



CITY COUNCIL MINUTES

Wednesday, October 29, 2008

7.00 p.m.

Albion Rooms

Hamilton Convention Centre

One Summer's Lane

Hamilton, Ontario

Present:	Mayor F. Eisenberger Councillors B. Bratina, B. Clark, C. Collins, S. Duvall, L. Ferguson, B. McHattie, S. Merulla, D. Mitchell, B. Morelli, R. Pasuta, M. Pearson, R. Powers, T. Whitehead
Absent with regrets	Councillor T. Jackson – vacation, Councillor M. McCarthy – City business

Mayor Eisenberger called the meeting to order and called upon Reverend Bonnie Holiday of Pioneer Memorial United Church to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(a) Added Communications:

- 5.9 Correspondence from the Honourable John Gerretsen, Minister of the Environment, respecting black soot fallout in Hamilton

Recommendation: Be received and an invitation extended to representatives from U.S. Steel Canada, ArcelorMittal-Dofasco Inc., and Columbian Chemicals Canada to attend the November 10, 2008 Committee of the Whole meeting

- 5.10 Correspondence from J.A. (Sandy) Craik, Chair, respecting the Mark Preece Family House

Recommendation: Be received

(Pasuta/Collins)

That the Agenda for the City Council meeting being held on October 29, 2008, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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- 3.1 Presentation - Teen Tobacco Challenge Program

As part of the Smoke-Free Ontario Strategy Hamilton Public Health Services provided grants of \$1000 per school for school groups interested in taking part in the Teen Tobacco Challenge 2007/08 which focused on student-led tobacco control projects.

29 groups entered the 7th annual Teen Tobacco Challenge. Among the entries, Sherwood Secondary School stood out as Best Overall for the 2007-08 school year.

Mayor Eisenberger welcomed Ms. Tania McKague and Ms. Ann-Marie Peters, teachers at Shewood Secondary School, to accept the award.

- 3.2 Presentation – Gold Box Winner – Ward 1

Mayor Eisenberger invited Councillor McHattie to join him at the podium for a presentation to Kim Gravelle of Ward 1, who is the September Gold Box Winner. Mayor Eisenberger and Councillor McHattie congratulated Ms. Gravelle and her family and presented them with a Gold Box.

APPROVAL OF MINUTES

(Whitehead/Mitchell)

That the Minutes of the October 15, 2008 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Powers/Pearson)

That Council Communications 5.1 to 5.10 be approved as amended, as follows:

- 5.1 Correspondence from Fiona McDonald, International Young Local Authority of the Year 2009 respecting the Inaugural International Young Local Authority of the Year Award

Recommendation: Be received

- 5.2 Correspondence from the Honourable Alex Neil, Scottish Parliament respecting the designating of 2009 as a "Year of Homecoming" for Scotland

Recommendation: Be received

- 5.3 Correspondence from Olya Sheweli, President and Luba Petlura, Secretary, Ukrainian Canadian Congress respecting commemoration of 75th Anniversary of the Holodomor-Genocide which occurred in Ukraine during the years 1932-33

Recommendation: Be received

- 5.4 Correspondence from Bill Bardswick, Director, West Central Region, Ministry of the Environment, responding on behalf of the Minister of the Environment with respect to Newalta Landfill in Stoney Creek

Recommendation: Be received

- 5.5 Correspondence from the Hamilton Conservation Authority respecting Trinity Neighbourhood – Eramosa Karst Area of Natural and Scientific Interest

Recommendation: Be received

- 5.6 Correspondence from Mayor, Town of Hanover respecting Fairness for Ontario and Investment in Communities

Recommendation: Be received

- 5.7 Correspondence from Mike St. Amant, President, Municipal Finance Officers' Association of Ontario respecting the 2008 recipient of the Excellence in Municipal Finance Award awarded to Acting City Manager, Joe Rinaldo

Recommendation: Be received

- 5.8 Correspondence from Joe Minor and Christine Wilson respecting airport employment growth district

Recommendation: Be received and referred to the Airport Implementation Task Force

- 5.9 Correspondence from the Honourable John Gerretsen, Minister of the Environment, respecting black soot fallout in Hamilton

Recommendation: Be received; an invitation extended to representatives from U.S. Steel Canada, ArcelorMittal-Dofasco Inc., and Columbian Chemicals Canada to attend the November 10, 2008 Committee of the Whole meeting; and a letter respecting the remainder of the resolution passed on September 10, 2008 be sent to the Ministry of the Environment requesting a response.

- 5.10 Correspondence from J.A. (Sandy) Craik, Chair, respecting the Mark Preece Family House

Recommendation: Be received

CARRIED

(Powers/Pearson)

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

CARRIED

PUBLIC WORKS COMMITTEE 08-016

(Powers/Pearson)

That the SIXTEENTH Report of Public Works Committee be adopted and the information section received.

CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 08-012

Item 13 Services Provided by Interim HR Directors (HUR08018) (City Wide) (Item 8.2)

(Collins/Clark)

That Item 13 of Audit and Administration Committee Report 08-013 be amended by adding recommendation (b) as follows:

- (b) That the subject of contract employees be referred to the 2009 Budget Steering Committee.

**Amendment CARRIED
Motion as Amended CARRIED**

(Pearson/Powers)

That the TWELFTH Report of Audit and Administration Committee be adopted, as amended, and the information section received.

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 08-013

Item 10 Trunked Radio System Upgrade (HES08004) (City Wide)**(Duvall/Collins)**

That Item 10 of the Emergency & Community Services Committee Report 08-013 be amended by deleting recommendations (b) and (c) to read as follows:

That the General Manager of Hamilton Emergency Services/Chief or his designate be authorized and directed to negotiate a multi-year, single source contract with the incumbent vendor, Motorola Canada Inc., for the implementation of the Association of Public-Safety Communications Officials – Project 25 Digital Integrated Voice / Data Radio Infrastructure, and report back with the draft negotiated agreement to Emergency and Community Services Committee for consideration.

**Amendment CARRIED
Motion as Amended CARRIED**

(Duvall/Collins)

That the THIRTEENTH Report of Emergency and Community Services Committee be adopted, as amended, and the information section received.

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 08-020
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Item14 Process for Property Designation Under Part IV of the Ontario Heritage Act (PED08211) (City Wide) (Item 8.2)**(McHattie/Merulla)**

That staff recommendations (a), (b), (d), (e) and (g) be lifted from Information Item (n), and added to Item 14 of Economic Development and Planning Committee Report 08-020 to read as follows:

- (a) *That the process for designating properties in the City of Hamilton under Part IV of the Ontario Heritage Act, as contained in Appendix "A" attached to Report PED08211, be approved.*

- (b) *That the cultural heritage evaluation criteria contained in Appendix “B” attached to Report PED08211 and referred to as “The City of Hamilton: Cultural Heritage Evaluation Criteria”, be adopted and approved for use in the designation of properties under Part IV of the Ontario Heritage Act.*
- (c) That the designation of the property at 167 Book Road East, Ancaster (the Book House) be assigned a high priority, and that Council direct staff to carry out a Cultural Heritage Assessment, a Statement of Cultural Heritage Value and Description of Heritage Attributes for Council’s consideration for designation under Part IV of the Ontario Heritage Act.
- (d) *That the designation of the property at 397 King Street West, Dundas (Dundas District High School) be assigned a high priority, and that Council direct staff to carry out a Cultural Heritage Assessment, a Statement of Cultural Heritage Value and Description of Heritage Attributes for Council’s consideration for designation under Part IV of the Ontario Heritage Act.*
- (e) *That the priorities for property designation under Part IV of the Ontario Heritage Act, as contained in Appendix “C” to Report PED08211, be approved.*
- (f) That the decision on the designation of 191 Barton Street East, Hamilton (the Smart Turner Building) which was previously considered by Committee (Report PED05197), be deferred until February 2009, when it is expected that the building will be ready for its intended use, and that the applicant be invited to address Committee, prior to said decision.
- (g) *That after consultation with the Hamilton Municipal Heritage Committee, the following properties be added to the municipal register of property of cultural heritage value or interest:*
- i) 167 Book Road, Ancaster
 - ii) 397 King Street West, Dundas (Dundas District High School)
 - iii) Book Cemetery, Ancaster
 - iv) 82-112 King Street East, Hamilton (Royal Connaught)
 - v) 52-56 Charlton Avenue West, Hamilton
 - vi) 654 Garth Street, Hamilton (Chedoke House)
 - vii) 91 John Street South, Hamilton
 - viii) 9300 Airport Road, Mount Hope (RCAF 447)
 - ix) 103 Catharine Street North, Hamilton
 - x) 3027 Homestead Drive, Mount Hope
 - xi) 1062 Golf Club Road, Binbrook (Woodburn)
 - xii) Gage Park, Hamilton
 - xiii) Gore Park, Hamilton
 - xiv) Tisdale House, Ancaster

- (h) That the following issues be removed from the Outstanding Business List:
 - i) Request to Designate 397 King Street West, Dundas - Dundas District High School.
- (i) That Report PED08211 be forwarded to the Hamilton LACAC (Municipal Heritage Committee) for information.

Amendment CARRIED

(Pearson/Whitehead)

That Item 14 of the Economic Development and Planning Committee Report 08-020 be amended as follows:

- (a) That paragraph (f) be amended by deleting "Fall 2009" and replacing it with "February 2009";
- (b) That paragraph (h) be amended by deleting subparagraphs (i) and (ii) and renumbering accordingly.

Amendment CARRIED

(McHattie/Merulla)

That Item 14 of Economic Development and Planning Committee Report 08-020 be amended by adding the following at the end of paragraph (a): "subject to the process clearly involving consultation with the property owner at the beginning and throughout the process".

Amendment CARRIED

(McHattie/Merulla)

That Item 14 of Economic Development and Planning Committee Report 08-020, as amended by the addition of staff recommendations (a), (b), (d), (e) and (g), be approved.

Item 14 of Economic Development and Planning Committee Report 08-020 respecting Process for Property Designation Under Part IV of the Ontario Heritage Act CARRIED, as amended, on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, McHattie, Merulla, Morelli, Pasuta, Powers, Whitehead

Total: 11

Nays: Ferguson, Mitchell, Pearson

Total: 3

Absent: Jackson, McCarthy

Total: 2

Item 16 Formation of the Community Liaison Committee for rental housing issue**(McHattie/Merulla)**

That Item 16 of the Economic Development & Planning Committee Report 08-020 be amended by deleting recommendations (a) and (b) in their entirety and replacing them with the follow in lieu thereof:

- (a) That Councillors McHattie, Pearson, Whitehead and Ferguson be appointed to a Selection sub-committee to select citizen members to the Residential Rental Housing CLC; and
- (b) That Councillors McHattie, Pearson, and Whitehead be appointed to the CLC.

**Amendment CARRIED
Motion as Amended CARRIED**

(Whitehead/Pearson)

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

BOARD OF HEALTH REPORT 08-010

(Powers/Pearson)

That the TENTH Report of the Board of Health be adopted, as amended, and the information section received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 08-031

(Ferguson/Whitehead)

That Item 16 of Economic Development and Planning Committee Report 08-019 respecting Heritage Permit Application (HP2008-032) under Part IV of the Ontario Heritage Act to make alterations to City Hall, 71 Main Street West, namely to remove marble cladding and install concrete cladding and remove curtain wall stainless steel caps and install aluminum caps be lifted from the Table.

CARRIED

(Ferguson/Whitehead)

That Item 16 of Economic Development and Planning Committee Report 08-019 be renumbered as Item 1 of Committee of the Whole Report 08-031 and the remaining items be renumbered accordingly.

CARRIED

Item 1 Heritage Permit Application (HP2008-032) under Part IV of the Ontario Heritage Act to Make Alterations to City Hall, 71 Main Street West, Namely to Remove Marble Cladding and Install Concrete Cladding and Remove Curtain Wall Stainless Steel Caps and Install Aluminum Caps (PED08237) (Ward 2) (Item 8.2)

Item 1 of Committee of the Whole Report 08-031 respecting Heritage Permit Application (HP2008-032 under Part IV of the Ontario Heritage Act to Make Alterations to City Hall, 71 Main Street West, Namely to Remove Marble Cladding and Install Concrete Cladding and Remove Curtain Wall Stainless Steel Caps and Install Aluminum Caps CARRIED on the following standing recorded vote:

Yeas: Clark, Collins, Duvall, Ferguson, Merulla, Morelli, Mitchell,
 Pearson, Powers, Whitehead
Total: 10
Nays: Eisenberger, Bratina, McHattie, Pasuta
Total: 4
Absent: Jackson, McCarthy
Total: 2

Item 2 City of Hamilton Agreement with ABE (A Joint Venture) for the Reconstruction of Hamilton City Hall (Item 6)

Item 2 of Committee of the Whole Report 08-031 respecting City of Hamilton Agreement with ABE (A Joint Venture) for the Reconstruction of Hamilton City Hall CARRIED on the following recorded vote:

Yeas: Eisenberger, Clark, Collins, Ferguson, McHattie, Merulla,
 Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 11
Nays: Bratina, Duvall, Mitchell
Total: 3
Absent: Jackson, McCarthy
Total: 2

(Powers/Pearson)

That the THIRTY-FIRST Report of Committee of the Whole be adopted, as amended, and the information section received. **CARRIED**

(Powers/Pearson)

That Committee of the Whole rise and report.

CARRIED

MOTIONS

7.1 Amendments to the Assessment Act**(Whitehead/Powers)**

That the Province of Ontario amend the Assessment Act to exempt any environmental improvements on Properties from valuation increases due to these improvements where such improvements are not for profit and to the benefit of the environment.

(Whitehead/Morelli)

That Item 7.1 be referred to the Audit and Administration Committee for further discussion and clarification.

CARRIED

7.2 Re: Greater truck spot checks in the City of Hamilton**(Pearson/Merulla)**

That the Rules of Order be waived to allow a motion respecting Greater truck spot checks in the City of Hamilton

CARRIED

(Pearson/Merulla)

Whereas the City of Hamilton considers escarpment crossings an integral component of the municipal transportation system;

Whereas these escarpment crossings are designated truck routes;

Whereas the City of Hamilton is currently conducting a Truck Route Master Plan Study;

Whereas the Ministry of Transportation is responsible for ensuring the mechanical fitness of trucks in the province of Ontario;

Be it resolved that Hamilton City Council formally request that the Ontario Ministry of Transportation provide greater truck spot checks in the City of Hamilton to ensure the safety of our roads, to ensure an expected quality of life for residents living near major thoroughways, and to ensure an efficient operation of each escarpment crossing.

Be it resolved further that the matter of engine brakes and noise and signing issues be referred to the Truck Route Sub-Committee to be addressed in the Truck Route Master Plan final report.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

Establishment of a Reserve for Flamborough Capital Projects

That, subject to a sufficient corporate surplus, Flamboro Slot revenue in excess of the budgeted levy be placed into a reserve dedicated to Flamborough capital projects.

Councillor Bratina introduced the following notice of motion:

Re: NHL second team

That staff be directed to prepare a letter to the Editor of the Globe & Mail countering the disparaging remarks made about the City of Hamilton in the “NHL floats notion of second team in Toronto” article of October 21, 2008 by an anonymous governor of the NHL’s Board of Governors;

That staff from the Economic Development & Real Estate and Tourism Hamilton Divisions of the Planning & Economic Development Department in conjunction with the CEO of HECFI and the Mayor’s Office, prepare an information package consisting of high quality materials to be delivered to the NHL Board of Governors that clearly demonstrates that the City of Hamilton is not a “minor league town”; and

That the Mayor’s Office officially request delegation status at the next NHL Board of Governors meeting to make a presentation on the advantages of the City of Hamilton as a location for an NHL new or relocated franchise.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Powers/Pearson)

That Bill Nos. 248 to 257 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 08-248 to 08-257 as follows:

By-law No.	Bill No.	
08-248	248	To Amend By-law No. 05-105, To Provide for a Revised Emergency Plan
08-249	249	To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 17 Park Street East
08-250	250	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 17 Park Street West
08-251	251	To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1440 Main Street West
08-252	252	To Amend Zoning By-law No. 3581-86 (Dundas), Respecting Lands Located at 25, 27, and 29 Bond Street South
08-253	253	To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 245, 253, 269, and 295 Glancaster Road
08-254	254	To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 21 Panabaker Drive, Ancaster
08-255	255	To Amend the Definition of "Lodging House" under By-law No. 07-170 and To Amend the Fee for Certificate of Compliance for a Lodging House under By-law No. 08-169
08-256	256	To Amend By-law No. 01-218, as amended, To Regulate On-Street 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 15 – Commercial Vehicle Loading Zones Schedule 20 – School Bus Loading Zones
08-257	257	To Confirm the Proceedings of City Council

CARRIED

(Powers/Bratina)

There being no further business, the City Council meeting adjourned at 10:15 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
October 29, 2008