The Mayor called upon Reverend Bob Sim to lead Council in prayer.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

1. **ADDED CORRESPONDENCE**

   5.7 Correspondence from Tim Sok respecting on-street parking on Greenhill Avenue, between 972 to 1002 Greenhill Avenue

       Recommendation: Be referred to the Acting General Manager of Planning and Economic Development for appropriate action.

   5.8 Correspondence from the Honourable Charles Sousa, Minister of Finance, to Monique Taylor, M.P.P., Hamilton Mountain, and Paul Miller, M.P.P., Hamilton East-Stoney Creek, respecting taxi insurance in the Hamilton Area.

       Recommendation: Be received.

   5.9 Correspondence from the Honourable Glen Murray, Minister of Infrastructure/Minister of Transportation, advising that the final
Transportation Development Strategy for the Niagara to GTA Corridor Environmental Assessment Study was released for review on September 5, 2013

Recommendation: Be received.

5.10 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council’s motion respecting the use of Conducted Energy Weapons and non-lethal force by sworn officers

Recommendation: Be received.

5.11 Correspondence from Mike Ryan, Acting Regional Deputy Commissioner, Ontario Region, Correctional Service Canada, in response to Council’s concerns respecting changes to the staffing model at the Hamilton Community Correctional Centre

Recommendation: Be received.

5.12 Petition respecting No Right Turns being allowed on Red Signals in all directions at Upper Gage Avenue and Mohawk Road East

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

(Pearson/Johnson)
That the agenda for the October 23, 2013 meeting of Council be approved, as amended.

CARRIED

DEclarations OF INTEREST

Councillor Ferguson declared an interest in item 5.8, Correspondence from the Honourable Charles Sousa, Minister of Finance, to Monique Taylor, M.P.P., Hamilton Mountain, and Paul Miller, M.P.P., Hamilton East-Stoney Creek, respecting taxi insurance in the Hamilton Area., and Item 4 of Planning Committee Report 13-016 Taxi Industry Insurance Concerns (PED10063(g)) (City Wide), as he has business interest in the taxi industry.

CERemonial activitieS/announcements

None.
APPROVAL OF MINUTES

4.1 October 9, 2013

(Powers/Partridge)
That the Minutes of the October 9, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Powers/Ferguson)
That Council Communications 5.1 through 5.12 be approved, as amended, as follows:

5.1 Correspondence from Christopher Capredoni, Autism Ontario-Hamilton Chapter President, requesting proclamation of October as Canadian Autism Awareness Month

Recommendation: Be received.

5.2 Correspondence from George Habib, President and CEO, Ontario Lung Association, requesting proclamation of November as Lung Month

Recommendation: Be received.

5.3 Correspondence from Colin Brown, Managing Director, mcnally brown, respecting RHOP Amendments and Southeast Corner of Binbrook Road West and Fletcher Road, Binbrook

Recommendation: Be referred to the Acting General Manager of Planning and Economic Development for appropriate action.

5.4 Resolution from the City of Guelph respecting a request to the Province to establish an infrastructure funding program for sidewalk maintenance

Recommendation: Be endorsed.

5.5 Resolution from Richmond Hill respecting Federation of Canadian Municipalities (FCM) National Municipal Rail Safety “Working Group Communique”

Recommendation: Be endorsed and referred Councillor Russ Powers, Chair, AMO’s Rail Safety Task Force.

5.6 Correspondence from Earl Basse, Integrity Commissioner to request extension of time for the preparation and filing of reports
Recommendation: Be received and Section 22(2) of the Integrity Commissioner By-law be referred to staff to revise in consultation with the Integrity Commissioner and report back to the Governance Sub-Committee.

5.7 Correspondence from Tim Sok respecting on-street parking on Greenhill Avenue, between 972 to 1002 Greenhill Avenue

Recommendation: Be referred to the Acting General Manager of Planning and Economic Development for appropriate action.

5.8 Correspondence from the Honourable Charles Sousa, Minister of Finance, to Monique Taylor, M.P.P., Hamilton Mountain, and Paul Miller, M.P.P., Hamilton East-Stoney Creek, respecting taxi insurance in the Hamilton Area.

Recommendation: Be received.

5.9 Correspondence from the Honourable Glen Murray, Minister of Infrastructure/Minister of Transportation, advising that the final Transportation Development Strategy for the Niagara to GTA Corridor Environmental Assessment Study was released for review on September 5, 2013.

Recommendation: Be received.

5.10 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council’s motion respecting the use of Conducted Energy Weapons and non-lethal force by sworn officers.

Recommendation: Be received.

5.11 Correspondence from Mike Ryan, Acting Regional Deputy Commissioner, Ontario Region, Correctional Service Canada, in response to Council’s concerns respecting changes to the staffing model at the Hamilton Community Correctional Centre.

Recommendation: Be received and referred to the General Issues Committee for appropriate action.

5.12 Petition respecting No Right Turns being allowed on Red Signals in all directions at Upper Gage Avenue and Mohawk Road East.

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action.

CARRIED AS AMENDED
(Farr/McHattie)
That Council move into Committee of the Whole for consideration of the Committee Reports.

PLANNING COMMITTEE REPORT 13-016

Item 6 Proposed Zoning By-law Amendment Affecting Lands Located at 16 and 22 King Street East (Dundas) (PED13164) (Ward 13) (Item 6.3)

(Bratina/Whitehead)
That item 6 of Planning Committee Report 13-016 be amended by deleting the words, “-H” and “Holding”, following the words, “Central Area Commercial “CAC/S-126” Zone,” to read as follows:

That Zoning Application ZAC-12-017, by Mai Souffian, Owner, for a change in zoning from the Central Area Commercial “CAC/S-91” Zone, Modified, with a Special Exception, to the Central Area Commercial “CAC/S-126” Zone, Modified, with a Special Exception, on lands located at 16 and 22 King Street East (Dundas), as shown on Appendix “A” to Report PED13164, be approved, on the following basis:

(a) That the Draft By-law, attached as Appendix “B” to Report PED13164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Schedule “A” of Zoning By-law No. 3581-86;

(c) That the proposed change in Zoning is in conformity with the Urban Hamilton Official Plan.

Amendment CARRIED

Item 7 Rural Hamilton Official Plan Amendment: New Policies and Minor Revisions (Wards 9, 11, 12, 13, 14, and 15) (PED13165) (Item 6.4)

(Ferguson/Johnson)
That Item 7 of Planning Committee Report 13-016 be amended by deleting recommendation (b) and replacing it with a new sub-section (b), to read as follows:

(b) That Appendix A to Report PED13165 be amended on page 94 of 159 by adding a new section d. to Policy C.5.4.1 as follows:

   d) Notwithstanding Policy C.5.4.1 c), a storm water management pond for the development of the Ancaster Industrial Park shall be permitted
on the west side of Trinity Road, midway between Wilson Street and Book Road West (Ancaster Fairgrounds).

Amendment CARRIED

(Farr/McHattie)
That the SIXTEENTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-021

Item 5 Hamilton Police Conducted Energy Weapons (CEW/Taser) Expansion (PSB13-090) (Item 8.1)

(Clark/Merulla)
That Item 10 of the General Issues Committee Report 13-021 be amended by adding the following sub-section (e):

(e) That the Police Services Board be reminded that the Ministry requested Police Services hold public consultations on the use of CEW/Tasers.

Amendment CARRIED

Item 10 Niagara to Greater Toronto Area (NGTA) Corridor Planning and Environmental Assessment Study – Phase 1, Final Transportation Development Strategy (PW13020(a)/PED13044(a)) (City Wide)

(Ferguson/Powers)
That Item 10 of General Issues Committee Report 13-021 be amended by adding the following as sub-section (f):

(f) That the Ministry of Transportation be requested to accelerate plans to widen the eastbound (downbound) lanes of Highway 403 between the LINC and Main Street by one lane into the median.

Amendment CARRIED

The motion was separated for voting purposes:

Recommendation (b) and (c) CARRIED, on the following vote:

Yeas: Bratina, Duvall, Collins, Merulla, Farr, Clark, Johnson, Powers, Whitehead, Pearson, Jackson, Ferguson
Total: 12
Nays: McHattie
Total: 1
Absent: Morelli, Partridge, Pasuta
Total: 3
The main motion (excluding recommendation (b) and (c)) CARRIED, on the following vote:

Yeas: Bratina, Duvall, Collins, Merulla, Farr, McHattie, Clark, Johnson, Ferguson, Powers, Whitehead, Pearson, Jackson
Total: 13
Nays: 0
Absent: Morelli, Partridge, Pasuta
Total: 3

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 13-018(b)

(Partridge/Ferguson)
That item 10 to Board of Health report 13-009 be amended by deleting sub-section (d) in its entirety and amending sub-section (b) by adding the words “and including all municipal buildings” after the words, “City of Hamilton”, to read as follows:

(d) That all City of Hamilton municipal buildings be included in the pilot project conducted by Dr. Wasserman, and Anaphylaxis Canada to determine the capacity to place epinephrine auto-injectors in those locations.

(b) That Public Health Services report back in twelve months with the results of the pilot project with considerations to put epinephrine auto-injectors in every food outlet in the City of Hamilton and include all municipal buildings.

Amendment CARRIED
(Ferguson/Powers)
That item 10 to Board of Health report 13-009 be amended by adding sub-section (d) to read as follows:

(d) That the Epinephrine Auto-Injectors Pilot Program in City of Hamilton Food Outlets be funded from the Tax Stabilization Reserve number 110046, and that staff report back through the annual Reserve Report as to the funding commitment.

Amendment CARRIED

(Bratina/Pearson)
That the NINTH Report of the Board of Health be adopted, as amended, and the information section received.

CARRIED

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 13-008

(Whitehead/Duvall)
That the Rules of Order be waived with respect to the 48 hour rule to allow the introduction of Emergency and Community Services Committee Report 13-008.

CARRIED

(Whitehead/Jackson)
That the EIGHTH Report of the Emergency and 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 Objection to Liquor License Application – Market Restaurant, 1088 Main Street West, Hamilton, Ontario L8S 1B3

(McHattie/Farr)
Whereas, the City of Hamilton has received notification that Market Restaurant at 1088 Main Street West, Hamilton, Ontario has applied for a liquor license;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario’s legislation, they shall consider a resolution of Council of the
municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act; Therefore, be it resolved:

(a) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Market Restaurant at 1088 Main Street West, Hamilton, Ontario, as it is not in the public interest;

(b) That should the AGCO determine that a Hearing is to be scheduled, that Legal Services be authorized and directed to attend the Hearing to represent the City’s interest.

CARRIED

7.2 Objection to Liquor License Application – Brown Dog Coffee Shoppe, 211 Locke Street South, Hamilton, Ontario L8P 4B6

(McHattie/Farr)
Whereas, the City of Hamilton has received notification that Brown Dog Coffee Shoppe at 211 Locke Street South, Hamilton has applied for a liquor license;

And Whereas, under Section 7.1 (1) of the Alcohol and Gaming Commission of Ontario’s legislation, they shall consider a resolution of Council of the municipality, in which are located the premises for which a person makes an application to sell liquor or holds a license to sell liquor, as proof of the needs and wishes of the residents of the municipality for the purposes of clause 6 (2) (h) of the Act;

Therefore, be it resolved:

(a) That the Alcohol and Gaming Commission of Ontario (AGCO) be advised that the City of Hamilton wishes to object to the Liquor License application for Brown Dog Coffee Shoppe at 211 Locke Street South, Hamilton, Ontario, as it is not in the public interest;

(b) That should the AGCO determine that a Hearing is to be scheduled, that Legal Services be authorized and directed to attend the Hearing to represent the City’s interest.

CARRIED
7.3 Support of Rooftop Solar Installations for the Province of Ontario FIT Program Version 3.0

(Powers/Partridge)
WHEREAS, capitalized terms not defined herein have the meanings ascribed to them in the FIT Rules, Version 3.0; and

WHEREAS the Province's FIT Program encourages the construction and operation of rooftop solar installation generation projects (the "Projects"); and

WHEREAS one or more Projects may be constructed and operated in the City of Hamilton; and

WHEREAS, pursuant to the FIT Rules, Version 3.0, Applications whose Projects receive the formal support of Local Municipalities will be awarded Priority Points, which may result in these Applicants being offered a FIT Contract prior to other Persons applying for FIT Contracts;

NOW THEREFORE BE IT RESOLVED:

(a) That Council of the City of Hamilton supports the construction and operation of rooftop solar Projects anywhere in the City of Hamilton.

(b) That this resolution’s sole purpose is to enable the participants in the FIT Program to receive Priority Points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects or any other purpose.

(c) That this resolution shall expire twelve (12) months after its adoption by Council.

CARRIED

NOTICES OF MOTION

Councillor Whitehead introduced the following Notice of Motion:

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

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 it be Resolved:

That the Province on 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.

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**STATEMENT BY MEMBERS**

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

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**PRIVATE AND CONFIDENTIAL**

**BY-LAWS AND CONFIRMING BY-LAW**

(Powers/Partridge)
That the Bill List for the October 23, 2013 meeting of Council be amended by adding Bill 270 and renumbering the balance.

CARRIED

(Powers/Partridge)
That Bills No. 13-256 to 13-271, 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:

<table>
<thead>
<tr>
<th>Bill No.</th>
<th>Description</th>
</tr>
</thead>
</table>
| 256      | To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic  
Schedule 2 – Speed Limits  
Schedule 9 – No Right on Red  
Schedule 10 – No Left Turn  
Schedule 13 – Designated Traffic Lanes |
| 257      | To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic  
Schedule 5 – Stop Control |
258  To Amend By-law No. 01-215  
Being a By-law To Regulate Traffic  
Schedule 9 – No Right on Red  
Schedule 13 – Designated Traffic Lanes

259  To Amend By-law No. 01-218, as amended,  
Being a By-law To Regulate On-Street Parking  
Schedule 6 – Time Limit Parking  
Schedule 8 – No Parking Zones  
Schedule 10 – Alternate Side Parking  
Schedule 13 – No Stopping Zones  
Schedule 14 – Wheelchair Loading Zones  
Schedule 16 – Taxi Zones

260  To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program.

261  To Amend Zoning By-law No. 3581-86 (Dundas)  
Respecting Lands Located at 16 and 22 King Street East

262  To Adopt:  
Official Plan Amendment No. 12 to the Urban Hamilton Official Plan  
Respecting: Lands Located at 211 Pritchard Road, Hamilton

263  To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 211 Pritchard Road, Hamilton

264  Removal of Part Lot Control  

265  Removal of Part Lot Control  
Part of Lots 1, 7, 10, 12, 13, 18, 19, 20, 21, 22, 23, 28, 30, 31, 32, and 33, Registered Plan No. 62M-1187

266  Removal of Part Lot Control  
Part of Blocks 72, and 99, Registered Plan No. 62M-1167, and Part of Lots 3, 6, 15, and 16, and Part of Block 36, Registered Plan No. 62M-1188

267  To Amend By-law No. 01-218, as amended,  
Being a By-law 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 15 – Commercial Vehicle Loading Zones

268  To Incorporate City Land Designated as Block 10 on Plan 62M-669 Into Fern Avenue

269  To Amend Zoning By-law No. 05-200  
Respecting Lands Located at 22 - 24 Emerald Street South, Hamilton

270  To Amend Zoning By-law No. 6593 (Hamilton),  
Respecting 1426-1430 Main Street East and 6 Crosthwaite Avenue South

271  To Confirm Proceedings of Council

CARRIED As Amended
(Pearson/Powers)
That, there being no further business, the City Council meeting be adjourned at 7:11 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B. Comm., AMCT
City Clerk
Office of the City Clerk