



CITY COUNCIL MINUTES

Wednesday, December 14, 2005

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, M. Pearson, A. Samson, T. Whitehead

Absent with regrets: Councillor B. Morelli – Illness
Councillor M. Ferguson – Illness

Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Pastor Scott Jacobsen of Mountain View Christian Church in Hamilton, to lead the Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

- (i) Added Ceremonial Activity – Presentation to Lieutenant Atif Butt
- (ii) Added Communication Item 5.11 received from Tony Ivac, Ivicon Construction regarding City of Hamilton By-Law 05-336.
- (iii) Added Motion brought forward by Councillor McHattie respecting his resignation from the Hamilton Utilities Board

(Kelly/Pearson)

That the Agenda for the City Council meeting being held on December 14, 2005, as amended, be approved. **CARRIED**

DECLARATIONS OF INTEREST

None Declared

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Di Ianni recognized the Ancaster Avalanche Bantam B Girls Hockey Team for winning a Gold Medal at the 2005 Provincial Championships held in Mississauga in April. Mayor Di Ianni invited the players and coaches to the podium and presented them with Certificates of Achievement.

Mayor Di Ianni invited Councillor Dave Mitchell to the podium. Councillor Mitchell presented the Mayor with a new City of Hamilton gavel. Mayor Di Ianni thanked Councillor Mitchell for the gavel and acknowledged the work of Councillor Mitchell's father, in the turning of the gavel.

Mayor Di Ianni called upon Lieutenant Atif Butt to approach the podium for a special presentation. Mayor Di Ianni gave a brief overview of Lieutenant Butt's work with the DART forces in Pakistan, and presented him with a commemorative scroll. Lieutenant Butt thanked the Mayor and accepted the award on behalf of the entire DART force.

APPROVAL OF MINUTES**(Collins/Mitchell)**

That the Minutes of the City Council Meeting held on November 17, 2005, be approved as presented. **CARRIED**

(Samson/Bruckler)

That the Minutes of the City Council Meeting held on November 23, 2005, be approved as presented. **CARRIED**

COMMUNICATIONS**(McCarthy/McHattie)**

That Council Communications 5.1 to 5.10 be approved, as amended as follows:

- 5.1 Correspondence from Mayor Rob Maclsaac, Chair, Transit Board Members Committee – CUTA respecting New Deal for Cities and Communities with respect to public transit

(McHattie/Whitehead)

Recommendation: Be received and referred to the Provincial Gas Tax Transit Master Plan Steering Committee.

AMENDMENT CARRIED

- 5.2 Correspondence from Rebecca Ryder, Realtors Association of Hamilton-Burlington respecting harmonization of sign by-law

Recommendation: Be received and referred to the General Manager of Planning and Economic Development Committee for review during sign by-law consultation process

- 5.3 Correspondence from Brian Wilson, President, Hamilton Chamber of Commerce respecting establishment of a Hamilton Triple Bottom Line Business Attraction Task Force

(Whitehead/McHattie)

Recommendation: That the communication be forwarded to the Triple Bottom Line Business Attraction Task Force.

AMENDMENT CARRIED

- 5.4 Resolution from Town of Halton Hills respecting investigation into the transparencies and fairness of MPAC in valuing properties

(Pearson/McCarthy)

Recommendation: That the City of Hamilton support the Motion from the Town of Halton Hills.

AMENDMENT CARRIED

- 5.5 Correspondence from Paul Sutherland and Carolynne Griffith, Farmgate5 requesting adoption of a resolution respecting the preservation of Ontario's dairy, egg and poultry farmers' supply management marketing system

(Mitchell/Braden)

Recommendation: That the City of Hamilton endorse the request from Farmgate5

AMENDMENT CARRIED

- 5.6 Correspondence from Luc Rouleau, Director, Ministry of Canadian Heritage respecting federal funding to the arts and culture in Canada

Recommendation: Be received

- 5.7 Correspondence from City of Kitchener respecting review of amalgamations in Ontario

(McCarthy/McHattie)

Recommendation: That the recommendation from the City of Kitchener be endorsed.

AMENDMENT CARRIED

- 5.8 Correspondence from the Honourable Laurel Broten, Minister of the Environment respecting disposition of municipal waste at Ontario Landfills.

Recommendation: Be received

- 5.9 Correspondence from the Town of Tecumseh respecting WSIB amendments to definition of Volunteer Forces

Recommendation: Be received

- 5.10 Correspondence from Alzheimer's Society announcing Alzheimer's month in the City of Hamilton (to be distributed).

Recommendation: Be received.

- 5.11 Added Correspondence from Mr. Tony Ivic, Ivicon Construction Co. Ltd. regarding City of Hamilton By-Law 05-336.

(Bratina/Jackson)

Recommendation: Be received and referred to the General Manager of Planning and Economic Development Committee and the City Solicitor for a report back to the Planning & Economic Development Committee.

AMENDMENT CARRIED

MOTION AS AMENDED CARRIED

(McCarthy/McHattie)

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

CARRIED

**PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE
REPORT 05-018**

(Mitchell/McCarthy)

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

CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 05-027

- Item 5 Funding of Structural Repairs to the Main House, Auchmar Estate, 88 Fennell Avenue West (PED05216) (Ward 8)**

(Whitehead/McHattie)

That Item 5 of Planning and Economic Development Committee Report 05-027 respecting Funding of Structural Repairs to the Main House,

Auchmar Estate, 88 Fennell Avenue West be referred for consideration to the 2006 Capital Budget deliberations with the instruction that staff from the Public Health and Community Services Department prepare a report with detailed financial information regarding the short term emergency repair, and the long term requirements for the stabilisation, repair and rehabilitation of the building

Amendment CARRIED

Item 38 Application to Amend City of Stoney Creek Zoning By-law No. 3692-92 for Lands Located at 341 Regional Road 20 (Stoney Creek) (PED05201) (Ward 11)

(Mitchell/Pearson)

That this item be referred back to the Planning and Economic Development Committee for further discussion, to come back within a month

CARRIED

(Whitehead/Pearson)

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

CORPORATE SERVICES COMMITTEE REPORT 05-018

Item 4. Monthly Status Report of Tenders and Requests for Proposals for October, 2005 (FCS05023(h)) (City Wide) (Item 5.3)

Councillor McHattie advised that he wished to be recorded as opposed to Item 4.

Item 9. Financial Assistance to Hamilton Artists Inc. (City Wide) (GRA05011) (Outstanding Business Item Q) (Item 8.3)

(McHattie/Bratina)

That the following Item 9, as amended, be referred to the 2006 budget process;

The request for a one time grant in the amount of \$18,000 for the Hamilton Artists Inc. to cover renovation expenses;

AMENDMENT CARRIED

MOTION AS AMENDED CARRIED

(Braden/Bratina)

That the EIGHTEENTH Report of the Corporate Services Committee be adopted, as amended and the information section received. **CARRIED**

STRATEGIC PLANNING & BUDGETS COMMITTEE REPORT 05-014**Item 2. Report 05-003 of the Hamilton Future Fund Board of Directors (Item 8.2)****Art Gallery of Hamilton – Funding Request**

Councillors Collins and Braden advised that they wished to be recorded as opposed to Item 2.

(McHattie/Merulla)

That the FOURTEENTH report of the Strategic Planning & Budgets Committee be adopted, and the information section received. **CARRIED**

SOCIAL AND PUBLIC HEALTH SERVICES COMMITTEE REPORT 05-016**(Bruckler/Braden)****1. Air Quality Initiatives and Issues Summary (SPH05060) (City Wide) (Item 5.1)**

That Part (a) of this Item be referred back to Committee for a report from the General Manager of Public Works, Infrastructure and Environment, in consultation with the Medical Officer of Health regarding Air Quality Issues.

AMENDMENT CARRIED

(McHattie/Merulla)

That the SIXTEENTH Report of the Social & Public Health Services Committee be adopted, as amended, and the information section received. **CARRIED**

COMMUNITY SERVICES COMMITTEE REPORT 05-013**(Bruckler/Collins)**

That the THIRTEENTH Report of the Community Services Committee adopted and the Information section be received. **CARRIED**

COMMITTEE OF THE WHOLE REPORT 05-024**(McCarthy/McHattie)**

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

COMMITTEE OF THE WHOLE REPORT 05-025**Item 1. 2006 Tax Supported User Fees (FCS05122) (City Wide) (Item 7.1)**

Councillor McHattie advised that he wished to be recorded as opposed to Item 1.

(McCarthy/McHattie)

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

COMMITTEE OF THE WHOLE REPORT 05-026**(McCarthy/McHattie)**

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

COMMITTEE OF THE WHOLE REPORT 05-027**(McCarthy/McHattie)**

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

MOTIONS

- 7.1 Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site) Ministry of Environment Reference #0974-67NNF2, Safety-Kleen Canada Inc., Located at 1574 Wilson Street West (Ancaster) (PED05158) (Ward 12) (Item 8.1) (Tabled from the November 17, 2005 Council meeting)**

(Whitehead/Pearson)

That this Item be lifted from the Table.

CARRIED

- 7.1 Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site) Ministry of Environment Reference #0974-67NNF2, Safety-Kleen Canada Inc., Located at 1574 Wilson Street West (Ancaster) (PED05158) (Ward 12) (Item 8.1) (Tabled from the November 17, 2005 Council meeting)**

(Whitehead/Pearson)

That Item 7.1 Application to Amend an Existing Provisional Certificate of Approval (Waste Disposal Site) Ministry of Environment Reference #0974-67NNF2, Safety-Kleen Canada Inc., Located at 1574 Wilson Street West (Ancaster) (PED05158) (Ward 12) (Item 8.1), be referred back to the Planning and Economic Development Committee, for further discussion at the time the

requested information on clean-up of the adjacent property from the Ministry of the Environment has been received. **CARRIED**

7.2 Committee to determine Core Mandates of the City

(Whitehead/Pearson)

That Motion 7.2 be amended and replaced with the following:

That the City Manager be directed to prepared a report respecting the required staffing and cost implications to conduct a service inventory review for the City of Hamilton.

**AMENDMENT CARRIED
MOTION AS AMENDED CARRIED**

7.3 Resignation/Appointment to the Tourism Hamilton Board

(McHattie/Merulla)

That Appendix A attached to the motion approved by Council on December 3, 2003 which indicates membership to the Outside Boards/Agencies/Committees for the 2004-2006 Term of City Council, be amended by deleting the name of Councillor B. McHattie as a representative on the Tourism Hamilton Board and replacing it with the name Councillor T. Whitehead in lieu thereof.

CARRIED

7.4 Renaming Physician Recruitment and Retention Focus Group

(Whitehead/Pearson)

That the Physician Recruitment and Retention Focus Group be renamed the Physician Recruitment and Retention Steering Committee.

CARRIED

7.5 Restricting and/or prohibiting large scale additions and/or dwellings (monster homes) in certain residential areas

(Whitehead/Pearson)

That the General Manager of Planning and Economic Development be directed to study and provide implementation regulations as part of the City's new comprehensive zoning by-law program to restrict and/or prohibit large scale additions and/or dwellings (monster homes) in the appropriate residential areas in the vicinity of Mohawk College.

CARRIED

7.6 Resignation/Appointment to Hamilton Utilities Board

(McHattie/McCarthy)

That Item 3 of Committee of the Whole Report 05-002 respecting Designation of Councillor McHattie to the Hamilton Utilities Board of Directors approved by City Council on February 9, 2005, be amended by deleting the name of Councillor Brian McHattie in subsection (c) and replacing with the name of Councillor Merulla in lieu thereof to expire with the term of Council, November 30, 2006.

CARRIED**7.7 Added Motion respecting 2824 Barton Street East****(Collins/Kelly)**

That the Rules of Procedure be waived to introduce a new Motion.

CARRIED**(Collins/Kelly)**

That the Director of Building Services be authorized and directed to issue a demolition permit for 2824 Barton Street East, without the requirement for a building permit for a replacement building, subject to section 33 of the Planning Act, as amended.

CARRIED**STATEMENT BY MEMBERS**

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

Mayor Dilanni extended Council's wishes to Councillor Ferguson and Councillor Morelli for a speedy recovery to good health.

BY-LAWS**(Jackson/Ferguson)**

That Bill Nos. 05-362 to 05-380 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 05-362 to 05-380:

By-law	Bill No.	
05-362	362	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs
05-363	363	To Amend By-law No. 01-215, To Regulate Traffic: Schedule 5 – Stop Signs
05-364	364	To Delegate to the Director of Development and Real Estate Certain Assigned Council Authority Under The Ontario Heritage Act for the Power to Consent to Permit for the Alteration of Designated Property
05-365	365	To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located on a Portion of 404 McNeilly Road
05-366	366	To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2141 Woodburn Road
05-367	367	Respecting Removal of Part Lot Control, Block 134, Registered Plan 62M-1033, Summit Park – Phase 1

- 05-368 368** 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 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
Schedule 15 – Commercial Vehicle Loading Zones
Schedule 20 – School Bus Loading Zones
- 05-369 369** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 1244 Upper Gage Avenue
- 05-370 370** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 2330 Guyatt Road
- 05-371 371** To Adopt Official Plan Amendment No. 203 to the Former City of Hamilton Official Plan, Respecting 50 & 52 Fraser Avenue and Part of 57 Argyle Avenue
- 05-372 372** To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 50 & 52 Fraser Avenue, and Part of 57 Argyle Avenue
- 05-373 373** To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 411 and 421 Kitty Murray Lane and the Rear of 431, 441, 451 and 461 Kitty Murray Lane
- 05-374 374** To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at the Southeast Corner of Rymal Road East and Dakota Boulevard
- 05-375 375** To Implement the 2006 Fees and Charges for Laboratory Services
- 05-376 376** To Amend the Sanitary Surcharge and Wastewater Abatement By-law 03-272, as amended, and Implement the 2006 Fees and Charges
- 05-377 377** To Amend the Sewer and Drain By-law R79-172, as amended, and Implement the 2006 Fees and Charges
- 05-378 378** To Amend the Sewer Use By-law 04-150, as amended, and Implement the 2006 Sewer Use Fees and Charges
- 05-379 379** To Amend the Waterworks By-law R84-026, as amended, and Implement the 2006 Water Fees and Charges
- 05-380 380** To Confirm the Proceedings of City Council

The City Council meeting adjourned at 8:57 p.m.

Respectfully submitted,

Larry Dilanni
Mayor

Kevin C. Christenson
Clerk
December 14, 2005