CITY COUNCIL
MINUTES

Wednesday, May 24, 2006
7:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Present: Mayor L. DiIanni
Councillors D. Braden, B. Bratina, P. Bruckler, C. Collins,
T. Jackson, B. Kelly, M. McCarthy, B. McHattie, D. Mitchell,
S. Merulla, B. Morelli, M. Pearson, A. Samson, T. Whitehead

Absent with regrets: Councillor M. Ferguson – Illness

Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Reverend Lillian Curtis, Chaplain at Wentworth Heights
Seniors Home on Hamilton Mountain, Alexander Seniors Place in Waterdown, and for
the Hamilton Police Services.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(a) ADDED COMMUNICATIONS

5.6 Correspondence from John Gerretsen, Minister of Municipal Affairs and
Housing respecting Affordable Housing Program – Strong Start for 260-280
King Street East – signed contribution agreement

Recommendation: Be received
5.7 Correspondence from Jeffrey L. Davies respecting A. DiMarco – Waterdown North Secondary Plan

Recommendation: Be received

5.8 Correspondence from John Gerretsen, Minister of Municipal Affairs and Housing respecting provincially appointed Conflict of Interest Commissioner

Recommendation: Be received

5.9 Correspondence from Mr. Singh, Ramgarhia Association respecting Item 16 of the Planning and Economic Development Committee respecting Application to Amend an Existing Provisional Certificate re – 306 Lake Avenue North

Recommendation: Be received

5.10 Councillor Merulla introduced correspondence from Hamilton Paramedics respecting ongoing concerns of ambulance response times and vehicle shortages.

(c) ADDED MOTIONS

7.2(a) Motion to reconsider subsection (g) of Item 1 of the Planning and Economic Development Committee Report 06-012 respecting City Use of Section 4.4 – Public Uses Permitted in all Zones Regulation of Zoning By-law 05-200

7.2(b) Motion to delete and replace subsection (g) of Item 1 as noted above

(d) ADDED NOTICE OF MOTION

8.1 Notice of Motion by Councillor McHattie respecting CBC regional expansion strategy

(e) ADDED PRIVATE AND CONFIDENTIAL MATTER

10.2 Solicitor/Client Privilege – verbal report

(Kelly/Pearson)
That the Agenda for the City Council meeting being held on May 24, 2006, as amended, be approved. CARRIED
DECLARATIONS OF INTEREST

Item 1  Special Committee of the Whole Report 06-009 respecting Growth Related Integrated Development Strategy – Final Report (City Wide) (CM06015) (Item 4.1)

Councillor Braden declared an interest in the discussions on Pleasantview as a family member owns land in that area.

Item 8.1 Notice of Motion by Councillor McHattie respecting CBC regional expansion strategy

Councillor Bratina declared an interest as he is employed in the broadcasting industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Recognition of Hamilton Police Services

Mayor Dilanni called upon Councillor Bernie Morelli, Chair of the Police Services Board and Chief Brian Mullan to address Council.

The Mayor extended congratulations to Councillor Morelli on being elected as the President of the Ontario Association of Police Services Board (OAPSB) by his provincial colleagues at its Annual Meeting. This is the first time a Hamilton Police Board member has served in this capacity.

Councillor Morelli and Chief Mullan thanked Council for its support of the Police Services Board and recognized the good work of the frontline officers.

3.2 30th Anniversary of the International Village Business Improvement Area

Mayor Dilanni invited Peter Quaglia, Chairman, International Village B.I.A.'s Board of Management to the podium and he provided a brief history of the International Village Business Improvement Area.

He presented a Certificate of Recognition to the Board of Management and members of the International Village B.I.A.

Peter Quaglia addressed Council and recognized the efforts of the members of the Board of Management, area M.P. Andrea Horwath, staff, Councillors Morelli and Bratina, and Executive Director Mary Pocius.
Mayor DiIanni recognized the recent death of Canadian Soldier Nicola Goddard and indicated that a protocol for lowering flags is being developed by City staff.

**APPROVAL OF MINUTES**

(Whitehead/Samson)
That the Minutes of the City Council Meeting held on May 10, 2006, be approved as presented.  
CARRIED

**COMMUNICATIONS**

(Pearson/Mitchell)
That Council Communications 5.1 to 5.10 be approved, as amended, as follows:

5.1 Correspondence from Tom Atterton, Hamilton and District Labour Council requesting Council reconsider its decision with respect to the Carpenter's Local 18

Recommendation: Be received

5.2 Correspondence from The Corporation of the Town of Minto respecting unfair assessment and the assessment process by MPAC

Recommendation: That the resolution outlined in the correspondence from the Corporation of the Town of Minto respecting assessment by MPAC, be endorsed

5.3 Correspondence from The Corporation of the Municipality of Leamington respecting Canadian – Ontario Municipal Rural Infrastructure Fund

Recommendation: Be received.

5.4 Correspondence from the City of Kingston respecting Termination of Canada-Ontario Agreement – Expansion of Early Learning and Childcare Services through Best Start Program

Recommendation: That the resolution from the City of Kingston respecting Termination of Canada-Ontario Agreement – Expansion of Early Learning and Childcare Services through Best Start Program be endorsed, that a copy of the City of Hamilton’s previous correspondence respecting this issue be forwarded to the City of Kingston and that the Mayor convey the City’s concerns at the next F.C.M. Meeting.
5.5 Correspondence from Roger Anderson, GTAHam Mayors & Regional Chairs Group respecting Funding for Local Hospitals and Health Care Services
Recommendation: That the resolution from Roger Anderson, GTAHam Mayors & Regional Chairs Group respecting Funding for Local Hospitals and Health Care Services be endorsed.

5.6 Correspondence from John Gerretsen, Minister of Municipal Affairs and Housing respecting Affordable Housing Program – Strong Start for 260-280 King Street East – signed contribution agreement
Recommendation: Be received

5.7 Correspondence from Jeffrey L. Davies respecting A. DiMarco – Waterdown North Secondary Plan
Recommendation: Be received

5.8 Correspondence from John Gerretsen, Minister of Municipal Affairs and Housing respecting provincially appointed Conflict of Interest Commissioner
Recommendation: Be received

5.9 Correspondence from Mr. Singh, Ramgarhia Association respecting Item 16 of the Planning and Economic Development Committee respecting Application to Amend an Existing Provisional Certificate re – 306 Lake Avenue North
Recommendation: Be received

5.10 Correspondence from Hamilton Paramedics dated May 24, 2006 respecting ongoing concerns of ambulance response times and vehicle shortages.
Recommendation: Be referred to the Fire Chief for response back to the Community Services Committee as expeditiously as possible for delegations to attend the meeting.

CARRIED as amended

(Pearson/Mitchell)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports. CARRIED


PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 06-009

(McCarthy/Merulla)
That the NINTH Report of the Public Works, Infrastructure and Environment Committee be adopted, and the information section received. CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-008

Item 18 City Initiative CI-06-B to Amend the Official Plan Open Space and Parks Policies and Create New Zoning By-Law Regulations - Urban Area Only (PED06152) (City Wide) (Item 6.7)

(Samson/Whitehead)
That Item 18 of Planning and Economic Development Committee Report 06-008 respecting city Initiative to Amend the Official Plan Open Space and Parks Policies be amended by adding the following as subsection (h):

(h) That the draft Official Plan policies remove the reference to parkette size throughout the Amendments

CARRIED

(McHattie/Collins)
That Item 18 of Planning and Economic Development Committee Report 06-008 respecting City Initiative C1-06-B to Amend the Official Open Space and Parks Policies and Create New Zoning By-law Regulations, as amended, be referred back to the Planning and Economic Development Committee.

CARRIED

Item 21 Applications for Approval of a Draft Plan of Subdivision and Change in Zoning by Sulphur Springs Development Corp. (D. Carnicelli) for Lands Located at Ryckman’s Corners - 80 Springside Drive (Hamilton) (PED06131) (Ward 7) (Item 8.3)

(Kelly/Jackson)
That Item 21 of Planning and economic Development Committee Report 06-008 respecting Applications for Approval of a Draft Plan of Subdivision and Change in Zoning by Sulphur Springs Development Corp for Lands located at Ryckman’s corners – 80 Springside Drive be referred back to the Planning and Economic Development Committee to allow the Ward Councillor to meet with the proponent’s new representative.

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

(CARRIED)

CORPORATE ADMINISTRATION COMMITTEE REPORT 06-009

That the NINTH Report of the Corporate Administration Committee be adopted, and the information section received.  

(CARRIED)

STRATEGIC PLANNING AND BUDGETS COMMITTEE REPORT 06-005

That the FIFTH Report of the Strategic Planning and Budgets Committee be adopted, and the information section received.  

(CARRIED)

SOCIAL SERVICES COMMITTEE REPORT 06-007

That the SEVENTH Report of the Social Services Committee be adopted and the information section received.  

(CARRIED)

SPECIAL COMMITTEE OF THE WHOLE REPORT 06-009

Councillor Jackson presented a proposal prepared by Carmen Chiaravalle entitled “Residential Development Proposal to Include Twenty Road Area for Consideration for Future Development in the City of Hamilton”. Council referred the proposal to staff for review.

Item 1 of Committee of the Whole Report 06-009 respecting Growth Related Integrated Development Strategy – Final Report (City Wide) (CM06015) (Item 4.1)

Councillor McHattie requested the following amendment to subsection (d) of Item 1 of Committee of the Whole Report 06-009:

That the proposed “Brownfield Redevelopment office” be renamed the "Brownfield Redevelopment and Intensification office"

(Pearson/Mitchell)

That the NINTH Report of the Committee of the Whole be adopted, as amended, and the information section received.
The Motion CARRIED on a standing recorded vote:

Yeas: Dilanni, Bruckler, Collins, Jackson, Kelly, McCarthy, McHattie, Merulla Morelli, Pearson, Samson, and Whitehead
Total Yeas: 12
Nays: Braden, Bratina, and Mitchell
Total Nays: 3

7.1 Item 16 of Planning and Economic Development Report 06-006.

Application to Amend an Existing Provisional Certificate of Approval (Waste Transfer/Processing Site) Ministry of Environment Reference #7379-6L8QPW, Waste Services (CA) Inc., Located at 306 Lake Avenue North (Hamilton) (PED06120) (Ward 5)(Item 8.4)

(Collins/Merulla)
That Item 16 of the Planning and Economic Development Committee Report 06-006, respecting Application to Amend an Existing Provisional Certificate of Approval (Waste Transfer/Processing Site) Ministry of Environment Reference #7379-6L8QPW, Waste Services (CA) Inc., Located at 306 Lake Avenue North (Hamilton) (PED06120) which was TABLED by Council on May 10, 2006, be deleted in its entirety and replaced with the following:

That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that:

(a) The City of Hamilton recommends that application CA-06-01, Waste Services (CA) Inc., applicant for an Amendment to an existing Provisional Certificate of Approval for an existing waste transfer/processing site to increase allowable waste storage limits from 100 tonnes to 150 tonnes/ day, within an existing facility at 306 Lake Avenue North, as shown on Appendix “A” to Report PED06120 be denied, and

(b) That should the Ministry approve the application CA-06-01, Waste Services (CA) Inc., applicant, the City of Hamilton requests the following to be undertaken:

(i) That the proponent obtains the necessary building permit from the City’s Building and Licensing Division, which is required for modifications to the existing building;

(ii) That the amended Provisional Certificate of Approval require the following:
(1) That doors be installed for the Waste Processing and Transfer Building so that the building can be fully enclosed to contain the waste stored on-site at the end of each operating day, to the satisfaction of the Manager of Solid Waste, Public Works Department;

(2) That the surface of the driveway area between Lake Avenue North and the existing weigh scale be hard surfaced to reduce the possibility of the tracking of material onto the municipal road, to the satisfaction of the Manager of Traffic Engineering & Operations, Public Works Department;

(3) That the south side of the existing truck access approach be widened to properly accommodate right turning truck movements into the site, to the satisfaction of the Manager of Traffic Engineering & Operations, Public Works Department;

(4) That the operator of the facility employ a reputable pest control company to service this site and perform a regular inspection of the premises and regular baiting program, to the satisfaction of the Director, Health Protection Branch, Public Health Services;

(iii) That the amended Provisional Certificate of Approval requires that a sufficient bond be provided for financial assurance for the removal of any materials left on the site should operations end;

(iv) That the amended Provisional Certificate of Approval include a requirement that a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property;

(v) That all other conditions and requirements of the Certificate of Approval remain in place;

(vi) That a copy of Report PED06120 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration;

(vii) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

Amendment CARRIED
Motion as amended CARRIED
City Council  (10)  May 24, 2006

7.2(a) Reconsideration of sub-section (g) of Item 1 of Planning and Economic Development Committee Report 05-012

7.2(b) Sub-section (g) Item 1 of Planning and Economic Development Committee Report 05-012

Councillor McHattie withdrew Items 7.2(a) and 7.2(b).

7.3(a) Waive the Rules

(Jackson/Pearson)
That the Rules of Procedure be waived to introduce a motion respecting the application from St. Columba Presbyterian Church to close a public unassumed alley south of 1540 Main Street East which is Item 4 of Public Works Infrastructure and Environment Committee Report 05-010 approved by Council June 15, 2005.

CARRIED

7.3(b) Application from St. Columba Presbyterian Church to close a public unassumed alley south of 1540 Main Street East.

(Merulla/Morelli)
That staff be directed to take no further action with respect to the application from St. Columba Presbyterian Church to close a public unassumed alley south of 1540 Main Street East until accurate drawings of the proposal are verified.

CARRIED

NOTICE OF MOTION

Councillor McHattie presented the following Notice of Motion:

8.1  Re: Hamilton Media Project

WHEREAS the availability of diverse local television and radio broadcasting choices is a necessary component of Hamilton's ability to develop and retain a healthy local culture; whether, artistic, economic, or political;

AND WHEREAS the Hamilton region is underserved with only one local conventional television station when compared to similarly sized cities such as Quebec City and Winnipeg, which are served by at least four times the number of local TV stations;

AND WHEREAS the City of Hamilton needs to ensure that the SUN TV television station adheres to the Canadian Radio-Television and Telecommunications Commission's (CRTC) Broadcasting Decision 2004-503 concerning new Hamilton-oriented commitments;
AND WHEREAS Hamilton was identified as a priority market for radio expansion in the Canadian Broadcasting Corporation's (CBC) regional expansion strategy;

AND WHEREAS the City of Hamilton needs to be represented in meetings with the CBC regarding opening a new radio station in Hamilton and adding a local television news bureau;

AND WHEREAS the City of Hamilton has made significant progress on these issues in the form of favourable rulings from the CRTC and increased profile of the City within the CBC’s regional expansion strategy;

THEREFORE, be it resolved that the City Manager be authorized to negotiate and purchase the services of the Centre for Community Study to continue to represent the City’s interests at a cost not to exceed $10,000 in aggregate from the Tax Stabilization Reserve.

### STATEMENT BY MEMBERS

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

### PRIVATE AND CONFIDENTIAL

10.1 Labour Negotiations Matter

10.2 Solicitor/Client Privilege – verbal report

**(Collins/Kelly)**
That Council move In Camera regarding two Private and Confidential matters respecting labour negotiations and Solicitor/Client Privilege

CARRIED

**(Braden/Bruckler)**
That Council reconvene in Open Session.

CARRIED

There was no report.

### BY-LAWS

**(Pearson/Mitchell)**
That the By-law List as presented be amended by deleting the Official Plan amendment respecting Open Space and Parks Policies (original Bill No. 06-140) and the Zoning By-law amendment to the Open Space and Parks Zone (original Bill No. 06-141) and the subsequent by-laws be re-numbered accordingly.

CARRIED
The motion to adjourn was CARRIED on a standing recorded vote as follows:

Yeas: Dilanni, Braden, Bruckler, Collins, Jackson, Kelly, McCarthy, Mitchell, Merulla, Pearson, Samson, and Whitehead

Total Yeas: 12

Nays:

Total Nays: 0
The City Council meeting adjourned at 10:22 p.m.

Respectfully submitted,

Larry DiLanni
Mayor

Kevin C. Christenson
Clerk
May 24, 2006