Committee of the Whole
MINUTES

9:30 a.m.
March 9, 2009
Albion Room
Hamilton Convention Centre

Present:
Mayor F. Eisenberger
Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
T. Jackson, L. Ferguson, M. McCarthy, B. McHattie,
S. Merulla, B. Morelli, D. Mitchell, R. Pasuta,
M. Pearson, R. Powers

Absent with regrets:
Councillor T. Whitehead – City Business

Also Present:
C. Murray, City Manager
T. Tollis, Acting General Manager, Finance and
Corporate Services
G. Davis, Acting General Manager, Public Works
J. Kay, General Manager/Chief, Hamilton Emergency
Services
V. Woodcox, Acting General Manager, Community Services
T. McCabe, General Manager, Planning and Economic
Development
P. Barkwell, City Solicitor
K. Christenson, City Clerk
M. Gallagher, Co-ordinator, Council and Committee of the
Whole/Budgets

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR
CONSIDERATION:

ANNOUNCEMENTS – DEPUTY MAYOR FOR THE MONTH

The Mayor introduced and welcomed Jessica Lovnicki and Michael
Parisse, Deputy Mayors for the Month of March
The Mayor further extended congratulations to Andrea Horwath on her recent election as leader of the Provincial NDP. A letter of congratulations will be forwarded on behalf of the Mayor and Council.

1. **CHANGES TO THE AGENDA**

The clerk noted the following changes to the agenda:

Deleting the February 23rd Closed Session Minutes from the agenda

And the Private and Confidential Item respecting the Labour Relations Strategy has been withdrawn and will be presented at a future meeting.

(Morelli/Mitchell)

That the agenda be adopted as amended. CARRIED.

2. **DECLARATIONS OF INTEREST**

None

3. **ADOPTION OF MINUTES**

3.1 Minutes of the February 9, 2009 meeting

(Pearson/Morelli)

Be adopted as presented. CARRIED.

3.2 Minutes of the February 23, 2009 (special meeting)

(Clark/Duvall

Be adopted as presented. CARRIED.

4. **CONSENT ITEMS**

(Pearson/Mitchell)

That the consent items be received. CARRIED.

4.1 City of Hamilton – Collective Agreement Status Update – (HUR09006) - (City Wide)

That Report HUR09006 respecting City of Hamilton – Collective Agreement Status Update be received.
4.2 Advisory Committee for Persons with Disabilities Report 09-002, February 10, 2009

That Report 09-002 of the Advisory Committee for Persons with Disabilities be received.

5. DELEGATION REQUESTS

5.1 Request to address Committee by John Dolbec, Hamilton Chamber of Commerce respecting Private Waste Disposal

(Powers/Pearson)
That the delegation request be approved. CARRIED.

6. PRESENTATIONS

6.1 Planning Study of Private Waste Disposal Sites

Robert Walters of the Planning Department and consultants Jim McKay & David Walmsley of Jacquest Whitford Limited addressed the committee and provided an overview of the study and recommendations.

(Collins/Pearson)
That the presentation be received. CARRIED.

7. PUBLIC DELEGATIONS

John Dolbec, Hamilton Chamber of Commerce respecting Private Waste Disposal

Mr. Dolbec in his presentation requested the following of Committee:

Reject the proposed “Blanket” prohibition on new or changes to existing waste management facilities as:
• Any such "blanket bans" of legitimate business sectors is a bad precedent for business generally;
• Any action relative to waste management facilities should apply equally to both the public and private sectors;
• Arbitrarily banning all future facilities will damage the City’s ability to
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execute sustainability initiatives; progressive environmental services providers can play an integral role in helping the City achieve its sustainable development objectives; and

- Otherwise, the Chamber generally supports the recommendations of Jacques Whitford Report in principle and encourages its adaption.

(Powers/Pearson)
That the presentation be received. CARRIED.

8. DISCUSSION ITEMS

8.1 Planning Study of Private Waste Disposal Sites (PED08064(b)) (City Wide)

a) That Report PED08064(a), attached as Appendix “A” to Report PED08064(b), referred to the Committee of the Whole from the Economic Development and Planning Committee and containing the Planning Study of Private Waste Disposal Sites, by Jacques Whitford Limited, dated October 21, 2008, as Appendix “A” to Report PED08064(a), be received.

b) That the Inventory of Private Waste Facilities within the City of Hamilton, prepared by Jacques Whitford Limited, dated February 2, 2009, attached as Appendix “B” to Report PED08064(b), be received.

c) That Council approve the following recommendations/directions resulting from the Planning Study of Private Waste Disposal Sites, by Jacques Whitford, dated October 21, 2008:

i) That regular discussions be held between the City of Hamilton and the Ministry of the Environment, Hamilton District, in order to foster a more effective working relationship in the processing of Certificate of Approval applications for private waste facilities.

ii) That the Planning and Economic Development Department maintain/ regularly update the Inventory of Private Waste Facilities within the City of Hamilton, attached as Appendix “B” to Report PED08064(b).
iii) That the Planning and Economic Development Department be directed to initiate Official Plan and Zoning By-law Amendments to implement the recommendations of the Study, and that a public meeting be scheduled at the Economic Development and Planning Committee to consider the proposed amendments by May 2009.

iv) That Interim Control By-law 08-104, as amended by By-law 08-117, continue in effect and be extended for one year or until the Official Plan and Zoning By-law Amendments recommended by the Study are enacted, and final and binding.

(Pearson/Mitchell)
That subsection (iv) be amended by inserting the words “in the geographic boundaries of the former City of Hamilton” after the word “effect” in the second line.

AMENDMENT CARRIED on a STANDING RECORDED VOTE AS FOLLOWS:
Yeas: Eisenberger, Collins, Duvall, Ferguson, Bratina, McHattie, Pasuta, Mitchell, Pearson, Powers
Total: 10

Nays: Clark, Jackson
Total: 2

Absent: Merulla, McCarthy, Morelli, Whitehead
Total: 4

v) That the proposed Official Plan and Zoning By-law Amendments in Recommendation c) (iii) above, include provisions that would recognize existing private waste facilities as permitted uses and that any expansion to these existing uses would be required to comply with the policies and zone provisions for new facilities.

vi) That the Planning and Economic Development Department hold periodic discussions with the private waste facility industry regarding new technology that could change the separation distances recommended by the Study, changes to legislation and its effect on facility operators, and regarding updates on Ministry of the Environment (MOE) responsibilities.
vii) That the new Official Plan provide policies for public waste facilities and that consideration be given to applying similar policy and zone provisions as proposed to apply to private facilities.

d) That the letter from the Ministry of the Environment (MOE) to the City of Hamilton, dated November 24, 2008, attached as Appendix “C” to Report PED08064(b), be received, and staff follow up on the suggestions to improve the process of responding to applications for Certificates of Approval for waste.

(Collins/McHattie)
That the following be added as subsection (e):

That staff be directed to report back with options for implementing minimum radial separation distances between private waste facilities for those facilities that hold a certificate. CARRIED.

(Clark/Powers)
That the following be added as subsection (viii) to read as follows:

That the Province of Ontario be requested to amend the Environmental Bill of Rights Act to require the Director to give commenting Government Agencies 60 days to respond to applications filed on the Environmental Bill of Rights. CARRIED.

(Clark/Powers)
That the Ministry of Environment Guideline for applying for waste disposal sites require proponents and applicants to consult with the city in advance of filing their application. CARRIED.

(McHattie/Collins)
Subsection (b) add words that staff make best efforts to provide information on those with and without Certificates of Approval” prior to the words “within the City of Hamilton” in the first line. – staff to make best efforts and report back to committee. CARRIED.

8.2 Funding Agreement – Police Officers Recruitment Fund (PSB08117a) (City Wide)
(Jackson/Pasuta)
That the Mayor and City Clerk be authorized and directed to execute the Police Officers Recruitment Fund Agreement respecting additional funding for front-line officers between Her Majesty in Right of Ontario as represented by the Minister of
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Community Safety and Correctional Services, the City of Hamilton and the Hamilton Police Services Board, such agreement to be in a form satisfactory to Corporate Counsel. CARRIED.

9. MOTIONS

9.1 Fire Works – Albion Community Association

(Clark/Jackson)

That the following motion be referred to the Grants Sub-Committee:

That the Albion Community Association receive a one time grant of $15,000 to offset costs for their 30th Anniversary of Fireworks at Valley Park and that Albion Community Association agrees to find a more suitable venue for 2010 that is agreeable to the city.

CARRIED.

10. NOTICES OF MOTION

10.1 Red Hill Valley Parkway Environmental Assessment Process

(McHattie/Bratina)

That the rules of order be suspended to allow the introduction of a motion respecting Red Hill Valley Parkway Environmental Assessment Process. CARRIED.

(McHattie/Bratina)

That staff be requested to prepare a report on the status of the lawsuit against the Federal government relating to the Federal Government’s role in the Red Hill Valley Parkway Environmental Assessment Process and report back to Committee of the Whole. CARRIED.

11. PRIVATE AND CONFIDENTIAL

(Powers/Pearson)

That Committee move into closed session subject to section 8.1(d) and (f) as the matter relates to disposition of land and the receiving of advice that is subject to solicitor client privilege CARRIED.

11.1 Closed Session Minutes of February 9, 2009

Be adopted as presented.
11.2 Closed Session Minutes of February 23, 2009
Deleted under changes to the agenda.

11.3 Labour Relations Strategy 2009 - 2011 - HUR09007 - City Wide
Deleted under changes to the agenda.

There being no further business the Committee adjourned at 12:31 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council, Committee of the Whole
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