CITY COUNCIL
MINUTES

Wednesday, November 14, 2007
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present: Mayor F. Eisenberger


Absent with Regrets: B. Morelli, Personal Business

Mayor Eisenberger called upon Reverend Paul Rodey of the Ryerson United Church in Ancaster to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following change to the agenda:

(i) 10.2 Added OMB Litigation – SCUBE – verbal presentation
(ii) 10.3 ATU Negotiations Update – verbal presentation

That the Agenda for the City Council meeting being held on November 14, 2007, be approved as amended.

CARRIED

DECLARATIONS OF INTEREST

There were none declared.
CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

The Mayor recognized the two “Mayors for the Day” for the month of November - Breanna Tilban from St. Clare of Assisi School in Stoney Creek and Kerri-Ann Fragata from Glendale Secondary School.

Mayor Eisenberger noted the attendance this evening from representatives of the Canada World Youth International Exchange program promoting citizenship locally and globally, especially amongst our youth. He advised that there has been a team of young adults from across Canada and India who have been in Hamilton volunteering and learning about the community in the spirit of active participation in community development and cross cultural understanding.

3.1 Blackout Challenge

Mayor Eisenberger welcomed Ontario’s Chief Energy Conservation Officer, Peter Love. Mr. Love joined the Mayor at the podium and presented the City of Hamilton with a Certificate of Recognition.

The Mayor noted his pleasure with Hamilton’s results in the Blackout Challenge this year and thanked Public Works staff for their role in helping to co-ordinate this challenge. He also thanked the City of Woodstock and Woodstock Hydro for inviting Hamilton to participate in the Blackout Challenge this year.

3.2 SWANA Awards

The Mayor recognized Public Works staff for achieving three special awards from SWANA (Solid Waste Association of North America);

- The 2007 Marketing Gold Excellence Award,
- The 2007 Composting Gold Excellence Award; and,
- SWANA’s 2007 Innovation Award

The Mayor then called upon Mr. John Lackie, Executive Director of the Ontario Chapter of SWANA to join him at the podium to assist with the presentation to Beth Goodger, Director of Waste Management, Craig Murdoch, Manager of Waste Disposal and student Nicole Montel, Organic Waste Leader.

APPROVAL OF MINUTES

(Collins/Pearson)
That the Minutes of the October 24, 2007 meeting of Council be approved, as presented. CARRIED

(Whitehead/Duvall)
That the Minutes of the November 6, 2007 meeting of Council be approved, as presented. CARRIED
(Pasuta/Mitchell)
That the following dispositions of Council Communications 5.1 to 5.9 be approved, as amended:

5.1 Correspondence from Dean Allison, MP, Niagara West-Glanbrook respecting needs assessment Study for proposed Pickering Airport

Recommendation: Be received

5.2 Correspondence from Ray Chenier, Manitoulin-Sudbury respecting review of the maximum OW/ODSP shelter component

Recommendation: Be referred to the General Manager of Community Services for review and comment.

5.3 Petition from residents of Arcade Crescent respecting second driveway for 95 Arcade Crescent

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

5.4 Correspondence from Doug Duke, Heritage Green Community Trust respecting grant to the city of Hamilton for Mud Street Median Beautification Project

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

5.5 Correspondence from Ed Robinson, CTV respecting auditions for Canadian Idol, Season 6

Recommendation: Be received

5.6 Correspondence from Mohawk College of Applied Arts and Technology in appreciation for the $1.5 million contribution towards the STARRT Institute (Skilled Trades & Apprenticeship Research, Resources and Training) in Stoney Creek

Recommendation: Be received and referred to the Hamilton Future Fund Board for information
5.7 Correspondence from Ken Phillips, Conservation Halton advising that the Conservation Halton 2008 Budget will be presented to the Board of Directors on November 29, 2007

Recommendation: Be received

5.8 Correspondence from Madeleine Levy requesting financial contribution towards initiatives commemorating Holocaust Education Week and International Day of Holocaust Remembrance

Recommendation: Be referred to the Grants Sub-Committee for their review.

5.9 Correspondence from Charlotte Gravlev, Region of Peel respecting Resolution regarding Social Housing Financing

Recommendation: Be endorsed

CARRIED as amended

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 07-014

Item 7 Phases 3 and 4 of the Class Environmental Assessment or Combined Sewer Overflow (CSO) Control and Woodward Avenue Wastewater Treatment Plant Expansion (PW06121(a)) (City Wide) (Item 7.2)

(Clark/Bratina)
That Item 7 (b) of the Public Works Committee Report 07-014 be amended as follows;

That the phrase “provided that no comments or bump-ups are received or part 2 ordered by the public” be added to the end of the paragraph.

CARRIED

Item 8 Staffing the Office of Energy Initiatives on a Permanent Basis (PW07126) (City Wide) (Item 12.1)

That Item 8 (b) of the Public Works Committee Report 07-014 be amended as follows:

That the words “on a contract basis” be added following the words “complement”

Motion LOST
Sub-section (b) of this Item CARRIED on a recorded vote as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, and Pearson
Total: 9
Nays: Clark, Ferguson, Pasuta, Mitchell, Powers and Whitehead
Total: 6
Absent: Morelli
Total: 1

Item 9  Corporate Energy Policy (PW07127) (City Wide) (Item 7.3)

That Item 9 sub-section (e) of the Public Works Committee Report 07-014 be amended as follows;

That the phrase “that this program also be added to the 2009 Internal Auditor’s Workplan” be added at the end of sub-section (e).

CARRIED (McCarthy/Jackson)

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

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 07-019

Item 19  Application for a Certificate of Approval (Waste Disposal/Transfer Station). Ministry of Environment Reference 1095-73GRYE, 384 Millen Road Unit 2 (Stoney Creek) (PED07272) (Ward 10) (Item 8.2)

(Clark/Duvall)

That Item 19 of Economic Development and Planning Committee report 07-019 be amended by adding the following as Sub-section (d):

(d) That the proponent be required to provide financial assurance to cover final cleanup of the site, following the cessation of the use

CARRIED

Motion as Amended Carried

Item 22  Hamilton East Municipal Car Parks 2C and 2D, municipally known as 11 and 18 Britannia Avenue, City of Hamilton

(Merulla/McHattie)

That Item 22 of the Economic Development and Planning Committee Report 7-019, respecting the proposed rezoning of the Hamilton East Municipal Car Parks 2C and 2D, municipally known as 11 and 18 Britannia Avenue, be amended by the addition of the following clause(c) ;
(c) That the Planning and Economic Development Department investigate in detail, matters including, but not limited to; site improvements, site design and layout, health and safety, servicing/utilities, lease agreement and any financial considerations. Further, these matters shall be addressed by the Department in its report to the Economic Development and Planning Committee on the City initiated rezoning, tentatively scheduled for January 15, 2008.

CARRIED
Motion as Amended CARRIED

Item 25  West Hamilton Innovation District – Ontario Municipal Board Appeal (Ward 1) (LS07022) (Item 12.3)

(Mitchell/Pearson)
That subsection (b) to be amended by the deleting the words,

“from the Planning and Development Department Operating Budget” and replacing by the words...“from a source to be identified by the General Manager of Corporate Services”, in lieu thereof.

CARRIED
Motion as Amended CARRIED

(Mitchell/Pearson)
That the NINETEENTH Report of Economic Development and Planning Committee be adopted as amended and the information section received.

CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 07-014

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

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 07-013

Item 12  Citizen Appointments to the Seniors Advisory Committee

(Merulla/McHattie)
That the Emergency & Community Services Committee Report 07-013 be amended by adding Item 12 to read as follows:

(a) That, as Ms. Ann Karow, a long-time, valued member of the Seniors Advisory Committee has passed away, her name be withdrawn from the Seniors Advisory Committee membership.
(b) That Ms. Lorraine Meloche be appointed to the Seniors Advisory Committee for the remainder of the 2006 to 2010 term of Council or until such time as a successor has been appointed by Council.

CARRIED

(Merulla/McHattie)
That the THIRTEENTH Report of the Emergency and Community Services Committee be adopted as amended and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 07-032

(Pasuta/Merulla)
That the THIRTYSECOND Report of the Committee of the Whole be adopted and the information section received.

CARRIED

MOTIONS

7.1(a) Motion to Waive the Rules

(Powers/Pearson)
That the Rules of Order be waived to allow the introduction of a motion to reconsider Item 22 of Committee of the Whole Report 07-023 approved by City Council on July 11, 2007 respecting Acquisition of Playfield opposite 397 King Street West, Dundas.

CARRIED

7.1(b) Motion to Reconsider Acquisition of Playfield from the Hamilton Wentworth District School Board, 397 King Street West, Dundas (PED07269) (Ward 13)

(Powers/Pearson)
That Item 22 of Committee of the Whole Report 07-023 approved by City Council at its meeting held on July 11, 2007 respecting Acquisition of Playfield opposite 397 King Street West, Dundas (Ward 13) be reconsidered:

22. Acquisition of Playfield opposite 397 King Street West, Dundas (Ward 13) (Item 10.7)

(a) That the City of Hamilton proceed with an Offer to Acquire from the Hamilton-Wentworth District School Board the 2.48 acre playfield opposite 397 King Street West, Dundas under the conditions outlined in the report.

(b) That the conditions outlined in the report remain confidential.

CARRIED
(Powers/Pearson)
That Item 22 of Committee of the Whole Report 07-023 approved by City Council at its meeting held on July 11, 2007 respecting Acquisition of Playfield opposite 397 King Street West, Dundas (Ward 13) be deleted and replaced with the following in lieu thereof:

(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 proceed with a bona-fide Offer to the Hamilton-Wentworth District School Board for those lands being composed of Lots 1 to 7 and Lot 10 on Block 18, Plan 1473, Dundas (Richard Hatt Survey) and Part of Lots 8, 9 and Block 18 on Plan 1473, more particularly described as Parts 3 and 4 on Plan 62R-6248 and, Part of Head Street as closed by By-law 3078-79 and Parts of Lot 1 and 2 on Plan 1370 described as Parts 3, 4 and 9 on Plan 62R-4586, comprising an area of 1.09 hectares (2.69 acres) more or less, known municipally as 0 King Street West, Dundas and more particularly shown on Appendix “A” to Report PED07269.

(b) That the purchase price and financing for the lands be subject to the conditions as contained in the Analysis/Rationale Section of Report PED07269, remain confidential and released upon Board acceptance.

(c) That the Mayor and Clerk be authorized and directed to execute all necessary documents in a form satisfactory to the City Solicitor.

CARRIED

7.2(a) Motion to Waive the Rules

(Whitehead/Bratina)
That the Rules of Order be waived to allow the introduction of a motion regarding the Creation of a Southern Ontario Diversification Fund.

This Item CARRIED on a recorded vote as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Pasuta, Mitchell, Powers and Whitehead
Total: 13

Nays: Clark and Pearson
Total: 2

Absent: Morelli
Total: 1
7.2 (b) Creation of a Southern Ontario Diversification Fund

(Whitehead/Mitchell)
Whereas The Atlantic Canada Opportunities Agency (ACOA) supports the strategic development of the Atlantic Region through seed capital programs, The Innovative Communities Fund and fostering partnerships between private enterprise and research institutions;

Whereas The Federal Regional Development Corporation in Northern and Eastern Ontario (FEDNOR) Stimulates investment in high risk enterprises in rural Ontario and communities in Northern and Eastern Ontario;

Whereas the Western Economic Diversification Fund (WD) promotes the development and diversification of the Western Canadian Economy with supports for the development of small business enterprises of Western Canada and advances the interest of the Western Canada in Global Economic Policy;

Whereas the Economy of Southwestern Ontario has experienced a significant loss in high wage jobs in the manufacturing sector. In the last 3 years, Hamilton/Niagara/Brantford has lost approximately 19,700 jobs and Kitchener-Waterloo/London/Windsor has lost 13,200 jobs.

Whereas the Economy of Southwestern Ontario Continues to contribute substantial Income tax revenue to the Federal Government (the Census Metro Area of Hamilton alone continues to contribute more than $2.5 Billion annually in Income Tax Revenue);

Whereas the Economy of Southwestern Ontario would benefit from a Regional Development Fund for improved programs in workforce development, technology upgrades to plant and improved support for global market access.

Therefore, be it resolved that

The Council of City of Hamilton respectfully requests that the Federal Government review the programs of the existing development agencies with objective of expanding the program by creating The Southern Ontario Economic Diversification Fund.

This Item CARRIED on a recorded vote as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Pasuta, Mitchell, Pearson, Powers and Whitehead
Total: 14

Nays: Clark
Total: 1

Absent: Morelli
Total: 1
7.3(a) Motion to Waive the Rules

(Whitehead/Bratina)
That the Rules of Order be waived to allow the introduction of a motion regarding Recommendations to Ensure the Viability of the Canadian Manufacturing Sector.

This Item CARRIED on a recorded vote as follows:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Pasuta, Mitchell, Powers and Whitehead
Total: 13
Nays: Clark and Pearson
Total: 2
Absent: Morelli
Total: 1

7.3 (b) Recommendations to Ensure the Viability of The Canadian Manufacturing Sector

(Whitehead/Duvall)
Whereas according to the House of Commons Standing Committee on Industry, Science and Technology (STCIST), the manufacturing sector is a vital component of the Canadian economy;

Whereas according to STCIST, manufacturing is Canada's largest business sector, accounting for 17% of all of Canada's economic activity and providing employment for 2.1 million people in Canada;

Whereas according to STCIST, the downturn in the manufacturing sector reflects structural changes in the Global Economy;

Whereas there have been as many as 150,000 high wage manufacturing jobs lost in Ontario and a total of 270,000 manufacturing jobs lost in Canada in the last 2 years;

Whereas the Canadian dollar has increased over 40% relative to the American Dollar which has contributed to the erosion of Canada’s relative position in the Global marketplace.

Whereas the Federation of Canadian Municipalities (FCM) wishes to support the recovery of Canadian Cities Manufacturing Sector impacted by the realignment of the Global manufacturing Economy;

Whereas the STCIST has developed a list of 22 recommendations for changes to Federal Industry, Science and Technology Policy;

Therefore be it resolved that:
The City of Hamilton requests the Federal government to accelerate the implementation of the 22 recommendations of the House of Commons’ Standing Committee on Industry, Science and Technology and that this resolution be forwarded to the Federation of Canadian Municipalities (FCM) for support and adoption.

This Item CARRIED on a recorded vote as follows:

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

NOTICES OF MOTION
None

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

PRIVATE & CONFIDENTIAL

10.1 Closed Session Minutes of October 24, 2007
(Collins/Pearson)
(a) That the Minutes the closed session of October 24, 2007 be adopted as presented.

(b) That the closed session minutes remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.

CARRIED

10.2 Matter Respecting Litigation

10.3 Matter Respecting Labour Relations
(Ferguson/Mitchell)
That Council move into Closed Session pursuant to Section 8.1, Sub-sections (d) and (e) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, to consider a litigation matter and a matter pertaining to Labour Relations.

CARRIED
That Committee reconvene in Open Session.  

The Mayor advised that Council had received an update from staff with respect to the litigation matter and that direction had been provided to staff respecting the labour relations matter, in closed session.

That the Rules of Order be waived in order to introduce two confidential matters respecting labour relations.

That Council move into Closed Session at 11:31p.m. pursuant to Section 8.1, Sub-section (d) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, pertaining to Labour Relations.

That the Committee reconvene in Open Session.

The Mayor advised that direction had been provided to staff on the first labour relations matter, that an update had been provided on the second matter and that there was nothing further to report in open session.

**BY-LAWS**

That Bill No. 318 be amended by deleting the following section from Schedule 8; Schedule 8 (No Parking Zones) of By-law No. 01-218, as amended, is hereby further amended by deleting from Section "E" thereof the following item, namely:

"Kettlepoint South from 55.5m east of Piano to 21.1m easterly Anytime"

and by adding to Section "E" thereof the following item, namely:

"Kettlepoint South from 55.5m east of Piano to 14m easterly Anytime"

Amendment CARRIED
That Bill Nos. 07-315 to 07-331 attached hereto as amended 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 07-315 to 07-331:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
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<td>07-315</td>
<td>315</td>
<td>A By-law To Authorize a Site Specific Municipal Capital Facility for Affordable Housing with the Bank of Nova Scotia</td>
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<td>07-316</td>
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<td>A By-law To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits</td>
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<td>A By-law To Amend By-law No. 01-215, To Regulate Traffic: Schedule 13 – Designated Traffic Lanes</td>
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<td>07-318</td>
<td>318 (As Amended)</td>
<td>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 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones</td>
</tr>
<tr>
<td>07-319</td>
<td>319</td>
<td>A By-law To Permanently Close a Portion of the unopened Road Allowance at Eramosa Karst, between Upper Mount Albion Road and Second Road West, from Rymal Road to Highland Road, being part of the original road allowance between Lots 30 and 31, Concession 8, geographic Township of Saltfleet, City of Stoney Creek, now City of Hamilton, designated as Parts 5, 6 and 7 on Plan 62R-14480</td>
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<tr>
<td>07-320</td>
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<td>A By-law To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 3137 Regional Road 56</td>
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<td>07-321</td>
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<td>A By-law To Amend By-law No. 05-200, Respecting Housekeeping Amendments</td>
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<td>07-322</td>
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<td>A By-law To Amend By-law No. 05-364 as it Relates to Delegated Authority Under the Ontario Heritage Act for the Power to Consent to Permits for the Alteration of Designated Property</td>
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<tr>
<td>07-323</td>
<td>323</td>
<td>A By-law To Repeal By-law Nos. R96-055, R95-041 and R89-171 and to Delegate the General Manager, Planning and Economic Development Department a Portion of the Council of the City of Hamilton’s Assigned Authority Under the Planning Act for the Approval of Subdivisions and Condominiums</td>
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<tr>
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<td>A By-law To Amend By-law No. 03-295 as it Relates to Delegated Authority for Site Plan Approval</td>
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<td>07-326</td>
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<td>A By-law To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Lands Located at 1338 Stone Church Road East</td>
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<td>07-327</td>
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<td>A By-law To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Lands Located at 66 Skyview Drive and 636 Upper James Street</td>
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<td>A By-law To Amend Zoning By-law No. 6593 (Hamilton), Respecting Deletion of Retirement Homes from Radial Distance Separation</td>
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<td>07-329</td>
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<td>A By-law To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 352, 372 and the Rear of 388 Springbrook Avenue</td>
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<td>07-330</td>
<td>330</td>
<td>A By-law To Amend Zoning By-law No. 05-200</td>
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<tr>
<td>07-331</td>
<td>331</td>
<td>A By-law To Confirm the Proceedings of City Council</td>
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(CARRIED as amended)

(Jackson/Pearson)

There being no further business, the City Council meeting adjourned at 12:10 a.m

Respectfully submitted

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk
November 14, 2007