CITY COUNCIL MINUTES

Wednesday, October 24, 2007
7:00 p.m.
Albion Rooms
Hamilton Convention Centre
One Summer’s Lane
Hamilton, Ontario

Present: Mayor F. Eisenberger


Absent with Regrets: L. Ferguson and B. Morelli (Deputy Mayor), personal business

Mayor Eisenberger called upon Father John Brown to lead Council in prayer.

Mayor Eisenberger advised of the passing of Phil Strong, a long serving employee of the City’s Planning and Economic Department and expressed condolences to his family, friends and co-workers on behalf of Council.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.13 Petition received respecting Item 7 of the Economic Development and Planning Committee report before you this evening.

Recommendation: Be received
5.14 Correspondence from Susan Lathan, Deputy Clerk, Regional Municipality of Halton respecting Waterdown/Aldershot Transportation master Plan Phase 2 Study Update

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

5.15 Correspondence from Tim Hudak, MPP elect, Niagara West-Glanbrook requesting that Mt. Albion Road remain open for three years

Recommendation: Be received

5.16 Correspondence from Julie Brezden on behalf of the Mount Albion road Concerned Citizens Committee requesting a moratorium on the permanent closure of Mount Albion Road

Recommendation: Be received

5.17 Petition from Cal DiFalco respecting time restrictions for truck traffic on Fruitland Road

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

5.18 Correspondence from Patrick Daly, Chairperson, Hamilton-Wentworth Catholic School Board respecting proposed closure of Mt. Albion Road

Recommendation: Be received

5.19 Correspondence from Ken Alford respecting closure of Mount Albion Road.

Recommendation: Be received

(Collins/Pearson)

That the Agenda for the City Council meeting being held on October 24, 2007, be approved as presented.

CARRIED

DEclarations of Interest

There were none declared.
CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

(Powers/Whitehead)
That the Minutes of the October 10, 2007 meeting of Council be approved, as presented.
CARRIED

COMMUNICATIONS

(Mitchell/Pasuta)
That the following dispositions of Council Communications 5.1 to 5.19 be approved, as amended:

5.1 Correspondence from Bill Thompson respecting Area Rating
Recommendation: Be received

5.2 Correspondence from Reverend Brothers Michael Baldasaro and Walter Tucker respecting locating City Hall to the Stelco Tower
Recommendation: Be received

5.3 Correspondence from Grant Thornton respecting transitioning of City of Hamilton Audit Team Responsibilities
Recommendation: Be received
Note: This correspondence has also been received by the Audit and Administration Committee

5.4 Correspondence from Municipality of Brockton requesting the Province revisit funding formula for Conservation Authorities
Recommendation: Be referred to the Hamilton Conservation Authority.

5.5 Correspondence from Mayor David Miller, City of Toronto respecting call for the Government of Canada to share the equivalent of one cent of the GST with municipalities across Canada
Recommendation: Be endorsed.

5.6 Correspondence from The Corporation of the Township of Brock in the Regional Municipality of Durham respecting pulp and paper biosolids
Recommendation: Be referred to the General Manager of Public Works for report back to the Public Works Committee.

5.7 Correspondence from the Township of North Dumfries respecting increasing the fees and royalties charged to aggregate operators

Recommendation: Be endorsed and the Province be advised.

5.8 Correspondence from the Corporation of the Township of Burpee and Mills respecting loss of municipal funding to provincial tax rebate programs

Recommendation: Be referred to the Audit and Administration and the Agriculture and Rural Affairs Committees.

5.9 Correspondence from the Township of Wellington North respecting reducing the lead sampling requirements for small municipal water systems proportionately to the number of samples required for larger municipalities of 100,000 or more

Recommendation: Be referred to the Public Works Committee.

5.10 Petition submitted by Mrs. E.A. Nates signed by residents concerned with the increase of traffic at Upper Ottawa and Mohawk

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

5.11 Correspondence from Gordon Froats respecting Mount Albion Road Closure (Reference to Item 7 of Public Works Committee Report 07-013)

Recommendation: Be received.

5.12 Correspondence from Kenneth Alford respecting Mount Albion Road Closure By-law (Reference to Item 7 of Public Works Committee Report 07-013)

Recommendation: Be received.

5.13 Petition received to be added as Communication Item 5.13 respecting Item 7 of the Economic Development and Planning Committee report

Recommendation: Be received

5.14 Correspondence from Susan Lathan, Deputy Clerk, Regional Municipality of Halton respecting Waterdown/Aldershot Transportation master Plan Phase 2 Study Update
Recommendation: Be received and referred to the General Manager of Public Works for a report to the Public Works Committee

5.15 Correspondence from Tim Hudak, MPP elect, Niagara West-Glanbrook requesting that Mt. Albion Road remain open for three years

Recommendation: Be received

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

5.18 Correspondence from Patrick Daly, Chairperson, Hamilton-Wentworth Catholic School Board respecting proposed closure of Mt. Albion Road

Recommendation: Be received

5.19 Correspondence from Ken Alford respecting closure of Mount Albion Road.

Recommendation: Be received

CARRIED as amended

(Mitchell/Pasuta)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 07-013

Item 6 Commericative Designation of a Section of Cootes Drive

(Powers/McHattie)
That Sub-section (a) of Item 6 of Public Works Committee Report 07-013 respecting "Commemorative Designation of a Section of Cootes Drive" be deleted in its entirety and replaced with the following in lieu thereof:

(a) That the section of Cootes Drive, easterly from East Street in the former Town of Dundas (Ward 13) to the intersection with Main Street West in the former City of Hamilton (Ward 1) (a distance of approx 2.75 kilometres), have a commemorative designation as a “Veterans’ Memorial Parkway”.

Amendment CARRIED
Motion as amended CARRIED
Item 7  By-laws to Establish the Red Hill Valley Parkway and to Permanently Close Part of Mount Albion Road (PW07124/LS07016) (City Wide) (Item 8.1)

Subsection (c) of this Item CARRIED on a standing recorded vote as follows:

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

(McCarthy/Jackson)
That the THIRTEENTH Report of the Public Works Committee be adopted, as amended, and the information section received. CARRIED

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**ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 07-018**

Item 7  Application for a further modification in Zoning for Lands Located at 8 McDonald Court (Flamborough) (PED07263) (Ward 15) (Item 6.4)

This Item CARRIED on the following votes:

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

(Mitchell/Pearson)
That the EIGHTEENTH Report of Economic Development and Planning Committee be adopted and the information section received. CARRIED

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**AUDIT AND ADMINISTRATION COMMITTEE REPORT 07-012**

(Collins/Duvall)
That the TWELFTH Report of the Audit and Administration Committee be adopted and the information section received. CARRIED
AUDIT AND ADMINISTRATION COMMITTEE REPORT 07-013

(Collins/Duvall)
That the THIRTEENTH Report of the Audit and Administration Committee be received for information.  

CARRIED

BOARD OF HEALTH REPORT 07-010

(Mitchell/Pearson)
That the TENTH Report of the Board of Health be adopted and the information section received.  

CARRIED

MOTIONS

7.1 Representation on the Community Liaison Committee (TARO East Landfill)

(Clark/Pearson)
That Appendix “A” of the December 6, 2006 Minutes of City Council respecting membership to Board and Agencies for the 2006-2010 term of Council be amended by adding Councillor D. Mitchell to the membership of the Community Liaison Committee (TARO East Landfill).  

CARRIED

7.2(a) Motion to Waive the Rules

(Merulla/McHattie)
That the Rules of Order be waived to allow the introduction of a motion respecting Environmental Screening for the Liberty Energy Centre, 675 Strathearne Avenue, Hamilton.  

CARRIED

7.2(b) Environmental Screening for the Liberty Energy Centre, 675 Strathearne Avenue Hamilton; Notice of Completion

(Merulla/McHattie)
WHEREAS Notice of Completion re Liberty Energy Centre Project was posted in the Hamilton Spectator, on October 11, 2007, with respect to a proposal for a renewable energy plant, said project to generate electricity from renewable fuels, namely biosolids (sewage sludge) and biomass (wood waste);

AND WHEREAS this is the same project that previously underwent an environmental screening during the past two years under the Electricity Regulation, Ontario Regulation 116/01, and the Ministry of the Environment has determined that the project falls under the new Waste management Regulation,
Ontario Regulation 101/07, and the entire environmental screening process has been performed again

AND WHEREAS any person, by December 10, 2007, may request the Ontario Government to issue an Order, pursuant to the Environmental Assessment Act, to require that the project undergo a full Environmental Assessment,

AND WHEREAS the City of Hamilton passed a Motion on July 18, 2005, requesting that the Ministry of the Environment conduct a full Schedule C Environmental Assessment on this application and that the application be evaluated as a waste management project.

AND WHEREAS the Ministry of the Environment did not require the project to undergo a full Environmental Assessment, in spite of the City of Hamilton’s request

NOW, THEREFORE, the City Of Hamilton re-affirms its request to the Ministry of the Environment to issue an Order under Part II of the Environmental Assessment Act, requiring the project to undergo an individual environmental assessment

7.3(a) Motion to Waive the Rules

(Bratina/Jackson)
That the Rules of Order be waived to allow the introduction of a motion respecting a memorial honouring Hamilton military personnel.

CARRIED

7.3(b) Proposal for Memorials Honouring Hamilton Military Personnel

(Bratina/Jackson)
(a) That staff be directed to study, as part of the Gore Park Master Plan, the feasibility of incorporating a memorial honouring Hamilton military personnel who have died while on duty during peace keeping missions, and report back to committee and Council;

(b) That staff also be directed to study and report back on the feasibility of incorporating a memorial at all City of Hamilton cenotaphs and military monuments.

CARRIED

NOTICES OF MOTION

None
STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

10.1 Matter respecting labour Relations
(Powers/Jackson)
That Council move into Closed Session at 9:00 p.m. pursuant to Section 8.1, Subsection (d) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, as the subject matter pertains to labour negotiations.

CARRIED

Council reconvened in Open Session at 10:25 p.m. In Camera direction was given to staff with nothing to report in open session.

BY-LAWS

(Mitchell/Pasuta)
That Bill Nos. 07-297 to 07-311 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 07-297 to 07-311.

By-law No. Bill No.
07-297 297 A By-law To Permanently Close an Unassumed Portion of Beach Boulevard, established by Registered Plan 862, City of Stoney Creek, now City of Hamilton, designated as Parts 1 and 2 on Reference Plan 62R-17362, Reserving an Easement over Part 2 on Reference Plan 62R-17362 in favour of the City of Hamilton

07-298 298 A By-law To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 8 – No Parking Zones
Schedule 12 – Permit Parking Zones

07-299 299 A By-law To Impose a sewer rate under the Municipal Act, 2001, as amended, upon owners of land abutting Rymal Road East-Dakota Drive to west of Glover Road, in the City of Hamilton

07-300 300 A By-law Respecting Delegation of Consent Authority and Constituting a Committee of Adjustment

07-301 301 A By-law Respecting Removal of Part Lot Control, Blocks 80-83, Registered Plan No. 62M-1078 Pumpkin Pass
07-302 302 A By-law Respecting Removal of Part Lot Control, Blocks 86 & 87, Registered Plan No. 62M-1078 Pumpkin Pass

07-303 303 A By-law Respecting Removal of Part Lot Control, Blocks 75-78, Registered Plan No. 62M-1078 Pumpkin Pass

07-304 304 A By-law To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands Located at 8 McDonald Court (Flamborough)

07-305 305 A By-law To Adopt Official Plan Amendment No. 64 to the former Township of Glanbrook Official Plan, Respecting Block 80, Registered Plan No. 62M-1035, Northeast corner of Highway No. 56 and Windwood Drive

07-306 306 A By-law To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located within Block 80, Plan 62M-1035 and 3206 Regional Road 56, Binbrook Road

07-307 307 A By-law To Amend Zoning By-law No. 6593 (Hamilton), as amended by Zoning By-law No. 99-69, Respecting Lands Located at 871 West 5th Street (Hamilton)

07-308 308 A By-law To Incorporate City Land Designated as Below into Red Hill Valley Parkway

07-309 309 A By-law To Amend By-law No. 01-215, To Regulate Traffic: Part 1 Section 2 – Interpretations
Schedule 2 – Speed Limits
Schedule 4 – Yield Signs
Schedule 5 – Stop Signs
Schedule 13 – Designated Traffic Lanes
Schedule 25 – Pedestrians, Animals and Cyclists Prohibited
Schedule 27 – Truck Routes

07-310 310 A By-law To Permanently Close to Vehicular Traffic, Part of Lot 33, Concession 6, Part of Lot 33, Concession 5 and Part of the Original Road Allowance Between Concessions 5 and 6 in the Geographic Township of Saltfleet, Being Designated as Part 2 on Deposited Plan 62R-11194; and Part of Lot 33, Concession 6 in the Township of Saltfleet, Being Designated as Parts 3 and 18 on Deposited Plan 62R-11198, City of Hamilton

07-311 311 A By-law To Confirm the Proceedings of City Council

(Clark/Whitehead)
There being no further business, the City Council meeting adjourned at 10:30 p.m.
Respectfully submitted

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk
October 24, 2007