



## CITY COUNCIL MINUTES 20-025

1:30 p.m.

November 11, 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, A. VanderBeek (Deputy Mayor), E Pauls and J. Partridge.

**Absent:** Councillor T. Whitehead – Personal.

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

- 4.7. Correspondence from Walter Cairns respecting E-bikes and Hamilton Conservation.

Recommendation: Be received.

- 4.8. Correspondence from Donna Skelly, MPP Flamborough-Glanbrook advising the City of Hamilton that they will be receiving \$7,434,008 through the Ontario government's investment in local infrastructure projects, and that in accordance with Federal government guidelines all applications must be submitted no later than March 31, 2021 and all projects must be completed by December 31, 2021.

Recommendation: Be received and referred to the Senior Leadership Team for appropriate action.

- 4.9 Correspondence from Scott Snider, Turkstra Mazza respecting the Application for Rural Hamilton Official Plan Amendment ("OPA") for lands located at 2069 Binbrook Road, Glanbrook (PED20146).

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 20-013.

## 7. NOTICES OF MOTION

- 7.1 Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster (AGCO File #946701)

## 9. PRIVATE AND CONFIDENTIAL

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

### (Pauls/Johnson)

That the agenda for the November 11, 2020 meeting of Council be approved, ***as amended***.

### **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  
NOT PRESENT - 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 - Deputy Mayor - 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

<b>DECLARATIONS OF INTEREST</b>
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Councillor J.P. Danko declared an interest to Item 2 (e) of Planning Committee Report 20-013, respecting the Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands, as his spouse is employed by the Hamilton Wentworth District School Board.

Councillor B. Clark declared an interest to Item 7.1, Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster (AGCO File #946701), due to his son's business interest with respect to the cannabis retail industry.

Councillor L. Ferguson declared an interest to Item 9 of General Issues Committee Report 20-018 respecting a Temporary Cap on Food Delivery Service Charges, as he has family members in both the restaurant and taxi industries.

<b>APPROVAL OF MINUTES OF PREVIOUS MEETING</b>
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**3. October 28, 2020 (Item 3.1) and November 4, 2020 (Item 3.2)**

**(Nann/Pearson)**

That the Minutes of the October 28, 2020 and November 4, 2020 meetings of Council be approved, as presented.

**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  
NOT PRESENT - 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 - Deputy Mayor - 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

<b>COMMUNICATIONS</b>
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**(VanderBeek/Ferguson)**

That Council Communications 4.1 to 4.9 be approved, as **amended** as follows:

- 4.1. Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting an amendment to A Place to Grow: Growth Plan for the Greater Golden Horseshoe and the recently released new market-based Land Need Assessment methodology.

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

- 4.2. Correspondence from Debbie France respecting Illicit Cannabis Grow Operations.

Recommendation: Be received.

- 4.3. Correspondence from the City of Belleville requesting support for their resolution requesting that the Province of Ontario consider providing funding support and training resources to municipalities to comply with the Accessibility Standards.

Recommendation: Be received.

- 4.4. Correspondence from Prince Edward County requesting support for their resolution urging the Government of Ontario to continue to respect Ontario municipalities' ability to apply sound representative principles in their execution of elections and to support the freedom of municipalities to run democratic elections within the existing framework the Act currently offers.

Recommendation: Be received.

- 4.5. Correspondence from Paul Dube, Ombudsman of Ontario respecting a Closed meeting complaint about a meeting held by the General Issues Committee on August 10, 2020 alleging that it violated the Municipal Act's open meeting requirements.

Recommendation: Be received.

- 4.6. Correspondence from Loyalist Township requesting support for their resolution requesting confirmation from the governments of Ontario and Canada that funding will be available for local smaller charities, community groups and service clubs.

Recommendation: Be endorsed

- 4.7. Correspondence from Walter Cairns respecting E-bikes and Hamilton Conservation.

Recommendation: Be received **and forwarded to the Hamilton Conservation Authority for a response to Mr. Cairns, with the response from the Hamilton Conservation Authority copied to the City of Hamilton.**

- 4.8. Correspondence from Donna Skelly, MPP Flamborough-Glanbrook advising the City of Hamilton that they will be receiving \$7,434,008 through the Ontario government's investment in local infrastructure projects, and that in accordance with Federal government guidelines all applications must be submitted no later than March 31, 2021 and all projects must be completed by December 31, 2021.

Recommendation: Be received and referred to the Senior Leadership Team for appropriate action.

- 4.9 Correspondence from Scott Snider, Turkstra Mazza respecting the Application for Rural Hamilton Official Plan Amendment ("OPA") for lands located at 2069 Binbrook Road, Glanbrook (PED20146).

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 20-013.

**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  
NOT PRESENT - 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 - Deputy Mayor - 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

**(VanderBeek/Clark)**

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

**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  
NOT PRESENT - 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 - Deputy Mayor - 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

<b>GENERAL ISSUES COMMITTEE (BUDGET) REPORT 20-017</b>
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**(VanderBeek/Wilson)**

That General Issues Committee (Budget) Report 20-017, being the meeting held on Thursday, October 29, 2020, be received and the recommendations contained therein be approved.

At Council's request, the sub-sections of Item 1 were voted on separately as follows:

**1. 2021 Budget Guidelines, Outlook and Process (FCS20087) (City Wide) (Item 7.1)**

**Result: Item 1 (a), CARRIED by a vote of 13 to 1, as follows:**

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

**Result: Item 1 (b), CARRIED by a vote of 12 to 2, 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  
 NOT PRESENT - 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  
NO - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
NO - Ward 9 Councillor Brad Clark

**Result: Item 1 (c), CARRIED by a vote of 11 to 3, 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  
NOT PRESENT - 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  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NO - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
NO - Ward 9 Councillor Brad Clark

**Result: Item 1 (d), DEFEATED by a vote of 7 to 7, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NO - Ward 4 Councillor Sam Merulla  
NOT PRESENT - Ward 5 Councillor Chad Collins  
NO – Ward 6 Councillor Tom Jackson  
NO - Ward 7 Councillor Esther Pauls  
YES - Ward 8 Councillor John-Paul Danko  
NO - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NO - Deputy Mayor - 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

Councillor VanderBeek assumed the Chair so that the Mayor could move the following amendment to Item 1 (d).

**(Eisenberger/Jackson)**

- (d) That the Hamilton Police Services Board, Hamilton Library Board, Conservation Authorities, **Royal Botanical Gardens** and Hamilton Beach Rescue Unit target a 2021 tax operating budget guideline, based on an increase of **2%**; with any increase beyond that guideline to be provided, with an explanation, to the General Issues Committee for consideration;

**Result: Item 1 (d) as Amended, CARRIED by a vote of 9 to 5, 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  
 NOT PRESENT - 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  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 YES - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
 NO - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 NO - Ward 9 Councillor Brad Clark

Mayor Eisenberger assumed the Chair.

**(Clark/Wilson)**

- (e) That staff be directed to prepare the 2021 Tax Capital Budget with a **0.5%** tax increase for capital financing of discretionary block funded projects;

**Result: Item 1 (e) as Amended, CARRIED by a vote of 9 to 5, as follows:**

YES - Ward 1 Councillor Maureen Wilson  
 NO - Ward 2 Councillor Jason Farr  
 YES - Ward 3 Councillor Nrinder Nann  
 NO - Ward 4 Councillor Sam Merulla  
 NOT PRESENT - Ward 5 Councillor Chad Collins  
 YES – 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  
 NOT PRESENT - Ward 14 Councillor Terry Whitehead  
 YES - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
 NO - Ward 12 Councillor Lloyd Ferguson  
 YES - Ward 11 Councillor Brenda Johnson  
 YES - Ward 10 Councillor Maria Pearson  
 YES - Ward 9 Councillor Brad Clark



**Result: Item 1 (f), CARRIED by a vote of 10 to 4, 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  
NOT PRESENT - Ward 5 Councillor Chad Collins  
NO – 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  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
NO - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
NO - Ward 9 Councillor Brad Clark

**Result: Item 1 (g), 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  
NOT PRESENT - 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 - Deputy Mayor - 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

**Result: Motion on the Balance of General Issues Committee (Budget) Report 20-017  
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  
NOT PRESENT - 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 - Deputy Mayor - 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

<b>PLANNING COMMITTEE REPORT 20-013</b>
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**(Farr/Johnson)**

That Planning Committee Report 20-013, being the meeting held on Tuesday, November 3, 2020, be received and the recommendations contained therein be approved.

**3. Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11)**

**(Johnson/Farr)**

That Item 3 of the Planning Committee Report 20-013 respecting Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook (PED20146) (Ward 11) be **amended** by deleting sub-sections (a) and (b) and replacing them as follows:

~~(a) — That Rural Hamilton Official Plan Amendment application RHOPA-20-014, by Paletta Livestock Ltd., (Owner), to add a Site Specific Policy Area to recognize two existing single detached dwellings on a severed lot in order to meet the conditions of the December 20, 2019 Local Planning Appeal Tribunal Decision (Case No. PL180696) (GL/B-17:110) for lands located at 2069 Binbrook Road, as shown on Appendix “A” to Report PED20146, be DENIED.~~

~~(b) — That Zoning By-law Amendment application ZAA-20-022, by Paletta Livestock Ltd. (Owner), for a change in zoning from Agriculture (A1) Zone to Agriculture (A1,118) Zone to prohibit the construction of a single detached dwelling and a residential care facility and to recognize the reduced lot area for the retained agricultural parcel, for lands located at 2069 Binbrook Road as shown on Appendix “A” to Report PED20146, be DENIED.~~

***That Report PED20146, respecting the Applications for a Rural Hamilton Official Plan Amendment and a Zoning By-law Amendment for Lands located at 2069 Binbrook Road, Glanbrook, be referred back to the Planning Committee for further discussion.***

**Result: Motion on Item 3 as Amended, CARRIED by a vote of 15 to 0, as follows:**

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

- YES - Ward 3 Councillor Nrinder Nann
- YES - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor 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 - Deputy Mayor - 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

Due to a declared conflict, Item 2 (e) was voted on separately as follows:

**2. Hamilton Municipal Heritage Committee Report 20-006 (Added Item 6.2)**

- (e) Deferral of an Upcoming Report to the Hamilton Municipal Heritage Committee respecting the Ancaster High School Lands (Added Item 11.1)**

**Result: Motion on Item 2 (e), CARRIED by a vote of 11 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
- NOT PRESENT – Ward 6 Councillor Tom Jackson
- YES - Ward 7 Councillor Esther Pauls
- CONFLICT - Ward 8 Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Ward 15 Councillor Judi Partridge
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Deputy Mayor - 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

Motion on the balance of Planning Committee Report 20-013.

**CARRIED**

<b>GENERAL ISSUES COMMITTEE REPORT 20-018</b>
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**(VanderBeek/Ferguson)**

That General Issues Committee Report 20-018, being the meeting held on Wednesday, November 4, 2020, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 9 was voted on separately.

**9. Temporary Cap on Food Delivery Service Charges (Item 10.1)**

**CARRIED with Councillor Ferguson noting a CONFLICT on this matter.**

Motion on the Balance of General Issues Committee Report 20-018.

**CARRIED**

**AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 20-010**

**(Wilson/Clark)**

That Audit, Finance and Administration Committee Report 20-010, being the meeting held on Thursday, November 5, 2020, be received and the recommendations contained therein be approved.

**Result: Motion on Audit, Finance and Administration Committee Report 20-010, 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 - Deputy Mayor - 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

**EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 20-009**

**(Pauls/Nann)**

That Emergency and Community Services Committee Report 20-009, being the meeting held on Thursday, November 5, 2020, be received and the recommendations contained therein be approved.

**CARRIED**

**(VanderBeek/Partridge)**

That the Committee of the Whole Rise and Report.

**CARRIED**

<b>MOTIONS</b>
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**6.1 Feasibility of Connectivity Options to Help Address the Digital Divide****(Merulla/Eisenberger)**

WHEREAS, the City of Hamilton recognizes that the Internet is an essential means of communication, forming an invaluable informational, educational and economic utility that should be accessible to all Hamiltonians irrespective of income.

WHEREAS, the COVID-19 pandemic has exacerbated the digital divide and further illustrated the Internet as an essential service for the wellbeing of residents and a means to fully participate in society, including but not limited to, access to public health information, pandemic support services, emergency income supports, online education, and connectivity to family and friends.

WHEREAS, HCE Telecom, a division of Hamilton Enterprises Holding Corporation (HEHCO), a wholly own corporation of the City of Hamilton, is actively supporting connectivity options and will continue to further research, explore and support connectivity opportunities that breakdown the digital divide making the Internet and its applications and connectivity infrastructure more accessible across the community.

THEREFORE, BE IT RESOLVED:

That city staff be directed to work with HCE Telecom and partners to explore the feasibility of connectivity options to help address the digital divide and become a recognized leader in providing public Internet access and connectivity infrastructure.

**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 - Deputy Mayor - 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 Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster (AGCO File #946701)**

**(Ferguson/Jackson)**

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) received an application for a Cannabis Retail Store at 11 Hatton Drive in Ancaster and the process is underway;

WHEREAS written submissions of objection to the AGCO could only be made during the 15-day public notice period ending May 22, 2020, and only by a resident of the municipality in which the proposed store is located, or the municipality itself;

WHEREAS City of Hamilton filed an official objection to this application to the Alcohol and Gaming Commission of Ontario for the following reasons:

- (a) 11 Hatton Drive is a property in the middle of a densely populated residential area that is a destination for children as they attend and return from their elementary schools on foot and by bus and the community is very concerned about the safety of children because of increased traffic in a highly residential area;
- (b) 11 Hatton Drive is surrounded by homes with residents that have lived in their homes since new (1950); and
- (c) 11 Hatton Drive is situated in a small commercial property with apartments on top and a parking lot that is problematic for drivers and walkers;

WHEREAS it has come to the Ward Councillor's attention through City of Hamilton staff that approval of this application is imminent although as of November 9, 2020 on the AGCO website it states that the application is still in progress;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor of the City of Hamilton correspond with the Honourable Doug Downey, Attorney General, Ministry of the Attorney General (MAG), to request that the application for a Cannabis Retail Store at 11 Hatton Drive in Ancaster, be denied due to the all the reasons noted in the City of Hamilton's submitted objection and the objections submitted by City of Hamilton residents; and
- (b) That this resolution be forwarded to the Association of Municipalities Ontario (AMO), the Hamilton Wentworth District School Board (HWDSB) and the Hamilton Wentworth Catholic District School Board (HWCDSD).

**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

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

### 6.3 Protocol for the Release of COVID-Related Offences

#### (Clark/Jackson)

- (a) That staff be directed to develop and then immediately implement a protocol that would provide for the release, upon request, and without going through the MFIPPA process, the names of any businesses, or individuals charged on behalf of a business, who are charged with a COVID-related offence from this day forward; and
- (b) That staff be directed to develop an online portal where the businesses charged with COVID-related offences can be posted from this day forward, in order to share the information with the public.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor 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 - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek  
NO - 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 Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster (AGCO File #946701)**

**(Ferguson/Jackson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster (AGCO File #946701).

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

Refer to Item 6.2 for further disposition of this item.

**7.2 Protocol for the Release of COVID-Related Offences**

**(Clark/Jackson)**

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Protocol for the Release of COVID-Related Offences.

**Result: Motion CARRIED by a 2/3 vote of 12 to 0, as follows:**

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nrinder Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- NOT PRESENT - 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
- NOT PRESENT - Ward 14 Councillor Terry Whitehead
- YES - Deputy Mayor - 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

Refer to Item 6.3 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 28, 2020**

#### **(Ferguson/Partridge)**

That the Closed Session Minutes dated October 28, 2020 be approved, as presented, and remain confidential.

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

YES - Ward 1 Councillor Maureen Wilson  
YES - Ward 2 Councillor Jason Farr  
YES - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Ward 5 Councillor 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 - Deputy Mayor - 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

#### **(Collins/Clark)**

That Council move into Closed Session respecting Item 9.2 pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (f) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to 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.

**CARRIED**

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

#### **(Ferguson/Clark)**

(a) That the direction provided to staff in Closed Session respecting Report PW20068(b), the City of Hamilton Transfer Stations and Community Recycling Centres Contract Update, be approved; and,

- (b) That Report PW20068(b), respecting the City of Hamilton Transfer Stations and Community Recycling Centres Contract Update, remain confidential.

**Result: Motion CARRIED by a vote of 9 to 0, as follows:**

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

<b>BY-LAWS</b>
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**(VanderBeek/Clark)**

That Bills No. 20-235 to No. 20-239 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:

- 235            To Amend Zoning By-law No. 3692-92 (Stoney Creek), Respecting Lands Located at 1313 Baseline Road (Stoney Creek)  
Ward: 10  
ZAC-16-016
  
- 236            To Adopt Official Plan Amendment No. 140 to the Urban Hamilton Official Plan, Respecting 1912 Rymal Road East (Glanbrook)  
Ward: 9
  
- 237            To Amend Zoning By-law No. 4647 (Glanbrook), Respecting Lands Located at 1912 Rymal Road East (Glanbrook)  
Ward: 9  
ZAC-18-029  
UHOPA-18-11
  
- 238            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 10 (Alternate Side Parking – April-November)

Schedule 12 (Permit Parking Zones)  
Schedule 13 (No Stopping Zones)  
Ward: 1, 2, 3, 4, 9, 10, 13, 14, 15

239 To Confirm the Proceedings of City Council

**CARRIED**

**(Ferguson/VanderBeek)**

That, there being no further business, City Council be adjourned at 6:10 p.m.

**CARRIED**

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland  
City Clerk