Economic Development and Planning Committee
MINUTES 07-005
March 20, 2007
9:30 a.m.
Council Chambers
Hamilton City Hall

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

Also Present: Councillors T. Jackson, S. Merulla and M. McCarthy

Absent:       Councillor B. Clark – personal business

Staff Present: L. Coveyduck, General Manager - Planning and
               Development
               T. McCabe, P. Mallard, E. John, T. Sergi, D. Fama,
               B. Farkas, S. Murray, P. Mason, B. Montgomery,
               T. Horzelenberg, S. Murray, B. Khes,
               D. Cuming – Planning and Development
               R. Marini, H. Milsome, A. Waterfield – Downtown Renewal
               L. Pasternak, Legal Services
               G. Davis, J. Stephen, Public Works
               A. Rawlings, I. Bediou – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Volunteer/Sub- Committee Minutes – For Information (Item 5.1)
   (a) Hamilton LACAC (Municipal Heritage Committee) Minutes of January
       25, 2007

      (Pearson/Pasuta)
      That the Minutes of the Hamilton LACAC (Municipal Heritage Committee)
      Meeting of January 25, 2007 be received for information.

      CARRIED
(b) Hamilton LACAC (Municipal Heritage Committee) Meeting Notes of February 13, 2007 (Pearson/Pasuta)
That the Meeting Notes of the Hamilton LACAC (Municipal Heritage Committee) Meeting of February 13, 2007 be received for information.
CARRIED

2. Concession Street Business Improvement Area’s (B.I.A.) Proposed Budget and Schedule of Payment for 2007 (PED07091) (Wards 6 & 7) (Item 4.2) (Pearson/Pasuta)
(a) That the 2007 Operating Budget for the Concession Street B.I.A. (attached as Appendix ‘A’ to Report PED07091) be approved in the amount of $64,950.

(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 2007 Budget as referenced in sub-section (a) above.

(c) That the following schedule of payments for 2007 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$16,237.50</td>
</tr>
<tr>
<td>April</td>
<td>$16,237.50</td>
</tr>
<tr>
<td>July</td>
<td>$16,237.50</td>
</tr>
<tr>
<td>October</td>
<td>$16,237.50</td>
</tr>
</tbody>
</table>

CARRIED

3. Concession Street Business Improvement Area (B.I.A.) Appointment of the 2007-2010 Board of Management (PED07104) (Wards 6 & 7) (Item 5.3) (Pearson/Pasuta)
That the following individuals be appointed to the Concession Street B.I.A.’s Board of Management for a four (4) year term:

(a) Councillor S. Duvall, Ward 7
(b) Councillor T. Jackson, Ward 6
(c) Paul Wharton, Wharton’s Copy Print, 576A Concession Street
(d) John Woolcott, Mario’s Hair Salon, 530 Concession Street
(e) Ernesto Viquiera, Concession Tax Service, 540 Concession Street
(f) Betty Toplack, Mountain Bookstore, 560 Concession Street
(g) Roger Burrough, Camtech Photographic Services, 588 Concession Street
(h) Danny McLardy, Opie’s Quality Meats, 612 Concession Street
(i) Debbie Johnson, Why Pay More, 576B Concession Street
(j) Lynn Page, Lou’s Music Store, 544 Concession Street
(k) Cynthia Pitts, Select Consignments, 618 Concession Street
(l) Susan Stuart, Tiger Eye Studio, 584 Concession Street

CARRIED
4. **Stoney Creek Business Improvement Area’s (B.I.A.) Proposed Budget and Schedule of Payment for 2007 (PED07090) (Ward 9) (Item 5.4)**

   (Pearson/Pasuta)

   (a) That the 2007 Operating Budget for the Stoney Creek B.I.A. (attached as Appendix ‘A’ to Report PED07090) be approved in the amount of $29,000.

   (b) That the levy portion of the Operating Budget for the Stoney Creek B.I.A. in the amount of $15,616.63 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 2007 Budget as referenced in sub-section (a) above.

   (d) That the following schedule of payments for 2007 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>$3,904.16</td>
</tr>
<tr>
<td>April</td>
<td>$3,904.16</td>
</tr>
<tr>
<td>July</td>
<td>$3,904.16</td>
</tr>
<tr>
<td>October</td>
<td>$3,904.15</td>
</tr>
</tbody>
</table>

   CARRIED

5. **Stoney Creek Business Improvement Area (B.I.A.) Appointment of the 2007-2010 Board of Management (PED07089) (Ward 9) (Item 5.5)**

   (Pearson/Pasuta)

   That the following individuals be appointed to the Stoney Creek B.I.A.’s Board of Management for a four (4) year term:

   (a) Councillor B. Clark, Ward 9
   (b) Ed Strecker, Britannia Cleaners, 17 King Street East
   (c) Bob Naylor, Garment Detailers, 53 King Street East
   (d) Mike McGlashon, McGlashon Martial Arts, 15 King Street East
   (e) Nadia Gigliotti, 885 Highway #8
   (f) Richard Clough, Clough Energy, 11 Mountain Avenue
   (g) Mary Terziev-Clifford, Village Restaurant, 35 King Street East
   (h) Paul Whatmore, Mortgage Concepts, 80 King Street East
   (i) George Campanaro, The Old Powerhouse Restaurant, 21 Jones Street

   CARRIED
6. **Parking for Services in Kind (PED07098) (City Wide) (Item 5.6)**  
(Pearson/Pasuta)  
That Report PED07098 respecting Parking for Services in Kind be received for Information.  

CARRIED

7. **Update on the Action Taken to Date on the 2005 Internal Audit on Financial Assistance Programs Administered by the Downtown Renewal Division – Hamilton Downtown Residential Loan Program (HDRLP) (PED07105) (Ward 2) (Item 5.7)**  
(Pearson/Pasuta)  
That Report PED07105 respecting Update on Action Taken to Date on 2005 Internal audit on Hamilton Downtown Residential Loan Program be received for Information.  

CARRIED

8. **Hamilton Downtown Residential Loan Program (HDRLP) - 80 King William Street Loan Repayment – RL03/05 (PED07108) (Ward 2) (Item 5.8)**  
(Pearson/Pasuta)  
That Report PED07108 respecting Hamilton Downtown Residential Loan Program – 80 King William Street Loan Repayment be received for Information.  

CARRIED

9. **Commercial Property Improvement Grant Program (C.P.I.G.) Applications (PED07103) (Wards 1, 2, 3, 4, 9,15) (Item 5.9)**  
(Pearson/Pasuta)  
(a) That the applications recommended for approval and identified within Appendix ‘A’ to Report PED07103 be approved for funding according to the terms and conditions of the Commercial Property Improvement Grant Program (C.P.I.G.).  

(b) That the application submitted for 324 Dundas Street East in Waterdown be denied as the property is historically designated therefore not eligible under the terms of the program.  

(c) That applicants of properties with outstanding taxes be notified that a condition of the grant is that their property taxes must be paid in full prior to any grant monies being advanced for completed work, and that no grant funds will be paid out until the condition is met and, if the property taxes are not paid in full within one (1) year of the date of the Letter of Understanding entered into between the City of Hamilton and the applicant, that the grant will be considered void.
(d) That unallocated grant monies resulting from taxes not being paid or applicants not proceeding with renovation of their properties, be utilized for future loan and grant programs administered by the Downtown Renewal Division for Hamilton’s Business Improvement Areas.

(e) That the grant portion in the total amount of $163,690 be funded by Capital Project 8200603610.

(f) That the Director of Downtown Renewal, Planning and Economic Development Department, be authorized and directed to approve increases/decreases to the individual grant amounts approved as long as the overall grant portion referenced in sub-section (e) above is not exceeded and said grant is in accordance with the program rules.

(g) That the Director of Downtown Renewal, Planning and Economic Development Department, be authorized to approve a maximum extension period of one (1) year to applicants for the completion of works, over and above the one (1) year period applicants are given that commences the date Council approves their grant.

(h) That staff be authorized and directed to prepare and execute Letters of Understanding with Council-approved applicants, with such Letter of Understanding being in a form satisfactory to the City Solicitor.

CARRIED

10. Update on the Hamilton Realty Capital Corporation (PED07109) (Ward 2) (Item 5.10) (Pearson/Pasuta)
That Report PED07109 respecting Update on the Hamilton Realty Capital Corporation be received for Information.

CARRIED

11. Sale of City Lands Known as “00” Stone Church Road East, Hamilton Part Lot 7, Concession 8 in the Former Township of Barton, now in the City of Hamilton and Designated as Part 2 on Plan 62R-12308 to 1125920 Ontario Ltd. (Paul Silvestri) (PED07087) (Ward 7) (Item 5.11) (Pearson/Pasuta)
(a) That an Offer to Purchase, executed by Paul Silvestri on February 1, 2007, and scheduled to close on or before May 10, 2007 for the purchase of the vacant, City owned lands known as “00” Stone Church Road East, Hamilton, (as shown on Appendix “A” to Report PED07087), Part Lot 7, Concession 8, in the former Township of Barton, now in the City of Hamilton and Designated as Part 2 on Plan 62R-12308 (as shown on Appendix “B” to Report PED07087) comprising an area of .730 hectares
(1.80 acres), for a sale price $620,000.00, plus applicable GST, be approved and completed;

(b) That the sale price of $620,000 does not include the Goods and Service Tax (GST); should the GST be applicable and collected by the City, the GST amount is to be credited to Account Number 22835-009000 (GST Payable);

(c) That the sum of $32,000 be funded from the sale amount and credited to Account No. HAMTN 47702-3560150200 (Capital - Property Purchases and Sales), being the cost to prepare the property for sale;

(d) That the sidewalk local improvement charge of $7,216.90 as of May 10, 2007 be paid from the proceeds of the sale;

(e) That the sum of $580,780.10 be deposited to Account No. 47702-104090 (Parkland Dedication Reserve), as per Council approved Report PD 04-014;

(f) That the required deposit cheque, in the amount of $62,500.00, be held by the General Manager of Finance and Corporate Services pending approval of this transaction.

(g) That as a condition of the Offer, the Purchaser is permitted access to the subject property and the Purchaser is allowed 15 days following the acceptance of this Offer to undertake an environmental audit and other reviews of the suitability of the subject property. Should the environmental condition or other results of the investigations not be satisfactory to the Purchaser, the Offer shall become null and void.

(h) That the Offer to Purchase agreement contains the following key provisions:

(i) That the Purchaser shall submit an application for draft plan of subdivision approval for residential purposes over the subject lands within three months of the closing of this transaction;

(ii) That the Purchaser shall, at the Purchaser’s sole cost and expense, register a plan of subdivision for residential purposes for the subject lands within one (1) year of obtaining draft plan approval;
(iii) That it is understood and agreed by the Purchaser that the lifting of the 0.30 metre (0.984 feet) reserve, shown as Block 85 on Plan 62M-603 attached hereto as Schedule “B”, shall be incorporated into the road allowance as part of the subdivision approval process.

(i) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:

(i) That on November 24, 2004, City Council approved Item 2.0 Planning and Economic Development Committee Report 04-021 declaring the subject lands surplus to the requirements of the City of Hamilton.

(ii) That in accordance with the approved method of providing notice in the City of Hamilton By-law No. 04-299 “Procedural By-Law for the Sale of Land”, notice has been given to the Public with a City of Hamilton “For Sale” sign on the subject lands for at least the minimum seven-day period with two such signs being on the property from December 1, 2006 to February 1, 2007 and by the posting of a sale notice of the subject lands on the City of Hamilton Real Estate website for the same period.

(iii) That a Real Estate Appraisal was completed on the subject lands on August 9, 2005, and an update on November 17, 2006, complying with the requirement for an Appraisal under Section 3 (b) of the City of Hamilton By-law No. 04-299 “Procedural By-law for the Sale of Land”.

CARRIED

12. Committee of Adjustment (Urban) Consent/Land Severance Application SC/B-06:181 and Minor Variance Application SC/A-06:320, for Property Located at 17 Leckie Avenue, Stoney Creek - Supported by the Planning and Economic Development Department (PED07084) (Ward 9) (Item 5.12) (Pearson/Pasuta)
That Report PED07084, respecting Committee of Adjustment (Urban) Consent/Land Severance Application SC/B-06:181 and Minor Variance Application SC/A-06:320, 17 Leckie Avenue, Stoney Creek, as shown on Appendix “A” to Report PED07084, denied by the Committee but supported by the Planning and Economic Development Department, be received for information.

CARRIED
13. 2007 Green Venture Base Funding & Authority to Enter into Agreements (PED07081) (City Wide) (Item 5.13) (Pearson/Pasuta)
(a) That the City renew its agreement to provide base funding for Hamilton-Wentworth Green Venture Incorporated (Green Venture) in the amount of $40,000 per year, for the 2007 Budget year, as per the letter of request attached as Appendix A to Report PED07081.
(b) That Planning and Economic Development Department staff be authorized and directed to enter into agreements with Hamilton-Wentworth Green Venture Incorporated (Green Venture), to deliver projects as outlined in individual project agreements, with each project agreement not to exceed $15,000, and with the total value of the agreements not to exceed the funding approved in the annual budget process.

CARRIED

14. Appointment of Weed Inspectors for the City of Hamilton (PED07097) (City Wide) (Item 5.14) (Pearson/Pasuta)
That the by-law attached as Appendix “A” to Report PED07097, being a by-law to appoint Weed Inspectors, be enacted.

CARRIED

15. Demolition Permit – 60 Cannon Street West (PED07082) (Ward 2) (Item 5.15) (Pearson/Pasuta)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 60 Cannon Street West in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

16. Demolition Permit – 290 Houghton Avenue South (PED07083) (Ward 4) (Item 5.16) (Pearson/Pasuta)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 290 Houghton Avenue South in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED
17. Demolition Permit – 5 Colquhoun Crescent (PED07102) (Ward 8) (Item 5.17) (Pearson/Pasuta)
That the Director of Building and Licensing be authorized and directed to issue a demolition permit for 5 Colquhoun Crescent in accordance with By-Law 74-290 pursuant to Section 33 of The Planning Act as amended.

CARRIED

18. Application for a Further Modification to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1394 Upper Gage Avenue (PED07100) (Ward 7) (Item 6.2) (Duvall/Whitehead)
That approval be given to Amended Zoning Application ZAR-06-100, 1215477 Ontario Inc. c/o, Hussein Ghaddar, owner, for a further modification to the “H/S-751c” (Community Shopping and Commercial, etc.) District, Modified, to permit restaurants, including take-out and delivery food service with a maximum capacity of 30 seats per restaurant, as an additional permitted use, for the property located at 1394 Upper Gage Avenue (Hamilton), as shown on Appendix “A” to Report PED07100, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07100, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council.

(b) That the proposed change in zoning conforms to the Hamilton-Wentworth Official Plan and the City of Hamilton Official Plan.

CARRIED

19. Application for a Modification in Zoning for the Lands Located at 125 Lancing Drive, (Hamilton) (PED07095) (Ward 6) (Item 6.3) (Pearson/Duvall)
That approval be given to Zoning Application ZAR-06-93, By The Amalgamated Transit Union Local 107, owner, for a modification to the Prestige Industrial “M-14” District in order to permit a Place of Assembly (Labour Organization), for lands located at 125 Lancing Drive, as shown on Appendix “A” to Report PED07095, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07095, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

CARRIED
20. Application for a Change in Zoning for Lands Located at 828 Fennell Avenue East (Hamilton) (PED07096) (Ward 6) (Item 6.4) (Duvall/Pasuta)

That approval be given to Zoning Application ZAC-06-88, 813752 Ontario Inc., c/o Charles Shabsove, owner, for changes in zoning from the “H” (Community Shopping and Commercial, etc.) District to the “H/S-1576” (Community Shopping and Commercial, etc.) District, Modified, (Block 2), and from the “C” (Urban Protected Residential, etc.) District to the “H/S-1576” (Community Shopping and Commercial, etc.) District, Modified (Block 1) to provide uniform Commercial zoning on the entire property located at 828 Fennell Avenue East (Hamilton), as shown on Appendix “A” to Report PED07096, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07096, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

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

CARRIED

21. Application for a Further Modification in Zoning for Lands Located at 3079 Highway No. 56 (Glanbrook) (PED07094) (Ward 11) (Item 6.5) (Pearson/Ferguson)

That approval be given to Zoning Application ZAR-06-61, by Dana Castelli, Applicant, for a further modification to the Existing Residential “ER-036” Zone in order to permit a Commercial School (Dance Studio), for the lands located at 3079 Highway No. 56 (Glanbrook), as shown on Appendix “A” to Report PED07094, on the following basis:

(a) That the draft By-law, attached as Appendix “B” to Report PED07094, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(b) That the proposed modification in zoning conforms to the Hamilton-Wentworth Official Plan and the Township of Glanbrook Official Plan.

CARRIED


(a) That Council adopt Official Plan Amendment No._____ to former Town of Flamborough Official Plan to adopt the Waterdown North Secondary Plan,
and that the By-law, attached as Appendix “A” to Report PED07092/PW07026, which has been prepared as a By-law of adoption in a form satisfactory to the City Solicitor, be approved and forwarded to Council for presentation.

(b) That Council adopt the Waterdown North Urban Design Guidelines, attached as Appendix “B” to Report PED07092/PW07026.

(c) That the General Manager of the Public Works Department be authorized and directed to file the Waterdown North Collector Road Master Plan, attached as Appendix “C” to Report PED07092/PW07026, as per the Municipal Class Environmental Assessment (June 2000), on the public record with the Municipal Clerk for a thirty day public review.

(d) That the General Manager of the Public Works Department be authorized and directed to file the Waterdown North Master Drainage Plan, as per the Municipal Class Environmental Assessment (June 2000), on the public record with the Municipal Clerk for a thirty day public review.

(e) That the General Manager of the Public Works Department be authorized and directed to file the Waterdown North Water/Wastewater Master Servicing Plan, as per the Municipal Class Environmental Assessment (June 2000), on the public record with the Municipal Clerk for a thirty day public review.

(f) That upon the completion of the thirty day public review and final approval, the General Manager of the Public Works Department be authorized and directed to include the stormwater management projects, water/wastewater projects and collector road projects identified in the Master Drainage Plan, Water/Wastewater Master Servicing Plan and Collector Road Master Plan respectively in the capital budget for the future years.

CARRIED

23. Our Downtowns and BIAs – 2006 Annual Report and 2007 Downtown Renewal Division Work Plan (PED07079) (Wards 1, 2, 3, 4, 6, 7, 9, 11, 12, 13, 15) (Item 7.1) (McHattie/Pearson)

That Report PED07079 respecting “Our Downtowns and BIAs - 2006 Annual Report and 2007 Downtown Renewal Division Work Plan” be received for information and that the relevant contents be made available through appropriate municipally-generated publications.

CARRIED
24. **St. Mark’s Church Feasibility Study (PED07111 / PW07037) – (City Wide) (Item 7.2)**
(McHattie/Bratina)

(a) That the findings of the Feasibility Study, dated February 6, 2007, entitled St. Mark’s Church – Community Services Feasibility Study Findings, attached as Appendix “A” to Report PED07111 / PW07037, be received.

(b) That St. Mark’s Church no longer be considered as a viable alternative to accommodate the Community Services Department.

(c) That St. Mark’s Church be declared surplus to the requirements of the City of Hamilton in accordance with the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(d) That the Development and Real Estate Division of the Planning and Economic Development Department investigate the highest and best use in the form of an adaptive re-use of the existing Church (with the exception of the Sunday school portion, which is in a dilapidated state) and potential for increased value through rezoning to allow additional permitted uses, prior to disposal of the subject site. Such additional uses will be compatible with the surrounding land uses and the Department shall consult with the neighbourhood on any zoning proposal prior to consideration by Committee and Council.

(e) That subsequent to completing the rezoning process, the Development and Real Estate Division of the Planning and Economic Development Department be authorized and directed to tender the sale of St. Mark’s Church through the issuance of a Request for Proposal, located at 130 Bay Street South, pursuant to the “Procedural By-law for the Sale of Land”, being By-law No. 04-299.

(f) That if no interest has been expressed for the subject property through the issuance of the Request for Proposal, that staff report back to Council on the future disposition of the site.

(g) That this Report be forwarded to the Municipal Heritage Committee for information.

CARRIED

25. **Operational Review of the Committee of Adjustment (PED06407) (City Wide) (Item 8.1)**
(Pearson/Pasuta)

That the following recommendations contained in Report PED06407, as amended by Committee on March 20, 2007, be approved:

Council – March 28, 2007
(a) That the current two Committee of Adjustment Committee structure (Urban and Rural Section) to administer minor variances and consent applications under Sections 45 and 51 of the Planning Act be consolidated into a single Committee of Adjustment, effective upon the appointment of the new Committee of Adjustment members by City Council.

(b) That the consolidated Committee of Adjustment be composed of nine (9) citizen members appointed by Council, of which not less than four (4) shall have knowledge and experience in rural planning matters.

(c) That the consolidated Committee of Adjustment shall meet three times a month, with additional meetings as required.

(d) That the City Solicitor be authorized and directed to prepare the necessary amending By-law to implement the recommended changes to the Committee of Adjustment structure and administration for presentation to Council.

CARRIED

26. Hamilton Idling Awareness Campaign and Control By-law (PED07070) and (PED07070(a)) (City Wide) (Item 8.3) (McHattie/Eisenberger)
That staff be directed to schedule, as expeditiously as possible, a Special Committee of the Whole Meeting to be held in the evening to receive input from stakeholders and the public with respect to the draft anti-idling by-law.

CARRIED

27. Lease Agreement for the Proposed Parking Structure at 166-190 Main Street West and 57 George Street (Ward 2) (PED05105(b)/FCS07040) (Item 8.4) (Bratina/Pasuta)
(a) That the City of Hamilton enter into a lease agreement with Mikron Properties for the proposed parking structure to be constructed on the lands known as 166-190 Main Street West and 57 George Street, Hamilton, subject to the following terms and conditions:

(i) Special Conditions

(1) The Landlord has agreed that there will be a condition precedent in the lease agreement requiring the Landlord to construct a parking structure on the lands known municipally as 166-190 Main Street West, Hamilton and 57 George Street, Hamilton, before the lease agreement becomes binding. The Landlord further agrees that this parking structure will be constructed in a good workman like manner.

Council – March 28, 2007
and to the satisfaction of the Manager of the Hamilton Municipal Parking System. The Landlord agrees to comply with all applicable by-laws and/or to obtain all necessary government approvals. Failing the satisfaction of this condition precedent by the Landlord the lease agreement shall become null and void and no longer binding between the parties.

(2) The Landlord will be required to submit a site plan application for the proposed parking structure which site plan shall implement the policy provisions of the Downtown Hamilton Secondary Plan and shall be to the satisfaction of the Director of the Development and Real Estate Division of the Planning and Economic Development Department.

(3) The Landlord has agreed not to apply to Council for any grants that may be available under the Enterprise Zone Municipal Realty Incentive Grant Program; even if the development is eligible for any grant.

(4) The lease will be prepared by the Landlord in accordance with the terms and conditions set out herein and will be in a form satisfactory to the City Solicitor.

(ii) Term: Fifteen (15) year term.

(iii) Rental Rate: For the proposed term of the lease shall be set as follows:

Year 1 – 3: $95 per space per month
Year 4 – 6: $105 per space per month
Year 7 – 10: $115 per space per month
Year 11 – 15: $125 per space per month

(iv) That throughout the term of any extension of the lease, the Owner (Landlord) shall provide to the City of Hamilton (Tenant) three hundred (300) parking spaces on the subject site based on current parking needs. The Landlord further agrees that infrastructure shall be in place to accommodate future expansion of the parking structure to meet future parking demands.

(v) The Landlord will not offer any free parking incentives in the parking structure.

(vi) That the Mayor, General Manager of Finance and Corporate Services and City Clerk be authorized and directed to execute the Lease in a form satisfactory to the City Solicitor.

Council – March 28, 2007
(b) That the annual operating shortfall of $150,000 to $175,000 be recovered through the operating budget starting in 2008-2009.

(c) That Hamilton Municipal Parking System staff be directed to assess short-term parking needs in the area of the structure with a view to discouraging street meters and encouraging the use of the municipal parking structure.

CARRIED

28. Funding of Structural Repairs to the Main House, Auchmar Estate, 88 Fennell Avenue West (Ward 8) (PED05216(a)/ECS07015) (Item 8.5.1)
(Ferguson/Pearson)
That Report PED05216(a) / ECS07015 respecting Auchmar Estate, 88 Fennell Avenue West be received for Information.

CARRIED

29. Hiring of Additional Full-time Employees for Ground Litter Pick-up; Educational/Promotional Anti-littering Campaign; and Safety and Security Audit (07-001) (Ward 2) (Added Item 8.7)
(Bratina/McHattie)
(a) That the proposed increase in complement in the Public Works, Road Operations and Maintenance Section as identified in the report in the amount of $299,459 for four (4) full-time employees to be assigned to on-street ground litter control in the Downtown Designated Task Force Area, be referred to the 2007 budget deliberations for consideration;

(b) That the recommendation below, with respect to an Educational/Promotional Anti-littering Campaign, be referred to the 2007 budget deliberations for consideration:

(i) That staff be directed to implement an educational/promotional anti-littering campaign, which would include the promotion of the new cigarette butt containers, at a cost not to exceed $5,000.

(c) That the item relating to an Educational/Promotional Anti-Littering Campaign be removed from the Outstanding Business List of the Public Works Committee.

CARRIED
THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION:

(a) Changes to the Agenda

The Clerk advised of the following changes:

(i) Copies of the late Report for Item 8.4 respecting the proposed parking structure at George and Main West were distributed and it was noted that the report number was changed from (PED07110) to (PED05105(b)/FCS07040);


(iii) An additional delegation request from Concession Street BIA, added as Item 4.1(a).

Committee approved the Agenda, as amended.

(b) Declarations of Interest

Councillor L. Ferguson declared an interest with respect to Item 6.1 as he is an investor in the taxi industry. He left the chambers for the duration of Committee's consideration of this item.

(c) Delegation Requests

(i) Mike Flanigan, respecting nominations for Concession Street BIA Board of Management – Item 5.3 on the agenda (Item 4.1)

(ii) Betty Toplack and John Woolcott from Concession Street BIA (Added Item 4.1(a))

The above mentioned delegation requests from Mike Flanigan, Betty Toplack and John Woolcott were approved to address Committee today, when Item 5.3 is considered.

(iii) Kevin Dhinsa respecting zoning of property at Windemere Road, Stoney Creek (Item 4.2)

The Committee directed that staff report back respecting the zoning of the property at Windemere Road, Stoney Creek and that the delegation
request from Kevin Dhinsa be approved to address Committee when the staff report is before Committee.

(d) Concession Street Business Improvement Area (B.I.A.) Appointment of the 2007-2010 Board of Management (PED07104) (Wards 6 & 7) (Item 5.3)

Ron Marini provided a verbal overview of the report and explained that there is some contention with respect to the election of the Board of Management. He advised that this is a matter within the purview of the BIA and not the City. He recommended that Committee approve the recommendation respecting the appointments to the Board of Management.

(i) Mike Flanigan, respecting nominations for Concession Street BIA Board of Management

Mr. Flanigan addressed Committee and indicated that his intention is to dispute the actions of the Concession Street BIA with respect to the election of a new Board of Management.

He advised that his wife operates a business located on Concession Street and that his family usually supports the actions of the BIA. At the January 20, 2007 meeting of the BIA, he, his wife and his son were nominated to sit on the Board of Management. The vote resulted in a tie. The Chair relinquished the chair to vote but the result was once again a tie vote. As this election failed to produce a new board another meeting was held on February 20, 2007. He indicated that 12 names without affiliation were listed. He challenged the BIA’s voting procedures and disagreed with the BIA’s interpretation of the Municipal Act. Mr. Flanigan requested that the City provide a training session to the BIA with respect to the correct process for electing a Board of Management.

(ii) John Woolcott from Concession Street BIA

Mr. John Woolcott referred to the letter which he and Co-Chair Mr. Roger Burrough submitted to Committee. Copies were distributed and Mr. Woolcott read the letter which explained what happened at both the January 20 and February 20, 2007 meetings.

After a short discussion which noted that the City has no jurisdiction in this issue, the Committee approved the staff recommendation.
(e) Repeal and Replacement of By-law 06-213 - A By-law to Deal with Licensing and Regulating Various Businesses, Taxicab Priority List, Removal of Persons from the Taxicab Priority List (PED07076) (City Wide) (Item 6.1)

The Committee received the letters submitted by several taxi operators, which had been provided to the Chair today.

The Chair indicated that this is the second part of the Licensing Public Meeting to address the Taxicab Priority List, which was held over from Committee on February 20, 2007.

Lee Ann Coveyduck outlined the report to Committee, including the proposed changes to the Taxi Priority List.

The Chair advised that this is a City initiative, so there is no outside agent to address Committee.

Chair Mitchell advised that Manfred Rudolph was unable to attend today, but had submitted two letters, both of which had been distributed to Committee.

Anthony Rizzuto spoke on behalf of Manfred Rudolph. He requested that the by-law be amended to allow the transfer of a taxi plate without waiting for currently required 5 years, if the owner is over 65. Many people named on the taxi priority list are now elderly and one has recently died shortly after his plate was issued.

Mr. Rizzuto suggested that these plates should be transferable to next-of-kin.

Peter Eldridge addressed Committee and said that it is his understanding that the amended by-law, including the changes outlined by Mr. Rizzuto, is not supposed to go forward until April as the City needs to give proper notice. He requested that Committee consider the amendment favourably.

The Committee discussed the proposed amendment and asked for staff's opinion. Ms Coveyduck recommended that the Committee approve the proposed housekeeping amendments which are on today’s agenda and then carry out public consultation with respect to the proposed change. Ms. Coveyduck advised that time would be needed for this process and that unless Council was agreeable to removing another task from the planning work programme, this amendment would probably not be ready until 2008. She reminded Committee that an extensive public process for amendments to the taxi procedures had taken place a few years ago.

The Committee discussed how to proceed, and considered whether to hear the remaining delegations and if the amendment could be approved without going...
through an extensive public process. The Committee expressed concerns that delaying the process would perhaps cause undue hardship to those named on the priority list, and that the change being proposed appeared to be supported by the industry.

Committee directed that the Item be deferred and that a new public meeting with the amended draft by-law should be held in May. The Chair asked the remaining delegations whether they wished to address Committee today or hold off until the public meeting.

None of the delegations present advised of their wish to address Committee today. The Chair directed that staff give appropriate public notice of the meeting, and inform all the delegations who were listed on today’s Agenda.

(h) Application for a Further Modification to the City of Hamilton Zoning By-law No. 6593 for Lands Located at 1394 Upper Gage Avenue (PED07100) (Ward 7) (Item 6.2)

A Public Meeting was held.

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

Shannah Murray outlined the report to Committee.

George Zajac, agent for the applicant, addressed Committee and supported the staff recommendation.

The Chair invited any member of the public wishing to speak to this issue to come forward. No one came forward.

The Committee approved the staff recommendation.

(i) Application for a Modification in Zoning for the Lands Located at 125 Lancing Drive, (Hamilton) (PED07095) (Ward 6) (Item 6.3)

Chair Mitchell relinquished the Chair to First Vice-Chair Whitehead.

A Public Meeting was held.
First Vice Chair Whitehead 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.

Trevor Horzelenberg outlined the report to Committee.

Robin MacLean advised that he supported the staff recommendation.

The First Vice-Chair invited any member of the public wishing to speak to this issue to come forward. No one came forward.

The Committee approved the staff recommendation.

(j) Application for a Change in Zoning for Lands Located at 828 Fennell Avenue East (Hamilton) (PED07096) (Ward 6) (Item 6.4)

A Public Meeting was held.

First Vice-Chair Whitehead 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.

Danielle Fama outlined the report to Committee.

The applicant's agent James Webb indicated that they support the staff recommendation.

The First Vice-Chair invited any member of the public wishing to speak to this issue to come forward. No one came forward.

The Committee approved the staff recommendation.

(k) Application for a Further Modification in Zoning for Lands Located at 3079 Highway No. 56 (Glanbrook) (PED07094) (Ward 11) (Item 6.5)

A Public Meeting was held.

First Vice-Chair Whitehead 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.

Trevor Horzelenberg outlined the report to Committee.
The applicant’s agent, Dana Castelli advised that they are in support of the staff recommendation.

The Vice-Chair invited any member of the public wishing to speak to this issue to come forward. No one came forward.

The Committee approved the staff recommendation.

(I) Waterdown North Secondary Plan and Urban Design Guidelines, Water/Wastewater Master Servicing Plan, Master Drainage Plan and Collector Road Master Plan (PED07092 / PW07026) (Ward 15) (Item 6.6)

A Public Meeting was held.

Brenda Khes outlined the report to Committee and explained that Secondary Plan had followed an integrated planning process with the Class Environmental Assessments, and that an extensive public process had taken place, commencing in 2004. Ms Khes noted that two Ontario Municipal Board decisions had already been rendered in the area, respecting Parkside Hills and MC2 Homes. She noted that detailed Urban Design Guidelines for the area have also been completed. Ms Khes explained that the staff recommendation included direction to the General Manager of Public Works to file the Waterdown North Collector Road Master Plan, Waterdown North Master Drainage Plan and the Waterdown North Water/Wastewater Master Servicing Plan, as per the Municipal Class Environmental Assessment, on the public record with the municipal clerk for the required twenty day public review. These would then be approved as part of the Capital Budget.

Jamie Bennett, Marshall, Macklin, Monaghan, provided a detailed overview of the Secondary Plan, with the aid of a powerpoint presentation. He noted that the new residential area would provide for a population of approximately 5000 people and would include a commercial area, an expansion for the existing High School, live/work units, a range of residential densities with higher density housing adjacent to the park and pedestrian and cycling trails crossing Borer’s Creek.

Mr. Bennett provided details of the storm water ponds, the future water tower, and the inclusion of roundabouts as part of the road system.

Jill Stephen from Public Works addressed Committee and provided additional details regarding storm water ponds and the way they operate.

First Vice Chair Whitehead advised that this is a City initiative, so there is no outside agent to address Committee.
The First Vice-Chair advised the members of the Public, in accordance with the provisions of the Planning Act, of the following:

(i) 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 Official Plan Amendment is approved and/or 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.

(ii) 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.

He invited members of the Public to come down to the podium to address the Committee and asked that they write their name, address, postal code and telephone number on the sheets provided, prior to speaking.

First Vice Chair Whitehead relinquished the Chair and Chair Mitchell resumed the Chair.

Karl Gonnsen addressed Committee advising that he was representing Silverwood Homes.

He indicated that half of the park is located on the property. He referred to a letter that his firm submitted to the City which was too late to be included in the report which was before Committee today. He provided copies of the letter to the Clerk which were distributed. He said that the letter speaks for itself but he wishes to address two issues – density and the proposal to install a trail.

With respect to the issue of density, he and his client recommend higher density particularly on Parkside Drive. In their opinion, increasing the density would mitigate noise and would help public transit.

He advised that there is a pipeline which is to be designated as a utility zone and possibly a trail. He and his client support the installation of a trail and proposed that his client should be given a 50% credit for parkland dedication.

He expressed praise for staff’s professionalism and added that while he had no concerns with the Environmental Assessment, he supports traffic calming initiatives rather than streets that are like bowling alleys. He added that he will discuss these issues with staff.
No other members of the public came forward to address the Committee.

Councillor McCarthy addressed Committee in support of the Secondary Plan and provided background on the history of the approval of Official Plan Amendment 28, of which this is one part, by the Ontario Municipal Board and Cabinet. She noted that there was no need to further increase the higher density areas, as proposed by Mr. Gonnsen, as high density is already included in the Plan.

Councillor McCarthy also explained the need to provide transportation corridors to adjacent areas and expressed concern that the City of Burlington has not approved the widening of Waterdown Road to four lanes.

Councillor McCarthy thanked staff and Council for their work on the long planning process which has taken place.

Chris Hamel, KKK Consultants, explained how the Class Environmental Assessment for Water/Wastewater had been integrated with the GRIDS process, and gave an overview of the servicing issues.

Committee discussed the issues raised by staff and the presenters and had additional information supplied. With regard to the proposed water tower, Councillor Ferguson asked questions respecting the design of the tower, and it was explained that the proposed water tower would be similar to the recently constructed towers in Milton and Binbrook. Staff agreed to provide photos of these or similar structures.

Committee approved the staff recommendation.

Committee received an Added submission from David Matthews, respecting lands owned by Amedeo Di Marco, and proposed parkland dedication matters.

(m) Our Downtowns and BIAs – 2006 Annual Report and 2007 Downtown Renewal Division Work Plan (PED07079) (Wards 1, 2, 3, 4, 6, 7, 9, 11, 12, 13, 15) (Item 7.1)

Ron Marini made a PowerPoint presentation and a hard copy was distributed. He provided an overview of the 2006 Annual Report and the 2007 Work Plan and highlighted some of the major successes and accomplishments in downtown renewal projects. He ended his presentation by thanking his staff and other City staff with whom he works.

Ron Marini and Alan Waterfield answered questions posed by Committee with respect to population, assessment and job growth in the downtown of Hamilton.
The issue of cleanliness in Hamilton Downtown was also discussed and Ron Marini referred to added Item 8.7 which is a report from the Security and Cleanliness Task Force with a recommendation to address cleanliness.

Committee discussed the report and congratulated staff for their hard work and for the success in the on-going revitalization of the Hamilton Downtown. Mr. Marini explained that the take-up of City incentives by developers was at a particular pace, and that an increase in incentives would not necessarily result in a faster pace of revitalization.

Mr. Marini noted the future opening of a new call centre in Jackson Square, and that Neil Everson’s group is working on an office strategy.

Paul Mason addressed Committee and explained that there was an urgent need to address intensification, as there would be a population decline in the City over the next number of years, which would have serious implications for our present urban structure.

On a Motion (McHattie/Ferguson) Committee directed that staff report back on an expansion of the Downtown Incentive and Main Street Programs to the entire lower City (defined as the old City of Hamilton below the escarpment, or similar geographic area and to the nodes and corridors as defined in GRIDS) to stem the loss of population in these areas and to meet intensification targets as identified in the *Places to Grow* legislation.

(n) St. Mark’s Church Feasibility Study (PED07111 / PW07037) – (City Wide) (Item 7.2)

Bill Farkas provided a verbal overview of the status of the St. Mark’s Church property which is currently owned by the City, and explained that the church was not large enough to house the Community Services Department.

David Cuming made a PowerPoint presentation of the report and provided an overview of the re-use concepts for the church, drawn up by staff. He explained the current zoning on the site, how the RFP for the site would be structured, and the need for an Official Plan and Zoning By-law Amendment.

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

On a Motion, Committee amended subsection (d) of the staff report, by inserting the additional words “in the form of an adaptive re-sue of the church (with the exception of the Sunday School portion”. The amendment (McHattie/Pearson) was approved on the following votes:

Council – March 28, 2007
Yeas: Mitchell, Whitehead, Pearson, Bratina, Duvall, McHattie, and Pasuta  
Total: 7  
Nays: Ferguson  
Nays: 1  

The Committee approved the staff recommendation, as amended.

(o) Operational Review of the Committee of Adjustment (PED06407) (City Wide) (Item 8.1)

Paul Mallard provided an overview of the staff report. Councillor Ferguson explained the reason for the Agriculture and Rural Affairs Committee's change of position with respect to this matter and the motion which he is prepared to move. Chair Mitchell noted that the Committee had fully discussed the staff proposal, and that their vote was not unanimous. Committee then considered the issues and ways in which the operation of the Committee of Adjustment could be streamlined, while still retaining the appropriate rural representation.

The Committee amended subsection (b) (Pearson/Pasuta) of the staff recommendation by changing the Committee composition from 7 citizen members to 9 citizen members, with 4 out of 5 having knowledge and experience of rural planning issues.

The amendment carried on the following votes:  
Yeas: Mitchell, Whitehead, Pearson, Bratina, Duvall, McHattie, and Pasuta  
Total: 7  
Nays: Ferguson  
Nays: 1  

(p) Application for a Modification in Zoning for Lands Located at 205 John Street South (PED07062) (Ward 2) (Item 8.2)

Councillor Bratina provided an update and asked if there were time-sensitive issues here, or whether the matter could be held over until the next meeting.

Edward John advised that there were no time-sensitive issues.

On a Motion (Bratina/Duvall) the matter was tabled for a further two weeks.
(q) Hamilton Idling Awareness Campaign and Control By-law (PED07070) (City Wide) (Item 8.3)

(i) Anti-Idling Control By-law (City Wide) (PED07070(a)) (Item 8.3.1)

Brian Montgomery provided an overview of the addendum report.

The Committee discussed the issue of the draft anti-idling control by-law in detail, and had additional information and clarification provided by staff. Committee discussed the issues of enforcement, the potential of a revenue stream from fines, public education around anti-idling and the overall cost and benefits of the introduction of a by-law.

Committee then approved a Motion (McHattie/Eisenberger) to hold a special Committee of the Whole to gain public input on the proposed by-law.

The motion carried on the following votes:
Yeas: Eisenberger, Whitehead, Bratina, Duvall, McHattie, and Pasuta
Total: 6
Nays: Mitchell, Pearson, Ferguson
Nays: 3

(r) Lease Agreement for the Proposed Parking Structure at 166-190 Main Street West and 57 George Street (Ward 2) (PED05105(b)/FCS07040) (Item 8.4)

Ron Marini provided a verbal update with respect to the report. He explained staff’s support for the proposal.

The Committee approved the staff recommendation.

(s) Funding of Structural Repairs to the Main House, Auchmar Estate, 88 Fennell Avenue West (PED05216(a) / ECS07015) (Ward 8) (Item 8.5.1)

Tim McCabe provided an overview of the report which the Committee then received for information.

(t) Auchmar Estate, 88 Fennell Avenue West (Ward 8)-Update from staff, as directed by COW Budget Meeting, March 6, 2007 (No copy) (Item 8.5.2)

Tim McCabe provided a verbal update with respect to Auchmar Estate which the Committee received for information.
(u) **Application to Amend the City of Hamilton Zoning By-law No. 6593 for Lands Located at 639 Rymal Road West (PED07039) (Ward 8) (Item 8.6)** (Tabled from February 20, 2007)

Councillor Whitehead expressed concerns with traffic problems in the area of the proposed development and the fact that there is only one access to the existing adjacent development.

The Committee discussed the issue in detail.

On a Motion (Whitehead/Duvall) the Committee TABLED the report (Whitehead/Duvall) to allow the Ward Councillor to investigate how his concerns can be addressed.

(v) **General Information**

Lee Ann Coveyduck was present to assist Committee with an update on two Outstanding Business List items.

On a Motion (Pearson/Pasuta) the following items were removed from the Outstanding Business List:

(a) Keeping of pigeons in urban areas

(b) Clean up of CNR lands

(w) **Private of Confidential**

The Minutes of the Closed Session Meeting held on February 20, 2007 were approved (Whitehead/Ferguson) and are to remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act.
Adjournment (Ferguson/Duvall)
On a Motion, the Economic Development and Planning Committee adjourned at 2:15 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
March 20, 2007