Mayor Eisenberger called the meeting to order and called upon Father Lucian Puscariu of Holy Resurrection Romanian Orthodox Church to lead Council in prayer.

### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. **ADDED COMMUNICATIONS**

   5.17 Correspondence from Jasper Kujavsky respecting 2017 World’s Fair

      Recommendation: Be received and referred to staff for a report to the appropriate committee

   5.18 Correspondence from Elizabeth Stacey, Thomson Rogers respecting consultation process for wireless telecommunication facilities

      Recommendation: Be received and referred to the City Solicitor for a report to the Audit and Administration Committee

   5.19 Correspondence from Grand River Conservation Authority respecting 2008 Budget and Levy Meeting

      Recommendation: Be received
2. ADDED COMMITTEE REPORTS

6.7 Committee of the Whole Report 08-007, January 30, 2008 (to be distributed)

6.8 Audit and Administration Committee Report 08-001(a), January 9, 2008

6.9 Accountability and Transparency Sub-Committee Report 08-001, January 29, 2008

6.10 Audit and Administration Committee Report 08-001(b), January 23, 2008

(Morelli/Pasuta)
That the Agenda for the City Council meeting being held on January 30, 2008, be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson noted a conflict with the petition that had been sent in by Hamilton Taxi Cab drivers (Correspondence Item 5.15) as he has a financial interest in that industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

The Mayor recognized the passing of Rev. John Johnston who had served this community for over 30 years.

The Mayor also acknowledged the passing of Conrad Furey, a popular member of the Hamilton Arts Community and a real champion of our City.

Congratulations were expressed to Mark Chamberlain on being named Hamilton’s Distinguished Citizen of the Year.

APPROVAL OF MINUTES

(Clark/Jackson)
That the Minutes of the January 9, 2008, meeting of Council be approved, as presented. CARRIED

(Pasuta/ Mitchell)
That the Minutes of the January 21, 2008, Special meeting of Council be approved, as presented. CARRIED

COMMUNICATIONS
That Council Communications 5.1 to 5.18 be approved as amended, as follows:

5.1 Correspondence from A. Opalick, Executive Correspondence officer, Office of the Prime Minister respecting the City’s correspondence re: Child Care

Recommendation: Be received

5.2 Correspondence from Liz Weaver, Hamilton Roundtable on Poverty Reduction respecting the city’s contribution of $107,700 directed to the Hamilton Roundtable on Poverty Reduction within the Community Fund

Recommendation: Be received

5.3 Correspondence from Dennis Darby, Chair, Stewardship Ontario and Gemma Zecchini, Chair, Waste Diversion Ontario respecting third quarterly payment for the 2007 program year as the industry’s share of the net costs of the residential Blue Box Recycling Program

Recommendation: Be received

5.4 Correspondence from Brian McCarry, Clean Air Hamilton respecting support for Anti-Idling Programs in Hamilton

Recommendation: Be received

5.5 Correspondence from the Honourable Chris Bentley, Attorney General respecting Biedermann Packaging Fire

Recommendation: Be received and a copy of the City’s letter to the Honourable Chris Bentley be forwarded to the Minister of the Environment requesting a Public Inquiry.

5.6 Correspondence from the Honourable John Gerretsen, Minister of the Environment respecting Hamilton’s Lead Service Extension Replacement Program

Recommendation: Be received

5.7 Correspondence from Ottawa respecting Payment in Lieu of Tax Billings on Property Owned by the Crown

Recommendation: Be received
5.8 Correspondence from Joe Minor respecting proposal to expand the Eramosa Karst Conservation Area

Recommendation: Be received

5.9 Correspondence from the City of Waterloo respecting Infrastructure Funding

Recommendation: Be referred to both the General Manager of Finance and Corporate Services and the Fairness to Hamilton Campaign Committee for their evaluation and comment.

5.10 Correspondence from the Municipality of North Grenville respecting commitment of 1/8th of the current 8% Provincial Sales tax to be directed to municipalities to fund Municipal Infrastructure Programs

Recommendation: Be referred to both the General Manager of Finance and Corporate Services and the Fairness to Hamilton Campaign Committee for their evaluation and comment.

5.11 Correspondence from the City of Ottawa respecting petitioning the Provincial Government for the authority to create a hotel room tax

Recommendation: Be referred to both the General Manager of Finance and Corporate Services and the Fairness to Hamilton Campaign Committee for their evaluation and comment.

5.12 Correspondence from the Municipality of South Bruce respecting implementation of a “Responsible Use Plan” for Urban Pesticide Use

Recommendation: Be received

5.13 Correspondence from the City of Waterloo respecting Provincial Sales Tax Exemption for Municipalities

Recommendation: Be referred to both the General Manager of Finance and Corporate Services and the Fairness to Hamilton Campaign Committee for their evaluation and comment.
5.14 Correspondence from Michael Desnoyers, Hamiltonians for Progressive Development respecting peak oil

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

5.15 Petition from Tax Cab Drivers respecting installation of shields in taxi cabs

Recommendation: Be received and referred to the General Manager of Planning and Economic Development for a report to the Economic Development and Planning Committee and that the petitioner who submitted the petition be invited to address Committee when the report is considered.

5.16 Correspondence from Italo Ferrari, Fercan Developments respecting office space at 77 James Street North

Recommendation: Be received and referred to the City Hall Renovations Steering Committee

5.17 Correspondence from Jasper Kujavsky respecting 2017 World’s Fair

Recommendation: Be received and referred to Economic Development staff for a report to the Economic Development and Planning Committee

5.18 Correspondence from Elizabeth Stacey, Thomson Rogers respecting consultation process for wireless telecommunication facilities

Recommendation: (a) Be received and referred to the City Solicitor for a report to the Audit and Administration Committee;

(b) That Planning staff be in attendance when the report is being considered.

(c) That a copy of the final resolution by Committee and Council be forwarded to FCM

5.19 Correspondence from Grand River Conservation Authority respecting 2008 Budget and Levy Meeting

Recommendation: Be received

CARRIED
(Powers/Pearson)
That Council move into Committee of the Whole for consideration of the Standing Committee Report.  CARRIED

PUBLIC WORKS COMMITTEE REPORT 08-001

Item 5  Request for Road Closure – VON – Breadalbane Road, from King Street West to Hunt Street, Hamilton, from 6:00 p.m. to 8:00 p.m. on Thursday, February 7, 2008 to hold a Candlelight Vigil for the VON Homecare Issue

(Powers/Pearson)
That Item 5 of Public Works Committee Report 08-001 respecting “Request for Road Closure – VON – Breadalbane Road, from King Street West to Hunt Street, Hamilton, from 6:00 p.m. to 8:00 p.m. on Thursday, February 7, 2008 to hold a Candlelight Vigil for the VON Homecare Issue” be deleted in its entirety and the remaining items renumbered accordingly.  CARRIED

Item 10  National Waste Services Inc. – Compensation Adjustment (PW08010) (City Wide)


Total:  14

Nays:  Councillors S. Duvall, S. Merulla

Total:  2

Item (j)(ii)  Hamilton Cycling Committee – Citizen Volunteers

Councillor B. McHattie volunteered to sit on the Interview Committee.

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

ECOMONIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 08-002

Item 26  Hamilton's Redevelopment Prioritization Strategy and Recommended Application of Province's $3 Million Brownfields Contribution (PED08015) (City Wide)

(Bratina/Collins)
That this Item be referred back to Planning and Economic Development staff to identify and complete those items which can be handled in-house using City resources and that staff report back to the Economic Development and Planning Committee respecting revised terms for engaging a consultant.  CARRIED
That the SECOND Report of the Economic Development and Planning Committee be adopted as amended, and the information section received.  

CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 08-002

(Pearson/Powers)

Information Item (d)(i) Review of the Illegal Dumping By-law

(Collins/Duvall)
The motion respecting Review of the Illegal Dumping By-law was amended by adding the following wording “the Committee agreed to make a request to the Public Works Department and all other appropriate departments” to undertake a review of the Illegal Dumping By-law.

CARRIED

(Pearson/Powers)

That the SECOND Report of the Audit and Administration Committee be adopted, as amended, and the information section received.  

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 08-002

Item 5 Cross Border Billing for Land Ambulance Fees (HES08003) (City Wide) (Item 8.1)

(Jackson/McCarthy)
That Appendices “B” and “C” to Item 5 of the Emergency & Community Services Committee Report 08-002, be deleted and replaced with the revised Appendices “B” and “C”.

CARRIED

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

CARRIED

COMMITTEE OF THE WHOLE REPORT 08-004

(Powers/Mitchell)
That the FOURTH Report of Committee of the Whole be adopted, and the information section received.  

CARRIED
COMMITTEE OF THE WHOLE REPORT 08-005

(Powers/Mitchell)
That the FIFTH Report of Committee of the Whole be received. CARRIED

COMMITTEE OF THE WHOLE REPORT 08-007

Item 1 Human Resources Organizational Review – Final Report (CM08004)
Carried on a Recorded Vote as follows:

Total: 15
Nays: Councillor C. Collins
Total: 1

(Powers/Pearson)
That the SEVENTH Report of Committee of the Whole be adopted, and the information section received. CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 08-001(a)

(Pearson/Powers)
That REPORT 08-001(a) of the Audit and Administration Committee be adopted and the information section received. CARRIED

ACCOUNTABILITY AND TRANSPARENCY SUB-COMMITTEE REPORT 08-001

1. Task of the Accountability and Transparency Sub-Committee

Sub-section (b) CARRIED on a recorded vote as follows;

Total: 15
Nays: Councillor T. Whitehead
Total: 1

(Clark/Duvall)
That the FIRST Report of the Accountability and Transparency Sub-Committee be adopted and the information section received. CARRIED
AUDIT AND ADMINISTRATION COMMITTEE REPORT 08-001(b)

(Pearson/Powers)
That REPORT 08-001(b) of the Audit and Administration Committee be adopted and the information section received. CARRIED

MOTIONS

7.1 “Heads and Beds” Rate

(McHattie/Merulla)
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, that would require payment-in-lieu amounts to be calculated on equivalent taxation using full Current Value Assessment (CVA) time appropriate municipal tax rates.
McHattie/Merulla
That the motion be amended to add sub-section (d) as follows;

(d) That a copy of this motion be forwarded to A.M.O. for their consideration.

AMENDMENT CARRIED

MOTION AS AMENDED CARRIED.

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes of January 9, 2008

Mitchell/Duvall
(a) That the Closed Session Minutes of the January 9, 2008 meeting of Council be approved, as presented.

(b) That the January 9, 2008 minutes, of Council, remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act."

CARRIED

BY-LAWS

Powers/ Pearson
That Bill Nos. 08-009 to 08-026 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 08-00x to 08-0xx:

08-009 009 To Authorize an Interim Tax Levy for 2008
08-010 010 To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues
08-011 011 Respecting Removal of Part Lot Control, Bridgeport Phase 2, Blocks 12, 13 and 14, Registered Plan No. 62M-1082
08-012 012 Respecting Removal of Part Lot Control, Bridgeport Phase 1 and Bridgeport Phase 2, Block 119, Registered Plan No. 6M-1073 and Block 3, Registered Plan No. 62M-1082
08-013 013 Respecting Removal of Part Lot Control, Fifty Road Joint
08-013  Venture, Phase 2, Block 186, Registered Plan No. 62M-987

08-014  014  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

08-015  015  To Adopt Official Plan Amendment No. 117 to the former Town of Ancaster Official Plan, Respecting 149 Stonehenge Drive

08-016  016  To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Described as being Part of Lot 9, Concession 3, in the former Town of Ancaster

08-017  017  To Amend Zoning By-law No. 05-200, 149 Stonehenge Drive (Ancaster)

08-018  018  To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 1121 Hendershot Road

08-019  019  To Amend Zoning By-law No. 6593 (Hamilton), as Amended by By-law No. 04-126, Respecting Lands Located at 287 Locke Street South

08-020  020  To Amend Zoning By-law No. 6593 (Hamilton), Respecting Lands Located at 11 and 18 Britannia Avenue

08-021  021  To Amend Zoning By-law No. 6593 (Hamilton), as Amended by By-law No. 07-026, Respecting Lands Located at 186 Ferguson Avenue North and 201 Robert Street

08-022  022  To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting the Property Located at 141 Highway No. 8

08-023  023  To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 630 Trinity Road South

08-024  024  Respecting Removal of Part Lot Control, Registered Plan No. 62M-1101, Upcountry Estates

08-025  025  Respecting Removal of Part Lot Control, Block 4, Registered Plan No. 62M-1081, Flamborough Power Centre Phase 1

08-026  026  To Confirm the Proceedings of City Council  CARRIED.
(Powers/ Whitehead)

There being no further business, that the City Council meeting be adjourned at 8:52 p.m.

Respectfully submitted

Fred Eisenberger
Mayor

Kevin C. Christenson
Clerk
January 30, 2008