



## CITY COUNCIL MINUTES 20-015

11:17 a.m.  
July 7, 2020  
Council Chamber  
Hamilton City Hall  
71 Main Street West

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

**Absent:** Councillor E. Pauls (Deputy Mayor) – Personal and Councillor T. Whitehead – Personal.

Acting Mayor Farr 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.

<b>APPROVAL OF THE AGENDA</b>
-------------------------------

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

**(Nann/Jackson)**

That the agenda for the July 7, 2020 meeting of Council be approved, as presented.

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

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

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

**DECLARATIONS OF INTEREST**

Councillor Ferguson declared an interest to Item 4.1 respecting Extension of the Temporary Outdoor Patio Program, as his family has an interest in the restaurant industry.

**MOTIONS**

**4.1 Extension of the Temporary Outdoor Patio Program**

**(Merulla/Farr)**

WHEREAS on May 13, 2020, Hamilton became one of the first cities in Canada to temporarily permit outdoor dining on streets, sidewalks, and parking areas on public and private lands through the approval of a motion allowing the creation of temporary “Outdoor Dining Districts” and temporary outdoor patios;

WHEREAS the City’s program has already approved 68 Outdoor Dining Districts and temporary outdoor patios across the City;

WHEREAS the Council direction to permit temporary outdoor patios on private parking lots waived any requirement for site plan review for such locations and waived enforcement of any zoning provisions related to parking supply, but still required the temporary outdoor patios to meet all other applicable zoning;

WHEREAS the City’s zoning does not permit commercial outdoor patios in side or rear lots abutting residentially zoned properties;

WHEREAS there have been a small number of businesses that have been unable to establish temporary outdoor patios because of the zoning restriction regarding abutting residentially zoned lands;

WHEREAS the City wants to provide for as many businesses as possible to participate in the Outdoor Dining Districts and temporary outdoor patio program, while minimizing any potential adverse impacts on neighbouring residential properties; and

WHEREAS the COVID-19 pandemic creates an urgent need to support the City’s culinary scene;

## THEREFORE BE IT RESOLVED:

(a) That staff be directed to prepare a Temporary Use By-law effective to December 31, 2020 for consideration at a statutory public meeting of the Planning Committee, and give the required notice, for temporary amendments to the Zoning By-law that would allow temporary outdoor commercial patios in side and/or rear yards abutting a residential zone, D5 Zone or D6 Zone on lands zoned as follows:

- (i) Downtown Central Business District (D1) Zone
- (ii) Downtown Prime Retail Streets (D2) Zone
- (iii) Downtown Mixed Use (D3) Zone
- (iv) Downtown Local Commercial (D4) Zone
- (v) Community Commercial (C2) Zone
- (vi) Community Commercial (C3) Zone
- (vii) Mixed Use High Density (C4) Zone
- (viii) Mixed Use Medium Density (C5) Zone
- (ix) Mixed Use Medium Density - Pedestrian Focus (C5a) Zone
- (x) District Commercial (C6) Zone
- (xi) Arterial Commercial (C7) Zone
- (xii) Mixed Use (TOC1) Zone
- (xiii) Local Commercial (TOC2) Zone
- (xiv) Mixed Use High Density (TOC4) Zone

Subject to the following conditions:

1. The patio is setback at least 5 metres from any residentially zoned property.
2. The patio does not obstruct a driveway or parking aisle or fire route.

(b) That Council direct staff to immediately suspend the enforcement of the zoning by-law provisions prohibiting commercial outdoor patios in side and/or rear yards abutting a residential zone, D5 Zone or D6 Zone, where the conditions listed in (a) above have been met, and that the suspension of enforcement continue until either the temporary use zoning by-law comes into force or until the duration stipulated for the temporary use zoning by-law expires

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

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

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

<b>BY-LAWS</b>
----------------

**(Partridge/Pearson)**

That Bill No. 20-136, be passed and that the Corporate Seal be affixed thereto, and that the By-law, be numbered, be signed by the Mayor and the City Clerk to read as follows:

20-136 To Confirm the Proceedings of City Council

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

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

**(Collins/Jackson)**

That, there being no further business, City Council be adjourned at 12:18 p.m.

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

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

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

Respectfully submitted,

Acting Mayor J. Farr

Janet Pilon  
Acting City Clerk