Committee of the Whole
AS AMENDED BY COUNCIL ON JUNE 14, 2006
REPORT 06-013
3:00 p.m.
June 12, 2006
Council Chambers
Hamilton City Hall
71 Main Street West, Hamilton

Present:
Mayor L. DiIanni
Councillors D. Braden, B. Bratina, P. Bruckler,
C. Collins, T. Jackson, B. Kelly, M. McCarthy, B. McHattie,
D. Mitchell, S. Merulla, B. Morelli, M. Pearson,
T. Whitehead, A. Samson

Absent with regrets: Councillor M. Ferguson – Illness

Also Present:
G. Peace, City Manager
L.A. Coveyduck, General Manager, Planning and Economic Development
J. Kay, General Manager/Chief Hamilton Emergency Services
J. Rinaldo, General Manager, Finance and Corporate Services
J. Priel, General Manager, Community Services
C. Graham, General Manager, Human Resources
T. McCabe, Director, Development & Real Estate
K. Christenson, City Clerk
M. Gallagher, Coordinator
S. Paparella, Legislative Assistant

COMMITTEE OF THE WHOLE PRESENTS REPORT 06-013 FOR INFORMATION:

(a) CHANGES TO THE AGENDA (Item 1)

(i) The Clerk circulated an addendum with additional speakers noted.

(ii) Additional speakers added after printing of the addendum are:

5.42 Roman Sarachman
5.43 Gary Buttrum
5.44 John Brannan
(b) DECLARATIONS OF INTEREST (Item 2)

None were declared.

(c) PRESENTATIONS (Item 4)

The Mayor made a presentation to representatives from the Maanshan Municipal Government of the People’s Republic of China, which is one of Hamilton’s Twin Cities. The Mayor invited Mr. Wang Zhenggul to come forward and the Mayor presented Mr. Zhenggul with a gift on behalf of the City of Hamilton.

(d) ADOPTION OF MINUTES (Item 3)

3.1 May 30, 2006

The Minutes of the May 8, 2006, meeting of Committee of the Whole were adopted as presented.

(e) Heritage Permit Application (HP2006-017) Under Part IV of the Ontario Heritage Act to Demolish a Designated Property at 28-44 James Street North (Lister Block) Hamilton (PED06169) (Ward 2) (Item 4.1)

The Director of Real Estate and Development provided an overview of Report PED06169; noting that the purpose of this meeting is for Council to consider the application for a Heritage Permit for the property at 28-44 James Street North, known as the Lister Block, under Section 34 of Ontario Heritage Act.

Included in the presentation, staff addressed the following issues:

- The staff Report PED06169, which was before Council.
- The recommendations that were before Council.
- Previous Council direction with respect to this matter.
- The Role of the Minister and Ministry of Culture.
- The cost of project.
- After June 25, 2006, if Council fails to make a decision then the applicant, as of June 26, 2006, may demolish the building with no conditions.
James Street North (Lister Block) Hamilton was referred to the June 14, 2006 meeting of Council for consideration.

(a) That Heritage Permit (HP2006-017) be approved for the demolition of the designated property at 28-44 James Street North (Lister Block), Hamilton, subject to the following conditions:

(i) That prior to the issuance of a demolition permit for the Lister Block at 28-44 James Street North, and prior to any other demolition activity, that the applicant apply for and receive all necessary approvals under the Planning Act and the Building Code Act and any other applicable By-laws of the City of Hamilton related to the proposed construction and development activities.

(ii) That the applicant arrange for the retrieval of key examples of building remnants and features including but not restricted to terra cotta units, copper spandrels, designated store front features and designated arcade features sufficient to satisfy the requirements of the future display set out in Condition (a)(iii) below; all to the satisfaction and approval of the Director of Development and Real Estate in consultation with the Hamilton LACAC (Municipal Heritage Committee).

(iii) That all retrieved building remnants and features be appropriately stored by the applicant with quality representatives of key remnants and features being subsequently incorporated into a commemorative or interpretive display to be located within a publicly accessible portion of the new replacement structure at 28-44 James Street North, all subject to the approval of the Director of Development and Real Estate in consultation with the Hamilton LACAC (Municipal Heritage Committee).

(iv) That the applicant submit plans and drawings of all elevations of the replacement structure including all façade materials to be approved by the Director of Development and Real Estate.

(v) That this consent to demolish and to repeal the designation as set out above not commence or be effective until 60 days from the date of this Council decision in order to allow further opportunity for the proponents and the Ministry of Culture to further review heritage matters related to this development.

(b) That staff be directed to prepare any necessary by-laws under Subsection 34.3(1) of the Ontario Heritage Act to repeal the designating By-law subsequent to building demolition.

(c) That Council be advised that the lease commencement date of September 1, 2007, and lease termination date of August 31, 2022, as adopted in Council – June 14, 2006
Item 4 (a)(i) of the Council Minutes of May 9, 2005, and recommended in Report PD05095/FCS05052/CM05018, be amended to a commencement date of October 1, 2008, and termination date of September 30, 2023, respectively.

(d) That Council be advised that the lease commencement date of September 1, 2007, and lease termination date of August 31, 2022, as adopted in Item 4 (a)(iii) of the Council Minutes of May 9th, 2005, and recommended in Report PD05095/FCS05052/CM05018, be amended to a commencement date of October 1, 2008, and termination date of September 30, 2023, respectively.

(e) That Council be advised that the final date for entering into a signed Lease Agreement by the Landlord and Tenant of May 31, 2005, as adopted in Item 4(a)VI(5) of the Council Minutes of May 9, 2005 and recommended in Report PD05095/FCS05052/CM05018, be amended to a signed lease agreement date of September 15, 2006.

(f) Hamilton LACAC (Municipal Heritage Committee) Report 06-001 (Item 7.1)

Diane Dent, Chair of the Hamilton LACAC (Municipal Heritage Committee), addressed Committee with respect to Report 06-001.

Ms. Dent addressed the following issues in her presentation:

- Explanation why the Hamilton LACAC (Municipal Heritage Committee) voted against the demolition permit application for the designated property at 28-44 James Street North (Lister Block) Hamilton.
- The role of the Advisory Committee (LACAC (MHC)) and its members.
- Designation of Lister Block and the recommendation of council to designate.
- The inadequate and incomplete information provided by the Heritage Impact Assessment Report, which underwent a Peer Review by three separate consultants.
- The qualifications of the architect were in question.
- The property owner was aware of the heritage designation at time of purchase.
- Ms. Dent requested that the applicant provide additional information in order to fulfil their obligations to Council.
- Council was urged to deny the application Heritage Permit application to demolish the Lister Block.

Report 06-001 of the Hamilton LACAC (Municipal Heritage Committee) was referred to the June 14, 2006, meeting of Council for consideration.

Council – June 14, 2006
WHEREAS, the landlord was required to submit a heritage impact study, construction drawings, and heritage rehabilitation plans prepared by a qualified heritage restoration professional and failed to do so, despite advice to the contrary from the Hamilton LACAC (Municipal Heritage Committee); and,

WHEREAS, the all three members of the City’s Independent Peer Review team, working independently of each other, felt that the heritage impact assessment was inadequate and incomplete; and,

WHEREAS, the Permit Review Sub-Committee of the Hamilton LACAC (Municipal Heritage Committee) has conducted a thorough analysis and has recommended against issuing a demolition permit (attached as Appendix A to Report 06-001); and,

WHEREAS, the proposal is contrary to the Ontario Heritage Act and does not satisfy the heritage policies of the City of Hamilton’s Official Plan, nor the heritage policies of the Downtown Secondary Plan; and,

WHEREAS, the landlord did not make the case that the option of building conservation and adaptive reuse was not economically viable, as they failed to conduct a proper heritage assessment and thorough cost analysis of alternatives and options; and,

WHEREAS, the proposed demolition can be viewed as being contrary to sustainable development under the Ontario Heritage Act; and,

WHEREAS, Parks Canada notes that the loss of heritage commercial buildings weakens the distinctiveness of our communities and our sense of attachment to the past.

(a) Therefore, the Hamilton LACAC (Municipal Heritage Committee) recommends that the request for Heritage Permit (HP2006-017), for the demolition of the designated property at 28-44 James Street North (known as the Lister Block), Hamilton, be denied.

(b) That the statement (attached as Appendix B to Report 06-001) be received.

(g) DELEGATIONS (Item 5)
Joseph S. Mancinelli, International Vice President and Central and Eastern Canada Regional Manager, Laborers’ International Union of North America, respecting the Lister Block

Mr. Mancinelli addressed the following issues in his presentation:

- Mr. Mancinelli expressed his (and LIUNA’s) respect for the Hamilton LACAC (Municipal Heritage Committee) and is in strong support of the work they do in protecting heritage sites.
- It was noted that it was always LIUNA’s intent to maintain a sustainable project. LIUNA would like to see a vibrant city centre, that is safe and will supply employment to the community.
- Use of the building.
- Costs for market rent.
- Rejuvenation of the downtown.
- LIUNA has negotiated a financial deal to construct this building. To get financing in downtown Hamilton is very difficult.
- LIUNA’s has a solid track record within the city of Hamilton with respect to restoration of facilities (i.e. LIUNA Station, high rise apartments for seniors, and other affordable housing, as well as many other investments within the city (i.e. Whiterose Plaza and LIUNA Gardens), which demonstrates that LIUNA has concern for both heritage and the community.
- LIUNA’s members have expertise in design and engineering, wish to use products that are sustainable and will last for decades.
- Financial analysis was provided – two qualified experts and it was determined that it was cost prohibitive to restore the Lister Block.
- The building was designated mainly for its terra cotta work as well as its copper spandrels and windows; however, the brick and the rest of the building are not. As there are not many windows left, many of them would have to be replaced with replicas in any case.
- LIUNA’s intent has been to rebuild, to keep or replicate the façade, but the rest of the building could be demolished.
- Architectural elements that can be saved, will be saved and reused
- The condition of the terra cotta, which is the most significant historical element, is in an incredible state of disrepair.
- The outside of the building has erosion from the elements such as water and weather. Lace precast is the acceptable material to replicate terra cotta.
- LIUNA is intending on having museum on the first floor to show remnants of not only the Lister Block, but other City heritage buildings as well. LIUNA will save and reuse any materials that it can, which are safe and cost effective.
- The new and redeveloped Lister Block will provide a dramatic economic development impact on the downtown.
- Many potential tenants have walked away, as they cannot have a time delay respecting the timing of their lease.
(2) **Tim Bullock, Chairman and Kathy Drewitt, Executive Director, Downtown Hamilton B.I.A.**

The delegation spoke in favour of the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

The Downtown Hamilton B.I.A. submitted a petition, which contains over 1,266 signatures from the community, in support of the demolition and redevelopment of the Lister Block.

(3) **John Dolbec, Chief Executive Officer, Hamilton Chamber of Commerce and Len Falco, President of Hamilton Chamber of Commerce**

John Dolbec, Chief Executive Officer and Mr. Len Falco, President of the Hamilton Chamber of Commerce spoke in favour of the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

Mr. Falco respects the city’s heritage sites and runs his own business that is located in an office that is circa 1850’s.

(4) **Keith Beck**

The delegation spoke against the demolition permit request and the LIUNA’s Lister Block redevelopment proposal.

Mr. Beck feels that the project is too expensive and that it will be costly to rebuild surrounding buildings.

It was recommended that the proponent be made to demonstrate that they have significant leases ready to occupy the building.

(5) **Matt Jelly**

The delegation spoke against the demolition permit and the LIUNA’s Lister Block proposal.

- LIUNA should comply with the Property Standards By-law.
- Mr. Jelly would like to see property restored and feels that the City needs to explore all options.

(6) **Grant Titan Dalton**

Mr. Dalton withdrew his request to speak before Committee of the Whole.

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(7) Barbara Murray

The delegation spoke against the demolition permit and the LIUNA’s Lister Block redevelopment proposal.

- Although the delegation would like to see the building put back into use, the issue is how.
- The impact on the designated building to replace with new.
- The Heritage Impact Assessment report is silent on experience of the consultant with respect to a building and this magnitude.
- Addressed the Heritage Impact Assessment issues.

(8) Cecilia Marie Flynn

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

- Speaking as a mother, the issue and quality of life in the Downtown are of real concern. What is the affect on our children growing up in downtown Hamilton in its current state?
- Ms. Flynn is not comfortable with allowing her children to walk downtown to the movies or to get pizza.
- Concerned that they may not want to stay here when they have grown.
- Heritage is not just about bricks and mortar, but is also about generations building lives in the community.

(9) Tejpaul Kaloe

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

Patrons are not afforded the opportunity for safe shopping. There are drugs, prostitution, and gun violence. Many avoid the downtown because it is not safe. Since the Lister has closed we have seen a halt in pedestrian traffic.

Small business owners in the downtown core need help. Two thirds of customer base has decreased. New Lister Block would reduce crime, bring people in from Golden Horseshoe and revitalize and bring prosperity to the Downtown Core.

(10) Daniel Rodrigues
The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

Mr. Daniel Rodrigues is a member of the Downtown Rotary and visits the downtown core weekly. It was noted that the City has already lost one Fortune 500 company; Maple Leaf Foods, and currently only has two others – Dofasco and Stelco.

Mr. Rodrigues is in favour of the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

There was a similar situation in Downtown London known as the Talbot Block. This building was demolished and today that building has been a catalyst for Downtown London.

(11) Richard Koroscil, Resident and CEO of the John C. Munro Hamilton International Airport

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

It is time to give the Lister Block an image and partnership with the community. This is a Hamilton pride issue.

Lister is truly an icon for all downtown renewal – the true sense of progress and revitalization sits with the Lister Block. Why does it take us so long to revitalize? Mr. Koroscil has had guests who have walked the downtown area and again faced embarrassment. It’s about leadership and Mr. Koroscil recognizes the incredible potential of the Lister block. LIUNA has done truly amazing and successful projects within the City of Hamilton.

He respects LIUNA for creating a superior plan – its time to renew downtown now.

(12) Paul Reardon, Reardon’s Meat Market

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

Today’s Lister Block is dying a slow death, its unsafe, there is a lack of stores and friends and visitors won’t come downtown.

(13) Jeremy Freiburger
The delegation spoke against the demolition permit and the LIUNA’s Lister Block proposal. Council was asked to put it all on the table for everyone to discuss and to make an informed decision, not a hasty one.

(14) **Sue Stewart Green and John Green**

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

Ms. Sue Stewart Green and Mr. John Green are live in a circa 1850 downtown home and work downtown as well. They are both landlords and contractors who have restored many heritage buildings; however, they do not feel that restoration of the Lister Block is a viable option.

Defeating the redevelopment of the Lister Block is a mistake and would be a negative message to new investors.

Sue Stewart Green and John Green are in favour of the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

(15) **Gord Jackson**

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

There are many heritage buildings in the city that require restoration or redevelopment; such as: the west side of James Street between Wilson and Cannon, current condition of the Tivoli theatre, decaying Century theatre, two buildings next to the John Sopinka Courthouse – there is understanding that there is redevelopment planned for these buildings, but why does it take so long to make things happen.

Perception becomes reality and for many, the perception to residents and tourists is that the Downtown is not safe.

(16) **Kim Kippen**

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal.

Ms. Kim Kippen was born in Hamilton, and has lived in other cities around the world and in Canada. What she loved about Hamilton is its authenticity and the architectural bones of the city. Ms. Kippen shops, eats and lives in the downtown.

*Council – June 14, 2006*
If the restoration was set up with to a level B building, then maybe the deal could work – scale back expectations.

(17) **Michael Desnoyers, Hamiltonians for Progressive Development**

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal.

Application was in essence borne out of failure on the part of the community, the part of present and past Council, failure on the previous owners of the Lister Block. It is this failure and wilful neglect to use this as a way to destroy a significant part of our heritage.

Use the City’s powers of expropriation to create a suitable solution for Hamilton not LIUNA.

Destroys important part of our heritage, creates more office space in a city that has an excess of 25% - does not address the need for more residential intensification – does not promote a sustainable community.

(18) **Rob Hamilton, Hamilton Region Branch of the Architectural Conservancy of Ontario**

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal.

Mr. Hamilton is a representative of the Hamilton Region Branch of the Architectural Conservancy of Ontario, which is a not-for-profit association that is protect and advocate for Ontario’s heritage property.

Rob Hamilton is opposed to the demolition permit request and LIUNA’s Lister Block redevelopment proposal, and would like Council to support the Hamilton LACAC (Municipal Heritage Committee) recommendation

(19) **Randall Watson**

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal. The building could be built on another site.

(20) **James S. Quinn, PhD**

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This delegation request was withdrawn.

(21) **Sid Leon, Irvings Famous Clothes Ltd.**

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

Owner of Irvings Famous Clothes. A family business that was located in the Lister Block from 1930s to 1948 was in – 3rd generation of business owner on James Street North.

It is perceived that the area is not safe and pedestrian traffic has declined. The proposed complex will create a financial and social environment on James Street North. It is now a symbol of slum and violence and has been filmed and shown as such around the world.

Mr. Leon is in favour of the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

A new building with its 1920’s design will set a precedent for the remaining buildings.

(22) **Grant Head, Heritage Hamilton Foundation**

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal.

Mr. Head has lived downtown for over 30 years and is asking the City not to issue a demolition permit, but rather to participate in its reuse.

(23) **Mark Barbera**

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal, and is asking that Council make an informed decision.

(24) **Catherine Nasmith, President - Architectural Conservancy of Ontario**

Written submission was presented to the Clerk. Catherine Nasmith is opposed to the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

(25) **Tony Battaglia, President and CEO of Grand Connaught Development**

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The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

Grand Connaught development group who has purchased the Royal Connaught hotel and are in the process of restoring the building. People are continuously asking what is happening with respect to the Downtown. Investors are hesitant about investing in the downtown core.

Investors don’t understand the politics in Hamilton – everything takes so long to happen in Hamilton.

(26) **Vahn Kalong, My Thai Restaurant**

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

Ms. Vhan Kalong started business in downtown Hamilton 6 years ago. Believes that if you build; they will come. Once she opened her Thai restaurant – two more opened in the area.

Council was urged to work together as a team and to make sacrifices for a better city.

(27) **Lloyd Salsbury**

Not in attendance.

(28) **Janet Chafe**

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal. Ms. Chafe addressed the deterioration of Auchmar as well.

(29) **Joseph Beattie, Hamilton Brantford Building Trades**

On behalf of the Hamilton Brantford Building Trades, is in favour of the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

It will create both jobs in the restoration, but a vital streetscape in the Downtown. The current Lister Block presents a negative image to the core.

 Council – June 14, 2006
(30)  **Madina Wasuge, Settlement and Integration Services Organization**

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

(31)  **Jeff Feswick, President, Hamilton-Halton Construction Association**

The Hamilton-Halton Construction Association is in favour of the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

Mr. Feswick had to leave; however, the clerk was provided with a written submission.

(32)  **Karen Burson**

Ms. Karen Burson would like Council to make an informed decision, which she does not feel can be done at the present time.

(33)  **John Hawker, Resident and Durand Neighbourhood Association Member**

Written submission received. The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal.

The process shows disrespect. Attendees have been made to feel ridiculed.

Approving a demolition now would send as message to others that they would not need to comply in the future.

(34)  **Eric Cunningham, Melrose Communications Ltd.**

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

Mr. Eric Cunningham of Melrose Communications Ltd. is in favour of the demolition permit request and LIUNA’s Lister Block redevelopment proposal.

_Council – June 14, 2006_
It was stated that Mr. Cunningham has no client interest in this matter and holds a great deal of heritage interest in the community. The City has the ability to protect heritage buildings in the city. Regrettably the Lister Block is not one that should be restored.

The current facility is unsafe to those who find their way into the building legally or to those who walk or even drive by.

(35) Murline Mallette, Executive Director of Liaison College

Not in attendance.

(36) Mario Frankovich

Not in attendance.

(37) Jeff Manishen, Lawyer with Ross McBride

The delegation spoke in favour of the demolition permit and the LIUNA’s Lister block proposal.

In the past, there were indications that inaction of repair of the roof (at the Tivoli) would lead to disrepair. It is now a shell, maybe a heritage shell, but nonetheless one that useless to the community.

If you do nothing, with respect to the Lister Block, then it won’t matter what your desire is, it will fail. The current Lister Block is an eye sore.

Leadership is to recognize responsibility and to take action; isn’t in deferral and continued investigation. It will all go by the wayside; like the Tivoli.

Mr. Frankovich has trust in LIUNA to step up and follow through.

(38) Graham Cubitt

Not in attendance.

(39) Tirlok Singh, Emporium Jewellers

Not in attendance.
The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal. There are other properties that LIUNA could develop.

Mr. Sarachman feels he cannot support the City’s rate of restoration and notes the appearance of a subsidy. He is against using taxpayers money to restore Lister Block and is concerned with the transparency of the process.

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal. There are other properties that LIUNA could develop.

Taxpayers in Hamilton are losing trust in members of Council.

Mr. Buttrum's family has operated business at Hamilton Farmer’s market for several generations.

He is concerned about the message it sends to those others, and suggested that a proposal that shows the world that Hamilton is ready to do business be brought forward.

The delegation spoke against the demolition permit and the LIUNA’s Lister block proposal. Increase of pollution to the downtown core because of the added traffic.

The following written submissions were received:

Council – June 14, 2006
(i) **Brenda Bianchi**  
(ii) **Lina Brocklehurst**  
(iii) **Anthony Butler**  
(iv) **Bert Allen**  
(v) **Roy Salisbury**  

**Staff Direction**

(i) Staff was directed to provide the impacts of demolition versus restoration, and the relative disruption.

(ii) The Clerk was directed to provide details on the committee/council process for the approval of the Lister Block Lease Arrangement.

(iii) J. Rinaldo to provide Council with the figures for revenue versus expenses.


There being no further business, the meeting adjourned at 10:00 p.m.

Respectfully submitted,

Mayor L. Dilanni

Mary Gallagher, Coordinator  
Stephanie Paparella, Legislative Assistant  
June 12, 2006