CITY COUNCIL
MINUTES

Wednesday, September 24, 2008
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, B. Morelli, R. Pasuta, M. Pearson, R.
Powers, T. Whitehead

Mayor Eisenberger called the meeting to order and called upon Reverend Tony J.
Ouwehand to lead Council in prayer.

ANNOUNCEMENTS

Mayor Eisenberger announced the tragic passing of Lorraine Caughell, Administrative
Assistant in the Strategic Services Division of the Community Services Department.
Over the weekend, Lorraine was involved in a fatal vehicle crash on Highway 20.

Lorraine faithfully served the Region and City of Hamilton since 1980. She spent her
career in Public Health and Community Services, and was widely known and loved by
all. Lorraine will be remembered for her sense of humour, loyalty and positive attitude.

Lorraine is survived by her brother, Ralph Caughell, who works for the City in the
Corporate Services Department, by her brother Roger in Whitby and her parents in
Dunnville as well as sister-in-laws, nieces and nephews. Heartfelt condolences were
expressed to her brother Ralph and the family at this most difficult time.
APPROVAL OF THE AGENDA

The Clerk advised that there was a typographical error in the Council agenda, and that Items 6.6 to 6.9 be renumbered as Items 6.5 through 6.8 respectively.

(McCarthy/Jackson)
That the Agenda for the City Council meeting being held on September 24, 2008, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Presentation – Certificates of Commendation

Mr. Kenneth Swales was awarded with a Certificate of Commendation for Bravery, on behalf of Her Excellency the Right Honourable Michaele Jean, Governor General of Canada, for selflessly attempting to rescue his stepfather; who had been overcome by toxic fumes, while cleaning the tank of a waste haulage truck.

Mr. Ted Pitura, an Electrician with the Water and Wastewater Division of the Public Works Department, was awarded with a Certificate of Commendation for Bravery, on behalf of Her Excellency the Right Honourable Michaele Jean, Governor General of Canada, for saving the life of Kenneth Swales and recovering Mr. Shannon Pegg from the tanker.

3.2 Presentation – Life Saving Award

While off duty, Danielle Kent, a life-guard with the Ancaster Aquatic Centre, came across an elderly gentleman who was having a heart attack. Danielle performed CPR and has been credited with saving the man's life.

Mayor Eisenberger, Joe-Anne Priel, General Manager of the Community Services Department and Brent Browett, Director of Emergency Medical Services/Deputy Chief proudly awarded Danielle with a Plaque of Recognition, for her heroic act.
APPROVAL OF MINUTES

(Pearson/Mitchell)
That the Minutes of the September 10, 2008, meeting of Council be approved, as presented.
CARRIED

COMMUNICATIONS

(McCarthy/Jackson)
That Council Communications 5.1 to 5.13 be approved as amended, as follows:

5.1 News Release – McGuinty Government Invests an Additional $1.1 Billion in Municipal Infrastructure
Recommendation: Be received.

5.2 Correspondence from the Honourable David Caplan, Minister of Health and Long Term-Care respecting Funding in the Amount of $22,446,717 for the Provision of Mandatory and Related Programs in the Community
Recommendation: Be received.

5.3 Correspondence from Stephen Seymour respecting Two Way Streets
Recommendation: Be received.

5.4 Correspondence from Cameron Mack, Ministry of Natural Resources respecting Amendments to Regulations under the Fish and Wildlife Conservation Act Dealing with Sunday Hunting
Recommendation: Be received.

5.5 Correspondence from Laura Boujoff, Early Resolution Officer, Office of the Ontario Ombudsman respecting Delinquent Social Assistance Debts
Recommendation: Be received.

5.6 Correspondence from the Township of East Garafraxa respecting the Concept of Compensation for Land Use Restrictions
Recommendation: Be received.
5.7 Correspondence from the Town of Innisfil respecting the Ontario Energy Board’s Mandate

Recommendation: Be received.

5.8 Correspondence from the Honourable Jim Watson, Minister of Municipal Affairs and Housing respecting the “Growing the Greenbelt” Report – Final Criteria for Expanding the Greenbelt

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

5.9 Correspondence from The Honourable Lincoln Alexander, Chairman, Ontario Heritage Trust respecting Participating in the 2008 Young Heritage Leaders Program

Recommendation: Be received and referred to the Hamilton Municipal Heritage Committee.

5.10 Correspondence from the Humane Society International Canada respecting Raising Awareness about the Plight of Factory Farmed Animals – Specifically, Egg-laying Hens Who are Confined in Battery Cages

Recommendation: Be received.

5.11 Correspondence from the City of Orillia respecting shutting down of coal generation plants

Recommendation: Be received.

5.12 Correspondence from the Township of Elizabethtown-Kitley respecting Amendments to the Assessment Act to Exempt Municipally Owned Property that is Located in Neighbouring Municipalities from Municipal and Education Taxes

Recommendation: Be received.

5.13 Correspondence from Justin Sherwood, Refreshments Canada respecting Bottled Water

Recommendation: Be received and referred to the General Managers of Public Works and Community Services for a report to the Public Works Committee
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.  

_CARRIED_

**PUBLIC WORKS COMMITTEE 08-014**

5. Transit Ends-of-Line Litter Control Agreement – Community Living Hamilton (PW08108) (City Wide) (Item 5.5)

Item 5 was CARRIED on a Recorded Vote, as follows:


Total: 15

Nays: L. Ferguson

Total: 1

10. City Hall Renovations Steering Committee Report 08-004 – August 11, 2008 (Deferred from September 8, 2008 meeting of the Public Works Committee)

Recommendation (a) of Item 10 was CARRIED on a Recorded Vote, as follows:


Total: 12

Nays: F. Eisenberger, B. Clark, B. McHattie, S. Merulla

Total: 4

_CARRIED_

**AUDIT AND ADMINISTRATION COMMITTEE 08-011**

That the FOURTEENTH Report of Public Works Committee be adopted and the information section received.  

_CARRIED_

(Powers/Collins)

That the ELEVENTH Report of the Audit and Administration Committee be adopted and the information section received.  

_CARRIED_
EMERGENCY AND COMMUNITY SERVICES COMMITTEE 08-012

20. Maggie Hughes respecting the Benefits of Green Roofs and Living Walls (Item 6.2)

(Merulla/McHattie)
That Item 20 of the Emergency & Community Services Committee Report 08-012 be amended by (a) deleting the words:

“Facilities Division:

o City Hall Renovation Committee to investigate the feasibility and costs associated with having a green roof incorporated into the renovations of City Hall.”; and,

That recommendation (b) be added to read as follows:

(b) That staff be directed to investigate, on a project by project basis, the feasibility and costs associated with having green roofs incorporated into all new and existing City facilities.

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-017

13. Application for a Change in Zoning for Property Located at 69 Autumn Leaf Road (Dundas) (PED08172) (Ward 13) (Item 8.1)

Item 13 was CARRIED on a Recorded Vote, as follows:

Total: 14

Nays: B. Bratina, B. McHattie
Total: 2

(Whitehead/Powers)
That the SEVENTEENTH Report of the Economic Development and Planning Committee be adopted, and the information section received.

CARRIED
1. Accessible Transportation Services (ATS) Review – Request for Additional Information (City Wide) (PW05075(d)) (Item 6.1)

(Whitehead/Powers)
That Item 1 of the Committee of the Whole Report 08-029, respecting Accessible Transportation Service ATS Review, be referred back to Committee of the Whole and that staff be directed to obtain a second legal opinion from outside counsel to address the issues contained in Appendix G (distributed in Closed Session) of Report PW05075(d).

DEFEATED

This motion was DEFEATED on a Standing Recorded Vote, as follows:

Total 7

Nays: B. Bratina, B. Clark, C. Collins, S. Duvall, T. Jackson, B. McHattie, M. McCarthy, S. Merulla, B. Morelli
Total: 9

The main motion was DEFEATED on a Standing Recorded Vote, as follows:

Total 8

Total: 8

(Merulla/Morelli)
That Item 2 of Committee of the Whole Report 08-029 be deleted in its entirety and replaced with the following in lieu thereof:

2. Accessible Transportation Services (ATS) - Review of Option D

That staff be directed to review and report back to Committee of the Whole respecting Option D – the Internal City Model, of the Accessible Transportation Services Review (Report PW05075(d)), and to include in that report the projected costs and any legal implications associated with same.
This motion was CARRIED on a Standing Recorded Vote, as follows:

Total: 15
Nays: L. Ferguson
Total: 1

(McCarthy/Jackson)
That the TWENTY-NINTH Report of Committee of the Whole be approved, as amended, and the information section received. CARRIED

BOARD OF HEALTH COMMITTEE 08-009

4. 2 King St. W. Dundas Lease Agreement- BOH08033 (Ward 13) (Item 5.4)

Item 4 was CARRIED on a Recorded Vote, as follows:

Total: 15
Nays: L. Ferguson
Total: 1

(McCarthy/Jackson)
That recommendation (a) of Item 8 of the Board of Health Report 08-009 be deleted in its entirety and replaced, and that recommendations (b) and (c) be added to read as follows:

8. Impact of Proposed Hamilton Health Sciences (HHS) Restructuring on Hamilton Emergency Services - Hamilton Emergency Medical Services (HES08015) (City Wide) (Added Item 8.2)

(a) That the verbal update from Brent Browett, Director, Emergency Medical Services/Deputy Chief and Report HES08015, Impact of Proposed Hamilton Health Sciences (HHS) Restructuring on Hamilton Emergency Services - Hamilton Emergency Medical Services, be received.

(b) That City Council request that the Local Health Integration Network (LHIN) issue a draft decision to deny the integration, based on compelling public interest and the impact to Hamilton Emergency Services.
That the Local Health Integration Network (LHIN) open the decision to thirty (30) days of public comment, as per the Local Health Systems Integration Act, 2006.

Recommendation (a) of Item 8, as amended, CARRIED on a Standing Recorded Vote, as follows:

Total 16
Nays:
Total: 0

Recommendation (b) of Item 8 CARRIED on a Standing Recorded Vote, as follows:

Total 13
Nays: F. Eisenberger, L. Ferguson, D. Mitchell
Total: 3

Recommendation (c) of Item 8 CARRIED on a Standing Recorded Vote, as follows:

Total 14
Nays: F. Eisenberger, L. Ferguson
Total: 2

(McCarthy/Ferguson)
That the NINTH Report of the Board of Health be adopted, as amended, and the information section received. CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-018

(Whitehead/Powers)
That the EIGHTEENTH Report of the Economic Development and Planning Committee be adopted, and the information section received. CARRIED
SELECTION COMMITTEE 08-002

(Jackson/Ferguson)
That the SECOND Report of the Selection Committee be adopted, and the information section received.

CARRIED

(Jackson/Ferguson)
That the Committee of the Whole rise and report.

CARRIED

MOTIONS

7.1  Innovative Work Environment

(Merulla/McHattie)
WHEREAS, the City of Hamilton is striving to be a City of choice for high performance public servants; and,

WHEREAS, information technology has created new delivery channels for City Services (e.g. enhanced portal design); and,

WHEREAS, information technology has provided new ways for employees to perform their jobs (e.g. telecommuting) that can be more cost effective, family friendly and environmentally sustainable;

THEREFORE BE IT RESOLVED:

That staff be directed to prepare a report, which explores the opportunities to create an innovative work environment, including variable work hours through the improvement and use of information technology to enhance seamless citizen access to City services.

CARRIED

Item 7.1 CARRIED on a Standing Recorded Vote, as follows:

Total  12
Nays: L. Ferguson, M. Pearson, R. Powers
Total:  3
Absent: M. McCarthy
Total:  1
7.2 Addition of Non-Hazardous Incinerator Ash Waste to the Newalta Hamilton (Stoney Creek) Landfill

(Clark/Pearson)
WHEREAS there has been an application by Newalta Industrial Services Inc. to permit the landfilling of non-hazardous incinerator ash at the Newalta Hamilton (Stoney Creek) Landfill site; and,

WHEREAS notice of the application has been posted on the Environmental Registry for public comment; and,

WHEREAS section 27 of Certificate of Approval No. A181008 (“C of A”) for the Newalta Hamilton (Stoney Creek) Landfill site provides that incinerator ash, resulting from the incineration of waste, shall not be disposed of at the site; and,

WHEREAS the C of A prohibition regarding incinerator ash was part of the original Terms and Conditions negotiated with the community, during detailed and sensitive discussions, when the landfill site was being established; and,

WHEREAS the Terms and Conditions negotiated with the community should be respected and honoured for the life of landfill site;

THEREFORE BE IT RESOLVED that the City of Hamilton strenuously objects to the addition of non-hazardous incinerator ash waste to the Newalta Hamilton (Stoney Creek) Landfill site; regardless of volumes or concentrations, and that this letter be forwarded to the Environmental Registry, the Minister of the Environment, the District Office of the Ministry of the Environment, the Environmental Commissioner’s office, the Premier and all area MPPs.

CARRIED

7.3(a) Motion to Waive the Rules

(Powers/Mitchell)
That the Rules of Order be waived to allow for the introduction of a motion respecting the composition of the Governance Review Sub-Committee.

CARRIED

7.3(b) Governance Review Sub-Committee

(Powers/Mitchell)
(a) That the composition of the Governance Review Sub-Committee, approved as Item 5 of Audit and Administration Committee Report 08-009 and approved by Council on June 25, 2008, be amended by increasing the membership from five to six members of Council.
(b) That Councillor R. Pasuta be appointed to the Governance Review Sub-Committee.  CARRIED

7.4(a) Motion to Waive the Rules

(McHattie/Merulla)
That the rules of order be waived to allow the introduction of a motion respecting installation of a three way stop at the Kipling Road and Glen Road intersection.  CARRIED

7.4(b) Installation of a Three Way Stop at the Kipling Road and Glen Road Intersection

(McHattie/Merulla)
WHEREAS, the playground at George R. Allan school exits at Kipling and Glen Roads; and,

WHEREAS, Hamilton’s vision of being the best place to raise a child includes keeping children safe; and,

WHEREAS, Hamilton continues to encourage walking and cycling

THEREFORE BE IT RESOLVED,

(a) That staff be directed to install a three way stop at the Kipling Road and Glen Road intersection.

(b) That the appropriate traffic by-law be passed and enacted.  CARRIED

Item 7.4(b) CARRIED on a Recorded Vote, as follows:

Total  12

Nays:  F. Eisenberger, L. Ferguson, R. Pasuta
Total:  3

Absent: M. McCarthy
Total:  1

7.5(a) Motion to Waive the Rules

(McHattie/Merulla)
That the rules of order be waived to allow the introduction of a motion respecting re-appointment to the Accountability and Transparency Committee.  CARRIED
Item 7.5(a) CARRIED on a Recorded Vote, as follows:

Total: 14
Nays: F. Eisenberger
Total: 1
Absent: M. McCarthy
Total: 1

7.5(b) Re-appointment to the Accountability and Transparency Committee

(McHattie/Merulla)
That Mayor Fred Eisenberger be re-appointed to the Accountability and Transparency Committee.

CARRIED

7.6(a) Motion to Waive the Rules

(Whitehead/Powers)
That the rules of order be waived to allow the introduction of a motion respecting the “Coach House” at Auchmar to accommodate a student residence.

CARRIED

Item 7.6(a) CARRIED on a Recorded Vote, as follows:

Total: 14
Nays: F. Eisenberger
Total: 1
Absent: M. McCarthy
Total: 1

7.6(b) Student Residence at the Coach House at Auchmar

WHEREAS, City Council at its meeting of August 7, 2008 respecting Auchmar Estate, 88 Fennell Avenue West, Hamilton, approved Motions 7.1(a) and 7.1(b) referring Item 13 of the Economic Development and Planning Committee Report 07-009, which was approved by City Council at its meeting of May 16, 2007, be reconsidered and that Item 13 be referred back to the Economic Development and Planning Committee for discussion.
WHEREAS, representatives from Columbia College have expressed an interest in a short-term lease for a duration of five (5) years for the building known as the Coach House, at Auchmar, for a student residence.

THEREFORE BE IT RESOLVED

(a) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to negotiate a five (5) year lease for the building known as the Coach House, at Auchmar, at a fair market value.

(b) That, as a condition of the lease terms, Columbia College be responsible for all operating, leasehold improvements and capital costs to facilitate the student residence.

CARRIED

Item 7.6(b) CARRIED on a Recorded Vote, as follows:

Total: 14

Nays: F. Eisenberger
Total: 1

Absent: M. McCarthy
Total: 1

NOTICES OF MOTION

Councillor T. Jackson on behalf of Councillor M. McCarthy introduced the following Notice of Motion:

8.1 St. Mary's Quarry – Advertising, Legal, Meeting Space, Print Costs

That an amount of $7,342.84 be utilized from the Legislative Contingency Fund for the purposes of off-setting Ward 15 specific costs, attached hereto, as Appendix A.

Councillor C. Collins introduced the following Notice of Motion:

8.2 Hamilton Waterfront Corporation

That staff be directed to prepare a report on the feasibility of creating a Hamilton Waterfront Corporation, which includes a review of current
corporations in operation across Canada (i.e. Halifax, Winnipeg, Niagara, etc…), and report back to the Committee of the Whole.

**STATEMENT BY MEMBERS**

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

**PRIVATE AND CONFIDENTIAL**

10.1 Closed Session Minutes of September 10, 2008

This item will be addressed at the October 15, 2008 meeting of Council.

**BY-LAWS**

(Jackson/Ferguson)

That Bill Nos. 219 to 233 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 08-219 to 08-233 as follows:

**By-law No.**

08-219 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Signs

08-220 To Amend By-law No. 01-218, 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

08-221 To Amend By-law No. 04-145, Respecting Development Charges on Lands Within the City of Hamilton

08-222 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 9075-9089 Airport Road (Mount Hope)

08-223 Respecting The Appointment of a Chief Building Official, Deputies and Inspectors

08-224 To Amend Zoning By-law No. 3581-86 (Dundas), as amended, Respecting Lands Located at 69 Autumn Leaf Drive (Dundas)

08-225 To Amend By-law No. 07-170, To License and Regulate Various Businesses

08-226 Respecting Demolition Control

08-227 Respecting Housekeeping Amendments to By-law No. 05-200
To Amend Zoning By-law No. 6593 (Hamilton), Respecting Deletion of Reference to Bath House/Public Bath and Modifying the Definition of Habitable Room

To Amend Zoning By-law No. 3581-86 (Dundas) as amended, Respecting Lands Located at 67 and 83 Watsons Lane

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 591 Safari Road

Respecting Removal of Part Lot Control, Blocks 244, 264, and 265, Registered Plan No. 62M-1061, “Summerlea – Phase 2” and Repeal By-law No. 08-210

Respecting Removal of Part Lot Control, Block 111, “Avalon Phase 3”, Registered Plan 62M-1040

To Confirm the Proceedings of City Council

CARRIED

(Ferguson/Pearson)
There being no further business, the City Council meeting adjourned at 10:55 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
September 24, 2008