Committee of the Whole
REPORT 09-009(a)

9:30 a.m.
March 9, 2009
Albion Room
Hamilton Convention Centre

Present:
Mayor F. Eisenberger
Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
T. Jackson, L. Ferguson, M. McCarthy, B. McHattie,
S. Merulla, B. Morelli, D. Mitchell, R. Pasuta,
M. Pearson, R. Powers

Absent with regrets:
Councillor T. Whitehead – City Business

Also Present:
C. Murray, City Manager
T. Tollis, Acting General Manager, Finance and
Corporate Services
G. Davis, Acting General Manager, Public Works
J. Kay, General Manager/Chief, Hamilton Emergency
Services
V. Woodcox, Acting General Manager, Community Services
T. McCabe, General Manager, Planning and Economic
Development
P. Barkwell, City Solicitor
M. Gallagher, Co-ordinator, Council and Committee of the
Whole/Budgets

THE COMMITTEE OF THE WHOLE PRESENTS REPORT 09-009(a) AND
RESPECTFULLY RECOMMENDS:

1. City of Hamilton – Collective Agreement Status Update – (HUR09006)
   - (City Wide) (Item 4.1)

   That Report HUR09006 respecting City of Hamilton – Collective
   Agreement Status Update be received.

Council – March 11, 2009
2. **Advisory Committee for Persons with Disabilities Report 09-002, February 10, 2009 (Item 4.2)**

That Report 09-002 of the Advisory Committee for Persons with Disabilities be received.

3. **Planning Study of Private Waste Disposal Sites (PED08064(b) (City Wide) (Item 8.1)**

(a) That Report PED08064(a), attached as Appendix “A” to Report PED08064(b), referred to the Committee of the Whole from the Economic Development and Planning Committee and containing the Planning Study of Private Waste Disposal Sites, by Jacques Whitford Limited, dated October 21, 2008, as Appendix “A” to Report PED08064(a), be received.

(b) That the Inventory of Private Waste Facilities within the City of Hamilton, prepared by Jacques Whitford Limited, dated February 2, 2009, attached as Appendix “B” to Report PED08064(b), be received.

(c) That Council the following recommendations/directions resulting from the Planning Study of Private Waste Disposal Sites, by Jacques Whitford, dated October 21, 2008 be approved:

   i) That regular discussions be held between the City of Hamilton and the Ministry of the Environment, Hamilton District, in order to foster a more effective working relationship in the processing of Certificate of Approval applications for private waste facilities.

   ii) That the Planning and Economic Development Department maintain/ regularly update the Inventory of Private Waste Facilities within the City of Hamilton, attached as Appendix “B” to Report PED08064(b).

   iii) That the Planning and Economic Development Department be directed to initiate Official Plan and Zoning By-law Amendments to implement the recommendations of the Study, and that a public meeting be scheduled at the Economic Development and Planning Committee to consider the proposed amendments by May 2009.
iv) That Interim Control By-law 08-104, as amended by By-law 08-117, continue in effect in the geographic boundaries of the former City of Hamilton and be extended for one year or until the Official Plan and Zoning By-law Amendments recommended by the Study are enacted, and final and binding.

v) That the proposed Official Plan and Zoning By-law Amendments in Recommendation c) (iii) above, include provisions that would recognize existing private waste facilities as permitted uses and that any expansion to these existing uses would be required to comply with the policies and zone provisions for new facilities.

vi) That the Planning and Economic Development Department hold periodic discussions with the private waste facility industry regarding new technology that could change the separation distances recommended by the Study, changes to legislation and its effect on facility operators, and regarding updates on Ministry of the Environment (MOE) responsibilities.

vii) That the new Official Plan provide policies for public waste facilities and that consideration be given to applying similar policy and zone provisions as proposed to apply to private facilities.

viii) That the Province of Ontario be requested to amend the Environmental Bill of Rights Act to require the Director to give commenting Government Agencies 60 days to respond to applications filed on the Environmental Bill of Rights.

(ix) That the Ministry of Environment Guideline for applying for waste disposal sites require proponents and applicants to consult with the City in advance of filing their application.

(d) That the letter from the Ministry of the Environment (MOE) to the City of Hamilton, dated November 24, 2008, attached as Appendix “C” to Report PED08064(b), be received, and staff follow up on the suggestions to improve the process of responding to applications for Certificates of Approval for waste.

(e) That staff be directed to report back with options for implementing minimum radial separation distances between private waste facilities for those facilities that hold a certificate.
(f) That staff make best efforts to provide information on those private waste facilities with and without Certificates of Approval and report back to committee.

4. Funding Agreement – Police Officers Recruitment Fund (PSB08117a) (City Wide) (Item 8.2)
That the Mayor and City Clerk be authorized and directed to execute the Police Officers Recruitment Fund Agreement respecting additional funding for front-line officers between Her Majesty in Right of Ontario as represented by the Minister of Community Safety and Correctional Services, the City of Hamilton and the Hamilton Police Services Board, such agreement to be in a form satisfactory to Corporate Counsel.

5. Fire Works – Albion Community Association (Item 9.1)
That the following motion be referred to the Grants Sub-Committee:

That the Albion Community Association receive a one time grant of $15,000 to offset costs for their 30th Anniversary of Fireworks at Valley Park and that Albion Community Association agrees to find a more suitable venue for 2010 that is agreeable to the city.

6. Red Hill Valley Parkway Environmental Assessment Process (Item 10.1)
That staff be requested to prepare a report on the status of the lawsuit against the Federal government relating to the Federal Government’s role in the Red Hill Valley Parkway Environmental Assessment Process.

FOR THE INFORMATION OF COUNCIL:

(a) ANNOUNCEMENTS – DEPUTY MAYOR FOR THE MONTH
The Mayor introduced and welcomed Jessica Lovnicki and Michael Parisse, Deputy Mayors for the Month of March

The Mayor further extended congratulations to Andrea Horwath on her recent election as leader of the Provincial NDP. A letter of congratulations will be forwarded on behalf of the Mayor and Council.

(b) CHANGES TO THE AGENDA
The Clerk noted the following changes to the agenda:
Deleting the February 23, 2009 Closed Session Minutes from the agenda
And the Private and Confidential Item respecting the Labour Relations
Strategy has been withdrawn and will be presented at a future meeting.
The agenda was adopted as amended.

(c) DECLARATIONS OF INTEREST
None

(d) ADOPTION OF MINUTES

(i) Minutes of the February 9, 2009 meeting (Item 3.1)
The Minutes of February 9, 2009 were adopted as presented.

(ii) Minutes of the February 23, 2009 (special meeting) (Item 3.2)
The Minutes of February 23, 2009 were adopted as presented.

(e) DELEGATION REQUESTS

(i) Request to address Committee by John Dolbec, Hamilton
Chamber of Commerce respecting Private Waste Disposal
The delegation request was approved.

(f) PRESENTATIONS

6.1 Planning Study of Private Waste Disposal Sites
Robert Walters of the Planning Department and consultants Jim
McKay & David Walmsley of Jacquest Whitford Limited addressed
the committee and provided an overview of the study and
recommendations.
The presentation was received.
The following amendment CARRIED on a Standing Recorded Vote:
“That subsection (iv) be amended by inserting the words “in the
geographic boundaries of the former City of Hamilton” after the
word “effect” in the second line.”
Yeas: Eisenberger, Collins, Duvall, Ferguson, Bratina, McHattie, Pasuta, Mitchell, Pearson, Powers
Total: 10

Nays: Clark, Jackson
Total: 2

Absent: Merulla, McCarthy, Morelli, Whitehead
Total: 4

(g) PUBLIC DELEGATIONS

John Dolbec, Hamilton Chamber of Commerce respecting Private Waste Disposal

Mr. Dolbec in his presentation requested the following of Committee:

Reject the proposed “Blanket” prohibition on new or changes to existing waste management facilities as:

• Any such "blanket bans" of legitimate business sectors is a bad precedent for business generally;

• Any action relative to waste management facilities should apply equally to both the public and private sectors;

• Arbitrarily banning all future facilities will damage the City’s ability to execute sustainability initiatives; progressive environmental services providers can play an integral role in helping the City achieve its sustainable development objectives; and

• Otherwise, the Chamber generally supports the recommendations of Jacques Whitford Report in principle and encourages its adaption.

The presentation was received.

(h) PRIVATE AND CONFIDENTIAL

Committee moved into closed session subject to section 8.1(d) and (f) as the matter related to disposition of land and the receiving of advice that is subject to solicitor client privilege and reconvened in Open Session.

(i) Closed Session Minutes of February 9, 2009

Be adopted as presented.
(ii) Closed Session Minutes of February 23, 2009
Deleted under changes to the agenda.

(iii) Labour Relations Strategy 2009 - 2011 - HUR09007 - City Wide
Deleted under changes to the agenda.

(i) THE FOLLOWING ISSUE WAS ADDED TO THE AFTERNOON BUDGET SESSION:

Update on US Steel and Current Economic Conditions

The Mayor provided an update with respect to ongoing meetings with various members of the Provincial Government and others to address the recent announcement at US Steel.

Conversations have addressed a number of issues including resources and skills for those affected by the layoffs; US Steel agreements; ensuring EI benefits are received in a timely manner for those affected; reiterated the interest in SODA, the flowing of Federal monies with respect to infrastructure to help the economy; YMCA providing counseling – crisis intervention – good broad services available and Mohawk College – retraining capacity at Mohawk available - $28,000 from province per individual for retraining.

The Mayor is arranging a meeting with US Steel in Pittsburg to obtain a clear picture of assurances they have been made including pensions

City Manager Chris Murray provided an overview of a Question/Answer which was provided to members of Council. Highlights included the following:

1. Effective and efficient service delivery
2. Investments in infrastructure
3. Support from other levels of government

Committee also addressed the issue of tax arrears with respect to penalties/enforcement for those who received layoff notice with tax department and staff are working on suggested policy changes for review by Council.

There being no further business the Committee adjourned at 12:31 p.m.
Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council, Committee of the Whole
March 9, 2009