Mayor Eisenberger called the meeting to order and called upon Father Bill Trusz of St. Margaret Mary Church in Hamilton to lead Council in prayer.

ANNOUNCEMENT

Mayor Eisenberger announced the passing of Joe Pavelka, who worked with the City of Hamilton for 20 years, moving from an engineer to head of Public Works, and then City Manager before he left the City in 1998 to become the CAO for Chatham-Kent. On behalf of City Council, Mayor Eisenberger extended sympathy and condolences to his family and friends during this most difficult time.

Members of Council also took the opportunity to speak about their memories of Joe, and to convey their condolences to his family and friends.

Mayor Eisenberger announced that on Saturday, March 29, 2008 at 8:00 p.m., the world will turn off its lights for just one hour – Earth Hour – to show their support for taking action on climate change.
The City of Hamilton will be turning off all non-essential lights in our corporate facilities and reducing power at the City’s Water Treatment Plant and shutting off decorative tree lighting in the Downtown Core for Earth Hour. The Mayor encouraged the community to turn off non-essential lights and reduce energy consumption for this one hour to raise awareness about climate change and to talk to family, friends and neighbours and challenge them to participate in Earth Hour.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

(a) Added Communication:

   5.29 Correspondence from Michael Desnoyers, Co-Chair, Hamiltonians for Progressive Development, respecting Airport Economic Growth District Community Liaison Committee’s Terms of Reference and Composition (Item 14 of ED&P Report 08-005)

   Recommendation: Be received.

(b) Item 6.9 – Committee of the Whole Report 08-017, March 26, 2008 (BUDGET) – Report deleted from the agenda as it will be considered by Council at a special meeting on March 27, 2008

(c) Motion 7.1 – “International Charter for Walking” is attached as it was inadvertently omitted from the agenda

(Powers/Pearson)

That the Agenda for the City Council meeting being held on March 26, 2008, be approved, as amended.

CARRIED

**DECLARATIONS OF INTEREST**

None declared.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

None
APPROVAL OF MINUTES

(Mitchell/Powers)
That the Minutes of the February 27, 2008, meeting of Council be approved, as presented.  
CARRIED

(Duvall/Collins)
That the Minutes of the February 28, 2008, meeting of Council be approved, as presented.  
CARRIED

(Ferguson/Merulla)
That the Minutes of the March 5, 2008 meeting of Council be approved, as presented.  
CARRIED

COMMUNICATIONS

(Bratina/Clark)
That Council Communications 5.1 to 5.29, as amended, be approved, as follows:

5.1 Correspondence from Juanita Gledhill respecting Macassa Lodge Specialized Adult Weekend Program approval for One-Time recurring funding in 2008/2009
   Recommendation: Be received

5.2 Correspondence from Premier Dalton McGuinty respecting Permits to Take Water Applications
   Recommendation: Be received

5.3 Correspondence from Jim Whelan, President, Ontario Harness Horse Association respecting reductions in race days at Flamboro Downs
   Recommendation: Be received

5.4 Correspondence from Richard Koroscil, President/CEO and Ron Foxcroft, Chairman, John C. Munro Hamilton International Airport/Tradeport International respecting City’s support of land purchase
   Recommendation: Be received

5.5 Correspondence from Paul Moist, National President, CUPE-SCFP respecting support for long-term and sustainable funding for municipal infrastructure
   Recommendation: Be received
5.6  Correspondence from the Honourable Minister of Transportation, Jim Bradley respecting creating pedestrian friendly environments

Recommendation: (Merulla/McHattie)
Be received and referred to the General Manager of Public Works, in conjunction with the Medical Officer of Health, to initiate and continue dialogue with the Province on the issue of creating pedestrian friendly environments.

5.7  Correspondence from Keith Murch, Assistant CAO/Secretary-Treasurer, Grand River Conservation Authority respecting Grand River Conservation Authority General Levy

Recommendation: Be received

5.8  Correspondence from the Honourable Minister of Finance, James Flaherty respecting VIA Rail Station

Recommendation: Be received

5.9  Correspondence from the Honourable Deputy Minister of Emergency Planning and Management respecting municipal requirements of the Emergency Management and Civil Protection Act

Recommendation: Be received

5.10 Correspondence from the Honourable Minister of Finance James Flaherty respecting City of Hamilton’s views and recommendations in preparation for the 2008 Budget

Recommendation: Be received

5.11 Correspondence from the Town of Amherstburg respecting Lead Testing Mandated by Province for Municipal Drinking Water

Recommendation: Be received

5.12 Correspondence from the Premier of Ontario Dalton McGuinty respecting Lister Block Rehabilitation Program and the City’s request for approval to use the $7 million provincial capital grant

Recommendation: Be received

5.13 Correspondence from The Honourable Minister of Municipal Affairs and Housing Jim Watson respecting amendment to Provincial Funding Agreement for the purchase of Lister Block

Recommendation: Be received
5.14 Correspondence from E. Butt, President, Cab Drivers Welfare Association of Hamilton respecting installation of safety shields

Recommendation: Be received and referred to the special Economic Development and Planning Committee

5.15 Correspondence from Town of Newmarket respecting mis-use of disabled parking permits and parking spaces

Recommendation: Be received and referred to the Advisory Committee for Persons with Disabilities for comment and to the General Manager of the Planning and Economic Development for a report to the Economic Development and Planning Committee

5.16 Correspondence from the Town of Milton respecting security deposits for pit/quarry rehabilitation

Recommendation: That the resolution approved by City Council at its meeting of February 27, 2008 (attached) be forwarded to the Town of Milton

5.17 Correspondence from Tyler MacLeod, President, Hamilton Chamber of Commerce respecting recommendations by the Waterfront Revitalization Task Force on the West Harbour Waterfront Recreation Master Plan

Recommendation: Be received and referred to the Public Works Committee

5.18 Correspondence from the Honourable Minister of Municipal Affairs and Housing respecting draft criteria for Growing the Greenbelt – Consultation 2008

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for a report to the Economic Development and Planning Committee

5.19 Correspondence from the Region of Niagara respecting amendment to Bill C-22 – addition of seats in the House of Commons

Recommendation: (McCarthy/Clark) Be received.

5.20 Correspondence from the City of Ottawa respecting Banning Smoking in Vehicles Containing Children

Recommendation: (Clark/McHattie) Be received.

5.21 Correspondence from Chief of Police Brian Mullan respecting Police Investigation – Breach of Confidential Information

Recommendation: (Jackson/Morelli) Be received.
5.22 Correspondence from the Region of Halton requesting the Province assume funding responsibility for GO Transit Growth

Recommendation:  (Pearson/Bratina) Be received.

5.23 Correspondence from The Honourable Minister of Natural Resources, Donna Cansfield respecting Community Beach Ponds

Recommendation:  (McHattie/Jackson) Be received and referred to Planning staff for follow up.

5.24 Correspondence from Mayor Dave Bronconnier, City of Calgary respecting FCM Big City mayors Caucus meeting on February 8, 2008 and motion respecting The City of Calgary’s revised Military Leave policy

Recommendation:  (Merulla/Morelli) Be received and referred to the City Manager for a report to the Audit and Administration Committee.

5.25 Correspondence from The Region of Durham respecting 2008 Budget Process – GO Transit

Recommendation:  (Ferguson/Bratina) Be received.

5.26 Correspondence from the City of St. Catharines respecting Representation by Population

Recommendation:  (Clark/Whitehead) Be received.

5.27 Correspondence from the Town of Tecumseh respecting Municipal Rural Infrastructure Program (MRIF)

Recommendation:  (Powers/Pearson) Be received.

5.28 Correspondence from Carol Hochu, Ontario Stone, Sand, and Gravel Association respecting Carlisle groundwater-based municipal drinking water system

Recommendation:  (McCarthy/Jackson) Be received.

5.29 Correspondence from Michael Desnoyers, Co-Chair, Hamiltonians for Progressive Development, respecting Airport Economic Growth District Community Liaison Committee’s Terms of Reference and Composition (Item 14 of ED&P Report 08-005)

Recommendation:  (Whitehead/Mitchell) Be received.

(Bratina/Clark)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports.  

CARRIED
PUBLIC WORKS COMMITTEE REPORT 08-005

Item 8 Niagara to GTA Corridor Planning and Environmental Assessment Study – City of Hamilton Stakeholder Groups Co-ordination Committee (City Wide) (PW08025) (Item 8.3)

(Collins/Duvall) That Item 8 of Public Works Committee Report 08-005 respecting Niagara to GTA Corridor Planning and Environmental Assessment Study – City of Hamilton Stakeholder Groups Co-ordination Committee (City Wide) (PW08025), be referred back to the Public Works Committee for further discussion with respect to the composition of the Stakeholders Group Co-ordination Committee. CARRIED

(Powers/Collins) That the FIFTH Report of the Public Works Committee be adopted, as amended, and the information section received. CARRIED

AUDIT & ADMINISTRATION COMMITTEE 08-004

(Pearson/Bratina) That the FOURTH Report of the Audit & Administration Committee be adopted and the information section received. CARRIED

EMERGENCY & COMMUNITY SERVICES COMMITTEE 08-004

(Jackson/McCarthy) That the FOURTH Report of the Emergency & Community Services Committee be adopted and the information section received. CARRIED

COMMITTEE OF THE WHOLE REPORT 08-014

(Bratina/Clark) That the FOURTEENTH Report of Committee of the Whole be received. CARRIED

BOARD OF HEALTH 08-004

Item 4 Action on Tobacco Control (BOH07034(a)) (City Wide)

(Whitehead/Jackson) That Item 4(b) of the Board of Health Report 08-004 be amended by adding the following words after the words, “legal staff”:

“and if there are any cost implications of enforcement to the City, that appropriate funding be allocated for such costs.” Amendment CARRIED
(Powers/Pearson)
That Item 4(d) of the Board of Health Report 08-004 be amended to include the local Federal Members of Parliament and the Federal Ministers of Public Security, Justice and Health. Amendment CARRIED

Item 4 was split for voting purposes:

Sub-section (a) CARRIED.

Sub-section (b) CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Collins, Ferguson, Jackson, McCarthy, McHattie, Morelli, Powers, Whitehead
Total Yea: 10
Nays: Clark, Duvall, Merulla, Pasuta, Mitchell, Pearson
Total Nays: 6

Sub-section (c) CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Collins, Ferguson, Jackson, McCarthy, McHattie, Morelli, Powers, Whitehead
Total Yea: 10
Nays: Clark, Duvall, Merulla, Pasuta, Mitchell, Pearson
Total Nays: 6

Sub-section (d), as amended, CARRIED.

Sub-section (e) CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Collins, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pearson, Powers, Whitehead
Total Yea: 12
Nays: Clark, Duvall, Pasuta, Mitchell
Total Nays: 4

Sub-section (f) CARRIED.

(Bratina/Clark)
That the FOURTH Report of the Board of Health be adopted, as amended, and the information section received. CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 08-005

Item 14 Airport Employment Growth District (AEGD) Community Liaison Committee’s Terms of Reference (PED08057) (City Wide)

Sub-section (a) CARRIED on the following recorded vote:
Item 14 CARRIED.

Item 16  Focusing Efforts on Employment Lands (PED08066)

Sub-section (e) CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total Yeas: 15
Nays: Clark
Total Nays: 1

(McHattie/Collins)
That the following be added as sub-section (f):

(f) That staff be directed to prepare a Discussion Paper on Brownfields that would be part of the employment lands study, and consult with the public on that Discussion Paper, similar to the employment lands study. Amendment CARRIED

Motion as amended CARRIED

Item 17  Appeal of the City of Hamilton Committee of Adjustment Consent/Land Severance Application SC/B-07:150 to SC/B-07:155 for the Properties Located at 1187, 1215, 1217, 1227 and 1239 Barton Street (Stoney Creek)

(Whitehead/Pearson)
That the following be added as sub-sections (c) and (d)

(c) That the City Solicitor be authorized to retain an outside consulting appraiser to assist the City in defending its Appeal;

(d) That the General Manager of Finance and Corporate Services be directed to identify an appropriate funding source for the consultant appraiser as noted in (c) above. Amendment CARRIED

Motion as amended CARRIED

(Whitehead/Powers)
That the FIFTH Report of the Economic Development & Planning Committee be adopted, as amended, and the information section received. CARRIED
COMMITTEE OF THE WHOLE REPORT 08-015

(Bratina/Clark)
That the FIFTEENTH Report of Committee of the Whole be adopted, and the information section received. CARRIED

COMMITTEE OF THE WHOLE REPORT 08-016

Item 1 Lister Block Amending Conditional Grant Agreement
(PD05095(a)/FCS08030/CM05018(a))

The motion CARRIED on the following recorded vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pasuta, Mitchell, Pearson, Powers, Whitehead
Total Yeas: 15
Nays: Duvall
Total Nays: 1

Item 4 City of Hamilton v Attorney General of Canada et al, Ontario Superior Court Action No. C-383/04 (LS04021(a)) (City Wide)

(Whitehead/Duvall)
That Council move into Closed Session to consider a matter pursuant to Section 239 of the Municipal Act, 2001, respecting advice that is subject to solicitor-client privilege, including communications necessary for that purpose, regarding the City of Hamilton v Attorney General of Canada et al.

The motion LOST on the following recorded vote:

Yeas: Eisenberger, Duvall, Pasuta, Mitchell, Powers, Whitehead
Total Yeas: 6
Nays: Bratina, Clark, Collins, Ferguson, Jackson, McCarthy, McHattie, Merulla, Morelli, Pearson
Total Nays: 10

Item 4 CARRIED on the following recorded vote:

Yeas: Clark, Collins, Duvall, Ferguson, Jackson, McCarthy, Morelli, Pasuta, Mitchell, Pearson
Total Yeas: 10
Nays: Eisenberger, Bratina, McHattie, Merulla, Powers, Whitehead
Total Nays: 6
(Bratina/Clark)
That the SIXTEENTH Report of Committee of the Whole be adopted and the information section received.  
CARRIED

(Bratina/Clark)
That the Committee of the Whole rise and report.  
CARRIED

MOTIONS

7.1 International Charter for Walking

(McHattie/Merulla)
Whereas, the International Charter for Walking was developed at the October 2006 International Walk 21 conference, and;

Whereas, the City of Hamilton has made the pedestrian mode of travel a key component of the Master Transportation Plan, and;

Whereas, reducing vehicle trips by promoting a more walkable community cuts down on air pollution and greenhouse gas emissions, and;

Whereas, making a community more walkable directly addresses our community’s obesity problem and promotes better public health, and;

Whereas, 16 Ontario communities (including Brantford, Niagara, Toronto and Sudbury) have already signed the International Charter for Walking;

Therefore, be it Resolved

That the Council of the City of Hamilton endorse the “International Charter for Walking” attached hereto, in recognition of the benefits of walking as a key indictor of healthy, efficient, social inclusive and sustainable communities.  
CARRIED

7.2 Green Communities Canada/WALK 21 Organization

(McHattie/Merulla)
That Item 7.2 be deleted in its entirety and replaced with the following in lieu thereof:

Whereas, Green Communities Canada is applying for a grant from the federal Department of Transportation’s Moving on Sustainable Transportation initiative (MOST) program, and
Whereas, the City of Hamilton may be chosen as a lead city in the Canadian Walking Master Class project; and,

Whereas, details of the City’s involvement will be provided back to City Council should Green Communities Canada be successful in acquiring the grant and choose Hamilton to participate,

Therefore:

That City Council provide a letter of interest in participating in the Canadian Walking Master Class project as a lead city.  CARRIED

7.3(a) Sanitary Sewer Construction West 5th Street – Outstanding Business Item A – Tabled by Council at its meeting of September 26, 2007

(Whitehead/Powers)
That Subsection (e)(i) of Item 17 of Public Works Committee Report 07-011 respecting Funding Methodology for Municipal Infrastructure Extensions Review and Update be lifted from the Table.

“(e) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the necessary cost recovery by-laws in accordance with the Funding Methodology for Municipal Infrastructure Extensions Policy contained in Appendix A to Report TOE02005b/FCS02026b/PED07248 for the following sanitary sewer construction projects:

(i) West 5th Street - 40 metres north of Rymal Road to 120m south of Stone Church Road” CARRIED

7.3(b) (Whitehead/Powers)
That Subsection (e)(i) of Item 17 of Public Works Committee Report 07-011 respecting Funding Methodology for Municipal Infrastructure Extensions Review and Update be approved.

“(e) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the necessary cost recovery by-laws in accordance with the Funding Methodology for Municipal Infrastructure Extensions Policy contained in Appendix A to Report TOE02005b/FCS02026b/PED07248 for the following sanitary sewer construction projects:

(i) West 5th Street - 40 metres north of Rymal Road to 120m south of Stone Church Road” CARRIED

(Mitchell/Pasuta)
That the Rules of Order be waived to introduce a motion respecting a request to change Canadian food packaging regulations. CARRIED
That the following be added as Motion 7.4:

7.4 Request for changes to Packaging Regulations

**Whereas** the CanGro plant in the City of St. David’s (St. Catharines) is closing on March 31, 2008;

**Whereas** several of our Hamilton growers supply peaches and pears to this facility;

**Whereas** food companies can outsource their fruit requirements from foreign countries and continue to market them in Canada as a Product of Canada as long as 51% of the product (including packaging) is produced in Canada;

**Now therefore be it resolved**, that the City of Hamilton send a letter to the Prime Minister of Canada, the local Members of Parliament, and FCM to request that legislation be passed to require Canadian food manufacturers to use Canadian grown produce or, at the very least, that food packaging regulations be amended to prohibit food which has been outsourced from foreign countries to be labelled as products of Canada and to clearly indicate where the ingredients were grown.

(Mitchell/Pasuta)
That the motion be amended to include the federal Minister of Agriculture and Agrifood. Amendment CARRIED
Motion as amended CARRIED

(Bratina/Collins)
That the rules of Procedure be waived to allow an additional motion respecting a litigation matter (Yale Properties). CARRIED

(Bratina/Collins)
That the following be added as Motion 7.5:

7.5 City’s Policy respecting Contracting with Parties involved in Litigation with the City of Hamilton

(a) That the City temporarily waive its policy respecting contracting with parties with whom it is engaged in litigation as it would apply to Yale properties in order to:

(i) continue its current tenancies with Yale Properties on a short-term basis;
(ii) continue discussions with Yale Properties with the goal of establishing a mutually-advantageous solution which will enable the City and Yale properties to resolve the on-going litigation, enter renewed longer-term leases and/or further leases and have a sound business relationship going forward into the future;

(b) That the General Manager of Public Works and the City Solicitor report back to the Committee of the Whole with respect to this matter no later than the end of September, 2008. CARRIED

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

BY-LAWS

(Bratina/Clark)
That the Bill List be amended to include the following by-law:

By-law No. 08-066 To Authorize an Amending Agreement Between the City of Hamilton and Her Majesty the Queen in Right of Ontario (The Province of Ontario)

and the Confirming By-law be re-numbered accordingly. CARRIED

(Bratina/Clark)
That Bill Nos. 08-051 to 08-067 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 08-051 to 08-067 as follows:

By-law No.

08-051 To Amend Market By-law No. 92-310
08-052 To Amend By-law No. 01-215, To Regulate Traffic:
  Schedule 5 – Stop Signs
08-053 To Amend By-law No. 01-215, To Regulate Traffic:
  Schedule 2 – Speed Limits
By-law No. 08-054 To Amend By-law No. 01-218. as amended, To Regulate On-Street Parking:
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 15 – Commercial Vehicle Loading Zones

08-055 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

08-056 To Amend By-law No. 06-147, To Authorize the City to Enter into Extension Agreements

08-057 Respecting the Removal of Part Lot Control, Block 8, Registered Plan 62M-1093 (“Timothy’s Walk”)

08-058 Respecting the Removal of Part Lot Control, Elizabeth Gardens, Phase 3, Block 132, Registered Plan No. 62M-1062

08-059 To Adopt Official Plan Amendment No. 119 to the former Town of Ancaster Official Plan Respecting 591 Garner Road West

08-060 To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 591 Garner Road West

08-061 To Adopt Official Plan Amendment No. 120 to the former Town of Ancaster Official Plan, Respecting Lands Known Municipally as 1173 and 1203 Old Golf Links Road

08-062 To Amend Zoning By-law No. 84-57 (Ancaster), as amended, Respecting Lands Located at 1173 and 1203 Old Golf Links Road

08-063 To Amend Zoning By-law No. 87-57 (Ancaster), as amended Respecting Lands Located at 27 Oldoakes Place

08-064 To Amend By-law No. 01-215, To Permit the Use of City Sidewalks by Segway Personal Transporters

08-065 To Amend By-law No. 01-219, To Provide for Operation of Segway Personal Transporters in Municipal Parks

08-066 To Authorize an Amendment Agreement between the City of Hamilton and Her Majesty the Queen in Right of Ontario (The Province of Ontario)

08-067 To Confirm the Proceedings of City Council

CARRIED
There being no further business, the City Council meeting adjourned at 10:40 p.m.

CARRIED

Respectfully submitted

Fred Eisenberger
Mayor

Kevin Christenson
Clerk
March 26, 2008