CITY COUNCIL
MINUTES

Wednesday, July 12, 2006
3:40 p.m.
Council Chambers
Hamilton City Hall

Present: Mayor L. DiIanni


Absent with regrets: Councillor D. Braden, Councillor B. McHattie – Vacation
Councillor M. Ferguson – Illness

Deputy Mayor Whitehead called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(a) COMMUNICATIONS

5.3 Delete Communication Item 5.3 from AMO respecting Blue box as this matter was considered by Committee of the Whole earlier today and will form part of that Committee report to council.

5.10 Added Council Communication Item 5.10 – Petition from taxi drivers respecting meter price adjustment

Recommendation: For the consideration of Council

5.11 Added Council communication Item 5.11 from Mario Roque, President, Landmart Homes respecting statement issued by the Planning and Economic Development Committee meeting on July 10, 2006-07-11

Recommendation: For the consideration of Council
5.12 Added Council Communication Item 5.12 from Ian Brisbin of Mackesy Smye respecting Rita Mary Owens, Adult Entertainment Parlour License

Recommendation: For the consideration of Council

(b) ADDITIONAL REPORTS

6.3 Licensing Committee Report 06-006, July 6, 2006
6.4 Board of Health Report 06-007, July 11, 2006

(Kelly/Pearson)

That the Agenda for the City Council meeting being held on July 12, 2006 be approved as amended. CARRIED.

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

(Pearson/Samson)

That the Minutes of the Special City Council Meeting held on June 28, 2006, be adopted as presented. CARRIED.

COMMUNICATIONS

(Samson/Pearson)

That Council Communications 5.1 to 5.12 be approved as follows:

5.1 Correspondence from Jerry Ouellette, MPP, Oshawa respecting Private Members Bill concerning the Motor Vehicle Origin and Component Disclosure Act, 2005

Recommendation: Be received

5.2 Correspondence from York Region respecting Internationally Trained Physicians

Recommendation: Be received
5.3 AMO Alert – Support for AMO position on improving the efficiency of the blue box
Recommendation: Be deleted as this item was addressed in Committee of the Whole Report 06-016.

5.4 Correspondence from Debbie Zimmerman, MPAC providing an update on the province-wide assessment for 2006 and 2007 and consultation with municipalities
Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for a report to the Corporate Administration Committee

5.5 Correspondence from Sandra Pupatello, Minister of Education respecting amendments to the policies of school boards to identify key providers or sole operators of child care within schools
Recommendation: Be received

5.6 Correspondence from Pam Reinholdt, Hamilton-Wentworth District School Board in appreciation of tour conducted of Red Hill Valley
Recommendation: Be received

5.7 Correspondence from Dave Cage, Stoney Creek Chamber of Commerce endorsing the purchase of the parcel of land on the north side of Fifty Road
Recommendation: Be received

5.8 Correspondence from the County of Frontenac respecting request for paramedic exemption from Part VII of the Employment Standards Act
Recommendation: Be received and referred to the Fire Chief for a report to the Community Services Committee

5.9 Resolution from the Township of Leeds and the Thousand Islands respecting “Watertight Report”
Recommendation: Be received and referred to General Manager of Public Works for a report to the Public Works Infrastructure and Environment Committee.

5.10 Petition from taxi drivers respecting meter price adjustment (Merulla/Kelly)
Recommendation: Be endorsed.

That the amendment be reconsidered. CARRIED.
(Merulla/Kelly)
Be received. CARRIED.

5.11 Correspondence from Mario Roque, President, Landmart Homes respecting statement issued by the Planning and Economic Development Committee meeting on July 10, 2006

Recommendation: Be received

5.12 Correspondence from Ian Brisbin of Mackesy Smye respecting Rita Mary Owens, Adult Entertainment Parlour License

Recommendation: be received.

(Samson/Pearson)
That the communications be approved as amended. CARRIED.

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

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-013

(Pearson/Samson)
That the THIRTEENTH Report of the Planning and Economic Development Committee be adopted and the information section received. CARRIED.

COMMITTEE OF THE WHOLE REPORT 06-016

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

LICENSING COMMITTEE REPORT 06-006

Item 6 Doors Pub and Pizzeria, 56 Hess Street South, Hamilton, Ontario – Restaurant (Establishment) Licence – Tabled from the June 8, 2006 meeting of the City of Hamilton Licensing Committee (Item 4.4)

(Merulla/Morelli)
That the conditions noted in (a-d) be effective immediately. CARRIED.
(Merulla/Morelli)  
That the SIXTH Report of the Licensing Committee be adopted as amended and the information section received.  
CARRIED

BOARD OF HEALTH REPORT 06-007

(Pearson/Mitchell)  
That the SEVENTH Report of the Board of Health be adopted and the information section received.  
CARRIED

MOTIONS

(Bratina/Bruckler)  
That the Rules of Order be waived to allow the introduction of a motion respecting the naming of a naval ship after the City of Hamilton.  
CARRIED.

(Bratina/Bruckler)  
Naming of a Naval Ship after the City of Hamilton

WHEREAS, the City of Hamilton has one of the most distinguished naval histories in Canada, dating back to the War of 1812;

AND WHEREAS, during the Rebellion of 1837, Lt. Colonel Allan McNab, Commander of the Third Gore Regiment, and Captain Andrew Drew RN raised a Hamilton Naval Brigade from former Royal Navy and Merchant Sailors from the Port of Hamilton; who succeeded in destroying a ship supplying rebel forces and disbanding the rebel force, for which Lt. Colonel Allan McNab was knighted;

AND WHEREAS the Hamilton Navy Brigade was the first group of volunteers under orders of the Canadian Government to sink an enemy ship;

AND WHEREAS Hamilton was the second city in Canada to meet the requirements for formation of a Company of the Royal Canadian Naval Volunteer Reserve (RCNVR);

AND WHEREAS the first Naval Officer Training program was initiated in Hamilton in 1942 and has since spread to every major city in Canada;

THEREFORE, BE IT RESOLVED that Council be requested to send a letter to the Federal Government and the Department of National Defence requesting that consideration be given to the naming of any new Navy ships, soon to be built, after the City of Hamilton.  
CARRIED.
That the Rules of Order be waived to allow the introduction of a motion to the Planning and Economic Development Committee Report 06-013. **CARRIED.**

That the following be added as Item 24 to Planning and Economic Development Committee Report 06-013:

24. Application for a change in Zoning for the Property Located at 780 Upper Paradise Road (Hamilton) (PED06198)

That approval be given to **Zoning Application ZAC-06-25, Toscani Developments Ltd., Owner**, for a change in zoning from the “DE/S-1389” (Low Density Multiple Dwellings) District, Modified to the “DE-3” – ‘H’ (Multiple Dwellings - Holding) District, Modified, to permit nine stacked townhouse units, for the property located at 780 Upper Paradise Road (Hamilton), as shown on Appendix “A” to Report PED06198, on the following basis:

(a) That the subject lands be rezoned from the “DE/S-1389” (Low Density Multiple Dwellings) District, Modified to the “DE-3” – ‘H’ (Multiple Dwellings - Holding) District, Modified.

(b) That the amending By-law apply the Holding provisions of Section 36 (1) of the **Planning Act, R.S.O., 1990** to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit the development of the subject lands until such time that the owner/applicant submits:

(i) An archaeological assessment prepared by a qualified professional, to the satisfaction of the Ministry of Culture; and,

(ii) A noise assessment prepared by a qualified professional in accordance with the Ministry of Environment Guidelines, to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “DE-3” District, Modified provisions, by enactment of an amending By-law once the conditions are satisfied.

(c) That the Draft By-law, attached as Appendix “B” to Report PED06198, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(d) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Hamilton.
(e) That upon finalization of the implementing By-law, the Gurnett Neighbourhood Plan be amended to change the designation of the subject lands from “Attached Housing” to “Medium Density Apartments”.

CARRIED.

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

BY-LAWS

(Samson/Pearson)

That Bill Nos. 06-197 to 06-215 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 06-197 to 06-215:

06-197 197 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 14 – Wheelchair Loading Zones

06-198 198 To Amend By-law No. 01-215, To Regulate Traffic:

Schedule 5 – Stop Signs

06-199 199 To Amend the Sewer Use By-law No. 04-150, as amended, and Implement the Goods and Services Tax-Reduced 2006 Sewer Use Fees and Charges

06-200 200 To Repeal By-law No. 05-375 and Implement the Goods and Services Tax-Reduced 2006 Fees and Charges for Laboratory Services
<table>
<thead>
<tr>
<th>No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>06-201</td>
<td>To Amend the Waterworks By-law R84-026, as amended, and Implement the Goods and Services Tax-Reduced 2006 Water Fees and Charges</td>
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<tr>
<td>06-202</td>
<td>To Amend By-law No. 06-120, Being a By-law to Establish Certain 2006 User Fees and Charges for Services Provided by the City of Hamilton</td>
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<tr>
<td>06-203</td>
<td>Respecting Removal of Part Lot Control, Block 54, Registered Plan No. 62M-1054, Jackson Heights</td>
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<td>06-204</td>
<td>Respecting Removal of Part Lot Control, Block 18, Registered Plan 62M-1030, Red Hill Vista Phase 2</td>
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<td>06-205</td>
<td>To Permanently Close and Sell Part of the Unassumed Alleyway lying between Tolton Avenue, Normanhurst Avenue, Barton Street, and Melvin Avenue, Registered Plan 534, Designated as Part 2 on Plan 62R-16635, City of Hamilton</td>
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<tr>
<td>06-206</td>
<td>To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 377 Shaver Road</td>
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<tr>
<td>06-207</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 500, 502, &amp; 510 Concession Street and 340 Upper Wentworth Street</td>
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<tr>
<td>06-208</td>
<td>To Rename Given Road to McClure Road</td>
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<tr>
<td>06-209</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 27 &amp; 37 Stone Church Road East</td>
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<td>06-210</td>
<td>To Adopt Official Plan Amendment Mo. 207 to the former City of Hamilton Official Plan, Respecting 281 Herkimer Street</td>
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<td>06-211</td>
<td>To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 281 Herkimer Street</td>
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<td>06-212</td>
<td>To Amend By-law R79-202, Respecting Weekly Store Closing Hours</td>
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<td>06-213</td>
<td>To Licence and Regulate Various Businesses</td>
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<tr>
<td>06-214</td>
<td>To Amend Zoning By-law No. 6593, Respecting the Property Located at 780 Upper Paradise Road</td>
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<td>06-215</td>
<td>To Confirm the Proceedings of City Council</td>
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CARRIED.
There being no other business, the meeting adjourned at 4:00 p.m.

Respectfully submitted,

Mayor L. DiLanni

Kevin C. Christenson
City Clerk
July 12, 2006