Present:  Chair D. Mitchell
         Mayor F. Eisenberger
         1st Vice-Chair T. Whitehead
         2nd Vice-Chair M. Pearson
         Councillors:  B. Clark, S. Duvall, L. Ferguson,
                     B. McHattie, R. Pasuta

Also Present:   Councillors B. Bratina, M. McCarthy

Staff Present:

         L. Coveyduck, General Manager - Planning and
         Development
         T. McCabe, P. Mallard, P. Moore, T. Sergi, J. Hickey-Evans,
         P. Mason, G. Macdonald, B. Farkas, J. Thompson,
         S. Hamilton, K. West, D. Falletta – Planning and
         Development
         N. Smith, A. Zuidema – Legal
         A. Rawlings – City Clerk's Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. **Appointment of Chair and Vice Chair (Item A)**
   (Pearson/Whitehead)
   (a) That Councillor David Mitchell be appointed Chair of the Economic
       Development and Planning Committee for 2007;

   (Pearson/Whitehead)
   (b) That Councillor Terry Whitehead be appointed First Vice Chair of the
       Economic Development and Planning Committee for 2007;

   (McHattie/Pasuta)
   (c) That Councillor Maria Pearson be appointed Second Vice Chair of the
       Economic Development and Planning Committee for 2007.  CARRIED

Council – January 24, 2007
2. City of Hamilton Purchase of 337 Highland Road, Described as Part of Lot 30, Concession 8, in the Former City of Stoney Creek, Now in the City of Hamilton from Loreto and Lydia Pelone (PED07003) (Ward 9) (Item 5.1)

(Pearson/Whitehead)

(a) That an Option to Purchase, executed by Loreto and Lydia Pelone on November 8, 2006, and scheduled to close on or before March 30, 2007 to purchase the land described as Part of Lot 30, Concession 8, in the former City of Stoney Creek, now in the City of Hamilton, more particularly described as Parts 5, 6, 7 and 8 on Registered Reference Plan 62R-17528, known municipally as 337 Highland Road, Hamilton (shown in Appendix “A” to Report PED07003), be approved and completed, and the purchase price of $798,862 be charged to Account Numbers 5180625107 and 5140625307 (Roads Development Charge Reserve and 2006 Capital for Annual Municipal Act).

(b) That completion of the Option to Purchase document, as detailed in (a) above is conditional upon the City of Hamilton being satisfied with the results of an Environmental Site Assessment to be completed on the property before the closing date.

(c) That as consideration, the amount of $2.00, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(d) That the Mayor and Clerk be authorized and directed to execute the necessary documents, in a form satisfactory to Corporate Counsel.

CARRIED

3. Sale of City Owned Property - 30 Limeridge Road East, Hamilton to 1649404 Ontario Inc. (Anthony Di Silvestro) (PED07022) (Ward 7) (Item 5.2)

(Pearson/Whitehead)

(a) That City Council approve, as the approving authority under the provisions of the Expropriations Act, the disposal of the lands known municipally as 30 Limeridge Road East, more particularly described as Part 1, Plan 62R-17421, Part 2, Plan 62R-14294, and Part 26 Plan 62R-11928, without giving the owners from whom the land was taken the first chance to repurchase the lands on the terms of the best offer received by the expropriating authority.

(b) That an Offer to Purchase executed by 1649404 Ontario Inc. on November 30, 2006, and scheduled to close on or before March 15, 2007, for the acquisition of vacant land in the City of Hamilton, municipally known as 30 Limeridge Road East, fronting on the west side of Lorenzo Drive and the south side of the Lincoln M. Alexander Parkway (as shown on Appendix “A” to Report PED07022), legally described as Part 1, Plan 62R-17421, having an area of 3.749 hectares (9.264 acres), more or less, and Part 2 on Plan 62R-14294, having an area of 0.707 hectares (1.746 acres), more or less, and Part 26 on Plan 62R-11928, having an
area of 0.039 hectares (0.096 acres) more or less, (all as shown on Appendix “B” to Report PED07022), all collectively having an area of 4.495 hectares (11.107 acres), more or less, at a purchase price of $3,435,000.00, be approved and completed.

(c) That the required deposit cheque, in the amount of $343,500.00, being 10% of the purchase price, be held by the General Manager of Finance and Corporate Services pending completion of this transaction.

(d) That the sale price of $3,435,000.00, less the associated costs of preparing the property for sale as identified in Clause (e) below, be credited to "Freeway Land Purchases" – Account HAMTN 47702 4060087001.

(e) That the sum of $100,000.00 be credited to Account HAMTN 47702-3560150200 (Reserve for Property Purchases), being the cost to prepare the property for sale.

(f) That the sale price of $3,435,000.00 does not include the Goods and Service Tax; should the GST be applicable and collected by the City, the GST amount is to be credited to Account No. 22835 009000 (GST Payable).

(g) The Offer to Purchase agreement contains the following key provisions:

(i) That the Purchaser acknowledges and agrees that there are no warranties and/or representations by the City whatsoever with respect to the property and that the property is being purchased on an “as is, where is” basis…

(ii) That it is understood and agreed that the Purchaser shall pay their appropriate share of the servicing costs of Lorenzo Drive at the time of development, being $1,472.88 per metre of frontage for a total cost of $149,379.48, subject to adjustments.

(iii) That the Purchaser shall obtain the approval of the City for any development on the subject lands, prior to commencement of any development/subdivision.

(iv) That the Purchaser shall submit an application(s) for development of the subject lands within three (3) months of the acceptance of this transaction.

(h) That the Clerk be authorized and directed to execute and issue a Certificate of Completion in the form prescribed pursuant to Section 268 of the Municipal Act incorporating the following:

(i) The subject property, municipally known as 30 Limeridge Road East, was declared surplus by resolution of City Council on April 23, 2003, by adopting Item 4.3 of the Committee of the Whole Report No. 03-011.
(ii) No less than sixty (60) days’ notice was given to the public of the City’s intention to sell this property. Public notification was placed on the City of Hamilton’s Web page and by placing City of Hamilton “For Sale” signs at Lorenzo Drive and on the eastbound approach ramp to the LINC.

(iii) An internal appraisal of the real property was completed on September 20, 2006.

(iv) The purchase price of $3,435,000.00 for the subject property falls within the range of the fair market value as determined by the City’s appraisal. CARRIED

That staff report PED07004 be received for information. CARRIED

5. Demolition Permit – 360 John Street North (PED07013) (Ward 2) (Item 5.4) (Pearson/Whitehead)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 360 John Street North in accordance with By-Law 74-290 pursuant to the demolition control provisions of Section 33 of The Planning Act, as amended, subject to the following conditions:

(a) That the applicant has applied for and received a building permit for a replacement building on this property;

(b) That the said building permit specifies that the replacement building be erected within two years of the demolition of the existing building on this property;

(c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of $20,000;

(d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in Sub-section (e)) in a form satisfactory to the Director of Building and Licensing and to the City Solicitor; and,

(e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid. CARRIED
6. Demolition Permit – 55 Cluny Avenue (PED07014) (Ward 3) (Item 5.5)  
(Pearson/Whitehead)  
That the Director of Building and Licensing be authorized and directed to issue a  
demolition permit for 55 Cluny Avenue in accordance with By-Law 74-290 pursuant to  
Section 33 of The Planning Act as amended.  
CARRIED

7. Demolition Permit – 89 Park Street North (PED07015) (Ward 2) (Item 5.6)  
(Pearson/Whitehead)  
That the Director of Building and Licensing be authorized and directed to issue a  
demolition permit for 89 Park Street North in accordance with By-Law 74-290 pursuant  
to Section 33 of The Planning Act, as amended, subject to the applicant applying for  
and receiving a Site Plan Agreement in the normal manner.  
CARRIED

8. Demolition Permit – 464 Beach Boulevard (PED07020) (Ward 5) (Item 5.7)  
(Pearson/Whitehead)  
That the Director of Building and Licensing be authorized and directed to issue a  
demolition permit for 464 Beach Boulevard in accordance with By-Law 74-290 pursuant  
to Section 33 of The Planning Act as amended.  
CARRIED

9. Demolition Permit – 466 Beach Boulevard (PED07021) (Ward 5)  
(Pearson/Whitehead)  
That the Director of Building and Licensing be authorized and directed to issue a  
demolition permit for 466 Beach Boulevard in accordance with By-Law 74-290 pursuant  
to Section 33 of The Planning Act as amended.  
CARRIED

10. Demolition Permit – 246 Victoria Avenue North (PED07023) (Ward 3) (Item  
5.9)  
(Pearson/Whitehead)  
That the Director of Building and Licensing be authorized and directed to issue a  
demolition permit for 246 Victoria Avenue North in accordance with By-Law 74-290  
pursuant to Section 33 of The Planning Act as amended.  
CARRIED

Council – January 24, 2007
11. Demolition Permit – 6 Centennial Parkway South (PED07033) (Ward 5) (Item 5.10)  
(Pearson/Whitehead)  
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 6 Centennial Parkway South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.  
CARRIED

12. Dissolution of Hamilton 2010 Commonwealth Games Bid Corporation (PED07032) (City Wide) (Item 5.11)  
(Pearson/Whitehead)  
(a) That Report PED07032, “Dissolution of Hamilton 2010 Commonwealth Games Bid Corporation”, be received.  
(b) That David Adames, Director, Tourism Hamilton, or Trish Chant-Sehl, Sport Tourism Coordinator (in the event that David Adames is unavailable), be appointed as the proxyholder, of the City of Hamilton, to participate, act and vote for and on behalf of the City of Hamilton in the special meeting of members to dissolve the Hamilton 2010 Commonwealth Games Bid Corporation (see Appendix A to Report PED07032) – Hamilton 2010 Commonwealth Games Bid Corporation Proxy Form).  
(c) That the City of Hamilton’s portion of the Hamilton 2010 Commonwealth Games Bid Corporation assets (one third as per Corporations Act at time of dissolution) be directed towards the activities of Tourism Hamilton’s Sport Tourism Action Plan as a legacy of the bid process (Convention Grant Reserve Fund).  
CARRIED

13. Advisory Committee Minutes – For Information (Item 5.12)  
(Pearson/Whitehead)  
(a) Hamilton LACAC (Municipal Heritage Committee) - Minutes from the meeting held on September 28, 2006  
That the Hamilton LACAC (Municipal Heritage Committee) Minutes of their meeting of September 28, 2006 be received.

(b) Hamilton LACAC (Municipal Heritage Committee) - Minutes from the meeting held on October 26, 2006  
That the Hamilton LACAC (Municipal Heritage Committee) Minutes of their meeting of October 26, 2006 be received.
That the Hamilton LACAC (Municipal Heritage Committee) Minutes of their meeting of November 23, 2006 be received.

CARRIED


(Pearson/Duvall)

That approval be given to Condominium Conversion Application 25CDM-CONV-06-05, Clairford Limited, owner, to establish a Draft Plan of Condominium for twenty-eight existing townhouse units, located at 15, 17, 19, 21, 23, 25, 27, 29 and 35 Greenford Drive, and 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134 and 136 Neil Avenue (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED07018, subject to the following conditions:

(a) That this approval apply to the plan, prepared by A.J. Clarke and Associates Limited, and certified by B.J. Clarke, O.L.S., dated April 19, 2006, showing a total of twenty-eight residential townhouse units, attached as Appendix “B” to Report PED07018.

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

Development Planning and Engineering:

(i) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

(ii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

(iii) That the Owner shall submit a report in accordance with Section 9 (4) of The Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the buildings and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.
(iv) That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

(v) That the owner shall include the following warning clause in the Condominium Agreement and all purchase and sale and/or lease agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria”.

Bell Canada:

(vi) That the Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

CARRIED

15. Application for Approval of a Draft Plan of Condominium Conversion, "Clairford Limited", for Lands Located at 3 Champlain Avenue, and 42, 44 and 46 Greenford Drive (Hamilton) (PED07019) (Ward 5) (Item 6.2)

(Pearson/Ferguson)

That approval be given to Condominium Conversion Application 25CDM-CONV-06-06, Clairford Limited, owner, to establish a Draft Plan of Condominium for four existing townhouse units, located at 3 Champlain Avenue, and 42, 44 and 46 Greenford Drive (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED07019, subject to the following conditions:

(a) That this approval apply to the plan, prepared by A.J. Clarke and Associates Limited, and certified by B.J. Clarke, O.L.S., dated April 19, 2006, showing a total of four residential townhouse units (identified as units 29-32), attached as Appendix “B” to Report PED07019.

(b) That the following conditions shall apply to the Draft Plan of Condominium approval:

Development Planning and Engineering:

(i) That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

(ii) That the owner satisfy all conditions, financial or otherwise, of the City of Hamilton.

Council – January 24, 2007
(iii) That the Owner shall submit a report in accordance with Section 9 (4) of The Ontario Condominium Act, 1998, prepared and certified by a qualified Registered Professional Engineer or Licensed Architect, to the satisfaction of the Chief Building Official of the City of Hamilton, to confirm the structural and mechanical integrity of the buildings and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

(iv) That the owner pays all outstanding municipal taxes, to the satisfaction of the Corporate Services Department (Tax Administration/Banking Section).

(v) That the owner shall include the following warning clause in the Condominium Agreement and all purchase and sale and/or lease agreements:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels may exceed the Municipality’s and the Ministry of the Environment’s noise criteria”.

Bell Canada:

(vi) That the Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

CARRIED

16. Application for a Change in Zoning for the Rear of the Properties Located at 2099 and 2105 Rymal Road East (Stoney Creek) (PED07016) (Ward 9) (Item 6.3) (Clark/Duvall)

That approval be given to Zoning Application ZAR-06-79, by Frank Silvestri, owner, for a change in Zoning from the Single Residential “R1” Zone to the Single Residential “R3” Zone and the Single Residential “R3-28” Zone, to permit the future development of two single-detached dwellings for the rear of the properties located at 2099 and 2105 Rymal Road East (Stoney Creek), shown as Blocks “1” and “2”, respectively, on Appendix “A” to Report PED07016, on the following basis:

(a) That the attached draft By-law, included as Appendix “B” to Report PED07016, which has been prepared in a form satisfactory to City Solicitor, be enacted by City Council.

(b) That the amending By-law be added to Schedule “A”, Map No. 16, of Zoning By-law No. 3692-92.

Council – January 24, 2007
(c) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Stoney Creek.  

CARRIED

17. Application for Approval of Draft Plan of Subdivision, “Green Lane”, for Lands Located at 257 Carla Avenue, Former City of Stoney Creek (PED07017) (Ward 10) (Item 6.4)  

(Pearson/Whitehead)  
That approval be given to Draft Plan of Subdivision Application 25T-200611, by Tobyn Park Homes, owner, to establish a Draft Plan of Subdivision known as “Green Lane”, on lands located at 257 Carla Avenue (Stoney Creek), as shown on the attached map marked as Appendix “A” to Report PED07017, subject to the following conditions:

(a) That this approval apply to “Green Lane”, prepared by Planning and Engineering Initiatives Ltd, and certified by Dasha Page, OLS, dated July 20, 2006, showing six lots (Lots 1, 5, 6, 7, 9, and 12) for single detached dwellings, six lots (Lots 2, 3, 4, 8, 10, and 11) for twelve semi-detached dwelling units, and one block (Block 13) for a common element condominium road and visitor parking, attached as Appendix “B” to Report PED07017, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by the City Council, with the following special condition included therein:

1. That the owner shall include the following warning clause on all purchase of sale and/or lease agreements for lots demarcated as Lot 7 through Lot 12 on the draft plan of subdivision, “Green Lane”:

   “Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment noise criteria.”

(b) Acknowledgement that there will be no City share for any municipal works associated with this development, in accordance with the City’s Financial Policies for Development.  

CARRIED

18. Application for a Change in Zoning for the Properties Located at 166 and 186 Ferguson Avenue North and 201 Robert Street (Hamilton) (PED07002) (Ward 2) (Item 6.5)  

(Ferguson/Whitehead)  
That approval be given to Zoning Application ZAC-05-90, 1201159 Ontario Limited (Martin Hotz), Owner, for changes in zoning from the “CR-2” (Commercial – Residential) District, Modified to the “H” – ‘H’ (Community Shopping and Commercial Council – January 24, 2007
etc. - Holding) District, Modified (Blocks 1 and 2), from the “DE-2” (Multiple Dwellings) District, Modified to the “H” – ‘H’ (Community Shopping and Commercial etc. - Holding) District, Modified (Block 3), from the “JJ” (Restricted Light Industrial) District, Modified to the “H” – ‘H’ (Community Shopping and Commercial etc. - Holding) District, Modified (Block 4), from the “JJ” (Restricted Light Industrial) District, Modified to the “DE-2” – ‘H’ (Multiple Dwellings - Holding) District, Modified (Block 5), from the “DE-2” (Multiple Dwellings) District, Modified to the “DE-2” – ‘H’ (Multiple Dwellings - Holding) District, Modified (Block 6) and from the “JJ” (Restricted Light Industrial) District, Modified to the “DE-2” – ‘H’ (Multiple Dwellings - Holding) District, Modified (Block 7), to permit the development of the site for mixed-use commercial and residential purposes, for the properties located at 166 and 186 Ferguson Avenue North and 201 Robert Street (Hamilton), as shown on Appendix “A” to Report PED07002, on the following basis:

(a) That Blocks 1 and 2 be rezoned from the “CR-2” (Commercial – Residential) District, Modified, to the “H” – ‘H’ (Community Shopping and Commercial etc. – Holding) District, Modified.

(b) That Block 3 be rezoned from the “DE-2” (Multiple Dwellings) District, Modified, to the “H” – ‘H’ (Community Shopping and Commercial etc. – Holding) District, Modified.

(c) That Block 4 be rezoned from the “JJ” (Restricted Light Industrial) District, Modified, to the “H” – ‘H’ (Community Shopping and Commercial etc. – Holding) District, Modified.

(d) That Block 5 be rezoned from the “JJ” (Restricted Light Industrial) District, Modified, to the “DE-2” – ‘H’ (Multiple Dwellings – Holding) District, Modified.

(e) That Block 6 be rezoned from the “DE-2” (Multiple Dwellings) District, Modified to the “DE-2” – ‘H’ (Multiple Dwellings – Holding) District, Modified.

(f) That Block 7 be rezoned from the “JJ” (Restricted Light Industrial) District, Modified, to the “DE-2” – ‘H’ (Multiple Dwellings – Holding) District, Modified.

(g) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990 to Blocks 1 to 7, inclusive, as shown on Appendix “A”, by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning Districts. The Holding provision will prohibit the development of the subject lands for any residential, institutional, and day nursery uses until such time as the following has been completed:

(i) The applicant submits a signed Record of Site Condition (RSC) to the City of Hamilton, Director of Development and Real Estate, and the Ministry of the Environment (MOE), verifying that the lands have been cleaned up to a standard for residential or institutional land use, as defined by the MOE. This RSC must be to the satisfaction of the City of Hamilton, including an acknowledgement of receipt of the RSC by the MOE.
City Council may remove the ‘H’ symbol and, thereby, give effect to the “H” (Community Shopping and Commercial etc.) District, Modified and the “DE-2” (Multiple Dwellings) District, Modified provisions by enactment of an amending By-law once the condition is satisfied.

(h) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990, to Blocks 2 to 4, inclusive, as shown on Appendix “A”, by introducing the Holding symbol ‘H’ as a suffix to the proposed Zoning District. The Holding provision will prohibit all uses on the subject lands until such time as the following has been completed:

(i) That construction has commenced on the lands within Block 1 for at least two buildings having a minimum width of 15 metres each, or for one building having a minimum width of 30 metres, to the satisfaction of the City of Hamilton, Director of Development and Real Estate.

City Council may remove the ‘H’ symbol and, thereby, give effect to the “H” (Community Shopping and Commercial etc.) District, Modified provisions by enactment of an amending By-law once the condition is satisfied.

(i) That the Draft By-law, attached as Appendix “D” to Report PED07002, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(j) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and the Official Plan of the City of Hamilton.

CARRIED

19. Hamilton LACAC (Municipal Heritage Committee) Report 06-004 (Item 8.2) (McHattie/Pearson)

1. Heritage Canada Foundation Communiqué – The Heritage Canada Foundation Criticizes Federal Government Spending Cuts

(a) That the Mayor be requested to send a letter to the Honourable Beverly J. Oda, Minister of Canadian Heritage, requesting that the Federal government reconsider its decision to discontinue the Commercial Heritage Properties Incentive Fund (CHPIF) program.

(b) That a copy of this letter be sent to the Honourable Caroline Di Coco, Minister of Culture, local area M.P.P.’s, surrounding area LACAC’s and the Architectural Conservancy of Ontario (ACO).
2. **Lister Block, 28-40 James Street North, Hamilton**

   (a) That Standards & Licensing staff be requested to ensure that the Lister Block, 28-40 James Street North, Hamilton is secured, according to the provisions within the Property Standards By-law, prior to commencement of the winter season.

   (b) That the recommendations provided by Julian Smith & Associates, Architects and Clinton Brown Company Architecture, be considered when inspecting the property to ensure that it is secure.

   **CARRIED**

20. **Hamilton LACAC (Municipal Heritage Committee) Report 06-005 (Item 8.3)**

   (Pearson/McHattie)

   1. **Lister Block, 28-40 James Street North, Hamilton**

   That the lease agreement between the City of Hamilton and LIUNA, respecting the Lister Block, include provisions that would ensure that LIUNA would be required to submit a letter rescinding their request for a heritage permit for demolition of the Lister Block at 28-40 James Street North, Hamilton.

   **CARRIED**

21. **Task Force on Cleanliness and Security in the Downtown Core Report 06-001 (Item 8.4)**

   (McHattie/Whitehead)

   1. **Security and Safety Audit**

   That Downtown Renewal staff be requested to investigate the possibility of hiring a consultant to conduct Security and Safety Audit, with a cost not to exceed $20,000.

   2. **Ground Litter Pick Up**

   That Operations and Maintenance staff be requested to investigate the possibility of an enhancement to the current levels of service for ground litter pick up in the CIP area; preferably 7 days per week.

   3. **Access to Public Washrooms in the Downtown Core**

   That staff investigate opportunities for access to public washrooms in the Downtown Hamilton Core and provide a report back to the Task Force.

   **CARRIED**

(a) That approval be given to **Official Plan Amendment Application DO8-BR, by Bruce Hauser Investments Ltd., owner**, to allow the development of 14 additional residential dwellings and one existing residential dwelling on private services by identifying the subject lands as a “Site Specific Area”, and create a site specific area policy to permit the proposed residential dwellings, subject to the following:

(i) That staff be directed to prepare an Official Plan Amendment to be submitted to the Ontario Municipal Board for approval.

(b) That approval be given to **Subdivision Application D12-BR (25T93004), Bruce Hauser Investments Ltd., owner**, to establish a draft plan of subdivision, known as “Bayview Estates”, showing 14 lots for single detached dwellings, one lot to retain the existing single detached dwelling and one block for a stormwater management pond and channel, on lands located at 141 Highway No. 8 (Flamborough), subject to the following:

(i) That staff be directed to prepare draft plan conditions to be submitted to the Ontario Municipal Board for approval.

(c) That approval be given to **Zoning Application ZAC-06-24, Bruce Hauser Investments Ltd., owner**, for a change in zoning from the Settlement Residential “R2(H)" Holding Zone and Conservation Management “CM” Zone to a site specific Settlement Residential “R2-31” Zone, a site specific Settlement Residential “R2-31(H)” Holding Zone and a relocated Conservation Management “CM” Zone in order to permit the development of a 15 lot subdivision on lands located at 141 Highway No. 8 (Flamborough), on the following basis:

(i) That staff be directed to prepare an implementing By-law to be submitted to the Ontario Municipal Board for approval

CARRIED


(a) That approval be given to **Subdivision Application 25T-200511, Parkside Hills Inc., owner**, to establish a draft plan of subdivision, known as “Parkside Hills”, showing 38 lots for single detached dwellings, 20 blocks (40 dwelling units) for semi-detached dwelling units, 65 street townhouse dwelling units, 58 live/work dwelling units, one block for a Neighbourhood Park, one block for a Water Tower,
one block for a stormwater management facility, one block for the school expansion, and 3 blocks for public walkways, on lands located within Part of Lot 8, Concession 4, Flamborough, subject to the following:

(i) That staff be directed to prepare draft plan conditions, including a condition requiring the owner to make financial contributions to the City which in turn will be paid to the City of Burlington for the cost of road works to be undertaken in the City of Burlington as approved by the Council of the City of Burlington for north/south capacity improvements which are required for the development of the OPA 28 lands, to be submitted to the Ontario Municipal Board for approval.

(b) That approval be given to Zoning Application ZAC-05-62, Parkside Hills Inc., owner, for a change in zoning from the Agricultural “A” Zone, the Urban Residential “R1-5” Zone, and the Urban Residential “R1-6” Zone, to a site specific Medium Density Residential “R6” Zone, a site specific Urban Residential “R1” Zone, a site specific Urban Residential (Semi-detached and Link) “R4” Zone, the Park Open Space “02” Zone, the Public Use “P” Zone, and the Institutional “I” Zone in order to permit the development of on lands located within Part of Lot 8, Concession 4, on the following basis:

(i) That staff be directed to prepare an implementing By-law to be submitted to the Ontario Municipal Board for approval. CARRIED

24. 10 Laredo Drive, Hamilton General Homes (1971) Ltd. (Ferguson/Pearson)
That the Closed Session direction by Committee to its solicitor, regarding the City’s continued participation in Consolidated Board Hearing (Hamilton General Homes (1971) Ltd. – Case No.: 04-044) be made public after the delivery of the City’s Witness Statement on or around February 1, 2007(as per the Procedural Order dated December 11, 2006).

Councillor Clark opposed.

FOR THE INFORMATION OF COUNCIL:

(a) Appointment of Chair, and Vice Chairs.

The Committee Clerk called the meeting to order and requested nominations for the Chair of the Committee, for 2007.
On a Motion by Councillor Pearson, seconded by Councillor Whitehead, Councillor David Mitchell was appointed and then assumed the Chair.

On a Motion by Councillor Pearson, seconded by Councillor McHattie, Councillor Terry Whitehead was appointed as first Vice-Chair.

On a Motion by Councillor McHattie, seconded by Councillor Pasuta, Councillor Maria Pearson was appointed as second Vice-Chair.

(b) Changes to the Agenda

The Clerk advised of the following changes:

(i) Mayor Eisenberger will be introducing a Motion respecting an Anti-Idling By-law, as Item 8.1.

(ii) the In-Camera session is proposed to take place at 12 noon.

(iii) Losani Homes, the applicant respecting Item 8.1, has requested a deferral of this item to a later meeting, to permit additional time for discussion with staff.

By Motion, Committee deferred the consideration of Item 8.1 to the Economic Development and Planning Committee of February 20, 2007.

Committee approved the Agenda, as amended.

(c) Declarations of Interest

Councillor Ferguson declared an interest respecting Item 4.1, since he and his wife have an interest in a taxi company.

(d) Peter Eldridge respecting his proposed changes to the Licensing Code By-law 06-213, Schedule 25-Taxicab Priority List (Item 4.1)

Committee approved the delegation, to appear at the upcoming public meeting respecting changes to the Licensing Code.
(e) Armstrong Hunter, representing Losani Homes, Item 8.1 on this Agenda (Item 4.2)

Committee approved the delegation, to speak at the meeting of February 20 2007, when the item will be on the Agenda.

(f) Alec Anastasiou, respecting development charges and driveway improvements at 863 Upper Paradise Road (Item 4.3)

Committee directed that Councillor Whitehead meet with Mr. Anastasiou and report back at the next regular meeting.

(g) Anti-Idling By-law

On a Motion by Councillor McHattie, seconded by Councillor Whitehead, Committee moved up consideration of Item 9.1.

Mayor Eisenberger noted the need for the by-law, which had been drafted at the end of 2005, but had not been enacted, due to budgeting issues. He suggested staff should look at creative ways for its enforcement.

Councillor McHattie spoke in favour of the enactment of the by-law.

Councillor Whitehead supported the by-law in principle, but cautioned Committee about the enactment of a by-law, without adequate enforcement capability.

Councillor Ferguson noted that the draft by-law would apply to agricultural activities and suggested that input be sought from the Agricultural and Rural Affairs Advisory Committee, before enactment.

On a Motion by Councillor Whitehead, seconded by Councillor Clark, the draft Anti-Idling By-law was referred to the Agricultural and Rural Affairs Advisory Committee, for their review and recommendations back to Economic Development and Planning Committee within one month.

(h) Sale of City Owned Property - 30 Limeridge Road East, Hamilton to 1649404 Ontario Inc. (Anthony Di Silvestro) (PED07022) (Ward 7) (Item 5.2)

Councillor McHattie requested information regarding the use of the proceeds of the sale.
Bill Farkas explained that the funds had originated from the Red Hill Valley project and that the proceeds of the sale were therefore required to be returned to that project.

(i) Summary Report of Real Estate Activity for the City of Hamilton for 2002 – 2006 (PED07004) (City Wide) (Item 5.3)

Councillor McHattie requested information on where the $490,000 savings would be going. Staff responded that the funding would return to the general levy for property acquisitions.

Members of Committee congratulated staff on the work of the real estate staff. Committee received the report.


A Public Meeting was held.

Chair Mitchell advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

David Falletta outlined the report to Committee.

Sarah Knoll, representing Starward Homes, advised that she was satisfied with the staff recommendation.

No members of the public came forward to address Committee on the matter.

Committee approved the staff recommendation.

(k) Application for Approval of a Draft Plan of Condominium Conversion, "Clairford Limited", for Lands Located at 3 Champlain Avenue, and 42, 44 and 46 Greenford Drive (Hamilton) (PED07019) (Ward 5) (Item 6.2)

A Public Meeting was held.
Chair Mitchell advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

David Falletta outlined the report to Committee.

Sarah Knoll, representing Starward Homes, advised she was satisfied with the staff recommendation.

No members of the public came forward to address Committee on the matter.

Committee approved the staff recommendation.

(l) **Application for a Change in Zoning for the Rear of the Properties Located at 2099 and 2105 Rymal Road East (Stoney Creek) (PED07016) (Ward 9)** (Item 6.3)

A Public Meeting was held.

Chair Mitchell advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Shannon Hamilton outlined the report to Committee.

Mike Bryan, representing the applicant, advised Committee that he supported the staff recommendation and thanked staff for their assistance in the planning process.

No members of the public came forward to address Committee on this issue.

Committee approved the staff recommendation.

(m) **Application for Approval of Draft Plan of Subdivision, “Green Lane”, for Lands Located at 257 Carla Avenue, Former City of Stoney Creek (PED07017) (Ward 10)** (Item 6.4)

A Public Meeting was held.

Chair Mitchell advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Kristen West outlined the report to Committee.
John Ariens, the applicant’s agent, spoke in support of the staff recommendation.

John Waugh, a resident in the area, addressed Committee and expressed his frustrations with the development process for the site, the number of changes to the proposed development which had taken place over the years, and the adverse impact of all the uncertainty on the neighbourhood. Mr. Waugh requested that there be no more changes to any proposal for the site and that development should commence as soon as possible.

Chair Mitchell thanked the delegation.

No other members of the public came forward to address Committee.

Committee approved the staff recommendation.

(n) Application for a Change in Zoning for the Properties Located at 166 and 186 Ferguson Avenue North and 201 Robert Street (Hamilton) (PED07002) (Ward 2) (Item 6.5)

A Public Meeting was held.

Chair Mitchell advised the meeting that, as per the Planning Act, the Ontario Municipal Board has the authority to dismiss any appeal of a person not presenting an oral statement or written statement at the Public Meeting.

Heather Travis outlined the report to Committee.

James Webb, the applicant’s agent, addressed Committee in support of the staff recommendation.

No members of the public came forward to address Committee.

Committee discussed the matter. Councillor Ferguson applauded the development of brownfield sites and asked about the length of the planning process.

Mr. Webb explained that the process had been lengthy, largely due to the owner’s need to spend time on perfecting the final concept. Mr. Webb added that the City had the right planning tools in place and that staff had been very positive and helpful.

Committee approved the staff recommendation.
(o) Motions (Item 9)

The Motion respecting the Anti-Idling By-law was considered as Item (g) above.

(p) Notices of Motion (Item 10)

None

(q) General Information

Use of casino profits to offset declining revenues for charitable organizations (Letter from Honourable Gerry Phillips, Minister of Government Services) (From Outstanding Business List)

Lee Ann Coveyduck advised that as a result of provincial changes surrounding bingo, the City had made arrangements for allocation of money to charitable organizations through the Grants Sub-Committee.

On a Motion by Councillor Pearson, seconded by Councillor Pasuta, Committee removed the item from the Outstanding Business List.

(r) BIOX

Councillor Pearson noted that this matter has been tabled at Council and is therefore on Council’s Outstanding Business List.

On a Motion by Councillor Pearson, seconded by Councillor Pasuta, Committee removed the matter from the Outstanding Business List.

(s) Delegation Request

Chair Mitchell advised that a letter had been received from Frank Radocaj, requesting delegation status when the matter respecting Losani Homes, Barton Street, was considered by Committee. He noted that the letter had been distributed to members today, and confirmed that the matter had been deferred to the Committee meeting of February 2007. Committee approved the delegation request.

(t) Stone Ridge Estates, Stone Church Road East and Upper Sherman Avenue

Councillor Duvall requested an update on the progress of this matter.
Staff explained that the matter had been tabled by Committee in September, 2006, pending discussions between affected parties.

Committee was advised that the applicant had now appealed Council’s lack of a timely decision, to the Ontario Municipal Board.

Committee agreed that the matter should come back for consideration and directed staff to place it on the Agenda for February 20, 2007.

(u) **Private and Confidential (Item 12)**

On a Motion by Councillor Pearson, seconded by Councillor Ferguson, Committee moved into Closed Session at 11:15 a.m. to consider three matters which are currently before the Ontario Municipal Board.

On a Motion by Councillor Ferguson, seconded by Councillor Duvall, Committee resumed in Open Session at 1:30 p.m.

Following the Closed Session, Committee approved three Motions, noted above as Items 22, 23 and 24.

(v) **Adjournment (Ferguson/Pearson)**

On a Motion, the Economic Development and Planning Committee adjourned at 1:35 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
January 16, 2007