



CITY COUNCIL MINUTES 20-006

9:30 a.m.
April 8, 2020
Council Chamber
Hamilton City Hall
71 Main Street West

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

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:

5. COMMITTEE OF THE WHOLE (Item 5)

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

6. MOTIONS (Item 6)

6.4 Financial Support for Mutual Aid to Sex Workers - WITHDRAWN

6.5 Financial Support for Mutual Aid to Vulnerable and Marginalized Residents -
WITHDRAWN

7. NOTICES OF MOTION

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

10. BY-LAWS AND CONFIRMING BY-LAW (Item 10)

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

(Collins/Pearson)

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

DECLARATIONS OF INTEREST

None were declared

APPROVAL OF MINUTES OF PREVIOUS MEETING
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3.1 February 26 & 27, 2020 (Item 3.1) and March 20, 2020 (Item 3.2)

(Ferguson/Collins)

That the Minutes of the February 26 & 27, 2020 and March 20, 2020 meetings of Council be approved, as presented.

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

COMMUNICATIONS

(Merulla/Farr)

That Council Communications 4.1 to 4.10 be approved, as presented, as follows:

- 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.

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 - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger

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

(Merulla/Farr)

That Council move into Committee of the Whole.

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

COMMITTEE OF THE WHOLE

(Pearson/Danko)

That Consent Items 5.1 (a), (b), (c), (d) and (e), be approved as presented:

5.1 CONSENT ITEMS

5.1 (a) Downtown Dundas Business Improvement Area (BIA) Revised Board of Management (PED20058) (Ward 13)

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

(i) Scott Eccles

5.1 (b) Locke Street Business Improvement Area (BIA) Proposed Board of Management Schedule of Payment for 2020 (PED20059) (Ward 1)

(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

5.1 (c) Locke Street Business Improvement Area (BIA) Revised Board of Management (PED20064) (Ward 1)

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

- (i) Rachael Amy Shay

5.1 (d) 2019 Remuneration and Expenses as Required Under Section 284 of the *Municipal Act* (FCS20012) (City Wide)

That Report FCS20012 respecting the 2019 Remuneration and Expenses as Required Under Section 284 of the *Municipal Act*, be received.

5.1 (e) Aviary Donor Extension Response Letter (PW19108(a)) (City Wide)

That Report PW19108(a) respecting the Aviary Donor Extension Response Letter, be received.

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

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

YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

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

(Merulla/Farr)

That the written delegation from 1649626 Ontario Ltd., respecting Item 5.4 (d) Report HSC20009 – Municipal Incentives for the 90 Carling Street Rental Project, be received and referred to the consideration of Item 5.4 (d).

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

5.3 STAFF PRESENTATIONS

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

Mr. Zegarac provided Committee of the Whole with a presentation respecting Report FCS20038, Property Tax Assistance and Other Measures.

(Pauls/Farr)

That staff's presentation respecting Report FCS20038, Property Tax Assistance and Other Measures, be received.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Whitehead/Farr)

(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.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.4 DISCUSSION ITEMS

5.4 (a) Tile Drainage Act Loan Program (FCS20036) (City Wide)

(Pearson/Jackson)

- (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*.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.4 (b) Appropriation Transfer of Funds for Rymal Rd. East - Fletcher to Upper Centennial - 2020 Reconstruction Project (PW20023) (Wards 9 & 11)

(Clark/Danko)

- (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.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

5.4 (c) Fruitland - Winona Secondary Plan - Block Servicing Strategy Completion(Block 3) (PED20078)

(Pearson/Johnson)

- (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.

Result: Motion CARRIED by a vote of 13 to 2, as follows:

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

**5.4 (d) Municipal Incentives for the 90 Carling Street Rental Project
(HSC20009)(Ward 1)**

(Wilson/Jackson)

That the alternative as outlined in Report HSC20009, Municipal Incentives for 90 Carling Street Rental Project, be approved.

Result: Motion DEFEATED by a vote of 10 to 5, as follows:

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

(Wilson/Jackson)

(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.

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

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

(Collins/Whitehead)

That staff report back on a policy for tax exemptions related to affordable housing initiatives.

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

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

YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Merulla/Eisenberger)

That the Committee of the Whole Rise and Report.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NOT PRESENT - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

MOTIONS

6.1 To Amend the Procedural By-Law

(Merulla/Eisenberger)

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice, requires that public notice is required to advise of a Committee meeting to consider the enactment of a procedure bylaw in the form of one notice published in a newspaper a minimum of 14 days prior to the Committee meeting; and

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice also notes that Council may direct that other notice is to be given as Council considers adequate and when the City Manager determines that an emergency situation exists;

THEREFORE BE IT RESOLVED:

That Council waive the notice provision within By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice in order for an amendment to be made to the Procedural By-law effective immediately.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NOT PRESENT - 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
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Merulla/Eisenberger)

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.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.2 Committee Resignations

(Clark/Johnson)

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.

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

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

6.3 Funding to Backfill an Administrative Staff Position in Ward 6

(Jackson/Pauls)

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.

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

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

Motions numbered 6.4 and 6.5 were withdrawn during the changes to the agenda.

6.6 A By-Law to Promote and Regulate Physical Distancing during the COVID-19 Emergency

(Merulla/Eisenberger)

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.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.7 Request for CHCH to Broadcast Live Updates from the City

(Ferguson/Clark)

That the Mayor contact the CHCH Producers to request on behalf of Council that they live broadcast daily updates from the City at 3:30 p.m. and all Town Hall Updates.

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
NOT PRESENT - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls

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

NOTICES OF MOTION

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

(Merulla/Eisenberger)

That the Rules of Order be waived to allow for the introduction of a Motion respecting A By-Law to Promote and Regulate Physical Distancing during the COVID-19 Emergency and

That Council waive the notice provision within By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice in order for an amendment to be made to By-law 17-225, a By-law to Establish a System of Administrative Penalties effective immediately.

Result: Motion CARRIED by a 2/3's majority vote of 15 to 0, as follows:

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

Refer to Item 6.6 for further disposition of this item.

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL

Council determined that discussion of Item 9.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

9.1 Closed Session Minutes – February 26 & 27, 2020**(Farr/Jackson)**

That the Closed Session Minutes dated February 26 & 27, 2020 be approved, as presented, and remain confidential.

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

BY-LAWS**(Merulla/Eisenberger)**

That Bills No. 20-048 to No. 20-057, 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:

- 048 To Establish City of Hamilton Land Described as Block 125 on Plan 62M-1116 as Part of Lockman Drive
Ward: 12
- 049 To Establish City of Hamilton Land Described as Part 3 on Plan 62R-21163 as Part of Parkdale Avenue South
Ward: 4
- 050 To Establish City of Hamilton Land Described as Part 4 on Plan 62R-21163 as Part of Queenston Road
Ward: 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

- 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
- 053 To Amend By-law No. 16-233, Municipal Housing Facilities By-law
Ward: City Wide
- 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
- 055 To Amend By-law No. 18-270, the Council Procedural By-law
- 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
- 057 To Confirm the Proceedings of City Council

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

(Pearson/Nann)

That, there being no further business, City Council be adjourned at 2:39 p.m. on April 8, 2020.

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

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk