



City of Hamilton

CITY COUNCIL ADDENDUM

Wednesday, October 25, 2023, 9:30 A.M.

Council Chambers

Hamilton City Hall

71 Main Street West

5. COMMUNICATIONS

- *5.9 Correspondence from Steven Oliver respecting an urgent request for the City Manager to stop City staff from the removal of Bollards at 229 Fellowes that were approved March 18, 2014 Planning Committee Minutes Motion #10.

*a. Tracy Stewart

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

- *5.10 Correspondence from the Honourable Paul Calandra, Minister of Municipal Affairs and Housing respecting the City of Hamilton's annual housing targets.

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

- *5.11 Correspondence from Zoe-Georgie-Elpitha Kalakos, Inch Hammond respecting the Advisory Committee for Persons with Disabilities ("ACPD"), Handling of Complaints.

Recommendation: Be received and referred to the consideration of Item 6.11, City of Hamilton Integrity Commissioner's Recommendation Report Complaint Involving the Chair of the Advisory Committee for Persons with Disabilities October 19, 2023.

8. NOTICES OF MOTIONS

- *8.1 Public Notice respecting A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program
- *8.2 Financial Impact of the Hamilton Renewable Power Inc.'s Losses on the City of Hamilton
- *8.3 Opposition to the Ministry of the Environment, Conservation and Parks Proposed Changes to its Approvals and Permissions Procedures for Waste Management Systems, Stormwater Management, and Water-Taking
- *8.4 Emergency Grant for the Emergency Food Strategic Planning Committee
- *8.5 ROMA 2024 Conference – January 21, 2024 to January 23, 2024
- *8.6 198 First Road West Subdivision Phase 1 - Picardy Parkland Restoration Works
- *8.7 Reconsideration of a decision that was approved at the May 10, 2023 Council meeting respecting Item 2 of the General Issues Committee Report 23-015, Better Homes Hamilton - Home Energy Retrofit Program (PED23106)

11. PRIVATE AND CONFIDENTIAL

- *11.2 Appointments to Various Agencies, Boards and Sub-Committees for the 2022-2026 Council Term

Pursuant to Section 9.3 Sub-section (b) of the City's Procedural By-law 21-021, as amended, and Section 239(2) Sub-section (b) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City or local board employees.
- *11.3 ATU Local 107 Collective Bargaining Update – no copy

Pursuant to Section 9.3 Sub-section (d) of the City's Procedural By-law 21-021, as amended, and Section 239(2) Sub-section (d) of the *Ontario Municipal Act, 2001*, as amended, as the subject matter pertains to labour relations or employee negotiations.

Pilon, Janet

Subject: Urgent Request to City Manager to Stop City Staff from the Removal of the Bollards at 229 Fellowes that were approved March 18, 2014 Planning Committee Minutes Motion # 10 page 12 attached.

From: Steven Oliver

Sent: Friday, October 20, 2023 4:20 PM

To: rosanna.melatti@hamilton.ca; jason.thorne@hamilton.ca; citymanager@hamilton.ca; janet.pilon@hamilton.ca

Subject: Urgent Request to City Manager to Stop City Staff from the Removal of the Bollards at 229 Fellowes that were approved March 18, 2014 Planning Committee Minutes Motion # 10 page 12 attached.

Dear Rosanna, Jason, and Janet.

Thank you, Rosanna, for returning my urgent call today. To save you time, I will try to paraphrase what we discussed that is in my voicemail. I have moved ahead to copy Jason and Janet due to this urgency before City Staff removes the bollards, possibly as early as Monday but before Nov 1 as indicated in the Removal Notice attached.

Also included here are photos of the bollards facing old Fellowes Cres and new Fellowes Cres. It exists at 229 Fellowes where [REDACTED] live and who vehemently oppose the bollard removal as they have a special needs child with a flight risk and the bollards have been additional level of safety for them. They witnessed the excessive traffic and speed from the new homes because bollards were not installed until after the houses were fully occupied.

See bollards facing Old Fellowes Cres (west) at 229 and next, Bollards facing New Fellowes at 229 Fellowes.





Please forward my voicemail to Janet Pilon and Jason Thorne where I describe the seeming misrepresentation of the facts of the original purpose of the bollards which are stated by letter(attached) that we received on October 5, 2023.

This Notice of Removal decision is rushing the removal of the bollards on the street before Nov 1 and the rationale **does not meet the criteria of Motion #10, of March 18, 2014.** The Notice of Removal describes the bollards as 'Temporary' and were to be 'Removed' yet no such words exist in the Motion of March 18, 2014. The Motion says 3 criteria that lead to Monitoring the bollards. Monitoring is not Removal. One criterion includes Parkside Drive Construction Improvements which is behind our houses and the construction has not begun yet and is being held up for 2 other reasons. Monitoring can mean lots of things which I will not go into here. We have communicated this several times in the past week and I have not had a response to either of 2 emails, one dated Sunday and the second dated on Wednesday that I have forwarded to you below. We are running out of time as they are committed to remove the bollards by Nov 1, that's 7 business days from now.

Please stop the removal of the bollards as this is a serious breach of the democratically developed Motion of March 18, 2014.

I presented to Council on Feb 18, 2014, to Council describing the future traffic impacts and I still have my presentation. If you need to see it, please let me know. Councillor Partridge was committed to the ongoing bollards to prevent cross traffic. A child on Evans Road, which is just 2 km away, was killed due to cross traffic after 2014. In exchange for the bollards, the City moved forward to increasing Zoning from less than 35 houses to 71. We accepted the zoning change in exchange for the bollards. The houses are still there, but traffic and population has grown in Waterdown, so the risks are now greater.

For your information, travelling through the old Fellowes Cres to Boulding Avenue is how we get to shopping in Waterdown, and to sports parks and most schools. Although it might be more inconvenient for the new young parents on new Fellowes Cres and Lupo Drive extension, they received, in return, a closed circle for 71 homes and a safer neighbourhood for their children.

At Council it was discussed that the bollards were also needed to prevent other shorting cutting that would occur during rush hours, and situations such as when the train stops Parkside Drive at rush hour (daily), and when future widening of Parkside Drive begins. Parkside Drive is only 150 feet away and parallel to Fellowes Cres. Fellowes is the obvious alternative to a congested Parkside Drive as a short cut into town along Laurendale Ave. Since 2014, we have all become aware that the Dundas St bridge needs to be replaced soon. That too will put extraordinary pressure on Parkside Drive and then again onto Fellowes Cres.

As you can see in the photo of the bollards, they are attractively placed, and I am not aware of any accidents or injuries whatsoever with the use of them. They have been here since approximately 2016/2017 and the neighbourhood has become very accustomed to them on both sides. The new subdivision has some 80-100 children who will soon be reaching the ages of 8 and up and they will soon begin bicycling, skateboarding and roller blading on the Lupo Drive or new Fellowes Cres extension. If the bollards are removed, the children will be at a much higher risk to injury from a cross cutting vehicles. We realize this is inconvenient for snow removal and garbage pick-up, but the City has adjusted their tactics over the past 7 years, and it has found its new truck mini plows (2022) are incapable of moving snow up to the bollards and need to bring in a front end loader. If they could bring back a wider front end plow, they will solve their problem with snow at the bollards in most situations.

As I mentioned, if Motions can be ignored by City Staff to serve what they think is better, we have the 'Wild West' at City Hall, and I know the City Manager and his staff are committed to ensure that integrity and compliance come first and foremost in the implementations of Motions. The benefit is a greater trust between the City and the Public.

Therefore, we need your help to stop the removal of the bollards before it happens in the next 7 days. Superintendent Moore indicates they will be removed before Nov 1, 2023.

I would be willing to speak and even present this information to James Thorne and Janet Pilon, your City Clerk, on the facts of the 2014 Motion. In the meantime, I will leave you a few days to absorb this sudden situation which is a crisis to us. We were given very little time to absorb this and figure out why the original Motion has been suddenly, with short notice, ignored.

Regards,

Steve Oliver



From: Steven Oliver

Sent: Wednesday, October 18, 2023 12:02 PM

To: James Moore (James.moore@hamilton.ca) <James.moore@hamilton.ca>; Ted McMeekin (ted.mcmeekin@hamilton.ca) <ted.mcmeekin@hamilton.ca>; roadswest@hamilton.ca

Cc: peter.sniuolis@hamilton.ca; mike.field@hamilton.ca; Maureen Scally (maureen.scally@hamilton.ca) <maureen.scally@hamilton.ca>

Subject: Follow up on my letter of Sunday Oct 15th requesting response

Dear James and Ted,

Thank you for our recent conversations. As you know, Superintendent James Moore called me about 10 days ago, but I had not had a chance to review the Motion of March 18, 2014 when we spoke. I was just gathering perspective from him and to provide him the history of my involvement, when I presented to City Council on Feb 18, 2014 about concerns about future traffic if the 71 new houses have open access to our portion of Fellowes Cres, and then to let him know I attended a meeting with the neighbours and Councillor Partridge on March 3, 2014. These two steps were recorded in the Planning Committee Minutes.

We were very satisfied with the eventual Motion of March 18, 2014 that approved the bollards and set out criteria to 'monitor' them after Parkside Drive Improvements were completed.

In my email to you of Sunday October 15th, 2023, I asked you to consider the missing elements from the Motion in your Notice to Remove The Bollards and I have not received a response to you.

Given the urgency of his matter, I am going to reach out to your City Manager and Compliance officers about the following.

- Can the criteria of a motion be ignored or changed without due process such as the development of a new motion?
- Why is it that Superintendent James Moore has written to a few of us in his Notice that the bollards were 'temporary' and were to be 'removed. when the subdivision was completed, when no such plan or words can be found in the Motion of March 18, 2014? His remarks are technically incorrect and have confused and misled, in my opinion, several neighbours.
 - Does Superintendent James Moore and Councillor Ted McMeekin have legal discretion to circumvent the Motion of March 18, 2014?
- On page 12 of the Planning Committee Meeting minutes it states:
 - 10. 'Whereas the proposed extension of Fellowes Crescent to connect with the new Mattamy development will result in increased traffic from 71 new units having access to the older neighbourhood; Therefore be it resolved: That the interface between existing Fellowes Crescent and the proposed extension to Fellowes to the new development to the East remain closed to vehicle access.
- What is temporary about 71 permanent homes and the vehicle traffic that the Motion was developed to stop? How does 'remain closed' become 'temporary' according to Superintendent James Moore?
- Why is it that, although the 3 requirements to 'Monitor' the bollards, as stated in the March 18, 2014 Motion have not been met yet, specifically the completion of Parkside Drive Improvements, does Superintendent James Moore state in the Notice that there was only one requirement and that the requirement discussed leads to 'removal' of the bollards when the word 'removal' does not exist in the Motion whatsoever?

Where do you find the word 'temporary' in this Motion below? What about the requirement to fulfill Parkside Drive Improvements that is highlighted in yellow before monitoring? Where is the word removal?

Whereas the proposed extension of Fellowes Crescent to connect with the new Mattamy development will result in increased traffic from 71 new units having access into the older neighbourhood;

Therefore be it resolved:

- (a) That the interface between the existing Fellowes Crescent and the proposed extension of Fellowes to the new development to the East remain closed to vehicle access and allow only pedestrian access, to be monitored once:
 - (i) The residential construction and abutting land use is completed;
 - (ii) The proposed supporting transportation infrastructure ie Parkside Drive improvements; Bypass corridor between Dundas St. and Parkside Drive are completed and functional.
- (b) Pedestrian access on the existing Fellowes Crescent through the extension will be constructed to include bullard barricades and maintained by the developer satisfactory to the city growth management staff.

CARRIED

I am sure you all agree that we live in a democratic society and that the City of Hamilton creates processes to develop Motions and that no Councillor or Senior Staff member can just ignore the Motion, whether popular or demanded by some constituents and other City department stakeholders?

In this case, It seems the actual criteria is being ignored or not understood by the Superintendent and Councillor at this time. For this reason, and given your urgency to remove the bollards by Nov 1, you leave some of us with no alternative but to seek understanding if this is ethical and legal to change the criteria as you have, with very little notice, and no process to appeal, and proceed directly to removal of the bollards rather than to monitor the bollards after Parkside Drive Improvements have been completed as you were specifically instructed in the Motion of March 18, 2014. It is my belief that the bollards are necessary and that nothing has changed from a traffic burden perspective other than that traffic may be worse now since Waterdown has grown dramatically since 2014.

I realize I had a conversation with Superintendent James Moore that was reported to Ted McMeekin to be 90 minutes. At that time, I was dumbfounded and gathering information and trying to point out the safety concerns. Since 2014, McMonies Drive subdivision that links directly across from Lupo Drive has been built with 80 houses in a circle but with only one way in and out, directly opposite Lupo Drive. I am going to suggest that many vehicles from there will see a new short cut to avoid Parkside Drive as well. By removing the bollards, prematurely, without the Monitoring plan to evaluate their function, without waiting for Parkside Drive Improvements to be completed, and also the rebuilding of the bridge across Dundas St at the core that will begin within the next few years, Fellowes Cres will be overwhelmed with traffic and bypass traffic.

So before I contact the Compliance Staff of your employer, I want you to realize that this is not personal or being vindictive. I am concerned about the just and fair application of the Motion 10 of March 18, 2014, that seems to be ignored or not understood by Superintendent James Moore and Councillor Ted McMeekin.

How would any of you feel, if you developed a Motion, that the next team or councillor simply choose to change the interpretation to serve some other agenda. I am sure you would be offended.

We are offended and we feel betrayed. This is no way to operate as a City and treating us. We put a lot of effort into this, it was well thought out and supported by Council and our Councillor. We trusted them and we trust you to honour the work that was done.

May I suggest you apply a stop, or 'temporary' stoppage on the removal of the bollards until we resolve this with help from the City Manager, the mayor and other staff who would find this quite interesting that a Motion is no longer deemed a Motion anymore.

Regards, Steve Oliver



Pilon, Janet

Subject: Urgent Request to City Manager to Stop City Staff from the Removal of the Bollards at 229 Fellowes that were approved March 18, 2014 Planning Committee Minutes Motion # 10 page 12 attached.

From: Tracy Stewart

Sent: Friday, October 20, 2023 6:09 PM

To: [REDACTED] Melatti, Rosanna <Rosanna.Melatti@hamilton.ca>; Thorne, Jason <Jason.Thorne@hamilton.ca>; Office of the City Manager <CityManager@hamilton.ca>; Pilon, Janet <Janet.Pilon@hamilton.ca>

Subject: Re: Urgent Request to City Manager to Stop City Staff from the Removal of the Bollards at 229 Fellowes that were approved March 18, 2014 Planning Committee Minutes Motion # 10 page 12 attached.

I have read Steve Oliver's email and agree with everything he has reviewed.

I have sent emails to Ted McMeekin and James too with my concerns with the removal of the bollards. I would be more than happy to forward those emails to you.

Like Steve said in his email I have a special needs child who does not understand the dangers of traffic, and is a flight risk. I expressed my concerns in my email to Ted and James.

Sincerely

Tracy Stewart

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

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

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

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



234-2023-5137

October 23, 2023

Your Worship
Mayor Andrea Horwath
City of Hamilton
andrea.horwath@hamilton.ca

Dear Mayor Horwath:

As you know, on August 21, 2023, Ontario announced the Building Faster Fund, a new three-year, \$1.2 billion program that will provide up to \$400 million per year to municipalities that meet or exceed their annual housing targets. Ten per cent of the overall funding will be reserved for small, rural and northern communities that have not yet been assigned a housing target.

This program is currently in the final stages of program design, informed by consultations underway with the Association of Municipalities of Ontario, the City of Toronto, and the Housing Supply Action Plan Implementation Team. However, I am writing today to provide details on your municipality's annual housing targets to inform municipal planning for the year ahead.

These are the targets that would apply under the Building Faster Fund provided you commit in writing as head of council to your overall municipal housing target if your municipality has not already previously pledged to meet this housing target and have provided feedback on the recommendations of the Housing Affordability Task Force by October 16, 2023. We also hope and expect that municipalities will submit a council-approved pledge by December 15, 2023, if they have not already done so, outlining the steps they will take to achieve their housing targets, but approval of this pledge is not a condition for accessing funding under the Building Faster Fund.

Annual targets will be determined by taking each municipality's proportion of the overall 1.5 million home goal and applying that proportion against province-wide annual targets, which will increase each year over the course of the Building Faster Fund. For example, if a municipality's target represents 5% of 1.5 million homes, the annual targets for that municipality would be 5% of the province-wide targets for 2023, 2024 and 2025. This ambitious and realistic approach will provide time for municipalities to ramp up approvals processes to the necessary levels.

For the first year of the program, 2023, province-wide annual housing targets will start at 110,000 new housing starts. From there, housing targets will ramp up to 125,000 in 2024, 150,000 in 2025 and 175,000 beginning in 2026 (one year beyond the end of the BFF program period). 175,000 units per year beginning in 2026 would be the pace needed to achieve 1.5 million homes by 2031.

For your municipality, this means your annual housing targets under the BFF would be:

Target	2023	2024	2025
Provincial	110,000	125,000	150,000
City of Hamilton	3,447	3,917	4,700

Performance against these targets will be evaluated based on housing starts, as defined by Canada Mortgage and Housing Corporation's Starts and Completions Survey, as well as Additional Residential Units (for example, basement suites) and other institutional housing types (such as Long-Term Care beds) created in a given calendar year. Please note that the data source for Additional Residential Units is to be determined and more information on what counts will be available once consultations are completed and a final program design is announced.

For additional details on the design of the Building Faster Fund at this stage, please refer to the Backgrounder at this link: <https://news.ontario.ca/en/backgrounder/1003396/ontario-providing-new-tools-to-municipalities-to-build-more-homes-sooner>

Finally, please note that beginning in October 2023, the Ministry of Municipal Affairs and Housing will begin publishing on its website each municipality's annual housing targets, as well as progress towards those targets to date based on housing starts data, on our ministry website. Other data types, such as Additional Residential Units, will be added as they become available in the future.

I look forward to continuing our work together to ensure that more people can afford a place to call home.

Sincerely,



Hon. Paul Calandra
Minister of Municipal Affairs and Housing

c: Janette Smith, City Manager, janette.smith@hamilton.ca
Andrea Holland, City Clerk, clerk@hamilton.ca, Andrea.Holland@hamilton.ca
Hon. Rob Flack, Associate Minister of Housing
Michael Klimuntowski, Chief of Staff, Minister's Office
Martha Greenberg, Deputy Minister
Joshua Paul, Assistant Deputy Minister, Market Housing Division
Sean Fraser, Assistant Deputy Minister, Planning and Growth Division
Caspar Hall, Assistant Deputy Minister, Local Government Division

Inch Hammond

Barristers & Solicitors

1 King Street West
Commerce Place
Suite 500
Hamilton, Ontario
Canada L8P 4X8

kalakos@inchlaw.com
Telephone 905-525-4481
Fax 905-525-0031

October 24, 2023

By Email: Ward1@hamilton.ca; Ward2@hamilton.ca; Ward3@hamilton.ca;
Ward4@hamilton.ca; ward5@hamilton.ca; Ward6@hamilton.ca;
ward7@hamilton.ca; Ward8@hamilton.ca; ward9@hamilton.ca;
ward10@hamilton.ca; Ward11@hamilton.ca; Ward12@hamilton.ca;
Ward13@hamilton.ca; Ward14@hamilton.ca; and Ward15@hamilton.ca

City of Hamilton Councilors
Hamilton City Hall
71 Main Street West
Hamilton, ON L8P 4Y5

WITHOUT PREJUDICE

Dear Sirs and Mesdames:

**Re: Advisory Committee for Persons with Disabilities (“ACPD”)
Handling of Complaints
Our Client: Aznive Mallett**

We have been retained by Aznive Mallett (“Mrs. Mallett”) with respect to the handling of certain complaints made by and against Mrs. Mallett. As you may be aware, over the last 40 years Mrs. Mallett has been heavily involved in disability advocacy within the city of Hamilton and the surrounding area. She has held a variety of roles and received multiple awards for her hard work and dedication throughout the years. Mrs. Mallett has served on the ACPD for a total of five terms, holding the position of chair for the last three terms.

In her most recent term as chair of the ACPD, Mrs. Mallett experienced difficulties with a new member, James Kemp (“Mr. Kemp”). As a result of her difficulties with Mr. Kemp, Mrs. Mallett reached out to a variety of offices within the City of Hamilton (the “City”) for assistance and guidance. Mrs. Mallett informs us that she was adamant and persistent with her desire to have a joint meeting with Mr. Kemp and a representative from the City to discuss and resolve their issues, however this never came to fruition.

In or around the Fall of 2022, Mrs. Mallett filed a complaint against Mr. Kemp with the City (the “Mallett Complaint”). Subsequent to her filing the Mallett Complaint, Mrs. Mallett informs us that Mr. Kemp filed a complaint against her (the “Kemp Complaint”, together with the Mallett Complaint, the “Complaints”). In the last year, Mrs. Mallett remained diligent in following up with the Mallett Complaint. In early 2023, the Complaints were referred to Principle Integrity (the “Integrity Commissioner”).

Mrs. Mallett informs us that the Integrity Commissioner completed their investigation of the Kemp Complaint. The Mallett Complaint seems to have been disregarded in its entirety. Ultimately, the Integrity Commissioners recommendation to the Hamilton City Council is that Mrs. Mallett be removed from her role as both chair and member of the ACPD (the "Recommendation"). Mrs. Mallett informs us she repeatedly contacted the Integrity Commissioner to correct certain information she thought were unsubstantiated or incorrect, but was not provided the opportunity to do so prior to the Recommendation. It was only after the Recommendation was essentially complete and findings had been made against her did the Integrity Commissioner attempt to obtain Mrs. Mallett's version of events.

Mrs. Mallett wishes to express her disappointment in how the City handled the Complaints. In early October 2023, Mrs. Mallett emailed the Integrity Commissioner to discuss the Recommendation. Certain emails from the Integrity Commissioner went into her junk email and she discovered them after the two-week deadline they provided her.

The City's handling of the Complaints has left Mrs. Mallett utterly embarrassed, and placed her in a position to have to defend her reputation and integrity. The treatment of Mrs. Mallett is absolutely unacceptable. Ultimately, Mrs. Mallett vehemently denies the allegations made against her in the Kemp Complaint, and urges the Hamilton City Councilors to reject the Recommendation in its entirety in order for a proper investigation of both the Mallett Complaint and the Kemp Complaint to be conducted.

Although, at this time, our client does not wish to pursue this matter further, Mrs. Mallett reserves all of her rights, including but not limited to, commencing legal proceedings. We look forward to resolving this matter as reasonably and amicably as possible.

Yours truly,
INCH HAMMOND PROFESSIONAL CORPORATION

Per:



Zoe-Georgie-Elpitha Kalakos

ZGEK/

Cc: mayor@hamilton.ca;
postoffice@principlesintegrity.org; and
Janet.Pilon@hamilton.ca

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 25, 2023

MOVED BY COUNCILLOR N. NANN.....

Public Notice respecting A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program

WHEREAS, City of Hamilton staff have completed engagement with a variety of community organizations, citizens and subject matter experts throughout 2022 and 2023 on the development of the Better Homes Hamilton residential energy efficiency retrofit pilot program, and delegations were provided in support during General Issues Committee's May 3, 2023 meeting;

WHEREAS, the Better Homes Hamilton Pilot Program ("Program" was approved by the General Issues Committee (Report PED23106) on May 3, 2023 with a recommendation stating: "That staff be directed to prepare and bring forward for Council approval a municipal by-law authorizing the Program (the "By-law") including the details on eligibility and providing authority to launch the energy efficiency works on private residential property as local improvements under the program";

WHEREAS, Part III of Ontario Regulation 586/06, Local Improvement Charges - Priority Lien Status, enacted under the *Municipal Act, 2001*, S.O. 2001, c. 25, authorizes a municipality to pass a by-law to undertake work on private property as a local improvement for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located;

WHEREAS, Section 36.5(2) of O. Reg. 586/06 states that the by-law may authorize the undertaking of works which satisfy the requirements of a municipal program for which the municipality has given notice under Section 36.6(2)(b) O. Reg. 586/06; WHEREAS, Part VI, Section 270 (1)(4) of *Municipal Act, 2001*, S.O. 2001 gives the authority to a municipality to determine "the circumstances in which the municipality shall provide notice to the public and, if notice is to be provided, the form, manner and times notice shall be given;"

WHEREAS, the City of Hamilton's Public Notice By-law No. 07-351 Schedule A states: "Public notice required to advise of a minimum of one Committee meeting to consider the enactment of a fee or charge by-law. The notice shall specify when and where information in regard to such a by-law may be obtained;"; and further provides that the form, manner and time of the notice shall be "one notice published in a newspaper a minimum of 14 days prior to the Committee meeting";

WHEREAS, staff inadvertently recommended that the By-law be brought forward to Council for approval without first being considered by Council and Council approved this recommendation;

WHEREAS if the By-law is brought directly to Council for consideration notice cannot be provided in accordance with the requirements of By-law No. 07-351; and

WHEREAS, alternative notice can be provided because sub-clause 2(b)(iii) of Hamilton's Public Notice By-law No. 07-351 provides that Council can direct that other notice is to be given as Council considers adequate.

THEREFORE, BE IT RESOLVED:

That Council under the authority of Hamilton's Public Notice By-law No. 07-351 sub-clause 2(b)(iii) direct staff in regard to the Better Homes Hamilton by-law to publicly post notice published in a newspaper and on the City's website a minimum of 14 days prior to the Council meeting, and that this be deemed adequate.

Attachment:

Appendix A - A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program

Authority: Item 2, General Issues Committee
Report 23-015 (PED23106)
CM: May 10, 2023
Ward: City Wide
Written approval of this by-law was
given by Mayoral Decision dated
November 22, 2023

Bill No.

CITY OF HAMILTON

BY-LAW NO. 23-

A By-Law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program

WHEREAS Part III of Ontario Regulation 586/06, Local Improvement Charges - Priority Lien Status, enacted under the *Municipal Act, 2001*, S.O. 2001, c. 25 ("O. Reg. 586/06"), authorizes a municipality to pass a by-law to undertake work on private property as a local improvement for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located;

AND WHEREAS Section 36.5(2) of O. Reg. 586/06 states that the by-law may authorize the undertaking of works which satisfy the requirements of a municipal program for which the municipality has given notice under Section 36.6(2)(b) of O. Reg. 586/06;

AND WHEREAS at its meeting of May 10, 2023, City Council adopted the Better Homes Hamilton program.

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

1. Council authorizes the undertaking of Climate Change Mitigation and Adaptation Works on private residential property as local improvements under the Better Homes Hamilton Program, as set out in Schedule "A" to this by-law, for the purpose of raising all or any part of the cost of the work by imposing special charges on lots upon which all or some part of the local improvement is or will be located.
2. Schedule "A" is attached to and forms part of this by-law.
3. Council authorizes the City to enter into Property Owner Agreements as provided for in Schedule "A" hereto with such terms and conditions consistent with Schedule "A" hereon, such additional terms and conditions as required by the Ontario Regulation 586/06 and such additional terms and conditions required by the General Manager of Planning and Economic Development or their designate and the City Solicitor and

in a form acceptable to the City Solicitor and that the General Manager of Planning and Economic Development or their designate be authorized to execute the Property Owner Agreements and such ancillary documents as necessary to facilitate the program described in Schedule "A" hereto.

4. This by-law may be referred to as the "Better Homes Hamilton By-law"
5. This by-law comes in to force on the day of its passing.

PASSED this 22nd day of November, 2023

A. Horwath
Mayor

Janet Pilon
Acting City Clerk

Schedule "A" Better Homes Hamilton Program

1.0. Overview

The Better Homes Hamilton Program (the "BHH Program") is currently designed to extend municipal financing to participating homeowners for the installation of climate mitigation retrofit measures, including building envelope, mechanical systems and supporting energy efficiency retrofit infrastructure, as well as home energy assessments and permits, as applicable, and to secure payment by imposing a local improvement charge ("**LIC**") on the property, as authorized by Ontario Regulation 586/06, Local Improvement Charges - Priority Lien Status, enacted under the *Municipal Act, 2001*, S.O. 2001, c. 25 (the "**Regulation**"). The BHH Program will begin as a pilot, offering a maximum of fifty (50) loans to be provided to homeowners during the pilot program. Loans will be a maximum of \$20,000 each over a ten (10) to fifteen (15) year term with zero (0) percent interest over the term of the loan. The City of Hamilton (the "**City**") will administer the program alone or in conjunction with a third-party Program Administrator to be selected at a later date.

1.1. Program Eligibility

Registered owners of eligible properties within the geographic boundaries of the City of Hamilton can participate in the BHH Program.

The following residential building types within the City of Hamilton are eligible for the BHH Program:

- Detached houses,
- Semi-detached houses, and
- Townhomes.

All registered owner(s) of the property must consent to participation in the BHH Program.

The property must have a property tax account with the City and the registered owner(s) are responsible for tax payments directly to the City. All property taxes and other payment obligations to the City must also be in good standing.

1.2. Geographic Scope

Any homeowner of an eligible building outlined in Section 1.1 in the City of Hamilton can participate in the BHH program. Marketing for the BHH program may be prioritized to those homes:

- That were built prior to 1990;
- That have above average utility heating fuel costs (natural gas, propane or oil),

- including in rural areas; and/or
- Are located within neighbourhoods that were identified as having high rates of energy poverty through the Canadian Urban Sustainability Practitioners (CUSP) Energy Poverty Mapping Tool.

The City may work with existing community initiatives or organizations interested in being aligned with the BHH program to achieve efficiencies in terms of program delivery (i.e. marketing and outreach support, education and training).

1.3. Stacking Home Energy Incentives

Homeowners who apply to the BHH program will be encouraged to consider existing incentive programs offered by Enbridge Gas Inc. and the Federal Government and other existing and future programs which may become available

To be eligible for the Enbridge Gas Inc. and the Federal Government Rebates (with some exceptions), homeowners are required to arrange a home energy assessment through the EnerGuide Rating System.

1.4. Optional Home Energy Assessment

The BHH Program does not require applicants to submit a home energy assessment; however, it is strongly encouraged so that participants can maximize government grants and incentives, as described in Section 1.3.

If participants decide to undertake a home energy assessment that provides a standard measure of a home's energy and greenhouse gas ("GHG") emissions performance, the participant shall provide to the City of Hamilton a copy of both the pre- and the post-retrofit energy assessment report that has been conducted and verified by a Registered Energy Advisory (the "REA"), or equivalent, as Registered by Natural Resources Canada ("NRCan").

1.5. Qualifying Retrofit Measures

Financing is designated for capital costs (not maintenance costs) with an expected useful life of ten (10) to twenty (20) years and for measures that are permanently affixed to a property. The average expected useful life of the retrofit measures implemented within a participating property shall not be less than the ten (10) to fifteen (15) year term of the loan extended to the homeowner.

The following are the current categories of eligible measures, which are subject to change:

- Optional Home Energy Assessments and Applicable Permits: Including pre- and post-retrofit energy assessments and building permits.
- Building Envelope: Including air-sealing/draft proofing, insulation (attic, basement and walls).

- Mechanical Systems: Air Source Heat Pumps (ASHP), including cold-climate air sources heat pumps (ccASHP), ductless mini-splits, and high efficiency gas furnaces for hybrid ASHP systems, and supporting smart thermostat/controller.
- Supporting Infrastructure: Including breaker panel upgrades and ductwork only when required to support installation of ASHP.

Ineligible retrofits include equipment or products not permanently affixed to the property, previously installed in another home and/or are deemed general maintenance.

By recommending categories of retrofit improvements and associated measures, the City makes no guarantees of the materials, performance, cost-effectiveness or any warranty of the measures supported by the BHH Program.

1.6. Completing the Retrofit through Contractor Engagement

The City of Hamilton will provide LIC financing to homeowners for eligible measures covered by the BHH Program that have been:

- Recommended or identified through the energy pre-assessment completed by a REA, if one was completed;
- Verified by the City or the assigned Program Administrator; and
- Installed by contractors hired by the homeowner after verification and approval from the City or the assigned Program Administrator.

Homeowners must provide to the City all documentation, including all quotes and all invoices, in order to receive the initial and final disbursements respectively.

The City will not procure contractors to perform home improvements in connection with this program. The homeowner will use the funds disbursed by the City to pay contractors directly. Where contractors require an upfront deposit prior to completing the retrofit, up to 30% of the total LIC financing may be released by the City prior to the contractor starting the work only after the proposed retrofit and renovation quotes have been approved by the City or Program Administrator and after the Property Owner Agreement has been signed by both parties and deemed final and binding, as described in Step 6.A.

The City is not responsible for the work quality of any contractors hired in connection with the BHH Program and assumes no liability for the works undertaken. All retrofit improvements and renovations must adhere to all applicable permitting requirements, codes, laws and by-laws.

The homeowner is responsible for ensuring that hired contractors are licensed, bonded and insured for the applicable work they will be undertaking. Any issues that may arise relating to the quality of workmanship or post-installation

performance of retrofit measures must be dealt with between the homeowner and the contractor.

1.7. Better Homes Hamilton Program Coach

The BHH Program will include access to a Program Coach. The BHH Program Coach is not a REA but rather serves as a source of support to provide guidance to the homeowner throughout the BHH process, in order to improve overall satisfaction with program effectiveness. BHH applicants are solely responsible for the retrofit choices made, and the City does not take any responsibility for the advice provided to the applicant or any work potentially recommended by the BHH Program Coach.

1.8. BHH Program Application Process

The application process is set out below. City staff will periodically review this process to ensure effective program implementation and, where deemed appropriate, the City may make changes to this process, in its sole discretion.

Step 1: BHH Program Application

The property owner must apply online through the BHH website, which includes a self-directed pre-application screening checklist to determine eligibility for the BHH program. Program eligibility requirements include the following:

- Eligible building type
- Property address to confirm location is within the City of Hamilton;
- Property assessment roll number to confirm that all property tax payments are in good standing; and
- Signed attestation that all registered owner(s) consent to program participation.

If a homeowner has one or more outstanding mortgage(s) associated with the property, then the homeowner must inform via mail or email the mortgage lender(s) of its intention to participate in the BHH Program using the City's prescribed letter template form (copying the City). City must receive proof of delivery (e.g. copied on email to lender or received carbon copy of letter mailed to lender) as part of the applicant's funding request package.

Once the homeowner's application has been reviewed and accepted by the City, the City will provide the homeowner with a Notice to Proceed with obtaining an optional pre-retrofit energy assessment and energy efficiency retrofit quotes.

Step 2: Identifying Energy Retrofit Improvements

A. Home Energy Assessment Process (Optional)

If the homeowner decides to proceed with this option, the homeowner will complete the pre-retrofit home energy assessment in accordance with this Section and Section 1.4 - Home Energy Assessments and submit a copy of the REA's NRCan

EnerGuide home assessment (Home Energy Assessment report with recommended retrofits) to the City.

The home energy assessment report must include:

- The current NRCAN EnerGuide rating for the home, including the rated energy consumption in gigajoules per year (GJ/yr.) and GHG emissions in tonnes per year (GHG(T)/yr.);
- Recommended improvements that have been customized for the home based on existing conditions, which are projected to improve its NRCAN EnerGuide rating, including a reduction in energy consumption and/or GHG emissions;
- EnerGuide Homeowner Information Sheet that summarizes the residential building's details, including envelope, mechanical systems, and heated floor area;
- Estimated useful life of the proposed improvement(s); and,
- Potential eligibility for utility existing rebates and incentives offered (e.g. Enbridge Gas, Hydro One, Alectra Utilities, and other applicable programs that may become available to Hamilton residents).

Applicants may wish to review the NRCAN EnerGuide Renovation Upgrade Report and Homeowner Information Sheet with the BHH Program Coach provided by the City. This step may help homeowners choose which energy retrofit improvements to undertake based on estimated energy savings that may be realized after installing the recommended improvements, as well as the estimated useful life of the proposed improvements.

A. Homeowner-identified Energy Retrofit Improvements

If the homeowner chooses not to undertake an NRCAN EnerGuide home energy efficiency assessment with a REA, the homeowner must identify and propose eligible retrofit measures to the City or Program Administrator. The City of Hamilton or Program Administrator must approve the eligible retrofit measures with a formal Notice to Proceed as described in Step 3.

Step 3: Obtaining Contractor Quotes

Upon approval of the application and after the City or the Program Administrator has issued the Notice to Proceed with Quotes, homeowners will then be responsible for obtaining contractor quotes. The homeowner must engage qualified and licensed, where applicable, contractors selected by the homeowner to implement any mechanical systems and "supporting infrastructure" retrofit measures, as well as a REA, if applicable. Work and materials installed by homeowners will not be eligible for the loan.

Using the Contractor Quote Template provided to homeowners by the BHH Program Coach, homeowners should contact contractors to obtain estimates. The BHH

Program Coach will be available to provide assistance to homeowners, if necessary. Homeowners who completed a pre-retrofit home energy assessment should provide the contractor the NRCan Energuide Homeowner Information Sheet.

Homeowners will be required to submit at least one (1) contractor quote; however, it is strongly encouraged that all homeowners obtain three (3) contractor quotes. All quotes submitted to the City must, as outlined in the prescribed Contractor Quote Template, at minimum include:

- Estimated cost of the retrofits and Specification Sheets, if applicable, for inclusion in the Funding Request Form;
- Quotes must be itemized by costs for all labour, parts and equipment, relevant permit fees and energy assessment fees, if applicable, applicable taxes, and include estimated useful life of the work;
- Registered HST Number;
- Proof of Liability Insurance that covers all employees;
- WSIB Certificate of Compliance; and
- Any and all applicable licenses and/or qualification for the prescribed work to be undertaken (e.g. municipal Heating, Cooling, Air Conditioning and Ventilation license; Electrical Contractor License from ESA; Sheet Metal Mechanic License number; G2 Gas Ticket, etc.)

Step 4: Funding Request Form

Within three (3) months of receiving the Notice to Proceed with Quotes, the applicant must submit a completed Funding Request Package that includes:

- Proof of delivery of prescribed Mortgage Lender Notification Letter;
- All copies of the contractor quotes containing the items set out in Step 3 above, including the Contractor Quote Table;
- If, applicable, all documentation from the pre-retrofit home energy assessment; and,
- The amount of contractor prepayment (as indicated in Section 1.6. - Completing the Retrofit through Contractor Engagement) being requested from the City.

Following receipt of the Funding Request Form, the City or its Program Administrator, will:

- Confirm the eligibility of the works in accordance with the criteria set out in Section 1.5. - Qualifying Retrofit Measures;
- Review the work proposed in the Contractor Quote Table and verify the reasonableness of retrofit costs and labour costs by consulting manufacturer pricing and prevailing labour rates; and,
- Render a decision on the acceptability of the applicant's Funding Request Package.

Step 5: Property Owner Agreement (the "POA")

After the City of Hamilton or Program Administrator has confirmed acceptability of the Funding Request Package, the Program Administrator will prepare the Property Owner Agreement ("POA") for the homeowner(s) to review and sign, and the General Manager of Planning and Economic Development or his designate to sign.

Upon signing of the POA, the homeowner will commence with providing the City with (access to) utility usage and bills or other applicable fuel receipts for the time period commencing two calendar years prior to the date of signing of the POA and ending five (5) years thereafter, in order to assist staff calculating GHG emission and energy savings.

Step 6: Completing Retrofit Measures and Funding Disbursement

A. Initial Funding Disbursement

Following execution by both parties and certification of the POA by the City Clerk as final and binding and verification that the property is free of construction liens and writs of execution, the City will provide the homeowner with the initial disbursement agreed upon and pursuant to the terms outlined in the POA. A maximum disbursement of 30% of the total amount approved by the City, which must be used by the homeowner to pay any upfront deposits required by the contractor.

Following the release of any upfront deposits, the homeowner shall begin work within three (3) months of receiving the funds from the City. Pursuant to the terms of the POA, the homeowner will be obligated to repay the initial disbursement to the City, should the homeowner not begin the retrofits within the time specified.

B. Project Completion Package

The agreed upon retrofits must be completed within six (months) upon signing the POA. The homeowner can request an extension, if required. The extension will be granted at the sole discretion by the City of Hamilton or Program Administrator.

Within fourteen (14) days upon completion of the agreed upon retrofits, the applicant must prepare and submit the City's prescribed Project Completion Package, which includes:

- Details of the actual eligible energy retrofit measures implemented and actual costs incurred;
- All copies of contractor invoices (and receipts) for the approved work(s) completed; and,
- If, applicable, all documentation from the post-retrofit home energy assessment.

C. Final Funding Disbursement

As detailed in the POA, the City will provide the final disbursement after:

- The homeowner has provided the City with (access to) utility usage and bills or other applicable fuel receipts for the time period commencing two calendar years prior to the date of signing of the POA.
- If applicable, the homeowner has provided the City with the post-retrofit home energy assessment documentation from the REA; and,
- The homeowner has submitted the Project Completion Package to the City's satisfaction following completion of the Work, for determination by the City, in accordance with the POA, of any Final Disbursement for which the Property qualifies.

Step 7: Local Improvement Charge Repayment

Following the City Treasurer's, Deputy Treasurer (or delegated authority) periodic certification of the local improvement roll (which occurs after the improvements on a given set of properties are complete and the final amounts of funding are confirmed), a by-law will be presented to City Council pursuant to Section 36.14 of O.Reg. 586/06 that imposes the special charges on the participating properties.

For each property included in the by-law, the Treasurer, Deputy Treasurer (or delegated authority) will then add to the City of Hamilton's tax account for that property each year that portion of the imposed special charge that is due in that year. These collective steps will provide priority lien status for the annual amount that the Treasurer, Deputy Treasurer (or delegated authority) adds to the tax account and will ensure that any subsequent property, who was not a party to the POA is bound to pay that amount.

At any time, a homeowner can make a one-time payment of the total outstanding commuted value of the LIC charge. Failure to make payments is treated with the same remedy as uncollected property taxes which may include penalties and interest charges. Unpaid LIC will be subject to the City's tax collection policy.

1.9. Local Improvement Charge Disclosure

As stated in O.Reg 518/06, the special charge imposed on the homeowner's property constitutes a special lien that is binding on all future owners, even though future owners are not parties to the original POA. In addition to the notice that the City of Hamilton will be providing in accordance with the provisions of O.Reg. 586/06, the POA will require an assignment agreement when a property with an LIC loan is transferred. The City of Hamilton may also update the Tax Certificate to include the amount payable in the current year and outstanding amounts owing. The City maintains the option to post information on their website to communicate the special charge by-law.

1.10. Quality Control

As a means of additional oversight to confirm that the funded improvements have been completed as approved, the POA will indicate that the City reserves the right to have a City official or third-party contractor enter the property to inspect the completion of the work for up to five (5) years following completion. The homeowner is responsible for keeping original copies of contractor invoices and also photos of installed measures (particularly for measures that are difficult to inspect, such as insulation), and shall disclose this information to the City upon request.

1.11. Measurement and Verification

Pursuant to the POA, the homeowner must agree to provide the City with access to the property's utility usage data, or other fuel purchases as applicable, in order to monitor results and evaluate the program's effectiveness for a period of up to five (5) years after completion of the retrofit. The homeowner must also agree to participate in surveys and other follow-up activities to help the City evaluate the effectiveness and improve the program process and outcomes.

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 25, 2023

MOVED BY COUNCILLOR B. CLARK.....

Financial Impact of the Hamilton Renewable Power Inc.'s Losses on the City of Hamilton

That City staff be directed to investigate the financial impact to the City of Hamilton should Hamilton Renewable Power Inc.'s losses continue, which would result in a wind up of the corporation and report back to the Audit, Finance and Administration Committee in Q1 2024.

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 25, 2023

MOVED BY COUNCILLOR N. NANN.....

Opposition to the Ministry of the Environment, Conservation and Parks Proposed Changes to its Approvals and Permissions Procedures for Waste Management Systems, Stormwater Management, and Water-Taking

WHEREAS, the Ministry of the Environment, Conservation and Parks (MECP) is proposing changes to its approvals and permissions procedures for waste management systems, stormwater management, and water-taking that are anticipated to weaken its regulatory oversight on activities which have the potential to cause significant adverse impacts to the natural environment and human health;

WHEREAS, the City of Hamilton is committed partner in the protection and stewardship of the natural environment;

WHEREAS, the proposed changes are relevant to activities taking place in Hamilton such as transportation of biomedical, liquid industrial and hazardous waste. Under the proposed changes, hauling of some types of hazardous waste would be deemed a less complex activity and no longer require stricter oversight by the MECP via an Environmental Compliance Approval (ECA) and instead only require self-registration with the Environmental Activity and Sector Registry (EASR);

WHEREAS, the ECA process involves MECP review and approval; meanwhile the EASR program shifts this responsibility completely to the facility;

WHEREAS, waste facilities in Hamilton are often located in clusters so while individually they may be seen to have lower potential impact, according to a past Environmental Commissioner report “low-risk facilities still produce impacts to the environment. Indeed the cumulative impacts of several low risk facilities located closely together (as they commonly are) can be significant”;

WHEREAS, the proposed changes include increased impacts on stormwater management due to more exemptions to drainage works for roadway and railway construction projects;

WHEREAS, the proposed changes would remove certain water-taking limits for construction dewatering projects that could compromise responsible management of Hamilton’s natural waterways;

WHEREAS, the proposed changes would remove the requirement for the MECP to notify Conservation Authorities, which monitor water budget and work with City of Hamilton to protect water, of water-taking activities that could affect their conservation areas;

WHEREAS, the Canadian Environmental Law Association has stated that “having a 700% increase of allowable water-taking without permits could have serious implications to watershed sustainability”; and

WHEREAS, the proposed changes to reclassify specific permissions procedures will no longer include the right to public participation or appeals via the Environmental Bill of Rights or to public scrutiny via the Environmental Registry of Ontario;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to submit comments to the Environmental Registry of Ontario (ERO) at permissions.modernization@ontario.ca outlining concerns, impacts of the Ministry of the Environment, Conservation and Parks’ proposed changes to its approvals and permissions procedures for waste management systems, stormwater management, and water-taking (ERO 019-6951; ERO 019-6853 ERO 019-6963 and ERO 019-6928) to the City of Hamilton and Hamilton residents by October 30, 2023;
- (b) That the submission to the ERO be available on the City’s website; and
- (c) That Mayor Horwath write to the Minister of the Environment, Conservation and Parks on behalf of Council to express opposition to the proposed changes to its approvals and permissions procedures for waste management systems, stormwater management, and water-taking, as they would negatively impact all residents of Hamilton.

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 25, 2023

MOVED BY COUNCILLOR T. JACKSON.....

Emergency Grant for the Emergency Food Strategic Planning Committee

WHEREAS, Staff were directed to prepare an emergency grant of \$625k to the Emergency Food Strategic Planning Committee, for the October 25, 2023 meeting of Council meeting.

THEREFORE, BE IT RESOLVED:

- (a) That an emergency grant in the amount of \$ 625k to the Emergency Food Strategic Planning Committee be funded from the Tax Stabilization Reserve, 110046, be approved; and
- (b) That the General Manager of Healthy and Safe Communities be authorized to enter into and execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 25, 2023

MOVED BY COUNCILLOR T. HWANG.....

ROMA 2024 Conference – January 21, 2024 to January 23, 2024

- (a) That Councillors T. Hwang and M. Tadeson be selected as the City of Hamilton's representative at the ROMA 2024 Conference from January 21, 2024 to January 23, 2024; and,
- (b) That Council assumes all costs associated with Councillors T. Hwang's and M. Tadeson's attendance at ROMA 2024 Conference from the General Legislative Budget (300100).

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 25, 2023

MOVED BY COUNCILLOR B. CLARK.....

198 First Road West Subdivision Phase 1 - Picardy Parkland Restoration Works

WHEREAS Paletta International (2000) Inc. is the developer of the 198 First Road West Subdivision (Phase 1) which includes an important new community amenity known as Picardy Park;

WHEREAS to advance the construction of Picardy Park, restoration works are required including the removal of excess soil, grading, and placing of No. 1 nursery sod;

WHEREAS an opportunity may exist for the City to work with the developer to expedite the restoration works and the delivery of the park, through which the developer would undertake the restoration works and the City would contribute a City share cost; and

WHEREAS the Growth Management Construction Section and Public Works Landscape Architectural Services will perform an inspection after the completion of all works to determine and confirm that all works have been completed to the satisfaction of the Director of Growth Management & Chief Development Engineer and the Director of Environmental Services;

THEREFORE, BE IT RESOLVED:

- (a) That Council authorize staff to single source Paletta International (2000) Inc, pursuant to Procurement Policy #11 – Non-competitive Procurements, to complete the City share of park restoration; and
- (b) That staff be directed to endorse and oversee the restoration works for the Picardy Park located within 198 First Road West Subdivision, Phase 1, and further, that City share costs up to a maximum amount of \$130,000.00 as related to the works be authorized to be paid to the developer, Paletta International (2000) Inc, to be funded through the S.C. Compensation Royalties (GFL Landfill) Reserve 117036.

CITY OF HAMILTON

NOTICE OF MOTION

Council: October 25, 2023

MOVED BY COUNCILLOR B. CLARK.....

Reconsideration of a decision that was approved at the May 10, 2023 Council meeting respecting Item 2 of the General Issues Committee Report 23-015, Better Homes Hamilton - Home Energy Retrofit Program (PED23106)

That Item 2 of General Issues Committee Report 23-015, respecting Better Homes Hamilton - Home Energy Retrofit Program (PED23106), which was approved by Council on May 10, 2023 and reads as follows, be reconsidered:

- 2. Better Homes Hamilton - Home Energy Retrofit Program (PED23106) (City Wide) (Item 8.2)**
 - (a) That the “Better Homes Hamilton” program, based on the terms outlined in Appendix “A” to General Issues Committee Report 23-015, and subject to minor revisions authorized by the General Manager of Planning and Economic Development, be approved as the ‘Incubation Stage’ of Hamilton’s first home energy retrofit program;
 - (b) That the “Better Homes Hamilton Detailed Study Design” attached as Appendix “B” to Report PED23106 be received;
 - (c) That Planning and Economic Development Staff be directed to launch the ‘Incubation Stage’ of the Better Homes Hamilton program with a target to retrofit up to 50 homes before the end of 2024;
 - (d) That staff be directed to establish a loan receivable on the City’s balance sheet, not exceeding \$1,000,000 to record the corresponding liabilities regarding the long-term financing for the ‘Incubation Stage’ of the Better Homes Hamilton program;
 - (e) That the costs for program administration, including loan loss provisions for the ‘Incubation Stage’ of the Better Homes Hamilton program as described in Report PED23106 and in Appendix “A” to General Issues Committee Report 23-015 be funded through the Climate Change Reserve Account 108062 with an upset limit of \$275,000 over two years;
 - (f) That staff be directed to prepare and bring forward for Council approval a municipal by-law authorizing the Better Homes Hamilton program

including the details on eligibility and providing authority to launch the energy efficiency works on private residential property as local improvements under the program; and,

- (g) That Staff be directed to report back to the General Issues Committee within 2 years of implementation of the 'Incubation Stage' of the Better Homes Hamilton Program with results and feasibility for scaling the program in terms of number of homes and expansion into the high-rise, commercial and/or industrial sectors.