Mayor L. DiIanni called the meeting to order.

Mayor DiIanni called upon Reverend Mark Lewis from McNab Street Presbyterian Church in Hamilton, to lead the Council in prayer.

Prior to commencing the business of Council, Mayor DiIanni advised Council of the passing of Bill Baker, a 29-year employee of the former City of Stoney Creek and the City of Hamilton, and expressed condolences to his family on behalf of Council.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

(a) **ADDED COMMUNICATIONS**

   5.16 Correspondence from Sergio Manchia, Planning and Engineering Initiatives Ltd. respecting Item 16 of the Planning and Economic Development Committee Report 03-006 requesting the item be referred back to Committee to allow the opportunity to address Committee.
5.17 Correspondence from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting funding for Affordable Housing Program and the Provincial Rent Bank Program.

5.18 Correspondence from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting transfer of First Place Hamilton to the City Of Hamilton

(b) REPORTS

6.8 Public Works, Infrastructure and Environment Committee Report 05-005, March 22, 2006 (to be distributed)

(c) MOTIONS

7.3 Respecting amendment to the Naming Policy

7.4 Housekeeping Motion respecting Licensing Committee Report 04-005

7.5 Respecting the establishment of a “Hamilton Day Steering Committee”

(Kelly/Pearson)
That the Agenda for the City Council meeting being held on March 22, 2006, as amended, be approved. CARRIED

DECLARATIONS OF INTEREST

Item 10.1 Retention of Outside Legal Counsel – Prosecutions – Timothy J. Wilkin

Mayor L. Dilanni declared his interest in this item as he is named in the compliance audit and vacated the Council Chambers during the discussion of this item.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor Dilanni recognized Hamilton soldiers representing the Royal Hamilton Light Infantry, the 23rd Battalion and the Argyll and Sutherland Highlanders of Canada for their humanitarian efforts exhibited during their deployment overseas and more specifically, in Afghanistan. With great pride, thanks and appreciation, the Mayor called upon each of the soldiers to and presented them with a certificate in recognition of their humanitarian efforts exhibited during their deployment overseas.

Following the presentation, the Mayor called upon Lieutenant-Colonel Tom Compton to address Council.
APPROVAL OF MINUTES

(Mitchell/Morelli)
That the Minutes of the City Council Meeting held on March 1, 2006, be approved as presented.

CARRIED

COMMUNICATIONS

(Mitchell/Pearson)
That Council Communications 5.1 to 5.18 be approved, as amended, as follows:

5.1 Petition received from Club 60 requesting a new community centre at Community Park in Stoney Creek

Recommendation: Be received and referred to the General Manager of Community Services for a report to the Community Services Committee.

Note: The original petition is in the custody of the City Clerk and was signed by 162 citizens.

5.2 Petition respecting Keeping Family Services Open

Note: The original petition is in the custody of the City Clerk and was signed by 344 citizens.

Recommendation: Be received

5.3 Correspondence from the Honourable Sandra Pupatello, Minister of Community and Social Services respecting changes to the Ontario Works Program

Recommendation: Be received

5.4 Correspondence from Emile-J. Therien, President, Canada Safety Council congratulating the city on its impressive progress in traffic safety

Recommendation: Be received

5.5 Correspondence from the Honourable George Smitherman, Minister of Health and Long-Term Care respecting directions for public health funding in 2006

Recommendation: Be received

5.6 Correspondence from The Honourable Mary Anne Chambers, Minister of Children and Youth Services respecting the Best Start Plan

Recommendation: Be received.
5.7 Correspondence from the Honourable Jim Watson, Minister of Health Promotion respecting funding in the amount of $20,514 for the Healthy Living Hamilton Program

Recommendation: Be received.

5.8 Correspondence from Mike Goodale, Acting Assistant Deputy Minister, Operations Division, Ministry of Transportation respecting review of warrants for traffic signal installation and turning lanes at the intersections of Highway 6 and Chippewa road and Highway 6 and Haldimand Road.

Recommendation: Be received

5.9 Correspondence from Roger Letourneau, Chairman, Parking and Transportation Committee, Downtown Hamilton BIA

Recommendation: Be received and referred to the Via Rail Task Force

5.10 Correspondence from Fred Natolochny, Grand River Conservation Authority respecting Revised Regulations, Regulation of Development, Interference with Wetlands and Alterations to Shorelines and Watercourses

Recommendation: Be received

5.11 Correspondence from Mayor Barbara Kelly, City of Kawartha Lakes respecting Municipal Property Assessment Corporation

Recommendation: (McHattie/Collins) Be endorsed and a copy of the correspondence be forwarded to the Premier of Ontario. Amendment CARRIED

5.12 Correspondence from Roger Anderson, Co-Chair of the GTAHH Mayors and Regional Chairs Group respecting Replica and Imitation Firearms By-law

Recommendation: (Merulla/Jackson) Be referred to the Hamilton Police Services Board for consideration. Amendment CARRIED

5.13 Correspondence from the Chris Somerville, Clerk, Township of King respecting amending the Income Tax Act to provide same benefits to donors of farmland and requesting the federal government to consider other farmland conservation incentives to ensure that farmland remains in agriculture

Recommendation: Be received and referred to the Agricultural Sub-Committee
5.14 (a) Correspondence from Ian Brisbin, Mackesy, Smye respecting Adult Entertainment Parlour License for Rita Mary Owen, o/a Stilletto’s, 150 Centennial Parkway, Hamilton

Note: This item corresponds to Item 6 of the Licensing Committee Report 06-003

Recommendation: Be received

(b) Correspondence from Ian Brisbin, Mackesy, Smye requesting Item 6 of the Licensing Committee Report 06-003 be referred back to the Licensing Committee or have Item 6 of the Licensing Committee Report rejected by Council

Recommendation: Be received.

5.15 Correspondence from Michael Desnoyers and Jack Santa-Barbara, Hamiltonians for Progressive Development respecting plans for an aerotropolis

Recommendation: (McHattie/McCarthy) Be received and that Councillor McHattie will undertake arranging a meeting with the appropriate parties. Amendment CARRIED

5.16 Correspondence from Sergio Manchia, Planning and Engineering Initiatives Ltd. Respecting Item 16 of the Planning and Economic Development Committee Report 03-006 requesting the item be referred back to Committee to allow the opportunity to address Committee.

Recommendation: Be received.

5.17 Correspondence from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting funding for Affordable Housing Program and the Provincial Rent Bank Program.

Recommendation: Be received

5.18 Correspondence from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting transfer of First Place Hamilton to the City Of Hamilton

Recommendation: Be received Motion as amended CARRIED

(Mitchell/Pearson) That Council move into Committee of the Whole for consideration of the Standing Committee Reports. CARRIED
PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT
COMMITTEE REPORT 06-004

(McCarthy/McHattie)
That the FOURTH Report of the Public Works, Infrastructure and Environment Committee be adopted, and the information section received. CARRIED

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE REPORT 06-004

Item 16 Stoney Creek Urban Boundary Expansion (Item 12.1)

(Pearson/Mitchell)
That the following item be referred back to the Planning and Economic Development Committee for further review;

That the City of Hamilton request the Ontario Municipal Board to further amend Amendment No. 99 to the Stoney Creek Official Plan respecting two areas described as,

(i) north of Barton Street, east of Winona Road, south of the CNR railway tracks, and

(ii) west of Fifty Road and the lands between the CNR railway tracks, Winona Road, the South Service Road of the QEW, and the Hamilton municipal boundary,

to add a new clause, clause (c) to Policy A.12.6 as follows:

c) Notwithstanding Policy A.12.6 a) above, one separate integrated Class Environmental Assessment/Secondary Plan may proceed for all the landholdings in the areas described as north of Barton Street, east of Winona Road, south of the CNR railway tracks and west of Fifty Road and the lands between the CNR railway tracks, Winona Road, the South Service Road of the QEW, and the Hamilton municipal boundary, as identified on Schedule “A”, provided that:

i) a Terms of Reference for the integrated Class Environmental Assessment/Secondary Plan is reviewed and approved by the City prior to commencement; and,

ii) all costs related to the Class Environmental Assessment/Secondary Plan shall be paid for by the proponents.

CARRIED
Item (r)  ERASE Redevelopment Grant Application (ERG-05-01) - BIOX Canada Ltd., 41 Oliver Street (PED06037) - (Ward 3) (Item 8.4) (Tabled for one month by Committee on February 7, 2006)

Item (r)(iv) ERASE Redevelopment Grant Application (ERG-05-01) – BIOX Canada Ltd. 41 Oliver Street (PED06037(a)) (Ward 3) – Referred from Planning and Economic Development Committee of February 7, 2006 (Item 8.4.1)

(Pearson/Mitchell)
That the above-mentioned Items from Planning and Economic Development Committee Report 06-004, be lifted from the Information Section.  
CARRIED

(Pearson/Mitchell)
That the following Items be added to PED Report 06-004 as Items 17 and 18

17.  ERASE Redevelopment Grant Application (ERG-05-01) - BIOX Canada Ltd., 41 Oliver Street (PED06037) - (Ward 3) (Item 8.4) (Tabled for one month by Committee on February 7, 2006)

(a) That ERASE Redevelopment Grant Application ERG-05-01, submitted by BIOX Canada Ltd, tenant of the property at 41 Oliver Street for an ERASE Redevelopment Grant not to exceed $686,000 payable to BIOX Canada Ltd. over a maximum of 10 years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Agreement; and,

(b) That the City enter into an ERASE Redevelopment Agreement with BIOX Canada Ltd. regarding the terms and conditions governing the payment of an ERASE Redevelopment Grant for, and redevelopment of, 41 Oliver Street, with such agreement to be satisfactory to the City Solicitor.

(Pearson/Mitchell)
That Item 17 of Planning and Economic Development Committee Report 06-003 respecting ERASE Redevelopment Grant Application (ERG-05-01) - BIOX Canada Ltd., 41 Oliver Street, be tabled to the April 12, 2006 meeting of Council.
CARRIED

18. ERASE Redevelopment Grant Application (ERG-05-01) – BIOX Canada Ltd. 41 Oliver Street (PED06037(a)) (Ward 3) – Referred from Planning and Economic Development Committee of February 7, 2006 (Item 8.4.1)

That the Information Report be received.  
CARRIED

(Pearson/Mitchell)
That the FOURTH Report of the Planning and Economic Development Committee be adopted, as amended, and the information section received.  
CARRIED
CORPORATE SERVICES COMMITTEE REPORT 06-004

(Samson/Whitehead)
That the FOURTH Report of the Corporate Services Committee be adopted, and the information section received. CARRIED

SOCIAL SERVICES COMMITTEE REPORT 06-003

Item 4 Emergency Shelter Funding Pressures (SSC06003) (City Wide)

(Collins/Merulla)
That Item 4 of Social Services Committee Report 06-003 be referred back to the Committee pending receipt of additional information from the Province, and analysis of the same. CARRIED

(Bratina/Bruckler)
That the THIRD Report of the Social and Public Health Services Committee be adopted and the information section received. CARRIED

COMMUNITY SERVICES COMMITTEE REPORT 06-002

Item 1 First Place Hamilton Senior Service Centre (SC06005) (Ward 3)

(Jackson/Kelly)
(a) That sub-section (a) be deleted in its entirety and replaced with the following in lieu thereof:

(a) That the submission by First Place Hamilton requesting $25,000 to support their volunteer/recreation program be referred to the 2006 Community Partnership Program;

(b) That sub-section (b) be amended by deleting “/07”.
Amendment CARRIED
Motion as amended CARRIED.

(Jackson/Whitehead)
That the SECOND Report of the Community Services Committee be adopted, as amended, and the information section received. CARRIED

LICENSING COMMITTEE REPORT 06-003

(Merulla/McHattie)
That the THIRD Report of the Licensing Committee be adopted, and the information section received. CARRIED
(Pearson/Mitchell)
That the THIRD Report of the Board of Health be adopted and the information section received.  
CARRIED

PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT  
COMMITTEE REPORT 06-005

(McCarthy/McHattie)
That the FIFTH Report of the Public Works, Infrastructure and Environment Committee be adopted, and the information section received.  
CARRIED

MOTIONS

7.1 Renaming of Arcade Park to the “T. Melville Bailey Park”

(Whitehead/Samson)
That the appropriate staff be directed to prepare a report for the consideration of the Facility Naming Sub-Committee with respect to the following motion:

“That Arcade Park, at 45 Cloverhill Road, Hamilton (Ward 8), be renamed the T. Melville Bailey Park after the late Reverend Dr. T. Melville Bailey.”  
CARRIED

7.2 City Interest in Proposed Changes to the Municipal Act (CM06008)

(Samson/Whitehead)
That the Ministry of Municipal Affairs and Housing be advised that the City of Hamilton requests the added powers and authorities found in Bill 53 as described in Schedule “A” to this report.

The above-noted motion was WITHDRAWN and replaced with the following in lieu thereof:

(Collins/Morelli)
That Motion 7.2 respecting “City’s Interest in Proposed Changes to the Municipal Act” be referred to a special one-half day meeting of the Committee of the Whole, to be convened as soon as possible, for further discussion.  
CARRIED
7.3 Proposed Amendment to the City of Hamilton Municipal Property and Building Name Policy

(Whitehead/Samson)
That the following amendment be referred to the Facility Naming Sub-Committee for consideration:

That Section 6 of the City of Hamilton Municipal Property and Building Name Policy be amended by removing the words:

“For municipal property, parks, open spaces, and municipal buildings – a minimum of \( \frac{2}{3} \) of the owners of property or affiliated organizations support the name change within a 2 kilometre radius of the subject park, open space or public building;”

and replacing them to read as follows:

“For municipal property, parks, open spaces, and municipal buildings – a minimum of \( \frac{2}{3} \) of the owners of property or affiliated organizations support the name change within a 120 meter radius for neighbourhood parks and parkettes, and a 2 kilometer radius for Community Parks, open space or public building;”

CARRIED

7.4 (Merulla/McHattie)
That the following be added as Item 8 to Licensing Committee Report 04-005:

8. Taxi Priority List Annual Renewal for 2003 (PD04080(a)) (City Wide)

That the Taxicab Priority List attached to Report PD04080(a) as Appendix ‘A’, consisting of 119 names of individuals who have renewed their names on the Taxicab Priority List for the year 2003, in accordance with City of Hamilton Licensing By-law 01-156, be approved.

CARRIED

7.5 Establishment of a “Hamilton Day Steering Committee”

(Whitehead/Pearson)
(a) That a “Hamilton Day Steering Committee” be established to develop a “Hamilton Day” event with Provincial Government representatives at Queen’s Park and to create a strategy that will advance Hamilton’s causes;

(b) That the committee consist of, but not be limited to, eight community members chosen from various sectors in the community (agriculture, environment, poverty, planning, economic development, etc.);
That sub-section (c) be deleted in its entirety and replaced with the following in lieu thereof:

(c) That Councillors D. Braden, B. Kelly, M. McCarthy, B. McHattie, M. Pearson and T. Whitehead be appointed to the Committee.

Amendment CARRIED
Motion as amended CARRIED

NOTICE OF MOTION

None.

STATEMENT BY MEMBERS

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

Mayor L. DiIanni called for a motion to move In Camera and subsequently vacated the Chambers during the in camera portion of the meeting. Councillor D. Mitchell assumed the Chair.

(Braden/Bratina)
That the Committee move In Camera respecting a matter pertaining to Solicitor/Client privilege. CARRIED

(Braden/McHattie)
That the Committee reconvene in Open Session. CARRIED

10.1 Retention of Outside Legal Counsel – Prosecutions – Timothy J. Wilkin

(Whitehead/Samson)
(a) That the City retain Timothy J. Wilkin of Cunningham, Swan, Carty, Little & Bonham LLP, to conduct the prosecutions of John Best, Marvin Caplan and Larry DiIanni as directed by City Council on March 6th, 2006; and

(b) That the retainer include instructions that Timothy J. Wilkin:

(i) have the authority, in his sole discretion, to withdraw any charge, or charges, against one or more of John Best, Marvin Caplan and Larry DiIanni if, in his opinion, the available evidence in respect of a charge or charges does not provide a reasonable likelihood of obtaining a conviction; and
have the authority, in his sole discretion, to conduct any pre-trial or trial proceedings necessary, and to summons such witnesses as may be required, including, if necessary, the retaining of experts to appear as witnesses; and

have the authority, in his sole discretion, to enter into negotiations with respect to the charges against one or more of John Best, Marvin Caplan and Larry Dilanni for the purposes of establishing an agreed statement of facts, a plea bargain and/or a joint submission to the Court in respect of penalty; and

have the authority, in his sole discretion, to enter into a binding plea bargain agreement in respect of one or more charges, with one or more of John Best, Marvin Caplan and Larry Dilanni; and

have the authority, in his sole discretion, to establish what penalty to seek from the Court upon a conviction with respect to any of John Best, Marvin Caplan and Larry Dilanni; and

That the balance of the terms of engagement of Timothy J. Wilkin be satisfactory to the City Solicitor. CARRIED

BY-LAWS

(Merulla/Morelli)
That Bill Nos. 06-056 to 06-073 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 06-056 to 06-073

06-056 056 To Incorporate City Land Designated as Block 167 on Plan 62M-918 into Hampshire Place

06-057 057 To Incorporate City Land Designated as Blocks 66 and 67 on Plan 62M-961 into Southbrook Drive

06-058 058 To Amend By-law 01-215 being a By-law to Regulate Traffic – Schedule 9 (No Right Turn on Red)

06-059 059 To Amend By-law 01-215, a By-law to Regulate Traffic – Schedule 5 – Stop Signs

06-060 060 To Repeal By-law No. 2662-71, as Amended, of the Former Town of Dundas
| 06-061 061 | To Amend Zoning By-law 3692-92 (Stoney Creek) respecting lands located at 341 Regional Road 20 |
| 06-062 062 | To Adopt Official Plan Amendment No. 108 to the Former Town of Ancaster, respecting lands municipally known as 134 Wilson Street East |
| 06-063 063 | To Amend Zoning By-law No. 87-57 (Ancaster), as Amended, respecting lands at 134 Wilson Street East (Ancaster) |
| 06-064 064 | To Adopt Official Plan Amendment No. 204 to the Former City of Hamilton Official Plan, respecting 106 and 127 Burton Street |
| 06-065 065 | To Amend Zoning By-law No. 6593 (Hamilton), respecting 127 and 106 Burton Street |
| 06-066 066 | To Amend Zoning By-law No. 6593 respecting lands located at 1092 Main Street West |
| 06-067 067 | To Amend Zoning By-law No. 3692-92 (Stoney Creek), respecting the property located at 4 Bridegwater Court |
| 06-068 068 | To Remove Part Lot Control Blocks 42-45, Registered Plan No. 62M-1046 Elizabeth Gardens Phase 2 |
| 06-069 069 | To Remove Part Lot Control Blocks 38-41, Registered Plan No. 62M-1046 Elizabeth Gardens Phase 2 |
| 06-070 070 | To Amend By-law No. 01-218 as amended, being a By-law to Regulate on-street Parking |
| 06-071 071 | To Amend Zoning By-law No. 87-57 (Ancaster), as Amended, respecting lands located at 195-201 Wilson Street West, Ancaster |
| 06-072 072 | Being a By-law to Impose a Sewer Rate under the Municipal Act, 2001, upon Owners of Land abutting a section of North Service Road from 1075 North Service to 196m Easterly and then 61m Northerly (Through Existing Sewer/Watermain Easement) |
| 06-073 073 | To Confirm the Proceedings of City Council |
The City Council meeting adjourned at 9:45 a.m.

Respectfully submitted,

Larry Dilanni
Mayor

Kevin C. Christenson
Clerk
March 22, 2006