



## **Committee of the Whole MINUTES**

**9:30 a.m.  
July 9, 2008  
Albion Rooms  
Hamilton Convention Centre**

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**Present:** Deputy Mayor L. Ferguson  
Councillors B. Bratina, C. Collins, S. Duvall, T. Jackson, M. McCarthy, D. Mitchell, M. Pearson, B. McHattie, S. Merulla, B. Morelli, T. Whitehead

**Absent with regrets:** Mayor F. Eisenberger – Vacation  
Councillor R. Pasuta – Vacation  
Councillor B. Clark – Personal  
Councillor R. Powers – Other City Business

**Also Present:** J. Rinaldo, Acting City Manager  
P. Barkwell, City Solicitor and Acting General Manager, Finance and Corporate Services  
S. Stewart, General Manager, Public Works  
T. McCabe, General Manager, Planning and Economic Development  
J. Kay, Fire Chief/General Manager HES  
J.A. Priel, General Manager, Community Services  
M. Gallagher, Coordinator, COW

Deputy Mayor Ferguson called the meeting to order.

**THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR CONSIDERATION:**

<b>1. CHANGES TO THE AGENDA</b>
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(Pearson/Jackson)



to Maxill Inc., with an estimated annual expenditure of \$62,404.00 per year.

**4.2 Minutes of the April 11, 2008 City Manager Recruitment Sub-Committee meeting**

Be received.

**4.3 Minutes of the May 6, 2008 City Manager Recruitment Sub-Committee meeting**

Be received.

**4.4 Minutes of the June 18, 2008 City Manager Recruitment Sub-Committee meeting**

Be received

**4.5 Correspondence from LUMCO, Large Urban Mayors' Caucus of Ontario – referral by City Council at its meeting of June 25, 2008**

Be received.

**CARRIED.**

<b>5. DELEGATION REQUESTS</b>
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**5.1 Tradeport International – Presentation of the Annual Report (Jackson/Whitehead)**

That the delegation request be approved.

**CARRIED.**

**5.2 Delegation Request by Reverend Whittaker respecting Grants Sub-Committee Report**

(Collins/Whitehead)

That the delegation request be deferred to a future meeting.

**CARRIED.**

<b>7. DISCUSSION ITEMS</b>
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**7.1 Grants Sub-Committee Report 08-003, June 19, 2008**

(Collins/McCarthy)

That the Grants Sub-Committee Report 08-003 be approved with the exception of subsection (c) which was deferred to a future meeting along with the delegation request by Reverend Whittaker:

**(a) Fee Waiver Request for Transportation for Liveable Communities (GRA08017) (Ward 3)**

That the fee waiver request, in the amount of \$79.75, for Transportation for Liveable Communities to utilize Gage Park for their 2007 Movie Night be approved on a one time basis only.

**(b) Increase to the Recreation and Sport Category of the 2008 Community Partnership Program (GRA08018) (City Wide)**

(a) That an increase, in the amount of \$4,548, to the Recreation and Sport category of the 2008 Community Partnership Program; to support Sport Hamilton's grant application request, be approved.

(b) That the increase, to the Recreation and Sport category of the 2008 Community Partnership Program (CPP), in the amount of \$4,548 be funded from the CPP contingency budget.

**(c) Open Air Worship in Gore Park (GRA08019) (Ward 2)**

(a) That one half of the Fee Waiver Request, submitted by Reverend Stanley Whittaker, of the Abundant Life Group and the Gideon's, in the amount of \$730.65, be credited to the applicant's City account.

(b) That 2008 be the final year that Community Partnership Program (CPP) funding be provided to Reverend Stanley Whittaker, of the Abundant Life Group and the Gideon's, unless future applications to the CPP comply with the required criteria.

(c) That the correspondence from Reverend Whittaker be received.

**CARRIED.**

**7.2 Advisory Committee for Persons with Disabilities Report 08-004, June 10, 2008**

(Morelli/Whitehead)

**1. Accessibility in the City of Hamilton, Conservation Authorities, Royal Botanical Gardens and School Boards (ACPD08004) (City Wide)**

- (a) That staff be directed to:
  - (i) Ensure that accessibility for persons with disabilities is part of all planning, design, development, implementation and renovations of parks, natural areas, buildings, facilities, swimming facilities, beaches, waterfronts and other recreational areas;
  - (ii) Utilize up-to-date recommended standards, being the City's Barrier Free Design Guidelines (approved in June 2006); the Urban Braille Guidelines; and the Province's AODA Standards for Customer Service, Built Environment, Information and Communication, Transportation and Employment;
- (b) That the Conservation Authorities, Royal Botanical Gardens and School Boards be requested to:
  - (i) Consider accessibility as an integral part of planning, design, development, implementation and renovations of parks, natural areas, buildings, facilities, swimming facilities, beaches, waterfronts and other recreational areas;
  - (ii) Actively solicit knowledge regarding the recreational interests and needs of the diverse populations among the community of persons with disabilities;
  - (iii) Utilize up-to-date recommended standards such as the City of Hamilton's Barrier Free Design Guidelines; the Urban Braille Guidelines; and the Province's AODA Standards for Customer Service, Built Environment, Information and Communication, Transportation and Employment.

**CARRIED.**

**7.3 City of Hamilton Licensing Committee: Authority, Mandate and Housekeeping Matters (CL08009) (City Wide) (Jackson/Pearson)**

- (a) That the City of Hamilton Licensing Committee be renamed the Hamilton Licensing Tribunal and that By-laws 07-170 (Business Licensing), 06-234 (Hess Street Business Licensing) and 04-134 (Lottery Licensing) be amended accordingly.
- (b) That the Licensing Coordinating Sub-committee, which currently reports to the Licensing Committee, be disbanded as a sub-committee.
- (c) That the Province be requested to repeal the *City of Hamilton Act (Licensing Committee), 1997* when it next amends the *Municipal Act, 2001*.

**CARRIED.**

**7.4 Dedicated Nurses to Receive Ambulance Patients in Hospital Emergency Departments (HES08011)**

(Jackson/Duvall)

That Report HES08011 respecting Dedicated Nurses to Receive Ambulance Patients in Hospital Emergency Departments be received.

**CARRIED.**

**7.5 Use of DARTS Transportation To Attend Medical Appointments (PW08081) (City Wide)**

(Whitehead/Pearson)

That Report PW08081 respecting Use of DARTS Transportation To Attend Medical Appointments be received.

**CARRIED**

**7.6 Tax Appeals under Section 357 and 358 of the Municipal Act 2001 (FCS08008(d)) (City Wide)**

(McHattie/Pearson)

- (a) That the tax write-offs processed under Section 357 of the Municipal Act, 2001 in the amount of \$338,709.52 be approved as set out in Appendix "A" to report FCS08008(d); and
- (b) That the tax appeals, due to a gross or manifest clerical error, pursuant to Section 358 of the Municipal Act, 2001, in the amount of \$438.73 be approved as set out in Appendix "B" to report FCS08008(d).

**CARRIED**

**7.7 Tax and Rate Budget Variance Report (FCS08062)**

(Jackson/Pearson)

- (a) That the 2008 Tax and Rate Operating Budget Variance Report to May 31, 2008 be received; and
- (b) That staff be directed to report back with a report outlining proposed mitigation options at the Committee of the Whole in August (2008). **CARRIED**

**7.8 Glanbrook Landfill Site Certificate of Approval No. A130604 issued May 21, 2008 - Appeal to Environmental Review Tribunal (PW08085/LS08006) - (City Wide)**

(McHattie/Pearson)

- (a) That the City Solicitor be authorized and directed to take all necessary actions to appeal Certificate of Approval No. A130604 issued May 21, 2008 for the Glanbrook Landfill Site, including but not limited to the application for a stay of term/conditions of said Certificate of Approval, all as described in Report PW08085/LS08006.
- (b) That the City Solicitor and General Manager of Public Works be authorized if and when they deem it appropriate, to enter into discussions with the Ministry of the Environment to attempt to resolve the issues under appeal and to inform City Council on the outcome of any such resolution. **CARRIED.**

<b>8. MOTIONS</b>
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None

<b>9. NOTICES OF MOTION</b>
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Councillor Powers provided the following Notices of Motion:

**9.1 Exemption of Multiple Licenses for businesses associated with the same establishment**

Whereas, Hamilton City Council in December of 2001 amended the City of Hamilton Licensing Code By-law No. 01-156 to exempt (except in the case of tobacco vendor licences) the need for multiple licences for like businesses associated with the same establishment;

And in July of 2006, enacted a subsequent Licensing By-law No. 06-213 (repealing by-law No. 01-156) which through error did not include the provision of the exemption for multiple licences;

THEREFORE BE IT RESOLVED, that the issue to exempt the need for multiple licences for like businesses associated with the same establishment (with the exception of tobacco vendor licences) be referred to the Manager of Licensing for review and a subsequent report to the Economic Development & Planning Committee and that in the interim, active enforcement of this section of the by-law be temporarily suspended.

## 9.2 Dundas Lions Housing Limited

That the agreement, dated January 1, 1962, made between the former Town of Dundas and the Dundas Lions Housing Ltd (DLHL) for a reduction of property taxes on 50 Creighton Rd, Dundas in exchange for the provision of subsidized housing for low income individuals at that address be continued, in perpetuity, subject to Dundas Lions Housing Ltd (DLHL), on an annual basis, providing proof of compliance with the terms of the original agreement or in an alternative manner agreed to between the City and Dundas Lions Housing Ltd (DLHL).

<b>11. HAMILTON STREET RAILWAY COMPANY – BOARD OF DIRECTORS AND SHAREHOLDERS</b>
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### 11.1 The Hamilton Street Railway Company (“HSR”) – Corporate Governance Update – Sale and Disposition of Land, the Hiring of Employees and the Procurement of Goods and Services (CL08006)

(Jackson/McHattie)

(a) That Council, sitting, firstly, as the Board of Directors of The Hamilton Street Railway Company (“HSR”), and, secondly, sitting as representatives of the beneficial Shareholder (City of Hamilton) of the HSR, approve the updated corporate governance of the HSR as set out in Appendices “A” and “B” to Report CL08006.

(b) That Council, in its capacities outlined in Recommendation 1 above, ratify and confirm the required documentation in the forms attached as Appendices “A” and “B” to Report CL08006. **CARRIED.**

The Committee recessed at 3:00 p.m. and will reconvene prior to the City Council meeting of July 10<sup>th</sup>.



**Committee of the Whole  
MINUTES continued**

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M. Gallagher, Coordinator, COW

**CONTINUATION OF THE JULY 9, 2008 COMMITTEE OF THE WHOLE MEETING:**

Deputy Mayor Ferguson called the meeting to order.

**(Powers/Pearson)**

That Committee move into Closed Session on two matters further to sections 8.1 (d) of the City's Procedural By-law as the matters pertain to labour relations and employee negotiations. **CARRIED.**

**(Collins/Merulla)**

That Committee reconvene in Open Session at 11:10 a.m. **CARRIED.**

**10.1 Labour Relations Matter – Changes to OMERS (HUR08010) (City Wide)  
(Collins/Powers)**

- (a) That report HUR08010 be received for information.
- (b) That the contents of report HUR08010 remain confidential as they contain information related to labour relations and employee negotiations.
- (c) That Item “FF” – Retirement Age of 60 for Paramedics, be considered completed and removed from the Emergency & Community Services Committee Outstanding Business List.

**CARRIED.**

**10.2 United Brotherhood of Carpenters and Joiners of America Local 18 and The City of Hamilton – Memoranda of Settlement (Residential and Heavy engineering Sectors) (HUR07008) (City Wide)**

**(Collins/Bratina)**

- (a) That the memorandum of Settlement for the City of Hamilton and the United Brotherhood of Carpenters and Joiners of America (UBJCA) Local 18 & The City of Hamilton – Memoranda of Settlement (Residential & heavy Engineering Sectors), on file with the Clerk, be approved.
- (b) That the contents of Report HUR 07008 remain confidential as they contain information related to labour relations and employee negotiations.

**(Ferguson/McCarthy)**

That the motion be tabled and that staff be directed to attend the mediation at the labour board to seek instructions. **DEFEATED.**

The motion **CARRIED** as presented.

Councilors McCarthy and Ferguson Opposed.

The meeting adjourned at 11:20 a.m.

Respectfully submitted,

Deputy Mayor L. Ferguson

M. Gallagher  
Co-ordinator  
COW/Council/Budgets