CITY COUNCIL
MINUTES

Wednesday, May 28, 2008
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present:
Mayor F. Eisenberger

The Mayor called the meeting to order and called upon Reverend Dallas Friesen, from the Mount Hamilton Baptist Church in Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADOPTION OF MINUTES
   3.1 Revised Minutes of the May 14, 2008 meeting (refer to page 6)

2. ADDED COMMUNICATIONS
   5.9 Correspondence from Canadian Auto Workers Union Local 222 respecting legislated changes to address harassment and workplace violence

   Recommendation: For Council’s consideration

   5.10 Correspondence from Dr. Tom Nugent respecting Greenbelt

   Recommendation: Be received
5.11 Correspondence from Zach Douglas, McMaster Innovation Park respecting Focusing Efforts on Employment Lands and responding to correspondence from Fogler Rubinoff (Communication 5.8)

Recommendation: Be received

5.12 Correspondence from Tim Dexter, John Coles and Wayne Dickson respecting Item 8 of the Planning and Economic Development Committee Report respecting Application for a Further Modification in Zoning for the Property Located at 346 Park Street West (Dundas) (PED08111) (Ward 13)

Recommendation: Be received

3. PRIVATE & CONFIDENTIAL

10.2 Update on Ontario Nurses Association (ONA) Arbitration

(Collins/Mitchell)
That the Agenda for the City Council meeting being held on May 28, 2008, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

None.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Eisenberger expressed condolences on the recent passing of Mrs. Shelagh Snider. She and her husband Paul owned and operated The Picture Frame of Westdale, and Mrs. Snider was also extremely active in the community.

APPROVAL OF MINUTES

(Whitehead/Pearson)
That the Minutes of the May 14, 2008, meeting of Council be approved, as amended. CARRIED

COMMUNICATIONS

(Collins/Duvall)
That Council Communications 5.1 to 5.12 be approved, as amended, as follows:
5.1 Correspondence from the Premier of Ontario, Dalton McGuinty respecting Environmental Commissioner of Ontario’s annual report Reconciling our Priorities

Recommendation: Be received

5.2 Correspondence from the Premier of Ontario, Dalton McGuinty respecting feedback on the 2008 Ontario Budget

Recommendation: Be received

5.3 Correspondence from The Honourable Minister of Culture, Eileen Carroll respecting the City’s recommendation that the minister consider extending the time frame for the interim protection of listed, non-designated properties from 60 to 125 days

Recommendation: Be received

5.4 Correspondence from FCM respecting the City’s submission to the 2008 FCM CH2M HILL Sustainable Community Awards

Recommendation: Be received

5.5 Correspondence from Ann Cosens, and John Vail, Realtors Association of Hamilton-Burlington respecting support for the development of light rail transit in Hamilton

Recommendation: Be received

5.6 Correspondence from the Honourable Minister of the Environment, John Gerretsen respecting St. Mary’s Cement Proposed Quarry

(McCarthylJackson)

Recommendation: Be received and copies of the documents in the possession of Councillor McCarthy with respect to PCB’s be circulated to staff dealing with this issue, prior to the June 6, 2008 submission deadline.

Amendment CARRIED.

5.7 Correspondence from Nancy Haigh, The Red Hill Valley Neighbourhoods Association respecting noise from the Red Hill Valley Parkway

Recommendation: Be received and referred to staff for a report to the Parkway Implementation Sub-committee.
5.8 Correspondence from Joel Farber of Fogler, Rubinoff respecting focusing efforts on employment lands

(McHattie/Whitehead)
Recommendation: Be received and referred to Legal Services as part of the OMB deliberations. Amendment CARRIED.

5.9 Correspondence from Canadian Auto Workers Union Local 222 respecting legislated changes to address harassment and workplace violence

(Duvall/Whitehead)
Recommendation: Be endorsed and copies be forwarded to the Province and MPP’s and the Canadian Auto Workers Union, Local 222. Amendment CARRIED.

5.10 Correspondence from Dr. Tom Nugent respecting Greenbelt
Recommendation: Be received

5.11 Correspondence from Zach Douglas, McMaster Innovation Park respecting Focusing Efforts on Employment Lands and responding to correspondence from Fogler Rubinoff (Communication 5.8)

(McHattie/Whitehead)
Recommendation: Be received and referred to Legal Services as part of the OMB deliberations. Amendment CARRIED.

5.12 Correspondence from Tim Dexter, John Coles and Wayne Dickson respecting Item 8 of the Planning and Economic Development Committee Report respecting Application for a Further Modification in Zoning for the Property Located at 346 Park Street West (Dundas) (PED08111) (Ward 13)
Recommendation: Be received CARRIED AS AMENDED

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

CARRIED
16. Hamilton Conservation Authority funding request for Confederation Park Master Plan review (FCS08045) (City Wide) (Item 8.3)

(Collins/Duvall)
That Item 16 of the Audit and Administration Committee Report 08-007 respecting Hamilton Conservation Authority Funding Request for Confederation Park Master Plan Review be amended by adding the following as subsection (b):

(b) That a joint steering committee be established involving both City of Hamilton and Hamilton Conservation Authority staff and one City of Hamilton Councillor, to:

(i) Confirm the Terms of Reference for the Master Planning Project addressing issues pertaining to the study’s scope and public consultation process;

(ii) Oversee the implementation of the Master Planning Project; and,

(iii) Provide interim updates and final reporting to the Hamilton Conservation Authority Board and City of Hamilton Council.

(c) That Councillor Chad Collins be appointed to the City of Hamilton / Hamilton Conservation Authority Joint Steering Committee.

Amendment CARRIED
Motion as Amended CARRIED.

(Bratina/Clark)
That the SEVENTH Report of the Audit & Administration Committee be adopted, as amended, and the information section received. CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 08-008

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

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 08-009

12. Enhanced Veteran Parking Exemption Program and Ontario Veteran License Plates (PED06157(a)) (City Wide) – Referred from Council on February 15, 2007 (Item 8.2)
(Pasuta/Morelli)
That Item 12 of the Economic Development & Planning Committee Report 08-009 be referred back to the Economic Development & Planning Committee for further discussion.

CARRIED

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 08-009

7. 2008 Municipal Road and Bridge Infrastructure Investment Provincial Funding Allocation (PW08046(a)) (City Wide) (Item 8.1)

(Collins/Whitehead)
That Item 7 of the Public Works Committee Report 08-009 be amended by adding recommendation (b) to read as follows:

(b) That the Strategic Plan for public infrastructure be presented to the Public Works Committee, prior to the 2009 budget deliberations.

Item 7 as amended CARRIED on a Standing Recorded Voted as follows:

Yeas: Eisenberger, Bratina, Collins, Ferguson, Jackson, McCarthy, McHattie, Pasuta, Mitchell, Powers, Whitehead
Total Yeas: 11
Nays: Clark, Duvall, Merulla, Morelli, Pearson
Total Nays: 5

15. Transfer Station and Disposal Operations Review – Facility Working Days (PW08059) (City Wide) (Item 8.8)

Councillor M. McCarthy wished to be recorded as OPPOSED.

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

CARRIED
8. Healthy Babies Healthy Children Program Review: Family Home Visitor Service Component- BOH08010 (City Wide) (Item 7.2)

Councillor S. Duvall wished to be recorded as OPPOSED.

Information Item (g) - Pesticide Sub-Committee Report 08-001 (Item 8.1)

(McHattie/Pasuta)
That Information Item (g) respecting Pesticide Sub-Committee Report 08-001 of Board of Health Report 08-004 be lifted from the Information Section and renumbered as Item 11 to read as follows:

11. Pesticide Sub-Committee Report 08-001

(a) That the Public Health Services be authorized to cancel the Pesticide By-Law Communication Plan pending forthcoming information about Provincial Legislation.

(b) That payment in the amount of $20,000 be provided to Green Venture to continue funding the ‘Naturally Hamilton’ education campaign emphasizing alternatives to pesticide use for 2008, to be funded from existing budget in Health Protection Division, Public Health Services.

CARRIED.

(McHattie/Pasuta)
That sub-section (a) be amended by deleting the word “cancel” and replacing it with the word “suspend”, in lieu thereof, to read as follows:

(a) That the Public Health Services be authorized to suspend the Pesticide By-Law Communication Plan pending forthcoming information about Provincial Legislation.

AMENDMENT CARRIED.
MOTION AS AMENDED CARRIED.

(Collins/Duvall)
That the FIFTH Report of the Board of Health be adopted, as amended, and the information section received.

CARRIED

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

CARRIED
7.1  Pesticide Education By-law (BOH07068) (City Wide)

This Motion was withdrawn by Councillor B. McHattie, as it was considered as Item 11 of the Board of Health Report 08-005.

7.2(a) Motion to Waive the Rules of Order – Proposed Closure of a Portion of Nebo Road, Road Allowance Abutting Lots 13 and 14, Concession 7, Glanbrook

(Powers/Collins)

That the Rules of Order be waived in order to introduce a motion respecting the proposed Closure of a Portion of Nebo Road, Road Allowance Abutting Lots 13 and 14, Concession 7, Glanbrook.

CARRIED

7.2(b) Proposed Closure of a Portion of Nebo Road, Road Allowance Abutting Lots 13 and 14, Concession 7, Glanbrook (PW06123) (Ward 11)

(Powers/Pearson)

That Item 9 of Public Works, Infrastructure and Environment Committee Report 06-012, approved by Council on September 13, 2006, respecting Proposed Closure of a Portion of Nebo Road, Road Allowance Abutting Lots 13 and 14, Concession 7, Glanbrook, be amended by deleting “122 metres” in the preamble, and by replacing it with the number “1057.05 metres” in lieu thereof, to read as follows:

“That the application of The Roman Catholic Episcopal Corporation of the Diocese of Hamilton, registered owner of a portion of Lots 13 and 14, Concession 7, in the former Township of Glanbrook, to purchase a portion of road allowance abutting the property, from Chippewa Road to approximately 1057.05 metres south, be approved subject to the following conditions:"

CARRIED

7.3(a) Motion to Waive the Rules of Order - Growing the Greenbelt – Comments on Proposed Provincial Criteria

(Mitchell/Pasuta)

That the Rules of Order be waived in order to introduce a motion respecting Growing the Greenbelt – Comments on Proposed Provincial Criteria.

CARRIED
7.3(b) Growing the Greenbelt – Comments on Proposed Provincial Criteria

(Mitchell/Pasuta)
(a) That Report 08-002, of the Agriculture and Rural Affairs Sub-Committee, be endorsed and the comments included in the City’s submission to the Ministry of Municipal Affairs and Housing;

(b) 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.

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

(d) 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.

CARRIED

7.4 C. Difficile as a Reportable Infectious Disease

(Clark/Jackson)
That the Medical Officer of Health report to the Board of Health stating the City of Hamilton’s recommendations on declaring C. difficile as a reportable infectious disease.

CARRIED

NOTICES OF MOTION

None.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes of May 14, 2008

As Council determined that no discussion or amendments, respecting the Closed Session Minutes of the May 14, 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 May 14, 2008, meeting of Council be approved, as presented.

(b) That the Closed Session Minutes, of the May 14, 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

10.2 Update on Ontario Nurses Association (ONA) Arbitration

(Mitchell/Morelli)
That Council move into Closed Session, at 9:00 p.m. to receive an update respecting the Ontario Nurses Association (ONA) Arbitration, pursuant to Section 8.1, Sub-section (d) of the City's Procedural By-law 03-301, and Section 239, Sub-section (d) of the Ontario Municipal Act, 2001, as the subject matter pertains to labour relations or employee negotiations.

CARRIED

Council reconvened in Open Session at 9:45 p.m. and approved the following recommendation:

(Pearson/Powers)
(a) That staff be directed to decrease service levels in order to stay within approved budgets.

(b) That service providers be notified and services be reduced to contain costs, while maximizing effectiveness.

(c) That as part of the 2009 budget process that staff be reduced, as required to avoid budget increases beyond maintenance.

CARRIED

BY-LAWS

(Pearson/Powers)
That Bill number 136 be deleted and the subsequent Bills be renumbered accordingly.

CARRIED

(Collins/Clark)
That Bill Nos. 08-120 to 08-138 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 08-120 to 08-139 as follows:

By-law No.
08-120 To Authorize the Issue of Debentures in the Principal Amount of $50,000,000 for the Purposes of the City of Hamilton
By-law No.

08-121 To Permanently Close an Unassumed Portion of Road Allowance abutting 1 Oak Knoll Drive, Hamilton, being Part of Shady Lane, established by Registered Plan 683, City of Hamilton, designated as Part 2 on Reference Plan 62R-18068

08-122 To Permanently Close an Unassumed Street, established by Registered Plan 310, formerly in the City of Stoney Creek, now City of Hamilton, designated as Parts 3 and 4 on Reference Plan 62R-17620

08-123 To Amend By-law No. 06-147, To Authorize the City to Enter into Extension Agreements

08-124 To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits Schedule 12 – No “U” Turns

08-125 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 10 – Alternate Side Parking Schedule 12 – Permit Parking Zones Schedule 13 – No Stopping Zones Schedule 14 – Wheelchair Loading Zones Schedule 20 – School Bus Loading Zones

08-126 To Adopt and Maintain Policies with Respect to The Sale and Disposition of Land, The Hiring of Employees and The Procurement of Goods and Services by the Hamilton Board of Health

08-127 To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 346 Park Street West

08-128 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 639 Rymal Road West, Hamilton

08-129 To Amend Zoning By-law No. 6593 (Hamilton), Respecting 1046 Upper Paradise Road

08-130 To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 1144 Wilson Street West

08-131 To Amend By-law No. 07-170, To Licence and Regulate Various Businesses

08-132 To Amend By-law No. 07-243, To Appoint Municipal By-law Enforcement Officers

08-133 Respecting Removal of Part Lot Control, Block 1, Registered Plan No. 62M-1103, Gardens of Summit Park

08-134 Respecting Removal of Part Lot Control, Red Hill Vista, Phase 1, Registered Plan No. 62M-1030
By-law No. 08-135
To Permanently Close a Portion of Barton Street East, Hamilton, being Part Lot 112, Plan 287, designated as Part 1 on Reference Plan 62R-17065; and part of Cathcart Street, Plan 287 (as closed by By-law 3987, registered as By-law 948 on February 4, 1930) designated as Part 2 on Reference Plan 62R-17065, City of Hamilton

08-136
To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 5 – Stop Signs

08-137
To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

08-138
To Confirm the Proceedings of City Council

CARRIED AS AMENDED

(Powers/Pearson)
There being no further business, the City Council meeting adjourned at 9:50 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Rose Caterini
Deputy Clerk
May 28, 2008