16’ (see Schedule A-5)

Permitted Uses:

Only the following uses shall be permitted:

(a) A Water bottling plant and indoor accessory uses

Zone Provisions:

(a) Minimum Lot Frontage……………………………………………20 metres
(b) Maximum Lot Coverage……………………………………….20%
(c) Minimum east side yard……………………………………0.0 metres
(d) No accessory buildings or structures shall be permitted.
(e) No outside storage shall be permitted.
(f) All other provisions of Subsection 31.2 (‘M3’ Zone) shall apply.

This motion CARRIED on a Standing Recorded vote as follows:

Yeas: Dilanni, Braden, Bratina, Bruckler, Pearson, Mitchell, Whitehead, Ferguson, Collins, Samson, Kelly
Total: 11

Nays: Jackson, McCarthy, McHattie, Merulla, Morelli
Total: 5
(Whitehead/Pearson)
That the TENTH Report of the Planning and Economic Development Committee be adopted, as amended, and the information section received. CARRIED.

CORPORATE ADMINISTRATION COMMITTEE REPORT 05-008

Item 5 Report 05-002 of the Grants Sub-Committee – April 28, 2005 (Item 9.1)
Councillor Braden indicated that he wished to be recorded as OPPOSED to this Item.

(Braden/Bruckler)
That the EIGHTH Report of the Corporate Administration Committee be adopted and the information section received. CARRIED.

STRATEGIC PLANNING AND BUDGETS COMMITTEE REPORT 05-004

Item 2 Waste Management User Fees and Charges (Item 6.1)
Councillors T. Jackson, B. McHattie, T. Whitehead and C. Collins indicated that they wished to be recorded OPPOSED to this Item.

Item 6 Facility Naming Sub-Committee Report 05-001 (Item 8.4)

(McHattie/Merulla)
That Appendix A of Item 6 of the Fourth Report of the Strategic Planning and Budgets Committee respecting Membership on the Facility Naming Sub-Committee be amended by adding Mayor L. DiIanni as ex-officio.

Amendment CARRIED
Motion as Amended CARRIED

Item 7 Facility Naming Sub-Committee Report 05-002 (ADDED Item 8.6)
Councillors D. Braden and T. Whitehead indicated that they wished to be recorded OPPOSED to this Item.

(McHattie/Merulla)
That the FOURTH Report of the Strategic Planning and Budgets Committee be adopted, as amended, and the information section received. CARRIED.
SOCIAL AND PUBLIC HEALTH COMMITTEE REPORT 05-007

(McHattie/Merulla)
That the SEVENTH Report of the Social and Public Health Committee be adopted and the information section received. CARRIED.

COMMUNITY SERVICES COMMITTEE REPORT 05-005

(Bruckler/Mitchell)
That the FIFTH Report of the Community Services Committee be adopted, as amended, and the information section received. CARRIED.

LICENSING COMMITTEE REPORT 05-004

(Merulla/McHattie)
That the FOURTH Report of the City of Hamilton Licensing Committee be adopted and the information section received. CARRIED.

MOTIONS

7.1 Amendment to the membership of the Finance and Administration Operational Review Sub-Committee

(Ferguson/Collins)
That the composition of the Finance and Administration Operational Review Sub-Committee, as approved by Council on April 13, 2005 in approving Motion 7.4, be amended by deleting Councillor C. Collins, and replacing it with Councillor P. Bruckler in lieu thereof. CARRIED.

7.2 Request that New Housing Program be Finalized

(Merulla/McHattie)
WHEREAS the City of Hamilton commends and congratulates the Federal and Provincial Ministers for Housing for signing the $602 Million Affordable Housing Agreement on April 29, 2005 to increase the supply of affordable housing in the Province;

AND WHEREAS the City of Hamilton is strongly committed to work in partnership with our Federal and Provincial Governments in delivering various housing solutions that will respond to the affordable housing needs of Hamilton citizens;
AND WHEREAS the City of Hamilton recognizes that new affordable housing also contributes to economic growth, neighbourhood revitalization, community stability and improving the quality-of-life of Hamilton citizens;

AND WHEREAS Hamilton-based private sector and community-led housing providers are eager to participate with the City of Hamilton and the Federal and Provincial Governments in utilizing these new housing programs;

THEREFORE BE IT RESOLVED that the Council of the City of Hamilton encourages the Federal and Provincial Governments to finalize the new housing program details as quickly as possible that will allow this new funding to be made available in our municipality and respond to the growing affordable housing needs in our community.

CARRIED

7.3(a) Waive the Rules to Introduce a Motion

(Ferguson/Morelli)
That the Rules of Procedure be waived in order to introduce a motion respecting the establishment of a trust fund to accept donations for improvements to the Gore Park Cenotaph and the easterly section of Gore Park.

CARRIED

7.3(b) Trust Fund to Accept Donations for the Improvement of the Gore Park Cenotaph

(Bratina/Ferguson)
That the General Manager of Corporate Services be directed to establish a trust fund to receive public donations for the purpose of restoring and improving the cenotaph and the surrounding easterly section of Gore Park.

CARRIED

NOTICES OF MOTION

Councillor McHattie presented the following Notice of Motion:

Local CBC Presence

WHEREAS Hamilton is the largest urban region in Canada without a local CBC presence, despite the continued contribution by Hamiltonians, through their taxes, to CBC’s operating budget;
AND WHEREAS Hamilton was identified as a market for radio expansion in CBC’s regional expansion strategy;
THEREFORE BE IT RESOLVED that the City of Hamilton call upon the federal government and the CBC to establish a local CBC presence commiserate to other Canadian communities of similar size.

STATEMENT BY MEMBERS

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


PRIVATE AND CONFIDENTIAL

On a motion (Whitehead/Ferguson) Council moved In-Camera to receive an update respecting Labour Negotiations and two Personnel Matters. CARRIED.

On a motion (Ferguson/Whitehead) Council reconvened in Open Session. CARRIED.

The Committee reconvened in Open Session, with nothing to report.

BY-LAWS

(Braden/Bruckler)
That Bill Nos. 05-112 to 05-127 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 05-112 to 127:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>05-112</td>
<td>112</td>
<td>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 13 – No Stopping Zones</td>
</tr>
<tr>
<td>05-113</td>
<td>113</td>
<td>Respecting The Appointments of a Chief Building Official, Deputies and Inspectors</td>
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<tr>
<td>05-114</td>
<td>114</td>
<td>Respecting Discharge of Firearms</td>
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<td>Item</td>
<td>Description</td>
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<tr>
<td>05-115</td>
<td>To Amend Site Alteration By-law No. 03-126</td>
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<tr>
<td>05-116</td>
<td>To Adopt Official Plan Amendment No. 99 to the former Town of Flamborough Official Plan; Respecting Part of Lot 5, Concession 6 (former Town of Flamborough)</td>
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</tr>
<tr>
<td>05-117</td>
<td>To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting lands described as being Part of Lot 5, 6(^{th}) Concession Road East (East Flamborough), in the former Town of Flamborough, now in the City of Hamilton</td>
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<tr>
<td>05-118</td>
<td>To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 21 and 35 Stone Church Road</td>
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<tr>
<td>05-119</td>
<td>To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 293 Upper Centennial Parkway</td>
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<tr>
<td>05-120</td>
<td>To Amend Zoning By-law No. 6593, as amended by By-law No. 04-296, Respecting Lands Located at 872 Concession Street</td>
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<tr>
<td>05-121</td>
<td>To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting a Portion of Lands Located within Draft Approved Plan of Subdivision “Deerfield Estates Addition” (25T-200402)</td>
<td></td>
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<tr>
<td>05-122</td>
<td>Respecting Removal of Part Lot Control Within a Portion of “Goldenview Terrace, Phase 2” Blocks 1-9, Plan 62M-1026</td>
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<tr>
<td>05-123</td>
<td>Respecting Removal of Part Lot Control within a portion of “Central Park Addition” – Lots 17 to 19, inclusive, Plan 62M-852</td>
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<tr>
<td>05-124</td>
<td>Respecting Removal of Part Lot Control within a portion of “Meadowlands Place” – Part of Block 7, Plan 62M-855</td>
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<tr>
<td>05-125</td>
<td>Respecting Removal of Part Lot Control within a portion of “Goldenview Terrace, Phase 2”, Blocks 10 – 12, Plan 62M-1026</td>
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<tr>
<td>05-126</td>
<td>Respecting Removal of Part Lot Control within a portion of “Goldenview Terrace, Phase 2”, Blocks 13 – 25, Plan 62M-1026</td>
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<tr>
<td>05-127</td>
<td>To Confirm the Proceedings of City Council</td>
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</table>
The City Council meeting adjourned at 10:10 p.m.

Respectfully submitted,

Larry Di Ianni
Mayor

Kevin Christenson
City Clerk
May 11, 2005