



CITY COUNCIL MINUTES 22-003

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

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

Absent: Councillor T. Jackson - 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

Revised Disposition:

- 4.15 Correspondence from Golder Associates Ltd. informing the City of Hamilton of Enbridge Gas Inc. (Enbridge Gas) proposed pipeline project to meet the increased demand for energy in Hamilton, Brantford, Brant County, North Dumfries, Haldimand County and Norfolk County and requesting input and comments respecting the project by March 22, 2022.

Recommendation: Be received ~~and referred to Growth Management Division staff for a report back to the General Issues Committee.~~ **and referred to Growth Management**

Added Communication:

- 4.17 Correspondence from the Hamilton Farmers' Market Board respecting the Vision of Hamilton Farmers' Market for City, and Feasibility of Greater Private Sector Role in Operations and Management of the Market and the Associated Space.

Recommendation: Be received and referred to the consideration of Item 2 of Sole Voting Member of the Hamilton Farmers' Market Report 22-001.

10. PRIVATE AND CONFIDENTIAL

- 10.1 Personnel Matter (no copy)

11. BY-LAWS AND CONFIRMING BY-LAW

- 026 To Authorize the Signing of a Transfer Payment Agreement for the Transfer of Audit and Accountability Funds between Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing and the City of Hamilton
Ward: City Wide

(Pearson/Johnson)

That the agenda for the February 9, 2022 meeting of Council be approved, **as amended.**

CARRIED

DECLARATIONS OF INTEREST

Councillor A. VanderBeek declared an interest to Item 2 of the General Issues Committee Report 22-004 respecting Vacant Home Tax in Hamilton (FCS21017(b)), as she is a rental property landlord.

Councillor S. Merulla declared an interest to Item 2 of the General Issues Committee Report 22-004, respecting Vacant Home Tax in Hamilton (FCS21017(b)), as he and his wife are rental property landlords.

Councillor M. Pearson declared an interest to Item 2 of the General Issues Committee Report 22-004, respecting Vacant Home Tax in Hamilton (FCS21017(b)), as she and her husband are rental property landlords.

APPROVAL OF MINUTES OF PREVIOUS MEETING

3. January 19, 2022 (Item 3.1)

(Farr/Ferguson)

That the Minutes of the January 19, 2022 meeting of Council be approved, as presented.

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

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

(VanderBeek/Wilson)

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

- 4.1 Correspondence from Concerned Citizens of Ward 1 respecting the events that transpired at JC Beemer Park.

Recommendation: Be received.
- 4.2 Correspondence from the City of Burlington requesting support for their resolution calling on the Federal and Provincial governments to support the survival of small businesses during Modified Step 2 of the Roadmap to Reopen.

Recommendation: Be received.
- 4.3 Correspondence from the Township of Terrace Bay requesting support for their resolution in support of Northwestern Ontario Municipal Association's (NOMA) resolution granting Ontario Municipalities the same revenue tools as the City of Toronto including a Municipal Land Transfer Tax to be renamed Land Transfer Infrastructure Support.

Recommendation: Be received.
- 4.4 Correspondence from the Town of Bracebridge requesting support for their resolution respecting priority consideration by the Provincial Government and its agencies for increased and sustainable funding for Muskoka Parry Sound Sexual Assault Services (MPSSAS) and other sexual assault services centres.

Recommendation: Be received.

- 4.5 Correspondence from Rose Janson and Family respecting the restorative power of nature.
- Recommendation: Be received.
- 4.6 Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions.
- Recommendation: Be received.
- 4.7 Correspondence from Thomas Bell, No Nuisance Noise Ontario requesting Council's assistance to help constituents to experience a quieter, less noise-polluted life while aiding millions of other Ontarians in enjoying a quieter world as well.
- Recommendation: Be received.
- 4.8 Correspondence from Keanin Loomis, resigning from the Physician Recruitment and Retention Steering Committee.
- Recommendation: Be received.
- 4.9 Correspondence from the Honourable Caroline Mulroney, Minister of Transportation respecting an update on the proposal to upgrade the intersection of Highway 5 and 6.
- Recommendation: Be received.
- 4.10 Correspondence from the City of Brantford requesting support for their resolution insisting that the government address the Revolving Door of Justice – Accountability for Sureties and Swift Justice.
- Recommendation: Be received.
- 4.11 Correspondence from Walter Furlan respecting the proximity of injection clinics to primary schools.
- Recommendation: Be received.
- 4.12 Correspondence from the Honourable Steve Clark, Minister of Municipal Affairs and Housing respecting the approved funding for the City of Hamilton Digital Services Modernization Review project, of up to \$254,400 towards the cost of an independent third-party reviewer to deliver a final report with detailed and actionable recommendations for efficiencies and cost savings.
- Recommendation: Be received and referred to the General Manager of Finance and Corporate Services for appropriate action.

- 4.13 Correspondence from Paul Dube, Ombudsman of Ontario respecting the City of Hamilton's Board of Health meeting on August 11, 2021.

Recommendation: Be received.

- 4.14 Correspondence from Jennifer Mann respecting the Roadside Memorial Policy.

Recommendation: Be received and referred to the consideration of Item 2 of Public Works Committee Report 22-002.

- 4.15 Correspondence from Golder Associates Ltd. informing the City of Hamilton of Enbridge Gas Inc. (Enbridge Gas) proposed pipeline project to meet the increased demand for energy in Hamilton, Brantford, Brant County, North Dumfries, Haldimand County and Norfolk County and requesting input and comments respecting the project by March 22, 2022.

Recommendation: Be received.

- 4.16 Correspondence from the Honourable Kate Manson-Smith, Deputy Minister of Municipal Affairs and Housing respecting the Steps to Cautiously and Gradually Ease Public Health Measures While Protecting Hospital and Health Care Capacity.

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

- 4.17 Correspondence from the Hamilton Farmers' Market Board respecting the Vision of Hamilton Farmers' Market for City, and Feasibility of Greater Private Sector Role in Operations and Management of the Market and the Associated Space.

Recommendation: Be received and referred to the consideration of Item 2 of Sole Voting Member of the Hamilton Farmers' Market Report 22-001.

Result: Motion on the Communication Items, 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 Nrinde Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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

(VanderBeek/Powers)

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
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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 22-002

(Nann/Powers)

That Public Works Committee Report 22-002, being the meeting held on Monday, January 31, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Public Works Committee Report 22-002, 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
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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 22-002

(Wilson/Danko)

That Planning Committee Report 22-002, being the meeting held on Tuesday, February 1, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Planning Committee Report 22-002, 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
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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 22-004

(VanderBeek/Ferguson)

That General Issues Committee Report 22-004, being the meeting held on Wednesday, February 2, 2022, be received and the recommendations contained therein be approved.

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

2. Vacant Home Tax in Hamilton (FCS21017(b)) (City Wide) (Item 8.2)

That the Mayor and the General Manager, Finance and Corporate Services, be authorized and directed to request to the Minister of Finance that the City of Hamilton be a designated municipality under Part IX.1 Optional Tax on Residential Vacant Units, of the *Municipal Act, 2001* starting in the 2022 taxation year.

Result: Motion on Item 2 of the General Issues Committee Report 22-004, CARRIED by a vote of 11 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
CONFLICT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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
CONFLICT - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
CONFLICT - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the General Issues Committee Report 22-004, 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
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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

SOLE VOTING MEMBER OF THE HAMILTON FARMERS' MARKET REPORT 22-001

(VanderBeek/Pauls)

That Sole Voting Member of the Hamilton Farmers' Market Report 22-001, being the meeting held on Wednesday, February 2, 2022, be received and the recommendations contained therein be approved.

Upon request, Item 2 was voted on separately, as follows:

2. Vision of Hamilton Farmers' Market for City, and Feasibility of Greater Private Sector Role in Operations and Management of the Market and the Associated Space (Item 11.1)

WHEREAS, on April 11, 2012, City Council directed staff to conduct a feasibility study on privatizing the management of the Hamilton Farmers' Market, and to look at ways and means to internally reduce the annual subsidy for the Market;

WHEREAS, following considerable research, consultation and analysis, on December 12, 2013, the Hamilton Farmers' Market Sub-Committee approved recommendations directing staff to bring forward a new governance model;

WHEREAS, on May 14, 2014, City Council directed staff to prepare a governance model and implementation plan, prepare a business case, and undertake public consultation;

WHEREAS, on June 12, 2014, the Hamilton Farmers' Market Sub-Committee approved the terms of reference and business case for the establishment of the current Market corporation and governance model;

WHEREAS, on September 4, 2014, the General Issues Committee approved recommendations creating the Hamilton Farmers' Market Corporation, directing the selection of Board members, and authorized staff to negotiate an operating agreement;

WHEREAS, on May 7, 2018, the Hamilton Farmers' Market Corporation Board of Directors approved the Hamilton Farmers' Market Strategic Plan 2016-2020 that had been commissioned by the Board and prepared by 2WA Consulting, Inc;

WHEREAS, on November 23, 2020, the Sole Voting Member of the Hamilton Farmers' Market considered the Hamilton Farmers' Market Governance Report (CM20010), and directed staff to prepare a report that provides a preferred governance and operating model for the Hamilton Farmers' Market Corporation, which prioritizes value-for-dollar invested by the Shareholder, role clarity, enhanced governance and the avoidance of any potential conflicts of interest;

WHEREAS, the first phase of the Hamilton Farmers' Market governance and operational review has been completed, with a report from the Consultant that summarizes the outcome of its research and stakeholder input to date, provides an overview of the current state of the Market, and identifies direction on pursuing the future governance and operational options;

WHEREAS, the neighbourhood surrounding the Market is in the process of undergoing significant change, the nature of the vendors and offerings at the "farmers'" market has been changing, and the Markets' engagement with its customers and the surrounding community has been changing; and,

WHEREAS, having a broader understanding of the vision, role and opportunities for the Hamilton Farmers' Market within its evolving neighbourhood context would assist Council in making any decisions on the preferred governance and operating model;

THEREFORE, BE IT RESOLVED:

- (a) That staff be directed to undertake a review and consultation on the vision and role of the Hamilton Farmers' Market within the local neighbourhood context, with a focus on engaging surrounding neighbourhood and other interested stakeholders, including using charettes, requests for expressions of interest, and other means, to examine opportunities for the potential future role of the

Market and associated space it occupies in the City facility on York Blvd, within the downtown neighbourhood, and report back to the Sole Voting Member of the Hamilton Farmers' Market, prior to completing the governance and operating review;

- (b) That staff be authorized and directed to retain any necessary consulting services to undertake the consultation and engagement, to an upset limit of \$100,000, to be funded from the Economic Development Reserve (Account 112221); and,
- (c) That staff be directed to hold a charrette with the community-at-large regarding the vision and role of the Hamilton Farmers' Market, and include a summary of that feedback in the forthcoming report to the Sole Voting Member of the Hamilton Farmers' Market.

Result: Motion on Item 2 of the Sole Voting Member of the Hamilton Farmers' Market Report 22-001, CARRIED by a vote of 11 to 2, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

Result: Motion on the balance of the Sole Voting Member of the Hamilton Farmers' Market Report 22-001, CARRIED by a vote of 13 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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 22-003

(Pearson/VanderBeek)

That Audit, Finance and Administration Committee Report 22-003, being the meeting held on Thursday, February 3, 2022, be received and the recommendations contained therein be approved.

Upon request Item 2 (a) was voted on separately, as follows:

2. Grants Sub-Committee Report 22-001 – January 17, 2022 (Item 10.1)

(a) City Enrichment Fund: Equity, Diversity, Inclusion (EDI) Information Report (GRA21003(a)) (City Wide) (Item 4.1)

WHEREAS, staff were directed to integrate the Equity, Diversity and Inclusion breakdown of the allocated City Enrichment Fund in a form that enables the consistent measurement of outcomes, and report back to the Grants Sub-Committee to be brought forward as an Information Report on January 17, 2022;

WHEREAS, the City application process does not include a self-identification option or questionnaire for applicants to determine or identify whether they are IBPOC-led (Indigenous, Black, and people of colour), women-led, rural or led by other equity seeking groups;

WHEREAS, the current application does not consistently request information about the communities that grant recipients serve and the only program area which captures and measures some aspects of an EDI lens is in Community Services stream; and,

WHEREAS, in order to ensure Equity, Diversity and Inclusion data is being captured consistently across the fund overall;

THEREFORE, BE IT RESOLVED:

- (i) That the Director Government Relations & Community Engagement be directed to incorporate a self-identification tool in the in-take application form in all program areas and streams across the City Enrichment Fund, which identifies:
 - (1) the demographics of populations served by allocated City Enrichment Funds; and,
 - (2) the demographics of leadership within an applicant's board of directors and/or staff; and,

- (ii) That the Director Government Relations & Community Engagement be directed to explore opportunities to enhance City Enrichment Fund accessibility, such as making applications available in multiple languages, various formats, and outreach tactics in order to better reach equity seeking communities, and report back to the Grants Sub-Committee.

Result: Motion on Item 2 (a) of the Audit, Finance and Administration Committee Report 22-003, CARRIED by a vote of 15 to 0, as follows:

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

Upon request Item 2 (b) was voted on separately, as follows:

2. Grants Sub-Committee Report 22-001 – January 17, 2022 (Item 10.1)

(b) 2021 City Enrichment Fund Update (GRA22001) (City Wide) (Item 6.1)

- (i) That the overall 2021 City Enrichment Fund surplus (attached as Appendix “A” to Audit, Finance and Administration Committee Report 22-003), in the amount of \$501,044, be transferred to the City Enrichment Fund Reserve #112230; and,
- (ii) That up to \$500,000 of the City Enrichment Fund reserve funds, be earmarked to investigate potential matching opportunities, throughout the City, to bring to a total fund of \$1M in support for communities and organizations that have been heavily impacted by COVID-19 and the pandemic more broadly, with any funds not allocated to be evenly distributed and returned back to their respective reserves, and report back to the Grants Sub-Committee.

Result: Motion on Item 2 (b) of the Audit, Finance and Administration Committee Report 22-003, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson

YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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 the Audit, Finance and Administration Committee Report 22-003, CARRIED by a vote of 15 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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 22-002

(Clark/Merulla)

That Emergency and Community Services Committee Report 22-002, being the meeting held on Thursday, February 3, 2022, be received and the recommendations contained therein be approved.

Result: Motion on the Emergency and Community Services Committee Report 22-002, 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
YES - Ward 4 Councillor Sam Merulla

YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

(VanderBeek/Partridge)

That the Committee of the Whole Rise and Report.

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 Nrinde Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

MOTIONS

Mayor Eisenberger relinquished the Chair to Councillor VanderBeek, in order to introduce the following motion.

6.1 Amendment to Item 3(c) of General Issues Committee Report 21-003, respecting Ban of Electric Scooters from Public Property (City Wide)

(Eisenberger/Clark)

WHEREAS, the Advisory Committee for Persons with Disabilities is recommending an amendment to the parameters within their December 8, 2020 recommendations on the ban for the use of electric and commercial rental electric scooters to remove the conditions that electric scooters be banned until electric scooters and their operators are trained, licensed, insured and regulated by the Province and to specify that electric scooters be banned 'on all City roads, sidewalks and pathways';

WHEREAS, the December 8, 2020 recommendation from the Advisory Committee for Persons with Disabilities respecting the ban for the use of electric and commercial rental electric scooters was referred by the General Issues Committee to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations; and

WHEREAS, Council, at their meeting of August 13, 2021, approved a 24-month Commercial E-Scooter pilot program within the City of Hamilton, also directing staff to consult the Advisory Committee for Persons with Disabilities, the CNIB Foundation and the Seniors Advisory Committee on a quarterly basis with respect to the Commercial E-Scooter pilot program.

THEREFORE, BE IT RESOLVED:

That Sub-section (c) to Item 3 to the General Issues Committee Report 21-003, respecting Ban of Electric Scooters from Public Property (City Wide), be **amended** as follows, in order to specify that electric scooters be banned 'on all City roads, sidewalks and pathways':

- (c) That Item 5 of the Advisory Committee for Persons with Disabilities Report 20-007, respecting the Ban of Electric Scooters from Public Property, **as amended**, by deleting '**until such time that electric scooters, particularly commercial rental electric scooters, and their operators are trained, licensed, insured and are fully and completely regulated by the province of Ontario in the same manner as any other motor vehicle in the province of Ontario**', be referred to the General Manager of Planning and Economic Development for consideration with respect to additional locations where e-scooters may be permitted to operate, and for consideration in developing the forthcoming report to the Planning Committee, with respect to commercial e-scooter operations;

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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 Reconsideration of the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

(Nann/Wilson)

That the decision that was approved at the September 30, 2020 Council meeting respecting Item 4.8, the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that formally reprimanded Cameron Kroetsch as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, and reads as follows, be reconsidered:

That having been found to have breached the Hamilton Advisory Committee/Task Force Code of Conduct as per Item 4.8, respecting the Submission of Integrity Commissioner Investigation Report – Complaint Filed Against a Citizen Committee Member, that Cameron Kroetsch be and is hereby formally reprimanded as it relates to the breach of privacy under the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*.

Result: Motion DEFEATED by a 2/3rds vote of 5 to 9, as follows:

YES - Ward 1 Councillor Maureen Wilson
NO – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
NO - Ward 5 Councillor Russ Powers
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
NO - Mayor Fred Eisenberger
NO - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
NO - Ward 12 Councillor Lloyd Ferguson
NO - Ward 11 Councillor Brenda Johnson
NO - Ward 10 Councillor Maria Pearson
NO - Ward 9 Councillor Brad Clark

Mayor Eisenberger relinquished the Chair to Councillor VanderBeek, in order to introduce the following motion.

6.3 Motion to Amend By-law No. 16-290, the Council Code of Conduct to provide for the Transparency Disclosure of Non-Disqualifying Interests

(Eisenberger/Danko)

WHEREAS, pursuant to the *Municipal Act, 2001*, it is the duty of the City Clerk to record, without note or comment, all resolutions, decisions and other proceedings of the Council;

WHEREAS, the Council Code of Conduct provides that Members shall avoid “conflicts of interest, both apparent and real”;

WHEREAS when a Member is disqualified from participating in the discussion of, or voting on any question in respect of a matter due to a pecuniary interest, direct or indirect, under the *Municipal Conflict of Interest Act*, their disclosure of that interest is recorded in Council and Committee minutes, and a written statement of the interest and its general nature must be filed with the Clerk and included in a registry required to be made available to the public, which is posted on the City’s website;

WHEREAS, there are occasions when Members of Council have an interest in a matter, but such an interest does not disqualify them from participating; and

WHEREAS, the public interest is best served by disclosing both disqualifying and non-disqualifying interests of Members of Council;

THEREFORE, BE IT RESOLVED:

- (a) That section 8 of By-Law 16-290 - Council Code of Conduct be amended as per Appendix “A” of this motion to enable the recording of all disqualifying interests, and to provide for the recording of disclosures where non-disqualifying interests exist; and
- (b) That the City Clerk prepare a Transparency Disclosure of Non-Disqualifying Interest form for use by Members of Council and for posting on the City’s website for viewing.

Result: Motion CARRIED by a vote of 13 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
- YES - Ward 5 Councillor Russ Powers
- NOT PRESENT - 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 - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
- NO - 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.

6.4 Amendment to Item 7 of the General Issues Committee Report 17-004, respecting Report PED17024 - King William Art Walk Public Art Project

(Farr/Nann)

WHEREAS, the King William Art Walk Public Art Project is in fabrication by an artist selected through the City of Hamilton Call for Artists Policy and contracted to the City or its agents through a fixed price Artist Agreement;

WHEREAS, due to the COVID-19 pandemic and resulting supply chain issues, artists are identifying sudden unanticipated increases in the cost and delivery of materials required to complete their art works in excess of the typical 10% contingences they carried in their budgets;

WHEREAS, these sudden and unanticipated material and delivery cost increases now make the completion of the art works unfeasible within the original budget;

WHEREAS, the Public Art Reserve #10844 had a balance of \$1,150,000 as of March 31, 2021, including an unallocated contingency of approximately \$85,000 and allocations are set to be updated as part of the Public Art Master Plan review in 2023; and,

THEREFORE, BE IT RESOLVED:

That Item 7 of the General Issues Committee Report 17-004, respecting Report PED17024 - King William Art Walk Public Art Project, which was approved by Council on February 22, 2017, **be amended** by adding a new sub-section (b), to read as follows:

7. King William Art Walk Public Art Project (PED17024) (Ward 2) (Item 8.5)

(a) That \$100,000 be transferred from the Downtown Public Art Reserve (108049) to the King William Art Walk Public Art Project (7101558508); and,

(b) ***That up to an additional \$50,000, to cover the costs resulting from supply chain issues and sudden unanticipated increases in the cost and delivery of materials required to complete King William Art Walk Public Art Project (7101558508), to be funded from the Public Art Reserve (10844), be approved.***

Commented [CK1]: We are asking for extra funds from the Public Art Reserve not the Downtown Public Art Reserve

Commented [CK2]: We may not need the whole amount

Commented [CK3]: Can we just add the project ID – that should work

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
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NOT PRESENT - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 9 Councillor Brad Clark

6.5 Amendment to Sub-Section (b) to Item 7.12 of the July 13, 2018 Council Minutes 18-015, respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette

(Nann/Farr)

WHEREAS, the Century Street Parkette art project is in fabrication by an artist selected through the City of Hamilton Call for Artists Policy and contracted to the City or its agents through a fixed price Artist Agreement;

WHEREAS, due to the COVID-19 pandemic and resulting supply chain issues, artists are identifying sudden unanticipated increases in the cost and delivery of materials required to complete their art works in excess of the typical 10% contingences they carried in their budgets;

WHEREAS, these sudden and unanticipated material and delivery cost increases now make the completion of the art works unfeasible within the original budget; and,

WHEREAS, the Public Art Reserve #10844 had a balance of \$1,150,000 as of March 31, 2021, including an unallocated contingency of approximately \$85,000 and allocations are set to be updated as part of the Public Art Master Plan review in 2023;

THEREFORE, BE IT RESOLVED:

That sub-section (b) to Item 7.12 of the July 13, 2018 Council Minutes 18-015, respecting Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette, **be amended** by adding a new sub-section (d), to read as follows:

7.12 Continued Investments in Ward 3 Park and Playgrounds at 430 Cumberland and the new Century Street Parkette

- (d) ***That up to an additional \$25,000 to cover the costs resulting from supply chain issues and sudden unanticipated increases in the cost and delivery of materials required to complete the Century Street Parkette art project (7101851321), to be funded from the Public Art Reserve (10844), be approved.***

Commented [CK4]: We may not need it all

Commented [CK5]: Project id for finance will require

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
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - Ward 13 Councillor Arlene VanderBeeK
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NOT PRESENT - Ward 10 Councillor Maria Pearson
NOT PRESENT - Ward 9 Councillor Brad Clark

6.6 Amendment to the 2022 Council / Committee Calendar

(Johnson/Ferguson)

WHEREAS Council on October 28, 2020 approved the 2022 Council / Committee Calendar; and

WHEREAS, it is necessary to amend the 2022 Council / Committee Calendar by moving the April 19, 2022 Planning Committee meeting to April 25, 2022, due to the Easter holiday weekend, to provide the public with sufficient time to submit their comments and submit delegation requests for matters appearing on the Planning Committee agenda.

THEREFORE, BE IT RESOLVED:

That the 2022 Council / Committee Calendar be **amended** by moving the April 19, 2022 Planning Committee meeting to **April 25, 2022**.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Ward 11 Councillor Brenda Johnson
NOT PRESENT - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

6.7 Appointment to the Interview Sub-Committee to the Audit, Finance and Administration Committee

(Pearson/VanderBeek)

That Councillor Russ Powers be appointed to the Interview Sub-Committee to the Audit, Finance and Administration Committee, for the remainder of the 2018-2022 Term of Council, effective February 9, 2022.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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.

COMMUNICATIONS (Continued)

(Whitehead/Farr)

That the decision respecting Item 4.6, Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions that was received earlier in the Council meeting, be reconsidered.

Result: Motion CARRIED by a 2/3rds vote of 11 to 3, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann

NOT PRESENT- Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NO - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
YES - Ward 14 Councillor Terry Whitehead
YES - Deputy Mayor - 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

(Whitehead/Farr)

That the decision respecting Item 4.6, Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions that was received earlier in the Council meeting, be considered:

- 4.6 Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions.

Recommendation: Be received.

(Whitehead/Farr)

That the disposition of Item 4.6, Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions, be **amended** to reflect that the matter, be received **and referred to the General Manager of Planning and Economic Development with a report back to the Planning Committee**, as follows:

- 4.6 Correspondence from Mayor Tom Mrakas, Town of Aurora requesting support for their resolution asking the Government of Ontario to dissolve the Ontario Land Tribunal (OLT) and recognize the authority of municipal councils in local land use planning decisions.

Recommendation: Be received **and referred to the General Manager of Planning and Economic Development with a report back to the Planning Committee**.

Result: Motion CARRIED by a vote of 12 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers

NOT PRESENT - 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 - Deputy Mayor - 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

COUNCIL COMMUNICATION UPDATES

(VanderBeek/Johnson)

That the listing of Council Communication Updates from January 14, 2022 to February 3, 2022, 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
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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/Pauls)

That Council recess at 12:00 p.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
NOT PRESENT - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - 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 - Deputy Mayor - 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

Council reconvened at 12:10 p.m.

PRIVATE AND CONFIDENTIAL

(Powers/Johnson)

That Council move into Closed Session respecting Item 10.1, Personnel Matter (no copy) pursuant to Section 9.1, Sub-section (b) and (d) of the City's Procedural By-law 21- 021, as amended and Section 239(2), Sub-sections (b) and (d) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to personal matters about an identifiable individual, including municipal or local board employees; and, labour relations or employee negotiations.

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

- YES - Ward 1 Councillor Maureen Wilson
- YES - Ward 2 Councillor Jason Farr
- YES - Ward 3 Councillor Nringer Nann
- NOT PRESENT - Ward 4 Councillor Sam Merulla
- YES - Ward 5 Councillor Russ Powers
- NOT PRESENT - 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 - Deputy Mayor - 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

(VanderBeek/Clark)

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice, requires that public notice is required to advise of a Committee meeting to consider the enactment of a procedure bylaw in the form of one notice published in a newspaper a minimum of 14 days prior to the Committee meeting; and

WHEREAS, By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice also notes that Council may direct that other notice is to be given

as Council considers adequate and when the City Manager determines that an emergency situation exists;

THEREFORE, BE IT RESOLVED:

That Council waive the notice provision within By-law 07-351, a By-Law to Adopt and Maintain a Policy with Respect to the Provision of Public Notice in order for an amendment to be made to the Procedural By-law effective immediately.

Result: Motion CARRIED by a 2/3rds 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
YES - Ward 5 Councillor Russ Powers
NOT PRESENT - Ward 6 Councillor Tom Jackson
NOT PRESENT - 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 - Deputy Mayor - 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

(VanderBeek/Ferguson)

That Bills No. 22-016 to No. 22-027, 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:

- 016 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 5 (Parking Meters)
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 14 (Wheelchair Loading Zones)
Schedule 15 (Commercial Vehicle Loading Zones)
Schedule 20 (School Bus Loading Zones)
Ward: 1, 2, 3, 4, 7, 8, 9, 14, 15
- 017 To Amend By-law No. 21-021, A By-law to Govern the Proceedings of Council and Committees of Council
Ward: City Wide

- 018 To Amend By-law No. 16-290, Council Code of Conduct
Ward: City Wide
- 019 To Establish a Code of Conduct for Local Boards
Ward: City Wide
- 020 To Adopt Official Plan Amendment No. 159 to the Urban Hamilton Official Plan Respecting 281 Hamilton Drive and 356 Wilson Street West (Ancaster)
Ward: 12
- 021 To Amend Zoning By-law No. 87-57, Respecting Lands Located at 281 Hamilton Drive and 356 Wilson Street West (Ancaster)
ZAC-20-014/UHOPA-20-009
Ward: 12
- 022 To Adopt Official Plan Amendment No. 161 to the Urban Hamilton Official Plan Respecting 219, 225 and 247 East Avenue North and 315 Robert Street (Hamilton)
Ward: 3
- 023 To Amend Zoning By-law No. 6593 (Hamilton) Respecting lands located at 315 Robert Street and Part of 225 East Avenue North (Hamilton)
ZAC-21-028/UHOPA-21-013
Ward: 3
- 024 To Amend By-law No. 19-035, Being a By-law to Appoint a Fire Chief, Deputy Fire Chief, and Provincial Fire Co-ordinator pursuant to the Hamilton Fire Department Establishing and Regulating By-law No. 19-034, and to Repeal By-law No. 20-052
Ward: City Wide
- 025 To Amend By-law No. 01-218, as amended, Being a By-law to Regulate On-Street Parking
Schedule 6 (Time Limit Parking)
Schedule 8 (No Parking Zones)
Schedule 9 (Alternate Side Parking Zones F/T)
Schedule 10 (Alternate Side Parking Apr-Nov)
Schedule 12 (Permit Parking Zones)
Schedule 13 (No Stopping Zones)
Schedule 14 (Wheelchair Loading Zones)
Schedule 16 (Taxi Zones)
Schedule 20 (School Bus Loading Zones)
Ward: 2, 3, 5, 7, 13
- 026 To Authorize the Signing of a Transfer Payment Agreement for the Transfer of Audit and Accountability Funds between Her Majesty the Queen in right of Ontario as represented by the Minister of Municipal Affairs and Housing and the City of Hamilton
Ward: City Wide
- 027 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
- YES - Ward 5 Councillor Russ Powers
- NOT PRESENT - Ward 6 Councillor Tom Jackson
- NOT PRESENT - 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 - Deputy Mayor - 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

(Clark/Ferguson)

That, there being no further business, City Council be adjourned at 2:12 p.m.

CARRIED

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk