



SPECIAL CITY COUNCIL MINUTES 22-014

12:43 p.m.
June 16, 2022
Council Chambers
Hamilton City Hall, 71 Main Street West

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

Absent: Councillors S. Merulla, T. Jackson, T. Whitehead and R. Powers –
Personal

Councillor J.P. Danko – City Business

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 that there were no changes to the agenda.

(Ferguson/Partridge)

That the agenda for the June 16, 2022 Special meeting of Council be approved, as presented.

Result: Motion 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
NOT PRESENT - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Russ Powers

NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NOT PRESENT - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

DECLARATIONS OF INTEREST

There were no declarations of interest.

MOTIONS

3.1 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps (FCS20093(a) / LS20029(a)) (City Wide)

(VanderBeek/Pearson)

That the consideration of Item 3.1, respecting Report FCS20093(a)/LS20029(a), 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps, be deferred until after Council rises from closed session.

Result: Motion 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
NOT PRESENT - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Russ Powers
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NOT PRESENT - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

PRIVATE AND CONFIDENTIAL

(Ferguson/Nann)

That Council move into Closed Session to consider Item 3.1, 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps (FCS20093(a)/LS20029(a)) (City

Wide), pursuant to Section 9.1, Sub-sections (e) and (f) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e) and (f) of the *Ontario Municipal Act*, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City or a local board and the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Result: Motion 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
NOT PRESENT - Ward 4 Councillor Sam Merulla
NOT PRESENT - Ward 5 Councillor Russ Powers
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NOT PRESENT - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
YES - Ward 12 Councillor Lloyd Ferguson
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

MOTIONS - CONTINUED

3.1 386 Wilcox Street Assessment Review Board Appeals – ARB Decision and Next Steps (FCS20093(a) / LS20029(a)) (City Wide) - CONTINUED

(Johnson/Pearson)

- (a) That the directions to staff as per Confidential Appendix 'A' to this motion, be approved and released publicly following approval by Council, as follows:
- (a) That Legal and Finance staff be directed to report back to the Audit, Finance and Administration Committee after the Assessment Review Board renders its decision regarding the City's request to review of the Assessment Review Board decision dated May 17, 2022 respecting the assessment appeals for taxation years 2018-2022 for 386 Wilcox St, Hamilton (Roll Number 25-18-030-272-02600-0000) and advise if further instructions are required from Council regarding the Divisional Court appeal proceedings in respect of the Assessment Review Board's decision.
- (b) That the City Solicitor be authorized and directed to continue to pursue a Request for Review of the Assessment Review Board decision dated May 17, 2022 respecting the assessment appeals for taxation years 2018-2022 for 386 Wilcox St, Hamilton (Roll Number 25-18-030-272-02600-0000).

- (c) That the City Solicitor be authorized and directed to continue appeal proceedings before the Divisional Court in respect of the decision of the Assessment Review Board dated May 17, 2022 and take all steps necessary in regards to an appeal.
- (b) That Appendix “A” to Report FCS20093(a)/LS20029(a), be released publicly following approval by Council; and,
- (c) That Report FCS20093(a)/LS20029(a) and Appendix “B”, remain confidential.

Result: Motion CARRIED by a vote of 10 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
NOT PRESENT - Ward 5 Councillor Russ Powers
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NOT PRESENT - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

CONFIRMING BY-LAW

(Johnson/Pearson)

That Bill No. 22-149, be passed and that the Corporate Seal be affixed thereto, and that the By-law, be numbered, be signed by the Mayor and the City Clerk to read as follows:

149 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 10 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
NOT PRESENT - Ward 5 Councillor Russ Powers
NOT PRESENT - Ward 6 Councillor Tom Jackson
YES - Ward 7 Councillor Esther Pauls
NOT PRESENT - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead

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

(Johnson/Pearson)

That, there being no further business, City Council be adjourned at 1:42 p.m.

Result: Motion CARRIED by a vote of 10 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
NOT PRESENT - Ward 5 Councillor Russ Powers
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YES - Mayor Fred Eisenberger
YES - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
YES - Ward 13 Councillor Arlene VanderBeek
NOT PRESENT - Ward 12 Councillor Lloyd Ferguson
YES - Deputy Mayor - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk