Mayor F. Eisenberger called upon Reverend Ralph Lepore of Stoney Creek Baptist Church to lead Council in prayer.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED COMMUNICATIONS

5.13 Correspondence from Tom Vermaa, President, Board of Directors, Wentworth Condominium Corporation #25 respecting Item 15 of the Economic Development and Planning Committee Report 07-015 respecting Application for a Certificate of Approval – 332 Lake Avenue North

Recommendation: Be received
5.14 Correspondence from Christine Cote, SmartCentres respecting Item 17 of the Economic Development and Planning Committee Report addressing Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment

Recommended: Be received

There is a change in recommendation to Communication 5.6 – the recommendation is now to be revised to read “be approved and funded by Hamilton Emergency Services”.

Item 7.1 has been withdrawn as the matter has been dealt with by the Emergency and Community Services Committee at its meeting of September 5, 2007.

There are no Closed Session Minutes for August 8, 2007, to be approved so this matter may be deleted from the Agenda.

2. COMMITTEE REPORTS “TO BE DISTRIBUTED”

Item 10 of the Economic Development & Planning Committee Report 07-015 has been amended to correct a typographical error. The words “be approved” have been replaced with the words “be received”.

6.5 Committee of the Whole Report 07-026, September 11, 2007 (to be distributed)

6.6 Committee of the Whole Report 07-027, September 12, 2007 (to be distributed)

6.7 Licensing Committee Report 07-005, September 6, 2007 (to be distributed)

3. MOTIONS

7.3 Appointments to the Multi-Residential Property Taxation Sub-Committee (to be distributed)

7.5 Review of Area Rating
4. **NOTICES OF MOTION**

8.1 Notice of Motion respecting hiring of an independent consultant to study representation by population

5. **BY-LAW LISTING**

**(Pasuta/Mitchell)**
That the Agenda for the City Council meeting being held on September 12, 2007, be approved as amended.

**CARRIED**

**DECLARATIONS OF INTEREST**

There were none declared.

**CEREMONIAL ACTIVITIES/ANNOUNCEMENTS**

The Mayor recognized the passing of Jack Jones, who served the City of Hamilton for 48 years, in various positions including Secretary to the Board of Control and Executive Assistant to seven Mayors.

The Mayor also acknowledged the passing of Major Raymond Ruckpaul, the second Hamilton soldier who has died in Afghanistan. Major Ruckpaul was deployed to Kabul and died on August 29th. He began his military career with the Royal Hamilton Light Infantry and was serving with the Royal Canadian Dragoons based in Heidelberg, Germany at the time of his passing.

Congratulations were expressed to Hamilton's Brian Melo for winning this year's Canadian Idol.

3.1 **Presentation to the former members of the Hamilton Future Fund Board of Governors**

The following former members of the Hamilton Future Fund Board of Governors, received certificates of appreciation from the Mayor on behalf of the City of Hamilton:

- Brian Henley
- Pat MacDonald
- Elham Farah
- Paul Shewfelt
- Judy Partridge

- Christa Chambers
- Shawn Chamberlin
- Mark Milligan
- Tom Atterton (regrets)
- Larry White (regrets)
3.2 Contaminated Sites Management Program and 2006 OPPI Excellence in Planning Awards

The Mayor presented the 2006 Ontario Professional Planners Institute Excellence in Planning Award Christine Lee-Morrison and Mike Bingham, on behalf of the Public Works Department.

APPROVAL OF MINUTES

(Whitehead/Powers)
That the Minutes of the August 8, 2007, meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS

(Mitchell/Pasuta)
That the dispositions for Council Communications 5.1 to 5.14 be approved, as amended:

5.1 Correspondence from The Honourable Minister of Municipal Affairs and Housing, John Gerretsen respecting 398 King Street West, Good Shepherd Square, - Canada Ontario Affordable Housing Program – Residual Rental and Supportive Component – funding in the amount of $10,500,000 for 156 units

Recommendation: Be received.

5.2 Correspondence from Andrew Burt, Niagara Peninsula Conservation Authority respecting Proposed Source Protection Committee – Niagara Peninsula Source Protection Area

Recommendation: Be received.

5.3 Correspondence from The Rt. Honourable Premier, Dalton McGuinty respecting a Family Health Medical Centre in downtown Hamilton

Recommendation: Be received.

5.4 Correspondence from Anne Charlton, Chair, Hamilton LACAC respecting Register of Buildings of Cultural Heritage Value or Interest

Recommendation: Be received and referred to the Economic Development and Planning Committee.
5.5 Petition from Jennifer Curzon respecting Traffic Control, Woodhill Road, Flamborough

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

5.6 Correspondence from Dan Van Londersele, Ontario 9-1-1 Advisory Board respecting financial assistance to continue as the technical and information authority

Recommendation: Be approved and funded by Hamilton Emergency Services.

5.7 Correspondence from the Corporation of the Municipality of West Grey respecting amendments to Section 36(8) of the Building Code Act, 1992 to provide municipalities a time limit of two years from the date of discovery for commencing legal proceedings

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

5.8 Correspondence from The Honourable Minister of the Environment, Laurel Broten respecting standards for cooling towers and evaporative condensers

Recommendation: Be received.

5.9 Correspondence from the Honourable Minister of Health promotion, Jim Watson respecting funding for tobacco control programming

Recommendation: Be received and referred to the Board of Health.

5.10 Correspondence from George Pasut, Chief Medical Officer of Health, respecting by-law requiring mandatory food safety certification for commercial food-handlers

Recommendation: Be received and referred to the Board of Health.
5.11 Correspondence from City of Ottawa respecting Safer Communities and Neighbourhoods Legislation

Recommendation: Be referred to the General Manager of Planning and Economic Development for a report back to the Economic Development & Planning Committee and to the Hamilton Police Services Board and Hamilton Emergency Services, Fire Division for review.

5.12 Correspondence from the Township of South Stormont respecting shortening the time frame required for approval of drainage maintenance requests

Recommendation: Be referred to the Audit & Administration Committee for consideration.

5.13 Correspondence from Tom Vermaa, President, Board of Directors, Wentworth Condominium Corporation #25 respecting Item 15 of the Economic Development and Planning Committee Report 07-015 respecting Application for a Certificate of Approval – 332 Lake Avenue North

Recommendation: Be received.

5.14 Correspondence from Christine Cote, SmartCentres respecting Item 17 of the Economic Development and Planning Committee Report addressing Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment

Recommended: Be received.

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**ECONOMIC DEVELOPMENT & PLANNING COMMITTEE REPORT 07-015**


Councillors C. Collins, S. Merulla, B. Morelli, T. Whitehead and B. Clark wished to be recorded as OPPOSED.

17. Trinity Neighbourhood Secondary Plan and Trinity Neighbourhood Collector Road Class Environmental Assessment (Wards 6, 9 and 11) (PED 07236/PW07112) (Item 8.3)
(Mitchell/Clark)
That the following condition be added as Condition (g):

(g) That the General Manager, Public Works be authorized and directed to, notwithstanding the suspension of the Class Environmental Assessment process for the Trinity Neighbourhood Collector Road, proceed with road improvements outside the Trinity Neighbourhood Collector Road Class Environmental Assessment Study Area, including Rymal Road and Trinity Church Road and the extension thereto, in order to facilitate the development of ROPA 9."

AMENDMENT CARRIED
MOTION AS AMENDED CARRIED

(Mitchell/Pearson)
That the FIFTHTEENTH Report of the Economic Development & Planning Committee be adopted, as amended, and the information section received.

AUDIT & ADMINISTRATION COMMITTEE REPORT 07-010

(Collins/Clark)
That the TENTH Report of the Audit & Administration Committee be adopted and the information section received.

EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 07-010

(Merulla/Morelli)
That the TENTH Report of the Emergency & Community Services Committee be adopted and the information section received.

COMMITTEE OF THE WHOLE REPORT 07-025

(Mitchell/Powers)
That the TWENTY-FIFTH Report of the Committee of the Whole be received for information.

COMMITTEE OF THE WHOLE REPORT 07-026

8. Funding request by Opera Hamilton (Item 6.9(b))

(Bratina/Merulla)
That Council’s decision on the funding request for Opera Hamilton be tabled until after the September 19, 2007, Audit & Administration Committee.

DEFEATED
(Whitehead/Clark)
That the Rules of Order be waived to introduce two motions respecting area rating, to be added as Items 9 and 10 to Report 07-026.

CARRIED


(McHattie/Whitehead)
That the following be added as Item 9 to the Committee of the Whole Report 07-026:

That staff prepare a report on the feasibility of phasing out area rating as it applies to transit.

DEFEATED

THE MOTION LOST ON A TIE VOTE AS FOLLOWS:
Yeas: Bratina, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Whitehead
Total: 8
Nays: Eisenberger, Clark, Ferguson, McCarthy, Mitchell, Pasuta, Pearson, Powers
Total: 8

10. Impact Study respecting the Elimination of Area Rating for All City of Hamilton Services

(Merulla/Jackson)
That the following be added as Item 10 to the Committee of the Whole Report 07-026:

That a study be completed to assess the impact of the elimination of area rating as it relates to all services provided by the City of Hamilton.

DEFEATED

THE MOTION LOST ON A TIE VOTE AS FOLLOWS:
Yeas: Bratina, Collins, Duvall, Jackson, McHattie, Merulla, Morelli, Whitehead
Total: 8
Nays: Eisenberger, Clark, Ferguson, McCarthy, Mitchell, Pasuta, Pearson, Powers
Total: 8

(Mitchell/Powers)
That the TWENTY-SIXTH Report of the Committee of the Whole be adopted and the information section received.

CARRIED
COMMITTEE OF THE WHOLE REPORT 07-027

(Mitchell/Pearson)
That the TWENTY-SEVENTH Report of the Committee of the Whole be adopted and the information section received.  

CARRIED

LICENSING COMMITTEE REPORT 07-005

(Bratina/Clark)
That the FIFTH Report of the Licensing Committee be adopted and the information section received.  

CARRIED

MOTIONS

7.1 Hamilton Historical Board Membership Amendment

Item 7.1 was withdrawn as it was dealt with at the Emergency & Community Services Committee meeting of September 5, 2007.

7.2 Amendment to Sub-Committee Memberships

(McHattie/Merulla)
That Appendix “B” which outlines the memberships of the Sub-Committees for the 2006-2010 term, and which was approved by Council on December 6, 2006 be amended by:

(a) Adding Councillor Sam Merulla as a member of the Truck Route Sub-Committee.
(b) Removing Councillor Brian McHattie as a member of the Fairness to Hamilton Campaign Sub-Committee (formerly the Social Services Downloading Sub-Committee.

CARRIED

7.3 Appointments to the Multi-Residential Property Taxation Sub-Committee

(Powers/Merulla)
(a) That the following citizens be appointed to serve on the Multi-Residential Property Taxation Sub-Committee as follows:

Leo Laviolette (homeowner/ratepayer group)
Darshan Grover (homeowner/ratepayer group)
Leila Handanovic (homeowner/ratepayer group)
David Cameron (representing Commercial/Industrial)

(b) That the membership of the Sub-Committee be expanded to include 1 representative from HABIA.

CARRIED

(Collins/Duvall)
That the Rules of Procedure be waived to introduce Motion 7.4 respect Canadian Idol Auditions.

CARRIED

7.4 Canadian Idol Auditions

(Merulla/Morelli)
That CTV be formally requested to host auditions for Canadian Idol’s 6th season in Hamilton, Ontario.

CARRIED

7.5 Area Rating Review

(Clark/Bratina)
That the City of Hamilton maintain the current area rating tax policy for 2008, and the City of Hamilton begin a thorough review of the implications of eliminating area rating after the budget process, and for it to be presented to Council for June 2008.

CARRIED

NOTICES OF MOTION

(Merulla/Morelli)
That an independent consultant be hired to study representation by population, in accordance with current legislation, and provide recommendations for council consideration.

CARRIED

STATEMENT BY MEMBERS

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

Councillor Bratina advised Council that he had received a request to add the Canadian soldiers serving in Afghanistan to the Cenotaph. The City Manager was directed to investigate how this can be accomplished, and if it could be completed by November 11, 2007 (Remembrance Day), and to report back to the Emergency & Community Services Committee. Councillor Morelli also directed that staff consult with the Veteran’s Committee when preparing this report.
Councillor T. Whitehead directed staff to forward information to his attention respecting how long an unoccupied house can remain boarded up in a neighbourhood.

**PRIVATE & CONFIDENTIAL**

10.1 **Closed Session Minutes of August 8, 2007**

Item 10.1 was withdrawn as there were no Closed Session items at the August 8, 2007 meeting of Council and; therefore, were no Closed Session Minutes.

(Ferguson/Mitchell)
That Council move into Closed Session, at 9:15 p.m., pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, as the subject matter pertains to a proposed or pending acquisition of land for municipal or local board purposes regarding the Lister Block.

CARRIED

Council reconvened in Open Session at 10:03 p.m.

10.2 **Property Matter respecting the Lister Block**

(Ferguson/Bratina)
That the Mayor and City Clerk be authorized and directed to execute the attached Conditional Grant Agreement between the Province and the City of Hamilton for Lister Block.

CARRIED

**BY-LAWS**

(Mitchell/Pasuta)
That Bill Nos. 07-254 to 07-259 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 read as follows:

By-law No.

07-254 To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:
- Schedule 5 – Parking Meters
- 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

07-255 To Amend By-law No. 01-215, To Regulate Traffic:
Schedule 2 – Speed Limits

07-256 To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 611 Aberdeen Avenue

07-257 To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 112 Marion Street

07-258 To Amend Zoning By-law No. 87-57 (Ancaster), as amended, Respecting Lands Located at 195-201 Wilson Street West (Ancaster)

07-259 To Confirm the Proceedings of City Council

CARRIED

(Mitchell/Pearson)
The Council meeting adjourned at 10:10 p.m.

CARRIED

Respectfully submitted,

Fred Eisenberger
Mayor

Kevin Christenson
City Clerk
September 12, 2007