



CITY COUNCIL MINUTES 23-021

9:30 a.m.
November 22, 2023
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor A. Horwath
Deputy Mayor C. Cassar
Councillors J. Beattie, B. Clark, J.P. Danko, M. Francis, T. Hwang, T. Jackson, C. Kroetsch, T. McMeekin, N. Nann, E. Pauls, M. Spadafora, M. Tadeson, A. Wilson, and M. Wilson

Mayor Horwath called the meeting to order and recognized that Council is meeting on the traditional territories of the Erie, Neutral, HuronWendat, Haudenosaunee and Mississaugas. This land is covered by the Dish with One Spoon Wampum Belt Covenant, which was an agreement between the Haudenosaunee and Anishinaabek to share and care for the resources around the Great Lakes. It was further acknowledged that this land is covered by the Between the Lakes Purchase, 1792, between the Crown and the Mississaugas of the Credit First Nation. The City of Hamilton is home to many Indigenous people from across Turtle Island (North America) and it was recognized that we must do more to learn about the rich history of this land so that we can better understand our roles as residents, neighbours, partners and caretakers.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

5. COMMUNICATIONS

5.4 Correspondence respecting No Boundary Expansion:

(at) Rose Beraldo

Recommendation: Be received and referred to the consideration of Item 11 of Planning Committee Report 23-019.

- 5.15 Correspondence from Ian Borsuk, Executive Director, Environment Hamilton in support of the decision to approve the development proposal at 65 Guise Street East (Pier 8, Block 16) on the condition that the development to "demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC's Zero Carbon Building v3 Design Certification".

Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee Report 23-019.

- 5.16 Correspondence from Joshua Weresch respecting the 2023-4 rate supported and tax operating budgets.

Recommendation: Be received and referred to a future General Issues Committee (Budget) meeting.

- 5.17 Correspondence from Joshua Weresch respecting the motions regarding one-time community safety funding.

Recommendation: Be received and referred to the consideration of Items 7.7 and 7.9.

- 5.18 Correspondence Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property:

- (a) Barb Heemskerk
- (b) Val Perei
- (c) Clement Feierabend, CPA, Clement Feierabend Professional Corporation

Recommendation: Be received and referred to the consideration of Bill 217.

- 5.19 Correspondence from Jesse Elders, Manager, Bay Area Climate Change Council in support for Zero Carbon Development and Green Building Standards.

Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee Report 23-019.

- 5.20 Correspondence respecting the Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED23252):

- (a) Susan Rosenthal, Professional Corporation, Davies Howe LLP
- (b) Denise Baker, WeirFoulds LLP
- (c) Nancy Smith, Turkstra Mazza Associates, Lawyers

Recommendation: Be received and referred to the consideration of Item 11 of Planning Committee Report 23-019.

7. MOTIONS

- 7.5 Changing the name of the Advisory Committee for Person with Disabilities (ACPD) to the Persons with Disabilities Sub-Committee (PDS) - WITHDRAWN

8. NOTICES OF MOTION

- 8.2 Funding to Support Community Group with User Fee for the Flamborough Santa Claus Parade
- 8.3 Format of the December 14, 2023 Public Update Meeting for the GFL Stoney Creek

11. PRIVATE AND CONFIDENTIAL

- 11.2 Red Hill Valley Parkway Inquiry Update

CHANGE TO THE ORDER OF ITEMS

Item 7.7, One-Time Request for funding to Support Ward 1 Community Safety Needs, is to be heard immediately following Item 7.9, One-Time Request for Funding to Support Community Safety Needs in Ward 13.

(Tadeson/Spadafora)

That the agenda for the November 22, 2023 meeting of Council be approved, as amended.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

- YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

DECLARATIONS OF INTEREST

Mayor A. Horwath declared a disqualifying interest to Bill 215, A By-law to Establish a Vacant Unit Tax, as she has a vacant property.

Councillor Hwang declared a disqualifying Interest to Item 11 of General Issues Committee Report 23-031 respecting the Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land Report PED19063(e), as her business partner is a principal owner of Forge and Foster.

Councillor B. Clark declared a disqualifying interest to Item 6 of Planning Committee Report 23-019 respecting an Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9), as the principle planner of Urban Solution has a retail business interest with his son.

APPROVAL OF MINUTES OF PREVIOUS MEETING

4.1 November 8, 2023

(Cassar/Spadafora)

That the Minutes of the November 8, 2023 meeting of Council be approved, as presented.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

COMMUNICATIONS

(Cassar/Tadeson)

That Council Communications 5.1 to 5.20 be approved, as ***amended***, as follows:

- 5.1 Correspondence from the Municipality of Wawa requesting support for their resolution calling upon the Government of Canada to support Bill C-310 and enact amendments to subsections 118.06(2) and 118.07(2) of the Income Tax Act in order to increase the amount of the tax credits for volunteer firefighting and search and rescue volunteer services from \$3,000 to \$10,000.

Recommendation: Be received.

- 5.2 Correspondence from the Municipality of Wawa requesting support for their resolution in support of the Township of McKellar's resolution requesting the Provincial Government to make an amendment to the Legislation Act, 2006, to include digital publications as an acceptable means of publication and notice requirements for Provincial Acts and Regulations.

Recommendation: Be received.

- 5.3 Correspondence from Miki McKellar respecting the Safari Rd. Municipal drain.

- (a) Additional Correspondence

Recommendation: Be received and referred to the consideration of Item 1 of Public Works Committee Report 23-017.

- 5.4 Correspondence respecting No Boundary Expansion:

- (a) Phyllis Dwyer
- (b) Lorraine Green
- (c) Devon Smith
- (d) Ron Ballentine
- (e) Mary Ciotti
- (f) Susan Joanis
- (g) Cheri Elson
- (h) Adam Sperber
- (i) Agnes Richard
- (j) Deborah Lindeman
- (k) Debbie Edwards
- (l) Linda Canaris
- (m) Dorothy Schrader
- (n) Joanne Turnell
- (o) Adele Alfano
- (p) Mary Pat Jankowski
- (q) Mary Beaty
- (r) Katie McDavid
- (s) Adam Fergus
- (t) Paul Craig
- (u) Stephanie Stover
- (v) David Horwood, Director, Twenty Road (Glanbrook) Developments Limited
- (w) David Horwood, Director, Weizer Investments Limited
- (x) Ed Sajecki, Sajecki Planning
- (y) Barbara Ross
- (z) Allison Barnes
- (aa) Trevor Stephenson
- (ab) Allison Clark
- (ac) Nessa Olshansky
- (ad) Diana Meskauskas
- (ae) Scott Bevan
- (af) Patrick Speissegger
- (ag) Ieva Neimanis

- (ah) Norma Young
- (ai) Caroline Neufeld
- (aj) Linda Mackrael
- (ak) Susana Ng
- (al) Sergei Stevens
- (am) Carol Balint
- (an) Peter Smith
- (ao) Margo May Taylor
- (ap) Bernard Stout
- (aq) Patricia Barton
- (ar) Jamie Shea
- (as) Bert Seeliger
- (at) Rose Beraldo

Recommendation: Be received and referred to the consideration of Item 11 of Planning Committee Report 23-019.

- 5.5 Correspondence from Thea Symonds, Coordinator, Woman Abuse Working Group(WAWG) respecting Wrapped in Courage campaign.

Recommendation: Be received.

- 5.6 Correspondence from Calvin Brook, Brook McIlroy respecting Block 16 Proposal - Letter of Support.

Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee 23-019.

- 5.7 Correspondence from Dayna Dubecki, Executive, Glanbrook Community Services in support of the zoning by-law amendment proposal that the Township of Glanbrook Non-Profit Housing Corporation is seeking.

Recommendation: Be received and referred to the consideration of Item 4 of Planning Committee Report 23-019.

- 5.8 Correspondence from the Municipality of Shuniah requesting support for their resolution requesting that the Province of Ontario enhance enforcement for deficient muffler systems to address concerns around excessive and unnecessary noise from engine brakes.

Recommendation: Be **endorsed**.

- 5.9 Correspondence respecting UHOPA-23-017; ZAC-23-041; 1225 Old Golf Links Road, Ancaster:

- (a) John Vitulli, Jr., John Vitulli Professional Corporation
- (b) George Roque, President, GRRC Roofing

Recommendation: Be received and referred to the consideration of Item 7 of Planning Committee Report 23-019.

- 5.10 Correspondence from Kamal Sadar, a written request to the City Council Hamilton about providing guidelines in Taxi By-laws.

Recommendation: Be received.

- 5.11 Correspondence from Paul Dube, Ombudsman of Ontario respecting the Report & Letter - Office of the Ontario Ombudsman - General Issues Committee meeting held February 6, 2019.

Recommendation: Be received.

- 5.12 Correspondence from Paul Dube, Ombudsman of Ontario respecting a Closed meeting complaint - April 18, 2023, Agriculture and Rural Affairs Sub-Committee meeting.

Recommendation: Be received.

- 5.13 Correspondence from Jonathan Clifford, Business Development Manager, WPD Canada Corporation informing Council of their proposal for a new Battery Electric Storage System (BESS) within the Town of Ancaster.

Recommendation: Be received.

- 5.14 Correspondence from the Honourable Paul Calandra, Minister of Municipal Affairs and Housing respecting the Proposed Legislation to Reverse Previous Decisions on Municipal Official Plans/Official Plan Amendments.

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

- 5.15 Correspondence from Ian Borsuk, Executive Director, Environment Hamilton in support of the decision to approve the development proposal at 65 Guise Street East (Pier 8, Block 16) on the condition that the development to "demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use best efforts to target the CaGBC's Zero Carbon Building v3 Design Certification".

Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee Report 23-019.

- 5.16 Correspondence from Joshua Weresch respecting the 2023-4 rate supported and tax operating budgets.

Recommendation: Be received and referred to a future General Issues Committee (Budget) meeting.

- 5.17 Correspondence from Joshua Weresch respecting the motions regarding one-time community safety funding.

Recommendation: Be received and referred to the consideration of Items 7.7 and 7.9.

5.18 Correspondence Notice of Passing of By-law to Authorize Climate Change Mitigation & Adaptation Work on Private Residential Property:

- (a) Barb Heemskerk
- (b) Val Perei
- (c) Clement Feierabend, CPA, Clement Feierabend Professional Corporation

Recommendation: Be received and referred to the consideration of Bill 217.

5.19 Correspondence from Jesse Elders, Manager, Bay Area Climate Change Council in support for Zero Carbon Development and Green Building Standards.

Recommendation: Be received and referred to the consideration of Item 8 of Planning Committee Report 23-019.

5.20 Correspondence respecting the Provincial Announcement Impacting Provincial Decisions on Municipal Official Plans and Official Plan Amendments (PED23252):

- (a) Susan Rosenthal, Professional Corporation, Davies Howe LLP
- (b) Denise Baker, WeirFoulds LLP
- (c) Nancy Smith, Turkstra Mazza Associates, Lawyers

Recommendation: Be received and referred to the consideration of Item 11 of Planning Committee Report 23-019.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Cassar/Tadeson)

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

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

GENERAL ISSUES COMMITTEE (SPECIAL) COMMITTEE REPORT 23-030

(Cassar/Tadeson)

That General Issues Committee (Special) Report 23-030, being the meeting held on Thursday, November 9, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the General Issues Committee (Special) Report 23-030, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

PUBLIC HEALTH COMMITTEE REPORT 23-011
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(M. Wilson/Spadafora)

That Public Health Committee Report 23-011, being the meeting held on Monday, November 13, 2023, be received and the recommendations contained therein be approved.

(Nann/Francis)

WHEREAS, an information report on the International Blue Flag Beach Program was received at the November 13, 2023 Public Health Committee;

WHEREAS, Report PW23068/BOH22004(b) outlines the Blue Flag criteria for beaches, and estimated costs without a formal application/audit report;

WHEREAS, to begin the process of Blue Flag International accreditation for the Van Wagners Beach site, staff would need to work with Swim Drink Fish Canada, who operate Blue Flag Canada on behalf of Blue Flag International;

WHEREAS, Swim Drink Fish Canada would work with the City of Hamilton to complete a beach audit and provide a feasibility report for candidate beach locations, with a list of improvements required to meet the accreditation requirements;

WHEREAS, the feasibility report from Swim Drink Fish Canada will outline any deficiencies to meeting accreditation; and

WHEREAS, the process may take 12-18 months to complete.

THEREFORE, BE IT RESOLVED:

That Item 4 of Public Health Committee Report 23-011 respecting the Blue Flag Beach Program (PW23068/BOH22004(b)) (City Wide), be **amended** as follows:

- (a) That Report PW23068/BOH22004(b) respecting Blue Flag Beach Program, be received;
- (b) ***That staff be directed to engage Swim Drink Fish Canada, to begin the process for accreditation for Van Wagners Beach site, with the first step being a feasibility audit for compliance to the Blue Flag program; and***
- (c) ***That staff report back to the Public Health Committee with the costs to become compliant with the program.***

Result: Amendment to Item 4 of the Public Health Committee Report 23-011, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang

YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Result: Motion on the Public Health Committee Report 23-011, As Amended, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

PUBLIC WORKS COMMITTEE REPORT 23-017

(Nann/Pauls)

That Public Works Committee Report 23-017, being the meeting held on Monday, November 13, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 23-017, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann

YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

PLANNING COMMITTEE REPORT 23-019

(Danko/Hwang)

That Planning Committee Report 23-019, being the meeting held on Tuesday, November 14, 2023, be received and the recommendations contained therein be approved.

(Cassar/Beattie)

That Item 7 of Planning Committee Report 23-019, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment, for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12), be **amended**, as follows:

7. Applications for an Official Plan Amendment and Zoning By-law Amendment, for Lands Located at 1225 Old Golf Links Road, Ancaster (PED23234) (Ward 12) (Item 10.5)

- (a) That Official Plan Amendment Application UHOPA-23-017, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari) on behalf of Ancaster Space Station Inc. (c/o Steve Grzenda), Owner, to amend Volume 1, Schedule E-1 -Urban Land Use Designations by redesignating the subject site from the “Open Space” designation to the “Mixed Use – Medium Density” designation, to amend Volume 2, Meadowlands Mixed Use Secondary Plan Map B.2.4-1 by redesignating the subject site from the “General Open Space” designation to the “Mixed Use – Medium Density” designation, and to amend Volume 2, Meadowlands Mixed Use Secondary Plan by adding a Site Specific Policy to permit a maximum five storey warehouse (self-storage) use, for the lands located at 1225 Old Golf Links Road, as shown on Appendix “A” attached to Report PED23234, be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED23234, **as amended by amending the Site Specific Policy to remove the warehouse (self-storage) use permission**, be adopted 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-23-041, by A.J. Clarke and Associates Ltd. (c/o Ryan Ferrari) on behalf of Ancaster Space Station Inc. (c/o Steve Grzenda), Owner, for a change in zoning from the Public "P-242" Zone to the Mixed Use Medium Density (C5, 876, H161) Zone, to permit a maximum five storey (18.8 metre) warehouse (self-storage) with 46 parking spaces, for the lands located at 1225 Old Golf Links Road, as shown on Appendix "A" attached to Report PED23234, be APPROVED on the following basis:
- (i) That the draft By-law attached as Appendix "C" to Report PED23234, as amended by deleting 2. (b), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
2. ~~(b) In addition to Section 10.5.1, a Warehouse (self-storage) shall also be permitted in accordance with Section 10.5.3 and Section c) below.~~
- (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);
- (iii) That this amending By-law will comply with the Urban Hamilton Official Plan upon the approval of Urban Hamilton Official Plan Amendment No. XX;
- (iv) That the amending By-law apply the Holding Provisions of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject site by introducing the Holding symbol 'H161' to the proposed Mixed Use Medium Density (C5, 876) Zone:

The Holding Provision 'H161' is to be removed conditional upon:

- (1) The Owner submitting a revised Functional Servicing Report analyzing the sanitary sewer system in accordance with the City's standards and demonstrating that there is a residual capacity in the system to support the proposed development and that the increased wastewater generated from the proposed development will not adversely impact the hydraulic performance of the City's sanitary sewer system, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (2) The Owner submitting a revised Stormwater Management Report to demonstrate there is a suitable storm outlet for the proposed development, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (3) The Owner submitting a Watermain Hydraulic Analysis, to the satisfaction of the Director of Growth Management and Chief Development Engineer;

- (4) The Owner entering into an External Works Agreement with the City's Growth Management Division for the design and construction of any required improvements to the municipal infrastructure at the Owner's cost, to the satisfaction of the Director of Growth Management and Chief Development Engineer;
- (5) The Owner submitting an acoustical report prepared by a qualified Professional Engineer containing the recommended noise control measures to the satisfaction of the Director of Planning and Chief Planner. Should a peer review of the acoustical report be warranted, all associated costs shall be borne by the owner and shall be submitted to the satisfaction of the City of Hamilton, Director of Planning and Chief Planner;
- (6) The Owner submitting a revised Tree Protection Plan addressing the protection of the trees found within the City's right-of-way including justification for the removal of the identified trees and the applicable Tree Protection Plan review fee payable to the City of Hamilton, to the satisfaction of the Director of Planning and Chief Planner;
- (7) The Owner satisfying all requirements of Hydro One Corporation including lot grading and drainage and entering into a Site Plan Agreement with the City, to the satisfaction of the Director of Planning and Chief Planner.

Result: *Amendment to Item 7 of the Planning Committee Report 23-019, CARRIED by a vote of 15 to 1, as follows:*

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
NO - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Danko/M. Wilson)

That Item 8 (b)(iii)(1) of Planning Committee Report 23-019, respecting Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2), be **amended** to remove 'best efforts to target', to read as follows:

- (b) That Revised Zoning By-law Amendment Application ZAC-22-003, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton, Municipal Land Development Office, Owner, for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone to permit a maximum 45 storey (147.0 metre) mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix "A" attached to Report PED22031(a), be APPROVED on the following basis:
- (iii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H130' to the proposed Waterfront – Mixed Use (WF2, 819, H94, H130) Zone;

The Holding Provision 'H' is to be removed, conditional upon:

- (1) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, and that addresses innovation in the areas of sustainability, quality of life and design excellence, and to demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use ~~best efforts to target~~ the CaGBC's Zero Carbon Building v3 Design Certification, to the satisfaction of the Director of Planning and Chief Planner.

Result: Amendment to Item 8 (b)(iii)(1) of the Planning Committee Report 23-019, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson

YES - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 8 as **Amended**, was voted on separately, as follows:

8. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 65 Guise Street East (Pier 8, Block 16), Hamilton (PED22031(a)) (Ward 2) (Item 10.7)

- (a) That Revised Official Plan Amendment Application UHOPA-22-001, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton, Municipal Land Development Office, Owner, to redesignate the subject lands from "Institutional" to "Mixed Use" and to establish a Special Policy Area on Schedule "M-2" in the West Harbour (Setting Sail) Secondary Plan in the former City of Hamilton Official Plan to permit a maximum 45 storey mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix "A" attached to Report PED22031(a), be APPROVED on the following basis:
 - (i) That the draft Official Plan Amendment, attached as Appendix "B" to Report PED22031(a), be adopted by City Council;
 - (ii) That the proposed Official Plan Amendment is consistent with the Provincial Policy Statement (2020) and conforms to the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended);
- (b) That Revised Zoning By-law Amendment Application ZAC-22-003, by WEBB Planning Consultants (c/o James Webb) on behalf of the City of Hamilton, Municipal Land Development Office, Owner, for a change in zoning from the Community Institutional (I2, 486, H94) Zone to the Waterfront – Mixed Use (WF2, 819, H94, H130) Zone to permit a maximum 45 storey (147.0 metre) mixed use building, for lands located at 65 Guise Street East (Pier 8, Block 16), as shown on Appendix "A" attached to Report PED22031(a), be APPROVED on the following basis:
 - (i) That the draft By-law, attached as Appendix "C", as amended by including net zero carbon, high efficiency building standards, to Report PED22031(a), 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), conforms to A Place to Grow: Growth Plan for the Greater Golden Horseshoe (2019, as amended), and will comply with the City of Hamilton Official Plan upon approval of Official Plan Amendment No. XX;
 - (iii) That the amending By-law apply the Holding Provision of Section 36(1) of the *Planning Act*, R.S.O. 1990 to the subject property by introducing the Holding symbol 'H130' to the proposed Waterfront – Mixed Use (WF2, 819, H94, H130) Zone;

The Holding Provision 'H' is to be removed, conditional upon:

- (1) The Owner submitting and receiving conditional site plan approval, which shall implement the Pier 8 Block 16 Urban Design Guidelines, the Pier 8 – Block 16 Sustainability Report, the preferred tower design as determined through the Implementation Process for a Tall Building Proposal – Pier 8, Block 16, and that addresses innovation in the areas of sustainability, quality of life and design excellence, and to demonstrate net zero carbon, high efficiency building standards, Pier 8 Block 16 will use the CaGBC's Zero Carbon Building v3 Design Certification, to the satisfaction of the Director of Planning and Chief Planner.
- (c) That Item 22D respecting a Recommendation Report for proposed Official Plan Amendment and Zoning By-law Amendment applications for 65 Guise Street East (Pier 8, Block 16) be identified as complete and removed from the Planning Committee Outstanding Business List.

Result: Motion on Item 8 As Amended, of the Planning Committee Report 23-019, CARRIED by a vote of 11 to 5, as follows:

YES - Ward 10 Councillor Jeff Beattie
NO - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NO - Ward 6 Councillor Tom Jackson
NO - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
NO - Ward 1 Councillor Maureen Wilson

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

6. Application for Approval of a Draft Plan of Subdivision for Lands Located at 250 First Road West, Stoney Creek (PED23233) (Ward 9) (Item 10.4)

- (a) That Draft Plan of Subdivision Application 25T-202302, by UrbanSolutions Planning & Land Development Consultants Inc. (c/o Matt Johnston), on behalf of 256 First Road West Inc. (c/o Nicole Cimadamore), Owner, on lands located at 250 First Road West, as shown on Appendix "A" attached to Report PED23233, be APPROVED in accordance with By-law No. 07-323 being the

delegation of the City of Hamilton's Assigned Authority Under the *Planning Act* for the Approval of Subdivisions and Condominiums, on the following basis:

- (i) That this approval apply to the Draft Plan of Subdivision 25T-202302, certified by Rob. A. McLaren, O.L.S., dated December 22, 2022, consisting of one development block for townhouse dwellings (Block 1), one block for a daylight triangle dedication (Block 2) and one block for a road right of way dedication (Block 3), as shown on Appendix "B" attached to Report PED23233;
- (ii) That the Owner enter into a Standard Form Subdivision Agreement as approved by City Council and with the Special Conditions as shown on Appendix "C" attached to Report PED23233;
- (iii) That the Special Conditions of Draft Plan of Subdivision Approval, 25T-202302, as shown on Appendix "C" attached to Report PED23233, be received and endorsed by City Council;
- (iv) That in accordance with the City's Comprehensive Development Guidelines and Financial Policies Manual there will be no City of Hamilton cost sharing for this subdivision;
- (v) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 51 of the *Planning Act*, prior to the issuance of each building permit. The calculation for the Cash-in-Lieu payment shall be based on the value of the lands on the day prior to the issuance of each building permit, all in accordance with the Financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

Result: Motion on Item 6 of the Planning Committee Report 23-019, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
CONFLICT - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Result: Motion on the balance of the Planning Committee Report 23-019, As Amended, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Cassar/Tadeson)

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 General Issues Committee Report 23-031.

Result: Motion CARRIED by a 2/3rds vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

GENERAL ISSUES COMMITTEE REPORT 23-031

(Cassar/Tadeson)

That General Issues Committee Report 23-031, being the meeting held on Wednesday, November 15, 2023 and Tuesday, November 21, 2023, be received and the recommendations contained therein be approved.

(Nann/Cassar)

That Items (e)(viii) and (g)(i) respecting NRStor Inc.'s, delegation respecting a proposed 100 MW / 400 MWh battery energy storage project within Hamilton's Steelport development and Aypa Power's delegation respecting a proposed Sulphur Springs Battery Energy Storage System (BESS) project, be lifted from the Information Section and be added as Item 15 of the General Issues Committee Report 23-031, as follows:

15. Battery Energy Storage Proposals

- (a) That the delegation from Shivani Chotalia and Jason Rioux, NRStor Inc., addressed the Committee respecting a 100 MW / 400 MWh battery energy storage project we are proposing within Hamilton's Steelport development, be received; and
- (b) That the delegation from Nadia Pabst, Aypa Power, respecting its Sulphur Springs Battery Energy Storage System (BESS) project, be received;

Result: Motion to Lift Items (e)(viii) and (g)(i) of the General Issues Committee Report 23-031, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Nann/Cassar)

That Item 15 respecting Battery Storage Proposals, be **amended** by adding sub-section (c) as follows:

- (c) ***That Planning and Economic Development staff be directed to review the recent battery energy storage proposals from NRStor Inc. and Aypa Power and assess from a climate change, economic development and land use perspective and report back to the Planning Committee with recommended criteria for Council to consider in future proposals seeking endorsement.***

Result: Amendment to Item 15 of the General Issues Committee Report 23-031, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 5 was voted on separately, as follows:

5. Hospital Capital Contribution (FCS23108) (City Wide) (Outstanding Business List Item) (Item 10.1)

- (a) That City of Hamilton staff be directed to continue discussions with Hamilton Health Sciences Corporation and St. Joseph's Healthcare Hamilton related to the municipal contribution to the local share plan of the capital redevelopment plans of the two hospital organizations;
- (b) That City of Hamilton staff be directed to report back to the General Issues Committee with recommendations on financing options for the City's local share contribution in Q1 of 2024; and,
- (c) That the requirements for the feasibility of municipal local share contribution to Hamilton Health Sciences Corporation and St. Joseph's Healthcare Hamilton be identified as complete and removed from the General Issues Committee Outstanding Business List.

Result: Motion on Item 5 of the General Issues Committee Report 23-031, CARRIED by a vote of 9 to 7, as follows:

YES - Ward 10 Councillor Jeff Beattie
NO - Deputy Mayor - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NO - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NO - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
NO - Ward 3 Councillor Nrinder Nann
NO - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
NO - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 9(a) was voted on separately, as follows:

9. Celebrating Canada Day in a New Climate Change Reality (Item 11.1)

- (a) That Tourism and Events staff study the feasibility of alternatives to fireworks for a Canada Day spectacle show that are more responsive to our climate action, biodiversity and public health priorities and report back to the General Issues Committee by Q1 2024; and,

Result: Motion on Item 9(a) of the General Issues Committee Report 23-031, CARRIED by a vote of 9 to 7, as follows:

NO - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
NO - Ward 8 Councillor John-Paul Danko
NO - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NO - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 7 Councillor Esther Pauls
NO - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Upon Council's request, Item 9(b) was voted on separately, as follows:

9. Celebrating Canada Day in a New Climate Change Reality (Item 11.1)

- (b) That Tourism and Events staff are directed to include a scoring strategy for the Request For Proposal for a 5-year Canada Day producer contract bid that prioritizes an option that is responsive to our climate action, biodiversity and public health priorities in seeking a replacement to the current fireworks spectacle.

Result: Motion on Item 9(b) of the General Issues Committee Report 23-031, DEFEATED by a vote of 7 to 9, as follows:

NO - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
NO - Ward 8 Councillor John-Paul Danko
NO - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NO - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
NO - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
NO - Ward 7 Councillor Esther Pauls
NO - Ward 14 Councillor Mike Spadafora
NO - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Due to a declared conflict, Item 11 was voted on separately as follows:

11. Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land (PED19063(e)) (Ward 2) (Outstanding Business List Item) (Item 14.3)

- (a) That the Closed Session Recommendations respecting Report PED19063(e), be approved and remain confidential;
- (b) That the complete Report PED19063(e) respecting Memorandum of Understanding with City and Aeon Studio Group on Barton-Tiffany Land remain confidential until completion of the real estate transaction(s), except for Confidential Appendix "B" to Report PED19063(e) and Confidential Appendix "C" to Report PED19063(e), which are to remain confidential.

Result: Motion on Item 11 of the General Issues Committee Report 23-031, CARRIED by a vote of 14 to 1, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar

NO - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
CONFLICT - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Result: Motion on the balance of the General Issues Committee Report 23-031, As Amended, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 23-018
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(Kroetsch/Hwang)

That Audit, Finance and Administration Committee Report 23-018, being the meeting held on Thursday, November 16, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the Audit, Finance and Administration Committee Report 23-018, CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis

YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 23-014

(Hwang/Jackson)

That Emergency and Community Services Committee Report 23-014, being the meeting held on Thursday, November 16, 2023, be received and the recommendations contained therein be approved.

Result: Motion on the Emergency and Community Services Committee Report 23-014, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Cassar/Tadeson)

That Council rise from Committee of the Whole.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
NOT PRESENT - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath

YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(M. Wilson/McMeekin)

That Council recess from 12:03 p.m. to 12:35 p.m.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
NOT PRESENT - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

MOTIONS

7.1 Amendment to Items 6 and 7 of General Issues Committee Report 23-027 respecting the King West Business Improvement Area Dormancy (PED23198) (Ward 2) and Main West Esplanade Business Improvement Area Dormancy (PED23199) (Ward 2)

(Beattie/Kroetsch)

WHEREAS, Report PED23198, King West Business Improvement Area Dormancy, and Report PED23199, Main West Esplanade Business Improvement Area Dormancy, were considered at the October 18, 2023 General Issues Committee meeting;

WHEREAS, sub-section (f) in both reports (Items 6 and 7 of General Issues Committee Report 23-027) was included in error, as the applicability of commercial district incentive programs in circumstances involving Business Improvement Area dormancy has previously been addressed in the applicable financial incentive program terms updated through the Revitalizing Hamilton's Commercial Districts Community Improvement Plan comprehensive review approved by City Council via Report PED21035(a) on September 29, 2021; and

WHEREAS, the current in effect incentive program terms permit the continued availability of incentive programs to properties located in a dormant Business Improvement Area provided the site is located within an applicable Community Improvement Project Area with the exception of any increased incentive maximums afforded properties located in an active Business Improvement Areas.

THEREFORE, BE IT RESOLVED:

- (a) That Item 6 of General Issues Committee Report 23-027 respecting the King West Business Improvement Area Dormancy (PED23198) (Ward 2), be **amended** by deleting sub-section (f), as follows:

6. King West Business Improvement Area Dormancy (PED23198) (Ward 2) (Item 10.1)

- (a) That the Dormant Business Improvement Area Status Procedure, as attached as Appendix "A" to Report PED23198, be adopted;
- (b) That the King West Business Improvement Area become dormant (a non-active Business Improvement Area) for a three-year term and that the King West Business Improvement Area issue a cheque to the City of Hamilton for all monies that are currently in the King West Business Improvement Area bank account(s);
- (c) That Finance staff be directed to create an account to hold the funds of the King West Business Improvement Area;
- (d) That Finance staff be directed to oversee the account and fulfil any financial obligations of the dormant King West Business Improvement Area throughout the term;
- (e) That Public Works staff be directed to store any material assets of the Business Improvement Area and the cost for storage be invoiced to Finance for payment from the Business Improvement Area account; and,
- ~~(f) That Commercial Districts and Small Business Section staff be directed to undertake the appropriate program modifications to identify that Financial Incentive Programs are available only to property owners/authorized tenants within the existing active city-wide Business Improvement Areas.~~

- (b) That Item 7 of General Issues Committee Report 23-027 respecting the Main West Esplanade Business Improvement Area Dormancy (PED23199) (Ward 2), be **amended** by deleting sub-section (f), as follows:

7. Main West Esplanade Business Improvement Area Dormancy (PED23199) (Ward 2) (Item 10.2)

- (a) That the Dormant Business Improvement Area Status Procedure, attached as Appendix “A” to Report PED23199, be adopted;
- (b) That the Main West Esplanade Business Improvement Area become dormant (a non-active Business Improvement Area) for a three-year term and that the Main West Esplanade Business Improvement Area issue a cheque to the City of Hamilton for all monies that are currently in the Main West Esplanade Business Improvement Area bank account(s);
- (c) That Finance staff be directed to create an account to hold the funds of the Main West Esplanade Business Improvement Area;
- (d) That Finance staff be directed to oversee the account and fulfil any financial obligations of the dormant Main West Esplanade Business Improvement Area throughout the term;
- (e) That Public Works staff be directed to store any material assets of the Business Improvement Area and the cost for storage be invoiced to Finance for payment from the Business Improvement Area account; and,
- ~~(f) — That Commercial Districts and Small Business Section staff be directed to undertake the appropriate program modifications to identify that Financial Incentive Programs are available only to property owners/authorized tenants within the existing active city-wide Business Improvement Areas.~~

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora

YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.2 Appointment of the Chair and Vice Chair of the Procurement Sub-Committee

(Kroetsch/Jackson)

WHEREAS, Council has been delegated the power to appoint the chair and vice chair of the Procurement Sub-Committee for the remainder of the 2022-2026 Term of Council.

THEREFORE, BE IT RESOLVED:

- (a) That Councillor J.P. Danko, be appointed Chair of the Procurement Sub-Committee for the remainder of the 2022-2026 Term of Council; and
- (b) That Councillor A. Wilson, be appointed Vice Chair of the Procurement Sub-Committee for the remainder of the 2022-2026 Term of Council.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.3 Amendment to Item 5 of Audit, Finance and Administration Committee Report 23-011 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide)

(Clark/Francis)

WHEREAS, on July 14, 2023 Council approved the request for one additional full-time FTE to respond to the growing volume of fraud and waste complaints to be referred to the 2024 Operating Budget within Report AUD23009, Fraud, Waste, and Whistleblower Semi-Annual Update; and

WHEREAS, the Office of the Auditor General is cognizant of the challenges of this year's budget pressures, and takes seriously the direction to carefully consider such requests in light of Council priorities and the financial impact on residents.

THEREFORE, BE IT RESOLVED:

- (a) That Item 5 of Audit, Finance and Administration Committee Report 23-011 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide), be **amended**, as follows:

5. Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide) (Item 10.2)

- (a) That the Fraud, Waste and Whistleblower Semi-Annual Update be received.
- (b) That the creation of one Full Time Equivalent (FTE) employee for a Senior Auditor be referred to the 2025 Operating Budget.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.4 Amendment to Item 1 of Audit, Finance and Administration Committee Report 23-009 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide)

(Kroetsch/M. Wilson)

WHEREAS, on June 7, 2023 Council approved the directions to staff respecting Limiting or Prohibiting the Acceptance of Gifts in the Code of Conduct for Employees and the Council Code of Conduct; and

WHEREAS, it is now necessary to include in that review, a gap analysis of the City's policies that apply to staff and not to elected officials;

THEREFORE, BE IT RESOLVED:

- (a) That Item 1 of Audit, Finance and Administration Committee Report 23-009 respecting the Fraud, Waste, and Whistleblower Semi-Annual Update (AUD23009) (City Wide), be **amended** by adding a new sub-section (c), as follows:
1. **Limiting or Prohibiting the Acceptance of Gifts in the Code of Conduct for Employees and the Council Code of Conduct (Item 9.4)**
 - (a) That Human Resources staff be directed to conduct a review of the Codes of Conduct for employees at other municipalities and report back to the Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for employees;
 - (b) That the City Clerk be directed to coordinate a review of the Council Codes of Conduct at other municipalities and report back to Audit, Finance and Administration Committee with recommendations respecting limiting or prohibiting the accepting of gifts for elected officials; **and**
 - (c) ***That staff be directed to perform a gap analysis of City policies that apply to staff, as employees of the corporation, and not to elected officials, who are not employees of the corporation, and report back to the Audit, Finance and Administration Committee with recommendations on how those policies could be applied to elected officials.***

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.6 Resignation from the Selection Committee for Agencies, Boards and Sub-Committees**(Cassar/Nann)**

That Council accept Councillor N. Nann's resignation from the Selection Committee for Agencies, Boards and Sub-Committees, effective immediately.

Result: Motion CARRIED by a vote of 15 to 1, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NO - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.8 Hamilton Winter Solstice Festival (Ward 2)**(Kroetsch/Nann)**

WHEREAS, the Hamilton Winter Solstice Festival was successfully held annually on December 21 in 2017, 2018, and 2019;

WHEREAS, organizers of the Hamilton Winter Solstice Festival wish to hold the fourth annual festival on December 21, 2022; and

WHEREAS, funding for these events was previously allocated from the Ward 2 Non-Property Tax Revenue Account (3301609602);

THEREFORE, BE IT RESOLVED:

- (a) That up to \$6,500 be allocated from the Ward 2 Non-Property Tax Revenue Account (3301609602) to the Corktown Neighbourhood Association for a winter solstice event in Corktown; and
- (b) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.9 One-Time Request for Funding to Support Community Safety Needs in Ward 13**(A. Wilson/M. Wilson)**

WHEREAS, the City of Hamilton, through the Community Safety and Wellbeing Plan has identified addressing rising hate incidents as a priority action and has committed to addressing and reducing hate and identity-based violence including anti-Semitism, Islamophobia, anti-Black and anti-Indigenous racism, xenophobia, transphobia, homophobia and other forms of discrimination;

WHEREAS, an increased atmosphere of identity-based hatred, including but not limited to: antisemitism, Islamophobia, homophobia, transphobia, ableism, and racism, has resulted in real and growing safety concerns for equity-deserving members of our community;

WHEREAS, there have been recent acts of violence against Jewish communal organizations in Canada, including arson attempts on Jewish congregations in Montreal and shots fired at Yeshiva Gedola and Talmud Torah Elementary School, and substantiated threats to Jewish communal organizations in Hamilton;

WHEREAS, Hamilton Jewish Family Services (HJFS) has identified substantiated increased safety concerns for their workers and clients that will require increased expenditures on security measures; and

WHEREAS, HJFS is committing to meeting this increased operating expense on a go-forward basis but requires immediate gap funding to implement these measures without service reductions;

THEREFORE, BE IT RESOLVED:

- (a) That \$7,500 be allocated from the Ward 13 Cell Tower/Non-property tax Revenue account (3301609613) to the Hamilton Jewish Family Services on a one time basis to acquire security services for a period of 3 months, effective immediately and ending February 29th, 2024;
- (b) That any funds allocated and distributed be exempt and not be counted toward any formula that restricts regular funding from the City including the City Enrichment Fund for the years 2023 and 2024; and
- (c) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.7 One-Time Request for funding to Support Ward 1 Community Safety Needs

(M. Wilson/A. Wilson)

WHEREAS, the City of Hamilton, through the Community Safety and Wellbeing Plan has identified addressing rising hate incidents as a priority action and has committed to addressing and reducing hate and identity-based violence including anti-Semitism, Islamophobia, anti-Black and anti-Indigenous racism, xenophobia, transphobia, homophobia and other forms of discrimination;

WHEREAS, an increased atmosphere of identity-based hatred, including but not limited to: antisemitism, Islamophobia, homophobia, transphobia, ableism, and racism, has resulted in real and growing safety concerns for equity-deserving members of our community;

WHEREAS, there have been recent acts of violence against Jewish communal organizations in Canada, including arson attempts on Jewish congregations in Montreal and shots fired at Yeshiva Gedola and Talmud Torah Elementary School, and substantiated threats to Jewish communal organizations in Hamilton;

WHEREAS, Ward 1's Hamilton Hebrew Academy, Adas Israel Synagogue and Temple Anshe Sholom have identified substantiated increased safety concerns for their students, congregants and tenants that will require increased expenditures on security measures; and

WHEREAS, Hamilton Hebrew Academy, Adas Israel Synagogue and Temple Anshe Sholom is committing to meeting this increased operating expense on a go-forward basis but requires immediate gap funding to implement these measures without service reductions;

THEREFORE, BE IT RESOLVED:

- (a) That up to \$7,500 be allocated from the Ward 1 capital discretionary account (3302109100) to Hamilton Hebrew Academy on a one-time basis to acquire security infrastructure, effective immediately;
- (b) That up to \$7,500 be allocated from the Ward 1 capital discretionary account (3302109100) to Adas Israel Synagogue on a one-time basis for the installation security infrastructure, effective immediately;
- (c) That up to \$7,500 be allocated from the Ward 1 capital discretionary account (3302109100) to Anshe Sholom Temple on a one-time basis for the installation of security and infrastructure, effective immediately;
- (d) That any funds allocated and distributed be exempt and not be counted toward any formula that restricts regular funding from the City including the City Enrichment Fund for the years 2023 and 2024; and
- (e) That the Mayor and City Clerk be authorized and directed to execute any required agreement(s) and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

Result: Motion CARRIED by a vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann

YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.10 Funding to Support Community Group with User Fee for the Flamborough Santa Claus Parade

(McMeekin/Spadafora)

WHEREAS, the Flamborough Santa Claus Parade is in need of funds due to user fees;

WHEREAS, user fees are charged by the City of Hamilton to offset costs outside normal service levels, to support events; and

WHEREAS, this group is seeking funding support rental of 40 garbage cans, which includes delivery and pick up as well as disposal of the garbage;

THEREFORE, BE IT RESOLVED:

- (a) That \$2,000.00, to support the costs associated with user fee, to be funded from the Ward 15 Non-Property Tax Revenue Account (3301609615), be approved; and
- (b) That the Mayor and City Clerk be authorized and directed to approve and execute all required agreements and ancillary documents, with such terms and conditions in a form satisfactory to the City Solicitor.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

7.11 Format of the December 14, 2023 Public Update Meeting for the GFL Stoney Creek

(Beattie/Clark)

WHEREAS, odours from the GFL Stoney Creek Facility have been an ongoing concern to both the local Upper Stoney Creek Community, and broader Stoney Creek and Hamilton Community since the Spring of 2023;

WHEREAS, the Management of the Stoney Creek Facility committed to monthly public update sessions on October 18th, November 16th and December 14th 2023, via Zoom;

WHEREAS, Virtual/Zoom meetings are not universally accessible to all community members; and

WHEREAS, community members have repeatedly requested that an in-person Information Update Meeting be held, including during a recent delegation to Hamilton Council.

THEREFORE, BE IT RESOLVED:

That the Mayor and Council of the City of Hamilton formally request that the next Public Update Meeting for the GFL Stoney Creek Regional Facility, scheduled for December 14th 2023, be held in an in-person or hybrid format.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

NOTICES OF MOTION

Councillor Pauls introduced the following Notice of Motion:

8.1 Reconsideration of a decision that was approved at the July 14, 2023 Council meeting respecting Item 1 of the Public Works Committee Report 23-010, Hamilton Street Railway (HSR) Fare Policies (PW23024(a)) (City Wide)

That Item 1 of Public Works Committee Report 23-010, respecting Hamilton Street Railway (HSR) Fare Policies (PW23024(a)) (City Wide), which was approved by Council on July 14, 2023 and reads as follows, be reconsidered:

1. Hamilton Street Railway (HSR) Fare Policies (PW23024(a)) (City Wide) (Item 8.1)

- (a) That the General Manager, Public Works or designate, be directed to suspend the HSR Temporary Transit Fare Special program and the Ontario Works Affordable Transit Pass program, effective December 31st, 2023, to introduce a pilot for HSR Fare Assist program, for the period of January 1, 2024 to June 30, 2026, and;
- (b) That the total cost over the life of the pilot program, estimated at \$3.28 million including 2 temporary full-time employees, be funded through any available provincial funding and/or the Provincial Gas Tax Reserve (reserve #112204), and;
- (c) That Council approve the request to expand/extend the contract for Self-Service Benefits Portal, provided by Clark Marketing Communications Contract #C003020, to include HSR Fare Assist program as a benefit for tracking and reporting at a one-time cost of \$24,000 to be funded through the Provincial Gas Tax Reserve (reserve #112204) in 2023, and;
- (d) That Council approve the transfer of \$248,680 allocated in the Ontario Works Division base levy for the Affordable Transit Pass to the Transit Division during the 2024 budget process, and;
- (e) That staff report back no later than March 2025 to provide a status update of the Fare Assist Program, including ridership, costs, and effectiveness, and;
- (f) That staff bring forward a final report to the 2026 budget process with recommendations regarding the status of the Fare Assist program.

8.2 Funding to Support Community Group with User Fee for the Flamborough Santa Claus Parade

(McMeekin/Spadafora)

That the Rules of Order be waived to allow for the introduction of a motion respecting Funding to Support Community Group with User Fee for the Flamborough Santa Claus Parade.

Result: Motion CARRIED by a 2/3rds vote of 16 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

For further disposition of this matter, refer to Item 7.10.

8.3 Format of the December 14, 2023 Public Update Meeting for the GFL Stoney Creek

(Beattie/Clark)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Format of the December 14, 2023 Public Update Meeting for the GFL Stoney Creek.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann

YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

For further disposition of this matter, refer to Item 7.11.

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Cassar/Tadeson)

That the listing of Council Communication Updates from November 3, 2023 to November 16, 2023, be received.

Result: Motion on the Council Communication Updates from November 3, 2023 to November 16, 2023 CARRIED by a vote of 15 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

PRIVATE AND CONFIDENTIAL

Council determined that discussion of Item 11.1 was not required in Closed Session; therefore, the matters were addressed in Open Session, as follows:

11.1 Closed Session Minutes – November 8, 2023

(Spadafora/Tadeson)

That the Closed Session Minutes dated November 8, 2023 be approved, as presented, and remain confidential.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
YES - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Cassar/Hwang)

That Council move into Closed Session to discuss Items 11.2 respecting Red Hill Valley Parkway Inquiry Update pursuant to Section 9.3, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f), (i) and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board; the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Result: Motion CARRIED by a vote of 14 to 1, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NOT PRESENT - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
YES - Ward 2 Councillor Cameron Kroetsch
NO - Ward 15 Councillor Ted McMeekin
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson

YES - Ward 13 Councillor Alex Wilson
 YES - Ward 1 Councillor Maureen Wilson

11.2 Red Hill Valley Parkway Inquiry Update

(Tadeson/Hwang)

- (a) That the direction to staff in Closed Session respecting the Red Hill Valley Parkway Inquiry Update, be approved; and
- (b) That the memorandum and presentation respecting the Red Hill Valley Parkway Inquiry Update, be received and remain confidential; and

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

YES - Ward 10 Councillor Jeff Beattie
 YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
 YES - Ward 9 Councillor Brad Clark
 YES - Ward 8 Councillor John-Paul Danko
 YES - Ward 5 Councillor Matt Francis
 YES - Mayor Andrea Horwath
 YES - Ward 4 Councillor Tammy Hwang
 YES - Ward 6 Councillor Tom Jackson
 NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
 NOT PRESENT - Ward 15 Councillor Ted McMeekin
 NOT PRESENT - Ward 3 Councillor Nrinder Nann
 YES - Ward 7 Councillor Esther Pauls
 YES - Ward 14 Councillor Mike Spadafora
 YES - Ward 11 Councillor Mark Tadeson
 YES - Ward 13 Councillor Alex Wilson
 YES - Ward 1 Councillor Maureen Wilson

BY-LAWS AND CONFIRMING BY-LAW

(Cassar/Tadeson)

That Bills No. 23-215 to No. 23-223; No. 23-224, **As Amended**; No. 23-225, **As Amended**; No. 23-226 to No. 23-229; No. 23-230, **As Amended** and No. 23-231, 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:

- 215 A By-law to Establish a Vacant Unit Tax
Ward: City Wide
- 216 To Permanently Close and Sell a Portion of Kerr Street, Dundas, being Part of Kerr Street on Registered Plan D-16, in the City of Hamilton, Designated as Parts 1 and 2 on Plan 62R-6431, being Part of PIN 17481-0094(LT)
Ward: 13
- 217 A By-law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program
Ward: City Wide

- 218 To Adopt Official Plan Amendment No. 195 to the Urban Hamilton Official Plan Respecting 2080 Rymal Road (Glanbrook)
Ward: 11
- 219 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 2080 Rymal Road East, Glanbrook
ZAC-20-015
UHOPA-20-011
Ward: 11
- 220 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 2080 Rymal Road East
ZAC-20-015
UHOPA-20-011
Ward: 11
- 221 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 2800 Library Lane and 2641 Regional Road 56 (Glanbrook)
ZAC-23-022
Ward: 11
- 222 To Adopt Official Plan Amendment No. 196 to the Urban Hamilton Official Plan Respecting 3169 Fletcher Road (Glanbrook)
Ward: 11
- 223 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3169 Fletcher Road
ZAC-21-001
UHOPA-21-001
Ward: 11
- 224 To Adopt Official Plan Amendment No. 193 to the Urban Hamilton Official Plan Respecting 1225 Old Golf Links Road (Ancaster), **As Amended**
Ward: 12
- 225 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1225 Old Golf Links Road, Ancaster, **As Amended**
ZAC-23-041
UHOPA-23-017
Ward: 12
- 226 To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2024
Ward: City Wide
- 227 To Authorize an Interim Tax Levy for 2024
Ward: City Wide
- 228 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)

Schedule 13 (No Stopping Zones)

Ward: 1, 3, 4, 10, 11

229 To Adopt Official Plan Amendment No. 251 to the City of Hamilton Official Plan, Respecting 65 Guise Street East (Pier 8, Block 16) (Hamilton)
Ward: 2

230 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 130 Haida Avenue (formerly 65 Guise Street East), Hamilton, **As Amended**
ZAC-22-003
UHOPA-22-0001
Ward: 2

231 To Confirm the Proceedings of City Council

Upon Council's request, Bill 215 was voted on separately, as follows:

215 A By-law to Establish a Vacant Unit Tax
Ward: City Wide

Result: Motion on Bill 215 DEFEATED by a vote of 6 to 6, as follows:

NO - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
NO - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
NO - Ward 5 Councillor Matt Francis
CONFLICT - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
NO - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
NOT PRESENT - Ward 3 Councillor Nrinder Nann
NO - Ward 7 Councillor Esther Pauls
NO - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Due to the above result, the Clerk advised Council of Section 3.12(4) of the Procedure By-law 21-021, As Amended, 'No Bill or By-law may be defeated on the floor of Council without reconsideration of the original motion which gave rise to the consideration of the Bill or By-law', therefore, the notice required for a motion for reconsideration of an item previously decided by Council, has been provided so that a member of Council could introduce a Motion for reconsideration at the December 13, 2023 Council meeting.

Due to the result of the vote on Bill 215, the remaining Bills were renumbered as follows:

215 To Permanently Close and Sell a Portion of Kerr Street, Dundas, being Part of Kerr Street on Registered Plan D-16, in the City of Hamilton, Designated as Parts 1 and 2 on Plan 62R-6431, being Part of PIN 17481-0094(LT)
Ward: 13

- 216 A By-law to Authorize the Undertaking of Climate Change Mitigation and Adaptation Works on Private Residential Property as Local Improvements Under the Better Homes Hamilton Program
Ward: City Wide

- 217 To Adopt Official Plan Amendment No. 195 to the Urban Hamilton Official Plan Respecting 2080 Rymal Road (Glanbrook)
Ward: 11

- 218 To Amend Zoning By-law No. 05-200 with Respect to Lands Located at 2080 Rymal Road East, Glanbrook
ZAC-20-015
UHOPA-20-011
Ward: 11

- 219 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 2080 Rymal Road East
ZAC-20-015
UHOPA-20-011
Ward: 11

- 220 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 2800 Library Lane and 2641 Regional Road 56 (Glanbrook)
ZAC-23-022
Ward: 11

- 221 To Adopt Official Plan Amendment No. 196 to the Urban Hamilton Official Plan Respecting 3169 Fletcher Road (Glanbrook)
Ward: 11

- 222 To Amend Zoning By-law No. 464 (Glanbrook) Respecting Lands Located at 3169 Fletcher Road
ZAC-21-001
UHOPA-21-001
Ward: 11

- 223 To Adopt Official Plan Amendment No. 193 to the Urban Hamilton Official Plan Respecting 1225 Old Golf Links Road (Ancaster), **As Amended**
Ward: 12

- 224 To Amend Zoning By-law No. 05-200, Respecting Lands Located at 1225 Old Golf Links Road, Ancaster, **As Amended**
ZAC-23-041
UHOPA-23-017
Ward: 12

- 225 To Authorize the Temporary Borrowing of Monies to Meet Current Expenditures Pending Receipt of Current Revenues for 2024
Ward: City Wide

- 226 To Authorize an Interim Tax Levy for 2024
Ward: City Wide

- 227 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Ward: 1, 3, 4, 10, 11
- 228 To Adopt Official Plan Amendment No. 251 to the City of Hamilton Official Plan, Respecting 65 Guise Street East (Pier 8, Block 16) (Hamilton)
Ward: 2
- 229 To Amend Zoning By-law No. 05-200 Respecting Lands Located at 130 Haida Avenue (formerly 65 Guise Street East), Hamilton, **As Amended**
ZAC-22-003
UHOPA-22-0001
Ward: 2
- 230 To Confirm the Proceedings of City Council

Result: Motion the balance of the Bills, As Amended, CARRIED by a vote of 13 to 0, as follows:

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang
YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
NOT PRESENT - Ward 3 Councillor Nrinder Nann
YES - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

(Spadafora/Tadeson)

That, there being no further business, City Council be adjourned at 3:35 p.m.

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

YES - Ward 10 Councillor Jeff Beattie
YES - Deputy Mayor - Ward 12 Councillor Craig Cassar
YES - Ward 9 Councillor Brad Clark
YES - Ward 8 Councillor John-Paul Danko
YES - Ward 5 Councillor Matt Francis
YES - Mayor Andrea Horwath
YES - Ward 4 Councillor Tammy Hwang

YES - Ward 6 Councillor Tom Jackson
NOT PRESENT - Ward 2 Councillor Cameron Kroetsch
NOT PRESENT - Ward 15 Councillor Ted McMeekin
NOT PRESENT - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 7 Councillor Esther Pauls
YES - Ward 14 Councillor Mike Spadafora
YES - Ward 11 Councillor Mark Tadeson
YES - Ward 13 Councillor Alex Wilson
YES - Ward 1 Councillor Maureen Wilson

Respectfully submitted,

Mayor Andrea Horwath

Janet Pilon
Acting City Clerk