



CITY COUNCIL MINUTES

Wednesday, September 27, 2006

7:00 p.m.

**Council Chambers
Hamilton City Hall
71 Main Street West
Hamilton, Ontario**

Present: Mayor L. Dilanni

Councillors, D. Braden, B. Bratina, P. Bruckler, C. Collins,
T. Jackson, B. Kelly, M. McCarthy, B. McHattie, D. Mitchell,
S. Merulla, B. Morelli, M. Pearson, A. Samson, T. Whitehead

Absent with regrets: Councillor M. Ferguson – Illness

Mayor Dilanni called upon Father Ralph Diodatto of St. Peter and Paul Roman Catholic Church to lead the Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

(A) ADDED COMMUNICATIONS

5.11 Correspondence from Dr. Rick Csiernik respecting Timothy's Walk – Item 21 in this evening's Planning and Economic Development Report.

Recommendation: Be received

5.12 Correspondence from Phil Dales requesting reinstatement on the Taxi Priority Listing

Recommendation: Be received

(B) MOTIONS

- 7.1 Student Housing within Residential Neighbourhoods – Motion withdrawn at the request of Councillor Whitehead
- 7.2 Request for Staff Report – 2007 Budget Program Enhancement – Gateway Improvements
- 7.3 Improvements to City of Hamilton: Standards and Licensing Section
- 7.4 Creation of a Hamilton Low Income Tenant Tax Rebate

(Bruckler/Kelly)

That the Agenda for the City Council meeting being held on September 27, 2006, as amended, be approved. **CARRIED**

DECLARATIONS OF INTEREST

None

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS
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The following presentations were made by Mayor Dilanni:

3.1 FCM 2006 Scholarship Award

Mayor Dilanni called upon Jennifer Watson, a student at Mohawk College, to join him at the podium. Jennifer was presented with the 2006 Canadian Women in Municipal Government Scholarship Award for her research paper, "We All Need to be There – women in Politics", presented by the FCM Standing Committee for Increasing Women's Participation in Municipal Government. Mayor Dilanni extended congratulations to Jennifer on behalf of Council.

3.2 Conservation Award of Excellence

Mayor Dilanni called upon Councillor McHattie to assist with this presentation, and invited Lisa Knap to the podium. Lisa was presented with the Conservation Award of Excellence, which is granted by the Halton Conservation Authority. This award is given to individuals and organizations whose efforts help to protect the natural environment in all municipalities of the Halton watershed. Specifically, Lisa and her husband have been working diligently to persuade people in their neighbourhood to stop using lawn pesticides.

3.3 Commuter Challenge Awards

During National Environment Week, June 4 to 10, the City of Hamilton participated in the Canada-wide 2006 Commuter Challenge. The goal of the Commuter Challenge was to reduce single-occupancy vehicle trips around the City. 1,756 Hamiltonians from 27 organizations and businesses took the Challenge, and left their vehicles at home during Environment Week. As a result, Hamilton finished second in Ontario and fifth in Canada in our population category. Mayor Dilanni called upon Thom Oommen of Green Venture to assist with the presentations. The winning organizations were William Oates, Chartered Accountant; Hamilton Community Foundation; St. Joseph's Immigrant Women's Centre; Social Action Team, Centenary United Church; Hamilton Utilities Corporation and McMaster University, and each was recognized with the presentation of a Certificate.

3.4 OWMA Waste Industry Truck Rodeo Award

Mayor Dilanni called upon Rob Cooke, Executive Director of the OWMA, to assist with the presentation of awards to staff. Nigel Gibson and Shawn Merritt were recognised for their driving skills and the operator knowledge award that they received from the Ontario Waste Management Association Truck Driving Championship held in Brampton on June 24, 2006. Blair Smith, Manager of Waste Collection, accepted the award on behalf of Mr. Gibson and Mr. Merritt.

APPROVAL OF MINUTES

(Merulla/Mitchell)

That the Minutes of the City Council Meeting held on September 13, 2006, be approved as presented. **CARRIED**

Councillor Merulla announced the passing of Don Gray. Mr. Gray had been present at the last meeting of Council and was presented the KaBoom Initiative Award for a playground structure built in one day by the Oriole Crescent and Martha Street community.

(Merulla/McHattie)

That the City's Procedural By-law Rules of Order be waived in order to allow the introduction of a motion respecting the naming of a facility. **CARRIED**

(Merulla/McHattie)

That the Oriole Crescent play structure be named the "Don Gray Place" and be referred to the Facility Naming Committee for consideration. **CARRIED**

COMMUNICATIONS

(Bratina/Braden)

That Council Communications 5.1 to 5.12 be approved, as follows:

- 5.1 Correspondence from Sid Ryan, CUPE Ontario and Shellie Bird, Ontario Coalition for Better Child Care, requesting financial support for public announcements, advertising on city buses

Recommendation: Received and referred to the General Managers of Finance and Corporate Services and Public Works for a report back to the Corporate Administration Committee

- 5.2 Correspondence from the Honourable Jim Watson, Minister of Health Promotion announcing an Ontario International Amateur Sport Hosting Policy

Recommendation: Be received

- 5.3 Petition submitted on behalf of residents by Catherine VanHuisstede respecting installation of sidewalks on Mountain Avenue North, between King Street and Collegiate Avenue, Stoney Creek

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

- 5.4 FCM Advisory respecting submission calls for Long-Term Federal Plan to Fix Municipal Infrastructure

Recommendation: Be received

- 5.5 Correspondence from the Honourable Laurel Broten, Minister of the Environment in response to the city's recommendation respecting funding provided by Stewardship Ontario in lieu of the in-kind advertising provided to municipalities

Recommendation: Be received

- 5.6 Resolution from the Corporation of Loyalist Township respecting full environmental assessment as it relates to Lafarge Canada

Recommendation: Be received and referred to the General Manager of Public Works for comments to the Public Works, Infrastructure and Environment Committee.

- 5.7 Resolution from the Corporation of the Township of Carlow/Mayo respecting use of coloured diesel fuel in all municipally owned vehicles

Recommendation: Be received.

5.8 Communication from AMO respecting Provincial Announcement: “McGuinty Government Invests in Rural Ontario - \$185 Million Investment Builds Opportunity for Farmers, Improves Rural Infrastructure”

Recommendation: Be received.

5.9 Correspondence from Judy MacNeil, Michael Ollier and Hugh Tye, Hamilton’s Community Legal Clinics respecting Item 7.1 – Student Housing Motion

Recommendation: Be received

5.10 Hugh Tye and Bill Mederios, Solutions for Housing Action Committee and Roomers and Boarders Committee respecting Item 7.1 – Student Housing Motion

Recommendation: Be received

5.11 Correspondence from Dr. Rick Csiernik respecting Timothy’s Walk – Item 21 in this evening’s Planning and Economic Development Report.

Recommendation: Be received

5.12 Correspondence from Phil Dales requesting reinstatement on the Taxi Priority Listing

Recommendation: Be received

(Bratina/Bruckler)

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

COMMITTEE OF THE WHOLE REPORT 06-020

(Bratina/Braden)

That the TWENTIETH Report of the Committee of the Whole be adopted, and the information section received. **CARRIED**

BOARD OF HEALTH REPORT 06-008

(Collins/Jackson)

That the Rules of Order be suspended to allow an added item to Board of Health Report 06-008.

CARRIED

11. Reporting Policy of the Medical Officer of Health**(Jackson/Kelly)**

That the City Manager and the Medical Officer of Health report to the next Board of Health meeting with a policy outlining a proactive, preventative and clearly outlined approach to the reporting relationship by the Medical Officer of Health to the Board of Health regarding future matters of potential concern to our community.

CARRIED**(Pearson/Mitchell)**

That the EIGHTH Report of the Board of Health be adopted, as amended, and the information section received.

CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-016
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Item 21. Applications for Approval of a Draft Plan of Subdivision "Timothy's Walk" and Change in Zoning for Lands Located at 205 Queensdale Avenue East (Hamilton) (PED06347) (Ward 7) (Item 8.1)

This Item CARRIED a standing recorded vote as follows:

Yeas: Dilanni, Braden, Bruckler, Collins, Jackson, McCarthy, McHattie, Morelli, Pearson and Whitehead

Total: 10

Nays: Bratina, Kelly, Mitchell, Merulla and Samson

Total: 5

Absent: Ferguson

Item 28. Stoney Creek Urban Boundary Expansion (SCUBE) (Item 12.2)

This Item CARRIED on the following votes:

Yeas: Dilanni, Bruckler, Collins, Jackson, Kelly, McCarthy, McHattie, Morelli, Mitchell, Pearson, Samson and Whitehead

Total: 12

Nays: Braden and Bratina

Total: 2

Absent: Ferguson and Merulla

Total: 2

(Pearson/Mitchell)

That the SIXTEENTH Report of the Planning and Economic Development Committee be adopted and the information section received.

CARRIED

CORPORATE ADMINISTRATION COMMITTEE REPORT 06-013**Item 11. Motion – Fee Waiver Request – Glanbrook Rangers (City Wide)
(GRA06005(i)) (Item 9)**

This Item CARRIED on the following votes:

Yeas: Dilanni, Braden, Bratina, Bruckler, Collins, Kelly, McCarthy, McHattie, Merulla, Morelli, Mitchell, Pearson, Samson and Whitehead

Total: 14

Nays: Jackson

Total: 1

Absent: Ferguson

Item 13. Non-Union Terminations Approval Process – Verbal (Item 12.2)

This Item CARRIED on the following votes:

Yeas: Dilanni, Braden, Bratina, Bruckler, Jackson, Kelly, McCarthy, McHattie, Merulla, Morelli, Mitchell, Pearson, Samson and Whitehead

Total: 14

Nays: Collins

Total: 1

Absent: Ferguson

(Samson/Pearson)

That the THIRTEENTH Report of the Corporate Administration Committee be adopted and the information section received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 06-019**Item 1. Proposal by Hamilton Artist's Inc. (Item 6.1)**

This Item CARRIED on a standing recorded vote as follows:

Yeas: Bratina, Kelly, McCarthy, McHattie, Merulla, Morelli, Pearson, Samson and Whitehead

Total: 9

Nays: Dilanni, Braden, Bruckler, Collins, Jackson and Mitchell

Total: 6

Absent: Ferguson

(Bratina/Braden)

That the NINETEENTH Report of the Committee of the Whole be adopted and the information section received. **CARRIED**

**PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT
COMMITTEE REPORT 06-013**

(McCarthy/Merulla)

That the THIRTEENTH Report of the Public Works, Infrastructure and Environment Committee be adopted and the information section received. **CARRIED**

MOTIONS

7.1 Student Housing within Residential Neighbourhoods

Motion withdrawn by Councillor Whitehead.

7.2 Request for Staff Report – 2007 Budget Program Enhancement – Gateway Improvements**(McHattie/Merulla)**

That staff be directed to prepare and submit a program enhancement request to the 2007 Budget Process (including Capital) that provides for gateway improvements to the section of York Boulevard between Plains Road and Dundurn Street for consideration by Council. The scope of the proposed enhancements may include increased service levels for existing operating and maintenance programs (i.e. street sweeping), or new features and services (ie., horticultural displays, street tree plantings, banners, specialized pavement, decorative lighting, Harbour Vista enhancements, hanging baskets on street lights, guard rail painting, public art features etc.). **CARRIED**

7.3 Improvements to City of Hamilton: Standards and Licensing Section**(Merulla/Whitehead)**

That the Standards and Licensing Section of the Planning and Economic Development Department be directed to prepare for the 2007 Budget deliberation a 2007 Workplan which includes but is not limited to the following:

- (a) Organizational changes
- (b) Staffing requirements
- (c) Service Levels
- (d) Funding Requirements'

CARRIED**7.4 Creation of a Hamilton Low Income Tenant Tax Rebate****(McHattie/Whitehead)**

Whereas, the City of Hamilton is tied for the highest urban poverty rate in the Province of Ontario with the vast majority of low income residents living in rental housing, including 14,200 households in Hamilton paying more than 50% of their total income towards rent, placing them at extreme risk of homelessness;

And Whereas, tenants are property taxpayers and should be afforded the same consideration and receive the same level of municipal service that all residential taxpayers value;

And Whereas, taxes for Hamilton's multi-residential buildings are passed on dollar for dollar to tenants through rent at a rate that is three times higher than the tax rate paid by owners of private homes, with the City of Hamilton having the highest multi-residential tax rate in Southern Ontario;

And Whereas, tenant households as a group earn half of the average yearly income of home owners (\$29,000 versus \$57,000 in Hamilton) and yet contribute a far greater percentage of their total income towards municipal services through property taxes resulting in significant financial hardship and higher levels of poverty in the community;

Therefore Be It Resolved:

- (a) That City Council strive to achieve greater parity between the tax rates for multi-residential buildings and residential homes to address the inequity faced by low income tenants.
- (b) That Staff be directed to detail and report back for the 2007 Budget deliberations on the establishment of a "Low Income Tenant Tax Rebate Program" modeled upon the successful "Seniors' Tax Rebate Program" (using income criteria based on Statistics Canada's Low Income Cut-offs for families of varying sizes, and that also ensures social assistance recipients will be eligible to receive the rebate);
- (c) That the proposed "Low Income Tenant Tax Rebate Program" may remain in place until such time as the multi-residential tax rate has fallen to a ratio with residential homes of 1.1:1. **CARRIED**

NOTICE OF MOTION

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Matter respecting Property Acquisition

(Pearson/Kelly)

That Council move In Camera to consider a matter respecting property acquisition. **CARRIED**

(Braden/Bratina)

That Council reconvene in Open Session.

CARRIED**10.1 Transfer/Deed of Land – 193 King Street East, Hamilton****(Bratina/Morelli)**

- (a) That the City of Hamilton be authorized to accept a Transfer/Deed of Land under the Remedies for Organized Crime and Other Unlawful Activities Act of the real property known municipally as 193 King Street East, Hamilton, from the Crown in Right of Ontario for nil consideration. The transfer shall take place on Thursday September 28, 2006 and the property shall be transferred “as is”. It is hereby acknowledged that the City shall take the property subject to all liens, encumbrances, tax arrears, work orders and utility charges, if any, and there shall be no adjustment or obligation on behalf of the Crown to pay or discharge any such liens, tax arrears, work orders and utility charges as a term of this transfer.
- (b) That the lands known municipally as 193 King St., be declared surplus to the requirement of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.
- (c) That the appropriate City staff enter into negotiations with the Hamilton Realty Corporation Inc., (HRCI) for the purposes of transferring 193 King St., to the HRCI and that staff report back to Council any proposed agreement.
- (d) That the current budget for the Corporate Building and Technical Services of the Fleet and Facilities Division of the Public Works department be revised to include the future maintenance of this parcel in the amount of \$6,000.

CARRIED

BY-LAWS

(Bratina/Bruckler)

That Bill Nos. 060-278 to 06-296 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 06-278 to 06-296:

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|---------------|------------|---|
| 06-278 | 278 | To Prescribe the Form and Manner for the Provision of Public Notice Under the Municipal Act, 2001 |
| 06-279 | 279 | To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: |

Subsection 12(6)
Subsection 12(8)
Schedule 2 – Through Highways
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 10 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 14 – Wheelchair Loading Zones
Schedule 16 – Taxi Zones

- 06-280** **280** To Permanently Close and Sell an Unassumed Portion of Beach Boulevard, North of Highway No. 8, Established by Registered Plan 862, City of Stoney Creek, Now City of Hamilton, Designated as Parts 2, 3, 4 and 5 on Plan 62R-17428, Reserving an Easement Over Parts 2 and 5 on Reference Plan 62R-17428 in Favour of the City of Hamilton
- 06-281** **281** To Amend City of Hamilton By-law No. 01-084, To Appoint Municipal Law Enforcement Officers
- 06-282** **282** To Amend Zoning By-law No. 6593 (Hamilton), Respecting a Portion of the Lands Located at 205 Queensdale Avenue East
- 06-283** **283** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1286 Upper James Street
- 06-284** **284** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2460-2470 Upper James Street
- 06-285** **285** To Amend Zoning By-law No. 6593 (Hamilton), as amended by By-law No. 04-296 and By-law No. 05-210, Respecting Lands Located at 872 Concession Street
- 06-286** **286** To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 838 Crooks Hollow Road and 154 Highway No. 8 (former Town of Flamborough), now in the City of Hamilton
- 06-287** **287** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 71 Fortissimo Drive
- 06-288** **288** Respecting Removal of Part Lot Control Within Block 1 “Shaver states” Registered Plan 62M-1056
- 06-289** **289** To Adopt Official Plan Amendment No. 133 to the former City Of Stoney Creek Official Plan, Respecting Lands Known Municipally As 259 and 261 Highway No. 8

- 06-290 290** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 259-261 Highway No. 9, Stoney Creek
- 06-291 291** To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Property Located at 370 McNeilly Road
- 06-292 292** To Repeal By-law No. 06-272
- 06-293 293** To Adopt Official Plan Amendment No. 28 to the Region of Hamilton-Wentworth Official Plan; Official Plan Amendment No. 111 to the Town of Ancaster Official Plan; Official Plan Amendment No. 12 to the Town of Dundas Official Plan; Official Plan Amendment 106 to the Town of Flamborough Official Plan; Official Plan Amendment No. 56 to the Township of Glanbrook Official Plan; Official Plan Amendment No. 132 to the City of Stoney Creek Official Plan, Respecting Rural Hamilton (Lands Outside the Urban Areas)
- 06-294 294** To Adopt Official Plan Amendment No. 131 to the former City of Stoney Creek Official Plan, Respecting Nash Neighbourhood Secondary Plan
- 06-295 295** To Adopt Rural Hamilton Official Plan Respecting Rural Hamilton (Lands Outside Urban Areas)
- By-law 06-295 CARRIED on the following votes:
- Yeas:** Dilanni, Bratina, Bruckler, Collins, Jackson, Kelly, McCarthy, McHattie, Merulla, Morelli, Mitchell, Pearson, Samson and Whitehead
- Total:** 14
- Nays:** Braden
- Total:** 1
- Absent:** Ferguson
- 06-296 296** To Confirm the Proceedings of City Council

CARRIED

The City Council meeting adjourned at 9:57 p.m.

Respectfully submitted,

Larry Dilanni
Mayor

Kevin C. Christenson
City Clerk
September 27, 2006