



## City of Hamilton

### CITY COUNCIL REVISED

19-019

Wednesday, October 23, 2019, 5:00 P.M.

Council Chambers, Hamilton City Hall

71 Main Street West

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#### Call to Order

#### 1. APPROVAL OF AGENDA

(Added Items, if applicable, will be noted with \*)

#### 2. DECLARATIONS OF INTEREST

#### 3. CEREMONIAL ACTIVITIES

3.1 Celebrating Cable 14's 50th Broadcast Season

#### 4. APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 October 9, 2019

4.2 October 16, 2019

#### 5. COMMUNICATIONS

5.1 Correspondence from the City of St. Catharines respecting their resolution respecting Menstrual Products in City Facilities.

Recommendation: Be received.

5.2 A Briefing Note from Demand the Right Coalition of Ontario Municipalities respecting Giving Ontario Municipalities the "Right to Approve" Landfill Developments in Their Own Communities.

Recommendation: Be received.

5.3 Correspondence from the Honourable Raymond Cho, Minister for Seniors and Accessibility respecting the planning of Remembrance Day events and keeping accessibility in mind to ensure everyone can fully participate.

Recommendation: Be received.

\*5.4 Correspondence from Let's Remember Adam - Stop for the School Bus respecting National School Bus Safety Week, from October 21 to 25, 2019.

Recommendation: Be received.

\*5.5 Correspondence respecting the McMaster Student Residence, 1190 Main Street West:

\*5.5.a Krysia Steinberg

\*5.5.b Renate Manthei

\*5.5.c Gord Arbeau

Recommendation: Be received and referred to the consideration of Item 4 of Planning Committee Report 19-016.

\*5.6 Correspondence from Danny Trombetta, 610 South Service Road Inc (Gateway Ice Centre) respecting Development Charge liability for a proposed additional arena at 610 South Service Road, Gateway Sports Complex.

Recommendation: Be received and referred to General Manager of Finance and Corporate Services for appropriate action.

## 6. COMMITTEE REPORTS

6.1 Planning Committee Report 19-016 - October 15, 2019

6.2 General Issues Committee Report 19-020 - October 16, 2019

6.3 Hamilton Street Railway Company Shareholder Report 19-002 - October 16, 2019

6.4 Audit, Finance and Administration Committee Report 19-015 - October 17, 2019

6.5 Emergency and Community Services Committee Report 19-012 - October 17, 2019

6.6 Board of Health Report 19-010 - October 18, 2019

6.7 Special General Issues Committee Clerk's Report 19-021 - October 21, 2019

## 7. MOTIONS

7.1 Reconsideration of Item 26 of the General Issues Committee Report 19-002 (Operating Budget) respecting a System-Wide Approach to Public Transit

**TO BE WITHDRAWN** - *as per the appointments made to the Transit Area Rating Review Sub-Committee at the October 9, 2019 Council meeting.*

7.2 Amendment to Item 25 of the General Issues Committee Report 19-002 (Operating Budget), respecting Transit Service Levels, Demand and Growth Opportunities by Ward

**TO BE WITHDRAWN** - *as per the appointments made to the Transit Area Rating Review Sub-Committee at the October 9, 2019 Council meeting.*

7.3 Amendment to Item 27 of the General Issues Committee Report 19-002 (Operating Budget), respecting Alternative Funding Options for Transit

**TO BE WITHDRAWN** - *as per the appointments made to the Transit Area Rating Review Sub-Committee at the October 9, 2019 Council meeting.*

7.4 Amendment to Item 3 of the Public Works Committee Report 19-004 respecting Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 20 Birch Avenue, Hamilton (PW19028) (Ward 3) (Item 8.2)

7.5 Delegation of Authority to Hear Complaints respecting the Payment of Development Charges

## 8. NOTICES OF MOTIONS

\*8.1 One-Time Grant to Hamilton Food Share

## 9. STATEMENTS BY MEMBERS

## 10. PRIVATE AND CONFIDENTIAL

10.1 Closed Session Minutes – October 9, 2019 (distributed under separate cover)

Pursuant to Section 8.1, Sub-section (a), (c), (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (a), (c), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the security of the property of the City; a proposed or pending acquisition or disposition of land for City purposes; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

10.2 Appointments to the Advisory Committee for Persons with Disabilities (distributed under separate cover)

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (b) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees.

**11. BY-LAWS AND CONFIRMING BY-LAW**

11.1 255

Respecting Removal of Part Lot Control, Blocks 205 and 206 within Registered Plan No. 62M-1244, "Waterdown Bay Phase 2", municipally known as 15-33 Riverwalk Drive

PLC-19-029

Ward: 15

11.2 256

To Repeal By-law No. 19-239 and Removal of Part Lot Control, Block 207, within Registered Plan No. 62M-1238, "Mountainview Heights Phase 2", municipally known as 35, 37, 39, 41, 43 and 45 Riverwalk Drive

PLC-19-028

Ward: 15

11.3 257

To Amend Zoning By-law No. 05-200 Respecting Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook

ZAA-19-042

Ward: 11

11.4 258

To Amend City of Hamilton By-law 07-170, Being a By-law to License and Regulate Various Businesses

Schedule 11 – Payday Loans

Ward: 5

11.5 259

To Administer Notices and Other Matters under the Trespass to Property Act

Ward: City Wide

11.6 260

To Repeal and Replace By-law No. 19-251 for the Removal of Part Lot Control from Lots 1-24, Registered Plan No. 62M-1244, "Victory Ridge Phase 5A and 5B" municipally known as, 22, 26,30,34,38 and 42 Hargrove Way, 147, 151, 155, 159, 163, and 167 Bradshaw Drive, 3,7,11,15, 19 Hargrove Way, and 4, 8, 12, 16, 20, 24, and 28 Midhurst Heights.

PLC-19-006

Ward: 9

\*11.7 261

To Authorize the Signing of a Transfer Payment Agreement for the Small Business Enterprise Centre (SBEC) Program, between her Majesty the Queen in Right of Ontario, as represented by the Minister of Economic Development, Job Creation and Trade, and the City of Hamilton

11.8 262

To Confirm the Proceedings of City Council

## 12. ADJOURNMENT



## CITY COUNCIL MINUTES 19-017

5:00 p.m.  
October 9, 2019  
Council Chamber  
Hamilton City Hall  
71 Main Street West

**Present:** Mayor F. Eisenberger, Deputy Mayor – J. Partridge  
Councillors M. Wilson, J. Farr, N. Nann, C. Collins, S. Merulla, T. Jackson,  
E. Pauls, J. P. Danko, B. Clark, B. Johnson, L. Ferguson, A. VanderBeek and  
T. Whitehead

**Absent:** Councillor M. Pearson – Personal

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation.

The Mayor called upon Jamie Wood, of the Living Hope Church, to provide the invocation.

### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

#### 5. CORRESPONDENCE

- 5.10 Correspondence from Paul Dubé, Ombudsman Ontario respecting the Final Report on the investigation into complaints about closed meetings held by the City of Hamilton on February 9 and 23, 2019.

Recommendation: Be received ***and referred to the City Clerk for appropriate action.***

#### 8 NOTICE OF MOTION

- 8.2 Implementation of a Temporary Lane Restriction on the North West Curb Lane of Wellington Street

**10. PRIVATE AND CONFIDENTIAL**

10.1 Sub-lease Negotiations for the John C. Munro International Airport (PED19137(a))

**11. BY-LAWS AND CONFIRMING BY-LAW**

251 Removal of Part Lot Control Lots 1-24, Registered Plan No. 62M-1244, "Victory Ridge Phase 5A and 5B" municipally known as, 22, 26,30,34,38 and 42 Hargrove Way, 147, 151, 155, 159, 163, and 167 Bradshaw Drive, 3,7,11,15, 19 Hargrove Way, and 4, 8, 12, 16, 20, 24, and 28 Midhurst Heights.  
Ward: 9

**CHANGE TO THE ORDER OF ITEMS**

Item 8.1, a Notice of Motion to Reconsider Item 26 of the General Issues Committee Report 19-002 (Operating Budget), respecting a System-Wide Approach to Public Transit, is to be moved up and considered immediately following Item 7.4.

**(Ferguson/Jackson)**

That Item 7.7, respecting Removal of Private Ash Tree at 85 Fiddlers Green Road, Ancaster (Ward 12), be heard immediately following Item 5.

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Partridge/Clark)**

That the agenda for the October 9, 2019 meeting of Council be approved, ***as amended***.

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

### DECLARATIONS OF INTEREST

Councillor Clark declared a conflict with respect to Item 9 of the Planning Committee Report 19-015, respecting Report PED19176, Accessory Dwelling Units (Pilot Project) – Temporary Use By-Law for City of Hamilton Zoning By-Law No. 6593 (Wards 1 and 8) for a non-pecuniary indirect apparent conflict as he has a previous relationship with the Hamilton District Apartment Association as a former client, as he wrote “Promoting Code Compliant, Affordable, Safe, Clean and Healthy Rental Housing”.

Councillor Merulla declared an interest to Item 4 of the General Issues Committee Report 19-019, respecting Report PED19178/HSC19052, Financial Incentive Program Amendments regarding the Potential Tenant Displacement, as he and his wife are rental property landlords.

Councillor Merulla declared a conflict with respect to Item 9 of the Planning Committee Report 19-015, respecting Report PED19176, Accessory Dwelling Units (Pilot Project) – Temporary Use By-Law for City of Hamilton Zoning By-Law No. 6593 (Wards 1 and 8), as he and his wife are rental property landlords.

Councillor VanderBeek declared an interest to Item 4 of the General Issues Committee Report 19-019, respecting Report PED19178/HSC19052, Financial Incentive Program Amendments regarding the Potential Tenant Displacement, as she is a rental property landlord.

Councillor VanderBeek declared a conflict with respect to Item 9 of the Planning Committee Report 19-015, respecting Report PED19176, Accessory Dwelling Units (Pilot Project) – Temporary Use By-Law for City of Hamilton Zoning By-Law No. 6593 (Wards 1 and 8), as she is a rental property landlord.

Councillor Danko declared an interest to Item 7 of the General Issues Committee Report 19-019, respecting Report 19-002, September 20, 2019, School Board Properties, as his wife is Vice Chair of the Hamilton-Wentworth District School Board.



<b>CEREMONIAL ACTIVITIES</b>
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**3.1 Presentation of the Office of the Governor General - Sovereign's Medal for Volunteers**

Mayor Eisenberger on behalf of City Council congratulated Geneviève Rees on receiving the Sovereign's Medal for Volunteers. This is a special honour recognizing the exceptional volunteer achievements of Canadians from across the country in a wide range of fields.

Geneviève Rees has been a volunteer first responder since 2009 with organizations such as McMaster University Emergency First Response Team, Queen's First Aid Campus Response Team and Peer Health Educators. Part of a team that responds to a variety of situations, she has educated others and served as a role model of responsible behaviours, as well as a mentor for new team members.

**3.2 The 2019 Monarch Awards**

Mayor Eisenberger on behalf of City Council, presented this year's Monarch Awards. The Monarch Awards recognize gardens and gardeners in Hamilton for their contribution to a biodiverse, sustainable environment. The 2019 Monarch Award recipients are:

- Melissa Creasey (Sherman neighbourhood in Hamilton)
- Kate Geroux (Albion Falls neighbourhood in Stoney Creek)
- James Honey and Alex Stewart (Gibson & Landsdown neighbourhood in Hamilton)
- Janet Mackey (Yorkshire Heights neighbourhood in Dundas)
- Ann Martin (Downtown Core neighbourhood in Waterdown)

The Caterpillar Awards are for novice gardeners, new gardens, and gardens in tiny spaces. The 2019 Caterpillar Award recipients are:

- Michael Albanese
- Deborah Boyd
- Laurie Brady
- Tina Cooper
- Lucy Dubeckyj
- Lorraine Moss
- Kevin Wydysz

<b>APPROVAL OF MINUTES OF PREVIOUS MEETING</b>
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**4.1 September 25, 2019****(Ferguson/VanderBeek)**

That the Minutes of the September 25, 2019 meeting of Council be approved, as presented.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>COMMUNICATIONS</b>
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**(Partridge/Whitehead)**

That Council Communications 5.1 to 5.10 be approved, ***as amended***, as follows:

- 5.1 Correspondence from the Ministry of Natural Resources and Forestry respecting the Proposed Changes to the Aggregate Resources Act.

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

- 5.2 Correspondence from Nancy Smith, Executive Director, Interval House of Hamilton respecting the Be More Than a Bystander (BMTB) program and requesting that the Hamilton sign be lit in purple and grey during the month February of 2020.

Recommendation: Be ***approved and referred to Mayor's Office***.

- 5.3 Correspondence from the Township of Springwater to the Ministry of Attorney General in response to the Ministry's letter respecting Joint and Several Liability Consultation.

Recommendation: Be received.

- 5.4 Correspondence from Daryl Vaillancourt, Chief, Humane Programs and Community Outreach, Ontario SPCA and Humane Society respecting Provincial animal welfare legislation, which is in the midst of a significant transition.

Recommendation: Be received and referred to the General Manager of Planning and Economic Development; ***the Hamilton Police Service and the Hamilton Police Services Board for appropriate action***.

- 5.5 Correspondence from the Regional Municipality of Durham to the Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs respecting the Golden Horseshoe Food and Farming Alliance Funding Renewal Request (2019-EDT-14).

Recommendation: Be received.

- 5.6 Correspondence from the Ministry of Transportation respecting a Gas Tax Program Review Survey to be completed by November 4, 2019.

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

- 5.7 Correspondence from Michael Ronney requesting that City Council undertake a review of the Parking By-law No. 01-218.

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

- 5.8 Correspondence and a petition containing 273 signatures from Jonathan Lambert requesting the immediate upgrade of Glancaster Road (between Twenty and Rymal) in order to provide safe pedestrian access to nearby amenities.

*(A copy of the petition is available for viewing in the Office of the City Clerk)*

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

- 5.9 Correspondence from the Honourable Todd Smith, Minister of Children, Community and Social Services respecting important updates to the social assistance in Ontario.

Recommendation: Be received and referred to the General Manager of Healthy and Safe Communities for appropriate action.

- 5.10 Correspondence from Paul Dubé, Ombudsman Ontario respecting the Final Report on the investigation into complaints about closed meetings held by the City of Hamilton on February 9 and 23, 2019.

Recommendation: Be received and referred to the City Clerk for appropriate action.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger

YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>MOTIONS</b>
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**7.7 Removal of Private Ash Tree at 85 Fiddlers Green Road, Ancaster (Ward 12)**

**(Ferguson/Jackson)**

WHEREAS, the elderly homeowner of 85 Fiddlers Green Road, Ancaster needs to have a dying Ash tree removed from their property under the City of Hamilton's Emerald Ash Borer Management Program;

WHEREAS, the Ash tree located at 85 Fiddlers Green Road, Ancaster was probably planted by the Town of Ancaster's tree planting program; and,

WHEREAS, the property line at 85 Fiddlers Green Road is not easy to follow.

THEREFORE, BE IT RESOLVED:

That staff be directed to remove the one Ash tree in front of 85 Fiddlers Green Road, Ancaster, as part of the Emerald Ash Borer Management Program and that the costs for removal, stumping and replacement be funded from Project ID 4451153001, Emerald Ash Borer (EAB) Management Plan.

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Whitehead/Partridge)**

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

**CARRIED**

**SPECIAL GENERAL ISSUES COMMITTEE REPORT 19-018**

**(Eisenberger/Johnson)**

That the EIGHTEENTH Report of the General Issues Committee be received for information.

**CARRIED**

**PUBLIC WORKS COMMITTEE REPORT 19-014**

**2. Beach Boulevard Community Stormwater Ponding Study (PW19084) (Ward 5) (Item 9.1)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**3. Proposed Underground Tunnel under Concession Road 4 West, Flamborough (PW19082) (Ward 13) (Item 10.1)**

**Result: Motion CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger

YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**4. Operations and Maintenance of the Material Recycling Facility Request for Proposals C11-12-19 Selection of Successful Proponent (PW19086) (City Wide) (Item 10.2)**

**(Ferguson/Merulla)**

**(a) That Report PW19086, respecting Operations and Maintenance of the Material Recycling Facility Request for Proposals C11-12-19 Selection of Successful Proponent, be received; and**

**(b) That the City Solicitor be directed to report back with legal advice and on options to the October 16, 2019 General Issues Committee.**

**Result: Motion, as Amended CARRIED by a vote of 15 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**5. DARTS 2018 Variance Funding (PW19088) (City Wide) (Item 10.3)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko

YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**6. Central Park Remediation Project (Ward 2) (Item 11.1)**

**Result: Motion CARRIED by a vote of 12 to 2, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
NO - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**7. Installation of Speed Cushions on London Street South, Hamilton, between King Street East and Main Street East (Ward 4) (Item 11.2)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

**8. Capital Improvement Projects (Ward 2) (Added Item 11.3)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**9. 35 Market Street, Dundas (CONFIDENTIAL LS19009(c)/PW19020(c)/HSC19054) (City Wide) (Outstanding Business List Item) (Item 14.2)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(VanderBeek/Whitehead)**

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



**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>PLANNING COMMITTEE REPORT 19-015</b>
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- 1. To Rename a Portion of Upper Mount Albion Road to Columbus Gate (PED19161) (Ward 9) (Item 7.1)**

**Result: Motion CARRIED by a vote of 13 to 1, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
NO - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

- 2. Sign Variance Appeal SV-19-002 for the Property known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Item 7.2)**

**(Collins/Farr)**

***That consideration of Report PED19195, respecting Sign Variance Appeal SV-19-002 for the Property known as 1147 Garner Road West, Ancaster, Denied by***

*the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12), be referred back to the Planning Committee for further discussion.*

**Result: Motion, as Amended CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**4. Agriculture and Rural Affairs Advisory Committee Report 19-004 (Item 7.4)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**5. Prohibiting the Importing of Fill (Added Item 11.4)**

**(Clark/Johnson)**

That Item 5 of Planning Committee Report 19-015 be DEFERRED until after Council rises from Closed Session.

**CARRIED**

6. **Application to Amend City of Hamilton Zoning By-law No. 05-200 for Lands Located at 2274 Powerline Road West, Ancaster (PED19171) (Ward 12) (Item 8.2)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

7. **Application for Zoning By-law Amendment for Lands Located at 560-580 Highland Road West (Hamilton) (PED19182) (Ward 6) (Item 8.3)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

8. **Provincial Policy Statement Review – City of Hamilton Comments (PED1988) (City Wide) (Item 10.1)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**9. Accessory Dwelling Units (Pilot Project) – Temporary Use By-law for City of Hamilton Zoning By-law No. 6593 (PED19176) (Wards 1 and 8) (Deferred from the September 17th meeting) (Item 10.2)**

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
CONFLICT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
CONFLICT - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
CONFLICT - Ward 9 Councillor Brad Clark

**10. Electric Vehicle Charging Stations in New Developments (Item 11.1)**

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

NOT PRESENT - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**11. Use of Surplus Parking Spaces by Third Parties in Downtown Hamilton (Item 11.2)**

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

NOT PRESENT - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**12. Construction Hoarding (Item 11.3)**

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

NOT PRESENT - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

**13. Closed Session Minutes – September 17, 2019 (Item 14.1)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>GENERAL ISSUES COMMITTEE REPORT 19-019</b>
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**1. Investing in Canada Infrastructure Program – Public Transit Stream Grant Program (PW19083/FCS18048(a)) (City Wide) (Item 9.1)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**2. Sports, Entertainment and Convention Venues Review (PED18168(b)) (City Wide) (Outstanding Business List Item) (Item 10.1)**

At the request of Councillor Clark, the recommendations were voted on as follows:

- (a) That the strategy outlined within the “City of Hamilton Entertainment Venues Review”, attached as Appendices “A” and “B” to Report PED18168(b), be received;

**Result: Motion CARRIED by a vote of 9 to 4, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 NO - Ward 8 Councillor John-Paul Danko  
 YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
 YES - Mayor Fred Eisenberger  
 YES - Ward 14 Councillor Terry Whitehead  
 NO - Ward 13 Councillor Arlene VanderBeek  
 NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
 NOT PRESENT - Ward 11 Councillor Brenda Johnson  
 NOT PRESENT - Ward 10 Councillor Maria Pearson  
 NO - Ward 9 Councillor Brad Clark

- (b) That the recommendations outlined in confidential Appendix “C”, as amended, to Report PED18168(b), be approved;
- (c) That Appendices “A” and “B” to Report PED18168(b), help to inform any Host City facilities strategy that staff consider when assessing the feasibility and potential benefits of a Hamilton bid for the 2030 Commonwealth Games; and,
- (d) That the entirety of Appendices “B” “C” as amended, and “E” to Report PED18168(b) remain confidential and not be released as public documents.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor Chad Collins  
 YES - Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
 YES - Mayor Fred Eisenberger

YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**3. Barton Kenilworth Tax Increment Grant Program - 302 James Street North/4 Barton Street East, Hamilton (PED19193) (Ward 2) (Item 10.2)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**4. Financial Incentive Program Amendments Respecting Potential Tenant Displacement (PED19178/HSC19052) (City Wide) (Item 10.3)**

**Result: Motion CARRIED by a vote of 11 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
CONFLICT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
CONFLICT - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark



**5. West Harbour Development Sub-Committee Report 19-002, September 9, 2019 (Item 10.4)**

**Result: Motion CARRIED by a vote of 12 to 1, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**6. Business Improvement Area Advisory Committee Report 19-009, September 10, 2019 (Item 10.5)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**7. School Board Properties Sub-Committee Report 19-002, September 20, 2019 (Item 10.6)**

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**8. Advisory Committee for Persons with Disabilities Report 19-008, September 10, 2019 (Item 10.7)**

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
CONFLICT - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**9. To Provide Free On-Street Parking on Concession Street for the 2019 Fallfest (Item 11.3)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**10. Sports, Entertainment and Convention Venues Review (Appendices “B”, “C” and “E” to Report PED18168(b)) (City Wide) (Item 14.2)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**11. Transfer of Assets from the Hamilton Street Railway Company to the City of Hamilton - 2200 Highway #6, Glanbrook, and 2650 Barton Street East, Hamilton (PED19172) (Ward 11 and Ward 5) (Item 14.3)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek

NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**12. Sports, Entertainment and Convention Proposal Review (LS19039) (City Wide)  
(Item 14.5)**

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Danko/Jackson)**

That Item (i) Sub-section (iii) be lifted from the Information Section of General Issues Committee Report 19-019 for electronic vote.

**CARRIED**

**(i) MOTIONS**

**(iii) Feasibility of Locating a New Arena on the Hamilton Mountain (Limeridge Mall) (Item 11.4)**

**(Danko/Jackson)**

That staff be directed to review the feasibility of locating a new arena sites on the Hamilton mountain (Limeridge Mall), internally and without the use of a consultant and at no additional cost to the City, and report back to the General Issues Committee.

**Result: Motion CARRIED by a vote of 9 to 4, as follows:**

NO - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
NO - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls  
NO - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
NO - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Eisenberger/VanderBeek)**

That the NINETEENTH Report of the General Issues Committee, be adopted, as presented, and the information section received.

**Result: Motion CARRIED by a vote of 13 to 1, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
NO - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>HAMILTON RENEWABLE POWER INC. SHAREHOLDER REPORT 19-001</b>
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**1. Hamilton Renewable Power Inc. Board Resolutions, September 16, 2019 (Item 4.1)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge

YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**2. Special Resolution of the Sole Shareholder of Corporation – Number of Directors (Item 5.1)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Eisenberger/Whitehead)**

That the FIRST Report of the Hamilton Renewable Power Inc. Shareholder be adopted, as presented, and the information section received.

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson

NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 19-014**

**6. Reporting Process for Office of the City Auditor Audit Assurance Reports (AUD19006) (City Wide) (Item 10.1)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**7. Employee Code of Conduct Updates (HUR19022 / AUD19009) (City Wide) (Item 10.2)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**8. Parkland Dedication Reserve Status Report as of December 31, 2018 (FCS19072) (City Wide) (Item 10.3)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**9. City-Wide Cash Handling Policy and Guideline Revisions (FCS19067) (City Wide) (Item 14.2)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**10. Appeals of the Development Charge By-laws 19-141 and 19-142 (LS19034/ FCS19071) (City Wide) (Item 14.3)**

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson



YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Collins/Merulla)**

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

**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
NOT PRESENT - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Mayor Fred Eisenberger  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>MOTIONS (CONTINUED)</b>
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**7.1 Control System on Northbound Ramp of the Lincoln Alexander Parkway at Garth Street**

Item 7.1, respecting Control System on Northbound Ramp of the Lincoln Alexander Parkway at Garth Street will be considered at a future Council meeting, to allow the Councillor to meet with respective staff.

**7.2 Levels of Congestion on Garth Street and Scenic Drive at Peak Hours**

Item 7.2, respecting Levels of Congestion on Garth Street and Scenic Drive at Peak Hours will be considered at a future Council meeting, to allow the Councillor to meet with respective staff.

**7.3 Review of Position of Director, Physician Recruitment**

**(VanderBeek/Whitehead)**

WHEREAS, the meeting of the Board of Health did not achieve quorum on September 16, 2019, where the Physician Recruitment and Retention Steering Committee Report 19-001, was to be considered; and

WHEREAS, the Working Group to review the position of the Director, Physician Recruitment is scheduled for October 7, 2019.

THEREFORE BE IT RESOLVED:

That the General Manager, Finance and Corporate Services; the General Manager, Healthy and Safe Communities, and the Executive Director, Human Resources and Organizational Development, or their designates, be invited to participate in the meetings of the Working Group of the Physician Recruitment and Retention Steering Committee to review the position of Director, Physician Recruitment.

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- NOT PRESENT - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**7.4 City Enrichment Fund 2020 Budget Enhancement Request for the Concession Street BIA**

**(Jackson/Pauls)**

- (a) That an enhancement of an additional \$1,178 (from \$2,822 to \$4,000) for the Concession Street BIA – Sidewalk Sounds base budget, be referred to the 2020 Operating Budget process (GIC) for consideration; and,

- (b) That an enhancement of an additional \$1,550 (from \$6,450 to \$8,000) for the Concession Street BIA – Streetfest base budget, be referred to the 2020 Operating Budget process (GIC) for consideration.

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**7.5 Amendment to Item 25 of the General Issues Committee Report 19-002 (Operating Budget), respecting Transit Service Levels, Demand and Growth Opportunities by Ward**

Item 7.5, Amendment to Item 25 of the General Issues Committee Report 19-002 (Operating Budget), respecting Transit Service Levels, Demand and Growth Opportunities by Ward, which was approved by Council on March 27, 2019, will be considered at the October 23, 2019 Council meeting.

**7.6 Amendment to Item 27 of the General Issues Committee Report 19-002 (Operating Budget), respecting Alternative Funding Options for Transit**

Item 7.6 Amendment to Item 27 of the General Issues Committee Report 19-002 (Operating Budget), respecting Transit Service Levels, Demand and Growth Opportunities by Ward, which was approved by Council on March 27, 2019, will be considered at the October 23, 2019 Council meeting.

**7.8 Implementation of a Temporary Lane Restriction on the North West Curb Lane of Wellington Street (Added Item 8.2)**

**(Farr/Nann)**

WHEREAS, potential safety concerns have been raised respecting the implementation of the Cannon Cycle Track at Wellington Street; and

WHEREAS, in order to enhance the safety of cyclists and pedestrians it is recommended that a physical separation between the cycle track and the roadway be introduced on the at the South West corner.

THEREFORE BE IT RESOLVED:

- (a) That Staff be directed to install a raised concrete barrier on Cannon Street at Wellington Street on the west side between the cycle track and the roadway.
- (b) That staff in conjunction with the reopening of the Cannon Cycle Track implement a temporary lane restriction on the north west curb lane of Wellington Street (at Cannon), with the intention of designing and implementing permanent measure in 2020; and
- (c) That staff to amend any contracts to enable these the enhancement(s) and that it be funded by the ward 2 area rating capital account #108052 up to a maximum of 15k or as needed.

**Result: Motion CARRIED by a vote of 14 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
YES - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

## **7.9 Appointments to the Transit Area Rating Review Sub-Committee (Added Item 8.3)**

### **(Partridge/Johnson)**

That the following members of Council be appointed to the Transit Area Rating Review Sub-Committee, for the balance of the 2018 to 2022 term of Council.

Rural (three required):

- (1) Judi Partridge
- (2) Lloyd Ferguson
- (3) Brad Clark

Urban (three required):

- (1) Esther Pauls
- (2) Terry Whitehead
- (3) Chad Collins

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>NOTICES OF MOTION</b>
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**8.1 Reconsideration of Item 26 of the General Issues Committee Report 19-002 (Operating Budget) respecting a System-Wide Approach to Public Transit**

Councillor Danko introduced a Notice of Motion respecting the Reconsideration of Item 26 of the General Issues Committee Report 19-002 (Operating Budget) respecting a System-Wide Approach to Public Transit, as follows:

That sub-sections **(a)** and **(b)** to Item 26 of the General Issues Committee Report 19-002 (Operating Budget), respecting a system-wide approach to public transit, which was approved by Council on March 27, 2019, and reads as follows, be reconsidered:

**26. A System-Wide Approach to Public Transit (Item 7.1)**

WHEREAS, transportation and public transit continue to be significant and important public policy matters;

WHEREAS, public transit (known as HSR) in the City of Hamilton remains a priority for Council;

WHEREAS, public transit is currently apportioned to residents based on geographic area and service levels; and,

WHEREAS, Council has stated on numerous occasions, that it supports a system-wide approach to public transit, which includes enhancing service levels;

THEREFORE, BE IT RESOLVED:

- (a) That a Transit Area Rating Review Sub-Committee be established, to be comprised of 6 members of Council; (3) three urban and (3) three suburban Councillors, to evaluate options for rebalancing area rating for transit, based on an urban and rural split, and to make recommendations to the General Issues Committee in a fair and equitable way in order to rebalance transit area rating for the 2020 budget process;
- (b) That staff be directed to report back to the General Issues Committee with a Terms of Reference and guiding principles for the Transit Area Rating Review Sub-Committee, prior to the first meeting of the Sub-Committee;
- (c) That staff be directed to report back to the Transit Area Rating Review Sub-Committee with an area rating analysis for transit for the 2020 Operating budget process, with respect to a public transit system that supports a system-wide approach, with that report to include enhanced service levels that align with the overall City Transit Strategy; and,
- (d) That staff be directed to review the possibility of the area rating net benefit to Wards 1 to 8 being used for public transit city-wide and report to the Transit Area Rating Review Sub-Committee.

## 8.2 Implementation of a Temporary Lane Restriction on the North West Curb Lane of Wellington Street

Councillor Farr introduced a Notice of Motion respecting the Implementation of a Temporary Lane Restriction on the North West Curb Lane of Wellington Street (Added Item 8.2)

### (Farr/Nann)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Implementation of a Temporary Lane Restriction on the North West Curb Lane of Wellington Street.

**Result: Motion CARRIED by a 2/3's vote of 14 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

For further disposition of this matter, see Item 7.8.

<b>STATEMENTS BY MEMBERS</b>
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Members of Council used this opportunity to discuss matters of general interest.

<b>PRIVATE AND CONFIDENTIAL</b>
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**(Whitehead/Partridge)**

That Council move into Closed Session to discuss Items 10.1 and Item 5 of the General Issues Committee Report 19-019, pursuant to Section 8.1, Sub-section (a), (c), (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (a), (c), (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the security of the property of the City; a proposed or pending acquisition or disposition of land for City purposes; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**10.1 Sub-lease Negotiations for the John C. Munro International Airport (PED19137(a))**

**(Whitehead/Partridge)**

- (a) That the direction provided to staff in Closed Session, respecting Report PED19137(a) - Sub-lease Negotiations for the John C. Munro International Airport, be approved; and,
- (b) That Report PED19137(a) and its Appendix, respecting the Sub-lease Negotiations for the John C. Munro International Airport, remain confidential.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- NOT PRESENT - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Chad Collins
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- NOT PRESENT - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**PLANNING COMMITTEE REPORT 09-015 (CONTINUED)**

**5. Prohibiting the Importing of Fill (Added Item 11.4)**

**(Johnson/Clark)**

That the legal advice provided in Closed Session, respecting Item 5 of the Planning Committee Report 19-015, respecting Prohibiting the Importing of Fill, be received.

**CARRIED**

**(Johnson/Clark)**

WHEREAS in order to regulate or to implement a moratorium to prohibit the importing of fill from outside the geographical boundaries of the City of Hamilton, is by way of a by-law;

THEREFORE BE IT RESOLVED:

That Item 5 of the Planning Committee Report 19-015 respecting Prohibiting the Importing of Fill, be **amended** by deleting the recommendation in its entirety and replacing it with the following:

~~That a moratorium be implemented immediately to prohibit the importing of fill from outside the geographical boundaries of the City of Hamilton.~~



- (a) *That staff be directed to amend the current by-law to include a moratorium to prohibit the importing of fill from outside the geographical boundaries of the City of Hamilton to be implemented and applied immediately to new and existing regulations and permits in force under the City By-laws;*
- (b) *That staff bring the amending By-law to the October 15, 2019 meeting of the Planning Committee; and,*
- (c) *That a Special Council meeting on October 16, 2019 be held after the General Issues Committee meeting to enact the Amending By-law.*

**Result: Motion, as Amended, CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Collins/Wilson)**

That the FIFTEENTH Report of the Planning Committee be adopted, as **amended**, and the information section received.

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Whitehead/VanderBeek)**

That the Committee of the Whole Rise and Report.

**CARRIED**

**NOTICES OF MOTION (CONTINUED)**

**8.3 Appointments to the Transit Area Rating Review Sub-Committee (Added Item 8.3)**

Councillor Partridge introduced a Notice of Motion respecting Appointments to the Transit Area Rating Review Sub-Committee.

**(Partridge/VanderBeek)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Appointments to the Transit Area Rating Review Sub-Committee.

**Result: Motion CARRIED by a 2/3's vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

For further disposition of this matter, see Item 7.9.

**BY-LAWS**

**(Partridge/VanderBeek)**

That Bills No. 19-246 to No. 19-252, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

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**By-law No.**

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	Regulate On-Street Parking Schedule 6 – Time Limit Schedule 8 – No Parking Schedule 13 – No Stopping Ward: 1,2,3,8
247	To rename a portion of Upper Mount Albion Road to Columbus Gate Ward: 9
248	To Amend Zoning By-law No. 05-200 with respect to lands located at 2274 Powerline Road West, Ancaster Ward: 12
249	To Amend Zoning By-law No. 05-200, Respecting Lands Located at 560-580 Highland Road West, Hamilton Ward: 6
250	To Permanently Close and Sell a portion of the public unassumed alleyway abutting the east side of 195 Emerald Street South, Hamilton, Ontario, namely Part of the Alley on Registered Plan 248 in the City of Hamilton, Designated as Parts 1 and 2 on Plan 62R-21003, being part of PIN 17175-0217 (LT); City of Hamilton. Ward: 2
251	Removal of Part Lot Control Lots 1-24, Registered Plan No. 62M-1244, “Victory Ridge Phase 5A and 5B” municipally known as, 22, 26,30,34,38 and 42 Hargrove Way, 147, 151, 155, 159, 163, and 167 Bradshaw Drive, 3,7,11,15, 19 Hargrove Way, and 4, 8, 12, 16, 20, 24, and 28 Midhurst Heights. Ward: 9
252	To Confirm the Proceedings of City Council

**Result: Motion CARRIED by a vote of 12 to 0, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
NOT PRESENT - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor Chad Collins  
YES - Ward 6 Councillor Tom Jackson  
YES - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Deputy-Mayor - Ward 15 Councillor Judi Partridge  
YES - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
NOT PRESENT - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Wilson/Nann)**

That, there being no further business, City Council be adjourned at 9:04 p.m.

**CARRIED**

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland  
City Clerk



## SPECIAL CITY COUNCIL MINUTES 19-018

9:13 p.m.  
October 16, 2019  
Council Chamber  
Hamilton City Hall  
71 Main Street West

**Present:** Deputy Mayor J. Partridge (Chair)  
Councillors M. Wilson, N. Nann, S. Merulla, C. Collins, T. Jackson, E. Pauls,  
J. P. Danko, B. Clark, B. Johnson, L. Ferguson, A. VanderBeek, T. Whitehead

**Absent:** Mayor F. Eisenberger and Councillor J. Farr – Other City Business  
Councillor M. Pearson – Personal

Deputy Mayor Partridge called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation.

### APPROVAL OF THE AGENDA

**(Johnson/Collins)**

That the agenda for the October 16, 2019 meeting of Council be approved, as presented.

**Result:**       **Motion CARRIED by a vote of 13 to 0, as follows:**

Yes - Ward 1 Councillor Maureen Wilson  
Not Present - Ward 2 Councillor Jason Farr  
Yes - Ward 3 Councillor Ninder Nann  
Yes - Ward 4 Councillor Sam Merulla  
Yes - Ward 5 Councillor Chad Collins  
Yes - Ward 6 Councillor Tom Jackson  
Yes - Ward 7 Councillor Esther Pauls

Yes - Ward 8 Councillor John-Paul Danko  
 Yes - Deputy Mayor Judi Partridge  
 Not Present - Mayor Fred Eisenberger  
 Yes - Ward 14 Councillor Terry Whitehead  
 Yes - Ward 13 Councillor Arlene VanderBeek  
 Yes - Ward 12 Councillor Lloyd Ferguson  
 Yes - Ward 11 Councillor Brenda Johnson  
 NOT PRESENT - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

**DECLARATIONS OF INTEREST**

There were no declarations of interest.

**BY-LAWS**

**(Whitehead/VanderBeek)**

That Bills No. 19-253 and No. 19-254, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

**By-law No.**

253	A by-law to amend City of Hamilton By-law No. 03-126, as amended, Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil Ward: City Wide
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254	To Confirm the Proceedings of City Council
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**Result: Motion CARRIED by a vote of 13 to 0, as follows:**

Yes - Ward 1 Councillor Maureen Wilson  
 Not Present - Ward 2 Councillor Jason Farr  
 Yes - Ward 3 Councillor Nrinder Nann  
 Yes - Ward 4 Councillor Sam Merulla  
 Yes - Ward 5 Councillor Chad Collins  
 Yes - Ward 6 Councillor Tom Jackson  
 Yes - Ward 7 Councillor Esther Pauls  
 Yes - Ward 8 Councillor John-Paul Danko  
 Yes - Deputy Mayor Judi Partridge  
 Not Present - Mayor Fred Eisenberger  
 Yes - Ward 14 Councillor Terry Whitehead

Yes - Ward 13 Councillor Arlene VanderBeek  
Yes - Ward 12 Councillor Lloyd Ferguson  
Yes - Ward 11 Councillor Brenda Johnson  
Not Present - Ward 10 Councillor Maria Pearson  
Yes - Ward 9 Councillor Brad Clark

**(Whitehead/VanderBeek)**

That, there being no further business, City Council be adjourned at 9:25 p.m.

**CARRIED**

Respectfully submitted,

Deputy Mayor J. Partridge

Andrea Holland  
City Clerk



October 8, 2019

To: All Ontario Municipalities  
Sent Via Email

**Re: Menstrual Products in City Facilities  
Our File No. 16.6.99**

At its meeting of September 23, 2019, St. Catharines City Council supported the implementation of a pilot project to provide free menstrual products at City Facilities. The pilot project will run from January until June 2020 and will include the installation of dispensing units in washrooms at locations to be determined by staff.

Below is the full motion which was approved by St. Catharines City Council at its meeting held on September 23, 2019:

That Council support the implementation of Option 1 for a pilot project on free menstrual products in City Facilities, beginning in January 2020 until June 2020 and with the results of the pilot project to be reviewed; and

That a cap be put in place as determined by staff; and

That the Budget Standing Committee include this pilot project in its draft 2020 budgets. FORTHWITH

A previous motion on this matter directed that any decisions related to this pilot project be shared with all Ontario municipalities and school boards.

If you have any questions, please contact the Office of the City Clerk at extension 1524.

A handwritten signature in blue ink, appearing to read "Bonnie Nistico-Dunk".

Bonnie Nistico-Dunk, City Clerk  
Legal and Clerks Services, Office of the City Clerk  
:kn



## BRIEFING NOTE DEMAND THE RIGHT COALITION OF ONTARIO MUNICIPALITIES

### GIVING ONTARIO MUNICIPALITIES THE “RIGHT TO APPROVE” LANDFILL DEVELOPMENTS IN THEIR OWN COMMUNITIES

#### PURPOSE

The purpose of this briefing note is to provide background information on an emerging issue for municipalities, and a campaign to change provincial legislation that would give municipalities the right to approve (or reject) future private sector landfill developments in their communities.

#### OVERVIEW

Ontario has a garbage problem, and it could soon be coming to your community.

Consider the following:

- Ontario’s landfill capacity (both public and private landfills) will run out of space by 2028-2032, depending on whether U.S. States continue to accept our waste<sup>1</sup>;
- Ontario’s overall diversion rate has stalled over the last 15 years, with only 30% of waste diverted to recycling, composting or re-using, and 70% going to landfills<sup>2</sup>;
- Based on Ontario Ministry of Environment data, Ontario generates over 8 million tonnes of waste annually that goes to landfill<sup>3</sup>.

To put this into context, 8 million tonnes of garbage would fill Toronto’s Rogers Centre to the roof over 90 times a year.

This garbage has to go somewhere. Based on current waste volumes, and Ontario’s remaining capacity, we estimate that **there will need to be five to 10 “mega dumps”** identified, sited and approved in Ontario municipalities in the very near future. Some private sector companies are already targeting potential sites. This could mean YOUR municipality, whether you like it or not.

#### THE ISSUE

Under Ontario’s current Environmental Assessment legislation, municipal governments do not have the right to approve (or reject) landfill developments. The current process is in the hands of the Province and favours private sector waste companies over the rights of municipalities. Whether an impacted municipality wants to host a future landfill, or not, makes little difference.

Municipalities DO have the right to approve most developments in their communities. In fact, **municipalities have exclusive authority to approve:**

- Casino gaming facilities, O.Reg 81/12
- Nuclear waste storage, via the federal NWMO’s siting principles
- Hosting cannabis retail

However, when it comes to landfill projects, **municipalities do not have the right to say no** if they are identified by a private sector waste company.

<sup>1</sup> 2019. Ontario Waste management Association. [State of Waste in Ontario: 2018 Report](#), p.34.

<sup>2</sup> 2019. Ministry of Environment, Conservation & Parks. [Reducing Waste & Litter in Our Communities: Discussion Paper](#).

<sup>3</sup> Ibid.

## **WHICH COMMUNITIES ARE BEING TARGETTED?**

Municipalities that have quarry or mining operations (440 sites), or existing landfills (880 sites) are the most likely targets, but **any municipality outside the City of Toronto to the provincial border is a potential host for new landfill developments**, whether they like it or not. Several “mega dumps” will need to be approved in the very near future to accommodate the volume of waste that is coming, with at least five to 10 in the near future.

The current system allows private landfill operators to essentially ignore the concerns of local residents and municipal Councils, essentially placating them with consultations, but no real role in the process. The existing system is based on a 1950’s view of municipalities. We believe this needs to change.

## **ABOUT THE CAMPAIGN: THE DEMAND THE RIGHT COALITION**

It is time Ontario passes legislation that gives municipalities the right to approve landfill projects.

The ***Demand the Right Coalition of Ontario Municipalities*** includes municipal leaders across Ontario and is calling on the Province to pass legislation that will give municipalities the right to approve landfill development as part of a modernized EA process. Campaign highlights include:

- Over 120 municipalities have formally approved a motion in their Councils, representing over six million Ontarians, calling on the Province to act (please see our website for the current list: [www.demandtheright.ca](http://www.demandtheright.ca));
- Support from the Ontario PC Party, and Ontario NDP Party, including a letter from Ontario PC Leader Doug Ford committing to implementation of this policy (please see attached);
- The Ministry of Environment’s Waste Discussion Paper (2019) identifies this issue, and states that the government is considering policy options to give municipalities greater authority when it comes to landfill development.

We are getting close, but WE NEED YOUR HELP to ensure the Province delivers on this issue, for our communities, and for our future.

## **OUR ASK**

This campaign is NOT opposed to landfill development. It is aimed at levelling the playing field, and ensuring impacted municipalities have the right to say yes or no to these projects, and that these decisions be respected.

We believe municipalities should have the right to approve or reject landfill projects and assess whether the potential economic benefits outweigh environmental concerns. A new process must ensure that both a comprehensive EA process is completed, **AND** that impacted municipalities have the right to choose whether to accept these projects, or not.

## **As a municipal leader, we are asking that you do three things:**

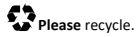
1. Introduce our motion in your Council, which calls upon the provincial government to pass legislation that grants municipalities the right to approve (or reject) landfill projects. You can access the motion by visiting this link: [https://docs.wixstatic.com/ugd/a0d3a0\\_38e5eb4dc87044e3974271bac0b1c3fe.pdf](https://docs.wixstatic.com/ugd/a0d3a0_38e5eb4dc87044e3974271bac0b1c3fe.pdf)
2. Write to the Minister of Environment and demonstrate YOUR support for taking action on this issue, with a copy to your local MPP and to us. (Please see the attached letter).
3. Help spread the word to your municipal colleagues, and follow us on Twitter at @ApprovalRights.

## MORE INFORMATION

- To learn more, please email us at: [ApprovalRights2019@gmail.com](mailto:ApprovalRights2019@gmail.com)
- Please visit: [www.demandtheright.ca](http://www.demandtheright.ca)
- Follow us on Twitter: @ApprovalRights

**X LANDFILL APPROVAL**  
**✓ We Demand the Right**

[demandtheright.ca](http://demandtheright.ca)



Please recycle.

[DATE]

The Hon. Jeff Yurek MPP  
Minister of Environment, Conservation & Parks  
College Park, 5th Floor  
777 Bay Street  
Toronto, ON  
M7A 2J3

Re: Granting Municipal Right to Approve Landfills in Ontario

Via electronic mail: [minister.mecp@ontario.ca](mailto:minister.mecp@ontario.ca)

Dear Minister Yurek:

Your Ministry's recent Discussion Paper highlights many of the challenges in our province when it comes to managing our residential and institutional, commercial and industrial (ICI) waste. In addition to the proposed overhaul of Ontario's Blue Box system, and other measures, I am writing to urge you to implement legislative changes that formally recognize and entrench the right of municipalities to choose whether or not to host future landfill developments proposed by the private sector in our communities.

As you know, Ontario municipal governments currently do not have the right to say yes or no to landfill development projects proposed by private sector waste companies. Whether an impacted community supports the development of a landfill, or not, makes little difference as the existing process is led by the province and favours private sector companies.

The fact is, Ontario municipalities have authority to make decisions for themselves in several areas. Indeed, we have *exclusive authority* and approval rights for other "sensitive" developments, including casinos, cannabis retail stores, and even nuclear waste storage sites. In these examples, despite municipalities having a veto over hosting these types of developments in their communities, MANY have chosen to say "yes" – even for nuclear waste storage.

However, when it comes to landfill approvals, we are left on the sidelines. We are consulted, but whether we are willing to have these projects in our communities, or not, makes no difference.

We want to change this. We want to level the playing field so that our voices on behalf of our communities are respected in a modernized approval process – one that recognizes the legitimate role that municipalities must have in these decisions. Only then can impacted municipal governments determine if the value such a landfill may bring can outweigh the concerns of residents and stakeholders.

I urge you as Minister of the Environment to provide all municipalities with the right to say yes or no to hosting landfill projects. This should be a local decision of impacted municipalities, in addition to the completion of a comprehensive environmental assessment overseen by the Ministry. The Premier promised this in writing during the 2018 election, and we urge you to deliver on this important policy proposal.

Sincerely,

[Name and Title]

CC: [Local MPP]  
Demand the Right Coalition of Ontario Municipalities, via email:  
[ApprovalRights2019@gmail.com](mailto:ApprovalRights2019@gmail.com)

**MOTION**  
**COUNCIL FOR THE**  
**[INSERT NAME OF MUNICIPALITY]**

**MUNICIPALITIES CALL ON PROVINCE TO ENSURE ITS**  
**“MADE-IN-ONTARIO ENVIRONMENT PLAN”**  
**INCLUDES MUNICIPAL “RIGHT TO APPROVE” LANDFILL DEVELOPMENTS**

**WHEREAS** municipal governments in Ontario do not have the right to approve landfill projects in their communities, but have authority for making decisions on all other types of development;

**AND WHEREAS** this out-dated policy allows private landfill operators to consult with local residents and municipal Councils, but essentially ignore them;

**AND WHEREAS** Ontario’s proposed “Made-in-Ontario Environment Plan” states that the province will grant municipalities a “greater say in siting of landfills”;

**AND WHEREAS** municipalities already have exclusive rights for approving casinos and nuclear waste facilities within their communities, whether to host cannabis retail in their communities, **AND FURTHER** that the province has recognized the value of municipal approval for the siting of power generation facilities;

**AND WHEREAS** the recent report from Ontario’s Environmental Commissioner has found that Ontario has a garbage problem, particularly from Industrial, Commercial and Institutional (ICI) waste generated within the City of Toronto, where diversion rates are as low as 15%;

**AND UNLESS** significant efforts are made to increase recycling and diversion rates, a new home for this Toronto garbage will need to be found, as landfill space is filling up quickly;

**AND WHEREAS** municipalities across Ontario are quietly being identified and targeted as potential landfill sites for future Toronto garbage by private landfill operators;

**AND WHEREAS** other communities should not be forced to take Toronto waste, as landfills can contaminate local watersheds, air quality, dramatically increase heavy truck traffic on community roads, and reduce the quality of life for local residents;

(over)

**AND WHEREAS** municipalities should be considered experts in waste management, as they are responsible for this within their own communities, and often have decades' worth of in-house expertise in managing waste, recycling, and diversion programs;

**AND WHEREAS** municipalities should have the exclusive right to approve or reject these projects, and assess whether the potential economic benefits are of sufficient value to offset any negative impacts and environmental concerns;

**THEREFORE BE IT RESOLVED THAT** the **[INSERT NAME OF MUNICIPALITY]** calls upon the Government of Ontario, as part of its "Made-in-Ontario Environment Plan" to formally entrench the right of municipalities to approve or reject landfill projects in or adjacent to their communities;

**AND THAT** in the case of a two-tier municipality, the approval be required at both the upper-tier and affected lower-tier municipalities;

**AND FURTHER THAT** the **[INSERT NAME OF MUNICIPALITY]** encourage all other municipalities in Ontario to consider this motion calling for immediate provincial action;

**AND THAT** the **MOTION** adopted by Council be forwarded to the **DEMAND THE RIGHT COALITION OF ONTARIO MUNICIPALITIES**.

**Minister for Seniors and Accessibility**

Minister

College Park, 5<sup>th</sup> Floor  
777 Bay St.  
Toronto ON M7A 1S5

**Ministre des Services aux  
aînés et de l'Accessibilité**

Ministre

College Park, 5<sup>ème</sup> étage  
rue 777 Bay  
Toronto ON M7A 1S5

Dear Friends:

As Remembrance Day approaches, communities across Ontario are planning events to honour the brave men and women who have served and continue to serve our country. In addition, memorial ceremonies are held year-round for first responders who have lost their lives in the line of duty.

A wide range of Ontarians attend these events, including veterans, people with disabilities, seniors with accessibility requirements and families with strollers. If you are holding a Remembrance Day or memorial ceremony, it is important to keep accessibility in mind to ensure everyone can fully participate.

To assist you with your planning, I am pleased to provide you with two documents:

- [Creating Accessible Remembrance Day and Memorial Ceremonies](#)
- [Planning Accessible Events](#)

Both documents contain information on how you can make your event welcoming to all Ontarians.

If you have any questions, please contact our Accessibility for Ontarians with Disabilities Act Contact Centre (ServiceOntario) at:

Email: [accessibility@ontario.ca](mailto:accessibility@ontario.ca)

Phone: 416-849-8276 or 1-866-515-2025

TTY: 416-325-3408 or 1-800-268-7095

Thank you for your on-going efforts to pay tribute to the men and women who have given their lives for the peace and freedom we enjoy.

Sincerely,

Hon. Raymond Cho  
Minister for Seniors and Accessibility



# Creating Accessible Remembrance Day and Memorial Ceremonies

November 11 is a day to honour the men and women who have served and continue to serve our country. Across generations, Ontarians have fought and died to make our world a safer place. They have defended the Canadian values of freedom and democracy.

A memorial ceremony can pay tribute to heroic first responders who have lost their lives in the line of duty. Numerous police officers, firefighters, paramedics and others have died while protecting their communities and keeping Ontario safe.

Holding these ceremonies shows our appreciation of Ontario's veterans, first responders and their families.

When planning a commemorative ceremony, take the time to consider accessibility. By considering accessibility from the start of planning, you can ensure that everyone can fully participate.

This package contains information on how to:

- make the physical space where the ceremony will take place more accessible



- provide accessibility and customer service training to staff and volunteers
- communicate information in an accessible way.

You will find an "[Accessible Events Checklist](#)" on page 4.



### Make the physical space accessible to everyone

The first step in creating an accessible ceremony is to think about people with disabilities who may attend your event, and the barriers they could face before, during and after the ceremony.

Address these barriers in advance; for example:

- Move or remove any temporary barriers, such as trash bins or sandwich boards, so that there is at least a one-metre-wide path of travel for people using wheelchairs or walkers.
- Assign a volunteer to help resolve accessibility barriers that attendees may experience before, during and after the event (e.g. assistance or information regarding accessible transit or parking).



The Town of Aurora cenotaph has a paved walkway that circles around to the back of the monument and doubles as a ramp to provide access.

## Creating Accessible Remembrance Day and Memorial Ceremonies

- Provide seating for those who cannot stand for long periods.
- Check that surfaces are level, firm and stable.
- Avoid soft, thick pile carpeting or loose mats.



If a cenotaph or memorial could be inaccessible to people with canes, crutches, wheelchairs or strollers, consider setting up a temporary ramp. Have volunteers nearby to assist.

### Train staff and volunteers

It is a good idea to train staff, volunteers and anyone who interacts with the public about:

- how to communicate with people with different types of disabilities
- your emergency procedures for people with disabilities
- your accessibility features
- how to give feedback to festival organizers about the event's accessibility.

Remind your volunteers not to make assumptions about what a person with a

disability can or cannot do. Tell them to simply ask, "How may I help you?"

Free training modules and resources to train your staff and volunteers are offered at [AccessForward.ca](https://www.accessforward.ca).

### Provide accessible communication

Leading up to your event, be sure to post information about the communications supports you will provide on your website and in other places you provide general information about the ceremony. Provide contact information for people to request communication supports in advance of the ceremony.

Since most ceremonies involve poems, prayers and commitments that are recited verbally, consider alternative means of communication, such as regular and large-print programs so people can follow along easily.

### Questions? We're here to help

**Telephone:** 1-866-515-2025

**International:** 1-416-849-8276

**TTY:** 1-800-268-7095

**Fax:** 416-325-3407

**Email:** [accessibility@ontario.ca](mailto:accessibility@ontario.ca)

### Find out more:

For free tools, resources and to learn about how Ontario is becoming more accessible, visit [ontario.ca/MSAA](https://www.ontario.ca/MSAA).

## Accessible Events Checklist

Use this checklist to help you plan your event so that everyone can participate.

### Venue

- Accessible parking and passenger drop-off area
- Located near public transportation
- Outdoor and indoor pathways free of barriers
- Doors easy to open
- Accessible washrooms
- Adjustable lighting
- Good acoustics (minimal echo)

### Invitations and Promotion

- Due dates and contact information for accessibility requests included
- A variety of communication methods used
- A minimum of 12-point font for printed materials

### Food and Refreshments

- Food, drinks and utensils easy to reach for people using wheelchairs
- Bendable straws and cups with handles available
- Food buffet assistance available

### Room Set-up

- Clear, easy-to-read signs
- Clear floor space
- Cables and wiring secured
- Chairs provided and volunteer stand-ins near registration or ticket sales tables
- Reserved seating available

### Speeches and Presentations

- Speakers provided tips on accessibility

### Service Animals

- Relief area for service animals
- Water bowl provided

### Volunteers

- Volunteer assigned to resolve accessibility barriers
- Volunteers reminded to ask guests, "How may I help you?"



This document was produced by the Ministry for Seniors and Accessibility.

Ce document est également disponible en français.

# Let's Remember Adam

**STOP FOR THE SCHOOL BUS**



October 18, 2019

**RE: National School Bus Safety Week and Stop Arm Cameras**

Dear Honourable Mayor and Council,

Earlier this year, I wrote to you on behalf of the *Let's Remember Adam - STOP FOR THE SCHOOL BUS* campaign asking for your help to improve student safety by urging the provincial government to get stop arm cameras on all school buses in Ontario. Our efforts were acknowledged by the Province but there is still work to be done. We will not stop until we reach our goal of having stop-arm cameras on all school buses.

**Next week is National School Bus Safety Week, from October 21 to 25, 2019. I respectfully request your support to not only recognize and highlight this important week, but that you take this opportunity to act now by implementing a solution that will help protect our children's safety as they travel to and from school each day.**

As you may know, the Government of Ontario announced in April that they are taking steps to ensure stop-arm camera technology is implemented and used to prosecute stop-arm violations in Ontario. Included in these steps is the message that the Province is looking to municipalities to help inform the regulatory framework process, by specifying what equipment should be used and how tickets will be processed.

This is an extremely important issue that deserves your immediate attention.

On behalf of Let's Remember Adam, I respectfully ask that you take the necessary steps to get stop-arm cameras on school buses in your community as soon as possible. I don't want any family to endure the senseless suffering my family has had to. It's been nearly 20 years since Adam was killed while crossing the street to our home after getting off the school bus. The time for action is now. Championing National School Bus Safety Week in your municipality will be an important step forward to achieving our ultimate goal.

Please let me know if I can be of any assistance to you in this process. Thank you for your time and consideration. I look forward to seeing stop-arm cameras implemented.

Pierre Ranger  
Chair, Let's Remember Adam - STOP FOR THE SCHOOL BUS

**This Has to Stop.  
We Need to Stop.**



PO Box 342  
Mattawa, Ontario  
POH1V0



705-840-8871  
info@letsrememberadam.org

May 15, 2018

LPAT – Azeem Patel, Case Coordinator, Planning Assistant ([Azeem.Patel3@ontario.ca](mailto:Azeem.Patel3@ontario.ca))

1190 Main Street West Et Al		McMaster University Redevelopment	Open	PL180302	OMB Appeal
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**RE: Traymore Ave. / Main St. W. McMaster Student Residence Development Proposal - Objection**

In early February, I attended an informational meeting at McMaster University regarding the proposed student residence at Traymore Ave. and Main St. W.

The meeting was well-attended by Westdale residents, University Representatives, community associations, city planners and developers. The structured format consisted of a presentation from the university / developers / and planners (which seemed quite long – possibly one hour) and then there would be a total of five (5) minutes for a question and answer period from the audience. Six stations were set up at which individual questions could be asked (I assume pertaining to those stations). The format was arranged in such a way that it would be more informational rather than consist of community engagement.

The audience requested to have the question / answer period extended so that all present could absorb the information and have an opportunity to express their views and have their questions answered without the orchestrated/structured confines as laid out by the development supporters. Ultimately, some questions were answered but many more remained unanswered by meetings end within the allotted timeframe.

The proposed development is to stretch from Forsyth Ave. S. to Dalewood Ave. along Main St. W. and the entire south side of Traymore Ave. – consisting of an entire neighbourhood block. The literature provided stated that it is to be a 12 story first-year student residence. However, at the meeting, someone pointed out that the first floor height was equivalent to two stories and that the “Penthouse” was not listed – so, in fact, this was a proposed 14 story development which is not in keeping with the surrounding neighbourhood structures. This would also be at least three times the height of most neighbourhood trees. Not only will this development be seen from Main St. W. and Traymore Ave. but also for blocks around obstructing the skyline and the escarpment views from within most of the Westdale community.

This development is a joint project between McMaster University and Knightstone Capital Management. Knightstone will build the first-year student residence and the University will manage it. Ultimately it is set to house 1,400+ first year McMaster University students. Also proposed and attached to this structure are an additional 20 townhouse units (2 stories each) along Traymore Ave. for graduate students. The entire building will only be accessible along Traymore Ave. since the proposed LRT will be positioned along Main St. W.

The university currently owns the vacant land along Main St. W. and they have purchased the homes which run along the entire south side of Traymore Ave. which backs onto the vacant land. The university proposes to demolish these unique Westdale homes in order to acquire enough space for this block-long high-rise. The homes that are on the north side of Traymore Ave. (facing the south side and the escarpment) will remain and are privately owned. This means that those homes that previously enjoyed relative privacy with peace and quiet will essentially be subjected to facing a towering 14 story brick wall instead of the nice two story homes that have been there since the beginning of this 1930's planned Westdale community. Many of these homes can only be found on this street as they do not exist elsewhere in Westdale. As well, the remaining homes were purchased in good faith at a premium cost due to their relative placement to the University and their uniqueness. These people will have their properties devalued. You can only image that those homes will be difficult to sell once this development takes place. There will be 1,400+ students using the sidewalk directly in front of their homes and also peering down at their homes from this jumbo high-rise thus invading their privacy. This lack of privacy will not only affect the people on this Westdale street but also residents that live blocks away.

Additionally, the remaining home owners on Traymore Ave. (and the Westdale community) will be subjected to construction noise and dust for many months and ultimately the tearing up of their entire street for sewer lines etc. This will cause more disruption to their lives and will limit or severely disturb access to their homes and driveways. Once the building is complete, there will be ongoing traffic noise for deliveries and/or repairs to the building since this street has been dedicated as the access point to this building.

Not only that, there will be whole months in the winter when they won't be able to see the sun or very little of it. The developers have calculations and formulas that they spent a lot of time explaining regarding this shadowing effect but it comes down to a lot more sun blockage than the homes currently experience. This does not only affect the homes directly across from this development but because of the height and length, it will also affect other homes and areas within the Westdale neighbourhood.

This 1,400+ student resident has set aside 6 parking spots dedicated for staff-only parking since apparently first-year students and graduate students living in the townhouse sections "do not drive" as stated at the meeting. I'm uncertain how move-in activities are to occur or where visitors or parents to this proposed development are to park? The street is very narrow and already has limited parking - the rest of the neighbourhood also cannot support that additional amount of parking.

I assume that this will be a non-smoking building since McMaster campus has implemented such a policy and this building is to be an extension of the university. Would the smoking students then congregate on the Traymore Ave. sidewalk further obstructing the privacy of the neighbours across the street and disturbing their peace? Or, would the students disobey this policy and smoke indoors possibly causing a fire hazard?

Since this high-rise will be comprised solely of first year students, it can be assumed that some might be immature. Should there be a fire, how are the fire trucks to access the building with an elevated platform on Main St. and no building access and townhouses positioned in front of the high-rise building on Traymore Ave? Because this building is more than six or seven floors in height, ladder trucks cannot be used for rescue, so, I assume this means that the students should use the protect-in-place method. We have seen some horrific high-rise fires where this method was not successful. Is Hamilton prepared to deal with these-types of fires especially with a building that houses inexperienced students? If evacuations should occur, where would these students muster - on Traymore Ave. – already narrow?

Even when buildings are managed sufficiently, campus police are not allowed to patrol off-campus areas, therefore, they are only allowed to patrol the building itself. I assume that the city and Westdale residents will need to bear the extra cost and deal with the additional student noise within the neighbourhood and on the sidewalks? Once these additional first year students graduate, will they then seek residence within the already student saturated neighbourhood? With these additional 1,400+ students and an extra 950 students (proposed Columbia College Development) (total ~2,500 students), I fear that this may be the tipping point for neighbourhood dynamics. It will affect families, create entire neighbourhood student ghettos, and housing deserts in summers when the annual mass student exodus occurs. Is this the Westdale vision?

With the proposed LRT to run along Main St., some of the side streets that feed into Main St. will no longer be accessible. This suggests that accessing the student resident for move-in day, parents and friends visiting from out-of-town, service and delivery trucks, etc – the traffic flow will increase considerably. The additional traffic will be filtered throughout the entire Westdale neighbourhood creating traffic issues and affecting safety. Not to mention, that it will also affect the safety of the students attending Dalewood Middle School as it is situated directly across the street from this development on Dalewood Ave.

Some of the residents that attended the meeting suggested to the University that they situate this student development on the University Campus on their parking lot at the corner of Main St. and Cootes Dr. since that would be less disruptive and would minimize the impact to the entire neighbourhood. It is only one block away from this proposed development, is easier for the campus police to patrol, and can accommodate parking. Not to mention, there are not many neighbours since the conservation area is across the street. The university

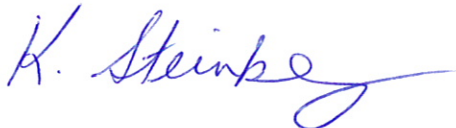
responded that they had plans to build a parking ramp at that location. However, it is my understanding that those plans have been in development for many years and have not come to fruition. It is also my understanding that the university has height restrictions on campus but yet they don't appear to be concerned about height restrictions for the rest of the community?

The city of Hamilton has put a neighbourhood moratorium on monster homes. Is this not the ultimate monster home? I think that it is short-sighted to build this huge single-purpose student development in the heart of Westdale essentially dividing the community in half and restricting the neighbourhood to mostly students. Is this the future that you see for Westdale?

A single-use building is short-sighted particularly with the age of computers and learning remotely. If the future of education, especially for first year students, should change and physical attendance is no longer required, then what will become of the building with no parking? Should parking not be factored in so that it can be easily converted to apartments or other future use? I thought parking was a major consideration for any development, why is this case different?

The University is a good neighbour and a great employer but for all the reasons mentioned above, I oppose this development. It is in the wrong location, too big and too high, a single use purpose, difficult to police, provides zero parking, and is divisive and disruptive to the Westdale community. I'm sure there would be less neighbourhood objection if this student residence were to be relocated on campus just a block away.

Sincerely

A handwritten signature in blue ink that reads "K. Steinberg". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Krycia Steinberg  
120 Barclay Street  
Hamilton, ON L8S 1P5

905-529-3255



**Pilon, Janet**

---

**Subject:** McMaster Student Residence, 1190 Main St. west: for Planning Cttee meeting Oct. 23.

-----Original Message-----

From: Renate Manthei

Sent: October 18, 2019 9:02 AM

To: clerk@hamilton.ca

Cc: Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Robichaud, Steve <Steve.Robichaud@hamilton.ca>; Gord Arbeau <arbeaug@mcmaster.ca>

Subject: Re: McMaster Student Residence, 1190 Main St. west: for Planning Cttee meeting Oct. 23.

Dear Planning committee,

I would like to reiterate my concern regarding the major build planned by McMaster at this site to house over 1000 students. Many concerns have been identified by neighbours that highlight issues including parking, safety, size, impact on neighbourhood, and others. My concern is with regards to the environment and climate change.

Should this project not be assessed in terms of its carbon footprint to identify the carbon emissions used, both in the building process and in the embedded carbon emissions of the materials used? I feel it would be extremely irresponsible for the City/the Planning Committee to approve this project without that work being undertaken, given that the City has declared a climate emergency and that climate change is currently top of the political agenda Canada-wide.

I would urge you to stop the current application process until a determination of carbon emissions can be made and that this build can be considered in terms of it's relevance to these factors. Hopefully a more reasonably-sized and designed building plan may then emerge.

Renate Manthei,  
Westdale, Hamilton

**Pilon, Janet**

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**Subject:** McMaster Student Residence, 1190 Main St. west: for Planning Cttee meeting Oct. 23.

-----Original Message-----

From: Arbeau, Gord <arbeaug@mcmaster.ca>  
Sent: October 19, 2019 2:50 PM  
To: Renate Manthei <r\_manthei@sympatico.ca>  
Cc: clerk@hamilton.ca; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Office of the Mayor <mayor@hamilton.ca>; Robichaud, Steve <Steve.Robichaud@hamilton.ca>  
Subject: Re: McMaster Student Residence, 1190 Main St. west: for Planning Cttee meeting Oct. 23.

Thank you for your note Renate. I wanted to clarify and correct some erroneous information that was shared by some neighbours at the Planning Committee meeting. McMaster's building policy specifies all new buildings are built to a minimum LEED Silver standard, and that will be the case for the new residence. In fact, our two most recent buildings - LR Wilson Hall and the David Braley Health Science Centre are now LEED Gold certified.

Thank you for your interest.

Gord Arbeau  
Director, Communications  
McMaster University  
1280 Main Street West, Hamilton ON  
CNH 111  
905-525-9140 (27305)  
Cell - 905-512-2075  
Sent from my iPad

> On Oct 18, 2019, at 9:01 AM, Renate Manthei wrote:

>  
> Dear Planning committee,  
> I would like to reiterate my concern regarding the major build planned by McMaster at this site to house over 1000 students. Many concerns have been identified by neighbours that highlight issues including parking, safety, size, impact on neighbourhood, and others. My concern is with regards to the environment and climate change.  
>  
> Should this project not be assessed in terms of its carbon footprint to identify the carbon emissions used, both in the building process and in the embedded carbon emissions of the materials used? I feel it would be extremely irresponsible for the City/the Planning Committee to approve this project without that work being undertaken, given that the City has declared a climate emergency and that climate change is currently top of the political agenda Canada-wide.  
>  
> I would urge you to stop the current application process until a determination of carbon emissions can be made and that this build can be considered in terms of it's relevance to these factors. Hopefully a more reasonably-sized and designed building plan may then emerge.  
>  
> Renate Manthei,  
> Westdale, Hamilton  
>  
>

**610 South Service Road Inc (Gateway Ice Centre)**

610 South Service Rd  
Stoney Creek, On, L8E 2W1  
(905)-643-8668  
fax: (905)-643-8008

This letter is submitted with respect to the Development Charge liability for a proposed additional arena at 610 South Service Road, Gateway Sports Complex.

On June 6<sup>th</sup>, 2019 final site plan clearance was obtained (Melanie Schneider – Planning dept) and our building application was formally accepted (building permit application was received and accepted by the City's Chief Building Official). Our building permit was issued on June 26<sup>th</sup>, 2019.

Per section 41 of the City's new DC By-law 19-142, the DC rates payable are the rates in effect on the date of June 6<sup>th</sup>, 2019 if the building application is formally accepted (building permit application was received and accepted by the City's Chief Building Official on that date). Therefore, we believe that the former City DC By-law 14-153, section 21 re; covered sports field exemption policy should have been applied to our development. This would have resulted in a reduced DC liability amount of approximately \$559,278.08.

Instead the City imposed the exemption policies of the City's new DC By-law 19-142 (our understanding is that the DC rates changed July 6, 2019 and City staff interpreted that the exemption policies came into effect June 13, 2019 per City report FCS19050). We believe that this interpretation is incorrect and that the DC Policies contained in the new DC By-law should have come into effect on July 6<sup>th</sup> (a later date). The new DC By-law 19-142 from which the sports field DC exemption was eliminated was incorrectly applied to our development.

In summary, we are asking that Council direct City staff to review the above stated facts regarding our development and apply the relevant transition policies contained in section 41 of City DC By-law 19-142.

President: Danny Trombetta





## PLANNING COMMITTEE REPORT

19-016

October 15, 2019

9:30 a.m.

**Council Chambers, Hamilton City Hall  
71 Main Street West**

**Present:** Councillors M. Pearson (Chair), J. Farr (1st Vice Chair),  
C. Collins, B. Johnson (2nd Vice Chair), B. Clark, M. Wilson,  
J.P. Danko, J. Partridge

**Absent with Regrets:** Councillor T. Whitehead - Personal

### THE PLANNING COMMITTEE PRESENTS REPORT 19-016 AND RESPECTFULLY RECOMMENDS:

**1. Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications (PED19183) (City Wide) (Item 7.1)**

That Report PED19183 respecting Active Official Plan Amendment, Zoning By-law Amendment and Plan of Subdivision Applications, be received.

**2. Hamilton Municipal Heritage Committee Report 19-007 (Item 7.2)**

**(i) Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest (PED19200) (Ward 2) (Added Item 7.3)**

That Report PED19200 respecting Notice of Intention to Demolish the Building known as the Former Rebecca Street Bus Terminal, located at 71 Rebecca Street, Hamilton, Being a Non-designated Property Included in the Register of Property of Cultural Heritage Value or Interest, be received.

**3. Payday Loan Permit for Speedy Money (Item 8.2)**

That Section 8 to Schedule 11 of Licensing By-law No.07-170 be amended to include 90 Centennial Parkway North, Hamilton to the location of approved sites, and that Council approve the issuance of a Payday Loan Business Licence to Speedy Money.

**4. Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) (Item 8.3)**

- (a) That the Amended Urban Hamilton Official Plan Amendment application UHOPA-17-028 by Diamond Schmitt Architects on behalf of McMaster University, Owner, to change the Ainslie Wood Westdale Secondary Plan from “Mixed Use – Medium Density, Special Policy Area E” to “Mixed Use – Medium Density” with a Site Specific Policy Area “XX” on Map B.6.2-1 – Land Use Plan to permit a student residence consisting of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevation attached as Appendix “C” to Report PED19186), and to provide specific design direction with respect to the phasing of development, Transit Oriented Development and views and vistas of the Niagara Escarpment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, as shown on Appendix “A” to Report PED19186, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED19186, be adopted by City Council;
  - (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019).
- (b) That Council direct the Planning staff to proceed with settlement discussions at the Local Planning Appeal Tribunal (LPAT) regarding the appeal of Zoning By-law Amendment application ZAC-17-065 by Diamond Schmitt Architects on Behalf of McMaster University, Owner, seeking to create a site specific zone in order to permit the height and other site specific performance standards for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton, as shown on Appendix “A” to Report PED19186; and,

- (c) That the public submissions received regarding this matter supported the approval of the proposal with amendments.
- 5. Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) (Item 8.4)**
- (a) That Zoning By-law Amendment Application ZAA-19-042, by Shirlmar Farms Inc. (Owner) for a change in zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone and the Agriculture (A1, 464) Zone to prohibit the construction of a single detached dwelling and residential care facility and recognize a reduced lot area for the retained agricultural parcel and recognize a reduced lot width for the severed surplus farm dwelling parcel, as required by conditions of approval for Consent to Sever application GL/B-18:144, for the lands located at 6266 and 6330 Chippewa Road East as shown on Appendix “A” to Report PED19196, be APPROVED on the following basis:
    - (i) That the draft By-law, attached as Appendix “B” to Report PED19196, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
    - (ii) That the proposed modification in zoning is consistent with the Provincial Policy Statement (2014), conforms to the Greenbelt Plan (2017), and complies with the Rural Hamilton Official Plan (RHOP).
  - (b) That there were no public submissions received on this matter.
- 6. Proposed Amendments to the Aggregate Resources Act – Request for Comments (PED19207) (Wards 9, 11-13, 15) (Item 10.1)**
- (a) The City is concerned about the process the Province is following for the proposed amendments to the Aggregate Resources Act (ARA) and associated regulations for the following reasons:
    - (i) there are no specific details that allow municipalities to understand and comment on changes to the ARA that may impact both the City and its residents;
    - (ii) the time frame for comments on this ERO posting is short; and,
    - (iii) there are no details as to when municipalities will be given another opportunity to comment or the length of time that will be provided to respond to specific changes to the ARA or the associated regulations.

- (b) The City requests:
  - (i) the wording “within the water table” be clarified (e.g. below the water table, above the water table); and,
  - (ii) that when the Province proposes specific amendments to both the ARA and the associated regulations the comment period be a minimum of 90 days to determine the impacts on the City and its residents.
  
- (c) The City supports changes to the Act and regulations related to:
  - (i) strengthening the protection of water resources for extraction within the water table as part of a more robust application process for existing operations;
  - (ii) increasing public engagement for applications that may impact water resources;
  - (iii) enhancing reporting on rehabilitation; and,
  - (iv) reviewing the notification and consultation requirements for new applications.
  
- (d) That the City Clerk’s Office be directed to forward Report PED19207 to the Ministry of Municipal Affairs and Housing, and this Report is considered the City of Hamilton’s formal comments on the Proposed Amendments to the Aggregate Resources Act

**FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**1. CONSENT ITEMS (Item 7)**

7.2 Hamilton Municipal Heritage Committee Report 19-007

- (a) Report PED19200 (respecting Item 1)

**2. PUBLIC HEARINGS/DELEGATIONS (Item 8)**

8.3 Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111

and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1)

(a) Added Written Submissions:

- (ii) Ed Rotstein
- (iii) Renate Manthei
- (iv) Lachlan Holmes

**3. DISCUSSION ITEMS (Item 10)**

10.2 Sign Variance Appeal SV-19-002 for the Property Known as 1147 Garner Road West, Ancaster, Denied by the Director of Planning and Chief Planner and Appealed by the Owner (PED19195) (Ward 12) (Deferred from the October 9th Council meeting) –To be considered at the November 19<sup>th</sup> Planning Committee meeting.

**4. MOTIONS (Item 11)**

11.1 Fencing By-law Appeal Process – To be considered at the November 5<sup>th</sup> Planning Committee meeting.

**5. PRIVATE AND CONFIDENTIAL (Item 14)**

14.1 Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the City of Hamilton Zoning By-law No. 05-200 and Former City of Hamilton Zoning By-law No. 6593 for the Lands Located at 1518, 1530 and 1540 Upper Sherman Avenue (Hamilton) (Ward 7) (LS18020(a)/PED18172(a)) – To be considered at the November 5<sup>th</sup> Planning Committee meeting.

14.2 Amendment to the Site Alteration By-law 03-126 (PED19213) (City Wide) - Added item is being moved up in the agenda to be heard after Declarations of Interest.

The agenda for the October 15, 2019 meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

None declared.



**(c) PRIVATE & CONFIDENTIAL (Item 14)**

Committee moved into Closed Session respecting Item 14.2 pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to: the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(i) Amendment to the Site Alteration By-law 03-126 (PED19213) (City Wide) (Added Item 14.2)**

- (a) That a By-law to amend By-law 03-126 Being a By-law for Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil be prepared in accordance with Option 1 (to impose a moratorium on the importing of fill from outside of the City of Hamilton boundaries which does not apply to any permits issued prior to this by-law amendment coming into force), in a form satisfactory to the City Solicitor, for consideration at the October 16, 2019, Special Council meeting; and,
- (b) That Report PED19213 respecting Amendment to the Site Alteration By-law 03-126, remain confidential.

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) October 1, 2019 (Item 4.1)**

The Minutes of the October 1, 2019 meeting were approved, as presented.

**(e) PUBLIC HEARINGS/DELEGATIONS (Item 8)**

**(i) Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain (Approved at the September 17th meeting, Deferred from the October 1, 2019 meeting) (Item 8.1)**

Tom Ker addressed the Committee respecting Changes in By-laws regarding Lot Sizes on the Mountain.

The Delegation from Tom Ker respecting Changes in By-laws regarding Lot Sizes on the Mountain, was received.

**(ii) Julie Cooper respecting Payday Loan Permit for Speedy Money (Approved at the September 17th meeting) (Item 8.2)**

Julie Cooper addressed the Committee respecting Payday Loan Permit for Speedy Money.

The Delegation from Julie Cooper respecting Payday Loan Permit for Speedy Money, was received.

For disposition of this matter, refer to Item 3.

**(iii) Applications for an Official Plan Amendment and Zoning By-law Amendment for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, Hamilton (PED19186) (Ward 1) (Item 8.3)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Official Plan Amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Andrea Dear, Senior Planner, addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation is available through the Office of the City Clerk or online at [www.hamilton.ca](http://www.hamilton.ca).

The staff presentation was received.

David Falletta, Bousfields Inc., and Roger Couldrey, Vice-President (Administration), McMaster University, were in attendance and indicated support for the staff report.

The presentation from David Falletta, Bousfields Inc. and Roger Couldrey, Vice-President (Administration), McMaster University, was received.

**Delegations:**

- (i) John Thomson, 103 Arnold Street, addressed the Committee and expressed concerns with the proposal.

- (ii) Branko Radisic, 80 Traymore Avenue, addressed the Committee and expressed concerns with the proposal.
- (iii) Alan Livingston, 119 Arnold Street, addressed the Committee and expressed concerns with the proposal.
- (iv) Lynn Goruk, 138 Westwood Avenue, addressed the Committee and expressed concerns with the proposal.

The delegations were received.

**Written Submissions:**

- (i) Emily Brackenridge
- (ii) Ed Rotstein
- (iii) Renate Manthei
- (iv) Lachlan Holmes

The written submissions were received.

The public meeting was closed.

The City's Legal and Financial staff were directed to provide an assessment of the property tax treatment of the proposed McMaster development along Main Street West, in advance of the October 23<sup>rd</sup> Council meeting.

Recommendation (a) in Report PED19186 was **amended** to ensure that the lands remain designated as Mixed Use – Medium Density, as follows:

- (a) That the Amended Urban Hamilton Official Plan Amendment application UHOPA-17-028 by Diamond Schmitt Architects on behalf of McMaster University, Owner, ~~to change the land use designation on Schedule E-1 – Urban Land Use Designations, from “Mixed Use – Medium Density” to “Institutional” to and~~ to change the Ainslie Wood Westdale Secondary Plan from “Mixed Use – Medium Density, Special Policy Area E” ~~to “Institutional”~~ to “Mixed Use – Medium Density” with a Site Specific Policy Area “XX” on Map B.6.2-1 – Land Use Plan to permit a student residence consisting of two storey grade related units along Traymore Avenue, a step back to eight storeys and a further step back to 10 storeys for the majority of the proposed buildings. A 15 storey tower is proposed at the corner of Main Street West and Forsyth (see Concept Plan and Elevation attached as Appendix “C” to Report PED19186), for the lands located at 1190 Main Street West, 43, 47, 51 and 55 Forsyth Avenue North, 75, 77, 81, 83, 99, 103, 107, 111 and 115 Traymore Avenue, and 50 Dalewood Avenue, as shown on Appendix “A” to Report PED19186, be APPROVED on the following basis:

- (i) That the draft Official Plan Amendment attached as Appendix “B” to Report PED19186, be adopted by City Council;
- (ii) That the proposed amendment is consistent with the Provincial Policy Statement (2014) and conforms to A Place to Grow Plan (2019).

Recommendation (a) in Report PED19186 was further **amended** to reflect the following:

***That a schedule to protect views and vistas of the Escarpment as it relates to this development be maintained;***

Recommendation (a) in Report PED19186 was further **amended** to reflect the following:

***That if the development is done in phases, that Phase 2 lands are kept as open space/parks with no parking allowance;***

Recommendation (a) in Report PED19186 was further **amended** to reflect the following:

***That the City of Hamilton Transit Oriented Development Guidelines apply to this development;***

The recommendations in Report PED19186 were **amended** by adding the following sub-section (c):

- (c) That the public submissions received regarding this matter supported the approval of the proposal with amendments.***

For disposition of this matter, refer to Item 4.

- (iv) Application to Amend the City of Hamilton Zoning By-law No. 05-200 for Lands Located at 6266 and 6330 Chippewa Road East, Glanbrook (PED19196) (Ward 11) (Item 8.4)**

In accordance with the provisions of the *Planning Act*, Chair Pearson advised that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council makes a decision regarding the Zoning By-law Amendment, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Local Planning Appeal Tribunal, and the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

The public meeting was closed.

The staff presentation was waived.

Katherine Cromley, Owner of the subject properties, was in attendance and indicated support for the staff report.

The recommendations in Report PED19196 were **amended** by adding the following sub-section (b):

**(b) That there were no public submissions received on this matter.**

For disposition of this matter, refer to Item 5.

**(f) GENERAL INFORMATION/OTHER BUSINESS (Item 13)**

**(i) General Manager's Update (Added Item 13.1)**

Jason Thorne, General Manager, Planning and Economic Development, provided an update to the Committee regarding applications for Urban Boundary Expansion. Tony Sergi, Senior Director of Growth Management, provided an update on Upper Mount Albion Road repairs.

The update from Jason Thorne, General Manager, Planning and Economic Development, and Tony Sergi, Senior Director of Growth Management, was received.

**(g) ADJOURNMENT (Item 15)**

There being no further business, the Planning Committee was adjourned at 2:30 p.m.

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Councillor Maria Pearson  
Chair, Planning Committee

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Lisa Chamberlain  
Legislative Coordinator  
Office of the City Clerk



## **GENERAL ISSUES COMMITTEE REPORT 19-020**

9:30 a.m.

Wednesday, October 16, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Mayor F. Eisenberger, Deputy Mayor J. Partridge (Chair)  
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, C. Collins,  
T. Jackson, E. Pauls, J. P. Danko, B. Clark, M. Pearson, B. Johnson,  
L. Ferguson, A. VanderBeek, T. Whitehead

### **THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 19-020 AND RESPECTFULLY RECOMMENDS:**

1. **Investing in Canada Infrastructure Program - Community, Culture and Recreation Stream Intake (FCS19080) (City Wide) (Item 9.1)**
  - (a) That the projects listed in Appendix "A" to Report 19-020, be approved as the City of Hamilton's submission for consideration to the Ontario Ministry of Infrastructure for the approximate requested funding amount of \$233.3 M for projects with total project costs of \$318.2 M in accordance with the terms and conditions associated with the Investing in Canada Infrastructure Program, Community, Culture and Recreation Stream;
  - (b) That the Mayor and City Clerk be authorized and directed to execute all necessary documentation, including Funding Agreements to receive funding under Investing in Canada Infrastructure Program, Community, Culture and Recreation Stream, with content satisfactory to the General Manager of Corporate Services and in a form satisfactory to the City Solicitor;
  - (c) That, where required to give effect and authorize the signing of a Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Infrastructure for the Province of Ontario, to receive funding under Investing in Canada Infrastructure Program, Community, Culture and Recreation Stream, Legal

Services staff be directed to prepare a By-law in the form satisfactory to the City Solicitor for consideration by Council;

- (d) That, where required to give effect and authorize the signing of amendments to the Transfer Payment Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario as represented by the Minister of Infrastructure for the Province of Ontario, to receive funding under Investing in Canada Infrastructure Program, Community, Culture and Recreation Stream, Legal Services staff be directed to prepare By-law(s) in the form satisfactory to the City Solicitor for consideration by Council;
- (e) That, should the City's submission for the Investing in Canada Infrastructure Program, Community, Culture and Recreation Stream, be approved, staff be directed to report back to the General Issues Committee to seek approval of a financing strategy, inclusive of future tax supported levy increases related to eligible project costs between 2021 to 2026 (as outlined in Appendix "A" to Report 19-020); and,
- (f) That copies of Report FCS19080, respecting Investing in Canada Infrastructure Program - Community, Culture and Recreation Stream Intake, be forwarded to local Members of Parliament and local Members of Provincial Parliament.

**2. Airport Sub-Committee Report 19-004 - September 20, 2019 (Item 10.2)**

- (a) **TradePort / City Lease Negotiation Information Report (PED19084(a)) (City Wide) (Item 14.2)**
  - (i) *That Report PED19084(a), respecting the TradePort / City Lease Negotiation Information Report, be referred back to the Airport Sub-Committee, with the revised Appendix "B" to Report PED19084(a), for further discussion; and,*
  - (ii) That the contents of Report PED19084(a), respecting TradePort / City Lease Negotiation Information Report, remain confidential.
- (b) **Provincial Officer's Order Regarding PFAS Discharges from the John C. Munro Hamilton International Airport (PED19199) (City Wide) (Item 14.3)**

That the contents of Report PED19199, respecting Provincial Officer's Order Regarding PFAS Discharges from the John C. Munro Hamilton International Airport, remain confidential.

**3. Capital Projects Work-in-Progress Review Sub-Committee Report 19-005 – September 25, 2019 (Item 10.3)**

**(a) Capital Projects Closing Report as of June 30, 2019 (FCS19078) (City Wide) (Item 10.1)**

- (i) That the General Manager of Finance and Corporate Services be authorized and directed to transfer a combined \$270,079.63 to the Unallocated Capital Levy Reserve (108020) and other Program Specific Reserves / Funding Sources to the capital projects as outlined in Appendix “B” to Report 19-020;
- (ii) That the General Manager of Finance and Corporate Services be directed to close the completed and / or cancelled capital projects listed in Appendix “C” to Report 19-020, in accordance with the Capital Closing Policy;
- (iii) That Appendix “C” to Report FCS19078, Capital Projects Budget Appropriations for the period covering January 1, 2019 through June 30, 2019, be received for information;
- (iv) That unspent funds in the Council Priority Minor Maintenance Capital Projects, established prior to the 2018 Ward boundary changes, be transferred between the Council Priority Minor Maintenance Capital Projects, based on the 2018 unweighted residential and non-residential property assessment once the projects are completed for closure; and,
- (v) That Appendix “D” to Report 19-020, Capital Projects Budget Appropriations above \$250,000 January 1, 2019 through June 30, 2019 totalling \$537,603.91, be approved.

**(b) Public Works - Capital Projects Status Report as of June 30, 2019 (FCS19077) (City Wide) (Item 10.2)**

- (i) That the Capital Projects Status Report, Public Works Tax Supported Projects, as of June 30, 2019, attached as Appendix “A” to Report FCS19077, be received; and,
- (ii) That the Capital Projects Status Report, Public Works Rate Supported Projects, as of June 30, 2019, attached as Appendix “B” to Report FCS19077, be received.



**4. Capital Projects Work-in-Progress Review Sub-Committee Report 19-006 – September 26, 2019 (Item 10.4)**

**(a) Capital Projects Status Report (Excluding Public Works) as of June 30, 2019 (FCS19079) (City Wide) (Item 10.1)**

That the Capital Projects Status Report (excluding Public Works), as of June 30, 2019, attached as Appendix “A” to Report FCS19079, be received.

**5. Strategies to Reduce Property Tax Arrears (FCS19081) (City Wide) (Item 10.5)**

(a) That effective January 1, 2020, the frequency of Reminder Notices mailed to taxpayers with property tax arrears be increased from the existing four reminder notices per year to seven reminder notices per year; and,

(b) That the item respecting Strategies to Reduce Property Tax Arrears be considered complete and removed from the General Issues Committee’s Outstanding Business List.

**6. Hamilton Business Centre - Funding Agreement (PED19202) (City Wide) (Item 10.6)**

(a) That the Mayor and Clerk be authorized and directed to execute all necessary documentation, including Transfer Payment Agreements, amendments, renewals and ancillary documents that are required to receive funding from the Ministry of Economic Development, Job Creation and Trade in connection with the programs and initiatives delivered within the Small Business Enterprise Centre with content satisfactory to the General Manager of Planning and Economic Development and in a form satisfactory to the City Solicitor;

(b) That staff be authorized and directed to implement and execute the programs and services delivered within the Small Business Enterprise Centre; and,

(c) That, where required to give effect and authorize the signing of a Transfer Payment Agreement, amendments, or renewals between the City of Hamilton and Her Majesty the Queen in Right of Ontario as represented by the Minister of Economic Development, Job Creation and Trade to receive funding in connection with the programs and initiatives delivered within the Small Business Enterprise Centre, Legal staff be directed to

prepare By-law(s) in the form satisfactory to the City Solicitor for consideration by Council.

**7. Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East (PED19192) (Ward 3) (Item 10.7)**

- (a) That a Barton Kenilworth Tax Increment Grant Program application submitted by Malleum Real Estate Partners III (Tyler Pearson/Greg Clewer), for the property at 301-303 Barton Street East, Hamilton, estimated at \$35,042.70 over a maximum of a nine-year period, and based upon the incremental tax increase attributable to the renovations of 301-303 Barton Street East, Hamilton, be authorized and approved, in accordance with the terms and conditions of the Barton Kenilworth Tax Increment Grant Program;
- (b) That the Mayor and City Clerk be authorized and directed to execute a Grant Agreement together with any ancillary documentation required, to effect to the Barton Kenilworth Tax Increment grant for Malleum Real Estate Partners III (Tyler Pearson/Greg Clewer), for the property at 301-303 Barton Street East, Hamilton, in a form satisfactory to the City Solicitor;
- (c) That the Mayor and City Clerk be authorized and directed to execute such assigning agreement, as required, and any ancillary documents to give effect to the Barton Kenilworth Tax Increment grant for Malleum Real Estate Partners III (Tyler Pearson/Greg Clewer), for the property at 301-303 Barton Street East, Hamilton, in a form satisfactory to the City Solicitor; and,
- (d) That the General Manager of the Planning and Economic Development Department be authorized to approve and execute any Grant Amending Agreements, together with any ancillary amending documentation, if required, to give effect to the Barton Kenilworth Tax Increment grant for Malleum Real Estate Partners III (Tyler Pearson/Greg Clewer), for the property at 301-303 Barton Street East, Hamilton, provided that the terms and conditions of the Hamilton Tax Increment Grant Program, as approved by City Council, are maintained.

**8. Victoria Day Celebration and Fireworks in Dundas (PED19181) (Ward 13) (Item 10.8)**

- (a) That the Mayor and Clerk be authorized and directed to execute a License and Service Agreement between the Dundas Valley Rotary Club Sunrise and the City of Hamilton, attached as Appendix "E" to Report 19-020, for

the delivery of the annual Victoria Day Celebration and Fireworks for a one-year term beginning in 2020, with the option to renew for four subsequent years, in a form satisfactory to the City Solicitor, with the Dundas Valley Rotary Club Sunrise to be provided \$35,000 annually from the City of Hamilton for each year a license and service agreement is in place, to be funded from the Planning and Economic Development Department operating budget; and,

- (b) That the Victoria Day Celebration event License and Service Agreement fee increase of \$5,500 be added to the base budget in the Planning and Economic Development Department operating budget (Dept ID 709106) for 2020 and beyond.

**9. Hate Related Activities on City of Hamilton Properties (LS19031/PW19068(a)/CM19006(a)) (City Wide) (Item 10.9)**

- (a) That the Trespass By-law, attached as Appendix “D” to Report LS19031/PW19068(a)/CM19006(a), which has been prepared in a form satisfactory to the City Solicitor, be approved; and,
- (b) That the updates provided within Report LS19031/PW19068(a)/CM19006(a), be received.

**10. Red Hill Valley Parkway Enquiry Update (LS19036) (City Wide) (Item 10.10)**

- (a) That the Funding Approval Guidelines for individuals seeking Standing at the Judicial Inquiry, recommended by the Commissioner and attached as Appendix “F” to Report 19-020, be approved;
- (b) That the direction provided to staff in Closed Session, respecting Report LS19036, the Red Hill Valley Parkway Enquiry Update, be approved;
- (c) That the direction provided to staff in Closed Session, respecting Report LS19036, the Red Hill Valley Parkway Enquiry Update, remain confidential until approved by Council on October 23, 2019; and,
- (c) That the Confidential Appendix “D” to Report LS19036, respecting the Red Hill Valley Parkway Enquiry Update, remain confidential.

**11. Potential Regulatory Litigation Update (PW19008(c)/LS19004(c)) (City Wide)  
(Item 14.2)**

- (a) That the direction provided to staff in Closed Session respecting Report PW19008(c)/LS19004(c) – Potential Regulatory Litigation Update, be approved; and,
- (b) That Report PW19008(c)/LS19004(c), respecting a Potential Regulatory Litigation Update, remain confidential.

**12. Material Recycling Facility Request for Proposals (LS19040) (City Wide)  
(Item 14.5)**

**(Ferguson/Jackson)**

- (a) That the direction provided to staff in Closed Session, respecting Report LS19040, Material Recycling Facility Request for Proposals, be approved; and,
- (b) That Report LS19040, respecting the Material Recycling Facility Request for Proposals, remain confidential.

**FOR INFORMATION:**

Deputy Mayor Partridge acknowledged the passing of the following Iconic Hamiltonians and offered condolences on behalf of the City:

Milli Gould, Owner/Operator of Milli's Fashion for Women on Main Street West for the past 50 years.

Fern Viola, the "Voice of Hamilton", who worked with Veterans Affairs Canada as a civil servant until his retirement in 2013 at the age of 87.

Former Regional Chair, Anne Jones, who proudly represented the City of Hamilton in municipal politics for 23 years; and, in 1973, was appointed the first Chairman of the Regional Municipality of Hamilton-Wentworth by the Province of Ontario where she remained until her retirement in 1985.

In order to allow members of Council to attend the funeral of the late Anne Jones, Former Regional Chair of Hamilton-Wentworth, the General Issues Committee be recessed at 10:30 a.m. to reconvene at 1:00 p.m.

**(a) CEREMONIAL ACTIVITIES (Item 1)**

**(i) Canadian Championship in Women's Power Lifting (Item 1.1)**

Deputy Mayor Partridge provided congratulations on behalf of Council and the City of Hamilton to Madeline Morgan, an 18-year-old Hamilton native and resident of Ward 1.

Maddie is a competitive powerlifter who has represented Ontario at the national level and Canada on the world stage. She has broken national and provincial records more than 50 times over. Most recently, at the Ontario Junior Powerlifting Championships, where she broke the national and provincial records, lifting 304 lbs. in the squat, bench pressing 160 lbs., and deadlifting 325.6 lbs.

Maddie currently holds the Ontario high school, provincial and national squat records; the Ontario high school, provincial, and national bench press record; the provincial deadlift record; and, the Ontario high school, provincial and national total record.

At the Women's World Championships in Sweden in June, she placed sixth in the world in her class, and has placed first eight times out of nine competitions.

**(b) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**6. Delegation Requests**

6.1 Nicole Smith, Extinction Rebellion Hamilton, respecting Item 11.1 - Feasibility of a Municipal Carbon Tax to Generate Revenue from Fossil Fuel Pipelines within the Boundaries of the City of Hamilton (For the October 16, 2019 GIC.)

6.2 Mike Wood, Hamilton ACORN, respecting Item 10.7 - Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton (PED19192) (For the October 16, 2019 GIC.)

**10. DISCUSSION ITEMS**

10.1 Investing in Canada Infrastructure Program - Community, Culture and Recreation Stream Intake (FCS19080) (City Wide)

This matter has been moved from Item 10.1 to Item 9.1, as a presentation has been added. There is also a revised Appendix "A" to this report, which is before Committee for consideration.

## 12. NOTICES OF MOTION

- 12.1 Multi-Use Community Hub for Diverse and Marginalized Communities

## 14. PRIVATE & CONFIDENTIAL

- 14.1 Closed Session Minutes of October 2, 2019 – these minutes will be included in the November 6, 2019 GIC agenda.
- 14.4 Airport Sub-Committee Report 19-004 - September 20, 2019 - Item 2 – REVISED Appendix "B" to TradePort / City Lease Negotiation Information Report (PED19084(a)) (City Wide)

Pursuant to Section 8.1, Sub-section (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-section (k) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Additional information was requested of staff; therefore, a new page 3 has been added to the original confidential Appendix "B" to this Report, which includes that information.

- 14.5 Material Recycling Facility Request for Proposals (LS19040) (City Wide)

Pursuant to Section 8.1, Sub-sections (e), (f) and (k) of the City's Procedural By-law 18-270, and Section 239(2), Sub-sections (e), (f) and (k) 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; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

The agenda for the October 16, 2019 Special General Issues Committee meeting, was approved, as amended.

**(c) DECLARATIONS OF INTEREST (Item 2)**

- (i) Councillor Maria Pearson declared an interest to Item 6.2 – a delegation request by Mike Wood, Hamilton ACORN, respecting Item 10.7 – Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton (PED19192); and, Item 10.7 – Report PED19192, respecting Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton, as she is a rental property landlord.
- (ii) Councillor Arlene VanderBeek declared an interest to Item 6.2 – a delegation request by Mike Wood, Hamilton ACORN, respecting Item 10.7 – Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton (PED19192); and, Item 10.7 – Report PED19192, respecting Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton, as she is a rental property landlord.

**(d) APPROVAL OF MINUTES OF PREVIOUS MINUTES (Item 4)**

**(i) October 2, 2019 (Item 4.1)**

The Minutes of the October 2, 2019 meeting of the General Issues Committee were approved, as presented.

**(e) DELEGATION REQUESTS (Item 6)**

The following delegation requests were approved to appear before the General Issues Committee on October 16, 2019:

- (i) Nicole Smith, Extinction Rebellion Hamilton, respecting Item 11.1 - Feasibility of a Municipal Carbon Tax to Generate Revenue from Fossil Fuel Pipelines within the Boundaries of the City of Hamilton (Item 6.1)
- (ii) Mike Wood, Hamilton ACORN, respecting Item 10.7 - Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton (PED19192) (Item 6.2)

**(f) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

**(i) Nicole Smith, Extinction Rebellion Hamilton, respecting Item 11.1 - Feasibility of a Municipal Carbon Tax to Generate Revenue from Fossil Fuel Pipelines within the Boundaries of the City of Hamilton (Item 8.1)**

Nicole Smith, Extinction Rebellion Hamilton, addressed Committee respecting Item 11.1 - Feasibility of a Municipal Carbon Tax to Generate Revenue from Fossil Fuel Pipelines within the Boundaries of the City of Hamilton.

The presentation provided by Nicole Smith, Extinction Rebellion Hamilton, respecting Item 11.1 - Feasibility of a Municipal Carbon Tax to Generate Revenue from Fossil Fuel Pipelines within the Boundaries of the City of Hamilton, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of this matter, please refer to Information Item (i)(i).

**(ii) Mike Wood, Hamilton ACORN, respecting Item 10.7 - Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton (PED19192) (Item 8.2)**

Mike Wood, Hamilton ACORN, addressed Committee respecting Item 10.7 – Report PED19192 - Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton.

The presentation provided by Mike Wood, Hamilton ACORN, respecting Item 10.7 – Report PED19192 - Barton Kenilworth Tax Increment Grant Program - 301-303 Barton Street East, Hamilton, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 7.

As the delegate is in attendance, Item 10.7, respecting Report PED19192 – Barton-Kenilworth Tax Increment Grant Program – 301-303 Barton Street East, was moved up on the agenda to be addressed, prior to Item 9.1.



**(g) STAFF PRESENTATIONS (Item 9)**

**(i) Investing in Canada Infrastructure Program - Community, Culture and Recreation Stream Intake (FCS19080) (City Wide) (Item 9.1)**

Mike Zegarac, General Manager of Finance and Corporate Services, addressed Committee and provided a PowerPoint presentation respecting Report FCS19080, Investing in Canada Infrastructure Program - Community, Culture and Recreation Stream Intake.

The presentation respecting Report FCS19080, regarding Investing in Canada Infrastructure Program - Community, Culture and Recreation Stream Intake, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

For disposition of this matter, please refer to Item 1.

**(h) DISCUSSION ITEMS (Item 10)**

**(i) Airport Sub-Committee Report 19-004 - September 20, 2019 (Item 10.2)**

**(a) Sub-Lease Negotiations for the John C. Munro Hamilton International Airport (Item 11.1)**

The matter respecting the Sub-Lease Negotiations for the John C. Munro Hamilton International Airport (PED19137) was removed from the report as it was addressed at the October 9, 2019 Council meeting and is no longer before the General Issues Committee for consideration.

Sub-section (b) to the Airport Sub-Committee Report 19-004, respecting Report PED19084(a) - TradePort / City Lease Negotiation Information Report, was amended by adding a new sub-section (i) and renumbering the balance, to read as follows:

**(b) TradePort / City Lease Negotiation Information Report (PED19084(a)) (City Wide) (Item 14.2)**

- (i) *That Report PED19084(a), respecting the TradePort / City Lease Negotiation Information Report, be referred back to the Airport Sub-Committee, with the revised***

***confidential Appendix “B” to Report PED19084(a), for further discussion; and,***

- (ii) That the contents of Report PED19084(a), respecting TradePort / City Lease Negotiation Information Report, remain confidential.

For further disposition of this matter, please refer to Item 2.

**(i) MOTIONS (Item 11)**

**(i) Feasibility of a Municipal Carbon Tax to Generate Revenue from Fossil Fuel Pipelines within the Boundaries of the City of Hamilton (Item 11.1)**

Councillor Danko advised that he will be introducing his Motion at a future General Issues Committee meeting.

**(ii) Mountain News Delivery (Item 11.2)**

WHEREAS, there have been citizen complaints about newspapers and/or flyers being left at the foot of the driveway;

WHEREAS, some of these newspapers and flyers have been delivered on behalf of Mountain News, a division of Metroland Media Group Ltd. (“Metroland”);

WHEREAS, circumstances cannot be entirely avoided where driveway delivery by Metroland may be a necessity;

WHEREAS, Metroland is willing to work towards a proactive solution to these types of resident complaints;

THEREFORE, BE IT RESOLVED:

- (a) That City staff, in conjunction with Metroland, create a link on the City's website directed to the Mountain News circulation department for residents who do not want these newspapers and/or flyer bundles to be delivered to their address; and,
- (b) That the link to Mountain News circulation department be easy to locate on the City of Hamilton's website.

The Motion, respecting Mountain News Delivery, was withdrawn.

**(j) NOTICES OF MOTIONS (Item 12)**

Councillor N. Nann introduced the following Notice of Motion:

**(i) Multi-Purpose Community Hub for Diverse and Marginalized Communities (Item 12.1)**

WHEREAS, according to StatsCan reports, Hamilton has the highest level of police reported hate crimes per capita in three of the last five years, while also recognizing not all hate crimes and incidents are reported to police;

WHEREAS, since December 2018 there have been weekly demonstrations held on the forecourt of Hamilton City Hall by extremist individuals and organizations using it as a platform to spread Islamophobic, homophobic, anti-immigrant, and anti-black racist views;

WHEREAS, this year residents have experienced hate-based violence and targeting at Pride, on personal properties, at mosques and on synagogues making communities feel less safe;

WHEREAS, responding to the rising levels of hate in the City of Hamilton requires an approach that includes empathy for lived experiences, clear policies and strategies to de-radicalize extremism, while also adequately resourcing and supporting the resilience of residents facing hate, and actively fostering a sense of solidarity and belonging across communities;

WHEREAS, the *Mapping the Void* report, released in 2019, surveyed over 900 people over the age of 16 who identified as Two-Spirit and LGBTQ+ in the City of Hamilton reporting 40.9% of respondents had sought services or community outside of Hamilton because they were either not available or sufficient in Hamilton;

WHEREAS, the City recognizes that in order to prevent and redress systemic and social inequities policies focused on equity, diversity and inclusion must guide service and programming provision;

WHEREAS, there is a gap in safe spaces, programs and services for Hamiltonians who have been historically marginalized and who have faced hate in their communities, and there remains a need to better resource community-informed and community-led initiatives that prioritize the needs of marginalized communities in our City;

WHEREAS, community groups play a critical role in meeting these needs and providing accessible and responsive supports and services;

WHEREAS, co-locating community groups increases access for residents while also fostering intersectional collaboration, strengthening integrated service and programming provision among community groups, and helps mitigate the impact of rising costs of operations; and,

WHEREAS, multi-purpose community hubs are demonstrated models in asset-based community development which provide excellence in meeting the needs of localized and marginalized communities;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to convene with community groups and organizations engaged in serving equity-seeking communities that are interested in collaborating to develop a business case for a multi-purpose community hub and report back to the General Issues Committee in Q1 2020 for review and approval;
- (b) That the multi-purpose community hub aim to strengthen community capacity, resilience and responsiveness to address safer space, programming and service needs and gaps for historically marginalized communities; and,
- (c) That the business case for the creation of a “hub” include viable locations, possible sustainable funding sources, and a multi-year operations plan.

**(k) PRIVATE & CONFIDENTIAL (Item 14)**

Committee moved into Closed Session respecting Items 14.2 to 14.5, pursuant to Section 8.1, Sub-sections (c), (e), (f) and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (c), (e), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land for City purposes; litigation or potential litigation including matters before administrative tribunals, affecting the municipality or local board; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

**(l) ADJOURNMENT (Item 13)**

There being no further business, the General Issues Committee adjourned at 9:05 p.m.

Respectfully submitted,

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J. Partridge, Deputy Mayor  
Chair, General Issues Committee

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Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk



City of Hamilton 2019 ICIP - Community, Culture and Recreation Stream Intake Projects Submission

Div #	Project Description	DC?	Year	Financial Impacts	2021 (000's)	2022 (000's)	2023 (000's)	2024 (000's)	2025 (000's)	2026 (000's)	Total (000's)	Cost Sharing Breakdown		
												Federal 40%	Provincial 33.33%	City 26.67%
	<b>RECREATION</b>				\$ 10,800	\$ 30,300	\$ 42,600	\$ 36,500	\$ 45,200	\$ 37,500	\$ 202,900	\$ 81,160.0	\$ 67,626.8	\$ 54,113.7
REC 1	Rec Roof Replacements (Phase A) Parkdale Arena, Norman Pinky Lewis, Central Memorial Recreation Centre, Sackville Hill Park FH, Beverly Arena, Carlisle Arena, Sir Allan McNab Rec, Spring Valley Arena	No	2021	Capital Costs Operating Impacts FTE/\$	\$ 3,700	\$ 1,000 N/A					\$ 4,700	\$ 1,880.0	\$ 1,566.5	\$ 1,253.5
REC 2	Rec Roof Replacements (Phase B) Mohawk Quad Pad (partial), Bennetto (partial), Dundas Rec (partial), Chedoke Golf Roof	No	2022	Capital Costs Operating Impacts FTE/\$	\$ 200	\$ 3,200	\$ 1,000 N/A				\$ 4,400	\$ 1,760.0	\$ 1,466.5	\$ 1,173.5
REC 3	Rec Roof Replacements (Phase C) Ancaster Rotary, Stoney Creek Arena Kiwanis Community (Jones Rd), Saltfleet Arena, Brewster Pool	No	2023	Capital Costs Operating Impacts FTE/\$		\$ 200	\$ 3,700	\$ 1,000 N/A			\$ 4,900	\$ 1,960.0	\$ 1,633.2	\$ 1,306.8
REC 4	Rec Roof Replacements (Phase D) Mohawk Quad Pad 4 Ice Centre (partial)	No	2024	Capital Costs Operating Impacts FTE/\$			\$ 200	\$ 3,700	\$ 1,000 N/A		\$ 4,900	\$ 1,960.0	\$ 1,633.2	\$ 1,306.8
REC 5	Central Memorial Rec Centre Elevator Modernization Replacement	No	2021	Capital Costs Operating Impacts FTE/\$	\$ 100	\$ 300 N/A					\$ 400	\$ 160.0	\$ 133.3	\$ 106.7
REC 6	Arena Chiller & Mechanical Replacements (refurbishment)	No	2021	Capital Costs Operating Impacts FTE/\$	\$ 150	\$ 3,200	\$ 1,000 N/A				\$ 4,350	\$ 1,740.0	\$ 1,449.9	\$ 1,160.1
REC 7	Victoria Outdoor Pool Replacement	No	2022	Capital Costs Operating Impacts FTE/\$	\$ 150	\$ 1,500	\$ 2,000 N/A				\$ 3,650	\$ 1,460.0	\$ 1,216.5	\$ 973.5
REC 8	Riverdale Community Hub (New) CONSTRUCTION PHASE (Rec portion)	Yes	2021	Capital Costs Operating Impacts FTE/\$	\$ 400	\$ 3,000	\$ 3,000	\$ 2,000 1/\$300K			\$ 8,400	\$ 3,360.0	\$ 2,799.7	\$ 2,240.3
REC 9	Bernie Arbour Accessibility Lifecycle Renewal & LED Lighting Upgrade	No	2021	Capital Costs Operating Impacts FTE/\$	\$ 300	\$ 1,700	\$ 3,000	\$ 5,000 N/A	\$ 2,500		\$ 12,500	\$ 5,000.0	\$ 4,166.3	\$ 3,333.8
REC 10	Huntington Park Recreation Centre Retrofit (Phase 2)	No	2021	Capital Costs Operating Impacts FTE/\$	\$ 200	\$ 3,200	\$ 1,000 N/A				\$ 4,400	\$ 1,760.0	\$ 1,466.5	\$ 1,173.5
REC 11	Sir Wilfrid Laurier Gymnasium Addition (Expansion)	Yes	2021	Capital Costs Operating Impacts FTE/\$	\$ 3,500	\$ 4,000	\$ 500 0/\$260K				\$ 8,000	\$ 3,200.0	\$ 2,666.4	\$ 2,133.6
REC 12	King's Forest and Chedoke Golf (Major Refurbishment)	No	2021	Capital Costs Operating Impacts FTE/\$	\$ 500	\$ 2,000	\$ 6,000	\$ 6,000 N/A			\$ 14,500	\$ 5,800.0	\$ 4,832.9	\$ 3,867.2
REC 13	Fruitland Winona Rec Centre (New)	Yes	2023	Capital Costs Operating Impacts FTE/\$	\$ -		\$ 500	\$ 1,000	\$ 13,500	\$ 12,500 18.5/\$1.2M	\$ 27,500	\$ 11,000.0	\$ 9,165.8	\$ 7,334.3
REC 14	Mt. Hope Quonset and Washroom Facility	Yes	2023	Capital Costs Operating Impacts FTE/\$	\$ 300	\$ 1,700	\$ 2,000	\$ 1,000 0.5/\$70K			\$ 5,000	\$ 2,000.0	\$ 1,666.5	\$ 1,333.5
REC 15	Waterdown Rec Centre (New)	Yes	2024	Capital Costs Operating Impacts FTE/\$			\$ 500	\$ 1,000	\$ 13,500	\$ 12,500 18.5/\$1.2M	\$ 27,500	\$ 11,000.0	\$ 9,165.8	\$ 7,334.3
REC 16	Norman Pinky Lewis Expansion (Expansion)	Yes	2025	Capital Costs Operating Impacts FTE/\$	\$ 200	\$ 200	\$ 4,000	\$ 3,600 0/\$260K			\$ 8,000	\$ 3,200.0	\$ 2,666.4	\$ 2,133.6
REC 17	Sackville Hill Senior Centre (Option 2: Larger Expansion)	Yes	2026	Capital Costs Operating Impacts FTE/\$	\$ 300	\$ 1,000	\$ 7,000	\$ 6,000 0/\$65K			\$ 14,300	\$ 5,720.0	\$ 4,766.2	\$ 3,813.8
REC 18	Ryerson Rec Centre (Major Refurbishment)	No	2027	Capital Costs Operating Impacts FTE/\$	\$ 300	\$ 1,700	\$ 2,000	\$ 1,000 N/A			\$ 5,000	\$ 2,000.0	\$ 1,666.5	\$ 1,333.5
REC 19	Binbrook Rec Centre (New)	Yes	2028	Capital Costs Operating Impacts FTE/\$			\$ 500	\$ 1,000	\$ 13,500	\$ 12,500 18.5/\$1.2M	\$ 27,500	\$ 11,000.0	\$ 9,165.8	\$ 7,334.3
REC 20	Hill Park Rec Centre (Refurbishment & Expansion)	No	2030	Capital Costs Operating Impacts FTE/\$		\$ 500	\$ 2,500	\$ 3,000 N/A	\$ 1,000		\$ 7,000	\$ 2,800.0	\$ 2,333.1	\$ 1,866.9
REC 21	Central Memorial Rec Centre (Major Refurbishment)	No	2030	Capital Costs Operating Impacts FTE/\$	\$ 300	\$ 1,700	\$ 2,000	\$ 1,000 N/A			\$ 5,000	\$ 2,000.0	\$ 1,666.5	\$ 1,333.5
REC 22	Pool Heat Recovery & GHG Reduction (lower GHG/Nat.Gas/OP budget)	No	2030	Capital Costs Operating Impacts FTE/\$	\$ 200 0/ -\$15K	\$ 200 0/ -\$15K	\$ 200 0/ -\$15K	\$ 200 0/ -\$15K	\$ 200 0/ -\$15K		\$ 1,000	\$ 400.0	\$ 333.3	\$ 266.7
				<b>Total (000's):</b>	\$ 21,032	\$ 55,272	\$ 70,769	\$ 61,904	\$ 57,455	\$ 44,200	\$ 310,632	\$ 124,252.8	\$ 103,534.0	\$ 82,846.1

Anomalies due to rounding.

"DC?" answers the question whether any of the project costs are eligible for funding from development charges (DC) under the City's DC By-law and DC Background Study.

"Year" represents the project start year as submitted in the multi-year capital budget plan. The cash flow distribution from 2021 to 2026 may differ from the capital budget plan.

City of Hamilton 2019 ICIP - Community, Culture and Recreation Stream Intake Projects Submission

Div #	Project Description	DC?	Year	Financial Impacts	2021 (000's)	2022 (000's)	2023 (000's)	2024 (000's)	2025 (000's)	2026 (000's)	Total (000's)	Cost Sharing Breakdown		
												Federal 40%	Provincial 33.33%	City 26.67%

\* Should the project receive funding approval, the City contribution will be reduced by a \$500K Community Contribution



CITY OF HAMILTON CAPITAL PROJECT CLOSINGS AS OF JUNE 30, 2019 Projects impacting the Unallocated Capital Levy Reserve & Other Reserves						
Year	ProjectID	Description	Surplus/ (Deficit) (\$)	Reserve	Description	
<u>Projects returning funds</u>						
2012	4031218222	Bridge 329 - Burlington St E at Wilcox St	64,434.55	108020	Unalloc Capital Levy	
2013	7641357301	Kronos Scheduling Software	57,760.94	108020	Unalloc Capital Levy	
2014	4031418438	Bridge 397 - Glancaster Road	36,343.26	108020	Unalloc Capital Levy	
2017	4661720725	New Signal- Upper Sherman/Acadia	80,717.29	108020	Unalloc Capital Levy	
2017	6301751702	Carpet Removal Macassa	30,390.15	108020	Unalloc Capital Levy	
2017	7641755702	Paramedic Multi-Year Plan	2,845.59	108020	Unalloc Capital Levy	
<b>Net impact to the Unallocated Capital Levy Reserve</b>			<b>272,491.78</b>			
<u>Projects requiring funds</u>						
2016	5181655420	Wilson St Stormwater Drainage	(2,412.15)	5169309324	Unalloc Current Funds-Sanitary	
<b>Net impact to Other Reserves</b>			<b>(2,412.15)</b>			
<b>Total Net impact to the Unallocated Capital Levy Reserve &amp; Other Reserves</b>			<b>270,079.63</b>			

CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
AS OF JUNE 30, 2019

**Appendix "C" to Item 3 of GIC Report 19-020**

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	%
			a	b	c	d = b - c	e=c/a
<b>UNALLOCATED CAPITAL LEVY RESERVE</b>							
2012	4031218222	Bridge 329 - Burlington St E at Wilcox St	350,000.00	215,000.00	150,565.45	64,434.55	43.0%
2013	7641357301	Kronos Scheduling Software	360,000.00	360,000.00	302,239.06	57,760.94	84.0%
2014	4031418438	Bridge 397 - Glancaster Road	490,000.00	265,275.20	228,931.94	36,343.26	46.7%
2017	4661720725	New Signal- Upper Sherman/Acadia	200,000.00	173,080.90	92,363.61	80,717.29	46.2%
2017	6301751702	Carpet Removal Macassa	236,650.00	236,654.00	206,263.85	30,390.15	87.3%
2017	7641755702	Paramedic Multi-Year Plan	150,000.00	150,000.00	147,154.41	2,845.59	98.1%
<b>TOTAL FUNDS FROM UNALLOCATED CAPITAL LEVY (6)</b>			<b>1,786,650.00</b>	<b>1,400,010.10</b>	<b>1,127,518.32</b>	<b>272,491.78</b>	<b>63.1%</b>
<b>OTHER PROGRAM SPECIFIC RESERVES</b>							
2016	5181655420	Wilson St Stormwater Drainage	1,740,000.00	1,740,000.00	1,742,412.15	(2,412.15)	100.1%
<b>TOTAL FUNDS FROM PROGRAM SPECIFIC RESERVES (1)</b>			<b>1,740,000.00</b>	<b>1,740,000.00</b>	<b>1,742,412.15</b>	<b>(2,412.15)</b>	<b>100.1%</b>
<b>DELAYED/CANCELLED PROJECTS</b>							
2008	4140846102	Jackson Heights Phase 3B	32,500.00	0.00	0.00	0.00	0.0%
2015	4241509124	Westdale HS- Natural Turf	150,000.00	0.00	0.00	0.00	0.0%
2017	5181760730	McQuesten Park Entrance - Flooding	250,000.00	1,167.75	1,167.75	0.00	0.5%
2018	4031811801	NBHD RD Priorities W1	100,000.00	0.00	0.00	0.00	0.0%
2018	4031811810	NBHD RD Priorities W10	0.00	0.00	0.00	0.00	0.0%
2018	4031811815	NBHD RD Priorities W15	0.00	0.00	0.00	0.00	0.0%
2018	4241809101	AR - Road Repair & Rehab (W1 A/R)	0.00	0.00	0.00	0.00	0.0%
2018	4401849510	Spray Pad Infrastructure Rehab	0.00	0.00	0.00	0.00	0.0%
2018	5181872291	Catharine St N Sewer Replace	99,000.00	0.00	0.00	0.00	0.0%
2019	4041951960	Road Operations Weigh Scales	100,000.00	0.00	0.00	0.00	0.0%
2018	4901841802	Summers Lane Reconstruction	0.00	0.00	0.00	0.00	0.0%
<b>TOTAL DELAYED/CANCELLED PROJECTS (11)</b>			<b>731,500.00</b>	<b>1,167.75</b>	<b>1,167.75</b>	<b>0.00</b>	<b>0.2%</b>
<b>COMPLETED PROJECTS</b>							
<b>Corporate Services, City Manager's Office and Councillor Infrastructure Programs (Tax Budget)</b>							
<b>Councillor Infrastructure Program</b>							
2014	3301409400	Ward 4 Capital Reinvestment	100,000.00	42,154.19	42,154.19	0.00	42%
2014	3301509400	Ward 4 Capital Reinvestment	100,000.00	87,857.58	87,857.58	0.00	88%
2015	3301509200	Ward 2 Capital Reinvestment	100,000.00	94,292.48	94,292.48	0.00	94%
2016	3301609100	Ward 1 Capital Reinvestment	100,000.00	99,935.62	99,935.62	0.00	100%
2016	3301609500	Ward 5 Capital Reinvestment	100,000.00	99,032.92	99,032.92	0.00	99%
2017	4241709113	Cootes Paradise Crosswalk	40,000.00	40,000.00	40,000.00	0.00	100%
<b>Information Services</b>							
2011	3501157101	Information Systems - Apps	265,000.00	232,852.90	232,852.90	0.00	88%
<b>Healthy and Safe Communities (Tax Budget)</b>							
<b>Long Term Care</b>							
2012	6301251201	WL-Nurse Call & Wall Protect	296,414.00	296,417.00	296,417.00	0.00	100%

CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
AS OF JUNE 30, 2019

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
<b>Hamilton Fire Department</b>							
2018	7401851100	Fire Balaclava Replacement	220,000.00	219,235.28	219,235.28	0.00	100%
2018	7401851600	Annual Equipment Replacement	617,000.00	603,636.00	603,636.00	0.00	98%
2017	7401751702	Annual Vehicle Replacement	5,202,400.00	5,283,355.37	5,283,355.37	0.00	102%
<b>Hamilton Paramedic Services</b>							
2018	7641851100	Annual Paramedic Vehicle Replacement	1,241,000.00	1,250,314.00	1,250,314.00	0.00	100.8%
<b>Planning &amp; Economic Development (Tax Budget)</b>							
<b>Tourism &amp; Culture</b>							
2003	7100341101	Auchmar– Outbuildings - Land-Wall	1,060,282.27	1,059,587.27	1,059,587.27	0.00	99.9%
2010	7101057100	Point of Sale Systems - Museums	52,750.00	52,745.10	52,745.10	0.00	100.0%
2017	7201658601	Dundurn Small Room Restoration	90,600.00	90,594.90	90,594.90	0.00	100.0%
2017	7201741702	Dundurn Coach Roof Canada 150	364,250.00	364,246.62	364,246.62	0.00	100.0%
<b>Growth Management</b>							
2009	4140946108	Jackson Heights Ph2 Roundabout	18,000.00	17,102.32	17,102.32	0.00	95.0%
2016	4141646104	1187 Upper James	145,000.00	140,361.16	140,361.16	0.00	96.8%
<b>Licensing &amp; By-Law Services Division</b>							
2014	4901457100	Monetary Penalty - New Process	55,000.00	54,685.83	54,685.83	0.00	99.4%
<b>Transportation Division</b>							
2011	5311182002	ATS Mobile Data Terminals	1,125,000.00	710,558.09	710,558.09	0.00	63.2%
<b>Parking &amp; Transportation Services</b>							
2012	4901245100	Repairs -York Boulevard Parkade	2,301,000.00	2,340,625.07	2,340,625.07	0.00	101.7%
2014	4901445100	Parking Lots - Service Repairs	230,000.00	223,568.28	223,568.28	0.00	97.2%
<b>Planning Division</b>							
2003	8300355100	LRP OP Reform	5,873,400.00	5,873,396.38	5,873,396.38	0.00	100.0%
<b>Public Works (Tax Budget)</b>							
<b>Parks &amp; Cemeteries (Tax Budget)</b>							
2016	4401611601	Cemetery Roads Rehabilitation Program	82,100.00	82,128.12	82,128.12	0.00	100.0%
2017	4401711601	Cemetery Roads Rehab Program	65,000.00	65,000.00	65,000.00	0.00	100.0%
2017	4401751601	Equipment Acquisitions - DC	363,155.06	363,155.06	363,155.06	0.00	100.0%
2017	4401752600	Playground Lifecycle Replace	167,700.00	167,658.43	167,658.43	0.00	100.0%
2017	4401756001	Leash Free Dog Park Program	107,400.00	107,458.35	107,458.35	0.00	100.1%
2018	4241809215	Bennetto School Playground	150,000.00	150,000.00	150,000.00	0.00	100.0%
2018	4241809404	McQuesten Farm Playground	175,000.00	163,370.88	163,370.88	0.00	93.4%
2018	4241809405	Leaside Park Playground	50,000.00	48,986.45	48,986.45	0.00	98.0%
2018	4241809406	Parkdale School Playground	175,000.00	171,249.58	171,249.58	0.00	97.9%
2018	4401852600	Playground Lifecycle Replacement	231,750.00	237,497.29	237,497.29	0.00	102.5%
<b>Open Space &amp; Development (Tax Budget)</b>							
2018	4241809403	AM Cunningham Playground	437,200.00	413,899.56	413,899.56	0.00	94.7%

CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
AS OF JUNE 30, 2019

**Appendix "C" to Item 3 of GIC Report 19-020**

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			a	b	c	d = b - c	e=c/a
<b>Forestry &amp; Horticulture</b>							
2017	4451751007	Rural Street Parks and Cemeteries Tree Inventory	158,614.00	158,614.24	158,614.24	0.00	100.0%
<b>Recreation (Tax Budget)</b>							
2016	7101654613	Westoby (Olympic) Arena Roof	572,000.00	469,700.00	469,700.00	0.00	82.1%
2018	7101858802	Maplewood Park Washroom Lifecycle Repairs	1,000.00	606.84	606.84	0.00	60.7%
<b>Waste (Tax Budget)</b>							
2015	5121591000	Glanbrook Landfill Capital Improvement Program	222,000.00	222,000.00	222,000.00	0.00	100.0%
2016	5121691000	Glanbrook Landfill Capital Improvement Program	275,000.00	275,000.00	275,000.00	0.00	100.0%
2016	5121693000	Maintenance & Capital Improvements-Resource Recovery Centre	87,200.00	87,200.00	87,200.00	0.00	100.0%
2017	5121790200	Diversion Container Replacement	661,500.00	662,037.18	662,037.18	0.00	100.1%
2017	5121790700	Public Space & Special Event Containers	189,000.00	189,049.07	189,049.07	0.00	100.0%
2017	5121791000	Glanbrook Landfill Capital Improvement Program	305,000.00	305,000.00	305,000.00	0.00	100.0%
2017	5121792000	Closed Landfill Maintenance & Capital Improvement	91,300.00	91,333.67	91,333.67	0.00	100.0%
2017	5121793000	Maintenance & Capital Improvements to the Resource Recovery Centre	220,000.00	220,000.00	220,000.00	0.00	100.0%
<b>Roads (Tax Budget)</b>							
2009	4030957950	Right of Way AM Business - RAMBO	918,500.00	892,858.95	892,858.95	0.00	97.2%
2009	4030980977	Road EA for N-W Quad Hwy 5 & 6	40,000.00	9,870.51	9,870.51	0.00	24.7%
2014	4041416102	Traffic Calming - Various	350,000.00	349,692.42	349,692.42	0.00	99.9%
2015	4031518533	Hwy 8 Culvert (Dundas Hill) - 230 m n/o Springhill Rd	765,000.00	660,206.82	660,206.82	0.00	86.3%
2015	4031519101	Road Reconstruction Program - 2015	9,310,000.00	8,812,608.28	8,812,608.28	0.00	94.7%
2015	4041511351	Roads - Alleyway Rehabilitation - 2015	2,000.00	2,000.00	2,000.00	0.00	100.0%
2015	4241509123	AR - Traffic Ops - Functional Design (W1 A/R)	50,000.00	43,499.94	43,499.94	0.00	87.0%
2016	4031611015	Road Resurfacing Program - 2016	4,316,000.00	4,345,233.66	4,345,233.66	0.00	100.7%
2016	4031611016	Asset Preservation - Local Roads - 2016	7,878,000.00	7,644,973.28	7,644,973.28	0.00	97.0%
2016	4031619101	Road Reconstruction Program - 2016	5,411,000.00	5,607,356.77	5,607,356.77	0.00	103.6%
2016	4031641762	Yard Facility Maintenance & Improvement Program - 2016	251,000.00	251,000.00	251,000.00	0.00	100.0%
2016	4031651410	Roads Small Equip Purchase - 2016	119,001.93	119,000.00	119,000.00	0.00	100.0%
2016	4031651620	Road O&M Fleet Replacement	1,000,000.00	999,371.87	999,371.87	0.00	99.9%
2016	4241609217	AR - Pedestrian Crossover Charlton (W2 A/R)	5,000.00	5,000.00	5,000.00	0.00	100.0%
2016	4241609220	AR - Pedestrian Crossover Herkimer (W2 A/R)	5,000.00	5,000.00	5,000.00	0.00	100.0%
2017	4031711225	Geotechnical Investigation Program - 2017	200,000.00	200,000.00	200,000.00	0.00	100.0%
2017	4031721350	Fleet Additions - Roads O&M - 2017	230,000.00	230,000.00	230,000.00	0.00	100.0%
2017	4031741762	Yard Facility Maintenance & Improvement Program - 2017	102,000.00	102,000.00	102,000.00	0.00	100.0%
2017	4031751410	Roads Small Equip Purchase - 2017	50,000.00	50,000.00	50,000.00	0.00	100.0%
2017	4041710004	Escarpment Slope Stabilization Program - 2017	694,000.00	694,000.00	694,000.00	0.00	100.0%
2017	4241709502	AR - Covington - Barton to Cascade (New Sidewalk) (W5 A/R)	120,000.00	102,561.54	102,561.54	0.00	85.5%
2017	4241709601	AR - Upper Ottawa - Reno to Mountain Brow (W6 A/R)	1,850,000.00	1,319,319.90	1,319,319.90	0.00	71.3%
2017	4241709602	AR - Fennell - Upper Gage to Upper Ottawa (W6 A/R)	800,000.00	506,592.46	506,592.46	0.00	63.3%
2017	4241709803	AR - Upper Horning (north of LINC) / Appleford / Millstream (W8 A/R)	400,000.00	315,396.11	315,396.11	0.00	78.8%
2017	4241709804	AR - Upper Horning (south of LINC) / Addison Ave (W8 A/R)	1,080,000.00	950,991.39	950,991.39	0.00	88.1%
2017	4661720525	IPS - Intersection Pedestrian Signal - 2017	180,000.00	180,000.00	180,000.00	0.00	100.0%
2017	4661720725	New Traffic Signal - Upper Sherman @ Acadia Street/Dulgaren	200,000.00	92,363.61	92,363.61	0.00	46.2%
2017	4661720727	New Traffic Signal - Dundas @ Avonside	250,000.00	47,793.07	47,793.07	0.00	19.1%
2018	4031811224	Sidewalk Rehabilitation Program - 2018	703,300.00	703,300.00	703,300.00	0.00	100.0%

CITY OF HAMILTON  
CAPITAL PROJECTS' CLOSING SCHEDULE  
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**Appendix "C" to Item 3 of GIC Report 19-020**

YEAR APPROVED	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
			a	b	c	d = b - c	e=c/a
<b>Roads (Tax Budget) Continued</b>							
2018	4031811802	NBHD RD Priorities W2	655,000.00	655,000.00	655,000.00	0.00	100.0%
2018	4031811806	NBHD RD Priorities W6	670,000.00	670,000.00	670,000.00	0.00	100.0%
2018	4031811807	NBHD RD Priorities W7	900,000.00	900,000.00	900,000.00	0.00	100.0%
2018	4031811808	NBHD RD Priorities W8	603,000.00	603,000.00	603,000.00	0.00	100.0%
2018	4031811809	NBHD RD Priorities W9	293,000.00	293,000.00	293,000.00	0.00	100.0%
2018	4031811811	NBHD RD Priorities W11	675,000.00	675,000.00	675,000.00	0.00	100.0%
2018	4031811812	NBHD RD Priorities W12	499,000.00	499,000.00	499,000.00	0.00	100.0%
2018	4031811814	NBHD RD Priorities W14	819,000.00	819,000.00	819,000.00	0.00	100.0%
2018	4031855622	Active Transport Benchmarking - 2018	12,000.00	11,817.41	11,817.41	0.00	98.5%
2018	4041810004	Escarpment Slope Stabilization Program - 2018	1,000,000.00	1,000,000.00	1,000,000.00	0.00	100.0%
2018	4241809206	AR - Corktown Intersection Safety (W2 A/R)	22,000.00	13,106.12	13,106.12	0.00	59.6%
2018	4241809407	AR - Sidewalks (W4 A/R)	100,000.00	42,684.75	42,684.75	0.00	42.7%
2018	4241809505	AR - Sidewalks & Mountable Curbs (W5 A/R)	411,000.00	387,475.47	387,475.47	0.00	94.3%
2018	4241809703	AR - Viceroy - Callie Northerly (W7 A/R)	200,000.00	129,868.40	129,868.40	0.00	64.9%
2018	4241809705	AR - Upper Sherman Resurfacing (W7 A/R)	1,370,000.00	12,616.23	12,616.23	0.00	0.9%
2018	4661820531	APS - Accessible Pedestrian Signals - 2018	260,000.00	260,000.00	260,000.00	0.00	100.0%
<b>Public Works (Rate Budget)</b>							
<b>Water (Rate Budget)</b>							
2014	5141455922	Water Loss Audit - 2014	169,000.00	168,039.46	168,039.46	0.00	99.4%
2015	5141555501	Ferguson Pump Station to Scenic Reservoir Trunk Main Inspection	1,090,000.00	1,024,706.72	1,024,706.72	0.00	94.0%
2015	5141569075	Environmental Lab Improvements - 2015	50,000.00	49,528.22	49,528.22	0.00	99.1%
2016	5141662073	Field Data Systems Program - 2016	129,380.00	92,557.86	92,557.86	0.00	71.5%
2016	5141669075	Environmental Lab Improvements - 2016	150,000.00	149,884.80	149,884.80	0.00	99.9%
2016	5141671301	WM Replace Program - Coordinated with Roads - 2016	4,088,000.00	4,075,388.63	4,075,388.63	0.00	99.7%
2017	5141757750	Carlisle AMR/AMI Pilot Project	250,000.00	148,965.50	148,965.50	0.00	59.6%
2017	5141760072	Structural WM Lining Program - 2017	7,291,000.00	7,291,000.00	7,291,000.00	0.00	100.0%
2017	5141761502	Water Meter - Installation /Replace/Repair - General Maintenance - 2017	2,100,000.00	2,100,000.00	2,100,000.00	0.00	100.0%
2018	5141860711	PW Capital Water Consumption Program - 2018	200,000.00	200,000.00	200,000.00	0.00	100.0%
2018	5141861502	Water Meter - Installation /Replace/Repair - General Mtn - 2018	2,800,000.00	2,815,181.00	2,815,181.00	0.00	100.5%
2018	5141871301	WM Replace Program - Coordinated with Roads - 2018	4,659,000.00	4,614,205.80	4,614,205.80	0.00	99.0%
2009	5140967950	ISF-672-Ferguson PS Upgrade	22,730,000.00	22,727,978.38	22,727,978.38	0.00	101.2%
2012	5141267271	PS HD018 Hwy 53 & HD011 Osler	740,000.00	664,183.40	664,183.40	0.00	89.8%
2015	5141567525	HDR08 Reservoir Decommission	520,000.00	359,769.68	359,769.68	0.00	69.2%
<b>WasteWater (Rate Budget)</b>							
2016	5161660575	Mainline Sewer Condition Assessment Program - 2016	600,000.00	600,000.00	600,000.00	0.00	100.0%
2017	5161749555	QA-QC Service Contract - 2017	110,000.00	110,000.00	110,000.00	0.00	100.0%
2017	5161761444	Sewer Lateral Replace/Rehab Program - 2017	4,060,000.00	4,172,500.00	4,172,500.00	0.00	102.8%
2018	5161811101	Road Restoration Program - 2018	1,800,000.00	1,800,000.00	1,800,000.00	0.00	100.0%
2018	5161860576	Sewer Lateral Condition Assessment - 2018	680,000.00	680,000.00	680,000.00	0.00	100.0%
2018	5161860577	Mainline Sewer Condition Assessment for Compliance & Regs - 2018	110,000.00	110,000.00	110,000.00	0.00	100.0%
2018	5161860711	PW Capital Water Consumption Program - 2018	90,000.00	90,000.00	90,000.00	0.00	100.0%
2018	5161861825	Stipeley Neighbourhood (South) - Connaught / Balsam / Dunsmore	11,900.00	11,822.75	11,822.75	0.00	99.4%
2018	5161871842	Locke St Sewer Rehabilitation	2,228,000.00	2,227,419.83	2,227,419.83	0.00	100.0%
2018	5161872840	Mohawk - Upper Ottawa to Upper Kenilworth	976,000.00	975,274.97	975,274.97	0.00	99.9%

CITY OF HAMILTON  
 CAPITAL PROJECTS' CLOSING SCHEDULE  
 AS OF JUNE 30, 2019

YEAR	PROJECT ID	DESCRIPTION	APPROVED BUDGET (\$)	REVENUES (\$)	EXPENDITURES (\$)	PROJECT SURPLUS/ (DEFICIT) (\$)	% SPENT
APPROVED			a	b	c	d = b - c	e=c/a
<b>StormWater (Rate Budget)</b>							
2015	5181572295	SERG - LEEDS Implementation	290,000.00	146,937.29	146,937.29	0.00	50.7%
2015	5181872290	Mackenzie - East 27th to Upper Sherman (Burkholme Neighbourhood)	103,000.00	65,659.03	65,659.03	0.00	63.7%
2016	5181674640	Battlefield Creek Remediation	169,000.00	168,584.78	168,584.78	0.00	99.8%
2017	5181717152	Cross Road Culvert Program - 2017	1,370,000.00	1,370,000.00	1,370,000.00	0.00	100.0%
2017	5181760622	SWM Facility Maintenance Program - 2017	1,600,000.00	1,600,000.00	1,600,000.00	0.00	100.0%
2018	5181817549	Concrete Box Culvert Rehabilitation/Repair (< 3.0m span) - 2018	110,000.00	109,059.42	109,059.42	0.00	99.1%
2018	5181870000	Coordinated Road and Subsurface Works - 2018	130,000.00	122,658.66	122,658.66	0.00	94.4%
2018	5181872293	Bayside Ave Storm Sewer Replacement	174,000.00	173,769.96	173,769.96	0.00	99.9%
<b>TOTAL COMPLETED PROJECTS (122)</b>			<b>131,831,097.26</b>	<b>127,156,134.18</b>	<b>127,156,134.18</b>	<b>0.00</b>	<b>96.5%</b>
<b>GRAND TOTAL COMPLETED/CANCELLED PROJECTS (140)</b>			<b>136,089,247.26</b>	<b>130,297,312.03</b>	<b>130,027,232.40</b>	<b>270,079.63</b>	<b>95.5%</b>

CITY OF HAMILTON CAPITAL PROJECTS TO BE FUNDED ABOVE \$250,000 FOR THE PERIOD COVERING JANUARY, 2019 to JUNE 30, 2019					
<u>Recommendations</u>					
Appropriated From	Description	Appropriated To	Description	Amount (\$)	LongDescr
<b>Public Works (Tax)</b>					
<u>Roads</u>					
40316111614	CP Minor Maintenance Ward 14	4031911612	CP Minor Maintenance Ward 12	210,740.73	To close project 40316111614
40316111614	CP Minor Maintenance Ward 14	4031911613	CP Minor Maintenance Ward 13	326,863.18	To close project 40316111614
<b>Project Totals</b>				<b>\$</b>	<b>537,603.91</b>

**(DRAFT) LICENCE AND SERVICE AGREEMENT**

THIS AGREEMENT made as of the \_\_\_\_\_ day of \_\_\_\_\_ 2019.

B e t w e e n

**CITY OF HAMILTON**  
(hereinafter called the "Licensor" or "City")

Of The First Part,

- and -

**Grant Armstrong, President**  
**in his personal capacity and as an agent of the Rotary Club of Dundas Valley Sunrise**  
(hereinafter collectively called the "Licensee")

Of The Second Part,

**WHEREAS** the City is the owner of the lands known municipally as 71 Cross Street, Dundas, also known as Dundas Driving Park (the "Premises");

**AND WHEREAS** the Licensee has organized and carried out a Victoria Day Celebration and Fireworks on the Premises on behalf of the City during the May 2010 to May 2019 long weekends inclusive;

**AND WHEREAS** the City wishes to enlist the Licensee's services to organize and carry out a Victoria Day Celebration and Fireworks on the Premises on behalf of the City during the May 2020 long weekend and to reserve the option to enlist the Licensee's services for the same during the May 2021, 2022, 2023 and 2024 long weekends;

**NOW THEREFORE** in consideration of the payments, covenants, terms, warranties, conditions and provisos contained in this Agreement, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

**1. Grant of Licence**

(1) The Licensor hereby grants to the Licensee a licence (the "Licence") to use the Premises solely and actively for the purpose of carrying on the Victoria Day Celebration and Fireworks (the "Event").

(2) The Premises will be open to the public on the following days and times:

**Sunday, May 17, 2020 at 6:00pm through to Sunday, May 17, 2020 at 11:00pm**

The Licensee will be permitted on the Premises starting on **Sunday, May 17, 2020 at 7:00am to set up** and will complete the **tear down by Sunday, May 17, 2020 at 11:59pm**.

(3) In the event inclement weather prohibits the Event from taking place on Sunday, May 17, 2020, the following shall apply in lieu of subsection 1(2):



The Premises will be open to the public on the following days and times:

**Monday, May 18, 2020 at 6:00pm through to Monday, May 18, 2020 at 11:00pm**

The Licensee will be permitted on the Premises starting on **Monday, May 18, 2020 at 7:00am to set up** and will complete the **tear down by Monday, May 18, 2020 at 11:59pm**.

(4) The Licensee accepts the Premises in their present condition and acknowledges and agrees that the Licensor has not given any representation, warranty or condition, express or implied, in fact or by law, as to the state, quality or condition in, on, or of the Premises, whether with respect to environmental matters or otherwise, or that the Premises are suitable for any particular use or purpose (including, but not limited to any use permitted by this Agreement) or as to any other matter or thing, whether or not related to any of the foregoing. Furthermore, the Licensee assumes all risks relating to the physical condition of the Premises, including the surface and subsurface conditions thereof. Neither the Licensee nor any permitted occupant shall have any recourse to the Licensor as a result of the nature or condition of the Premises, whether or not the Licensor has or had actual or imputed knowledge of such nature and condition as at the commencement date of this Agreement or at any other time during the Term or any renewal or extension thereof. The Licensee acknowledges and agrees that the Licensee shall be an occupier pursuant to the *Occupiers' Liability Act* (Ontario), as amended.

(5) No legal title or leasehold interest in the Premises shall be deemed or construed to have been created or vested in the Licensee by anything contained in this Agreement. The Licensee will not register this Agreement or notice thereof against title to the Premises or any part thereof.

(6) The Term of this Agreement shall commence on the day this Agreement has been fully executed by the parties and shall continue in effect until 11:59pm on the last day upon which the Licensee is obligated to carry out the Event, including any events carried out pursuant to the option found in section 20 in favour of the Licensor, in accordance with this Agreement.

## **2. Fee Payable by Licensee**

The Licensee shall pay to the Licensor a park permit fee for use of the Premises for the Event (the "Licence Fee"), without deduction, abatement or set-off, of **ONE DOLLAR (\$1.00)** inclusive of all applicable taxes, the receipt of which is hereby acknowledged.

## **3. Fee Payable by Licensor**

- (1) The Licensor shall pay to the Licensee up to **THIRTY-FIVE THOUSAND DOLLARS (\$35,000.00)**, exclusive of all applicable taxes, for organizing and carrying out the Event on the Premises and for no other purpose. Said amount shall be payable as follows:
  - (a) Twenty-Six Thousand and Two Hundred and Fifty Dollars (\$26,250.00), exclusive of all applicable taxes, shall be payable at least thirty (30) days before the Event, provided the City has approved the Licensee's City of Hamilton Festival and Event Approval Application and is satisfied, in its sole discretion, that the Event deliverables have been or are being met; and

- (b) An additional payment of up to Eight Thousand and Seven Hundred and Fifty Dollars (\$8,750.00), exclusive of all applicable taxes, shall be payable within forty-five (45) days after receipt of the following items, satisfactory in form and substance to the City:
- (i) a post-Event report, containing a review of the successes, safety-related issues and areas for improvement, as they relate to the Event; and
  - (ii) the Licensee's post-Event financial statement showing that an additional payment of up to and no greater than Eight Thousand and Seven Hundred and Fifty Dollars (\$8,750.00) is required to balance the Licensee's books, as they relate to the Event.

Both of the foregoing items must be submitted to the City within 90 days of the event end date.

(2) If inclement weather causes the Event to be rescheduled or cancelled, then in addition to the amount payable pursuant to subsection 3(1), the City shall also be responsible for any reasonable additional costs incurred by the Licensee resulting from the date change, but only where the costs are actually incurred, for police services, Parks staff, emergency medical services/first aid, portable toilets, sound equipment, and/or watering services for the structures on the Premises. The City shall not be responsible for the costs incurred by the fireworks provider or any other services or expenditures not enumerated above. Where there is any dispute about what is a "reasonable additional cost", "necessary service" or "non-essential service", the decision of the City, acting reasonably, shall be final.

(3) While the Licensee must permit entry onto the Premises by the public free of charge, the Licensor grants the Licensee permission to solicit financial donations from the public at the Premises' entrances during the Event in support of Event operations, logistics and programming expenses and/or the activities of the Rotary Club of Dundas Valley Sunrise and its Dundas Valley Foundation.

#### **4. Non-exclusivity**

(1) The License granted herein shall be non-exclusive to the Licensee, which shall permit the Licensor and the public to attend the Event and to access the Premises during the Event free of charge and without obstruction, excepting any restricted areas required to conduct the Event.

(2) Notwithstanding anything herein contained, the Licensor shall have unrestricted access to the Premises at all times. In the event that emergency work is necessitated as a result of the act, omission or neglect of the Licensee, such work may be undertaken immediately, without notice, by the Licensor and all reasonable costs, expenses and expenditures of the Licensor of such emergency work shall be borne by the Licensee to the extent the emergency situation was caused by the Licensee, and payable forthwith upon written demand by the Licensor, and the Licensor shall have no liability to, or obligation to compensate, the Licensee for any loss or damage whatsoever resulting from such action by the Licensor. Without limiting the generality of the foregoing, the Licensor may suspend for such period of time as it deems necessary in its sole discretion or terminate the Event and the Licence hereunder in an emergency, or whenever in

its sole opinion such suspension or termination may be necessary to ensure the safety of life, or of a structure, or of a neighbouring property, or whenever in its sole opinion the use of the Premises or any part or parts thereof are being carried out in an unsafe manner, and the Licensor shall not be responsible for any loss, expense, costs, charges, damages, indemnities and/or liability which may be sustained, paid or incurred by the Licensee or any other person or persons, by reason of such suspension or termination by the Licensor.

**5. Warranties of Authority of Licensee**

The Licensee expressly represents, acknowledges, agrees and warrants, in addition and not to derogate from the representations and warranties found elsewhere in this Agreement as follows:

- (a) The Rotary Club of Dundas Valley Sunrise has authorized the Licensee to enter into this Agreement and is not prohibited or restricted from entering into any of the obligations assumed, liabilities imposed, or restrictions accepted by the Licensee under this Agreement by any agreement, constating documents, constitution, legislation, statute, act, regulation, order or otherwise,
- (b) To the best of the Licensee’s information and belief and after making diligent inquiries, the Licensee is not aware of any material facts or circumstances having a bearing upon its ability to perform or comply with its obligations under this Agreement

**6. Responsibilities of the Licensee**

- (1) Without limiting or restricting in any way any other responsibilities and obligations of the Licensee in this Agreement, the Licensee shall, at its sole cost:
  - (a) submit a Festival and Event Approval Application to the City of Hamilton Special Event Advisory Team (S.E.A.T) to seek approval to hold the Event; and satisfy all conditions as outlined in the Festival and Event Approval Application Guidelines and in written correspondence from S.E.A.T to the Licensee that are applicable to the Event;
  - (b) use the fee payable by the Licensor pursuant to section 3 of this Agreement towards the Event, and bear all excess costs and expenses in connection with the Event except as outlined in subsection 3(2);
  - (c) permit entry onto the Premises by the public, free of charge;
  - (d) arrange for the supply of, and payment for, fireworks, services, materials, a sound system for emergency and cancellation announcements, and any other items required for the Event;
  - (e) work with the Hamilton Fire Department to plan for fire protection on the Premises in the event of an emergency;
  - (f) arrange for the supply of, and payment for, paramedic and/or first aid services on the Premises during the Event;
  - (g) arrange for the supply of, and payment for, security protection upon the Premises through either the Hamilton Police Service and/or private sector company security personnel licensed by the Province of Ontario;
  - (h) arrange for the supply of, and payment for, closure of the Premises to non-permitted vehicles and traffic management services on streets adjacent to the Premises;
  - (i) arrange for the securing of, and payment for, fireworks permits, road closure permit and road closure services for Helen Street, and other permits required for delivery of the Event;

- (j) not knowingly allow the introduction or use of beer or other alcoholic beverages or liquors upon the Premises without the written consent of the City and on such conditions as the City may impose including, but not limited to, strict compliance with the City of Hamilton Municipal Alcohol Policy.
- (k) not knowingly allow the introduction or use of illegal narcotics upon the Premises;
- (l) accept responsibility for any performance of copyright music. The Licensor will in no way be responsible for any infringement of copyright which may occur on the Premises during the occupancy of the Licensee;
- (m) provide clean-up services for the Premises;
- (n) provide sufficient portable toilets, having regard to the estimated number of attendees;
- (o) erect a fence barrier to maintain a safety perimeter around the fireworks, in accordance with federal laws and regulations, Hamilton Fire Department requirements, and any other applicable law or regulation;
- (p) promote the Event and, in so doing, include either visual acknowledgement of the City's support of the Event through use of the City's logo or verbal acknowledgment through use of the phrase: "produced with the support of the City of Hamilton";
- (q) display signage upon the Premises that includes visual acknowledgement of the City's support of the Event through use of the City's logo or through use of the text phrase: "produced with the support of the City of Hamilton";
- (r) work with Hamilton Emergency Services to develop an Event Emergency Management Plan that includes how the Licensee will communicate effectively with the public about any emergencies that arise during the Event (including but not limited to, lost children);
- (s) water down the Dundas Tennis Club's tennis courts to prevent damage from fireworks debris;
- (t) contract food vendors to supply food and non-alcoholic beverages upon the Premises during the Event. All food vendors must have a valid City of Hamilton issued license to participate at the Event. Furthermore, the Licensor acknowledges that any food concessionaire operating out of the Premises under contract with the City of Hamilton does not have the right to be the sole food vendor during the Event;
- (u) at all times keep the Premises and any buildings, structures, erections or improvements thereon reasonably clean and free from debris, discarded or unnecessary materials, equipment or supplies, waste paper, empty containers and all other unsightly or potentially dangerous rubbish;
- (v) not permit any damage, disfiguration or injury to the Premises or any of the equipment, chattels, fixtures, buildings, structures, landscaping, erections or improvements of the Licensor thereof, and promptly to report any such damage, disfiguration or injury to the Licensor pursuant to section 10;
- (w) ensure that all materials, equipment and supplies delivered to the Premises are neatly and safely stored or contained upon delivery and shall be so maintained until used up;
- (x) take all required measures, including those required by authorities having jurisdiction or instructed by the Licensor, to protect the public and those employed on the Premises from bodily harm and to protect adjacent public and private property and Licensor's property from damage, including but not limited to the cancellation or termination of the Event;
- (y) not use or produce on the Premises or allow to be brought on to the Premises any noxious, offensive, toxic or hazardous substance or any vehicles, equipment or parts which contain any such substances, or any substance which if it were to remain on or escape from the Premises would contaminate the Premises or any other property to which it came in contact. This provision shall not apply to prevent the Licensee from bringing vehicles and equipment, which contain gasoline and engine oil, upon the

Premises provided that such vehicles are adequately protected against the escape of such substances, nor shall it prevent the Licensee from displaying the fireworks for the Event in accordance with this Agreement;

- (z) reimburse the City for costs relating to the provision of Parks staff services and associated fees, as determined in advance by the appropriate authority within the City's Parks department or as otherwise determined by the City.
- (2) If inclement weather threatens the carrying out of the Event, then the following provisions shall apply:
  - (a) the Licensee or the Licensor may determine the necessity of cancelling the Event in the event of health, safety, or security by 8:00pm on the scheduled day of the Event;
  - (b) the Licensee shall immediately notify the City staff person responsible for the management of deliverables in this Licence and Service Agreement, the City's Fire Prevention office, Hamilton Street Railway Control Centre, and Hamilton Police Service office of the cancellation and any changes to fireworks display time and/or date;
  - (c) the Licensee shall notify the public of the cancellation through the sound system on the Premises;
  - (d) if the Event does not take place on either of the days set out in subsections 1(2) and 1(3), the Licensee shall reimburse the Licensor the amounts paid pursuant to section 3(2) hereof, but only to the extent that any such amounts are not owed to Event vendors and/or suppliers of goods and services rendered.

#### **7. Responsibilities of the Licensor**

The Licensor shall, at its cost:

- (a) provide lighting and access to existing washroom facilities during the Term;
- (b) provide garbage cans;
- (c) notify the public of the cancellation of the Event and any changes to fireworks display time and/or date through the Licensor's social media accounts and issuance of a public service announcement to local media.

#### **8. Observance of Laws, Statutes and Regulations**

(1) The Licensee shall comply at its own expense with, and conform to, all applicable statutes, laws, by-laws, policies, regulations, ordinances, notices, rulings and orders of the federal, provincial or municipal government from time to time in effect during the Term of this Agreement and any renewal or extension thereof. Without limiting the foregoing, the Licensee, at its own expense, shall obtain all necessary municipal, provincial, federal or other governmental approvals, permits and licences to conduct its business, operations and/or activities in or upon the Premises prior to entering the subject Premises.

(2) Without limiting the generality of subsection 8(1), the Licensee shall comply with all applicable City policies and procedures, including but not limited to the Licensor's Festival and Event Approval Guide and the Policy for Commercial Advertising and Sponsorship. The Licensee acknowledges having received a copy of the Festival and Event Approval Guide and Policy for Commercial Advertising and Sponsorship.

(3) Where there is any conflict between the terms of this Agreement and the Festival and Event Approval Guide, the provisions of this Agreement shall prevail and be given effect to.

(4) The Licensee shall further comply at its own expense with the rules and regulations established by the Licensor for the Premises from time to time, including without limitation those relating to permitted hours of use.

(5) The Licensee acknowledges that the City is bound by the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. M.56 and that any information provided to the City in connection with this Agreement is subject to disclosure in accordance with the requirements.

## **9. Alterations and Additions**

The Licensee shall not make any alterations or additions whatsoever to the Premises without the prior written approval of the Licensor. Without limiting the generality of the foregoing, the Licensee shall not construct, renovate, install or erect any buildings, structures, fixtures, grounds, improvements or other facilities without first obtaining the written approval of the Licensor for such works. The Licensee shall at its own cost and expense prepare the Premises appropriately for the approved use, and the Licensor shall not be responsible in any way for any improvement or preparation of the Premises. The Licensee shall implement, at its sole cost and expense, all precautions, measures and safeguards as are necessary and as instructed by the Licensor to protect the public from injury during any approved alterations or additions of the Premises.

## **10. Notice of Accident, Injury or Harm**

The Licensee shall give immediate written notice with complete details thereof, to the Licensor of any accident, injury or harm to any person on or using the Premises and conducting the Event or of any damage, loss or defect in or to any part of the Premises or any damage or loss of any property of any person using the Premises or any damage or loss of any property of the Licensor in the Premises which comes to the attention of the Licensee, its officers, employees, members, servants or contractors, notwithstanding that the Licensor may not have any obligation with respect to same.

## **12. Insurance and Indemnification**

(1) For the purposes of this Section, “Licensor” means the City of Hamilton, as well as any and all of its elected officials, representatives, officers, employees, servants, consultants, agents and contractors (other than the Licensee) and “Licensee” means the Licensee as well as any officer, employee, servant, member, contractor, subcontractor, consultant, agent, permitted assign and invitee of the Licensee or of any person permitted or allowed by the Licensee to enter upon or use the Premises.

(2) The Licensee agrees to obtain and maintain in force throughout the duration of this Agreement, including any permitted possession after the Term, at its sole cost and expense including the payment of all deductibles, the following policies of insurance for the specified limits, or such other policies of insurance or higher limits as the Licensor acting reasonably and prudently may from time to time require:

- (a) Commercial General Liability insurance covering against any and all claims for bodily injury, including death, personal injury, and property damage or loss, including acts or omissions of the Licensee, its employees, contractors, sub-contractors, agents and invitees and in a form and with an insurance company acceptable to the Licensor. Such policies of insurance shall have a limit of coverage of not less than Five Million Dollars (\$5,000,000.00) per occurrence or such higher limits as the Licensor, acting reasonably and prudently, may from time to time require. Such policies of insurance shall include, but not be limited to the following: blanket contractual liability; land and premises liability; occupier's liability, completed operations liability; products liability; owners and contractors liability; non-owned automobile liability; cross-liability and severability of interest provisions;
  - (b) Standard Form Automobile Liability Insurance that complies with all requirements of the current legislation of the Province of Ontario including third party liability insurance and at least Two Million Dollars (\$2,000,000.00) inclusive limits, and accident benefits insurance, covering all licensed vehicles owned or operated by or on behalf of the Licensee; and
  - (c) such other forms of insurance as may be reasonably and prudently required by the Licensor from time to time.
- (3) The Licensee shall cause its subcontractor providing the display of fireworks for the Event to obtain and maintain in force throughout the duration of the Agreement and to provide proof of the following insurance;
- (a) Commercial General Liability insurance covering against any and all claims for bodily injury, including death, personal injury, and property damage or loss, including acts or omissions of the fireworks provider, its employees, contractors, sub-contractors, and agents and in a form and with an insurance company acceptable to the Licensor. Such policies of insurance shall have a limit of coverage of not less than Five Million Dollars (\$5,000,000.00) per occurrence or such higher limits as the Licensor, acting reasonably and prudently, may from time to time require. Such policies of insurance shall include, but not be limited to the following: blanket contractual liability; land and premises liability; occupier's liability, completed operations liability; products liability; owners and contractors liability; non-owned automobile liability; cross-liability and severability of interest provisions.
- (4) The Licensee shall maintain Property Insurance, as may be applicable, with respect to loss or damage (including fire, theft, burglary, etc.) of its own property and property in its care, custody and control, including but not limited to its equipment, tools, stock, used in connection with this Agreement.
- (5) All such Commercial General Liability insurance policies and certificates shall name as additional insured the Licensor. Such policies shall also require at least thirty (30) days' written prior notice of any change to or amendment, cancellation, expiration or termination of the coverage under such policies to be given to the Licensor herein and be in a form satisfactory to the Licensor. All insurers shall be licensed to do business in Ontario, and such insurers and the insurance coverages shall be acceptable to the Licensor acting reasonably and prudently. The

Licensee shall deliver to the Licensor certificates of insurance originally signed by authorized insurance representatives, or, if required by the Licensor, certified copies of such policies prior to the execution of this Agreement and for all renewals/extensions thereafter during the Term of this Agreement no later than sixty (60) days prior to their renewal date and at any other time upon request by the Licensor. In the event that the Licensee fails to do so, then this Agreement may be immediately terminated at the Licensor's option without further notice. All insurance coverages to be provided by the Licensee herein shall be primary and not call into contribution any other insurance coverages available to the Licensor. Insurance requirements and coverage herein shall not limit, reduce, or waive any of the Licensee's obligations to indemnify the Licensor pursuant to this Agreement herein or the liabilities assumed by the Licensee under this Agreement. The Licensee shall not do or omit to do anything that may breach, limit, restrict, or prejudice the terms or conditions of the insurance coverages referred to herein.

(6) The Licensee shall defend and indemnify the Licensor and save it harmless from any and all losses, costs, damages, or claims, actions, demands, liabilities and expenses (including, without limitation, solicitor fees) in connection with loss of life, personal injury and/or damage to or loss of property: (a) arising out of the Event or any occurrence in or about the Premises; (b) occasioned or caused wholly or in part by any act or omission of the Licensee or anyone for whom it is responsible at law; or (c) arising from any breach by the Licensee of any provisions of this Agreement. The foregoing indemnity shall survive the termination of this Agreement notwithstanding any provision of this Agreement to the contrary.

(7) The Licensee shall use the Premises at its sole risk, and the Licensor shall not be liable for any loss, injury or damage caused to persons using the Premises or to any property, except to the extent that same is attributable or caused by the negligence of the Licensor, the responsibility for insuring against any such loss, injury or damage being that of the Licensee. In addition and without limitation, the Licensee agrees that the Licensor, except to the extent that same is attributable or caused by the negligence of the Licensor, shall not be liable for and hereby releases the Licensor from:

- (a) any injury or damage to persons or property resulting from fire, explosion, steam, water, rain, snow or gas which may leak into or issue or flow from any part of the Premises or from the water, steam or drainage pipes or plumbing works of the Premises or from any other place or quarter;
- (b) any and all claims, actions, causes of action, damages, demands for damages and other liabilities for or related to:
  - (i) any bodily injury, personal injury, illness or discomfort to or death of the Licensee or any of its employees, contractors, invitees, customers, others for whom it is in law responsible or any other, in or about the Premises; and
  - (ii) any loss or damage to all property in or about the Premises owned by the Licensee or others;
- (c) any indirect or consequential damages including, but not limited to, loss of profit.

**13. Breach/Failure to Perform**



(1) Any of the following occurrences or acts shall constitute an event of default by the Licensee:

- (a) the Licensee fails to make any payment of any sums herein required to be paid, regardless of whether demand for payment is made or not;
- (b) the Licensee fails to perform any covenant, condition or obligation required to be performed or observed under this Agreement;
- (c) the Licensee (i) becomes bankrupt; (ii) has its property seized or attached in satisfaction of a judgment; (iii) has a receiver appointed; (iv) commits any act or neglects to do anything with the result that a construction lien or other encumbrance is registered against the Lands or any part thereof; (v) without the Licensor's written consent, makes or enters into an agreement for a sale of its assets to which the *Bulk Sales Act* applies; (vi) takes action with a view to winding up, dissolution or liquidation of the Licensee;
- (d) any insurance policy is canceled or not renewed by reason of the use or occupation of the Premises or by reason of non-payment of premiums; and
- (e) the Premises become vacant or abandoned or are used by any other person or persons for any purpose other than as provided for in this Agreement without the Licensor's written consent.

(2) When a default on the part of the Licensee has occurred:

- (b) all amounts payable in respect of the Licence Fee, together with all other amounts owing by the Licensee to the Licensor, including those payments not yet due if any, shall immediately become due and payable; and
- (b) the Licensor shall have the right to terminate this Agreement, or in lieu of termination, the Licensor shall have the right to re-enter the Premises and to retake possession of the Premises and deal with them as it may choose.

(3) When a default has occurred and the Licensor chooses not to terminate this Agreement, the Licensor shall have the right, but not the obligation, to take any and all necessary steps to rectify any or all acts of default of the Licensee and to charge the costs of such rectification (including but not limited to, solicitor fees on a substantial indemnity basis) to the Licensee and to recover the costs from the Licensee, which amount shall be immediately due and payable.

(4) No acceptance of the Licence Fee subsequent to any breach or default, other than non-payment of Licence Fee, shall be taken to operate as a waiver or condoning of any term, condition or covenant of this Agreement nor in any way to defeat or affect the rights of the Licensor hereunder. The Licensor's rights under this Agreement shall not in any manner be prejudiced even if the Licensor has overlooked or condoned any non-compliance, breach or default with the terms, covenants and conditions of this Agreement by the Licensee nor shall the Licensor's rights in any way be limited or restricted by any other right or privilege that the Licensor may have under this Agreement or provided by law. Upon default by the Licensee under any term, covenant or condition of this Agreement, and at any time after the default, the Licensor shall have all rights and remedies provided by law and by this Agreement. No delay or

omission by the Licensor in exercising any right or remedy shall operate as a waiver of them or of any other right or remedy and no single or partial exercise of a right or remedy shall preclude any other or further exercise of them or the exercise of any other right or remedy. Furthermore, the Licensor may remedy any default by the Licensee in any reasonable manner without waiving the default remedied and without waiving any other prior or subsequent default by the Licensee. The failure of the Licensor to insist upon strict performance of any of the covenants, terms or conditions of this Agreement, in any one or more instances, shall not be construed as a waiver of its right to insist on compliance with same or any other covenant, term or condition at any time. All rights and remedies of the Licensor granted or recognized in this Agreement or by law are cumulative and may be exercised at any time from time to time independently or in combination. No covenant, term or condition of this Agreement shall be deemed to have been waived by the Licensor unless the waiver is in writing and signed by the Licensor.

**15. Removal of Licensee's Property**

Upon the expiration of the Term or earlier termination of this Agreement, the Licensee shall immediately cease activities and operations at the Premises and make whatever arrangements are necessary to leave the Premises in a clean, tidy and safe condition free from any hazards. In addition, the Licensee shall remove, at its own expense, all equipment, chattels, fixtures, buildings, structures, erections, improvements, approved additions and approved alterations pursuant to section 9 placed or made by the Licensee on the Premises or supplies and materials deposited on the Premises by the Licensee, and replace any top soil or trees removed and shall restore the Premises to the satisfaction of the Licensor, and upon failure to do so within ten (10) days of expiration or earlier termination as aforesaid, the Licensor may remove all or any of the said equipment, chattels, fixtures, buildings, structures, erections or improvements of the Licensee or supplies and materials so deposited by it and restore the Premises to their former condition and shall be entitled to recover all costs and expenses arising from and related to same from the Licensee and in no event shall the Licensor be required to pay compensation to the Licensee in respect of any such equipment, chattels, fixtures, buildings, structures, erections or improvements or supplies or materials or return same to the Licensee. Notwithstanding anything contained herein to the contrary, the Licensee shall not be entitled to remove any equipment, chattels, furnishings, fixtures, buildings, structures, erections or improvements or supplies or materials donated or supplied to the Premises by the Licensor.

**18. No Assignment, Transfer or Encumbrance**

The Licensee shall not assign or transfer this Agreement or any part thereof, or encumber its rights hereunder, nor shall it sublet or part with or share possession of the whole or any part of the Premises. Any attempt to assign, transfer or encumber any of the rights, duties or obligations in this Agreement or sublet the Premises is void.

Notwithstanding the foregoing, the Licensee shall subcontract to a third party to provide the display of fireworks. The Licensee shall ensure that such third party is acceptable to the City, that the third party is qualified to display the fireworks and perform all related works, and that all safety precautions, permits, laws and regulations are fully complied with at all times. No subcontracting by the Licensee shall relieve the Licensee of any responsibility for the full performance of all obligations of the Licensee under this Agreement, and despite the subcontracting to any third party, the Licensee shall be fully responsible for every subcontractor's activities, works and acts.

**19. Miscellaneous**

(1) All notices, or any other thing to be given or delivered pursuant to this Agreement, unless otherwise specified, shall be given in writing and delivered personally, transmitted by facsimile or by prepaid registered mail, and addressed

to the Licensor at: City of Hamilton  
City Hall, 71 Main Street West  
Hamilton, Ontario  
L8P 4Y5  
Attention: City Clerk

with a copy to: City of Hamilton  
Tourism and Culture Division  
28 James Street North, 2<sup>nd</sup> Floor  
Hamilton, Ontario  
Attention: Director, Tourism and Culture Division

and to the Licensee: Rotary Club of Dundas Valley Sunrise  
c/o L. Ross Bannatyne  
43 Valleyside Lane  
Dundas, Ontario  
L9H 0A7  
Attention: Grant Armstrong, President

or such other address as the Licensor or Licensee may, from time to time, advise each other by notice in writing. All notices delivered personally shall be deemed received upon delivery. All notices delivered by e-mail or facsimile shall be deemed received upon mechanical confirmation of transmittal. All notices mailed hereunder shall be deemed to have been given and received by the addressee seventy-two (72) hours following mailing. In the event of actual or threatened postal interruption, all notices shall be delivered personally, by e-mail or by facsimile.

(2) This Agreement and all terms, covenants, conditions, provisions and licence fees herein reserved shall be binding upon and shall enure to the benefit of the Licensor and Licensee and their respective heirs, executors, administrators, successors and permitted assigns.

(3) The Licensor shall have the right to satisfy any amount from time to time owing by it to the Licensee by way of a set-off against any amount from time to time owing by the Licensee to the Licensor, including but not limited to any amount owing to the Licensor pursuant to the Licensee's indemnification of the Licensor in this Agreement.

(4) To the extent that the Licensor is unable to fulfil, is delayed or is restricted in fulfilling any of its obligations contained in this Agreement by reason of any act of God, act of terror, any labour strike or disruption, or by reason of any statute, law or order-in-council, or any regulation, by-law or order passed thereunder or made pursuant thereto, including a by-law of the municipal Council of the City, or the order or direction of any government department, official or other authority, including the Licensor acting in its capacity as a municipal authority, or of any administrator, controller or board; not being able to obtain any permission or authority required by or under any statute, law or order-in-council, or any regulation, by-law or order; or any other

cause beyond its control, whether of the foregoing character or not, the Licensor shall, in its sole discretion, be entitled to terminate this Agreement, extend the time to fulfil its obligation or amend the obligation thereby restricted to conform with such restriction and the Licensee or any other person affected is not entitled to any compensation whatsoever whether for any inconvenience, nuisance, discomfort, damages, loss or otherwise thereby occasioned.

(5) This Agreement contains the entire agreement between the parties hereto with respect to the subject matters hereof. It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement except as expressed in it. No amendment, modification or supplement to this Agreement shall be valid or binding unless set out in writing and executed by the parties hereto.

(6) A reference to any act, by-law, rule or regulation or to a provision thereof shall be deemed to include a reference to any act, by-law, rule or regulation or provision enacted in substitution therefor or amendment thereof.

(7) The headings to each section are inserted for convenience of reference only and do not form part of the Agreement.

(8) This Agreement shall be governed by, and construed under, the laws of the Province of Ontario.

(9) All obligations of the Licensee will expressly, or by their nature, survive termination or expiry of this Agreement until, and unless, they are fulfilled or by their nature expire.

(10) Time is of the essence for this Agreement and for every part hereof.

(11) This Agreement shall not be construed to constitute an agency, partnership or joint venture between the parties hereto.

(12) Any schedules attached to or referred to in this Agreement shall form an integral part of this Agreement.

(13) Without restricting or limiting the rights and privileges of the Licensor to any broader interpretation, any "breach" or "default" of or in respect of a term, covenant, warranty, condition or provision of this Agreement caused by an officer, employee, servant, member, contractor, subcontractor, consultant, agent, permitted assign, invitee, licensee of the Licensee or of any person permitted or allowed by the Licensee to enter upon or use the Premises shall constitute a breach or default by the Licensee.

(14) If any provision or provisions of this Agreement or parts thereof or the application thereof to any person or circumstances shall be found by any court to any extent to be invalid or unenforceable or to be void or illegal, such provision or provisions or parts thereof shall be deemed severable and all other provision or provisions or parts of this Agreement shall be deemed to be separate and independent therefrom and continue in full force and effect unless and until similarly found void and/or illegal. The remainder of this Agreement and its application to any person or circumstances shall not be affected thereby; and the parties hereto will negotiate in good faith to amend this Agreement to implement the intentions set forth herein. Each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

(15) If two or more individuals, corporations, partnerships or other business associations (or any combination of two or more thereof) sign this Agreement as the Licensee, the liability of each such individual, corporation, partnership or other business association to pay the Licence Fee and to make and perform all other payments and obligations hereunder shall be deemed to be joint and several. In like manner, if the Licensee is a partnership or other business association, the members of which are, by virtue of statute or general law, subject to personal liability, the liability of each such member shall be joint and several. The Licensee warrants and represents that it is duly formed and in good standing, and has full corporate or partnership authority, as the case may be, to enter into this Agreement, and has taken all corporate or partnership action, as the case may be, necessary to make this Agreement a valid and binding obligation, enforceable in accordance with its terms.

(16) The Licensee acknowledges and agrees that it has been advised by the City to consult a lawyer before executing this Agreement. The Licensee further acknowledges and agrees that it, its officers and directors have either obtained independent legal advice from their own lawyer with respect to the terms of this Agreement prior to execution or declined seeking such independent legal advice. Nevertheless, the Licensee and its authorized signing officers set out below acknowledge that they have read this Agreement, understand the terms and conditions and the Licensee’s rights and obligations under this Agreement and agree to be bound by same. Lastly, the Licensee and its authorized signing officers set out below acknowledge and agree that this Agreement is being executed voluntarily.

**20. Option to Renew**

(1) The City shall have the option to renew this Agreement for the May 2021 long weekend by no later than January 1, 2021 upon written notice to the Licensee, upon the same terms and conditions as are herein contained, save and except that:

(a) the Event shall be held on **Sunday, May 23, 2021**, and if inclement weather prohibits the Event from taking place on said date, the Event shall be held on **Monday, May 24, 2021**, and the dates in the Agreement shall be adjusted accordingly.

(2) Whether or not the City has exercised its option to renew in subsection 20(1), the City shall have the option to renew this Agreement for the May 2022 long weekend by no later than January 1, 2022 upon written notice to the Licensee, upon the same terms and conditions as are herein contained, save and except that:

(a) the Event shall be held on **Sunday, May 22, 2022**, and if inclement weather prohibits the Event from taking place on said date, the Event shall be held on **Monday, May 23, 2022**, and the dates in the Agreement shall be adjusted accordingly.

(3) Whether or not the City has exercised its option to renew in subsection 20(1) or 20(2), the City shall have the option to renew this Agreement for the May 2023 long weekend by no later than January 1, 2023 upon written notice to the Licensee, upon the same terms and conditions as are herein contained, save and except that:

(a) the Event shall be held on **Sunday, May 21, 2023**, and if inclement weather prohibits the Event from taking place on said date, the Event shall be held on **Monday, May 22, 2023**, and the dates in the Agreement shall be adjusted accordingly.

- (4) Whether or not the City has exercised its option to renew in subsection 20(1), 20(2) or 20(3), the City shall have the option to renew this Agreement for the May 2024 long weekend by no later than January 1, 2024 upon written notice to the Licensee, upon the same terms and conditions as are herein contained, save and except that:
- (a) the Event shall be held on **Sunday, May 19, 2024**, and if inclement weather prohibits the Event from taking place on said date, the Event shall be held on **Monday, May 20, 2024**, and the dates in the Agreement shall be adjusted accordingly.

**[signature page to follow]**

**IN WITNESS WHEREOF** the parties hereto have duly executed this Agreement by its officers duly authorized in that behalf and caused to be affixed its corporate seal.

**CITY OF HAMILTON**

\_\_\_\_\_  
Mayor – F. Eisenberger

\_\_\_\_\_  
City Clerk – A. Holland

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name: Grant Armstrong

Title: President  
in his personal capacity and as an agent  
of the Rotary Club of Dundas Valley Sunrise

\_\_\_\_\_  
Witness  
[sign name]

\_\_\_\_\_  
Witness  
[print name]

\_\_\_\_\_  
Date

- It is not in the public interest to have open-ended funding.
- It is not in the public interest for public funds to provide individuals their lawyer of choice at that lawyer's regular hourly rate.
- The City should establish reasonable hourly rates for senior and junior counsel for the purposes of the Inquiry.
- Whatever hourly rate or scale of compensation the City selects, it should include reasonable time for preparation by counsel as well as for attendance at the hearings
- The City should either limit the number of counsel or specify the use that would be made of junior counsel.
- Counsel should be entitled to compensation for their reasonable and necessary disbursements.
- Where appropriate, disbursement rates should be set.
- Limits should be set on preparation time.
- Time spent at the hearings should be limited to a reasonable number of hours.
- Attendance of counsel at the hearings should be limited to attending when the client's interests are engaged.
- No fees incurred before the date of Council's decision to hold the Inquiry should be paid.
- No fees related to any other matters (e.g., civil litigation) should be paid.
- Counsel's accounts will be subject to assessment.
- The City Manager's decision is final.
- Any additional guidelines the City Manager deems necessary.





**HAMILTON STREET RAILWAY COMPANY  
SHAREHOLDER  
REPORT 19-002**

9:32 p.m.

Wednesday, October 16, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Deputy Mayor J. Partridge (Chair)  
Councillors M. Wilson, N. Nann, S. Merulla, C. Collins, T. Jackson,  
E. Pauls, J. P. Danko, B. Clark, B. Johnson, A. VanderBeek,  
T. Whitehead, J. Partridge

**Absent:** Mayor F. Eisenberger and Councillor J. Farr – Other City Business  
Councillor M. Pearson - Personal

**THE HAMILTON STREET RAILWAY SHAREHOLDER PRESENTS REPORT 19-002  
AND RESPECTFULLY RECOMMENDS:**

**1. Appointment of Officer (Item 6.1)**

That the following person be appointed to hold the office set opposite her name with all rights and obligations associated therewith, until such time as said person resigns or is replaced by the Board:

(a) ANDREA HOLLAND – Secretary

**2. Approving Transfers of Real Property (Item 7.1)**

WHEREAS, the City of Hamilton is the sole and beneficial shareholder (the “Shareholder”) of the Corporation;

WHEREAS, the City of Hamilton is authorized to hold shares in the Corporation and to exercise the rights attributed thereto, pursuant to Subsection 11.9(1) of the *City of Hamilton Act*, 1999, S.O. 1999, c.14, Sched. C (“Act”), but the

Corporation is not an Offering Corporation within the meaning ascribed to that term in the *Business Corporations Act*, R.S.O. 1990, c. B.16 (“OBCA”);

WHEREAS, the City of Hamilton has a duty to manage the affairs of the Corporation, pursuant to Subsection 11.9(2) of the *Act*; and,

WHEREAS, the Council of the City of Hamilton are sitting as representatives of the Shareholder (City of Hamilton) for the Corporation;

THEREFORE, BE IT RESOLVED:

That the transfers by the Corporation to the City of Hamilton of certain real properties held by the Corporation, as outlined in Report PED19172, be and the same be hereby approved.

**FOR INFORMATION:**

**(a) APPROVAL OF THE AGENDA (Item 1)**

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the October 16, 2019 Hamilton Street Railway Company Shareholder was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 2)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)**

**(i) July 8, 2019 (Item 3.1)**

The Minutes of the July 8, 2019 Hamilton Street Railway Company Shareholder meeting were approved, as presented.

**(d) ADJOURNMENT (Item 6)**

There being no further business, the Hamilton Street Railway Company Shareholder meeting adjourned at 9:36 p.m.

Respectfully submitted,

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Deputy Mayor J. Partridge

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Stephanie Paparella  
Legislative Coordinator  
Office of the City Clerk



**AUDIT, FINANCE AND ADMINISTRATION COMMITTEE  
REPORT 19-015**

**9:30 a.m.  
October 17, 2019  
Council Chambers  
Hamilton City Hall**

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**Present:** Councillors C. Collins (Chair), M. Wilson, B. Clark, M. Pearson, A. VanderBeek, L. Ferguson and J. Partridge

**Absent:** Councillor B. Johnson – Personal

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**THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 19-015, AND RESPECTFULLY RECOMMENDS:**

**1. Grant's Sub-Committee - Clerk's Report 19-003 - September 23, 2019 (Item 7.2)**

That the Grant's Sub-Committee – Clerk's Report 19-003, be received.

**2. Fair Wage Policy and Fair Wage Schedule Complaints Annual Report (FCS19082) (City Wide) (Item 7.3)**

That Report FCS19082, respecting the Fair Wage Policy and Fair Wage Schedule Complaints Annual Report, be received.

**3. Tax and Rate Operating Budget Variance Report as at July 31, 2019 - Budget Control Policy Transfers (FCS19055(a)) (City Wide) (Item 9.1)**

(a) That, in accordance with the "Budgeted Complement Control Policy", 2019 complement adjustments, including changing complement type and transferring complement from one department / division to another with no impact on the levy, as outlined in Appendix "A" to Audit, Finance & Administration Report 19-015, be approved; and,

(b) That, in accordance with the "Budgeted Complement Control Policy", 2019 extensions of temporary positions with 24-month terms or greater, with no impact on the levy, as outlined in Appendix "B" to Audit, Finance & Administration Report 19-015, be approved.

**4. Shoreline Protection Consulting Assignments (FCS19076 / PW19087) (Wards 1, 2, 5 and 10) (Item 10.1)**

(a) That in accordance with By-law 17-064 Procurement Policy, Procurement Policy #5.4, and upon Federal approval of funding from the Disaster Mitigation and Adaptation Fund, that staff be directed to proceed with a

**Council – October 23, 2019**

modified Request for Proposals to consultancy firms specializing in coastal engineering for implementation of the Disaster Mitigation and Adaptation Funding project for Shoreline Protection Measures; and,

- (b) That the General Manager of the Public Works Department or designate be authorized to negotiate and execute all agreements and any ancillary documents required to implement this project in a form satisfactory to the City Solicitor.

**5. Hamilton Submission to Attorney General Study of Joint & Several Liability (FCS19085) (City Wide) (Item 10.2)**

- (a) That Report FCS19085, respecting the Hamilton Submission to Attorney General Study of Joint & Several Liability be received; and,
- (b) That a letter, similar to the draft version attached as Appendix “C” to Audit, Finance & Administration Report 19-015, on behalf of the City of Hamilton from the Mayor be sent to the Office of the Ministry of the Attorney General prior to November 1, 2019.

**6. Funding for CANUSA through the Recreation Division Operating Budget from the City Enrichment Fund (Item 11.1)**

WHEREAS, prior to the 2019 City Enrichment Fund intake, the Executive Committee for CANUSA Hamilton met with Recreation staff as well as the Ward 6 Councillor to express their desire to ensure annual static funding from the City of Hamilton in support of the annual planning and implementation of the CANUSA Games;

WHEREAS, before 2015, CANUSA was not required to make a formal application, but rather, received annual operating funds. The CANUSA organizing committee has requested to return to fixed annual support from the City of Hamilton based on previous funding levels;

WHEREAS, during the 2019 City Enrichment Fund intake, the Grants Sub-Committee had approved funding to CANUSA in the amount of \$38,202;

THEREFORE, BE IT RESOLVED:

- (a) That \$30,284 be transferred from the City Enrichment Fund (Sports & Active Lifestyles Program) to the operating budget of the Recreation Division to form the annual base budget to support the CANUSA games; and,
- (b) That an enhancement of \$10,916, to increase the annual base budget of funding to CANUSA Hamilton (from \$30,284 to \$41,200) to support the annual CANUSA games at the current level, be submitted through the Recreation Divisions 2020 operating budget for consideration.

**FOR INFORMATION:**

**(a) CHANGES TO THE AGENDA (Item 2)**

The Committee Clerk advised of the following change to the agenda:

**8. PUBLIC HEARINGS / DELEGATIONS (Item 8)**

8.1(a) Staff Supporting Documentation in reference to Item 8.1 - Richard Ferguson, respecting a recent incident regarding water use at his property

The agenda for the October 17, 2019 Audit, Finance and Administration Committee meeting was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) October 3, 2019 (Item 4.1)**

The Minutes of the October 3, 2019 meeting of the Audit, Finance and Administration Committee were approved, as presented.

**(d) CONSENT ITEMS (Item 7)**

**(i) Advisory Committee Minutes: (Item 7.1)**

The following Advisory Committee Minutes, were received:

- (1) Committee Against Racism - Minutes - June 25, 2019 (Item 7.1(a))
- (2) Committee Against Racism – Minutes - July 23, 2019 (Item 7.1(b))

**(e) PUBLIC HEARINGS / DELEGATIONS (Item 8)**

**(i) Richard Ferguson, respecting a recent incident regarding water use at his property (Approved October 3, 2019) (Item 8.1)**

Richard Ferguson was not present when called upon.

**(ii) Staff Supporting Documentation respecting Richard Ferguson, and a recent incident regarding water use at his property (Added Item 8.1(a))**

The Staff supporting documentation respecting Richard Ferguson, and a recent incident regarding water use at his property, was received.

**(f) STAFF PRESENTATIONS (Item 9)**

**(i) Tax and Rate Operating Budget Variance Report as at July 31, 2019 - Budget Control Policy Transfers (FCS19055(a)) (City Wide) (Item 9.1)**

Brian McMullen, Director, Financial Planning Administration and Policy, addressed the Committee respecting Tax and Rate Operating Budget Variance Report as at July 31, 2019 - Budget Control Policy Transfers, with the aid of a presentation.

The presentation respecting Tax and Rate Operating Budget Variance Report as at July 31, 2019 - Budget Control Policy Transfers, was received.

A copy of the presentation is available on the City's website at [www.hamilton.ca](http://www.hamilton.ca) or through the office of the City Clerk.

For further disposition of this matter, refer to Item 3.

**(g) PRIVATE AND CONFIDENTIAL (Item 14)**

**(i) October 3, 2019 – Closed Minutes (Item 14.1)**

- (a) The Closed Session Minutes of the October 3, 2019 Audit, Finance and Administration meeting, were approved as presented; and,
- (b) The Closed Session Minutes of the October 3, 2019 Audit, Finance and Administration meeting, remain confidential.

**(h) ADJOURNMENT (Item 15)**

There being no further business, the Audit, Finance and Administration Committee adjourned at 10:07 a.m.

**CARRIED**

Respectfully submitted,

Councillor Collins, Chair  
Audit, Finance and Administration  
Committee

Angela McRae  
Legislative Coordinator  
Office of the City Clerk

**CITY OF HAMILTON  
BUDGETED COMPLEMENT ADJUSTMENT SCHEDULE**

**STAFF COMPLEMENT CHANGE**

**Complement adjustments as per the Budgeted Complement Control Policy including transfers to another division or department**

ITEM #	TRANSFER FROM				TRANSFER TO			
	Department	Division	Position Title <sup>(1)</sup>	FTE	Department	Division	Position Title <sup>(1)</sup>	FTE
1	Planning & Economic Development	Licensing Bylaw Services	Clerk	1.00	Corporate Services	Customer Service and Provincial Offences Administration	Customer Contact Centre Representative	1.00
	<b>Explanation:</b> Customer Service work transferred from PED to Corporate Services as part of the Call Consolidation process							
2	Planning & Economic Development	Transportation Planning and Parking	Clerk	1.00	Corporate Services	Customer Service and Provincial Offences Administration	Customer Contact Centre Representative	1.00
	<b>Explanation:</b> Customer Service work transferred from PED to Corporate Services as part of the Call Consolidation process							
3	Planning & Economic Development	Transportation Planning and Parking	School Crossing Guard	0.50	Corporate Services	Financial Planning, Administration and Policy	Financial Assistant II	0.50
	<b>Explanation:</b> The transfer of 0.5 FTE will assist with the creation of a 0.5 FTE in the F&A group taking over work from HMPS.							
4	Planning & Economic Development	General Manager Office	Sr Advisor West Harbour Waterfront	1.00	Planning & Economic Development	Economic Development	Sr Advisor West Harbour Waterfront	1.00
	<b>Explanation:</b> Transfer of Sr Advisor position from General Manager's Office to Economic Development.							
5	Planning & Economic Development	LRT	Sr Project Manger	1.00	Public Works	Engineering Services	Sr Project Manger	1.00
6	Planning & Economic Development	LRT	3 Construction Inspectors	3.00	Public Works	Engineering Services	3 Construction Inspectors	3.00
7	Planning & Economic Development	LRT	2 Project Managers	2.00	Public Works	Engineering Services	2 Project Managers	2.00
<b>Explanation:</b> Positions are reporting to PW- transferring to appropriate department.								
8	Public Works	Hamilton Water	Lab Techn	1.00	Public Works	Hamilton Water	Project Manager	1.00
	<b>Explanation:</b> Requesting approval to convert Lab Techn position grade I to Project Manager grade 6. Differential will be absorbed in Operating budget. No net levy impact.							
9	Public Works	Energy, Fleet & Facilities	Stadium Mtce Coord	1.00	Public Works	Energy, Fleet & Facilities	Facility Mtce Tech-Electrician	1.00
	<b>Explanation:</b> Requesting approval to convert vacant Stadium Maintenance Tech position grade H to a Facility Maintenance Tech Electrician grade J. Differential will be absorbed in Operating budget by reduced contracted services. No net levy impact.							
10	Public Works	Energy, Fleet & Facilities	Building Coordinator	1.00	Public Works	Energy, Fleet & Facilities	Refrig A/C Tech Fac Mtce	1.00
	<b>Explanation:</b> Requesting approval to convert vacant Building Coordinator Grade H to a Refrigeration A/C Technician Facilities Maintenance Grade J. Differential will be absorbed by the Operating budget by reduction in contracted outside services. No net levy impact.							



**CITY OF HAMILTON  
BUDGETED COMPLEMENT ADJUSTMENT SCHEDULE**

**STAFF COMPLEMENT CHANGE**

**Complement adjustments as per the Budgeted Complement Control Policy including transfers to another division or department**

ITEM #	TRANSFER FROM				TRANSFER TO			
	Department	Division	Position Title <sup>(1)</sup>	FTE	Department	Division	Position Title <sup>(1)</sup>	FTE
11	Public Works	Environmental Services	Waste Collection Operator	1.00	Public Works	Environmental Services	Waste Collection Investigator	1.00
<b>Explanation:</b> Requesting approval to convert the Waste Collection Operation position into a Waste Collection Investigator position from a C5 Grade F to a C5 Grade I. No net levy impact.								
12	Healthy & Safe Communities	Hamilton Fire Department	Application Analyst - Fire	2.00	Corporate Services	Information Technology	Application Analyst - Fire	2.00
13	Healthy & Safe Communities	Hamilton Fire Department	Radio Technician	1.00	Corporate Services	Information Technology	Radio Technician	1.00
14	Healthy & Safe Communities	Hamilton Fire Department	RF (radio frequency) Systems Specialist	1.00	Corporate Services	Information Technology	RF (radio frequency) Systems Specialist	1.00
15	CityHousing Hamilton		Manager of Business Services	1.00	Corporate Services	Information Technology	Manager of Business Services	1.00
16	CityHousing Hamilton		Northgate Support Technician	1.00	Corporate Services	Information Technology	Northgate Support Technician	1.00
17	CityHousing Hamilton		Applications Developer	1.00	Corporate Services	Information Technology	Applications Developer	1.00
18	Healthy & Safe Communities	Recreation	Supervisor of Technology	1.00	Corporate Services	Information Technology	Supervisor of Technology	1.00
19	Healthy & Safe Communities	Recreation	Legend Administrator	2.00	Corporate Services	Information Technology	Legend Administrator	2.00
20	Healthy & Safe Communities	Ontario Works	System Support Technician	4.00	Corporate Services	Information Technology	System Support Technician	4.00
<b>Explanation:</b> IT Centralization as per report FCS17091.								
21	Corporate Services	Customer Service and Provincial Offences Administration	Court Admin Clerk	1.00	Corporate Services	Customer Service and Provincial Offences Administration	Coordinator of Court Services	1.00
<b>Explanation:</b> Requesting approval to convert vacant Court Admin Clerk position grade H to Coordinator of Court Services grade 4 to support Bill 177. Differential will be absorbed by operating budget. No net levy impact.								

**Note** - Complement transfers include the transfer of corresponding budget.

**(1)** - If a position is changing, the impact of the change is within 1 pay band unless specified.

**CITY OF HAMILTON  
BUDGETED COMPLEMENT TEMPORARY EXTENSION SCHEDULE**

**TEMPORARY POSITION EXTENSIONS**

**Extensions to temporary positions with terms of 24 months or greater as per the Budgeted Complement Control Policy**

ITEM #	TRANSFER FROM				TRANSFER TO			
	<u>Department</u>	<u>Division</u>	<u>Position Title</u>	<u>FTE</u>	<u>Department</u>	<u>Division</u>	<u>Position Title</u>	<u>FTE</u>
1	Public Works	Transit	Senior Project Manager	Temp	Public Works	Transit	Senior Project Manager	Temp
	<b>Explanation:</b> Temporary position with a 24 month term expiring December 2019, requesting approval for additional 4 month extension. Position back-filling an SPM on an assignment that is being recovered. No net levy impact.							
2	Corporate Services	Financial Planning, Administration and Policy	Financial Coordinator	Temp	Corporate Services	Financial Planning, Administration and Policy	Financial Coordinator	Temp
	<b>Explanation:</b> Temporary position with a 24 month term expiring November 2019, requesting approval for an extension of up to 12 months to support development and changes due to Bill 108. No net levy impact.							
3	City Manager's Office	Human Resources	Return to Work Specialist	Temp	City Manager's Office	Human Resources	Return to Work Specialist	Temp
	<b>Explanation:</b> Temporary position with a 24 month term expiring October 2019, requesting approval for an extension of 7 months to continue back-filling a permanent Specialist on assignment to Fire. The assignment continues to be successful and has contributed to a demonstrable decrease in absenteeism. No net levy impact.							
4	City Manager's Office	CMO Admin	Project Manager	Temp	City Manager's Office	CMO Admin	Project Manager	Temp
	<b>Explanation:</b> Temporary position expiring December 2019. Requesting approval for an extension of Project Manager City Lab to match program extension approved via CM19003, expiring May 31, 2022. No net levy impact.							

DRAFT

16 October 2019

The Honourable Doug Downey  
Attorney General of Ontario  
McMurtry Scott Building, 11<sup>th</sup> Floor  
720 Bay Street  
Toronto, ON  
M7A 2S9

Dear Attorney General Downey,

**Re: Joint & Several Liability Study**

As the Mayor of the City of Hamilton, I extend thanks from our entire municipal organization for the opportunity to provide details of Hamilton's experience with joint and several liability.

The approach to handling liability claims in the City of Hamilton is rooted in fairness. City Council has provided Risk Management Services with a mandate to compensate claimants equitably when our investigation indicates a legal liability to do so. To that end we are in complete agreement with the commentary from the Association of Municipalities Ontario (AMO) in their submission to you of October 1, 2019, stating:

*Municipal governments accept the responsibility to pay for their fair share of a loss. Always. Making it right and paying a fair share are the cornerstones of our legal system. Citizens expect nothing less of their local governments.*

Where liability claims are concerned, joint and several liability exists in contrast to the good intentions of Ontario municipalities. Not only do municipalities pay far more than a fair share in claims resolution, be it through negotiation or court judgment, cost of risk as a whole is significantly inflated. "Cost of risk" encompasses claims payments, claims reserves, insurance costs, and all related administrative costs to managing risk.

An examination of Safranyos et al v City of Hamilton, which is Hamilton's most recent experience with a judicial application of joint and several liability, illustrates clearly how a disproportionate financial burden is placed on what is considered to be a "deep pockets" defendant.

Plaintiff motorist Safranyos, with four children in her vehicle, attempts to turn right onto a four-lane roadway, failing to recognize the excessive speed of an oncoming motorist. A collision ensues. Safranyos is familiar with the intersection and has negotiated this

maneuver many times previously. Allegations against Hamilton focus on the absence of a stop line on the pavement and intersection sightlines, both of which were clearly of secondary influence compared to the actions of both motorists. The trial judge assessed partial liability of 25% against Hamilton, and 25% against the speeding motorist. Hamilton's attempts at appeal were unsuccessful. The speeding co-defendant was successful on appeal and had the action against him dismissed. With no contribution from the speeding co-defendant and only a \$1,000,000 policy limit contribution from Safranyos, a claims expense of approximately \$15,000,000 was the ultimate result for Hamilton and its insurer.

Safranyos is merely one example where a trial outcome has resulted in an onerous financial burden for Hamilton and its insurers due the disproportion created by the presence of joint and several liability. Your office will no doubt be hearing similar accounts of trial judgments and associated disproportionate claims expenses from municipalities across Ontario. The AMO correspondence referenced earlier discusses a number of the more newsworthy cases from recent years. There is no shortage of examples establishing the extreme financial risk of trying a case for Ontario municipalities. In this regard the scales of justice are clearly not balanced.

While it may be possible to calculate the sum total of disproportionate claims payments made by Ontario municipalities and their insurers relative to trial judgments over the years, it would be folly to attempt to calculate the impact of joint and several liability on day to day claims handling, file reserving, and out of court settlements. Suffice it to say, the impact is constant, severe, and obvious in light of the risks of going to trial and factors in virtually all claims handling decisions. The presence of joint and several liability hangs over the heads of risk managers, municipal lawyers, elected officials, and insurers like the sword of Damocles. As a result, claims handling has become an exercise in financial management as opposed to an analysis of municipal law. Plaintiff lawyers are of course well aware of the risk issues arising from joint and several liability and apply it consistently as leverage in file negotiation.

If we look at the Safranyos case in hindsight, the fact circumstance unquestionably justified a vigorous defence by any reasonable analysis of law. Driver error was clearly the significant cause of this unfortunate accident. The intersection did not have a notable accident history, and the allegation of insufficient sightlines seemed dubious at best. An offer to settle capable of appealing to the plaintiffs was not seriously considered for all the above reasons, yet, in hindsight, settling the matter for \$10,000,000 would have brought considerable savings to Hamilton and the insurer.

Judgments like Safranyos and those discussed in the AMO submission have made Ontario municipalities risk adverse in terms of using court for defensible positions with the lack of balance and fairness built into joint and several liability. Consequently, settling claims, often at very high dollar values, has become the lesser of two evils.

The impact of joint and several liability on the municipal insurance market for Ontario municipalities is harsh. Presently the world market is in a hard cycle, largely due to the problematic emerging influence of:

- climate change
- terrorism
- cyber crime
- environmental impairment
- rapidly rising damage awards
- shrinking market

The state of the world market is exacerbated in Ontario by the continued presence of joint and several liability. In fact, Ontario is one of the few jurisdictions remaining in North America to have unrestricted joint and several liability legislation. A majority of states in the United States have moved away from the strict scheme which still exists in Ontario, as have a number of provinces. Accordingly, the number of insurers willing to underwrite Ontario municipalities has been in slow decline over the last 10 years, drastically reducing competition. Municipalities of all sizes and levels of service, even those with solid loss ratios, are experiencing increases far exceeding the rate of inflation.

Municipalities, like Hamilton, where a full range of services is provided, including transit, police, and public health, are particularly exposed to the significant rate increases.

#### City of Hamilton General Liability Premium Increase 2000-2019

- Compound premium increases of \$1,612,000 over the last 5 years / Premium 72% higher than 2014
- Compound premium increases of \$1,612,000 over the last 10 years / Premium 72% higher than 2009
- Compound premium increases of \$4,078,000 over the last 20 years / Premium 540% higher than year 2000

#### City of Hamilton Total Insurance Premium Increase 2000-2019

- Compound premium increase of \$5,569,000 (\$) over the last 5 years / Premium 75% higher than 2014
- Compound premium increases of \$6,145,000 (\$) over the last 10 years / Premium 91% higher than 2009
- Compound premium increases of \$15,030,000 over the last 20 years / Premium 404% higher than year 2000

The cost of insurance represented 0.3% of the City's budget in the year 2000. In 2019, at 0.7%, the amount of budget devoted to insurance premiums has more than doubled. In a market situated to stay hard for the foreseeable future the percentage will surely increase.

Consequently, a greater amount will be removed each year from available funds for the provision of municipal services.

Ontario municipalities are united in their commitment to paying their fair share of a loss. These same municipalities also understand the need to ensure that accident victims receive fair compensation. Joint and several liability is often cited as a necessary means to ensure fair compensation. It is important to understand, however that the concept of joint and several liability was born of a time when few, if any, social support mechanisms were in place to assist accident victims. Modern times in Ontario have seen the development of accident benefit programs, universal healthcare, employer benefit plans, private benefit plans, title insurance, and workers compensation programs. Joint and several legislation in Ontario exists largely as an anachronism, the primary beneficiaries being not accident victims but personal injury lawyers.

Discussions with staff at all levels in Hamilton illustrate clearly that joint and several liability creates unreasonable and elusive challenges for the entire organization. Sound policies and procedures followed with all due diligence operationally are not sufficient to protect municipalities from large, disproportionate liability losses. Financial staff scramble to find funds for losses, reserves, and insurance premiums. Elected officials scramble to control tax rates in the face of the rising cost of risk. Public Works staff scramble to constantly align policies and procedures to recent case law. Risk Managers scramble to explain confounding losses and to keep the organization abreast of new exposures. Lawyers scramble to provide defenses in an unbalanced, unpredictable legal environment.

Accident victims deserve to be compensated fairly. Determining fairness; however, requires a sound and logical assessment, one which carefully considers the positions of all stakeholders. It stands against reason that damage judgments are rising exponentially in comparison to the inflation rate. It stands against reason that strict joint and several liability legislation continues to exist in a time when numerous social support mechanisms are in place. It stands against reason that jury trials are not permitted for trials involving municipal defendants. It stands against reason that municipalities are considered as "deep pocket" entities when funding shortfalls exist in all areas of municipal service provision.

To level the playing field for Ontario municipalities, the City of Hamilton offers the following:

1. In recognition of the fact that municipalities are not "deep pocket" defendants, full proportionate liability to replace joint and several liability.
2. Minimum automobile liability coverage increased to \$2,000,000.
3. Make jury trials available to municipal defendants.
4. Implement a cap for economic loss awards.

5. A compensation fund for accident victims when defendants are unable to fund reasonable compensation to their proportionate level.
6. In recognition of the fact that the primary cause of 90% of all serious motor vehicle accidents is driver error, an increased commitment to safety initiatives such as Vision Zero.
7. Establish a provincial and municipal working group to consider input from all stakeholders and to put forward recommendations to the Attorney General.

Again, I extend thanks from our entire municipal organization at the City of Hamilton for the opportunity to provide details of our particular experience with joint and several liability. I am available at your convenience to discuss any questions or concerns you may have with our submission.

The City of Hamilton looks forward to assisting your office however it can in finding a reasonable alternative to joint and several liability, an alternative that will fairly compensate victims while not placing an unmanageable, disproportionate financial burden on municipalities.

Sincerely,

Mayor Fred Eisenberger  
(Insert standard sign-off)



## **EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 19-012**

1:30 p.m.

Thursday, October 17, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Councillors S. Merulla (Chair), B. Clark, E. Pauls, T. Jackson, N. Nann, and T. Whitehead

**Also Present:** Councillors C. Collins and J.P. Danko

### **THE EMERGENCY AND COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 19-012 AND RESPECTFULLY RECOMMENDS:**

**1. Permission for Sacajawea Non-Profit Homes to Encumber 123 Cathcart Street, Hamilton (HSC19056) (Ward 3) (Item 7.1)**

That Council, in its capacity as Service Manager under the *Housing Services Act*, 2011, approve the Sacajawea Native Non-Profit Housing Inc. request for Service Manager consent to encumber its housing asset located at 123 Cathcart Street, Hamilton, up to the amount of \$150,000.

**2. Update on the Elimination of the Transition Child Benefit (HSC 19050(a)) (City Wide) (Item 10.1)**

That Report HSC19050(a), respecting the Elimination of the Transition Child Benefit, be received.

**3. Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide) (Item 10.2)**

(i) That Report HSC19057, respecting the Hamilton Collaborative Partnership Group - Joint Funding Application, be received.

(ii) That the Hamilton Collaborative Partnership Group (HCPG) proceed with the following (Option 3):



- (a) The City of Hamilton provide a letter of support for HCPG's Multi-Sport Facility Funding Application;
- (b) That if the HCPG are successful in obtaining Infrastructure funding, HPCG be directed to appear before the Emergency and Community Services Committee with the financial update; and,
- (c) That should the HCPG not be successful in obtaining Infrastructure funding for the project, that staff be directed to include this project as part of the Commonwealth Games Facilities Master Plan, should Council approve the Games 100 bid.

**4. Housing Services Administration Position Change (HSC19053) (City Wide) (Item 10.3)**

That one permanent Team Control Clerk full time equivalent position within Residential Care Facilities & Emergency Shelter Services, Housing Services Division be converted to one permanent Housing Services Case Aide full time equivalent position within Residential Care Facilities & Emergency Shelter Services, Housing Services Division.

**5. Home for the Holidays Social Housing Program (Added Item 11.1)**

WHEREAS, the City has a significant and rising number of households currently on the centralized waitlist;

WHEREAS, high vacancies exist within CityHousing Hamilton subsidized housing units, as a result of on-going and increasing capital repair needs;

WHEREAS, current deferred maintenance deficits run annually by CityHousing Hamilton is approximately \$18 Million with a portfolio of assets on average of 40 years old;

WHEREAS, on average, the cost to repair an existing vacant unit within the CityHousing Hamilton portfolio, such that it becomes occupiable, is approximately \$8,000 per unit;

WHEREAS, the Housing Services reconciliation process has resulted in a forecast Income Subsidy program surplus of over \$2 Million in 2019;

WHEREAS, approximately 250 rent-gear-to-income units could be positively improved such that they could be occupied in time for the 2020 winter holiday season;

THEREFORE, BE IT RESOLVED:

- (a) That the General Manager of the Healthy and Safe Communities Department be authorized and directed to deliver and administer an emergency social housing repair program (“Home for the Holidays”) in the form of unit occupation, with the intent of making as many units as possible available by December 24, 2019, with a program end date of March 31, 2020, at a maximum aggregate cost of \$2,000,000 to be funded from the Unallocated Capital Levy Reserve (108020) or 2019 Year-End Corporate Surplus;
- (b) That, in consultation with City’s Procurement Services, Housing Services and CityHousing Hamilton staff be directed to take immediate action to source and undertake all necessary repairs to carry out the Home for the Holidays program;
- (c) That the General Manager of Healthy and Safe Communities, the General Manager of Corporate Finance and the Chief Executive Officer of CityHousing Hamilton collectively be provided the authority to waive the City’s Procurement Policy in those instances where it is not possible to conduct a competitive procurement process to complete the work for the Home for the Holiday’s Program;
- (d) That the General Manager of Healthy and Safe Communities be authorized and directed to negotiate, enter into and execute any required contract(s) and any ancillary documents required to give effect thereto with all vendors who are selected to undertake the work for the Home for the Holiday’s Program, in a form satisfactory to the City Solicitor; and,
- (e) That the General Manager of the Healthy and Safe Communities be directed to submit an Information Update to Council, reporting on the success of the program in the first quarter of 2020.

**FOR INFORMATION:**

**(a) CEREMONIAL ACTIVITIES**

Chief Dan Cunliffe and Deputy Chief John Verbeek introduced Steve Panella, Alex Gerzon, and George Heos of Firehouse Subs. Through a generous grant from the Firehouse Subs Public Safety Foundation, the Hamilton Fire Department has received \$25,470.20 for the purchase of a drone for the Hamilton Fire Department.

**(b) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised of the following changes to the agenda:

**5. COMMUNICATIONS (Item 5)**

- 5.2 Correspondence respecting Item 10.2, Hamilton Collaborative Partnership Group -Joint Funding Application
- (a) Correspondence from William Urie, Golden Horseshoe Track and Field Council (Added Item 5.2 (a))
  - (b) Correspondence from Jason Jansson, Ontario Basketball Association(Added Item 5.2 (b))
  - (c) Correspondence from Donna Lazar, Special Olympics Ontario (Added Item 5.2 (c))
  - (d) Correspondence from Louis-Pierre Mainville, Ontario Volleyball (Added Item 5.2 (d))
  - (e) Correspondence from Richard Gelder, Hamilton Olympic Club (Added Item 5.2 (e))
  - (f) Correspondence from Rob Guy, Athletics Canada (Added Item 5.2 (f))
  - (g) Correspondence from Denise Christopherson, YWCA Hamilton (Added Item 5.2 (g))
  - (h) Correspondence from Sarah Smith, Hammer City Roller Derby (Added Item 5.2 (h))
  - (i) Correspondence from Rev. Todd Bender, CityKidz (Added Item 5.2 (i))
  - (j) Correspondence from Tomas Edwards, Hamilton Hornets Rugby Club (Added Item 5.2 (j))
  - (k) Correspondence from Scott Johnston, Average Joe Sports Club (Added Item 5.2 (k))
  - (l) Correspondence from Marcello Sanguenza, Hamilton Celtics Basketball (Added Item 5.2 (l))
  - (m) Correspondence from Shari St. Peter, NPAAMB (Added Item 5.2 (m))
  - (n) Correspondence from Constance McKnight, Aboriginal Health Centre (Added Item 5.2 (n))

- (o) Correspondence from Paul Osland, Athletics Ontario (Added Item 5.2 (o))
- (p) Correspondence from Adam Lloyd, Active Lifestyle and Performance Training Institute (Added Item 5.2 (p))
- (q) Correspondence from Ed Bosveld, Redeemer University College (Added Item 5.2 (q))
- (r) Correspondence from Mike Morreale, Canadian Elite Basketball League (Added Item 5.2 (r))
- (s) Correspondence from Jeffrey Groleau, Stoney Creek Rugby Club (Added Item 5.2 (s))
- (t) Correspondence from Glen Grunwald, Canada Basketball (Added Item 5.2 (t))
- (u) Correspondence from Denise McArthur, Hamilton Accessible Sports Council (Added Item 5.2 (u))

Recommendation: be received and referred to Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide).

- 5.3 Correspondence from Yeong Shik Chun, respecting King's Forest Golf Course Senior Membership (Added Item 5.3)

Recommendation: be received.

## **6. DELEGATION REQUESTS (Item 6)**

- 6.4 Louis-Pierre Mainville, Ontario Volleyball Association, respecting Item 10.2, request made by the Hamilton Collaborative Partnership Group about the development of a new Community Multi-Sport Centre (for today's meeting)
- 6.5 Helen Downey, SportHamilton, respecting Item 10.2, joint application in Investing in Canada infrastructure program - community culture and recreation funding system (for today's meeting)
- 6.6 John Rocchi, Blessed Sacrament Yellow Jackets Basketball Club, respecting Item 10.2, the Hamilton Collaborative Partnership Group's request that the City of Hamilton join as a Joint Applicant on the upcoming Investing in Canada Infrastructure Program -

Community, Culture and Recreation Funding Stream (for today's meeting)

- 6.7 Dean Waterfield, Wesley, respecting the Wesley Day Centre (for a future meeting)

**12. NOTICES OF MOTION (Item 12)**

12.1 Home for the Holidays Social Housing Program

The agenda for the October 17, 2019 Emergency and Community Services Committee meeting was approved, as amended.

**(c) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) September 19, 2019 (Item 4.1)**

The Minutes of the September 19, 2019 meeting of the Emergency and Community Services Committee were approved, as presented.

**(e) COMMUNICATIONS (Item 5)**

- (i) Communications Item 5.1 was approved as follows:

5.1 Correspondence from Robert Aguiar, Fire Underwriters Survey, respecting Superior Tanker Shuttle Re-Accreditation Effective October 19, 2019

Recommendation: be received.

- (ii) Communications Items 5.2(a) to 5.2(u) were approved as follows:

5.2 Correspondence respecting Item 10.2, Hamilton Collaborative Partnership Group -Joint Funding Application

(a) Correspondence from William Urie, Golden Horseshoe Track and Field Council (Added Item 5.2 (a))

(b) Correspondence from Jason Jansson, Ontario Basketball Association (Added Item 5.2 (b))

(c) Correspondence from Donna Lazar, Special Olympics Ontario (Added Item 5.2 (c))

- (d) Correspondence from Louis-Pierre Mainville, Ontario Volleyball (Added Item 5.2 (d))
- (e) Correspondence from Richard Gelder, Hamilton Olympic Club (Added Item 5.2 (e))
- (f) Correspondence from Rob Guy, Athletics Canada (Added Item 5.2 (f))
- (g) Correspondence from Denise Christopherson, YWCA Hamilton (Added Item 5.2 (g))
- (h) Correspondence from Sarah Smith, Hammer City Roller Derby (Added Item 5.2 (h))
- (i) Correspondence from Rev. Todd Bender, CityKidz (Added Item 5.2 (i))
- (j) Correspondence from Tomas Edwards, Hamilton Hornets Rugby Club (Added Item 5.2 (j))
- (k) Correspondence from Scott Johnston, Average Joe Sports Club (Added Item 5.2 (k))
- (l) Correspondence from Marcello Sanguenza, Hamilton Celtics Basketball (Added Item 5.2 (l))
- (m) Correspondence from Shari St. Peter, NPAAMB (Added Item 5.2 (m))
- (n) Correspondence from Constance McKnight, Aboriginal Health Centre (Added Item 5.2 (n))
- (o) Correspondence from Paul Osland, Athletics Ontario (Added Item 5.2 (o))
- (p) Correspondence from Adam Lloyd, Active Lifestyle and Performance Training Institute (Added Item 5.2 (p))
- (q) Correspondence from Ed Bosveld, Redeemer University College (Added Item 5.2 (q))
- (r) Correspondence from Mike Morreale, Canadian Elite Basketball League (Added Item 5.2 (r))
- (s) Correspondence from Jeffrey Groleau, Stoney Creek Rugby Club (Added Item 5.2 (s))

- (t) Correspondence from Glen Grunwald, Canada Basketball (Added Item 5.2 (t))
- (u) Correspondence from Denise McArthur, Hamilton Accessible Sports Council (Added Item 5.2 (u))

Recommendation: be received and referred to Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide).

(iii) Communications Item 5.3 was approved as follows:

- 5.3 Correspondence from Yeong Shik Chun, respecting King's Forest Golf Course Senior Membership (Added Item 5.3)

Recommendation: be received ***and referred to staff for comment.***

**(f) DELEGATION REQUESTS (Item 6)**

(i) The following Delegation Requests, were approved for a future meeting:

- (a) Leanne Mione, Contact Hamilton for Children and Developmental Services, respecting housing for adults with a developmental disability (Item 6.1)
- (b) John Gibson, ArcellorMittal Grassroots Soccer Program, respecting a 5-year update on the success of the program (Item 6.2)
- (c) Dean Waterfield, Wesley, respecting the Wesley Day Centre (Added Item 6.7)

(ii) The following Delegation Requests, were approved for today's meeting:

- (a) Kevin Gonci, Hamilton Collaborative Partnership Group, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), City Staff Report submission requesting approval for a joint funding application (Item 6.3)
- (b) Louis-Pierre Mainville, Ontario Volleyball Association, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), request made by the Hamilton Collaborative Partnership Group about the development of a new Community Multi-Sport Centre (Added Item 6.4)
- (c) Helen Downey, SportHamilton, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application

(HSC19057) (City Wide), joint application in Investing in Canada infrastructure program - community culture and recreation funding system (Added Item 6.5)

- (d) John Rocchi, Blessed Sacrament Yellow Jackets Basketball Club, respecting Item 10.2 Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), the Hamilton Collaborative Partnership Group's request that the City of Hamilton join as a Joint Applicant on the upcoming Investing in Canada Infrastructure Program - Community, Culture and Recreation Funding Stream (Added Item 6.6)

**(g) PUBLIC HEARINGS/DELEGATIONS (Item 8)**

- (i) Kevin Gonci, Hamilton Collaborative Partnership Group, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), City Staff Report submission requesting approval for a joint funding application (Added Item 8.1)**

Kevin Gonci, Hamilton Collaborative Partnership Group, addressed the Committee respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), City Staff Report submission requesting approval for a joint funding application, with the aid of a presentation.

Kevin Gonci was permitted to address the Committee for an additional 5 minutes in order to complete their presentation.

- (ii) Louis-Pierre Mainville, Ontario Volleyball Association, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), request made by the Hamilton Collaborative Partnership Group about the development of a new Community Multi-Sport Centre (Added Item 8.2)**

Louis-Pierre Mainville, Ontario Volleyball Association, addressed the Committee respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), request made by the Hamilton Collaborative Partnership Group about the development of a new Community Multi-Sport Centre.

- (iii) Helen Downey, SportHamilton, respecting Item 10.2, joint application in Investing in Canada infrastructure program - community culture and recreation funding system (Added Item 8.3)**

Helen Downey, SportHamilton, addressed the Committee respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), joint application in Investing in



Canada infrastructure program - community culture and recreation funding system.

- (iv) **John Rocchi, Blessed Sacrament Yellow Jackets Basketball Club, respecting Item 10.2, the Hamilton Collaborative Partnership Group's request that the City of Hamilton join as a Joint Applicant on the upcoming Investing in Canada Infrastructure Program - Community, Culture and Recreation Funding Stream (Added Item 8.4)**

John Rocchi, Blessed Sacrament Yellow Jackets Basketball Club, addressed the Committee respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), the Hamilton Collaborative Partnership Group's request that the City of Hamilton join as a Joint Applicant on the upcoming Investing in Canada Infrastructure Program - Community, Culture and Recreation Funding Stream.

The following Delegations, were received:

- (a) Kevin Gonci, Hamilton Collaborative Partnership Group, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), City Staff Report submission requesting approval for a joint funding application
- (b) Louis-Pierre Mainville, Ontario Volleyball Association, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), request made by the Hamilton Collaborative Partnership Group about the development of a new Community Multi-Sport Centre
- (c) Helen Downey, SportHamilton, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), joint application in Investing in Canada infrastructure program - community culture and recreation funding system
- (d) John Rocchi, Blessed Sacrament Yellow Jackets Basketball Club, respecting Item 10.2, Hamilton Collaborative Partnership Group - Joint Funding Application (HSC19057) (City Wide), the Hamilton Collaborative Partnership Group's request that the City of Hamilton join as a Joint Applicant on the upcoming Investing in Canada Infrastructure Program - Community, Culture and Recreation Funding Stream

For further disposition of this matter, refer to Item 3.

**(h) NOTICES OF MOTION (Item 12)**

**(i) Home for the Holidays Social Housing Program**

Councillor Nann introduced a Notice of Motion respecting the Home for the Holidays Social Housing Program.

The Rules of Order were waived to allow for the introduction of a motion respecting the Home for the Holidays Social Housing Program.

For further disposition of this matter, refer to Item 5.

**(i) ADJOURNMENT (Item 15)**

That there being no further business, the Emergency and Community Services Committee be adjourned at 3:45 p.m.

Respectfully submitted,

Councillor S. Merulla  
Chair, Emergency and Community Services  
Committee

Tamara Bates  
Legislative Coordinator  
Office of the City Clerk



## **BOARD OF HEALTH REPORT 19-010**

1:30 p.m.

Friday, October 18, 2019

Council Chambers

Hamilton City Hall

**Present:** Mayor F. Eisenberger (Chair), Councillor M. Wilson (Vice-Chair)  
Councillors J. Farr, N. Nann, E. Pauls, J.P. Danko, B. Clark, M. Pearson, S. Merulla, C. Collins, T. Jackson and A. VanderBeek

**Absent with  
Regrets:** Councillors J. Partridge and B. Johnson – City Business  
Councillors L. Ferguson and T. Whitehead - Personal

### **THE BOARD OF HEALTH PRESENTS REPORT 19-010 AND RESPECTFULLY RECOMMENDS:**

#### **1. COMMUNICATIONS (Items 5.1 and 5.2)**

That the following correspondence items be endorsed:

- (i) Correspondence from the Kingston, Frontenac and Lennox & Addington Board of Health respecting Principles and Criteria for the Restructuring Process (Item 5.1)
- (ii) Correspondence from the Middlesex-London Board of Health respecting Essential Components for Strong Local Public Health (Item 5.2)

#### **2. IDEAS (Informed Decisions Empowering Adolescents) Program (BOH16059(b)) (City Wide) (Item 7.1)**

That Report BOH16059(b), respecting the IDEAS (Informed Decisions Empowering Adolescents) Program, be received.

**3. Semi-Annual Public Health Services Performance and Monitoring Report (Q1 & Q2 2019) (BOH19030) (City Wide) (Item 7.2)**

- (i) That Report BOH19030, respecting the Semi-Annual Public Health Services Performance and Monitoring Report (Q1 & Q2 2019), be received; and,
- (ii) That the Medical Officer of Health and the Mayor draft a letter to the Chief Medical Officer and the Minister of Health and Long-Term Care requesting weekly data reports on the actual public health experiences and medical incidents for both adults and youth connected to vaping related illnesses.

**4. Annual Performance & Financial Report to the Public (BOH19033) (City Wide) (Item 7.4)**

That Report BOH19033 respecting the Annual Performance & Financial Report to the Public, be received.

**5. Associate Medical of Health (AMOH) Coverage Plan (BOH19035) (City Wide) (Item 7.5)**

That Report BOH19035 respecting the Associate Medical of Health (AMOH) Coverage Plan, be received.

**6. Organizational Risk Management Plan: 2019 Progress Report (BOH18032(a)) (Item 7.6)**

That Report BOH18032(a), respecting the Organizational Risk Management Plan: 2019 Progress Report, be received.

**7. Immunization of School Pupils Act Overview (BOH19029) (City Wide) (Item 9.1)**

- (a) That the Board of Health endorse the position of the Council of Ontario Medical Officers of Health in support of a seamless immunization registry, whereby health care providers directly input immunization information at the time of vaccine administration;
- (b) That the Board of Health circulate Report BOH19029 to the Minister of Health, the Chief Medical Officer of Health, City of Hamilton Members of Provincial Parliament, the Association of Local Public Health Agencies, the Council of Ontario Medical Officers of Health and the other 34 Ontario Boards of Health.

**8. Seniors Oral Health (BOH19026(a)) (City Wide) (Item 9.2)**

- (a) That the Board of Health authorize and direct the Medical Officer of Health to receive, utilize and submit reports for the approved capital from the Ministry of Health to support the service delivery plan for low-income seniors;

- (b) That the Board of Health authorize and direct the Medical Officer of Health to increase complement in the Public Health Services by 5.8 full time equivalents as outlined in BOH19026(a); and,
- (c) That the Board of Health opposes the introduction of a possible co-payment for dentures, and that a letter be sent to the Minister of Health and Long-Term Care, indicating their opposition.

**9. Code Red Presentation to the Board of Health (Added Item 11.1)**

WHEREAS, the neighbourhoods in the City of Hamilton were profiled for their socio-economic and health status and consumption of health services in the Hamilton Spectator's Code Red Project in 2010;

WHEREAS, the Code Red Project has been updated to see what has changed in Hamilton over the past decade;

WHEREAS, the purpose of the Code Red Project was to stimulate a community debate about the variation in health status between neighbourhoods in the City of Hamilton;

WHEREAS, Steve Buist (Investigations Editor, Hamilton Spectator) and Neil Johnston (Epidemiologist, Department of Medicine, McMaster University) designed and executed the Code Red Project; and

WHEREAS, the Code Red Project won a National Newspaper Award for special projects and was shortlisted for the Michener Prize and Steve Buist and Neil Johnston won the 2011 Hillman Prize for Journalism fostering social and economic justice for the Code Red Project;

THEREFORE BE IT RESOLVED:

That the Board of Health approve a presentation by Steve Buist and Dr Neil Johnston to discuss the findings of their Red Code Series to the Board of Health at the November 18, 2019 meeting.

**FOR INFORMATION:**

**(a) CERMONIAL ACTIVITIES (Item 1)**

There were no ceremonial activities.

**(b) CHANGES TO THE AGENDA (Item 2)**

The Committee Clerk advised the Board of the following changes to the agenda:

**9. STAFF PRESENTATIONS**

9.2 Seniors Oral Health BOH19026(a)

Note that Item 10.1, Seniors Oral Health BOH19026(a) is incorrectly labelled and should be located under Staff Presentations as Item 9.2

**12. NOTICES OF MOTION**

12.1 Code Red Presentation to the Board of Health

The agenda for the October 18, 2019 Board of Health was approved, as amended.

**(c) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(d) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)**

**(i) August 14, 2019 (Item 4.1)**

The Minutes of the August 14, 2019 meeting of the Board of Health were approved, as presented.

**(ii) Clerk's Report – September 16, 2019 (Item 4.2)**

The Clerk's Report of September 16, 2019, was received.

**(e) COMMUNICATIONS (Item 5)**

The following Correspondence Items were received:

- (i) Correspondence from the Ministry of Children, Community and Social Services respecting the Healthy Babies, Healthy Children Program Project Agreement (Item 5.3)
- (ii) Correspondence from the Ministry of Health respecting a Ministry of Health Public Health Funding and Accountability Agreement with the Board of Health for the City of Hamilton (Item 5.4)

- (iii) Correspondence from the Association of Local Public Health Units respecting their Fall Symposium and Meeting to be held on November 6 and 7, 2019 (Item 5.5)
- (iv) Correspondence from the Association of Local Public Health Agencies respecting a Public Health Cost Sharing Funding Model (Item 5.6)

**(f) DELEGATION REQUESTS (Item 6)**

- (i) Delegation Request from Noor Nizam, respecting the Ontario Seniors Dental Care Program (for a future meeting) (Item 6.1)**

The Delegation Request from Noor Nizam, respecting the Ontario Seniors Dental Care Program, was approved, for a future meeting.

**(g) CONSENT ITEMS (Item 7)**

- (i) Semi-Annual Public Health Services Performance and Monitoring Report (Q1 & Q2 2019) (BOH19030) (City Wide) (Item 7.2)**

Report BOH19030 was amended by adding sub-section (b) as follows:

**(b) *That the Medical Officer of Health and the Mayor draft a letter to the Chief Medical Officer and the Minister of Health and Long-Term Care requesting weekly data reports on the actual public health experiences and medical incidents for both adults and youth connected to vaping related illnesses.***

- (ii) Physician Recruitment and Retention Steering Committee Report 19-001 - September 11, 2019 (Item 7.3)**

The Physician Recruitment and Retention Steering Committee Report 19-001 - September 11, 2019, was received.

**(h) STAFF PRESENTATION (Item 9)**

- (i) Immunization of School Pupils Act Overview (BOH19029) (City Wide) (Item 9.1)**

Bridget Woudstra and Mike Bush, Healthy and Safe Communities, addressed the Board respecting an Immunization of School Pupils Act Overview (BOH19029), with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The presentation respecting an Immunization of School Pupils Act Overview (BOH19029), was received.

The presentation is available at [www.hamilton.ca](http://www.hamilton.ca), and through the Office of the City Clerk.

For further disposition, refer to Item 7.

**(ii) Seniors Oral Health (BOH19026(a)) (City Wide) (Item 9.2)**

Jen Vickers-Manzin, Director, Healthy and Safe Communities, addressed the Board respecting Seniors Oral Health (BOH19026(a)), with the aid of a PowerPoint presentation. A copy of the presentation will be included in the official record.

The presentation respecting Seniors Oral Health (BOH19026(a)), was received.

Report BOH19026(a), respecting Seniors Oral Health, was amended by adding sub-section (c), to read as follows:

***(c) That the Board of Health opposes the introduction of a possible co-payment for dentures, and that a letter be sent to the Minister of Health and Long-Term Care, indicating their opposition.***

The presentation is available at [www.hamilton.ca](http://www.hamilton.ca), and through the Office of the City Clerk.

For further disposition of this matter, refer to Item 8.

**(i) NOTICE OF MOTION (Item 12)**

Councillor Wilson introduced the following Notice of Motion.

**(i) Code Red Presentation to the Board of Health (Item 12.10)**

The Rules of Order were waived to allow for the introduction of a motion reselecting Code Red Presentation to the Board of Health.

For further disposition of this matter, refer to Item 9.

**(j) GENERAL INFORMATION AND OTHER BUSINESS (Item 13)**

**(i) Amendments to the Outstanding Business List:**

The following amendments to the Board of Health Outstanding Business List, were approved:



**(a) Revised Due Dates Required:**

2015-A

Review of the City of Hamilton's Pest Control By-law  
November 16, 2015 (Item 9.1)  
Revised Due Date: December 2019

2016-A

Hamilton Airshed Modelling System (BOH18016) (City Wide)  
April 16, 2018 18-004 (Item 7.1)  
Revised Due Date: December 2019

2019-P

Pollution Surrounding the Parkview Community – Community Event  
August 14, 2019 19-008 Items 6.1-6.13  
Due Date: November 2019

**(b) Items to be Removed:**

2016-C

Contaminated Sites Management Plan  
December 5, 2016, 16-012 (Item 5.1)  
Based on clarification and additional information provided by staff on the Historic Land Use inventory, Contaminated Sites Management Plan, Record of site condition requirements and mitigation measures, in consultation with the Councillor, this item can be marked as completed and removed

2019-Q

Correspondence from the Windsor-Essex County Health Unit respecting Immunization for School Children - Seamless Immunization Registry  
August 14, 2019, 19-008 (Item 5.1)  
Addressed as Item 9.1 on this agenda

**(c) Items to be placed on Hold:**

Considering the resignation of the Director of Physician Recruitment, and that members of the Physician Recruitment and Retention Committee are working on a plan for the future role of the Director, the following items be put on hold:

2017-B

Physician Recruitment and Retention Steering Committee Report 17-001 - Annual Report / Key Performance Indicators and Current Statistics  
(September 18, 2017 BOH 17-007, (Item 8.1) and (Item 8.1(i)))

2018-E

Presentation by the Physician Recruitment Specialist to the Board of Health respecting the Physician Recruitment and Retention Sub-Committee December 10, 2018, 18-009, Item 13.1

**(k) ADJOURNMENT (Item 15)**

That, there being no further business, the Board of Health be adjourned at 3:17 p.m.

Respectfully submitted,

Mayor Fred Eisenberger  
Chair, Board of Health

Loren Kolar  
Legislative Coordinator  
Office of the City Clerk



## **GENERAL ISSUES COMMITTEE CLERK'S REPORT 19-021**

9:30 a.m.

Monday, October 21, 2019

Council Chambers

Hamilton City Hall

71 Main Street West

**Present:** Mayor F. Eisenberger, Deputy Mayor J. Partridge (Chair)  
Councillors M. Wilson, N. Nann, C. Collins, E. Pauls, J.P. Danko,  
B. Clark, M. Pearson, B. Johnson, L. Ferguson, A. VanderBeek,  
T. Whitehead

**Absent:** Councillor J. Farr, S. Merulla, T. Jackson – Personal

### **FOR INFORMATION:**

**(a) APPROVAL OF AGENDA (Item 2)**

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the October 21, 2019 General Issues Committee meeting was approved, as presented.

**(b) DECLARATIONS OF INTEREST (Item 3)**

There were no declarations of interest.

**(c) STAFF PRESENTATIONS (Item 6)**

**(i) GRIDS2 and the Municipal Comprehensive Review – Council Workshop (PED17010(e) (City Wide) (Item 6.1)**

Joanne Hickey-Evans, Manager, Policy Planning & Zoning By-law Reform; Antony Lorus, Principal, Lorus & Associates; and, Heather Travis, Senior Project Manager, Growth Management Strategy, addressed Committee and provided the presentation respecting Report PED17010(e) - GRIDS2

**Council – October 23, 2019**

and the Municipal Comprehensive Review – Council Workshop.

A copy of the presentation is available on the City's web site at [www.hamilton.ca](http://www.hamilton.ca) or through the Office of the City Clerk.

Quorum was lost for this meeting, prior to receipt of the presentation or consideration of Report PED17010(e), GRIDS2 and the Municipal Comprehensive Review – Council Workshop. Therefore, the Report will be placed on the November 6, 2019 General Issues Committee agenda as a Consent Item to be received by Committee.

Respectfully submitted,

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Deputy Mayor J. Partridge  
Chair, General Issues Committee

Stephanie Paparella  
Legislative Coordinator,  
Office of the City Clerk

# CITY OF HAMILTON

## MOTION

Council: October 23, 2019

**MOVED BY COUNCILLOR J. P. DANKO**.....

**SECONDED BY COUNCILLOR**.....

**Reconsideration of Item 26 of the General Issues Committee Report 19-002 (Operating Budget) respecting a System-Wide Approach to Public Transit**

That sub-sections **(a)** and **(b)** to Item 26 of the General Issues Committee Report 19-002 (Operating Budget), respecting a system-wide approach to public transit, which was approved by Council on March 27, 2019, and reads as follows, be reconsidered:

**26. A System-Wide Approach to Public Transit (Item 7.1)**

WHEREAS, transportation and public transit continue to be significant and important public policy matters;

WHEREAS, public transit (known as HSR) in the City of Hamilton remains a priority for Council;

WHEREAS, public transit is currently apportioned to residents based on geographic area and service levels; and,

WHEREAS, Council has stated on numerous occasions, that it supports a system-wide approach to public transit, which includes enhancing service levels;

THEREFORE, BE IT RESOLVED:

- (a) That a Transit Area Rating Review Sub-Committee be established, to be comprised of 6 members of Council; (3) three urban and (3) three suburban Councillors, to evaluate options for rebalancing area rating for transit, based on an urban and rural split, and to make recommendations to the General Issues Committee in a fair and equitable way in order to rebalance transit area rating for the 2020 budget process;**
- (b) That staff be directed to report back to the General Issues Committee with a Terms of Reference and guiding principles for the Transit Area Rating Review Sub-Committee, prior to the first meeting of the Sub-Committee;**
- (c) That staff be directed to report back to the Transit Area Rating Review Sub-Committee with an area rating analysis for transit for the 2020 Operating budget process, with respect to a public transit system that supports a system-wide approach, with that report to include enhanced service levels that align with the overall City Transit Strategy; and,
- (d) That staff be directed to review the possibility of the area rating net benefit to Wards 1 to 8 being used for public transit city-wide and report to the Transit Area Rating Review Sub-Committee.

Consideration of the following motion will be contingent on the positive outcome of the reconsideration motion.

# CITY OF HAMILTON MOTION

Council: October 23, 2019

**MOVED BY COUNCILLOR J. P. DANKO.....**

**SECONDED BY COUNCILLOR.....**

**Consideration of Item 26 of the General Issues Committee Report 19-002 (Operating Budget) respecting a System-Wide Approach to Public Transit as approved by Council on March 27, 2019:**

**26. A System-Wide Approach to Public Transit (Item 7.1)**

- (a) That a Transit Area Rating Review Sub-Committee be established, to be comprised of 6 members of Council; (3) three urban and (3) three suburban Councillors, to evaluate options for rebalancing area rating for transit, based on an urban and rural split, and to make recommendations to the General Issues Committee in a fair and equitable way in order to rebalance transit area rating for the 2020 budget process;
- (b) That staff be directed to report back to the General Issues Committee with a Terms of Reference and guiding principles for the Transit Area Rating Review Sub-Committee, prior to the first meeting of the Sub-Committee;
- (c) That staff be directed to report back to the Transit Area Rating Review Sub-Committee with an area rating analysis for transit for the 2020 Operating budget process, with respect to a public transit system that supports a system-wide approach, with that report to include enhanced service levels that align with the overall City Transit Strategy; and,
- (d) That staff be directed to review the possibility of the area rating net benefit to Wards 1 to 8 being used for public transit city-wide and report to the Transit Area Rating Review Sub-Committee.

# CITY OF HAMILTON

## MOTION

Council: October 23, 2019

MOVED BY COUNCILLOR J. P. DANKO.....

SECONDED BY COUNCILLOR.....

**Amendment to Item 26 of the General Issues Committee Report 19-002 (Operating Budget),  
respecting a System-Wide Approach to Public Transit**

- (a) That sub-sections (a) and (b) to Item 26 of the General Issues Committee Report 19-002 (Operating Budget), respecting a system-wide approach to public transit, which was approved by Council on March 27, 2019, be deleted in their entirety:

**26. A System-Wide Approach to Public Transit (Item 7.1)**

- ~~(a) That a Transit Area Rating Review Sub-Committee be established, to be comprised of 6 members of Council; (3) three urban and (3) three suburban Councillors, to evaluate options for rebalancing area rating for transit, based on an urban and rural split, and to make recommendations to the General Issues Committee in a fair and equitable way in order to rebalance transit area rating for the 2020 budget process;~~
- ~~(b) That staff be directed to report back to the General Issues Committee with a Terms of Reference and guiding principles for the Transit Area Rating Review Sub-Committee, prior to the first meeting of the Sub-Committee;~~
- (b) That sub-sections (c) and (d) to Item 26 of the General Issues Committee Report 19-002 (Operating Budget), respecting a system-wide approach to public transit, which was approved by Council on March 27, 2019, be amended by deleting the words "Transit Area Rating Review Sub-Committee" and replacing them with the words "**General Issues Committee**", to read as follows:
- (c) That staff be directed to report back to the ~~Transit Area Rating Review Sub-Committee~~ **General Issues Committee** with an area rating analysis for transit for the 2020 Operating budget process, with respect to a public transit system that supports a system-wide approach, with that report to include enhanced service levels that align with the overall City Transit Strategy; and,
- (d) That staff be directed to review the possibility of the area rating net benefit to Wards 1 to 8 being used for public transit city-wide and report to the ~~Transit Area Rating Review Sub-Committee~~ **General Issues Committee**.

# CITY OF HAMILTON MOTION

Council: October 23, 2019

**MOVED BY COUNCILLOR J. P. DANKO.....**

**SECONDED BY COUNCILLOR.....**

**Amendment to Item 25 of the General Issues Committee Report 19-002 (Operating Budget), respecting Transit Service Levels, Demand and Growth Opportunities by Ward**

That Item 25 of the General Issues Committee Report 19-002 (Operating Budget), respecting Transit Service Levels, Demand and Growth Opportunities by Ward, which was approved by Council on March 27, 2019, be ***amended***, to read as follows:

- 25. Transit Service Levels, Demand and Growth Opportunities by Ward (PW19026) (City Wide) (Item 6.14)**

That Report PW19026, respecting Transit Service Levels, Demand and Growth Opportunities by Ward, be received and referred ***to a future General Issues Committee agenda for discussion.***



# CITY OF HAMILTON MOTION

Council: October 23, 2019

**MOVED BY COUNCILLOR J. P. DANKO.....**

**SECONDED BY COUNCILLOR.....**

**Amendment to Item 27 of the General Issues Committee Report 19-002 (Operating Budget), respecting Alternative Funding Options for Transit**

That Item 27 of the General Issues Committee Report 19-002 (Operating Budget), respecting Transit Service Levels, Demand and Growth Opportunities by Ward, which was approved by Council on March 27, 2019, be amended by deleting the words “newly established Transit Area Rating Review Sub-Committee” and replacing them with the words “General Issues Committee”, to read as follows:

**27. Alternative Funding Options for Transit (Item 7.2)**

That staff be directed to incorporate an analysis of other options of funding for Transit, and to include the following in the report respecting a system-wide approach to public transit, which is to come forward to the ~~newly established Transit Area Rating Review Sub-Committee~~ **General Issues Committee**:

- (i) Kilometers of service and service levels city-wide; and,
- (ii) Incorporating the assessment part of the area rating formula (as was done by the Region).

# CITY OF HAMILTON

## MOTION

Council: October 23, 2019

MOVED BY COUNCILLOR L. FERGUSON.....

SECONDED BY COUNCILLOR .....

**Amendment to Item 3 of the Public Works Committee Report 19-004 respecting Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting 20 Birch Avenue, Hamilton (PW19028) (Ward 3) (Item 8.2)**

That Item 3 of the Public Works Committee Report 19-004, be *amended* by correcting the address of the Subject Lands from 20 Birch Avenue to 651 Wilson Street, as follows:

3. **Proposed Permanent Closure and Sale of a Portion of Public Unassumed Alley Abutting ~~20 Birch Avenue~~ 651 Wilson Street, Hamilton (PW19028) (Ward 3) (Item 8.2)**
  - (a) That the applicant makes an application to the Ontario Superior Court of Justice, under Section 88 of the Registry Act, for an order to permanently close the Subject Lands, if required by the City, subject to:
    - (i) The General Manager of Public Works, or designate, signing the appropriate documentation to obtain any required court order; and,
    - (ii) The documentation regarding any required application to the Ontario Superior Court of Justice being prepared by the applicant, to the satisfaction of the City Solicitor;
  - (b) That the applicant be fully responsible for the deposit of a reference plan in the proper land registry office, and that said plan be prepared by an Ontario Land Surveyor, to the satisfaction of the Manager, Geomatics and Corridor Management Section, and that the applicant also deposit a reproducible copy of said plan with the Manager, Geomatics and Corridor Management Section;
  - (c) That, subject to any required application to the Ontario Superior Court of Justice to permanently close the Subject Lands being approved:

- (i) The City Solicitor be authorized and directed to prepare all necessary by-laws to permanently close and sell the alleyway, for enactment by Council;
  - (ii) The Real Estate Section of the Planning and Economic Development Department be authorized and directed to sell the closed alleyway to the owners of ~~20 Birch Avenue~~ **651 Wilson Street**, Hamilton, as described in Report PW19028, in accordance with the City of Hamilton Sale of Land Policy By-law 14-204;
  - (iii) The City Solicitor be authorized to complete the transfer of the Subject Lands to the owners of ~~20 Birch Avenue~~ **651 Wilson Street**, Hamilton, pursuant to an Agreement of Purchase and Sale or Offer to Purchase as negotiated by the Real Estate Section of the Planning and Economic Development Department;
  - (iv) The City Solicitor be authorized and directed to register a certified copy of the by-laws permanently closing and selling the alleyway in the proper land registry office; and,
  - (v) The Public Works Department publish any required notice of the City's intention to pass the by-laws and/or permanently sell the closed alleyway pursuant to City of Hamilton Sale of Land Policy By-law 14-204;
- (d) That the applicant enters into agreements with any Public Utility requiring easement protection; and,
- (e) That the City of Hamilton retain any necessary road widenings to the satisfaction of the Manager, Geomatics and Corridor Management, in accordance with the City of Hamilton Official Plan.

# CITY OF HAMILTON MOTION

Council: October 23, 2019

**MOVED BY COUNCILLOR C. COLLINS.....**

**SECONDED BY COUNCILLOR .....**

**Delegation of Authority to Hear Complaints respecting the Payment of Development Charges**

WHEREAS, the City of Hamilton has received a complaint from Harvey Armstrong Ltd. with respect to payment of Development Charges, pursuant to Section 20 of the *Development Charges Act, 1997*, in respect of development of the property municipally known as 2400 Regional Road 56, Binbrook;

WHEREAS, the City of Hamilton has 60 days from the date of the complaint, which was submitted on October 11, 2019, to hear the matter;

WHEREAS, the City of Hamilton historically has heard complaints respecting Development Charge by-laws before the Audit, Finance & Administration Committee; and,

WHEREAS, the Audit, Finance & Administration Committee does not currently have delegated authority to hear complaints respecting the payment of Development Charges, pursuant to Section 23.5 the *Ontario Municipal Act*;

**THEREFORE BE IT RESOLVED:**

- (a) That Council delegates its authority to hold a hearing into the complaint by Harvey Armstrong Ltd, pursuant to Section 20 of the *Development Charges Act, 1997*; to the Audit, Finance & Administration Committee; and,
- (b) That Council delegates its authority to hold any further hearings; pursuant to any other complaints made pursuant to Section 20 of the *Development Charges Act, 1997*; to the Audit, Finance & Administration Committee.

# CITY OF HAMILTON

## NOTICE OF MOTION

Council: October 23, 2019

**MOVED BY COUNCILLOR C. COLLINS.....**

**One-Time Grant to Hamilton Food Share**

WHEREAS on October 1st, 2019 St. Matthew’s House announced that they would no longer be hosting a food bank at their Barton Street East location as of November 1st, 2019;

WHEREAS it is estimated that up to 1,200 families currently access the St. Matthew’s House food bank monthly;

WHEREAS other organizations such as Mission Services, Salvation Army, Good Shepherd and Welcome Inn are expected to see increased use of their food banks;

WHEREAS Hamilton Food Share has estimated that the short-term costs (3 months) associated with this increased use at other food banks is \$38,000; and,

WHEREAS the Hamilton Community Foundation has recently approved a one-time grant of \$19,000 to assist with these costs;

THEREFORE BE IT RESOLVED:

- (a) That the General Manager of the Healthy and Safe Communities Department be authorized to provide a one-time grant of \$19,000 to Hamilton Food Share so that they can provide emergency support to agencies affected by the closure of the St. Matthew’s House Food Bank;
- (b) That the source of the funding for the one-time grant be the Housing Stability Benefit; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

**Authority:** Item 12, Committee of the Whole  
Report 01-033 (PD01184)  
CM: October 16, 2001  
Ward: 15

**Bill No. 255**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **Respecting Removal of Part Lot Control Blocks 205 and 206 within Registered Plan No. 62M-1244, "Waterdown Bay Phase 2", municipally known as 15-33 Riverwalk Drive**

**WHEREAS** the sub-section 50(5) of the Planning Act, (R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** sub-section 50(7) of the Planning Act, provides as follows:

"(7) **Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

**AND WHEREAS** the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. Sub-section 5 of Section 50 of the Planning Act, for the purpose of creating 10 lots for street townhouse dwellings and four (4) maintenance easements for access on (Blocks 205 and 206) on deposited Reference Plan 62R-21240, shall not apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Blocks 205 and 206, Registered Plan No. 62M-1238, in the City of Hamilton.

2. This by-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.
3. This by-law shall expire and cease to be of any force or effect on the 23<sup>rd</sup> day of October, 2021.
4. **PASSED** this 23<sup>rd</sup> day of October, 2021.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 12, Committee of the Whole  
Report 01-033 (PD01184)  
CM: October 16, 2001  
Ward: 15

**Bill No. 256**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

#### **To Repeal By-law No. 19-239 and Removal of Part Lot Control Block 207, within Registered Plan No. 62M-1238 "Mountainview Heights Phase 2", municipally known as, 35,37,39,41,43 and 45 Riverwalk Drive.**

**WHEREAS** the sub-section 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** sub-section 50(7) of the *Planning Act*, provides as follows:

**"Designation of lands not subject to part lot control. --** Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law."

**AND WHEREAS** the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That By-law No. 19-239 be repealed in its entirety.
2. That Subsection 5 of Section 50 of the *Planning Act*, for the purpose of creating six residential parcels for street townhouse dwellings, shown as Parts 1,3,5,6,8 and 10, inclusive, including maintenance easements, shown as Parts 2,4,7 and 9, inclusive, on deposited Reference Plan 62R-21205, shall not apply to the portion of the Registered Plan of Subdivision that is designated as follows, namely:

Block 207, Registered Plan No. 62M-1238, in the City of Hamilton.

3. This By-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.

4. This By-law shall expire and cease to be of any force or effect on the 23rd day of October, 2021.

**PASSED** this 23rd day of October, 2019.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

PLC-19-028



**CITY OF HAMILTON**  
**BY-LAW NO. 19-**

**To Amend Zoning By-law No. 05-200 Respecting Lands Located at  
6266 and 6330 Chippewa Road East, Glanbrook**

**WHEREAS** Council approved Item 5 of Report 19-016 of the Planning Committee, at its meeting held on the 23<sup>rd</sup> day of October, 2019.

**AND WHEREAS** this By-law conforms to the Rural Hamilton Official Plan.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That Map No. 203 of Schedule “A” to Zoning By-law No. 05-200 is amended by changing the zoning from the Agriculture (A1) Zone to the Agriculture (A1, 642) Zone and Agriculture (A1) Zone to Agriculture (A1, 464) Zone, to the extent and boundaries of which are shown on Schedule “A” annexed hereto and forming part of this By-law.
2. That Schedule “C” Special Exceptions, of By-law No. 05-200 is amended by modifying Special Exception 642, as follows:
  - a) Adding the map reference “203” between the words “130” and “219” so that the wording is as follows:
    - (i) “Within those lands zoned Agriculture (A1) Zone and Conservation/Hazard Land - Rural (P6) Zone, identified on Maps 130, 203, 219, 223 and 255, of Schedule A – Zoning Maps and described as:”
  - b) Adding reference to Map 203 to the Property Address and Map Numbers table as follows:

Property Address	Map Numbers
6330 Chippewa Road East	203
  - c) Adding subsection f) as follows:
    - f) Notwithstanding Section 12.2.3.1 a), for the lands located at 6330 Chippewa Road East the minimum lot area shall be 36 hectares.
3. That Schedule “C” Special Exceptions, of By-law No. 05-200 is amended by adding Special Exception 464, as follows:
  - a) Notwithstanding Section 12.2.3.3 b), for the lands located at 6266 Chippewa Road, the minimum lot width shall be 13.72 m.

4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.
5. That this By-law No. 19-257 shall come into force and deemed to come into force in accordance with Subsection 34(21) of the *Planning Act*, either upon the date of passage of the By-law or as otherwise provided by the said subsection.

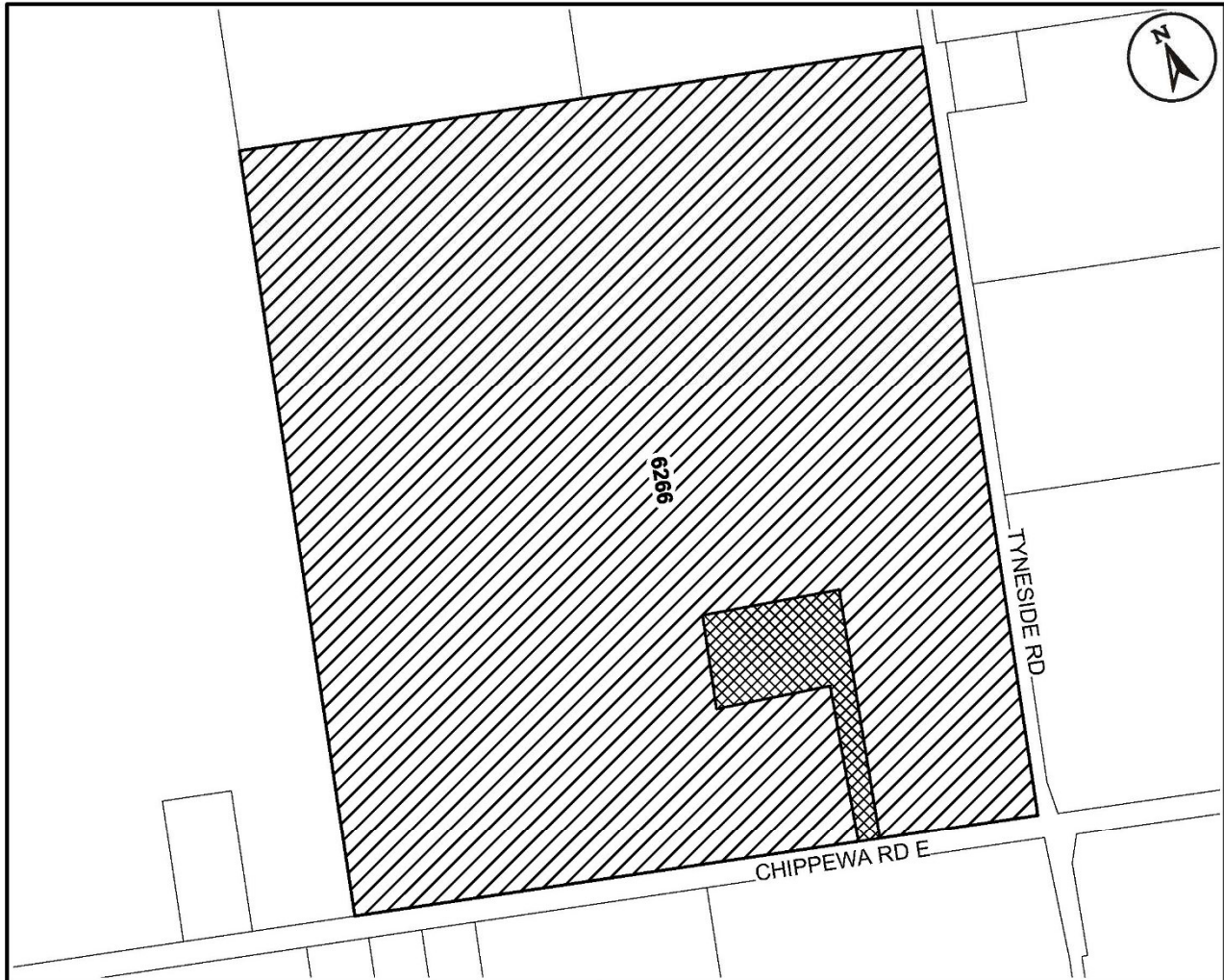
**PASSED** this 23<sup>rd</sup> day of October, 2019.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



<p>This is Schedule "A" to By-law No. 19-</p> <p>Passed the ..... day of ....., 2019</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<h2>Schedule "A"</h2> <p>Map Forming Part of By-law No. 19-_____</p> <p>to Amend By-law No. 05-200 Map 203</p>	<p><b>Subject Property</b> 6266 Chippewa Road</p> <p> <b>Block 1</b> - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 642) Zone</p> <p> <b>Block 2</b> - Change in Zoning from Agriculture (A1) Zone to Agriculture (A1, 464) Zone</p>
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<p><b>Scale:</b> N.T.S.</p>	<p><b>File Name/Number:</b> ZAA-19-042</p>	<p><b>Hamilton</b></p>
<p><b>Date:</b> July 17, 2019</p>	<p><b>Planner/Technician:</b> RF/VS</p>	
<p>PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT</p>		

**Authority:** Item 3, Planning Committee  
Report 19-016  
CM: October 23, 2019  
Ward: 5

**Bill No. 258**

**CITY OF HAMILTON  
BY-LAW NO.**

**To Amend City of Hamilton By-law 07-170, Being a By-law to License and  
Regulate Various Businesses**

**WHEREAS** Council enacted a by-law to license and regulate various businesses being City of Hamilton By-law No. 07-170; and

**WHEREAS** this By-law amends Schedule 11 – Payday Loans.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and lettering changes.
2. Section 8 of Schedule 11 of By-law No. 07-170 be amended to add clause (ee), 90 Centennial Parkway North, Hamilton.

**PASSED** this 23<sup>rd</sup> day of October, 2019.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 9, General Issues Committee  
Report 19-020  
(LS19031/PW19068(a)/CM19006(a))  
CM: October 23, 2019  
Ward: City Wide

**Bill No. 259**

**CITY OF HAMILTON  
BY-LAW NO. 19-**

**To Administer Notices and Other Matters under the Trespass to Property Act**

**WHEREAS** the City of Hamilton has the right as an owner and occupier of premises to restrict or prohibit entry to such premises, and the *Trespass to Property Act*, R.S.O. 1990, c. T.21 governs the enforcement of that right;

**WHEREAS** the Council of the City of Hamilton recognizes its responsibility to exercise its rights in accordance with the *Canadian Charter of Rights and Freedoms*.

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

**Short Title**

1 The short title of this By-law is the Trespass By-law.

**Definitions**

2 In this By-law,

“appeal fee” means the fee to commence an appeal pursuant to section 10 as set out in the User Fees and Charges By-law in effect from time to time;

“authorized person” means any of the following persons:

- (a) a security guard employed by or under contract with the City;
- (b) such persons employed by the City who, as a matter of their regular duties or due to circumstances, are responsible for and have control over the condition of any City premises or the activities there carried on, or control over persons allowed to enter the City premises;
- (c) a municipal law enforcement officer;
- (d) a police officer; and
- (e) a senior staff person.

“City premises” means lands, structures, improvements, or any of the them that are owned or occupied by the City of Hamilton;

“meeting room” means that part of a City premises in which the Council of the City of Hamilton or one of its Standing Committees is holding a meeting pursuant to the Procedural By-law No. 10-053 or a successor by-law;

“prohibited conduct” includes:

- (a) contravention of a law of Canada or Ontario or a municipal by-law;
- (b) damage to or vandalism of a City premises;
- (c) interference with the operation of a City premises;
- (d) interference with others’ use of a City premises;
- (e) contravention of a City of Hamilton policy governing the conduct of persons entering City premises;

“senior executive person” means any of the following persons employed by the City of Hamilton:

- (a) the City Manager; and
- (b) a General Manager;

“senior staff person” means any of the following persons employed by the City of Hamilton:

- (c) a Manager, or person holding the equivalent rank of Manager;
- (d) a Director, or person holding the equivalent rank of Director; and
- (e) a senior executive person.

### **Trespass Notice**

3 (1) For the purposes of this By-law, a Trespass Notice means a notice prohibiting entry to one or more City premises by a person or group of persons.

### **Oral or Written**

(2) A Trespass Notice may be given orally or in writing.

### **Confirm Oral in Writing**

(3) A Trespass Notice given orally and prohibiting entry to one or more City premises for longer than seven days shall be confirmed in writing as soon as is practicable, but the failure to do so does not make the oral notice ineffective.

### **Factors in Giving Trespass Notice**

4 In determining whether to give or extend a Trespass Notice to a person pursuant to this By-law, the locations where entry is prohibited, and the duration of the prohibition, consideration shall be given to the following factors:

- (a) the feasibility and effectiveness of any warnings to the person or graduated restrictions placed on the person;
- (b) any operational or staff requirements or limitations;
- (c) the severity of the harm or potential harm caused by the person's prohibited conduct to staff, members of the public or property;
- (d) the person's level of ability and circumstances;
- (e) the history of the person's conduct and interactions on City premises;
- (f) the likelihood of recurrence of the prohibited conduct by the person; and
- (g) the impact of restrictions or prohibitions on the person.

### **Suspension from City Premises**

5 An authorized person who has reason to believe that a person has engaged in prohibited conduct may give to the person a Trespass Notice that prohibits entry to one or more City premises for not more than seven days.

### **Ban from City Premises**

6 (1) A senior staff person who has reason to believe that a person has engaged in prohibited conduct may give to the person a Trespass Notice that prohibits entry to one or more City premises for not more than two years.

### **Extension of Suspension**

(2) A senior staff person may extend the term of a Trespass Notice given pursuant to section 5 to a term of not more than two years by giving to the person notice of the extension.

### **Indefinite Ban**

(3) Despite the limitation with respect to the duration of a Trespass Notice in subsections (1) and (2), subject to section 8, a Trespass Notice given pursuant to those subsections may omit a termination date or state that it is in effect indefinitely if in the opinion of the senior staff person doing so is advisable in the circumstances, including that further communication of an extension of the Trespass Notice is likely to be challenging, confusing or inflammatory to the person receiving the Trespass Notice.

### **Longer Ban from City Premises**

7 (1) A senior executive person who has reason to believe that a person has engaged in prohibited conduct may give to the person a Trespass Notice that prohibits entry to one or more City premises for not more than five years.

### **Extension of Ban**

(2) A senior executive person may extend the term of a Trespass Notice given or extended pursuant to sections 5 or 6 to a term of not more than five years by giving to the person notice of the extension.

### **Review and Extension**

8 (1) Prior to the termination of a Trespass Notice given or extended pursuant to section 6 or this section, a senior staff person may extend the term of the Trespass Notice for not more than two more years by giving the person notice of the extension if the senior staff person has reason to believe that the person has during term of the Trespass Notice under review:

- (a) violated the Trespass Notice; or
- (b) engaged in further or continued prohibited conduct.

### **No Notice of Extension if Indefinite Ban**

(2) If a Trespass Notice is given without a termination date or indefinitely in accordance with subsection 6(3), a senior staff person shall determine whether to extend the Trespass Notice in accordance with subsection (1), but giving notice of the extension of the Trespass Notice to the person is not required.

### **Notice of Termination**

(3) If a Trespass Notice is given without a termination date or indefinitely in accordance with subsection 6(3) and a senior staff person determines not to extend a Trespass notice pursuant to subsection (1), the senior staff person shall promptly advise the person that the Trespass Notice has been terminated.

### **Revocation**

9 A person who has given a Trespass Notice, or someone to whom they report directly or indirectly, may revoke the Trespass Notice and may impose such conditions respecting the revocation as the person considers appropriate.

### **Appeal**

10 (1) A person who has received a Trespass Notice or extension of a Trespass notice with a term of more than one month may appeal the Trespass Notice by giving written notice of the appeal to the Clerk and paying any appeal fee within three weeks of receiving the Trespass Notice.

### **Manner of Hearing**

(2) An appeal pursuant to subsection (1) shall be heard by an Appeal Officer in a manner appropriate to the circumstances of the person and the prohibited conduct underlying the Trespass Notice as determined by the Appeal Officer.



### **Notice of Hearing**

(3) The Appeal Officer shall provide notice of date, time and manner of the hearing of the appeal no fewer than seven days prior to the hearing to the person who received the Trespass Notice and to the senior staff person who gave the Trespass Notice under appeal.

### **Powers on Appeal**

(4) On an appeal pursuant to subsection (1), subject to subsection 0, an Appeal Officer may:

- (a) revoke the Trespass Notice;
- (b) shorten the term of the Trespass Notice;
- (c) remove prohibited locations from the Trespass Notice; or
- (d) affirm the Trespass Notice.

### **Failure to Participate or Attend**

(5) If a person who appeals a Trespass Notice fails to participate in or attend the hearing of the appeal as notified pursuant to subsection (3), the Trespass Notice is deemed to be affirmed.

### **Decision Final**

(6) A decision of an Appeal Officer is final and not subject to review by any Court.

### **Appeal Officer**

(7) For the purposes of this section, subject to subsection (8), an Appeal Officer shall mean any one of the following persons:

- (a) City Solicitor;
- (b) Deputy City Solicitor;
- (c) City Manager.

### **Involvement in Determining Terms**

(8) Despite subsection (7), no person who was involved in the determination of the terms of the Trespass Notice under appeal shall be the Appeal Officer who hears the appeal.

### **Meetings Exception**

11 A Trespass Notice is not effective during the period and only to the extent that the Trespass Notice prevents a person from entering or remaining in a meeting room provided the person complies with the following conditions:

- (a) the person notifies the City Clerk of their intention to attend the meeting no later than 24 hours prior to the scheduled start of the meeting;

- (b) the person enters the meeting room no earlier than 15 minutes prior to the scheduled start of the meeting;
- (c) the person remains in the meeting room no longer than 15 minutes after the meeting is adjourned; and
- (d) the person complies with any directions given by the Chair of the meeting respecting conduct at the meeting.

### **Invitation to Attend**

12 (1) A senior staff person may give to a person who has received a Trespass Notice an Invitation to Attend a City premises which shall specify the following:

- (a) the purpose for attending at the City premises;
- (b) the date and time of the approved attendance at the City premises;
- (c) the address of the City premises where the person is approved to attend; and
- (d) instructions for who to contact when the person arrives for the approved attendance at the City premises; and
- (e) that the Trespass Notice remains in effect except for the approved attendance in accordance with the Invitation to Attend.

### **Effect of Invitation to Attend**

(2) A Trespass Notice is not effective during the period and only to the extent that the Trespass Notice prevents a person from entering or remaining at the City premises specified in the Invitation to Attend.

### **Request for Invitation to Attend**

(3) If a person who has received a Trespass Notice needs to enter City premises to conduct business with the City and is prevented from doing so by the Trespass Notice, the person may request an Invitation to Attend from the senior staff person who gave the person the Trespass Notice, which request shall include the following information:

- (a) the purpose for attending at the City premises;
- (b) the reasons why attending at the City premises is necessary; and
- (c) the address of the City premises where the person wishes to attend.

### **Methods of Giving Notice**

13 (1) A notice given by the City pursuant to this By-law in writing may be given in any of the following ways:

- (a) personally;
- (b) by fax to the recipient's last known fax number;

- (c) by e-mail to the recipient's last known e-mail address; or
- (d) by registered or regular mail or courier or hand delivery addressed to the recipient's last known address.

**Deemed Effective**

(2) Notice given in accordance with subsection (1) shall be deemed to be effective:

- (a) on the date it is personally given or delivered by courier or hand delivered;
- (b) on the date on which the fax is sent;
- (c) on the date the e-mail is sent; or
- (d) on the fifth day after the date of mailing by registered or regular mail.

**Conflict**

14 Nothing in the By-law limits the authority of any person to give a Trespass Notice granted by any other City of Hamilton By-law, whether or not the other By-law uses the words "Trespass Notice".

**General**

15 Nothing in this By-law limits the City's ability to enforce its rights under the *Trespass to Property Act* any legal means.

**Severability**

16 Should a court of competent jurisdiction declare any part of the whole of any provision of this by-law to be invalid or of no force and effect, the provision or part shall be deemed to have been severed from this by-law, and it is the intention of Council that the remainder of the by-law survive and be applied and enforced in accordance with its terms to the extent possible under law.

**Enactment**

17 This By-law comes into force on the day it is passed.

**PASSED** this 23<sup>rd</sup> day of October, 2019.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

**Authority:** Item 12, Committee of the Whole  
Report 01-033 (PD01184)  
CM: October 16, 2001  
Ward: 9

**Bill No. 260**

## **CITY OF HAMILTON**

### **BY-LAW NO. 19-**

**To Repeal and Replace By-law No. 19-251 for the Removal of Part Lot Control from Lots 1-24, Registered Plan No. 62M-1244, “Victory Ridge Phase 5A and 5B” municipally known as, 22, 26,30,34,38 and 42 Hargrove Way, 147, 151, 155, 159, 163, and 167 Bradshaw Drive, 3,7,11,15, 19 Hargrove Way, and 4, 8, 12, 16, 20, 24, and 28 Midhurst Heights**

**WHEREAS** the sub-section 50(5) of the *Planning Act*, R.S.O. 1990, Chapter P.13, as amended, establishes part-lot control on land within registered plans of subdivision;

**AND WHEREAS** sub-section 50(7) of the *Planning Act*, provides as follows:

“**Designation of lands not subject to part lot control.** -- Despite subsection (5), the council of a local municipality may by by-law provide that subsection (5) does not apply to land that is within such registered plan or plans of subdivision or parts of them as are designated in the by-law.”

**AND WHEREAS** the Council of the City of Hamilton is desirous of enacting such a by-law with respect to the lands hereinafter described;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. That By-law No. 19-251 be repealed.
2. Sub-section 5 of Section 50 of the *Planning Act*, for the purpose of creating 24 maintenance and encroachments easements for 24 single detached dwellings (Parts 1- 24, inclusive) on deposited Reference Plan 62R-21302, shall apply to the portion of the registered plan of subdivision that is designated as follows, namely:

Lots 1-24 inclusive, Registered Plan No. 62M -1244, “Victory Ridge Phase 5A and 5B” in the City of Hamilton
3. This By-law shall be registered on title to the said designated land and shall come into force and effect on the date of such registration.

To Repeal and Replace By-law No. 19-251 for the Removal of Part Lot Control  
Lots 1-24, Registered Plan No. 62M-1244, "Victory Ridge Phase 5A and 5B" municipally known as, 22,  
26,30,34,38 and 42 Hargrove Way, 147, 151, 155, 159, 163, and 167 Bradshaw Drive, 3,7,11,15, 19 Hargrove  
Way, and 4, 8, 12, 16, 20, 24, and 28 Midhurst Heights

Page 2 of 2

4. This By-law shall expire and cease to be of any force or effect on the 23<sup>rd</sup> day of October, 2021.

**PASSED** this 23<sup>rd</sup> day of October 2019.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk

PLC-19-006

**Authority:** Item 6, General Issues  
Committee Report 19-020  
(PED19162)  
CM: October 23, 2019

**Bill No. 261**

**CITY OF HAMILTON  
BY-LAW NO. 19-**

**To Authorize the Signing of a Transfer Payment Agreement for the Small Business Enterprise Centre (SBEC) Program, between her Majesty the Queen in Right of Ontario, as represented by the Minister of Economic Development, Job Creation and Trade, and the City of Hamilton**

**WHEREAS** the Council of the City of Hamilton wishes to enter into a Transfer Payment Agreement in order to participate in the Small Business Enterprise Centre (SBEC) Program;

**NOW THEREFORE** the Council of the City of Hamilton enacts as follows:

1. The Mayor and City Clerk are hereby authorized to execute a Transfer Payment Agreement, including any amendments or renewals, for the transfer of SBEC Program Funds between Her Majesty the Queen in right of Ontario, as represented by the Minister of Economic Development, Job Creation and Trade and the City of Hamilton, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services.
2. This by-law shall come into force on the date it is passed.

PASSED this 23<sup>rd</sup> day of October, 2019.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk



**CITY OF HAMILTON**

**BY-LAW NO. 19-Bill No.**

To Confirm the Proceedings of City Council at its meeting held on October 23, 2019.

**THE COUNCIL OF THE  
CITY OF HAMILTON  
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 23<sup>rd</sup> day of October 2019, in respect of each recommendation contained in

Planning Committee Report 19-016 – October 15, 2019,  
General Issues Committee Report 19-020 – October 16, 2019,  
Hamilton Street Railway Company Shareholder Report 19-002 – October 16, 2019,  
Audit, Finance & Administration Committee Report 19-015 – October 17, 2019,  
Emergency & Community Services Committee Report 19-012 – October 17, 2019,  
Board of Health Report 19-010 – October 18, 2019,  
and  
Special General Issues Committee Report 19-021 – October 21, 2019

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

**PASSED** this 23<sup>rd</sup> day of October, 2019.

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F. Eisenberger  
Mayor

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A. Holland  
City Clerk