Present: Mayor F. Eisenberger


Absent with regrets: Councillors M. McCarthy (City Business), T. Whitehead (Vacation)

The Mayor called the meeting to order and called upon Reverend Harold Kouwenberg from St. Columba Presbyterian Church in Hamilton to lead Council in prayer.

ANNOUNCEMENT

Mayor Eisenberger announced the recent passing of Rodney Patriquin at age 43. Mr. Patriquin was an employee with the HSR since March 20, 2006. On behalf of City Council, Mayor Eisenberger extended sympathy and condolences to his family and friends during this most difficult time.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(a) Added Communications
5.15 Correspondence from Chris Charlton, MP respecting request for a CBC Radio Station in Hamilton

Recommendation: Be received

5.16 Correspondence from John Furlong, 2010 Olympic Torch Relay respecting identifying Hamilton as a potential relay stop and host for a Torch Relay celebration

Recommendation: For the consideration of Council

Amendment to recommendation in Communication Item 5.13: Add the nomination of Mayor Fred Eisenberger to the Large Urban Caucus

As subsequent information was obtained advising that only one name could be submitted for nomination, Mayor Fred Eisenberger’s nomination to the Large Urban Caucus was withdrawn, per his request.

(Pearson/Morelli)
That the Agenda for the City Council meeting being held on May 14, 2008, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Signing of the Community Workplace Charter

The Mayor invited the Honourable Steven Mahoney, Chair of the Workplace Safe Insurance Board, to provide some background on the Community Workplace Health and Safety Charter, following which City Council formally signed the Charter.

3.2 Health and Safety Audit Award

The Mayor invited Kari Manninen, Director of Operations with the Municipal Health and Safety Association (MHSA), and Scott Stewart, the General Manager of Public Works, to join him at the podium. The Mayor and Kari Manninen presented Scott Stewart with the Health and Safety Audit Award. The following Public Works staff were also invited to the podium: Aldo Mostacci, Keith Andrews, David McFarland, John Serafini, David Lindeman, Chuck Alkerton, John Mater, Sam Ciardullo, Brent
Browett, Helen Hale Tomasik, Don Hull and Jim Harnum. The Mayor and Kari Manninen congratulated Scott Stewart and the Public Works staff.

**APPROVAL OF MINUTES**

*(Powers/Pearson)*

That the Minutes of the April 23, 2008, meeting of Council be approved, as presented.

**CARRIED**

**COMMUNICATIONS**

*(Collins/Duvall)*

That Council Communications 5.1 to 5.16, as amended, be approved, as follows:

5.1 Correspondence from the Township of Tiny respecting 400th Anniversary of the arrival of Samuel de Champlain

Recommendation: Be received

5.2 Correspondence from the Township of Tay Valley respecting Provincial Funding – Evaluation and Approval Process

Recommendation: Be received

5.3 Correspondence from the Honourable Minister of Industry, Jim Prentice respecting City’s endorsement of the 22 recommendations of the House of Commons Standing Committee on Industry, Science and Technology with respect to manufacturing

Recommendation: Be received

5.4 Correspondence from the Honourable Minister of the Environment, John Gerretsen respecting draft legislation to prohibit the use and sale of pesticides for cosmetic purposes on all lawns and gardens in Ontario

Recommendation: Be received

5.5 Correspondence from The Honourable Minister of Health and Federal Economic Development Initiative for Northern Ontario, Jim Prentice respecting City of Waterloo’s resolution regarding the use and sale of cosmetic chemical pesticides

Recommendation: Be received

5.6 Correspondence from The Honourable Minister of Health Promotion, Margarett Best respecting Tobacco Control Measures recommended by the Board of Health
Recommendation: Be received

5.7 Correspondence from Tyler MacLeod, President, Hamilton Chamber of Commerce respecting breaches of council confidentiality

Recommendation: Be received

5.8 Correspondence from City of Kingston respecting Zenn Automobiles on Ontario Roads

Recommendation: Be received

5.9 Correspondence from the Rt. Honourable Premier of Ontario, Dalton McGuinty respecting tobacco control

Recommendation: Be received

5.10 Correspondence from the Honourable Minister of Transportation, Jim Bradley respecting the rollout of the 2008 Ontario Bus Replacement Program and increase to municipal funding

Recommendation: Be received

5.11 Correspondence from the Honourable Deputy Minister of Health Promotion, Cynthia Morton respecting commitment of $109,035 to the Healthy Living Hamilton Project

Recommendation: Be received

5.12 Correspondence from the Municipality of Brockton respecting Native Land Rights

Recommendation: Be received

5.13 Request for Nominations – 2008 – 2009 AMO Board of Directors

Recommendation: That the name of Councillor Russ Powers be submitted for nomination to the AMO Regional/Single Tier Caucus

5.14 Correspondence from Mayor David Miller, City of Toronto respecting renegotiating the municipal share of slot machine revenue with the Ontario Lottery and Gaming Corporation

Recommendation: (Eisenberger/Clark) Be received and referred to General Manager of Finance for a report to the Audit and Administration Committee on the implications.
5.15 Correspondence from Chris Charlton, MP respecting request for a CBC Radio Station in Hamilton

Recommendation: Be received

5.16 Correspondence from John Furlong, 2010 Olympic Torch Relay respecting identifying Hamilton as a potential relay stop and host for a Torch Relay celebration

Recommendation: (Ferguson/Jackson)
That the event be approved and referred to Tourism Hamilton to work with Community Services and Special to invite discussion of becoming a possible community chosen as a 2010 Olympic Torch Relay stop.

CARRIED

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 08-008

(Powers/Collins)
That the EIGHTH Report of the Public Works Committee be adopted and the information section received.

CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 08-006

(Pearson/Powers)
That the SIXTH Report of the Audit and Administration Committee be adopted and the information section received.

CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE 08-007

(Jackson/Ferguson)
That the SEVENTH Report of the Emergency & Community Services Committee be adopted and the information section received.

CARRIED
(McHattie/Merulla)

(j) Growing the Greenbelt – Comments on Proposed Provincial Criteria (City Wide) (PED08108) – Referred from City Council of March 26, 2008 (Item 7.1)

That Information Item J from the Economic Development and Planning Committee Report 08-008 respecting Growing the Greenbelt – Comments on Proposed Provincial Criteria (City Wide) (PED08108) be lifted from the information section and renumbered as Item 20 to the Report.

CARRIED

20. Growing the Greenbelt – Comments on Proposed Provincial Criteria (City Wide) (PED08108) – Referred from City Council of March 26, 2008 (Item 7.1)

(a) That City Council inform the Ministry of Municipal Affairs and Housing that the City supports the six proposed criteria, in principle, but would request the Ministry to include specific requirements (i.e. what groups, minimum number of public meetings) for public consultation to ensure a transparent and equitable process across all municipalities.

(b) That Report PED08108 be forwarded to the four Conservation Authorities for their information.

(c) That the request of Council of March 26, 2008, to consider correspondence from the Hon. Jim Watson, Ministry of Municipal Affairs and Housing, regarding the Growing the Greenbelt – Consultation 2008, be identified as complete and removed from the Economic Development and Planning Outstanding Business List.

(McHattie/Merulla)

Item 20 Growing the Greenbelt – Comments on Proposed Provincial Criteria (City Wide) (PED08108) – Referred from City Council of March 26, 2008 (Item 7.1)

That Report PED08108 be forwarded to the Agricultural and Rural Affairs Committee for their consideration, and that any comments from the Committee be forwarded to the Ministry in due course

WITHDRAWN

(Mitchell/Pasuta)

That Item 20 be referred to the Agricultural and Rural Affairs Committee for comment and to report directly back to Council at its meeting scheduled for May 28, 2008.

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

COMMITTEE OF THE WHOLE REPORT 08-019

Item 7, BMA Management Report on Recommendations Nos. 33, 42, 44, 45 of the January 2007 Internal Audit of the Former Standards and Licensing Section (PED08127), CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers

Total Yeas: 13
Nays: Ferguson
Total Nays: 1
Absent: McCarthy, Whitehead
Total Absent: 2

(Collins/Duvall)
That the NINTEENTH Report of Committee of the Whole be adopted and the information section received. CARRIED

LICENSES COMMITTEE REPORT 08-004

(Bratina/Clark)
That the FOURTH Report of the Licensing Committee be adopted and the information section received. CARRIED

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

MOTIONS

The following motion was withdrawn, as it was discussed at the Committee of the Whole meeting held on May 12, 2008:

7.1 Report to address the partial collapse and demolition of the Balfour Building on King William Street

That Staff be directed to report back to Committee of the Whole on matters related to the partial collapse and demolition of the Balfour Building on King William Street, including the emergency demolition permit that was issued;
And that staff report back to committee of the whole on inspection procedures of vacant buildings and other properties deemed unsafe, and the possibility of a pro-active inspection protocol.

(Merulla/Mitchell)
That the Rules of Order be waived to allow a motion respecting dust fallout from industrial properties.

The motion to waive the Rules of Order CARRIED on the following recorded vote:

Yeas: Bratina, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers
Total Yeas: 12
Nays: Eisenberger, Clark
Total Nays: 2
Absent: McCarthy, Whitehead
Total Absent: 2

(Merulla/Morelli)
That staff be directed to bring a report to the Public Works Committee as soon as possible outlining the possibility of implementing new control measures to stop dust fall outs that occur as a result of unpaved roads and parking lots on industrial properties, as these fallouts bring added property maintenance costs to residents and as it is difficult to regulate those who are causing these fallouts.

CARRIED

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.
That Council move into closed session at 9:20 p.m. pursuant to Section 239 of the Municipal Act, 2001, and subsection (d) of Section 8.1 of the City’s Procedural By-law to discuss a matter relating to labour relations or employee negotiations respecting Arbitration Matter – ONA.

CARRIED

That Council reconvene in Open Session at 11:09 p.m.

CARRIED

10.1 Labour Relations – Arbitration Matter – ONA

That Council endorse the implementation plan proposed by Public Health for ONA Local 50 (Public Health), related to the Snow award, as follows:

(a) Nurses be offered a choice between standard hours and a flexible work week
(b) All hours worked outside of their chosen option be paid as overtime
(c) Full implementation take place by June 9, 2008

and that Public Health staff be directed to report back to Council in two week’s time.

CARRIED

BY-LAWS

That Bill Nos. 08-106 to 08-133 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 08-106 to 08-133 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-106</td>
<td>106</td>
<td>A By-law To Amend By-law 01-215 Being a By-law To Regulate Traffic – Cootes Speed Limit</td>
</tr>
<tr>
<td>08-107</td>
<td>107</td>
<td>A By-law To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs</td>
</tr>
<tr>
<td>08-108</td>
<td>108</td>
<td>A By-law Respecting the Apportioning of Costs of Division Fences in the City of Hamilton</td>
</tr>
<tr>
<td>08-109</td>
<td>109</td>
<td>A By-law To Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the Year 2008</td>
</tr>
<tr>
<td>08-110</td>
<td>110</td>
<td>A By-law To set and Levy Rates of Taxation for the Year</td>
</tr>
</tbody>
</table>
A By-law To Amend Zoning By-law No. 87-57 Ancaster as amended, Respecting the Lands Known as 471 Highway 52 South in the former Town of Ancaster, now in the City of Hamilton

A By-law To Amend Zoning By-law No. 464 Glanbrook, Respecting Lands Located at 3552 Regional Road 56

A By-law To Amend Zoning By-law No. 464 Glanbrook, Respecting Lands Located at 3332 Regional Road 56

A By-law To Amend Zoning By-law No. 05-200, Respecting Lands Located at 61-65 King Street West Stoney Creek

A By-law To Amend Zoning By-law No. 3692-92 Stoney Creek, Respecting the Lands Located at 61-65 King Street West Stoney Creek

A By-law To Amend Zoning By-law No. 90-145-Z Flamborough, as amended Respecting Lands Located at 1192 4th Concession Road West Flamborough

A By-law 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

A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting 348 Fruitland Road, Stoney Creek

A By-law To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 92-244, Respecting Lands Located at 676 Upper James Street, Hamilton

A By-law To Confirm the Proceedings of City Council

(Merulla/Powers)

There being no further business, the City Council meeting adjourned at 11:12 p.m.
Respectfully submitted

Fred Eisenberger  
Mayor

Kevin Christenson  
Clerk  
May 14, 2008