CITY COUNCIL
MINUTES

Wednesday, November 28, 2007
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present:
Mayor F. Eisenberger

Absent with Regrets:
Councillor B. Morelli – Sick Leave

Mayor Eisenberger called upon Rabbi Cohen, from Temple Anshe Sholom, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS

5.18 Correspondence from Burke Austin on behalf of Community Action Parkdale East respecting Bio-solids Master Plan

Recommendation: For the consideration of Council

5.19 Correspondence from Judith Bishop, Chair, Hamilton-Wentworth District School Board respecting safety of students crossing Greenhill Avenue to attend Elizabeth Bagshaw School

Recommendation: For the consideration of Council
2. COMMITTEE REPORTS “TO BE DISTRIBUTED”

6.3 Economic Development & Planning Committee Report 07-020, November 22, 2007 (to be distributed)

6.4 Board of Health Report 07-011, November 26, 2007 (to be distributed)

Note: Typo on the agenda face page reads Report 06-011

6.5 Committee of the Whole Report 07-033, November 26, 2007 (to be distributed)

6.6 Selection Committee Report 07-003, November 22, 2007 (to be distributed)

3. PRIVATE & CONFIDENTIAL

10.5 Potential Litigation Matter respecting Prime Consultant Contract

4. BY-LAW LISTING

(McCarthy/Pearson)
That the Agenda for the City Council meeting being held on November 28, 2007, be approved as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor L. Ferguson declared an interest on Item 3 of the Committee of the Whole Report 07-033, as he has an investment in the Taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Excellence in Property Awards

The Excellence in Property Awards honours individual B.I.A. members for the vital contribution they make to our community through the beautification and continual upkeep of their properties. The award winners for the 2007 Excellence in Property Awards are:

- Ben Barnes Furs
  250 Ottawa Street North (Ottawa Street B.I.A.);
• Mindstorm Studios/Three 16 Lounge
  316 King Street East (International Village B.I.A.)

• Curry Elkin & Kelly Insurance Brokers Inc.
  66 King Street West (Dundas B.I.A.)

• The Landed Bank of Canada
  47 James Street South (Downtown Hamilton B.I.A)

• The Casual Gourmet
  1027 King Street West (Westdale Village B.I.A.)

The winner of the Award within the city of Hamilton was:

• Mindstorm Studios/Three 16 Lounge
  316 King Street East (International Village B.I.A.)

**APPROVAL OF MINUTES**

(Duvall/Collins)
That the Minutes of the November 14, 2007 meeting of Council be approved, as presented.

CARRIED

**COMMUNICATIONS**

(Pasuta/Mitchell)
That the following dispositions of Council Communications 5.1 to 5.19 be approved, as amended:

5.1 Correspondence from Jeffery Feswick, President, Hamilton-Halton Construction Association respecting the City of Hamilton Tendering Liaison Committee

Recommendation: Be received.

5.2 Correspondence from Karen Davis, Executive Director, Hamilton East Kiwanis Non-Profit Homes Inc. respecting termination of Section 95 operating agreement and replacing with the terms and conditions of the Social Housing Reform Act, 2000

Recommendation: Be received and referred to the General Manager of Community Services for a report to the Emergency and Community Services Committee.
5.3 Correspondence from Jennifer Shaw, City of Burlington respecting Niagara to GTA Corridor: Status of EA Study and City of Burlington comments

Recommendation: Be received.

5.4 Correspondence from the Honourable Minister John Gerretsen, former Minister of Municipal Affairs and Housing respecting City’s support of brownfield redevelopment

Recommendation: Be received.

5.5 Correspondence from the Honourable Steven Mahoney, Chair WSIB – Workplace Safety and Insurance board respecting latest social marketing campaign

Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee.

5.6 Correspondence from Marlaine Koehler, Executive Director, Waterfront Regeneration Trust respecting support for the creation of a pedestrian crossing over the QEW to the Waterfront Trail and Greenway in east Hamilton

Recommendation: Be received.

5.7 Correspondence from Helen Hodgson, Ministry of Children and Youth Services respecting Healthy Babies Healthy Children Program and allocated administrative costs

Recommendation: Be received.

5.8 Correspondence from David Sweet, MP respecting support for motion to have a portion of Cootes Drive renamed the Veterans Memorial Parkway

Recommendation: Be received.

5.9 Correspondence from Mayor Dave Bronconnier, City of Calgary inviting participation at the Inaugural Association for Commuter Transportation of Canada, November 25th to 28th, 2007

Recommendation: Be received.
5.10 Correspondence from Phil Hartling, Rogers Home Phone, Rogers Cable Communications Inc. respecting phone service

Recommendation: Be received.

5.11 Correspondence from City of Waterloo respecting Use and Sale of Cosmetic Chemical Pesticides

Recommendation: Be endorsed and copies forwarded to the Federal and Provincial governments.

5.12 Correspondence from Mark Strongman, Ancaster Little League respecting the City of Hamilton hosting the 2010 Canadian little League Championships

Recommendation: Be received and referred to the General Manager of Community Services for a report to the Emergency and Community Services Committee.

5.13 Correspondence from Howard Hampton, MPP, Leader, Ontario New Democratic Party respecting dedication of one cent of the Goods and Services Tax to new funding for municipality

Recommendation:
(a) Be endorsed and the City’s original position be reiterated.

(b) That the General Manager of Finance & Corporate Services prepare a report to the Audit & Administration Committee respecting draft correspondence to the Premier requesting that Province provide municipalities with one cent of the PST.

5.14 Correspondence from Municipality of Morris-Turnberry requesting the Province provide rebate for tire disposal

Recommendation: Be received.

5.15 Correspondence from the Honourable Minister of Transport, Lawrence Cannon respecting Needs Assessment Study for the proposed Pickering Airport

Recommendation: Be received
5.16 Correspondence from Brad Gautreau, Friends of the Eramosa Karst respecting buffer zone to protect the Eramosa Karst and request for an extension to the 90 day moratorium on the planning process

Recommendation: Be received.

5.17 Petition submitted by Diane Sprules respecting Discontinuation of Water Fluoridation

Recommendation: Be received and referred to the Board of Health.

5.18 Correspondence from Burke Austin on behalf of Community Action Parkdale East respecting Bio-solids Master Plan

Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee.

5.19 Correspondence from Judith Bishop, Chair, Hamilton-Wentworth District School Board respecting safety of students crossing Greenhill Avenue to attend Elizabeth Bagshaw School

Recommendation: Be received.

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 07-015

3. Status of Solid Waste Management Master Plan, Options for Increasing Diversion and Landfill Capacity (PW07151) (City Wide)

(Powers/Pearson)
That Item 3 of Public Works Committee Report 07-015 respecting Status of Solid Waste Management Master Plan, Options for Increasing Diversion and Landfill Capacity, be amended as follows:

(a) by deleting “2010” in sub-section (a) and replacing it with “2011” in lieu thereof;

(b) by deleting the date of “March 31, 2009” in sub-section (c)(ii) and replacing it with “March 28, 2009” in lieu thereof;
(c) by adding the following as sub (iv) to sub-section (c):

“(c)(iv) an allowance in the event that should residents require set outs beyond the weekly one (1) container limit, that an additional one (1) clear plastic bag be permitted to be set out for the period of March 30, 2009 to April 5, 2010, providing that it does not contain Unacceptable Garbage as defined in Solid Waste Management By-law 05-190; and,”

(d) by adding the following as sub-section (i):

“(i) That staff be directed to meet with the Agricultural and Rural Affairs Advisory Committee respecting their ability to comply with the one-container limit for garbage.”

WITHDRAWN

(Merulla/Collins)
Whereas the residents of the City of Hamilton have been very successful in increasing diversion without a by-law and enforcement of such a by-law;

And Whereas, based on the completed survey, 1.2 bags is the average number of bags being left at the curb side;

And Whereas, based on our goal, the average number of bags per household is one.

Therefore be it resolved:

That subsection (c) of Item 3 of the Committee of the Whole Report 07-015 be amended to read:

(a) That a voluntary one (1) container limit on garbage be the goal of our community.

(b) That prior to any decision on enforcement, staff be directed to report back to the Public Works Committee, in March 2009, on the status of the blue box and green cart programs being entirely rolled out to the multi-residential and eligible business sectors of our City.

(c) That an accurate survey, at that time, be done of our overall diversion rate.

(d) That, if at that time, the City has not been successful at reaching its waste diversion goal; staff bring forward a recommended by-law.

LOST
On a Standing Recorded vote this motion LOST, as follows:

Yeas:       Clark, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla  
Total:       7

Nays:       Eisenberger, Bratina, McCarthy, Pasuta, Mitchell, Pearson, Powers, Whitehead  
Total:       8

Absent:     Morelli  
Total:       1

(Powers/Pearson)
That Item 3 of Public Works Committee Report 07-015 respecting Status of Solid Waste Management Master Plan, Options for Increasing Diversion and Landfill Capacity, be amended as follows:

(a) by deleting “2010” in sub-section (a) and replacing it with “2011” in lieu thereof;

(b) by deleting the date of “March 31, 2009” in sub-section (c)(ii) and replacing it with “March 28, 2009” in lieu thereof;

(c) by adding the following as sub (iv) to sub-section (c):

“(c)(iv) an allowance in the event that should residents require set outs beyond the weekly one (1) container limit, that an additional one (1) clear plastic bag be permitted to be set out for the period of March 30, 2009 to April 5, 2010, providing that it does not contain Unacceptable Garbage as defined in Solid Waste Management By-law 05-190; and,”

(d) by adding the following as sub-section (i):

“(i) That staff be directed to meet with the Agricultural and Rural Affairs Advisory Committee respecting their ability to comply with the one-container limit for garbage.”

WITHDRAWN

(Ferguson/Merulla)
That subsection (c) of the amending motion respecting Item 3 of the Public Works Committee Report 07-015 be amended by deleting the words “clear plastic bag” and replacing them with the word “container”.

LOST
This motion LOST on a standing recorded vote, as follows:

Yeas: Ferguson, Merulla, Mitchell
Total: 3

Nays: Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McCarthy, McHattie, Pasuta, Pearson, Powers, Whitehead
Total: 12

Absent: Morelli
Total: 1

(McCarthy/Mitchell)
That Item 3, subsection (e) of the Public Works Committee Report 07-015 be amended by adding the following words after the words “2008 Budget Process,”:

“and that no enforcement take place until such time as a staff report respecting an update on the waste diversion success comes forward to the Public Works Committee, prior to March 31, 2009.”

This motion LOST on a standing recorded vote, as follows:

Yeas: Eisenberger, McCarthy, McHattie, Mitchell, Pearson
Total: 5

Nays: Bratina, Clark, Collins, Duvall, Ferguson, Merulla, Pasuta, Powers, Whitehead
Total: 10

Absent: Morelli
Total: 1

(Merulla/McHattie)
That Item 3 of the Public Works Committee Report 07-015 be referred back to the Public Works Committee.

This motion LOST on a standing recorded vote, as follows:

Yeas: Merulla, McHattie
Total: 2

Nays: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 13

Absent: Morelli
Total: 1
(Powers/Pearson)
That Item 3 of Public Works Committee Report 07-015 respecting Status of Solid Waste Management Master Plan, Options for Increasing Diversion and Landfill Capacity, be amended as follows:

(a) by deleting “2010” in sub-section (a) and replacing it with “2011” in lieu thereof;

(b) by deleting the date of “March 31, 2009” in sub-section (c)(ii) and replacing it with “March 28, 2009” in lieu thereof;

(c) by adding the following as sub (iv) to sub-section (c):

“(c)(iv) an allowance in the event that should residents require set outs beyond the weekly one (1) container limit, that an additional one (1) clear plastic bag be permitted to be set out for the period of March 30, 2009 to April 5, 2010, providing that it does not contain Unacceptable Garbage as defined in Solid Waste Management By-law 05-190; and,”

(d) by adding the following as sub-section (i):

“(i) That staff be directed to meet with the Agricultural and Rural Affairs Advisory Committee respecting their ability to comply with the one-container limit for garbage.”

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

This motion CARRIED on a standing recorded vote, as follows:

Yeas: Eisenberger, Bratina, McCarthy, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 8

Nays: Clark, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla
Total: 7

Absent: Morelli
Total: 1

(McCarthy/Jackson)
That the FIFTHTEENTH Report of the Public Works Committee be adopted, as amended, and the information section received.

CARRIED
EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 07-014

(Merulla/McHattie)
That the FOURTEENTH Report of the Emergency and Community Services Committee be adopted as presented and the information section received.

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 07-020

14. 2008 Tariff of Fees By-law, Interim Increases (PED07282) (City Wide) (Item 8.2)

(Pearson/Whitehead)

CARRIED

This motion CARRIED on a standing recorded vote, as follows:

Yeas: Eisenberger, Ferguson, McCarthy, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 8

Nays: Bratina, Clark, Collins, Duvall, Jackson, McHattie, Merulla
Total: 7

Absent: Morelli
Total: 1

(Mitchell/Pearson)
That the TWENTIETH Report of Economic Development and Planning Committee be adopted as amended and the information section received.

CARRIED

BOARD OF HEALTH REPORT 07-011

(e) PRESENTATIONS

(i) Healthy Communities - BOH07063 (City Wide) (Item 7.1)
Staff was directed to obtain the motion from Halton respecting pedestrian bridges over the 400 series highway system and refer it to the Board of Health for discussion.

(Pasuta/Mitchell)
That the ELEVENTH Report of the Board of Health be adopted as amended and the information section received.

CARRIED
1. **Consideration of a Transit Fare Increase (PW07152)**

   **(Bratina/Merulla)**

   That Item 1 of the Committee of the Whole Report 07-033 be referred to the January 7, 2008 meeting of Committee of the Whole.

   LOST

   The referral motion LOST on a standing recorded vote, as follows:

   Yeas: Bratina, Collins, Duvall, McHattie, Merulla, Whitehead
   Total: 6

   Nays: Eisenberger, Clark, Ferguson, Jackson, McCarthy, Mitchell, Pasuta, Pearson, Powers
   Total: 9

   Absent: Morelli
   Total: 1

   Item 1 CARRIED on a standing recorded vote, as follows:

   Yeas: Eisenberger, Ferguson, Jackson, McCarthy, Pasuta, Mitchell, Pearson, Powers, Whitehead
   Total: 9

   Nays: Bratina, Clark, Collins, Duvall, McHattie, Merulla
   Total: 6

   Absent: Morelli
   Total: 1

   **(Pasuta/Mitchell)**

   That the THIRTY-THIRD Report of the Committee of the Whole be adopted as presented and the information section received.

   CARRIED

**SELECTION COMMITTEE REPORT 07-003**

**(Jackson/Ferguson)**

That the THIRD Report of the Selection Committee be adopted as presented and the information section received.

CARRIED
MOTIONS

(Jackson/Collins)
That the Rules of Order be waived in order to introduce a motion respecting a pilot project to reduce fares in all categories.

CARRIED

This motion CARRIED on a standing recorded vote, as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Powers, Whitehead
Total: 10

Nays: Clark, Ferguson, Pasuta, Mitchell, Pearson
Total: 5

Absent: Morelli
Total: 1

(Bratina/Collins)
(a) That staff be directed to investigate the feasibility of a pilot project to reduce fares in all categories and report back to the 2008 Capital Strategic planning process.

(b) That staff be directed to include in that report, alternatives to reduced fares.

WITHDRAWN

NOTICES OF MOTION

Councillor S. Merulla introduced the following Notice of Motion:

8.1 Feasibility of Provide Full or Partial Free Transit to Hamilton Residents

That staff be directed to investigate the feasibility and impacts of the costs for the entire public transit system being paid for by the general levy in order to provide free public transit to the citizens of Hamilton and report back to the Emergency & Community Services Committee.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.
(Powers/Pearson)
That Council move into Closed Session, at 11:05 p.m., pursuant to Section 8.1, Subsections (d) and (e) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, to consider matters relating to labour relations or employee negotiations and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and labour negotiations.

CARRIED

Council reconvened in Open Session at 12:35 a.m.

10.1 Closed Session Minutes of November 14, 2007
(Collins/Clark)
(a) That the Closed Session Minutes of the November 14, 2007 meeting of Council be adopted as presented.
(b) That the Closed Session minutes, of the November 14, 2007, meeting of Council, remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

10.2 Amalgamated Transit Union Local 107 Memorandum of Settlement (HUR07011) (City Wide)
(Merulla/Whitehead)
(a) That the Memorandum of Settlement between the City of Hamilton (HSR) and the Amalgamated Transit Union, Local 107 (ATU 107), in the Human Resources Department, be approved.
(b) That the contents of Report HUR07011 remain confidential as it contains information related to labour relations and employee negotiations.

CARRIED

10.3 Subject Matter Pertains to Labour Relations or Employee Negotiations Respecting CUPE

Council was provided with a verbal update.

10.4 Subject matter pertains to litigation before the Ontario Municipal Board respecting a development proposal for 125 Wilson Street West, Ancaster
(Jackson/Bratina)
That, further to the recommendation of City staff, the City of Hamilton take no further action with respect to the establishment of a public parkettes site in conjunction with the proposed development for 125 Wilson Street West, Ancaster.  

CARRIED

10.5 Potential Litigation Matter respecting Prime Consultant Contract

Council was provided with a verbal update.

**BY-LAWS**

(Pasuta/Mitchell)

That Bill Nos. 07-332 to 07-339 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 07-332 to 07-339:

By-law No.

07-332  A By-law To Amend Solid Waste Management By-law No. 01-190, as amended, and Implement the 2007 Waste Disposal Fees and Charges

07-333  A By-law 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 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 15 – Commercial Vehicle Loading Zones
Schedule 20 – School Bus Loading Zones

07-334  A By-law To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Signs

07-335  A By-law Respecting the Appointments of a Chief Building Official, Deputies and Inspectors

07-336  A By-law Respecting Removal of Part Lot Control, Block 85, Registered Plan No. 62M-1078

07-337  A By-law Respecting Removal of Part Lot Control, Blocks 127 and 130, Registered Plan No. 62M-1062, “Elizabeth Gardens – Phase 3”

07-338  A By-law To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Signs

07-339  A By-law To Confirm the Proceedings of City Council  

CARRIED
(Bratina/Mitchell)
That Council reconsider the Confirming By-law No. 07-339 in order to reopen debate on Item 3 of the Public Works Committee Report 07-015.

LOST

This motion LOST on a standing recorded vote, as follows:

Yeas: Eisenberger, Bratina, Mitchell, Pearson, Powers, Whitehead
Total: 6

Nays: Clark, Collins, Duvall, Ferguson, Jackson, Merulla, Pasuta
Total: 7

Absent: Morelli
Total: 1

(Collins/Bratina)
There being no further business, the City Council meeting adjourned at 12:45 a.m.

Respectfully submitted

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk
November 28, 2007