CITY COUNCIL MINUTES

Wednesday, September 10, 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 Major Byron Jacobs, of the Salvation Army, to lead Council in prayer.

ANNOUNCEMENTS

Mayor Eisenberger advised of the recent passing of Michael Taggart, a transit employee with the City of Hamilton. Mayor Eisenberger noted that Michael had given a total of 27 years of service to the HSR. The Mayor extended his condolences to Michael’s family.

Mayor Eisenberger advised of the passing of Gary Fama, also an HSR employee. He noted that Gary was an employee of HSR for the past 30 years and extended condolences to Gary’s family.

Mayor Eisenberger announced the passing of John Santarelli, a former Councillor of the City of Stoney Creek, and a recently retired teacher after 34 years with the Catholic District School Board. Mayor Eisenberger expressed condolences to John’s family.
APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **ADDED COMMUNICATIONS**

   5.24 AMO News Release – Councillor Powers elected to AMO Board of Directors, Regional and Single Tier Caucus

   Recommendation: Be received

   5.25 Correspondence from Judith Litwack, Quality Remodelling-Renovations respecting Appeal Hearing for Marty Garson – Building Repair Contractor’s License

   Recommendation: For the consideration of Council

( McCarthy/ Jackson )

That the Agenda for the City Council meeting being held on September 10, 2008, be approved, as amended. **CARRIED**

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 🇨🇦 Remembering Sergeant Shawn Eades, 12th Field Squadron, 1 Combat Engineer Regiment, 2nd Battalion Princess Patricia’s Canadian Light Infantry battle group

Mayor Eisenberger asked the meeting to join him in commemorating Sergeant Shawn Eades, of the 12 Field Squadron, 1 Combat Engineer Regiment.

He advised that Sgt. Eades was tragically killed in a roadside blast with two fellow soldiers while on a reconnaissance mission in the Zhari District of southern Afghanistan on August 20th, 2008. This was Shawn’s third tour of duty in Afghanistan.
Sgt. Eades was well respected by his subordinates, peers and superiors for his outstanding professionalism and operational experience and competence.

Shawn was a devoted family man and the Mayor said that our prayers and thoughts are with his wife Lisa and his two young daughters Breanna and Niya, his Mother Beverly, and the Eades family during this most difficult time. Mayor Eisenberger added that Sgt. Eades mother was here this evening.

Sgt. Eades’ sacrifice to selflessly serve our Nation along with other Hamiltonians and Canadians will not be forgotten.

The Mayor asked all present to stand and observe a moment of silence, in honour of Sgt. Eades.

The Mayor asked Mrs. McCraw, to accept flowers on behalf of Hamilton City Council and the City of Hamilton.

3.2 Responsible Youth - Safer Communities Award

Mayor Eisenberger announced that Corry Curtis and Sue Connell were nominated and received the Responsible Youth Safer Communities Award from the Ontario Students Against Impaired Driving in recognition for their work with youth in Hamilton through the organization of the 2008 Party in the Right Spirit Event.

He explained that this event focuses on reducing youth alcohol risk taking behaviours to reduce rates of impaired driving and other negative health effects resulting from alcohol use.

The Mayor invited Corry to join him at the podium, as Sue was unable to attend this evening. On behalf of Council, he congratulated both of them on the receipt of the award. Corry thanked the City for the award.

3.3 Miss Teen World-Wide

Mayor Eisenberger invited Paisley McNab to join him at the podium and congratulated Paisley on having won the title of Miss Teen World-Wide.

The Mayor explained that Paisley is the daughter of Pat McNab who works in the Public Works Department, and noted that through Paisley’s hard work, dedication and genuine commitment, she had successfully achieved this prestigious title. The Mayor wished Paisley all the best in the years ahead.

Ms McNab briefly addressed Council, and thanked everyone for their support.
3.4 Gold Box Winners, Ward 1 and Ward 6

Mayor Eisenberger invited Councillor Brian McHattie and Councillor Tom Jackson to join him at the podium for a presentation to the recent Gold Box Winners.

The Mayor then invited Rebecca Watson and Megan Coombes of Ward 1 and Bill Brush of Ward 6 to come forward to the podium.

Councillor McHattie gave details of the background to the Gold Box programme and presented Rebecca Watson and Megan Coombes with their Gold Boxes and cheques.

Councillor Jackson added his congratulations to all the winners and presented Bill Brush with his Gold Boxes and a cheque.

The winners addressed Council briefly and thanked everyone for the awards.

APPROVAL OF MINUTES

(Duvall / Bratina)
That the Minutes of the August 7, 2008, meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS

(McCarthy/ Jackson)
That Council Communications 5.1 to 5.26, as amended, be approved, as follows:

5.1 Correspondence from The Honourable Minister of the Environment, John Gerretsen respecting water fluoridation

Recommendation: Be received

5.2 Correspondence from the Honourable Minister of Human Resources and Social Development, Monte Solberg respecting FCM national Action Plan and Housing and Homelessness and the City’s actions to address housing needs and homelessness

Recommendation: Be received

5.3 Correspondence from M. Bourque, Office of the Prime Minister respecting changes to alcohol legislation for driving

Recommendation: Be received
5.4 Correspondence from Natalie Garnett, Township of Galway-Cavendish & Harvey respecting protection of Canada’s freshwater lakes and rivers from being used as toxic dumps for mining and oil refinery industries

Recommendation: Be received

5.5 Correspondence from the Honourable Minister of Children and Youth Services, Deb Matthews respecting funding for child care fee subsidies

Recommendation: Be received

5.6 Correspondence from the Honourable Minister of Transport, Infrastructure and Communities, Lawrence Cannon respecting impaired driving and blood alcohol concentration legal criminal threshold

Recommendation: Be received

5.7 Correspondence from the Honourable Minister of Children and Youth Services respecting Child and Adolescent Services

Recommendation: Be received

5.8 Correspondence from the Honourable Minister of Transportation Jim Bradley respecting implementation of administrative drivers licence suspension

Recommendation: Be received

5.9 Correspondence from Emilie Potvin, Chief of staff, Office of the Minister of Canadian Heritage, Status of Women and Official Languages respecting CBC/Radio Canada’s local radio plan

Recommendation: Be referred to the Office of the Mayor for follow-up with CBC.

5.10 Correspondence from the Township of Hilliard respecting Zenn car

Recommendation: Be received
5.11 Correspondence from Mario Posteraro, President OPSEU Local 256 and Jeff Dunford, Vice-President CUPE 1041 respecting 4-day work week

Recommendation: Be received

5.12 Correspondence from Sylvia Opl respecting Policy to prohibit Rodeos and Wild West Shows at City-owned venues

Recommendation: Be referred to Animal Control staff for their consideration.

Councillors Mitchell, Pasuta and Whitehead requested their opposition be recorded.

5.13 Correspondence from Nancy Jardine-Leygraaf respecting City By-law Prohibiting Wild or Exotic Animals

Recommendation: Be referred to Animal Control staff for their consideration.

Councillors Mitchell, Pasuta and Whitehead requested their opposition be recorded.

5.14 Correspondence from the Township of Muskoka Lakes respecting MPAC (errors and backlog of data)

Recommendation: Be received

5.15 Correspondence from Town of Halton Hills respecting Places to Grow Act and Bill 51 amendments to the Planning Act

Recommendation: Be referred to Planning staff for a report to the Economic Development and Planning Committee.

5.16 Correspondence from the Ministry of the Environment respecting proposed amendments to the General Nutrient Management Regulation

Recommendation: Be received
5.17 Correspondence from Tom Atterton, Hamilton and District Labour Council respecting “Buy Hamilton – Buy Ontario – Buy Canada procurement policy for the City of Hamilton

Recommendation: Be referred to staff for a report to Audit and Administration Committee.

5.18 Correspondence from Jim Karygiannis, Scarborough-Agincourt respecting Bill C-568 An Act to amend the Motor Vehicle Safety Act (speed limiters)

Recommendation: Be received

5.19 Correspondence from Regional Municipality of Halifax respecting Second Annual Association for commuter transportation of Canada transportation Demand Management Summit in Halifax, October 19-22, 2008

Recommendation: Be received

5.20 Correspondence from Town of Milton respecting placing a deposit/return system on aluminium and plastic drink containers

Recommendation: Be referred to the Solid Waste Management Master Plan Steering Committee for their consideration.

5.21 Correspondence from City of Owen Sound respecting full exemption of provincial sales tax on goods and services

Recommendation: That Council endorse the Motion from the City of Owen Sound.

5.22 Correspondence from Michael Rosen, Tree Canada respecting Maple Leaf Day – September 24, 2008

Recommendation: Be received

5.23 Correspondence from A. Degasperis, Con-Drain respecting Council’s recent decision to ratify a Collective Agreement with the United Brotherhood of Carpenters and Joiners of America Local 18.

Recommendation: Be received and referred to the Mayor and Acting City Manager for reply
5.24 AMO News Release – Councillor Powers elected to AMO Board of Directors, Regional and Single Tier Caucus

Recommendation: Be received

5.25 Correspondence from Judith Litwack, Quality Remodelling-Renovations respecting Appeal Hearing for Marty Garson – Building Repair Contractor’s License

Recommendation: That the correspondence from Judith Litwack, Quality Remodelling-Renovations, respecting Appeal Hearing for Marty Garson – Building Repair Contractor’s License, be referred to the Hamilton Licensing Tribunal for an appeal hearing.

Under the General information Section of the Agenda, Councillor McCarthy added the following item;

5.26 Petition from residents in Carlisle who are in opposition to the closing of the Carlisle Branch Library

Recommendation: That the petition from over 1400 residents in Carlisle, opposing the closure of the Carlisle Branch Library, be forwarded to the Hamilton Library Board for their consideration

(McCarthy/Jackson)

That Council move into Committee of the Whole for consideration of the Standing Committee Reports.  

CARRIED

AUDIT AND ADMINISTRATION COMMITTEE 08-010

(Pearson/Powers)

That the TENTH Report of the Audit and Administration Committee be adopted, as amended, and the information section received.  

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE 08-011

(Jackson/McCarthy)

That the ELEVENTH Report of the Emergency and Community Services Committee be adopted, as amended, and the information section received.  

CARRIED
HAMILTON LICENCING TRIBUNAL REPORT 08-005

(Whitehead/Powers)
That the FIFTH Report of the Hamilton Licencing Tribunal be adopted, as amended, and the information section received.  

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-016

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

CARRIED

PUBLIC WORKS COMMITTEE 08-013

10. West Hamilton Bus Route Extension to Meadowlands – Petition (PW08095)  
(Wards 1 and 12) (Public Works Outstanding Business Item) (Item 8.1)
That the following additional sub-section be added to the recommendation,  

(c) That a list of outstanding conventional transit service requests, including a listing of the top ten service improvements, costed out, be brought forward for consideration as part of the 2009 budget process.  

CARRIED

(Powers / Pearson)
That the THIRTEENTH Report of Public Works Committee be adopted, as amended, and the information section received.  

CARRIED

BOARD OF HEALTH COMMITTEE 08-008

1. Proposed Restructuring of Hamilton Health Sciences (Item 6.1)  
(McHattie/ Powers)
(a) That the City of Hamilton support the retention of McMaster University Medical Centre emergency services for adults;  

(b) That the City of Hamilton forward a letter to the Hamilton LHIN requesting that it conduct public consultation on the full Hamilton Health Sciences Access to Best Care plan including meetings situated in, but not limited to Dundas, Westdale, West Flamborough, and the West Mountain and that copies of the letter be forwarded to the area MPPs;  

(c) That the CEOs of Hamilton Health Sciences and St. Joseph’s Healthcare Centre be requested to meet with Hamilton Emergency Medical Services (EMS) and the Provincial Central Ambulance Communications Centres
(CACC) to discuss the potential impact of the implementation of the proposed restructuring of Hamilton Health Sciences on EMS services.

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

COMMITTEE OF THE WHOLE REPORT 08-028

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

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

MOTIONS

7.1 “Red Friday” Event
(Powers/Pearson)
That staff be directed to prepare, for the consideration of the Emergency and Community Services Committee, a report as to how the City of Hamilton can host, on an as-needed basis, a “Red Friday” event to appropriately recognize military personnel from the Hamilton area departing for combat and/or peacekeeping missions. CARRIED

7.2(a) Motion to Waive the Rules of Order – Proposed Installation of 4 way Stops at the intersections of Dunsmure and Carrick; and Dunsmure and Leinster

(Morelli/ Merulla)
That the Rules of Order be waived in order to introduce a Motion respecting the installation of two 4 way stops CARRIED

Mayor Eisenberger requested that his opposition be recorded

7.2(b) Proposed Installation of 4 way Stops at Dunsmure and Carrick; and Dunsmure and Leinster
(Morelli/ Merulla)
That new 4 way stop controls be implemented at the intersections of
Dunsmure and Carrick; and Dunsmure and Leinster;

And that staff be directed to bring forward the appropriate by-laws to Council, for passage

Mayor Eisenberger requested that his opposition be recorded

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**NOTICES OF MOTION**

The following Notice of Motion was put forward by Councillor Merulla:

**Innovative Work Environment**

Whereas, the City of Hamilton is striving to be a City of choice for high performance public servants;

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

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.

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**STATEMENT BY MEMBERS**

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

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**PRIVATE AND CONFIDENTIAL**

10.1 Review of a Possible Contravention of Council's Code of Conduct by Mayor Fred Eisenberger (CM08024) (City-Wide) (to be distributed)

That Council move into Closed Session, at 10:25 pm, pursuant to Section 8.1, Subsections (b) and (d) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, to consider matters relating to personal matters about an identifiable individual, including municipal or local board employees, and advice that is
subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Council reconvened in Open Session at 11.30 p.m. and approved the following recommendation on a Standing Recorded vote;

(Whitehead/Merulla)

a) That the Report of George H. Rust-D'Eye, dated August 20th, 2008, “Re: Review of a Possible Contravention of Council’s Code of Conduct by Mayor Fred Eisenberger”, be received; and

b) That a copy of the Report of George H. Rust-D'Eye, dated August 20th, 2008, “Re: Review of a Possible Contravention of Council’s Code of Conduct by Mayor Fred Eisenberger”, edited and redacted to the satisfaction of the City Solicitor to remove personal information relating to identifiable individuals, be made public; and

c) That no further action be taken.

CARRIED

Yeas: Bratina, Collins, Ferguson, Jackson, McCarthy, Morelli, Merulla, Whitehead
Total Yeas: 8
Nays; Pasuta, Mitchell, Pearson, Powers
Total Nays: 4
Absent: Clark, Duvall, Eisenberger, McHattie

BY-LAWS

(McCarthy/Jackson)

That Bill Nos. 08-201 to 08-216 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 08-201 to 08-216 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>08-201</td>
<td>201</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 2 – Through Highways Schedule 5 – Parking Meters 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</td>
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</tbody>
</table>
To Permanently Close the Public Walkway between 43 and 47 Farmer Court, Hamilton, being Block A, Plan M108, designated as Parts 1 and 2 on Plan 62R-17970 and between 47 Lynwood Drive and 51 Lynwood Drive, Hamilton, being Block A, Plan M-159, designated as Parts 3 and 4 on Plan 62R-17970, City of Hamilton

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 4 Second Street North

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2620 Binbrook Road

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2651 Regional Road 56 and 2660 and 2668 Binbrook Road East

To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Properties Located at 594 & 598 Barton Street East and 134 Birch Avenue

To Amend Zoning By-law No. 3692-92 Stoney Creek, Respecting the Property Located Within Part of Lot 28, Concession 7, Stoney Creek

To Amend Zoning By-law No. 6593, Respecting Lands Located at 386 Upper Gage Avenue, and 63 East 39th Street

Respecting the Removal of Part Lot Control, Lots 22-30, Registered Plan No. 62M-1098, “Rose Garden – Phase 3”

Respecting the Removal of Part Lot Control, Block 244, Registered Plan No. 62M-1061, Summerlea – Phase 2

Respecting Extension of Time Period for Part Lot Control By-law No. 06-526, Block 148, Registered Plan No. 62M-1017, “Meadowlands of Ancaster – Phase 7B”

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

To Designate The Hamilton LEEDING the Way Community Improvement Project Area

To Adopt The Hamilton LEEDING the Way Community Improvement Plan

To Designated Land Located at 46-52 James Street North, City of Hamilton As Property of Cultural Heritage Value

To Confirm the Proceedings of City Council
(Whitehead / Powers)
There being no further business, the City Council meeting adjourned at 11.35pm

RESPECTFULLY SUBMITTED

Fred Eisenberger
Mayor

Kevin Christenson
Clerk
September 10, 2008