Present: Mayor F. Eisenberger


Mayor Eisenberger called the meeting to order and a moment of silent prayer was observed.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. CORRESPONDENCE

5.8 Correspondence from Joseph Mancinelli, Laborers’ International Union of North America respecting entering into a recognition agreement with LIUNA and the International Union of Operating Engineers

Recommendation: For the consideration of Council

5.9 Correspondence from Michael Gallagher, International Union of Operating Engineers, Local 793 in reply to Mr. Mancinelli’s correspondence respecting entering into a recognition agreement with LIUNA and the International Union of Operating Engineers

Recommendation: For the consideration of Council
5.10 Petition submitted by Zoë Green and Gerry Goldberg respecting Opposition to Re-zoning of 56 Governor’s Road, Dundas

Recommendation: Be received and referred to the Economic Development and Planning Committee.

5.11 Correspondence from Tony Battaglia respecting Payment of Taxes

Recommendation: Be received

(Mitchell/Pasuta)
That the Rules of Order be waived to introduce a Petition respecting commercial development in Downtown Binbrook.

CARRIED

(Mitchell/Pasuta)
That a Petition, respecting commercial development in Downtown Binbrook, be added as Item 5.12, and be referred to the Economic Development & Planning Committee and Planning Committee.

CARRIED

2. MOTIONS

7.2 Motion to reconsider Item 6 of the Economic Development and Planning Committee Report 09-016 respecting Demolition Permit – 226 Duke Street.

7.3 Motion to amend Item 10.2, of the August 13, 2009 Council meeting, respecting an Extension of the Agreement between the City of Hamilton and the Hamilton Tiger-Cats Football Club.

(Morelli/Mitchell)
That the Agenda for the City Council meeting being held on September 16, 2009, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

(i) Councillor L. Ferguson declared an interest in Item 10 - Standardization of Fleet Equipment and Parts (PW09074), of the Public Works Committee Report 09-011, as his brother is the Owner of a John Deere dealership.

(ii) Councillor M. Pearson declared an interest in Item 20 – Report 09-001 of the Neighbourhood Residential Housing Community Liaison Committee, as she has an interest in rental properties.
CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

(Ferguson/Powers)
That the Minutes of the August 13, 2009 meeting of Council be approved, as presented.
CARRIED

COMMUNICATIONS

(Ferguson/McCarthy)
That Council Communications 5.1 to 5.12 be approved, as amended:

5.1 Correspondence from Rick Bartolucci, Minister of Community Safety and correctional Services respecting funding for additional police officers for the Hamilton Police Service

Recommendation: Be received

5.2 Correspondence from the Township of Madawaska Valley respecting increase in funding for additional Personal Support Workers

Recommendation: Be received and referred to the Emergency & Community Services Committee.

5.3 Correspondence from the City of Kingston respecting endorsement of the Housing Network of Ontario Declaration

Recommendation: Be received and referred to the Emergency & Community Services Committee.

5.4 Correspondence from the Township of Huron-Kinloss respecting weed control to destroy Giant Hogweed

Recommendation: Be received and referred to the Public Works Committee.

5.5 Correspondence from the City of Greater Sudbury respecting Proposed Workplace Fatalities Family Bill of Rights

Recommendation: Be received and referred to the Executive Director, Human Resource and Organizational Development, in consultation with appropriate departments, for a report to the Audit & Administration Committee.
5.6 Correspondence from the City of Greater Sudbury respecting Employment Insurance Reform

Recommendation: Be endorsed.

5.7 Correspondence from Giuseppe DiCienzo requesting reconsideration of decision to deny delegation request by the Economic Development and Planning Committee re: Land Transaction Negotiations – City and DiCienzo Properties, Dartnall Road Extension – North Glanbrook Industrial Park

Recommendation: Be received and referred to the Economic Development and Planning Committee for consideration.

5.8 Correspondence from Joseph Mancinelli, Labourers’ International Union of North America respecting entering into a recognition agreement with LIUNA and the International Union of Operating Engineers

Recommendation: Be received and referred to the City Manager for a report to Committee of the Whole.

5.9 Correspondence from Michael Gallagher, International Union of Operating Engineers, Local 793 in reply to Mr. Mancinelli’s correspondence respecting entering into a recognition agreement with LIUNA and the International Union of Operating Engineers

Recommendation: Be received and referred to the City Manager for a report to Committee of the Whole.

5.10 Petition submitted by Zoë Green and Gerry Goldberg respecting Opposition to Rezoning of 56 Governor’s Road, Dundas

Recommendation: Be received and referred to the Economic Development and Planning Committee.

5.11 Correspondence from Tony Battaglia respecting Payment of Taxes

Recommendation: Be received.

5.12 Petition respecting a Proposed Commercial Development in Downtown Binbrook

Recommendation: Be received and referred to the Economic Development & Planning Committee.
(Duvall/Jackson)
That Council move into Committee of the Whole for consideration of the Committee Reports.

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 09-017

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

CARRIED

AUDIT & ADMINISTRATION COMMITTEE REPORT 09-012

14. Award of Corporate Tender C12-16-09 Refrigeration and Maintenance Services (FCS09084) (City Wide) (Item 8.4)

(Clark/Bratina)
That Item 14 of the Audit and Administration Committee Report 09-012 respecting Award of Corporate Tender C12-16-09, Refrigeration and Maintenance Services, be amended by adding the words “at the hourly rates quoted in their bid with an upset limit of $5,000/repair assignment.” after “Ark-Tech Contracting Ltd.”, to read as follows:

“That the Corporate Tender C12-16-09, for Refrigeration and Maintenance Services, be awarded to the lowest compliant bidder, Ark-Tech Contracting Ltd. at the hourly rates quoted in their bid with an upset limit of $5,000/repair assignment.”

CARRIED

(Clark/Bratina)
That the TWELFTH Report of the Audit & Administration Committee be adopted, as amended, and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 09-011

9. Request for Proposals C5-17-09: Canada-Ontario Affordable Housing Program (COAHP), Construction-Ready Rental (CS09061) (Wards 1, 2, 3, 5, 6) (Item 8.5)

(Bratina/Pearson)
That Item 9(a)(i) of the Emergency & Community Services Committee Report 09-011, respecting the Grand Connaught Development Group Inc., In Trust, 112 King Street West, Hamilton, Ontario; 100 Affordable Housing Units, be referred to a special Committee of the Whole meeting to be held, prior to September 29, 2009; and, to be considered by a special meeting of Council immediately thereafter.

The above motion was CARRIED on a Standing Recorded Vote, as follows:
(Clark/Duvall)
That Item 9(a)(ii) through 9(a)(vi) of the Emergency & Community Services Committee Report 09-011, respecting the Request for Proposals C5-17-09: Canada-Ontario Affordable Housing Program (COAHP), Construction-Ready Rental, be referred to a special Committee of the Whole meeting to be held, prior to September 29, 2009; and, to be considered by a special meeting of Council immediately thereafter.

CARRIED

(Powers/Pearson)
That a special meeting of Committee of the Whole be held immediately following Council, on September 16, 2009, to consider Item 9 - Request for Proposals C5-17-09: Canada-Ontario Affordable Housing Program (COAHP), Construction-Ready Rental (CS09061), of the Emergency & Community Services Committee Report 09-011.

CARRIED

(Duvall/Collins)
That the ELEVENTH Report of the Emergency & Community Services Committee be approved, as amended, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 09-011

7. Schedule C Class EA Biosolids Management Environmental Study Report (PW07047(b)) (City Wide) (Item 8.1)

(a) That the Schedule C Class EA Biosolids Management Environmental Study Report (Phases 3 and 4 document of the Class Environmental Assessment) and its preferred strategy of thermal reduction (fluidized bed incineration with energy recovery through steam generation), be endorsed;

(b) That staff be authorized and directed not to proceed with detailed design until a report is brought back to the Public Works Committee presenting comparisons with other proponents, which may have an interest in this issue.
The above Item CARRIED on a Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Clark, Duvall, Ferguson, Jackson, McCarthy, McHattie, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 13
Nays: Collins, Merulla, Morelli
Total: 3

12. Requests for Free Transit (PW09073) (City Wide) (Item 8.6)

(Merulla/McHattie)
That Item 12 of the Public Works Committee be amended by adding recommendation (d) to read as follows:

(d) That staff be authorized and directed to provide free bus passes for the twelve (12) Katimavik Youth Volunteers for a ten (10) month period, from September 2009 to June 2010, as well as for transportation to and from the Ancaster Fair between September 25 – 27, 2009.

CARRIED

14. Public Works Committee Outstanding Business List (Item 11.1)

Mitchell/Pearson
That Item 14 of the Public Works Committee Report be amended by deleting recommendation (c), which reads: “Item Q: Pavement Work – Highway 20 and Kirk Road”, in its entirety.

CARRIED

Bratina/Clark
That the ELEVENTH Report of the Public Works Committee be approved, as amended, and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 09-023

3. Municipal Disaster Relief Assistance Program - July 26, 2009 Flooding Event - Supplemental Relief and August 29, 2009 Flooding Event (City Wide) (FCS06007(d)) (Item 8.2)

(a) That the amendment to the Municipal Disaster Relief Assistance Program, to provide an additional compassionate grant of up to $5,000 bringing the total grant to $6,000 to assist flooding victims who were denied the ability to purchase and add “Sewer Back-up” coverage to their policy by their insurer, as outlined in Appendix “A” of Report FCS06007(d), be approved.
Recommendation (a) above CARRIED on a Standing Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Morelli, Pasuta, Whitehead
Total: 12
Nays: McCarthy, Mitchell, Pearson, Powers
Total: 4

(b) That up to an additional $5,000,000 required for this program be funded from Waterworks, Sanitary Sewer and Storm Reserves.

Recommendation (b) above CARRIED on a Standing Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Morelli, Pasuta, Whitehead
Total: 12
Nays: McCarthy, Mitchell, Pearson, Powers
Total: 4

(c) That the flooding occurrence of August 29, 2009, be declared a disaster for the purpose of the Municipal Disaster Relief Assistance Program;

Recommendation (c) above CARRIED unanimously on a Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Mitchell, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 16
Nays: 0
Total: 0

(d) That the Province be petitioned to recognize any funds paid to owners / tenants who sustained damage as a result of the Flooding of July 26, 2009, by the City, as part of the local community fundraising, as defined by the ODRAP program.

Recommendation (c) above CARRIED unanimously on a Recorded Vote, as follows:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Mitchell, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 16
Nays: 0
Total: 0
7. **Accountability and Transparency Report 09-003**

*(Eisenberger/McHattie)*

That Item (g) (v) of Committee of the Whole Report 09-023, respecting Accountability and Transparency Report 09-003, be lifted from the table and renumbered as Item 7 to the Report.  

*CARRIED*

*(Whitehead/Powers)*

That Section 4.5 of Appendix A to the Accountability and Transparency Report 09-003; the draft Appendix “H”, Code of Conduct for Members of Council, to the Procedural By-law, be referred to the City Solicitor to review and prepare the appropriate language to address the following matters within Appendix “H”, and report back to Committee of the Whole:

(a) Section 4.5(1): To address the “maximum” amount of the value of a gift or benefit.

(b) Section 4.5(3): That the Integrity Commissioner review the disclosure statements on a complaint only basis.

(c) Section 4.3(e): That a clear definition of “sponsor” be outlined.  

*CARRIED*

The motion above CARRIED on a Recorded Vote, as follows:

**Yeas:** Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, Mitchell, Morelli, Pasuta, Pearson, Powers, Whitehead  
**Total:** 13  
**Nays:** Eisenberger, McHattie, Merulla  
**Total:** 3

*(Jackson/Pearson)*

That Section 4.5(i) of Appendix “A” to the Accountability and Transparency Committee Report 09-003; the Code of Conduct for Members of Council to the draft Procedural By-law, be amended by increasing the amount of the reportable value of a gift or benefit from $100 to $200.  

*CARRIED*

The motion above CARRIED on a Recorded Vote, as follows:

**Yeas:** Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, Mitchell, Morelli, Pasuta, Pearson, Powers, Whitehead  
**Total:** 13  
**Nays:** Eisenberger, McHattie, Merulla  
**Total:** 3
(Eisenberger/McHattie)
That the revised Code of Conduct for Members of Council, (Schedule H to the City of Hamilton Procedural By-law), attached hereto as Appendix “A”; with the exception of Section 4.5, be approved, as amended.

CARRIED

(Duvall/Collins)
That the TWENTY-THIRD Report of the Committee of the Whole be approved, as amended, and the information section received.

CARRIED

(Duvall/Collins)
That the Committee of the Whole rise and report.

CARRIED

MOTIONS

7.1 Multi-Stakeholder Fundraising Strategy

(Collins/Whitehead)
That staff be directed to formulate a Multi Stakeholder Fundraising Strategy to mitigate the financial hardship of Hamilton's flood victims from the July 26, 2009 storm event, and report back to the Committee of the Whole.

CARRIED

7.2 Demolition Permit – 226 Duke Street (PED09213) (Ward 1) (Item 5.6)

(McHattie/Morelli)
That the Rules of Order be waived to allow the introduction of a motion to reconsider Item 6 of the Economic Development and Planning Committee Report 09-016, approved by Council on August 13, 2009 respecting:

6. Demolition Permit – 226 Duke Street (PED09213) (Ward 1) (Item 5.6)

CARRIED

(McHattie/Morelli)
That Item 6 of Economic Development and Planning Committee Report 09-016, approved by Council on August 10, 2009, which reads as follows, be reconsidered:

6. Demolition Permit – 226 Duke Street (PED09213) (Ward 1) (Item 5.6)

That the Director of Building Services be authorized and directed to issue a demolition permit for 226 Duke Street in accordance with By-Law 08-226 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;
(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

CARRIED

(McHattie/Morelli)
That Item 6 of the Economic Development and Planning Committee Report 09-016 approved by Council on August 13, 2009, be deleted in its entirety and replaced with the following in lieu thereof:

6. Demolition Permit – 226 Duke Street (PED09213) (Ward 1) (Item 5.6)

That the Director of Building Services be authorized and directed to issue a demolition permit for 226 Duke Street, in accordance with By-Law 08-226, pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended.

CARRIED

7.3 Extension of the Agreement between the City of Hamilton and the Hamilton Tiger-Cats Football Club

(Morelli/McHattie)
That the Rules of Order be waived to allow the introduction of a motion to amend Item 10.2 respecting an Extension of the Agreement between the City of Hamilton and the Hamilton Tiger-Cats Football Club approved by Council on August 13, 2009.

CARRIED

(Morelli/McHattie)

(b) By inserting a new section (b) and renumbering the remaining sections accordingly, as follows:

“That the City consent to the assignment of the Ivor Wynne Stadium Licence Agreement, which expires on December 31, 2009, by Bobcat Property Development Corp. (the “Assignor” and successor corporation to Hamilton Tiger-Cats Football Club (2003) Corp.) to Hamilton Tiger-Cats Football Club (2007) Corp. (the “Assignee”), the following conditions:

(i) That the Assignee agrees to assume all of the respective obligations, duties and liabilities of Assignor in the Ivor Wynne Stadium Licence Agreement; and,

(ii) That the Assignee provide to the City a Certificate of Insurance evidencing coverage in accordance with the existing Ivor Wynne Stadium Licence Agreement;“.

(c) By inserting a new section (c) and renumbering the remaining sections accordingly, as follows:

“That the Mayor and City Clerk be authorized and directed to execute the City's Assignment and Assumption Agreement of the said Ivor Wynne Stadium Licence Agreement, in a form satisfactory to the City Solicitor;”

(d) By deleting the words “Hamilton Tiger-Cats Football Club (2003) Corp.” in subsection (b) and inserting the words “Hamilton Tiger-Cats Football Club (2007) Corp.”

(e) By deleting the words “Hamilton Tiger-Cats Football Club (2003) Corp.” in subsection (c) and inserting the words “Hamilton Tiger-Cats Football Club (2007) Corp.”

To now read as follows:

10.2 A Matter respecting Ivor Wynne Stadium

(a) That the City agree to an extension of the Agreement, dated November 12, 2003 between the City of Hamilton and the Hamilton Tiger-Cats Football Club (2007) Corp., for the use of Ivor Wynne Stadium for Canadian Football League games until December 31, 2009; on the same terms and conditions, in a form satisfactory to the City Solicitor;

(b) That the City consent to the assignment of the Ivor Wynne Stadium Licence Agreement, which expires on December 31, 2009, by Bobcat Property Development Corp. (the “Assignor” and successor corporation to Hamilton Tiger-Cats Football Club (2003) Corp.) to
Hamilton Tiger-Cats Football Club (2007) Corp. (the “Assignee”), the following conditions:

(i) That the Assignee agrees to assume all of the respective obligations, duties and liabilities of Assignor in the Ivor Wynne Stadium Licence Agreement; and

(ii) That the Assignee provide to the City a Certificate of Insurance evidencing coverage in accordance with the existing Ivor Wynne Stadium Licence Agreement;

(c) That the Mayor and City Clerk be authorized and directed to execute the City's Assignment and Assumption Agreement of the said Ivor Wynne Stadium Licence Agreement, in a form satisfactory to the City Solicitor;

(d) That all payments made by the Hamilton Tiger-Cats Football Club (2007) Corp., pursuant to the Extension Agreement, be credited against a new, long-term agreement for the use of Ivor Wynne Stadium for Canadian Football League games; and,

(e) That the Director of Recreation be directed to negotiate with Hamilton Tiger-Cats Football Club (2007) Corp., with the goal of finalizing a new, long-term agreement for the use of Ivor Wynne Stadium for Canadian Football League, and report to Committee of the Whole no later than November 25, 2009.

CARRIED

7.4 Changes to Bill 09-199 to Amend Zoning By-law No. 3692-92 (Stoney Creek), respecting the Property Located at 390 Highland Road West, Hamilton, Ontario

(Clark/Pearson)
That the Rules of Order be waived to allow the introduction of a motion respecting changes in a proposed by-law, which is on the Bill List this evening, being Bill 09-199.

CARRIED

(Clark/Pearson)
That Council resolves, pursuant to Section 34(17) of the Planning Act, that no further notice is needed with respect to proposed changes in Bill 09-199, to correct minor typographical errors, and to reduce one side yard setback, from 4.5 meters to 3.5 meters, as follows:

That Subsection 6.10.7, “Special Exemptions”, of Section 6.10 Multiple Residential “RM3” Zone, of Zoning By-law No. 3692 (Stoney Creek), be amended by adding a new Special Exemption, “RM-39”, as follows:

“RM3-39” 390 Highland Road, Schedule “A”, Map No. 1 Notwithstanding the Permitted Uses of Subsection 6.10.1 for the Multiple Residential “RM3” Zone, those lands zoned “RM3-39” by this By-law, may
only be used for maisonettes, townhouses, and uses, buildings or structures accessory thereto.

Notwithstanding the provisions of Paragraphs (b), (c), (d), (f), (i) and (m) of Subsection 6.10.3 of the Multiple Residential “RM3” Zone, on those lands zoned “RM3-39” by this By-law, the following shall apply:

- Minimum Lot Frontage: 13.5 metres
- Minimum Side Yard (abutting a zone for a single, detached dwelling): 3.5 metres

CARRIED

NOTICES OF MOTION

Councillor T. Whitehead introduced the following Notice of Motion:

8.1 Proposed Federal All Party Committee to Investigate National Hockey League

That the City of Hamilton request that the Federal Government establish and all Party committee to investigate the National Hockey League (NHL) in its handling of the purchase by Mr. Balsille of the Phoenix Coyotes.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None.

BY-LAWS

(Ferguson/McCarthy)

That Bill Nos. 09-190 to 09-200 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 09-190 to 09-200 as follows:

By-law No.

09-190 To Repeal By-law No. 05-322 and Requiring the Supply of Vital Services
09-191 To Authorize the Entering into Agreement(s) for the provision of Municipal Capital Facilities for Affordable Housing
By-law No. 09-192
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

09-193
To Amend By-law No. 01-215, To Regulate Traffic:
   Schedule 5 – Stop Signs

09-194
To Amend By-law No. 01-215, To Regulate Traffic:
   Schedule 3 – Flashing School Zones – Reduced Speed Limit

09-195
To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 728 Sanatorium Road

09-196
To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 3015, 3021 and 3027 Binbrook Road West, and 3016, 3030 and 3034 Regional Road 56

09-197
To Repeal Interim Control By-law Nos. 08-104, 08-117, 09-061, Respecting Waste Management Facilities

09-198
To Adopt Official Plan Amendment No. 151 to the former City of Stoney Creek Official Plan, Respecting 390 Highland Road West

09-199
To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 390 Highland Road West

09-200
To Confirm the Proceedings of City Council

(Bratina/Clark)
That, there being no further business, the City Council meeting adjourn at 10:15 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
Clerk
September 16, 2009