CITY COUNCIL
MINUTES

Wednesday, July 11, 2007
5:40 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Present:
Mayor F. Eisenberger

Absent with Regrets:
Councillor B. McHattie – Bereavement
Councillor R. Powers – City Business
Councillor T. Whitehead – Vacation
Councillor C. Collins, L. Ferguson

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

Three added items of correspondence

5.10 Correspondence from The Honourable Minister of Transportation, Lawrence Cannon respecting possible locations for a new VIA Rail Station in Hamilton

Recommendation: Be received
5.11 Correspondence from Barb Joy respecting availability of badminton courts in Stoney Creek

Recommendation: Be received and referred to the General Manager of Community Services for a report to the Emergency and Community Services Committee

5.12 AMO Communication Alert respecting “Province Proclaims the Clean Water Act – Municipal government Action is Required”

Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee

Added Report:

6.5 Selection Committee Report 07-002, July 6, 2007

Added Motion

7.1 (a/b) Appointment of citizen members to various committees

7.2 Liquor License, Charlie West, 1686 Main Street West

7.3 Liquor License, Leaf’s Sports Bar & Grill/Khoury Fine Foods, 1837 Main Street West

(Pearson//Mitchell)
That the Agenda for the City Council meeting being held on July 11, 2007, be approved as amended. CARRIED

DECLARATIONS OF INTEREST

Items 22 and 23
Committee of the Whole Report 07-023

Councillor D. Mitchell declared an interest as his brother-in-law is a member of the ATU Local.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None
APPROVAL OF MINUTES

(Mitchell/Pearson)
That the Minutes of the June 27, 2007 meeting of Council be approved, as presented.
CARRIED

COMMUNICATIONS

(McCarthy/Jackson)
That dispositions for Council Communications 5.1 to 5.12 be approved, as amended:

5.1 Correspondence from Mayor Hector MacMillan, Trent Hill requesting council’s endorsement of the efforts of the Canadian Advocates for Tax Awareness working towards the creation of a more fair and equitable system of property taxation in Ontario

Recommendation: Be endorsed

5.2 Correspondence from Assistant Deputy Minister Ruth Hawkins, Ministry of Health and Long-Term Care respecting level of cost sharing for the Public Health Research Education and Development Program

Recommendation: Be received

5.3 Correspondence from Monika Turner, Director, Public Health Standards Branch respecting City Council’s review of the Ontario Public Health Standards

Recommendation: Be received

5.4 Correspondence from the Honourable Minister of Health Promotion, Jim Watson respecting provincial government’s commitment of $109,035 to the Public Health Services for Healthy Living Hamilton for the period January 1, 2007 to December 31, 2007

Recommendation: Be received

5.5 Correspondence from the Honourable Minister of Transportation, Donna Cansfield respecting Southern Ontario Gateway Council

Recommendation: Be received
5.6 Resolution from United Counties of Stormont, Dundas and Glengarry respecting separation of farmland and managed forest component from the Ontario Municipal Partnership Fund

Recommendation: Be received and referred to the Audit and Administration Committee

5.7 Correspondence from Niagara Peninsula Conservation Authority respecting appointment to the Source Protection Committee – Niagara Peninsula Source Protection Area

Recommendation: be received and referred to the Public Works Committee.

5.8 Correspondence from J.P. Dutra, Industry Task Force II on 2, 4-D Research Data respecting release of “Proposed Acceptability for Continued Registration for the Agriculture, Forestry, Aquatic and Industrial Site uses of 2,4-D”

Recommendation: Be received and referred to the Medical Officer of Health

5.9 Correspondence from Stephanie Strudwick, Chair, Concerned Citizens for Safer neighbourhoods requesting Council’s support of “Safer Communities and Neighbourhoods Act” for the Province of Ontario

(Bratina/Jackson)
Recommendation: Be endorsed

5.10 Correspondence from The Honourable Minister of Transportation, Lawrence Cannon respecting possible locations for a new VIA Rail Station in Hamilton

Recommendation: Be received

5.11 Correspondence from Barb Joy respecting availability of badminton courts in Stoney Creek

(Pearson/Duvall)
Recommendation: Be received and referred to the General Manager of Community Services for a report to the Emergency and Community Services Committee
5.12 AMO Communication Alert respecting “Province Proclaims the Clean Water Act – Municipal government Action is Required”  
(Mitchell/Pasuta)  
Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee  

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

CARRIED

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**ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 07-013**

11. Application for Changes in Zoning for Lands Located at 1324 Rymal Road East (Hamilton) (PED07191) (Ward 6) (Item 6.6)

On a recorded vote the motion was approved as follows:

Total: 10  
Nays: B. Clark  
Total: 1  
Absent: C. Collins, L. Ferguson, B. McHattie, R. Powers, T. Whitehead  
Total: 5

17. Application for a Change in Zoning for the Property Located at 865 Mohawk Road East (Hamilton) (PED07170) (Ward 6)(Item 8.2)

On a recorded vote the motion was approved as follows:

Total: 10  
Nays: T. Jackson  
Total: 1  
Absent: C. Collins, L. Ferguson, B. McHattie, R. Powers, T. Whitehead  
Total: 5

On a recorded vote the motion was approved as follows:

- **Yeas:** F. Eisenberger, B. Bratina, S. Duvall, T. Jackson, M. McCarthy, S. Merulla, D. Mitchell, B. Morelli, R. Pasuta
- **Total:** 9
- **Nays:** M. Pearson, B. Clark
- **Total:** 2
- **Absent:** C. Collins, L. Ferguson, B. McHattie, R. Powers, T. Whitehead
- **Total:** 5

*(Jackson/Clark)*

That the THIRTEENTH Report of the Economic Development & Planning Committee be TABLED until the Private and Confidential section of the agenda, to consider the disposition of City land, has been considered. **CARRIED.**

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**BOARD OF HEALTH REPORT 07-007**

*(McCarthy/Jackson)*

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

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**COMMITTEE OF THE WHOLE REPORT 07-022**

*(McCarthy/Jackson)*

That the TWENTY-SECOND Report of the Committee of the Whole be received. **CARRIED**

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**COMMITTEE OF THE WHOLE REPORT 07-023**

5. **Elected Official Remuneration (CM06016(a)) - (City Wide) (Item 6.1a)**

On a recorded vote the motion was approved as follows:

- **Yeas:** F. Eisenberger, B. Bratina, B. Clark, S. Duvall, T. Jackson, M. McCarthy, D. Mitchell, B. Morelli, M. Pearson, R. Pasuta
- **Total:** 10
- **Nays:** S. Merulla
- **Total:** 1
- **Absent:** C. Collins, L. Ferguson, B. McHattie, R. Powers, T. Whitehead
- **Total:** 5
6. **One Third Expense Allowance (FCS07026) (Item 6.1(b)**

On a recorded vote the motion was approved as follows:

**Yeas:** B. Bratina, S. Duvall, T. Jackson, M. McCarthy, S. Merulla,
B. Morelli, R. Pasuta, M. Pearson, B. Clark

Total: 9

**Nays:** F. Eisenberger, D. Mitchell
Total: 2

Absent: C. Collins, L. Ferguson, B. McHattie, R. Powers, T. Whitehead
Total: 5

7. **Resource and Deployment Review of Emergency Medical Services (EMS) (HES06005(a)) (City Wide) (Item 6.2)**

On a recorded vote the motion was approved as follows:

**Yeas:** F. Eisenberger, B. Bratina, S. Duvall, T. Jackson, S. Merulla,
B. Morelli, R. Pasuta, D. Mitchell

Total: 8

**Nays:** M. McCarthy, M. Pearson, B. Clark
Total: 3

Absent: C. Collins, L. Ferguson, B. McHattie, R. Powers, T. Whitehead
Total: 5

*(McCarthy/Jackson)*

That the TWENTY-THIRD Report of the Committee of the Whole be adopted and the information section received. **CARRIED**

**SELECTION COMMITTEE REPORT 07-002**

*(Jackson/McCarthy)*

That the SECOND Report of the Selection Committee be adopted and the information section received. **CARRIED.**

**MOTIONS**

*(Pearson/Mitchell)*

7.1(a) **Appointment of Citizens to Various Advisory Committees**

That the following citizens be appointed to the subjoined Advisory Committees for the 2006-2010 term of Council or until such time as their successors are appointed:
(i) **Advisory Committee for Persons with Disabilities**

That the membership, for the Advisory Committee for Persons with Disabilities, be increased by three (3) for a total of 18 members as follows:

1. Tim Nolan
2. Kim Nolan
3. Sandi Bell
4. Bob Helwig
5. Robert Semkow
6. Roger-Wayne Anthony Cameron
7. Terri Wallis
8. Fran Chesney
9. Pat Cameron
10. Marlene Thomas-Osborne
11. Mary Smithson
12. Aznive Mallett
13. Deborah Eker
14. Sharon Derkach
15. Brian Lane
16. Darlene Burkett
17. Elizabeth Wagner
18. Dr. Thomas Manzuk

(ii) **Committee Against Racism**

That the membership, for the Committee Against Racism, be increased by two (2) for a total of 17 members as follows:

1. Jahan Zeb
2. Rebecca Nada Rajah
3. Baskarat Tayyab
4. Tyrone Childs
5. Rabelani Makwarela
6. Andrea Rado
7. Jaswinder Singh Bedi
8. Roger-Wayne Anthony Cameron
9. Edward Lee
10. Samer Salman
11. Jovavne Rhodes
12. Gay Walton
13. Peter Frederick
14. Marilyn Joy Hunt
15. Mandira Raha
16. Marwan Masri
17. Mohammad Aslam Dar
(iii) Gay, Lesbian, Bisexual & Transgender Advisory Committee

1. Gord Jackson
2. Debbie Woolridge
3. Lyla Miklos
4. Erin Fuller
5. Simon Lebrun

(iv) Hamilton Status of Women Committee

That the membership, for the Hamilton Status of Women Committee, be increased by four (4) for a total of 19 members as follows:

1. Shanine Mohebat
2. Denise Doyle
3. Basharat Tayyab
4. Jan Lucas
5. Alexandra Weaver
6. Lisa DeLong
7. Lyla Miklos
8. Thelma McGillivray
9. Joanne Ruggieri
10. Rose McAleer
11. Patti McNaney
12. Louise Davis
13. Dodji Ousmane
14. Jennifer Aggus
15. Denise Spoelstra
16. Liz Weaver
17. Junping Chen
18. Pat Saunders
19. Souhad Masri

(v) Tenant Advisory Committee

1. Mary Sinclair
2. Andrew Cranbury
3. Laura Harper Stubbs  

CARRIED
7.1(b) Appointment of Citizens to Various Advisory Committees

(Jackson/McCarthy)

That the following citizens be appointed to the subjoined Advisory Committees for the 2006-2010 term of Council or until such time as their successors are appointed:

(i) Citizens to the Hamilton Historical Board

1. Christine Lei
2. Dr. Walter Peace
3. Robert Williamson
4. Susanne Noordyk
5. Graham Crawford
6. Mary J. Anderson
7. James Bretzler
8. Michael Sangermano
9. Martha Ronalds
10. Carolyn McCann
11. Wade Zagdanski
12. Robert D. Hamilton
13. Robin McKee
14. Darrell Epp
15. Deborah Eker
16. Bill Manson

(ii) Appointment of Citizens to the Seniors Advisory Committee

1. Mary Sinclair
2. Bernice Price
3. Ann Karow
4. Margot Kirkpatrick
5. Carolann Fernandes
6. Thelma McGillivray
7. Lisa Campbell
8. Trinh Ly Minh
9. Renate Lamm
10. Ron Smithson
11. Shirley Joan Robinson
12. Vi Morgan

CARRIED.
7.2 Liquor License, Charlie West, 1686 Main Street West (Reference No. 812836)

(Bratina/Clark)

Whereas, the Charlie West Restaurant has applied for a new 384 seat liquor sale licence at 1686 Main Street West; and,

Whereas, the AGCO shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act; and,

Whereas, due to the preponderance of student housing in the area surrounding the restaurant, there have been a greater number of behavioural problems in the neighbourhoods that negatively affect student/permanent resident relations; and,

Whereas, a new student residence housing 450 students is to open immediately above the restaurant, with a second 550 student residence across the street just proposed; and,

Whereas, a recent AGCO decision (AGCO Application #203922) regarding a bar across the street from the Charlie West Restaurant resulted in a liquor license denial, and a two-year moratorium on any new liquor licenses placed on the property [under clause 6 (2) (h)]; in part due to the preponderance of licensed seats in the vicinity, which was found to be not in the “public interest”;

Therefore, Hamilton City Council respectfully requests:

(a) That the AGCO give the public notice and hold a hearing or meeting into the application so as to hear directly from residents on the public interest and their needs and wishes.

(b) That the AGCO provide Hamilton City Council with more time to allow Council to carry out necessary processes before making a decision on a resolution or to receive written submissions directly from residents.

CARRIED.

7.3 Liquor License, Leaf’s Sports Bar & Grill/Khour Fine Foods, 1837 Main Street West (AGCO Ref. # 200594)

(Bratina/Clark)

Whereas, Leaf’s Sports Bar and Grill/Khour Fine Foods has applied for a new 74 seat liquor sale licence at 1837 Main Street West; and,

Whereas, the AGCO shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act; and,
Whereas, due to the preponderance of student housing in the area surrounding the restaurant, there have been a greater number of behavioural problems in the neighbourhoods that negatively affect student/permanent resident relations; and,

Whereas, a new student residence housing 450 students is to open immediately above the restaurant, with a second 550 student residence across the street just proposed; and,

Whereas, a recent AGCO decision (AGCO Application #203922) regarding a bar across the street from Leaf’s Sports Grill/Khouri Fine Foods resulted in a liquor license denial, and a two-year moratorium on any new liquor license placed on the property [under clause 6 (2) (h)]; in part due to the preponderance of licensed seats in the vicinity which was found to be not in the “public interest”;

Therefore, Hamilton City Council respectfully requests:

(a) That the AGCO give the public notice and hold a hearing or meeting into the application so as to hear directly from residents on the public interest and their needs and wishes.

(b) That the AGCO provide Hamilton City Council with more time to allow Council to carry out necessary processes before making a decision on a resolution or to receive written submissions directly from residents.

CARRIED.

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

(Pearson/Morelli)
That Council move in Closed Session pursuant to Section 8.1, sub-section (c) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, as the subject matter pertains to the potential disposition of municipal property. CARRIED.

(Mitchell/Pearson)
That Council reconvene in Open Session CARRIED

(Mitchell/Pearson)
That Economic Development and Planning Report 07-013 be lifted from the table. CARRIED
That Item (w) of Economic Development and Planning Committee Report 07-013 respecting the Lease Agreement for the Proposed Parking Structure at 166-190 Main Street West and 57 George Street (PED05105(c)/FCS07040(a)) be lifted from the Information Section of the Economic Development and Planning Committee Report 07-013 and renumbered as Item 20.  
CARRIED

That the following be added as Item 20 to Economic Development and Planning Committee Report 07-013:

20. Lease Agreement for the Proposed Parking Structure at 166-190 Main Street West and 57 George Street (PED05105(c)/FCS07040(a))  
(Ward 2)  
(Mitchell/Pearson)

That the City of Hamilton’s conditions for entering into a Lease Agreement with Mikron Properties as set out in Report PED05105(b)/FCS07040 for the proposed parking structure to be constructed on the lands known as 166-190 Main Street West and 57 George Street, Hamilton, be amended as follows:

a) That the terms of the lease be modified from 15 to 20 years.

b) Rental Rate: For the increased term of the lease shall be:
   Year 16 – 20 $135.00 per space per month.

c) That the parking rate to be charged be $0.75 for the first half hour for the first ten (10) years of the lease and $1.00 per half hour thereafter.

d) That all other conditions approved by Council through Report PED05105(b)/FCS07040 be confirmed.

e) That report (PED05105(c)/FCS07040(a) be released as a public document.  
CARRIED

That the THIRTEENTH Report of the Economic Development & Planning Committee be adopted, as amended and the information section received.  
CARRIED

BY-LAWS

That Bill Nos. 07-209 to 07-228 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 read as follows:
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- **07-209 209**: To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 130 Fiddler's Green Road (Ancaster)
- **07-210 210**: To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 837 Barton Street
- **07-211 211**: To Amend Zoning By-law No. 6593 (Hamilton), Respecting 865 Mohawk Road East
- **07-212 212**: To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1324 Rymal Road East
- **07-213 213**: To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Property Located at 1496 Upper Gage Avenue
- **07-214 214**: To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 9854 Twenty Road West
- **07-215 215**: To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 1175 Barton Street
- **07-216 216**: To Adopt Official Plan Amendment No. 60 to the former Township of Glanbrook Official Plan, Respecting Part of Lots 2 and 3, Block 4, Concession 3, located on the north side of Binbrook Road West between Fletcher Road and Highway No. 56
- **07-217 217**: To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located within Part of Lots 2 and 3, Block 4, Concession 3, Binbrook Road
- **07-218 218**: To Adopt Official Plan Amendment No. 114 to the former Town of Ancaster Official Plan, Respecting 280 Valridge Drive
- **07-219 219**: To Amend Zoning By-law No. 87-57 (Ancaster), Respecting the Property Located 280 Valridge Drive (Ancaster)
- **07-220 220**: To Adopt Official Plan Amendment No. 61 to the former Township of Glanbrook Official Plan, Respecting 3089 Binbrook Road
- **07-221 221**: Respecting Removal of Part Lot Control, Block 180, Registered Plan No. 62M-987, Fifty Road Joint Venture Phase 2
07-222  222  Respecting Removal of Part Lot Control, Blocks 178 & 179, Registered Plan No. 62M-987, Fifty Road Joint Venture Phase 2

07-223  223  Respecting Removal of Part Lot Control, Block 89, Registered Plan No. 62M-1057, Fifty Road Joint Venture, Phase 3

07-224  224  Respecting Removal of Part Lot Control, Part of Block 1, Registered Plan No. 62M-1056, Shaver Estates

07-225  225  Respecting Removal of Part Lot Control, Block 10, Registered Plan No. 62M-1012 (Valley View Estates – Phase 1)

07-226  226  To Amend By-law No. 06-147, To Authorize the City to Enter into Extension Agreements

07-227  227  To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
   Schedule 8 – No Parking Zones
   Schedule 12 – Permit Parking Zones
   Schedule 20 – School Bus Loading Zones

07-228  228  To Confirm the Proceedings of City Council

(Jackson/Mitchell)
The Council meeting adjourned at 6:00 p.m. CARRIED.

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
July 11, 2007