CITY COUNCIL
MINUTES

Wednesday, December 12, 2007
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
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, M. Pearson, R. Pasuta, R. Powers,
T. Whitehead

Absent with Regrets: B. Morelli – Sick Leave

Mayor Eisenberger called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

   5.17 Petition from Concerned Citizens respecting the Condition of 21 Elena Court, Hamilton

   Recommendation: Be received and referred to the General Manager of Planning and Economic Development for a report to the Economic Development and Planning Committee
Councillor Whitehead advised Council of correspondence which he had received from Melody Miles, Executive Director, and Gary Ostofi, Board Chair, Hamilton Niagara Haldimand Brand Community Care Access Centre (HNHB CCAC), respecting RFP for nursing services.

Recommendation: Be received and that the Clerk distribute the correspondence to Council and appropriate staff.

(Pearson/Clark)
That the Agenda for the City Council meeting being held on December 12, 2007, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

There were none declared.

ANNOUNCEMENT

Mayor Eisenberger announced the passing of Frank Caldwell, who was the current Chairman of the Hamilton Veterans’ Committee, and on behalf of City Council, extended sympathy and condolences to his family and friends during this most difficult time.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 2007 National Urban Design and Architecture Awards

Mayor Eisenberger presented the 2007 People’s Choice Award to Dr. John Kelton, Dean and Vice President of the McMaster University Faculty of Health Sciences, and Joanne McCallum, Principle of McCallum Sather Architects and head of the design team for the McMaster University Faculty of Health Sciences Library. This building was selected by the public, from eight award-winning projects, as the project they thought made the best contribution to Hamilton’s architecture and public spaces.

Dr. Kelton and Ms. McCallum addressed Council and thanked the City of Hamilton, and specifically, Tim McCabe, Paul Mallard and Ken Coit for their efforts and assistance with the project.

3.2 2007 National Transit Employee Recognition Award

Mayor Eisenberger called upon Helen McLaren and presented her with the 2007 National Transit Employee Recognition Award recognizing her outstanding achievements, dedication and commitment to delivering quality Accessible Transit Services to the Hamilton community.
Mrs. McLaren addressed Council and expressed her appreciation and thanks to everyone involved in contributing to her achievement.

3.3 2007 National Public Works Week Award

Mayor Eisenberger called upon Ian Neville, Past President of the Canadian Public Works Association, to present the 2007 National Public Works Week Award to the City of Hamilton Public Works Department for the second consecutive year. Michael Marini and Simo Narancic accepted the award on behalf of the Public Works Department.

3.4 2007 Healthy Workplace Recognition Award

Mayor Eisenberger called upon Liz Sisolak and Helen Hale Tomasik to award the Healthy Workplace Recognition Award from Healthy Living Hamilton to the Community Services Department for initiating a 6-week physical activity promotion program called “Just Try It!”, which was launched from May to June, 2006. The primary goal of “Just Try It!” was to provide a variety of physical activity opportunities for Community Services employees to try at work to encourage and support a physically active workforce.

3.5 Presentation by Winona Peach Festival

Mayor Eisenberger called upon Linda Shuker, President, and Stew Beattie, Director, of the Winona Peach Festival, to present cheques to the City of Hamilton representing a lease payment for use of the park for the festival and contribution from the 2007 Winona Peach Festival revenues. On behalf of the Board of Directors of the Winona Peach Festival, Ms. Shuker and Mr. Beattie thanked Council for the City’s financial and staff support.

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**APPROVAL OF MINUTES**

(Duvall/Powers)

That the Minutes of the November 28, 2007 meeting of Council be approved, as presented. 

CARRIED

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**COMMUNICATIONS**

(Pearson/Mitchell)

That Council Communications 5.1 to 5.18 be approved, as follows:

5.1 Correspondence from Town of Caledon respecting increasing the fees and royalties charged to aggregate operators

Recommendation: Be endorsed
5.2 Correspondence from the Royal Architectural Institute of Canada respecting the 2008 National Urban Design Awards

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for action

5.3 Correspondence from Jay Hope, Ministry of Community Safety and Correctional Services respecting Emergency Management Programs

Recommendation: Be received and referred to the Fire Chief for action

5.4 Correspondence from Tim Bullock, Downtown Hamilton Business Improvement Area respecting removal of buses from Gore Park area on the south leg of King Street to a MacNab Street location and pilot project to close the south leg from June 1 to Labour Day

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

5.5 Correspondence from the Honourable Dalton McGuinty, Premier respecting increased fees and royalties charged to aggregate operators

Recommendation: Be received

5.6 Correspondence from the Honourable Dalton McGuinty, Premier respecting Town of Smiths Falls’ resolution regarding property tax reform

Recommendation: Be received

5.7 Correspondence from The Honourable Dalton McGuinty, Premier respecting uploading of provincially mandated programs and services

Recommendation: Be received

5.8 Correspondence from The Honourable Leona Dombrowsky, Minister of Agriculture, Food and Rural Affairs respecting the gypsy moth

Recommendation: Be received

5.9 Correspondence from The Honourable Leona Dombrowsky, Minister of Agriculture, Food and Rural Affairs respecting the Agricultural Action Plan

Recommendation: Be received
5.10 Correspondence from the Honourable Dalton McGuinty, Premier respecting the Trinity Neighbourhood Secondary Plan and Collector Road Environmental Assessment

Recommendation: Be received

5.11 Correspondence from Santina Moccio, Hamilton Literacy Council in appreciation for funding support to the organization

Recommendation: Be received

5.12 Correspondence from the Honourable Dalton McGuinty, Premier respecting Highway 24 Transportation Corridor Planning and Class EA Study

Recommendation: Be received

5.13 Letter of Interest received from CUPE 5167 respecting Settlement of the Job Evaluation Agreement

Recommendation: Be received and referred to the City Manager for appropriate action.
Note: Signed by 111 employees

5.14 Correspondence from the Honourable Lawrence Cannon, Minister of Transport respecting VIA station location in Hamilton

Recommendation: Be received and referred to VIA Rail Task Force.

5.15 Correspondence from the Honourable Jim Watson, Minister of Municipal Affairs and Housing, respecting the Provincial-Municipal Fiscal Service Delivery Review

Recommendation: Be received.

5.16 Correspondence from Grand River Conservation Authority, respecting Official Plan Amendment – OPA-07-019, Zoning By-law Amendment – ZAC-07-076, Part of Lot 31, Concession 1, Ancaster, 1031 Highway 52

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for comment.

5.17 Petition from concerned citizens respecting the condition of 21 Elena Court

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for a report to the Economic Development and Planning Committee.
5.18 Correspondence from Melody Miles, Executive Director, and Gary Ostofi, Board Chair, Hamilton Niagara Haldimand Brand Community Care Access Centre (HNHB CCAC), respecting RFP for nursing services.

Recommendation: Be received and that the Clerk distribute the correspondence to Council and appropriate staff. CARRIED as amended

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

PUBLIC WORKS COMMITTEE REPORT 07-016

Item 8. Traffic Calming/Traffic Management Policy and Procedures (PW07150) (City Wide)

(McCarthy/Jackson)
That sub-section (c) of Item 8 of Public Works Committee Report 07-016 respecting Traffic Calming/Traffic Management Policy and Procedures be amended by deleting the words “endorsed and become a”, and be replaced with the words, “applied to the” in lieu thereof, to read as follows:

“(c) That Report PW07153 respecting Traffic Calming/Traffic Management Policy and Procedures be forwarded to the Economic Development and Planning Committee with the request that this Policy and Procedure be applied to the City Policy for existing and new development.” CARRIED

(McCarthy/Jackson)
That the SIXTEENTH Report of the Public Works Committee be adopted, as amended, and the information section received. CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 07-015

(Collins/
That Items I and II in the Information Section of Audit and Administration Committee Report 07-015 be lifted and added as Items 20 and 21, as follows:

20. Confirmation of Appointment of Chair

That Councillor Maria Pearson be confirmed as Chair of the Audit and Administration Committee for 2008. CARRIED
21. Appointment of Vice Chair

That Councillor Bob Bratina be appointed as Vice Chair of the Audit and Administration Committee for 2008. CARRIED

(Collins/Duvall)
That the FIFTEENTH Report of the Audit and Administration Committee be adopted, as amended, and the information section received. CARRIED

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**EMERGENCY AND COMMUNITY SERVICES REPORT 07-015**

**Item 11 Human Services Plan Update (ECS07048(a)) (City Wide)**

(Merulla/McHattie)
That subsections (b) and (c) of Item 11 of the Emergency & Community Services Committee Report 07-015 be deleted in their entirety and replaced with the following in lieu thereof:

(b) That the Terms of Reference for the Human Service Planning Table, attached as Appendix C to Report 07-015, be approved.

(c) That Councillors B. Clark and B. McHattie be appointed to the Human Service Planning Table for the balance of the 2006-2010 term of Council. CARRIED

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

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**COMMITTEE OF THE WHOLE REPORT 07-030**

(Pearson/Mitchell)
That the THIRTIETH Report of the Committee of the Whole be received for information. CARRIED

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**COMMITTEE OF THE WHOLE REPORT 07-031**

(Pearson/Mitchell)
That the THIRTY-FIRST Report of the Committee of the Whole be received for information. CARRIED
**LICENSING COMMITTEE REPORT 07-006**

(Whitehead/Powers)  
That the SIXTH Report of the Licensing Committee be adopted and the information section received.  
**CARRIED**

**COMMITTEE OF THE WHOLE REPORT 07-034**

(Pearson/Mitchell)  
That the THIRTY-FOURTH Report of the Committee of the Whole be approved and the information section received.  
**CARRIED**

**ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 07-021**

(Mitchell/Pearson)  
That the Motion from Item (s) in the Information Section of Economic Development and Planning Committee Report 07-021 be lifted and added as Item 22, as follows;

22. **Official Plan and Zoning By-law Amendments for Community Beach Ponds – Lands Located in the Area Between Teal Avenue and Green Road and Between Church Street and Frances Street, Former City of Stoney Creek (PED07129(a)) (Ward 10) (Item 8.1)**

That staff be directed to write to the Minister of Natural Resources to direct his Ministry to undertake and pay for a study to determine whether the Community Beach Ponds area in Stoney Creek should be designated as Provincial Significant Wetland, in order that the assessment be seen as unbiased and transparent.  
**CARRIED**

(Mitchell/Pasuta)  
That the TWENTY-FIRST Report of the Economic Development and Planning Committee be approved, as amended, and the information section received.  
**CARRIED**

**COMMITTEE OF THE WHOLE REPORT 07-035**

(Pearson/Mitchell)  
That the THIRTY-FIFTH Report of the Committee of the Whole be approved and the information section received.  
**CARRIED**
Item 1  2008 Recommended Water/Wastewater and Storm Water Budget (FCS07098/PW07145)

The Motion CARRIED on the following vote:

Yea: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total Yeas: 14
Nay: Merulla

Total Nays: 1
Absent: Morelli

(Pearson/Mitchell)
That the THIRTY-SIXTH Report of the Committee of the Whole be approved and the information section received. CARRIED

BOARD OF HEALTH REPORT 07-012

(Pearson/McHattie)
That the TWELFTH Report of the Board of Health be approved and the information section received. CARRIED

MOTIONS

7.1 Feasibility of Providing Full or Partial Free Transit to Hamilton Residents

(Merulla/McHattie)
That staff be directed to investigate the feasibility and impacts of the costs for the entire public transit system being paid for by the general levy in order to provide free public transit to the citizens of Hamilton and report back to the Emergency & Community Services Committee.

(Eisenberger/Whitehead)
That the following be added as sub-section (b) to Motion 7.1:

(b) That research on this issue be commenced by staff following completion of the 2008 budget process, and that staff report back in the second quarter of 2008.
The Amendment **CARRIED** on the following vote:

**Yeas:** Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Pasuta, Whitehead  
Total **Yea**s: 11  
**Nays:** McCarthy, Mitchell, Pearson, Powers  
Total **Nay**s: 4  
**Absent:** Morelli  

*(Merulla/McHattie)*  
That the Main Motion be deleted in its entirety and replaced with the following in lieu thereof:

“That staff be directed to investigate the feasibility and impacts of the costs for the entire public transit system being paid for by the general levy or through creative, innovative methods, in order to provide free public transit, in whole or in part, to the citizens of Hamilton and report back to the Emergency & Community Services Committee.”

The Main Motion, as amended, **CARRIED** on the following recorded vote:

**Yeas:** Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McHattie, Merulla, Whitehead  
Total **Yea**s: 9  
**Nays:** Ferguson, McCarthy, Mitchell, Pasuta, Pearson, Powers  
Total **Nay**s: 6  
**Absent:** Morelli  

*(McHattie/Merulla)*  
That the Rules of Order be temporarily suspended in order to allow for the introduction of a motion respecting Emergency Funding for the Threshold School of Building. **CARRIED**

7.2 **Emergency Funding for the Threshold School of Building (New)**

*(McHattie/Merulla)*

(a) That the General Manager of Community Services be authorized and directed to provide emergency funding, in an amount not to exceed $50,000 from the Community Services departmental operating budget surplus, to cover the payroll costs for the Threshold School of Building for a two (2) month period;

(b) That the General Manager of Community Services be directed to continue to work with other levels of government and community stakeholders in order to identify other means of funding to cover at least a portion of the Threshold School of Building’s $50,000 payroll shortfall.
That the Motion respecting the Emergency Funding for the Threshold School of Building be referred to the Emergency and Community Services Committee meeting of January 16, 2008.

The Motion to Refer CARRIED on the following vote:

Yeas: Eisenberger, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, Merulla, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total Yeas: 13

Nays: Bratina, McHattie

Total Nays: 2

Absent: Morelli

8.1 Amendment to the City’s Procedural By-law respecting Dispensing with Notice

That Section 3.10(11) of the Procedural Bylaw with respect to Dispensing with Notice which states as follows:

3.10(11)  A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of the majority of the Members present and voting"

Be amended by deleting the words "the majority" and replacing in lieu of "2/3" to read as follows:

3.10(11)  A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of 2/3 of the Members present and voting.

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

That the Closed Session Minutes of the November 28 2007 meeting of Council be approved, as presented and remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act. CARRIED
BY-LAWS

(Pearson/Mitchell)
That Bill Nos. 07-340 to 07-361 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 07-340 to 07-361:

By-law No.

07-340   A By-law To Permanently Close a Portion of Unopened Public Walkway between 939 Stone Church Road East and 34 Ridley Drive, Hamilton, being Block A, Plan M-132, designated as Parts 1, 2 and 3 on Plan 62R-17833 and Block A, Plan M-186, designated as Parts 4 and 5 on Plan 62R-17833, City of Hamilton

07-341   A By-law To Amend By-law No. 01-215, To Regulate Traffic; Schedule 5 – Stop Signs

07-342   A By-law To Amend By-law No. 06-147, to Authorize the City to Enter into Extension Agreements

07-343   A By-law To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 3089 Binbrook Road West

07-344   A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Southwest corner of Alkin Street and Allanbrook Street (Valley View 3)

07-345   A By-law To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located on the North side of Old Mud Street, between Kingsview Drive and Paramount Drive

07-346   A By-law To Authorize the Making of Loans and Grants to the Owners of Properties Designated under the Ontario Heritage Act

07-347   A By-law To Amend By-law No. 07-061, Respecting the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Project Area

07-348   A By-law To Adopt Amendment No. 1 to the Downtown Hamilton, Community Downtowns and Business Improvement Areas Community Improvement Plan

07-349   A By-law To Adopt Official Plan Amendment No. 31 to the Regional Municipality of Hamilton-Wentworth Official Plan and Official Plan Amendment No. 123 to the City of Stoney Creek, Respecting Part of Lot 14, Concession 5, known municipally as 490 and 520 Fifth Road East, Registered Plan 16888, City of Stoney Creek/Hamilton

07-350   A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 490 and 520 Fifth Road East
07-351 A By-law To Adopt and Maintain a Policy with Respect to the Provision of Public Notice

07-352 A By-law To Adopt and Maintain a Policy with Respect to the Delegation of the City of Hamilton’s Powers and Duties

07-353 A By-law To Amend By-law No. 03-301, Governing the Proceedings of Council and Committees of Council

07-354 A By-law To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
- Schedule 6 – Time Limit Parking
- Schedule 8 – No Parking Zones
- Schedule 12 – Permit Parking Zones
- Schedule 14 – Wheelchair Loading Zones

07-355 A By-law To Amend Solid Waste Management By-law No. 05-190, as amended, and Implement the 2008 Waste Disposal Fees and Charges

07-356 A By-law to Establish the 2008 Water and Wastewater Fees and Charges for Services, Activities and Use of Property Provided by the City of Hamilton

07-357 A By-law To Amend The Sanitary Surcharge and Wastewater Abatement By-law No. 03-272, as amended, and Implement the 2008 Fees and Charges

07-358 A By-law To Amend the Sewer Use By-law 04-150, as amended, and Implement the 2008 Sewer Use Fees and Charges

07-359 A By-law To Amend The Sewer and Drain By-law No. 06-026, as amended, and Implement the 2008 Fees and Charges

07-360 A By-law To Amend By-law R84-026, as amended, and Implement the 2008 Water Fees and Charges

07-361 A By-law To Confirm the Proceedings of City Council

(Powers/Mitchell)
There being no further business, the City Council meeting be adjourned at 9:10 p.m.

Respectfully submitted

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk
December 12, 2007