



## CITY COUNCIL MINUTES 22-021

9:30 a.m.  
September 28, 2022  
Council Chamber  
Hamilton City Hall  
71 Main Street West

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

**Absent:** Councillors T. Whitehead and S. Merulla – Personal

Mayor F. 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.

<b>APPROVAL OF THE AGENDA</b>
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The Clerk advised of the following changes to the agenda:

### 5. COMMUNICATIONS

5.9 Correspondence formally requesting that the City of Hamilton City Council issue a letter in support for the *'Stopping Harassment and Abuse by Local Leaders Act'*:

- (a) Emily McIntosh
- (b) Samantha Dewar

Recommendation: Be received.

- 5.10 Correspondence from the Municipality of Grey Highlands requesting support for their resolution lobbying the Ministry of the Solicitor General to increase the fines for all levels of speeding.

Recommendation: Be endorsed.

- 5.11 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting public consultation in the land use planning process.

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

- 5.12 Correspondence from Lakewood Beach Community requesting that Council defer the installation of new No Stopping signs on Fruitland Road (Bill 247).

Recommendation: Be received and referred to the consideration of Bill 247.

- 5.13 Correspondence from the West End Home Builders' Association respecting an evidence-based view of the progress this term of Council has made increasing housing supply, to meet the needs of our growing community.

Recommendation: Be received.

- 5.14 Correspondence from the Hamilton Waterfront Trust respecting the future path of management for the Hamilton Waterfront Trust.

Recommendation: Be received.

## **8. NOTICES OF MOTION**

- 8.1 Releasing the Direction to Staff in Closed Session respecting the Hamilton Waterfront Trust at the April 27, 2022 Council Meeting

- 8.2 Heritage Conservation District Study

## **10. COUNCIL COMMUNICATION UPDATES**

- 10.1 September 9, 2022 to September 27, 2022

## **11. BY-LAWS AND CONFIRMING BY-LAW**

- 255 To Amend By-law No. 20-205, Being A By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton

- 256 Being a By-law to Amend By-law 06-026, The Sewer and Drain By-law

- 257 Being a By-law to Amend the Waterworks By-law No. R84-026

- 258 To Designate a Portion of Melville Street in Dundas, from Sydenham Street to Wellington Street North, as a Heritage Conservation District Study Area

**CHANGE TO THE ORDER OF ITEMS**

Item 8.1, a Notice of Motion, respecting Releasing the Direction to Staff in Closed Session respecting the Hamilton Waterfront Trust at the April 27, 2022 Council Meeting is to be dealt with following the consideration of the Audit, Finance and Administration Committee Report 22-016.

**(Ferguson/Partridge)**

That the agenda for the September 28, 2022 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  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Deputy Mayor - 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 - 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 Wilson declared a disqualifying interest with Items 4 and 8 of Planning Committee Report 22-015 respecting the Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (PED22191) (Ward 10), and the Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (LS22031/PED22191(a)) (Ward 10), as her spouse has a business relationship with the applicant.

Councillor B. Clark declared a disqualifying pecuniary interest to Item 1 of General Issues Committee Report 22-018 respecting Report LS16029(g), respecting the Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, as Urban Solutions has clients with land in the Elfrida district whose principal has a business interest with his son in a retail business.

Councillor J. P. Danko declared a non-disqualifying interest to Items 9 of General Issues Committee Report 22-018 respecting the Hamilton-Wentworth District School Board Liaison Committee Report 22-003, September 12, 2022, as his wife is the Chair of the School Board.

Councillor M. Pearson declared a disqualifying interest to Communication Item 5.4, Correspondence from the four Hamilton chapters of ACORN Canada respecting a request to the Chief Coroner for Ontario to begin recording and tracking heat-related deaths, as she is a landlord.

Councillor E. Pauls declared a non-disqualifying interest to Item 5 (b) of the Audit, Finance and Administration Committee Report 22-016, respecting the Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide) (Item 10.1), as her son is member of the Hamilton Police Service.

## CEREMONIAL ACTIVITIES

### 3.1 Mayor of Racalmuto

Mayor Eisenberger welcomed Signor Sindaco Vincenzo Maniglia to Hamilton.

The Mayor noted that the friendship between our communities has endured for 37 years and as our cities, countries, indeed the world emerge from the pandemic, the City of Hamilton is delighted the Sindaco Maniglia was able to join us to celebrate Festitalia in person.

It was 37 years ago that our former Mayor Bob Morrow and City Councillor Vince Agro travelled to Racalmuto to take part in the Festa Della Madonna Del Monte and with Sindaco Calegero Sardo officially joined our two cities.

Sindaco Vincenzo Maniglia was elected Mayor of Racalmuto in April 2019 and was previously a city councillor since 1993. He is a Professor of Design and Construction and earned a degree in Architecture.

Sindaco Maniglia also holds the office of President of the Leonardo Sciascia Foundation. Hamilton is proud to have contributed and to have a replica statue of Racalmuto's famous son and literary giant, Leonardo Sciascia here at LiUNA Station, where thousands of immigrants arrived.

With many citizens (25,000+) in Hamilton of Racalmutese ancestry and culture, including two of our City Councillors, Councillors Sam Merulla and Maria Pearson and while not from Racalmuto our Councillor Esther Pauls, is also from Sicily.

To honour Sindaco Maniglia's visit and in lieu of the customary gift exchange between friends, the City of Hamilton will be making a contribution towards Racalmuto's Terra Madre Project (Terra Madre – Mother Land), a monument to be dedicated to the many people from Racalmuto around the world.

<b>APPROVAL OF MINUTES OF PREVIOUS MEETING</b>
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**4. September 14, 2022 (Item 4.1)****(VanderBeek/Pearson)**

That the Minutes of the September 14, 2022 meeting 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  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Deputy Mayor - 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 - 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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**(Powers/Jackson)**

That Council Communications 5.1 to 5.14 be approved, as ***amended***, as follows:

- 5.1 Correspondence from the Town of Plympton-Wyoming requesting support for their resolution respecting the Ministry of Municipal Affairs and Housing's proposed Strong Mayors, Building Homes Act amendments that are not appropriate and requesting that the province outline other ways to institute housing and other matters.

Recommendation: Be received.

- 5.2 Correspondence from the Municipality of Brighton requesting support for their resolution respecting changes to be made to the Healthcare Connect System for Members of the Canadian Armed Forces.

Recommendation: Be endorsed.

- 5.3 Correspondence from Haldimand County requesting support for their resolution respecting a request for the Ministry of Transportation to include the final leg of Highway 6 bypass into its capital budget for construction, and that the Ministry also Review the requirements for a stoplight or a roundabout at the Highway 6/Haldibrook Road intersection to support safety concerns.

Recommendation: Be received.

- 5.4 Correspondence from the four Hamilton chapters of ACORN Canada respecting a request to the Chief Coroner for Ontario to begin recording and tracking heat-related deaths.

Recommendation: Be ***endorsed and referred to the General Manager of Planning and Economic Development (Climate Change Office) for appropriate action.***

- 5.5 Correspondence from the Township of McGarry requesting support for their resolution requesting that the Ministry of Municipal Affair and Housing study the merits of allowing the recall of municipal councillors under carefully prescribed circumstances.

Recommendation: Be received.

- 5.6 Correspondence from the Hamilton Conservation Authority respecting the Hamilton Conservation Authority Board of Directors resolution related to Application to Renew Exceptions for Chair and Vice-Chair Provisions in the Conservation Authorities Act.

Recommendation: Be received.

- 5.7 Correspondence from the Municipality of Brighton requesting support for their resolution requesting the streamlining of the governing legislation for Physicians in Ontario.

Recommendation: Be received.

- 5.8 Correspondence from Joseph Minor respecting PFAS contaminated fish in the upper Welland River.

Recommendation: Be received and referred to the Chief Administrative Officer of the Niagara Peninsula Conservation Authority for their review.

- 5.9 Correspondence formally requesting that the City of Hamilton City Council issue a letter in support for the '*Stopping Harassment and Abuse by Local Leaders Act*'.

- (a) Emily McIntosh
- (b) Samantha Dewar

Recommendation: Be received.

- 5.10 Correspondence from the Municipality of Grey Highlands requesting support for their resolution lobbying the Ministry of the Solicitor General to increase the fines for all levels of speeding.

Recommendation: Be endorsed.

- 5.11 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting public consultation in the land use planning process.

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

- 5.12 Correspondence from Lakewood Beach Community requesting that Council defer the installation of new No Stopping signs on Fruitland Road (Bill 247).

Recommendation: Be received and referred to the consideration of Bill 247.

- 5.13 Correspondence from the West End Home Builders' Association respecting an evidence-based view of the progress this term of Council has made increasing housing supply, to meet the needs of our growing community.

Recommendation: Be received.

- 5.14 Correspondence from the Hamilton Waterfront Trust respecting the future path of management for the Hamilton Waterfront Trust.

Recommendation: Be received.

Due to a declared conflict, Item 5.4, as **Amended**, was voted on separately as follows:

- 5.4 Correspondence from the four Hamilton chapters of ACORN Canada respecting a request to the Chief Coroner for Ontario to begin recording and tracking heat-related deaths.

Recommendation: Be **endorsed and referred to the General Manager of Planning and Economic Development (Climate Change Office) for appropriate action.**

**Result: Motion on Item 5.4, as Amended of the Communication Items, as Amended, 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
CONFLICT - 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 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Powers/Danko)**

That Council move into Committee of the Whole for consideration of the Committee Reports.

**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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark



**HAMILTON STREET RAILWAY COMPANY SHAREHOLDER REPORT 22-001****(Powers/Ferguson)**

That Hamilton Street Railway Company Shareholder Report 22-001, being the meeting held on Tuesday, September 13, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on Hamilton Street Railway Company Shareholder 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  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**HAMILTON RENEWABLE POWER INC. SHAREHOLDER REPORT 22-001****(Powers/Clark)**

That Hamilton Renewable Power Inc. Shareholder Report 22-001, being the meeting held on Tuesday, September 13, 2022, be received and the recommendations contained therein be approved.

**CARRIED**

**SOLE VOTING MEMBER OF THE HAMILTON FARMER' MARKET REPORT 22-003****(Powers/Pauls)**

That Sole Voting Member of the Hamilton Farmer' Market Report 22-003, being the meeting held on Tuesday, September 13, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on Sole Voting Member of the Hamilton Farmer' Market Report 22-003, 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 - Deputy Mayor - 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 - 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 22-015</b>
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**(Johnson/Ferguson)**

That Planning Committee Report 22-014, being the meeting held on Tuesday, September 20, 2022, be received and the recommendations contained therein be approved.

Due to declared conflicts, Items 4 and 8 were voted on separately as follows:

**4. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (PED22191) (Ward 10) (Item 7.4)**

That Report PED22191 respecting Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek, be received.

**8. Appeal of Urban Hamilton Official Plan Amendment Application UHOPA-22-007 and Zoning By-law Amendment Application ZAC-22-015 to the Ontario Land Tribunal (OLT) for Lack of Decision for Lands Located at 522 and 526 Winona Road, Stoney Creek (LS22031/PED22191(a)) (Ward 10)**

- (a) That the confidential directions to staff outlined in Report LS22031/PED22191(a), be released publicly, following Council's approval;
- (b) That confidential Appendices "A", "B", "C" and "D", be released publicly, following Council's approval; and
- (c) That the balance of Report LS22031/PED22191(a), remain confidential.

**Result: Motion on Items 4 and 8 of Planning Committee Report 22-015, 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 - Deputy Mayor - 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 - 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 balance of Planning Committee Report 22-015, 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 - Deputy Mayor - 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 - 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 REPORT 22-018</b>
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**(Powers/Clark)**

That General Issues Committee Report 22-018, being the meeting held on Wednesday, September 21, 2022, be received and the recommendations contained therein be approved.

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

**1. Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion (LS16029(g)) (City Wide)(Added Item 14.2)**

(a) That the direction provided to staff in closed session, be approved;

- (b) That Report LS16029(g), respecting the Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion and Appendix ‘B’, be received and remain confidential; and
- (c) That Appendix ‘A’ to Report LS16029(g) respecting the Update Regarding Ontario Land Tribunal Appeals of the Rural and Urban Hamilton Official Plans – Urban Boundary Expansion, remain confidential at this time.

**Result: Motion on Item 1 of the General Issues Committee Report 22-018, 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
CONFLICT - Ward 9 Councillor Brad Clark

**Result: Motion on the balance of the General Issues Committee Report 22-018, 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 22-016</b>
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**(Pearson/VanderBeek)**

That Audit, Finance and Administration Committee Report 22-016, being the meeting held on Thursday, September 22, 2022, be received and the recommendations contained therein be approved.

Mayor Eisenberger relinquished the Chair to Deputy Mayor Powers in order to move the following amendment:

**(Eisenberger/Farr)**

That Item (d)(i) be lifted from the Information Section, added as Item 7 of Audit, Finance and Administration Committee Report 22-016:

**7. Hamilton Waterfront Trust 2021 Audited Financial Statements (Item 5.1)**

- (a) (i) That Hamilton Waterfront Trust management and/or Chair be requested to attend an Audit, Finance and Administration Committee meeting in the new Term of Council and present the following items for 2021:
  - (a) its annual audited Financial Statements;
  - (b) its Strategic and/or Business Plans and any changes thereto;
  - (c) its ten (10) year Capital Plan; and
  - (d) any changes to its organizational structure; and,
- (ii) That Finance and Legal staff be directed to investigate if the City has the authority to withhold payments to the Hamilton Waterfront Trust until they present the items required in the Revised Deed of Trust, and report back to the Audit, Finance and Administration Committee.
- (b) That the Hamilton Waterfront Trust 2021 Audited Financial Statements, be received.

**CARRIED**

**(Eisenberger/Farr)**

That Item 7 of the Audit, Finance and Administration Committee Report 22-016, be **amended** by deleting sub-section (a) in its entirety and renumbering sub-section (b), as (a), to read as follows:

**7. Hamilton Waterfront Trust 2021 Audited Financial Statements (Item 5.1)**

- ~~(a) (i) That Hamilton Waterfront Trust management and/or Chair be requested to attend an Audit, Finance and Administration Committee meeting in the new Term of Council and present the following items for 2021:~~
  - ~~(a) its annual audited Financial Statements;~~
  - ~~(b) its Strategic and/or Business Plans and any changes thereto;~~
  - ~~(c) its ten (10) year Capital Plan; and~~

~~(d) any changes to its organizational structure; and,~~

~~(ii) That Finance and Legal staff be directed to investigate if the City has the authority to withhold payments to the Hamilton Waterfront Trust until they present the items required in the Revised Deed of Trust, and report back to the Audit, Finance and Administration Committee.~~

(a) That the Hamilton Waterfront Trust 2021 Audited Financial Statements, be received.

**CARRIED**

Mayor Eisenberger assumed the Chair.

**(Ferguson/Jackson)**

That Item 5 (b)(i)(1); (ii) and (v), be **amended** to reflect six (6) community representatives and **six (6)** Council representatives, as follows:

**5. Governance Review Sub-Committee Report 22-004 - September 9, 2022 (Item 10.5)**

**(b) Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide) (Outstanding Business list Item) (Item 10.1)**

That the Selection Process for the appointment of the one person appointed by resolution of the council to the Hamilton Police Services Board, be approved, as follows:

(i) That By-Law 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be amended as follows:

(1) That the definition of "Selection Committee", be amended as follows:

"Selection Committee" means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and **six (6)** Council representatives with full voting privileges.

- (ii) That the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the **six (6)** members of Council and six (6) community representatives;
- (v) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be amended, to add a new sub-section 14 as follows, renumbering the remaining sub-sections accordingly:

*Selection Process for the one Citizen Appointment to the Hamilton Police Services Board*

- 14. **Six (6)** members of Council and six (6) community representatives are appointed to the Hamilton Police Services Board Selection Committee whose mandate will be to:
  - (i) Review applications for the one citizen appointment to the Hamilton Police Services Board;
  - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
  - (iii) Request that the Hamilton Police Service as well as the following Advisory Committees submit confidential interview questions:
    - (a) Hamilton Women and Gender Equity Advisory Committee
    - (b) Indigenous Advisory Committee
    - (c) LGBTQ Advisory Committee
    - (d) Committee Against Racism Advisory Committee
    - (e) Advisory Committee for Persons with Disabilities
  - (iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below) and who have provided confirmation of compliance with the City's Mandatory COVID-19 Vaccination Verification Policy;

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;
- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;

- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;
- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);
- a demonstrated history of community service i.e., previous experience on Boards or Committees;
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,
- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:

- a member of City Council;
- an employee of the City of Hamilton;
- a Judge or a Justice of the Peace;
- a police officer; or,
- a person who practices criminal law as a defence counsel.

**Result: *Amendment to Item 5 (b) of the Audit, Finance and Administration Committee Report 22-016, CARRIED by a vote of 11 to 3, as follows:***

NO - Ward 1 Councillor Maureen Wilson  
NO - Ward 2 Councillor Jason Farr  
NO - Ward 3 Councillor Nrinder Nann  
NOT PRESENT - Ward 4 Councillor Sam Merulla  
YES - Deputy Mayor - 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 - 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:

5. **Governance Review Sub-Committee Report 22-004 - September 9, 2022 (Item 10.5)**

(b) **Feasibility of Implementing the Recommendations from the Committee Against Racism for Changes to the Hamilton Police Services Board Selection Process (FCS22072) (City Wide) (Outstanding Business list Item) (Item 10.1)**

That the Selection Process for the appointment of the one person appointed by resolution of the council to the Hamilton Police Services Board, be approved, as follows:

- (i) That By-Law 21-021, as amended, A By-Law to Govern the Proceedings of Council and Committees of Council (Procedural By-law), be amended as follows:
  - (1) That the definition of "Selection Committee", be amended as follows:

"Selection Committee" means a Committee established by Council, comprised entirely of Members of Council, to interview and report back to Council on the appointment of citizen representatives to agencies, boards and Committees, and reports directly to Council, with the exception of the Hamilton Police Services Board Selection Committee for the recruitment of the one person appointed by resolution of council to the Hamilton Police Services Board which is comprised of six (6) community representatives and ***six (6)*** Council representatives with full voting privileges.
- (ii) That the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be comprised of the ***six (6)*** members of Council and six (6) community representatives;
- (iii) That the Committee Against Racism and the Hamilton Anti-Racism Resource Centre (HARRC) recommend the appointment of the six (6) community representatives on the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board for the 2022-2026 term of Council for Council's consideration;
- (iv) That the six (6) community representatives appointed to the Hamilton Police Services Board Selection Committee for the recruitment of one person appointed by resolution of council to the Hamilton Police Services Board, be required to complete and adhere to a confidentiality agreement as well as the Code of Conduct for Local Boards.

- (v) That the Corporate Policy - Hamilton City Council - Appointment of Citizens to the City's Agencies, Boards, Commissions, Advisory (Volunteer) Committees and Sub-Committees, be amended, to add a new sub-section 14 as follows, renumbering the remaining sub-sections accordingly:

*Selection Process for the one Citizen Appointment to the Hamilton Police Services Board*

14. **Six (6)** members of Council and six (6) community representatives are appointed to the Hamilton Police Services Board Selection Committee whose mandate will be to:
- (i) Review applications for the one citizen appointment to the Hamilton Police Services Board;
  - (ii) Shortlist the applicants with assistance of staff, where appropriate, based on the applicant information provided;
  - (iii) Request that the Hamilton Police Service as well as the following Advisory Committees submit confidential interview questions:
    - (a) Hamilton Women and Gender Equity Advisory Committee
    - (b) Indigenous Advisory Committee
    - (c) LGBTQ Advisory Committee
    - (d) Committee Against Racism Advisory Committee
    - (e) Advisory Committee for Persons with Disabilities
  - (iv) Interview applicants who have met the criteria (below), ensuring that they are not ineligible (below) and who have provided confirmation of compliance with the City's Mandatory COVID-19 Vaccination Verification Policy;

Preference will be given to applicants who meet the following criteria:

- a resident of, or owner of a business in, the City;
- an owner or tenant of land in the City, or the spouse of such a person;
- a Canadian citizen, at least 18 years of age;
- not a member of the Legislative Assembly, the Senate, House of Commons, or an elected official of the City;
- not a Crown employee, nor an employee of a municipality;
- not otherwise disqualified from holding office or voting;

- of good character (applicants will be required to provide authorization to the Police Service to conduct a comprehensive background check);
- a demonstrated history of community service i.e., previous experience on Boards or Committees;
- able to devote up to 20 to 25 hours per month to Police Board matters, including availability during normal business hours;
- skills or leadership in a business or a profession, which demonstrates ability to work effectively as a member of the Board; and,
- specific knowledge, training, education or experience, which may be an asset to the Board.

The following persons are ineligible to be a citizen appointee to the Board:

- a member of City Council;
- an employee of the City of Hamilton;
- a Judge or a Justice of the Peace;
- a police officer; or,
- a person who practices criminal law as a defence counsel.

- (v) Submit two (2) preferred candidate(s) to Council for consideration for the appointment of one person to the Hamilton Police Services Board.

**Result: Main Motion as Amended, Item 5 (b) of the Audit, Finance and Administration Committee Report 22-016, 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 - Deputy Mayor - 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 - 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 Audit, Finance and Administration Committee Report 22-016, 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>NOTICES OF MOTION</b>
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Mayor Eisenberger relinquished the Chair to Deputy Mayor Powers in order to move the following motions:

**8.1 Releasing the Direction to Staff in Closed Session respecting the Hamilton Waterfront Trust at the April 27, 2022 Council Meeting**

**(Eisenberger/Farr)**

That the Rules of Order be waived to allow for the introduction of a motion respecting Releasing the Direction to Staff in Closed Session respecting the Hamilton Waterfront Trust at the April 27, 2022 Council Meeting.

**Result: Motion CARRIED by a 2/3rds 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

For further disposition of this matter, refer to Item 7.4

<b>MOTIONS</b>
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**7.4 Releasing the Direction to Staff in Closed Session respecting the Hamilton Waterfront Trust at the April 27, 2022 Council Meeting****(Eisenberger/Farr)**

That the direction to staff in Closed Session at the April 27, 2022 Council meeting respecting the Hamilton Waterfront Trust, be released publicly.

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

Mayor Eisenberger assumed the Chair.

In light of Council's decision to release the direction to staff in Closed Session respecting the Hamilton Waterfront Trust at the April 27, 2022 Council Meeting, the direction to staff is as follows:

That staff be directed to work with the Hamilton Waterfront Trust and prepare a report for the General Issues Committee within 90 days on how to transfer the Hamilton Waterfront Trust's operational responsibilities and Hamilton Waterfront Trust's assets to the City of Hamilton.

<b>EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 22-013</b>
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**(Clark/VanderBeek)**

That Emergency and Community Services Committee Report 22-013, being the meeting held on Thursday, September 22, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Emergency and Community Services Committee Report 22-013, 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Powers/VanderBeek)**

That Section 5.8(2) of the City's Procedural By-law 21-021, as Amended, 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 Board of Health Report 22-009 and Public Works Committee Report 22-014.

**Result: Motion CARRIED by a 2/3rds 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>BOARD OF HEALTH REPORT 22-009</b>
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**(Wilson/Nann)**

That Board of Health Report 22-009, being the meeting held on Monday, September 26, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Board of Health Report 22-009, 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>PUBLIC WORKS COMMITTEE REPORT 22-014</b>
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**(Nann/Powers)**

That Public Works Committee Report 22-014, being the meeting held on Monday, September 26, 2022, be received and the recommendations contained therein be approved.

**Result: Motion on the Public Works Committee Report 22-014, 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**(Powers/Pauls)**

That Council rise from Committee of the Whole.

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

**(Wilson/Pauls)**

That Council recess until 12:35 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 - Deputy Mayor - Ward 8 Councillor John-Paul Danko  
YES - Mayor Fred Eisenberger  
YES - Ward 15 Councillor Judi Partridge  
NOT PRESENT - Ward 14 Councillor Terry Whitehead  
YES - Ward 13 Councillor Arlene VanderBeek  
YES - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

<b>MOTIONS (CONTINUED)</b>
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**7.1 Connection to Municipal Services for 418 Upper Centennial Parkway, Stoney Creek**

**(Clark/VanderBeek)**

WHEREAS, 418 Upper Centennial Parkway is located 20 meters (0.02 kilometers) outside the east urban boundary of the Upper Stoney Creek Settlement Area and therefore does not qualify for municipal sewer and water connection;



WHEREAS, a precedent has been set with other properties located outside the urban boundary that have been permitted to connect to municipal services at their cost; and

WHEREAS, a municipal waterline currently runs near the property;

THEREFORE, BE IT RESOLVED:

That the Director, Growth Management with the City's Planning and Economic Development Department be directed to issue a Water Permit for the connection of 418 Upper Centennial Parkway, Stoney Creek to the City Municipal Water, in a manner acceptable to the City of Hamilton, and subject to the following conditions:

- (i) That the municipal waterline that runs near 418 Upper Centennial Parkway, Stoney Creek, be evaluated to determine whether available water capacity exists for the proposed connection;
- (ii) That the owner of 418 Upper Centennial Parkway, Stoney Creek, applies and receives written permission from the City of Hamilton to enter into a Special Water Service Agreement for the water connection, as required by City's Waterworks By-law R84-026;
- (iii) That the Special Water Service Agreement, if approved, be executed and registered on title for 418 Upper Centennial Parkway, Stoney Creek;
- (iv) That the owner of 418 Upper Centennial Parkway, Stoney Creek, agrees to pay the proportionate share of any future watermain construction within the Upper Centennial Parkway including abandonment of the proposed service connection.
- (v) That the owner of 418 Upper Centennial Parkway, Stoney Creek pay to the City of Hamilton all fees and charges set forth in the applicable City of Hamilton by-laws;
- (vi) That the water meter for the 418 Upper Centennial Parkway, Stoney Creek, water connection be installed in a sub-surface chamber as close to the existing municipal waterline as practical;
- (vii) That all costs for the permit(s), design and construction of the water connection in accordance with City standards, including any required supporting studies, reviews, or inspections be the responsibility of the owner of 418 Upper Centennial Parkway, Stoney Creek;
- (viii) That the direction provided by this Motion expire on December 31<sup>st</sup>, 2025 if the Water Permit has not been issued.

**Result: Motion CARRIED by a vote of 12 to 1, 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
NOT PRESENT - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

**7.2 Amendment to Item 5 of the Emergency and Community Services Committee Report 20-004, respecting Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (HSC19060(a)) (Ward 3), which was approved at Council on July 17, 2020**

**(Nann/Wilson)**

WHEREAS, on July 17, 2020, Council approved conditional grants for Hamilton East Kiwanis Non-Profit Homes Inc., and Indwell Community Homes, Report HSC19060(a), respecting Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (Ward 3);

WHEREAS, on July 17, 2020, Council approved conditional grants for Hamilton East Kiwanis Non-Profit Homes Inc., and Indwell Community Homes, Report HSC19060(a), respecting Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (Ward 3) with the requirement that grant agreements be entered into and the grants be paid over twenty years;

WHEREAS, Council's approval was incorrectly applied, and an exemption for the entire amount of eligible development charges fees was applied at the time of building permit issuance for each project with the exemption being funded through the same source as the grant funding approval and without the City entering into conditional grant agreements with the providers; and

WHEREAS, staff support amending Council's approval of a condition grant for the payment of DCs to be paid at the time of building permit issuance because funding provided by CMHC for each project secures the same conditions that Council imposed for the conditional grants resulting in Council's intent for provision of the grants and the payment of DCs being maintained;

THEREFORE, BE IT RESOLVED:

That sub-sections (a) and (b) of Item 5 of the Emergency and Community Services Committee Report 20-004, respecting Provision of Conditional Grants for the Purposes of Paying Development Charges for Two Non-Profit Affordable Rental Housing Projects (HSC19060(a)) (Ward 3); be **amended** to read as follows:

- (a) That a **un**conditional grant in the total amount of the development charges (DCs) for the 40 units of the 60-unit Hamilton East Kiwanis Non-Profit Homes Inc., 6 – 14 Acorn Street affordable rental housing development project that are not receiving funding under the Ontario Priorities Housing Initiative (OPHI) (“Kiwanis Project”), in the approximate amount of \$1,000,903 be approved ~~in accordance with the terms and conditions contained in the Conditional Grant Term Sheet attached as Appendix “A” to Report HSC19060(a);~~ **and that the grant not be paid to Hamilton East Kiwanis Non-Profit Homes Inc. but that the amount of the grant be transferred by the Housing Services Division from the Affordable Housing Property Reserve (112256) to the appropriate DC reserve at the time of building permit issuance;**
- (b) That a **un**conditional grant in the total amount of the development charges (DCs) for the 43-unit building of the 95-unit Indwell Community Homes, 225 East Avenue North affordable rental housing development project that are not receiving funding under Ontario Priorities Housing Initiative (OPHI) (“Indwell Project”), in the approximate amount of \$379,260 be approved, ~~in accordance with the terms and conditions contained in the Conditional Grant Term Sheet attached as Appendix “A” to Report HSC19060(a);~~ **and that the grant not be paid to Indwell Community Homes but that the amount of the grant be transferred by the Housing Services Division from the Affordable Housing Property Reserve (112256) to the appropriate DC reserve at the time of building permit issuance;**

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

**7.3 Amendment to Item 5 of the Emergency and Community Services Committee Report 20-011, respecting Subsidy Transfer to Indwell's Affordable Housing Project at 225 East Avenue North (HSC19060 (a)) (Ward 3)**

**(Clark/VanderBeek)**

WHEREAS, staff inadvertently prepared the report, respecting the Subsidy Transfer to Indwell's Affordable Housing Project at 225 East Avenue North, with a duplicate report number;

THEREFORE, BE IT RESOLVED:

That Item 5 of the Emergency and Community Services Committee Report 20-011 respecting the Subsidy Transfer to Indwell's Affordable Housing Project at 225 East Avenue North (HSC19060 (a)) (Ward 3), which was approved by Council on December 16, 2020, be amended by deleting the report number "HSC19060(a)" and replacing it with the report number "**HSC19060(b)**", to read as follows:

**5. Subsidy Transfer to Indwell's Affordable Housing Project at 225 East Avenue North (~~HSC19060(a)~~) (HSC19060(b) (Ward 3) (Item 10.4)**

- (a) That the General Manager of the Healthy and Safe Communities Department be authorized and directed to enter into, execute and administer an agreement with Indwell Community Homes "Indwell" to provide rent supplements for their affordable housing project at 225 East Avenue North in accordance with the terms and conditions contained in the Term Sheet attached as Appendix "C" to Emergency & Community Services Committee Report 20-011, in a form satisfactory to the City Solicitor;
- (b) That \$111,700 associated with the former St. Matthew's House Part VII-Housing Services Act social housing subsidy be transferred from the Hamilton Housing Allowance to a rent supplement for Indwell's affordable housing project at 225 East Avenue North, effective January 1, 2021;
- (c) That \$34,278 in Part VII-Housing Services Act social housing subsidy associated with the 18 units relinquished as part of CityHousing Hamilton's Roxborough development be transferred to Indwell's affordable housing project at 225 East Avenue North, effective January 1, 2021;
- (d) That \$134,097 in Part VII-Housing Services Act social housing subsidy associated with the 75 units CityHousing Hamilton is relinquishing as its reduction in targets at Vanier Towers be transferred to Indwell's affordable housing project at 225 East Avenue North, effective January 1, 2021; and,

- (e) That the value of the rent supplements provided to Indwell's affordable housing project at 225 East Avenue North be increased annually by the Ontario Rental Increase Guideline established each year by the Province on Ontario.

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

## **7.5 Heritage Conservation District Study**

### **(VanderBeek/Powers)**

WHEREAS, the City of Hamilton is undertaking a Heritage Conservation District Study of a portion of Melville Street in Dundas, from Sydenham Street to Wellington Street North, consisting of a concentration of pre-1950 buildings of potential heritage value or interest, including three properties individually designated under Part IV of the *Ontario Heritage Act*, R.S.O. 1990, c. O.18, that may collectively be considered a cultural heritage landscape;

WHEREAS, the purpose of a Heritage Conservation District Study, as provided for under section 40 of the *Ontario Heritage Act*, is to examine the character and appearance of an area to determine if the area should be preserved as a heritage conservation district and to consider and make recommendations with regard to the establishment of a district plan to guide changes to properties located within the district;

WHEREAS, section 40.1(1) of the *Ontario Heritage Act* provides that, if the council of a municipality undertakes a study of a heritage conservation district, the council may, by by-law, designate the area specified in the by-law as a heritage conservation study area for a period of up to one year; and

WHEREAS, section 40.1(2) of the *Ontario Heritage Act* provides that a Heritage Conservation District Study area by-law may prohibit or set limitations with respect to the alteration of property and the erection, demolition or removal of buildings or structures, or classes of buildings or structures within the heritage conservation district study area;

THEREFORE, BE IT RESOLVED:

- (a) That the Council of the City of Hamilton enacts a Heritage Conservation District Study By-law under section 40.1(1) the *Ontario Heritage Act*, attached as Appendix "A" to restrict the use of the lands identified in the Schedule attached to By-law for a period of one year, pending completion of a Heritage Conservation District Study; and
- (b) That Building Department staff be directed to temporarily suspend all building permits for the alteration of property and the erection, demolition or removal of buildings in the study area defined by the Heritage Conservation District Study By-law unless otherwise exempted by the By-law from the date the By-law is passed until such time that it is repealed.

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

<b>NOTICES OF MOTION</b>
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## **8.2 Heritage Conservation District Study**

### **(VanderBeek/Powers)**

That the rules of order be waived to allow for the introduction of a Motion respecting a Heritage Conservation District Study.

**Result: Motion CARRIED by a 2/3rds 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 - Deputy Mayor - 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 - Ward 12 Councillor Lloyd Ferguson  
YES - Ward 11 Councillor Brenda Johnson  
YES - Ward 10 Councillor Maria Pearson  
YES - Ward 9 Councillor Brad Clark

For further disposition of this matter, refer to Item 7.5

#### STATEMENTS BY MEMBERS

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

#### COUNCIL COMMUNICATION UPDATES

**(Powers/Pearson)**

That the listing of Council Communication Updates from September 9, 2022 to September 27, 2022, be received.

**CARRIED**

#### BY-LAWS AND CONFIRMING BY-LAW

**(Powers/Farr)**

That Bills No. 22-243 to No. 22-259, as **Amended**, 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:

- 243 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic  
Schedule 9 (No Right Turn on Red)  
Schedule 11 (No Left Turn on Red)  
Schedule 13 (Designated Traffic Lanes)  
Ward: 1, 2, 7
- 244 To Amend Former City of Hamilton Zoning By-law No. 6593 Respecting Lands  
Located at 974 and 980 Upper Paradise Road and Blocks 131, 132, 133 and 134  
of Registered Plan 62M-1085, Hamilton  
ZAH-22-036  
Ward: 14
- 245 To Adopt Amendment No. 250 to the City of Hamilton Official Plan Respecting  
383 & 383 ½ Hughson Street North, Hamilton  
Ward: 2
- 246 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 383 and  
383 ½ Hughson Street North, City of Hamilton  
ZAR-20-001/UHOPA-20-001  
Ward: 2

- 247 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking  
Schedule 2 (Through Highways)  
Schedule 5 (Parking Meters)  
Schedule 6 (Time Limit Parking)  
Schedule 8 (No Parking Zones)  
Schedule 12 (Permit Parking Zones)  
Schedule 13 (No Stopping Zones)  
Schedule 14 (Wheelchair Loading Zones)  
Schedule 15 (Commercial Vehicle Loading Zones)  
Schedule 16 (Taxi Stands)  
Schedule 20 (School Bus Loading Zones)  
Ward: 1, 2, 3, 5, 7, 10, 12, 13, 15
- 248 To Amend By-law No. 07-170, Being a By-law to Licence and Regulate Various Businesses  
Schedule 25 (Taxicabs)  
Ward: City Wide
- 249 To Amend Hamilton Zoning By-law No. 05-200 Respecting Lands Located at 1411 and 1415 Upper Wellington Street, Hamilton  
ZAH-22-040  
Ward: 7
- 250 To Amend Zoning By-law No. 05-200 (Hamilton), respecting lands located at 55 Queenston Road, Hamilton  
ZAH-22-059
- 251 To Amend Zoning By-law No. 87-57 (Ancaster), respecting lands located at 15 Church Street, in the former Town of Ancaster  
ZAH-22-057  
Ward: 12
- 252 Respecting Removal of Part Lot Control on Block 1 Registered Plan of Subdivision 62M-1277 Central Park – Midtown, 61 Soho Street  
PLC-22-013  
Ward: 9
- 253 Respecting Removal of Part Lot Control Blocks 225 to 230, Registered Plan of Subdivision No. 62M-1237, “Ancaster Meadows Phase 2b” Municipally Known As, 287, 289, 291, 293, 295, 297, 299, 301, 303, 305, 307, 309, 311, 313, 315, 317, 319, 321, 323, 325, 327, 329, 331, 333, 335, 337, 339, 341, 343, 345, 347, 349, 351, 353, 355, 357, 359, 361, 363 and 365 Raymond Road, Ancaster  
PLC-22-016  
Ward: 12
- 254 To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council, **as Amended**  
Ward: City Wide



- 255 To Amend By-law No. 20-205, Being A By-law to Adopt and Maintain a Procurement Policy for the City of Hamilton
- 256 Being a By-law to Amend By-law 06-026, The Sewer and Drain By-law
- 257 Being a By-law to Amend the Waterworks By-law No. R84-026
- 258 To Designate a Portion of Melville Street in Dundas, from Sydenham Street to Wellington Street North, as a Heritage Conservation District Study Area
- 259 To Confirm the Proceedings of City Council

The Motion CARRIED unanimously on the following Standing Recorded Vote:

Yeas: Mayor F. Eisenberger, Deputy Mayor R. Powers, M. Wilson, J. Farr, N. Nann, T. Jackson, E. Pauls, J.P. Danko, J. Partridge, A. VanderBeek, L. Ferguson, B. Johnson, M. Pearson and B. Clark  
Total: 14

**(Ferguson/Johnson)**

That, there being no further business, City Council be adjourned at 2:33 p.m.

**CARRIED**

Respectfully submitted,

Mayor Fred Eisenberger

Andrea Holland  
City Clerk