CITY COUNCIL
MINUTES

Wednesday, November 23, 2005
7:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Present: Mayor L. DiIanni


Absent with regrets: Councillor B. Morelli – Police Services Board Business

Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Father Bill Trusz of St. Margaret Mary Roman Catholic Church in Hamilton, to lead the Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(a) COMMUNICATIONS

(i) Added Council Communication 5.3 from Maple Leaf Foods respecting revoking the Offer to Purchase between 6323812 Canada Inc. and the City of Hamilton

Recommendation: That this correspondence be received.

Added Council Communication 5.4 which is a petition by the Lanza Court Committee respecting delays in grading, security fencing and large openings to manhole coverings

This petition was signed by 27 residents.
Recommendation: Be received and referred to the General Manager of Planning and Economic Development for a report to the Planning and Economic Development Committee.

Added Council Communication 5.5 which is a petition submitted by Julianne Burgess and Hugh Tye on behalf of the Pleasant Valley Neighbourhood Committee respecting an Alternative Site Plan to this development.

This petition was signed by 30 residents

Recommendation: Be received

(b) REPORTS

(ii) Item 6.5 – Twenty-third Report of the Committee of the Whole is to be deleted as this meeting was cancelled.

(iii) Added Item 6.9 – Report 05-001 of the Legal Services Operational Review Sub-Committee

(iii) Planning and Economic Development Committee Report 05-026 respecting Item 12 – Applications for Approval of a Draft Plan of Subdivision and Zoning By-law Amendment by 998153 Ontario Inc. (G. Schuit) for Lands Located at 114 Pleasant Avenue (Dundas) (PED05144) (Ward 13) Attached Appendix C and D as noted in the report.

(c) HAMILTON RENEWABLE POWER INC. SHAREHOLDERS MEETING

Hamilton Renewable Power Inc. Report 05-001

(Pearson/Mitchell)
That the Agenda for the City Council meeting being held on November 23, 2005, as amended, be approved. CARRIED

DEclarations of interest

Item 3 of Planning and Economic Development Committee Report 05-026 respecting Commercial Heritage Improvement and Restoration Program (CHIRP) – (CHIRP2005-01) Matching Grant to Re-Shingle the Roof of 548 Old Dundas Road (Ancaster Old Mill), Ancaster, in the City of Hamilton (Ward 12) (PED0174)

Councillor M. Ferguson declared an interest in this item as he is related to the applicant.
Item 1 of Legal Services Operational Review Sub-Committee Report 05-001 respecting Delivery of Labour Relations, Employment Law Services/Legal Services Request for Proposal (City Wide) (LS05014)

Councillor B. Kelly declared an interest in this item as his fiancé is a lawyer with the law firm named in the Report.

Motion 7.4 respecting Implementation of a Sewer Lateral Management Policy (City Wide) (TOE02203(b))

Councillor B. Bratina declared an interest in this item as the company he works for conduct business with some of the proponents.

Council of November 17, 2005

Mayor L. DiIanni declared an interest in the November 17, 2005 meeting of Council indicating that his reason for being absent from the meeting was related to the compliance audit report prepared by LECG.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

1st Presentation

Mayor DiIanni called upon Dayna Bernier who is a part-time Mohawk College Student in photography. She received an honourable mention at the International Photography Awards which were held in New York and was presented with a certificate of achievement for her picture of Christy Lake Conservation Park. Mayor DiIanni extended congratulations on behalf of Council for her outstanding achievement and wished her success in the future. After saying a few words, Dayna Bernier presented a picture of Christy Lake Conservation Park to Mayor DiIanni.

2nd Presentation

Mayor DiIanni called upon Mary Lou Tanner, Christine Lee Morrison and Mike Bingham of the City’s Public Works Department to approach the podium. On October 13th, 2005; the City of Hamilton was awarded with the Brownfield Award at the Canadian Urban Institutes National Brownfield Conference in Ottawa. Mayor DiIanni recognized and congratulated these staff members for continually improving the Contaminated Sites Management Program for Municipal Works, adopted by Council in 2004, to ensure that contamination is considered as a component of every municipal works undertaking. Mayor DiIanni noted that the City of Toronto and more recently the City of Kitchener have requested the City of Hamilton to share ideas and experiences in order to create a similar program in their respective Municipalities.
3rd Presentation

Mayor DiIanni called on Councillor Brian McHattie to join him at the podium to present the Annual Excellence in Property Awards which 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 recipients of the 2005 Excellence in Property Awards were:

- **G5 Promotions**
  616 Barton Street East
  Within the Barton Village B.I.A.
  *Tom Giornofelice and Tony Iacobelli*

- **The Movie Palace**
  526 Concession Street
  Within the Concession Street B.I.A.
  *Dale & David Barker and Emma Greenslade*

- **The Hamilton Club**
  6 Main Street East
  Within the Downtown Hamilton B.I.A.
  *Breckon Husband and Duncan Gillespie*

- **Vermeulen/Hind Architects**
  41 King Street
  Within the Dundas B.I.A.
  Darlyne Mills, Dundas B.I.A. Board of Management, accepted the award on behalf of Mary Jo Hind and Fred Vermeulen

- **Frank Lauinger**
  201-203 King Street East
  Within the International Village B.I.A.
  *Frank Lauinger*

- **Adele**
  283 Main Street West
  Within the Main Street West B.I.A.
  *Adele Liebovitz*

- **European Textile**
  263 Ottawa Street North
  Within the Ottawa Street B.I.A.
  *George and Maria Tsiflikiotis*

- **Village Restaurant**
  35 King Street East
  Within the Stoney Creek B.I.A.
  *Mary Terziev-Clifford*
Grapes & Hops
11 Paisley Avenue South
Within the Westdale Village B.I.A.
Joe Thivy and Marie Louise Kallsen

The award winner within the City of Hamilton was presented to Breckon Husband and Duncan Gillespie for the Hamilton Club at 6 Main Street East.

Mayor DiIanni acknowledged the contribution of the panel of judges, George Dark, Rick Lintack and Mike Pizak, and were presented with tokens of appreciation.

APPROVAL OF MINUTES

(Bruckler/Ferguson)
That the approval of the Minutes of the City Council Meeting held on November 17, 2005, be tabled to the next meeting of Council. CARRIED

COMMUNICATIONS

5.1 Correspondence from Michael Bal dasaro respecting pig processing plant

(Jackson/Ferguson)
That the correspondence be received. CARRIED

5.2 Correspondence from Nancy Stableforth, Deputy Commissioner, Correctional Service Canada respecting Relocation of Hamilton Community Correctional Centre

(Merulla/Collins)
(a) That Council re-affirm its position to Correctional Services Canada that the relocation of the Hamilton Community Correctional Centre not be located within the City of Hamilton;

(b) That the correspondence from Correctional Services Canada be referred to the High Risk Offenders Task Force, together with Council’s position on this issue, to negotiate with Corrections Canada to address public safety concerns;

(c) That the High Risk Offenders Task Force be requested to convene a meeting as soon as possible to address this matter. CARRIED
5.3 Correspondence from Maple Leaf Foods respecting revoking the Offer to Purchase between 6323812 Canada Inc. and the City of Hamilton

(Whitehead/Merulla)
(a) That the correspondence from Maple Leaf Foods be received.

(b) That the Mayor and City Clerk be authorized to execute an Offer to Sell part of 863 Nebo Road, composed of Part of PIN 17387-0002 (LT), being part of Lot 14, Concession 2, geographic Township of Glanbrook, now in the City of Hamilton, and more particularly shown as Parts 1 and 2 on the Draft Reference Plan attached as Appendix "A" to Report PED05092/FCS05093/PW0104, to 6323812 Canada Inc. (Maple Leaf Foods Inc.) on the same terms and conditions as set out in Report PED05092/FCS05093/PW0104 and the Supplementary Confidential Report;

(c) That said Offer to Sell be in a form and content satisfactory to the General Manager of Planning and Economic Development and the City Solicitor;

(d) That said Offer to Sell be open for acceptance until 11:00 p.m., Eastern Standard Time, Tuesday, November 29, 2005.

(Samson/Jackson)
That the motion be tabled to a future meeting, in the absence of Councillor B. Morelli.

(Whitehead/Merulla)
Call the Question.

The tabling motion was DEFEATED.

(Jackson/Collins)
Call the Question on the main motion.

The main motion as amended CARRIED on the following recorded vote:

Yeas: Mayor DiIanni; Councillors Bruckler, Collins, Ferguson, Kelly, Mitchell, Merulla, Pearson, Whitehead

Total Yeas: 9

Nays: Councillors Braden, Bratina, Jackson, McCarthy, McHattie, Samson

Total Nays: 6

Following completion of this item, Mayor L. DiIanni relinquished the Chair and the Deputy Mayor, Councillor B. Kelly, assumed the Chair.
5.4 Petition by the Lanza Court Committee respecting delays in grading, security fencing and large openings to manhole coverings

This petition was signed by 27 residents.

(Jackson/Ferguson)
That the petition be received and referred to the General Manager of Planning and Economic Development for a report to the Planning and Economic Development Committee. CARRIED

5.5 Petition submitted by Julianne Burgess and Hugh Tye on behalf of the Pleasant Valley Neighbourhood Committee respecting an Alternative Site Plan to this development.

This petition was signed by 30 residents

(Jackson/Ferguson)
That the petition be received. CARRIED

(Jackson/Ferguson)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports. CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 05-026

Item 10 Application for a Modification in Zoning for lands located at 937 Centre Road (Flamborough) (PED05167) (Ward 15)

Councillor M. McCarthy indicated that she wished to be recorded as opposed to this item.

(Pearson/Mitchell)
That the TWENTY-SIXTY Report of the Planning and Economic Development Committee be adopted, and the information section received. CARRIED

CORPORATE SERVICES COMMITTEE REPORT 05-017

(Braden/Bratina)
That the SEVENTEENTH Report of the Corporate Services Committee be adopted, and the information section received. CARRIED
PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 05-017

(Mitchell/McCarthy)
That the SEVENTEENTH Report of the Public Works, Infrastructure and Environment Committee be adopted, and the information section received. CARRIED

COMMITTEE OF THE WHOLE REPORT 05-022

(Jackson/Ferguson)
That the TWENTY-SECOND Report of the Committee of the Whole be adopted, and the information section received. CARRIED

SOCIAL AND PUBLIC HEALTH SERVICES COMMITTEE REPORT 05-015

Item 4 Homemakers and Nursing Services Program Update (HCS03012(c)) (City Wide)

(Merulla/Mitchell)
That Item 4 of Social and Public Health Services Committee Report 05-015 be amended by adding the following as sub-section (d):

(d) That staff be directed to implement a temporary freeze on new referrals pending the financial report referred to in sub-section (c) being presented at the next Committee meeting.

Amendment CARRIED
Motion as amended CARRIED

Item 7 Utility Arrears Program Update (SPH05053) (City Wide)

(Jackson/McHattie)
That Sub-section (c) be amended by deleting the words “two councillors” and inserting the names of Councillors B. Bratina and S. Merulla in lieu thereof.

Amendment CARRIED
Motion as amended CARRIED

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

COMMUNITY SERVICES COMMITTEE REPORT 05-012

(Bruckler/Collins)
That the TWELFTH Report of the Community Services Committee be received. CARRIED
SELECTION COMMITTEE REPORT 05-002

(Bruckler/Collins) That the SECOND Report of the Selection Committee be adopted and the information section received. CARRIED

LEGAL SERVICES OPERATIONAL REVIEW SUB-COMMITTEE REPORT 05-001

(Pearson/Ferguson) That the FIRST Report of the Legal Services Operational Review Sub-Committee be adopted and the information section received. CARRIED

MOTIONS

7.1 Establishment of a Hamilton Triple Bottom Line - Business Attraction Task Force

(McHattie/Merulla) Whereas, the City of Hamilton has been recognized by the United Nations and others as a Model Community for Sustainability; and

Whereas, the City of Hamilton has adopted Vision 2020 and is using the triple bottom line approach to administering municipal operations;

Whereas, it is critical to secure jobs for Hamiltonians by attracting businesses who contribute in a balanced fashion to the economic, social and environmental goals of the municipality;

Whereas, there is a need for a clear set of sustainability principles and triple bottom line criteria fashioned to guide the pursuit of jobs and businesses to Hamilton; and

Whereas, employment lands in business parks, brownfields, downtown locations, and other vacant lands represent highly significant economic development opportunities for the City of Hamilton; and

Therefore Be ItResolved:

(a) The Hamilton Triple Bottom Line Business Criteria Task Force shall be established with the mandate to develop triple bottom line criteria to attract companies to Hamilton’s employment lands that demonstrate a commitment to the triple bottom line, in line with the City's Vision 2020 principles, and to provide criteria to assist existing Hamilton companies to fulfill triple bottom line business practices
The Task Force shall be comprised of three City Councillors, City staff from the Planning and Economic Development department, and three representatives from recognized Hamilton triple bottom line companies including but not limited to Dofasco Inc. (i.e., given their clearly stated commitment to Vision 2020, the triple bottom line, and the community).

(Whitehead/Pearson)
That Motion 7.1 respecting the Establishment of a Hamilton Triple Bottom Line – Business Attraction Task Force, be referred to staff for comment and report back to the Planning and Economic Development Committee. DEFEATED

(Bruckler/Collins)
That Sub-section (b) be amended by deleting the words, “three City Councillors” and inserting the names of Councillors B. McHattie, S. Merulla and D. Mitchell in lieu thereof. Amendment CARRIED

(McHattie/Merulla)
Call the Question. CARRIED

The main motion CARRIED.

Councillors M. Ferguson, D. Mitchell, M. Pearson and T. Whitehead indicated that they wished to be recorded opposed to this item, as amended.

Councillors D. Braden and B. McHattie indicated that they wished to be recorded opposed to sub-section (b) of the main motion, as amended.

7.2 Establishment of an Independent Community Panel to Review Flooding Issues

(Whitehead/Merulla)
That the Timelines for the implementation of the Community Panel be as follows:

(a) Selection of Facilitator – September/November 2005

(b) Facilitator to develop Terms of Reference – December 2005

(c) Applications received for membership on the Community Panel and Interviews to take place – January/February 2006

(d) Community Panel Selection and Council Approval – March 2006

(e) Public Consultations – March/April 2006


(g) Implementation of recommendations – August/October 2006 (2007 Budget) CARRIED
7.3 **All way Stop at Kensington Avenue South and Sherbrooke Street**

(Merulla/McHattie)
- (a) That all-way stop control be implemented at the intersection of Kensington Avenue South and Sherbrooke Street;
- (b) That an appropriate by-law to amend the City of Hamilton Traffic By-law 01-215 be passed and enacted. CARRIED

7.4 **Implementation of a Sewer Lateral Management Policy (City Wide)**

(Mitchell/McCarthy)
That Item 5 of Public Works, Infrastructure and Environment Committee Report 05-005, approved by Council on March 23, 2005, respecting Implementation of a Sewer Lateral Management Policy, which was amended on September 14, 2005 by extending the implementation date to November 30, 2005 be further amended as follows:

(a) by deleting November 30, 2005 from subsection (a), being the effective date of the policy, and replacing it with March 1, 2006 in lieu thereof;

(b) by deleting November 30, 2005 from subsection (c), being the date repealing the City's "Sewer Lateral Tree Root Policy", and replacing it with March 1, 2006 in lieu thereof.

(Jackson/Bruckler)
That Motion 7.4 be amended by adding the following as sub-section (c):

(c) That staff be directed to conduct a review of the policy in one year’s time from the implementation date, and report back to the Public Works, Infrastructure and Environment Committee in March, 2007. Amendment CARRIED

Motion as amended CARRIED

7.5 **Provincial Gas Tax Transit Master Plan Steering Committee - Terms of Reference (PW05011b) (City Wide) (Item 9.6)**

(McHattie/Braden)
That Item 6 of the Public Works Infrastructure and Environment Committee Report 05-009 concerning the Provincial Gas Tax Master Plan Steering Committee which was approved by Council on May 25, 2005 as follows, be reconsidered.
6. **Provincial Gas Tax Transit Master Plan Steering Committee - Terms of Reference (PW05011b) (City Wide) (Item 9.6)**

(a) That the Terms of Reference for establishing a Transit Master Plan Steering Committee (TMPSC) attached hereto as Appendix “A” be approved;

(b) That Councillors C. Collins, M. Ferguson, B. McHattie and S. Merulla and T. Whitehead be appointed to the Transit Master Plan Steering Committee in accordance with the Terms of Reference referred to in recommendation (a) of this Item;

(c) That the Terms of Reference for the establishment of a Transit Master Plan Task Force (TMPTF) attached hereto as Appendix “B” be approved, as amended.  

**CARRIED**

(McCarthy/Merulla)

Call the Question.

**CARRIED**

(McHattie/Merulla)

That Item 6 of the Public Works Infrastructure and Environment Committee Report 05-009 respecting the Provincial Gas Tax Transit Master Plan Steering Committee which was approved by Council on May 25, 2005 be deleted in its entirety and replaced with the following:

6. **Provincial Gas Tax Transit Master Plan Steering Committee - Terms of Reference (PW05011b) (City Wide) (Item 9.6)**

(a) That the Transit Master Plan Task Force (TMPTF) be merged with the Transit Master Plan Steering Committee (TMPSC);

(b) That a new Terms of Reference for the establishment of the Transit Master Plan Steering Committee (TMPSC) attached hereto as Appendix “A” be approved;

(c) That the Transit Master Plan Steering Committee provide recommendations respecting the “one-time” dedicated Federal Gas Tax allocation for Transit to the Public Works, Infrastructure and Environment Committee (TMPSC);

(d) That Councillors C. Collins, M. Ferguson, B. McHattie and S. Merulla and T. Whitehead be appointed as the Council representatives to the Transit Master Plan Steering Committee in accordance with the Terms of Reference;

(e) That the following 8 citizens be appointed to the Transit Master Plan Steering Committee for a term to expire with the current term of Council or until such time as a successor is appointed:
7.6 Establishment of a City Hall Renovations Steering Committee

(Collins/Bruckler)
(a) That a City Hall Renovations Steering Committee be established consisting of Councillors M. Ferguson, D. Mitchell, P. Bruckler and C Collins;

(b) That this Steering Committee report to the Public Works, Infrastructure and Environment Committee;

(c) That the Terms of Reference for the Steering Committee be:

(i) To provide strategic direction to the City Hall Project Team

(ii) To receive information from the Project Team through CMT;

(iii) To consider swing space, accommodation strategy, budget changes and make recommendations to the Public Works, Infrastructure and Environment Committee;

(iv) To receive quarterly project status reports. CARRIED

NOTICE OF MOTION

Councillor T. Whitehead presented the following Notice of Motion:

“That a Committee be established to determine the core mandate(s) of the City.”

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.
That Council move out of Committee of the Whole in order to convene the Annual General Meeting of the Shareholders of Hamilton Renewable Power Inc., to consider Report 05-001 of the Board of Directors. CARRIED

### HAMILTON RENEWABLE POWER INC. SHAREHOLDERS’ ANNUAL GENERAL MEETING

Present: Mayor L. Dilanni


**Item 2 Voting Directors of the HRPI Corporation Board of Directors**

(McHattie/Pearson)
That Item 2 be amended by adding the names of Councillors P. Bruckler and S. Merulla as voting directors of the HRPI Corporation Board of Directors. Amendment CARRIED
Motion as amended CARRIED.

(Mitchell/Braden)
That the FIRST Report of the Hamilton Renewable Power Inc. be adopted, as amended, and the information section received. CARRIED

(Braden/Collins)
That the meeting of the Shareholders of Hamilton Renewable Power Inc., be adjourned. CARRIED

(Braden/Collins)
That Committee of the Whole be reconvened in order to complete the business of Council. CARRIED

(McHattie/Dilanni)
That Section 3.10(11) of the Procedural By-law be waived in order to allow the introduction of a motion respecting Federal Gas Tax money. CARRIED
Federal Gas Tax Money

(McHattie/Dilanni)
(a) That correspondence be forwarded to the Leaders of the Federal parties requesting that the one-time federal gas tax money (Bill C66) be made permanent;

(b) That the Federal parties find the political will to preserve that funding for communities, as was promised in the budget. CARRIED

BY-LAWS

(Jackson/Ferguson)
That Bill Nos.05-341 to 05-361 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 05-341 to 05-361:

341 To Authorize the issue of Debentures in the principal amount of $25,000,000 for purposes of the City of Hamilton herein referred to.

342 To Authorize the City to Enter into Extension Agreements

343 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:

   Schedule 5 – Parking Meters
   Schedule 6 – Time Limit Parking
   Schedule 8 – No Parking Zones
   Schedule 10 – Alternate Side Parking
   Schedule 12 – Permit Parking Zones
   Schedule 13 – No Stopping Zones
   Schedule 16 – Taxi Zones
   Schedule 20 – School Bus Loading Zones

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

   Schedule 5 – Stop Signs

345 To Amend Zoning By-law No. 6593, respecting lands located at 80 Bancroft Street

346 To Amend Zoning By-law No. 6593 (Hamilton), respecting property located at 640 Queenston Road

347 To Amend Zoning By-law No. 6593, respecting lands located at 1350 and 1354 Upper Wellington Street
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<tr>
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<th>Description</th>
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<tbody>
<tr>
<td>348</td>
<td>To Adopt Official Plan Amendment No. 121 to the former City of Stoney Creek, respecting a portion of lands located at 45 Seabreeze Crescent (Stoney Creek)</td>
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<td>349</td>
<td>To Amend Zoning By-law No. 3692-92 (Stoney Creek), respecting a portion of lands located Within Draft Approved Plan of Subdivision “Trillium Estates (Seabreeze Estates) Phase 2” (25T-200015(R))</td>
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<td>350</td>
<td>To Amend Zoning By-law No. 90-145-Z (Flamborough), respecting lands located at 937 Centre Road</td>
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<td>351</td>
<td>To Amend Zoning By-law No. 87-57 (Ancaster), as amended, respecting lands located at 195-201 Wilson Street West</td>
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<td>352</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs</td>
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<td>353</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits</td>
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<tr>
<td>354</td>
<td>To Incorporate City Land Designated as Block 60 on Plan 62M-1013, into Whitefish Crescent</td>
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<td>355</td>
<td>To Incorporate City Land Designated as Block BX on Plan 62M-136 and Part 1 on Plan 62R-17071 into Brigadoon Drive</td>
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<td>356</td>
<td>To Incorporate City Land Designated as Part 3 on Plan 62R-17227 into Gatestone Drive</td>
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<td>357</td>
<td>To Incorporate City Land Designated as Block 40 on Plan 62M-806 into Bolzano Drive</td>
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<td>358</td>
<td>To Incorporate City Land Designated as Block 25 on Plan 62M-974 into Waterberry Trail</td>
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<tr>
<td>359</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs</td>
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<tr>
<td>360</td>
<td>To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 114 Pleasant Avenue, Dundas, Block “A”, Registered Plan No. 1325</td>
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<tr>
<td>361</td>
<td>To Confirm the Proceedings of City Council</td>
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The City Council meeting adjourned at 10:50 p.m.

Respectfully submitted,

Larry Dilanni
Mayor

Kevin C. Christenson
Clerk
November 23, 2005