



City of Hamilton

CITY COUNCIL REVISED

20-006

Wednesday, April 8, 2020, 9:30 A.M.
Council Chambers, Hamilton City Hall
71 Main Street West

Call to Order

1. APPROVAL OF AGENDA

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

2. DECLARATIONS OF INTEREST

3. APPROVAL OF MINUTES OF PREVIOUS MEETING

3.1 February 26 & 27, 2020

3.2 March 20, 2020

4. COMMUNICATIONS

4.1 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Provincial Policy Statement, 2020 which will take effect on May 1, 2020.

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

4.2 Correspondence from the Honourable Navdeep Bains, Minister of Innovation, Science and Industry in response to the Mayor's letter in support of Canadian Urban Libraries Council's campaign to increase access to digital publications in municipal libraries.

Recommendation: Be received.

4.3 Correspondence from the Honourable Navdeep Bains, Minister of Innovation, Science and Industry in response to the Mayor's letter respecting single-use disposable wipes and the possibility of federally regulating their labelling as "flushable".

Recommendation: Be received.

4.4 Correspondence from Malwina Stemmler respecting Apraxia Awareness Day on May 14th.

Recommendation: Be received.

4.5 Correspondence from the Honourable Steven Guilbeault, Minister of Canadian Heritage in response to the Mayor's letter requesting that the federal government increase access to digital publications in Canadian libraries.

Recommendation: Be received.

4.6 Correspondence from the Water Resource Section, Policy Division of the Ontario Ministry of Natural Resources and Forestry Ontario respecting Ontario taking action to protect people and property by strengthening the province's preparedness for flooding.

Recommendation: Be received.

4.7 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the Protecting Tenants and Strengthening Community Housing Act, which supports the government's plan to make life more affordable for Ontarians.

Recommendation: Be received.

4.8 Correspondence from Norfolk County Mayor Kristal Chopp with respect to issues surrounding the mapping of Provincially Significant Wetlands (PSWs)

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

- 4.9 Correspondence from the Honourable Sylvia Jones, Solicitor General and the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the declaration of a provincial emergency through the authority granted under the Emergency Management

and Civil Protection Act (EMCPA).

Recommendation: Be received.

- 4.10 Correspondence from Chandra Sharma, Niagara Peninsula Conservation Authority respecting the Niagara Peninsula Conservation Authority 2020 Levy.

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

5. COMMITTEE OF THE WHOLE

5.1 CONSENT ITEMS

- 5.1.a Downtown Dundas Business Improvement Area (BIA) Revised Board of Management (PED20058) (Ward 13)
- 5.1.b Locke Street Business Improvement Area (BIA) Proposed Board of Management Schedule of Payment for 2020 (PED20059) (Ward 1)
- 5.1.c Locke Street Business Improvement Area (BIA) Revised Board of Management (PED20064) (Ward 1)
- 5.1.d 2019 Remuneration and Expenses as Required Under Section 284 of the Municipal Act (FCS20012) (City Wide)
- 5.1.e Aviary Donor Extension Response Letter (PW19108(a)) (City Wide) (Outstanding Business List Item)

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

- *5.2.a Written Delegation from 1649626 Ontario Ltd. respecting Item 5.4 (d) Report HSC20009 – Municipal Incentives for the 90 Carling Street Rental Project

5.3 STAFF PRESENTATIONS

- 5.3.a Property Tax Assistance and Other Measures (FCS20038) (City Wide)

5.4 DISCUSSION ITEMS

- 5.4.a Tile Drainage Loan (Senchuk) (FCS20036) (City Wide)

- 5.4.b Appropriation Transfer of Funds for Rymal Rd. East - Fletcher to Upper Centennial - 2020 Reconstruction Project (PW20023) (Wards 9 & 11)
- 5.4.c Fruitland - Winona Secondary Plan - Block Servicing Strategy Completion (Block 3) (PED20078)

Appendix 'C' can be accessed through the following link:
<https://www.hamilton.ca/city-planning/master-plans-class-eas/block-servicing-strategies-stoney-creek-and-gordon-dean-class>
- 5.4.d Municipal Incentives for the 90 Carling Street Rental Project (HSC20009) (Ward 1)

6. MOTIONS

- 6.1 To Amend the Procedural By-Law
- 6.2 Committee Resignations
- 6.3 Funding to Backfill an Administrative Staff Position in Ward 6
- 6.4 WITHDRAWN - Financial Support for Mutual Aid to Sex Workers
- 6.5 WITHDRAWN - Financial Support for Mutual Aid to Vulnerable and Marginalized Residents

7. NOTICES OF MOTIONS

- *7.1 A By-Law to Promote and Regulate Physical Distancing during the COVID-19 Emergency.

8. STATEMENTS BY MEMBERS

9. PRIVATE AND CONFIDENTIAL

- 9.1 Closed Session Minutes - February 26 & 27, 2020 (distributed under separate cover)

Pursuant to Section 8.1, Sub-sections (b) and (h) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-Section (b) and (h) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual(s), including City employees and information explicitly supplied in confidence to the City by Canada, a province or territory or a Crown agency of any of them.

10. BY-LAWS AND CONFIRMING BY-LAW

10.1 048

To Establish City of Hamilton Land Described as Block 125 on Plan 62M-1116 as Part of Lockman Drive

Ward: 12

10.2 049

To Establish City of Hamilton Land Described as Part 3 on Plan 62R-21163 as Part of Parkdale Avenue South

Ward: 4

10.3 050

To Establish City of Hamilton Land Described as Part 4 on Plan 62R-21163 as Part of Queenston Road

Ward: 4

10.4 051

To Establish City of Hamilton Land Described as Parts 1 & 2 on Plan 62R-21163 as Part of Main Street East

Ward: 4

10.5 052

To Amend By-law No. 19-035, Being a By-law to Appoint a Fire Chief, Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034, and to Repeal By-law Nos. 19-201 and 20-038

Ward: City Wide

10.6 053

To Amend By-law No. 16-233, Municipal Housing Facilities By-law

Ward: City Wide

10.7 054

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 392, 488 and 530 Dundas Street East (Flamborough)

ZAH-19-027

Ward: 15

*10.8 055

To Amend By-law No. 18-270, the Council Procedural By-law

Ward: City Wide

*10.9 056

A By-law to Promote and Regulate Physical Distancing during the COVID-19
Emergency and a By-law to amend City of Hamilton By-law 17-225, being a By-law
to Establish a System of Administrative Penalties

10.10 057

To Confirm the Proceedings of City Council

11. ADJOURNMENT



CITY COUNCIL MINUTES 20-004

5:00 p.m.

February 26 and 27, 2020

Council Chamber

Hamilton City Hall

71 Main Street West

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

Absent: Councillor B. Johnson – City Business

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 City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

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

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

3. CEREMONIAL ACTIVITIES (Item 3)

3.1 Senior Football Program at St. Thomas More Catholic Secondary School -
POSTPONED

5. COMMUNICATIONS (Item 5)

5.4 Correspondence from the Honourable Lisa Thompson, Minister of Government and Consumer Services in response to Council's request for Geographic Information System (GIS) Access for Councillors.

Recommendation: Be received and referred to the General Manager of Corporate Services for a report back to the General Issues Committee **and to the consideration of Item 1 of Audit, Finance and Administration Committee Report 20-003.**

- 5.8 Correspondence respecting Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10)

- (a) Lakewood Beach Community Council
- (b) Henry Kamphuis
- (c) Sherry Hayes and Dennis Facia
- (d) Sharon Williams
- (e) Deborah Martin
- (f) Stan and Renee Kurak
- (g) Colleen Saunders
- (h) Joanne DeBoer
- (i) Judy Mount, Alexandra Kamphuis and Charles Kamphuis

Recommendation: Be received and referred to the consideration of Item 1 of Planning Committee Report 20-003.

- 5.9 Correspondence from Michael Van Pelt, President and CEO, Cardus providing clarification regarding Ontario Heritage Trust.

Recommendation: Be received and referred to the consideration of Item 6 of General Issues Committee Report 20-007.

- 5.10 Correspondence from the Honourable Caroline Mulroney, Minister of Transportation in response to the Honourable Tony Valeri's, Chair, Hamilton Transportation Task Force letter (attached) respecting the Hamilton Transportation Task Force progress.

Recommendation: Be received and referred to the consideration of Item 10.1 - Hamilton Transportation Task Force Update (CM20002(b)).

10. PRIVATE AND CONFIDENTIAL (Item 10)

- 10.2 Committee Update (FCS20025) (City Wide)

11. BY-LAWS AND CONFIRMING BY-LAW (Item 11)

- 039 Respecting Removal of Part Lot Control from Lot 106 of Registered Plan 865 "North Airfield Park" known as 1, 2 and 4 Martha Street, Hamilton

(Merulla/Farr)

That the agenda for the February 26, 2020 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor Danko declared an interest to Item 8 of Emergency and Community Services Committee Report 20-002 as his spouse is the Vice-Chair of the Hamilton-Wentworth District School Board.

Councillor Collins declared an interest to Item 4 of Planning Committee Report 20-003 as his spouse co-authored the staff report.

CEREMONIAL ACTIVITIES**3.2 Hamilton Mundialization Committee Photo Contest**

Mayor Eisenberger announced and congratulated the following winners of the "Fifty Years of Mundialization" photo contest, which celebrated the City of Hamilton and its ten twin cities, Shawinigan (QC), Mangalore (India), Kaga (Japan), Fukuyama (Japan), Racalmuto (Italy), Valle Peligna (Italy), Ma'anshan (China), Flint (MI), Sarasota (FL) and Monterrey (Mexico):

Nature Category:

- (a) Ernest Lee, Ward 1 for the photograph entitled "Chedoke Falls"
- (b) Sophie Reed, Ward 13 for the photograph entitled "Hidden Nature Valley of Hamilton"

Public Transportation Category:

- (a) Pericle Brucculeri, Racalmuto, Italy for the photograph entitled "Lacio Drom"

APPROVAL OF MINUTES OF PREVIOUS MEETING
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4.1 February 12, 2020**(Partridge/Pearson)**

That the Minutes of the February 12, 2020 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 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMUNICATIONS

(Danko/Pauls)

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

- 5.1 Correspondence from the Municipality of Southwest Middlesex requesting support for their resolution respecting Bill 156, Security from Trespass and Protecting Food Safety Act, 2019.

Recommendation: Be received.

- 5.2 Correspondence from the Niagara Peninsula Conservation Authority (NPCA) respecting NPCA's Code of Conduct Process and requesting a meeting with relevant parties of the City of Hamilton to gain feedback and insights into their proposed course of actions.

Recommendation: Be received and referred to the City Solicitor, Executive Director, Human Resources and Organizational Development, *and City Clerk* for appropriate action.

- 5.3 Correspondence from the Natural Resources Conservation Policy Branch of the Ministry of Natural Resources and Forestry respecting the proposed regulatory changes under the Aggregate Resources Act.

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

- 5.4 Correspondence from the Honourable Lisa Thompson, Minister of Government and Consumer Services in response to Council's request for Geographic Information System (GIS) Access for Councillors.

Recommendation: Be received and referred to the General Manager of Corporate Services for a report back to the General Issues Committee **and to the consideration of Item 1 of Audit, Finance and Administration Committee Report 20-003.**

- 5.5 Correspondence from Sue Banting a resident of Stoney Creek respecting Applications for Amendments to By-laws etc. at 461 Green Road, Stoney Creek.

Recommendation: Be received and referred to the consideration of Item 1 of Planning Committee Report 20-003.

- 5.6 Correspondence from Don McLean requesting that General Issues Committee postpone the decision to withdraw from intervention at the Ontario Energy Board in the matter of the Enbridge fracked gas pipeline.

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

- 5.7 Correspondence from Beth Hanna, Chief Executive Officer, Ontario Heritage Trust respecting the Proposal for the Adaptive Reuse of Balfour House/Chedoke Estate.

Recommendation: Be received and referred to the consideration of Item 6 of General Issues Committee Report 20-007, **staff and the Ward Councillor.**

- 5.8 Correspondence respecting Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10):

- (a) Lakewood Beach Community Council
- (b) Henry Kamphuis
- (c) Sherry Hayes and Dennis Facia
- (d) Sharon Williams
- (e) Deborah Martin
- (f) Stan and Renee Kurak
- (g) Colleen Saunders
- (h) Joanne DeBoer
- (i) Judy Mount, Alexandra Kamphuis and Charles Kamphuis

Recommendation: Be received and referred to the consideration of Item 1 of Planning Committee Report 20-003.

- 5.9 Correspondence from Michael Van Pelt, President and CEO, Cardus providing clarification regarding Ontario Heritage Trust.

Recommendation: Be received and referred to the consideration of Item 6 of General Issues Committee Report 20-007.

- 5.10 Correspondence from the Honourable Caroline Mulroney, Minister of Transportation in response to the Honourable Tony Valeri's, Chair, Hamilton Transportation Task Force letter (attached) respecting the Hamilton Transportation Task Force progress.

Recommendation: Be received and referred to the consideration of Item 10.1 - Hamilton Transportation Task Force Update (CM20002(b)).

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

(Clark/Pearson)

That Council move into Committee of the Whole to consider the Committee Reports.

CARRIED

SPECIAL GENERAL ISSUES COMMITTEE REPORT 20-006

- 1. Chedoke Creek Ministry Order Update (PW19008(g)/LS19004(g)) (City Wide)**

Result: Motion CARRIED by a vote of 14 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
 NO - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls

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

(Eisenberger/Partridge)

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

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

PLANNING COMMITTEE REPORT 20-003

- 1. Applications for Amendments to the Urban Hamilton Official Plan and Hamilton Zoning By-law No. 05-200 for Lands Located at 461 Green Road (Stoney Creek) (PED20043) (Ward 10) (Item 8.1)**

Result: Motion CARRIED by a vote of 14 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
NO - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger

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

3. Business Licensing By-law 07-170 - Amendments to the Adult Entertainment (Schedule 1) and Body-Rub Parlours (Schedule 4) (PED20045) (City Wide) (Item 10.2)

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

4. Dedicated Mohawk College Enforcement (PED18220(a)) (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
CONFLICT - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

5. Temporary Use of Parking Sites to Accommodate Construction at 18-25 King Street East, Hamilton (Item 11.1)

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

(Farr/Wilson)

That the THIRD Report of the Planning Committee be adopted, as presented, and the information section received.

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

GENERAL ISSUES COMMITTEE REPORT 20-007

**1. Hamilton Immigration Partnership Council – Funding Agreement (PED20046)
(City Wide) (Item 7.2)**

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

2. 2020 Tesla Electric City Festival (Item 8.4)

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

3. Option for a Transit Solution (Electric Buses) (Item 8.6)

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

5. Commonwealth Games 2030 (PED19108(d)) (City Wide) (Item 9.2)

(Clark/Partridge)

That the recommendations of PED19108(d), respecting Commonwealth Games 2030, be **amended** by adding sub-section (d) to read as follows:

(d) That the Mayor request a letter of endorsement from the Province of Ontario in support of the Hamilton 100 Commonwealth Games bid for 2030.

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

Result: Main Motion, As Amended, CARRIED by a vote of 12 to 3, 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6. Proposal for the Adaptive Re-Use of Balfour House/Chedoke Estate (PED19168(a)) (Ward 14) (Item 10.1)

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

NO - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

7. Court Security and Prisoner Transportation Program Agreement for 2020 (FCS20017) (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
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger

NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

9. **Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide) (Item 10.4)**

(Farr/Danko)

- (a) That Appendix "A" to Item 9 of the General Issues Committee Report 20-007, respecting Report PED20038 - Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs, be amended by adding the following clause into the Program Description portion of Appendix "B" to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (attached hereto):

Regardless of whether or not an Applicant otherwise satisfies the requirements of the Program, the City may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

- (b) That sub-section (a) to Item 9 of the General Issues Committee Report 20-007, respecting Report PED20038 - Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs, be amended by adding the words "***as amended***", to read as follows:
- (a) That the amended program terms and administrative procedures for the ERASE Redevelopment Grant (ERG) Program, which forms Appendix "B" "to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, attached as Appendix "A", ***as amended***, to Report 20-007, be approved;
- (c) That Appendix "B" to Item 9 of the General Issues Committee Report 20-007, respecting Report PED20038 - Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs, be amended by adding the following clause into the Appendix "C" to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan (attached hereto):

Regardless of whether or not an Applicant otherwise satisfies the requirements of the Program, the City may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

- (d) That sub-section (b) to Item 9 of the General Issues Committee Report 20-007, respecting Report PED20038 - Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs, be amended by adding the words "***as amended***", to read as follows:
- (b) That the amended program terms and administrative procedures for the ERASE Tax Assistance Program (TAP) Program, which forms Appendix "C" to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, attached as Appendix "B", ***as amended***, to Report 20-007, be approved; and,

Result: Amendment 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 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
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

Main Motion, ***as amended*** to read as follows:

9. Administrative and Technical Amendments to Environmental Remediation and Site Enhancement (ERASE) Financial Incentive Programs (PED20038) (City Wide) (Item 10.4)

- (a) That the amended program terms and administrative procedures for the ERASE Redevelopment Grant (ERG) Program, which forms Appendix "B" "to the Environmental Remediation and Site Enhancement (ERASE) Community

Improvement Plan, attached as Appendix "A" **as amended**, to Report 20-007, be approved;

- (b) That the amended program terms and administrative procedures for the ERASE Tax Assistance Program (TAP) Program, which forms Appendix "C" to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, attached as Appendix "B" **as amended**, to Report 20-007, be approved; and,
- (c) That the amended program terms and administrative procedures for the Downtown Hamilton/West Harbourfront Remediation Loan Program (RLP), which forms Appendix "C" to the Environmental Remediation and Site Enhancement (ERASE) Community Improvement Plan, attached as Appendix "C" to Report 20-007, be approved.

Result: Main Motion, As Amended, 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

10. Advisory Committee for Persons with Disabilities Sub-Committee Report 20-001, January 14, 2020 (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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

**11. Hamilton Future Fund Board of Governors Report 20001, January 27, 2020
(Item 10.6)**

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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

**12. Capital Projects Work-in-Progress Review Sub-Committee Report 20-001,
January 27, 2020 (Item 10.7)**

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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

13. Airport Sub-Committee Report 20-001, February 11, 2020 (Item 10.9)

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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

14. Advisory Committee for Persons with Disabilities Sub-Committee Report 20-002, February 11, 2020 (Item 10.10)

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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

15. Application of City's Equity, Diversity and Inclusion Policy to "City Leases" (LS20007/HUR20005) (City Wide) (Item 10.11)

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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

16. Feasibility of Developing a Hamilton Biodiversity Action Plan (Item 11.1)

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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

17. Early Release of GRIDS2 Report and Accompanying Background Studies (Item 11.1)

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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger

NOT PRESENT - Ward 15 Councillor Judi Partridge
 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
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

18. Disposition of Land - Part of Moxley Road, Flamborough (PED20028) (Ward 13) (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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 NOT PRESENT - Ward 15 Councillor Judi Partridge
 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
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

(Eisenberger/Clark)

- (a) That the consideration of Item 19 of the General Issues Committee Report 20-007 be referred to Closed Session; and,
- (b) That consideration of General Issues Committee Report 20-007 be deferred to after the Closed portion of the meeting.

CARRIED

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 20-003

1. Redaction of Personal Information on items before Council and/or Committee (CL20002) (City Wide) (Item 7.1)

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

3. City of Hamilton Water and Wastewater / Storm Arrears Policy Minor Amendment (FCS20018) (City Wide) (Item 7.4)

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

4. Citizen Committee Report - Lesbian, Gay, Bisexual, Transgender and Queer (LGBTQ) Advisory Committee - Additional Committee Members (Item 10.1)

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
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead

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

6. Grants Sub-Committee Report 20-001 - February 10, 2020 (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
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

8. Policy 11 Single Source Provider for TYMCO Sweeper DST-4 (PW20006(a)) (City Wide) (Added Item 10.5)

Result: Motion CARRIED by a vote of 10 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

9. **Governance Review Sub-Committee Report 20-001 - February 12, 2020 (Added Item 10.6)**

(iii) **Recording of In Camera Sessions (Referred from the January 22, 2020 Meeting of Council) (Item 11.2)**

(Clark/Ferguson)

That item (iii) of Governance Review Sub-Committee Report 20-001 be **amended** by adding sub-section (b) as follows:

- (b) That the City Solicitor report back to the Governance Review Sub-Committee on qualified privileges of Members of Parliament, Members of Provincial Parliament and Councillors, and the risk of court subpoenas to access records.

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

At Councillor Farr's request the sub-sections were voted on separately, as follows:

(i) **Civil Marriage Solemnization (CL19012(a)) (City Wide) (Item 10.1)**

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

YES - Ward 1 Councillor Maureen Wilson
 NO - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
 YES - Mayor Fred Eisenberger
 NOT PRESENT - Ward 15 Councillor Judi Partridge

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

(ii) Appointment of the City of Hamilton Integrity Commissioner and Lobbyist Registrar (FCS20016) (City Wide) (Item 10.2)

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

(iii) Recording of In Camera Sessions (Referred from the January 22, 2020 Meeting of Council) (Item 11.2)

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

**10. Development Charge (DC) Section 20 Complaint Hearing (LS20009 / FCS20024)
(City Wide) (Added Item 10.7)**

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

(Wilson/Farr)

That the THIRD Report of the Audit, Finance and Administration Committee be adopted, **as amended**, 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
- YES - Ward 7 Councillor Esther Pauls
- YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- NOT PRESENT - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- NOT PRESENT - Ward 9 Councillor Brad Clark

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 20-002

- 1. Correspondence from Janice Lewis-Deeley, Board President, Native Women's Centre, respecting Mountainview Emergency Shelter Operations (Added Item 5.3)**

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

- 2. Deputy Fire Chief Appointment (HSC19005(b)) (City Wide) (Item 7.1)**

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

5. Social Assistance Rates (Item 8.1-8.3)

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

6. Menstrual Products Pilot (HSC20001) (City Wide) (Item 10.1)

At Councillor Pauls' request the sub-sections under (a) were voted on separately, as follows:

- (a) That the 12-month Menstrual Products Pilot Project utilizing the following approaches be approved:
 - (i) Universal Approach – make menstrual products available in women's and universal washrooms in 5 recreation centres, one in each recreation district;

Result: Motion CARRIED by a vote of 12 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

- (a) That the 12-month Menstrual Products Pilot Project utilizing the following approaches be approved:
- (ii) Targeted Approach – partnering with Hamilton Food Share and local food banks to distribute menstrual products through Food Share’s existing network; and,

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

- (b) WHEREAS, there are ongoing costs for **menstrual health** products for those receiving assistance through Ontario Works and the Ontario Disability Support Program;

THEREFORE BE IT RESOLVED:

- (i) That the Mayor send a letter to the Minister of Children, Community and Social Services advocating for an increase to the Basic Needs awards amount to cover the costs for **menstrual health** products; and,
- (ii) That a copy of this letter be sent to local MPPs.

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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko

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

7. Allocation of Funds to Continue the Emergency Home Repair Program (HSC20003) (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
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

8. School Board Labour Disruption (HSC20011) (City Wide) (Added Item 10.3)

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

YES - Ward 9 Councillor Brad Clark

9. Ministry of Education Community Based Capital Project (CBCP) Funding - Bernie Morelli EarlyON Child and Family Centre (Item 11.1)

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

(Pauls/Jackson)

That the SECOND Report of the Emergency and Community Services 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
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

BOARD OF HEALTH REPORT 20-002

1. Communications (Added Items 5.1 and 5.2)

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

3. 2020 Annual Service Plan and Budget (BOH20008) (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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- NOT PRESENT - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

4. Implementation of a By-Law to Regulate the Smoking of Non-Tobacco Combustible Substances in Public Places and Work Places (Added Item 11.1)

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

(Eisenberger/Whitehead)

That the SECOND Report of the Board of Health 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
YES - Ward 7 Councillor Esther Pauls
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PUBLIC WORKS COMMITTEE REPORT 20-003

2. Appointment to the Hamilton Cycling Committee

Result: Motion CARRIED by a vote of 12 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
- NO - Mayor Fred Eisenberger
- NOT PRESENT - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**3. Proposed Permanent Closure and Sale of Lang Street, Hamilton (PW20009)
(Ward 4) (Item 8.1)**

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- NOT PRESENT - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
- YES - Ward 12 Councillor Lloyd Ferguson
- NOT PRESENT - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

4. Extension of Senior Project Manager - Master Plan (PW18060(a)) (City Wide) (Item 10.2)

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5. MTO Signal Agreement (PW20011) (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
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6. Huntington Park Recreation Centre Phase 2 Renovations and Expansion (Ward 6) (Item 11.1)

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

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

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

7. Alexander Park Play Structure Replacement (Ward 1) (Item 11.2)

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeeck
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

8. Rosedale Arena Basketball Court Improvements (Ward 4) (Item 11.3)

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge

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

9. Potential Solution to Chedoke Creek (Councillor L. Ferguson) (Added Item 13.2)

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Merulla/Collins)

That the THIRD Report of the Public Works Committee be adopted, as presented, and the information section received.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

MOTIONS

Councillor Whitehead withdrew Items 7.1 and 7.2

7.3 Terrapure Community Liaison Committee

(Collins/Clark)

WHEREAS Councillor Collins was appointed to the Terrapure Community Liaison Committee on December 19, 2018;

WHEREAS Councillor Collins at this time wishes to resign from the Terrapure Community Liaison Committee due to scheduling conflicts; and

WHEREAS Councillor Clark wishes to replace Councillor Collins on the Terrapure Community Liaison Committee.

THEREFORE BE IT RESOLVED:

- (a) That Councillor Collins' resignation, be received; and
- (b) That Councillor Clark be appointed to the Terrapure Community Liaison Committee for the remainder of the 2018-2022 Term of Council.

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

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL**(Pearson/Clark)**

That Council move into Closed Session respecting Items 10.1, 10.2 and Item 19 of General Issues Committee Report 20-007, pursuant to Section 8.1, Sub-sections (b) and (h) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (b) and (h) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual(s), including City employees, and information explicitly supplied in confidence to the City by Canada, a province or territory or a Crown agency of any of them.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

10.1 Hamilton Transportation Task Force Update (CM20002(c)) (City Wide)**(Clark/Pearson)**

That Report CM2002(c) respecting Hamilton Transportation Task Force Update, be received and remain confidential.

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
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

10.2 Committee Update (FCS20025) (City Wide)

(Danko/Jackson)

- (a) That the direction provided to staff in Closed Session, be approved; and,
- (b) That Report FCS20025 respecting Committee Update, remain confidential.

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
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 20-007 - CONTINUED

19. LRT Project – Staffing Plan & Implications (PED20054) (City Wide) (Item 14.4)

(Danko/Jackson)

That Item (j)(ii) respecting an LRT Project – Staffing Plan & Implications (PED20054), be lifted from the Information Section of the General Issues Committee Report 20-007 and added as Item 19(b).

CARRIED

(Jackson/Pearson)

- (b) That Report PED20054, respecting Light Rail Transit (LRT) Project – Staffing Plan and Implications, remain confidential.**

Result: Amendment 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

NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Main Motion, As Amended, 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
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Danko/Jackson)

That the SEVENTH Report of the General Issues Committee be adopted, as **amended**, and the information section received.

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
NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
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
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

(Clark/Pearson)

That the Committee of the Whole Rise and Report.

CARRIED**BY-LAWS****(Danko/Jackson)**

That Bills No. 20-032 to No. 20-040, be passed, and that the Corporate Seal be affixed thereto, and that the By-laws, be signed by the Mayor and the City Clerk to read as follows:

- 032 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
 Schedule 6 (Time Limit Parking)
 Schedule 8 (No Parking Zones)
 Schedule 12 (Permit Parking Zones)
 Schedule 13 (No Stopping Zones)
 Schedule 14 (Wheelchair Loading Zones)
 Schedule 20 (School Bus Loading Zones)
 Ward: 1, 3, 4, 5, 6, 13, 15
- 033 To Amend By-law No. 07-170, a By-law to License and Regulate Various Businesses
 Schedule 1 (Adult Entertainment Establishments)
 Schedule 4 (Body Rub Parlours)
 Ward: City Wide
- 034 To Amend Zoning By-law No. 3581-86 Respecting Lands located at 364 Governor's Road, in the Former Town of Dundas, now in the City of Hamilton
 ZAH-19-053
 Ward: 13
- 035 To Adopt Official Plan Amendment No. 130 to the Urban Hamilton Official Plan, Respecting 461 Green Road (Stoney Creek)
 Ward: 10
- 036 To Amend Zoning By-law No. 05-200 with respect to lands located at 461 Green Road, Stoney Creek
 ZAC-18-034
 Ward: 10
- 037 To Authorize Civil Marriage Solemnization Services and to Delegate the Authority to Solemnize Marriages in the City of Hamilton
 Ward: City Wide

- 038 To Appoint a Deputy Fire Chief
Ward: City Wide

- 039 Respecting Removal of Part Lot Control from Lot 106 of Registered Plan
865 "North Airfield Park" known as 1, 2, and 4 Martha Street, Hamilton
PLC-18-007
Ward: 4

- 040 To Confirm the Proceedings of City Council

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
- NOT PRESENT - 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- NOT PRESENT - Ward 15 Councillor Judi Partridge
- 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
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Pearson/Clark)

That, there being no further business, City Council be adjourned at 12:03 a.m. on February 27, 2020.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk



CITY COUNCIL MINUTES 20-005

2:00 p.m.
March 20, 2020
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger
Councillors M. Wilson, J. Farr, N. Nann, S. Merulla, C. Collins,
T. Jackson, B. Johnson, J.P. Danko (Deputy Mayor), B. Clark,
M. Pearson and J. Partridge

Absent: Councillors E. Pauls, A. VanderBeek, L. Ferguson and T. Whitehead –
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 City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

9. BY-LAWS AND CONFIRMING BY-LAW (Item 9)

- 041 To Repeal and Replace By-law No. 19-242
Removal of Part Lot Control from Lot 106 of Registered Plan 865 “North Airfield Park” known as 5 Martha Street and 6 Lewis Street, Hamilton
- 042 To Amend By-law No. 18-270, the Council Procedural By-law
- 043 Being a By-Law to Expropriate 70 Brant Street, Hamilton, Ontario, Legally Described as, Firstly, Part of Lots 9 and 10 and Part of the Water Lot in

Sherman Inlet, Concession 1, Barton and Part of Reserves 1 and 2, Plan 32, Designated as Part 1 on 62R-18342, Being All of Pin 17193-0045 (LT), Secondly, Part of Lot 219 and Part of Reserves 1 and 2, Plan 32, Designated As Part 2 On 62R-18342, Being All of Pin 17193-0048 (LT), and Thirdly, Part of the Water Lot in Sherman Inlet, Concession 1, Barton, Designated as Part 3 on 62R-18342, Being All of Pin 17193-0049 (LT), For Municipal Purposes Associated with the Acquisition, Development and Construction of the Hamilton Transit Bus Maintenance and Storage Facility, and All Ancillary Works Required to Complete the Foregoing.

- 044 COVID-19 Emergency Delegated Authority
- 045 A By-law to amend By-law No. 13-136, being a By-law to Impose Late Payment Charges for Non-Payment of Taxes
- 046 A By-law to amend By-law No. 19-160 a By-law to Establish Certain 2019 User Fees and Charges for Services, Activities or the Use of Property

(Merulla/Jackson)

That the agenda for the March 20, 2020 meeting of Council be approved, *as amended*.

CARRIED

DECLARATIONS OF INTEREST

Councillor Collins declared an interest with respect to the Hamilton Police Services' budget as his sister works for the Hamilton Police Services.

Councillor Wilson declared an interest to Item 15 of General Issues Committee Report 20-008 as her spouse has an interest in the project.

(Danko/Farr)

That Council move into Committee of the Whole to consider the Committee Reports.

CARRIED

(Danko/Farr)

That Section 5.7(2) of the City's Procedural By-law 18-270, as amended, which provides that a minimum of 48 hours shall pass before a Standing Committee Report is presented to Council, be waived in order to consider the General Issues Committee (2020 Budget) Report 20-002 and General Issues Committee Report 20-008.

CARRIED with a 2/3's Majority

GENERAL ISSUES COMMITTEE (BUDGET) REPORT 20-002
--

(Jackson/Farr)

That the SECOND Report of the General Issues Committee (Budget) be adopted, as presented, and the information section received.

CARRIED

Councillor Whitehead requested that he be recorded as opposed to the 2020 Operating Budget.

GENERAL ISSUES COMMITTEE REPORT 20-008

(Jackson/Farr)

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

CARRIED**(Danko/Farr)**

That Council rise from Committee of the Whole.

CARRIED

BY-LAWS

(Farr/Jackson)

That Bills No. 20-041 to No. 20-047, be passed, and that the Corporate Seal be affixed thereto, and that the By-laws, be signed by the Mayor and the City Clerk to read as follows:

- 041 To Repeal and Replace By-law No. 19-242
Removal of Part Lot Control from Lot 106 of Registered Plan 865 "North Airfield Park" known as 5 Martha Street and 6 Lewis Street, Hamilton
- 042 To Amend By-law No. 18-270, the Council Procedural By-law
- 043 Being a By-Law to Expropriate 70 Brant Street, Hamilton, Ontario, Legally Described as, Firstly, Part of Lots 9 and 10 and Part of the Water Lot in Sherman Inlet, Concession 1, Barton and Part of Reserves 1 and 2, Plan 32, Designated as Part 1 on 62R-18342, Being All of Pin 17193-0045 (LT), Secondly, Part of Lot 219 and Part of Reserves 1 and 2, Plan 32, Designated As Part 2 On 62R-18342, Being All of Pin 17193-0048 (LT), and Thirdly, Part of the Water Lot in Sherman Inlet, Concession 1, Barton, Designated as Part 3 on 62R-18342, Being All of Pin 17193-0049 (LT), For Municipal Purposes Associated with the Acquisition, Development and Construction of the Hamilton Transit Bus Maintenance and Storage Facility, and All Ancillary Works Required to Complete the Foregoing.
- 044 COVID-19 Emergency Delegated Authority
- 045 A By-law to amend By-law No. 13-136, being a By-law to Impose Late Payment Charges for Non-Payment of Taxes
- 046 A By-law to amend By-law No. 19-160 a By-law to Establish Certain 2019 User Fees and Charges for Services, Activities or the Use of Property
- 047 To Confirm the Proceedings of City Council

CARRIED

(Pearson/Clark)

That, there being no further business, City Council be adjourned at 2:15 p.m. on March 20, 2020.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7000

February 28, 2020

Dear Head of Council:

RE: Provincial Policy Statement, 2020

Earlier today, the government of Ontario released the Provincial Policy Statement (PPS), 2020. The PPS is an important part of Ontario's land use planning system, setting out the provincial land use policy direction that guides municipal decision-making.

Municipalities play a key role in implementing provincial land use policies through local official plans, zoning by-laws and other planning decisions. The Planning Act requires that decisions on land use planning matters be "consistent with" PPS policies.

The PPS, 2020 supports implementation of **More Homes, More Choice**: Ontario's Housing Supply Action Plan and includes key changes to:

- Encourage an increase in the mix and supply of housing
- Protect the environment and public safety
- Reduce barriers and costs for development and provide greater certainty
- Support rural, northern and Indigenous communities
- Support the economy and job creation

The PPS, 2020 works together with other recent changes to the land use planning system – including changes to the Planning Act through Bill 108, More Homes, More Choice Act, 2019 and **A Place to Grow**: Growth Plan for the Greater Golden Horseshoe. Collectively, these changes support key government priorities of increasing housing supply, supporting job creation and reducing red tape – while continuing to protect Ontarians' health and safety and the environment, including the Greenbelt.

The PPS, 2020 policies will take effect on May 1, 2020. It will replace the Provincial Policy Statement, 2014. In accordance with section 3 of the Planning Act, all decisions affecting land use planning matters made after this date shall be consistent with the PPS, 2020. My ministry will be in touch to provide education and training for municipal staff to support implementation of the new policies.

For more information about the PPS, 2020, please visit ontario.ca/PPS where you will find:

- A digital version of the PPS, 2020
- A link to the decision notice on the Environment Registry of Ontario (ERO #019-0279)

If you have any questions about the Provincial Policy Statement, 2020, please contact the ministry at provincialplanning@ontario.ca or by calling 1-877-711-8208.

Sincerely,



Steve Clark
Minister

c: Planning Head, Planning Board Secretary-Treasurer, and/or Clerks

Minister of Innovation,
Science and Industry




Ministre de l'Innovation,
des Sciences et de l'Industrie

Ottawa, Canada K1A 0H5

FEB 21 2020

FEB 27 2020

His Worship Fred Eisenberger
Mayor of the City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, Ontario L8P 4Y5

OFFICE OF THE CITY CLERK	
FEB 28 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	<u>Council</u> April 1, 2020
	

Dear Mr. Mayor:

Thank you for your letter of December 11, 2019, which was co-addressed to my colleague, the Honourable Steven Guilbeault, providing the text of the motion passed by Hamilton City Council in support of the Canadian Urban Libraries Council's campaign to increase access to digital publications in municipal libraries.

The Standing Committee on Canadian Heritage and the Standing Committee on Industry, Science and Technology recently reviewed the *Copyright Act*. Together, the committees heard from an impressive number of witnesses with diverse perspectives on how the Act is working for Canada and Canadians. The Standing Committee on Canadian Heritage published the results of its review in *Shifting Paradigms*, while the Standing Committee on Industry, Science and Technology released a report entitled *Statutory Review of the Copyright Act*.

In conducting their reviews, parliamentarians had the opportunity to hear from many library associations and to consider their submissions. In May 2018, the Toronto Public Library raised the specific concerns outlined by the Hamilton City Council motion. However, in their final reports, neither of the committees identified copyright as a barrier to public libraries or made recommendations in that regard.

Nonetheless, we are constantly monitoring the effectiveness of Canada's copyright regime and appreciate your bringing the issue of access to digital publications to our attention. Our government seeks to ensure that Canada's copyright marketplace framework laws foster vibrant cultural industries, fair remuneration for creators for the use of their works, and a modern and innovative marketplace. Effective policies enable the marketplace while protecting the interests of Canadian citizens. To that end, the Act has many specific exemptions that facilitate copying under appropriate circumstances by libraries, archives, and museums.

...2

Once again, thank you for writing on this important topic. Please accept my best wishes.

Sincerely,

A handwritten signature in cursive script, appearing to read "N. Bains".

The Honourable Navdeep Bains, P.C., M.P.

c.c.: The Honourable Steven Guilbeault, P.C., M.P.

Minister of Innovation,
Science and Industry



Ministre de l'Innovation,
des Sciences et de l'Industrie

Ottawa, Canada K1A 0H5

FEV 21 2020
FEB

His Worship Fred Eisenberger
Mayor of the City of Hamilton
71 Main Street West, 2nd Floor
Hamilton, Ontario L8P 4Y5

OFFICE OF THE CITY CLERK	
FEB 28 2020	
REF'D TO	_____
REF'D TO	_____
REF'D TO	_____
ACTION	<i>Council</i> <i>April 1, 2020</i>
	<i>[Signature]</i>

Dear Mr. Mayor:

I am pleased to respond to your correspondence, which was forwarded to me by the Prime Minister's Office, concerning the City of Hamilton's resolution related to single-use disposable wipes and the possibility of federally regulating their labelling as "flushable." I understand the challenges this issue presents for municipalities such as Hamilton and appreciate your taking the time to share your concerns. Please excuse the delay in my reply.

The *Consumer Packaging and Labelling Act* and the *Competition Act* are federal statutes administered and enforced by the Competition Bureau, an independent law enforcement agency. The two laws contain provisions to address false or misleading representations made to the public in advertising or promoting products. The Bureau may open an inquiry if there are grounds to believe that unlawful conduct has taken place under one of the laws, including performance claims based on inadequate testing. You may be aware of recent reports of efforts by stakeholders in this vein to have the Bureau open an inquiry.

The laws are framework statutes of general application. As industry-specific regulation and direct regulation of wastewater systems generally fall outside federal responsibility, I encourage you to work with provincial officials as well. Nevertheless, Innovation, Science and Economic Development Canada (ISED) continues to explore the policy levers available to it. ISED has followed with interest both the ongoing efforts within organizations like the International Water Services Flushability Group to develop standards and the findings of academic studies on this topic. Such sources can help fill data gaps about the products under examination during the course of a deliberation or investigation.

...2

Thank you for taking the time to share your concerns with the Government of Canada,
and please accept my best wishes.

Sincerely,

A handwritten signature in black ink, appearing to read "N. Bains". The signature is written in a cursive style with a large, looped initial "N".

The Honourable Navdeep Bains, P.C., M.P.

CANADIAN PROCLAMATION REQUEST

Wednesday, March 4, 2020

Mayor Fred Eisenberger and Members of Council
Hamilton City Hall 2nd Floor – 71 Main Street West
Hamilton, Ontario, L8P 4Y5

Dear Mayor Fred Eisenberger and Members of Council,

I am writing to request that you proclaim May 14th as Apraxia Awareness Day. Childhood apraxia of speech is a very misunderstood and very challenging speech disorder and our kids need your help.

Now going into its sixth year, Apraxia Awareness Day aims to unite community members, children with childhood apraxia of speech, their friends and family on May 14th to be an unstoppable, united force advocating for children with childhood apraxia of speech.

By issuing this proclamation you will not only be showing that you support all of your constituents, but you will also help to raise awareness for a complicated speech disorder that affects nearly 1-in-1,000 children.

I am a volunteer with Apraxia Kids, the leading nonprofit dedicated to childhood apraxia of speech. We do many things here in Hamilton, Ontario to try to raise awareness and understanding about childhood apraxia of speech, and we hope you will issue a proclamation to help us further the cause of raising awareness.

For your convenience, a sample proclamation is attached. Please feel free to contact me with any questions, or to confirm that you will proclaim May 14th as Apraxia Awareness Day.

As of today, the HAMILTON sign will be lit blue on May 1st to kick off Apraxia Awareness Month and Niagara Falls will be lit blue on May 14th for Apraxia Awareness Day. A proclamation would mean so much to the Apraxia community.

Warmest regards,

Malwina Stemmler

905-802-1756

szczotka@hhsc.ca

SAMPLE PROCLAMATION FOR APRAXIA AWARENESS DAY

Whereas, May 14th marks Childhood Apraxia of Speech Day during which awareness will be raised throughout Canada about Childhood Apraxia of Speech, an extremely challenging speech disorder in children.

Whereas, Childhood Apraxia of Speech (CAS) causes children to have significant difficulty learning to speak and is among the most severe speech deficits in children.

Whereas, the act of learning to speak comes effortlessly to most children, those with apraxia endure an incredible and lengthy struggle.

Whereas, without appropriate speech therapy intervention, children with apraxia are placed at high risk for secondary impacts in reading, writing, spelling, and other school-related skills.

Whereas, that such primary and secondary impacts diminish future independence and employment opportunities if not resolved or improved.

Whereas, most children with apraxia of speech will learn to communicate with their very own voices only if they receive early intervention, appropriate, intensive, and frequent speech therapy.

Whereas, it is imperative that there be greater public awareness about childhood apraxia of speech in Hamilton, Ontario among community members, physicians, education professionals, policy makers, and elected officials.

Whereas, funders such as policy makers, intervention program administrators, school boards and insurance providers are encouraged to recognize the critical need to provide adequate speech therapy and other services so that the impact of this disorder is minimized and so that thousands of affected children can grow into productive, contributing adult citizens.

Whereas, our highest respect goes to these children, as well as their families, for their effort, determination and resilience in the face of such obstacles.

Let it be resolved, that May 14th is "Apraxia Awareness Day" and citizens of Hamilton, Ontario are encouraged to work within their communities to increase awareness and understanding of Childhood Apraxia of Speech.

MAR 02 2020

Minister
of Canadian Heritage



Ministre
du Patrimoine canadien

Ottawa, Canada K1A 0M5

FEB 25 2020

His Worship Fred Eisenberger
Mayor of Hamilton
City Hall
2nd Floor, 71 Main Street West
Hamilton, Ontario
L8P 4Y5

Dear Mr. Mayor:

I am writing in response to your letter requesting that the federal government increase access to digital publications in Canadian libraries. I appreciate your taking the time to write on this matter. Please excuse the delay in my reply.

The Government of Canada recognizes the important role that public libraries play in our communities, as well as the need to put in place appropriate measures for Canadian creators.

As you may know, the Standing Committee on Industry, Science and Technology (INDU) has completed the review of the *Copyright Act* with the help of the Standing Committee on Canadian Heritage. The Federation of Canadian Municipalities has written to the INDU Committee on this particular issue in the context of the Parliamentary review.

The review process has provided parliamentarians with an opportunity to study a variety of copyright issues, including those you have raised. It is important to ensure that Canada continues to have a healthy copyright market.

.../2

Given our shared responsibility for the *Copyright Act*, you have already taken the most appropriate course of action by sharing the Hamilton City Council's views with the Honourable Navdeep Bains, Minister of Innovation, Science and Industry.

Please accept my best wishes.

Sincerely,



The Honourable Steven Guilbeault, P.C., M.P.

- c.c.: The Honourable Navdeep Bains, P.C., M.P.
The Honourable Filomena Tassi, P.C., M.P.
Mr. Bob Bratina, M.P.
Mr. Scott Duvall, M.P.
Mr. Matthew Green, M.P.
Mr. David Sweet, M.P.

OFFICE OF THE CITY CLERK	
MAR 09 2020	
REF'D TO	<u>Council</u>
REF'D TO	<u>April 2020</u>
REF'D TO	_____
ACTION	_____

Pilon, Janet

Subject: Release of 'Protecting People and Property: Ontario's Flooding Strategy'

From: Great Lakes and Water Policy Section (MNRF) <mnrwaterpolicy@ontario.ca>

Sent: March 9, 2020 1:21 PM

Subject: Release of 'Protecting People and Property: Ontario's Flooding Strategy'

Hello,

Ontario is taking action to protect people and property by strengthening the province's preparedness for flooding because the safety of the public and the protection of our communities is our number one priority.

In response to Ontario's Special Advisor on Flooding [report](#) released last November, and the call from the communities around the province to address the issue of flooding, Ontario has released *Protecting People and Property: Ontario's Flooding Strategy*, available [here](#). The Strategy introduces a series of new and enhanced actions that will help Ontario better prepare for, respond to, and recover from significant flood events.

You can also visit our updated webpage, ontario.ca/floods to find emergency preparedness information, including safety and flood mitigation tips for homeowners.

We look forward to continuing to work with you to build a more resilient Ontario.

Thank you

Water Resources Section
Policy Division
Ontario Ministry of Natural Resources and Forestry
mnrwaterpolicy@ontario.ca

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél.: 416 585-7000



234-2020-583

March 12, 2020

Dear Heads of Council and Chairs of District Social Services Administration Boards:

Ontario's shortage of market housing, combined with high housing costs, have made it too hard for too many Ontarians to rent or buy a home. Earlier today, our government introduced, the Protecting Tenants and Strengthening Community Housing Act, which supports the government's plan to make life more affordable for Ontarians.

The Bill proposes amendments to the *Residential Tenancies Act, 2006*, *Housing Services Act, 2011*, *Building Code Act, 1992* and proposes the *Ontario Mortgage and Housing Corporation Repeal Act, 2020*.

The proposed amendments to the *Residential Tenancies Act, 2006*, the *Housing Services Act, 2011* and *Building Code Act, 1992* are part of the following:

- [More Homes, More Choice: Ontario's Housing Supply Action Plan](#) to make it faster and easier to build housing, including rental housing, and to build the right types of homes in the right places;
- [Community Housing Renewal Strategy](#) – a multi-year strategy to stabilize and grow Ontario's community housing sector; and
- **Transforming the Delivery of Building Code Services** by enabling the creation of a future administrative authority that would deliver faster, better and smarter services to support the safe construction of buildings, while continuing to protect public health and safety.

The Bill also proposes to dissolve the Ontario Mortgage and Housing Corporation, through the *Ontario Mortgage and Housing Corporation Repeal Act* which would shift the financial responsibilities for various legacy housing programs from an agency to the ministry. The proposed change would have no impact on programs or the public, as the agency's work is already performed by ministry staff.

More details on our proposed amendments can be found [online here](#). As well, a copy of the Bill should be available on the [Ontario's Legislature's website](#) within 24 hours.

On behalf of our government, I would like to extend our thanks for your support in working with the ministry to improve housing affordability and supply in Ontario. We look forward to working with all of our municipal partners and are committed to continuing discussions with you in the coming months to inform and assist the government in delivering housing for all Ontarians that meets their needs and their budget.

Sincerely,

A handwritten signature in blue ink that reads "Steve Clark". The signature is written in a cursive, flowing style.

Steve Clark
Minister



Norfolk County Office of the Mayor

March 1, 2020

Ontario Municipalities

Dear Heads of Council and Councillors:

Re: Issues regarding the mapping of Provincially Significant Wetlands (PSWs)

Norfolk County Council is working to address significant issues that have come to our attention regarding the mapping of Provincially Significant Wetlands (PSWs).

Following the Ministry's updated mapping related to PSWs, the County updated its Official Plan to bring its policies in line with the new mapping. Following that, the County planning staff introduced a Zoning By-Law amendment to update the zoning to reflect the new mapping and to provide consistency between the Zoning By-Law and the Official Plan. Though the mapping is wholly outside the County's process and control, the zoning by-law amendment was not approved by Council, flowing from significant public concern about the updated mapping affecting people's properties. In some cases, some of these changes were very significant.

The County submitted comments to the province as part of the review of the Provincial Policy statement requesting that the process for PSW mapping be significantly improved to allow for transparency and better land owner engagement, including, for example, a right of appeal or formal dispute resolution process. This will allow for land owners to be properly informed and engaged where land use designations that affect their property may result. The current process appears to be severely underfunded and without any meaningful way for affected residents to engage.

The County is seeking support from other rural municipalities who may be affected by this to address this issue with the province.

Thank you for your consideration of this matter.

Yours Truly,

Mayor Kristal Chopp
Norfolk County

cc. The Honourable Steve Clark,
Minister of Municipal Affairs and Housing

Solicitor General

Office of the Solicitor General

25 Grosvenor Street, 18th Floor
 Toronto ON M7A 1Y6
 Tel.: 416 325-0408
 MCSCS.Feedback@Ontario.ca

Solliciteur général

Bureau de la solliciteure générale

25, rue Grosvenor, 18^e étage
 Toronto ON M7A 1Y6
 Tél.: 416 325-0408
 MCSCS.Feedback@Ontario.ca

**Ministry of Municipal Affairs and Housing**

Office of the Minister

777 Bay Street, 17th Floor
 Toronto ON M7A 2J3
 Tel.: 416 585-7000

Ministère des Affaires municipales et du Logement

Bureau du ministre

777, rue Bay, 17e étage
 Toronto ON M7A 2J3
 Tél.: 416 585-7000

March 27, 2020

Dear Head of Council:

On March 17, 2020, our government declared a provincial emergency through the authority granted under the *Emergency Management and Civil Protection Act* (EMCPA). Since this declaration, several emergency orders have been made under the Act to contain the spread of COVID-19 and to ensure that essential services continue to be provided and Ontarians are supported. To view Emergency Orders made by the government in response to COVID-19, please visit our ministry's Emergency Information webpage at: ontario.ca/alert.

Previously, only police officers and constables who have been appointed under an Act have the ability to enforce orders made under the EMCPA. Due to COVID-19, police resources are being stretched and police services have made requests to have other enforcement personnel assist with enforcing the emergency orders being made by the province.

As a result, our government signed a ministerial designation under the *Provincial Offences Act* to authorize the following personnel to enforce EMCPA orders:

- All persons or classes of persons designated in writing by a minister of the Crown as provincial offences officers, notwithstanding the offence or class of offences of that designation;
- All municipal law enforcement officers referred to in subsection 101 (4) of the *Municipal Act, 2001*, or in subsection 79 (1) of the *City of Toronto Act, 2006*;
- All by-law enforcement officers of any municipality, or of any local board of any municipality; and
- All officers, employees or agents of any municipality or of any local board of any municipality whose responsibilities include the enforcement of a by-law, an Act or a regulation under an Act.

No further provincial approvals or authorizations are needed for municipal law enforcement officers to enforce orders under the EMCPA. Municipalities are not required to, but may wish to consider whether, and how, to provide direction to their municipal law enforcement officers about the exercise of these powers (e.g., policies or by-laws regarding which officers are best positioned to exercise these powers given their existing training, knowledge and resources).

Municipalities should continue to consider the severity of each infraction in relation to the potential risk to public health and the spread of COVID-19 when taking enforcement action. Consistent with existing enforcement approaches, consideration should continue to be given to taking a graduated approach to compliance. This could include providing educational messaging or warnings to members of the public around the emergency orders and, if compliance is not obtained, the issuance of a ticket under the *Provincial Offences Act* or a summons under Part 3 of the Act.

To assist enforcement personnel, we are also establishing a dedicated 1-800 line to respond to questions related to enforcing these orders. This telephone number will be available to enforcement personnel and will not be for the general public. We will follow up with more information once the dedicated line is established.

Finally, to further support the implementation of this change, please see enclosed Frequently Asked Questions that can be shared with your enforcement staff. As specific operational questions arise please contact Zinzi De Silva, Standards Research Analyst with the Public Safety Division of the Ministry of the Solicitor General at 416-314-3079 or Zinzi.DeSilva@ontario.ca for guidance as necessary.

Thank you for your continued cooperation on this matter.

Sincerely,



Sylvia Jones
Solicitor General



Steve Clark
Minister of Municipal Affairs and Housing

Enclosure

c: Chief Administrative Officers

Municipal Clerks

Qs and As for Enforcement Personnel
March 27, 2020

General Questions

1. **Are provincial offences officers and municipal law enforcement officers required to enforce emergency orders?**

The changes we are making do not require the use of provincial offences or municipal law enforcement officers to enforce emergency orders. It does provide the flexibility should there be a ministry or local need to increase enforcement.

2. **What emergency orders are provincial offences officers and municipal law enforcement officers authorized to enforce?**

Provincial offences officers and municipal law enforcement officers are now authorized to enforce all emergency orders made under the *Emergency Management and Civil Protection Act* (EMCPA).

3. **Who should officers contact for urgent matters?**

During the emergency declaration, if circumstances arise where a case under the EMCPA requires urgent attention, the prosecutor may work with the criminal court trial coordinator to bring the matter to the Local Administrative Judge or Regional Senior Judge for direction and potential scheduling.

Please contact Director of Crown Operations, Fred Braley, fred.braley@ontario.ca
416-553-1478.

Available Charges

4. **Is it an offence to fail to comply with an emergency order?**

Yes. It is an offence to fail to comply with an emergency order, or to obstruct any person acting pursuant to such an order.

The maximum punishment is one-year imprisonment or a fine of up to \$100,000 for an individual, \$500,000 for a director of a corporation, or \$10,000,000 for a corporation itself (EMCPA, s. 7.0.11(1)). If the defendant gained a financial benefit from their violation of an emergency order, the court may increase the maximum fine to match the benefit the defendant received (EMCPA, s. 7.0.11(3)).

Where violations occur on different dates, s.7.0.11(2) allows for a separate charge to be laid for each day an offence occurs or continues.

5. **What offences can be laid against persons and businesses who are found in violation of an order during a declared emergency?**

Officers have discretion to charge under Part I (Certificate of Offence) or Part III (Information). The following offences are available under the EMCPA for violations of Ontario's declaration of emergency.

- (1) Fail to comply with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.
- (2) Obstruct any person exercising a power in accordance with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.
- (3) Obstruct any person performing a duty in accordance with an order made during a declared emergency, contrary to section 7.0.11(1) of the EMCPA.

The limitation periods that normally apply under the *Provincial Offences Act* (POA) (whether Part I, II or III), have been suspended pursuant to an Order by the Ontario government under s. 7.1 of the EMCPA. The suspension is retroactive to Monday, March 16, 2020.

As a result of this suspension, Justices of the Peace are no longer receiving Part III Informations and municipal courts are no longer accepting the filing of Certificates of Offences.

Proceedings may be initiated once the declaration of provincial emergency is lifted by the provincial government. Once the declaration of provincial emergency is over, and normal court operations resume, these matters will be scheduled and heard in the POA courts in the ordinary course.

Bars and Other Public Establishments in Violation of the Declaration of Provincial Emergency

6. What can we do if a bar is open in contravention of Ontario Regulation 51/20?

The following potential charges are available:

1. An individual patron could be charged either under Part I or Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(1)(a) of the EMCPA:

- If charged under Part I of the POA, a \$750.00 set fine applies
- If charged under Part III of the POA, a fine of not more than \$100,000 and a term of imprisonment of not more than one year could be imposed

2. An individual who is a director or officer of the corporate entity could be charged under Part I or Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(1)(b) of the EMCPA:

- If charged under Part I of the POA, a \$750.00 set fine applies
- If charged under Part III of the POA, a fine of not more than \$500,000 and a term of imprisonment of not more than one year could be imposed

3. The corporate entity could be charged under Part I or Part III of the POA, with the offence of Fail to Comply with an order made during a declared emergency contrary to section 7.0.11(c) of the EMCPA:

- If charged under Part I of the POA, a \$750.00 set fine applies

- If charged under Part III of the POA, a fine of not more than \$10,000,000 applies

Under this scenario, an officer could proceed under Part I of the POA in respect of the “individual” (the patron) and Part III in respect of the “individual who is a director or officer of the corporate entity” and the corporate entity.

Powers of Arrest

7. Can provincial offences officers or municipal law enforcement officers arrest individuals for violations of the EMCPA?

No. The EMCPA does not include any arrest provisions for provincial offences officers or municipal law enforcement officers.

8. When can officers rely on the Criminal Code for individuals who refuse to comply with an emergency order?

Officers should first seek voluntary compliance with emergency orders. Officers should make it clear that people are required to comply with the orders and that failure to comply is an offence under s. 7.0.11 of the EMCPA.

If people refuse to comply and follow the officer’s commands, officers can rely on s. 129 of the *Criminal Code*, which makes it any offence to resist or wilfully obstruct a public officer or peace officer in the execution of their duty. The *Criminal Code* sets out the powers of arrest and abilities to identify people.

9. What if a business that has been ordered to close, refuses to close and people continue to gather inside?

Officers may rely on ancillary powers to order that people leave a business and prevent others from entering. The basis is that the people are committing an offence by violating the emergency order. The intrusions on liberty are acceptable as reasonably necessary for the police to fulfill their duties. The police focus must be on removing people to the extent necessary for public health reasons, such as the need for people to maintain 6 feet of distance. For example, if the owner of a business is inside, and is committing an offence of failing to comply with an order during a declared emergency, but through police intervention, no customers or workers are allowed to enter, then recourse to ancillary powers would likely not be available to justify further intervention.

Officers have ancillary powers under the common law that are available where: (1) the officer’s conduct falls within their general duties; and (2) the officer’s conduct is reasonably necessary.

As the province has declared an emergency and has made certain orders as a result, the police are acting in the course of their duties to preserve the peace, protect the public, and save lives. These are the “principal duties” of the police at common law. As for the officer’s conduct being reasonably necessary, this depends on what the officer seeks to do. The goal of the emergency orders is to keep people apart to combat the spread of COVID-19. The police duty is extremely important; interference of liberty will be necessary.

10. How can individuals be removed from locations they are not allowed to be in?

If people are congregating in public areas or businesses in violation of emergency orders, they may be trespassing. The common law arguably permits officers to use force to remove individuals illegally congregating in public areas or in businesses in violation of emergency orders. This same power may be used to remove trespassers provided that the trespasser has first been asked to leave and was afforded a reasonable opportunity to do so before they were removed. In addition, the officer must ensure that they have authority from the occupier to remove the trespasser, unless the occupier is also in breach of the emergency order.

11. What search powers are available for violations of the EMCPA?

If a business is operating in contravention of the emergency orders issued, there is no statutory authority to search the premises or forcibly enter absent a warrant.

Police can rely on their common law ancillary powers to enter premises if the entry is necessary as an emergency response to a pressing and clear health concern (e.g., extreme violations of the emergency order such as a COVID-19 party of a hundred people). This is akin to the police authority to enter residences when responding to 911 calls in order to locate the person under distress and offer aid as necessary. Officers also can search the home in the name of responding to that same imminent threat to public safety and seize illegal items found in plain view (e.g. guns, drugs). Caution must be exercised to ensure that the entry is for public safety purposes under the EMCPA, and not some other purpose such as a criminal investigation.

12. Who will prosecute EMCPA charges?

The prosecution of all charges laid alleging violations of the EMCPA will fall to the Criminal Law Division of the Ministry of the Attorney General. Any questions regarding prosecutions of these offences should be directed to Director of Crown Operations, Fred Braley, fred.braley@ontario.ca 416-553-1478.



Office of the Chief Administrative Officer /
Secretary Treasurer

250 Thorold Road West, 3rd Floor, Welland ON L3C 3W2
Telephone (905) 788-3135 x 251 | Facsimile (905) 788-1121
csharma@npca.ca | www.npca.ca

March 25, 2020

Mike Zegarac,
General Manager Finance and Corporate Services
City of Hamilton
71 Main Street West
Hamilton, ON
L8P 4Y5

Re: Niagara Peninsula Conservation Authority 2020 Levy

Dear Mr. Zegarac:

In 2019, the Niagara Peninsula Conservation Authority (NPCA) adopted a new methodology for 2020 operating and capital budgets, which involved increased collaboration and discussion with our municipal partners in the interests of transparency and accountability. This new framework allowed both parties to foster cooperation, understand and appreciate perspective, opportunities and challenges. We look forward to continuing in this spirit of renewed partnership as we work through the 2021 budget cycle.

On October 16, 2019, the Board of Directors for the NPCA approved the Municipal Apportionment Levy for 2020, in accordance with the Conservation Authorities Act, Ontario Regulation 370/00, Section 2 (1)(b). The apportionment of the levy to each Municipality within our watershed is calculated from assessment data provided by the Municipal Property Assessment Corporation (MPAC), and further revised based on the Conservation Authority Levies' Regulation 670/00. For 2020, the City of Hamilton's portion of NPCA's total watershed Current Value Assessment is 20.9048%.

2020 Operating Budget – Regular Levy (Consolidated): \$6,092,656

2020 Regular Levy – City of Hamilton: **\$1,273,658** ($\$6,092,656 \times 20.9048\%$)

Regular levy supports NPCA's operating expenses, which consist of:

- Salary and benefits;
- Board expenses;
- Rent and other fixed costs;
- Other operating expenses such to support operations;

2020 Special Levy – City of Hamilton: \$203,552

The Special Benefitting Levy to the City of Hamilton for 2020 breaks down as follows:

- Repairs and maintenance – Binbrook dam - \$23,315
- Capital projects - \$180,237

Approved capital projects for 2020 include IT resources (infrastructure and asset management software), equipment, and gauge stations.

Total amount of 2020 regular and special Levy for the City of Hamilton is \$1,477,210. In keeping with past practice, we are requesting the levy payment schedule outlined below. NPCA is encouraging and making efforts to move to a paperless environment. As such, we respectfully request that payment be submitted via electronic funds transfer (EFT), if possible.

Due Date	% of Levy Due	Amount
17-Apr-2020	25%	\$ 369,303
26-Jun-2020	25%	\$ 369,303
7-Aug-2020	25%	\$ 369,303
25-Sep-2020	25%	\$ 369,303
Total	100%	\$ 1,477,210

We would like to thank the City of Hamilton for their ongoing support to the work of NPCA. We look forward to working with your team and program leads to ensure a well-coordinated 2021 budget process aligned with Hamilton's goals and priorities.

Please feel free to contact me should you require additional information and/or clarification.

Regards,



Chandra Sharma, MCIP, RPP
Chief Administrative Officer/Secretary-Treasurer

c.c. Brenda Johnson, NPCA Chair
Bruce MacKenzie, NPCA Vice Chair
Lise Gagnon, Director, Corporate Services



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Downtown Dundas Business Improvement Area (BIA) Revised Board of Management (PED20058) (Ward 13)
WARD(S) AFFECTED:	Ward 13
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individuals be appointed to the Downtown Business Improvement Area (BIA) Board of Management:

- (i) Scott Eccles

EXECUTIVE SUMMARY

Appointment of a new Director to the Downtown Dundas Business Improvement Area (BIA) Board of Management to fill an existing vacancy.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: *Ontario Municipal Act, 2001*, Sections 204-215, as amended, governs BIAs. Section (204) Subsection (3) stipulates, “A board of management shall be

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composed of, (a) one or more directors appointed directly by the municipality; and (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the Municipality”.

Section 204 Subsection (12) stipulates, “...if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

At its Board of Management meeting held in February 2020, the Board of Management of the Downtown Dundas BIA elected Scott Eccles to be appointed to the Board of Management.

Should Council adopt the recommendation in Report PED20058, Scott Eccles would fill a vacancy that when created with the resignation of Pam Crichton who resigned on February 1, 2020.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Ontario Municipal Act, 2001, Section 204, Sub-section (3) dictates that City Council must appoint the Board of Management to the BIAs.

RELEVANT CONSULTATION

Not Applicable

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

Hamilton has an open, transparent and accessible approach to City government that engages with and empowers all citizens to be involved in their community.

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

APPENDICES AND SCHEDULES ATTACHED

Not Applicable

JD:dt



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Locke Street Business Improvement Area (BIA) Proposed Budget and Schedule of Payment for 2020 (PED20059) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That the 2020 Operating Budget for the Locke Street Business Improvement Area (BIA), attached as Appendix “A” to Report PED20059, in the amount of \$86,500, be approved;
- (b) That the levy portion of the Operating Budget for the Locke Street Business Improvement Area (BIA) in the amount of \$30 K, be approved;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite By-law, pursuant to Section 208, *Ontario Municipal Act*, 2001, as amended, to levy the 2020 Operating Budget for the Locke Street Business Improvement Area (BIA);
- (d) That the following schedule of payments for 2020 Operating Budget for the Locke Street Business Improvement Area (BIA), be approved:

April	\$15,000
June	\$15,000

Note: Assessment appeals may be deducted from the levy payments.

EXECUTIVE SUMMARY

This Report references with the approval of the 2020 Budget and Schedule of Payments for the Locke Street Business Improvement Area (BIA).

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The \$30 K is completely levied by the BIA through its members. There is no cost to the City of Hamilton for the levy amount of the Operating Budget.

Staffing: There are no staffing implications.

Legal: *Ontario Municipal Act*, 2001, Section 205, Sub-section (2), as amended, dictates that City Council must approve the budgets of BIAs.

HISTORICAL BACKGROUND

At its Annual General Meeting on Tuesday January 28, 2020, the Locke Street BIA Board of Management presented its proposed budget for 2020.

The process followed to adopt the Locke Street BIA's budget was in accordance with *Ontario Municipal Act*, 2001, as amended, and the BIAs Procedure By-law.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Ontario Municipal Act, 2001, Section 205, Sub-section (2), as amended, dictates that City Council must approve budgets of BIAs.

RELEVANT CONSULTATION

Not Applicable

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A"-Locke Street Business Improvement Area Proposed 2020 Operating Budget.

JD:dt

**LOCKE STREET
BUSINESS IMPROVEMENT AREA (BIA)
PROPOSED 2020 OPERATING BUDGET**

Revenue	
BIA Levy	\$30,000
Other City Revenue	\$12,500
Locke Street Festival Revenue	\$44,000
Total Revenues	\$86,500
Expenses	
Administrative Assistant and Social Media Manager	\$15,500
Special Events	\$9,000
Street Beautification	\$9,000
Locke Street Festival Expenses	\$44,000
Auditors	\$500
Bookkeeping and Business Support	\$3,600
Office Supplies	\$500
Insurance	\$1,650
Rental	\$2,750
Total Expenses	\$86,500



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Economic Development Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Locke Street Business Improvement Area (BIA) Revised Board of Management (PED20064) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Julia Davis (905) 546-2424 Ext. 2632
SUBMITTED BY:	Glen Norton Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the following individuals be appointed to the Locke Street Business Improvement Area (BIA) Board of Management:

- (i) Rachael Amy Shay

EXECUTIVE SUMMARY

Appointment of a new Director to the Locke Street Business Improvement Area (BIA) Board of Management to fill an existing vacancy.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: *Ontario Municipal Act, 2001*, Sections 204-215, as amended, governs BIAs. Section (204) Subsection (3) stipulates, “A board of management shall be

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composed of, (a) one or more directors appointed directly by the municipality; and (b) the remaining directors selected by a vote of the membership of the improvement area and appointed by the Municipality”.

Section 204 Subsection (12) stipulates, “...if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.”

HISTORICAL BACKGROUND

At its Board of Management meeting held in December 2019, the Board of Management of the Locke Street BIA elected Rachael Amy Shay to be appointed to the Board of Management.

Should Council adopt the recommendation in Report PED20064, Rachael Amy Shay would fill a vacancy that when created with the resignation of Natalie Sexton who resigned on November 27, 2019.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Ontario Municipal Act, 2001, Section 204, Sub-section (3) dictates that City Council must appoint the Board of Management to the BIAs.

RELEVANT CONSULTATION

Not Applicable

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Not Applicable

ALTERNATIVES FOR CONSIDERATION

Not Applicable

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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APPENDICES AND SCHEDULES ATTACHED

Not Applicable

JD:dt



Hamilton

INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Report of the 2019 Remuneration and Expenses as Required under Section 284 of the Municipal Act (FCS20012) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Bev Neill (905) 546-2424 Ext. 6274
SUBMITTED BY:	Rick Male Director, Financial Services and Taxation and Corporate Controller Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

Under the *Municipal Act, 2001*, the Treasurer must submit to Council before the 31st of March each year, an itemized statement of the remuneration and expenses paid to each Member of Council and citizen appointees to various local boards in the preceding year.

Appendix "A" of Report FCS20012 provides the remuneration paid to the Mayor and Members of council in respect to his or her services as a member of Council or any other body, including a local board, to which the member has been appointed by Council or on which the member holds office by virtue of being a member of Council.

As per the direction of Council, staff forwarded the expenses reflected in this report to Members of Council for their review.

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APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS20012 – 2019 Remuneration Summary

Appendix "B" to Report FCS20012 – Expense Details of Council

BN/dw

City of Hamilton

2019 SUMMARY

	Remuneration	Expenses	Total
	\$	\$	\$
Members of Council	1,671,241.76	50,129.88	1,721,371.64
Conservation Authorities	17,009.24	5,116.64	22,125.88
Hamilton Police Services Board	35,475.24	11,771.77	47,247.01
Hamilton Public Library Board	-	1,225.56	1,225.56
Committee of Adjustment/Land Division Committee	18,500.00	10,263.11	28,763.11
Trade License Board	7,875.00	-	7,875.00
Hamilton Utilities Corporation	241,150.00	6,717.00	247,867.00
Association of Municipalities of Ontario	170.00	1,114.16	1,284.16
CityHousing Hamilton Corporation	-	1,248.24	1,248.24
Hamilton Farmer's Market	-	339.27	339.27
Alectra	69,250.00	2,053.86	71,303.86
Royal Botanical Gardens	-	-	-
Total	2,060,671.24	89,979.49	2,150,650.73

City of Hamilton

(a) Remuneration paid pursuant to Section 284 of the Municipal Act and By-law 01-023. Expenses paid pursuant to Section 283 (1), (2) and (3) of the Municipal Act.

<u>Council Member</u>	<u>Remuneration *</u>	<u>Expenses ***</u>	
		<u>Council Representation</u>	<u>Other</u>
		<u>(AMO, FCM etc.)</u>	<u>(Mileage, Community Events etc.)</u>
	\$	\$	\$
F. Eisenberger	187,605.56	2,681.82	12,648.60
B. Clark	98,909.08	-	1,193.76
C. Collins	98,909.08	-	5,356.63
J. Danko	98,909.08	-	803.72
J. Farr	98,909.08	-	1,945.29
L. Ferguson	98,909.08	2,170.15	2,158.84
T. Jackson	98,909.08	-	2,185.06
B. Johnson	98,909.08	1,341.81	2,043.96
S. Merulla	98,909.08	2,725.88	-
N. Nann	98,909.08	-	853.56
J. Partridge	98,909.08	8,974.66	588.96
E. Pauls	98,909.08	-	382.25
M. Pearson	98,909.08	-	1,166.76
A. VanderBeek	98,909.08	-	352.92
T. Whitehead	98,909.08	-	555.25
M. Wilson	98,909.08	-	-
Total	1,671,241.76	17,894.32	32,235.56

* Actual remuneration paid to Mayor and Councillors.

City of Hamilton

***** Expense Notes**

Mayor Eisenberger - Attended Big City Mayor's Conference in Ottawa - \$1,383.98; presented at the Great Lakes Economic Forum in Cleveland - \$1,553.90; attended FCM Annual Conference in Quebec City - \$2,681.82; attended Toronto Global Forum in Toronto - \$366.38; led a Hamilton Investment Mission with Economic Development to India - \$5,734.39; Other expenses - \$3,609.95

Councillor Clark - Other expenses - \$1,193.76

Councillor Collins - Attended American Planning Assoc. Conference in San Francisco - \$3,720.86; Other expenses - \$1,635.77

Councillor Danko - Other expenses - \$803.72

Councillor Farr - Attended City Age Conference in Chicago - \$1,820.29; Other expenses - \$125.00

Councillor Ferguson - Attended AMO Conference in Ottawa as Council Appointee - \$2,170.15; Other expenses - \$2,158.84

Councillor Jackson - Other expenses - \$2,185.06

Councillor Johnson - Represented Council at Intl Children's Winter Games in Lake Placid - \$138.80 and the 2019 Canusa Games in Flint - \$1,203.01 - Other expenses - \$2,043.96

Councillor Merulla - Attended Grey Cup in Calgary on behalf of Mayor Eisenberger - \$2,725.88; Other expenses - NIL

Councillor Nann - Other expenses - \$853.56

Councillor Partridge - Attended FCM Board Meetings as Council Appointee in Penticton, Quebec City, Kitchener and Ottawa - \$8,974.66; Other expenses - \$588.96

Councillor Pauls - Other expenses - \$382.25

Councillor Pearson - Other expenses - \$1,166.76

Councillor VanderBeek - Other expenses - \$352.92

Councillor Whitehead - Other expenses - \$555.25

Councillor Wilson - Other expenses - NIL

City of Hamilton

(b) Conservation Authorities

Remuneration and expenses paid pursuant to Section 284 of the Municipal Act. The Conservation Authority pays the expenses below directly to the appointees.

Hamilton Region Conservation Authority

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
D. Bowman	660.00	116.60
B. Clark	-	-
J. Cimba	600.00	172.78
C. Collins	-	-
L. Ferguson	-	-
B. Gautreau	300.00	114.48
T. Jackson	-	-
C. Janzen	540.00	140.98
S. Moccio	1,270.00	118.72
E. Pauls	-	-
M. Topalovic	960.00	202.46
Total	4,330.00	866.02

Grand River Conservation Authority

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
G. Stojanovic	447.39	169.00
M. Adili	745.65	175.00
Total	1,193.04	344.00

Halton Region Conservation Authority

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
J. Di Maio	675.00	235.35
J. Partridge	400.00	-
E. Wells	225.00	57.77
Z. Jawed	300.00	169.60
Total	1,600.00	462.72

Niagara Peninsula Conservation Authority

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
S. Beattie	2,967.90	1,400.00
B. Clark	1,445.90	717.20
B. Johnson	1,598.10	452.50
B. Wright	1,750.30	685.50
Total	7,762.20	3,255.20

Niagara Escarpment Commission

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
A. VanderBeek	2,124.00	188.70
Total	2,124.00	188.70

City of Hamilton

(c) Hamilton Police Services Board

Remuneration and expenses paid pursuant to Section 284 of the Municipal Act and By-law 01-039.

<u>Appointee</u>	<u>Remuneration</u> \$	<u>Expenses</u> ** \$
F. Eisenberger	-	-
C. Collins	-	-
T. Jackson	-	-
W. Juchniewicz	2,107.44	-
M. Levy	702.48	-
D. MacVicar	9,132.24	3,674.15
P. Mandy	9,132.24	1,637.98
R. Elms	7,376.04	4,491.91
A. Bennink	7,024.80	1,967.73
Total	35,475.24	11,771.77

**

Expenditures authorized by the Hamilton Police Services Board and funded from the Police Services Board budget.
P. Mandy attended Ontario Association of Police Services Board Conference
A. Bennink attended Ontario Association of Police Services Board Conference
D. MacVicar attended Ontario Association of Police Services Board Conference and Canadian Association of Police Governance Conference
R. Elms attended Ontario Association of Police Services Board Conference and Canadian Association of Police Governance Conference

(d) Hamilton Public Library Board

Remuneration and expenses paid pursuant to Section 284 of the Municipal Act and By-laws 1-74 and 01-038.

<u>Appointee</u>	<u>Remuneration</u> \$	<u>Expenses</u> \$
E. Bowen	-	-
D. Brown	-	438.61
V. Cecchetto	-	786.95
R. Coruzzi	-	-
H. Dhaliwal	-	-
S. Fawcett	-	-
J. Gautrey	-	-
G. Geczy	-	-
J. Kirkpatrick	-	-
C. Klassen	-	-
S. Laurie	-	-
M. Leach	-	-
J. Partridge	-	-
M. Pearson	-	-
L. Spence-Smith	-	-
N. Van Velzen	-	-
Total	-	1,225.56

City of Hamilton

(e) Committee of Adjustment/Land Division Committee

Remuneration and expenses paid pursuant to Section 284 (1) of the Municipal Act and By-laws 01-049 and R98-030.

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
V. Abraham	900.00	83.52
M. Dudzic	1,900.00	441.60
L. Gaddy	2,000.00	1,544.78
P. Mallard	800.00	224.42
N. Mieczko	2,100.00	513.42
W. Pearce	800.00	182.08
D. Serwatuk	2,200.00	2,599.76
D. Smith	2,200.00	1,998.04
M. Smith	2,100.00	1,191.70
B. Charters	1,200.00	683.39
M. Switzer	1,200.00	542.30
T. Lofchik	1,100.00	258.10
Total	18,500.00	10,263.11

(f) Trade License Board

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	
D. Hardie	2,100.00	-
R. Lalli	1,750.00	-
J. Lane	1,575.00	-
M. Marsalla	350.00	-
B. Nuttall	1,575.00	-
G. Penko	350.00	-
M. Reiley	175.00	-
Total	7,875.00	-

City of Hamilton

(g) Hamilton Enterprises Holding Corporation

Board Member	Honorariums	Meeting Fees	Expenses
	\$	\$	
L. Gallinger	15,750.00	7,800.00	922.00
S. Merulla	13,500.00	4,550.00	-
* J. Rinaldo	14,000.00	8,450.00	2,158.00
L. Tugman	23,000.00	15,275.00	2,459.00
C. Wessel	18,000.00	11,375.00	870.00
* D. Wilson	13,500.00	6,500.00	-
** J. Kamula	6,750.00	7,800.00	-
** G.McCamus	6,750.00	5,850.00	241.00
** T.Thoma	6,750.00	5,850.00	67.00
Total	118,000.00	73,450.00	6,717.00

* Remuneration from January to June

** Remuneration from July to December

Remuneration for former CEO related Activities

	Honorariums	Meeting Fees	Expenses
	\$	\$	\$
J. Rinaldo	9,750.00	-	-
L. Tugman	10,875.00	-	-
C. Wessell	8,625.00	-	-
Total	29,250.00	-	-

Hamilton Utilities Corporation

Board Member	Honorariums	Special Meeting Fees	Expenses
	\$	\$	\$
* J. Rinaldo	1,500.00	1,300.00	-
C. Wessel	3,000.00	-	-
L. Tugman	5,000.00	650.00	-
* D. Wilson	1,500.00	-	-
S. Merulla	3,000.00	-	-
* L. Gallinger	1,500.00	-	-
** J. Kamula	1,500.00	-	-
** G.McCamus	1,500.00	-	-
Total	18,500.00	1,950.00	-

* Remuneration from January to June

** Remuneration from July to December

City of Hamilton

(h) Association of Municipalities of Ontario

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
L. Ferguson (ROMA)	170.00	1,114.16
Total	170.00	1,114.16

(i) CityHousing Hamilton Corporation

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
J. Aird	-	-
C. Collins	-	1,224.34
J. Farr	-	-
N. But	-	-
T. Jackson	-	-
A. Harris	-	-
N. Nann	-	-
P. Reid	-	23.90
M. Wilson	-	-
Total	-	1,248.24

(j) Hamilton Farmer's Market

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
W. Arndt	-	339.27
E. Bowen	-	-
E. Miller	-	-
S. Waterman	-	-
G. Albini	-	-
E. Pauls	-	-
S. Coleman	-	-
C. Chiarelli	-	-
R. Jepson	-	-
A. Miller	-	-
Total	-	339.27

(k) Alectra Utilities

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
P. Benson	30,500.00	2,053.86
F. Eisenberger	38,750.00	-
Total	69,250.00	2,053.86

(l) Royal Botanical Gardens

<u>Appointee</u>	<u>Remuneration</u>	<u>Expenses</u>
	\$	\$
L. Ferguson	-	-
K. Scott	-	-
Total	-	-

APPENDIX B

Mayor Fred Eisenberger

	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Big City Mayor's Caucus			
Ottawa			
Jan 27-29/19			
Transportation - Flight	\$ 618.39		
Accommodation	\$ 561.74		
Misc	\$ 72.00		
Per Diem	<u>\$ 131.85</u>		\$ 1,383.98
Rural Excellence Awards Banquet - Binbrook - Feb 9/19	\$ 30.00	1	\$ 30.00
Meeting Expense - Valentinos - Mar 2/19	\$ 56.00	2	\$ 28.00
Meeting Expense - Edgewater Manor - Mar 6/19	\$ 123.27	2	\$ 61.64
Women of Distinction - YWCA - Mar 7/19	\$ 200.00	2	\$ 100.00
Meeting Expense - Caro - Mar 21/19	\$ 48.73	2	\$ 24.37
Meeting Expense - John Street Diner - Apr 4/19	\$ 19.47	2	\$ 9.74
Meeting Expense - Capri Family Restaurant - Apr 16/19	\$ 41.26	2	\$ 20.63
Meeting Expense - La Piazza Allegra - Apr 18/19	\$ 248.15	16	\$ 15.51
Meeting Expense - The Hamilton Club - Apr 23/19	\$ 89.34	2	\$ 44.67
Chief's Gala - Winona Vine Estates - Apr 25/19	\$ 150.00	1	\$ 150.00
Meeting Expense - Charred - Apr 29/19	\$ 94.86	3	\$ 31.62
Meeting Expense - La Piazza Allegra - May 7/19	\$ 70.56	2	\$ 35.28
Community Prayer Breakfast - Liuna Station - May 7/19	\$ 275.00	11	\$ 25.00
Great Lakes Economic Forum			
Cleveland			
May 7 - 8/19			
Transportation - Flight	\$ 1,085.94		
Accommodation	\$ 231.84		
Misc & Exchange	\$ 156.12		
Per Diem	<u>\$ 80.00</u>		\$ 1,553.90
Meeting Expense - The French - May 10/19	\$ 105.92	4	\$ 26.48
Mayor's Breakfast - Hamilton Chamber of Comm - May 15/19	\$ 248.60	4	\$ 62.15
Citizen of the Year - Winona Vine Estates - May 16/19	\$ 135.60	2	\$ 67.80
FCM Annual Conf Trade Show / BCMC			
Quebec City			
May 29 - June 2/19			
Transportation - Flight	\$ 1,102.72		
Transportation - Auto	\$ 74.50		
Accommodation	\$ 1,164.60		
Misc	\$ 120.00		
Per Diem	<u>\$ 220.00</u>		\$ 2,681.82
Meeting Expense - Mezcal - Jun 6/19	\$ 89.01	3	\$ 29.67
Meeting Expense - Chuck's Roadhouse - Jun 21/19	\$ 65.54	3	\$ 21.85
Mo-Ghana Delegation - Mayor's Office - Jun 21/19	\$ 283.91	15	\$ 18.93
Meeting Expense - The Hamilton Club - Jul 7/19	\$ 131.84	2	\$ 65.92

Mayor Fred Eisenberger cont.

Meeting Expense - La Spaghetti - Jul 9/19	\$	62.47	2	\$	31.24
Winona Peach Festival Grand Ball - Jul 26/19	\$	110.00	2	\$	55.00
Meeting Expense - La Prep - Aug/19	\$	49.72	15	\$	3.32
Toronto Global Forum Toronto Sep 5 - 6/19					
Accommodation	\$	351.38			
Per Diem	\$	15.00		\$	366.38
Meeting Expense - La Piazza - Sep 16/19	\$	46.12	2	\$	23.06
Meeting Expense - ETT Bread Bar - Sep 25/19	\$	58.67	2	\$	29.34
Meeting Expense - Fortinos - Sep 26/19	\$	19.19	2	\$	9.60
Meeting Expense - Steve's Open Kitchen - Oct 18/19	\$	32.00	2	\$	16.00
Meeting Expense - Wimpy's Diner - Oct 28/19	\$	23.33	2	\$	11.67
Meeting Expense - The Hamilton Club - Oct 28/19	\$	232.26	8	\$	29.04
City Manager's Breakfast - Sheraton Hotel - Oct 29/19	\$	226.00	4	\$	56.50
Meeting Expense - The French - Oct 31/19	\$	53.94	2	\$	26.97
Meeting Expense - Ben Thanh Viet Thai - Nov 7/19	\$	23.74	2	\$	11.87
Hope in the City Breakfast - Salvation Army - Nov 14/19	\$	50.00	1	\$	50.00
Trade Mission with Economic Development Mumbai, Delhi, Ahmedabad Nov 15 - 26/19					
Transportation - Flight	\$	3,046.54			
Accommodation	\$	2,128.66			
Misc	\$	111.88			
Per Diem	\$	447.31		\$	5,734.39
Toll charges				\$	311.48
Fuel charges				\$	1,943.80
SOBI Membership				\$	96.05
Parking				\$	35.75
<u>Total F. Eisenberger</u>				\$	<u>15,330.42</u>

<u>Councillor Brad Clark</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Mileage January - December, 2019			\$ 1,193.76
<u>Total B. Clark</u>			<u>\$ 1,193.76</u>

<u>Councillor Chad Collins</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Meeting Expense East End Food Centre January 8, 2019	\$ 28.64	2	\$ 14.32
Meeting Expense Glendale Pub March 8, 2019	\$ 44.03	2	\$ 22.02
Meeting Expense Dundurn Coach House April 17, 2019	\$ 119.14	40	\$ 2.98
American Planning Assoc. Conference San Francisco April 13 - 16, 2019			
Transportation-Flight	\$ 549.07		
Transportation-Auto	\$ 140.24		
Accommodation	\$ 1,462.73		
Registration	\$ 1,003.70		
Misc.	\$ 165.00		
Per Diem	\$ 400.12		
			\$ 3,720.86
Meeting Expense August 8 Dim Sum & Sushi October 16, 2019	\$ 51.39	2	\$ 25.70
Volunteer Appreciation Lunch Glendale Pub December 13, 2019	\$ 191.38	9	\$ 21.27
Mileage January - December 2019			\$ 1,549.48
<u>Total C. Collins</u>			<u>\$ 5,356.63</u>

<u>Councillor John-Paul Danko</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Evening with Michelle Obama ticket - October 11, 2019	\$ 350.00	1	\$ 350.00
City Manager's Breakfast ticket	\$ 56.50	1	\$ 56.50
Truth and Trust in Work and Life ticket	\$ 21.59	1	\$ 21.59
UBER Costs	\$ 375.63		\$ 375.63
Total J. Danko			\$ 803.72

<u>Coucillor Jason Farr</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
C.Y.O Children's Fundraiser Gala Dinner Hamilton Convention Center February 28, 2019	\$ 125.00	1	\$ 125.00
City Age Conference Chicago October 23 - 25, 2019			
Registration	\$ 401.51		
Transportation-Flight	\$ 315.25		
Transportation-Auto	\$ 179.13		
Accommodation	\$ 706.86		
Misc. & Exchange	\$ 88.52		
Per Diem	<u>\$ 129.02</u>		\$ 1,820.29
Hamilton East Kiwanis Boys & Girls Club Nov 20/19	\$ 270.00	2	\$ 135.00
<u>Total J. Farr</u>			<u>\$ 1,945.29</u>

<u>Councillor Lloyd Ferguson</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Staff Retirement Party Castelli Ballroom Jan 18, 2019	\$ 100.00	2	\$ 50.00
Taste of Ancaster Marquis Gardens April 25, 2019	\$ 50.00	1	\$ 50.00
Chief's Gala Winona Vine Estates April 25, 2019	\$ 150.00	1	\$ 150.00
Meeting Expense Rousseau House May 9, 2019	\$ 94.50	3	\$ 31.50
Flamborough Open Copetown Woods Golf Club May 29, 2019	\$ 50.00	1	\$ 50.00
45th Anniversary Dinner/Dance Marquis Gardens May 31, 2019	\$ 120.00	3	\$ 40.00
13th Annual Phyllis Gretzky Memorial Golf Classic Willow Valley Golf & Country Club June 12, 2019	\$ 199.00	1	\$ 199.00
18th Annual Community Links Golf Tournament Knollwood Golf Club June 13, 2019	\$ 150.00	1	\$ 150.00
BBQ at the Bay Rotary Club of Hamilton August 9, 2019	\$ 125.00	1	\$ 125.00
Meeting Expense Vineyards Wine Bar Bistro August 18, 2019	\$ 80.23	2	\$ 40.12
Real McCoys Golf Tournament Copetown Woods September 5, 2019	\$ 199.00	1	\$ 199.00
AMO Conference Roma Meeting Ottawa August 18-20, 2019			
Transportation-Flight	\$ 687.32		
Transportation-Auto	\$ 92.45		
Accommodation	\$ 434.82		
Registration	\$ 661.05		
Misc.	\$ 174.51		
Per Diem	<u>\$ 120.00</u>		\$ 2,170.15
Committee Chair Luncheon Hamilton Golf & Country Club December 20, 2019	\$ 317.41	5	\$ 63.49
Mileage January - December, 2019			\$ 1,010.73
Total L. Ferguson			<u>\$ 4,328.99</u>

<u>Councillor Tom Jackson</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Bishop Crosby Charities Ticket - March 2, 2019	\$ 140.00	2	\$ 70.00
CNIB - Dining in the Dark Ticket - March 1, 2019	\$ 75.00	1	\$ 75.00
Trenholme - Valentine's Day Dance Ticket - February 9, 2019	\$ 350.00	10	\$ 35.00
2019	\$ 320.00	2	\$ 160.00
D-Day 75th Anniversary Gala Ticket - June 1, 2019	\$ 350.00	2	\$ 175.00
Women of Distinction Awards Ticket - March 7, 2019	\$ 100.00	1	\$ 100.00
C.Y.O. Children's Fundraiser Ticket - February 28, 2019	\$ 125.00	1	\$ 125.00
Paint The Town Red Ticket - May 2, 2019	\$ 300.00	2	\$ 150.00
Chief's Gala Ticket - Crime Stoppers - April 25, 2019	\$ 150.00	1	\$ 150.00
Italian Heritage Awards Ticket - June 4, 2019	\$ 80.00	1	\$ 80.00
Good Shepherd Center - Harvest Dinner Ticket - October 17, 2019	\$ 30.00	1	\$ 30.00
Cancer Assistance Program - 25th Anniversary Gala Ticket	\$ 250.00	2	\$ 125.00
Staff Retirement ticket - September 19, 2019 - G. Maychak	\$ 80.00	2	\$ 40.00
2019	\$ 50.00	1	\$ 50.00
Rotary Club of Ancaster - Autumn Stroll Ticket - September 8, 2019	\$ 220.00	2	\$ 110.00
Staff Appreciation Breakfast January 28, 2019 - K. Moore	\$ 20.03	2	\$ 10.02
Business Meeting - Romano's - February 1, 2019	\$ 90.58	2	\$ 45.29
Business Meeting - The Brown Barrel - February 26, 2019	\$ 66.62	2	\$ 33.31
Staff Appreciation - The Brown Barrel - April 11, 2019 - M. Selkirk	\$ 120.67	2	\$ 60.34
Staff Appreciation - The End Zone - June 11, 2019 - M. Bowen	\$ 47.38	2	\$ 23.69
Business Meeting - The Capital Bar - April 15, 2019	\$ 80.00	2	\$ 40.00
Business Meeting - Donut Diner - April 25, 2019	\$ 25.00	2	\$ 12.50
Business Meeting - The Brown Barrell - May 7, 2019	\$ 28.73	2	\$ 14.37
Business Meeting - The Brown Barrell - May 17, 2019	\$ 91.61	2	\$ 45.81
Business Meeting - Donut Diner - May 22, 2019	\$ 25.72	3	\$ 8.57
Business Meeting - Ye Olde Squire - October 10, 2019	\$ 57.88	2	\$ 28.94
Business Meeting - Stoneroads - May 25, 2019	\$ 63.75	2	\$ 31.88
Business Meeting - Donut Diner - October 8, 2019	\$ 22.54	2	\$ 11.27
Business Meeting - The Brown Barrell - July 12, 2019	\$ 63.47	2	\$ 31.74
Business Meeting - State & Main - September 7, 2019	\$ 80.95	2	\$ 40.48
A Night To Remember Event Ticket - November 1, 2019	\$ 130.00	2	\$ 65.00
Business Meeting - Donut Diner - November 17, 2019	\$ 30.00	2	\$ 15.00
Business Meeting - Donut Diner - November 27, 2019	\$ 21.00	2	\$ 10.50
Business Meeting - La Piazza Allegra - Deember 16, 2019	\$ 104.01	2	\$ 52.01
Business Meeting - Honest Lawyer - December 18, 2019	\$ 48.76	2	\$ 24.38
Staff Retirement tickets - J. Spiler - November 1, 2019	\$ 20.00	1	\$ 20.00
Staff Retirement tickets - C. Alkerton - September 19, 2019	\$ 25.00	1	\$ 25.00
Staff Retirement tickets - D. Kinsella - May 13, 2019	\$ 40.00	1	\$ 40.00
Staff Retirement tickets - M White - May 9, 2019	\$ 20.00	1	\$ 20.00
<u>Total T. Jackson</u>			<u>\$ 2,185.06</u>

<u>Councillor Sam Merulla</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
*Grey Cup Attendance Calgary November 22 - 25, 2019			
Transportation-Flight	\$ 1,154.43		
Transportation-Auto	\$ 75.40		
Accommodation	\$ 1,181.25		
Misc	\$ 199.80		
Per Diem	\$ 115.00		\$ 2,725.88
Total S. Merulla			\$ 2,725.88

* Note: Councillor Merulla attended as a representative of the Mayor

<u>Councillor Nrinder Nann</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Afro Canadian Caribbean Assoc Gala ticket	\$ 100.00	1	\$ 100.00
Transporation costs - January to December 2019	\$ 753.56		\$ 753.56
<u>Total N. Nann</u>			<u>\$ 853.56</u>

<u>Councillor Judi Partridge</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Women of Distinction Awards - March 7, 2019	\$ 100.00	1	\$ 100.00
Bob Kemp Hospice - Paint the Town Red - April 15, 2019	\$ 150.00	1	\$ 150.00
Meeting Expense - Symposium Café - May 9, 2019	\$ 109.72	4	\$ 27.43
2019 Children's Fund Golf Tournament - July 20, 2019	\$ 50.00	2	\$ 25.00
Women of Spirit Awards luncheon - August 29, 2019	\$ 50.00	1	\$ 50.00
Meeting Expense - Symposium Café - September 6, 2019	\$ 148.28	5	\$ 29.66
Meeting Expense - Symposium Café - October 10, 2019	\$ 24.13	2	\$ 12.07
Meeting Expense - Symposium Café - October 23, 2019	\$ 58.79	2	\$ 29.40
Meeting Expense - Symposium Café - December 18, 2019	\$ 22.24	2	\$ 11.12
Meeting Expense - Symposium Café - December 19, 2019	\$ 110.52	4	\$ 27.63
Transportation cost January - December 2019	\$ 126.65		\$ 126.65
Total J. Partridge			\$ 588.96

**Councillor Partridge attended the following FCM Meetings as Council Appointee
Expenses were funded by General Legislative Account**

FCM Board Meeting

Penticton			
Mar 12-16/19			
Transportation - Flight	\$ 1,510.67		
Transportation - Auto	\$ 239.70		
Accommodation	\$ 929.20		
Misc	\$ 33.90		
Per Diem	\$ 61.27		\$ 2,774.74

FCM Annual General Meeting

Quebec City			
May 30 - June 2/19			
Registration	\$ 999.13		
Transportation - Auto	\$ 1,031.14		
Accommodation	\$ 1,232.84		
Misc	\$ 87.40		
Per Diem	\$ 200.00		\$ 3,550.51

FCM Board Meeting

Kitchener			
Sep 10-13/19			
Transportation - Auto	\$ 64.03		
Accommodation	\$ 455.98		
Per Diem	\$ 165.00		\$ 685.01

FCM Board Meeting

Ottawa			
Nov 26 - 29/19			
Transportation - Auto	\$ 532.44		
Accommodation	\$ 1,116.44		
Misc.	\$ 130.52		
Per Diem	\$ 185.00		\$ 1,964.40

<u>Councillor Esther Pauls</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Jersey Nights - Options for Independent Living and Development - November 27, 2019	\$ 269.00	4	\$ 67.25
Indwell's Hope and Homes Banquet Ticket - May 29, 2019	\$ 40.00	1	\$ 40.00
Empowerment Squared Annual Celebration ticket- May 4, 2019	\$ 50.00	1	\$ 50.00
Paint the town Red ticket - May 2, 2019	\$ 150.00	1	\$ 150.00
Abruzzo in Festa - Juravinski Fundraising event ticket - March 23, 2019	\$ 150.00	2	\$ 75.00
<u>Total E. Pauls</u>			<u>\$ 382.25</u>

<u>Councillor Maria Pearson</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Meeting Expenses - Country Style - June 10, 2019	\$ 13.19	2	\$ 6.60
Meeting Expenses - Papagayo Rest. - January 3, 2019	\$ 107.54	3	\$ 35.85
Serbian Hunting Club Annual Dinner & Dance Ticket - March 5, 2019	\$ 90.00	2	\$ 45.00
Hamilton Prayer Breakfast Ticket - April 30, 2019	\$ 50.00	2	\$ 25.00
Meeting Expenses - Country Style - July 10, 2019	\$ 14.79	2	\$ 7.40
Meeting Expenses - Sunnyside Grill - October 22, 2019	\$ 35.32	2	\$ 17.66
Meeting Expenses - Williams Café - December 11, 2019	\$ 40.12	2	\$ 20.06
Staff Retirement ticket - J. Spiler - November 1, 2019	\$ 20.00	1	\$ 20.00
Winona Peach Festival Ball - July 26, 2019	\$ 110.00	2	\$ 55.00
Stoney Creek Citizen of The Year Award Ticket - May 16, 2019	\$ 120.00	2	\$ 60.00
Croatian National Home Gala Ticket	\$ 250.00	2	\$ 125.00
Mileage - January to December 2019	\$ 749.49		\$ 749.19
<u>Total M. Pearson</u>			<u>\$ 1,166.76</u>

<u>Councillor Arlene Vanderbeek</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Real McCoys Season Ticket	\$ 114.77	24	\$ 9.60
Hamilton Academy of Performing Arts Spring Ball - April 14, 2019	\$ 75.00	1	\$ 75.00
Community Council meeting - July 3, 2019	\$ 238.66	12	\$ 19.89
Community Council meeting - Dec 10, 2019	\$ 281.20	12	\$ 23.43
St. Joseph's Villa Foundation Gala ticket	\$ 225.00	1	\$ 225.00
<u>Total A. Vanderbeek</u>			<u>\$ 352.92</u>


<u>Councillor Terry Whitehead</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
Rygiel Homes Housing Corp Golf Tournament - July 17, 2019	\$ 350.00	2	\$ 175.00
Interval House Golf Tournament - June 5, 2019	\$ 350.00	2	\$ 175.00
Neighbour to Neighbour Centre Golf Tournament - August 15, 2019	\$ 350.00	2	\$ 175.00
Meeting Expense - Loft Lounge - February 28, 2019	\$ 90.71	3	\$ 30.25
<u>Total T. Whitehead</u>			<u>\$ 555.25</u>

<u>Councillor Maureen Wilson</u>	<u>Total Expense</u>	<u># of Attendees</u>	<u>ProRated Expense</u>
	-		-
<u>Total M. Wilson</u>	-		-



Hamilton

INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Aviary Donor Extension Response Letter (PW19108(a)) (City Wide) (Outstanding Business List Item)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Sam Scarlett (905) 546-2424 Ext. 3919
SUBMITTED BY:	Craig Murdoch Director, Environmental Services Public Works Department
SIGNATURE:	

COUNCIL DIRECTION

The following recommendations from Report PW19108 were approved at Public Works Committee on December 2, 2019 and at Council on December 11, 2019:

- (a) That the General Manager of Public Works, or their designate, be authorized and directed to request that the anonymous Donor provide a 12 month extension from the date of Council ratification in order for staff to complete a feasibility study, cost estimate and operational business plan prior to the potential acceptance of the \$1,000,000 donation to support the construction of a new City of Hamilton Aviary at Gage Park;
- (b) That the General Manager of Public Works, or their designate, be authorized and directed to request that the anonymous Donor provide a 36 month extension from the date of Council ratification to allow for the potential start of construction of a new City of Hamilton Aviary at Gage Park;

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

**SUBJECT: Aviary Donor Extension Response Letter (PW19108(a))
(City Wide) - Page 2 of 2**

- (c) That \$110,000 be approved from Unallocated Capital Reserve Account #108020 for the completion of a feasibility study, cost estimate and operational business plan for a new City of Hamilton Aviary at Gage Park conditional upon the agreement of the anonymous Donor to both timeframe extensions; and,
- (d) That staff report back to the Public Works Committee with the results of the discussions with the Donor's representative.

INFORMATION

This Information Report addresses recommendation (d) of Report PW19108. Following the December 2, 2019 Public Works Committee, staff requested an extension, as per recommendations (a) and (b) of Report PW19108, through a letter to the Donor's Representative. On February 24, 2020, staff received a response from the Donor's Representative, attached as Appendix "A" to Report PW19108(a), that states:

- 1) The Donor does not find the extension acceptable;
- 2) The Donor will meet with the Friends of the Aviary to consider what options they may have to build a separate aviary.

Due to the Donor's rejection of the extension proposed by staff, the \$110,000 approved for the completion of a feasibility study, cost estimate, and operational business plan for a new City of Hamilton Aviary at Gage Park (Report PW19108 recommendation (c)), is no longer required from Unallocated Capital Reserve Account #108020.

Also, at the December 2, 2019 Public Works Committee meeting, Committee approved the recommendations from Report PW17080(a) Friends of the Aviary Business Case Review and Extension of Agreement. The recommendations in Report PW17080(a) allowed a short to medium term agreement with both the Friends of the Aviary and the Royal Botanical Gardens to continue to operate the Aviary at 85 Oak Knoll Drive. This agreement is presently being prepared.

Staff will follow up with a recommendation report to Public Works Committee in Q2, 2020 that will outline suggested next steps in the management of the Aviary.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report PW19108(a) – Donor's letter

MILLAR, ALEXANDER
BARRISTERS & SOLICITORS

JOHN S. MILLAR, Q.C., A de C (1953-1992)
JOHN PAUL MILLAR, B.A., LL.B.
COLIN GEOFFREY MILLAR, B.A., LL.B.

TELEPHONE 905- 528-1186
FAX 905- 529-7073
toll free phone no. - 1-888-472-5459
email-millaralexander@on.aibn.com
PLAZA LEVEL, STANDARD LIFE CENTRE
120 KING STREET WEST
HAMILTON, ONTARIO
L8P 4V2

January 30, 2020

The City of Hamilton
City Hall
Public Works Department
320 - 77 James Street
Hamilton, Ontario
L8R 2K3

ATTENTION: Mr. Dan McKinnon
General Manager

Re: \$1,000,000.00 bequest
Re: Aviary

We acknowledge receipt of your correspondence of January 7, 2020.

We have reviewed your request with our client who does not find it to be acceptable.

Our client will be meeting directly with the Friends of the Aviary organization to consider what options they may have to build a separate aviary.

Yours truly,
MILLAR, ALEXANDER
Per:

JOHN PAUL MILLAR
JPM:ld\encl.

RECEIVED
2020 JAN 24

1649626 Ontario Ltd.
8 Hunts Drive,
Dundas, ON

Dear Mayor Eisenberger and Members of Council

RE: Report HSC20009 – Municipal Incentives for the 90 Carling Street Rental Project

Present social and economic situation

While the present situation presents a great amount of stress and uncertainty surrounding the physical health of our community, the economic impact will undeniably put greater pressure on citizens to afford housing in a rental market that was already experiencing significant challenges in affordability. With overall wages and new housing supply reduced for the foreseeable future, it is more important now than ever for the City of Hamilton to consider all opportunities to create future mixed income rental housing.

Opportunity: Capitalize on Federal funds

The report before you today is a significant opportunity for the City of Hamilton to make a modest investment that, together with Federal and private sector funds, will create much-needed mixed-income rental housing. It will establish a framework of clear and attractive incentives that will encourage other private sector developers to invest in mixed-income rental housing in Hamilton. This particular mixed-income project has the ability to lay the foundation for such a program.

The following is a sample of incentives that developers who agree to incorporate affordable units can expect to receive with other regions and municipalities (i.e. City of London, City of Toronto, York Region, etc.):

- Development charge waivers
- Development charge rebates (realized over 10 years)
- Development charge deferrals (interest free for up to 20 years)
- Property tax waivers
- Density bonuses
- Parking waivers
- Fee waivers
- Capital contributions

Hamilton Housing Services: Recommendation

City staff provided two potential options for City incentives to Council.

The first would see Council waive the parkland dedication, planning application, and building permit fees for our mixed income rental housing project in proportion with the number of affordable units. In exchange, this enables us, as a result of the points these incentives give our application to CMHC's Rental Construction Financing Program, to provide 10 units at 125% average market rent for 15 years, and accept referrals from the social housing wait list. .

We believe this recommendation is a step in the right direction and we appreciate staff's willingness to support our project. That being said, we are asking you today to approve the alternative option that includes a property tax waiver for the affordable units only.

Hamilton Housing Services: Alternative Recommendation

While waiving the parkland dedication, planning application, and building fees supports the project's involvement in CMHC's Rental Construction Financing Initiative, it only represents a small fraction (0.1%) of the overall budget.

Staff proposed an alternative option which added a property tax waiver for the affordable units for a period of 15 years, in addition to the parkland dedication, planning, and building permit fee waiver. The addition of a property tax exemption for the affordable units enables us to provide 20 units at 125% average market rent for 15 years, an additional 10 affordable units. While project costs keep increasing to over \$340,000 per unit this alternative option provides 20 new affordable units to the community and an additional opportunity to decrease the housing wait list, while only costing the City of Hamilton 0.7% of a new unit per year for the next 15 years.

We are asking Council to approve this alternative option and for the 90 Carling Street development to have 20 affordable units rather than 10.

Thank you for taking the time to consider our proposal.

A handwritten signature in black ink, appearing to read 'Daniel Bragagnolo', written in a cursive style.

Daniel Bragagnolo

Secretary,
1469626 Ontario Ltd.



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Property Tax Assistance and Other Measures (FCS20038) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Tom Hewitson (905) 546-2424 Ext. 4159 Maria Di Santo (905) 546-2424 Ext. 5254
SUBMITTED BY:	Mike Zegarac General Manager, Finance and Corporate Services Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That penalty and interest charges be waived as follows:
 - (i) Related to the April 30, 2020 property tax instalment, for a period of 60 days;
 - (ii) Related to the June 30, 2020 property tax instalment, for a period of 30 days;
- (b) That penalty and interest charges related to prior property tax arrears not be waived;
- (c) That the City's Non-Sufficient Fund (NSF) Administrative Fee for the processing of returned payments be waived until July 31, 2020 for all property tax related payments (both cheques and pre-authorized payments) and general accounts receivable payments;
- (d) That, until July 31, 2020, the required two weeks' written notice for a taxpayer to cancel their pre-authorized payment plan be reduced to seven business days' notice prior to the next scheduled withdrawal to further accommodate taxpayers;

- (e) That, until July 31, 2020, taxpayers in good standing that wish to cancel their pre-authorized payment plan not be subject to penalty and interest charges;
- (f) That any new payment arrangements entered into with Alectra Utilities between April 8, 2020 and July 31, 2020 to address outstanding commercial or industrial water and wastewater / storm arrears not be subject to interest;
- (g) That the City's Administrative fee for transferring any other balances of fees and charges or other amounts, in addition to water and wastewater / storm arrears to the tax roll, be waived until July 31, 2020;
- (h) That penalty and interest related to any other balances of fees, charges or other amounts, in addition to water and wastewater / storm arrears transferred to the tax roll, be waived until July 31, 2020.
- (i) That the General Manager of Finance and Corporate Services, or designate, and the City Solicitor be authorized to execute any updates to agreements and by-laws to enact the recommendations above;
- (j) That "Property Tax Assistance and Other Measures" be removed from the Outstanding Business List.

EXECUTIVE SUMMARY

Council, at its meeting on March 20, 2020, passed the following motion:

"That staff be directed to review the feasibility of waiving the penalties on property tax instalments for property owners who may default on their April 30, 2020 property tax instalment and report back to General Issues Committee."

Staff report "The Property Tax Assistance and Other Measures" (FCS20038) outlines a number of financial measures to assist City of Hamilton property taxpayers, ratepayers and customers dealing with the possible financial hardship caused by the current COVID-19 pandemic. These measures balance the need to provide immediate relief, while still encouraging those that are able to make payments to do so, in order to ensure the City's cash flow is minimally impacted.

Property Taxpayers

The City issues an Interim tax bill in February based on 50% of the previous years' property taxes. The first instalment due date was February 28, 2020 (approximately 25% of previous years' property taxes). The second instalment due date is April 30, 2020 (the remaining 25%). Taxpayers not making payment by the due date incur penalty and interest charges as follows:

SUBJECT: Property Tax Assistance and Other Measures (FCS20038) (City Wide)
– Page 3 of 8

- Penalty of 1.25% of the missed instalment is charged on the first day of default
- Interest (1.25% per month / 15% per annum) is charged the first of each calendar month thereafter to all taxes past due, until the taxes are paid.

There are approximately 83,000 taxpayers paying property taxes by instalment due date and not via the City's pre-authorized payment plans or via their mortgage company. Staff is recommending that penalties and interest related to the late payment of the April 30th instalment be waived for a period of 60 days, in order to ensure that any taxpayer that cannot pay the April 30th instalment, will not experience additional financial burden. Interest on prior arrears will continue to be charged.

Final property tax bills are issued in June with normal instalment due dates of June 30th and September 30th (subject to approval of the final tax levy by-laws). Staff is recommending that these instalment due dates remain unchanged. However, given that the 60-day waiver period on the aforementioned April 30th instalment ends June 30th, a 30-day waiver period of penalty would then apply to the June 30th instalment date as well.

Effectively, this would provide those experiencing financial difficulties with an extra 60 days to pay the April 30th instalment and an extra 30 days to pay the June 30th instalment, without incurring related penalty and interest charges. Currently, staff is not recommending any measures related to the September 30th instalment date. However, staff will continue to monitor events.

There are approximately 64,000 taxpayers enrolled in one of the City's pre-authorized payment plans. The payment dates vary depending on the plan. Staff is not recommending any changes to these plans. These plans are voluntary and can be cancelled at any time provided a two weeks' written notice is received in advance of the next scheduled withdrawal date. Staff is temporarily reducing this notification period to seven business days to give taxpayers every opportunity to stop their pre-authorized payment, should their financial situation change. This adjustment to the required notice period will continue until July 31, 2020.

Should a pre-authorized withdrawal be returned due to insufficient funds, a second attempt is automatically initiated within seven to 10 business days after the first attempt is returned. If the second attempt is also returned due to insufficient funds, the City then normally charges an administrative fee (\$35.30 + HST) to process the returned payment. Staff is recommending that the Non-Sufficient Fund (NSF) administrative fee be waived until July 31, 2020. The taxpayer may also be subject to fees from their financial institution which the City has no control over. It is expected that these financial institutions may also be reviewing their fees as a result of the pandemic.

Some taxpayers provide post-dated cheques that align with the City's instalment dates. These cheques will be processed as normal. However, taxpayers can contact the City to have their cheque pulled and not processed. Similar to the required notice to cancel pre-authorized payments, staff is recommending that the required two weeks' notice be reduced temporarily to seven business days until July 31, 2020. The recommended waiving of the City's administrative fee for processing returned payments up until July 31, 2020, would also apply for any cheque payment that is returned.

Finally, there are approximately 33,000 taxpayers that pay through their mortgage company, whereby the financial institution remits the property tax payments by the instalment due dates. The City has no status in these arrangements to provide assistance. The financial institutions are encouraged to work with their clients to provide options and assistance where required. The 60-day waiving of penalty and interest charges on the April 30th instalment, as well as the 30-day waiving of penalty charges on the June 30th instalment will be extended to Mortgage companies remitting property tax payments on behalf of their clients.

Ratepayers (Water / Wastewater / Storm)

Alectra is the billing agent for our Ratepayers. Alectra bills monthly and has their own collection policies for overdue accounts. However, the City does have some policies related to overdue ratepayer accounts. Once the water / wastewater arrears reach 60 days, Alectra transfers these amounts to the City. The City receives a weekly file of all water arrears to add to the tax roll. An administrative fee is charged to transfer these balances to the tax roll (\$35.30). When added to the tax roll, the water arrears are treated like taxes and as such are subject to the same penalty and interest charges as property taxes.

Staff is recommending that commencing with Alectra's file for the week ending March 20th, the City waive the administrative fee and any related penalty and interest charges until July 31, 2020. Water arrears transferred to the tax roll for the week ending March 13th and prior will continue to be subject to the administrative fee and accrue penalty and interest if not paid. Normal communications advising ratepayers of the amount transferred to the tax roll will continue.

The City also provides Alectra with the authority to enter into payment arrangements for arrears. For residential customers, these arrangements are generally interest free. For non-residential accounts, the payment arrangements include interest charges at 15% (per annum). Staff is recommending that the City authorize that for any new agreements entered into between April 8, 2020 and July 31, 2020, Alectra waive interest charges. Existing arrangements will continue to have interest applied.

Alectra also applies their own fees and charges related to overdue Rate accounts up until the transfer to the property tax roll. The City cannot dictate these fees or provide any waiver. However, staff has engaged Alectra with the intent that temporary assistance may be considered.

The converged electric and water / wastewater invoice within Alectra's billing system does present a constraint in that late payment charges for water / wastewater accounts cannot be waived independently of doing the same with overdue electric accounts or vice versa.

Note that the City does not use water service shut off as a collection method. Therefore, all customers will continue to receive service regardless of their billing account status.

Other Items Transferred to the Tax Roll

The City has a number of fees and charges that, if not paid within the prescribed time period and collection processes, are transferred to the tax roll. These primarily include the aforementioned water arrears transferred to the tax roll. Other transfers include unpaid property standards, licensing and Provincial Offenses Act fines. As explained within the Ratepayer section, staff is recommending that these balances transferred to the tax roll up until July 31, 2020, not be charged penalty and interest or the administrative fee to add to the tax roll.

Financial Impact

The proposed property tax assistance and other measures are designed to provide temporary relief to taxpayers and customers facing hardship during the COVID-19 pandemic. It is extremely difficult, at this time, to estimate the take up of the assistance measures. With respect to the property tax levy instalments, the measures do not reduce the amount the City will ultimately receive. However, cash flow may be temporarily impacted.

Waiving penalties and interest as outlined in the recommendations will result in a negative impact to revenues. This impact has been estimated based on normal revenue flows against the 2020 Budget. If significant uptake occurs that results in waiving of penalty and interest, the amount waived above the City's normal revenue is not a negative impact to the budget, but an opportunity loss.

Staff estimates focus on the impact that these measures may have on the 2020 Budget variance. Again, the take up is entirely unknown, as such staff is providing a range. The estimate also assumes that these measures will not need to be extended. Staff would have to come back at a later date to report on further extension of these measures.

The estimated negative financial impact of the recommendations ranges from \$500,000 to \$1,000,000. There are three components to the revenue loss. First, the loss of the penalty and interest revenue. The high level of the range assumes that all of the normal penalty revenue that would normally occur May 1st and July 1st will be lost (about \$570,000). It should be noted that this estimate assumes foregone penalty and interest in a normal period. Given the uncertainty surrounding the duration of this crisis, the number of properties that may be in arrears would likely be greater than in a normal period, therefore the foregone penalty and interest revenue would be greater than those referenced above. The low end of the range (\$290,000) assumes that about 50% of those that would incur a penalty on the April 30th and June 30th due dates will still miss payment (and, therefore, be subject to interest) after the waiver ends (July 1st and August 1st, respectively).

Second, within both the high and low range is also about \$160,000 due to the waiving of the Non-Sufficient Fund administrative fees and administrative fees for adding charges to the tax roll to July 31, 2020.

The third component is lost investment revenue due to the cash flow delay. The high end assumes about 50% of taxpayers that pay by instalment defers the full waiver period. This would result in an estimated investment revenue loss of about \$270,000. The low end assumes about 10% of taxpayers defers. This would result in an estimated investment loss of about \$50,000.

The financial impacts of these measures are only one component of a very significant impact that the City will incur. Staff is developing tracking and projecting models to report an overall impact of the COVID-19 pandemic.

Other Taxation Process Notes

During this period where many taxpayers are experiencing economic hardship, Taxation staff will adopt measures within authorized scope to increase flexibility and minimize the burden that may be occurring. This includes deferring the normally scheduled May Tax Sale, the registration of liens and demonstrating flexibility with the current terms of individual extension agreements. With respect to extension agreements, staff will amend existing agreements, if required, to take into account any missed or lower monthly payments as initially agreed upon, up until July 31, 2020. This will ensure there is no default with the existing agreement and still be considered valid under the existing terms.

Alternatives for Consideration – Page 8

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: As indicated, adoption of the recommended assistance measures could result in a budget shortfall of between \$500,000 and \$1,000,000.

Staffing: Adoption of these measures may require additional Taxation staff time. However, additional staffing is not expected to be required at this time.

Legal: N/A

HISTORICAL BACKGROUND

Council, at its meeting on March 20, 2020, passed the following motion:

“That staff be directed to review the feasibility of waiving the penalties on property tax instalments for property owners who may default on their April 30, 2020 property tax instalment and report back to General Issues Committee.”

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

N/A

RELEVANT CONSULTATION

Staff has been corresponding with the Ontario Region and Single Tier Treasurers group. Most municipalities are adopting or considering measures similar to what has been recommended in Report FCS20038. Other or alternative measures being considered by other municipalities include fully delaying the tax instalment dates and developing a tax deferral hardship program, while a few are not currently planning any action.

Legal and Risk Management Services Division – Corporate Services Department

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The measures as outlined in the recommendations and Executive Summary are designed to give immediate and temporary relief to those taxpayers, ratepayers and customers experiencing hardship during this pandemic. Staff will continue to monitor the financial impact that the pandemic is having on taxpayers and report back to Council a status of these measures and any potential further measures that may be required.

ALTERNATIVES FOR CONSIDERATION

As indicated, the majority of municipalities surveyed are providing relief through similar measures (waiving penalties and interest on upcoming instalments). A few are waiving interest on outstanding prior arrears as well. For the City of Hamilton, this would result in an additional financial loss of over \$1 M per month. Providing interest relief on prior arrears is not recommended as they are not the result of the current COVID-19 pandemic.

Another alternative, as indicated by a few municipalities surveyed, is to not provide any relief. Some municipalities have also elected to temporarily suspend the automatic pre-authorized payment withdrawals. This option is not being recommended, as it assumes all taxpayers enrolled in pre-authorized payments are not able to meet their obligation and, in turn, would result in greater cash flow issues for the City. Instead, the City is providing greater flexibility to allow taxpayers the ability to cancel out of the pre-authorized payment plan, if required.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Our People and Performance

Hamiltonians have a high level of trust and confidence in their City government.

APPENDICES AND SCHEDULES ATTACHED

None.

TH/MD/dw/dt

Item 5.3 (a)



Hamilton

**PROPERTY TAX ASSISTANCE &
OTHER MEASURES
COMMITTEE OF THE WHOLE**

Report FCS20038

April 8th, 2020

COUNCIL DIRECTION

At its meeting on March 20, 2020, Council passed the following motion:

“That staff be directed to review the feasibility of waiving the penalties on property tax instalments for property owners who may default on their April 30, 2020 property tax instalment and report back to General Issues Committee.”

PROPERTY TAXPAYERS



Waive Penalty & Interest on April 30th Instalment

- P&I waived for 60 days to June 30th
- Approximately 83,000 taxpayers pay by instalment
- Interest on prior arrears continues, unless paid
- Non-payment after June 30th will result in P&I



Waive Penalty & Interest on June 30th Instalment

- Avoids two payments being required on June 30th
- P&I waived for 30 days to July 31st
- Approximately 83,000 taxpayers pay by instalment
- Interest on prior arrears continues, unless paid
- Non-payment after July 31st will result in P&I

PROPERTY TAXPAYERS



Pre-Authorized Payment (PAP)

- PAP withdrawals will continue per current arrangements
- Taxpayer can request to cancel plan without penalty
- Required notice to cancel prior to next payment will be reduced from 2 weeks to 7 business days for any cancellations received up until July 31st
- City will waive administration fees for returned payments until July 31, 2020
- Approximately 64,000 taxpayers pay via one of the City's 5 pre-authorized payment plans

RATEPAYERS (Water/WW/Storm)



Arrears Transferred to Tax Roll

- Continue to process as received from Alectra
- Continue to send out notification of amount added to taxes
- Waive Taxation Administrative Fee and P&I to July 31st
- Approximately 1,500 accounts transferred each month
- Previous transfers continue to be charged interest, unless paid
- Water service is not disconnected for non-payment



Alectra Ratepayer Payment Arrangements

- City currently authorizes Alectra to enter into payment arrangements to address water arrears
- Residential payment arrangements are interest free
- Non-Residential payment arrangements are subject to interest
- To July 31st, new arrangements would be interest free for the term

5

OTHER MEASURES



Other Items Transferred to Tax Roll

- Includes outstanding property standards, bylaw, POA fees
- Continue to send out notification of amount added to taxes
- Waive Taxation Administrative Fee and P&I to July 31st
- Previous transfers continue to be charged interest



Other Measures

- The next Tax Sale (May) will be deferred
- Registration of new liens will be deferred until July 31st
- Flexibility with payment extension agreements
- Authority to waive all NSF charges from other areas including Accounts Receivable up to July 31st

BUDGET IMPACT OF RECOMMENDED MEASURES

PROJECTED REVENUE LOSS		
Budget Impact of Waivers	Low	High
Penalty & Interest	\$290,000	\$570,000
Admin. Fees	\$160,000	\$160,000
Investment Income Loss	\$50,000	\$270,000
Total	\$500,000	\$1,000,000

Other Municipalities

- Majority of those surveyed are implementing a waiver on P&I for at least 30-60 days.
- Some are waiving interest on prior arrears as well.
- A few have postponed instalment dates.
- Some are not currently implementing any measures
- One indicated that it was developing a Tax Deferral Hardship Program (for those that meet criteria taxes can be fully deferred until Oct 30th)



Hamilton

THANK YOU





CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Financial Planning, Administration and Policy Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Tile Drainage Loan (Senchuk) (FCS20036) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Marcin Zukowski (905) 546-2424 Ext. 2162 Duncan Robertson (905) 546-2424 Ext.4744
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That a loan in an amount not to exceed \$39,200.00 pursuant to the Tile Drainage Loan Application submitted by Nadia Senchuk, 1491 Highway 8, Stoney Creek, (part of Lot 1 of Parts 3 and 4, Concessions 1 and 2, former Township of Saltfleet) be authorized and approved, subject to:
 - (i) the availability of Provincial funding and an Inspection Completion Certificate being filed with the City by the Drainage Inspector;
 - (ii) the terms and conditions required by By-Law Number 01-090 and the *Tile Drainage Act*;
 - (iii) the City of Hamilton's External Loan Guidelines not applying to the loan;
 - (iv) such additional terms and conditions as determined by the General Manager of Finance and Corporate Services;

- (b) That the issuance and sale to the Province of Ontario of a Tile Drainage Debenture, in respect of a Tile Drainage Loan to Nadia Senchuk, in an amount not to exceed \$39,200.00 to provide for the borrowing by the City of Hamilton from the Minister of Finance, be authorized and approved subject to the requirements of By-Law Number 01-090 and the *Tile Drainage Act*;

- (c) That the General Manager of Finance and Corporate Services be authorized and directed, on behalf of the City of Hamilton, to sign all agreements, debentures and related documents, including the Tile Drainage Debenture prepared in accordance with By-Law Number 01-090 and the *Tile Drainage Act*, necessary to give effect to Recommendations (a) and (b) of Report FCS20036 and, each such agreement, debenture and documents to be in a form satisfactory to the City Solicitor and in accordance with By-Law Number 01-090 and the *Tile Drainage Act*.

EXECUTIVE SUMMARY

A tile drainage loan application in the amount of \$39,200.00, which represents 75% of the total estimated cost (\$52,377.00), for the property known municipally as 1491 Highway 8, Stoney Creek and described as part of Lot 1 of Parts 3 and 4, Concessions 1 and 2, former Township of Saltfleet, has been received for Council approval. The owner of the subject lands has indicated on the application that the anticipated date of commencement and completion of the tile drainage installation is May of 2020.

The application has been reviewed and is in accordance with By-Law 01-090 (Appendix “A” to Report FCS20036) and the *Tile Drainage Act*. Staff recommends approval of this loan subject to the availability of Provincial funding and an Inspection Completion Certificate – details of the repayment schedule are provided in Appendix “B” to Report FCS20036.

Alternatives for Consideration – N/A

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There is no impact on the City for Tile Drainage Debentures since the Ontario Ministry of Agriculture, Food and Rural Affairs (OMAFRA) provides funding for the program.

Staffing: No impact on current staffing levels.

Legal: In Ontario, the Tile Loan Program, authorized by the *Tile Drainage Act*, R.S.O. 1990, provides loans to agricultural property owners to help finance tile drainage projects. On May 11, 2001, the City of Hamilton passed the Tile Drainage Loan Program – Borrowing By-Law 01-090, which allows lending of funds of up to 75% of the value of tile drainage work.

HISTORICAL BACKGROUND

The Tile Drainage Loan Program (the “Program”) is funded by OMAFRA and allows municipalities to sell debentures to the Province for funding private tile drainage projects. The Program is used in rural areas to financially assist drainage of agricultural lands. Tile Drainage Loans, secured by priority lien status, are available to farmers, through their local municipality, at an interest rate determined, from time to time, by the Lieutenant Governor in Council for a ten-year term. The current rate is 6%. The maximum amount of loan available to an individual farmer in one year is \$50,000. Therefore, farmers may obtain a loan not exceeding the lesser of:

- (a) amount applied for by the farmer, or
- (b) 75% of the value of the tile drainage work performed, or
- (c) \$50,000

The granting of the approval of any loan application is at the discretion of the local Council, whose decision is final. Once approval of the loan is received from Council, the applicant proceeds with the work and an inspection is done by an inspector appointed by the municipality. All work must be carried out in accordance with the *Agricultural Tile Drainage Installation Act* and must be approved by the inspector. Once approved, the loan can be debentured and sold to OMAFRA under the authority of the City’s Borrowing By-law 01-090 for tile drainage works. The loan amount is applied directly to the property and is collected in the same manner as taxes on the property.

By-Law No. 01-090 permits borrowing up to \$200,000 to aid in the construction of drainage works under the *Tile Drainage Act*. Under the current By-Law, a total sum of \$85,000 has been borrowed on credit from the Minister of Finance.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The Tile Drainage Loan Program is administered by Municipalities on behalf of OMAFRA and policies set by the Ministry must be followed.

RELEVANT CONSULTATION

Legal and Risk Management Services Division – Corporate Services Department
Ontario Ministry of Agriculture, Food and Rural Affairs
City of Hamilton’s Drainage Superintendent

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

The Tile Drainage Loan Program is offered by OMAFRA for those who require financial assistance to upgrade drainage on agricultural lands. The municipality officials must ensure loans under the program adhere to terms provided in the *Tile Drainage Act* and By-law. Tile Drainage Loans are secured by priority lien status and are not subject to the City's external loan guidelines.

ALTERNATIVES FOR CONSIDERATION

N/A

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Clean and Green

Hamilton is environmentally sustainable with a healthy balance of natural and urban spaces.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS20036 – By-law 01-090 – Being a By-law to Raise \$200,000 to Aid in the Construction of Drainage Works Under the *Tile Drainage Act* in the City of Hamilton

Appendix "B" to Report FCS20036 – Tile Drainage Loan Amortization Schedule

MZ/DR/dt

Authority: Item 4, Committee of the Whole
Report 01-016 (FCSO1048)
CM: May 29, 2001

Bill No. 090

CITY OF HAMILTON

BY-LAW NO. 01-090

BEING A BY-LAW TO RAISE \$200,000 TO AID IN
THE CONSTRUCTION OF DRAINAGE WORKS
UNDER THE TILE DRAINAGE ACT IN THE CITY
OF HAMILTON.

WHEREAS pursuant to the provisions of the City of Hamilton Act, 1999, on January 1, 2001, the former municipalities of the City of Hamilton, the City of Stoney Creek, the Town of Ancaster, the Town of Flamborough, the Town of Dundas and the Township of Glanbrook and the Regional Municipality of Hamilton-Wentworth (hereinafter collectively referred to as the "Former Municipalities") amalgamated to become the City of Hamilton;

AND WHEREAS also pursuant to the provisions of the City of Hamilton Act, 1999 every by-law or resolution of a Former Municipality that was in force on December 31, 2000 shall be deemed to be a by-law or a resolution of the City Council on January 1, 2001 and remains in force in respect of the part of the municipal area to which it applied on December 31, 2000 until it expires or is repealed or amended to provide otherwise;

AND WHEREAS prior to January 1, 2001 the Former Municipalities had passed borrowing by-laws under the authority of Section 2 of the Tile Drainage Act (the "Act");

AND WHEREAS it is considered desirable the City of Hamilton enact a new by-law under the authority of Section 2 of the Act for the purpose of any future borrowings:

NOW THEREFORE, be it enacted by the Council of the City of Hamilton as follows:

1. No further borrowing will be permitted under the following by-laws:

- | | |
|------------------|-------------------|
| (a) Stoney Creek | By-law No.3068-71 |
| (b) Ancaster | By-law No.83-130 |
| | By-law No. 88-17 |
| | By-law No. 92-57 |

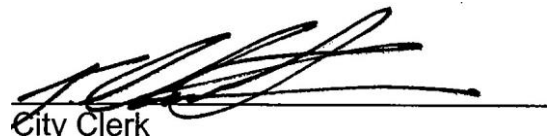
- (c) Flamborough By-law No. 82-77-T
 By-law No. 8546-T
- (d) Glanbrook By-law No. 332-86
 By-law No. 445-91
- (e) Regional Municipality
 of Hamilton-Wentworth By-law No. R88-108
 By-law No. R77-173
 By-law No. R85-095
 By-law No. R85-96
 By-law No. R97-083

2. The City may from time to time, subject to the provisions of this by-law, borrow on the credit of the City such sums not exceeding in the whole \$200,000, as may be determined by the Council, and may in the manner hereinafter provided, issue debentures of the City for the amount so borrowed as provided in the Act payable to the Minister of Finance at the Parliament Buildings, Toronto, which debentures shall reserve the right to prepay the whole or any part of principal and interest owing at the time of such prepayment.
3. Where an application for a loan under the Act is approved by the Council and an Inspector of Drainage has filed with the Clerk an Inspection and Completion Certificate, the Council may include a sum, not exceeding the lesser of the amount applied for or 75 percent of the total cost of the drainage work (rounded down to the nearest \$100) with respect to which the loan is made, in a debenture payable to the Minister of Finance in accordance with the Act and may approve of the City lending the said sum to the applicant.
4. A special annual rate shall be imposed, levied and collected over and above all other rates upon the land in respect of which the money is borrowed, sufficient for the payment of the principal and interest as provided by the Act.

PASSED and enacted this 29th day of May, 2001.



Acting Mayor



City Clerk

Tile Drainage Loan Amortization Schedule


Borrower Nadia Senchuk
 Purpose Tile Drainage Loan (FCS20036)
 Property 1491 Highway 8, Stoney Creek and described as part of
 Lot 1 of Parts 3 and 4, Concessions 1 and 2

Principal Amount \$ 39,200.00
 Annual Interest Rate 6.00 %
 Loan Term (Year) 10
 Debenture Date (mm/dd/yyyy) 05/01/2020
 Maturity Date (mm/dd/yyyy) 05/01/2030
 Payment Frequency Annual
 Loan Type Serial

<u>Payment Date</u>	<u>Total Payment</u>	<u>Principal Amount</u>	<u>Interest Amount</u>	<u>Principal Balance</u>
05/01/2021	\$ 5,326.02	\$ 2,974.02	\$ 2,352.00	\$ 36,225.98
05/01/2022	\$ 5,326.02	\$ 3,152.47	\$ 2,173.56	\$ 33,073.51
05/01/2023	\$ 5,326.02	\$ 3,341.61	\$ 1,984.41	\$ 29,731.90
05/01/2024	\$ 5,326.02	\$ 3,542.11	\$ 1,783.91	\$ 26,189.79
05/01/2025	\$ 5,326.02	\$ 3,754.64	\$ 1,571.39	\$ 22,435.15
05/01/2026	\$ 5,326.02	\$ 3,979.91	\$ 1,346.11	\$ 18,455.24
05/01/2027	\$ 5,326.02	\$ 4,218.71	\$ 1,107.31	\$ 14,236.53
05/01/2028	\$ 5,326.02	\$ 4,471.83	\$ 854.19	\$ 9,764.69
05/01/2029	\$ 5,326.02	\$ 4,740.14	\$ 585.88	\$ 5,024.55
05/01/2030	\$ 5,326.02	\$ 5,024.55	\$ 301.47	\$ 00.00
	\$ 53,260.24	\$ 39,200.00	\$ 14,060.24	



CITY OF HAMILTON
PUBLIC WORKS DEPARTMENT
Engineering Services Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Appropriation Transfer of Funds for Rymal Rd E - Fletcher to Upper Centennial - 2020 Reconstruction Project (PW20023) (Wards 9 and 11)
WARD(S) AFFECTED:	Wards 9 and 11
PREPARED BY:	Erika Waite (905) 546-2424 Ext. 6397
SUBMITTED BY:	Gord McGuire Director, Engineering Services Public Works
SIGNATURE:	

RECOMMENDATION

- (a) That the General Manager of Public Works be authorized and directed to award tender C15-50-19 (HSW) to Coco Paving Inc. in the amount of \$22,450,000 (not including Contingency and Non-Refundable HST) as identified in Report PW20023 as Appendix "A" and that the General Manager of Public Works be authorized to execute, on behalf of the City of Hamilton, all agreements and other documents necessary to implement this award on confirmation that each such agreement be in a form satisfactory to the City Solicitor;
- (b) That a budget adjustment be approved to increase Capital Project ID 4031580589 (Rymal Rd E – Fletcher to Upper Centennial) by \$1,144,000 from \$12,132,000 to \$13,276,000 and that this increase be funded by a transfer of \$572,000 from the Development Charge Reserve 110306 and \$572,000 from the Development Charge Reserve 110307;
- (c) That a budget adjustment be approved to increase Capital Project ID 5182080089 (Rymal Rd E – Fletcher to Upper Centennial) by \$443,000 from \$1,178,000 to \$1,621,000 and that this increase be funded by a transfer of \$195,000 from the Development Charge Reserve 110352 and \$248,000 from the Development Charge Reserve 110353.

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OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

EXECUTIVE SUMMARY

Rymal Road East from Fletcher to approximately 250m East of Upper Centennial/ Regional Road 56 and Regional Road 56 from Rymal Road E to approximately 1400m South of Rymal Road E are identified within the 2020 Capital Roads Program for reconstruction during 2020 and 2021.

The total estimated approved budget available for the Rymal Road East from Fletcher to approximately 250m East of Upper Centennial/ Regional Road 56 and Regional Road 56 from Rymal Road E to approximately 1400m South of Rymal Road E tender is \$25,644,000. The tender bid including contingency and non-recoverable HST, is \$25,151,000. The tender consists of eleven section, two of which came in over budget. While there is a combined tender surplus in nine sections of \$2,360,000, this surplus cannot be applied to the road and storm deficit because it is either from different programs or the DC split is not in keeping with the 2019 DC Study. A transfer of DC funds is required in order to award the contract.

The contract involves road reconstruction, widening to 5 lanes, sidewalk installation along the North and South sides, street lighting on both sides of the roads, traffic signal installation, storm and sanitary sewer installation.

Budget adjustments through transfer of funds for the road and storm sewer sections of the contract are required in order to award the contract

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The total required increase to the road project is \$1,346,000. As per the 2019 DC Study, 15% of these costs benefit the existing infrastructure and 85% is attributable to development (50% Residential and 50% Non-Residential).

The increase associated with the existing infrastructure is \$202,000. This transfer has been processed using the Procurement Policy signing authority. The increase road cost attributed to development (\$1,144,000) can be funded by the following transfers a transfer of \$572,000 from Development Charge Reserve 110306 and \$572,000 from Development Charge Reserve 110307.

The total required increase to the storm project is \$521,000. As per the 2019 DC Study, 15% of these costs benefit the existing infrastructure and 85% is

attributable to development (44% Residential and 56% Non-Residential). The increase associated with the existing infrastructure is \$78,000. This transfer has been processed using the Procurement Policy signing authority. The increased storm cost attributed to development (\$443,000) for Capital Project ID 5182080089 (Rymal Rd E – Fletcher to Upper Centennial) can be funded by the following transfers a transfer of \$195,000 from Development Charge Reserve 110352 and \$248,000 from Development Charge Reserve 110353.

Staffing: None

Legal: None

HISTORICAL BACKGROUND

Urbanization and widening of Rymal Road was identified through the Rymal Road Planning Area (ROPA-9) Class Environmental Assessment Study Report and planned for improvement through the coordinated capital program. Sanitary and storm sewer installation were also required to accommodate development growth of the area and for associated road widening impacts.

In order to improve the efficiency of construction, planned capital projects for Rymal Road – Fletcher Road to Upper Centennial Parkway and Regional Road 56 – Rymal to 1.4km south of Rymal Road, were combined into a single contract.

The coordinated project required land acquisition, relocation of utilities and poles, urbanization and widening of the road to 5 lanes (2-lanes in each direction with a centre two-way turn lane), curb and gutter, sidewalks along the north and south side of Rymal Road and the west side of Upper Centennial Parkway, traffic signals and signs, street lighting, culvert replacement, sanitary and storm sewer installations, traffic islands and streetscaping.

Tender bids received for the road and storm works were higher than estimated. The variance in estimated costs and required appropriation through transfer of funds is attributed to the above-mentioned scope requirements.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None

RELEVANT CONSULTATION

The project consultations include the consultation with Hamilton Water, Transit, Development, Forestry, Legal Services and other City of Hamilton Departments.

Consultation with the adjacent businesses, property owners, utilities and government agencies were also completed.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

The department of Public Works, Engineering Services Division and Planning and Economic Development, Infrastructure Planning Division, provides funding source recommendations in order to allow for the award and completion of Rymal Rd E – Fletcher to Upper Centennial and RR 56 – Rymal Rd E to 1400m South of Rymal project C15-50-19 (HSW).

ALTERNATIVES FOR CONSIDERATION

An alternative for consideration is to not award the tender and defer the project construction to year 2021. In this case, existing funds will be maintained and earmarked to fund 2021 construction, and the required additional funds will be requested for approval through the 2021 budget process. This may result in the need to alter the timing of other currently proposed projects in the short-term forecast.

Any such deferral will result in declining service levels increasing risk and liability along with increased maintenance costs.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Community Engagement and Participation

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**SUBJECT: Appropriation Transfer of Funds for Rymal Rd E - Fletcher to Upper Centennial - 2020 Reconstruction Project (PW20023) (Wards 9, 11)
- Page 5 of 5**

Our People and Performance

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APPENDICES AND SCHEDULES ATTACHED

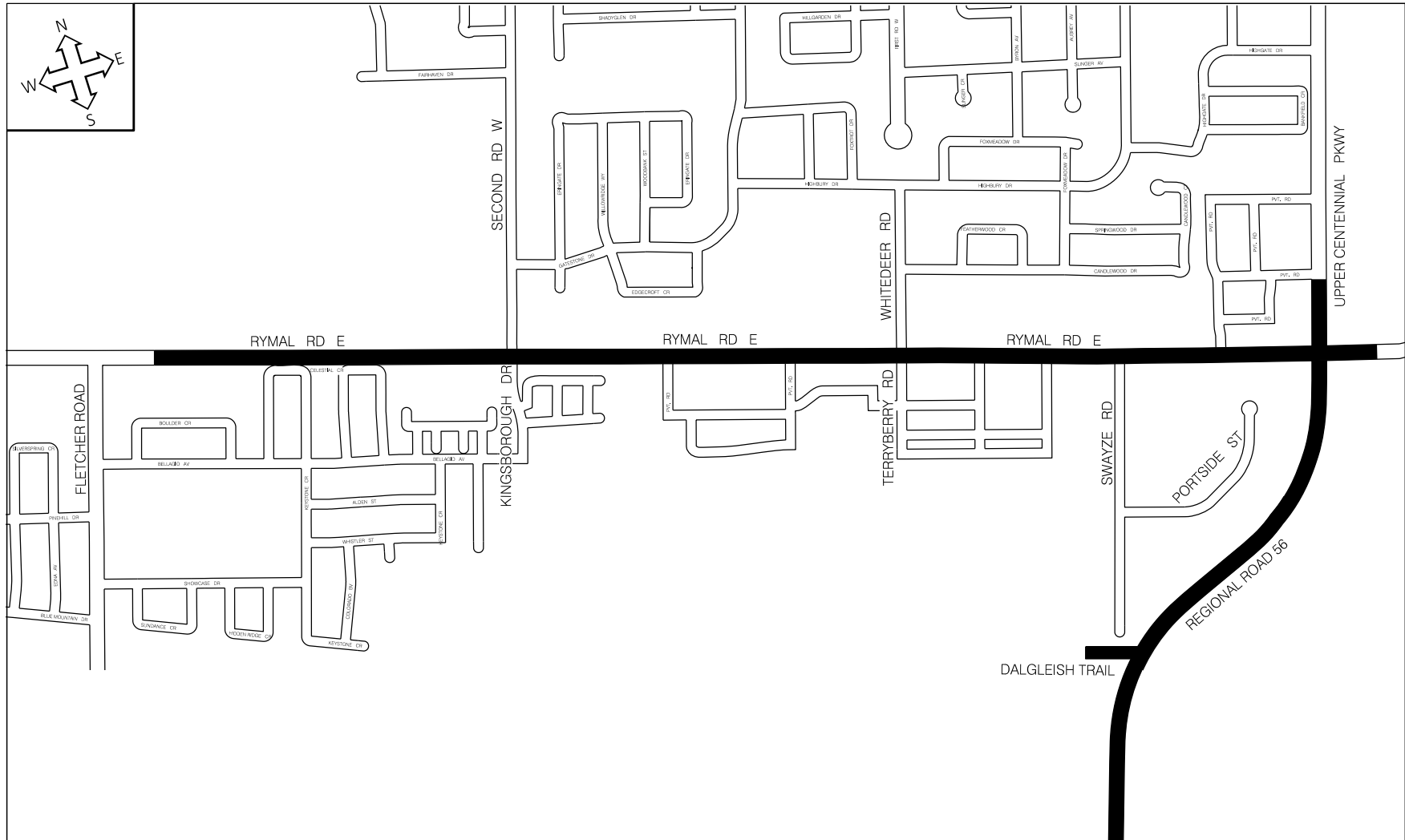
Appendix “A” to Report PW 20023: Schedule A - Tender Information Summary

Appendix “B” to Report PW 20023: Rymal Rd E – Fletcher to Upper Centennial and RR 56 – Rymal Rd E to 1400m South of Rymal

Public Works Department
SCHEDULE A - TENDER INFORMATION SUMMARY

CONTRACT NUMBER: C15-50-19 (HSW)
Description: Rymal Road East & Regional Road 56 Reconstruction and Widening

	LIST OF BIDDERS	BIDS (NOT INCLUDING HST & CONTINGENCY)	CONTINGENCY	13%HST	TOTAL AWARD INCL 13%HST & CONTINGENCY	LOCATION AND TYPE OF WORK	TOTAL EST'D COST (INCL ENG, ETC.)	2020 APPROPRIATION IN BUDGET	APPROPRIATION ADJUSTMENT REQUIRED	COMMENTS
1.	Coco Paving Inc. (Hannon)	\$ 22,450,000.00	2,245,000.00	3,210,350.00	\$ 27,905,350.00	<u>Section A, B2</u> Location: Rymal Rd E from Fletcher to Upper Centennial Pkwy Description: Storm Sewer Construction Project ID: 5182080089	1,621,000.00	1,100,000.00		Deficit -521,000
2.	New Alliance Ltd. (Burlington)	24,742,600.00								
3.	Clearway Construction Inc. (Concord)	25,073,688.40				<u>Section A, C3, D2, E2, G1</u> Location: Rymal Rd E from Fletcher to Upper Centennial Pkwy Description: Sanitary Sewer Construction Project ID: 5162080089	3,850,000.00	5,293,000.00		Surplus Available 1,443,000.00
4.	Aecon Construction and Materials Limited (Toronto)	27,779,888.50				<u>Section A, D2, G1, T</u> Location: Rymal Rd E from Fletcher to Upper Centennial Pkwy Description: Rymal Road East Work Project ID: 4031580589	12,528,000.00	11,182,000.00		Deficit -1,346,000.00
5.	Dufferin Construction Company, A division of CRH Canada Group Inc. (Oakville)	28,610,000.00				<u>Section A1, E2, G1, S</u> Location: Regional Road 56 from Rymal Rd E to 1400m South of Rymal Description: RR56 Road and Culverts Project ID: 4031780789	5,765,000.00	6,179,000.00		Surplus Available 414,000.00
6.	Drainstar Contracting Ltd.	28,721,422.00				<u>Section E2</u> Location: Regional Road 56 from Rymal Rd E to 1400m South of Rymal Description: RR56 Road and Culverts - <u>Multiuse Path</u> Project ID: 4661717124	6,000.00	130,000.00		Surplus Available 124,000.00
						<u>Section F Impacted Material</u> Location: Rymal Road E & Regional Road 56 Description: Impacted Material Project ID: 4031914405	360,000.00	360,000.00		
						<u>Section H, H, J2, L2, M1, O2, Q2</u> Location: Rymal Road E Description: Temporary and Permanent Traffic Signals Project ID: 4661920540	672,000.00	750,000.00		Surplus Available 78,000.00
						<u>Section K2</u> Location: Regional Road 56 at Dagleish Trail Description: Permanent Signals Project ID: 4661920923	104,000.00	250,000.00		Surplus Available 146,000.00
						<u>Section N2</u> Location: Rymal Road East of Terryberry Description: Permanent Pedestrian Signals Project ID: 4661920922	66,000.00	100,000.00		Surplus Available 34,000.00
						<u>Section P1</u> Location: Permanent Signals on Rymal at RIOCAN Description: Permanent Signals Project ID: 4661920926	117,000.00	200,000.00		Surplus Available 83,000.00
						<u>Section R1</u> Location: Rymal Road E at Celestial Description: Permanent Signals Project ID: 4661920927	62,000.00	100,000.00		Surplus Available 38,000.00
							25,151,000.00	25,644,000.00		493,000.00



 Proposed Works

City of Hamilton (Community of Stoney Creek)
 Ward 9 & Ward 11
 Rymal Rd E - Fletcher Rd to Upper Centennial Pkwy
 Regional Road 56 - Rymal Rd E to 1400m South of Rymal Rd
 Proposed Works

CITY OF HAMILTON
 Public Works Department
 General Manager, Dan McKinnon

DATE: December, 2019 CONTRACT No. C15-50-19 (HSW)



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Fruitland - Winona Secondary Plan – Block Servicing Strategy Completion (Block 3) (PED20078) (Ward 10)
WARD(S) AFFECTED:	Ward 10
PREPARED BY:	Margaret Fazio (905) 546-2424 Ext. 2218
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

- (a) That staff be directed to use the Block 3 Servicing Strategy for Fruitland - Winona Secondary Plan Lands Final Report, as contained in Appendix “C” to Report PED20078, as a basis for reviewing and approving all development applications within the Block 3 Servicing Strategy area; and,
- (b) That the Senior Director, Growth Management, or their designate, be directed to use their discretion in applying the Block 3 Servicing Strategy for the Fruitland - Winona Secondary Plan Lands Final Report, March 2020 to individual developments by making any necessary minor modifications to the Block 3 Servicing Strategy provided that the intent of the Block 3 Servicing Strategy is maintained.

EXECUTIVE SUMMARY

The Block 3 Servicing Strategy (B3SS) study area is generally bounded by Barton Street to the north, Highway 8 to the South, McNeilly Street to the West, and Collector Road “D” east of Lewis Road, as shown on Appendix “A” to Report PED20078 attached. The Block 3 Servicing Strategy has been carried out by Urbantech Consulting on behalf of the current study land owners.

OUR Vision: To be the best place to raise a child and age successfully.

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SUBJECT: Fruitland - Winona Secondary Plan – Block Servicing Strategy Completion (Block 3) (PED20078) (Ward 10) - Page 2 of 7

Council approved Fruitland - Winona Secondary Plan (FWSP) section 7.4.13.15 states that: “A Block Servicing Strategy shall be required for the areas identified on Map B.7.4-4 – Fruitland - Winona Secondary Plan – Block Servicing Strategy.” Section 7.4.14.1 includes, under sub-section c) that “All development within the lands identified as the “Servicing Strategy Area” shall conform to the Block Servicing Strategy”.

A Terms of Reference (TOR) for B3SS, attached as Appendix “B” to Report PED20078, was developed by Urbantech West consulting team, shared with and agreed upon by the Hamilton Conservation Authority (HCA) and City staff. The consultant team followed the TOR, with staff and HCA fully involved in the project process. The study process did not legally require formal public consultation to be carried out, however, it followed the Municipal Engineers Association’s Municipal Class Environmental Assessment document in general, to provide transparency and opportunities for input not just from affected land owners but also agencies, City staff and public at large.

The Block 3 Servicing Strategy adheres to the FWSP policies, approved by Council on May 14, 2014, and staff agree with its contents.

With the completion and approval by Council of the B3SS, development can proceed in the Block 3 lands. The B3SS will guide the approval of orderly development. This should control and expedite the development application process and ensure alignment with municipal infrastructure, in accordance with the phasing plan.

Alternatives for Consideration – See Page 6

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: N/A

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

The Block 3 study area is generally bounded by Barton Street to the north, Highway 8 to the South, McNeilly Street to the West, and Collector Road “D” east of Lewis Road, as shown on Appendix “A” to Report PED20078 attached. The Block 3 Servicing Strategy has been carried out by Urbantech Consulting on behalf of the current study land owners. Block 3 Servicing Strategy Final Report, Appendix “C”, is available for download from the City of Hamilton website at: <https://www.hamilton.ca/city-planning/master-plans-class-eas/block-servicing-strategies-stoney-creek-and-gordon-dean-class>.

The Council approved Fruitland - Winona Secondary Plan (2014) section 7.4.13.15 states that: “A Block Servicing Strategy shall be required for the areas identified on Map B.7.4-4 – Fruitland - Winona Secondary Plan – Block Servicing Strategy.” Section 7.4.14.1 includes, under sub-section c) that “All development within the lands identified as the “Servicing Strategy Area” shall conform to the Block Servicing Strategy”.

A Terms of Reference (TOR) for Block Servicing Strategy – attached as Appendix “B” to Report PED20078, was developed by Urbantech West consulting team, shared and agreed upon by the Hamilton Conservation Authority (HCA) and City staff. The consultant team followed the TOR, with staff and HCA fully involved in the project process.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Council approved Fruitland - Winona Secondary Plan (2014) section 7.4.13.15 states that: “A Block Servicing Strategy shall be required for the areas identified on Map B.7.4-4 – Fruitland - Winona Secondary Plan – Block Servicing Strategy.” Section 7.4.14.1 includes, under sub-section c) that “All development within the lands identified as the “Servicing Strategy Area” shall conform to the Block Servicing Strategy”.

B3SS generally followed the public consultation process generally based on the Municipal Engineers Association’s Municipal Class Environmental Assessment document (2001, as amended in 2007, 2011, and 2015).

This means that legally no public consultation was required for this process because the nature of this study is technical. However, the study provided opportunities for input from the public at large, agencies and affected land owners, to ensure transparency.

It should be noted that while there is currently one specific appeal of the Approved Secondary Plan applicable to the western neighbourhood park within the Block 3 lands, the neighbourhood park lands have been included in the analyses of B3SS.

RELEVANT CONSULTATION

A comprehensive public consultation program was incorporated into the study and included the following components:

- Stakeholder List – Area land owners were informed on February 23, 2016 about project initiation with few responses. Another letter was sent to area land owners inviting them to be part of the study on December 6, 2016.

SUBJECT: Fruitland - Winona Secondary Plan – Block Servicing Strategy Completion (Block 3) (PED20078) (Ward 10) - Page 4 of 7

- Notice of March 2, 2017 Land Owners Meeting was sent to all area land owners on February 17, 2017. About 50 attendees were present for the presentation and open house meeting, followed by numerous subsequent smaller meetings, resulting in the formation of the Landowners Group.
- A mailing list was created and maintained throughout the study. It included local community groups, Indigenous Peoples, agencies, as well as members of the public who requested to be added to the study list via telephone, email or comment sheets submitted during the study process. It should be noted that in this Block, only certain land owners joined Branthaven in paying for the study. Nevertheless, the study findings were still circulated and land owners outside of this circle were also given the opportunity for comment at key points of the study process.
- Newspaper Notices – Notices were placed in the Stoney Creek News one and two weeks prior to the public meeting, to announce the Land Owner Meeting (December 2016) and to publicize each public consultation event including the Notice of Completion and 30-day Public Review of the Draft Block Servicing Strategy study. The 30-day review took place January 16 – February 14, 2020. The notices provided a description of the study, invited the public to attend the consultation events, provided opportunities for input and identified ways to obtain more information.
- Direct Mail – Direct mail was used for notification of all those listed on the Stakeholder List (agencies) and interested land owners and other members of the public mailing list.
- Other Meetings – Numerous meetings were held, and correspondence exchanged, with individuals and various groups of interested land owners/members of the public throughout the study process.
- Project Website – A project website (Hamilton.ca/blockservicingstrategies) was used to serve as a portal for all project information, updates, and consultation materials throughout the study.
- Social Media – The City of Hamilton Twitter Account was used to also disseminate notification of the joint Public Meeting as well as the Notice of Completion and 30-Day Public Review of the Final Draft Block Servicing Strategy study.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

City Staff agree with the contents of the B3SS Final Report.

SUBJECT: Fruitland - Winona Secondary Plan – Block Servicing Strategy Completion (Block 3) (PED20078) (Ward 10) - Page 5 of 7

The benefits of having a Servicing Strategy is that it provides a comprehensive view of an entire development block, so that when applications are received, they can be examined within a larger context and implemented in a co-ordinated and comprehensive manner.

The B3SS meets the expectation of provision of clearer direction and greater certainty with respect to the City's expectation regarding servicing requirements and will provide a more detailed context within which to co-ordinate the review of development applications. Specifically, the B3SS provides a mechanism to facilitate the comprehensive co-ordination of roads, municipal infrastructure and stormwater management facilities with adjacent development, the natural heritage system and each other.

The specific items achieved by the B3SS study are as follows:

- The land uses and collector roads in the B3SS concept plan have been designed in accordance with Fruitland -Winona Secondary Plan. Based on the proposed road layout of the concept plan, a preliminary grading plan has been designed to match the existing road and boundary grades around the perimeter of the subject study land. The detailed grading for individual lots and/or blocks is not provided in the preliminary grading plans, and individual development applications will be required to demonstrate conformance with overall lot/block grading and existing or interim conditions.
- The final locations of the stormwater management facilities (ponds) number 2 and 3 identified in Fruitland - Winona Sub-Watershed Study (2009) have been established in consideration of the existing or natural low points in terrain. This was carried out in order to minimize earthworks (cut and fill operations) and to maintain existing drainage patterns. The external drainage from south of Highway 8 on the east and west side of Lewis Road, will be conveyed via a proposed storm sewer on Lewis Road, until it drains in the northerly direction for ultimate discharge to the channel along the easterly edge of 1119 Barton Street East (north-west corner of Barton Street and Lewis Road) property.
- The development of the study lands will be serviced for by gravity sewers to the existing sewers on McNeilly Road and Lewis Road. The installation of a new sanitary sewer will be required on Barton Street from McNeilly Road to the east limit of the study area. The refinements to the population densities utilized in the creation of the concept plan may require a sewer upgrade on Lewis Road.
- The water hydraulic analysis concluded that the development within Block 3 SS lands can be adequately serviced through the existing watermains along its boundary roads.

The Block 3 Servicing Strategy adheres to the FWSP policies, approved by Council on May 14, 2014.

With the completion and approval by Council of the B3SS, development can proceed in the Block 3 lands. The B3SS will guide the approval of orderly development. This should control and expedite the development application process and ensure alignment with municipal infrastructure, in accordance with the phasing plan.

ALTERNATIVES FOR CONSIDERATION

Not approving the B3SS as it is presented today. Delaying approval of this Report will delay the development and growth of lands within B3SS study area.

Not approving the B3SS altogether. There will be no design principles and strategies for the road layout, servicing and grading, to accommodate orderly development.

Without the baseline conditions it will also be more difficult and less efficient for staff to process development applications.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

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Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

Clean and Green

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Built Environment and Infrastructure

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Our People and Performance

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APPENDICES AND SCHEDULES ATTACHED

Appendix “A” - Fruitland - Winona Secondary Plan - Block 3

Appendix “B” - Block Servicing Strategy, Fruitland - Winona Secondary Plan - Block 3 -
Terms of Reference





Appendix “C” - Block 3 Servicing Strategy for Fruitland - Winona Secondary Plan Lands
Final Report

MF/sd

APPEALS

- Lands Under Appeal
 - 226, 228, 230, 232, 234, 236, 238, 240, 242, 244, 246, 248, 250, 252, 254, 256, 258, 260, 262, 264, 266, 268, 270, 272, 274, 276, 278, 280, 282, 284, 286, 288, 290, 292, 294, 296, 298, 300, 302, 304, 306, 308, 310, 312, 314, 316, 318, 320, 322, 324, 326, 328, 330, 332, 334, 336, 338, 340, 342, 344, 346, 348, 350, 352, 354, 356, 358, 360, 362, 364, 366, 368, 370, 372, 374, 376, 378, 380, 382, 384, 386, 388, 390, 392, 394, 396, 398, 400, 402, 404, 406, 408, 410, 412, 414, 416, 418, 420, 422, 424, 426, 428, 430, 432, 434, 436, 438, 440, 442, 444, 446, 448, 450, 452, 454, 456, 458, 460, 462, 464, 466, 468, 470, 472, 474, 476, 478, 480, 482, 484, 486, 488, 490, 492, 494, 496, 498, 500, 502, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526, 528, 530, 532, 534, 536, 538, 540, 542, 544, 546, 548, 550, 552, 554, 556, 558, 560, 562, 564, 566, 568, 570, 572, 574, 576, 578, 580, 582, 584, 586, 588, 590, 592, 594, 596, 598, 600, 602, 604, 606, 608, 610, 612, 614, 616, 618, 620, 622, 624, 626, 628, 630, 632, 634, 636, 638, 640, 642, 644, 646, 648, 650, 652, 654, 656, 658, 660, 662, 664, 666, 668, 670, 672, 674, 676, 678, 680, 682, 684, 686, 688, 690, 692, 694, 696, 698, 700, 702, 704, 706, 708, 710, 712, 714, 716, 718, 720, 722, 724, 726, 728, 730, 732, 734, 736, 738, 740, 742, 744, 746, 748, 750, 752, 754, 756, 758, 760, 762, 764, 766, 768, 770, 772, 774, 776, 778, 780, 782, 784, 786, 788, 790, 792, 794, 796, 798, 800, 802, 804, 806, 808, 810, 812, 814, 816, 818, 820, 822, 824, 826, 828, 830, 832, 834, 836, 838, 840, 842, 844, 846, 848, 850, 852, 854, 856, 858, 860, 862, 864, 866, 868, 870, 872, 874, 876, 878, 880, 882, 884, 886, 888, 890, 892, 894, 896, 898, 900, 902, 904, 906, 908, 910, 912, 914, 916, 918, 920, 922, 924, 926, 928, 930, 932, 934, 936, 938, 940, 942, 944, 946, 948, 950, 952, 954, 956, 958, 960, 962, 964, 966, 968, 970, 972, 974, 976, 978, 980, 982, 984, 986, 988, 990, 992, 994, 996, 998, 1000

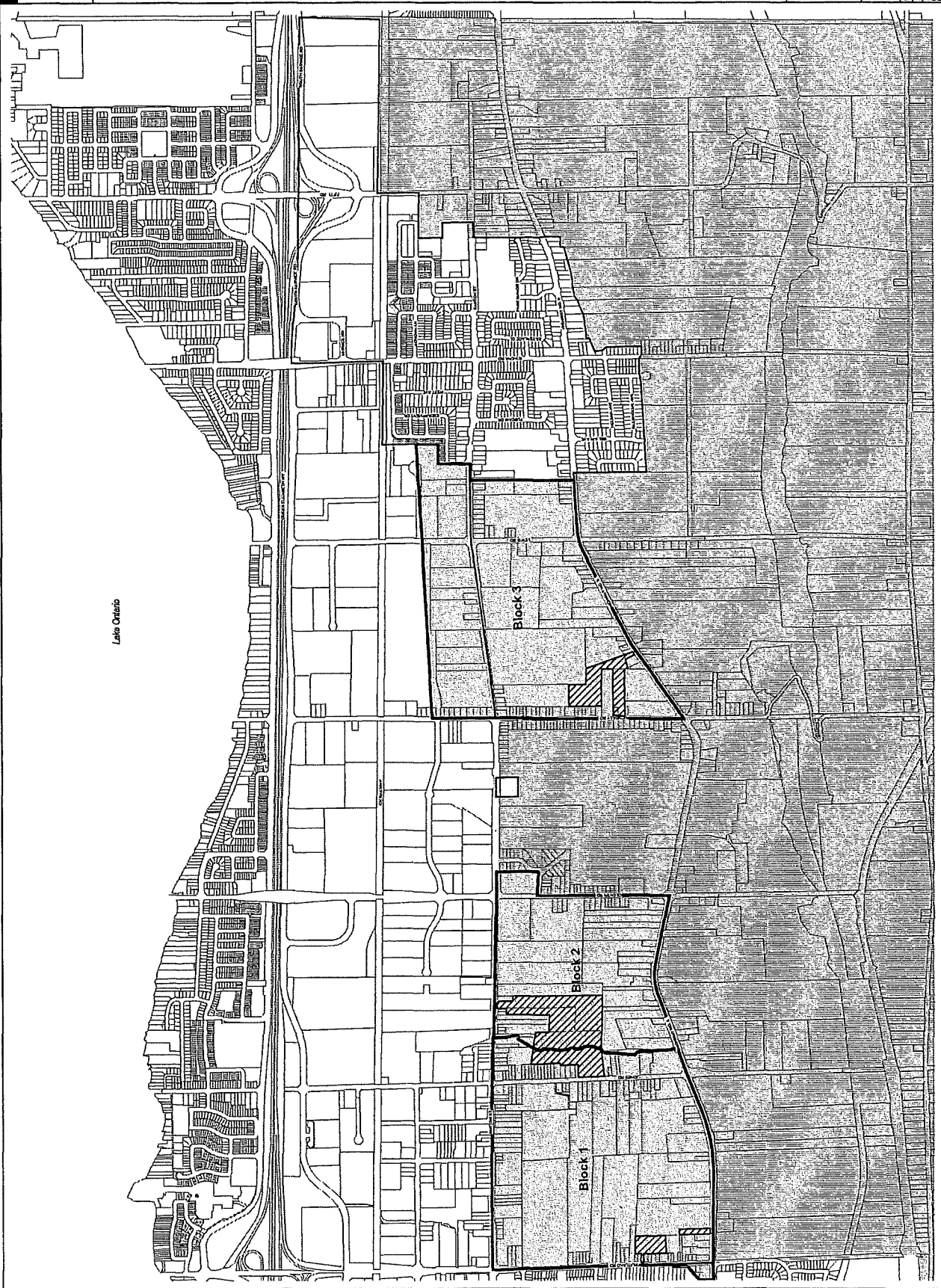
Appendix "A" to Report PED20078
Page 1 of 1

- Legend**
-  Servicing Strategy Area
 -  Other Features
 -  Lands in the Rural Area
 -  Proposed Roads
 -  Secondary Plan Boundary

Urban Hamilton Official Plan
 Fruitland-Winona
 Secondary Plan
 Block Servicing Strategy
 Area Delineation
 Map B.7.4-4



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BLOCK SERVICING STRATEGY

FRUITLAND WINONA SECONDARY PLAN BLOCK 3

TERMS OF REFERENCE

City of Hamilton

Hamilton Conservation Authority

Project #: 12-062W

Amended September 2016

Table of Contents

1. INTRODUCTION	2
1.1. BACKGROUND.....	2
1.2. PURPOSE.....	2
2. APPROACH	3
2.1. OVERVIEW.....	3
2.2. AGENCIES.....	3
3. STUDY REQUIREMENTS	3
3.1. LAND USE	3
3.2. CORES AND LINKAGES	4
3.3. STREAM SYSTEMS, AQUATIC AND TERRESTRIAL FEATURES	4
3.3.1. Fluvial Geomorphology.....	4
3.3.2. Regulatory Floodplain	4
3.3.3. Fish Habitat	5
3.3.4. Terrestrial features	5
3.3.5. Vegetation	5
3.3.6. Breeding Bird Survey	5
3.3.7. Species at Risk	5
3.3.8. Wildlife	6
3.3.9. Draft Outline of EIS Report.....	6
3.4. GRADING, DRAINAGE AND SERVICING.....	6
3.4.1. Topography and Grading.....	6
3.4.2. Preliminary Grading and Drainage Plan.....	7
3.4.3. Servicing.....	7
3.5. STORMWATER MANAGEMENT.....	8
3.5.1. SWM Facility Sizing	8
3.5.2. Regulatory Floodplain Mapping	9
3.5.3. Water Balance.....	9
3.5.4. Flow Analysis for Drainage System Design	10
3.6. HYDROGEOLOGY	10
3.7. AIR DRAINAGE ANALYSIS.....	10
4. TRANSPORTATION.....	11
5. MONITORING.....	11
6. REPORTING REQUIREMENTS.....	11

1. INTRODUCTION

1.1. Background

The Stoney Creek Urban Boundary Expansion Subwatershed Study (SCUBESS) provided the management and implementation strategy for the Fruitland-Winona Secondary Plan area. The Secondary Plan area includes four parcels: SCUBE West, SCUBE Central, SCUBE East -Parcel A and SCUBE East -Parcel B. The limits and bounding streets of the parcels are shown in Figure 1.1. The City of Hamilton has also provided a Block Servicing Schedule for this area (Map B.7.4-4 - Fruitland-Winonna Secondary Plan-Block Servicing Strategy Area Delineation).

The SCUBESS aims at preserving a sustainable Natural Heritage System (NHS) for preserving landscape diversity within an urban context. It has provided recommendations for management of natural heritage and stream systems. There are certain lands, including water courses that are restricted from development and have specified limitations or constraints. During the Phase 1 study, investigations were carried out to identify environmental constraints and opportunities for natural resources. A management strategy was developed to protect and enhance significant natural features at the Phase 2 study level. This strategy also provided requirements with regard to stormwater management, land use policies and servicing. The Phase 3 study has been completed to introduce an implementation plan for this strategy.

1.2. Purpose

The Branthaven Corporation lands consist of entire SCUBE Central parcel of Fruitland-Winona Secondary Plan and Block 3 of Map B.7.4-4. This document provides the Terms of Reference (TOR) for the servicing strategy of this block/ proposed development. The Block Servicing Strategy (BSS) will be completed in accordance with the SCUBE Subwatershed Study. The objectives for the block servicing study are as follows:

- Demonstrate how the requirements illustrated in the subwatershed study are fulfilled in all the Draft plans for the proposed development.
- Provide sufficient level of conceptual design to implement NHS components and infrastructure in accordance with SCUBESS.
- Ensure servicing requirements are met.
- Identify detailed development constraints or conflicts and the ways to resolve them.
- Supply implementation details if required.
- Streamline the Draft Plan approval process.
- Facilitate the development of Draft Plan conditions.

- Demonstrate consultation and general landowner support for lands within the subject Block Servicing Strategy area.

2. APPROACH

2.1. Overview

The block servicing strategy for Block 3 will meet the requirements of policy B.7.4.14 of the Fruitland Winona Secondary Plan. A comprehensive technical analysis and design concept will be necessary for the study. The TOR will provide guidance for analyses, design concepts and report preparation. The overall approach will be discussed in the following sections:

- Land Use;
- Stream system, terrestrial and aquatic features;
- Grading, Drainage and Servicing;
- Stormwater Management;
- Hydrogeology;
- Air Drainage Analysis.
- Transportation

2.2. Agencies

The Block serving strategy and draft plans will be reviewed by the following agencies as related to their respective jurisdictions:

- City of Hamilton
- Hamilton Conservation Authority

It is understood that the proponents can liaise with the agencies as necessary as part of this study.

3. STUDY REQUIREMENTS

3.1. Land Use

The land use within SCUBE Central is regulated by a combination of provincial plans and municipal official plans, all of which must be consistent with provincial plans. The study area is outside the Niagara Escarpment plan and Greenbelt plan areas. According to the Hamilton-Wentworth Official Plan, there are no Environmentally Significant Areas or other Core Natural Areas within Block 3. The Town of Stoney Creek Official Plan and the Urban Hamilton Official Plan identified no core areas or linkages in Block 3.

The proposed land use for Block 3 is primarily residential and supporting retail, schools, parks and community services. The Block Servicing Study will reflect the Secondary Plan land uses (Map B.7.4-1). Further land use details will be provided in the corresponding draft plans.

3.2. Cores and Linkages

The Secondary subwatershed study identified no core areas in SCUBE Central/Block 3. There are no high or medium constraint areas in SCUBE Central.

3.3. Stream Systems, Aquatic and Terrestrial features

The SCUBE study delineated stream reaches through the Fruitland-Winona Secondary plan area based on channel characteristics, functions and processes. The SCUBE Central lands outlet to Watercourse 9 (Reach 9-1) through the ditch along Lewis Road. The City of Hamilton is currently constructing an engineered ditch along Lewis Road for capacity improvements. WC 9 exhibits primarily engineered channels north of Canadian National Railway (CNR), ultimately outletting to Lake Ontario. Upstream of the CNR, the engineered channel extends east, along the south side of the tracks to a storm sewer. Other roadside and raiiside ditches contribute to WC9 from the west. The following tasks will be performed with respect to stream reaches:

3.3.1. Fluvial Geomorphology

- Confirm delineation of stream reaches with the Subwatershed Study.
- Based on historic evaluation of changes in land use and channel configuration over time, identify erosion hazards along reaches where mitigation should be considered;
- Delineate meander belt width on a reach basis;
- Investigate feasibility and or potential to divert watercourse 9.1 to 7.2;
- Perform field investigations and geomorphic assessment to confirm meander belt width on a reach by reach basis.

3.3.2. Regulatory Floodplain

The Subwatershed Study provided a detailed hydrologic and hydraulic analysis for the Secondary Plan area. The 100 year flood is defined as the Regulatory flood. It will be ensured that the proposed development does not encroach into the 100 year floodplain. Stormwater measures will be provided to preserve the existing hydrology, minimize the runoff rates; and provide required quality and quantity control.

3.3.3. Fish Habitat

The streams in the Secondary Plan area are identified as warmwater in the SCUBE study. WC 9 outletting Block 3 is identified as a "permanent" stream and as "indirect" fish habitat. Under HCA regulations a 15m Vegetation Protection Zone will be assigned to this stream.

3.3.4. Terrestrial features

The lands east of Lewis Road are identified as potential Bobolink Habitat, which is now given the status of "Threatened", and thus protected by the Ontario Endangered Species Act. These lands are currently designated as an Area Specific Policy Area (ASPA) pending Ministry of Natural resources (MNR) development of a species-specific regulation for Bobolink protection. Further details will be provided in the Block Servicing Study.

3.3.5. Vegetation

Vegetation communities that are found will be described in accordance with Ecological Land Classification (ELC) for southern Ontario (Lee et al., 1998 and Lee, 2008) and mapped. A two season survey will be carried out and species lists will be compiled. The spring survey will be carried out between the beginning of May and June; the summer survey will be carried out in late August/early September. The species list will include federal, provincial rankings and local status. Non-native species will be identified. Vegetative screening will be completed for all species and all field data sheets will be included in the BSS.

3.3.6. Breeding Bird Survey

All birds seen or heard during site visits will be recorded. A breeding bird survey will be carried out in accordance with the Ontario Breeding Bird Atlas protocols. Two surveys will be carried out, the first one between May 24 and June 6 and the second between June 16 and July 10, 2015.

3.3.7. Species at Risk

ARCADIS will carry out a Species at Risk screening. Records of Species at Risk will be obtained from the Ministry of Natural Resources and Forestry (MNR) and the Natural Heritage Information Centre (NHIC). The presence of Species at Risk, if any, will be noted and included in the EIS report.

3.3.8. Wildlife

Incidental observations of mammals, amphibians, reptiles and insects during the site visits will be recorded. Observations will include direct sightings and indirect evidence such as calls, tracks, scat, burrows, dens and browse. The species list will include federal, provincial rankings and local status.

3.3.9. Draft Outline of EIS Report

The following is the proposed draft outline of the EIS Report which will be incorporated into the overall BSS.

- 1.0 Introduction
 - 1.1 Policy Review
 - 1.1.1 Provincial Policy Statement
 - 1.1.2 Fruitland Winona Secondary Plan
 - 1.1.3 Hamilton Conservation Authority Policies
 - 1.2 Background Information Review
- 2.0 Field Inventories Methodology
- 3.0 Existing Conditions
 - 3.1 Site description
 - 3.2 Vegetation Surveys
 - 3.3 Wildlife Surveys
 - 3.3.1 Breeding Birds
 - 3.3.2 Incidental Wildlife
 - 3.4 Species at Risk Screening
- 4.0 Description of Proposed Development
- 5.0 Identification and Assessment of Impacts
- 6.0 Mitigation Measures
- 7.0 Recommendations

3.4. Grading, Drainage and Servicing

The overall serviceability of the Block 3 lands will be addressed, to determine the grading required to service the lands and to ensure integration with neighbouring lands, cores, linkages and receiving watercourses.

3.4.1. Topography and Grading

In order to provide the details for grading and servicing design, the following additional work will be required to upgrade the existing information:

- Topographic mapping that meets City of Hamilton and Hamilton Conservation Authority requirements.

- Detailed survey information for proposed watercourse crossings, core or linkage crossings for services and roads, if any.
- Field investigation to further delineate wetland limits and topographic depressions.

3.4.2. Preliminary Grading and Drainage Plan

- Refine the Block 3 limits based on the updated topographic mapping and survey work.
- Design a conceptual grading plan for Block 3 to ensure servicing functionality.
- Prepare a preliminary grading plan for the proposed development area/Block 3. Develop a conceptual storm drainage network including storm trunk sewer plans and profiles, the major and minor system and SWM facilities.
- Provide grading and servicing details in support of stream alteration, if any.
- Design conceptual erosion and sedimentation control plans according to City of Hamilton Guidelines.

3.4.3. Servicing

- Integrate information from the Subwatershed Study and the Secondary Plan to the proposed development area. Analyze the information needs.
- Collect detailed data on the proposed land use of the development application related to population, housing form, schools, road pattern, open space and imperviousness for engineering analysis.
- Provide phasing details within Block 3. Phasing of development will be according to City's Staging of Development Report as approved by the Council.
- Conduct a sanitary servicing assessment to:
 - Calculate the servicing requirement based on future system wastewater flows.
 - Propose several sanitary servicing options and recommend the preferred external, internal and potential phasing option.
 - Provide interim servicing solutions where feasible.
 - Evaluate site specific infrastructure locations for crossings of streams, linkages and cores, if any.
 - Determine consistency with Fruitland-Winonna Secondary Plan, define and explain the differences (if any).

- Complete a water servicing assessment to:
 - Determine the servicing requirements according to future system demands.
 - Complete a water model update for the Study Area including an analysis of existing and ultimate pressure districts.
 - Water model update is to include an inventory listing of building heights and materials and assumptions regarding low-high density built form including a reasonable build out time frame.
 - Select preferred water servicing option in consideration of external and internal infrastructure, pressure zones and potential future phasing.
 - Assess crossing locations, construction practices and mitigation measures to minimize impacts to the NHS (if any).
 - Determine consistency with Fruitland-Winona Secondary Plan, define and explain the differences (if any).
- Collect the road design requirements and road locations as identified in the Secondary Plan.
- Finish a road concept design. Provide details of local road pattern and trail system.
- Assess road locations and designs for crossing of Watercourse 9.0.
- Provide recommendations on preferred crossing locations and configurations and mitigation measures to minimize impacts to the NHS.

3.5. Stormwater Management

Analysis and/or modelling will be provided for:

- SWM facility location and sizing.
- Floodplain mapping.
- Flow analysis for drainage system design (sewer sizing in accordance with municipal standards).

3.5.1. SWM Facility Sizing

The Subwatershed Study provided a detailed hydrologic analysis for the SCUBE Central area. The study provided unit storage target rates for quantity control (for post to pre); erosion and quality control criteria for SWM measures. The conceptual pond locations are also defined. Block 3 is supposed to have two SWM ponds: pond 9-2 and pond 9-3, that outlet to the Lewis Road ditch and convey flows to WC9. Normal (Level 2) level of quality control is recommended for these ponds. Traditional Source controls are recommended for catchment areas less than 5 ha.

Page 8

The ultimate location of the SWM ponds will be evaluated based on the following factors:

- Development phasing/timing;
- Topography and proposed subdivision grading;
- Road layouts/grades;
- Storm sewer outlets and elevations.

Furthermore the following options will be analysed to meet the quality, erosion and flood control criteria described in the Subwatershed Study:

- a) Implementation of Low Impact Development (LID) techniques in the proposed development, which will provide water quality benefits and reduce the quality control requirement for the downstream SWM ponds. These may result in a smaller pond block.
- b) Apart from ponds 9-2 and 9-3, a SWM pond 9-4 is proposed for WC9 catchment areas northwest of Barton Street and Lewis Road. The option of consolidating these three ponds into one pond will be evaluated.

The City of Hamilton and Hamilton Conservation Authority will be consulted to determine the stormwater management approach, as an initial step of the Block Servicing Study.

3.5.2. Regulatory Floodplain Mapping

It will be ensured that no development will encroach the floodplain. Any refinement of the regulatory floodplain will be consulted with the agencies.

3.5.3. Water Balance

The Subwatershed study characterized SCUBE Central areas with moderate to low recharge potential. An isolated area of sand and gravel deposits is located within the southwest portion of the SCUBE lands, near Highway No. 8, between McNeilly Road and Lewis Road. The study included water budget for existing conditions as well as for future land uses (as per Map B.7.4-1). Due to development, recharge deficit and surface water runoff increase are reported, as expected. Analysis will be performed to:

- Verify the water balance component for Block 3.
- Design Low Impact Development (LID) techniques to mitigate any potential infiltration deficit and increased surface runoff.

- Ensure that LIDs are designed according to the Subwatershed Study requirements.

3.5.4. Flow Analysis for Drainage System Design

- Calculate the servicing requirements based on the proposed development.
- Design a storm sewer network for major and minor flows (using City of Hamilton guidelines), ensuring no effect on the downstream drainage system.

3.6. Hydrogeology

The SCUBE study prepared in support of the Fruitland-Winona Secondary Plan provided a detailed hydrogeological study and the Hamilton-Wentworth Official Plan provided recommendations for further hydrogeological investigation for the proposed development/Block 3. The following items will be covered in this study:

- Confirm the regional geological setting.
- Assess groundwater levels and flow path; and the impact of proposed development on these.
- Identify significant recharge and discharge zones (if any); and how they are supposed to be affected by the proposed development.
- The foundation drain flow rate based on groundwater and severe wet weather conditions.
- A recommendation for an appropriate sump pump design (if required).
- A contingency plan to ensure that an appropriate mitigation strategy can be implemented where:
 - a) An aquifer is breached during construction.
 - b) Groundwater is encountered during construction.
 - c) Continuous running of sump pump occurs;
 - d) Negative impacts on the water supply and sewage disposal system or any surface and groundwater related infrastructure.

3.7. Air Drainage Analysis

A scoped Air Drainage Analysis Brief will be prepared by a qualified engineer, climatologist, and agrologist as per the requirements of City of Hamilton and Ontario Ministry of Agriculture, Food and Rural Affairs or successor Ministry. The analysis will include the following:

- Overview of the existing conditions, including air photos, topography, thermal conditions, climate and air movement down the Niagara Escarpment and towards Lake Ontario, to evaluate the effects of the proposed development on the existing microclimate and airflow.

- Where appropriate, proposed road layout and development patterns that maximize air drainage in a north/south alignment to minimize potential negative impacts on the tender fruit area to the south.

4. TRANSPORTATION

A detailed Transportation analysis will be provided as part of the Block Servicing Study, in support of Draft Plans for the proposed development, in accordance with City of Hamilton guidelines.

The analysis will study the following intersections as agreed to with the City of Hamilton

Highway 8 and McNeilly Road;
Highway 8 and Lewis Road;
Barton Street and McNeilly Road;
Barton Street and Lewis road and;
Barton Street and Escarpment Drive

Traffic counts will be collected processed and reviewed at all study intersections. Study horizon years are to be existing conditions, buildout and 5 year build out utilizing a background growth rate of 2 %.

Non – automobile modal split and trip distribution throughout the study road network is to be gathered from 2011 TTS data and existing travel patterns.

5. MONITORING

A detailed environmental monitoring plan will be provided as part of the Block Servicing Study, in support of Draft Plans for the proposed development, in accordance with City of Hamilton guidelines.

6. REPORTING REQUIREMENTS

A detailed report will be prepared integrating the analysis, findings and recommendations covered in the study Terms of reference.



BLOCK SERVICING STRATEGY

**FRUITLAND WINONA SECONDARY PLAN
BLOCK 3**

City of Hamilton


Hamilton Conservation Authority

Project #: 12-062W

First Submission January 2019
Second Submission August 2019
Third Submission January 2020
Final Submission March 2020



CITY OF HAMILTON
HEALTHY AND SAFE COMMUNITIES DEPARTMENT
Housing Services Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	April 8, 2020
SUBJECT/REPORT NO:	Municipal Incentives for the 90 Carling Street Rental Project (HSC20009) (Ward 1)
WARD(S) AFFECTED:	Ward 1
PREPARED BY:	Kirstin Maxwell (905) 546-2424 Ext. 3846 Greg Witt (905) 546-2424 Ext. 4818
SUBMITTED BY:	Edward John Director, Housing Services Division Healthy and Safe Communities Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That Hamilton 90 Carling Street Municipal Housing Project Facilities By-Law, attached as Appendix “A” and Term Sheet for Municipal Housing Project Facilities Agreements – 90 Carling Street, attached as Appendix “B” to Report HSC20009, regarding Municipal Incentives for the Carling Street Rental Project, be approved contingent upon 1649626 Ontario Inc. obtaining funds from Canada Mortgage and Housing Corporation in the amount of \$5.68 M;
- (b) That, upon execution of one or more Municipal Housing Project Facilities and Loan Agreements between the City and 1649626 Ontario Inc.:
 - (i) The City Solicitor be directed to register the Premises as defined in the Municipal Housing Project Facilities and Loan Agreements; and,
 - (ii) The cost of the financial incentives, in the amount of the planning application fees and building permit fees, as identified in the Municipal Housing Project Facilities and Loan Agreements, be charged to Project ID 6731741609;
- (c) That the by-law to amend Municipal Housing Facilities By-Law No. 16-233, attached as Appendix “C” to Report HSC20009, be approved.

OUR Vision: To be the best place to raise a child and age successfully.

OUR Mission: To provide high quality cost conscious public services that contribute to a healthy, safe and prosperous community, in a sustainable manner.

OUR Culture: Collective Ownership, Steadfast Integrity, Courageous Change, Sensational Service, Engaged Empowered Employees.

EXECUTIVE SUMMARY

1649626 Ontario Inc. (“1649626”) is planning to develop a 7-storey mid-rise rental apartment building with 100 residential units (34 one-bedroom, 12 one-bedroom plus den, 40 two-bedroom and 14 three-bedroom suites) at 90 Carling Street. A total of 10 units will be affordable rental units. The project will include bicycle storage, a fitness facility, roof-top patio, meeting room, and storage lockers.

This report seeks Council's authority to enter into one or more Municipal Housing Project Facilities and Loan Agreements (“MHPFAs”) with 1649626 to enable the provision of financial incentives to make 10% of the units affordable.

Staff recommend that the City provide a set of incentives valued at \$34,634 for the project. In exchange, 1649626 will construct and maintain 10 rental housing units that will remain affordable for 15 years at 125% CMHC Average Market Rent (AMR). The total cost of the affordability to 1649626 will be \$750 K (net cost of \$715 K). This City contribution will leverage an estimated contribution from CMHC of \$5.68 M.

If 1649626 does not receive the financing conditions from CMHC required for the project, the proposed incentives may not proceed.

The value received by the city for this project is not only in the affordable units, but the addition of rental units to the housing stock and the increase in property taxes for the new building.

Alternatives for Consideration – See Page 9

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial:

Table 1: Summary of Incentives – Total Value

Incentive	Total Value	Type
Building Permit Fee Offset	\$15,740	Forgivable Loan
Planning Approval Application Fee Offset	\$1,019	Forgivable Loan
Cash-in-Lieu of Parkland Dedication Exemption	\$17,875	Forgivable Loan
TOTAL VALUE	\$34,634*	

*Figures are estimates based on staff consultation with the City of Hamilton's Corporate Services and Planning & Economic Development Departments

Planning Fee and Building Permit Fees Forgivable Loan

Planning application fees (for Site Plan Approval) and building permit fees for the affordable units total approximately \$16,759. The proposed incentive is in the form of a forgivable loan with terms as set out in Appendix “B” in lieu of the terms contained in the City’s External Loan Guidelines, with the costs of the planning application fees and building permit fees being offset by funds from Project ID 6731741609.

Cash-in-Lieu Parkland Dedication

The required Cash-in-Lieu of Parkland Dedication for the affordable units at 90 Carling St. is approximately \$17,875. While Cash-in-Lieu of Parkland Dedication can be exempted without an offset, the amount will be added to the mortgage registered on title to secure compliance with the terms of the agreement, which are set out in Appendix “B” attached to this Report.

Staffing: N/A

Legal: Ideally the registration of the MHPFAs 1649626 on the title of the property would ensure that any sale of the Property would be subject to the MHPFAs. However, the Land Registry Office may refuse to register the agreements. Accordingly, this report provides for an amendment to subsection 5(d) of By-law No. 16-233 to add wording that the requirement to register the MHPFA’s on title is at the discretion of the Land Registry Office.

A forgivable loan in the dollar amount of the incentives will be secured by a collateral mortgage registered on title to provide an incentive that the terms of the agreement are met for the duration of the affordability commitment, demonstrated through annual reporting to the Housing Services Division.

The key terms of the agreement are attached as Appendix “B” to Report HSC20009 and will form the basis of the agreement. The agreement will be in a form satisfactory to the City Solicitor and content satisfactory to the General Manager, Healthy and Safe Communities Department. The terms of the agreement include the forgivable loan. Loan terms have been set to maximize the number of affordable housing units while ensuring the project remains viable.

HISTORICAL BACKGROUND

In 2013, Council approved the City’s 10-year Housing and Homelessness Action Plan (“Action Plan”) which sets a development target of 300 new affordable rental units per year to meet population increases. Hamilton is currently not meeting its targets.

SUBJECT: Municipal Incentives for Affordable Housing Units in the 90 Carling Street Project (HSC20009) (Ward 1) - Page 4 of 11

In 2014, 1649626 reached out to Housing Services Division staff exploring opportunities to develop an affordable housing project at 90 Carling Street. 1649626 has been committed to building rental project affordable units since that time, but it is only now that, with municipal incentives and the CMHC Rental Construction Financing Program, such a project can be financially viable.

On August 5, 2019, 1649626 applied to the Canadian Mortgage and Housing Corporation's (CMHC) Rental Construction Financing Program. The application was developed with the support of the Housing Services Division and is awaiting a final decision. Council's decision on the proposed incentives forms part of the application.

On October 31, 2019, 1649626 purchased the 90 Carling Street property.

On November 19, 2019, 1649626 applied to the Canadian Mortgage and Housing Corporation's (CMHC) SEED funding Program. The application was developed with the support of the Housing Services Division and is awaiting a final decision.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Housing and Homelessness Action Plan

Hamilton has an undersupply of affordable rental housing units. To address its housing crisis, the Council endorsed a 10-Year Housing and Homelessness Action Plan with the first outcome area to increase the supply of affordable housing. The City is currently falling below its targets for development of new units.

Municipal Act, 2001

Under the *Municipal Act, 2001*, s. 106, municipalities are not permitted to provide financial benefits to commercial enterprises, which is called bonusing. There are two legal mechanisms by which municipalities can provide incentives in certain circumstances, such as for affordable housing: a Community Improvement Plan adopted under the *Planning Act*, and a Municipal Capital Facilities agreement. Staff recommend the second mechanism for the 90 Carling Street project as it can be site specific.

The *Municipal Act, 2001* authorizes a municipal council to enter into agreements with commercial organizations for the provision of municipal capital facilities to provide assistance which may include: giving or lending money and charging interest; giving, lending, leasing or selling property; guaranteeing borrowing; providing the services of employees of the municipality; and exempting from all or part of the taxes levied for municipal and school purposes land or a portion of it on which municipal capital facilities are or will be located.

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This authority can be applied to various classes of municipal capital facilities, including municipal housing project facilities to provide affordable housing. This approach is used by other Ontario municipalities, including the City of Toronto, to incentivize the development of affordable rental housing by the private sector.

To deem a property or portion of a property a municipal housing project facility, in this case 20 of the 100 units, the units must meet the definition of affordable rental housing in the City's Municipal Housing Facility By-law No. 16-233. The by-law requires rents to be at or below 125% of CMHC AMR for a minimum of 15 years. Only the units that meet the by-law requirements can be included in the municipal housing project facility. To enter into a municipal capital facility agreement for affordable housing, referred to as a municipal housing project facilities agreement, the *Municipal Act, 2001* requires that Council pass a by-law permitting the City to enter into the agreement.

RELEVANT CONSULTATION

Corporate Services Department - Legal Services Division ("Legal")
Legal staff have provided advice and assisted in the development of all documents pertaining to this report. Legal will continue to assist with the development of the municipal housing project facilities agreement, mortgage registration, and aspects of administration of the agreements.

Corporate Services Department – Taxation Division ("Taxation")
Taxation was consulted regarding the development of the alternative option of providing tax exemptions.

Corporate Service Department – Financial Planning, Administration, and Policy Division ("Finance")
Finance reviewed this report and confirmed the financial components.

Planning & Economic Development – Development Planning Division ("Planning")
Planning has worked with 1649626 collaboratively to assist the developer in navigating the planning process. Planning provided advice in the development of this Report.

1649626 Developments
The proposed incentives were negotiated with 1649626.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Test Case for Private Sector Investment in Mixed Market/Affordable Rental Housing Development

While Hamilton's non-profit housing has successfully built the substantive number of 1,011 affordable housing units over 15 years and are committed to aggressive plans to

build many more, participation of the private sector is also necessary to tackle Hamilton's affordable housing crisis. Leveraging private sector investment and expertise can not only create even more units than the non-profit sector alone but can also create units that meet different needs.

This project is therefore an ideal, small-scale test case for promoting private investment in affordable rental housing. A City investment of approximately \$35 K can leverage private sector funds and federal funds through the CMHC Rental Construction Financing Program, to produce a mixed income rental development of 100 units, 10 of which are affordable, in an area of the city most in need of purpose built rental units and affordable housing. The project will be evaluated on the basis of its financial viability, the CMHC Co-Investment funding it receives, the success of the tenant selection process, and the annual review.

Financial Challenges of Rental Construction

Rental housing construction is not viable in Hamilton without some form of subsidy or uniquely advantageous financial conditions. Even with today's favourable interest rates and high market rents, the costs of labour, land, materials, charges, fees, and taxes exceed projected revenues. Lenders do not finance projects that are not financially viable. Demand for rental units has far surpassed the development of new units. In the 1990's, 3,249 rental units were built in Hamilton; over the past decade only 1,465 rental units have been built.

For rental housing developers who intend to offer units at below market prices, rental revenues are fixed and suppressed below market rates. This creates a significant financial gap. The value of leveraging private sector developers for affordable housing projects is that under the right conditions, they can close this gap over the long run; however, they need a subsidy to maintain affordable rents over the short term. Returns on equity are achieved at a slow pace, typically over 15 to 20 years.

CMHC Rental Construction Financing Program Requirements for Municipal Incentives

The 1649626 project is only viable as a result of CMHC's Rental Construction Financing Program in concert with municipal incentives. This program provides favourable financing to viable rental construction projects that have municipal support for affordable units and meet certain conditions for size, affordability, accessibility, environmental sustainability, and transit access. Successful proponents are determined on a points system whereby the more points a project receives, the more favourable the financing conditions in terms of interest rate, Loan-to-Value, Debt Coverage Ratio, etc. requirements.

The most favourable financing terms are awarded to projects approved "under another affordable housing program or initiative (federal, provincial, territorial or municipal). This

can include capital grants, municipal concessions or expedited planning processing.” The more municipal concessions the project receives the more points they obtain under the program, the better the financing conditions, the more units that can be offered at affordable rents and for a longer period. With the suite of municipal concessions proposed, 1649626 can provide 10 units, 10% of the project, at 125% of AMR, for 15 years.

The project was awarded an ERASE Redevelopment Grant, but the agreement expired in 2017. The proponents are expected to reapply for the grant which would also be considered a municipal concession for the purposes of the CMHC financing, but the value of the potential grant is unknown at this time.

CMHC is estimated to contribute a total of \$5.68 M to the project over the first 10 years in capital grants and the cost of providing financing at below market interest rates.

CMHC is also providing a higher level of financing than is available in the market which increases their risk. A modest City contribution can leverage significant contributions from the private sector and CMHC.

Costs and Risk Assumed by 1649626

By providing an additional 100 units of purpose-built rental housing stock in Westdale, the project will assist with some of the challenges resulting from the demand for student housing. As a mixed income building intended to provide housing for a diversity of people, including seniors and some students, the project will reduce stigma and improve acceptance of affordable housing.

1649626 is also taking on significant risk by pursuing this project. Rental housing development of any sort is risky, with margins too low to absorb significant unexpected costs or market shifts. Even small increases in interest rates in the multiple years between the development of the pro forma and construction completion have significant financial implications. Risk is high at the present time with reports of construction costs increasing by approximately 1%/month. Interest rates are declining in the wake of the Covid-19 crisis, but the impacts on construction costs are unclear. It is 1649626’s long-term vision, willingness to defer financial reward, and commitment to the community that has created their persistence, and the depth of their financial and market knowledge, and ingenuity, that has made this project possible.

For the above reasons, rental construction with affordable units initiated by the private sector is rare. Private sector developers frequently approach staff about potential affordable rental housing projects, but when they realize the financial realities of affordable rental projects, communications generally stop.

Tenant Selection for the Affordable Units

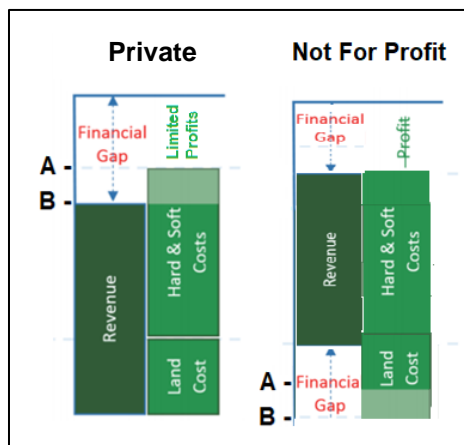
1649626 will receive referrals for tenants of the affordable units first from the Housing Services Division, with the target market being tenants living in Rent-Geared-to-Income (RGI) units in social housing in Hamilton who are currently paying market rent. This will free up RGI units for households on the wait list.

CMHC AMR is based on existing tenancies and is thus substantially less than average rents at turnover. A professional third-party appraisal based on comparable units estimated that one-bedroom units in the 1649626 project would rent for approximately \$1,550 on the open market, which is \$250 more than 125% AMR for the housing market zone, \$350 more than 125% AMR for the whole city. Units at these rents are in short supply in Hamilton and bridge the gap between market rents in social housing and rents in the private market.

Making the Case for Providing Tax Exemptions for Affordable Units

Figure 1 illustrates the difference between the challenges faced by private sector and not-for-profit developers when constructing affordable housing projects. The gap between point A and point B highlights these differences. To explain, non-profit affordable housing developers are typically subsidized through capital grants and development charge exemptions as they are undercapitalized during the pre-development period and need access to capital to leverage financing for construction. Tax exemptions are a more suitable incentive for private sector affordable housing developers as, while they often have access to sufficient development capital, they need assistance to make affordable rents viable for the long term. In either case, returns on equity are achieved at a slow pace, typically over 15 to 20 years.

Figure 1 – Differentiating Between the Financial Gaps in Private Sector and Not-For-Profit Affordable Housing Developments



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It is important to entice private sector investment in affordable housing which includes exploring a full range of approaches such as tax exemptions. With the very limited amount of funding available for affordable housing development and repairs, Housing Services Division staff do not recommend utilizing its existing budget at this time; however, tax exemptions are a viable approach to creating affordable housing and Council could choose to identify a budget source to support them.

Conclusion

This is a test project with the goal of creating a replicable successful model for private sector investment in affordable rental housing. The project is dependent on City financial support that is a fraction of the total CMHC contribution of approximately \$5.68M. The CMHC Rental Construction Financing Program is a nation-wide opportunity, and project viability is more challenging in Hamilton than many other municipalities. If Hamilton is to see other private sector rental projects with affordable units, the City must be supportive of such projects.

As a mixed-income development, the proposal would also serve to address the stigma and foster the overall acceptance of affordable housing developments.

ALTERNATIVES FOR CONSIDERATION

Council could provide a more robust range of incentives such as a property tax exemption for the affordable units, under the Municipal Housing Project Facilities By-law and agreement. In exchange, the City could receive a total of 20 affordable units for an affordability period of 15 years.

Pro:

By Council approving the tax exemption as an additional incentive, the City would receive an additional 10 affordable units for a period of 15 years.

Con:

By Council approving the tax exemption as an additional incentive, the City would incur costs in the form of forgone tax revenue estimated at \$696 K over 15 years based on 2019 tax amounts; \$604 K in municipal taxes, and \$92 K in provincial education taxes. Only the municipal portion would be forgone revenue to the City for which a funding source would need to be identified, but the education portion would be forgone revenue to the Province with no financial impact on the City. Property taxes would remain fully payable on the 80 market rent units that are also being developed.

SUBJECT: Municipal Incentives for Affordable Housing Units in the 90 Carling Street Project (HSC20009) (Ward 1) - Page 10 of 11

Financial:

Table 2: Summary of Incentives – Total Value

Incentive	Total Value	Type
Building Permit Fee Offset	\$31,480	Forgivable Loan
Planning Approval Application Fee Offset	\$2,038	Forgivable Loan
Cash-in-Lieu of Parkland Dedication Exemption	\$35,750	Forgivable Loan
Municipal Property Tax Exemption 15 years*	\$695,792	Exemption
TOTAL VALUE 15 YEARS	\$765,060**	

*Figures are estimates based on staff consultation with the City of Hamilton's Taxation Division, Corporate Services Department

**Calculated based on 2019 figures, not net present value

Staffing: N/A

Legal: The are no additional legal implications for this option. For a full description of legal implications, see page 3.

Should this option be approved, the City Clerk would be required to:

- (i) Notify the Honourable Bill Morneau, Minister of Finance, in writing, of Council's approval to exempt eligible affordable housing units in the 1649626 Ontario Inc. 90 Carling Street project from taxation; and,
- (ii) Notify the Municipal Property Assessment Corporation (MPAC) and the secretaries of any affected school boards of Council's approval to exempt eligible 1649626 Ontario Inc. housing units at 90 Carling Street from taxation.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Economic Prosperity and Growth

Hamilton has a prosperous and diverse local economy where people have opportunities to grow and develop.

Healthy and Safe Communities

Hamilton is a safe and supportive City where people are active, healthy, and have a high quality of life.

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SUBJECT: Municipal Incentives for Affordable Housing Units in the 90 Carling Street Project (HSC20009) (Ward 1) - Page 11 of 11

Built Environment and Infrastructure

Hamilton is supported by state of the art infrastructure, transportation options, buildings and public spaces that create a dynamic City.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report HSC20009: Hamilton 90 Carling Street Municipal Housing Project Facilities By-law

Appendix "B" to Report HSC20009: Term Sheet for Municipal Housing Project Facilities and Loan Agreements between the City of Hamilton and 1649626 Ontario Inc.

Appendix "C" to Report HSC20009: By-Law to Amend the Municipal Housing Facilities By-law No. 16-233

Authority: Item XX, XX Committee
Report XXX
CM: XXX

Bill No.

CITY OF HAMILTON

BY-LAW NO.20-XXX

Hamilton 90 Carling Street Municipal Housing Project Facilities By-law

WHEREAS under section 110 of the *Municipal Act, 2001* the City may enter into agreements for the provision of municipal capital facilities;

AND WHEREAS under section 110 of the *Municipal Act, 2001* the City may provide financial or other assistance to any person who has entered into an agreement to provide municipal capital facilities;

AND WHEREAS Ontario Regulation 603/06 prescribes municipal housing project facilities as eligible municipal capital facilities;

AND WHEREAS Ontario Regulation 603/06 requires that the City enact a municipal housing facility by-law in order for the City to enter into municipal capital facility agreements for the provision of municipal housing project facilities;

AND WHEREAS Council for the City passed By-law No. 16-233, a municipal housing facilities by-law, on August 12, 2016;

AND WHEREAS By-law No. 16-233 provides that the City may enter into agreements for the provision of affordable housing as a Municipal Housing Project Facility and that the City may give or lend money to any person who has entered into an agreement to provide a Municipal Housing Project Facility, and exempt from taxation for municipal and education purposes, land or a portion of it on which the Municipal Housing Project Facility is or will be located;

AND WHEREAS subsection 110(5) of the *Municipal Act, 2001* requires that for each municipal capital facility agreement entered into by the City, Council must pass a by-law authorizing it to enter into a municipal capital facility agreement for the provision of a municipal capital facility;

AND WHEREAS subsection 110(6) of the *Municipal Act, 2001* requires Council to authorize by by-law a tax exemption for a municipal capital facility;

AND WHEREAS Council approved item [insert number and description of report] on [insert date approved by Council] and thereby authorized a forgivable loan in the amount of the site plan application and building permit fees, an exemption of the fees in

lieu of parkland dedication, and an exemption from taxation for municipal and school purposes for a period of 15 years for the 10 affordable housing rental units comprising the Municipal Housing Project Facility owned and operated by 1649626 Ontario Inc. located at the property municipally known as 90 Carling Street; and

AND WHEREAS Council approved item [insert number and description of report] on [insert date approved by Council] and thereby authorized the City to enter into municipal capital facility agreements with 1649626 Ontario Inc., setting out the terms and conditions of the forgivable loan in the amount of the site plan application fees, building permit fees, and fees in lieu of parkland dedication, and exemption from taxation for municipal and education purposes for the affordable housing rental units within the Municipal Housing Project Facility to be owned and operated by 1649626 Ontario Inc., located at the property municipally known as the premises 90 Carling Street in the City of Hamilton;

NOW THEREFORE Council enacts as follows:

1. In this by-law;

“Affordable Housing - Rental Housing Units” has the meaning ascribed to it in subsection 1(a) of By-law No. 16-233;

“Municipal Housing Project Facility” shall have the same meaning as “Municipal Housing Project Facility” in By-law No. 16-233 s. 1.;

“Property” means the property municipally known as 90 Carling Street, in the City of Hamilton and more particularly described on Schedule “A”; and,

“Agreements” has the meaning ascribed to it in section 2 of this By-law.

2. The City is authorized to enter into one or more Agreements, as determined by the City Solicitor, under section 110 of the *Municipal Act, 2001* with 1649626 Ontario Inc. for the provision of a Municipal Housing Project Facility in the form of 20 Affordable Housing – Rental Housing Units at the Premises which meet the requirements of By-law No. 16-233) and subject to the terms and conditions provided for in items [insert number and description of report] approved by Council on [insert date] (the “Agreements”). The General Manager of the Healthy and Safe Communities Department is authorized and directed to execute the Agreements and any ancillary documents thereto in a form satisfactory to the City Solicitor. The Agreements shall provide a forgivable loan in the amount of the site plan application fees, building permit fees, and fees in lieu of parkland dedication applicable to the Affordable Housing - Rental Housing Units, and an exemption for taxation for municipal and education purposes provided the Premises are used as a Municipal Housing Project Facility for Affordable Housing - Rental Housing Units as defined in By-law No. 16-233.

3. 1649626 Ontario Inc. shall, subject to the terms and conditions provided for in items [insert number and description of report] approved by Council on [insert date] be provided a loan in the amount of the site plan application fees, building permit fees, and fees in lieu of parkland dedication for these units, which is forgivable after 15 years provided that 10 Affordable Housing - Rental Housing Units are constructed on the Property and said units are used as a Municipal Housing Project Facility for Affordable Housing - Rental Housing Units as defined in By-law No. 16-233 for 15 years from the date of first occupancy of one of the Affordable Rental Housing Units.
4. The 20 Affordable Housing - Rental Housing Units to be constructed on the Property shall be exempt from taxation for municipal and education purposes commencing on the date of initial occupancy and remain exempt from taxation for municipal and education purposes until this By-law is no longer in force as set out in section 5. The date of initial occupancy shall be the effective date for the purposes of subsection 110(16) of the *Municipal Act, 2001*.
5. This By-law shall remain in force until the earlier of:
 - (a) the date 1649626 Ontario Inc. ceases to own the Property without having transferred the Property and assigned the Agreements to a person approved by the City in accordance with the Agreements;
 - (b) the date 1649626 Ontario Inc. ceases to provide 10 Affordable Housing - Rental Housing Units in accordance with the requirements of By-law 16-233 and the Agreements;
 - (c) the date any of the Agreements are terminated for any reason whatsoever or is in default of either or both of the Agreements;
 - (d) the date that is 15 years from initial occupancy of all 10 Affordable Housing - Rental Housing Units.
6. This By-law may be referred to as the Hamilton 90 Carling Street Municipal Housing Project Facilities By-law.
7. This By-law comes into force on the day it is passed.
8. The 20 Affordable Housing - Rental Housing Units on the Property described in Schedule "A" to By-law 20-XXX shall be added to the list of Municipal Housing Project Facilities.

PASSED this ____ day of _____, 20__.

F. Eisenberger

Mayor

Andrea Holland

City Clerk

Schedule "A" to By-law 20-XXX - Property Description and Floor Plans

17467-0090 (LT)

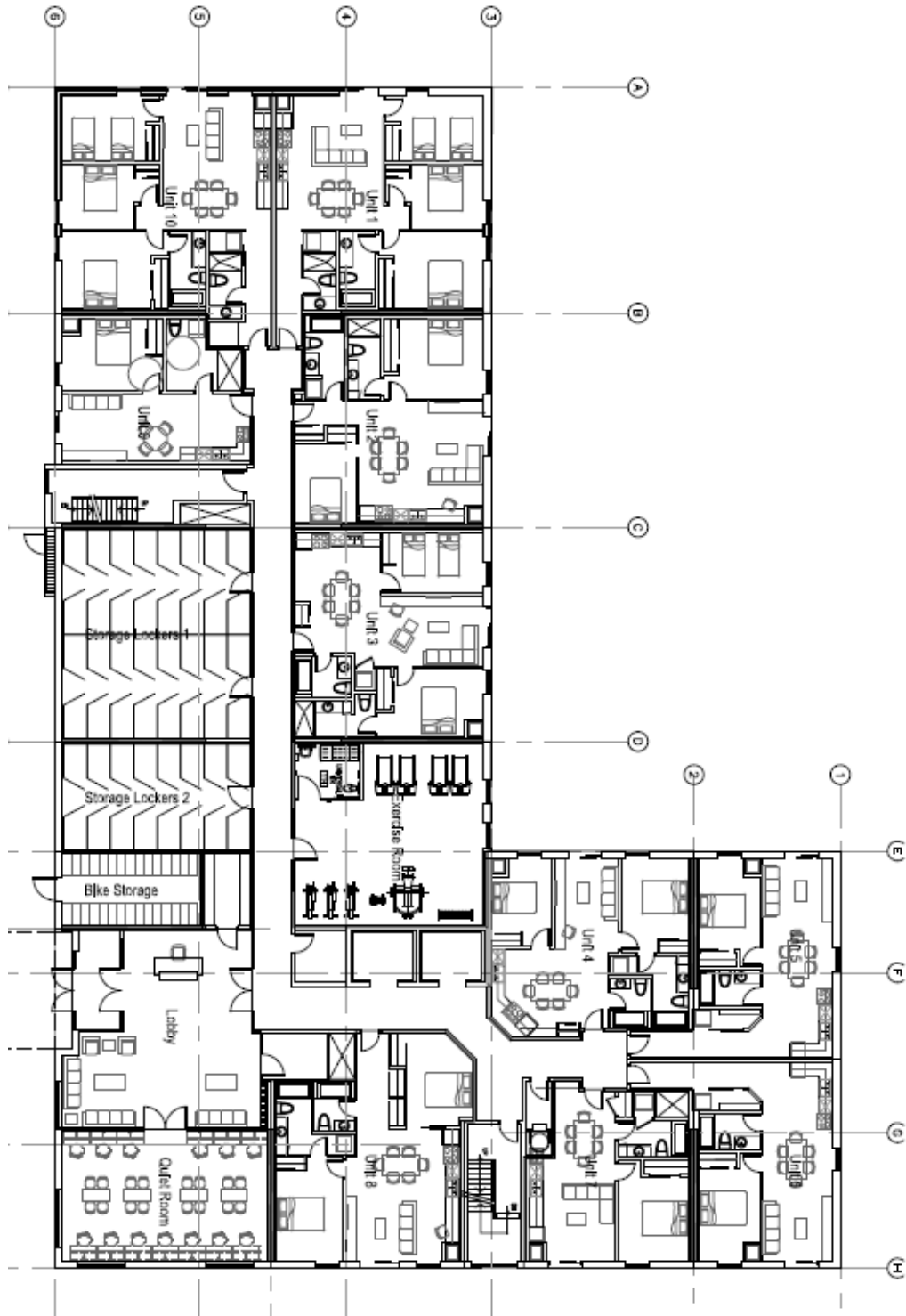
PROPERTY DESCRIPTION:

Firstly: PT LOT 48. PLAN 118 AS IN VM182101. SECONDLY: PT LOTS 50 AND 51, PLAN 118 AS IN VM89844. THIRDLY: PT LOT 51, PLAN 118 AS IN VM226767. FOURTHLY: LOT 57, PLAN 118. FIFTHLY: LOTS 49 AND 58, PLAN 118 AND PT LOT 50, PLAN 118 AS IN NS265476; CITY OF HAMILTON

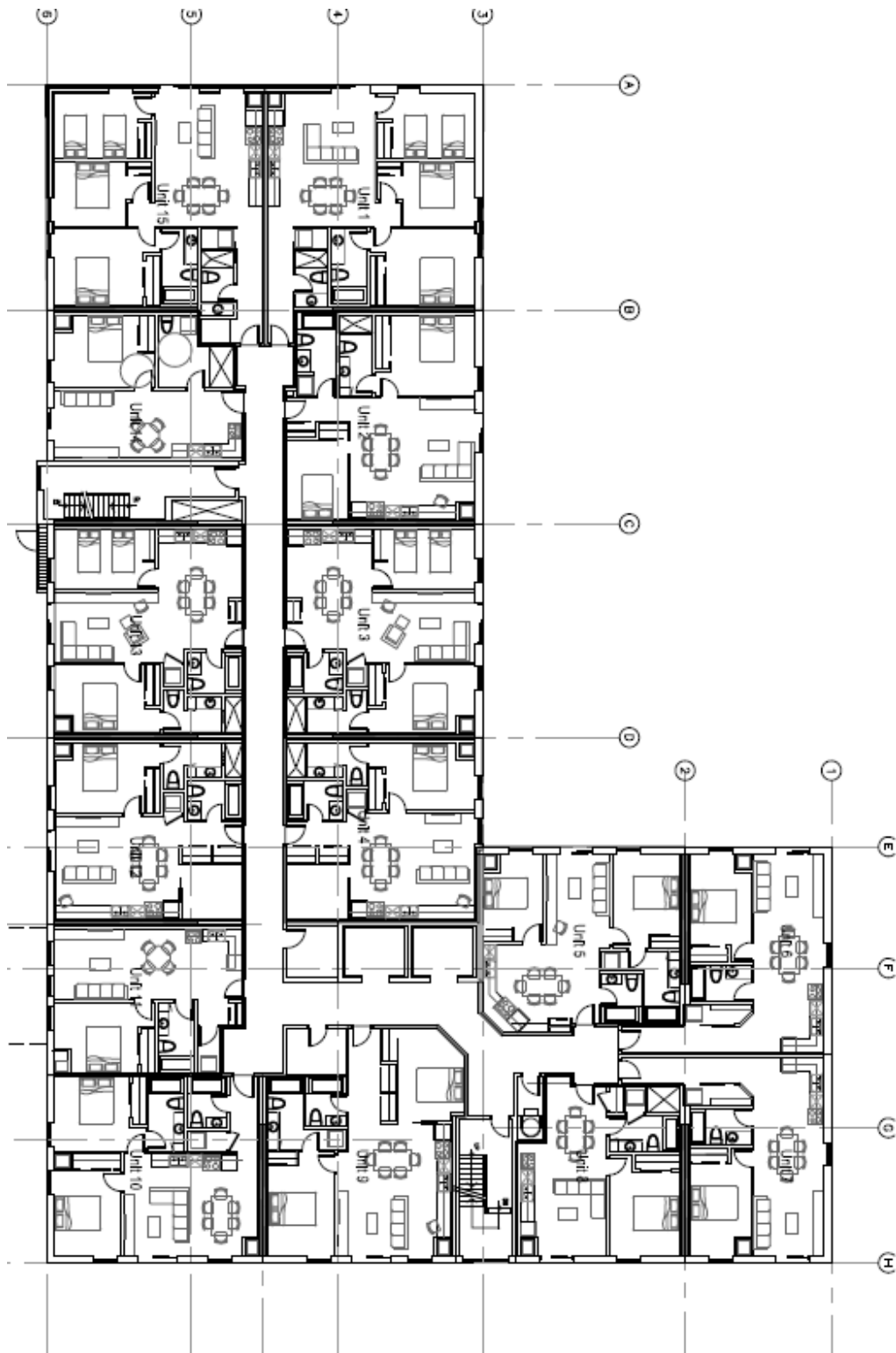
OWNERS NAMES: 1649626 ONTARIO INC.

Schedule "A" to By-law 20-XXX

1st Floor



2nd Floor



Term Sheet for Municipal Housing Project Facilities Agreements

90 Carling Street

Borrower: 1649626 Ontario Inc. ("1649626")

Lender: City of Hamilton ("City")

Type of Agreements: Municipal Housing Project Facilities Agreements ("MHPFAs")

Type of Loan: Forgivable loan to secure long term affordable housing commitments as set out in the Municipal Housing Project Facilities Agreements ("MHPFAs")

1. The number of agreements will be determined by the City Solicitor.
2. In exchange for 10% of the units in the 90 Carling Street development project being maintained at 125% of CMHC Average Market Rent for a minimum of 15 years from date of first occupancy, the City shall provide 1649626 with a forgivable loan in the amount of 10% of the site plan application fees, 10% of the building permit fees, and 10% of the cash-in-lieu of parkland dedication due to be paid by 1649626 to the City for the 90 Carling Street development project.
3. The loan will have a minimum term of 15 years consistent with the period of affordability, commencing from the date of occupancy of all 10 of the affordable housing units and shall be secured by a collateral mortgage and will be forgiven and the mortgage discharged at 15 years if 1649626 complies with all of the terms of the MCFLA for its entire term. Forgiveness of the loan will not be pro-rated and will only be earned at the end of the term of the loan.
4. Units subject to the MHPFAs may increase rents annually within a tenancy by the Provincial Guideline amount as specified annually by the Ontario Ministry of Municipal Affairs and Housing. Higher increases may be permitted by and at the discretion of the City following submission of a business case justifying the increase. At vacant possession, rents may be increased up to 125% of the most recent CMHC Average Market Rent for the unit type in the local housing market zone. At no time shall the rent for any unit subject to the MHPFAs be higher than 125% of the most recent CMHC Average Market Rent for the unit type in the local housing market zone.
5. It is required that 1649626 will receive referrals for tenants of the units subject to the MHPFAs first from the Housing Services Division. The target market will be tenants living in Rent-Geared-to-Income (RGI) units in social housing in Hamilton

who are currently paying market rent. The City will refer and match the appropriate tenant households with units in the project which are subject to the MHPFAs, including assessing the household’s income relative to the rent. 1649626 retains all rights and obligations as a landlord under the *Residential Tenancies Act* and all other relevant legislation, including the rights to assess and decline tenants that may be referred by the City.

6. **Payment Provisions:** No funds will be transferred. At the time planning fees and building permit fees are due to be paid by 1649626, the equivalent balance will be paid by the Housing Services Division. At the time parkland dedication fees are due to be paid, the proportion of the total fees corresponding to the proportion of units that are committed to being affordable will be exempted. The total amount of the forgivable loan will be determined at the time of the payment or exemption of the planning fees, building permit fees, and parkland dedication fees, to be the total value of the fees exempted and paid by the Housing Services Division, and registered on the title of the property as a forgivable mortgage for 15 years.

The planning fees and building permit fees that have previously been advanced to the City, but following approval of the incentives, but prior to registration of the mortgage will be returned to 1649626 upon registration of the mortgage. The mortgage is automatically forgivable at the end of the term of the MCFLA, being 15 years from the date the affordable units are occupied, unless it is mutually determined that the MHPFAs should be extended.

7. **Interest Rate:** There is no interest for this forgivable loan. If any fee or other amount owed by 1649626 to the City under the MHPFAs is not paid when due and payable, including the Principal Amount if not forgiven and not paid in accordance with the MHPFAs, that overdue amount shall bear interest at a variable rate per annum equivalent to the highest rate charged by the City from time to time in respect of property tax arrears calculated and payable monthly. Interest as aforesaid shall be accrued from day to day and until it is paid in full and interest shall accrue on overdue interest at the Interest Rate from day to day until it is paid.
8. **Security:** The City’s security shall be in lesser priority only to a CMHC registered mortgage and/or other third-party financing. All mortgages on title other than the City’s security cannot exceed 100% of the value of the property as improved by the project including non Affordable Housing – Rental Housing Units.
9. **Title insurance policy in favour of the City.**

10. At initial occupancy and on unit turn-over thereafter for the duration of the affordability period, 1649626 will provide the city with copies of the leases for the affordable units and Notices of Assessment from the Canada Revenue Agency for the tenants of the affordable units. Within 30 days of the receipt of the documents pertaining to the lease of the final affordable unit to be occupied, the City will confirm in writing that all of the occupancy requirements have been met and the agreement is in good standing.
11. Following initial occupancy, the project will be monitored annually to ensure the obligations under the MCFLAs have been met for the previous year. The proponent will submit the following documents for the previous year to the Housing Services Division annually on or before February 1:
 - a) Rent rolls for all of the units that are subject to the Agreement;
 - b) Proof of income for any new tenants (entire household) of the units subject to the Agreement, generally in the form of a Notice of Assessment from the Canada Revenue Agency, or alternative documentation to the satisfaction of the City; and,
 - c) Confirmation of insurance on the affordable units; and,
 - d) By request only, annual financial statements (audited if available).
12. The Director of the Housing Services Division will confirm in writing by March 15 whether the terms of the agreement have been met and there is no default.
13. In the event of default, the full principal amount of the mortgage will become payable to the City. There will be no interest payable except late payment charges.
14. Other events of default shall include but not be limited to:
 - a. Failure to obtain an occupancy permit by December 2022;
 - b. Failure to rent all of the units that are subject to the Agreement by July 2023;
 - c. Failure to submit required documentation by 30 days past the deadlines in the agreement;
 - d. Failure to notify the City about any change in that could lead to failure of the project either during or post construction; and,
 - e. Failure to notify the City about any default of the agreement within 30 days.
15. Late payments charges will be applied to any payments required as a result of a default of the MCFLA as per the City's policy on late payments.
16. In the event of non-payment or late payments, the MCFLA will include terms as determined by the City Solicitor in her discretion.

17. Any out-of-pocket expenses, such as appraisal costs, incurred for the preparation of the MHPFAs, over and above staff costs, are the responsibility of the proponent.
18. Any other terms deemed appropriate by the City Solicitor and General Manager of the Healthy and Safe Communities Department.

Authority: Item XX, XX Committee
Report XXX
CM: XXX

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

Amendment to Municipal Housing Facilities By-Law

WHEREAS it is necessary to amend By-law No. 16-233 MUNICIPAL HOUSING FACILITIES BY-LAW TO RECOGNIZE THAT THE LAND REGISTRY OFFICE MAY DECLINE TO REGISTER AGREEMENTS ON TITLE OF PROPERTIES.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 16-233 is hereby amended by adding the wording "at the discretion of the Land Registry Office." to the end of subsection 5(d).

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON MOTION

Council: April 8, 2020

MOVED BY COUNCILLOR MERULLA.....

SECONDED BY COUNCILLOR FARR.....

To Amend the Procedural By-Law

WHEREAS Council on March 20, 2020 amended the Procedural By-law to permit Electronic Participation at Council and/or Committee Meetings during an emergency when attending in-person is not possible;

WHEREAS Council on March 20, 2020 directed that the Clerk be delegated the authority to establish procedures and take all necessary steps necessary to facilitate electronic participation by members of Council in Council and/or Committee meetings held in the Council Chamber; and

WHERE AS the Province of Ontario on March 19, 2020 amended the *Municipal Act, 2001* and the *City of Toronto Act, 2006* to provide that, during emergencies, should they choose to, members of councils, local boards and committees who participate electronically in open and closed meetings may be counted for purposes of quorum.

THEREFORE BE IT RESOLVED:

That the By-law to Amend By-law No. 18-270, the By-Law to Govern the Proceedings of Council and Committees of Council in the form attached as Appendix 'A', be enacted by Council.

Authority: Item _____
CM: _____
Ward: City Wide

Bill No. _____

CITY OF HAMILTON
BY-LAW NO. 20-_____

To Amend By-law No. 18-270, the Council Procedural By-law

WHEREAS Council enacted a Council Procedural By-law being City of Hamilton By-law No. 18-270;

WHEREAS Council enacted an amendment to By-law 18-270, as amended, to allow for electronic participation pursuant to s. 238(3.1) of the *Municipal Act, 2001* on March 20, 2020;

AND WHEREAS it is necessary to amend By-law 18-270, as amended, further to provide for updated sections of the By-law 18-270, as amended, when members of Council are participating at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 18-270, as amended, be further amended:
 - (i) To include Appendix J, Conducting an Electronic Meeting, attached hereto.

PASSED this 8th day of April, 2020

F. Eisenberger
Mayor

A.Holland
City Clerk

CONDUCTING AN ELECTRONIC MEETING

The following UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED applies to Electronic participation by members of Council at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible:

2.1 The rules of procedure shall be observed in all ELECTRONIC proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.

2.2 All matters relating to the ELECTRONIC proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot's Rules of Order*, Geoffrey H. Stanford, Fourth Edition.

3.2 Regular Council Meeting Times

(1) Unless otherwise decided by Council, ELECTRONIC Council meetings shall be held:

(a) in January:

on the fourth Wednesday of the month, commencing at 9:30 a.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(b) in February, April, May, June, September, October and November:

every second and fourth Wednesday of each month, commencing at 9:30 a.m., unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(c) in March:

on the fourth Wednesday of the month, commencing at 9:30 a.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(d) in July and August:

on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;

- (e) in December:
 - on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or
- (f) in accordance with the schedule approved by Council.

3.7 Quorum

- (5) If Quorum cannot be maintained during an ELECTRONIC meeting, DUE TO A LOSS OF ELECTRONIC CONNECTION, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE CONTINUATION OF A COUNCIL MEETING TO THE FOLLOWING DAY OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.

3.11 Order of Business

The Order of Business for ELECTRONIC meetings of Council, unless changed by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Committee of the Whole
 - (i) Consent Items
 - (ii) Public Hearings / Written Delegations
 - (iii) Staff Presentations
 - (iv) Discussion Items
- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)
- (j) Private and Confidential
- (k) By-laws and Confirming By-law
- (l) Adjournment

3.13 Voting Procedures (electronic voting is effective January 2019)

- (3) (i) When an electronic voting system is available AT AN ELECTRONIC MEETING every Member of Council or Committee present and participating in a vote on a motion, excluding those motions referred to in (i) and (ii) below, shall vote electronically:
 - (a) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
 - (b) Consent Items.
- (ii) IF A MEMBER OF COUNCIL DOES NOT VOTE ELECTRONICALLY WHEN A VOTE IS CALLED BY THE MAYOR/CHAIR AT AN ELECTRONIC MEETING, THE MAYOR/CHAIR WILL CALL ON THE MEMBER TO VOTE 3 (THREE) TIMES, IF THE MEMBER DOESN'T RESPOND THE MEMBER WILL BE NOTED AS BEING 'NOT PRESENT' DURING THE VOTE.

4.1 Council may, by resolution:

- (a) move into Committee of the Whole AT AN ELECTRONIC MEETING to consider, including debate, CONSENT ITEMS, PUBLIC HEARINGS/WRITTEN DELEGATIONS, STAFF PRESENTATIONS AND DISCUSSION ITEMS on the Council meeting agenda; and
- (b) move out of Committee of the Whole to report to Council.

4.2 During the consideration of CONSENT ITEMS AT AN ELECTRONIC MEETING, a member may lift an item from the LIST with the approval of a majority of the members present, for the matter:

- (a) to be voted upon SEPARATELY; or
- (b) to be debated and/or amended.

5.4 Quorum

- (5) If Quorum cannot be maintained during an ELECTRONIC meeting, DUE TO A LOSS OF ELECTRONIC CONNECTION, the Clerk will advise the Chair that quorum is lost and the MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE CONTINUATION OF A COMMITTEE MEETING TO THE FOLLOWING OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.

5.10 Order of Business

- (i) The general Order of Business for the ELECTRONIC meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:
 - (a) Approval of Agenda
 - (b) Declarations of Interest
 - (c) Approval of Minutes of Previous Meeting
 - (d) Communications
 - (e) Consent Items
 - (f) Public Hearings/Written Delegations
 - (g) Staff Presentations
 - (h) Discussion Items
 - (i) Motions
 - (j) Notice of Motions
 - (k) General Information/Other Business
 - (l) Private and Confidential
 - (m) Adjournment

5.11 WRITTEN Delegations

- (1) Persons who wish to delegate to COUNCIL OR COMMITTEE on a matter that:
 - (b) is listed OR NOT LISTED on the agenda for a COMMITTEE OF THE WHOLE OR COMMITTEE, shall SUBMIT THEIR DELEGATION in writing TO THE CLERK, the Clerk will list the DELEGATION on the COMMITTEE OF THE WHOLE'S OR THE COMMITTEE'S upcoming agenda. Such WRITTEN DELEGATIONS MUST be received by the Clerk no later than 12:00 noon the business day before the meeting.

10.1 The Clerk shall MAKE the agendas of ELECTRONIC Council and Committee meetings AVAILABLE to members of Council and Senior Leadership Team at least 5 days prior to the scheduled meetings ON THE CITY'S WEBSITE.

10.2 The Clerk shall make the agendas of ELECTRONIC Council and Committee meetings, available to the media and general public, simultaneously with the distribution set out in subsection 10.1.

CITY OF HAMILTON

MOTION

Council: April 8, 2020

MOVED BY COUNCILLOR B. CLARK.....

SECONDED BY COUNCILLOR

Committee Resignations

That, due to recent appointments to three new government agencies and committees and in order to create a more manageable and effective workload, the resignation from Councillor B. Clark, effective immediately, from the following Committees and Board, be received:

- (a) Planning Committee;
- (b) Committee Against Racism; and,
- (c) Theatre Aquarius Board of Directors.

CITY OF HAMILTON MOTION

Council: April 8, 2020

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR

Funding to Backfill an Administrative Staff Position in Ward 6

WHEREAS, the 2020 Ward budgets do not reflect funding required to backfill for administrative staff on maternity leave; and,

WHEREAS, Ward 6 is being faced with the requirement to backfill an administrative staff position for a temporary length of time during 2020 (\$30,300) and 2021 (\$3,000).

THEREFORE BE IT RESOLVED:

That funding for 2020 to an upset limit of \$30,300 be approved, first from the General Legislative Budget (300100) in the amount of \$25,000; and the remaining \$5,300 from the Tax Stabilization Reserve (110046), to backfill the administrative staff position in Ward 6 during a maternity leave in 2020.

CITY OF HAMILTON MOTION

Council: April 8, 2020

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

Financial Support for Mutual Aid to Sex Workers

WHEREAS resident-led organizing through Sex Workers Action Program Hamilton and the AIDS Network is working to meet the needs of sex workers during the COVID-19 pandemic across the city by increasing access to food, housing, healthcare, and other necessities;

WHEREAS Canada Emergency Response Benefit is not universal, is means tested and will not necessarily provide supplementary income supports for precarious and independent workers; and

WHEREAS sex workers cannot claim income due to fear of stigmatization and/or criminalization;

THEREFORE BE IT RESOLVED:

- (a) That \$5000 be allocated from the Ward 3 Bell Cell Tower (3301609603) to the AIDS Network for the purposes of continuing to meet the needs of sex workers during the COVID-19 pandemic; and
- (b) That the Mayor and City Clerks 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.

CITY OF HAMILTON MOTION

Council: April 8, 2020

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

Financial Support for Mutual Aid to Vulnerable and Marginalized Residents

Whereas resident-led organizing through CareMongering Hamilton is meeting the needs of vulnerable and marginalized residents and families during the COVID-19 pandemic across the city by increasing access to food, housing, healthcare, and other necessities that stockpiling prevents people from accessing.

WHEREAS CareMongering leverages the organizational experience and grassroots organizing network of Disability Justice Network of Ontario, Hamilton Centre for Civic Inclusion, Hamilton Student Mobilization Network and Erich’s Cupboard, all based in Ward 3;

WHEREAS fluctuations in individual donations create a precarity of inventory and resources to work with;

THEREFORE BE IT RESOLVED:

(a) That \$25,000 be allocated from the Ward 3 Bell Tower Fund (3301609603) to Disability Justice Network of Ontario to continue meeting the needs of vulnerable residents through the CareMongering Hamilton group.

(b) That the Mayor and City Clerks 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.

CITY OF HAMILTON

NOTICE OF MOTION

Council Date: April 8, 2020

MOVED BY COUNCILLOR S. MERULLA.....

**A By-Law to Promote and Regulate Physical Distancing during the COVID-19
Emergency**

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus (“COVID-19 Pandemic”);

WHEREAS on March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 (the “*Act*”) related to the COVID-19 Pandemic;

WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the *Act* (the “Provincial Orders”);

WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the “*Municipal Act, 2001*”) provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

WHEREAS the City of Hamilton considers it desirable to enact a by-law to support the intent and purpose of the Provincial Orders made under the *Act* in order to protect the health, safety and well-being of persons in the City of Hamilton by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency; and

WHEREAS the Medical Officer of Health has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household;

THEREFORE, BE IT RESOLVED:

That the By-law to Promote and Regulate Physical Distancing during the COVID-19 Emergency and a By-law to amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties in the form attached as Appendix ‘A’, be enacted by Council.

Authority: Item
CM:
Ward: City Wide

Bill No.

**CITY OF HAMILTON
BY-LAW NO.**

**A By-law to Promote and Regulate Physical Distancing during the COVID-19
Emergency and a By-law to amend City of Hamilton By-law 17-225, being a By-law to
Establish a System of Administrative Penalties**

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus (“**COVID-19 Pandemic**”);

AND WHEREAS on March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 (the “**Act**”) related to the COVID-19 Pandemic;

AND WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the *Act* (the “**Provincial Orders**”);

AND WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the “**Municipal Act, 2001**”) provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the City of Hamilton considers it desirable to enact a by-law to support the intent and purpose of the Provincial Orders made under the *Act* in order to protect the health, safety and well-being of persons in the City of Hamilton by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency;

AND WHEREAS the Medical Officer of Health has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

PART 1- DEFINITIONS

1.1 For the purposes of this By-law,

“**Authorized Staff**” means a Municipal Law Enforcement Officer or any employee of the City whose duties include those provided for or assigned under this By-law, and shall include a Police Officer, the Director of Licensing and By-law Services (and their respective designates) and the Medical Officer of Health;

“**By-law**” means this By-law;

“**City**” means the City of Hamilton;

“**COVID-19 Emergency**” means the period of time commencing upon the date of passing this By-law until the declaration of emergency made by the Province of Ontario under the Act in relation to the COVID-19 Pandemic has been terminated;

“**Director**” means the Director of Licensing and By-law Services, or their respective designate, for the City of Hamilton;

“**Head of Council**” means the Mayor of the City;

“**Medical Officer of Health**” means the officer appointed to such position by the City of Hamilton under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, their deputies and designates for the purposes of this By-law;

“**Police Officer**” includes an officer of the Hamilton Police Service;

“**Proprietor**” means any person, governing body or agency which controls, governs or directs activity carried on in a Public Space and includes the person who is actually in charge thereof, but excludes the City;

“**Provincial Offences Act**” means the *Provincial Offence Act*, R.S.O. 1990, c. P33.

“**Public Space(s)**” means any outdoor or indoor space to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry.

PART 2 – OFFENCES

2.1 Every person shall maintain a distance of at least two (2) metres from every other person who is not a member of the same household when in a Public Space.

2.2 Proprietors shall take reasonable measures to ensure compliance with section 2.1 by:

- a) limiting the number of people allowed on their property;
- b) ensuring that the distancing measures specified in section 2.1 are being enforced on their property; and
- c) ensuring that people who refuse to comply with section 2.1 are promptly asked to leave their property and are reported to Authorized Staff upon failure to comply with this direction.

2.3 No person shall attend a social gathering of more than five (5) people, either in a Public Space or on private property.

2.4 Every owner or occupier of property shall ensure that no social gathering(s) of more than five (5) people occurs on their property.

2.5 For greater certainty, sections 2.3 and 2.4 do not apply to a gathering of members of a single household, or a gathering for the purpose of a funeral service that is attended by not more than 10 persons.

PART 3 – EXEMPTIONS

3.1 This By-law does not apply to Police Officers, City employees or persons hired or engaged by the City to do work or perform services in a Public Space, while performing policing, municipal, or enforcement services, including but not limited to, the enforcement of this By-law.

PART 4 - ADMINISTRATION AND ENFORCEMENT

4.1 The Director is responsible for the administration and enforcement of this By-law and may appoint delegates or assign duties to City staff under this By-law.

4.2 City staff who carry out any action under this By-law are deemed to be Authorized Staff for the purposes of this By-law, in the absence of evidence to the contrary.

4.3 Authorized Staff may, at any reasonable time, enter and inspect all lands, buildings, structures or parts thereof that are subject to this By-law for the purposes of determining compliance with this By-law.

4.4 Despite section 4.3, inspections of any dwelling unit may only be performed in accordance with the *Municipal Act, 2001*.

4.5 For the purposes of this By-law, Authorized Staff may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to an inspection for the purposes of making copies or extracts;
- c) require information from any person concerning a matter related to an inspection; and
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of an inspection.

4.6 Where any person contravenes any provision of this By-law, Authorized Staff may direct such person, verbally or in writing, to comply with this By-law. Every person so directed shall comply with such direction without delay.

4.7 No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct any Authorized Staff in the exercise of any power or the performance of any activity or duty under this By-law.

PART 5 – OFFENCES AND PENALTIES

- 5.1 Every person who contravenes any provision of this By-law is guilty of an offence and is liable to pay a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.
- 5.2 Every person, other than a corporation, who contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first conviction; and not more than \$25,000 for any subsequent conviction.
- 5.3 Every corporation which contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first conviction and not more than \$100,000 for any subsequent conviction.
- 5.4 If an offence under the By-law is continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is continued.
- 5.5 Without limiting the above, every person who contravenes this By-law may also be liable, upon issuance of a penalty notice, to pay an Administrative Penalty in an amount specified in the City's Administrative Penalties By-law No. 17-225 (the "**APS By-law**").

PART 6 – AMENDMENTS TO THE APS BY-LAW

6.1 Schedule A of By-law No. 17-225 is amended by adding the following table:

TABLE 22: BY-LAW NO. XX- XXX To Promote and Regulate Physical Distancing During the COVID-19 Emergency				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	xx-xxx	2.1	Fail to maintain a distance of at least two (2) metres from another person	\$500.00
2	xx-xxx	2.2	Proprietor fail to ensure physical distancing in Public Space	\$500.00
3	xx-xxx	2.3	Attending a gathering of more than 5 people	\$500.00
4	xx-xxx	2.4	Owner or Occupier fail to ensure no social gathering of more than 5 people on property	\$500.00
5	xx-xxx	4.7	Obstructing an Officer or Authorized Staff	\$500.00

6.2 In all other respects the APS By-law is confirmed.

PART 7 – MISCELLANEOUS

7.1 **Conflict:** In the event a discrepancy between this By-law and any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada, the provision that is the most restrictive prevails.

7.2 **Severability:** Should any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

7.3 **Short Title:** This By-law may be referred to as the Hamilton Physical Distancing By-law.

7.4 **Effective Date:** This By-law shall become effective on the date approved by City Council and shall remain in force during the COVID-19 Emergency.

PASSED this _____ , _____

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 12

Bill No. 048

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Block 125 on Plan 62M-1116
as Part of Lockman Drive**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Block 125 on Plan 62M-1116, is established as a public highway, forming part of Lockman Drive.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development and Planning
Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 4

Bill No. 049

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Part 3 on Plan 62R-21163
as Part of Parkdale Avenue South**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Part 3 on Plan 62R-21163 is established as a public highway, forming part of Parkdale Avenue South.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development and
Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 4

Bill No. 050

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Part 4 on Plan 62R-21163
as Part of Queenston Road**

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Part 4 on Plan 62R-21163 is established as a public highway, forming part of Queenston Road.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 7, Economic Development
and Planning Committee
Report 10-005 (PED10051)
CM: March 10, 2010
Ward: 4

Bill No. 051

CITY OF HAMILTON

BY-LAW NO. 20-

To Establish City of Hamilton Land Described as Parts 1 & 2 on Plan 62R-21163 as Part of Main Street East

WHEREAS sections 8, 9 and 10 of the *Municipal Act, 2001* authorize the City of Hamilton to pass by-laws necessary or desirable for municipal purposes, and in particular by-laws with respect to highways; and

WHEREAS section 31(2) of the *Municipal Act, 2001* provides that land may only become a highway by virtue of a by-law establishing the highway.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The land, owned by and located in the City of Hamilton, described as Parts 1 & 2 on Plan 62R-21163 is established as a public highway, forming part of Main Street East.
2. The General Manager of Public Works or their authorized agent is authorized to establish the said land as a public highway.
3. This By-law comes into force on the date of its registration in the Land Registry Office (No. 62).

PASSED this 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 6, Audit & Finance and
Administration Committee
Report 19-010 (AUD19011)
CM: July 12, 2019
Ward: City Wide

Bill No. 052

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend By-law No. 19-035, Being a By-law to Appoint a Fire Chief, Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034 and To Repeal By-law Nos.19-201 and 20-038

WHEREAS Council wishes to appoint certain persons as Deputy Fire Chief pursuant to the By-law to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 19-035, be amended by removing Randy Moss from Schedule B and adding Dan Milovanovic to Schedule B as Deputy Fire Chief effective August 12, 2019;
2. That By-law No. 19-035, be amended by removing John Verbeek from Schedule B and adding Mark Hodge to Schedule B as Deputy Fire Chief effective February 24, 2020; and
3. That By-laws No. 19-201 and 20-038 be repealed.

PASSED this 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 5.4 (j) Committee of the
Whole Report HSC20009
CM: April 8, 2020
Ward: City Wide
Bill No. 053

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend By-law No. 16-233, Municipal Housing Facilities By-Law

WHEREAS it is necessary to amend By-law No. 16-233 Municipal Housing Facilities By-law to recognize that the Land Registry Office may decline to register agreements on title of properties;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. By-law No. 16-233 is hereby amended by adding the wording “at the discretion of the Land Registry Office.” to the end of subsection 5(d).

PASSED this 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting Lands Located at 392, 488 and 530 Dundas Street East (Flamborough)

WHEREAS the *City of Hamilton Act, 1999* Statutes of Ontario 1999 Chap. 14, Schedule C did incorporate, as of January 1st, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former area municipality known as “The Corporation of the Town of Flamborough”, and is the successor of the former Regional Municipality, namely, “the Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999*, provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 90-145-Z (Flamborough) was enacted on the 5th of November 1990 and approved by the Ontario Municipal Board on the 21st of December, 1991;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan, approved March 7, 2012.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That Schedule “A-31” of Zoning By-law No. 90-145-Z (Flamborough), as amended, is hereby further amended:
 - (a) to rezone from the Medium Density Residential “R6-30(H)” Zone, Holding to the Medium Density Residential “R6-30” Zone, for lands comprised in block 1 and,
 - (b) to rezone from the Urban Residential “R4-6(H)” Zone, Holding to the Urban Residential “R4-6” Zone, for lands comprised in block 2.

on the lands the extent and boundaries of which are shown on Schedule “A”, annexed hereto and forming part of this By-law.

To Amend Zoning By-law No. 90-145-Z (Flamborough), Respecting
Lands Located at 392, 488 and 530 Dundas Street East (Flamborough)

Page 2 of 3

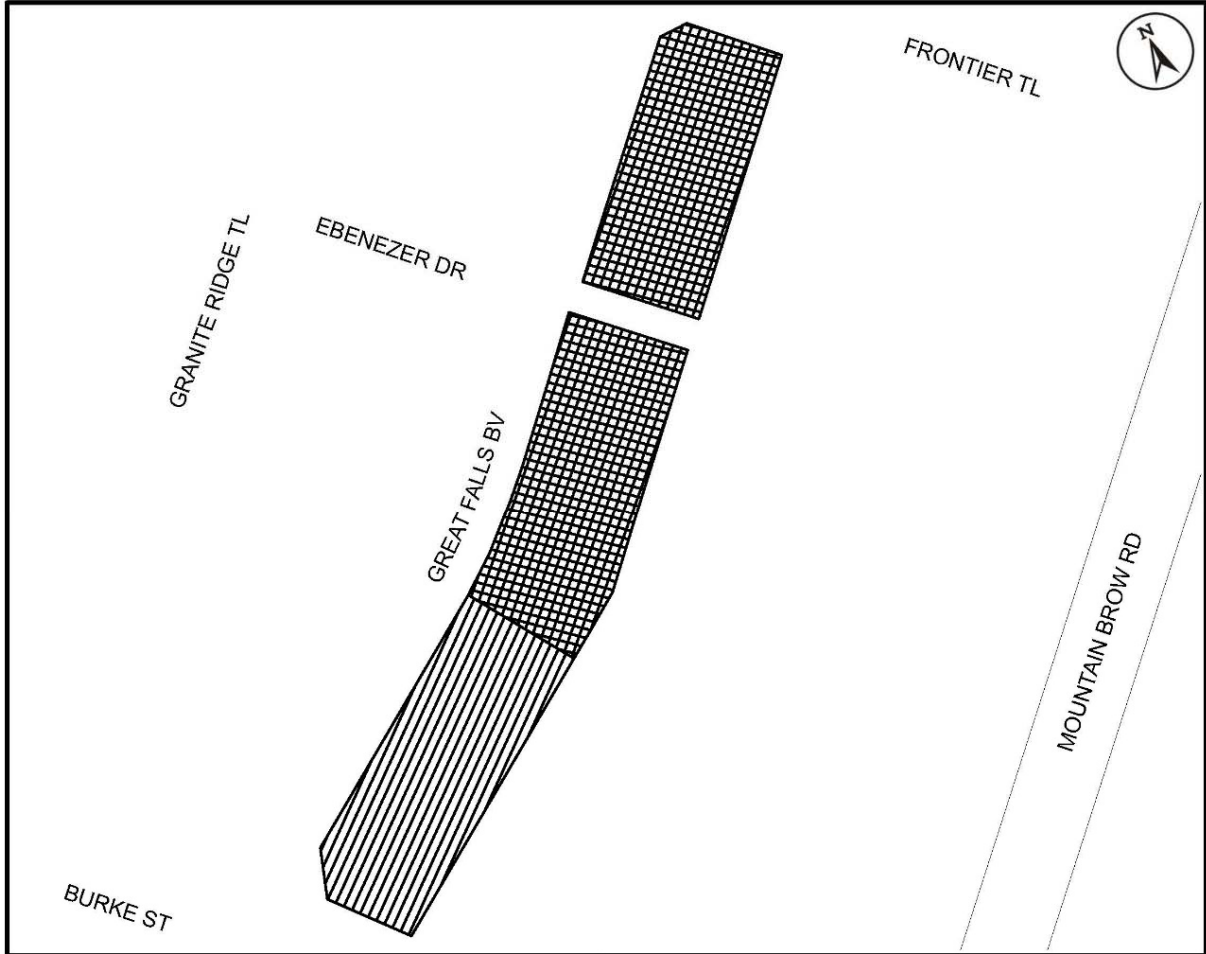
2. That the Clerk is hereby authorized and directed to proceed with the giving of notice of passing of this By-law, in accordance with the *Planning Act*.

PASSED this 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAH-19-027




This is Schedule "A" to By-law No. 20-
Passed the day of, 2020


Mayor


Clerk

Schedule "A"
Map forming Part of
By-law No. 20-_____
to Amend By-law No. 90-145-Z

Subject Property
398, 488 & 530 Dundas Street East

 Block 1 - Rezone from the Medium Density Residential "R6-30(H)" Zone, Holding to the Medium Density Residential "R6-30" Zone, for lands comprised in block 13

 Block 2 - Rezone from the Urban Residential "R4-6(H)" Zone, Holding to the Urban Residential "R4-6" Zone, for lands comprised in block 14

Scale: N.T.S	File Name/Number: ZAH-19-027	 Hamilton
Date: March 2, 2020	Planner/Technician: VL/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 6.1, Motion
CM: April 8, 2020
Ward: City Wide

Bill No. 055

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend By-law No. 18-270, the Council Procedural By-law

WHEREAS Council enacted a Council Procedural By-law being City of Hamilton By-law No. 18-270;

WHEREAS Council enacted an amendment to By-law 18-270, as amended, to allow for electronic participation pursuant to s. 238(3.1) of the *Municipal Act, 2001* on March 20, 2020;

AND WHEREAS it is necessary to amend By-law 18-270, as amended, further to provide for updated sections of the By-law 18-270, as amended, when members of Council are participating at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 18-270, as amended, be further amended:
 - (i) To include Appendix J, Conducting an Electronic Meeting, attached hereto.

PASSED this 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CONDUCTING AN ELECTRONIC MEETING

The following UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED applies to Electronic participation by members of Council at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible:

2.1 The rules of procedure shall be observed in all ELECTRONIC proceedings of Council and shall be the rules for the order and dispatch of business in Council and unless specifically provided, with necessary modifications, apply to all Committees.

2.2 All matters relating to the ELECTRONIC proceedings of Council and Committees for which rules have not been provided for in this By-law and its Appendices shall be decided, as far as is reasonably practicable, with reference to the parliamentary rules as contained in the most recent edition of *Bourinot's Rules of Order*, Geoffrey H. Stanford, Fourth Edition.

3.2 Regular Council Meeting Times

(1) Unless otherwise decided by Council, ELECTRONIC Council meetings shall be held:

(a) in January:

on the fourth Wednesday of the month, commencing at 9:30 a.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(b) in February, April, May, June, September, October and November:

every second and fourth Wednesday of each month, commencing at 9:30 a.m., unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(c) in March:

on the fourth Wednesday of the month, commencing at 9:30 a.m. unless such day is a public or civic holiday, in which case Council shall set an alternate day and time;

(d) in July and August:

on a Friday of each month (one meeting per month), commencing at 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternate day and time;

(e) in December:

on the second Wednesday of the month, commencing a 9:30 a.m., unless such a day is a public or civic holiday, in which case Council shall set an alternative day and time; or

(f) in accordance with the schedule approved by Council.

3.7 Quorum

- (5) If Quorum cannot be maintained during an ELECTRONIC meeting, DUE TO A LOSS OF ELECTRONIC CONNECTION, the Clerk will advise the Mayor or Deputy Mayor that quorum is lost and the MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE CONTINUATION OF A COUNCIL MEETING TO THE FOLLOWING DAY OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.

3.11 Order of Business

The Order of Business for ELECTRONIC meetings of Council, unless changed by Council in the course of the meeting, shall be as follows:

- (a) Approval of Agenda
- (b) Declarations of Interest
- (c) Approval of Minutes of Previous Meeting
- (e) Communications
- (f) Committee of the Whole
 - (i) Consent Items
 - (ii) Public Hearings / Written Delegations
 - (iii) Staff Presentations
 - (iv) Discussion Items
- (g) Motions
- (h) Notice of Motions
- (i) Statement by Members (non-debatable)
- (j) Private and Confidential
- (k) By-laws and Confirming By-law
- (l) Adjournment

3.13 Voting Procedures (electronic voting is effective January 2019)

- (3)
 - (i) When an electronic voting system is available AT AN ELECTRONIC MEETING every Member of Council or Committee present and participating in a vote on a motion, excluding those motions referred to in (i) and (ii) below, shall vote electronically:
 - (a) procedural (majority vote: refer, defer, withdraw, recess, call the question and adjourn); and
 - (b) Consent Items.

- (ii) IF A MEMBER OF COUNCIL DOES NOT VOTE ELECTRONICALLY WHEN A VOTE IS CALLED BY THE MAYOR/CHAIR AT AN ELECTRONIC MEETING, THE MAYOR/CHAIR WILL CALL ON THE MEMBER TO VOTE 3 (THREE) TIMES, IF THE MEMBER DOESN'T RESPOND THE MEMBER WILL BE NOTED AS BEING 'NOT PRESENT' DURING THE VOTE.

4.1 Council may, by resolution:

- (a) move into Committee of the Whole AT AN ELECTRONIC MEETING to consider, including debate, CONSENT ITEMS, PUBLIC HEARINGS/WRITTEN DELEGATIONS, STAFF PRESENTATIONS AND DISCUSSION ITEMS on the Council meeting agenda; and
- (b) move out of Committee of the Whole to report to Council.

4.2 During the consideration of CONSENT ITEMS AT AN ELECTRONIC MEETING, a member may lift an item from the LIST with the approval of a majority of the members present, for the matter:

- (a) to be voted upon SEPARATELY; or
- (b) to be debated and/or amended.

5.4 Quorum

- (5) If Quorum cannot be maintained during an ELECTRONIC meeting, DUE TO A LOSS OF ELECTRONIC CONNECTION, the Clerk will advise the Chair that quorum is lost and the MEETING WILL BE RECESSED UNTIL THE ELECTRONIC CONNECTION IS RESUMED, WHICH COULD RESULT IN A DELAY TO THE NEXT AVAILABLE BUSINESS DAY. THE CLERK WILL ENSURE THAT THE PROPER MESSAGING RESPECTING THE CONTINUATION OF A COMMITTEE MEETING TO THE FOLLOWING OR NEXT AVAILABLE DAY IS ON THE CITY'S WEBSITE.

5.10 Order of Business

- (i) The general Order of Business for the ELECTRONIC meetings of Standing Committees, unless changed by the Standing Committee in the course of the meeting, shall be as follows:
 - (a) Approval of Agenda
 - (b) Declarations of Interest
 - (c) Approval of Minutes of Previous Meeting
 - (d) Communications
 - (e) Consent Items
 - (f) Public Hearings/Written Delegations
 - (g) Staff Presentations

- (h) Discussion Items
- (i) Motions
- (j) Notice of Motions
- (k) General Information/Other Business
- (l) Private and Confidential
- (m) Adjournment

5.11 WRITTEN Delegations

- (1) Persons who wish to delegate to COUNCIL OR COMMITTEE on a matter that:
 - (b) is listed OR NOT LISTED on the agenda for a COMMITTEE OF THE WHOLE OR COMMITTEE, shall SUBMIT THEIR DELEGATION in writing TO THE CLERK, the Clerk will list the DELEGATION on the COMMITTEE OF THE WHOLE'S OR THE COMMITTEE'S upcoming agenda. Such WRITTEN DELEGATIONS MUST be received by the Clerk no later than 12:00 noon the business day before the meeting.

- 10.1** The Clerk shall MAKE the agendas of ELECTRONIC Council and Committee meetings AVAILABLE to members of Council and Senior Leadership Team at least 5 days prior to the scheduled meetings ON THE CITY'S WEBSITE.
- 10.2** The Clerk shall make the agendas of ELECTRONIC Council and Committee meetings, available to the media and general public, simultaneously with the distribution set out in subsection 10.1.

Authority: Item 6.6
CM: April 8, 2020
Ward: City Wide

Bill No. 056

**CITY OF HAMILTON
BY-LAW NO. 20-**

**A By-law to Promote and Regulate Physical Distancing during the COVID-19
Emergency and a By-law to amend City of Hamilton By-law 17-225, being a By-law
to Establish a System of Administrative Penalties**

WHEREAS the World Health Organization has declared a worldwide pandemic regarding the Novel Coronavirus (“**COVID-19 Pandemic**”);

AND WHEREAS on March 17, 2020, a Declaration of Emergency was made by the Province of Ontario pursuant to section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E. 9 (the “**Act**”) related to the COVID-19 Pandemic;

AND WHEREAS on March 27, 2020 the Province of Ontario granted power to municipal law enforcement officers to enforce Orders issued by the Province under the *Act* (the “**Provincial Orders**”);

AND WHEREAS section 10(2) of the *Municipal Act, 2001*, S.O. 2001, c.25 (the “**Municipal Act, 2001**”) provides that a municipality may pass by-laws respecting the health, safety and well-being of persons;

AND WHEREAS the City of Hamilton considers it desirable to enact a by-law to support the intent and purpose of the Provincial Orders made under the *Act* in order to protect the health, safety and well-being of persons in the City of Hamilton by prohibiting certain activities and regulating physical distancing during the COVID-19 Emergency;

AND WHEREAS the Medical Officer of Health has recommended physical distancing measures to prevent the spread of COVID-19, including maintaining a distance of at least two metres from other individuals who are not members of the same household;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

PART 1- DEFINITIONS

1.1 For the purposes of this By-law,

“**Authorized Staff**” means a Municipal Law Enforcement Officer or any employee of the City whose duties include those provided for or assigned under this By-law, and shall include a Police Officer, the Director of Licensing and By-law Services (and their respective designates) and the Medical Officer of Health;

“**By-law**” means this By-law;

“**City**” means the City of Hamilton;

“**COVID-19 Emergency**” means the period of time commencing upon the date of passing this By-law until the declaration of emergency made by the Province of Ontario under the *Act* in relation to the COVID-19 Pandemic has been terminated;

“**Director**” means the Director of Licensing and By-law Services, or their respective designate, for the City of Hamilton;

“**Head of Council**” means the Mayor of the City;

“**Medical Officer of Health**” means the officer appointed to such position by the City of Hamilton under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7, their deputies and designates for the purposes of this By-law;

“**Police Officer**” includes an officer of the Hamilton Police Service;

“**Proprietor**” means any person, governing body or agency which controls, governs or directs activity carried on in a Public Space and includes the person who is actually in charge thereof, but excludes the City;

“**Provincial Offences Act**” means the *Provincial Offence Act*, R.S.O. 1990, c. P33.

“**Public Space(s)**” means any outdoor or indoor space to which the public is ordinarily invited or permitted access, either expressly or by implication, whether or not a fee is charged for entry.

PART 2 – OFFENCES

2.1 Every person shall maintain a distance of at least two (2) metres from every other person who is not a member of the same household when in a Public Space.

2.2 Proprietors shall take reasonable measures to ensure compliance with section 2.1 by:

- a) limiting the number of people allowed on their property;
- b) ensuring that the distancing measures specified in section 2.1 are being enforced on their property; and
- c) ensuring that people who refuse to comply with section 2.1 are promptly asked to leave their property and are reported to Authorized Staff upon failure to comply with this direction.

2.3 No person shall attend a social gathering of more than five (5) people, either in a Public Space or on private property.

2.4 Every owner or occupier of property shall ensure that no social gathering(s) of more than five (5) people occurs on their property.

2.5 For greater certainty, sections 2.3 and 2.4 do not apply to a gathering of members of a single household, or a gathering for the purpose of a funeral service that is attended by not more than 10 persons.

PART 3 – EXEMPTIONS

3.1 This By-law does not apply to Police Officers, City employees or persons hired or engaged by the City to do work or perform services in a Public Space, while performing policing, municipal, or enforcement services, including but not limited to, the enforcement of this By-law.

PART 4 - ADMINISTRATION AND ENFORCEMENT

4.1 The Director is responsible for the administration and enforcement of this By-law and may appoint delegates or assign duties to City staff under this By-law.

4.2 City staff who carry out any action under this By-law are deemed to be Authorized Staff for the purposes of this By-law, in the absence of evidence to the contrary.

4.3 Authorized Staff may, at any reasonable time, enter and inspect all lands, buildings, structures or parts thereof that are subject to this By-law for the purposes of determining compliance with this By-law.

4.4 Despite section 4.3, inspections of any dwelling unit may only be performed in accordance with the *Municipal Act, 2001*.

4.5 For the purposes of this By-law, Authorized Staff may:

- a) require the production for inspection of documents or things relevant to the inspection;
- b) inspect and remove documents or things relevant to an inspection for the purposes of making copies or extracts;
- c) require information from any person concerning a matter related to an inspection; and
- d) alone or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of an inspection.

4.6 Where any person contravenes any provision of this By-law, Authorized Staff may direct such person, verbally or in writing, to comply with this By-law. Every person so directed shall comply with such direction without delay.

4.7 No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct any Authorized Staff in the exercise of any power or the performance of any activity or duty under this By-law.

PART 5 – OFFENCES AND PENALTIES

5.1 Every person who contravenes any provision of this By-law is guilty of an offence and is liable to pay a fine, and such other penalties, as provided for in the *Provincial Offences Act* and the *Municipal Act, 2001*.

5.2 Every person, other than a corporation, who contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$10,000 for a first conviction; and not more than \$25,000 for any subsequent conviction.

5.3 Every corporation which contravenes any provision of this By-law, is guilty of an offence and on conviction is liable, for every day or part thereof upon which such offence occurs or continues, to a fine of not more than \$50,000 for a first conviction and not more than \$100,000 for any subsequent conviction.

5.4 If an offence under the By-law is continued on more than one day, the person who committed it is liable to be convicted for a separate offence for each day on which it is continued.

5.5 Without limiting the above, every person who contravenes this By-law may also be liable, upon issuance of a penalty notice, to pay an Administrative Penalty in an amount specified in the City’s Administrative Penalties By-law No. 17-225 (the “**APS By-law**”).

PART 6 – AMENDMENTS TO THE APS BY-LAW

6.1 Schedule A of By-law No. 17-225 is amended by adding the following table:

TABLE 22: BY-LAW NO. 20-056 To Promote and Regulate Physical Distancing During the COVID-19 Emergency				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	20-056	2.1	Fail to maintain a distance of at least two (2) metres from another person	\$500.00

TABLE 22: BY-LAW NO. 20-056 To Promote and Regulate Physical Distancing During the COVID-19 Emergency				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
2	20-056	2.2	Proprietor fail to ensure physical distancing in Public Space	\$500.00
3	20-056	2.3	Attending a gathering of more than 5 people	\$500.00
4	20-056	2.4	Owner or Occupier fail to ensure no social gathering of more than 5 people on property	\$500.00
5	20-056	4.7	Obstructing an Officer or Authorized Staff	\$500.00

6.2 In all other respects the APS By-law is confirmed.

PART 7 – MISCELLANEOUS

7.1 **Conflict:** In the event a discrepancy between this By-law and any statute, regulation, rule, by-law, order or instrument of the Province of Ontario or the Government of Canada, the provision that is the most restrictive prevails.

7.2 **Severability:** Should any section of this By-law be declared by a Court of competent jurisdiction to be ultra vires or illegal for any reason, the remaining parts shall nevertheless remain valid and binding, and shall be read as if the offending section or part had been struck out.

7.3 **Short Title:** This By-law may be referred to as the Hamilton Physical Distancing By-law.

7.4 **Effective Date:** This By-law shall become effective on the date approved by City Council and shall remain in force during the COVID-19 Emergency.

PASSED this 8th day of April, 2020

F. Eisenberger
Mayor

A. Holland
City Clerk

THE CITY OF HAMILTON

BY-LAW NO. 20-

To Confirm the Proceedings of City Council at its meeting held on April 8, 2020

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 8th of April, 2020 in respect of each recommendation contained in,

Committee of the Whole Report 20-001, April 8, 2020

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, except where prior approval of the Ontario Municipal Board is required, 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 8th day of April, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk