CITY COUNCIL
MINUTES
Wednesday, September 28, 2005
7:00 p.m.
Council Chambers
Hamilton City Hall

Present:   Mayor L. Di Ianni

Councillors D. Braden, B. Bratina, P. Bruckler, C. Collins,
M. Ferguson, T. Jackson, B. Kelly, M. McCarthy, B. McHattie,
D. Mitchell, S. Merulla, B. Morelli, M. Pearson, A. Samson,
T. Whitehead

Mayor Di Ianni called the meeting to order.

The Mayor called upon Reverend Allison Barrett of First Unitarian Church in Hamilton to lead the Council in Prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. The presentation of the Sustainable Community Awards was deferred to the October 26th Council meeting and a presentation of the Teen Tobacco Challenge Awards was added in its place.

2. Committee of the Whole Report 05-015 was added as Item 6.5 but was considered prior to the other reports.

3. There was an added Private and confidential matter respecting a personnel issue which remained outstanding from the Planning and Economic Development Committee meeting held on September 20, 2005.

4. There were two added Motions 7.1 and 7.2 by Councillor Ferguson respecting Grants

5. There was an added Motion 7.3 by Councillor Kelly respecting Demolition Permit for 550 Rymal Road east which was tabled by Council at its last meeting.
6. Added Motion 7.4 by Councillor Ferguson respecting Big Creek Estates which was also tabled by Council at its last meeting.

7. Added Motion 7.5 by Councillor McHattie respecting Social Services Downloading (Pearson/Whitehead)

That the Agenda for the City Council meeting being held on September 28, 2005, as amended, be approved.

CARRIED

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

(a) 2005 Commuter Challenge Awards

The Mayor invited Heather Donison of Green Venture to the podium for the presentations.

The goals of the Commuter Challenge are to ensure the City of Hamilton has the best air quality of any major urban area in Ontario and to encourage change towards transportation choices. This year, Hamilton placed 4th in the National Commuter Challenge for its category, moving up one level.

Heather Donison addressed Council and presented the awards to the following recipients: Jennifer Dawson and Daryl Bender of Alternative Commuting & Transportation Office on behalf of McMaster University, Valerie McKenna, of Horizon Utilities, Sheila Boyd, of Economical Insurance, Rob Wazny, of Wazabike and Linda Hughes of Hamilton Community Foundation. (The representative from Mohawk College was unable to attend but the college’s achievement as the second place winner was recognized by Heather Donison.)

(b) The Teen Tobacco Challenge Awards.

The Mayor invited Andrea Kita, Arron Puley and Ricky Stevens from Orchard Park School and Councillor McHattie to the podium. He explained that the 5th annual Teen Tobacco Challenge was held between April-June 2005 and the winning participants were Orchard Park Students with S.T.O.P (Stop Tobacco at Orchard Park) which was awarded the Best Overall entry. The students and teachers were recognized by City Council. Councillor McHattie addressed Council with respect to the challenges of preventing young people from smoking.

APPROVAL OF MINUTES

(Ferguson/Kelly)

That the Minutes of the City Council Meeting held on September 14, 2005, be approved as presented.

CARRIED
That the Minutes of the Special City Council Meeting held on September 20, 2005, be approved as presented.

CARRIED

COMMUNICATIONS

That the following dispositions for Council Communications 5.1 – 5.7 be approved as amended;

(Mitchell/Braden)
5.1 Resolution from the Township of North Frontenac respecting minimum capital program funding thresholds for small rural municipalities

Recommendation: Be received and referred to the Corporate Administration Committee.

5.2 Petition respecting increase in Taxi Meters

Recommendation: Be referred to the Licensing Committee for review

5.3 Petition respecting road and sidewalk repair to area between Fennell and Queensdale

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

5.4 Correspondence from the Honourable Minister of Municipal Affairs and Housing John Gerretsen respecting declaring areas of the City of Hamilton as a disaster area

Recommendation: Be received and referred to staff for appropriate action.

5.5 Resolution from the Region of Niagara respecting co-payment invoicing and revenue collection for Land Ambulance Service

Recommendation: Be received and referred to the General Manager of Hamilton Emergency Service for a report to the Community Services Committee

CARRIED
5.6 Resolution from the City of Kawartha Lakes respecting tax credit for parents who have children participating in sports and creditable and accountable organizations

Recommendation: Be received.

5.7 Resolution from the Town of Whitechurch-Stouffville respecting proposed budget cuts to the Ontario Library Services

Recommendation: Be received and forwarded to the Library Board for comment.

CARRIED

MOTION AS AMENDED CARRIED

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

CARRIED

COMMITTEE OF THE WHOLE REPORT 05-015

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

CARRIED

Councillor Mitchell indicated that he wished to be recorded as OPPOSED to Item 1.

PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 05-013

(Mitchell/Pearson)
That the THIRTEENTH Report of the Public Works, Infrastructure and Environment Committee be adopted and the information section received.

CARRIED

Councillor Bratina updated Council on Item (f) respecting the proposed Halloween Street Festival on Hess Street which was TABLED at Committee. He has met with the interested parties and the proponent has withdrawn his application.
Item 7  Surplus School Lands, Hamilton-Wentworth Catholic District School Board, 12 Ambrose Avenue, Hamilton (PED05121) (Ward 5) (Item 5.7)  

(Collins/Bruckler)  
That Item 7 of the Planning and Economic Development Committee Report 05-019 be amended by adding the following as subsection (b):  

(b) That the City of Hamilton request the Hamilton-Wentworth Catholic District School Board to communicate to the surrounding community the processes related to the disposal of the property at 12 Ambrose Avenue.

CARRIED

Item 14. Applications to Amend the Ancaster Official Plan and Zoning By-law No. 87-57, for Lands Located at 125-139 Wilson Street West (Ancaster) (PED05074) (Ward 12) (Added Item)  

Councillors Ferguson, Samson and Mitchell indicated that they wished to be recorded as OPPOSED to this Item.

Consideration of the Planning and Economic Development Report 05-019 was TABLED pending the In Camera Session.

CORPORATE ADMINISTRATION COMMITTEE REPORT 05-013  

(Braden/Bratina)  
That the THIRTEENTH Report of the Corporate Administration Committee be adopted as presented and the information section received.

CARRIED

SOCIAL AND PUBLIC HEALTH SERVICES COMMITTEE REPORT 05-011  

(McHattie/Merulla)  
That the ELEVENTH Report of the Social and Public Health Services Committee be adopted as presented and the information section received.

CARRIED
MOTIONS

7.1 2005 Community Partnership Program Appeals – Arts and Culture/Special Events

(Ferguson/Collins)
That the 2005 grant allocations to the following Arts and Culture/Special Events organizations, as approved by Council on May 11, 2005, be amended as follows:

(a) That the 2005 grant for Hamilton Artists Inc. (MYF-ART-9) originally approved in the amount of $8,151 be increased by $16,849 for a grant in the amount of $25,000;

(b) That the 2005 grant for Ancaster Society for the Performing Arts (ART-12) originally approved in the amount of $4,076 be increased by $1,924 for a grant in the amount of $6,000;

(c) That the 2005 grant for Hamilton Folk Arts Heritage Council (MYF-SE-11) originally approved in the amount of $31,199 be increased by $18,801 for a grant in the amount of $50,000;

(d) That the additional $37,574 be funded from the unallocated balance within the 2005 Community Partnership Program budget;

CARRIED

7.2 2005 Community Partnership Program Appeals – Social and Public Health Services

(Ferguson/Collins)
That the 2005 grant allocations to the following Social and Public Health Services organization, be amended as follows:

(a) That the 2005 grant originally approved in the amount of $3,750 for the Senior Socialization Program – Famee Furlane (H-25), be reinstated to the 2004 allocation of $7,500;

(b) That the additional $3,750 be funded from the unallocated balance within the 2005 Community Partnership Program budget;

NOTE: As a result of the increased funding, the original 2005 rating of 48 for the Senior Socialization Program – Famee Furlane is changed to 61.

CARRIED

7.3(a) Item 11 Demolition Permit – 550 Rymal Road East (PED05104) (Ward 7)

(Kelly/Whitehead)
That Item 11 of the Planning & Economic Development Committee Report 05-018 be lifted from the table.

CARRIED
7.3(b) Item 11-Demolition Permit – 550 Rymal Road East (PED05104) (Ward 7)  

(Kelly/Whitehead)
That Item 11 of the Planning & Economic Development Committee Report 05-018 respecting the application for a demolition permit at 550 Rymal Road East be deleted in its entirety and replaced by the following in lieu thereof;
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 550 Rymal Road East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

7.4 Item 15 Applications for a Draft Plan of Subdivision Known as “Big Creek Estates” and for a Change in Zoning for Lands Located on Part of Lot 39, Concession 3, Municipally Known as 446 – 450 Hamilton Drive (Ancaster) (PED05095) (Ward 12)

(Ferguson/Jackson)
That Item 15 of the Planning & Economic Development Committee Report 05-018 be lifted from the table and be TABLED for an additional two weeks.

CARRIED

7.5 Social Service Downloading on the City of Hamilton

(McHattie/Bratina)
(a) That given the need to secure social service funding from the Provincial government in support of 2006 budget needs, that an independent consultant be hired, to prepare a report for council’s consideration, outlining the impacts of social service downloading on the City of Hamilton and provide recommendations on required changes.

(b) That a steering committee be established consisting of community members from McQuesten Legal, Social Planning and Research Council, the Hamilton and District Chamber of Commerce and three Members of Council to review and report back to Committee of the Whole.

(c) That funding in the amount of $15,000 be allocated from the 2005 budget surplus for this initiative.

(d) That Councillors McHattie, Merulla and Whitehead be appointed to the steering committee.

CARRIED

7.6(a) Municipal Waste from Other Municipalities

(Collins/Bruckler)
That the Rules of Order be waived to allow the introduction of an item respecting legislation to force municipal waste from other municipalities.

CARRIED
7.6(b) Municipal Waste from Other Municipalities

(Collins/Bruckler)
(a) That the City of Hamilton advise the Minister of the Environment and the Government of the Province of Ontario that it is opposed to any legislation that would seek to force municipal waste from other municipalities to any private or public landfill within the boundaries of the City of Hamilton.

(b) That the resolution be forwarded to local M.P.P.s for their consideration and support.

CARRIED

Councillor Braden indicated that he wished to be recorded as OPPOSED to this Item.

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

On a motion (Braden/Ferguson) Council moved In-Camera to consider an item relating to labour relations or employee negotiations.

CARRIED.

On a Motion (Kelly/Pearson) Council reconvened in open session and approved the following staff recommendation which was added as Item 17 to the Planning and Economic Development Report 05-019:

17. Enforcement of Moving Violations and Towing Abandoned Vehicles by Parking Control Staff (PED05079) (City Wide)

(a) That staff be authorised and directed to terminate the existing program providing enforcement of by-laws other than parking and stopping, specifically; traffic regulations under City of Hamilton By-law No. 01-215.

(b) That the two Municipal Offence Officer positions, dedicated to traffic regulation enforcement, be deleted from the staff complement and replaced with one additional Towing Officer position.

(c) That the Police Services Board be notified of the revised service level.

(d) That Report PED05079 remain confidential

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

CARRIED

BY-LAWS

That Bill Nos. 05-276 to 05-291 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 05-276 to 05-291

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
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<tr>
<td>05-276</td>
<td>276</td>
<td>Respecting Removal of Part Lot Control Within a Portion of “Effort Gardens – Phase 2” – Lots 1 to 9 inclusive, Plan 62M-1032</td>
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<tr>
<td>05-277</td>
<td>277</td>
<td>To Incorporate City Land Designated as Part 1 on Plan 62R-17212 into Hemlock Avenue</td>
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<tr>
<td>05-278</td>
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<td>To Incorporate City Land Designated as Parts 1, 2, 3 and 4 on Plan 62R-17151 into Kopperfield Lane</td>
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<td>05-279</td>
<td>279</td>
<td>To Amend Zoning By-law No. 6593, Respecting Lands Located South of the Lincoln M. Alexander Parkway and West of West 5th Street</td>
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<tr>
<td>05-280</td>
<td>280</td>
<td>To Amend Zoning By-law No. 6593, Respecting Lands Located at 87 Edgehill Drive, Hamilton</td>
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<td>05-281</td>
<td>281</td>
<td>To Permanently Close and Sell Part of the Original Road Allowance Between Broken Lots 7 and 8, Concession 8 in the Geographic Township of East Flamborough, Designated as Part 1 on Plan 62R-17171, Town of Flamborough, now City of Hamilton</td>
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<tr>
<td>05-282</td>
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<td>To Amend By-law No. 05-215, To Regulate Traffic Schedule 2 – Speed Limits</td>
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<td>To Amend By-law No. 01-215, To Regulate Traffic Schedule 5 – Stop Signs</td>
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<td>05-284</td>
<td>284</td>
<td>To Amend By-law No. 01-218, as amended to Regulate On-Street Parking: Schedule 8 – No Parking Zones Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones</td>
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<tr>
<td>05-285</td>
<td>285</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic</td>
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Schedule 6 – One-way Streets  
Schedule 8 – No Right Turns  
Schedule 9 – No Right Turns on Red  
Schedule 10 – No Left Turns  
Schedule 11 – No Left Turns on Red  
Schedule 13 – Designated Traffic Lanes  
Schedule 24 – Pedestrian Entry or Crossing Prohibited

05-286  286  Respecting Removal of Part Lot Control, Block 183, Registered Plan 62M-987

05-287  287  To Adopt Official Plan Amendment No. 105 to the Former Town of Ancaster Official Plan, Respecting Lands municipally known as 125 – 139 Wilson Street West

05-288  288  To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 125 – 139 Wilson Street West

05-289  289  To Authorize the Entering into Agreement(s) for the provision of Municipal Capital Facilities for Affordable Housing – 307 John Street

05-290  290  To Authorize the Entering into Agreement(s) for the provision of Municipal Capital Facilities for Affordable Housing – 450 Cumberland Avenue

05-291  291  To Confirm the Proceedings of City Council

The City Council meeting adjourned at 9:20 p.m.

Respectfully submitted,

Larry Di Ianni  
Mayor

Kevin Christenson, Clerk  
September 28, 2005