CITY COUNCIL
MINUTES

Wednesday, June 14, 2006
7:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Present: Mayor L. Dilanni
Councillors 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, T. Whitehead

Absent with regrets: Councillor M. Ferguson – Illness

Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Reverend Jim Styles of the Church of the Ascension, to lead the Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(a) ADDED COMMUNICATIONS

5.8 Correspondence from The College of Physicians and Surgeons of Ontario respecting improving access to family physicians in Ontario
Recommendation: Be received and referred to the Physician’s Recruitment Committee

(b) ADDED MOTIONS

7.5 Motion by Councillor McHattie respecting Canada-Ontario Agreement on Child Care (COACC)

7.6 Motion by Councillor McHattie respecting Liquor License, Billy Bob’s Bar, 1605 Main Street West, Ward 1
7.7 Motion by Councillor Kelly respecting extending the term of the Legal Services Operational Review Sub-Committee

(c) CHANGE TO THE AGENDA ORDER

Council agreed to move up Items 7.3(a), 7.3(b) and 6.9 for consideration, as soon as Council moves into Committee of the Whole.

(Kelly/Pearson)
That the Agenda for the City Council meeting being held on June 14, 2006, as amended, be approved. CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Di Ianni announced the recent passing of Raffaella Candiotto a long-time employee of the former Region and the new City of Hamilton, and on behalf of Council, extended sincere condolences to her husband John and children Katie and Emily.

APPROVAL OF MINUTES

(Whitehead/Samson)
That the Minutes of the City Council Meeting held on May 14, 2006, be approved as presented. CARRIED

COMMUNICATIONS

(Samson/Pearson)
That Council Communications 5.1 to 5.8 be approved, as amended, as follows:

5.1 Correspondence from York Region respecting Family Physician Shortages

(Whitehead/Bruckler)
Recommendation: Be endorsed AMENDMENT CARRIED

5.2 Correspondence from Frank Mills, Park Lawn Company Limited respecting City of Hamilton Cemeteries Request for Proposals

Recommendation: Be received
5.3 Correspondence from Rick Breznik respecting Waterdown Aldershot Master Transportation study

Recommendation: Be received

5.4 Correspondence from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing in response to the City’s request for a reconsideration of the Minister’s decision respecting the eligibility for disaster assistance following the November 9, 2005 tornado

(Collins/Kelly)

Recommendation: That Mayor Di Ianni be authorized to forward correspondence to the local area M.P.P.’s requesting their assistance in this matter.

AMENDMENT CARRIED

5.5 Correspondence from the City of Sarnia respecting Private Members Bill – Amendment to Assessment Act

Recommendation: Be referred to the General Manager of Corporate Administration for a report to Committee.

5.6 Correspondence from Greater Napanee respecting the accepting of waste from other municipalities

Recommendation: Be endorsed

5.7 Correspondence from the Office of the Regional Chairman, Regional Municipality of Niagara respecting Niagara Region’s implementation of inter-municipal specialized transit service

Recommendation: That the General Manager of Public Works be directed to prepare a report to the Public Works, Infrastructure and Environment Committee.

5.8 Correspondence from The College of Physicians and Surgeons of Ontario respecting improving access to family physicians in Ontario

Recommendation: Be received and referred to the Physician’s Recruitment Committee

CARRIED AS AMENDED

(Samson/ Pearson)

That Council move into Committee of the Whole for consideration of the Standing Committee Reports. CARRIED
13. **City of Hamilton Public Trees By-law (Reports PW06034 and PW06034a) - (City Wide) (Items 8.9 and 8.10)**

*(Mitchell/Pearson)*

That Sub-section (b)(ii), City of Hamilton Street Tree Planting Policy – Rural Roadways be referred to the Agricultural & Rural Affairs Sub-Committee for their input on the proposed changes.  

**CARRIED**


*(Pearson/Mitchell)*

That Item 14 of Public Works, Infrastructure and Environment Committee Report 06-010 respecting AMO Position on Household Hazardous Waste/Household Special Waste (HHW/HSW) Position Paper be deleted in its entirety and replaced with the following:

"Whereas the City of Hamilton recognizes that Household Hazardous Waste (HHW) and Household Special Waste (HSW) represent a small portion of the waste stream, but that this material has the potential to severely impact on public health and the environment; and

Whereas the municipality's cost of operating HHW and HSW programs is significant; and

Whereas it is desirable for HHW and HSW to be designated under the Waste Diversion Act so that product stewardship can be implemented to assist with municipal program costs; and

Whereas the Minister of the Environment posted a draft regulation for the designation of HHW and HSW on the Environmental Bill of Rights Registry with a commenting period to July 9, 2006;

Now therefore, the City of Hamilton supports the draft Association of Municipalities of Ontario (AMO) and Association of Municipal Recycling Coordinators (AMRC) Proposal for a Provincial Household Hazardous Waste and Special Waste Strategy, in principle; and

Council directs staff to comment on the draft regulation for the designation of HHW and HSW, those comments to consider the draft Association of Municipalities of Ontario (AMO) and Association of Municipal Recycling Coordinators (AMRC) Proposal for a Provincial Household Hazardous Waste and Special Waste Strategy and this Council resolution; and

That AMO and the AMRC be so advised."

**CARRIED**
That the TENTH Report of the Public Works, Infrastructure and Environment Committee be adopted, as amended, and the information section received.

CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-009

12. Applications to Amend the City of Hamilton Official Plan and Zoning By-law No. 6593 for Lands Located at 1686 Main Street West (PED06162) (Ward 1) (Item 6.5)

(McHattie/ Merulla)
That Item 12 of Planning & Economic Development Committee Report 06-009 respecting Applications to Amend the City of Hamilton Official Plan and Zoning By-law No. 6593 for Lands Located at 1686 Main Street West (PED06162) (Ward 1) (Item 6.5) be amended by adding the following as subsection (c):

(c) That pursuant to Section 34(17) of the Planning Act, the minor changes which have been made to the proposed by-law since the holding of the Public Meeting, regarding the loading space size and the setback of a platform from the lot line, do not require any further notice to the public.

Amendment Carried
Motion as Amended CARRIED

19. City Initiative CI-06-B to Amend the Official Plan Open Space and Parks Policies and Create New Zoning By-law Regulations - Urban Area Only (PED06152) (City Wide) (Item 8.3)

(Pearson/Jackson)
That Item 19 of Planning & Economic Development Committee Report 06-009 respecting City Initiative CI-06-B to amend the Official Plan Open Space and Parks Policies and create new Zoning By-law Regulations - Urban Area Only (PED06152) (City Wide) (Item 8.3) be amended the following as Sub-section (h):

(h) That pursuant to Section 34(17) of the Planning Act, the minor changes which have been made to the proposed by-law since the holding of the Public Meeting, regarding the permission of Lawn Bowling/Bocce Courts in Neighborhood Parks, restricting Accessory Buildings to Storage/Washrooms/Utilities and provide a site specific zoning for Lisgar Park to permit the building, does not require any further notice to the public.

Amendment Carried
Motion as Amended CARRIED

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

CARRIED
CORPORATE ADMINISTRATION COMMITTEE REPORT 06-010

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

CARRIED

STRATEGIC PLANNING AND BUDGETS COMMITTEE REPORT 06-006

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

CARRIED

SOCIAL SERVICES COMMITTEE REPORT 06-008

(Bratina/Braden)
That the EIGHTH Report of the Social Services Committee be received.

CARRIED

COMMUNITY SERVICES COMMITTEE REPORT 06-006

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

CARRIED

BOARD OF HEALTH REPORT 06-005

(Pearson/Mitchell)
That the FIFTH Report of the Board of Health be adopted and the information section received.

CARRIED

SPECIAL COMMITTEE OF THE WHOLE REPORT 06-0012

(Samson/Pearson)
That the TWELFTH Report of the Special Committee of the Whole be received.

CARRIED
(Whitehead/Pearson)
That Information Item (e) of Committee of the Whole Report 06-0013 respecting Heritage Permit Application (HP2006-017) Under Part IV of the Ontario Heritage Act to Demolish a Designated Property at 28-44 James Street North (Lister Block) Hamilton (PED06169) (Ward 2) be lifted from the table.

CARRIED

(e) Report PED06169 – Heritage Permit Application (HP2006-017) Under Part IV of the Ontario Heritage Act to Demolish a Designated Property at 28-44 James Street North (Lister Block) Hamilton was referred to the June 14, 2006 meeting of Council for consideration.

(Whitehead/Pearson)
(a) That Heritage Permit (HP2006-017) be approved for the demolition of the designated property at 28-44 James Street North (Lister Block), Hamilton, subject to the following conditions:

(i) That prior to the issuance of a demolition permit for the Lister Block at 28-44 James Street North, and prior to any other demolition activity, that the applicant apply for and receive all necessary approvals under the Planning Act and the Building Code Act and any other applicable By-laws of the City of Hamilton related to the proposed construction and development activities.

(ii) That the applicant arrange for the retrieval of key examples of building remnants and features including but not restricted to terra cotta units, copper spandrels, designated store front features and designated arcade features sufficient to satisfy the requirements of the future display set out in Condition (a)(iii) below; all to the satisfaction and approval of the Director of Development and Real Estate in consultation with the Hamilton LACAC (Municipal Heritage Committee).

(iii) That all retrieved building remnants and features be appropriately stored by the applicant with quality representatives of key remnants and features being subsequently incorporated into a commemorative or interpretive display to be located within a publicly accessible portion of the new replacement structure at 28-44 James Street North, all subject to the approval of the Director of Development and Real Estate in consultation with the Hamilton LACAC (Municipal Heritage Committee).

(iv) That the applicant submit plans and drawings of all elevations of the replacement structure including all façade materials to be approved by the Director of Development and Real Estate.
(b) That staff be directed to prepare any necessary by-laws under Subsection 34.3(1) of the Ontario Heritage Act to repeal the designating By-law subsequent to building demolition.

(c) That Council be advised that the lease commencement date of September 1, 2007, and lease termination date of August 31, 2022, as adopted in Item 4 (a)(i) of the Council Minutes of May 9, 2005, and recommended in Report PD05095/FCS05052/CM05018, be amended to a commencement date of October 1, 2008, and termination date of September 30, 2023, respectively.

(d) That Council be advised that the lease commencement date of September 1, 2007, and lease termination date of August 31, 2022, as adopted in Item 4 (a)(iii) of the Council Minutes of May 9th, 2005, and recommended in Report PD05095/FCS05052/CM05018, be amended to a commencement date of October 1, 2008, and termination date of September 30, 2023, respectively.

(e) That Council be advised that the final date for entering into a signed Lease Agreement by the Landlord and Tenant of May 31, 2005, as adopted in Item 4(a)VI(5) of the Council Minutes of May 9, 2005 and recommended in Report PD05095/FCS05052/CM05018, be amended to a signed lease agreement date of September 15, 2006.

(Merulla/Whitehead)
That an additional condition be added to the recommendation as ‘a (v)’

a (v) That this consent to demolish and to repeal the designation as set out above not commence or be effective until 60 days from the date of this Council decision in order to allow further opportunity for the proponents and the Ministry of Culture to further review heritage matters related to this development.

AMENDMENT CARRIED

Item 1 as amended was approved as follows:

(Whitehead/Pearson)
(a) That Heritage Permit (HP2006-017) be approved for the demolition of the designated property at 28-44 James Street North (Lister Block), Hamilton, subject to the following conditions:

(i) That prior to the issuance of a demolition permit for the Lister Block at 28-44 James Street North, and prior to any other demolition activity, that the applicant apply for and receive all necessary approvals under the Planning Act and the Building Code Act and any other applicable By-laws of the City of Hamilton related to the proposed construction and development activities.

(ii) That the applicant arrange for the retrieval of key examples of building remnants and features including but not restricted to terra
cotta units, copper spandrels, designated storefront features and designated arcade features sufficient to satisfy the requirements of the future display set out in Condition (a)(iii) below; all to the satisfaction and approval of the Director of Development and Real Estate in consultation with the Hamilton LACAC (Municipal Heritage Committee).

(iv) That all retrieved building remnants and features be appropriately stored by the applicant with quality representatives of key remnants and features being subsequently incorporated into a commemorative or interpretive display to be located within a publicly accessible portion of the new replacement structure at 28-44 James Street North, all subject to the approval of the Director of Development and Real Estate in consultation with the Hamilton LACAC (Municipal Heritage Committee).

(iv) That the applicant submit plans and drawings of all elevations of the replacement structure including all façade materials to be approved by the Director of Development and Real Estate.

(v) That this consent to demolish and to repeal the designation as set out above not commence or be effective until 60 days from the date of this Council decision in order to allow further opportunity for the proponents and the Ministry of Culture to further review heritage matters related to this development.

(b) That staff be directed to prepare any necessary by-laws under Subsection 34.3(1) of the Ontario Heritage Act to repeal the designating By-law subsequent to building demolition.

(c) That Council be advised that the lease commencement date of September 1, 2007, and lease termination date of August 31, 2022, as adopted in Item 4 (a)(i) of the Council Minutes of May 9, 2005, and recommended in Report PD05095/FCS05052/CM05018, be amended to a commencement date of October 1, 2008, and termination date of September 30, 2023, respectively.

(d) That Council be advised that the lease commencement date of September 1, 2007, and lease termination date of August 31, 2022, as adopted in Item 4 (a)(iii) of the Council Minutes of May 9th, 2005, and recommended in Report PD05095/FCS05052/CM05018, be amended to a commencement date of October 1, 2008, and termination date of September 30, 2023, respectively.

(e) That Council be advised that the final date for entering into a signed Lease Agreement by the Landlord and Tenant of May 31, 2005, as adopted in Item 4(a)VI(5) of the Council Minutes of May 9, 2005 and recommended in Report PD05095/FCS05052/CM05018, be amended to a signed lease agreement date of September 15, 2006.
The main motion as amended was CARRIED on a standing recorded vote:

Yeas: Dilanni, Bruckler, Collins, Jackson, Kelly, Merulla, Morelli, Mitchell, Pearson, Samson, Whitehead
Total Yeas: 11

Nays: Braden, Bratina, McCarthy, McHattie
Total Nays: 4

(Samson/Pearson)
That the THIRTEENTH Report of the Special Committee of the Whole be adopted as amended and the information section received.  
CARRIED

SPECIAL COMMITTEE OF THE WHOLE REPORT 06-0014

(Samson/Pearson)
That the FOURTEENTH Report of the Special Committee of the Whole be received.  
CARRIED

LICENSING COMMITTEE REPORT 06-005

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

MOTIONS

7.1(a) Reconsideration of subsection (g) of Item 1 of Planning and Economic Development Committee Report 05-012 respecting City Use of Section 4.4 – Public Uses Permitted in All Zones regulation of Zoning By-law 05-200

(McHattie/Merulla)
That sub-section (g) of Item 1 of Planning and Economic Development Committee Report 05-012 respecting City Use of Section 4.4 – Public Uses Permitted in All Zones regulation of Zoning By-law 05-200, approved by Council on May 25, 2005, be reconsidered.

1(g) That Council endorses the following process related to the proposal of any new City public service use proposed in By-law 05-200, under Section 4.4 – Public Uses Permitted in All Zones, except uses related to servicing, infrastructure or utilities, for a use not permitted within the Zone where the use is to be located:
1. The Department proposing such use shall be required to contact the Ward Councillor and appropriate Committee Chair to review the proposed use;

2. The Ward Councillor and appropriate Committee Chair will make the decision as to whether the proposed use requires public consultation to solicit public input;

3. Should the Ward Councillor or the appropriate Committee Chair require public consultation, the Department proposing such use will be required to co-ordinate and lead the process with the Ward Councillor or Committee Chair’s office to engage the public for input;

4. Upon completion of the Public Consultation, a report will be brought forward to the Department’s respective Standing Committee for discussion and to permit the hearing of public input.

CARRIED

7.1(b) Amendment to subsection (g) of Item 1 of Planning and Economic Development Committee Report 05-012 respecting City Use of Section 4.4 – Public Uses Permitted in All Zones regulation of Zoning By-law 05-200

(McHattie/Whitehead)

That sub-section (g) of Item 1 of Planning and Economic Development Committee Report 05-012 respecting City Use of Section 4.4 – Public Uses Permitted in All Zones regulation of Zoning By-law 05-200, approved by Council on May 25, 2005, be deleted and replaced with the following in lieu thereof:

1(g) That the following process related to the proposal of a public use proposed under Section 4.4 – Public Uses Permitted in All Zones, for a public use not permitted within the Zone where the use is to be located, be endorsed:

1. The Department proposing such use shall contact the Ward Councillor to review the proposed use;

2. Unless the proposed public use is “Major”, (where “Major” is defined as being a substantial change in use of the land which requires a significant portion of the parkland and/or which use would affect the intended programming of the park. Examples shall include: fire stations, police stations, libraries, large stormwater facilities, etc.”), the Ward Councillor will make the decision as to whether the proposed use requires public consultation to solicit public input;

3. Should the Ward Councillor deem the proposed use does not require public input, a report will be prepared for the consent agenda of the Department’s respective Standing Committee for approval;
4. Should the Ward Councillor require public consultation or the proposed public use is “Major” as defined in Section 2, the Department proposing such use shall be required to co-ordinate and lead a public consultation process with the Ward Councillor’s office to engage the public for its input; and,

5. Upon completion of the Public Consultation, a report will be brought forward to the Department’s respective Standing Committee for discussion and to permit the hearing of public input.

CARRIED

7.2 Re: Hamilton Media Project

(McHattie/Merulla)
WHEREAS the availability of diverse local television and radio broadcasting choices is a necessary component of Hamilton’s ability to develop and retain a healthy local culture; whether, artistic, economic, or political;

AND WHEREAS the Hamilton region is underserved with only one local conventional television station when compared to similarly sized cities such as Quebec City and Winnipeg, which are served by at least four times the number of local TV stations;

AND WHEREAS the City of Hamilton needs to ensure that the SUN TV television station adheres to the Canadian Radio-Television and Telecommunications Commission’s (CRTC) Broadcasting Decision 2004-503 concerning new Hamilton-oriented commitments;

AND WHEREAS Hamilton was identified as a priority market for radio expansion in the Canadian Broadcasting Corporation’s (CBC) regional expansion strategy;

AND WHEREAS the City of Hamilton needs to be represented in meetings with the CBC regarding opening a new radio station in Hamilton and adding a local television news bureau;

AND WHEREAS the City of Hamilton has made significant progress on these issues in the form of favourable rulings from the CRTC and increased profile of the City within the CBC’s regional expansion strategy;

THEREFORE, be it resolved that the City Manager be authorized to negotiate and purchase the services of the Centre for Community Study to continue to represent the City’s interests at a cost not to exceed $10,000 in aggregate from the Tax Stabilization Reserve.

The motion as presented was CARRIED on a recorded vote:

Yeas: Bruckler, Jackson, Kelly, McCarthy, Mitchell, Pearson, Samson, Whitehead

Total Yeas: 8
7.3(a) Motion to Lift Item 11 of Planning and Economic Development Committee Report 06-007 respecting Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9)

(Bruckler/Jackson)
That Item 11 of Planning and Economic Development Committee Report 06-007 respecting Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) tabled by Council on May 10, 2006 be lifted from the table.

CARRIED’

7.3(b) Item 11 of Planning and Economic Development Committee Report 06-007 respecting Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9)

(Bruckler/Jackson)
That Item 11 of Planning and Economic Development Committee Report 06-007 respecting Applications for Amendments to the Stoney Creek Official Plan and Stoney Creek Zoning By-law No. 3692-92, and Draft Plan of Subdivision, "Heritage Greene," for Lands Located Within Special Policy Area "C", in the Former City of Stoney Creek (PED06137) (Ward 9) be approved as follows:

(a) That approval be given to Subdivision Application 25T-200509, by 1322285 Ontario Ltd. (Silvestri Investments), owners, to establish a draft plan of subdivision, known as "Heritage Greene," on lands located on Part of Lot 32, Concession 7 (Saltfleet), as shown on Appendix "B" to Report PED06137, subject to the execution of a City standard form Subdivision Agreement, including the conditions contained in Appendix "C" to Report PED06137, and the following:

(i) Acknowledgement that there will be no City share for any municipal works related to this development; and,
(ii) That payment of Cash-in-Lieu of parkland be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit for the blocks within the plan of subdivision. The payment will be based on a maximum of 5% of the value of the lands on the day prior to the day of the issuance of the building permit for the residential block(s), and 2% for the commercial block(s); all in accordance with the Financial Policies for Development, and the City’s Parkland Dedication By-law, as approved by Council.

(b) That approval be given to the amended application by 1322285 Ontario Ltd. (Silvestri Investments), owners, for Official Plan Amendment No. __, for land located within Part of Lot 32, Concession 7 (Saltfleet), as shown on Appendix “A” to Report PED06137, for a change in designation on Schedule “A” General Land Use Plan, from “Special Policy Area ‘C’” to “Shopping Centres” and “Residential”, and on Schedule “A3” Secondary Plan, West Mountain Planning District – Heritage Green Section, from “Special Policy Area ‘C’” to “District Shopping Centre”, “Community Shopping Centre” and “Medium-High Density Residential”, of the City of Stoney Creek Official Plan.

(c) That approval be given to City Initiative CI-05-N and amended Zoning Application ZAC-03-93, by 1322285 Ontario Ltd. (Silvestri Investments), owners, for changes in zoning from the Neighbourhood Development “ND” Zone to the Community Shopping Centre (Holding) “SC2-3(H)” Zone, Neighbourhood Shopping Centre (Holding) “SC1-3(H)” Zone, Mixed Use Commercial (Holding) “MUC-1(H)” Zone, Multiple Residential (Holding) “RM3-27(H)”, Multiple Residential (Holding) “RM4-5(H)” Zone, and Open Space “OS” Zone, to permit a mixed use development on lands known as Part of Lot 32, Concession 7 (Saltfleet), in the former City of Stoney Creek, shown as Blocks 1 to 6, respectively, on Schedule “A” of Appendix “D” to Report PED06137, on the following basis:

(i) That the attached draft By-law, included as Appendix “D” to Report PED06137, as amended by Committee on May 2, 2006, respecting a reduction in lot coverage, reduction in floor area for any individual store, reduction in parking space requirements, and clarifications regarding permitted restaurants, which has been prepared in a form satisfactory to the City Solicitor, not be enacted by City Council until a public information meeting has been held, in the local community, with an invitation to participate being sent to the Stoney Creek BIA, to explain the final recommendations regarding the subject development proposal.

(ii) That the amending By-law be added to Schedule "A", Map No. 16 of Zoning By-law No. 3692-92.

(iii) That the proposed changes in zoning conform to the Hamilton-Wentworth Official Plan, and will conform to the City of Stoney Creek Official Plan upon approval of Official Plan Amendment No.
(d) That upon finalization of Official Plan Amendment No. ___ and the implementing
Zoning By-law, that the approved Valley Park Neighbourhood Plan be
amended to reflect the designations and road pattern.

(e) And that the Site Plan for the eastern section of the proposed
development be reviewed by the Community Advisory Group.

CARRIED

7.4 Permanent Closure of a Portion of Beach Road, North of 367 Highway 8
(McCarthy/Merulla)
That Item 7 of Public Works, Infrastructure and Environment Committee Report
05-017 respecting Permanent Closure of a Portion of Beach Road, North of 367
Highway 8, Stoney Creek (PW05065) approved by Council on June 15, 2005 be
amended by adding subsections (i) to (iii) to read as follows:

(a) That the application to permanently close a portion of the unopened road
allowance of Beach Road (the highway), north of 367 Highway 8, in the
former City of Stoney Creek, be approved.

(i) That the applicant make an application to a District Court
Judge, under Section 88 of the Registry Act, R.S.O. 1990, for
an order to permanently close and purchase a portion of the
road allowance of Beach Road, north of 367Highway 8, in the
former City of Stoney Creek, now in the City of Hamilton.

(ii) That the General Manager, Public Works or his designate sign
the appropriate documentation confirming that no public funds
have been expended on the portion road allowance to be
closed.

(iii) That the documentation regarding the application to the
District Court Judge be prepared by the applicant, to the
satisfaction of the City Solicitor.

(b) That the City Solicitor be authorized and directed to prepare a by-law to
permanently close the highway.

(c) That the appropriate by-law be introduced and enacted by Council.

(d) That the Real Estate Section, Planning and Development Department, be
authorized and directed to sell this closed highway at fair market value
and in accordance with the Procedural By-law for the Sale of Land, By-law
No. 04-299.

(e) That the City Solicitor be authorized and directed to register a certified
copy of the by-law permanently closing the highway in the proper land
registry office.
(f) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.

CARRIED

7.5 Canada-Ontario Agreement on Child Care (COACC)

(McHattie/McCarthy)
WHEREAS the City of Hamilton delivers Children Service plans and manages the local child care systems, focusing on the integration of government initiatives, inter agency coordination and the development of new programs and services

AND WHEREAS the Federal Government has formally announced its intention to cancel the Canada-Ontario Agreement on Child Care (COACC) effective April 1, 2007;

AND WHEREAS Child development experts, women’s advocates, and international organizations have all agreed that Canada’s current patchwork system of child care is sadly inadequate and undermines the lifelong potential of our children, and the opportunity for full labour force participation by parents;

AND WHEREAS the Federal Governments anticipated annual surplus of $15 billion in the coming years provides ample resources with which to fund both the continuation of the COACC, as well as the $100 per month child allowance;

THEREFORE BE IT RESOLVED that the City of Hamilton work with the Federal Government to obtain the best possible deal with respect to preserving the COACC;

AND FURTHER THAT a copy of this resolution be sent to area Members of Provincial and Federal Parliament.

CARRIED

7.6 Liquor License, Billy Bob’s Bar, 1605 Main Street West, Ward 1

(McHattie/McCarthy)
Whereas, Billy Bob’s Bar has applied for a new liquor sale licence exempt from advertising, to re-open its bar at 1605 Main Street West and;

Whereas, the license transfer process does not require any public process, thereby limiting community comment and involvement, and;

Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario’s legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a licence to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act, and
Whereas, due to the preponderance of student housing in the area surrounding the bar, there have been a greater number of behavioural problems in the neighbourhoods that negatively affect student/permanent resident relations, and

Whereas, Hamilton Police Services have dispatched many calls resulting from disruptions related to Billy Bobs Bar: for January to July, 2004, 55 calls; and from January - July 2005, 47 calls for service;

Whereas, Billy Bob’s liquor license has been suspended since early 2006;

Therefore, Hamilton City Council respectfully requests

a) That AGCO give the public notice and hold a hearing or meeting into the application so as to hear directly from residents on the public interest and their needs and wishes;

b) That AGCO provide Hamilton City Council with more time to allow Council to carry out necessary processes before making a decision on a resolution or to receive written submissions directly from residents.

CARRIED

7.7 Legal Services Operational Review Sub-Committee – Extension of Term

(Kelly/Pearson)
That sub-section (c) of Item 3 of Committee of the Whole Report 05-008, approved by Council on June 29, 2005, respecting the Legal Services Review, be amended by extending the term of the Legal Services Operational Review Sub-Committee to the end of the 2003-2006 term of Council.

CARRIED

(Whitehead/Pearson)
That the City’s Procedural By-law Rules of Order be waived to allow the introduction of an additional motion respecting the issuance of a demolition permit.

CARRIED

7.8 Demolition Permit – 45 Balfour Drive

(Whitehead/Collins)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 45 Balfour Drive in accordance with By-law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

NOTICE OF MOTION

None
STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Samson/Pearson)

That Bill Nos. 06-145 to 06-169 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 06-145 to 06-169:

<table>
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<th>By-law No.</th>
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<td>06-145</td>
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06-145 145  To Authorize the Borrowing upon Serial Debentures in the amount of $40,000,000 towards the cost of the Red Hill Valley Project

06-146 146  To Authorize the Execution of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program

06-147 147  To Authorize the City to Enter into Extension Agreements

06-148 148  To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Signs

06-149 149  To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 13 – Designated Traffic Lanes

06-150 150  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

06-151 151  To Regulate the Planting, Maintenance, and Preservation of Trees on or Affecting Public Property

06-152 152  Respecting Removal of Part Lot Control, Fifty Point Joint Venture, Phase 2, Block 184, Registered Plan No. 62M-987
Respecting Removal of Part Lot Control, Lots 16 and 17, Registered Plan No. 62M-1047

Respecting Removal of Part Lot Control within Block 1, “Shaver Estates”, Registered Plan 62M-1056

To Permanently Close to Pedestrian Traffic, Part of Jarvis Street Road Allowance, Being Part of Jarvis Street, Registered Plan 38, Closed for Vehicular Traffic by By-law No. 69-17, Registered on January 17, 1969 as Instrument No. AB118600, Designated as Part 1 on Plan 62R-17472, City of Hamilton

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 500 Glover Road

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2665 Binbrook Road East

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at Tews Lane, Part of Lots 11 & 12 Concession 2 (West Flamborough), in the former Town of Flamborough, now in the City of Hamilton

To Adopt Official Plan Amendment No. 107 to the former Town of Ancaster Official Plan, Respecting Lands Known Municipally as 1469 Sawmill Road, Located on Part Lot 29, Concession 6, former Town of Ancaster

To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 1469 Sawmill Road (Ancaster)

To Adopt Official Plan Amendment No. 206 to the former City of Hamilton Official Plan, Respecting 1686 Main Street West

To Amend Zoning By-law No. 6593 (Hamilton), Respecting the Property Located at 1686 Main Street West

To Adopt Official Plan Amendment No. 127 to the former City of Stoney Creek, Respecting West Mountain Core Area – Mud Street, Paramount Drive, Red Hill Creek Expressway and Winterberry Drive

To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located in Part of Lots 32 and 33, Concession 7 (Saltfleet)
06-165 165 To Adopt Official Plan Amendment No. 110 to the former Town of Ancaster Official Plan; Official Plan Amendment No. 11 to the former Town of Dundas Official Plan; Official Plan Amendment No. 104 to the former Town of Flamborough Official Plan; Official Plan Amendment No. 54 to the former Township of Glanbrook Official Plan; Official Plan Amendment No. 205 to the former City of Hamilton Official Plan; and Official Plan Amendment No. 126 to the former City of Stoney Creek Official Plan, Respecting Open Space and Parks Policies

06-166 166 To Amend By-law No. 05-200, To create new Open Space and Park Zones for the City of Hamilton

06-167 167 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located in Part of Lot 5, Concession 5 (west of Homestead Drive and south of Strathearn Place)

06-168 168 To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 221, 285,305, and 323 Springbrook Avenue (Ancaster)

06-169 169 To Confirm the Proceedings of City Council

The City Council meeting adjourned at 10:08 p.m.

Respectfully submitted,

Larry DiIanni
Mayor