Economic Development and Planning Committee

AMENDED REPORT 07-017
October 2, 2007
9:30 a.m.
Albion Room, Hamilton Convention Centre
1 Summer's Lane
Hamilton, ON

Present:
Chair D. Mitchell
1st Vice-Chair T. Whitehead
2nd Vice-Chair M. Pearson

Councillors: B. Bratina, B. Clark, S. Duvall, L. Ferguson, B. McHattie,

Absent:
Councillor R. Pasuta – City Business

Staff Present:
T. McCabe, General Manager – Planning and Development
M. Hazell, T. Sergi, P. Mallard, R. Lee, D. Cuming,
G. Macdonald, T. Horzelenberg, H. MacArthur – Planning
and Development
N. Everson, N. Schleehan – Economic Development
D. Adames, I. Kerr-Wilson – Tourism
R. Marini – Downtown Renewal
A. Rawlings – City Clerk's Office

AT THEIR MEETING OF OCTOBER 10, 2007, COUNCIL AMENDED THE REPORT
WITH REGARD TO ITEM 8, AND LIFTING A SECTION FROM INFORMATION ITEM
(i) AND ADDING IT AS ITEM 11 (SEE BELOW)

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS
REPORT 07-017 AND RESPECTFULLY RECOMMENDS:

1. Commercial Heritage Improvement and Restoration Program (CHIRP) 2005
and 2006 Grants – Extension of Completion Date (Wards 2 and 12)
(PED07256) (Item 5.1)

(a) That the completion date for the previously approved application CHIRP2005-
002 (Report PED06121) be extended to October 31, 2008, per Report
PED07256.

Council – October 10, 2007
(b) That the completion dates for the previously approved applications CHIRP2006-002 and CHIRP2006-005 (Report PED06360) be extended to October 31, 2008, per Report PED07256.

(c) That the disbursement of grant monies for CHIRP2005-002, CHIRP2006-002 and CHIRP2006-005 remain subject to all other terms and conditions stated in the Letter of Understanding between the City of Hamilton and the respective applicants, per Report PED07256.

2. Main Street Housing Loan and Grant Program 188 Ottawa Street North (PED07254) (Wards 3 & 4) (Item 5.2)

(a) That a loan commitment totalling $10,000 for the renovation of one (1) residential unit at 188 Ottawa Street North, within the Ottawa Street B.I.A., be approved in accordance with the terms and conditions of the Main Street Housing Loan and Grant Program;

(b) That a grant commitment at an upset limit of $5,000 for professional fees related to the renovation of the residential unit at 188 Ottawa Street North, be approved in accordance with the terms and conditions of the Main Street Housing Loan and Grant Program;

(c) That the Mayor and City Clerk be authorized and directed to execute the loan agreement and security documentation with respect to sub-sections (a) and (b) above in a form satisfactory to the City Solicitor;

(d) That the General Manager of the Planning and Economic Development Department be authorized and directed to amend the loan agreement provided that the terms and conditions of the Main Street Housing Loan and Grant Program as approved by City Council are maintained;

(e) That a condition of the loan and grant commitment for the project listed in sub-sections (a) and (b) above be that the project be 60% complete by December 31, 2008 or the loan and grant commitment will be cancelled.

3. Downtown Hamilton Business Improvement Area (B.I.A.) Revised Board of Management (PED07006(a)) (Ward 2) (Item 5.3)

That the following individual be appointed to the Downtown Hamilton B.I.A.’s Board of Management:

Doug Fralick, Custom House Currency Exchange
4. Declaration of Surplus Property of City Owned Lands Described as Part of Lot 20 Plan 327, Municipally Known as 142 Burlington Street East (PED07250) (Ward 2) (Item 5.4)

(a) That the subject lands municipally known as 142 Burlington Street East, being composed of Part of Lot 20 on Plan 327, comprising an approximate area of 369 square metres (3,974 square feet), attached as Appendix “A” to Report PED07250, be declared surplus to the requirements of the City of Hamilton, in accordance with Procedural By-law for the Sale of Land, being By-law 04-299.

(b) That the Real Estate Section of the Economic Development and Real Estate Division of the Planning and Economic Development Department, be authorized and directed to sell the subject lands, at fair market value, in accordance with the “Procedural By-law for the Sale of Land”, being By-Law 04-299.

(c) That the net proceeds of the sale be deposited in the Account No. 47702 3560150200 (Civic Property Purchases and Sales).

Take out and renumber the rest!

5. Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 91 Wellington Street North (Hamilton) (PED07251) (Ward 2) (Item 6.1)

(a) That approval be given to Condominium Conversion Application CDM-CONV-07-02, by 1267766 Ontario Ltd. (c/o Tony Manganiello), Owner, to establish a Draft Plan of Condominium for an existing 4-storey, 12 unit multiple dwelling with a proposed 12 space parking area, located at 91 Wellington Street North (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED07251, subject to the following conditions:

(i) That this approval apply to the plan, prepared by A.T. McLaren Limited and certified by S.D. McLaren, O.L.S., dated March 6, 2007, showing a total of 12 apartment units, attached as Appendix “B” to Report PED07251.

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

  Development Planning and Engineering:
1. That the Final Plan of Condominium complies with all of the applicable provisions of the applicable Zoning By-law.

2. That the owner submits and receives approval of a revised site plan highlighting the previously approved parking layout and all proposed changes, to the satisfaction of the Manager of Development Planning.

3. That the owner satisfies all conditions, financial or otherwise, of the City of Hamilton.

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

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

6. That the owner agrees to comply with all aspects and terms of the Hamilton Downtown Residential Loan Program (HDRLP), as set out in the loan agreement dated May 5, 2003, to the satisfaction of the Director, Downtown and Community Renewal, including the insertion of any applicable clauses to this effect in the Condominium Agreement.

Bell Canada:

7. That the Owner covenants and agrees to provide the Manager of Engineering 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), to provide adequate telecommunication service to the lands within the approved Draft Plan, including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.

(b) That the Planning and Economic Development Department be directed to include the subject lands in the next Housekeeping Amendment in order to redesignate the property from “Low Density Residential” to “Medium Density
Residential" in the Downtown Hamilton Secondary Plan to reflect its existing use as a multiple dwelling and its existing zoning of Downtown Multiple Residential (D6) Zone within Zoning By-law No. 05-200.

6. Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 70 Emerald Street South (Hamilton) (PED07252) (Ward 2) (Item 6.2)

That approval be given to Condominium Conversion Application CDM-CONV-07-01, by Gaspar & Silva Limited (c/o Herminio Silva), Owner, to establish a Draft Plan of Condominium for an existing 46 unit, 7-storey multiple dwelling with 45 parking space units, at 70 Emerald Street South (Hamilton), as shown on the attached map marked as Appendix “A” to Report PED07252, subject to the following conditions:

(a) That this approval apply to the plan, prepared and certified by Bryan Jacobs, O.L.S., dated January 29, 2007, showing a total of 46 apartment units and 45 parking space units, attached as Appendix “B” to Report PED07252.

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

Development Planning and Engineering:

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

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

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

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

Bell Canada:

(v) That the Owner covenants and agrees to provide the Manager, Engineering 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), to provide adequate telecommunication service to the lands with the approved Draft Plan, including 9-1-1 emergency calling service that identifies, at a minimum, the callers name and location information.

7. Applications for Approval of a Draft Plan of Subdivision, “Copes Court”, and for Changes in Zoning, for Lands Located at 38, 42, and 56 Copes Lane (Stoney Creek) (PED07240) (Ward 11) (Item 6.3)

(a) That approval be given to Subdivision Application 25T-200620, by Tom Cope, Marzio Pompeani and Conchita Chiarella, Owners, to establish a draft plan of subdivision known as “Copes Court”, on lands known municipally as 38, 42 and 56 Copes Lane, as shown on Appendix “A” to Report PED07240, subject to the following conditions:

(i) That this approval apply to “Copes Court”, as redline revised, prepared by A.J. Clarke and Associates Ltd., and certified by B.J. Clarke, O.L.S., dated January 9, 2007, showing thirteen lots (Lots 1-13) for single detached dwellings, three blocks (Block 15, 16 and 18) for a maximum of eleven future single detached dwellings, one block (Block 14) for a creek channel, one block (Block 17) for a temporary cul-de-sac, one block (Block 19) for a 0.3m reserve, and the extension of one public street shown as Aquamarine Drive, attached as Appendix “B” to Report PED07240, subject to the Owner entering into a Standard Form Subdivision Agreement, as approved by City Council and with the Special Conditions attached as Appendix “E”.

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

(b) That approval be given to Zoning Application ZAC-06-104, by Tom Cope, Marzio Pompeani and Conchita Chiarella, Owners, for changes in zoning from the Rural Residential “RR” Zone to the Single Residential “R2-54” Zone (Block 1), to the Single Residential “R2-56” Zone (Block 2), to the Single Residential “R2-58” Zone (Block 4), and to the Conservation/Hazard Land (P5) Zone (Block 5); and from the Rural Residential “RR” Zone and the Single Residential “R2-50” Zone to the Single Residential “R2-57” Zone (Block 3), to permit thirteen lots and three blocks for single detached dwellings, and an open creek channel, on lands known municipally as 38, 42 and 56 Copes Lane (Stoney Creek), as shown on Appendix “A” to Report PED07240, on the following basis:
(i) That the draft By-law, attached as Appendix “C” to Report PED07240, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(ii) That the amending By-law be added to Schedule “A”, Map No. 2, of Zoning By-law No. 3692-92.

(iii) That the draft By-law, attached as Appendix “D” to Report PED07240, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.

(iv) That the amending By-law be added to Schedule “A”, Map Nos. 1150 and 1151, of Zoning By-law No. 05-200.

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

8. **City of Hamilton’s War of 1812 Bicentennial Commemoration Initiative (PED07257/ECS07069) (City Wide) (Item 8.1)**

   (a) That Report PED07257/ECS07069 respecting the City of Hamilton’s War of 1812 Bicentennial Commemoration Initiative be received.

   (b) That Council authorize a City of Hamilton War of 1812 Bicentennial Commemoration Initiative.

   (c) That the Culture Division and Tourism Division co-ordinate the City’s War of 1812 Bicentennial Commemoration Initiative under the guidance of the Director of Culture and the Director of Tourism.

   (d) That staff form a Citizens’ Advisory Committee for the initiative and that the committee include two (3) members of City Council, one (1) member from the Hamilton Historical Board and one (1) member from the Tourism Hamilton Board of Directors.

   (e) That the Citizens’ Advisory Committee and staff be authorized to develop, and report back to Council for its approval, a strategy for the City’s War of 1812 Bicentennial Celebration to be considered during the 2008 Budget deliberation.

   (f) That the 2007 Strategy Development costs in the amount of approximately $25,000 be funded from the Planning and Economic Development Department’s 2007 Operating Surplus.
(g) That the following Councillors be appointed to sit on the above-mentioned Advisory Committee; Councillor Brad Clark, Councillor Bob Bratina, and Councillor Russ Powers.


That approval be given to the petition from the residents of Tanglewood Drive, Jackson Heights, Phase 2, Glanbrook, respecting the elimination of the sidewalk on the east side of Tanglewood Drive, subject to the following;

(a) That the Developer of "Jackson Heights, Phase 2", Glanbrook, makes an equivalent cash payment to fulfil their original obligations, respecting the sidewalk. Further, all necessary documentation as required by the City’s Legal Counsel be received from all property owners within the entire approved Subdivision, with the Subdivision Agreement and engineering drawings being amended as required to reflect this change, and that all applicable legal costs and registry fees be paid by the property owners.

10. Appointment of citizens to the Ancaster Village Core Committee (Added Item 9.1)

That the following persons be appointed to the Ancaster Village Core Advisory Committee, for a term commencing immediately and until November 30, 2010, or until successors are appointed by Council:

Allan Beattie
Arthur Bowes
Walter Buchko
Frank Ernest
Jan Lucas
Pauline Maue
Doug McLennan
Jane Powell
Geoff Walker
Dave Warrington
11. Appointment to the Board of the Industry Education Council

That Councillor Lloyd Ferguson be appointed as the Council representative on the Board of the Industry Education Council

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

Item 5.5 VON Hamilton - Brownfield Pilot Project Fund (PED07258) withdrawn from this Agenda, as there are some funding issues which VON needs to address.

3 additional Motions, which have been distributed this morning.

Appointment of citizens to the Ancaster Village Core Committee, added as Item 9.1.
Lister Block, 28-40 James Street North, Hamilton added as Item 9.2.
225 James Street South, Hamilton, added as Item 9.3.

The Agenda for the October 2, 2007 meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson advised that he had a conflict with Item 5.1 Commercial Heritage Improvement and Restoration Program (CHIRP) 2005 and 2006 Grants – Extension of Completion Date (Wards 2 and 12) (PED07256), as his sister is an owner of the Old Mill, Ancaster.

(c) APPROVAL OF MINUTES (Item 3)

The September 18, 2007 Minutes of the Economic Development and Planning Committee meeting were approved.

(d) Michael Tellerd, respecting M&M Tables, 151 Upper Centennial Parkway and grading of the adjacent Highland Plaza (Item 4.1)
The delegation request from Michael Tellerd was approved, to address Committee at a future meeting.

(e) **VON Hamilton - Brownfield Pilot Project Fund (PED07258) (City Wide) (Item 5.5)**

Chair Mitchell confirmed that the subject report had been withdrawn from the Agenda.

(f) **Application for Approval of a Draft Plan of Condominium Conversion, for Lands Located at 91 Wellington Street North (Hamilton) (PED07251) (Ward 2) (Item 6.1)**

A Public Meeting was held.

Chair Mitchell advised the meeting of the following, in accordance with the requirements of the Planning Act;

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

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton in respect of the proposed plan of condominium before the approval authority gives or refuses to give approval to the draft plan of subdivision, 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.

Greg Macdonald outlined the report to Committee

George Zajac, PEIL, advised that he supported the staff recommendation.

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

As requested by Committee, staff provided further information on the background to the City’s condominium conversion policy.
Committee approved the staff recommendation.

(g) **Application for Approval of a Draft Plan of Condominium Conversion for Lands Located at 70 Emerald Street South (Hamilton) (PED07252) (Ward 2) (Item 6.2)**

A Public Meeting was held.

Chair Mitchell advised the meeting of the following, in accordance with the requirements of the Planning Act;

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

b) If a person or public body does not make oral submissions at a public meeting, or make written submissions to the Council of the City of Hamilton in respect of the proposed plan of condominium before the approval authority gives or refuses to give approval to the draft plan of subdivision, 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.

Greg Macdonald outlined the report to Committee.

The applicant, Herminio Silva, confirmed he was satisfied with the staff recommendation.

No members of the public came forward to address Committee.

Committee approved the staff recommendation.

(h) **Applications for Approval of a Draft Plan of Subdivision, “Copes Court”, and for Changes in Zoning, for Lands Located at 38, 42, and 56 Copes Lane (Stoney Creek) (PED07240) (Ward 11) (Item 6.3)**

A Public Meeting was held.
Chair Mitchell noted that an additional submission, from Michael Schwenger, had been received, and circulated today.

Chair Mitchell advised the meeting of the following, in accordance with the requirements of the Planning Act;

a) If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before the approval authority gives or refuses to give approval to the draft plan of subdivision, or to 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 in respect of the proposed plan of subdivision, or zoning by-law, before the approval authority gives or refuses to give approval to the draft plan of subdivision, or to 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.

Trevor Horzelenberg outlined the report to Committee. He noted some initial concerns on the part of existing residents, respecting grading, location of the temporary cul-de-sac, sidewalks and parking issues, and how these have been addressed.

Steve Fraser, A.J. Clarke and Associates, advised Committee that he supported the staff recommendation.

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

Committee discussed the proposal and had additional information supplied by staff, including details of the storm water management arrangements for the site.

Committee approved the staff recommendation.

(i) City of Hamilton’s War of 1812 Bicentennial Commemoration Initiative (PED07257/ECS07069) (City Wide) (Item 8.1)

David Adames gave an overview of the staff report. He noted that the events would be in commemoration of the war, and did not constitute a celebration.

Ian Kerr-Wilson provided some further background.
Committee discussed the matter and had additional information supplied by staff. Staff explained that the commemoration initiative involved both the Federal and Provincial governments, as well as the areas of Niagara, Toronto, Windsor, Kingston, the Georgian Triangle and Hamilton, and that events would also take place in the United States. Mr. Adames noted that the main events would take place in 2013.

Committee approved the staff recommendation and agreed that the two Council members to sit on the Citizens’ Advisory Committee would be chosen at Council.

(j) Petitions Requesting the Elimination of the Requirement for Sidewalks Tanglewood Drive in “Jackson Heights, Phase 2”, Glanbrook, and Tevere Place in “DiCenzo Gardens, Phase 7”, Hamilton Subdivisions (PED07267) Wards 7 & 11 (Report to be distributed) (Item 8.2)

Chair Mitchell vacated the Chair and it was assumed by First Vice-Chair Whitehead.

Helen McArthur gave a brief overview of the staff report. She explained the background to the Council approved sidewalk policy.

Councillor Duvall noted that the staff report was missing some of the information respecting options, supplied by the residents in DiCenzo Gardens who supported the petition. He explained that this information should be given to Committee before a decision was made.

On a Motion (Duvall/Mitchell), the section of the staff report regarding the sidewalks on Tevere Place, DiCenzo Gardens, was deferred to the next meeting, and staff was directed to circulate the missing material, with the next Agenda.

Councillor Mitchell provided background to the development of the Jackson Heights subdivision in Binbrook. He explained that while he is in favour of the City policy on sidewalks, the subject situation is unique, and should be treated as an exception. Councillor Mitchell noted points including, but not limited to, the following:

- proximity of the subdivision to the Green Belt
- the need to preserve the character of the rural town
- how the areas surrounding this subdivision had been developed under the former Township of Glanbrook policies, which did not require sidewalks
- the need for this subdivision to blend in with its surroundings

He favoured Option 2 in the staff report.
Committee discussed the matter in detail, and had further information supplied by staff. Staff confirmed that the sidewalk policy had been adopted in April 2003, and that subdivisions approved prior to this date had been grandfathered.

Committee reviewed various ways of addressing the concerns raised by the property owners, the legal and practical issues involved and the difficulties which would arise if sidewalks were installed at a later date.

Councillor Whitehead vacated the Chair to Second Vice-Chair Pearson, to address Committee and explained that a precedent for eliminating sidewalks had already been set in Councillor Collins’ Ward. Councillor Whitehead then resumed the Chair.

Committee approved Option 2 in the staff report, as amended, and emphasized that the property owners, not the City, should bear the associated legal costs. Councillors Clark and Bratina requested that their opposition be noted in the record.

Councillor Duvall advised that he favoured the approval of Option 2 for the DiCenzo Gardens subdivision.

On a Motion (Duvall/Bratina), the tabling Motion respecting DiCenzo Gardens was withdrawn.

Committee then discussed the DiCenzo Gardens subdivision sidewalk issue. They agreed that there were differences between DiCenzo Gardens and Jackson Heights, and that the DiCenzo Gardens issue should be brought to the next meeting.

On a Motion (Duvall/Ferguson), the section of Report PED07267 respecting sidewalks in DiCenzo Gardens was tabled to the next meeting, and staff was directed to circulate the additional material from the residents, with the next Agenda.

(k) **Sound System in Hamilton Convention Centre for Committee Meetings**

Members noted that the portable sound system currently being used is of poor quality and does not function effectively.

The following Motion (Ferguson/McHattie) was passed;

That a more reliable sound system be provided for the Albion Room, and other rooms in the Hamilton Convention Centre, at the earliest time possible.
Committee

(l) Appointment of citizens to the Ancaster Village Core Committee (Added Item 9.1)

Councillor Ferguson explained that following consideration by the sub-committee formed for this task, recommendations on appointments to the Ancaster Village Core Committee had now been finalized. An appropriate Motion was passed.

(m) Lister Block, 28-40 James Street North, Hamilton (added Item 9.2)

Councillor McHattie introduced the following Motion:

That a letter be forwarded to the Premier of Ontario thanking him on behalf of the City and the Hamilton LACAC (Municipal Heritage Committee) for the Provincial funding which has been promised for the development of the Lister Block.

Councillor McHattie spoke to the Motion, and noted that it had been passed by LACAC, after the Provincial money for the Lister Block had been promised. Committee discussed the matter, and agreed that after the initial money had been promised by the Provincial government, some of the terms had been changed, and there was less certainty attached to the funding. Committee agreed that as the grant had not yet been made, it was not an appropriate time to thank the Province.

Councillor McHattie withdrew his Motion.

(n) 225 James Street South, Hamilton (added Item 9.3)

Councillor McHattie introduced his Motion:

WHEREAS, the historic building located at 225 James Street South, Hamilton is in danger of being demolished;

AND WHEREAS, the property and building thereon has been evaluated according to prescribed criteria in Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest under the Ontario Heritage Act as outlined in the attached report as Appendix C;

AND WHEREAS, the property meets the prescribed criteria 1.(2)1.i and ii; 1.(2)2.i; and, 1.(2)3.i and iii contained in Ontario Regulation 9/06, Criteria for Determining Cultural Heritage Value or Interest and satisfies those requirements under Subsection 29.(1)(a) of the Ontario Heritage Act;
AND WHEREAS, the said property is considered to be a property of Cultural Heritage Value and worthy of designation under Part IV of the Ontario Heritage Act;

AND WHEREAS, the municipal heritage committee has advised in this matter and has been consulted according to Subsection 29.(2) of the Ontario Heritage Act;

NOW, THEREFORE, THE COUNCIL OF THE CITY OF HAMILTON ENACTS AS FOLLOWS:

(a) That the designation of 225 James Street South, Hamilton, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, 1990, be approved.

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

(c) That the City Solicitor be directed to take appropriate action to designate 225 James Street South, Hamilton, under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix B.

Councillor McHattie noted that he would like to defer the discussion of the Motion, as he was still in discussions with the owners of the building, and to defer the entire matter to Council.

Committee discussed the timing of the issue and the process being followed.

The following Motion (McHattie/Bratina) was moved:

That the matter respecting the proposed designation of 225 James Street South, Hamilton, be referred to the Council meeting of October 10, 2007, to permit further discussions to take place with the owners of the property.

On a Standing Recorded Vote, the referral Motion was defeated, on a tie vote.

Yeas: McHattie, Bratina, Duvall, Pearson
Total: 4
Nays: Clark, Whitehead, Ferguson Mitchell
Total: 4
Absent Pasuta

Committee continued to discuss how the matter should be addressed.

Councillor McHattie proposed that the Motion be withdrawn. The seconder of the Motion, Councillor Bratina, agreed.
Planning staff gave a brief overview of the issue. David Cuming explained that staff had met with representatives of the owners, St. Joseph’s, but that no conclusion had been reached.

Committee continued their discussion.

On a Motion (Clark/Duvall), Committee referred the matter of 225 James Street South to Committee of the Whole on October 9, 2007, and directed that staff invite Dr. Kevin Smith, or other representatives from St. Joseph’s Health Care, to attend the meeting and speak to the issue.

(o) Thumper Cars (Added Item 9.4)

Councillor Whitehead requested an update on this issue, and the ways in which the problem could be addressed.

Marty Hazell explained that this type of nuisance is addressed under the Highway Traffic Act and the City’s Noise By-law. However, most of the nuisance is when the cars are being driven, and so enforcement has to be done by Police Services, as City staff have no authority to stop cars, or ask for identity of drivers.

Councillor Whitehead asked if staff could review the internet, for practice in other municipalities across Canada and the United States.

A Motion by Councillor, seconded by Councillor Duvall, to direct staff to report back on this matter was defeated.

Committee continued to discuss the matter. They gave direction to staff to obtain information from Police Services, on how thumper cars are being addressed, and bring this back to Committee.

(p) News from the General Manager (Item 11.1)

Mr. McCabe noted that the new Economic Development website was having a live demonstration at 12:20 today, in the Convention Centre.

Mr. McCabe then updated Committee on changes in the department. He noted that Paul Mason had retired last week. Mr. McCabe explained that the Long Range Planning Division has been re-named as Strategic Services and Special Projects, with Bill Janssen as Acting Director, Al Fletcher as Manager of Zoning By-law Reform, and Joanne Hickey-Evans continuing as Manager of Policy
Planning. Mr. McCabe then announced that Paul Mallard is now Director of Planning, David Cuming is Acting Manager of Community Planning and Design, and John Spolnik will remain as Acting Director in Building Services.

Mr. McCabe requested that a Councillor be appointed to the Industry Education Board.

On a Motion (Clark/Pearson), Councillor Ferguson was chosen as the representative from Council.

(q) ADJOURNMENT (Item 13)

There being no further business, the Economic Development and Planning Committee adjourned at 12:15 p.m.

Respectfully submitted,

David Mitchell, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
October 2, 2007