THE FOLLOWING WAS REPORTED TO CITY COUNCIL FOR CONSIDERATION:

Announcement - Pan Am Games

The Mayor thanked Members of Council, staff and members of the Provincial and Local Advisory Team for their work on the Pam Am Games bid.

Special thanks was extended to the late Dr. Gene Sutton with a suggestion that her contribution be memorialized in one of the facilities.
Committee of the Whole 2 November 9, 2009

1. CHANGES TO THE AGENDA

Private and Confidential matter noted as Item 11.2 respecting United Brotherhood of Carpenters and Joiners of America Local 18 has been withdrawn from today’s Agenda

We have an added report respecting H1N1 Assessment Clinics which will be added as Item 8.5

(Pearson/Mitchell)
That the agenda be adopted as amended. CARRIED.

2. DECLARATIONS OF INTEREST

Councillor McHattie declared an interest in Item 8.5 as his wife works as a Doctor at the H1N1 assessment centres.

3. ADOPTION OF MINUTES

3.1 October 13, 2009

(Powers/Collins)
That the Minutes of October 13, 2009 be adopted as presented. CARRIED.

3.2 October 27, 2009

(Pearson/Jackson)
That the Minutes of October 27, 2009 be adopted as presented. CARRIED.

4. CONSENT ITEMS

4.1 Advisory Committee for Persons with Disabilities Minutes of September 8, 2009 - FOR INFORMATION ONLY

(Pearson/Morelli)
Be received. CARRIED.
4.2 Graffiti Eradication Efforts (PED09291) (City Wide)

Members of Committee raised the following issues:
- Graffiti removal on the highway side of noise walls and if the Ministry of Transportation has any position on removing the graffiti as it is unsafe for homeowners to be undertaking the removal themselves.
  Staff advised that they are currently working on a new Graffiti By-law which will address retaining walls. They have regular liaison meetings with the MTO and will have the issue addressed at that level.
- Victim assistance program which can provide assistance to citizens who continually have to clean their properties in problem areas.
- Do Utility Companies have action plans for graffiti removal
- Program to offer citizens on ways to clean up the graffiti - products to use to help remove graffiti – and not cause damage to property
- Have an outlet to provide advice and counsel to help facilitate the process of cleaning up.
- Protocol – check list for staff – proactive approach particularly on public property for graffiti removal
- Education program in schools – funding and pilot testing – is this still part of the strategy or could it be? – staff will investigate further and explore the Alberta Model.

(Pearson/Collins)
That Report PED 09291 respecting Graffiti Eradication Efforts be received. CARRIED.

6. PUBLIC DELEGATIONS

6.1 Gaby Kalapos, GTA Clean Air Council respecting The 2009 Inter-Governmental Declaration on Clean Air

Gaby Kalapos provided a power point presentation to Committee. Highlights included:
- Goals of the GTA-CAC
- Taking Action on Energy use Reduction
- Taking Actions on Green Procurement Policy
- Taking Action on promoting Active Transportation
- Taking Actions on Promoting Renewable energy
- Actions on Green Development
- New Technologies
- Transportation Demand Management
- Promotion of Local Food
- Phasing Out Disposable Water Bottles

Staff will further address a green procurement policy in the review of the City’s Purchasing Policy. Staff directed that a review of how other municipalities are addressing this issue in their review.

(Whitehead/Collins)  
That the presentation be received. CARRIED.

6.2 Tyler MacLeod, Chair, Hamilton Economic Summit respecting follow up to the 2009 Hamilton Economic Summit and plans for 2010

Tyler MacLeod addressed Committee and provided the following highlights:

- proceedings report held from the Second Annual Economic Summit
- City of Change event that invited students and youth to offer their ideas on the Hamilton of tomorrow
- The need for Action
- Making Hamilton a Magnet for Next Generation Talent
- Launching several new initiatives to stimulate private sector jobs as well as foster a city-wide spirit of entrepreneurship
- business development and employer outreach efforts

Comments from council:
Enjoyable day to participate in proceedings round table discussions especially.
- momentum from participants in moving city’s issues forward – scope of interest for example.
- how do people remain engaged in the process?
- suggest focusing on one or two issues alone and go back to people through the year and clearly have a plan in place to draw on their expertise
- priority setting of projects/initiatives – is there anything we should be thinking about heading into the 2010 budget?
- page 8 of Youth survey – where should growth occur? – 70% said we should redevelop our brownfield sites before expanding further
- expanding employment base – future prosperity – encourage summit focus on action items to help this along
- suggest having the chair of ED&P to participate on the Advisory Committee
8. DISCUSSION ITEMS

8.1 Relocation of Coyotes in the City of Hamilton (PED09281) (Tabled from October 13, 2009 meeting)

(Pearson/Powers)
That Item 8.1 be lifted from the tabled. CARRIED.

(Collins/Pasuta)
That Report PED09281 respecting Relocation of Coyotes in the city of Hamilton be received. CARRIED.

8.2(a) Backflow Prevention By-law - Follow up report (PW09087a)

(Merulla/Morelli)
That Report PW09087(a) be received. CARRIED.

8.2(b) Backflow Prevention Program (PW09087) (Powers/Merulla)

(a) That the Backflow Prevention By-law, substantially in the form attached as Appendix A to Report PW09087, be passed;

(b) That subsection 14(3) of the Waterworks By-law R84-026 be further amended to reflect the need to comply with the Backflow Prevention By-law;

(c) That the Water and Wastewater Fees and Charges By-law No. 08-304 be amended to reflect the fees and charges to be imposed for the Water Backflow Prevention Program which are set out in Appendix B to Report PW09087;

(d) That Schedule 29 (Trades) to the Licensing Code No. 07-170 be amended to incorporate the Sprinkler and Fire Protection Installer trade and the technical and housekeeping amendments as described in Report PW09087;

(e) That the User Fees and Charges By-law No. 09-118 be amended to include trade licence fees for Sprinkler and Fire Protection Installers, as described in Report PW09087;
(f) That the Senior Director of Water, Wastewater, and Sustainable Infrastructure be authorized and directed to apply to the Senior Regional Judge for approval of set fines for offences under the Backflow Prevention By-law when the By-law has been passed.

(Duvall/Clark)
That this item be referred to the Public Works Committee and that staff canvass members of council prior to the item being placed before Public Works Committee to allow for councilors to consult with their constituents who are most affected by this program.

CARRIED.

8.3 Code of Conduct for Members of Council (LS09016) (city Wide)

(Jackson/Powers)
That Appendix H be amended as follows:
That subsections 4.5(1) (d) (e) and (f) be deleted from Appendix H.

CARRIED.

Councillors Clark, McHattie, Merulla opposed to the amendment

(Jackson/Powers)
That Appendix “H” to the City of Hamilton’s Procedural By-law 03-301 respecting Code of Conduct for Members of Council, attached to Report LS09016 as Appendix “A” be approved as amended.

CARRIED.

(Pearson/Ferguson)
That this item be removed from the Outstanding Business List.

CARRIED.

8.4 Status Update on the Implementation of O.Reg 429/07 Accessibility Standards for Customer Service, pursuant to the Accessibility for Ontarians with Disabilities Act, 2005 (AODA) (FCS09101) (City Wide)

(Powers/Whitehead)
(a) That report FCS09101 regarding the Implementation of O. Reg 429/07 Accessibility Standards for Customer Service, be received for information;

(b) That staff be requested to report back on financial, staffing and legal implications by the end of the year and bring forward, for Council’s consideration, final recommendations for the implementation of the customer service standard and related policies; and
(c) That AMO’s position on the Initial Proposed Built Environment Standard be endorsed and that a copy of this report be forwarded to AMO and the Minister of Community and Social Services. CARRIED.

8.5 H1N1 Assessment Centres (BOH09030) (City Wide)

Dr. Richardson provided an overview.

(Ferguson/Pearson)

(a) That Public Health Services be directed to act as the lead agency for the pH1N1 assessment and treatment centres;

(b) That all eligible costs associated with assessment centres be submitted by Public Health Services for 100% funding by the Ministry of Health and Long Term Care. CARRIED.

Councillor Clark opposed.

Councillor McHattie declared his interest and did not participate in the discussion and vote on this matter.

(Ferguson/Powers)

That Public Health Services be advised that Council has approved a vote of confidence for all their hard work and for the many long hours and excellent service which has been provided to the community in response to the H1N1 Pandemic. CARRIED.

9. MOTIONS

9.1 Prioritized Transit Service Level Improvements

(McHattie/Jackson)

Whereas, the Federal Gas Tax fund has never been used for transit improvements in Hamilton, despite the federal governments’ direction that municipalities with a population of larger than 500,000 cannot spend the funds on the roads (note that Hamilton’s population was just below half a million as per the Census figures when the Federal Gas tax fund rules were established), and;

Whereas, $3M of the Provincial Gas Tax funding has been allocated to capital expenditures (versus operating funding), despite
this source of funding being the only source of operating funding available for transit service level improvements, and;

Whereas, HSR does not currently have any funding for new transit service, and;

Whereas, $3M in operational funding to facilitate new transit service (throughout the City as per the Transit Steering Committee's list of priority locations such as Rymal Road, Heritage Green etc.) could be identified by back-filling the Provincial Gas tax capital expenditures with Federal Gas tax capital funding.

Therefore be it resolved,

That staff be directed to report back on:

(a) Transit service level improvements that would be prioritized with the transfer of $3M (or a lesser amount) in funds from the Federal Gas Tax to the Provincial Gas Tax fund;

(b) An implementation strategy for carrying out this transfer, including an understanding on the impact of the current Federal Gas Tax priority allocations. CARRIED.

10. NOTICES OF MOTION

Councillor Clark presented the following Notice of Motion:

Establishment of a Pan Am Games Infrastructure Committee

Whereas the Toronto Pan Am Games Bid has been approved with the City of Hamilton receiving a new stadium, and a velodrome and McMaster receiving a new olympic pool;

Whereas the City of Hamilton has committed 50 million for Capital and 10 Million for land

Whereas, there is a history of international games exceeding their approved budgets

Be it resolved,

That the council create a Pan Am Games Infrastructure committee with Councillor Ferguson appointed as Chair to ensure construction is on budget and on time.
11. PRIVATE AND CONFIDENTIAL

(Powers/Clark)
That Committee move into closed session on the following sections of the city’s procedural by-law:

Subsection (e) and (f) as the subject matters pertain to litigation and the receiving of solicitor-client advice

11.1 Closed Session Minutes of October 13, 2009

11.2 United Brotherhood of Carpenters and Joiners of America, Local 18 Withdrawn

11.3 City of Hamilton v Attorney General of Canada, et al, Ontario Superior court Action No. C-383/04 (LS04021(b) (City Wide) CARRIED.

(Powers/Ferguson)

That Committee moved in open session. CARRIED.

11.1 Closed Session Minutes of October 13, 2009

(Powers/Pearson)
That the Closed Session Minutes of October 13, 2009 be adopted as presented.

11.3 City of Hamilton v Attorney General of Canada, et al, Ontario Superior court Action No. C-383/04 (LS04021(b) (City Wide) (Ferguson/Pearson)

(a) That report LS04012(b) respecting City of Hamilton v Attorney General of Canada, et al, Ontario Superior Court Action No. C-383/04 be received;

(b) That Report LS04021(b) remain confidential

(c) That Item M be removed from the Outstanding Business List.

MOTION CARRIED ON A STANDING RECORDED VOTE:

Yeas: Clark, Collins, Duvall, Ferguson, Jackson, Morelli, Pastua, Mitchell, Pearson, Powers
Total: 10
Nays: Bratina, McHattie, Merulla, Whitehead, Eisenberger
Total: 5
Absent: McCarthy
Total: 1

That the meeting adjourn at 1:15 p.m. CARRIED.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council/Committee of the Whole
October 13, 2009