



CITY COUNCIL MINUTES 20-008

9:30 a.m.
April 22, 2020
Council Chamber
Hamilton City Hall
71 Main Street West

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

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS

- 4.2 Correspondence requesting that Council urge the Premier to change the designation of community gardens under the Emergency Measures legislation from "recreational areas" to "essential supply services":

- (a) Edgar Rogalski
- (b) Dr. J. David Moffatt

Recommendation: Be received ~~and referred to the City's Emergency Operation Centre (EOC) for appropriate action.~~

5. COMMITTEE OF THE WHOLE (Item 5)**5.2 PUBLIC HEARINGS / WRITTEN DELEGATIONS**

- 5.2 (a) Written Delegations respecting Report PED20076, Repeal and Replace Public Nuisance By-law 09-110 and Amend Administration Penalty By-law 17-225 (Item 5.4(d)):

5.2.(a) (i)	Kim-Karin Rausch
5.2 (a) (ii)	Marlene & David Girvan
5.2 (a) (iii)	Max DiFelice
5.2 (a) (iv)	Nathan Helder
5.2 (a) (v)	Robert Pratt
5.2 (a) (vi)	Pat & Vic Ancona
5.2 (a) (vii)	Pat & Art Linde
5.2 (a) (viii)	Richard Robertson
5.2 (a) (viv)	Evan Edmundson
5.2 (a) (x)	Mr. & Mrs. Lorne Holley

Recommendation: Be received and referred to the consideration of Item 5.4 (d)

7. NOTICES OF MOTION

- 7.1 Designating Evergreen Farm located at 1389 Progreston Road, Carlisle a Property of Cultural Heritage Value or Interest

(Clark/Johnson)

That the agenda for the April 22, 2020 meeting of Council be approved, ***as amended***.

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

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

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

DECLARATIONS OF INTEREST

None were declared

APPROVAL OF MINUTES OF PREVIOUS MEETING
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3.1 April 15, 2020 (Item 3.1)

(Ferguson/VanderBeek)

That the Minutes of the April 15, 2020 meeting of Council be approved, as presented.

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

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

COMMUNICATIONS

(Merulla/VanderBeek)

That Council Communications 4.1 to 4.4 be approved, as presented, as follows:

4.1 Correspondence requesting that City Council temporarily close James Street North, in Ward 2, for the duration of the pandemic to allow more space for residents who are using sidewalks for walking and roadways for biking:

- (a) Roberta Trunfio
- (b) Eugene Ellmen
- (c) Petition
- (d) Deborah Field

Recommendation: Be received and referred to the City's Emergency Operation Centre (EOC) for appropriate action.

Result: Motion CARRIED by a vote of 12 to 4, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NO - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NO - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

4.2 Correspondence requesting that Council urge the Premier to change the designation of community gardens under the Emergency Measures legislation from "recreational areas" to "essential supply services":

- (a) Edgar Rogalski
- (b) Dr. J. David Moffatt

Recommendation: Be received.

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

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

YES - Ward 9 Councillor Brad Clark

- 4.3 Correspondence from the Ministry of Municipal Affairs and Housing respecting the 2020-21 Investment Plan Approval for the Community Homelessness Prevention Initiative.

Recommendation: Be received.

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

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

- 4.4 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the issuance of an emergency order under the EMCPA (O. Reg. 157/20) to provide municipalities with the flexibility to deploy certain staff to where they are needed most.

Recommendation: Be received.

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

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

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

(Merulla/Farr)

That Council move into Committee of the Whole.

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

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

COMMITTEE OF THE WHOLE

5.2 PUBLIC HEARINGS/WRITTEN DELEGATIONS

5.2 (a) Written Delegations respecting Report PED20076, Repeal and Replace Public Nuisance By-law 09-110 and Amend Administration Penalty By-law 17-225 (Item 5.4(d)):

5.2.(a) (i)	Kim-Karin Rausch
5.2 (a) (ii)	Marlene & David Girvan
5.2 (a) (iii)	Max DiFelice
5.2 (a) (iv)	Nathan Helder
5.2 (a) (v)	Robert Pratt
5.2 (a) (vi)	Pat & Vic Ancona
5.2 (a) (vii)	Pat & Art Linde
5.2 (a) (viii)	Richard Robertson
5.2 (a) (viv)	Evan Edmundson
5.2 (a) (x)	Mr. & Mrs. Lorne Holley

(Clark/Johnson)

That the written delegations respecting Report PED20076, Repeal and Replace Public Nuisance By-law 09-110 and Amend Administration Penalty By-law 17-225 (Item 5.4(d)) be received and referred to the consideration of Item 5.4 (d).

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

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

5.4 DISCUSSION ITEMS**5.4 (a) Old Dundas Road (HC005) Wastewater Pumping Station Upgrades (PW20018) (Ward 12)****(VanderBeek/Partridge)**

- (a) That an additional \$900,000 be added to Project ID No. 5161267270 from Project ID No. 5161267273, to increase the total budget requirement to \$4,520,000 for C13-29-19 - Old Dundas (HC005) Wastewater Pumping Station Upgrades;
- (b) That E.S. Fox Limited be selected as the Successful Proponent for the Request for Tenders for Contract C13-29-19, for the Old Dundas (HC005) Wastewater Pumping Station Upgrades; and,
- (c) That the Mayor and City Clerk be authorized and directed to execute the contract with E.S. Fox Limited and any ancillary documents for Contract C13-29-19 for the Old Dundas (HC005) Wastewater Pumping Station Upgrades, with content acceptable to the General Manager of Public Works and in a form acceptable to the City Solicitor.

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

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

5.4 (b) Town of Grimsby / City of Hamilton Supply of Water Agreement (FCS20027) (City Wide)

(Johnson/Pearson)

- (a) That staff be authorized and directed to negotiate and enter into, on behalf of the City of Hamilton (Hamilton), a water supply agreement with the Town of Grimsby (Grimsby), for the continued supply of potable water by Grimsby with the agreement to incorporate the following terms and conditions:
 - (i) term of 10 years, from the date of execution of the agreement;
 - (ii) water consumption billed on a per cubic metre basis at a rate of 1.5 times the water rate otherwise imposed by Grimsby, from time to time, during the term of the agreement;
 - (iii) under normal operating conditions, Hamilton shall not withdraw water at any time that exceeds: (a) a maximum daily volume of 260,274 litres; or (b) a flow rate of 285 litres / minute;
 - (iv) under fire flow operating conditions, Hamilton shall not withdraw water that exceeds: (a) a maximum daily volume of 1,340,274 litres; or (b) a flow rate of 9,181 litres / minute;
 - (v) early termination by either party will require no less than two (2) years' notice;
 - (vi) provisions to be included with respect to interruptions of supply and impacts on water pressure;
 - (vii) and such other terms and conditions deemed appropriate by the

General Manager of Finance and Corporate Services and
General Manager of Public Works;

- (b) That the Mayor and Hamilton Clerk be authorized and directed to execute, on behalf of Hamilton, all necessary documentation to implement Recommendations (a) in Report FCS20027 with content acceptable to the General Manager of Finance and Corporate Services and General Manager of Public Works, as applicable, and in a form satisfactory to the Solicitor for the City of Hamilton.

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

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

5.4 (c) 2020 Tax Policies and Area Rating (FCS20039) (City Wide)

(Danko/Pearson)

- (a) That the following optional property classes be continued for the 2020 taxation year:
- (i) Parking Lot and Vacant Land;
 - (ii) Large Industrial;
- (b) That, based on the 2020 final approved Tax Operating Budget, the following final tax ratios be established for the 2020 taxation year:
- | | | |
|--------|-----------------------------|--------|
| (i) | Residential | 1.0000 |
| (ii) | Multi-Residential | 2.4876 |
| (iii) | New Multi-Residential | 1.0000 |
| (iv) | Commercial | 1.9800 |
| (v) | Parking Lot and Vacant Land | 1.9800 |
| (vi) | Industrial | 3.3153 |
| (vii) | Large Industrial | 3.8876 |
| (viii) | Pipeline | 1.7947 |

(ix)	Farm	0.1767
(x)	Managed Forest	0.2500
(xi)	Landfills	2.9696

- (c) That the following tax reductions be established for the 2020 taxation year:

(i)	Farmland awaiting development (1st Subclass)	25%
(ii)	Farmland awaiting development (2nd Subclass)	0%
(iii)	Excess land Subclass (Residual Commercial)	0%
(iv)	Excess land Subclass (Residual Industrial)	0%
(v)	Vacant land Subclass (Residual Industrial)	0%
(vi)	Excess land Subclass (Large Industrial)	0%

- (d) That the existing Seniors' (65+) Tax Rebate Program be continued for the 2020 taxation year with the following updated criteria:

The income threshold will be verified against line 15000 (previously 150) – Total Income, on the previous year's Notice of Assessment(s) from Canada Revenue Agency. In the case of pension income splitting, line 15000 of the transferring spouse will be adjusted by the deduction for elected split-pension amount captured on line 210 of the Income Tax and Benefit Return;

- (e) That the Deferral of Tax Increases for Seniors and Low-Income Persons with Disabilities Program (Deferral of Tax Increases Program) be continued for the 2020 taxation year with the following updated criteria:

The income threshold will be verified against line 15000 (previously 150) – Total Income, on the previous year's Notice of Assessment(s) from Canada Revenue Agency. In the case of pension income splitting, line 15000 of the transferring spouse will be adjusted by the deduction for elected split-pension amount captured on line 210 of the Income Tax and Benefit Return;

- (f) That the Full Tax Deferral Program for Seniors and Low-Income Persons with Disabilities Program (Full Tax Deferral Program) be continued for the 2020 taxation year as the third year of the three-year pilot with the following updated criteria:

The income threshold will be verified against line 15000 (previously 150) – Total Income, on the previous year's Notice of Assessment(s) from Canada Revenue Agency. In the case of pension income splitting, line 15000 of the transferring spouse will be adjusted by the deduction for elected split-pension amount captured on line 210 of the Income Tax and Benefit Return;

- (g) That the existing 40% Tax Rebate for eligible charities and similar organizations be continued for the 2020 taxation year;
- (h) That, for the 2020 taxation year, the tax capping percentage for any assessment related tax increases in the Commercial and Industrial property classes be set at the maximum allowable of 10% of previous year's Current Value Assessment (CVA) level taxes;
- (i) That, for the 2020 taxation year, any capped property in the Commercial and Industrial property classes that is within \$500 of its Current Value Assessment (CVA) taxes in 2020, be moved directly to its full Current Value Assessment (CVA) taxes;
- (j) That capping protection will be limited only to reassessment related changes prior to 2017;
- (k) That the Commercial property class be excluded from capping protection for 2020 and any subsequent years;
- (l) That the four-year capping phase-out option be continued for the Industrial property class with 2020 being year two of four;
- (m) That, for the 2020 taxation year, the minimum percentage of Current Value Assessment (CVA) taxes for properties eligible for the new construction / new to class treatment be set at 100% of Current Value Assessment (CVA) taxes;
- (n) That for the 2020 taxation year, any property in the Industrial property class which paid full Current Value Assessment (CVA) taxes in 2019, no longer be eligible for capping protection in 2020 and future years;
- (o) That, for the 2020 taxation year, all properties eligible for a tax reduction under the existing capping program receive the full decrease, funded from the approved capping program operating budget;
- (p) That, for the 2020 taxation year, the Area Rated Levies be approved as identified in Appendix "A" to Report FCS20039, "2020 Tax Policies and Area Rating", attached hereto;
- (q) That the City Solicitor be authorized and directed to prepare all necessary by-laws, for Council approval, for the purposes of establishing the tax policies and tax rates for the 2020 taxation year.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann

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

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

(Clark/Johnson)

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

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

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

(Clark/Johnson)

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

- (b) That the Mayor be directed, on behalf of the City of Hamilton, to write to the relevant federal and provincial governments to regulate and enforce odour and lighting nuisances related to the cultivation of cannabis plants.

(Ferguson/Clark)

WHEREAS the Council of the City of Hamilton deems it appropriate to enact By-law No. 09-110 to prohibit and regulate certain public nuisances within the City of Hamilton pursuant to sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act, 2001*") as amended;

WHEREAS section 444 of the *Municipal Act, 2001* authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity; and,

WHEREAS, there are possible issues of jurisdiction around enforcement of public nuisances from cannabis cultivation, including odor and lighting.

THEREFORE BE IT RESOLVED

That the recommendations within Report PED20076, Repeal and Replace Public Nuisance By-law 09-110 and Amend Administrative Penalty By-law 17-225, be amended by adding Sub-Sections (c) and (d), as follows:

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

Result: Amendment CARRIED by a vote of 13 to 3, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead

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

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

- (a) That the draft by-law, attached as Appendix “A” to Report PED20076, which repeals and replaces By-law 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton, and amends the Administrative Penalties By-law 17-225 which has been prepared in a form satisfactory to the City Solicitor, be approved and enacted by Council;
- (b) That the Mayor be directed, on behalf of the City of Hamilton, to write to the relevant federal and provincial governments to regulate and enforce odour and lighting nuisances related to the cultivation of cannabis plants.
- (c) ***That the Mayor contact the Premier of Ontario, Minister of the Attorney General, and local Members of Parliament to request that the Province extend authority to Municipalities to enforce odor and lighting nuisance complaints stemming from licensed and unlicensed cannabis cultivations within the its jurisdiction.***
- (d) ***That the request be sent to other municipalities in Ontario, including the Association of Municipalities of Ontario for their endorsement.***

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

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

5.4 (e) Main West Esplanade Business Improvement Area Proposed 2020 Budget and Schedule of Payment (PED20092) (Ward 1)**(Wilson/Clark)**

- (a) That the 2020 Operating Budget for the Main West Esplanade Business Improvement Area, attached as Appendix "A" to Report PED20092, in the amount of \$15,700, be approved;
- (b) That the levy portion of the Operating Budget for the Main West Esplanade Business Improvement Area in the amount of \$9,872.00, be approved;
- (c) That the General Manager of Finance and Corporate Services be authorized and directed to prepare the requisite By-law, pursuant to Section 208, *Ontario Municipal Act, 2001*, as amended, to levy the 2020 Operating Budget for the Main West Esplanade Business Improvement Area;
- (d) That the following schedule of payments for the 2020 Operating Budget for the Main West Esplanade Business Improvement Area be approved:

April	\$4,936
June	\$4,936

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

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

(Merulla/Farr)

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

6.1 Financial Support to Renovate the Spiritual Room and Office for Hamilton Regional Indian Centre at 95 Hess Street South, Hamilton**(Farr/Collins)**

WHEREAS, since December 2019 the Hamilton Regional Indian Centre has partnered with CityHousing Hamilton to provide housing with supports for 10 - 15 Indigenous youth aged 6-24;

WHEREAS, the Hamilton Regional Indian Centre requires spiritual and office space to provide culturally appropriate supports to indigenous youth at 95 Hess Street South, Hamilton and to involve other tenants as relevant opportunities arise;

WHEREAS, CityHousing Hamilton can accommodate the need for space for the spiritual and office in the naturally well-lit basement area of 95 Hess Street South, Hamilton;

WHEREAS, the scope of work required to create a spiritual and office space includes interior lighting, painting, flooring, bathroom, kitchen, interior doors and a room addition for the spiritual room;

WHEREAS, the scope of work requires \$35,000 to complete the renovations; and

WHEREAS, Hamilton Regional Indian Council does not have the capital budget to cover the \$35,000 required to renovate the space;

THEREFORE, BE IT RESOLVED

- (a) That the \$35,000 cost of renovation for the Hamilton Regional Indian Centre to create culturally appropriate spiritual and office space, be funded from the Ward 2 Area Rating Reserve No. 108052; and,
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek

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

6.2 Designating Evergreen Farm located at 1389 Progreston Road, Carlisle a Property of Cultural Heritage Value or Interest

(Partridge/Jackson)

WHEREAS the City's Inventory and Research Working Group, at their meeting of September 23, 2019 recommended that 1389 Progreston Road, Carlisle, Pt Lot 4, Pt Lot 5 Concession 8 E, known historically as Evergreen Farm, be added to the City of Hamilton Municipal Register of Properties of Cultural Heritage Value or Interest;

WHEREAS the minutes of the City's Inventory and Research Working Group were approved by the City's Municipal Heritage Committee at their meeting of November 21, 2019 and at the December 3, 2019 Planning Committee meeting;

WHEREAS 1389 Progreston Road was added to the City's Municipal Register of Properties of Cultural Heritage Value or Interest;

WHEREAS 1389 Progreston Road, Carlisle is under imminent threat of demolition;

WHEREAS the historical 1389 Progreston Road "Evergreen Farm" is one the last known historical framed homestead farms of its kind left in Ward 15 Flamborough, and

WHEREAS the City has designated other properties that have been under imminent threat of demolition such as 18-28 King Street East, Hamilton.

THEREFORE BE IT RESOLVED

That staff be directed to take appropriate action to designate 1389 Progreston Road under Part IV of the Ontario Heritage Act, including preparation and giving the required public notice of the Notice of Intention to Designate and a Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge

YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

NOTICES OF MOTION

7.1 Designating Evergreen Farm located at 1389 Progreston Road, Carlisle a Property of Cultural Heritage Value or Interest

(Partridge/Farr)

That the Rules of Order be waived to allow for the introduction of a Motion Designating Evergreen Farm located at 1389 Progreston Road, Carlisle a Property of Cultural Heritage Value or Interest.

Result: Motion CARRIED by a 2/3's majority vote of 16 to 0, as follows:

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

For further disposition, please refer to Item 6.2

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL

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

9.1 Closed Session Minutes – April 15, 2020

(Pauls/Whitehead)

That the Closed Session Minutes dated April 15, 2020 be approved, as presented, and remain confidential.

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

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

(Ferguson/Wilson)

That Council move into Closed Session respecting Items 9.2, 9.3 and 9.4, Pursuant to Section 8.1, Sub-sections (c) and (k) of the City's Procedural By-law 18-270, as amended, and Section 239(2), Sub-sections (c) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for City purposes and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City

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

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

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

9.2 Lease Extension and Amending Agreement – Sherwood Library Branch, 467 Upper Ottawa Street, Hamilton (PED20066)

(Pearson/Partridge)

- (a) That a Lease Extension and Amending Agreement between the City of Hamilton (Tenant) and VLK Inc. (Landlord) for the continued occupancy by Hamilton Public Library for the Sherwood branch in the whole of the building municipally located at 467 Upper Ottawa Street, Hamilton as depicted in Appendix “A” attached to Report PED20066, based substantially on the terms and conditions outlined in Appendix “B” attached to Report PED20066, and on such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department, be approved;
- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City as Tenant, be authorized to provide any consents, approvals, and notices related to the Lease Extension and Amending Agreement at 467 Upper Ottawa Street, Hamilton;
- (c) That the City Solicitor be authorized to amend and waive such terms and conditions to the Lease Extension and Amending Agreement as she considers reasonable;
- (d) That the Base Rent outlined in Appendix “B” attached to Report PED20066, continue to be funded from Account Number 55358-750230 (Sherwood Library);
- (e) That the Real Estate and Legal fees of \$37,180 be funded from Account No. 55778-750230 (Sherwood Library) and credited to Account No. 45408-812036 (Real Estate – Admin Recovery);
- (f) That the Mayor and Clerk be authorized and directed to execute the Lease Extension and Amending Agreement at 467 Upper Ottawa Street, Hamilton, or such other form and all other necessary associated documents, and all such documents to be in a form satisfactory to the City Solicitor;
- (g) That Report PED20066 remains confidential and not be released as a public document.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Deputy Mayor Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins

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

9.3 Disposition of City-owned Industrial Land (PED20086) (Ward 11)

(Johnson/Whitehead)

- (a) That the directions provided to staff in Closed Session, respecting Report PED20086, Disposition of City-owned Industrial Land, be approved; and
- (b) That Report PED20086 remains confidential and not be released as a public document until final completion of the real estate transaction.

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

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

9.4 Assignment of Agreement of Purchase and Sale for the Acquisition of Employment Lands Development (PED20095) (Ward 2)

(Farr/Pearson)

- (a) That an Assignment of the Agreement of Purchase and Sale (APS) Agreement dated January 24, 2019, between the City of Hamilton (as Assignee-Buyer), 2668264 Ontario Inc. (Buyer) and Legacy Lands Hamilton Inc. by Ernst & Young Inc. as Court Appointed Land Restructuring Officer (Seller) Landlord) be completed and entered into for the acquisition of the lands municipally

located at 242 Queen Street North as depicted in Appendix “A” attached to Report PED20095, based substantially on the terms and conditions outlined in Appendix “B” attached to Report PED20095, and on such other terms and conditions deemed appropriate by the General Manager of the Planning and Economic Development Department, be approved;

- (b) That the General Manager, Planning and Economic Development Department or designate, acting on behalf of the City, be authorized to provide any consents, approvals, and notices related to an Assignment of the Agreement of Purchase and Sale Agreement for the acquisition of 242 Queen Street North, Hamilton;
- (c) That the General Manager of the Planning and Economic Development Department or designate, be authorized on behalf of the City of Hamilton, to execute any supplementary agreements, documents, consents, approvals and notices related to the Assignment of the Agreement of Purchase and Sale (APS) Agreement and not to be inconsistent with Appendix “B” attached to this Report PED20095, as may be between 2668264 Ontario Inc. (Assignor) and/or Hamilton Studios Ltd. (as party to the Memorandum of Understanding (MOU)) dated May 1, 2019) for the acquisition of 242 Queen Street North, Hamilton, all in a form satisfactory to the City Solicitor;
- (d) That the City Solicitor be authorized and directed to complete the Assignment of the Agreement of Purchase and Sale (APS) and the resultant transaction respecting the acquisition of 242 Queen Street North, Hamilton, on behalf of the City including paying any necessary transaction closing expenses, and amending and waiving such terms and conditions as she considers reasonable;
- (e) That the acquisition price outlined in Appendix “B” attached to Report PED20095, further deposits (as may be required) and applicable transaction closing costs, be funded from Project ID No. 3621750302;
- (f) That the Real Estate and Legal fees of \$105,250 be funded from Project ID No. 3621750302 and credited to Dept. ID No. 812036 (Real Estate – Admin Recovery);
- (g) That the Mayor and Clerk be authorized and directed to execute all associated and necessary documents respecting the Assignment of the Agreement of Purchase and Sale (APS) and respecting the property acquisition of 242 Queen Street North, Hamilton, and all such documents to be in a form satisfactory to the City Solicitor;
- (h) That this Report PED20095 remains confidential and not be released as a public document.

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

YES - Ward 1 Councillor Maureen Wilson

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

BY-LAWS

(Merulla/Farr)

That Bills No. 20-075 to 20-078, 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:

- 075 Respecting Removal of Part Lot Control, Blocks 95 and 96, Registered Plan No. 62M-1249 "Empire Caterini – Phase 1", municipally known as 401, 403, 405, 407, 409, 411, 413, 415, 417, 419, 421, 423, 425, and 427 Pumpkin Pass
PLC-19-037
Ward: 11
- 076 To Permanently close and Sell the northerly portion of Moxley Road between Concession 4 West and Highway 5, Hamilton, Ontario, namely Part of Moxley Road (a forced road) being Part of Lot 9, Concession 3 in the Geographic Township of West Flamborough, and Part of Lot 8, Concession 3 in the Geographic Township of West Flamborough, subject to Instrument Number CD383892, in the City of Hamilton, designated as Parts 1, 2 and 3 on Plan 62R-21438, being part of PIN 17549-0077 (LT)
Ward: 13
- 077 To Repeal and Replace By-law No. 09-110, being a By-law to Prohibit and Regulate Certain Public Nuisances within the City of Hamilton; and to Amend By-law No. 17-225, a By-law to Establish a System of Administrative Penalties
Ward: City Wide
- 078 To Confirm the Proceedings of City Council

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

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

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

(Pearson/Nann)

That, there being no further business, City Council be adjourned at 2:09 p.m. on April 22, 2020.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk