Committee of the Whole
REPORT 07-014

6:00 p.m.
May 10, 2007
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present: Mayor F. Eisenberger


Absent with regrets: Councillor B. Bratina, C. Collins, M. McCarthy, S. Merulla

Also Present: L.A. Coveyduck, General Manager, Planning and Economic Development
P. Mason, M. Hazel, B. Montgomery, Planning and Economic Development
R. Sabo, Legal Services
R. Hall, Public Health Services
A. Rawlings, S. Paparella, I. Sturgeon, City Clerks

COMMITTEE OF THE WHOLE PRESENTS REPORT 07-014 and RESPECTFULLY RECOMMENDS:

1. Hamilton Idling Awareness Campaign and Control By-law (PED05092(a)) (City Wide) (Item 6.1)

    (a) That the Draft By-law, attached as Appendix A to Report PD05092(a), and as amended by Committee on May 10, 2007, be forwarded to City Council for enactment;
(b) That the By-law be subject to an informal, educational enforcement procedure to be delivered by the Municipal Parking System until June, 2008;

(c) That the hiring of one (1) full-time employee for the Municipal Parking System to enforce the Idling Control By-law in accordance with Parts I and III of the Provincial Offences Act be referred to the 2008 Budget process for consideration;

(d) That the Anti-Idling Awareness Campaign as outlined in Report PED07070 continue to be delivered in partnership with Green Venture and other community partners during 2007.  

CARRIED

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

The Clerk advised that additional written submissions had been received.

(McHattie/Pasuta)
That Jennifer Dawson and “SAGE” Group – Strathcona School be moved up on the speakers list from Item 11 to Item 1.  

CARRIED

(Clark/Jackson)
That the agenda for the May 10, 2007 Special Committee of the Whole be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST

None.

(c) ADOPTION OF MINUTES

None.

(d) Hamilton Idling Awareness Campaign and Control By-law (PED07070) (City Wide) (Item 6.1)

A Public Meeting was held.

Mayor Eisenberger advised the meeting that, as per the Municipal Act, a public meeting is being held in order to hear public input respecting the proposed Idling Awareness By-law. He explained that the meeting has been advertised in the Spectator, the local newspapers and on the City web site.
The Clerk advised Committee that written correspondence had been received from the following individuals and copies were distributed to the Committee:

- David Maloney
- David Hitchcock
- Jeanne Bernard
- Tim Horton’s
- Chris Ecklund
- Denis Corr
- Carmen Chiarevalle

On a Motion, (Jackson/Powers) Committee received the correspondence.

Brian Montgomery, Air Quality Co-ordinator, gave an overview of the staff report and the proposed by-law, with the aid of a PowerPoint presentation.

With respect to enforcement of the by-law, Mr. Montgomery advised that the by-law does not set a fine, at this time, as fines are determined through the court systems. He explained that the by-law is meant to be a deterrent and a means of education not a revenue generating method.

(e) Jennifer Dawson and Scholastics, Art and Global Education “SAGE” Group - Strathcona School

Students of Strathcona School; Ruby Bokma, Rebecca Gillett, Jennifer Harrison, Rebecca Hughes, Ryann Johnston and Keltie Steele – the “SAGE” Group - provided a play to Committee outlining many reasons to pass the anti-idling by-law such as:

- Air pollution
- Each need to do our part
- Green future
- Polar Bears
- Creating global warming
- Animals in the arctic will die
- Artic is melting

(f) Brian McCarry, Clean Air Hamilton

Brian McCarry addressed Committee in support of the proposed by-law. His comments included, but were not limited to the following:

- Combination of education and a by-law is the best way to reduce idling
- Behavior is easily modified – people are prepared for anti idling by-law
- Pollutants are causing health impacts
- 17 cities passed by-laws in province of Ontario
- Health – main impacts on cardiovascular health
- Important that the by-law go forward and should be passed.

(g) Vegan

Vegan addressed Committee in support of the proposed by-law. Her comments included, but were not limited to the following:

- Poor air quality downtown
- Not much green space in the downtown
- People are breathing in polluted air downtown
- No relief when there is extreme heat
- Can’t focus/sleep when heat is bad
- No air conditioning for the poor people or wildlife
- idling is a form of noise pollution
- Nothing will end unless people do something about it
- Need a law for people to take it seriously
- Stepping stone to air quality protection
- Working as crossing guard she could not stand the toxic pollution
- Felt sick at the end of the day – lasted 4 days on the job
- Vehicles that are in poor shape should not be on the road
- Children are growing up and living in a polluted neighborhood
- The City should have a strict by-law

(h) Grant Ranali

Grant Ranali addressed Committee in support of the proposed by-law. His comments included, but were not limited to the following:

- A report was released one year ago regarding poverty reduction and that Hamilton is the best place to raise a child
- Sees many City vehicles idling
- Young children need to be protected
- He is advocating for all the children in the City
- He is a teacher and represents SEAR
- He lobby’s the City to take back batteries in grocery stores
- Cares for the beautiful world we have inherited
- Serious risks and life choices
- Pope John Paul II says we should take responsibility for our world
- Who will protect the children who go to schools located at busy intersections
- This is the only world we have – we have to protect them

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- As a teacher his job is to protect the children
- Education is a proposed solution regarding Idling
- He implores Council to stand up and support an Anti-Idling By-law

(i) Kathleen Burgess

Kathleen Burgess addressed Committee in support of the proposed by-law. Her comments included, but were not limited to the following;

- She is a senior citizen living downtown
- Lives in a 3rd floor apartment
- Has noted that some drivers sit in their vehicle for up to 20 minutes at a time – when this happens her apartment fills with smoke
- She has developed a bad cough
- Feels something should be done
- An enforcement officer handing out tickets could take this function on
- She is concerned for the children on our streets – afraid they will develop asthma
- Parents quite often leave their cars idling when they p/u their children at school
- People need to be made aware of the hazards

(j) Don McLean

Don McLean addressed Committee in support of the proposed by-law. His comments included, but were not limited to the following;

- Provided a hand out for members of Committee outlining various intersections in the City
- Idling is a small problem in terms of what we are doing to our atmosphere
- Future of human civilization is at stake
- Leaders are describing this as the issue of our generation
- The message from the IPPC is that we must act quickly
- Rising green house gases is forcing activity on temperature
- The artic is changing the planetary temperature
- History of climate is that it does not change gradually
- Carbon is leaving the soil and going into the atmosphere
- Potential for methane is much more serious
- The process to implement a by-law has been slow
- The City has been moving too slow
- Climate Change report was made last year – have not seen anything back yet
- Peak Oil report last year has not been back to Council yet
- We have possibilities – we need to make changes
- The City should take a lead
- We could be a leader in this Country and we should do it

(k) 
Jim Quinn

Mr. Quinn was not present

(l) 
Julia Kollek

Julia Kollek addressed Committee in support of the proposed by-law. Her comments included, but were not limited to the following;

- Thanked the City for holding an evening meeting
- Would like speak to 3 issues;
- Health - Asthma in children has risen tremendously
- Education and Enforcement - don't wait any longer – we know about it – we are there ready & waiting
- Signage – would like to see Anti-Idling signs posted
- People don’t necessarily know they are doing it
- Would like to have a by-law so people can be told they can’t idle
- We need this by-law – it is for our health – please move forward with this right away

(m) 
Ross Dreveny

Mr. Dreveny was not present

(n) 
Heather Donison - Green Venture

Heather Donison addressed Committee in support of the proposed by-law. Her comments included, but were not limited to the following;

- Green Venture has started and Anti-Idling Campaign called “Idling Stinks”
- They distributed signs – found there was a lot of interest by schools and businesses
- People see the link between health and schools
- Went to schools, churches & chamber of commerce. Went one on one and talked to people who were idling. They found people were generally agreeable and just needed a little reminder
- Feels people need to be educated

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- Schools were very supportive, businesses already have anti-idling policies in place – overall citizens are in support of a by-law and believe that car starters & drive thru’s should be eliminated
- It’s not ok to do this in our community and we should let people know
- Believe that municipalities should have both an education programs and a by-law
- Would like the City to take a leadership role – all City departments should be involved
- Anti-idling signs should be posted now outside City facilities

(o) Lily Grudzien - St. Jean de Brebeuf High School

Lily Grudzien addressed Committee in support of the proposed by-law. Her comments included, but were not limited to the following;

- Concern for Climate Change
- Her school has imposed an Anti Idling Program
- Excessive Idling is not beneficial – cars should be turned off when waiting
- Idling wastes gas
- The home is the natural environment to teach children responsibility
- The school board urges the City to impose a by-law

(p) Aly Osstrowski

Aly Osstrowski addressed Committee in support of the proposed by-law. Her comments included, but were not limited to the following;

- Originally from Mississauga and now living in Hamilton
- People should be turning to alternate modes of transportation
- We should discourage idling – it is wasteful
- A by-law would be a great way to conserve our resources
- Urges Council to impose a by-law

(q) Tony Hendrie

Mr. Hendrie was not present

(r) Virgina Cameron

- 600 people go to the hospital each year with breathing difficulties
- She owns a car but is trying to use it less
- An anti idling by-law would protect peoples health
- Many children suffer from asthma
- The City puts resources into enforcing parking on our streets – perhaps some of those officers could enforce an idling by-law
- 1st step - warnings – to educate drivers
- 2nd step – issue tickets after one year
- Would like Council to pass an Anti Idling By-law

(s) Leasha Dawson

- She is a teacher in the public school board
- She tries to tell her students to see the world as you want it to be
- We need to be a green community
- Take baby steps first – then learn to run
- Asked Council to be leaders so the future generations can look beyond us
- Do the moral & responsible thing – pass the by-law

Council McHattie introduced an amendment to the proposed by-law.

(McHattie/Whitehead)
That Item 3.1 of the by-law, attached as Appendix A to Report PD05092(a)), be amended to include the wording three (3) “consecutive” minutes.

AMENDMENT CARRIED

Members of Committee discussed the various elements of the proposed by-law in detail, and had additional information supplied by staff. During the discussion, members raised numerous issues including;

- Concern regarding lineups with cars. Is the 3 minutes up if the car moves in the que? What is the impact on drive thru’s?
- Complaint driven enforcement – if an officer is in the area this is ok – or it would take longer for an officer to arrive.
- Concern regarding interpretation of the by-law
- Need to tidy up the language with respect to cars in lineups
- Are summons issued through Provincial Offences Act or the Municipal Act?
- Are there issues entering on private property?
- 3.2 (c) “driver has no control” – would this be applied to a drive thru?
- 3.2 (o) – Are governments exempted?
- Could we delete that clause to ensure that Provincial & Federal Government follow our lead?
- Our by-law is dated compared to recent changes made to the Municipal Act
- Could legal counsel review the by-law before Council on Wednesday?
- Too much government is a common issue – sometimes it is for the good of the people – historically people argue this all the time
- Hamilton is one of the last municipalities in Ontario to implement this – it is time that we do this as well
- Enforcement: A by-law means nothing if you can not enforce it

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- Are we only looking at hiring one officer – yes
- Can our parking officers issue tickets – No they are only allowed to Issue on Part II only
- Education – employees could carry pamphlets – identify hot spots and then the one officer would enforce it.
- What are other municipalities doing?
- Enforcement in Markham – educational training has been provided to enforcement staff – be there and be seen
- 46% of constituents polled in Ward 8 felt that we should proceed with the education component only
- Don’t spend money on enforcement - Make the investment in public transit
- We don’t have a lot of resources – we need to get value for the dollars we spend
- One by-law officer is not efficient
- The City could be held for neglect if they don’t enforce their by-laws.
- Could we be an Anti-Idling community without a by-law?
- Could we do it through education – take the enforcement money and make the investment where we need it.
- The real value is through public transit
- The reality of climate change makes the adoption of a by-law a priority
- An educational program will be the catalyst for change
- Using signage is a key way to educate the public
- Maybe we won’t need to act on enforcement
- Clarity of terminology is important – need to strengthen the by-law and remove any uncertainty.
- We all need to produce less pollution
- Less idling is one way to get there
- Whipper snippers/weed wackers will not be covered in the by-law and yet they can produce more emissions than a car
- Believe in a signage program and we should promote this
- Everyone say’s they want a by-law but the by-law in front of us has 15 exemptions – what is the use in having a by-law?
- Should not spend $115,000.00 on something we can’t enforce
- Passing a by-law would be illegal
- We can’t afford to hire the enforcement
- We all want the same thing but we can’t enforce it - it takes over an hour to drive from one part of the City to the other
- Can not support a by-law but agrees with an education program
- In the rural communities the air is very clear. In Hamilton the air is thick because of cars, industry etc.
- One by-law officer would not be effective - people will expect a lot more then what they can get
- The City needs to take a leadership role and stop comparing ourselves to other municipalities
- Confident that we can deal with a by-law and one officer
- We could consider hiring more by-law officers
- We need to move ahead with this and pass a by-law
- A by-law officer would only have to do a minimal of enforcement. People just need to persuaded to go in the right direction
- Perhaps we might find alternative ways to do things – instead of enforcement
- A key aspect of putting a by-law in place is a change in behavior
- People will turn off their engines if a by-law is in place
- Enforcement – Need to find creative ways to do this – use current officers to identify problem areas – then the by-law officer would focus on those areas. Perhaps off duty police officers could provide assistance
- Council could decide what level of enforcement they want
- Would like to see signs posted at the entrance to all our communities
- Everyone needs to do their part – it’s unfortunate that we have to proceed in this fashion – people do forget – we should move forward with an education program
- Children have the right to be concerned about their future
- Perhaps the by-law officer could do other types of enforcement as well
- Once people are affected by issues then they become involved
- Medical professionals think something is going on in Hamilton
- Generally speaking we know when it’s wrong to idle – we need to start an education program – people will catch on
- Need to spend the $115,000 the best way we can – hopefully on education
- Public is conscience of the environment – not sure about using a heavy hand
- Traffic congestion is a huge problem – our government’s needs to fix this
- It would be more appropriate to declare our City as an anti-idling community
- Get our enforcement officers to educate the public
- Can the municipality draft legislation which allows a by-law to come into effect in June 2008?
- How will we measure the success of this program?
- Can’t enforce the by-laws we have now
- A strong transit system is the way to proceed
- The by-law should be measurable and staff should keep a log
- Would like to see a promotional banner flying outside of City Hall

During the discussion, direction was provided to legal staff to review and report back to the next Council meeting on the following;

(i) Could sub-section 3.2 (o) be deleted in order to ensure that the Provincial and Federal Government follow our lead?

“Any vehicle operated by any federal or provincial government ministry or agency, or by a public utility.”

(ii) Adding a provision to Section 5 of the by-law that charging could be delayed until June 2008

Council – May 16, 2007
Ron Szabo confirmed that he would review the by-law to ensure that all the correct references to the revised Municipal Act were reflected.

Councillor McHattie introduced a motion respecting the enactment of an Anti-Idling By-law.

Committee approved the motion, as noted in recommendation number 1 of this report, on a standing recorded voted as follows:

Yeas: Eisenberger, Clark, Duvall, Ferguson, Jackson, McHattie, Mitchell, Morelli, Pasuta, Pearson, Powers and Whitehead
Total: 12

Nays: There were none
Total: 0

Absent: Bratina, Collins, McCarthy and Merulla

On a motion (Whitehead/Powers), Committee directed staff to prepare a report identifying the costs, which would include signage, of becoming an Anti-Idling Community.

(t) Adjournment (Item 13)

The Meeting adjourned at 9:16 p.m.

Respectfully submitted,

Mayor F. Eisenberger

Alexandra Rawlings,
Co-ordinator
May 10, 2007