



## **CITY COUNCIL MINUTES**

**Wednesday, June 25, 2008**

**7:00 p.m.**

**Albion Rooms**

**Hamilton Convention Centre**

**One Summer's Lane**

**Hamilton, Ontario**

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**Present:** Mayor F. Eisenberger

Councillors B. Bratina, B. Clark, S. Duvall, L. Ferguson, T. Jackson,  
M. McCarthy B. McHattie, S. Merulla, D. Mitchell, B. Morelli,  
R. Pasuta, M. Pearson, R. Powers, T. Whitehead

**Absent with Regrets:** Councillor C. Collins – Vacation

<b>ANNOUNCEMENT</b>
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Mayor Eisenberger announced the recent passing of Jack Pelech, who led the city's bids for the Pan American Games in 1983 and 1991 and the Commonwealth Games in 1994. He was actively involved with numerous community groups and organizations, received special honours including the Hamilton Citizen of the Year, the Governors General Golden Jubilee Medal, the Hamilton Gallery of Distinction and most recently the Order of Canada. On behalf of City Council, Mayor Eisenberger extended sympathy and condolences to his family during this difficult time.

Mayor Eisenberger announced the passing of Dr. Sheela Basrur on June 2, 2008. Dr. Basrur was the former Chief Medical Officer of Health for Ontario, and MOH for Toronto during SARS, on June 2, 2008. On behalf of the Board of Health, the Medical Officer of Health and public health unit staff, Mayor Eisenberger extended sympathy and condolences to her family during this difficult time.

Mayor Eisenberger also announced the passing of Warring Jennings. Mr Jennings was a lifelong resident of Hamilton who was a former member of City Council in the early 1920's. On behalf of City Council, Mayor Eisenberger extended sympathy and condolences to his wife Jean and family.

Mayor Eisenberger announced that it was Glen Peace's last Council meeting as City Manager. He invited Glen to the podium to say a few words. Glen Peace addressed Council.

Glen Peace thanked the people of Hamilton for the opportunities that the City has afforded him. He wished past and present Council members many years of health and happiness and thanked the management team for their hard work.

Mayor Eisenberger and members of Council thanked Glen Peace for his diligence, hard work, and dedication to the City, and wished him well in his retirement.

#### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

- (a) Communication 5.6 – recommendation amended to “be received”
- (b) Added as Item 6.9 – Special Economic Development & Planning Report 08-013 – June 23, 2008
- (c) The address in Item 1(b)(ii) of Committee of the Whole Report 08-022 corrected to read “1625 Stone Church Road East”

#### **(Mitchell/Morelli)**

That the Agenda for the City Council meeting being held on June 25, 2008, be approved, as amended.

**CARRIED**

#### DECLARATIONS OF INTEREST

Councillor Clark declared an interest in Item 1 of Selection Committee Report 08-002, which was item 6.8 on the agenda, as one of the candidates was his former campaign manager.

Councillor Ferguson declared an interest in item 1 of Economic Development and Planning Committee Report 08-012, which was item 6.5 on the Council agenda, as he is an investor in the taxi industry.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS****3.1 Bay Area Science and Engineering Fair Awards**

Mayor Eisenberger presented awards to winners of the 48<sup>th</sup> Annual Bay Area Science and Engineering Fair, which took place on Saturday, March 29, 2008 at Sheridan Institute of Technology and Advanced Learning in Oakville, Ontario. Nearly 300 students from grades 7 – 12 in Hamilton, Halton, Brant, Haldimand and Norfolk participated in the event.

Mayor Eisenberger presented certificates to the following winners from Hamilton:

**For Computer ANTimation , Tobias Williams (Highland Secondary)**

Dofasco Pinnacle Award 1st-Best-in-Fair

Intel International Science & Engineering Fair Trip Award

**For “I have seen the light 2! A model for calculation of treatment time for Photodynamic Therapy” - Romita Sur (Hillfield Strathallan College)**

Dofasco Pinnacle Award 2nd-Best-in-Fair

Intel International Science & Engineering Fair Trip Award

**For Viscosity - Rui Sun (Dalewood)**

Roy Middleton Award- Best Junior Project Dofasco Pinnacle Award 3rd-Best-in-Fair

Canada Wide Science Fair Trip Award & Stepping Stone Award

**For Health Behaviour Among Adolescents in Hamilton, Ontario  
Mariam Mobasher (Westdale High School)**

Canada Wide Science Fair Trip Award

**For The Slingshot - Nicholas Chong (Canadian Martyrs')**

Canada Wide Science Fair Trip Award

**For Quit Buggin' - Wardah Nasir (Sir Wilfrid Laurier)**

**Tatjana Medakovic (Sir Wilfrid Laurier)**

Canada Wide Science Fair Trip Award

**APPROVAL OF MINUTES****(Whitehead/Pasuta)**

That the Minutes of the June 10, 2008, meeting of Council be approved, as presented.

**CARRIED**

<b>COMMUNICATIONS</b>
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**(Duvall/Jackson)**

That Council Communications 5.1 to 5.7, as presented, be approved as amended, as follows:

- 5.1 Correspondence from The Honourable Minister of Culture, Aileen Carroll respecting City's request to obtain a copy of the Ontario Heritage Trust Report on the Lister Building

Recommendation: Be received

Note: Please note that the Information and Privacy Commissioner of Ontario in a decision of June 5, 2008 released the Ontario Heritage Trust Report on the Lister Building

- 5.2 Correspondence from The Honourable Minister of Health and Long-Term Care respecting \$109 million in funding to assist with emergency room delays

Recommendation: Be received

- 5.3 Correspondence from The Honourable Minister of Health and Long-Term Care respecting funding to the City of Hamilton to negotiate agreements for nurses to receive ambulance patients at hospital ER(s)

Recommendation: Be received

- 5.4 Correspondence from Peter George, McMaster University respecting light rail transit

Recommendation: Be received and forwarded to the General Manager of Public Works for review

- 5.5 Correspondence from Glanbrook Minor Hockey Association respecting tap water at Glanbrook Arena

**(Mitchell/Powers)**

Recommendation: Be received and forwarded to the General Manager of Community Services and the General Manager of Public Works for reply

**Amendment CARRIED**

- 5.6 Correspondence from Mayor Hazel McCallion, Chair of LUMCO (Large Urban Mayors Caucus of Ontario respecting changing the definition of "non-construction employer"

**(Ferguson/Pearson)**

Recommendation: Be referred to the Special Committee of the Whole meeting respecting the Carpenter's Union and copies be forwarded to the Premier of Ontario and the Minister of Labour.

**Amendment CARRIED**

## 5.7 Correspondence from the Town of Grimsby respecting Greenbelt Legislation

Recommendation: Be endorsed

**CARRIED AS AMENDED**

**(Duvall/Jackson)**

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

<b>PUBLIC WORKS COMMITTEE REPORT 08-011</b>
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Item 4 (Driveway Snow Clearing (PW08069) (City Wide)) CARRIED on a Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Duvall, Ferguson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead  
 Total Yeas: 14  
 Nays: Jackson  
 Total Nays: 1  
 Absent: Collins  
 Total Absent: 1

**(Powers/Pearson)**

That the ELEVENTH Report of the Public Works Committee be adopted, and the information section received. **CARRIED**

<b>AUDIT &amp; ADMINISTRATION COMMITTEE 08-009</b>
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**Item 5 Governance Review Sub-Committee (CL08008) (City Wide) (Item 8.1)****(Powers/Pearson)**

That Item 5(b) of Audit and Administration Committee Report 08-009 be deleted in its entirety and replaced with the following in lieu thereof:

- (b) That Councillors Clark, Mitchell, Whitehead, Pearson, and Powers be appointed to the Governance Review Sub-Committee, which will meet at the call of the Chair.

**Amendment CARRIED**  
**Motion as Amended CARRIED**

**Item 12 Human Resources Budget Status Report (HUR08008) (City Wide)****(Pearson/Powers)**

That the recommendation in Item 12 of Audit and Administration Committee Report 08-009 respecting Human Resources Budget Status

Report be deleted in its entirety and replaced with the following in lieu thereof:

- (a) That Council approve a maximum of \$553,900 of one-time costs related to Human Resources re-organization to be funded from the tax stabilization reserve.
- (b) That Council refer the increased salary, benefit and operational costs for the Human Resources maintenance budget and \$51,700 to cover operating budget infrastructure support to the 2009 budget process.

Item 12 as amended CARRIED on a Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead  
 Total Yeas: 13  
 Nays: Duvall, Ferguson  
 Total Nays: 2  
 Absent: Collins  
 Total Absent: 1

**(Pearson/Powers)**

That the NINTH Report of the Audit & Administration Committee be adopted as amended, and the information section received. **CARRIED**

<b>EMERGENCY &amp; COMMUNITY SERVICES COMMITTEE 08-010</b>
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**Item 6 Ontario Child Benefit (ECS08031) (City Wide) (Item 7.2)**

**(Jackson/McCarthy)**

That Item 6 of the Emergency & Community Services Committee Report 08-010 be amended by adding recommendation (d) to read as follows:

- (d) That, for 2008, staff be directed that only under extreme circumstances and on an individual basis, to consider assistance through the use of Community Services budget surplus and/or Social Services Initiative Fund reserves.

**Amendment CARRIED  
 Motion as Amended CARRIED**

**(Jackson/McCarthy)**

That the TENTH Report of the Emergency & Community Services Committee be adopted as amended, and the information section received. **CARRIED**

<b>ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-011</b>
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Item 1 (Information Report – Status of the Implementation and Enforcement of the Hamilton Sign By-Law (PED05172(d))) CARRIED on a Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Duvall, Ferguson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers  
Total Yeas: 13  
Nays: Jackson, Whitehead  
Total Nays: 2  
Absent: Collins  
Total Absent: 1

Item 3 (Application for a Modification to the City of Stoney Creek Zoning By-Law No. 3692-92 for Lands Located at 268-274 Upper Centennial Parkway (Stoney Creek) (PED08145)) CARRIED on a Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Clark, Duvall, Ferguson, Jackson, McCarthy, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead  
Total Yeas: 14  
Nays: McHattie  
Total Nays: 1  
Absent: Collins  
Total Absent: 1

Item 6 (Hamilton LACAC (Municipal Heritage Committee) Logo Proposal and Payment of an Honorarium for a Submitted Design (PED08144)) CARRIED on a Recorded Vote as follows:

Yeas: Eisenberger, Bratina, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead  
Total Yeas: 13  
Nays: Clark, Duvall  
Total Nays: 2  
Absent: Collins  
Total Absent: 1

**(Whitehead/Powers)**

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

**ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-012****(Whitehead/Powers)**

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

**COMMITTEE OF THE WHOLE REPORT 08-022****Item 1 Focusing Efforts on Employment Lands (City Wide) (PED08066(a)) (Item 8.1)****(Clark/Whitehead)**

That Item 1 of Committee of the Whole Report 08-022 be amended by adding the following subsection (g):

- (g) That staff be directed to provide Council with a brief report articulating the differences in assumptions between City Staff and Ministry of Municipal Affairs and Housing Staff and the rationale for using said assumptions.

Item 1 as amended CARRIED on a Recorded Vote as follows:

Yeas: Eisenberger, Clark, Duvall, Ferguson, Jackson, McCarthy, Merulla, Morelli, Mitchell, Pearson, Powers, Whitehead  
Total Yeas: 12  
Nays: Bratina, McHattie, Pasuta  
Total Nays: 3  
Absent: Collins  
Total Absent: 1

**Item 2 Airport Employment Growth District Phase I Study Completion (PED08149/PW08075) (City Wide) (Item 8.2)****(Whitehead/Ferguson)**

That Item 2(c) of Committee of the Whole Report 08-022 be deleted in its entirety and replaced with the following in lieu thereof:

- (c) That in accordance with Council's June 2005 direction, that staff prepare a terms of reference for a City-wide peak oil study designed to evaluate the City's vulnerability to an energy conservation culture (i.e., peak issues) and report back to Committee of the Whole by October 14, 2008, including costs



and timing of such study. Further, that this City-wide peak oil study be considered concurrently in the Phase 2 study of the Airport Employment Growth District.

**Amendment CARRIED  
Motion as Amended CARRIED**

**(Duvall/Jackson)**

That the TWENTY-SECOND Report of Committee of the Whole be adopted as amended and the information section received. **CARRIED**

<b>COMMITTEE OF THE WHOLE REPORT 08-023</b>
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**Item 3      Lister Block – Agreement of Purchase and Sale  
(FCS08060/PED08168/CM08018) (Item 6.2)**

**(Powers/Eisenberger)**

That the terms of the compromise agreement as outlined in the report on the “Lister Block Agreement of Purchase and Sale – Update” dated June 25, 2008, be incorporated as part of the Purchase & Sale Agreement between the City of Hamilton and LIUNA Local 837 Lister Property Corporation.

The amendment LOST on a Standing Recorded Vote as follows:

Yeas:            Eisenberger, Ferguson, Powers  
Total Yeas:    3  
Nays:            Bratina, Clark, Duvall, Jackson, McCarthy, McHattie, Merulla,  
Morelli, Mitchell, Pasuta, Pearson, Whitehead  
Total Nays:    12  
Absent:          Collins  
Total Absent: 1

Item 3 CARRIED on a Standing Recorded Vote as follows:

Yeas:            Eisenberger, Ferguson, Jackson, McHattie, Merulla, Morelli,  
Pearson, Powers, Whitehead  
Total Yeas:    9  
Nays:            Bratina, Clark, Duvall, McCarthy, Pasuta, Mitchell  
Total Nays:    6  
Absent:          Collins  
Total Absent: 1

**(Duvall/Jackson)**

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

<b>SELECTION COMMITTEE REPORT 08-002</b>
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**Item 1 Line Fence View Appointments (Item 4.3)****(Jackson/Duvall)**

(a) That recommendation (a) in Item 1 of the Selection Committee Report 08-002 be amended by deleting the name Andrew Lendrum, as the applicant is no longer a resident of Hamilton, to read as follows:

“(a) That the following applicants be appointed as Line Fence Viewers for the balance of the 2006-2010 term of Council or until such time as successors are appointed by Council:

(i) Stew Beattie

(ii) Robert Kominar

(iii) Bruce Nisbet”

(b) That Section 2 of the By-law to Appoint Fence-Viewers for the City of Hamilton, attached as Appendix A” to Report 08-002, be amended by deleting the word “four” and replacing it with the word “three” to read as follows:

“2. The following three persons are appointed as Fence-Viewers for the City for the balance of the term of City Council or until such time as a successor is appointed by Council:”

**Amendment CARRIED  
Motion as Amended CARRIED**

**(Jackson/Duvall)**

That the SECOND Report of the Selection Committee be adopted as amended, and the information section received. **CARRIED**

<b>ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE 08-013</b>
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**(Whitehead/Powers)**

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

**(Duvall/Jackson)**

That the Committee of the Whole rise and report. **CARRIED**

<b>MOTIONS</b>
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**7.1 Establishment of a Non-Union Compensation Sub-Committee****(Powers/Pearson)**

- (i) That the Terms of Reference for the Non-Union Compensation Sub-Committee attached as Appendix "A" to report HUR08009/FCS08061 be referred to the Non Union Compensation Sub-Committee for review and report back to the Committee of the Whole.
  
- (ii) That the following persons be appointed to the Non-Union Compensation Sub-Committee for the balance of the 2006 - 2010 term of Council or until such time as successors are appointed by Council:
  - (i) Mayor Eisenberger
  - (ii) Councillor Duvall
  - (iii) Councillor Ferguson
  - (iv) Councillor Powers

**CARRIED****7.2(a) Motion to Waive the Rules of Order – Flying J****(Whitehead/Powers)**

That the Rules of Order be waived to allow a motion respecting the Flying J.

**CARRIED****7.2(b) Flying J, 1640 South Service Road, Stoney Creek****(Whitehead/Powers)**

That the draft Official Plan Amendment and draft Zoning By-laws attached hereto, respecting the Flying J, 1640 South Service Road, Stoney Creek, be endorsed by Council as the position of the City of Hamilton, to be presented at the upcoming Ontario Municipal Board Hearing

**CARRIED****7.3(a) Motion to Waive the Rules of Order—TARO (NEWALTA) Landfill****(Clark/Pasuta)**

That the Rules of Order be waived to allow the introduction of a motion respecting the addition of PCB Waste Streams to the TARO (NEWALTA) Landfill.

**CARRIED**

**7.3(b) Addition of PCB Waste Streams to the TARO (NEWALTA) Landfill****(Clark/Pasuta)**

Whereas there has been an application to permit the landfilling of PCB contaminated waste at the Taro (Newalta) landfill in Stoney Creek

Whereas the application has been submitted to the Environmental Bill of Rights Registry for public comment by June 29, 2008

Whereas the land directly north and adjacent to the landfill is planned for townhomes and single family homes (Nash neighbourhood)

Whereas there is an existing residential community within 1500 metres of the landfill

Whereas there is no MOE approved community liaison committee constituted

Whereas the Hamilton municipal landfill in Binbrook does not receive PCB waste

Whereas there has not been any assessment on potential impacts from PCB on the quality of the leachate which is pumped directly to the Hamilton Sewage Treatment plant nor has there been any assessment on the PCB impact or risk of the quality of the effluent from the Sewage Treatment plant

Whereas there is a legitimate concern by residents that any acknowledgement of even a hint of PCB waste landfilled in an ICI landfill will detrimentally impact the value of their homes and land

Therefore be it resolved that the City of Hamilton strenuously objects to the addition of PCB waste streams to the Taro (Newalta) landfill regardless of volumes or concentration and further that this resolution and a letter be forwarded to the EBR prior to the closing date, the Minister of the Environment, the Environmental Commissioner's Office, the Premier and all area MPP's.

**CARRIED**

<b>NOTICES OF MOTION</b>
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There were no notices of motion.

<b>STATEMENT BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

**(Whitehead/McHattie)**

That the Rules of Order be waived in order to introduce a motion respecting the investigation of a potential breach of conduct by Mayor Fred Eisenberger.

**CARRIED**

**(Whitehead/Powers)**

That the City Manager be instructed to obtain outside legal counsel to conduct a review of a potential breach of conduct by Mayor Fred Eisenberger respecting taped conversations between the Mayor and a member of the media.

The motion CARRIED on a Recorded Vote, as follows:

Yeas: Clark, Duvall, Ferguson, Jackson, McHattie, Merulla, Morelli,  
Pasuta, Mitchell, Pearson, Powers, Whitehead  
Total Yeas: 12  
Nays: Bratina, McCarthy,  
Total Nays: 2  
Absent: Collins  
Total Absent: 1  
Abstain: Eisenberger  
Total Abstain: 1

<b>PRIVATE AND CONFIDENTIAL</b>
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**(Pearson/Mitchell)**

That Council move into Closed Session, at 11:25 p.m. to discuss a labour relations matter respecting International Union of Operating Engineers 772, 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**

**(McCarthy/Clark)**

That Council reconvene in open session at 11:45 p.m.

**CARRIED**

Council provided staff direction in closed session.

<b>BY-LAWS</b>
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**(Duvall/Jackson)**

That Bill Nos. 08-156 to 08-168 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 08-156 to 08-168 as follows:

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**By-law No.**

- 08-156** To Further Amend By-law No. 93-129, To Stop Up, Close and Sell the Public Highway, Being Part of Eleanor Avenue
- 08-157** To Appoint Fence-Viewers for the City of Hamilton
- 08-158** To Amend Main West Esplanade Business Improvement Area By-law No. 90-197, as amended
- 08-159** Respecting Removal of Part Lot Control, Fifty Road Joint Venture, Phase 3, Block 81, Registered Plan No. 62M-1057
- 08-160** Respecting Removal of Part Lot Control, Block 23, Part 3, Registered Plan No. 62M-968, "Trillium Gardens, Phase 1"
- 08-161** A By-law Under the Building Code Act, 1992, Respecting Permits and Related Matters
- 08-162** To Adopt Official Plan Amendment No. 140 to the former City of Stoney Creek Official Plan, Respecting 21 Upper Centennial Parkway
- 08-163** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 21 Upper Centennial Parkway
- 08-164** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at 268-274 Upper Centennial Parkway
- 08-165** 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  
Schedule 15 – Commercial Vehicle Loading Zones
- 08-166** To Amend By-law No. 07-061, as amended, Respecting the Downtown and Community Renewal Community Improvement Project Plan
- 08-167** To Adopt Amendment No. 2 to the Downtown and community Renewal Community Improvement Plan
- 06-168** To Confirm the Proceedings of City Council

**CARRIED**

**(Powers/Pearson)**

There being no further business, the City Council meeting adjourned at 11:50 p.m.

**CARRIED**

Respectfully submitted

Fred Eisenberger  
Mayor

Kevin Christenson  
Clerk  
June 25, 2008