



## CITY COUNCIL MINUTES 20-023

9:30 a.m.  
October 28, 2020  
Council Chamber  
Hamilton City Hall  
71 Main Street West

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

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

4.11. Correspondence respecting the Urban Hens Backyard Pilot Program:

- (a) Aly Livingston
- (b) Scott McLaughlin
- (c) Joanne Fenbow

Recommendation: Be received and referred to the consideration of Item (h) (i) of Planning Committee Report 20-012.

- 4.12. Correspondence from Joseph Minor respecting Can we do a better job of telling people about the highly contaminated "do not eat" fish downstream of the Hamilton International Airport?

Recommendation: Be received.

- 4.13. Correspondence from Graydon Smith, AMO President respecting the Proposed Transition Schedule for your Blue Box Program to the New Full Producer Responsibility Regulation.

Recommendation: Be received.

- 4.14 Correspondence from Mike Moore, Board Chairman, Hamilton Challenger Baseball Association respecting Hamilton 2026 Commonwealth Games Bid Corporation.

Recommendation: Be received.

- 4.15 Correspondence from Fawn "Hibbert" Briscoe respecting Long-Term Care Homes in Canada, our Armed Forces, the Legion, Remembrance Day.

Recommendation: Be received.

- 4.16 Correspondence from Robert Burke respecting coronavirus.

Recommendation: Be received.

- 4.17 Correspondence from Lyla Miklos replacing her correspondence that was placed on the October 14th Council Agenda and additional information respecting Council's decision on the Integrity Commissioner's Report at the September 30, 2020 Council meeting.

Recommendation: Be received.

**7. NOTICES OF MOTION**

- 7.1 Staff Comments to Proposed Regulation for Blue Box Program Transition

**10. BY-LAWS AND CONFIRMING BY-LAW**

- 20-231 To Repeal and Replace By-law No. 19-295, Respecting Removal of Part Lot Control, Block 255, within Registered Plan No. 62M-1257, municipally known as 59, 63 and 67 Cuesta Heights  
Ward: 9

- 20-232 A By-law to authorize the issue of Debentures in the principal amount of \$51,705,000 for the purposes of the City of Hamilton herein referred to  
Ward: City Wide

**(Pearson/Partridge)**

That the agenda for the October 28, 2020 meeting of Council be approved, **as amended**.

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

<b>DECLARATIONS OF INTEREST</b>
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Councillor Ferguson declared an interest to Communication Item 4.5, Correspondence from Anthony Rizzuto, Blue Line Transportation Limited respecting Outstanding Taxi Licence Fees. as he is an investor in the taxi industry.

Councillor Pauls declared an interest to Item 6.1, respecting Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), as her son is employed with the Hamilton Police Service.

<b>APPROVAL OF MINUTES OF PREVIOUS MEETING</b>
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**3. October 14, 2020 (Item 3.1)**

**(Pearson/Partridge)**

That the Minutes of the October 14, 2020 meeting of Council be approved, as presented.

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

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

## COMMUNICATIONS

### (Ferguson/Clark)

That Council Communications 4.1 to 4.4 and 4.6 to 4.17 be approved, as **amended** as follows:

- 4.1. Correspondence from the Honourable Caroline Mulroney, Minister of Transportation in response to the Mayor's letter requesting changes to the province's automated speed enforcement (ASE) framework and the Highway Traffic Act.

Recommendation: Be received.

- 4.2. Correspondence from the Town of Plympton-Wyoming requesting support for the Municipality of Tweed's Cannabis Production Facilities, the Cannabis Act, and Health Canada Guidelines.

Recommendation: Be endorsed.

- 4.3. Correspondence from the Township of Lake of Bays requesting support for their resolution requesting a reform to the Municipal Insurance Policy.

Recommendation: Be received.

- 4.4. Correspondence from the Ministry of the Solicitor General respecting Court Security and Prisoner Transportation Program Review.

Recommendation: Be received **and forwarded to the Hamilton Police Services Board for their information.**

- 4.6. Correspondence from Craig Burley respecting an article on ongoing encampment of homeless persons in Northern Ontario.

Recommendation: Be received.

- 4.7. Correspondence from Dr. Sonya Carl respecting Chicken keeping in the capital - BBC London.

Recommendation: Be received and referred to the consideration of Item (h) (i) of Planning Committee Report 20-012.

4.8. Correspondence from Carlee Kantautas respecting Mask wearing while exercising:

- (a) October 22, 2020
- (b) October 23, 2020

Recommendation: Be received.

4.9. Correspondence from the Township of Oro-Medonte requesting support for their resolution requesting that the Province of Ontario consult the ski industry through the Ontario Snow Resorts Association to review re-opening policy considerations currently impacting the industry.

Recommendation: Be received.

4.10. Correspondence from Helen Downey, President, SportHamilton noting SportHamilton's full support of the Commonwealth Games and the Hamilton 2026 Bid Corporation.

Recommendation: Be received.

4.11. Correspondence respecting the Urban Hens Backyard Pilot Program:

- (a) Aly Livingston
- (b) Scott McLaughlin
- (c) Joanne Fenbow

Recommendation: Be received and referred to the consideration of Item (h) (i) of Planning Committee Report 20-012.

4.12. Correspondence from Joseph Minor respecting Can we do a better job of telling people about the highly contaminated "do not eat" fish downstream of the Hamilton International Airport?

Recommendation: Be received **and forwarded to the Ministry of Natural Resources and Forestry and Fisheries and Oceans Canada.**

4.13. Correspondence from Graydon Smith, AMO President respecting the Proposed Transition Schedule for your Blue Box Program to the New Full Producer Responsibility Regulation.

Recommendation: Be received.

4.14 Correspondence from Mike Moore, Board Chairman, Hamilton Challenger Baseball Association respecting Hamilton 2026 Commonwealth Games Bid Corporation.

Recommendation: Be received.

4.15 Correspondence from Fawn "Hibbert" Briscoe respecting Long-Term Care Homes in Canada, our Armed Forces, the Legion, Remembrance Day.

Recommendation: Be received.

4.16 Correspondence from Robert Burke respecting coronavirus.

Recommendation: Be received.

4.17 Correspondence from Lyla Miklos replacing her correspondence that was placed on the October 14th Council Agenda and additional information respecting Council's decision on the Integrity Commissioner's Report at the September 30, 2020 Council meeting.

Recommendation: Be received.

Due to a declared conflict, Item 4.5 was voted on separately as follows:

**(Johnson/Pearson)**

That Council Communication 4.5 be approved, as ***amended*** as follows:

4.5. Correspondence from Anthony Rizzuto, Blue Line Transportation Limited respecting Outstanding Taxi Licence Fees.

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

**Result: Motion on Item 4.5 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  
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 VanderBeeck  
CONFLICT - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the Communication Items CARRIED by a vote of 16 to 0, as follows:**

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

**(Ferguson/Pearson)**

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

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

**BOARD OF HEALTH 20-006**

**(Ferguson/Wilson)**

That Board of Health Report 20-006, being the meeting held on Monday, October 19, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on Board of Health Report 20-006, CARRIED by a vote of 16 to 0, as follows:**

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

**PUBLIC WORKS COMMITTEE REPORT 20-010**

**(Danko/Merulla)**

That Public Works Committee Report 20-010, being the meeting held on Monday, October 19, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on Public Works Committee Report 20-010, CARRIED by a vote of 16 to 0, as follows:**

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

**PLANNING COMMITTEE REPORT 20-012**

**(Danko/Farr)**

That Planning Committee Report 20-012, being the meeting held on Tuesday, October 20, 2020, be received and the recommendations contained therein be approved.

At Council's request, Item 2 was voted on separately as follows:

- 2. To Incorporate City Lands into North Waterdown Drive by By-Law (PED20166) (Ward 15) (Item 6.2)**

**Result: Item 2 of Planning Committee Report 20-012, CARRIED by a vote of 15 to 1, as follows:**

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

**(Nann/Wilson)**

That Item (h)(i) respecting Urban Hen Backyard Pilot Program, be lifted from the Information Section of Planning Report 20-012 and added as Item 8.

**Result: Motion CARRIED by a vote of 10 to 6, 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
- NO - 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
- NO - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- NO - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- NO - Ward 11 Councillor Brenda Johnson
- NO - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**8. Urban Hen Backyard Pilot Program (Item 10.1)**

**(Nann/Wilson)**

WHEREAS, through the COVID-19 pandemic, it will continue to be crucial for cities to enable food resilience and improve access to inexpensive and nutritious foods close to home;

WHEREAS, to reduce negative impacts on the climate, Canadians and Hamiltonians are encouraged to reduce consumption of high carbon & processed foods;

WHEREAS, since 2018, at least 8 other Canadian Cities, many neighbouring Hamilton, have released restrictions on Urban Hens in favour of Urban Hen programs, reporting successes;

WHEREAS, pilots across the country have resulted in best practices which can be adapted to meet the needs of Hamiltonians interested in raising hens and to address public health and safety concerns, including registration of 4 hens maximum, non-commercial use only, to not be housed in front yards, age of hens, odour and noise assumptions, etc.;

WHEREAS, the most effective way to mitigate negative effects of urban hen-keeping is to regulate it according to best practices in other municipalities;

WHEREAS, ticks and associated illnesses continue to be a major health concern and can be mitigated by keeping hens in urban areas;

WHEREAS, it is suggested that chickens create rich fertilizer which may be composted with yard waste or used to enrich soil;

THEREFORE, BE IT RESOLVED:

- (a) That the appropriate staff be directed to provide the Planning Committee with a Pilot Urban Hens Program report that integrates:
  - (i) A food resilience framework;
  - (ii) A review and analysis of best practices and by-laws from the additional municipalities which have permitted urban hens since the initial report Keeping of Chickens in Urban Areas (PED12247/BOH12039) was considered by Council in 2012;
  - (iii) Regulatory considerations which could permit up to a maximum of 10 hen keepers in each Wards 1, 2 & 3 as urban Wards with a plan for licensing and evaluation that address previously identified issues including, but are not limited to, health, odour, nuisance, etc.; and,
- (b) That fines associated with the current bylaw prohibiting the keeping of urban hens be suspended until this report is received.

**Result: Item 8 of Planning Committee Report 20-012, DEFEATED by a vote of 10 to 6, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NO - Ward 4 Councillor Sam Merulla  
NO - Ward 5 Councillor Chad Collins

NO – Ward 6 Councillor Tom Jackson  
 YES - Ward 7 Councillor Esther Pauls  
 YES - Ward 8 Councillor John-Paul Danko  
 NO - Mayor Fred Eisenberger  
 NO- Ward 15 Councillor Judi Partridge  
 NO - Ward 14 Councillor Terry Whitehead  
 YES - Ward 13 Councillor Arlene VanderBeek  
 NO - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson  
 NO - Ward 11 Councillor Brenda Johnson  
 NO - Ward 10 Councillor Maria Pearson  
 NO - Ward 9 Councillor Brad Clark

**6. Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9) (Item 7.2)**

**(Clark/Johnson)**

That recommendation (b) of Item 6 of the Planning Committee Report 20-012 respecting Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9), be **amended** by deleting (b) (i), (ii) and (iii) and replacing (b) (i), (ii) and (iii), as follows:

- (b) That Zoning By-law Amendment Application ZAC-18-029, by Wellings Planning Consultants, Agent, or behalf of Royal Living Developments, Owner, for a change in zoning for the lands known as 1912 Rymal Road East from the Agricultural “A1” Zone to the Residential Multiple “H-RM4-319” Zone, Modified to permit a five storey, 92 unit multiple dwelling as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) ***That the draft By-law attached as Appendix “C” to Report PED20164, be amended by deleting Subsections 1, 2 and 3 in their entirety and replacing Subsections 1 and 2 with the text in Schedule “A” attached hereto;***
  - (ii) ***That pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P.13, further notice of this change made to the proposed By-law shall not be required;***
  - (iii) ***That the amended draft By-law pursuant to sub-section (i) herein, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,***
  - (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

**Result: Amendment to Item 6 of Planning Committee Report 20-012, CARRIED by a vote of 16 to 0, as follows:**

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

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

**6. Applications to Amend the Urban Hamilton Official Plan and Glanbrook Zoning By-law No. 464 for Lands Located at 1912 Rymal Road East, Glanbrook (PED20164) (Ward 9) (Item 7.2)**

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-18-011 by Wellings Planning Consultants, Agent, on behalf of Royal Living Developments, Owner, for an amendment to the Rymal Road Secondary Plan to redesignate the lands known as 1912 Rymal Road East from “Low Density Residential 2h” to “Medium Density Residential 2c”, as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED20164, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,
  - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended).
- (b) That Zoning By-law Amendment Application ZAC-18-029, by Wellings Planning Consultants, Agent, or behalf of Royal Living Developments, Owner, for a change in zoning for the lands known as 1912 Rymal Road East from the Agricultural “A1” Zone to the Residential Multiple “H-RM4-319” Zone, Modified to permit a five storey, 92 unit multiple dwelling as shown on Appendix “A” to Report PED20164, be APPROVED on the following basis:
- (i) ***That the draft By-law attached as Appendix “C” to Report PED20164, be amended by deleting Subsections 1, 2 and 3 in their***

*entirety and replacing Subsections 1 and 2 with the text in Schedule "A" attached hereto;*

- (ii) That pursuant to Section 34(17) of the Planning Act, R.S.O. 1990, c. P.13, further notice of this change made to the proposed By-law shall not be required;*
- (iii) That the amended draft By-law pursuant to sub-section (i) herein, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council; and,*
- (iv) That the proposed change in zoning is consistent with the Provincial Policy Statement (2020), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the Urban Hamilton Official Plan, upon finalization of Urban Hamilton Official Plan Amendment No. XX.

(c) That the public submissions received on this matter did not affect the decision.

**Result: Item 6 - Main Motion as Amended of Planning Committee Report 20-012, CARRIED by a vote of 16 to 0, as follows:**

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

**Result: Motion on the balance of Planning Committee Report 20-012, CARRIED by a vote of 16 to 0, as follows:**

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

**GENERAL ISSUES COMMITTEE REPORT 20-016**

**(Ferguson/VanderBeek)**

That General Issues Committee Report 20-016, being the meeting held on Wednesday, October 21, 2020, be received and the recommendations contained therein be approved.

At Council's request, Item 6 was voted on separately as follows:

**6. LaSalle Park Disposition Review (PED20156) (City Wide) (Item 13.1)**

**Result: Item 6 of General Issues Committee Report 20-016, CARRIED by a vote of 12 to 4, as follows:**

- NO - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- NO - Ward 3 Councillor Nrinder Nann
- YES - 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
- NO - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- YES - Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

For further disposition of General Issues Committee Report 20-016, please refer to General Issues Committee Report 20-016 – Continued following the Private and Confidential portion of the meeting.

**HAMILTON RENEWABLE POWER INC. ANNUAL GENERAL MEETING REPORT 20-001**

**(Ferguson/Whitehead)**

That Hamilton Renewable Power Inc. Annual General Meeting Report 20-001, being the meeting held on Wednesday, October 21, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on Hamilton Renewable Power Inc. Annual General Meeting Report 20-001, CARRIED by a vote of 16 to 0, as follows:**

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

<b>AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 20-009</b>
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**(Wilson/VanderBeek)**

That Audit, Finance and Administration Committee Report 20-009, being the meeting held on Thursday, October 22, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on Audit, Finance and Administration Committee Report 20-009, CARRIED by a vote of 16 to 0, as follows:**

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

**(Ferguson/Partridge)**

That Section 5.7(2) of the City's Procedural By-law 18-270, which provides that a minimum of 48 hours shall pass before a Committee Report is presented to Council, be waived in order to consider the CityHousing Hamilton Shareholder Annual General Meeting Report 20-001.

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

YES - Ward 1 Councillor Maureen Wilson  
 YES - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 YES - Ward 4 Councillor Sam Merulla  
 YES - Ward 5 Councillor 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  
 YES - Ward 14 Councillor Terry Whitehead  
 YES - Ward 13 Councillor Arlene VanderBeek  
 YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark

**CITYHOUSING HAMILTON SHAREHOLDER ANNUAL GENERAL MEETING REPORT 20-001****(Johnson/Clark)**

That the CityHousing Hamilton Shareholder Annual General Meeting Report 20-001, being the meeting held on Tuesday, October 27, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on CityHousing Hamilton Shareholder Annual General Meeting Report 20-001, CARRIED by a vote of 14 to 0, as follows:**

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

YES - Ward 9 Councillor Brad Clark

Council recessed at 11:55 a.m.

Council reconvened at 12:30 p.m.

<b>MOTIONS</b>
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- 6.1 (i) **Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA)**

**(Nann/Wilson)**

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

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct as per Item 4.8, respecting the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that Cameron Kroetsch be and is hereby formally reprimanded as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA).

**(Whitehead/Collins)**

That the Motion to Reconsider the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act* (MFIPPA), be deferred until after the conclusion of the Judicial Review.

**Result: Motion CARRIED by a vote of 11 to 3, as follows:**

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

**6.2 Amendment to Item 7.6 of Council Minutes 18-018, respecting the Hamilton Municipal Heritage Committee Report 18-009, the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act (PED18214) (Ward 8)**

**(Pearson/Whitehead)**

WHEREAS, staff have advised that recommendation (b) to item (g)(i) of the Hamilton Municipal Heritage Committee Minutes 18-009, respecting Recommendation to Designate the Property located at Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the Ontario Heritage Act (PED18214) (Ward 8), states that if the Cross of Lorraine is determined to be situated on private property, it should be removed from the Statement of Cultural Heritage Value of Interest, attached as Appendix "C" to Report PED18214 respecting the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act;

WHEREAS, upon review of the video of the September 13, 2018, Hamilton Municipal Heritage Committee meeting and follow-up conformation with the Hamilton Municipal Heritage Committee, staff have advised that recommendation (b) to item (g)(i) does not accurately reflect the intentions of the Hamilton Municipal Heritage Committee regarding the inclusion of the Cross of Lorraine in the Statement of Cultural Heritage Value of Interest for 828 Sanatorium Road;

WHEREAS, staff have advised the intent of the Hamilton Municipal Heritage Committee was for the Cross of Lorraine to remain in the Statement of Cultural Heritage Value of Interest for 828 Sanatorium Road if the Cross was found to be located within the boundary of the lands located at 828 Sanatorium Road, privately owned property, and not on escarpment lands, meaning the City owned property located north of the subject property;

THEREFORE BE IT RESOLVED:

- (i) That sub-section (b) to item (g)(i) of the Hamilton Municipal Heritage Committee Minutes 18-009, respecting Report PED18214, Recommendation to Designate the Property located at Sanatorium Road, Hamilton (Long and Bisby Building) Under Part IV of the Ontario Heritage Act, which was received by Council on September 26, 2018, be **amended** by deleting the words 'private property' and replacing the words with '**lands owned publicly by the City of Hamilton**', as follows:

- (a) That staff be directed to determine if the Cross of Lorraine is situated on private property or escarpment lands, with a report back to the Hamilton Municipal Heritage Committee; and
  - (b) If the Cross of Lorraine is determined to be situated on ~~private property lands~~ **owned publicly by the City of Hamilton**, it should be removed from the Statement of Cultural Heritage Value of Interest, attached as Appendix "C" to Report PED18214 respecting the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act.
- (ii) That Item 7.6, 1 (b) of Council Minutes 18-018, respecting the Hamilton Municipal Heritage Committee Report 18-009, the Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act (PED18214) (Ward 8), be amended to read as follows:

**7.6 Hamilton Municipal Heritage Committee Report 18-009 (Referred from Planning Committee September 18, 2018 to Council)**

- 1. Recommendation to Designate the Property Located at 828 Sanatorium Road, Hamilton (Long & Bisby Building) Under Part IV of the Ontario Heritage Act (PED18214) (Ward 8) (Item 7.1)**
  - (a) That Item 7.6, respecting the Hamilton Municipal Heritage Committee Report 18-009, Item 1, be referred to the December 11, 2018 Planning Committee meeting, with the letter from the Developer, to allow staff to prepare an updated Statement of Cultural Heritage Value or Interest;
  - (b) That the Information Section of the Hamilton Municipal Heritage Committee Report 18-009, be received **as amended**; and,
  - (c) That it be recognized that the Developer has withdrawn his demolition permit.

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

### 6.3 Protection of Century Manor

#### (Danko/Whitehead)

WHEREAS, Century Manor is contextually, historically, and architecturally significant as it is rooted in the development of institutionalized mental healthcare in Hamilton in the late 19<sup>th</sup> century, and is a rare example of a special-purpose building designed to house patients receiving mental health care, and is the only surviving building of its kind in Hamilton and one of the few still standing in the Province;

WHEREAS, there have been recent break-ins and vandalism at Century Manor which not only poses a significant threat to this important building, but also poses a threat to the health and safety of the public;

WHEREAS, the City of Hamilton's Property Standards By-law (10-221) requires owners of vacant buildings to secure and protect buildings against the unauthorized entry of persons by closing and securing openings to the building;

WHEREAS, while Century Manor is Provincially owned, the City of Hamilton wants to ensure that all appropriate security measures are being taken to protect this historical heritage asset;

THEREFORE, BE IT RESOLVED:

That City staff communicate with the Provinces Regional Facility Manager to request that the Province prepare a plan to better secure Century Manor and that the plan, in addition to the measures already in place, also include the following:

- (a) Metal sheathing covering all the lower doors and windows with distorted screw heads which is consistent with the City of Hamilton Property Standards Bylaw;
- (b) Motion sensors on exteriors;
- (c) Security cameras monitored by facility management; and,
- (d) A regular method of contact between the Regional Facility Manager and the City of Hamilton's Municipal Law Enforcement and Development Planning, Heritage & Design staff to ensure the security and status of the building.

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

**6.4 Amendment to Sub-Sections (c), (d) and (i) of Item 5.4(e) of Council Minutes 20-010, May 13, 2020, respecting Report LS20010 – 2020 Property and Liability Insurance Renewal Report**

**(Pearson/Pauls)**

- (a) That sub-section (c) to Item 5.4(e) of the May 13, 2020 Council agenda, being Report LS20010 – 2020 Property and Liability Insurance Renewal Report, which was approved by Council at its meeting of May 13, 2020, be **amended** by deleting the words “referred to” and replacing them with the words “**be included in**”, to read as follows:
- (c) That, to realize of a 7.5% discount, the primary layer of liability coverage for the term January 1, 2021, to January 1, 2022, be continued through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$2,173,750 (net of taxes) and ~~referred to~~ **be included in** the 2021 RMS Budget;
- (b) That sub-section (d) to Item 5.4(e) of the May 13, 2020 Council agenda, being Report LS20010 – 2020 Property and Liability Insurance Renewal Report, which was approved by Council at its meeting of May 13, 2020, be **amended** by adding the words “**which is included in the amount of \$7,748,615 in sub-section (b) above**”; and, by deleting the words “referred to” and replacing them with the words “**included in**”, to read as follows:
- (d) That, to mitigate market volatility, the second layer of liability coverage for the term January 1, 2021, to January 1, 2022 be continued through Arthur J; Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$950,000 (net of taxes, **which is included in the amount of \$7,748,615 in sub-section (b) above**) and be ~~referred to~~ **included in** the 2021 RMS Budget;
- (c) That sub-section (i) to Item 5.4(e) of the May 13, 2020 Council agenda, being Report LS20010 – 2020 Property and Liability Insurance Renewal Report, which was approved by Council at its meeting of May 13, 2020, be **amended** by deleting the letters “RMS” and replacing them with the words “**Risk Management Services**”; and, by deleting the word “Council” and replacing it with the words “**General Issues Committee**”, to read as follows:

- (i) That RMS **Risk Management Services** report back to Council **the General Issues Committee** with a work plan for expanding enterprise risk management.

The Main Motion, as amended, to read as follows:

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

- (a) That the Liability and Property Insurance coverage for the term January 1, 2020, to January 1, 2021, be renewed through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$7,748,615 (net of taxes) and be funded through the 2020 Risk Management Services (RMS) Budget of \$6,600,074, \$1,033,690 from the Tax Stabilization Reserve (110046) and \$114,850 from the Waterworks Capital Reserve (108015), in accordance with Appendix "A", attached to Report LS20010;
- (b) That the 2021 Risk Management Property and Liability budget be adjusted to \$7,748,615 and that the 2021 departmental and appropriate Boards and Agencies budgets be adjusted accordingly;
- (c) That, to realize of a 7.5% discount, the primary layer of liability coverage for the term January 1, 2021, to January 1, 2022, be continued through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$2,173,750 (net of taxes) and **included in** the 2021 RMS Budget;
- (d) That, to mitigate market volatility, the second layer of liability coverage for the term January 1, 2021, to January 1, 2022 be continued through Arthur J. Gallagher Canada Ltd. and Marsh Canada Ltd. at a cost of \$950,000 (net of taxes, **which is included in the amount of \$7,748,615 in sub-section (b) above**) and be **included in** the 2021 RMS Budget;
- (e) That the General Manager, Finance and Corporate Services, be authorized and directed to execute all associated documents related to the renewals of the Liability and Property Insurance coverage for the terms January 1, 2020, to December 31, 2020, and January 1, 2021 to December 31, 2021, through Marsh Canada Ltd., on behalf of the City of Hamilton;
- (f) That four (4) permanent FTE be added to the Legal Services and Risk Management complement, namely a litigation solicitor, law clerk and two administrative assistants, and that the annual compensation costs totalling \$393,000 be cost recovered from City Departments and appropriate Boards and Agencies in 2021 and;
- (g) That the one-time costs of \$20,000 related to equipment and materials in support of the additional complement be funded from the Unallocated Capital Reserve (108020).

- (h) That staff be directed to assess insurance options and litigation staffing prior to August 2021 in order to consider possible insurance options for the City, and adequacy of staffing for in-house litigation for 2022; and
- (i) That **Risk Management Services** report back to **the General Issues Committee** with a work plan for expanding enterprise risk management.

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

## **6.5 Staff Comments to Proposed Regulation for Blue Box Program Transition**

### **(Whitehead/Farr)**

WHEREAS, the Ministry of Environment, Conservation and Parks released a Proposed regulation, and proposed regulatory amendments, to make producers responsible for operating blue box programs;

WHEREAS, the Committee of the Whole Report PW20028 approved by City Council on May 27, 2020 to endorse the preferred transition date for the City of Hamilton to be April 1, 2023;

WHEREAS, the requested endorsement was forwarded to the Association of Municipalities of Ontario and the Ontario Ministry of the Environment, Conservation and Parks for their consideration;

WHEREAS, the proposed regulation transition schedule identifies that the City of Hamilton will not transition until 2025; and,

WHEREAS, the delay of transitioning to producer responsibility by two years will delay the taxpayers of the City of Hamilton relief from funding at least 50% of the Blue Box program;

THEREFORE, BE IT RESOLVED:

- (a) That the staff report being considered at the Public Works Committee meeting on November 16, 2020 to have City Council endorse comments to the Ministry of the Environment, Conservation and Parks with respect to the proposed regulation to transition the blue box program to producer responsibility include that any benefits realized by municipalities who transition in 2023 and 2024 be equitably distributed amongst all municipalities and proportional to any realized savings; and
- (b) That the Mayor forward a letter to the Minister of the Environment, Conservation and Parks identifying and formalizing Council’s position with respect to the proposed regulation to transition the blue box program to producer responsibility.

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

**NOTICES OF MOTION**

**7.1 Staff Comments to Proposed Regulation for Blue Box Program Transition**

**(Whitehead/Farr)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting Staff Comments to Proposed Regulation for Blue Box Program Transition.

**CARRIED on a 2/3rds Majority**

Refer to Item 6.5 for further disposition of this item.

**STATEMENTS BY MEMBERS**

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

<b>PRIVATE &amp; CONFIDENTIAL</b>
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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 – October 14, 2020**

**(Pearson/Whitehead)**

That the Closed Session Minutes dated October 14, 2020 be approved, as presented, and remain confidential.

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

**(Whitehead/Pearson)**

That Council move into Closed Session respecting Item 9.2 and Item 9 of General Issues Committee Report 20-016, respecting , Notice of Motion - Potential Opportunity For Economic and Community Development of Waterdown Lands (Item 13.5), pursuant to Section 8.1, Sub-sections (c), (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (c), (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to a proposed or pending acquisition or disposition of land by the municipality or local board; the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; 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 municipality or local board.

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

**9.2 City of Hamilton Transfer Stations and Community Recycling Centres Contract Update (PW20068(a)) (City Wide)**

**(Ferguson/Collins)**

That Confidential Report PW20068(a), respecting the City of Hamilton Transfer Stations and Community Recycling Centres Contract Update, be received and remain confidential.

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

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

<b>GENERAL ISSUES COMMITTEE REPORT 20-016 - CONTINUED</b>
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At Council's request, Item 6 was voted on separately as follows:

**9. Notice of Motion - Potential Opportunity for Economic and Community Development of Waterdown Lands (Item 13.5)**

**(Partridge/Farr)**

(a) That the *amended* direction provided to staff in Closed Session, respecting the matter of a Potential Opportunity for Economic and Community Development of Waterdown Lands, be approved; and,

- (b) That the **amended** Motion respecting the matter of a Potential Opportunity for Economic and Community Development of Waterdown Lands, remain confidential until completion of the real estate transaction.

**Result: Item 9 as amended of General Issues Committee Report 20-016, CARRIED by a vote of 12 to 1, as follows:**

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

**Result: Motion on the balance of the General Issues Committee Report 20-016, CARRIED by a vote of 13 to 0, as follows:**

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

**(Ferguson/Clark)**

That the Committee of the Whole Rise and Report.

**CARRIED**

<b>BY-LAWS</b>
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**(Ferguson/Partridge)**

That Bills No. 20-219 to No. 20-233 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:

- 20-219 A By-law to Amend By-law No. 12-031, a By-law for Responsible Animal Ownership  
Ward: City Wide
- 20-220 Being a By-law to Permanently Close a Portion of Road Allowance Abutting 1479 Baseline Road, Stoney Creek, being part of the Unopened Road Allowance between the Townships of Saltfleet and North Grimsby (Closed by By-law CD416970), lying North of Baseline Road, Stoney Creek, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-5036, being All of PIN 17370-0062(LT), City of Hamilton  
Ward: 10
- 20-221 To Repeal and Replace By-law No. 09-067, as amended, being a By-law to Provide for and Regulate a Waste Management System for the City of Hamilton  
Ward: City Wide
- 20-222 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 5 (Stop Control)  
Ward: 2, 13, 14
- 20-223 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 6 (Time Limit Parking)  
Schedule 8 (No Parking Zones)  
Schedule 12 (Permit Parking Zones)  
Schedule 13 (No Stopping Zones)  
Schedule 20 (School Bus Loading Zones)  
Schedule 23 (Special Enforcement Area)  
Ward: 2, 4, 6, 7, 9, 10, 12, 15
- 20-224 To Establish City of Hamilton Land Described as Block 18 on Plan 62M-640, Park 4 on Plan 62R-17671 and Parts 2, 5, and 8 on Plan 62R-20885 as Part of Arvin Avenue  
Ward: 10
- 20-225 To Rename a Portion of Mosaic Drive to North Waterdown Drive  
Ward: 15
- 20-226 To Establish City of Hamilton Land Described as Parts 1, 2, 3, 4, 9, 10, 11, 12, 13, 14, 15, 20, 21 and 22 on Plan 62R-20684, as a Public Highway to form Part of North Waterdown Drive  
Ward: 15

- 20-227 To Adopt Official Plan Amendment No. 138 to the Urban Hamilton Official Plan Respecting 35 Londonderry Drive, Ancaster  
Ward: 12
  
- 20-228 To Amend Zoning By-law No. 87-57, with Respect to Lands Located at 35 Londonderry Drive, Ancaster  
Ward: 12  
ZAC-17-072
  
- 20-229 To Adopt Official Plan Amendment No. 139 to Urban Hamilton Official Plan Respecting 235 Main Street West, 74 Queen Street South, 2444 and 246 Jackson Street West (Hamilton)  
Ward: 1
  
- 20-230 To Amend Zoning By-law No. 05-200 Respecting Lands 235 Main Street West, 74 Queen Street South, 244 and 246 Jackson Street West  
Ward: 1  
ZAC-18-012
  
- 20-231 To Repeal and Replace By-law No. 19-295, Respecting Removal of Part Lot Control, Block 255, within Registered Plan No. 62M-1257, municipally known as 59, 63 and 67 Cuesta Heights  
Ward: 9
  
- 20-232 A By-law to authorize the issue of Debentures in the principal amount of \$51,705,000 for the purposes of the City of Hamilton herein referred to  
Ward: City Wide
  
- 20-233 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
- NOT PRESENT- 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
- YES - Ward 14 Councillor Terry Whitehead
- YES - Ward 13 Councillor Arlene VanderBeek
- YES - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
- YES - Ward 11 Councillor Brenda Johnson
- NOT PRESENT- Ward 10 Councillor Maria Pearson
- YES - Ward 9 Councillor Brad Clark

**(Ferguson/Partridge)**

That, there being no further business, City Council be adjourned at 3:27 p.m.

**Result: Motion CARRIED by a vote of 12 to 1, as follows:**

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

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland  
City Clerk