



City of Hamilton

CITY COUNCIL REVISED

20-011

Wednesday, May 20, 2020, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

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 May 13, 2020

4. COMMUNICATIONS

- 4.1 Correspondence from Sarah Pietarinen advocating for all staff coming through the doors of hospitals and long-term care facilities, leaving behind their own worries and stresses to provide

the care and services that this community needs, and who deserve to be on the list for Pandemic Pay.

Recommendation: Be received.

- 4.2 Correspondence from Middlesex Centre endorsing the City of Hamilton's Council resolution to regulate and enforce odour and lighting nuisances related to the cultivation of cannabis plants

Recommendation: Be received.

- 4.3 Correspondence from #ActionACMT, parents for a new French Catholic High School in Hamilton requesting that the City work as partners with the Boards to ensure the project progresses in an expedited fashion in order for the students to have installations

that are equal to those of their English counterparts.

Recommendation: Be received.

5. COMMITTEE OF THE WHOLE

5.1 CONSENT ITEMS

- 5.1.a Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide)
- 5.1.b Development Charges Annual Indexing - Effective July 6, 2020 (FCS20041) (City wide)
- 5.1.c 2019 Provincial Offences Administration Annual Report (FCS20031) (City Wide)
- 5.1.d Appendix 'A' to Confidential Report PED19134(a) Disposition and Transaction Strategies to Achieve Affordable Housing at 60 Caledon Avenue, Hamilton (Ward 8)
- 5.1.e Appendix 'A' to Confidential Report PED20089 Disposition of 1621 Barton Street East (Ward 4)
- 5.1.f 2019 Fourth Quarter Request for Tenders and Proposals Report (FCS19041(c)) (City Wide)

- 5.1.g 2019 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS19042(c)) (City Wide)
- 5.1.h Fourth Quarter Non-compliance with the Procurement Policy Report (FCS19043(c)) (City Wide)
- 5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS
- 5.3 STAFF PRESENTATIONS
- 5.4 DISCUSSION ITEMS
 - 5.4.a To Incorporate City Lands into Dartnall Road by By-Law (PED20094) (Wards 6 and 11)
 - 5.4.b City of Hamilton / Ministry of Transportation 2019-2020 Dedicated Gas Tax Funding Agreement (FCS20037) (City Wide)
 - 5.4.c Proposed Write-off for Provincial Offences (FCS20032) (City Wide)
 - 5.4.d Accounts Receivable Write-Offs for 2019 (FCS20014) (City Wide)
 - 5.4.e Early Payment Removal and Parking Fine Increase Implementation Update (PED19052(a)) (City Wide)
 - *5.4.f Social Bicycles & City of Hamilton Contract (PED20109) (Wards 1, 2, 3, 4, and 13)
 - *5.4.g Status of Planning Meetings During the COVID-19 Pandemic Emergency (PED20108) (City Wide)

6. MOTIONS

- 6.1 Interim Control By-law - Waterdown Community Node Area
- 6.2 Installation of Speed Cushions on Rendell Boulevard, Hamilton, between Fennell Avenue East and Queensdale Avenue East (Ward 6)
- 6.3 To Amend the Procedural By-Law

7. NOTICES OF MOTIONS

- *7.1 Utilizing the Rooftop of York Boulevard Parkade as Temporary Open-Air Performance Space
- *7.2 Property Tax Assistance Measures – Monthly Pre-authorized Payments

8. STATEMENTS BY MEMBERS

9. PRIVATE AND CONFIDENTIAL

- 9.1 Disposition and Transaction Strategies to Achieve Affordable Housing at 60 Caledon Avenue, Hamilton (PED19134(a)) (Ward 8)

Appendix 'A' to Report PED19034(a) is a public document and is listed as Item 5.1 (d)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

- 9.2 Disposition of 1621 Barton Street East (PED20089) (Ward 4)

Appendix 'A' to Report PED20089 is a public document and is listed as Item 5.1 (e)

Pursuant to Section 8.1, Sub-sections (c) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes.

- 9.3 Committee Meetings during the COVID-19 Pandemic Emergency (LS20013/PED20093)

Pursuant to Section 8.1, Sub-section (f) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-section (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

10. BY-LAWS AND CONFIRMING BY-LAW

- 10.1 098

To Establish City of Hamilton Land Described as Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 on Plan 62R-17987, save and except Part 1 on Plan 62R-18129 as Part of Dartnall Road

Ward: 6, 11

- 10.2 099

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

Ward: City Wide

10.3 100

To Amend City of Hamilton By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties

Table 1 – By-law No. 01-216 Regulating Municipal Parking Facilities

Table 2 – By-law No. 01-217 To Establish and Regulate Fire Routes

Table 3 – By-law No. 01-218 Regulating On-Street Parking

Table 4 – By-law No. 01-219 To Manage and Regulate Municipal Parks

Table 5 – By-law No. 01-220 Regulating Parking on Private and Municipal Property

Table 6 – By-law No. 80-179 Regulating Hess Village Pedestrian Mall

Table 7 – By-law No. 16-009 Regulating Unauthorized Parking on Boulevards, Side Yards and Front Yards

Table 8 – By-law No. 12-031 For Responsible Animal Ownership in the City of Hamilton

Table 9 – By-law No. 12-130 To Regulate the Feeding of Wildlife

Table 20 – By-law No. 19-286 Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil

Table 21 – By-law No. 07-160 To Prohibit the Unnecessary Idling of Vehicles within the City of Hamilton

Ward: City Wide

10.4 101

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 90-145-Z, in the former Town of Flamborough generally in the area extending west to east from the lands across from Goldenview Court to First Road, and north to south from Nisbet Boulevard and Parkside Drive to the southerly end of Hamilton Street and to Main Street South where it is located directly adjacent to the Canadian Pacific Railway and Grindstone Creek

Ward: 15

10.5 102

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 05-200 in the City of Hamilton, generally in the area extending west to east along Dundas Street East (Highway No. 5) from 221 Dundas Street East to the Canadian Pacific Railway/Grindstone Creek, and extending north to south along Hamilton Street North from Parkside Drive to Dundas Street East, and also including four institutional properties in the neighbourhood bounded by Main Street North, Parkside Drive, Dundas Street East, and the Canadian Pacific Railway/Grindstone Creek

Ward: 15

10.6 103

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

Ward: City Wide

10.7 104

To Confirm the Proceedings of City Council

11. ADJOURNMENT



CITY COUNCIL MINUTES 20-010

9:30 a.m.
May 13, 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 (Deputy Mayor), T. Jackson, E. Pauls, J.P. Danko, B. Clark, M. Pearson, L. Ferguson, A. VanderBeek, J. Partridge and B. Johnson.

Absent: Councillor 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:

4. COMMUNICATIONS (Item 4)

4.5(a) Supplemental Information – As CBC radio is not ‘local’ to Hamilton, Hamilton does have a local television station (www.chch.com) and a local, heavily listened to radio station - 900 CHML - which has local talk and news, including business reporting.

Recommendation: Be received.

4.12 Correspondence respecting the Culinary Scene Support motion:

- (a) Sara Woods
- (b) Jan Male

Recommendation: Be received and referred to the consideration of Item 6.2

- 4.13 Correspondence from Scott Snider, Turkstra Mazza Associates respecting Notice of Objection 1389 Progreston Road, Flamborough (Evergreen Farm) Incomplete Notice of Intention to Designate - Served April 23, 2020.

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

- 4.14 Correspondence from Lisa MacDonald, Patient Care Unit Clerk on behalf of many healthcare workers who believe they aren't being recognized properly during Covid-19.

Recommendation: Be received.

6. COMMITTEE OF THE WHOLE (Item 6)

Change to the Order of Items:

Item 5.4 (f) has been removed from Discussion Items and added to Staff Presentations and is now listed as Item 5.3 (b):

- 5.3 (b) Mayor's Task Force on Economic Recovery (PED20102) (City Wide)**

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

- 5.2 (a) Written Delegation respecting Leveraging Strategic Opportunities for Hamilton's Economic Recovery from:**

**Alyssa Lai, Insurance and Financial Services
Christine Yachouh, Consulting
Dave Heidebrecht, Higher Education and Not-for-Profit
Kate Whalen, Higher Education and Research
Layla Abdulrahim-Moore, Higher Education and Healthcare
Lisa Alfano, Higher Education and Not-for-Profit
Sarah Wardrope, Healthcare
Sashaina Singh, Higher Education
Yulena Wan, Not-for-Profit and Philanthropy**

Recommendation: Be received and referred to the consideration of Item 5.3 (b)

5.4 DISCUSSION ITEMS - WITHDRAWN

5.4 (b) Early Payment Removal and Parking Fine Increase Implementation Update (PED19052(a)) (City Wide)

and associated Bill:

To Amend City of Hamilton By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties (formerly Bill 095)

7. NOTICES OF MOTION (Item 7)

- 7.1 Establishing a Sub-Committee to Address Impacts of Social Issues – COVID-19**
- 7.2 Implications of COVID-19 on Golf Operations**
- 7.3 Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster**

(Pearson/Ferguson)

That the agenda for the May 13, 2020 meeting of Council be approved, *as amended*.

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 - Deputy Mayor 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 VanderBeeck
- 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

Councillor Clark declared an interest to Item 7.3 respecting Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster, due to his son's business interest in a separate Cannabis Retail Store.

Councillor Ferguson declared an interest to Item 6.2 respecting Culinary Scene Support, due to his family's interest in the restaurant business.

APPROVAL OF MINUTES OF PREVIOUS MEETING**3.1 April 29, 2020 (Item 3.1)****(Johnson/Pearson)**

That the Minutes of the April 29, 2020 meeting of Council be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson
 YES - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Deputy Mayor 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

COMMUNICATIONS**(Collins/Merulla)**

That Council Communications 4.1 to 4.14 be approved, as **amended**, as follows:

- 4.1 Correspondence from the Township of Mapleton requesting support for their resolution to request the Province of Ontario review the Farm Property Class Tax Rate Programme in light of economic competitiveness concerns between Rural and Urban Municipalities.

Recommendation: Be received.

- 4.2 Correspondence from the Township of Armour requesting support for their resolution on the need to make substantial investments in high-speed internet connectivity in rural areas.

Recommendation: Be supported.

- 4.3 Correspondence respecting concerns with the Urban Hamilton Official Plan (UHOP) changes with respect to 354 King St. W.:

(a) Barry Coombs

(b) Robin Parsons

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

4.4 Correspondence from Ian Sloan, Minister, New Vision United Church communicating their desire to designate 24 Main Street West, under Part IV of the *Ontario Heritage Act*.

Recommendation: Be received and referred **to the consideration of Item 5.4 (c)**.

4.5 Correspondence from Dr. Richard Kool, Royal Roads University respecting asking our local CBC station to do what CBC Victoria BC has been reporting on for 7months, CBC Radio in Victoria BC has been reporting the daily levels of carbon dioxide in the atmosphere in the morning market and commodity report.

(a) Supplemental Information – As CBC radio is not 'local' to Hamilton, Hamilton does have a local television station (www.chch.com) and a local, heavily listened to radio station - 900 CHML - which has local talk and news, including business reporting.

Recommendation: Be received.

4.6 Correspondence from Anne Newbigging requesting that 558 Wilson St. East be included on the Municipal Heritage Register

Recommendation: Be received and referred to the Hamilton Municipal Heritage Committee.

4.7 Correspondence from Murray Costello, Enbridge Gas Inc., respecting the Natural Gas Expansion Program for Hamilton Airport Employment Growth District and Red Hill Business Park

Recommendation: Be received.

4.8 Correspondence from the Honourable Todd Smith, Minister of Children, Community and Social Services in response to the Mayor's letter respecting the request for a personal hygiene supplement for menstruation to be added to Ontario Works and Ontario Disability Support Program (ODSP) social assistance rates.

Recommendation: Be received.

4.9 Correspondence from the Town of Lincoln requesting support for their resolution requesting emergency funding for Municipalities from the Government of Canada.

Recommendation: Be **endorsed**.

4.10 Correspondence from the Ministry of Long-Term Care respecting the additional COVID Prevention and Containment Funding to the Long-Term Care Home sector:

- (a) Macassa Lodge - Allocations - May 2020
- (b) Wentworth Lodge - Allocations - May 2020

Recommendation: Be received.

4.11 Correspondence from the Town of Grimsby requesting support for their resolution respecting the Commercial Rent Assistance Program.

Recommendation: Be **endorsed**.

4.12 Correspondence respecting the Culinary Scene Support motion:

- (a) Sara Woods
- (b) Jan Male

Recommendation: Be received and referred to the consideration of Item 6.2

4.13 Correspondence from Scott Snider, Turkstra Mazza Associates respecting Notice of Objection 1389 Progreston Road, Flamborough (Evergreen Farm) Incomplete Notice of Intention to Designate - Served April 23, 2020.

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

4.14 Correspondence from Lisa MacDonald, Patient Care Unit Clerk on behalf of many healthcare workers who believe they aren't being recognized properly during Covid-19.

Recommendation: Be 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 - Deputy Mayor 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

(Collins/Merulla)

That Council move into Committee of the Whole.

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 - Deputy Mayor 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

COMMITTEE OF THE WHOLE

5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS

5.2 (a) Written Delegation respecting Leveraging Strategic Opportunities for Hamilton's Economic Recovery from:

- Alyssa Lai, Insurance and Financial Services**
- Christine Yachouh, Consulting**
- Dave Heidebrecht, Higher Education and Not-for-Profit**
- Kate Whalen, Higher Education and Research**
- Layla Abdulrahim-Moore, Higher Education and Healthcare**
- Lisa Alfano, Higher Education and Not-for-Profit**
- Sarah Wardrope, Healthcare**
- Sashaina Singh, Higher Education**
- Yulena Wan, Not-for-Profit and Philanthropy**

(Nann/Partridge)

That the Written Delegation respecting Leveraging Strategic Opportunities for Hamilton's Economic Recovery, be received and referred to the consideration of Item 5.3 (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 - Deputy Mayor 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

5.3 STAFF PRESENTATIONS

5.3 (a) Confederation Beach Park - Wild Waterworks 2020 Season (PW20029) (City Wide)

Lisa Burnside and Neil McDougall, Hamilton Conservation Authority provided Committee of the Whole with an overview of the report.

(Pauls/Clark)

That the presentation by Lisa Burnside and Neil McDougall, Hamilton Conservation Authority respecting Report PW20029, Confederation Beach Park – Wild Waterworks 2020 Season, be 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 - Deputy Mayor 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

(Ferguson/Collins)

- (a) That the City of Hamilton accept the proposal from the Hamilton Conservation Authority, operator of Wild Waterworks at Confederation Beach Park, for Wild Waterworks to remain closed for the 2020 Operating Season due to the COVID-19 pandemic;
- (b) That the estimated negative budget variance of \$425,000 be funded by the Tax Stabilization Reserve (110046); and,
- (c) That the General Manager of Public Works be granted the authority to execute, on behalf of the City, any revisions to the Management Agreement with the HCA and any related or ancillary documents necessary to implement Recommendation (a) each in a form satisfactory to the City Solicitor.

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 - Deputy Mayor 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

5.3 (b) Mayor's Task Force on Economic Recovery (PED20102) (City Wide)

Norm Schleeahn, Director, Economic Development, provided Committee of the Whole with an overview of the report.

(Partridge/Ferguson)

That the presentation by Norm Schleeahn, Director, Economic Development respecting Report PED20102, Mayor's Task Force on Economic Recovery, be 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 - Deputy Mayor 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

(Jackson/Ferguson)

- (a) That the Terms of Reference for the Mayor's Task Force on Economic Recovery (Task Force) attached as Appendix "A" to Report PED20102 be approved.
- (b) That the Mayor be authorized and directed to invite individuals that meet the criteria outlined in the Terms of Reference to sit as members of the Task Force.
- (c) That the Mayor's Task Force on Economic Recovery report back to the General Issues Committee to provide a final report.

(Wilson/Nann)

That Appendix "A" be **amended** by adding the following:

That the Corporate Priorities provide the framework for the Mayor's Task Force on Economic Recovery.

Result: Amendment DEFEATED by a vote of 12 to 3, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 4 Councillor Sam Merulla
NO- Deputy Mayor Ward 5 Councillor Chad Collins
NO - Ward 6 Councillor Tom Jackson
NO- Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - 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/Nann)

That Appendix "A" be **amended** by adding the following:

That new Canadians be represented on the Mayor's Task Force on Economic Recovery through the Hamilton Immigration Partnership.

Result: Amendment DEFEATED by a vote of 12 to 3, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 4 Councillor Sam Merulla
NO- Deputy Mayor Ward 5 Councillor Chad Collins
NO - Ward 6 Councillor Tom Jackson
NO- Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - 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

(Nann/Danko)

That Appendix "A" be **amended** by adding the following:

That One (1) representative from Hamilton District Labour Council be included in the Composition of the Mayor's Task Force on Economic Recovery.

Result: Amendment CARRIED by a vote of 8 to 7, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 4 Councillor Sam Merulla
NO - Deputy Mayor 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
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - 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
YES - Ward 9 Councillor Brad Clark

(Collins/Merulla)

That the Terms of Reference (Appendix "A") for the Mayor's Task Force on Economic Recovery be **amended** as follows:

That Councillors Partridge and Ferguson, be appointed as City Councillors on the Mayor's Task Force on Economic Recovery.

(Danko/Wilson)

That the Terms of Reference (Appendix "A") for the Mayor's Task Force on Economic Recovery be further **amended** as follows:

(a) That the Composition of the Mayor's Task Force on Economic Recovery be amended to reflect Three (3) City Councillors; and

(b) That Councillor Nann, be appointed as a City Councillor on the Mayor's Task Force on Economic Recovery.

Result: Amendment to the Amendment CARRIED by a vote of 9 to 6, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 4 Councillor Sam Merulla
NO - Deputy Mayor 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
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NO - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

The **Amendment as Amended** to read as follows:

That the Terms of Reference (Appendix "A") for the Mayor's Task Force on Economic Recovery be **amended** as follows:

(a) That the Composition of the Mayor’s Task Force on Economic Recovery be amended to reflect Three (3) City Councillors; and

(b) That Councillors Partridge, Ferguson and Nann, be appointed as City Councillors on the Mayor’s Task Force on Economic Recovery.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor 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

The Main Motion **as Amended** to read as follows:

- (a) That the Terms of Reference for the Mayor’s Task Force on Economic Recovery (Task Force) attached as Appendix “A” **as amended** to Report PED20102 be approved.
- (b) That the Mayor be authorized and directed to invite individuals that meet the criteria outlined in the Terms of Reference to sit as members of the Task Force.
- (c) That the Mayor’s Task Force on Economic Recovery report back to the General Issues Committee to provide a final report.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor 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

(Partridge/Collins)

That Committee of the Whole recess at 12:27 p.m.

CARRIED

Committee of the Whole reconvened at 1:00 p.m.

5.4 DISCUSSION ITEMS

**5.4 (a) Lead Water Service Replacement Loan Program Review (FCS19025(a))
(City Wide)**

(Ferguson/Pearson)

- (a) That the General Manager of Corporate Services be authorized to amend the Lead Water Service Replacement Loan Program so that effective May 13, 2020, zero interest loans may be provided under the Lead Water Service Replacement Loan Program for property owners of owner-occupied dwellings who have qualified for low-income energy customer programs such as the Low-Income Energy Assistance Program or the Ontario Electricity Support Program;
- (b) That the City Solicitor be authorized to make necessary changes to documents related to the Lead Water Service Replacement Loan Program to implement Recommendation (a) of Report FCS19025(a);
- (c) That the Planning and Economic Development Department be directed to undertake an amendment to the Water and Wastewater Infrastructure Support Community Improvement Project Area and Community Improvement Plan so the Lead Water Service Replacement Loan Program can be incorporated into the Community Improvement Plan to extend loans to residential rental properties and report back at a future Planning Committee meeting.

Result: Motion CARRIED by a vote of 14 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 - Deputy Mayor 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

5.4 (c) Recommendation to Designate 24 Main Street West, Hamilton (Former Centenary United Church) under Part IV of the *Ontario Heritage Act* (PED20044) (Ward 2)

(Farr/Pearson)

- (a) That the designation of 24 Main Street West, Hamilton (Former Centenary United Church), shown in Appendix "A" to Report PED20044, as a property of cultural heritage value pursuant to the provisions of Part IV of the *Ontario Heritage Act*, be approved;
- (b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix "B" to Report PED20044, be approved; and,
- (c) That the City Clerk be directed to take appropriate action to designate 24 Main Street West, Hamilton (Former Centenary United Church) under Part IV of the *Ontario Heritage Act*, in accordance with the Notice of Intention to Designate, attached as Appendix "C" to Report PED20044.

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 - Deputy Mayor 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

5.4 (d) Amending Fireworks and Administrative Penalties By-law (Temporary Fireworks Ban 2020) (LS20012) (City Wide)**(Clark/Pearson)**

That the amending by-law attached as Appendix "A" to Report LS20012 which amends the Fireworks By-law (By-law 02-285) to prohibit the sale and discharge of all fireworks in the City of Hamilton until July 4, 2020 and which creates two new Administrative Penalties for related offences, and which has been prepared in a form satisfactory to the City Solicitor, be enacted and effective immediately;

Result: Motion CARRIED by a vote of 8 to 6, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
NO - 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
NO - Ward 12 Councillor Lloyd Ferguson
NO - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

5.4 (e) 2020 Property and Liability Insurance Renewal Report (LS20010) (City Wide)**(Pearson/Pauls)**

- (a) That the Liability and Property Insurance coverage for the term January 1, 2020, to January 1, 2021, be renewed through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$7,748,615 (net of taxes) and be funded through the 2020 Risk Management Services (RMS) Budget of \$6,600,074, \$1,033,690 from the Tax Stabilization Reserve (110046) and \$114,850 from the Waterworks Capital Reserve (108015), in accordance with Appendix "A", attached to Report LS20010;
- (b) That the 2021 Risk Management Property and Liability budget be adjusted to \$7,748,615 and that the 2021 departmental and appropriate Boards and Agencies budgets be adjusted accordingly;

- (c) That, to realize of a 7.5% discount, the primary layer of liability coverage for the term January 1, 2021, to January 1, 2022, be continued through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$2,173,750 (net of taxes) and be referred to the 2021 RMS Budget;
- (d) That, to mitigate market volatility, the second layer of liability coverage for the term January 1, 2021, to January 1, 2022 be continued through Arthur J; Gallagher Canada Ltd. And Marsh Canada Ltd. At a cost of \$950,000 (net of taxes) and be referred to the 2021 RMS Budget;
- (e) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewals of the Liability and Property Insurance coverage for the terms January 1, 2020, to December 31, 2020, and January 1, 2021 to December 31, 2021, through Marsh Canada Ltd., on behalf of the City of Hamilton;
- (f) That four (4) permanent FTE be added to the Legal Services and Risk Management complement, namely a litigation solicitor, law clerk and two administrative assistants, and that the annual compensation costs totalling \$393,000 be cost recovered from City Departments and appropriate Boards and Agencies in 2021 and;
- (g) That the one-time costs of \$20,000 related to equipment and materials in support of the additional complement be funded from the Unallocated Capital Reserve (108020).
- (h) That staff be directed to assess insurance options and litigation staffing prior to August 2021 in order to consider possible insurance options for the City, and adequacy of staffing for in-house litigation for 2022; and
- (i) That RMS report back to Council with a work plan for expanding enterprise risk management.

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 - Deputy Mayor 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

(Collins/Merulla)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

6.1 Sidewalk and Minor Road Repairs (Ward 8)

(Danko/Merulla)

- (a) That \$250,000 be allocated to sidewalk repairs and \$125,000 be allocated to minor road repairs to be completed during the 2020 construction season in Ward 8, and that the capital works be funded by utilizing the Ward 8 – 2020 Area Rating Reserve (#108058); and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

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 - Deputy Mayor 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

6.2 Culinary Scene Support

(Farr/Eisenberger)

WHEREAS the City of Hamilton is recognized across the country for its outstanding restaurant and culinary scene;

WHEREAS the City of Hamilton's restaurant and food service industry employs over 18,000 people;

WHEREAS the COVID-19 pandemic has had a major impact on the City's restaurant industry;

WHEREAS it is anticipated that even when restaurants are permitted by the Province to open again, it will likely be with certain public health limitations that limit seating capacities, which would continue to have a negative impact on the viability of many restaurants, especially smaller restaurants; and

WHEREAS allowing for additional seating capacity outdoors could have a significant positive impact on the restaurant industry.

THEREFORE BE IT RESOLVED

- (a) That the City of Hamilton offer the opportunity for local Business Improvement Areas and/or commercial areas that are predominantly restaurants and cafes to create temporary, shared "Outdoor Dining Districts" on City streets or parking areas for Summer/Fall 2020;
- (b) That staff in the Economic Development Division consult with all of the City's BIAs and/or interested restaurant owners to identify appropriate locations where City streets or parking areas could be temporarily converted into shared Outdoor Dining Districts, and that applications for shared Outdoor Dining Districts be accepted and reviewed through the SEAT process;
- (c) That any Outdoor Dining District not currently within a BIA have at least two-thirds buy-in from all businesses on the affected block(s) through petition;
- (d) That any Outdoor Dining Districts follow all applicable public health requirements, including any COVID-related public health requirements, as well as all applicable Provincial Orders;
- (e) That through the SEAT application process, staff ensure no negative impacts with respect to pedestrian safety, accessibility, emergency services, public transit, private accesses and other issues that are normally addressed through the SEAT review process;
- (f) That costs for the establishment of Outdoor Dining Districts on City streets or City parking lots/spaces for temporary road closure permits, Book 7 traffic management measures, and parking meter charges, be waived and/or refunded, utilizing funds from the City's Economic Development Reserve, with all other costs to be born by the applicants;

- (g) That the applicants be responsible for the management and operation of any approved Outdoor Dining Districts, including ensuring that they are staffed at all times when open, to ensure proper use, cleaning and physical distancing;
- (h) That the City also support the establishment of temporary outdoor patios in the private parking areas of commercial plazas and malls, where permitted by the applicable zoning; and
- (i) That the City waive any requirement for site plan review for such locations and waive enforcement of any zoning provisions related to parking supply, provided the patios are created as temporary uses with no permanent fixtures and no alterations that require a Building Permit.

(Farr/Eisenberger)

That the motion be **amended** by adding the following as sub-section (i), with the remaining sub-section renumbered accordingly:

- (i) That the Ward Councillor be notified of each case of any outdoor expansion application in advance of any approval or implementation.***

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

NO - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor 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
CONFLICT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Clark/Eisenberger)

That the motion be **amended** by adding the following as sub-section (j), with the remaining sub-section renumbered accordingly:

- (j) That the programming not impede delivery and pick up vehicles or pedestrian access to any business who is not party to the arrangements.***

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 - Deputy Mayor 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
CONFLICT - 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:

WHEREAS the City of Hamilton is recognized across the country for its outstanding restaurant and culinary scene;

WHEREAS the City of Hamilton's restaurant and food service industry employs over 18,000 people;

WHEREAS the COVID-19 pandemic has had a major impact on the City's restaurant industry;

WHEREAS it is anticipated that even when restaurants are permitted by the Province to open again, it will likely be with certain public health limitations that limit seating capacities, which would continue to have a negative impact on the viability of many restaurants, especially smaller restaurants; and

WHEREAS allowing for additional seating capacity outdoors could have a significant positive impact on the restaurant industry.

THEREFORE BE IT RESOLVED

- (a) That the City of Hamilton offer the opportunity for local Business Improvement Areas and/or commercial areas that are predominantly restaurants and cafes to create temporary, shared "Outdoor Dining Districts" on City streets or parking areas for Summer/Fall 2020;
- (b) That staff in the Economic Development Division consult with all of the City's BIAs and/or interested restaurant owners to identify appropriate locations where City streets or parking areas could be temporarily converted into shared Outdoor Dining Districts, and that applications for shared Outdoor Dining Districts be accepted and reviewed through the SEAT process;

- (c) That any Outdoor Dining District not currently within a BIA have at least two-thirds buy-in from all businesses on the affected block(s) through petition;
- (d) That any Outdoor Dining Districts follow all applicable public health requirements, including any COVID-related public health requirements, as well as all applicable Provincial Orders;
- (e) That through the SEAT application process, staff ensure no negative impacts with respect to pedestrian safety, accessibility, emergency services, public transit, private accesses and other issues that are normally addressed through the SEAT review process;
- (f) That costs for the establishment of Outdoor Dining Districts on City streets or City parking lots/spaces for temporary road closure permits, Book 7 traffic management measures, and parking meter charges, be waived and/or refunded, utilizing funds from the City's Economic Development Reserve, with all other costs to be born by the applicants;
- (g) That the applicants be responsible for the management and operation of any approved Outdoor Dining Districts, including ensuring that they are staffed at all times when open, to ensure proper use, cleaning and physical distancing;
- (h) That the City also support the establishment of temporary outdoor patios in the private parking areas of commercial plazas and malls, where permitted by the applicable zoning;
- (i) That the Ward Councillor be notified of each case of any outdoor expansion application in advance of any approval or implementation;**
- (j) That the programming not impede delivery and pick up vehicles or pedestrian access to any business who is not party to the arrangements; and**
- (k) That the City waive any requirement for site plan review for such locations and waive enforcement of any zoning provisions related to parking supply, provided the patios are created as temporary uses with no permanent fixtures and no alterations that require a Building Permit.**

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

6.3 Establishing a Sub-Committee to Address Impacts of Social Issues – COVID-19

(Merulla/Nann)

That a Sub Committee of Emergency and Community Services Committee be established to address impacts of social issues related to the City of Hamilton's response to the COVID-19 crisis.

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

6.4 Implications of COVID-19 on Golf Operations

(Wilson/Nann)

WHEREAS COVID-19 has ushered in new public health guidelines and Provincial and Municipal restrictions aimed at limiting the spread of the virus;

WHEREAS all indoor and outdoor private and public recreational amenities have been subject to these Provincial and public health guidelines and restrictions;

WHEREAS the City of Hamilton owns and manages three 18-hole public golf courses: the Beddoe, the Martin and King's Forest Golf Courses;

WHEREAS the COVID-19 pandemic presents risks that could negatively impact golf operations and attendance with the addition of unforeseen and planned expenses such as: restricted access to golf carts, mandated maximum size of gatherings

inside and around the clubhouse including at food service areas and pro shop operations, the costs of personal protective equipment and new sanitation requirements and for staff and for operations; and

WHEREAS in a normal year, the golf season typically opens in the month of May or earlier, weather permitting.

THEREFORE BE IT RESOLVED:

That City staff be requested to report back on the anticipated financial impact for the City of Hamilton's golf operations for the upcoming golf season given the implications of COVID-19 on golf operations.

Result: Motion DEFEATED by a vote of 10 to 4, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 4 Councillor Sam Merulla
NO - Deputy Mayor Ward 5 Councillor Chad Collins
NO - Ward 6 Councillor Tom Jackson
NO - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - 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

6.5 Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster

(Ferguson/Johnson)

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) has received an application for a Cannabis Retail Store at 11 Hatton Drive in Ancaster and the process is underway;

WHEREAS written submissions can only be made during the 15-day public notice period, and only by a resident of the municipality in which the proposed store is located, or the municipality itself;

WHEREAS 11 Hatton Drive is currently a vacant former variety store in a residential area;

WHEREAS the established residential area where this property is located is densely occupied by a mixture of young families and long-term residents;

WHEREAS 11 Hatton Drive is a location where children gather to wait to cross the street to walk to their elementary schools (both Public and Catholic schools) and school buses pick up children;

WHEREAS the parking lot for this location has always been awkward and poorly situated for making entry and exit dangerous with no sidewalks or delineators;

WHEREAS Ward 12 currently has a Cannabis Retail Store in a mall approximately 2 kilometers away in a commercial district; and

WHEREAS there is plenty of space available in large commercial areas in Ancaster like the Meadowlands, Fortino's Plaza and Food Basic Plaza.

THEREFORE BE IT RESOLVED:

That the City of Hamilton file an official objection to this application to the Alcohol and Gaming Commission of Ontario for the following reasons:

- (a) 11 Hatton Drive is a property in the middle of a densely populated residential area that is a destination for children as they attend and return from their elementary schools on foot and by bus and the community is very concerned about the safety of children because of increased traffic in a highly residential area;
- (b) 11 Hatton Drive is surrounded by homes with residents that have lived in their homes since new (1950); and
- (c) 11 Hatton Drive is situated in a small commercial property with apartments on top and a parking lot that is problematic for drivers and walkers

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 - Deputy Mayor 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
CONFLICT - Ward 9 Councillor Brad Clark

NOTICES OF MOTION

7.1 Establishing a Sub-Committee to Address Impacts of Social Issues – COVID-19**(Merulla/Nann)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Establishing a Sub-Committee to Address Impacts of Social Issues – COVID-19.

Result: Motion CARRIED by a 2/3's majority 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 - Deputy Mayor 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Refer to Item 6.3 for further disposition of this item.

7.2 Implications of COVID-19 on Golf Operations**(Wilson/Danko)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Implications of COVID-19 on Golf Operations

Result: Motion CARRIED by a 2/3's majority 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 - Deputy Mayor 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Refer to Item 6.4 for further disposition of this item.

7.3 Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster

(Ferguson/Partridge)

That the Rules of Order be waived to allow for the introduction of a Motion respecting a Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster.

Result: Motion CARRIED by a 2/3's majority vote of 11 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor 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
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
CONFLICT - Ward 9 Councillor Brad Clark

Refer to Item 6.5 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 Items 9.1, 9.2, 9.3 and 9.4 was not required in Closed Session; therefore, the matters were addressed in Open Session, as follows:

9.1 Closed Session Minutes – April 29, 2020

(Clark/Partridge)

That the Closed Session Minutes dated April 29, 2020 be approved, as presented, and remain confidential.

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 - Deputy Mayor 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
NOT PRESENT - 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

9.2 Local Planning Appeal Tribunal Appeals of the Commercial Mixed Use Zones (UHOP 69 and Zoning By-law 17-240) (LS18008(b)/PED18050(a)) (City Wide)

(Pauls/Farr)

- (a) That the recommendations of Report LS18008(b)/PED18050(a), be approved;
- (b) That recommendations (a), (b), (c) and (d) of Report LS18008(b)/PED18050(a) remain confidential until made public as the City's position before the Local Planning Appeal Tribunal; and,
- (c) That the balance of Report LS18008(b)/PED18050(a) and its appendices, remain private and confidential.

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 - Deputy Mayor 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
NOT PRESENT - 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

9.3 Appeal to the Local Planning Appeal Tribunal on the City of Hamilton's Refusal or Neglect to Adopt an Official Plan Amendment and Zoning By-law Amendment for the lands located at 41 Stuart Street (Hamilton) (LS20008 / PED19028(a)) (Ward 2)

(Farr/Clark)

- (a) That the recommendations of Report LS20008 / PED19028(a), be approved;
- (b) That recommendations (a), (b) and (c) of Report LS20008 / PED19028(a) remain confidential until made public as the City's position before the Local Planning Appeal Tribunal; and,
- (c) That the balance of the Report LS20008 / PED19028(a) and its appendices, remain private and 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 - Ward 4 Councillor Sam Merulla
YES - Deputy Mayor 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

9.4 Appeal to the Ontario Municipal Board (OMB) (now LPAT) on the City of Hamilton's Refusal or Neglect to Adopt an Amendment to the Urban Hamilton Official Plan, Town of Glanbrook Zoning By-law No. 464, and Draft Plan of Subdivision, for Lands Located at 9684, 9694, 9704, 9714, and 9730 Twenty Road West (Glanbrook) (PED18009(a)/ LS20005) (Ward 11)

(Partridge/Johnson)

- (a) That the directions to staff respecting Report PED18009(a)/ LS20005, be approved; and

(b) That Report PED18009(a)/ LS20005, and its appendices 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 - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor 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

BY-LAWS

(Collins/Merulla)

That Bills No. 20-089 to 20-097, be passed and that the Corporate Seal be affixed thereto, and that the By-laws, be numbered, be signed by the Mayor and the City Clerk to read as follows:

- 089 To Set Optional Property Classes Within the City of Hamilton for the Year 2020
Ward: City Wide
- 090 To Establish Tax Ratios and Tax Reductions for the Year 2020
Ward: City Wide
- 091 To Set and Levy the Rates of Taxation for the Year 2020
Ward: City Wide
- 092 To Adopt Municipal Options for Tax Capping
Ward: City Wide
- 093 To Amend By-law No. 19-127, a By-law to Provide Tax Rebates for Charities, Similar Organizations and Veterans Organizations
Ward: City Wide
- 094 To Levy a Special Charge Upon the Rateable Property in the Business Improvement Areas for the Year 2020
Ward: 1, 2, 3, 4, 5, 6, 12, 13, 15

- 095 To Amend Zoning By-law No. 90-145-Z Respecting Lands Located at 383 Dundas Street East, Flamborough
ZAH-20-020
Ward: 15
- 096 A By-law to Amend By-law No. 02-285 being a By-law to Regulate the Sale and Use of Fireworks and to amend City of Hamilton By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties
Ward: City Wide
- 097 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 Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor 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

(Pearson/Nann)

That, there being no further business, City Council be adjourned at 5:13 p.m. on May 13, 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 - Ward 4 Councillor Sam Merulla
- YES - Deputy Mayor 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

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk

Good morning Mr. Eisenberger and Team,

I want to start by saying THANK YOU! Thank you for your steadfastness, kindness and positive leadership through these difficult and uncertain times, it has been a comfort to know that you are working so hard for the people of Hamilton.

That said, I do have a wee complaint to bring up about the Pandemic Pay, I can only imagine how many of these you are filtering through, so I will try and make this brief and please note that I do know this is a Provincial decision, but your office is certainly a few degrees closer to Mr. Ford than I, so I am starting here.

I am a proud essential healthcare worker and what I have witnessed over the last couple of months from the staff in the hospital where I work has been nothing short of amazing! In this very difficult and exhausting time I have watched a large group bond together and certainly become the Heart of Hamilton!

Unfortunately, in the last couple of weeks, as quickly as the staff came together over the Pandemic, the Pandemic Pay is pulling them apart.

I'm not sure if the list is finalized, but if I can campaign for an addition it would have to be the Materials Management/Logistics Department, this department is integral to the organization and, like the others, has gone above and beyond their call of duty.

Amongst many other assignments, this department is receiving ALL deliveries to the hospital, including the increased flow of PPE; logging, storing and distributing all of the purchased and donated PPE; delivering to, tracking and stocking all areas of the hospital, including the COVID units and Emergency Room, with the supplies necessary for day-to-day patient care; as one of the region's main COVID-19 testing sites, we have staff dedicated to supplying and supporting the Virology lab 24/7.

As mentioned, this is not a complete list of tasks, but I feel that you get the picture and can easily see that this group is essential and deserves to be on the Pandemic Pay list.

Here I have certainly advocated for one department, but I fully believe that all staff coming through the doors of hospitals and long-term care facilities, leaving behind their own worries and stresses to provide the care and services that this community needs, deserve to be on the list.

I truly appreciate the time you have taken to read this (and hopefully respond) and I thank you for all of the hard work that you and your team are doing.

Be safe,
Sarah Pietarinen

Middlesex Centre Council Resolution

Agenda Number: 10.2

Resolution Number: 2020-104

Title: Hamilton - Letter Request to Regulate and Enforce Odour and Lighting Nuisances Related to the Cultivation of Cannabis Plants

Date: May 13, 2020

Moved by: Councillor Aerts

Seconded by: Councillor Silva

THAT the Council for the Municipality of Middlesex Centre endorses the request made by the City of Hamilton to regulate and enforce odour and lighting nuisances related to the cultivation of cannabis plants.

CARRIED



OFFICE OF THE MAYOR
CITY OF HAMILTON

April 23, 2020

The Honourable David Lametti
Minister of Justice and Attorney General of Canada
284 Wellington Street
Ottawa, Ontario K1A 0H8

The Honourable Doug Ford
Premier of Ontario
Legislative Building
Queen's Park
Toronto, ON M7A 1A1

The Honourable Doug Downey
Attorney General
McMurtry-Scott Building, 11th Floor
720 Bay Street
Toronto, ON M7A 2S9

**Subject: Request to Regulate and Enforce Odour and Lighting Nuisances
Related to the Cultivation of Cannabis Plants**

Dear Minister/Attorney General Lametti, Premier Ford and Attorney General Downey:

At its meeting of April 22, 2020, Hamilton City Council approved Item 5.4(d), which reads as follows:

**5.4 (d) Repeal and Replace Public Nuisance By-law 09-110 and Amend
Administrative Penalty By-law 17-225 (PED20076) (City Wide)**

- (a) That the draft by-law, attached as Appendix "A" to Report PED20076, which repeals and replaces By-law 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton, and amends the Administrative Penalties By-law 17-225 which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- (b) That the Mayor be directed, on behalf of the City of Hamilton, to write to the relevant federal and provincial governments to regulate

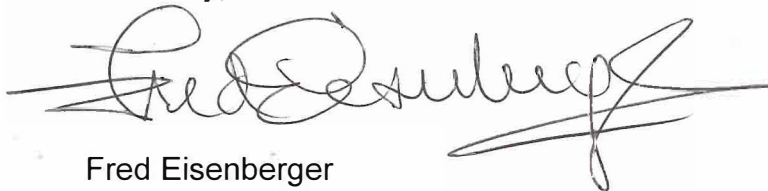
.../2

and enforce odour and lighting nuisances related to the cultivation of cannabis plants;

- (c) That the Mayor contact the Premier of Ontario, Minister of the Attorney General, and local Members of Parliament to request that the Province extend authority to Municipalities to enforce odor and lighting nuisance complaints stemming from licensed and unlicensed cannabis cultivations within the its jurisdiction; and,
- (d) That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.

We respectfully request your consideration with regard to this request and look forward to your response.

Sincerely,

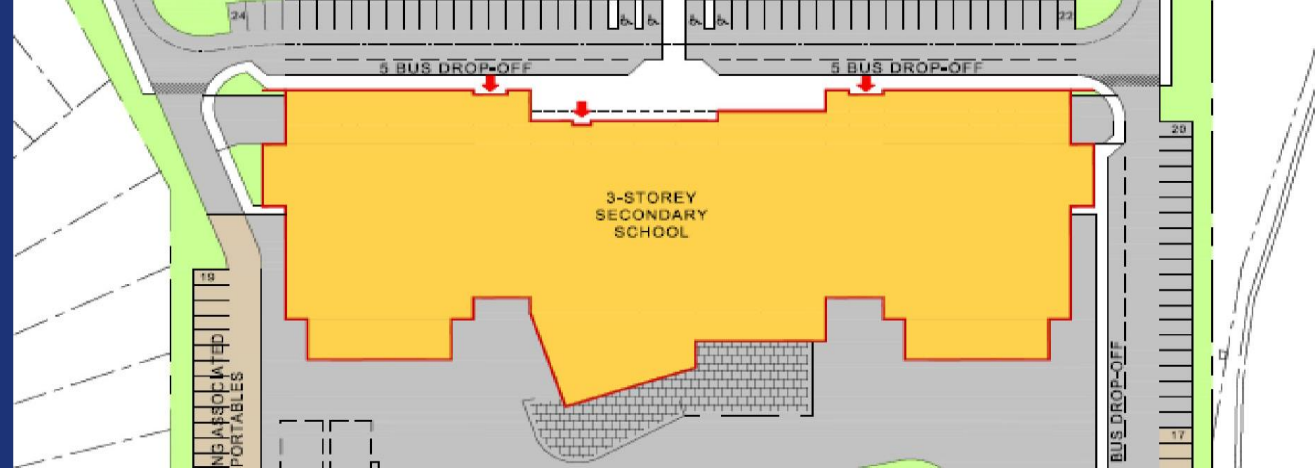
A handwritten signature in black ink, appearing to read "Fred Eisenberger". The signature is fluid and cursive, with a long horizontal stroke at the end.

Fred Eisenberger
Mayor

Copied:

The Honourable Filomena Tassi, M.P., Hamilton West, Ancaster, Dundas
Scott Duvall, M.P., Hamilton Mountain
Bob Bratina, M.P., Hamilton East-Stoney Creek
David Sweet, M.P., Flamborough – Glanbrook
Matthew Green, M.P. , Hamilton Centre
Andrea Horwath, Opposition Party Leader, NDP of Ontario, M.P.P Hamilton Centre
Monique Taylor, M.P.P., Hamilton Mountain
Paul Miller, M.P.P., Hamilton East-Stoney Creek
Donna Skelly, M.P.P., Flamborough-Glanbrook
Sandy Shaw, M.P.P. Hamilton West-Ancaster-Dundas
Association of Municipalities of Ontario
Municipalities of Ontario

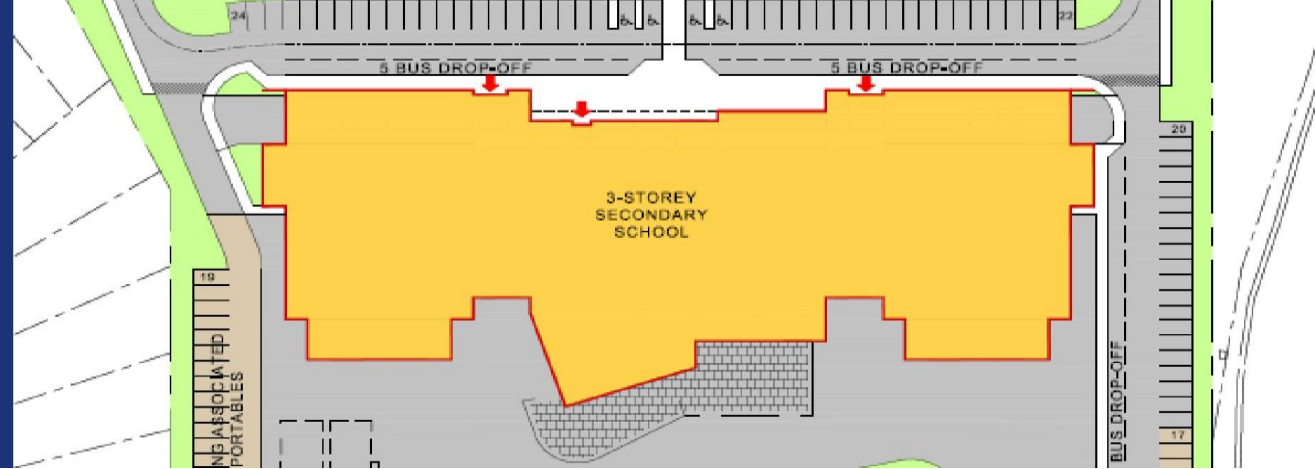
#ActionACMT



4.3

Dear Mayor Eisenberger and Members of Council of City of Hamilton,

#ActionACMT



Parents for a new French
Catholic High School in
Hamilton

After countless years of pressure by the French catholic community, dating as far back as the end of the 1990s, our school board, the Csc MonAvenir filed the first-ever lawsuit against the Ontario government for new school facilities in november 2013.

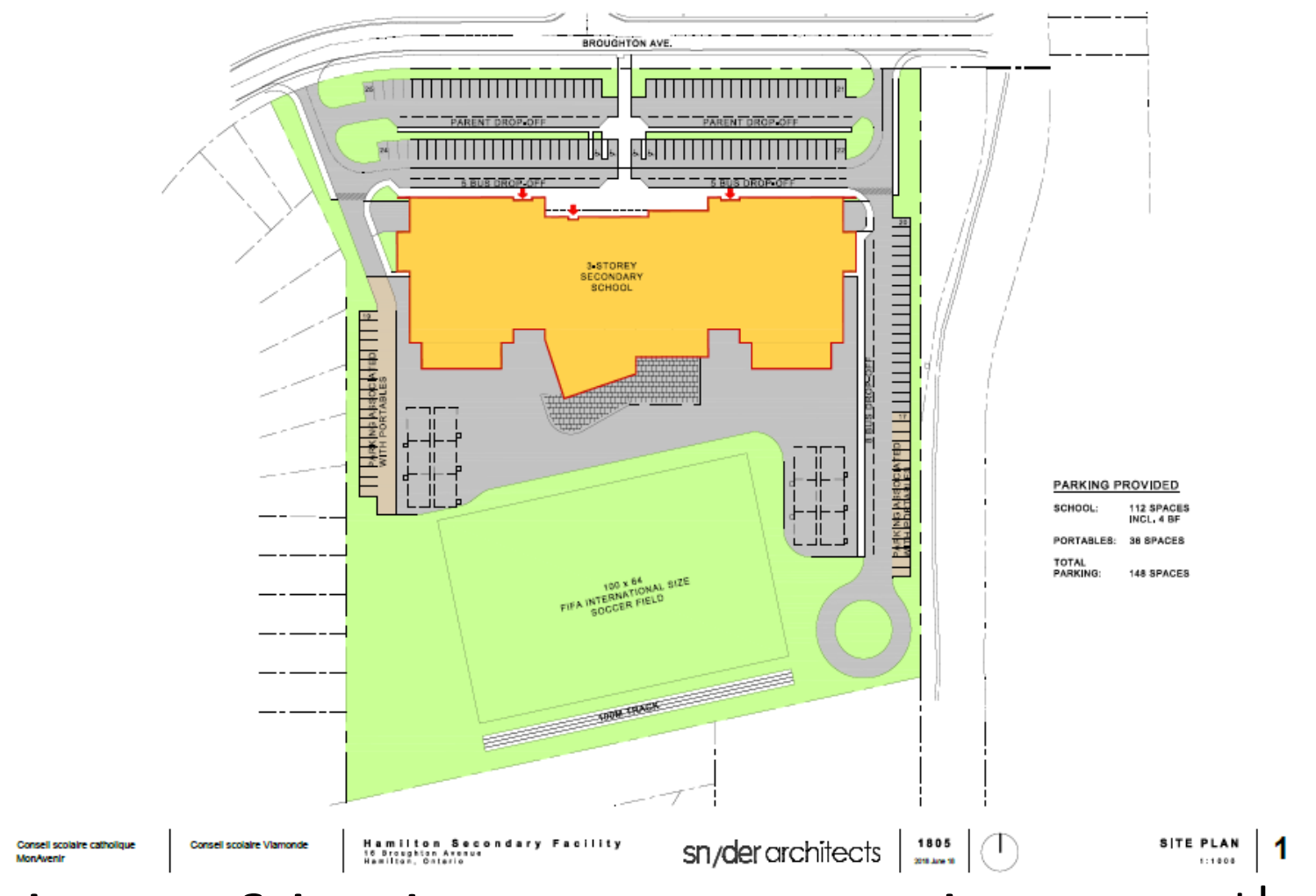
On December 13, 2016, the Minister of Education allocated 26 M\$ for the construction of a joint secondary school project between Csc MonAvenir and Cs Viamonde.



On December 13, 2016, a press conference was held by then Minister of Education, Mitzie Hunter, at Hamilton City Hall to announce this project.

Consequently, Csc MonAvenir sold half of its interest in the Broughton property to its new partner in July 2017.

The Boards have worked in collaboration ever since in order to get a suitable design for both schools and prepare a site plan for the Broughton property, but we have heard little since.



- ✓ Site plans filed on September 28th, 2018
- ✓ Comments from city agencies received on November 14, 2018

We need the city to work as partners with the Boards to ensure the project progresses in an expedited fashion in order for our students to have installations that are equal to those of our English counterparts.

The French catholic community has waited over twenty years for this project to become reality since the school opened in 1975.

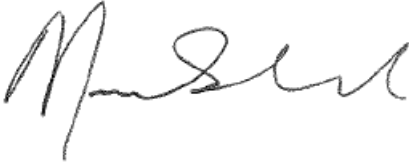
We have done our work with the province. The boards have also secured additional funding from the federal government to better serve the needs of the French language community...but every day this project is delayed, the sums allocated to this project lose value as the cost of living, labour and materials increase.

The boards estimate a shortfall of close to half a million dollars per year.

What can you do, as a city councillor,
and / or the city, to help move this
project forward ?



INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Carlo Gorni (905) 546-2424 Ext. 2755 Lisa Browett (905) 546-2424 Ext. 7519 Phil Caldwell (905) 546-2424 Ext. 2359
SUBMITTED BY:	Norm Schleeahn Director, Economic Development Planning and Economic Development Department
SIGNATURE:	

COUNCIL DIRECTION

City Council, at its meeting held November 28, 2012, approved increasing loan commitments under the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program (HDBKMRPIP), formerly known as the Hamilton Downtown Multi-Residential Property Investment Program, from \$26 M to \$45 M, provided that the total loan monies loaned under the Program at one time does not exceed \$35 M. City Council also directed staff to review the terms and conditions of the HDBKMRPIP on an annual basis and report back to the General Issues Committee during the first quarter of each year on the outcome of the review.

INFORMATION

Report PED20085 provides an update on the status of the HDBKMRPIP, as well as other Urban Renewal Programs and Initiatives.

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 2 of 28

Hamilton Downtown Barton/Kenilworth Multi-Residential Property Investment Program

The City has loaned, as at December 31, 2019, approximately \$44 M under the HDBKMRPIP supporting the creation/renovation of 1,484 dwelling units at an interest cost to the City of approximately \$4.2 M (\$2,855 /dwelling unit). The public cost of the Program has levered approximately \$250.9 M of private construction value at a ratio of 1:47. As of December 31, 2019, there were 19 loans that had been repaid in full, one loan being repaid, and one loan had been written-off.

Appendix “A” to Report PED20085 identifies the location of 21 projects within the Downtown Hamilton Community Improvement Project Area (DHCIPA) that have received funding or are under construction and will receive funding under the HDBKMRPIP.

Hamilton Downtown, Barton and Kenilworth Multi-Residential Property Investment Program - 2019 Year End Status

Units Built/Under Construction	1,484
Number of Projects	21
Construction Value	\$250,942,395
Loans Advanced	\$43,996,189
Loans Paid Back	\$38,685,152
Written-off (One Loan)	\$1,101,207
Loans Outstanding	\$4,209,830
Interest Paid	\$4,236,872
Ratio of Interest Paid to Construction Value	1:59
Cost (Interest Plus Default)	\$5,338,079
Ratio of Cost to Construction Value	1:47



220 Cannon Street East, Hamilton

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 3 of 28

As of December 31, 2019, \$4,209,830 was outstanding and being repaid. Therefore, based on a maximum of \$35 M in loans being outstanding, there is an additional \$30,790,170 in future loan commitments that can be approved by City Council and advanced.

The terms and conditions of the HDBKMRPIP were reviewed by staff as part of the Five-Year Review of the Downtown and Community Renewal Community Improvement Plan. The review culminated in Report PED16050 which was approved by City Council at its meeting held on May 11, 2016. Amendments to the HDBKMRPIP included, but were not limited to:

- Expanding the Program to the Barton and Kenilworth commercial corridors;
- Reducing the maximum loan per project to \$4 M; and,
- Reducing the maximum loan per developer or related group to \$10 M.

Staff also would like to take this opportunity to update Committee and Council on the following Urban Renewal Programs and initiatives:

Hamilton Tax Increment Grant Program

In 2019, \$948,314 was due to be issued to 22 reassessed projects through the Hamilton Tax Increment Grant Program (HTIGP). Since grants were first issued in 2004, \$9.6 M has been granted through the Program to 39 reassessed projects that had a combined construction value of \$271,234,370 which accounts for a 1:25 ratio of public grant leveraging private investment.

Hamilton Tax Increment Grant Program

2019 Year End Status of Reassessed Projects

Grants Due in 2019 (to 22 Projects)	\$948,314
Grants Issued 2004-2019 (to 39 projects)	\$9,560,640
Estimated Total Grants (for all 39 projects including all prior and future payments)	\$10,760,435
Construction Value	\$271,234,370
Ratio of Total Grants to Construction Value	1:25

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 4 of 28



1005 King Street West, Hamilton



31-39 King William Street, Hamilton

The Map, attached as Appendix “B” to Report PED20085, identifies the location of 34 properties within the DHCIPA that have received grants under the HTIGP. Note that the map does not include four projects; one located in Ancaster, one in Westdale Village, and two in Stoney Creek that have received grants.

Increase in Taxes

The following chart lists projects in Downtown Hamilton and in the Ancaster, Westdale Village, Stoney Creek, Waterdown, and Barton/Kenilworth Community Improvement Project Areas (CIPA) that have been approved, for loans/grants under the HDBKMRPIP and/or the HTIGP and/or the Barton/Kenilworth Tax Increment Grant Program and compares their pre-development Municipal taxes to their post-development Municipal taxes. The increase in total Municipal taxes (inclusive of growth, reassessment and budget) equates to approximately \$5.6 M. This increase will be realized annually. Note that the figures with an asterisk are estimates of the increase in Municipal taxes as the

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 5 of 28

projects have been completed but not reassessed by the Municipal Property Assessment Corporation (MPAC), are under construction, or construction has not commenced to date.

Property Address	Base Year	Difference between base year taxes and post development taxes	HDBKMRPIP	HTIGP	BKTIG
135 James Street South	2003	+\$446,300	✓		
11 Rebecca Street	2004	+\$79,700	✓	✓	
155 James Street South	2003	+\$84,300	✓		
118 Market Street	2003	+\$144,800	✓	✓	
91 Wellington Street North	2003	+\$15,800	✓		
4, 8, 12 Forest Avenue	2005	+\$27,300	✓	✓	
47 Caroline Street North	2007	+\$133,000	✓	✓	
80 King William Street	2003	+\$151,200	✓		
267/271 King Street East	2007	+\$3,300	✓		
260-280 King Street East	2005	+\$105,400	✓	✓	
170-176 Jackson Street West	2007	+\$8,000	✓	✓	
289 Hunter Street East	2007	+\$700	✓		
68 George Street	2010	+\$226,200	✓	✓	
275 King Street West	2011	+\$40,200	✓	✓	
40 Bay Street South	2012	+\$314,700	✓	✓	
150 Main Street West	2013	+\$506,700	✓	✓	
137-149 Main Street West	2013	+\$110,400	✓	✓	
33 Main Street East	2002	+\$18,400		✓	
135 Hunter Street	2002	+\$61,900		✓	
100-110 James Street South	2004	+\$24,000		✓	
1 Main Street West	2004	+\$67,900		✓	
66 Bay Street South	2004	+\$265,600		✓	
1 Hunter Street East	2006	+\$63,300		✓	
210 Main Street East	2007	+\$54,600		✓	
87-89 King Street East	2006	+\$16,200		✓	
232 Cannon Street East	2009	+\$51,000		✓	
52 Cannon Street West	2008	+\$30,100		✓	
193-197 James Street North	2009	+\$10,100		✓	
130-134 Wellington Street North	2011	+\$10,900		✓	
162 Ferguson Avenue North	2012	+\$17,100		✓	

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 6 of 28

Property Address	Base Year	Difference between base year taxes and 2019 taxes	HDBKMRPIP	HTIGP	BKTIG
121-123 James Street North	2012	+\$81,500		✓	
69 Hughson Street North	2013	+\$11,800		✓	
50 Murray Street	2012	+\$105,700		✓	
147-159 Walnut Street South	2013	+\$17,700		✓	
180-188 Wilson Street	2014	+\$16,400		✓	
179-191 James Street North	2014	+\$282,900	✓	*✓	
125 Wellington Street North	2014	+\$59,200		*✓	
140 Main Street West	2014	+\$317,700		*✓	
290 Barton Street West	2015	+\$103,700		✓	
112 King Street East	2015	+\$334,200		✓	
245 James Street North	2015	+\$4,200		*✓	
193 King Street East	2015	+\$5,100		✓	
31-39 King William Street	2015	+\$49,200		✓	
127 Market Street	2016	+\$5,200		*✓	
220 Cannon Street East	2016	+\$184,200	✓	*✓	
232 Cannon Street East	2016	+\$9,900		✓	
20-22 George Street	2017	+\$629,100		*✓	
73 King Street East	2017	+\$2,000		✓	
27 Bold Street	2017	\$103,300		*✓	
Ancaster CIPA					
407 Wilson Street East	2013	+\$6,600		✓	
Westdale Village CIPA					
1005 King Street West	2016	+\$7,000		✓	
Stoney Creek CIPA					
22 Jones Street	2014	+\$6,800		✓	
7 King Street	2014	+\$5,000		✓	
Waterdown CIPA					
244 Dundas Street East	2018	+\$1,600		*✓	
Barton/Kenilworth Tax Increment Grant Program					
657-659 Barton Street East	2017	+\$6,300			*✓
431-435 Barton Street East	2017	+\$13,500			*✓
286 Sanford Avenue North	2018	+\$133,500			*✓
301-303 Barton Street East	2018	+\$5,000			*✓
302 James/6 Barton St. E.	2018	+\$700			*✓
Total		\$5,598,100			

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: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 7 of 28

Financial Incentive Programs Administered by Urban Renewal

Urban Renewal administers various financial incentives. The chart below identifies the number of applications received from 2011-2019:

Financial Incentive Program	2011	2012	2013	2014	2015	2016	2017	2018	2019
BIA Commercial Property Improvement Grant Programs	34	38	53	62	55	59	46	34	22
Commercial Corridor Housing Loan and Grant Program (pre-application)	14	21	17	22	18	21	17	21	23
Commercial Corridor Housing Loan and Grant Program (final application)	2	3	2	6	3	5	5	7	3
Hamilton Heritage Property Improvement Grant Program	2	2	8	4	8	2	13	9	3
Hamilton Office Tenancy Assistance Program	1	1	1	2	5	1	5	3	0
Hamilton Downtown Barton and Kenilworth Multi-Residential Property Investment Program	2	4	2	1	3	0	2	1	1
Hamilton Tax Increment Grant Program	2	8	8	10	9	4	4	10	11
Commercial Property Improvement Grant Program (formerly the Hamilton Commercial Façade Property Improvement Grant Program)		17	31	54	4	16	28	52	26
GORE Building Improvement Grant Program		5	8	15	0	0	0	0	0
Hamilton Community Heritage Fund Loan Program			2	1	1	1	1	2	0
Hamilton Heritage Conservation Grant Program				18	7	9	9	7	7
Barton/Kenilworth Commercial Corridor Building Improvement Grant Program						4	13	9	13
Barton/Kenilworth Tax Increment Grant Program						3	4	4	6
Barton/Kenilworth Planning and Building Fee Rebates						1	4	3	1

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 8 of 28

Financial Incentive Program	2011	2012	2013	2014	2015	2016	2017	2018	2019
ERASE Study Grant	14	14	15	17	12	21	23	18	26
ERASE Redevelopment Grant	3	4	3	4	7	2	4	8	7
Hamilton Downtown/West Harbourfront Remediation Loan Program (RLP)	0	2	0	1	0	0	0	0	0
TOTALS	74	119	150	217	132	149	178	188	149

In addition to increasing the assessment and resulting property taxes of the specific property that directly receives funding, the redeveloped properties also help increase the value and desirability of surrounding properties that are no longer next to a vacant, derelict or contaminated property. Surrounding properties might also benefit from new residents, employees, and customers in nearby redevelopment properties.

Although the Business Improvement Area Commercial Property Improvement Grant Program, the Commercial Property Improvement Grant Program, the Gore Building Improvement Grant Program and the Hamilton Heritage Conservation Grant Program are 50/50 matching grants, the true value of the work leveraged by the City grant is more than 50%. Funds under the Programs are advanced only when the work has been completed. The charts below provide an overview of the grants.

Business Improvement Area Commercial Property Improvement Grant Program

The Business Improvement Area Commercial Property Improvement Grant Program (BIACPIG) is offered within Hamilton’s active Business Improvement Areas (BIAs) and provides a matching grant to a maximum of \$20 K (\$25 K for corner properties) for façade improvements and limited interior improvements. The grant amount is dependent upon the linear foot of frontage of the building.

Business Improvement Area Commercial Property Improvement Grant Program 2002 - December 31, 2019				
Time Period	Number of Projects Paid	Construction Value	Grant Paid	Grant as a percentage of Construction
2019	32	\$1,670,328	\$454,622	27%
2002-2019	506	\$14,503,059	\$5,444,560	38%



584 Concession Street, Hamilton

137 King Street East, Hamilton

Commercial Property Improvement Grant Program

The Commercial Property Improvement Grant (CPIG) offers a matching grant for façade improvements and limited interior improvements to a maximum of \$10 K per application (\$12.5 K for corner properties). The Program is offered to property owners and authorized tenants who are not eligible for the BIACPIG and located within Downtown Hamilton, Community Downtowns, the Mount Hope/Airport Gateway and the commercial corridors as identified in the Downtown and Community Renewal Community Improvement Project Area.

Commercial Property Improvement Grant Program 2012 – December 31, 2019				
Time Period	Number of Projects Paid	Construction Value	Grant Paid	Grant as a Percentage of Construction
2019	18	\$520,097	\$168,795	32%
2012-2019	97	\$2,454,951	\$892,140	36%



976 Main Street East, Hamilton

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Commercial Corridor Housing Loan and Grant Program

The Commercial Corridor Housing Loan and Grant Program (CCHLGP) offers financial assistance for the construction of new residential units and renovation of existing residential units within Downtown Hamilton, Community Downtowns, the Mount Hope/Airport Gateway, Business Improvement Areas, the commercial corridors as identified in the Downtown and Community Renewal CIPA By-law and properties within the City boundary designated under the *Ontario Heritage Act*. The loan is calculated on the basis of \$20 K per dwelling unit, to a maximum of \$600 K per property. The grant provides up to a \$5 K grant per property for professional fees and some City of Hamilton fees paid.

Commercial Corridor Housing Loan and Grant Program Inception 2007 - December 31, 2019				
Time Period	Number of Projects Approved	Loan Amount Advanced	Loans Repaid	Grant Paid Out
2007-2019	11	\$1,029,450	\$552,125	\$47,931



1000-1016 King Street East, Hamilton

GORE Building Improvement Grant Program

The GORE Building Improvement Grant Program (GBIGP) offered a matching grant for building improvements to a maximum of \$50 K per application for properties fronting on King Street between James Street and Catharine Street. It was offered for a three-year period with applications being accepted until December 31, 2014.

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 11 of 28

Note that City Council at its meeting held January 22, 2020, decided that:

- The deadline for the submission of a separate, completed GBIGP Application for each 18, 20, 22, 24 and 28 King Street East, for the previously approved conditional grant commitment to an upset limit of \$250 K under the GBIGP for Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn, and William Rogan, the registered owners) be maintained at July 31, 2020, conditional upon the receipt of a Building Permit application being submitted to the City for the redevelopment of 18-28 King Street East no later than July 31, 2020; and,
- That, should the Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan) the registered owners of 18, 20, 22, 24 and 28 King Street East not submit a Building Permit Application for the redevelopment of 18-28 King Street East by July 31, 2020, staff be directed to report back to the General Issues Committee for direction as to whether or not the conditional grant commitments, under the Hamilton Heritage Property Grant Program and GBIGP, for those properties should continue to be valid.

Gore Building Improvement Grant Program 2012 - December 31, 2019 (Three-Year Program Only)				
Time Period	Number of Projects Paid	Construction Value	Grant Paid	Grant as a percentage of Construction
2012-2019	19	\$2,438,229	\$804,511	33%



11 King Street East, Hamilton (before and after)

Hamilton Heritage Conservation Grant Program

The Hamilton Heritage Conservation Grant Program (HHCGP) is offered to owners/authorized tenants of properties designated under Parts IV or V of the *Ontario Heritage Act* that are not eligible for the Hamilton Heritage Property Grant Program. The maximum matching grant is \$5 K for the conservation/preservation of heritage features.

Hamilton Heritage Conservation Grant Program Since Inception 2014 – December 31, 2019	
Number of Grant Commitments	47
Total Grant Commitments	\$204,765
Grants Advanced	\$183,550
Conservation Value of Projects	\$806,701
Grants as a Percentage of Construction	25%



493 Dundas Street East, Waterdown

Hamilton Heritage Property Grant Program

The Hamilton Heritage Property Grant Program (HHPGP) is offered to owners/authorized tenants of properties designated under Parts IV or V of the *Ontario Heritage Act* and located within Downtown Hamilton, a Community Downtown, an active Business Improvement Area, or, located within the lower City between Highway 403 and the Red Hill Valley Parkway and used for commercial, institutional or multi-residential purposes. The Program offers grants to a maximum of \$150 K (50% for the first \$40 K of work and 25% of costs over and above the \$40 K) for conservation or structural/stability work plus an additional \$20 K grant for heritage assessments/reports.

Note that City Council at its meeting held January 22, 2020, decided that:

- The deadline for the submission of a separate, completed HHPGP Application for each 18, 20, 22, 24 and 28 King Street East, for the previously approved conditional grant commitment to an upset limit of \$850 K for the Hughson

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 13 of 28

Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan), the registered owners, be maintained July 31, 2020, conditional upon the receipt of a Building Permit Application being submitted to the City for the redevelopment of 18-28 King Street East no later than July 31, 2020; and,

- Should the Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan) the registered owners of 18, 20, 22, 24 and 28 King Street East not submit a Building Permit Application for the redevelopment of 18-28 King Street East by July 31, 2020, staff be directed to report back to the General Issues Committee for direction as to whether or not the conditional grant commitments, under the HHPGP and GORE Building Improvement Grant Program, for those properties should continue to be valid.

Hamilton Heritage Property Grant Program Since Inception 2008 – December 31, 2019	
Number of Grant Commitments	49
Total Grant Commitments	\$2,536,454
Total Conditional Grant Commitments (for 18-28 King Street East)	\$850,000
Grants Advanced	\$2,100,967
Grants Approved to be Advanced (not including 18-28 King Street East)	\$435,486
Conservation Value of Projects (not including 18-28 King Street East)	\$14,366,066
Grants as a Percentage of Construction (not including 18-28 King Street East)	15%



171 Forest Avenue, Hamilton

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Office Tenancy Assistance Program

The Office Tenancy Assistance Program (OTAP) offers a zero percent interest loan for leasehold improvements for office use within Downtown Hamilton, Community Downtowns, Business Improvement Areas and the commercial corridors along Barton Street, east of the Barton Village BIA, and along Kenilworth Avenue North, as identified in the Downtown and Community Renewal Community Improvement Project Area By-law.

Office Tenancy Assistance Program Since Inception 2010–December 31, 2019	
Number of Loan Commitments	10
Total Loan Commitments	\$1,489,982
Square Feet of New/Expanded Office Space	99,329
Loans Advanced	\$1,239,982
Loan Amount Paid Back	\$463,367
Loan amount forgiven	\$38,505
Loans to be Advanced	\$250,000
Construction Value of Approved Projects	\$7,778,244



286 Sanford Avenue North, Hamilton

Hamilton Community Heritage Loan Fund

The Hamilton Community Heritage Loan Fund (HCHLF) offers a zero percent interest loan to a maximum of \$50 K for work that conserves or restores the heritage attributes of a property designated under Part IV or Part V of the *Ontario Heritage Act* within the City of Hamilton.

Hamilton Community Heritage Loan Fund January 1, 2009 – December 31, 2019	
Number of Loan Commitments	19
Total Loan Commitments	\$710,852
Loans Advanced	\$544,075
Loans Paid Back	\$428,988
Loans Outstanding	\$115,087
Loans to be Advanced	\$166,777
Interest Paid	\$54,596



31-33 Melville Street, Dundas

Barton/Kenilworth Commercial Corridor Building Improvement Grant Program

The Barton/Kenilworth Commercial Corridor Building Improvement Grant Program (BKCCBIGP) was introduced in June of 2016 for properties located within the boundaries of the Barton Village BIA, the Barton and Kenilworth commercial corridors and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the DHCIPA. The Program offers a matching grant to a maximum of \$50 K per deeded property towards the redevelopment of property.

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Barton/Kenilworth Commercial Corridor Building Improvement Grant Program June 2016 – December 31, 2019	
Number of Grant Commitments	22
Total Actual Payments and Grant Commitments	\$839,941
Grant Paid	\$449,717
Grants Approved to be Advanced	\$392,873
Construction Value of Projects	\$1,962,774
Grants as a Percentage of Construction	43%



304-314 Barton Street East, Hamilton

Barton/Kenilworth Tax Increment Grant Program

The Barton/Kenilworth Tax Increment Grant Program (BKTIGP) provides for a nine-year grant based on the increase in the Municipal portion of the realty taxes attributed to the redevelopment of residential or commercial lands and buildings located within the boundaries of the Barton Village BIA, the Barton Street East and Kenilworth Avenue North commercial corridors, and the properties that front on Barton Street between James Street North and Victoria Avenue North as identified in the DHCIPA. The grant is at 100% of the Municipal realty tax increase during the first five years, 80% in year six, 60% in year seven, 40% in year eight and 20% in year nine.

Barton/Kenilworth Tax Increment Grant Program Inception 2016 - December 31, 2019	
Number of Approved Grants*	5
Total Estimated Value of Approved Grants	\$1,113,426
Total Construction Value of Approved Grants	\$11,727,000
Ratio of Total Approved Grants to Total Construction Value	1:11

**Number of Approved Grants does not include 2 applications where the approval had expired.*

Barton/Kenilworth Commercial Corridors Rebate of Application Fees

The Barton/Kenilworth Commercial Corridors Rebate of Application fees Program provides a rebate of some Planning and Building application fees for properties within the boundaries of the Barton Village BIA, the Barton Street East and Kenilworth Avenue North commercial corridors, and properties that front on Barton Street East between James Street North and Victoria Avenue North, as identified in the DHCIPA. Building Permit fees are rebated upon final inspection and building permit completion. Fees for Committee of Adjustment (COA) minor variances that support the revitalization of the corridors supported by Planning staff are rebated upon approval of the variance, as long as there were no appeals to the Ontario Municipal Board (OMB). If appeals are filed with the OMB and the OMB upholds the COA's decision, the rebate of the fee would be issued. If there are appeals and the OMB overturns a COA decision, a rebate is not issued. Site Plan application fees are rebated after issuance of a Building Permit.

Applications

One Application was received in 2016 for a Demolition Permit fee and Building Permit fee totalling \$1,951. The rebate for the Demolition Permit fee in the amount of \$228 was approved and paid in July of 2017. The rebate for the Building Permit fee will be issued in accordance with the terms of the Program. Four additional applications were received in 2017. Three applications were received in 2018. Two of the applications received in 2018 were approved and paid out. A total of \$926 in rebates were paid out in 2018. One application was received in 2019. Rebates will be paid in accordance with the terms of the Program.

ERASE Study Grant Program

The purpose of the ERASE Study Grant (ESG) Program is to promote the undertaking of investigative environmental studies to enable property owners or prospective purchasers to obtain a better understanding of a property's environmental condition in terms of the type and extent of contamination. These studies are intended to further facilitate and promote the goal of properties ultimately being remediated and redeveloped.

The ESG program provides a matching grant of 50% of the cost of a Phase Two Environmental Site Assessment (ESA) up to a maximum of \$20 K per site/project. A maximum of two applications per property/project may be submitted with the combined value of both grants not to exceed \$35 K.

ESG Program 2019 Year End Status

In 2019, staff received a total of 26 applications to the ESG program of which 24 have been approved. The combined value of financial incentives for these applications is

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anticipated to be \$289,620.00. Approved applications will result in over 12 hectares of land and associated buildings being studied through 24 different Phase Two Environmental Site Assessments (ESA).

Metric	2019 Applications	2001-2019 Applications
Number of grant applications approved	24	198
Total grant value of approved applications	\$ 289,620.00	\$ 2,041,067.67
Average grant per approved application	\$ 11,258.56	\$ 10,734.77
Total land area studied through approved applications	12.23 ha. (30.23 ac.)	206.60 ha. (510.53 ac.)

**Approved applications include applications which have been approved but not yet paid as well as those applications which were approved and have been completed/paid.*

ERASE Redevelopment Grant Program

The purpose of the ERASE Redevelopment Grant (ERG) Program is to provide financial relief to property owners who undertake and complete the remediation and redevelopment of a brownfield site located within the City's urban boundary. Grants are based on the increase in assessed value and property taxes (the increment) realized on a property as a result of remediation and redevelopment.

Grants are provided annually at a rate of 80% of the increase in the municipal portion of property taxes for up to ten years or until the eligible remediation costs are recovered, whichever comes first. Grant payments commence after remediation and redevelopment are completed, the property has been reassessed by MPAC and one full calendar year of municipal taxes have been paid at the newly assessed rate. Approved applicants under the ERG program also have the ability to utilize the ERASE Development Charge Reduction (DCR) option which permits the use of approved eligible costs under the ERG program to be applied against development charges payable for that proposed development (after any demolition charge credits are applied). If the applicant chooses to exercise this option, the approved eligible costs applied against development charges will be deducted from eligible costs under the ERASE ERG and any subsequent annual grant payments.

ERG Program 2019 Year End Status

In 2019, staff received a total of seven applications to the ERG program. Staff also made recommendations to Council for three application approvals (note: applications may be submitted well in advance of being brought to Council for consideration, and as a result, approved applications in 2019 may not necessarily have been received in 2019).

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In 2019 annual grant payments totalling \$312,178.08 for five remediated, redeveloped and reassessed projects will be made under the ERG program. To-date these five projects have received grants and/or Development Charge reductions totalling \$2,400,330.15.

ERG applications received (2019)		7				
ERG applications approved by Council (2019)		3				
ERG applications approved by Council (2001-2019)		51				
Value of grant payments to be made in 2020		\$312,178.08				
Projects Receiving Grant Payments in 2020						
Address	Base Tax Year/ Reassessed Tax Year	2019 Annual Grant Payment (80% of Tax Increment)	Cumulative Annual Grant Payments (as of 2019)	DC Reduction Applied/ Planned	Maximum Potential Grant	Year of Grant Payment
186 Ferguson Ave. N.; 190-200 Barton St. E.	2008/2016	\$11,614.00	\$46,456.00	n/a	\$1,908,381.04	4 of 10
685 Queenston Rd.	2011/2019	\$79,976.46	\$537,573.87	\$172,573.59	\$962,250.00	7 of 10
420 Glover Rd.	2011/2014	\$96,188.26	\$581,228.81	\$378,164.31	\$1,280,129.11	6 of 10
275 James St. N.	2012/2014	\$12,925.89	\$76,985.66	n/a	\$416,900.00	6 of 10
1587 & 1599 Upper James St..	2014/2017	\$111,473.47	\$341,629.03	\$265,718.88	\$1,372,725.00	3 of 10



101 Locke Street South, Hamilton

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Downtown Hamilton/West Harbourfront Remediation Loan Program

The purpose of the Downtown Hamilton/West Harbourfront Remediation Loan Program (RLP) is to provide financial assistance in the form of a low interest loan to help remove financial impediments to the remediation of brownfield properties which are to be redeveloped for a residential or residential/commercial use within the defined areas of Downtown Hamilton and the West Harbourfront.

The RLP provides financial assistance through a low interest loan equal to 80% of the cost of remediating a property within the defined areas to a maximum of \$400 K per property/project. The loan is to be a 'bridge' until such time as the property owner receives their ERASE Redevelopment Grant or the Hamilton Tax Increment Grant.

RLP Program 2019 Year End Status

In 2019, staff did not receive an application under the RLP program. At the end of 2019 remediation loans totalling \$733,520.00 for two projects had been issued with a balance of \$552,045.02 outstanding.

RLP applications received (2019)		0		
RLP applications approved by Council (2010-2019)		3		
Value of Council approved loan commitments (2010-2019)		\$1,133,530.00		
Value of loans issued (2010-2019)		\$733,520.00		
Value of outstanding loans (2010-2019)		\$552,045.02		
Projects Approved under the Remediation Loan Program				
Address	Approved Loan Amount	Loan Amount Issued (to end of 2019)	Loan Status (to end of 2019)	Outstanding Balance (to end of 2019)
134 Cannon St. E.	\$400,000.00 (maximum)	\$0.00	Approval expired	n/a
275 James St. N.	\$333,520.00	\$333,520.00	In year 5 of repayment	\$152,045.02
179-191 James St. N.	\$400,000.00 (maximum)	\$400,000.00	To be repaid through ERG	\$400,000.00



179-191 James Street North, Hamilton

2019 Downtown Hamilton Building Activity

Development in the Downtown Hamilton Urban Growth Centre (UGC) continued in 2019, with a total of 192 building permits being issued, representing \$110,775,031 in building permit construction value.¹ The UGC area includes properties within and abutting the block bounded by Hunter Street, Queen Street, Cannon Street and Victoria Avenue, and also includes properties abutting James Street North to the West Harbour GO Train Station and southerly to Charlton Avenue (St. Joseph’s Hospital). The construction values from 2002 to 2019 are illustrated in Figure 1.

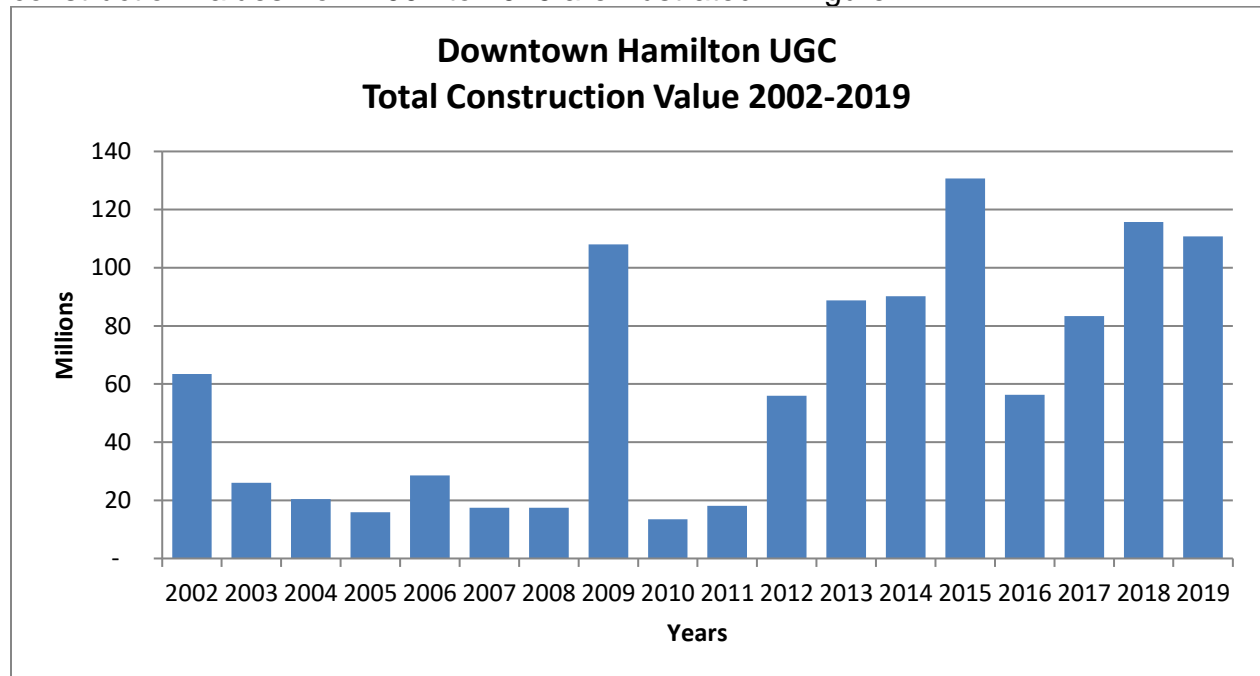


Figure 1

¹Permits issued for demolition, signs and events are excluded from the reported totals for Downtown Hamilton and the Community Downtowns.

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Those developments and improvements valued at \$500 K or greater, and listed below, account for approximately 87% of the total building permit construction value.

Developments in the DHCIPA, which includes the Downtown Hamilton UGC, are outlined below and total approximately \$127,592,759 in construction value, totalling 296 building permits. Examples of projects which contributed to the building permit construction value reported for 2019 include the following residential and non-residential developments:

- 60 King William Street - Excavation and installation of shoring for the future development of two 30-storey residential towers with four levels of underground parking;
- 46 King Street East - To construct a sprinklered 4769.7 m², 5-storey office building (with one basement level);
- 15 Queen Street South - To construct foundations only for a future 24-storey mixed use building;
- 121 King Street East - To renovate existing ground floor retail area and 2nd to 4th floor residential. Addition of 4th floor area and full new 5th and 6th floors. Proposed building will have 3 commercial units and 40 residential (30 one-bedrooms, 10 two-bedrooms) in total;
- 154 Main Street East - To construct the structural shell only of a 25-storey, 34,448.4 m², hotel with commercial, building;
- 11 Cannon Street West - To construct superstructure for a 7-storey 3,319m² residential building (40 units) with one commercial unit on the ground floor;
- 119 King Street West – To repair exterior masonry, replace windows and canopies in same size and location and add new canopy at the rear (south) elevation of the existing multi-storey commercial office building;
- 147 Mary Street - Alterations to the existing 3-storey warehouse building (including basement) to create 35 new affordable housing units;
- 28 James Street North - To construct a sprinklered 6-storey, 1953 m² office and restaurant building, "Lister Annex";
- 354 King Street West - To construct foundations only (two storey parking below grade) for a future 6-storey residential building, a 10-storey hotel building and eight 2-storey apartment units;
- 165 Barton Street East - Alteration to the existing plumbing building system and existing kitchen;
- 98 James Street South - To construct foundation only for future multi-storey residential tower addition;
- 18 West Avenue South - To construct the superstructure of a 3-storey, 1527 m², 23-units apartment building;
- 154 Main Street East - To construct foundations only for a future 25-storey residential building;
- 45 Main Street East - Alteration to the existing building for structural repairs for exterior perimeter parapet walls;

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- 53 King Street East - Interior alterations to the 4-storey, sprinklered building known as 53 King St E and 61-63 King St E;
- 100 King Street West - Alteration to the existing building to create an office space at floor 16 and floor 18, "Canada Life";
- 354 King Street West - Excavation and installation of shoring for the future development of a 6 storey Apartment building and a 10-storey hotel with 2 levels of underground parking;
- 151 Queen Street North - Alteration to the existing building for domestic water riser replacement;
- 21 John Street South - Alterations to the existing building for structural remediation work and to remove and replace the existing stair shaft in the same location;
- 45 Wellington Street North - Alterations to existing 3-storey building to create a Café at first floor, office space at second floor and 2 dwelling units at 3ed floor;
- 40 Oxford Street - Alteration within the existing apartment building to replace the existing domestic water risers and distribution piping;
- 350 King Street East - Alterations to expand and renovate office space for Hamilton Housing Services on the ground floor of the existing building;
- 150 Charlton Avenue East - To restore exterior cladding serving existing apartment building;
- 10 James Street North - Alteration to the ground floor and basement of the existing commercial building for Union Chicken;
- 206 King Street East - Alteration to the existing 3-storey commercial building to create two retail shell units on the ground floor and office tenant units on the second and third floors;
- 99 Ferguson Avenue North - Alteration to the existing building to change three kindergarten classrooms to childcare facility and renovate two classrooms to be kindergarten classroom;
- 161 Wellington Street North - Alteration to existing Tavern/Bar on ground floor to increase occupant load to a total of 264 persons. Also upgrade the FRR between 1st floor "A2" and 2nd floor apartment to 2hr. Rebuild two stairs (No. 3 and No.5), delete stair No. 1, install new fire separation;
- 98 James Street South - Excavation and installation of shoring to permit the development of a new building on this site;
- 95 Hess Street South - Alterations to the existing residential building to replace existing boilers and domestic hot water tanks;
- 21 King Street West - Interior alteration for 12th floor of existing building; new partitions, new doors, new lunchroom and new finishes;
- 46 King Street East - Excavation and installation of shoring for the future development of a 6-storey office building with one level of underground parking; and,
- 20 George Street - To install a sprinkler system and a standpipe system to serve the entire building.

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SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 24 of 28

Building permits were issued for the construction of 117 new residential units in 2019 in the DHCIPA (106 within the UGC), including:

- 40 units at 11 Cannon Street West;
- 25 units at 121 King Street East; and,
- 23 units at 18 West Avenue South.

From 2002 – 2019, building permits have been issued for a total of 3,144 dwelling units in the UGC, providing an average growth of 175 units per year.

Residential vs. Non-Residential Construction

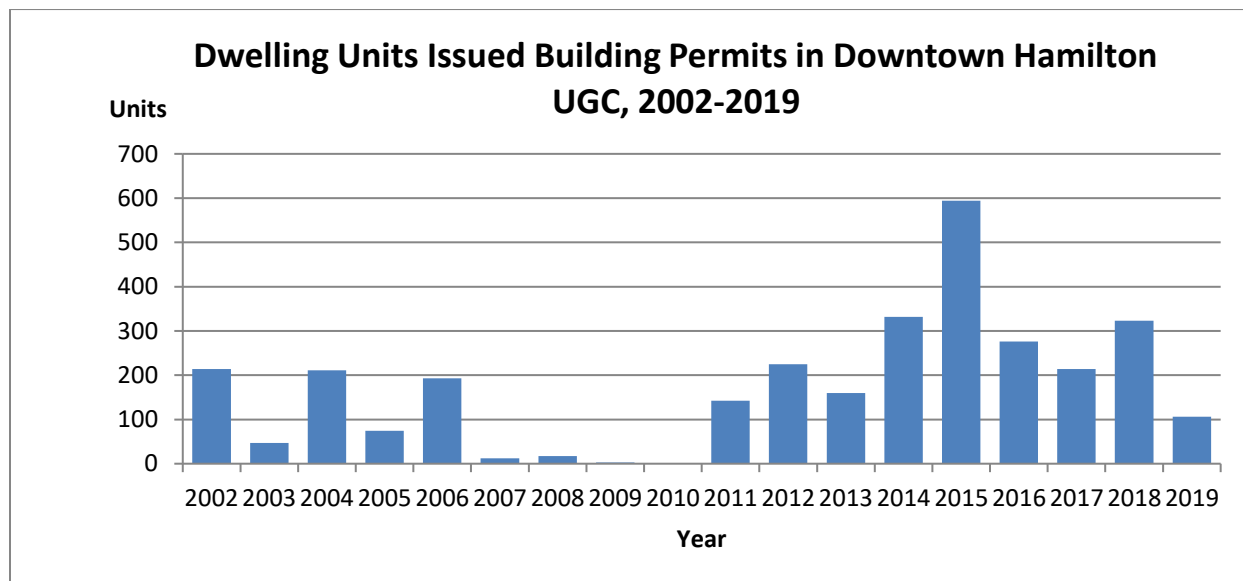
In 2019, non-residential development values surpassed residential development in the Downtown:

UGC Non-residential: 145 permits = \$60,908,461 construction value

UGC residential: 47 permits = \$49,866,570 construction value

Downtown CIPA Non-residential: 174 permits = \$66,277,913 construction value

Downtown CIPA residential: 122 permits = \$61,314,846 construction value



Notes:

- Dwelling units as per the year a building permit was issued;
- 2004 includes 108 units in the former Staybridge Suites Hotel, which converted to a retirement residence in 2010;

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- 2011 includes 127 units in the new Staybridge Suites Hotel;
- 2012 includes 182 units in the new Hilton Homewood Suites Hotel; and,
- Dwelling units at 14 Mary Street are not included since the project did not proceed even though a building permit was issued in 2001 (62 units) and 2009 (59 units).

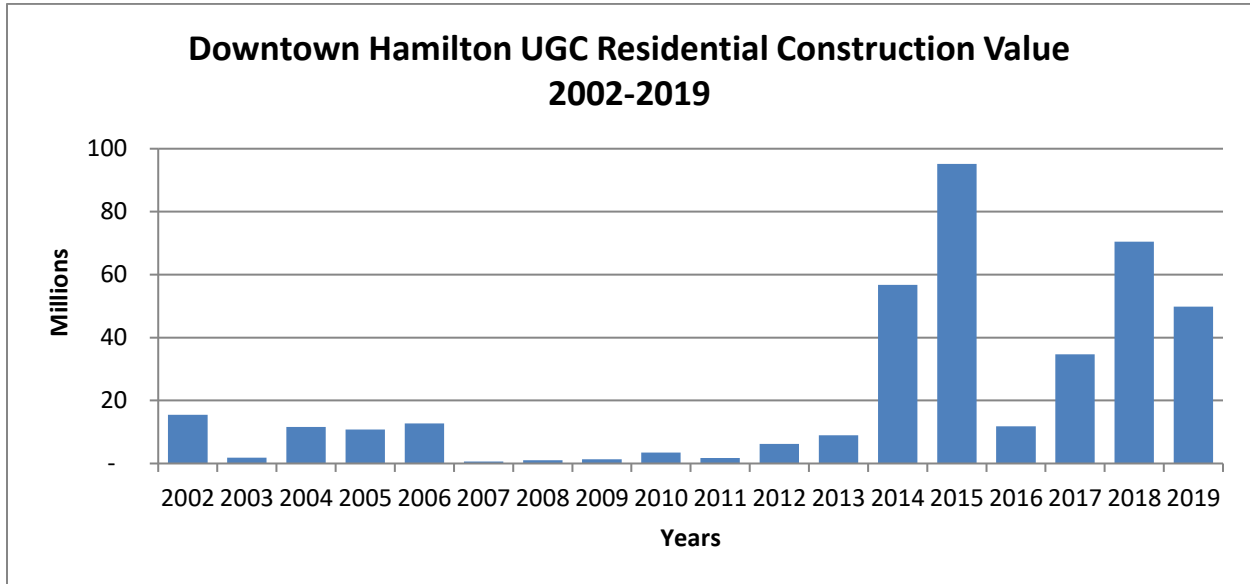


Figure 2

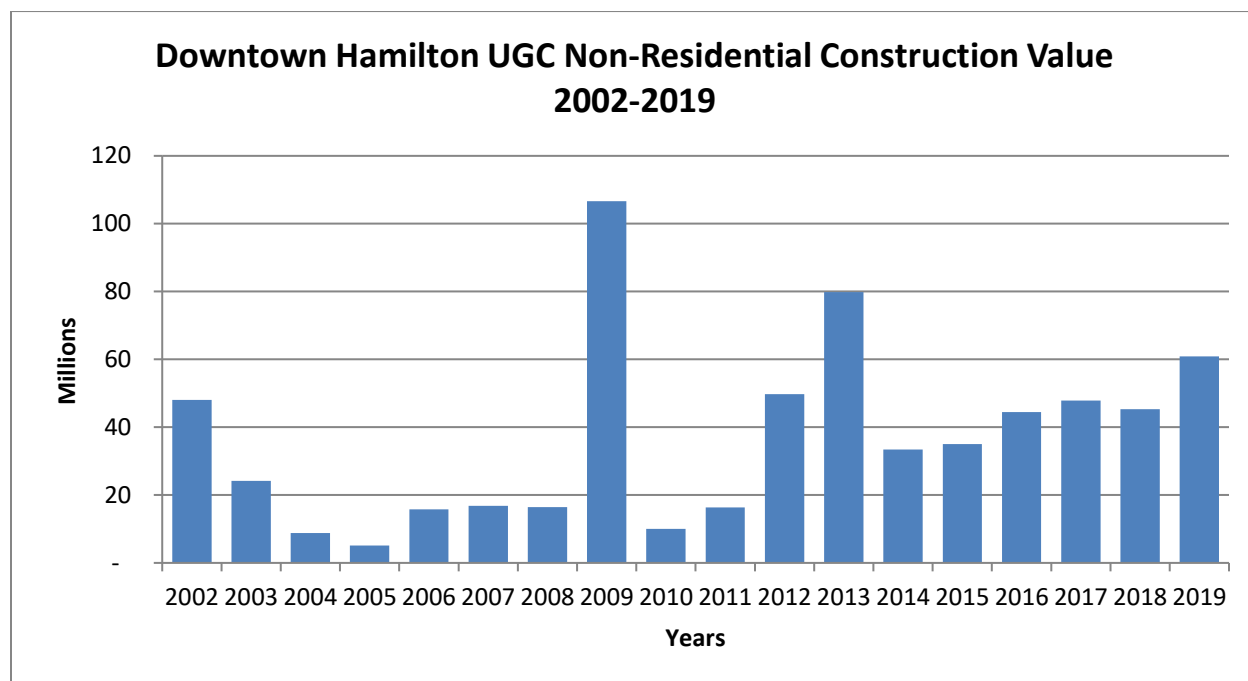


Figure 3

There were an additional 47 building permits issued in 2019 within the boundary of the DHCIPA. They account for an approximately additional \$893 K in building permit construction value in the entire Downtown Hamilton CIPA. Projects in this additional area include construction values which did not generate an increase in overall dwelling unit yield.

2019 Community Downtown Building Activity

Community Downtowns, including Ancaster, Binbrook, Dundas, Stoney Creek, Waterdown and Mount Hope, collectively, had a total of 55 building permits issued in 2019 within their respective community improvement project areas, representing a building permit construction value of approximately \$5.3 M. Growth in these communities was comprised of 30% residential and 70% non-residential. Waterdown had the largest growth out of all the Community Downtowns in 2019 totalling approximately 45% of the total construction values (see Figure 5).

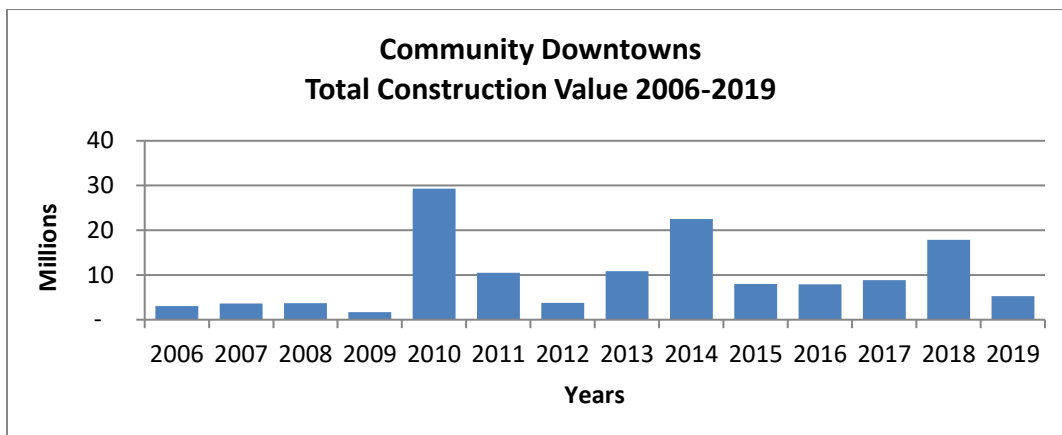


Figure 4

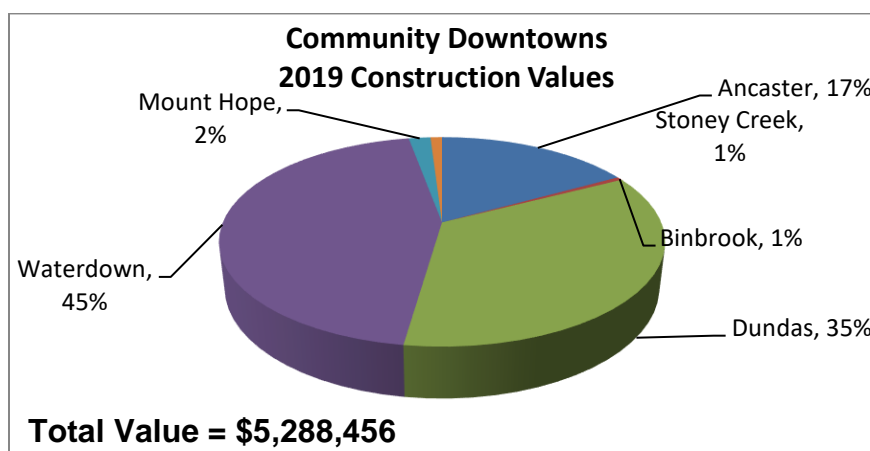


Figure 5

What follows are some examples of investments made in 2019 in the Community Downtowns (\$ construction value):

- \$700 K to construct a two-storey 433 m², mixed use building with office at the ground floor and one residential unit in Ancaster;
- \$25 K for interior alterations to existing one-storey building to create new pharmacy in Binbrook;
- \$1.1 M to repair the concrete parking garage of the apartment building in Dundas;

SUBJECT: Status of the Hamilton Downtown, Barton/Kenilworth Multi-Residential Property Investment Program and Other Urban Renewal Initiatives (PED20085) (City Wide) - Page 28 of 28

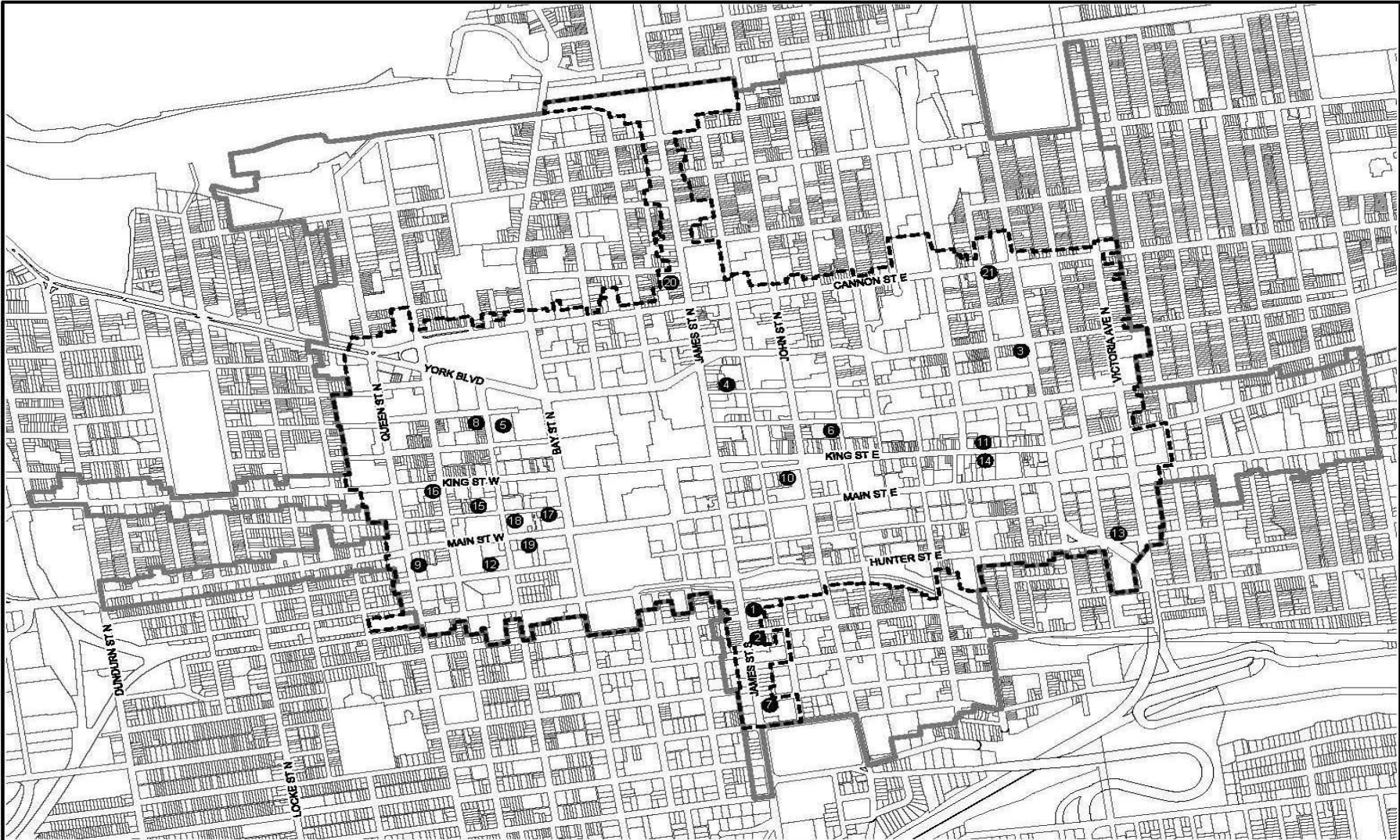
- \$100 K for alterations to the existing one-storey repair garage to construct an open mezzanine and to reconfigure the office area on the ground floor in Mount Hope Park;
- \$40 K to construct two car detached garage at existing single-family home in Stoney Creek; and,
- \$900 K to construct a two-storey 435.76 m² mixed use commercial/residential building with a retail unit on the ground floor and two dwelling units on the second floor in Waterdown.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A"-Location Map

Appendix "B"-Location Map

CG/LB/PC:dt



- | | | | | |
|------------------------|-------------------------|-----------------------------|---------------------------|----------------------|
| 1 135 James St. S. | 6 80 King William St. | 11 269 - 271 King St. E. | 16 275 King St. W. | 21 220 Cannon St. E. |
| 2 155 James St. S. | 7 4 Forest Av. | 12 170 - 176 Jackson St. W. | 17 40 Bay St. S. | |
| 3 91 Wellington St. N. | 8 47 Caroline St. | 13 289 Hunter St. E. | 18 150 Main St. W. | |
| 4 11 Rebecca St. | 9 215 - 231 Main St. W. | 14 260 King St. E. | 19 137 - 149 Main St. W. | |
| 5 118 Market St. | 10 66 - 68 King St. E. | 15 68 George St. | 20 179 - 191 James St. N. | |

Date:
 February 2017



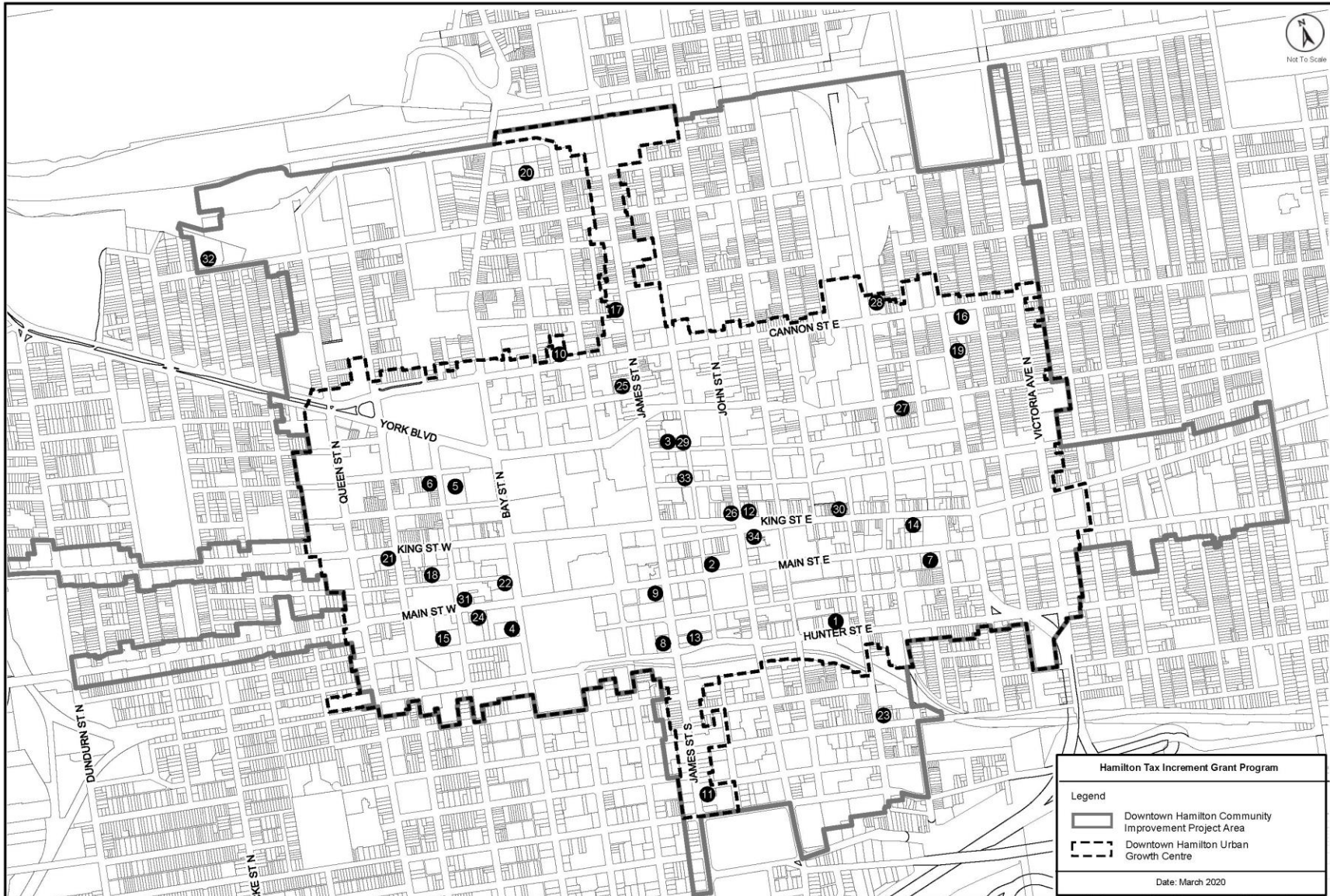
Not To Scale

Hamilton Downtown Multi-Residential Property Investment Program Developments

Legend

-  Downtown Hamilton Community Improvement Project Area
-  Downtown Hamilton Urban Growth Centre





- | | | | | | |
|---------------------|--|---------------------------|------------------------------|---|---------------------------|
| 1 135 Hunter St. E. | 7 210 Main St. E. | 12 89 King St. E. | 18 68 George St. | 24 137-147 Main St. W. | 29 69 Hughson St. N. |
| 2 33 Main St. E. | 8 100-110 James St. S. | 13 1 Hunter St. E. | 19 130-134 Wellington St. N. | 25 121-123 James St. N. | 30 193 King. St. E. |
| 3 11 Rebecca St. | 9 1 Main St. W. | 14 260-280 King St. E. | 20 50 Murray St. W. | 26 73 King St. E. | 31 150 Main St. W. |
| 4 66 Bay St. S | 10 52 Cannon St. W. | 15 170-176 Jackson St. W. | 21 275 King St. W. | 27 180-188 Wilson St. | 32 290 Barton St. W. |
| 5 118 Market St. | 11 207-211 James St. S./
4-14 Forest Ave. | 16 232 Cannon St. E. | 22 40 Bay St. N. | 28 181 Cannon St. E.
(162 Ferguson Av. N.) | 33 31-39 King William St. |
| 6 47 Caroline St. | | 17 193-197 James St. N. | 23 147-157 Walnut St. S. | | 34 112 King St. E. |





INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	Development Charges Annual Indexing - Effective July 6, 2020 (FCS20041) (City wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Shivon Azwim (905) 546-2424 Ext. 2790
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

N/A

INFORMATION

Development Charges Annual Indexing

In accordance with the City's Development Charge (DC) By-laws, DC rates are adjusted annually by the percentage change during the preceding year, as recorded in the Statistics Canada's Construction Cost Index (non-residential building) (CANSIM Table 18-10-0135-1-Toronto) as prescribed by the Province's *Development Charges Act*. This adjustment is required to align DC revenues with construction costs and helps ensure the sustainability of the DC reserves for the funding of the City's growth-related capital requirements.

There are two DC By-laws administered by the City of Hamilton. Firstly, By-law 19-142 respecting the collection of DCs for growth related City services and secondly, By-law 11-174 respecting the collection of DCs to pay for the City's contribution towards Metrolinx growth capital. Both By-laws are consistent with respect to the indexation timing of the rates.

**SUBJECT: Development Charges Annual Indexing – Effective July 6, 2020
(FCS20041) (City wide) – Page 2 of 5**

Table 1 illustrates that the percentage change in the 2019 index was 3.92%. The effective date of the indexing is July 6, 2020.

**Table 1
Stats Canada Non-Residential Building Construction Price Index**

Year	Index	Percentage Change
2018	104.6	
2019	108.7	3.92%

Source: Statistics Canada – CANSIM table 18-10-0135-1 (Toronto)

Note that each individual service category is indexed which may result in the overall increase being slightly more / less than applying the 3.92% index rate to the overall total. Tables 2, 3, 4 and 5 show the impact on the overall City DC after each individual service category had been indexed.

Table 2 illustrates the Residential City DC rates for developments in combined sewer system areas and Table 3 illustrates the Residential City DC rates for developments in separated sewer system areas.

Table 2 – Residential City DC Rates for Combined Sewer System

Residential DCs (\$ per unit unless otherwise stated)	City DCs July 6, 2019 to July 5, 2020 (\$)	City DCs July 6, 2020 to July 5, 2021 (\$)
Singles / Semi's	43,489	45,195
Townhouse / Other Multiple	31,128	32,348
Apartment (2+ bedrooms)	25,467	26,466
Apartment (1 bedroom)	17,422	18,105
Residential Facility (\$ per bed)	14,047	14,597

Note: Does not include Special Area Charges which are not subject to annual indexing

Table 3 – Residential City DC Rates for Separated Sewer System

Residential DCs (\$ per unit unless otherwise stated)	City DCs July 6, 2019 to July 5, 2020 (\$)	City DCs July 6, 2020 to July 5, 2021 (\$)
Singles / Semi's	50,003	51,964
Townhouse / Other Multiple	35,790	37,193
Apartment (2+ bedrooms)	29,282	30,430
Apartment (1 bedroom)	20,031	20,816
Residential Facility (\$ per bed)	16,152	16,784

Note: Does not include Special Area Charges which are not subject to annual indexing

SUBJECT: Development Charges Annual Indexing – Effective July 6, 2020 (FCS20041) (City wide) – Page 3 of 5

Table 4 illustrates the Non-Residential City DC rates within the combined sewer system area.

Table 5 illustrates the Non-Residential City DC rates within the separated sewer system area.

Table 4 – Non-Residential City DC Rates for Combined Sewer System

Non-Residential DCs (\$ per square foot)	City DCs July 6, 2019 to July 5, 2020 (\$)	City DCs July 6, 2020 to July 5, 2021 (\$)
Non-Industrial	18.02	18.76
Industrial	10.99	11.44
New Non-Industrial (See Note)		
1 st 5,000 sq. ft.	9.01	9.38
2 nd 5,000 sq. ft.	13.52	14.07
10,000+ sq. ft.	18.02	18.76

Note: New non-industrial developments within a CIPA or BIA and new office development (medical clinic excluded) receive reduced stepped rates as illustrated above.

Table 5 – Non-Residential City DC Rates for Separated Sewer System

Non-Residential DCs (\$ per square foot)	City DCs July 6, 2019 to July 5, 2020 (\$)	City DCs July 6, 2020 to July 5, 2021 (\$)
Non-Industrial	20.18	21.00
Industrial	12.30	12.81
New Non-Industrial (See Note)		
1 st 5,000 sq. ft.	10.09	10.50
2 nd 5,000 sq. ft.	15.14	15.75
10,000+ sq. ft.	20.18	21.00

Note: New non-industrial developments within a CIPA or BIA and new office development (medical clinic excluded) receive reduced stepped rates as illustrated above.

Table 6 illustrates the index impact on Metrolinx (GO Transit) DC Rates. Metrolinx DCs are only collected from residential development.

Note that the indexed rate may be slightly different than applying the 3.92% to the existing rate. This difference is due to the fact that when the index calculation is prepared, the original Metrolinx DC (\$215 per single / semi) and all previous index factors are considered.

Table 6 – Metrolinx (Go Transit) DC Rates

Residential DCs (\$ per unit unless otherwise stated)	City DCs July 6, 2019 to July 5, 2020 (\$)	City DCs July 6, 2020 to July 5, 2021 (\$)
Singles / Semi's	263	273
Townhouse / Other Multiple	188	196
Apartment (2+ bedrooms)	163	169
Apartment (1 bedroom)	109	113
Residential Facility (\$ per bed)	86	89

Appendix “A” to Report FCS20041 is the Development Charge Pamphlet which will be posted on the City website and made available to the public. The Pamphlet provides a summary schedule of the current rates and provisions contained within the DC By-laws. Special area charges and educational DCs are also outlined, where applicable.

Transition Policy

DCs are payable upon building permit issuance, with some exceptions that the Province implemented effective January 1, 2020 that are detailed in Appendix “A” to Report FCS20041. The rate payable is legislated through the DC Act and is either the rate in effect on the date of building permit or the rate that was in effect at site plan or zoning application date plus interest to the building permit issuance date.

For developments already in progress and nearing permit issuance, a transition policy was included as part of DC By-law 19-142. The transition policy allows for the DC rates, in effect on the date of building permit *application*, to be paid provided that **all** of the following criteria are met:

- The permit application must be a complete application as per requirements outlined by the Building Services Division;
- The permit must be issued within six months of the effective date of a rate increase; and
- The permit must not be revoked after the date of a rate increase.

Other DC Updates Effective on July 6, 2020

The DC Community Improvement Project Area (CIPA) exemption is decreasing from 60% to 50% on July 6, 2020. The transition policy above does not apply to the reduction in the DC CIPA exemption.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS20041 – Development Charges Information – Pamphlet –
Summary of By-Laws 19-142 and 11-174 (as amended) – Rates Effective July 6, 2020
– July 5, 2021

SA/dt



CITY OF HAMILTON
Development Charges Information – Pamphlet
Summary of By-laws 19-142 and 11-174 (as amended)

Rates Effective
July 6, 2020 – July 5, 2021

Please ensure the effective date of this pamphlet corresponds with your needs.

The information contained within is intended only as a guide. Interested parties should review the approved By-laws.

Purpose of Development Charges:

The purpose of development charges is to recover the growth-related costs associated with the capital infrastructure needed to service new development and redevelopment within the municipality.

By-Laws for the City of Hamilton:

By-law No. 19-142

By-law No. 11-174 (as amended)

Rates shall be indexed on July 6 each year by the percentage change recorded in the average annual Non-Residential Construction Price Index for Toronto produced by Statistics Canada. Table: 18-10-0135-01 (formerly CANSIM 327-0058)

Payment of Development Charges:

Development charges are payable at the time of building permit issuance and are collected by the City of Hamilton Building Department. Pursuant to legislative changes which came into effect as of January 1, 2020, DCs for the following types of developments are eligible to be paid in instalments:

- Rental (6 annual instalments commencing at occupancy)
- Institutional (6 annual instalments commencing at occupancy). This category includes long-term care homes, retirement homes, universities and colleges, memorial homes; clubhouses; or athletic grounds of the Royal Canadian Legion, and hospices.
- Non-Profit Housing (21 annual instalments commencing at occupancy)

The City also offers deferrals for ERASE, non-residential and apartment developments; subject to availability. Please connect with staff for further details.

Demolition Credits:

A credit is allowed for demolitions for a period of 5 years from the date of issuance of the demolition permit. The dollar value of the credit is based on the rate in effect at the time of redevelopment and on the exemption status of

the demolished/redeveloped building at the time of redevelopment (i.e. no credit if the demolished building is exempt under the current By-Law). Note that the credit for Residential demolitions expires 2 years and 5 years from the date of demolition permit issuance for HWDSB (Public) and HWCDSB (Catholic) Education DCs, respectively.

Transition Policy:

Normally, the development charges rate payable is the rate in effect on the day that the building permit is issued. However, the City's policy is that the development charges rate payable is the rate in effect on the date that a complete building permit application is received and accepted by the City's Chief Building Officer, provided that the building permit is issued within 6 months of the first rate increase following application. If the building permit is revoked on or after the date of the rate increase, the rates in effect on the date of permit issuance will be payable. (Not applicable to Education DCs.)

Credits and Exemptions:

Refer to attached pages for rate highlights as well as exemption and credit policies.

Treasurer's Statement:

The City Treasurer prepares an annual statement regarding the use of development charges funds and sets out the balance in each of the development charges reserves.

Copies of By-law and Treasurer's Statement

Copies of the Development Charges By-laws as well as the Treasurer's statement are available from the Clerk's office on the 1st Floor of City Hall, 71 Main St. W., Hamilton, Ontario L8P 5Y4.

For further information regarding development charges, contact:

Finance at DCRequest@hamilton.ca (ext. 4400) or Building at 905-546-2720

Please check with City Staff at Parklandrequest@hamilton.ca regarding Parkland Dedication fees which may apply and are separate and distinct from Municipal DCs.

DC Policies approved by City of Hamilton Council do not impact Education DC charges which are controlled and set by the Hamilton-Wentworth Catholic District School Board and Hamilton-Wentworth District School Board, respectively

SERVICE COMPONENT BREAKDOWN EFFECTIVE July 6, 2020 - July 5, 2021

Service	RESIDENTIAL (\$)					NON-RESIDENTIAL (\$) (note a)	
	Single-Detached Dwelling & Semi-Detached Dwelling (per dwelling unit)	Townhouses & Other Multiple Unit Dwellings (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes 2-Bedrooms+ (per dwelling unit)	Apartments & Stacked Townhouses & Mobile Homes Bachelor & 1-Bedrooms+ (per dwelling unit)	Residential Facility Dwelling & Lodging House & Garden Suite (per bedroom)	(per sq.ft. of Gross Floor Area)	(per sq. m.)
Municipal Wide "Soft" Services:							
Parkland Development	2,444	1,749	1,431	979	790	0.11	1.18
Indoor Recreation Services	4,604	3,295	2,696	1,845	1,487	0.21	2.26
Library Services	1,086	777	636	435	351	0.05	0.54
Administrative Studies - Community Based	343	245	201	137	111	0.18	1.94
Long Term Care	130	92	76	52	42	0.01	0.11
Health Services	1	1	1	-	-	-	-
Social & Child Services	16	11	9	6	5	-	-
Social Housing	673	482	394	270	217	-	-
Airport lands	435	312	255	175	140	0.22	2.37
Parking services	509	365	298	204	164	0.26	2.80
Provincial Offences Administration	42	30	24	17	14	0.02	0.22
Total Municipal Wide "Soft" Services	10,283	7,359	6,021	4,120	3,321	1.06	11.41
Municipal Wide "Hard" Services:							
Services Related to a Highway	11,191	8,010	6,553	4,483	3,615	8.37	90.09
Public Works Facilities, Vehicles & Equipment	815	583	477	326	263	0.43	4.63
Police Services	545	390	319	218	176	0.27	2.91
Fire Protection Services	480	344	282	192	155	0.24	2.58
Paramedics	142	102	83	57	46	0.03	0.32
Transit Services	1,992	1,426	1,167	798	643	1.02	10.98
Administrative Studies - Engineering Services	173	124	101	69	56	0.08	0.86
Waste Diversion	683	488	400	273	220	0.14	1.51
Total Municipal Wide "Hard" Services	16,021	11,467	9,382	6,416	5,174	10.58	113.88
Total Municipal Wide - "Soft" and "Hard" Services	26,304	18,826	15,403	10,536	8,495	11.64	125.29
Wastewater and Water Services (note b)							
Wastewater Facilities	4,207	3,011	2,464	1,686	1,359	2.03	21.85
Wastewater Linear Services	5,627	4,028	3,295	2,254	1,818	2.71	29.17
Water Services	4,954	3,546	2,901	1,985	1,600	2.38	25.62
Stormwater Services - Combined Sewer System							
Stormwater Drainage and Control Services (note c)	4,103	2,937	2,403	1,644	1,325	-	-
Stormwater Services - Separated Sewer System							
Stormwater Drainage and Control Services (note c)	10,872	7,782	6,367	4,355	3,512	2.24	24.11
Total Urban Services - Combined Sewer System	18,891	13,522	11,063	7,569	6,102	7.12	76.64
Total Urban Services - Separated Sewer System	25,660	18,367	15,027	10,280	8,289	9.36	100.75
CITY DC TOTAL - COMBINED SEWER SYSTEM	45,195	32,348	26,466	18,105	14,597	18.76	201.93
CITY DC TOTAL - SEPARATED SEWER SYSTEM	51,964	37,193	30,430	20,816	16,784	21.00	226.04
Other Development Charges							
Go Transit (City-Wide)	273	196	169	113	89	-	-
Education - HWDSB (Public - note d)	1,573	1,573	1,573	1,573	1,573	0.43	4.63
Education - HWCDSB (Catholic - note d)	1,101	1,101	1,101	1,101	1,101	0.35	3.77
TOTAL BEFORE SPECIAL AREA CHARGES - COMBINED SEWER SYSTEM	48,142	35,218	29,309	20,892	17,360	19.54	210.33
TOTAL BEFORE SPECIAL AREA CHARGES - SEPARATED SEWER SYSTEM	54,911	40,063	33,273	23,603	19,547	21.78	234.44
Special Area Charges							
Dundas/Waterdown (note e)	1,971	1,410	1,154	789	637	1.04	11.19
GRAND TOTAL AFTER SPECIAL AREA CHARGES - COMBINED SEWER SYSTEM	50,113	36,628	30,463	21,681	17,997	20.58	221.52
GRAND TOTAL AFTER SPECIAL AREA CHARGES - SEPARATED SEWER SYSTEM	56,882	41,473	34,427	24,392	20,184	22.82	245.63

Notes:

- | | |
|--|---|
| <p>a) There are 2 categories of Non-Residential charges – "Industrial" and "Non-Industrial" as defined in the By-law. See Page 3 for applicable rates.</p> <p>b) Charges applicable to developments outside of the urban area shall be determined with regards to the Urban services required or used.</p> <p>c) Charges related to Stormwater services are differentiated within the geographic location of the development between Combined Sewer System Area and Separated Sewer System Area (identified on Page 4) and shall be determined with regards to the Area-Specific DC calculation for Stormwater services.</p> | <p>d) Education development charges are controlled and set by the respective education boards and collected by the City on their behalf. DC Policies approved by the City of Hamilton do not impact these charges. Full list of exemptions for Education DCs can be found on Page 4.</p> <p>e) Land affected by the Dundas & Waterdown Special Area Charge can be found on Page 5. This charge is not subject to annual indexing.</p> |
|--|---|

Non-Residential Rates:**Industrial**

The City's per square foot charge for industrial development has been discounted from the full non-residential rates to reduced industrial rates shown as follows:

(per sq. ft. of Gross Floor Area)	Reduced Industrial Rate	Full Non-Residential Rate
Combined Sewer System	\$11.44	\$18.76
Separated Sewer System	\$12.81	\$21.00

For expansions of existing industrial developments, enlargement up to 50% of existing gross floor area (gfa): exempt; any amount over 50% of existing gross floor area will pay the industrial rate in effect.

Non-Industrial (Commercial/Institutional)

The rates for new non-industrial developments within a CIPA or BIA and new office development (medical clinic excluded) is phased as follows, between July 6, 2020 – July 5, 2021

(per sq. ft. of Gross Floor Area)	1 st 5,000 square feet (50% of charge in effect)	2 nd 5,000 square feet (75% of charge in effect)	10,000+ square feet (100% of charge in effect)
Combined Sewer System	\$ 9.38	\$14.07	\$18.76
Separated Sewer System	\$10.50	\$15.75	\$21.00

For expansions of office development (medical clinic excluded) already in existence as of June 13, 2019, which did not previously receive the new non-industrial rates, the following City rates apply:

- 1st 5,000 square feet of expansion: Exempt
- any amount over 5,000 square feet: \$18.76 per square foot with combined sewer system;
\$21.00 per square foot with separated sewer system

For all other non-industrial development, the calculated set of rates \$18.76 and \$21.00 per square foot are applied to Combined Sewer System and Separated Sewer System respectively.

The above exemptions/deductions DO NOT apply to education and special area charges.

Exemptions (City of Hamilton and GO Transit Development Charges):**Residential:**

- Affordable Housing
- A Garden Suite
- A Laneway House
- Intensification - Enlargement of an existing residential unit, and addition of 2 units to a single detached unit (SDU), or 1 unit to any other residential building exempted from DCs (subject to gfa restrictions & one-time use)
- Redevelopment of an existing residential for use of creating more residential facilities within the existing building envelope is exempt from 50% of DCs otherwise payable (credit for 100% of previous residential facility use)

Non-Residential:

- Agricultural Use (bona fide farming/agriculture uses – farm business registration number required, see by-law for further details)
- A temporary building or structure, subject to Section 28
- Parking Structure, excluding commercial parking
- Place of Worship, excluding revenue generating space (must be exempt from property taxes)
- Class A office development (min. 20K sq. ft. gfa) within Downtown Hamilton CIPA – 70% exemption of DCs otherwise payable

Both:

- Heritage Buildings – 100% exempt for adaptive reuse within the existing building envelope, excluding sections that are not covered by the Heritage designation
- Downtown Hamilton CIPA Exemption (map on Page 6) – 50% exemption of DCs otherwise payable for all developments within boundaries and below maximum height other than Class A office development (cannot be combined/stacked with other DC exemptions)

Please note the majority of these exemptions DO NOT apply to Education DCs.

Please go to <http://map.hamilton.ca/> and select Downtown, BIAs & CIPAs to confirm CIPA and BIA boundaries.

Exemptions (Education Development Charges Public & Catholic)**Residential:**

- Intensification – Enlargement of an existing dwelling unit; creation of 1 or 2 units to a SDU, or 1 unit to any other residential building exempted from DCs (subject to gfa restrictions & one-time use)
- Long-term care home, as defined in the *Long-Term Care Homes Act, 2007*
- Retirement home, as defined in the *Retirement Homes Act, 2010*
- Hospice or other facility that provides palliative care services

Non-Residential:

- Public Hospital – Exempt from 100% of DCs if receiving aid under *Public Hospitals Act*
- Place of Worship – 100% exempted (must be exempt from property taxes)
- Non-Residential farm buildings – 100% exempted
- Enlargement of existing Industrial Buildings – Enlargement of up to 50% of existing gfa exempted
- Metrolinx, or a predecessor or successor corporation identified under the *Metrolinx Act, 2006, C. 16*, excluding retail use development
- Private school
- Child care centre, as defined in the *Child Care and Early Years Act, 2014*
- Memorial home, clubhouse or athletic grounds owned by the Royal Canadian Legion
- The owner is a college of applied arts and technology established under the *Ontario Colleges of Applied Arts and Technology Act, 2002*
- The owner is a university that receives regular and ongoing operating funds from the Government of Ontario for the purposes of post-secondary education
- The owner is an Indigenous Institute prescribed for the purposes of section 6 of the *Indigenous Institutes Act, 2017*

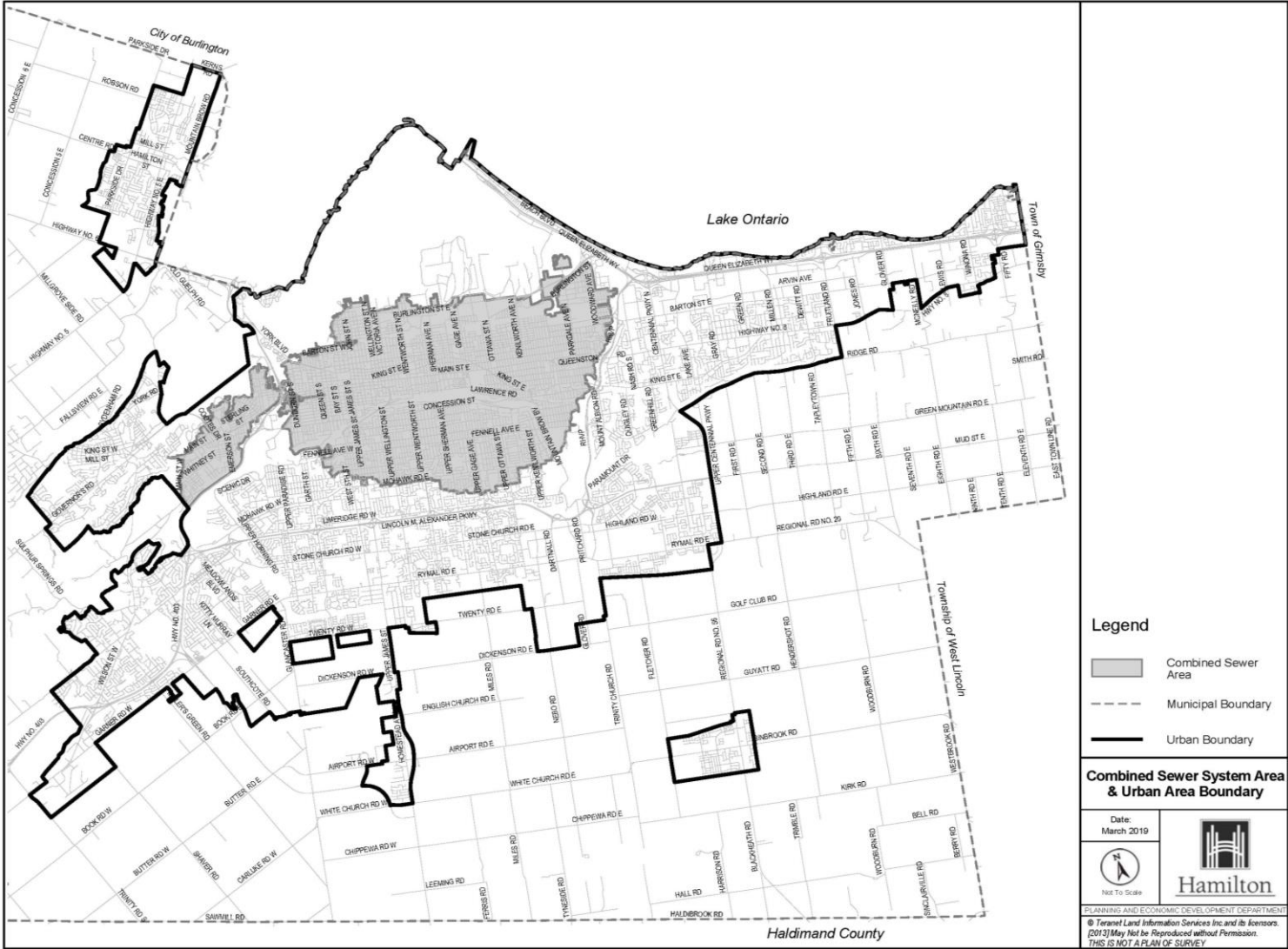
Complaints Procedure:

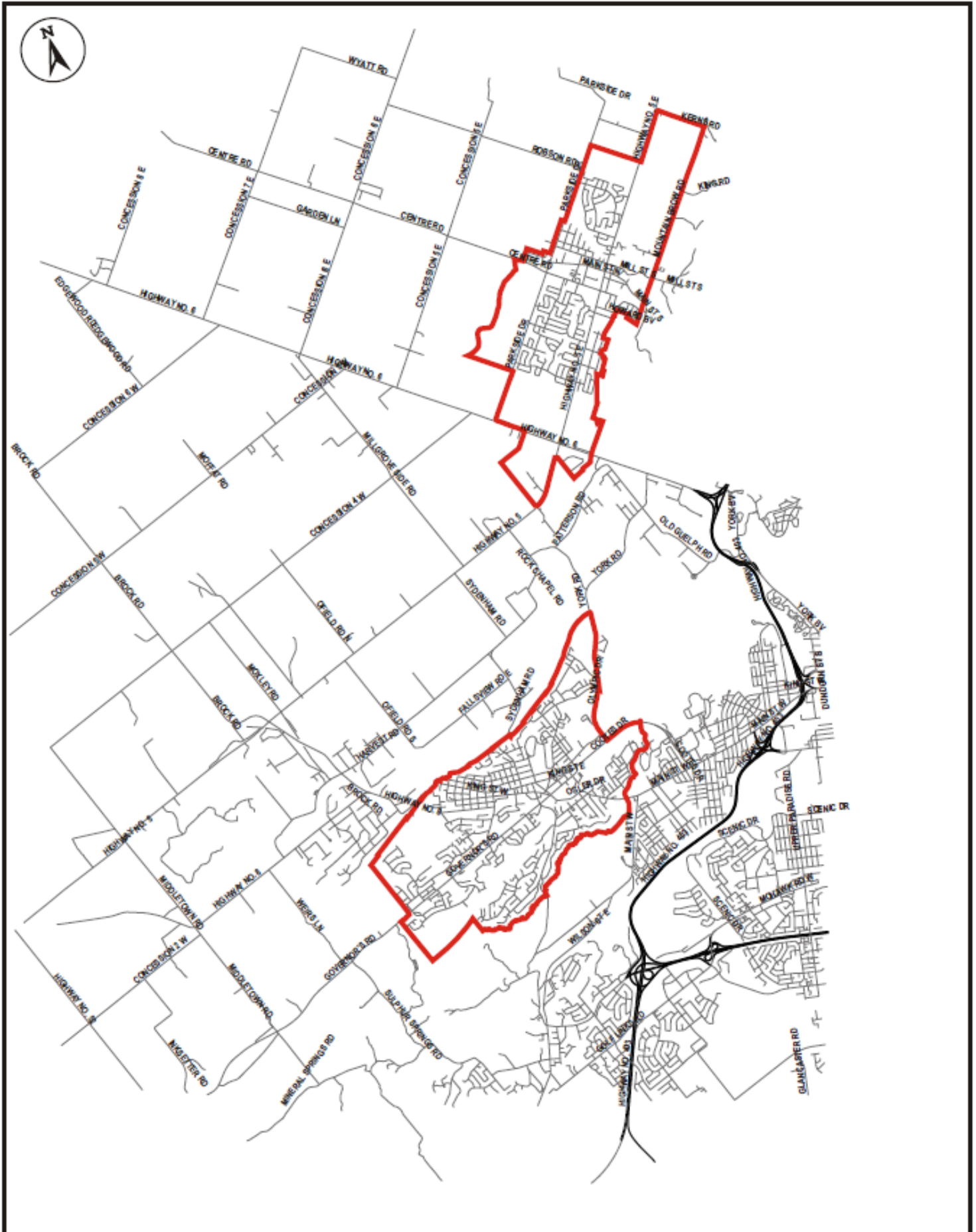
A person required to pay a development charge, or the person's agent, may complain under Section 20 of the DC Act to the Council of the municipality that:

1. the amount of the development charge was incorrectly determined;
2. whether a credit is available to be used against the development charge, or the amount of the credit or the service with respect to which the credit was given, was incorrectly determined; or
3. there was an error in the application of the development charges by-law(s).

The complaint must be made in writing to the City Clerk with a copy to Corporate Services and must identify that it is a Section 20 complaint and include all information required by the DC Act. The complaint may not be made more than 90 days after the development charge, or any part of it, is payable.

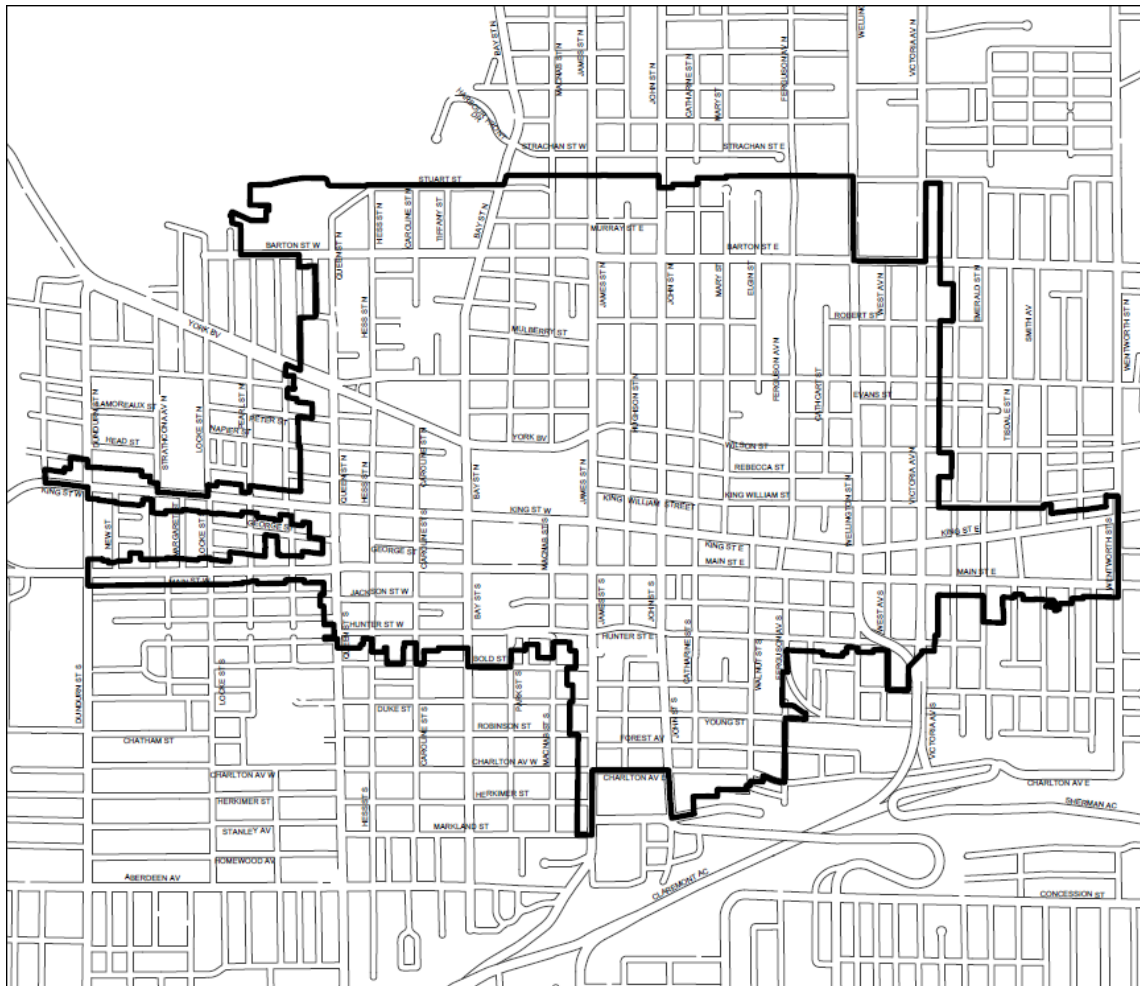
Combined Sewer System Area & Urban Area Boundary Map





To request enlarged version of maps, please email DCRequest@hamilton.ca.

Downtown Hamilton CIPA Exemption Borders Map & CIPA Exemption Height Map



Please go to <http://map.hamilton.ca/> and select Downtown, BIAs & CIPAs to confirm boundaries.



INFORMATION REPORT

TO:	Chair and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	2019 Provincial Offences Administration Annual Report (FCS20031) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Wendy Mason (905) 546-2424 Ext. 5178 Janice Ma (905) 546-2424 Ext. 5692
SUBMITTED BY:	Cindy Mercanti Director, Customer Service, POA and Financial Integration Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Not Applicable

INFORMATION

The 2019 Annual Report, attached to Report FCS20031 as Appendix "A", is a summary that highlights the activities and operations of the Provincial Offences Administration (POA) throughout the year. It is provided every year and includes a performance snapshot, summary of financial results, overview of achievements for the previous year and insight into the coming year's strategic initiatives.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" – 2019 Provincial Offences Administration Annual Report

WM/JM/dt



2019 Provincial Offences Administration Annual Report

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Collections	9

BACKGROUND

Provincial Offences Administration (POA) administers to charges from approximately 40 enforcement agencies for all acts and regulations under the *Provincial Offences Act*. A charge going to court can result in many different dispositions which do not result in a fine. A charge can be withdrawn, dismissed or suspended, all of which result in zero revenue for the City. An Early Resolution meeting can result in an agreed upon plea to a reduced charge and / or a reduced fine. Charges filed are varied and cover a broad range of legislative enforcement from speeding to careless driving under the *Highway Traffic Act* (inclusive of Red Light Camera), charges under City of Hamilton By-Laws (excluding parking offences), *Liquor Licence Act*, *Trespass to Property Act*, *Compulsory Automobile Insurance Act*, the *Environmental Protection Act* and *Occupational Health and Safety Act*, to name a few.

POA administers Part I and Part III offences under the *Provincial Offences Act* which are filed by Enforcement Agencies. Administrative Penalty System (APS) offences are not administered by POA.

A Part I offence is commonly referred to as a "ticket" and is most often issued by an officer at the time of the offence. When a Part I offence notice is issued, the defendant can either plead guilty and pay the fine, request an early resolution meeting with a prosecutor, or request a trial. A Part III offence is considered a more serious offence and requires the defendant to appear before a Justice of the Peace.

POA is located at 50 Main Street East, which accommodates administrative offices and four courtrooms. POA is comprised of the following services: Court Administration, Court Support, Collections and Prosecution (reporting through Legal Services).

Court Administration responsibilities include:

- processing fine payments and requests for extension of time to pay
- scheduling early resolution meetings and trials
- updating court documents
- receiving and processing all new charges
- appeals and re-openings of charges

Court Support responsibilities include:

- ensuring courtroom decorum and capture of the official court record
- production of transcripts as requested
- management of court documents and exhibits
- swearing in of witnesses and interpreters
- arraigning the defendant on charges

Collections responsibilities include:

- pursuit of the collection of overdue fines
- searching for current address and phone information to assist in contact with defendants
- updating database system for collection activity

Each year, POA solicits an independent audit of the financial statements for the Provincial Offences Office. As per the Memorandum of Understanding (MOU) between Her Majesty the Queen in Right of Ontario as represented by the Attorney General and the City of Hamilton, the completed audit is submitted annually to the Attorney General and the Ministry of Finance.

POA SNAPSHOT

The following provides a 2019 snapshot of POA performance:



\$13 M
in Revenue
(net provincial transfers)



\$73 M
Outstanding accounts receivable



\$4 M
Contribution
to Net Levy

\$5.7 M

Revenue collected from
defaulted accounts receivable



4,334
Trials Requested



12,366
Early Resolution (ER)
Meetings Requested



83,416
Charges Received

2019 KEY INITIATIVES

In 2019, several continuous improvement initiatives were implemented:

- Added digital signage to create awareness of process and upcoming changes
- Initiated investigation to changes to the lobby (queuing system and seating) to support a welcoming environment
- Supported multi-municipal working group in the development of a solution to replace the end of life CAMS system (Court Administration Management)
- Introduced enhancement in collection activities in collaboration with internal departments in order to facilitate payment
- Initiated the implementation of remote interpretation for early resolution meetings and trials to reduce costs
- Continued to work with external collection agencies and monthly statistical updates to improve the collection of outstanding fines
- Reviewed the anticipated increased workload and impact on staffing from Bill 177 to determine how best to manage these new responsibilities

2020 KEY INITIATIVES

Several continuous improvement initiatives are being launched for 2020:

- Implement remote interpretation during the fourth quarter for early resolution meetings and trials to reduce travel costs by an estimated \$20,000 annually
- Continue to work with external collection agencies to improve the collection of outstanding fines
- Prepare for the downloading of duties as defined by Bill 177 by continuing to review processes in areas such as review and decision on Fail to Responds, re-opening requests on convictions and requests for an extension of time to pay a fine

EMERGING TRENDS

The following changes to the legislative environment will impact POA:

- **Bill 177** sets out legislative reforms to the *Provincial Offences Act* that modernize and streamline processes. Bill 177 would amend two key areas of the POA Court process:
 - give the Province the authority to transfer Part III prosecutions from the Ministry of the Attorney General to municipal partners; and
 - give the Clerk of the Court additional powers and duties that are currently performed by Justices of the Peace.

There will be costs associated with the download of Part III prosecutions, as well as, additional duties of the Clerk of the Court. The timing of the download of the prosecution portion will depend on when the Ministry of the Attorney General approaches the City with a new Memorandum of Understanding (MOU) or an amendment to the existing MOU. The portion in relation to duties of the Clerk of the Court is expected to be downloaded in August 2020. The financial impact of Bill 177 is still in negotiations and will be reflected in future budgets.

- **Administrative Penalty System (APS)** is an alternative process which allows the municipality to manage certain types of disputes rather than utilize the provincial court system. Municipal By-Law disputes account for 1% of total charges filed. Electronic speed enforcement and Red Light Camera offences are being considered for inclusion in APS, however, no decision has been made.

CHARGES FILED

In 2019, POA received 83,416 charges of which, approximately 95% of the charges filed resulted from Hamilton Police Services, Red Light Cameras and the Ontario Provincial Police (OPP).

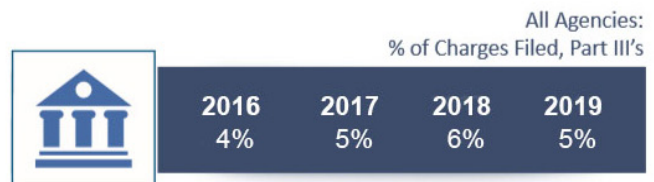
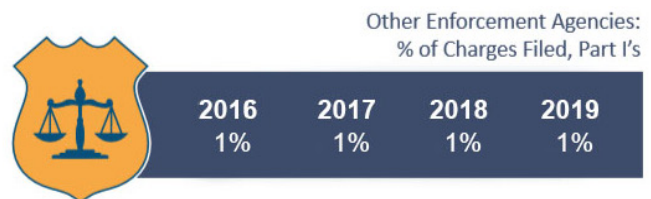
Total Charges Filed

2015	2016	2017	2018	2019
86,048	83,818	77,861	79,839	83,416

The number of charges filed has been increasing over the three-year period from 2017 to 2019. The majority (95%) of charges filed relate to the *Highway Traffic Act*.

The table below depicts Part I's and Part III's, by enforcement agency, as a percentage of charges filed over a four-year period.

% of Charges Filed By Agency (Part I and Part III)



The proportion of charges filed by Hamilton Police Service has decreased by 4% since 2016. With the introduction of additional cameras, the proportion of Red Light Camera charges has increased by 7% since 2016. OPP charges have demonstrated a downward trend since 2016. Charges filed by other enforcement agencies such as Ministry of the Environment, Ministry of Labour, etc. have been consistent for the past four years. In 2017, Municipal Law Enforcement (MLE) charges commenced its transition to the Administrative Penalty System (APS) office, resulting in a decline of charges processed through POA. Part III's continue to be processed within POA.

TRIALS

Trials and matters are scheduled five days a week in four courtrooms. POA processed 4,334 requests for trial in 2019. Trials are being scheduled into the Fall of 2020.

	Courtroom Hours			
	2016	2017	2018	2019
All Courtrooms	1,911	1,959	1,685	1,774

The number of courtroom hours has been trending down over the four-year period from 2016 to 2019. Contributing factors include availability of judicial resources, the actual time matters take and the closure due to change in location.

EARLY RESOLUTION

This process is intended to provide resolution to court matters without a trial. Of all Part I's filed, 16% (approximately 12,366) result in a request for an Early Resolution meeting with a prosecutor.

	% of Early Resolution Hearings Scheduled				
	2015	2016	2017	2018	2019
Part 1	16%	17%	15%	14%	16%

From 2015 to 2019, the percent of early resolution hearings scheduled has remained steady.

FAIL TO RESPOND

In 2019, 28% of all Part I certificates of offence filed were placed on a Fail to Respond (failed to respond to any settlement or dispute options) docket. Administratively, this process takes more time as the tickets need to be reviewed by a Justice of the Peace before a conviction and notice can be issued. Under Bill 177, tasks associated with the Fail to Respond process would be downloaded to POA.

	Fail to Respond				
	2015	2016	2017	2018	2019
Part 1	26%	30%	29%	28%	28%

From 2015 to 2019, the percent of Part I's filed that were placed on a Fail to Respond has remained steady.

REVENUES

POA administers to and collects fines where revenue is disbursed to other City business units such as Animal Services, Building Division and Licensing and By-Law Services and Traffic Engineering and Operations (Red Light Camera charges). Red Light Camera revenue is transferred to Public Works, less Service Ontario fees and an administrative cost. Similarly, Licensing and By-Law Services and Building Division revenue is transferred to Planning and Economic Development, less an administrative cost.

Dedicated Fines, Victim Fine Surcharge, expenses associated with Part III prosecutions prosecuted by the Province and any POA fines levied against the City are payable to the Ministry of the Attorney General. Fines collected for other POA sites (i.e. Brantford, Burlington, etc.) are paid quarterly to the appropriate municipality after reconciliation with quarterly statements. The remaining revenue is used to offset any remaining administration costs and contribute to the net levy. Payments can be made at any POA court office, over the phone, online via Paytickets (third party vendor), at Hamilton Municipal Service Centres and at Service Ontario locations.

Net revenue has been slowly increasing over time due to new offences being created, legislation providing for increasing maximum or set fines over time and population increases adding to the number of offences.

Net Revenue (net POA transfers) Part I and Part III

	Total	POA	Municipal
2015	\$11,352,372	\$7,474,524	\$3,877,848
2016	\$10,950,060	\$7,034,808	\$3,915,252
2017	\$11,093,745	\$6,761,883	\$4,331,862
2018	\$11,704,890	\$6,991,102	\$4,713,787
2019	\$13,021,273	\$7,444,277	\$5,576,996

The municipal portion of net revenue (total revenues less payables to other POA sites and the Province) has been increasing while the POA portion has been steady. The POA portion, approximately \$7.4M in 2019, represents revenue generated from provincial statutes such as the *Highway Traffic Act*, *Environmental Protection Act*, etc. The municipal portion includes all revenues that are distributed within the City which includes Red Light Camera charges and Municipal Law Enforcement and Building Division. The number of Red Light Camera charges filed has steadily increased since 2015*. This is due to the addition of cameras over time. Part III charges, which are a more formal Summons to Defendant requiring attendance at court, have remained steady over the same period. Part III convictions will often result in fines which exceed \$1,000 and, in some cases, may total in the hundreds of thousands of dollars.

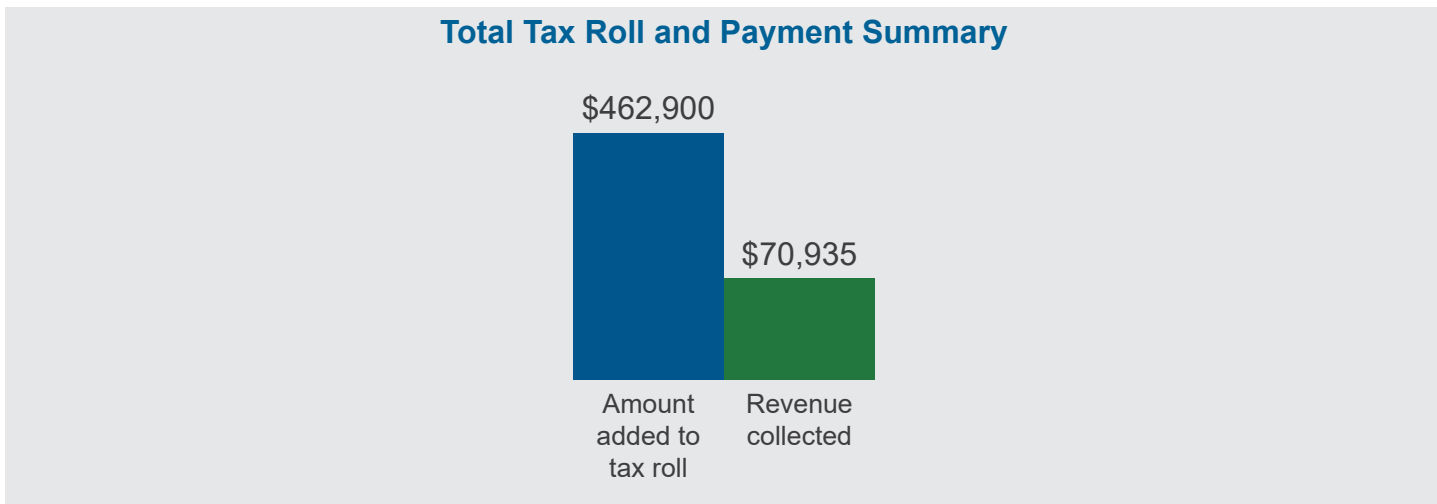
*Note: 15 Red Light Cameras were added between 2015-2019.

COLLECTIONS

POA utilizes several collection methods which include internal collection efforts, external collection agencies, tax rolling, garnishment and writs. The value of the receivable falls rapidly as a function of time. The longer the debt has been owed, the less likely POA is to collect.

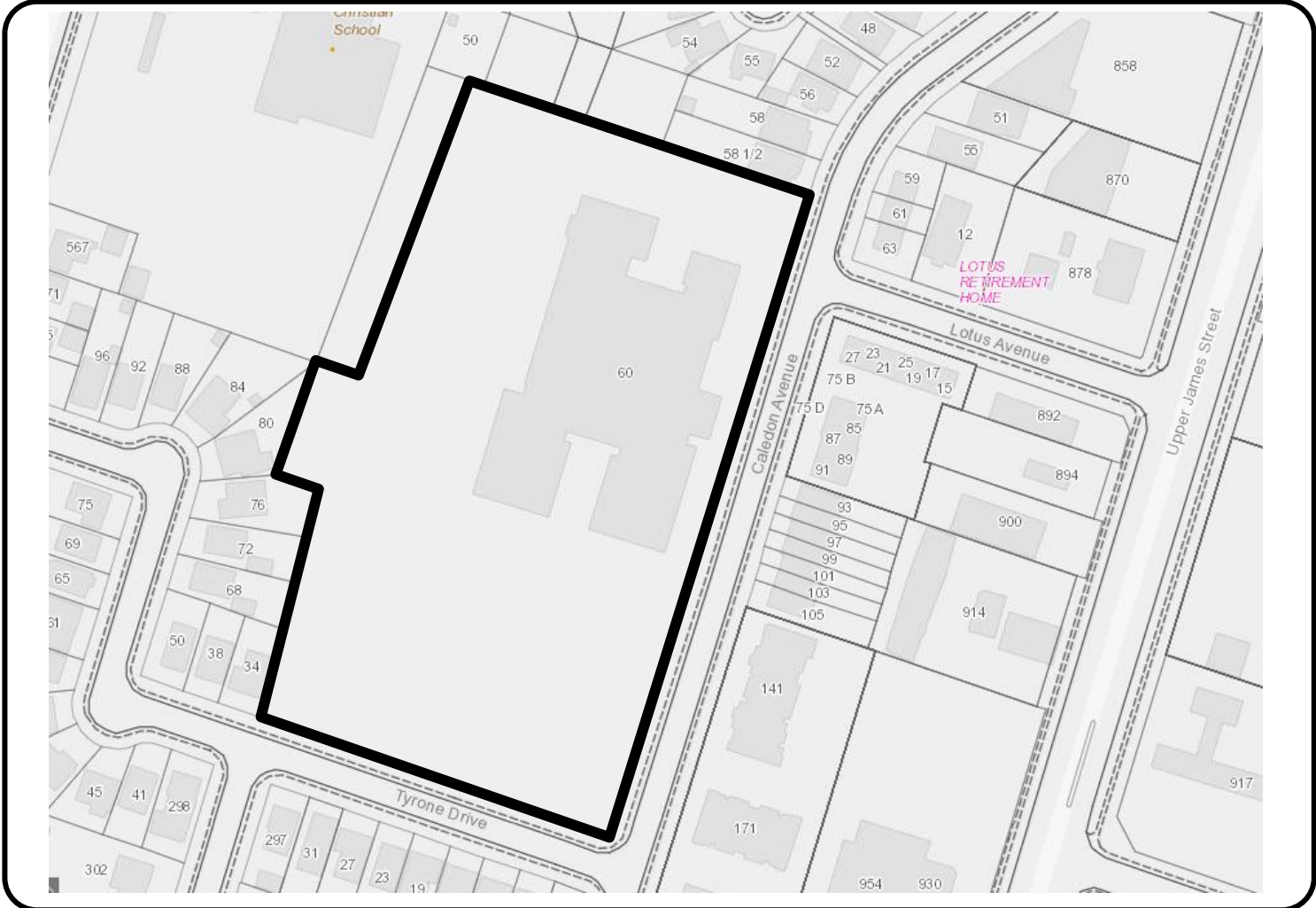
Internal collections were responsible for collecting \$4,325,300 and the external collection agencies collected \$1,417,363 in 2019. This represents an increase in overall collections by the internal staff and the collection agencies of \$198,493 over 2018. In 2018, the Province introduced legislation to improve collection efforts (inability to renew plates and drivers' licenses for driving-based offences) to encourage payment. POA has leveraged this opportunity by redirecting defaulted Red Light Camera collections to plate denial (up to a two-year process) saving the cost of the external agency fee.

Fines that qualify are added to the defendant's property taxes (tax roll). Since the introduction of tax rolling by POA in 2017, \$462,900 in outstanding fines has been added to the tax roll with \$70,935 of those fines being collected as of December 31, 2019. For a defaulted fine to be tax rolled, property ownership must be confirmed. Specific business units, such as Licensing and By-Law Services, have the authority to deny issuing or renewing a license if a fine is outstanding.



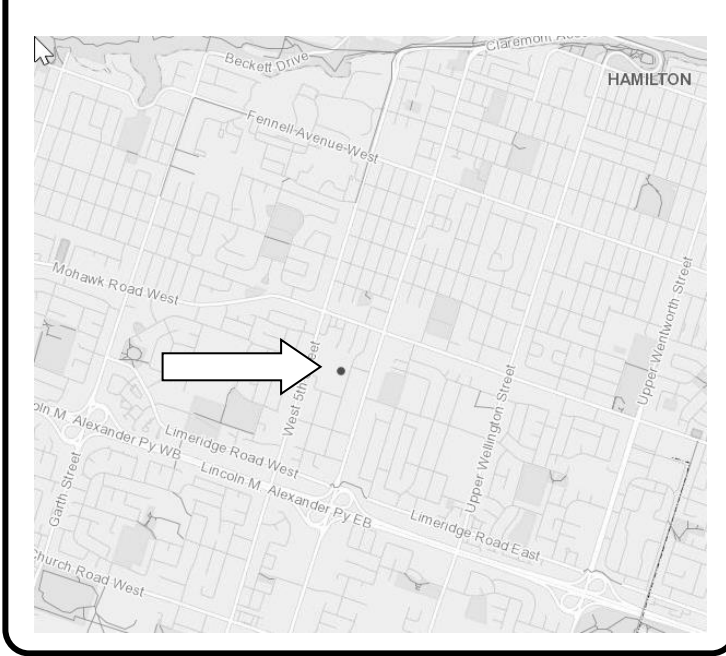
As of December 31, 2019, there were approximately 90,903 defaulted fine records for a total outstanding default amount of \$73,129,717.

Write-offs for Deceased Persons, which are an automatic write-off by the Ministry of the Attorney General, totalled \$729,791.



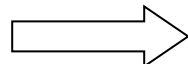
KEY MAP

LOCATION PLAN



60 Caledon Avenue
Hamilton
CITY OF HAMILTON
Planning and Economic Development Department
Corporate Real Estate Office

LEGEND



SUBJECT LAND

SCALE
NOT TO SCALE

DATE
2020-05-14

REFERENCE FILE NO: **2019-098**



Hamilton

INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	2019 Fourth Quarter Request for Tenders and Proposals Report (FCS19041(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia Vasquez (905) 546-2424 Ext. 5972
SUBMITTED BY:	Rick Male Director, Financial Services and Taxation & Corporate Controller Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Procurement Policy, Section 4.2 – Approval Authority, Item (6) requires a quarterly status report for Request for Tenders and Request for Proposals be prepared and presented to Council.

INFORMATION

This Report provides an update on the status of active Request for Tenders and Request for Proposals and Co-operative Contracts for the fourth quarter of 2019.

Request for Tenders and Request for Proposals have been issued and awarded in accordance with the City of Hamilton Procurement Policy. Those items with a status of “Under Review” will remain on the Report until such time an award is made. Request for Tenders and Request for Proposals listed under the “Co-operative Contracts” section was entered into by the City of Hamilton (City) via a co-operative procurement in accordance with the City’s Procurement Policy, Section 4.12 – Co-operative Procurements.

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: 2019 Fourth Quarter Request for Tenders and Proposals Report
(FCS19041(c)) (City Wide) - Page 2 of 2**

Appendix "A" to Report FCS19041(c) details all Request for Tenders and Request for Proposals documents issued by the City or entered into by the City through a co-operative procurement. Award information is current as of January 13, 2020.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS19041(c) – 2019 Fourth Quarter Request for Tenders and Proposals Report

PV/dw

CITY OF HAMILTON

Summary of Tenders and Proposals Issued – October 1, 2019 – December 31, 2019

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount
C5-02-19	Tender for Supply and Delivery of Medical Supplies for Macassa and Wentworth Lodge	02/13/2019	Medline Canada Corporation	1 year + 4 options	\$2,675,042.90
C11-39-19	Tender for Supply and Delivery of Bulk Sodium Chloride (Road Salt)	07/24/2019	Compass Minerals Canada Corp.	3 year + 1 option	\$27,110,700.00
C11-43-19	Proposal for the Supply, Delivery, Installation and Maintenance of New and Existing Water Meters for the City of Hamilton	08/16/2019	Neptune Technology Group Canada Co.	Project Specific	\$6,658,942.22
C11-17-19	Tender for Supply and Delivery of Coagulant Product for the Water Treatment Facility	08/21/2019	Kemira Water Solutions Canada Inc.	1 year + 1 option	\$960,500.00
C5-07-19	Tender for Supply and Delivery of Various Fire Apparatus for the Hamilton Fire Department	08/27/2019	Metz Fire & Rescue	Project Specific	\$4,445,942.37

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount
C11-46-19	Proposal for Premise Backflow Installations at Various Facilities within the City of Hamilton	09/06/2019		1 year + 2 options	
	Domestic Backflow		Plumbway Inc.		\$90,000.00
	Domestic Backflow		Glenn Richardson Plumbing & Heating Ltd.		\$90,000.00
	Domestic Backflow		Binbrook Plumbing & Heating (1997) Ltd.		\$90,000.00
	Fire Line Backflow				\$90,000.00
C5-20-19	Tender for Accessible Trail at Captain Cornelius Park - Phase Two	09/09/2019	Caird-Hall Construction Inc.	Project Specific	\$101,740.00
C18-12-19	Proposal for Prime Consultant Services for New Passive House Certified 41 Unit Apartment Building in the City of Hamilton Ontario	09/10/2019	Invizij Architects Inc.	Project Specific	\$672,420.00
C11-34-19	Proposal for Supply, Delivery, Laundering and Replacement of Rental Floor Mats and Dust Mops to Various City of Hamilton Facilities	09/17/2019	Swan Dust Controls	1 year + 4 options	\$1,042,750.00

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount
C13-17-19	Proposal for Design, Supply and Installation of Parkdale Arena Compressor Machine Room	09/17/2019	CIMCO Refrigeration, a Division of Toromont Industries Ltd.	Project Specific	\$611,900.00
C13-14-19	Proposal for Contractor Required for the Design, Supply and Install of Play Structures at Five City of Hamilton Parks Project A - Corktown Park Project B - Rockview Summit Park Project C - Bobby Kerr Project D -Captain Cornelius Project E - Churchill Park	09/27/2019	Park N Play Design Co. Ltd. Blue IMP (Ontario) New World Park Solutions Inc. New World Park Solutions Inc. New World Park Solutions Inc.	Project Specific	\$115,000.00 \$60,000.00 \$90,000.00 \$100,000.00 \$160,000.00
C11-53-19	Tender for Masonry and Concrete Repair Services for Corporate and Recreation Facilities	09/30/2019	Denco Restoration Contractors Inc.	1 year + 4 options	\$549,700.00

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount
C18-21-19	Tender for Contractor Required for Repair of Balcony Shearwalls at 405 York Boulevard in the City of Hamilton	10/01/2019	Adems Restoration	Project Specific	\$369,000.00
C5-16-19	Tender for Ice Water Rescue Equipment	10/03/2019	Inland Liferrafts & Marine Limited	Project Specific	\$61,283.55
C5-18-19	Tender for Revenue Generating Agreement for Pro Shop and Skate Sharpening Concession Operator at Harry Howell Arena	10/03/2019	2031895 Ontario Inc. c/o Jorge Pignalosa	1 year + 4 options	\$6,195.00 Revenue Generating
C11-44-19	Tender for Supply and Delivery of a Motor Grader	10/03/2019	Brandt Tractor Ltd.	Project Specific	\$395,653.39
C15-70-19 (M)	Tender for Guiderail Replacement on Highway 52	10/03/2019	Royal Fence Limited	Project Specific	\$574,375.00
C9-01-19	Proposal for Provision Of Security And Non Security Towing And Storage Services For Accident Vehicles For Hamilton Police Service (Exclusive Of Hamilton Police Vehicles)	10/10/2019	Abrams Towing 1909768 Ontario Ltd. /ABC Towing Safeway Towing Services Inc. Waterdown Collision	1 year + 2 options	\$34,500.00 (per Vendor) Revenue Generating

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount
			Metro Collision Services Inc. 2266409 Ontario Inc. Express Towing Services Mills Towing Inc. 1984080 Ontario Inc. 1810552 Ontario Inc. o/a Trotters 1937824 Ontario Inc. 1778287 Ontario Inc. 1649416 Ontario Inc. A Action Towing and Recovery Inc.		
C18-23-19	Tender for Installation of Electronic Security System at Vanier Towers	10/15/2019	Marcomm Integrated Business Solutions	Project Specific	\$75,100.00
C1-01-19	Proposal for Community Consultation on Hate Mitigation Policies and Procedures	10/16/2019	Sage Solutions	Project Specific	\$89,000.00

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount
C9-03-19	Tender for Vehicle Wash Service for Hamilton Police Service (HPS) as and when required	10/16/2019		1 year + 2 options	
	Division 1		GBM Holdings Ltd. - DBA King Car Wash		\$93,253.50
	Division 1		1814428 Ontario Inc.		\$127,350.00
	Division 2		2224973 Ontario Inc.		\$123,347.40
C3-06-19	Tender for Snow Plowing and Snow Removal City of Hamilton Municipal Parking Lots	10/21/2019		3 year + 1 option	
	Section 1		Cedar Springs Landscape Group Inc.		\$424,342.10
	Section 2				\$150,003.79
	Section 3				\$51,976.20
	Section 4				\$138,138.47
	Section 5		Buist Landscaping Inc.		\$43,400.00
C15-68-19 (HW)	Tender for Roxborough Avenue Reconstruction & Homestead Neighbourhood (South) Resurfacing	10/21/2019	Wesroc Construction Ltd.	Project Specific	\$3,257,822.50

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount
C18-20-19	Tender for Snow and Ice Clearing at Various CityHousing Hamilton Properties Area 1,2,4,10 and 15 Area 12 and 13 Area 14 and 16	10/21/2019	4054237 Canada Inc. o/a Sol-Mar Landscaping Contracting 2478388 Ontario Inc. Newcastle Maintenance/ Improvements Inc.	1 year + 4 options	\$1,180,550.00 \$240,127.00 \$686,250.00
C11-56-19	Tender for Gas Monitoring System Maintenance Services for Various Corporate and Recreation Facilities	10/24/2019	Walgo Environmental Controls Inc.	Project Specific	\$388,175.00
C5-21-19	Tender for Supply & Delivery of Fire Hose (ULC Listed)	11/05/2019	Tech Forward Fire Solutions Ltd.	1 year + 1 option	\$212,486.00
C5-14-19	Tender for Supply and Delivery of Dental Equipment, Supplies and Maintenance	11/06/2019	Henry Schein Canada Inc.	1 year + 2 options	\$1,348,301.24
C18-14-19	Tender for Contractor Required to Supply, Install and Maintain Video Surveillance Cameras at Nine (9) CityHousing Hamilton Locations	11/11/2019	Clavis Corporation o/a ABC Security Access Systems	Project Specific	\$150,075.30

Contracts Awarded

Contract Reference	Contract Title	Closing Date (mm/dd/yyyy)	Vendor	Term	Award Amount
C11-35-19	Tender for Shared Ride Taxi Services to Supplement Hamilton Street Railway Bus Services for City of Hamilton	11/12/2019	Blue Line Transportation Ltd.	1 year + 4 options	\$4,611,250.00
C9-04-19	Tender for Vehicle Wash Service for Hamilton Police Service (HPS) as and when Required for Division 3	12/04/2019	Mohawk Car Wash	1 year + 2 options	\$131,580.00

Contracts Cancelled

Contract Number	Contract Title	Closing Date (mm/dd/yyyy)	Reason for Cancellation
C15-09-19 (AM)	Tender for Burlington Street Trunk Watermain Dig Investigation	07/03/2019	<p>Specifications outlined in the bid document were found to be inconsistent with Department requirements.</p> <p>A new Request for Tender will be issued in January 2020 incorporating revised specifications.</p>
C18-14-19	Tender for Contractor Required to Supply, Install and Maintain Video Surveillance Cameras at Nine (9) CityHousing Hamilton Locations	07/03/2019	<p>Specifications outlined in the bid document were found to be inconsistent with Department requirements.</p> <p>A new Request for Tender will be issued in January 2020 incorporating revised specifications.</p>
C2-02-19	Proposal for Document and Records Management Software and Services for the City of Hamilton	08/07/2019	<p>Proposals received did not meet the minimum technical specifications.</p> <p>A new Request for Proposal will be issued in 2020.</p>

Contracts Pending Award

Contract Number	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status
C11-12-19	Proposal for Operations and Maintenance of the City of Hamilton's Material Recycling Facility	05/14/2019	Closed & Under Review
C18-07-19	Proposal for Jamesville Redevelopment Opportunity	06/06/2019	Closed & Under Review
C3-04-19	Proposal for Consultant Required to Complete a Parking Master Plan for the City of Hamilton	07/08/2019	Closed & Under Review
C18-15-19	Tender for Installation of Security System at Vanier Towers	07/31/2019	Closed & Under Review
C15-26-19 (PED)	Tender for Mewburn Neighbourhood Stormwater Management Facility	08/01/2019	Closed & Under Review
C11-17-19	Tender for Supply and Delivery of Coagulant Product for the Water Treatment Facility	08/21/2019	Closed & Under Review
C11-41-19	Tender for Move and Move Management Services for the City of Hamilton	09/17/2019	Closed & Under Review
C5-19-19	Proposal for Developers for the New Rental Housing Component of the Ontario Priorities Housing Initiative (OPHI)	09/23/2019	Closed & Under Review
C11-51-19	Tender for Supply & Delivery of Accessible Pedestrian Signal Systems Equipment	10/08/2019	Closed & Under Review
C13-46-19	Tender for Hamilton Housing Office Expansion at 350 King St East	10/08/2019	Closed & Under Review

Contract Number	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status
C13-45-19	Tender for Bayfront Operations Yard Building in the City of Hamilton	10/16/2019	Closed & Under Review
C15-72-19 (M)	Tender for Supply & Installation of Kiosks and Poster Sleeves	10/16/2019	Closed & Under Review
C18-13-19	Proposal for Prime Consultant Services for New 55 Unit Apartment Building in the City of Hamilton	11/13/2019	Closed & Under Review
C11-45-19	Tender for Supply and Delivery of Single Axle, Tandem and Tri-Axle Dump Trucks	11/14/2019	Closed & Under Review
C13-41-19	Tender for Prequalified Contractors Required for the Kenilworth (HDR01) and Dewitt (HDR1C) Reservoir Upgrades	11/15/2019	Closed & Under Review
C13-53-19	Tender for Valley Park Library Addition and Recreation Centre Renovation	11/28/2019	Closed & Under Review
C2-06-19	Proposal for Provision of Services of an Integrity Commissioner and Lobbyist Registrar for the City of Hamilton	12/10/2019	Closed & Under Review
C2-08-19	Proposal for Benefit Consulting Services for the City of Hamilton	12/10/2019	Closed & Under Review
C15-52-19 (HSW)	Tender for Central Park Neighbourhood Reconstruction	12/12/2019	Closed & Under Review
C13-60-19	Tender for Demolition of Eastmount Park School, 155 East 26th St, Hamilton	12/13/2019	Closed & Under Review
C15-71-19 (H)	Tender for Galbraith Drive & Second Road - Road Resurfacing	12/16/2019	Closed & Under Review
C8-02-19	Proposal for Supply, Delivery, Selection and Collection, Development, Cataloguing and Processing of Printed Collection Materials to and for the Hamilton Public Library	12/17/2019	Closed & Under Review

Contract Number	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status
C11-57-19	Tender for Area Winter Road Maintenance for Various Locations	12/18/2019	Closed & Under Review
C18-24-19	Tender for Supply and Installation of a New Playground Structure and Basketball Court at 430 Cumberland Avenue	12/18/2019	Closed & Under Review
C11-54-19	Tender for Supply and Delivery of Fuel Site Maintenance Services as and when required	12/19/2019	Closed & Under Review
C15-49-19 (W)	Tender for Large Valve Replacement at Robert Street, Barton Street East, Rutherford Ave & Sanford Ave South	12/19/2019	Closed & Under Review
C11-58-19	Tender for Services Required for Growing, Supplying, Installing, Watering and Removal of Hanging Baskets and Planters	12/23/2019	Closed & Under Review
C13-22-19	Proposal for Contractor for Cleaning, Inspection and Cured-in-Place Pipe (CIPP) Structural Rehabilitation of Existing Mainline Sewers	01/06/2020	Not closed as of January 1, 2020
C13-28-19	Tender for Prequalified General Contractors Required for the Backflow Prevention and Water Meter Installation at Various Sites	01/07/2020	Not closed as of January 1, 2020
C5-22-19	Tender for Supply & Delivery of Adult & Pediatric Epi-Pen Auto-Injector	01/08/2020	Not closed as of January 1, 2020
C11-59-19	Tender for Soft Surface Stumping and Site Remediation Services	01/08/2020	Not closed as of January 1, 2020
C13-26-19	Tender for Prequalified Contractor Required for Promenade Park Construction on Pier 8 West Harbour, Hamilton	01/09/2020	Not closed as of January 1, 2020
C11-65-19	Tender for Supply and Delivery of Large Caliper Trees	01/10/2020	Not closed as of January 1, 2020

Contract Number	Contract Title	Closing Date (mm/dd/yyyy)	Contract Status
C13-29-19	Tender for Prequalified General Contractors Required for the Old Dundas (HC005) Wastewater Pumping Station Upgrades	01/10/2020	Not closed as of January 1, 2020

CITY OF HAMILTON

Summary of Tenders and Proposals Issued – October 1, 2019 – December 31, 2019

Co-operative Contracts

City Contract Reference	Contract Title	Cooperative Group	Effective Date (mm/dd/yyyy)	Vendor	Term	Estimated City Spend
No co-operative contracts were engaged in the fourth quarter of 2019.						



INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	2019 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS19042(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia Vasquez (905) 546-2424 Ext. 5972
SUBMITTED BY:	Rick Male Director, Financial Services and Taxation & Corporate Controller Corporate Services Department
SIGNATURE:	

COUNCIL DIRECTION

Council has directed Procurement to report on the use of Sections 4.10 and 4.11 of the Procurement Policy on a quarterly basis.

INFORMATION

This Report is issued quarterly in accordance with the Procurement Policy. The report details the procurement of goods and/or services during emergency situations and those detailed in Section 4.11 – Non-Competitive Procurements for the fourth quarter of 2019.

The Policy for Non-Competitive Procurements is used in narrowly defined circumstances where it is justified that the policies for the general acquisition process could not be followed. The “Emergency Procurement/Non-Competitive Procurement Form” is completed by the Client Department and approved by the General Manager.

During the fourth quarter of 2019, there were 83 purchases totalling \$5,469,296.41 and 11 totalling \$52,600.00 in revenue, which were processed through the use of an approved Policy 10 or 11. These are summarized in Appendix “A” to Report FCS19042(c).

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: 2019 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS19042(c)) (City Wide) - Page 2 of 4

The breakdown are as follows:

- 15 purchases totalling \$2,591,464.14 were issued under Policy 10, as “Emergency” purchases, whereby goods and services were acquired by the most expedient and economical means. The following purchase represents the largest dollar amount in this category:
 - Purchase Order 93207 for \$585,600.00 was issued to Moffatt Equipment to perform emergency works throughout the City including maintaining and running four emergency pumps 24 hours a day, cleaning of inlets/outlets and drainage channel improvements in various locations affected by the extreme rainfall events and elevated lake levels.
 - Purchase Order 93214 for \$574,682.50 was issued to Revolution Environmental Solutions LP o/a Terratec Environmental to perform emergency works along Beach Boulevard as a result of extreme wet weather and elevated lake level conditions. Works included vacuum truck services at various sewage pumping stations because station pumps could not keep up with the incoming flows.
 - Purchase Order 93213 for \$484,509.23 was issued to Wessuc Inc. to perform emergency works along Beach Boulevard as a result of extreme wet weather and elevated lake level conditions. Works included vacuum truck services at various sewage pumping stations because station pumps could not keep up with the incoming flows.
 - Purchase Order 93387 for \$249,000.00 was issued to Wesroc Construction Ltd. to perform emergency slope and road repair works on a section of highway 8 between Woodleys Lane and Bond Street as a result of the October 2, 2019 slope failure.
 - Purchase Order 93064 for \$214,151.72 was issued to Claybar Contracting Inc. to perform necessary repairs required to bring Mountain Transit fuel site into compliance with TSSA regulations and to be allowed indoor refuelling. Works included sump pump containment, replacement of degraded fuel piping and backfill to protect the system from the elements.
 - Purchase Order 93074 for \$110,046.39 was issued to Meehan’s Industrial Maintenance Ltd. to perform emergency works at Eastwood and Strachan CSO tanks as a result of high lake level and lake water back-feeding into the tanks. Works included plugging the sewers on Dock Service Road with inflatable bladders in Eastwood and sealing the outfall at the lake with installing removable stoplogs at Strachan.

SUBJECT: 2019 Fourth Quarter Emergency and Non-competitive Procurements Report (FCS19042(c)) (City Wide) - Page 3 of 4

- 13 purchases totalling \$581,873.10 represent short-term “Extensions” of current contracts which have expired, and unforeseeable circumstances have caused a delay in awarding a new contract. The following purchases represent the largest dollar amounts in this category:
 - Purchase Order 87757 was increased by \$255,000.00 to Neptune Technology Group (Canada) Ltd. for the extension of services for the supply and installation of new water meters. This extension is required to provide sufficient time to complete the procurement process and award a new contract.
 - Purchase Order 93203 for \$110,373.10 was issued to Kemira Water Solutions Canada Inc. for supply and delivery of ferric sulfate, sodium bisulphite and sodium hypochlorite for the treatment/production of potable water and the treatment of municipal wastewater. This extension is required to pay remaining invoices due to increased chemical usage in August as a result of high flows at Woodward Ave Water Treatment Plant.

- 55 purchases totalling \$2,295,959.17 were identified as “Single Source” purchases whereby a particular vendor was recommended because it was more cost-effective or beneficial to the City. The following purchases represent the largest dollar amounts in this category:
 - Purchase Order 93336 for \$247,900.00 was issued to Brandt Tractor Ltd., the only manufacturer in North America, to supply and deliver a NorAm 65E motor grader with window eliminator and rear camera. The existing grader (Unit 160041) was due for replacement and downsizing to a smaller class grader resulted in a savings of \$200,000.
 - Purchase Order 92325 for \$200,000.00 was issued to Rankin Construction Inc. to supply, deliver and install 25 bus landing pads throughout the City, similar to the work under Contract C15-51-19 that was awarded to Rankin. The landing pads are funded through the PTIF project which has a funding deadline of March 31, 2020.
 - Purchase Order 92837 for \$174,510.00 was issued to Code 4 Fire and Rescue Inc., the only Ontario supplier that provides a specialized auto extraction equipment known as Rescue 42 Fire and Rescue Vehicle Stabilization Equipment used to stabilize vehicles that have been involve in an accident.
 - Purchase Order 93215 for \$134,150.28 was issued to Agilent Technologies Canada Inc. to supply and deliver an Agilent Gas Chromatography Mass Spectrometry (GCMS) System. The lab analyses drinking water for the taste and odour compounds on a SPME-GCMS system that utilizes a PAL RSI 85

automated sample preparation, handling and injection platform and an Agilent GCMS. The current GCMS component needs to be replaced. The PAL RSI 85 is not compatible with any other manufacturer's GCMS system.

- Purchase Order 92911 for \$132,731.70 was issued to Vermeer Canada Inc. for the supply and delivery of two new Brush Chippers since the existing brush chippers are due for lifecycle replacement. Vermeer is the only supplier that can provide a demonstration with the bottom feed stop bar safety feature which shuts down the chipper to prevent operator injury or fatality.
- \$119,750.00 was issued to AECOM Canada Ltd. for the following work:
 - Purchase Order 88007 for \$69,855.00 was issued for additional engineering services for developing a dual drainage Mike Urban model for the Ancaster urban area. The original scope excluded modelling of surface flow within the roadway and the revised strategy is to include the model in the storm water model development going forward. The original purchase order was issued to the vendor as a Roster assignment under C12-07-16.
 - Purchase Order 92840 for \$49,895.00 was issued for the supply and delivery of the 2018 National Water and Wastewater Benchmarking Initiative (NWWBI) survey reporting. AECOM is the only consultant engaged in carrying out the NWWBI initiative for Canada which the City of Hamilton is/has committed to.
- \$123,717.06 was issued to Softchoice Corporation for the following work:
 - Purchase Order 93197 for \$119,449.20 was issued for the supply and delivery of 2019 Adobe ON Premise Software Base product on an annual subscription since purchasing perpetual licenses are no longer an option.
 - Purchase Order 93196 for \$4,267.86 was issued for the supply and delivery of 2019 Adobe True Up software product on an annual subscription since purchasing perpetual licenses are no longer an option.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” to Report FCS19042(c) – Fourth Quarter Emergency and Non-Competitive Procurements Report.

2019 Fourth Quarter Emergency and Non-Competitive Procurements Report

PO No.	Type	Amount	Name	Department/Division
Corporate Services				
93136	SGLE	\$9,500.00	Consortech Solutions Inc.	Information Technology
93196 93197	SGLE	\$123,717.06	Softchoice Corporation	Information Technology
Healthy and Safe Communities				
93269	SGLE	\$720.00	Bluerover Inc.	Epidemiology, Wellness, and Communicable Disease Control
92854	SGLE	\$1,000.00	Iron Mountain Canada Corporation	Hamilton Fire Department
92924	SGLE	\$12,870.00	Canadian Ced Network	Children's Services and Neighborhood Development
92981	SGLE	\$15,000.00	Chemise Empire Shirt Limited	Hamilton Fire Department
93248	SGLE	\$22,812.13	S.T.O.P. Restaurant Supply	Macassa Lodge
93122	SGLE	\$22,920.00	Injoy Productions	Healthy Families
93250	SGLE	\$30,000.00	Vallen Canada Inc.	Hamilton Fire Department
92756	SGLE	\$44,330.00	Genesis Integration Inc.	Hamilton Fire Department
93282	SGLE	\$50,000.00	Marchese Health Care	Hamilton Fire Department
93067	SGLE	\$70,000.00	Intergraph Canada Ltd.	Hamilton Fire Department
92837	SGLE	\$174,510.00	Code 4 Fire & Rescue Inc.	Hamilton Fire Department
Library				
93260	EXTN	\$47,500.00	Nimby Wildlife and Pest Control Inc.	Hamilton Public Library
Planning and Economic Development				
80351	SGLE	\$9,000.00	WSP Canada Inc.	Strategic Initiatives
93099	SGLE	\$11,847.00	Crisis Prevention Institute, Inc.	Building & Chief Building Official
82989 82987	SGLE	\$11,877.50	Landscape Planning Limited	Economic Development
93245	SGLE	\$17,602.00	Soundbox Inc.	Tourism and Culture
92780	SGLE	\$30,000.00	Ministry of Transportation	Transportation Planning and Parking
Police				
No PO	EXTN	\$52,600.00	Various Vendors(Towing Companies)	Police
93252	SGLE	\$1,400.00	Moetion Picture Productions	Police
90919	SGLE	\$4,000.00	Chemise Empire Shirt Limited	Police
92993	SGLE	\$8,750.00	Cellebrite USA Inc.	Police
72137	EXTN	\$10,000.00	Main East Car Wash	Police

2019 Fourth Quarter Emergency and Non-Competitive Procurements Report

PO No.	Type	Amount	Name	Department/Division
82902	EXTN	\$10,000.00	West End Car Wash	Police
89485	EXTN	\$10,000.00	GBM Holdings Ltd. o/a King Car Wash	Police
91276	EXTN	\$10,000.00	Barton Car Wash	Police
93186	SGLE	\$10,000.00	Motorola Solutions Canada Inc.	Police
93187	SGLE	\$10,000.00	Panasonic Canada Inc.	Police
93210	EMER	\$15,000.00	ON Point Stable Management	Police
93175 93190	SGLE	\$18,085.50	Chubb Edwards	Police
87542	EXTN	\$20,000.00	Mohawk Car Wash	Police
92734	SGLE	\$25,000.00	Organizational Solutions Inc.	Police
92803	SGLE	\$25,000.00	Managing Information Systems 3 Inc.	Police
Public Works				
88883	SGLE	\$1,732.50	Forrec Ltd.	Environmental Services
83949	SGLE	\$2,000.00	McCallum Sather Architects Inc.	Energy, Fleet and Facilities Management
92858	SGLE	\$7,000.00	2578139 Ontario Inc.	Transit
92935	SGLE	\$10,000.00	New World Park Solutions Inc.	Environmental Services
92939	EMER	\$12,453.59	ServiceMaster of Hamilton D.R.	Energy, Fleet and Facilities Management
93363	SGLE	\$13,237.59	Noratek Solutions Inc.	Environmental Services
93007	SGLE	\$14,334.29	Softline Solutions AB Inc.	Environmental Services
93383	EMER	\$17,500.00	Heritage Restoration Inc.	Energy, Fleet and Facilities Management
92930	SGLE	\$19,661.37	Metric Storage Systems	Energy, Fleet and Facilities Management
92776	EMER	\$20,511.00	Directrik Inc.	Hamilton Water
85291 93065	EXTN	\$24,000.00	Mancuso Chemicals Ltd.	Energy, Fleet and Facilities Management
92958	EXTN	\$25,000.00	958535 Ontario Inc.	Energy, Fleet and Facilities Management
93299	SGLE	\$25,500.00	Novaquip Lifting Systems Inc.	Energy, Fleet and Facilities Management
61850 71971	SGLE	\$31,354.00	WSP Canada Inc.	Various Divisions
93321	EMER	\$38,400.00	Waste Management of Canada Corporation	Transportation Operations and Maintenance
93047	EMER	\$40,152.00	Wood Canada Ltd.	Environmental Services
92843	SGLE	\$43,182.00	WSI Sign Systems Ltd.	Environmental Services
92928	EMER	\$46,200.00	Union Boiler Company	Energy, Fleet and Facilities Management
93316	SGLE	\$51,732.50	M & R Security Inc.	Energy, Fleet and Facilities Management
87900	EXTN	\$60,000.00	Fastenal Canada Ltd.	Energy, Fleet and Facilities Management

2019 Fourth Quarter Emergency and Non-Competitive Procurements Report

PO No.	Type	Amount	Name	Department/Division
89294 93204	SGLE	\$61,860.00	Dillon Consulting Limited	Transportation Operations and Maintenance
85204	SGLE	\$62,390.00	R. V. Anderson Associates Limited	Hamilton Water
90424	SGLE	\$75,000.00	CIMA Canada Inc.	Engineering Services
91700	SGLE	\$88,887.00	SLR Consulting (Canada) Ltd.	Hamilton Water
93019	EMER	\$89,082.71	CIMA Canada Inc.	Hamilton Water
92744	SGLE	\$90,000.00	HCE Energy Inc.	Energy, Fleet and Facilities Management
92929	EMER	\$94,175.00	PPL Aquatic, Fitness & Spa Group	Energy, Fleet and Facilities Management
93206	SGLE	\$99,976.50	PSI Technologies Inc.	Environmental Services
93074	EMER	\$110,046.39	Meehan's Industrial Maintenance Ltd.	Hamilton Water
93203	EXTN	\$110,373.10	Kemira Water Solutions Canada Inc.	Hamilton Water
88007 92840	SGLE	\$119,750.00	AECOM Canada Ltd.	Hamilton Water
92911	SGLE	\$132,731.70	Vermeer Canada Inc.	Energy, Fleet and Facilities Management
93215	SGLE	\$134,150.28	Agilent Technologies Canada Inc.	Hamilton Water
92325	SGLE	\$200,000.00	Rankin Construction Inc.	Environmental Services
93064	EMER	\$214,151.72	Claybar Contracting Inc.	Energy, Fleet and Facilities Management
93336	SGLE	\$247,900.00	Brandt Tractor Ltd.	Energy, Fleet and Facilities Management
93387	EMER	\$249,000.00	Wesroc Construction Limited	Environmental Services
87757	EXTN	\$255,000.00	Neptune Technology Group (Canada) Ltd.	Hamilton Water
93213	EMER	\$484,509.23	Wessuc Inc.	Hamilton Water
93214	EMER	\$574,682.50	Revolution Environmental Solutions LP	Hamilton Water
93207	EMER	\$585,600.00	Moffatt Equipment	Hamilton Water



INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	Fourth Quarter Non-compliance with the Procurement Policy Report (FCS19043(c)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Patricia Vasquez (905) 546-2424 Ext. 5972
SUBMITTED BY:	Rick Male Director, Financial Services & Corporate Controller Corporate Services
SIGNATURE:	

COUNCIL DIRECTION

Procurement Policy, Section 4.19, Item (3) requires a quarterly report be prepared and presented to Council to report the use of all Procurement Policy Non-Compliance Forms.

INFORMATION

This Report is issued quarterly in accordance with the Procurement Policy. This report details the use of all Procurement Policy Non-Compliance Forms for the fourth quarter of 2019.

Procurements that are non-compliant with the Procurement Policy can be identified at any time during the procurement process. Procurements are deemed to be non-compliant with the Procurement Policy when the applicable Policy (Policies) and published procedure(s) are not followed. Under Policy 19, the General Manager is responsible for reviewing each incident and determines the appropriate level of disciplinary action to be taken.

During the fourth quarter of 2019, there were fifteen (15) instances relating to the use of Policy 19, totalling \$76,559.37. The instances are summarized in Appendix "A" to Report FCS19043(c).

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" to Report FCS19043(c) – 2019 Fourth Quarter Non-compliance with the Procurement Policy Report.

PV/dw

2019 Fourth Quarter Non-Compliance with the Procurement Policy Report

PO No.	Amount	Name	Division
Legislative			
Cheque	\$4,401.35	Zing Media Inc.	Councillor
Cheque	\$2,647.62	Zing Media Inc.	Councillor
Cheque	\$1,800.00	Bob Penner	Councillor
P-Card	\$1,200.04	Ikea	Councillor
Cheque	\$1,000.00	Bob Penner	Councillor
Cheque	\$506.81	Zing Media Inc.	Councillor
Cheque	\$300.00	Bob Penner	Councillor
Cheque	\$300.00	Bob Penner	Councillor
Cheque	\$215.27	Zing Media Inc.	Councillor
P-Card	\$214.69	Staples	Councillor
Cheque	\$180.80	Flyprint Media	Councillor
P-Card	\$117.27	Staples	Councillor
P-Card	\$87.97	Staples	Councillor
P-Card	\$87.55	Staples	Councillor
Planning and Economic Development			
93184	\$63,500.00	Defaveri Construction	Growth Management



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Growth Management Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	To Incorporate City Lands into Dartnall Road by By-Law (PED20094) (Wards 6 and 11)
WARD(S) AFFECTED:	Wards 6 and 11
PREPARED BY:	Sally Yong-Lee (905) 546-2424 x1428
SUBMITTED BY:	Tony Sergi Senior Director, Growth Management Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the following City Lands designated as Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 on Plan 62R-17987, save and except Part 1 on Plan 62R-18129, be established as a public highway to form part of Dartnall Road;
- (b) That the By-Law to incorporate the City lands to form part of Dartnall Road be prepared to the satisfaction of the City Solicitor and be enacted by Council;
- (c) That the General Manager of Public Works be authorized and directed to register the By-Law.

EXECUTIVE SUMMARY

On July 12, 2006 Council endorsed the North Glanbrook Industrial Business Park (now known as Red Hill Business Park) Class Environmental Assessment Transportation Master Plan identifying a road network that would be required to support the industrial development. The Master Plan identified Dartnall Road Extension (Rymal Road East to Dickenson Road East) as a Schedule C project requiring completion of Phase 3 and 4 of the Class EA process.

**SUBJECT: To Incorporate City Lands into Dartnall Road by By-Law (PED20094)
(Wards 6 and 11) - Page 2 of 3**

Phase 3 and 4 of the Dartnall Road Extension Schedule C Class EA was completed, and the Environmental Study Report was placed on record for a 30-day public and agency review on January 19, 2007.

Widening of Dartnall Road from two to four lanes between Rymal Road East to the Hydro Corridor and the extension of the road to Twenty Road East was completed under Contract No. C15-40-13 (HSW) and opened to traffic in December 2014. This report deals with the road extension to Twenty Road East only and the subsequent extension to Dickenson Road East will be the subject of a future project.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: There are no financial implications arising from this Report.

Staffing: There are no associated staffing implications.

Legal: The City of Hamilton is complying with the relevant legislation by enacting this By-Law.

HISTORICAL BACKGROUND

On July 12, 2006, Council endorsed the North Glanbrook Industrial Business Park (now known as Red Hill Business Park) Class Environmental Assessment Transportation Master Plan identifying a road network that would be required to support the industrial development. The Master Plan recommended road improvements for Dartnall Road Extension (Rymal Road East to Dickenson Road East) as follows, requiring completion of Phase 3 and 4 of the Class EA process:

Dartnall Road Extension (Rymal Road East to Dickenson Road)

- widen to four lanes from Rymal Road East to existing terminus at Hydro Corridor;
- new four lane arterial road from Hydro Corridor to Dickenson Road.

Phase 3 and 4 of the Dartnall Road Extension Schedule C Class EA was completed, and the Environmental Study Report was placed on record for a 30-day public and agency review on January 19, 2007. Construction of Dartnall Road (Rymal Road East to Twenty Road East) was completed under Contract No. C15-40-13 (HSW) and opened to traffic in December 2014. This report deals with the extension from Rymal Road East to Twenty Road East and the subsequent extension of Dartnall Road from Twenty Road East to Dickenson Road East will be a future project.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendations do not bind the Corporation to any policy matter.

RELEVANT CONSULTATION

- Geomatics and Corridor Management Section of the Public Works Department; and
- Legal Services Division of the Corporate Services Department.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

Current Provincial legislation requires a Municipal By-Law passed by Council to incorporate lands into the Municipal public highway system. This Report follows the requirements of that legislation.

ALTERNATIVES FOR CONSIDERATION

Not incorporating the lands into a public highway to form part of Upper Sherman Avenue would bar legal access to abutting lands.

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.

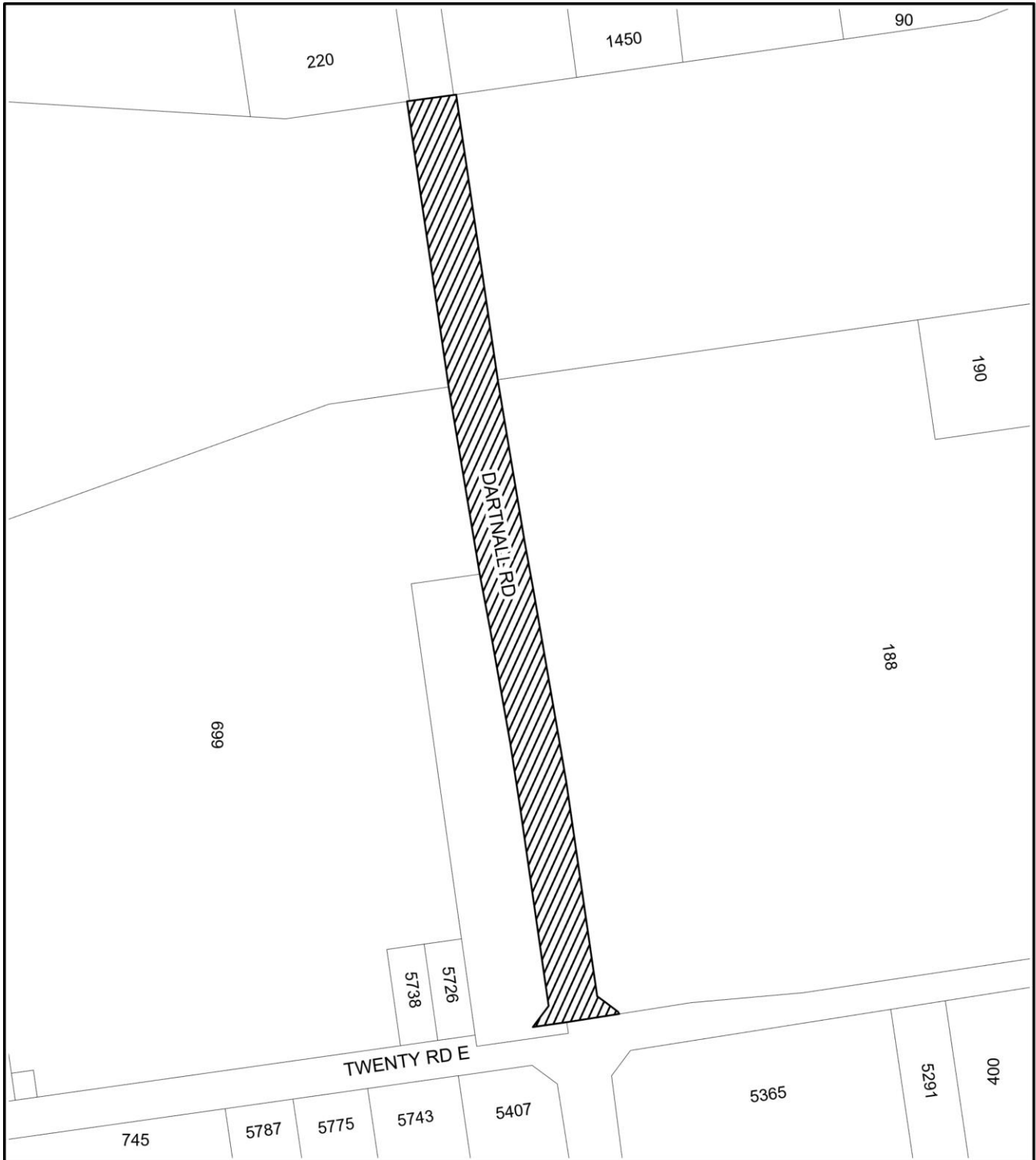
Built Environment and Infrastructure

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” – Key Location Map
Appendix “B” – By-Law No. XX – To incorporate City lands designated as Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 on Plan 62R-17987, save and except Part 1 on Plan 62R-18129, be established as a public highway to form part of Dartnall Road

SYL/sd



Legend

 Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22 and 23 on Plan 62R-17987, save and except Part 1 on Plan 62R-18129 as Part of Dartnall Road

**Dartnall Road
By-law**

Date:
April 24, 2020



Not To Scale



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

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THIS IS NOT A PLAN OF SURVEY.

Bill No.

CITY OF HAMILTON

BY-LAW NO. 20-

**To Establish City of Hamilton Land
Described as Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23
on Plan 62R-17987, save and except Part 1 on Plan 62R-18129
as Part of Dartnall 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 Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 on Plan 62R-17987, save and except Part 1 on Plan 62R-18129, is established as a public highway to form part of Dartnall 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 day of , 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



CITY OF HAMILTON
CORPORATE SERVICES
Financial Planning, Administration and Policy

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	City of Hamilton / Ministry of Transportation 2019-2020 Dedicated Gas Tax Funding Agreement (FCS20037) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Craig Webb, CPA, CMA, (905) 546-2424, Ext. 1870
SUBMITTED BY:	Brian McMullen Director, Financial Planning, Administration and Policy Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

- (a) That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to enter into an Agreement between the City of Hamilton and the Province of Ontario related to the funding commitment made by the Province of Ontario to the municipality under the Dedicated Gas Tax Funds for Hamilton's Public Transportation Program;
- (b) That the Mayor and General Manager, Finance and Corporate Services, be authorized and directed to execute the Letter of Agreement attached as Appendix "A" to Report FCS20037;
- (c) That the By-law attached as Appendix "C" to Report FCS20037 authorizing and directing the Mayor and General Manager, Finance and Corporate Services, to sign a Letter of Agreement between the City of Hamilton and the Province of Ontario with respect to funding under the Dedicated Gas Tax Funds for Public Transportation Program, be passed;
- (d) That, upon being passed, a certified copy of the By-law, together with two copies of the signed Letter of Agreement, be forwarded to the Ministry of Transportation.

EXECUTIVE SUMMARY

The City of Hamilton is eligible to receive an estimated \$11,428,352 in provincial funding as part of the 2019-2020 Dedicated Gas Tax Funds for Public Transportation Program. This represents an increase of 0.2% over the previous 12-month total allocation of \$11,405,923.

The 2019 / 2020 Provincial Program year runs from April 1, 2019 to March 31, 2020. The new allocation of funding for the Program for 111 public transit systems representing 148 municipalities will amount to approximately \$368.5 million.

The By-law, accompanying Agreement, guidelines and requirements, attached to Report FCS20037, are provided as a condition of the transfer of funds, provided by the Province of Ontario to the City of Hamilton under this Program.

Under the terms and conditions of the attached Agreement, a by-law is required to authorize the Mayor and City Treasurer to sign the “Letter of Agreement between Her Majesty the Queen in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario and the City of Hamilton related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program”.

Municipalities receiving dedicated gas tax funds must meet the requirements set out in the “2019 / 2020 Guidelines and Requirements”, attached as Appendix “B” to Report FCS20037.

Alternatives for Consideration – Not Applicable

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Ratification of the Letter of Agreement is a condition of the City of Hamilton becoming eligible for an estimated \$11,428,352 in provincial funding relating to 2019-2020 as part of the 2019-2020 Dedicated Gas Tax Funding program. This represents an increase of 0.2% over the previous 12-month total allocation of \$11,405,923. The 2020 approved Provincial gas tax funding in the City’s Operating and Capital Budget for eligible expenditures is \$11,049,000.

Staffing: None.

Legal: The enacting of the supporting By-law per Appendix “C” to Report FCS20037 is a requirement to receive funding under the Dedicated Gas Tax Funds for Public Transportation Program.

HISTORICAL BACKGROUND

In 2013, the Province of Ontario moved forward with its commitment to make Gas Tax funding permanent.

The Province of Ontario, under the above-noted program, will provide two cents of the existing provincial gas tax to municipalities to support public transportation. In this, the fifteenth year of the program, that is \$368.5 M in funding to 111 public transit systems representing 148 municipalities.

As part of that commitment, the Province of Ontario, under the Dedicated Gas Tax Funds for the Public Transportation Program, is providing funding in the amount of \$11,428,352 to the City of Hamilton for 2019/20 as per the Letter of Agreement attached as Appendix “A” to Report FCS20037.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

None.

RELEVANT CONSULTATION

None.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Under the Dedicated Gas Tax Funds for the Public Transportation Program, funding allocated is based on 70% transit ridership and 30% municipal population.

The funding received is deposited into a dedicated reserve that is used to fund the expansion of public transit in terms of capital infrastructure and operating budget funding related to levels of service.

Under the terms and conditions of the attached Agreement, a by-law is required to authorize the Mayor and City Treasurer to sign the “Letter of Agreement between Her Majesty the Queen in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario and the City of Hamilton related to Funding Provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program”.

ALTERNATIVES FOR CONSIDERATION

None.

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.

Clean and Green

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

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 FCS20037 – Letter of Agreement between the City of Hamilton and the Province of Ontario

Appendix “B” to Report FCS20037 – 2019/20 Guidelines and Requirements

Appendix “C” to Report FCS20037 – 2020 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement By-law

CW/dt

Ministry of
Transportation

Office of the Minister

777 Bay Street, 5th Floor
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

Ministère des
Transports

Bureau de la ministre

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MAR 12 2020

Mayor Fred Eisenberger
City of Hamilton
71 Main Street West
Hamilton ON L8P 4Y5

Dear Mayor Eisenberger:

RE: Dedicated Gas Tax Funds for Public Transportation Program

This Letter of Agreement between the **City of Hamilton** (the "Municipality") and Her Majesty the Queen in right of the Province of Ontario, as represented by the Minister of Transportation for the Province of Ontario (the "Ministry"), sets out the terms and conditions for the provision and use of dedicated gas tax funds under the Dedicated Gas Tax Funds for Public Transportation Program (the "Program"). Under the Program, the Province of Ontario provides two cents out of the provincial gas tax to municipalities to improve Ontario's transportation network and support economic development in communities for public transportation expenditures.

The Ministry intends to provide dedicated gas tax funds to the Municipality in accordance with the terms and conditions set out in this Letter of Agreement and the enclosed Dedicated Gas Tax Funds for Public Transportation Program 2019/2020 Guidelines and Requirements (the "guidelines and requirements").

In consideration of the mutual covenants and agreements contained in this Letter of Agreement and the guidelines and requirements, which the Municipality has reviewed and understands and are hereby incorporated by reference, and other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Ministry and the Municipality agree as follows:

1. To support local public transportation services in the Municipality, the Ministry agrees to provide funding to the Municipality under the Program to a maximum amount of up to **\$11,428,352** ("the "Maximum Funds") in accordance with, and subject to, the terms and conditions set out in this Letter of Agreement and, for greater clarity, the guidelines and requirements.
2. Letter of Agreement and a copy of the authorizing municipal by-law(s) and, if applicable, resolution(s) for the Municipality to enter into this Letter of Agreement, provide the Municipality with **\$8,571,264**; and any remaining payment(s) will be provided thereafter.
3. If another municipality authorizes the Municipality to provide local public transportation services on its behalf and authorizes the Municipality to request and receive dedicated gas tax funds for those services also on its behalf, the Municipality will in the by-law(s) and, if

- applicable, resolution(s) described in section 2 confirm that the Municipality has the authority to provide those services and request and receive those funds.
4. The Municipality agrees that any amount payable under this Letter of Agreement may be subject, at the Ministry's sole discretion, to any other adjustments as set out in the guidelines and requirements.
 5. The Municipality will deposit the funds received under this Letter of Agreement in a dedicated gas tax funds reserve account, and use such funds and any related interest only in accordance with the guidelines and requirements.
 6. The Municipality will adhere to the reporting and accountability measures set out in the guidelines and requirements, and will provide all requested documents to the Ministry.
 7. The Municipality agrees that the funding provided to the Municipality pursuant to this Letter of Agreement represents the full extent of the financial contribution from the Ministry and the Province of Ontario under the Program for the 2019/2020 Program year.
 8. The Ministry may terminate this Letter of Agreement at any time, without liability, penalty or costs upon giving at least thirty (30) days written notice to the Municipality. If the Ministry terminates this Letter of Agreement, the Ministry may take one or more of the following actions: (a) cancel all further payments of dedicated gas tax funds; (b) demand the payment of any dedicated gas tax funds remaining in the possession or under the control of the Municipality; and (c) determine the reasonable costs for the Municipality to terminate any binding agreement(s) for the acquisition of eligible public transportation services acquired, or to be acquired, with dedicated gas tax funds provided under this Letter of Agreement, and do either or both of the following: (i) permit the Municipality to offset such costs against the amount the Municipality owes pursuant to paragraph 8(b); and (ii) subject to section 1, provide the Municipality with funding to cover, in whole or in part, such costs. The funding may be provided only if there is an appropriation for this purpose, and in no event will the funding result in the Maximum Funding exceeding the amount specified under Section 1.
 9. Any provisions which by their nature are intended to survive the termination or expiration of this Letter of Agreement including, without limitation, those related to disposition, accountability, records, audit, inspection, reporting, communication, liability, indemnity, and rights and remedies will survive its termination or expiration.
 10. This Letter of Agreement may only be amended by a written agreement duly executed by the Ministry and the Municipality.
 11. The Municipality agrees that it will not assign any of its rights or obligations, or both, under this Letter of Agreement.
 12. The invalidity or unenforceability of any provision of this Letter of Agreement will not affect the validity or enforceability of any other provision of this Letter of Agreement. Any invalid or unenforceable provision will be deemed to be severed.
 13. The term of this Letter of Agreement will commence on the date of the last signature of this Letter of Agreement.

14. The Municipality hereby consents to the execution by the Ministry of this Letter of Agreement by means of an electronic signature.

If the Municipality is satisfied with and accepts the terms and conditions of this Letter of Agreement, please print it, secure the required signatures for it, and then return a fully signed copy, in pdf format, to the following email account:

MTO-PGT@ontario.ca

Sincerely,



Caroline Mulroney
Minister of Transportation

I have read and understand the terms and conditions of this Letter of Agreement, as set out above, and, by signing below, I am signifying the Municipality's consent to be bound by these terms and conditions.

Municipality

Date

Name (print):
Title (head of council or
authorized delegate):

I have authority to bind the Municipality.

Date:

Name (print):
Title (clerk or authorized delegate):

I have authority to bind the Municipality.



MINISTRY OF TRANSPORTATION

**Dedicated Gas Tax Funds For
Public Transportation Program**

2019/20 Guidelines and Requirements

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DEDICATED GAS TAX FUNDS FOR PUBLIC TRANSPORTATION PROGRAM

2019/2020 GUIDELINES & REQUIREMENTS

1. DEFINITIONS

When used in these guidelines and requirements, the words set out below that import the singular include the plural and vice versa:

“Canadian Content Policy” means the Canadian Content for Transit Vehicle Procurement Policy, attached to these guidelines and requirements as Appendix B: Canadian Content Policy, which the Ministry may amend from time to time.

“dedicated gas tax funds” means the money provided by the Ministry to a municipality to be used strictly towards eligible expenditures that are reasonable, in the opinion of the Ministry, and related directly to the provision of public transportation services, and “dedicated gas tax funding” has the same meaning.

“dedicated gas tax funds reserve account” means an interest bearing account set up by a municipality, under its name and in a Canadian financial institution, where dedicated gas tax funds are deposited and can be tracked separately from any other funds that may be in the account. This does not need to be a separate account, so long as the dedicated gas tax funds can be tracked separately.

“DFPTA” means the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3.

“eligible expenditures” means expenditures made by a municipality in direct support of public transportation operating or capital, or both, costs in accordance with Article 3 of these guidelines and requirements.

“guidelines and requirements” means these guidelines and requirements entitled “Dedicated Gas Tax Funds for Public Transportation Program – 2019/2020 Guidelines and Requirements”, including Appendices A, B and C to these guidelines and requirements, which the Ministry may amend from time to time.

“host municipality” means a host municipality as described in Section 4.2.

“indemnified parties” means Her Majesty the Queen in right of Ontario, Her ministers, agents, appointees, and employees.

“letter of agreement” means an agreement entered into between the Ministry and a municipality, including a host municipality, that sets out the terms and conditions under which the Ministry agrees to provide dedicated gas tax funds to the municipality, including those under these guidelines and requirements, and any amendments to the letter of agreement.

"losses" means any and all liability, loss, costs, damages or expenses (including legal, expert and consultant fees).

"major refurbishment" means: (a) for a subway car, light rail car, streetcar or trolley bus, the refurbishment where the life cycle is extended for a minimum of six years beyond the designed life cycle set out by the manufacturer; and (b) for a bus thirty feet in length or over, the refurbishment where, when the bus reaches a minimum age of nine years, the life cycle of the bus is extended for a minimum of six years.

"Ministry" and "Minister", respectively, means the Ministry of Transportation, which is responsible for the administration of the Program and the Minister responsible for the Ministry.

"municipal own spending on public transportation" means the funds, including those received from total operating revenue and local public donations, that a municipality contributes towards public transportation expenditures, including funds it contributes for operating and capital expenditures.

"personnel" includes the advisors, appointees, directors, officers, employees, agents, partners, affiliates, volunteers or subcontractors of a municipality.

"proceeding" means any and all causes of action, actions, claims, demands, lawsuits or other proceedings.

"Program" means the Dedicated Gas Tax Funds for Public Transportation Program set up by the Ministry to provide municipalities with dedicated gas tax funds subject to and in accordance with a letter of agreement.

"PRESTO" means the fare payment system for which Metrolinx is responsible.

"public transportation" means any service for which a fare is charged for transporting the public by vehicles operated by or on behalf of a municipality or local board as defined in the *Municipal Affairs Act*, R.S.O. 1990, c. M. 46, as amended, or under an agreement between a municipality or local board, and a person, firm or corporation, and includes special transportation facilities for transporting persons with disabilities but does not include transportation by special purpose facilities, such as school buses or ambulances.

"public transportation vehicle" refers to a streetcar, bus, subway car, light rail car, specialized vehicles for transporting persons with disabilities or trolley bus used for public transportation.

"reporting forms" means the following forms attached as Appendix A (Reporting Forms) to these guidelines and requirements: 1) Dedicated Gas Tax Funds for Public Transportation 2019 Reporting Form (i.e. form MT-O-16); 2) Dedicated Gas Tax Program – Transit 2019 Conventional Transit Reporting Form (i.e. form MT-O-17); and 3) Dedicated Gas Tax Program – Transit 2019 Specialized Transit Reporting Form (i.e., form MT-O-18).

"subcontractor" means any contractor of a municipality or any of its subcontractors at any tier of subcontracting.

2. INTRODUCTION

The Program is an important element of the ongoing relationship between the province of Ontario and Ontario municipalities. Municipalities receiving dedicated gas tax funds must meet the requirements set out in these guidelines and requirements.

As of 2013 and pursuant to the *Dedicated Funding for Public Transportation Act, 2013*, S.O. 2013, c. 2, Sched. 3 ("DFPTA"), a portion, (2 cents per litre), of the provincial gasoline tax revenue is dedicated to the provision of grants to municipalities for public transportation, including those pursuant to the Program. The portion of the gas tax that is dedicated in each fiscal year is an amount determined using a formula set out in the DFPTA.

The 2019/20 Program year runs from April 1, 2019 to March 31, 2020. The new allocation of funding for the Program for 111 public transit systems representing 148 municipalities will amount to approximately \$368.5 million.

3. GENERAL ELIGIBILITY REQUIREMENTS AND CONDITIONS

The purpose of the Program is to provide dedicated gas tax funds to Ontario municipalities to support local public transportation services, and to increase overall ridership through the expansion of public transportation capital infrastructure and levels of service. To be eligible to receive dedicated gas tax funds, a municipality must contribute financially towards its public transportation services.

For 2019/20, and unless otherwise approved in writing by the Ministry, only municipalities that have submitted their 2018 annual data survey to the Canadian Urban Transit Association (CUTA), and their 2018 Gas Tax reporting forms to the Ministry, will be eligible to receive dedicated gas tax funds.

Subject to the provision of a municipal by-law indicating its intent to provide public transportation services, a municipality that is not currently providing public transportation services, but decides to begin providing such services, may be eligible for funding. Notification of the municipality's intent to provide public transportation services and specific commitment to annually fund such public transportation services is required. Municipalities are encouraged to contact ministry staff early in their decision making process for providing services. After the new public transportation services have been implemented, and at the Ministry's sole discretion, dedicated gas tax funding may then be available.

A municipality receiving dedicated gas tax funds must ensure that all funds received and any related interest are used exclusively towards eligible expenditures and, unless otherwise approved in writing by the Ministry, disbursement of dedicated gas tax funds and any related

interest must be net of any rebate, credit or refund, for which the municipality has received, will receive, or is eligible to receive.

All public transportation services and public transportation vehicles must be fully accessible in accordance with the requirements set out under the following statutes and regulations, as may be amended from time to time: the *Accessibility for Ontarians with Disabilities Act, 2005*, S.O. 2005, c. 11 and the *Integrated Accessibility Standards*, O. Reg. 191/11 made under that Act; the *Highway Traffic Act*, R.S.O. 1990, c. H.8 and the *Accessible Vehicles*, R.R.O. 1990, Reg. 629 made under that Act; and the *Public Vehicles Act*, R.S.O 1990, c. P. 54. In addition to the above, the acquisition of public transportation vehicles must comply with the Canadian Content Policy requirements.

Unless the Ministry otherwise approves in writing, in 2019/20, gas tax revenues and any related interest can only be used to support municipal public transportation expenditures and not to reduce or replace current levels of municipal public transportation funding. External audit and financial reporting costs are not eligible expenditures which the Ministry may reimburse or to which dedicated gas tax funding can be applied.

(a) Requirements for All Dedicated Gas Tax Funds Received in 2019/20 and Beyond

- Dedicated gas tax funds and any related interest must be spent on one or more of the following:
 - Public transportation capital expenditures that promote increased transit ridership;
 - Public transportation operating expenditures;
 - Capital expenditures for the replacement of any public transportation vehicles;
 - Capital expenditures that provide improvements to public transportation security and passenger safety; or
 - Expenditures for major refurbishment on any fully accessible, or to be made fully accessible, public transportation vehicle, with the exception of specialized vehicles used for the transportation of persons with disabilities.
- For municipalities that provide only specialized transit for persons with disabilities, dedicated gas tax funds can be spent on public transit initiatives that may not initially result in ridership growth but will provide increased accessibility.

(b) Additional Requirements for the following Municipalities: Regions of Durham and York, the Cities of Brampton, Burlington, Hamilton, Mississauga, Ottawa and Toronto, and the Town of Oakville.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (b) above will, in addition to any other requirements in this Article 3, be required to:

- Participate in PRESTO and, as participants, will be required to meet their financial obligations for that system.

(c) Additional Requirements for GTA Municipalities: Regions of Durham, Halton, Peel and York, and Cities of Hamilton and Toronto.

Prior to the release of any dedicated gas tax funds, the municipalities listed under (c) above will, in addition to any other requirements in this Article 3, be required to:

- Demonstrate that they have met their responsibility for the payment of the growth and expansion capital costs of Metrolinx pursuant to the *Amendment to Greater Toronto Services Board By-law No. 40*, O. Reg. 446/04, made under the *Metrolinx Act, 2006*, S.O. 2006, c. 16, as amended.

The eligibility requirements for dedicated gas tax funds will be determined in accordance with these guidelines and requirements. The eligibility for any dedicated gas tax funds is at the sole discretion of the Ministry. Municipalities should consider consulting with Ministry staff to determine whether a proposed expenditure is an eligible expenditure for the purpose of dedicated gas tax funds.

4. GENERAL PROGRAM ALLOCATION METHODOLOGY AND PAYMENT PROCESS

4.1 General Program Allocation Methodologies

Based on consultation with municipalities, public transportation operators and stakeholders, the Province recognizes the varying needs of public transportation in Ontario municipalities, including those related to large established public transportation systems and communities with different growth rates and levels of public transportation service. Consistent with the above, the Province has established an allocation formula based on a combination of ridership and population. This formula balances the needs of large established public transportation systems, the growth needs of rapidly growing municipalities, and the needs of smaller municipalities that provide public transportation services.

The Province is implementing an allocation based on 70% transit ridership and 30% municipal population. Fully implemented, 70% of \$368.49 million (up to \$257.94 million) may be distributed to municipalities on the basis of their public transportation ridership levels. Thirty percent (30%) of \$368.49 million (up to \$110.55 million) may be distributed on the basis of population levels. Public transportation ridership will include the totals of both conventional and specialized public transportation services.

Both ridership and population figures are updated and revised annually for use in the calculation of dedicated gas tax funds.

CUTA annually collects and reproduces, on behalf of the Ministry, transit ridership data in its Ontario Urban Transit Fact Book and its Ontario Specialized Transit Services Fact Book (the "CUTA Fact Books"). The Ministry used the 2018 ridership data from the 2018 CUTA Fact Books for the above calculation. Where a municipality's ridership data have not been

collected nor reproduced in the 2018 CUTA Fact Books, the Ministry used the 2018 transit ridership data received from the municipality.

The 2019/20 gas tax allocations were calculated using 2018 population estimates derived from the 2016 census data.

Dedicated gas tax funds provided to each municipality in 2019/20 are not to exceed, based on the 2018 municipal public transportation spending data set out in the CUTA Fact Books, 75% of municipal own spending on public transportation. The Ministry may re-allocate, in support of increasing public transportation ridership, any amounts of moneys dedicated for but that remains undistributed through the Program.

The Ministry may undertake an annual review of the dedicated gas tax allocation methodology and eligibility requirements to ensure these funds support the desired outcome of increased public transportation ridership. Municipal public transportation spending will be reviewed on an annual basis to determine if the limits of the dedicated gas tax funds need to be applied where the gas tax allocation may exceed 75% of municipal own spending on public transportation.

4.2 Payment Process

The Minister will advise each municipality that provides public transportation services of the amount of dedicated gas tax funds it is eligible to receive. The Minister will send a letter of agreement to each of these municipalities. The letter of agreement will set out the terms and conditions upon which the dedicated gas tax funds will be released to the municipality, and by which the municipality will have to agree to be bound.

The Ministry may, on a quarterly basis (or other basis, as the Ministry may decide from time to time), make payments of dedicated gas tax funds only after receipt of the following documents: i) the letter of agreement, provided by the Ministry to the municipality, signed in accordance with the by-law(s) and, if applicable, the resolution(s) described below; and ii) a scanned copy of the by-law(s) and, if applicable, any resolution(s) authorizing the letter of agreement and naming municipal signing officers for the letter of agreement.

In addition, the Ministry may withhold payment of dedicated gas tax funds until the reporting requirements under Section 8.4 are met.

Any amount of dedicated gas tax funds provided to the municipality under the Program will be subject to the remedies set out under Article 7.

Any dedicated gas tax funds the Ministry provides to a municipality and any related interest, including those kept by the municipality in a dedicated gas tax funds reserve account, will have to be used by the municipality exclusively towards public transportation services and in accordance with the requirements set out in these guidelines and requirements including, without limitation, those related to eligibility and related conditions, acquisition, disposition, accountability, records, audit, reporting, liability, and indemnity requirements.

If a municipality agrees to provide public transportation services (a "host municipality") for another municipality, the Ministry, at its sole discretion, may only provide the host municipality with dedicated gas tax funds. Prior to the Ministry making any payment of dedicated gas tax funds to the host municipality, the host municipality and the municipality on whose behalf the host municipality is providing transportation services will be required to provide the Ministry with copies of their respective by-law(s) and, if applicable, resolution(s), designating the host municipality as a public transportation service provider for the municipality or authorizing the host municipality to provide public transportation services to the municipality, as applicable. The contributing municipality, on whose behalf the host municipality is providing transportation services, will be required to provide the Ministry with a copy of their by-law(s) and, if applicable, resolution(s), in the year that this arrangement is initiated, and will be required annually to confirm with the Ministry in writing that the arrangement is still in effect. The host municipality will be required to enter into a dedicated gas tax funds letter of agreement with the Ministry and be in compliance with the terms and conditions set out in these guidelines and requirements.

In addition, the host municipality must promptly advise the Ministry of any change in arrangements between the host and contributing municipalities, such as decisions to cease contributions. The Ministry may then, at its sole discretion, make any necessary adjustment to its contribution of dedicated gas tax funds to the host municipality.

5. DEDICATED GAS TAX FUNDS RESERVE ACCOUNT AND INTEREST

5.1 Dedicated Gas Tax Funds Reserve Account

Dedicated gas tax funds must be used only towards the eligible expenditures for public transportation listed under Article 3(a). If the Ministry provides dedicated gas tax funds to a municipality before the municipality's immediate need for the funds, the municipality will be required to keep the funds, and all interest earned on such funds, in a dedicated gas tax funds reserve account. Dedicated gas tax funds received, and any related interest earned on such funds, must be reported annually, using the reporting forms, on a cash basis. At no time should a municipality report a negative reserve account balance.

5.2 Interest

Interest must accrue on funds carried over the course of the Program reporting period in a dedicated gas tax funds reserve account. A municipality must calculate interest on its average annual balance of funds. The interest must also be reported annually, using the reporting forms, and can only be applied towards eligible expenditures.

6. ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

If a municipality acquires goods, including supplies, materials, vehicles, equipment or services, or both, with dedicated gas tax funds, it must do so through a process that promotes the best

value (with due regard for economy, efficiency and effectiveness) for the dedicated gas tax funds it spends.

The municipality must report, in writing, to the Ministry any funds accrued from the sale, lease or disposal of assets purchased with dedicated gas tax funds, and return such funds to a dedicated gas tax funds reserve account (see Article 5), with the exception that funds accrued from the sale, lease or disposal of transit buses beyond their useful economic life (12 years for conventional and 5 years for specialized), will not be required to be returned to a dedicated reserve account.

7. ADJUSTMENT, WITHHOLDING AND PAYMENT OF DEDICATED GAS TAX FUNDS AND OTHER REMEDIES

If, in the opinion of the Ministry, a municipality: i) fails to comply with any term, condition or obligation set out in a letter of agreement, including these guidelines and requirements; ii) uses any of the dedicated gas tax funds or any related interest for a purpose not authorized without the prior written consent of the Ministry; iii) provides erroneous or misleading information; iv) fails to provide information, including requested audit information and required reports, to the Ministry for any reason whatsoever; or v) is unable to provide or acquire or has discontinued the provision or acquisition of any service or asset for which dedicated gas tax funds have been provided, or it is not reasonable for the municipality to continue to provide or acquire any service or asset for which such funds have been provided ("event of default"), the Ministry may, unless the Ministry provides the municipality with written notice of an opportunity to remedy the event of default, take one or more of the following actions: i) initiate any action the Ministry considers necessary in order to facilitate the successful provision or acquisition of any service or asset provided or acquired with dedicated gas tax funds; ii) suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate; iii) reduce the amount of the dedicated gas tax funds; (iv) cancel further payments of dedicated gas tax funds; (v) demand from the municipality the payment of any dedicated gas tax funds remaining in the possession or under the control of the municipality; (vi) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the municipality used, but did not use in accordance with the letter of agreement; (vii) demand from the municipality the payment of an amount equal to any dedicated gas tax funds the Ministry provided to the municipality; and viii) terminate the letter of agreement at any time, including immediately, without liability, penalty or costs to the Ministry upon giving notice to the municipality.

Where the Ministry gives the municipality an opportunity to remedy an event of default by giving the municipality notice of the particulars of the event of default and the date by which the municipality is required to remedy it, and: i) the municipality does not remedy the event of default by the date specified in the notice; ii) it becomes apparent to the Ministry that the municipality cannot completely remedy the event of default by the date specified in the notice; or iii) the municipality is not proceeding to remedy the event of default in a way that is satisfactory to the Ministry, the Ministry may extend the date by which the municipality is required to remedy the event of default, or initiate any of the remedies for event of default available to it under this Article 7.

Upon termination of the letter of agreement pursuant to this Article 7, the Ministry may take one or more of the actions listed for in the first paragraph to this Article 7. In regards to any demand for payment, the Minister may not demand payment of an aggregate amount greater than the dedicated gas tax funds that were received by the municipality.

Upon the Minister providing a municipality a written demand for payment of dedicated gas tax funds, any related interest, or both, the amount of the demand will be deemed to be a debt due and owing to the Crown of the Province of Ontario and may be recovered as such under applicable law, including, without limitation, the *Financial Administration Act*, R.S.O. 1990, c. F.12, as amended, ("FAA"). In addition to any remedy the Crown may have under the FAA, the Ministry may decide to withhold or adjust the amount of any current or future dedicated gas tax funding, or any other funding program, that may be provided to the municipality in an amount equal to such debt or have the amount of such debt deducted from financial assistance payable on any other project(s) of the municipality under any other initiative in which the Ministry is involved (either current or future). The Ministry may charge the municipality interest on any money owing by the municipality at the then current rate charged by the Province of Ontario on accounts receivable. The municipality will pay any money owing to the Ministry by cheque payable to the "Ontario Minister of Finance" and delivered to the Ministry as the Ministry may require.

If a municipality: i) has failed to comply with any term, condition or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a "failure"); ii) has been provided with notice of such failure in accordance with the requirements of such other agreement; iii) has, if applicable, failed to rectify such failure in accordance with the requirements of such other agreement; and iv) such failure is continuing, the Ministry may suspend the payment of dedicated gas tax funds for such period as the Ministry determines appropriate.

When the Ministry provides its consent pursuant to a letter of agreement, including these guidelines and requirements, it may impose any terms and conditions on such consent and the municipality will comply with such terms and conditions.

If a municipality fails to comply with any term of a letter of agreement, including these guidelines and requirements, the municipality could only rely on a waiver of the Ministry if the waiver was in writing and refers to the specific failure to comply. A waiver will not have the effect of waiving any subsequent failures to comply.

Any decision made by the Minister regarding funding under the Program is final.

8. ACCOUNTABILITY, RECORDS, AUDIT AND REPORTING REQUIREMENTS

8.1 Accountability

A municipality receiving dedicated gas tax funds must use such funds, and any interest earned on such funds, exclusively towards public transportation service eligible expenditures and in

accordance with these guidelines and requirements. The municipality will not be allowed to use dedicated gas tax funds and related interest to offset other municipal expenditures.

The municipality will also be required to provide such further assurances as the Ministry may request from time to time with respect to any matter to which a letter of agreement, including these guidelines and requirements, pertains, and will otherwise do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of these documents to their full extent.

Furthermore, the municipality must ensure any information the municipality provides to the Ministry under the Program is true and complete at the time provided and will continue to be true and complete.

8.2 Records

A municipality receiving dedicated gas tax funds must keep and maintain separate records and documentation related to any dedicated gas tax funds and any related interest, including invoices and any other financially-related documents relating to the provision or acquisition of public transportation services for which dedicated gas tax funds and any related interest have been used. The records and documentation must be kept and maintained in accordance with generally accepted accounting principles. Records containing confidential information must be kept in accordance with all applicable legislation. No provision of these guidelines and requirements shall be construed so as to give the Ministry any control whatsoever over the municipality's records.

8.3 Audit

A municipality receiving dedicated gas tax funds may be subject to audit. The Ministry may, at its sole discretion, audit or have audited by any third party, any records and documentation of the municipality related to any public transportation services provided or acquired with dedicated gas tax funds or any related interest, and such funds. Such audit may require the Ministry, at the municipality's expense (except as provided in the Canadian Content Policy), to retain external auditors. In addition, the Auditor General may, pursuant to the *Auditor General Act*, R.S.O. 1990, c. A. 35, as amended, audit the accounts and records of the municipality relating to any expenditure of dedicated gas tax funds.

To assist in respect of the rights set out above, a municipality will be required to disclose any information requested by the Ministry, its authorized representatives or an independent auditor identified by the Ministry, and will do so in the form requested by the Ministry, its authorized representatives or an independent auditor.

In addition to any adjustments the Ministry may make to dedicated gas tax funding under these guidelines and requirements, the Ministry may, upon recommendation in an audit report, adjust future dedicated gas tax fund payments or other payments the Province may make to the municipality under any other program.

8.4 Reporting

Accuracy in the calculation and reporting of municipal transit ridership and dedicated gas tax funds and any related interest is paramount. When calculating ridership, municipalities must use one of the acceptable best practices identified in the 2008 Ontario Ridership Data Collection Review Report, published jointly by CUTA and iTrans Consultants (retained by CUTA).

A municipality will be accountable to use dedicated gas tax funds and any related interest towards public transportation expenditures that meet the Program eligibility requirements. Each municipality will be required to report on how dedicated gas tax funds and any related interest are spent on an annual basis, including the provision of its Canadian Content Policy declaration form(s), in accordance with the Canadian Content Policy, for any public transportation vehicle funded with dedicated gas tax funds. The Canadian Content Policy has been amended effective September 21, 2017 to be aligned with government procurement commitments under the Comprehensive Economic Trade Agreement (CETA) between Canada and the European Union (EU). As of September 21, 2017, municipalities are to comply with the amended policy for all transit procurements.

For the purpose of the above reporting, municipalities will be required to use the reporting forms that have been developed in consultation with municipal public transportation stakeholders, and submit these reporting forms to the Ministry prior to February 28, 2020.

Municipalities are strongly advised to carefully verify all data before submitting their reporting forms, to ensure that all information provided is accurate. Municipalities are also encouraged to contact the Ministry if they require any guidance or assistance in completing these reports.

9. COMMUNICATIONS

Unless the Ministry otherwise approves in writing, a municipality receiving dedicated gas tax funds will be required to acknowledge the support of the Ministry in a form and manner as directed by the Ministry.

A municipality will be required to give a minimum of thirty (30) days written notice to the Ministry regarding any planned local dedicated gas tax funding communication or recognition event, or both. The municipality will also be required to provide the Ministry with detailed information regarding such communication or event, or both.

The Ministry and a municipality receiving dedicated gas tax funds will, at all times, remain independent of each other and will not represent themselves to be the agent, joint venturer, partner or employee of the other. Neither the municipality nor the Ministry will be allowed to make representations or take actions that could establish or imply any apparent relationship of agency, joint venture, partnership or employment. In addition, neither the municipality nor the Ministry will be bound in any manner whatsoever by any agreements, warranties or representations made by any of them to any other person or entity, with respect to any other action of the other.

If the municipality publishes any material of any kind, written or oral, relating to public transportation services provided or acquired with dedicated gas tax funds, the municipality will indicate in the material that the views expressed in the material are the views of the municipality and do not necessarily reflect those of the Ministry.

A municipality receiving gas tax funding must comply with the requirements for the installation and maintenance of visual identity signage set out in Appendix C.

10. CONFLICT OF INTEREST

A municipality and its subcontractors and any of their respective personnel must use dedicated gas tax funds and provide and acquire services and assets with such funds without an actual, potential, or perceived conflict of interest.

A conflict of interest includes any circumstances where a municipality or any person who has the capacity to influence the municipality's decisions has outside commitments, relationships or financial interests that could, or could be seen to, interfere with the municipality's objective, unbiased, and impartial judgment relating to the provision or acquisition of services or assets provided or acquired with dedicated gas tax funds, the use of such funds, or both.

A municipality will disclose to the Ministry, without delay, any situation that a reasonable person would interpret as an actual, potential, or perceived conflict of interest, and comply with any terms and conditions that the Ministry may prescribe as a result of the disclosure.

11. FREEDOM OF INFORMATION AND PROTECTION OF PRIVACY ACT

All applications submitted to the Ministry are subject to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, c. F. 31, as amended ("FIPPA"). The FIPPA provides every person with a right of access to information in the custody or under the control of the Ministry, subject to a limited set of exemptions.

Municipalities are advised that the names of municipalities receiving dedicated gas tax funds, the amount of funds provided, and the purpose for which dedicated gas tax funds are provided, is information the Ministry makes available to the public.

12. LIABILITIES AND INDEMNITIES

A municipality receiving dedicated gas tax funds must agree that it is responsible for anything that may arise, directly or indirectly, in connection with the Program, including, without limitation, any activity under it such as the provision and acquisition of services and assets with dedicated gas tax funds. The Ministry's involvement under the Program is for the sole purpose of, and is limited to, the provision of dedicated gas tax funds.

Furthermore, a municipality receiving dedicated gas tax funds must agree to indemnify and hold harmless the indemnified parties from and against any and all losses or proceedings, by whomever made, sustained, incurred, brought, or prosecuted, in any way arising out of, or in connection with anything done or omitted to be done by the municipality or any municipality on behalf of which the municipality receives dedicated gas tax funds, or any of their respective personnel, the Program, any activity under it, or the letter of agreement, unless the loss or proceeding is solely caused by the negligence or willful misconduct of the indemnified parties.

A municipality receiving dedicated gas tax funds is responsible for its own insurance and must carry, at its own costs and expense, and require the same from its subcontractors and any municipality on behalf of which it receives dedicated gas tax funds, all the necessary and appropriate insurance that a prudent municipality in similar circumstances would maintain in order to protect itself and the Ministry and support the indemnification, as set out above, provided to the Ministry. For greater certainty, the municipality is not covered by the Province of Ontario's insurance program and no protection will be afforded to the municipality by the Government of Ontario for any losses or proceedings that may arise out of the Program or letter of agreement.

For greater certainty, the rights and remedies of the Ministry under a letter of agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

13. COMPLIANCE WITH THE LAW

A municipality receiving dedicated gas tax funds must comply with all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules and by-laws related to any aspect of the services or assets provided or acquired with the dedicated gas tax funds and the dedicated gas tax funds.

For greater clarity, by receiving dedicated gas tax funds, a municipality may become subject to legislation applicable to organizations that receive funding from the Government of Ontario, including the *Public Sector Salary Disclosure Act, 1996*, S.O. 1996, c. 1, Sched. A and the *Auditor General Act*, R.S.O. 1990, c. A.35.

14. WHERE TO APPLY AND REQUEST OR PROVIDE INFORMATION

All forms, agreements, supporting documentation as well as any questions regarding the Program are to be directed to the Strategic Transit Investments Office of the Ministry of Transportation at MTO-PGT@ontario.ca.

APPENDIX A: REPORTING FORMS

APPENDIX B: CANADIAN CONTENT POLICY

APPENDIX C: VISUAL IDENTITY SIGNAGE REQUIREMENTS

1. Purpose of Schedule

This Appendix describes the municipality's responsibilities and obligations involved in installing and maintaining visual identity signage under the Program.

2. Visual Identity Signage

The municipality will install and maintain the exterior and interior visual identity signage on transit vehicles for which dedicated gas tax funds were provided. External visual identity signage must be located immediately to the left of the front passenger entrance doors of the vehicle. Internal visual identity signage should be placed on an interior wall in a location and height that will be convenient for passengers to read.

Recognition stickers approximate size — 10" x 3.4".

Authority: Item , Name of Committee
Report
CM: Date

Bill No.

CITY OF HAMILTON

BY-LAW NO. _____

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

WHEREAS the Council of the City of Hamilton deems it advisable to enter into an agreement with Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation related to funding provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Mayor and General Manager, Finance and Corporate Services, are authorized and directed to sign the Letter of Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation which is attached as Schedule "A" and forms part of this By-law.
2. This By-law may be cited for all purposes as the 2019 / 2020 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement By-law.
3. This By-law is deemed to have come into force on _____, 2020.

PASSED this _____ day of _____, 2020.

Fred Eisenberger
MAYOR

Andrea Holland
CLERK



CITY OF HAMILTON
CORPORATE SERVICES DEPARTMENT
Customer Service and POA Division

TO:	Chair and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	Proposed Write-off for Provincial Offences (FCS20032) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Wendy Mason (905) 546-2424 Ext. 5718 Lynn Geci (905) 546-2424 Ext. 6287
SUBMITTED BY:	Cindy Mercanti Director, Customer Service, POA and Financial Integration Corporate Services Department
SIGNATURE:	

RECOMMENDATION(S)

That staff be authorized to write-off the following outstanding Provincial Offences fines deemed uncollectible, in the total amount of \$1,385,639:

- (a) \$1,383,476 in uncollectible fines with a sentence date of December 31, 2012 and prior;
- (b) \$2,163 in underpayments from April 1, 2019 through March 31, 2020.

EXECUTIVE SUMMARY

In accordance with the Provincial Offences Administration (POA) Write-off Procedure and the Memorandum of Understanding, POA is requesting that 5,739 records amounting to \$1,385,639 be written off. The Building Department has delayed the write-off of seven aged fines worth \$58,141 this year. As such, this amount will be considered for next year's report. Fines are written off based on the age of the accounts receivable and ability to collect. Files which are seven years or older are identified for write-off consideration. If a fine is written off it does not absolve a convicted offender from the requirement to pay the fine, as debts to the Crown are not forgiven.

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: Proposed Write Off for Provincial Offences (FCS20032) (City Wide) –
Page 2 of 4**

Reasons that accounts become uncollectible include debtor cannot be located and bankruptcy or business closure.

The approval to write-off these fines will reduce the accounts receivables owing to the City of Hamilton and allow our collection staff to concentrate their efforts in pursuing more recent fines for which there is a higher probable rate of collection.

Alternatives for Consideration – See Page 4

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Accounts Receivable write-offs are reflected as a decrease in Accounts Receivable and an increase in Bad Debt.

Staffing: None

Legal: If approved by Council, staff will advise the Ministry of the Attorney General of this recommendation and request that they be authorized to purge these records from the Ministry database (ICON).

HISTORICAL BACKGROUND

POA utilizes several collection methods which include: internal collection efforts, external collection agencies, tax rolling, garnishment and writs. The value of the receivable falls rapidly as a function of time and the longer the debt has been owed, the less likely POA is to collect.

In 2018, the Province introduced legislation to improve collection efforts (inability to renew plates and drivers' licenses for driving-based offences) that has helped encourage payment.

Internal collections were responsible for collecting \$4,325,300 and the external collection agencies collected \$1,417,363 in 2019. This represents an increase in overall collections by the internal staff and the collection agencies of \$198,493 over 2018.

The year-end outstanding receivables balance, including the 2019 proposed write-off, totalled \$73,129,717. Outstanding receivables include new charges (convicted fines) plus defaulted fines.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The recommendation follows existing corporate, provincial policies, procedures and standard accounting practices respecting the write-off of uncollectible monies.

RELEVANT CONSULTATION

Internal stakeholders consulted include staff in the departments of Corporate Services and Planning and Economic Development.

ANALYSIS AND RATIONALE FOR RECOMMENDATION(S)

Staff anticipates the amount of the write-offs to be \$1,383,476 in uncollectible fines with a due date of December 31, 2012 and prior and underpayments (pay less than is due) of \$2,163 from April 1, 2019 through March 31, 2020. An example of an underpayment would be the fee associated with the fail to respond docket; the \$5 fee is added to the balance, however, in the meantime, the fine was paid. The total amount of \$1,385,639 includes the Victim Fine Surcharge which is payable to the Province of Ontario. Building Department write-offs were not included this year but will be considered for next year.

All offences filed with POA are pursued by way of enforcement if they are not paid by their due date. Enforcement includes suspension of a driver's licence, denial of licence plate renewal, referral to our external collection agency and civil enforcement. Outstanding fines are tracked through our collections database, wherein chronic offenders can be identified, based upon criteria that anyone with more than three offences in a one-year period is classified as chronic.

The approval to write-off these fines will reduce the accounts receivables owing to the City of Hamilton and allow our collection staff to concentrate their efforts in pursuing more recent fines for which there is a higher probable rate of collection. After writing off the proposed amount of \$1,385,639, the remaining outstanding accounts receivables balance will be \$71,744,079.

POA is requesting that 5,739 records amounting to \$1,385,639 be written off. Fines are written off based on the age of the accounts receivable and ability to collect. If a fine is written off, it does not absolve a convicted offender from the requirement to pay the fine, as debts to the Crown are not forgiven. Files can be re-activated in ICON if a payment is received.

Write Off History

	# of Files	\$ Written Off	Year End Outstanding Balance
2015*	0	\$0	\$59,225,747
2016	3,924	\$1,541,755	\$61,636,843
2017	5,870	\$1,200,569	\$64,740,574
2018	5,581	\$1,173,573	\$69,937,030
2019	5,739	\$1,385,639	\$71,744,079

* Missed Ministry cut-off date

ALTERNATIVES FOR CONSIDERATION

The Ministry of the Attorney General has issued a directive to all POA offices in the Province to establish and maintain write-off policies and procedures. Given the Council approved write-off procedure, there are no alternatives for consideration.

ALIGNMENT TO THE 2016 – 2025 STRATEGIC PLAN

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

WM/LG/dt



CITY OF HAMILTON
FINANCE AND CORPORATE SERVICE DEPARTMENT
Financial Services and Taxation Division

TO:	Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	Accounts Receivable Write-Offs for 2019 (FCS20014) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Bev Neill (905) 546-2424 Ext. 6274
SUBMITTED BY:	Mike Zegarac General Manager Finance and Corporate Services Department
SIGNATURE:	

RECOMMENDATIONS

- (a) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible General Accounts Receivables in the amount of \$5,241.52 attached as Appendix "A" to Report FCS20014 (City Wide);
- (b) That the Schedule of General Accounts Receivable Write-Offs less than \$1,000 in the amount of \$1,142.57 attached as Appendix "B" to Report FCS20014, be received for information;
- (c) That the General Manager of Finance and Corporate Services be authorized to write-off uncollectible Hamilton Farmers Market Receivables in the amount of \$4,640.11 attached as Appendix "C" to Report FCS20014.

EXECUTIVE SUMMARY

In accordance with Council Policy:

A listing of uncollectible General Accounts Receivable accounts totalling \$5,241.52 is attached as Appendix “A” to Report FCS20014 for Council approval. Upon approval, the Accounts Receivable Section will remove the accounts from the Aged Trial Balance and prepare the necessary accounting entries. These amounts have been allowed for in the 2019-year end allowance for doubtful accounts. Therefore, the write-offs of these receivables will not be reflected in the 2020 actual expenditures.

A listing of uncollectible General Accounts Receivable accounts totalling \$1,142.57 and valued at less than \$1,000 each have been written-off since the last report in April 2019 and is attached as Appendix “B” to Report FCS20014. These amounts have been allowed for in the 2019-year end allowance for doubtful accounts. Therefore, the write-offs of these receivables will not be reflected in the 2020 actual expenditures.

A listing of uncollectible Hamilton Farmer’s Market Accounts Receivable accounts totalling \$4,640.11 is attached as Appendix “C” to Report FCS20014 for Council approval. Upon approval, the Accounts Receivable Section will remove the accounts from the Aged Trial Balance and prepare the necessary accounting entries. These amounts have been allowed for in the 2019-year end allowance for doubtful accounts. Therefore, the write-offs of these receivables will not be reflected in the 2020 actual expenditures.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: The Accounts Receivables write-offs have been allowed for in the 2019-year end allowance for doubtful accounts. Therefore, the write-off of these receivables will not be reflected in the 2020 actual expenditures.

Staffing: None.

Legal: None

HISTORICAL BACKGROUND

This report is being brought forward in accordance with the Accounts Receivable Write-Off Policy, approved by City Council on February 9, 2005, Council Report #05-003, Item 4.

The Write-Off Policy sets the following authorization levels for account write-offs:

- **Up to \$500** **Director, Financial Services or designate**
- **Between \$500 and \$1,000** **General Manager, Finance and Corporate
Services or designate**
- **Greater than \$1,000** **City Council Approval**

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

Accounts Receivable Write-Off Policy.

RELEVANT CONSULTATION

Originating departments have been advised of the accounts that will be written-off as they pertain to their department's operations.

- The Hamilton Farmer's Market has supplied the write-off items that pertain to their operations.

ANALYSIS AND RATIONALE FOR RECOMMENDATIONS

All avenues of collection regarding the receivables being recommended for write-off have been exhausted.

Collection procedures include, but are not limited to:

- Mailing written non-payment reminders, such as, statements, demand letters, etc.
- Verbal request by telephone or, in person, where applicable
- Negotiating revised payment terms
- Cross-referencing against the Accounts Payable System
- Drawing on securities held, such as, Letter of Credit, Bonds, etc., if applicable
- Recovery through the tax system by transferring uncollectible items as permitted in our By-Laws
- Legal action
- Use of a Collection Agency

ALTERNATIVES FOR CONSIDERATION

Accounts that are written-off will be removed from the active listing. If future information is received that would aid in the collection of these written-off amounts, active collection would be resumed.

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.

Our People and Performance

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

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” Report FCS20014 - Write-off of General Accounts Receivable 2019 Greater than \$1,000.

Appendix “B” Report FCS20014 - Write-off of General Accounts Receivable 2019 Under \$1,000.

Appendix “C” Report FCS20014 – Write-off of Hamilton Farmers Market Accounts Receivable 2019

BN/dw

Write-off of General Accounts Receivable 2019 Greater than \$1,000.

Customer ID	Customer Name	Amount	Description
L00523	Bartkiw & Bartkiw	5,241.52	Owner deceased - exhausted collections
		<u>5,241.52</u>	

Write-off of General Accounts Receivable 2019 Under \$1,000.

Customer ID	Customer Name	Amount	Description
119511 1913970	Ontario	134.45	Finance Charges
106325	Zayo	40.53	"
117890	Quality Hotel Hamilton	33.74	"
119745	Terra Pure Environmental Services	28.28	"
100272	City of Burlington	33.23	"
100347	ArcelorMittal Dofasco	236.37	"
116252	Infrastructure Ontario	486.97	"
119573	Tough Mudder Events	149.00	"

1,142.57

Write-off of Hamilton Farmers Market Accounts Receivable 2019

Customer ID	Customer Name	Amount	Description
119016	The Mes Amis Catering Company	4,640.11	Exhausted collections



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Transportation Planning and Parking Division

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	Early Payment Removal and Parking Fine Increase Implementation Update (PED19052(a)) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	James Buffett (905) 546-2424 Ext. 3177
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

RECOMMENDATION

That the draft Amending By-law for Administrative Penalty System By-law 17-225 as shown in Appendix "A" to Report PED19052(a) and in a form satisfactory to the City Solicitor, be approved.

EXECUTIVE SUMMARY

Following the implementation of the Administrative Penalty System (APS) in August of 2015, staff have continued to incorporate additional By-laws into APS. Subsequent, to Recommendation Report PED19052, on April 10, 2019, Council directed staff to implement the removal of Early Payment for parking infractions. On March 2, 2020, the General Issues Committee (GIC) approved a number of parking rate increases, inclusive of Parking Fines, which was ratified at Council on March 20, 2020.

The attached by-law amendment will execute the Early Payment removal as well as the approved parking fine increases. Since the APS By-laws covers all penalties under APS, not just parking, Early Payment Removal applies to all APS.

On March 20, 2020, Council also approved increases to on-street parking meter rates and off-street parking rates. Implementation of these increases was tied to the

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

SUBJECT: Early Payment Removal and Parking Fine Increase Implementation Update (PED19052(a)) (City Wide) - Page 2 of 4

implementation of the launch of the pay-by-phone application, which is still on track to be implemented in June 2020.

Alternatives for Consideration – See Page 3

FINANCIAL – STAFFING – LEGAL IMPLICATIONS

Financial: Removal of the Early Payment may correlate with an increase in annual fine revenue collected from undisputed, voluntary payments of parking penalties (\$350 K). Approving the Set Penalty (Fines) increase may correlate with an increase in the estimated annual revenue (\$380 K). These estimates are under normal operating conditions and not during Emergency Operations (i.e. COVID 19).

Staffing: N/A

Legal: N/A

HISTORICAL BACKGROUND

On May 13, 2015, Council approved the implementation of APS for Parking Enforcement as per Ontario Regulation 333/07 of the *Municipal Act, 2001*, S.O. 2001, c. 25. Execution of the implementation was done August 2015. At its meeting of September 27, 2017, Council approved Report 17-015 directing staff to implement the APS to other Municipal By-laws which now includes, for example, Animal Ownership, Licensing and Regulation of Various Businesses, Noise, Municipal Parks, Yard Maintenance, Property Standards, and Vacant Buildings.

On April 10, 2019, Council approved Report PED19052, Early Payment Removal for Parking By-laws.

On March 2, 2020, GIC approved parking rate increases inclusive of Parking Fines (as identified below from Parking Fee Review Report PED19238(a)).

Existing Set Penalty Amounts	New Set Penalty Amounts
\$24.00	\$25.00
\$29.00	\$30.00
\$33.00	\$35.00

Existing Set Penalty Amounts	New Set Penalty Amounts
\$50.00	\$55.00
\$75.00	\$80.00

On March 20, 2020, Council ratified Parking Fine increases outlined in Information Report Parking Fee Review (PED19238(a)) as discussed at GIC March 2, 2020.

POLICY IMPLICATIONS AND LEGISLATED REQUIREMENTS

The APS By-law 17-225 will be amended with revisions to Tables 1-9, 20 and 21.

RELEVANT CONSULTATION

- Legal Services; and,
- Licensing and Bylaw Services.

ANALYSIS AND RATIONALE FOR RECOMMENDATION

In addition to removing the Early Payment for parking violations, the amending By-law also removes the Early Payment for the Site Alteration By-law (By-law 19-286 Prohibiting and Regulating the Alteration of Property Grades, the Placing or Dumping of Fill, and the Removal of Topsoil) since it was the only remaining by-law with Early Payment. The execution of removing Early Payment across all the APS by-laws provides consistency, improved customer service experience for voluntary payments, and improved efficiencies for the Hamilton Municipal Parking System (HMPS).

As outlined in the April 2019 Early Payment Removal Report PED19052, the impacts of the removal of Early Payment, once implemented, is estimated at \$350 K on an annual basis. The estimated impact of the Fine Increased, as approved by Council on March 20, 2020 estimated at \$380 K on an annual basis.

ALTERNATIVES FOR CONSIDERATION

- (a) Council could choose to defer the adoption of the By-law amendment relating to Early Payment Removal and Parking Fine Increase until parking activity and enforcement operations return to normal following the end of the COVID 19 Emergency Declaration; and,
- (b) Council could choose to defer the adoption of the By-law amendment for Early Payment Removal and Parking Fine Increase and direct staff to implement the

SUBJECT: Early Payment Removal and Parking Fine Increase Implementation Update (PED19052(a)) (City Wide) - Page 4 of 4

By-law changes at the same time as the on-street and off-street rate increases and pay-by-phone launch.

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.

APPENDICES AND SCHEDULES ATTACHED

Appendix “A” – Draft By-law Amending 17-225

JB:cr

Authority: Item ,
 Report
 CM:
 Ward: City Wide

Bill No.

CITY OF HAMILTON
BY-LAW NO.

To Amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law 17-225;

AND WHEREAS this amending by-law amends By-law 17-225 to remove early payment penalties, increase certain parking fines, as well as provides for housekeeping amendments as hereinafter described and depicted;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That Schedule A to By-law No. 17-225 is amended by deleting sections 3 and 4 and replacing them with the following:
 3. Column 3 in the following tables set out the administrative penalty payable for the contravention of the corresponding Designated By-law in Column 1, starting the day the penalty notice is issued until 15 days later. After 15 days, late fees may apply.
3. That Schedule A of By-law No.17-225 is amended by deleting tables 1-9, 20 and 21 and replacing them with the following:

TABLE 1: BY-LAW NO. 01-216 REGULATING MUNICIPAL PARKING FACILITIES			
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION	COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-216 8(1)(a)	Park-fail to activate parking meter	\$25.00
2	01-216 8(1)(b)	Park at expired parking meter	\$25.00
3	01-216 8(1)(c)	Park-no valid pre-paid ticket in clear view	\$25.00
4	01-216 8(1)(d)	Park-fail to deposit prescribed parking fee	\$25.00
5	01-216 9(1)	Park where prohibited-signed area	\$35.00
6	01-216 9(2)	Park-not in designated parking space	\$35.00
7	01-216 9(2)	Park-not in conformity with signs or markings	\$35.00

TABLE 1: BY-LAW NO. 01-216 REGULATING MUNICIPAL PARKING FACILITIES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
8	01-216	9(3)	Park in closed space or area	\$35.00
9	01-216	9(4)	Park from 2:00a.m. - 7:00 a.m.	\$35.00
10	01-216	9(5)	Park in reserved space or area	\$35.00
11	01-216	9(7)	Park unauthorized vehicle	\$55.00
12	01-216	9(7)	Park heavy vehicle	\$100.00
13	01-216	9(8)	Stand-unattended vehicle not secured	\$80.00
14	01-216	10(1)	Stop where prohibited - signed area	\$80.00
15	01-216	10(2)	Stop-obstructing parking space	\$80.00
16	01-216	10(3)	Stop-obstruct lane way	\$80.00
17	01-216	9(6)	Park in a reserved Disabled Person Parking Space	\$350.00

TABLE 2: BY-LAW NO. 01-217 TO ESTABLISH AND REGULATE FIRE ROUTES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-217	11	Park where prohibited-signed Fire Route	\$100.00
2	01-217	12	Stop where prohibited-signed Fire Route	\$100.00

TABLE 3: BY-LAW NO. 01-218 REGULATING ON-STREET PARKING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-218	8(5)(a)	Park exceeding parking meter time limit	\$25.00
2	01-218	8(5)(b)	Park-fail to activate parking meter	\$25.00
3	01-218	8(5)(c)	Park at expired parking meter	\$25.00
4	01-218	8(5)(e)	Park in metered area not at parking meter	\$35.00
5	01-218	8(5)(f)	Park exceeding 3 hour Disabled Person Parking Permit time limit at parking meter	\$25.00
6	01-218	9(1)	Park exceeding signed parking time limit	\$30.00
7	01-218	11(13)	Park in permit parking zone-no valid permit	\$35.00
8	01-218	11(16)	Park in permit parking zone-permit not in force	\$35.00
9	01-218	12(2)(a)	Park at curb facing wrong way (two way road)	\$35.00
10	01-218	12(2)(a)	Park-right wheels exceed 30cm from curb	\$35.00
11	01-218	12(2)(b)	Park at edge of roadway facing wrong way (two way road)	\$35.00
12	01-218	12(2)(b)	Park-right wheels exceed 30cm from edge of roadway	\$35.00
13	01-218	12(2)(c)	Park on shoulder facing wrong way (two way road)	\$33.00
14	01-218	12(2)(c)	Park on shoulder too close to roadway	\$35.00
15	01-218	12(3)(a)	Park-left wheels exceed 30 cm from curb (one way road)	\$35.00
16	01-218	12(3)(a)	Park at curb facing wrong way (one way road)	\$35.00

TABLE 3: BY-LAW NO. 01-218 REGULATING ON-STREET PARKING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
17	01-218	12(3)(b)	Park-left wheels exceed 30cm from edge of roadway (one way road)	\$35.00
18	01-218	12(3)(b)	Park at edge of roadway facing wrong way (one way road)	\$35.00
19	01-218	12(3)(c)	Park on shoulder facing wrong way (one way road)	\$35.00
20	01-218	12(3)(c)	Park on shoulder too close to roadway (one way road)	\$35.00
21	01-218	12(4)	Park on shoulder-no parking on adjacent roadway	\$35.00
22	01-218	12(4)	Stop on shoulder-no stopping on adjacent roadway	\$80.00
23	01-218	12(5)(a)(i)	Park-exceeding 12 hour parking time limit	\$30.00
24	01-218	12(5)(a)(ii)	Park-exceeding 4 hour parking time limit (Commercial Vehicle)	\$30.00
25	01-218	12(5)(a)(iii)	Park-exceeding 4 hour parking time limit (No Valid Plate)	\$30.00
26	01-218	12(5)(b)	Park obstructing adjoining parking space	\$35.00
27	01-218	12(5)(c)	Park within 6m of place of assembly	\$35.00
28	01-218	12(5)(d)	Park where prohibited by temporary Police or City sign	\$35.00
29	01-218	12(5)(e)	Park on highway adjoining unfenced playground	\$35.00
30	01-218	12(5)(f)	Park on highway adjoining school	\$35.00
31	01-218	12(5)(g)	Park on highway for purpose of displaying for sale	\$35.00
32	01-218	12(5)(h)	Park-obstructing sidewalk	\$80.00
33	01-218	12(5)(i)	Park within 30m of bridge	\$35.00
34	01-218	12(5)(j)(i)	Park within 8m of fire-hall entrance way	\$35.00
35	01-218	12(5)(j)(ii)	Park across from fire-hall within 30m of entrance way	\$35.00
36	01-218	12(5)(k)	Park on boulevard	\$35.00
37	01-218	12(5)(l)	Park on driveway between municipal sidewalk and roadway	\$35.00
38	01-218	12(5)(m)	Park in alleyway	\$35.00
39	01-218	12(5)(n)	Park in turn-around or cul-de-sac	\$35.00
40	01-218	12(6)(a)	Park on through highway between 2:00 a.m. and 7:00 a.m.	\$33.00
41	01-218	12(7)	Park-obstructing bicycle lane	\$33.00
42	01-218	12(8)(a)	Park in signed area where prohibited	\$33.00
43	01-218	12(9)(a)	Park in Alternate Side Parking zone where prohibited	\$35.00
44	01-218	12(10)(a)	Park prohibited commercial vehicle in tourist sight seeing bay	\$35.00
45	01-218	12(10)(b)	Park-exceed 2 hour parking time limit in tourist sight seeing bay	\$30.00
46	01-218	12(10)(c)	Park-disabled vehicle exceed 4 hour parking time limit in tourist sight seeing bay	\$30.00

TABLE 3: BY-LAW NO. 01-218 REGULATING ON-STREET PARKING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
47	01-218	12(12)(b)	Park in Special Event Parking Zone-no valid permit	\$35.00
48	01-218	12(14)	Park Heavy Vehicle-Not on truck route	\$100.00
49	01-218	13(1)(a)	Stop within intersection or crosswalk	\$80.00
50	01-218	13(1)(a)	Stop within 6m of a crosswalk	\$80.00
51	01-218	13(1)(b)	Stop on or within 30m of a bridge	\$80.00
52	01-218	13(1)(b)	Stop in or within 30m of a subway	\$80.00
53	01-218	13(1)(c)	Stop in or within 30m of a traffic circle	\$80.00
54	01-218	13(1)(d)	Stop within 45 cm of residential driveway (3 dwelling units or less)	\$80.00
55	01-218	13(1)(d)	Stop within 1m of driveway	\$80.00
56	01-218	13(1)(e)	Stop within 30m approaching or 6m departing railway crossing	\$80.00
57	01-218	13(1)(f)	Stop within 15m of school crossing-two way road	\$80.00
58	01-218	13(1)(f)	Stop within 15m approaching and 6m departing school crossing-one way road	\$80.00
59	01-218	13(1)(g)	Stop where prohibited by temporary Police or City sign	\$80.00
60	01-218	13(1)(h)	Stop within 9m of intersecting highway	\$80.00
61	01-218	13(1)(i)	Stop within 75m of signalized intersection where prohibited	\$80.00
62	01-218	13(1)(j)	Stop within 3m of fire-hall entrance	\$80.00
63	01-218	13(1)(j)	Stop across from fire-hall within 15m of fire-hall limits	\$80.00
64	01-218	13(1)(k)	Stop in bus stop clearance	\$80.00
65	01-218	13(1)(l)	Stop on roadway side of parked vehicle	\$80.00
66	01-218	13(1)(m)	Stop alongside or opposite excavation	\$80.00
67	01-218	13(1)(m)	Stop alongside or opposite roadway obstruction	\$80.00
68	01-218	13(1)(n)	Stop within 9m of School driveway	\$80.00
69	01-218	13(1)(n)	Stop within 9m of pedestrian path/walk to School	\$80.00
70	01-218	13(1)(n)	Stop within 9m of park driveway	\$80.00
71	01-218	13(1)(n)	Stop within 9m of pedestrian path/walk to park	\$80.00
72	01-218	13(1)(n)	Stop within 9m of playground driveway	\$80.00
73	01-218	13(1)(n)	Stop within 9m of pedestrian path/walk to playground	\$80.00
74	01-218	13(1)(o)	Stop within 6m of signalized intersection	\$80.00
75	01-218	13(1)(p)	Stop beside central boulevard	\$80.00
76	01-218	13(1)(q)	Stop within 3m of hydrant	\$80.00
77	01-218	13(1)(r)	Stop in alleyway	\$80.00
78	01-218	13(1)(s)	Stop within 45cm of wheelchair ramp	\$80.00
79	01-218	13(1)(t)	Stop within 15m of intersection	\$80.00
80	01-218	13(2)(a)	Stand-vehicle for hire on street-not in authorized area	\$80.00
81	01-218	13(2)(b)	Stand airport service vehicle on street- not in authorized area	\$80.00

TABLE 3: BY-LAW NO. 01-218 REGULATING ON-STREET PARKING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
82	01-218	14(1)	Stop in signed area where prohibited	\$80.00
83	01-218	15(1)	Stop in Wheelchair Loading Zone	\$80.00
84	01-218	16(1)	Stop in Commercial Vehicle Loading Zone	\$80.00
85	01-218	17(1)	Stop in School Bus Loading zone	\$80.00
86	01-218	18(1)	Stop in Taxi zone	\$80.00
87	01-218	19(1)	Stop in Public Taxi zone	\$80.00
88	01-218	20(1)	Stop in Hotel Limousine zone	\$80.00
89	01-218	21(1)	Stop in Airport Bus/Limousine stand	\$80.00
90	01-218	24(5)	Park or stand in Snow Route	\$80.00
91 (19-068)	91-218	12.1(1)	Park, Stand or Stop in Contravention in a Special Enforcement Area	\$250.00

TABLE 4: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-219	32(1)	Park-not in designated parking area	\$35.00
2	01-219	32(2)	Park between 11:00p.m. and 6:00 a.m.	\$35.00
3	01-219	32(3)	Park-not in parking space	\$35.00
4	01-219	32(3)	Park not in conformity with markings or signs	\$35.00
5	01-219	32(4)	Park where prohibited-signed area	\$35.00
6	01-219	32(5)	Stop where prohibited-signed area	\$80.00
7	01-219	32(6)	Parked in reserved area or space	\$35.00
9	01-219	32(8)	Park while not actively using the park	\$35.00
10	01-219	32(9)	Park obstructing other area or parking space	\$80.00
11	01-219	32(10)	Stand-unsecured vehicle-unattended	\$80.00
12	01-219	32(11)	Park-exceeded posted time limit	\$30.00
13	01-219	32(7)	Park in a Reserved Disabled Person Parking Space	\$350.00

TABLE 5: BY-LAW NO. 01-220 REGULATING PARKING ON PRIVATE AND MUNICIPAL PROPERTY				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-220	2(1)	Unauthorized Parking-Private Property	\$55.00
2	01-220	3(1)	Unauthorized Parking-Municipal Property	\$55.00
3	01-220	2(2)	Park in a Reserved Disabled Person Parking Space	\$350.00
4	01-220	3(2)	Park in a Reserved Disabled Person Parking Space	\$350.00

TABLE 6: BY-LAW NO. 80-179 REGULATING HESS VILLAGE PEDESTRIAN MALL				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	80-179	4(2)	Stop unauthorized vehicle within pedestrian mall	\$80.00

TABLE 7: BY-LAW NO. 16-009 REGULATING UNAUTHORIZED PARKING ON BOULEVARDS, SIDE YARDS AND FRONT YARDS				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	16-009	3	Park, stand or stop on an unauthorized area	\$100.00
2	16-009	4	Permit parking, standing or stopping on an unauthorized area	\$100.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	12-031	4.1	fail to licence dog	\$100.00
2	12-031	4.1	fail to licence Vietnamese pot-belly pig	\$100.00
3	12-031	4.3(a)	fail to notify change in name of owner	\$50.00
4	12-031	4.3(a)	fail to notify change in address of owner	\$50.00
5	12-031	4.3(a)	fail to notify change in telephone number owner	\$50.00
6	12-031	4.3(b)	fail to notify change of address where dog kept	\$50.00
7	12-031	4.3(b)	fail to notify change of address where Vietnamese pot-belly pig kept	\$50.00
8	12-031	4.3(c)	fail to notify change in ownership of dog	\$50.00
9	12-031	4.3(c)	fail to notify change in ownership of Vietnamese pot-belly pig	\$50.00
10	12-031	4.6	fail to renew dog licence before expire	\$75.00
11	12-031	4.6	fail to renew Vietnamese pot-belly pig before expire	\$75.00
12	12-031	4.13	fail to ensure identification tag corresponds to licence attached to dog	\$50.00
13	12-031	4.13	fail to ensure identification tag corresponds to licence attached to Vietnamese pot-belly pig	\$50.00
14	12-031	4.15	Identification tag attached to dog for which corresponding licence not issued	\$50.00
15	12-031	4.15	Identification tag attached to Vietnamese pot-belly pig for which corresponding licence not issued	\$50.00
16	12-031	4.16	fail to replace lost identification tag	\$50.00
17	12-031	5.3	keep more than four animals	\$75.00
18	12-031	5.3	permit to be kept more than four animals	\$75.00
19	12-031	6.2	fail to ensure pigeon banded	\$50.00
20	12-031	6.3	fail to keep pigeon enclosed in rear yard	\$50.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON <small>(18-009)</small>				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
21	12-031	6.3(a)	fail to keep pigeon in enclosure adequate for size and bread	\$50.00
22	12-031	6.3(b)	fail to keep pigeon in enclosure with sufficient unobstructed space	\$50.00
23	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of school	\$50.00
24	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of church	\$50.00
25	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of public hall	\$50.00
26	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of store	\$50.00
27	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of dwelling	\$50.00
28	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of premises	\$50.00
29	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing school	\$50.00
30	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing church	\$50.00
31	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing public hall	\$50.00
32	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing store	\$50.00
33	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing dwelling	\$50.00
34	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing premises	\$50.00
35	12-031	6.3(d)	fail to keep walls and ceilings of pigeon enclosure lime-washed	\$50.00
36	12-031	6.3(d)	fail to keep walls and ceilings of pigeon enclosure painted	\$50.00
37	12-031	6.3(d)	fail to keep walls and ceilings of pigeon enclosure disinfected	\$50.00
38	12-031	6.4	fail to keep pigeon food in air-tight, rodent proof container	\$50.00
39	12-031	6.5	feed pigeon outside of pigeon enclosure	\$50.00
40	12-031	6.5	permit feeding of pigeon outside of pigeon enclosure	\$50.00
41	12-031	6.6	fail to remove pigeon droppings from owner's premises	\$50.00
42	12-031	6.6	fail to remove pigeon refuse from owner's premises	\$50.00
43	12-031	6.6	fail to remove dropped or scattered feed of pigeon from owner's premises	\$50.00
44	12-031	6.7	fail to keep pigeon in pigeon enclosure during prohibited times	\$50.00
45	12-031	6.8(a)	permit more than half of pigeons to be in flight	\$50.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
46	12-031	6.8(b)	owner fail to supervise or competent person each flight of pigeons	\$50.00
47	12-031	7.3	permit dog at large	\$65.00
48	12-031	7.3	permit cat at large	\$65.00
49	12-031	7.3	permit animal at large	\$65.00
50	12-031	7.6	permit dog outdoors on premises	\$65.00
51	12-031	7.8(a)	permit dog pose menace to person	\$150.00
52	12-031	7.8(a)	permit dog pose menace to domestic animal	\$150.00
53	12-031	7.8(b)	permit dog bite person	\$300.00
54	12-031	7.8(b)	permit dog bite domestic animal	\$300.00
55	12-031	7.8(b)	permit dog attack person	\$300.00
56	12-031	7.8(b)	permit dog attack domestic animal	\$300.00
57	12-031	7.9	fail to post signs on non-residential premises clearly visible giving notice to persons entering	\$50.00
58	12-031	7.10(a)	fail where animal kept allow full natural extension	\$50.00
59	12-031	7.10(b)	fail where animal kept to allow standing	\$50.00
60	12-031	7.10(b)	fail where animal kept to allow sitting	\$50.00
61	12-031	7.10(b)	fail where animal kept to allow perch	\$50.00
62	12-031	7.10(b)	fail to provide adequate space for animals needs	\$50.00
63	12-031	7.10(c)	fail where animal kept to be readily observed	\$50.00
64	12-031	7.10(d)	fail where animal kept to be clean and sanitary	\$50.00
65	12-031	7.11(a)	fail to have structure where animal kept in rear yard	\$50.00
66	12-031	7.11(b)	fail to have structure where animal kept less than 1 metre from boundary line	\$50.00
67	12-031	7.11(c)	fail to have structure where animal kept soundly constructed of hard, durable materials	\$50.00
68	12-031	7.11(d)	fail to have structure where animal kept impervious to water	\$50.00
69	12-031	7.11(e)	fail to have structure where animal kept constructed of materials that can be readily sanitized	\$50.00
70	12-031	7.11(f)	fail to have structure where animal kept maintained in good state of repair	\$50.00
71	12-031	7.11(g)	fail to have structure where animal kept that minimizes transfer of pathogenic agents	\$50.00
72	12-031	7.11(h)	fail to have structure where animal kept adequately ventilated	\$50.00
⁽¹⁸⁻⁰⁰⁹⁾ 73	12-031	7.12(a)	Owner permit animal to make noise that is unreasonably loud	\$75.00
⁽¹⁸⁻⁰⁰⁹⁾ 74	12-031	7.12(b)	Owner permit animal to make noise that is likely to disturb	\$75.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON <small>(18-009)</small>				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
(18-009) 75	12-031	7.12(c)	Owner permit animal to make noise that is both persistent in nature and clearly audible	\$75.00
76	12-031	8.1	fail to remove feces anywhere	\$65.00
77	12-031	8.2	fail to remove feces on own property	\$65.00
78	12-031	9.2(a)	Potentially/Dangerous Dog attack a person	\$300.00
79	12-031	9.2(a)	Potentially/Dangerous Dog bite a person	\$300.00
80	12-031	9.2(a)	Potentially/Dangerous Dog cause injury to a person	\$300.00
81	12-031	9.2(b)	Potentially/Dangerous Dog injure a domestic animal	\$300.00
82	12-031	9.2(c)	Potentially/Dangerous Dog kept in violation of requirements	\$300.00
83	12-031	9.3	Potentially/Dangerous Dog transfer ownership without consent	\$300.00
84	12-031	9.4(a)	Potentially/Dangerous Dog fail to implant microchip	\$300.00
85	12-031	9.4(b)	Potentially/Dangerous Dog fail to sterilize	\$300.00
86	12-031	9.4(c)(i)	Potentially/Dangerous Dog not muzzled	\$300.00
87	12-031	9.4(c)(ii)	Potentially/Dangerous Dog without collar/harness securely placed	\$300.00
88	12-031	9.4(c)(iii)	Potentially/Dangerous Dog without leash securely attached	\$300.00
89	12-031	9.4(c)(iv)	Potentially/Dangerous Dog not under the control by leash at all times	\$300.00
90	12-031	9.4(d)(i)	Potentially/Dangerous Dog not securely contained indoors within premises	\$300.00
91	12-031	9.4(d)(ii)1.	Potentially/Dangerous Dog outdoors not contained in enclosure within premises	\$300.00
92	12-031	9.4(d)(ii)1.	Potentially/Dangerous Dog outdoors not contained in fenced area within premises	\$300.00
93	12-031	9.4(d)(ii)1.	Potentially/Dangerous Dog outdoors not restrained by a chain/other restraint sufficient to prevent from leaving premises	\$300.00
94	12-031	9.4(d)(ii)2.	Potentially/Dangerous Dog outdoors not contained in a six sided pen 2 metres from property line	\$300.00
95	12-031	10.1	keep prohibited animal	\$100.00
96	12-031	10.2	keep animal that produces poison, venom or toxin	\$100.00
97	12-031	10.2	permit to be kept animal that produces poison, venom or toxin	\$100.00
98	12-031	10.4	fail to keep permitted insect in escape-proof enclosure	\$100.00
99	12-031	10.4	fail to keep permitted spider in escape-proof enclosure	\$100.00
100	12-031	10.4	fail to keep permitted squamata in escape-proof enclosure	\$100.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
101	12-031	10.5	fail to keep permitted lagomorph in suitable enclosure	\$50.00
102	12-031	10.5	fail to keep permitted marsupial in suitable enclosure	\$50.00
103	12-031	10.5	fail to keep permitted rodent in suitable enclosure	\$50.00
104	12-031	10.6(2)(a)	fail to maintain Canada’s accredited Zoos and Aquariums accreditation	\$75.00
105	12-031	10.6(2)(b)	Canada’s accredited Zoos and Aquariums sell animals	\$75.00
106	12-031	10.6(2)(b)	Canada’s accredited Zoos and Aquariums offer for sale animals	\$75.00
107	12-031	10.6(2)(c)	Canada’s accredited Zoos and Aquariums not zoned	\$75.00
108	12-031	10.6(2)(d)	Canada’s accredited Zoos and Aquariums on premises where there is residential use	\$75.00
109	12-031	10.6(2)(e)(i)	facility shares a common wall with any other use	\$75.00
110	12-031	10.6(2)(e)(ii)	facility shares HVAC/ plumbing system with any other use	\$75.00
111	12-031	10.6(2)(f)	fail to post signs at all public entrances/exits	\$75.00
112	12-031	10.6(2)(f)	fail to post signs in each room where animals are displayed	\$75.00
113	12-031	10.6(2)(f)(ii)	fail to post sign that can be easily read by any person approaching	\$75.00

TABLE 9: BY-LAW NO. 12-130 TO REGULATE THE FEEDING OF WILDLIFE ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	12-130	2	feed wildlife	\$100.00
2	12-130	2	permit feeding of wildlife	\$100.00

Table 20: BY-LAW 19-286 PROHIBITING AND REGULATING THE ALTERATION OF PROPRTY GRADES, THE PLACING OR DUMPING OF FILL, AND THE REMOVAL OF TOPSOIL ⁽¹⁹⁻²⁸⁶⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	19-286	11(1)	Site alteration without permit	\$500.00
2	19-286	25	Transporting fill to a site from a source site that is located outside the City of Hamilton	\$500.00

TABLE 21: BY-LAW NO. 07-160 TO PROHIBIT UNNECESSARY IDLING OF VEHICLES WITHIN THE CITY OF HAMILTON				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	07-160	3.1	Idling longer than three (3) minutes	\$100.00

4. That in all other respects By-law 17-225 is confirmed; and
5. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this _____ , _____


F. Eisenberger
Mayor

A. Holland
City Clerk



Hamilton

INFORMATION REPORT

TO:	Mayor and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	Social Bicycles and City of Hamilton Contract (PED20109) (Wards 1, 2, 3, 4, and 13)
WARD(S) AFFECTED:	Wards 1, 2, 3, 4, and 13
PREPARED BY:	Peter Topalovic (905) 546-2424 Ext. 5129
SUBMITTED BY:	Brian Hollingworth Director, Transportation Planning and Parking Planning and Economic Development Department
SIGNATURE:	

On Friday May 15, the City of Hamilton received a letter from Social Bicycles LLC, owned by Uber Inc., indicating that they are intending to terminate the SoBi Hamilton bike share system operations effective June 1, 2020. The City of Hamilton owns the bicycles and stations. There is an operating agreement with Social Bicycles LLC (most recently renewed on February 28, 2020) through which Social Bicycles LLC operates the system at no cost to the City. This contract is not due to expire until February 19, 2021.

The purpose of this Information Report is to inform Council of the notice of intent to terminate the operations contract by Social Bicycles LLC, and the implications for Hamilton's Bike Share system. As of the writing of this Report, staff are in communications with Social Bicycles LLC and Uber Inc. seeking clarification on their position and reminding them of their contractual obligations to the City.

COUNCIL DIRECTION

On September 26, 2018, the Public Works Committee authorized staff to commence negotiations and seek a renewed contract with Jump Mobility, the operator of the SoBi Hamilton Bike Share Program, regarding the continuation of Hamilton's bike share system. Specific terms for the negotiations were set out in Public Works Report PED18223. On December 26, 2018, Jump Mobility (JUMP) agreed in principle to the terms for the contract renewal and a five-year extension.

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On April 29, 2019, Report PED18223(a), was presented to the Public Works Committee, which brought forward several amendments to the contract in order to incorporate the Jump Mobility electric pedal-assist bike share program and to allow for potential sponsorship revenues. Throughout 2019, staff worked with JUMP to incorporate these amendments, and an amended contract was signed on February 28, 2020 which expires on February 19, 2021.

INFORMATION

1.0 Current Contract and Notice of Termination

On February 19, 2019, the first five years of the public bike share transit operations contract was complete, and Social Bicycles LLC first agreed to continue the Contract for another five years (the second term). However, in late 2019, Social Bicycles LLC clarified their intent to only renew for a two-year period, which required an amendment to the Contract. This Contract is contained in Appendix “A” attached to Report PED20109. This adjusted the Contract end date to February 19, 2021. During this time, JUMP took over operations of the bike share program and ended their subcontract with Hamilton Bike Share Inc.

The City has been awaiting Social Bicycles LLC’s decision in to renew for an additional two years – until February 19, 2023, which was an option in the Contract; however, on May 15, 2020, Social Bicycles LLC/Uber Inc. sent a letter seeking to terminate the Contract eight months early on June 1, 2020. This letter is attached as Appendix “B” to Report PED20109.

This termination date would be in contravention of the contract that Social Bicycles LLC signed with the City of Hamilton on February 28, 2020, which expires on February 19, 2021

2.0 Implications for Hamilton’s Bike Share System

Should Social Bicycles LLC cease to operate the system on June 1, 2020, as indicated, there are many significant operational concerns. A shut down of the system would impact 26,000 active members, many of whom have prepaid for services for up to one-year. There are 900 bicycles and 130 stations in operation that have no storage facility or ability to move the bikes into a storage, should one be found.

A service interruption would impact users who rely on this system for daily travel, including essential service workers. It is noteworthy that over 300 new members have signed up during the early days of the COVID-19 emergency declaration. The system has been operating as an essential service and is vital for the COVID-19 recovery

period to offset capacity reductions that are in place for transit due to physical distancing.

Upon receiving the May 15, 2020 letter, City Staff have reminded Social Bicycles LLC of their contractual obligations, including that they are to operate the system at no cost to the City until February 19, 2021. The City is willing to work with Social Bicycles LLC/Uber Inc. on a successful transfer to a new operator, however, June 1, 2020 is not enough time to accomplish a reasonable or feasible transition.

Under the provisions of the contract, Uber could transfer the contract to another party and provide the necessary operational funding in order to operate the system until February 19, 2021. The City of Hamilton has confirmed, through correspondence with Hamilton Bike Share Inc. (HBSI), that they can resume operations of the public bike share transit system as they did from 2015 to 2019, before Social Bicycles LLC, operating as JUMP, ended their operations contract to use its own staff to operate the program.

If Social Bicycles LLC/Uber Inc. choose to terminate their contract early and end the service, then the City would need to look at other operating models if the system is to continue. Staff would need to bring a report to Council on these models and their costs. Notwithstanding, the recent intent to terminate operations and previous negotiations to reach the current renewed contract in place today, staff were in the process of initiating the development of a Bike Share Expansion Plan, which would include a Business Case for expansion of service to other areas of the City. In addition, plans to upgrade the existing bicycle infrastructure was also being developed by staff. Advancing work on this expansion plan will need to be put on hold until operations for the existing system can be stabilized.

3.0 Financial Context

Under the current contract, Social Bicycles LLC operates the system at no cost to the City. Under the term of the contract, there is no obligation for Social Bicycles LLC to share financial statements. However, staff are aware that the system does not generate net profits and requires an operational funding. It is estimated that the net cost to operate the system would be \$50,000 to \$65,000 per month if a contract with a new operator could be established. On an annualized basis, this would be approximately \$700,000. This does not include any potential off-sets that may be attainable through advertising assets that can be monetized.

4.0 Evolution of Hamilton's Bike Share System

The City of Hamilton received a Metrolinx Grant for Quick Wins Transit Projects in 2007 and used a portion of these funds to purchase the capital requirements for a public bike

SUBJECT: Social Bicycles and City of Hamilton Contract (PED20109) (Wards 1, 2, 3, 4, and 13) - Page 4 of 5

share transit system from Social Bicycles Inc., which was formally launched in March 2015. The Request for Proposals and subsequent Contract with the City of Hamilton was for the provision of bike share equipment, start-up and operations of a public bike share transit system at no operational cost to the City. The City owns the bike share bicycles, controllers, station racks and station signage.

The contract set-up through the request for proposals process was a five-year term which was renewable for two additional periods, each five years long, for a total operations timeline of 15 years. Social Bicycles LLC subcontracted the operations of the program to local non-profit operator, Hamilton Bike Share Inc.

The public bike share transit system is publicly known as SoBi Hamilton and quickly established itself as one of the most successful bike share systems in a medium sized city in North America; winning two awards including one from the Transportation Association of Canada and the Canadian Clean 50 Top 15 projects. It was also one of the first “smart bike”, free floating bike share systems in North America and Social Bicycles’ first large scale city operation. Bike share system riders have taken over 1.6 M trips and travelled over 2 M kms. This reputation led to Hamilton being selected to host the Eighth North American Bike Share Association Conference in 2021, which may be moved to 2022 because of the pandemic.

In 2017, the City partnered with Hamilton Bike Share Inc. to expand the Everyone Rides Initiative (ERI), Canada’s first Bike Share Equity program, through a Federation of Canadian Municipalities and Hamilton Community Foundation grant. The ERI has removed barriers to travel for thousands of Hamiltonians who cannot afford to access bike share, as well as, newcomers to Hamilton, and those who require adaptive bicycles, such as tricycles.

In 2019, Social Bicycles LLC, rebranded as JUIMP Mobility and was purchased by Uber Inc. which was focused on an e-bike system.

As of May 2020, the SoBi Hamilton public bike share transit system has over 26,000 active members, with 900 bicycles in operation across 130 stations. Riders have travelled 2.3 M kms across over 1.6 M trips. Compared to average car travel, they have reduced 1,000 tons of carbon equivalent, 91 M calories, and saved \$1.3 M dollars collectively.

The Hamilton public bike share transit system has operated successfully, but since the private sector has funded the operations entirely, there has been no opportunity to expand the service area. A feasibility study conducted by the City in 2018, indicated that it is feasible to expand to areas East of Ottawa Street, and areas on the Escarpment, especially from the Mountain Brow to Mohawk Road.

SUBJECT: Social Bicycles and City of Hamilton Contract (PED20109) (Wards 1, 2, 3, 4, and 13) - Page 5 of 5

In 2019, Council approved funding for a business plan to further build upon the bike share expansion feasibility study, including an assessment of the potential to expand the program further in Dundas, Ancaster and Waterdown. This expansion will require capital grants and operational funding, and be presented to Council at a future date, subject to solidifying current operations. If the operations are transferred to another operator, there is greater flexibility to evolve and expand the system.

In 2019-20, the City also received Ontario Municipal Commuter Cycling (OMCC) funding to enhance bike share stations and bike share controllers in order to ensure all bike share equipment that involves locking the bikes to stations is upgraded.

APPENDICES AND SCHEDULES ATTACHED

Appendix "A" - Amendment to the City of Hamilton – Social Bicycles Operating Agreement

Appendix "B" - Letter from Social Bicycles LLC, owned by Uber Inc., on May 15, 2020 indicating that they would terminate the SoBi Hamilton bike share transit system operations contract on June 1, 2020

TP:cr

**AMENDMENT
TO THE
CITY OF HAMILTON - SOCIAL BICYCLES
OPERATING AGREEMENT**

THIS AMENDMENT (the "**Amendment**") is effective as of 28 February 2020 (the "**Amendment Effective Date**") and is between **The City of Hamilton (Ontario Canada)**, % Public Works Department, Transportation Division, 77 James Street North, Suite 400, Hamilton, Ontario, L8R 2K3, Canada (the "**City**") and **Social Bicycles, LLC (successor-in-interest to Social Bicycles, Inc.)**, 55 Prospect Street, #410, Brooklyn, New York, 11201, USA (the "**Contractor**"). The City and the Contractor are referred to collectively herein as the "**Parties**" and individually as a "**Party**."

RECITALS

WHEREAS, on 19 March 2014 the City and the Contractor entered into an Operating Agreement (the "**Contract**") for certain products and services for use in a bicycle sharing program in the City of Hamilton, Ontario (Canada) and certain of the Contractor's obligations were subcontracted to Hamilton Bike Share Inc. (the "**Subcontractor**"); and

WHEREAS, on or around April 2018 Social Bicycles, LLC was acquired by, and became a wholly-owned subsidiary of Uber Technologies, Inc.; and

WHEREAS, on or around November 2018, the Parties exchanged correspondence intending to amend the terms of the Contract for a certain period; and

WHEREAS, on or around May 2019, Jump Technologies Canada Inc. ("**Jump Canada**") acquired certain assets of the Subcontractor; and

WHEREAS, the Contractor subcontracts certain of its obligations to Jump Canada; and

WHEREAS, the Parties have now agreed to a renewal period and revised terms and conditions for such period.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the Parties agree to amend the Contract as follows:

1. Capitalized terms not otherwise defined in this Amendment will have the meanings assigned to them in the Contract.
2. **Section 7** is deleted in its entirety and is replaced with the following:

"Therefore the term of this Contract is five (5) years. The Parties mutually consent and agree this Contract renewed for one two-year renewal on February 19, 2019 and, unless otherwise specified herein, will terminate on February 19, 2021. Notwithstanding any other Contractor obligations in this Contract, the Contractor's transfer service obligations in Section 8 will not apply after February 19, 2021 nor after any permitted assignment under this Contract. At the mutual consent of each of the Parties, and as otherwise described in Section 2. (Term of the Contract) in the Special Provisions to the Request for Proposals, this Contract may be renewed for additional two-year terms after February 19, 2021, as many times as mutually agreed upon by the parties in writing. There is no obligation on either of the Parties to extend the Contract or any portion of the Contract beyond the first two-year renewal term. Should the Parties decide to extend the Contract for any particular time period, any such extension shall be on the same terms and conditions of the original Contract (excepting for necessary updates and changes)."

3. **Section 16** is amended to remove the word "sponsorships" such that the second sentence reads as follows:

"Revenues from user fees and memberships are expected to compensate the Contractor to operate, maintain, and promote the Bicycle Sharing System."

The Parties agree that the profit sharing formula for the first renewal period, as referred to in section 18 is (a) the Contractor retains 100% of user revenues and (b) the City retains 100% of sponsorship revenues.

4. **Section 20** is deleted in its entirety and is replaced with the following:

“During the first two-year renewal term after the first five-year initial term: (a) funds will be distributed according to the profit sharing formula in Section 18 (Compensation); and (b) the Contractor will have a right-of-first-refusal for all Bicycle Sharing System sponsorships that City is considering during the first renewal term. The City will submit the name(s) of the proposed sponsor(s) to the Contractor and the Contractor will have ten (10) business days to reject or approve the City’s proposed sponsor.”

5. **Section 25(a)(ii)** is deleted in its entirety and is replaced with the following:

In the case of the Contractor:

Social Bicycles, LLC
1455 Market Street, Suite 400,
San Francisco, California, 94103, USA,
Attn: NeMo - Legal
Email - nemolegal@uber.com / Phone - (866)-576-1039

6. **Section 31(j)** is deleted in its entirety and replaced with the following:

“Neither party shall have any liability to the other party or any other person for any claims, demands, actions, causes of action, interest, costs, damages, expenses, fines, penalties, loss, suits or other proceedings for loss, damage, injury or death resulting from the exercise of a party’s rights under this section except as may be caused by a party’s negligence or willful misconduct.”

7. Except as specifically modified or amended by this Amendment, the Contract will remain in full force and effect and, as so modified or amended, is hereby ratified, confirmed and approved. This Amendment will be deemed a part of, and construed in accordance with, the Contract. In the event of any inconsistencies between this Amendment and the Contract, the terms of this Amendment will control.

8. This Amendment may be executed in counterparts. Each counterpart will be considered an original, and all of them, taken together, will constitute a single agreement. Facsimile and digital signatures will be deemed original signatures for all purposes under this Amendment. When properly signed, this Amendment may be delivered by facsimile or electronically, and any such delivery will have the same effect as physical delivery of a signed original.

In witness whereof, the Parties hereto have executed this Amendment as of the Amendment Effective Date written above.

Social Bicycles, LLC

City of Hamilton

By: *Avra van der Zee*

By: **Jason Thorne**

Name: Avra van der Zee

Name: Jason Thorne

Title: Director, Market Entry

Title: General Mgr., Planning & Economic Development

Date: March 15, 2020

Date: March 14, 2020

Approval Authority granted by City Council on May 9, 2019, Public Works Committee Report PED18223(a), dated April 29, 2019, Item 14.2

Approved As To Form:

Approved As To Content:

P. D'Souza

Brian Hollingworth

Patricia D’Souza
Solicitor
Legal Services
March 12, 2020

Brian Hollingworth
Director, Transportation, Planning & Parking
March 13, 2020

SOCIAL BICYCLES LLC
55 PROSPECT STREET, STE. 410
BROOKLYN, NY 11201

May 15, 2020

Peter Topalovic
Program Manager – Sustainable Mobility
Planning and Economic Development
Transportation Planning & Parking
City of Hamilton
71 Main Street West
Hamilton, Ontario L8P 4Y5

Dear Mr. Topalovic:

We are collectively living in the most harrowing pandemic of our lifetime and it has significantly impacted companies in ways unimaginable just a few months ago. You may have heard about last week's announcement that LIME acquired the JUMP brand and assets. We now have some additional news to share with you. As a result of the challenges associated with the Covid-19 pandemic, we have made the very difficult decision to shut down all remaining bike and scooter operations that are not part of last week's announcement, including in the city of Hamilton. We write to notify you that Social Bicycles, LLC will be closing operations in Hamilton on June 1, 2020 and end its support of the bikeshare system.

All bikeshare owners/operators are re-evaluating their future, especially in light of Covid-19's shelter-in-place and the requirements to re-open their business. Please know that we will immediately assist Hamilton with a wind-down of operations. This may include assistance with collection of vehicles, inventory list, or other mutually agreeable tasks. In addition, if you are considering continuing a bikeshare offering in Hamilton, we can make introductions to potential service providers (such as for software support, spare parts and people operations) so you can explore direct relationships with them.

Thank you for your past business and support. Again, we wish we didn't have to make this difficult decision and deliver this news. We wish all the best for the citizens in the city of Hamilton. Please let me know if we can answer any questions about our wind-down or provide assistance as you make arrangements to work with new service provider(s).

Sincerely,




Bill Knapp
General Manager, US & Canada



CITY OF HAMILTON
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT
Planning Division

INFORMATION REPORT

TO:	Chair and Members Committee of the Whole
COMMITTEE DATE:	May 20, 2020
SUBJECT/REPORT NO:	Status of Planning Meetings During the COVID-19 Pandemic Emergency (PED20108) (City Wide)
WARD(S) AFFECTED:	City Wide
PREPARED BY:	Steve Robichaud (905) 546-2424 Ext. 4281
SUBMITTED BY:	Jason Thorne General Manager Planning and Economic Development Department
SIGNATURE:	

The purpose of this Information Report is to provide Council with an update on the status of statutory public meetings under the Planning Act and Ontario Heritage Act since the onset of the COVID-19 pandemic, and the various Provincial Orders that have limited opportunities for public gatherings.

BACKGROUND

Under the *Municipal Act, 2001*, any regular, special or other meeting of a council, of a local board or of a committee must be open to the public with certain limited exceptions. This provision applies to each of Hamilton's Planning Committee, Committee of Adjustment and Municipal Heritage Committee.

As part of its response to the Covid-19 Pandemic/Emergency (the "Emergency"), in addition to imposing physical distancing measures, the Province amended the *Municipal Act* to permit members of council, a local board and a committee, who are participating in meetings electronically, to be counted in determining quorum and to participate in a meeting closed to the public.

Hamilton's Procedural Bylaw was subsequently amended to permit the Mayor and Councillors to attend Council and committee meetings electronically. However, City Council has suspended the meetings of all standing committees until at least June 15, 2020 and is, in the interim, holding virtual or electronic meetings of the Committee of the Whole followed by a Council meeting.

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**SUBJECT: Status of Planning Meetings During the COVID-19 Pandemic
Emergency (PED20108) (City Wide) - Page 2 of 5**

Statutory meetings and public hearings under the Planning Act and the Ontario Heritage Act in the City of Hamilton take place primarily through one of three committees: Planning Committee, Committee of Adjustment and Municipal Heritage Committee. No meetings of these committees have been held since the onset of the Emergency and the introduction of limitations on public gatherings and institution of physical distancing requirements. Therefore, while the City has continued to receive and process development applications, certain planning matters, such as Official Plan Amendments, Zoning By-law Amendments and Minor Variances have not been able to proceed to a final decision.

Provincial Orders continue to limit the ability to hold in-person committee meetings. To undertake virtual meetings of the Planning Committee, Committee of Adjustment and/or Municipal Heritage Committee would require the City to amend its procedural by-laws governing these committees.

HISTORICAL BACKGROUND

March 17, 2020—Province declares Covid-19 Pandemic Emergency (now extended until June 2, 2020) and subsequently issues a series of emergency orders including one which limits gatherings to 5 people (unless of the same household or attending a funeral which is limited to 10 people).

March 20, 2020—Council resolved to:

- a. postpone meetings of all standing committees and hold Committee of the Whole/Council meetings via teleconference until June;
- b. grant the City Clerk the authority to establish procedures and take all steps necessary to facilitate electronic participation by members of Council in Council and/or Committee meetings held in the Council Chamber;
- c. direct staff to install the necessary technology in the Council Chambers for members of Council to participate electronically at Council and/or Committee meetings held in the Council Chamber; and
- d. amend the Procedural By-law permitting '*electronic participation, in accordance with the Municipal Act, 2001 and/or any other applicable legislation...by members of Council at Council and/or Committee meetings during an emergency when attending in-person is not possible*'.

April 8, 2020—the City commenced holding Committee of the Whole/Council meetings via teleconference and Council enacted by-law revisions requiring every person to maintain a distance of at least two (2) metres from every other person and limiting social gatherings to five (5) people.

INFORMATION

Planning Committee

Among other responsibilities, the Planning Committee's mandate is to consider and make recommendations to Council on matters related to:

- the *Planning Act*, the *Ontario Heritage Act*, the *Municipal Act, 2001*, the *Condominium Act*, the *Niagara Escarpment Act* and other applicable legislation regarding planning, development engineering, by-law enforcement, licensing and downtown planning issues; and
- the *Ontario Building Code*, Zoning By-laws, the Property Standards By-laws, Licensing By-law, Animal Control By-law, Sign By-law and other relevant By-laws.

The *Planning Act* requires that Statutory Public Meetings be held in certain circumstances (e.g. applications to amend the official plan or zoning bylaw or approve plans of subdivision) which meetings are held by Planning Committee. Public notice of these Meetings is provided by:

- a. requiring, approximately one month before the Meeting, the installation of a public notice sign on-site, after an application has been deemed complete, which will stipulate the date/time of the Meeting; and
- b. mailing, no later than 17 days prior to the Meeting, written notice of the Meeting to all property owners within 120 metres of the subject lands and those who wrote in requesting to be notified of the Meeting.

The numerous references in the *Planning Act* to 'public meetings' (58) and to 'oral submissions' (35) underline the City's obligation to facilitate public participation and input at these Meetings. The challenge presented by the Emergency, and particularly the physical distancing consequences, is whether municipalities can continue to meet these obligations in a roughly equivalent and meaningful way.

Committee of Adjustment

The Committee of Adjustment ("C of A") is a committee established by Council by-law pursuant to the *Planning Act* which deals with applications for minor variances to zoning by-laws and consents (i.e. property severances).

The *Planning Act* requires that each application be heard within 30 days of receipt, that each such hearing shall be in public "*and the committee shall hear the applicant and*

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every other person who desires to be heard in favour of or against the application, and the committee may adjourn the hearing or reserve its decision” [s.45(4)(6) PA].

Generally speaking, the conduct of C of A hearings is governed by the *Statutory Powers Procedures Act* which [s.5.2 SPPA] permits the holding of ‘*electronic hearings*’ if the tribunal has made rules to hold an electronic hearing.

Municipal Heritage Committee

The Municipal Heritage Committee (“MHC”) is an advisory standing committee which is appointed by, and is responsible/accountable to, Council. It helps Council make decisions on matters related to the designation and conservation of property of cultural heritage value or interest, including individual properties and heritage conservation districts.

Under the *Ontario Heritage Act*, Council is not required to establish an MHC, but once it does, Council is required to consult with the MHC:

- before giving its intention to designate a property [s.29(2) OHA];
- on applications to alter designated properties where the alteration is likely to affect the property's heritage attributes as set out in the by-law designating the property [s.33(4)];
- on applications to demolish or remove any building or structure on designated property [s.34(2)];
- before considering an application from an owner of designated property, to repeal the by-law or part thereof designating the property [s.31(2)];
- before passing by-laws providing for the entering into of easements or covenants with owners of real property, or interests therein, for the conservation of buildings of cultural heritage value or interest [s.37(1)]; and
- before passing a by-law to define one or more areas as an area to be examined for future designation as a heritage conservation district [s.40(3)].

Provincial Changes to the Planning Act

Effective April 15, 2020, the Province issued comprehensive new legislation affecting timelines under the *Planning Act* that allows a municipality to continue processing development applications, notices of decision to be issued and appeals to be filed. This new legislation also allows a municipality to pause the processing of a development application, including where a notice of decision has already been issued, by requiring the reissuance of a notice of decision or extending the deadline for issuance of a notice of decision which, in turn, extends the deadline for filing an appeal of that decision. The new rules also state that any time during the Emergency does not count towards non-decision appeal timelines in the *Planning Act*, which may pause some non-decision appeals.

**SUBJECT: Status of Planning Meetings During the COVID-19 Pandemic
Emergency (PED20108) (City Wide) - Page 5 of 5**

To summarize, after April 15, 2020:

- a municipal authority can make decisions and issue notices on *Planning Act* matters during the Emergency;
- but, if a municipal authority is unable or unwilling to make a decision on a *Planning Act* matter during the Emergency, it need not do so until after the Emergency is over. No appeal rights from a non-decision will accrue; and
- any decision made during the Emergency is subject to the usual notice requirements and will create rights of appeal, but the municipal authority is not obligated to forward the appeal record to the LPAT until the Emergency is over.

Provincial representatives advised that the primary reason for these changes was to permit municipalities to assess whether they can adequately process planning applications and hold statutory public meetings while adhering to Emergency orders and public health advice including physical distancing requirements.

However, the Province also noted, without providing any further tools or clarifying legislation, that municipalities '*can consider how to meet the Planning Act's requirements using electronic and virtual channels to engage and solicit feedback from the public on land use planning matters while maintaining physical distancing*'.

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CITY OF HAMILTON MOTION

Council: May 20, 2020

MOVED BY COUNCILLOR J. PARTRIDGE.....

SECONDED BY COUNCILLOR

Interim Control By-law - Waterdown Community Node Area

WHEREAS the City is undertaking a land use study for the Waterdown Community Node study area in the Former Town of Flamborough;

WHEREAS the City will be examining the land use mix, heights, density and design issues for the lands within the Waterdown Community Node area;

WHEREAS the City will be developing a Secondary Plan that will include detailed policies and direction for land use, heritage conservation, infrastructure, residential intensification, transportation, environmental protection, urban design and similar matters of the Official Plan;

WHEREAS the City is conducting the Waterdown Village Built Heritage Inventory;

WHEREAS the City is developing new Zones and regulations for residential areas which will be added to the City’s comprehensive Zoning By-law 05-200;

WHEREAS an Interim Control By-law will allow the City to undertake and complete the aforementioned studies.

NOW THEREFORE IT BE RESOLVED:

That the Council of the Corporation of the City of Hamilton enact an Interim Control By-law, attached as Appendices “A” and “B”, to restrict the use of lands identified on the Schedules attached to the Interim Control By-laws, pending the completion of planning studies in respect of land use policies and zoning by-law regulations for the Waterdown Community Node area.

Authority: Item [REDACTED]
Committee of the Whole
CM: [REDACTED]
Ward: 15

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 05-200 in the City of Hamilton, generally in the area extending west to east along Dundas Street East (Highway No. 5) from 221 Dundas Street East to the Canadian Pacific Railway/Grindstone Creek, and extending north to south along Hamilton Street North from Parkside Drive to Dundas Street East, and also including four institutional properties in the neighbourhood bounded by Main Street North, Parkside Drive, Dundas Street East, and the Canadian Pacific Railway/Grindstone Creek.

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c. P.13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS the City is undertaking a land use study for the Waterdown Community Node study area in the Former Town of Flamborough;

AND WHEREAS the City will be examining the land use mix, heights, density and design issues for the lands identified on Schedule 'A';

AND WHEREAS the City will be developing a Secondary Plan that will include detailed policies and direction for land use, heritage conservation, infrastructure, residential intensification, transportation, environmental protection, urban design and similar matters of the Official Plan;

AND WHEREAS the City is conducting the Waterdown Village Built Heritage Inventory;

AND WHEREAS the City will be updating the Urban Hamilton Official Plan;

AND WHEREAS the City is developing new Zones and regulations for residential areas which will be added to the City's comprehensive Zoning By-law 05-200;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Staff are directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the areas described in Schedule "A".
2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:
 - a) an expansion of legally existing buildings or structures, to a maximum of 10% of the existing gross floor area;
 - b) a change to the interior or facade of legally existing buildings or structures;
 - c) the repair or restoration of any existing building, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume, or site coverage of such building and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this By-law; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedule "A", a building permit may be issued in accordance with the following provisions:
 - a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance or site plan, that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law No. 20 - was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20- was passed by Council.

For the purposes of determining zoning conformity, the following conditions shall apply:

- i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
 - ii) Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
5. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this day of, 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



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. 05-200
 Maps 445, 446, 481, 482, 516, 517

Subject Property

 Lands Subject to By-law No. 20 - _____
 (Interim Control By-law)

Scale:
 N.T.S

File Name/Number:
 Waterdown Interim Control By-law

Date:
 May 8, 2020

Planner/Technician:
 MP/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? No

Committee: Committee of the Whole Report No.:

Date:

Ward: 15

(05/20/2020)

Prepared by: Melanie Pham

Phone No: 905-546-2424 ext. 6685

For Office Use Only, this doesn't appear in the by-law

Authority: Item [REDACTED]
Committee of the Whole
CM:
Ward: 15

Bill No. [REDACTED]

CITY OF HAMILTON

BY-LAW NO. [REDACTED]

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 90-145-Z, in the former Town of Flamborough generally in the area extending west to east from the lands across from Goldenview Court to First Road, and north to south from Nisbet Boulevard and Parkside Drive to the southerly end of Hamilton Street and to Main Street South where it is located directly adjacent to the Canadian Pacific Railway and Grindstone Creek.

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas;

AND WHEREAS the City is undertaking a land use study for the Waterdown Community Node study area in the Former Town of Flamborough;

AND WHEREAS the City will be examining the land use mix, heights, density and design matters for the lands identified on Schedule 'A';

AND WHEREAS the City will be developing a Secondary Plan that will include detailed policies and direction for land use, heritage conservation, infrastructure, residential intensification, transportation, environmental protection, urban design and similar matters of the Official Plan;

AND WHEREAS the City is conducting the Waterdown Village Built Heritage Inventory;

AND WHEREAS the City will be updating the Urban Hamilton Official Plan;

AND WHEREAS the City is developing new Zones and regulations for residential areas which will be added to the City's comprehensive Zoning By-law 05-200;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Staff are directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the areas described in Schedule “A”.
2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:
 - a) an expansion of legally existing buildings or structures, to a maximum of 10% of the existing gross floor area;
 - b) a change to the interior or facade of legally existing buildings or structures;
 - c) the repair or restoration of any existing, non-conforming building or structure, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume of such building or structure and the building or structure continues to be used for the same purpose and in the same manner as it was used on the date of passing of this By-law; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedules “A”, a building permit may be issued in accordance with the following provisions:
 - a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance or site plan that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law No. 20 - was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20- was passed by Council.

For the purposes of determining zoning conformity, the following conditions shall apply:

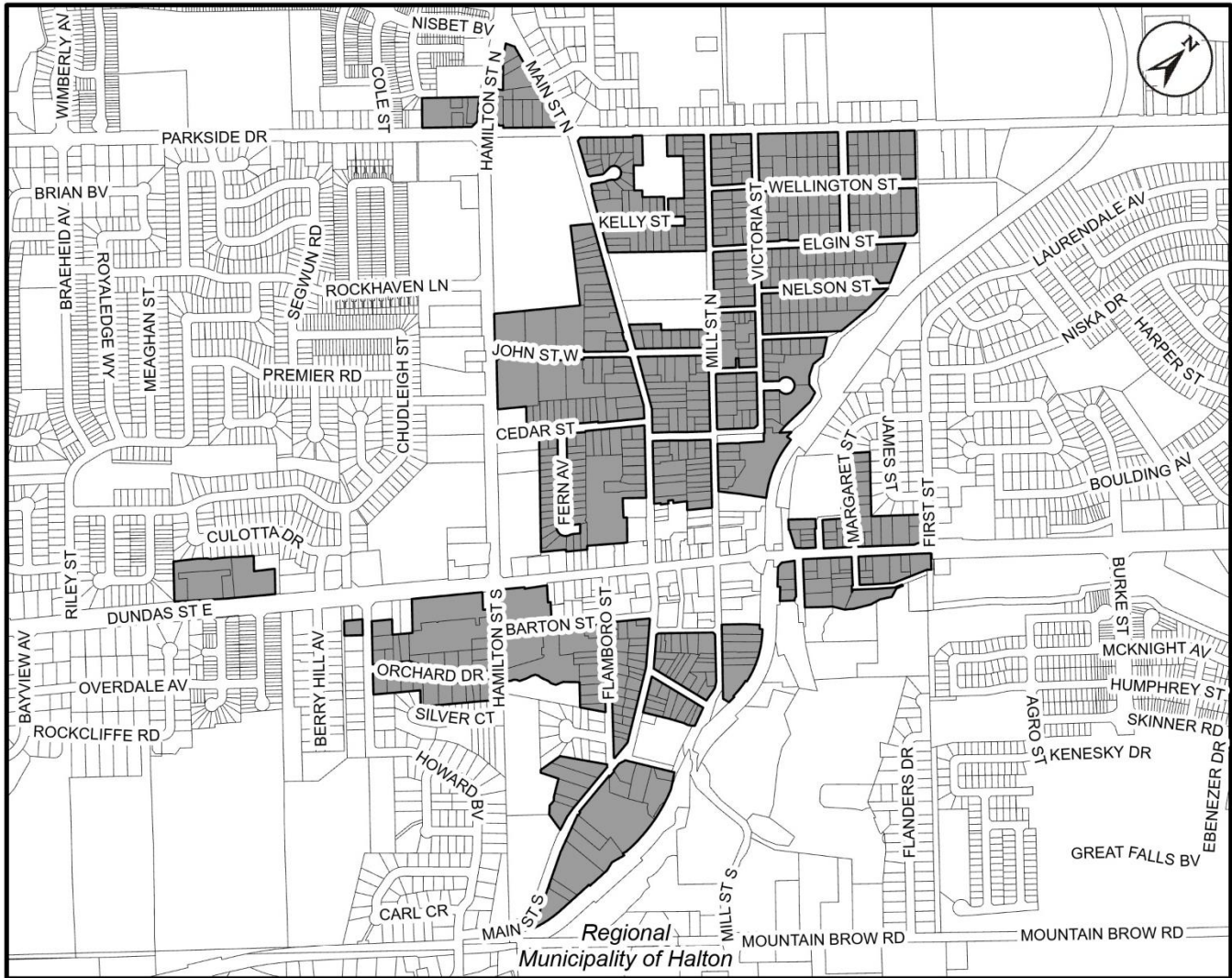
- i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
- ii) Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
5. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this day of _____, 2020.

Fred Eisenberger
Mayor

Andrea Holland
City Clerk



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

 Lands Subject to By-law No. 20 - _____
 (Interim Control By-law)

Scale:
 N.T.S

File Name/Number:
 Waterdown Interim Control By-law

Date:
 May 8, 2020

Planner/Technician:
 MP/NB



Hamilton

PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

For Office Use Only, this doesn't appear in the by-law - Clerk's will use this information in the Authority Section of the by-law

Is this by-law derived from the approval of a Committee Report? No

Committee: Committee of the Whole Report No.:

Date:

Ward: 15

(05/20/2020)

Prepared by: Melanie Pham

Phone No: 905-546-2424 ext. 6685

For Office Use Only, this doesn't appear in the by-law

CITY OF HAMILTON

MOTION

Council: May 20, 2020

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR

Installation of Speed Cushions on Rendell Boulevard, Hamilton, between Fennell Avenue East and Queensdale Avenue East (Ward 6)

WHEREAS, residents are requesting the installation of traffic calming measures along Rendell Boulevard via a petition to address roadway safety concerns as a result of speeding and cut-through traffic;

THEREFORE, BE IT RESOLVED:

- (a) That staff be authorized and directed to install two speed cushions on Rendell Boulevard, Hamilton, between Fennell Avenue East and Queensdale Avenue East, in 2020, at a total cost not to exceed \$13,000, be funded from the Ward 6 Area Rating Capital Reserve Fund (108056); and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON MOTION

Council: May 20, 2020

MOVED BY COUNCILLOR T. JACKSON.....

SECONDED BY COUNCILLOR.....

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 April 8, 2020 amended the Procedural By-law in order to update sections of By-law 18-270, as amended which applied to Electronic participation by members of Council at electronic Council and/or Committee meetings during an emergency when attending in-person is not possible; and

WHEREAS it is now necessary to amend the Procedural By-law further to update sections of By-law 18-270, as amended, which apply to Electronic participation by members of the public at electronic Committee meetings during an emergency when attending in-person is not possible with respect to the Mayor’s Task Force on Economic Recovery.

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 the public are participating at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible with respect to the Mayor's Task Force on Economic Recovery.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 18-270, be amended:

(i) to add Section 9.2 (2) as follows:

9.2 Electronic Participation During an Emergency

(2) Electronic participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of public at the Mayor's Task Force on Economic Recovery meetings during an emergency when attending in-person is not possible. (Refer to Appendix 'J' for UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED as they would apply 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. That By-law No. 18-270, as amended, be further amended:

(i) To include Appendix K, Conducting an Electronic Meeting – Public, Mayor's Task Force on Economic Recovery, attached hereto.

PASSED this 20th day of May, 2020

F. Eisenberger
Mayor

A. Holland
City Clerk

CONDUCTING AN ELECTRONIC MEETING – PUBLIC

MAYOR'S TASK FORCE ON ECONOMIC RECOVERY

The following UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED applies to Electronic participation by members of the public at ELECTRONIC Committee meetings during an emergency when attending in-person is not possible with respect to the Mayor's Task Force on Economic Recovery only:

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.

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

NOTICE OF MOTION

Council Date: May 20, 2020

MOVED BY COUNCILLOR J. FARR.....

Utilizing the Rooftop of York Boulevard Parkade as Temporary Open-Air Performance Space

WHEREAS in January 2014, Hamilton Council approved the Music Strategy which included four goals, to strengthen the local music industry, grow audiences and appreciation of music, increase access to music experiences; and cultivate music creation and talent;

WHEREAS in March 2019 Council approved the Creative Industries Sector Profile Report and Implementation Recommendations (PED19056) in which music was identified as one of the City's top growth areas;

WHEREAS Hamilton's music industry employs an estimated 7,725 workers and has a total of 541 businesses;

WHEREAS the Live Music Venues Research Report has identified that Hamilton's direct GDP from music venues is \$32.6M with \$2.6M from property taxes and total revenues generated by venues was \$62.7M;

WHEREAS the City, with the support and advice of the Hamilton Music Advisory Team (HMAT), has completed a number of actions, including: Musician Loading Zones; Annual Musician Conferences; social media and marketing efforts (@HamOntMusic); Music Mondays outdoor concert series at City Hall; one-to-one mentoring for musicians; support for Hamilton Public Library's Music Archive; Hamilton showcases at local venues; and completion of a draft live music venue report that measures the economic and social impacts of the City's live music sector;

WHEREAS the Provincial Orders resulting from the COVID-19 pandemic have had a significant impact on the music and performing arts sector;

WHEREAS the required closure of a number of venues that normally host such performances has negatively impacted artists as well as host organizations and venue operators;

WHEREAS the City's Economic Development Division's Business Impact Survey found that 71% of creative businesses reported that COVID had impacted their revenues by more than 50% and 36% of businesses in this sector have decreased employment by 100%;

WHEREAS temporarily repurposing a City-owned space to be used by the local performing arts industry provides an opportunity to support the performing arts sector during the COVID-19 recovery phase; and

WHEREAS in considering potential locations for such a use, the top level of the York Boulevard Parkade presents a number of benefits, including that it is currently under-utilized, it would not displace other users which may be the case for other public spaces such as parks, it is fully accessible, it allows for audience sizes to be controlled, and it does not have immediate surrounding sensitive land uses such as residential uses

THEREFORE BE IT RESOLVED:

- (a) That staff from the Corporate Real Estate Office and Tourism and Culture Division, in consultation with Transportation Planning and Parking Division, be authorized and directed to initiate an open call to seek interest from potential Licensees to operate a small, temporary open-air performance space venue to be located on the underutilized top level of the York Boulevard Parkade located at 28 York Boulevard for the 2020 season, which would include organizing, scheduling and managing a small performance series program;
- (b) That the General Manager, Planning and Economic Development, or their designate, be authorized and directed to negotiate and execute a Licence Agreement, and any other necessary documents, on behalf of the City with the successful proponent (the "Licensee") for the use of the top level of the York Boulevard Parkade as a temporary open air performance space venue based substantially on the terms and conditions attached, with such other content satisfactory to the General Manager, Planning and Economic Development and in a form satisfactory to the City Solicitor
- (c) That the Tourism and Culture Division be authorized and directed to contribute to the initial start-up costs related to the creation of a temporary open-air performance space venue at the York Boulevard Parkade to an upset limit of \$7,500, to be funded from the City's Economic Development Reserve; and
- (d) That Real Estate and Legal fees of \$1,500, associated with a Licence Agreement for the use of the York Boulevard Parkade as a temporary open-air performance space venue, be funded from the City's Economic Development Reserve and credited to Account No. 45408-812036 (Real Estate – Admin Recovery).

Major Terms and Conditions

Location:	Top level, York Boulevard Parkade, 28 York Boulevard, Hamilton, ON.
Term:	A season running from approximately late June to approximately late October.
Objective:	Creation of a small, temporary outdoor performance space, and hosting a performance series including live music and the performing arts, in a manner that benefits artists as well as community partners who normally host performance art events.
Value Consideration:	Licence Fee to be at nominal value, fully net and carefree to the Licensor. Licensee to assume all costs, expenses, fees and losses (if any) associated with the scheduling, operation and management of the small concert series to be further detailed in the Licence Agreement.
Licensor Financial:	To provide a maximum of \$7,500 one-time contribution at the execution of the Lease to the operator for reimbursement of expenses associated with the following: <ul style="list-style-type: none">• staging• security fencing• seating• hygiene stations• other costs associated with setting up the venue, where agreed to in writing, by the Director of Tourism and Culture, but shall not include any operating expenses.
Operational Days & Times:	<ul style="list-style-type: none">• Generally, not operating later than 10 pm on any day, or earlier than 5 pm on weekdays.• Changes to allowable dates and/or hours may be permitted at the sole discretion of the City and where agreed to in writing by the Director of Tourism and Culture.
Sponsorships:	<ul style="list-style-type: none">• The Licensee may secure presenting sponsors for one or more individual events but is not permitted to secure any sponsorships that imply sponsorship of the venue.• Any sponsors must be agreed to in writing by the Director of Tourism and Culture.

	<ul style="list-style-type: none"> The Licensee shall provide appropriate recognition of the City of Hamilton’s support for the venue and program, and the City of Hamilton’s Music City brand, as directed by the Director of Tourism and Culture.
Community Partnership:	<ul style="list-style-type: none"> The Licensee will ensure the involvement of community partners as event hosts or presenting partners. Community partners should be Hamilton-based businesses or groups that have, in the previous calendar year, hosted or managed ticketed performances or events.
Performances:	<ul style="list-style-type: none"> All performing artists must be compensated in accordance with established industry standards and recommended practices. The operator will provide for diverse performance opportunities, including diversity of art forms, diversity of performers, and performances that appeal to a diversity of audiences.
Operational Conditions:	<ul style="list-style-type: none"> The Licensee will be required to submit a venue layout plan, as well as any modification to the layout plan, to be approved by the Director of Tourism and Culture. It is expected that the venue layout plan will need to ensure physical distancing of at least 2 metres between audience members. Noise levels shall be controlled and kept to community acceptable levels and pursuant to consolidated Noise By-law 11-285 (i.e. maximum of 60 dba at point of reception, 90 dba within 10m) and with all applicable municipal by-laws governing such noise and events as may be in force from time to time. Security fencing must ensure that patrons do not have access to the top parking level roof edge. Must provide portable hygiene stations and regular cleaning in accordance with any requirements to be established by the City and Public Health. Must meet any attendance maximums established by the City, at the City’s sole discretion. It is expected that this maximum will be approximately 50 individuals at any one time, inclusive of audience members, performers, staff and anyone else.

	<ul style="list-style-type: none"> • Licensee must provide a security plan for prior approval by the Director of Tourism and Culture, which will generally include security on the top level of the parkade, as well as accesses, patrol and monitoring of the rest of the parkade. • Licensee must provide for cleaning and garbage removal, including cleaning of stairwells on event days. • Licensee may not block or interfere with normal parking operations and patrons accessing or leaving the parkade. • Licensee will agree to abide by the City's Operating Rules & Regulations, as provided by the General Manager or designate, acting reasonably, which may change from time to time and will be updated by the General Manager or designate and provided to the Licensee as required. • Licensee will agree to abide by the City's Municipal Alcohol Policy as provided by the General Manager or designate, acting reasonably, which may change from time-to-time and will be updated by the General Manager or designate and provided to the Licensee as required • Licensee's personnel must have valid Smart Serve certification • Licensee shall at its sole cost and expense at all times comply with all provisions of any present or future law, by-law, rule, regulation, or order enacted or made by any Federal, Provincial, City, Regional or Municipal authority having jurisdiction including all of the City's policies as may be adopted by City Council from time to time • Licensee will agree to provide an indemnification to the City in accordance with the requirements of the City's Risk Management department. • Any other terms and conditions deemed necessary by the City Solicitor, from time to time.
<p>Insurance Requirements</p>	<p>Licensee shall obtain and maintain for the duration of the term:</p> <ul style="list-style-type: none"> • Commercial General Liability insurance with a minimum limit of \$5MM per occurrence and

	<p>\$5MM in the aggregate endorsed to include the City of Hamilton as additional insured and Host Liability Insurance.</p>
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CITY OF HAMILTON

NOTICE OF MOTION

Council Date: May 20, 2020

MOVED BY COUNCILLOR C. COLLINS.....

Property Tax Assistance Measures – Monthly Pre-authorized Payments

WHEREAS, in light of the current Covid-19 pandemic, Council approved Property Tax Assistance and Other Measures (FCS20038) on April 8, 2020;

WHEREAS, one of the approved assistance measures was the 60-day waiving of penalty and interest charges on the April 30th property tax instalment;

WHEREAS, for taxpayers not able to pay the April 30th instalment, full payment would be required by June 30th in order to avoid penalty and interest charges;

WHEREAS, the City of Hamilton offers several monthly pre-authorized payment plans;

WHEREAS, taxpayers are currently not eligible to enrol in monthly pre-authorized payments, if their April 30th property tax instalment is outstanding; and,

WHEREAS, providing some flexibility to the monthly pre-authorized payment plans during these unprecedented times will assist in increasing enrolment in pre-authorized payments, which in turn allows the City to continue to receive property tax payments, while providing additional assistance to taxpayers for the remainder of the 2020 taxation year.

BE IT THEREFORE RESOLVED:

That additional assistance be provided to taxpayers wishing to enroll in monthly pre-authorized payments commencing in July, 2020, by allowing the inclusion of the outstanding April 30th property tax instalment in the calculation of the monthly payments for the remainder of 2020.

Authority: Item 5.4(a), PED20094
CM: May 20, 2020
Ward: 6,11

Bill No. 098

**CITY OF HAMILTON
BY-LAW NO. 20-**

**To Establish City of Hamilton Land
Described as Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23
on Plan 62R-17987, save and except Part 1 on Plan 62R-18129
as Part of Dartnall 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 Parts 1, 2, 3, 4, 5, 6, 7, 9, 14, 15, 16, 17, 18, 19, 20, 21, 22, and 23 on Plan 62R-17987, save and except Part 1 on Plan 62R-18129, is established as a public highway to form part of Dartnall 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 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 5.4(b) (FCS20037)
CM: May 20, 2020
Ward: City Wide

Bill No. 099

CITY OF HAMILTON

BY-LAW NO. 20-

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

WHEREAS the Council of the City of Hamilton deems it advisable to enter into an agreement with Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation related to funding provided by the Province of Ontario to the Municipality under the Dedicated Gas Tax Funds for Public Transportation Program;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The Mayor and General Manager, Finance and Corporate Services, are authorized and directed to sign the Letter of Agreement between the City of Hamilton and Her Majesty the Queen in right of Ontario, as represented by the Minister of Transportation which is attached as Schedule "A" and forms part of this By-law.
2. This By-law may be cited for all purposes as the 2019 / 2020 City of Hamilton / Ministry of Transportation Gas Tax Funding Agreement By-law.
3. This By-law is deemed to have come into force on May 20, 2020.

PASSED this 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

To Amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties

WHEREAS Council enacted a By-law to Establish a System of Administrative Penalties, being By-law 17-225;

AND WHEREAS this amending by-law amends By-law 17-225 to remove early payment penalties, increase certain parking fines, as well as provides for housekeeping amendments as hereinafter described and depicted;

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. The amendments in this By-law include any necessary grammatical, numbering and letter changes.
2. That Schedule A to By-law No. 17-225 is amended by deleting sections 3 and 4 and replacing them with the following:
 3. Column 3 in the following tables set out the administrative penalty payable for the contravention of the corresponding Designated By-law in Column 1, starting the day the penalty notice is issued until 15 days later. After 15 days, late fees may apply.
3. That Schedule A of By-law No.17-225 is amended by deleting tables 1-9, 20 and 21 and replacing them with the following:

TABLE 1: BY-LAW NO. 01-216 REGULATING MUNICIPAL PARKING FACILITIES			
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION	COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-216 8(1)(a)	Park-fail to activate parking meter	\$25.00
2	01-216 8(1)(b)	Park at expired parking meter	\$25.00
3	01-216 8(1)(c)	Park-no valid pre-paid ticket in clear view	\$25.00
4	01-216 8(1)(d)	Park-fail to deposit prescribed parking fee	\$25.00
5	01-216 9(1)	Park where prohibited-signed area	\$35.00
6	01-216 9(2)	Park-not in designated parking space	\$35.00
7	01-216 9(2)	Park-not in conformity with signs or markings	\$35.00
8	01-216 9(3)	Park in closed space or area	\$35.00
9	01-216 9(4)	Park from 2:00a.m. - 7:00 a.m.	\$35.00
10	01-216 9(5)	Park in reserved space or area	\$35.00
11	01-216 9(7)	Park unauthorized vehicle	\$55.00
12	01-216 9(7)	Park heavy vehicle	\$100.00

TABLE 1: BY-LAW NO. 01-216 REGULATING MUNICIPAL PARKING FACILITIES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
13	01-216	9(8)	Stand-unattended vehicle not secured	\$80.00
14	01-216	10(1)	Stop where prohibited - signed area	\$80.00
15	01-216	10(2)	Stop-obstructing parking space	\$80.00
16	01-216	10(3)	Stop-obstruct lane way	\$80.00
17	01-216	9(6)	Park in a reserved Disabled Person Parking Space	\$350.00

TABLE 2: BY-LAW NO. 01-217 TO ESTABLISH AND REGULATE FIRE ROUTES				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-217	11	Park where prohibited-signed Fire Route	\$100.00
2	01-217	12	Stop where prohibited-signed Fire Route	\$100.00

TABLE 3: BY-LAW NO. 01-218 REGULATING ON-STREET PARKING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-218	8(5)(a)	Park exceeding parking meter time limit	\$25.00
2	01-218	8(5)(b)	Park-fail to activate parking meter	\$25.00
3	01-218	8(5)(c)	Park at expired parking meter	\$25.00
4	01-218	8(5)(e)	Park in metered area not at parking meter	\$35.00
5	01-218	8(5)(f)	Park exceeding 3 hour Disabled Person Parking Permit time limit at parking meter	\$25.00
6	01-218	9(1)	Park exceeding signed parking time limit	\$30.00
7	01-218	11(13)	Park in permit parking zone-no valid permit	\$35.00
8	01-218	11(16)	Park in permit parking zone-permit not in force	\$35.00
9	01-218	12(2)(a)	Park at curb facing wrong way (two way road)	\$35.00
10	01-218	12(2)(a)	Park-right wheels exceed 30cm from curb	\$35.00
11	01-218	12(2)(b)	Park at edge of roadway facing wrong way (two way road)	\$35.00
12	01-218	12(2)(b)	Park-right wheels exceed 30cm from edge of roadway	\$35.00
13	01-218	12(2)(c)	Park on shoulder facing wrong way (two way road)	\$33.00
14	01-218	12(2)(c)	Park on shoulder too close to roadway	\$35.00
15	01-218	12(3)(a)	Park-left wheels exceed 30 cm from curb (one way road)	\$35.00
16	01-218	12(3)(a)	Park at curb facing wrong way (one way road)	\$35.00
17	01-218	12(3)(b)	Park-left wheels exceed 30cm from edge of roadway (one way road)	\$35.00
18	01-218	12(3)(b)	Park at edge of roadway facing wrong way (one way road)	\$35.00

TABLE 3: BY-LAW NO. 01-218 REGULATING ON-STREET PARKING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
19	01-218	12(3)(c)	Park on shoulder facing wrong way (one way road)	\$35.00
20	01-218	12(3)(c)	Park on shoulder too close to roadway (one way road)	\$35.00
21	01-218	12(4)	Park on shoulder-no parking on adjacent roadway	\$35.00
22	01-218	12(4)	Stop on shoulder-no stopping on adjacent roadway	\$80.00
23	01-218	12(5)(a)(i)	Park-exceeding 12 hour parking time limit	\$30.00
24	01-218	12(5)(a)(ii)	Park-exceeding 4 hour parking time limit (Commercial Vehicle)	\$30.00
25	01-218	12(5)(a)(iii)	Park-exceeding 4 hour parking time limit (No Valid Plate)	\$30.00
26	01-218	12(5)(b)	Park obstructing adjoining parking space	\$35.00
27	01-218	12(5)(c)	Park within 6m of place of assembly	\$35.00
28	01-218	12(5)(d)	Park where prohibited by temporary Police or City sign	\$35.00
29	01-218	12(5)(e)	Park on highway adjoining unfenced playground	\$35.00
30	01-218	12(5)(f)	Park on highway adjoining school	\$35.00
31	01-218	12(5)(g)	Park on highway for purpose of displaying for sale	\$35.00
32	01-218	12(5)(h)	Park-obstructing sidewalk	\$80.00
33	01-218	12(5)(i)	Park within 30m of bridge	\$35.00
34	01-218	12(5)(j)(i)	Park within 8m of fire-hall entrance way	\$35.00
35	01-218	12(5)(j)(ii)	Park across from fire-hall within 30m of entrance way	\$35.00
36	01-218	12(5)(k)	Park on boulevard	\$35.00
37	01-218	12(5)(l)	Park on driveway between municipal sidewalk and roadway	\$35.00
38	01-218	12(5)(m)	Park in alleyway	\$35.00
39	01-218	12(5)(n)	Park in turn-around or cul-de-sac	\$35.00
40	01-218	12(6)(a)	Park on through highway between 2:00 a.m. and 7:00 a.m.	\$33.00
41	01-218	12(7)	Park-obstructing bicycle lane	\$33.00
42	01-218	12(8)(a)	Park in signed area where prohibited	\$33.00
43	01-218	12(9)(a)	Park in Alternate Side Parking zone where prohibited	\$35.00
44	01-218	12(10)(a)	Park prohibited commercial vehicle in tourist sight seeing bay	\$35.00
45	01-218	12(10)(b)	Park-exceed 2 hour parking time limit in tourist sight seeing bay	\$30.00
46	01-218	12(10)(c)	Park-disabled vehicle exceed 4 hour parking time limit in tourist sight seeing bay	\$30.00
47	01-218	12(12)(b)	Park in Special Event Parking Zone-no valid permit	\$35.00

TABLE 3: BY-LAW NO. 01-218 REGULATING ON-STREET PARKING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
48	01-218	12(14)	Park Heavy Vehicle-Not on truck route	\$100.00
49	01-218	13(1)(a)	Stop within intersection or crosswalk	\$80.00
50	01-218	13(1)(a)	Stop within 6m of a crosswalk	\$80.00
51	01-218	13(1)(b)	Stop on or within 30m of a bridge	\$80.00
52	01-218	13(1)(b)	Stop in or within 30m of a subway	\$80.00
53	01-218	13(1)(c)	Stop in or within 30m of a traffic circle	\$80.00
54	01-218	13(1)(d)	Stop within 45 cm of residential driveway (3 dwelling units or less)	\$80.00
55	01-218	13(1)(d)	Stop within 1m of driveway	\$80.00
56	01-218	13(1)(e)	Stop within 30m approaching or 6m departing railway crossing	\$80.00
57	01-218	13(1)(f)	Stop within 15m of school crossing-two way road	\$80.00
58	01-218	13(1)(f)	Stop within 15m approaching and 6m departing school crossing-one way road	\$80.00
59	01-218	13(1)(g)	Stop where prohibited by temporary Police or City sign	\$80.00
60	01-218	13(1)(h)	Stop within 9m of intersecting highway	\$80.00
61	01-218	13(1)(i)	Stop within 75m of signalized intersection where prohibited	\$80.00
62	01-218	13(1)(j)	Stop within 3m of fire-hall entrance	\$80.00
63	01-218	13(1)(j)	Stop across from fire-hall within 15m of fire-hall limits	\$80.00
64	01-218	13(1)(k)	Stop in bus stop clearance	\$80.00
65	01-218	13(1)(l)	Stop on roadway side of parked vehicle	\$80.00
66	01-218	13(1)(m)	Stop alongside or opposite excavation	\$80.00
67	01-218	13(1)(m)	Stop alongside or opposite roadway obstruction	\$80.00
68	01-218	13(1)(n)	Stop within 9m of School driveway	\$80.00
69	01-218	13(1)(n)	Stop within 9m of pedestrian path/walk to School	\$80.00
70	01-218	13(1)(n)	Stop within 9m of park driveway	\$80.00
71	01-218	13(1)(n)	Stop within 9m of pedestrian path/walk to park	\$80.00
72	01-218	13(1)(n)	Stop within 9m of playground driveway	\$80.00
73	01-218	13(1)(n)	Stop within 9m of pedestrian path/walk to playground	\$80.00
74	01-218	13(1)(o)	Stop within 6m of signalized intersection	\$80.00
75	01-218	13(1)(p)	Stop beside central boulevard	\$80.00
76	01-218	13(1)(q)	Stop within 3m of hydrant	\$80.00
77	01-218	13(1)(r)	Stop in alleyway	\$80.00
78	01-218	13(1)(s)	Stop within 45cm of wheelchair ramp	\$80.00
79	01-218	13(1)(t)	Stop within 15m of intersection	\$80.00
80	01-218	13(2)(a)	Stand-vehicle for hire on street-not in authorized area	\$80.00
81	01-218	13(2)(b)	Stand airport service vehicle on street- not in authorized area	\$80.00

TABLE 3: BY-LAW NO. 01-218 REGULATING ON-STREET PARKING				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
82	01-218	14(1)	Stop in signed area where prohibited	\$80.00
83	01-218	15(1)	Stop in Wheelchair Loading Zone	\$80.00
84	01-218	16(1)	Stop in Commercial Vehicle Loading Zone	\$80.00
85	01-218	17(1)	Stop in School Bus Loading zone	\$80.00
86	01-218	18(1)	Stop in Taxi zone	\$80.00
87	01-218	19(1)	Stop in Public Taxi zone	\$80.00
88	01-218	20(1)	Stop in Hotel Limousine zone	\$80.00
89	01-218	21(1)	Stop in Airport Bus/Limousine stand	\$80.00
90	01-218	24(5)	Park or stand in Snow Route	\$80.00
91 (19-068)	91-218	12.1(1)	Park, Stand or Stop in Contravention in a Special Enforcement Area	\$250.00

TABLE 4: BY-LAW NO. 01-219 TO MANAGE AND REGULATE MUNICIPAL PARKS				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-219	32(1)	Park-not in designated parking area	\$35.00
2	01-219	32(2)	Park between 11:00p.m. and 6:00 a.m.	\$35.00
3	01-219	32(3)	Park-not in parking space	\$35.00
4	01-219	32(3)	Park not in conformity with markings or signs	\$35.00
5	01-219	32(4)	Park where prohibited-signed area	\$35.00
6	01-219	32(5)	Stop where prohibited-signed area	\$80.00
7	01-219	32(6)	Parked in reserved area or space	\$35.00
9	01-219	32(8)	Park while not actively using the park	\$35.00
10	01-219	32(9)	Park obstructing other area or parking space	\$80.00
11	01-219	32(10)	Stand-unsecured vehicle-unattended	\$80.00
12	01-219	32(11)	Park-exceeded posted time limit	\$30.00
13	01-219	32(7)	Park in a Reserved Disabled Person Parking Space	\$350.00

TABLE 5: BY-LAW NO. 01-220 REGULATING PARKING ON PRIVATE AND MUNICIPAL PROPERTY				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	01-220	2(1)	Unauthorized Parking-Private Property	\$55.00
2	01-220	3(1)	Unauthorized Parking-Municipal Property	\$55.00
3	01-220	2(2)	Park in a Reserved Disabled Person Parking Space	\$350.00
4	01-220	3(2)	Park in a Reserved Disabled Person Parking Space	\$350.00

TABLE 6: BY-LAW NO. 80-179 REGULATING HESS VILLAGE PEDESTRIAN MALL				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	80-179	4(2)	Stop unauthorized vehicle within pedestrian mall	\$80.00

TABLE 7: BY-LAW NO. 16-009 REGULATING UNAUTHORIZED PARKING ON BOULEVARDS, SIDE YARDS AND FRONT YARDS				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	16-009	3	Park, stand or stop on an unauthorized area	\$100.00
2	16-009	4	Permit parking, standing or stopping on an unauthorized area	\$100.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	12-031	4.1	fail to licence dog	\$100.00
2	12-031	4.1	fail to licence Vietnamese pot-belly pig	\$100.00
3	12-031	4.3(a)	fail to notify change in name of owner	\$50.00
4	12-031	4.3(a)	fail to notify change in address of owner	\$50.00
5	12-031	4.3(a)	fail to notify change in telephone number owner	\$50.00
6	12-031	4.3(b)	fail to notify change of address where dog kept	\$50.00
7	12-031	4.3(b)	fail to notify change of address where Vietnamese pot-belly pig kept	\$50.00
8	12-031	4.3(c)	fail to notify change in ownership of dog	\$50.00
9	12-031	4.3(c)	fail to notify change in ownership of Vietnamese pot-belly pig	\$50.00
10	12-031	4.6	fail to renew dog licence before expire	\$75.00
11	12-031	4.6	fail to renew Vietnamese pot-belly pig before expire	\$75.00
12	12-031	4.13	fail to ensure identification tag corresponds to licence attached to dog	\$50.00
13	12-031	4.13	fail to ensure identification tag corresponds to licence attached to Vietnamese pot-belly pig	\$50.00
14	12-031	4.15	Identification tag attached to dog for which corresponding licence not issued	\$50.00
15	12-031	4.15	Identification tag attached to Vietnamese pot-belly pig for which corresponding licence not issued	\$50.00
16	12-031	4.16	fail to replace lost identification tag	\$50.00
17	12-031	5.3	keep more than four animals	\$75.00
18	12-031	5.3	permit to be kept more than four animals	\$75.00
19	12-031	6.2	fail to ensure pigeon banded	\$50.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
20	12-031	6.3	fail to keep pigeon enclosed in rear yard	\$50.00
21	12-031	6.3(a)	fail to keep pigeon in enclosure adequate for size and breed	\$50.00
22	12-031	6.3(b)	fail to keep pigeon in enclosure with sufficient unobstructed space	\$50.00
23	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of school	\$50.00
24	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of church	\$50.00
25	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of public hall	\$50.00
26	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of store	\$50.00
27	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of dwelling	\$50.00
28	12-031	6.3(c)(i)	keep pigeon enclosure less than 3 metres from boundary line of premises	\$50.00
29	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing school	\$50.00
30	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing church	\$50.00
31	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing public hall	\$50.00
32	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing store	\$50.00
33	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing dwelling	\$50.00
34	12-031	6.3(c)(ii)	keep pigeon enclosure less than 10 metres from premises containing premises	\$50.00
35	12-031	6.3(d)	fail to keep walls and ceilings of pigeon enclosure lime-washed	\$50.00
36	12-031	6.3(d)	fail to keep walls and ceilings of pigeon enclosure painted	\$50.00
37	12-031	6.3(d)	fail to keep walls and ceilings of pigeon enclosure disinfected	\$50.00
38	12-031	6.4	fail to keep pigeon food in air-tight, rodent proof container	\$50.00
39	12-031	6.5	feed pigeon outside of pigeon enclosure	\$50.00
40	12-031	6.5	permit feeding of pigeon outside of pigeon enclosure	\$50.00
41	12-031	6.6	fail to remove pigeon droppings from owner's premises	\$50.00
42	12-031	6.6	fail to remove pigeon refuse from owner's premises	\$50.00
43	12-031	6.6	fail to remove dropped or scattered feed of pigeon from owner's premises	\$50.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
44	12-031	6.7	fail to keep pigeon in pigeon enclosure during prohibited times	\$50.00
45	12-031	6.8(a)	permit more than half of pigeons to be in flight	\$50.00
46	12-031	6.8(b)	owner fail to supervise or competent person each flight of pigeons	\$50.00
47	12-031	7.3	permit dog at large	\$65.00
48	12-031	7.3	permit cat at large	\$65.00
49	12-031	7.3	permit animal at large	\$65.00
50	12-031	7.6	permit dog outdoors on premises	\$65.00
51	12-031	7.8(a)	permit dog pose menace to person	\$150.00
52	12-031	7.8(a)	permit dog pose menace to domestic animal	\$150.00
53	12-031	7.8(b)	permit dog bite person	\$300.00
54	12-031	7.8(b)	permit dog bite domestic animal	\$300.00
55	12-031	7.8(b)	permit dog attack person	\$300.00
56	12-031	7.8(b)	permit dog attack domestic animal	\$300.00
57	12-031	7.9	fail to post signs on non-residential premises clearly visible giving notice to persons entering	\$50.00
58	12-031	7.10(a)	fail where animal kept allow full natural extension	\$50.00
59	12-031	7.10(b)	fail where animal kept to allow standing	\$50.00
60	12-031	7.10(b)	fail where animal kept to allow sitting	\$50.00
61	12-031	7.10(b)	fail where animal kept to allow perch	\$50.00
62	12-031	7.10(b)	fail to provide adequate space for animals needs	\$50.00
63	12-031	7.10(c)	fail where animal kept to be readily observed	\$50.00
64	12-031	7.10(d)	fail where animal kept to be clean and sanitary	\$50.00
65	12-031	7.11(a)	fail to have structure where animal kept in rear yard	\$50.00
66	12-031	7.11(b)	fail to have structure where animal kept less than 1 metre from boundary line	\$50.00
67	12-031	7.11(c)	fail to have structure where animal kept soundly constructed of hard, durable materials	\$50.00
68	12-031	7.11(d)	fail to have structure where animal kept impervious to water	\$50.00
69	12-031	7.11(e)	fail to have structure where animal kept constructed of materials that can be readily sanitized	\$50.00
70	12-031	7.11(f)	fail to have structure where animal kept maintained in good state of repair	\$50.00
71	12-031	7.11(g)	fail to have structure where animal kept that minimizes transfer of pathogenic agents	\$50.00
72	12-031	7.11(h)	fail to have structure where animal kept adequately ventilated	\$50.00
(18-009) 73	12-031	7.12(a)	Owner permit animal to make noise that is unreasonably loud	\$75.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
(18-009) 74	12-031	7.12(b)	Owner permit animal to make noise that is likely to disturb	\$75.00
(18-009) 75	12-031	7.12(c)	Owner permit animal to make noise that is both persistent in nature and clearly audible	\$75.00
76	12-031	8.1	fail to remove feces anywhere	\$65.00
77	12-031	8.2	fail to remove feces on own property	\$65.00
78	12-031	9.2(a)	Potentially/Dangerous Dog attack a person	\$300.00
79	12-031	9.2(a)	Potentially/Dangerous Dog bite a person	\$300.00
80	12-031	9.2(a)	Potentially/Dangerous Dog cause injury to a person	\$300.00
81	12-031	9.2(b)	Potentially/Dangerous Dog injure a domestic animal	\$300.00
82	12-031	9.2(c)	Potentially/Dangerous Dog kept in violation of requirements	\$300.00
83	12-031	9.3	Potentially/Dangerous Dog transfer ownership without consent	\$300.00
84	12-031	9.4(a)	Potentially/Dangerous Dog fail to implant microchip	\$300.00
85	12-031	9.4(b)	Potentially/Dangerous Dog fail to sterilize	\$300.00
86	12-031	9.4(c)(i)	Potentially/Dangerous Dog not muzzled	\$300.00
87	12-031	9.4(c)(ii)	Potentially/Dangerous Dog without collar/harness securely placed	\$300.00
88	12-031	9.4(c)(iii)	Potentially/Dangerous Dog without leash securely attached	\$300.00
89	12-031	9.4(c)(iv)	Potentially/Dangerous Dog not under the control by leash at all times	\$300.00
90	12-031	9.4(d)(i)	Potentially/Dangerous Dog not securely contained indoors within premises	\$300.00
91	12-031	9.4(d)(ii)1.	Potentially/Dangerous Dog outdoors not contained in enclosure within premises	\$300.00
92	12-031	9.4(d)(ii)1.	Potentially/Dangerous Dog outdoors not contained in fenced area within premises	\$300.00
93	12-031	9.4(d)(ii)1.	Potentially/Dangerous Dog outdoors not restrained by a chain/other restraint sufficient to prevent from leaving premises	\$300.00
94	12-031	9.4(d)(ii)2.	Potentially/Dangerous Dog outdoors not contained in a six sided pen 2 metres from property line	\$300.00
95	12-031	10.1	keep prohibited animal	\$100.00
96	12-031	10.2	keep animal that produces poison, venom or toxin	\$100.00
97	12-031	10.2	permit to be kept animal that produces poison, venom or toxin	\$100.00
98	12-031	10.4	fail to keep permitted insect in escape-proof enclosure	\$100.00

TABLE 8: BY-LAW NO. 12-031 FOR RESPONSIBLE ANIMAL OWNERSHIP IN THE CITY OF HAMILTON ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
99	12-031	10.4	fail to keep permitted spider in escape-proof enclosure	\$100.00
100	12-031	10.4	fail to keep permitted squamata in escape-proof enclosure	\$100.00
101	12-031	10.5	fail to keep permitted lagomorph in suitable enclosure	\$50.00
102	12-031	10.5	fail to keep permitted marsupial in suitable enclosure	\$50.00
103	12-031	10.5	fail to keep permitted rodent in suitable enclosure	\$50.00
104	12-031	10.6(2)(a)	fail to maintain Canada's accredited Zoos and Aquariums accreditation	\$75.00
105	12-031	10.6(2)(b)	Canada's accredited Zoos and Aquariums sell animals	\$75.00
106	12-031	10.6(2)(b)	Canada's accredited Zoos and Aquariums offer for sale animals	\$75.00
107	12-031	10.6(2)(c)	Canada's accredited Zoos and Aquariums not zoned	\$75.00
108	12-031	10.6(2)(d)	Canada's accredited Zoos and Aquariums on premises where there is residential use	\$75.00
109	12-031	10.6(2)(e)(i)	facility shares a common wall with any other use	\$75.00
110	12-031	10.6(2)(e)(ii)	facility shares HVAC/ plumbing system with any other use	\$75.00
111	12-031	10.6(2)(f)	fail to post signs at all public entrances/exits	\$75.00
112	12-031	10.6(2)(f)	fail to post signs in each room where animals are displayed	\$75.00
113	12-031	10.6(2)(f)(ii)	fail to post sign that can be easily read by any person approaching	\$75.00

TABLE 9: BY-LAW NO. 12-130 TO REGULATE THE FEEDING OF WILDLIFE ⁽¹⁸⁻⁰⁰⁹⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	12-130	2	feed wildlife	\$100.00
2	12-130	2	permit feeding of wildlife	\$100.00

Table 20: BY-LAW 19-286 PROHIBITING AND REGULATING THE ALTERATION OF PROPERTY GRADES, THE PLACING OR DUMPING OF FILL, AND THE REMOVAL OF TOPSOIL ⁽¹⁹⁻²⁸⁶⁾				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	19-286	11(1)	Site alteration without permit	\$500.00

2	19-286	25	Transporting fill to a site from a source site that is located outside the City of Hamilton	\$500.00
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TABLE 21: BY-LAW NO. 07-160 TO PROHIBIT UNNECESSARY IDLING OF VEHICLES WITHIN THE CITY OF HAMILTON				
ITEM	COLUMN 1 DESIGNATED BY-LAW & SECTION		COLUMN 2 SHORT FORM WORDING	COLUMN 3 SET PENALTY
1	07-160	3.1	Idling longer than three (3) minutes	\$100.00

4. That in all other respects By-law 17-225 is confirmed; and
5. That the provisions of this by-law shall become effective on the date approved by City Council.

PASSED this 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

BY-LAW NO. 20-

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 90-145-Z, in the former Town of Flamborough generally in the area extending west to east from the lands across from Goldenview Court to First Road, and north to south from Nisbet Boulevard and Parkside Drive to the southerly end of Hamilton Street and to Main Street South where it is located directly adjacent to the Canadian Pacific Railway and Grindstone Creek

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas;

AND WHEREAS the City is undertaking a land use study for the Waterdown Community Node study area in the Former Town of Flamborough;

AND WHEREAS the City will be examining the land use mix, heights, density and design matters for the lands identified on Schedule 'A';

AND WHEREAS the City will be developing a Secondary Plan that will include detailed policies and direction for land use, heritage conservation, infrastructure, residential intensification, transportation, environmental protection, urban design and similar matters of the Official Plan;

AND WHEREAS the City is conducting the Waterdown Village Built Heritage Inventory;

AND WHEREAS the City will be updating the Urban Hamilton Official Plan;

AND WHEREAS the City is developing new Zones and regulations for residential areas which will be added to the City's comprehensive Zoning By-law 05-200;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Staff are directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the areas described in Schedule "A".
2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 90-145-Z, in the former Town of Flamborough generally in the area extending west to east from the lands across from Goldenview Court to First Road, and north to south from Nisbet Boulevard and Parkside Drive to the southerly end of Hamilton Street and to Main Street South where it is located directly adjacent to the Canadian Pacific Railway and Grindstone Creek

Page 2 of 3

- a) an expansion of legally existing buildings or structures, to a maximum of 10% of the existing gross floor area;
 - b) a change to the interior or facade of legally existing buildings or structures;
 - c) the repair or restoration of any existing, non-conforming building or structure, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume of such building or structure and the building or structure continues to be used for the same purpose and in the same manner as it was used on the date of passing of this By-law; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedules "A", a building permit may be issued in accordance with the following provisions:
- a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance or site plan that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law No. 20-101 was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20-101 was passed by Council.
- For the purposes of determining zoning conformity, the following conditions shall apply:
- i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
 - ii) Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.
4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.

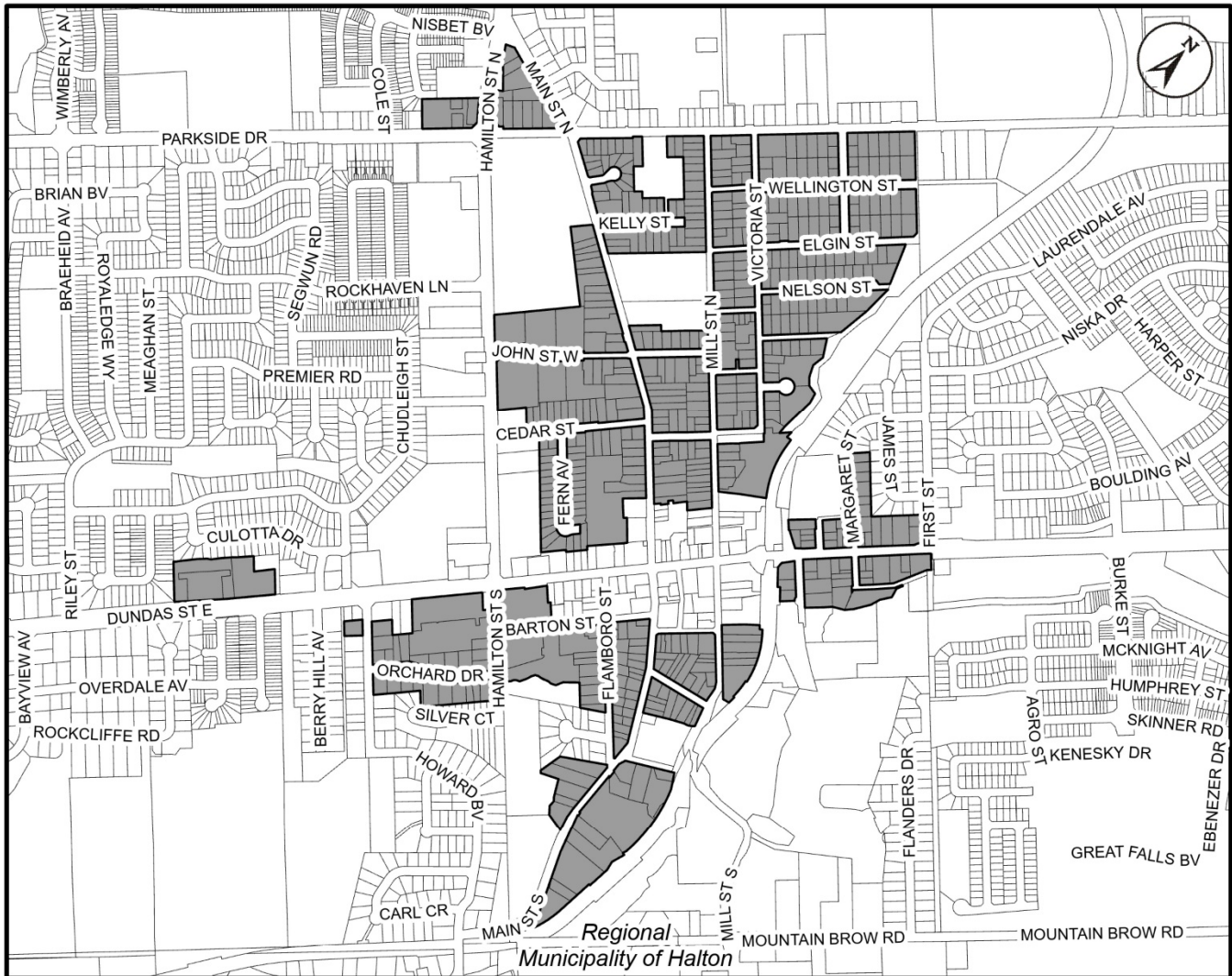
To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 90-145-Z, in the former Town of Flamborough generally in the area extending west to east from the lands across from Goldenview Court to First Road, and north to south from Nisbet Boulevard and Parkside Drive to the southerly end of Hamilton Street and to Main Street South where it is located directly adjacent to the Canadian Pacific Railway and Grindstone Creek

- 5. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk




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
 Lands Subject to By-law No. 20 - _____
 (Interim Control By-law)

Scale: N.T.S	File Name/Number: Waterdown Interim Control By-law
Date: May 8, 2020	Planner/Technician: MP/NB



PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT

CITY OF HAMILTON

BY-LAW NO. 20-

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 05-200 in the City of Hamilton, generally in the area extending west to east along Dundas Street East (Highway No. 5) from 221 Dundas Street East to the Canadian Pacific Railway/Grindstone Creek, and extending north to south along Hamilton Street North from Parkside Drive to Dundas Street East, and also including four institutional properties in the neighbourhood bounded by Main Street North, Parkside Drive, Dundas Street East, and the Canadian Pacific Railway/Grindstone Creek

WHEREAS section 38 of the *Planning Act*, R.S.O. 1990 c. P.13, as amended, permits the council of a municipality to pass an interim control by-law where the council has directed that a review or study be undertaken in respect of land use planning policies within the municipality or in any defined area or areas thereof;

AND WHEREAS the City is undertaking a land use study for the Waterdown Community Node study area in the Former Town of Flamborough;

AND WHEREAS the City will be examining the land use mix, heights, density and design issues for the lands identified on Schedule 'A';

AND WHEREAS the City will be developing a Secondary Plan that will include detailed policies and direction for land use, heritage conservation, infrastructure, residential intensification, transportation, environmental protection, urban design and similar matters of the Official Plan;

AND WHEREAS the City is conducting the Waterdown Village Built Heritage Inventory;

AND WHEREAS the City will be updating the Urban Hamilton Official Plan;

AND WHEREAS the City is developing new Zones and regulations for residential areas which will be added to the City's comprehensive Zoning By-law 05-200;

AND WHEREAS this By-law is in conformity with the Urban Hamilton Official Plan;

NOW THEREFORE the Council of the Corporation of the City of Hamilton enacts as follows:

1. Staff are directed to undertake planning studies in respect of land use policies and zoning by-law regulations, in the areas described in Schedule "A".

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 05-200 in the City of Hamilton, generally in the area extending west to east along Dundas Street East (Highway No. 5) from 221 Dundas Street East to the Canadian Pacific Railway/Grindstone Creek, and extending north to south along Hamilton Street North from Parkside Drive to Dundas Street East, and also including four institutional properties in the neighbourhood bounded by Main Street North, Parkside Drive, Dundas Street East, and the Canadian Pacific Railway/Grindstone Creek

Page 2 of 4

2. No buildings or structures are permitted on the lands subject to this by-law, except for those legally existing on the date of passage of this by-law. Notwithstanding the foregoing restriction, the following actions are permitted:
 - a) an expansion of legally existing buildings or structures, to a maximum of 10% of the existing gross floor area;
 - b) a change to the interior or facade of legally existing buildings or structures;
 - c) the repair or restoration of any existing building, or part thereof, to a safe condition provided that such repair or restoration will not increase the height, area or volume, or site coverage of such building and that the building continues to be used for the same purpose and in the same manner as it was used on the effective date of this By-law; and,
 - d) the erection of a new accessory building or structure.
3. Within the area described in Schedule "A", a building permit may be issued in accordance with the following provisions:
 - a) a building permit may be issued to permit the erection of a building or structure in accordance with any minor variance or site plan, that has been approved or conditionally approved by the City of Hamilton or the Local Planning Area Tribunal as it read on the day before By-law No. 20-102 was passed by Council; and,
 - b) a building permit may be issued to permit the construction of a building or structure in accordance with a building permit application received by the City of Hamilton on or before the day before By-law No. 20-102 was passed by Council.

For the purposes of determining zoning conformity, the following conditions shall apply:

- i) This By-law is deemed to be modified to the extent necessary to permit a building or structure that is erected in accordance with Subsection a) or b) above.
- ii) Once the permit or approval under Subsection a) or b) above, has been granted, the provisions of this By-law apply in all other respects to the land in question.

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 05-200 in the City of Hamilton, generally in the area extending west to east along Dundas Street East (Highway No. 5) from 221 Dundas Street East to the Canadian Pacific Railway/Grindstone Creek, and extending north to south along Hamilton Street North from Parkside Drive to Dundas Street East, and also including four institutional properties in the neighbourhood bounded by Main Street North, Parkside Drive, Dundas Street East, and the Canadian Pacific Railway/Grindstone Creek

Page 3 of 4

4. This By-law shall be in effect for a period of one year from the date of passage of this By-law.
5. The Municipal Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*.

PASSED this 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

To establish an Interim Control Zoning By-law, respecting lands within Zoning By-law No. 05-200 in the City of Hamilton, generally in the area extending west to east along Dundas Street East (Highway No. 5) from 221 Dundas Street East to the Canadian Pacific Railway/Grindstone Creek, and extending north to south along Hamilton Street North from Parkside Drive to Dundas Street East, and also including four institutional properties in the neighbourhood bounded by Main Street North, Parkside Drive, Dundas Street East, and the Canadian Pacific Railway/Grindstone Creek



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. 05-200
Maps 445, 446, 481, 482, 516, 517

Subject Property

 Lands Subject to By-law No. 20 - _____
(Interim Control By-law)

Scale: N.T.S	File Name/Number: Waterdown Interim Control By-law
Date: May 8, 2020	Planner/Technician: MP/NB
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT	



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 the public are participating at ELECTRONIC Council and/or Committee meetings during an emergency when attending in-person is not possible with respect to the Mayor's Task Force on Economic Recovery.

NOW THEREFORE the Council of the City of Hamilton enacts as follows:

1. That By-law No. 18-270, be amended:

(i) to add Section 9.2 (2) as follows:

9.2 Electronic Participation During an Emergency

(2) Electronic participation, in accordance with the *Municipal Act, 2001* and/or any other applicable legislation, is permitted by members of public at the Mayor's Task Force on Economic Recovery meetings during an emergency when attending in-person is not possible. (Refer to Appendix 'J' for UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED as they would apply 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. That By-law No. 18-270, as amended, be further amended:

(i) To include Appendix K, Conducting an Electronic Meeting – Public, Mayor's Task Force on Economic Recovery, attached hereto.

PASSED this 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix K

CONDUCTING AN ELECTRONIC MEETING – PUBLIC

MAYOR’S TASK FORCE ON ECONOMIC RECOVERY

The following UPDATED SECTIONS OF BY-LAW 18-270, AS AMENDED applies to Electronic participation by members of the public at ELECTRONIC Committee meetings during an emergency when attending in-person is not possible with respect to the Mayor’s Task Force on Economic Recovery only:

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.

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.

THE CITY OF HAMILTON

BY-LAW NO. 20-

To Confirm the Proceedings of City Council at its meeting held on May 20, 2020

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 20th of May, 2020 in respect of each recommendation contained in,

Committee of the Whole Report 20-006, May 20th, 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 20th day of May, 2020.

F. Eisenberger
Mayor

A. Holland
City Clerk