Mayor DiIanni called upon Father Metcalf of Regina Mundi Roman Catholic Church to lead the Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **ADDED MOTIONS**

   Added 7.2  Motion by Councillor McHattie respecting Installation of Wind Turbine

   Added 7.3  Motion by Councillor McCarthy respecting the Elimination of Use of Train Whistles at the Railway Crossing at Parkside Drive and Canadian Pacific Railway Mile 65.67

2. **ADDED PRIVATE AND CONFIDENTIAL**

   10.2  Labour Negotiation matter – Verbal Update
That the Agenda for the City Council meeting being held on October 11, 2006, as amended, be approved.  

CARRIED

**DECLARATIONS OF INTEREST**

There were none declared.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

The following presentations were made by Mayor Dilanni:

3.1  **2006 Trillium Awards**

Mayor Dilanni called upon Mary Lubanovic and Yasmeen Minocher to join him at the podium for the presentations to honour the winners of the 2006 Trillium Awards.

Ms. Lubanovic described the various Trillium Award categories and announced the names of the winners. Mayor Dilanni then presented the awards, as follows:

**Mohawk College Bursary Awards:**

Plant Identification Program
- Michelle Kennedy

Landscape Design Program
- Mrs. Ann Adare

**Awards of Excellence**

<table>
<thead>
<tr>
<th>Ward</th>
<th>Address</th>
<th>Name</th>
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</thead>
<tbody>
<tr>
<td>1</td>
<td>Italian Vice Consulate</td>
<td>Natasha Michelle Crugnale</td>
</tr>
<tr>
<td>2</td>
<td>MacNab Place</td>
<td>Francis Waters</td>
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<tr>
<td>3</td>
<td>L.G. Wallace Funeral Home</td>
<td>John Bassinet</td>
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<td></td>
<td>151 Ottawa Street North</td>
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<td>4</td>
<td>J.R. Arrell Gardening</td>
<td>John Arrell</td>
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<td></td>
<td>1504 King Street East</td>
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<td>5</td>
<td>Sunrise Towers Apartments</td>
<td>Doug Taylor</td>
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<tr>
<td>6</td>
<td>Michelangelo’s Banquet Centre</td>
<td>Brenda &amp; Jerry</td>
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<td></td>
<td>1555 Upper Ottawa Street</td>
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<tr>
<td>7</td>
<td>Corner Stone Church</td>
<td>Shawn de Jong</td>
</tr>
<tr>
<td></td>
<td>353 Stone Church Road East</td>
<td></td>
</tr>
</tbody>
</table>
Ward 8  Infant Jesus Nursery  Sister Pat
Ward 9  Flowers by Diane
         9 King Street West
         Stoney Creek  Diane Black
Ward 10  Samuel Plate Sales
         18 Teal Avenue
         Stoney Creek  Keith Mitchell

**Pink Trillium Awards**

Ward 1  107 Bond Street South  Carol Davids
Ward 2  5 Turner Avenue  Cindy & David Cummings
Ward 3  153 St. Clair Avenue  David Wood & Tom Couchman
Ward 4  192 Coronation Street  Lillian & Max Harbury
Ward 5  206 Dumbarton Avenue  Sheryl & Ray Cronsberry
Ward 6  39 Broughton Avenue  Shelley & Paul Birchall
Ward 7  6 Lister Avenue  Wilf & Carole Hart
Ward 8  101 Laurier Avenue  David & Gayle Warren
Ward 9  81 Foxmeadow Drive
         Stoney Creek  Dina & Nick Stathakos
Ward 10  9 Dundee Drive
          Stoney Creek  Diana & Joe Stacey
Ward 11  81 Golf Club Road
          Binbrook  Tania Besseling
Ward 13  11 Glenmorris Drive
          Dundas  Viola Mueller

**Red Trillium Award Presentation**

Ward 7  6 Lister Avenue  Wilf & Carole Hart
50th Anniversary of the Trillium Awards Program

Mary Lubanovic introduced Roberta Harman; Chair of the 50th Anniversary Program and Ms. Harman described the criteria for the Gold Award. The one time Gold Trillium Award winner was announced by Mayor DiIanni – The Hamilton Spectator.

APPROVAL OF MINUTES

(Kelly/Whitehead)
That the Minutes of the City Council Meeting held on September 27, 2006, be approved as presented. CARRIED

COMMUNICATIONS

(Bruckler/Bratina)
That Council Communications 5.1 to 5.8 be approved, as amended:

5.1 Correspondence from the Honourable Minister of Community and Social Services, Madeleine Meilleur in response to the City’s letter respecting transportation costs for recipients of social assistance.

Recommendation: Be received.

5.2 Correspondence from the Honourable Minister of Health and Long Term Care, George Smitherman respecting health reform plan

Recommendation: Be received.

5.3 Email transmission from the Honourable Minister of Municipal Affairs and Housing, John Gerretsen respecting Provincial-Territorial Meeting on Infrastructure

Recommendation: Be received.

5.4 Correspondence from R.C. Glass and Leo Laviolette, Standard Condominium Corp. 400 respecting Parking on Creekside Drive in Dundas

Recommendation: Be received.

5.5 Correspondence from Beverly Briscoe, Clerk-Treasurer, Township of Admaston Bromley respecting Ontario Disaster Relief Assistance Program

Recommendation: Be endorsed
5.6 Correspondence from MaryLynn West-Moynes, President, Mohawk College respecting formal partnership with Robert Land Community Association and YMCA Hamilton/Burlington

Recommendation: Be received and that a letter of congratulations be sent to Mohawk College.

5.7 Correspondence from Dennis Darby, Chair, Stewardship Ontario and Gemma Zecchini, Chair, Waste Diversion Ontario respecting Second Quarterly Installment Payment of 2006 Stewardship Ontario Funding – Investing with Municipalities in Blue Box Recycling Program

Recommendation: Be received

5.8 Correspondence from The Honourable Lincoln M. Alexander, Chairman, Ontario Heritage Trust respecting 2006 Heritage Community Recognition

Recommendation: Be received and referred to the Hamilton LACAC (Municipal Heritage Committee) for consideration.

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

PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 06-014

1. Recreation Opportunities and Amenities in the East Harbour (delegation by Jim Howlett) (Item 6.2)

(Collins/Jackson)
That item 1 of the Public Works, Infrastructure and Environment Report 06-014 be amended by deleting the words “under the Skyway Bridge” and inserting the words “along Eastport Drive”, as follows:

That staff prepare a capital budget submission for the 2007 Budget process in consultation with all affected stakeholders including but not limited to the Hamilton Beach Preservation Committee, the Hamilton Waterfront Trust, the Hamilton Conservation Authority, the Hamilton Port Authority and the Ministry of Transportation with respect to the Hamilton Beach Preservation Committee’s proposal to link the Hamilton harbour to the beach strip by building a trail along Eastport Drive.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED
7. Traffic Island Beautification (New Business)

(Kelly/Whitehead)
That subsection (b) of Item 7 of the Public Works, Infrastructure and Environment Report 06-014 be amended by deleting the word “continue” and inserting the word “expand”, in lieu thereof, as follows:

(a) That staff include in the 2007 budget proposals, as part of the Keep Hamilton Blooming beautification program the re-establishment of traffic island flower beds at the following locations:
   (i) King Street East/Kenilworth Avenue
   (ii) Queenston Traffic Circle
   (iii) Centennial Parkway gateway south of the Queen Elizabeth Way

(b) That a pro-active approach be taken to expand the beautification of traffic islands through budget allocation, sponsorship and donations.

(c) Notwithstanding the list of locations outlined in subsection (a) that a global approach be undertaken throughout the entire City when considering the re-establishment of the beautification program.

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

(McCarthy/Merulla)
That the FOURTEENTH Report of the Public Works, Infrastructure and Environment Committee be adopted, as amended, and the information section received. CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-017

(Bratina/Bruckler)
That the Rules of Order be waived to allow the introduction of a motion to reconsider Item 2 of Planning and Economic Development Committee Report 06-003 respecting Demolition Permit – 260 King Street East, Hamilton.

CARRIED

2. Demolition Permit – 260 King Street East (PED06054) (Ward 2) (Item 5.2)

(Bratina/Bruckler)
That Item 2 of Planning and Economic Development Committee Report 06-003 respecting Demolition Permit – 260 King Street East, Hamilton, approved by Council on March 1, 2006, be reconsidered:

“That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 260 King Street East in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended.

CARRIED
(a) That in recognition that significant Federal and Provincial funding are in place for this project that a demolition permit be issued, prior to the applicant receiving a building permit;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $340,000 ($20,000 for each of the seventeen dwelling units of the existing building that were demolished);

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in subsection (e)) in a form satisfactory to the Director of Building and Licensing and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.”

CARRIED

(Bratina/Bruckler)

WHEREAS Council, at their Meeting of March 1, 2006, approved a demolition permit for the property at 260 King Street East, (PED06054), subject to financial and time-specific conditions;

AND WHEREAS these financial and time-specific conditions are no longer deemed necessary, since the new building has secured funding from the Federal and Provincial governments, demolition has taken place, a building permit issued and construction has now commenced,

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

That subsection (a) to (e) of Item 2, PED Report 06-003 respecting Demolition Permit for 260 King Street East, Hamilton be deleted in their entirety.

CARRIED

(Pearson/Mitchell)

That the SEVENTEENTH Report of the Planning and Economic Development Committee be adopted, as amended, and the information section received. CARRIED
**COMMUNITY SERVICES COMMITTEE REPORT 06-009**

2. **Hamilton Historical Board Report 06-003 – Little Africa Plaque (Item 5.2)**

(Samson/Jackson)
That Item 2, of Community Services Committee Report 06-009, be referred back to the Hamilton Historical Board’s Joint Plaquing Sub-committee to allow for further consultation with the Black History Committee, the African Workers’ Project Committee and other Historians, of African decent respecting the Little Africa plaque, and report back to the Community Services Committee.

**AMENDMENT CARRIED**
**MOTION AS AMENDED CARRIED**

(Jackson/Kelly)
That the NINTH Report of the Community Services Committee be adopted, as amended, and the information section received.

**CARRIED**

**SELECTION COMMITTEE REPORT 06-001**

(Bruckler/Jackson)
That the FIRST Report of the Selection Committee be adopted and the information section received.

**CARRIED**

**MOTIONS**

7.1 **Declaration of Surplus Land/Sale of Land/Offer to Purchase - 0 Pleasant Avenue, Block 57 on Plan 62M-727 in the former Town of Dundas**

(Samson/Whitehead)
WHEREAS Section 268 of the Municipal Act requires municipalities to enact a By-law pursuant to and in accordance with the requirements of Section 268 and the Regulations prescribed thereunder by the Province, to establish procedures for the sale of real property owned by the municipality;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall by By-law or resolution, declare the lands to be surplus to municipal requirements;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall obtain at least one appraisal of the fair market value of the land;

AND WHEREAS before selling any land, the Council of the City of Hamilton shall give notice to the public of the intended sale of the real property;

AND WHEREAS the City of Hamilton acquired title to 0 Pleasant Avenue, described as Block 57 on Plan 62M-727, being PIN #174460398, in the former
Town of Dundas by Vesting Order WE357660 on December 2, 2005 as a result of a failed Municipal Tax Sale having a minimum reserve bid of $3,929.04;

**AND WHEREAS** Marc Ernest Desjardins and Terry Ann Desjardins of 197 Pleasant Avenue in the former Town of Dundas, have requested the right to acquire 0 Pleasant Avenue described as Block 57 on Plan 62M-727, the lands being located adjacent to 197 Pleasant Avenue for a nominal fee of $1.00;

**AND WHEREAS** the deemed offer price of $1.00 for the subject property is below the range of the fair market value as determined by the Municipal Property Assessment Corporation (MPAC) as $7,500 for the 28.41 feet by 103.87 feet (.032 acre) parcel of vacant residential land;

**AND WHEREAS** the lands known as 0 Pleasant Avenue, Block 57 on Plan 62M-727, being located adjacent to 197 Pleasant Avenue, in the former Town of Dundas cannot be independently developed for residential uses and were intended by the original developers of Pleasant View Heights subdivision, to be added to the lands at 197 Pleasant Avenue to create a regular sized lot;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

(a) That the lands located at 0 Pleasant Avenue, Block 57 on Plan 62M-727 in the former Town of Dundas, now in the City of Hamilton, be declared surplus to the requirements of the City of Hamilton;

(b) That the Real Estate Section of the Planning and Economic Development Department be directed to prepare an Offer to Purchase and dispose of 0 Pleasant Avenue, Block 57 on Plan 62M-727 to the property owners of 197 Pleasant Avenue, in the former Town of Dundas, now in the City of Hamilton, for a nominal fee of $1.00;

(c) That public notice of the sale of 0 Pleasant Avenue, Block 57 on Plan 62M-727 to the property owners of 197 Pleasant Avenue, in the former Town of Dundas, now in the City of Hamilton, for a nominal fee of $1.00 is given herein, in accordance with By-law 04-299, “Procedural By-Law for the Sale of Lands”;

(d) That the City Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act;

(e) That the City Solicitor be directed to complete this real estate transaction on the terms and conditions set out herein.

**CARRIED**
7.2 Mini Wind Turbine Pilot Program

(McHattie/McCarthy)
That subsections (b) and (c) of Item 25 of Committee of the Whole Report 06-018 (below) respecting the Mini Wind Turbine Pilot Program Proposal to the City of Hamilton approved by Council on August 9, 2006 be reconsidered:

(b) That prior to signing agreements with Cleanfield, staff will bring a future report back to Council with details

(c) That Councillors McHattie and Whitehead work with staff to expedite the report coming back to Council.

CARRIED

(McHattie/McCarthy)
That subsections (b) and (c) of Item 25 of Committee of the Whole Report 06-018 respecting Mini Wind Turbine Pilot Program Proposal to the City of Hamilton approved by Council on August 9, 2006, be deleted in their entirety and replaced with the following in lieu thereof:

“(b) That the General Manager of Public Works be authorized to enter into all agreements necessary, to the satisfaction to the City Solicitor to allow the City to install, maintain and test a turbine unit with Cleanfield Energy Corporation on one of the City’s municipal buildings.

(c) That Councillors McHattie and Whitehead continue to work with staff to expedite a report coming back to council on the details of the pilot program including information on the testing of the temporary installed wind turbine before any formal agreements are signed by the City.”

CARRIED

7.3 Elimination of Use of Train Whistles at the Canadian Pacific Railway Crossing located in Ward 15 at Parkside Drive, Flamborough

(McCarthy/McHattie)
WHEREAS the use of train whistles at the Canadian Pacific Railway crossing located in Ward 15 at Parkside Drive and Canadian Pacific Railway mile 65.67 is deemed a nuisance to area residents;

AND WHEREAS the subject railway crossing currently meets the Transport Canada Warning System Requirement for the cessation of train whistles;

AND WHEREAS the City has undertaken such work as was recommended by the safety audit, commissioned in 2006 by the City, to correct certain deficiencies at the subject railway crossing;

NOW THEREFORE BE IT RESOLVED
That subject to the satisfaction of the Canadian Pacific Railway with the aforesaid safety audit, the Mayor and the City Clerk are hereby authorized and directed to execute an agreement and all ancillary documents thereto, each satisfactory to the City Solicitor, with the Canadian Pacific Railway whereby;

(a) Such insurance as properly manages liability at the subject railway crossing be established, naming both the City and the Canadian Pacific Railway as insured parties, and that the costs for same be shared between the City and the Canadian Pacific Railway;

(b) The Canadian Pacific Railway will issue such special instructions as are necessary to eliminate the use of train whistles at the subject railway crossing Parkside Drive and Canadian Pacific Railway mile 65.67.

CARRIED

7.4 Community Health Bus Schedule – Beasley Neighbourhood

(Bratina/Merulla)
That the Rules of Order be waived to allow the introduction of a motion respecting Community Health Bus Schedules to the Beasley Neighbourhood.

CARRIED

(Bratina/Merulla)
That the previous Community Health Bus Schedule to the Beasley Neighbourhood, namely half-day service every Monday be immediately reinstated.

CARRIED

7.5 The Renaming of Arcade Park to the T. Melville Bailey Park

(Whitehead/Jackson)
That the Rules of Order be waived in order to allow the introduction of a motion respecting the renaming of Arcade Park to the T. Melville Bailey Park.

CARRIED

(Whitehead/Jackson)
That the name of Arcade Park, located at 45 Cloverhill Drive, in Ward 8, be changed to the T. Melville Bailey Park.

CARRIED

NOTICES OF MOTION

There were none.

STATEMENT BY MEMBERS

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

(Morelli/Pearson)
That Council move In Camera to receive a updates respecting Item 10.1, a litigation matter, and Item 10.2, a labour relations matter.

CARRIED

(Braden/Bratina)
That Council reconvene in Open Session.

CARRIED

10.1 Matter respecting a Litigation Matter – Verbal Update

10.2 Labour Negotiation Matter – Verbal Update

There were no reports for either Item 10.1 or Item 10.2

BY-LAWS

(Bruckler/Collins)
That Bill Nos. 060-297 to 06-310 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 06-297 to 06-310:

<table>
<thead>
<tr>
<th>By-Law No.</th>
<th>Bill No.</th>
<th>Description</th>
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<tbody>
<tr>
<td>06-297</td>
<td>297</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 12 – No U Turns</td>
</tr>
<tr>
<td>06-198</td>
<td>298</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic: Schedule 13 - Designated Traffic Lanes</td>
</tr>
<tr>
<td>06-299</td>
<td>299</td>
<td>To Amend By-law No. 01-218, To Regulate On-Street Parking: Schedule 8 - No Parking Zones Schedule 12 - Permit Parking Zones Schedule 13 - No Stopping Zones Schedule 16 - Taxi Zones</td>
</tr>
<tr>
<td>06-300</td>
<td>300</td>
<td>To Amend By-law 06-253, to provide for advance voting and reduced voting hours at retirement homes and institutions for the 2006 Municipal Election</td>
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<tr>
<td>06-301</td>
<td>301</td>
<td>To Amend By-law No. 05-105 to Provide for a Revised Head of Council List and Municipal Emergency Plan</td>
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<tr>
<td>06-302</td>
<td>302</td>
<td>To Permanently Close an unassumed Alleyway to the east</td>
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</table>
of 22 Head Street, established by Registered Plan 359, in the City of Hamilton, designated as Part 2 on Plan 62R-13005

06-303 303 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 5 and 9 Hampton Brook Way

06-304 304 To Amend Zoning By-law No. 6593 (Hamilton), as amended by Zoning By-law No. 03-231, Respecting a Portion of the Lands Located at 398 King Street West (Hamilton)

06-305 305 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 968 West 5th Street

06-306 306 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at Concession 3, Part of Lot 3, Registered Plan 62R782 Part 1, in the former Town of Flamborough, now in the City of Hamilton

06-307 307 To Adopt Official Plan Amendment No. 208 to the former City of Hamilton Official Plan, Respecting 237 Barton Street

06-308 308 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 237 Barton Street East

06-309 309 To Designate the Area on Locke Street South between Chatham Street and Alexander Street to the North and Homewood Avenue to the South as the Locke Street Business Improvement Area

06-310 310 To Confirm the Proceedings of City Council

(Pearson/McHattie)
The City Council meeting adjourned at 8:40 p.m.

Respectfully submitted,

Larry DiIanni
Mayor

R. Caterini
Deputy City Clerk
October 11, 2006