Committee of the Whole
REPORT 07-032
9:30 a.m.
November 12, 2007
Albion Room, Hamilton Convention Centre

Present:
Mayor F. Eisenberger

Absent with regrets:
Councillor B. Morelli – Personal Business
Councillor T. Whitehead – Medical Appointment

Also Present:
G. Peace, City Manager
J. Rinaldo, General Manager, Finance and Corporate Services
T. McCabe, General Manager, Planning and Economic Development
J. Priel, General Manager, Community Services
J. Kay, General Manager, HES/Fire Chief
M. Gallagher, Co-ordinator

COMMITTEE OF THE WHOLE PRESENTS REPORT 07-032 AND RESPECTFULLY RECOMMENDS:

1. Post Carbon Cities: Planning for Energy and Climate Uncertainty – A Guidebook on Peak Oil and Global Warming for Local Governments

That the presentation by Daniel Lerch on the Post Carbon Cities: Planning for Energy and Climate Uncertainty – A Guidebook on Peak Oil and Global Warming for Local Governments, be received.
2. **Biedermann Packaging Fire - City of Hamilton Summary (City Wide) (CM07035)**

That the staff report titled Biedermann Packaging Fire - City of Hamilton Summary and the presentations made by staff and delegations be received.

3. **Bill 164 – Community Right to Know (Added Motion)**

Whereas the City of Hamilton is proactively attempting to develop and maintain a central data base of buildings with toxic contents

And, Whereas the Province of Ontario has been debating Bill 164 “Community Right to Know” legislation for a decade

And, Whereas the City of Hamilton would welcome the opportunity to be a pilot municipality for the Right to Know legislation

Therefore, be it resolved;

(a) That the Province be requested to expedite Royal Assent of the Right to Know Legislation;

(b) That the Province be advised that City Council formally endorses the City’s participation as a pilot municipality for the Right to Know Legislation

(c) That a copy of this correspondence be forwarded to all local MPP’s.

4. **Public Inquiry into the Biedermann Packaging Fire (Added Motion)**

That the City of Hamilton re-affirm its resolution of August 8, 2007 in which the City of Hamilton requests that the Province of Ontario conduct a public inquiry into the events surrounding the fire of July 26, 2007 at Biedermann Packaging Inc., 36 Head Street, Dundas.

5. **Tax and Rate Operating Budget Variance Report to August 31, 2007 (FCS07100) (Item 7.1)**

That report FCS07100 “Tax and Rate Operating Budget Variance Report to August 31, 2007” be received.

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6. **Capital Projects’ Status and Closing Report as of September 30th, 2007 (FCS07081(a)) (City Wide) (Item 7.2)**

(a) That the September 30th, 2007, Capital Projects’ Status and Projects’ Closing Report and the attached Appendices A, B, C, D (as amended) and E to report FCS07081 for the tax levy and the rate supported capital projects be received for information; and

(b) That the General Manager of Finance & Corporate Services be directed to close the completed capital projects listed in Appendix B to report FCS07081(a) in accordance with the Capital Closing Policy and that the net transfers be dealt with as listed in Appendix A to report FCS07081(a) and summarized below:

<table>
<thead>
<tr>
<th>Reserve/Project #</th>
<th>Description</th>
<th>Net Transfers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dedicated Reserves</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Development Charges</td>
<td></td>
<td>68,888</td>
</tr>
<tr>
<td>104090</td>
<td>Parkland Dedication Reserve</td>
<td>144,206</td>
</tr>
<tr>
<td><strong>Sub-Total</strong></td>
<td></td>
<td><strong>213,094</strong></td>
</tr>
<tr>
<td>From the Capital Levy Reserve</td>
<td></td>
<td></td>
</tr>
<tr>
<td>108020</td>
<td>Tax Projects</td>
<td>(9,843)</td>
</tr>
<tr>
<td><strong>Use to Reduce Outstanding Debentures</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Rate Projects</td>
<td></td>
<td>1,026,267</td>
</tr>
<tr>
<td><strong>Total Net Transfers</strong></td>
<td></td>
<td><strong>1,229,517</strong></td>
</tr>
</tbody>
</table>

7. **Report 07-001 of the Hamilton Future Fund Board of Governors**

(a) **Election of Chair**

That Tom Weisz be appointed as Chair for a one year term.

(b) **Hamilton Future Fund Funding Agreement Form (FCS07095) (Item 6.3)**

(i) That the Hamilton Future Fund Funding Agreement form attached as Appendix A hereto be approved for use;
That staff be directed to have external organizations agree to the terms and conditions contained in the Funding Agreement by signing the agreement prior to receiving funds from the Hamilton Future Fund.

FOR THE INFORMATION OF COUNCIL:

(a) ANNOUNCEMENT – MAYORS FOR THE DAY

The Mayor welcomed and introduced the Mayors for the Day Breanna Tilban and Kerri-Ann Fragata. Breanna is a grade 8 student at St. Clare of Assisi School in Stoney Creek and Kerri-Ann is currently a Grade 9 student at Glendale Secondary School. She applied to be Mayor for the Day when she was in Grade 8 at Elizabeth Bagshaw Elementary school.

(b) CHANGES TO THE AGENDA

The agenda was adopted as amended with the following changes:

Two added delegation requests from Lynda Lukasik and Jim Hudson, noted as Items 5.5 and 5.6. Both delegations wish to address Item 6.2 on today’s agenda respecting Bierdemann packaging fire.

(c) DECLARATIONS OF INTEREST

None

(d) ADOPTION OF MINUTES

3.1 October 9, 2007

The Minutes of October 9, 2007 were adopted as presented.

(e) THE FOLLOWING MINUTES WERE RECEIVED:

(i) Minutes of the May 22, 2007 Community Council Task Force
(ii) Minutes of the June 12, 2007 Community Council Task Force
(iii) Minutes of the June 26, 2007 Community Council Task Force
(iv) Minutes of the September 4, 2007 Community Council Task Force
(v) Minutes of the September 13, 2007 Community Council Task Force
(vi) Minutes of the October 16, 2007 Community Council Task Force
(f) DELEGATION REQUESTS

The following delegation requests were approved:

(i) Vince Sferrazza, Ministry of Environment respecting Biedermann Fire (request to speak at November 12th meeting)

(ii) Tys Theysmeyer, Royal Botanical Gardens respecting Biedermann Fire (request to speak at November 12th meeting)

(iii) Lisa Jennings, Hamilton Conservation Authority respecting Biedermann Fire (request to speak at November 12th meeting)

(iv) The Honourable Steven Mahoney respecting Community Workplace Health and Safety Charter – The Road to Zero

(v) Lynda Lukasik, Environment Hamilton respecting Biedermann Fire

(vi) Jim Hudson, Bay Area Restoration Council respecting Biedermann Fire

(g) PRESENTATIONS

(i) Daniel Lerch – Post Carbon Cities: Planning for Energy and Climate Uncertainty – A Guidebook on Peak Oil and Global Warming for Local Governments (Item 6.1)

Mr. Lerch provided an overview of the guidebook which included key issues such as climate and energy uncertainty, how to address the issues locally and how to provide long term solutions

(ii) Biedermann Packaging Fire - City of Hamilton Summary (City Wide) (CM07035) (Item 6.2)

Glen Peace provided an overview of the information report.

Following the overview each division noted below provided an overview of what transpired at the incident: pre fire, during fire, post fire and lessons learned:

Hamilton Emergency Services
Planning and Economic Development
Public Health
Public Works

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The following delegations were then entertained on this issue:

1. Vince Sferrazza, Ministry of Environment respecting Biedermann Fire

Mr. Sferrazza provided an overview of the following:
- Ministry Mandate
- What transpires during spills
- What transpires during emergencies
- Ministry field response
- MOE’s involvement with the Biedermann Fire, prior, during and post
- Current work – requesting the company to enhance their spill prevention and contingency plan, development of restoration action plan to remediate the creek

Mr. Sferazza advised that water and air sampling details will be provided to Council

2. Tys Theysmeyer, Royal Botanical Gardens respecting Biedermann Fire

Mr. Theysmeyer provided an overview of the impact of the fire on the Royal Botanical Gardens.

- Biological on the millions of small fish and invertebrates
- impacted on the ground restoration work
- impact on educational summer camps
- highlights of what to be addressed – Hamilton Harbour action plan

3. Lisa Jennings, Hamilton Conservation Authority respecting Biedermann Fire

Ms. Jennings addressed the following in a power point presentation:
- Aquatic resource monitoring program
- Stewardship action plans
- Immediate restoration actions – monitoring and erosion control
- Long term restoration actions

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4. Dr. Joe Minor on behalf of Lynda Lukasik, Environment Hamilton respecting Biedermann Fire

Dr. Joe Minor of Environment Hamilton addressed the following in his presentation:
- ongoing investigations
- revisit part c of the resolution once inquiry is concluded
- Provincial inquiry is still needed and re-iterate recommendation to the province
- air quality monitoring which was done – timing of the testing
- name change relevant to regulations
- lack of current/incomplete inventory of what chemicals were on site

Dr. Minor was asked to provide his presentation in writing to be shared with Council

5. Jim Hudson, Bay Area Restoration Council respecting Biedermann Fire

Mr. Hudson addressed the following in his presentation:
- important to have full public inquiry
- applauded EMS for response
- addressed prevention issues
- understanding implication of such spills
- what can we do to ensure that it doesn’t happen again

(h) Capital Projects’ Status and Closing Report as of September 30th, 2007 (FCS07081(a)) (City Wide) (Item 7.2)

The following referrals and amendments were approved:

(aa) The closed or recommitted projects outlined on Page 1 of 2 of Appendix B were referred to the Budget Steering Committee for further discussion.

(bb) The two projects noted on page 39 of Appendix D shown in duplicate “Retrofit Quarantine Kennels with Outdoor Runs” and “Relocate Taxi Inspect Office” be deleted

(cc) Any capital projects that have yet commenced be added to a future Budget Steering Committee Agenda for discussion.
Committee moved into closed session on a proposed acquisition of land and reconvened in Open Session.

10.1 Acquisition of Playfield from the Hamilton-Wentworth District School Board, 0 King Street West, Dundas (PED07269) (Ward 13)

No action was taken on this matter as this recommendation requires a motion to reconsider a previous Council direction.

There being no further business, the meeting adjourned at 12:30 p.m.

Respectfully submitted,

Mayor F. Eisenberger

M. Gallagher, Co-ordinator
Council, Committee of the Whole and Budgets