CITY COUNCIL
MINUTES

Wednesday, February 15, 2006
7:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Present: Mayor L. Dilanni
Councilors D. Braden, B. Bratina, P. Bruckler, C. Collins, T. Jackson, B. Kelly, M. McCarthy, B. McHattie, D. Mitchell, S. Merulla, B. Morelli, M. Pearson, A. Samson,

Absent with regrets: Councillor M. Ferguson – Illness
Councillor T. Whitehead - Vacation

Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Reverend Allan Gallant from the West Highland Baptist Church in Hamilton, to lead the Council in prayer.

Mayor Dilanni welcomed back Councillor Bernie Morelli after his absence due to illness. Councillor Morelli thanked all his family, friends and Council colleagues for all their support and encouragement during his recovery.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(i) Added Council Communication:
5.11 Joanna Chapman requesting that the opportunity to address the Compliance Audit Addendum submitted by Ken Froese

(ii) Added Council Communication:
5.12 Release from FCM respecting Palestinian Municipal Management Project Phase II – Call for Expression of Interest
(iii) Added Council Communication:
5.13 Joanna Chapman addressing various issues respecting the Compliance Audit materials should council not provide her with the opportunity to address Committee of the Whole.

(iv) Added Private and Confidential Items
1. Labour Relations Matter
2. Matter respecting an identifiable individual

(Kelly/Collins)
That the Agenda for the City Council meeting being held on February 15, 2006, as mended, be approved. \textbf{CARRIED}

\begin{tabular}{|l|}
\hline
\textbf{DECLARATIONS OF INTEREST} \\
\hline
(i) Addendum to the Report for the City of Hamilton by Ken Froese, LECG Canada Ltd. respecting Municipal Election Compliance Audit on Campaign Finances of Candidates, Larry DiIanni, Marvin Caplan, John Best, February 6, 2006 (Communications Item 5.10) \hline
(ii) Joanna Chapman requesting that the opportunity to address the Compliance Audit Addendum submitted by Ken Froese (Communications Item 5.11) \hline
(iii) Joanna Chapman addressing various issues respecting the Compliance Audit materials should council not provide her with the opportunity to address Committee of the Whole (Communications Item 5.13) \hline
(iv) Committee of the Whole Report 06-004, February 10, 2006 (Information Item (e) – Legal Matter respecting the Municipal Elections Compliance Audit) \hline
\end{tabular}

Mayor DiIanni declared an interest in the above noted issues as they relate to the Municipal Elections Compliance Audit.

\begin{tabular}{|l|}
\hline
\textbf{CEREMONIAL ACTIVITIES/ANNOUNCEMENTS} \\
\hline
A number of awards were presented to the Public Works Department as follows: \\
1. \textbf{Bruce Brunton Award for the 2005 Ontario Public Works Association (OPWA) National Public Works Week} \\
   Mayor DiIanni called upon Chris Hill, Manager of Central Fleet to join him at the podium. He advised that the City of Hamilton has been selected as this year’s winner of the Bruce Brunton Award for the 2005 Ontario Public Works Association (OPWA) National Public Works Week. \\
\end{tabular}
The Mayor congratulated the following Committee members who put together the award winning Public Works Week program which showcased the many services provided by the Public Works Department:

Cindy Slinn (HSR), Martin White, Katie Fernandes, Nello Violin and Tami Sadonoja (Operations & Maintenance), Anna-Marie DiPronio, Jim MacAulay, Dan McKinnon and Peter Bromley (Water & Wastewater), Chris Hill (Fleet & Facilities), John Murray and Charlene Hands-Lourie (Capital Planning & Implementation), Dennis Guy (Waste Management), Janet Vandehaar (Communications), and Chris Murray (Red Hill Valley Project)

2. 2005 OPWA Project of the Year Award in the Environment

The Mayor advised that Hamilton received the 2005 OPWA Project of the Year Award in the Environment from the Ontario Public Works Association for its Mountain Community Recycling Centre.

The award was granted because the facility demonstrates teamwork uniting private sector companies, community organizations, city staff, municipal and provincial politicians and residents across Hamilton in a single goal of reaching 65% diversion of waste by 2008.

The General Manager of Public Works, Scott Stewart and his staff – particularly Beth Goodger, Craig Murdoch and Pat Parker – were congratulated for their leadership and hard work in this endeavour.

3. Award for Outstanding Leadership in Organizing the 2006 Repair Our Air – Fleet Challenge

Mayor DiIanni invited Chris Hill, Manager of Central Fleet to join him at the podium.

He indicated that the City of Hamilton has received an award for outstanding leadership in organizing the 2006 Repair Our Air – Fleet Challenge.

Hamilton’s leadership in promoting better fleet management by focusing on reducing engine idling in trucking, bus, utility, and municipal fleets to reduce greenhouse gas emissions is recognized in this award.

4. InfraGuide 2005 National Award of Excellence

Mayor DiIanni asked Gerry Davis, Director, Capital Planning and Implementation, John Murray, Manager of Asset Management, Rick Andoga, Senior Project Manager, Infrastructure and Kevin Bainbridge, Project Manager, Sub-Surface Assets to join him at the podium.

The City of Hamilton’s Capital Planning and Implementation Division of the Public Works Department has developed a comprehensive State of the Infrastructure Report, as well as State of the Infrastructure Report Card for summary and communication purposes. This initiative has won Hamilton the 2005 InfraGuide National Award of Excellence.
APPROVAL OF MINUTES

(Braden/Kelly)
That the Minutes of the Special City Council Meeting held on December 19, 2005, be approved as presented. CARRIED

(Mitchell/Pearson)
That the Minutes of the City Council Meeting held on January 25, 2006, be approved as presented. CARRIED

COMMUNICATIONS

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

5.1 Petition submitted by Waterdown Parkside Drive East Citizen’s Group objecting to the Parkside Drive Expansion in NE Waterdown (Dillon Option 4) (signed by 100 residents)

Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works, Infrastructure and Environment Committee meeting on February 20, 2006

5.2 Correspondence from the Honourable Ralph Goodale, Minister of Finance respecting taxation system.

Recommendation: (Kelly/McHattie) Be received and that a copy of the letter be re-submitted to the new Minister of Finance. Amendment CARRIED

5.3 Correspondence from the Honourable George Smitherman, Minister of Health and Long-Term Care respecting $83.5M in 2005/06 for new and upgraded medical equipment

Recommendation: Be received

5.4 Correspondence from Karen Kain, Chair, Canada Council for the Arts in appreciation for support by Hamilton City Council

Recommendation: Be received

5.5 Correspondence from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting Strong Start Program Funding in the amount of $3,360,000 for 48 units for the Bridgewater Court project

Recommendation: Be received
5.6 Correspondence from The Honourable Dwight Duncan, Minister of Finance and John Gerretsen, Minister of Municipal Affairs and Housing respecting Ontario Municipal Partnership Fund allocations for 2006

Recommendation: Be received

5.7 Correspondence from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting GO Transit growth capital funding framework and the Development Charges Act, 1997

Recommendation: Be received

5.8 Resolution by the County of Brant respecting “Watertight: The Case for Change in Ontario’s Water and Wastewater Sector”

Recommendation: (McHattie/Jackson) Be referred to the Public Works and Infrastructure & Environment Committee. Amendment CARRIED

5.9 Petition submitted by Governors Green Tenants Association requesting a reduction in the ratio between multi-residential and residential tax rates

Recommendation: (Samson/Collins) Be referred to the Corporate Administration Committee for a report. Amendment CARRIED

Mayor Dilanni declared an interest in Items 5.10, 5.11 & 5.13 and vacated the Council Chambers. Deputy Mayor Merulla assumed the Chair.

5.10 Addendum to the Report for the City of Hamilton by Ken Froese, LECG Canada Ltd. respecting Municipal Election Compliance Audit on Campaign Finances of Candidates, Larry Dilanni, Marvin Caplan, John Best, February 6, 2006

Recommendation: (Bratina/Braden) Be received and referred to a Special Committee of the Whole meeting. Amendment CARRIED

5.11 Joanna Chapman requesting that the opportunity to address the Compliance Audit Addendum submitted by Ken Froese

Recommendation: (Bratina/Braden) Be received and referred to a Special Committee of the Whole meeting. Amendment CARRIED
5.12 Release from FCM respecting Palestinian Municipal Management Project Phase II – Call for Expression of Interest

Recommendation:
(a) That Council support the initiative of FCM to assist in the implementation of the second phase of the Palestinian Municipal Management Project which supports development and peace initiatives that improve the quality of life of citizens and achieve sustainable development in the Palestinian municipalities;

(b) That any senior staff who wish to participate in the initiative do so by utilizing vacation time.  

CARRIED

5.13 Joanna Chapman addressing various issues respecting the Compliance Audit materials should council not provide her with the opportunity to address Committee of the Whole.

Recommendation:  (Bratina/Braden)
Be received and referred to a Special Committee of the Whole meeting.

CARRIED

Motion as Amended CARRIED

Mayor DiIanni rejoined the meeting and assumed the Chair.

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

CARRIED

PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 06-002

(McCarthy/McHattie)
That the SECOND Report of the Public Works, Infrastructure and Environment Committee be adopted, and the information section received.  

CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-002

Item 2  28 Lynden Avenue, Dundas, Servicing Agreement (PED06025) (Ward 13) (Item 5.2)
(Pearson/Mitchell)
That Item 2 of the SECOND Report of the Planning and Economic Development Committee be amended by the addition of the following clause (c)

(c) That Council’s existing policy delegating authority to the Mayor and Clerk to execute servicing, subdivision and development agreements as a condition of development approvals be extended to cover situations of new developments on existing lots requiring servicing agreements, but where no development approvals under the Planning Act are required.

CARRIED

Item 19 Official Plan Amendment 28 (former Town of Flamborough) (Item 12.2)

(Pearson/Kelly)
That Council waive its privilege and release the legal opinion regarding Official Plan Amendment 28.

CARRIED

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

CARRIED

CORPORATE ADMINISTRATIVE SERVICES COMMITTEE REPORT 06-002

(Samson/Pearson)
That the FIRST Report of the Corporate Services Committee be adopted, and the information section received.

CARRIED

STRATEGIC PLANNING AND BUDGETS COMMITTEE REPORT 06-001

(Samson/Pearson)
That the FIRST Report of the Strategic Planning and Budgets Committee be adopted and the information section received.

CARRIED

COMMUNITY SERVICES COMMITTEE REPORT 06-001

(Jackson/Bruckler)
That the FIRST Report of the Community Services Committee be adopted and the information section received.

CARRIED
COMMITTEE OF THE WHOLE REPORT 06-004

(Merulla/McHattie)
That the FOURTH Report of the Committee of the Whole be adopted and the information section received. CARRIED

BOARD OF HEALTH REPORT 06-002

(McHattie/Merulla)
That the SECOND Report of the Board of Health be adopted and the information section received. CARRIED

SELECTION COMMITTEE REPORT 06-001

(Bruckler/Jackson)
That the FIRST Report of the Selection Committee be adopted and the information section received. CARRIED

MOTIONS

7.1 Motion by Councillor McHattie Respecting Social Housing Subsidy Costs

(McHattie/Merulla)
WHEREAS the stock of social housing is a valuable asset that will meet the affordable housing needs of our vulnerable citizens now and in the future;

AND WHEREAS this public asset represents a considerable investment by the Federal and Provincial Governments over many decades and must be sustained;

AND WHEREAS the prime funding responsibilities for social housing costs in Ontario have been transferred to municipalities which rely on a stressed property tax base;

AND WHEREAS the property tax pressures being experienced by the City of Hamilton and other municipalities clearly undermines our municipal ability to properly fund a program that is ultimately seen as income re-distributive;

AND WHEREAS the City of Hamilton and social housing providers in our community are initiating cost-reduction strategies such as energy efficiency initiatives to reduce social housing subsidy costs and will continue to implement cost-saving initiatives;

AND WHEREAS these cost-reduction strategies are successful but it is not enough and in no way will correct the current fiscal imbalance of social housing subsidy costs;
IT IS HEREBY RESOLVED that the Federal and Provincial Governments acknowledge the financial impact of the social housing subsidy on the municipal property tax base;

AND FURTHER that the Federal and Provincial Governments agree to partner with municipalities and increase their financial contributions to social housing subsidy costs;

AND FURTHER that this resolution be forwarded to the Prime Minister of Canada, the Premier of Ontario, the Provincial Minister of Municipal Affairs and Housing, all local area Members of Parliament and Members of Provincial Parliament and the Association of Municipalities of Ontario (AMO).

CARRIED

7.2 Retaining of Outside Legal Counsel to Provide Legal Advice Regarding the Municipal Compliance Audit

(McHattie/McCarthy)

That outside legal Counsel be retained to provide legal advice regarding the Municipal Compliance Audit on campaign finances of candidates Larry Dilanni, Marvin Caplan and John Best, with the following qualifications;

(a) said law firm has not been previously retained by the City of Hamilton or any of the former municipalities;

(b) said law firm does not reside in the City of Hamilton;

(c) said law firm to have the required expertise in this area of law;

(d) subject to such law firm being able to meet the required time frame.

CARRIED

Note: Councillors Bruckler, Kelly, Mitchell & Pearson wished to be recorded as opposed.

The Mayor had declared an interest in this matter and was not present during the debate or the passage of Motion 7.2.

NOTICE OF MOTION

8.1 Without Cause Severance Packages

(Collins/Merulla)

(a) That all unbudgeted “without cause” severance packages be presented to Council in the form of a report for their information and consideration;

(b) That if approved, Finance staff present an appropriate source of funding for Council’s consideration.
STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

On a Motion (Collins/Braden) Council moved In-Camera in order to receive updates on both a labour relations matter and a matter respecting an identifiable individual. CARRIED

On a Motion (Kelly/Jackson) Council reconvened in open session. CARRIED

BY-LAWS

(Merulla/McHattie)

That Bill Nos. 06-025 to 06-037 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 06-025 to 06-037

06-025 025 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 20 – School Bus Loading Zones

06-026 026 To Regulate the Installation, Connection and Use of Sewers and Drains in the City of Hamilton

06-027 027 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

06-028 028 To Extend the expiration date of Interim Control Zoning By-law No. 05-041, Respecting Lands Zoned K, Including all exceptions within those zones under the City of Hamilton Zoning By-law No. 6593, as amended, within the areas bounded by Aberdeen Avenue, Highway 403, Main Street West and the CP Railway line, as more particularly shown on Schedule A to this By-law

06-029 029 To Amend By-law No. 6593, as amended by By-law 96-109, Respecting Lands Located at 811 King Street West

06-030 030 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Known Municipally as 397 Old Brock Road, in the Geographic Township of West Flamborough, now in the City of Hamilton
06-031 031 Respecting Removal of Part Lot Control, Blocks 113, 114, 115 and 116, Registered Plan 62M-1040 (Avalon Phase 3)

06-032 032 To Adopt Official Plan Amendment No. 106 to the former Town of Ancaster Official Plan, Respecting Lands Municipally Known as 159 Jerseyville Road West

06-033 033 To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 159 Jerseyville Road West (Ancaster)

06-034 034 To Adopt Official Plan Amendment No. 122 to the former City of Stoney Creek, Respecting A Portion of Lands Located within “Trillium Estates (Seabreeze Estates) Phase 2”, Whitefish Crescent (Stoney Creek)

06-035 035 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting a Portion of the Property Located at Lot 15 and Part of Lots 14 and 16, Plan 635, and Part of Lot 9, Broken Front Concession (Seabreeze Estates Phase 2)

06-036 036 To Designate Land Located at 281 Herkimer Street, City of Hamilton, as Property of Cultural Heritage Value

06-037 037 To Confirm the Proceedings of City Council

The City Council meeting adjourned at 9:35 p.m.

Respectfully submitted,

Larry Dilanni
Mayor

Kevin C. Christenson
Clerk
February 15, 2006