



CITY COUNCIL MINUTES

Thursday, August 7, 2008

9:30 a.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,
T. Jackson, M. McCarthy B. McHattie, S. Merulla
D. Mitchell, B. Morelli, R. Pasuta, M. Pearson, R. Powers,
T. Whitehead

Absent with Regrets: Councillor L. Ferguson – Other Business

Mayor Eisenberger called the meeting to order.

ANNOUNCEMENT

Mayor Eisenberger expressed condolences on behalf of Council to the families of Jean Quinn, who passed away on August 3, 2008, and Bill Wardrope, brother of Bonnie Rowe, who passed away on August 1, 2008.

Mayor Eisenberger also announced the passing of Grace Almeida who passed away on July 14, 2008. Grace was an Ontario Works Case Manager in the Employment and Income Support Division of the Community Services Department, and expressed condolences on behalf of Council to Grace's family and friends during this difficult time.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

- 5.20 Correspondence from Flamborough Chamber of Commerce respecting relocation to Waterdown Municipal Service Centre

Recommendation should be amended to refer the correspondence to the Acting City Manager for a report to the Audit and Administration Committee

- 5.23 Correspondence from the Hamilton & District Heavy Construction Association respecting Council's recent decision to ratify a Collective Agreement with the United Brotherhood of Carpenters and Joiners of America Local 18.

Recommendation: Be received and referred to the Mayor and Acting City Manager for reply

- 5.24 Correspondence from the Greater Toronto Sewer and Watermain Contractors Association respecting Council's recent decision to ratify a Collective Agreement with the United Brotherhood of Carpenters and Joiners of America Local 18.

Recommendation: Be received and referred to the Mayor and Acting City Manager for reply

(Mitchell/Clark)

That the Agenda for the City Council meeting being held on August 7, 2008, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

2008 Canadian Council of Ministers of the Environment (CCME) Pollution Prevention (P2) Award

Mayor Eisenberger called upon Councillor David Mitchell, Chair of the Board of Directors of Hamilton Renewable Power, to accept the 2008 Canadian Council of Ministers of the Environment Pollution Prevention (P2) Award in the Greenhouse Gases Reduction category. This award recognizes organizations showing leadership and innovation in pollution prevention.

(Collins/Mitchell)

That Council recess at 9:45 a.m. in order to allow a special meeting of the Committee of the Whole respecting the Downtown Transportation Master Plan Five-Year Review.

CARRIED

(Collins/Mitchell)

That Council reconvene at 12:50 p.m.

CARRIED

APPROVAL OF MINUTES

(Pearson/Powers)

That the Minutes of the July 10, 2008, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Jackson/McCarthy)

That Council Communications 5.1 to 5.24, as amended, be approved, as follows:

- 5.1 Correspondence from A. Opalick, Executive Correspondence Officer, Office of the Prime Minister, respecting the City's correspondence re: tobacco control.

Recommendation: Be received

- 5.2 Correspondence from the Premier of Ontario, Dalton McGuinty, respecting the City's correspondence re: Ontario Works debts.

Recommendation: Be received

- 5.3 Correspondence from The Honourable Jim Watson, Minister of Municipal Affairs and Housing, respecting changes to the Ontario Affordable Housing Program (AHP).

Recommendation: Be received

- 5.4 Correspondence from The Honourable Janet Hope, Assistant Deputy Minister, Ministry of Municipal Affairs and Housing, respecting grant in the amount of \$5,682,882 for social housing capital repairs.

Recommendation: Be received

- 5.5 Correspondence from Lorraine Graham Watson, Regional Director, Ministry of Community and Social Services, respecting the City's correspondence re: Hostels to Homes Pilot.

Recommendation: Be received

- 5.6 Correspondence from Erin Hannah, Director, Ontario Works, respecting the City's correspondence re: Hostels to Homes Pilot.

Recommendation: Be received

- 5.7 Correspondence from The Honourable Madeleine Meilleur, Ministry of Community and Social Services, respecting the City's correspondence re: social assistance restructuring and the Ontario Child Benefit.

Recommendation: Be received

- 5.8 Correspondence from The Honourable Deb Matthews, Minister of Children and Youth Services, respecting poverty reduction in Hamilton.

Recommendation: Be received

- 5.9 Correspondence from Premier of Ontario, Dalton McGuinty respecting the City's correspondence re: impaired driving.

Recommendation: Be received

- 5.10 Correspondence from The Honourable Donna Cansfield, Minister of Natural Resources, respecting the Endangered Species Act, 2007.

Recommendation: Be received

- 5.11 Correspondence from Anna Kramer respecting resignation from the Grand River Conservation Authority Board.

Recommendation: Be received and referred to the Selection Sub-Committee

- 5.12 Correspondence from Katherine J. Menyes, Director, Watershed Planning and Engineering, Hamilton Conservation Authority, respecting the International Joint Commission's proposed new Order of Approval and Plan for 2007 Regulation of Lake Ontario and the St. Lawrence River.

Recommendation: Be received

- 5.13 Correspondence from Lanark County respecting Zenn automobiles on Ontario Roads.

Recommendation: Be received

- 5.14 Correspondence from Air Canada respecting discontinuance of domestic air service out of Hamilton.

Recommendation: Be received

- 5.15 News Release from City of Woodstock – Challenge for Blackout Day – August 14, 2008

Recommendation: Be received

- 5.16 Correspondence from Brock Carlton, FCM respecting payment of \$31,181 for the city of Hamilton Multi Residential Diversion Optimization Strategy

Recommendation: Be received

- 5.17 Correspondence from Azim Kasmani, President, McMaster University Students Union, respecting Light Rail Transit.

Recommendation: Be received and forwarded to the General Manager of Public Works for review

- 5.18 Correspondence from John Wigle, Ainslie Wood/Westdale Community Association of Resident Homeowners Inc. respecting Light Rail Transit

Recommendation: Be received and forwarded to the General Manager of Public Works for review

- 5.19 Correspondence from John Demik and Carmen Chiaravalle, Twenty Road East Group respecting the Urban Structure Plan.

Recommendation: Be received and forwarded to the General Manager of Planning and Economic Development for review

- 5.20 Correspondence from Flamborough Chamber of Commerce respecting relocation to Waterdown Municipal Service Centre

Recommendation: Be received and referred to the Acting City Manager for a report to the Audit and Administration Committee

- 5.21 Correspondence from The Municipality of Kincardine respecting physician shortage in rural and northern Ontario.

Recommendation: Be referred to Public Health Services and the Physician Recruitment Committee.

- 5.22 Correspondence from Mayor Eisenberger resigning from the Accountability and Transparency Sub-Committee

Recommendation: (Whitehead/Duvall) Be received and that the current committee membership complement be maintained pending the outcome of the investigation.

- 5.23 Correspondence from the Hamilton & District Heavy Construction Association respecting Council's recent decision to ratify a Collective Agreement with the United Brotherhood of Carpenters and Joiners of America Local 18.

Recommendation: Be received and referred to the Mayor and Acting City Manager for reply.

- 5.24 Correspondence from the Greater Toronto Sewer and Watermain Contractors Association respecting Council's recent decision to ratify a Collective Agreement with the United Brotherhood of Carpenters and Joiners of America Local 18.

Recommendation: Be received and referred to the Mayor and Acting City Manager for reply **CARRIED as amended**

(Jackson/McCarthy)

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

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-015

- Item 16 An Application for an Amendment to Zoning By-law 05-200 (Hamilton) for Lands Located at 153 George Street (PED08173) (Ward 1)**

The Motion **CARRIED** on the following recorded vote:

Yeas: Eisenberger, Bratina, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total Yeas: 14

Nays: Clark

Total Nays: 1

Absent: Ferguson

Total Absent: 1

Info

- Item (r) An Application for a Change in Zoning for Property Located at 69 Autumn Leaf Road (Dundas) (PED08172) (Ward 13)**

(Pearson/Mitchell)

That Information Item (r) respecting "An Application for a Change in Zoning for Property Located at 69 Autumn Leaf Road, Dundas", be lifted from the Information Section and added as Item 22 to Economic Development and Planning Committee Report 08-015. **CARRIED**

(Pearson/Whitehead)

That Item 22 of Economic Development and Planning Committee Report 08-015 be referred back to the Committee to allow a further delegation to be heard, and that the Ward Councillor be in attendance. **CARRIED.**

(Whitehead/Pearson)

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

BOARD OF HEALTH REPORT 08-007**(Jackson/McCarthy)**

That the SEVENTH Report of the Board of Health be adopted, as presented, and the information section received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 08-026**Item 10 Resolution Tabled from Grants Sub-Committee Report respecting Open Air Worship in Gore Park (GRA08019)**

The Motion **CARRIED** on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead

Total Yeas: 14

Nays: Jackson

Total Nays: 1

Absent: Ferguson

Total Absent: 1

Item 29 Current Area Rating Tax Policy**(Pearson/Whitehead)**

That Item 29 be amended by adding the following sub-sections:

- (b) That staff be directed to bring a report back for council's consideration by the end of 2008 outlining a process for an information sharing and public consultation plan for area rated services received in all communities;
- (c) That the report highlight all pros and cons for area rating of these services;
- (d) That all various rating models be included in the report.

Amendment CARRIED

(Duvall/Whitehead)

That the following be added as sub-section (e):

- (e) That the revised (area rating) plan model be implemented January 1, 2011.

Amendment CARRIED
Motion as amended CARRIED

Item 35 Non Union Part-time and Summer Student Wage Rates (HUR08015)

The Motion **CARRIED** on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, McHattie, Jackson,
Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total Yeas: 14
Nays: McCarthy
Total Nays: 1
Absent: Ferguson
Total Absent: 1

(Bratina/Clark)

That Item 3 of Committee of the Whole Report 08-026 respecting "Temporary Road Closure – Ferguson, from King to King William, and King William, from Ferguson Avenue to just east of Walnut – Annual Mustard Festival", be reconsidered. **CARRIED**

(Bratina/Clark)

That reference to "Ferguson, from King to King William and King William, from Ferguson Avenue to just east of Walnut", be deleted and replaced with "King William Street, from the west side of King William and Ferguson to the Theatre Aquarius parking lot".

Amendment CARRIED
Motion as amended CARRIED

(Jackson/McCarthy)

That the TWENTY-SIXTH Report of Committee of the Whole be approved, as amended, and the information section received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 08-027

Info

Item (d) Improvements to Access of James and John Streets South

(Pearson/Mitchell)

That Information Item (d) of Committee of the Whole Report 08-027 respecting "Improvements to Access of James and John Streets South", be lifted from the Information Section and added as Item 2 to Committee of the Whole Report 08-027, as follows:

2. Improvements to Access of James and John Streets South**(Pearson/Mitchell)**

That staff report back to the Committee of the Whole with improvements to the access of John and James South, and that any required capital financing be identified and prioritized within the 2009 budget.

The Motion **CARRIED** on the following recorded vote:

Yeas: Eisenberger, Bratina, Collins, Duvall, McHattie, Jackson, McCarthy, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total Yeas: 14
Nays: Clark
Total Nays: 1
Absent: Ferguson
Total Absent: 1

(Jackson/McCarthy)

That the TWENTY-SEVENTH Report of the Committee of the Whole be approved, as amended, and the information section received. **CARRIED**

(Jackson/McCarthy)

That the Committee of the Whole rise and report. **CARRIED**

MOTIONS

(Whitehead/Duvall)

7.1(a) That Item 13 of the Economic Development & Planning Committee Report 07-009, which was approved by Council at its meeting of May 16, 2007 respecting Auchmar estates, 88 Fennell Avenue West, Hamilton as shown below, be reconsidered:

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 Report PED07118 be forwarded to the Municipal Heritage Committee for information. **CARRIED**

(Whitehead/Duvall)

7.1(b) That Item 13 of the Economic Development & Planning Committee Report 07-009 respecting Auchmar Estates, 88 Fennell Avenue West, Hamilton be referred back to the Economic Development & Planning Committee for discussion.

CARRIED**(Whitehead/Pearson)**

That Councillor Russ Powers be appointed to the Fairness to Hamilton Committee, and that the composition of Committee be amended from three members of Council to four.

CARRIED

NOTICES OF MOTION

The following Notice of Motion was put forward by Councillor Powers:

“Red Friday” Event

That staff be directed to prepare, for the consideration of the Emergency and Community Services Committee, a report as to how the City of Hamilton can host, on an as-needed basis, a “Red Friday” event to appropriately recognize military personnel from the Hamilton area departing for combat and/or peacekeeping missions.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None.

BY-LAWS**(Jackson/McCarthy)**

That Bill Nos. 08-178 to 08-197 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 08-178 to 08-197 as follows:

By-law No.

- | | |
|---------------|---|
| 08-178 | To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits |
| 08-179 | To Permanently Close an Unassumed Portion of the Alley, Running East/West and North-South between 11, 15, 17, 19 and 23 Tisdale Street South and 435 Main Street East, Hamilton, established by Registered Plan 224, City of Hamilton, designated as Part 1 on Reference Plan 62R-17827 |
| 08-180 | To Provide for Amended Collection Fees |
| 08-181 | Respecting the Removal of Part Lot Control, Marina Point on Baseline, Registered Plan No. 62M-1109 |
| 08-182 | Respecting the Removal of Part Lot Control, Blocks 113 and 114, Registered Plan No. 62M-1040, “Avalon – Phase 3” |
| 08-183 | To Permanently Close Manor Avenue (formerly First Avenue) established by Registered Plan 452, City of Hamilton, designated as Parts 1 and 2 on Reference Plan 62R-18211 |
| 08-184 | Respecting Removal of Part Lot Control, Bridgeport, Phase 3, Block 61, Registered Plan No. 62M-1092 |

By-law No.

- 08-185** To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 4 – Special Event Parking Zones
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
- 08-186** To Change the Name of the City of Hamilton Licensing Committee to the Hamilton Licensing Tribunal
- 08-187** To Authorize a Tax Exemption for Space Leased by the City of Hamilton for the Purposes of Fire-fighting, being a portion of the property municipally known as 346 Park Street, Dundas
- 08-188** To Repeal By-law No. 99-087, Entitled To Amend Zoning By-law No. 6593, Respecting Lands Located at Municipal Numbers 803, 819, 823, 865 and 871 West 5th Street
- 08-189** To Adopt Official Plan Amendment No. 66 to the former Township of Glanbrook Official Plan, Respecting 9345 Chippewa Road West
- 08-190** To Amend Zoning By-law 464 (Glanbrook), Respecting Lands Located at 9345 Chippewa Road West
- 08-191** To Adopt Official Plan Amendment No. 142 to the former City of Stoney Creek Official Plan, Respecting 1307 Highway No. 8
- 08-192** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at the Rear of 1307 Highway No. 8, Stoney Creek
- 08-193** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at Part of Lot 5, Concession 3, Township of Glanford (Glanbrook)
- 08-194** To Amend Zoning By-law No. 05-200, Part of Lot 5, Concession 3, Township of Glanford (Glanbrook)
- 08-195** To Adopt Official Plan Amendment No. 123 to the former Town of Ancaster Official Plan, Respecting 124 Wilson Street West
- 08-196** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 124 Wilson Street West, Ancaster
- 08-197** To Confirm the Proceedings of City Council

(Jackson/Powers)

There being no further business, the City Council meeting adjourned at 1:30 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
Clerk
August 7, 2008