



SPECIAL CITY COUNCIL MINUTES 22-019

10:30 a.m.
August 19, 2022
Council Chamber
Hamilton City Hall
71 Main Street West

Present: Mayor F. Eisenberger
Councillors M. Wilson, N. Nann, J.P. Danko, B. Clark, M. Pearson, A. VanderBeek, E. Pauls, L. Ferguson and J. Farr.

Absent: Councillor R. Powers – City Business
Councillors B. Johnson, J. Partridge, T. Jackson, S. Merulla and T. Whitehead – 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.

(Danko/Pearson)

That Section 3.4(3) of the City's Procedural By-law 21-021, as Amended, which provides for notice of a Special Council meeting at least 2 days before the time appointed for the Special Council meeting, be waived in order to hold this Special Council meeting.

Result: Motion CARRIED by a 2/3rds vote of 10 to 0, as follows:

YES - Ward 1 Councillor Maureen Wilson
YES - Ward 2 Councillor Jason Farr
YES - Ward 3 Councillor Ninder 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
YES - Deputy Mayor - 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

APPROVAL OF THE AGENDA

The Clerk advised of the following change to the agenda:

4. COMMITTEE REPORT

4.1 STAFF REPORT

4.1(a) Red Hill Valley Parkway Inquiry Update (LS19036(p)) (City Wide)

(Wilson/VanderBeek)

That the agenda for the August 19, 2022 Special meeting of Council be approved, as amended.

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
YES - Deputy Mayor - 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

DECLARATIONS OF INTEREST

There were no declarations of interest.

PRIVATE AND CONFIDENTIAL**(Ferguson/Pauls)**

That Council move into Closed Session to consider Item 3.1 respecting the Red Hill Valley Parkway Inquiry Update (LS19036(o)) (City Wide), pursuant to Section 9.1, Sub-sections (e), (f), (i) and (k) of the City's Procedural By-law 21-021, as amended, and Section 239(2), Sub-sections (e), (f), (i) and (k) 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; the receipt of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons or organization; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

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
YES - Deputy Mayor - 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
NOT PRESENT - Ward 11 Councillor Brenda Johnson
YES - Ward 10 Councillor Maria Pearson
YES - Ward 9 Councillor Brad Clark

3.1 Red Hill Valley Parkway Inquiry Update (LS19036(o)) (City Wide)**(Eisenberger/Wilson)**

- (a) That Litigation Counsel and Inquiry Counsel, be directed to proceed as recommended and accept the decision of Hon. Frank Marrocco dated August 15, 2022 (the "Decision");
- (b) That External Legal Counsel be directed not to proceed with an appeal of Hon. Frank Marrocco's decision;

- (c) That Legal and Risk Management Services be directed to work with Inquiry Counsel to produce the requested documents in accordance with the Decision;
- (d) That the direction provided to staff in Closed Session, respecting Report LS19036(o) - Red Hill Valley Parkway Inquiry Update, be approved; and
- (e) That Report LS19036(o), respecting the Red Hill Valley Parkway Inquiry Update, remain confidential.

Result: Motion CARRIED by a vote of 9 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
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NOT PRESENT - 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 Brad Clark

(Danko/Ferguson)

That Council move into Committee of the Whole for consideration of the Committee Reports.

Result: Motion CARRIED by a vote of 9 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
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NOT PRESENT - 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 Brad Clark

COMMITTEE REPORTS

4.1 STAFF REPORT

4.1(a) Red Hill Valley Parkway Inquiry Update (LS19036(p)) (City Wide)

(Danko/Ferguson)

That Report LS19036(p) respecting the Red Hill Valley Parkway Inquiry Update, be received.

Result: Motion CARRIED by a vote of 9 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
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NOT PRESENT - 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 Brad Clark

(Danko/Pauls)

That Council rise from Committee of the Whole.

Result: Motion CARRIED by a vote of 9 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
YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko
YES - Mayor Fred Eisenberger
NOT PRESENT - Ward 15 Councillor Judi Partridge
NOT PRESENT - Ward 14 Councillor Terry Whitehead
NOT PRESENT - 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 Brad Clark

CONFIRMING BY-LAW

(Danko/Pauls)

That Bill No. 22-230, 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:

230 To Confirm the Proceedings of City Council

Result: Motion CARRIED by a vote of 9 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

YES - Deputy Mayor - Ward 8 Councillor John-Paul Danko

YES - Mayor Fred Eisenberger

NOT PRESENT - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead

NOT PRESENT - 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 Brad Clark

(Ferguson/Danko)

That, there being no further business, City Council be adjourned at 11:53 a.m.

Result: Motion CARRIED by a vote of 9 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

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YES - Mayor Fred Eisenberger

NOT PRESENT - Ward 15 Councillor Judi Partridge

NOT PRESENT - Ward 14 Councillor Terry Whitehead

NOT PRESENT - 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 Brad Clark

Respectfully submitted,

Mayor Fred Eisenberger

Andrea Holland
City Clerk