



## **PLANNING COMMITTEE**

### **REPORT 11-016**

**Tuesday, September 20, 2011**

**9:30 am**

**Council Chambers**

**City Hall**

**71 Main Street West**

**Hamilton, Ontario**

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**Present:** Councillors R. Pasuta (Chair), J. Farr (2<sup>nd</sup> Vice Chair), C. Collins, L. Ferguson, B. Johnson, J. Partridge, M. Pearson and T. Whitehead

**Absent with  
Regrets:** Councillor B. Clark – Illness

**Also Present:** T. McCabe, General Manager, Planning & Economic Development  
M. Hazell, Senior Director, Parking & By-Law Services  
T. Sergi, Senior Director, Growth Management  
P. Mallard, Director, Planning  
B. Janssen, Director, Strategic Services  
G. Wide, Manager, Enforcement  
S. Robichaud, Manager, Development Planning  
V. Ormond, Manager, Licensing and Permits  
L. Pasternak, Senior Solicitor  
C. Bell, Senior Planner  
J. Haan, Planning and Economic Development  
A. Grozelle, V. Robicheau, Office of the City Clerk

### **THE PLANNING COMMITTEE PRESENTS REPORT 11-016 AND RESPECTFULLY RECOMMENDS:**

- 1. Legal Services - Outside Counsel Fees for Ontario Municipal Board Hearings (LS11010) (Item 5.2)**

That Report LS11010 respecting, Legal Services - Outside Counsel Fees for Ontario Municipal Board Hearings, be received.

**Council – September 28, 2011**

2. **Request for Reduction in Planning Fees from Dundas Museum & Archives Located at 133 - 139 Park Street West (Dundas) (PED11171) (Ward 13) (Item 5.3)**

That Report PED11171 respecting, Request for Reduction in Planning Fees from Dundas Museum & Archives Located at 133 - 139 Park Street West, be received.

3. **Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 460 and 480 Springbrook Avenue (Ancaster) (PED11158) (Ward 12) (Item 6.1)**

- (a) That approval be given to **Official Plan Amendment Application OPA-11-006, by Maddelena and Christina Carestia, Owners**, for Official Plan Amendment No. [REDACTED], for a change in designation from “Low Density Residential” to “Institutional”, and a change in the road pattern of the Ancaster Meadowlands Neighbourhood IV - Secondary Plan, Map 1 - Land Use and Map 2 - Special Policy Areas, for lands known municipally as 460 and 480 Springbrook Avenue (Ancaster), as shown on Schedule “A” of Appendix “E” to Report PED11158, on the following basis:
- (i) That the draft Official Plan Amendment, attached as Appendix “E” to Report PED11158, be adopted by City Council.
- (b) That approval be given to Urban Hamilton Official Plan Amendment No. [REDACTED] for the re-designation of portions of the subject lands to “Institutional” from “Low Density Residential 2b”, and a change in the road pattern on Map B.2.6-1 - Meadowlands Neighbourhood IV - Land Use Plan, to be held in abeyance until the final decision has been made regarding the Urban Official Plan, for lands known municipally as 460 and 480 Springbrook Avenue (Ancaster), as shown on Appendix “F” to Report PED11158.
- (c) That approval be given to **Zoning Application ZAC-11-028, by Maddelena and Christina Carestia, Owners**, for changes in zoning from the Agricultural “A” Zone to the Residential “(H) R4-548” Holding Zone, Modified with a Special Exception and Holding Provision (Block 3); and from the Agricultural “A” Zone to the Residential “R4-555” Zone, Modified, with a Special Exemption (Blocks 1 and 2), in Zoning By-law 87-57, and to the Major Institutional (I3) Zone (Block 4) in Zoning By-law 05-200, to permit land use regulations to facilitate a land exchange between the owners and Redeemer University College, and facilitate the future residential development of the lands fronting onto Springbrook Avenue, on lands located at 460 and 480 Springbrook Avenue (Ancaster), as shown on Appendix “A” to Report PED11158, on the following basis:

- (i) That the draft By-laws, attached as Appendices “G” and “H” to Report PED11158, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
- (ii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and will be in conformity with the Official Plan for the Town of Ancaster upon finalization of Official Plan Amendment No. [REDACTED].

**4. Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision, "Oasis - Phase 1", and Draft Plan of Condominium, for Lands Located at 130 and 170 Palacebeach Trail (Stoney Creek) (PED11162) (Ward 11) (Item 6.2)**

- (a) That approval be given to **Zoning Amendment Application ZAC-11-008, by Homes By DeSantis (Meadows) Inc., Owner**, for changes in zoning from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM2-27” Zone, with a Special Exception (Block 1); from the Neighbourhood Development “ND” Zone to the Multiple Residential “RM2-28” Zone, with a Special Exception (Block 2); from the Multiple Residential “RM3” Zone to the Multiple Residential “RM2-28” Zone, with a Special Exception (Block 3); and to zone lands as Conservation/Hazard Land “P5” Zone (Block 4), to permit the development of 13 street townhouse dwelling units, 41 freehold townhouse dwelling units fronting a private (condominium) road, and the preservation of a creek block, for lands located at 130 and 170 Palacebeach Trail (Stoney Creek), as shown on Appendix “A” to Report PED11162, on the following basis:
  - (i) That the draft By-laws, attached as Appendices “B” and “C” to Report PED11162, which have been prepared in a form satisfactory to the City Solicitor, be enacted by City Council.
  - (ii) That the amending By-laws be added to Map No. “2” of Zoning By-law No. 3692-92, and Map No. 1151 and Map No. 1202 of Schedule “A” of Zoning By-law No. 05-200.
  - (iii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan, and the City of Stoney Creek Official Plan.
- (b) That approval be given to **Draft Plan of Subdivision Application 25T-201101, by Homes By DeSantis (Meadows) Inc., Owner**, to establish a draft plan of subdivision known as “Oasis - Phase 1”, on lands located at 130 and 170 Palacebeach Trail (Stoney Creek), as shown on Appendix “A” to Report PED11162, subject to the following conditions:

- (i) That this approval apply to “Oasis - Phase 1”, 25T-201101, prepared by IBI Group, and certified by G.G. Aldworth, O.L.S., dated January 27, 2011, and last revised on July 21, 2011, showing 13 lots for street townhouses (Lots 1-13), 41 lots for freehold townhouses fronting on a private (condominium) road (Lots 14-54), 1 block for the condominium road and other common elements (Block 55), and 1 block for a watercourse (Block 56), attached as Appendix “D” to Report PED11162, 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 PED11162;
- (ii) Acknowledgement that there will be no City share for any municipal works associated with this development; and,
- (iii) 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 shall be based on the value of the land on the day prior to the issuance of the first building permit for each said Lot or Block.

With regard to Lots 1 to 13 (street townhouses) and Lots 14 to 54 and Block 55 (block townhouses), a parkland dedication, at a ratio of 0.6 ha per 300 dwelling units, will be required.

Furthermore, with regard to Block 56, as per the definition of “Net Land Area” in Parkland Dedication By-law No. 09-124, Environmental Lands are not to be included in the calculation and are, therefore, not subject to any Parkland Dedication. However, the owner/applicant is advised that as per Section 7 of the By-law, any conveyance or dedication of said Environmental Lands shall not be considered a conveyance for park or other recreational purpose pursuant to Sections 3 to 6 of the By-law.

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

- (c) That approval be given to **Draft Plan of Condominium Application 25CDM-201108, by Homes By DeSantis (Meadows) Inc., Owner**, to establish a draft plan of condominium (Common Elements Condominium) to create a condominium road and sidewalk, as well as visitor parking areas, landscaped areas, and an enhanced noise barrier in conjunction with 41 freehold townhouse lots, on lands located at 130 and 170 Palacebeach Trail (Stoney Creek), as shown on Appendix “A” to Report PED11162, subject to the following conditions:

- (i) That this approval apply to the plan prepared by IBI Group, and certified by G.G. Aldworth, O.L.S., dated January 27, 2011, and last revised on July 21, 2011, showing the common elements (Block 55), attached as Appendix "F" to Report PED11162.
- (ii) That the Final Plan of Condominium complies with all the applicable provisions of Zoning By-law No. 3692-92.
- (iii) That the owner receives final approval and registers Draft Plan of Subdivision 25T-201101, to the satisfaction of the Director of Planning.
- (iv) That the owner enters into a Development Agreement to ensure that the tenure of each of the proposed 41 freehold lots have legal interest, in common, to the Common Elements Condominium, to the satisfaction of the City Solicitor.
- (v) That the owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

"Purchasers are advised that the City of Hamilton will not be providing maintenance or snow removal service for the private condominium road or sidewalk."

- (vi) That the owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

"The owner (being the future condominium corporation) agrees to maintain, repair, or replace the enhanced noise barrier consisting of a berm/wall combination, located within Block 55. Any maintenance, repair, or replacement of the noise enhancement barrier shall be with the same material and to the same standards as the original."

- (vii) That the owner includes the following warning clause in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

"Acknowledgement that in the event Municipal Garbage Collection cannot be accommodated for Lots 14 to 54, private garbage collection shall be arranged and implemented by the Condominium Corporation."

- (viii) That the owner includes the following warning clauses in the Development Agreement, all Purchase and Sale Agreements, and any rental or lease agreements required for occupancy:

The following warning clauses shall be included within all offers and agreements of purchase and sale or lease for Lots 1 - 13, and 28 - 54:

“Purchasers/tenants are advised that despite the inclusion of noise control features in this development and within the building units, sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the criteria of the Municipality and the Ministry of the Environment.”

"This dwelling unit has been fitted with central air conditioning which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality and the Ministry of the Environment."

“Purchasers/tenants are advised that the acoustical barrier, as installed, shall be maintained, repaired, or replaced by the owner. Any maintenance, repair, or replacement shall be with the same material and to the same standards as the original.”

The following warning clauses shall be included within all offers and agreements of purchase and sale or lease for Lots 22 - 27:

“Purchasers/tenants are advised that sound levels due to increasing road traffic may occasionally interfere with some activities of the dwelling unit occupants as the sound levels exceed the Municipality’s and the Ministry of the Environment’s noise criteria.”

“This dwelling unit has been fitted with a forced air heating system and the ducting, etc., were sized to accommodate the installation of a central air conditioning. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the criteria of the Municipality and the Ministry of the Environment. (Note: the location and

installation of the outdoor air conditioning device should be done so as to minimize the noise impacts and comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices.)”

The following warning clause shall be included within all offers and agreements of purchase and sale or lease for Lots 14 - 21:

“This dwelling unit has been fitted with a forced air heating system and the fans, ducts, etc., were sized to accommodate the installation of a central air conditioning system if it is found necessary by the owner/occupant at any time in the future. Installation of central air conditioning by the occupant will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the Municipality’s and the Ministry of the Environment’s noise criteria. (Note: the location and installation of the outdoor air conditioning device should be done so as to comply with the noise criteria of MOE Publication NPC-216, Residential Air Conditioning Devices and thus minimize the noise impacts both on and in the immediate vicinity of the subject property.)”

- (ix) That the owner provides the Senior Director of Growth Management with evidence that satisfactory arrangements, financial or otherwise, have been made with a telecommunication service provider, approved by the Canadian Radio and Telecommunication Commission (CRTC), that adequate telecommunication service will be provided to the condominium, including 9-1-1 emergency calling service that identifies, at a minimum, the caller’s name and location information.
- (x) That the owner satisfies any conditions, financial or otherwise, of the City of Hamilton.

**5. Housekeeping and Technical Amendments to the Fence By-law, Licensing By-law, Yard Maintenance By-law, Sign By-law and Vacant Building By-law (PED10063(d)) (City Wide) (Item 8.1)**

- (a) That the technical and housekeeping changes, as detailed in the proposed amending by-law attached as Appendix A to Report PED10063(d), for the following By-laws be approved:
  - (i) Fence By-law No. 10-142;
  - (ii) Licensing By-law No. 07-170;

- (iii) Yard Maintenance By-law No. 10-118;
- (iv) Sign By-law No. 10-197; and,
- (v) Vacant Building By-law 10-260;

- (b) That the amending By-law attached as Appendix 'A' to Report PED10063(d), which has been prepared in a form satisfactory to the City Solicitor, be enacted by Council

**6. Operational Review of the Growth Management Division of the Planning and Economic Development Department (City Wide) (PED11174) (Item 8.2)**

That Report PED11174, respecting Operational Review of the Growth Management Division of the Planning and Economic Development Department be referred to the Operation Review Sub-committee.

**7. Legal Counsel Costs (Item 11.2 (i))**

- (a) That staff be directed to report to the General Issues Committee with details on how many internal lawyers are employed by the City of Hamilton and what their specific areas of specialization are.
- (b) That staff be directed to report to the General Issues Committee with details on when the position vacated by a Senior Solicitor who joined the City Managers Office will be filled.

**8. Demolition Permit – 245 Catherine Street North, Hamilton (PED11136) (Ward 2) (verbal update) (no copy) (Added Item 8.3)**

That the staff update respecting, Report PED11136, Demolition Permit – 245 Catherine Street North, Hamilton, be received.

**FOR THE INFORMATION OF COUNCIL:**

**(a) CHANGES TO THE AGENDA (Item 1)**

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

- 4.2 Delegation Request by Ronald Watt respecting a Pilot Project concerning By-laws that pertain to the application of fire route signage within the Villages of Glancaster – (Deleted, to be heard by Emergency & Community Services Committee)

- 4.3 Delegation Request by Carl Moore respecting a Pilot Project concerning By-laws that pertain to the application of fire route signage within the Villages of Glancaster – (Deleted to be heard by Emergency & Community Services Committee)
  
- 4.4 Delegation Request by Doug Woltz respecting a Pilot Project concerning By-laws that pertain to the application of fire route signage within the Villages of Glancaster – (Deleted to be heard by Emergency & Community Services Committee)

## REPORTS

- 8.3 Demolition Permit – 245 Catherine Street North, Hamilton (PED11136) (Ward 2) (verbal update) (no copy)

## GENERAL INFORMATION

### Amendments to Outstanding Business List

- 11.1 (ii) Items Requiring revised Due Dates
  - (a) Item B: Tow truck Licences  
Current Due Date: September 20, 2011  
Proposed New Due Date: November 8, 2011
  - (b) Items H(i) & H(ii): City response to grading and drainage issues  
Current Due Date: September 20, 2011  
Proposed New Due Date: October 18, 2011
  - (c) Item Q: Sidewalk Policy  
Current Due Date: September 20, 2011  
Proposed New Due Date: November 22, 2011
  - (d) Item W: Licensing of Motels  
Current Due Date: September 20, 2011  
Proposed New Due Date: November 8, 2011

The Agenda for the September 20, 2011 meeting of the Planning Committee was approved, as amended.

**(b) DECLARATIONS OF INTEREST (Item 2)**

Councillor Johnson declared a conflict of interest in relation to Item 12.1 as the Closed Session Minutes of September 7 2011, relate to Report LS11011 respecting, City of Hamilton and Johnson ats Penady, Ontario Superior Court. Councillor Johnson abstained from voting on this matter.

Councillor Ferguson declared a conflict of interest in relation to Item 8.1, Report PED10063(d) respecting Housekeeping and Technical Amendments to the Fence By-law, Licensing By-law, Yard Maintenance By-law, Sign By-law and Vacant Building By-law, as the report relates to the taxi industry in which he has a financial interest. Councillor Ferguson abstained from voting on this matter.

**(c) APPROVAL OF MINUTES (Item 3)**

Councillor Johnson indicated that she was recorded in error as seconding a Motion to move into Closed Session to discuss Item 12.2 respecting Report LS11011, City of Hamilton and Johnson ats Penady, Ontario Superior Court.

The Minutes of the September 7, 2011 Planning Committee meeting were approved, as amended.

**(d) DELEGATION REQUESTS (Item 4)**

- (i) Delegation Request by Donna Marcaccio, Executive Director, Rygiel Homes Housing Corporation, respecting non-profit agency building experiences and recommendations (Item 4.1)

The Delegation Request, submitted by Donna Marcaccio, Executive Director, Rygiel Homes Housing Corporation, respecting non-profit agency building experiences and recommendations, was approved.

**(e) CONSENT ITEMS (Item 5)**

- (i) **Hamilton Municipal Heritage Committee Minutes – July 21, 2011 (Item 5.1)**

The Minutes of the July 21, 2011 Meeting of the Hamilton Municipal Heritage Committee were received.

**(f) DELEGATIONS, PUBLIC HEARINGS AND ITEMS REFERRED FROM PREVIOUS MEETINGS (Item 6)**

**(i) Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 460 and 480 Springbrook Avenue (Ancaster) (PED11158) (Ward 12) (Item 6.1)**

In accordance with the provision of the Planning Act Chair Pasuta 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 amendment and the Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so. No members of the public came forward.

On a Motion the staff presentation respecting, Report PED11158, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 460 and 480 Springbrook Avenue, was waived.

On a Motion the public meeting respecting, Report PED11158, Application for Amendments to the Town of Ancaster Official Plan and Zoning By-law No. 87-57 for Lands Located at 460 and 480 Springbrook Avenue, was closed.

For disposition on this item refer to Item 3.

**(ii) Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision, "Oasis - Phase 1", and Draft Plan of Condominium, for Lands Located at 130 and 170 Palacebeach Trail (Stoney Creek) (PED11162) (Ward 11) (Item 6.2)**

In accordance with the provision of the Planning Act Chair Pasuta advised those in attendance that if a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the City of Hamilton before Council approves the Zoning By-law amendment the person or public body is not entitled to appeal the decision of the Council of the City of Hamilton to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so. No members of the Public came forward.

Committee members had several comments and questions of staff. Highlights included but were not limited to the following:

- Councillor Johnson discussed the community meeting held with the developer on this Subdivision Plan
- Indicated that at this community meeting another plan was introduced, which represented phase two of the project
- Discussed how the Phase two plan was higher density and more contentious; however the developer worked out many amendments with those in attendance
- Councillor Johnson indicated that with all the discussion around the Phase two she fears the first phase which is currently before committee was overlooked due to confusion at the community meeting
- The Councillor proposed that the public meeting and report be delayed until the next Planning Committee meeting
- Staff indicated notification of the public meeting respecting the application was sent out to those within a 120 metre radius as required by the Planning Act
- Staff indicated that reissuing of the notice of a public meeting would push this item back to a November Planning Committee date
- Councillor Johnson asked for clarification on the notification of those out of the public meeting
- Staff indicated all those that signed in on the guest list of the public meeting resided within the 120 metre radius and did receive notice of the public meeting
- Councillor Johnson indicated that she was satisfied with this information and was in support of the recommendations of the staff report

On a Motion, the staff presentation respecting, Report PED11162, Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision, "Oasis - Phase 1", and Draft Plan of Condominium, for Lands Located at 130 and 170 Palacebeach Trail, was waived.

On a Motion the Public meeting respecting, Report PED11162, Applications for a Zoning By-law Amendment and for Approval of a Draft Plan of Subdivision, "Oasis - Phase 1", and Draft Plan of Condominium, for Lands Located at 130 and 170 Palacebeach Trail, was closed.

The agent for the applicant John Ariens of the IBI Group addressed the Committee. Highlights included but were not limited to the following:

- Discussed that the timeline between Committee and Council approval allowed for further Public comments to come forward
- Indicated that he was willing to assist the Councillor Johnson's office in addressing issues raised by her constituents

For disposition on this item refer to Item 4

**(g) DISCUSSION ITEMS****(i) Operational Review of the Growth Management Division of the Planning and Economic Development Department (City Wide) (PED11174) (Item 8.2)**

Staff asked that the recommendations of the Report be amended to refer matter to the existing Operational Review Sub-committee rather than striking a new Sub-committee. This suggestion met with the agreement of Committee.

For disposition on this item refer to Item 5.

**(ii) Demolition Permit – 245 Catherine Street North, Hamilton (PED11136) (Ward 2) (verbal update) (no copy) (Added Item 8.3)**

Glen Wide, Manager of Enforcement provided Committee members with an update respecting the Demolition Permit – 245 Catherine Street North, Hamilton. Highlights included but were not limited to the following:

- The property owner has applied for demolition permits and severances
- Union gas has agreed to absorb the cost of over \$2,000 for severing the gas line and will be doing so
- Indicated that the lowest quote for the demolition has been approved
- The Ministry of the Environment has extended their order on the property in order to secure it for an additional 30 days
- This order prevents access to the property without the Ministry of the Environment staff in attendance
  
- Councillor Farr thanked staff for their work and asked if they have received the methodology of demolition from the owner yet.
- Staff indicated that the methodology for demolition still has not been provided to the City as required
- Councillor Farr asked for clarification that the 30 day order is not an Ministry of Environment order but actually a court order
- Staff indicated that the Councillor is correct that if anyone breaches the court order they will face harsher repercussions than if they breached a Ministry of the Environment order
- Councillor Farr asked for clarification if the vats are separate from the demolition and would need to be removed by professional
- Staff indicated that is the case and they continue to re-enforce the need to have this waste handled with by a professional with the property owner

For disposition on this item refer to Item 8.

**(g) NOTICES OF MOTION (Item 10)**

Councillor Whitehead introduced the following Notice of Motion

**(i) Tree Encroachment By-law Review**

- (a) That staff be directed to review By-laws respecting the encroachment of trees and hedges upon private neighbouring properties.
- (b) That staff be directed to review By-laws and enforcement respecting trees encroaching on City property

**(h) Sign By-law review**

Councillor Whitehead indicated his intent to introduce a Motion respecting the Sign By-law. The Councillor described an instance where a new sign is not being allowed in the footprint of a previous sign. Councillor Whitehead indicated that he would be working with staff to craft a Motion on this Item for consideration at a future Planning Committee meeting.

**(i) Liquor License for Spa and Salons**

Councillor Pearson discussed new legislation allowing liquor licensing for Spas and Salons and her intent to bring forward a Motion on this item. Staff indicated that they were working on comprehensive Liquor Licensing Report to come to the Planning Committee in November, 2011

**(j) Meditation Facilities**

Councillor Pearson indicated her intent to bring forward a Motion respecting Meditation Facilities. The Councillor discussed how she was approached by an individual looking to open such a facility and is looking for more details from staff in relation to this issue.

**(k) GENERAL INFORMATION (Item 11)**

**(1) Amendments to Outstanding Business List (Item 11.1)**

(i) Removal of Items from the Outstanding Business List

The following items were removed from the Outstanding Business List.

- (a) Item O: Ministry of the Environment staff, invitation to address Committee
- (b) Item R: Costs of outside counsel for OMB in 2010, projected costs for 2011
- (c) Item P: Trinity East Karst Area

Councillor Johnson requested the Committee Clerk note the discussion respecting the removal of the Trinity East Karst Area from the Outstanding Business List.

Staff discussed the request they made as to the Ministry of Natural Resources, to have the Karst lands designated an Area of Scientific Interest. Staff indicated that they are currently waiting for a reply from the Ministry of Natural Resources. There was some discussion amongst Committee members whether there were still outstanding issues around the Karst area. Staff indicated that while there are likely still outstanding issues around the Karst there is no longer work outstanding for staff to perform as directed by the Planning Committee.

- (d) Item CC: Lafarge Dundas North Quarry Extension

(ii) Items Requiring revised Due Dates

The due dates of the following Outstanding Business List Items were amended as outlined below:

- (a) Item B: Tow truck Licences  
Current Due Date: September 20, 2011  
Proposed New Due Date: November 8, 2011
- (b) Items H(i) & H(ii): City response to grading and drainage issues  
Current Due Date: September 20, 2011  
Proposed New Due Date: October 18, 2011

- (c) Item Q: Sidewalk Policy  
Current Due Date: September 20, 2011  
Proposed New Due Date: November 22, 2011
- (d) Item W: Licensing of Motels  
Current Due Date: September 20, 2011  
Proposed New Due Date: November 8, 2011

**(2) News from the General Manager (Item 11.2)**

**(i) Legal Counsel Costs**

General Manager Tim McCabe updated Committee members on outside legal fees. He indicated that there is around a \$450,000 budget variance for the Planning department for outside legal fees. Mr. McCabe indicated that as the City of Hamilton moves forward this issue should be addressed. There was some discussion by Committee around how to deal with this issue. Staff indicated that this issue should be further discussed at the General Issue Committee budget workshops.

For disposition on this item refer to Item 7.

**(i) PRIVATE AND CONFIDENTIAL (Item 12)**

**(i) Closed Session Minutes, September 7, 2011 (Item 12.1)**

- (a) On a Motion, the Closed Session Minutes of the September 7, 2011, meeting of the Planning Committee were approved, as presented.
- (b) On a Motion, the Closed Session Minutes of the September 7, 2011 meeting of the Planning Committee, remain confidential and restricted from public disclosure, in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act."

**(j) ADJOURNMENT (Item 13)**

There being no further business, the Planning Committee adjourned at 11:04 a.m.

Respectfully submitted,

Councillor R. Pasuta  
Chair, Planning Committee

Andy Grozelle  
Legislative Assistant  
Office of the City Clerk  
September 20, 2011