Mayor Bratina called the meeting to order and called upon Pastor David Cummings of the Nehemiah Prayer Network to lead Council in prayer.

### APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

#### 1. ADDED CORRESPONDENCE

5.14 Correspondence from John Demik of Demik Construction LP respecting The Nebo Group (2006) seeking Official Plan and Zoning By-law amendments to permit a hazardous waste operation on Nebo Road.

Recommendation: Be received and referred to the Acting General Manager of Planning and Economic Development for a report back to the Planning Committee.

5.15 Correspondence from the Office of the Prime Minister in response to Council’s letter respecting U.S. Steel and its pensioners.

Recommendation: Be received.
5.16 Correspondence from Ralph and Jo-Ann Benedict, respecting Item 3 of Planning Report 14-003 – Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a)).

Recommendation: Be received.

5.17 Correspondence from Joel Farber of Fogler, Rubinoff LLP respecting – Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a)).

Recommendation: Be received.

5.18 Correspondence from Marylena Stea, Public Affairs, Hydro One Networks Inc, respecting Upgrade of existing idle 115 kV Transmission Line (Circuit Q5G) in Towns of Lincoln and Grimsby, and City of Hamilton to connect Niagara Region Wind Corporation project.

Recommendation: Be received.

5.19 Correspondence from Mo Elbestawi, Vice-President and Vice-Chancellor, McMaster University respecting proposed collaboration between the Fraunhofer-IZI Institute for Cell Therapy and Immunology of Germany and McMaster University.

Recommendation: For the consideration of Council.

5.20 Correspondence from AMO Communications, respecting Prompt Payment Act, 2013 – Immediate Municipal Action Required.

Recommendation: Be received.

5.21 Correspondence from the Hamilton-Halton Home Builders’ Association, respecting City of Hamilton Submission to the Ontario Legislature Bill 69 - Prompt Payment Act.

Recommendation: Be received.

5.22 Correspondence from Susan Rosenthal, of Davies Howe Partners LLP, respecting General Issues Committee Report 14-004, Item 6, regarding Elfrida Urban Boundary Expansion – Background Studies (PED14011).

Recommendation: Be received.
5.23 Correspondence from John Ariens, Associate Director of IBI Group respecting Planning Committee Report 14-003, Item 6, regarding Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton) (PED14017).

Recommendation: Be received.

2. CORRECTION

Correspondence Item 5.12 is deleted as it is the same as Item 5.8 and the balance of the correspondence Items are re-numbered accordingly.

3. ADDED REPORT

6.3 General Issues Committee Report 14-005, February 25, 2014

(Johnson/Pearson)
That the agenda for the February 26, 2014 meeting of Council be approved, as amended. CARRIED

DECLARATIONS OF INTEREST

Item 12 – General Issues Committee Report 14-004
Labour Relations Matter regarding Carpenters’ Agreement

Councillor B. Johnson declared a conflict as she has a family member who is a member of the Carpenters' Union.

CEREMONIAL ACTIVITIES/ANNOUNCEMENTS

3.1 Provincial Environmental Awards for the Annual Waste-Free Lunch Challenge – Immaculate Conception School and Fessenden School, Ancaster

Mayor Bratina announced that Immaculate Conception School from the Hamilton-Wentworth Catholic District School Board and Fessenden School from the Hamilton-Wentworth District School Board, both in Ancaster, are winners of provincial environmental awards for the annual Waste-Free Lunch Challenge and called upon Catherine Leighton, Program Manager of the Waste-Free Lunch Challenge, and Councillor Lloyd Ferguson, Ward Councillor, to join him at the podium for the presentation of the certificates supplied by the Recycling Council of Ontario and their program partner, Carton Council of Canada.
Immaculate Conception School was represented by Mrs. Brenda Hamilton, Principal, Ms. Julie Pivotto, teacher, and Mrs. Anna Carter, teacher and Eco Representative. The Eco Team at Immaculate Conception School is made up of over twenty students from grades 1 to 5, many of whom were in attendance at the Council meeting and recognized by the Mayor.

Fessenden School was represented by Mrs. Kristen Ortwein and Mrs. Emily Lisson, both Primary teachers. Mrs. Ortwein also co-chairs the school’s Eco Committee. The school’s Eco Class Ambassadors, from Grades 2, 3, 5 and 6, were also recognized.

Mayor Bratina congratulated the hard work and dedication shown by the youth and cited that they are truly leading the way toward a greener future.

3.2 Recognition of Laura Fortino, Member of Canada’s 2014 Gold Medal Winning Olympic Women’s Hockey Team

Mayor Bratina called upon Laura Fortino to the podium and presented a Certificate recognizing Ms. Fortino as Hamilton’s first ever Olympic gold medalist, and for being an ambassador representing the City and the Country on the world stage.

Members of Council also congratulated Ms. Fortino for her achievement.

3.3 Recognition of Hamilton’s Glendale Golf and Country Club Winning the Travelers Tankard Ontario Men’s Curling Championship

Mayor Bratina called upon Councillor B. Johnson to the podium to recognize the attendance of Skip Greg Balsdon and his crew from Hamilton’s Glendale Golf and Country Club who have earned their way to the Brier after winning the Travelers Tankard Ontario Men’s Curling Champion-ship on Sunday afternoon. Mr. Balsdon was invited to the podium in recognition of his team’s achievement.

<table>
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<th>APPROVAL OF MINUTES</th>
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<td>4.1  February 12, 2014</td>
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(Partridge/Jackson)
That the Minutes of the February 12, 2014, meeting of Council be approved, as presented.  
CARRIED

<table>
<thead>
<tr>
<th>COMMUNICATIONS</th>
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<td>(McHattie/Farr)</td>
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That Council Communications 5.1 through 5.22 be approved, as amended, as follows:
5.1 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council’s letter respecting Community Homelessness Prevention Initiative Review.

Recommendation: Be received. (Powers/Johnson)

5.2 Correspondence from Norm Kelly, Deputy Mayor of Toronto and Chair of the Toronto Emergency Management Program Committee (TEMPC) thanking Mayor Bratina for joining in the GTA Mayors & Chairs meeting regarding the recent ice storm.

Recommendation: Be received. (Johnson/Pearson)

5.3 Correspondence from the City of Toronto Clerk’s Office respecting their Council’s endorsement of the resolutions adopted by the Greater Toronto and Hamilton Area Mayors and Regional Chairs at their meeting held on January 17, 2014 requesting disaster relief from the Federal and Provincial Governments.

Recommendation: Be received. (Pearson/Johnson)

5.4 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council’s letter respecting Request for Action Respecting the U.S. Steel Announcement.

Recommendation: Be received. (Morrow/McHattie)

5.5 Correspondence from the Honourable Kathleen Wynne, Premier of Ontario, in response to Council’s letter respecting protection for municipalities from claims with respect to operations, public assets and roads

Recommendation: Be received. (Whitehead/Duvall)

5.6 Correspondence from Mark Egbedeyi-Emmanuel, District Manager Hamilton/Halton for Union Gas respecting Union Gas Brantford to Kirkwall Pipeline Project

Recommendation: Be received. (Partridge/Pasuta)

5.7 E-mail from Larry Pomerantz, Chair, Hamilton Civic League, respecting Item 3 of Planning Report 14-003 - Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a))

Recommendation: Be received. (Clark/Pearson)
5.8 Correspondence from the Honourable Diane Finley, Minister of Public Works and Government Services in response to Council’s letter respecting the Burlington Canal Lift Bridge.

Recommendation: Be received and referred to the Hamilton-Burlington Bay Area Sub-Committee. **(Collins/Morrow)**

5.9 Correspondence from Gina van den Burg, Committee Clerk for the City of Burlington, with an attached copy of Development and Infrastructure Division Report DID-1-14 entitled *Rail line safety and awareness review*.

Recommendation: Be received. **(Collins/Jackson)**

5.10 Copy of a letter to Premier Kathleen Wynne from Maureen Spratt, Clerk of the Town of Arnprior respecting the Town’s resolution regarding Increased Electricity Rates.

Recommendation: That the Town of Arnprior be advised that Hamilton City Council has endorsed their resolution as follows:

(a) That the City of Hamilton urges in the strongest possible way that the Government of Ontario ensures that electricity rates both in the short and long-term, allow our businesses to remain competitive in a global environment and ensure that the vulnerable residents of our communities are not overburdened by ever-increasing electricity rates;

(b) That this resolution be sent to the Premier of Ontario, the Minister of Energy and Infrastructure, the Ontario Energy Board, the Ontario power Authority, Associations of Municipalities (AMO), MPP John Yakabuski, Ontario Municipalities and Local Municipalities in Renfrew County for support

(c) That the Town of Arnprior urges the Ontario Energy Board in the strongest possible way not to approve any further rate increases for electricity. **(Jackson/Johnson)**

5.11 Correspondence from Rory McAlpine, Maple Leaf Foods respecting support for Morriston By-Pass

Recommendation: Be received and referred to the Acting General Manager of Planning and Economic Development for consideration of funding. **(Partridge/Johnson)**

5.12 Correspondence from the Honourable Diane Finley, Minister of Public Works and Government Services respecting multi-use pathway on Burlington Canal Lift Bridge

Recommendation: Be received. This item was a duplicate and deleted
5.13 Correspondence from Stantec Consulting respecting Union Gas Pipeline Project – Initiation of Environmental Study Dawn Parkway System Expansion – Hamilton to Milton Section

Recommendation: Be received. (Collins/Morrow)

5.14 Correspondence from John Demik of Demik Construction LP respecting The Nebo Group (2006) seeking Official Plan and Zoning By-law amendments to permit a hazardous waste operation on Nebo Road.

Recommendation: Be received and referred to the Acting General Manager of Planning and Economic Development for a report back to the Planning Committee. (Pasuta/Powers)

5.15 Correspondence from the Office of the Prime Minister in response to Council’s letter respecting U.S. Steel and its pensioners.

Recommendation: Be referred to the Steel Committee. (Duvall/Whitehead)

5.16 Correspondence from Ralph and Jo-Ann Benedict, respecting Item 3 of Planning Report 14-003 – Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a)).

Recommendation: Be received. (Johnson/Ferguson)

5.17 Correspondence from Joel Farber of Fogler, Rubinoff LLP respecting – Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a)).

Recommendation: Be received. (McHattie/Farr)

5.18 Correspondence from Marylena Stea, Public Affairs, Hydro One Networks Inc, respecting Upgrade of existing idle 115 kV Transmission Line (Circuit Q5G) in Towns of Lincoln and Grimsby, and City of Hamilton to connect Niagara Region Wind Corporation project.

Recommendation: Be received. (Morrow/Collins)

5.19 Correspondence from Mo Elbestawi, Vice-President and Vice-Chancellor, McMaster University respecting proposed collaboration between the Fraunhofer-IZI Institute for Cell Therapy and Immunology of Germany and McMaster University.

Recommendation: Be referred to the City Manager for a report to the General Issues Committee. (McHattie/Ferguson)
Motion CARRIED on a Recorded Vote as follows:

Yeas: Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Morrow, Farr, McHattie, Ferguson, Powers, Pasuta
Total Yeas: 12
Nays: Clark, Johnson, Pearson, Partridge
Total Nays: 4

5.20 Correspondence from AMO Communications, respecting Prompt Payment Act, 2013 – Immediate Municipal Action Required.
Recommendation: Be received. (Powers/Jackson)

5.21 Correspondence from the Hamilton-Halton Home Builders’ Association, respecting City of Hamilton Submission to the Ontario Legislature Bill 69 - Prompt Payment Act.
Recommendation: Be received. (Jackson/Duvall)

5.22 Correspondence from Susan Rosenthal, of Davies Howe Partners LLP, respecting General Issues Committee Report 14-004, Item 6, regarding Elfrida Urban Boundary Expansion – Background Studies (PED14011).
Recommendation: Be received. (Bratina/Whitehead)

5.23 Correspondence from John Ariens, Associate Director of IBI Group respecting Planning Committee Report 14-003, Item 6, regarding Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton) (PED14017).
Recommendation: Be received. (Partridge/Pasuta) CARRIED as amended (McHattie/Farr)

That Council move into Committee of the Whole for consideration of the Committee Reports. CARRIED

PLANNING COMMITTEE REPORT 14-003

Item 3  Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a)) (City Wide)

(Collins/Whitehead)
That Item 3 of Planning Committee Report 14-003, be amended by deleting the recommendation in its entirety and replacing with the following therein:
That the City’s Legal Counsel be instructed to present the City’s position at the AEGD, Phase 3 OMB Hearing as follows:

(a) Option 1 (a) in Appendix “A” of Report PED13209 (a), Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan;

(b) Council resolution of October 13, 2010 respecting Report PED10153a/ FCS10062a/PW10080, Airport Employment Growth District Secondary Plan, Zoning By-law and Infrastructure Master Plans, related to the Ancaster Christian Reformed Church, as follows:

"(j) That the lands of the Ancaster Christian Reformed Church at the south east corner of Fiddler's Green Road and Garner Road East comprised of approximately 9.08 ha (22.44 acres) be included in the Airport Employment Growth District Secondary Plan and designated for "Prestige Business" and zoned "Airport Prestige Business Park (M11) Zone" with a site specific provision to permit the expansion of the existing church, offices related to religious Organizations, church-religious retreat including convention/ conference centre and hotel facilities, sports facilities, centres of learning, and ministry programs in Conjunction with Redeemer University College on the following basis:

(i) The lands are contiguous to the existing urban boundary and represents a logical extension of the urban area boundary;

(ii) The lands are immediately serviceable (sanitary sewers and watermain) with upgrades to the existing infrastructure;

(iii) The lands have frontage on Garner Road and Fiddler's Green Road and has easy access to Highway 403;

(iv) The proposed uses will complement other employment uses in the Airport Employment Growth District;

(v) The proposed development of a church-religious retreat will contribute to jobs and assessment growth in our community;

(vi) The proximity to the John C. Munro Hamilton International Airport will complement the proposed conference facilities;
(vii) The proposed development is considered "shovel-ready" as the proposed development has commitments from project partners.

Sub-sections (a) and (b) were split for voting purposes.

Sub-section (a) **CARRIED** on the following Standing Recorded Vote:

Yea: Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Morrow, Farr, McHattie, Pearson, Ferguson, Powers, Pasuta, Partridge

Total Yeas: 14
Nays: Clark, Johnson
Total Nays: 2

Sub-section (b) **CARRIED** on the following Standing Recorded Vote:

Yea: Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Morrow, Farr, Pearson, Ferguson, Powers, Pasuta, Partridge

Total Yeas: 13
Nays: Clark, Johnson, McHattie
Total Nays: 3

**Item 5** Notice of Intention to be a licensed producer under the Marihuana for Medical Purposes Regulations

(Whitehead/Duvall)

That Item 5 be amended as follows:

(a) by deleting the words “as well as including as Council correspondence”;

(b) by adding a sub-section (b) to read as follows:

(b) That Planning staff be directed to provide further information to the Planning Committee if a public process would apply to the notice of intentions submitted to the City regarding an application to Health Canada for a licenced producer under the regulations. **Amendment CARRIED**

Motion as amended **CARRIED**

**Item 6** Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton) (PED14017) (Ward 8) (Item 8.5)

(Whitehead/Duvall)

That Item 6 of Planning Committee Report 14-003, be amended by deleting the recommendation in its entirety and replacing with the following therein:
(a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-13-011, by Valery Homes, c/o Rob Ostrowercha (Owner), for a change in designation on Schedule B – Natural Heritage System, to delete the “Linkages” designation from a portion of the subject lands, in order to permit the development of a 10-storey, 192 unit multiple dwelling, for lands located at 1670 Garth Street (Hamilton), as shown on Appendix “A” to Report PED14017, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14017, be adopted by City Council.

(b) That approval be given to Zoning By-law Application ZAC-12-063, by Valery Homes, c/o Rob Ostrowercha (Owner), for a change in zoning from the “AA” (Agricultural) District to the “E/S-1701” (Multiple Dwellings, Lodges, Clubs, etc.) District, with a Special Exception (Block “1”) and the Conservation/Hazard Land (P5) Zone (Block “2”), in order to permit the development of a 10-storey, 192 unit multiple dwelling with ground floor commercial uses, for lands located at 1670 Garth Street (Hamilton), as shown on Appendix “A” on the following basis:

(i) That the draft By-laws, attached as Appendices “C”, as amended in (d), and “D” to Report PED14017, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law, attached as Appendix “D” to Report PED14017, be added to Map No.’s 1340 and 1392 of Schedule “A” of the City of Hamilton Zoning By-law No. 05-200

(iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP) upon finalization of Official Plan Amendment No. 

(c) That upon finalization of the implementing By-law, the subject lands within the Carpenter Neighbourhood Plan be redesignated from “Attached Housing” and “Low Density Residential” to “High Density Residential” (Block “1” on Appendix “A”) and “Open Space” (Block “2” on Appendix “A”).

(d) That staff be directed to revise the proposed amending Zoning By-law, attached as Appendix “C” to Report PED14017, with the following revisions:
(i) to alter Subsection 2(a) to allow a maximum of 950 square metres of Commercial Uses; to alter Subsection 2(b) to restrict maximum building height to 10-storeys or 30m in height;

(ii) to alter Subsection 2(d) to delete reference to special setbacks for a 14-storey building; to alter Subsection 2(i) to require 25 parking spaces for the combined maximum 950 square metres of commercial uses;

(iii) to include an "H" Holding Provision in the by-law to ensure construction of the development not proceed until the funded and scheduled reconstruction of Rymal Road West in front of the subject lands has been determined and coordinated with the construction of the development proposal. This shall not be later than the Fall of 2017 and may proceed earlier if the afore-mentioned road works are completed sooner.

CARRIED as amended

(Johnson/Pearson)

That the Third Report of the Planning Committee be adopted, as amended, and the information section received. (attached hereto) CARRIED

GENERAL ISSUES COMMITTEE REPORT 14-004

Item 5  Elfrida Urban Boundary Expansion – Background Studies (PED14011) (City Wide)

Item 5 CARRIED on the following recorded vote:

Yeas: Clark, Pearson, Ferguson, Powers, Pasuta, Partridge, Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Morrow, Farr, McHattie

Total Yeas: 15
Nays: Johnson
Total Nays: 1

Item 6  Elfrida Urban Boundary Expansion – Background Studies (PED14011) (City Wide)

Item 6 CARRIED on the following recorded vote:

Yeas: Clark, Pearson, Ferguson, Powers, Pasuta, Partridge, Bratina, Merulla, Whitehead, Duvall, Jackson, Collins, Morrow, Farr, McHattie

Total Yeas: 15
Nays: Johnson
Total Nays: 1
Item 10  Biosolids Management Project – Public Private Partnership (PPP)  
Canada Funding (PW11098(c)/FCS11112(c)) (City Wide)

(McHattie/Collins)  
That Item 10 of General Issues Committee Report 14-004 respecting Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding (PW11098(c)/FCS11112(c)) be amended by adding subsection (c) as follows:

   (c) That Hamilton’s Biosolids program be prohibited from importing or processing sewage sludge or dewatered biosolids generated outside the municipality of Hamilton.  

Amendment CARRIED

The Main Motion, as amended, CARRIED on the following Recorded Vote:

Yea: Whitehead, Duvall, Jackson, Morrow, Farr, McHattie, Clark, Pearson, Ferguson, Powers, Pasuta, Partridge, Bratina  
Total Yea: 13

Nay: Merulla Johnson, Collins  
Total Nay: 3

(Bratina/Partridge)  
That approval of General Issues Committee Report 14-004 be deferred pending completion of discussions in closed session.  

CARRIED

The motion to move into closed session for discussion of Item 12 of General Issues Committee Report 14-004 respecting Labour Relations Matter respecting the Carpenters’ Union CARRIED on the following Recorded Vote:

Yea: Whitehead, Duvall, Jackson, Collins, Morrow, Farr, McHattie, Clark, Pearson, Pasuta, Merulla  
Total Yea: 11

Nay: Ferguson, Powers, Partridge, Bratina  
Total Nay: 4

Abstain: Johnson  
Total Abstain: 1

Item 12  Labour Relations Matter regarding Carpenters’ Agreement  

(Whitehead/Duvall)  
That the matter be tabled to the March 26 Council meeting with the results of the direction provided in closed session provided at that time.  

CARRIED

(Merulla/Collins)  
That Information Item (g)(i) of General Issues Committee Report 14-004 respecting “Hamilton Tiger-Cats Football Club 20-Year License Agreement” be lifted from the table.  

Motion CARRIED on the following Recorded Vote:
Yeas: Whitehead, Duvall, Jackson, Collins, Morrow, Farr, McHattie, Powers, Merulla, Johnson, Ferguson, Pasuta, Partridge, Bratina
Total Yeas: 14
Nays: Clark, Pearson
Total Nays: 2

**Item 15 Hamilton Tiger-Cats Football Club 20-Year License Agreement (PW14021) (Ward 3)**

*(Merulla/Collins)*

That the following be added as Item 15 to General Issues Committee Report 14-004:

(a) That the City of Hamilton enter into a 20 Year License Agreement with the Hamilton Tiger-Cats Football Club (2007) Corp. for the use of the new Hamilton Stadium for Football Games and Practices;

(b) That the permanent name recognized by the Federal and Provincial Government, which satisfies the requirements within the 2015 Pan Parapan American Games Multi-Party Agreement that states all permanent facility signage must be bilingual, (English and French) and include a legacy tagline post Games at the Hamilton Stadium be approved as follows:

**TERRAIN Tim Hortons FIELD**

**GAMES LEGACY/LEGS DES JEUX**

**PAN/PARAPAN AM**

(c) That the Hamilton Street Railway (HSR) continue to provide transit service for the Tiger-Cats home games through the “Ticket to Ride” program and the Tiger-Cats express shuttle routes (to/from King and Hughson, Eastgate Square, Limeridge Mall, and University Plaza) through an annual renewable in-kind letter agreement;

(d) That Council suspend enforcement of Commercial Parking Lot uses under Zoning By-laws 05-200 and 6593 as follows:

- Within the Stadium Precinct boundaries (Sherman Avenue to the West, Glendale Avenue to the East, Cumberland Avenue to the South and Burlington Street to the North);
- For Football Home Games, Soccer Home Games and Events that exceed the 180 Stadium parking spaces;
- That the Director, Facilities Management and Capital Programs or designate, evaluate on a yearly basis.

(e) That Council suspend enforcement of licensing Commercial Parking Lots (Public Garages D) under Schedule 16 - Public Garages, Business Licensing By-law 07-170 as follows:
Within the Stadium Precinct boundaries (Sherman Avenue to the West, Glendale Avenue to the East, Cumberland Avenue to the South and Burlington Street to the North);

For Football Home Games, Soccer Home Games and Events that exceed the 180 Stadium parking spaces;

That the Director, Facilities Management and Capital Programs or designate, evaluate on a yearly basis.

(f) That the Mayor and City Clerk, be authorized and directed to sign the 20-Year License Agreement and that the Mayor and City Clerk, and appropriate City staff, as the case may be, be authorized and directed to sign any other ancillary documents between the City and the Hamilton Tiger-Cats Football Club (2007) Corp., in a form acceptable to the City Solicitor, to implement recommendation (a) in Report PW14021 and any other ancillary documents.

The Motion CARRIED on the following Standing Recorded Vote:

Yeas: Bratina, Whitehead, Jackson, Collins, Merulla, Morrow, Farr, McHattie, Powers
Total Yeas: 9
Nays: Clark, Pearson, Johnson, Ferguson, Pasuta, Partridge
Total Nays: 7

(Merulla/Collins)
That the FOURTH Report of the General Issues Committee be adopted, as amended, and the information section received. (attached hereto) CARRIED

(Bratina/Pasuta)
That pursuant to sub-section 5.6(2) of the City’s Procedural By-law, the 48-hour rule be waived in order to allow consideration of General Issues Committee Report 14-005. CARRIED

GENERAL ISSUES COMMITTEE REPORT 14-005

(Bratina/Partridge)
That the FIFTH Report of the General Issues Committee be adopted, and the information section received. (attached hereto) CARRIED

(Merulla/Collins)
That the Committee of the Whole Rise and Report. CARRIED
7.1 Council Appointments to Various Sub-Committees, Advisory Committees/ Volunteer Committees and Boards

(Merulla/Morrow)
That the following Councillors be appointed to fill the vacancies on the Committees outlined below for the remainder of the 2010-2014 Council term:

(a) Barton Village, International Village and Ottawa Street BIA
   - Councillor R. Morrow

(b) School Board Properties Sub-Committee
   - Councillor R. Morrow

(c) Steel Committee
   - Councillor R. Morrow

(d) Tourism Advisory Committee
    and
    Hamilton Veterans Volunteer Committee
   - Councillor R. Pasuta

(e) Advisory Committee for Persons with Disabilities
   - Councillor S. Merulla

(f) International Children’s Games Committee
   - Councillor B. Johnson
   CARRIED

7.2 Agreement with Urquhart Butterfly Garden Group

(Powers/McHattie)
(a) That staff be directed to negotiate a 5-year land use agreement in a form satisfactory with the City Solicitor, with Joanna Chapman, as a representative of the Urquhart Butterfly Garden at Centennial Park, for the purposes of:

   (i) formalizing the relationship that the Garden currently has in Centennial Park and with the City of Hamilton;

   (ii) expanding the area holdings of the butterfly garden to include the city-owned lands north of the Park, on the west side of the Desjardins Canal;

   (iii) defining criteria to allow the Urquhart Butterfly Garden Group to hire a consultant and contractor to undertake bank restoration works along the Desjardins Canal, plantings compatible with butterfly habitat and naturalization, and construct a walkway to connect the Butterfly Garden and Centennial Park to the Hamilton Conservation Authority lands at the Veldhuis Property to the north.
(b) That the Mayor and Clerk be authorized and directed to execute the agreement.  
CARRIED  

(Powers/McHattie)  
(a) That subsection (ii) of Item 7.2 respecting Agreement with Urquhart Butterfly Garden Group be amended by deleting the word “north” after the word “lands” and inserting the word “west” therein and by deleting the word “west” before the word “side” and inserting the word “north” therein; 

(b) That subsection (iii) of Item 7.2 respecting Agreement with Urquhart Butterfly Garden Group be amended by deleting the words “consultant and” and by deleting the word “north” and inserting the word “east” therein.  
Amendment CARRIED  
Motion as amended CARRIED  

The amended motion to read as follows:  

(a) That staff be directed to negotiate a 5-year land use agreement in a form satisfactory with the City Solicitor, with Joanna Chapman, as a representative of the Urquhart Butterfly Garden at Centennial Park, for the purposes of:  

(i) formalizing the relationship that the Garden currently has in Centennial Park and with the City of Hamilton;  

(ii) expanding the area holdings of the butterfly garden to include the city-owned lands north west of the Park, on the west north side of the Desjardins Canal;  

(iii) defining criteria to allow the Urquhart Butterfly Garden Group to hire a consultant and contractor to undertake bank restoration works along the Desjardins Canal, plantings compatible with butterfly habitat and naturalization, and construct a walkway to connect the Butterfly Garden and Centennial Park to the Hamilton Conservation Authority lands at the Veldhuis Property to the north east.  

(b) That the Mayor and Clerk be authorized and directed to execute the agreement.  

NOTICES OF MOTION  
None  

STATEMENT BY MEMBERS  
Members of Council used this opportunity to discuss matters of general interest.
PRIVATE AND CONFIDENTIAL

(Collins/Jackson)
That the Council move into Closed Session at 8:24 p.m. pursuant to Sub-sections 8.1(c) and (f) of the City’s Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matters pertain to (c) a proposed or pending acquisition or disposition of land by the municipality or local board; and (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting the Hamilton Tiger-Cats Football Club 20-Year License Agreement; and (f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose respecting a Labour Relations Matter regarding the Carpenters’ Union.

CARRIED

The Committee reconvened in Open Session.

10.1 Labour Relations Matter regarding Carpenters’ Agreement

See Item 12 of General Issues Committee Report 14-004 for the disposition of this item.

10.2 Hamilton Tiger-Cats Football Club 20-Year Lease Agreement

See Item 15 of General Issues Committee Report 14-004 for the disposition of this item.

BY-LAWS

(Merulla/Collins)
That Bills No. 14-035 to 14-046 be passed, and that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk to read as follows:

Bill No.

035 Being a By-law to impose a sewer rate under the Municipal Act, 2001, as amended, upon owners of land abutting Rymal Road East from Fletcher Road to Dakota Boulevard, in the City of Hamilton.

036 To Incorporate City Land Designated as Part 1 On Plan 62R-19734 into Echovalley Drive

037 To Incorporate City Land Designated as Block 38 On Plan 62M-282 into Macintosh Drive

038 To Incorporate City Land Designated as Block 32 on Plan 62M-838 into Macintosh Drive
Bill No.
039 To Incorporate City Land Designated as Part 3 on Plan 62R-19734 into Echovalley Drive.

040 To Amend By-law No. 01-218, as amended, Being a By-law To Regulate On-Street Parking

Schedule 6 – Time Limit Parking
Schedule 8 – No Parking Zones
Schedule 13- No Stopping Zones
Schedule 20 – School Bus Loading Zones

041 To Adopt Amendment No. 233 to the City of Hamilton Official Plan Respecting West Harbour Secondary Plan

042 To Amend Zoning By-law No. 6593 (Hamilton), respecting lands located on the north side of Guise Street, east of MacNab Street North and west of Hughson Street North

043 To Amend Zoning By-law No. 05-200, as Amended, Respecting Lands Located at 307 and 325 Fiddlers Green Road, (Ancaster)

044 To Impose a Sanitary Sewer Charge upon owners of land abutting Chester Avenue from West 5th Street to approximately 95 metres westerly and a Storm Sewer Charge upon owners of land abutting Chester Avenue from West 5th Street to approximately 97 metres westerly, in the City of Hamilton.

045 To Amend Zoning By-law No. 464 (Glanbrook), As Amended, and to Repeal By-law 14-012, Respecting Lands Located at 1660 Hall Road, Glanbrook

046 To Confirm Proceedings of Council

(Pearson/Johnson)
That there being no further business, the City Council meeting be adjourned at 10:29 p.m. CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini, B.Comm., A.M.C.T.
City Clerk
THE PLANNING COMMITTEE PRESENTS REPORT 14-003 AND RESPECTFULLY RECOMMENDS:

1. Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster) (PED13183) (Ward 12) (tabled from December 3, 2013) (Item 8.6)

That approval be given to Amended Zoning Application ZAC-12-021, by Highgate Holdings, Owner, for a change in zoning from the Community Institutional “I2” Zone, and the Existing Residential “ER” Zone to the Community Institutional (I2, 457) Zone, to permit the expansion of an existing Retirement Home, on lands known as 307 and 325 Fiddler’s Green Road, in the former Town of Ancaster, shown as Blocks 1 and 2 on Appendix “A” to Report PED13183, to be limited to a maximum of 80 residents within an addition which is not to exceed 2 storeys on the following basis:

(a) That the modified Draft By-law, attached as Revised Appendix “C” to Report PED13183, which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council;

(b) That the amending By-law be added to Map 1 to Schedule “B” of Zoning By-law No. 87-57;
(c) That the proposed changes in zoning conform to the Places to Grow Growth Plan, and is consistent with the Provincial Policy Statement (PPS);

(d) That the proposed changes in zoning are in conformity with the Urban Hamilton Official Plan;

(e) That a visual barrier be provided along the northerly side property line which shall consist of landscaping materials only such as trees, shrubs and hedges without the further provision of fencing;

(f) That the Ward Councillor be included in the Site Plan review.

2. Recommendation to Designate 1284 Main Street East (Hamilton) (Delta Secondary School) Under Part IV of the Ontario Heritage Act (PED14028) (Ward 4) (Item 8.2)

(a) That the designation of 1284 Main Street East (Hamilton), shown in Appendix “A” of Report PED14028, as a property of cultural heritage value pursuant to the provisions of Part IV of the Ontario Heritage Act, be approved.

(b) That the Statement of Cultural Heritage Value or Interest and Description of Heritage Attributes, attached as Appendix “B” to Report PED14028, be approved.

(c) That the City Solicitor be directed to take appropriate action to designate 1284 Main Street East (Hamilton), under Part IV of the Ontario Heritage Act, in accordance with the Notice of Intention to Designate, attached as Appendix “C” to Report PED14028.

3. Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a)) (City Wide) (Item 7.1)

(a) Option 1 (a) in Appendix “A” of Report PED13209 (a), Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan;

(b) Council resolution of October 13, 2010 respecting Report PED10153a/FCS10062a/PW10080, Airport Employment Growth District Secondary Plan, Zoning By-law and Infrastructure Master Plans, related to the Ancaster Christian Reformed Church, as follows:
"(j) That the lands of the Ancaster Christian Reformed Church at the south east corner of Fiddler's Green Road and Garner Road East comprised of approximately 9.08 ha (22.44 acres) be included in the Airport Employment Growth District Secondary Plan and designated for "Prestige Business" and zoned "Airport Prestige Business Park (M11) Zone" with a site specific provision to permit the expansion of the existing church, offices related to religious Organizations, church-religious retreat including convention/conference centre and hotel facilities, sports facilities, centres of learning, and ministry programs in Conjunction with Redeemer University College on the following basis:

(i) The lands are contiguous to the existing urban boundary and represents a logical extension of the urban area boundary;

(ii) The lands are immediately serviceable (sanitary sewers and watermain) with upgrades to the existing infrastructure;

(iii) The lands have frontage on Garner Road and Fiddler's Green Road and has easy access to Highway 403;

(iv) The proposed uses will complement other employment uses in the Airport Employment Growth District;

(v) The proposed development of a church-religious retreat will contribute to jobs and assessment growth in our community;

(vi) The proximity to the John C. Munro Hamilton International Airport will complement the proposed conference facilities;

(vii) The proposed development is considered "shovel-ready" as the proposed development has commitments from project partners.

4. City of Hamilton Standard Form Special Sewer Service Agreement and Special Water Service Agreement (PED14025) (City Wide) (Item 8.1)

(a) That the form and terms of a Special Water Service Agreement, attached hereto as Appendix “A”, and a Special Sewer Service Agreement, attached hereto as Appendix “B”, be adopted, as the City’s standard form agreements to carry out installation of temporary service connections to lands directly abutting public highways where no sewers or watermains
exist as permitted by the City’s Sewer and Drain By-law and Waterworks By-law, and pursuant to the authority granted by Council in adopting Item 47(c) of the Committee of the Whole minutes on August 22, 2001, authorizing the City to enter into and execute such agreements;

(b) That the Acting General Manager of Planning and Economic Development, or designate, be authorized to make amendments to the standard form Special Water Service Agreement, attached hereto as Appendix “A”, and Special Sewer Service Agreement, attached hereto as Appendix “B”, without the need for Council approval where such amendments are deemed to be of a “housekeeping” nature reflecting changes in municipal policy, organizational structure and Provincial legislation, provided such amendments do not change the intent or principles of the agreements.

5. A Review of the Federal Marihuana for Medical Purposes Regulations (MMPR) - Planning and Building Implications for the City of Hamilton (PED14037) (City Wide) (Item 8.4)

(a) That upon receipt of a notice of intention to be a licensed producer under the Marihuana for Medical Purposes Regulations, that the office of the Mayor and the City Clerk, immediately on receipt, circulate the notice to the Ward Councillor, Building Services and Planning division of the Planning and Economic Development Department;

(b) That Planning staff be directed to provide further information to the Planning Committee if a public process would apply to the notice of intentions submitted to the City regarding an application to Health Canada for a licenced producer under the regulations.

6. Applications for an Official Plan Amendment and Zoning By-law Amendment for Lands Located at 1670 Garth Street (Hamilton) (PED14017) (Ward 8) (Item 8.5)

(a) That approval be given to Urban Hamilton Official Plan Amendment Application OPA-13-011, by Valery Homes, c/o Rob Ostrowercha (Owner), for a change in designation on Schedule B – Natural Heritage System, to delete the “Linkages” designation from a portion of the subject lands, in order to permit the development of a 10-storey, 192 unit multiple dwelling, for lands located at 1670 Garth Street (Hamilton), as shown on Appendix “A” to Report PED14017, on the following basis:

(i) That the draft Official Plan Amendment, attached as Appendix “B” to Report PED14017, be adopted by City Council.
(b) That approval be given to Zoning By-law Application ZAC-12-063, by Valery Homes, c/o Rob Ostrowercha (Owner), for a change in zoning from the “AA” (Agricultural) District to the “E/S-1701” (Multiple Dwellings, Lodges, Clubs, etc.) District, with a Special Exception (Block “1”) and the Conservation/Hazard Land (P5) Zone (Block “2”), in order to permit the development of a 10-storey, 192 unit multiple dwelling with ground floor commercial uses, for lands located at 1670 Garth Street (Hamilton), as shown on Appendix “A” on the following basis:

(i) That the draft By-laws, attached as Appendices “C”, as amended in (d), and “D” to Report PED14017, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

(ii) That the amending By-law, attached as Appendix “D” to Report PED14017, be added to Map No.’s 1340 and 1392 of Schedule “A” of the City of Hamilton Zoning By-law No. 05-200

(iii) That the proposed change in zoning is in conformity with the Urban Hamilton Official Plan (UHOP) upon finalization of Official Plan Amendment No. .

(c) That upon finalization of the implementing By-law, the subject lands within the Carpenter Neighbourhood Plan be redesignated from “Attached Housing” and “Low Density Residential” to “High Density Residential” (Block “1” on Appendix “A”) and “Open Space” (Block “2” on Appendix “A”).

(d) That staff be directed to revise the proposed amending Zoning By-law, attached as Appendix “C” to Report PED14017, with the following revisions:

(i) to alter Subsection 2(a) to allow a maximum of 950 square metres of Commercial Uses; to alter Subsection 2(b) to restrict maximum building height to 10-storeys or 30m in height;

(ii) to alter Subsection 2(d) to delete reference to special setbacks for a 14-storey building; to alter Subsection 2(i) to require 25 parking spaces for the combined maximum 950 square metres of commercial uses;

(iii) to include an “H” Holding Provision in the by-law to ensure construction of the development not proceed until the funded and scheduled reconstruction of Rymal Road West in front of the subject lands has been determined and coordinated with the construction of the development proposal. This shall not be later
than the Fall of 2017 and may proceed earlier if the afore-mentioned road works are completed sooner.

7. Canada Post – Discontinuation of Door-to-Door Mail (Item 9.2)

(a) That the City of Hamilton advise Canada Post that it opposes the discontinuation of door to door mail delivery service;

(b) That should Canada Post discontinue door to door mail delivery, Canada Post and the Federal Government be requested to fund the installation of any new Community Mailboxes;

(c) That Canada Post and the Federal Government ensure that new Community Mailbox sites be fully accessible for the disabled, and well lit;

(d) That Canada Post and the Federal Government ensure that the new Community Mailbox sites take into account the existing parking requirements, future parking requirements, the impact of added traffic on select streets, the requirement for winter maintenance activities and other associated impacts;

(e) That Canada Post and the Federal Government take responsibility for the new Community Mailbox site selection process (including cost), and ensure that the appropriate public consultation occurs with their customers/constituents, including but not limited to consultation with neighbourhood associations, condominium boards, BIAs, and other entities;

(f) That this motion be forwarded to the Board of Directors of Canada Post, all local Members of Parliament, the Federation of Canadian Municipalities, the Association of Municipalities of Ontario, and the Minister of Transport responsible for Canada Post.

8. Food Trucks on Private Property

That staff be directed to use discretion in enforcing the Food Truck Licensing requirements respecting zoning until the requested report respecting regulations and Food Trucks located on private property is considered by Planning Committee and City Council.
FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes to the Agenda:

DELEGATION REQUESTS

4.2 Delegation request from Sheila Smith respecting Item 8.2 307 and 325 Fiddler’s Green Road (handout attached)

4.3 Delegation requests respecting Item 7.2 Airport Employment Growth District:

(iv) Larry Pomerantz
(v) Bill van Staalduinen
(vi) Michael Desnoyers
(vii) Jim Sweetman
(viii) Craig Smith
(ix) Jennifer Drake
(x) Peter Hutton
(xi) Don McLean
(xii) Mark Noskiewicz
(xiii) Joel Farber

4.4 Delegation Requests respecting Item 8.2 307 and 325 Fiddler’s Green Road

(i) Beth Goodger
(ii) Michael Street
(iii) Glenn Wellings

PUBLIC HEARINGS AND DELEGATIONS

6.1 Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15)

(i) Correspondence from Steve Oliver (also wishing to speak)
(ii) Correspondence from Laurie Bacon
(iii) Correspondence from Douglas Wigle
(iv) Correspondence from Leigh-Ann Saddlington
(v) Correspondence from the Niagara Escarpment Commission
(vi) Correspondence from Seth Stewart
(vii) Correspondence from Bonny Valade
DISCUSSION ITEMS

8.6 Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster) (PED13183) (Ward 12) (Motion - Councillor Ferguson)

PRIVATE AND CONFIDENTIAL

12.2 Notice of Motion - Possible Property Acquisition (Delivered under separate cover)

Pursuant to Section 8.1, Sub-section (c) of the City's Procedural By-law 10-053, and Section 239, Sub-section (c) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land by the municipality or local board

Item 8.6, Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster) (PED13183) (Ward 12), was moved forward to be heard after item 6.1.

Item 8.2, Recommendation to Designate 1284 Main Street East (Hamilton) (Delta Secondary School) Under Part IV of the Ontario Heritage Act (PED14028) (Ward 4), was moved forward to be heard after item 6.1

The Agenda for the February 18, 2014 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None.

(c) APPROVAL OF MINUTES (Item 3)

(i) February 4, 2014

The Minutes of the February 4, 2014 Planning Committee meeting were approved.
(d) DELEGATION REQUESTS (Item 4)

(i) Delegation request from Teresa St. Michael respecting Item 8.2 307 and 325 Fiddler’s Green Road (Item 4.1)

The delegation request from Teresa St. Michael respecting Item 8.2 307 and 325 Fiddler’s Green Road, was approved.

(ii) Delegation request from Sheila Smith respecting Item 8.2 307 and 325 Fiddler’s Green Road (Item 4.2)

The delegation request from Sheila Smith respecting Item 8.2 307 and 325 Fiddler’s Green Road, was approved.

(iii) Delegation requests respecting Item 7.2 Airport Employment Growth District (Item 4.3):

- Peter Pickfield, Doug Annand and Kevin Fergin
- Bryna Wasserman
- Chris West
- Larry Pomerantz
- Bill van Staalduinen
- Michael Desnoyers
- Jim Sweetman
- Craig Smith
- Jennifer Drake
- Peter Hutton
- Don McLean
- Mark Noskiewicz
- Joel Farber

The delegation requests respecting Item 7.2 Airport Employment Growth District, were approved.

(iv) Delegation Requests respecting Item 8.2 307 and 325 Fiddler’s Green Road (Item 4.4):

- Beth Goodger
- Michael Street
- Glenn Wellings
The delegation respecting Item 8.2 - 307 and 325 Fiddler's Green Road, was approved.

(e) PUBLIC HEARINGS AND DELEGATIONS (Item 6)

(i) Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough) (PED14018) (Ward 15) (Item 6.1)

(i) Correspondence from Steve Oliver (also wishing to speak)
(ii) Correspondence from Laurie Bacon
(iii) Correspondence from Douglas Wigle
(iv) Correspondence from Leigh-Ann Saddington
(v) Correspondence from the Niagara Escarpment Commission
(vi) Correspondence from Seth Stewart
(vii) Correspondence from Bonny Valade
(viii) Correspondence from Margaret Ritchie and Tony Vanzantvoort
(ix) Correspondence from Leigh-Ann Saddington

In accordance with the provision of the Planning Act, Chair B. Johnson advised those in attendance that 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 Council approves the zoning by-law amendment, 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, and 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, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED14018, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough), was received.

Terry Korsiaik, on behalf of Mattamy Homes, provided an overview of the application with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The agent's presentation respecting Report PED14018, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough), was received.
The correspondence respecting Report PED14018, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough), was received.

Public Speaker:
1. Steve Oliver – 215 Fellows Cres., Waterdown, ON L0R 2H3

Mr. Oliver provided an overview of his concerns the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The public presentation respecting Report PED14018, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough), was received.

The public meeting respecting Report PED14018, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough), was closed.

That Report PED14018, Application for a Zoning By-law Amendment for Lands Located at the Southwest Corner of Parkside Drive and Spring Creek Drive (Flamborough), be tabled to the March 18, 2014 meeting of the Planning Committee in order for a community meeting with all residence within 120m of the proposed development with staff, the Ward Councillor and Mattamy Homes to address issues of parking, traffic and lack of park space;

It is noted that the public meeting was held and closed under the Planning Act and that Steve Oliver, spoke as a delegation. Those who speak at the community meeting will not be entitled to appeal the application unless written correspondence is provided to the City Clerk before the approval of the application by Council.

(ii) Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster) (PED13183) (Ward 12) (tabled from December 3, 2013) (Item 8.6)

Delegations:
1. Teresa St. Michael

Ms. St. Michael was not in attendance.
2. Sheila Smith, Michael Street and Beth Goodger

Ms. Smith, Mr. Street and Ms. Goodger provided delegations and outlined their concerns in a hand out. A copy of the hand out has been included in the public record. They are in support of the reduction to 80 residents.

3. Glenn Wellings, on behalf of the applicant

Mr. Wellings advised that the applicant is not in support of the 80 resident reduction and urges Committee to support the staff recommendations.

The applicant, Christoph Summer, spoke to address Committee questions respecting the economics of scale with respect to the unit numbers.

The delegations respecting Report PED13183, Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster), were received.

The recommendations contained in Report PED13183, Proposed Zoning By-law Amendment for 307 and 325 Fiddler's Green Road (Ancaster), were amended to:

(a) Include wording that will limit the expansion of the retirement home to a maximum of 80 residents overall with an addition which is not to exceed 2 storeys in height;

(b) Recommend that a modified Draft By-law be provided as Revised Appendix “C” to address the issues of maximum number of residents and maximum building height;

(c) Include a special provision to require a visual barrier in the northerly side yard, consisting of landscaping materials only such as trees, shrubs and hedges without the further requirement for fencing;

(d) That the Ward Councillor be included in the Site Plan Review.

For disposition on this Item, refer to item 1.
(f) PRESENTATIONS (Item 7)

(i) Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a)) (City Wide) (Item 7.1)

Correspondence:
(i) Ross & McBride LLP – on behalf of Ancaster Christian Reformed Church
(ii) Goodmans LLP – on behalf of Elfrida Landowners
(iii) Anthony F. De Rubeis
(iv) Wellings Planning Consultants Inc - on behalf of the Smith’s
(v) Fogler, Rubinoff LLP - on behalf of Twenty Road West Landowners Group
(vi) Garrod Pickfield - on behalf of Lea Silvestri Investments Ltd.
(vii) Davies Howe Partners LLP - on behalf of Twenty Road East Landowners
(viii) John Harvey
(ix) RCI Consulting
(x) Vince MacDonald
(xi) Birgit Gerke
(xii) Peter O’Hagan
(xiii) Don McLean

The correspondence from Don McLean was added to the list of correspondence to be received.

Nancy Smith, legal counsel, advised that this is not a Planning Act process and that this is for the City of Hamilton to advise legal counsel on how to proceed.

The presentation respecting Report PED13209(a), Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan, was received.

Guy Paparella, Director of Growth Planning, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record.

The staff presentation respecting Report PED13209(a), Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB)
Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan, was received.

Delegations:
1. Peter Pickfield, Doug Annand and Kevin Fergin

   The speakers, on behalf of Silvestri Investments, spoke to the lands within and out of the boundary that impact Silvestri and wish to have the boundary adjusted.

2. Bryna Wasserman and Chris West

   Ms. Wasserman and Mr. West expressed concerns with the aid of a handout. A copy of the handout has been included in the public record.

3. Larry Pomerantz

   Mr. Pomerantz was not in attendance.

4. Bill van Staalduinen

   Mr. van Staalduinen, on behalf of Redeemer University College, and spoke to their lands which are impacted by the boundary.

5. Michael Desnoyers

   Mr. Desnoyers was not in attendance.

6. Jim Sweetman

   Mr. Sweetman does not have any land interests in the AEGD. He urged the City to table this matter until a Brownfield strategy is in place as there is a need for prime agricultural land.

7. Craig Smith

   Mr. Smith expressed concerns with his farmland in the AEGD where it splits land which may not be viable for farming. He requests that option 1A, which does not split the land, be approved.

8. Jennifer Drake

   Ms. Drake was not in attendance.
9. Mark Noskiewicz

Mr. Noskiewicz, on behalf of his clients Elfrida Landowners, expressed that the implementation go forward as the initial plan and urged consistency with the implementation of grids.

10. Peter Hutton

Mr. Hutton expressed concerns with the decision making process and planning policies. He also requested that this matter be tabled for more consideration.

11. Joel Farber

Mr. Farber, on behalf of the Twenty Road West Landowners Group, expressed concerns to grid implementation, the report from the consultant, and his clients lands.

The delegations respecting Report PED13209(a), Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan, were received.

The correspondence respecting Report PED13209(a), Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan, was received.

The Planning Committee moved into Closed Session, at 12:54 p.m. for the discussion of Item 7.1, respecting Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan (PED13209(a)) (City Wide), pursuant to Section 8.1, Sub-sections (e) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to litigation or potential litigation, including matters before administrative tribunals, affecting the City; and, advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Committee moved into open session at 1:54 p.m.
Report PED13209(a) respecting, Airport Employment Growth District (AEGD) Ontario Municipal Board (OMB) Hearing – Phase 3 Secondary Plan Boundary Refinement and Revised Land Use Plan, was received. The motion CARRIED on the following vote:

Yeas: Farr, Collins, Partridge, Pasuta, Ferguson, Pearson, Whitehead
Total: 7
Nays: Johnson
Total: 1
Absent: Clark
Total: 1

It is noted that, in camera, Planning Committee recommended that Council instruct Ms. Smith on how to proceed.

For disposition on this Item, refer to item 3.

(g) DISCUSSION ITEMS (Item 8)

(i) Fifty Road (PED14034) (Ward 11) (Item 8.3)

Report PED14034, Fifty Road, was referred back to staff for further consideration and recommendations on traffic and traffic calming.

(h) MOTIONS (Item 9)

(i) Fruitland-Winona Secondary Plan - the City will not exercise the powers of expropriation to acquire lands for a community park (Item 9.1)

(a) That the draft Fruitland-Winona Secondary Plan expressly state the City will not exercise the powers of expropriation to acquire lands for a community park, and in this regard that policy 7.4.17.5 of the draft Fruitland-Winona Secondary Plan be amended to read as follows:

(b) That the appendix containing the polices be amended by in addition to Section F.4.0 – Municipal Land and Building Acquisition, the following policy shall apply to the lands designated as Community Park located on the south side of Barton Street, east of Collector Road “A”:
“a) The City shall acquire lands for the Community Park in accordance with any Council approved acquisition policies, plans, strategies and By-laws. Notwithstanding the foregoing, however, the City shall not acquire lands for the Community Park by means of expropriation.”

(ii) Food Trucks on Private Property

That staff be directed to report back to the Planning Committee with respect to all regulations and affecting Food Trucks located on private property.

(i) NOTICES OF MOTION (Item 10)

Councillor Ferguson introduced the following Notice of Motion:

(i) Food Trucks on Private Property

  (a) That staff be directed to report back to the Planning Committee with respect to all regulations and affecting Food Trucks located on private property;

  (b) That staff be directed to use discretion in enforcing the Food Truck Licensing requirements respecting zoning until the requested report is considered by Committee and City Council.

The rules were waived in order to allow the introduction of a motion respecting Food Trucks on Private Property.

(j) GENERAL INFORMATION AND OTHER BUSINESS (Item 11)

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

(aa) Item D: Racing Pigeons
    Current Date: February 18, 2014
    New Date: March 18, 2014

(bb) Item N: Municipal Costs for Appeals to the Ontario Municipal Board for Municipal Decision on Mineral Aggregate Resource Developments
Current Date: February 18, 2014
New Date: May 6, 2014

(cc) Item Q: Synergies between infrastructure Development and New School Openings (Added Item 10.1 & 9.2)
Current Date: February 18, 2014
New Date: April 15, 2014

(dd) Item AA: Amendments to the Prohibition of Exotic Animals within the Responsible Animal Ownership By-law – Criteria and Process (Motion from GIC)
Current Date: February 18, 2014
New Date: March 18, 2014

The following items were removed from the Outstanding Business List:

(aa) Item V: City Initiative – Storage of Major Recreational Equipment Within the Former City of Stoney Creek Zoning By-law No. 3692-92, (PED13154)

(k) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Performance Review – Planning and Economic Development Directors (No Copy) (Item 12.1)

The Performance Review – Planning and Economic Development Directors, was tabled to the April 1, 2014 meeting of the Planning Committee.

(ii) Notice of Motion - Possible Property Acquisition (Delivered under separate cover) (Item 12.2)

The Notice of Motion - Possible Property Acquisition, was tabled to the March 18, 2014 meeting of the Planning Committee.

(l) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 2:58 p.m.

Respectfully submitted,
Councillor B. Johnson
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
SPECIAL WATER SERVICE AGREEMENT

Dated this _______ day of __________ , 20______ .

BETWEEN:

(hereinafter referred to as the "Owner")
OF THE FIRST PART

- and –

CITY OF HAMILTON

(hereinafter referred to as the "City")
OF THE SECOND PART

WHEREAS the Owner is the registered owner in fee simple of the land (more particularly described in Schedule "A", attached hereto) which abuts the ______ side of ______, in the former ______, now in the City of Hamilton, Ontario and in which said road there is no watermain;

AND WHEREAS the said Owner has applied to the City for permission to connect a temporary private water service connection from said land to the existing watermain located on ______, in the former ______, now in the City of Hamilton, Ontario;

AND WHEREAS on the 22nd day of August 2001, the Council of the City approved of Item 47 (c) of the Committee of the Whole and thereby granted such permission upon the terms and conditions herein after set forth.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the mutual covenants hereinafter contained, the City and the Owner hereby mutually covenant and agree each with the other as follows:

1. The Owner shall, upon signing this Agreement, make application in the form provided by the City for permission of the City to make a temporary connection to the City’s watermain located on ______, in the former ______, now in the City of Hamilton, Ontario (hereinafter referred to as "the said watermain") from the Owner’s land as described on Schedule "A" to this Agreement.

2. Upon approval of the application referred to in Section 1 herein by the City, the City agrees to issue a permit to allow the Owner to connect to the said watermain.

3. The Owner agrees to comply with all conditions, requirements, and terms of the said permit and pay all applicable fees related to issuance of such permit and administration of this Agreement by the City, all in accordance with the City’s Tariff of Fees By-law, as amended.

4. The Owner agrees to obtain at his own expense any easements required to facilitate the temporary water service connection aforesaid.
5. The Owner covenants and agrees to:
   a) construct the temporary water service connection pursuant to By-law R84-026, as amended from time to time and in accordance with good engineering practices, City standards and specifications; and,
   b) restore all City roads, curbs, sidewalk and boulevards to the satisfaction of the Senior Director of Growth Management Division.

6. Until the temporary water service connection permitted by this Agreement is removed, it is understood and agreed between the parties to this Agreement that the Owner and its successors and assigns of the Land is:
   a) the sole owner of the temporary water service connection; and,
   b) responsible to keep the temporary water service connection in compliance with the City’s by-laws, including the payment of water rates; and,
   c) responsible to maintain operation of the temporary water service connection and carry out all associated repairs pursuant to By-law No. R84-026, as amended from time to time and in accordance with good engineering practices, City standards and specifications, including replacement of the temporary water service connection, if necessary to maintain operation; and,
   d) responsible and required to obtain all necessary permits to carry out any repair or replacement required to maintain operation of the temporary water service connection; and,
   e) responsible for all costs, expenses and claims relating to operation and maintenance of the temporary water service connection.

7. The City agrees to provide water service capable only of servicing the existing zoned uses and buildings on the Owner’s land at the time a permit is issued.

8. The Owner covenants and agrees:
   a) not to petition against or oppose the construction of any City services including any sewer or watermain in any highway upon which any part of the Owner’s land abuts; and,
   b) that if the Owner’s name or the name of any of the Owner’s successors in title appear on any such petition, the same may be disregarded in determining the number of owners petitioning against any such proposed work and in determining the value of the lands to be specially assessed.

9. The Owner agrees that when a watermain of any kind is laid in any highway immediately in front of or alongside the land described in Schedule ‘A’ of this Agreement, the Owner shall:
   a) make an application to the City for all necessary permits to connect the private portion of the water service connection to the new watermain immediately in front of or alongside the land described in Schedule ‘A’ of this Agreement; and,
   b) pay to the City all applicable permit application fees and all fees and charges assessed by the City under by-law for the privilege to connect the land described under Schedule ‘A’ of this Agreement to a new watermain; and,
   c) disconnect and remove the temporary water service connection permitted by this Agreement, and install a permanent water service connection to such new
10. The Owner agrees that the City may, at the Owner's expense, disconnect the temporary water service connection permitted under this Agreement and connect a permanent water service connection to a watermain in the road abutting the Owner's lands, without notice by the City, when such a watermain is installed.

11. The Owner acknowledges and agrees that the City shall not be responsible for or liable for any:
   a) loss or damage that may occur to the temporary water service connection, or to any part or parts thereof installed by the Owner pursuant to this Agreement; and,
   b) materials or other things used and employed in finishing and completing the work by the Owner or any part or parts thereof where such materials or other things have not been specified or specifically approved by the City; and,
   c) injury to any person or persons, including workers and the public, during the construction of the said temporary water service connection or the maintenance thereof by the Owner pursuant to the provisions of this Agreement; and,
   d) damage caused by the storage, handling or use of explosives by the Owner or its employees, agents or contractors; and,
   e) damage by the Owner to the property of any person while the Owner is carrying out any of its work in respect of this Agreement; and,
   f) damage caused by operation of the temporary water service connection; and,
   g) damage caused by the installation of a watermain and of a permanent water service connection should a watermain in the road abutting the Owner's lands be installed.

11. The Owner covenants and agrees, at the Owner's expense, to defend, indemnify and forever save harmless the City, its employees, personnel, servants, contractors and agents from and against all actions, causes of action, interest, claims, demands, costs, (including legal costs) charges, damages to any persons or property or legal interest, including without limiting the foregoing, any damages for which the City may be held liable on account of a violation or alleged violation of a construction industry collective agreement, expenses, prosecutions, fines, rights of contribution, and loss which the City may, at any time, bear, incur, be liable for, sustain or be put to for any reason, on account of or by reason of or in consequence of, arising directly or indirectly from:
   a) the City entering into this Agreement; and,
   b) the implementation of the provisions of this Agreement by the Owner, its employees, agents, assignees or contractors; and,
   c) any failure by the Owner to fulfill its obligations under this Agreement.

13. Notwithstanding any provision of this Agreement, the City shall not be liable for, and no provision of this Agreement shall be construed as imposing upon the City
any liability arising directly or indirectly out of the provisions of this Agreement for
any loss, damage or damages suffered by the Owner, or any employee, servant
or agent of the Owner, or to any property of the Owner or any other person by
reason of:

a) any inspection carried out by the City or by a duly authorized employee,
servant, contractor or agent of the City under any by-law of the City, under
this Agreement or otherwise; and,

b) the failure of the City or of any duly authorized employee, contractor or agent
of the City to carry out any inspection under any by-law of the City, this
Agreement or otherwise; and,

c) the approval or failure to approve of any matter or thing, arising directly or
indirectly out of the provisions of this Agreement, by the City or any duly
authorized employee, servant, contractor or agent of the City.

14. The Owner shall, at his own expense, register this Agreement against the land
described in Schedule "A" attached hereto, and shall provide the City with a
duplicate registered copy thereof as part of the application pursuant to Section 1 of
this Agreement for permission to connect to the City’s watermain. In the event the
Owner fails or refuses to provide the City with a duplicate registered copy of this
Agreement, the Owner shall not be eligible for a permit to connect to the City’s
watermain.

15. This Agreement shall inure to the benefit of and be binding upon the City, the
Owner, their respective heirs, executors, administrators, successors and assigns.

16. This Agreement shall be read with such changes of gender and number as the
context may require.

17. Schedule "A", attached hereto, is included in and forms part of this Agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

SIGNED, SEALED AND DELIVERED ) CITY OF HAMILTON

in the presence of:

____________________________
R. Bratina, Mayor

____________________________(c/s)
R. Caterini, Clerk

OWNER:

____________________________
(name & address)

____________________________(signature)
(print full name)

____________________________(print full address)
SCHEDULE “A”

To the Special Water Service Agreement dated:

LEGAL DESCRIPTION OF THE LANDS
SPECIAL SEWER SERVICE AGREEMENT

Dated this day of , 20 .

BETWEEN:

(hereinafter referred to as the "Owner")
OF THE FIRST PART

- and –

CITY OF HAMILTON

(hereinafter referred to as the "City")
OF THE SECOND PART

WHEREAS the Owner is the registered owner in fee simple of the land (more particularly described in Schedule "A", attached hereto) which abuts the side of , in the former , now in the City of Hamilton, Ontario and in which said road there is no sewer;

AND WHEREAS the said Owner has applied for permission to install the public portion of a temporary sewer lateral (hereinafter referred to as "the temporary sewer lateral") from the private portion of a sewer lateral in the said parcel of land to the main sewers in , in the City of Hamilton, in the Province of Ontario; and

AND WHEREAS on the 22nd day of August 2001, the Council of the City approved of Item 47 (c) of the Committee of the Whole and thereby granted such permission upon the terms and conditions hereinafter set forth.

NOW THEREFORE THIS AGREEMENT WITNESSES that in consideration of the premises and the mutual covenants hereinafter contained, the City and the Owner hereby mutually covenant and agree each with the other as follows:

1. The Owner shall, upon signing this Agreement, make application in the form provided by the City for permission of the City to make a temporary connection to the City's sewer located on , in the former , now in the City of Hamilton, Ontario (hereinafter referred to as "the said sewer") from the Owner's land as described on Schedule "A" to this Agreement.

2. Upon approval of the application referred to in Section 1 herein by the City, the City agrees to issue a permit to allow the Owner to connect to the said sewer.

3. The Owner agrees to comply with all conditions, requirements, and terms of the said permit and pay all applicable fees related to issuance of such permit and administration of this Agreement by the City, all in accordance with the City's Tariff of Fees By-law, as amended.

4. The Owner agrees to obtain at his own expense any easements required to facilitate the temporary sewer lateral aforesaid.
5. The Owner covenants and agrees to:
   a) construct the temporary sewer lateral pursuant to By-law No. 06-026, as amended from time to time and in accordance with good engineering practices, City standards and specifications; and,
   b) restore all City roads, curbs, sidewalk and boulevards to the satisfaction of the Senior Director of Growth Management Division.

6. Until the temporary sewer lateral permitted by this Agreement is removed, it is understood and agreed between the parties to this Agreement that the Owner and its successors and assigns of the Land is:
   a) the sole owner of the temporary sewer lateral; and,
   b) responsible to keep the temporary sewer lateral in compliance with the City’s by-laws, including the payment of sewer rates; and,
   c) responsible to maintain operation of the temporary sewer lateral and carry out all associated repairs pursuant to By-law No. 06-026, as amended from time to time and in accordance with good engineering practices, City standards and specifications, including replacement of the temporary sewer lateral, if necessary to maintain operation; and,
   d) responsible and required to obtain all necessary permits to carry out any repair or replacement required to maintain operation of the temporary sewer lateral; and,
   e) responsible for all costs, expenses and claims relating to operation and maintenance of the temporary sewer lateral.

7. The Owner covenants and agrees:
   a) not to petition against or oppose the construction of any City services including any sewer or watermain in any highway upon which any part of the Owner’s land abuts; and,
   b) that if the Owner’s name or the name of any of the Owner’s successors in title appear on any such petition, the same may be disregarded in determining the number of owners petitioning against any such proposed work and in determining the value of the lands to be specially assessed, and

8. The Owner agrees that when a sewer of any kind is laid in any highway immediately in front of or alongside the land described in Schedule ‘A’ of this Agreement, the Owner shall:
   a) make an application to the City for all necessary permits to connect the private portion of the sewer lateral to the new sewer immediately in front of or alongside the land described in Schedule ‘A’ of this Agreement; and,
   b) pay to the City all applicable permit application fees and all fees and charges assessed by the City under by-law for the privilege to connect the land described under Schedule ‘A’ of this Agreement to a new sewer; and,
   c) disconnect and remove the temporary sewer lateral permitted by this Agreement, and install a permanent sewer lateral to such new sewer at the Owner’s expense.
9. The Owner agrees that the City may, at the Owner's expense, disconnect the temporary sewer lateral permitted under this Agreement and connect a permanent sewer lateral to a sewer in the road abutting the Owner's lands, without notice by the City, when such a sewer is installed.

10. The Owner acknowledges and agrees that the City shall not be responsible or liable for any:
   a) loss or damage that may occur to the temporary sewer lateral, or to any part or parts thereof installed by the Owner pursuant to this Agreement; and,
   b) materials or other things used and employed in finishing and completing the work by the Owner or any part or parts thereof where such materials or other things have not been specified or specifically approved by the City; and,
   c) injury to any person or persons, including workers and the public, during the construction of the said temporary sewer lateral or the maintenance thereof by the Owner pursuant to the provisions of this Agreement; and,
   d) damage caused by the storage, handling or use of explosives by the Owner or its employees, agents or contractors; and,
   e) damage by the Owner to the property of any person while the Owner is carrying out any of its work in respect of this Agreement; and,
   f) damage caused by operation of the temporary sewer lateral; and,
   g) damage caused by the installation of a sewer and of a permanent sewer lateral should a sewer in the road abutting the Owner's lands be installed.
   h) damage that may occur to the temporary sewer lateral, the private portion of the sewer lateral or the Owner's property caused as a result of back water from the said sewer in .

11. The Owner covenants and agrees, at the Owner's expense, to defend, indemnify and forever save harmless the City, its employees, personnel, servants, contractors and agents from and against all actions, causes of action, interest, claims, demands, costs, (including legal costs) charges, damages to any persons or property or legal interest, including without limiting the foregoing, any damages for which the City may be held liable on account of a violation or alleged violation of a construction industry collective agreement, expenses, prosecutions, fines, rights of contribution, and loss which the City may, at any time, bear, incur, be liable for, sustain or be put to for any reason, on account of or by reason of or in consequence of, arising directly or indirectly from:
   a) the City entering into this Agreement; and,
   b) the implementation of the provisions of this Agreement by the Owner, its employees, agents, assignees or contractors; and,
   c) any failure by the Owner to fulfill its obligations under this Agreement.

12. Notwithstanding any provision of this Agreement, the City shall not be liable for, and no provision of this Agreement shall be construed as imposing upon the City any liability arising directly or indirectly out of the provisions of this Agreement for any loss, damage or damages suffered by the Owner, or any employee, servant
or agent of the Owner, or to any property of the Owner or any other person by reason of:

a) any inspection carried out by the City or by a duly authorized employee, servant, contractor or agent of the City under any by-law of the City, under this Agreement or otherwise; and,

b) the failure of the City or of any duly authorized employee, contractor or agent of the City to carry out any inspection under any by-law of the City, this Agreement or otherwise; and,

c) the approval or failure to approve of any matter or thing, arising directly or indirectly out of the provisions of this Agreement, by the City or any duly authorized employee, servant, contractor or agent of the City.

13. The Owner shall, at his own expense, register this Agreement against the land described in Schedule "A" attached hereto, and shall provide the City with a duplicate registered copy thereof as part of the application pursuant to Section 1 of this Agreement for permission to connect to the City's sewer. In the event the Owner fails or refuses to provide the City with a duplicate registered copy of this Agreement, the Owner shall not be eligible for a permit to connect to the City's sewer.

15. This Agreement shall inure to the benefit of and be binding upon the City and the Owner, their respective heirs, executors, administrators, successors and assigns.

16. This Agreement shall be read with such changes of gender and number as the context may require.

17. Schedule "A", attached hereto, is included in and forms part of this Agreement.

IN WITNESS WHEREOF the parties hereto have duly executed this Agreement.

SIGNED, SEALED AND DELIVERED ) CITY OF HAMILTON

in the presence of: )

R. Bratina, Mayor

(c/s)

R. Caterini, Clerk

OWNER:

witness ) signature

name & address ) (print full name)

) (print full address)
SCHEDULE “A”

To the Special Water Service Agreement dated:

LEGAL DESCRIPTION OF THE LANDS
THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-004 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Police Service Monthly Report (PSB 14-007) (Item 5.2)
   That Hamilton Police Service Monthly Report PSB 14-007 be received.

2. Ottawa Street Business Improvement Area (B.I.A.) Revised Board of Management (PED10256(a)) (Wards 3 and 4) (Item 5.3)
   That Matthew Green be appointed to the Ottawa Street BIA’s Board of Management.

3. Locke Street Business Improvement Area (B.I.A.) – Proposed Budget and Schedule of Payment for 2014 (PED14029) (Ward 1) (Item 5.4)
   (a) That the 2014 Operating Budget for the Locke Street Business Improvement Area (BIA) (attached as Appendix “A” to Report PED14029) be approved in the amount of $30,000;
   (b) That the levy portion of the Operating Budget for the Locke Street Business Improvement Area (BIA) in the amount of $30,000, be approved;

   Council – February 25, 2014
(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 2014 Budget as referenced in sub-section (b) of Report PED14029;

(d) That the following schedule of payments for 2014 be approved:

<table>
<thead>
<tr>
<th>Month</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>February</td>
<td>$15,000</td>
</tr>
<tr>
<td>June</td>
<td>$15,000</td>
</tr>
</tbody>
</table>

Note: Assessment appeals may be deducted from the levy payments.

4. Lease Agreement with Winona Peach Festival (Lessee), 1328 Barton Street East (Winona Park), Stoney Creek (PED14030) (Ward 11) (Item 5.5)

(a) That a new lease with Winona Peach Festival be approved, subject to the following terms and conditions:

(i) Terms: The lease will cover only the following periods over a 10 year term:

- **Year One:** August 17 to August 27, 2014, inclusive
- **Year Two:** August 21 to August 31, 2015, inclusive
- **Year Three:** August 19 to August 29, 2016, inclusive
- **Year Four:** August 18 to August 28, 2017, inclusive
- **Year Five:** August 17 to August 27, 2018, inclusive
- **Year Six:** August 22 to September 1, 2019, inclusive
- **Year Seven:** August 21 to August 31, 2020, inclusive
- **Year Eight:** August 19 to August 29, 2021, inclusive
- **Year Nine:** August 18 to August 28, 2022, inclusive
- **Year Ten:** August 17 to August 27, 2023, inclusive

The Lessee has an option to extend the lease for an additional 10 years under the same terms and conditions except for the dates of use, to be determined upon renewal.

(ii) Property: Winona Park at 1328 Barton Street, City of Hamilton (formerly Stoney Creek), described as Part of Lots 3 and 4, Concession 2, designated as Parts 2 and 4, Plan 62R-15563 comprising approximately 15.07 acres.

(iii) Purpose: For the sole purpose of holding the annual Winona Peach Festival.
(iv) **Rate:** $1 per year plus applicable H.S.T. and any property taxes payable due to the occupation of the subject lands (Winona Park) by the Lessee.

(v) **Expenses:** The Lessee is responsible for all expenses.

(b) That the rent to be credited to Account No. 46084-792485;

(c) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to complete the Lease Agreement for the subject lands, in accordance with the terms set out in Recommendation (a) of Report PED14030 and with By-law 04-299;

(d) 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.

5. **Elfrida Urban Boundary Expansion – Background Studies (PED14011) (City Wide) (Item 5.6)**

That the correspondence from Susan Rosenthal, Davies Howe Partners LLP, on behalf of “Twenty Road East Landowners” respecting “Elfrida Urban Boundary Expansion – Background Studies” (Report PED14011), attached hereto as Appendix “A”, be received.

6. **Elfrida Urban Boundary Expansion – Background Studies (PED14011) (City Wide) (Item 5.6)**

That the 2014 Capital Budget submission (Project #8121355605) for $500,000 to undertake studies for the Elfrida Urban Boundary Expansion be removed from its “parked” status and approved.

7. **Administrative Amendments to the Environmental Remediation and Site Enhancement (ERASE) Programming Description and Terms (PED14031) (City Wide) (Item 8.1)**

(a) That the revised Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program (RGP), Tax Assistance Program (TAP) and Downtown Hamilton/West Harbourfront Remediation Loan Program description and terms, attached hereto as Appendix “B”, Appendix “C” and Appendix “D”, be approved;
8. **Redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants)**

That the Facility Naming Sub-Committee be requested to consider retaining reference to “Studebaker” in the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants).

9. **The Current and Future State of Hamilton’s Advanced Manufacturing Sector (PED14006) (City Wide) (Deferred from January 22/27 GIC Meeting) (Item 7.1)**


**Item 10 was amended with the addition of sub-section (c), as highlighted.**

10. **Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding (PW11098(c)/FCS11112(c)) (City Wide) (Item 7.2)**

(a) That the Mayor and City Clerk be authorized and directed to execute Public Private Partnerships (‘PPP’) Canada’s Conditional Financial Agreement (‘CFA’) as included herein as Appendix “A”, and all necessary associated documents, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Public Works, and the General Manager of Finance & Corporate Services;

(b) That the General Manager of Public Works be authorized and directed to proceed with Phase 2 – Transaction Phase of the Biosolids Management Project as follows:

(i) Procurement and award of Transaction Advisors using approved funds from account 5160966910 having a budget of $2,500,000;

(ii) Procurement and award of the Fairness Monitor using approved funds from account 5160966910 having a budget of $500,000;

(iii) Issuing of the Request for Pre-Qualifications for the purpose of short listing qualified Proponents for the Biosolids Management Project;
(iv) Issuing of the Request for Proposal to the pre-qualified proponents resulting from (b)(iii) for the Biosolids Management Project as to identify a Preferred Proponent for Council’s consideration;

(v) Presenting the results of the Request for Proposals from (b)(iv) to Council prior to any award.

(c) That Hamilton's Biosolids program be prohibited from importing or processing sewage sludge or dewatered biosolids generated outside the municipality of Hamilton.

11. Submissions to the Ontario Legislature on Bill 69 – Prompt Payment Act, 2013 (PW14018/LS14004) (City Wide) (Item 8.2)

That the General Manager of Public Works and the City Solicitor and/or his/her delegates, as appropriate, be authorized to:

(a) make oral and/or written submissions to the Ontario Legislature, including any standing committees or other bodies, to express support for the Association of Municipalities of Ontario’s position on Bill 69 - Prompt Payment Act, 2013;

(b) raise the City of Hamilton’s concerns as set out in Report PW14018/LS14004 with respect to Bill 69 - Prompt Payment Act, 2013, and any subsequent bill or regulations dealing with these issues.

Item 12 was deleted in its entirety and replaced with the following in lieu thereof:

12. Labour Relations Matter regarding Carpenters’ Agreement (Item 12.7)

That the staff direction provided in Closed Session with respect to the Labour Relations Matter regarding the Carpenters’ Agreement be approved.

That the matter regarding Labour Relations and the Carpenters’ Agreement be tabled to the March 26, 2014 meeting of Council in order that the direction provided in closed session can be executed and reported back at that time.

13. Hamilton Tiger-Cats Football Club 20-Year License Agreement (Item 12.6)

That the staff direction provided in Closed Session with respect to the Hamilton Tiger-Cats Football Club 20-Year License Agreement be approved.
14. **Appointment of General Manager of Finance and Corporate Services (Item 12.3)**

That Mike Zegarac be appointed to the position of General Manager of Finance and Corporate Services.

The following was added as Item 15:


(a) That the City of Hamilton enter into a 20 Year License Agreement with the Hamilton Tiger-Cats Football Club (2007) Corp. for the use of the new Hamilton Stadium for Football Games and Practices;

(b) That the permanent name recognized by the Federal and Provincial Government, which satisfies the requirements within the 2015 Pan Parapan American Games Multi-Party Agreement that states all permanent facility signage must be bilingual, (English and French) and include a legacy tagline post Games at the Hamilton Stadium be approved as follows:

```
TERRAIN Tim Hortons FIELD
GAMES LEGACY/LEGS DES JEUX
PAN/PARAPAN AM
```

(c) That the Hamilton Street Railway (HSR) continue to provide transit service for the Tiger-Cats home games through the “Ticket to Ride” program and the Tiger-Cats express shuttle routes (to/from King and Hughson, Eastgate Square, Limeridge Mall, and University Plaza) through an annual renewable in-kind letter agreement;

(d) That Council suspend enforcement of Commercial Parking Lot uses under Zoning By-laws 05-200 and 6593 as follows:

- Within the Stadium Precinct boundaries (Sherman Avenue to the West, Glendale Avenue to the East, Cumberland Avenue to the South and Burlington Street to the North);
- For Football Home Games, Soccer Home Games and Events that exceed the 180 Stadium parking spaces;
- That the Director, Facilities Management and Capital Programs or designate, evaluate on a yearly basis.

(e) That Council suspend enforcement of licensing Commercial Parking Lots (Public Garages D) under Schedule 16 - Public Garages, Business Licensing By-law 07-170 as follows:
• Within the Stadium Precinct boundaries (Sherman Avenue to the West, Glendale Avenue to the East, Cumberland Avenue to the South and Burlington Street to the North);
• For Football Home Games, Soccer Home Games and Events that exceed the 180 Stadium parking spaces;
• That the Director, Facilities Management and Capital Programs or designate, evaluate on a yearly basis.

(f) That the Mayor and City Clerk, be authorized and directed to sign the 20-Year License Agreement and that the Mayor and City Clerk, and appropriate City staff, as the case may be, be authorized and directed to sign any other ancillary documents between the City and the Hamilton Tiger-Cats Football Club (2007) Corp., in a form acceptable to the City Solicitor, to implement recommendation (a) in Report PW14021 and any other ancillary documents.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised of the following changes:

ADDED CORRESPONDENCE

5.6(a) Correspondence from Susan Rosenthal, Davies Howe Partners LLP, on behalf of “Twenty Road East Landowners”, respecting Elfrida Urban Boundary Expansion – Background Studies (Item 5.6)

PRESENTATIONS

7.3 City Manager’s Annual Update 2013 – Re-scheduled to March 19, 2014 General Issues Committee Meeting

PRIVATE & CONFIDENTIAL

12.5 City Manager’s Performance Review – 2013 – Re-scheduled to March 19, 2014 General Issues Committee Meeting

ADDED PRIVATE & CONFIDENTIAL

12.7 Labour Relations Strategy – Carpenters’ Union

Pursuant to sub-section 8.1(f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act, as amended, as the subject matter pertains to the receiving of advice that is subject to solicitor-client privilege.

Council – February 25, 2014
ADDED CRITERIA NOTED IN BOLD

12.6 Hamilton Tiger-Cats Football Club 20-Year License Agreement

Pursuant to sub-sections 8.1(c) and (f) of the City’s Procedural By-law and Section 239.2 of the Municipal Act, as amended, as the subject matter pertains to (c) a proposed or pending acquisition or disposition of land by the municipality or local board; and (f) the receiving of advice that is subject to solicitor-client privilege.

The agenda was approved as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF PREVIOUS MINUTES (Item 3.1)

The Minutes of the February 5, 2014 meeting of the General Issues Committee were approved as presented:

(d) CONSENT ITEMS

(i) Minutes of the Business Improvement Area Advisory Committee (For Information Purposes Only) (Items 5.1(a) and (b))

The November 12 and December 10, 2013 Minutes of the Business Improvement Area Advisory Committee meetings were received.

(ii) Elfrida Urban Boundary Expansion – Background Studies (PED14011) (City Wide) (Item 5.6)

The Motion CARRIED on the following Recorded Vote:

Yeas: Pearson, Ferguson, Powers, Bratina, Merulla, Duvall, Jackson, Collins, Morrow, Farr, McHattie
Total Yeas: 11
Nays: Johnson
Total Nays: 1
Absent: Clark, Pasuta, Partridge, Whitehead
Total Absent: 4
(e) **PUBLIC HEARINGS/DELEGATIONS**

(i) Carol Mitchell, P.Eng., MTE Consultants, and Sergio Manchia, Urban Core Developments, respecting the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants) (Item 6.1)

Sergio Manchia of Urban Core Developments appeared before the Committee to express his thanks to staff and members of Council for their work and support in bringing forward the amendments to the ERASE program (Item 8.1 in the agenda), and noted that these amendments will have a very positive impact on future developments.

The presentation from Sergio Manchia respecting “the mandatory Record of Site Condition requirement of the ERASE Redevelopment Grant Program relating to the redevelopment of 440 Victoria Avenue North (formerly the Studebaker and Otis Elevator Plants)” was received.

(f) **PRESENTATIONS**

(i) **The Current and Future State of Hamilton’s Advanced Manufacturing Sector (PED14006) (City Wide) (Item 7.1)**

Norm Schleehahn, Manager of Business Development, introduced Susan Botting, National Leader and Senior Practice Partner, Deloitte Real Estate.

Ms. Botting presented the findings of a study conducted entitled, “City of Hamilton – The Current and Future State of Hamilton’s Advance Manufacturing Sector”.

With the assistance of a PowerPoint presentation, Ms. Botting spoke to the following:

- The Shifting Global Manufacturing Landscape
  - The Evolution of Advanced Manufacturing
  - The Third Industrial Revolution
  - Global Future of Manufacturing
  - North American “Re-shoring” Opportunities
  - Global Future of Manufacturing
  - Global Manufacturing Markets
- City of Hamilton Manufacturing
  - Market Strengths/Assets
  - Sector Strengths/Opportunities
  - Market Challenges and Vulnerabilities
- Deloitte – The Future of Productivity
- Recommendations – The Future of Productivity
- Recommendations – Hamilton Advanced Manufacturing

A copy of the PowerPoint presentation was distributed to the Committee and is available for viewing on the City of Hamilton website.

The presentation respecting “The Current and Future State of Hamilton’s Advanced Manufacturing Sector” was received.

Staff was directed to prepare a report for the consideration of the General Issues Committee that focuses on the recommendations contained in the presentation provided by Ms. Botting (attached hereto as Appendix “E”).

(ii) Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding (PW11098(c)/FCS11112(c)) (City Wide) (Item 7.2)

Dan McKinnon, Director of Hamilton Water, provided a PowerPoint presentation with respect to the Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding, and spoke to the following issues:

- Background
- Highlights
- Project Schedule
- Key Issues/Considerations
- Proposed Council Report Recommendations
- P3 Canada Funding – Original Workplan.

Mr. McKinnon responded to questions from the Committee.

A copy of the PowerPoint presentation was distributed to the Committee and is available for viewing on the City of Hamilton website.

The presentation respecting “Biosolids Management Project – Public Private Partnerships (PPP) Canada Funding” was received.

The Motion contained in Report PW11098(c)/FCS11112(c) CARRIED on the following Recorded Vote:

<table>
<thead>
<tr>
<th>Yeas: Bratina, McHattie, Farr, Morrow, Jackson, Duvall, Whitehead, Partridge, Powers, Ferguson, Pearson</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Yeas: 11</td>
</tr>
<tr>
<td>Nays: Collins, Merulla</td>
</tr>
<tr>
<td>Total Nays: 2</td>
</tr>
<tr>
<td>Absent: Pasuta, Johnson, Clark</td>
</tr>
<tr>
<td>Total Absent: 3</td>
</tr>
</tbody>
</table>

(iii) Hamilton Tiger-Cats Football Club 20-Year License Agreement

Council – February 25, 2014
John Frittenburg of JF Group provided an update to the Committee with respect to the 20-Year License Agreement between the City of Hamilton and the Hamilton Tiger-Cats Football Club. With the assistance of a PowerPoint presentation, Mr. Frittenburg spoke to the following:

- Background – MOU; Negotiations; interaction between Negotiating Teams
- Most Recent Progress
- Valuable Community Asset/Wide Range of Benefits
- Oversight and Scheduling

- Tiger-Cats Exclusivity
- Soccer
- Practice Facilities
- Tiger-Cats Facilities
- Permitted Transfer of Ownership
- Concessions
- Naming Rights
- Financial Terms
- Ivor Wynn Recognition
- Other Items
- Projected Annual Value of Agreement

A copy of the PowerPoint presentation was distributed to the Committee and is available for viewing on the City of Hamilton website.

The presentation respecting the “Hamilton Tiger-Cats Football Club 20-Year License Agreement” was received.

(g) DISCUSSION ITEMS

(i) Hamilton Tiger Cats Football Club 20-Year Lease Agreement (PW14021) (Ward 3) (Item 8.3)

Report PW14021 respecting “Hamilton Tiger Cats Football Club 20-Year Lease Agreement” was tabled.

(h) OTHER BUSINESS/GENERAL INFORMATION

(i) Outstanding Business List Items

(aa) Revised Due Dates

The due dates for the following items on the Outstanding Business List were amended accordingly, as follows:

Council – February 25, 2014
Item II: James Street North Road Closure for Art Crawl
Due Date: February 19, 2014
Revised Due Date: March 19, 2014

Item K: Residential Water/Wastewater Warranty Protection Plan
Due Date: March 19, 2014
Revised Due Date: April 16, 2014

Item U: MOU with Hamilton Port Authority/HPA Land Lease – Parking
Due Date: February 19, 2014
Revised Due Date: March 19, 2014

(bb) Items to be removed from the Outstanding Business List:

The following item was deemed complete and removed from the Outstanding Business List:

Item W: ACPD Report 13-003 – Transportation Sub-Committee Report
       ACPD Report 13-002

(i) PRIVATE & CONFIDENTIAL

The Committee moved into Closed Session at 12:53 p.m. pursuant to Sub-section 8.1(f) of the City’s Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matter pertained to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting a Labour Relations matter regarding Carpenters’ Agreement.

The Committee reconvened in Open Session.

(i) Labour Relations Matter regarding Carpenters’ Union (Item 12.7)

See Item 12 for the disposition of this item.

The direction provided to staff in the Closed Session CARRIED on the following Standing Recorded Vote:

Yeas: Bratina, Morrow, Partridge, Pasuta, Ferguson, Pearson
Total Yeas: 6
Nays: Farr, Merulla, Collins, Jackson, Duvall
Total Nays: 5
Absent: McHattie, Whitehead, Powers, Johnson, Clark
Total Absent: 5
(ii) Closed Session Minutes – January 22/27 and February 5, 2014

The Closed Session Minutes from the January 22/27 and February 5, 2014 meetings of the General Issues Committee were approved as presented and will remain confidential and restricted from public disclosure.

The Committee moved into Closed Session at 3:50 p.m. pursuant to Subsections 8.1(b), (c) and (f) of the City’s Procedural By-law and Section 239(2) of the Ontario Municipal Act, 2001, as the subject matters pertained to:

(b) personal matters about an identifiable individual including municipal or local board employees, respecting the appointment of General Manager of Finance and Corporate Services (Item 12.3);

and

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

(f) the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose, respecting the Hamilton Tiger-Cats Football Club 20-Year License Agreement (Item 12.6).

The Committee reconvened in Open Session.

(iii) Hamilton Tiger-Cats Football Club 20-Year License Agreement (Item 12.6)

See Item 13 for the disposition of this item.

(iv) Appointment of General Manager of Finance and Corporate Services (Item 12.3)

See Item 14 for the disposition of this item.

(j) PROCEDURAL MATTERS

(i) Administrative Amendments to the Environmental Remediation and Site Enhancement (ERASE) Programming Description and Terms (Item 8.1)

Item 8.1 respecting “Administrative Amendments to the Environmental Remediation and Site Enhancement (ERASE) Programming Description and Terms” was moved up for discussion following the delegation by Sergio Manchia.
(ii) Performance Review – Planning and Economic Development Directors (Item 12.4)

Item 12.4 respecting “Performance Review – Planning and Economic Development Directors” was re-scheduled to the April 16, 2014 meeting of the General Issues Committee.

(iii) Hamilton Tiger-Cats Football Club 20-Year License Agreement (PW14021) (Item 8.3)

A decision on this item was deferred pending discussion of In Camera Item 12.6.

See Information Item (g)(i) for the disposition of this item.

(k) ADJOURNMENT

There being no further business, the Committee adjourned at 5:37 p.m.

Respectfully submitted

Councillor S. Merulla
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk

Council – February 25, 2014
February 18, 2014

By E-Mail Only to clerk@hamilton.ca

Chair and Members of General Issues Committee
City of Hamilton
71 Main Street West
Hamilton, Ontario
L8P 4YK

Dear Chair and Members of General Issues Committee:

Re: Elfrida Urban Boundary Expansion
Background Studies (PED 14011) (City-Wide)

We are counsel to Carmen Chiaravalle, 1694408 Ontario Inc., Demik Brothers Hamilton Ltd., John Edward Demik, Peter Demik and Elaine Vyn on behalf of the Twenty Road East Landowners (collectively known as the "Twenty Road East Landowners"). Our clients own land in the south area of the City of Hamilton, in the Twenty Road area. The lands are centered around the intersection of Twenty Road and Miles Road, located immediately adjacent to the south central urban area of the City of Hamilton, east of the Hamilton International Airport, west of the Glanbrook area business park, and north of Dickenson Road.

We are writing to provide our comments regarding the report submitted by Ms. Joe-Anne Priel to the General Issues Committee, for their meeting on February 19, 2014. In brief, we object to the staff recommendation to remove the Elfrida Urban Boundary Expansion from "parked" status, and to approve the allocation of $500,000 in the 2014 Capital Budget for the completion of various studies regarding this matter. No allocation for these studies should be made while the question of the urban boundary expansion and the designation of the Elfrida Lands as Special Policy Area is under appeal.

Importantly, both the Rural and Urban Hamilton Official Plans have been appealed to the Ontario Municipal Board (the "Board"), following the Province's deletion of any references to the Elfrida area therein. The appeals of the Rural and Urban Hamilton Official Plan by, among others, my clients, the Twenty Road East Landowners, will include consideration by the Board, of the following matters:

(a) Which areas within the City, if any, should be identified as the next residential or mixed use growth area(s);
(b) the appropriateness of applying a Special Policy Area to the Elfrida Lands;
(c) whether my clients’ lands should be shown as the/a priority area for growth; and
(d) which lands, if any, including the Twenty Road East Lands and the Elfrida Lands, should be considered for urban expansion.

Until such time as the Board considers the above noted appeals, it cannot be concluded that Elfrida is the next major mixed-use growth area, as set out in the report. Depending on the Board’s determination of the appeals, there is the potential that these lands will not be designated as the next growth area or Special Policy Area. There is also the potential that other lands will be so designated or that more than one area will be so identified. Depending on the Board’s disposition, a different allocation of funds than proposed in the report may be appropriate. To date, a hearing of these issues has not been scheduled.

As such, we respectfully submit that it is premature, an improper use of public funds and disrespectful of the Board process to undertake any studies in relation to an urban boundary expansion in the Elfrida area, at this time. This matter is properly before the Board, and said process will ultimately determine the appropriateness and/or necessity of proceeding with any studies.

Please feel free to contact the undersigned to discuss this matter further.

Yours sincerely,

DAVIES HOWE PARTNERS LLP

Susan Rosenthal
Professional Corporation

SR:MD

copy: Mayor and Members of Council
Guy Paparella, Director of Growth and Planning
Michal Minkowski and Michael Kovacevic
Clients
Maria Gatzios
8.2 ERASE Redevelopment Grant Program (ERG)

8.2.1 Purpose

The purpose of this program is to alleviate a serious financial impediment to brownfield redevelopment efforts, namely the large tax increase that can result when a brownfield property is redeveloped. The intent of the ERG is to encourage environmental remediation, rehabilitation, redevelopment and adaptive re-use of brownfield sites. Therefore, only those brownfield redevelopment projects that result in an increase in property assessment and taxes will be eligible for funding under the ERG. The ERG also leverages public sector investment and encourages development that would otherwise not take place without this incentive program.

8.2.2 Program Description

The ERG will provide a financial incentive in the form of a grant to help offset the cost of environmental remediation and rehabilitation of brownfield properties where redevelopment results in a re-valuation and tax increase on these properties. The ERG will be offered as a tax-increment grant on a “pay-as-you go” basis. The developer will initially pay for the entire cost of the remediation and redevelopment project. Then, when the municipality receives the incremental property taxes that result from the project, the municipality will reimburse the applicant or assignee in the form of an annual grant equivalent to 80% of the increase in City taxes that result from redevelopment. Each year, the property owner must first pay taxes owing and then the approved applicant or assignee will receive the grant. In no case will the total amount of the grant provided under this program exceed the value of the work done under eligible program costs that resulted in the assessment increase. Also, in no case, will the total amount of the grants provided under this program, the SGP (8.1), and the tax assistance provided under the Tax Assistance Program (TAP) (8.3) exceed the total cost of rehabilitating the land and buildings.

The grant provided under the ERG will equal 80% of the increase in the City portion of property taxes. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP).

The grants may be received by an owner in conjunction with any other available municipal program except for other tax increment financing programs. The approved grants are assignable by the owner, including to the initial purchaser of any condominium unit. The total of each property’s ten years of approved grants shall not exceed the City’s share of the incremental construction cost.

A limited assignment of the grant under the terms of the Program may be made from a registered or assessed owner of the property to the initial purchaser of each new condominium unit. The assignment of the grant shall not apply to any subsequent resale of any such unit. The assigned grant shall be restricted to the balance of the ten (10) year term following the date of the registration of the condominium. The first year grant is payable during the calendar year in which 75% of the condominium units within the project are fully assessed, and is calculated on a rateable per unit basis. A one-time administration fee of $340 per unit shall be deducted from the initial grant payment. Fees
will be authorized through a by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.

For applicants who choose not to assign the grant, the grant will be earned by the applicant if they have met all terms and conditions of the Program including payment of taxes during the development stage only. The annual grant to the applicant will be prorated if an appeal has been filed with the Municipal Property Assessment Corporation by any of the condominium unit owners. The grant for condominium units that are under appeal will not be released until the appeals are settled through the Assessment Review Board. The first year grant is payable during the calendar year in which 75% of the condominium units within the project are fully assessed, and is calculated on a rateable per unit basis.

The ERG will commence on or after the date of approval of this CIP, and will continue for a period of approximately 10 years from the date of approval of this CIP by Council. All grant payments will cease:

a) when total grant payments provided under this program equal the total value of work done under “eligible program costs” that resulted in the re-valuation; or,

b) After 10 years; whichever comes first.

The ERG is an application-based program. As early as possible in the development approvals process, a property owner will register their intent to participate in the program by filing an ERG Application with the Economic Development Department. Before accepting this application, the Economic Development Department will screen the application to ensure that it is for a property within the designated Community Improvement Project Area and the application meets the eligibility requirements. Applications that are not within the project area or applications that clearly do not meet the eligibility requirements will not be accepted. Acceptance of the application by the Economic Development Department in no way implies grant approval.

Applications will be processed and approved on a first come, first serve basis. Review and evaluation of the application and supporting materials against program eligibility requirements will be done by City staff. The applicant participating in the ERG must enter into an agreement with the City. This Agreement will specify the terms and conditions of the grant. All ERG applications and agreements will be subject to approval by City Council or Council’s designate.

The amount of City taxes (“base rate”) will be determined before commencement of the project. The increase in the municipal portion of real property taxes (or “municipal tax increment”) will be calculated as the difference between the base rate and the amount of City taxes levied as a result of re-valuation by the Municipal Property Assessment Corporation (MPAC) following project completion. The municipal tax increment will be used to fund the grant. This program does not exempt property owners from an increase/decrease in municipal taxes due to a general tax rate increase/decrease, or a change in assessment for any other reason.

The applicant shall obtain and submit to the City a Phase II ESA and/or risk assessment
undertaken by a qualified person that:

a) identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,

b) Contains a detailed work plan and budget for said environmental remediation.

The applicant will be required to submit a detailed work plan and cost estimate for the demolition and on-site improvement of public works that is eligible for the ERG.

The actual component costs for all eligible cost items will be supplied to the City upon completion of the project. Payment of the grant will be based on the City’s review and satisfaction with all reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to audit, at the expense of the property owner. The grant may be reduced or cancelled if the eligible work is not completed, or not completed as approved.

If during the course of the work, the scope of the work changes, or actual costs are greater or less than estimated costs, the City reserves the right to increase or decrease the total amount of the grant. The annual grant payment will be based on the actual increase in property taxes as calculated, based on the actual re-valuation by the MPAC following project completion.

The City may discontinue the ERG at any time. However, participants in the ERG with applications and agreements that were approved prior the closing of the program will continue to receive grant payments as determined through their ERG Agreement with the City. The City is not responsible for any costs incurred by the owner/applicant in any way relating to the program, including without limitation, costs incurred in anticipation of a grant.

8.2.3 Eligibility Requirements

All owners of properties within the ERASE Community Improvement Project Area are eligible to apply for funding under this program, subject to meeting the general program requirements in Section 8.0, the following eligibility requirements, and subject to availability of funding as approved by Council:

a) An application for the ERG must be submitted to the Economic Development Department prior to the commencement of any works and prior to application for building permit;

b) Such application shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs of the project and conformity of the project with the CIP;

c) The applicant shall obtain and submit to the City a Phase II ESA and/or risk assessment undertaken by a qualified person that:
i) identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,

ii) Contains a detailed work plan and budget for said environmental remediation.

d) As a condition of the grant application, the City may require the applicant to submit a Business Plan, with said Plan to the City's satisfaction;

e) The property shall be redeveloped such that the amount of work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;

f) The total value of the grant provided under this program shall not exceed the total value of work done under eligible program costs;

g) Eligible program costs include the costs of:

i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing the RSC;

ii) Phase II and ESA's, risk assessments or remedial work plans not covered by the SGP;

iii) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use;

iv) monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use;

v) the following Leadership in Energy and Environmental Design (LEED) Program components up to a maximum of 50% as per the City of Hamilton’s LEED Grant Program (LGP) to achieve LEED certification under the LEED rating system by the Canadian Green Building Council – CaGBC:

   a) incremental construction costs,
   b) consultation costs,
   c) energy modeling, and
   d) certification fees

vi) demolition not covered by demolition charge credits (Areas 2 and 3 only);

vii) removal of existing on-site infrastructure prior to replacement up to a maximum of 25% of construction/improvement costs for of on-site public works (water services, sanitary sewers and storm sewers) (Areas 2 and 3 only); and,
viii) certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Area 3 only).

h) The total of the grant provided under this Program and the SGP (8.1), and the tax assistance provided under the Tax Assistance Program (TAP) (8.3) and grants or loans provided under any other applicable Community Improvement Plan shall not exceed the total cost of rehabilitating the land and buildings;

i) Actual costs for any or all of the items in eligible program costs above may be subject to audit by the City, at the expense of the property owner;

j) All property owners participating in this program will be required to enter into an agreement with the City which will specify the terms and conditions of the grant;

k) All RGP applications must be approved by City Council or City Council’s designate;

l) The owner shall submit to the Environmental Site Registry under section 168.4 of the Environmental Protection Act, a record of site condition prepared by a qualified person. The owner shall notify the City when the record of site condition has been submitted. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

m) The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use.

n) If a building(s) erected on a property participating in this Program is demolished before the grant period expires, the remainder of the monies to be paid out under the grant shall be forfeited;

o) The improvements made to buildings and/or land shall be made pursuant to a Building Permit, constructed in accordance with the Ontario Building Code, and in compliance with all applicable official plan and zoning requirements and approvals; and,

p) Outstanding work orders and/or orders or requests to comply from the City must be satisfactorily addressed prior to grant approval.

8.2.4 Administration
The Economic Development Department will be responsible for administering the RGP, in consultation with other departments as necessary. Applications shall be submitted to the Economic Development Department and shall be accompanied by a Phase II ESA and/or risk assessment undertaken by a qualified person that:

i) identifies the extent and provides a cost estimate for the environmental remediation, installation, monitoring, maintaining and operating environmental and/or engineering controls/works of the eligible property; and,

ii) contains a detailed work plan and budget for said environmental remediation, installation, monitoring, maintaining and operating environmental and/or engineering controls/works.

In addition, a cost estimate for all eligible LEED program component costs by a LEED’s certified specialist must be provided.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Applications shall be submitted to the Economic Development Department and shall include a detailed work plan and cost estimate for the proposed eligible works. Said work plan and cost estimate will be supported by a Phase II ESA and/or risk assessment undertaken by a qualified person that identifies the estimated cost of environmental remediation and a written contractor’s estimate for other eligible works. The City may also require a Business Plan.

Before accepting an application, City staff will screen the application. If the application is not within the community improvement project area or the application clearly does not meet the program eligibility requirements, the application will not be accepted. Acceptance of the application by the City in no way implies grant approval.

Program eligibility will be determined by the Economic Development Department, in consultation with other departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City.

In instances where an applicant can not satisfy staff with all necessary eligible cost estimates and required back-up documentation, staff reserves the right to consider an application as part of a two step application and approval process, with the ultimate approval residing with City Council.

A recommendation on the ERG Application (including estimated eligible costs) will be forwarded to City Council (or Council’s designate) for consideration. Once City Council (or Council’s designate) approves the ERG Application, the ERG Agreement will be forwarded to the applicant for signature. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The City may require the applicant to register the agreement on title immediately upon execution of the agreement.
The Owner shall submit to the MOE, a signed record of site condition (RSC) prepared by a qualified person, and the Owner shall submit to the City an acknowledgement of receipt of the RSC by the MOE. The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

Once the redevelopment project is complete and the property has been re-valued by the MPAC, the property owner will be sent a new tax bill. After the property owner has paid in full the new taxes for one (1) year, the City will check to see that the property is not in tax arrears and that the property is still in conformity with the terms of the ERG Agreement. The City will calculate the actual tax increment and grant payment. The City will then issue payment of the grant in the form of a cheque in the amount specified as per the calculation of the actual grant payment.
8.3 ERASE Tax Assistance Program (TAP)

8.3.1 Purpose

The purpose of the TAP is similar to the RGP, i.e., to remove a serious financial impediment to brownfield redevelopment efforts, namely the large tax increase that can result when a brownfield property is redeveloped. Specifically, the TAP applies only to the costs of environmental remediation.

The legislative authority for the TAP is established under Sections 365.1(2) and (3) of the Municipal Act which allow municipalities to pass a by-law providing tax assistance to an eligible property in the form of a freeze or cancellation of part or all of the taxes levied on that property for municipal and school purposes during the rehabilitation period (maximum 18 months from the date that tax assistance begins) and the development period of the property. Matching assistance from the education property tax is subject to approval by the Ministry of Finance.

8.3.2 Program Description

The Tax Assistance Program consists of two stages. In the first stage, taxes may be frozen. In the second stage, the developer will initially pay for the entire cost of the remediation and redevelopment project. When the municipality receives the incremental property taxes that result from the project, the municipality may cancel a portion of the increase in City taxes that result from redevelopment. The tax assistance will continue for a period of up to three years, at which point, if the City so chooses, continued assistance may be offered either through TAP or through the ERASE Redevelopment Grant Program (RGP).

Under the TAP, 80% of the increase in the City and education portion of taxes that results from remediation and rehabilitation of the property will be cancelled. Cancellation of the education portion of taxes will only be undertaken if the City of Hamilton receives the approval of the Minister of Finance. Approval for the education portion of the property tax under the TAP may be provided by the Minister of Finance on a case-by-case basis by means of individual applications. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP) (see Section 8.4). The remaining 20% of the increase in the education portion of property taxes will be remitted to the Province of Ontario.

The TAP will commence on or after approval of this CIP, and the TAP will continue for a period of approximately 10 years from the date of approval of this CIP by the Minister of Municipal Affairs and Housing. All tax assistance provided under the TAP to a property will cease:

a) when the total tax assistance provided equals the total cost of environmental remediation, i.e., the costs of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition (RSC) to be filed in the Environmental Site Registry under Section 168.4 of the Environmental Protection Act; or,

b) after ten (10) years for the municipal portion of taxes, and after such time period as is approved by the Minister of Finance for the education portion of the taxes; whichever comes first.

If tax assistance is approved by the Minister of Finance, the timing and conditions associated
with matching tax assistance relating to the education portion of taxes may be different from those of the municipality. Education Tax Assistance will be to a maximum of a three year period unless otherwise approved by the Minister of Finance.

The TAP is an application based program. As early as possible in the development approvals process, a property owner will register their intent to participate in the grant program by filing an ERASE TAP Application with the Economic Development Department. Before accepting this application, the Economic Development Department will screen the application to ensure that it is for a property within the designated Community Improvement Project Area and the application meets all of the eligibility requirements. Applications that are not within the Project Area or applications that clearly do not meet the eligibility requirements will not be accepted. Acceptance of the application by the Economic Development Department City in no way implies grant approval.

Applications will be processed and approved on a first come, first serve basis. Review and evaluation of applications and supporting materials against program eligibility requirements will be done by City staff. The applicant participating in the TAP must enter into an agreement with the City. This Agreement will specify the terms and conditions of the tax assistance. All TAP applications and agreements will be subject to approval by City Council or Council’s designate.

The amount of City taxes (“city base rate”) and the amount of education taxes (“education base rate”) will be determined before commencement of the project and before the record of site condition is filed in the Environmental Site Registry. For stage 1 of the TAP, taxes may be frozen at this city base rate and, if approval granted by the Minister of Finance, education base rate. For stage 1 of the TAP, taxes may be frozen. For stage 2 of the TAP, the increase in the City portion of real property taxes (or "municipal tax increment") will be calculated as the difference between the city base rate and the amount of City taxes levied as a result of revaluation by MPAC following project completion. The increase in the education portion of real property taxes (or "education tax increment") will be calculated as the difference between the education base rate and the amount of education taxes levied as a result of re-valuation by MPAC following project completion. This program does not exempt property owners from an increase/decrease in municipal or education taxes due to a general tax rate increase/decrease, or a change in assessment for any other reason.

The applicant shall obtain and submit to the City a Phase II ESA, risk assessment and/or remedial work plan undertaken by a qualified person that:

a) identifies the extent and provides a cost estimate environmental remediation of the eligible property; and,

b) contains a detailed work plan and budget for said environmental remediation.

To qualify for education tax assistance, the subject property, as of the date of the phase two environmental site assessment was completed, did not meet the standards that must be met under subparagraph 4 i of subsection 168.4 (1) of the Environmental Protection Act to permit a record of site condition to be filed under that subsection in the Environmental Site Registry. The actual component costs of the environmental remediation work done will be supplied to the City upon completion of the project. Provision of the tax assistance will be based on the City’s review and satisfaction with all reports and documentation submitted outlining the full scope and cost of the work completed. Any and all of these costs may be subject to an independent audit, at the
expense of the property owner.

If during the course of the work, the scope of the work changes, or actual costs are greater or less than estimated costs, the municipality reserves the right to increase or decrease the total amount of the tax assistance, subject to any conditions or restrictions with respect to taxes for school purposes as required by the Minister of Finance. The actual amount of the tax assistance will be based on the actual increase in property taxes as calculated based on the actual revaluation by the MPAC, following project completion.

The City may discontinue the TAP at any time. However, participants in the TAP with applications and agreements that were approved prior the closing of the program will continue to receive tax assistance as determined through their TAP Agreement with the City. No right to any tax assistance until it has been duly authorized by the City. The City is not responsible for any costs incurred by the owner/applicant in any way relating to the program, including without limitation, costs incurred in anticipation of tax assistance in stage two of the TAP (e.g., after project completion).

8.3.3 Eligibility Requirements

All owners of property within the ERASE Community Improvement Project Area are eligible to apply for funding under this tax assistance program, subject to meeting the general program requirements in Section 8.0, the following eligibility requirements, and subject to availability of funding as approved by Council:

a) An application for the TAP must be submitted to the Economic Development Department prior to the filing of a record of site condition in the Environmental Site Registry under section 168.4 of the Environmental Protection Act, and prior to the commencement of any works and prior to application for building permit;

b) Such application shall include reports, plans, estimates, contracts and other details as may be required to satisfy the City with respect to the eligible costs of the project and conformity of the project with the CIP;

c) As soon as possible the applicant shall obtain and submit to the City a Phase II ESA and/or risk assessment undertaken by a qualified person that:

   i) identifies the extent and provides a cost estimate for the environmental remediation of the eligible property; and,

   ii) contains a detailed work plan and budget for said environmental remediation;

d) As a condition of the tax assistance application, the City may require the applicant to submit a Business Plan, with said Plan to the City’s satisfaction;

e) The property shall be redeveloped such that the amount of work undertaken is sufficient to at a minimum result in an increase in the assessed value of the property;

f) The total value of the tax assistance provided under this program shall not exceed the total value of work done under eligible program costs;
g) Eligible program costs include the costs of:

i) environmental remediation, i.e., the cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing the RSC;

ii) Phase II ESAs, risk assessments and remedial work plans not covered by the SGP;

iii) installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use;

iv) monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use.

h) The total of the tax assistance provided under this program, and any grants provided under the SGP (8.1) and the RGP (8.2), and grants and loans provided under any other applicable Community Improvement Plan shall not exceed the total cost of rehabilitating the lands and buildings.

i) Actual costs for any or all items in eligible program costs above may be subject to audit by the City, at the expense of the property owner;

j) All property owners participating in this program will be required to enter into an agreement with the City which will specify the terms and conditions of the tax assistance;

k) All TAP applications and agreements must be approved by City Council or City Council’s designate;

l) The owner shall submit to the Environmental Site Registry under section 186.4 of the Environmental Protection Act, a record of site condition prepared by a qualified person. The owner shall notify the City when the record of site condition has been submitted. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

m) The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use.
n) If a building(s) erected on a property participating in this program is demolished before the tax assistance period expires, the remainder of the tax assistance shall be forfeited;

o) The improvements made to buildings and/or land shall be made pursuant to a Building Permit, constructed in accordance with the Ontario Building Code, and in compliance with all applicable official plan and zoning requirements and approvals;

p) Outstanding work orders and/or orders or requests to comply from the City must be satisfactorily addressed prior to tax assistance approval;

q) For all applications for the TAP that meet the eligibility requirements for matching tax assistance under the provisions of section 365.1 of the *Municipal Act, 2001*, the City will forward a separate application to the Minister of Finance in order that the Minister may consider providing matching education property tax assistance.

### 8.3.4 Administration

The Economic Development Department will be responsible for administering the TAP, in consultation with other departments as necessary.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Applications shall be submitted to the Economic Development Department and shall include a detailed work plan and cost estimate for the proposed eligible works. Said work plan and cost estimate will be supported by a Phase II ESA and/or Phase III ESA/SSRA undertaken by a qualified person that identifies the estimated cost of environmental remediation. The City may also require a Business Plan.

Before accepting an application, City staff will screen the application. If the application is not within the community improvement project area or the application clearly does not meet the program eligibility requirements, the application will not be accepted. Acceptance of the application by the City in no way implies grant approval.

Program eligibility will be determined by the Economic Development Department, in consultation with other departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City.

A recommendation on the TAP Application and a TAP Agreement will be prepared by City staff. Staff will also prepare a Draft by-law under Section 365.1 of the Municipal Act to effect tax assistance equal to 80% of the increase in taxes levied for City, and taxes levied for school purposes. This Draft by-law will be forwarded to the Minister of Finance for approval of the tax assistance equal to the increase in taxes levied for school purposes. Once written approval of the by-law is received from the Minister of Finance, any conditions or restrictions specified by the Minister will be included in the by-law.

The recommendation on the TAP Application and the TAP Agreement will be forwarded to City Council (or Council’s designate) for consideration. Once City Council (or City Council’s designate) approves the TAP Application and the TAP Agreement, the TAP Agreement will be
forwarded to the applicant for signature. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The implementing by-law will then be forwarded to Council for adoption. The by-law requesting matching education tax assistance will be forwarded to the Minister of Finance for approval within 30 days of Council’s adoption.

The Owner shall submit to the MOE a signed RSC prepared by a qualified person, and the Owner shall submit to the City an acknowledgement of receipt of the RSC by the MOE. The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

Once the redevelopment project is complete and the property has been re-valued by the MPAC, the property owner will be sent a new tax bill from which 80% of the City tax increment and the portion of the education tax increment that will be cancelled. The remaining 20% of the increase in the City portion of property taxes will be dedicated to the ERASE Municipal Acquisition and Partnership Program (MAPP) (see Section 8.4). The remaining portion (if any) of the increase in the education portion of property taxes will be remitted to the Province of Ontario.
8.4 Downtown Hamilton / West Harbourfront Remediation Loan Pilot Program (RLP)

8.4.1 Purpose

The purpose of this program is to help remove a serious financial impediment to brownfield redevelopment efforts. Because it is often difficult to secure traditional financing for the remediation of contaminated properties, the City, by providing a low interest loan, is offering financing assistance and the economic stimulus for the remediation of properties being developed/redeveloped as residential or residential/commercial use within the defined areas of Downtown Hamilton and the West Harbourfront.

8.4.2 Program Description

The Hamilton Downtown/West Harbourfront Remediation Loan Pilot Program (RLP) has been developed to stimulate residential or residential / commercial development/redevelopment on properties requiring remediation (i.e. brownfield properties) that are located within Downtown Hamilton or the West Harbourfront. Downtown Hamilton is defined as the Downtown Hamilton Community Improvement Project Area (as such boundaries are presently defined). The West Harbourfront is defined by the boundaries of the Setting Sail Secondary Plan. The Program is an “add on” to the existing ERASE Community Improvement Plan implemented by the Economic Development Division.

The Program offers a loan for the remediation of properties being developed/redeveloped for residential or residential/commercial use. The Program will provide financial assistance through a low interest loan equal to 80% of the cost of remediating a property within the defined areas to a maximum of $400,000 per property/project. The loan is to be a ‘bridge’ until such time as the property owner receives their ERASE Redevelopment Grant money or the Hamilton Downtown Property Improvement Grant Program.

The development/redevelopment arising from this Pilot Program must be consistent with the policies, principles and design themes contained within the Downtown Hamilton Secondary Plan, the West Harbourfront Secondary Plan, relevant Urban Design Guidelines, and Zoning By-laws as well as any other City Council approved policy/regulation.

The Program is offering financial assistance for qualifying projects through a low interest loan equal to 80% of the remediation costs of the property, up to a maximum loan per property/project of $400,000.

The Program is not intended to provide a loan for the total development/redevelopment of the property but solely for the remediation costs that qualify under the criteria of the ERASE Redevelopment Grant Program, excluding LEED eligible component costs.
Actual costs for which the City loan is being provided may be subject to audit.

Prior to a loan being approved, realty taxes are required to have been paid in full as billed each year and remain in good standing throughout the development/redevelopment of the property.

The loan under this Program, once approved, will be provided to the owner, in progress payments based on 80% of the actual qualifying remediation costs incurred as evidenced by copies of paid invoices. Such progress payments will be advanced within 30 days of submission of the property owner’s request for a loan draw. There will be a limit of six draws, spaced no less than 30 days apart.

The loan provided under this Program will be subject to a Loan Agreement, and will be specifically secured by an assignment of the grant payments under the ERASE Redevelopment Grant Program. Payments under the ERASE Redevelopment Grant will be applied directly to the remediation loan until such time as the loan is repaid, and any balance in the grant will then and only then flow directly to the owner.

The owner has the option of securing the loan by an assignment of the grant payments under the City of Hamilton’s Hamilton Downtown Property Improvement Grant Program if eligible. Note: The ERASE Redevelopment Grant is transferable to new property owners. City Council at its sole discretion may cease grants under the Hamilton Downtown Property Improvement Grant Program if property ownership changes. The Hamilton Downtown Property Improvement Grant Program shall not be transferred if the development/redevelopment of the property is incomplete.

Remediation of the property will commence no longer than one year following City Council’s approval of the loan commitment and be completed no longer than two years following City Council’s approval of the loan commitment. The one and two year periods may be extended by City Council at its absolute discretion.

Redevelopment/development of the property will commence no longer than three years following City Council’s approval of the loan commitment and be completed no longer than four years following City Council’s approval. The three and four year periods may be extended by City Council at its absolute discretion.

The loan, if being repaid through the assignment of grant payments under the ERASE Redevelopment Grant Program, will be fully amortized over a maximum 10 year period calculated from the first full year in which the property is reassessed by MPAC. 100% of the grant amount will be applied to the repayment of the loan until the loan is fully repaid. In the event that the full 10 year grant amount is not sufficient to repay the loan in its entirety, supplemental payments will be a requirement of the applicant in order that each year through the 10 year repayment term, one-tenth of the loan amount is repaid.
The loan, if being repaid through the assignment of grant payments under the Hamilton Downtown Property Improvement Grant Program, will be fully amortized over a maximum five year period calculated from the first full year in which the property is reassessed by MPAC. 100% of the grant amount will be applied to the repayment of the loan until the loan is fully repaid. In the event that the full five year grant amount is not sufficient to repay the loan in its entirety, supplemental payments will be a requirement of the applicant in order that each year through the five year repayment term, one-fifth of the loan amount is repaid.

In the event that the development/redevelopment of the property has not proceeded within one year of the remediation being completed or, the owner invalidates their qualification under the ERASE Redevelopment Grant, the loan will be capped immediately (unless alternate security acceptable to the City is provided) at the drawn amount and shall be repaid in annual installments over no longer than a five year period calculated from the date City Council approved the loan commitment.

Interest on the principal amount only will be repaid annually by the applicant commencing one year following the date of the first advance of the loan until such time as the repayment terms of the principal plus interest are confirmed.

The annual interest rate on the loan will be 1% below the prime rate as established by the Royal Bank of Canada. Such rate shall be established at the time the first installment of the loan is advanced by the City and reset annually on the anniversary date of the first advance.

The loan, together with interest can be prepaid in full by the owner without notice, penalty or bonus at any time.

Approval of loan applications is at the absolute discretion of City Council and subject to availability of funds.

In order to support the redevelopment/development within the defined areas, the remediation loan may be received by an owner in conjunction with any other available municipal incentive program.

In the event of the sale, conveyance, transfer or entering into of any agreement of sale or transfer of the title of the property by the Owner, the City shall have absolute discretion to request the full repayment of any outstanding loan under this Program together with interest accrued to date.

In the case where the owner is a corporation, the owner covenants and agrees that in the event that there is a change in the effective control of the majority of the voting shares of the owner, the City shall have absolute discretion to request the full repayment of any outstanding loan under this Program together with interest accrued to date.
Regardless of whether or not an Applicant otherwise satisfies the requirements of the Program, the City may reject any application received from an applicant where, in the opinion of Council, the commercial relationship between the City and the Applicant has been impaired by, but not limited to, the applicant being involved in litigation with the City. Applicants are individuals; corporate entities and individuals behind the corporation (Officers/Directors/Shareholders).

8.4.3 Eligibility Requirements

Qualifying owners are owners of properties who qualify for financing under the ERASE Redevelopment Grant Program and/or the Enterprise Zone Grant Program.

Qualifying properties are properties that fall within the Downtown Hamilton or West Harbourfront as defined by the Downtown Hamilton Community Improvement Project Area or the boundaries of the Setting Sail Secondary Plan.

Eligible program costs are the same as those established for the ERASE Redevelopment Grant Program excluding LEED eligible component costs. Eligible costs include:

- The cost of any action taken to reduce the concentration of contaminants on, in or under the eligible property to permit a record of site condition (RSC) to be filed for the proposed use by a qualified person, including costs of preparing the RSC;
- Phase II and Environment Site Assessments (ESA's), risk assessments or remedial work plans not covered by the ERASE Study Grant Program
- Installing environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use
- Monitoring, maintaining and operating environmental and/or engineering controls/works, as specified in the Remedial Work Plan and/or Risk Assessment and/or Certificate of Property Use
- Demolition not covered by demolition charge credits (Area 3 only)
- Removal of existing on-site infrastructure prior to replacement up to a minimum of 25% of construction/improvement costs for on-site public works (water services, sanitary sewers and storm sewers) (Area 3 only)
- Certain relocation/removal costs for existing and operating industrial manufacturing and transportation uses, where such costs relate to or contribute directly to the actual remediation and rehabilitation of the site (Area 3 only).

The following terms specifically apply:

a) The improvements made to buildings and/or land shall be in accordance with the Ontario Building Code and in compliance with all applicable City by-laws, official plans, zoning requirements and site plan approvals.
b) All owners receiving approval for a City loan under this Program shall be required to enter into a Loan Agreement with the City.

8.4.4 Administration

The Economic Development Department will be responsible for administering the Loan, in consultation with other departments as necessary, specifically the Downtown and Community Renewal Division. Applications shall be submitted to the Economic Development Department and shall be accompanied by a Phase II ESA and/or risk assessment undertaken by a qualified person that:

i) identifies the extent and provides a cost estimate for the environmental remediation, installation, monitoring, maintaining and operating environmental and/or engineering controls/works of the eligible property; and,

ii) contains a detailed work plan and budget for said environmental remediation, installation, monitoring, maintaining and operating environmental and/or engineering controls/works.

Applicants will be required to have a pre-application consultation meeting with City staff in order to determine program eligibility, proposed scope of work, project timing, etc.

Applications shall be submitted to the Economic Development Department and shall include a detailed work plan and cost estimate for the proposed eligible works. Said work plan and cost estimate will be supported by a Phase II ESA and/or risk assessment undertaken by a qualified person that identifies the estimated cost of environmental remediation and a written contractor’s estimate for other eligible works. The City may also require a Business Plan.

Before accepting an application, City staff will screen the application. If the application is not within the community improvement project area or the application clearly does not meet the program eligibility requirements, the application will not be accepted. Acceptance of the application by the City in no way implies loan approval.

Program eligibility will be determined by the Economic Development Department, in consultation with other departments as necessary. Applications will be recommended for approval only if they meet the criteria specified in this Plan and any other requirements of the City.

An application fee of $250.00.00 must accompany the application. All fees will be authorized through a user-fee by-law passed by City Council. The rate of the fees may be changed from time to time as approved by City Council.
A recommendation on the application (including estimated eligible costs) and RLP Agreement will be forwarded to City Council (or Council’s designate) for consideration. Once City Council (or Council’s designate) approves the RLP Application, the RLP Agreement will be forwarded to the applicant for signature. Once the applicant has signed the agreement, the agreement will then be executed by City officials and a copy will be provided to the applicant. The City may require the applicant to register the agreement on title immediately upon execution of the agreement.

The Owner shall submit to the MOE a signed record of site condition (RSC) prepared by a qualified person, and the Owner shall submit to the City an acknowledgement of receipt of the RSC by the MOE. The City reserves the right to require the submission to the City’s satisfaction, of environmental reports and documentation showing the subject property has been remediated to the appropriate levels for the proposed use. Where the submission of a signed RSC is not required under the Environmental Protection Act and the owner of the property within the ERASE Community Improvement Project Area undertakes a risk assessment and/or remediates the property to a standard that would enable the owner to submit a RSC, the owner may instead provide an opinion from a qualified person (as defined in the Environmental Protection Act and Ontario Regulation 153/04, as amended), subject to a peer-review by a qualified person as chosen by the City, that the Property has been remediated to the appropriate levels for the proposed use to the satisfaction of the City.

The Program is being introduced as a pilot program. Staff will review the success of the pilot program and report back to the Economic Development and Planning Committee recommending its continuance or expansion in Q2/13.
The Future of Productivity

Recommendations

**Deloitte.**

Business
- Real estate: enhance opportunities for development and occupancy
- Move beyond "status quo"
- Build national and multinational business
- Leverage new capital equipment
- Invest in talented minds
- Create more clusters
- Invest and then reinvest

Government
- Encourage foreign direct investment
- Continue to improve Canada's immigration system
- Provide incentives for growth rather than remaining small
- Remove barriers and red tape for growth
- Expand trade inflows and outflows
- Foster fact-based decision making

Academia
- Create the curriculum to support productivity

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Hamilton Advanced Manufacturing Recommendations

**Update Marketing and Branding**
- Showcase City's advanced manufacturing sector
- Update City's advanced manufacturing sector's marketing materials
- Position Hamilton as part of broader GTA and beyond
- Market Hamilton as a top location to live, work and play

**Enhance Business Retention**
- Understand needs of large and strategic advanced manufacturing firms
- Identify key service providers and supply chain linkages
- Identify opportunities to assist existing businesses
- Maintain regular contact with key industry leaders

**Develop Investment Attraction Strategy**
- Assess opportunity for targeted financial incentives
- Lead tours of the City's advanced manufacturing facilities
- Regularly monitor FDI opportunities
- Aggressively pursue high profile investments with tools and local leadership
- Aggressively engage in industry events including CORENET, NAIOP etc

**Develop Strategy to Enhance Talent & Skills**
- Identify gaps in local demand and supply of advanced manufacturing talent
- Support and expand education and technical training programs
- Encourage local entrepreneurship and innovation
SPECIAL MEETING OF THE
GENERAL ISSUES COMMITTEE
REPORT 14-005
2:30 p.m.
Tuesday, February 25, 2014
Council Chambers
Hamilton City Hall
71 Main Street West

Present: Deputy Mayor S. Merulla (Chair)
Mayor R. Bratina; Councillors B. Clark, S. Duvall, J. Farr,
L. Ferguson, B. Johnson, B. McHattie, R. Morrow,
M. Pearson

Absent with Regrets: Councillors C. Collins, T. Jackson, T. Whitehead, J. Partridge,
R. Pasuta, R. Powers – City Business,

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 14-005 AND
RESPECTFULLY RECOMMENDS:

1. Mortgage Re-Financing – Sheraton Hotel – 116 King Street West, LS 14006
   (City Wide) (Item 4.1)

   (a) That the Mayor and Clerk be authorized and directed to execute an
       Agreement with DUCA Financial Services Credit Union Limited (“DUCA”),
       Hamilton 116 King Street West Inc. (“Hotel”), Darko Vranich Holdings
       Limited (“Vranich Holdings”), Darko Vranich (“Vranich”) and the City of
       Hamilton (“City”) respecting the replacement of the existing FirstOntario
       Credit Union mortgages on the leasehold estate and improvements for
       the Sheraton Hotel property on King Street West with a new first
       mortgage in favour of DUCA which new mortgage pays out the existing
       mortgages and increases the mortgage amount as set out in Confidential
       Schedule “A” to this Report but retains a significant equity in the
       Leasehold Estate, ensures the new mortgage is still subject to the City’s
       ownership and Landlord Interest under the Ground Lease and maintains
       the existing Corporate and Personal Guarantees of Vranich Holdings and
       Darko Vranich;

Council – February 25, 2014
(b) That the Mayor and City Clerk be authorized and directed to execute the Agreement referenced in sub-section (a) and all ancillary documents that may be necessary to enable the completion of the re-financing in a manner that protects the City’s interests, provided such documentation is in a form and content satisfactory to the Director of Economic Development, the General Manager of Finance and Corporate Services and the City Solicitor.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

None

The agenda was approved, as presented.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) APPROVAL OF MINUTES (Item 3)

None.

(d) MOTIONS (Item 5)

None

(e) ADJOURNMENT (Item 6)

There being no further business, the meeting adjourned at 2:40 p.m. CARRIED

Respectfully submitted

Councillor S. Merulla
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
Office of the City Clerk