



**CITY COUNCIL
MINUTES 19-003**

5:00 p.m.
February 13 & 14, 2019
Council Chamber
Hamilton City Hall
71 Main Street West

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

Mayor Eisenberger called the meeting to order and recognized that Council is meeting on the traditional territories of the Mississauga and Haudenosaunee nations, and within the lands protected by the “Dish with One Spoon” Wampum Agreement.

The Mayor called upon Reverend Douglas Cottrell of Many Mansions Spiritual Centre, to provide the invocation.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. COMMUNICATIONS (Item 5)

5.7 Correspondence respecting the Selection & Hiring Committee for the next City Manager:

- (j) Deborah Tomlinson-Veit
- (k) Grace Evans
- (l) Evan Hall

Recommendation: Be received and referred to the consideration of Item 7.1.

5.10 Correspondence from Pierre Ranger, Chairman, Let's Remember Adam - STOP FOR THE SCHOOL BUS requesting the City of Hamilton's assistance to put an end to stop-arm violations in order to make travel to and from school safer for children in Hamilton.

- (x) Gail Seabrook
- (y) Julie Phillips
- (z) Kim Freeman
- (aa) Katherine Vatcher
- (bb) Krista Gabriele

- (cc) Meagan Duetta
- (dd) Sherry LeDrew
- (ee) Tay Cameron
- (ff) Mary Westerhof
- (gg) Bill Bradburn
- (hh) Lori Frankum
- (ii) Lena Thorne
- (jj) Lori Godon
- (kk) Alison Thomas
- (ll) Andy MacKey
- (mm) Cora Barton

Recommendation: Be received *and referred to the Chief of the Hamilton Police Service and the Hamilton Police Services Board for appropriate action.*

- 5.12 Correspondence from Lakewood Beach Community Council respecting the City of Hamilton Annual Collision Report.

Recommendation: Be received and referred to the consideration of Item 4 of the General Issues Committee Report 19-003.

- 5.13 Correspondence respecting the February 9th City Manager Recruitment Steering Committee meeting:

- (a) Craig Burley
- (b) Deanna Allain

Recommendation: Be received.

- 5.14 Correspondence from David Smosarski expressing his concerns regarding the recent release of information regarding the state of friction of the Red Hill Valley Parkway that was described in a report that was completed in 2013 by Tradewind Scientific.

Recommendation: Be received.

2. MOTIONS (Item 7)

- 7.8 Resignation from the Selection Committee - WITHDRAWN

3. NOTICES OF MOTION (Item 8)

- 8.1 Red Hill Valley Parkway Safety

4. PRIVATE AND CONFIDENTIAL (Item 10)

- 10.6 Appointment to the Hamilton Port Authority Board of Directors

Pursuant to Section 8.1, Sub-section (b) of the City's Procedural By-law 18-270, and Section 239(2), Sub-section (b) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to personal matters about an identifiable individual, including City employees

(Pearson/Clark)

That the agenda for the February 13 & 14, 2019 meeting of Council be approved, **as amended**.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor Danko declared an interest to Item 7.3 as it relates to the Hamilton-Wentworth District School Board Property at 4 Vickers Road, as his wife sits on the Hamilton-Wentworth District School Board as Vice-Chair.

Councillor Clark declared an interest to Item 5 and Item 8 of Planning Committee Report 19-002 as they relate to the Terrapure Stoney Creek Regional Facility Environmental Assessment, as he has a professional affiliation with Terrapure.

CEREMONIAL ACTIVITIES

Council recognized Team Hamilton for their participation in the International Children's Games Winter Competition held in Lake Placid, New York. The Ancaster Avalanche girls hockey team won a gold medal, the Hamilton Huskies won a silver medal, and the two girls figure skaters from the Hamilton Skating Club placed 6th and 7th.

APPROVAL OF MINUTES OF PREVIOUS MEETING
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4.1 January 23, 2019**(Merulla/Collins)**

That the Minutes of the January 23, 2019 meeting of Council be approved, as presented.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

COMMUNICATIONS

(Collins/Merulla)

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

- 5.1 Correspondence from Derek Appleton respecting the congestion with the increase in traffic in the Green Road area due to the developments in the Green Road area.

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

- 5.2 Correspondence from the Niagara Peninsula Conservation Authority respecting the censuring of Member James Kaspersetz for his recent posts of a racist comment on Facebook.

Recommendation: Be received.

- 5.3 Correspondence from the Federation of Canadian Municipalities (FCM) in response to Council's request for FCM to formally endorse the City of Hamilton's request to the Province of Ontario to be considered a pilot project with respect to a funding formula partnership, as it related to AODA infrastructure renewal projects.

Recommendation: Be received ***and referred to the Association of Municipalities of Ontario (AMO).***

- 5.4 Correspondence from the Ombudsman respecting an investigation with regards to the January 16, 2019 General Issues Committee for holding a meeting that did not comply with the open meeting rules in the *Municipal Act, 2001*.

Recommendation: Be received.

- 5.5 Correspondence from Marie Sharp, Dunnington-Grubb Committee Chair, Garden Club of Hamilton respecting the Proposed Site of the Firefighter Memorial.

Recommendation: Be received.

- 5.6 Correspondence announcing that Councillor Judi Partridge was acclaimed and now represents the City of Hamilton on the Federation of Canadian Municipalities (FCM) Board of Directors.

Recommendation: Be received.

- 5.7 Correspondence respecting the Selection & Hiring Committee for the next City Manager:

- (a) Jay Edington
- (b) Lindsay Forsey
- (c) Rosa Zetler
- (d) Frances Murray
- (e) Jamie Stuckless
- (f) Anna D'Angela
- (g) Shahzi Bokhari
- (h) Ryan Strang
- (i) Arig al Shaibah, McMaster University
- (j) Deborah Tomlinson-Veit
- (k) Grace Evans
- (l) Evan Hall

Recommendation: Be received and referred to the consideration of Item 7.1

- 5.8 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting a consultation on the long-standing issues surrounding joint and several liability.

Recommendation: Be received.

- 5.9 Correspondence from Carly Bedford respecting the Friends of the Aviary plea for support.

Recommendation: Be received and referred to the consideration of Item 2 of the Public Works Committee Report 19-002.

5.10 Correspondence from Pierre Ranger, Chairman, Let's Remember Adam - STOP FOR THE SCHOOL BUS requesting the City of Hamilton's assistance to put an end to stop-arm violations in order to make travel to and from school safer for children in Hamilton.

- (a) Alice Weatherbee
- (b) Sarah Lawson
- (c) Christine Ballantyne
- (d) S. Knight
- (e) Krista London-Verticchio
- (f) Tiffany Fisher
- (g) Teresa Sanges
- (h) Wafa Sallam
- (i) Vanessa Di Salvo
- (j) Lisa Hilts
- (k) Maria Simoes
- (l) Kim Leclercq
- (m) Kim Leclercq
- (n) Barb Wallace
- (o) Neil Felder
- (p) Phil Johnson
- (q) Kyle Cook
- (r) Kersti Kerstenbeck
- (s) James Graham
- (t) Christine Moritz
- (u) Carrri Stonehouse
- (v) Renee Michelle Miller
- (w) Joan Hassey
- (x) Gail Seabrook
- (y) Julie Phillips
- (z) Kim Freeman
- (aa) Katherine Vatcher
- (bb) Krista Gabriele
- (cc) Meagan Duetta
- (dd) Sherry LeDrew
- (ee) Tay Cameron
- (ff) Mary Westerhof
- (gg) Bill Bradburn
- (hh) Lori Frankum
- (ii) Lena Thorne
- (jj) Lori Godon
- (kk) Alison Thomas
- (ll) Andy MacKey
- (mm) Cora Barton

Recommendation: Be **endorsed** and referred to the Chief of the Hamilton Police Service, the Hamilton Police Services Board, **the Premier of Ontario, the Ministry of Transportation, the Association of Municipalities of Ontario, and all Hamilton District School Boards.**

- 5.11 Correspondence from Julie Densham, Autism Ontario respecting the launch of their provincial wide 6th annual Raise the Flag campaign that will take place on April 2, 2019.

Recommendation: Be received.

- 5.12 Correspondence from Lakewood Beach Community Council respecting the City of Hamilton Annual Collision Report.

Recommendation: Be received and referred to the consideration of Item 4 of the General Issues Committee Report 19-003.

- 5.13 Correspondence respecting the February 9th City Manager Recruitment Steering Committee meeting:

- (a) Craig Burley
- (b) Deanna Allain

Recommendation: Be received.

- 5.14 Correspondence from David Smosarski expressing his concerns regarding the recent release of information regarding the state of friction of the Red Hill Valley Parkway that was described in a report that was completed in 2013 by Tradewind Scientific.

Recommendation: Be received.

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Merulla/Collins)

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

CARRIED

SELECTION COMMITTEE REPORT 19-001
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1. Appointment of Chair and Vice Chair (Item 1)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Johnson/Pearson)

That the FIRST Report of the Selection Committee be adopted, as presented, and the information section received.

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

SELECTION COMMITTEE REPORT 19-002

(Johnson/Ferguson)

That the SECOND Report of the Selection Committee be received for information.

CITY MANAGER RECRUITMENT STEERING COMMITTEE REPORT 19-001

1. Appointment of Committee Chair and Vice-Chair (Item 1)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Eisenberger/Partridge)

That the FIRST Report of the City Manager Recruitment Steering Committee be adopted, as presented, and the information section received.

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson

YES - Councillor Maria Pearson
YES - Councillor Brad Clark

PUBLIC WORKS COMMITTEE REPORT 19-002

1. Proposed Permanent Closure and Sale of a Portion of Wetenhall Court, Hamilton (PW19011) (Ward 11) (Item 8.2)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

2. Friends of the Aviary Business Case Review and Extension of Agreement (Item 8.3)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. **ArcelorMittal Dofasco G.P. Transportation Agreement (PW19009) (Wards 3 and 4) (Item 10.1)**

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4. **Amendment to Item 4 of Public Works Committee Report 19-002 respecting Procurement of Consulting Services for Detailed Design of East West New Road Corridor, Waterdown (PW19013) (Ward 15) (Item 10.2)**

(Partridge/Pearson)

That subsection (a) of Item 4 to Public Works Committee Report 19-002, be deleted in its entirety and replaced with the following in lieu thereof:

4. **Procurement of Consulting Services for Detailed Design of East West New Road Corridor, Waterdown (PW19013) (Ward 15) (Item 10.2)**

~~(a) The City of Hamilton prepare a Request for Proposal (RFP) and engage in an open and competitive bidding process to invite several Consultants to submit proposals to carry out the detailed design for the New East West Road Corridor from Centre Road to Avonsyde in Waterdown; and,~~

(a) *That the single sole source procurement, pursuant to Procurement Policy #11 - Non-competitive Procurements be approved and that the General Manager of Public Works be authorized to:*

(i) *Negotiate with Dillon Consulting Limited a price to carry-out the detailed design for the New East West Road Corridor from Centre Road to Avonsyde in Waterdown; and,*

(ii) *Negotiate for the consulting work, should an acceptable Engineering Fee be agreed upon, and enter into and execute any required contract and any ancillary documents required*

to give effect thereto with Dillon Consulting Limited, in a form satisfactory to the City Solicitor; and,

- (b) That the funding for the proposed work is available in the approved budget ID # 4031380390 East-West Road Corridor (Waterdown Bypass) – Roads.

Result: Amendment CARRIED by a vote of 13 to 3, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
NO - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
NO - Councillor John-Paul Danko
YES - Deputy-Mayor Chad Collins
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

Result: Main Motion, As Amended, CARRIED by a vote of 13 to 3, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
NO - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
NO - Councillor John-Paul Danko
YES - Deputy-Mayor Chad Collins
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

5. **Hamilton Strategic Road Safety Program and Vision Zero Action Plan 2019 – 2025 (PW19015) (City Wide) (Outstanding Business List) (Item 10.3)**

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Ferguson/Johnson)

That the SECOND Report of the Public Works Committee be adopted, **as amended**, and the information section received.

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

PLANNING COMMITTEE REPORT 19-002

2. **Application for an Amendment to the City of Stoney Creek Zoning By-law No. 3692-92, for Lands Located at 222 First Road West (Stoney Creek) (PED19026) (Ward 9) (Item 8.1)**

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. **Non-Statutory Public Meeting for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 41 Stuart Street, Hamilton (PED19028) (Ward 2) (Item 10.1)**

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4. Bill 66 – Restoring Ontario’s *Competitiveness Act*, 2018 (Schedule 10) (PED19027) (City Wide) (Item 10.2)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

5. Terrapure Stoney Creek Regional Facility EA – Compensation Agreement (LS18045/FCS18072) (Ward 9) (Item 10.3)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Deputy-Mayor Chad Collins
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- CONFLICT - Councillor Brad Clark

6. Support for the Preservation of the Beach Canal Lighthouse and Residence (Item 11.1)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7. Merger of the Hamilton Port Authority and Oshawa Port Authority (Item 11.2)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

8. Terrapure Stoney Creek Regional Facility Environmental Assessment (EA) – Compensation Agreement (LS18045(a)/FCS18072(a)) (Item 14.1)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Deputy-Mayor Chad Collins
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- CONFLICT - Councillor Brad Clark

(Pearson/Clark)

That the SECOND Report of the Planning Committee be adopted, as presented, and the information section received.

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 19-003

1. Advisory Committee for Persons with Disabilities Report 19-001, January 15, 2019 (Item 10.1)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

2. Special Capital Reinvestment Levy - Reallocation Options (FCS19006) (City Wide) (Item 10.2)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

3. City of Hamilton and Ministry of Transportation 2018 / 2019 Dedicated Gas Tax Funding Agreement (FCS19009) (City Wide) (Item 10.3)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

5. Lincoln M. Alexander Parkway (LINC) and Red Hill Valley Parkway (RHVP) Transportation and Safety Update (PW18008(a)) (City Wide) (Item 10.5)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

6. **Speed Limit Reduction Feasibility Study on the Lincoln M. Alexander and the Red Hill Valley Parkways (PW19014) (City Wide) (Item 10.6)**

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Chad Collins
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7. **Code of Conduct for Council-Appointed Citizen Members of External Boards and Agencies (Item 11.2)**

WHEREAS, on March 8, 2017, Council approved the Advisory Committee / Task Force Code of Conduct applicable to Council-appointed citizen members of Advisory Committees and Task Forces that report to Council;

WHEREAS, the City of Hamilton has not approved a Code of Conduct applicable to Council-appointed citizen members of independent external boards and agencies that do not report to Council; and,

WHEREAS, notwithstanding that some of those independent external boards and agencies have enacted their own Codes of Conduct for board members, it is desirable that the City of Hamilton establish its own standards of conduct, demeanour and ethics for its Council-appointed citizen members.

THEREFORE, BE IT RESOLVED:

That staff be directed to report back to the General Issues Committee with recommendations for implementing a code of conduct, applicable to Council-appointed citizen members of independent external boards and agencies, including addressing the use of discriminatory language or actions, and the receiving of gifts or benefits by citizen board/agency members as well as the inclusion of a confidentiality agreement and remedies available to Council to address breaches of conduct and confidentiality ***such as Council's right of recall.***

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

8. Request for Enhanced and Dedicated Speed Enforcement on the Red Hill Valley Parkway (Item 11.3)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

9. Independent Special Investigation of the City's Internal Processes, Managerial Systems and Procedures Regarding Friction Management in Relation to the Red Hill Valley Parkway (Item 11.4)

(Jackson/Merulla)

That consideration of Item 9 of the General Issues Committee Report 19-003, respecting an Independent Special Investigation of the City's Internal Processes, Managerial Systems and Procedures Regarding Friction Management in Relation to the Red Hill Valley Parkway, be deferred until after the Closed Session portion of the agenda.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

10. Roads Audit Update (AUD19002) (City Wide) (Item 14.3)

(Jackson/Merulla)

That consideration of Item 10 of the General Issues Committee Report 19-003, respecting a Roads Audit Update (AUD19002) (City Wide), be deferred until after the Closed Session portion of the agenda.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

**11. Roads Infrastructure Litigation and Review Assessment (LS19010) (City Wide)
(Item 14.4)**

(Jackson/Merulla)

That consideration of Item 11 of the General Issues Committee Report 19-003, respecting a Roads Infrastructure Litigation and Review Assessment (LS19010) (City Wide), be deferred until after the Closed Session portion of the agenda.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(h)(ii) Amendment to Information Item (h)(ii) of the General Issues Committee Report 19-003, respecting a Motion regarding City of Hamilton – Living Wage Employer

(Nann/Merulla)

That Information Item (h)(ii) of the General Issues Committee Report 19-003, respecting a Motion regarding City of Hamilton – Living Wage Employer, be amended by deleting the words “The following Motion was DEFEATED” and “sub-section (a), to read as follows:

~~The following Motion was DEFEATED:~~

(ii) City of Hamilton - Living Wage Employer (11.3)

~~(a) That the City of Hamilton become a living wage employer by paying all minimum wage employees to a living wage rate of \$15.85 per hour, including part-time, seasonal and other contract employees with increases consistent with cost of living in Hamilton; and,~~

(a) That staff be directed to report back, during the 2019 Operating Budget process, to becoming a living wage employer by paying all minimum wage employees a rate of \$15.85 per hour,

including part-time, seasonal and other contract employees with increases consistent with cost of living in Hamilton.

Result: Motion CARRIED by a vote of 13 to 3, as follows:

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Chad Collins
YES - Mayor Fred Eisenberger
NO - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
NO - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
NO - Councillor Maria Pearson
YES - Councillor Brad Clark

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 19-002
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- 1. Correspondence from the Federation of Canadian Municipalities (FCM) respecting the 2019-2020 Membership Invoice - Advocacy Fund Contribution along with Appendix A that provides background information on the Advocacy Fund (Referred from Council - January 23, 2019) (Item 5.2)**

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Deputy-Mayor Chad Collins
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NO - Councillor Brad Clark

2. **Mark Strongman, Tournament Chairman, respecting a request for a \$50,000 grant for the 2019 Little League Championship to be held in Ancaster, Ontario (Added Item 8.2)**

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

3. **Supply of Raw Water to 690 Strathearne Avenue North (FCS18049(b)) (Ward 4) (Item 10.1)**

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

4. Development Charges Stakeholders Sub-Committee Report 19-001 (Item 10.2)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

5. Hamilton Anti-Racism Resource Centre Update (HUR18010(a) / LS19008) (City Wide) (Item 14.2)

(Jackson/Merulla)

That consideration of Item 5 of the Audit, Finance & Administration Committee Report 19-002, respecting the Hamilton Anti-Racism Resource Centre Update (HUR18010(a) / LS19008) (City Wide), be deferred until after the Closed Session portion of the agenda.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
NOT PRESENT - Councillor John-Paul Danko
YES - Deputy-Mayor Chad Collins
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

MOTIONS

7.1 Establishment of a New Steering Committee for the Recruitment of the City Manager**(Wilson/Nann)**

WHEREAS the City Manager has such general control and management of the administration of the government and affairs of the City and performs such duties as Council by by-law prescribes and is the sole employee reporting directly to the elected Municipal Council;

WHEREAS the City of Hamilton appointed an Interim City Manager due to the resignation of the previous City Manager on June 27, 2018;

WHEREAS the recruitment process to fill the vacancy of the City Manager was defined by the former 2014-2018 City Council in report HUR18013 of August 13, 2018;

WHEREAS one third of Hamilton City Council elected October 22, 2018 did not serve on the previous 2014-2018 Term of Council;

WHEREAS the 2014-2018 Term of City Council recommended that a Steering Committee comprised of the Mayor and Chairs of the Standing Committees be established to assist with the recruitment process for the City Manager;

WHEREAS Report HUR18013 of August 13, 2018 does not define the core principles that will guide the recruitment, deliberation and selection process for the new City Manager;

WHEREAS the City's Strategic Plan states that diversity and inclusion are to be embraced and celebrated;

WHEREAS the City's Corporate Culture includes the principle of steadfast integrity, that this principle shall guide our strategic priorities, and as a Council, we too ought to uphold and put these values in action through our recruitment and selection process;

WHEREAS public entities, including governments, are well placed to serve as a model for other employers;

WHEREAS recognizing and valuing equity, diversity and inclusion must be accompanied by concerted efforts to put these principles and values into practice; and

WHEREAS the ability to invite and learn from different perspectives is fundamental to driving innovation, building a strong relationship and taking the best approaches to meet the needs of the diverse population served by the City of Hamilton;

THEREFORE, BE IT RESOLVED:

- (a) That the newly elected 2018-2022 City Council define the recruitment process to fill the vacancy of the new City Manager;
- (b) That an equity, diversity and inclusive (EDI) lens be incorporated in all aspects of this recruitment process; and
- (c) That the Steering Committee that was established to oversee the City Manager search process, interview short-list of candidates and identify final candidates for consideration by City Council on August 17, 2018, be amended to better reflect the diverse composition of the 2018-2022 City Council and by extension the community, with not less than 50% of those elected members who identify as females along with not less than one-third of the newly elected members of City Council serving on the Steering Committee.

Result: Motion DEFEATED by a vote of 13 to 3, as follows:

YES - Councillor Maureen Wilson
 NO - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 NO - Councillor Sam Merulla
 NO - Deputy-Mayor Chad Collins
 NO - Councillor Tom Jackson
 NO - Councillor Esther Pauls
 YES - Councillor John-Paul Danko
 NO - Mayor Fred Eisenberger
 NO - Councillor Judi Partridge
 NO - Councillor Terry Whitehead
 NO - Councillor Arlene VanderBeek
 NO - Councillor Lloyd Ferguson
 NO - Councillor Brenda Johnson
 NO - Councillor Maria Pearson
 NO - Councillor Brad Clark

7.2 Sub-Committee Terms of Reference Amendment

(Pearson/Nann)

That the following Committee's Terms of Reference, be amended to reflect the following membership composition:

- (i) Capital Projects Works-in-Progress Projects Sub-Committee – **four (4)** members of Council;

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

YES - Councillor Maureen Wilson
 YES - Councillor Jason Farr
 YES - Councillor Nrinder Nann
 YES - Councillor Sam Merulla
 YES - Deputy-Mayor Chad Collins
 YES - Councillor Tom Jackson

YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.3 Amendment to Item 7.3 - Council Meeting 18-017 of September 12, 2018, respecting Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton (PED18208)

(Pauls/Jackson)

- (a) That Item 7.3, respecting Report PED18208 - Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton, be amended by deleting the word “may” and replacing it with the words “**does not**”; and, by deleting the words “and is exploring the extent to what its interest might be”, to read as follows:

7.3 Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton (PED18208) (Ward 7) (Item 8.3)

- (a) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) that the City of Hamilton **does not** may have an interest ~~and is exploring the extent to what its interest might be~~ in acquiring its property located at 4 Vicker Road, as shown on Appendix "A" attached to Report PED18208; and,
- (b) That Item 7.3, respecting Report PED18208 - Hamilton-Wentworth District School Board Property at 4 Vickers Road, Hamilton, be amended by deleting sub-section (b) in its entirety:

~~(b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to advise the Hamilton-Wentworth District School Board (HWDSB) of the City of Hamilton's site development requirements as identified in Appendix "F" to School Board Properties Sub-Committee Report 18-001.~~

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr

YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
CONFLICT - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.4 Government's Policy Regarding Any Cost Escalation Above the Committed \$1 Billion for the Hamilton LRT

(Clark/Pearson)

WHEREAS, Metrolinx has steadfastly refused to provide an update of the projected LRT capital costs;

WHEREAS, the Ministry of Transportation provides the oversight and funding to Metrolinx;

WHEREAS, the Canada cumulative increase in the cost of living since 2007 has been 19.11% Source:<https://www.bankofcanada.ca/rates/related/inflation-calculator/>; and,

WHEREAS, the Ontario cumulative increase in the cost of living since 2007 has been 21.12% Source:<http://inflationcalculator.ca/ontario/>;

THEREFORE, BE IT RESOLVED:

- (a) That the Hamilton City Council request that the Honourable Jeff Yurek, Minister of Transportation, provide written correspondence to the Mayor and Hamilton City Council clarifying the current government's policy regarding any cost escalation above the committed \$1billion and who pays for any increase in costs; and,
- (b) That the City Clerk be directed to include this resolution in the correspondence to the Minister of Transportation.

Result: Motion CARRIED by a vote of 14 to 2, as follows:

NO - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins

YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
NO - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.5 Amendment to Item 8 of the General Issues Committee Report 18-014, respecting Report PED16253(b) - 18-28 King Street East, Extension of Conditional Approval, Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program

(Farr/Merulla)

WHEREAS, at its meeting of December 11, 2013, Council approved Item 14 of the General Issues Committee Report 13-026, respecting Report PED13208 - 18-28 King Street East – Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program;

WHEREAS, at its meeting of December 9, 2015, Council approved an amendment to Item 14 of the General Issues Committee Report 13-026, respecting Report PED13208 - 18-28 King Street East – Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program, to extend the submission deadline for completion of the program applications to December 31, 2016;

WHEREAS, at its meeting of January 25, 2017, Council approved Item 4 of the Planning Committee Report 17-001, respecting the Hamilton Municipal Heritage Committee Report 16-010, December 15, 2016 regarding Report PED16193(a) Heritage Permit Application HP2016-028, under Part IV of the *Ontario Heritage Act*, for the Demolition of the Buildings at 24 and 28 King Street East, Hamilton;

WHEREAS, Hughson Business Space Corporation has advised that they plan to restore all five properties, and conditional site plan approval was issued on November 27, 2017, with an addendum containing further conditions being added on August 2, 2018;

WHEREAS, at its meeting of December 6, 2016, Council approved Item 30 of the General Issues Committee Report 17-025, respecting Report PED13208(a) - 18-28 King Street East – Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program, which extended the submission deadline for completion of the program applications to June 1, 2018;

WHEREAS, a Heritage Permit for the retention and restoration of the front portion of 24 and 28 King Street East and a fifth storey addition was approved on September 7, 2018;

WHEREAS, at its meeting of June 27, 2018, Council approved Item 8 of the General Issues Committee Report 18-014, which again extended the submission deadline for Building Permit Applications to January 31, 2019; and,

WHEREAS, the applicant is working diligently towards completing the requirements under the conditional Site Plan Approval process in 2019.

THEREFORE, BE IT RESOLVED:

- (a) That subsections (a) and (b) to Item 8 of the General Issues Committee Report 18-014, respecting Report PED16253(b) – 18-28 King Street East, Extension of Conditional Approval, Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program, be amended by deleting the words “July 31, 2019 and replacing them with the words “**January 31, 2020**”; and, by deleting the second reference to the word “January” and replacing it with the word “**July**”; and,
- (b) That subsection (c) to Item 8 of the General Issues Committee Report 18-014, respecting Report PED16253(b) – 18-28 King Street East, Extension of Conditional Approval, Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program, be amended by deleting the word “January” and replacing it with the word “**July**”.

To read as follows:

- 8. 18-28 King Street East, Extension of Conditional Approval, Hamilton Heritage Property Grant Program and GORE Building Improvement Grant Program (PED16253(b)) (Ward 2) (Item 8.1)**
 - (a) That the deadline for the submission of a separate, completed Hamilton Heritage Property Grant Program (HHPGP) Application for each 18, 20, 22, 24 and 28 King Street East, for the previously approved conditional grant commitment to an upset limit of \$850,000 for the Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan) the registered owners, be extended to no later than ~~July 31, 2019~~ **January 31, 2020**, conditional upon the receipt of a Building Permit Application being submitted to the City for the redevelopment of 18-28 King Street East no later than ~~January~~ **July 31, 2019**;
 - (b) That the deadline for the submission of a separate, completed GORE Building Improvement Grant Program (GBIGP) Application for each 18, 20, 22, 24 and 28 King Street East, for the previously approved conditional grant commitment to an upset limit of \$250,000 under the GORE Building Improvement Grant Program (GBIGP) for Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan), the registered owners, be extended to no later than ~~July 31, 2019~~ **January 31, 2020**, conditional upon the

receipt of a Building Permit Application being submitted to the City for the redevelopment of 18-28 King Street East no later than ~~January~~ **July** 31, 2019; and,

- (c) That, should the Hughson Business Space Corporation (Linda Barnett, David Blanchard, Ronald Quinn and William Rogan) the registered owners of 18, 20, 22, 24 and 28 King Street East not submit a Building Permit Application for the redevelopment of 18-28 King Street East by ~~January~~ **July** 31, 2019, staff be directed to report back to the General Issues Committee for direction as to whether or not the conditional grant commitments, under the Hamilton Heritage Property Grant Program (HHPGP) and GORE Building Improvement Grant Program (GBIGP), for those properties should continue to be valid.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.6 Resignation from the Capital Projects Work-in-Progress Sub-Committee

(Whitehead/Partridge)

That Councillor T. Whitehead's resignation from the Capital Projects Work-in-Progress Sub-Committee, be received.

CARRIED

7.7 Resolving Outstanding Levy Apportionment Matters with the Conservation Authorities

Councillor Ferguson postponed the consideration of the motion respecting Resolving Outstanding Levy Apportionment Matters with the Conservation Authorities to a future Council meeting.

7.9 Policy or Protocol to Guarantee the Sharing of Consultants' Reports with Council when there are Risks to Human Health and Safety**(Clark/Merulla)**

- (a) That City Staff, be directed to prepare a policy or protocol that directs City Staff to share any consultants' reports, documents, memorandums or correspondence that raises any questions, concerns about any current or future risk to human health and safety;
- (b) That the Council approved policy be appended to the City Staff Code of Conduct and to all employment contracts for the City Manager, Directors, and General Managers; and
- (c) That the City Manager shall make all consultant reports, documents, memorandums, correspondence or background studies available for review upon request in writing by the Mayor or City Councillors

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

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.10 Protocol or Policy Setting Out Clear Guidelines, Expectations, Responsibilities and Obligations for City Staff When Responding to the Inquiries from the City's Auditor General**(Clark/Merulla)**

- (a) That City Staff in consultation with the City of Hamilton Auditor General, be directed to develop a protocol or policy setting out clear guidelines, expectations, responsibilities and obligations for city staff when responding to inquiries from the City of Hamilton Auditor General; and
- (b) That the Council approved policy be appended to the City Staff Code of Conduct and to all employment contracts for the City Manager, Directors, and General Managers.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.11 Update on the Environmental Assessment for the Widening of Highway 403 from Highway 52 to Highway 6

(Ferguson/Johnson)

- (a) That the Mayor write to the Minister of Transport asking for an update on the environmental assessment for the widening of Highway 403, as announced by the Minister on March 21, 2017; and
- (b) That a copy of the correspondence be referred to the Government Relations Sub-Committee so that they may make the matter a priority.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

7.12 Ministerial Interpretation Guideline for the Composition of the Niagara Peninsula Conservation Authority

(Clark/Johnson)

WHEREAS, the assistant Deputy Minister wrote to the Niagara Peninsula Conservation Authority (NPCA) indicating how the *Conservation Authorities Act* (CAA) determines the composition of Conservation Authority Boards;

WHEREAS, Justice Ramsey made a temporary ruling providing Niagara Municipalities with 12 members on the NPCA;

WHEREAS, both Hamilton and Haldimand County have agreed that the correct composition as per the *Conservation Authorities Act* would enable the appointment of five members to Niagara, four members to Hamilton and two members to Haldimand; and,

WHEREAS, there does not appear to be any willingness from the Niagara Region or Niagara Region municipalities to revisit the board composition;

THEREFORE, BE IT RESOLVED:

That the City Council formally request the Minister of Environment, Conservation & Parks review and issue a Ministerial interpretation guideline for the composition of the Niagara Peninsula Conservation Authority pursuant to the *Conservation Authorities Act*.

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- NOT PRESENT - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

NOTICES OF MOTION

8.1 Red Hill Valley Parkway Safety**(Merulla/Ferguson)**

That consideration of the Notice of Motion, respecting Red Hill Valley Parkway Safety, be deferred until after the Closed Session portion of the agenda.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 10.5.

8.2 Update on the Environmental Assessment for the Widening of Highway 403 from Highway 52 to Highway 6**(Ferguson/Johnson)**

That the Rules of Order be waived to allow for the introduction of a motion respecting an Update on the Environmental Assessment for the Widening of Highway 403 from Highway 52 to Highway 6.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead

YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.11.

8.3 Ministerial Interpretation Guideline for the Composition of the Niagara Peninsula Conservation Authority

(Clark/Johnson)

That the Rules of Order be waived to allow for the introduction of a motion respecting the Ministerial Interpretation Guideline for the Composition of the Niagara Peninsula Conservation Authority.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
NOT PRESENT - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

For disposition of this matter, refer to Item 7.12.

STATEMENTS BY MEMBERS

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

PRIVATE & CONFIDENTIAL

10.1 Closed Session Minutes – January 23, 2019**(Whitehead/Ferguson)**

That the Closed Session Minutes dated January 23, 2019 be approved, as presented, and remain confidential.

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Brad Clark

Council determined that discussion of Item 10.2 was not required in Closed Session, the matter was addressed in Open Session, as follows:

10.2 Appointments to the Niagara Peninsula Conservation Authority**(Merulla/Collins)**

That the following citizens be appointed to the Niagara Peninsula Conservation Authority, Board of Directors for a term commencing February 13, 2019, and until a successor is chosen:

- (a) James Beattie
- (b) Brian Wright

Result: Motion CARRIED by a vote of 10 to 0, as follows:

NOT PRESENT - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko

YES - Mayor Fred Eisenberger
NOT PRESENT - Councillor Judi Partridge
YES - Councillor Terry Whitehead
NOT PRESENT - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
NOT PRESENT - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Brad Clark

Council determined that discussion of Item 10.6 was not required in Closed Session, the matter was addressed in Open Session, as follows:

10.6 Appointments to the Hamilton Port Authority Board of Directors

(Merulla/Collins)

That the following citizen be appointed to the Hamilton Port Authority Board of Directors for a term commencing February 13, 2019, and until a successor is chosen:

(a) James Howlett

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

NOT PRESENT - Councillor Maureen Wilson
YES - Councillor Jason Farr
NOT PRESENT - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
NOT PRESENT - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Brad Clark

(Partridge/VanderBeek)

That Council move into Closed Session respecting Items 10.3 to 10.5, pursuant to Section 8.1, Sub-sections (b), (e), (f), and (k) of the City's Procedural By-law 18-270; and, Section 239(2), Sub-sections (b), (e), (f), and (k) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City employees; litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the City.

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

YES - Councillor Maureen Wilson
NOT PRESENT - Councillor Jason Farr
NOT PRESENT - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
NOT PRESENT - Councillor Brad Clark

**10.3 Hamilton Anti-Racism Resource Centre Update (HUR18010(b) / LS19008(a))
(City Wide)**

(VanderBeek/Pearson)

- (a) That Report HUR18010(b) / LS19008(a), respecting the Hamilton Anti-Racism Resource Centre Update, be received.
- (b) The Report HUR18010(b) / LS19008(a), respecting the Hamilton Anti-Racism Resource Centre Update, remain confidential.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

10.4 35 Market Street, Dundas (LS19009) (Ward 13)

Staff were provided with direction in Closed Session.

(VanderBeek/Partridge)

- (d) That recommendations and content of Report LS19009/PW19020, including all Appendices remain confidential.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

10.5 Road Infrastructure Litigation Review and Assessment Follow Up (LS19010(a)) (City Wide)

(i) (Whitehead/Ferguson)

- (a) That Report LS19010(a), respecting the Road Infrastructure Litigation Review and Assessment Follow Up, be received.
- (b) The Report HUR18010(b) / LS19008(a), respecting the Road Infrastructure Litigation Review and Assessment Follow Up, remain confidential.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge

YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(ii) (Merulla/Collins)

WHEREAS, in January 2013, Council directed staff to investigate lighting and improved signs/lane markings for the Red Hill Valley Parkway (RHVP) near Mud/Stone Church, and costing/alternatives for consideration;

WHEREAS, in April 2013, Golders & Associates was hired to complete a six-year condition assessment on the RHVP, a subsequent second phase of study was completed by Golder & Associates (Tradewind Scientific) which was primarily focused on friction testing;

WHEREAS, the report covering the first phase of work by Golders & Associates in April 2013 was not shared publicly or with Council at the time;

WHEREAS, in November 2013 Council received information from staff regarding the 2013 safety audit from CIMA which made recommendations on changes to signage, pavement markings, installation of cat eyes and friction testing;

WHEREAS, in May 2015, Council received information from staff regarding the 2013 safety audit from CIMA and progress made on safety improvements, and directed staff to investigate additional safety measures for the RHVP and the Lincoln Alexander Parkway, (Linc), such as additional guardrails, lighting, lane markings or other means to help prevent further fatalities and serious injuries;

WHEREAS, in November 2015, Council directed staff to report on total costs and feasibility of expanding the Linc and RHVP to six lanes;

WHEREAS, in December 2015, Council received information from staff regarding the 2015 safety audit from CIMA which made recommendations on short, medium and long-term safety improvements for the Linc and RHVP, and Council directed staff to seek out provincial approval from the Ministry of Transportation to allow the City of Hamilton to implement photo radar on the Linc and RHVP, and to report back on the costs and processes of investigating an improved lighting system on the RHVP and Linc;

WHEREAS, in September 2016, Council received information related to lighting which recommended further investigation, and directed staff to undertake a lighting study on the RHVP;

WHEREAS, in October 2016, Council received information regarding the need to study options before expanding the RHVP and Linc, and the need for an environmental assessment and connection issues with the 403 and Queen Elizabeth way (QEW);

WHEREAS, in February 2017, Council directed staff to consult with Hamilton Police Services to bring forward an annual collision report summarizing collisions on Linc and RHVP, and requested an update on costs and implications of installing barriers;

WHEREAS, in August 2017, Council directed staff to undertake speed limit reduction feasibility study for both Linc and RHVP;

WHEREAS, in December 2017 Golders & Associates was hired to evaluate the surface skid resistance of the Red Hill Valley Parkway and the report was not shared publicly or with Council at the time;

WHEREAS, in January 2018, Council received an update on the 2015 safety audit from CIMA and directed staff to implement short and medium term collision counter measures, undertake a detailed annual collision analysis on both the Linc and RHVP, to request Hamilton Police Services to undertake regular speed and aggressive driving enforcement on the Linc and RHVP, to undertake an annual traffic count, to install median barriers as part of any future widening, and to report back with an update on overall operating conditions on the Linc and RHVP with a focus on Ministry of Transportation (MTO) activities for widening, truck activity, safety and information needed for widening;

WHEREAS, in July 2018, Golders & Associates was hired to complete an assessment of whether or not hot in place recycling can be used on the Red Hill Valley Parkway and the report was not shared publicly or with Council at the time;

WHEREAS, in October 2018, CIMA was hired to complete a roadside safety assessment on the RHVP to assess roadside safety infrastructure such as guiderails, shoulders, and speed enforcement areas and the report was not shared publicly or with Council at the time;

WHEREAS, in February 2019, CIMA was hired to complete a review of safety on the RHVP alongside the pavement friction testing results from the 2013 Tradewind Scientific Report, and this report was shared publicly; and,

WHEREAS, staff have reported to Council that all actions items arising from the CIMA review of safety on the RHVP have been, or are in the process of being actioned.

THEREFORE, BE IT RESOLVED:

- (a) That the 2015 and subsequent 2018 safety analysis of the RHVP and Linc, by the external engineering firm CIMA, be made public; and,
- (b) That the City, in coordination with Hamilton Police Services, prepare a public education campaign that addresses the recommendations from the external expert engineers (CIMA) as it relates to the risks of

speeding in excess of posted limits and distracted driving on the RHVP and Linc;

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(iii) (Clark/Whitehead)

- (a) That the City Manager in consultation with the City Solicitor be directed to seek outside legal counsel to brief City Council on the process to initiate an investigation pursuant to Ontario *Municipal Act* Section 274.1.a & b, Investigation by a Judge and the *Public Inquires Act* Section 33, Inquiries or an Independent External Investigation; and
- (b) That this Independent Legal Counsel will be directed to provide the following information to City Council within 30 days:
- 1) Provide clarification on the powers of a Investigation under the *Municipal Act* and the *Public Inquiries Act*;
 - 2) What is the process for council to request a Judge in the Ontario Superior Court to undertake such an investigation;
 - 3) Who sets the parameters or scope of the investigation;
 - 4) Could evidence uncovered in the inquiry be used by third parties in criminal or civil litigation;
 - 5) What would the projected time frames and costs be?
 - 6) Could the final report address i.e. who knew, when did they know, why didn't they share the report, etc;
 - 7) Could the investigation final report assign blame or responsibility to any person, persons or corporations; and

- 8) Could the investigation provide recommendations to the City Council on policy changes, protocols, changes in governance process or practices.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 19-003 - CONTINUED

9. **Independent Special Investigation of the City's Internal Processes, Managerial Systems and Procedures Regarding Friction Management in Relation to the Red Hill Valley Parkway (Item 11.4)**

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson

10. Roads Audit Update (AUD19002) (City Wide) (Item 14.3)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson

11. Roads Infrastructure Litigation and Review Assessment (LS19010) (City Wide) (Item 14.4)

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson

(Danko/Johnson)

That the THIRD Report of the General Issues Committee be adopted, ***as amended***, and the information section received, ***as amended***.

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann

YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson

AUDIT, FINANCE & ADMINISTRATION COMMITTEE REPORT 19-002 - CONTINUED
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5. Hamilton Anti-Racism Resource Centre Update (HUR18010(a) / LS19008) (City Wide) (Item 14.2)

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson
YES - Councillor Esther Pauls
YES - Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Councillor Judi Partridge
YES - Councillor Terry Whitehead
YES - Councillor Arlene VanderBeek
YES - Councillor Lloyd Ferguson
YES - Councillor Brenda Johnson
YES - Councillor Maria Pearson
YES - Councillor Brad Clark

(Wilson/Farr)

That the SECOND Report of the Audit, Finance & Administration Committee be adopted, as presented, and the information section received.

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

YES - Councillor Maureen Wilson
YES - Councillor Jason Farr
YES - Councillor Nrinder Nann
YES - Councillor Sam Merulla
YES - Deputy-Mayor Chad Collins
YES - Councillor Tom Jackson

- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Merulla/Collins)

That the Committee of the Whole Rise and Report.

CARRIED

BY-LAWS

(Collins/Merulla)

That Bills No. 19-021 to No. 19-029, 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:

By-law No.

- 19-021** To Amend By-law No. 01-215, Being a By-law to Regulate Traffic Schedule 2 (Speed Limits)
Ward: City Wide
- 19-022** Respecting Removal of Part Lot Control, Blocks 116, 117 (closed by By-law No. 18-023), and 118 and Part of Block 119 and all of Moonlight Court (closed by By-law No. 18-002) on Registered Plan No. 62M-1172 and Blocks 33, 34, 35, 37 and 41 and part of Blocks 36, 39 and 40 and all of Bowridge Court (closed by By-law No. 18-003) on Registered Plan No. 62M-1208, Municipally known as 64, 68, 88, 92, 94 and 96 Bellroyal Crescent, Stoney Creek
PLC-19-002
Ward: 9
- 19-023** To Establish City of Hamilton Land Described as Block 60 on Plan 62M-1105 as part of Tanglewood Drive
Ward: 11
- 19-024** To Authorize the Signing of an Agreement between the City of Hamilton and the Ministry of Transportation Related to Funding Provided Under the Dedicated Gas Tax Funds for Public Transportation Program
Ward: City Wide
- 19-025** To Amend Zoning By-law No. 05-200 Respecting Lands Located at 21 Mill Street North (Flamborough)
ZAR-18-011
Ward: 15

- 19-026** To Amend Site Plan Control By-law No. 15-176, as amended by By-law No. 18-104, Respecting Lands Located in Certain Residential Areas of Ancaster (“ER” Zoned Lands)
Ward: 12
- 19-027** To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 2 (Through Highways)
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 10 (Alternate Side Parking Zones – April-November)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 14 (Wheelchair Loading Zones)
Schedule 15 (Commercial Vehicle Loading Zones)
Ward: 1, 2, 3, 4, 5, 7, 8, 9, 12, 13, 15
- 19-028** To Amend Zoning By-law No. 3692-92 (Stoney Creek) Respecting Lands Located at 222 First Road West
ZAC-18-030
Ward: 9
- 19-029** To Confirm the Proceedings of City Council

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

- YES - Councillor Maureen Wilson
- YES - Councillor Jason Farr
- YES - Councillor Nrinder Nann
- YES - Councillor Sam Merulla
- YES - Deputy-Mayor Chad Collins
- YES - Councillor Tom Jackson
- YES - Councillor Esther Pauls
- YES - Councillor John-Paul Danko
- YES - Mayor Fred Eisenberger
- YES - Councillor Judi Partridge
- YES - Councillor Terry Whitehead
- YES - Councillor Arlene VanderBeek
- YES - Councillor Lloyd Ferguson
- YES - Councillor Brenda Johnson
- YES - Councillor Maria Pearson
- YES - Councillor Brad Clark

(Pearson/Johnson)

That, there being no further business, City Council be adjourned at 3:07 a.m. on February 14, 2019.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Janet Pilon
Acting City Clerk