Mayor F. Eisenberger called the meeting to order and called upon Rabbi Dan Selsberg of Beth Jacob Synagogue to lead Council in prayer.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

(a) Added Correspondence:

5.11 Correspondence from Councillor Brad Clark resigning from DARTS Board

Recommendation: Be received

5.12 Private and Confidential Correspondence dated November 3, 2008 from George H. Rust-D’Eye, Integrity Commissioner respecting investigation

Recommendation: Be referred to the Closed Session portion of the City Council Meeting

5.13 Private and Confidential Correspondence dated November 7, 2008 from George H. Rust-D’Eye, Integrity Commissioner respecting investigation
Recommendation: Be referred to the Closed Session portion of the City Council Meeting

(b) Item 7.1, Motion respecting Establishment of a Reserve for Flamborough Capital Projects, deferred until the Council meeting to be held on November 26, 2008.

(c) Added Private and Confidential Matters
   10.1 Matter respecting Legal Advice subject to solicitor client privilege
   10.2 Property Acquisition Matter

(Pearson/Whitehead)
That the Agenda for the City Council meeting being held on November 12, 2008, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson declared an interest in Item 20 of Economic Development and Planning Report 08-021 respecting the Installation of Cameras in Taxi Cabs, as he is an investor in the taxi industry.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Hamilton International Airport Award

The Mayor welcomed Richard Koroscil and John Gibson of Tradeport to join him at the podium.

The Mayor announced that, on October 20, 2008 before delegates representing nearly 500 airlines and 1000 airports in Kuala Lumpur, Malaysia, Hamilton International Airport captured a major international prize: The OAG – Routes Airport Marketing Award for the Americas. Hamilton won first place out of 800 airports.

This honour recognizes excellence in air service development as voted by the airlines industry, who nominated airports based on market research and marketing communications activities. It is a testament to the efforts to support and expand service from Hamilton International Airport and proof that the Hamilton International Airport is cooperatively working to help airlines succeed in Hamilton.
On behalf of the City of Hamilton, Mayor Eisenberger thanked Mr. Koroscil and Mr. Gibson for their excellent work and the recognition they have brought to the City.

### APPROVAL OF MINUTES

**(Mitchell/Powers)**

That the Minutes of the October 29, 2008 meeting of Council be approved, as presented.  

**CARRIED**

### COMMUNICATIONS

**(Merulla/Morelli)**

That Council Communications 5.1 to 5.13 be approved, as follows:

5.1 Correspondence from The Honourable Minister of Municipal Affairs and Housing, Jim Watson respecting changes to the Planning Act via Bill 51

Recommendation: Be received

5.2 Correspondence from The Honourable Minister of Community and Social Services, Madeleine Meilleur respecting collection of outstanding social assistance debt.

Recommendation: Be received

5.3 Correspondence from The Honourable Minister of Transportation, Jim Bradley respecting implementing traffic signals at the intersection of Highway 6 South and Haldibrook Road

Recommendation: Be referred to the Public Works Outstanding Business List for another study when the Highway 6 bridge in Caledonia reopens

5.4 Correspondence from Alice Johnson, Pitch-In Ontario respecting City’s financial support as a Patron of Pitch-In Ontario for 2008

Recommendation: Be received

5.5 Correspondence from The Honourable Minister of Municipal Affairs and Housing, Jim Watson respecting release of Report of the Provincial Municipal Fiscal and Service Delivery Review, “Facing the Future Together”

Recommendation: Be received

5.6 Correspondence from Ken Phillips, Conservation Halton respecting Conservation Halton 2009 Budget

Recommendation: Be received and referred to the Budget Steering Committee for discussion at the November 17, 2008 meeting
5.7 Correspondence from Dr. Tom Nugent respecting Twenty road East Lands
Recommendation: Be received

5.8 Correspondence from Carolyn Downs, City Clerk, City of Kingston respecting Mining Act Reform
Recommendation: Be received

5.9 Correspondence from Keith Beck, KB Consulting respecting Unreasonable Timeline for an Economic Development and Planning Committee Outstanding Business Item
Recommendation: Be received and referred to the Economic Planning and Development Committee for discussion and review

5.10 Correspondence from The Honourable Minister of Municipal Affairs and Housing, Jim Watson respecting Report of The Provincial Municipal Fiscal and Service Delivery Reviews, “Facing the Future Together”
Recommendation: Be received and referred to the City Manager for a report to Committee of the Whole

5.11 Correspondence from Councillor Brad Clark resigning from DARTS Board
Recommendation: Be received and that Councillor Mitchell be appointed to the DARTS Board

5.12 Private and Confidential Correspondence dated November 3, 2008 from George H. Rust-D'Eye, Integrity Commissioner, respecting investigation
Recommendation: Be referred to the Closed Session portion of the City Council Meeting

5.13 Private and Confidential Correspondence dated November 7, 2008 from George H. Rust-D'Eye, Integrity Commissioner, respecting investigation
Recommendation: Be referred to the Closed Session portion of the City Council Meeting

CARRIED AS AMENDED

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

CARRIED
PUBLIC WORKS COMMITTEE 08-017

Item 8  Green Cart and Leaf and Yard Waste Program Changes (PW08126)

(Powers/Pearson)
That Item 8 of Public Works Committee Report 08-017 respecting Green Cart and Leaf and Yard Waste Program Changes (PW08126) be referred back to staff for further investigation of additional options that take into consideration the comments raised by the members of the Public Works Committee at their November 3rd, 2008 meeting, including the cost levy, with a report back to the next appropriate Public Works Committee meeting

CARRIED

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

CARRIED

AUDIT AND ADMINISTRATION COMMITTEE REPORT 08-013

(Pearson/Powers)
That the THIRTEENTH Report of Audit and Administration Committee be adopted, and the information section received.

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 08-014

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

CARRIED

LICENSING TRIBUNAL REPORT 08-006

(Whitehead/Powers)
That the SIXTH Report of the Licensing Tribunal be adopted, and the information section received.

CARRIED

ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE REPORT 08-021

Item 20  Installation of Cameras in Taxi Cabs

Item 20 of Economic Development and Planning Report 08-021 respecting the Installation of Cameras in Taxi Cabs CARRIED on the following recorded vote:
Item 23  Potential City-Wide Prohibition on Drive-throughs

Item 23 of Economic Development and Planning Report 08-021 respecting Potential City-Wide Prohibition on Drive-throughs LOST on the following recorded vote:

Yeas:  Ferguson, Jackson, McCarthy, Mitchell, Pearson, Powers, Whitehead
Total:  7
Nays:  Eisenberger, Bratina, Clark, Collins, Duvall, McHattie, Merulla, Morelli, Pasuta
Total:  9

(McHattie/Clark)
That the General Manager of Economic Development and Planning, the Medical Officer of Health, and the Director of Traffic be directed to report back on the potential prohibition or restriction of drive-through facilities by March 30, 2009 and that the report address any planning issues, traffic concerns, and health risks.

CARRIED

(Whitehead/Powers)
That the TWENTY-FIRST Report of the Economic Development and Planning Committee be adopted, as amended, and the information section received.  CARRIED

COMMITTEE OF THE WHOLE REPORT 08-032

Item 3  Follow Up to Black Soot Fallout Delegations

(Clark/Merulla)
That Item 3(c) of Committee of the Whole Report 08-032 be deleted in its entirety and replaced with the following:

(c) That the City of Hamilton explore the feasibility, legislation, scope of responsibility, and costs of the creation of a new position, environmental expert, commissioner, or co-ordinator for the City of Hamilton.

Amendment CARRIED
Item 8  International Event Opportunities – 2015 Pan Am Games Bid Update (PED08091(a)) (City Wide)

(Merulla/Morelli)
That Item 8(b) of Committee of the Whole Report 08-032 be amended by deleting “Mayor F. Eisenberger and Councillor Robert Pasuta” and replacing it with “Mayor F. Eisenberger, Councillor Robert Pasuta, and Councillor Terry Whitehead”.

Amendment CARRIED

Item 8 as amended CARRIED on the following recorded vote:
Yeas: Eisenberger, Bratina, Collins, Duvall, Ferguson, Jackson, McHattie, Merulla, Mitchell, Morelli, Pasuta, Pearson, Powers, Whitehead
Total: 14
Nays: Clark, McCarthy
Total: 2

Item 10  Provincial-Municipal Fiscal and Service Delivery Review (FCS08110)

(Clark/Collins)
That Item 10 of Committee of the Whole Report 08-032 respecting Provincial-Municipal Fiscal and Service Delivery Review be referred back to the General Manager of Finance and Corporate Services for report to Committee of the Whole to consider other approaches, such as bridge financing, to obtain the support of the Provincial Ministers and to have them deal with the fiscal realities of Hamilton.

CARRIED

(Merulla/Morelli)
That the THIRTY-SECOND Report of Committee of the Whole be adopted, as amended, and the information section received.

CARRIED

(Merulla/McHattie)
That Committee of the Whole rise and report.

CARRIED

MOTIONS

7.1  Establishment of a Reserve for Flamborough Capital Projects

Deferred to the Council meeting to be held on November 26, 2008.
7.2 NHL Second Team

(Bratina/Clark)
That Item 7.2, a Motion Respecting NHL Second Team be amended as follows:
(a) Deleting sections (a) and (c)
(b) Amending section (b) by inserting the words “research and” prior to “prepare an information package”.

Amendment CARRIED

(Bratina/Clark)
That staff from the Economic Development & Real Estate and Tourism Hamilton Divisions of the Planning & Economic Development Department in conjunction with the CEO of HECFI and the Mayor’s Office, research prepare an information package consisting of high quality materials to be delivered to the NHL Board of Governors that clearly demonstrates that the City of Hamilton is not a “minor league town”.

Motion as Amended CARRIED

7.3 Outstanding Business List (Added Item)

(Whitehead/Pearson)
That the subject of the Standing Committees’ Outstanding Business List be referred to the Governance Review Sub-Committee for review and discussion.

CARRIED

NOTICES OF MOTION

None

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

(Pearson/Clark)
That Council move into Closed Session, at 10:10pm, pursuant to Section 8.1, Subsections (c), (d), and (f) of the City’s Procedural By-law 03-301, and Section 239 of the Ontario Municipal Act, to consider matters relating to a proposed acquisition of land by the municipality, contractual relations with a supplier, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

(Pearson/Mitchell)
That Council reconvene in Open Session at 11:45 p.m.

CARRIED
10.1 Matter respecting Legal Advice Subject to Solicitor-Client Privilege

Staff direction was provided in camera with nothing to report in Open Session.

10.2 Property Acquisition Matter

(Pearson/Powers)

(a) That the Offer to Purchase City Lands known as “0” Cormorant Drive, Ancaster, Block A, Plan RC-A-611, in the former Town of Ancaster, now in the City of Hamilton, to be submitted by Fruition Manufacturing Limited, be accepted on the condition that all references in Schedule A clause B) (ii) to compensation and penalties that the City would be liable for in the event that certain conditions are not met be deleted from the agreement.

(b) That the City Solicitor be authorized and directed to send an acceptance letter to Fruition Manufacturing Limited upon receipt of an executed Offer to Purchase agreement, which agreement is in a form satisfactory to the City Solicitor, and which agreement is for the sale by the City of the vacant City-owned lands known as Block A, Plan RC-A-611 comprised of 3.9 hectares (9.66 acres) of useable land more or less (as shown on Appendix B to Report PED08309), subject to an easement in favour of the City of Hamilton over Part 3 on Plan 62R-17854 for sanitary sewer purposes comprising an area of 0.3 hectares (.74 acres) more or less (as shown on Appendix B to Report PED08309), municipally known as 0 Cormorant Drive, Ancaster, (as shown on Appendix A to Report PED08309), now in the City of Hamilton.

(c) That the sale of the aforementioned City-owned lands, at the sale price of $1,862,000, plus applicable Goods and Service Tax (GST), be approved and completed and the funds derived from the sale less disbursements, be deposited into the Ancaster Industrial Park Reserve Account No. 47702-3620507100.

(d) That the sale price of $1,862,000 ($192,754 per acre per usable land) does not include the Goods and Service Tax (GST); should the GST be applicable and collected by the City, the GST amount is to be credited to Account No. 22835-009000 (GST Payable).

(e) That the sum of $37,240 be funded from the sale amount and credited to Account No. HAMTN 47702-3560150200 (Capital - Property Purchases and Sales), being the cost to prepare the property for sale.

(f) That only the recommendations of Report PED08309 respecting the sale of City lands known as “0” Cormorant Drive, Ancaster, Block A, Plan RC-A-611, in the former Town of Ancaster, now in the City of Hamilton, be made public and the remainder of the report remain a confidential document and not released as a public document.
(g) That the General Manager of Planning & Economic Development be authorized and directed to make the plant location of Fruition Manufacturing Ltd a top priority across all divisions and that the Mayor send a letter, and request a meeting if necessary, to Hydro One and Union Gas requesting that they expedite the installation of services to “0” Cormorant Drive, Ancaster, Block A, Plan RC-A-611 to be purchased by Fruition Manufacturing.

CARRIED

10.3 Private and Confidential Correspondence from George Rust-D’Eye, Integrity Commissioner

(Pearson/Powers)
That this item of correspondence be received and made public.

CARRIED

10.4 Private and Confidential Correspondence from George Rust-D’Eye, Integrity Commissioner

(Pearson/Powers)
That this item of correspondence be received and made public.

CARRIED

BY-LAWS
(Merulla/McHattie)
That Bill Nos. 258 to 272 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 08-258 to 08-272 as follows:

<table>
<thead>
<tr>
<th>By-law No.</th>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>08-258</td>
<td>258</td>
<td>To Amend By-law No. 08-169, A By-law To Establish Certain 2008 User Fees and Charges for Services, Activities or the Use of Property</td>
</tr>
<tr>
<td>08-259</td>
<td>259</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking: 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 20 – School Bus Loading Zones</td>
</tr>
<tr>
<td>08-260</td>
<td>260</td>
<td>To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 31 &amp; 33 Whiterock Avenue (Glanbrook)</td>
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<tr>
<td>#</td>
<td>Title</td>
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<tr>
<td>08-261</td>
<td>To Adopt Official Plan Amendment No. 67 to the former Township of Glanbrook Official Plan, Respecting 1970 Rymal Road East</td>
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<tr>
<td>08-262</td>
<td>To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located at 1970 Rymal Road East</td>
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<tr>
<td>08-263</td>
<td>To Adopt Official Plan Amendment No. 68 to the former Township of Glanbrook Official Plan, Respecting “Summit Park, Phase 5”, Lands Located Within Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook, and Block 136, Registered Plan 62M-1033</td>
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<tr>
<td>08-264</td>
<td>To Amend Zoning By-law No. 464 (Glanbrook), Respecting Lands Located on Part of Lot 5, Block 5, Concession 1, Geographic Township of Binbrook and Block 136, Registered Plan 62M-1033, in the former Township of Glanbrook</td>
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</tr>
<tr>
<td>08-265</td>
<td>To Amend Zoning By-law No. 87-57 (Ancaster), Respecting Lands Located at 259 and 265 Wilson Street East, in the former Town of Ancaster, now in the City of Hamilton</td>
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<tr>
<td>08-266</td>
<td>To Remove a Portion of the Lands from and to Amend Zoning By-law No. 05-200, Respecting Lands Located at 265 Wilson Street East</td>
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<tr>
<td>08-267</td>
<td>To Amend By-law No. 07-170, A By-law to Licence and Regulate Various Businesses</td>
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<tr>
<td>08-268</td>
<td>To Designate the Area on Wilson Street East, Between Montgomery Drive and Dalley Drive in the City of Hamilton as the Ancaster Business Improvement Area, and to Establish a Board of Management for the Ancaster Business Improvement Area</td>
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<tr>
<td>08-269</td>
<td>To Amend By-law No. 05-105, To Provide for a Revised Emergency Plan</td>
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<tr>
<td>08-270</td>
<td>To Amend By-law No. 06-147, To Authorize the City to Enter into Extension Agreements</td>
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<tr>
<td>08-271</td>
<td>Respecting the Removal of Part Lot Control, 257 Carla Avenue, Stoney Creek, Lots 2, 3l 4l 8, 10 and 11, Registered Plan No. 62M-1115</td>
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</tr>
<tr>
<td>08-272</td>
<td>To Confirm the Proceedings of City Council</td>
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(Powers/Collins)
There being no further business, the City Council meeting adjourned at 11:46 p.m.

CARRIED
Respectfully submitted

Fred Eisenberger
Mayor

Rose Caterini
Deputy Clerk
November 12, 2008