



## **CITY COUNCIL M I N U T E S**

**Wednesday, June 27, 2007  
7:00 p.m.  
Council Chambers  
Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario**

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**Present:** Mayor F. Eisenberger

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

**Absent with Regrets:** Councillor C. Collins – vacation  
Councillor S. Duvall - illness

Mayor Eisenberger called upon Reverend Sue-Ann Ward from Christ's Church Cathedral on James Street North, to lead Council in prayer.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

**1 Motions**

- (i) Motion Item 7.1 respecting HSR Shareholder Resolution – Appointment of Board of Directors will be deferred to the Committee of the Whole meeting of July 11, 2007 to allow staff to make a formal presentation
- (ii) Added Motion 7.4 respecting Proposed Zoning By-law for the Property Located at 1353, 1357, 1427 Baseline Road and 22 Falcon Road, Stoney Creek

**(Pasuta/Morelli)**

That the Agenda for the City Council meeting being held on June 27, 2007, be approved as amended. **CARRIED**

**DECLARATIONS OF INTEREST**

Mayor Fred Eisenberger declared in interest with respect to Items 6 and 7 of the Emergency and Community Services Committee Report 07-009 respecting Hamilton Farmers' Market Improvements (CS06008(b)) as his sister-in-law operates a stall in the Farmers' Market.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

Mayor Eisenberger recognized the passing of one of the City's Emergency Services Paramedics, Georgia Tsaoussis and offered condolences to her family.

**3.1 Ontario Federation of Home School Association Educator Award**

Mayor Eisenberger invited Kleri Venizelos-Warren and Councillor Brian McHattie to join him at the podium. He announced that Kleri who was nominated by the Westdale Home and School Association has been awarded the 2007 OFHSA Educator Award. He presented her with a certificate and Councillor McHattie addressed Council congratulating Kleri Venizelos-Warren on her award. Ms. Venizelos-Warren also addressed Council.

**3.2 Mount Hope Lions – Pin presentation**

Mayor Eisenberger invited to the podium Mark Gunby and Boyd Haan from the Mount Hope Lions to make a presentation to Council. Members of the Lions Club distributed pins to Council members.

**APPROVAL OF MINUTES****(McCarthy/Ferguson)**

That the Minutes of the June 13, 2007 meeting of Council be approved, as presented.

**CARRIED**

<b>COMMUNICATIONS</b>
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**(McCarthy/Jackson)**

That dispositions for Council Communications 5.1 to 5.8 be approved, as amended, as follows:

- 5.1 Correspondence from Judith Bishop, Chair, Hamilton-Wentworth District School Board respecting 397 King Street West, Dundas, Disposition of site in its entirety or in parcels  
Recommendation: Be received
- 5.2 Correspondence from Jay C. Hope, Commissioner of Community Safety, Ministry of Community Safety and Correctional Services respecting need to meet 2007 municipal obligations and to ensure the city's emergency preparedness plan is fully operational and functional  
Recommendation: Be received and referred to Emergency Management Co-ordinator
- 5.3 AMO Alert: Province Announces Industry-Funded waste Diversion Program for electronics and Provincial Policy Statement on Waste Plans  
Recommendation: Be received
- 5.4 Correspondence from City Clerk, City of Port Colborne respecting regulation of Salvia Divinorum  
Recommendation: Be referred to the Medical Officer of Health.
- 5.5 Correspondence from Peter Julian, MP, Burnaby – New Westminster respecting polybrominated diphenyl ethers (chemicals used as flame retardants)  
Recommendation: Be received
- 5.6 Correspondence from Premier Dalton McGuinty respecting Ontario Physician Return of Service Program  
Recommendation: Be received
- 5.7 Correspondence from M. Bourque, Office of the Prime Minister respecting National Transit Strategy  
Recommendation: Be received
- 5.8 Correspondence from M. Bourque, Office of the Prime Minister respecting Manufacturing Matters Campaign  
Recommendation: Be received

**CARRIED as amended**

**(McCarthy/Jackson)**

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

**CARRIED**

**COMMITTEE OF THE WHOLE REPORT 07-019****(McCarthy/Jackson)**

That the NINETEENTH Report of the Committee of the Whole be received.

This Item **CARRIED** on the following vote:

Yeas:	Eisenberger, Bratina, Clark, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, and Powers
Total Yeas:	13
Nays:	Whitehead
Total Nays:	1

**PUBLIC WORKS COMMITTEE REPORT 07-010****(McCarthy/Jackson)**

That the TENTH Report of the Public Works Committee be adopted and the information section received.

**CARRIED**

**AUDIT & ADMINISTRATION COMMITTEE REPORT 07-009****(Pearson/Powers)**

That the NINTH Report of the Audit & Administration Committee be adopted and the information section received.

**CARRIED**

**EMERGENCY AND COMMUNITY SERVICES REPORT 07-009****(Merulla/Morelli)**

That the NINTH Report of the Emergency and Community Services Committee be adopted and the information section received.

**CARRIED**

**ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 07-012****(Mitchell/Pearson)**

That the TWELFTH Report of the Economic Development & Planning Committee be TABLED until the Private and Confidential section of the agenda to consider the sale of land.

**CARRIED****BOARD OF HEALTH REPORT 07-006****(McCarthy/ Jackson)**

That the SIXTH Report of the Board of Health be adopted and the information section received.

**CARRIED****COMMITTEE OF THE WHOLE REPORT 07-021****(McCarthy/Jackson)**

That the TWENTY-FIRST Report of the Committee of the Whole be received.

**CARRIED****MOTIONS****7.1 Hamilton Street Railway Shareholder Resolution – Appointment of Board of Directors**

This item was deferred until the July 11, 2007 Committee of the Whole meeting to allow staff to make a formal presentation.

**7.2 (a) Motion to reconsider Item 11 of Public Works Committee Report 07-008, approved by Council on May 30, 2007 respecting Portable Indoor Air Purification Units for eligible properties in the vicinity of the Glanbrook Landfill site****(Mitchell/McCarthy)**

That Item 11 of Public Works Committee Report 07-008, approved by Council on May 30, 2007, which reads as follows, be reconsidered:

**11. Portable Indoor Air Purification Units for Eligible Properties in the Vicinity of the Glanbrook Landfill Site (PW07076) (Ward 11) (Item 8.2)**

- (a) That the General Manager of Public Works be authorized and directed to supply one portable indoor air purification unit to the registered owners of each of the eligible properties in the vicinity of

the Glanbrook Landfill Site as set out in Appendix A to Report PW07076;

- (b) That the supply of the portable indoor air purification units as described in subsection (a) above, be subject to the prior receipt of a signed waiver from the registered owners of the eligible property in a form satisfactory to the City Solicitor;
- (c) That CA Circul-Aire be selected as the preferred vendor for the supply of air purifier unit model APS-250 at a unit cost of \$1,585 if the City buys 31 or more units (unit price being negotiated by Purchasing);
- (d) That the cost of the air purifier units be covered from Capital Account 5120791400.

**CARRIED on a 2/3's Majority**

**7.2 (b) Motion to delete and replace Item 11 of Public Works Committee Report 07-008**

**(Mitchell/McCarthy)**

That Item 11 of Public Works Committee Report 07-008, approved by Council on May 30, 2007, respecting Portable Indoor Air Purification Units for Eligible Properties in the Vicinity of the Glanbrook Landfill Site (PW07076) (Ward 11) be deleted in its entirety and replaced with the following in lieu thereof:

**11. Portable Indoor Air Purification Units for Eligible Properties in the Vicinity of the Glanbrook Landfill Site (PW07076) (Ward 11) (Item 8.2)**

- (a) That the General Manager of Public Works be authorized and directed to supply up to two (2) portable indoor air purification units to the registered owners of each of the eligible properties in the vicinity of the Glanbrook Landfill Site as set out in Appendix A to Report PW07076, as amended, attached hereto.
- (b) That the City of Hamilton supply replacement filters for the Units on request for the eligible property for the time period up to and including August 29, 2008, and at a cumulative value of no more than \$150 CDN per Unit, supplied to a maximum of \$300 CDN for the Property, excluding applicable taxes and shipping, delivery and handling costs;
- (c) That the supply of the portable indoor air purification units as described in subsection (a) above, be subject to the prior receipt of a signed waiver from the registered owners of the eligible property in a form satisfactory to the City Solicitor;

- (d) That CA Circul-Aire be selected as the preferred vendor for the supply of air purifier unit model APS-250 at a unit cost of \$1,585 if the City buys 31 or more units (unit price being negotiated by Purchasing);
- (e) That the cost of the air purifier units and the replacement filters be covered from Capital Account 5120791400.

**CARRIED**

### **7.3 Appointments to the Clean City Liaison Committee (to be distributed)**

#### **(Jackson/McCarthy)**

- (a) That the following citizens be appointed to the Clean City Liaison Committee:

John Hawker  
Barbara Rhynold  
Brad Rich  
Daniel Rodrigues  
Mac Sparrow  
Ron Speranzini  
George Zolis

- (b) That the appointments remain in effect during the 2006-2010 term of Council, or until such time as their successors are appointed.

**CARRIED**

### **7.4 Proposed Zoning By-law for the Property Located at 1353, 1357, 1427 Baseline Road and 22 Falcon Road, Stoney Creek**

#### **(Mitchell/Pearson)**

That item 14 of the Economic Development and Planning Committee Report 07-004 respecting an Amendment to Zoning By-law 3692-92 (Stoney Creek) – an application for a Change in Zoning for the Property Located at 1353, 1357, 1427 Baseline Road and 22 Falcon Road, Stoney Creek approved by Council on February 28, 2007 be amended to include the following subsections (e) and (f) respectfully:

- (e)
  - (i) that the wording to the permitted encroachments be amended for the purposes of clarifying which yard the steps of a porch can encroach into; and,
  - (ii) to reflect a minor realignment of the creek channel on Schedule “A” of Appendix “E”.
- (f) That with respect to the proposed by-law for 1353, 1357, 1427 Baseline Road and 22 Falcon Road, which has been changed since the holding of

the Public Meeting, Council determines that there is no need to provide further Notice to the public, pursuant to Section 34 (17) of the Planning Act.

This Item **CARRIED** on the following vote:

Yeas: Eisenberger, Bratina, Ferguson, Jackson, McCarthy, McHattie,  
Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers and Whitehead  
Total Yeas: 13  
Nays: Clark  
Total Nays: 1

<b>NOTICES OF MOTION</b>
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None

<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE &amp; CONFIDENTIAL</b>
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**(Whitehead/Pearson)**

That Council move in Closed Session pursuant to Section 8.1, sub-section (c) of the City's Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, as the subject matter pertains to the potential sale of municipal property.

**CARRIED**

**(Pearson/Powers)**

That Council reconvene in Open Session

**CARRIED**

**(Pearson/Powers)**

That Economic Development and Planning Report 07-012 be lifted from the table.

**CARRIED**

**(Mitchell/Pearson)**

That Item (q) of Economic Development and Planning Committee Report 07-012 respecting the Sale of City Lands Known as 281 Herkimer Street, Hamilton, Part Lot 24 on Plan 280 in the City of Hamilton to 986 King West (Hamilton) Limited (PED07174) (Ward 1) be lifted from the Information Section of the Economic Development and Planning Committee Report 07-012 and renumbered as Item 18.

**CARRIED**



**(Mitchell/Pearson)**

That the following be added as Item 18 to Economic Development and Planning Committee Report 07-012:

**18. Sale of City Lands Known as 281 Herkimer Street, Hamilton, Part Lot 24 on Plan 280 in the City of Hamilton to 986 King West (Hamilton)Limited (PED07174) (Ward 1)**

- (a) That an Offer to Purchase, executed by 986 King West (Hamilton) Ltd. (Judy Marsales) on May 11, 2007, and scheduled to close on or before September 5, 2007, for the purchase of the City property known as 281 Herkimer Street, also referred to as the former CIBC building at the corner of Locke Street South and Herkimer Street, Hamilton, (as shown on Appendix "A" to Report PED07174), composed of Part Lot 24 on Plan 280 and having a lot frontage of 10.46 metres (34.33 feet), a lot depth of 32.21 metres (105.67 feet), comprising a lot area of approximately 336.92 square metres (3,627.65 square feet), for the sale price \$307,000, less disbursements, be approved and completed.
- (b) That the sale price of \$307,000 does not include the Goods and Service Tax (GST). Should the GST be applicable and collected by the City, the GST amount is to be credited to Account No. 22835-009000 (GST Payable).
- (c) That the sum of \$20,000 be funded from the sale amount and credited to Account No. HAMTN 47702-3560150200 (Capital – Property Purchases and Sales), being the cost to maintain and prepare the property for sale (Appraisal, Official Plan and Zoning Amendments).
- (d) That the required deposit cheque, in the amount of \$30,700, be held by the General Manager of Finance and Corporate Services pending approval of this transaction.
- (e) That the Offer to Purchase agreement contains the following key provision:

“The Purchaser acknowledges that the subject property is designated as a property of a Cultural Heritage Value and Interest by By-law No. 06-036. The Purchaser further agrees to enter into a Heritage Easement Agreement with the Heritage & Urban Design Section, Economic Development and Planning Department of the City of Hamilton, attached hereto as Appendix “C” to conserve the present historical, architectural, aesthetic and scenic character of the building on the real property of 281 Herkimer Street, Hamilton. This said Offer and the Heritage Easement Agreement are to be finalized and registered contemporaneously with each other.”

- (f) That the funds received from the sale of the subject lands be credited to the Library Capital Reserve Account No.106008, less disbursements, as outlined in Recommendation I.
- (g) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required.
- (i) That on October 26, 2005, City Council approved Item 5.4 of the Planning and Economic Development Committee Report 05-021 declaring the subject lands surplus to the requirements of the City of Hamilton.
- (ii) That in accordance with the approved method of providing notice in the City of Hamilton By-law No. 04-299 "Procedural By-Law for the Sale of Land", notice has been given to the Public with a City of Hamilton "For Sale" sign on the subject lands for at least the minimum seven-day period on the property. A sign was posted from March 29, 2007 to May 11, 2007 and by the posting of a sale notice of the subject lands on the City of Hamilton Real Estate website for the same period.
- (iii) That a Real Estate Appraisal was completed on the subject lands on June 23, 2006 by Jacob Ellens & Associates Inc., and was updated in March 2007, complying with the requirement for an Appraisal under Section 3 (b) of the City of Hamilton By-law No. 04-299 "Procedural By-law for the Sale of Land".
- (h) That Report PED 07174 remain a confidential document.

**CARRIED****(Mitchell/Pearson)**

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

**CARRIED**

<b>BY-LAWS</b>
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**(McCarthy/Jackson)**

That Bill No. 07-187 be taken as read a first time.

**CARRIED****(McCarthy/Jackson)**

That Bill No. 07-187 be taken as read a second time.

**CARRIED**

**(McCarthy/Jackson)**

That Bill No. 07-187 be provisionally adopted.

**CARRIED**

**(McCarthy/Jackson)**

That Bill Nos. 07-188 to 07-199 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 07-188 to 07-199:

**Bill 07-187** To provide for a drainage works in the City of Hamilton to be known as the Hauser Drain (provisional only)

**By-Law No.**

**07-188** To Amend Market By-law No. 92-310

**07-189** To Amend By-law No. 01-215, To Regulate Traffic:  
Schedule 2 – Speed Limits

**07-190** To Amend By-law No. 01-215, To Regulate Traffic:  
Schedule 5 – Stop Signs

**07-191** To Permanently Close an Unassumed Portion of the alley at the Rear of 404, 406, 408, 410, 412 and 414 Mary Street, Hamilton, designated as Parts 1, 2, 3, 4, 5 and 6 Plan 62R-17624

**07-192** To Incorporate City Land Designated as Part 3 on Plan 62R-7959 into Progreston Road

**07-193** To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Lands Located at 118 Rymal Road West, Hamilton

**07-194** Respecting the Removal of Part Lot Control, Block 72, Registered Plan No. 62M-1057, Fifty Road Joint Venture Phase 3

**07-195** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:  
Schedule 8 – No Parking Zones  
Schedule 12 – Permit Parking Zones

**07-196** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 1353, 1357, 1427 Baseline Road and 22 Falcon Road

**07-197** To Repeal By-law No. 4798, Respecting Conditions Which May Be or Become Injurious to Health

**07-198** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located in Part of Lots 32 and 33, Concession 7 (Saltfleet)

**07-199** To Confirm the Proceedings of City Council

**CARRIED**

**City Council**

**(12)**

**June 27, 2007**

The Council meeting adjourned at 8:35 p.m.

Respectfully submitted,

Fred Eisenberger  
Mayor

Kevin Christenson  
City Clerk  
June 27, 2007