CITY COUNCIL
MINUTES

Wednesday, June 13, 2007
7:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

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

Mayor Eisenberger called upon Reverend Victoria Eldridge of Chalmers Presbyterian
Church, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. Correspondence
   5.1 AMO Communication Alert - “Government Sets Date for Closed Meeting
       Investigators and Adoption of Policies under the Municipal Act”

   Recommendation: Be referred to the Accountability and Transparency
   Sub-Committee

2. Motions
   (i) Motion respecting an Option Agreement – Golden Horseshoe Sports and
       Entertainment Inc. (Item 7.2)
(ii) Added motion respecting amendment to Nomination to the AMO Board of Directors (Item 7.3)

(iii) Added motion to reconsider subsection (b) of Item 9 of the Committee of the Whole Budget Report 07-010 respecting Mandated programs which was considered under Committee of the Whole Report 07-020 (Item 7.4)

(iv) Added motion respecting uploading of social services costs (Committee of the Whole Report 07-020 - Item 7)

(v) Added motion to reconsider subsection (d) of Item 10 of Committee of the Whole Report 07-010 respecting Provincial Funding Shortfall which was considered under Committee of the Whole Report 07-20 (Item 7.5)

3. Private & Confidential Matter

10.3 Contract Negotiations

(Whitehead/Ferguson)
That the Agenda for the City Council meeting being held on June 13, 2007, be approved as amended.

CARRIED

DECLARATIONS OF INTEREST

There were none declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Presentation to Taylor Ormond, Ontario Tennis Association Provincial Championship

Mayor Eisenberger presented a certificate to Taylor Ormond for her athletic achievements. Taylor has been playing tennis for many years at Rosedale Tennis Club at Gage Park. She has competed locally, nationally and internationally and also attends Cathedral High School and teaches tennis at Pinky Lewis, Rosedale and Dofasco.

Taylor competed in the Ontario Tennis Association, Under 18 Indoor Provincial Championships and won both the Singles and Doubles titles.

Mayor Eisenberger congratulated Taylor on her successes.

3.2 Presentation to Stephanie Duchon, Miss Southern Ontario and Paisley McNab, Miss Teen Southern Ontario
Mayor Eisenberger called upon Stephanie Duchon, Miss Southern Ontario and Paisley McNab, Miss Teen Southern Ontario. The Mayor presented them both with a Certificate of Achievement on behalf of the City and congratulated them for being such great ambassadors for our City.

3.3 Engineering Project of the Year

The Professional Engineers of Ontario - Hamilton Chapter and the Hamilton Engineering Institute awarded the 2007 Hamilton-Halton Project of the Year, in the category of “Mega Projects”, to the Hamilton Central Composting Facility Team. The team is comprised of the City of Hamilton’s Waste Management Division of the Public Works Department, Associated Engineering, Maple Reinders and Aim Environmental.

Mayor Eisenberger presented the award to Beth Goodger, Director of Waste Management and Joel McCormick, Project Manager for our Central Composting Facility, who accepted on behalf of the Composting Facility Team.

3.4 2007 Canadian Society of Landscape Architects Awards

Mayor Eisenberger announced that two awards from the Canadian Society of Landscape Architects (CSLA) were presented this year to members of Open Space Development and Park Planning staff of Public Works.

The first award is for the Recreational Trails Master Plan. The Master Plan document received a CSLA Regional Merit Award.

The Mayor called the following staff members, who received the award in collaboration with G. O’Connor Consultants, to the podium and presented them with the certificate:

Lawrence Stasiuk, Steve Barnhart and Robert Norman

The Mayor announced that the second award by the Canadian Society of Landscape Architects Award was presented to staff member Le’ Ann Seely for the creation of the Ontario Association of Landscape Architects Study Manuals. Le’ Ann Seely also received a CSLA National Citation Award for the OALA Study Manuals and the Mayor presented this certificate to her, and congratulated her on her achievements.

3.5 Presentation of the FCM Sustainable Community award for the Green Cart Program
The Mayor announced that the Public Works Department’s Waste Management Division has received a special award of recognition from the Federation of Canadian Municipalities for Hamilton’s organics program.

The Mayor presented the award to Beth Goodger, Director of Waste Management on behalf of the Waste Management team.

The Mayor also invited Councillor Powers to the podium to provide details on an additional award which was presented by FCM.

On behalf of F.C.M., Councillor Russ Powers presented a Certificate of Recognition Plaque to Anna Bradford, Manager of Culture, acknowledging the successful completion of a 10 year municipal partnership with Otjiwarongo, Namibia.

3.6 Special Announcements

(i) Mayor Eisenberger acknowledged the two honourary June “Mayors for the Day” – Trevor Hachey and Catherine Flanigan

(ii) Mayor Eisenberger sent a special birthday greeting to his daughter Alida, who was celebrating her 21st birthday today.

APPROVAL OF MINUTES

(McCarthy/Collins)
That the Minutes of the May 30, 2007 meeting of Council be approved, as presented.

CARRIED

The Clerk advised members of Council that the Board of Health minutes of May 28, 2007, indicate that a Pesticide Public meeting should be held in June. She explained that staff were unable to get a quorum to hold the meeting in June and that the meeting has now been confirmed for September 13th at 7:00 p.m. in the Council Chambers.

COMMUNICATIONS

(McCarthy/Jackson)
That Council Communications 5.1 to 5.3 be approved, as amended, as follows:

5.1 AMO Communication Alert - “Government Sets Date for Closed Meeting Investigators and Adoption of Policies under the Municipal Act”

Recommendation: Be referred to the Accountability and Transparency Sub-Committee

5.2 Correspondence from City of Vaughan respecting Residential Property Tax Relief for Seniors
Recommendation: **(McCarth/Jackson)**
Be received

5.3 Correspondence from the Honourable Dalton McGuinty, Premier, respecting Legionella control programs in cooling towers

Recommendation: Be received **CARRIED as amended**

**McCarth/Jackson**
That Council move into Committee of the Whole for consideration of the Standing Committee Reports. **CARRIED**

**PUBLIC WORKS COMMITTEE REPORT 07-009**

**McCarth/Jackson**
That the NINTH Report of the Public Works Committee be adopted, and the information section received. **CARRIED**

**ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 07-011**

**Mitchel/Pearson**
That the ELEVENTH Report of the Economic Development & Planning Committee be adopted, and the information section received. **CARRIED**

**EMERGENCY AND COMMUNITY SERVICES REPORT 07-008**

**Item 5 Selection Sub-committee – Citizen Volunteer Committee**

**Merulla/McHattie**
That Item 5 of the Emergency & Community Services Committee Report 07-008 be deleted in its entirety, and replaced with the following:

**Interviewing Sub-committee**

(a) That an Interviewing Sub-committee of the Emergency & Community Services Committee be established to review and consider the applications received for the following Citizen Volunteer Committees:

(i) Seniors Advisory Committee
(ii) Arts Advisory Commission
(iii) Hamilton Historical Board
(iv) Food, Shelter and Housing Advisory Committee  
(v) Tenant Advisory Committee

(b) That the Sub-Committee be comprised of Councillor Tom Jackson and Councillor Brian McHattie.  

CARRIED

(Merulla/McHattie)  
That the EIGHTH Report of the Emergency and Community Services Committee be adopted, as amended, and the information section received.  

CARRIED

<table>
<thead>
<tr>
<th>COMMITTEE OF THE WHOLE REPORT 07-020</th>
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<tr>
<td>Item 6  Provincial Funding Shortfall – Withholding $5 M Shortfall (FCS07066)</td>
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<tr>
<td>The recommendation CARRIED on the following vote:</td>
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<tr>
<td>Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead</td>
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<td>Total Yeas: 15</td>
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<tr>
<td>Nays: Jackson</td>
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<td>Total Nays: 1</td>
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Item 7  Uploading of Social Services Costs

(McCarthy/Jackson)  
That the following be added as Item 7 to the Committee of the Whole Report 07-020:

7. Uploading of Social Services Costs

(a) That the Provincial Government be requested to provide assurances to the City of Hamilton of the Province’s intent to upload Hamilton’s social services costs;

(b) That Hamilton be notified of any action the Province takes with respect to this matter.  

CARRIED

(McCarthy/Jackson)  
That the TWENTIETH Report of the Committee of the Whole be adopted as amended and the information section received.  

CARRIED
7.1 Item 14 to Public Works Committee Report 07-008 respecting DOFASCO – Ingot Truck Agreement Amendment (LS07006)

(McCarthy/Jackson)
That the following be added as Item 14 to Public Works Committee Report 07-008:
14. DOFASCO - Ingot Truck Agreement Amendment (LS07006) - (Ward 4)

(a) That the Mayor and Clerk be authorized to execute an agreement to amend an agreement dated January 16, 1990, between the Corporation of the City of Hamilton, the Regional Municipality of Hamilton-Wentworth and Dofasco Inc. so as to extend the term of the said agreement from December 31, 2007, to June 30, 2008, all other terms and conditions remaining the same;

(b) That staff be directed to enter into negotiations with Dofasco Inc. with a view to drafting a new long-term agreement respecting the movement by Dofasco of super heavy loads over designated routes on City streets and the appropriate compensation therefore;

(c) That the said draft long-term agreement be brought before Council for approval prior to the expiry of the agreement on June 30, 2008.

CARRIED

7.2 Report 07-001 of the NHL Steering Committee (to be distributed)

This matter was tabled until the Private & Confidential Closed session.

7.3 Amendment to Appointment to the A.M.O. Board of Directors

(McCarthy/Jackson)
That AMO be advised that the nomination of Mayor Fred Eisenberger to the 2007-2008 AMO Board of Directors approved by Council on May 16, 2007 be withdrawn as each member municipality may nominate only one official from the Municipality.

CARRIED
7.4 Mandated Program List

(McCarthy/Jackson)
That subsection (b) of Item 9 of the Committee of the Whole Budget Report 07-010 approved by City Council on April 24, 2007 respecting Mandated Programs, be reconsidered.

9. Mandated Program Listing

(a) That staff be directed to prepare a report outlining the mandated programs currently paid for by the City of Hamilton Taxpayer;

(b) That the City take action to remove those costs from transfer payments to the Province to protect the citizens of Hamilton from these increases.

The motion CARRIED on the following standing recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Ferguson, Jackson, McCarthy, McHattie, Pasuta, Mitchell, Pearson and Powers
Total Yeas: 12

Nays: Duvall, Merulla, Morelli and Whitehead
Total Nays: 4

(McCarthy/Jackson)
That subsection (b) of Item 9 of the Committee of the Whole Budget Report 07-010 approved by City Council on April 24, 2007 respecting Mandated Programs, be rescinded.

9. Mandated Program Listing

(a) That staff be directed to prepare a report outlining the mandated programs currently paid for by the City of Hamilton Taxpayer;

(b) That the City take action to remove those costs from transfer payments to the Province to protect the citizens of Hamilton from these increases. CARRIED

7.5 Provincial Funding Shortfall

(Clark/McHattie)
That subsection (d) of Item 10 of the Committee of the Whole Budget Report 07-010 approved by City Council on April 24, 2007 respecting Provincial Funding Shortfall, be reconsidered.
10. Provincial Funding Shortfall

(a) That if the $5 million shortfall of Provincial dollars for social services ends up being part of the final tax increase for property taxpayers in Hamilton, then be it resolved:

(b) That the property tax bill indicate, in bold print, the proportionate amount of increase relating to the $5 million downloaded social services costs;

(c) That an invitation be extended to local MPP’s to attend a Committee of the Whole meeting to explain the rationale for the Provincial budget;

(d) That the City proceed with the current budget and make public a list of services and expenditures that should the City not receive the $5 million provincial monies by August 30, 2007, that the City implement a plan to cut those services and expenditures.

The motion CARRIED on the following standing recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Ferguson, Jackson, McCarthy, McHattie, Pasuta, Meruall, Mitchell, Pearson and Powers
Total Yeas: 13

Nays: Duvall, Merulla and Whitehead
Total Nays: 3

(Clark/McHattie)
That subsection (d) of Item 10 of the Committee of the Whole Budget Report 07-010 approved by City Council on April 24, 2007 respecting Provincial Funding Shortfall, be rescinded.

10. Provincial Funding Shortfall

(a) That if the $5 million shortfall of Provincial dollars for social services ends up being part of the final tax increase for property taxpayers in Hamilton, then be it resolved:

(b) That the property tax bill indicate, in bold print, the proportionate amount of increase relating to the $5 million downloaded social services costs;

(c) That an invitation be extended to local MPP’s to attend a Committee of the Whole meeting to explain the rationale for the Provincial budget;
(d) That the City proceed with the current budget and make public a list of services and expenditures that should the City not receive the $5 million provincial monies by August 30, 2007, that the City implement a plan to cut those services and expenditures.

CARRIED

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

(Mitchell/Jackson)
That Council move in Closed Session to address the following items;

10.1 Closed Session Minutes of the May 16, 2007 meeting of Council
10.2 Closed Session Minutes of the May 30, 2007 meeting of Council
10.3 Contract Negotiations
10.4 Matter respecting proposed or pending acquisition or disposition of land for municipal or local board purposes and advice subject to solicitor/client privilege

CARRIED

(Bratina/Jackson)
That the Committee reconvene in Open Session.

CARRIED

10.1 Closed Session Minutes of the May 16, 2007 meeting of Council

(Ferguson/Duvall)
That the Closed Session Minutes of the May 16, 2007, meeting of Council be approved, as presented.

CARRIED

10.2 Closed Session Minutes of the May 30, 2007 meeting of Council

(Pasuta/Mitchell)
That the Closed Session Minutes of the May 30, 2007, meeting of Council be approved, as presented.  

CARRIED

10.3 Contract Negotiations

The Mayor advised that Council had received an update in Closed Session and that there was nothing further to report at this time.

10.4 Option Agreement – Golden Horseshoe Sports and Entertainment Inc.

(Whitehead/Jackson)

(a) That the City of Hamilton advise Golden Horseshoe Sports & Entertainment Inc (“Golden Horseshoe”) that it is prepared to enter into an Option Agreement with Golden Horseshoe in the form attached hereto as Schedule “A”; and

(b) That the Mayor and City Clerk be authorized to execute the Option Agreement once advised by the City Solicitor that it has been accepted and executed by Golden Horseshoe; and

(c) That the City of Hamilton is of the opinion that the Management Agreement attached as Appendix “A” to the Option Agreement contains technical, commercial, financial or labour relations information, supplied to the City in confidence, the disclosure of which could reasonably be expected to prejudice significantly the competitive position of the City and/or Golden Horseshoe, or to interfere significantly with the contractual or other negotiations of the City and/or Golden Horseshoe; and

(d) That the Management Agreement attached as Appendix “A” to the Option agreement be kept confidential until the earlier of:

1. The expiry of the Option Agreement; or
2. The termination of the Option Agreement; or
3. The execution of the Management Agreement by the City and Golden Horseshoe.

CARRIED

BY-LAWS

(McCarthy/Jackson)
That Bill Nos. 07-174 to 07-186 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 07-174 to 07-186:
By-law No.

07-174 To Authorize the issue of Debentures in the principal amount of $35,000,000 for the purpose of the City of Hamilton herein referred to

07-175 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 10 – No Left Turns

07-176 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

By-law No.

07-177 To Incorporate City Land Designated as Block 30 on Plan 62M-897 into Graywood Road

07-178 To Incorporate City Land Designated as Block 21 on Plan 62M-1064 into Springbreeze Heights

07-179 To Incorporate City Land Designated as Parts 1 and 4 on Plan 62R-17314 into Theodore Drive

07-180 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 17 Shoreline Drive

07-181 To Amend Zoning By-law No. 3581-81 (Dundas), Respecting Lands Located at 269 King Street West

07-182 To Rename Glover Access Road to Watercrest Drive

07-183 Respecting Removal of Part Lot Control, Lots 17 and 18, "West Waterdown Manor – Phase 3", Plan 62M-937

07-184 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 8 – No Parking Zones
Schedule 10 – Alternate Side Parking
Schedule 14 – Wheelchair Loading Zones
Schedule 19 – Airport Bus and Limousine Loading Zones

07-185 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting the Property Located at 342 Eighth Concession Road East

07-186 To Confirm the Proceedings of City Council

CARRIED
The Council meeting be adjourned at 10:06 p.m.

Respectfully submitted,

Fred Eisenberger
Mayor

Rose Caterini
Acting City Clerk
June 13, 2007