



CITY COUNCIL MINUTES

Wednesday, October 15, 2008

7.00 p.m.

Albion Rooms

Hamilton Convention Centre

One Summer's Lane

Hamilton, Ontario

Present:	Mayor F. Eisenberger Councillors B. Bratina, C. Collins, S. Duvall, L. Ferguson T. Jackson, M. McCarthy B. McHattie, S. Merulla, D. Mitchell, B. Morelli, R. Pasuta, M. Pearson, R. Powers, T. Whitehead
Absent with regrets	Councillor B. Clark, personal business

Mayor Eisenberger called the meeting to order and called upon Father Dan Miehm of St. Ann's Roman Catholic Church, in Ancaster, to lead Council in prayer.

ANNOUNCEMENTS

Mayor Eisenberger announced the passing of Joey, the son of former Alderman Henry Merling and his wife Wendy who had been suffering from cancer and offered condolences to the family.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

- (a) Added Communications:

- 5.26 Correspondence from the Kim Phillips, City Clerk, City of Burlington respecting Burlington's Council Decisions related to Waterdown/Aldershot Transportation Master Plan

Recommendation: Be received

- 5.27 Correspondence from Catherine Nasmith, FRAIC, OAA, TSA, CAHP, President, The Architectural Conservancy of Ontario respecting support for the use of marble cladding on the City Hall.

Recommendation: Be received

- 5.28 Correspondence from Hamilton Waterfront Trust respecting Financial Statements 2002 to 2007

Recommendation: Be received and referred to the Audit and Administration Committee

- 5.29 Correspondence from Paul Glendenning respecting banning of exotic animals

Recommendation: Be received

- 5.30 Correspondence from Michael Dingwall, Wynne, Dingwall and Pringle respecting 372 Butter Road West, Proposed Amendments to Draft Heritage Property Standards By-law

Recommendation: Be received

(Whitehead/Collins)

That the Agenda for the City Council meeting being held on October 15, 2008, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson noted a conflict respecting Item 19 of the Economic Development and Planning Committee Report 08-019 respecting the re-establishment of the Taxi Committee, as he is an investor in the industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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3.1 Presentation – Rev. T. Melville Bailey Heritage Award

The Mayor called upon Walter Peace, Chair of the Hamilton Historical Board and Murray Aikman of the Mountain Historical Society to address Council. They announced the recently established Rev. T. Melville Bailey Heritage Award and provided some background information respecting Rev. Bailey.

3.2 Presentation – Ontario Professional Planners Institute Awards

- (a) Excellence in Planning**
- (b) Healthy Communities – Smart Commute**

The Mayor indicated that the City has been recognized by the Ontario Professional Planners Institute for its work on the Smart Commute program. He invited Jill Stephen to the podium to accept the Excellence in Planning and Healthy Communities-Smart Commute awards on behalf of the Public Works Department.

3.3 Peter J. Marshall Municipal Innovation Award - Woodward Avenue Cogeneration Facility

The Mayor indicated that Hamilton Renewable Power Inc., the cogeneration facility at Woodward Avenue which creates energy from methane gas, was recently awarded the PJ Marshall Award for Excellence in Innovation by the Association of Municipalities of Ontario. He invited Councillor Mitchell, as Chair of the Board of Directors of Hamilton Renewable Power, to accept this award on behalf of the Board and say a few words.

APPROVAL OF MINUTES

(Pearson/Powers)

That the Minutes of the September 18, 2008, meeting of Council be approved, as presented.

CARRIED

(Collins/Jackson)

That the Minutes of the September 24, 2008, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Powers/Pearson)

That Council Communications 5.1 to 5.30 be approved as amended, as follows:

- 5.1 Correspondence from the Honourable Jim Watson, Minister of Municipal Affairs and Housing congratulating the City for winning an AMO Federal Gas-Tax Project Award by receiving an honourable mention for Hamilton's Central Composting Facility and P.J. Marshall Plaque Award for excellence in innovation for Woodward Avenue Water and Wastewater Treatment Facility

Recommendation: Be received

- 5.2 Correspondence from the Deputy Minister, the Honourable George Smitherman, Minister of Energy and Infrastructure advising the Province does not intend to renegotiate the revenue sharing agreement for slot machine revenues with host municipalities

Recommendation: Be received

- 5.3 Correspondence from the Honourable Donna Cansfield, Minister of Natural Resources respecting two new strategies released: "Strategy for Preventing and Managing Human-Wildlife Conflicts in Ontario and Strategy for Preventing and Managing Human-Deer Conflicts in Southern Ontario

Recommendation: Be received

- 5.4 Correspondence from John Douglas expressing concerns with the Centre Mall renovations

Recommendation: Be received

- 5.5 AMO 2007 Annual Report

Recommendation: Be received

- 5.6 Correspondence from the Honourable John Gerretsen, Minister of the Environment respecting posting of the Ministry's proposed Toxics Reduction Strategy

Recommendation: Be received

- 5.7 Correspondence from the Honourable Premier Dalton McGuinty respecting Joint Provincial-Municipal Fiscal and Service Delivery Review

Recommendation: Be received

- 5.8 Correspondence from the Honourable Premier Dalton McGuinty respecting addition of non-hazardous incinerator ash waste to the Newalta Hamilton landfill site

Recommendation: Be received

- 5.9 Correspondence from the Township of Greater Madawaska requesting the Province review the Municipal Property Assessment Corporation's operations regarding service delivery

Recommendation: Be received

- 5.10 Correspondence from Dr. Tom Nugent respecting light rail transit

Recommendation: Be referred to the Planning and Economic Development staff for review and response to Mr. Nugent.

- 5.11 Correspondence from Jocelyne Mainville, Yale Properties respecting light rail transit

Recommendation: Be received

- 5.12 Correspondence from the Honourable Minister of Municipal Affairs and Housing, Jim Watson, Raymond Callery, AMCTO, Peter Hume, AMO respecting Local Government Week – October 19-25, 2008
(due to bulk the bound document is available for perusal in the Office of the Clerk)

Recommendation: Be received

- 5.13 Correspondence from Barbara Sullivan, Chair, Board of Directors, Hamilton Health Sciences respecting Access to Best Care Plan

Recommendation: Be received

- 5.14 Correspondence from the Honourable Jim Bradley, Minister of Transportation respecting approval of the Ministry's implementation details for the Canadian Content Policy

Recommendation: Be referred to the General Manager of Public Works and the Manager of Purchasing for a report back to the Audit and Administration Committee.

- 5.15 Correspondence from Sid Ryan, CUPE Ontario and Cheryl DeGras, Ontario Coalition for Better Child Care (OCBCC) respecting Child Care Worker and Early Childhood Educator Appreciation Day

Recommendation: Be received

- 5.16 Correspondence from the Honourable Dwight Duncan, Minister of Finance respecting collection of outstanding social assistance debt

Recommendation: Be received

- 5.17 Correspondence from the Honourable David Caplan, Minister of Health and Long-Term Care respecting one-time funding to assist with the implementation of mobile computers and Global Positioning Systems/Automatic Vehicle Locator hardware in emergency medical service vehicles

Recommendation: Be received

- 5.18 Correspondence from Michael Fenn, Metrolinx respecting Release of the Draft Regional Transportation Plan and Draft Investment Strategy and upcoming Public Meetings

Recommendation: Be received

- 5.19 Correspondence from the City of Kingston respecting increasing the “heads and beds” payment

Recommendation: That the position of the City of Hamilton, attached hereto, respecting the “Heads and Beds’ Rate, adopted by Hamilton City Council at its meeting of January 30, 2008 be forwarded to the City of Kingston

- 5.20 Correspondence from the Town of Fort Erie respecting Niagara Health System – Hospital Improvement Plan

Recommendation: Be endorsed and forwarded to the Province.

- 5.21 Correspondence from Edwin Rowse, E.R.A. Architects Inc. respecting Hamilton City Hall Rehabilitation

Recommendation: Be referred to the October 20, 2008 meeting of the City Hall Renovations Steering Committee.

- 5.22 Correspondence from the Municipality of Tweed respecting reduction of taxes on petroleum products

Recommendation: Be received.

- 5.23 Correspondence from Jim Stirling, Hamilton Industrial Environmental Association

Recommendation: That invitations to appear before Committee of the Whole to discuss the issue of black soot fallout be forwarded to members of the Hamilton Industrial Environmental Association (HIEA).

- 5.24 Correspondence from Deirdre Pike, Hamilton Working Group on Ontario's Poverty Reduction Strategy requesting endorsement of a resolution to reduce poverty in Ontario by 25% in 5 years

Recommendation: Be endorsed and forwarded to the Province with a copy of the resolution from the Poverty Roundtable.

- 5.25 Correspondence from the City of Woodstock respecting support of Provincial Sales Tax Exemption for Police

Recommendation: Be received.

- 5.26 Correspondence from the Kim Phillips, City Clerk, City of Burlington respecting Burlington's Council Decisions related to Waterdown/Aldershot Transportation Master Plan

Recommendation: That the Mayor, with the assistance of Public Works staff, prepare a second letter to send to the City of Burlington requesting that it share in covering the costs of the consultants' fees incurred in the preparation of the Waterdown/Aldershot Transportation Master Plan.

- 5.27 Correspondence from Catherine Nasmith, FRAIC, OAA, TSA, CAHP, President, The Architectural Conservancy of Ontario respecting support for the use of marble cladding on the City Hall.

Recommendation: Be referred to the October 20, 2008 meeting of the City Hall Renovations Steering Committee.

- 5.28 Correspondence from Hamilton Waterfront Trust respecting Financial Statements 2002 to 2007

Recommendation: Be received and referred to the Audit and Administration Committee

- 5.29 Correspondence from Paul Glendenning respecting banning of exotic animals

Recommendation: Be received

- 5.30 Correspondence from Michael Dingwall, Wynne, Dingwall and Pringle respecting 372 Butter Road West, Proposed Amendments to Draft Heritage Property Standards By-law

Recommendation: Be received

CARRIED

(Powers/Pearson)

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

PUBLIC WORKS COMMITTEE 08-015**Item 8 Long Range Waste Disposal Options for the City of Hamilton (PW08113) (City Wide) (Item 8.3)**

Subsections (f) and (g) of Item 8 of Public Works Report 08-015 respecting Long Range Waste Disposal Options for the City of Hamilton (PW08113) CARRIED on the following votes:

Yeas: Eisenberger, Bratina, Duvall, Ferguson, Jackson, McCarthy, McHattie, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total: 12
Nays: Collins, Merulla, Morelli
Total: 3
Absent: Clark
Total: 1

(Powers/Pearson)

That the FIFTEENTH Report of Public Works Committee be adopted and the information section received. **CARRIED**

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 08-019**Item 16 Heritage Permit Application (HP2008-032) under Part IV of the Ontario Heritage Act to Make Alterations to City Hall, 71 Main Street West, Namely to Remove Marble Cladding and Install Concrete Cladding and Remove Curtain Wall Stainless Steel Caps and Install Aluminum Caps (PED08237) (Ward 2) (Item 8.2)****(Whitehead/Powers)**

That Item 16 of Economic Development and Planning Committee Report 08-018 respecting Heritage Permit Application (HP2008-032) be TABLED pending the meeting of the City Hall Renovations Sub-Committee scheduled on October 20, 2008.

**Amendment CARRIED
Motion as amended CARRIED**

Item 17 Consultation on Minimum Property Standards for the Maintenance of Heritage Attributes of Designated Heritage Properties Under Parts IV and V of the Ontario Heritage Act (PED07239(a)) (City Wide) (Item 8.3)

Item 17 of Economic Development and Planning Committee Report 08-019 respecting minimum property standards for the maintenance of heritage attributes of designated heritage properties CARRIED on the following standing recorded vote:

Yeas: Eisenberger, Bratina, Collins, Jackson, McHattie, Merulla, Morelli, Whitehead
Total: 8
Nays: Duvall, Ferguson, McCarthy, Mitchell, Pasuta, Pearson, Powers
Total: 7
Absent: Clark
Total: 1

Item 18 Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-08-03) – Confederation Park Shopping Centres II, 480 - 500 Centennial Parkway North, 20 Warrington Street, 5* ROADWAY OLCNR, MTO Lands, Hamilton (PED08232) (Ward 5) (Item 8.4)

Item 18 of the Economic Development and Planning Committee Report 08-019 respecting Environmental Remediation and Site Enhancement (ERASE) CARRIED on the following votes:

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

Item 19 Re-Establishment of the Taxi Reform Sub-Committee (Item 9.1)

(Whitehead/Powers)

That Item 19 of Economic Development and Planning Committee Report 08-019 respecting Re-Establishment of the Taxi Reform Sub-Committee be amended by adding the following as subsection (b):

- (b) That staff be directed to prepare formal Terms of Reference for the Sub-Committee, including membership composition and report back to the Economic Development and Planning Committee.

**Amendment CARRIED
Motion as Amended CARRIED**

Item 20 Operational Review of the Development Engineering and Planning Divisions of the Planning and Economic Development Department.(Item 9.2)

(Whitehead/Powers)

That Item 20 of Economic Development and Planning Committee Report 08-019 be amended by adding the following as subsection (b):

- (b) That the Operational Review be funded firstly from the Economic Development and Planning 2008 operating budget, secondly from Corporate Surpluses, if any, and lastly from the tax stabilization reserve.

**Amendment CARRIED
Motion as Amended CARRIED**

(Whitehead/Powers)

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

COMMITTEE OF THE WHOLE REPORT 08-030

Item 4 Review of Tools for Regulating Residential Rental Housing (PED07296(a)) (Wards 1, 8 and 10) (Item 6.3)

Subsection (h) of Item 4 of Committee of the Whole Report 08-030 respecting Review of Tools for Regulating Residential Rental Housing (PED07296(a)) CARRIED on the following votes:

- Yeas: Eisenberger, Bratina, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Powers, Whitehead
- Total: 10
- Nays: Ferguson, McCarthy, Mitchell, Pasuta, Pearson
- Total: 5
- Absent: Clark
- Total: 1

(Powers/McHattie)

That Item 4 be amended by adding the following subsection (k):

- (k) That the staff report be referred to the Multi-Residential Sub-Committee for review and comments.

**Amendment CARRIED
Motion as Amended CARRIED**

Item 7 Waiving of Fees for the Proposed Marydale Park by the Catholic Youth Organization, 5999 Chippewa Road East, Glanbrook (Ward 11) (PED08236) (Item 7.2)

(Mitchell/Pearson)

That Item 7 of Committee of the Whole Report 08-030 respecting waiving the fees for the proposed Marydale Park by the Catholic Youth Organization be referred to the Economic Development and Planning Committee in order to allow the proponents to present additional information.

CARRIED

Item 10 Budget Steering Committee Report 08-002 – 2009 Budget (Item 7.5)

Subsections (b) and (c) of Item 10 of the Budget Steering Committee Report 08-002 CARRIED on the following votes:

Yeas: Eisenberger, Bratina, Collins, Ferguson, Jackson, McCarthy, McHattie, Morelli, Pearson, Powers
Total: 10
Nays: Duvall, Merulla, Mitchell, Pasuta, Whitehead
Total: 5
Absent: Clark
Total: 1

Item 11 Operational Oversight Committee – DARTS (Item 8.1)

(Merulla/Pearson)

That Item 11 of Committee of the Whole Report 08-030 respecting Operational Oversight Committee – DARTS be referred to legal staff for review and report back to Committee of the Whole.

CARRIED

(Powers/Pearson)

That the THIRTIETH Report of Committee of the Whole be adopted, as amended, and the information section received.

CARRIED

(Powers/Pearson)

That Committee of the Whole rise and report.

CARRIED

MOTIONS

7.1 St. Mary's Quarry – Advertising, Legal, Meeting Space, Print Costs

(McCarthy/Merulla)

That an amount of \$7,342.84 be utilized from the Legislative Contingency Fund for the purposes of off-setting Ward 15 specific costs, attached hereto, as Appendix A.

CARRIED

7.2 Hamilton Waterfront Corporation

(Collins/Bratina)

That staff be directed to prepare a report on the feasibility of creating a Hamilton Waterfront Corporation, which includes a review of current corporations in operation across Canada (i.e. Halifax, Winnipeg, Niagara, etc...), and report back to the Committee of the Whole.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

8.1 Amendments to the Assessment Act

That the Province of Ontario amend the Assessment Act to exempt any environmental improvements on Properties from valuation increases due to these improvements where such improvements are not for profit and to the benefit of the environment.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes of September 10, 2008

(Whitehead/Jackson)

That the Closed Session Minutes of the September 10, 2008, meeting of Council be approved, as presented.

CARRIED

BY-LAWS

(Powers/Pearson)

That Bill Nos. 234 to 247 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 08-234 to 08-247 as follows:

By-law No.	Bill No.	
08-234	234	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs
08-235	235	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs
08-236	236	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 2 – Speed Limits
08-237	237	To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: Schedule 5 – Parking Meters 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
08-238	238	A By-law To Amend Property Standards By-law No. 03-117, Respecting Heritage Properties Designated Under The Ontario Heritage Act

By-law 238 To Amend Property Standards By-law No. 03-117, Respecting Heritage Properties Designated Under The Ontario Heritage Act CARRIED on the following votes:

Yeas:	Eisenberger, Bratina, Collins, Jackson, McHattie, Merulla, Morelli, Whitehead
Total:	8
Nays:	Duvall, Ferguson, McCarthy, Mitchell, Pasuta, Pearson, Powers
Total:	7
Absent:	Clark
Total:	1

08-239	239	A By-law To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 704 Upper James Street,
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| 08-240 | 240 | A By-law To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2150, 2170 & 2190 Rymal Road East (Glanbrook) |
| 08-241 | 241 | A By-law To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 78-80 Southcote Road |
| 08-242 | 242 | A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 516 and 520 Fifty Road, and Block 185 of Plan 62M-987 |
| 08-243 | 243 | A By-law To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1520 Stone Church Road East |
| 08-244 | 244 | A By-law To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 28 Lochside Drive, Stoney Creek |
| 08-245 | 245 | A By-law To Adopt Official Plan Amendment No. 214 to the former City of Hamilton Official Plan, Respecting 315 and 337 Beach Boulevard, Hamilton |
| 08-246 | 246 | A By-law To Amend Zoning By-law No. 6593 (Hamilton), Respecting 315 and 337 Beach Boulevard, Hamilton |
| 08-247 | 247 | To Confirm the Proceedings of City Council |

CARRIED

(Pearson/Pasuta)

There being no further business, the City Council meeting adjourned at 9:15 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Rose Caterini
Deputy City Clerk/Manager of Legislative Services
October 15, 2008