CITY COUNCIL
MINUTES

Wednesday, May 16, 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, M. McCarthy, B. McHattie, S. Merulla, D.
Mitchell, B. Morelli, R. Pasuta, M. Pearson, R. Powers and T.
Whitehead

Absent with Regrets:
Councillor T. Jackson – Personal Business

Mayor Eisenberger called upon Reverend Bill Thornton of the Flamborough Baptist
Church to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CEREMONIAL ACTIVITIES

   3.2 Storm Event Response Group (SERG) Awards

      At the request of the delegation, this presentation will be rescheduled to a
      future Council meeting.
2. COMMUNICATIONS

5.19 Correspondence from The Honourable Premier of Ontario, Dalton McGuinty respecting City Council’s support of the resolution of the Hamilton District Labour Council and the Canadian Auto Workers regarding the Canadian Manufacturing Sector

Recommendation: Be received

5.20 Correspondence from Mark Noskiewicz, Goodmans, Barristers and Solicitors respecting City of Hamilton’s Response to the Provincial Draft Decision on the Rural Hamilton Official Plan, meeting of the May 8th Economic Development and Planning Committee meeting

Recommendation: Be received

5.21 Correspondence from Russell Cheeseman, Russell D. Cheeseman, Barrister and Solicitor respecting Proposed Official Plan for Rural Hamilton

Recommendation: Be received

5.22 Correspondence from the Clerk, Kimberley Kitteringham, Markam respecting GTASA Airport Taxi/Limousine Issue

Recommendation: For the consideration of Council

5.23 Correspondence from Richard Lewis, Paletta International Corporation respecting Proposed Official Plan for Rural Hamilton.

Recommendation: Be received

3. REPORTS TO BE DISTRIBUTED


6.6 Committee of the Whole Report 07-014, May 10, 2007

6.7 Committee of the Whole Report 07-015, May 11, 2007

6.8 Committee of the Whole Report 07-016, May 14, 2007

6.9 Committee of the Whole Report 07-017, May 16, 2007
4. MOTIONS

7.5 Appointments to Future Fund Board of Governors

7.6 Appointment to the Accountability and Transparency Sub-Committee

7.7 Social Housing Services Corporation Board of Directors

5. PRIVATE & CONFIDENTIAL

12.1 A matter respecting Labour Relations or Employee Negotiations

12.2 A matter respecting Labour Relations or Employee Negotiations

6. BY-LAW LISTING

(Mitchell/Ferguson)
That the Agenda for the City Council meeting being held on May 16, 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 recognized Taylor Ormond, who was not in attendance, for her achievements in local, national and international tennis competitions, as well as her triumph in both the Ontario Tennis Association, under 18 Indoor Provincial Championships and the Singles and Doubles titles.

3.2 Storm Event Response Group (SERG) Awards

At the request of the delegation, this presentation will be rescheduled to a future Council meeting.
3.3 Lister Block Working Group Recognition

Mayor Eisenberger read a letter from the Honourable Lincoln Alexander, Chairman of the Ontario Heritage Trust respecting the 2006 Heritage Community Recognition Program award to the volunteer members of the Lister Block Working Group.

The Lister Block Working Group was presented with certificate of recognition and pins from the Ontario Heritage Trust, as well as a certificate from the Mayor, on behalf of the City of Hamilton, for each member.

The members awarded were Anthony Butler, Architectural Conservancy of Ontario, William J. E. Curran, Architect, Grant Head, Heritage Hamilton Foundation and Brian Henley, Hamilton Historian.

### APPROVAL OF MINUTES

4.1 April 25, 2007

(Powers/Whitehead)

That the Minutes of the April 25, 2007 meeting of Council be approved, as presented. CARRIED

### COMMUNICATIONS

(Ferguson/McCarthy)

That Council Communications 5.1 to 5.23 be approved, as amended, as follows:

5.1 Correspondence from Monika Turner, Director, Public Health Standards Branch, Ministry of Health and Long-Term Care respecting proposed Ontario Public Health Standards

**Recommendation:** Be received

5.2 Correspondence from the Honourable Minister of Transportation, Donna Cansfield respecting provincial funding for the Red Hill Valley Parkway.

**Recommendation:** Be received

5.3 Correspondence from AMO respecting Ontario Forest Industries Association – Position on Bill 184 – An Act to Protect Species at Risk

**Recommendation:** Be received
5.4 Correspondence from Chris Firth-Eagland, Chair, Hamilton Conservation Authority respecting shortfall in Provincial Transfer Payments to Conservation Authorities

**Recommendation:** Be supported.

5.5 Petition and presentation materials submitted by Kenneth J. Alford respecting Mt. Albion Road Closure Moratorium

**Recommendation:** Be received

Note: Petition was signed by 3,531 citizens and remains in the custody of the City Clerk

5.6 Correspondence from MPAC respecting expansion of property inspection program for 2007

**Recommendation:** Be received

5.7 Alert Communication from AMO respecting proposed changes to the Waste Diversion Act

**Recommendation:** Received and referred to the General Manager of Public Works for a report to the Public Works Committee

5.8 Correspondence from Don Grant, Superintendent of Business and Treasurer, Hamilton-Wentworth District School Board respecting the establishment of a Consultation Committee for Generic School Valuation Framework and the participation of the City on the Committee

**Recommendation:** That Councillor B. Bratina be appointed to the Consultation Committee for Generic School Valuation Framework.

5.9 Correspondence from AMO respecting Nominations for 2007-2008 AMO Board of Directors

**Recommendation:** That Councillor R. Powers and Mayor Fred Eisenberger be nominated for the 2007-2008 AMO Board of Directors.

5.10 Correspondence from Hayley Mezei, Canada World Youth respecting support of HIV/AIDS Exchange Program by supplying bus passes for a three month period

**Recommendation:** Be received and referred to the General Manager of Public Works for a report to the Public Works Committee
5.11 Correspondence from Deborah Levo, Hamilton Beach Preservation Committee regarding the application for demolition of Dynes Tavern on Beach Boulevard

**Recommendation:** Be received.

5.12 Correspondence from The Honourable Lincoln M. Alexander respecting nominations for the Ontario Heritage Trust’s Heritage Community Recognition Program – Lister Block Working Group

**Recommendation:** Be received

5.13 Correspondence from the Honourable Minister of Human Resources and Social Development Monte Solberg respecting Residential Rehabilitation Assistance Program budget allocation

**Recommendation:** Be received

5.14 Correspondence from the Honourable Minister of Municipal Affairs and Housing John Gerretsen respecting Request for Proposals for the Canada-Ontario Affordable Housing Program and the Hamilton Affordable Housing Partnership Initiative Fund

**Recommendation:** Be received

5.15 Resolution by the Federation of Canadian Municipalities Big City Mayors Caucus respecting “Sharing the Wealth for a Strong and Prosperous Canada.

**Recommendation:** Be endorsed.

5.16 Correspondence from FCM respecting the City’s submission to the 2007 FCM-CH2M Hill Sustainable Community Awards

**Recommendation:** Be received

5.17 Correspondence from Professor Patricia Daenzer, SISO, respecting Settlement & Integration Services Organization’s (SISO) Auchmar House Proposal – Interest to Purchase

**Recommendation:** Be received

5.18 Correspondence from Elizabeth Gryte, Director, Settlement Programs, Settlement and Intergovernmental Affairs Directorate, Citizenship and Immigration Canada in support of SISO’s proposal to acquire Auchmar

**Recommendation:** Be received.
5.19 Correspondence from The Honourable Premier of Ontario, Dalton McGuinty respecting City Council’s support of the resolution of the Hamilton District Labour Council and the Canadian Auto Workers regarding the Canadian Manufacturing Sector

**Recommendation:** Be received

5.20 Correspondence from Mark Noskiewicz, Goodmans, Barristers and Solicitors respecting City of Hamilton’s Response to the Provincial Draft Decision on the Rural Hamilton Official Plan, meeting of the May 8th Economic Development and Planning Committee meeting

**Recommendation:** Be received

5.21 Correspondence from Russell Cheeseman, Russell D. Cheeseman, Barrister and Solicitor respecting Proposed Official Plan for Rural Hamilton

**Recommendation:** Be received

5.22 Correspondence from the Clerk, Kimberley Kitteringham, Markam respecting GTASA Airport Taxi/Limousine Issue

**Recommendation:** Referred to the General Manager of the Planning and Economic Development Department for a report back to the Economic Development & Planning Committee.

5.23 Correspondence from Richard Lewis, Paletta International Corporation respecting Proposed Official Plan for Rural Hamilton.

**Recommendation:** Be received

*(Ferguson/McCarthy)*

That Council move into Committee of the Whole for consideration of the Standing Committee Reports.  

**CARRIED**

**PUBLIC WORKS COMMITTEE REPORT 07-007**


   (a) That the City of Hamilton advise the Director of the Environmental Assessment and Approval Branch, that it intends to switch to the Environmental Screening Process, in the event that the completion of the “Alternatives to” step in the Niagara-Hamilton WastePlan Environmental Assessment (EA) Study concludes that the preferred disposal system includes a thermal treatment component with the recovery of energy;
(b) That copies of this report be forwarded to the Minister of the Environment and the Members of Provincial Parliament representing the City of Hamilton.

DEFEATED

Item 8 of the Public Works Report 07-007 was DEFEATED on a standing recorded vote:

Yeas: Mayor Eisenberger, Councillors L. Ferguson, M. McCarthy, R. Pasuta, D. Mitchell, M. Pearson and R. Powers
Total: 7

Nays: Councillors B. Bratina, B. Clark, C. Collins, S. Duvall, B. McHattie, S. Merulla, B. Morelli and T. Whitehead
Total: 8

11. AMO Communication respecting Environmental Assessment Reforms – Supporting Alternatives to Direct Landfill Disposal (Referred from Council on April 11, 2007)(Item 8.5b)

(a) That the AMO Communication entitled Environmental Assessment Reforms – Supporting Alternatives to Direct Landfill Disposal be received;

(b) That the Minister of the Environment be advised that the City of Hamilton supports the Environmental Assessment Reforms.

Item 11 of the Public Works Report 07-007 was CARRIED on a recorded vote:

Total: 10

Nays: Councillors B. Clark, B. McHattie, S. Merulla, B. Morelli and T. Whitehead
Total: 5

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

CARRIED
That the EIGHTH Report of the Economic Development and Planning Development Committee be adopted and the information section received.  

CARRIED

10. Applications to Amend the Stoney Creek Official Plan and for a Change in Zoning for the Property Located at 2247 Rymal Road East (Stoney Creek) (PED07143) (Ward 9) (Item 6.4)

(Clark/Collins)
That Item 10 of the Economic Development & Planning Committee Report 07-009 be referred back to the Economic Development & Planning Committee for discussion.

CARRIED

12. Response to the Provincial Draft Decision on the Rural Hamilton Official Plan (PED07132) (Item 7.1)

(Pearson/Pasuta)
That subsection (a)(i), of Item 12, to the Planning and Economic Development & Planning Committee report 07-009, be amended be deleting modifications 31, 33 and 44, to read as follows:

(a) That City of Hamilton staff inform the Minister of Municipal Affairs and Housing that the modifications identified in the Draft Decision for the Rural Hamilton Official Plan dated April 16, 2007, be accepted as follows:

(i) modifications 1 to 5, 6 a), 6 d), 7 to 9, 10 c), 11, 12 a) to d), 12 g), 12 i) to n), 12 p) and q), 13, 14 b) to d), 15 to 17, 19 a), 20 to 23, 25, 26 b), 26 d) to k), 26 m), 27 a) to k), 27 l)(ii), 27 m) to p), 28 b) and c), 29.1 to 29.5, 29.7 to 29.15, 29 b), 30 i), 34, 36, 41 to as identified in Appendix “A” attached to Report PED07132

DEFEATED

13. Auchmar Estates, 88 Fennell Avenue West, Hamilton (PED07118(a)) (Ward 8) (Item 8.1)

(a) That Item (e) of the principles regarding the Auchmar Estates, approved by the former City of Hamilton Council on May 30, 2000, be rescinded to allow for either public or private ownership of the restored cultural heritage property.
(b) That the Development and Real Estate Division of the Planning and Economic Development Department investigate the highest and best use and potential for increased value through an Official Plan Amendment, as necessary, and rezoning to allow additional permitted uses prior to disposal of the subject site. Such additional uses will be compatible with the surrounding land uses and the Department shall consult with the neighbourhood on any zoning proposal prior to consideration by Committee and Council.

(c) That subsequent to completing the rezoning process, the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to tender the sale of the Auchmar Estates through the issuance of a Request for Proposal, pursuant to the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(d) That the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to aggressively market the sale of the Auchmar Estates, including international exposure.

(e) That if no satisfactory interest has been expressed for the subject property in response to the issuance of the Request for Proposal, that staff report back to Council on future disposition options for the property.

(f) That Reports PED07118 and PED07118(a) be received.

CARRIED

Item 13 of the Economic Development & Planning Committee Report 07-009 was CARRIED on a recorded vote:


Total: 14

Nays: Councillor B. McHattie

Total: 1

(Mitchell/Pasuta)

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

CARRIED
AUDIT AND ADMINISTRATION COMMITTEE REPORT 07-007

12. Purchasing Sub-Committee (FCS07057) (City Wide) (Item 8.7)

(Collins/Duvall)
That Item 12, Sub-Section (a) of Audit and Administration Committee Report 07-007 be amended to include the following subsection (i):

(i) That the following four Councillors be appointed to sit on the Purchasing Sub-Committee:

(i) Councillor T. Whitehead
(ii) Councillor B. Clark
(iii) Councillor L. Ferguson
(iv) Councillor R. Pasuta

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

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

CARRIED

EMERGENCY AND COMMUNITY SERVICES REPORT 07-006

(Merulla/Morelli)
That the SIXTH Report of the Emergency and Community Services Committee be adopted and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 07-014

(Ferguson/McCarthy)
That the FOURTEENTH Report of Committee of the Whole be adopted and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 07-015

(Ferguson/McCarthy)
That the FIFTEENTH Report of Committee of the Whole be adopted and the information section received.

CARRIED
COMMITTEE OF THE WHOLE REPORT 07-016

(Ferguson/McCarthy)
That the SIXTEENTH Report of Committee of the Whole be adopted and the information section received.  CARRIED

COMMITTEE OF THE WHOLE REPORT 07-017

(Ferguson/McCarthy)
That the SEVENTEENTH Report of Committee of the Whole be adopted and the information section received.  CARRIED

MOTIONS

7.1 Establishment of a Steering Committee to investigate the feasibility of an Aquatic Centre in the City of Hamilton

(Whitehead/Powers)
(a) That a Steering Committee be established to investigate the feasibility of constructing a new Aquatic Centre in the City of Hamilton.

(b) That the Steering Committee be composed of the following:

   (i) Members of Council (3): Councillors S. Merulla, T. Whitehead & TBD
   (ii) Appropriate Staff; and,
   (iii) Stakeholders within the community.

(c) That the Steering Committee report through the Emergency and Community Services Committee.  AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

7.2 Flamborough Twin Pad Arena

(McCarthy/Ferguson)
Whereas, the funding for the Flamborough Twin Pad arena has been in the budget for the past several years

Whereas, alternative site locations have been explored over those said years;

Now therefore be it resolved,

(a) That staff be directed to advertise for a design and build as soon as possible for the Clappison Corners site so that another season is not lost.
(b) That staff report back to the Audit & Administration Committee, with respect to the appropriate financial source, in one month’s time.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

7.3 Application 178452 for the Sale of Liquor: Sheila’s Place, 457 King Street East, Hamilton (formerly known as the 6 FOR 5 Roadhouse)

(Morelli/Merulla)
That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton is aware of Application 178452 by Sheila’s Place, 457 King Street East, Hamilton for the sale of alcohol (indoor and outdoor area) and objects to the said application on the grounds that it will be negative to an already fragile neighbourhood.

CARRIED

7.4 Reception for the Lieutenant Governor of Ontario – Arts Hamilton

(McHattie/Merulla)
(a) That the City of Hamilton contribute $500 towards the hosting of a reception for the Lieutenant Governor of Ontario as part of the Arts Hamilton One Book, One City: Tackling Poverty Through the Arts Project.

(b) That the costs be funded from the Legislative General Account.

CARRIED

7.5 Appointments to Future Fund Board of Governors

(McHattie/Collins)
That the following appointments to the Hamilton Future Fund Board of Governors for the 2007-2010 term of Council be approved:

(i) Tom Weisz
(ii) Greg Hoath
(iii) Bill Manson
(iv) Eli Tshibwabwa
(v) Michael Cruse
(vi) Mike Armstrong
(vii) Kieran Dickson
(viii) Mat Moccio
(ix) Chris McLaughlin
(x) Jason Capobianco
(xi) Julia Kollek
(xii) Graham Brown
(xiii) Paul Vacarello

CARRIED
7.6 **Appointment to the Accountability and Transparency Sub-Committee**

**(Duvall/Clark)**
That the following citizens be appointed to the Accountability and Transparency Sub-Committee;

(i) David Broom  
(ii) Joanna Chapman  
(iii) Theodore (Ted) Charuk  
(iv) Denise O’Connor

**CARRIED**

7.7 **Social Housing Services Corporation Board of Directors**

**(McHattie/Merulla)**
That recommendation (b) be deleted in its entirety and replaced to read as follows:

(a) That the nomination of Councillor McHattie to the Social Housing Services Corporation, approved by Council at its meeting of April 25, 2007 as Item 1 of the Emergency and Community Services Committee Report 07-005, be withdrawn.

(b) That the nomination of a Council representative, to serve on the Social Housing Services Corporation Board, be referred to the City Housing Board for recommendations on a replacement representative for Councillor B. McHattie.

(c) That the Social Housing Services Corporation be so advised.

**AMENDMENT CARRIED**  
**MOTION AS AMENDED CARRIED**

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**NOTICES OF MOTION**

There were none.

**STATEMENT BY MEMBERS**

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

**PRIVATE & CONFIDENTIAL**

**(Collins/Duvall)**
That Council move into Closed Session to discuss two matters that pertain to personal matters about identifiable individuals.

**CARRIED**
(Collins/Duvall)
That Council reconvene in Open Session. CARRIED

12.1 A Personal Matter about an Identifiable Individual

(McHattie/Whitehead)
(a) That Tim McCabe be appointed to the position of General Manager, Planning and Economic Development Department, effective June 1, 2007, and all severance costs be recovered through the management restructuring.

(b) That funding be approved for one year’s salary and benefits for the opportunity for staff to oversee the implementation of the operational reviews for the Standards & Licensing, Building and Animal Control Sections.

(c) That in the alternative approval be given to hire a temporary Project Manager for 12 to 18 months to oversee the implementation of the operational reviews for the Standards & Licensing, Building and Animal Control Sections, and that one-time funding of $90,000 be provided from the Tax Stabilization Reserve for this temporary position. CARRIED

Item 12.1, subsection (b) was Carried on a recorded vote:

Total: 12

Nays: Councillors B. Clark, S. Merulla and B. Morelli
Total: 3

Item 12.1, subsection (c) was Carried on a recorded vote:

Total: 14

Nays: Councillor B. Clark
Total: 1
12.2 A Personal Matter about an Identifiable Individual

There was no direction provided.

BY-LAWS

(Ferguson/McCarthy)
That Bill Nos. 07-137 to 07-163 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 07-137 to 07-163:

By-law No.

07-137  To Incorporate City Land Designated as Blocks 107 and 108 on Plan 62M-1060 Into Magnificent Way

07-138  To Incorporate City Land Designated as Block 257 on Plan 62M-1061 Into Voyager Pass

07-139  To Incorporate City Land Designated as Block 105 on Plan 62M-1060 Into Whitwell Way.

07-140  To Incorporate City Land Designated as Blocks 109 and 111 on Plan 62M-1060 Into Windwood Drive

07-141  To Incorporate City Land Designated as Part of Lot 18 Into Adelaide Street

07-142  To Incorporate City Land Designated as Blocks 104 and 110 on Plan 62M-1060 Into Bradley Avenue

07-143  To Amend By-law No. 01-215 To Regulate Traffic: Schedule 5 – Stop Signs

07-144  To Amend By-law No. 01-215 To Regulate Traffic: Schedule 5 – Stop Signs

07-145  To Amend the Leash Free Zone Provisions of City of Hamilton By-law No. 01-169 Being a By-law Respecting the Control and Licensing of Dogs and Kennels

07-146  To Amend Fireworks By-law No. 02-285 to Repeal By-law No. 4166-94

07-147  To Amend By-law No. 04-134, Being the LOTTERY LICENSING BY-LAW

07-148  To Amend By-law No. 01-218, Being a By-law To Regulate On-Street Parking:
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 10 – Alternate Side Parking
Schedule 12 Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones

07-149 To Amend Zoning By-law No. 6593 (Hamilton) as amended by By-law No. 02-225, and to Repeal By-law No. 07-096, Respecting the Property Located at 1394 Upper Gage Avenue

07-150 To Amend Zoning By-law No. 6593 (Hamilton), Respecting lands located at 55 Onyx Drive

07-151 To Amend Zoning By-law No. 06-308 Respecting Lands Located at 237 Barton Street East

07-152 To Designate Land Located At 209-211 James Street South, City Of Hamilton

07-153 To Amend Zoning By-law No. 6593 (Hamilton), respecting lands located at 205 John Street South

07-154 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 1809 Rymal Road East

07-155 To Amend Zoning By-law No. 3581-86 (Dundas), Respecting the Property Located at 352 Park Street West

07-156 Removal of Part Lot Control Lot 4, Registered Plan No. 62M-1073 Bridgeport Phase 1

07-157 A By-law to Establish Certain 2007 User Fees and Charges For Services Provided by The City Of Hamilton

07-158 A By-law to Levy a Special Charge upon the Ratable Property in the Business Improvement Areas for the Year 2007

07-159 A By-law to Set and Levy the Rates of Taxation for the Year 2007

07-160 To Prohibit Unnecessary Idling of Vehicles within the City of Hamilton

07-161 To Establish a Board of Management for the Locke Street Business Improvement Area

07-162 A By-law to Provide Property Tax Rebates for Veteran's Clubhouses and Legion Halls Occupying Property in the City of Hamilton

07-163 To Confirm the Proceedings of City Council

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

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk
May 16, 2007