



City of Hamilton

CITY COUNCIL ADDENDUM

20-025

Wednesday, November 11, 2020, 1:30 P.M.

Due to the COVID-19 and the Closure of City Hall

All electronic meetings can be viewed at:

City's Website: <https://www.hamilton.ca/council-committee/council-committee-meetings/meetings-and-agendas>

City's YouTube Channel: <https://www.youtube.com/user/InsideCityofHamilton> or Cable 14

4. COMMUNICATIONS

- *4.7. Correspondence from Walter Cairns respecting E-bikes and Hamilton Conservation.

Recommendation: Be received.

- *4.8. Correspondence from Donna Skelly, MPP Flamborough-Glanbrook advising the City of Hamilton that they will be receiving \$7,434,008 through the Ontario government's investment in local infrastructure projects, and that in accordance with Federal government

guidelines all applications must be submitted no later than March 31, 2021 and all projects must be completed by December 31, 2021.

Recommendation: Be received and referred to the Senior Leadership Team for appropriate action.

- *4.9. Correspondence from Scott Snider, Turkstra Mazza respecting the Application for Rural Hamilton Official Plan Amendment ("OPA") for lands located at 2069 Binbrook Road, Glanbrook (PED20146).

Recommendation: Be received and referred to the consideration of Item 3 of Planning Committee Report 20-013.

7. NOTICES OF MOTIONS

- *7.1. Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster (AGCO File #946701)

9. PRIVATE AND CONFIDENTIAL

- *9.2. City of Hamilton Transfer Stations and Community Recycling Centres Contract Update (PW20068(b))(City Wide)

Pursuant to Section 8.1, Sub-sections (f) and (k) of the City's Procedural By-law 18-270, as amended; and, Section 239(2), Sub-sections (f) and (k) of the Ontario Municipal Act, 2001, as amended, as the subject matters pertain to the receiving of advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

Pilon, Janet

Subject: E-bikes and Hamilton Conservation

From: Walter Cairns

Sent: November 8, 2020 11:54 AM

To: clerk@hamilton.ca; Mike Pearson <mpearson@hamiltonnews.com>

Subject: E-bikes and Hamilton Conservation

Your assistance is required on the issue of banning e bikes in the Hamilton Conservation areas.

This is the email I sent to Lakewood Concerned Citizens regarding this issue. They suggested I contact you both for inclusion at council discussions and publishing in the Stoney Creek News.

Hi my name as you see is Walter Cairns I am a senior citizen 72 years of age I live in I live in the Bayliner condo on Frances Ave. I've been riding a bicycle in confederation Park for many years. This year my wife and I decided to purchase 2 e bikes so we could ride together and enjoy the beautiful lake and trails which we couldn't do before. Now I have noticed there are signs banning e bikes. I've called park and recreation and was told one of the issues was the speed that e bikes are capable of. Meantime there are people on roller blades, skateboards passing us not to mention the racers on bicycles going at speeds over 30 kilometres in groups up to 8 to 10. I feel this is an unfair rule that should be challenged as the majority of people I observe on e bike's are senior's. I got your website from a friend who thought you may be able to help with this.

I have also contacted Maria Pearson, our councillor for ward 10, who has informed me this is a provincial matter. I'm not sure how to continue my plight.

This is the email response I received from Maria Pearson:

Good afternoon Walter. Thank you for your email. I have investigated the E-Bike regulations and no restrictions in place are Provincial. Attached is the excerpt I have been able to pull from the Provincial website:

Electric bikes or e-bikes, both those resembling conventional bicycles and those resembling motor scooters, are allowed on roads and highways where conventional bicycles are currently permitted. They must follow the same rules of the road as set out in the Highway Traffic Act (HTA) that currently apply to cyclists, with some exceptions.

In order to operate an e-bike:

- Operators must be 16 years of age or older;
- All operators must wear an approved bicycle or motorcycle helmet at all times.

Where to ride an e-bike

You can ride your e-bike on most roads and highways where conventional bikes are permitted, with some exceptions.

You **can't** ride your e-bike:

- on certain provincial controlled access highways, such as the

In order to operate an e-bike:

- Operators must be 16 years of age or older;
- All operators must wear an approved bicycle or motorcycle helmet at all times

Also, I have reviewed the Hamilton Conservation Authority website and confirm that they also ban e-bikes on their trails.●

Your help would be appreciated.

Walter Cairns

DONNA SKELLY, MPP
Flamborough–Glanbrook

Constituency Office:
Suite 104
2000 Garth Street
Hamilton, ON L9B 0C1
Tel: 905-679-3770
Fax: 905-679-0288

October 29, 2020

Dear Mayor Eisenberger,

Great news! The Ontario government is investing in local infrastructure projects to assist in our COVID-19 recovery. Through the COVID Stream, Ontario continues to support municipalities as they build and repair roads, bridges, water and wastewater infrastructure. Our Government is upholding our commitment to support our municipalities by creating jobs, attracting economic growth and investment, and making our community the best place to live and grow.

Hamilton will receive \$7,434,008 through this investment. This funding is a part of Ontario's approximately \$250 million dollar commitment to municipalities to assist with local infrastructure projects. This investment provides the predictable and stable infrastructure funding municipalities have asked for in the wake of COVID-19. With this COVID Stream funding, we are working directly with our municipal partners to deliver community infrastructure.

In accordance with Federal government guidelines, all applications must be submitted no later than March 31, 2021. Projects must be completed by December 31, 2021. However, remote communities of 5,000 people have until December 31, 2022.

Congratulations! As we continue to fight COVID-19 and reinforce our economic recovery, our government will work with municipalities to ensure they have the resources they need to support the health and well being of residents.

Sincerely,



Donna Skelly
MPP Flamborough-Glanbrook

Scott Snider

Professional Corporation

15 Bold Street

Hamilton Ontario Canada L8P 1T3

Direct Line 905 526-6183 ext. 289

Receptionist 905 529 3476 (905 LAW-FIRM)

Facsimile 905 529 3663

November 9, 2020

City of Hamilton Mayor and Members of City Council
 c/o Ms. Janet Pilon (Janet.Pilon@hamilton.ca)
 21 King Street West, 12th floor
 Hamilton, Ontario
 L8P 4W7

cc: Steve Robichaud, Chief Planner & Director of Planning (Steve.Robichaud@hamilton.ca)
 cc: Patrick MacDonald, Legal Department, City of Hamilton (Patrick.MacDonald@hamilton.ca)
 cc: Dave Pitblado (dpitblado@paletta.ca)

Dear Mayor & Members of City Council:

**Re: Application for Rural Hamilton Official Plan Amendment (“OPA”)
 For lands located at 2069 Binbrook Road, Glanbrook
 City File No. PED20146
 Our File No. 13600**

We are counsel to the Applicant, Paletta Livestock Ltd. (“Paletta”), in this matter. Paletta is part of the Agri-Services Division of the Paletta family. The Agri-Services Division owns and operates approximately 930 hectares (2,300 acres) of farmland in the City of Hamilton alone. Paletta manages the farm operations on all of its landholdings. The lands acquired for the Agri-Services Division, including this farm at 2069 Binbrook Road, are intended strictly for agricultural purposes and not as development lands.

Shortly after acquiring this farm at 2069 Binbrook Road, Paletta made application for a consent to sever the two, permanent residential dwellings on the property as surplus farm dwellings. The dwellings are not required by Paletta for its operations and Paletta has no interest in operating rural, residential rental accommodation. The property contains two (2) existing dwellings: the original farm house that was built in the 1940’s and a second dwelling that was built in 1989 for use by members of the family who assisted with the operation of the farm. This has been characterized as a farm “help house”, although more recent occupants have not been

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

involved in the farm operations. The house was not built as a temporary structure but is in fact a brick home of substantial size with an inground swimming pool and other residential amenities. We are attaching photographs of this dwelling.

LPAT Decision, December 20, 2019:

As a result of the presence of two permanent dwellings on the farm, staff recommended against the consent and the Committee of Adjustment refused the application. Paletta appealed and LPAT approved the consent. The Tribunal concluded that:

“...the second residential building has been used as a single detached dwelling (and not as a farm help house) for multiple years in the past. It also notes that the condition requiring an official plan amendment to permit two single detached dwellings on the severed parcel was proposed by the City and two single detached dwellings presently exist on the subject property.”

[53] The Tribunal finds that the proposed Consent with the conditions in Attachment 1 to this Decision is consistent with the PPS, conforms with RHOP and the Greenbelt Plan, and has regard to the criteria set out in s. 51(24) of the *Planning Act*. It facilitates a farm surplus severance and farm consolidation that sustains farming operations in the area and protects both agricultural resources and the rural character of the area. It will not result in the erection of further residential dwellings in the area, it will protect existing housing stock, and it will not increase housing density in this agricultural area.”

It is important to note that while the City opposed the consent, it was the City that recommended the condition requiring an OPA to recognize the two existing permanent dwellings if the Tribunal saw fit to approve the consent. Obviously, the Tribunal saw fit to approve the consent and imposed the condition for the OPA based on the position taken by the City.

Official Plan Amendment Application

Pursuant to the Condition recommended by the City, Paletta applied for what is a highly technical Official Plan amendment to recognize that there will be two, existing permanent dwellings on the severed lot. City staff recommended approval of the OPA. The Planning Committee voted to refuse it.

We believe there may have been a misunderstanding about the source and intent of this OPA. The planning merits of severing a lot with two existing dwellings has already been determined by the Tribunal. There was no challenge or appeal of the Tribunal’s decision. The OPA does not invite a re-examination of the merits of that decision. Rather, the OPA is a

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

Attn: City of Hamilton
Mayor and Members of City Council
November 9, 2020

Page 3

technical matter required to implement a condition proposed by the City and accepted by the Tribunal. To reject the OPA as a means of frustrating the consent would be, respectfully, an abuse of process.

We respectfully request that Council refer this matter back to the Planning Committee to allow for a more fulsome discussion and consideration of this application in the context of the Tribunal's decision. Our client would be pleased to participate in that process.

Yours truly,



Scott Snider

SS:nd
Att'd.
13600/4

The contents of this communication are private and confidential, intended only for the recipient names above and are subject to lawyer and client privilege. It may not be copied, reproduced, or used in any manner without the express written permission of the sender. If you have received this communication and are not the intended recipient, please destroy it and notify the sender at 905 529-3476, collect if long distance. Thank you.

TURKSTRA MAZZA ASSOCIATES, LAWYERS





CITY OF HAMILTON

NOTICE OF MOTION

Council: November 11, 2020

MOVED BY COUNCILLOR L. FERGUSON.....

Cannabis Retail Store Authorization Application, 11 Hatton Drive (also referred to as 9 Hatton Drive), Ancaster (AGCO File #946701)

WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) received an application for a Cannabis Retail Store at 11 Hatton Drive in Ancaster and the process is underway;

WHEREAS written submissions of objection to the AGCO could only be made during the 15-day public notice period ending May 22, 2020, and only by a resident of the municipality in which the proposed store is located, or the municipality itself;

WHEREAS City of Hamilton filed an official objection to this application to the Alcohol and Gaming Commission of Ontario for the following reasons:

- (a) 11 Hatton Drive is a property in the middle of a densely populated residential area that is a destination for children as they attend and return from their elementary schools on foot and by bus and the community is very concerned about the safety of children because of increased traffic in a highly residential area;
- (b) 11 Hatton Drive is surrounded by homes with residents that have lived in their homes since new (1950); and
- (c) 11 Hatton Drive is situated in a small commercial property with apartments on top and a parking lot that is problematic for drivers and walkers;

WHEREAS it has come to the Ward Councillor’s attention through City of Hamilton staff that approval of this application is imminent although as of November 9, 2020 on the AGCO website it states that the application is still in progress;

THEREFORE BE IT RESOLVED:

- (a) That the Mayor of the City of Hamilton correspond with the Honourable Doug Downey, Attorney General, Ministry of the Attorney General (MAG), to request that the application for a Cannabis Retail Store at 11 Hatton Drive in Ancaster, be denied due to the all the reasons noted in the City of Hamilton’s submitted objection and the objections submitted by City of Hamilton residents; and

- (b) That this resolution be forwarded to the Association of Municipalities Ontario (AMO), the Hamilton Wentworth District School Board (HWDSB) and the Hamilton Wentworth Catholic District School Board (HWCDSB).