Mayor Dilanni called the meeting to order.

Mayor Dilanni called upon Father Paul Boucher from St. John the Baptist Parish in Hamilton, to lead the Council in prayer.

The Clerk advised of the following changes to the agenda:

(a) REPORTS

Licensing Committee Report 06-002

Council was requested to entertain this report as the first committee report of the evening, as there is outside legal counsel present to address any questions.

(b) ADDED MOTIONS

7.6 Councillor McHattie respecting Membership of the Provincial Gas Tax Transit Master Plan Steering Committee
7.7 Councillor Mitchell motion respecting OPA 28

7.8 Councillor Mitchell motion respecting Edwards Landfill Site – Environmental Review Tribunal Appeal

7.9 Councillor Bratina motion respecting VIA Rail

(c) TYPOGRAPHICAL ERROR

Planning and Economic Development Committee Report 06-001

Item 25 in the report is to be deleted as this item was Tabled at Committee. The tabling is referenced as Item (m) in the Information section of the report.

Items 26 and 27 are to be renumbered as 25 and 26

(Collins/Pearson)
That the Agenda for the City Council meeting being held on January 25, 2006, as amended, be approved. CARRIED

DECLARATIONS OF INTEREST

None declared.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

Mayor DiIanni introduced the Hamilton Children’s Choir, which is comprised of choristers between 8 and 14 years of age from Hamilton, Burlington and Niagara and is made up of the Concert Choir, Chamber Choir, Female Youth Choir, Boys’ Choir and the Choir performing this evening, the “Prelude Choir”. The choir sung a song which was written by David Millard entitled, “Our Great City Hamilton”, directed by Leslie Kent and accompanied by John Leek on the piano.

The Mayor presented Leslie Kent and David Millard with certificates of appreciation.

David Millard presented a framed copy of the lyrics to “Our Great City Hamilton” to the Mayor.

APPROVAL OF MINUTES

(Whitehead/Mitchell)
That the Minutes of the City Council Meeting held on December 14, 2005, be approved as presented. CARRIED
That the Minutes of the City Council Meeting held on January 12, 2006, be approved as presented.

CARRIED

COMMUNICATIONS

That Council Communications 5.1 to 5.11 be approved, as amended, as follows:

5.1 Correspondence from Stewardship Ontario respecting Third Instalment of 2005 Stewardship Ontario funding for Blue Box recycling Program

Recommendation: Be received

5.2 Correspondence from The Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting Affordable Housing Program – Strong Start Funding – 260-280 King Street East, Hamilton

Recommendation: Be received

5.3 Correspondence from The Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting Affordable Housing Program – Strong Start Funding – 37 Strathcona Avenue North, Hamilton

Recommendation: Be received

5.4 Correspondence from the Honourable Jim Watson, Minister of Health Promotion respecting monies for tobacco control strategies

Recommendation: Be received.

5.5 Correspondence from E.J. Fothergill, Fothergill Planning and Development respecting Commonwealth Games Bid

Recommendation: Be received

5.6 FCM Member’s Advisory respecting First FCM Technical Mission to Sri Lanka in Progress As Tsunami Anniversary Approaches

Recommendation: Be received and referred to the Tsunami Relief Task Force

5.7 Correspondence from the Honourable John Gerretsen, Minister of Municipal Affairs and Housing respecting the introduction of the “Stronger City of Toronto for a Stronger Ontario Act, 2005”.

Recommendation: Be received.
5.8 Correspondence from City of Sarnia respecting 2006 MPAC Assessment Values

Recommendation: (Whitehead/Mitchell) 
Be endorsed. 
Amendment CARRIED

5.9 Correspondence from the City of Sarnia respecting taxing of severance monies

Recommendation: (McCarthy/Pearson) 
Be referred to the General Manager of Finance and Corporate Services for a report to the Corporate Administration Committee. 
Amendment CARRIED

5.10 Correspondence from the City of Port Colborne respecting Property Tax and Assessment Issues

Recommendation: (McHattie/McCarthy) 
Be endorsed. 
Amendment CARRIED

5.11 Resolution from the Council of the Corporation of The Nation Municipality petitioning the Federal Government to review the existing method of distribution of gas tax

Recommendation: (McHattie/Pearson) 
Be referred to the Provincial Gas Tax Master Plan Steering Committee. 
Amendment CARRIED
Motion as amended CARRIED

(McHattie/Merulla)
That Council move into Committee of the Whole for consideration of the Standing Committee Reports. 
CARRIED

LICENSING COMMITTEE REPORT 06-002

(Merulla/McHattie)
That the SECOND Report of the Licensing Committee be adopted, and the information section received. 
CARRIED

PUBLIC WORKS, INFRASTRUCTURE AND ENVIRONMENT COMMITTEE REPORT 06-001

(McCarthy/McHattie)
That the FIRST Report of the Public Works, Infrastructure and Environment Committee be adopted, and the information section received. 
CARRIED
Item 3 Tree Removal and Replacement – 145, 147 and 149 Green Road (Stoney Creek) (PED06008) (Ward 10) (Item 5.3)

Typographical error in sub-section (b) – should read “Gage Park”, not “Gore Park”.

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

CORPORATE SERVICES COMMITTEE REPORT 06-001

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

SOCIAL AND PUBLIC HEALTH SERVICES COMMITTEE REPORT 06-001

Item 2 Air Quality Initiatives and Issues Summary – Niagara-Hamilton WastePlan (PW06011) (City Wide) (Item 7.1)

Councillors T. Jackson and T. Whitehead wished to be recorded as opposed to this item.

(Bratina/Braden)
That the FIRST Report of the Community Services Committee be adopted and the information section received. CARRIED

LICENSING COMMITTEE REPORT 06-001

(Merulla/McHattie)
That the FIRST Report of the Licensing Committee be adopted, and the information section received. CARRIED

BOARD OF HEALTH REPORT 06-001

(McHattie/Merulla)
That the FIRST Report of the Board of Health be received. CARRIED
MOTIONS

7.1 Volunteer Committees – Addition/Removal of Members

(Samson/Pearson)
That Item 6(a) of Corporate Administration Committee Report 04-008 approved by Council on May 12, 2004, respecting the appointment of citizens to various citizen committees, be amended as follows:

(a) Seniors Advisory Committee

by deleting the following member:

Robert Slattery

(b) Gay, Lesbian, Bisexual, Transgender Advisory Committee

by deleting the following member:

Tanya Gulliver

(c) Advisory Committee for Persons with Disabilities

by deleting the following member:

John Fuca

(d) Status of Women Committee

by adding the following members:

Gail Morley    Colleen Wicken

with appointments to expire on November 30, 2006, or until such time as their successors are appointed CARRIED

7.2 Selection Committee Quorum

(Bruckler/Jackson)
Whereas, quorum for the City of Hamilton’s Selection Committee is currently set at 5 members;
Whereas, the City of Hamilton Selection Committee is set to conduct its last scheduled Selection Process for the 2003 – 2006 Term of Council;

Therefore, be it resolved, that quorum for the Selection Committee be temporarily set at 4 members. CARRIED
7.3 Absence through Illness – Councillor Murray Ferguson

(Bruckler/Jackson)
That pursuant to the provisions of Section 259(c) of the Municipal Act which stipulates that the seat of a Member of Council becomes vacant if the member is absent from meetings of the Council for three successive months without being authorized to do so by a resolution of Council, be it resolved that Councillor Murray Ferguson, be authorized to absent himself from meetings of the Council of the City of Hamilton for a period in excess of three successive months, until his recovery is complete.  

CARRIED

7.4 Downloaded Dilemma: Background Report for the Social Services Downloading Steering Committee

(McHattie/Merulla)
(a) That Council receive the consultant’s report, Downloaded Dilemma: Background Report for the Social Services Downloading Steering Committee;

(b) That the Mayor be requested to forward the report, with a cover letter co-signed by members of the Social Services Downloading Committee (Hamilton Chamber of Commerce, SPRC, Hamilton Civic Coalition and McQuesten Legal Services), to all area M.P.P.’s, copying the Premier, the Minister of Municipal Affairs, John Gerretsen, and the Minister of Finance, Dwight Duncan.  

CARRIED

7.5 Funding for Arts Hamilton (formerly Hamilton and Region Arts Council)

(McHattie/Merulla)
That Items 2 to 4 of Motion 7.2 respecting Funding for Arts Hamilton (formerly Hamilton and Region Arts Council), tabled by Council on November 17, 2005 pending a report by the General Manager of Finance and Corporate Services, be lifted from the table.

2. That an outside consultant be hired to conduct a review on behalf of the City of Hamilton (under the direction of the Public Health and Community Services Department) of the following:

(a) Arts Hamilton’s mandate (within the boundaries of its constitution), including but not limited to consideration of “who does what” within the Hamilton arts community,

(b) Direction on the programs and services that arts organizations and artists wish Arts Hamilton to provide, and innovative ways in which arts groups can work together to benefit the Hamilton arts scene;
(c) That funding in the amount of $9,500 be provided to hire the consultant;

3. That a Steering Committee be established consisting of three members of Council and staff as required to prepare Terms of Reference for the study and to guide the project to completion.

4. That funds for this initiative be allocated from the 2005 Budget Surplus. **CARRIED**

**(McHattie/Merulla)**
That Items 2 to 4 of Motion 7.2 respecting Funding for Arts Hamilton (formerly Hamilton and Region Arts Council), be deleted. **CARRIED**

7.6 **Provincial Gas Tax Transit Master Plan Steering Committee – Membership Amendment**

**(McHattie/Merulla)**
That subsection (d) of Item 6 of the Public Works, Infrastructure and Environment Committee Report 05-009 respecting the Provincial Gas Tax Transit Master Plan Steering Committee, as amended by Council on November 23, 2005, be further amended by deleting Councillor Sam Merulla and adding Councillor Phil Bruckler to the Committee membership. **CARRIED**

7.7 **OPA 28-Council Direction for a Legal Opinion**

**(Mitchell/Pearson)**
That pursuant to the Council direction on October 12, 2005, authorising the City Solicitor to obtain a legal opinion regarding the potential consequences of the repeal of OPA 28, that the matter be referred back to the Planning and Economic Development Committee for further discussion. **CARRIED**

7.8 **Edwards Landfill Site – Environmental Review Tribunal Appeal**

**(Mitchell/Pearson)**
That with respect to the Environmental Review Tribunal appeal hearing of Anne Vallentin on behalf of Haldimand Against Landfill Transfers v. Director, Minister of Environment (Case No. 05-026), the City Solicitor be directed as follows:

(a) That the City of Hamilton remains opposed to the amendment to Provisional Certificate of Approval No. A110302, Notice No. 3, for the Edwards Landfill Site on the basis that it will result in an increase of truck traffic on City of Hamilton roads with no corresponding benefit to the City of Hamilton;
(b) That the City of Hamilton seek Presenter rather than Participant status before the Environmental Review Tribunal;

(c) That the City of Hamilton's opposition be conveyed to the Environmental Review Tribunal. CARRIED

7.9 VIA Rail Task Force – Proposed Location of Hamilton VIA Rail Station

(Bratina/McHattie)
That with regard to the new VIA Rail station in Hamilton, VIA RAIL be advised as follows:

(a) The City of Hamilton VIA RAIL Task Force concludes that based on a Location Analysis Study, the preferred location for the new Hamilton VIA RAIL station is James Street North, but that the Task Force is prepared to consider the SWARU site as a second option, and recommends that both sites be further examined by the City through a Market Analysis Study and a Transportation Analysis;

(b) That VIA RAIL be kept informed as these studies move forward. CARRIED

NOTICE OF MOTION

None.

STATEMENT BY MEMBERS

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

BY-LAWS

(McHattie/McCarthy)
That Bill Nos. 06-002 to 06-024 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 06-002 to 06-024

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>06-002</td>
<td>002</td>
<td>To Incorporate City Land Designated as Block 95 on Plan 62M-1035 into Magnificent Way</td>
</tr>
<tr>
<td>06-003</td>
<td>003</td>
<td>To Incorporate City Land Designated as Parts 5 and 6 on Plan 62R-17172 and Parts 7 and 8 on plan 62R-17173 into Edgecroft Crescent</td>
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<tr>
<td>Item</td>
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<tr>
<td>06-004</td>
<td>004</td>
<td>To Incorporate City Land Designated as Block 96 on Plan 62M-1035 into Downing Street</td>
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<tr>
<td>06-005</td>
<td>005</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic Schedule 10 – No Left Turns</td>
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<tr>
<td>06-006</td>
<td>006</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic Schedule 5 – Stop Signs</td>
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<tr>
<td>06-007</td>
<td>007</td>
<td>To Authorize an Interim Tax Levy for 2006</td>
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<td>06-008</td>
<td>008</td>
<td>To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues</td>
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<td>06-009</td>
<td>009</td>
<td>To Incorporate City Land Designated as Block 90 on Plan 62M-1035 into Voyager Pass</td>
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<tr>
<td>06-010</td>
<td>010</td>
<td>To Incorporate City Land Designated as Block 89 on Plan 62M-1035 into Windwood Drive</td>
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<tr>
<td>06-011</td>
<td>011</td>
<td>To Designate Land Located at 71 Main Street West, City of Hamilton, as Property of Cultural Heritage Value</td>
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<tr>
<td>06-012</td>
<td>012</td>
<td>To Adopt Official Plan Amendment No. 101 to the former Town of Flamborough Official Plan, Respecting Lands Municipally known as 715 Centre Road</td>
</tr>
<tr>
<td>06-013</td>
<td>013</td>
<td>To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 715 Centre Road (former Town of Flamborough)</td>
</tr>
<tr>
<td>06-014</td>
<td>014</td>
<td>To Adopt Official Plan Amendment No. 102 to the former Town of Flamborough Official Plan, Respecting Lands Municipally known as 91 Highway No. 5 West</td>
</tr>
<tr>
<td>06-015</td>
<td>015</td>
<td>To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 91 Highway No. 5 West</td>
</tr>
<tr>
<td>06-016</td>
<td>016</td>
<td>To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Known Municipally as 1564 Second Concession Road West, In the Geographic Township of Beverly, now in the City of Hamilton</td>
</tr>
<tr>
<td>06-017</td>
<td>017</td>
<td>To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 1809 Rymal Road East</td>
</tr>
<tr>
<td>06-018</td>
<td>018</td>
<td>To Amend Downtown Hamilton Business Improvement Area By-law No. 82-151, as amended</td>
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</table>
Respecting Removal of Part Lot Control, Block 11, Registered Plan 62M-1030, Red Hill Vista

Respecting Removal of Part Lot Control, Block 13, Registered Plan 62M-1030

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 14 - Wheelchair Loading Zones
- Schedule 15 - Commercial Vehicle Loading Zones
- Schedule 16 - Taxi Zones
- Schedule 20 - School Bus Loading Zones

To Permanently close and sell part of the unopened road allowance known as Edgehill Drive, Hamilton, designated as Parts 5, 6, 7, 8, 9, 10, 11 and 12 on Plan 62R-17366, City of Hamilton

Respecting Removal of Part Lot Control, Blocks 74, 75, 78, 79, 80, and 81, Registered Plan 62M-986, Tiffany Park

To Confirm the Proceedings of City Council

The City Council meeting adjourned at 9:05 p.m.

Respectfully submitted,

Larry DiIanni
Mayor

Kevin C. Christenson
Clerk
January 25, 2006