CITY COUNCIL
M I N U T E S

Wednesday, September 26, 2007
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present: Deputy Mayor D. Mitchell

Absent with Regrets: Mayor F. Eisenberger – City Business
Councillor C. Collins – Personal Commitment

Deputy Mayor Mitchell called upon Reverend Roy Pierce of the Crossfire Assembly, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDRESSED COMMUNICATIONS

5.6 Correspondence from Randall Bocock, Evans, Philp respecting amendment to Schedule 27 of the Traffic By-law

Recommendation: Be received
5.7 Correspondence from Reverend Brother Michael Baldasaro, Reverend Brother Walter Tucker respecting designating The Centre Mall a cultural heritage value and interest

Recommendation: Be received and referred to LACAC for discussion

2. **ADDED REPORT**

Board of Health Report 07-008 added as Item 6.7

3. **MOTIONS**

7.1 Representation by Population

(Pearson/Morelli)

That the Agenda for the City Council meeting being held on September 26, 2007, be approved, as amended.

CARRIED

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**DECLARATIONS OF INTEREST**

There were none declared.

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**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

3.1 **Presentation to the E3 Fleet Awards**

Deputy Mayor Mitchell called upon Chris Hill, Manager of Central Fleet, to accept the Silver Rating Award for excellence in “greening” our vehicle fleets under a new national program known as E3 Fleet. Hamilton is the first municipality in Canada to receive this honour.

Chris Hill commented on the City’s progress toward achieving the award, and thanked John Mater, Director of Fleet and Facilities, and Scott Stewart, General Manager of Public Works for their support.

3.2 **CIBC Run for the Cure**

Deputy Mayor Mitchell invited Rikki Frith to the podium to provide Council with information on the upcoming CIBC run for the Cure on September 30th. In her comments, Ms. Frith invited everyone to either participate in or attend the run.
APPROVAL OF MINUTES

(Duvall/Ferguson)
That the Minutes of the September 12, 2007 meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS

(McHattie/Merulla)
That Council Communications 5.1 to 5.7 be approved, as amended, as follows:

5.1 Correspondence from The Corporation of the City of Cornwall respecting Cost of Downloading Provincially Mandated Programs

Recommendation: Be endorsed and forwarded to the local MPP’s and AMO.

5.2 Correspondence from the Honourable Minister of Health Promotion, Jim Watson, respecting provincial funding for the Healthy Living Hamilton Project.

Recommendation: Be received

5.3 Correspondence from the Honourable Premier of Ontario, Dalton McGuinty respecting the city’s support of Owen Sound’s resolution regarding court security costs

Recommendation: Be received

5.4 Correspondence from Town of Smiths Falls respecting revamping of the property tax system

Recommendation: Be referred to the City Clerk to investigate previous Council resolutions on this issue and report back to the next meeting of Council.

5.5 Correspondence from John Wigle, President, Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. respecting support for the removal of truck route King Street West from Paradise Road to Forsyth Avenue

Recommendation: Be received

5.6 Correspondence from Randall Bocock, Evans, Philp respecting amendment to Schedule 27 of the Traffic By-law

Recommendation: Be received
5.7 Correspondence from Reverend Brother Michael Bal dasaro, Reverend Brother Walter Tucker respecting designating The Centre Mall a cultural heritage value and interest

Recommendation: Be received and referred to LACAC for discussion.

CARRIED as amended

(McHattie/Merulla)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports. CARRIED

PUBLIC WORKS COMMITTEE REPORT 07-011

Item 17 Funding Methodology for Municipal Infrastructure Extensions Review and Update (TOE02005(b)/FCS02026(b)/PED07248) (City Wide)

(Whitehead/Jackson)
That sub-section (e)(i) of Item 17 of Public Works Committee Report 07-011 respecting West 5th Street, be tabled. CARRIED

(McCarthy/Jackson)
That Item 17 of Public Works Committee Report 07-011 respecting “Funding Methodology for Municipal Infrastructure Extensions Review and Update (TOE02005(b)/FCS02026(b)/PED07248) (City Wide)” be amended by adding the following as sub-section (g) and renumbering the balance of the recommendations accordingly:

(g) That in cases where Development Charges have partially funded the municipal servicing infrastructure construction project, the General Manager of Finance and Corporate Services is hereby authorized and directed to prepare the necessary cost recovery by-laws for the benefiting owner’s share of the actual construction cost of the project or the approved flat fee charges in force at the time, whichever is the greatest. Amendment CARRIED

Motion as amended CARRIED

Info Item Amendment to Heavy Vehicle Provisions of Traffic By-law 01-215 (PW07106) (City Wide)

(McHattie/Merulla)
That Information Item (h)(i) and (ii) respecting Amendment to Heavy Vehicle Provisions of Traffic By-law 01-215 (PW07106) and which read as follows, be lifted from the information section:
(i) That Schedule 27 (Truck Routes) of the City of Hamilton Traffic By-law 01-215 be revised to reflect the current truck route signing in the field; that being the designation of King Street between Centennial Parkway South and Paradise Road South, as a full-time truck route, except for the segment between Wellington Street North and Bay Street North;

(ii) That the amending By-laws outlined in Report PW07106 as Appendix “A” and “B” respecting the heavy vehicle provisions of the City of Hamilton Traffic By-law 01-215, be passed and enacted.

CARRIED

(McHattie/Merulla)

That the following be added as Item 18 to Public Works Committee Report 07-011:

18. Amendment to Heavy Vehicle Provisions of Traffic By-law 01-215 (PW07106)

(a) That Schedule 27 (Truck Routes) of the City of Hamilton Traffic By-law 01-215 be revised to reflect the current truck route signing in the field; that being the designation of King Street between Centennial Parkway South and Paradise Road South, as a full-time truck route, except for the segment between Wellington Street North and Bay Street North;

(b) That the amending By-laws outlined in Report PW07106 as Appendix “A” and “B” respecting the heavy vehicle provisions of the City of Hamilton Traffic By-law 01-215, be passed and enacted.

CARRIED

(McCarthy/Ferguson)

19. Heavy Vehicle Routing in the Vicinity of McMaster University

Whereas McMaster University has indicated a specific short-term demand for truck movements to its Sterling Street entrance to serve a construction project;

Whereas the City of Hamilton Traffic By-Law does not presently permit truck access to the Sterling Street entrance; and

Whereas the City of Hamilton attempts to serve all its residents in a balanced fashion, considering traffic safety, noise and business access.

Therefore be it resolved:

(a) That Forsyth Avenue from Sterling Street, southerly to the point at which it becomes the McMaster internal road, be declared a temporary truck route for the use of heavy vehicles, with heavy truck movements allowed in the northbound direction only, and heavy truck movements be permitted from Monday to Friday inclusive only (holidays excepted), during the hours of 8:45 a.m. to 3:15 p.m., with a maximum flow of 15 heavy trucks for construction deliveries and 10 heavy trucks for general deliveries destined
for the McMaster University Sterling Street entrance to be allowed per day on days when trucks are permitted

(b) That the above designation of Forsyth Avenue be in effect from September 1, 2007 through to January 31, 2008 inclusive only;

(c) That McMaster University be advised that for this by-law to be in effect, signing indicating the truck route regulations above be erected at appropriate locations on McMaster campus and that those same signs must be removed at the expiry of the by-law;

(d) That McMaster University be requested to share with the City and the community, its Truck Management Plan for the short and the long term, for both regular deliveries and construction projects, and that information be provided to the Public Works Committee;

(e) That McMaster be requested to share truck monitoring data with the General Manager of Public Works on a bi-weekly basis;

(f) That the appropriate amending By-law be passed and enacted. CARRIED

(McCarthy/Ferguson)

That the ELEVENTH Report of the Public Works Committee be adopted, as amended, and the information section received. CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 07-016

Item 1 Committee of Adjustment (Urban) Minor Variance Application AN/A-07:150 for the Property Known as 125 Wilson Street West, Ancaster - Supported by the Planning and Economic Development Department (PED07242) (Ward 12)

The following motion was DEFEATED:

That Report PED07242 respecting Committee of Adjustment Minor Variance Application AN/A-07:150, for the property known as 125 Wilson Street West, Ancaster, as shown on Appendix “A” to Report PED07242, denied by the Committee of Adjustment but supported by the Planning and Economic Development Department, be received for information.

(Ferguson/Pasuta)

That the following be added as Item 11 to Economic Development and Planning Committee Report 07-016:
11. Committee of Adjustment (Urban) Minor Variance Application AN/A-07:150 for the Property Known as 125 Wilson Street West, Ancaster - Supported by the Planning and Economic Development Department (PED07242) (Ward 12)

That the City of Hamilton support the Committee of Adjustment Decision regarding 125 Wilson Street, Ancaster, and provide representation at the O.M.B. Hearing on November 14, 2007.

The motion CARRIED on the following recorded vote:

Yeas: Mitchell, Bratina, Clark, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Powers, Whitehead

Total Yeas: 13

Nays: Pearson

Total Nays: 1

(Whitehead/Pearson)
That the SIXTEENTH Report of Economic Development and Planning Committee be adopted, as amended, and the information section received. CARRIED

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EMERGENCY AND COMMUNITY SERVICES REPORT 07-011

Item 3 Home Depot Sponsored "KaBOOM" Play Structure (ECS07072) (Ward 5)

(Merulla/Morelli)
That recommendation (d) of Item 3 of the Emergency & Community Services Committee Report 07-011 be amended by deleting the dollar figure of "$8,000" and replacing it with "$3,700" to read as follows:

(d) That Public Works, Operations and Maintenance Division bring forward the required $3,700 annual cost to maintain the play structure as an enhancement for deliberation during the 2008 Budget process or if the enhancement is not approved, the Operations and Maintenance Division must find the monies within their current Operating Budget. Amendment CARRIED

Motion as amended CARRIED

(Merulla/Morelli)
That the ELEVENTH Report of the Emergency and Community Services Committee be adopted, as amended, and the information section received. CARRIED
BOARD OF HEALTH REPORT 07-009

(McHattie/Merulla)
That the NINTH Report of the Board of Health received for information. CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 07-011

(Merulla/Morelli)
That the ELEVENTH Report of the Audit and Administration Committee be adopted and the information section received. CARRIED

COMMITTEE OF THE WHOLE REPORT 07-028

(McHattie/Merulla)
That the TWENTY-EIGHTH Report of the Committee of the Whole be adopted and the information section received. CARRIED

BOARD OF HEALTH REPORT 07-008

Item 8 Pesticides Sub-Committee Report 07-003

The motion CARRIED on the following recorded vote:

Yea: Bratina, Clark, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead
Total Yea: 12
Nays: Mitchell, Ferguson
Total Nays: 2

(McHattie/Merulla)
That the EIGHTH Report of the Board of Health be adopted and the information section received. CARRIED

MOTIONS

7.1 Representation by Population

Councillor Merulla requested that the motion respecting representation by population be deferred to the October 10, 2007 meeting of Council.
7.2 Area Rating

(Jackson/Clark)
That the Rules be Suspended to allow a motion to reconsider Item 7.5 respecting Area Rating, approved by City Council on September 12, 2007.

The motion CARRIED on the following recorded vote:

Yeas: Mitchell, Bratina, Clark, Duvall, McHattie, Merulla, Morelli, Mitchell, Pearson, Powers, Whitehead
Total Yeas: 11
Nays: Ferguson, McCarthy, Pasuta
Total Nays: 3

(Jackson/Clark)
That Item 7.5 respecting Area Rating, approved by City Council at its meeting held on September 12, 2007, be reconsidered:

“That the City of Hamilton maintain the current area rating tax policy for 2008, and the City of Hamilton begin a thorough review of the implications of eliminating area rating after the budget process, and for it to be presented to Council for June 2008.”

The motion CARRIED on the following recorded vote:

Yeas: Mitchell, Bratina, Clark, Duvall, McHattie, Merulla, Morelli, Mitchell, Pearson, Powers, Whitehead
Total Yeas: 11
Nays: Ferguson, McCarthy, Pasuta
Total Nays: 3

(Jackson/Clark)
That Item 7.5 respecting Area Rating, approved by City Council at its meeting held on September 12, 2007, be amended by adding the words, “with the exception of the Flamboro Downs slot revenues” following the word, “That…”, to read as follows:

“That, with the exception of the Flamboro Downs slot revenues, the City of Hamilton maintain the current area rating tax policy for 2008, and the City of Hamilton begin a thorough review of the implications of eliminating area rating after the budget process, and for it to be presented to Council for June 2008.”
The amendment **CARRIED** on the following recorded vote:

**Yeas:** Mitchell, Bratina, Clark, Duvall, McHattie, Merulla, Morelli, Mitchell, Pearson, Powers, Whitehead  
Total Yeas: 11  
**Nays:** Ferguson, McCarthy, Pasuta  
Total Nays: 3

7.3 **Purchasing Sub-Committee – Amendment to Voting Privileges**

**(Clark/Bratina)**
That the Rules be Suspended to allow a motion to reconsider subsection (b) (iii) of Item 9 of Audit and Administration Committee Report 07-010 respecting Amendment to the voting privileges of the industry representatives to the Purchasing Sub-Committee. **CARRIED**

**(Clark/Bratina)**
That subsection (b) (iii) of Item 9 of Audit and Administration Committee Report 07-010 respecting the voting privileges of the industry representatives to the Purchasing Sub-Committee, be reconsidered.

**(iii)** That all members of the Purchasing Sub-Committee, be voting members;  
The motion **CARRIED** on the following recorded vote:

**Yeas:** Mitchell, Bratina, Clark, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Pearson, Powers, Whitehead  
Total Yeas: 13  
**Nays:** Ferguson  
Total Nays: 1

**(Clark/Bratina)**
That subsection (b) (iii) of Item 9 of Audit and Administration Committee Report 07-010 respecting the voting privileges of the industry representatives to the Sub-Committee, be rescinded. **CARRIED**

**(Clark/Bratina)**
That subsection (b) of Section 3 – “Membership” of the Terms of Reference for the Purchasing Sub-Committee be amended by inserting the word “non” prior to the word “voting” to read as follows:
“(b) three industry representatives with one representative from the OGCA, one representative from the HHCA and one representative from the architectural association *(non-voting members).* The membership shall be amended as required, to include representation from providers of goods and services to the City, as appropriate.”

Amendment CARRIED
Motion as amended CARRIED

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

*(Powers/McHattie)*
That the Closed Session Minutes of the September 12, 2007 meeting of Council be approved, as presented.

CARRIED

BY-LAWS

*(McHattie/Merulla)*
That Bill Nos. 07-266 to 07-283 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 07-266 to 07-283:

By-law No.

07-266 To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 253 Golf Links Road (Ancaster)

07-267 To Amend Zoning By-law No. 3581-86 (Dundas), as amended, Respecting Lands Located at 81 Dundas Street (Dundas)

07-268 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1324 Rymal Road East

07-269 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 101 Seabreeze Crescent

07-270 Respecting Removal of Part Lot Control, Lots 12 to 16, Registered Plan No. 62M-937, “West Waterdown Manor – Phase 3”
07-271 Respecting Removal of Part Lot Control, Lots 32, 33, 34, 36 and 38 to 46, Inclusive, Registered Plan No. 62M-1091, ”DiCenzo Gardens – Phase 9"

07-272 Respecting Removal of Part Lot Control, Lots 48 to 55 and 57 to 77, Inclusive, Registered Plan No. 62M-1091, ”DiCenzo Gardens – Phase 9"

07-273 Respecting Removal of Part Lot Control, Lots 11 to 14 and 17 to 31, Inclusive, Registered Plan No. 62M-1091, ”DiCenzo Gardens – Phase 9"

07-274 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
Schedule 15 – Commercial Vehicle Loading Zones

07-275 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

07-276 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

07-277 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

07-278 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

07-279 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Signs

07-280 Respecting Removal of Part Lot Control within Part of Lots 1 to 6 and 9 to 20 – All Inclusive, ”Lorenzo Place”, Plan 62M-1086

07-281 To Impose a sewer rate under the Municipal Act, 2001, as amended, upon owners of land abutting West 5th Street (from approximately 50m north of Rymal Road West to Mewburn Easement) and Mewburn Easement (from West 5th Street to approximately 270m east) in the City of Hamilton

07-282 To Limit the Use of Pesticides

07-283 To Amend By-law No. 06-147, To Authorize the City to Enter into Extension Agreements

07-284 To Confirm the Proceedings of City Council

CARRIED
(Powers/Bratina)
There being no further business, the City Council meeting be adjourned at 9:20 p.m.

Respectfully submitted

David L. Mitchell
Deputy Mayor

Kevin C. Christenson
Clerk
September 26, 2007