THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Demolition Permit – 15 First Street South (Stoney Creek) (PED09302) (Ward 9) (Item 5.1)

(Clark/Ferguson)
That the Director of Building Services be authorized and directed to issue a demolition permit for 15 First Street South (Stoney Creek) in accordance with By-Law 09-208 pursuant to 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;
Economic Development & Planning  Minutes 09-024  
Committee

(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 Services 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

2. Enterprise Zone Grant Program, 210 Main Street East - Agreement - EZ07/04 (PED09299) (Ward 2) (Item 5.2)
(Clarke/Ferguson)
(a) That the Enterprise Zone Grant, as detailed within Report PED09299, be applied to 210 Main Street East, as the redevelopment of the property is complete and the terms and conditions of the program have been satisfied.

(b) That the Mayor and City Clerk be authorized and directed to execute the Agreement attached as Appendix “B” to Report PED09299.

CARRIED

3. Enterprise Zone Grant Program, 260-280 King Street East - Agreement - EZ05/03 (PED09301) (Ward 2) (Item 5.3)
(Clarke/Ferguson)
(a) That the Enterprise Zone Grant, as detailed within Report PED09301, be applied to 260-280 King Street East, as the development of the property is complete and the terms and conditions of the program have been satisfied.

(b) That the Mayor and City Clerk be authorized and directed to execute the Agreement attached as Appendix “B” to Report PED09301.

CARRIED

4. Enterprise Zone Grant Program, 87/89 King Street East - Agreement - EZ06/01 (PED09305) (Ward 2) (Item 5.4)
(Clarke/Ferguson)
(a) That the Enterprise Zone Grant, as detailed within Report PED09305, be applied to 87/89 King Street East, as the development of the property is complete and the terms and conditions of the program have been satisfied.

(b) That the Mayor and City Clerk be authorized and directed to execute the Agreement attached as Appendix “B” to Report PED09305.

CARRIED
5. **Business Licensing Initiatives (PED09304) (City Wide) (Item 5.5)**
   (Clark/Ferguson)
   That Report PED9304, Business Licensing Initiatives, be received for information.
   **CARRIED**

6. **Requirements for Masters Licences/Trades Licences in the City of Hamilton (PED09307) (City Wide) (Item 5.6)**
   (Clark/Ferguson)
   That Report PED09307, Requirements for Masters Licences/Trades Licences in the City of Hamilton (City Wide), be received for information.
   **CARRIED**

7. **International Village Business Improvement Area (B.I.A.) Revised Board of Management (PED07012(a)) (Ward 2 & 3) (Item 5.7)**
   (Clark/Ferguson)
   That the following individuals be appointed to the International Village B.I.A.’s Board of Management:
   - Paula DeAngelis
   - Mark Bowden
   - Shabbir Khan
   **CARRIED**

8. **International Village Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2010 (PED09308) (Wards 2 & 3) (Item 5.8)**
   (Clark/Ferguson)
   a) That the 2010 operating budget for the International Village B.I.A. (attached as Appendix ‘A’ to Report PED09308) be approved in the amount of $140,000.00.
   b) 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 2010 budget as referenced in sub-section (a) above.
   c) That the following schedule of payments for 2010 be approved:
      - January $70,000.00
      - June $70,000.00
   And that assessment appeals may be deducted from the levy payments.
   **CARRIED**
9. Concession Street Business Improvement Area (B.I.A.) Proposed Budget and Schedule of Payment for 2010 (PED09309) (Wards 6 & 7) (Item 5.9) (Clark/Ferguson)
   a) That the 2010 Operating Budget for the Concession Street B.I.A. (attached as Appendix ‘A’ to Report PED09309) be approved in the amount of $78,750.00.

   b) 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 2010 Budget as referenced in sub-section (a) above.

   c) That the following schedule of payments for 2010 be approved:

      | Month   | Amount  |
      |---------|---------|
      | January | $19,687.50 |
      | April   | $19,687.50 |
      | July    | $19,687.50 |
      | October | $19,687.50 |

      And that assessment appeals may be deducted from the levy payments.  
      CARRIED

10. Drainage Issues pertaining to 7 Newell Court (Flamborough) (PED09306) (Ward 15) (Item 6.1) (Ferguson/Pasuta)
    a) That Report PED09306, Drainage Issues pertaining to 7 Newell Court (Flamborough) (Ward 15), be received for information.
    
    b) That the Item be removed from the Outstanding Business list  
    CARRIED

11. Committee of Adjustment Minor Variance Application FL/A-09:173 for the Property Known as 10 Houndtrail Drive, Flamborough John Gladiator, 10 Houndtrail Drive (Flamborough) Proposed Settlement of Outstanding Ontario Municipal Board Hearing PL090767 (Items 6.2 and 12.3) (Clark/Ferguson)
    a) That the City of Hamilton enter into the Minutes of Settlement with John Gladiator respecting his appeal, to the OMB, of the Committee of Adjustment decision dated July 30, 2009, and known as Board Case Number PL090767;
    
    b) That the Minutes of Settlement be generally in the form as provided to the ED&P Committee on November 17, 2009 and attached hereto as Appendix A, with such
revisions as the City Solicitor deems appropriate.

(c) That the City Solicitor is hereby authorized to execute the aforesaid Minutes of Settlement.

CARRIED

12. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 1212 Fennell Avenue East (Hamilton) (PED09297) (Ward 6) (Item 6.3)

(Clark/Bratina)
That approval be given to Condominium Conversion Application CDM-CONV-09-02, by 1333664 Ontario Inc., Owner, to establish a Draft Plan of Condominium for 23 existing apartment units, and one new apartment unit, located at 1212 Fennell Avenue East (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED09297, subject to the following conditions:

(a) That this approval apply to the plan prepared by A.T. McLaren Limited, and certified by S.D. McLaren, O.L.S., dated October 14, 2009, showing a total of 24 residential apartment units and 28 vehicular parking spaces, attached as Appendix “B” to Report PED09297.

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

(c) That the Owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

(d) That the Owner shall submit a report in accordance with Section 9 (4) of The 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 building and any Owner initiated measures required to correct any deficiencies prior to the release of the final plan for registration.

(e) That the Owner shall include the following warning clause in all Purchase and Sale Agreements and any Rental or Lease Agreements required for occupancy:

“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.”

(f) That the Owner shall include the following warning clauses in all Purchase and Sale Agreements and any rental or lease agreements required for occupancy:
(i) That the home/business mail delivery will be from a designated Centralized Mail Box.

(ii) That the developers/owners shall be responsible for officially notifying the purchasers of the exact Centralized Mail Box location, prior to the closing of any home sales.

(g) That the Owner provides the Manager of Design and Construction with evidence that satisfactory arrangements, financial and otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.

(h) That the Owner apply for and receive final approval of a Building Permit for the proposed twenty-fourth (24th) dwelling unit, to the satisfaction of the Manager of Building Engineering and Zoning.

CARRIED

13. Task Force on Cleanliness and Security in the Downtown Core Report 09-001 (Item 7.1)
(Mitchell/McHattie)
That the following items from the Task Force on Cleanliness and Security in the Downtown Core Report 09-001 be approved.

(a) Update from Public Works re: Garbage Pick-up, Sidewalk Cleaning in the Core (Item 6.4)

That the Hamilton Police Service be requested to focus a minimum of two weeks in Spring 2010, in coordination with the Clean City Liaison Committee’s anti-litter campaign, to conduct a zero tolerance blitz to enforce the anti-litter bylaw.

(b) Shell Site and John and Main Street Intersection

That a letter be sent to Shell head offices acquainting them with the Brownfield development program and requesting that they clean up the site at the intersection of John and Main Street.

CARRIED

14. First Dundas Leasing Proposed self storage facility at 201 King Street East, Dundas Ontario Municipal Board Appeal ((LS09014) (Ward 13) (Item 12.2)
(McHattie/Clark)
(a) That the retainer by the City Solicitor of Urban Strategies be confirmed and that the City Solicitor be authorized to retain such experts as necessary, to support
the City’s position before the Ontario Municipal Board in respect of the appeals of Hamilton City Council’s denials of First Dundas Leasing Limited’s proposed amendment to the Dundas Official Plan and Zoning By-law to permit a self storage facility at 201 King Street East (Dundas);

(b) That the amount required to retain experts to support the City’s position before the Ontario Municipal Board, in respect of the Ontario Municipal Board hearing regarding the appeals of Hamilton City Council’s denials of First Dundas Leasing Limited’s proposed amendment to the Dundas Official Plan and Zoning By-law to permit a self storage facility at 201 King Street East (Dundas), be funded first, through the 2009 Budget, second through year end Corporate Surpluses, and lastly through the Tax Stabilization Reserve.

CARRIED

15. City of Hamilton Purchase of Part of 5407 Twenty Road, Described as Parts 8, 9 and 10, Plan 62R-18129, in the Former Township of Glanford, now in the City of Hamilton, from Thomas and Charlene Tadeson (PED09313) (City Wide)(Item 12.4)

(Duvall/Ferguson)

(a) That an Option to Purchase, executed by Thomas and Charlene Tadeson, scheduled to close on or before January 28, 2010 to purchase the land described as Parts 8, 9 and 10, Plan 62R-18129, forming part of PIN 17387-0004(LT), known municipally as 5407 Twenty Road, former Township of Glanford, now in the City of Hamilton, shown on attached Appendix “A” to Report PED09313 be approved and completed;

(b) That as consideration, the amount of $2, paid to the owner pursuant to the agreement, be deducted from the purchase price.

(c) That the financial details of the acquisition outlined in Appendix “B” of Report PED09313 remain confidential until final disposition by Council and the completion of the transaction.

(d) That upon approval of the purchase, the Director of Energy, Fleet and Facilities be authorized and directed to take all necessary steps for the demolition of the residence, and that the cost for the demolition and any additional ancillary expenses be funded from the NGIBP Reserve Account 108042.

(e) That upon the closing date, the City will lease the residence at 5407 Twenty Road, as described in (a), back to the property owner at nominal ($2) consideration until the earlier of the Owner vacating the premises or July 1, 2010. The owner shall be responsible for paying all costs of utilities, property insurance premiums, minor maintenance and repairs.
(f) That completion of the Option to Purchase document is conditional upon the City of Hamilton being satisfied with the results of an Environmental Site Assessment to be completed on the property prior to the date of closing.

(g) That the Mayor and Clerk be authorized and directed to sign all relevant documents relating to this transaction, in a form satisfactory to the City Solicitor.

(h) That Report PED09313 remain confidential and not be released as a public document.

CARRIED

16. Sale of City Lands Known as “0” Bittern Street, Described as Block J, Plan 62M-1121, in the Former Town of Ancaster, Now in the City of Hamilton to Robert Putman, In Trust (PED09329) (Item 12.5)

(Ferguson/Duvall)

(a) That an Offer to Purchase City lands known as “0” Bittern Street, Ancaster, in the former Town of Ancaster, now in the City of Hamilton, submitted by Robert Putman, In Trust be approved.

(b) That the City Solicitor be authorized and directed to accept the executed Offer to Purchase Agreement submitted by Robert Putman, in Trust, for the sale of vacant City owned lands described as Block J, Plan 62M-1121, comprising 0.708 hectares (1.75 acres) more or less, as shown on Appendix “A” to Report PED09329, municipally known as 0 Bittern Street, Ancaster, now in the City of Hamilton.

(c) That the Mayor and Clerk be authorized and directed to sign all relevant documents relating to this transaction in a form satisfactory to the City Solicitor.

(d) That the financial details / purchase price of the land, outlined in Appendix “B” attached to Report PED09239, remain confidential until such time as the transaction has been completed by Council, and that the balance of Report PED09329 not be released as a public document.

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes to the agenda:

- 3 added delegation requests. These have been distributed today, and will be considered as Items 4.1, 4.2 and 4.3
On a Motion, the agenda for the November 17, 2009 meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

That the Minutes of the Economic Development and Planning Committee meeting of November 3, 2009 be approved, as presented

(d) Keith Beck, to speak on December 1, 2009, when a staff report is considered respecting his suggestion to create a subsidiary corporation to hold and transact, in its name, City owned employment lands (Added Item 4.1)

On a Motion Committee agreed to hear Mr Beck, on December 1, 09

(e) Michael Collis, representing the Bank of Montreal, to speak to us today, respecting Item 5.1 Demolition Permit – 15 First Street South (Added Item 4.2)

On a Motion Committee agreed to hear Mr Collis today, when staff had given a brief overview of the subject report.

(f) Julia Kollek, representing POD, to speak to today respecting Closed Session Item 12.2 Ontario Municipal Board Appeal (LS09014) (Ward 13) (Added Item 4.3)

Committee heard advice from Mike Kovacevic respecting the appropriateness of considering Item 12.2 in Closed Session.

On a Motion, Committee agreed to hear from Ms. Kollek, prior to the Closed Session meeting.

(g) Demolition Permit – 15 First Street South (Stoney Creek) (PED09302) (Ward 9) (Item 5.1)

John Spolnik gave an overview of the staff position.
Michael Collis, Rubenstein, Siegel, addressed Committee. He explained that his client, the Bank of Montreal, had re-possessed the property, and were objecting to the imposition of the conditions respecting the construction of a house within two years.

Committee discussed the matter and suggested that the Bank add a requirement respecting the City conditions, in any offer to purchase and sale.

Committee received the presentation from Mr. Collis.

Committee approved the staff recommendation.

Tim McCabe added that Council can extend the two-year period, on application.

(h) Drainage Issues pertaining to 7 Newell Court (Flamborough) (PED09306) (Ward 15) (Item 6.1)

John Spolnik and Nick Anastasopoulos gave an overview of the staff report. Staff noted their attendance at the site and their conclusion that there was no violation of the by-law.

Mr. Spolnik advised that staff had no knowledge of drainage concerns prior to the receipt of the current complaints, that other neighbours do not have concerns, and that there is no action available to staff, under the applicable time limitations.

Michael Roche, Newell Court, addressed Committee and provided a powerpoint presentation respecting the conditions in his and adjacent backyards.

He expressed a number of concerns, including, but not limited to the following:

- the neighbour at 7 Newell Court has raised his grade, this has caused flooding
- concerned that City is condoning what has happened
- is quantifying his damages, will pursue the matter through Small Claims Court, will pursue the City for non-feasance
- ongoing concerns about the issue, can he raise his own grade to deal with the issue?

Councillor Ferguson noted that the neighbour at 7 Newell Court has put in three pipes, and an electricity line to keep them from freezing to address problem.

Committee received the presentation.
Staff provided further information respecting grading and drainage issues, and how these are dealt with, and confirmed that a report on the overall matter would be presented in the new year.

Committee continued their discussion and expressed concerns about this and other similar situations across the City, and that the problems are not being addressed.

Staff noted that the by-law allows a raising of the grade by 4 inches every three months, without any contravention.

Councillor Mitchell, seconded by Councillor Whitehead, moved a Motion to direct staff to review the City’s Fill By-law, and report back.

Mr. McCabe advised this issue would be addressed in the staff report.

The mover and seconder agreed to withdraw the Motion.

Committee approved the staff recommendation and removed the item from the Outstanding Business List.

(i) **Committee of Adjustment Minor Variance Application FL/A-09:173 for the Property Known as 10 Houndtrail Drive, Flamborough - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED09267) (Ward 15) (Item 6.2) Referred back to Committee by Council on October 28, 2009 (No copy)**

Mike Kovacevic confirmed that the neighbours on Houndtrail had seen the proposed Minutes of Settlement and that he had met with them on the matter.

Tina Agnello, 8 Houndtrail Drive, addressed Committee with regard to the matter and read from a letter. A copy of the letter was given to the Clerk for the public record. Her points included but were not limited to the following:

- height of wall should be reduced by two blocks
- wall to be sided in stone or stucco
- capping to a maximum of 4 inches
- no further changes to the wall
- coniferous planting should be provided, to provide year round screening
- will agree to Minutes of Settlement if these changes are made
- the signatures of the neighbours are required on the Minutes of Settlement
- said there had not been any due process here
Sandy Simonits, 8 Houndtrail Drive, addressed Committee. His points included but were not limited to the following:

- concern that City staff and applicant seem to act as one party
- concern that applicant not present
- confirmed that the neighbours were a Party to the Hearing, that the Minutes of Settlement had to be signed off by neighbours.

Mr. Simonits then read a letter, from Marie Benassi, respecting her concerns regarding the matter, and agreement with changes to the Minutes of Settlement, in the Agnello/Simonits letter. The letter was submitted for the public record. Mr Simonits also submitted a letter from Danielle and Joe Heins, expressing concerns respecting the matter.

Committee received the delegations and the letters.

Chair Pearson confirmed that the Committee’s decision would not be made until after the Closed Session part of the meeting.

(j) Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 1212 Fennell Avenue East (Hamilton) (PED09297) (Ward 6) (Item 6.3)

Chair Pearson 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.

On a Motion, Committee dispensed with the planner's presentation.

Chair Pearson advised that Councillor Jackson, Ward Councillor, was in favour of the application.

Melanie Pham was present to assist Committee.

The applicant’s agent, George Zajac, IBI Group, advised that he was in support of the staff recommendation.

No members of the public came forward to address Committee.

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

Councillor McHattie expressed concerns over the loss of affordable rental housing, and that he would follow up with housing staff.

Committee approved the staff recommendation.
(k) Applications for Approval of a Draft Plan of Subdivision "Greenhill Glen", Zoning By-law Amendment, and Draft Plan of Condominium for Lands Located at 12 Ambrose Avenue, Hamilton (PED09310) (Ward 5) (Item 6.4)

Chair Pearson advised the meeting of the following, in accordance with the provisions of the Planning Act, Members of Committee, this is a Public Hearing, under the Planning Act, to consider this application to convert the subject building to condominium.

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 approves the draft plan conditions and the draft plan of condominium, and passes the zoning by-law, 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 approval authority approves the draft plan conditions and the draft plan of condominium, and passes the zoning by-law, 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.

Committee received the following letters from the public:

T.C. Joseph, 24 Hildegard Drive
Rejeanne Sardo
Tony Peters
Bob Guest
Dennis and Lisa Grove, 543 Greenhill
Maria del Falco, 45 Blanche Court
Mohammed Vandal
Julia Parry
Terry Jones, 656 Greenhill
Charles and Stephanie Cran, 11 Venus Court
Brian Nestor, 20 Tracey Place
Anton Podrebarac, 43 Veevers Drive
Josie Kemp, 44 Hildegard Drive
Susan Filice and Brian Costello, 32 Veevers Drive
Avis and Ron Speranzini, 72 Hildegard
Committee received a petition against the application, organized by Councillor Collins and signed by 177 people.

Danielle Fama provided an overview of the application, with the aid of a powerpoint presentation. Her points included, but were not limited to the following:

- as a result of public comments, plan revised, height of some buildings reduced to become bungalow townhouses, number of units reduced
- ravine at rear of property will be protected, 7.5 metre setback from top of bank of the ravine for all buildings, no building in the ravine
- application complies with relevant provincial policies, Regional and Local Official Plans, and is considered compatible development.

Paul Moore, Armstrong Hunter, addressed Committee on behalf of the applicant, and spoke in support of the recommendation. Using a powerpoint presentation, he showed details of the site and highlighted various elements of the development, including, but not limited to the following:

- no development within the valley lands
- grade change across the site, two storey dwellings at the front, three storey maisonettes in the centre, bungalow townhouses at rear of site
- neighbourhood already a mix of uses, housing types, including apartments, townhouses, semis and singles.

Committee asked various questions, and requested further information about the potential of flooding on the site.

Councillor Collins noted there had been flooding this year, across site towards Veevers, flooded homes on Veevers, and this should be addressed before any new development took place.

Mr. Moore advised that a storm water management report was required as a condition of approval.

Ms. Fama confirmed that HCA has reviewed the issue and is almost ready to OK it.

Mr. Moore confirmed that a previous plan for the property had included single detached homes, but that some of these were in the valley lands. This plan had not proceeded and his client had purchased the property and proposed a new plan.

Dawne Bouhuis, 44 Veevers, addressed Committee. Her points included, but were not limited to the following:

- concern about lack of time to deal with report
- floods were not minor, this is insulting that Losani says it is minor
- her house has $25,000 damage from the floods, has applied to City for assistance
- when school on site, no floods ever experienced but after school demolished, floods happened
- 3-4 streams rolled off property when the storm came, two major ponds created on site
- concerns about proposed retaining wall on site, site will be steep and so there will be flooding
- bungalows have balconies at rear, not decks, due to grade, they will be higher than surrounding houses, will overlook existing homes
- no objection to development of site but want singles, on good sized lots and not too close together
- developer should respect our area
- concern about existing and future traffic in area, speaker is an experienced drive-test instructor and has knowledge of these issues
- concern about parking for development, thinks parking proposed on site is inadequate, so will spill onto surrounding roads
- should not have an entrance to Veevers, too steep
- residents are against this development, petition signed shows this, very upsetting for the neighbourhood.

Sheri Carnegie, 11 Ambrose, addressed Committee. Her points included, but were not limited to the following:

- agrees with previous speaker
- against the development – too many units, we will have flooding.

Robert Hampson, 35 Veevers, addressed Committee. His points included, but were not limited to the following:

- against the development, too many units on small site
- noise will increase in a quiet area
- traffic already bad, will get worse.

Dawne Bouhuis, addressed the meeting for a second time, with the agreement of Committee. She added the following:

- our properties will be reduced in value because of this development, challenged Losani to buy her property, and others, at fair market value.

Chad Collins, Ward Councillor, addressed Committee. His points included but were not limited to the following:

- concerns about this development not due to proposed townhouses, has supported townhouses elsewhere in his Ward, where they were appropriate for an area
- as the 3 speakers have said, this development does not blend into neighbourhood, 54 units is too many for the site
- area not just an extension of Quigley, quite separate, and consists of singles and semis, this proposal does not fit in, suggested it should be revised to singles and semis
- not opposed to redevelopment of school site, he supported previous plan for singles, except for one house in valley
- requested Committee support residents, around 200 signed petition against this, serious concerns about flooding this past summer, and future flooding
- requested applicant to show compassion for neighbourhood, revise plan to be singles and semis
- aware of the OMB issues, but considers a revised compromise plan would work

Chair Pearson asked if there were any further speakers. No one came forward, and the Chair declared that the Public Meeting was now concluded.

Committee discussed the matter, with the main item being the flooding of the area and how the plan would address these issues.

Tony Sergi explained that the storm water management system related to the former school had been compromised on demolition, which allowed sheet flow across the site. He noted that 95% of all site plans are forced to accommodate their storm water on site. In this case, a storm water system is required for the site, as a Condition in Appendix F, and it will probably be a special mechanical system.

Committee also raised points respecting:

- compatibility of site with existing area
- infill and intensification and how and where this should take place
- adequacy of 7.5 metre setback from top of bank, on Lower Davis Creek, especially as HCA wants a flood warning clause on title
- setbacks from creeks and lakes used to be larger, have been reduced over time, but no one will give a guarantee of “no flooding”
- concern about how future residents may alter approved drainage on their lots, potentially have an averse impact, potentially cause flooding
- concerns need to be addressed before a decision rendered

On a Motion (McHattie/Whitehead), Committee deferred the matter to the meeting of February 2, 2010, and requested that parties meet and consider the issues raised today, including the flooding and the re-design of the development.
(I) Julia Kollek, POD, respecting 210 King Street

Ms. Kollek addressed Committee and read from a prepared statement. A copy of the letter was given to the Clerk for the public record. She highlighted a number of points, including but not limited to the following:

- Dundas community is against the development, petition signed by 1500 people against it
- Offered to assist City with case, assist with defraying the costs, explained that POD has reduced number of people who wish to speak at OMB to 15
- Primary concern still land use
- Site and scale of development is inappropriate
- Requested deferral of decision of the matter, until POD lawyer, POD and City have met to discuss issues.

Committee briefly discussed the issue. Mr. Kovacevic advised that the City had to take a position, as the OMB Hearing date is set for January and witness statements are due in December.

On a Motion, Committee received the presentation.

(m) Task Force on Cleanliness and Security in the Downtown Core Report 09-001 (Item 7.1)

Councillor Bratina provided a powerpoint presentation, showing a pedestrian journey and buildings seen, between the hotels on King Street and the intersection of King and James. A copy of the presentation was provided to Committee members and to the Clerk for the public record. Councillor Bratina emphasized that the presentation was all about economic development.

Councillor Bratina highlighted how some of the buildings had been well restored, how some were in urgent need of restoration, and how the overall appearance of the street was not attractive or inviting to walkers. He explained that while Council, through budget enhancements, had given money to improve the cleanliness of downtown, the action being taken is somewhat sporadic and the effort needs to be improved.

Councillor Bratina explained the need to return the economic viability of the Downtown, and how he would be proposing that the Cleanliness and Security in the Downtown Core Task Force be renamed and re-purposed, as the Hamilton Downtown Committee.

Committee discussed the presentation and raised points including the following:
Councillor Bratina agreed that there is a need to re-dedicate our actions here, to improve the Downtown of Hamilton, and that he would be back to speak to Committee further, in the near future.

The Chair thanked Councillor Bratina.

On a Motion, Committee received the presentation and approved the two recommendations in Committee Report 09-001.

(n) MOTIONS (Item 9)

(i) Conversion without building permits of single detached houses to student houses (Item 9.1)

(iii) City-Wide Rental Housing CLC (Item 9.2)

(o) NOTICES OF MOTION (Item 10)

(i) Regulation of Methadone Clinics (Item 10.1)

In view of the need to conclude the meeting, and to start the Special Meeting on Animal Control, Councillor McHattie proposed that his two Motions, and one Notice of Motion be held over until the December 1, 2009 meeting.

Committee agreed with the suggestion and Chair Pearson thanked Councillor McHattie.

(p) GENERAL INFORMATION (Item 11)

(i) Proliferation of liquor licences in Westdale area (Item 11.1)

Outstanding Business List, due date November 17, 2009

Proposed new date; April 6, 2010

Councillor McHattie noted that his request for a staff report on this issue was no longer necessary.
On a Motion (McHattie/Pasuta), the item was removed from the Outstanding Business List.

(ii) Consultation process for wireless telecommunication facilities (Item 11.2)
Outstanding Business List, due date November 17, 2009
Proposed new date: February 16, 2010

On a Motion (Clark/Pasuta), the new date was confirmed.

(ii) Land uses for feeder areas of Eramosa Karst (Item 11.3)
Outstanding Business List, due date November 17, 2009
Proposed new date: February 2, 2010

On a Motion (Clark/Pasuta), the new date was confirmed.

(iv) News from the General Manager (Item 11.4)

Mr. McCabe advised that he did not need to address any items today.

Councillor Clark requested an opportunity to re-visit the proposal to adapt the Royal Connaught Hotel to residential use, in view of the approval of the Pan-Am Games, and the need for additional hotel rooms.

On a Motion (McHattie/Bratina), Committee recessed the meeting and agreed that all the closed Session Meeting items would be held over for consideration after the conclusion of the Special Animal Control Meeting.

On a Motion (Mitchell/Ferguson), Committee resumed at 3:45 pm.

(q) Minutes of the Closed Session meeting of November 3, 2009 (Item 12.1)

On a Motion, Committee approved the Minutes, as presented.

(r) PRIVATE AND CONFIDENTIAL

On a Motion, Committee moved into Closed Session at 3:48 pm to consider four items which are subject to Section 8.1, subsection (e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or proposed litigation, including matters before administrative
tribunals, affecting the municipalities or local board to communications and advice to which solicitor-client privilege attaches, respecting the following;

12.2 Ontario Municipal Board Appeal (LS09014) (Ward 13)

12.3 Committee of Adjustment Minor Variance Application FL/A-09:173 respecting 10 Houndtrail Drive, Flamborough

12.4 City of Hamilton Purchase of Part of 5407 Twenty Road, Described as Parts 8, 9 and 10, Plan 62R-18129, in the Former Township of Glanford, now in the City of Hamilton, from Thomas and Charlene Tadeson (PED09313) (City Wide)

12.5 Sale of City Lands Known as “0” Bittern Street, Described as Block J, Plan 62M-1121, in the Former Town of Ancaster, Now in the City of Hamilton to Robert Putman, In Trust (PED09329)

On a Motion, Committee reconvened in Open Session at 4:45 pm.

(s) Ontario Municipal Board Appeal (LS09014) (Ward 13)

Committee approved a Motion respecting the matter (see Item 14 above).

Councillors Ferguson, Mitchell and Pearson requested their opposition be recorded.

(t) Committee of Adjustment Minor Variance Application FL/A-09:173 respecting 10 Houndtrail Drive, Flamborough (Item 12.3)

Committee approved the Minutes of Settlement respecting this item (see Item 11 above).

Councillor Pasuta requested his opposition be recorded.

(u) City of Hamilton Purchase of Part of 5407 Twenty Road, Described as Parts 8, 9 and 10, Plan 62R-18129, in the Former Township of Glanford, now in the City of Hamilton, from Thomas and Charlene Tadeson (PED09313) (City Wide) (Item 12.4)

Committee approved the staff recommendation respecting this item (see Item 15 above).
(v) Sale of City Lands Known as “0” Bittern Street, Described as Block J, Plan 62M-1121, in the Former Town of Ancaster, Now in the City of Hamilton to Robert Putman, In Trust (PED09329) (Item 12.5)

Committee approved the staff recommendation respecting this item (see Item 16 above).

(w) ADJOURNMENT (Item 13)
(Clark/Ferguson)
The meeting adjourned at 4:55 pm.

Respectfully submitted

Maria Pearson, Chair
Economic Development & Planning Committee

Alexandra Rawlings
Co-ordinator
November 17, 2009
In the Matter of an appeal by John Gladiator (the “Appellant”) pursuant to subsection 45(12) of the Planning Act, R.S.O. 1990, c.P.13, as amended, regarding certain minor variances for the premises at 10 Houndtrail Drive in the City of Hamilton (formerly the Town of Flamborough) (the “Premises”) regarding the provisions of Zoning By-law 90-145-Z (Flamborough)

MINUTES OF SETTLEMENT

The undersigned, by their solicitors, agree to a resolution of this appeal on the following terms:

1. We agree to make submissions to the Ontario Municipal Board on December 15, 2009, in support of these Minutes of Settlement to be filed as an Exhibit and attached to the Board Order and in support of the requested variance for the total lot coverage of 7.7% for accessory buildings and structures instead of the maximum 5% required by Zoning By-law 90-145-Z.

2. We consent to an Order of the Ontario Municipal Board:
   (i) Allowing the appeal of John Gladiator subject to the terms and conditions set out in these Minutes of Settlement; and
   (ii) Withholding the Board’s final Order until the works listed in paragraph 5 of these Minutes of Settlement have been satisfied.
3. The Appellant will ask the Board to approve only a variance for total lot coverage of 7.7% for accessory buildings and structures instead of the maximum 5% permitted by Zoning By-law 90-145-Z.

4. The Appellant will cause professional land-use opinion evidence to be presented to the Board in support of the requested minor variance.

5. John Gladiator shall, either before the commencement of the hearing or afterwards, undertake and complete the following works:

   (i) Reduce the length of the existing stone wall so that the minimum 7.5 metre setback from the rear lot line for the Premises is maintained;

   (ii) Remove a portion of the deck where it abuts the westerly lot line for the Premises to maintain the 1.2 metre side yard setback;

   (iii) Remove a portion of the bar and shift the supporting column to maintain the 1.0 metre side yard setback on the westerly property line for the premises;

   (iv) Reduce the height of the stone wall by one course of blocks and to step the wall lower by one additional course of blocks for the last 1.5 metres of its length; and

   (v) Plant mature vegetation between the easterly face of the stone wall and the easterly property line.

6. Upon completion of all of the works listed above, an updated plan of survey shall be prepared to confirm these measurements and we shall thereafter notify the Board accordingly and the Order of the Board may then be issued.
Economic Development & Planning Committee

Dated this day of November, 2009

City of Hamilton

__________________
By its solicitor
Peter Barkwell

John Gladiator

__________________
By his solicitor
Peter R. Tice