Mayor Bratina called the meeting to order. The Mayor led Council in the Hindu Prayer of Peace.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

1. **ADDED CEREMONIAL ACTIVITY**
   3.2 Hamilton Tiger-Cat Recognition

2. **ADDED CORRESPONDENCE**
   5.3 Correspondence from Mr. John Tory, Chair Greater Toronto CivicAction Alliance respecting the '32 Reasons to Invest' campaign to encourage investment in a regional transportation Network

   Recommendation: Be received.
5.4 Correspondence from Gabriela Sadowska, Application Assessment Officer, Ministry of the Environment, respecting the application of Newalta Corporation for increased of waste disposal site service area.

Recommendation: Be referred to the Acting General Manager of Planning for a report to the Planning Committee.

3. ADDED NOTICE OF MOTION

8.1 Consideration of an Overpass Display By-law

4. TYPOGRAPHICAL CORRECTION

There is a typographical correction in Planning Committee Report 13-018 on page nine it indicates an item was table to February 4, 2013 it should read 2014.

(Johnson/Pearson)
That the agenda for the November 27, 2013 meeting of Council be approved, as amended.
CARRIED

DEclarations of Interest

There were no declarations of interest.

Ceremonial Activities/Announcements

3.1 Business Appreciation Awards (Wards 1, 2, 3, 5, 6, 7, 11 & 15)

The Mayor and respective Ward Councillors recognized and presented the 2013 Annual Business Appreciation Awards to the following businesses:

- **Small Business Winners**
  - Net Access Systems (Ward 2), Dan Nedoborski, CEO and Don McNally, President
  - Duarte Supermarket (Ward 3), Alcino Duarte, Sr. and Maria Duarte, Owners
  - Gala Grocery (Ward 5), Veljko Obradovic, Owner
  - La Bakeri (Ward 6), Carmen Greco, Owner
3.2 Hamilton Tiger-Cat Recognition

The Mayor recognized Tiger Cats President Glenn Gibson and Coach Kent Austin for the accomplishments made this year by the Tiger-Cats Football Team ~ playing in the 101st Grey Cup!

4.1 November 13, 2013

(Johnson/Pearson)
That the Minutes of the November 13, 2013, meeting of Council be approved, as presented.

CARRIED
COMMUNICATIONS

(Jackson/Whitehead)
That Council Communications 5.1 through 5.4 be approved, as amended, as follows:

5.1 Correspondence from the Niagara Escarpment Commission respecting the Niagara Escarpment Plan Amendment PC-183-10 Wooded Areas & Significant Woodlands

Recommendation: Be received. (Whitehead/Jackson)

5.2 Correspondence from Allan Dohey, Assistant Deputy Minister, Provincial Local Financial Division - Ministry of Finance, respecting the 2014 Upload Notice

Recommendation: Be received. (Jackson/Merulla)

5.3 Correspondence from Mr. John Tory, Chair Greater Toronto CivicAction Alliance respecting the ‘32 Reasons to Invest’ Campaign to Encourage Investment in a Regional Transportation Network

Recommendation: Be received. (Partridge/Pasuta)

5.4 Correspondence from Gabriela Sadowska, Application Assessment Officer, Ministry of the Environment, respecting the application from the Newalta Corporation for an increased Waste Disposal Site Service Area.

Recommendation: (Pearson/Johnson)

(a) That the Correspondence from Gabriela Sadowska, Application Assessment Officer, Ministry of the Environment, respecting the application from the Newalta Corporation for an increased Waste Disposal Site Service Area, be received and referred to the Acting General Manager of the Planning and Economic Development Department for a report to the Planning Committee.

(b) That Legal Services staff be directed to provide the Acting General Manager of the Planning and Economic Development Department with all documentation respecting the application from the Newalta Corporation for an increased Waste Disposal Site Service Area.

(c) That Legal Services staff be present at the Planning meeting when the staff report comes forward respecting the application from the Newalta Corporation for an increased Waste Disposal Site Service Area.

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

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-014

That the FOURTEENTH Report of the Public Works Committee be adopted, and the information section received.

CARRIED

BOARD OF HEALTH REPORT 13-010

That the TENTH Report of the Board of Health be adopted, and the information section received.

CARRIED

PLANNING COMMITTEE REPORT 13-018

That the EIGHTEENTH Report of the Planning Committee be adopted, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-024

That Item 5 of General Issues Committee Report 13-024 respecting “Update on the Art Gallery of Hamilton Building Expansion Project” be deleted in its entirety and replaced with the following in lieu thereof:

5. Update on the Art Gallery of Hamilton Building Expansion Project

   (a) That the request of the Art Gallery of Hamilton to begin fundraising for the Gallery Building Expansion Project be endorsed, subject to receipt and satisfactory review of the Structural Engineer’s Report to verify that the expansion over top of the City’s parking garage is structurally feasible;

   (b) That the public record be amended to indicate that the Art Gallery of Hamilton is not requesting any financial contribution from the City of Hamilton for this Capital project at this time.

CARRIED

Collins/Merulla

That Item 5, respecting an Update on the Art Gallery of Hamilton Building Expansion Project, be reconsidered.

CARRIED
Item 5 was split for voting purposes.

Item 5 CARRIED on the following vote:

**Sub-section (a)**
Total: 13
Nays: None
Total: 0
Absent: Duvall, Ferguson, Powers
Total: 3

**Sub-section (b)**
Total: 12
Nays: Whitehead
Total: 1
Absent: Duvall, Ferguson, Powers
Total: 3

**(Bratina/Partridge)**
That the TWENTY-FOURTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

**EMERGENCY & COMMUNITY SERVICES COMMITTEE 13-009**

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

CARRIED

**(Farr/McHattie)**
That the Committee of the Whole Rise and Report.

CARRIED

**MOTIONS**

7.1 **Protection for Municipalities from Claims in Respect of Operations, Public Assets and Roads**

**(Whitehead/Jackson)**
WHEREAS, municipalities are the owners of roads and public properties, and the provider of important services intended to benefit citizens and the economy;
AND WHEREAS, municipalities face increasing financial liabilities, claims and personal injury damage awards through ownership of assets and operations, under occupiers liability and negligence claims, through the application of the 1% rule which is without regard to the degree of fault, and uninsured/underinsured defendants, all making municipalities de facto insurers for injuries and losses;

AND WHEREAS, increasing damage awards leave municipalities with additional maintenance standards and costs, and result in even further claims and liability in the face of statutory measures meant to protect municipalities but which measures fail to carry out their purposes;

AND WHEREAS, effective protections from claims, liabilities and court imposed maintenance obligations are necessary to allow municipalities to service the economy and citizens as well as to meet critical infrastructure replacement and maintenance needs;

NOW THEREFORE BE IT RESOLVED:

That the Province of Ontario be requested to provide municipalities with effective protections from claims, costs and damage awards, and to provide rational maintenance and service obligations to protect municipalities from claims in respect of operations, public assets and roads.

CARRIED

7.2 Pre-Christmas Free Parking Strategy

(Jackson/Whitehead)
That the Pre-Christmas Free Parking Strategy, approved by City Council on June 25, 2003, be amended as follows; That on-street parking be free at all times from December 1, 2013 to December 24, 2013 and limited to two (2) hours in duration for the Concession Street Business Improvement Area.

CARRIED

7.3 Consideration of an Overpass Display By-law

(Whitehead/Jackson)
That Municipal Law Enforcement staff, in consultation with Legal Services and Public Works staff, be directed to report to Planning Committee on regulating by by-law the use of overpasses for displays of any kind.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

8.1 Consideration of an Overpass Display By-law

That Municipal Law Enforcement staff, in consultation with Legal Services and Public Works staff, be directed to report to Planning Committee on regulating by by-law the use of overpasses for displays of any kind.
(Whitehead/Jackson)
That the Rules of Order be waived to allow for the introduction of a motion respecting the Consideration of an Overpass Display By-law.

CARRIED

For disposition of this matter, please refer to Item 7.3 above.

Councillor Merulla introduced the following Notice of Motion:

8.2 Facilitating Public Demonstrations at City Hall

Whereas the City of Hamilton wishes to protect the democratic right of citizens to express their disapproval or objection to the policies and actions of government through group protests.

Therefore be it Resolved:

(a) That the City Hall Forecourt continue to be made available as a space for protests to take place with no rental fee.

(b) That protest organizers be encouraged to provide notification of a planned protest to the Facility Help Desk of City Hall.

(c) That protest organizers who provide at least 48 hours’ notice of a planned protest after regular business hours (8:30 AM – 4:30 PM) be provided with access to indoor City Hall facilities at no cost provided the space is available and/or does not conflict with other City of Hamilton business.

(d) That protests that include additional event elements, such as food preparation and service or amplified music, be required to comply with the guidelines for the Special Events Advisory Team (SEAT) to ensure public health and safety at the event.

(e) That the Special Events Advisory Team (SEAT) will attempt to expedite all protest-related applications, in recognition of the spontaneous nature of many protests.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.
10.1  Closed Session Minutes - November 13, 2013

As Council determined that no discussion, respecting the Closed Session Minutes of November 13, 2013 meeting of Council was required, the Minutes were approved in Open Session, as shown below:

(Whitehead/Jackson)
(a) That the Closed Session Minutes of the November 13, 2013 meeting of Council be approved, as presented.

(b) That the Closed Session Minutes of the November 13, 2013 meeting of Council remain confidential and restricted from public disclosure.

CARRIED

10.2  Court File 13-41006, City ats Sizzle Steakhouse, Koi Restaurant, and Diavolo, (LS13037) (City Wide)

(Pearson/Johnson)
That Council move into Closed Session, at 10:39 p.m., respecting Report LS13037, Court File 13-41006, City ats Sizzle Steakhouse, Koi Restaurant, and Diavolo, pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City, and the receiving of advice that is subject to solicitor-client privilege including communications necessary for that purpose.

CARRIED

Staff was provided with direction in Closed Session.

BY-LAWS

(Jackson/Collins)
That the Bill List for the November 27, 2013 meeting of Council be amended as follows:

(a) That Schedule “A” of Bill 297 be replaced with the revised Schedule “A” (attached hereto);

(b) That the following be added as Bill 298 (attached hereto) and the balance be renumbered:

By- Law No.
298 To Amend By-law No. 10-209, a By-law to Regulate the Hamilton Farmers’ Market
299 To Confirm the Proceedings of Council  CARRIED
(Jackson/Collins)
That Bills No. 13-289 to 13-299, as amended, be passed and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

By- Law No.

289 To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 4 - Yield Control
Schedule 5 - Stop Control

290 To Amend By-law No. 01-215
Being a By-law To Regulate Traffic
Schedule 5 - Stop Control

291 To Incorporate City Land
Designated as Reserve Block 20 on Plan 62M-1161
Into Fair Street

292 To Amend By-law No. 01-218, as amended,
Being a By-law To Regulate On-Street Parking
Schedule 4 – Special Event Parking Zones
Schedule 8 – No Parking Zones
Schedule 5 – Parking Meters
Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 9 – Alternate Side Parking
Schedule 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones

293 To Incorporate City Land
Designated as Reserve Blocks 132 and 133 on Plan 62M-1182
into Waterbridge Street

294 To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting the Property Located at 22 Green Mountain Road West

295 Removal of Part Lot Control
Blocks 116 & 117, Registered Plan No. 62M-1122, “Southcote Woodlands – Phase 2”
91, 103, 112, 115, 124 and 127 Gregorio Avenue, and 110, 120, 130 and 140 Bookjans Drive
By- Law No.

296  Removal of Part Lot Control

Lots 1 to 14, inclusive, 16 to 31, inclusive, 33 to 40, inclusive, 42 to 49, inclusive, 61 to 65, inclusive, and Block 66, Registered Plan No. 62M-1194, “Summerlea West – Phase 4”


297  To Amend Zoning By-law No. 87-57 (Ancaster), as amended, respecting lands located at 215 and 221 Springbrook Avenue, in the former Town of Ancaster, now in the City of Hamilton

298  To Amend By-law No. 10-209, a By-law to Regulate the Hamilton Farmers’ Market

299  To Confirm the Proceedings of Council

CARRIED

(Johnson/Pearson)

That, there being no further business, the City Council meeting be adjourned at 8:32 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk