Mayor R. Bratina called the meeting to order and called upon Bob Warriner, Pastor of Flamborough Christian Fellowship, to lead Council in prayer.

The Mayor acknowledged the passing of the late Mr. Arthur Weisz and noted many of Mr. Weisz’s accomplishments and contributions to the City of Hamilton over the years.

Mayor Bratina read out loud correspondence that was sent to Thomas Menino, Mayor of Boston, expressing Council’s thoughts and condolences regarding the Boston Marathon bombing. A moment of silence was observed in honour of the late Mr. Arthur Weisz and all the victims of the Boston Marathon bombing.

**APPROVAL OF THE AGENDA**

The Clerk advised of the following changes to the agenda:

1. **ADDED CORRESPONDENCE**

   5.9 Correspondence from Sharon L. MacKenzie, Executive Director, i2i Intergenerational Society, requesting a Letter of Support for Intergenerational Day on June 1, 2013

   Recommendation: Be received.
5.10 Correspondence from Ryan McGreal, Editor, Raise the Hammer, respecting Re-affirmation of Council’s support for Light Rail Transit

Recommendation: Be received.

5.11 Correspondence from Nicholas Kevlahan expressing support for a B-line Light Rail Transit (LRT) in Hamilton

Recommendation: Be received.

5.12 Correspondence from Gregory Galante expressing support for Light Rail Transit (LRT) in Hamilton

Recommendation: Be received.

5.13 Correspondence from Dr. Tom Doyle, Ph.D., P.Eng. expressing support for Light Rail Transit (LRT) in Hamilton

Recommendation: Be received.

2. REPORTS (to be distributed)

6.4 Public Works Committee Report 13-005 – April 22, 2013

6.5 Board of Health Report 13-003 – April 22, 2013

3. NOTICE OF MOTION

8.1 Re-Affirmation of Council’s Position respecting B-Line Light Rail Transit (LRT) on King Street

4. PRIVATE & CONFIDENTIAL

10.2 Selection Committee Report 13-002 – April 23, 2013

(Johnson/Pasuta)

That the agenda for the April 24, 2013 meeting of Council be approved, as amended.

CARRIED
DECLARATIONS OF INTEREST

There were no declarations of interest.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

None.

APPROVAL OF MINUTES

4.1 April 10, 2013

(Ferguson/Pearson)
That the Minutes of the April 10, 2013, meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Ferguson/Pasuta)
That Council Communications 5.1 through 5.13 be approved, as amended, as follows:

5.1 Resolution from the Town of Ajax respecting the Enbridge Line 9B Reversal and Line 9 Capacity Expansion project – Issues Report

Recommendation: Be received. (McHattie/Ferguson)

5.2 Correspondence from Metrolinx respecting “The Big Move” – the Regional Transportation Plan for the Greater Toronto and Hamilton Area (GTHA)

Recommendation: Be received. (Farr/McHattie)

5.3 Resolution from the City of Brantford respecting Changes to the Heads and Beds Legislation and to Develop a Legal Position around the Heads and Beds Payment

Recommendation: Be endorsed. (Whitehead/Jackson)

5.4 Correspondence from Marlene Meerkat requesting to proclaim May, 2013 as Lyme Disease Awareness Month

Recommendation: Be received. (Johnson/Duvall)
5.5 Correspondence from Patience Adamu, Intern, Municipal Partnerships, TO2015, requesting to proclaim July 10, 2013 as Pan Am/Parapan Am Day

Recommendation: Be received. (Morelli/Merulla)

5.6 Association of Municipalities of Ontario (AMO) Communication respecting “Ontario PC’s Interest Arbitration Private Members’ Bill Lost on Vote”

Recommendation: (Jackson/Whitehead)

(a) That the Mayor be authorized and directed to correspond with the Honourable Yasir Naqvi, Minister of Labour, to convey the City of Hamilton’s disappointment respecting the decision on the Ontario PC’s Interest Arbitration Private Members’ Bill and to further advise that the City continues to have concerns with respect to this issue.

(b) That a copy of the correspondence, respecting the decision on the Ontario PC’s Interest Arbitration Private Members’ Bill, be sent to the Honourable Kathleen Wynne, Premier of Ontario, Jim Wilson, Opposition House Leader, and the Association of Municipalities of Ontario.

5.7 Correspondence from Gordon Searles, MD, FRCPC, President, Canadian Dermatology Association, requesting recognition of “Light It Orange for Melanoma Monday” on Monday, May 6, 2013

Recommendation: Be received and referred to the General Manager of Public Works for appropriate action. (Jackson/Whitehead)

5.8 Correspondence from Karen Leibovici, President, Federation of Canadian Municipalities, congratulating the City of Hamilton for achieving Milestone 5 of the Partners for Climate Protection (PCP) Program for corporate emissions

Recommendation: Be received. (McHattie/Jackson)

5.9 Correspondence from Sharon L. MacKenzie, Executive Director, i2i Intergenerational Society, requesting a Letter of Support for Intergenerational Day on June 1, 2013

Recommendation: Be received. (Partridge/Pasuta)
5.10 Correspondence from Ryan McGreal, Editor, Raise the Hammer, respecting Re-affirmation of Council’s support for Light Rail Transit

Recommendation: Be received. *(Johnson/Ferguson)*

5.11 Correspondence from Nicholas Kevlahan expressing support for a B-line Light Rail Transit in Hamilton

Recommendation: Be received. *(Whitehead/Duvall)*

5.12 Correspondence from Gregory Galante expressing support for Light Rail Transit in Hamilton

Recommendation: Be received. *(Partridge/Pasuta)*

5.13 Correspondence from Dr. Tom Doyle, Ph.D., P.Eng. expressing support for Light Rail Transit in Hamilton

Recommendation: Be received. *(Collins/Merulla)*

*MOTION AS AMENDED CARRIED*

*(Johnson/Pearson)*

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

CARRIED

**AUDIT, FINANCE & ADMINISTRATION COMMITTEE 13-004**

*(Pearson/Johnson)*

That the FOURTH Report of the Audit, Finance & Administration Committee be adopted and the information section received.

CARRIED

**PLANNING COMMITTEE REPORT 13-006**

13. Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction (LS13010) (City Wide) (Item 12.2)

*(Farr/Morelli)*

That Item 13 of the Planning Committee Report 13-006, respecting the Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction” (LS13010), be deleted in its entirety and replaced with the following in lieu thereof:
(a) That the amendments and modifications described in the recommendations contained in Appendix "A" to Report LS13010, be approved as the basis of a settlement of those portions of Paletta International Corporation's appeal of the Urban Hamilton Official Plan, as identified in Appendix "A" except for the modification to policy C.2.3.3. in Appendix “A”, which shall be amended to read as follows:

“The natural features and ecological functions of Core Areas shall be protected and, where possible, deemed feasible to the satisfaction of the City enhanced. To accomplish this protection and enhancement vegetation removal and encroachment into Core Areas shall generally not be permitted, and appropriate vegetation protection zone shall be applied to all Core Areas;”

(b) That the amendments and modifications described in the Additional Staff Recommended Changes contained in Appendix "B" to Report LS13010, be approved as the position of the City in the Urban Hamilton Official Plan appeal proceedings;

(c) That staff be directed to advise the Ontario Municipal Board that the City of Hamilton and Paletta International Inc. have settled a portion of Paletta International Corporation's appeal of the Urban Hamilton Official Plan on the basis of the recommendations contained in Appendix "A" to Report LS13010, including the revised modification to policy C.2.3.3.;

(d) That staff be directed to advise the Ontario Municipal Board that the amendments and modifications contained in Appendix "B" to Report LS13010 should be included in the Urban Hamilton Official Plan;

(e) That Report LS13010, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction, and its Appendix "C" remain confidential;

(f) That Appendix "A" to Report LS13010, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction, remain confidential, but be made public in the event that a settlement is reached with the appellant;

(g) That Appendix "B" to Report LS13010, Urban Hamilton Official Plan Proposed Settlement of Part of Appeal by Paletta International Corporation and Legal Direction, remain confidential, but be made public upon Council approval of recommendation (b) when the Additional Staff Recommended Changes contained in
Appendix "B" are approved as the position of the City in respect of those matters set out in Appendix "B" to Report LS13010.

**AMENDMENT CARRIED**

**MOTION AS AMENDED CARRIED**

(Johnson/Pearson)
That the SIXTH Report of the Planning Committee be adopted, as amended, and the information section received.

CARRIED

**GENERAL ISSUES COMMITTEE REPORT 13-009**

(Jackson/Collins)

CARRIED

(Whitehead/Johnson)
That Information Item (j)(ii) of General Issues Committee Report 13-009, respecting Proposed Settlement of the Ontario Municipal Board (OMB) Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders’ Association and Losani Homes (1998) Ltd. – OMB File No’s. DC090025 and DC110008 be added as Item 14 to the General Issues Committee Report 13-009, to read as follows:


(a) That Report LS13009 respecting the Proposed Settlement of the Ontario Municipal Board (OMB) Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders’ Association and Losani Homes (1998) Ltd., OMB File No’s. DC090025 and DC110008, be received;

(b) That Report LS13009, respecting the Proposed Settlement of the Ontario Municipal Board (OMB) Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders’ Association and Losani Homes (1998) Ltd., OMB File No’s. DC090025 and DC110008 together with Appendices “A” and “B” attached thereto, remain confidential;

(c) That Appendices “C” and “D” to Report LS13009, respecting the Proposed Settlement of the Ontario Municipal Board (OMB) Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton...
Homebuilders’ Association and Losani Homes (1998) Ltd., OMB File No’s. DC090025 and DC110008, be released to the public after Council approval thereof;

(d) That staff be directed to settle the Ontario Municipal Board appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders’ Association and Losani Homes (1998) Ltd., in accordance with the Minutes of Settlement attached as Appendices “C” and “D” to Report LS13009;

(e) That the City Solicitor, or designate, be authorized to execute the said Minutes of Settlement on behalf of the City, respecting the Proposed Settlement of the Ontario Municipal Board (OMB) Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders’ Association and Losani Homes (1998) Ltd., OMB File No’s. DC090025 and DC110008.

(f) That the City communicate the fact of the rebates to the Hamilton-Halton Homebuilders’ Association members, to non-member recipients, and the public to bring the matter of the rebates to the attention of potentially affected purchasers.

The above motion CARRIED, as amended, on the following vote:

Yeas: Ferguson, Whitehead, Morelli, McHattie, Johnson, Pearson, Pasuta
Total: 7
Nays: Jackson, Duvall, Collins, Merulla
Total: 4
Absent: Bratina, Powers, Farr, Partridge, Clark
Total: 5

(Johnson/Pearson)
That the NINTH Report of the General Issues Committee be adopted, as amended, and the information section received.

CARRIED

PUBLIC WORKS COMMITTEE REPORT 13-005

(Whitehead/Duvall)
That the FIFTH Report of the Public Works Committee be adopted, and the information section received.

CARRIED
(Bratina/Partridge)
That the THIRD Report of the Board of Health be adopted, and the information section received.

CARRIED

(Johnson/Pearson)
That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Special Occasion Permit - Bailun Cowell Fundraiser – May 25, 2013

(Farr/McHattie)
WHEREAS, City Council has received Notice from Tishanne Dupuis that she wishes to obtain a Special Occasion Permit to sell alcohol during the Bailun Cowell Fundraiser on May 25, 2013;

AND WHEREAS, the Alcohol & Gaming Commission of Ontario (AGCO) requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

THEREFORE, BE IT RESOLVED:

(a) That the City of Hamilton hereby deems the Bailun Cowell Fundraiser on May 25, 2013 as municipally significant;

(b) That the Applicant be provided a copy of this resolution for inclusion with their application to the Alcohol & Gaming Commission of Ontario.

CARRIED

7.2 Re-Affirmation of Council’s Position respecting B-Line Light Rail Transit (LRT) on King Street

(McHattie/Ferguson)
WHEREAS, City of Hamilton staff and City Council have been working on a detailed plan for a B-Line Light Rail Transit (LRT) for several years in partnership with Metrolinx and the Province of Ontario;

AND WHEREAS, while there are a variety of important transit needs in Hamilton, including extending GO service to east Hamilton, and implementing a fully-functioning A-Line transit service, City Council has previously provided direction to City staff to prioritize a design for a B-Line LRT project;
AND WHEREAS, on February 27, 2013, City Council voted unanimously to request 100% funding from the Province of Ontario for a B-Line LRT on King Street (Item 1 of General Issues Committee Report 13-006);

AND WHEREAS, the Chamber of Commerce’s Light Rail Transit Task Force (members including Councillors Farr, Ferguson, McHattie, and Mayor Bratina) has been working diligently to promote a B-Line LRT on King Street, in support of Council’s position, and in conjunction with many other individuals and organizations in Hamilton;

AND WHEREAS, it is critical that Hamilton communicate clearly with the Province of Ontario on Council’s LRT transit priority;

THEREFORE BE IT RESOLVED:

(a) That Council’s February 27, 2013 decision requesting 100% Provincial capital funding from the Province of Ontario for a B-Line Light Rail Transit on King Street, be re-affirmed;

(b) That the Mayor be directed to represent City Council’s position on a B-Line Light Rail Transit on King Street to other government agencies and the private sector.

(c) That the Mayor be directed to include Councillors Farr, Ferguson and McHattie when communicating on Council transit priorities with the Province of Ontario.

(d) That a copy of Council’s February 27, 2013 resolution respecting a B-Line Light Rail Transit on King Street, and a copy of this motion, be forwarded to the Premier, Minister of Transportation and Hamilton area MPP’s.

(Farr/Merulla)
That subsection (a) of Item 7.2, respecting Re-Affirmation of Council’s Position respecting B-Line Light Rail Transit (LRT) on King Street, be amended by adding the words “priority project” after the word “Street”, to read as follows:

(a) That Council’s February 27, 2013 decision requesting 100% Provincial capital funding from the Province of Ontario for a B-Line Light Rail Transit on King Street priority project, be re-affirmed;

The above amendment CARRIED, on a Standing Recorded vote, as follows:

Yeas: Whitehead, Jackson, Collins, Merulla, Morelli, Farr, McHattie, Ferguson, Partridge
Total: 9
Nays: Bratina, Clark, Pearson, Johnson, Pasuta, Duvall
Total: 6
Absent: Powers
Total: 1
That the motion, respecting the Re-Affirmation of Council’s Position respecting B-Line Light Rail Transit (LRT) on King Street, be referred to the Clerk’s Office for review to determine the appropriate wording in order to avoid any conflicts with the Rapid Ready Document that was submitted to the Province; and, to advise whether or not a reconsideration of Council is required to move forward with that motion.

NOTICES OF MOTION

Councillor B. McHattie introduced the following Notice of Motion:

8.1 Re-Affirmation of Council’s Position respecting B-Line Light Rail Transit (LRT) on King Street

WHEREAS, City of Hamilton staff and City Council have been working on a detailed plan for a B-Line Light Rail Transit (LRT) for several years in partnership with Metrolinx and the Province of Ontario;

AND WHEREAS, while there are a variety of important transit needs in Hamilton, including extending GO service to east Hamilton, and implementing a fully-functioning A-Line transit service, City Council has previously provided direction to City staff to prioritize a design for a B-Line LRT project;

AND WHEREAS, on February 27, 2013 City Council voted unanimously to request 100% funding from the Province of Ontario for a B-Line LRT on King Street (Item 1 of General Issues Committee Report 13-006);

AND WHEREAS, the Chamber of Commerce’s Light Rail Transit Task Force (members including Councillors Farr, Ferguson, McHattie, and Mayor Bratina) has been working diligently to promote a B-Line LRT on King Street, in support of Council’s position, and in conjunction with many other individuals and organizations in Hamilton;

AND WHEREAS, it is critical that Hamilton communicate clearly with the Province of Ontario on Council’s LRT transit priority;

THEREFORE BE IT RESOLVED:

(a) That Council’s February 27, 2013 decision requesting 100% Provincial capital funding from the Province of Ontario for a B-Line Light Rail Transit on King Street be re-affirmed;

(b) That the Mayor be directed to represent City Council’s position on a B-Line Light Rail Transit on King Street to other government agencies and the private sector.
(c) That the Mayor be directed to include Councillors Farr, Ferguson and McHattie when communicating on Council transit priorities with the Province of Ontario.

(d) That a copy of Council’s February 27, 2013 resolution respecting a B-Line Light Rail Transit on King Street, and a copy of this motion, be forwarded to the Premier, Minister of Transportation and Hamilton area MPP’s.

CARRIED

(McHattie/Ferguson)

That the Rules of Order be waived in order to allow for the introduction of a motion, respecting Re-Affirmation of Council’s Position respecting B-Line Light Rail Transit (LRT) on King Street.

CARRIED

8.2 Personnel Matter

Councillor S. Merulla introduced the following Notice of Motion:

That Council meet in Closed Session, pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 10-053, and Section 239, Sub-section (b) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including municipal or local board employees; to discuss the verbal exchange between the Mayor and the City Manager during a side bar conversation at the April 24, 2013 meeting of Council.

STATEMENT BY MEMBERS

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

PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – April 10, 2013

As Council determined that no discussion, respecting the Closed Session Minutes of April 10, 2013, meeting of the Council was required, the Minutes were approved in Open Session, as shown below:

(Whitehead/Ferguson)

(a) That the Closed Session Minutes of the April 10, 2013, meeting of the Council be approved, as presented.

(b) That the Closed Session Minutes of the April 10, 2013 meeting of the Council, remain confidential and restricted from public disclosure.

CARRIED
(Johnson/Whitehead)
That Section 5.6(2) of the City’s Procedural By-law, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider Selection Committee Report 13-002, dated Tuesday, April 23, 2013.

CARRIED

10.2 Selection Committee Report 13-002 – April 23, 2013

As Council determined that no discussion, respecting the Selection Committee Report 13-002 was required, the Report was approved in Open Session, as shown below:

(Johnson/Whitehead)
That the following citizen be appointed to the Hamilton Library Board for a term commencing April 25, 2013 and to expire with the current term of Council or until such time as a successor is appointed:

(i) Clare Wagner

CARRIED

10.3 Information Item (j)(ii), respecting the Proposed Settlement of Ontario Municipal Board (OMB) Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders’ Association and Losani Homes (1998) Ltd. OMB File No’s. DC 090025 and DC110008 (LS13009) (City Wide) (Item 12.3)

(Pasuta/Pearson)
That Council move into Closed Session, at 10:41 p.m., respecting the Proposed Settlement of the Ontario Municipal Board (OMB) Appeals of Development Charges By-laws 09-143/09-144/11-173/11-174/11-175 – Hamilton Halton Homebuilders’ Association and Losani Homes (1998) Ltd. OMB File No’s. DC 090025 and DC110008, 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 municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

For disposition of this matter, please refer to Item 7.2 above.

BY-LAWS

(Johnson/Pasuta)
That Bills No. 13-101 to 13-115 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>No.</th>
<th>By-law Number</th>
<th>Description</th>
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<tbody>
<tr>
<td>101</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic:</td>
<td>Schedule 2 – Speed Limits</td>
</tr>
<tr>
<td>102</td>
<td>To Amend By-law No. 01-215, To Regulate Traffic:</td>
<td>Schedule 2 Speed Limits</td>
</tr>
<tr>
<td>103</td>
<td>To Amend By-law No. 01-218, as amended, To Regulate On-Street Parking:</td>
<td>Schedule 5 – Parking Meters</td>
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<td>Schedule 6 – Time Limit Parking</td>
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<td>Schedule 8 – No Parking Zones</td>
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<td>Schedule 9 – Alternate Side Parking</td>
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<td>Schedule 12 – Permit Parking Zones</td>
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<td>Schedule 13 – No Stopping Zones</td>
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<td>Schedule 14 – Wheelchair Loading Zones</td>
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<td>Schedule 16 – Taxi Zones</td>
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<td>Schedule 20 – School Bus Loading Zones</td>
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<tr>
<td>104</td>
<td>To Incorporate City Land Designated as Block 86 on Plan 62M-1167 into Bousfield Rise</td>
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<tr>
<td>105</td>
<td>To Incorporate City Land Designated as Block 84 on Plan 62M-1167 into Gunby Boulevard</td>
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<tr>
<td>106</td>
<td>To Incorporate City Land Being Part of Block 16 on Plan 62M-989, Designated as Part 40 on Plan 62R-19312 into Jessica Street</td>
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<tr>
<td>107</td>
<td>To Incorporate City Land Designated as Block 81 on Plan 62M-1167 into Painter Terrace</td>
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<tr>
<td>108</td>
<td>To Incorporate City Land Designated as Blocks 80 and 83 on Plan 62M-1167 into Sadielou Boulevard</td>
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<tr>
<td>109</td>
<td>To Incorporate City Land Designated as Blocks 77 and 79 on Plan 62M-1167 into Rusk Terrace</td>
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<tr>
<td>110</td>
<td>Respecting Removal of Part Lot Control, A Portion of Block 19, Registered Plan No. 62M-1170 “Trillium Gardens – Phase 2”, 3 – 107 Padua Crescent (Stoney Creek)</td>
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<tr>
<td>111</td>
<td>To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting the Lands Located at 259 Dewitt Road</td>
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<tr>
<td>112</td>
<td>To Amend Zoning By-law No. 05-200, Respecting Lands Located at 259 Dewitt Road (Stoney Creek)</td>
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<tr>
<td>113</td>
<td>To Adopt Official Plan Amendment No. 175 to the former City of Stoney Creek Official Plan Respecting: Lands Located on the north side of Highway No. 8, known municipally as 303 Highway No. 8, Stoney Creek</td>
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<tr>
<td>114</td>
<td>To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 303 Highway No. 8</td>
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<tr>
<td>115</td>
<td>To Confirm the Proceedings of City Council</td>
<td>CARRIED</td>
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</tbody>
</table>
(Pearson/Jackson)
That, there being no further business, the City Council meeting be adjourned at 9:33 p.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

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