



CITY COUNCIL MINUTES

**Thursday, July 10, 2008
9:30 a.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
Hamilton, Ontario**

Present: Deputy Mayor L. Ferguson

Councillors B. Bratina, B. Clark, C. Collins, S. Duvall, T. Jackson, M. McCarthy B. McHattie, S. Merulla, B. Morelli, M. Pearson, R. Powers, T. Whitehead

Absent with Regrets: Mayor F. Eisenberger – Vacation
Councillor R. Pasuta – Vacation
Councillor D. Mitchell - Vacation

(Pearson/Powers)

That Council be recessed at 9:31 a.m. in order to reconvene Committee of the Whole.
CARRIED.

City Council was reconvened at 11:45 a.m.

ANNOUNCEMENT

Deputy Mayor Ferguson expressed condolences on behalf of Council on the passing of Councillor Pearson's Father In Law, John Pearson of Picton, Ontario who passed away on June 27th.

Deputy Mayor Ferguson expressed condolences on behalf of Council on the passing of William Smith, his wife Sandra, and their daughter Kaylee, who on June 26th were tragically killed in an accident while vacationing in Virginia.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

Added Council Communication 5.22 from Councillor Clark respecting Investigation by Integrity Commissioner and resigning from various committees

Added Council Communication 5.23 from Peter Hutton on behalf of the Hamilton Transit Users Group respecting free transit

(Pearson/Whitehead)

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

DECLARATIONS OF INTEREST

5.14 Correspondence from Denis Lemelin, Canadian Union of Postal Workers respecting the Canada Post Corporation Strategic Review

Councillor Jackson declared an interest in this item as his wife is an employee of Canada Post.

**Item 15 Economic Development and Planning Committee Report
Amendment to the City of Hamilton Licensing By-law No. 07-170
Schedule 25 – Taxi Meter Fares (PED08154) (City Wide) (Item 8.1)**

Councillor Ferguson declared an Interest in this item as he is an investor in the taxi industry.

**Item 8 Committee of the Whole Report 08-025
City of Hamilton Licensing Committee: Authority, Mandate and
Housekeeping Matters (CL08009) (City Wide) (Item 7.3)**

Councillor Ferguson declared an Interest in this item as he is an investor in the taxi industry.

**By-law
08-175 To Amend By-law No. 07-0170, To License and Regulate Various
Businesses**

Councillor Ferguson declared an Interest in this item as he is an investor in the taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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None

APPROVAL OF MINUTES

(Pearson/Collins)

That the Minutes of the June 25, 2008, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Pearson/Clark)

That Council Communications 5.1 to 5.23 be approved as follows:

- 5.1 Correspondence from Hamilton Conservation Authority enclosing the 2007 Audited Financial Statements

Recommendation: Be received

- 5.2 Correspondence from the Honourable Senator Larry Campbell respecting Bill S-238, An Act respecting Canadian Professional Football

Recommendation: Be received

- 5.3 Correspondence from The Honourable Lawrence Cannon, Minister of Transport, Infrastructure and Communities respecting Gas Tax Fund Implementation Evaluation, March 2008-07-02

Recommendation: Be received

- 5.4 Correspondence from The Honourable Jim Bradley, Minister of Transportation respecting release of funds for municipal capital expenditures for transit vehicles and infrastructure to support line improvements to the King-Main and James – Upper James Corridors

Recommendation: Be received

- 5.5 Correspondence from The Honourable Jim Bradley, Minister of Transportation respecting release of funds for municipal road and bridge capital investment needs

Recommendation: Be received

- 5.6 Correspondence from P. Monteith, Executive Correspondence Officer Office of the Prime Minister respecting labelling products made in Canada
Recommendation: Be received
- 5.7 Correspondence from B. Funes, Executive Correspondence officer, Office of the Prime Minister respecting “One Cent Now” Campaign
Recommendation: Be received
- 5.8 Correspondence from Janis Lankester, Clerk, Haldimand County respecting Receipt of Emergency Medical Services Cross-Border Billing Revenue
Recommendation: Be received
- 5.9 AMO Communication – “Woodstock Issues Blackout Challenge”
Recommendation: Be received
- 5.10 AMO – Report of the Secretary-Treasurer on Nominations to the 2008 – 2009 AMO Board of Directors
Recommendation: Be received
- 5.11 Correspondence from The Honourable Ted McMeekin, Minister of Government and Consumer Services respecting Horse Racing Industry strategic Review Panel’s report to the Government of Ontario
Note: Due to Bulk the Executive Summary has been attached and the full document is available in the Office of the Clerk for perusal
Recommendation: Be received
- 5.12 Correspondence from MaryLynn West-Moyne, Mohawk College respecting STARRT Institute Pearson/Collins
Recommendation: Be received and referred to Committee of the Whole for discussion at a future meeting
- 5.13 Correspondence from Richard Koroscil, President and CEO, Hamilton International Airport respecting recent City Council decisions (Whitehead/Pearson)
Recommendation: Be received

- 5.14 Correspondence from Denis Lemelin, Canadian Union of Postal Workers respecting the Canada Post Corporation Strategic Review

(Pearson/Duvall)
Recommendation: That a letter be forwarded to Canada Post Corporation Strategic Review insisting that the government hold public hearings and properly consult with the true owners of Canada Post – the public. **CARRIED.**
- 5.15 Correspondence from The Town of Milton respecting St. Mary's Application for Quarry
(McCarthy/Collins)
Recommendation: Be referred to the General Manager of Planning and Economic Development for a report to the Economic Development and Planning Committee **CARRIED.**
- 5.16 Correspondence from The Town of Milton respecting St. Mary's Quarry Proposal – City of Hamilton – Update and Request for Peer Review Funding
(McCarthy/Collins)
Recommendation: Be referred to the General Manager of Public Works for a report to the Public Works Committee **CARRIED.**
- 5.17 Correspondence from Domenic Murdaca, Local Union 636, International Brotherhood of Electrical Workers respecting Labour Dispute at Horizon
(Powers/Pearson)
Recommendation: Be received **CARRIED.**
- 5.18 Correspondence from the Township of O'Connor respecting Canada Summer Jobs Program

Recommendation: Be received
- 5.19 Correspondence from Malcolm Turner respecting The 2008 World Leadership Awards
(Pearson/Powers)
Recommendation: Be received and that the information be directed to relevant organizations in the city. **CARRIED.**
- 5.20 Correspondence from the Town of Caledon respecting Tax-Exempt Allowances paid by employers to employees using their personal vehicle for business purposes
(Whitehead/Powers)
Recommendation: Be endorsed. **CARRIED.**

- 5.21 Correspondence from Mayor David Miller, City of Toronto respecting Network for Poverty Reduction

(McHattie/Jackson)

Recommendation: That the correspondence be referred to the Poverty Round Table for comment and report back to Committee of the Whole
CARRIED.

- 5.22 Correspondence from Councillor Brad Clark respecting resignation from Sub-Committees and Integrity Commissioner Investigation

(Whitehead/Powers)

Recommendation:

Whereas the facts upon which the Complaint is based are contained in an e-mail from Councillor Brad Clark dated July 3rd, 2008, in which he raises issues "relating to my involvement" in the release of a transcript and digital recording containing information received by Council in camera;

And Whereas the Section of the Code of Conduct for Members of Council, being Appendix "H" to By-law 03-301, which may have been contravened is the Section headed "Confidentiality".

Now Therefore Be It Resolved:

That pursuant to Section 8 of By-law No. 08-154, a by-law "to Establish the Office of the Integrity Commissioner", a complaint concerning Councillor Brad Clark be referred to the Integrity Commissioner.

Motion **CARRIED** on a Recorded Vote as follows:

Yeas: Councillors Clark, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli, Pearson, Powers, Whitehead

Total: 11

Nays: Councillors Bratina and Ferguson

Total: 2

Absent: Eisenberger, Pasuta, Mitchell

Total: 3

(McHattie/Merulla) call the question.

CARRIED.

Interim Appointment of Integrity Commissioner

(Whitehead/Powers)

- (a) That George Rust-D'Eye be appointed as an "Interim" Integrity Commissioner to proceed with an inquiry regarding the Complaint in respect of Councillor B. Clark referred by Council on July 10, 2008, all in accordance with By-law 08-154, the Integrity Commissioner By-law;
- (b) That George Rust-D'Eye be retained to carry out his/her duties as Integrity Commissioner, as set out under Sub-section (a) above on a "fee for service" contract basis, such contract to be satisfactory to the City Solicitor;
- (c) That the appropriate amending by-law to give effect to sub-section (a) above be passed and enacted. **CARRIED.**

5.23 Correspondence from Peter Hutton on behalf of the Hamilton Transit Users Group respecting free transit

Recommendation: Be received

CARRIED AS AMENDED

(Duvall/Collins)

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

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-014

Item 4 Demolition Permit – 588 Corbett Street (PED08161) (Ward 4)

(Merulla/McHattie)

Be referred to the August 5th Economic Development and Planning Committee. **CARRIED.**

Item 15 Amendment to the City of Hamilton Licensing By-law No. 07-170 Schedule 25 – Taxi Meter Fares (PED08154) (City Wide) (Item 8.1)

Councillor Ferguson relinquished the Chair to Councillor Duvall as he declared an interest in this item and abstained from discussion and voting on this matter.

(McHattie/Clark)

That the item be referred to staff to consider different options including how this would affect taxi scrip and report back to the Economic Development and Planning Committee on August 5th.

Referral **DEFEATED** on a Standing Recorded Vote as follows:

Yeas: Bratina, Clark, Collins, Jackson, McHattie

Total: 5

Nays: Duvall, McCarthy, Merulla, Pearson, Powers, Whitehead

Total: 6

Abstained: Ferguson

Total: 1

Absent: Eisenberger, Pasuta, Mitchell, Morelli

Total: 4

Motion **CARRIED** on a Standing Recorded Vote as follows:

Yeas: Collins, Duvall, Jackson, McCarthy, Merulla, Pearson, Powers,
Whitehead

Total: 8

Nays: Bratina, Clark, McHattie

Total: 3

Absent: Eisenberger, Morelli, Pasuta, Mitchell

Total: 4

Abstained: Ferguson

Total: 1

Deputy Mayor Ferguson assumed the Chair.

Item 17 Planning for Employment in the Greater Golden Horseshoe (Provincial Background Paper) - Comments from the City of Hamilton (City Wide) (PED08156) (Item 8.3)

Subsection (ix) **CARRIED** on a Recorded Vote as follows:

Yeas: Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy,
Merulla, Pearson, Powers, Whitehead

Total: 11

Nays: McHattie

Total: 1

Absent: Eisenberger, Morelli, Pasuta, Mitchell

Total: 4

Item 19 Recommendation to Designate 46-52 James Street North, Hamilton, Under Part IV of the Ontario Heritage Act (Ward 2) (PED08159) (Item 8.5)

Motion **CARRIED** on a Recorded Vote as follows:

Yeas: Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, Merulla, Pearson, Powers, McHattie

Total: 11

Nays: Whitehead

Total: 1

Absent: Eisenberger, Morelli, Pasuta, Mitchell

Total: 4

(Whitehead/Powers)

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

PUBLIC WORKS COMMITTEE REPORT 08-012

Item 1 Free Transit Deep Discount Fare Policy and Other Strategies Employed to Create a High Ridership Transit System (PW08082) (City Wide) (Item 7.1)

(McCarthy/Pearson)

That Item 1(d) be deleted.

(d) That the City of Hamilton provide free fare transit on smog and heat days not exceeding 2 smog and heat days in 2008;

DEFEATED on a Standing Recorded Vote as follows:

Yeas: Clark, Ferguson, Jackson, McCarthy, Pearson, Powers

Total: 6

Nays: Bratina, Collins, Duvall, McHattie, Merulla, Whitehead

Total: 6

Absent: Eisenberger, Morelli, Pasuta, Mitchell

Total: 4

(Powers/Pearson)

That subsection (c) of Item 1 of Public Works Committee Report 08-012 respecting Free Transit Deep Discount Fare Policy and other Strategies Employed to Create a High Ridership Transit System be deleted in its entirety and replaced with the following in lieu thereof:

- (c) That the following initiatives be included in the 2009 Business Plan and Budget Submission:
1. Investigation of increased and/or enhanced seniors opportunities;
 2. Complimentary transit service on city designated “smog/heat” days
 3. Support for complimentary transit service to identified Special Events
 4. Increased waterfront shuttle service

CARRIED on a Recorded Vote as follows:

Yeas: Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Pearson, Powers, Whitehead
Total: 11

Nays: McCarthy
Total: 1

Absent: Eisenberger, Morelli, Pasuta, Mitchell
Total: 4

(Merulla/McHattie)

That the following be added as subsection (f) to Item 1 of Public Works Committee Report 08-012 respecting Free Transit Deep Discount Fare Policy and other Strategies Employed to Create a High Ridership Transit System:

- (f) That the Provincial and Federal Levels of Government be requested to further invest in Public Transit by partnering with the City of Hamilton to create a fare-free transit system or any of the Options provided in the i staff Report PW08082 on a trial basis.

CARRIED on a Recorded Vote as follows:

Yeas: Bratina, Clark, Collins, Duvall, Jackson, McHattie, Merulla, Pearson, Powers, Whitehead
Total: 10

Nays: McCarthy, Ferguson
Total: 2

Absent: Eisenberger, Morelli, Pasuta, Mitchell
Total: 4

(Whitehead/Merulla)

That subsection (d) be deferred pending a status update by staff late August or September which details resources and analysis needed for a free transit in 2008-07-10 at the Public Works Committee in September.

Motion **LOST** on a Standing Recorded Vote as follows:

Yeas: Bratina, Collins, Duvall, McHattie, Merulla, Whitehead
Total: 6

Nays: Clark, Ferguson, Jackson, McCarthy, Pearson, Powers
Total: 6

Absent: Eisenberger, Morelli, Pasuta, Mitchell
Total: 4

(McHattieMerulla)

That the following be added as subsection (g):

(g) That the Transit Steering Committee be requested to comment based on their authorship of the City's Ridership Growth Strategy. **CARRIED.**

Item 1(d) **LOST** on a Standing Recorded Vote:

Yeas: Bratina, Collins, Duvall, McHattie, Merulla, Whitehead
Total: 6

Nays: Clark, Ferguson, Jackson, McCarthy, Pearson, Powers
Total: 6

Absent: Eisenberger, Morelli, Pasuta, Mitchell
Total: 4

Item 1 as Amended **CARRIED** on a Recorded Vote:

Yeas: Bratina, Clark, Collins, Duvall, Jackson, McHattie, Merulla, Pearson, Powers, Whitehead
Total: 10

Nays: Ferguson, McCarthy
Total: 2

Absent: Eisenberger, Morelli, Pasuta, Mitchell
Total: 4

Item 2 Downtown Transportation Master Plan Five-Year Review (PW08083)

- (a) That the five-year review of the 2001 Downtown Transportation Master Plan (DTMP) be endorsed and the General Manager of the Public Works Department be authorized and directed to file the five year review, as per the Municipal Class Environmental Assessment (October 2007), on the public record with the Municipal Clerk for a thirty day public review;

Subsection (a) **LOST** on a Standing Recorded Vote as follows:

Yeas: Bratina, Jackson, Pearson, Powers
Total: 4

Nays: Clark, Collins, Duvall, Ferguson, McCarthy, Whitehead
Total: 6

Absent: Eisenberger, McHattie, Merulla, Morelli, Pasuta, Mitchell
Total: 6

(Duvall/Whitehead)

That subsection(a) be reconsidered.

CARRIED.

(Powers/Pearson)

That Item 2 be referred to the next appropriate meeting of Committee of the Whole.

CARRIED.

(Powers/Pearson)

That the TWELFTH Report of the Public Works Committee be adopted as amended, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 08-006

Item 4 Heat Health Warning System Update & Review of 2007 Experience (BOH07024(b)) (City Wide) (Item 5.4)

CARRIED on a Standing Recorded Vote as follows:

Yeas: Bratina, Clark, Collins, Duvall, Ferguson, McCarthy, Pearson, Powers, Whitehead

Total: 9

Nays: Jackson

Total: 1

Absent: Eisenberger, McHattie, Merulla, Morelli, Pasuta, Mitchell

Total: 6

(Duvall/Jackson)

That the SIXTH Report of the Board of Health be adopted and the information section received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 08-025**16. United Brotherhood of Carpenters and Joiners of America Local 18 and The City of Hamilton – Memoranda of Settlement (Residential and Heavy engineering Sectors) (HUR07008) (City Wide) (10.2)**

CARRIED on a Recorded Vote as follows:

Yeas: Bratina, Clark, Collins, Duvall, Jackson, Pearson, Powers, Whitehead
Total: 8

Nays: Ferguson, McCarthy
Total: 2

Absent: Eisenberger, McHattie, Merulla, Morelli, Pasuta, Mitchell
Total: 6

(Duvall/Jackson)

That the TWENTY-FIFTH Report of the Committee of the Whole be adopted, and the information section received. **CARRIED**

MOTIONS

There were no motions.

NOTICES OF MOTION

There were no notices of motion.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

As Council determined that no discussion or amendments, respecting the Closed Session Minutes of the June 25, 2008, meeting of the Council were required, the Minutes were approved in Open Session, as shown below:

(Powers/Pearson)

- (a) That the Closed Session Minutes of the June 25, 2008, meeting of Council be approved, as presented.
- (b) That the Closed Session Minutes, of the June 25, 2008 meeting of Council, remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act."

CARRIED**BY-LAWS****(Duvall/Jackson)**

- | | | |
|---------------|------------|---|
| 08-169 | 169 | To Establish Certain 2008 User Fees and Charges for Services, Activities or the Use of Property |
| 08-170 | 170 | 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 |
| 08-171 | 171 | To Amend By-law No. 06-147, To Authorize the City to Enter into Extension Agreements |
| 08-172 | 172 | Respecting of Part Lot Control, Block 187, Registered Plan No. 62M-991, "Meadowlands of Ancaster (Phase 7A)" |
| 08-173 | 173 | To Amend Zoning By-law No. 05-200, Respecting Lands Located at 460 Wentworth Street North |
| 08-174 | 174 | To Repeal and Replace By-law No. 02-362, To Prohibit Accident Scene Solicitation on Highways |
| 08-175 | 175 | To Amend By-law No. 07-170, To License and Regulate Various Businesses |
| 08-176 | 176 | To amend By-law No. 08-154, a By-law to establish the Office of Integrity Commissioner |
| 08-177 | 177 | To Confirm the Proceedings of City Council |

CARRIED

(Powers/Pearson)

There being no further business, the City Council meeting adjourned at 2:40 p.m.

CARRIED

Respectfully submitted

Lloyd Ferguson
Deputy Mayor

Kevin Christenson
Clerk
July 10, 2008