CITY COUNCIL
MINUTES

Wednesday, April 11, 2007
7:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario

Present: Mayor F. Eisenberger

Councillors B. Bratina, B. Clark, C. Collins, S. Duvall,
L. Ferguson, T. Jackson, M. McCarthy, B. McHattie,
S. Merulla, D. Mitchell, B. Morelli, R. Pasuta, M. Pearson,
R. Powers and T. Whitehead,

Mayor Eisenberger called the meeting to order and called upon Reverend John Smith of
St. George’s Reformed Episcopal Church in Hamilton to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED MOTION

7.1 Appointment of Diane Dent to Hamilton LACAC (Municipal Heritage Committee) as a special position of Past Chair, for a term to expire on March 31, 2008

(Pearson/Ferguson)
That the Agenda for the City Council meeting being held on March 28, 2007, as amended, be approved. CARRIED

DECLARATIONS OF INTEREST

None
CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Cheque Presentation – Ancaster Rotary

Mayor Eisenberger called upon Councillor L. Ferguson to join him at the podium to accept a cheque in the amount of $50,000 from John Mullan of the Ancaster Rotary AM and PM, which represents the 2005 and 2006 contribution to the City of Hamilton toward the Rotary Centre Project in Ancaster.

3.2 Canadian Sports Award

Mayor Eisenberger called upon Dr. Gene Sutton and Greg Maychak join him at the podium to announce that on March 23, 2007, Dr. Gene Sutton and Greg Maychak, Supervisor of Sport Development for the City of Hamilton, attended at the Canadian Sports Awards on behalf of the City of Hamilton to receive recognition by the True Sport Foundation ranking Hamilton as Number 1 in Canada as a True Sport Community.

3.3 Ontario Network Canada Volunteerism Initiative Award

Mayor Eisenberger called upon Emanuela Gennaccaro Ducharme to join him at the podium. The Canadian Volunteerism Initiative is awarding Ms. Ducharme, Volunteer Management Specialist in Strategic Services, Community Services for the City of Hamilton, with the Champions of Volunteerism Certificate of Appreciation in recognition of her efforts and leadership in the field of professional volunteer management.

3.4 National Public Works Week Large Centre Recognition Award

Mayor Eisenberger called upon Ian Neville, on behalf of the Public Works Association, to present the 2005 Provincial Award for best Public Works Week and the 2006 National Award. The Awards were accepted by Chris Murray, Janet Vandehaar and Charlene Hands-Lourie, on behalf of the City of Hamilton Public Works Department.

APPROVAL OF MINUTES

(Mitchell/Collins)
That the Minutes of the special City Council Meeting held on March 23, 2007 be approved as presented. CARRIED

(Jackson/Duvall)
That the Minutes of the City Council Meeting held on March 28, 2007 be approved as presented. CARRIED
That the dispositions for Council Communications 5.1 to 5.12 be approved, as amended, as follows:

5.1 Correspondence from Tom Atterton, Hamilton and District Labour Council respecting certification of the Carpenters Local 18

Recommendation: Be received

5.2 Correspondence from Tom Atterton, Hamilton and District Labour Council respecting sale of Macassa or Wentworth Lodges

Recommendation: Be received

5.3 Correspondence from Tom Atterton, Hamilton and District Labour Council respecting use of pesticides for cosmetic and non-essential purposes within the city of Hamilton

Recommendation: Be forwarded to the Pesticides Sub-Committee.

5.4 Correspondence from The Honourable John Gerretsen, Minister of Municipal Affairs and Housing

Recommendation: Be received

5.5 Correspondence from City of Cambridge advising they have no objection to the City of Hamilton’s request to make application to the CRTC to extend local calling in various areas with the Galt Exchange Area

Recommendation: Be received

5.6 Correspondence from The Honourable Donna Cansfield, Minister of Transportation respecting unconditional grant of $11,147,927.39 to support improvements to public transit

Recommendation: Be received

5.7 Correspondence from Dan Hefkey, Ministry of Community Safety and Correctional Services respecting implementation of mandatory Essential Level Emergency Management Program by all Ontario Municipalities in 2007

Recommendation: Be received
5.8 Correspondence from Municipality of Powassan respecting Drinking Water Quality Management Standard

Recommendation: Be forwarded to the General Manager of Public Works for a report to the Public Works Committee

5.9 Correspondence from the County of Huron respecting Ontario Disability Support Program

Recommendation: Be endorsed.

5.10 AMO Alert – Environmental Assessment Reforms – Supporting Alternatives to Direct Landfill Disposal

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

5.11 Correspondence from the Township of King respecting Assistance for Municipal Infrastructure

Recommendation: Be endorsed, excluding Resolution No. 7 which refers to “municipal/regional funding”.

5.12 Correspondence from Wayne Powell respecting designation of Mary Hopkins Public School

Recommendation: Be referred to the Hamilton District Public School Board.  
CARRIED as amended

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

PUBLIC WORKS COMMITTEE REPORT 07-005

Item 4 Queen Elizabeth Way Pedestrian Crossing/Gateway (PW060109(a)) (City Wide)

(Bratina/McCarthy)
That Item 4 of Public Works Committee Report 07-005 be referred back to the Public Works Committee for public comments.  
DEFEATED

(Duvall/McHattie)
That sub-section (d) of Item 4 be amended by deleting all of the words following, “gateway feature”.
Amendment CARRIED
(Clark/Collins)
That sub-section (b) of Item 4 be amended by adding “subject to the funding source not affecting the 2007 tax levy” following the word, “submitted”.  
Amendment CARRIED

The Main Motion, as amended, CARRIED.

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

<table>
<thead>
<tr>
<th>ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 07-006</th>
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</table>

**Item 10** Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 639 Rymal Road West (PED07039) (Ward 8)

(Whitehead/McHattie)
That sub-section (b) of Item 10 of Economic Development and Planning Committee Report 07-006 be amended by adding the following as sub-section (iv):

(b)(iv) A second access to the subdivision to the south has been constructed or until 12 months has elapsed from the date of Council approval, whichever comes first.

The amendment CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Pasuta, Whitehead

Total Yeas: 11

Nays: Clark, Mitchell, Pearson, Powers

Total Nays: 4

Absent: Morelli

The Main Motion, as amended, CARRIED.

**Item 12** Steel Committee

(Duvall/Jackson)
That sub-section (b) of Item 12 of Economic Development and Planning Committee Report 07-006 be deleted in its entirety and replaced with the following in lieu thereof:
(b) That Councillors C. Collins, S. Duvall, B. McHattie and T. Whitehead be appointed to serve on the Steel Committee. Amendment CARRIED
Motion as amended CARRIED

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

AUDIT AND ADMINISTRATION COMMITTEE REPORT 07-005

Item 10 Rodeo Events In or On City-owned Lands and Facilities (HECFI 07-001)

(Collins/Duvall)
That sub-section (a) of Item 10 of Audit and Administration Committee Report 07-005 be deleted in its entirety and replaced with the following in lieu thereof:

(a) That an exemption to the City of Hamilton policy which prohibits the holding of rodeos and Wild West shows in all city-owned facilities so as to allow the hosting of a Professional Bull Riders Canada Competition event at Copps Coliseum on June 2, 2007, be approved. Amendment CARRIED

(McHattie/Collins)
That Item 10 of Audit and Administration Committee Report 07-005 be referred to the April 13, 2007 Committee of the Whole meeting, and that staff obtain comments from the Ontario SPCA, the Hamilton and Burlington SPCA and other relevant bodies respecting this rodeo and their operations, and to investigate legal implications of Council’s decision.

(Mitchell/Pasuta)
That the referral motion be amended to include the Professional Bull Riders Association as a delegation.

The amendment to the referral motion was DEFEATED on the following standing recorded vote:

Yeas: Ferguson, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total Yeas: 6
Nays: Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McCarthy, McHattie, Merulla, Morelli
Total Nays: 10
The motion to refer Item 10 in its entirety, as amended, CARRIED on the following standing recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli

Total Yeas: 11
Nays: Pasuta, Mitchell, Pearson, Powers, Whitehead
Total Nays: 5

(Collins/Duvall)
That the FIFTH Report of the Audit and Administration Committee be adopted, as amended, and the information section received. CARRIED

COMMITTEE OF THE WHOLE REPORT 07-013

(Ferguson/Jackson)
That the THIRTEENTH Report of the Committee of the Whole be adopted and the information section received. CARRIED

MOTIONS

9.1 Appointment of Diane Dent to Hamilton LACAC (Municipal Heritage Committee) as a special position of Past Chair, for a term to expire on March 31, 2008.

(Jackson/McHattie)
WHEREAS Diane Dent has served as Chair of Hamilton LACAC (Municipal Heritage Committee) since its inception in 2001;

AND WHEREAS Diane Dent was previously a member of the former City of Hamilton Local Architectural Conservation and Advisory Committee (LACAC) from 1978 until amalgamation in 2001, and served as Chair for 13 years;

NOW THEREFORE, in honour and appreciation of Diane Dent's work with Hamilton LACAC and the heritage community of our City, BE IT RESOLVED

(a) That Diane Dent be appointed to Hamilton LACAC (Municipal Heritage Committee) as a special position of Past Chair, for a term to expire on March 31, 2008, and in order to assist the Committee as a mentor and to pass along her accumulated knowledge, over the coming year; and

(b) That the Hamilton LACAC (Municipal Heritage Committee) By-law be amended accordingly, to reflect the addition of the one-time position of Past Chair, until March 31, 2008, at which time the position will be removed from the By-law.
The motion **CARRIED** on the following recorded vote:

Yea: Eisenberger, Bratina, Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Morelli, Pasuta, Mitchell, Pearson, Powers

Total Yea: 14

Nay: Whitehead

Total Nay: 1

Absent: Merulla

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**NOTICES OF MOTION**

None

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**STATEMENT BY MEMBERS**

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

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**PRIVATE AND CONFIDENTIAL**

10.1 Minutes of the Closed Session Meeting of March 28, 2007

*(Ferguson/Jackson)*

(a) That the Minutes of the Closed Session of the Public Works Committee meeting of March 19, 2007 be adopted as presented;

(b) That these Minutes will remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act. **CARRIED**

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**BY-LAWS**

*(Ferguson/Jackson)*

That Bill Nos. 07-103 to 07-109 and 07-111 to 07-116 attached hereto, and Bill No. 07-110, as amended by Council on April 11, 2007 (Item 10 of Economic Development and Planning Committee Report 07-006) 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 07-103 to 07-116:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>07-103</td>
<td>103</td>
<td>To Authorize the Assessment Review Board to exercise certain powers and functions of Council with respect to Compassionate Tax Appeals due to Sickness or Extreme Poverty</td>
</tr>
<tr>
<td>07-104</td>
<td>104</td>
<td>To Authorize a Development Charges Exemption for a Municipal Capital Facility Located at 356 Rymal Road East on Premises Leased from the City of Hamilton</td>
</tr>
</tbody>
</table>
07-105 105 To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs

07-106 106 To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs

07-107 107 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Deletion of Retirement Homes from Radial Distance Separation

07-108 108 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 9 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones

07-109 109 To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Land Located at 477 Dundas Street East

07-110 110 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 639 Rymal Road West (as amended)

07-111 111 Housekeeping Amendments to By-law No. 05-200

07-112 112 Housekeeping Amendments Respecting Minimum Distance Separation Formulae and Deemed Street Widths

07-113 113 Respecting Removal of Part Lot Control, Blocks 128 – 129, Registered Plan No. 62M-1062, Elizabeth Gardens-Phase 3

07-114 114 Respecting Removal of Part Lot Control, Blocks 119 – 121, Registered Plan No. 62M-1062, Elizabeth Gardens-Phase 3

07-115 115 Respecting Removal of Part Lot Control, Blocks 122 – 126, Registered Plan No. 62M-1062, Elizabeth Gardens-Phase 3

07-116 116 To Confirm the Proceedings of City Council

The City Council meeting adjourned at 9:25 p.m.

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin C. Christenson
City Clerk
April 11, 2007