



SPECIAL CITY COUNCIL MINUTES 22-006

1:45 p.m.

March 21, 2022

Due to Covid-19 and the closure of City Hall, this meeting was held virtually.

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

Absent: Councillors T. Whitehead and J. Partridge - 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.

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| APPROVAL OF THE AGENDA |
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The Clerk advised that there were no changes to the agenda.

(Powers/Pearson)

That the agenda for the March 21, 2022 Special meeting of Council be approved, as presented.

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

YES - Ward 1 Councillor Maureen Wilson
 YES – Deputy Mayor - Ward 2 Councillor Jason Farr
 YES - Ward 3 Councillor Nrinder Nann
 YES - Ward 4 Councillor Sam Merulla
 YES - Ward 5 Councillor Russ Powers
 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 - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

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| DECLARATIONS OF INTEREST |
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There were no declarations of interest.

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| RECESS |
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(Clark/Pearson)

That the Special Council meeting recess at 1:32 p.m.

CARRIED

The Special Council meeting resumed at 1:50 p.m.

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| MOTIONS |
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Mayor Eisenberger relinquished the Chair to Deputy Mayor Farr, in order to introduce the following motion.

3.1 Repealing of the City's Physical Distancing By-law and Face Covering By-law

(Eisenberger/Ferguson)

WHEREAS the Province of Ontario entered the Roadmap Exit Step on March 1, 2022;

WHEREAS the Ministry of Health announced their plan for "Living with and Managing Covid-19" on March 9, 2022, which outlined the province's plan to safely and cautiously reopen the province and gradually lift all public health measures by April 27, 2022;

WHEREAS the cases of COVID-19 are relatively low and vaccination rates are high and increasing in Hamilton;

WHEREAS Council deems it necessary to repeal the City's Physical Distancing By-law and to rely on the Province's regulations or guidance re same; and

WHEREAS Council deems it necessary to repeal the City's Face Covering By-law and to rely on the Province's regulations or guidance re same;

THEREFORE, BE IT RESOLVED:

- (a) That the By-law to repeal By-law 20-155, as amended, A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to Amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties; By-law 20-164, A By-law to Promote and Regulate Physical Distancing in the City of Hamilton and to Amend By-law 17-225, being a By-law to Establish a System of Administrative Penalties and By-law

20-202, A By-law to Amend By-law No. 20-155, A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces, in their entirety, be passed; and

- (b) That the By-law to amend By-law No. 17-225, as amended, being a By-law to Establish a System of Administrative Penalties, as follows, be passed:

- (i) deleting the following table in its entirety:

Table 22: By-law No. 20-164 to Promote and Regulate Physical Distancing

- (ii) deleting the following table in its entirety:

Table 25: By-law No. 20-155 to Face Coverings By-law

At Council's request, sub-section (a) of Item 3.1, was divided to consider By-law 20-155 and By-law 20-164 separately, as follows:

- (a) That the By-law to repeal By-law 20-155, as amended, A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to Amend City of Hamilton By-law 17-225, being a By-law to Establish a System of Administrative Penalties and By-law 20-202, A By-law to Amend By-law No. 20-155, A By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces, in their entirety, be passed.

Result: Motion on Item 3.1(a) CARRIED by a vote of 12 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

- (b) That the By-law to repeal By-law 20-164, A By-law to Promote and Regulate Physical Distancing in the City of Hamilton and to Amend By-law 17-225, being a By-law to Establish a System of Administrative Penalties, in its entirety, be passed.

Result: Motion on Item 3.1(b) CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

- (c) That the By-law to amend By-law No. 17-225, as amended, being a By-law to Establish a System of Administrative Penalties, as follows, be passed:

- (i) deleting the following table in its entirety:

Table 22: By-law No. 20-164 to Promote and Regulate Physical Distancing

Result: Motion on Item 3.1(c)(i) CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

- (c) That the By-law to amend By-law No. 17-225, as amended, being a By-law to Establish a System of Administrative Penalties, as follows, be passed:

- (ii) deleting the following table in its entirety:

Table 25: By-law No. 20-155 to Face Coverings By-law

Result: Motion on Item 3.1(c)(ii) CARRIED by a vote of 12 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

Mayor Eisenberger assumed the Chair.

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| BY-LAWS AND CONFIRMING BY-LAW |
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(Farr/Ferguson)

That Bills No. 22-050 to 22-052, 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:

At Council's request, the Bills were voted on separately, as follows:

- 050 Being a By-law to Repeal By-law No. 20-164, a By-law to Promote and Regulate Physical Distancing in the City of Hamilton and to amend By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties Ward: City Wide

Result: Motion on Bill 050, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

- 051 Being a By-law to Repeal By-law No. 20-155, a By-law to Require the Wearing of Face Coverings Within Enclosed Public Spaces and to amend By-law No. 17-225, being a By-law to Establish a System of Administrative Penalties Ward: City Wide

Result: Motion on Bill 051, CARRIED by a vote of 12 to 2, as follows:

NO - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
NO - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

- 052 To Confirm the Proceedings of City Council

Result: Motion on Bill 052, CARRIED by a vote of 14 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Ward 10 Councillor Maria Pearson

YES – Ward 9 Brad Clark

(Pearson/Clark)

That, there being no further business, City Council be adjourned at 3:02 p.m.

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

YES - Ward 1 Councillor Maureen Wilson
YES – Deputy Mayor - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Nrinder Nann
YES - Ward 4 Councillor Sam Merulla
YES - Ward 5 Councillor Russ Powers
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 - Ward 10 Councillor Maria Pearson
YES – Ward 9 Brad Clark

Respectfully submitted,

Mayor F. Eisenberger

Andrea Holland
City Clerk