



CITY COUNCIL MINUTES

Wednesday, April 29, 2009

7:00 p.m.

Albion Rooms

Hamilton Convention Centre

One Summer's Lane

Hamilton, Ontario

Present: Mayor F. Eisenberger

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

Absent: Councillors B. Clark, S. Duvall, and M. McCarthy, illness
Councillor McHattie, vacation

Mayor Eisenberger called the meeting to order and called upon Reverend Ralph Mills of Bethel Gospel Tabernacle in Hamilton to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following change to the agenda:

1. Added Communication
 - 5.6 Correspondence from FCM respecting election to FCM National Board of Directors

Recommendation: For the consideration of Council

(Pearson/Pasuta)

That the Agenda for the City Council meeting being held on April 15, 2009, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

The Mayor indicated that at the beginning of 2007, the City of Hamilton launched a Reward and Recognition program called "the Gold Box Program" for those residents who diligently used their blue boxes and green carts to reduce their garbage to one bag or less per week. He noted the following winners who were unable to attend:

- Brian Lawrence, Hamilton, Ward 6, 96% diversion rate, winner for the month of January
- Jennifer McIlroy, Hamilton, Ward 4, 98% diversion rate, winner for the month of February

Mayor Eisenberger called the following winners to the podium to accept their Gold Box Program award:

- Sean and Lisa MacDonald, Hamilton, Ward 3, 97% Diversion rate - winners for the Month of December
- Joanne Weeks, Glanbrook, Ward 11, 99% diversion rate, winner for the month of March

APPROVAL OF MINUTES**(Pearson/Mitchell)**

That the Minutes of the April 15, 2009, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS**(Whitehead/Powers)**

That Council Communications 5.1 to 5.6, as amended, be approved, as follows:

- 5.1 Correspondence from Jenny Ryu, Early Resolution Officer, Ombudsman Ontario respecting review of school board surplus land disposal policies and the impact on municipalities – closing file

Recommendation: Be received

- 5.2 Communication from AMO – Request for Nominations – 2009 – 2010 AMO Board of Directors

Recommendation: That Councillor Russ Powers be nominated for Regional and Single Tier Caucus for the 2009-2010 AMO Board of Directors.

- 5.3 Correspondence from Ian Hamilton, Vice-President, Hamilton Port Authority respecting Agreement dated October 26, 2000 between the City of Hamilton and Hamilton Harbour Commission – lands referred to as the West Harbour and expiration of lease agreement on the land

Recommendation: Be received and referred to the City Manager for a report to Committee of the Whole

- 5.4 Correspondence from The Corporation of Otonabee-South Monaghan respecting Volunteer Firefighters Inclusion of Presumptive Legislation Regulation

Recommendation: Be received and referred to the Emergency and Community Services Committee to allow the Fire Chief to provide comments to the Committee on the correspondence

- 5.5 Correspondence from the Township of Essa respecting Public Salary Disclosure

Recommendation: Be endorsed.

- 5.6 Correspondence from FCM respecting election to FCM National Board of Directors

Recommendation: That Council supports Councillor Terry Whitehead's election to the FCM National Board of Directors.

CARRIED as amended

PUBLIC WORKS COMMITTEE REPORT 09-007

(Bratina/Collins)

That the SEVENTH Report of the Public Works Committee be adopted, and the information section received. **CARRIED**

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-009**(Pearson/Mitchell)**

That the NINTH Report of the Economic Development and Planning Committee be adopted, and the information section received. **CARRIED**

AUDIT AND ADMINISTRATION COMMITTEE 09-007**(Powers/Pearson)**

That the SEVENTH Report of the Audit and Administration Committee be adopted, and the information section received. **CARRIED**

EMERGENCY & COMMUNITY SERVICES COMMITTEE 09-007**Item 1 Ancaster Little League - Hosting for 2010 Canadian Little League Championships (CS09034) (Ward 12) (Item 5.1)****(Ferguson/Jackson)**

That subsection (b) be added to Item 1 as follows:

- (b) That Ancaster Little League be given until June 30, 2009 to complete the financing for their clubhouse.

CARRIED
CARRIED as AMENDED

(Pasuta/Merulla)

That the SEVENTH Report of the Emergency & Community Services Committee be adopted, as amended, and the information section received. **CARRIED**

BOARD OF HEALTH 09-005**(Powers/Pearson)**

That the FIFTH Report of the Board of Health be adopted, and the information section received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 09-013**Item 1 Infrastructure Stimulus Fund (FCS09052) (Item 6.1)****(Mitchell/Pearson)**

That Appendix "A" attached to Item 1(a) be amended by changing the Capital Project Description in line 36 from "Glanbrook Sports Complex, Artificial Turf Soccer Field" to "Glanbrook Sports Complex, *Rehabilitation Project*."

CARRIED
CARRIED as AMENDED

(Powers/Pearson)

That the cumulative totals on Appendix "A" attached to Item 1(a) be amended to correct the mathematical errors.

**CARRIED
CARRIED as AMENDED**

(Powers/Pearson)

That the THIRTEENTH Report of Committee of the Whole be adopted, as amended, and the information section received.

CARRIED

(Whitehead/Pearson)

That the Committee of the Whole rise and report.

CARRIED

MOTIONS

7.1(a) Motion to Suspend the Rules**(Mitchell/Pearson)**

That the Rules of Order be waived to allow the introduction of a motion to reconsider Item 1 of the Economic Development and Planning Committee Report 09-007, approved by Council on April 15, 2009 respecting Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, for the Property Located at 92 Strathearne Place, Glanbrook - Supported by the Planning and Economic Development Department (PED09061) (Ward 11)

CARRIED

7.1(b) Motion To Reconsider**(Mitchell/Pearson)**

That Item 1 of Economic Development and Planning Committee Report 09-007, approved by Council on April 15, 2009, which reads as follows, be reconsidered:

1. Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, for the Property Located at 92 Strathearne Place, Glanbrook - Supported by the Planning and Economic Development Department (PED09061) (Ward 11) (Item 5.1)

- (a) That Council support the applicant's appeal against the Committee of Adjustment's decision to refuse, and direct Legal Services to attend the Ontario Municipal Board Hearing in support of the application and to use City Planning staff as its professional witness.
- (b) That Report PED09061, respecting Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor

Variance Application GL/A-08:318, 92 Strathearne Place, Glanbrook, as shown on Appendix "A" to Report PED09061, denied by the Committee, but supported by the Planning and Economic Development Department, be received for information.

CARRIED

7.1(c) Motion To Delete and Replace

(Mitchell/Pearson)

That Item 1 of the Economic Development and Planning Committee Report 09-007, approved by Council on April 15, 2009, be deleted in its entirety and replaced with the following in lieu thereof:

1. Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, for the Property Located at 92 Strathearne Place, Glanbrook - Supported by the Planning and Economic Development Department (PED09061) (Ward 11) (Item 5.1)

- (a) That no Legal Services staff be sent to the Ontario Municipal Board Hearing into the subject matter, either in support of the Committee's decision or against the decision.
- (b) That Report PED09061, respecting Committee of Adjustment Consent/Land Severance Application GL/B-08:159 and Minor Variance Application GL/A-08:318, 92 Strathearne Place, Glanbrook, as shown on Appendix "A" to Report PED09061, denied by the Committee, but supported by the Planning and Economic Development Department, be received for information.

CARRIED

NOTICES OF MOTION

Councillor Merulla presented the following Notice of Motion:

WHEREAS a healthy unemployment insurance system is the most powerful of all economic stabilizers and in the recessions of the early 80's and 90's, UI prevented deeper, longer downturns and reduced the shock of job and GDP losses;

WHEREAS we have entered this new economic crisis with a much weaker EI system that provides only half of the coverage it did in the last recession because fewer workers qualify and benefit weeks are reduced;

WHEREAS the federal government stopped contributing to EI and diverted EI premiums to other spending (\$54 billion between 1994 and 2007);

WHEREAS even the US government has shown leadership through major improvements in the duration of UI benefits and a universal benefit top-up as part of a stimulus package to deal with the crisis;

WHEREAS there will be a negative fiscal impact on all municipalities if residents are unable to access EI benefits or otherwise maintain incomes during this economic downturn, due to the increased reliance on locally provided social programs,

THEREFORE BE IT RESOLVED that the City of Hamilton call upon the Government of Canada to introduce the following changes to the Employment Insurance system:

1. 360 hours to qualify for EI benefits in all regions of Canada;
2. Increase benefit duration to at least 50 weeks in all regions, and
3. Provide an additional year of "special extension" benefits if national unemployment exceeds 6.5% - paid from federal general revenues
4. Extend EI Part 1 benefits while a worker is in approved training. 5. Increase benefits to at least 60% of normal earnings, using workers' 12 best weeks, and raise the maximum, suspend the allocation of severance pay, and eliminate the two-week waiting period.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Pearson/Mitchell)

That Council move into Closed Session, at 8:00 p.m., pursuant to Sections 8.1(e) and (f) of the City's Procedural By-law as the subject matters relate to litigation or potential litigation, including matters before administrative tribunals affecting the municipality and to receiving advice which is subject to solicitor-client privilege.

CARRIED

(Collins/Bratina)

That Council reconvene in Open Session at 8:10 p.m.

CARRIED

10.1 Closed Session Minutes of April 15, 2009

(Powers/Collins)

- (a) That the Closed Session Minutes of the April 15, 2009 meeting of Council be approved, as presented.

- (b) That the April 15, 2009 minutes, of Council, remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act."

CARRIED

10.2 Verbal Update Contractual relations with a supplier, potential litigation and the receiving of solicitor-client advice

Council received an update in Closed Session with nothing to report in Open Session.

BY-LAWS

(Whitehead/Morelli)

That Bill Nos. 09-080 to 09-091 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 09-080 to 09-091 as follows:

By-law No.	Bill No.	
09-080	080	To Establish Tax Ratios and Tax Reductions for the Year 2009
09-081	081	To Set Optional Property Classes for the Year 2009
09-082	082	To Set and Levy the Rates of Taxation for the Year 2009
09-083	083	To Provide Property Tax Rebates for Veterans' Clubhouses and Legion Halls Occupying Property in the City of Hamilton
09-084	084	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 9 – Alternate Side Parking Schedule 12 – Permit Parking Zones
09-085	085	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits
09-086	086	To Adopt: Official Plan Amendment No. 125 to the former Town of Ancaster Official Plan; Official Plan Amendment No. 16 to the former Town of Dundas Official Plan; Official Plan Amendment No. 116 to the former Town of Flamborough Official Plan; Official Plan Amendment No. 73 to the former Township of Glanbrook Official Plan; Official Plan Amendment No. 217 to the former City of

Hamilton Official Plan; and
Official Plan Amendment No. 147 to the former City of
Stoney Creek Official Plan
Respecting Parkland Dedication By-law

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| 09-087 | 087 | To Authorize the Submission of Applications to Canada-Ontario Infrastructure Secretariat for Funding from the Infrastructure Stimulus Fund Program as Eligible Capital Projects of the City of Hamilton |
| 09-088 | 088 | To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 765 Rymal Road East |
| 09-089 | 089 | To Permanently Close to Vehicular Traffic, Valley Inn Road between York Blvd. and the Middle of the Bridge, being Part of Street (Unnamed), Registered Plan 77 and Part of Lot 85 (Opened by By-law 74-141, registered as No. AB241916), Registered Plan No. 77, designated as Parts 1, 2, 3, 4 & 5 on Plan 62R-18451, City of Hamilton |
| 09-090 | 090 | To Amend By-law No. 04-150, A By-law To Regulate the Discharge of any Matter into the Sanitary, Combined and Storm Sewer Systems of the City of Hamilton |
| 09-091 | 091 | To Confirm the Proceedings of City Council |

(Pearson/Jackson)

There being no further business, the City Council meeting adjourned at 8:15 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
Clerk
April 29, 2009