Present: Mayor F. Eisenberger


Absent with Regrets: M. McCarthy– City Business
R. Pasuta-vacation

Mayor Eisenberger called the meeting to order.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

5.7 Correspondence from the Honourable Minister of Transport, Infrastructure and Communities, Lawrence Cannon respecting construction of a new VIA Rail Inc. Station in Hamilton

This communication was deleted as this correspondence was considered by Council on December 12, 2007

5.20 Correspondence from Brian Lane respecting 2008 Budget

Recommendation: Be received
10.1 Labour Relations Matter respecting CUPE 5167

10.2 Added Private and Confidential Litigation matter respecting outstanding tax arrears

Outstanding Business item A to be removed from the Council Agenda as the Police Services Board, at their meeting of February 19, 2007, received the correspondence as referred by City Council and took no further action.

(Collins/Duvall)
That the Agenda for the City Council meeting being held on January 9, 2008, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

There were none declared.

ANNOUNCEMENT

Mayor Eisenberger announced the passing of Jim Smith, just after Christmas. Jim served as Mayor of the Town of Flamborough from 1985 to 1988, and prior to that served as Reeve of West Flamborough between 1953 and 1956, Councillor and then Deputy Clerk. For all who knew Jim, he was a true gentleman, and a great community leader.

On behalf of City Council, the Mayor extended sympathy and condolences to his family and friends during this most difficult time.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None

APPROVAL OF MINUTES

(Whitehead/Mitchell)
That the Minutes of the December 12, 2007, meeting of Council be approved, as presented.

CARRIED
(Powers/Pearson)
That Council Communications 5.1 to 5.6, and 5.8 to 5.21 be approved as amended, as follows:

5.1 Correspondence from the City of Kitchener respecting One cent of the GST for municipalities

Recommendation: Be endorsed

5.2 Correspondence from City of Owen Sound respecting One Cent Now Campaign

Recommendation: Be endorsed

5.3 Correspondence from the Township of Brock respecting proposed changes to the regulatory framework for Non-Agricultural Source Material

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

5.4 Correspondence from Adi Irani, President, Hamilton-Halton Home Builders Association respecting membership on the Economic Development Advisory Committee – Hamilton Economic Development Governance review

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

5.5 Petition from residents to install sidewalks in Kennedy Neighbourhood

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

5.6 Correspondence from G. Roberts Bowes, Ontario Association of Public Health Dentistry respecting cessation of municipal fluoridation

Recommendation: Be received and referred to the Board of Health

5.7 Correspondence from the Honourable Minister of Transport, Infrastructure and Communities, Lawrence Cannon respecting construction of a new VIA Rail Inc. Station in Hamilton

This item was withdrawn for the Agenda
5.8 Correspondence from Tyler MacLeod, President, Hamilton Chamber of Commerce respecting Pedestrianization of Gore Park

Recommendation: Be referred to the Public Works Committee for discussion

5.9 Correspondence from The City of Guelph respecting funding of the Grand River Conservation Authority

Recommendation: Be received

5.10 Correspondence from Sarah Paul, Environmental Assessment and Approvals Branch, Ministry of the Environment respecting the proposed Liberty Energy Centre being elevated to an individual environmental assessment under the Environmental Assessment Act

Recommendation: Be received

5.11 Correspondence from Robert Runciman, MPP, Leader of the Official Opposition in response to the City’s resolution respecting uploading of social services

Recommendation: Be received

5.12 Correspondence from the Premier Dalton McGuinty respecting Residential Tenancies Act

Recommendation: Be received

5.13 Correspondence from Durham Region respecting employment Insurance Eligibility and Links to increased poverty

Recommendation: Be received

5.14 Correspondence from the Honourable Minister of Finance, James Flaherty respecting One Cent Now Campaign

Recommendation: Be received

5.15 Correspondence from the Honourable Minister of Health and Long Term Care, George Smitherman respecting funding of land ambulance

Recommendation: Be received
5.16 Correspondence from The Honourable Minister of Health and Federal Economic Development Initiative for Northern Ontario respecting Trans Fat Task Force

Recommendation: Be received

5.17 Correspondence from Premier Dalton McGuinty respecting Community Right to Know Legislation

Recommendation: Be received

5.18 Correspondence from Conservation Halton submitting their 2008 Budget Report

Recommendation: Be received

5.19 Correspondence from Dwight Duncan, Minister of Finance and Jim Watson, Minister of Municipal Affairs and Housing respecting Ontario Municipal Partnership Fund allocations for 2008

Recommendation: Be received

5.20 Correspondence from Brian Lane, proposing that the target annual budget increase should be the rate of inflation, approximately 2%

Recommendation: Be received

5.21 Correspondence from Heritage Canada Foundation respecting the Lister Block (added item)

Recommendation: Be received

(Powers/Pearson)

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

| COMMITTEE OF THE WHOLE REPORT 08-001 |

(Powers/Pearson)

That the FIRST Report of the Committee be adopted, and the information section received. CARRIED
7.1 Amendment to the City’s Procedural Bylaw requiring 2/3 approval of Council for Dispensing with Notice

(Clark/Powers)

That Section 3.10(11) of the Procedural Bylaw with respect to Dispensing with Notice which states as follows:

3.10(11) A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of the majority of the Members present and voting"

Be amended by deleting the words "the majority" and replacing in lieu of "2/3" to read as follows:

3.10(11) A motion may be introduced without notice if Council, without debate, dispenses with notice on the affirmative vote of 2/3 of the Members present and voting.

DEFEATED

On a Standing Recorded vote this motion was DEFEATED, as follows:

Yea: Bratina, Eisenberger, Clark, Powers,
Total: 4

Nays: Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Morelli, Mitchell, Pearson, Whitehead
Total: 10

Absent: McCarthy, Pasuta
Total: 2

7.2 Minimum Property Standards for the Maintenance of Heritage Attributes of Designated Heritage Properties Under Parts IV and V of the Ontario Heritage Act

(McHattie/Clark)

That the matter of Minimum Property Standards for the Maintenance of Heritage Attributes of Designated Heritage Properties Under Parts IV and V of the Ontario Heritage Act, as outlined in PED07239, and previously
considered by Economic Development and Planning Committee on September 4, 2007, be referred to the Economic Development and Planning Committee, for consideration of the best methods of obtaining public input and comment respecting the proposed amendments to the Property Standards By-law, including, but not limited to, a public meeting, prior to a decision on whether to move forward with an amending by-law, or other suitable policies.

CARRIED

The Motion CARRIED on the following vote:

Yeas: Eisenberger, Bratina, Clark, Collins, Duvall, Jackson, McHattie, Merulla, Mitchell, Morelli, Powers Whitehead

Total Yeas: 12

Nays: Ferguson, Pearson

Total Nays: 2

Absent: McCarthy, Pasuta

Total: 2

NOTICES OF MOTION

The following Notice of Motion was presented by Councillor McHattie

8.1 “Heads and Beds” Rate

Whereas, in legislation, Provincial institutions in Ontario such as hospitals, universities, colleges and correctional facilities, are not liable to assessment and taxation in its real property, rather make payment on a prescribed per-capacity rate, referred as the “heads and beds”;

Whereas, the Province last adjusted the “heads and beds” rate 20 years ago (1987), and through this period the increases in inflation has not been reflected in the “heads and beds” rate;

Whereas, based on the increase in inflation, the cost to the City of Hamilton to provide services to area institutions has risen by over 50 % since that time, and;

Whereas, the City of Hamilton continues to have budget challenges, with revenue sources not keeping up with costs.

Therefore,

That the Minister of Finance for the Province of Ontario be requested to:
a. amend the current prescribed "heads and beds" rate used to calculate payment-in-lieu of taxes on public hospitals, universities, colleges and correctional facilities to an equivalent rate that would be raised were these public institutions using current value assessment (CVA) times tax rate methodology;

b. and ensure that the "heads and beds" rate thereafter is adjusted regularly to reflect changes in current value assessment on public institutions and municipal tax rates; or,

c. Alternatively, introduce legislative amendments to the Assessment Act and the Municipal Act 2001, which would require payment-in-lieu amounts to be calculated on equivalent taxation using full Current Value Assessment (CVA) time appropriate municipal tax rates.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

( Pearson/Whitehead )
That Council move into Closed Session, at 8.00 p.m., pursuant to Section 8.1, Subsections (d) and (e) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, to consider matters relating to labour relations or employee negotiations and litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and labour negotiations.

CARRIED

Council reconvened in Open Session at 9:20 p.m.

10.1 Labour Relations Matter respecting CUPE 5167

The Mayor reported that Council had been provided with a verbal update, and that appropriate direction had been given to staff.

10.2 Added Private and Confidential Litigation matter respecting outstanding tax arrears

The Mayor reported that Council had been provided with a verbal update, and that appropriate direction had been given to staff.
BY-LAWS

( Powers/ Pearson )
That Bill Nos. 08-001 to 08-004 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 08-001 to 08-0xx:

By-law No.
08-001 001  Respecting Removal of Part Lot Control, Red Hill Vista Phase 1, Block 5, Registered Plan No. 62M-1030
08-002 002  To Designate Land Located at 1280 Main Street West (McMaster University), as Property of Cultural Heritage Value
08-003 003  To Designated Land Located at 1059 Highway 8 (Stoney Creek), as Property of Cultural Heritage Value
08-004 004  To Confirm the Proceedings of City Council

( Powers/ Whitehead )
There being no further business, the City Council meeting be adjourned at 9:22 p.m.

Respectfully submitted

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk
January 9, 2008