



CITY COUNCIL MINUTES

Thursday, August 16, 2012

9:30 a.m.

Council Chambers
Hamilton City Hall
71 Main Street West

Present: Mayor R. Bratina
Councillors B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins,
T. Jackson, M. Pearson, B. Johnson, L. Ferguson, R. Powers,
R. Pasuta, J. Partridge, T. Whitehead

**Absent with
Regrets:** Councillor B. Clark – Illness
Councillor S. Duvall – Vacation

Mayor Bratina called the meeting to order.

APPROVAL OF THE AGENDA

The Clerk advised of the following changes to the agenda:

1. ADDED CORRESPONDENCE

5.12 Correspondence from Robert and Monika Maric requesting the installation of stop signs at Jones Road and Galileo Drive and Jones Road and Copes Lane.

Recommendation: Be received and referred to the General Manager of Public Works.

3. MOTIONS

The following motion has been **withdrawn** as it appears as Item 25 on the General Issues Committee Report 12-021

- 7.2 Municipal Disaster Relief Assistance Program – Heavy Rain Event, July 22, 2012

4. ADDED NOTICE OF MOTION

- 8.1 Cathedral High School 100 Years Reunion – September 28 and 29, 2012

(Pearson/Partridge)

That the Agenda for the City Council meeting being held on August 16, 2012, be approved, as amended.

CARRIED

DECLARATIONS OF INTEREST

Councillor Ferguson indicated a conflict with Item 1 of Planning Committee Report 12-012, as his daughter is employed in the aggregate industry.

APPROVAL OF MINUTES

4.1 July 12, 2012

(Powers/Pearson)

That the minutes of the July 12, 2012 meeting of Council be approved, as presented.

CARRIED

COMMUNICATIONS

(Jackson/Collins)

That Council Communications 5.1 through 5.12 be approved, as amended, as follows:

- 5.1 Correspondence from The Honourable Gary Goodyear, Minister of State (Science and Technology) (Federal Economic Development Agency for Southern Ontario), respecting the launch of the new Community Infrastructure Improvement Fund (CIIF).

(Powers/Pearson)

Recommendation: Be received.

- 5.2 Correspondence from Imam Abdul Hai Patel, President of the Ontario Multifaith Council, requesting support for the proclamation of Spiritual and Religious Care Awareness Week (SRCAW) throughout Canada during the week of October 14 to 20, 2012.

(Pearson/Ferguson)

Recommendation: Be received.

- 5.3 Correspondence from the Office of the Prime Minister in response to the Mayor's letter respecting the cancellation of Remembrance Day services.

(Pasuta/Merulla)

Recommendation: Be received.

- 5.4 Correspondence from the Office of the Prime Minister in response to the Mayor's letter respecting the loss of Federal Funding for the Katimavik Volunteer Program.

(Farr/Jackson)

Recommendation: Be received.

- 5.5 Correspondence from the Honourable Deb Matthews, Minister of Health and Long Term Care, advising that the City will receive an additional annualized base funding with respect to the land ambulance grant for the 50:50 partnership for the 2012 calendar year.

(Jackson/Whitehead)

Recommendation: Be received.

- 5.6 E-mail with attachments from Mike Galloway, Secretary-Treasurer and Pat Vanini, Executive Director of the Association of Municipalities of Ontario (AMO), advising of the Annual General Meeting and proposed changes to the AMP Corporate By-law.

(Powers/Ferguson)

Recommendation: Be received.

- 5.7 E-mail from Alan Walker advising of his resignation from the CityHousing Hamilton Board.

(Johnson/Pearson)

Recommendation: Be received and referred to the Selection Committee.

- 5.8 Correspondence from the Honourable Charles Sousa, Minister of Citizenship and Immigration, responding to the Mayor's letter regarding "Pay It Forward Day".

(Pearson/Farr)

Recommendation: Be received.

- 5.9 Correspondence from The Honourable Denis Lebel, Minister of Transport, regarding the use of perfluorooctane sulfonate (PFOS) and its salts at the Hamilton International Airport.

(Johnson/McHattie)

Recommendation: That staff be directed to prepare and submit the Freedom of Information Request to obtain access to the necessary documents.

- 5.10 Correspondence from Monte McNaughton, MPP, requesting Council's support for his private members bill, Bill 76, an *Act to Amend the Ontario Lottery and Gaming Act of 1999*.

(Partridge/Pasuta)

Recommendation: Be referred to Legal Staff for review and to provide a legal opinion and report back to the next General Issues Committee.

- 5.11 Resolution from the Corporation of the Town of Niagara-on-the-Lake regarding the collection and disposal of Municipal Household or Special Waste (MHSW) and requesting Council's support.

(Pearson/Johnson)

Recommendation: Be endorsed.

- 5.12 Correspondence from Robert and Monika Maric requesting the installation of stop signs at Jones Road and Galileo Drive and Jones Road and Copes Lane.

(Johnson/Pearson)

Recommendation: (a) That stop signs be installed at the intersections of Jones Road and Galileo Drive as well as at Jones Road and Copes Lane;

- (b) That the appropriate By-law to amend the City of Hamilton Traffic By-law 01-215 be approved.

CARRIED

(Ferguson/Powers)

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

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-020**(Bratina/Partridge)**

That the TWENTIETH Report of the General Issues Committee be received. (attached hereto)

CARRIED

GENERAL ISSUES COMMITTEE REPORT 12-021**11. Rapid Transit Maintenance and Storage Facility and Spur Line (PW11064(a)) (City Wide) (Item 7.2)**

The Motion **CARRIED** on the following vote:

Yeas:	R. Bratina, B. McHattie, B. Morelli, J. Farr, S. Merulla, C. Collins, T. Jackson, T. Whitehead, M. Pearson, B. Johnson, R. Powers, R. Pasuta, J. Partridge
Total:	13
Nays:	L. Ferguson
Total:	1
Absent:	B. Clark, S. Duvall
Total:	2

15. Randle Reef Sediment Remediation (PW10042(a)) (City Wide) (Item 8.4)**(Collins/Merulla)**

That Item 15 of the General Issues Committee Report 12-021 respecting Randle Reef Sediment Remediation be amended as follows:

- (a) That subsection (b) be amended by deleting the words "*referred to the 2013 budget process for consideration*" after the word "*be*" and inserting the word "*approved*" therein;
- (b) That subsection (c) be amended by deleting the word "*proposed*" following the words "*for the*" and inserting the word "*approved*" therein;
- (c) That the following be added as subsection (d):
- (d) *That the Mayor and the City Clerk be authorized and directed to execute all necessary agreements and documents to reflect the City of Hamilton's approved funding for, and participation in, the Randle Reef Sedimentation Remediation Project, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services and the General Manager of Public Works.*

Amendment CARRIED

Motion as Amended CARRIED**16. Terms of Reference for the School Board Properties Sub-Committee (PED12135) (City Wide) (Item 8.5)****(Pearson/Johnson)**

- (a) That Item 16(d) of the General Issues Committee Report 12-021 respecting the Terms of Reference for the School Board Properties Sub-Committee be amended by adding Councillor Pearson as the eighth member of the Sub-Committee;
- (b) That the requirements of quorum be adjusted to reflect the addition of a eighth member.

**Amendment CARRIED
Motion as Amended CARRIED**

(Bratina/Johnson)

That the General Issues Committee Report 12-021 be tabled, pending the arrival of the delegation from Infrastructure Ontario.

CARRIED

(Bratina/Ferguson)

That the General Issues Committee Report 12-021 be lifted from the table.

CARRIED

Members of Council proceeded to ask questions of the delegation from Infrastructure Ontario, to seek clarification on matters pertaining to the agreement.

(Ferguson/Powers)

That Information Item (i) respecting Pan Am Stadium Facility Agreement (PW12058), be lifted from the information section of the General Issues Committee Report 12-021 for consideration:

(i) Pan Am Stadium Facility Agreement (PW12058) (Ward 3)(Item 8.2)

- (a) That the General Manager of Public Works be authorized and directed to negotiate with Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation respecting a Facility Agreement to determine the roles, relationships, joint and separate responsibilities, authorizations and obligations of the Parties for the planning and construction of the new Stadium; operation of the Stadium by City of Hamilton; Toronto 2015 Exclusive Use Period; and Post Games Legacy considerations as part of the 2015 Pan American and Parapan American Games Project;
- (b) That the Mayor and City Clerk, and appropriate City staff as the case may be, be authorized and directed to sign the Facility Agreement and any other

ancillary agreements between the City and Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation required, in the opinion of the City Solicitor, to implement recommendation (a) in Report PW12058.

CARRIED

(Powers/Merulla)

That the question be called.

CARRIED

(Collins/Merulla)

That the following be added as Item 28 to General Issues Committee Report 12-021:

28. Pan Am Stadium Facility Agreement (PW12058) (Ward 3(Item 8.2))

- (a) That the General Manager of Public Works be authorized and directed to negotiate with Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation respecting a Facility Agreement to determine the roles, relationships, joint and separate responsibilities, authorizations and obligations of the Parties for the planning and construction of the new Stadium; operation of the Stadium by City of Hamilton; Toronto 2015 Exclusive Use Period; and Post Games Legacy considerations as part of the 2015 Pan American and Parapan American Games Project;
- (c) That the Mayor and City Clerk, and appropriate City staff as the case may be, be authorized and directed to sign the Facility Agreement and any other ancillary agreements between the City and Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation required, in the opinion of the City Solicitor, to implement recommendation (a) in Report PW12058.

The Motion **CARRIED** on the following vote:

Yeas:	R. Bratina, B. McHattie, J. Farr, B. Morelli, S. Merulla, C. Collins, T. Jackson, T. Whitehead, M. Pearson, R. Powers, R. Pasuta, J. Partridge
Total:	12
Nays:	B. Johnson, L. Ferguson
Total:	2
Absent:	B. Clark, S. Duvall
Total:	2

(Bratina/Partridge)

That the TWENTY-FIRST Report of the General Issues Committee be adopted, as amended, and the information section received. (attached hereto)

CARRIED

PLANNING COMMITTEE REPORT 12-012

(Farr/Johnson)

That the TWELFTH Report of the Planning Committee be adopted, and the information section received. (attached hereto)

CARRIED**(Ferguson/Powers)**

That the Committee of the Whole Rise and Report.

CARRIED

MOTIONS

7.1 Development of a Criminal Background Check Policy**(Pearson/Johnson)**

Whereas the City of Hamilton Licensing By-law provides the discretion to require criminal background checks on various business licence applicants or renewals;

Whereas the provision of a recent criminal background check has become a more common request for prospective employees and volunteers in MUSH sector (Municipal, University, Schools, Hospital);

Therefore be it resolved that staff report to the General Issues Committee with various policy options that would give City Council the discretion to reject loan and grant applications as a result of convictions listed in a recent criminal background check.

CARRIED

Item 7.2 Municipal Disaster Relief Assistance Program – Heavy Rain Event, July 22, 2012 was withdrawn from the Council agenda, as it appears as item 23 of General Issues Committee Report 12-021

7.3 Amendments to Item 9(e) of the Audit, Finance & Administration Committee Report 12-005**(Powers/Johnson)**

9. Grants Sub-Committee Report 12-002

(e) 2012 Community Partnership Program (GRA12006) (City Wide)

Whereas there was an administrative error in Appendix "D" to Item 9(e) of the Audit, Finance & Administration Committee Report 12-005, approved by Council on May 23, 2012, which transposed the dollar amounts in two rows of the chart on Page 12 of 26;

Therefore, be it resolved:

- (a) That Appendix "D" to Item 9(e) of the Audit, Finance & Administration Committee Report 12-005 be amended by deleting the amount of "\$6,121" and replacing it with the amount of "\$12,166" for Category D-20 – East Kiwanis Senior Adult Program; and,
- (b) That Appendix "D" to Item 9(e) of the Audit, Finance & Administration Committee Report 12-005 be amended by deleting the amount of "\$12,166" and replacing it with the amount of "\$6,121" for Category D21 – Mountberry Seniors' Club, to read as follows:

Applicant	Page No. / Category	2012 Rating	2012 Amt. Requested	2012 Amt. Recommen ded
East. Kiwanis Adult Program	D-20	74	12,166	\$12,166
Mountberry Seniors' Club	D-21	71	\$6,121	\$6,121

CARRIED

7.4 Community Partnership Program Grant Request for the CTC International Print Biennale in Santiago De Cuba

(McHattie/Farr)

- (a) That the correspondence (attached hereto) from Alan Flint, CRAM Press Co-Director, respecting a grant request from the 2012 Community Partnership Program, in the amount of \$5,000, to assist with the 2012 inaugural launch of the CTC International Print Biennale in Santiago De Cuba in December 2012, be referred to staff for a report to the Grants Subcommittee.
- (b) That if the application does not qualify for Community Partnership Program funding, that staff provide suggestions for alternative funding sources.

CARRIED

7.5 Cathedral High School 100 Years Reunion – September 28 and 29, 2012**(Morelli/Merulla)**

Whereas, City Council has received Notice from Cathedral High School that they wish to obtain a Special Occasion Permit to sell alcohol during the September 28 and 29, 2012 Cathedral High School 100 Years Reunion festivities, at Cathedral High School, 30 Wentworth Street North;

And Whereas, the AGCO requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

Therefore, Be it Resolved:

- (a) That the City of Hamilton hereby deems the Cathedral High School 100 Years Reunion festivities on September 28 and 29, 2012 as municipally significant;
- (b) That the Applicant be provided a copy of this resolution for inclusion with their application to the AGCO.

CARRIED

NOTICES OF MOTION

Councillor Morelli introduced the following notice of motion:

8.1 Cathedral High School 100 Years Reunion – September 28 and 29, 2012

Whereas, City Council has received Notice from Cathedral High School that they wish to obtain a Special Occasion Permit to sell alcohol during the September 28 and 29, 2012 Cathedral High School 100 Years Reunion festivities, at Cathedral High School, 30 Wentworth Street North;

And Whereas, the AGCO requires that if a permit holder is not a registered charity or non-profit organization or association, that a resolution of the Council is required to designate the event as one of municipal significance;

Therefore, Be it Resolved:

- (a) That the City of Hamilton hereby deems the Cathedral High School 100 Years Reunion festivities on September 28 and 29, 2012 as municipally significant;
- (b) That the Applicant be provided a copy of this resolution for inclusion with their application to the AGCO.

(Morelli/Merulla)

That the rules be waived to allow the Notice of Motion respecting, Cathedral High School 100 Years Reunion, to be heard as a Motion.

CARRIED

Please refer to item 7.5 for disposition on this item.

STATEMENT BY MEMBERS

Members of Council used this opportunity to discuss matters of general interest.

PRIVATE AND CONFIDENTIAL

None

BY-LAWS

(Jackson/Collins)

That the Bill List for the August 16, 2012 meeting of Council be amended by adding the following as Bill 189 and renumbering the balance:

Bill No.

- | | |
|------------|---|
| 189 | Being a By-law to Permanently Close an Unassumed Portion of Elizabeth Street and an Unassumed Portion of Unnamed Street, established by Registered Plan 310, City of Stoney Creek, now City of Hamilton, designated as Part 5 on Plan 62R-14865 |
| 190 | To Confirm Proceedings of Council |

CARRIED**(Jackson/Collins)**

That Bills No. 168 to 190 attached hereto, be passed, that the Corporate Seal be affixed thereto, and that the By-laws be numbered and signed by the Mayor and the City Clerk and read as follows:

Bill No.	By-law No.	
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- | | | |
|------------|---------------|---|
| 168 | 12-168 | To Adopt Official Plan Amendment No. 170 to the former City of Stoney Creek Official Plan
Respecting:
Lands located on the north side of King Street East, east side of Dawson Avenue and south side of Passmore Street, known municipally as 135 and 137 King Street East and 42 |
|------------|---------------|---|

- Passmore Street, Stoney Creek
NOT FINAL AND BINDING
- 169 12-169 To Incorporate City Land Designated as Blocks 23 on Plan 62M-1036 into Old Mud Street
- 170 12-170 To Incorporate City Land Designated as part 2 on Plan 11533 into Arvin Avenue
- 171 12-171 To Amend By-law No. 01-215
Being a By-law To Regulate Traffic:
Schedule 5 – Stop Control
- 172 12-172 To Amend By-law No. 01-218
Being a By-law To Regulate Traffic:
Schedule 5 – Stop Control
- 173 12-173 To Incorporate City Land Designated as Block 34 on Plan 62M-1153 into Kellogg Avenue
- 174 12-174 Removal of Part Lot Control Block 12, Lot 1 and Lots 3 to 8,
Registered Plan No. 62M-1175
12 Ambrose Avenue
- 175 12-175 To Adopt Official Plan Amendment No. 171 to the City of
Stoney Creek Official Plan
Respecting:
120 King Street West
NOT FINAL AND BINDING
- 176 12-176 Removal of Part Lot Control
Block 1, Registered Plan No. 62M-1173
2-12½ Kopperfield Lane, Glanbrook
- 177 12-177 To Amend Zoning By-law No. 87-57, Respecting Lands
Located at 433 Hamilton Drive, in the former Town of
Ancaster, now in the City of Hamilton
NOT FINAL AND BINDING
- 178 12-178 To Incorporate City Land
Designated as Block 181 on Plan 62M-700
Into Foxmeadow Drive
- 179 12-179 The Appointments of a Chief Building Official,
Deputies and Inspectors
- 180 12-180 To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Property Located at 120 and 124 King Street
West
NOT FINAL AND BINDING
- 181 12-181 To Amend Zoning By-law No. 05-200
Respecting Lands Located at 135 and 137 King Street East
and 42 Passmore Street (Stoney Creek)
NOT FINAL AND BINDING

- 182** **12-182** To Adopt Official Plan Amendment No. 169
Respecting: 845 & 857 North Service Road
NOT FINAL AND BINDING
- 183** **12-183** To Amend Zoning By-law No. 3692-92 (Stoney Creek)
Respecting the Property Located at 845 and 857 North
Service Road
NOT FINAL AND BINDING
- 184** **12-184** Removal of Part Lot Control
Lots 1, 111-112, 119-120, 138-153, 167-172, and 174-176 of
Plan No. 62M-1157 "Waterdown Bay"
- 185** **12-185** Removal of Part Lot Control
Lots 44-54, 63-74 and 90 of Plan No. 62M-1157 "Waterdown
Bay"
- 186** **12-186** Removal of Part Lot Control
Lots 92-97, 115-116, 125-126, 154-157, and 163-164 of Plan
No. 62M-1157 "Waterdown Bay"
- 187** **12-187** Removal of Part Lot Control
Lots 42-43, 56, 58, 60, 62, 76, 78, 82, and 86 of Plan No.
62M-1157 "Waterdown Bay"
- 188** **12-188** 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 12 – Permit Parking Zones
Schedule 13 – No Stopping Zones
- 189** **12-189** Being a By-law to Permanently Close an Unassumed Portion of
Elizabeth Street and an Unassumed Portion of Unnamed Street,
established by Registered Plan 310, City of Stoney Creek, now
City of Hamilton, designated as Part 5 on Plan 62R-14865
- 190** **12-190** To Confirm Proceedings of Council

CARRIED

(Pearson/Partridge)

That, there being no further business, the City Council meeting adjourned at 11:20 a.m.

CARRIED

Respectfully submitted,

Mayor B. Bratina

R. Caterini
City Clerk
August 16, 2012



General Issues Committee

REPORT 12-020

9:30 a.m.

Wednesday, July 18, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Deputy Mayor L. Ferguson (Chair)
Mayor R. Bratina
Councillors C. Collins, S. Duvall, J. Farr, T. Jackson,
B. Johnson, S. Merulla, B. Morelli, J. Partridge, R. Powers,
T. Whitehead

Absent with Regrets: Councillor M. Pearson – Bereavement
Councillor R. Pasuta – Personal
Councillors B. Clark, B. McHattie – Vacation

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance and Corporate
Services
G. Davis, General Manager, Public Works
N. Everson, A/General Manager, Planning and Economic
Development
J. A. Priel, General Manager, Community and Social
Services
D. Fisher, Acting City Solicitor
T. Tollis, Treasurer
C. Biggs, Legislative Co-ordinator

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-020 FOR INFORMATION:

1. Independent External Review of HECFI Operations – Phase II (Request for Proposals) – Proponent Presentations (Item 3.1)

That the presentations respecting the Independent External Review of HECFI Operations – Phase II (Request for Proposals) from the following proponents, be received:

- (i) Global Spectrum/Live Nation
- (ii) SMG/Forum Equity/Sonic Unyon

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- (iii) Carmen's Inc.
- (iv) HECFI.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Committee Clerk advised that Anschutz Entertainment Group (AEG)/Katz Group advised that they would not be submitting a proposal. As a result, the presentation times for the balance of presenters has been adjusted accordingly.

On a motion, the agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) PRESENTATIONS

Prior to the presentations being given, Chair Ferguson provided the following comments:

- No decision is required to be made at today's meeting; not discussing details of the proposals, although Committee members may ask questions for clarification, as necessary
- This is an opportunity to hear from the proponents on the general nature of their proposals
- In order to maintain consistency, each proponent was provided with information and guidelines for their presentation to address the following: Proponent Experience and Capabilities; Proposal Economics; Enhanced Use of HECFI Facilities; Community Impact; Other Matters/Closing Remarks;
- Proponents have been advised not to discuss HR or personnel-related matters due to their confidentiality; Committee members are also advised not to pose questions on those issues for the same reason;
- The order of presentations was selected at random by the Committee Clerk; as this is a public meeting, the proponents are able to be present for each others' presentations
- Should any of the proponents wish to clarify any statements or add additional information to anything that has been presented during the meeting, they will have a subsequent opportunity to respond in writing to the Chair and members of the General Issues Committee, directed to the Legislative Coordinator of this Committee, by no later than 4:00 p.m. on Friday, July 20.

Independent External Review of HECFI Operations – Phase II (Request for Proposals) – Proponent Presentations (Item 3.1)

Tony Tollis, City Treasurer, provided introductory remarks which included, but were not limited to, the following:

- Expressed thanks to KPMG for their assistance and to the proponents for their professionalism in accommodating the process
- Met with all proponents to advise of Council's objectives
- All proponents were advised that they were allowed to change their proposal from the first process
- Also given opportunity to submit bids for one, two or all three of the facilities; also can partner with other proponents if they so choose
- Proponents asked to sign a non-disclosure and liability agreement and provided with detailed information regarding all aspects of the HECFI business
- Information provided was unprecedented in terms of the detail, which was done so that informed decision/proposal could be prepared
- Asked that all proposals be received by July 16, and information is being presented today
- Financial information is very high level; needs to be detailed out for the Committee in terms of the impacts that the proposals have on the City and on the status quo budget
- Staff will be coming back to the General Issues Committee on August 13, at which time staff will be presenting a detailed financial assessment of all proposals for comparison purposes
- Additional information will be provided at the end of this meeting in terms of options available.

With the assistance of power point, each of the proponents provided their presentation(s) to the Committee based on the information and guidelines provided to them by staff, including:

- Proponent Experience and Capabilities
- Proposal Economics
- Enhanced Use of HECFI Facilities
- Community Impact
- Other Matters/Closing Remarks.

The following is a list of the proponents and their representatives:

(i) Global Spectrum

- Frank R. Russo, Jr., Senior Vice President, Business Development and Client Relation
- Brian Ohl, Regional Vice President of Facility Management
- Kenneth J. Wajda, CPA, Vice President of Finance, Global Spectrum

Live Nation Canada

- Riley O'Connor, Chairman, Live Nation Canada
- John May, Senior Vice President, Live Nation Network
- Paul Corcoran, Senior Vice President, Venues and Facilities Canada (Music), Live Nation

Mr. Ruso advised that their proposal included Copps Coliseum and Hamilton Place only, and that they have withdrawn from the Convention Centre.

Copies of the presentation were distributed to the Committee and submitted to the Clerk for the public record. The presentation material is also available for public viewing on the City of Hamilton website.

(ii) SMG/Forum Equity

- Robert Cavaleri, Senior Vice President, Business Development
- Bob Papke, Vice President, Live Entertainment - Theatres

Forum Equity

- Greg Kitscha, Senior Associate

Sonic Unyon

- Mark Milne, Co-Founder and General Manager
- Tim Potocic, President

Proposal for all three HECFI facilities.

Copies of the presentation were distributed to the Committee and submitted to the Clerk for the public record. The presentation material is also available for public viewing on the City of Hamilton website.

(iii) Carmen's inc.

- Peter Mercanti, Chairman
- P. J. Mercanti, President
- Joey Mercanti, Executive Vice President
- Justin Mencfeld, Vice President, Marketing/Public Relations
- Loren Lieberman, Partner

Presented proposal for the operation of the Hamilton Convention Centre.

Copies of the presentation were distributed to the Committee and submitted to the Clerk for the public record. The presentation material is also available for public viewing on the City of Hamilton website.

(iv) Hamilton Entertainment and Convention Facilities Inc. (HECFI)

- John Hertel, Chief Administrative Officer and Interim CEO
- Brad Calder, Director of Operations/Events Delivery
- Rick DiFilippo, Corporate Controller
- John Elder, Director of Entertainment

Presented proposal for the operation of all three facilities.

Copies of the presentation were distributed to the Committee and submitted to the Clerk for the public record. The presentation material is also available for public viewing on the City of Hamilton website.

Upon the conclusion of the presentations, Tony Tollis acknowledged the HECFI team for getting the information together for the proponents and thanked them for their co-operation throughout this process.

Mr. Tollis then showed a power point outlining five Options, as follows:

- Option 1: Status Quo or Baseline Operation
- Option 2: City-managed HECFI Solution
- Option 3: All Facilities under Private Ownership/Operation
- Option 4: Multiple Private Ownership/Operation
- Option 5: City to maintain its operation of Copps Coliseum and Hamilton Place, with Carmen's at the Hamilton Convention Centre

Mr. Tollis advised that a report would be presented to the Committee at a future General Issues Committee meeting outlining the implications of each of these options. The Committee will be provided with all the information in order to assess the various options.

There being no further business, the Committee adjourned at 3:55 p.m.

Respectfully submitted

Councillor L Ferguson
Deputy Mayor

Carolyn Biggs
Legislative Co-ordinator
July 18, 2012



General Issues Committee

REPORT 12-021

AS AMENDED BY COUNCIL ON AUGUST 16, 2012

9:30 a.m.

Monday, August 13, 2012

Council Chambers

Hamilton City Hall

71 Main Street West

Present: Deputy Mayor T. Jackson (Chair)
Mayor R. Bratina
Councillors B. Clark, C. Collins, J. Farr, L. Ferguson, B. Johnson, B. McHattie, Merulla, B. Morelli, J. Partridge, R. Pasuta, R. Powers, T. Whitehead

Absent with Regrets: Councillors S. Duvall and M. Pearson – Vacation

Also Present: C. Murray, City Manager
R. Rossini, General Manager, Finance & Corporate Services
T. McCabe, General Manager, Planning & Economic Development
G. Davis, General Manager, Public Works
Dr. E. Richardson, Medical Officer of Health
K. Lubrick, Acting General Manager, Community Services
R. Sabo, Assistant City Solicitor
M. Zegarac, Director, Financial Planning & Policy
D. McKinnon, Director, Water & Wastewater Operations
B. Shynal, Director, Operations
S. Paparella, Legislative Coordinator, Office of the City Clerk

THE GENERAL ISSUES COMMITTEE PRESENTS REPORT 12-021 AND RESPECTFULLY RECOMMENDS:

1. Hamilton Police Services Board Monthly Report (PSB 12-079) (Item 5.1)

That the Hamilton Police Services Board Monthly Report PSB 12-079, be received.

2. Treasurer's Apportionment of Land Taxes for Properties in Flamborough and Hamilton (FCS12005(e)) (Wards 15 and 4) (Item 5.3)

(a) That the 2012 land taxes in the amount of \$4,596 for 8 McDonald Court, Flamborough (Roll #2518 303 390 11800 0000) be apportioned and split

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amongst the two newly created parcels as set out in Appendix A to Report 12-021;

- (b) That the 2012 land taxes in the amount of \$1,824 for 70 Division Street, Hamilton (Roll #2518 040 335 06930 0000) be apportioned and split amongst the two newly created parcels as set out in Appendix A to Report 12-021.

3. 2011 Assessment Growth (FCS12057) (City Wide) (Item 5.4)

That Report FCS12057, respecting the 2011 Assessment Growth, be received.

4. Waterdown Business Improvement Area (B.I.A.) Revised Board of Management (PED11013(e)) (Ward 15) (Item 5.5)

That the following individual be appointed to the Waterdown B.I.A.'s Board of Management:

- (i) Melissa Taylor

5. Approval to Expropriate 55 Queenston Road (City Motor Hotel) (LS12009(a)/PED12076(a)) (Ward 4) (Item 5.6)

- (a) That approval be given to the City of Hamilton as the expropriating authority, to expropriate the following real property, known as City Motor Hotel:

Municipal Address: 55 Queenston Road/1620 Main Street E., Hamilton, ON

Owner: KMCT – Key Management Technology Corporation (on Title)
1284342 Ontario Inc.
Mortgagee in Possession under Power of Sale

Description: Part Lot 34, Concession 2
Geographic Township of Saltfleet, City of Hamilton as in
HL135686, Power of Sale PIN 17267-0109 (LT)

and to authorize entry.

- (b) That the Senior Project Manager, Survey/Technical Services, be authorized and directed to prepare a Plan of Expropriation for registration in the Land Registry Office;

- (c) That the Mayor and City Clerk be authorized and directed to sign the Certification of Approval affixed to the Plan of Expropriation and that the City Clerk be authorized and directed to affix the Corporate Seal thereto;
 - (d) That the City Clerk be authorized and directed to sign, and the Acting City Solicitor be authorized and directed to serve, any Notices required by the Expropriations Act and such notices of expropriation, compensation, possession and election and any other action, as may be required to obtain and authorize entry and possession of the expropriated property at the earliest possible date;
 - (e) That the Manager of Real Estate, Economic Development Division of the Planning and Economic Development Department, be authorized and directed to obtain an external appraisal of the property expropriated, to form the basis of compensation to be offered by the City of Hamilton, and the Manager of Real Estate be authorized and directed to negotiate compensation with the owners of the land being expropriated on the basis of the appraisal report;
 - (f) That should negotiations between the City and the Owner(s), with respect to compensation for the taking not be successful, staff be authorized to proceed to have the matter settled before the Board of Negotiations, by agreement of both parties, and/or before the Ontario Municipal Board by arbitration pursuant to Section 26 of the Expropriation Act;
 - (g) That the Expropriation By-law, attached as Appendix "B" to Report LS12009(a)/PED12076(a), be introduced to give effect to the foregoing and enacted by Council;
 - (h) That the General Manager of Public Works be authorized and directed to register the Expropriation Plan;
 - (i) That all the costs of the expropriation be charged to the following Capital Budget Item No. 3301249204 (Ward 4 Capital Re-investment).
- 6. Declaration of Surplus Property – Proposed Land Exchange between the City of Hamilton (50 Wilson Street East) and 121757 Ontario Ltd. (Ross Andrews) (240 Wilson Street East), land required for a Daylight Triangle in the Former Township of Ancaster, now in the City of Hamilton (PED12119) (Ward 12) (Item 5.7)**

That an exchange of lands between the City of Hamilton and 121757 Ontario Ltd. (Ross Andrews) be approved on the following basis:

- (a) That vacant lands municipally known as Part of 50 Wilson Street East (Stoneham Park), identified as Part of Lot 44, Concession 2, in the former Geographic Township of Ancaster, now in the City of Hamilton, designated

as Part 1 on Plan 62R-19282, having an area of approximately 19 square metres (205 square feet), (as shown on Appendix "B" attached to Report 12-021), and valued at \$7,500 be declared surplus to the requirements of the City;

- (b) That the Real Estate Section of the Economic Development Division of the Planning and Economic Development Department be authorized and directed to exchange with 121757 Ontario Ltd. (Ross Andrews) the land described in Recommendation (a) for lands forming Part of 240 Wilson Street East, Ancaster, described as Part 1 on Plan 62R-19196, being Part of Lot 44, Concession 2 of the former geographic Township of Ancaster, (as shown on Appendix "B" attached to Report 12-021) having an area of approximately 19 square metres (205 square feet), valued at \$7,500;
- (c) That consideration of \$7,500 does not include the Harmonized Sales Tax (HST), and should HST be applicable and collected by the City, that the amount be credited to Account No. 22828 009000 (HST Payable);
- (d) That the sum of \$4,190 be funded from Account Number 4031219101 (2012 Road and Sidewalk Reconstruction Program) and credited to Account No. 45408-3560150200 (Property Purchases and Sales) being the costs incurred for real estate services, appraisal services and legal expenses;
- (e) That the Mayor and Municipal Clerk be authorized and directed to execute and issue a Certificate of Compliance in the form prescribed pursuant to Section 268 of the Municipal Act, incorporating the following, if required:
 - (i) That in accordance with the approved method of providing notice in the City of Hamilton By-law No. 04-299 "Procedural By-Law for the Sale of Land", notice has been given to the Public by way of inclusion of the land sale on the agenda of Committee recommending to Council the sale of the land;
 - (ii) That the subject lands be declared surplus by inclusion of Report PED12119 to Council;
 - (iii) That a Real Estate Appraisal was completed on the property described in Recommendation (a) on January 5, 2012, and for the lands described in Recommendation (b) on May 19, 2012, complying with the requirement for an Appraisal under Section 3 (b) of the City of Hamilton By-law No. 04-299 "Procedural By-law for the Sale of Land".

7. **Nine-Year Hamilton Downtown Property Improvement Grant Program – 121-123 James Street North – HDPIGP 01/12 (PED12141) (Ward 12) (Item 5.8)**
- (a) That a grant in the estimated amount of \$593,248.25 under the Hamilton Downtown Property Improvement Grant Program (HDPIGP) for J. Beume Real Estate Limited, (Jack Beume and Nicole Beume) owner of the properties located at 121 and 123 James Street North, be authorized and approved in accordance with the terms and conditions of the former nine-year grant Program; and,
 - (b) That the Mayor and City Clerk be authorized and directed to execute the Grant Agreement attached as Appendix “C” to Report 12-021, in a form satisfactory to the City Solicitor.
8. **Lease Renewal Agreement, Lessee – Carmen’s Inc., 180 Van Wagner’s Beach Road, Hamilton – Lessor – City of Hamilton (PW12056/PED12145) (Ward 5) (Item 5.9)**
- (a) That a Lease Renewal Agreement with Carmen’s Inc. be approved subject to the following terms and conditions:
 - (i) **Term:** Five (5) years that commenced January 1, 2011 and terminates on December 31, 2015;
 - (ii) **Property:** Second Floor, 180 Van Wagner’s Beach Road, Hamilton, (Lakeland Centre), as shown on Appendix “D” attached to Report 12-021; known as Carmen’s, comprising a net rentable area of approximately 2,600 square feet used as a banquet hall;
 - (iii) **Rental Amount:** From the date of commencement, being January 1, 2011, the Lessee shall pay a net rent as follows:

Year 1:	\$35,000 + HST
Year 2:	\$40,000 + HST
Year 3:	\$50,000 + HST
Year 4:	\$52,500 + HST
Year 5:	\$55,000 + HST

Rental revenue will be credited to the Confederation Park budget administered by Hamilton Region Conservation Authority;
 - (iv) **Increased Utility Rent:** The lessee agrees to pay a percentage equal to 2.5% of all gross sales, calculated each year based upon audited financial statements, but paid monthly, to pay for the cost of utilities;

- (v) **Parking:** Lease provides for a surface parking lot on the south-east side of the Lakeland Centre comprising about 60 spaces with approximately 200 additional spaces nearby;
- (vi) **Operating Costs:** The tenant is responsible for all interior maintenance costs, janitorial, property taxes and insurance;
- (b) 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.

9. Ontario Lottery and Gaming Corporation (PED12157) (City Wide) (Item 5.10)

- (a) That Report PED12157, respecting the Ontario Lottery and Gaming Corporation, be received.
- (b) That the Ontario Lottery and Gaming Corporation (OLGC) be requested to have a senior representative of the OLGC attend a future General Issues Committee, as soon as possible, respecting the Province and OLGC's modernization plans for lottery and gaming in the Province of Ontario.
- (c) That the Great Canadian Gaming Company, as the current Owner/Operator of Flamboro Downs, be requested to attend a future General Issues Committee meeting, as soon as possible, to report on their business operations at Flamboro Downs and to provide their position respecting the Province and Ontario Lottery and Gaming Corporation's modernization plans for lottery and gaming in the Province of Ontario.
- (d) That the local area MPPs; the Honourable Ted McMeekin, Tim Hudak and Andrea Horwath be requested to attend a future General Issues Committee, as soon as possible, to answer questions and provide their position with respect to the Province and Ontario Lottery and Gaming Corporation's modernization plans for lottery and gaming in the Province of Ontario.

10. Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant (PW12060/ FCS12064) (City Wide) (Item 7.1)

- (a) That the General Manager of Public Works be authorized and directed to submit the Hamilton Clean Harbour Project - Green Infrastructure Funding Application, attached as Appendix "E" to Report 12-021, to Infrastructure Canada for approval from the Minister of Transport, Infrastructure, and Communities in support of the associated funding request;

- (b) That the General Manager of Finance & Corporate Services be authorized and directed to proceed with incorporating the City's \$132 Million contribution, contingent on the Minister's approval of the application outlined in subsection (a), into the 2013 Water, Wastewater, and Storm Rate Budget;
 - (c) That contingent on the Minister's approval of the application outlined in subsection (a), the General Manager of Public Works be authorized and directed to proceed with delivering the Clean Harbour Project utilizing the most appropriate project delivery model that meets the requirements and timelines of the funding agreement through consultation with the established Public Works Sub-Committee for the Woodward Avenue Wastewater Treatment Plant Upgrade and Expansion Project;
 - (d) That the General Manager of Public Works be authorized and directed to hire an additional FTE in a temporary full-time position, contingent on the Minister's approval of the application outlined in subsection (a) for the Water and Wastewater Engineering Section for the term of the Clean Harbour Project;
 - (e) That contingent on the Minister's approval of the application outlined in subsection (a), the Mayor and City Clerk be authorized and directed to execute the federal funding agreement 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;
 - (f) That staff be directed to identify, within the Hamilton Clean Harbour Project - Green Infrastructure Funding Application, attached as Appendix "D" to Report 12-021, that a \$100 Million GIF federal grant be applied specifically to the Clean Harbour Project;
 - (g) That following the Federal Government's approval of the \$100 million GIF grant for the Clean Harbour Project, staff be directed to apply the \$100 Million Provincial grant specifically to the Clean Harbour Project.
- 11. Rapid Transit Maintenance and Storage Facility and Spur Line (PW11064(a)) (City Wide) (Item 7.2)**
- (a) Report PW11064(a), respecting Rapid Transit Maintenance and Storage Facility and Spur Line, was referred back to staff to review the top ten (10) location options, in consultation with the affected Ward Councillors, and report back to the General Issues Committee.
 - (b) That correspondence be sent to the Honourable Ted McMeekin, Andrea Horwath, MPP and Tim Hudak, MPP, requesting that they provide their respective positions regarding LRT in Hamilton.

12. Community Infrastructure Improvement Fund Program Intake (FCS12061) (City Wide) (Item 7.3)

- (a) That the infrastructure projects, as listed in Appendix “E” of Report 12-021, be approved for submission to the Federal Economic Development Agency for Southern Ontario (FedDev Ontario) for consideration under the Community Infrastructure Improvement Fund (CIIF) program;
- (b) That upon notification by FedDev Ontario of approved projects under the CIIF program, the Mayor and City Clerk be authorized and directed to execute, on behalf of the City of Hamilton, all necessary documentation to implement projects approved within Appendix “E” of Report 12-021, all with content acceptable to the General Manager of Finance and Corporate Services, and in a form satisfactory to the City Solicitor;
- (c) That upon notification by FedDev Ontario of approved projects under the CIIF program, staff report back to the General Issues Committee on a funding strategy to fund the City’s share of the approved projects;
- (d) That subject to approval by FedDev Ontario of projects under the CIIF program, the operating impacts of the approved projects, estimated at \$79,600 as per Appendix “F” to Report 12-021 be approved and incorporated into the 2014 tax supported operating budgets;
- (e) That should the Auchmar Exterior Stabilization project be selected, the \$550,000 of funding that was parked in the unallocated capital reserve (108020) for project 7101058703 – Hamilton Culture and Protocol Centre at Auchmar be applied to the City’s share of funding under the CIIF program;
- (f) That project 7101058703 – Hamilton Culture and Protocol Centre at Auchmar be removed from the outstanding items from the 2011 Capital Budget parked project listing;
- (g) That Council endorse the application by the Board of Directors of the Robert Land Community Association for Upgrades to the Eva Rothwell Resource Centre, and commit to funding one third of the cost (\$150,000) of the project from the Neighbourhood Strategy Fund (project 2051255204) should it be approved for funding under the CIIF program.

13. Area Rating Special Capital Re-Investment Reserves – 2012 Projects (FCS12024(a)) (City Wide) (Item 8.1)

- (a) That the capital projects, as outlined in Appendices G to M to Report 12-021, be approved and subsequently created;

- (b) That subject to approval of Recommendation (a) of Report FCS12024(a), that the capital projects outlined in Appendices H to N to Report 12-021 be funded by the respective Area Capital Special Re-Investment Reserves (Wards 1-8);
- (c) That subject to approval of Recommendation (a) of Report FCS12024(a), that the General Manager of Public Works be authorized to prepare, advertise and award tenders as required for the works approved within Report FCS12024(a);
- (d) That the operating impacts of the Area Rating Special Capital Re-Investment Reserves 2012 projects, estimated to be \$67,000 annually when fully implemented, attached as per Appendix "N" to Report FCS12024(a), be approved and incorporated into future Tax Supported Operating Budgets.

14. Residential Protective Plumbing Subsidy Program (PW11056(b)) (City Wide) (Item 8.3)

That the re-allocation of approximately \$2 million of WIP funds from Capital Project 5140661502 (Large Meter Replace/Repair) to provide additional funding to sustain the existing Residential Protective Plumbing Subsidy Program (3P) (Project ED5160960900) for the balance of 2012, be approved.

15. Randle Reef Sediment Remediation (PW10042(a)) (City Wide) (Item 8.4)

- (a) That Report PW10042(a), respecting Randle Reef Sediment Remediation, be received;
- (b) That the additional \$6,000,000, required as the City of Hamilton's share to fund the Randle Reef Sediment Remediation be **approved**;
- (c) That staff be directed to report to the 2013 budget process with a long term financing plan for the **approved** additional \$6,000,000 in funding for the Randle Reef Sediment Remediation in addition to the \$8,000,000, already approved.
- (d) That the Mayor and the City Clerk be authorized and directed to execute all necessary agreements and documents to reflect the City of Hamilton's approved funding for, and participation in, the Randle Reef Sedimentation Remediation Project, in a form satisfactory to the City Solicitor and with content acceptable to the General Manager of Finance and Corporate Services and the General Manager of Public Works.**

16. Terms of Reference for the School Board Properties Sub-Committee (PED12135) (City Wide) (Item 8.5)

- (a) That Report PED12135 respecting School Boards Properties Sub-Committee be received.
- (b) That the Terms of Reference for the School Board Properties Sub-Committee, attached as Appendix "A" to Report PED12135, be referred to the School Board Properties Sub-Committee for further review and consideration, with a report back to the General Issues Committee.
- (c) That the following members of Council be appointed to the School Board Properties Sub-committee for the 2010-2014 term of Council or until successors are appointed by Council:
 - (i) Collins;
 - (ii) Johnson,
 - (iii) Partridge;
 - (iv) Merulla;
 - (v) Morelli;
 - (vi) McHattie
 - (vi) Whitehead; and,
 - (ix) Pearson
- (d) That the composition of the Terms of Reference for the School Board Properties Sub-Committee, be amended, be changing from 6 to 8 members.

17. Public Health Service Lease – McMaster Health Campus (PED11134(e)/FCS11063(e)/BOH11026(e)) (Ward 2) (Item 8.6)

- (a) That the Agreement (Offer) to Lease with McMaster University be approved, subject to the following terms and conditions:
 - (i) **Term:**

Thirty (30) years, commencing February 1, 2015 and terminating February 28, 2045;
 - (ii) **Premises:**

McMaster Health Campus, 100 Main Street West, comprising 18,366 square feet on the 4th, 5th and 6th floors, together with the right to use, equally with the Landlord, an additional 10,946 square feet of space for clinics, conference facilities and other uses as may be mutually agreed upon;

(vi) **Rental Rate:**

From the date of commencement, the Base Rental rate shall be zero (\$0.00) from Years one (1) to thirty (30);

(iv) **Operating Costs:**

The Tenant shall be responsible for its full proportionate share of operating costs accruing to the premises. These costs are forecast to be \$6.25 per square foot in 2015. For the purposes of the rent calculation, the Shared Space component shall be deemed to be 5,473.3 square feet. In addition, the Tenant shall be responsible for its proportionate share to the common areas of the building;

(v) **Underground Parking Facility:**

Parking shall be restricted to patients / clients of the Landlord and Tenant and other permitted users. The rates for the use of the facility shall be designed to operate on a budget to recover all costs of operation including recovery of capital costs. The Landlord shall establish the rates for use of the underground parking facility;

(vi) **Option to Renew:**

Upon six (6) months written notice before the expiry of the term, the City of Hamilton will have the option to renew the Lease for three (3) additional five (5) year terms, wherein the base rent throughout any of the three (3) renewal periods shall be based on Lifecycle costs for the building, equipment and common areas, as determined by an engineering firm acceptable to the Landlord and Tenant prior to the end of the term of the lease;

(vii) **Commencement Date:**

The commencement date for the Tenants Lease of February 2015 is an estimated occupancy date and the Landlord shall, no later than March 15, 2013, provide a revised commencement date for the Tenants Lease. In the event that the Landlord is unable to comply with the new commencement date, unless the delay is caused by the Tenant, the Landlord and Tenant shall be jointly responsible for any net loss suffered by the Tenant paying overholding rent at the Tenant's current locations set off against the rent that would have been payable by the Tenant for the Premises if there had been no delay in delivering occupancy to the Tenant for the Premises on the new commencement date.

- (b) That Legal Services be authorized and directed to prepare a by-law under Section 110 of the Municipal Act to propose the leased space become a Municipal Capital Facility, whereby the City would be exempt from paying Realty Taxes at this location;
- (c) That all rent and operating costs be funded from Public Health Administration - Rent: Offices and Buildings Account 55358-677500;
- (d) That the Mayor, General Manager of Finance and Corporate Services, City Clerk and the appropriate staff, as the case may be, be authorized and directed to execute the Agreement to Lease and lease as set out in recommendation (a) above, and any other documentation required, in the opinion of the City Solicitor, to implement the City's participation in the McMaster Health Centre project, all in a form satisfactory to the City Solicitor;
- (e) That the General Manager, Finance and Corporate Services, be authorized to negotiate the terms and placement of a debenture issue with Infrastructure Ontario's Loan Program to finance the construction costs of space to be occupied by Hamilton's Public Health Services at the McMaster Health Centre in an amount not to exceed \$10.3 million;
- (f) That the General Manager, Finance and Corporate Services, be authorized to engage the services of outside legal counsel to secure the issuance of a debenture issue with Infrastructure Ontario;
- (g) That the Mayor and Treasurer or any other appropriate staff be authorized and directed to execute all necessary documentation between the City of Hamilton and Infrastructure Ontario under the Infrastructure Ontario Loan Program, in a form satisfactory to the City Solicitor;
- (h) That the required enabling by-law be enacted as required to secure the loan from Infrastructure Ontario;
- (i) That construction progress payments to McMaster University related to the construction costs of space to be occupied by Hamilton's Public Health Services at the McMaster Health Centre be charged to Project 6771241203 - MHC PH Construction with fund recovery to occur with the proceeds of the Infrastructure Ontario loan upon substantial completion of the McMaster Health Centre in 2015.

18. Administrative Amendments to the ERASE Redevelopment Program Description and Terms (PED12147) (City Wide) (Item 8.7)

- (a) That the revised Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Program (RGP) description and terms, attached as Appendix "P" to Report PED12147, be approved;

- (b) That staff continue to monitor the ERASE Redevelopment Program with respect to detailed implementation measures to allow for the efficient administration of the Program.
- 19. Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application (ERG-12-02) – DRC Holdings Inc., 440 Victoria Avenue North, Hamilton (PED12154) (Ward 3) (Item 8.8)**
- (a) That Environmental Remediation and Site Enhancement (ERASE) Redevelopment Grant Application ERG-12-02, submitted by Urbancore Developments Inc., on behalf of the owner of the property at 440 Victoria Avenue North, Hamilton, DCR Holdings Inc. for an ERASE Redevelopment Grant (Part 1) not to exceed \$650,000, payable to DCR Holdings Inc. over a maximum of ten years, be authorized and approved in accordance with the terms and conditions of the ERASE Redevelopment Grant Agreement;
- (b) That the Mayor and City Clerk be authorized and directed to execute, on behalf of the City, the ERASE Redevelopment Grant Agreement with DCR Holdings Inc., referred to in recommendation (a) with respect to the redevelopment of 440 Victoria Avenue North, Hamilton and all necessary associated documents, all in a form satisfactory to the City Solicitor.
- 20. Letter of Understanding between the City of Hamilton and the Hamilton Port Authority regarding Piers 7 and 8 (CM12015) (Ward 2) (Item 8.9)**
- (a) That Report CM12015, respecting the Letter of Understanding with the Hamilton Port Authority regarding Piers 7 and 8, be received.
- (b) That the City Manager be directed to provide a copy of Report CM12015, as amended, respecting the Letter of Understanding with the Hamilton Port Authority regarding Long-term Marina and Boat Storage Operating Agreement and the Piers 7 and 8 Lease Transfer and Partial Early Termination to the President and C.E.O. of the Hamilton Port Authority.
- (c) That the City Manager be directed to prepare a formal Memorandum of Understanding, between the City of Hamilton and the Hamilton Port Authority, respecting the Long-term Marina and Boat Storage Operating Agreement and the Piers 7 and 8 Lease Transfer and Partial Early Termination, based upon the terms, conditions and intent of the July 24, 2012 letter to the Hamilton Port Authority (attached as Appendix "A" to Report CM1201), in a form satisfactory to the City Solicitor, and report back to the General Issues Committee by October 2012.

21. City of Hamilton Food Strategy (Item 9.4)

That the matter be referred to Public Health Services for a report back on how a Food Strategy could be developed in consultation with the following departments: Community Services, Public Works and Planning & Economic Development; with a report back to the General Issues Committee before the end of the 2012 year.

22. Resignation from the Arts Advisory Commission (Item 9.5)

That the resignations from the following members of the Arts Advisory Commission be received:

- (i) Jahan Zeb
- (ii) Anupam Bagchi

23. Appointments to the Web Redevelopment Sub-Committee (Item 9.6)

That in accordance with sub-section (e) of Item 2 of General Issues Committee Report 12-018, approved by Council on July 12, 2012, respecting Redevelopment of the City of Hamilton's Website, the following Councillors be appointed to the Web Redevelopment Sub-Committee:

- (a) Councillor R. Powers
- (b) Councillor C. Collins

24. Implementation of an All-Way Stop Control at the Intersection of Nebo Road and Twenty Road (Item 9.7)

- (a) That an all-way stop control be implemented at the intersection of Nebo Road and Twenty Road;
- (b) That the appropriate by-law to amend City of Hamilton Traffic By-law 01-215 be approved.

25. Municipal Disaster Relief Assistance Program – Heavy Rain Event, July 22, 2012 (Item 10.2)

- (a) That the Residential Municipal Disaster Relief Assistance Program be enacted to provide residents, city-wide, with a compassionate grant in the amount not to exceed \$1,000 for residential basement flooding, during the heavy rain event on July 22, 2012;

- (b) That payment of such claims be based on compassionate grounds only and not to be construed as an admission of liability on part of the City of Hamilton; and,
- (c) That costs associated with these claims be funded from the Residential Municipal Disaster Relief Program Reserve.

26. Litigation Update – Termination of Former City Employees (Item 12.2)

That the Litigation update, respecting the termination of former City employees, be received.

27. Alleyway Encroachment – 14 James Street North (PW12059/LS12021/PED12158) (Ward 2) (Item 12.3)

That Report LS12021/PED12158, respecting 14 James Street North, Hamilton, Ontario, and its appendix, be received and not be released as a public document.

28. Pan Am Stadium Facility Agreement (PW12058) (Ward 3)(Item 8.2)

- (a) That the General Manager of Public Works be authorized and directed to negotiate with Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation respecting a Facility Agreement to determine the roles, relationships, joint and separate responsibilities, authorizations and obligations of the Parties for the planning and construction of the new Stadium; operation of the Stadium by City of Hamilton; Toronto 2015 Exclusive Use Period; and Post Games Legacy considerations as part of the 2015 Pan American and Parapan American Games Project;
- (b) That the Mayor and City Clerk, and appropriate City staff as the case may be, be authorized and directed to sign the Facility Agreement and any other ancillary agreements between the City and Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation required, in the opinion of the City Solicitor, to implement recommendation (a) in Report PW12058.

FOR THE INFORMATION OF COUNCIL:**(a) CHANGES TO THE AGENDA (Item 1)**

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

- (i) Added as Item 4.7, a Delegation Request from Michael Barton, of the Hamilton Halton Homebuilders Association, respecting Report FCS12064 - Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant (Item 7.1 on today's agenda).
- (ii) Added as Item 4.8, a Delegation Request from Jay Rosenblatt, Simpson Wiggle Law LLP, respecting Report PW12059/ LS12021/PED12158 - Alleyway Encroachment for 14 James Street North Hamilton, Ontario (Item 12.3 on today's agenda).
- (iii) Item 5.2, Report PW12057, respecting a 2012 Special Event Road Closure for Steel in the Spotlight has been withdrawn from the agenda, as the organizers have advised that they will no longer be pursuing the event.
- (iv) Item 7.3 - Appendix "A" to Report FCS12061 has been revised to correct the proper numbers.
- (v) Added as Item 7.3(a), correspondence from the Hockeyville Legacy Foundation, respecting J. L. Grightmire – Market Street Arena Expansion Funding, in support of Item 7.3.
- (vi) The subject line on the agenda page for Item 8.1 should read "Area Rating Special Capital Re-Investment Reserves – 2012 Projects". The word "special" was omitted.
- (vii) Listed as Item 8.9 (to be distributed) on the agenda, Report CM12015, Letter of Understanding with the Hamilton Port Authority regarding Piers 7 and 8.

Note: The subject line on the agenda page for Item 8.9 should read "Letter of Understanding with the Hamilton Port Authority regarding Piers 7 and 8" – the word "*Proposed*" should be deleted. As well, on Appendix A to Report CM12015, the word "*Confidential*" should be deleted, as it is now a public document.

- (viii) Councillor McHattie has withdrawn Item 9.1 – a motion respecting Hamilton Health Sciences Urgent Care Centre in West Hamilton – Reduction in Hours of Operation

- (ix) Councillor McHattie has withdrawn Item 9.2 – a motion respecting a request for implementation of two-way traffic for a 100-metre stretch on Stuart Street, north of Barton Street East.
- (x) For clarification, Councillor Merulla has revised Item 9.3 – a motion respecting Ontario Lottery and Gaming Corporation – Establishment of a Gaming Facility. The revised motion is contained in the Changes to the Agenda for your consideration.
- (xi) Added as Item 10.1 – a Notice of Motion from Councillor McHattie, respecting a Ward 1 and Ward 2 – One Way to Two Way Implementation Team.
- (xii) Item 11.1(a) – Items (i) and (ii) (Planning), the Proposed New Due Dates be Amended to November 21, 2012, as the consultant requires an additional three weeks to complete their report.

The agenda was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

There were no declarations of interest.

(c) APPROVAL OF MINUTES OF PREVIOUS MEETING (Item 3)

(i) July 9, 2012 (Item 3.1)

The Minutes of the July 9, 2012 General Issues Committee were approved, as presented.

(d) DELEGATION REQUESTS (Item 4)

(i) Delegation Request from Jeff Paikin, President, New Horizon Development Group, respecting Development Charges Relief at City Square Condominiums, Phase II, Hamilton (Item 4.1)

(a) The delegation request, submitted by Jeff Paikin, President, New Horizon Development Group, respecting Development Charges Relief at City Square Condominiums, Phase II, Hamilton, was approved.

(b) The Rules of Order were waived in order that Jeff Paikin may appear before the General Issues Committee today, respecting Development Charges Relief at City Square Condominiums, Phase II, Hamilton.

- (ii) **Delegation Request from John Hall, on behalf of Hamilton Harbour Remedial Action Plan, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4) (Item 4.2)**
- (a) The delegation request, submitted by John Hall, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4), was approved.
- (b) The Rules of Order were waived in order that John Hall may appear before the General Issues Committee today, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4)
- (iii) **Delegation Request from Chris McLaughlin, on behalf of the Bay Area Restoration Council, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4) (Item 4.3)**
- (a) The delegation request, submitted by Chris McLaughlin, on behalf of the Bay Area Restoration Council, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4), was approved.
- (b) The Rules of Order were waived in order that Chris McLaughlin may appear before the General Issues Committee today, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4).
- (iv) **Delegation Request from Gary Santucci, on behalf of concerned citizens, respecting alleged operational and financial issues of The Waterfront Trust raised by the Bay Observer and the Hamiltonian (Item 4.4)**

The delegation request, submitted by Gary Santucci, on behalf of concerned citizens, respecting alleged operational and financial issues of The Waterfront Trust raised by the Bay Observer and the Hamiltonian, was approved to the September 6, 2012 General Issues Committee meeting to coincide with the forthcoming staff report.

- (v) **Delegation Request from Ken Hall, Enbridge Pipelines Inc., respecting plans to reverse the directional flow of crude oil pipeline (Line 9A) between Sarnia and Westover (Item 4.5)**

The delegation request, submitted by Ken Hall, Enbridge Pipelines Inc., respecting plans to reverse the directional flow of crude oil pipeline (Line 9A) between Sarnia and Westover, was approved to the September 6, 2012 General Issues Committee meeting to coincide with the forthcoming staff report.

- (vi) **Delegation Request from Dave Bryans, on behalf of the Ontario Convenience Stores Association (OCSA), respecting the distribution and sale of contraband tobacco (Item 4.6)**

The delegation request, submitted by Dave Bryans, on behalf of the Ontario Convenience Stores Association (OCSA), respecting the distribution and sale of contraband tobacco, was approved.

- (vii) **Delegation Request from Michael Barton, of the Hamilton Halton Homebuilders' Association, respecting Report FCS12064 - Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant (Item 7.1 on today's agenda) (Item 4.7)**

(a) The delegation request, submitted by Michael Barton, of the Hamilton Halton Homebuilders' Association, respecting Report FCS12064 - Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant, was approved.

(b) The Rules of Order were waived in order that Michael Barton, of the Hamilton Halton Homebuilders' Association, may appear before the General Issues Committee today, respecting Report FCS12064 - Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant.

- (viii) **Delegation Request from Jay Rosenblatt, Simpson Wiggle Law LLP, respecting the Alleyway Encroachment for 14 James Street North Hamilton, Ontario (Item 12.3) (Item 4.8)**

(a) The delegation request, submitted by Jay Rosenblatt respecting the Alleyway Encroachment for 14 James Street North Hamilton, Ontario was approved.

- (b) The Rules of Order were waived in order that Jay Rosenblatt may appear before the General Issues Committee today, respecting Item 12.3 (PW12059/LS12021/PED12158) - the Alleyway Encroachment for 14 James Street North Hamilton, Ontario.

(e) 2012 Special Event Road Closure – Steel the Spotlight (PW12057) (Ward 2) (Item 5.2)

Report PW12057, respecting a 2012 Special Event Road Closure for Steel in the Spotlight has been pulled from the agenda, as the event organizers have advised staff that they will no longer be pursuing the event.

(f) DELEGATIONS (Item 6)

(i) Delegation Request from Jeff Paikin, President, New Horizon Development Group, respecting Development Charges Relief at City Square Condominiums, Phase II, Hamilton (Item 6.1)

Jeff Paiken provided Committee with a PowerPoint presentation and a handout of same.

The full copy of the presentation is available on the City's web site or through the Office of the City Clerk.

The presentation by Jeff Paikin, President, New Horizon Development Group, respecting Development Charges Relief at City Square Condominiums, Phase II, Hamilton, was received.

Staff was directed to look at the feasibility of adding the New Horizon / City Square parcel to the newly expanded CIP in the Downtown and report back to the General Issues Committee.

The above motion CARRIED on the following Standing Recorded vote:

Yeas:	R. Bratina, C. Collins, J. Farr, L. Ferguson, T. Jackson, B. McHattie, S. Merulla, B. Morelli, T. Whitehead
Total:	9
Nays:	B. Clark, B. Johnson, J. Partridge, R. Pasuta, R. Powers
Total:	5
Absent:	S. Duvall, M. Pearson
Total:	2

(ii) Delegation Request from John Hall, Coordinator, on behalf of Hamilton Harbour Remedial Action Plan, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4) (Item 6.2)

John Hall addressed the Committee. Mr. Hall's comments included, but were not limited to, the following:

- Hamilton Harbor is an area of great concern, which is listed by the International Joint Commission, as a recognized international pollution hot spot.
- These two projects are the two largest components of the Harbour Remedial Action Plan in size, investment and benefits.
- For Hamilton, these projects substantially increase our environmental and social currency.
- RAP Technical Team has worked with City and consultants established criteria.
- The model will result in meeting water quality standards for the Harbour.
- Randle Reef is the largest toxic site on this side of the Great Lakes.
- These two projects are essential to the Harbour's delisting.
- Economic return from delisting Hamilton Harbour is listed at close to a billion dollars.
- In the future the water will be cleaner, clearer, fish will return, there will be reduced algae – beaches to swim at.
- Must meet a range of environmental objectives at the Harbour and Cootes Paradise Marsh in order to be delisted.
- Encourages Council to approve the upgrades to the Woodward Treatment Plant and Randle Reef.
- If we begin this year, confident we can begin delisting in 2020.

The presentation by John Hall, on behalf of Hamilton Harbour Remedial Action Plan, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4), was received.

(iii) Delegation Request from Chris McLaughlin, Executive Director, Bay Area Restoration Council, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4) (Item 6.3)

Chris McLaughlin addressed the Committee. Mr. McLaughlin's comments included, but were not limited to, the following:

- Desire to see multi use Harbour of social and natural environments that are vibrant and diverse.
- Ensure that there remains a broad understanding for the issues and a broad constituency for the solutions.
- Tremendous desire to access the Harbour.

This presentation may be viewed in full on the City's web site.

The presentation by Chris McLaughlin, on behalf of the Bay Area Restoration Council, respecting the proposed upgrades to the Woodward Wastewater Treatment Plant (Item 7.1) and Randle Reef Remediation Project (Item 8.4), was received.

(vii) Michael Barton, of the Hamilton Halton Homebuilders Association, respecting Report FCS12064 - Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant (Item 7.1 on today's agenda) (Item 6.4)

Michael Barton addressed Committee. Mr. Barton's comments included, but were not limited to, the following:

- The investment would create significant jobs in the City of Hamilton.
- In support of the City's approach to the delisting of Hamilton Harbour by 2020.
- Concerned with several items of the proposal.
- Members are interested in principal appeals of the grant allocation of other parties.
- There has been a lack of clarity as to how the implementation of the upgrades and expansion will be paid for.
- Concerned about unfair approach to allocating funds.
- It is important to allow affordability and choice of housing in the City and that any burden is shared between the ratepayers and new people to the community.
- Unfair burden shouldn't be transferred to the new home buyer.

This presentation may be viewed in full on the City's web site.

The presentation by Michael Barton, of the Hamilton Halton Homebuilders Association, respecting Report FCS12064 - Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant (Item 7.1), was received.

- (viii) **Jay Rosenblatt, Simpson Wiggle Law LLP, respecting the Alleyway Encroachment for 14 James Street North Hamilton, Ontario (Item 12.3) (Item 6.5)**

Mr. Rosenblatt provided Committee with a handout of his presentation and provided an overview of same.

A copy of Mr. Rosenblatt's handout is available on the City's web site or in the Office of the City Clerk.

The presentation by Jay Rosenblatt, Simpson Wiggle Law LLP, respecting the Alleyway Encroachment for 14 James Street North Hamilton, Ontario, was received.

(g) PRESENTATIONS (Item 7)

- (i) **Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant (PW12060/FCS12064) (City Wide) (Item 7.1)**

Dan McKinnon, Director of Water and Wastewater Operations, provided a PowerPoint presentation to Committee, which outlined Report PW12060/FCS12064).

A full copy of the staff presentation is available on line or in the Office of the City Clerk.

The presentation, respecting Report PW12060/FCS12064 – Green Infrastructure Fund Application – Water Quality Upgrade to Woodward Avenue Wastewater Treatment Plant, was received.

- (ii) **Rapid Transit Maintenance and Storage Facility and Spur Line (PW11064(a)) (City Wide) (Item 7.2)**

Justin Redmond, Christine Lee Morrison and Don Hull were available to provide a presentation and answer questions.

The staff presentation, respecting Report PW11064(a) – Rapid Transit Maintenance and Storage Facility and Spur Line, was waived.

Report PW11064(a), respecting the Rapid Transit Maintenance and Storage Facility and Spur Line was referred back to staff for further review of the top ten (10) optional locations, in consultation with the affected Ward Councillors, and report back to the General Issues Committee.

Staff was directed to invite Bruce Mccuaig, President and CEO of Metrolinx and Richard Koroscil, Hamilton Representative on the Metrolinx Board of Directors, to attend the September 2012 General Issues Committee, which coincides with the forthcoming staff report.

That correspondence be sent to the Honourable Ted McMeekin, Andrea Horwath, MP and Tim Hudak, requesting that they provide their respective positions regarding LRT in Hamilton.

The above motion CARRIED on the following vote:

Yeas:	R. Bratina, C. Collins, J. Farr, L. Ferguson, T. Jackson, B. Johnson, B. McHattie, S. Merulla, B. Morelli, R. Pasuta, J. Partridge, R. Powers, T. Whitehead
Total:	13
Nays:	B. Clark
Total:	1
Absent:	S. Duvall, M. Pearson
Total:	2

A full copy of the staff presentation is available on line or in the Office of the City Clerk.

(iii) Community Infrastructure Improvement Fund Program Intake (FCS12061) (City Wide) (Item 7.3)

Mike Zegarac was available to provide a presentation to Committee and answer questions.

The presentation, respecting Community Infrastructure Improvement Fund Program Intake, was waived.

A full copy of the staff presentation is available on line or in the Office of the City Clerk.

(h) Area Rating Special Capital Re-Investment Reserves – 2012 Projects (FCS12024(a)) (City Wide) (Item 8.1)

Appendices “A” and “I” to Report FCS12024 were amended to reflect changes to the following two Ward 1 projects: (a) Victoria Park Café, in the amount of \$35,000; and, (b) Chatham and Charlton Alleyway Project, in the amount of \$20,000.

(i) Pan Am Stadium Facility Agreement (PW12058) (Ward 3) (Item 8.2)

Sub-sections (a) and (b) of Report PW12058, respecting the Pan Am Stadium Facility Agreement, as follows, were tabled to the August 16, 2012 Council meeting, pending receipt of additional information:

- (a) That the General Manager of Public Works be authorized and directed to negotiate with Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation respecting a Facility Agreement to determine the roles, relationships, joint and separate responsibilities, authorizations and obligations of the Parties for the planning and construction of the new Stadium; operation of the Stadium by City of Hamilton; Toronto 2015 Exclusive Use Period; and Post Games Legacy considerations as part of the 2015 Pan American and Parapan American Games Project;
- (c) That the Mayor and City Clerk, and appropriate City staff as the case may be, be authorized and directed to sign the Facility Agreement and any other ancillary agreements between the City and Toronto Organizing Committee for the 2015 Pan American and Parapan American Games and Ontario Infrastructure and Lands Corporation required, in the opinion of the City Solicitor, to implement recommendation (a) in Report PW12058.

(j) Terms of Reference for the School Board Properties Sub-Committee (PED12135) (City Wide) (Item 8.5)

Sub-sections (c) and (d) (below) CARRIED on the following vote:

Yeas: R. Bratina, C. Collins, J. Farr, L. Ferguson, T. Jackson, B. Johnson, B. McHattie, S. Merulla, B. Morelli, R. Pasuta, J. Partridge, T. Whitehead
Total: 12
Nays: B. Clark, R. Powers
Total: 2
Absent: S. Duvall, M. Pearson
Total: 2

- (c) That the following members of Council be appointed to the School Board Properties Sub-committee for the 2010-2012 term of Council or until successors are appointed by Council:

- (i) Collins;
- (ii) Johnson,
- (iii) Partridge;
- (iv) Merulla;
- (v) Morelli;

- (vi) McHattie; and,
- (vi) Whitehead

- (d) That the composition of the Terms of Reference for the School Board Properties Sub-Committee, be amended, be changing from 6 to 7 members.

(k) MOTIONS (Item 9)

(i) Hamilton Health Sciences Urgent Care Centre in West Hamilton – Reduction to Hours of Operation (Item 9.1)

The motion, respecting Hamilton Health Sciences Urgent Care Centre in West Hamilton – Reduction to Hours of Operation was withdrawn by Councillor McHattie.

(ii) Request for Implementation of Two-way Traffic for a 100-meter Stretch on Stuart Street, north of Barton Street East (Item 9.2)

The motion, respecting a request for implementation of two-way traffic for a 100-metre stretch on Stuart Street, north of Barton Street East, was withdrawn by Councillor McHattie.

(iii) Ontario Lottery and Gaming Corporation – Establishment of a Gaming Facility (Item 9.3)

The motion, respecting Ontario Lottery and Gaming Corporation – Establishment of a Gaming Facility, was tabled until such time as Council has met with the Ontario Lottery and Gaming Commission, the Great Canadian Gaming Corporation and the Honourable Ted McMeekin, M.P.; Andrea Horwath, M.P.; and Tim Hudak, M.P.

(iv) City of Hamilton Food Strategy (Item 9.4)

Councillor B. McHattie introduced the following Motion:

Whereas, food is a vital human right;

And Whereas the City of Hamilton supports community food issues through financial contributions to local food banks and community garden programs, and has been asked to support school nutrition programs, one-time food voucher programs, and other initiatives;

And Whereas strategic City investments in food projects such as the Community Garden Network has led to new community gardens and impressive matching funding coming forward;

And Whereas City Council would benefit from working on the important issue of food through a multi-departmental, coordinated strategy.

Therefore Be It Resolved:

That the matter be referred to Public Health Services for a report back on how a Food Strategy could be developed in consultation with the following departments: Community Services, Public Works and Planning & Economic Development; with a report back to the General Issues Committee before the end of the 2012 year.

For disposition of this item, please refer to Item 21 above.

(I) NOTICES OF MOTION (Item 10)

Councillor McHattie introduced the following Notice of Motion:

(i) Establishment of Ward 1 and Ward 2 - One Way to Two Way Street Implementation Team

Whereas there are over 100 one-way streets remaining in Hamilton;

And Whereas, increasingly there appears to be a strong convergence of public opinion in Hamilton in favour of converting one way street conversion to benefit adjacent retail businesses, slow traffic, improve pedestrian movements, and generally increase livability in neighbourhoods, especially in Downtown Hamilton;

And whereas, the 2008 City of Hamilton Transportation Master Plan included recommendations on a number of one way street conversions, which have not yet taken place;

And whereas, the one way street conversions that have taken place (James/John, York/Wilson, Caroline, Hess, and Park to be completed soon) have been successful;

And Whereas, City staff are generally supportive of one way conversions, but require strong and unequivocal political support to move ahead with adequate financial resources;

And whereas, the majority of one way streets exist in Wards 1 and 2,

Therefore be it resolved:

Council – August 16, 2012

- (a) That a Ward 1 and Ward 2 - One Way to Two Way Street Implementation Team be established to systematically plan and implement one way street conversions in the downtown area, beginning with a project submission to the 2013 budget process for conversion of Cannon Street and Queen Street to two way streets; and,
- (b) That membership of the Implementation Team consist of the Ward 1 and 2 Councillors and appropriate Public Works staff, and include public consultation with interested individuals and groups including neighbourhood associations, affected residents, Business Improvement Areas and other commercial uses, and other interested City Councillors.

Councillor B. Johnson introduced the following Notice of Motion:

(ii) Municipal Disaster Relief Assistance Program – Heavy Rain Event, July 22, 2012 (Item 10.2)

- (a) That the Residential Municipal Disaster Relief Assistance Program be enacted to provide residents, city-wide, with a compassionate grant in the amount not to exceed \$1,000 for residential basement flooding, during the heavy rain event on July 22, 2012;
- (b) That payment of such claims be based on compassionate grounds only and not to be construed as an admission of liability on part of the City of Hamilton; and,
- (c) That costs associated with these claims be funded from the Residential Municipal Disaster Relief Program Reserve.

The Rules of Order were waived in order to introduce a motion respecting Municipal Disaster Relief Assistance Program – Heavy Rain Event, July 22, 2012.

For disposition of this item, please refer to Item 25 above.

(m) GENERAL INFORMATION / OTHER BUSINESS (Item 11)

11.1 Outstanding Business List Items

The proposed new due dates for the following items, which are listed on the General Issues Committee's Outstanding Business List, were approved:

Planning

Item E: Removal of Fill from toxic contaminated site at Hamilton Airport

Due Date: August 13, 2012

Revised Due Date: November 21, 2012

Item F: PFO's – John C. Munro/Hamilton International Air-port

Due Date: August 13, 2012

Revised Due Date: November 21, 2012

Item J: Public Art Installation on York Blvd.

Due Date: August 13, 2012

Revised Due Date: September 6, 2012

Public Works

Item I: Stoney Creek Urban Boundary Expansion (SCUBE) Sub-watershed

Due Date: December 5, 2012

Revised Due Date: Q1 2013

- (b) The following items were considered complete and removed from the General Issues Committee's Outstanding Business List:

City Manager

Item D: Use of City Hall Tower 2 as Downtown Site for HWDSB

Item J: School Board Properties (Reference Item 8.5)

Public Works

Item E: Randle Reef (Reference Item 8.4)

2012 Budget Deliberations

Item I: Assessment Growth (Reference Item 5.4)

(n) PRIVATE & CONFIDENTIAL (Item 12)**(i) Closed Session Minutes – July 9, 2012 (Item 12.1)**

The Closed Session Minutes of the July 9, 2012 General Issues Committee were approved, as presented.

Council – August 16, 2012

(ii) Litigation Update – Termination of Former City Employees (No Copy) (Item 12.2)

The General Issues Committee moved into Closed Session, at 4:57 p.m., to receive an update respecting Planning and Economic Development Department Terminations, pursuant to Section 8.1, Sub-section (e) of the City's Procedural By-law 10-053, and Section 239, Sub-section (e) 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 municipality or local board.

(iii) Alleyway Encroachment – 14 James Street North (PW12059/LS12021/PED12158) (Ward 2) (Item 12.3)

The General Issues Committee moved into Closed Session, at 4:57 p.m., respecting Report LS12021/PED12158 – 14 James Street North, Hamilton, Ontario, pursuant to Section 8.1, Sub-sections (c), (e) and (f) of the City's Procedural By-law 10-053, and Section 239, Sub-sections (c), (e) and (f) of the Ontario Municipal Act, 2001, as amended, as the subject matter pertains to a proposed or pending acquisition or disposition of land for municipal or local board purposes; litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

(o) ADJOURNMENT

There being no further business, the General Issues Committee adjourned at 6:55 p.m.

Respectfully submitted,

Councillor T. Jackson
Deputy Mayor

Stephanie Paparella
Legislative Coordinator
August 13, 2012



PLANNING COMMITTEE

REPORT 12-012

Tuesday, August 14, 2012

9:30 am

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

Present: Councillors B. Clark (Chair), J. Farr (1st Vice Chair), B. Johnson (2nd Vice Chair), C. Collins, L. Ferguson, J. Partridge, R. Pasuta, M. Pearson and T. Whitehead

Also Present: Mayor R. Bratina
Councillor S. Merulla
T. McCabe, GM, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
J. Hickey-Evans, Manager, Policy Planning
S. Robichaud, Manager, Development Planning
V. Robicheau, Office of the City Clerk

THE PLANNING COMMITTEE PRESENTS REPORT 12-012 AND RESPECTFULLY RECOMMENDS:

- 1. Aggregate Resources Act Review (PED12129) (City Wide) (Item 5.1)**
 - (a) That the City of Hamilton endorses the motion by the Town of Caledon regarding the Aggregate Resources Act Review, passed by the Council of the Town of Caledon on April 3, 2012, attached as Appendix "A" to Report PED12129.
 - (b) That this endorsement be forwarded to the Council of the Town of Caledon, the Province of Ontario, and the Association of Municipalities of Ontario (AMO).
 - (c) That the item "Aggregate Resources Act Review" be identified as complete and removed from the Planning Committee's Outstanding Business List.

2. Fulfilment of the City's 'Best Efforts' Obligation to Paul Silvestri Under 'Olmsted Park - Phase 1' Subdivision Plan, Hamilton (PED12136) (Ward 7) (Item 5.2)

- (a) That the General Manager of Planning and Economic Development Department be authorized and directed to pay the sum of \$37,798.29, consisting of \$25,379.78 construction cost, plus \$12,418.51 indexing, to Paul Silvestri in fulfillment of the City's 'Best Efforts' obligation under its Subdivision Agreement for 'Olmsted Park - Phase 1', Plan 62M-864.
- (b) That the General Manager of Finance and Corporate Services be authorized and directed to fund the payment of \$37,798.29 from Capital Account 59212 4140746100.

3. City Initiative to Authorize the Mayor and Clerk to Approve Official Plan Amendment OPA No. 165 for Lands Located at 844 Upper Wentworth Street (Hamilton) (PED12144) (Ward 8) (Item 5.4)

That approval be given to City Initiative CI-12-H to authorize the Mayor and Clerk under the Planning Act as delegates to the former Region of Hamilton-Wentworth, to give approval to former City of Hamilton Official Plan Amendment OPA No. 165 to permit an aesthetic and beauty salon within an existing building, on lands located at 844 Upper Wentworth Street (Hamilton), as shown on Appendix "A" to Report PED12144.

4. Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard (Hamilton) (PED12152) (Ward 5) (Item 5.5)

That Heritage Permit Application HP2012-034, for alterations of an existing rear addition at 1044 Beach Boulevard (Hamilton Beach Heritage Conservation District – Hamilton), be approved.

5. Delegation from Bob Carr respecting a concern about the Urban Design Study and to present an alternative residential vision for the West Harbour (Item 6.1)

- (a) That the West Harbour Urban Design Study terms of reference and scope of work be revised to include the Stuart Street marshalling yard;
- (b) That staff investigate temporary measures that are more aesthetically pleasing and contemplate public use;

- (c) That staff provide an update on the issue of relocating the shunting yard.
6. **Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North (Hamilton) (PED12140) (Ward 4) (Item 6.2)**
- (a) That approval be given to **Zoning Amendment Application ZAR-11-077, by Homestead Christian Care, c/o Graham Cubitt, (Owner)**, for a change in zoning from the “H” (Community Shopping and Commercial, etc.) District to the “H-‘H’/S-1659” (Community Shopping and Commercial, etc. - Holding) District, with a Special Exception (Block 1), in order to permit a 6-storey, mixed-use building, with ground floor commercial and residential units above, on lands located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South (Hamilton), as shown on Appendix “A” to Report PED12140, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED12140, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law, attached as Appendix “B” to Report PED12140, be added to Schedule “E54” of City of Hamilton Zoning By-law No. 6593;
 - (iii) That the proposed change in zoning is in conformity with the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.
- (b) That approval be given to **Zoning Amendment Application ZAC-11-078, by Homestead Christian Care, c/o Graham Cubitt, (Owner)**, for changes in zoning from the “H” (Community Shopping and Commercial, etc.) District to the “H/S-1659” (Community Shopping and Commercial, etc.) District, with a Special Exception (Block 2); and from the “C” (Urban Protected Residential, etc.) District to the “G-3/S-1659” (Public Parking Lots) District, with a Special Exception (Block 3); to recognize the existing 4-storey, mixed-use building, and in order to permit a 28 space parking area, on lands located at 1429 Main Street East and 17-21 Crosthwaite Avenue North (Hamilton), as shown on Appendix “A” to Report PED12140, on the following basis:
- (i) That the draft By-law, attached as Appendix “B” to Report PED12140, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;

- (ii) That the amending By-law, attached as Appendix “B” to Report PED12140, be added to Schedule “E54” and “E74” of the City of Hamilton Zoning By-law No. 6593;
- (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and City of Hamilton Official Plan.

7. Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton (PED12101) (Ward 7) (Item 6.3)

- (a) That approval be given to **Amended Zoning Application ZAC-11-031, by Losani Homes Limited, Owners**, for changes in zoning from the “C” (Urban Protected Residential, Etc.) District and “AA” (Agricultural) District to the “C” (Urban Protected Residential, Etc.) District (Block 5), “C/S-1658” (Urban Protected Residential, Etc.) District, Modified, with a Special Exception (Blocks 1, 2, and 9); “R-4/S-1658” (Small Lot Single Family Dwelling) District, Modified, with a Special Exception (Blocks 4 and 6); and “RT-30/S-1658” (Street Townhouse) District, Modified, with a Special Exception (Blocks 3, 7, and 8), to permit a residential plan of subdivision with 72 single detached dwelling lots and 7 street townhouse blocks for up to 33 street townhouses, on lands located at 1531-1605 Upper Sherman Avenue, as shown on Schedule “A” of Appendix “D” to Report PED12101, on the following basis:
 - (i) That the draft By-law, attached as Appendix “D” to Report PED12101, which has been prepared in a form satisfactory to the City Solicitor, be enacted by City Council;
 - (ii) That the amending By-law be added to Schedule “A”, Map No. E38d, of Zoning By-law No. 6593;
 - (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth and City of Hamilton Official Plans;
 - (iv) That upon finalization of the implementing By-law, the Eleanor Neighbourhood Plan be amended to revise the road pattern, and change the designation from “Single and Double Residential” to “Attached Housing” for Blocks 3, 7, and 8.
- (b) That approval be given to **Draft Plan of Subdivision Application 25T-201105, by Losani Homes Limited, Owners**, to establish a draft plan of subdivision, on lands located at 1531-1605 Upper Sherman Avenue, in the former City of Hamilton, as shown on Appendix “A” to Report PED12101, subject to the following conditions:

- (i) That this approval apply to 25T-200901, prepared by Armstrong Hunter and Associates, and certified by D. McLaren, O.L.S., Revision 4, dated July 4, 2012, showing 72 single detached dwelling lots (Lots 1-72), 7 street townhouse blocks (Blocks 73-79), the extension of Eaglewood Drive, Dulgaren Street and Brenda Street, the creation of 1 additional public road (Street "A"), 4 residential reserve blocks (Blocks 81-84), 1 block for a road widening (Block 85), and 5 blocks for 0.3 metre reserves (Blocks 86-90), attached as Appendix "B" to Report PED12101, subject to the owner entering into a Standard Form Subdivision Agreement, as approved by City Council, and with the Special Conditions attached as Appendix "E" to Report PED12101;
- (ii) That payment of Cash-in-Lieu of Parkland will be required, pursuant to Section 42 of the Planning Act, prior to the issuance of each building permit. The calculation for the Cash-in-lieu payment for Lots 1-72 shall be based on 5% of the value of the lands on the day prior to the issuance of each building permit, and Townhouse Blocks 73-79 will be calculated at a rate of 1 hectare for each 300 dwelling units proposed, to which payment shall be based on the value of the land on the day prior to the issuance of the first building permit for each said block;
- (iii) Acknowledgement that there will be no City share for any municipal works associated with this development.

All in accordance with the financial Policies for Development and the City's Parkland Dedication By-law, as approved by Council.

- (c) That Appendix "E", Special Conditions of Draft Plan of Subdivision Approval, include that the developer will contribute their proportionate share of costs for either full signage or pedestrian access signage whether it is warranted or non-warranted;
- (d) That the existing homes on Upper Sherman that will be require to eliminate their septic tanks and will be connected to the new sewer on Upper Sherman for a fee not to exceed \$5,000.00.

8. Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road (Ancaster) (PED12137) (Ward 14) (Item 6.4)

- (a) That approval be given to a Rural Hamilton Official Plan Amendment No. 4 to create Site Specific Area No. 27, to permit a surplus farm dwelling lot to be created, which for the purposes of the Greenbelt Plan has been deemed an 'existing use', for a portion of the lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be approved;
- (b) That Amended Zoning Application ZAR-11-075, by Joost DeBleik, Owner, for a change in zoning from the Agricultural "A" Zone to a Site-Specific "A" Agricultural Zone in order to permit the lands to be used exclusively for agricultural purposes, for lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be approved.

9. Demolition Report - 1361 Barton Street, Stoney Creek (PED12139) (Ward 11) (Item 8.2)

That the Director of Building Services be authorized and directed to issue a demolition permit for 1361 Barton Street, Stoney Creek in accordance with By-Law 09-208 pursuant to Section 33 of The Planning Act, as amended, subject to the following conditions:

- (a) That the applicant will apply for a building permit within 2 years of demolition of the existing building;
- (b) That the said building permit specifies that the replacement building be erected within two years of the issuing date of the building permit;
- (c) That the said building permit for the replacement building specifies if such replacement building is not erected within the said two year time limit, that the City be paid the sum of \$20,000;
- (d) That the applicant be required to register on title to the subject property (prior to issuance of the said demolition permit), notice of these conditions (including the directions to the City Clerk outlined in sub-section (e)) in a form satisfactory to the Director of Building Services and to the City Solicitor;
- (e) That if the said replacement building is not erected as required, the City Clerk be authorized to add the said sum, until payment thereof, as a lien or charge upon the property until paid.

10. Ontario Municipal Board (OMB) Hearing Update - Airport Employment Growth District (AEGD) Secondary Plan and Zoning By-law (City Wide) (PED12143) (Item 8.3)

That Report PED12143, Ontario Municipal Board (OMB) Hearing Update - Airport Employment Growth District (AEGD) Secondary Plan and Zoning By-law, be received.

11. Residential Drainage Assistance Program (RDAP) - 74 Stewartdale Avenue (PED12146) (Ward 5) (Item 8.4)

That the implementation of drainage improvements identified for 74 Stewartdale Avenue, with an estimated cost of \$25,000, be fully funded from Capital Budget 5180855850 (Storm Events Response Group) subject to:

- (a) An appropriate agreement between the City and owner of the 74 Stewartdale Avenue for the above grant monies based on the provisions of the Residential Drainage Assistance Program (RDAP);
- (b) The City being granted an easement over the proposed catchbasin and storm lead, together with an agreement that specifies maintenance of the catchbasin to be the sole responsibility of the homeowner, in a form satisfactory to the City Solicitor.

12. Downtown Parking Study Update (PED12153) (Ward 2) (Item 8.5)

That staff be authorized and directed to negotiate a single source contract, in a form satisfactory to the City Solicitor, with MMM Group Limited to undertake an update to the 2005 Downtown Parking Study, not to exceed \$100,000.00 funded from the Parking Reserve Account No. 108021.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA

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

DELEGATION REQUESTS

- 4.2 Delegation Request from James Webb, respecting Item 8.2 on today's agenda, Report PED12139 – Demolition of 1361 Barton Street East, Stoney Creek, Ontario

- 4.3 Delegation Request from Yarek Jarzebski, respecting Item 5.5 on today's agenda, Report PED12152. Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard

The Agenda for the August 14, 2012 meeting of the Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST

Councillor Ferguson declared a conflict of interest for item 5.1, Aggregate Resources Act Review (PED12129), as a family member is employed in the industry.

Councillor Ferguson declared a conflict of interest for item 8.1, Business Licensing Fee Review (PD01104(f)), as his family is involved with one of the businesses (taxi) whose fees are being reviewed.

Councillor Partridge declared a conflict of interest for item 8.1, Business Licensing Fee Review (PD01104(f)), as her family is involved with one of the businesses (plumbing) whose fees are being reviewed.

(c) APPROVAL OF MINUTES

(i) July 10, 2012

The Minutes of the July 10, 2012 Planning Committee meeting were approved.

(d) DELEGATION REQUESTS

(i) Delegation from Bill Warnick respecting the City's policies and signing for through streets (Item 4.1)

The delegation request from Bill Warnick, respecting the City's policies and signing for through streets, was referred to the Public Works Committee.

- (ii) **Delegation Request from James Webb, respecting Item 8.2 on today's agenda, Report PED12139 – Demolition of 1361 Barton Street East, Stoney Creek, Ontario (Item 4.2)**

The delegation request from James Webb, respecting Item 8.2 on today's agenda, Report PED12139 – Demolition of 1361 Barton Street East, Stoney Creek, Ontario, was approved.

- (iii) **Delegation Request from Yarek Jarzebski, respecting Item 5.5 on today's agenda, Report PED12152. Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard (Item 4.3)**

The delegation request from Yarek Jarzebski, respecting Item 5.5 on today's agenda, Report PED12152. Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard, was approved.

(e) CONSENT ITEMS

- (i) **Committee of Adjustment Minor Variance Application HM/A-12:43 for the Property Known as 222 Wentworth Street South (Hamilton) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment (PED12138) (Ward 2) (Item 5.3)**

Report PED12138, Committee of Adjustment Minor Variance Application HM/A-12:43 for the Property Known as 222 Wentworth Street South (Hamilton) - Supported by the Planning and Economic Development Department but Denied by the Committee of Adjustment, was deferred to the September 5, 2012 meeting of the Planning Committee for further consultation.

- (ii) **Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard (Hamilton) (PED12152) (Ward 5) (Item 5.5)**

The recommendations contained in Report PED12152, Heritage Permit HP2012-034 Under Part V of the Ontario Heritage Act for Alterations to 1044 Beach Boulevard, was deleted and replaced with the following:

That Heritage Permit Application HP2012-034, for alterations of an existing rear addition at 1044 Beach Boulevard (Hamilton Beach Heritage Conservation District – Hamilton), be permitted.

For disposition on this item, refer to item 4.

(f) PUBLIC HEARINGS AND DELEGATIONS

(i) Delegation from Bob Carr respecting a concern about the Urban Design Study and to present an alternative residential vision for the West Harbour (Item 6.1)

The delegation from Bob Carr respecting a concern about the Urban Design Study and to present an alternative residential vision for the West Harbour, was received.

For disposition on this item, refer to item 5.

(ii) Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North (Hamilton) (PED12140) (Ward 4) (Item 6.2)

(aa) Correspondence from citizens

- (A) Rhonda Crawford
- (B) William Vis
- (C) Heather McLeod
- (D) Nadim Alam
- (E) Lindsay Bellemore
- (F) Barb Davie
- (G) June Noonan
- (H) M. Jordan
- (I) Marie Holloway
- (J) Tim Brand
- (K) Ryan Kneisz
- (L) Elaine Kenny
- (M) Jessica Brand
- (N) Patti Lachaine

In accordance with the provision of the Planning Act, Chair B. Clark 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 amendments, 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.

Alvin Chan, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The staff presentation respecting Report PED12140, Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North, was received.

(bb) Public Speakers

(A) Lisa Prouse – 37 Tuxedo Ave. S., Hamilton, ON L8K 2R7

Ms. Prouse expressed concerns over parking in the area.

(B) Juilien Way - 1410 Main St. E., Hamilton, ON L8K 1C3

Ms. Way expressed concerns over parking in the area.

The public hearing respecting Report PED12140, Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North, was closed.

The public presentations and correspondence respecting Report PED12140, Applications to Amend City of Hamilton Zoning By-law No. 6593 for Lands Located at 1426-1430 Main Street East and 6 Crosthwaite Avenue South, and 1429 Main Street East and 17-21 Crosthwaite Avenue North, was received.

For disposition on this item, refer to item 6.

(iii) Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton (PED12101) (Ward 7) (Item 6.3)

In accordance with the provision of the Planning Act, Chair B. Clark 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 amendments and Draft Plan of Subdivision, 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.

Chris Bell, Senior Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record. Mr. Bell also noted a clerical amendment to Appendix "D" of Report PED12101, Page 3 of 6, Section 5 (b) to insert the words, "s 3 and", after the words, "the minimum rear yard Block".

The staff presentation respecting Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, was received.

(aa) Public Speakers

(A) Art Witten – 164 Eleanor Ave., Hamilton, ON L8W 1C8

Mr. Whitten expressed concerns with the proposed cul-de-sac as it will now allow enough property frontage and how it will impact his lot should his neighbour not wish to build.

(B) Andy Boers – 208 Eleanor Ave., Hamilton, ON L8W 1C8

Mr. Boers expressed concerns over drainage and the dumping of property materials as well as his lot being land locked.

(C) Vicky Rigby – 1561 Upper Sherman Ave., Hamilton, ON L8W 1C4

Ms. Rigby Expressed concerns over the easement, septic systems leveling and grading the land, construction as well as lighting in the area.

- (D) Carolyn Winstanley – 1581 Upper Sherman Ave., Hamilton, ON L8W 1C4

Ms. Winstanley expressed concerns over the easement, septic systems leveling and grading the land, construction as well as lighting in the area.

The public hearing respecting Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, was closed.

The public presentations respecting Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, was received.

Steven Armstrong, agent, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The agent's presentation respecting Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, was received.

Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, was amended by adding a new recommendation (c), as follows:

- (c) That Appendix "E", Special Conditions of Draft Plan of Subdivision Approval include that the developer will contribute their proportionate share of costs for either full signage or pedestrian access signage whether it is warranted or non-warranted.

Report PED12101, Application for Amendments to Zoning By-law No.6593, and Approval of a Draft Plan of Subdivision, for Lands Located at 1531-1605 Upper Sherman Avenue, in the Former City of Hamilton, was further amended by adding a new recommendation (d), as follows:

- (d) That the existing homes on Upper Sherman that will be require to eliminate their septic tanks and will be connected to the new sewer on Upper Sherman for a fee not to exceed \$5,000.00.

For disposition on this item, refer to item 7.

(iv) Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road (Ancaster) (PED12137) (Ward 14) (Item 6.4)

In accordance with the provision of the Planning Act, Chair B. Clark 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 Official Plan and Zoning By-law amendments, 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.

Cam Thomas, Planner, provided an overview of the report with the aid of a PowerPoint presentation. A copy of the presentation has been included in the official record.

The staff presentation respecting Report PED12137, Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road, was received.

(aa) Public Speakers

(A) Jeff DeBliiek – 3197 Powerline Rd., L0R 1T0

Mr. DeBliiek expressed concerns over operating the farm with the current dwelling.

(B) Kevin DeBliiek – 2959 Powerline Rd., L0R 1T0

Mr. DeBliiek expressed concerns over operating the farm with the current dwelling.

- (C) Paul Errygers – 401 Lynden Rd., LOR 1R0

Mr. Errygers highlighted some of the historical background of the property.

The public hearing respecting Report PED12137, Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road, was closed.

The public presentations respecting Report PED12137, Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road, was received.

The recommendations contained in Report PED12137, Application for an Official Plan Amendment to the Rural Hamilton Official Plan and an Amendment to the Town of Ancaster Zoning By-law No-87-57 for the Lands at 401 Lynden Road, were amended, to read as follows:

- (a) That approval be given to a Rural Hamilton Official Plan Amendment No. 4 to create Site Specific Area No. 27, to permit a surplus farm dwelling lot to be created, which for the purposes of the Greenbelt Plan has been deemed an 'existing use', for a portion of the lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be approved;
- (b) That Amended Zoning Application ZAR-11-075, by Joost DeBleik, Owner, for a change in zoning from the Agricultural "A" Zone to a Site-Specific "A" Agricultural Zone in order to permit the lands to be used exclusively for agricultural purposes, for lands located at 401 Lynden Road (Ancaster), as shown on Appendix "A" to Report PED12137, be approved.

For disposition on this item, refer to item 8.

(g) DISCUSSION ITEMS

(i) Business Licensing Fee Review (PD01104(f)) (City Wide) (Item 8.1)

Report PD01104(f), Business Licensing Fee Review was referred to the Open for Business Sub-Committee.

(ii) Demolition Report - 1361 Barton Street, Stoney Creek (PED12139) (Ward 11) (Item 8.2)

The recommendations contained in Report PED12139, Demolition Report - 1361 Barton Street, Stoney Creek, was amended, as follows:

“That the applicant will apply for a building permit within 2 years of demolition of the existing building”

For disposition on this item, refer to item 9.

(iii) Ontario Municipal Board (OMB) Hearing Update - Airport Employment Growth District (AEGD) Secondary Plan and Zoning By-law (City Wide) (PED12143) (Item 8.3)

Larry Pomerantz’s request to speak to Report PED12143, Ontario Municipal Board (OMB) Hearing Update - Airport Employment Growth District (AEGD) Secondary Plan and Zoning By-law, was denied.

(h) GENERAL INFORMATION AND OTHER BUSINESS

(i) Outstanding Business List Amendments (Item 11.1)

The following Outstanding Business List due dates were revised:

- (aa) Item J: Losani Homes, Royal Winter Drive, Binbrook
Current Due Date: August 14, 2012
Proposed Due Date: October 2012
- (bb) Item M: Hess Village Paid Duty Program
Current Due Date: August 14, 2012
Proposed Due Date: September 18, 2012

The following items were removed from the Outstanding Business List:

- (a) Item R: Business Licensing Fee Review (PD01104(e))
- (b) Item X: Aggregate Resources Act Review
- (c) Item S: Request to Designate 231 Ferguson Avenue South Under Part IV of the Ontario Heritage Act

(i) PRIVATE AND CONFIDENTIAL

(i) Closed Session Minutes – June 19, 2012 (Item 12.1)

The Closed Session Minutes of the June 19, 2012 meeting of the Planning Committee were approved, as presented, and are to remain confidential and restricted from public disclosure.

(j) ADJOURNMENT

There being no further business, the Planning Committee adjourned at 1:30 p.m.

Respectfully submitted,

Councillor B. Clark
Chair, Planning Committee

Vanessa Robicheau
Legislative Coordinator
Office of the City Clerk
August 14, 2012