Present: Mayor L. Dilanni  
Councillors D. Braden, B. Bratina, P. Bruckler, C. Collins,  
T. Jackson, B. Kelly, M. McCarthy, B. McHattie, D. Mitchell,  
S. Merulla, B. Morelli, M. Pearson, A. Samson, T. Whitehead  

Absent with regrets: Councillor M. Ferguson – Illness

Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Reverend Rasma Caune from Transfiguration Lutheran Church in Hamilton, to lead the Council in prayer.

Mayor Dilanni announced the sudden passing of Karen Haist-Pederssen on April 29, 2006, who was a senior public health nurse, employed by the City since 1990, and on behalf of Council, extended sincere condolences to Karen's husband, Robert, and their children.

The Clerk advised of the following changes to the agenda:

(a) ADDED COMMUNICATIONS

5.7 Petition signed by 11 residents objecting to relocation of bus stop from north east corner of Delaware and St. Clair to 185 Delaware Avenue

Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works, Infrastructure and Environment Committee
5.8 Request for Nominations – AMO Board of Directors

Recommendation: For the consideration of Council

5.9 Correspondence from Rick Smith, Environmental Defence respecting Protection of the Greenbelt within the City of Hamilton (Item 12 of the PED Report on this evening’s agenda)

Recommendation: Be received

5.10 Correspondence from Joseph S. Mancinelli, International Vice President and Central and Eastern Canada Regional Manager, Laborers’ International Union of North America, respecting the Lister Block

Recommendation: For the consideration of Council

(b) COMMITTEE REPORTS

The following report was added to the Agenda:

6.9 Special Committee of the Whole Report 06-008, May 8, 2006

(c) MOTIONS

7.2 Motion by Councillor Merulla respecting Ontario’s Workplace Safety and Insurance Act

7.3 Motion by Councillor Bratina respecting Veterans’ Place Dedication

(Kelly/Braden)
That the Agenda for the City Council meeting being held on May 10, 2006, as amended, be approved.  

CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None
APPROVAL OF MINUTES

(Mitchell/Whitehead)
That the Minutes of the City Council Meeting held on April 26, 2006, be approved as presented.  
CARRIED

(Kelly/Jackson)
That the Council Minutes of April 12, 2006 be reconsidered to allow an amendment to the noted Oppositions recorded to Item 8 of the Corporate Administration Committee Report 06-005 – United Brotherhood of Carpenters and Joiners of America Local 18 Certification.  
CARRIED

(Kelly/Jackson)
That Councillor B. Kelly be added to the recorded Oppositions noted in the Council Minutes of April 12, 2006 respecting Item 8 of the Corporate Administration Committee Report 06-005 – United Brotherhood of Carpenters and Joiners of America Local 18 Certification.  
CARRIED

(Mitchell/Pearson)
That the Minutes of the City Council Meeting held on April 12, 2006, be approved as amended.  
CARRIED

COMMUNICATIONS

(Pearson/Mitchell)
That Council Communications 5.1 to 5.10 be approved, as amended, as follows:

5.1 Correspondence from John Bazinet, Chairman, Ottawa Street BIA addressing concerns respecting responsibilities for alleys including policies, by-laws

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

5.2 Correspondence from Attorney General, Michael Bryant respecting Bill 14, the Access to Justice Act, 2005 and the City’s concerns respecting potential impact on First Canadian Title

Recommendation: Be received

5.3 Correspondence from the Honourable Madeleine Meilleur, Minister of Community and Social Services respecting social assistance in Ontario.

Recommendation: Be received
5.4 Correspondence from David Williams, MD, Associate Chief Medical Officer of Health and Director of Infectious Diseases Branch, Ministry of Health and Long-Term Care respecting potential impacts of the Haines Report on Hamilton’s Public Health Services food safety program

Recommendation:  Be received

5.5 Correspondence from Kathryn J. Vout, Clerk, Town of Grimsby, respecting Greenbelt Plan and Provincial Policy Statement – Retirement Lots for Farmers

Recommendation:  Be endorsed.

5.6 Communication from FCM respecting New Funding Opportunity for Brownfield Remediation

Recommendation:  Be referred to the City Manager for appropriate action.

5.7 Petition signed by 11 residents objecting to relocation of bus stop from north east corner of Delaware and St. Clair to 185 Delaware Avenue

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

5.8 Request for Nominations – AMO Board of Directors

Recommendation:  That Councillor B. Kelly be nominated to the AMO Board of Directors (Regional and Single Tier Caucus Directors).

5.9 Correspondence from Rick Smith, Environmental Defence respecting Protection of the Greenbelt within the City of Hamilton (Item 12 of the PED Report on this evening’s agenda)

Recommendation:  Be received

5.10 Correspondence from Joseph S. Mancinelli, International Vice President and Central and Eastern Canada Regional Manager, Laborers’ International Union of North America, respecting the Lister Block

Recommendation:

(a) That added Communication Item 5.10 from LIUNA respecting Lister Block be referred to a special Committee of the Whole meeting, and that Joseph Mancinelli be invited to attend the special meeting to discuss the contents of the correspondence;

(b) That the date of the meeting be appropriately advertised in order to allow interested parties to address this issue.  CARRIED as amended
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.

CARRIED

PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 06-008

That the EIGHTH Report of the Public Works, Infrastructure and Environment Committee be adopted, and the information section received.

CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-007

Item 11 Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) (Item 6.6)

That Item 11 of Planning and Economic Development Committee Report 06-007 be tabled pending further consultation by the Ward Councillor with the neighbourhood.

CARRIED

Item 14 Aeropark Industrial Lands – Extension to the Commencement and Completion of Construction Dates (PED05136(a)) (Ward 11 and City Wide) (Item 12.1)

Councilor C. Collins indicated that he wished to be recorded as being OPPOSED to this item.

CARRIED

Item 15 Store Hours Policies and Procedures (PED06111) (City Wide) – Referred from Planning and Economic Development Committee on November 2, 2004 (Item 11.1)

The main motion was DEFEATED on the following recorded vote:

Yeas: Kelly, Pearson, Whitehead
Total Yeas: 3
Nays: Dilanni, Braden, Bratina, Bruckler, Collins, Jackson, McCarthy, McHattie, Mitchell, Merulla, Morelli, Samson
Total Nays: 12
That staff report to the Planning and Economic Development Committee on amending Regional Store Hours By-law R79-202, as amended, to include Sunday hours of operation to be consistent with the hours of operation applied for Monday to Saturday.  

CARRIED

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

CARRIED

CORPORATE ADMINISTRATION COMMITTEE REPORT 06-008

Item 7  Twenty Road Pumping Station on Upper James Street  

(Braden/Bratina)  
That sub-section (a) be amended to delete the words, “appropriate member(s) of Council” and replaced with “Councillors M. McCarthy, D. Mitchell and T. Whitehead” in lieu thereof  

Amendment CARRIED  
Motion as amended CARRIED

Item 8  Non-Union Staff Terminiations and approval Process (CM06009) (City Wide) (Item 12.1)  

(Whitehead/Samson)  
That Item 8 of Corporate Administration Committee Report 06-008 be referred back to the Committee for further discussion.  

CARRIED

Councilor C. Collins indicated that he wished to be recorded as being OPPOSED to this item.

Item 9  2006 Non-Union Salary Adjustment (HUR06006) (City Wide) (Item 12.2)  

Councilor D. Braden indicated that he wished to be recorded as being OPPOSED to this item.

(Samson/Collins)  
That the EIGHTH Report of the Corporate Services Committee be adopted, and the information section received.  

CARRIED

STRATEGIC PLANNING AND BUDGETS COMMITTEE REPORT 06-004  

(Samson/McHattie)  
That Information Item (e) of the Strategic Planning and Budgets Committee Report 06-004 respecting appointments to the External Audit Services Sub-Committee, be lifted from the table and added as Item 6 to read as follows:
6. **Appointment to External Audit Services Sub-Committee**

That Councillors B. McHattie, B. Bratina, T. Whitehead and Owen Shewfelt of Hamilton Utilities Corporation be appointed to serve on the External Audit Services Sub-Committee.  

(Samson/Collins)  
That the FOURTH Report of the Strategic Planning and Budgets Committee be adopted, as amended, and the information section received.  

CARRIED

**SOCIAL SERVICES COMMITTEE REPORT 06-006**

(Bratina/Braden)  
That the SIXTH Report of the Social and Public Health Services Committee be adopted and the information section received.  

CARRIED

**COMMUNITY SERVICES COMMITTEE REPORT 06-005**

(Jackson/Kelly)  
That the FIFTH Report of the Community Services Committee be adopted, and the information section received.  

CARRIED

**LICENSING COMMITTEE REPORT 06-004**

(Merulla/McHattie)  
That the FOURTH Report of the Licensing Committee be adopted, and the information section received.  

CARRIED

**COMMITTEE OF THE WHOLE REPORT 06-007**

Item 1  
“Peak Oil” (CM06012) (City Wide)

(McHattie/Merulla)  
That Item 1 of Committee of the Whole Report 06-007 respecting Peak Oil be deleted in its entirety and replaced with the following in lieu thereof:

(a) That the “Peak Oil” report be referred to the General Manager of Public Works in order for Staff to further investigate and report back to the Public Works, Infrastructure and Environment Standing Committee on the following:

(i) That the General Manager of Public Works be directed to develop an Energy Management Policy, and forward to Council for approval;
(ii) That the Energy Management Policy:

aa) Recommends targets for reduced energy use in City Facilities and timelines for achieving same;

bb) Recommends strategies to achieve those targets;

cc) Recommends a framework for the use of renewable technologies in supplying energy to new City Facilities; and

dd) Provides recommendations to Council on the feasibility of designing new City Facilities to LEEDs standards, or equivalency, including a policy to encourage LEED certification for new buildings to be constructed in Hamilton and that new buildings constructed by the City of Hamilton continue to include requirements for pricing and analysis of LEED certified consultant services within the request for proposal specifications until such time as the design standards are approved by Council;

ee) Provides recommendations to Council on the feasibility of producing energy to operate City Facilities and/or partner facilities (e.g. co-generation facilities, district energy facilities).

(b) That the General Manager of Public Works investigate the feasibility of applying energy conservation measures currently being employed by HES for use in the City’s Central fleet;

(c) That the General Manager of Public Works investigate the feasibility of using trolley buses as part of the HSR fleet.

(d) That staff report to the Planning and Economic Development Committee on the following:

(i) The feasibility of establishing a policy to encourage LEED certification, or equivalency, for all new buildings constructed in Hamilton;

(ii) That staff investigate the feasibility of including an Energy Cluster as a major component of the Economic Development Strategy and that this feasibility research and analysis be conducted as part of three year update and review of the Economic Development Strategy and that it include Hamilton Utilities Corporation/Horizon Utilities Corp. and all other community stakeholders.
(iii) A joint investigation by Planning and Public Works Departments on the feasibility of preparing the Glanbrook Business Park as an Eco-Park, involving possible use of a district energy system, re-use of waste materials amongst industries etc.

(e) That the Peak Oil report be forwarded to Hamilton Utilities Corporation (HUC) and Horizon Boards for their consideration;

(f) That the General Manager of Planning and Economic Development be directed to investigate the feasibility, cost and timelines for the preparation of:

(i) economic development options based on principles outlined in the report “Hamilton: Electric City” prepared by R. Gilbert, to diversify the Hamilton economy (i.e. maximizing employment lands in the Port area, the Downtown area or attracting energy service and energy manufacturing businesses); and,

(ii) the development of a community energy plan.

(g) That staff be directed to report back on available federal or provincial funding for projects, which may emanate from any actions that City Council might take.

Information Item (d)(i)(a)

Councillor McHattie requested that the information items (d)(i)(a) and (c) be amended to read as follows:

(d)(i)(a) “The number of jobs available in the Port, the downtown and Brownfields which have been created on Brownfield lands.”

(d)(i)(c) “The types of jobs that can be accommodated in the Port, downtown and the Glanbrook Industrial Park.”

(Pearson/Mitchell)
That the SEVENTH Report of the Committee of the Whole be adopted, as amended, and the information section, as amended, be received.  CARRIED

COMMITTEE OF THE WHOLE REPORT 06-008

(Pearson/Mitchell)
That the EIGHTH Report of the Committee of the Whole be adopted and the information section received.  CARRIED
MOTIONS

7.1  **(Collins/Bruckler)**
That Item 16 of the Planning and Economic Development Committee Report 06-006, tabled by Council on April 26, 2006, and which reads as follows:


That the Ministry of Environmental Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that should the Ministry approve the application **CA-06-01, Waste Services (CA) Inc., applicant**, for an Amendment to an existing Provisional Certificate of Approval for an existing waste transfer/processing site to increase allowable waste storage limits from 100 tonnes to 150 tonnes/ day, within an existing facility at  306 Lake Avenue North, as shown on Appendix “A” to Report PED06120, the City of Hamilton requests the following to be undertaken:

(a) That the proponent obtains the necessary building permit from the City’s Building and Licensing Division, which is required for modifications to the existing building;

(b) That the amended Provisional Certificate of Approval require the following:

(i) That doors be installed for the Waste Processing and Transfer Building so that the building can be fully enclosed to contain the waste stored on-site at the end of each operating day, to the satisfaction of the Manager of Solid Waste, Public Works Department;

(ii) That the surface of the driveway area between Lake Avenue North and the existing weigh scale be hard surfaced to reduce the possibility of the tracking of material onto the municipal road, to the satisfaction of the Manager of Traffic Engineering & Operations, Public Works Department;

(iii) That the south side of the existing truck access approach be widened to properly accommodate right turning truck movements into the site, to the satisfaction of the Manager of Traffic Engineering & Operations, Public Works Department;
(iv) That the operator of the facility employ a reputable pest control company to service this site and perform a regular inspection of the premises and regular baiting program, to the satisfaction of the Director, Health Protection Branch, Public Health Services;

(c) That the amended Provisional Certificate of Approval requires that a sufficient bond be provided for financial assurance for the removal of any materials left on the site should operations end;

(d) That the amended Provisional Certificate of Approval include a requirement that a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property;

(e) That all other conditions and requirements of the Certificate of Approval remain in place;

(f) That a copy of Report PED06120 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration;

(g) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

be tabled for an additional two weeks. Tabling Motion CARRIED

7.2 Request to the Provincial Government to review Ontario's Workplace Safety and Insurance Act

(Merulla/McHattie)
WHEREAS firefighters provide an invaluable service to the public and may risk their own personal safety in order to protect the lives of residents of the City of Hamilton;

AND WHEREAS studies have shown that firefighters suffer from an incidence of some cancers and other diseases that is significantly greater than the normal population, and that this may be due to firefighters’ exposure to toxic chemicals and carcinogens during the course of fighting fires;

AND WHEREAS, in response to these studies, the Provinces of Manitoba, Alberta, Saskatchewan and Nova Scotia have amended their Workers Compensation legislation to include a presumption that, for identified types of cancer in firefighters, the disease is attributable to work as a firefighter;
THEREFORE, BE IT RESOLVED that Hamilton City Council call on the Ontario Provincial Government to review Ontario’s *Workplace Safety and Insurance Act* in order to ensure that firefighters and their families receive fair and timely compensation for illness or disease that is attributable to their work as firefighters; and that this motion be forwarded to the Association of Municipalities of Ontario and Federation of Canadian Municipalities.

### 7.3 Funding for Dedication of Veterans’ Place at Gore Park

**(Bratina/Braden)**
That up to $4,000 be approved from the Tax Stabilization Fund to assist with expenditures for the dedication of Veterans’ Place at Gore Park scheduled to take place on June 5, 2006.

CARRIED

### NOTICE OF MOTION

None.

### STATEMENT BY MEMBERS

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

### BY-LAWS

**(Pearson/\)**
That Bill Nos. 06-122 to 06-131 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 06-122 to 06-131

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Number</th>
<th>Description</th>
</tr>
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<tbody>
<tr>
<td>06-122</td>
<td>122</td>
<td>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 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones</td>
</tr>
<tr>
<td>06-123</td>
<td>123</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits</td>
</tr>
<tr>
<td>06-124</td>
<td>124</td>
<td>To Adopt Official Plan Amendment No. 125 to the former City of Stoney Creek Official Plan respecting Lands Known Municipally as 360 Barton Street and 4 Hale Street</td>
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</table>
06-125 125 To Amend Zoning By-law No. 3692-92 (Stoney Creek), respecting Lands Located 360 Barton Street and 4 Hale Street

06-126 126 To Amend Zoning By-law No. 87-57 (Ancaster), as amended respecting Lands located at 439 Shaver Road (Blocks 1, 8 and 9 of Registered Plan 62M-1056)

06-127 127 To Amend Zoning By-law No. 6593 (Hamilton), respecting a Portion of the Property located at 75 Benjamin Drive

06-128 128 To Amend Zoning By-law No. 3692-92 (Stoney Creek), respecting Lands located at the East End of Old Mud Street (Brook Meadow)

06-129 129 Respecting Removal of Part Lot Control, Lots 25 and 29, Registered Plan 62M-1018, Malatesta Gardens

06-130 130 To Impose a Sanitary Sewer Charge under the Municipal Act, 2001 upon owners of land abutting Garner Road, from Hamilton Drive to approximately 485 meters Easterly

06-131 131 To Confirm the Proceedings of City Council

The City Council meeting adjourned at 9:00 p.m.

Respectfully submitted,

Larry DiIanni
Mayor

Kevin C. Christenson
Clerk
May 10, 2006