CITY COUNCIL
MINUTES

Wednesday, April 1, 2009
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer's Lane
Hamilton, Ontario

Present: Mayor F. Eisenberger

Absent with regrets: Councillor R. Powers-City Business

Mayor Eisenberger called the meeting to order and called upon Rev. Kevin McLeod of Faith Evangelical Lutheran Church in Hamilton, to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1.  ADDED COMMUNICATIONS

   Added correspondence:

   5.10 The Honourable Dwight Duncan, Minister of Finance respecting the one-time grant of $16,500,000 to the City of Hamilton

   Recommendation: Be received
5.11 Bruce Kruschelniki, Director of Planning, City of Burlington, respecting applications to amend the Official Plan and Zoning by-law respecting 392 Dundas Street East

Recommendation: Be received

2. COMMITTEE REPORTS “TO BE DISTRIBUTED”

6.4 Economic Development and Planning Committee Report 09-007, March 24, 2009

6.5 Committee of the Whole Report 09-010, March 30, 2009

6.6 Committee of the Whole Report 09-011, April 1, 2009

6.7 Selection Committee Report 09-001, March 12, 2009

6.8 Hamilton Licensing Tribunal Report 09-003, March 31, 2009

3. BY-LAW LISTING

(Pasuta/Pearson)
That the Agenda for the City Council meeting being held on April 1, 2009, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

Councillor Pearson declared a conflict respecting Items 23 and 24 of the Economic Development and Planning Committee Report 09-007, as she owns rental property.

Councillors Mitchell and Pasuta declared a conflict respecting Item 42 (e) of COW Report 09-011, as their families may be involved in this type of application.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

(Whitehead/Ferguson)
That the Minutes of the March 11, 2009, meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS

(Whitehead/Pearson)
That Council Communications 5.1 to 5.11 be approved, as amended, as follows:
5.1 Correspondence from The Honourable Diane Finley, Minister of Human Resources and Social Development respecting federal investments in child care.

Recommendation: Be referred to the General Manager of Community Services, for a report to Committee

5.2 Correspondence from Niagara Peninsula Conservation Authority respecting 2009 Current and Capital Budget Levy

Recommendation: Be received

5.3 Correspondence from the Municipality of Middlesex Centre respecting Department of Fisheries and Oceans Requirements pertaining to Drainage Works and Bridge Reconstruction

Recommendation: Be referred to the General Manager of Public Works for a report to the Public Works Committee.

5.4 Correspondence from the Municipality of Thames Centre respecting Collapse of Recycled Materials Commodities Market

Recommendation: Be received

5.5 Correspondence from Municipality of South Bruce respecting funding for Conservation Authorities

Recommendation: Be endorsed

5.6 Correspondence from the Honourable Jim Prentice, Minister of the Environment respecting Launch of National Historic sites of Canada Cost-Sharing Program

Recommendation: Be referred to the General Manager of Community Services for response

5.7 Correspondence from Town of Lakeshore respecting restriction on municipal drain construction

Recommendation: Be referred to the General Manager of Public Works for a report to the Public Works Committee.

5.8 Correspondence from Francesca Trifone, Hamilton ECO Film & Arts Festival respecting upcoming festival April 21st to April 25th, 2009

Recommendation: Be received
5.9 Correspondence from David Pentland respecting Item 17 of Economic Development and Planning Committee Report regarding City Initiative for a Change in Zoning for Lands Located at 306 Woodworth Drive - Former Grange Elementary School (Ancaster)

Recommendation: Be received

5.10 The Honourable Dwight Duncan, Minister of Finance respecting the one-time grant of $16,500,000 to the City of Hamilton

Recommendation: Be received

5.11 Bruce Kruschelniki, Director of Planning, City of Burlington, respecting applications to amend the Official Plan and Zoning by-law respecting 392 Dundas Street East

Recommendation: Be received

(Whitehead /Pearson)

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

CARRIED

PUBLIC WORKS COMMITTEE 09-005

(Duvall/Jackson)

8. Solid Waste Management By-law 05-190 Update (PW09021) (City Wide) (Item 8.6)
That Item 8 of Public Works Report 09-005 be amended, to include the following wording, to Appendix A, Subsection 7.1(g), “the use of the property as a day care as proven by a Provincial licence, income tax return or other similar documentation”.

AMENDMENT CARRIED.

(Bratina/Clark)
That the FIFTH Report of the Public Works Committee be approved, as amended, and the information section received.

CARRIED

AUDIT & ADMINISTRATION COMMITTEE 09-006

(Clark /Collins)
That the SIXTH Report of the Audit & Administration Committee be approved and the information section received.

CARRIED
EMERGENCY & COMMUNITY SERVICES COMMITTEE 09-005

(Duvall/Clark)
That the FIFTH Report of the Emergency & Community Services Committee be approved, and the information section received.

CARRIED

ECONOMIC DEVELOPMENT & PLANNING COMMITTEE 09-007

22. Application for an Amendment to a Ministry of Environment Certificate of Approval (3837-5PYQT0) for Expansion to a Waste Disposal Site, Ministry of Environment Reference 0594-7C2JFK, 1650 Upper Ottawa Street, Hamilton (PED09069) (Ward 6) (Item 8.3) (McHattie/Merulla)

That Item 22 of the Economic Development & Planning Committee Report 09-007, respecting the application for an Amendment to a Ministry of Environment Certificate of Approval (3837-5PYQT0) for Expansion to a Waste Disposal Site, Ministry of Environment Reference 0594-7C2JFK, 1650 Upper Ottawa Street, Hamilton, be amended as follows;

(a) That Recommendation (b) (ii) be deleted and replaced with the following:

(b)(ii) That the Certificate of Approval limits the maximum storage quantity of flammable and combustible materials to 5,000 litres. An inventory of waste types stored on site should be updated daily, and be provided to the Ministry of Environment.

(b) That Recommendation (b) (vi) be amended by the deletion of the last sentence, “Further, that a copy of the Contingency Plan be forwarded to the Compliance and Regulations Section, Water and Wastewater Division, Public Works Department, City of Hamilton” and its replacement with the following sentence;

“That the spill prevention and contingency plan be submitted to the satisfaction of the Ministry of the Environment”.

(c) That Recommendation (b) (vii) be amended by the deletion of the reference to the “City of Hamilton Fire Prevention Services” and its replacement with the words “Hamilton Emergency Services-Fire”.

(d) That Recommendation (b) (x) be deleted and replaced with the following;

(b) (x) That an internal Emergency Response Plan be prepared and sent to Hamilton Emergency Services-Fire for review and comments.
(e) That Recommendation (b) be amended by the addition of the following new subsection;

(xi) That a current copy of the Emergency Response Plan, Spills Containment and Contingency Plan, daily product inventory list including product quantities and exact location within all facilities along with the applicable MSDS sheets and be externally stored in a secure location on site in a manner such that all noted documents are readily available to Hamilton Emergency Services-Fire 24/7, 365.

AMENDMENT CARRIED.

24. Public Information Centres & Community Liaison Committee for City-Wide Regulation of Rental Housing (PED07296(c)) (City Wide) (Item 8.5) (Collins/McHattie)

That Item 24 be amended by deleting sub section (b), and renumbering subsections (i) and (ii) as subsections (b) and (c) respectively.

AMENDMENT CARRIED.

(Pearson/Pasuta)
That the SEVENTH Report of the Economic Development & Planning Committee be approved, as amended, and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 09-010

(Pearson/Mitchell)
That the TENTH Report of the Committee of the Whole be approved, and the information section received.

CARRIED

COMMITTEE OF THE WHOLE REPORT 09-011

5. Strategy to Reduce the Ontario Works Case Worker to Client Ratio (Eisenberger/Clark)

That Item 5 be amended by adding subsection (b) as follows:

(b) That subsequent to the consideration of this Item, that the $800,000 be directed to the levy;

AMENDMENT CARRIED.
25. Intergovernmental Affairs Allocation (CM09005) (City Wide) (Clark/Pearson)
   That the following be added after the words “Intergovernmental Affairs” in the last line:
   “and that a detailed account of expenditures be provided to the Economic Development and Planning Committee.”

   AMENDMENT CARRIED.

   Councillor Clark requested his opposition to the Motion, as amended, be recorded.

27. 2009 Tax Supported Operating Budget – Other Programs (FCS09007c) (City Wide) (Merulla/Morelli)
   That Item 27(a) and 27(a) (i) be deleted and replaced with the following,
   (a) That the 2009 net operating levy for the Legislative budget be approved at the 2008 level. ($4,196,401)

   AMENDMENT CARRIED.

36. 2009 Public Works Department Operating Budget – Reductions (Bratina/Collins)
   That Item 5 be amended, by deleting subsections (g) through (k), as follows:
   (g) Road Side Litter $  200,000
   (h) Street Sweeping Program $  138,000
   (i) Bulk Collection Fee $  360,000
   (j) Tipping Fee (3% increase) $  60,000
   (k) Parking Fees at Major Municipal Park Sites $  310,000

   AMENDMENT CARRIED.

47. Hamilton Centre for Civic Inclusion (CS09016) (Clark/Eisenberger)
   That Item 47 be amended, by adding the following as subsection (c):
   (c ) That HCCI will be self-sustaining by 2011

   AMENDMENT CARRIED.

53. Non Union Compensation Increase (McHattie/Merulla)
   That subsection (c) be amended by adding the wording “and be maintained on an on-going basis” after the words, “January 1, 2010”.

   AMENDMENT CARRIED.

54. Approval of the 2009 Tax Supported Budget (Clark/Merulla)
   That the Mayor’s Budget be frozen at the 2008 level. WITHDRAWN
Item 54 CARRIED on a Standing Recorded Vote as amended by deleting the final budget figure of $649,106,300 and inserting the figure $649,061,131

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

55. Service Delivery Review and Analysis
(Eisenberger/Clark)
That Item 55 be amended by adding subsection (c) as follows:
(c) That staff begin preparing a financial stability plan in this budget year

AMENDMENT CARRIED.

(McHattie/Merulla)
That ELEVENTH Report of the Committee of the Whole be approved, as amended, and the information section received.

CARRIED

SELECTION COMMITTEE REPORT 09-001

(Jackson/McCarthy)
That FIRST Report of the Selection Committee be approved, and the information section received.

CARRIED

HAMILTON LICENSING TRIBUNAL REPORT 09-003

(Duvall/Collins)
That the THIRD Report of the Hamilton Licensing Tribunal be approved, and the information section received.

CARRIED

(Whitehead/Pearson)
That Committee of the Whole rise and report.

CARRIED
7.1 Licence Application from St. Mary’s Cement

Councillor McCarthy requested that this item be held over until the next Council meeting.

7.2(a) Waive the Rules of Order
(McHattie/Merulla)
That the Rules of Order be waived in order to allow the introduction of a motion respecting City Hall Commemorative Plaque  CARRIED

7.2(b) City Hall Commemorative Plaque
(McHattie/Merulla)
That the City of Hamilton request that the demolition Company removing the marble from the City Hall select two (one and a spare) panels of marble in good condition and donate them to the City to be used as, or incorporated into a plaque that will commemorate City Hall as a designated structure and be a memorial to the original marble cladding.  CARRIED.

7.3(a) Waive the Rules of Order
(Ferguson/Jackson)
That the Rules of Order be waived in order to allow the introduction of a motion respecting Beer Garden for the Paris to Ancaster Bicycle Race  CARRIED

7.3(b) Beer Garden for the Paris to Ancaster Bicycle Race
(Ferguson/Jackson)
(a) That the Paris to Ancaster Bicycle Race be approved to host a Beer Garden at Morgan Firestone Arena, 385 Jerseyville Road West, as part of the annual event on Sunday, April 19, 2009 from 12:00 to 5:00 p.m.

(b) That, if the request to host a Beer Garden is approved, the hosting organization must comply with:

(i) The Ontario Liquor License Act, R.S.O. 1990, Chapter L.19 and the administration of the Act by the Alcohol and Gaming Commission of Ontario (AGCO).

(ii) The conditions contained within the City of Hamilton’s Municipal Alcohol Guidelines, Appendix A of the Policy for Special Event Planning.

(iii) The applicant must provide $5,000,000 comprehensive general liability insurance coverage (which shall include a host liquor liability
endorsement), and that the City of Hamilton is named as an additional insured party to this Policy.

(iv) The applicant must pay all City Service costs associated with the operation of this event.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

8.1 Motion to reconsider Subsection 3(c) and 3(c) (iv) of Public Works Committee Report 07-015 approved by Council on November 28, 2007 respecting container limit on garbage

That Subsection 3(c) and 3(c) (iv) (in bold print) of Public Works Committee Report 07-015 approved by Council on November 28, 2007 respecting container limit on garbage be reconsidered:

3. Status of Solid Waste Management Master Plan, Options for Increasing Diversion and Landfill Capacity (PW07151) (City Wide) (Item 7.1)

(a) That the Solid Waste Management Master Plan (SWMMP) Recommendation 3, “The City of Hamilton must set an aggressive objective of 65% waste diversion by the end of 2008, based on 2000 waste generation rates.” be amended to “The City must strive to meet an aggressive objective of 65% waste diversion by the end of 2011, based on 2006 waste diversion rates.”;

(b) That the implementation of the multi-residential diversion program be accelerated in 2008 for completion in 2009 as outlined in this report PW07151;

(c) That a one (1) container limit on garbage be established for implementation on March 31, 2008 together with:

(i) three (3) grace weeks following Victoria Day, Thanksgiving and New Years when residents could set out up to three (3) containers of garbage;

(ii) a transition period between March 31, 2008 and March 28, 2009 during which enforcement will focus on education and customer service;

(iii) a special consideration process for medical circumstances and families with three (3) or more children under the age of five (5) years; and
(iv) an allowance in the event that should residents require set outs beyond the weekly one (1) container limit, that an additional one (1) clear plastic bag be permitted to be set out for the period of March 30, 2009 to April 5, 2010, providing that it does not contain Unacceptable Garbage as defined in Solid Waste Management By-law 05-190;

all in conjunction with the 2008-09 Waste Collection Calendar;

(d) That the two (2) temporary Customer Service Co-ordinator positions, funded through the Waste Management operating budget since April 2006 continue as temporary positions for an eighteen (18) month term, and staff report back on the future need for the positions prior to the end of the new term;

(e) That enhanced enforcement of the Solid Waste Management By-law 05-190 be undertaken, including the addition of one half (.5) full-time employee (FTE) to the Municipal By-law Enforcement staffing in 2008 at no net cost, and further, that this be referred to the 2008 Budget Process;

(f) That, effective March 31, 2008, appropriate compostable bags be accepted in the City’s Green Cart program;

(g) That staff continues to explore options to reduce waste and to increase diversion in 2009 and 2010 to achieve the 65% diversion target;

(h) That Waste Management Project ID 5120890100 Annual User Pay Implementation in the amount of $835,000 be removed from the 2008 Tax Capital Budget request.

(i) That staff be directed to meet with the Agricultural and Rural Affairs Advisory Committee respecting their ability to comply with the one-container limit for garbage.

8.2 Policies respecting severances for Elected Officials

Councillor Clark introduced the following Notice of Motion:

That staff be directed to review and report back to the Audit and Administration Committee on the following:

(a) Policies and procedures of other municipalities with respect to severance for elected officials who are unsuccessful in their bid for re-election

(b) A review of the Employment Standard Act, the Municipal Act, current Hamilton bylaws, and any other relevant legislation.
8.3 Registry of Residents affected by the Economic Downturn

Councillor Merulla introduced the following Notice of Motion:

Whereas, the City of Hamilton is experiencing the worst economic crisis in recent history;

Whereas, thousands of residents in the City of Hamilton have been terminated from employment thereby creating an environment conducive to foreclosure of their homes and suffering in other aspects of quality of life;

Therefore be it resolved:

(a) That the City of Hamilton in partnership with Industry representatives and Provincial and Federal Governments create a registry of all affected individuals;

(b) That the City of Hamilton lobby all chartered banks to partner with the City to mitigate the financial impacts of this economic crisis;

(c) That the City of Hamilton assess the shortage of food bank inventory and establish a plan to mitigate or alleviate the shortage.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Whitehead/Pearson)
That Bill Nos. 056 to 068 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 09-056 to 09-068 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
</tr>
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<tbody>
<tr>
<td>09-056</td>
<td>056</td>
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<tr>
<td></td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs</td>
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</tbody>
</table>
To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs

To Amend By-law No. 07-170, A By-law to License and Regulate Various Businesses

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 3137 Regional Road 56

To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 35 Whiterock Avenue

To extend the expiration date of Interim Control Zoning By-law No. 08-104, as amended by By-law No. 08-117, respecting new Private Waste Disposal Sites or expansions to existing Private Waste Disposal Sites within the former City of Hamilton

Councillor Morelli requested that his opposition to Bill 061 be recorded

To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands Located at 182 Parkside Drive

To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 16 Sydenham Street

To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 306 Woodworth Drive

To Adopt Official Plan Amendment No. 115 to the former Town of Flamborough Official Plan, Respecting 392 Dundas Street East

To Amend Zoning By-law No. 05-200, Respecting Lands Located at 392 Dundas Street East (Flamborough)

To Provide for and Regulate a Waste Management System for the City of Hamilton

To Confirm the Proceedings of City Council

CARRIED

(Pearson/Collins)

There being no further business, the City Council meeting adjourned at 10:18 p.m.

CARRIED
Respectfully submitted,

Fred Eisenberger
Mayor

Rose Caterini
Acting City Clerk
April 1, 2009