



## **CITY COUNCIL MINUTES**

**Wednesday, October 25, 2006**

**7:00 p.m.**

**Council Chambers  
Hamilton City Hall  
71 Main Street West  
Hamilton, Ontario**

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**Present:** Mayor L. Dilanni

Councillors, D. Braden, B. Bratina, P. Bruckler, C. Collins,  
T. Jackson, B. Kelly, M. McCarthy, B. McHattie, D. Mitchell,  
S. Merulla, B. Morelli, M. Pearson, A. Samson, T. Whitehead

**Absent with regrets:** Councillor M. Ferguson – Illness

Mayor Dilanni called upon Morris Hucal, Principal and Director of the Sign Language Club for Our Lady of the Assumption School, and Jutta Custodio, Educational Assistant for the Club from Bishop Ryan High School, to present Certificates of Appreciation for their work with students from the two schools who have established a Sign Language Club. The Sign Language Club signed the National Anthem at this evening's Council meeting.

Mayor Dilanni expressed condolences on behalf of City Council to the families of Bruce Munday, Betty Blashill and Ray Johnson on their sudden passing.

Mayor Dilanni called upon Major Byron Jacobs of the Salvation Army Community and Family Services in Dundas to lead the Council in prayer.

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| <b>APPROVAL OF THE AGENDA</b> |
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The Clerk advised of the following changes to the agenda:

**1. ADDED COMMUNICATIONS**

5.10 Correspondence from Randall Bocock, Evans, Philp respecting Item 27 of Planning and Economic Development Committee Report 06-018 respecting the New Institutional Zoning By-law Regulations and McMaster University

Recommendation: Be received

5.11 Correspondence from Larry Freeman respecting requirement of road widening dedication on Trinity Church Road

Recommendation: Be received

**2. ADDED MOTIONS**

7.3 Taro Neighbourhood Liaison Committee

7.4 Reduction of Parkland Dedication fees for Non-Profit Housing Seniors Housing – 37 Strathcona Avenue North (Motion Subsequently Withdrawn)

7.5 Speed Limit on Rolph Gate

**3. CEREMONIAL ACTIVITIES**

2008 National Conference of Boys and Girls Club of Canada Award Presentation postponed to a future meeting.

**(Pearson/Whitehead)**

That the Agenda for the City Council meeting being held on October 25, 2006, as amended, be approved. **CARRIED**

**DECLARATIONS OF INTEREST**

None

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

**3.1 Teen Tobacco Challenge Awards**

Mayor Dilanni called upon student representatives from Cathedral High School, Saltfleet District High School, Orchard Park Secondary School, Westdale Secondary School and St. Mary's Secondary School to present Certificates of Congratulations for their achievements and enthusiasm in promoting tobacco-free schools. Following their attendance at the Annual Teen Tobacco Summit, the students returned to their schools with the knowledge and skills they learned at the Summit and developed and implemented tobacco use prevention campaigns.

## 3.3 Building Better Communities Award – Hamilton Public Library

Mayor Dilanni called upon Maureen McKeating, Chair of the Hamilton Public Library Board, and Ken Roberts, Chief Librarian, to present the Sirsi/Dynix Building Better Communities Award, which is a new International Award for libraries. The Hamilton Public Library was one of the five North American winners recognized for innovation in the use of electronic library service delivery.

## 3.4 East Hamilton Cobras Baseball Provincial Champions

Mayor Dilanni called upon Councillor Jackson to assist with the presentation of Certificates of Congratulations to the members of the East Hamilton Cobras on winning the Provincial Championship.

## 3.5 Steelcity Ironmen Football Club Provincial Champions

Mayor Dilanni called upon Councillor Whitehead to assist with the presentation of Certificates of Congratulations to the members of the Steelcity Ironmen Football Club on winning the Provincial Championship.

## 3.6 CANUSA Games

Mayor Dilanni called upon Lisa Rogers, President of CANUSA. Ms. Rogers acknowledged the attendance of members of the Organizing Committee in attendance, and thanked Council for their support toward the CANUSA games and staff from the Culture and Recreation Department for all of their assistance. She also outlined activities and events planned for the 50<sup>th</sup> Anniversary of the CANUSA games which be taking place in Hamilton from August 10 to 12, 2007.

Jim Wagner, Co-Chair of the CANUSA Games (Flint, Michigan), addressed Council to express his appreciation to Council and presented a plaque to Mayor Dilanni in recognition of their continued support of the Games.

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| <b>APPROVAL OF MINUTES</b> |
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**(Whitehead/Mitchell)**

That the Minutes of the City Council Meeting held on October 11, 2006, be approved as presented. **CARRIED**

**(Whitehead/Mitchell)**

That the Minutes of the special City Council Meeting held on October 16, 2006, be approved as presented. **CARRIED**

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| <b>COMMUNICATIONS</b> |
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**(Bruckler/Bratina)**

That Council Communications 5.1 to 5.11 be approved, as amended, as follows:

- 5.1 Correspondence from the Honourable Minister of Government Services, Gerry Phillips respecting public safety implications of unregistered sales of large quantities of alcohol to members of the public

Recommendation: Be received

- 5.2 AMO Communication respecting Ministry of Health and Long Term Care Tables New Long Term Care Legislation

Recommendation: Be received

- 5.3 Correspondence from the Honourable Minister of Finance, Greg Sorbara respecting city's request to amend Ontario's Land Transfer Tax Act.

Recommendation: Be received

- 5.4 Correspondence from Ramanath Kamath, President, Hindu Samaj of Hamilton & Region Temple respecting financial assistance and application for a National Heritage Site Designation

Recommendation: Be referred to the General Managers of Finance and Corporate Services and Planning and Economic Development for action

- 5.5 Correspondence from J.D. Leach, City Clerk, City of Vaughan respecting excessive packaging

Recommendation: Be supported.

- 5.6 Correspondence from J.D. Leach, City Clerk, City of Vaughan respecting cancelled Federal environmental programs

Recommendation: Be supported.

- 5.7 AMO Communication respecting Roll out of the Deposit Return

Recommendation: Be endorsed.

- 5.8 Correspondence from Ernie Hardeman, MPP for Oxford respecting Provincial-Municipal Fiscal Service Review

Recommendation: Be supported

- 5.9 Correspondence from Richard Denyes, Halton Recycling Ltd. requesting that council reject or defer Item 10 of Public Works Report 06-015 respecting unsolicited proposal from Canada Fibres Limited

Recommendation: Be referred to the Public Works Committee.

- 5.10 Correspondence from Randall Bocock, Evans, Philp respecting Item 27 of Planning and Economic Development Committee Report 06-018 respecting the New Institutional Zoning By-law Regulations and McMaster University

Recommendation: Be received

- 5.11 Correspondence from Larry Freeman respecting requirement of road widening dedication on Trinity Church Road

Recommendation: Be received

**CARRIED AS AMENDED**

**(Bruckler/Bratina)**

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

**CARRIED**

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| <p><b>PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT<br/>COMMITTEE REPORT 06-015</b></p> |
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**Item 10 Unsolicited Proposal from Canada Fibers Limited**

The motion **CARRIED** on the following vote:

|               |   |
|---------------|---|
| Yeas:         | Dilanni, Braden, Bratina, Bruckler, Jackson, Kelly, McCarthy, Mitchell, Pearson |
| Total Yeas:   | 9   |
| Nays:         | Collins, McHattie, Merulla, Morelli, Samson, Whitehead                          |
| Total Nays:   | 6   |
| Absent:       | Ferguson  |
| Total Absent: | 1   |

**(Bratina/Braden)**

That Item (g) on page 14 of Report 06-015 of the Public Works, Infrastructure and Environment Committee respecting **Moratorium on Outdoor Patio Boulevard Encroachment Fees (PW05040a) (City Wide)** be lifted from the Information Section and added as Item 21 to Report 06-015:

**21. Moratorium on Outdoor Patio Boulevard Encroachment Fees (PW05040a) (City Wide) TABLED April 3, 2006 (Item 8.2a)**

- (a) That Report PW05040a respecting Moratorium on Outdoor Patio Boulevard Encroachment Fees be received;
- (b) That the existing moratorium on outdoor patio boulevard encroachment fees for outdoor boulevard cafés, be extended indefinitely;
- (c) That the outdoor boulevard patio season be extended from the existing period of May 1<sup>st</sup> to October 31<sup>st</sup> to a “year round” or 12 month term;

- (d) That the item relating to Patio Fees be removed from the Public Works, Infrastructure and Environment Committee Outstanding Business List.

**CARRIED**

**(Merulla/McHattie)**

That Item (m) on page 16 of Report 06-015 of the Public Works, Infrastructure and Environment Committee respecting **Woodward WWTP Certificate of Approval No. 0701-6L5PAB - Appeal to Environmental Review Tribunal (PW06138/LS06014) - (City Wide)** be lifted from the Information Section and added as Item 22 to Report 06-015 as follows:

**22. Woodward WWTP Certificate of Approval No. 0701-6L5PAB - Appeal to Environmental Review Tribunal (PW06138/LS06014) - (City Wide)**

- (a) That the City Solicitor be authorized and directed to take all necessary actions to appeal Certificate of Approval No. 0701-6L5PAB for the Woodward Avenue Wastewater Treatment Plant;
- (b) That the City Solicitor and General Manager of Public Works be authorized if and when they deem it appropriate, to enter into discussion with the Ministry of the Environment to attempt to resolve the issues under appeal and to inform City Council on the outcome of any such resolution.

**CARRIED**

**(McCarthy/Merulla)**

That the FIFTEENTH Report of the Public Works, Infrastructure and Environment Committee be adopted, as amended, and the information section received. **CARRIED**

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| <b>PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-018</b> |
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**Item 3 Proposed Sale of City Lands to the Hamilton Beach Rescue Unit Association (PED06402) (Ward 5)**

**(Collins/Pearson)**

That Item 3(a) of Planning and Economic Development Committee Report 06-018 be amended by deleting \$5,100 and replacing it with \$1.00 in lieu thereof. **CARRIED**

**Item 14 2007 Volunteer Committee Budget Submission of the Agricultural and Rural Affairs Advisory Committee (City Wide) (PED06425)**

**(Mitchell/Pearson)**

That Item 14 respecting 2007 Volunteer Committee Budget Submission of the Agricultural and Rural Affairs Advisory Committee be deleted in its entirety. **CARRIED**

**Item 27 City Initiative – New Institutional Zoning By-law Regulations – Urban Area Only (PED06405) (City Wide)**

**(McHattie/Merulla)**

That subsection (b) of Item 27 of the Planning and Economic Development Committee Report 06-018 respecting City Initiative – New Institutional Zoning By-law regulations – Urban Area Only (PED06405) be amended by referring the issue respecting the removal of the McMaster University lands to the February 6, 2007 Economic Development and Planning Committee for further consideration. **CARRIED**

**Info**

**Item (o) Application for a Change in Zoning for the Properties Located at 422, 426, 428, 440, 456, 464 and 466 Beach Boulevard (Hamilton) (PED06397) (Ward 5)**

Lifting of this item deferred to the new term of Council.

**(Pearson/Mitchell)**

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

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| <b>CORPORATE ADMINISTRATION COMMITTEE REPORT 06-014</b> |
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**Item 18(g) Grants Sub-Committee Report 06-008 – 2007 Community Partnership Program Budget**

The motion **CARRIED** on the following vote:

|               |   |
|---------------|---|
| Yeas:         | Dilanni, Braden, Bratina, Bruckler, Collins, Kelly, McCarthy, Mitchell, Merulla, Morelli, Pearson, Samson |
| Total Yeas:   | 12  |
| Nays:         | Jackson, McHattie, Whitehead  |
| Total Nays:   | 3   |
| Absent:       | Ferguson  |
| Total Absent: | 1   |

**(Samson/Whitehead)**

That the FOURTEENTH Report of the Corporate Administration Committee be adopted, and the information section received. **CARRIED**

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| <b>BOARD OF HEALTH REPORT 06-009</b> |
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**(Pearson/Mitchell)**

That the NINTH Report of the Board of Health be adopted and the information section received. **CARRIED**

**COMMITTEE OF THE WHOLE REPORT 06-022****(Bruckler/Bratina)**

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

**PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-019****(Pearson/Mitchell)**

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

**COMMUNITY SERVICES COMMITTEE REPORT 06-010****(Jackson/Kelly)**

That the TENTH Report of the Community Services Committee be adopted and the information section received. **CARRIED**

**SOCIAL SERVICES COMMITTEE REPORT 06-011****(Bratina/Bruckler)**

That the ELEVENTH Report of the Social Services Committee be adopted and the information section received. **CARRIED**

**LICENSING COMMITTEE REPORT 06-008****(Merulla/McHattie)**

That the EIGHTH Report of the Licensing Committee be adopted and the information section received. **CARRIED**

**MOTIONS****7.1(a) (Mitchell/Pearson)**

That subsections (a) and (b) of Item 10 of the Public Works Infrastructure and Environment Committee Report 06-001 approved by Council on January 25, 2006 respecting **Multiple Unit Water Metering Policy - (PW06006)** be reconsidered.



**10. Multiple Unit Water Metering Policy - (PW06006) - (City Wide) Public Works, Infrastructure, and Environment Committee Outstanding Business Item "E" (Item 8.1)**

- (a) That the General Manager of Public Works be authorized and directed to implement the Multiple Unit Water Metering Policy, attached hereto as Appendix A, for the installation and maintenance of master water meters and sub-meters in Industrial, Commercial, and Institutional (hereinafter referred to as ICI) sites with multiple tenants or multiple unit residential dwellings within the City of Hamilton and that this policy come into effect February 15, 2006.
- (b) That Waterworks By-law R84-026 (as amended) be further amended to implement the new "Multiple Unit Water Metering Policy".

**CARRIED**

**7.1(b) Item 10 – Public Works, Infrastructure and Environment Report 06-001 respecting The Multiple Unit Water Metering Policy -Amendment**

**(Mitchell/Pearson?)**

Whereas, City Council approved the Multiple Unit Water Metering Policy in January 2006 in accordance with report PW06006, whereby the new Water Metering Policy came into effect on February 15, 2006, and;

Whereas, Master water meters are now required to be installed at the point of entry to private property and sub-meters are required to be installed for multiple tenants or Multiple unit residential dwellings, and;

Whereas, this policy can add up to \$1000/unit or more to the cost of multi-unit residential dwellings,

Therefore, be it resolved:

That subsections (a) and (b) of Item 10 be deleted in their entirety and replaced with the following in lieu thereof:

- “(a) That the General Manager of Pubic Works be authorized and directed to implement the *Industrial, Commercial, Institutional (ICI) and Multiple Unit Residential Water Metering Policy*. attached hereto as Appendix A, for the installation and maintenance of master water meters and sub-meters in Industrial, Commercial, and Institutional (hereinafter referred to as ICI) sites with multiple tenants or multiple unit residential dwellings within the City of Hamilton and that this policy come into effect October 25, 2006;
- (b) That Waterworks By-law R84-026 (as amended) be further amended to implement the new *Industrial, Commercial, Institutional (ICI) and Multiple Unit Residential Water Metering Policy*”.

**CARRIED**

**7.2 Christmas Tree Lighting – Gore Park****(McHattie/Merulla)**

- (a) That the King Street (south leg) between James Street and Hughson Street be temporarily closed on Friday December 8, 2006 from 4:00 p.m. to 8:00 p.m. for the annual Christmas Tree Lighting Ceremony;
- (b) That Hamilton Street Railway service be temporarily detoured to the north leg of King Street for the duration of the event. **CARRIED**

**7.3 Terms of Reference – Taro Neighbourhood Liaison Committee (“TNLC”)****(Bruckler/Collins)**

That a letter be forwarded to the Ontario Ministry of the Environment (“MOE”), the Taro Neighbourhood Liaison Committee (“TNLC”) and the owner and operator (“Company”) of the Taro East Landfill Site (“Site”) indicating the following City of Hamilton Council comments regarding the Terms of Reference provided to the MOE for the TNLC, which Terms of Reference are attached as Schedule “A” to Report LS06013/PW06129:

- (a) Consistent with the position previously advanced by the Residents Group during Environmental Review Tribunal Case No. 02-132, the Terms of Reference for the TNLC should reflect the mandate of a community liaison committee for the Site, including the TNLC, which is to:
  - (i) Facilitate communication between the Company and the community about the operation of the Site;
  - (ii) Facilitate the resolution of community concerns about the operation of the Site; and
  - (iii) Monitor the operations of the Site.

The mandate of the community liaison committee may be fulfilled by way of the following:

- (i) Review, comment and make recommendations on the required operating and monitoring reports;
- (ii) Review, comment and make recommendations on applications for new or revised approvals submitted to the Director;
- (iii) Review, comment and make recommendations on complaints and the resolution of complaints submitted through the Company’s complaints procedure;
- (iv) Comment and make recommendations on the structure and operation of the Company’s complaints procedure; and
- (v) Providing a focal point for the dissemination and exchange of information relevant to the operation of the Site.

- (b) There should be two voting representatives of the City of Hamilton on the TNLC appointed by the City of Hamilton, which representatives are not staff members. The term of the City of Hamilton representatives should be for a four year term to align with the term of Council of the City of Hamilton. Consideration should be given to the term of the community representatives on the TNLC being the same length as for the City of Hamilton representatives.
- (c) The Terms of Reference should contain a procedure for the selection of the community representatives on the TNLC which consists of advertising for interested applicants in both a daily newspaper and a local community newspaper by the Company. Selection of the community representatives should be conducted by the entire TNLC.
- (d) There should be no less than four community representatives from the resident population of the City of Hamilton, with preference given to those resident within 1500 metres of the Site.
- (e) There should be one non-voting representative of the MOE on the TNLC.
- (f) TNLC meetings should be bi-monthly instead of quarterly.
- (g) There should be greater public input into the TNLC meeting process. In particular, meeting dates, meeting agendas and meeting minutes should be publicly accessible and TNLC meetings should be open to the public;
- (h) There should be formal meetings and minutes of the TNLC, as well as voting by quorum rather than by consensus.
- (i) There should be proper funding of the TNLC by the Company in order for the TNLC to be an effective group which fulfills its mandate as described above.
- (j) In addition to any further comments that the City of Hamilton may provide, the above comments are also to be considered by the MOE when reviewing the March 3, 2004 application by the former owner of the Site to amend the Certificate of Approval for the Site as it relates to the community liaison committee, and/or when reviewing any subsequent application or amended application by the current owner of the Site with respect to the Community Liaison Committee. **CARRIED**

#### **7.4 Reduction of Parkland Dedication Fees for Non-Profit Housing Seniors Housing – 37 Strathcona Avenue North**

Motion withdrawn

**7.5 Speed Limit on Rolph Gate****(McHattie/Merulla)**

That, in accordance with Section 31 (Signs) - Subsection 1(d) of the Parks By-law 01-219, the speed limit on Rolph Gate between York Boulevard and Kinnell Street, be set at 20 km/h.

**CARRIED****NOTICE OF MOTION**

None

**STATEMENT BY MEMBERS**

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

**PRIVATE AND CONFIDENTIAL**

None

**BY-LAWS****(Bruckler/Collins)**

That Bill Nos. 06-312 to 06-336 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 06-312 to 06-336:

- |               |            |   |
|---------------|------------|---|
| <b>06-312</b> | <b>312</b> | To Amend By-law No. 01-215, To Regulate Traffic:<br>Schedule 5 – Stop Signs   |
| <b>06-313</b> | <b>313</b> | To Amend By-law No. 01-215, To Regulate Traffic:<br>Schedule 13 – Designated Traffic Lanes  |
| <b>06-314</b> | <b>314</b> | To Amend By-law No. 01-215, To Regulate Traffic:<br>Schedule 2 – Speed Limits   |
| <b>06-315</b> | <b>315</b> | To Amend Zoning By-law No. 87-57 (Ancaster), as amended,<br>Respecting Lands Located at 648 Alberton Road South   |
| <b>06-316</b> | <b>316</b> | To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 06-207, Respecting Lands Located at 500, 502 and 510 Concession Street and 340 Upper Wentworth |

- 06-317 317** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located 440 Jones Road
- 06-318 318** Respecting Removal of Part Lot Control, Block 35, Registered Plan No. 62M-806
- 06-319 319** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2474 Highway No. 56
- 06-320 320** To Amend By-law No. 01-084, To Appoint Municipal Law Enforcement Officers
- 06-321 321** To Freeze Municipal and Education Taxes for 349, 401, 437, 443 Woodward Avenue
- 06-322 322** To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located within Part Lot 47, Concession 3, Part 1, Registered Plan 62R-2119
- 06-323 323** To Amend Zoning By-law No. 6593 (Hamilton), Respecting a Portion of the Lands Located at 126-128 Sanford Avenue North
- 06-324 324** To Amend Zoning By-law No. 05-200, Housekeeping Amendments
- 06-325 325** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 363 McNeilly Road
- 06-326 326** To Amend By-law No. 01-218, To Regulate On-Street Parking:  
Schedule 5 – Parking Meters  
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 16 – Taxi Zones  
Schedule 20 – School Bus Loading Zones
- 06-327 327** To License, Regulate and Govern Persons and Businesses that Carry on the Business of Leasing or Renting Mobile Signs
- 06-328 328** To Adopt Official Plan Amendment No. 209 to the former City of Hamilton Official Plan, Respecting 444 Hughson Street North
- 06-329 329** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 444 Hughson Street North and 400 John Street North
- 06-330 330** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 87 Edgehill Drive, Hamilton

- 06-331**     **331**     Respecting Removal of Part Lot Control, Block 109, Registered Plan No. 62M-1050
- 06-332**     **332**     To Authorize the City to Enter into Extension Agreements
- 06-333**     **333**     To Establish Retention Periods for Records of the City of Hamilton
- 06-334**     **334**     To Adopt Official Plan Amendment No. 57 to the former Township of Glanbrook Official Plan, Respecting 1330 Trinity Church Road
- 06-335**     **335**     To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 1330 Trinity Church Road
- 06-336**     **336**     To Confirm the Proceedings of City Council

The City Council meeting adjourned at 9:05 p.m.

Respectfully submitted,

Larry Dilanni  
Mayor

Kevin C. Christenson  
City Clerk  
October 25, 2006