CITY COUNCIL
MINUTES

Wednesday, August 9, 2006
5:30 p.m.
Council Chambers
Hamilton City Hall

Present: Mayor L. DiIanni

Absent with regrets: Councillor B. Kelly – Vacation
Councillor M. Ferguson – Illness

Mayor L. DiIanni called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

Added Council Communication Item 5.15 from Patricia Daenzer and Dr. Dawn Martin-Hill of McMaster University Indigenous Studies Program respecting support for a “Truth Commission”.

Recommendation: Be received and referred to the City Manager for a report to the Corporate Administration Committee.

Added Motion 7.2 by Councillor Mitchell respecting Highway 6 South Downloading

Added Motion 7.3 by Councillor Pearson respecting Lister Block

Added Motion 7.4 by Councillor McCarthy respecting Proposed Information Meeting respecting the Power Centre Developments on North and South sides of Highway 5, East of Highway 6, Waterdown
That the Agenda for the City Council meeting being held on August 9, 2006 be approved as amended. **CARRIED.**

**DECLARATIONS OF INTEREST**

**Committee of the Whole Report 06-018, Item 19**

Mayor DiIanni declared an interest in this item and abstained from discussion and voting on this matter as it relates to an upcoming court hearing.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

None

**APPROVAL OF MINUTES**

**(Mitchell/Pearson)**

That the Minutes of the City Council Meeting held on July 12, 2006, be adopted as presented. **CARRIED.**

**COMMUNICATIONS**

**(Braden/Bratina)**

5.1 Correspondence from James O'Mara, Ministry of the Environment respecting Richmond Landfill Expansion Environmental Assessment

Recommendation: Be received

5.2 Correspondence from Graham Pollett, Middlesex-London Health Unit respecting Healthy Babies, Healthy Children program

Recommendation: Be received

5.3 Correspondence from the Honourable Minister of Human Resources and Social Development, Diane Finley respecting off-reserve Aboriginal housing

Recommendation: Be received

5.4 Resolution from Township of Woolwich respecting Bill 111, an amendment to the Workplace Safety and Insurance Act with respect to occupational disease and injuries of firefighters

Recommendation: Be received
5.5 Resolution from Smith Falls respecting Market Value Assessment

Recommendation: Be referred to the General Manager of Finance and Corporate Services for review.

5.6 Resolution from Region of Peel respecting establishment of material-specific recovery rates for plastic packaging and a Plastic Market Development Investment Fund

Recommendation: Be received

5.7 Resolution from the City of Vaughan respecting Development Charges Act Reform

Recommendation: Be received

5.8 Resolution from the Corporation of the Town of Tecumseh respecting cancelling free trade agreement with Korea

Recommendation: Be received

5.9 Correspondence from Dennis Darby, Stewardship Ontario and Gemma Zecchini, Waste Diversion Ontario enclosing quarterly payment of $350,006.58 for 2006 to assist in the residential Blue Box Recycling Program

Recommendation: Be received

5.10 Petition from Keith Stinson requesting change of speed limit to 40km/hr from 50km/hr for Dalewood Crescent between Sterling Street and King Street

Recommendation: That the speed limit for Dalewood Crescent between Sterling Street and King Street be changed from 50 km to 40 km as requested.

5.11 Petition from Tony Umbrello on behalf of the Eastdale Park Bocce User Group requesting upgrades to the bocce lanes in park

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

5.12 Resolution from Township of South Stormont respecting Prohibiting the Use of Cosmetic Pesticides

Recommendation: Be received and referred to the Pesticide Subcommittee
5.13 Correspondence from Carmen Chiaravalle respecting impact of GRIDS growth option on lands

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for a report to the Planning and Economic Development Committee at their next meeting of Committee.

5.14 Communication from AMO respecting Blackout Challenge issued by Woodstock respecting blackout

Recommendation: That the City of Hamilton accept the challenge of Woodstock respecting a blackout and that citizens of Hamilton be invited to participate.

5.15 Correspondence from Patricia Daenzer and Dr. Dawn Martin-Hill of McMaster University Indigenous Studies Program respecting support for a Truth Commission

Recommendation: Be received and referred to the City Manager for a report to the Committee Against Racism and the Hamilton Aboriginal Advisory Council.

(Braden/Bruckler)
That the communications be approved as amended. CARRIED.

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

COMMITTEE OF THE WHOLE REPORT 06-017

(Braden/Bruckler)
That the SEVENTEENTH Report of Committee of the Whole be adopted and the information section received. CARRIED.

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-014

Item 16 Sign Study and By-law Final Report

Yea: Mayor L. DiIanni

Total: 12
That the FOURTEENTH Report of the Planning and Economic Development Committee be adopted and the information section received.  

CARRIED.

COMMITTEE OF THE WHOLE REPORT 06-018

That the EIGHTEENTH Report of Committee of the Whole be adopted and the information section received.  

CARRIED.

MOTIONS

7.1 Proposed Permanent Closure of a Portion of Unopened Road Allowance of Beach Boulevard, Stoney Creek (PW05135) – (Ward 10) (Item 6.2)

(McCarthy/Pearson)
That Item 5 of Public Works, Infrastructure and Environment Committee Report 05-018 respecting Proposed Permanent Closure of a Portion of Unopened Road Allowance of Beach Boulevard, Stoney Creek (PW05135) approved by Council on December 14, 2005 be amended by adding subsections (i) to (iii) to read as follows:

5. Proposed Permanent Closure of a Portion of Unopened Road Allowance of Beach Boulevard, Stoney Creek (PW05135) – (Ward 10) (Item 6.2)

That the portion of Beach Boulevard road allowance known as Parts 4 and 5, on Registered Plan 862, and the portion of road allowance to the west of said Parts, terminating at Deerhurst Road, in the former City of Stoney Creek, be permanently closed and sold, subject to the following conditions:

(a) That the application to permanently close a portion of the road allowance of Beach Boulevard (the highway), known as Parts 4 and 5 on Registered Plan 862 and the portion of road allowance to the west of said Parts, terminating at Deerhurst Road, in the former City of Stoney Creek, be approved.

(i) That the applicant make an application to a District Court Judge, under Section 88 of the Registry Act, R.S.O. 1990, for an order to permanently close and purchase a portion of the road allowance of Beach Road, north of 367 Highway 8, in the former City of Stoney Creek, now in the City of Hamilton.
(ii) That the General Manager, Public Works or his designate sign the appropriate documentation confirming that no public funds have been expended on the portion road allowance to be closed.

(iii) That the documentation regarding the application to the District Court Judge be prepared by the applicant, to the satisfaction of the City Solicitor.

(b) That the City Solicitor be authorized and directed to prepare a by-law to permanently close the highway.

(c) That the appropriate by-law be introduced and enacted by Council.

(d) That the Real Estate Section, Planning and Development Department be authorized and directed to sell this closed highway at fair market value and in accordance with the Procedural By-law for the Sale of Land, By-law No. 04-299.

(e) That the City Solicitor be authorized and directed to register a certified copy of the by-law permanently closing the highway in the proper land registry office.

(f) That the by-law permanently closing the highway does not take effect until a certified copy of the by-law is registered in the proper land registry office.

CARRIED.

7.2 Downloading of Upper James Street Former Highway 6 – Former Township of Glanbrook

(Mitchell/Pearson)

That subsection (a) of Item 8 of the Public Works, Infrastructure and Environment Committee, respecting Downloading of Upper James Street Former Highway 6 – Former Township of Glanbrook, approved by Council on March 22, 2006, be reconsidered:

8. Request for Council resolution – Downloading of Upper James Street (Former Highway 6 – Former Township of Glanbrook)

(a) That the Ministry of Transportation be advised that the City of Hamilton declines to accept the transfer of Highway 6 (former township of Glanbrook) from the Ministry of Transportation.”

CARRIED.

(Mitchell/Pearson)

Whereas Hamilton City Council declined to accept the transfer of Highway 6 (south) from Alderlea Avenue to Whitechurch Road on March 22, 2006 and has since reconsidered its decision;
And Whereas the City of Hamilton now has a partial development limitation due to the need for additional sewage capacity in the Highway 6 Corridor;

And Whereas the City of Hamilton has been advised of restrictions on access limiting development of the Airport Industrial Business Park;

And Whereas the City and the Ministry of Transportation are working towards a financial arrangement for the transfer of the highway, which will be based on 5-year capital needs, from the date of this resolution, as determined by the Ministry of Transportation in consultation with the City of Hamilton;

And Whereas the City acknowledges that funding for any agreement will need to be secured by the Ministry and any tentative agreement will need to be confirmed once funding is secured;

Therefore be it resolved

(a) That the City of Hamilton accept the transfer of Highway 6 (south) from Alderlea Avenue to Whitechurch Road from the Province of Ontario to the City of Hamilton conditional on the negotiation of a satisfactory financial compensation package for the City of Hamilton.

(b) That the Mayor and Clerk be authorized and directed to execute an agreement for the transfer of Highway 6. CARRIED.

(Mitchell/Pearson)

That Item 7.2 be amended by inserting the following phrase in recommendation (a) after the words Province of Ontario:

“as per correspondence from the Ministry of Transportation dated July 13, 2006 to Scott Stewart, General Manager of Public Works” CARRIED.

Yeas: Mayor Dianni
Councilors Braden, Bruckler, Collins, Jackson, McHattie, Mitchell, Merulla, Morelli, Pearson, Samson, Whitehead
Total: 12

Nays: Councillor McCarthy
Total: 1

Absent: Councillors Bratina, Ferguson, Kelly
Total: 3
7.3 Lister Block

(Pearson/Mitchell)
That pursuant to a request from Mr. Alan Wells, the Provincial Mediator, for the Lister Block Working Group, and all members of the group being in agreement, it is hereby requested that the time period for discussions regarding the Lister Block be extended to September 13th, 2006, the next meeting of Council. CARRIED.

7.4 Proposed Information Meeting respecting the Power Centre Developments on the North and South Sides of Highway 5, East of Highway 6, Waterdown

(McCarthy/McHattie)
That staff be directed to arrange an Information Meeting between the Ward Councillor, representatives of the developers of the property, and the area residents, to share information about the detailed history of the property, to address concerns raised by residents and to identify possible solutions to these matters.

And that the Meeting consider matters relating to this development, including but, not limited to, the following:

- History of the zoning and planning approvals of the property, including the planning process, prior to amalgamation. CARRIED.
- Current planning approvals and process regarding the property.

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE & CONFIDENTIAL

BY-LAWS

(Braden/Bruckler)
That Bill Nos. 06-216 to 244 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 06-216 to 06-244:
By-law No./Bill No.

06-216 216 To Incorporate City Land Designated as Blocks 106, 107, 108, 109, and 112 on Plan 62M-1016 into Tanglewood Drive

06-217 217 To Incorporate City Land Designated as Part 3 on Plan 62R-17522 into Pebble Valley Avenue

06-218 218 To Incorporate City Land Designated as Parts 4 and 5 on Plan 62R-11998 into Candlewood Drive

06-219 219 To Incorporate City Land Designated as Part 3 on Plan 62R-17514 into Fulmar Way

06-220 220 To Incorporate City Land Designated as Parts 5, 6, 7, and 8, on Plan 62R-17514 into Hampton Brook Way

06-221 221 To Incorporate City Land Designated as Part 1 on Plan 62R-17514 into Hollybank Way

06-222 222 To Incorporate City Land Designated as Part 2 on Plan 62R-17514 into Rosebury Way

06-223 223 To Incorporate City Land Designated as Part 2 on Plan 62R-17522 into Springstead Avenue

06-224 224 To Incorporate City Land Designated as Parts 4, 9, 10, and 11 on Plan 62R-17514 into Thames Way

06-225 225 To Incorporate City Land Designated as Parts 5, 6, 7, 8, 9, and 10 on Plan 62R-13766 and Parts 3 and 6 on Plan 62R-17313 into Theodore Drive

06-226 226 To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs

06-227 227 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 4 – Special Events Parking Zones

06-228 228 To Amend the Sewer Use By-law No. 04-150, as amended, By Amending and Adding Certain Parameters and Associated Discharge Limits

06-229 229 To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands Described as being within Part of Lots 12 and 13, Concession 3, (East Flamborough), in the Former Town of Flamborough, now in the City of Hamilton
06-230 230 To Amend Zoning By-law No. 3581-86 (Dundas), as amended, Respecting Lands Located at 330 Governors Road

06-231 231 To Adopt Official Plan Amendment No. 130 to the former City of Stoney Creek Official Plan, Respecting Lands Known Municipally As 327 to 333 Fruitland Road

06-232 232 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 627 Barton Street and 327-333 Fruitland Road

06-233 233 To Amend Stoney Creek Business Improvement Area By-law No. 612-78, as amended

06-234 234 To Amend the City of Hamilton Licensing Code By-law No. 06-213 and Schedules 17 and 21 to Regulate Restaurants and Public Halls in Hess Village Entertainment District

06-235 235 To Adopt Official Plan Amendment No. 105 to the former Town of Flamborough Official Plan, Respecting Lands Known Municipally as 855 Centre Road

06-236 236 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 855 Centre Road (former Town of Flamborough)

06-237 237 To Amend Zoning By-law No. 90-145-Z (Flamborough), as amended, Respecting Lands Located at 146 Dundas Street East (Flamborough)

06-238 238 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at Part of Lot 9, Concession 1 (Geographic Township of Glanford)

06-239 239 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at the Southeast Corner of Colin Crescent and Lorenzo Drive

06-240 240 To Amend Zoning By-law No. 6593 (Hamilton), Respecting 86 Homewood Avenue and 91 Stanley Avenue

06-241 241 To Adopt Official Plan Amendment No. 129 to the former City of Stoney Creek Official Plan, Respecting Lands Known Municipally As 151 Green Road

06-242 242 To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Properties Located at 145 to 151 Green Road
06-243 243 A By-law Respecting Signs and Other Advertising Devices Within The City of Hamilton

06-244 244 To Confirm the Proceedings of City Council

There being no other business, the meeting adjourned at 6:00 p.m.

Respectfully submitted,

Mayor L. Dilanni

Kevin C. Christenson
City Clerk
August 9, 2006