



CITY COUNCIL MINUTES 21-010

9:30 a.m.
June 9, 2021
Council Chamber
Hamilton City Hall
71 Main Street West

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

Absent: Councillor T. Whitehead – Leave of Absence

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

Hamilton's 175th Birthday

Mayor Eisenberger acknowledged that one hundred and seventy five years ago, today, Hamilton was incorporated as a city in Ontario or Upper Canada as it was known as then. It was the second city after Toronto to be incorporated with wards, a council, and a mayor.

Where Hamilton stands today lies the traditional territories of the Erie, Neutral, Huron-Wendat, Haudenosaunee and Mississaugas of the First Nations as we acknowledge at the outset of each council meeting. Their stories along with ours are an important part of the heritage that is Hamilton today.

The City of Hamilton has been known as the "Steel Town", the 'Home of the Tiger Cats', the 'Lunch Bucket' city and of course the "Ambitious City".

The City of Hamilton has become a city of education and research. A city of innovation and diversity. The city has welcomed people from around the world who now call Hamilton their home with well over half a million people calling themselves Hamiltonians today.

The City of Hamilton has been joined at the table by Stoney Creek, Flamborough, Ancaster, Glanbrook and Dundas. We are proud of each one and what they have brought to the City of Hamilton. Each one is blessed with a rich history and heritage of their own.

It is Mayor Eisenberger's pleasure and joy to celebrate Hamilton's 175th anniversary with our community. The City of Hamilton is committed to commemorating 175 years of Hamilton's history throughout the years with the development of a virtual Museum of Hamilton. Through this celebration, we remember our past, as well as look ahead to creating a future that is representative of all Hamiltonians.

APPROVAL OF THE AGENDA

The Clerk advised that there were no changes to the agenda.

(Pauls/Johnson)

That the agenda for the June 9, 2021 meeting of Council be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
NOT PRESENT - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor M. Wilson declared an interest to Item 4 of General Issues Committee Report 21-012, respecting Report PED18168(g), Downtown Entertainment Precinct Agreement, as her spouse is a Director and Shareholder of one of the principles identified in the report.

Councillor Wilson declared an interest to Item 5 of Audit, Finance and Administration Committee Report 21-009, Canada Healthy Communities Initiative Intake Two (FCS21020(a)), as her spouse sits on the National Board that is deciding on the selection, as there may be a perceived interest.

Councillor Ferguson declared an interest to Item 2 of Audit, Finance and Administration Committee Report 21-009, Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020), as he is an investor in the Taxi Industry.

Councillor Ferguson declared an interest to Item (e)(i), which was lifted and added as Item 10 of Audit, Finance and Administration Committee Report 21-009, Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020), as he is an investor in the Taxi Industry.

APPROVAL OF MINUTES OF PREVIOUS MEETING
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3. May 26, 2021 (Item 3.1)

(Partridge/VanderBeek)

That the Minutes of the May 26, 2021 meeting of Council be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMUNICATIONS

(Farr/Merulla)

That Council Communications 4.1 to 4.17 be approved, ***as amended***, as follows:

4.1 Correspondence respecting 2021 Tax Policy - Fire Area Rated Tax Changes:

- (a) Tammy Felts
- (b) Sean Thomson
- (c) Tammy Felts

Recommendation: Be received and ***referred to the General Manager of Finance and Corporate Services.***

4.2 Correspondence respecting EngageHamilton Grids 2:

- (a) Rose Janson and family
- (b) Denise Baker, Weir Foulds (Final Land Needs Assessment)
- (c) Denise Baker, Weir Foulds (Phasing Criteria)

(d) Sue Markey

Recommendation: Be received and referred to the August 4, 2021 Special General Issues Committee meeting respecting GRIDS 2 and Municipal Comprehensive Review.

- 4.3 Correspondence from York Region requesting support for their resolution requesting that the Province consider entering into Step 1 of the "Provincial Roadmap to Reopen" as of 12:01 am May 31, 2021.

Recommendation: Be received.

- 4.4 Correspondence from the Honourable Chrystia Freeland, Deputy Prime Minister and Minister of Finance in response to the Mayor's letter respecting Hamilton City Council's COVID-19 Economic Recovery Suggestions.

Recommendation: Be received.

- 4.5 Correspondence from the Municipality of Calvin requesting support for their resolution to implement an additional level of licensing which would permit small organizations to hold fundraisers as a method of sustaining our community and organizations.

Recommendation: Be received.

- 4.6 Correspondence from the Town of The Archipelago requesting support for their resolution respecting Bill 279 - *Environmental Protection Amendment Act* (Microplastics Filters for Washing Machines), 2021.

Recommendation: Be received.

- 4.7 Correspondence from the Township of The Archipelago requesting support for their resolution respecting Bill 228 - Banning Unencapsulated Polystyrene Foam.

Recommendation: Be received.

- 4.8 Correspondence from Bianca Beraldo requesting that Council save the wetlands on Garner Road in Ancaster.

Recommendation: Be received.

- 4.9 Correspondence respecting Light Rail Transit (LRT) in the City of Hamilton:

- (a) Rose Beraldo
- (b) Joshua Weresch

Recommendation: Be received and referred to the consideration of Item(h)(i) of General Issues Committee Report 21-012.

- 4.10 Correspondence from the Town of Fort Erie requesting support for their resolution requesting that the Federal Government cease further consideration of eliminating capital gains tax exemptions on primary residences.

Recommendation: Be received.

- 4.11 Correspondence from Paul Dube, Ombudsman of Ontario requesting that the City pass a resolution stating how it intends to address the following recommendations within the Ombudsman's report when the Ombudsman has determined that a meeting or part of a meeting was held contrary to the open meeting rules, In accordance with s. 239(12) of the *Municipal Act, 2001*.

Recommendation: Be received and referred to the consideration of Item 6.2, Amendment to Item 4.6 of the April 28, 2021 Council Minutes, respecting the correspondence from the Paul Dube, Ombudsman of Ontario respecting an investigation into a complaint about a meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton on October 20, 2020.

- 4.12 Correspondence from the Town of Halton Hills requesting support for their resolution respecting the Elimination of LPAT.

Recommendation: Be received.

- 4.13 Correspondence respecting the discovery of 215 remains of children on the grounds of the Kamloops Residential School:

- (a) Mary Love
- (b) Zoe Kazakos

Recommendation: Be received.

- 4.14 Correspondence from the Township of Havelock-Belmont-Methuen requesting support for their resolution in support of the use of Automatic Speed Enforcement (Photo Radar).

Recommendation: Be received.

- 4.15 Correspondence from the Township of Havelock-Belmont-Methuen requesting support for their resolution respecting drainage matters and the Canadian National Railway.

Recommendation: Be received.

- 4.16 Correspondence from the Township of Havelock-Belmont-Methuen requesting support for their resolution respecting the continuous increases to Municipal Insurance.

Recommendation: Be received.

- 4.17 Correspondence from the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks to the Hamilton Region Conservation Authority (HRCA) granting the HRCA an exception to subsections 17 (1.1) and (1.2) of the *Conservation Authorities Act*.

Recommendation: Be received.

Result: Motion on the Communication Items, as Amended, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Farr/Merulla)

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

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PUBLIC WORKS COMMITTEE REPORT 21-008**(VanderBeek/Nann)**

That Public Works Committee Report 21-008, being the meeting held on Monday, May 31, 2021, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 21-008, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PLANNING COMMITTEE REPORT 21-009**(Danko/Johnson)**

That Planning Committee Report 21-009, being the meeting held on Tuesday, June 1, 2021, be received and the recommendations contained therein be approved.

Result: Motion on Planning Committee Report 21-009, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 21-012

(Farr/Merulla)

That General Issues Committee Report 21-012, being the meeting held on Wednesday, June 2, 2021, be received and the recommendations contained therein be approved.

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

4. Downtown Entertainment Precinct Master Agreement (PED18168(g)) (City Wide) (Item 14.2)

- (a) That the Master Agreement for the Downtown Entertainment Precinct assets, based substantially on the terms and conditions outlined in Appendix "A" attached to Report PED18168(g), and such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department, in consultation with the General Manager of Finance and Corporate Services Department, and in a form satisfactory to the City Solicitor, be approved;
- (b) That staff be authorized and directed to negotiate any agreements required to fulfil the objectives of the Master Agreement, based substantially on the terms and conditions outlined in Appendix "A" attached to Report PED18168(g), and such other terms and conditions deemed appropriate by the General Manager of Planning and Economic Development Department, in consultation with the General Manager of Finance and Corporate Services Department, and in a form satisfactory to the City Solicitor;
- (c) All costs related to completion of any agreements required to fulfil the objectives of the Master Agreement, to be funded to an upset limit of \$500 K from the HEF Annual Capital Program – Project ID Account No. 372214805 as a source of funding for any technical due diligence and expertise necessary to complete any agreements, be approved;
- (d) That the General Manager, Planning and Economic Development Department or their designate, acting on behalf of the City, be authorized and directed to provide any requisite consents, approvals and notices related to the administration of any leases or any other agreements including those necessary for any applications for land use approvals or works contemplated in the Master Agreement for the Downtown Entertainment Precinct assets;
- (e) That the City Solicitor be authorized and directed to take all necessary actions to complete the Master Agreement, and any other agreements required to fulfil the objectives of the Master Agreement for the Downtown Entertainment Precinct assets, including, without limitation, paying any necessary expenses, amending closing and other dates, conducting appropriate due diligence, and amending and waiving terms and conditions as deemed reasonable;

- (f) That the Mayor and the City Clerk be authorized and directed to execute the Master Agreement, and any related agreements and ancillary documents for the Downtown Entertainment Precinct assets, all in a form acceptable to the City Solicitor;
- (g) That staff be directed to report back to the General Issues Committee, as part of the 2022 budget process, on any operating budget, capital budget, and organizational changes required as a result of the implementation of the Master Agreement and any related agreements and ancillary documents;
- (h) That staff be authorized and directed to draft Municipal Capital Facility Agreement By-Laws with respect to each of the FirstOntario Centre, FirstOntario Concert Hall and the Hamilton Convention Centre, to be put forward to General Issues Committee for approval;
- (i) That staff be directed to incorporate the Extended Tax Incremental Grant Program or "Downtown Entertainment Precinct Advancement Program" detailed in Appendix "B" to Report PED18168(g) as part of staff's preparation of the Revitalizing Hamilton's Commercial Districts Community Improvement Plan By-law and be brought forward to Planning Committee for a statutory public meeting, in accordance with Section 17(15)(d) of the Planning Act;
- (j) That staff be authorized and directed to develop and carry out a communications strategy to appropriately advise the public on pertinent aspects of the Master Agreement;
- (k) That the direction provided to staff in Closed Session, respecting Report PED18168(g) - Downtown Entertainment Precinct Master Agreement, be approved;
- (l) That, upon approval by Council, the direction provided to staff in Closed Session, respecting Report PED18168(g) - Downtown Entertainment Precinct Master Agreement, be publicly released; and,
- (m) That Report PED18168(g), respecting the Downtown Entertainment Precinct Status Update and its appendices remain confidential and not be released as a public document.

Result: Motion on Item 4 of the General Issues Committee Report 21-012, CARRIED by a vote of 14, as follows:

CONFLICT - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of General Issues Committee Report 21-012, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-009
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(Ferguson/Pearson)

That Audit, Finance and Administration Committee Report 21-009, being the meeting held on Thursday, June 3, 2021, be received and the recommendations contained therein be approved.

(Johnson/Wilson)

That Item (e)(i) respecting Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020), be lifted from the Information Section and added as Item 10 of the Audit, Finance and Administration Committee Report 21-009.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

10. Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020) (City Wide) (Item 7.4)

(Johnson/Partridge)

That the resolution for Item 10 of the Audit, Finance and Administration Committee Report 21-009, respecting Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020) (City Wide) (Item 7.4), be **amended** to read as follows:

WHEREAS private snow clearing contractors provide an essential safety and mobility service to the residents of the City of Hamilton;

WHEREAS private taxi companies provide an essential mobility service to the residents of the City of Hamilton, and;

WHEREAS snow clearing contractors and taxi companies are experiencing significant increases in liability insurance premiums to the extent that many can not afford to operate;

THEREFORE, BE IT RESOLVED:

- (i) That staff be directed to prepare correspondence **to be sent** to the Ministry of Transportation of Ontario, **the Ministry of the Attorney General, the Insurance Bureau of Canada, the Financial Services Commission of Ontario, the Insurance Broker Association of Ontario, the Insurance Brokers Association of Hamilton, Ministry of Finance** and other appropriate bodies respecting **the cost of liability insurance for the two industries and requesting the exploration of options for relief**; and
- (ii) Staff were directed to determine the number of snow plow operators in the last two years that have not been able to provide service due to insurance issues and report back to the Audit, Finance & Administration Committee.

Result: Motion on Item 10 As Amended, of the Audit, Finance and Administration Committee Report 21-009, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

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

2. Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries (LS21020) (City Wide) (Item 7.4)

That Report LS21020, respecting Options for Relief from Municipal Charges for the Taxi and Snow Plow Industries, be received.

Result: Motion on Item 2, of the Audit, Finance and Administration Committee Report 21-009, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
CONFLICT - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson

Due to a declared conflict, Item 5 was voted on separately, as follows:

5. Canada Healthy Communities Initiative Intake Two (FCS21020(a)) (City Wide) (Item 10.3)

- (a) That the Public Space and Park Wi-Fi Connectivity Project, be approved as the City of Hamilton's submission for consideration to the Community Foundations of Canada for the requested funding amount of \$250,000 in accordance with the terms and conditions associated with the Canada Healthy Communities Initiative;
- (b) That the Mayor and City Clerk be authorized to execute all necessary documentation, including Funding Agreements to receive funding under the Canada Healthy Communities Initiative with content satisfactory to the General

Manager, Finance and Corporate Services, and in a form satisfactory to the City Solicitor;

- (c) That the City Solicitor be authorized and directed to prepare any necessary by-laws for Council approval, for the purpose of giving effect to the City's acceptance of funding from the Canada Healthy Communities Initiative for The Public Space and Park Wi-Fi Connectivity Project;
- (d) That, should this funding application be successful, the ongoing operating costs for connectivity estimated at \$30,000 be included in the 2022 Tax Operating Budget for consideration; and,
- (e) That copies of Report FCS21020(a) be forwarded to local Members of Parliament.

Result: Motion on Item 5, of the Audit, Finance and Administration Committee Report 21-009, CARRIED by a vote of 14 to 0, as follows:

CONFLICT - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of Audit, Finance and Administration Committee Report 21-009, CARRIED by a vote of 15 to 0, as follows:

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

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

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 21-006

(Nann/Jackson)

That Emergency and Community Services Committee Report 21-006, being the meeting held on Thursday, June 3, 2021, be received and the recommendations contained therein be approved.

Result: Motion on the Emergency and Community Services Committee Report 21-006, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Farr/Merulla)

That the Committee of the Whole Rise and Report.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

MOTIONS

Mayor Eisenberger relinquished the Chair to Councillor Farr to introduce the following motion:

6.1 Absence – Councillor Terry Whitehead

(Eisenberger/Farr)

WHEREAS Section 259(1)(c) of the *Municipal Act, 2001* stipulates that the office of a Member of Council becomes vacant if the member is absent from meetings of the Council for three successive months without being authorized to do so by a resolution of Council.

THEREFORE BE IT RESOLVED:

That Councillor Terry Whitehead, due to sick leave, be authorized to be absent from meetings of the Council of the City of Hamilton until September 30, 2021 or his return to work, whichever comes first.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Mayor Eisenberger assumed the Chair.

6.2 Amendment to Item 4.6 of the April 28, 2021 Council Minutes, respecting the correspondence from the Paul Dube, Ombudsman of Ontario respecting an investigation into a complaint about a meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton on October 20, 2020

(Clark/Pearson)

WHEREAS, Council has received a subsequent letter from the Paul Dube, Ombudsman of Ontario respecting a investigation into a complaint about a meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton on October 20, 2020 (Item 4.11, June 9, 2021 Council Agenda), requesting that the City pass a resolution stating how it intends to address the following recommendations within the Ombudsman's report when the Ombudsman has determined that a meeting or part of a meeting was held contrary to the open meeting rules, in accordance with s. 239(12) of the *Municipal Act, 2001*:

Recommendation 1

All members of the LGBTQ Advisory Committee for the City of Hamilton should be vigilant in adhering to their individual and collective obligation to ensure that the committee complies with its responsibilities under the *Municipal Act, 2001* and the procedure by-law.

Recommendation 2

The City of Hamilton should review its policy for the conduct of virtual meetings and ensure that staff members and advisory committee members receive training on the policy's content, especially the steps to be taken if technical issues prevent public attendance during a meeting.

THEREFORE, BE IT RESOLVED:

That Item 4.6 of the April 28, 2021 Council Minutes, respecting the correspondence from the Paul Dube, Ombudsman of Ontario respecting an investigation into a complaint about a meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton on October 20, 2020, be ***amended***, to read as follows:

- 4.6 Correspondence from the Paul Dube, Ombudsman of Ontario respecting a investigation into a complaint about a meeting held by the Lesbian, Gay, Bisexual, Transgender and Queer Advisory Committee for the City of Hamilton on October 20, 2020.

Recommendation: Be received ***and referred to the City Clerk to implement the Ombudsman's recommendations.***

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

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

YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Farr/Danko)

That the listing of Council Communication Updates from May 21, 2021 to June 3, 2021, be received.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

BY-LAWS AND CONFIRMING BY-LAW

(Farr/Eisenberger)

That Bills No. 21-096 to No. 21-105 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:

- 096 To Amend By-law No. 01-215, Being a By-law to Regulate Traffic
Schedule 5 (Stop Control)
Schedule 18 (Bicycle Lanes)
Ward: 6, 13

- 097 To Amend By-law No. 01-218, as amended, being a By-law to Regulate On-Street Parking Respecting Free-Floating Carshare Vehicles
Ward: City Wide
- 098 To Amend By-law No. 17-225, as amended, being a By-law to Establish a System of Administrative Penalties
Table 3 (By-law No. 01-218)
Ward: City Wide
- 099 To Amend Zoning By-law No. 6593, as amended by By-law No. 16-041, respecting Lands Located at 149 ½ Sherman Avenue North, Hamilton
ZAH-21-005
Ward: 3
- 100 To Adopt Official Plan Amendment No. 28 to the Rural Hamilton Official Plan, respecting 435 Carluke Road West (Ancaster)
Ward: 12
- 101 To Amend Zoning By-law No. 05-200 with respect to Lands Located at 435 Carluke Road West, Ancaster
CI-20-C
Ward: 12
- 102 Being a By-law to Amend By-law No. 19-142, “City of Hamilton Development Charges By-law, 2019”
Ward: City Wide
- 103 To Amend Zoning By-law No. 05-200, respecting lands located at 967-977 Arvin Avenue, Stoney Creek
ZAH-20-023
Ward: 10
- 104 Respecting Removal of Part Lot Control, Lands located at 20 Southridge Court, 533 and 555 Sanatorium Road, Hamilton, Part of Block 1, Registered Plan No. 62M1191
PLC-20-012
Ward: 14
- 105 To Confirm the Proceedings of City Council

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

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

YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Partridge/VanderBeek)

That, there being no further business, City Council be adjourned at 11:19 a.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Chad Collins
YES – Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk