Economic Development and Planning Committee

AMENDED REPORT

April 1, 2008
9:30 a.m.
Albion Room, Hamilton Convention Centre
1 Summer’s Lane
Hamilton

Present:
Chair T. Whitehead
1st Vice Chair M. Pearson
2nd Vice Chair L. Ferguson

Staff Present:
T. McCabe, General Manager – Planning and Development
R. Hall – Public Health
A. Zuidema, N. Smith, L. Pasternak, H. Vastis - Legal
A. Rawlings – Co-ordinator, City Clerk’s Office

AT THEIR MEETING OF APRIL 9, 2008, COUNCIL AMENDED THE REPORT BY DELETING ITEM 18, AND AMENDING ITEM 19, AS NOTED BELOW

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 08-006 AND RESPECTFULLY RECOMMENDS:

1. Annual Report on Building Permit Fees (PED08086) (City Wide) (Item 5.1)

   That Report PED08086, respecting Annual Report on Building Permit Fees, be received for information.

2. Hamilton Film and Television Office 2007 Annual Report (PED08078) (City Wide) (Item 5.2)

Council – April 9, 2008
That Report PED08078, respecting Hamilton Film and Television Office 2007 Annual Report, be received for information.

3. **Recommendation to Designate 2600 Highway 56, Binbrook (Binbrook Memorial Hall), Under Part IV of the Ontario Heritage Act (PED08080) (Ward 11) (Item 5.3)**

(a) That the designation of 2600 Highway 56, Binbrook (Binbrook Memorial Hall), as a property of cultural heritage value pursuant to the provisions or Part IV of the Ontario Heritage Act, be approved.

(b) That the Statement of Cultural Heritage Value and Description of Heritage Attributes, attached as Appendix A to Report PED08080, be approved.

(c) That the City Solicitor be directed to take appropriate action to designate 2600 Highway 56, Binbrook (Binbrook Memorial Hall), under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix B to Report PED08080.

4. **Demolition Permit – 211 Wood Street East (PED08085) (Ward 2) (Item 5.4)**

That the Acting Director of Building Services be authorized and directed to issue a demolition permit for 211 Wood Street East in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended and that the special conditions regarding demolition control, in the “Central Area”, that requires a building permit to be issued for a replacement dwelling on the property and for reconstruction within a specific time frame in accordance with City Council’s resolution passed on July 26, 1994 not be applied.

5. **Waterdown Business Improvement Area’s (B.I.A.) Proposed Budget and Schedule of Payment for 2008 (PED08087) (Ward 15) (Item 5.5)**

a) That the 2008 Operating Budget for the Waterdown B.I.A. (attached as Appendix ‘A’ to Report PED08087) be approved in the amount of $60,300.00.

b) That the levy portion of the Operating Budget for the Waterdown Street B.I.A. in the amount of $38,200.00 be approved.

c) That the General Manager of Finance and Corporate Services be hereby authorized and directed to prepare the requisite by-law pursuant to Section 208, The Municipal Act, 2001, to levy the 2008 Budget as referenced in sub-section (b) above.

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d) That the following schedule of payments for 2008 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>April</td>
<td>$19,100.00</td>
</tr>
<tr>
<td>July</td>
<td>$9,550.00</td>
</tr>
<tr>
<td>October</td>
<td>$9,550.00</td>
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</tbody>
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e) And that Assessment appeals may be deducted from the levy payments.

6. Hamilton LACAC (Municipal Heritage Committee) January 24, 2008 (Item 5.6(a))

That the Minutes of the Hamilton LACAC (Municipal Heritage Committee) meeting of January 24, 2008 be received for information.

7. Application for Approval of a Draft Plan of Condominium (Common Elements Condominium) for a Portion of Lands Located on Viking Drive, Block 132, Registered Plan 62M-1062, (Glanbrook) (PED08077) (Ward 11) (Item 6.1)

That approval be given to Condominium Application 25CDM200706, “Courtyards”, by Losani Homes, owner, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road, visitor parking areas, amenity and landscaped areas, and fencing for 74 street townhouse dwellings for lands located on Viking Drive, Block 132, Registered Plan 62M-1062 (Glanbrook), as shown on the attached map marked as Appendix “A” to Report PED08077, subject to the following conditions:

(a) That this approval applies to the plan prepared by A.T. McLaren Limited, dated June 15, 2007, showing the following condominium elements: a road, 23 visitor parking spaces, amenity area, landscaped areas and fencing, attached as Appendix “B” to Report PED08077.

(b) That the Final Plan of Condominium complies with all applicable provisions of Zoning By-law No. 464.

(c) That the Owner shall enter into a Development Agreement to ensure that each of the proposed 74 street townhouse dwellings have tied parcels to the plan of condominium and to address any other requirements of the City of Hamilton, to the satisfaction of the City Solicitor.

Council – April 9, 2008
(d) That the Owner shall receive final approval of Part Lot Control Application PLC-08-002, including the enactment and registration on title of the Part Lot Control By-law to the satisfaction of the Director of Planning, Planning and Economic Development Department.

(e) That the Owner shall include the following warning clause in the Development Agreement and all Purchase and Sale Agreements:

“Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road.”

(f) That the final plan of condominium complies, in all respects, with the approved Site Plan (DA-06-157), to the satisfaction of the Director of Planning, Planning and Economic Development Department.

(g) That the Owner shall satisfy any conditions, financial or otherwise, of the City of Hamilton.

8. Application to Amend the Ancaster Zoning By-law No. 87-57 for Lands Located at 1144 Wilson Street West (Ancaster) (PED08081) (Ward 12) (Item 6.2)

That approval be given to Zoning By-law Amendment Application ZAC-07-083, Wilson–Given Development Limited, owners, for a further modification to the General Commercial “C3-133” Zone to permit all of the uses under the General Commercial “C3” Zone, plus convenience retail stores, insurance offices, libraries, museums, art galleries, and Liquor Control Board of Ontario (LCBO) stores at 1144 Wilson Street West (Ancaster), as shown on Appendix “A” to Report PED08081, on the following basis:

(a) That the draft By-law, attached as Appendix “C” to Report PED08081, which has been prepared in a form satisfactory to the City Solicitor, not be forwarded to Council for enactment until the owner prepares and submits a Traffic Impact Study for final approval, to the satisfaction of the Senior Project Manager of Traffic Engineering and Operations, Public Works Department.

(b) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and the Town of Ancaster Official Plan.

Council – April 9, 2008
9. **Tourism Hamilton 2007 Annual Report (PED08076) (City Wide) (Item 7.1)**


10. **Our Downtowns, Business Improvement Areas (BIAs) and “Main Street” Corridors – 2007 Annual Report and 2008 Downtown and Community Renewal Division Work Plan (PED08075) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 15) (Item 7.2)**

That Report PED08075 respecting “Our Downtowns, BIAs and “Main Street” Corridors - 2007 Annual Report and 2008 Downtown and Community Renewal Division Work Plan” be received for information and that the relevant contents be made available through appropriate municipally-generated publications.

11. **Brownfield Land Banking Study (PED07043(b)) (City Wide) (Item 8.1)**

(a) That the Brownfield Land Banking Study, prepared by Conestoga-Rovers & Associates (CRA) dated February 2008, attached as Appendix A to Report PED07043(b), be received.

(b) That Brownfield Land Banking by the City of Hamilton not be pursued as a land management program.

(c) That the City of Hamilton employ the following actions as an alternative to Brownfield Land Banking:

   (i) Continue to utilize funds available through the Brownfield Pilot Project (BPP) Account to identify strategic priority properties for Brownfield redevelopment.

   (ii) Utilize funds available through the Brownfield Pilot Project Account to reach out to environmental professionals and contractors to encourage a strategic partnership role in the remediation of Brownfield sites.

   (iii) To continue targeting the owners of strategic Brownfield properties, making them aware of strategic partnerships and funding opportunities.

(d) That Council request the Province of Ontario to address the creation of more incentive programs for Brownfield program development as part of new legislative change and Provincial programs.

That the Ministry of Environment Assessment and Approvals Branch of the Ontario Ministry of Environment be advised that should the Ministry approve the application CA-008-001, Liberty Energy Resources Inc., Applicant, for a Provisional Certificate of Approval for a waste disposal site (processing), to be located at 675 Strathearn Avenue, Hamilton, as shown on Appendix “A” to Report PED08082, that the City of Hamilton requests the following to be undertaken:

(a) That the Certificate of Approval include the following requirements:

(i) That prior to receiving any waste materials, the proponent obtains final site plan approval from the City’s Planning Division; obtains a building permit from the Building Services Division for the new facility; and completes construction of the proposed facility and all required site works, all to the satisfaction of the Director of Planning, Planning Division, City of Hamilton.

(ii) That the proponent be required to provide financial assurance to the Ministry of Environment to cover final clean-up of the site, following the cessation of use.

(iii) That the Provisional Certificate of Approval limits the maximum waste capacity to 1,560 tonnes received daily, and limits the maximum daily stored waste capacity, including biosolids, biomass and ash, to 14,560 tonnes daily.

(iv) That the Provisional Certificate of Approval include a comprehensive air monitoring program to be implemented, to the satisfaction of the Ministry of Environment. Real time/integrated sampling should supplement mathematical modelling monitoring at opportune times (i.e. abnormal operating conditions). Mitigative actions should be well detailed out. Emission Summary Reports, and/or other test results, be made available to the Public. All engineering controls relating to gasifiers, biofilters, etc., be maintained in excellent condition/operating state, at all times, with proper maintenance. A comprehensive odour/dust control plan be implemented with specifics for day-to-day operating criteria, as well as abnormal conditions. Hard roofed trailers be required for transport of fly-
ash. Alternatively, if a tarp style system is permitted, a thorough fly-ash emergency response plan be incorporated.

(v) That the Provisional Certificate of Approval include the requirement for a Memorandum of Agreement between the proponent and the City, to the satisfaction of the Manager of Solid Waste Planning Management for the City of Hamilton. (See attached letter of January 14, 2008, for details and protocol, attached as Appendix “C” to Report PED08082).

(vi) That the waste accepted be limited to waste generated only from the Province of Ontario.

(vii) That prior to receiving any waste materials at the facility, the proponent obtains written approval from the Chief Fire Prevention Officer, Hamilton Fire Services, indicating that the constructed facility is in compliance with the Ontario Fire Code. That a Fire Safety Plan shall be prepared, in accordance with the Ontario Fire Code, and approved by the Chief Fire Official.

(viii) That the proponent implements spills prevention on site, and containment measures be included in the Provisional Certificate of Approval. That the contingency plans for spills on site and clean-up procedures are covered under the Provisional Certificate of Approval, and that the City’s Spills number (905) 540-5188 is included in the company’s on-site Contingency Plan. That a private sampling manhole be installed for each sanitary sewer connection and each storm connection, to the City sanitary sewer and City storm sewer, to the satisfaction of the Manager, Water and Wastewater, Public Works Department.

(ix) That a Ministry of Environment staff person be identified to the City as the contact for all issues and complaints regarding the subject property.

(x) That the proponent be encouraged to utilize water and rail transportation, wherever possible, to bring waste products to the site, and remove products from the site, in order to reduce the amount of truck traffic movements associated with the operation.

(xi) That fly ash accepted at the site be tested weekly until a normalized result is achieved, and when new fly ash streams are accepted, the new streams be tested weekly until a normalized result is achieved.

(xii) That any fly ash which is deemed hazardous be removed from the site and transported to an approved hazardous waste disposal site.
(xiii) That the MOE conduct random inspections of waste generators which supply waste to Liberty Energy, both at the Liberty Energy site and at the generators’ own sites.

(b) That a copy of Report PED08082 be forwarded to the Environmental Assessment and Approvals Branch of the Ministry of Environment for their consideration.

(c) That the Environmental Assessment and Approvals Branch of the Ministry of Environment be requested to forward a copy of its final decision respecting the Certificate of Approval to the Clerk, City of Hamilton.

13. Liberty Energy, 675 Strathearne Avenue

That the City of Hamilton request the MOE to post all notices of Certificates of Approval relating to the Liberty Energy project on the EBR Registry for formal public comment, and not as information notices.

14. Request by John Weston - Property Removal from the Locke Street Business Improvement Area (B.I.A.) (PED08079) (Ward 1) – Referred from Economic Development and Planning Committee of November 22, 2007 (Item 8.4)

(a) That the request from John Weston of 260 Locke Street South to have his property removed from the Locke Street B.I.A. not be supported by Committee and Council.

(b) That the request to be removed from the Locke Street B.I.A. item, referred from the Economic Development and Planning Committee on November 22, 2007, be identified as completed and removed from the Outstanding Business List of the Economic Development and Planning Committee.

15. Committee of Adjustment Severance Application HM/B-07:131 for the Property Known as 41 Inglewood Drive, Hamilton – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED08063) (Ward 2) (Item 8.5)

(a) That Report PED08063, respecting Committee of Adjustment Severance Application HM/B-07:131 for the property known as 41 Inglewood Drive, as shown on Appendix “A” to Report PED08063, supported by the Planning and Economic Development Department, but denied by the Committee of Adjustment, be received for information; and,
(b) That Council instruct Legal Services to attend the Ontario Municipal Board Hearing, in support of the Committee of Adjustment decision, and to retain outside professional(s).

16. Application to Amend the Hamilton Zoning By-law for Property Located at 1 Hayden Street (PED07286(a)) (Ward 7) (Item 8.6)

(a) That City Council’s approval respecting Zoning By-law Amendment Application ZAR-07-033, by Dr. Russell Grover, owner, for a change in zoning from the “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District to a modified “D” (Urban Protected Residential - One and Two Family Dwellings, etc.) District, to permit a dentist office within the existing building, for property located at 1 Hayden Street, be revised on the following basis:

(i) That the previous proposed By-law attached to Report PED07286 be replaced by the revised Draft By-law, attached as Appendix “D” to Report PED07286(a), which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That no further notice be required with respect to the revised proposed by-law, as per Section 34(17) of the Planning Act; and,

(iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan, and the City of Hamilton Official Plan.

17. Proposal to settle City Appeal respecting Minor Variance 522 Book Road East Ancaster, File A-317/07 (Added Item 12.3)

(a). That the City support the applicant's proposal for an addition to the existing building not to exceed 3800 sq. ft.

(b). That the City request that the Ontario Municipal Board impose the following as a condition of approval:

“That the owner/applicant shall investigate the noise levels on the site and determine the noise control measures that are satisfactory to the City of Hamilton in meeting the Ministry of the Environments recommended sound level limits. An acoustical report prepared by a qualified Professional Engineer containing the recommended control measures shall be submitted to the satisfaction of the City of Hamilton, Director of Planning.”

Council – April 9, 2008
ITEM 18 WAS DELETED IN ITS ENTIRETY, AS IT HAD BEEN DEALT WITH BY COUNCIL ON APRIL 7, 2008

18. Losani Homes, Barton Street (Added Item 12.4)

That the City of Hamilton accept the settlement offer of Losani Homes, as revised, to incorporate the parameters and design principles set out below, all with respect to a comprehensive set of applications that are currently before the OMB including severance appeals for 1187, 1215, 1217, 1227, 1235 and 1239 Barton Street.

1. Revision to the plan to reduce the amount of residential land to ensure the amount of employment land becomes and remains the predominant land use.

2. That mechanisms/conditions be put in place to guarantee timely, shovel-ready employment land proceeding prior to and concurrently with the proposed residential development.

3. That the residential proposal include increased density and dwelling types, particularly immediately adjacent and abutting the industrial land use.

4. Design and implementation of a substantive buffer within the new residential land use abutting the employment land use.

5. Redesign of road connections in the plan to provide industrial access and residential access completely separate from each other.

THE FOLLOWING ITEM WAS AMENDED, AS NOTED IN THE FINAL PARAGRAPH BELOW, AND RENUMBERED AS ITEM 18, DUE TO THE DELETION OF THE ORIGINAL ITEM 18, AS NOTED ABOVE

19. 112 King Street East, Hamilton (former Royal Connaught Hotel) (item 9.1)

WHEREAS, the historic building located at 112 King Street East, Hamilton is currently vacant, open to the elements and is believed to be facing an uncertain future;

AND WHEREAS, the building has been the subject of discussion at the Hamilton LACAC (Municipal Heritage Committee) meetings;

AND WHEREAS, the Municipal Heritage Committee believes the property to be of Cultural Heritage Value due to its historical, architectural and contextual values as described in the following reasons;
Historical Value - The Royal Connaught Hotel was a community-inspired project owned and financed by local citizens and built at a cost of $1 million. His Royal Highness, the Duke of Connaught, the then-Governor-General of Canada, turned the sod in May, 1914, and the building was formally opened by Sir John Hendrie, a Hamilton citizen and Lieutenant-Governor of Ontario, in June of 1916.

Design/Architectural Value - Designed by Essenwein and Johnson of Buffalo in association with the Hamilton firm of A.W. Peene, the hotel was built in the Edwardian Classical style characterized by its large, rounded windows on the first floor, the pedimented windows on the third, eleventh and twelfth floors, and the prominent, overhanging cornice. The west tower, designed by the well-known Hamilton firm of Hutton and Souter, was added in 1930-31.

Contextual Value - The Connaught Hotel was the primary hotel facility in Downtown Hamilton for over 60 years, during which time it hosted numerous major dignitaries. The ballroom and rooftop restaurant served as Hamilton's prime venue for renowned, international entertainers. Even in its vacant state the building continues to maintain a highly visible and impressive presence in the Gore Park area and is listed on the City’s Inventory of Buildings of Architectural and/or Historic Interest.

NOW, THEREFORE, Hamilton LACAC (Municipal Heritage Committee) respectfully advises Council that 112 King Street East, Hamilton (the former Royal Connaught Hotel) should be considered as a priority for future designation under Part IV of the Ontario Heritage Act.

Now therefore be it resolved:

That the request by LACAC to have the former Royal Connaught Hotel, 112 King Street East, Hamilton considered as a priority for future designation under Part IV of the Ontario Heritage Act, be endorsed.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

- added Confidential Report respecting proposed settlement of Ontario Municipal Board Hearing on Losani Homes, Barton Street
- 3 added delegation requests which will be considered as Items 4.2, 4.3, and 4.4 respectively
The Agenda for the April 1, 2008, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson declared a conflict respecting Item 11.1, as he is an investor in the taxi industry.

(c) APPROVAL OF MINUTES (Item 3)

The March 18, 2008 Minutes of the Economic Development and Planning Committee meeting were approved, as presented

(d) HABIA, respecting the request by John Weston to be exempted from the Locke Street BIA (re: Item 8.4) (Item 4.1)

On a Motion (Pearson/Pasuta), Committee agreed to hear the delegation from HABIA when Item 8.4 is considered.

(e) Locke Street BIA, respecting the request by John Weston to be exempted from the Locke Street BIA (added Item 4.2)

On a Motion (McHattie/Pearson), Committee agreed to hear the delegation from Locke Street BIA, when Item 8.4 is considered.

(f) Chris Barnett, Losani Homes, (Added Item 4.3)

On a Motion (Mitchell/Pearson), Committee agreed to hear the delegation from Fred Losani, prior to the consideration of the Closed Session report.

(g) Dr. Luisa Gambora, respecting Arcade Crescent (Added Item 4.4)

Chair Whitehead noted that the applicant has advised that she is withdrawing the application, for a second driveway, so there would be no need for a delegation.
Committee extended their congratulations and thanks to the Economic Development staff for their work in this area.

A Public Meeting was held.

Chair Whitehead advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of condominium, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton in respect of the proposed plan of condominium before the approval authority gives or refuses to give approval to the draft plan of condominium, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Pearson/Pasuta), Committee agreed to forgo the staff presentation.

Shannon Hamilton was present to assist Committee with the application.

Paul Moore, Armstrong Hunter, the applicant’s agent, advised that he was in favour of the staff recommendation.

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

Committee approved the staff recommendation.
(j) **Application to Amend the Ancaster Zoning By-law No. 87-57 for Lands Located at 1144 Wilson Street West (Ancaster) (PED08081) (Ward 12) (Item 6.2)**

A Public Meeting was held.

Chair Whitehead advised the meeting of the following, in accordance with the provisions of the Planning Act,

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board.

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton before the Zoning By-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

On a Motion (Ferguson/Pearson), Committee agreed to forgo the staff presentation.

Jason Thompson was present to assist Committee.

Thom Shepherd, the applicant, advised that he was in favour of the staff recommendation.

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

Councillor Ferguson asked the applicant how he had found the application process.

Mr. Shepherd explained that this was the first time that he had worked in Hamilton, and had found the staff to be very helpful and the overall process was positive. He noted that he would be looking for further projects in Hamilton.

Committee approved the staff recommendation.

(k) **Tourism Hamilton 2007 Annual Report (PED08076) (City Wide) (Item 7.1)**
David Adames provided an overview of the report, with the aid of a powerpoint presentation. Copies of the presentation were provided to the Committee members.

Committee discussed the Annual Report, and had additional information supplied by staff.

Committee received the Report, and thanked staff for their work.

(1) **Our Downtowns, Business Improvement Areas (BIAs) and “Main Street” Corridors – 2007 Annual Report and 2008 Downtown and Community Renewal Division Work Plan (PED08075) (Wards 1, 2, 3, 4, 6, 7, 8, 9, 11, 12, 13, 15) (Item 7.2)**

Ron Marini gave an overview of the report with the aid of a powerpoint presentation. Copies of the presentation were provided to the members of Committee.

Committee discussed the Annual Report and had additional information supplied by staff.

Committee received the staff report, and thanked staff for their work.

(m) **Brownfield Land Banking Study (PED07043(b)) (City Wide) (Item 8.1)**

Neil Everson provided an overview of the subject report.

On a Motion (Clark/McHattie), Committee approved an amendment respecting future indemnification from liability for property where the MOE has approved remediation of said site.

Committee approved the staff recommendations, as amended.

(n) **Private Waste Disposal Sites Study (PED08064) (City Wide) (Item 8.2)**

On a Motion (Ferguson/Pearson), this item was deferred until the meeting of April 15, 2008.

(o) **Application for a Provisional Certificate of Approval for a Waste Disposal Site (Processing) Ministry of Environment Reference 3815-795K9T, 675 Strathearn Avenue (PED08082) (Ward 4) (Item 8.3)**

Chair Whitehead noted that comments received from Environment Hamilton had been distributed.
Stan Holiday gave an overview of the application and the details of the MOE processing of the application. He explained the timing put on the process by the MOE had not permitted a response from Council to be prepared and submitted within their timeframe.

Rob Hall, Public Health, addressed Committee and explained that the MOE had agreed to put an Information Notice respecting the matter on the EBR, but had not done so yet. He said Public Health has requested the MOE to do real-time air monitoring for this project.

Committee discussed the matter and expressed concerns including, but not limited to, the following:

- MOE timeframe for their review
- Lack of information on EBR
- Proposed use of untested technology by Liberty Energy
- Potential impact of Liberty Energy on City’s proposed incinerator
- Air emissions
- Fly ash and its properties
- Truck traffic to site and potential use of lake and rail transport

On a Motion (Ferguson/Mitchell), Committee agreed to hear from the applicant, Wilson Nolan.

Mr. Nolan addressed Committee and gave additional information respecting the proposal, including the following:

- Liberty Energy already exploring marine and rail transportation for the use, to reduce trucking movements
- Fly ash samples so far are non-hazardous, agreed to test weekly, encourages random testing at waste generator sites
- Proposed 24/7 operation

On a Motion (Pearson/Mitchell), Committee approved an amendment respecting the employment of water and rail transportation for the use.

On a Motion (Whitehead/Ferguson), Committee approved amendments respecting the testing of fly ash coming into the site, and the removal of hazardous fly ash.

On a Motion (Clark/Ferguson), Committee approved an amendment respecting random inspections of waste generators at their own sites and at Liberty Energy.

Committee approved the staff recommendation, as amended.
Committee then approved a Motion respecting the EBR.

On a Motion (Pearson/Pastua), Committee adjourned for a brief lunch break at 12:30 pm and reconvened at 1:00 pm.

On a Motion (Ferguson/Clark), Committee agreed to consider Items 8.5 and then 8.4, before proceeding with the Closed Session items.

(p) Investigation of Tipping Fee

On a Motion (Clark/Duvall), Committee directed staff to investigate the feasibility of charging a tipping fee for users of the Liberty Energy, and other similar sites, to be charged on a tonnage basis, and to report back to Committee.

(q) Committee of Adjustment Severance Application HM/B-07:131 for the Property Known as 41 Inglewood Drive, Hamilton – Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED08063) (Ward 2) (Item 8.5)

Daniel Barnett provided a brief overview of the staff report. He noted that the staff comments to the Committee of Adjustment had been in favour of the severance application and that Committee had denied the application.

Ed Fothergill, Fothergill Planning and Development, addressed Committee on behalf of the applicant and provided an overview of the matter.

Mr. Fothergill explained that the favoured option 2 in the staff report, to send Legal staff to the OMB to support staff’s position in favour of the severance.

John Ariens, PEIL, addressed Committee on behalf of a group of neighbours who oppose the severance application. He explained why the severance was inappropriate, and noted that the Committee of Adjustment had made the right decision. Mr. Ariens supported option 1 in the staff report, to send City Legal staff to the OMB to support the Committee of Adjustment position.

Committee discussed the matter in detail and had additional information supplied by staff.

Committee approved option 1.
On a Motion (Bratina/Pearson), Committee received the letters from the public respecting the application.

(r) **Request by John Weston - Property Removal from the Locke Street Business Improvement Area (B.I.A.) (PED08079) (Ward 1) – Referred from Economic Development and Planning Committee of November 22, 2007 (Item 8.4)**

Eileen Maloney was present to assist Committee with the report.

John Weston was not present to address Committee.

Committee note their support of the staff recommendation and asked if the approved delegations from HABIA and Locke Street BIA would agree to forgo their presentations.

Councillor Whitehead asked if there was anyone in the audience who supported Mr. Weston’s position. No one came forward to speak.

Committee approved the staff report.

(s) **Closed Session Minutes of March 18, 2008**

On a Motion, Committee approved the Closed Session Minutes of March 18, 2008.

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

Committee heard a delegation from Fred Losani, respecting the Losani Homes issue.

Mr. Losani outlined his offer of settlement, with the aid of a map of the proposal. He explained that the new proposal would be approximately one third industrial, one third residential, with the balance being storm water management and roadways.

Committee asked a number of questions and had additional information supplied by the speaker and by staff.

-Status of Land Negotiations for the North Glanbrook Industrial Business Park (NGIBP) (PED08083) (City Wide)(Item 12.2)
-Proposal to settle City Appeal respecting Minor Variance 522 Book Road East Ancaster, File A-317/07 (Item 12.3)

-Proposal to settle by Losani homes respecting OMB hearings at Barton Street East, Stoney Creek (Item 12.4)

Committee moved into Closed Session at 2.05 pm to consider the above-mentioned three matters pursuant to Section 239 of the Municipal Act, 2001, respecting the following:

(a) litigation or potential litigation, including 2 matters before administrative tribunals, affecting the municipality or local board, respecting Ontario Municipal Board Hearings

(b) a proposed or pending acquisition or disposition of land by the municipality or local board, and,

(c) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

At 4:40 pm, Committee reconvened in Open Session.

(u) Status of Land Negotiations for the North Glanbrook Industrial Business Park (NGIBP) (PED08083) (City Wide) 12.2

Chair Whitehead reported that Committee had met in Closed Session, and had provided direction to staff.

(v) Proposal to settle City Appeal respecting Minor Variance 522 Book Road East Ancaster, File A-317/0712.3

Chair Whitehead reported that Committee had met in Closed Session. Committee then approved a Motion respecting the proposal to settle.

(w) Proposal to settle by Losani homes respecting OMB hearings at Barton Street East, Stoney Creek (Item 12.4)

Chair Whitehead reported that Committee had met in Closed Session. Committee then approved a Motion respecting the proposal to settle.
(x) Application to Amend the Hamilton Zoning By-law for Property Located at 1 Hayden Street (PED07286(a)) (Ward 7) (Item 8.6)

Committee considered the staff report, which recommended a minor change to the proposed by-law, respecting the location of parking spaces.

Councillor Duvall, the Ward Councillor, spoke in favour of the changes.

On a Motion (Pearson/Pasuta), Committee approved an amendment regarding the lack of need for any further public meeting.

Committee approved the staff recommendation, as amended.

(y) Motions (Item 9)

112 King Street East (former Royal Connaught Hotel) (Held over from March 18, 2008) (Item 9.1)

Councillor Bratina spoke to his Motion and Committee passed it.

(z) General Information (Item 11)

11.1 Ban on hand held phones etc, by taxi drivers (from Outstanding Business List, due March 18, 2008)(No copy)

On a Motion (Clark/Duvall), Committee agreed that this report would be presented on June 17, 2008.

11.2 Estimates respecting Cost of sewers, storm sewers, water provision (from Outstanding Business List, due March 18, 2008)(No copy)

On a Motion (Pearson/Pasuta), Committee agreed that this report would be presented on June 17, 2008.

11.3 Tow truck Licences (from Outstanding Business List, due April 1, 2008)(No copy)

On a Motion (Clark/Bratina), Committee agreed that this report would be presented on June 17, 2008.

11.4 Licencing of bath houses (from Outstanding Business List, due April 1, 2008) (No copy)
On a Motion (Clark/Duvall), Committee agreed that this report would be presented in September, 2008.

Councillor Clark specified that the report should answer his question of why the licence for a bath house in Stoney Creek was issued, when the Stoney Creek by-law prohibits bath houses.

11.5 Condition of 21 Elena Court (from Outstanding Business List, due April 1, 2008) (No copy)

On a Motion (Duvall/Pearson), Committee agreed that the new date for this report would be June 17, 2008.

11.6 16 Steven Street- issue of required rezoning for the property and its cost (from Outstanding Business List, due April 1, 2008) (No copy)

Paul Mallard advised that following a meeting between parties, the owners have agreed to make the required development applications.

On a Motion (Pearson/Clark) the item was removed from the Outstanding Business List.

11.7. News from the General Manager (no copy)

Tim McCabe distributed copies of a recent OMB Decision respecting a property owner’s appeal of Council’s refusal of a heritage permit for a house in the Cross-Melville Heritage District in Dundas. He noted that the OMB had agreed with the Council refusal of the heritage permit, and had also confirmed that the applicant, Clare Sellens, and the applications, were given proper consideration.

11.8 Petition respecting traffic signals in Binbrook

On a Motion (Pearson/Pasuta), a petition from residents requesting that the intersection of Southbrook Drive, Windwood Drive and Highway 56, Binbrook, be signalized, was received and directed to staff for a report back to Committee on how soon the request can be accommodated and implemented.

(ff) ADJOURNMENT (Item 13)

On a Motion, the Economic Development and Planning Committee adjourned at 5:05 p.m.

Council – April 9, 2008
Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
April 1, 2008