



City of Hamilton

CITY COUNCIL AGENDA

22-003

Wednesday, February 9, 2022, 9:30 A.M.

Due to the COVID-19 and the Closure of City Hall (CC)

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. January 19, 2022

4. COMMUNICATIONS

4.1. Correspondence from Concerned Citizens of Ward 1 respecting the events that transpired at JC Beemer Park.

Recommendation: Be received.

- 4.2. Correspondence from the City of Burlington requesting support for their resolution calling on the Federal and Provincial governments to support the survival of small businesses during Modified Step 2 of the Roadmap to Reopen.

Recommendation: Be received.

- 4.3. Correspondence from the Township of Terrace Bay requesting support for their resolution in support of Northwestern Ontario Municipal Association's (NOMA) resolution granting Ontario Municipalities the same

revenue tools as the City of Toronto including a Municipal Land Transfer Tax to be renamed Land Transfer Infrastructure Support.

Recommendation: Be received.

- 4.4. Correspondence from the Town of Bracebridge requesting support for their resolution respecting priority consideration by the Provincial Government and its agencies for increased and sustainable funding for Muskoka

Parry Sound Sexual Assault Services (MPSSAS) and other sexual assault services centres.

Recommendation: Be received.

- 4.5. Correspondence from Rose Janson and Family respecting the restorative power of nature.

Recommendation: Be received.

- 4.6. Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in

local land use planning decisions.

Recommendation: Be received.

- 4.7. Correspondence from Thomas Bell, No Nuisance Noise Ontario requesting Council's assistance to help constituents to experience a quieter, less noise-polluted life while aiding millions of other Ontarians in enjoying a quieter world as well.

Recommendation: Be received.

- 4.8. Correspondence from Keanin Loomis, resigning from the Physician Recruitment and Retention Steering Committee.

Recommendation: Be received.

- 4.9. Correspondence from the Honourable Caroline Mulroney, Minister of Transportation respecting an update on the proposal to upgrade the intersection of Highway 5 and 6.

Recommendation: Be received.

- 4.10. Correspondence from the City of Brantford requesting support for their resolution insisting that the government address the Revolving Door of Justice - Accountability for Sureties and Swift Justice.

Recommendation: Be received.

- 4.11. Correspondence from Walter Furlan respecting the proximity of injection clinics to primary schools.

Recommendation: Be received.

- 4.12. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the approved funding for the City of Hamilton Digital Services Modernization Review project, of up to \$254,400 towards the cost of an independent third-party reviewer to deliver a final report with detailed and actionable recommendations for efficiencies and cost savings.

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

- 4.13. Correspondence from Paul Dube, Ombudsman of Ontario respecting the City of Hamilton's Board of Health meeting on August 11, 2021.

Recommendation: Be received.

- 4.14. Correspondence from Jennifer Mann respecting the Roadside Memorial Policy.

Recommendation: Be received and referred to the consideration of Item 2 of Public Works Committee Report 22-002.

- 4.15. Correspondence from Golder Associates Ltd. informing the City of Hamilton of Enbridge Gas Inc. (Enbridge Gas) proposed pipeline project to meet the increased demand for energy in Hamilton, Brantford, Brant County, North Dumfries, Haldimand County and

Norfolk County and requesting input and comments respecting the project by March 22, 2022.

Recommendation: Be received.

- 4.16. Correspondence from the Honourable Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing respecting the Steps to Cautiously and Gradually Ease Public Health Measures While Protecting Hospital and Health Care Capacity.

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

5. COMMITTEE REPORTS

- 5.1. Public Works Committee Report 22-001, January 31, 2022

- 5.2. Planning Committee Report 22-002, February 1, 2022
- 5.3. General Issues Committee Report 22-004, February 2, 2022
- 5.4. Sole Voting Member of the Hamilton Farmers' Market, Report 22-001, February 2, 2022
- 5.5. Audit, Finance and Administration Committee Report 22-003, February 3, 2022
- 5.6. Emergency and Community Services Committee Report 22-002, February 3, 2022

6. MOTIONS

- 6.1. Amendment to Item 3(c) of General Issues Committee Report 21-003, respecting Ban of Electric Scooters from Public Property (City Wide)
- 6.2. Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report –

Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).
- 6.3. Motion to Amend By-law No. 16-290, the Council Code of Conduct to provide for the Transparency Disclosure of Non-Disqualifying Interests
- 6.4. Amendment to Item 7 of the General Issues Committee Report 17-004, respecting Report PED17024 - King William Art Walk Public Art Project
- 6.5. Amendment to Sub-Section (b) to Item 7.12 of the July 13, 2018 Council Minutes 18-015, respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette
- 6.6. Amendment to the 2022 Council / Committee Calendar
- 6.7. Appointment to the Interview Sub-Committee to the Audit, Finance and Administration Committee

7. NOTICES OF MOTIONS

8. STATEMENT BY MEMBERS (non-debatable)

9. COUNCIL COMMUNICATION UPDATES

- 9.1. January 14, 2022 to February 3, 2022

10. PRIVATE AND CONFIDENTIAL

11. BY-LAWS AND CONFIRMING BY-LAW

11.1. 016

To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking

Schedule 5 (Parking Meters)

Schedule 6 (Time Limit Parking)

Schedule 8 (No Parking Zones)

Schedule 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Schedule 14 (Wheelchair Loading Zones)

Schedule 15 (Commercial Vehicle Loading Zones)

Schedule 20 (School Bus Loading Zones)

Ward: 1, 2, 3, 4, 7, 8, 9, 14, 15

11.2. 017

To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council

Ward: City Wide

11.3. 018

To Amend By-law No. 16-290, Council Code of Conduct

Ward: City Wide

11.4. 019

To Establish a Code of Conduct for Local Boards

Ward: City Wide

11.5. 020

To Adopt Official Plan Amendment No. 159 to the Urban Hamilton Official Plan Respecting 281 Hamilton Drive and 356 Wilson Street West (Ancaster)

Ward: 12

11.6. 021

To Amend Zoning By-law No. 87-57, Respecting Lands Located at 281 Hamilton Drive and 356 Wilson Street West (Ancaster)

ZAC-20-014/UHOPA-20-009

Ward: 12

11.7. 022

To Adopt Official Plan Amendment No. 161 to the Urban Hamilton Official Plan Respecting 219, 225 and 247 East Avenue North and 315 Robert Street (Hamilton)

Ward: 3

11.8. 023

To Amend Zoning By-law No. 6593 (Hamilton) Respecting lands located at 315 Robert Street and Part of 225 East Avenue North (Hamilton)

ZAC-21-028/UHOPA-21-013

Ward: 3

11.9. 024

To Amend By-law No. 19-035, Being a By-law to Appoint a Fire Chief, Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034, and to Repeal By-law No. 20-052

Ward: City Wide

11.10. 025

To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking

Schedule 6 (Time Limit Parking)

Schedule 8 (No Parking Zones)

Schedule 9 (Alternate Side Parking Zones F/T)

Schedule 10 (Alternate Side Parking Apr-Nov)

Schedule 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Schedule 14 (Wheelchair Loading Zones)

Schedule 16 (Taxi Zones)

Schedule 20 (School Bus Loading Zones)

Ward: 2, 3, 5, 7, 13

11.11. 027

To Confirm the Proceedings of City Council

12. ADJOURNMENT



CITY COUNCIL MINUTES 22-002

9:30 a.m.
January 19, 2022
Council Chamber
Hamilton City Hall
71 Main Street West

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

Deputy Mayor Ferguson 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

- 4.14 Correspondence from Malcolm Buchanan, the motion respecting Support of legal challenge to Bill 21 in the Province of Quebec.

Recommendation: Be received and referred to the consideration of Item 6.2, Support of legal challenge to Bill 21 in the Province of Quebec.

- 4.15 Correspondence from Principles Integrity respecting Local Board Code of Conduct.

Recommendation: Be received and referred to the consideration of Item 5.8(b), Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)).

- 4.16 Correspondence from Frank Jalsevac respecting the correspondence from David Bronskill, Goodmans LLP (Item 4.10) regarding 310 Frances Avenue, City of Hamilton, Municipal Comprehensive Review/Official Plan Review - Draft Urban Hamilton, Official Plan Amendment - Conformity Amendment and Draft Rural Hamilton, Official Plan Amendment - Firm Urban Boundary (PED21067(a)).

Recommendation: Be received and referred to the consideration of of Item 5.8(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a)).

5. COMMITTEE REPORTS - STAFF REPORTS

- 5.8 (b) Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)) (City Wide)

6. MOTIONS

- 6.2 Support of legal challenge to Bill 21 in the Province of Quebec - REVISED

(Merulla/Pearson)

That the agenda for the January 19, 2022 meeting of Council be approved, ***as amended.***

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

- YES - Ward 1 Councillor Maureen Wilson
- NOT PRESENT – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- YES - Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- YES - Ward 8 Councillor John-Paul Danko
- NOT PRESENT - Mayor Fred Eisenberger
- NOT PRESENT - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Deputy Mayor - 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 M. Wilson declared an interest to Item 4 of Planning Committee Report 22-001, respecting Application for Removal of a Holding Provision by Fengate Hamilton Lands GP Inc. et al. for Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East, Hamilton (PED22024) (Ward 2), as her spouse is member of the Board of Directors for the property owner.

Councillor M. Wilson declared an interest to Item 6 of Planning Committee Report 22-001, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 223, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3), as her spouse has a business relationship with the property owner.

Councillor J.P. Danko declared an interest to Item 1 of the Emergency and Community Services Committee respecting Hamilton-Wentworth District School Board and City of Hamilton Reciprocal Use Agreement (HSC22002) (City Wide), as his wife is Chair of the Hamilton-Wentworth District School Board.

Councillor B. Clark declared an interest to Item 4 of Planning Committee Report 22-001, respecting Application for Removal of a Holding Provision by Fengate Hamilton Lands GP Inc. et al. for Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East, Hamilton (PED22024) (Ward 2), due to his son's business interest with, the principal of the applicant's planning consultant.

APPROVAL OF MINUTES OF PREVIOUS MEETING
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3. December 15, 2021 (Item 3.1) and January 12, 2022 (Item 3.2)

(Powers/Whitehead)

That the Minutes of the December 15, 2021 and January 12, 2022 meetings of Council be approved, as presented.

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

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

COMMUNICATIONS

(Clark/Pearson)

That Council Communications 4.1 to 4.16 be approved, as presented, as follows:

- 4.1 Correspondence from the Ministry of Municipal Affairs and Housing respecting an update on recent changes made to help streamline and simplify Ontario's planning system.

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

- 4.2 Correspondence from the Honourable Deputy Minister Kate Manson-Smith, Ministry of Municipal Affairs and Housing respecting an Extension of Emergency Orders and Provincial Response to the Omicron Variant.

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

- 4.3 Correspondence from the Grand River Conservation Authority respecting the Final Transition Plan - Requirement under Ontario Regulation 687/21.

Recommendation: Be received.

- 4.4 Correspondence from the City of Sarnia requesting support for their resolution respecting "Catch and Release" Justice.

Recommendation: Be received.

- 4.5 Correspondence from the Mike Collins-Williams, Chief Executive Officer, West End Home Builders' Association respecting Rethinking Hamilton's Planning Framework: Can We Park Minimum Parking Requirements?

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

- 4.6 Correspondence from the Ministry of Northern Development, Mines, Natural Resources and Forestry respecting the Proposed regulatory changes under the *Aggregate Resources Act*.

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

- 4.7 Correspondence from Aldo Castelli respecting the cost of an appeal to the Ontario Land Tribunal (OLT).

Recommendation: Be received.

- 4.8 Correspondence from Carmen Orlandis, Elder, Ward 3 Stinson respecting Old Cathedral Boys School, 24 Dec 2021 Housing Services Division Q&A.

Recommendation: Be received.

- 4.9 Correspondence from the Honourable Deputy Minister Kate Manson-Smith, Ministry of Municipal Affairs and Housing respecting Omicron Variant of COVID-19, Testing and Isolation Guidelines, and Emergency Work Deployment Order O.Reg.157/20.

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

- 4.10 Correspondence from David Bronskill, Goodmans LLP respecting 310 Frances Avenue, City of Hamilton, Municipal Comprehensive Review/Official Plan Review - Draft Urban Hamilton, Official Plan Amendment - Conformity Amendment and Draft Rural Hamilton, Official Plan Amendment - Firm Urban Boundary (PED21067(a)).

Recommendation: Be received and referred to the consideration of Item 5.8(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a))

- 4.11 Correspondence from Paul Dube, Ontario Ombudsman respecting the Fee charged to file an Integrity Commissioner complaint.

Recommendation: Be received.

- 4.12 Correspondence from Brian Dijkema, Vice President External Affairs, Cardus respecting the City of Hamilton Motion - Legal Challenge to Quebec's Bill 21.

Recommendation: Be received and referred to the consideration of Item 6.2, Support of legal challenge to Bill 21 in the Province of Quebec.

- 4.13 Correspondence from Andrew Smith respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a))

Recommendation: Be received.

- 4.14 Correspondence from Malcolm Buchanan, the motion respecting Support of legal challenge to Bill 21 in the Province of Quebec.

Recommendation: Be received and referred to the consideration of Item 6.2, Support of legal challenge to Bill 21 in the Province of Quebec.

- 4.15 Correspondence from Principles Integrity respecting Local Board Code of Conduct.

Recommendation: Be received and referred to the consideration of Item 5.8(b), Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)).

- 4.16 Correspondence from Frank Jalsevac respecting the correspondence from David Bronskill, Goodmans LLP (Item 4.10) regarding 310 Frances Avenue, City of Hamilton, Municipal Comprehensive Review/Official Plan Review - Draft Urban Hamilton, Official Plan Amendment - Conformity Amendment and Draft Rural Hamilton, Official Plan Amendment - Firm Urban Boundary (PED21067(a)).

Recommendation: Be received and referred to the consideration of of Item 5.8(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a)).

(Nann/Wilson)

That Item 4.11, Correspondence from Paul Dube, Ontario Ombudsman respecting the Fee charged to file an Integrity Commissioner complaint, be received ***and referred to the Governance Review Sub-Committee for consideration.***

Result: Motion on Item 4.11 of the Communication Items, as Amended, 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 - Ward 5 Councillor Russ Powers
 NO - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 NO - Ward 15 Councillor Judi Partridge
 NO - Ward 14 Councillor Terry Whitehead
 YES - Ward 13 Councillor Arlene VanderBeek
 NO - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 NO - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Communication Items CARRIED by a vote of 15 to 0, as follows:

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

- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Clark/Whitehead)

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

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

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

BOARD OF HEALTH REPORT 22-001

(Wilson/Pearson)

That Board of Health Report 22-001, being the meeting held on Monday, January 10, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Board of Health Report 22-001, CARRIED by a vote of 15 to 0, as follows:

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

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

PUBLIC WORKS COMMITTEE REPORT 22-001

(Nann/Powers)

That Public Works Committee Report 22-001, being the meeting held on Monday, January 10, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 22-001, CARRIED by a vote of 15 to 0, as follows:

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- 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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 22-001

(Wilson/Danko)

That Planning Committee Report 22-001, being the meeting held on Tuesday, January 11, 2022, be received and the recommendations contained therein be approved.

Due to declared conflicts, Item 4 was voted on separately as follows:

4. **Application for Removal of a Holding Provision by Fengate Hamilton Lands GP Inc. et al. for Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East, Hamilton (PED22024) (Ward 2)**
 - (a) That in accordance with Council’s decision not to appeal the Minor Variance Application, the proposal is therefore deemed to comply with the Official Plan in accordance with Section 63 of the *Planning Act*,
 - (i) That the By-law, attached as Appendix “B” to Report PED22024, to remove the ‘H’ Holding Provision from the subject lands, which has been prepared in a form satisfactory to Corporate Counsel, be forwarded to Council for enactment;

- (ii) That Schedule "A", Map No. 952 of Zoning By-law No. 05-200 be amended by changing the zoning from the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone and the Downtown Central Business District (D1, H17, H19, H20) Zone, to the Downtown Mixed Use – Pedestrian Focus (D2) Zone and the Downtown Central Business District (D1) Zone;
- (b) That staff be directed and authorized to include the necessary revisions in a future housekeeping amendment to the Downtown Hamilton Secondary Plan and Zoning By-law to reflect the Minor Variance Application (HM/A 21:221) approval by the Committee of Adjustment.

Result: Motion on Item 4 of the Planning Committee Report 22-001, CARRIED by a vote of 13 to 0, as follows:

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

Due to a declared conflict, Item 6 was voted on separately as follows:

6. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 223, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-013, by Indwell Community Homes, Owner, to add an Urban Site Specific to Volume 3, Chapter C and amend Map 2a – Urban Site Specific Key Map (Lower City) to permit a multiple dwelling with a maximum density of 284 units per hectare, for the lands located at 315 Robert Street and 219, 225 and 247 East Avenue North, as shown on Appendix "A" attached to Report PED22007, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED22007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That Zoning By-law Amendment Application ZAC-21-028, Indwell Community Homes, Owner, for a change in zoning from the “E/S-881”, “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified and “D/S-881”, “D/S-881a” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified to the “E/S-1812” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” of Appendix “B” attached to Report PED22007 to permit a three storey, 31 unit multiple dwelling, for the lands located at 315 Robert Street and a portion of the lands located at 225 East Avenue, as shown on Appendix “A” attached to Report PED22007, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED22007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe 2019, as amended and will comply with the Urban Hamilton Official Plan upon finalization of the Official Plan Amendment No. XX.
- (c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

Result: Motion on Item 6 of the Planning Committee Report 22-001, CARRIED by a vote of 14 to 0, as follows:

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

Deputy Mayor Ferguson relinquished the Chair to Councillor Clark in order to move the following amendment.

(Ferguson/Powers)

That sub-sections (a) and (b) of Item (g)(ii) be lifted from the Information Section and added to Item 5, as sub-sections (d) and (e), as follows:

- 5. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 281 Hamilton Drive and 356 Wilson Street West, Ancaster (PED22004) (Ward 12) (Item 9.1)**
- (a) That Official Plan Amendment Application UHOPA-20-009 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of RUDY & Associates c/o Michelle Cutts, Owner, to re-designate the lands from the “Low Density Residential 1” to “Low Density Residential 3” designation on Map B.2.8-1 Land Use Plan in the Ancaster Wilson Street Secondary Plan in the Urban Hamilton Official Plan, to permit ten townhouse dwelling units on a private driveway, for lands located at 281 Hamilton Drive and 356 Wilson Street West, as shown on Appendix “A” attached to Report PED22004, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22004, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That amended Zoning By-law Amendment Application ZAC-20-014 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of RUDY & Associates c/o Michelle Cutts, Owner, for a change in zoning from the Deferred Development “D” Zone and the Urban Commercial “C4-288” Zone to a site specific Residential Multiple “RM2” (RM2-713) Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, to permit ten townhouse dwelling units accessed from a private driveway, for lands located at 281 Hamilton Drive and 356 Wilson Street West, as shown on Appendix “A” attached to Report PED22004, be APPROVED on the following basis:
- (i) That the draft By-law, attached as Appendix “C” attached to Report PED22004, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law attached as Appendix “C” attached to Report PED22004, be added to District Map No. 1-B of Zoning By-law No. 87-57 as “RM2-713”;
 - (iii) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe, 2019, as amended, and complies with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. ____.

- (c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.
- (d) ***That staff be directed to ensure the Ward Councillor is invited to attend the Site Plan approval process for this application; and,***
- (e) ***That staff be directed to ensure that construction vehicles are prohibited from parking on Hamilton Drive, through the Construction Management Plan in the Site Plan process for this application.***

Result: Amendment to Item 5 of the Planning Committee Report 22-001, CARRIED by a vote of 15 to 0, as follows:

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

Deputy Mayor Ferguson assumed the Chair for the remainder of the meeting.

Result: Motion on the balance of the Planning Committee Report 22-001, As Amended, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 22-001

(Clark/Johnson)

That General Issues Committee Report 22-001, being the meeting held on Wednesday, January 12, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the General Issues Committee Report 22-001, CARRIED by a vote of 15 to 0, as follows:

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

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-001
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(Pearson/Wilson)

That Audit, Finance and Administration Committee Report 22-001, being the meeting held on Thursday, January 13, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Audit, Finance and Administration Committee Report 22-001, CARRIED by a vote of 14 to 0, as follows:

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

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

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 22-001

(Clark/Merulla)

That Emergency and Community Services Committee Report 22-001, being the meeting held on Thursday, January 13, 2022, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 1 was voted on separately as follows:

1. **Hamilton-Wentworth District School Board and City of Hamilton Reciprocal Use Agreement (HSC22002) (City Wide) (Item 7.1)**
 - (a) That the City of Hamilton enter into a new Reciprocal Use Agreement with the Hamilton-Wentworth District School Board with essential terms and conditions as listed in Appendix "A" to Report 22-001; and,
 - (b) That the General Manager of the Healthy and Safe Communities Department be authorized and directed to execute the Reciprocal Use Agreement, together with any renewals of the Agreement and all necessary documents to implement subsection (a) above, in a form satisfactory to the City Solicitor.

Result: Motion on Item 1 of the Emergency and Community Services Committee Report 22-001, CARRIED by a vote of 13 to 0, as follows:

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

Result: Motion on the balance of the Emergency and Community Services Committee Report 22-001, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

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

(Clark/Whitehead)

That Section 5.8(2) of the City’s Procedural By-law 21-021, which provides that a minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review, be waived in order to consider the General Issues Committee Report 22-003.

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

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

GENERAL ISSUES COMMITTEE REPORT 22-003

(Clark/Powers)

That General Issues Committee Report 22-003, being the meeting held on Monday, January 17, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the balance of the General Issues Committee Report 22-003, CARRIED by a vote of 14 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

STAFF REPORTS

5.8(a) Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment – Conformity Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a))

(Farr/Nann)

- (a) That the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan be received and that Planning staff be directed and authorized to engage in public consultation with Indigenous communities, stakeholders, and residents on the proposed amendments to the Urban Hamilton Official Plan Amendment and Rural Hamilton Official Plan, attached as Appendices “A” and “B” to Report PED21067(a);
- (b) That Planning staff be directed and authorized to submit the proposed Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- (c) That Planning staff be directed and authorized to submit the proposed Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- (d) That Planning staff be authorized to prepare the necessary implementing Zoning By-law Amendments to the Zoning By-laws of the Former Communities, for lands outside of Secondary Plan areas, as well as for low density residential areas within Secondary Plan Areas, to give effect to the proposed Urban Hamilton Official Plan Amendment and that Planning staff

present the proposed Zoning By-law Amendments at the statutory public meeting to consider the proposed Official Plan Amendments;

- (e) That Planning staff be directed and authorized to:
 - (i) Schedule and give notice of a statutory public meeting to consider the draft Official Plan Amendment(s) and Zoning By-law Amendments, in accordance with the *Planning Act*;
 - (ii) Report back on the results of the consultation and any proposed changes to the draft Official Plan Amendment(s) and Zoning By-law Amendments, based on feedback, at the statutory public meeting;
 - (iii) Provide a Communications Update to Council upon receipt of the comments from the Minister of Municipal Affairs and Housing on the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan;
 - (iv) That the statutory public meeting be held no later than May 3, 2022.

(Johnson/Partridge)

- (f) *That Page 9 of 19 of Appendix 'E' be removed from Report PED21067(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment – Conformity Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary, and not circulated to the public as part of the consultation process, in order for the Future Multi Modal Hub to remain as a potential transit hub.***

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
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Main Motion, ***as Amended***, reads as follows:

- (a) That the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan be received and that Planning staff be directed and authorized to engage in public consultation with Indigenous communities, stakeholders, and residents on the proposed amendments to the Urban Hamilton Official Plan Amendment and Rural Hamilton Official Plan, attached as Appendices “A” and “B” to Report PED21067(a);
- (b) That Planning staff be directed and authorized to submit the proposed Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- (c) That Planning staff be directed and authorized to submit the proposed Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- (d) That Planning staff be authorized to prepare the necessary implementing Zoning By-law Amendments to the Zoning By-laws of the Former Communities, for lands outside of Secondary Plan areas, as well as for low density residential areas within Secondary Plan Areas, to give effect to the proposed Urban Hamilton Official Plan Amendment and that Planning staff present the proposed Zoning By-law Amendments at the statutory public meeting to consider the proposed Official Plan Amendments;
- (e) That Planning staff be directed and authorized to:
 - (i) Schedule and give notice of a statutory public meeting to consider the draft Official Plan Amendment(s) and Zoning By-law Amendments, in accordance with the *Planning Act*;
 - (ii) Report back on the results of the consultation and any proposed changes to the draft Official Plan Amendment(s) and Zoning By-law Amendments, based on feedback, at the statutory public meeting;
 - (iii) Provide a Communications Update to Council upon receipt of the comments from the Minister of Municipal Affairs and Housing on the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan;
 - (iv) That the statutory public meeting be held no later than May 3, 2022.
- (f) ***That Page 9 of 19 of Appendix ‘E’ be removed from Report PED21067(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment – Conformity Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary, and not circulated to the public as part of the consultation process, in order for the Future Multi Modal Hub to remain as a potential transit hub.***

Result: Main Motion, As Amended, CARRIED by a vote of 11 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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
NO - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Johnson/Powers)

That Council recess at 12:55 p.m.

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
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Council reconvened at 1:38 p.m.

5.8(b) Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)) (City Wide)**(Nann/Wilson)**

- (a) That Report FCS21081(a), respecting the Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan be REFERRED back to staff for a participatory model of consultation and education that is designed to enable input and feedback from *the individual members of the* local boards and committees to help finalize a revised Code of Conduct, with a report back to the General Issues Committee; and,
- (b) That an upset limit of \$30,000 for the consultation and education process on the Code of Conduct, to be funded through the Tax Stabilization Reserve account 110046, be approved.

Result: DEFEATED by a vote of 6 to 9, as follows:

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

(Eisenberger/Farr)

- (a) That the By-law “Code of Conduct for Local Boards”, contained in Appendix “A” attached to Report FCS21081(a), *as amended*, which has been prepared in a form satisfactory to the City Solicitor, be passed;
 - (i) adding commentary to Rule 5: Election Campaigns of the Code of Conduct for Local Boards, as follows:

Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board.

Commentary

This Code does not limit a person’s right to participate fully in an electoral process so long as they do so without using their status as a Member of the local board for such purposes. For example, it would not be contrary to the Code for a person to:

- ***Stand for Election;***
- ***Contribute to an election campaign;***
- ***In their own name, exhibit an intention to support one party or platform over another;***
- ***While standing for election, indicate on their election material (without in any way suggesting endorsement) that they have served on a City of Hamilton local board amongst their other credentials and experiences.***

- (ii) deleting the following due to redundancy from the ‘Guiding Principles’ section, to read as follows:

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Members are expected to perform their duties as a member of the Local Board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Members shall serve the public in a conscientious and diligent manner.

Members should be committed to performing their functions with integrity, impartiality and transparency.

~~***Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.***~~

There is a benefit to municipalities when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

- (b) That, subject to the approval of Recommendation (a) of Report FCS21081(a), all entities listed in Appendix “B” attached to Report FCS21081(a) replace their current Code of Conduct with the Code of Conduct for Local Boards, **as amended**, attached as Appendix “A” to Report FCS21081(a);

- (c) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the Code of Conduct for Local Boards, **as amended**, attached as Appendix “A” to Report FCS21081(a), apply to all entities created in the future which meet the definition of “Local Board” within the Code of Conduct for Local Boards;
- (d) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the draft By-Law “To Amend By-law 21-021, a By-law to Govern the Proceedings of Council and Committees of Council”, attached as Appendix “C” to Report FCS21081(a), which has been prepared in a form satisfactory to the City Solicitor, be passed;
- (e) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be authorized and directed to delete Appendix “G” of the Advisory Committee Procedural Handbook and make the necessary edits in the Handbook to reflect the new Code of Conduct for Local Boards, **as amended**;
- (f) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be directed to develop and deliver a training program, with the Integrity Commissioner, for all current Members of the entities listed in Appendix “B” attached to Report FCS21081(a) on the new Code of Conduct for Local Boards, **as amended, in the Spring of 2022 (virtual and in person where appropriate) at an upset limit of \$5,000, to be funded through the Tax Stabilization Reserve account 110046; and**
- (g) **That the training sessions accommodate members work schedules and be open to all members of all local boards with the intent that they attend one of the six sessions offered.**

(Powers/Farr)

That sub-section (a), be **amended** to provide for the commencement of the enforcement of the new Code of Conduct for City Boards and Committees, to begin within the next term of Council:

- (a) That the By-law “Code of Conduct for Local Boards”, contained in Appendix “A” attached to Report FCS21081(a), **as amended**, which has been prepared in a form satisfactory to the City Solicitor, be passed **effective May 1, 2023 with enforcement and complaints being administered under the current Codes of Conduct until April 30, 2023**;

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

NO - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Russ Powers
 YES - Ward 6 Councillor Tom Jackson
 NO - Ward 7 Councillor Esther Pauls

NO - 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
YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - 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:

- (a) That the By-law “Code of Conduct for Local Boards”, contained in Appendix “A” attached to Report FCS21081(a), ***as amended***, which has been prepared in a form satisfactory to the City Solicitor, be passed ***effective May 1, 2023 with enforcement and complaints being administered under the current Codes of Conduct until April 30, 2023;***
- (i) adding commentary to Rule 5: Election Campaigns of the Code of Conduct for Local Boards, as follows:

Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board.

Commentary

This Code does not limit a person’s right to participate fully in an electoral process so long as they do so without using their status as a Member of the local board for such purposes. For example, it would not be contrary to the Code for a person to:

- ***Stand for Election;***
- ***Contribute to an election campaign;***
- ***In their own name, exhibit an intention to support one party or platform over another;***
- ***While standing for election, indicate on their election material (without in any way suggesting endorsement) that they have served on a City of Hamilton local board amongst their other credentials and experiences.***

- (ii) deleting the following due to redundancy from the 'Guiding Principles' section, to read as follows:

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Members are expected to perform their duties as a member of the Local Board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Members shall serve the public in a conscientious and diligent manner.

Members should be committed to performing their functions with integrity, impartiality and transparency.

~~**Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.**~~

There is a benefit to municipalities when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

- (b) That, subject to the approval of Recommendation (a) of Report FCS21081(a), all entities listed in Appendix "B" attached to Report FCS21081(a) replace their current Code of Conduct with the Code of Conduct for Local Boards, **as amended**, attached as Appendix "A" to Report FCS21081(a);
- (c) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the Code of Conduct for Local Boards, **as amended**, attached as Appendix "A" to Report FCS21081(a), apply to all entities created in the future which meet the definition of "Local Board" within the Code of Conduct for Local Boards;
- (d) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the draft By-Law "To Amend By-law 21-021, a By-law to Govern the Proceedings of Council and Committees of Council", attached as Appendix "C" to Report FCS21081(a), which has been prepared in a form satisfactory to the City Solicitor, be passed;
- (e) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be authorized and directed to delete Appendix "G" of the Advisory Committee Procedural Handbook and make the necessary edits in the Handbook to reflect the new Code of Conduct for Local Boards, **as amended**;

- (f) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be directed to develop and deliver a training program, with the Integrity Commissioner, for all current Members of the entities listed in Appendix "B" attached to Report FCS21081(a) on the new Code of Conduct for Local Boards, ***as amended, in the Spring of 2022 (virtual and in person where appropriate) at an upset limit of \$5,000, to be funded through the Tax Stabilization Reserve account 110046; and***

- (g) ***That the training sessions accommodate members work schedules and be open to all members of all local boards with the intent that they attend one of the six sessions offered.***

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

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- 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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

(Clark/Pearson)

That the Committee of the Whole Rise and Report.

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
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- 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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson

YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

MOTIONS

6.1 Amendment to Item 3 of the General Issues Committee Report 20-011, respecting the Police Station 40 (Waterdown) Financing Strategy (FCS20061) (City Wide)

(Clark/Partridge)

WHEREAS, staff inadvertently prepared the report, respecting the Police Station 40 (Waterdown) Financing Strategy, with a duplicate report number;

THEREFORE, BE IT RESOLVED:

That Item 3 of the General Issues Committee Report 20-011 respecting the Police Station 40 (Waterdown) Financing Strategy (FCS20061) (City Wide), which was approved by Council on August 21, 2020, be amended by deleting the report number "FCS20061" and replacing it with the report number "**FCS20062**", to read as follows:

3. Police Station 40 (Waterdown) Financing Strategy (~~FCS20061~~ **FCS20062) (City Wide) (Item 9.2)**

- (a) That Appendix "A" attached to Report 20-011 respecting the financing strategy for Police Station 40, in partnership with the Hamilton Fire Department, be approved and funded by Tax Supported Development Charges debt;
- (b) That the General Manager, Finance and Corporate Services, be authorized to negotiate and confirm the terms, placement and issuance of all debenture issue(s), and / or private placement debenture issue(s), in either a public or private market and / or bank loan agreements and debenture issue(s) and / or variable interest rate bank loan agreements and debenture issue(s), in an amount not to exceed \$8,000,000 Canadian currency in Tax Supported Development Charges municipal debt for the Hamilton Police Station 40 project;
- (c) That the General Manager, Finance and Corporate Services, be authorized to engage the services of all required professionals to secure the terms and issuance of the debenture issue(s) described in Recommendation (b) including, but not limited to, external legal counsel, fiscal agents and Infrastructure Ontario's Loan Program and the cost of such services be funded from one of the following sources as deemed appropriate by the General Manager of the Finance and Corporate Services: Development Charge Reserves, Non-Obligatory Reserves or Corporate Services Approved Budgets;

- (d) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are individually authorized and directed, on behalf of the City of Hamilton, to enter into and execute all agreements and necessary ancillary documents to implement Recommendation (b) to Report FCS20061 and in order to secure the terms and issuance of the debenture issue(s) described in Recommendation (b) to Report ~~FCS20061~~ **FCS20062**, on terms and conditions satisfactory to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (e) That the Mayor and City Clerk are authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents not requiring any specific signing authority, to secure the terms and issuance of the debenture issue(s) described in Recommendation (b) to Report ~~FCS20061~~ **FCS20062**, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager, Finance and Corporate Services;
- (f) That the General Manager, Finance and Corporate Services be authorized and directed to administer all agreements and necessary ancillary documents described in recommendations (d) and (e) to Report ~~FCS20061~~ **FCS20062**; and,
- (g) That staff be authorized and directed to prepare all necessary by-laws, for Council's consideration, for the purpose of authorizing the debenture issue(s) negotiated, placed and secured in accordance with Recommendations (b), (c), (d), (e) and (f) to Report ~~FCS20061~~ **FCS20062**.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Deputy Mayor - 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 Support of legal challenge to Bill 21 in the Province of Quebec - REVISED**(Eisenberger/Nann)**

WHEREAS Fatemah Anvari recently lost her position as teacher in the Province of Quebec for being found to be wearing a hijab in class;

WHEREAS under Quebec's Bill 21 frontline civil servants who display religious symbols while working can be fired or reassigned;

WHEREAS it is noted that Bill 21 violates the basic principles of the Canadian Charter of Rights and Freedoms; and

WHEREAS this is a clear demonstration of Islamophobia and poses a threat to the freedoms of many within the Province of Quebec;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton stand in solidarity recognizing that Bill 21 is discriminatory and does not uphold equality of all citizens, regardless of their religious affiliation, as protected under the Canadian Charter of Rights and Freedoms, and
- (b) That the City of Hamilton endorse the effort by Ontario's Big City Mayors (OBCM) asking the Parliament of Canada, (both government and opposition), ***the Association of Municipalities Ontario (AMO) and the Federation of Canadian Municipalities (FCM)*** to support the challenge of Bill 21 at the Supreme Court;

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Deputy Mayor - 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 Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.**

(Nann/Powers)

That the motion respecting the reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, be referred to the February 9, 2022 Council meeting for consideration.

Result: Motion CARRIED by a vote of 8 to 4, as follows:

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

- 6.4 Request for Minor Variances at 211 and 225 John Street South and 78 Young Street**

(Farr/Ferguson)

WHEREAS Bill 73, *Smart Growth for our Communities Act*, 2015 placed a moratorium for minor variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS the application as presented in Report PED21032 for lands located at 211 and 225 John Street South and 78 Young Street was approved by Council on February 24, 2021 and is within the 2 year moratorium;

WHEREAS Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment;

WHEREAS the application as presented in Report PED21032 was approved to provide 462 underground parking spaces for the 27 and 14 storey mixed use development;

THEREFORE, BE IT RESOLVED:

- (a) That Council of the City of Hamilton provide authorization to Slate Asset Management to apply for minor variances to a by-law for lands located at 211 and 225 John Street South and 78 Young Street in order to reduce the parking requirement, of a site specific by-law approved within the last 2 years; and,
- (b) That in reviewing the application for the Minor Variance, that staff be directed to consider the appropriateness of utilizing the City's cash-in-lieu of parking policy (which was recently modified to provide for a reduced cash-in-lieu rate and to allow for cash-in-lieu funds to be used to support micro-mobility initiatives) towards all or part of the requested parking reduction.

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

YES - Ward 1 Councillor Maureen Wilson
 YES – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 NOT PRESENT - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Russ Powers
 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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
 YES - Ward 11 Councillor Brenda Johnson
 YES - Ward 10 Councillor Maria Pearson
 YES - Ward 9 Councillor Brad Clark

NOTICES OF MOTION

7.1 Motion to Amend By-law No. 16-290, the Council Code of Conduct to provide for the Transparency Disclosure of Non-Disqualifying Interests

Mayor Eisenberger introduced the following Notice of Motion:

WHEREAS, pursuant to the *Municipal Act, 2001*, it is the duty of the City Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the Council;

WHEREAS, the Council Code of Conduct provides that Members shall avoid “conflicts of interest, both apparent and real”;

WHEREAS when a Member is disqualified from participating in the discussion of, or voting on any question in respect of a matter due to a pecuniary interest, direct or indirect, under the *Municipal Conflict of Interest Act*, their disclosure of that interest is recorded in Council and Committee minutes, and a written statement of the interest and its general nature must be filed with the Clerk and included in a registry required to be made available to the public, which is posted on the City’s website;

WHEREAS, there are occasions when Members of Council have an interest in a matter, but such an interest does not disqualify them from participating; and

WHEREAS, the public interest is best served by disclosing both disqualifying and non-disqualifying interests of Members of Council;

THEREFORE, BE IT RESOLVED:

- (a) That section 8 of By-Law 16-290 - Council Code of Conduct be amended as per Appendix “A” of this motion to enable the recording of all disqualifying interests, and to provide for the recording of disclosures where non-disqualifying interests exist; and
- (b) That the City Clerk prepare a Transparency Disclosure of Non-Disqualifying Interest form for use by Members of Council and for posting on the City’s website for viewing.

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Clark/Jackson)

That the listing of Council Communication Updates from December 15, 2021 to January 13, 2022, be received.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES – Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- 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 - Deputy Mayor - 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 AND CONFIRMING BY-LAW

(Clark/Ferguson)

That Bills No. 22-002 to No. 22-009, 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:

- 002 To Permanently Close and Sell a Portion of the Public Unassumed Alley Abutting 401 Victoria Avenue North, Hamilton, namely Part of the Alleyway on Registered Plan 174 in the City of Hamilton, designated as Part 1 on Plan 62R-21596, being part of PIN 17188-0010 (LT)
Ward: 3
- 003 To Establish City of Hamilton Land Described as Blocks 163 and 164 on Plan 62M1251 as Part of Cittadella Boulevard
Ward: 9
- 004 To Establish City of Hamilton Land Described as Blocks 94 and 95 on Plan 62M1167 as Part of McCurdy Avenue
Ward: 15
- 005 To Repeal and Replace By-law No. 21-015 Emergency Management Program Bylaw
Ward: City Wide
- 006 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East
ZAD-21-035
Ward: 2
- 007 To Adopt Official Plan Amendment No. 247 to the City of Hamilton Official Plan Respecting 125 and 129 Robert Street, Hamilton
Ward: 2
- 008 To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands at 125 and 129 Robert Street, in the City of Hamilton
ZAC-17-073
UHOPA-17-033
Ward: 2
- 009 To Confirm the Proceedings of City Council

Due to a declared conflict, Bill 006 was voted on separately as follows:

006 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East
ZAD-21-035
Ward: 2

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

CONFLICT - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Bills, 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
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Eisenberger/Pearson)

That, there being no further business, City Council be adjourned at 3:42 p.m.

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
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Deputy Mayor - 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,

Deputy Mayor L. Ferguson

Andrea Holland
City Clerk

January 9, 2021

Dear Councillor Wilson and Members of Hamilton City Council:

We are writing to you with regards to the assault and charges laid against young housing advocates by Hamilton Police Services in late November 2021. As residents of Ward 1 we feel a sense of collective responsibility to speak out in support of those who are on the front lines of ensuring our city's most vulnerable residents are safe and secure.

As you are aware, on November 24th, officers began evicting individuals who were staying at J.C. Beemer Park after a fire occurred. Demonstrators aligned with the Hamilton Encampment Support Network (HESN) were present and aimed to advocate for houseless individuals who lost their shelter and belongings in the fire. Demonstrators were met by police officers and two of them were arrested for obstructing police and assaulting an officer. In the following days, others were arrested due to their involvement in related advocacy activities.

A total of six individuals were arrested, five of whom were Black youth. During these arrests, police officers threatened to use their tasers and guns on these individuals. Additionally, they engaged in violent behaviour beyond the use of "reasonable force" including: placing their knee on the neck of a disabled Muslim woman, dragging individuals by their arms across pavement, choking and punching, as well as failing to provide necessary medication to detained advocates.

We recognize that this event occurred a few months ago, but we have seen no discernible changes within the HPS to suggest that the conditions that created this situation have been remedied. We believe it is important that even after the news cycle moves on, that citizens hold our public institutions accountable continuously.

We are writing this letter in solidarity with and support of the calls to action of Black Community Leaders at a press conference on December 1st, as well as HESN members' call on January 5th for policy solutions to be created by the City for sustainable housing. Representatives from organizations that include Hamilton Anti-Racism Resource Centre and the Afro Canadian Caribbean Association are calling for the charges against arrested individuals to be dropped. They are also calling for a judicial inquiry to be launched into this incident as well as encampment evictions to be stopped. Key Hamilton institutions including McMaster University's Office of Community Engagement and the Hamilton Community Legal Clinic have demonstrated public support for these calls.

We similarly felt it crucial to voice support for these calls, as well as our utmost concern regarding the actions of the Hamilton Police Services against young, racialized houselessness advocates. As our Ward Representative, we appreciate that Councillor Wilson has spoken out against these incidents and in support of the work being done by HESN. We urge all of City Council to address the calls for action made by Black Community leaders in short order.

Thank you,

Concerned Citizens of Ward 1

4.2

Burlington Economic Recovery Network (BERN)
414 Locust Street
Burlington, Ontario
L7S 1T7

January 14, 2022

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

Dear Premier Ford:

On January 11, 2021, City of Burlington Council passed the enclosed resolution calling for the Federal and Provincial governments to support the survival of small businesses during Modified Step 2 of the Roadmap to Reopen.

The City of Burlington's fundamental priority throughout the COVID-19 pandemic has been to protect the health and safety of Burlington residents, employers and employees, and support our business community to survive the economic impacts of COVID-19 public health measures.

The members of Team Burlington (Burlington Economic Development, Burlington Chamber of Commerce, Tourism Burlington, Burlington Downtown Business Association, and Aldershot Village BIA) came together to create the Burlington Economic Recovery Network (BERN) to engage our business community and ensure they are receiving the support they need during this challenging time. The City of Burlington is an integral part of BERN including members of senior management, the Mayor, and Ward 1 Councillor Kelvin Galbraith who brings his perspective as a business owner in Burlington. From the beginning of the pandemic, BERN has recognized that both the impacts and recovery from the necessary health measures to address the pandemic would vary greatly by economic sector.

Small business, including the Tourism and Hospitality sector, have suffered the greatest negative impacts due to COVID-19 and will face the most significant barriers for businesses to survive the pandemic. According to the latest COVID-19 business survey completed in December 2021, Burlington's main street businesses were already struggling to survive with 1 in 4 Burlington small businesses experiencing a decline in revenue of more than 50% in the last year. In addition almost 80% of Burlington's main street businesses expected it would take more than a year for business to return to pre-pandemic levels without any further lockdowns.

When the Province of Ontario entered Modified Step 2 of the Roadmap to Reopen on January 5, 2022, the restrictions forced many small businesses to either close their doors or significantly decrease their capacity until January 26, 2022. These closures and corresponding drop in revenues will exacerbate the issues that all main street businesses are facing to survive the long-term impacts of COVID-19. With over half of Burlington's businesses taking on more debt due to COVID-19 at levels that they may not be able to sustain, immediate cash infusions are needed to ensure their survival.

In addition, many of Burlington's essential employers who support our critical supply chain infrastructure are struggling with how to create a safe work environment with a lack of access to both Rapid and PCR testing. These employers are not able to pivot their workforces to remote work as they produce the essential products that Ontarians need to survive.

At the January 11, 2022, Burlington City Council meeting the enclosed resolution was passed, in partnership with the Burlington Economic Recovery Network (BERN) and Team Burlington, calling on the Provincial government to:

- Extend the Small Business Support Grant for a third round targeted towards all businesses whose revenues are directly and/or indirectly impacted by current public health restrictions. Eligibility should include businesses previously eligible for the Ontario Tourism and Travel Small Business Support Grant and businesses losing revenue as a result of restrictions affecting their clients (e.g. food service suppliers).
- Work with the Federal government to increase rental subsidies provided under the newly expanded Local Lockdown Program similar to the enhanced Ontario-Canada Emergency Commercial Rent Assistance Program for businesses directly or indirectly impacted by public health restrictions.
- Immediately open the recently announced portal which would allow businesses to access rebates for property taxes and utilities, accompanied by rapid disbursements for eligible business expenses.
- Expand access to Rapid Antigen tests and PCR testing, with priority given to Ontarians unable to work from home, both to limit unnecessary isolation time and allow workers to demonstrate eligibility for paid sick days and other supports.
- Work with financial institutions and the Federal government to forgive loans for businesses most severely impacted by public health restrictions.
- Offer an additional grant to businesses required to implement the government's enhanced vaccine certification protocols and to cover increased pandemic-related expenses for PPE, improved ventilation, etc.

As we move through the pandemic, please know that the City of Burlington, Team Burlington and our business community will continue to seek opportunities to work with you to help Burlington residents and businesses. We would welcome clearer guidance on how to create safe workplaces without immediate access to Rapid or PCR testing with updates on how to manage COVID-19

spread in the workplace when symptomatic individuals cannot be tested. We would ask that PCR testing be expanded to include essential workplaces such as critical supply chain manufacturers. In addition, that efforts be made to immediately allocate Rapid tests to the Chamber of Commerce COVID-19 Rapid Screening initiative that supports small businesses under 150 employees with COVID-19 testing in the workplace. Like many regions across Ontario, our Burlington Chamber of Commerce program was depleted of tests in December 2021 and is still awaiting additional supply. This leaves many local small businesses who need to continue in-person operations without access to testing.

Thank you in advance. If you have any questions, please feel free to contact Burlington Economic Recovery Network’s lead on this matter, Anita Cassidy, Executive Director, Burlington Economic Development, at Anita.Cassidy@burlington.ca or (905) 332-9415. It would be a pleasure to hear from you.

Sincerely,

Randall Smallbone
Chair
Burlington Economic
Recovery Network

Marianne Meed Ward
Mayor
City of Burlington

CC:

- Provincial Minister of Finance
- Provincial Minister of Small Business and Red Tape Reduction
- Provincial Minister of Economic Development, Job Creation and Trade
- Provincial Minister of Health
- MPP Jane McKenna
- MPP Effie Triantafilopoulos
- MPP Parm Gill
- Minister Karina Gould
- MP Pam Damoff
- MP Adam Van Koeverden
- Halton Regional Council
- Members of the Towns of Milton, Halton Hills and Oakville Councils
- Association of Municipalities of Ontario (AMO)
- Ontario Big City Mayor’s Caucus (OBCM)
- Mayors and Regional Chairs of Ontario (MARCO)
- Ontario Chamber of Commerce (OCC)
- Milton Chamber of Commerce



Halton Hills Chamber of Commerce
Oakville Chamber of Commerce
Team Burlington (Burlington Economic Development, Burlington Chamber of Commerce, Tourism Burlington, Burlington Downtown Business Association, and Aldershot Village BIA)
Burlington Economic Recovery Network (BERN)
Burlington Restaurant Association
Ontario Business Improvement Area Association (OBIAA)

January 13, 2022

SUBJECT: Resolution for Measures to Support the Survival of Small Businesses during Modified Step 2 of the Roadmap to Reopen (CSSRA-01-22)

Please be advised that at its meeting held Tuesday January 11, 2022, the Council of the City of Burlington approved the following resolution:

Whereas in May 2020 the City of Burlington and Team Burlington (Burlington Economic Development, Burlington Chamber of Commerce, Tourism Burlington, Burlington Downtown Business Association and the Aldershot Village BIA) formed the Burlington Economic Recovery Network (BERN). The Burlington Economic Recovery Network has strategically brought together key stakeholders and business leaders from across Burlington to develop a robust local strategy that will prepare our economy for recovery from the COVID-19 crisis; and

Whereas when the Province of Ontario entered modified Step 2 of the Roadmap to Reopening on January 5, 2022, the restrictions forced many small businesses to either close their doors or significantly decrease their capacity until January 26, 2022; and

Whereas both supply chain issues in the procurement of rapid tests and recent changes to criteria for PCR testing have left many critical supply chain manufacturers and their workers without testing to ensure worker safety and minimize workplace COVID-19 outbreaks; and

Whereas the Ontario Chamber of Commerce met with the Honorable Peter Bethlenfalvy, Minister of Finance, to discuss business concerns and wrote an open letter to the minister requesting immediate business support which can be read in the appendix; and

Whereas the Province of Ontario announced the Ontario Small Business Relief grant on January 7, 2022, we continue to ask that the full \$20,000 grant be reinstated in line with the 2021 grant and that access be expanded to businesses who are not fully closed but required to reduce capacity.

Therefore, be it resolved that Burlington City Council, in partnership with the Burlington Economic Recovery Network (BERN) and Team Burlington, call on the Provincial governments to provide the supports outlined in the Ontario Chamber of Commerce letter Re: Dire Straits for Ontario's Small Businesses including:

- Extend the Small Business Support Grant for a third round targeted towards all businesses whose revenues are directly and/or indirectly impacted by current public health restrictions. Eligibility should include businesses previously eligible for the Ontario Tourism and Travel Small Business Support Grant and businesses

losing revenue as a result of restrictions affecting their clients (e.g. food service suppliers).

- Work with the federal government to increase rental subsidies provided under the newly expanded Local Lockdown Program similar to the enhanced Ontario-Canada Emergency Commercial Rent Assistance Program for businesses directly or indirectly impacted by public health restrictions.
- Immediately open the recently announced portal which would allow businesses to access rebates for property taxes and utilities, accompanied by rapid disbursements for eligible business expenses.
- Expand access to rapid antigen tests and PCR testing, with priority given to Ontarians unable to work from home, both to limit unnecessary isolation time and allow workers to demonstrate eligibility for paid sick days and other supports.
- Work with financial institutions and the federal government to forgive loans for businesses most severely impacted by public health restrictions.
- Offer an additional grant to businesses required to implement the government's enhanced vaccine certification protocols and to cover increased pandemic-related expenses for PPE, improved ventilation etc.; and

Further that the Mayor and Council representative on BERN be directed to write a letter, jointly with BERN and Team Burlington, advocating for the actions outlined above to support the survival of small businesses to the Premier of Ontario; and

That the City Clerk be directed to send a copy of the letter and resolution, once approved, to:

- The Premier of Ontario
- Provincial Minister of Small Business and Red Tape Reduction
- Provincial Minister of Economic Development, Job Creation and Trade
- Provincial Minister of Health
- Provincial Minister of Finance
- Burlington Members of Provincial Parliament Jane McKenna, Effie Triantafilopoulos and Parm Gill
- Halton Regional Council
- Councils of the Towns of Milton, Halton Hills and Oakville
- Association of Municipalities of Ontario (AMO)
- Ontario Big City Mayor's Caucus (OBCM)
- Mayors and Regional Chairs of Ontario (MARCO)
- GTHA Mayors and Chairs
- Ontario Chamber of Commerce (OCC)
- Milton Chamber of Commerce
- Halton Hills Chamber of Commerce
- Oakville Chamber of Commerce
- Team Burlington (Burlington Economic Development, Burlington Chamber of Commerce, Tourism Burlington, Burlington Downtown Business Association and Aldershot Village BIA)
- Burlington Economic Recovery Network (BERN)
- Burlington Restaurant Association

- Ontario Business Improvement Area Association (OBIAA)

If you have any questions, please contact me at extension 7702 or the e-mail address above.

Sincerely,

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

Kevin Arjoon
City Clerk



The Corporation of the Township of Terrace Bay

P.O. Box 40, 1 Selkirk Avenue, Terrace Bay, ON, P0T 2W0
Phone: (807) 825-3315 Fax: (807) 825-9576

4.3

January 5, 2022

Mayor Fred Eisenberger
2nd Floor
71 Main Street West
Hamilton, ON
L8P 4Y5

Email: mayor@hamilton.ca

Dear Mr. Eisenberger;

At the Township of Terrace Bay Regular Council Meeting held on Tuesday January 4, the following resolution of support was passed.

Re: Support FONOM request for Municipal Land Transfer Tax as Revenue Tool

Resolution: 4-2022

Moved By: Councillor M. Moore

Seconded By: Councillor B. Johnson

RESOLVED THAT Terrace Bay support NOMA's resolution granting Ontario Municipalities the same revenue tools as the City of Toronto including a Municipal Land Transfer Tax to be renamed Land Transfer Infrastructure Support.

BE IT RESOLVED THAT this resolution be forwarded to the Province Minister of Finance Peter Bethlenfalvy, the Leaders of Provincial Opposition parties, the Ontario's Big City Mayors, ROMA, OSUM, and FONOM.

CARRIED

We appreciate your attention to this matter.

Sincerely,

J. Davis
Mayor

/jj

4.4

January 19, 2022

Re: Support for Muskoka Parry Sound Sexual Assault Services (MPSSAS) Receive Increased and Sustainable Provincial Funding (Mayor, G. Smith)

At its meeting of December 22, 2021, the Council of the Corporation of the Town of Bracebridge ratified motions 21-GC-317, regarding the Support for Muskoka Parry Sound Sexual Assault Services (MPSSAS) Receive Increased and Sustainable Provincial Funding, as follows:

“WHEREAS the Muskoka Parry Sound Sexual Assault Services (MPSSAS) has provided prevention education, advocacy and support for survivors of recent or historical sexual violence in the area since 1993;

AND WHEREAS the number of survivors needing access to crisis counselling and long-term therapy programs has multiplied four (4) times since 1993;

AND WHEREAS ongoing underfunding of MPSSAS and the sexual assault services sector has reduced the number of resources available to provide these services due to highly specialized skill requirements that are unmatched by low wages and benefits relative to other mental health funded positions;

AND WHEREAS the current COVID-19 pandemic has resulted in isolated survivors, unable to leave abusive situations due to pressures on housing and shelters, requiring the services of MPSSAS;

NOW THEREFORE BE IT RESOLVED THAT increased and sustainable provincial funding for MPSSAS and other sexual assault services centres be supported for priority consideration by the Provincial Government and its agencies.”

In accordance with Council’s direction I am forwarding you a copy of the resolution for you reference.

Please do not hesitate to contact me if I can provide any additional clarification in this regard.

Yours truly,



Lori McDonald
Director of Corporate Services/Clerk

1000 Taylor Court
Bracebridge, ON
P1L 1R6 Canada

Pilon, Janet

Subject: The restorative power of nature

From: Rose Janson

Sent: Monday, January 24, 2022 10:02 AM

To: Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; clerk@hamilton.ca; Toman, Charlie <Charlie.Toman@hamilton.ca>

Subject: The restorative power of nature

Hello dear City of Hamilton

We implore you to give priority to the urban forestry strategy, as well as the promotion of green spaces and gardening in Hamilton.

Trees and green spaces can save lives. They are especially important right now.

1. Air Quality is improved
2. CO2 emissions are absorbed
3. Children get green spaces to play
4. Birds and butterflies profit
5. Everyone's mental health is boosted

Much research supports these benefits. One excellent resource is 'The well-Gardened Mind', by S. Stuart-Smith.

Yours truly,
Rose Janson and Family

Pilon, Janet

Subject: Dissolve the OLT (Ontario Land Tribunal)

From: Mrakas, Tom <TMrakas@aurora.ca>

Sent: January 21, 2022 9:12 AM

To: VanderBeek, Arlene <Arlene.VanderBeek@hamilton.ca>; Clark, Brad <Brad.Clark@hamilton.ca>; Johnson, Brenda <Brenda.Johnson@hamilton.ca>; Chad Collins <chad.collins@hamilton.ca>; Pauls, Esther <Esther.Pauls@hamilton.ca>; Office of the Mayor <Officeofthe.Mayor@hamilton.ca>; Farr, Jason <Jason.Farr@hamilton.ca>; Danko, John-Paul <John-Paul.Danko@hamilton.ca>; Partridge, Judi <Judi.Partridge@hamilton.ca>; Ferguson, Lloyd <Lloyd.Ferguson@hamilton.ca>; Pearson, Maria <Maria.Pearson@hamilton.ca>; Wilson, Maureen <Maureen.Wilson@hamilton.ca>; Nann, Nrinder <Nrinder.Nann@hamilton.ca>; Merulla, Sam <Sam.Merulla@hamilton.ca>; Whitehead, Terry <Terry.Whitehead@hamilton.ca>

Subject: Dissolve the OLT (Ontario Land Tribunal)

Good day fellow elected official,

Successive provincial governments of all political stripes have failed to have due regard for municipal authority in local land use planning decisions. As a result, rather than approving much needed housing units, municipalities instead have spent decades mired in the red tape of costly, time consuming appeals hearings spending millions of taxpayer dollars defending Council decisions to uphold provincially approved Official Plans.

With delay upon delay, nothing gets built and the hope of developing the “missing middle” of housing looks at this stage, to be merely a pipe dream.

We are witnessing a crisis in attainable housing; a crisis fueled in part by a land use planning appeals process that supplants the rights of local municipalities to uphold their own provincially approved Official Plans with the power of an unelected, unaccountable third party – the OLT - to determine “good planning outcomes” for our communities.

If municipalities had the authority to enforce their provincially approved Official Plans, then thousands of units of housing could be built in York Region alone without any further delay.

To address the very real need for a diversity of attainable housing in communities across our province, we need to eliminate one of the key barriers to its realization – the Ontario Land Tribunal.

I have attached a Motion that I would respectfully ask you to put forward at your council.

This Motion requests the Government of Ontario to dissolve the OLT and recognize the authority of municipal councils in local land use planning decisions.

Please consider adding this Motion to your Council agendas. It is imperative that collectively our voices are heard. Local governments should have the authority to exercise greater control over planning matters in their own communities. By working together, we can build a positive future for all Ontarians.

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

Whereas an Official Plan is developed through months of public consultation to ensure, “that future planning and development will meet the specific needs of (our) community”; and

Whereas our Official Plan includes zoning provisions that encourage development of the “missing middle” or “gentle density” to meet the need for attainable housing in our community; and

Whereas our Official Plan is ultimately approved by the province; and

Whereas it is within the legislative purview of Municipal Council to approve Official Plan amendments or Zoning By-law changes that better the community or fit within the vision of the (Your Municipality) Official Plan; and

Whereas it is also within the legislative purview of Municipal Council to deny Official Plan amendments or Zoning By-law changes that do not better the community or do not fit within the vision of the (Your Municipality) Official Plan; and

Whereas municipal planning decisions may be appealed to the Ontario Land Tribunal (OLT; formerly the Ontario Municipal Board or “OMB”), an unelected, appointed body that is not accountable to the residents of (Your Municipality); and

Whereas the OLT has the authority to make a final decision on planning matters based on a “best planning outcome” and not whether the proposed development is in compliance with municipal Official Plans and Provincial Planning Policy; and

Whereas all decisions—save planning decisions—made by Municipal Council are only subject to appeal by judicial review and such appeals are limited to questions of law and or process; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

Whereas towns and cities across this Province are repeatedly forced to spend millions of dollars defending Official Plans that have already been approved by the province in expensive, time consuming and ultimately futile OLT hearings; and

Whereas lengthy, costly OLT hearings act as a barrier to the development of attainable housing;

1. Now Therefore Be It Hereby Resolved That (Your Municipality) requests the Government of Ontario to dissolve the OLT immediately thereby eliminating one of the most significant sources of red tape delaying the development of more attainable housing in Ontario; and

2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors’ Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and

3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

Regards,

Tom Mrakas
Mayor Town of Aurora

416-543-1624



Confidentiality Note: The information contained in this communication is confidential and is intended only for the use of the individual or entity to whom it is addressed. The contents of this communication may be subject to legal privilege, and all rights of that privilege are expressly claimed and not waived. This communication may also contain information exempt from disclosure under the *Municipal Freedom of Information and Protection of Privacy Act*. Any distribution, use or copying of this communication, or the information it contains, by anyone including the intended recipient, is unauthorized unless consent is received. If you have received this communication in error, please notify me immediately and destroy the communication without making a copy. Thank you.

Received consent from Mayor Tom Mrakas on January 24, 2022

Whereas Municipalities across this province collectively spend millions of dollars of taxpayer money and municipal resources developing Official Plans that meet current Provincial Planning Policy; and

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Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans; and

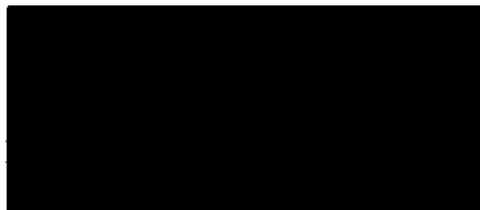
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2. Be It Further Resolved That a copy of this Motion be sent to the Honourable Doug Ford, Premier of Ontario, the Minister of Municipal Affairs and Housing, the Leader of the Opposition, the Leaders of the Liberal and Green Party, all MPPs in the Province of Ontario; the Large Urban Mayors’ Caucus of Ontario, the Small Urban GTHA Mayors and Regional Chairs of Ontario; and
3. Be It Further Resolved That a copy of this Motion be sent to the Association of Municipalities of Ontario (AMO) and all Ontario municipalities for their consideration.

**NO NUISANCE NOISE ONTARIO
NNNO!**

c/o Thomas R. Bell



JAN 23 2022

4.7

January 23, 2022

Mayor F. Eisenberger and Council
City of Hamilton
71 Main St. W.
Hamilton, ON
L8P 4Y5

**SUBJECT: Nuisance noise created by
modified/missing mufflers**

Dear Mayor Eisenberger and Councillors:

As the elected representatives of one of the 60 largest municipalities in Ontario, we are soliciting your assistance in helping your constituents to experience a quieter, less noise -polluted life while aiding millions of other Ontarians to enjoy a quieter world as well.

Our group started as a group of 106 condo dwellers who sent a petition to the Mayor and Councillors of the Town of Ajax. We petitioned that they do something about the ever-increasing, ear-deafening noises being produced by vehicles whose mufflers have been altered to create and amplify noises such as backfires and machine gun sounds, to name but a few.

The Mayor and Councillors were very supportive of our request but we quickly learned that our concern was really with the Highway Traffic Act. The Town of Ajax had passed a Council Resolution earlier in the year dealing with the noise issue and were doing as much as possible given the current provincial legislation.

We feel certain that this is not just an Ajax problem and that you likely have heard from your constituents that this is a problem and perhaps have even experienced it for yourself.

Our purpose in writing to you is to ask whether or not your jurisdiction has anything on record dealing with vehicular noise. If you do, we would appreciate receiving a copy. If you don't, we respectfully ask that you consider a resolution similar to the one passed by the Town of Ajax. We have taken the liberty of attaching a copy.

JAN 23 2022

On, or about, March 15, 2022 it is our intention to write to the Honorable Caroline Mulroney, Minister of Transportation. With the assistance of all 60 jurisdictions, hopefully, the voices of over eleven million Ontarians would be heard and the government would change the Highway Traffic Act to include at least some of our suggestions. As this is an election year there is a possibility that other parties might see this as an issue as well.

Our letter to the Ontario government will include copies of the current legislation that are in force in various localities throughout the province along with suggestions for amendments to the Highway Traffic Act such as:

- (a) Including a specific and enforceable decibel limit, e.g. 80 decibels
- (b) On conviction that a sizeable fine be imposed
- (c) Offenders be required, within a given period, to supply proof that the vehicle has been re--modified to at least meet current standards

As the Highway Traffic Act has not adequately dealt with the noise pollution problem, the financial responsibility for the costs associated with implementing and operating the program be paid for by the government for a period of 5 years. The costs to include

- (i) purchase and upkeep of the necessary monitoring equipment
- (ii) training of local personnel
- (iii) financial liability for the payment of local enforcement officers

As the government would be financing the program, any fines levied should be shared on an 80% government, 20% local basis.

We are hopeful that you, and the council, will help us to eliminate this health jeopardizing problem by providing a copy of the legislation that is currently in force in your region or by enacting legislation and providing us with a copy.

Thank you in advance for any assistance that you may be able to provide.

Yours truly



Tom Bell

On behalf of NNNO!

JAN 23 2022



**The Corporation of the Town of Ajax
June 21, 2021
Council Resolution Extract**

NOW THEREFORE BE IT RESOLVED THAT:

1. Ajax Council urge the Province of Ontario to work with the Lieutenant Governor to expedite the proclamation of section 75.1 of the Highway Traffic Act (Better for People, Smarter for Business Act, 2019, S.O. 2019, c. 14, Sched. 16, s. 11);
2. The Ministry of Transportation be requested to set a maximum decibel count for exhaust systems to ensure that exhaust systems with the capability of exceeding 80 decibels will not be available for sale and will not be permitted in the Province of Ontario, and consider reviewing and increasing associated penalties for non-compliance;
3. The Province of Ontario be requested to provide funding for police services in Ontario to be equipped with approved decibel monitor devices to aid in effective enforcement efforts; and
4. A copy of this motion be sent to the Hon. Caroline Mulroney, Minister of Transportation, the Hon. Rod Phillips, Minister of Long-Term Care and MPP for Ajax, all Durham Region Members of Provincial Parliament, the Region of Durham, all Durham municipalities, Durham Regional Police Service, and the Ontario Provincial Police.

Carried

Questions regarding the contents of this extract may be directed to the undersigned.

Alexander Harras
Manager of Legislative Services / Deputy Clerk
Town of Ajax
T: 905-619-2529 x 3342
E: alexander.harras@ajax.ca



Pilon, Janet

From: Keanin Loomis <k.loomis@hamiltonchamber.ca>
Sent: Tuesday, January 25, 2022 12:47 PM
To: Bates, Tamara
Cc: Marie Nash
Subject: PR&R

Hi Tamara,
As you've probably heard, I am stepping down from the Hamilton Chamber of Commerce on March 4th.

That unfortunately means that I won't be able to see to fruition the work we've undertaken in modernizing the Hamilton Physicians initiative.

Marie Nash, cc'd, will replace me as the Chamber representative on the Physician Recruitment and Retention Steering Committee and Working Group.

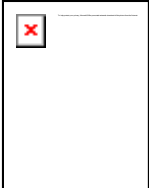
I will do everything I can to ensure that Marie is brought up to speed on our efforts so that the disruption to you and the initiative are as minimal as possible.

Best,

Keanin

--

Keanin Loomis | President & CEO
Hamilton Chamber of Commerce
120 King St. W, Plaza Level, Suite 507
Hamilton, ON, L8P 4V2
905.522.1151 ext. 229



**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

777, rue Bay, 5^e étage
Toronto, ON M7A 1Z8
416 327-9200
www.ontario.ca/transports

January 21, 2022

107-2022-169

His Worship Fred Eisenberger
Mayor
City of Hamilton
mayor@hamilton.ca

Dear Mayor Eisenberger:

I am writing to provide you with an update on the proposal to upgrade the intersection of Highway 5 and 6 to an interchange to accommodate planned future development and traffic growth in the City of Hamilton.

The Ministry of Transportation (MTO) recognizes the importance of a future interchange at the intersection of Highway 5 and 6 to support development and address any associated traffic impacts. MTO understands that several major developments are planned in the area that will place further pressure on the highway network, increasing the need to advance the construction of the new interchange.

In 2017, in anticipation of future development growth in the area, MTO completed the design for the future interchange. The ministry has also worked cooperatively with the city to continue to review and advance development proposals in the area.

I am pleased to report that the province is moving forward with the Highway 5 and 6 interchange project. The next steps will be to update the design, secure property for the work and carry out utility relocation in advance of construction. Construction of the interchange will commence after the acquisition of properties required for the interchange and municipal road network, and the relocation of the significant number of utilities in the interchange area.

I have asked Becca Lane, MTO Director of Central Operations and our engineering staff to contact the City of Hamilton's Transportation, Planning and Parking Division to review the scope of the work and discuss next steps required to move this project forward.

I know this is welcome news for the City of Hamilton and I look forward to working together to move forward with this important infrastructure improvement.

Sincerely,

A handwritten signature in black ink that reads 'Caroline Mulroney'.

Caroline Mulroney
Minister of Transportation

- c. Brian Hollingsworth
Becca Lane



January 28, 2022

Association of Municipalities of Ontario (AMO)

Sent via email: policy@amo.on.ca

To whom it may concern:

Please be advised that the Council of the Corporation of the City of Brantford adopted the following resolution at its City Council meeting held on January 25, 2022:

12.5.2 Addressing the Revolving Door of Justice – Accountability for Sureties and Swift Justice – Resolution

WHEREAS the City of Brantford has experienced a substantial increase in criminal activity leaving residents fearful for their personal safety and losing confidence in the criminal justice system; and

WHEREAS the City of Brantford strives to create vibrant, safe, livable neighbourhoods in its community; and

WHEREAS concerns continue to be raised by businesses, the post-secondary institutions in the downtown area and their student bodies, neighbourhood associations, citizens and others; and

WHEREAS bringing matters related to criminal charges more expeditiously through the court system will create a greater deterrence to such behaviour, and therefore improve the safety and security of citizens in this community; and

WHEREAS each year a significant sum of surety money is forfeited further to breaches of the conditions of judicial interim release orders (“bail”); however, the necessary steps are not taken to collect this forfeited money, thus leaving a substantial financial resource unavailable;

NOW THEREFORE BE IT RESOLVED:

- A. THAT Kevin Davis, Mayor of the City of Brantford, on behalf of the Council of The Corporation of the City of Brantford, correspond with the Honourable Prabmeet Sarkaria, President of the Treasury Board and the Honourable Doug Downie, Attorney General of Ontario, insisting that steps be taken immediately by the government to:

- i. provide additional judicial resources dedicated to Brantford to allow for matters to move as expeditiously through the court system as possible; and
 - ii. provide such additional space and/or technological resources for the local court to ensure there is adequate space and technological resources to most efficiently address the significant local caseload and consequently decrease the time a matter takes to be fully resolved; and
 - iii. dedicate the required resources to collect the forfeited surety monies and reinvest that money back into the provincial judicial system; and
- B. THAT the City Clerk BE DIRECTED to forward a copy of this resolution to the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), Ontario Big City Mayors (OBCM) and the list of other Ontario Municipalities with a request that those municipalities pass similar resolutions; and
- C. THAT the City Solicitor BE DIRECTED to send the letter referenced in Clause A to Brant County, the Six Nations of the Grand River and the Mississaugas of the Credit First Nation to determine if they are willing to be signatories to the letter.

I trust this information is of assistance.

Yours truly,



Tanya Daniels
City Clerk
tdaniels@brantford.ca

cc All Ontario municipalities
Ontario Big City Mayors (OBCM)
Federation of Canadian Municipalities (FCM)

Pilon, Janet

Subject: Council communications

From: Walter Furlan

Sent: Saturday, January 29, 2022 2:10 PM

To: Kolar, Loren <Loren.Kolar@hamilton.ca>

Subject: Items for Board of Health meeting

Hi Loren

Could you please kindly add these 2 news articles below and this email to the next Board of Health meeting. It seems to contain pertinent information regarding injection clinics being in close proximity to primary schools. Especially relevant information in relation to St Ann and daycare which is 175 meters away from the proposed location and Prince of Wales School just beyond 200 metres and in close proximity to proposed injection clinics.

I would also respectfully ask the board reconsider the location, TAN is not consulting with the local community, nor have they. The board of Health data reveals that there are more opioid users in ward 2 than ward 3. The 2 proposed locations in ward 3 do not appear to be good use of public funds on the surface at least.

Thank you, Walter Furlan

[Irish judge rejects injecting room because it was near a school \(mracgroup.com\)](#)

[Richmond Schoolkids Counselling For Shocking Incidents \(mracgroup.com\)](#)

--

Furlan Conservation

765-767 Barton Street East

Hamilton, ON L8L 3A9

[905 383 3704](tel:9053833704)

furlanconservation.com

[< All Posts](#)

Irish judge rejects injecting room because it was near a school

19 July 2021 | Media

In Ireland, a high court judge has rejected plans for Ireland's first medically supervised drug injection facility. One of the main reasons is because of its positioning near a school.

Approximately 100 drug users are expected to use it every day, 63 of them by the time children are turning up to go into the neighbouring St Audoen's primary school, the court heard. The building is just 150 metres from St Audoen's, which brought the High Court challenge to the planning decision

The school claimed the decision was irrational and that an injection facility would worsen the already serious problems in the area, which include the buying and selling of drugs, overdosing and other anti-social behaviour.

The school board contended that a school and such a facility were incompatible and it had identified what it believed would be adverse impacts on the school.

The inappropriateness of locating a drug injection facility in close proximity to a primary school was highlighted. The submission cited a report from a clinical psychologist, retained by the school, to the effect that to have any facility close to a children's learning establishment that appears to normalise illegal practices (such as needle exchange, injecting with drugs or anti-social behaviour) as being acceptable would have an influence on a child's understanding. The clinical psychologist is recorded as saying that children "model" their lives and behaviour on the many influences they are exposed to: what they see will influence what they will do.

It was noted that advertising of alcohol is banned from areas in and around schools and other educational facilities as well as a "no fry zone" around schools to help alleviate and safeguard against childhood obesity. Such plans have been made in the past to protect children.

It was submitted that the proposed development would give rise to increased drug use and activity in the area and would cause a de facto "drugs marketplace" to be created. It is a basic principle of economics that supply follows demand.

<https://www.independent.ie/irish-news/courts/high-court-rejects-plans-for-irelands-first-medically-supervised-drug-injection-facility-40656231.html>



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Richmond Schoolkids Counselling For Shocking Incidents

16 May 2021 | Media

In today's Herald Sun:

<https://www.mra.com.au/news/victoria/flinders-st-likely-place-for-melbournes-second-injecting-room/news-story/9ea93359f3df2f2d6bce1aa1ab01390f>

Children from a primary school near Richmond's injecting room are receiving counselling after witnessing a [spate of shocking incidents](#).

Neil Mallet, the father of two boys aged 10 and 12 who attend Richmond West Primary School, said children were having grief counselling after the school went into lockdown in March when a man was seen brandishing a knife on school grounds.

Another man was found dead near the school the day after the incident.

"I have been made aware at recent meetings between school parents that children are receiving counselling after the knife incident," Mr Mallet said. "They are also witnessing users injecting themselves and overdosing nearby school grounds and this is unacceptable.

"Politicians keep stating the injecting room saves lives but they are not addressing the fundamental issue, which is the safety of our children."

Paramedics attended an incident on May 3 where a man aged in his 40s was taken to hospital in a stable condition after falling from a multi-level carpark on Vere Street about 1.30pm, which is close to the school.

While it's unclear if students saw the incident or whether it was drug-related, parents say it has left them "shocked".

Last week, police were seen searching bags at the front of the injecting room in Lennox Street after a group of men were believed to be dealing drugs.

A man was also seen injecting himself as students walked past the facility.

But the injecting room's medical director Nico Clark said there was a significant reduction in the number of ambulance attendances where paramedics needed to use naloxone around the facility since the trial began.

"There's clear evidence that it's having a positive impact on reducing public injecting and public overdose in Richmond around the injecting room," Dr Clark said.



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**Ministry of
Municipal Affairs
and Housing**

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

**Ministère des
Affaires municipales
et du Logement**

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



234-2022-32

February 1, 2022

Your Worship
Mayor Fred Eisenberger
City of Hamilton

Dear Mayor Eisenberger:

Our government is committed to supporting the delivery of modern, efficient, and financially sustainable services for all Ontarians. Thank you for demonstrating your commitment to improving services in your municipality through your application to the third intake of the *Audit and Accountability Fund*.

I am pleased to inform you that your municipality's project, *City of Hamilton Digital Services Modernization Review*, has been approved for funding of up to \$254,400 towards the cost of an independent third-party reviewer to deliver a final report with detailed and actionable recommendations for efficiencies and cost savings.

The Government of Ontario launched the *Audit and Accountability Fund* in 2019 to help large urban municipalities improve local service delivery and ensure taxpayers' dollars are used efficiently. Since 2019, we have provided funding to over eighty projects that are helping municipalities modernize and integrate service delivery and streamline development approvals and other processes. Projects undertaken through the third intake of the *Audit and Accountability Fund* will further support these efforts to find efficiencies and improve municipal service delivery.

To ensure municipalities have sufficient time to undertake this important work, I am extending the project timelines that were previously communicated in the program guidelines. An interim report with a project status update will now be required by **May 31, 2022** and the due date for the final report is extended to **February 1, 2023**. Please note that no further extensions to the final report deadline can be provided because project funds are budgeted in the province's 2022-23 fiscal year, which ends on March 31, 2023.

The ministry will forward a transfer payment agreement for this project shortly for your municipality's review and signature. Once the agreement has been executed, an interim payment will be issued. Ministry staff would be pleased to respond to any questions you may have and can be reached by email at municipal.programs@ontario.ca.

Thank you for your participation in the Audit and Accountability Fund and your continued commitment to delivering modern, efficient municipal services.

Sincerely,



Steve Clark
Minister

- c. Janette Smith, City Manager
- Mike Zegarac, GM Finance & Corporate Services
- Andrea Holland, City Clerk



J. Paul Dubé, Ombudsman

BY EMAIL

Hamilton Board of Health
 c/o Mayor Fred Eisenberger
 Hamilton City Hall
 71 Main Street West
 Hamilton, ON L8P 4Y5

February 2, 2022

Dear Members of the City of Hamilton Board of Health:

Re: City of Hamilton's Board of Health meeting on August 11, 2021

My Office received a complaint regarding a meeting held electronically by the City of Hamilton's Board of Health (the "Board") on August 11, 2021. The complaint alleged that during this meeting the votes of individual Board members were not visible in real time, purportedly in contravention of the open meeting rules in the *Municipal Act, 2001* (the "Act").¹

I am writing to share the outcome of my review. For the reasons set out below, I have concluded that the Board did not contravene the open meeting rules. At no time was the meeting closed to the public on August 11, 2021. All meeting proceedings were streamed live online. The results of each vote were also announced verbally.

Ombudsman's role and authority

As of January 1, 2008, the Act gives anyone the right to request an investigation into whether a municipality has complied with the Act in closing a meeting to the public.² Municipalities may appoint their own investigator. The Act designates the Ombudsman as the default investigator for municipalities that have not appointed their own. My Office is the closed meeting investigator for the City of Hamilton.

My Office has investigated hundreds of closed meetings since 2008. To assist municipal councils, staff, and the public, we have developed an online digest of open meeting

¹ *Municipal Act, 2001*, SO 2001, c 25.

² *Ibid* at s 239.1.

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
 Toronto, ON M5G 2C9

Tel./Tél. : 416-586-3300 Facsimile/Télécopieur : 416-586-3485 TTY/ATS : 1-866-411-4211

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cases. This searchable repository was created to provide easy access to decisions on, and interpretations of, the open meeting rules. Council members and staff can consult the digest to inform their discussions and decisions on whether certain matters can or should be discussed in closed session, as well as issues related to open meeting procedures. Summaries of these previous decisions can be found in the digest: www.ombudsman.on.ca/digest.

Review

We spoke with the City of Hamilton’s Clerk and the Legislative Coordinator for the City’s Board of Health. We also reviewed meeting materials, relevant sections of the Act and associated regulations, as well as the City’s procedure by-law, which has been adopted by the Board.

Further, we watched the livestream recording for the meeting on August 11, 2021 as well as recordings from four previous Board meetings.

The open meeting rules state that a meeting shall not be closed to the public during the taking of a vote unless the subject matter discussed fits into one of the exceptions and the vote pertains to procedural matters or is required to give direction to staff or officers. Sections 238 and 239 of the Act do not speak to voting by secret ballot, which is addressed elsewhere in the legislation.

Board’s use of eSCRIBE software to livestream and conduct electronic voting

During the COVID-19 pandemic, the Board has been meeting electronically. The Board relies on eSCRIBE software for livestreaming and conducting electronic voting. We spoke with staff and reviewed meeting recordings to observe the Board’s normal practice when voting.

During a livestreamed Board meeting, an eSCRIBE voting display window indicates that a vote is in progress, identifies the nature of the motion being voted on, and shows the mover and seconder of the motion. Once a vote has been taken, eSCRIBE displays the nature of the motion and whether it was carried. The eSCRIBE vote display window lists the names of all the Board members who voted “yes” on the motion, followed by those who voted “no.” If there are any members absent from the vote, their names are listed below the names of members who voted “no.”

To validate the regular practices of the Board, our Office reviewed additional livestream recordings from prior Board meetings, specifically those held on April 18, May 17, June 14, and July 7, 2021. In each case, the eSCRIBE voting box was displayed to the public and consistently showed how each Board member voted and whether any members were absent. The Legislative Coordinator also announced the result of each vote by

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stating verbally how many voted in favour and how many voted against a given motion.

August 11, 2021 Board meeting held electronically using eSCRIBE

On August 11, 2021, the Board held an open meeting electronically at 9:30 a.m., with 14 of 16 Board members in attendance.

City staff confirmed that the eSCRIBE voting window was not publicly displayed during any of the votes due to a technical malfunction. Staff told us they were not aware that the results were not being displayed until after the meeting had ended. Staff also told us that had it not been for the inadvertent malfunction, the results of each vote would have been displayed in real time, as is the Board's usual practice.

Despite the technical malfunction, the public was made aware of the overall vote results following each vote. The Legislative Coordinator announced at the close of each vote how many Board members voted in favour, how many voted against, and whether or not the motion was carried. While the individual votes of Board members were not displayed, this information was subsequently included in the minutes and published in the following month's agenda package.

At no time was the Board's meeting closed to the public, as all meeting proceedings were streamed live online.

Our Office recommends that municipalities have a staff member log in to the livestream of electronic meetings to monitor quality and clarity.

Conclusion

Under the circumstances, we will not be taking any further steps to review this complaint. I would like to thank the Board for its co-operation during my review.

Sincerely,



Paul Dubé
Ombudsman of Ontario

cc: Andrea Holland, Clerk
Loren Kolar, Legislative Coordinator

483 Bay Street, 10th Floor, South Tower / 483, rue Bay, 10^e étage, Tour sud
Toronto, ON M5G 2C9

Tel./Tél. : 416-586-3300 Facsimile/Télécopieur : 416-586-3485 TTY/ATS : 1-866-411-4211
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Pilon, Janet

Subject: New Roadside Memorial bylaw policy for reading on February 9th council agenda

From: JENNIFER MANN

Sent: Wednesday, February 2, 2022 2:13 PM

To: clerk@hamilton.ca

Cc: Paparella, Stephanie <Stephanie.Paparella@hamilton.ca>

Subject: New Roadside Memorial bylaw policy for reading on February 9th council agenda

The Mayor and Members of Council.

To the city council, my name is Jennifer Mann and I am the grieving mother of a violently killed daughter. My beautiful Mackenzie was killed on June 3, 2020, by a criminally negligent stunt driver. Her soul was taken at the corner of Nebo and Airport Rd. I have been made aware that a committee was formed to create a bylaw for the city of Hamilton. Who was on this committee to come up with these restrictions on roadside memorials? Was the opportunity given to invite the many parents of the existing roadside memorials that are already in place. I didn't get an invitation. Consulting us would've been a good way to come up with reasonable criteria to put into your new bylaw. I was assured by the city consultant I'm dealing with, with respect to my daughter's memorial, on Airport and Nebo that her memorial has been grandfathered and will not be subjected to this new bylaw. I would like that in writing where I can refer to it for reference in the future, you will have to appreciate my lack of trust in this city.

There are a few items I would like the committee/council to reconsider with regards to this new bylaw.

First, and probably the most significant and important is the time frame of 18 months! How was that small time frame agreed upon. Did you speak to psychologists, grief counsellors like I mentioned in my previous emails to Fred Eisenberger, Brenda Johnson, and Craig Murdoch. Have you consulted grieving parents, they are the people devastated by these awful traumatic deaths? Let me be clear- **there is no time frame on grieving, trauma and loss.** And for you to suggest that 18 months, not even 2 full years is enough to honour their lost child or loved one is astonishing and wrong. Further, if all these new memorials adhere to the restrictions and meet the parameters why have a removal date at all? What's the point? I would ask that the time frame be removed from the bylaw as long as the new restrictions are being met. Roadside memorials are a significant part of the grieving process and are very helpful in honouring their loved one. Most loved ones are taken quickly and violently and their memory deserves to be honoured, so they are not forgotten. One of the biggest worries of grieving parents is that their child will be forgotten. Memorials help to keep their memory alive. Why take that from people that have had the most horrible thing happen to a human being.

Second, the size of 1 meter, all around. I think the size of the memorial should be reflective as to where the death occurs. A death on a very busy street with high traffic volume or is considered dangerous to approach like the Linc or the Red Hill is different than a death on a rural country road or neighbourhood street. Major arteries are completely different than rural side roads or neighbourhood streets. I recommend a 1 meter all way around as the minimum and then address on a case by case basis to a maximum length/height. Also if your argument is to deter roadside memorials or limit them, that is unfair and if you are worried about too many of them around the city then maybe resources should be put into place and address the reasons for all these unnecessary deaths and penalties associated with the killings. Almost all roadside memorials involved dangerous, stunt driving, and impairment by alcohol or drugs.

Third, the idea of no solar lights is also something to eliminate. Please do not use solar lights as a distraction to passerby's and drivers. That has got to be the most ridiculous reason to date. There are so many other major light distractions in this city to pick at other than a roadside memorials. If someone wants to call the city to complain about lights at a roadside memorial causing distraction to them, then maybe the city should turn the argument back on the complainer. Learn how to drive with things going on around you. It's part of getting your license. There are giant light up billboards all over this city on very busy roads including the Linc. Billboards require reading and usually have a message that causes way more distraction than some solar powered lights at a roadside memorial. There is an enormous plane that looks like its crashing into the ground at an

already dangerous curve where many deaths have occurred already on HWY 6 in Mount Hope. So really that restriction needs to go. The lights represent calm and solace and are a significant sign in relation to death and healing. Please remove this restriction. I understand the glass and the candles, that makes perfect sense and solar lights are also environmentally friendly. Maybe just add the restriction of no blinking or flashing lights.

I hate the fact that I have to sit here and write an email begging for reconsideration on roadside memorials. I would give anything in this world to have my daughter back. But here I am, and these are my 3 biggest concerns moving forward for grieving parents who will walk in my shoes. Unfortunately, there will be more of us out there and please city council I am literally begging you to take some time to reconsider these 3 areas and concerns. I'm more than willing to meet and help come up with some other restrictions.

Thank you for taking the time to read my email.

Respectfully,
Jennifer Mann

Pilon, Janet

Subject: Notice of Commencement - Hamilton Airport Regional Expansion Project

From: Hamilton Expansion Project <HamiltonExpansionProject@golder.com>

Sent: Thursday, February 3, 2022 2:18 PM

To: Pilon, Janet <Janet.Pilon@hamilton.ca>

Cc: Smith, Janette <Janette.Smith@hamilton.ca>; Schleeahn, Norm <Norm.Schleeahn@hamilton.ca>; Chan, Alvin <Alvin.Chan@hamilton.ca>; Patterson, Jennifer <Jennifer.Patterson@hamilton.ca>; Brian Lennie <Brian.Lennie@enbridge.com>; George Tatolis <george.tatolis@enbridge.com>; Hamilton Expansion Project <HamiltonExpansionProject@golder.com>

Subject: Notice of Commencement - Hamilton Airport Regional Expansion Project

FAO: Mayor Eisenberger and Members of Council

Hello

I am writing to inform you that Enbridge Gas Inc. (Enbridge Gas) is proposing a pipeline project to meet the increased demand for energy in Hamilton, Brantford, Brant County, North Dumfries, Haldimand County, and Norfolk County, Ontario. Additional information, including a map of the project, can be found in the attached letter.

We kindly request that any input and comments regarding the project are provided by your organization by **March 22, 2022**. Any comments, questions or feedback regarding the project can be directed to hamiltonexpansionproject@golder.com or 807-632-9713.

Sincerely,

Kevin McGillicuddy (B.A. (Mod), M.Sc., PIEMA)
Environmental Assessment Specialist



Golder Associates Ltd.
20 Queen St. West, Suite 2300 Toronto, ON M5H 3R3, Canada
T: +1 416 366 6999 | **D:** +1 (416) 366-6999 | golder.com
[LinkedIn](#) | [Instagram](#) | [Facebook](#) | [Twitter](#)

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Please consider the environment before printing this email.

February 3, 2022

To Whom It May Concern
71 Main Street West
Hamilton, Ontario L8P4Y5

Dear Sir / Madam,

**ENBRIDGE GAS INC. – PROPOSED HAMILTON AIRPORT REGIONAL EXPANSION PROJECT
NOTICE OF STUDY COMMENCEMENT AND VIRTUAL OPEN HOUSE**

Enbridge Gas Inc. (Enbridge Gas) is proposing a project to meet the increased demand for energy in Hamilton, Brantford, Brant County, North Dumfries, Haldimand County, and Norfolk County. The Project (known as Hamilton Airport Regional Expansion) is proposed to have four components, which are:

- Component 1: 'Brantford Lateral', is located in the Township of North Dumfries and the County of Brant. This component will consist of a steel natural gas transmission pipeline, which may range from 13 to 16.6 km in length, and will have a pipeline diameter of 12, 16, or 20-inches. Four pipeline route options are being considered. All route options begin at an existing station north of the intersection of Cheese Factory Road and Maple Manor Road in the Township of North Dumfries, and terminate at an existing station on Governors Road East just east of the intersection with Park Road North, in Brant County at the border with the City of Brantford. Option 1 would travel south along Cheese Factory Road through the community of St. George (Brant County), and then west along Governors Road East. Option 2 would travel south along Cheese Factory Road, west on Maple Manor Road and south on the Brantford Highway, then east on Governors Road East. Options 3 and 4 would travel south along the same route, which follows the easement of an existing natural gas pipeline. Option 3 would involve the installation of a pipeline parallel to the existing pipeline, while Option 4 would involve the replacement of the existing pipeline.
- Component 2: 'Port Dover East', is located in Haldimand County and Norfolk County. This component consists of a 3 km steel natural gas distribution pipeline, extending east along Highway 3 from the intersection with Highway 6 (in Norfolk County) to the intersection with Haldimand Road 70, in Haldimand County near Nanticoke. The two options being considered for this component include the installation of a new four-inch diameter pipeline parallel to the existing two-inch diameter steel pipeline line, or the replacement of the existing pipeline with a six-inch diameter steel pipeline.
- Component 3: 'Dickenson Road', is located in the City of Hamilton. This component consists of the installation of a six-inch diameter polyethylene (PE) pipeline commencing at Aeropark Boulevard and running west for 1.6 km, in Hamilton. Installation will be completed along an existing two-inch PE pipeline.
- Component 4: 'Nebo Road', is located in the City of Hamilton. This component consists of the installation of a 6-inch diameter PE pipeline commencing at 20 Road East and running south for 700 m, in Hamilton. Installation will be completed along an existing two-inch PE pipeline.

Where possible, the project will be located within existing road allowances and easements to minimize disruption. Station upgrades may also be required as part of this project. Permanent easement and temporary working space

and laydown areas may also be required adjacent to the road allowances to facilitate the movement and storage of equipment necessary for construction. Enbridge Gas will work with stakeholders and landowners to identify and secure appropriate working space and easements as required.

Enbridge Gas has retained Golder Associates Ltd., a member of WSP, to undertake an environmental study for the project's four components. The study will examine the route options and determine, from an environmental and socio-economic perspective, the preferred route(s). An Environmental Report will be prepared in accordance with the Ontario Energy Board's (OEB's) *Environmental Guidelines for the Location, Construction and Operation for Hydrocarbon Pipelines and Facilities in Ontario, Seventh Edition (2016)*. The preparation of the Environmental Report is currently underway, and it is anticipated that the Environmental Report will be completed in spring 2022. Upon completion, Enbridge Gas will file an application for a Leave-to-Construct for the Project with the OEB for approval. If approved, construction of the project is anticipated to begin in the spring / summer of 2023.

To support the environmental study, Golder is compiling information regarding existing environmental, socio-economic, cultural heritage and archaeological features in the study area. The study area is depicted in the attached notice. Golder is also compiling information regarding current planning policies and guidelines for consideration in the study. We are requesting any information pertaining to existing conditions and planning policies and guidelines relevant to the study area that may fall within your mandate. In addition, we are requesting information regarding future development in the study area under your jurisdiction. If you have information relevant to the project, please contact the undersigned to discuss how we can obtain this information from your organization.

The environmental study includes consultation with Indigenous communities and engagement with government agencies and officials, property owners, local interest groups and the general public. The outcomes of the consultation and engagement process will play a fundamental role in the planning and development of the project. Due to government restrictions on public gatherings as a result of COVID-19, Enbridge Gas will be hosting a **virtual** open house for the project that will provide more information to interested people and present the opportunity for people to ask questions and provide feedback.

Further details about the virtual open house are provided in the notice attached to this letter.

All feedback and input gathered during the virtual open house and throughout the consultation and engagement process for the project will be used to confirm baseline environmental conditions along the routes of the four components. This feedback and input will inform the selection of the preferred route(s) and identify site-specific mitigation for all of the project's components, as required.

We kindly request that any input and comments are provided by your organization by **March 22, 2022**.

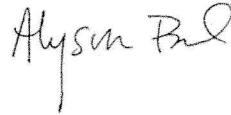
February 3, 2022

Please contact the undersigned by phone or by email to provide any comments, feedback, and input that you may have regarding the project.

Sincerely,
Golder Associates Ltd.



Kevin McGillicuddy
Environmental Assessment Specialist



Alyson Beal
Vice President, Environmental Planning – Ontario

Telephone: 807-632-9713
E-mail: HamiltonExpansionProject@golder.com

Attachments (1): Notice of Study Commencement and Virtual Open House

cc: George Tatolis, Environmental Advisor, Enbridge Gas Inc.
Brian Lennie, Senior Advisor, Municipal and Stakeholder Engagement, Enbridge Gas Inc.

[https://golderassociates.sharepoint.com/sites/154044/project files/5 technical work/3000 consultation/02 noc/04 2022 01 27 egj reviewed documents/mail merge/enbridge hamilton_noc_letter_municipalities_rev0 final.docx](https://golderassociates.sharepoint.com/sites/154044/project%20files/5%20technical%20work/3000%20consultation/02%20noc/04%202022%2001%2027%20egj%20reviewed%20documents/mail%20merge/enbridge%20hamilton_noc_letter_municipalities_rev0%20final.docx)

ENBRIDGE GAS INC.

NOTICE OF STUDY COMMENCEMENT AND VIRTUAL OPEN HOUSE

PROPOSED HAMILTON AIRPORT REGIONAL EXPANSION PROJECT

Project Overview

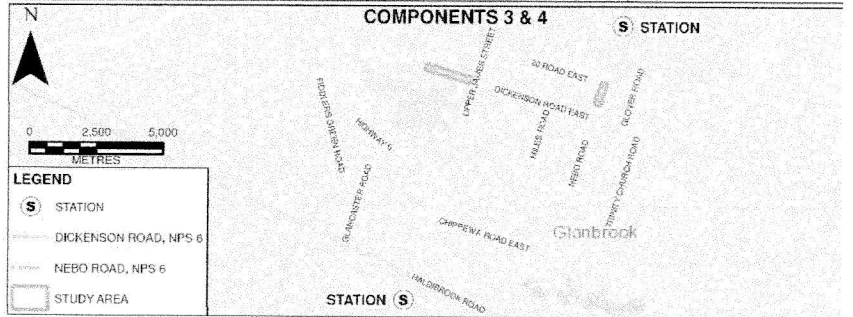
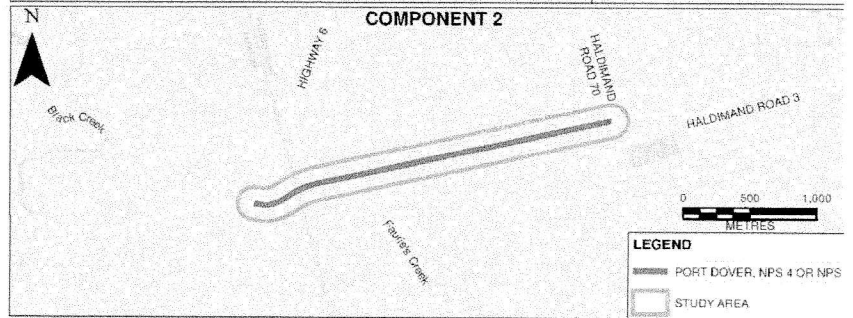
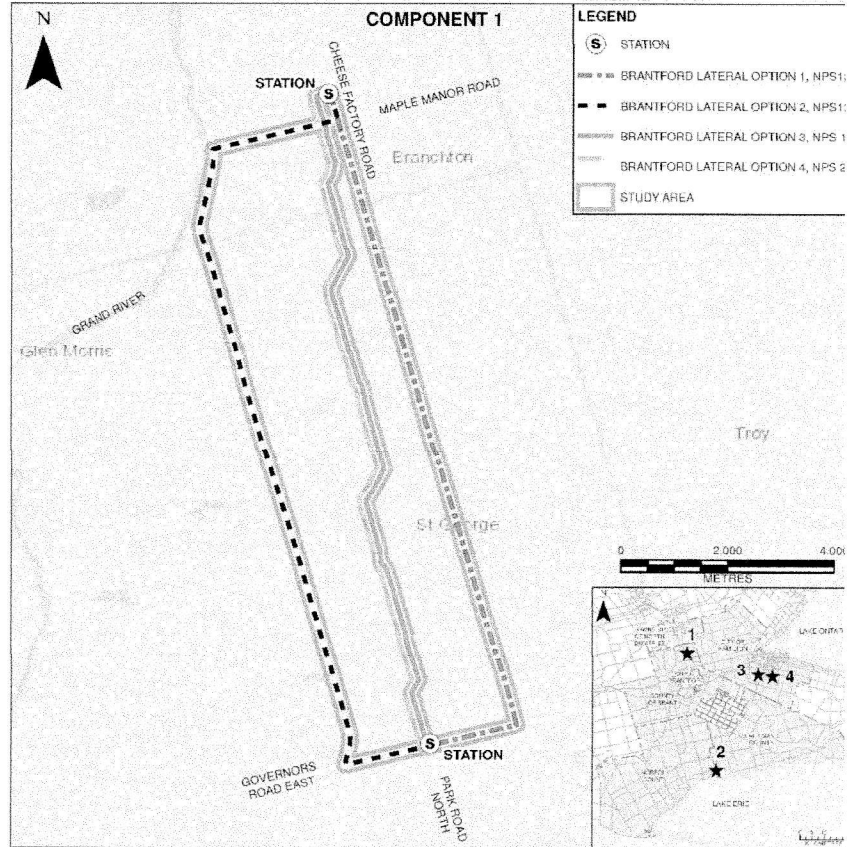
Enbridge Gas Inc. (Enbridge Gas) is proposing a pipeline project to meet the increased demand for energy in Hamilton, Brantford, Brant County, North Dumfries, Haldimand County, and Norfolk County. Work for all components will be located within existing road allowances and easements where possible in order to minimize disruption. Station upgrades may be required as part of this project.

Component 1: 'Brantford Lateral', is located in the Township of North Dumfries and the County of Brant. This component will consist of a steel natural gas transmission pipeline, which may range from 13 to 6.6 km in length, and will have a pipeline diameter of 2, 16, or 20-inches. Four pipeline route options are being considered. All route options begin at an existing station north of the intersection of Cheese Factory Road and Maple Manor Road in the Township of North Dumfries, and terminate at an existing station on Governors Road East just east of the intersection with Park Road North, in Brant County at the border with the City of Brantford. Option 1 would travel south along Cheese Factory Road through the community of St. George (Brant County), and then west along Governors Road East. Option 2 would travel south along Cheese Factory Road, west on Maple Manor Road and south on the Brantford Highway, then east on Governors Road East. Options 3 and 4 would travel south along the same route, which follows the easement of an existing natural gas pipeline. Option 3 would involve the installation of a pipeline parallel to the existing pipeline, while Option 4 would involve the replacement of the existing pipeline.

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Environmental Study

Enbridge Gas has retained Golder Associates Ltd., a member of WSP, to undertake an environmental study for the project. An Environmental Study Report will be prepared and made available to the public.

Virtual Open House

Indigenous consultation and public engagement are fundamental components of the study. Input received from the public will be used to inform the project's design and implementation.

**Ministry of Municipal
Affairs and Housing**

Office of the Deputy Minister

777 Bay Street, 17th Floor
Toronto ON M7A 2J3
Tel.: 416 585-7100

**Ministère des Affaires
Municipales et du Logement**

Bureau du sous-ministre

777, rue Bay, 17^e étage
Toronto ON M7A 2J3
Tél. : 416 585-7100



February 3, 2022

MEMORANDUM TO: Municipal Chief Administrative Officers and Clerks

SUBJECT: Steps to Cautiously and Gradually Ease Public Health Measures While Protecting Hospital and Health Care Capacity

Today, I am writing to provide an update on Ontario's response to the current COVID-19 pandemic situation. As a result of public health and workplace safety measures that were put into effect on January 5, 2022, there appear to be signs of stabilization in key public health and health system indicators. I want to express my deep gratitude to municipal practitioners who have worked tirelessly to support their communities throughout the pandemic.

On January 20, 2022, the government announced that province will exit Modified Stage Two and return all public health units to Step Three on January 31, 2022.

In the absence of concerning trends in public health and health system indicators, Ontario will follow a cautious and phased approach to lifting public health measures, with 21 days between each step. Ontario set out its intended approach over the next several weeks.

January 31, 2022

On January 31, 2022, Ontario begins the process of gradually easing restrictions, while maintaining protective measures, including but not limited to:

- Increasing social gathering limits to 10 people indoors and 25 people outdoors.
- Increasing or maintaining capacity limits at 50 per cent in indoor public settings, including but not limited to:
 - Restaurant, bars and other food and drink establishments without dance facilities;
 - Retailers (including grocery stores and pharmacies)
 - Shopping malls;
 - Non-spectator areas of sports and recreational fitness facilities, including gyms;
 - Cinemas;

- Meeting and event spaces, including conference centres and convention centres;
- Recreational amenities and amusement parks, including water parks;
- Museums, galleries, aquariums, zoos and similar attractions; and
- Casinos, bingo halls and other gaming establishments
- Religious services, rites, or ceremonies.
- Allowing spectator areas of facilities such as sporting events, concert venues and theatres to operate at 50 per cent seated capacity or 500 whichever is less.

Enhanced proof of vaccination, and other requirements would continue to apply in existing settings.

Please see [Ontario Regulation 364/20, Rules for Areas at Step 3 and at the Roadmap Exit Step](#) for the full [list of measures](#).

February 21, 2022

Effective February 21, 2022, Ontario intends to lift public health measures, including:

- Increasing social gathering limits to 25 people indoors and 100 people outdoors.
- Removing capacity limits in indoor public settings where proof of vaccination is required, including but not limited to restaurants, indoor sports and recreational facilities, cinemas, as well as other settings that choose to opt-in to proof of vaccination requirements.
- Permitting spectator capacity at sporting events, concert venues, and theatres at 50 per cent capacity.
- Limiting capacity in most remaining indoor public settings where proof of vaccination is not required to the number of people that can maintain two metres of physical distance.
- Indoor religious services, rites or ceremonies limited to the number that can maintain two metres of physical distance, with no limit if proof of vaccination is required.
- Increasing indoor capacity limits to 25 per cent in the remaining higher-risk settings where proof of vaccination is required, including nightclubs, wedding receptions in meeting or event spaces where there is dancing, as well as bathhouses and sex clubs.

Enhanced proof of vaccination, and other requirements would continue to apply in existing settings.

March 14, 2022

Effective March 14, 2022, Ontario intends to take additional steps to ease public health measures, including:

- Lifting capacity limits in all indoor public settings. Proof of vaccination will be maintained in existing settings in addition to other regular measures.

- Lifting remaining capacity limits on religious services, rites, or ceremonies.
- Increase social gathering limits to 50 people indoors with no limits for outdoor gatherings.

PROOF OF VACCINATION

As announced on December 10, 2021, it is now mandatory to use the enhanced vaccine certificate with QR code to gain access to settings that require proof of vaccination. The QR code can be used digitally or by printing a paper copy. Individuals can download their enhanced certificate with QR code by visiting <https://covid-19.ontario.ca/get-proof>.

In addition, businesses are also now required to verify the certificate using the Verify Ontario app, which is available to download for free from the Apple App and Google Play stores. The app can be used without an internet connection and never stores personal information.

Individuals will continue to need to show a piece of identification that matches their name and date of birth to their enhanced COVID-19 vaccine certificate when visiting select businesses and organizations.

Note that businesses and organizations no longer need to collect information for case and contact management.

There are two exclusions to the use of mandatory enhanced vaccination certificates in Ontario: nine First Nations communities and international visitors to Ontario who do not have a scannable QR code.

Community members of nine First Nations can continue to use their original paper or electronic proof of vaccination along with identification where proof of vaccination is required. They do not need to have an enhanced vaccine certificate with QR code to enter the premises. This exclusion reflects the Province's commitment respecting Indigenous data sovereignty and decisions made by these communities.

These First Nations include:

- Anishinaabeg of Naongashiing
- Big Grassy First Nation
- Lac La Croix First Nation
- Mitaanjigamiing First Nation
- Nigigoonsiminikaaning First Nation
- Ojibways of Onigaming First Nation
- Rainy River First Nation
- Seine River First Nation
- Mississaugas of the Credit First Nation

Visitors to Ontario from outside of Canada (OOC) who do not have a QR code that can be successfully scanned by the Verify Ontario app are also excluded. In that case, they

must show businesses their international vaccine receipts and a valid non-Canadian passport or valid NEXUS cards ID for visual verification of their proof of vaccination. This is an interim measure until visitors from OOC can be assigned a temporary traveler's QR code via the Federal government upon their entry to Canada.

To review proof of vaccine for international visitors who may not have a compatible QR code, businesses and organizations should visually confirm:

- That the first name, last name and date of birth of the person on the vaccination documentation matches the non-Canadian passport provided; and
- That their vaccine documentation meets the definition of fully vaccinated and at least 14 days have lapsed since the second dose of vaccine.

The government has updated the [regulation](#), [Guidance for Businesses and Organizations](#) and Questions and Answers to support the implementation of the enhanced vaccine certificate with a QR code and the Verify Ontario app.

BUSINESS SUPPORTS

I also wanted to take this opportunity to share information about new programs that may be helpful to municipal Economic Development staff who are supporting your local businesses during these restrictions. The government has launched the [Ontario Business Costs Rebate Program](#) to support businesses required to close or reduce capacity due to the public health measures put in place to blunt the spread of the Omicron variant. Through the new program, the government will provide eligible businesses with a rebate payment of up to 100 per cent for property tax and energy costs they incur while subject to these restrictions. Applications for the program opened on January 18, 2022. [Learn more about the program and apply here.](#)

The government is also introducing a new COVID-19 [Small Business Relief Grant](#) that will give eligible businesses subject to closure under the modified Step Two of the Roadmap to Reopen a \$10,000 grant. The money is expected to flow to eligible businesses in February.

Lastly, the government is also improving [cash flows](#) for eligible Ontario businesses by making up to \$7.5 billion available through a six-month interest- and penalty-free period for Ontario businesses to make payments for most provincially administered taxes. This penalty and interest-free period started on January 1, 2022. This supports businesses now and provides the flexibility they will need for long-term planning.

COMPLIANCE AND ENFORCEMENT

The ministry recognizes that municipalities have been a key partner in the defence against this virus through the coordinated compliance and enforcement activities your staff have been undertaking in your communities. The Ontario government is continuing to help workplaces stay safe and stay open by carrying out COVID-19 safety campaigns. These campaigns are developed in consultation with local public health

units, and bylaw enforcement departments, and support Ontario's *Plan to Safely Reopen Ontario*.

As you are aware, these campaigns include visits to workplaces that present heightened risk factors for potential transmission of COVID-19. If you are interested in having a provincial team support local compliance and enforcement activities in your community, please contact William (BJ) Alvey, Manager and Executive Advisor of Regulatory Compliance Ontario by email at: William.BJ.Alvey@ontario.ca or by phone at 905-572-7648.

RAPID ANTIGEN TEST KITS

The [Provincial Antigen Screening Program](#) (PASP) provides free rapid antigen test kits to high-risk communities, organizations and workplaces, including municipalities. Please refer to the [Ontario Together portal](#) for information on how to apply for rapid antigen tests, training, on-site rapid testing and reporting requirements.

I would like to take this opportunity to thank you for your flexibility and cooperation throughout this pandemic. Our municipal partners continue to play an essential role in the response to COVID-19.

Sincerely,

A handwritten signature in black ink that reads "k. Manson-Smith". The signature is written in a cursive, lowercase style.

Kate Manson-Smith
Deputy Minister



**PUBLIC WORKS COMMITTEE
REPORT 22-002**

1:30 p.m.

Monday, January 31, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors N. Nann (Chair), R. Powers (Vice-Chair), J.P. Danko, J. Farr, L. Ferguson, T. Jackson, S. Merulla, E. Pauls, M. Pearson and A. VanderBeek

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

**THE PUBLIC WORKS COMMITTEE PRESENTS REPORT 22-002 AND
RESPECTFULLY RECOMMENDS:**

- 1. 2021 Conventional Bus Replacement (PW22005) (City Wide) (Item 10.1)**
 - (a) That pursuant to Procurement Policy #11 – Non-competitive Procurements, Council approve the single source procurement for the purchase of up to twenty (20) sixty-foot (18m) Compressed Natural Gas-powered articulated buses;
 - (b) That the Acting General Manager, Public Works Department be authorized to negotiate, enter into and execute a Contract and any ancillary documents required to give effect thereto with New Flyer Industries, in a form satisfactory to the City Solicitor.

- 2. Roadside Memorial Policy (PW22006) (City Wide) (Item 10.2)**
 - (a) That the Roadside Memorial Policy, attached to Public Works Committee Report 22-002 as Appendix “A”, be approved as part of the City’s Transportation Quality Management System.

3. Installation of Traffic Calming Measures on Berko Avenue, Hamilton (Ward 7) (Item 11.1)

WHEREAS, residents are requesting the installation of speed cushions on Berko Avenue to address roadway safety concerns as a result of speeding and cut-through traffic.

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations and Maintenance staff be authorized and directed to install traffic calming measures on Berko Avenue (4 speed cushions) as part of the 2022 Traffic Calming program (Spring Application);
- (b) That all costs associated with the installation of traffic calming measures be funded from the Ward 7 Minor Maintenance Account at an upset limit, including contingency, not to exceed \$28,000; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

4. Installation of Traffic Calming Measures on Jeremiah Court, Hamilton (Ward 7) (Item 11.2)

WHEREAS, residents are requesting the installation of speed cushions on Jeremiah Court to address roadway safety concerns as a result of speeding.

THEREFORE, BE IT RESOLVED:

- (a) That Transportation Operations and Maintenance staff be authorized and directed to install traffic calming measures on Jeremiah Court (2 speed cushions) as part of the 2022 Traffic Calming program (Spring Application);
- (b) That all costs associated with the installation of traffic calming measures be funded from the Ward 7 Minor Maintenance Account at an upset limit, including contingency, not to exceed \$14,000; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

5. Ray Lewis Track and Field Centre Shade Structure, Mohawk Sports Park, 1100 Mohawk Road East, Hamilton (Ward 6) (Item 11.4)

(Jackson/Farr)

WHEREAS, Ray Lewis Track and Field Centre is located at Mohawk Sports Park, 1100 Mohawk Road East, Hamilton, Ward 6;

WHEREAS, a shade structure on-site would provide the benefit of overhead protection from the rain and sun, be an integral part of the community fitness program for seniors proposed by the Golden Horseshoe Track & Field Council, and enhance the use of the facility for outdoor fitness opportunities for the community;

WHEREAS, the Hamilton Olympic Club and the Golden Horseshoe Track & Field Council have received grant funding from Community Foundations of Canada through the Government of Canada's Healthy Communities Initiative, in the amount of \$50,000 to be contributed to this project, and those funds are to be transferred to City Project ID 4402249900 for staff to use to complete the shade structure installation, and;

WHEREAS, the total project cost for supply and installation of the shade structure is estimated to be \$120,000.

THEREFORE, BE IT RESOLVED:

- (a) That the balance of funding required for the supply and installation of a new shade structure at 1100 Mohawk Road East, Hamilton, (Mohawk Sports Park) be funded from the Ward 6 Capital Re-Investment Reserve #108056 with an upset limit, including contingency, not to exceed \$70,000, be approved and transferred to Project ID 4402249900;
- (b) That the annual operating impacts of \$2,500 for maintenance of the structure including graffiti removal, and repairs, be added to the 2022 Public Works Department base operating budget;
- (c) That the Mayor and the 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.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Agenda for the January 31, 2022 Public Works Committee meeting was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) January 10, 2022 (Item 4.1)

The Minutes of the January 10, 2022 meeting of the Public Works Committee were approved, as presented.

(d) CONSENT ITEMS (Item 7)

Item 7.1, Waste Management Advisory Committee Minutes, September 30, 2021, was received.

(e) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Delegation from Nick Becker, Victoria Park Assembly, respecting Lighting at Victoria Park's Baseball Diamonds (Item 9.1)

Nick Becker, Victoria Park Assembly, addressed the Committee respecting lighting at Victoria Park's Baseball Diamonds.

The delegation from, Nick Becker, Victoria Park Assembly, respecting lighting at Victoria Park's Baseball Diamonds, was received.

(f) MOTIONS (Item 11)

(i) Newlands Park Fitness and Rock-Climbing Equipment, Hamilton (Ward 8) (Item 11.3)

The Motion, respecting Newlands Park Fitness and Rock-Climbing Equipment, Hamilton (Ward 8), was deferred to the February 14, 2022, Public Works Committee meeting, in order for a picture of the equipment to be included with the motion.

(g) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

The following amendments to the Public Works Committee's Outstanding Business List, were approved.

(1) Items Requiring a New Due Date (Item 13.1 (b)):

(i) Management of the Aviary at 85 Oak Knoll Drive
Item on OBL: AAY
Current Due Date: June 14, 2021
Proposed New Due Date: September 9, 2022

(ii) Public Works Response and Actions to Roads Value for Money Audit - Cracked Sealing Process
Item on OBL: ABZ

Current Due Date: Q4 2021
Proposed New Due Date: March 21, 2022

- (iii) Roadway Safety Measures on Aberdeen Avenue from Queen Street to Longwood Road
Item on OBL: AZ
Current Due Date: February 14, 2022
Proposed New Due Date: May 30, 2022
- (iv) Ward 1 Multi-Modal Connections Review
Item on OBL: ABD
Current Due Date: November 15, 2021
Proposed New Due Date: March 21, 2022

(h) ADJOURNMENT (Item 15)

There being no further business, the meeting adjourned at 2:43 p.m.

Respectfully submitted,

Councillor N. Nann, Chair,
Public Works Committee

Carrie McIntosh
Legislative Coordinator
Office of the City Clerk

Content Updated: 2022-01-04

Public Works Department Policy

Roadside Memorials

Policy No:

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Hamilton

Supersedes Policy: N/A

Version No: 00

Approval:

Roadside Memorial Policy**POLICY STATEMENT**

It is recognized that the placement of roadside memorials at or near an accident site to commemorate victims of tragic events occurs and that the erection of these memorials can aid grieving family and friends to respectfully honor a victim's memory.

While recognizing why roadside memorials are made, this Policy outlines the City's approach to managing these memorials to ensure public safety as the City of Hamilton is committed to providing a safe, accessible and efficient transportation system for the movement of people, goods and services across the City in keeping with applicable provincial legislation, accepted standards, and Council approved service levels.

The City's authority is provided by the Municipal Act, 2001 (the Act) which permits municipalities to regulate the use of its highways (including streets, avenues, parkways, driveways, squares, roadways) and subject to conditions, the permission given to place or install objects on its highways.

PURPOSE

The purpose of this Policy is to establish a framework to manage roadside memorials erected alongside roadways including allowable time periods, allowable dimensions and the procedures on removal.

The provisions and standards in this Policy shall be followed to ensure that a sensitive and consistent approach is taken in the management of roadside memorials, without compromising public safety.

SCOPE

This policy shall apply to all roadside memorials erected by a family member(s) or friend(s) or a member of the general public located alongside a highway (assumed and maintained as a public highway by the City of Hamilton) or roadway and including but not limited to sidewalks, walkways and trails. It excludes memorials installed and maintained by the City, memorials that are located on parceled properties owned and managed by the City (such as cemeteries, parks, open spaces, and facilities) and memorials installed on private property.

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Hamilton

Roadside Memorials

Supersedes Policy: N/A

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Approval:

This policy establishes the following:

1. Permits the placement of roadside memorials along highways or roadways;
2. The period of time a roadside memorial will be allowed to remain in place;
3. The permitted location of roadside memorials;
4. The permitted dimensions, materials and configuration of roadside memorials; and
5. Procedures to handle the relocation or removal of roadside memorials.

DEFINITIONS

Highway

A common and public highway, street, avenue, parkway, driveway, square, place, bridge, viaduct or trestle, any part of which is intended for or used by the general public for the passage of vehicles and includes the area between lateral property lines thereof (*Highway Traffic Act*, R.S.O. 1990, c. H.8).

Roadway

The part of the highway that is improved, designed or ordinarily used for vehicular traffic, but does not include the shoulder, and, where a highway includes two or more separate roadways, the term "roadway" refers to any one roadway separately and not to all the roadways collectively (*Minimum Maintenance Standards for Municipal Highways*, O. Reg. 239/02).

Infrastructure

Assets that include, but not limited to: fences, posts, retaining walls, buildings, fire hydrants, street light poles and trees which are owned by the City or a public utility company (for example Alectra Utilities, Hydro One Network Inc., Bell Canada and Enbridge Gas Inc.).

Roadside Memorial

Tributes, such as but not limited to, photos, wreaths or crosses, placed by a family member or friend or member of the general public alongside a highway or roadway to memorialize an accident victim(s) who has died as a result of a tragic event such as a motor vehicle related collision. Typically, roadside memorials are maintained by a family member or friend.

TERMS &

The following terms and conditions apply to roadside memorials:

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CONDITIONS

1. Placement

- a. Roadside memorials may be erected alongside a highway or roadway, provided they are installed in compliance with this Policy.
- b. A name and contact information for a person responsible ("Contract Person") to maintain the roadside memorial is required by the City (telephone number and/or e-mail address).

2. Duration

- a. Roadside memorials erected by the general public shall be temporary non-permanent installations for a maximum period of 18 months, after which it shall be removed by the person(s) responsible for the memorial, or by the City.

3. Location

Roadside memorials shall:

- a. not present a safety hazard, for example, impeding the safe and efficient movement of vehicular or pedestrian traffic. This includes safe access to the roadside memorial by visitors either on foot or by vehicle;
- b. not be located on the travelled portion of roadways, within intersection sight triangles, medians, traffic islands, sidewalks, and multi-use pathways;
- c. not be located along expressways, entrance/exit ramps or locations where pedestrian access is prohibited, deemed to be significantly hazardous or prohibited by the Highway Traffic Act and any other applicable regulations;
- d. not cause sightline obstructions or cause a distraction to motorists;
- e. not be placed on or attached to any municipal or public utility Infrastructure;
- f. not involve any permanent site alterations, damage municipal property, impede access to Infrastructure and should not be installed within 1.0 m or less from curbs, sidewalks and all other types of roadway Infrastructure; and

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- g. be respectful to abutting land owners and not impede the use of private property, partially or fully, without permission from the applicable lands owner(s).

4. Configuration

Roadside memorials shall:

- a. not be larger than 1.0 metre long by 1.0 metre wide and not be taller than 1.0 metre in height;
- b. not include any materials that can shatter (i.e. glass) or have any form of illumination such as candles, solar lights, or reflective devices;
- c. not be placed below grade, require excavation or have components that would require underground utility locates or interfere with Infrastructure;
- d. not be constructed from heavy materials such as concrete nor include any large objects that have a solid base or secured in such a manner that creates a hazard to an errant vehicle or a trip and fall hazard to pedestrians;
- e. not contain any materials or messaging that may reasonably be perceived as being offensive;
- f. be always kept in a good state of repair; and
- g. include the name and contact information (telephone number and/or e-mail address) of the person(s) responsible for the upkeep of the memorial.

5. Relocation or Removal

- a. Roadside memorials in compliance with this Policy are permitted to a maximum of 18 months at which time it shall be removed.
- b. All reasonable efforts will be made by the City to provide advance notification to the Contact Person and the applicable Ward Councillor prior to undertaking any steps on removal of a Roadside Memorial. Should insufficient action be taken towards removal, the City will remove the Roadside Memorial. Perishable items (flowers, wreaths, etc.) will be disposed of and non-perishable items (photographs, signs, toys, crosses, etc.) will be retained

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Roadside Memorials

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by the City for a period of 60 days from the date of removal;

- c. Roadside memorials which have not been maintained and or abandoned may be removed before the 18 month period at the discretion of the City. The City will make a reasonable effort to reach the Contact Person in advance of such removal;
- d. Should the City determine in its sole discretion that a Roadside Memorial is an immediate safety hazard, the City will make a reasonable effort to advise the Contact Person and immediate removal will be undertaken.
- e. If a Roadside Memorial is non-compliant with this Policy, though not an immediate safety hazard to the general public, it will be brought to the attention of the Contact Person to determine if it can be altered or relocated to become compliant with this Policy. If this cannot be facilitated within a period of 30 days from notification, the City will take steps on removal;
- f. Roadside Memorials that are placed at a location that could be disrupted by planned or un-planned construction work shall be removed or relocated by the City and may be reinstated after the work has been completed in consultation with the Contact Person when possible;
- g. Following removal, the former location of the roadside memorial will be physically tagged for a period of 60 day with information on the date of removal as well as City contact information on how to retrieve non-perishable items. In addition, reasonable efforts will be made to reach the Contact Person to advise of removal. Items not recovered within this time period will be destroyed. Following removal, the former location of the Roadside Memorial will be physically tagged for a period of 60 day with information on the date of removal as well as City contact information on how to retrieve non-perishable items. Items not recovered within this time period will be destroyed.

6. Liability

- a. The City shall not be responsible for any damage that may occur to a roadside memorial once erected. This includes damage caused by roadway operations and

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maintenance, snow removal, or by vandalism, theft, or any other circumstances.

- b. The City is not liable for possible injury to those persons who enter the untraveled portion of the highway or roadway to erect and/or maintain a roadside memorial.

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Public Works Department Policy

Roadside Memorials

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RESPONSIBILITIES

The following positions and/or departments are responsible for fulfilling the responsibilities detailed in this Policy as follows:

Public Works Department, Transportation Operations & Maintenance Division

- Overall lead for ensuring compliance with this policy and managing roadside memorials City-Wide;
- Actively monitor, assess and record the location and condition of all roadside memorials;
- Remove or relocate roadside memorials; and
- Notify where possible the contact person responsible for the roadside memorial and the applicable Ward Councillors of any issues related to a roadside memorial including non-compliance with this Policy, removal and collection of non-perishable memorial materials.

COMPLIANCE

Employees who aid in fulfilling the terms and conditions of this policy are expected to be aware of and act in compliance with it. Failure to comply with this Policy may result in appropriate disciplinary measures, up to and including dismissal.

HISTORY

The following stakeholders were consulted in the creation or revisions made to this Policy:

- Public Works Department, Chief Road Official
- Planning and Economic Development Department, Licensing and By-law Services Division
- Corporate Services Department, Legal and Risk Management Services Division



**PLANNING COMMITTEE
REPORT
22-002**

February 1, 2022

9:30 a.m.

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

Present: Councillors B. Johnson (Chair)
L.Ferguson (1st Vice Chair), M. Wilson (2nd Vice Chair),
M. Pearson, J.Farr, J.P. Danko and J. Partridge

Also in Attendance: Councillor N. Nann

THE PLANNING COMMITTEE PRESENTS REPORT 22-002 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Municipal Heritage Committee Report 22-001 (Item 7.1)

(a) Appointment of Chair and Vice Chair (Item 1)

- (i) That A. Denham-Robinson be appointed Chair of the Hamilton Municipal Heritage Committee for 2022; and,
- (ii) That C. Dimitry be appointed Vice-Chair of the Hamilton Municipal Heritage Committee for 2022.

(b) Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) (Added Item 8.1)

That Heritage Permit Application HP2021-055 attached hereto as Appendix "A" to report 22-001, respecting a Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton be APPROVED.

2. Appeal of Zoning By-law Amendment Application ZAC-20-043 and Draft Plan of Subdivision Application 25T-202009 for Lands Located at 262 McNeilly Road and 1036 - 1090 Barton Street, Stoney Creek (PED22022) (Ward 10) (Item 7.2)

That Report PED22022 respecting Appeal of Zoning By-law Amendment Application ZAC-20-043 and Draft Plan of Subdivision Application 25T-202009 for Lands Located at 262 McNeilly Road and 1036 - 1090 Barton Street, Stoney Creek (Ward 10), be received.

3. Status Update for Site Plan Control Application DA-19-020 for Lands Located at 310 Frances Avenue, Stoney Creek (PED19115(a)) (Ward 10) (Added Item 7.3)

That Report PED19115(a) respecting Status Update for Site Plan Control Application DA-19-020 for Lands Located at 310 Frances Avenue, Stoney Creek (Ward 10), be received.

4. City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 1400 Baseline Road, Stoney Creek (PED20002(a)) (Ward 10) (Outstanding Business List Item) (Item 9.1)

(a) That City Initiative CI-20-A, to amend the Urban Hamilton Official Plan to change the designation from “Low Density Residential 2b” to “Medium Density Residential 3” designation, and identified as a Site Specific Policy Area in the Urban Lakeshore Area Secondary Plan for the lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” attached to Report PED20002(a), be APPROVED on the following basis:

(i) That the draft Urban Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED20002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(ii) That the draft Urban Hamilton Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);

(b) That City Initiative CI-20-A, to rezone the subject lands from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, under Zoning By-law No. 3692-92 (Stoney Creek) on the lands known as 1400 Baseline Road, in order to permit Maisonettes, Townhouses, Apartment Dwellings, Dwelling Groups, a Home Occupation and Uses, buildings or structures accessory to a permitted use, for lands located at 1400 Baseline Road, Stoney Creek, as shown on Appendix “A” attached to Report PED20002(a), be APPROVED on the following basis:

- (i) That the draft By-law, attached as Appendix “C” to Report PED20002(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
- (ii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed zoning for the following:

The Holding Provision for the Multiple Residential “RM3-69(H)” Zone, Modified, Holding, shall be removed when the following conditions have been met:

- (1) That a Traffic Impact Study has been submitted and implemented by the Applicant, to the satisfaction of the Manager of Transportation Planning, City of Hamilton;
- (2) That the Applicant/Owner shall investigate the noise levels on the site and determine and implement the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of Environment, Conservation and Parks (MECP) recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the Owner/Applicant and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
- (3) That the proponent shall carry out an Archaeological Assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No demolition, grading, construction activities, landscaping, staging, stockpiling or other soil disturbances shall take place on the subject property prior to the approval of the Director of Planning confirming that all archaeological resource concerns have met conservation requirements. All archaeological reports shall be submitted to the City of Hamilton concurrent with their submission to the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI);
- (4) That the Owner/Applicant enters into and registers an applicable development agreement(s), including an External Works Agreement, and posting of appropriate securities to

ensure the implementation of any infrastructure upgrade needs identified in the Functional Servicing Report, the Traffic Impact Study, or both, recommendation(s) to the satisfaction of the Senior Director of Growth Management, City of Hamilton;

City Council may remove the 'H' symbol and, thereby give effect to the "RM3-69(H)" Zone, Modified, Holding, by enactment of an amending By-law once the above conditions have been fulfilled;

- (iii) That the proposed amendment is consistent with the Provincial Policy Statement (2020), conforms to the Growth Plan for the Greater Golden Horseshoe (2019, as amended);
 - (iv) That this By-law will comply with the Urban Hamilton Official Plan upon finalization of Urban Hamilton Official Plan Amendment No. XX;
- (c) That Item 19J be removed from the Planning Committee Outstanding Business List.
 - (d) That the public submissions were received and considered by Committee in approving the application.

5. City Ambassadors on the Waterfront Trail (Item 11.1)

WHEREAS, the use of the Waterfront Trail has become popular with out of town cyclists many of whom are travelling at unsafe speeds, creating daily safety concerns for other trail users; and,

WHEREAS, the use of e-bikes, e-scooters and other electric powered devices are increasingly used on the waterfront trail, contrary to the City's by-law, and,

WHEREAS, Licensing and By-law Services has previously hired summer students to act as Waterfront Trail Ambassadors as part of a pilot program in 2021 to educate the public and enforce City By-laws; and,

WHEREAS, the Waterfront Trail Ambassador program was considered a success and well received by trail users and Beach Neighbourhood residents,

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be directed to hire two summer students to act as City Ambassadors on the Waterfront Trail for the months of May through August 2022 at a cost of approximately \$28,740.49 to be funded by the Hamilton

Beach Reserve Account 108037.

6. Amendment to the Removal of Snow and Ice By-law respecting the definition of "clearing" (Added Item 12.2)

By-law 03-296, Being a By-law to Provide for the Removal of Snow and Ice from Roofs and Sidewalks

WHEREAS, Section 130 of the Municipal Act, Chapter 25, S.O. 2001, provides that a municipality may regulate matters related to the health, safety, and well-being of the inhabitants of the municipality;

WHEREAS, the Council for the City of Hamilton enacted the Removal of Snow and Ice from Roofs and Sidewalks By-law No 03-296 to provide for the removal of snow and ice from roofs and sidewalks, abutting the highways in front of, or alongside, or at the rear of any occupied or unoccupied lot or vacant lot;

WHEREAS, the Removal of Snow and Ice from Roofs and Sidewalks By-law No 03-296 currently does not provide for a specific definition of "clearing" snow and ice making it inconsistent and unclear for property owners on their responsibilities and what constitutes compliance; and,

WHEREAS, contractors working on behalf of the City of Hamilton have a specific;

THEREFORE, BE IT RESOLVED:

That Licensing and By-law Services staff be directed report to the Planning Committee with recommended changes to amend By-law No. 03-296, being a by-law for the Removal of Snow and Ice from Roofs and Sidewalks By-law to include a definition for "clearing" snow and ice consistent with the contractor contract in the City of Hamilton, and to clarify any responsibility or requirements for private property owners to clear snow and ice away from catch basins and fire hydrants in front of their property.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

1. COMMUNICATIONS (Item 5)

5.2 Communications respecting 310 Frances Avenue (Item 7.3)

- (i) Sherry Hayes
- (ii) Michelle Blanchette
- (iii) Colleen Saunders

Recommendation: Be received and referred to the consideration of Item 7.3.

2. DELEGATION REQUESTS (Item 6)

- 6.1 Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1)
- 6.2 Viv Saunders, Lakewood Beach Community Council respecting Items 7.2 and 7.3

3. PUBLIC HEARINGS / DELEGATIONS (Item 9)

- 9.1 City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 1400 Baseline Road, Stoney Creek (PED20002(a)) (Ward 10) (Outstanding Business List Item)
 - (a) Added Written Submissions:
 - (vi) Miguel A Byrne
 - (vii) Sherry Corning
 - (viii) Nancy Hurst
 - (ix) Linda MacMillan
 - (x) Shujaat Siddiqui
 - (b) Added Delegation Requests:
 - (i) Viv Saunders, Lakewood Beach Community Council
 - (ii) Tammy Felts, WCECC #479

4. NOTICES OF MOTION (Item 12)

- 12.1 Nuisance Party By-law
- 12.2 Amendment to the Removal of Snow and Ice By-Law respecting the definition of “clearing”

That the agenda for the February 1, 2022 Planning Committee meeting be approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

None declared.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) January 11, 2022 (Item 4.1)

The Minutes of the January 11, 2022 meeting were approved, as presented.

Councillor Johnson relinquished the Chair to Councillor Ferguson.

(d) COMMUNICATIONS (Item 5)

(i) Spencer McKay, UrbanCore Developments, respecting Exemption Request for 3033 and 3063 Binbrook Road (Item 5.1)

The communication from Spencer McKay, UrbanCore Developments, respecting Exemption Request for 3033 and 3063 Binbrook Road, was received.

Councillor Johnson assumed the Chair.

(ii) Communications respecting 310 Frances Avenue (Item 7.3) (Added Item 5.2)

The following communications, were received and referred to the consideration of Item 7.3:

- (i) Sherry Hayes
- (ii) Michelle Blanchette
- (iii) Colleen Saunders

(e) DELEGATION REQUESTS (Item 6)

(i) Various Delegation Requests (Added Item 6.1 and 6.2)

The following Delegations were approved for today's meeting:

6.1 Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1), to be heard before Item 7.1; and,

6.2 Viv Saunders, Lakewood Beach Community Council respecting 262 McNeilly Road and 1036-1090 Barton Street, and 310 Frances Avenue, to be heard before Items 7.2 and 7.3.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1) (Added Item 9.2)

Ryan Sneek addressed the Committee respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1).

The Delegation from Ryan Sneek respecting the Heritage Permit Application for 124 St. Clair Avenue (Item 7.1), was received.

For disposition of this matter, refer to Items (g)(i) and 1.

(g) CONSENT ITEMS (Item 7)

(i) Hamilton Municipal Heritage Committee Report 22-001 (Item 7.1)

Item #2 of Hamilton Municipal Heritage Committee Report 22-001 was voted on separately:

2. Heritage Permit Application HP2021-055, Under Part V of the Ontario Heritage Act, to Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton (PED22044) (Ward 3) (Added Item 8.1)

That Heritage Permit Application HP2021-055 attached hereto as Appendix "A" to report 22-001, respecting a Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton be DENIED.

The above Motion was DEFEATED.

The Heritage Permit Application HP2021-055 attached hereto as Appendix "A" to report 22-001, respecting a Permit New Cladding (Indiana Split Veneer Limestone) Installed Without a Heritage Permit Along the Front of the Garage Structure, 124 St. Clair Avenue, Hamilton was APPROVED.

For disposition of this matter, refer to Item 1.

(h) PUBLIC HEARINGS / DELEGATIONS (Item 9) - Continued

(i) Viv Saunders, Lakewood Beach Community Council respecting 262 McNeilly Road and 1036-1090 Barton Street (Item 7.2) (Added Item 9.3)

Viv Saunders, Lakewood Beach Community Council addressed Committee respecting 262 McNeilly Road and 1036-1090 Barton Street (Item 7.2).

The Delegation from Viv Saunders, Lakewood Beach Community Council respecting 262 McNeilly Road and 1036-1090 Barton Street, was received.

For disposition of this matter, refer to Item 2.

(ii) Viv Saunders, Lakewood Beach Community Council respecting 310 Frances Avenue (Item 7.3) (Added Item 9.4)

Viv Saunders, Lakewood Beach Community Council addressed Committee respecting 310 Frances Avenue (Item 7.3).

The Delegation from Viv Saunders, Lakewood Beach Community Council respecting 310 Frances Avenue (Item 7.3), was received.

For disposition of this matter, refer to Item 3.

(i) PUBLIC HEARINGS / DELEGATIONS (Item 9) (Continued)

In accordance with the *Planning Act*, Chair Johnson advised those viewing the virtual meeting that the public had been advised of how to pre-register to be a virtual delegate at the Public Meetings on today's agenda.

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

(i) City Initiative CI-20-A to Amend the Urban Hamilton Official Plan and Zoning By-law for Lands Located at 1400 Baseline Road, Stoney Creek (PED20002(a)) (Ward 10) (Outstanding Business List Item) (Item 9.1)

Alissa Mahood, Senior Project Manager of Community Planning and GIS, addressed the Committee with the aid of a PowerPoint presentation.

The staff presentation was received.

The following written submissions (Item 9.1(a)), were received:

- (i) Nada and John Barlow, in Opposition to the application.
- (ii) Viv Saunders, in Opposition to the application.
- (iii) Heather Saltys, in Opposition to the application.
- (iv) Tammy Felts, President WCECC #479, in Opposition to the application.
- (v) Patricia Townson, in Opposition to the application.
- (vi) Miguel A Byrne, in Opposition to the application.
- (vii) Sherry Corning, in Opposition to the application.
- (viii) Nancy Hurst, in Favour of the application.
- (xi) Linda MacMillan, in Opposition to the application.
- (x) Shujaat Siddiqui, in Opposition to the application.

Registered Delegations:

The following Registered Delegations (Added Item 9.1(b)) addressed the Committee:

- (i) Viv Saunders, Lakewood Beach Community Council, in Opposition to the proposal.
- (ii) Tammy Felts, WCECC #479, in Opposition to the proposal.

The following Registered Delegation (Added Item 9.1(b)(i)), was received:

- (i) Viv Saunders, Lakewood Beach Community Council

The following Registered Delegation (Added Item 9.1(b)(ii)), was received:

- (ii) Tammy Felts, WCECC #479

The public meeting was closed.

The recommendations in Report PED20002(a) were **amended** by adding the following sub-section (d):

- (d) ***That the public submissions were received and considered by Committee in approving the application.***

For disposition of this matter, refer to Item 4.

(j) NOTICES OF MOTION (Item 12)

(i) Nuisance Party By-law (Added Item 12.1)

Councillor Wilson introduced the following Notice of Motion respecting the Nuisance Party By-Law:

WHEREAS, section 10 of the Municipal Act, 2001 provides that a municipality may pass by-laws respecting: economic, social and environmental well-being of the municipality; health, safety and well-being of person; the protection of persons and property; and structures, including fences and signs;

WHEREAS, section 128 of the Municipal Act, 2001 provides that a local municipality may prohibit and regulate with respect to public nuisances, including matters that, in the opinion of Council, are or could become or cause public nuisances and the opinion of Council under this section, if arrived at in good faith, is not subject to review by any court;

WHEREAS, thousands of students participated in a “fake homecoming” party near McMaster University on Saturday October 2, 2021, which resulted in personal injuries, damage to property, an overturned vehicle and garbage and glass strewn throughout two neighbourhoods;

WHEREAS, there have been other situations and incidents in the city of Hamilton, including but not limited to, student orientation, St. Patrick’s Day celebrations, tail-gating parties and other sports-related celebrations, where parties quickly became uncontrollable, disruptive and dangerous to city of Hamilton residents;

WHEREAS, as a result of these types of nuisance parties, there is a significant strain put on city emergency services to ensure the safety and well-being of all residents;

WHEREAS, a number of other Ontario municipalities have implemented a nuisance party by-law that gives law enforcement personnel a mechanism to control and disperse people when an event has become a public nuisance;

WHEREAS, Municipal Law Enforcement and Hamilton Police Service have reported that they would benefit from additional enforcement options beyond those available under existing City By-law and Provincial Statutes;

WHEREAS, a Nuisance Party By-law would provide Municipal Law Enforcement and Hamilton Police Service additional tools to address the negative impacts on neighbourhoods of behaviors associated with large social gatherings.

THEREFORE BE IT RESOLVED:

That Licensing and By-law Services be requested to consult with Hamilton Police Service and other community stakeholders, to identify best practices from other Ontario municipalities, and report back in the second quarter of 2022 next steps for the development and implementation of a Nuisance Party By-law in the City of Hamilton.

(ii) Amendment to the Removal of Snow and Ice By-law respecting the definition of "clearing" (Added Item 12.2)

The Rules of Order were waived to allow for the introduction of a Motion respecting Amendment to the Removal of Snow and Ice By-law respecting the definition of "clearing".

For disposition of this matter, refer to Item 6.

(k) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

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

Jason Thorne, General Manager of Planning and Economic Development, addressed the Committee respecting an overview of upcoming staff reports and internal staff re-organizations.

The General Manager's Update, was received.

(l) ADJOURNMENT (Item 15)

There being no further business, the Planning Committee adjourned at 12:11 p.m.

Councillor B. Johnson
Chair, Planning Committee

Lisa Kelsey
Legislative Coordinator



GENERAL ISSUES COMMITTEE REPORT 22-004

9:30 a.m.

Wednesday, February 2, 2022

Due to COVID-19 and the Closure of City Hall, this meeting was held virtually.

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

Absent: Councillors T. Whitehead, B. Clark – Personal

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 22-004, AND RESPECTFULLY RECOMMENDS:

1. International Village Business Improvement Area (BIA) Revised Board of Management (PED22026) (Ward 2) (Item 7.1)

That the following individual be appointed to the International Village Business Improvement Area (BIA) Board of Management:

- (a) Kristin Kusturin

2. Vacant Home Tax in Hamilton (FCS21017(b)) (City Wide) (Item 8.2)

That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to request to the Minister of Finance that the City of Hamilton be a designated municipality under Part IX.1 Optional Tax on Residential Vacant Units, of the *Municipal Act, 2001* starting in the 2022 taxation year.

3. Business Improvement Area Advisory Committee Report 22-001, January 11, 2022 (Item 10.1)

(a) Appointment of Chair and Vice-Chair (Item 1)

- (i) That Councillor E. Pauls be appointed as Chair of the Business Improvement Area Advisory Committee for 2022; and,
- (ii) That the Vice-Chair position rotate among Committee members for the Business Improvement Area Advisory Committee for 2022.

4. Advisory Committee for Persons with Disabilities Report 22-001, January 11, 2022 (Item 10.2)

(a) Request from Corbin McBride for a Leave of Absence from the Advisory Committee for Persons with Disabilities for a Duration of Three Months (Item 11.1)

WHEREAS, pursuant to the Advisory Committee Procedural Handbook, members of the Committee who miss more than three meetings during their term without Committee approval, may be subject to replacement on the Committee and may not be eligible for re-appointment.

THEREFORE, BE IT RESOLVED:

That the request from Corbin McBride for a leave of absence from the Advisory Committee for Persons with Disabilities for the duration of three months due to a scheduling conflict with a post-secondary education class, be approved.

(b) Committee for Persons with Disabilities to Correspond with CityHousing Hamilton to Request CityHousing Hamilton Review their Policies Respecting Accessibility (Item 11.2)

WHEREAS, CityHousing Hamilton is the Housing Corporation responsible for providing affordable housing in the City;

WHEREAS, in accordance with the *Accessibility for Ontarians with Disabilities Act, 2005*, it is a requirement for public sector organizations to develop, implement and enforce standards for accessibility to goods, services, facilities, employment, accommodation and buildings, for persons with disabilities; and,

WHEREAS, the aim of the *Accessibility for Ontarians with Disabilities Act, 2005*, is to have a fully accessible Ontario by 2025.

THEREFORE, BE IT RESOLVED:

That the Advisory Committee for Persons with Disabilities respectfully requests that Council authorize the Advisory Committee for Persons with Disabilities' Housing Working Group to correspond with CityHousing Hamilton to request CityHousing Hamilton review their policies for compliance with the *Accessibility for Ontarians with Disabilities Act, 2005*.

(c) Invitation to the City of Hamilton Chief of Police to Discuss Topics of Interest to the Advisory Committee for Persons with Disabilities Related to Police Services (Item 11.3) (REVISED)

WHEREAS, the Advisory Committee for Persons with Disabilities will benefit from meeting with the City of Hamilton Chief of Police to discuss topics of interest to the Advisory Committee for Persons with Disabilities related to Police Services.

THEREFORE, BE IT RESOLVED:

That the City of Hamilton Chief of Police be invited to attend the March 2022 meeting (or earliest meeting thereafter) to discuss topics of interest to the Advisory Committee for Persons with Disabilities related to Police Services and any items of concern the Chief of Police may want to bring forward.

(d) Request from Lance Dingman for a Leave of Absence from the Advisory Committee for Persons with Disabilities for a Duration of Three Months (Added Item 11.4)

WHEREAS, pursuant to the Advisory Committee Procedural Handbook, members of the Committee who miss more than three meetings during their term without Committee approval, may be subject to replacement on the Committee and may not be eligible for re-appointment.

THEREFORE, BE IT RESOLVED:

That the request from Lance Dingman for a leave of absence from the Advisory Committee for Persons with Disabilities for the duration of three months due to a scheduling conflict with training, be approved.

5. West Harbour Development Sub-Committee, Report 22-001, January 17, 2022 (Item 10.3)

(a) Discovery Centre Strategy Framework (PED21090(b)) (Ward 2) (Item 8.1)

- (i) That staff be authorized and directed to implement the Discovery Centre Strategy Framework, outlined in Appendix “A” Report 22-004; and,
- (ii) That staff be directed to report back to the West Harbour Development Sub-Committee by Q1 2023 with a recommended long-term Strategy for the Discovery Centre property and Hamilton Waterfront Trust managed lands immediately south of the Discovery Centre, up to the South Pier wall.

(b) Pier 8 Animation Program and Hamilton Waterfront Trust (HWT) (Discovery) Centre - Status Update (PED21090(a)) (Ward 2) (Item 8.2)

- (i) That staff be authorized and directed to negotiate and finalize a Lease Agreement between the City of Hamilton (Landlord) and The Waterfront Shores Corporation (Tenant) for a portion of the Discovery Centre facility, that is identified as areas of Exclusive-Use of the tenant in Appendix “B” to West Harbour Development Sub-Committee Report 22-001, based substantially on the Major Terms and Conditions outlined in Confidential Appendix “B” to Report PED21090(a) attached, and such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department;
- (ii) That staff be directed to negotiate terms and conditions for a proportionate share of The Waterfront Shores Corporation (Tenant) usage for the Non-Exclusive and Common-Use areas, as identified in Appendix “B” to West Harbour Development Sub-Committee Report 22-001, and report back to the Sub-Committee on the results;
- (iii) That all net rent proceeds from the Lease Agreement at the Hamilton Waterfront Trust (HWT) (Discovery) Centre be received and credited to Account No. 46000-Dept. ID No. 791554;
- (iv) That all costs related to the Lease Agreement at the HWT (Discovery) Centre, including the real estate and legal costs of \$45,750, be funded from Account No. 55778-Dept. ID No. 791554

and credited to Account No. 55778-Dept. ID No. 812036 (Real Estate – Admin Recovery);

- (v) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as Landlord, be authorized to administer the Lease and provide any requisite consents, approvals, and notices related to the Lease Agreement at the HWT (Discovery) Centre;
- (vi) That the City Solicitor be authorized to amend and waive terms and conditions on such terms as considered reasonable to complete the leasing transaction, respecting the Lease Agreement at the HWT (Discovery) Centre;
- (vii) That the Mayor and Clerk be authorized and directed to execute the Lease Agreement at the Hamilton Waterfront Trust (Discovery) Centre, or such other form and all other necessary associated documents with all such documents to be in a form satisfactory to the City Solicitor; and
- (viii) That Appendix “B” to Report PED21090(a) and Appendix “C” to Report PED210909(a) remain confidential.

(c) West Harbour Re-Development Plan - Implementation Status Update (PED17181(c)) (Ward 2) (Item 10.1)

That Report PED17181(c), respecting West Harbour Re-Development Plan - Implementation Status Update, be received.

6. All Our Relations Public Art Project – West Harbour James Street Plaza (Item 11.1)

WHEREAS, the All Our Relations Public Art Project was Awarded in 2019 at a cost of \$420,000, and is in fabrication by an artist selected through the City of Hamilton Call for Artists Policy and contracted to the City or its agents through a fixed price Artist Agreement;

WHEREAS, due to the COVID-19 pandemic and resulting supply chain issues, artists are identifying sudden unanticipated increases in the cost and delivery of materials required to complete their art works in excess of the typical 10% contingences they carried in their budgets;

WHEREAS, these sudden and unanticipated material and delivery cost increases now make the completion of the art works unfeasible within the original budget;

WHEREAS, the Public Art Reserve #10844 had a balance of \$1,150,000 as of March 31, 2021, including an unallocated contingency of approximately \$85,000 and allocations are set to be updated as part of the Public Art Master Plan review in 2023; and,

WHEREAS, the West Harbour Project ID 4411806104 has a balance of \$415,000 as of January 8, 2022, which is identified for future public art;

THEREFORE, BE IT RESOLVED:

That cost increases for material supply and delivery in excess of the original budgeted amount with documented current competitive bids, for the public art project All Our Relations by Angela DeMontigny to be installed at the West Harbour James Street Plaza, in an amount up to \$50,000, to be funded from Project ID #4411806104 West Harbour Public Art, be approved.

7. Encampments at City Hall First Floor Rear Doors (Item 13.2) (no copy)

That Facilities staff and the City Manager be commended for their good work and diligence in all that they do.

8. Acquisition of Part of 339 Mountain Brow Road, Hamilton (PED22017) (Ward 15) (Item 14.2)

- (a) That an Option to Purchase, scheduled to close on February 28, 2022, for the partial acquisition of land municipally known as 339 Mountain Brow Road, Hamilton, as shown in Appendix "A" attached to Report PED22017, based substantially on the Terms and Conditions attached as Appendix "B" to Report PED22017, and such other terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department, be approved;
- (b) That all costs related to the acquisition of part of 339 Mountain Brow Road, Hamilton, be charged to Project ID 4031280288 as outlined in Appendix "B" attached to Report PED22017;
- (c) That the sum of \$22,150 be funded from Project ID Account No. 59806-4031280288 and be credited to Account No. and Dept. ID No. 59806-812036 (Real Estate – Admin Recovery) for recovery of expenses including real estate and legal fees and costs;
- (d) That the City Solicitor be authorized to complete the acquisition of part of 339 Mountain Brow Road, Hamilton, transaction on behalf of the City, including paying any necessary expenses, amending the closing, due

diligence and other dates, and amending and waiving terms and conditions on such terms as considered reasonable;

- (e) That the Mayor and City Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to the City Solicitor; and,
- (f) That the complete Report PED22017, respecting the acquisition of part of 339 Mountain Brow Road, Hamilton, remain confidential until completion of the real estate transaction.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

6. DELEGATION REQUESTS

- 6.1. Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton

10. DISCUSSION ITEMS

- 10.3. West Harbour Development Sub-Committee, Report 22-001, January 17, 2022

12. NOTICES OF MOTION

- 12.1. Local Tree Planting Initiatives in the City of Hamilton

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1. Amendments to the Outstanding Business List

13.1.a. Proposed New Due Dates:

- 13.1.a.a. Airport Employment Growth District (AEGD) Wastewater Servicing Update and Capacity Allocation Policy
Current Due Date: February 2, 2022
Proposed New Due Date: February 16, 2022

13.2 Encampments at City Hall First Floor Rear Doors (no copy)

The agenda for the February 2, 2022 General Issues Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

- (i) Councillor A. VanderBeek declared an interest to Item 6.1 – Delegation Request, Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton, as she is a rental property landlord.
- (ii) Councillor A. VanderBeek declared an interest to Item 8.2, Report FCS21017(b) - Vacant Home Tax in Hamilton, as she is a rental property landlord.
- (iii) Councillor S. Merulla declared an interest to Item 6.1 – Delegation Request, Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton, as he and his wife are rental property landlords.
- (iv) Councillor S. Merulla declared an interest to Item 8.2 , Report FCS21017(b) - Vacant Home Tax in Hamilton, as he and his wife are rental property landlords.
- (v) Councillor M. Pearson declared an interest to Item 6.1 – Delegation Request, Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2, Report FCS21017(b) - Vacant Home Tax in Hamilton, as she and her husband are rental property landlords.
- (vi) Councillor M. Pearson declared an interest to Item 8.2, Report FCS21017(b) - Vacant Home Tax in Hamilton, as she and her husband are rental property landlords.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETINGS (Item 4)

(i) January 12, 2022 and January 17, 2022 (Items 4.1 and 4.2)

The Minutes of the January 12, 2022 and January 17, 2022 General Issues Committee meetings were approved, as presented.

(d) DELEGATION REQUESTS (Item 6)

(i) Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton (Item 6.1)

The delegation request submitted by Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton, was approved for the February 2, 2022 General Issues Committee.

(e) STAFF PRESENTATIONS (Item 8)

(i) COVID-19 Verbal Update (Item 8.1)

Jason Thorne, General Manager, Planning and Economic Development and Director of the Emergency Operations Centre; and, Dr. Ninh Tran, Associate Medical Officer of Health, provided the verbal update respecting COVID-19.

The verbal update respecting the COVID-19 was received.

(ii) Vacant Home Tax in Hamilton (FCS21017(b)) (City Wide) (Item 8.2)

Kirk Weaver, Manager, Budgets and Fiscal Policy; and, Gloria Rojas, Senior Tax Policy Advisory, provided the presentation respecting Report FCS21017(b) – Vacant Home Tax in Hamilton, and answered questions of Committee.

The presentation, respecting Report FCS21017(b) – Vacant Home Tax in Hamilton, was received.

Consideration of Report FCS21017(b) – Vacant Home Tax in Hamilton was DEFERRED until such time as Committee has heard the delegate respecting this matter.

1. Deferral of sub-sections (b) through (d) of Report FCS21017(b), respecting the Vacant Home Tax in Hamilton

Sub-sections (b) through (d) of Report FCS21017(b), respecting the Vacant Home Tax in Hamilton, a follows, were DEFERRED until such time as staff has received a response from the Minister of Finance, respecting the City's request to be designated under Part

IX.1 Optional Tax on Residential Vacant Units, of the *Municipal Act, 2001*:

- (b) That the 2022 implementation costs, estimated at \$2,600,000 for the Vacant Home Tax to be funded through an internal loan plus interest from the Investment Stabilization Reserve (110046) to be repaid from revenues collected from the program over a 5-year term, be approved;
- (c) That the estimated gross annual operating costs of \$2,200,000 for administration of the Vacant Home Tax Program and related 16 Full Time Equivalents (FTE), to be funded from revenues generated by the program, be referred to the 2022 Budget Process for consideration; and,
- (d) That the matter respecting Vacant Home Tax, be removed from the General Issues Committee's Outstanding Business List.

For further disposition of this matter, please see Item 2.

(f) PUBLIC HEARINGS / DELEGATIONS (Item 9)

(i) Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton (Item 9.1)

Lou Piriano, President, REALTORS Association of Hamilton-Burlington, addressed Committee respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton.

The presentation provided by Lou Piriano, President, REALTORS Association of Hamilton-Burlington, respecting Item 8.2 – Report FCS21017(b), Vacant Home Tax in Hamilton, was received.

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

The General Issues Committee recessed for 20 minutes until 1:00 p.m.

(g) NOTICES OF MOTION (Item 12)

Councillor J. Farr introduced the following Notice of Motion:

(i) Local Tree Planting Initiatives in the City of Hamilton (Item 12.1)

WHEREAS, the City of Hamilton has declared a Climate Emergency;

WHEREAS, the Federal Government has created a program to plant 2 billion trees over 10 years;

WHEREAS, \$3.2 Billion will be invested in tree planting efforts to support Provinces, Territories, Third Party Organizations (for and not-for-profit) and Indigenous organizations;

WHEREAS, the Federal Government has recently issued a Call for Proposals (December 16, 2021) to access federal tree planting resources;

WHEREAS, the program identifies cost-shared tree planting projects as one of two funding streams;

WHEREAS, trees can be planted on public lands;

WHEREAS, the City of Hamilton has funded its own tree planting program for nearly two decades;

WHEREAS, Indigenous people are the original Hamiltonians and the original people of the Ancaster, Stoney Creek, Glanbrook, Flamborough, and Dundas areas;

WHEREAS, the City of Hamilton has approved the development of the Hamilton Urban Indigenous Strategy;

WHEREAS, Hamilton's Urban Indigenous Strategy's Indigenous Relations team will assist to engage, support, and collaborate;

WHEREAS, the City of Hamilton continues to work with the local urban Indigenous and treaty territories; and,

WHEREAS, Hamilton's Urban Indigenous Strategy, through its commitment of implementing the Strategy, focuses on strengthening the City's relationship with the local Indigenous community;

THEREFORE, BE IT RESOLVED:

That staff be directed to consult with representatives of Six Nations of the Grand River, the Mississaugas of the Credit First Nations, the Huron-Wendat Nation, and the Joint Stewardship Board representatives, as well as representatives of Hamilton's urban Indigenous community / organizations for the purpose of establishing partnerships to access federal funding to assist with local tree planting initiatives in the City of Hamilton, and report back to the General Issues Committee.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Item 13.1)

The following amendment to the General Issues Committee's Outstanding Business List was approved:

(a) Amendment to the Outstanding Business List (Item 13.1)

(1) Proposed New Due Dates (Item 13.1.a.)

- (aa) Airport Employment Growth District (AEGD)
Wastewater Servicing Update and Capacity Allocation
Policy
Current Due Date: February 2, 2022
Proposed New Due Date: February 16, 2022**

(ii) Encampments at City Hall First Floor Rear Doors (Item 13.2) (no copy)

Staff responded to questions of Committee with respect to the encampments at the City Hall first floor rear doors.

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

(i) PRIVATE & CONFIDENTIAL (Item 14)

(i) Closed Session Minutes – January 12, 2022

- (a) The Closed Session Minutes of the January 12, 2022 General Issues Committee meeting were approved; and,**
- (b) The Closed Session Minutes of the January 12, 2022 General Issues Committee meeting, shall remain confidential.**

Committee moved into Closed Session respecting Item 14.2, pursuant to Section 9.1, Sub-section (c) of the City's Procedural By-law 21-021 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 by the municipality or local board.

(j) ADJOURNMENT (Item 14)

There being no further business, the General Issues Committee adjourned at 1:59 p.m.

Respectfully submitted,

Arlene VanderBeek, Deputy Mayor
Chair, General Issues Committee

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk

Discovery Centre Strategy Framework

Phase	Phase 1: Strategy Development			Phase 2: Strategy Implementation
	Step 1	Step 2	Step 3	Step 4
Step Summary	Approve Decision Making Framework	Conduct Opportunity Study	Confirm Vision	Implement Vision
Step Description	<ul style="list-style-type: none"> • Launch Review • Scope and Plan Process • Define Research Parameters 	<ul style="list-style-type: none"> • Conduct Research • Identify Opportunities and Constraints • Generate Various Options • Consult Community 	<ul style="list-style-type: none"> • Analyze Options • Select Preferred Option • Make Decision 	<ul style="list-style-type: none"> • Act on Decision • Implement Option
Timeline	Q4 2021 – Q1 2022	Q2 2022 – Q4 2022	Q4 2022 – Q1 2023	Q2 2023 - TBD
Key Deliverables	Strategy Framework Draft Strategic Principles	Preliminary Options	Preferred Option	TBD
Staff Report	Recommendation Report to: <ul style="list-style-type: none"> • Recommend approval of decision making framework 	Information Report to: <ul style="list-style-type: none"> • Provide strategy development status update Recommendation Report to: <ul style="list-style-type: none"> • Recommend proposed Strategic Principles • Identify range of potential options • Summarize community and stakeholder feedback and research findings 	Recommendation Report to: <ul style="list-style-type: none"> • Recommend preferred option • Recommend approval of defined set of implementation actions • Provide preferred option analysis • Recommend conclusion of Phase 1 (Strategy Development) and commencement of Phase 2 	TBD
Council Decision	Approve Decision Making Framework	Approve Strategic Principles	Approve Preferred Option and Proceed to Phase 2 (Strategy Implementation)	TBD
Consultation and Engagement	City Staff	Community External Stakeholders City Staff	Community External Stakeholders City Staff	TBD



City of Hamilton
**SOLE VOTING MEMBER
 OF THE HAMILTON FARMERS' MARKET
 REPORT 22-001**

2:10 p.m.

Wednesday, February 2, 2022

Due to COVID-19 and the closure of City Hall, this meeting was held virtually.

Present: Mayor F. Eisenberger (Chair), Deputy Mayor A. VanderBeek
 Councillors M. Wilson, J. Farr, N. Nann, R. Powers, T. Jackson,
 E. Pauls, J.P. Danko, M. Pearson, B. Johnson, L. Ferguson

Absent: Councillors T. Whitehead, S. Merulla, B. Clark – Personal
 Councillor J. Partridge – Other City Business

**THE SOLE VOTING MEMBER OF THE HAMILTON FARMERS' MARKET
 PRESENTS REPORT 22-001, AND RESPECTFULLY RECOMMENDS:**

**1. Hamilton Farmers' Market Corporation Governance and Operational Review
 Update (PED22029) (Ward 2) (Item 10.1)**

That Report PED22029, respecting the Hamilton Farmers' Market Corporation
 Governance and Operational Review Update, be received.

**2. Vision of Hamilton Farmers' Market for City, and Feasibility of Greater
 Private Sector Role in Operations and Management of the Market and the
 Associated Space (Item 11.1)**

WHEREAS, on April 11, 2012, City Council directed staff to conduct a feasibility
 study on privatizing the management of the Hamilton Farmers' Market, and to
 look at ways and means to internally reduce the annual subsidy for the Market;

WHEREAS, following considerable research, consultation and analysis, on
 December 12, 2013, the Hamilton Farmers' Market Sub-Committee approved
 recommendations directing staff to bring forward a new governance model;

WHEREAS, on May 14, 2014, City Council directed staff to prepare a governance model and implementation plan, prepare a business case, and undertake public consultation;

WHEREAS, on June 12, 2014, the Hamilton Farmers' Market Sub-Committee approved the terms of reference and business case for the establishment of the current Market corporation and governance model;

WEREAS, on September 4, 2014, the General Issues Committee approved recommendations creating the Hamilton Farmers' Market Corporation, directing the selection of Board members, and authorized staff to negotiate an operating agreement;

WHEREAS, on May 7, 2018, the Hamilton Farmers' Market Corporation Board of Directors approved the Hamilton Farmers' Market Strategic Plan 2016-2020 that had been commissioned by the Board and prepared by 2WA Consulting, Inc;

WHEREAS, on November 23, 2020, the Sole Voting Member of the Hamilton Farmers' Market considered the Hamilton Farmers' Market Governance Report (CM20010), and directed staff to prepare a report that provides a preferred governance and operating model for the Hamilton Farmers' Market Corporation, which prioritizes value-for-dollar invested by the Shareholder, role clarity, enhanced governance and the avoidance of any potential conflicts of interest;

WHEREAS, the first phase of the Hamilton Farmers' Market governance and operational review has been completed, with a report from the Consultant that summarizes the outcome of its research and stakeholder input to date, provides an overview of the current state of the Market, and identifies direction on pursuing the future governance and operational options;

WHEREAS, the neighbourhood surrounding the Market is in the process of undergoing significant change, the nature of the vendors and offerings at the "farmers" market has been changing, and the Markets' engagement with its customers and the surrounding community has been changing; and,

WHEREAS, having a broader understanding of the vision, role and opportunities for the Hamilton Farmers' Market within its evolving neighbourhood context would assist Council in making any decisions on the preferred governance and operating model;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to undertake a review and consultation on the vision and role of the Hamilton Farmers' Market within the local neighbourhood context, with a focus on engaging surrounding neighbourhood and other interested stakeholders, including using charettes, requests for

expressions of interest, and other means, to examine opportunities for the potential future role of the Market and associated space it occupies in the City facility on York Blvd, within the downtown neighbourhood, and report back to the Sole Voting Member of the Hamilton Farmers' Market, prior to completing the governance and operating review;

- (b) That staff be authorized and directed to retain any necessary consulting services to undertake the consultation and engagement, to an upset limit of \$100,000, to be funded from the Economic Development Reserve (Account 112221); and,
- (c) That staff be directed to hold a charrette with the community-at-large regarding the vision and role of the Hamilton Farmers' Market, and include a summary of that feedback in the forthcoming report to the Sole Voting Member of the Hamilton Farmers' Market.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

The Committee Clerk advised that there were no changes to the agenda.

The agenda for the February 2, 2022 meeting of the Sole Voting Member of the Hamilton Farmers' Market was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF THE PREVIOUS MEETING (Item 3)

(i) September 13, 2021 (Item 3.1)

The Minutes of the September 13, 2021 meeting of the Sole Voting Member of the Hamilton Farmers' Market were approved, as presented.

(d) COMMUNICATION ITEMS (Item 5)

**(i) Correspondence from Paul Dube, Ombudsman of Ontario, respecting
Complaints about the Meeting Practices of the City of Hamilton's
Farmers' Market Board of Directors (Item 5.1)**

The correspondence from Paul Dube, Ombudsman of Ontario, respecting
Complaints about the Meeting Practices of the City of Hamilton's Farmers'
Market Board of Directors, was received.

**(ii) Resignation of Joshua Czerniga, Former Vice Chair of the Hamilton
Market Board (Item 5.2)**

The resignation of Joshua Czerniga, Former Vice Chair of the Hamilton
Market Board was received.

(e) ADJOURNMENT (Item 15)

There being no further business, the Sole Voting Member of the Hamilton
Farmers' Market adjourned at 3:15 p.m.

Respectfully submitted,

Mayor Fred Eisenberger, Chair

Stephanie Paparella
Legislative Coordinator,
Office of the City Clerk



AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-003

9:30 a.m.

February 3, 2022

Council Chambers

Hamilton City Hall

Present: Councillors M. Pearson (Chair), B. Clark, L. Ferguson, B. Johnson, R. Powers, A. VanderBeek, and M. Wilson

THE AUDIT, FINANCE AND ADMINISTRATION COMMITTEE PRESENTS REPORT 22-003 AND RESPECTFULLY RECOMMENDS:

- 1. Hamilton Anti-Racism Resource Centre Update (CM20007(c)) (City Wide) (Item 8.1)**
 - (a) That the Hamilton Anti-Racism Resource Centre (HARRC) Update and Sustainability Plan presented by Empower Strategy Group, attached as Appendix "A" to Report CM20007(c), respecting the consultant providing support to the HARRC Board of Directors in applying for incorporation, drafting governing policies and by-laws, and developing a budgetary, operational and sustainability plan, be received; and,
 - (b) That the remaining 26-month allocation of \$203,846 from the Tax Stabilization Fund Reserve, for HARRC operations, attached as Appendix "A" to Report CM20007(c), HARRC Update and Sustainability Plan presented by Empower Strategy Group, be assigned as follows:
 - (i) \$86,240 for the period of February 2022 to December 2022; and,
 - (ii) \$78,405 for the period January 2023 to November 2023.
- 2. Grants Sub-Committee Report 22-001 – January 17, 2022 (Item 10.1)**
 - (a) **City Enrichment Fund: Equity, Diversity, Inclusion (EDI) Information Report (GRA21003(a)) (City Wide) (Item 4.1)**

WHEREAS, staff were directed to integrate the Equity, Diversity and Inclusion breakdown of the allocated City Enrichment Fund in a form that enables the consistent measurement of outcomes, and report back to the Grants Sub-Committee to be brought forward as an Information Report on January 17, 2022;

WHEREAS, the City application process does not include a self-identification option or questionnaire for applicants to determine or identify whether they are IBPOC-led (Indigenous, Black, and people of colour), women-led, rural or led by other equity seeking groups;

WHEREAS, the current application does not consistently request information about the communities that grant recipients serve and the only program area which captures and measures some aspects of an EDI lens is in Community Services stream; and,

WHEREAS, in order to ensure Equity, Diversity and Inclusion data is being captured consistently across the fund overall;

THEREFORE, BE IT RESOLVED:

- (i) That the Director Government Relations & Community Engagement be directed to incorporate a self-identification tool in the in-take application form in all program areas and streams across the City Enrichment Fund, which identifies:
 - (1) the demographics of populations served by allocated City Enrichment Funds; and,
 - (2) the demographics of leadership within an applicant's board of directors and/or staff; and,
- (ii) That the Director Government Relations & Community Engagement be directed to explore opportunities to enhance City Enrichment Fund accessibility, such as making applications available in multiple languages, various formats, and outreach tactics in order to better reach equity seeking communities, and report back to the Grants Sub-Committee.

(b) 2021 City Enrichment Fund Update (GRA22001) (City Wide) (Item 6.1)

- (i) That the overall 2021 City Enrichment Fund surplus (attached as Appendix "A" to Audit, Finance and Administration Committee Report 22-003), in the amount of \$501,044, be transferred to the City Enrichment Fund Reserve #112230; and,
- (ii) That up to \$500,000 of the City Enrichment Fund reserve funds, be ear marked to investigate potential matching opportunities, throughout the City, to bring to a total fund of \$1M in support for communities and organizations that have been heavily impacted by COVID-19 and the pandemic more broadly, with any funds not allocated to be evenly distributed and returned back to their respective reserves, and report back to the Grants Sub-Committee.

**3. City Auditor Reporting of Serious Matters to Council (Case #52693)
(AUD22001) (City Wide) (Item 14.1)**

That Report AUD22001, respecting the City Auditor Reporting of Serious Matters to Council (Case #52693), be received and remain confidential.

FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1 Correspondence from Leslyn Gombakoma, respecting their resignation from the Committee Against Racism and the Immigrant and Refugee Advisory Committee

Recommendation: Be received.

The agenda for the February 3, 2022 Audit, Finance and Administration Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

(i) January 13, 2022 (Item 4.1)

The Minutes of the January 13, 2022 meeting of the Audit, Finance and Administration Committee were approved, as presented.

(d) COMMUNICATIONS (Item 5)

- (i) Correspondence from Leslyn Gombakoma, respecting their resignation from the Committee Against Racism and the Immigrant and Refugee Advisory Committee (Item 5.1)**

That the correspondence from Leslyn Gombakoma, respecting their resignation from the Committee Against Racism and the Immigrant and Refugee Advisory Committee, be received ***and a letter be sent to thank them for their service.***

(e) STAFF PRESENTATIONS (Item 8)

(i) Hamilton Anti-Racism Resource Centre Update (CM20007(c)) (City Wide) (Item 8.1)

Morgan Stahl, Director, Government Relations & Community Engagement introduced the following individuals who presented the Hamilton Anti-Racism Resource Centre Update:

Evelyn Myrie, Empower Strategy
Audrey Wubbenhorst, Empower Strategy
Lyndon George, HARRC Executive Director
Sandi Bell, HARRC Board Chair

The presentation respecting Report CM20007(c), Hamilton Anti-Racism Resource Centre Update, were received.

For disposition of this Item, refer to Item 1.

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

(i) Amendments to the Outstanding Business List:

The following amendment to the Audit, Finance & Administration Committee's Outstanding Business List, was approved:

(a) Item To Be Removed:

Roads Value for Money Audit (AUD21006) (City Wide)
That Audit Staff be directed to report back to the AF&A Committee on Storm Water Management and the adjustments that would be required to add this to the 2022 City Auditor Work Plan.
OBL Item: 21-K
Added: July 8, 2021 at AF&A - Item 8.1
Removed: February 3, 2022 at AF&A - This item is in the Office of the City Auditor Work Plan 2019 to 2022 (AUD19007)

(g) PRIVATE AND CONFIDENTIAL (Item 14)

Committee moved into Closed Session for Item 14.1, pursuant to Section 9.1, Sub-sections (a), (b), and (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections sections (a), (b), and (d) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to the security of the property of the municipality or local board; personal matters about an identifiable individual, including municipal or local board employees; and labour relations or employee negotiations.

**(i) City Auditor Reporting of Serious Matters to Council (Case #52693)
(AUD22001) (City Wide) (Item 14.1)**

For disposition of this Item, Refer to Item 3.

(h) ADJOURNMENT (Item 15)

There being no further business, the Audit, Finance and Administration
Committee, adjourned at 11:08 a.m.

Respectfully submitted,

Councillor Pearson, Chair
Audit, Finance and Administration
Committee

Angela McRae
Legislative Coordinator
Office of the City Clerk

2021 City Enrichment Fund SUMMARY

Category	Total Applications	2021 Approved Budget	2021 Total Approved Funding	2021 Total Payment	Variance (Budget vs Payment)
Agriculture	19	\$ 143,360	\$ 104,190	\$ 94,637	\$ 48,723
Arts	104	\$ 2,770,540	\$ 2,770,540	\$ 2,656,829	\$ 113,711
Communities, Culture & Heritage (CCH)	60	\$ 567,700	\$ 562,880	\$ 268,153	\$ 299,547
Community Services	95	\$ 2,164,360	\$ 2,235,481	\$ 2,235,481	-\$ 71,121
Environment	13	\$ 146,390	\$ 143,505	\$ 139,206	\$ 7,184
Sport & Active Lifestyles	44	\$ 245,990	\$ 221,744	\$ 177,802	\$ 68,188
Total Traditional Grant Categories	335	\$ 6,038,340	\$ 6,038,340	\$ 5,572,108	\$ 466,232
CEF Administration		\$ 50,000	\$ 50,000	\$ 15,188	\$ 34,812
Total City Enrichment Fund	335	\$ 6,088,340	\$ 6,088,340	\$ 5,587,296	\$ 501,044



EMERGENCY & COMMUNITY SERVICES COMMITTEE REPORT 22-002

1:30 p.m.

Thursday, February 3, 2022

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Councillors B. Clark (Chair), T. Jackson, S. Merulla, and N. Nann

Regrets: Councillors E. Pauls and T. Whitehead – Personal

Also Present: Councillors J.P Danko, J. Farr, and M. Wilson

THE EMERGENCY & COMMUNITY SERVICES COMMITTEE PRESENTS REPORT 22-002 AND RESPECTFULLY RECOMMENDS:

1. Deputy Fire Chief Appointment (HSC19005(c)) (City Wide) (Item 10.1)

That the By-law to Amend By-law 19-035, Being a By-law to Appoint a Fire Chief, a Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law 19-034, and to Repeal By-law 20-052, attached as Appendix "A" to Report HSC19005(c), which has been prepared in a form satisfactory to the City Solicitor, be passed.

2. Poverty Reduction Investment Plan Update (CES16043(e)) (City Wide) (Item 10.2)

That Report CES16043(e), respecting Poverty Reduction Investment Plan Update, be received.

3. Relocation of Garbage Dumpsters on the Property of 45 Montcalm Drive, Hamilton, Ward 8 Area Rating Funded (Item 11.1)

WHEREAS, CityHousing Hamilton owns the property located at 45 Montcalm Drive - a 76-unit multi-residential townhouse complex built in 1970;

WHEREAS, the three garbage dumpsters on the property are currently located at the front of the property near the city roadway;

WHEREAS, the current location of the garbage dumpsters has encouraged frequent misuse and has increased the amount of waste and associated waste management costs for CityHousing Hamilton; and,

WHEREAS, CityHousing Hamilton has committed and begun to work in consultation with the City of Hamilton's Waste Management Division to propose and assess strategies for waste diversion and viable options for the relocation of the garbage dumpsters to the back of the property.

THEREFORE, BE IT RESOLVED:

- (a) That the cost of \$20,387.50 for engineering design work required to relocate the garbage dumpsters be funded from the Ward 8 Area Rating Reserve No. 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.

FOR INFORMATION:

(a) APPROVAL OF AGENDA (Item 2)

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

5. COMMUNICATIONS

- 5.1. Barbara Wallace, First Unitarian Church of Hamilton, respecting Hamilton Alliance for Tiny Shelters program plan

Recommendation: Be received

- 5.2. Sandy Shaw, MPP Hamilton West - Ancaster - Dundas, respecting project proposed by The Hamilton Alliance for Tiny Shelters

Recommendation: Be received

- 5.3. Bishop Douglas Crosby, Diocese of Hamilton, respecting support of the Hamilton Alliance for Tiny Shelters

Recommendation: Be received

6. DELEGATION REQUESTS

- 6.4. Bishop Susan Bell, Anglican Diocese of Niagara, respecting support of a proposal to address homelessness in Hamilton - Video Delegation (For today's meeting)
- 6.5. Jennifer Bonner, The Hamilton Hub, respecting support of wrap around supports for the cabin committee (Tiny Homes project) being presented by Hamilton Community Legal Clinic and partners (For today's meeting)
- 6.6. Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting support of using part of Sir John A. Macdonald property for Hamilton Alliance of Tiny Shelters (HATS) (For today's meeting)
- 6.7. Deirdre Pike, Social Planning and Research Council of Hamilton, respecting Support for proposed response to homelessness (For today's meeting)
- 6.8. Paula Whitlow, Hamilton-Wentworth Chapter Native Women Inc. o/a Native Women's Centre, respecting Support the Hamilton Alliance for Tiny Shelters delegation (For today's meeting)
- 6.9. Gabriel Baribeau, respecting Support for Tiny Homes proposal as an Emergency response needed for unhoused community members (For today's meeting)
- 6.10. Ed Fothergill, Hamilton Alliance for Tiny Shelters, respecting Support for proposal for tiny shelter initiative - Planning Related Matters (For today's meeting)

7. CONSENT ITEMS

- 7.1. Housing and Homelessness Advisory Committee Minutes
 - 7.1.a. September 7, 2021
 - 7.1.b. October 5, 2021

13. GENERAL INFORMATION / OTHER BUSINESS

- 13.1. Amendments to the Outstanding Business List
 - (a) Items Considered Completed and to be Removed
 - 1. Encampment Response Update
Item on OBL: 21-G

Addressed at the December 9, 2021 Emergency and Community Services Committee meeting as Item 5

The agenda for the February 3, 2022 Emergency and Community Services Committee meeting was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 3)

There were no Declarations of Interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 4)

The Minutes of the January 13, 2022 meeting of the Emergency and Community Services Committee, be approved, as presented.

(d) COMMUNICATIONS (Item 5)

The following Communication Items, were received:

- (a) Barbara Wallace, First Unitarian Church of Hamilton, respecting Hamilton Alliance for Tiny Shelters program plan (Added Item 5.1)
- (b) Sandy Shaw, MPP Hamilton West - Ancaster - Dundas, respecting project proposed by The Hamilton Alliance for Tiny Shelters (Added Item 5.2)
- (c) Bishop Douglas Crosby, Diocese of Hamilton, respecting support of the Hamilton Alliance for Tiny Shelters (Added Item 5.3)

(e) DELEGATION REQUESTS (Item 6)

The following Delegation Requests, were approved for today's meeting:

- (i) Julia Kollek, Hamilton Alliance for Tiny Shelters (HATS), respecting partnership with the city of Hamilton for foundational funding to deliver warm, and safe and temporary cabins with wraparound services for those experiencing homelessness (Item 6.1)
- (ii) Jeff Willmer, A Better Tent City Waterloo Region, respecting support of Julia Kollek's request regarding a supported encampment (Item 6.2)
- (iii) Tom Cooper, Hamilton Roundtable for Poverty Reduction, respecting support of a proposal to address homelessness in Hamilton (Item 6.3)

- (iv) Bishop Susan Bell, Anglican Diocese of Niagara, respecting support of a proposal to address homelessness in Hamilton - Video Delegation (Added Item 6.4)
- (v) Jennifer Bonner, The Hamilton Hub, respecting support of wrap around supports for the cabin committee (Tiny Homes project) being presented by Hamilton Community Legal Clinic and partners (Added Item 6.5)
- (vi) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting support of using part of Sir John A. Macdonald property for Hamilton Alliance of Tiny Shelters (HATS) (Added Item 6.6)
- (vii) Deirdre Pike, Social Planning and Research Council of Hamilton, respecting Support for proposed response to homelessness (Added Item 6.7)
- (viii) Paula Whitlow, Hamilton-Wentworth Chapter Native Women Inc. o/a Native Women's Centre, respecting Support the HATS delegation (Added Item 6.8)
- (ix) Gabriel Baribeau, respecting Support for Tiny Homes proposal as an Emergency response needed for unhoused community members (Added Item 6.9)
- (x) Ed Fothergill, Hamilton Alliance for Tiny Shelters, respecting Support for proposal for tiny shelter initiative - Planning Related Matters (Added Item 6.10)

(f) CONSENT ITEMS (Item 7)

(i) Housing and Homelessness Advisory Committee Minutes

The following Minutes of the Housing and Homelessness Advisory Committee, were received:

- (a) September 7, 2021 (Added Item 7.1(a))
- (b) October 5, 2021 (Added Item 7.1(b))

(g) PUBLIC HEARINGS / DELEGATIONS (Item 9)

- (i) Julia Kollek, Hamilton Alliance for Tiny Shelters (HATS), respecting partnership with the City of Hamilton for foundational funding to deliver warm, and safe and temporary cabins with wraparound services for those experiencing homelessness (Added Item 9.1)**

Julia Kollek, Hamilton Alliance for Tiny Shelters (HATS), addressed the Committee respecting partnership with the City of Hamilton for foundational funding to deliver warm, and safe and temporary cabins with wraparound services for those experiencing homelessness, with the aid of a presentation.

- (ii) **Jeff Willmer, A Better Tent City Waterloo Region, respecting support of Julia Kollek's request regarding a supported encampment (Added Item 9.2)**

Jeff Willmer, A Better Tent City Waterloo Region, addressed the Committee respecting support of Julia Kollek's request regarding a supported encampment.

- (iii) **Tom Cooper, Hamilton Roundtable for Poverty Reduction, respecting support of a proposal to address homelessness in Hamilton (Added Item 9.3)**

Tom Cooper, Hamilton Roundtable for Poverty Reduction, addressed the Committee respecting support of a proposal to address homelessness in Hamilton.

- (iv) **Bishop Susan Bell, Anglican Diocese of Niagara, respecting support of a proposal to address homelessness in Hamilton - Video Delegation (Added Item 9.4)**

Bishop Susan Bell, Anglican Diocese of Niagara, addressed the Committee by pre-recorded video respecting support of a proposal to address homelessness in Hamilton.

- (v) **Jennifer Bonner, The Hamilton Hub, respecting support of wrap around supports for the cabin committee (Tiny Homes project) being presented by Hamilton Community Legal Clinic and partners (Added Item 9.5)**

Jennifer Bonner, The Hamilton Hub, addressed the Committee respecting support of wrap around supports for the cabin committee (Tiny Homes project) being presented by Hamilton Community Legal Clinic and partners.

- (vi) **Kojo Dampthey, Hamilton Centre for Civic Inclusion, respecting support of using part of Sir John A. Macdonald property for Hamilton Alliance of Tiny Shelters (HATS) (Added Item 9.6)**

Kojo Dampthey, Hamilton Centre for Civic Inclusion, addressed the Committee respecting support of using part of Sir John A. Macdonald property for Hamilton Alliance of Tiny Shelters (HATS).

- (vii) **Deirdre Pike, Social Planning and Research Council of Hamilton, respecting Support for proposed response to homelessness (Added Item 9.7)**

Deirdre Pike, Social Planning and Research Council of Hamilton, addressed the Committee respecting Support for proposed response to homelessness.

- (viii) **Paula Whitlow, Hamilton-Wentworth Chapter Native Women Inc. o/a Native Women's Centre, respecting Support the HATS delegation (Added Item 9.8)**

Paula Whitlow, Hamilton-Wentworth Chapter Native Women Inc. o/a Native Women's Centre, addressed the Committee respecting Support the HATS delegation.

- (ix) **Gabriel Baribeau, respecting Support for Tiny Homes proposal as an Emergency response needed for unhoused community members (Added Item 9.9)**

Gabriel Baribeau addressed the Committee respecting Support for Tiny Homes proposal as an Emergency response needed for unhoused community members.

- (x) **Ed Fothergill, Hamilton Alliance for Tiny Shelters, respecting Support for proposal for tiny shelter initiative - Planning Related Matters (Added Item 9.10)**

Ed Fothergill, Hamilton Alliance for Tiny Shelters, addressed the Committee respecting Support for proposal for tiny shelter initiative - Planning Related Matters.

- (a) The following Delegations, were received:
- (i) Julia Kollek, Hamilton Alliance for Tiny Shelters (HATS), respecting partnership with the city of Hamilton for foundational funding to deliver warm, and safe and temporary cabins with wraparound services for those experiencing homelessness (Added Item 9.1)
 - (ii) Jeff Willmer, A Better Tent City Waterloo Region, respecting support of Julia Kollek's request regarding a supported encampment (Added Item 9.2)
 - (iii) Tom Cooper, Hamilton Roundtable for Poverty Reduction, respecting support of a proposal to address homelessness in Hamilton (Added Item 9.3)

- (iv) Bishop Susan Bell, Anglican Diocese of Niagara, respecting support of a proposal to address homelessness in Hamilton - Video Delegation (Added Item 9.4)
 - (v) Jennifer Bonner, The Hamilton Hub, respecting support of wrap around supports for the cabin committee (Tiny Homes project) being presented by Hamilton Community Legal Clinic and partners (Added Item 9.5)
 - (vi) Kojo Dampsey, Hamilton Centre for Civic Inclusion, respecting support of using part of Sir John A. Macdonald property for Hamilton Alliance of Tiny Shelters (HATS) (Added Item 9.6)
 - (vii) Deirdre Pike, Social Planning and Research Council of Hamilton, respecting Support for proposed response to homelessness (Added Item 9.7)
 - (viii) Paula Whitlow, Hamilton-Wentworth Chapter Native Women Inc. o/a Native Women's Centre, respecting Support the HATS delegation (Added Item 9.8)
 - (ix) Gabriel Baribeau, respecting Support for Tiny Homes proposal as an Emergency response needed for unhoused community members (Added Item 9.9)
 - (x) Ed Fothergill, Hamilton Alliance for Tiny Shelters, respecting Support for proposal for tiny shelter initiative - Planning Related Matters (Added Item 9.10)
- (b) That City Staff were directed to work with Hamilton Alliance for Tiny Shelters and community stakeholders to identify the role(s) of the City of Hamilton in the development of tiny shelters as a community-led response to address short-term, temporary housing needs of Hamilton's unhoused residents, including appropriate site supports, and report back to the Emergency and Community Services Committee on February 17, 2022, with recommendations.

(h) GENERAL INFORMATION / OTHER BUSINESS (Item 13)

(i) Amendments to the Outstanding Business List (Added Item 13.1)

The following amendment to the Outstanding Business List, were approved:

- (a) Items Considered Completed and to be Removed
 - 1. Encampment Response Update
Item on OBL: 21-G

Addressed at the December 9, 2021 Emergency and
Community Services Committee meeting as Item 5

(i) ADJOURNMENT (Item 15)

There being no further business, the Emergency and Community Services
Committee was adjourned at 4:59 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Emergency and Community Services
Committee

Tamara Bates
Legislative Coordinator
Office of the City Clerk

CITY OF HAMILTON

MOTION

Council: February 9, 2022

MOVED BY MAYOR F. EISENBERGER.....

SECONDED BY COUNCILLOR.....

Amendment to Item 3(c) of General Issues Committee Report 21-003, respecting Ban of Electric Scooters from Public Property (City Wide)

WHEREAS, the Advisory Committee for Persons with Disabilities is recommending an amendment to the parameters within their December 8, 2020 recommendations on the ban for the use of electric and commercial rental electric scooters to specify only 'on all City roads, sidewalks and pathways';

WHEREAS, the December 8, 2020 recommendation from the Advisory Committee for Persons with Disabilities respecting the ban for the use of electric and commercial rental electric scooters was referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations; and

WHEREAS, Council at their meeting of August 13, 2021 approved a 24-month pilot commercial E-Scooter program within the City of Hamilton, also directing staff to consult the Advisory Committee for Persons with Disabilities, the CNIB Foundation and the Seniors Advisory Committee on a quarterly basis with respect to the Commercial E-Scooter pilot program.

THEREFORE, BE IT RESOLVED:

That Sub-section (c) to Item 3 to the General Issues Committee Report 21-003, respecting Ban of Electric Scooters from Public Property (City Wide), be **amended** as follows, in order to specify that electric scooters be banned 'on all City roads, sidewalks and pathways':

- (c) That Item 5 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property, **as amended**, by deleting '**and in all other areas of the City until such time that electric scooters, particularly commercial rental electric scooters, and their operators are trained, licensed, insured and are fully and completely regulated by the province of Ontario in the same manner as any other motor vehicle in the province of Ontario**', be referred to the General Manager of Planning and Economic Development

for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations;

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

3. Advisory Committee for Persons with Disabilities Report 20-007, December 8, 2020 (Item 9.1)

- (a) That Items 1 to 3 and 8, of the Advisory Committee Report 20-007, respecting the following, be approved:
 - (i) Appointment of Committee Chair and Vice-Chair for 2021 (Item 1);
 - (ii) Reduction in the Advisory Committee for Persons with Disabilities' Transportation Working Group and Built Environment Working Group Memberships (Item 2);
 - (iii) Housing Issues Working Group Work Plan (Item 3); and,
 - (iv) Strategic Planning Working Group Update (Item 8);
- (b) That Item 4 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting Accessible Housing, be referred to the General Manager of the Healthy and Safe Communities Department, for a report back to the Emergency and Community Services Committee;
- (c) That Item 5 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property, ***as amended***, by deleting ***'and in all other areas of the City until such time that electric scooters, particularly commercial rental electric scooters, and their operators are trained, licensed, insured and are fully and completely regulated by the province of Ontario in the same manner as any other motor vehicle in the province of Ontario'***, be referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations;
- (d) That Item 6 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting HSR / ATS / DARTS Passenger Policies for Persons with Disabilities, be referred to the General Manager of Public Works, for a report back to the Public Works Committee; and,

- (e) That Item 7 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting Acoustic Vehicle Alerting System Requirement for Electric Scooters be referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations.

CITY OF HAMILTON MOTION

Council: February 9, 2022

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

That the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and reads as follows, be reconsidered:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct as per Item 4.8, respecting the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that Cameron Kroetsch be and is hereby formally reprimanded as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

CITY OF HAMILTON

MOTION

Council: February 9, 2022

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR

Consideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

That the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and reads as follows, be considered:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct as per Item 4.8, respecting the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that Cameron Kroetsch be and is hereby formally reprimanded as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

CITY OF HAMILTON

MOTION

Council: February 9, 2022

MOVED BY MAYOR F. EISENBERGER

SECONDED BY COUNCILLOR.....

Motion to Amend By-law No. 16-290, the Council Code of Conduct to provide for the Transparency Disclosure of Non-Disqualifying Interests

WHEREAS, pursuant to the *Municipal Act, 2001*, it is the duty of the City Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the Council;

WHEREAS, the Council Code of Conduct provides that Members shall avoid “conflicts of interest, both apparent and real”;

WHEREAS when a Member is disqualified from participating in the discussion of, or voting on any question in respect of a matter due to a pecuniary interest, direct or indirect, under the *Municipal Conflict of Interest Act*, their disclosure of that interest is recorded in Council and Committee minutes, and a written statement of the interest and its general nature must be filed with the Clerk and included in a registry required to be made available to the public, which is posted on the City’s website;

WHEREAS, there are occasions when Members of Council have an interest in a matter, but such an interest does not disqualify them from participating; and

WHEREAS, the public interest is best served by disclosing both disqualifying and non-disqualifying interests of Members of Council;

THEREFORE, BE IT RESOLVED:

- (a) That section 8 of By-Law 16-290 - Council Code of Conduct be amended as per Appendix “A” of this motion to enable the recording of all disqualifying interests, and to provide for the recording of disclosures where non-disqualifying interests exist; and
- (b) That the City Clerk prepare a Transparency Disclosure of Non-Disqualifying Interest form for use by Members of Council and for posting on the City’s website for viewing.

Authority: Item
Date:
Ward: City Wide

Bill No. _____

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend By-law No. 16-290, Council Code of Conduct

WHEREAS Section 223.2(1) of the *Municipal Act, 2001* requires the City of Hamilton to establish By-law No.16-290 - Council Code of Conduct;

WHEREAS, the Council Code of Conduct provides that Members shall avoid “conflicts of interest, both apparent and real”;

WHEREAS when a Member is disqualified from participating in the discussion of, or voting on any question in respect of a matter due to a pecuniary interest, direct or indirect, under the *Municipal Conflict of Interest Act*, their disclosure of that interest is recorded in Council and Committee minutes, and a written statement of the interest and its general nature must be filed with the Clerk and included in a registry required to be made available to the public, which is posted on the City’s website;

WHEREAS, there are occasions when Members of Council have an interest in a matter, but such an interest does not disqualify them from participating; and

WHEREAS, the public interest is best served by disclosing both disqualifying and non-disqualifying interests of Members of Council;

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

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
2. That By-law No. 16-290 be amended by adding the following provisions under Section 8 “Conduct in Office, Including at Council and Committees”:

8.(2) In this Section:

- (a) A “disqualifying interest” is an interest in a matter regarding which a reasonable person fully informed of the facts and circumstances would conclude that the Member could not participate impartially in the decision-making process related to the matter either because to do so would not be in compliance with the *Municipal Conflict of Interest Act*, or, because the Member’s relationship to persons or bodies involved in the matter or affected by the decision is so close, a

Appendix A to Item 6.4
reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.

(b) A “non-disqualifying interest” is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decision-making processes related to the matter only so long as:

- (i) the Member fully discloses the interest so as to provide transparency about the relationship; and
- (ii) the Member states why the interest does not prevent the Member from making an impartial decision on the matter.

8.(3) Members shall not participate in the decision-making processes associated with their role or position when they have a disqualifying interest in a matter. Participation includes attempting to influence an outcome, whether the decision to be made is to be made by Council or a member of staff with delegated authority or operational responsibility.

8.(4) Members may participate in the decision-making process related to a matter in which they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the City Clerk acting in consultation with the Integrity Commissioner.

- (i) Transparency Disclosures are public documents and shall be available for public viewing on the City of Hamilton’s website.
- (ii) On receipt of a proper request, the Integrity Commissioner shall determine whether an interest is a disqualifying interest or a non-disqualifying interest.

3. This By-law comes into force on the day it is passed.

PASSED this ____ day of _____, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

CITY OF HAMILTON

MOTION

Council: February 9, 2022

MOVED BY COUNCILLOR J. FARR.....

SECONDED BY COUNCILLOR N. NANN.....

Amendment to Item 7 of the General Issues Committee Report 17-004, respecting Report PED17024 - King William Art Walk Public Art Project

WHEREAS, the King William Art Walk Public Art Project is in fabrication by an artist selected through the City of Hamilton Call for Artists Policy and contracted to the City or its agents through a fixed price Artist Agreement;

WHEREAS, due to the COVID-19 pandemic and resulting supply chain issues, artists are identifying sudden unanticipated increases in the cost and delivery of materials required to complete their art works in excess of the typical 10% contingences they carried in their budgets;

WHEREAS, these sudden and unanticipated material and delivery cost increases now make the completion of the art works unfeasible within the original budget;

WHEREAS, the Public Art Reserve #10844 had a balance of \$1,150,000 as of March 31, 2021, including an unallocated contingency of approximately \$85,000 and allocations are set to be updated as part of the Public Art Master Plan review in 2023; and,

THEREFORE, BE IT RESOLVED:

That Item 7 of the General Issues Committee Report 17-004, respecting Report PED17024 - King William Art Walk Public Art Project, which was approved by Council on February 22, 2017, **be amended** by adding a new sub-section (b), to read as follows:

7. King William Art Walk Public Art Project (PED17024) (Ward 2) (Item 8.5)

- (a) That \$100,000 be transferred from the Downtown Public Art Reserve (108049) to the King William Art Walk Public Art Project (7101558508); and,
- (b) ***That up to an additional \$50,000, to cover the costs resulting from supply chain issues and sudden unanticipated increases in the cost and delivery of materials required to complete King William Art Walk Public Art Project (7101558508), to be funded from the Public Art Reserve (10844), be approved.***

CITY OF HAMILTON

MOTION

Council: February 9, 2022

MOVED BY COUNCILLOR N. NANN.....

SECONDED BY COUNCILLOR J. FARR.....

Amendment to Sub-Section (b) to Item 7.12 of the July 13, 2018 Council Minutes 18-015, respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette

WHEREAS, the Century Street Parkette art project is in fabrication by an artist selected through the City of Hamilton Call for Artists Policy and contracted to the City or its agents through a fixed price Artist Agreement;

WHEREAS, due to the COVID-19 pandemic and resulting supply chain issues, artists are identifying sudden unanticipated increases in the cost and delivery of materials required to complete their art works in excess of the typical 10% contingences they carried in their budgets;

WHEREAS, these sudden and unanticipated material and delivery cost increases now make the completion of the art works unfeasible within the original budget; and,

WHEREAS, the Public Art Reserve #10844 had a balance of \$1,150,000 as of March 31, 2021, including an unallocated contingency of approximately \$85,000 and allocations are set to be updated as part of the Public Art Master Plan review in 2023;

THEREFORE, BE IT RESOLVED:

That sub-section(b) to Item 7.12 of the July 13, 2018 Council Minutes 18-015, respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette, ***be amended*** by adding a new sub-section (d), to read as follows:

7.12 Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette

- (d) ***That up to an additional \$25,000 to cover the costs resulting from supply chain issues and sudden unanticipated increases in the cost and delivery of materials required to complete the Century Street Parkette art project (7101851321), to be funded from the Public Art Reserve (10844), be approved.***

Main Motion, as amended, to read as follows:

7.12 Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette

WHEREAS, direct investments in our community public spaces, parks, and playgrounds have been identified through extensive neighbourhood engagement as well as through our City of Hamilton strategic priorities; and,

WHEREAS, capital upgrades are currently underway at 430 Cumberland as well as the redevelopment of the former parking lot into a Century Street Parkette;

THEREFORE BE IT RESOLVED:

- (a) That \$75,000 be provided to City Housing Hamilton for the construction of a new playground at the property located at 430 Cumberland Avenue, Hamilton;
- (b) That staff be directed to undertake a public art process to plan, select, fabricate and install a work of Public Art in the Century Street Parkette with a budget of \$150,000 that includes student input from neighbouring Cathedral Highschool, the direct neighbourhood, as well as other community engagement as, deemed appropriate by way of our public art process;
- (c) That both projects be funded out of the Ward 3 Capital Reserve account 108053; and,
- (d) **That up to an additional \$25,000, to cover the costs *resulting from supply chain issues and sudden unanticipated increases in the cost and delivery of materials required to complete the Century Street Parkette art project (7101851321), to be funded from the Public Art Reserve (10844), be approved.***

CITY OF HAMILTON MOTION

Council: February 9, 2022

MOVED BY COUNCILLOR B. JOHNSON.....

SECONDED BY COUNCILLOR.....

Amendment to the 2022 Council / Committee Calendar

WHEREAS Council on October 28, 2020 approved the 2022 Council / Committee Calendar;
and

WHEREAS, it is necessary to amend the 2022 Council / Committee Calendar by moving the April 19, 2022 Planning Committee meeting to April 25, 2022, due to the Easter holiday weekend, to provide the public with sufficient time to submit their comments and submit delegation requests for matters appearing on the Planning Committee agenda.

THEREFORE, BE IT RESOLVED:

That the 2022 Council / Committee Calendar be **amended** by moving the April 19, 2022 Planning Committee meeting to **April 25, 2022**.

Attachment:

Appendix 'A' – April 2022 REVISED - 2022 Council / Committee Calendar

April 2022
REVISED

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4 BoH – 9:30 a.m. PW – 1:30 p.m.	5 Planning – 9:30 a.m.	6 GIC – 9:30 a.m.	7 AF&A – 9:30 a.m. E&CS – 1:30 p.m.	8	9
10	11	12	13 9:30 a.m. COUNCIL	14	15 GOOD FRIDAY	16
17	18 EASTER MONDAY	19	20 GIC – 9:30 a.m.	21 AF&A – 9:30 a.m. If required E&CS – 1:30 p.m. If required	22 PW – 1:30 p.m.	23
24	25 Planning – 9:30 a.m.	26	27 9:30 a.m. COUNCIL	28	29	30

GIC = General Issues Committee AF&A = Audit, Finance & Administration
PW = Public Works Committee E&CS = Emergency & Community Services
Planning = Planning Committee BOH = Board of Health

All meetings will be in the Council Chambers, Hamilton City Hall, 2nd Floor

CITY OF HAMILTON

MOTION

Council: February 9, 2022

MOVED BY COUNCILLOR M. PEARSON.....

SECONDED BY COUNCILLOR.....

Appointment to the Interview Sub-Committee to the Audit, Finance and Administration Committee

That Councillor Russ Powers be appointed to the Interview Sub-Committee to the Audit, Finance and Administration Committee, for the remainder of the 2018-2022 Term of Council, effective February 9, 2022.

COUNCIL COMMUNICATION UPDATES

January 14, 2022 to February 3, 2022

Council received the following Communication Updates during the time period listed above, the updates are also available to the public at the following link: <https://www.hamilton.ca/government-information/information-updates/information-updates-listing>, as per Section 5.18 of By-law 21-021 (A By-Law To Govern the Proceedings of Council and Committees of Council) a member of Council may refer any of the items listed below, to a Standing Committee by contacting the Clerk and it will be placed on the next available agenda of the respective Standing Committee.

Date	Department	Subject	Link
January 24, 2022	Planning and Economic Development	Licensing and By-law Services COVID-19 Enforcement (Year 2021) (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-01-24/comm-update-2021-lbs-covid-19-enforcement.pdf
January 31, 2022	Corporate Services	Service Line Warranties of Canada (SLWC) Corporate Social Responsibility Program (City Wide)	https://www.hamilton.ca/sites/default/files/media/browser/2022-02-01/comms-update-service-line-warranties-canada-corporate-social-responsibility.pdf
February 3, 2022	Healthy and Safe Communities	Update on Winter Service Plans for Homeless System and Community Cold Response	https://www.hamilton.ca/sites/default/files/media/browser/2022-02-03/comms-update-winter-service-plans-homeless-cold-response.pdf

Authority: Item 14, Committee of the Whole
Report 01-003 (FCS01007)
CM: February 6, 2001
Wards: 1,2,3,4,7,8,9,14,15

Bill No. 016

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

WHEREAS, *Section 11(1)1 of the Municipal Act, S.O. 2001, Chapter 25*, as amended, confers upon the councils of all municipalities the power to enact by-laws for regulating parking and traffic on highways subject to the *Highway Traffic Act*;

AND WHEREAS, on the 18th day of September, 2001, the Council of the City of Hamilton enacted By-law No. 01-218 to regulate on-street parking;

AND WHEREAS, it is necessary to amend By-law No. 01-218, as amended.

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

1. By-law No. 01-218, as amended, is hereby further amended by adding/deleting from the identified Schedules and Sections noted in the table below as follows:

Schedule	Section	Highway	Side	Location	Duration	Rate	Adding/ Deleting
5 - Parking Meters	E	Queensdale	South	Upper James to 36.6m easterly	1 hr	\$2.00	Deleting

Schedule	Section	Highway	Side	Location	Duration	Times	Days	Adding/ Deleting
6 - Time Limit	E	Virginia Court	Both	Bruce Dale Avenue East to northerly end	1 hr	Anytime	Any day	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Page 2 of 4

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
8 - No Parking	C	Attridge Cres. (S. leg)	north	Denholm Rd. to 150m west	Anytime	Deleting
8 - No Parking	E	Queensdale	South	Upper James to 90 ft. east	Anytime	Deleting
8 - No Parking	E	Queensdale	North	Upper James to 195 ft. east	Anytime	Deleting
8 - No Parking	D	Bellagio Avenue	South	Keystone Crescent (west leg) to 169 metres west thereof	8:00 a.m. to 4:00 p.m. Monday to Friday	Adding
8 - No Parking	C	Attridge Crescent	East	191 metres west of the northern intersection of Denholme Road to 7 metres south thereof	Anytime	Adding
8 - No Parking	E	Balfour Drive	South	92 metres north and east of Bethany Court to the easterly end of Balfour Drive, including the cul-de-sac	Anytime	Adding
8 - No Parking	C	Brookhurst Crescent	West & South	67 metres south of Laurendale Avenue to 22 metres south and west thereof	Anytime	Adding
8 - No Parking	E	Clifton Downs Road	East	31 metres north of Colgate Court to 6 metres north thereof	Anytime	Adding
8 - No Parking	E	Queensdale Avenue West	North	Upper James Street to 61 metres east thereof	Anytime	Adding
8 - No Parking	E	Queensdale Avenue West	South	Upper James Street to 43 metres east thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
12 - Permit	E	Belmont	West	from 54.6m north of Roxborough to 6m northerly	Anytime	Deleting
12 - Permit	E	Belmont Ave.	East	30m north of Roxborough Ave. to 6m northerly	Anytime	Deleting
12 - Permit	E	Canada	North	from 49.1m west of Locke to 9m westerly	Anytime	Deleting
12 - Permit	E	Dickson Street	West	59 metres south of Burlington Street to 6 metres south thereof	Anytime	Deleting
12 - Permit	E	East	East	from 72.6m north of Cannon St. to 7m northerly	Anytime	Deleting
12 - Permit	E	Edward St.	South	14m east of Barnesdale Ave. to 6m easterly	Anytime	Deleting
12 - Permit	E	Edward St.	North	18m east of Barnesdale Ave. to 6m easterly	Anytime	Deleting

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

12 - Permit	E	Mars Ave.	North	58m west of Douglas St. to 6m westerly	Anytime	Deleting
12 - Permit	E	Park	East	from 13.7m north of Sheaffe to 6m northerly	Anytime	Deleting
12 - Permit	E	St. Clair	West	from 47.1m north of Dunsmure to 11m northerly	Anytime	Deleting
12 - Permit	E	St. Clair	East	from 44.7m north of Dunsmure to 5.1m northerly	Anytime	Deleting
12 - Permit	E	Cavell Avenue	East	33 metres north of Primrose Avenue to 6 metres north thereof	Anytime	Adding
12 - Permit	E	Charlton Avenue West	South	145 metres west of Dundurn Street South to 6 meters west thereof	Anytime	Adding
12 - Permit	E	Fullerton Avenue	West	132 metres north of Barton Street East to 6 metres north thereof	Anytime	Adding
12 - Permit	E	Grosvenor Avenue North	East	82 metres south of Barton Street East to 6 metres south thereof	Anytime	Adding
12 - Permit	E	Harvey Street	South	19 metres east of Stirton Street to 6 metres east thereof	Anytime	Adding
12 - Permit	E	Kensington Avenue North	East	35 metres north of Cannon Street East to 6 metres north thereof	Anytime	Adding
12 - Permit	E	Kensington Avenue North	West	43 metres north of Cannon Street East to 6 metres north thereof	Anytime	Adding
12 - Permit	E	Mars Avenue	North	40 metres east of Douglas Avenue to 6 metres east thereof	Anytime	Adding
12 - Permit	E	Roxborough Avenue	North	10 metres east of the extended east curb line of Houghton Avenue to 6 metres east thereof	Anytime	Adding
12 - Permit	E	Shaw Street	North	90 meters east of Victoria Avenue North to 6 metres east thereof	Anytime	Adding
12 - Permit	E	William Street	West	8 metres south of Birge Street to 6 metres south thereof	Anytime	Adding

Schedule	Section	Highway	Side	Location	Times	Adding/Deleting
13 - No Stopping	E	Balfour Dr.	North/East	72m north of Bethany Cr. To 20m northeast	Anytime	Deleting
13 - No Stopping	E	Mountwood	East	Rockwood to 146 feet north	Anytime	Deleting
13 - No Stopping	E	Balfour Drive	East & South	72 metres north of Bethany Court to 20 metres north and east thereof	Anytime	Adding
13 - No Stopping	E	Mountwood Avenue	East	Rockwood Place to 17 metres north thereof	Anytime	Adding

To Amend By-law No. 01-218, as amended,
Being a By-law to Regulate On-Street Parking

Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
14 - Wheelchair LZ	E	Clinton Street	North	61 metres east of Sherman Avenue to 13 metres east thereof	Anytime	Adding
14 - Wheelchair LZ	E	Myrtle Avenue	East	94 metres south of Main Street East to 8 metres south thereof	8:00 a.m. to 5:00 p.m. Monday to Friday	Adding
Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
15 - Comm Veh LZ	E	Cannon	North	57 feet east of Chestnut	7:00 a.m. - 10:00 a.m. Mon - Fri	Deleting
Schedule	Section	Highway	Side	Location	Times	Adding/ Deleting
20 - School Bus LZ	F	Kennard Street	West	Lytton Crescent to 20 metres north thereof	8:00 a.m. to 4:00 p.m. Monday to Friday	Deleting
20 - School Bus LZ	F	Kennard Street	West	12 metres north of Parkvista Place to 25 metres north thereof	8:00 a.m. to 4:00 p.m. Monday to Friday	Deleting

2. Subject to the amendments made in this By-law, in all other respects, By-law No. 01-218, including all Schedules thereto, as amended, is hereby confirmed unchanged.
3. This By-law shall come into force and take effect on the date of its passing and enactment.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 5.8(b) Council
Report (FSC21081(a))
CM: January 19, 2022
Ward: City Wide

Bill No. 017

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council

WHEREAS Council enacted a Code of Conduct for Local Boards; and

WHEREAS to provide clarity and ease of reference, Council for the City of Hamilton has determined that it is desirable to amend By-Law 21-021; by amending sections 3.15 and 5.16, by amending section (g) of Appendix “H”, by deleting Appendix I – Hamilton Advisory Committee/Task Force Code of Conduct, and by amending section 3 of Appendix “J”;

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

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
2. That Section 3.15 of By-law No. 21-021, be deleted in its entirety and the following be substituted:

3.15 Declarations of Interest

(1) In this Section:

(a) An “Interest” means a ‘disqualifying interest’ or a ‘non-disqualifying interest’ as such terms are defined within the Council approved Code of Conduct to which the member is bound.

(2) Where a member has declared an Interest at a meeting in accordance with a Council approved Code of Conduct to which the member is bound, the member, shall file a written statement with the Clerk.

(3) Where a member, has disclosed an Interest and filed a written statement with the Clerk, as required by subsection 3.15(2), the Clerk, shall:

(a) file the written statement by the member in the Declarations of Interest Registry;

(b) record the Interest in the minutes of the meeting;

(c) file a record of the Interest recorded in the minutes of the meeting in the

Declarations of Interest Registry; and
(d) make the Declarations of Interest Registry available for public inspection.

3. That Section 5.16 of By-law No. 21-021, be deleted in its entirety and the following be substituted:

5.16 Declarations of Interest

(1) In this Section:

(a) An “Interest” means a ‘disqualifying interest’ or a ‘non-disqualifying interest’ as such terms are defined within the Council approved Code of Conduct to which the member is bound.

(2) Where a member has declared an Interest at a meeting in accordance with a Council approved Code of Conduct to which the member is bound, the member, shall file a written statement with the Clerk.

(3) Where a member, has disclosed an Interest and filed a written statement with the Clerk, as required by subsection 5.16(2), the Clerk, shall:

(a) file the written statement by the member in the Declarations of Interest Registry;

(b) record the Interest in the minutes of the meeting;

(c) file a record of the Interest recorded in the minutes of the meeting in the Declarations of Interest Registry; and

(d) make the Declarations of Interest Registry available for public inspection.

4. Section (g) of Appendix H “Criteria for the Creation of Advisory Committees or Task Forces” is hereby deleted in its entirety and replaced with the following:

(g) Appointees shall seek to serve the public interest in accordance with the Council approved Code of Conduct for Local Boards.

5. Appendix I “Hamilton Advisory Committee/Task Force Code of Conduct” is hereby deleted.

6. Section 3 of Appendix “J” “Hearing Procedures for Development Charge Complaints- Section 20” is hereby deleted in its entirety and replaced with the following:

3. Interests

(1) In this Section:

(a) An “Interest” means a ‘disqualifying interest’ or a ‘non-disqualifying interest’ as such terms are defined within the Council approved Code of Conduct to which the member is bound.

(4) Where a member has declared an Interest at a meeting in accordance with a Council approved Code of Conduct to which the member is bound, the member, shall file a written statement with the Clerk.

(5) Where a member, has disclosed an Interest and filed a written statement with the Clerk, as required by section 3(2), the Clerk, shall:

(a) file the written statement by the member in the Declarations of Interest Registry;

(b) record the Interest in the minutes of the meeting;

(c) file a record of the Interest recorded in the minutes of the meeting in the Declarations of Interest Registry; and

(d) make the Declarations of Interest Registry available for public inspection.

7. Sections 1, 2, 3, and 6 of this By-law come into force on the day it is passed.
Sections 4 and 5 of this By-Law come into force May 1, 2023.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 6.3 Council
CM: February 9, 2022
Ward: City Wide

Bill No. 018

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend By-law No. 16-290, Council Code of Conduct

WHEREAS Section 223.2(1) of the *Municipal Act, 2001* requires the City of Hamilton to establish By-law No.16-290 - Council Code of Conduct;

WHEREAS, the Council Code of Conduct provides that Members shall avoid “conflicts of interest, both apparent and real”;

WHEREAS when a Member is disqualified from participating in the discussion of, or voting on any question in respect of a matter due to a pecuniary interest, direct or indirect, under the *Municipal Conflict of Interest Act*, their disclosure of that interest is recorded in Council and Committee minutes, and a written statement of the interest and its general nature must be filed with the Clerk and included in a registry required to be made available to the public, which is posted on the City’s website;

WHEREAS, there are occasions when Members of Council have an interest in a matter, but such an interest does not disqualify them from participating; and

WHEREAS, the public interest is best served by disclosing both disqualifying and non-disqualifying interests of Members of Council;

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

1. The amendments in this By-law include any necessary indexing, grammatical, numbering and lettering changes.
2. That By-law No. 16-290 be amended by adding the following provisions under Section 8 “Conduct in Office, Including at Council and Committees”:

8.(2) In this Section:

- (a) A “disqualifying interest” is an interest in a matter regarding which a reasonable person fully informed of the facts and circumstances would conclude that the Member could not participate impartially in the decision-making process related to the matter either because to do so would not be in compliance with the *Municipal Conflict of Interest Act*, or, because the Member’s relationship to persons or bodies involved in the matter or affected by the decision is so close, a reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.

(b) A “non-disqualifying interest” is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decision-making processes related to the matter only so long as:

- (i) the Member fully discloses the interest so as to provide transparency about the relationship; and
- (ii) the Member states why the interest does not prevent the Member from making an impartial decision on the matter.

8.(3) Members shall not participate in the decision-making processes associated with their role or position when they have a disqualifying interest in a matter. Participation includes attempting to influence an outcome, whether the decision to be made is to be made by Council or a member of staff with delegated authority or operational responsibility.

8.(4) Members may participate in the decision-making process related to a matter in which they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the City Clerk acting in consultation with the Integrity Commissioner.

- (i) Transparency Disclosures are public documents and shall be available for public viewing on the City of Hamilton’s website.
- (ii) On receipt of a proper request, the Integrity Commissioner shall determine whether an interest is a disqualifying interest or a non-disqualifying interest.

3. This By-law comes into force on the day it is passed.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

Authority: Item 5.8(b), Council
Report (FSC21081(a))
CM: January 19, 2022
Ward: City Wide
Bill No. 019

CITY OF HAMILTON

BY-LAW NO. 22-

To Establish a Code of Conduct for Local Boards

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

WHEREAS subsection 223.2(1) of the *Municipal Act*, 2001 requires the City of Hamilton to establish a code of conduct for members of its local boards;

NOW THEREFORE the Council of the City of Hamilton enacts the following Code of Conduct for Local Boards:

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

1. The Code of Conduct for Local Boards shall be as set forth in Schedule 1 to this By-law.
2. This By-law comes into force on May 1, 2023 with enforcement and complaints being administered under the current Codes of Conduct until April 30, 2023.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

Schedule 1

CITY OF HAMILTON
CODE OF CONDUCT FOR LOCAL BOARDS
(in effect on May 1, 2023)

Part 1

General Introduction, Framework, and Interpretation
Guiding Principles

- 1: Avoidance of Conflicts of Interest
- 2: Gifts, Benefits and Hospitality
- 3: Confidential Information
- 4: Use of City Resources
- 5: Election Campaigns
- 6: Improper Use of Influence
- 7: Business Relations
- 8: Member Conduct
- 9: Media Communications
- 10: Respect for the Town By-laws and Policies
- 11: Respectful Workplace
- 12: Conduct Respecting Staff
- 13: Reprisals and Obstructing
- 14: Acting on Advice of Integrity Commissioner

Part 2

Adjudicative Boards

- 15: Additional Requirements for Members of Adjudicative Boards
- 16: Communications with Parties
- 17: Independent Nature of Adjudicative Tribunals

Part 3

Complaint Protocol
Consequences of Failure to Adhere to Code of Conduct

Part 1

General Introduction, Framework, and Interpretation

This document is a Code of Conduct for members of Local Boards, both adjudicative and non-adjudicative. Local Boards, sometimes referred to as committees or tribunals, are as defined in s.223.1 of the *Municipal Act* and as identified by the municipality.

This Code of Conduct is to be given broad, liberal interpretation in accordance with applicable legislation and the definitions set out herein. Commentary in this Code is illustrative and not exhaustive.

Members shall seek to serve the public interest by upholding both the letter of the law and the spirit of the laws and policies established by the Federal parliament, Ontario legislature, and by City Council. The provisions of this Code are intended to be applied in concert with existing legislation and go beyond the minimum standards of behaviour set out in current federal and provincial statutes.

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Members are expected to perform their duties as a member of the Local Board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Members shall serve the public in a conscientious and diligent manner.

Members should be committed to performing their functions with integrity, impartiality and transparency.

There is a benefit to municipalities when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

Definitions:

“Adjudicative Board” means a Local Board that functions as a tribunal

“Council” means the Council of the City of Hamilton

“Family” includes “child”, “parent” and “spouse” as those terms are defined in the *Municipal Conflict of Interest Act*, and also includes

- step-child and grand-child;
- siblings and step-siblings;
- aunt/uncle, and niece/nephew
- in-laws, including mother/father, sister/brother, daughter/son
- any person who lives with the Member on a permanent basis.

“Local Board” means a Local Board as defined in s.223.1 of the *Municipal Act*, or s. 1 of the *Municipal Conflict of Interest Act*, and includes citizen advisory committees and other bodies established by Council whose members are appointed by Council;

“Member” means a member of a City of Hamilton Local Board;

“Staff” includes employees, seasonal and contract workers, and volunteers of the City of Hamilton and/or of a City of Hamilton Local Board;

Rule 1: Avoidance of Conflicts of Interest

In this Rule:

1. A disqualifying interest is an interest in a matter regarding which a reasonable person fully informed of the facts and circumstances would conclude that the Member could not participate impartially in the decision-making process related to the matter either because to do so would not be in compliance with the *Municipal Conflict of Interest Act*, or, because the Member’s relationship to persons or bodies involved in the matter or affected by the decision is so close, a reasonable person would conclude that the Member could not effectively carry out their public duty with impartiality.

2. A non-disqualifying interest is an interest in a matter that, by virtue of the relationship between the Member and other persons or bodies associated with the matter, is of such a nature that a reasonable person fully informed of the facts and circumstances would conclude that the Member could still participate impartially in the decision-making processes related to the matter only so long as:

The Member fully discloses the interest so as to provide transparency about the relationship; and

The Member states why the interest does not prevent the Member from making an impartial decision on the matter.

3. Members shall not participate in the decision-making processes associated with their role or position when they have a disqualifying interest in a matter. Participation includes attempting to influence an outcome, whether the decision to be made is to be made by the Local Board or a member of staff with delegated authority or operational responsibility.

4. Members may participate in the decision-making process related to a matter in which they have a non-disqualifying interest provided they file at their earliest opportunity a Transparency Disclosure in a form and manner established by the City Clerk acting in consultation with the Integrity Commissioner.

5. Members shall avoid participating in or influencing a proceeding when the member, or another person with whom the member has a close personal or professional relationship, has a financial or other private interest that may be affected by the proceeding or its outcome.

6. Members shall not appear before their Local Board on their own behalf or as a representative on behalf of any party.

7. Members shall not contract with the Local Board for the sale, rental or purchase of supplies, services, material or equipment, and shall not engage in the management of a business or otherwise profit directly or indirectly from a business that relies on an approval from the Local Board.

Commentary

Members of BIAs will frequently have an interest in common with other members of the BIA in matters that come before the Board, and as such would be exempted from the obligation to declare a disqualifying interest. Care should be taken however to recognize the existence of a disqualifying interest when the Member stands to gain or otherwise benefit in a manner that can be differentiated from others in the BIA. For example, while all members of the BIA would similarly benefit from the holding of a festival, any BIA member who supplies goods or services to the festival at a profit or loss would have a disqualifying interest in the event. The display of merchandise or the promotion of services at an event would not amount to a disqualifying interest.

Where a Member contributes to an event 'at cost', a disqualifying interest would not arise.

Rule 2: Gifts, Benefits and Hospitality

No Member shall accept any fee, gift or benefit that is connected, directly or indirectly, with the performance of the Member's duties, except as permitted by one or more of the exceptions listed below:

- compensation authorized by law;
- such gifts or benefits that can be considered incidental mementos or tokens of appreciation

Rule 3: Confidential Information

Confidential information includes any discussion that takes place between members of the Local Board when it is in a closed meeting; and includes information in the possession of, or received in confidence by, that the board or the City is either prohibited from disclosing, or is required to refuse to disclose, under the *Municipal Freedom of Information and Protection of Privacy Act* ("MFIPPA").

No Member shall disclose or release by any means to any member of the public, any confidential information acquired by virtue of their office, in either oral or written form, except when required by law, or authorized to do so by the Local Board or, if applicable, by Council.

No Member shall use confidential information for personal or private gain, or for the gain of relatives or any person or corporation, either directly or indirectly.

Rule 4: Use of City Resources

No Member should use municipal equipment , or permit the use of Local Board or City land, facilities, equipment, supplies, services, staff or other resources (for example, Local Board or City-owned materials, websites, Local Board and City transportation delivery services,) for activities other than the business of the Local Board or the City; nor should any member obtain personal financial gain from the use or sale of Local Board or City-developed information, intellectual property (for example, inventions, creative writings and drawings), computer programs, technical innovations, or other items capable of being patented, since all such property remains exclusively that of the Local Board or City.

Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board.

Commentary

This Code does not limit a person's right to participate fully in an electoral process so long as they do so without using their status as a Member of the local board for such purposes. For example, it would not be contrary to the Code for a person to:

- *Stand for Election;*
- *Contribute to an election campaign;*
- *In their own name, exhibit an intention to support one party or platform over another;*
- *While standing for election, indicate on their election material (without in any way suggesting endorsement) that they have served on a City of Hamilton local board amongst their other credentials and experiences.*

Rule 6: Improper Use of Influence

No member shall use the influence of his or her position for any purpose other than the duties as a member of the Local Board.

Rule 7: Business Relations

No member shall allow the prospect of future employment by a person or entity to affect the performance of his/her duties as a member of the Local Board.

Rule 8: Member Conduct

Members shall conduct themselves with decorum at all times.

Members shall maintain proper control over meetings demonstrating respect for everyone who is involved in the meeting.

Members are expected to attend all meetings of the Local Board. If a member misses more than three consecutive (3) meetings during their term, the Chair, after hearing and considering any explanation provided by the member, may ask the member to resign, or request that Council remove the member.

Commentary

Members recognize the importance of cooperation and shall endeavour to create an atmosphere that is conducive to solving the issues before the Board, listening to various points of view and using respectful language and behaviour in relation to all those in attendance.

Rule 9: Media Communications

Members shall accurately communicate recommendations and proceedings of their Local Board.

If a member is contacted directly by the media, the member should refer the media to the Chair, or in the absence of the Chair, to the Vice-Chair.

Commentary

A Member may state that they did not support a decision, or voted against the decision, however a Member must refrain from making disparaging comments about other Members or staff, or about the Board's processes and decisions, in doing so.

When communicating with the media, a Member should at all times refrain from speculating or reflecting upon the motives of other Members in respect of their actions on the Board.

Members who engage in social media should recognize that the rules around decorum and respect apply regardless of the communications medium used. Because social media posts attract participation by others, Members hosting such sites or accounts should consider articulating and posting their own policy of addressing how frequently they will monitor the site for the purpose of identifying and removing disparaging, abusive or hateful comments.

Rule 10: Respect for the Town By-laws and Policies

Members shall adhere to and encourage public respect for the Local Board, the municipality and its by-laws, policies and procedures.

Commentary

A Member must not encourage disobedience of a City by-law in responding to a member of the public, as this undermines confidence in the City and in the Rule of Law.

Rule 11: Respectful Workplace

Members are governed by the workplace harassment and workplace violence policies in place for staff, recognizing that integrity commissioner is responsible for the administration and investigation of complaints.

All Members have a duty to treat members of the public, one another and staff appropriately and without abuse, bullying or intimidation and to ensure that their work environment is free from discrimination and harassment.

Rule 12: Conduct Respecting Staff

Members shall be respectful of the role of staff to advise based on political neutrality.

Members shall respect the professionalism of staff, and not exert undue influence on staff.

No Member shall maliciously or falsely impugn or injure the professional or ethical reputation or the prospects or practice of staff, and all Members shall show respect for the professional capacities of the staff of the City.

Commentary

It is inappropriate for a Member to attempt to influence staff to circumvent normal processes in a matter, or overlook deficiencies in a file or application. It is also inappropriate for Members to involve themselves in matters of administration or departmental management which fall within the jurisdiction of the City Manager.

Rule 13: Reprisals and Obstructing

It is a violation of this Code of Conduct to obstruct the Integrity Commissioner in the carrying out of their responsibilities, or to engage in any activity in retaliation against any person because they made a complaint to or otherwise communicated with the Integrity Commissioner.

Rule 14: Acting on Advice of Integrity Commissioner

Any written advice given by the Integrity Commissioner to a Member binds the Integrity Commissioner in any subsequent consideration of the conduct of the Member in the same matter, as long as all the relevant facts known to the Member were disclosed to the Integrity Commissioner.

Members seeking clarification of any part of this *Code* should consult with the Integrity Commissioner.

Part 2

ADDITIONAL REQUIREMENTS APPLICABLE TO MEMBERS OF ADJUDICATIVE LOCAL BOARDS

Rule 15: In addition to the provisions applicable to Members of Non-adjudicative Local Boards, the following additional requirements are applicable with respect to the referenced rule:

Rule 2: Gifts, Benefits and Hospitality

Members should recuse themselves from any hearing, to avoid any perception of bias or conflict of interest which may arise as a result of a gift, benefit or hospitality which the Member may have received, from any of the parties or participants potentially affected by the decision of the Local Board.

Rule 5: Election Campaigns

Members of Adjudicative Local Boards are prohibited from fundraising for, endorsing, or otherwise contributing to the election campaign of any person running for a seat on Council.

Rule 9: Media Communications

Members of adjudicative boards should generally not comment to the media in relation to any decision made by the board or the rationale behind such decision. On the rare occasion when a comment may be appropriate, only the Chair shall serve as a media contact and all enquiries shall be referred to them.

Rule 16: Communications with Parties

Written communication to an adjudicative board shall take place only through the Secretary of the board or the appropriate municipal staff assigned to such board, and shall be copied to all parties or their representatives as appropriate. Oral communications with the adjudicative board about current proceedings shall take place only in the presence of or with the consent of all parties.

Where a party is represented by a representative, all communication between the adjudicative board and the party shall be through the representative, with the exception of notices of hearing, which shall be served upon all parties and their representatives known to the adjudicative board as appropriate.

Rule 17: Independent Nature of Adjudicative Boards

The Chairs of adjudicative boards should ensure that the actions of any member, as well as Council members and staff attending adjudicative board meetings, are consistent with the arm's-length, quasi-judicial nature of the adjudicative board. Any actions compromising this position should be immediately dealt with by the Chair or panel chair.

An adjudicative board is required by the applicable laws to operate at arm's-length from and independently of Council. Members should therefore not request members of Council to intervene on applications considered by the adjudicative board. Members should refrain from seeking advice on their roles and responsibilities from Council members. In clarifying their roles and responsibilities, members should seek advice from appropriate staff.

Part 3

COMPLAINT PROTOCOL

The Complaint Protocol contained in the Council Code of Conduct applies with necessary modifications to complaints regarding members of Local Boards.

CONSEQUENCES OF FAILURE TO ADHERE TO CODE OF CONDUCT

Members who are found by the Integrity Commissioner to have failed to comply with the Code of Conduct for Local Boards may be subject to the following sanctions:

- (a) a reprimand; or
- (b) suspension of remuneration paid to the member in respect of his or her services as a member of the Local Board (if any).

Members may also be subject to such other remedial actions recommended by the Integrity Commissioner that directly flow from the action or behaviour of the member of the Local Board.

Members are subject to removal from the Local Board, or removal as Chair of the Local Board, by Council.

Authority: Item 5, Planning Committee
Report: 22-001 (PED22004)
CM: January 19, 2022
Ward: 12

Bill No. 020

CITY OF HAMILTON

BY-LAW NO. 22-

To Adopt:

**Official Plan Amendment No. 159 to the
Urban Hamilton Official Plan**

Respecting:

**281 Hamilton Drive and 356 Wilson Street West
(Ancaster)**

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

1. Amendment No. 159 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 159

The following text, together with Appendix “A”, attached hereto, constitutes Official Plan Amendment No. 159 to the Urban Hamilton Official Plan.

1.0 Purpose and Effect:

The purpose and effect of this Amendment is to amend the Ancaster Wilson Street Secondary Plan by redesignating the subject lands from “Low Density Residential 1” to “Low Density Residential 3” to permit the development of 10 Block Townhouse Dwellings.

2.0 Location:

The lands affected by this Amendment are known municipally as 281 Hamilton Drive and 356 Wilson Street West, in the former Town of Ancaster.

3.0 Basis:

The basis for permitting this Amendment is:

- The proposed Amendment is consistent with, and complementary to, the existing development in the immediate area, including the adjacent cultural heritage resource;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and;
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 Actual Changes:

4.1 Volume 2 – Secondary Plans

Maps

4.1.1 Map

- a. That Volume 2: Map B.2.8-1 – Ancaster Wilson Street Secondary Plan – Land Use Plan be amended by redesignating the subject lands from “Low Density Residential 1” to “Low Density Residential 3”, as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.


This Official Plan Amendment is Schedule “1” to By-law No. 22-020 passed on the 9th day of February, 2022.

The City of Hamilton

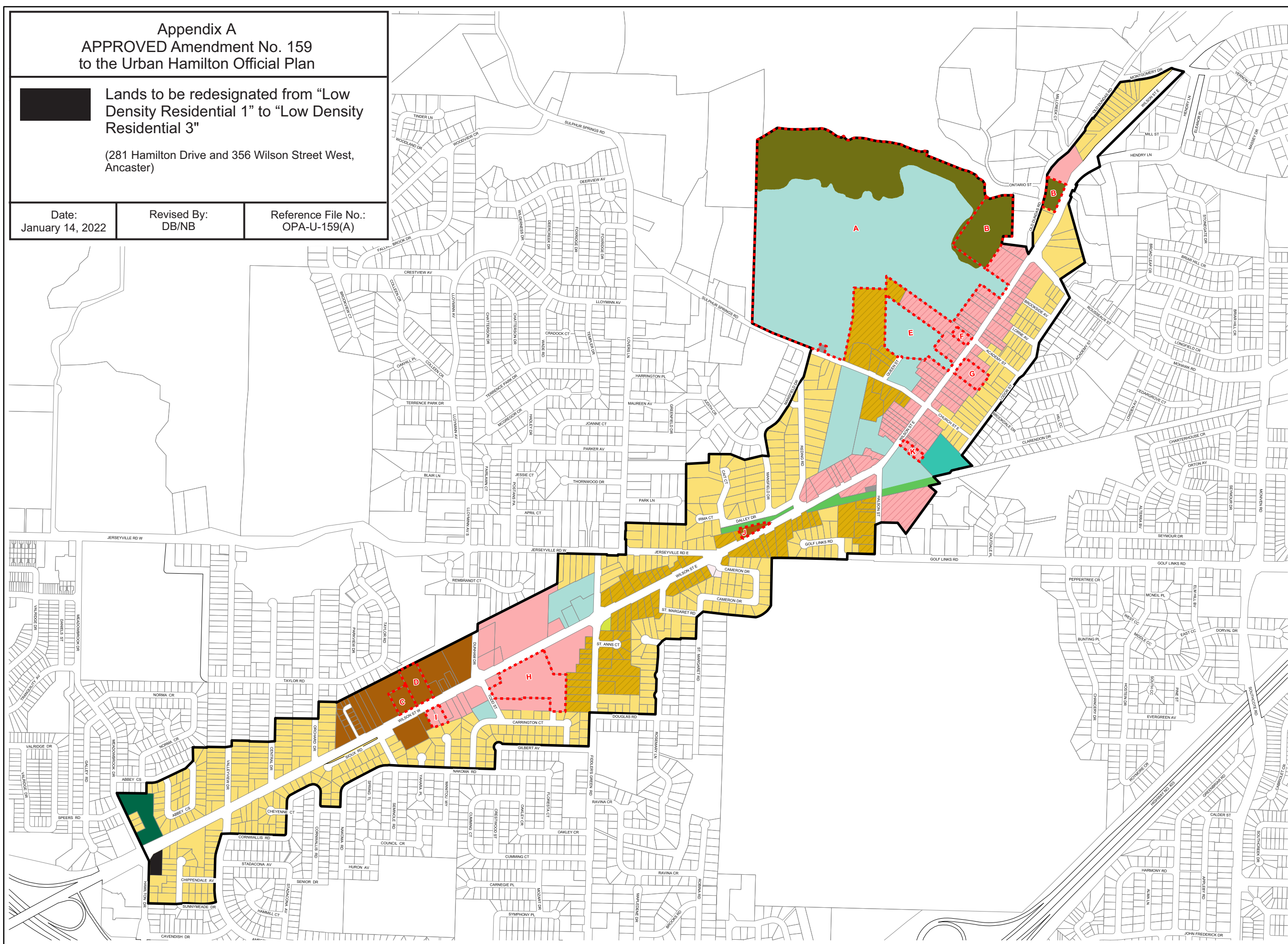
F. Eisenberger
Mayor

A. Holland
City Clerk

Appendix A
 APPROVED Amendment No. 159
 to the Urban Hamilton Official Plan




 Lands to be redesignated from "Low Density Residential 1" to "Low Density Residential 3"
 (281 Hamilton Drive and 356 Wilson Street West, Ancaster)

Date: January 14, 2022
 Revised By: DB/NB
 Reference File No.: OPA-U-159(A)





Legend






Residential Designations

-  Low Density Residential 1
-  Low Density Residential 3
-  Medium Density Residential 2



Commercial and Mixed Use Designations

-  Local Commercial
-  Mixed Use - Medium Density




Parks and Open Space Designations

-  Parkette
-  Neighbourhood Park
-  Community Park
-  General Open Space
-  Natural Open Space

Other Designations


-  Utility
-  Institutional


Other Features

-  Pedestrian Focus
-  Site Specific Policy Area
-  Secondary Plan Boundary

Urban Hamilton Official Plan
Ancaster Wilson Street
Secondary Plan
 Land Use Plan
 Map B.2.8-1

Date: January 2020

 Not To Scale



Authority: Item 5, Planning Committee
Report 22-001 (PED22004)
CM: January 19, 2022
Ward: 12

Bill No. 021

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend Zoning By-law No. 87-57 Respecting Lands Located at 281 Hamilton Drive and 356 Wilson Street West

WHEREAS the *City of Hamilton Act, 1999*, Statutes of Ontario, 1999 Chap. 14, Sch. C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the *City of Hamilton Act, 1999* provides that the Zoning By-laws of the former area municipalities continue in force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS Zoning By-law No. 87-57 (Ancaster) was enacted on the 22nd day of June, 1987, and approved by the Ontario Municipal Board on the 23rd day of January, 1989;

AND WHEREAS the Council of the City of Hamilton, in adopting Item 5 of Report 22-001 of the Planning Committee at its meeting held on the January 19, 2022, recommended that Zoning By-law No. 87-57 (Ancaster), be amended as hereinafter provided; and,

AND WHEREAS this By-law will be in conformity with the Urban Hamilton Official Plan upon adoption of UHOPA No. 159.

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

1. That Map No. 1-B of Schedule “A”, appended to and forming part of Zoning By-law No. 87-57 (Ancaster) be amended by changing the zoning from the Deferred Development “D” Zone and the Urban Commercial “C4-288” Zone to a site specific Residential Multiple “RM2-713” Zone, Modified, on the lands the extent and boundaries of which are shown on the plan hereto annexed as Schedule “A”.
2. That Section 34: Exceptions, to Zoning By-law No. 87-57 (Ancaster), as amended, is hereby further amended by adding the following Sub-sections:

“RM2-713”

That notwithstanding the provisions of Section 15.1, 15.2 (a), (b), (e), (f), (j), and (k) (ii), Section 7.12 (c) and (d), and Section 7.14 (b) (i) (A), the following special provisions shall apply to the lands zoned “RM2-713”:

REGULATIONS

- | | | |
|-----|----------------------------------|---|
| (a) | Maximum Number of Dwelling Units | 10 street townhouse dwelling units. |
| (b) | Minimum Lot Area | 2,600 square metres of total parcel area. |
| (c) | Minimum Lot Frontage | 50 metres of total parcel frontage, 6.0 metres per dwelling unit, and 6.2 metres for a dwelling end unit. |
| (d) | Minimum Front Yard | 0.8 metres. |
| (e) | Minimum Side Yard | <ul style="list-style-type: none">i) 2.5 metres for a dwelling end unit which does not abut a flanking street, and 2.5 metres for a dwelling unit abutting a flanking street; except,ii) 3.0 metres for a dwelling end unit abutting a flanking street; and,iii) 2.3 metres for the westerly end unit of the building along Wilson Street West from the flanking street line measuring 20.3 metre. |
| (f) | Planting Strip | <p>Notwithstanding the other provisions of this Subsection, where the boundary of a Residential Multiple “RM2” Zone adjoins lands zoned Existing Residential “ER” or Residential “R1”, “R2” or “R3”, a planting strip of minimum 2.5 metre width along the easterly side lot line and 1.4 metres along the southerly rear lot line shall be provided.</p> <p>Bicycle parking shall be permitted within the 1.4 metre wide planting strip along the southerly rear lot line.</p> |

- | | | |
|-----|---|--|
| (g) | Dwelling Unit Placement | Not more than four attached dwelling units shall be erected in a row without offsetting or staggering the front face or wall of the dwelling a minimum 0.5 metre or without varying the exterior design and materials of the front face or wall of the dwelling. |
| (h) | Yard Encroachment for open stairway | 0 metres from a front lot line and flanking side lot line. |
| (i) | Yard Encroachment for unenclosed porch | 0 metres from a front lot line and 1.0 metres from a flanking side lot line. |
| (j) | Required Parking for a street townhouse | 2 plus 0.66 visitor parking spaces |
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the Residential Multiple "RM2" Zone provisions, subject to the special requirements referred to in Section 2 of this By-law.
4. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the *Planning Act*.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

ZAC-20-014/UHOPA-20-009



<p>This is Schedule "A" to By-law No. 22-</p> <p>Passed the day of, 2022</p>	<p>-----</p> <p style="text-align: center;">Mayor</p> <p>-----</p> <p style="text-align: center;">Clerk</p>
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<p>Schedule "A"</p> <p>Map forming Part of</p> <p>By-law No. 22- _____</p> <p>to Amend By-law No. 87-57</p>	<p>Subject Property</p> <p>281 Hamilton Drive and 356 Wilson Street West, Ancaster (Ward 12)</p> <p> Change in zoning from the Deferred Development "D" Zone and the Urban Commercial "C4-288" Zone to a site specific Residential Multiple "RM2" (RM2-713) Zone, Modified</p>
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Scale: N.T.S	File Name/Number: ZAC-20-014/UHOPA-21-009	
Date: July 21, 2021	Planner/Technician: DB/NB	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 6, Planning Committee
Report: 22-001 (PED22007)
CM: January 19, 2022
Ward: 3

Bill No. 022

**CITY OF HAMILTON
BY-LAW NO. 22-**

To Adopt:

**Official Plan Amendment No. 161 to the
Urban Hamilton Official Plan**

Respecting:

**219, 225 and 247 East Avenue North and 315 Robert Street
(Hamilton)**

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

1. Amendment No. 161 to the Urban Hamilton Official Plan consisting of Schedule “1”, hereto annexed and forming part of this by-law, is hereby adopted.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

Urban Hamilton Official Plan Amendment No. 161

The following text, together with Appendix “A” – Volume 3: Map 2a – Urban Site Specific Key Map (Lower City) attached hereto, constitutes Official Plan Amendment No. 161 to the Urban Hamilton Official Plan.

1.0 **Purpose and Effect:**

The purpose and effect of this Amendment is to add a new site specific policy to increase the maximum density of high density residential uses to permit the development of multiple dwellings with a density of 284 units per hectare.

2.0 **Location:**

The lands affected by this Amendment are known municipally as 219, 225 and 247 East Avenue North and 315 Robert Street, in the former City of Hamilton.

3.0 **Basis:**

The basis for permitting this Amendment is:

- The proposed development complies with the function, scale and design of the High Density Residential Use category of the Neighbourhoods designation;
- The proposed development implements the Residential Intensification policies of the Urban Hamilton Official Plan; and,
- The Amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the Growth Plan for the Greater Golden Horseshoe, 2019, as amended.

4.0 **Actual Changes:**

4.1 **Volume 3 – Special Policy Areas, Area Specific Policies, and Site Specific Policies**

Text

4.1.1 Chapter C – Urban Site Specific Policies

a. That Volume 3: Chapter C – Hamilton Urban Site Specific Policies be amended by adding a new Site Specific Policy, as follows:

“UHN-29 315 Robert Street and 219, 225 and 247 East Avenue North, former City of Hamilton

1.0 Notwithstanding, Policy E.3.6.6 b) of Volume 1, for the lands designated “Neighbourhoods”, located at 315 Robert Street and 219, 225 and 247 East Avenue North, the maximum *net residential density* for high density residential uses shall be 284 units per hectare.”



Maps and Appendices

4.1.2 Map

a. That Volume 3: Map 2a – Urban Site Specific Key Map (Lower City) be amended by identifying the subject lands as UHN-29, as shown on Appendix “A”, attached to this Amendment.

5.0 Implementation:

An implementing Zoning By-Law Amendment and Site Plan will give effect to the intended uses on the subject lands.

This Official Plan Amendment is Schedule “1” to By-law No. 22-022_passed on the 9th day of February, 2022.

**The
City of Hamilton**

F. Eisenberger
Mayor

A. Holland
City Clerk

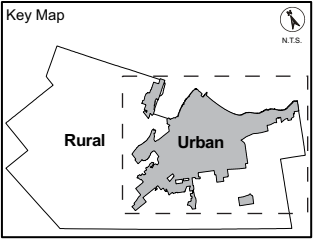
Appendix A
 APPROVED Amendment No. 161
 to the Urban Hamilton Official Plan

● Lands to be identified as
 Site Specific Area UHN-29
 (315 Robert Street, and
 219, 225, 247 East Avenue North, Hamilton)

Date:
 January 19, 2022

Revised By:
 AB/NB

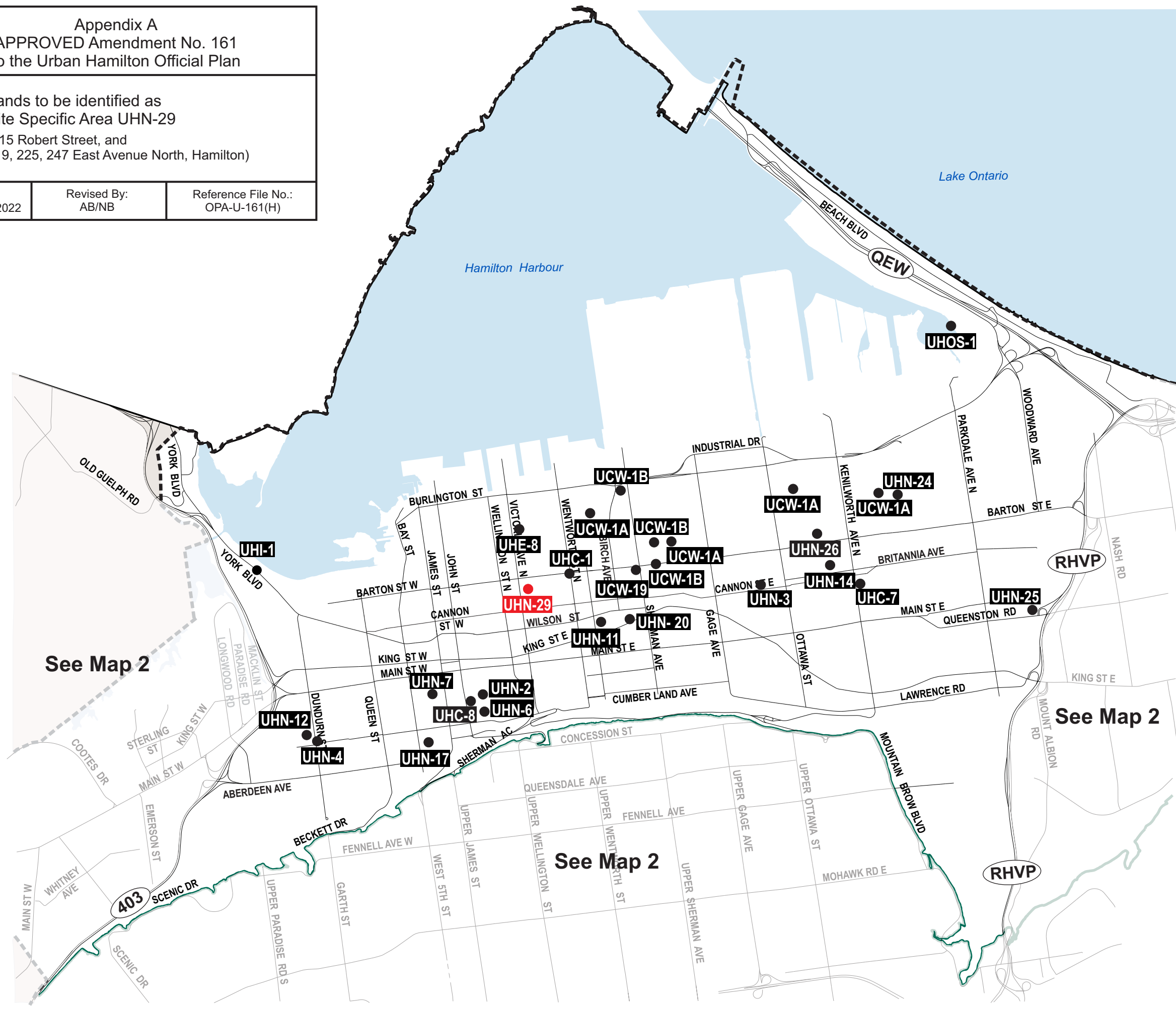
Reference File No.:
 OPA-U-161(H)



Note: For Rural Site Specific Areas, refer to Volume 3: Appendix A of the Rural Hamilton Official Plan.

APPEAL

The southern urban boundary that generally extends from Upper Centennial Parkway and Mud Street East in the east, following the hydro corridor and encompassing the Red Hill Business Park to Upper James Street remains under appeal – see illustration on Schedules E and E-1, Volume 1



See Map 2

See Map 2

See Map 2

- Legend**
- Site Specific Areas (SSA)
 - U- Refers to Urban Site Specific Area #, Volume 3, Chapter B
- Other Features**
- Rural Area
 - Niagara Escarpment
 - - - Urban Boundary
 - Municipal Boundary

Council Adoption: July 9, 2009
 Ministerial Approval: March 16, 2011
 Effective Date: August 16, 2013

Urban Hamilton Official Plan
Volume 3: Map 2a
 Urban Site Specific Key Map (Lower City)

Not To Scale

PLANNING & ECONOMIC DEVELOPMENT DEPARTMENT
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Authority: Item 6, Planning Committee
Report 22-001 (PED22007)
CM: January 19, 2022
Ward: 3

Bill No. 023

**CITY OF HAMILTON
BY-LAW NO. 22-**

**To Amend Zoning By-law No. 6593 (Hamilton) Respecting lands located at 315
Robert Street and Part of 225 East Avenue North (Hamilton)**

WHEREAS the City of Hamilton Act, 1999, Statutes of Ontario, 1999 Chap. 14, Schedule C. did incorporate, as of January 1, 2001, the municipality “City of Hamilton”;

AND WHEREAS the City of Hamilton is the successor to certain area municipalities, including the former municipality known as the “The Corporation of the City of Hamilton” and is the successor to the former regional municipality, namely, “The Regional Municipality of Hamilton-Wentworth”;

AND WHEREAS the City of Hamilton Act, 1999 provides that the Zoning By-laws and Official Plans of the former area municipalities and the Official Plan of the former regional municipality continue in full force in the City of Hamilton until subsequently amended or repealed by the Council of the City of Hamilton;

AND WHEREAS the Council of The Corporation of the City of Hamilton passed Zoning By-law No. 6593 (Hamilton) on the 25th day of July 1950, which by-law was approved by the Ontario Municipal Board by Order dated the 7th day of December 1951 (File No. P.F.C. 3821);

AND WHEREAS the Council of the City of Hamilton, in adopting Item 6 of Report 22-001- of the Planning Committee, at its meeting held on the 19th day of January 2022, recommended that Zoning By-law No. 6593 (Hamilton), be amended as hereinafter provided;

AND WHEREAS this By-law is in conformity with the City of Hamilton Official Plan upon adoption of the Official Plan Amendment No. 161;

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

1. That Sheet No. E3 of the District Maps, appended to and forming part of Zoning By-law No. 6593 (Hamilton), is amended by changing the zoning from the “E/S-881”, “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified and “D/S-881”, “D/S-881a” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified to “E/S-1812” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A”;

2. That the “E” (Multiple Dwellings, Lodges, Clubs, Etc.) District provisions as contained in Section 11 of Zoning By-law No. 6593, applicable to the subject lands, be modified to include the following requirements:
 - a) That notwithstanding Section 11(3)(i)(b), a minimum front yard setback of 0 metres shall be required;
 - b) That notwithstanding Section 11(3)(ii)(b), a minimum side yard setback of 0 metres to Robert Street shall be required;
 - c) That notwithstanding Section 11(3)(ii)(b), a minimum rear yard of 1.5 metres shall be required;
 - d) That notwithstanding Section 18A(6), where the application of the parking standards results in numeric fraction, fractions shall be rounded down to the nearest whole number;
 - e) That notwithstanding Section 18A(7), a parking space shall have dimensions not less than 2.8 metres by 5.8 metres;
 - f) That notwithstanding Section 18A(1)(a), 18A(1)(b), 18A Table 1, and 18A Table 2, multiple dwellings shall require 0.3 spaces per class A dwelling unit; and,
 - g) That notwithstanding Section 18A(1)(c), and 18A Table 3, no loading space shall be required;
3. That no building or structure shall be erected, altered, extended, or enlarged, nor shall any building or structure or part thereof be used, nor shall any land be used, except in accordance with the “E/S-1812” District provisions, subject to the special requirements in Section 2 of this By-law;
4. That By-law No 6593 is amended by adding this By-law to Section 19B as Schedule S-1812;
5. That Sheet No. E3 of the District maps is amended by making the lands referred to in Section 1 of this By-law as Schedule S-1812;
6. That the Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law, in accordance with the *Planning Act*;

PASSED this 9th day of February, 2022

F. Eisenberger
Mayor

A. Holland
City Clerk




This is Schedule "A" to By-law No. 21-
 Passed the day of, 2021


 Mayor


 Clerk

Schedule "A"
Map forming Part of
By-law No. 21-_____
to Amend By-law No. 6593

Subject Property
 315 Robert Street and 219, 225 and 247 East Avenue North, Hamilton (Ward 3)

 Block 1 - Change in Zoning from "D/S-881" and "D/S-881a" (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified, and "E/S-881" and "E/S-881a" (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified to "E/S-1812" (Multiple Dwellings) District, Modified

 Block 2 Other lands owned by applicant

Scale: N.T.S	File Name/Number: ZAC-21-028 & UHOPA-21-013	 Hamilton
Date: November 15, 2021	Planner/Technician: AB/AL	
PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT		

Authority: Item 1, Emergency and
Community Services Committee
Report 22-002
CM: February 9, 2022
Ward: City Wide
Bill No. 024

CITY OF HAMILTON

BY-LAW NO. 22-

To Amend By-law No. 19-035, Being a By-law to Appoint a Fire Chief, Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034, and to Repeal By-law No. 20-052

WHEREAS Mark Hodge, Deputy Fire Chief, retired effective December 31,2020;

AND WHEREAS Council wishes to appoint another person to this vacant Deputy Fire Chief position pursuant to By-law No. 19-034 'To Establish, Maintain and Operate Hamilton Fire Department';

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

1. That By-law No. 19-035 be amended by repealing Schedule B and replacing it with Appendix 1 attached to this By-law.
2. That in all other respects, By-law 19-035 is confirmed;
3. That by-law 20-052 is hereby repealed;
4. This By-law comes into force as of January 7, 2022.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk

To Amend By-law No. 19-035, Being a By-law to Appoint a Fire Chief, Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034, and to Repeal By-law No. 20-052

Page 2 of 2

Appendix 1

SCHEDULE "B"
DEPUTY FIRE CHIEF

Dan Milovanovic
Michael Rember

CITY OF HAMILTON

BY-LAW NO. 22-

To Confirm the Proceedings of City Council at its meeting held on February 9, 2022.

**THE COUNCIL OF THE
CITY OF HAMILTON
ENACTS AS FOLLOWS:**

1. The Action of City Council at its meeting held on the 9th day of February 2022, in respect of each recommendation contained in

Public Works Committee Report 22-002 – January 31, 2022,
Planning Committee Report 22-002 – February 1, 2022,
General Issues Committee Report 22-004 – February 2, 2022,
Sole Voting Member of the Hamilton Farmers' Market Report 22-001 – February 2, 2022,
Audit, Finance & Administration Committee Report 22-003 – February 3, 2022,
and
Emergency & Community Services Committee Report 22-002 – February 3, 2022

considered by City of Hamilton Council at the said meeting, and in respect of each motion, resolution and other action passed and taken by the City Council at its said meeting is hereby adopted, ratified and confirmed.

2. The Mayor of the City of Hamilton and the proper officials of the City of Hamilton are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor and the City Clerk are hereby directed to execute all documents necessary in that behalf, and the City Clerk is hereby authorized and directed to affix the Corporate Seal of the Corporation to all such documents.

PASSED this 9th day of February, 2022.

F. Eisenberger
Mayor

A. Holland
City Clerk