



CITY COUNCIL MINUTES 21-020

9:30 a.m.
November 10, 2021
Council Chamber
Hamilton City Hall
71 Main Street West

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

Absent: Councillor Merulla - Personal

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.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

4. COMMUNICATIONS

- 4.9 Correspondence from Tim Corcoran, Vice President, Molok North America Ltd., respecting the revised Waste guidelines discussed at the November 1, 2021 Public Works Committee meeting.

Recommendation: Be received and referred to the consideration of Item 2 of Public Works Committee Report 21-016.

- 4.10 Correspondence respecting GRIDS 2, the Municipal Comprehensive Review and Land Needs Assessment:

- (a) Hamilton Needs Housing Petition containing 3431 signatures in support of the balanced approach (Option 1 - Ambitious Density)
- (b) Hamilton Needs Housing Written Submissions:

Lyn Acke
Cameron Adams
Jim Addley
John Aitken
Lisa Allen
Malik Alsudani
Rhonda Armstrong
Emi Arrua
Gord Baker
Peter Bauce
Cordy Bello
Katherine Borthwick
Ken Boychuk
Theo Breimer
Anthony Byrne
Anthony Byrne
Adela Campello
Pasquale Caterini
Alex Cerelli
Brenda Chase
Laurie Chiasson
Lloyd Cormier
Mark Cunningham
Robert Daley
Sylvie Davies
Joan Dennie
Kelly Ducharme
Patrick Ducharme
Don Duggan
Allan Easson
Brian & Mary Ecker
Bruno Facchin
Carol Faries
Danielle Fenn
James Frenza
Sara Frenza
John Gaudet
Marlene Gibson
Sylvia Gratto
John Green
Maria Hall
Leslie Hansen
Rob Hines

Paul Hoang
D. Horwood
David Howe
Diana Hutton
Rizza Ignacio
David Ionico
Steve Kaczmarczyk
Kinnear Kathleen
Luccillie Kellar
Alexandra Kobylecky
Norine Kolaski
Joyce Kowalchuk
John Leuser
Linda Lewyckyj
Ellie Lindsay
Kevin Lochhead
Maria Lochner
Carlo J Lucci
Antonio Mandrique
Daniel Marcellini
Mino Mariella
Roxanne Martin
Birgit Mathieson
Eddy Mauro
Anna Maxwell
Jacqueline Mccann
Maureen Mcdougall
John Meneok
John Meneok
Karen Montesanto
Karen Moore
Dakota Moore
Tyler Moscatel
Steve Moscatel
Nadia Moscatel
Christina Muise
Bonnie Mustard
Jan Nagy
Joanne Neven
Chantal Newport
Claudia Noyes
Vaughn O'halloran
Vaughn O'halloran
Kevin O'toole
Mirella Parmigiani
Sherry Paterson
Michael Piersanti
Lisa Pogue
Kathy Reddicliffe

Marnie Roberts
Liliana Romaker
Camella Ross
Lynda Rudy
John Runino
Tyler Running
Peter Schultz
Linda Shelton
Les Sieminski
Joseph Soares
Rebecca Styres
Gail Sullivan
Kathleen Sullivan
Randy Taylor
Barbara Thomasson
Joseph Thomson
Annan Thow
John Vuckovic
Shirley Walker
Larry Williams
Shirley Wright

- (c) Zoe Kazakos
- (d) Tom Ciancone
- (e) Jessie Cardarelli
- (f) Andra Zommers
- (g) Cc Benz
- (h) Elizabeth Kata
- (i) Norman Brown
- (j) Doris Clayton
- (k) Melissa Deutsch
- (l) Carole Docherty
- (m) Andrew and Nadine Smith
- (n) Heather Connell
- (o) Natasia Taylor
- (p) Kathy Garneau
- (q) Danielle Hitchcock
- (r) Richard Talbot
- (s) Kara Jongeling
- (t) Chris Pate
- (u) Doreen Stermann
- (v) Veronika Siwak
- (w) Gail Lorimer
- (x) Joanne Patak
- (y) Sheila McEwen
- (z) Pat Kozowyk and Ernst von der Kall
- (aa) Jenn Brasch
- (ab) David Wallis
- (ac) Nessa Olshansky-Ashtar
- (ad) Linda Ellis

(ae) Carol Walrath
(af) Marie Christine Nixon
(ag) John Hannah and Barb McKean
(ah) Linda Kajganic
(ai) Sydney Davis
(aj) Jane Glatt
(ak) Lori Ciotti
(al) Kathy Ferguson
(am) Reuven Dukas
(an) Peter Guahie
(ao) Alex Gabaldo
(ap) Rita Knapp
(aq) Martin Hudson
(ar) Karly Doehring
(as) Geoff Wilson
(at) Joanna Sargent
(au) Jillian Vieira
(av) Natasha Huyer
(aw) Naomi Newton
(ax) Nicole Tollenaar
(ay) Catherine and Joe Raso
(az) Naomi Neufeld
(ba) Denise Duvall
(bb) Lloyd Docherty
(bc) Peter Hall
(bd) Isabel Margetts
(be) Mary Walihura
(bf) Rowan Cotton
(bg) Gerten Basom
(bh) Mary-Jane McKitterick
(bi) Terry Basom
(bj) Sheila Van Leusden
(bk) Alexander Szafarski
(bl) Joyce Muir
(bm) Judy McCollum
(bn) Justin Minett
(bo) K. Pingree
(bp) Karen Gordon
(bq) Kate Whalen
(br) Katherine King
(bs) Katie Rees
(bt) Kay Chornook
(bu) Kelly Brouwer
(bv) Kelly Ebers
(bw) Kelsey Worboys
(bx) Kim Dunlop
(by) Kim Newcombe
(bz) Krystyna Shoveller
(ca) Kyle Rozoski

(cb) Lauren Tindall
(cc) Laura Joldersma
(cd) Laurie Nielsen
(ce) Leif Peng
(cf) Leo Dragtoe
(cg) Linda Lannigan
(ch) Lindsay Greene
(ci) Jonathan Lopez
(cj) Brent Jukes
(ck) Margaret Juraj
(cl) Margaret Tremblay
(cm) Kate Winstanley & Family
(cn) Laura Cortiula
(co) Margo May Taylor
(cp) Margot Carnahan
(cq) Marilyn Marchesseau
(cr) Mark Cathcart
(cs) Mark Wozny
(ct) Mary Johnston
(cu) Megan Armstrong
(cv) Melissa Sant
(cw) Michelle den Hollander
(cx) Michelle Piano
(cy) Mike Fox
(cz) Monica Palkowski
(da) Pamela Robinson
(db) Pat Wilson
(dc) Patricia Banderado
(de) Paul Shaker
(df) Phil Van Impe
(dg) Robert Wakulat
(dh) Ryan Strang
(di) Sara Perks
(dj) Sasha Katz
(dk) Scott Downie
(dl) Shannon Webb
(dm) Sherrie Coulson
(dn) Stan Nowak
(do) Susan Frasson
(dp) Susan Tournidis
(dq) Susan Willis
(dr) Tania Turner
(ds) Tanya Reid
(dt) Tim O'Connot
(du) Tom St. Michael
(dv) Victoria Quirino
(dw) Wendy Darby
(dx) Zoe Green

Recommendation: Be received and referred to the consideration of General Issues Committee Report 21-023.

- 4.11 Correspondence from Jack Restivo of Jack Restivo Professional Corporation respecting Principles Integrity Report against Councillor Whitehead dated November 3, 2021.

Recommendation: Be received and referred to the consideration of Item 5.1.

- 4.12 Correspondence from Stan Capobianco, President, Associated Paving & Material Ltd. Respecting Associated Paving & Materials Ltd. ("Associated Paving") Contract C15-71-17 - Prequalified Contractors for Permanent Restoration of Pavement Cuts in Asphalt and Concrete Pavements Recommendation Letter of City of Hamilton Manager of Procurement Dated October 19, 2021 Pertaining to Commercial Relationship with Associated Paving ("Recommendation Letter") --- City's Procurement Sub-Committee Meeting on October 29, 2021 ("Procurement Sub-Committee Meeting") -- Audit, Finance & Administration Committee ("AFAC") Meeting on November 4, 2021 ("AFAC Committee Meeting") – City Council Meeting on November 10, 2021.

Recommendation: Be received and referred to the consideration of Item 3 (a) of Audit, Finance and Administration Committee Report 21-019.

5. COMMITTEE REPORTS

- 5.9 General Issues Committee Report 21-023 - WITHDRAWN

7. NOTICES OF MOTION

- 7.1 Issuance of Demolition Permit for 27 Deerhurst Road, Stoney Creek
- 7.2 Review of the Powers Delegated to the Head of Council Under the *Municipal Act 2001*, As Amended

CHANGE TO THE ORDER OF ITEMS:

Item 5.1 the Recommendation Report of the Integrity Commissioner Code of Conduct Complaint Against Councillor Whitehead is to be dealt with after Council rises from Closed Session.

(Pearson/Partridge)

That the agenda for the November 10, 2021 meeting of Council be approved, **as amended**.

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

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

VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

Councillor M. Wilson declared an interest to Item 3 of General Issues Committee Report 21-021, respecting Report LS21042/FCS21108 – Instructions regarding the Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit, as her spouse's employer, Hamilton Community Foundation, provides the funding for second mortgages for low to moderate income first time home buyers. It is her understanding is that this entity will be accessing that mortgage pool as part of their operations.

APPROVAL OF MINUTES OF PREVIOUS MEETING

3. October 27, 2021 (Item 3.1)

(Jackson/Johnson)

That the Minutes of the October 27, 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 – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

COMMUNICATIONS

(Pearson/Johnson)

That Council Communications 4.1 to 4.12 be approved, as presented, as follows:

- 4.1 Correspondence from Maureen Cassidy, Board Chair, Middlesex-London Health Unit in support of the City of Hamilton's resolution respecting support for local boards of health.

Recommendation: Be received.

- 4.2 Correspondence from Brian Henley respecting Garbage Can Lids.

Recommendation: Be received.

- 4.3 Correspondence from Don Jackson, member, Hamilton Veterans Committee in response to Council's request for an apology letter.

Recommendation: Be received.

- 4.4 Correspondence from Brad Kuhn respecting Maintaining and Improving the Quality of Fresh Water in the Great Lakes.

Recommendation: Be received.

- 4.5 Correspondence from Huron County requesting support for their resolution requesting that the Province of Ontario and the Government of Canada identify Homelessness as a "Provincial" and "National Crisis" across the Province of Ontario and Canada.

Recommendation: Be endorsed.

- 4.6 Correspondence from the City of Kitchener requesting support for their resolution thanking the Province of Ontario for developing the vaccine passport program and urging the Province to provide financial supports for businesses to cover capital and human resource costs necessary to execute the program.

Recommendation: Be endorsed.

- 4.7 Correspondence from Devyn Thomson respecting 537 King Street East.

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 21-017.

- 4.8 Correspondence from Fred Hahn, President, CUPE Ontario respecting their serious concerns with OMERS' investment performance.

Recommendation: Be received.

- 4.9 Correspondence from Tim Corcoran, Vice President, Molok North America Ltd., respecting the revised Waste guidelines discussed at the November 1, 2021 Public Works Committee meeting.

Recommendation: Be received and referred to the consideration of Item 2 of Public Works Committee Report 21-016.

- 4.10 Correspondence respecting GRIDS 2, the Municipal Comprehensive Review and Land Needs Assessment:

- (a) Hamilton Needs Housing Petition containing 3431 signatures in support of the balanced approach (Option 1 - Ambitious Density)

- (b) Hamilton Needs Housing Written Submissions:

Lyn Acke
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Cordy Bello
Katherine Borthwick
Ken Boychuk
Theo Breimer
Anthony Byrne
Anthony Byrne
Adela Campello
Pasquale Caterini
Alex Cerelli
Brenda Chase
Laurie Chiasson
Lloyd Cormier
Mark Cunningham
Robert Daley
Sylvie Davies
Joan Dennie
Kelly Ducharme
Patrick Ducharme
Don Duggan
Allan Easson
Brian & Mary Ecker

Bruno Facchin
Carol Faries
Danielle Fenn
James Frenza
Sara Frenza
John Gaudet
Marlene Gibson
Sylvia Gratto
John Green
Maria Hall
Leslie Hansen
Rob Hines
Paul Hoang
D. Horwood
David Howe
Diana Hutton
Rizza Ignacio
David Ionico
Steve Kaczmarczyk
Kinnear Kathleen
Luccillie Kellar
Alexandra Kobylecky
Norine Kolaski
Joyce Kowalchuk
John Leuser
Linda Lewyckyj
Ellie Lindsay
Kevin Lochhead
Maria Lochner
Carlo J Lucci
Antonio Mandrique
Daniel Marcellini
Mino Mariella
Roxanne Martin
Birgit Mathieson
Eddy Mauro
Anna Maxwell
Jacqueline Mccann
Maureen Mcdougall
John Meneok
John Meneok
Karen Montesanto
Karen Moore
Dakota Moore
Tyler Moscatel
Steve Moscatel
Nadia Moscatel
Christina Muise
Bonnie Mustard

Jan Nagy
Joanne Neven
Chantal Newport
Claudia Noyes
Vaughn O'halloran
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Kevin O'toole
Mirella Parmigiani
Sherry Paterson
Michael Piersanti
Lisa Pogue
Kathy Reddicliffe
Marnie Roberts
Liliana Romaker
Camella Ross
Lynda Rudy
John Runino
Tyler Running
Peter Schultz
Linda Shelton
Les Sieminski
Joseph Soares
Rebecca Styres
Gail Sullivan
Kathleen Sullivan
Randy Taylor
Barbara Thomasson
Joseph Thomson
Annan Thow
John Vuckovic
Shirley Walker
Larry Williams
Shirley Wright

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- (f) Andra Zommers
- (g) Cc Benz
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(x) Joanne Patak
(y) Sheila McEwen
(z) Pat Kozowyk and Ernst von der Kall
(aa) Jenn Brasch
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(ac) Nessa Olshansky-Ashtar
(ad) Linda Ellis
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(af) Marie Christine Nixon
(ag) John Hannah and Barb McKean
(ah) Linda Kajganic
(ai) Sydney Davis
(aj) Jane Glatt
(ak) Lori Ciotti
(al) Kathy Ferguson
(am) Reuven Dukas
(an) Peter Guahie
(ao) Alex Gabaldo
(ap) Rita Knapp
(aq) Martin Hudson
(ar) Karly Doehring
(as) Geoff Wilson
(at) Joanna Sargent
(au) Jillian Vieira
(av) Natasha Huyer
(aw) Naomi Newton
(ax) Nicole Tollenaar
(ay) Catherine and Joe Raso
(az) Naomi Neufeld
(ba) Denise Duvall
(bb) Lloyd Docherty
(bc) Peter Hall
(bd) Isabel Margetts
(be) Mary Walihura
(bf) Rowan Cotton
(bg) Gerten Basom
(bh) Mary-Jane McKitterick
(bi) Terry Basom
(bj) Sheila Van Leusden
(bk) Alexander Szafarski
(bl) Joyce Muir
(bm) Judy McCollum
(bn) Justin Minett
(bo) K. Pingree

(bp) Karen Gordon
(bq) Kate Whalen
(br) Katherine King
(bs) Katie Rees
(bt) Kay Chornook
(bu) Kelly Brouwer
(bv) Kelly Ebers
(bw) Kelsey Worboys
(bx) Kim Dunlop
(by) Kim Newcombe
(bz) Krystyna Shoveller
(ca) Kyle Rozoski
(cb) Lauren Tindall
(cc) Laura Joldersma
(cd) Laurie Nielsen
(ce) Leif Peng
(cf) Leo Dragtoe
(cg) Linda Lannigan
(ch) Lindsay Greene
(ci) Jonathan Lopez
(cj) Brent Jukes
(ck) Margaret Juraj
(cl) Margaret Tremblay
(cm) Kate Winstanley & Family
(cn) Laura Cortiula
(co) Margo May Taylor
(cp) Margot Carnahan
(cq) Marilyn Marchesseau
(cr) Mark Cathcart
(cs) Mark Wozny
(ct) Mary Johnston
(cu) Megan Armstrong
(cv) Melissa Sant
(cw) Michelle den Hollander
(cx) Michelle Piano
(cy) Mike Fox
(cz) Monica Palkowski
(da) Pamela Robinson
(db) Pat Wilson
(dc) Patricia Banderado
(de) Paul Shaker
(df) Phil Van Impe
(dg) Robert Wakulat
(dh) Ryan Strang
(di) Sara Perks
(dj) Sasha Katz
(dk) Scott Downie
(dl) Shannon Webb
(dm) Sherrie Coulson

(dn) Stan Nowak
(do) Susan Frasson
(dp) Susan Tournidis
(dq) Susan Willis
(dr) Tania Turner
(ds) Tanya Reid
(dt) Tim O'Connot
(du) Tom St. Michael
(dv) Victoria Quirino
(dw) Wendy Darby
(dx) Zoe Green

Recommendation: Be received and referred to the consideration of General Issues Committee Report 21-023.

- 4.11 Correspondence from Jack Restivo of Jack Restivo Professional Corporation respecting Principles Integrity Report against Councillor Whitehead dated November 3, 2021.

Recommendation: Be received and referred to the consideration of Item 5.1.

- 4.12 Correspondence from Stan Capobianco, President, Associated Paving & Material Ltd. Respecting Associated Paving & Materials Ltd. ("Associated Paving") Contract C15-71-17 - Prequalified Contractors for Permanent Restoration of Pavement Cuts in Asphalt and Concrete Pavements
Recommendation Letter of City of Hamilton Manager of Procurement Dated October 19, 2021 Pertaining to Commercial Relationship with Associated Paving ("Recommendation Letter") --- City's Procurement Sub-Committee Meeting on October 29, 2021 ("Procurement Sub-Committee Meeting") -- Audit, Finance & Administration Committee ("AFAC") Meeting on November 4, 2021 ("AFAC Committee Meeting") – City Council Meeting on November 10, 2021.

Recommendation: Be received and referred to the consideration of Item 3 (a) of Audit, Finance and Administration Committee Report 21-019.

Result: Motion on the Communication Items, as presented, CARRIED by a vote of 14 to 0, as follows:

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

YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pearson/VanderBeek)

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

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

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

<p>CITYHOUSING HAMILTON CORPORATION SHAREHOLDER ANNUAL GENERAL MEETING REPORT 21-002</p>

(Pearson/Nann)

That CityHousing Hamilton Corporation Shareholder Annual General Meeting Report 21-002, being the meeting held on Thursday, October 28, 2021, be received and the recommendations contained therein be approved.

Result: Motion on CityHousing Hamilton Corporation Shareholder Annual General Meeting Report 21-002, CARRIED by a vote of 14 to 0, as follows:

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

YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

PUBLIC WORKS COMMITTEE REPORT 21-016

(VanderBeek/Nann)

That Public Works Committee Report 21-016, being the meeting held on Monday, November 1, 2021, be received and the recommendations contained therein be approved.

Result: Motion on Public Works Committee Report 21-016, CARRIED by a vote of 14 to 0, as follows:

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

PLANNING COMMITTEE REPORT 21-017

(Danko/Johnson)

That Planning Committee Report 21-017, being the meeting held on Tuesday, November 2, 2021, be received and the recommendations contained therein be approved.

Result: Motion on Planning Committee Report 21-017, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

GENERAL ISSUES COMMITTEE REPORT 21-021

(Pearson/Farr)

That General Issues Committee Report 21-021, being the meeting held on Wednesday, November 3, 2021, be received and the recommendations contained therein be approved.

Due to a declared conflict and the following Councillors advising that, as they are members of the Audit, Finance and Administration Committee's Development Charge Complaint hearings body, they would be recusing themselves from participating in the vote on Item 3 of General Issues Committee Report 21-021 respecting Instructions regarding Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit (LS21042-FCS21108), in order to maintain the judicial independence and integrity of that body, should a hearing be required:

- (i) Councillor Lloyd Ferguson
- (ii) Councillor Brenda Johnson
- (iii) Councillor Arlene VanderBeek
- (iv) Councillor Brad Clark
- (v) Councillor Maria Pearson

Item 3 was voted on separately, as follows:

3. Instructions regarding the Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit (LS21042/FCS21108)

- (a) That the direction provided to staff in Closed Session, respecting Report LS21042-FCS21108 - Instructions regarding the Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit, be approved; and,
- (b) That Report LS21042 / FCS21108, Instructions Regarding Proposed Settlement of Development Charge Complaint by Trillium Housing Winona Non-Profit and Trillium Housing Highbury Non-Profit and Appendix "A" attached thereto, remain confidential.

Result: Motion on Item 3 of General Issues Committee Report 21-021, CARRIED by a vote of 8 to 0, as follows:

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

**Result: Motion on the balance of the General Issues Committee Report 21-021,
CARRIED by a vote of 14 to 0, as follows:**

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

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-019
--

(Ferguson/Pearson)

That Audit, Finance and Administration Committee Report 21-019, being the meeting held on Thursday, November 4, 2021, be received and the recommendations contained therein be approved.

(Jackson/Whitehead)

- (a) That the consideration of Item 3 (a) the Audit, Finance and Administration Committee Report 21-019, Procurement Sub-Committee Report 21-001 - October 29, 2021 (Added Item 10.2) Commercial Relationship Between the City of Hamilton and

Associated Paving & Materials Ltd. (FCS21102 / LS21044 / PW21064) (City Wide)
(Item 14.2) be referred to the Closed Session portion of the meeting; and

- (b) That the consideration of the Audit, Finance and Administration Committee Report 21-019, be deferred until after Closed Session.

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

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

EMERGENCY AND COMMUNITY SERVICES COMMITTEE REPORT 21-011

(Nann/Jackson)

That Emergency and Community Services Committee Report 21-011, being the meeting held on Thursday, November 4, 2021, be received and the recommendations contained therein be approved.

Result: Motion on Emergency and Community Services Committee Report 21-011, CARRIED by a vote of 14 to 0, as follows:

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

YES - Deputy Mayor - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

(Pearson/Ferguson)

That Section 5.8(2) of the City's Procedural By-law 21-021, which provides that a minimum of 2 days shall pass before the Report of a Standing Committee, the Selection Committee, or other Committee that reports directly to Council is presented to Council to provide adequate opportunity for review, be waived in order to consider the General Issues Committee (Budget) Report 21-022.

Result: Motion CARRIED by a 2/3 majority vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

NOT PRESENT- Ward 4 Councillor Sam Merulla

VACANT - Ward 5

YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge

YES - Ward 14 Councillor Terry Whitehead

YES - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Deputy Mayor - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

GENERAL ISSUES COMMITTEE (BUDGET) REPORT 21-022
--

(Pearson/Ferguson)

That General Issues Committee (Budget) Report 21-022, being the meeting held on Monday, November 8, 2021, be received and the recommendations contained therein be approved.

Result: Motion on General Issues Committee (Budget) Report 21-022, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

NOT PRESENT - Ward 4 Councillor Sam Merulla

VACANT - Ward 5

YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge

YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

MOTIONS

6.1 Residential Municipal Relief Assistance Program for Basement Flooding for the Heavy Rain Event that began on August 26, 2021 (Ward 9)

(Clark/Johnson)

WHEREAS, the heavy rain event that began on August 26, 2021, caused basement flooding at properties within Ward 9 in the City of Hamilton.

THEREFORE, BE IT RESOLVED:

- (a) That for the purpose of invoking the Residential Relief Assistance Program for Basement Flooding, City Council declare the heavy rain event that began on August 26, 2021, as a “Disaster” for all affected properties within Ward 9 in the City of Hamilton;
- (b) That payment of claims to a maximum of \$1,000, be based on compassionate grounds only and not be construed as an admission of liability on the part of the City of Hamilton;
- (c) That the Eligibility Criteria for the Residential Municipal Disaster Relief Assistance Program as previously approved in report FCS06007 be applied;
- (d) That the costs associated with these claims be funded from the Storm Sewer Reserve 108010; and,
- (e) That staff be authorized, if necessary, to retain an independent adjusting service for the administration of claims under the Residential Municipal Disaster Relief Assistance Program and that these administrative costs be funded from the Storm Sewer Reserve 108010.

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

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

YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.2 Issuance of Demolition Permit for 27 Deerhurst Road, Stoney Creek

(Pearson/Johnson)

WHEREAS the owner of the above-mentioned property is in the process of completing his application for a Building Permit in order to build a home for his family including the registration on title guaranteeing the building will be completed within 2 years, submitted the grading plan and cheque as well as having all utilities disconnected and verified to the Plans Examiner. He only awaits the processing of all the paperwork and Demolition permit to remove the current building on the property; and

WHEREAS over the last several months the homeowner has experienced ongoing vandalism to the building which has created ongoing safety concerns for the property, surrounding neighbours and the owner. Most recently he has experienced break-ins by untoward residents seeking drug, drug paraphernalia and a place to address their habit.

THEREFORE, BE IT RESOLVED:

That the Chief Building Official be authorized to issue a demolition permit for 27 Deerhurst Road, Stoney Creek in accordance with By-law 09-208, as amended by By-law 13-185, pursuant to Section 33 of the Planning Act as amended, without having to comply with the conditions of 6(a), (b) and (c) of the Demolition Control By-law 09-208.

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

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

YES - Deputy Mayor - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

NOTICES OF MOTION

7.1 Issuance of Demolition Permit for 27 Deerhurst Road, Stoney Creek

(Pearson/Johnson)

That the Rules of Order be waived to allow for the introduction of a Motion respecting the Issuance of Demolition Permit for 27 Deerhurst Road, Stoney Creek.

Result: Motion CARRIED by a 2/3 vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr

YES - Ward 3 Councillor Nrinder Nann

NOT PRESENT - Ward 4 Councillor Sam Merulla

VACANT - Ward 5

YES - Ward 6 Councillor Tom Jackson

YES - Ward 7 Councillor Esther Pauls

YES - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

YES - Ward 15 Councillor Judi Partridge

YES - Ward 14 Councillor Terry Whitehead

YES - Ward 13 Councillor Arlene VanderBeek

YES - Ward 12 Councillor Lloyd Ferguson

YES - Ward 11 Councillor Brenda Johnson

YES - Deputy Mayor - Ward 10 Councillor Maria Pearson

YES - Ward 9 Councillor Brad Clark

Refer to Item 6.2 for further disposition of this item.

7.2 Review of the Powers Delegated to the Head of Council Under the *Municipal Act 2001, As Amended*

The following Notice of Motion was introduced:

WHEREAS, under the Municipal Act, 2001, as amended, the Province of Ontario gives municipalities broad powers to pass bylaws and govern within their jurisdiction;

WHEREAS, the Province of Ontario has outlined the level of authority for the Head of Council in Part 6: Practices and Procedures; Municipal Organization and Administration of the *Municipal Act 2001*, as amended;

WHEREAS, the *Municipal Act, 2001*, as amended limits the powers of the Head of Council;

WHEREAS, the Head of Council as the Chief Executive Officer, has no greater decision-making authority than that of any other Member of Council; and

WHEREAS, Council for the City of Hamilton believes that the Head of Council should be granted greater authority, not limited to but including veto powers.

THEREFORE, BE IT RESOLVED:

- (a) That Council for the City of Hamilton request the Ministry of Municipal Affairs and Housing undertake a review of the powers delegated to the Head of Council under the *Municipal Act 2001*, as amended and consider revising these powers to permit an increase in the level of authority; and
- (b) That the City Clerk forward a copy of this resolution to the Premier, the Minister of Municipal Affairs and Housing, all municipalities in Ontario and Association of Municipalities of Ontario.

STATEMENTS BY MEMBERS

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

COUNCIL COMMUNICATION UPDATES

(Pearson/Partridge)

That the listing of Council Communication Updates from October 22, 2021 to November 4, 2021, be received.

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

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

PRIVATE AND CONFIDENTIAL

Council determined that discussion of Item 10.1 was not required in Closed Session; therefore, the matter was addressed in Open Session, as follows:

10.1 Closed Session Minutes – October 27, 2021

(Ferguson/Whitehead)

That the Closed Session Minutes dated October 27, 2021 be approved, as presented, and remain confidential.

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

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

(Pearson/Partridge)

That Council move into Closed Session respecting Item 3 (a) of Audit, Finance and Administration Committee Report 21-019, Procurement Sub-Committee Report 21-001 - October 29, 2021 (Added Item 10.2) Commercial Relationship Between the City of Hamilton and Associated Paving & Materials Ltd. (FCS21102 / LS21044 / PW21064) (City Wide) (Item 14.2) and Item 10.2, A Matter respecting an Identifiable Individual, pursuant to Section 9.1, Sub-sections (b), (e) and (f) of the City's Procedural By-law 21-021 and Section 239(2), Sub-sections (b), (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including City or a local board employees; to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

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

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

VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

<p>RECOMMENDATION REPORT OF THE INTEGRITY COMMISSIONER CODE OF CONDUCT COMPLAINT AGAINST COUNCILLOR WHITEHEAD</p>
--

(Pearson/Johnson)

That the Recommendation Report of the Integrity Commissioner Code of Conduct Complaint Against Councillor Whitehead, be received.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - 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 - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Mayor Eisenberger relinquished the Chair to Councillor Pearson in order to introduce the following motion:

(Eisenberger/Clark)

WHEREAS, the Integrity Commissioner's report dated November 3, 2021 concluded that Councillor Whitehead was in breach of the Council Code of Conduct and has imposed the sanction of suspension of his remuneration for a period of 30 days commencing with the next pay period;

WHEREAS, the Integrity Commissioner's report outlines "In the circumstances of this investigation, the evidence reveals a persistent pattern of unacceptable conduct and behaviour which is directed at particular staff. The evidence discloses that private attempts to prevail upon the Councillor to curtail this conduct and refrain from such unacceptable behaviour have failed.";

WHEREAS, an Integrity Commissioner may also recommend, and Council may impose, certain remedial actions within its power, upon receipt of an Integrity Commissioner's report; WHEREAS, the Integrity Commissioner has made further recommendations for Council to consider under section 162 of the report; and

WHEREAS, City Council strongly believes that all employees should be treated with respect and that no one should be subject to the behaviors described in this report.

THEREFORE, BE IT RESOLVED:

That Council impose further restrictions as outlined in section 162 of the Integrity Commissioner's report dated November 3, 2021:

- (i) That Councillor Whitehead be restricted in his communications with City staff, outside of his own office staff, to communicating only with the City Manager, General Managers or designate; City Solicitor and City Clerk for the remainder of the 2018 – 2022 Council term; and
- (ii) That Councillor Whitehead be obliged, during Council and Committee meetings, to confine his questions of staff by directing his questions to the Mayor or Chair and not directly addressing staff for the remainder of the 2018 – 2022 Council term.

(Johnson/Nann)

That the Recommendation Report of the Integrity Commissioner Code of Conduct Complaint Against Councillor Whitehead, be **amended** by adding a new sub-section, to read as follows:

- (iii) ***That Councillor Whitehead be relieved of his responsibilities as Chair and Vice Chair of Committees of Council and local boards for the remainder of the 2018 – 2022 Council term.***

Result: Amendment CARRIED by a vote of 11 to 1, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
NO - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger

NOT PRESENT - 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 - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Main Motion, ***as Amended***, to read as follows:

That Council impose further restrictions as outlined in section 162 of the Integrity Commissioner's report dated November 3, 2021:

- (i) That Councillor Whitehead be restricted in his communications with City staff, outside of his own office staff, to communicating only with the City Manager, General Managers or designate; City Solicitor and City Clerk for the remainder of the 2018 – 2022 Council term;
- (ii) That Councillor Whitehead be obliged, during Council and Committee meetings, to confine his questions of staff by directing his questions to the Mayor or Chair and not directly addressing staff for the remainder of the 2018 – 2022 Council term; and
- (iii) ***That Councillor Whitehead be relieved of his responsibilities as Chair and Vice Chair of Committees of Council and local boards for the remainder of the 2018 – 2022 Council term.***

Result: Main Motion, *As Amended* CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - 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 - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Mayor Eisenberger assumed the Chair for the remainder of the meeting.

AUDIT, FINANCE AND ADMINISTRATION COMMITTEE REPORT 21-019 (CONTINUED)**(Ferguson/Pearson)**

That Audit, Finance and Administration Committee Report 21-019, being the meeting held on Thursday, November 4, 2021, be received and the recommendations contained therein be approved.

Result: Motion on Audit, Finance and Administration Committee Report 21-019, CARRIED by a vote of 12 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - 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 - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pearson/Jackson)

That the Committee of the Whole Rise and Report.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - 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 - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

10.2 A Matter respecting an Identifiable Individual**(Ferguson/Clark)**

That the directions to staff in closed session be approved.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - 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 - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

BY-LAWS AND CONFIRMING BY-LAW

(Pearson/Farr)

That Bills No. 21-203 to No. 21-210, 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:

- 203 To Permanently Close a Portion of Mountain Brow Road, Hamilton, from approximately 400m east of Flanders Drive to 1120m east of Flanders Drive, described as Parts 1, 2, and 3 on Plan 62R-21756, City of Hamilton
Ward: 15
- 204 To Impose a Storm and Sanitary Sewer and Watermain Charge Upon Owners of Land Abutting Davinci Boulevard from Rymal Road West to 24m of Upper Paradise Road, in the City of Hamilton
Ward: 14
- 205 To Permanently Close a Portion of a Road Allowance Abutting 357 Wilson Street East, Ancaster, established by Registered Plan 347, in the City of Hamilton, designated as Parts 2, 3, 4, and 5 on Reference Plan 62R-19878 and Parts 1, 2 and 3 on Reference Plan 62R-20864, being Part of PIN 174446-1077 (LT) and Part of PIN 17446-1082(LT), City of Hamilton
Ward: 12

- 206 To Permanently Close Lang Street, Hamilton, established Registered Plan 1168, in the City of Hamilton, designated as Part 1 on Reference Plan 62R-21449, being All of PIN 17258-0106(LT), City of Hamilton
Ward: 4
- 207 A By-law to Regulate Public Notices at Infill Construction Sites
Ward: City Wide
- 208 To Amend Zoning By-law No. 87-57 Respecting Lands Located at 3658 Springbrook Avenue and Part of Block 121, Plan 62M-1161
ZAR-21-015
Ward: 12
- 209 To Amend By-law No. 01-218, as amended, being a By-law to Regulate On-Street Parking
Schedule 12 (Permit Parking Zones)
Ward: 1, 3, 4
- 210 To Confirm the Proceedings of City Council

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
VACANT - Ward 5
YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - 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 - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(Pearson/Ferguson)

That, there being no further business, City Council be adjourned at 4:41 p.m.

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

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

YES - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
YES - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - 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 - Deputy Mayor - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk