Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Father Dan Miehm of St. Ann’s Roman Catholic Church of Ancaster, to lead the Council in prayer.

Council was advised of the recent passing of two City of Hamilton employees:

- Andrea Ammerata, of the City’s Parent and Child Branch, who passed away on October 5, 2005
- Patricia Bennett, Administrator for HECFI/Hamilton Place, who passed away on October 11, 2005.

On behalf of City Council, Mayor Dilanni expressed condolences to the families of Andrea and Patricia during this difficult time.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

(a) **PRIVATE AND CONFIDENTIAL**

Private and Confidential item on the agenda was withdrawn; however, a litigation matter was added.
(b) ADDED MOTIONS

(i) Added motion 7.6 by Councillor Samson respecting the planting of trees at 36 Watson’s Lane

(ii) Added motion 7.7 by Councillor Braden amending the Fair Wage schedule which was approved at the September 28 meeting of Council.

(Morelli/Pearson)
That the Agenda for the City Council meeting being held on October 12, 2005, as amended, be approved. CARRIED

DECLARATIONS OF INTEREST

Item 1 Monthly Status Report of Tenders and Requests for Proposals for August, 2005 (FCS05023(f)) (City Wide) (Item 5.1)

Councillor M. Ferguson declared an interest in PW-05-41(H) and PW-05-42(RHV) as he has a relative who is employed by the company awarded the contracts.

Item 3 2003 Remuneration and Expenses – Hamilton Utilities Corporation (FCS05112) (City Wide) – Outstanding Business Item A (Item 8.1)

Councillor M. Ferguson declared an interest in this item as he has a relative who served on the Board of Directors during the time which the figures are shown.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor DiIanni thanked the Ancaster Chapter of the Hamilton Chamber of Commerce, and the co-ordinating efforts of Tom Ryan, for hosting the meet and greet reception prior to the Council meeting. Mayor DiIanni also acknowledged and thanked the ensemble from the Hamilton All-Star Jazz Band for providing musical entertainment during the reception.

Mayor DiIanni called upon Jan Bradley, President of the A.M Ancaster Rotary, and John Mullin, President of the P.M. Ancaster Rotary, who presented a cheque in the amount of $25,000 to the City of Hamilton, being the Rotary Club’s 2005 contribution toward the construction of the Rotary Club facility at the Morgan Firestone Arena.

Councillor Whitehead acknowledged the attendance of students from the citizenship program at Mohawk College, and recognized Shelley Tellenco and Alan Clay, instructors of the course.
APPROVAL OF MINUTES

(Collins/Kelly)  
That the Minutes of the City Council Meeting held on September 28, 2005, be approved.  
CARRIED

(Collins/Kelly)  
That the Minutes of the Special City Council Meeting held on September 29, 2005, be approved.  
CARRIED

COMMUNICATIONS

(Jackson/Morelli)  
That Council Communications be approved, as amended, as follows:

5.1 Correspondence from Dennis Darby and Gemma Zecchini, Stewardship Ontario and Waste Diversion Ontario respecting second payment for 2005 from the industry to assist in the payment of the Blue Box recycling Program.

Recommendation: Be received

5.2 Correspondence from the Honourable Jean-C. Lapierre, Minister of Transport respecting waste originating from commercial airlines at John C. Munro Hamilton International Airport

Recommendation: Be received and forwarded to Tradeport International Corporation for their information.

5.3 Correspondence from the Honourable Greg Sorbara, Minister of Finance respecting amendment to the property tax rebate program for vacant commercial and industrial properties

Recommendation: Be received

5.4 Resolution from the Township of Stone Mills respecting amending the Provincial Policy Statement to phase in Section 2.3.4 Lot Creation and Lot Adjustments over a five year period

Recommendation: Be referred to the General Manager of Planning and Development Committee for a report to the Planning and Economic Development Committee.  
CARRIED as amended

(Jackson/Morelli)  
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.  
CARRIED
PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 05-014

(Collins/Kelly)
That the FOURTEENTH Report of the Public Works, Infrastructure and Environment Committee be adopted, and the information section received.  CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 05-020

Item 6  Demolition Permit – 81 Harmony Avenue (PED05131) (Ward4)

(Merulla/Morelli)
That Item 6 of the Planning & Economic Development Committee Report 05-020, respecting the application for a demolition permit at 81 Harmony Avenue be deleted in its entirety and replaced by the following in lieu thereof:

That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 81 Harmony Avenue in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

Amendment CARRIED
Motion as amended CARRIED

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

CORPORATE SERVICES COMMITTEE REPORT 05-014

Item 8  Communication Strategy – August 19th Rainstorm – Verbal Update (No Copy) (Item 8.5)

(Ferguson/Whitehead)
That this item be referred back to the Corporate Administration Committee.  CARRIED

(Braden/Bratina)
That the FOURTEENTH Report of the Corporate Services Committee be adopted, as amended, and the information section received.  CARRIED

COMMUNITY SERVICES COMMITTEE REPORT 05-010

(Bruckler/Collins)
That the TENTH Report of the Community Services Committee be adopted, and the information section received.  CARRIED
SOCIAL AND PUBLIC HEALTH SERVICES COMMITTEE REPORT 05-012

(McHattie/Merulla)
That the TWELFTH Report of the Community Services Committee be adopted, and the information section received. 
CARRIED

LICENSING COMMITTEE REPORT 05-008

(Merulla/McHattie)
That the EIGHTH Report of the Licensing Committee be adopted and the information section received. 
CARRIED

COMMITTEE OF THE WHOLE COMMITTEE REPORT 05-016

(Ferguson/Whitehead)
That the SIXTEENTH Report of the Committee of the Whole be adopted and the information section received. 
CARRIED

(Councillor D. Braden indicated that he wished to be recorded as OPPOSED to this report.)

MOTIONS

7.1 Appointment of new CEO, HECFI (City Wide)

(Whitehead/Bruckler)
That the appointment of Duncan Gillespie by the HECFI Board of Directors as the CEO of HECFI be approved by Hamilton City Council as per Section 16 (2) of Bill Pr.34. 
CARRIED

7.2 Legal Opinion – OPA 28

(Mitchell/Pearson)
That the City Solicitor be authorized and directed to obtain a legal opinion to determine whether a repeal of OPA 28, as approved by Order in Council on the recommendation of the Lieutenant Governor in Council, is prudent and possible given the consequences that might flow from such action. 
CARRIED
7.3 Public Investment in the Arts

(Collins/Kelly)
Whereas the arts enrich the lives of citizens living in Hamilton and Canadians across the country. A vibrant arts community is a fundamental component of a modern and progressive city. The arts celebrate and showcase the broad cultural diversity of Hamilton and help build and shape our sense of community.

And Whereas, the arts sector is vital to the economic growth of Hamilton, creating jobs and investment and attracting foreign visitors, making Hamilton one of Southwestern Ontario’s leaders in creativity and innovation.

And Whereas, the Canadian Arts Coalition, a partnership of 30 national arts service organizations representing thousands of individual arts enterprises across Canada, is calling for an increase of $5 per capita in federal funding to the arts through the Canada Council for the Arts. The Canada Council for the Arts is the central vehicle for supporting and promoting the arts in Canada and the key vehicle for investments in arts infrastructure.

Therefore, be it resolved, that the City of Hamilton recommend that the Federal Government increase public investment in the arts in Canada through the Canada Council for the Arts by $5 per capita. CARRIED

7.4(a) (Ferguson/Whitehead)
That Item 15 of the Planning & Economic Development Committee Report 05-018 be lifted from the table.

Item 15 Applications for a Draft Plan of Subdivision Known as “Big Creek Estates” and for a Change in Zoning for Lands Located on Part of Lot 39, Concession 3, Municipally Known as 446 – 450 Hamilton Drive (Ancaster) (PED05095) (Ward 12)

(a) That approval be given to Subdivision Application 25T200417, Thom & Penny Doan and Ralf & Joanna Hakenberg, owners, to establish a draft plan of subdivision on lands described as Part of Lot 39, Concession 3, municipally known as 446 – 450 Hamilton Drive (Ancaster), comprising 0.93 hectares (2.3 acres), as shown on Appendix “B” to Report PED05095, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix “C” to Report PED05095 and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development, in accordance with the financial policies for development, as approved by Council.
(ii) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of building permits for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit; all in accordance with the City’s Parkland Dedication By-law.

(b) That approval be given to **Zoning Application ZAC-04-100, Thom & Penny Doan and Ralf & Joanna Hakenberg, owners**, for a change to Zoning By-law 87-57 from the Site-Specific Agricultural “A-216” Zone to Residential “R2” Zone (Block 1), Residential “R3” Zone (Block 2), Site-Specific Residential “R3-533” Zone (Block 3) and Public Open Space “O2” Zone (Block 4), in order to permit the development of the subject lands for seven single family dwellings and one block for open space on lands located on Part of Lot 39, Concession 3, municipally known as 446 – 450 Hamilton Drive (Ancaster), as shown on Appendix “A” to Report PED05095, subject to the following:

(i) That the draft By-law, attached as Appendix “D” to Report PED05095, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(ii) That the amending By-law be added to Schedule ‘B’, Map 1: Urban Area of Zoning By-law No. 87-57.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

CARRIED

7.4(b) (Ferguson/Whitehead)

That Item 15 of the Planning & Economic Development Committee Report 05-018 be approved as follows:

**Item 15** Applications for a Draft Plan of Subdivision Known as “Big Creek Estates” and for a Change in Zoning for Lands Located on Part of Lot 39, Concession 3, Municipally Known as 446 – 450 Hamilton Drive (Ancaster) (PED05095) (Ward 12)

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(i) Acknowledgement that there will be no City share for any municipal works related to this development, in accordance with the financial policies for development, as approved by Council.

(ii) That payment of Cash-in-Lieu of Parkland will be required for the development prior to the issuance of building permits for the lots within the plan. The calculation of the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the day of issuance of each building permit; all in accordance with the City’s Parkland Dedication By-law.

(b) That approval be given to Zoning Application ZAC-04-100, Thom & Penny Doan and Ralf & Joanna Hakenberg, owners, for a change to Zoning By-law 87-57 from the Site-Specific Agricultural “A-216” Zone to Residential “R2” Zone (Block 1), Residential “R3” Zone (Block 2), Site-Specific Residential “R3-533” Zone (Block 3) and Public Open Space “O2” Zone (Block 4), in order to permit the development of the subject lands for seven single family dwellings and one block for open space on lands located on Part of Lot 39, Concession 3, municipally known as 446 – 450 Hamilton Drive (Ancaster), as shown on Appendix “A” to Report PED05095, subject to the following:

(i) That the draft By-law, attached as Appendix “D” to Report PED05095, which has been prepared in a form satisfactory to Corporate Counsel, be enacted by City Council.

(ii) That the amending By-law be added to Schedule ‘B’, Map 1: Urban Area of Zoning By-law No. 87-57.

(iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Ancaster Official Plan.

CARRIED

7.5 All-Way Stop Control – West Avenue and Robert Street, Hamilton

(Morelli/Merulla)

(a) That an all-way stop control be implemented at the intersection of West Avenue and Robert Street;

(b) That an appropriate by-law to amend the City Traffic By-law 01-215 be passed and enacted.

CARRIED
7.6 Planting of Trees – 36 Watson’s Lane, Dundas

(Samson/Mitchell)
(a) That staff be directed to plant two 6” Caliper Tulip Trees at 36 Watson's Lane, Dundas to replace the willow tree that was cut down and removed by the City earlier this year;
(b) That the planting of these trees occur in 2005;
(c) That prior to the planting of these trees, staff contact the property owners at 36 Watson's Lane, Dundas to ensure that they are fully aware of the actions taken by the City to replace the tree, including the planting schedule;
(d) That the cost to plant these trees in the amount of $3,680.00 be funded through the Forestry and Horticulture Tree Planting - Large Caliper Account in Department ID 445012.

CARRIED

7.7 Amendment to Fair Wage Schedule

(Braden/Bratina)
That the Fair Wage Schedule 2006, attached as Appendix “B” to Report HUR05016/FCS05098, and approved by Council on September 28, 2005, be amended as follows:

That the “TBD” for Heat and Frost Insulators (Asbestos) be deleted and replaced with the following in lieu thereof:

- Asbestos Remover Level One - $15.58/hr.
- Asbestos Remover Level Two - $17.76/hr.
- Asbestos Remover Level Three - $16.91/hr.

CARRIED

(Whitehead/Morelli)
That the Rules of Order be suspended in order to allow for the introduction of a motion with respect to the Stelco Restructuring Plan.

CARRIED

7.8 Open Letter of Support for the Stelco Restructuring Plan

(Whitehead/Morelli)
That Hamilton City Council support an open letter endorsing the Stelco Restructuring Plan to the citizens of Hamilton that would be published in the local newspapers.

The motion CARRIED on the following vote:
Yeas: Mayor Dilanni; Councillors Braden, Bratina, Bruckler, Collins, Ferguson, Jackson, Kelly, McHattie, Mitchell, Merulla, Morelli, Pearson, Samson, Whitehead
Total Yeas: 15

(McHattie/Merulla)
That the Rules of Order be suspended in order to allow for the introduction of a motion with respect to the impact of social services downloading on the City. CARRIED

7.9 Impact of Social Services Downloading on the City of Hamilton

(McHattie/Merulla)
Whereas there is an urgent need to prepare a background report outlining the impact of social service downloading on the City of Hamilton;

And whereas there are few agencies with the ability to engage in this study.

It is therefore directed that the contract to prepare the social service report, in the amount of $14,000, be sole sourced to the Centre for Community Study. CARRIED

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Bratina/Braden)
That the Committee move In Camera to receive legal advice. CARRIED

(Braden/Collins)
That the Committee reconvene in Open Session. CARRIED

No action to be reported.

BY-LAWS

(Jackson/Morelli)
That Bill Nos.05-293 to 05-300 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 05-293 to 05-300:
To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 480 Jones Road

To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 894 Golf Links Road

To Adopt Official Plan Amendment No. 120 to the former City of Stoney Creek, Respecting Administrative Amendment to Lands known municipally as 272 First road

To Designate Land Located at 276-278 King Street West, City of Hamilton, As Property of Cultural Heritage Value

To Amend By-law No. 03-301, Governing the Proceedings of Council and Committees of Council

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 12 – Permit Parking Zones
- Schedule 13 – No Stopping Zones
- Schedule 20 – School Bus Loading Zones

To Amend By-law No. 01-215, To Regulate Traffic

- Schedule 5 – Stop Signs

To Confirm the Proceedings of City Council

The City Council meeting adjourned at 8:55 p.m.

Respectfully submitted,

Larry DiIanni
Mayor

R. Caterini
Deputy Clerk
October 12, 2005