



CITY COUNCIL MINUTES

Wednesday, April 23, 2008

7:00 p.m.

Albion Rooms

Hamilton Convention Centre

One Summer's Lane

Hamilton, Ontario

Present: Mayor F. Eisenberger

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

Absent with Regrets: Councillor B. Morelli - Police Services Business

Mayor Eisenberger called the meeting to order and called upon Reverend Colin Beitz of Jesus Christ of Latter-Day Saints in Hamilton to lead Council in prayer.

ANNOUNCEMENT

Mayor Eisenberger announced the recent passing of Alexander Lanari on April 18, 2008 after a battle with cancer. Mr. Lanari was a bus operator with the HSR since September 13, 1999. He is survived by his wife, Kathy. On behalf of City Council, Mayor Eisenberger extended sympathy and condolences to his family and friends during this most difficult time.

Mayor Eisenberger announced the recent passing of Gordon Dean at the age of 85. Mr. Dean was a former MPP with the Progressive Conservative Party, Reeve of Saltfleet Township and Mayor of Stoney Creek. He also served on a number of Boards in the community. Mr. Dean is survived by his wife, Mary, and three daughters. On behalf of City Council, Mayor Eisenberger extended sympathy and condolences to his family and friends during this most difficult time.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

- (a) Communication Item 5.12 is to be referred to the General Manager of Planning and Economic Development rather than the General Manager of Public Works
- (b) Committee of the Whole Report 08-017(a) – reversing Items 3 and 4 in the sequence of the report.

(Collins/Ferguson)

That the Agenda for the City Council meeting being held on April 23, 2008, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST**Motion 7.1 CBC**

Councillor Bratina declared an interest in this item as he is employed in the Radio Broadcasting Industry

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES**(Powers/Pearson)**

That the Minutes of the April 7, 2008, meeting of Council be approved, as presented.

CARRIED

(Whitehead/Pearson)

That the Minutes of the April 9, 2008, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS**(Clark/Pearson)**

That Council Communications 5.1 to 5.16, as amended, be approved, as follows:

- 5.1 Correspondence from the Honourable Minister of Finance Dwight Duncan and the Honourable Minister of Municipal Affairs and Housing Jim Watson respecting Bill 35 – Investing in Ontario Act, 2008

Recommendation: Be received

- 5.2 Correspondence from Attorney General Chris Bentley respecting plate denials for unpaid parking fines

Recommendation: Be received

- 5.3 Correspondence from Matthew McKenna, Keep America Beautiful acknowledging the City of Hamilton's application for Certification

Recommendation: Be received

- 5.4 Correspondence from the Honourable Minister of Transport, Infrastructure and Communities Lawrence Cannon respecting construction of a pedestrian crossing over the Queen Elizabeth Way to the Waterfront Trail and Greenway – Building Canada Plan

Recommendation: Be received

- 5.5 Correspondence from A. Opalick, Office of the Prime Minister respecting our endorsement of the City of Waterloo's resolution regarding use and sale of cosmetic chemical pesticides

Recommendation: Be received

- 5.6 Correspondence from Premier of Ontario, Dalton McGuinty respecting public health

Recommendation: Be received

- 5.7 Correspondence from Pearl Wolfe, Ronald McDonald House respecting assistance provided with encroachment agreement to allow for expansion

Recommendation: Be received

- 5.8 Correspondence from Patrick Byrne, Department of Finance respecting City's vision for public transit

Recommendation: Be received

- 5.9 Correspondence from The Honourable Minister of Government and Consumer Services Ted McMeekin respecting economic impact of horse racing at Flamboro Downs

Recommendation: Be received

- 5.10 Correspondence from Jane Douglas respecting Lister Block Restoration

Recommendation: Be received

Please Note: The attachments referenced in Ms. Douglas' correspondence, due to bulk are not included in this Agenda package but may be viewed in the Office of the City Clerk.

- 5.11 Correspondence from Mayor David Miller, City of Toronto respecting Handgun Ban

Recommendation: Be received

- 5.12 Petition from Residents of Upper Mount Albion Road, Stoney Creek respecting construction issues on their street

Recommendation: Be received and forwarded to the General Manager of Planning and Economic Development for action

- 5.13 Correspondence from The Honourable Steve Peters, Speaker of the Legislative Assembly of Ontario respecting Quebec City's 400th Anniversary

Recommendation: Be received and referred to the City Clerk for action

- 5.14 Correspondence from Luc Dehaene, Mayors for Peace 2020 Vision Campaign soliciting financial commitment

Recommendation: Be received and referred to the General Manager of Finance for action

- 5.15 Correspondence from Alan Dale, Grand River Conservation Authority respecting endorsement of Recommendations in the 2006/2007 Annual Report of the Environmental Commissioner of Ontario

Recommendation:

That the recommendations of the 2006/2007 Annual Report of the Environmental Commissioner of Ontario be endorsed.

- 5.16 Correspondence from Mayor Neil Ellis, Town of Belleville respecting Change for the Environment Challenge

Recommendation: Be referred to the General Manager of Public Works for action
CARRIED AS AMENDED.

(Clark/Pearson)

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

PUBLIC WORKS COMMITTEE REPORT 08-007

(Powers/Collins)

That the following be added as Item 13 to Public Works Committee Report 08-007:

**13. Accessible Transportation Services (ATS) Review (PW05075(c))
(City Wide)**

- (a) That Information Item (h)(i) of Public Works Committee Report 08-007 respecting the Accessible Transportation Services (ATS) Review be referred in its entirety to the Committee of the Whole for consideration;
- (b) That those organizations who had requested to appear before the Public Works Committee on this matter, and who were approved by the Committee, be invited to make their respective presentations to the appropriate Committee of the Whole meeting when this issue is discussed. **CARRIED.**

(Powers/Collins)

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

AUDIT & ADMINISTRATION COMMITTEE 08-005
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Item 12 Procurement and Standardization of Ambulance Fleet purchases for 2008-2010 (FCS08035/HES08008) (City Wide) (Item 8.4)

CARRIED on a Recorded Vote as follows:

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

Item 13 Procurement of Emergency Medical Services Paramedic Response Vehicles (FCS08036/HES08009) (City Wide) (Item 8.5)

CARRIED on a Recorded Vote as follows:

Yeas: Mayor Eisenberger, Councillors Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 14

Nays: Councillor Clark
Total: 1

Absent: Councillor Morelli
Total: 1

(Pearson/Powers)

That the FIFTH Report of the Audit & Administration Committee be adopted and the information section received. **CARRIED**

EMERGENCY & COMMUNITY SERVICES COMMITTEE 08-006**Item 6 Resource Limitations and Hospital Emergency Department Off-Loading (HES08006) (City Wide) (Item 8.1)****(Clark/Pearson)**

That the following be added as subsection (h):

- (h) That staff provide Council with monthly reports on Code Zero occurrences in ambulance calls. **AMENDMENT CARRIED.**

(Jackson/Merulla)

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

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-007**(Whitehead/Powers)**

That Item 13 of Economic Development and Planning Committee Report 08-017 respecting Proposed Interim Control By-law of Private Waste Disposal Sites be deleted in its entirety and replaced with the following in lieu thereof:

13. Proposed Interim Control By-law of Private Waste Disposal Sites

- (a) That the planning review, originally authorized by City Council at its meeting of November 13, 2001 to review waste disposal sites (recycling facilities) and recently commenced in February of 2008 by Jacques Whitford Limited, be continued and completed expeditiously for all lands located in the City of Hamilton in respect of land use planning policies in the municipality for all private waste disposal sites.
- (b) That an Interim Control By-law attached hereto be passed and enacted pursuant to the provisions of Section 38(1) of the Planning Act, R.S.O., 1990, as amended, for all industrial zones located in the City of Hamilton, and in particular for the following zones Hamilton: J, JJ, K, KK, L-i, M-11, M-12, M-13, M-14, M-15; Dundas: I.L, I.G, I.LS; Flamborough: M1, M2, M3, EI; Stoney Creek: MS, MP, MT, MG, MSP, MBP, ME, MR; Glanbrook: M1, M2, M3, M4, M5, M6, M7, M8; Ancaster: M1, M2, M3, M4, M5, M6, to prohibit, save and except for those lands indicated on Schedule "A" to By-law 06-028, known as the West Hamilton Innovation District, save and except for those lands indicated on Schedule "A" to By-law 04-054, known as the Barton Street and Tiffany Street Industrial Area, save and except for any applications for a Part V Certificate of Approval for a waste disposal site filed with the Ministry of the Environment prior to the date of the passing of the Interim Control By-law, and save and except for such lawful uses carried on immediately prior to the passage of the Interim Control By-law, the establishment of new private waste disposal sites or the expansion of existing private waste disposal sites, pending the completion of the planning review for such uses. **CARRIED.**

(Whitehead/Powers)

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

COMMITTEE OF THE WHOLE REPORT 08-017
Item 1 HUC Dividends – Applied to 2008 Tax Budget

CARRIED on a Recorded Vote as follows:

Yeas: Mayor Eisenberger, Councillors Bratina, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total: 13

Nays: Councillors Clark, Collins

Total: 2

Absent: Councillor Morelli
Total: 1

(Clark/Pearson)

That the SEVENTEENTH Report of Committee of the Whole be approved and the information section received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 08-017a

Item 1 Approval of the 2008 Tax Supported Budget (Item 6.2)

(Clark/Whitehead)

That the following be added as subsection (e):

- (e) That the interest from the Hamilton Future Fund not be used to lower the levy in 2009 and forward. **AMENDMENT CARRIED.**

(McCarthy/Pasuta)

That Item 4 be brought forward on the agenda to be dealt with prior to Item 1 **DEFEATED.**

Item 1 **CARRIED** on a Standing Recorded Vote as follows:

Yeas: Mayor Eisenberger, Councillors Bratina, Clark, Jackson, McHattie, Merulla, Pearson, Powers, Whitehead

Total: 9

Nays: Councillors Ferguson, Collins, Pasuta, Mitchell, McCarthy, Duvall

Total: 6

Absent: Councillor Morelli

Total: 1

Item 3 2008 Slot Revenue Option

(Powers/Whitehead)

That the Question be put. **CARRIED.**

Item 3 CARRIED on a Standing Recorded Vote as follows:

Yeas: Councillors Clark, Collins, Duvall, Jackson, McHattie, Merulla, Pearson, Whitehead

Total: 8

Nays: Mayor Eisenberger, Councillors Bratina, Ferguson, McCarthy, Pasuta, Mitchell, Powers

Total: 7

Absent: Councillor Morelli
Total: 1

(Clark/Pearson)

That the Report 08-017(a) of the Committee of the Whole be approved, as amended, and the information section received. **CARRIED**

LICENSING COMMITTEE REPORT 08-003

(Clark/Pearson)

That the THIRD Report of the Licensing Committee be adopted, and the information section received. **CARRIED**

SELECTION COMMITTEE REPORT 08-001

Councillor Mitchell was to be noted in the "Present" section of the report.

(Jackson/Mitchell)

That the FIFTH Report of the Selection Committee be adopted as amended, and the information section received. **CARRIED**

(Clark/Pearson)

That the Committee of the Whole rise and report. **CARRIED**

MOTIONS

7.1 Federal Heritage Standing Committee Report and Request for a CBC Radio Station in Hamilton

(McHattie/Merulla)

Whereas, the federal Heritage Standing Committee has released its report on the Mandate Review of the CBC, which contains many references to new CBC Radio service for Hamilton, and;

Whereas, the City of Hamilton was the only city to make a presentation to the Heritage Standing Committee during their hearing process, and;

Whereas, for the first time, the Standing Committee has recommended a specific increase in funding for CBC/Radio-Canada, from \$33 per capita to \$40 per capita, and;

Whereas, the Standing Committee also recommended that "Radio is the best way to ensure affordable local coverage" and said that it supports CBC/Radio-Canada's Radio Plan, and;

Whereas, the Plan recommended the creation of 15 new local stations and production centres to improve local radio service to 8 million Canadians, with four new stations proposed for both BC and southern Ontario, 3 each for Alberta and Quebec, and 1 for Saskatchewan, and;

Whereas, the City of Hamilton has been meeting with CBC Radio for the past four years on acquiring a new station, and;

Whereas, CBC Radio has stated that the city of Hamilton is the number one target for regional expansion in Canada,

Now Therefore Be It Resolved:

- (a) The City of Hamilton requests that the Government of Canada respond quickly to the Standing Committee's report, and commit the necessary funding to establish a new radio station in Hamilton.
- (b) That this motion be communicated to all M.P.s. **CARRIED**

7.2 2008 Tax Bills

(Clark/Pearson)

That Item 2 of Committee of the Whole Report 07-035 respecting 2008 Tax Bills approved by City Council at its meeting of December 12, 2007 be reconsidered.

2. 2008 Tax Bills – Highlighting Infrastructure Funding Shortfall (added item)

That the 2008 tax bills indicate a line item highlighting the 1% capital allocation is for infrastructure due to funding shortfall from senior levels of government. **CARRIED**

(Clark/Pearson)

That Item 2 of Committee of the Whole Report 07-035 respecting 2008 Tax Bills Highlighting Infrastructure Funding Shortfall approved by City Council at its meeting of December 12, 2007 be rescinded.

CARRIED

(Bratina/Clark)

That the Rules of Order be waived to allow the introduction of a motion respecting a staff report to address alternate municipal uses for the Lister Block Property

CARRIED

7.3 Report to seek alternate municipal uses for the Lister Block Property**(Bratina/McHattie)**

- (a) That the General Manager of Planning and Economic Development direct the Downtown Renewal Division to seek alternate municipal uses for the Lister Block property and report back to Council no later than May 30th.
- (b) That the General Manager of Planning be directed to commit sufficient staff resources within the Department to assist the Downtown Renewal Division in the preparation of the report.

CARRIED on a Recorded Vote as follows:

Yeas: Councillors Bratina, Clark, Collins, Duvall, Jackson, McHattie,
Merulla, Pasuta, Mitchell, Whitehead

Total: 10

Nays: Mayor Eisenberger, Councillors Ferguson, Pearson and Powers

Total: 4

Absent: Councillors McCarthy, Morelli

Total: 2

(Powers/Pearson)

That the Rules of Order be waived to allow the introduction of a motion respecting Speed Limit on Cootes Drive, in the vicinity of McMaster University.

CARRIED on a Recorded Voted as follows:

Yeas: Councillors Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McHattie,
Merulla, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total: 13

Nays: Mayor Eisenberger

Total: 1

Absent: Councillors Morelli, McCarthy

Total: 2

**7.4 Speed Limit on Cootes Drive, in the vicinity of McMaster University
(Powers/Pearson)**

That Item 13 of Public Works Committee Report 07-007, approved by Council on May 16, 2007, respecting the speed limit on Cootes Drive, in the vicinity of McMaster University, be deleted in its entirety and replaced with the following in lieu thereof:

“13. That the speed limit on Cootes Drive, between Main Street West and a point 888 metres northerly therefrom, be set at 50 km/hr, and that the appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted.”

CARRIED.

NOTICES OF MOTION

Councillor B. Bratina presented the following Notice of Motion:

8.1 Report to address the partial collapse and demolition of the Balfour Building on King William Street

- (a) That Staff be directed to report back to Committee of the Whole on matters related to the partial collapse and demolition of the Balfour Building on King William Street, including the emergency demolition permit that was issued;
- (b) That staff report back to Committee of the Whole on inspection procedures of vacant buildings and other properties deemed unsafe, and the possibility of a pro-active inspection protocol.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Minutes of the Closed Session Meeting of April 9, 2008

(Pearson/Mitchell)

- (a) That the Minutes of the Closed Session of the City Council held on April 9, 2008, be received;
- (b) That the Minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

BY-LAWS

(Clark/Pearson)

That Bill Nos. 08-078 to 08-105 attached hereto 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 08-078 to 08-105 as follows:

By-law No.	Bill No.	
08-078	078	A By-law To Authorize the Receipt of Funding from Metrolinx to enhance the links between active transportation and public transit through the provision of safe and secure bike storage and the expansion of the bike/bus rack program
08-079	079	A By-law To Authorize the Receipt of Funding from the Province for municipal capital expenditures for road and bridge infrastructure in the City of Hamilton
08-080	080	A By-law To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs Schedule 2 – Speed Limits
08-081	081	A By-law To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 8 – No Parking Zones Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones
08-082	082	A By-law To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 6 – Time Limit Parking Schedule 12 – Permit Parking Zones
08-083	083	A By-law To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stops Signs
08-084	084	A By-law To Amend By-law No. 01-215, To Regulate Traffic: Schedule 4 – Yield Signs Schedule 5 – Stop Signs
08-085	085	A By-law To Authorize the Receipt of Funding from the Province of Ontario for municipal capital expenditures for transit vehicles and infrastructure in the City of Hamilton, to support: BLine improvements, King – Main Corridor and ALine improvements, James – Upper James Corridor

08-086	086	A By-law To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended
08-087	087	A By-law To Amend The City of Hamilton Waterworks By-law No. R84-026, as amended
08-088	088	A By-law To Authorize the Execution of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation
08-089	089	A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting 348 Fruitland Road, Stoney Creek
08-090	090	A By-law To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 92-244, Respecting Lands Located at 676 Upper James Street, Hamilton
08-091	091	A By-law To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 92-244, Respecting the Property Located at 700 Upper James Street
08-092	092	A By-law To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at the Northwest Corner of Twenty Road and Garth Street
08-093	093	A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 38 Blenheim Drive
08-094	094	A By-law To Amend Zoning By-law No. 1964 (Dundas), as amended, Respecting Lands Located at 9 Meadow Lane
08-095	095	A By-law Respecting Removal of Part Lot Control, Part of Block 160, Registered Plan No. 62M-831, Parts 6 through 11, Plan 62R-15307, "Jerseyville Estates"
08-096	096	A By-law Respecting Removal of Part Lot Control, Block 28, Registered Plan No. 62M-1097, Conservation Run – Phase 3
08-097	097	A By-law Respecting Removal of Part Lot Control, Block 29, Registered Plan No. 62M-1097, Conservation Run – Phase 3
08-098	098	A By-law Respecting Removal of Part Lot Control, Block 21, Registered Plan No. 62M-1030, Red Hill Vista, Phase 1
08-099	099	A By-law To Amend By-law No. 07-170, To License and Regulate Various Businesses

- 08-100** **100** A By-law To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits
Schedule 13 – Designated Traffic Lanes
Schedule 18 – Bike Lanes
Schedule 19 – Bike Paths
Schedule 20 – Combined Foot & Bicycle Paths
- 08-101** **101** A By-law To Establish Tax Ratios and Tax Reductions for the Year 2008
- 08-102** **102** A By-law To Set Optional Property Classes for the Year 2008
- 08-103** **103** A By-law To Adopt Municipal Options for Tax Capping
- 08-104** **104** To Establish Interim Control Zoning Respecting the following industrial zoned lands within the City of Hamilton:
Hamilton: J, JJ, K, KK, L-i, M-11, M-12, M-13, M-14, M-15;
Dundas: I.L, I.G, I.LS; Flamborough: M1, M2, M3, EI;
Stoney Creek: MS, MP, MT, MG, MSP, MBP, ME, MR;
Glanbrook: M1, M2, M3, M4, M5, M6, M7, M8; Ancaster: M1, M2, M3, M4, M5, M6, save and excepting those lands indicated on Schedule “A” to By-law 06-028, known as the West Hamilton Innovation District, and save and excepting those lands indicated on Schedule “A” to By-law 04-054, known as the West Harbour District, and save and excepting those lands more particularly referenced herein
- 08-105** **105** A By-law To Confirm the Proceedings of City Council

(Powers/Clark)

There being no further business, the City Council meeting adjourned at 10:42 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
Clerk
April 23, 2008