



CITY COUNCIL MINUTES 22-002

9:30 a.m.
January 19, 2022
Council Chamber
Hamilton City Hall
71 Main Street West

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

Deputy Mayor Ferguson 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.

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| APPROVAL OF THE AGENDA |
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The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS

- 4.14 Correspondence from Malcolm Buchanan, the motion respecting Support of legal challenge to Bill 21 in the Province of Quebec.

Recommendation: Be received and referred to the consideration of Item 6.2, Support of legal challenge to Bill 21 in the Province of Quebec.

- 4.15 Correspondence from Principles Integrity respecting Local Board Code of Conduct.

Recommendation: Be received and referred to the consideration of Item 5.8(b), Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)).

- 4.16 Correspondence from Frank Jalsevac respecting the correspondence from David Bronskill, Goodmans LLP (Item 4.10) regarding 310 Frances Avenue, City of Hamilton, Municipal Comprehensive Review/Official Plan Review - Draft Urban Hamilton, Official Plan Amendment - Conformity Amendment and Draft Rural Hamilton, Official Plan Amendment - Firm Urban Boundary (PED21067(a)).

Recommendation: Be received and referred to the consideration of of Item 5.8(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a)).

5. COMMITTEE REPORTS - STAFF REPORTS

- 5.8 (b) Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)) (City Wide)

6. MOTIONS

- 6.2 Support of legal challenge to Bill 21 in the Province of Quebec - REVISED

(Merulla/Pearson)

That the agenda for the January 19, 2022 meeting of Council be approved, ***as amended.***

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

YES - Ward 1 Councillor Maureen Wilson
 NOT PRESENT – Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Russ Powers
 YES - Ward 6 Councillor Tom Jackson
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 8 Councillor John-Paul Danko
 NOT PRESENT - Mayor Fred Eisenberger
 NOT PRESENT - 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

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| DECLARATIONS OF INTEREST |
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Councillor M. Wilson declared an interest to Item 4 of Planning Committee Report 22-001, respecting Application for Removal of a Holding Provision by Fengate Hamilton Lands GP Inc. et al. for Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East, Hamilton (PED22024) (Ward 2), as her spouse is member of the Board of Directors for the property owner.

Councillor M. Wilson declared an interest to Item 6 of Planning Committee Report 22-001, respecting Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 223, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3), as her spouse has a business relationship with the property owner.

Councillor J.P. Danko declared an interest to Item 1 of the Emergency and Community Services Committee respecting Hamilton-Wentworth District School Board and City of Hamilton Reciprocal Use Agreement (HSC22002) (City Wide), as his wife is Chair of the Hamilton-Wentworth District School Board.

Councillor B. Clark declared an interest to Item 4 of Planning Committee Report 22-001, respecting Application for Removal of a Holding Provision by Fengate Hamilton Lands GP Inc. et al. for Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East, Hamilton (PED22024) (Ward 2), due to his son's business interest with, the principal of the applicant's planning consultant.

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| APPROVAL OF MINUTES OF PREVIOUS MEETING |
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3. December 15, 2021 (Item 3.1) and January 12, 2022 (Item 3.2)

(Powers/Whitehead)

That the Minutes of the December 15, 2021 and January 12, 2022 meetings of Council be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson
NOT PRESENT – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
NOT PRESENT - 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

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| COMMUNICATIONS |
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(Clark/Pearson)

That Council Communications 4.1 to 4.16 be approved, as presented, as follows:

- 4.1 Correspondence from the Ministry of Municipal Affairs and Housing respecting an update on recent changes made to help streamline and simplify Ontario's planning system.

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

- 4.2 Correspondence from the Honourable Deputy Minister Kate Manson-Smith, Ministry of Municipal Affairs and Housing respecting an Extension of Emergency Orders and Provincial Response to the Omicron Variant.

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

- 4.3 Correspondence from the Grand River Conservation Authority respecting the Final Transition Plan - Requirement under Ontario Regulation 687/21.

Recommendation: Be received.

- 4.4 Correspondence from the City of Sarnia requesting support for their resolution respecting "Catch and Release" Justice.

Recommendation: Be received.

- 4.5 Correspondence from the Mike Collins-Williams, Chief Executive Officer, West End Home Builders' Association respecting Rethinking Hamilton's Planning Framework: Can We Park Minimum Parking Requirements?

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

- 4.6 Correspondence from the Ministry of Northern Development, Mines, Natural Resources and Forestry respecting the Proposed regulatory changes under the *Aggregate Resources Act*.

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

- 4.7 Correspondence from Aldo Castelli respecting the cost of an appeal to the Ontario Land Tribunal (OLT).

Recommendation: Be received.

- 4.8 Correspondence from Carmen Orlandis, Elder, Ward 3 Stinson respecting Old Cathedral Boys School, 24 Dec 2021 Housing Services Division Q&A.

Recommendation: Be received.

- 4.9 Correspondence from the Honourable Deputy Minister Kate Manson-Smith, Ministry of Municipal Affairs and Housing respecting Omicron Variant of COVID-19, Testing and Isolation Guidelines, and Emergency Work Deployment Order O.Reg.157/20.

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

- 4.10 Correspondence from David Bronskill, Goodmans LLP respecting 310 Frances Avenue, City of Hamilton, Municipal Comprehensive Review/Official Plan Review - Draft Urban Hamilton, Official Plan Amendment - Conformity Amendment and Draft Rural Hamilton, Official Plan Amendment - Firm Urban Boundary (PED21067(a)).

Recommendation: Be received and referred to the consideration of Item 5.8(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a))

- 4.11 Correspondence from Paul Dube, Ontario Ombudsman respecting the Fee charged to file an Integrity Commissioner complaint.

Recommendation: Be received.

- 4.12 Correspondence from Brian Dijkema, Vice President External Affairs, Cardus respecting the City of Hamilton Motion - Legal Challenge to Quebec's Bill 21.

Recommendation: Be received and referred to the consideration of Item 6.2, Support of legal challenge to Bill 21 in the Province of Quebec.

- 4.13 Correspondence from Andrew Smith respecting the Amendment to the Mandatory COVID-19 Vaccination Verification Policy (HUR21008(a))

Recommendation: Be received.

- 4.14 Correspondence from Malcolm Buchanan, the motion respecting Support of legal challenge to Bill 21 in the Province of Quebec.

Recommendation: Be received and referred to the consideration of Item 6.2, Support of legal challenge to Bill 21 in the Province of Quebec.

- 4.15 Correspondence from Principles Integrity respecting Local Board Code of Conduct.

Recommendation: Be received and referred to the consideration of Item 5.8(b), Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)).

- 4.16 Correspondence from Frank Jalsevac respecting the correspondence from David Bronskill, Goodmans LLP (Item 4.10) regarding 310 Frances Avenue, City of Hamilton, Municipal Comprehensive Review/Official Plan Review - Draft Urban Hamilton, Official Plan Amendment - Conformity Amendment and Draft Rural Hamilton, Official Plan Amendment - Firm Urban Boundary (PED21067(a)).

Recommendation: Be received and referred to the consideration of of Item 5.8(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a)).

(Nann/Wilson)

That Item 4.11, Correspondence from Paul Dube, Ontario Ombudsman respecting the Fee charged to file an Integrity Commissioner complaint, be received ***and referred to the Governance Review Sub-Committee for consideration.***

Result: Motion on Item 4.11 of the Communication Items, as Amended, CARRIED by a vote of 8 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
NO - Ward 5 Councillor Russ Powers
NO - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - 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
YES - Ward 11 Councillor Brenda Johnson
NO - 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 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - 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

(Clark/Whitehead)

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

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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - 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

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| BOARD OF HEALTH REPORT 22-001 |
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(Wilson/Pearson)

That Board of Health Report 22-001, being the meeting held on Monday, January 10, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Board of Health Report 22-001, 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - 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

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| PUBLIC WORKS COMMITTEE REPORT 22-001 |
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(Nann/Powers)

That Public Works Committee Report 22-001, being the meeting held on Monday, January 10, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 22-001, 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 Russ Powers
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

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| PLANNING COMMITTEE REPORT 22-001 |
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(Wilson/Danko)

That Planning Committee Report 22-001, being the meeting held on Tuesday, January 11, 2022, be received and the recommendations contained therein be approved.

Due to declared conflicts, Item 4 was voted on separately as follows:

4. Application for Removal of a Holding Provision by Fengate Hamilton Lands GP Inc. et al. for Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East, Hamilton (PED22024) (Ward 2)

- (a) That in accordance with Council's decision not to appeal the Minor Variance Application, the proposal is therefore deemed to comply with the Official Plan in accordance with Section 63 of the *Planning Act*;
- (i) That the By-law, attached as Appendix "B" to Report PED22024, to remove the 'H' Holding Provision from the subject lands, which has been prepared in a form satisfactory to Corporate Counsel, be forwarded to Council for enactment;

- (ii) That Schedule “A”, Map No. 952 of Zoning By-law No. 05-200 be amended by changing the zoning from the Downtown Mixed Use – Pedestrian Focus (D2, H17, H19, H20) Zone and the Downtown Central Business District (D1, H17, H19, H20) Zone, to the Downtown Mixed Use – Pedestrian Focus (D2) Zone and the Downtown Central Business District (D1) Zone;
- (b) That staff be directed and authorized to include the necessary revisions in a future housekeeping amendment to the Downtown Hamilton Secondary Plan and Zoning By-law to reflect the Minor Variance Application (HM/A 21:221) approval by the Committee of Adjustment.

Result: Motion on Item 4 of the Planning Committee Report 22-001, CARRIED by a vote of 13 to 0, as follows:

CONFLICT - 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - 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
CONFLICT - Ward 9 Councillor Brad Clark

Due to a declared conflict, Item 6 was voted on separately as follows:

6. Application for an Urban Hamilton Official Plan Amendment and Zoning By-law Amendment for Lands Located at 315 Robert Street and 223, 225 and 247 East Avenue North, Hamilton (PED22007) (Ward 3)

- (a) That Urban Hamilton Official Plan Amendment Application UHOPA-21-013, by Indwell Community Homes, Owner, to add an Urban Site Specific to Volume 3, Chapter C and amend Map 2a – Urban Site Specific Key Map (Lower City) to permit a multiple dwelling with a maximum density of 284 units per hectare, for the lands located at 315 Robert Street and 219, 225 and 247 East Avenue North, as shown on Appendix “A” attached to Report PED22007, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (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-21-028, Indwell Community Homes, Owner, for a change in zoning from the “E/S-881”, “E/S-881a” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified and “D/S-881”, “D/S-881a” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, Modified to the “E/S-1812” (Multiple Dwellings, Lodges, Clubs, etc.) District, Modified the extent and boundaries of which are shown on a plan hereto annexed as Schedule “A” of Appendix “B” attached to Report PED22007 to permit a three storey, 31 unit multiple dwelling, for the lands located at 315 Robert Street and a portion of the lands located at 225 East Avenue, as shown on Appendix “A” attached to Report PED22007, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” to Report PED22007, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the proposed change in zoning 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 and will comply with the Urban Hamilton Official Plan upon finalization of the Official Plan Amendment No. XX.
- (c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.

Result: Motion on Item 6 of the Planning Committee Report 22-001, CARRIED by a vote of 14 to 0, as follows:

CONFLICT - 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - 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

Deputy Mayor Ferguson relinquished the Chair to Councillor Clark in order to move the following amendment.

(Ferguson/Powers)

That sub-sections (a) and (b) of Item (g)(ii) be lifted from the Information Section and added to Item 5, as sub-sections (d) and (e), as follows:

5. Applications for Official Plan Amendment and Zoning By-law Amendment for lands located at 281 Hamilton Drive and 356 Wilson Street West, Ancaster (PED22004) (Ward 12) (Item 9.1)

- (a) That Official Plan Amendment Application UHOPA-20-009 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of RUDY & Associates c/o Michelle Cutts, Owner, to re-designate the lands from the “Low Density Residential 1” to “Low Density Residential 3” designation on Map B.2.8-1 Land Use Plan in the Ancaster Wilson Street Secondary Plan in the Urban Hamilton Official Plan, to permit ten townhouse dwelling units on a private driveway, for lands located at 281 Hamilton Drive and 356 Wilson Street West, as shown on Appendix “A” attached to Report PED22004, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED22004, be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the Growth Plan for the Greater Golden Horseshoe 2019, as amended;
- (b) That amended Zoning By-law Amendment Application ZAC-20-014 by A.J. Clarke and Associates c/o Stephen Fraser, on behalf of RUDY & Associates c/o Michelle Cutts, Owner, for a change in zoning from the Deferred Development “D” Zone and the Urban Commercial “C4-288” Zone to a site specific Residential Multiple “RM2” (RM2-713) Zone, Modified, in the Town of Ancaster Zoning By-law No. 87-57, to permit ten townhouse dwelling units accessed from a private driveway, for lands located at 281 Hamilton Drive and 356 Wilson Street West, as shown on Appendix “A” attached to Report PED22004, be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix “C” attached to Report PED22004, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law attached as Appendix “C” attached to Report PED22004, be added to District Map No. 1-B of Zoning By-law No. 87-57 as “RM2-713”;
 - (iii) 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 complies with the Urban Hamilton Official Plan upon the approval of Official Plan Amendment No. ____.

- (c) That the public submissions regarding this matter were received and considered by the Committee in approving the application.
- (d) ***That staff be directed to ensure the Ward Councillor is invited to attend the Site Plan approval process for this application; and,***
- (e) ***That staff be directed to ensure that construction vehicles are prohibited from parking on Hamilton Drive, through the Construction Management Plan in the Site Plan process for this application.***

Result: Amendment to Item 5 of the Planning Committee Report 22-001, 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - 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

Deputy Mayor Ferguson assumed the Chair for the remainder of the meeting.

Result: Motion on the balance of the Planning Committee Report 22-001, 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 Russ Powers
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

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| GENERAL ISSUES COMMITTEE REPORT 22-001 |
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(Clark/Johnson)

That General Issues Committee Report 22-001, being the meeting held on Wednesday, January 12, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the General Issues Committee Report 22-001, 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - 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

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| AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-001 |
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(Pearson/Wilson)

That Audit, Finance and Administration Committee Report 22-001, being the meeting held on Thursday, January 13, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Audit, Finance and Administration Committee Report 22-001, 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
NOT PRESENT - 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

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| EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 22-001 |
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(Clark/Merulla)

That Emergency and Community Services Committee Report 22-001, being the meeting held on Thursday, January 13, 2022, be received and the recommendations contained therein be approved.

Due to a declared conflict, Item 1 was voted on separately as follows:

1. Hamilton-Wentworth District School Board and City of Hamilton Reciprocal Use Agreement (HSC22002) (City Wide) (Item 7.1)

- (a) That the City of Hamilton enter into a new Reciprocal Use Agreement with the Hamilton-Wentworth District School Board with essential terms and conditions as listed in Appendix "A" to Report 22-001; and,
- (b) That the General Manager of the Healthy and Safe Communities Department be authorized and directed to execute the Reciprocal Use Agreement, together with any renewals of the Agreement and all necessary documents to implement subsection (a) above, in a form satisfactory to the City Solicitor.

Result: Motion on Item 1 of the Emergency and Community Services Committee Report 22-001, CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
CONFLICT - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Mayor Fred Eisenberger
NOT PRESENT - 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 the Emergency and Community Services Committee Report 22-001, 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 Russ Powers
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

(Clark/Whitehead)

That Section 5.8(2) of the City's Procedural By-law 21-021, which provides that a minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review, be waived in order to consider the General Issues Committee Report 22-003.

Result: Motion CARRIED by a 2/3rds 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 Russ Powers
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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

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| GENERAL ISSUES COMMITTEE REPORT 22-003 |
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(Clark/Powers)

That General Issues Committee Report 22-003, being the meeting held on Monday, January 17, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the balance of the General Issues Committee Report 22-003, CARRIED by a vote of 14 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
YES - Ward 5 Councillor Russ Powers
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - 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

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| STAFF REPORTS |
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5.8(a) Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment – Conformity Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary (PED21067(a))

(Farr/Nann)

- (a) That the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan be received and that Planning staff be directed and authorized to engage in public consultation with Indigenous communities, stakeholders, and residents on the proposed amendments to the Urban Hamilton Official Plan Amendment and Rural Hamilton Official Plan, attached as Appendices “A” and “B” to Report PED21067(a);
- (b) That Planning staff be directed and authorized to submit the proposed Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- (c) That Planning staff be directed and authorized to submit the proposed Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- (d) That Planning staff be authorized to prepare the necessary implementing Zoning By-law Amendments to the Zoning By-laws of the Former Communities, for lands outside of Secondary Plan areas, as well as for low density residential areas within Secondary Plan Areas, to give effect to the proposed Urban Hamilton Official Plan Amendment and that Planning staff

present the proposed Zoning By-law Amendments at the statutory public meeting to consider the proposed Official Plan Amendments;

- (e) That Planning staff be directed and authorized to:
 - (i) Schedule and give notice of a statutory public meeting to consider the draft Official Plan Amendment(s) and Zoning By-law Amendments, in accordance with the *Planning Act*;
 - (ii) Report back on the results of the consultation and any proposed changes to the draft Official Plan Amendment(s) and Zoning By-law Amendments, based on feedback, at the statutory public meeting;
 - (iii) Provide a Communications Update to Council upon receipt of the comments from the Minister of Municipal Affairs and Housing on the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan;
 - (iv) That the statutory public meeting be held no later than May 3, 2022.

(Johnson/Partridge)

- (f) ***That Page 9 of 19 of Appendix 'E' be removed from Report PED21067(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment – Conformity Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary, and not circulated to the public as part of the consultation process, in order for the Future Multi Modal Hub to remain as a potential transit hub.***

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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
NOT PRESENT - 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***, reads as follows:

- (a) That the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan be received and that Planning staff be directed and authorized to engage in public consultation with Indigenous communities, stakeholders, and residents on the proposed amendments to the Urban Hamilton Official Plan Amendment and Rural Hamilton Official Plan, attached as Appendices “A” and “B” to Report PED21067(a);
- (b) That Planning staff be directed and authorized to submit the proposed Urban Hamilton Official Plan Amendment, attached as Appendix “A” to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- (c) That Planning staff be directed and authorized to submit the proposed Rural Hamilton Official Plan Amendment, attached as Appendix “B” to Report PED21067(a), to the Minister of Municipal Affairs and Housing for review and comment, in accordance with the requirements of the *Planning Act*;
- (d) That Planning staff be authorized to prepare the necessary implementing Zoning By-law Amendments to the Zoning By-laws of the Former Communities, for lands outside of Secondary Plan areas, as well as for low density residential areas within Secondary Plan Areas, to give effect to the proposed Urban Hamilton Official Plan Amendment and that Planning staff present the proposed Zoning By-law Amendments at the statutory public meeting to consider the proposed Official Plan Amendments;
- (e) That Planning staff be directed and authorized to:
 - (i) Schedule and give notice of a statutory public meeting to consider the draft Official Plan Amendment(s) and Zoning By-law Amendments, in accordance with the *Planning Act*;
 - (ii) Report back on the results of the consultation and any proposed changes to the draft Official Plan Amendment(s) and Zoning By-law Amendments, based on feedback, at the statutory public meeting;
 - (iii) Provide a Communications Update to Council upon receipt of the comments from the Minister of Municipal Affairs and Housing on the proposed amendments to the Urban Hamilton Official Plan and Rural Hamilton Official Plan;
 - (iv) That the statutory public meeting be held no later than May 3, 2022.
- (f) ***That Page 9 of 19 of Appendix ‘E’ be removed from Report PED21067(a), Municipal Comprehensive Review / Official Plan Review – Draft Urban Hamilton Official Plan Amendment – Conformity Amendment and Draft Rural Hamilton Official Plan Amendment – Firm Urban Boundary, and not circulated to the public as part of the consultation process, in order for the Future Multi Modal Hub to remain as a potential transit hub.***

Result: Main Motion, As Amended, CARRIED by a vote of 11 to 2, 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 Russ Powers
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
NOT PRESENT - Ward 13 Councillor Arlene VanderBeek
NO - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Johnson/Powers)

That Council recess at 12:55 p.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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

Council reconvened at 1:38 p.m.

5.8(b) Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan (FCS21081(a)) (City Wide)**(Nann/Wilson)**

- (a) That Report FCS21081(a), respecting the Code of Conduct for Boards and Committees - Integrity Commissioner Work Plan be REFERRED back to staff for a participatory model of consultation and education that is designed to enable input and feedback from ***the individual members of the*** local boards and committees to help finalize a revised Code of Conduct, with a report back to the General Issues Committee; and,
- (b) That an upset limit of \$30,000 for the consultation and education process on the Code of Conduct, to be funded through the Tax Stabilization Reserve account 110046, be approved.

Result: DEFEATED by a vote of 6 to 9, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NO - Ward 6 Councillor Tom Jackson
NO - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NO - Ward 13 Councillor Arlene VanderBeek
NO - Deputy Mayor - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Eisenberger/Farr)

- (a) That the By-law “Code of Conduct for Local Boards”, contained in Appendix “A” attached to Report FCS21081(a), ***as amended***, which has been prepared in a form satisfactory to the City Solicitor, be passed;
 - (i) adding commentary to Rule 5: Election Campaigns of the Code of Conduct for Local Boards, as follows:

Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board.

Commentary

This Code does not limit a person's right to participate fully in an electoral process so long as they do so without using their status as a Member of the local board for such purposes. For example, it would not be contrary to the Code for a person to:

- ***Stand for Election;***
- ***Contribute to an election campaign;***
- ***In their own name, exhibit an intention to support one party or platform over another;***
- ***While standing for election, indicate on their election material (without in any way suggesting endorsement) that they have served on a City of Hamilton local board amongst their other credentials and experiences.***

- (ii) deleting the following due to redundancy from the 'Guiding Principles' section, to read as follows:

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Members are expected to perform their duties as a member of the Local Board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Members shall serve the public in a conscientious and diligent manner.

Members should be committed to performing their functions with integrity, impartiality and transparency.

~~Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.~~

There is a benefit to municipalities when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

- (b) That, subject to the approval of Recommendation (a) of Report FCS21081(a), all entities listed in Appendix "B" attached to Report FCS21081(a) replace their current Code of Conduct with the Code of Conduct for Local Boards, **as amended**, attached as Appendix "A" to Report FCS21081(a);

- (c) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the Code of Conduct for Local Boards, **as amended**, attached as Appendix “A” to Report FCS21081(a), apply to all entities created in the future which meet the definition of “Local Board” within the Code of Conduct for Local Boards;
- (d) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the draft By-Law “To Amend By-law 21-021, a By-law to Govern the Proceedings of Council and Committees of Council”, attached as Appendix “C” to Report FCS21081(a), which has been prepared in a form satisfactory to the City Solicitor, be passed;
- (e) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be authorized and directed to delete Appendix “G” of the Advisory Committee Procedural Handbook and make the necessary edits in the Handbook to reflect the new Code of Conduct for Local Boards, **as amended**;
- (f) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be directed to develop and deliver a training program, with the Integrity Commissioner, for all current Members of the entities listed in Appendix “B” attached to Report FCS21081(a) on the new Code of Conduct for Local Boards, **as amended, in the Spring of 2022 (virtual and in person where appropriate) at an upset limit of \$5,000, to be funded through the Tax Stabilization Reserve account 110046; and**
- (g) ***That the training sessions accommodate members work schedules and be open to all members of all local boards with the intent that they attend one of the six sessions offered.***

(Powers/Farr)

That sub-section (a), be **amended** to provide for the commencement of the enforcement of the new Code of Conduct for City Boards and Committees, to begin within the next term of Council:

- (a) That the By-law “Code of Conduct for Local Boards”, contained in Appendix “A” attached to Report FCS21081(a), **as amended**, which has been prepared in a form satisfactory to the City Solicitor, be passed **effective May 1, 2023 with enforcement and complaints being administered under the current Codes of Conduct until April 30, 2023;**

Result: Amendment, CARRIED by a vote of 8 to 6, as follows:

NO - 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
NO - Ward 7 Councillor Esther Pauls

NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NO - 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:

- (a) That the By-law “Code of Conduct for Local Boards”, contained in Appendix “A” attached to Report FCS21081(a), ***as amended***, which has been prepared in a form satisfactory to the City Solicitor, be passed ***effective May 1, 2023 with enforcement and complaints being administered under the current Codes of Conduct until April 30, 2023;***
- (i) adding commentary to Rule 5: Election Campaigns of the Code of Conduct for Local Boards, as follows:

Rule 5: Election Campaigns

No member, while identifying themselves as a member of a Local Board, shall undertake any election campaign or election-related activities or work on, fund-raise, endorse or otherwise contribute to the election campaign of any person running in the municipal election for the municipality where the member serves on the Local Board.

Commentary

This Code does not limit a person’s right to participate fully in an electoral process so long as they do so without using their status as a Member of the local board for such purposes. For example, it would not be contrary to the Code for a person to:

- ***Stand for Election;***
- ***Contribute to an election campaign;***
- ***In their own name, exhibit an intention to support one party or platform over another;***
- ***While standing for election, indicate on their election material (without in any way suggesting endorsement) that they have served on a City of Hamilton local board amongst their other credentials and experiences.***

- (ii) deleting the following due to redundancy from the 'Guiding Principles' section, to read as follows:

Guiding Principles

Members shall act with honesty and integrity, serving in a diligent manner, and performing their duties in a manner which promotes public confidence.

Members are expected to perform their duties as a member of the Local Board and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.

Members shall serve the public in a conscientious and diligent manner.

Members should be committed to performing their functions with integrity, impartiality and transparency.

~~**Members shall perform their duties in office and arrange their private affairs in a manner that promotes public confidence and will bear close public scrutiny.**~~

There is a benefit to municipalities when Members have a broad range of knowledge and continue to be active in their own communities, whether in business, in the practice of a profession, in community associations, and otherwise.

- (b) That, subject to the approval of Recommendation (a) of Report FCS21081(a), all entities listed in Appendix "B" attached to Report FCS21081(a) replace their current Code of Conduct with the Code of Conduct for Local Boards, **as amended**, attached as Appendix "A" to Report FCS21081(a);
- (c) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the Code of Conduct for Local Boards, **as amended**, attached as Appendix "A" to Report FCS21081(a), apply to all entities created in the future which meet the definition of "'Local Board' within the Code of Conduct for Local Boards;
- (d) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the draft By-Law "To Amend By-law 21-021, a By-law to Govern the Proceedings of Council and Committees of Council", attached as Appendix "C" to Report FCS21081(a), which has been prepared in a form satisfactory to the City Solicitor, be passed;
- (e) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be authorized and directed to delete Appendix "G" of the Advisory Committee Procedural Handbook and make the necessary edits in the Handbook to reflect the new Code of Conduct for Local Boards, **as amended**;

- (f) That, subject to the approval of Recommendation (a) of Report FCS21081(a), the City Clerk be directed to develop and deliver a training program, with the Integrity Commissioner, for all current Members of the entities listed in Appendix "B" attached to Report FCS21081(a) on the new Code of Conduct for Local Boards, ***as amended, in the Spring of 2022 (virtual and in person where appropriate) at an upset limit of \$5,000, to be funded through the Tax Stabilization Reserve account 110046; and***
- (g) ***That the training sessions accommodate members work schedules and be open to all members of all local boards with the intent that they attend one of the six sessions offered.***

Result: Main Motion, As Amended, 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
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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

(Clark/Pearson)

That the Committee of the Whole Rise and Report.

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
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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

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| MOTIONS |
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6.1 Amendment to Item 3 of the General Issues Committee Report 20-011, respecting the Police Station 40 (Waterdown) Financing Strategy (FCS20061) (City Wide)

(Clark/Partridge)

WHEREAS, staff inadvertently prepared the report, respecting the Police Station 40 (Waterdown) Financing Strategy, with a duplicate report number;

THEREFORE, BE IT RESOLVED:

That Item 3 of the General Issues Committee Report 20-011 respecting the Police Station 40 (Waterdown) Financing Strategy (FCS20061) (City Wide), which was approved by Council on August 21, 2020, be amended by deleting the report number "FCS20061" and replacing it with the report number "**FCS20062**", to read as follows:

3. Police Station 40 (Waterdown) Financing Strategy (~~FCS20061~~ **FCS20062) (City Wide) (Item 9.2)**

- (a) That Appendix "A" attached to Report 20-011 respecting the financing strategy for Police Station 40, in partnership with the Hamilton Fire Department, be approved and funded by Tax Supported Development Charges debt;
- (b) That the General Manager, Finance and Corporate Services, be authorized to negotiate and confirm the terms, placement and issuance of all debenture issue(s), and / or private placement debenture issue(s), in either a public or private market and / or bank loan agreements and debenture issue(s) and / or variable interest rate bank loan agreements and debenture issue(s), in an amount not to exceed \$8,000,000 Canadian currency in Tax Supported Development Charges municipal debt for the Hamilton Police Station 40 project;
- (c) That the General Manager, Finance and Corporate Services, be authorized to engage the services of all required professionals to secure the terms and issuance of the debenture issue(s) described in Recommendation (b) including, but not limited to, external legal counsel, fiscal agents and Infrastructure Ontario's Loan Program and the cost of such services be funded from one of the following sources as deemed appropriate by the General Manager of the Finance and Corporate Services: Development Charge Reserves, Non-Obligatory Reserves or Corporate Services Approved Budgets;

- (d) That the General Manager, Finance and Corporate Services, Mayor and City Clerk are individually authorized and directed, on behalf of the City of Hamilton, to enter into and execute all agreements and necessary ancillary documents to implement Recommendation (b) to Report FCS20061 and in order to secure the terms and issuance of the debenture issue(s) described in Recommendation (b) to Report ~~FCS20061~~ **FCS20062**, on terms and conditions satisfactory to the General Manager, Finance and Corporate Services and in a form satisfactory to the City Solicitor;
- (e) That the Mayor and City Clerk are authorized and directed to enter into and / or execute, on behalf of the City of Hamilton, all agreements and necessary ancillary documents not requiring any specific signing authority, to secure the terms and issuance of the debenture issue(s) described in Recommendation (b) to Report ~~FCS20061~~ **FCS20062**, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager, Finance and Corporate Services;
- (f) That the General Manager, Finance and Corporate Services be authorized and directed to administer all agreements and necessary ancillary documents described in recommendations (d) and (e) to Report ~~FCS20061~~ **FCS20062**; and,
- (g) That staff be authorized and directed to prepare all necessary by-laws, for Council's consideration, for the purpose of authorizing the debenture issue(s) negotiated, placed and secured in accordance with Recommendations (b), (c), (d), (e) and (f) to Report ~~FCS20061~~ **FCS20062**.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - 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 Support of legal challenge to Bill 21 in the Province of Quebec - REVISED**(Eisenberger/Nann)**

WHEREAS Fatemah Anvari recently lost her position as teacher in the Province of Quebec for being found to be wearing a hijab in class;

WHEREAS under Quebec's Bill 21 frontline civil servants who display religious symbols while working can be fired or reassigned;

WHEREAS it is noted that Bill 21 violates the basic principles of the Canadian Charter of Rights and Freedoms; and

WHEREAS this is a clear demonstration of Islamophobia and poses a threat to the freedoms of many within the Province of Quebec;

THEREFORE, BE IT RESOLVED:

- (a) That the City of Hamilton stand in solidarity recognizing that Bill 21 is discriminatory and does not uphold equality of all citizens, regardless of their religious affiliation, as protected under the Canadian Charter of Rights and Freedoms, and
- (b) That the City of Hamilton endorse the effort by Ontario's Big City Mayors (OBCM) asking the Parliament of Canada, (both government and opposition), ***the Association of Municipalities Ontario (AMO) and the Federation of Canadian Municipalities (FCM)*** to support the challenge of Bill 21 at the Supreme Court;

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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - 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

- 6.3 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/Powers)

That the motion respecting the 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), be referred to the February 9, 2022 Council meeting for consideration.

Result: Motion CARRIED by a vote of 8 to 4, 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 Russ Powers
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
NO - 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

- 6.4 Request for Minor Variances at 211 and 225 John Street South and 78 Young Street**

(Farr/Ferguson)

WHEREAS Bill 73, *Smart Growth for our Communities Act*, 2015 placed a moratorium for minor variance applications within 2 years of passing a site specific zoning by-law amendment;

WHEREAS the application as presented in Report PED21032 for lands located at 211 and 225 John Street South and 78 Young Street was approved by Council on February 24, 2021 and is within the 2 year moratorium;

WHEREAS Council may waive this moratorium on a site specific basis, to allow the applicant to make an application to the Committee of Adjustment;

WHEREAS the application as presented in Report PED21032 was approved to provide 462 underground parking spaces for the 27 and 14 storey mixed use development;

THEREFORE, BE IT RESOLVED:

- (a) That Council of the City of Hamilton provide authorization to Slate Asset Management to apply for minor variances to a by-law for lands located at 211 and 225 John Street South and 78 Young Street in order to reduce the parking requirement, of a site specific by-law approved within the last 2 years; and,
- (b) That in reviewing the application for the Minor Variance, that staff be directed to consider the appropriateness of utilizing the City's cash-in-lieu of parking policy (which was recently modified to provide for a reduced cash-in-lieu rate and to allow for cash-in-lieu funds to be used to support micro-mobility initiatives) towards all or part of the requested parking reduction.

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

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

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| NOTICES OF MOTION |
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7.1 Motion to Amend By-law No. 16-290, the Council Code of Conduct to provide for the Transparency Disclosure of Non-Disqualifying Interests

Mayor Eisenberger introduced the following Notice of Motion:

WHEREAS, pursuant to the *Municipal Act, 2001*, it is the duty of the City Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the Council;

WHEREAS, the Council Code of Conduct provides that Members shall avoid “conflicts of interest, both apparent and real”;

WHEREAS when a Member is disqualified from participating in the discussion of, or voting on any question in respect of a matter due to a pecuniary interest, direct or indirect, under the *Municipal Conflict of Interest Act*, their disclosure of that interest is recorded in Council and Committee minutes, and a written statement of the interest and its general nature must be filed with the Clerk and included in a registry required to be made available to the public, which is posted on the City's website;

WHEREAS, there are occasions when Members of Council have an interest in a matter, but such an interest does not disqualify them from participating; and

WHEREAS, the public interest is best served by disclosing both disqualifying and non-disqualifying interests of Members of Council;

THEREFORE, BE IT RESOLVED:

- (a) That section 8 of By-Law 16-290 - Council Code of Conduct be amended as per Appendix "A" of this motion to enable the recording of all disqualifying interests, and to provide for the recording of disclosures where non-disqualifying interests exist; and
- (b) That the City Clerk prepare a Transparency Disclosure of Non-Disqualifying Interest form for use by Members of Council and for posting on the City's website for viewing.

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Clark/Jackson)

That the listing of Council Communication Updates from December 15, 2021 to January 13, 2022, be received.

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
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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

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| BY-LAWS AND CONFIRMING BY-LAW |
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(Clark/Ferguson)

That Bills No. 22-002 to No. 22-009, 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:

- 002 To Permanently Close and Sell a Portion of the Public Unassumed Alley Abutting 401 Victoria Avenue North, Hamilton, namely Part of the Alleyway on Registered Plan 174 in the City of Hamilton, designated as Part 1 on Plan 62R-21596, being part of PIN 17188-0010 (LT)
Ward: 3
- 003 To Establish City of Hamilton Land Described as Blocks 163 and 164 on Plan 62M1251 as Part of Cittadella Boulevard
Ward: 9
- 004 To Establish City of Hamilton Land Described as Blocks 94 and 95 on Plan 62M1167 as Part of McCurdy Avenue
Ward: 15
- 005 To Repeal and Replace By-law No. 21-015 Emergency Management Program Bylaw
Ward: City Wide
- 006 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East
ZAD-21-035
Ward: 2
- 007 To Adopt Official Plan Amendment No. 247 to the City of Hamilton Official Plan Respecting 125 and 129 Robert Street, Hamilton
Ward: 2
- 008 To Amend Zoning By-law No. 6593 (Hamilton) Respecting Lands at 125 and 129 Robert Street, in the City of Hamilton
ZAC-17-073
UHOPA-17-033
Ward: 2
- 009 To Confirm the Proceedings of City Council

Due to a declared conflict, Bill 006 was voted on separately as follows:

006 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 75 James Street South, 44 Hughson Street South and 9 Jackson Street East
ZAD-21-035
Ward: 2

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

CONFLICT - 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 Russ Powers
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

Result: Motion on the balance of the Bills, 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
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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

(Eisenberger/Pearson)

That, there being no further business, City Council be adjourned at 3:42 p.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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

Respectfully submitted,

Deputy Mayor L. Ferguson

Andrea Holland
City Clerk