Present: Mayor F. Eisenberger


Mayor Eisenberger called upon Father George Palamattam of St. Patrick’s Roman Catholic Church to lead Council in prayer.

Mayor Eisenberger recognized the passing of Joan Weatherhead, Manager of Finance and Administration; who had been with the City for over 20 years and held many positions within the Finance Department; most recently as Manager Finance and Administration.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATION

   5.9 Correspondence from Carmen Chiaravalle respecting inclusion of land for development through the GRIDS process

   Recommendation: Be received

2. MOTIONS/NOTICE OF MOTIONS
7.2 Motion by Councillor Pasuta respecting resignation from Conservation Halton

8.1 Notice of Motion by Councillor McHattie respecting Reduction of Parkland Dedication fees for Non-Profit Housing Seniors Housing – 37 Strathcona Avenue North

8.2 Notice of Motion by Councillor Powers respecting amendment to 12 of Planning and Economic Development Committee Report 04-007 respecting Hamilton-Wentworth District School Board closures – Surplus Sites to be considered for acquisition, Phase 2

3. PRIVATE AND CONFIDENTIAL

10.2 Solicitor/Client Privilege Matter (no copy)

10.3 Solicitor/Client Privilege Matter (no copy)

10.4 Personnel Matter (no copy)

4. BY-LAW LISTING

(Morelli/Powers)
That the Agenda for the City Council meeting being held on January 24, 2007 be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

(i) Councillor S. Merulla declared an interest in Item 6.6 - City of Hamilton Licensing Committee Report 07-001 due to a pending law suit with one of the appellants.

(ii) Councillor L. Ferguson declared in interest in Item 6.6 - City of Hamilton Licensing Committee Report 07-001, as he has an interest in the taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 International Day of Commemoration in Memory of Victims and Survivors of the Holocaust

Barry Bender, Co-chair of the Organizing Committee of Hamilton's Commemoration of International Day of Holocaust Remembrance, Carol Ann Fernandes, Vice President of the Hamilton Branch of the United Nations
Association of Canada and Nadia Rosa, holocaust survivor, were in attendance to speak in honour of the Second Annual International Day of Holocaust Remembrance, which is commemorated on January 27th of each year.

The Mayor introduced the holocaust survivors who were in attendance; Frank Junger, Elaine Junger, Magda Morgenstern, Israel Abraham, Tony Simichek, Olla Horedetsky, Ruth Goldberg, Lori Jacob, Alex Rosa and Nadia Rosa.

In closing, Rabbi Daniel Green, of the Adas Israel Synagogue, delivered a memorial prayer.

Members of Parliament present for this ceremonial activity were Wayne Marston, Andrea Horwath and David Christopherson.

3.2 Trivia Game Presentation

Bill Gregory, Development Officer, Events and Partnerships for the Canadian Diabetes Association made a presentation to Council respecting the new Hamilton Trivia Game and his quest to make diabetes a thing of the past.

3.3 Wismer Award for Excellence in High School Coaching

Gary Banting joined the Mayor at the podium and was recognized for having been awarded the Wismer Award for High School Coaching Excellence. Mr. Banting has coached the Waterdown Warriors Senior Girls Volleyball team for 16 years where the Warriors have won bronze at the Ontario Federation of School Athletic Associations in 2001, back to back gold in 2003 and 2004 and a silver in 2005.

APPROVAL OF MINUTES

(Collins/Powers)
That the Minutes of January 10, 2007 be adopted as presented. CARRIED

COMMUNICATIONS

(Clark/ McCarthy)
That Council Communications 5.1 to 5.9 be approved, as amended:

5.1 Correspondence from Dennis Darby, Stewardship Ontario, Gemma Zecchini, Waste Diversion Ontario respecting third quarterly payment for 2006 to assist with residential Blue box recycling program

Recommendation: Be received
5.2 Correspondence from The Honourable Donna Cansfield, Minister of Transportation respecting licence plate for veterans who served in World War II or in Korean War

Recommendation: Be received

5.3 Correspondence from The Honourable Jim Watson, Minister of Health Promotion respecting funding of the Ontario Heart Health Program

Recommendation: Be received

5.4 Correspondence from Joy McLeod, Deputy Chief, Emergency Management Ontario respecting internal program review

Recommendation: Be received

5.5 Correspondence from The Honourable George Smitherman, Minister of Health and Long-Term Care respecting land ambulance services and funding adjustments

Recommendation: Be received

5.6 Correspondence from The Honourable Lawrence Cannon, Minister of Transport, Infrastructure and Communities respecting federal funding assistance to introduce a Bus Rapid Transit (BRT) System

Recommendation: Referred to the General Manager of Public Works for action

5.7 Correspondence from Lorne Langdon, Ministry of Health and Long-Term Care respecting approval of 2006/07 Budget and Operating Plan Review for Alcohol, Drug and gambling Services (Substance Abuse program and Problem Gambling Program)

Recommendation: Be received

5.8 Correspondence from The Honourable Mary Anne chambers, Minister of Children and Youth Services respecting Income test for Child Care Fee Subsidies

Recommendation: Be received

5.9 Correspondence from Carmen Chiaravalle respecting inclusion of land for development through the GRIDS process

Recommendation: Be referred to the Economic Development & Planning Committee.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED
(Clark/McCarthy)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 07-001

Item 3  Intersection Control List – January 15, 2007 (PW07001) (Wards 2, 6, 7, 8, 9, 11 and 12) (Item 5.2)

(Clark/McCarthy)
That Information Item (d) of Public Works Committee Report 07-001 be added as Item (nn) to Item 3 to read as follows:

<table>
<thead>
<tr>
<th>Intersection</th>
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<tr>
<td>Highland Rd. W.</td>
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CARRIED

Item 8  Greenhill Neighbourhood Flooding – December 1, 2006

(Collins/Duval)
That Item 8 of Public Works Committee Report 07-001 be amended by deleting subsection (b) and replacing it with the following subsection (b), and by adding the following subsection (c):

(b)  That two (2) residents of the Greenhill area be invited to participate in the study group that will exam the Greenhill overland flooding matter.

(c)  That residents in other areas of the City be invited to take part in the public participation process related to flooding concerns across the municipality.

CARRIED

Item 11  Gore Park Tree Lighting System – LED Conversion (PW07008) (Ward 2) (Item 8.3)

(Collins/McCarthy)
That Item 11, subsection (a) of Public Works Committee Report 07-001 be deleted and replaced to read as follows:

(a)  That $106,415, from the 2007 Capital budget, be approved to replace the existing incandescent tree lighting system in Gore Park and the downtown streetscape with LED lighting.

CARRIED
Item 14  Provincial Gas Tax Transit Master Plan Steering Committee (Item 8.6)

(McHattie/Merulla)
That Item 14, subsection (b) of Public Works Committee Report 07-001 respecting Federal Gas Tax – Committed and Spent, be referred back to the Provincial Gas Tax Transit Master Plan Steering Committee for further discussion.

CARRIED

(McHattie/Merulla)
That the following be added as Item 17 to Public Works Committee Report 07-001:

17. Pesticide Use By-law

(a) That staff be directed to draft a Pesticide Use By-law for review of the Pesticide Sub-Committee as soon as possible;

(b) That following review by the Pesticide Sub-Committee, that the draft by-law be forwarded to the Board of Health for consideration.

CARRIED

This Item CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duval, Jackson, McHattie, McCarthy, Merulla, Morelli, Powers and Whitehead
Total: 12

Nays: Ferguson, Mitchell, Pasuta and Pearson
Total: 4

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

CARRIED

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 07-001

Item 3  Sale of City Owned Property - 30 Limeridge Road East, Hamilton to 1649404 Ontario Inc. (Anthony Di Silvestro) (PED07022) (Ward 7) (Item 5.2)

(Duval/Collins)

CARRIED
Item 12 Dissolution of Hamilton 2010 Commonwealth Games Bid Corporation (PED07032) (City Wide) (Item 5.11)

(Collins/Jackson)
That Item 12, subsection (c) of the Economic Development & Planning Committee Report 07-001 be referred to the Committee of the Whole Budget process for discussion.

CARRIED


(Pasuta/Powers)
That Item 22 of the Economic Development & Planning Committee Report 07-001 be deferred In Camera, as the matter pertains to solicitor/client privilege.

CARRIED

(Collins/Duval)
That the following be added as subsection (d) to Item 22 of the Economic Development & Planning Committee Report 07-001:

(d) That staff be directed, in conjunction with the developers’ representatives, to jointly request that the Ontario Municipal Board (OMB) provide an opportunity for the hearing to stand down in order to allow the retained hydro geologists to review their study findings with participants to the hearing in a non-adversarial setting, in absence of the Board member.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

This Item CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duval, Ferguson, Jackson, McHattie, McCarthy, Merulla, Morelli, Pearson, Powers and Whitehead
Total: 14

Nays: Mitchell and Pasuta
Total: 2

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

CARRIED
Item 9  

2007 Interim Levy & Temporary Borrowing By-laws (FCS07004) (City Wide)

(Collins/Duval)
That the Audit and Administration Committee Report 07-001 be amended by deleting Item 9 in its entirety and replacing it with the following in lieu thereof:

That the 2007 Interim Levy & Temporary Borrowing By-laws (refer to Appendices “A” and “B” to report FCS07004) be approved and forwarded to Council for approval.

CARRIED

Item 13  

Extend Local Calling (FCS07012) (City Wide) (Item 7.1)

(Whitehead/Merulla)
That Item 13 of the Audit & Administration Committee Report 07-001 be referred to the Poverty Roundtable and Seniors Advisory Committee for consideration.

DEFEATED

This Item was DEFEATED on a tied Standing Recorded Vote as follows:

Yeas: Bratina, Clark, Collins, Duval, McHattie, Merulla, Morelli and Whitehead
Total: 8

Nays: Eisenberger, Ferguson, Jackson, McCarthy, Mitchell, Pasuta, Pearson and Powers
Total: 8

(McHattie/Merulla)
That Item 3 of the Audit & Administration Committee Report 07-001 be amended by adding subsection (d), as follows:

(a) That the City of Hamilton request Bell Canada to proceed with the required filing to the Canadian Radio-television and Telecommunications Commission (CRTC) in order to extend local calling to the following exchanges: Ancaster, Binbrook, Dundas, Freelton, Galt, Hamilton, Lynden, Mount Hope, Stoney Creek, Waterdown, Winona.
(b) That staff be requested to keep Committee updated with the progress of the filing and the implementation of the extension of local calling.

(c) That staff be directed to approach the commercial provider of telephone directories in order to advise them of the importance of maintaining community identity and to request that they continue to retain the use of individual community identifiers.

(d) That the CRTC be requested to consider an alternate funding formula for the application for extension of local calling in the City of Hamilton.

**AMENDMENT CARRIED**
**MOTION AS AMENDED CARRIED**

This Item was CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duval, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pearson, Powers and Whitehead

Total: 13

Nays: Ferguson, Mitchell and Pasuta

Total: 3

**Item 21**

**Follow Up of Audit Report 2004-03 - Ontario Works Payments and SDMT (CM07003) (City Wide) (Item 8.8)**

(Collins/McHattie)

(a) That the information requested by the Audit & Administration Committee, respecting Audit Report 2004-03, be reported back to the Audit & Administration Committee.

(b) That the operational portion of Audit Report 2004-03 be referred to the Emergency & Community Services Committee for consideration.

**CARRIED**


(Collins/Duval)

That Audit and Administration Committee Report 07-001 be amended by adding the following as Item 24:

That Report CM07006 respecting Audit Report 2006-01, Police Service Accounts and Revenue Processes, be received.

**CARRIED**
(Collins/Duval)
That the FIRST Report of the Audit & Administration Committee be adopted, as amended, and the information section received.  

CARRIED

**EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 07-001**

**Item 6** Single Source Approval for Replacement of Ice Resurfacing Machines (ECS07001/PW07005) (City Wide) (Item 8.4)

This Item was CARRIED on a Standing Recorded Vote as follows:

Yea: Eisenberger, Bratina, Clark, Collins, Duval, Jackson, McCarthy, Mitchell, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers and Whitehead
Total: 15

Nay: Ferguson
Total: 1

(Merulla/Morelli)
That the FIRST Report of the Emergency & Community Services Committee be adopted and the information section received.  

CARRIED

**BOARD OF HEALTH REPORT 07-001**

(Clark/McCarthy)
That the FIRST Report of the Board of Health be adopted and the information section received.  

CARRIED

**LICENSING COMMITTEE REPORT 07-001**

(Whitehead/Powers)
That the FIRST Report of the City of Hamilton Licensing Committee be adopted and the information section received.  

CARRIED

**MOTIONS**

Councillor Clark requested that Item 7.1 be tabled to the February 14, 2007 meeting of Council:

7.1  Moratorium on the Construction of any New Nuclear Power Plants within the Municipal Boundaries of the City Of Hamilton
WHEREAS the Government of Ontario has indicated that the demand for electricity will continue to rise resulting in a need for an additional 15,700 megawatts by 2025.

WHEREAS the Government of Ontario has indicated that the expansion of the Nuclear power generation plants will be required to meet the growing demands for electricity.

WHEREAS an established Hamilton company has suggested that some of their land, in Nanticoke, could be used for the construction of a new Nuclear Power Generation Plant.

WHEREAS the Haldimand County Mayor has indicated that any bid to build a nuclear power plant should be put to the people.

WHEREAS the following groups have publicly indicated their opposition to the construction of any new Nuclear Power Plants: Campaign for Nuclear Phase-out, Canadian Environmental Law Association, Concerned Citizens of Renfrew County and Area, David Suzuki Foundation, Ecology North, Greenpeace Canada, Humber Environment Action Group, Inter-Church Uranium Committee Educational Cooperative, Mouvement Vert de la Mauricie, Nuclear Awareness Project, Pembina Institute for Appropriate Development, Science for Peace, and Sierra Club of Canada.

WHEREAS Germany and Belgium recently legislated the phasing out of their nuclear reactors, in favour of green energy options and energy efficiency.
WHEREAS an April 2006 report released by Greenpeace predicted more than 270,000 cancers will be caused by radioactive fallout from Chernobyl, and of these, 93,000 will be fatal.

WHEREAS the Sierra Club of Canada advocates a sensible mix of solutions, involving the highest possible level of energy efficiency by North American households and businesses alike, the deployment of renewable sources such as wind and solar power, and a widespread shift to new, innovative technologies like hybrid and fuel cells to move people and goods around.

THEREFORE BE IT RESOLVED THAT:

(a) The City of Hamilton implements a moratorium on the construction of any new Nuclear Power Plants within the municipal boundaries of the City Of Hamilton.

(b) The City Of Hamilton informs Haldimand County about Hamilton’s concerns and objections to the potential construction of a Nuclear Power Plant within Hamilton’s air-shed.

(c) The City of Hamilton informs the Government of Ontario that the City will oppose the construction of a Nuclear Power Plant within Hamilton’s airshed.
7.2 Resignation from Conservation Halton

(Pasuta/Mitchell)
(a) That the resignation of Councillor Robert Pasuta from Conservation Halton be accepted;

(b) That Council be requested to appoint a member of Council to fill the vacancy, or commence the Selection Process to recruit a citizen member.

(c) That Conservation Halton be advised.

CARRIED

NOTICES OF MOTION

Councillor B. McHattie presented the following Notice of Motion:

8.1 Reduction of Parkland Dedication Fees for Non-Profit Housing Seniors Housing – 37 Strathcona Avenue North, Hamilton, Ontario

WHEREAS, the City of Hamilton has a 20% poverty rate, and seniors comprise 17% or 15,745 individuals living in poverty, mainly single women, and;

WHEREAS, seniors comprise a significant percentage of renters in Hamilton, and that percentage is forecasted to rise as noted in the City of Hamilton’s Keys to the Home report, to over 25% of all renter households by 2031, and;
WHEREAS, there is a strong need for seniors non-profit affordable housing in Hamilton, and;

WHEREAS, the Hellenic community is one of the first community groups to propose non-profit affordable housing for seniors under the new Canada-Ontario Affordable Housing Program – Strong Start program, and;

WHEREAS, the density provisions in Section 3(b) of the Parkland Dedication Bylaw do not differentiate between for-profit and not-for-profit affordable housing, and;

WHEREAS, City Council provided relief to the Good Shepherd Society for a similar 20 unit building at 143 Wentworth Street South on July 12, 2006,

THEREFORE BE IT RESOLVED:

(a) That the cash-in-lieu fees payable by the Hellenic Community under the Parkland Dedication Bylaw as per the staff calculation at $128,968 be reduced by 50% to $64,484 for their 39 unit seniors non-profit affordable housing development at 37 Strathcona Avenue North, with funding coming from “Unallocated Capital Reserve Account 108035”, and

(b) That staff be asked to review the policy for reduction of parkland dedication fees for non-profit affordable housing.
Councillor R. Powers presented the following Notice of Motion:

8.2 Hamilton-Wentworth District School Board closures – Surplus Sites to be Considered for Acquisition, Phase 2 (PD03135(a))

That Item 12 of Planning and Economic Development Committee Report 04-007, respecting Hamilton-Wentworth District School Board closures – Surplus Sites to be considered for acquisition, Phase 2 (PD03135(a)), be amended by deleting “Dundas District” from subsection (f) to read as follows:

(f) That City Council inform the HWDSB that the City is not interested in acquisition of the Queen Victoria, Pleasant Valley and Central Park School sites.

STATEMENTS BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Pearson/Whitehead)
That Council move in Closed Session to address the following items:

10.1 Matter respecting Solicitor/Client Privilege
10.2 Matter respecting Solicitor/client Privilege
10.3 Matter respecting Solicitor/client Privilege
10.4 Matter respecting Personnel

CARRIED

(McCarthy/Jackson)
That Council reconvene in Open Session.

CARRIED

10.1 10 Lorado - Hamilton General Homes - Joint Board Hearing

(Mitchell/Pearson)
Whereas, in 2004, Hamilton General Homes applied to the Niagara Escarpment Commission to amend the Niagara Escarpment Plan to permit residential development (“Escarpment Protection Area” to "Minor Urban Centre"), hereinafter "Hamilton General Homes NEPA; And Whereas, the Niagara Escarpment Commission circulated the City of Hamilton for comment on this application;

And Whereas, the City of Hamilton declined comment except insofar as outlining its interpretation of the Regional Official Plan urban boundary limits;
And Whereas, in 2007, the City of Hamilton wishes to comment further on Hamilton General Homes NEPA;

THEREFORE BE IT RESOLVED THAT:

1. The City of Hamilton supports the Niagara Escarpment Commission's denial of Hamilton General Homes NEPA;

2. It is only in the event that the Joint Board approves Hamilton General Homes NEPA that the City supports residential urban development at the densities outlined in the Witness Statement of Joanne Hickey Evans delivered under the Joint Board's Procedural Order.

This Item was CARRIED on a Standing Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duval, Ferguson, Jackson, McCarthy, Mitchell, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers and Whitehead
Total: 16

Nays: There were none.
Total: 0

10.2 Tradeport

Council received information in Closed Session.

10.3 “Bayview Estates” – Bruce Hauser Investments Ltd., Official Plan Amendment Application No. DO8-BR, Zoning By-law Amendment Application No. ZAC-06-24, Draft Plan of Subdivision Application No. D12-BR (25T-93004) 141 Highway No. 8 (Flamborough) (Ward 14) (Item 22)

Item 22 of the Economic Development & Planning Committee Report 07-001 was approved in Open Session with an amendment. (See item 13, page 9 for details).

10.4 A Matter respecting Personnel

Council received information in Closed Session.
(Clark/McCarthy)
That Bills No. 013 to 038 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 07-013 to 07-038.

<table>
<thead>
<tr>
<th>By-law No.</th>
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<tr>
<td>07-013</td>
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<td>To Incorporate City Land Designated as Parts 2, 5, and 6 on Plan 62R-17188 into Airport Road</td>
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<td>07-014</td>
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<td>To Incorporate City Land Designated as Blocks 112, 113, 114 and 115 on Plan 62M-1060 into Bradley Avenue</td>
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<td>To Incorporate City Land Designated as Blocks 159, 160, 161 and 170 on Plan 62M-1065 into Chambers Drive</td>
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<td>To Incorporate City Land Designated as Block 260 on Plan 62M-1061 into Cleghorn Drive</td>
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<td>To Incorporate City Land Designated as Blocks 262 and 263 on Plan 62M-1061 into Gowland Avenue</td>
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<td>To Incorporate City Land Designated as Blocks 157, 158, and 171 on Plan 62M-1065 into Meadowlands Boulevard</td>
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<td>To Incorporate City Land Designated as Blocks 79 and 80 on Plan 62M-773 into Rockhaven Lane</td>
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<td>To Incorporate City Land Designated as Parts 1, 2, 3, 5, and 6 on Plan 62R-16283, Block 37 on Plan 62M-425, and Block 40 on Plan 62M-632 into Sirente Drive</td>
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<td>07-023</td>
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<td>To Incorporate City Land Designated as Parts 2 and 5 on Plan 62R-17313 and Parts 2 and 3 on Plan 62R-17314 into Theodore Drive</td>
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<td>07-024</td>
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<td>To Incorporate City Land Designated as Block 106 on Plan 62M-1060 and Block 261 on Plan 62M-1061 into Whitwell Way</td>
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By-law No.  Bill No.  
07-038  038  To Confirm the Proceedings of City Council

The City Council meeting adjourned at 12:50 a.m.

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk
January 24, 2007