



PLANNING COMMITTEE

MINUTES 11-020

Tuesday, November 15, 2011

9:30 am

Council Chambers

City Hall

71 Main Street West

Hamilton, Ontario

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

Also Present: T. McCabe, GM, Planning & Economic Development
M. Hazell, Senior Director, Parking & By-Law Services
S. O'Dwyer, Manager of Animal Control
L. Pasternak, Senior Solicitor
V. Robicheau, Legislative Assistant

FOR THE INFORMATION OF COMMITTEE:

(a) CHANGES TO THE AGENDA

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

PUBLIC HEARINGS AND DELEGATIONS

Registered public speakers:

- (i) Bob Campbell
- (ii) Margaret Strecker
- (iii) Christine Filinski
- (iv) Mary Matthews
- (v) Keith Scott

- (vi) Keith Burgess
- (vii) Ken Roczniaak, Martin Geleynse and Jackie Shute
- (viii) Virginia Cameron
- (ix) Lesley Sampson
- (x) Heather Dillon
- (xi) Rebecca Shalansky and Janice Hung
- (xii) Elizabeth O'Brien
- (xiii) Yukio Yamada
- (xiv) Chris White
- (xv) Claudia Vecchio
- (xvi) Lynn Leith
- (xvii) Eva McDowell
- (xviii) Carol Leblanc
- (xix) Michael Gainer
- (xx) Russ Ohrt
- (xxi) Renate Intini
- (xxii) Don Intini
- (xxiii) Michelle Spoelstra
- (xxiv) Larry Freeman
- (xxv) Elizabeta Soveloski

Written Correspondence:

- (a) Correspondence from John Ford
- (b) Correspondence from Pat Oertel
- (c) Correspondence from Jessica Aird

- (d) Correspondence from Mike Petrik
- (e) Correspondence from Judith Harrison
- (f) Correspondence from Michelle Gibson
- (g) Correspondence from Jean Rodda
- (h) Correspondence from Caroline
- (i) Correspondence from Pablo Regueiro
- (j) Correspondence from Rachel Cook
- (k) Correspondence from Hugh McGilchrist
- (l) Correspondence from Colleen Simmons
- (m) Correspondence from Jessica Nye Brouwer
- (n) Correspondence from Wendy Moreton
- (o) Correspondence from Agnes Nelson
- (p) Correspondence from Samantha Stiling
- (q) Removed
- (r) Correspondence from Bonnie Dawson
- (s) Correspondence from Gemma Norman
- (t) Correspondence from J. Collins
- (u) Correspondence from Denise Richardson
- (v) Correspondence from Mrs. Clark
- (w) Correspondence from Paul Meixner and Lisa Kabesh
- (x) Correspondence from Marie-Lynn Hammond
- (y) Correspondence from Lillian Szilagy
- (z) Correspondence from Brenda Power Ahmad
- (aa) Correspondence from Joe Stocco
- (bb) Correspondence from Leanne Tucker

- (cc) Correspondence from Bonnie Gardhouse
- (dd) Correspondence from Lesley Sampson – Coyote Watch Canada
- (ee) Correspondence from Wendi McManus
- (ff) Correspondence from Trish O’Meara
- (gg) Correspondence from Jaymz Kay

Written Correspondence (B)(a) through (B)(gg) is available for viewing on the City of Hamilton website.

(Collins/Partridge)

That the Agenda for the November 15, 2011 meeting of the Planning Committee be approved, as amended.

CARRIED

(b) DECLARATIONS OF INTEREST

None

(c) PUBLIC HEARINGS AND DELEGATIONS

**(i) Responsible Animal Ownership By-law (PED09303(b)) (City Wide)
(Outstanding Business List Item)**

Marty Hazel, Senior Director, Parking & By-Law Services, provided a brief overview of the report with emphasis that it is the mandate of Hamilton Animal Control (HAC) to protect humans from animals and that the HAC works closely with the Hamilton-Burlington SPCA whose mandate is to protect animals from humans.

Councillor Clark asked for clarification as to whether or not this Council would have to reconsider the previous decisions of the last council.

Sue O’Dwyer, Manager of Animal Control, addressed the Committee with the aid of a PowerPoint presentation. A copy of this presentation has been included in the official record.

(Clark/Johnson)

That the staff presentation respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (1) Bob Campbell – 812 Old Hwy #8, Rockton, ON L0R 1X0

Mr. Campbell addressed the Committee and expressed concerns over the by-law being a draft, the rural/urban divide and how the bylaw will come in before the rural settlement areas are managed in the Rural Official Plan. He also expressed interest in how agricultural society and fairs are covered in the by-law.

(Clark/Pearson)

That the public presentation from Bob Campbell respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

Councillor Clark expressed interest in having rural settlement areas defined as part of the rural community/rural side of the by-law.

(Johnson/Partridge)

That staff be directed to include agricultural societies (i.e. fairs) into section 3.2 (J) of the by-law and other applicable areas of the by-law.

CARRIED

- (2) Margaret Strecker – 48 Chedoke Ave., Hamilton, ON L8P 4N9

Ms. Strecker addressed the Committee and expressed congratulations for the by-law as it focuses on the word responsible pet ownership. She expressed that the limit of animals one can own is not effective and expressed her approval of removing the limit. She also addressed the overpopulation of cats and suggested that: there be low cost spay-neuter clinics should be available for those on low income; the City support the SPCA's "Trap, Neuter & Return" program; and that City consider licensing cats.

(Collins/Pearson)

That the public presentation from Margaret Strecker respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (3) Christine Filinski – 66 Queensdale Ave. E, Hamilton, ON L9A 1K3

Ms. Filinski addressed the Committee with the aid of a PowerPoint presentation and expressed that she is in favour of backyard

chickens. A copy of the presentation has been included in the official record.

(Farr/Collins)

That the public presentation from Christine Filinski respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (4) Mary Matthews – 289 MacNab St., Dundas, ON L9H 2K8

Ms. Matthews addressed the Committee expressed concern over the renaming of animal services from animal control and asked how it changes the level of operation. She expressed that she is in favour of cat licences to help ensure animals are returned to their owners and raise money for more facilities, microchipping, low-cost spay-neutering programs and public education.

(Ferguson/Pearson)

That the public presentation from Mary Matthews respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (5) Keith Scott – 245 Dartnall Road, Hamilton, ON L8W 3V9

Mr. Scott addressed the Committee on behalf of the Hamilton-Burlington SPCA to support the by-law as it focuses on responsible animal ownership. Mr. Scott does agree that the limit of pets one may own is currently deterring people from licensing their animals as some are over the limit. He expressed that spaying/neutering and micro-chipping are the best methods to ensure that unwanted animals are kept at a minimum. He also supports cat licences.

(Pearson/Partridge)

That the public presentation from Keith Scott respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (6) Keith Burgess – 815 Leslie Valley Dr., Newmarket, ON L3Y 7H4

Mr. Burgess addressed the Committee on behalf of the Pet Industry Joint Advisory Council of Canada. He discussed the scope of the draft By-law, and recommended that the provisions of this By-law apply to all pet related establishments. He requested that the restriction on venomous animals be removed and instead be

replaced with a requirement to house venomous in an escape-proof enclosure. Mr. Burgess also provided a copy of a letter dated, November 9, 2011. A copy of the letter has been included in the official record.

(Johnson/Farr)

That the public presentation from Keith Burgess respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (7) Ken Rocznik & Jackie Shute – 1240 Gore Rd. Puslinch, ON N0B 250

Mr. Rocznik and Ms. Shute addressed the Committee on behalf of the Ontario Hawking Club with the aid of a PowerPoint presentation. They discussed that falconry is already heavily regulated by the Province and there is not a need for the additional inclusion in the By-law. A copy of the presentation has been included in the official record.

(Partridge/Farr)

That the public presentation from Ken Rocznik and Jackie Shute respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (8) Virginia Cameron – 32 Macklin St. N, Hamilton, ON L8S 3S1

Ms. Cameron addressed the Committee respecting urban chickens. She advocated on behalf of the introduction of chickens into urban areas and discussed other areas where this has been introduced.

(Collins/Johnson)

That the public presentation from Virginia Cameron respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (9) Lesley Sampson - 314 Creek Rd., St. David's, ON L0S 1P0

Ms. Sampson addressed the Committee on behalf of Coyote Watch Canada with the aid of a PowerPoint presentation. She discussed the need to proactively educate the public against feeding wild animals, specifically the feeding of coyotes. She indicated that there is a need to prohibit the feeding of wild animals enshrined in a

by-law. A copy of the presentation has been included in the official record.

(Collins/Johnson)

That the public presentation from Lesley Sampson respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (10) Heather Dillon – 1126 Safari Rd., Millgrove, ON L0R 1V0

Ms. Dillon addressed the Committee and indicated that the advertisement was misleading and that settlement areas should not be the same as urban areas. She expressed her support for urban chickens.

(Collins/Pearson)

That the public presentation from Heather Dillon respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (11) Rebecca Shalansky & Janice Hung – 28 Norfolk St. N, Hamilton, ON L8S 3K1

Ms. Shalansky addressed the Committee on behalf of PAWS McMaster and proposed the banning of selling cats and dogs at pet stores and asked that pet stores promote adoption of animals from adoption agencies by allowing those agencies to rent store space.

(Collins/Johnson)

That the public presentation from Rebecca Shalansky & Janice Hung respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (12) Elizabeth O'Brien – 391 Concession St., Hamilton, ON L9A 1B8

Dr. O'Brien addressed the Committee and expressed support for the by-law as it relates to responsible animal ownership. She also supported removing the limit of pets one may own as it discourages owners, if they are over the limit, from licensing their animals. She also supports licensing cats. She also supports the "Trap, Neuter & Return" program. She also suggested changing the definition of "owner" in the by-law.

(Farr/Johnson)

That the public presentation from Elizabeth O'Brien respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (13) Chris White – 153 Breadalbane St., Hamilton, ON L8R 3G7

Mr. White addressed the Committee and expressed his interest in snake length bans and his concern over the education of exotic animals. He also supports removing the limit of pets that one may own. He is in favour of offering pet licencing in pet stores as it is the same as a car dealership managing your car registration or handling your licensing information.

(Pearson/Collins)

That the public presentation from Chris White respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

Councillor Farr expressed is intent to ask staff to review the species of snakes and include in the revised by-law.

Staff expressed that they would consult with those who offered specialized support.

- (14) Yukio Yamada – 427 Herkimer St., Hamilton, ON L8P 2J4

Mr. Yamada addressed the Committee as a worker for Bird Control International Incorporated, which uses birds to control bird populations. He expressed concern over falconry when hunting and the risks of tethering the birds. He also addressed Committee on the care of the birds and how they are not a disturbance in the community.

(Johnson/Pearson)

That the public presentation from Yukio Yamada respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (15) Elizabeta Soveloski - 102 Carrick Ave Hamilton ON L8M2W6

(Pearson/Farr)

That the agenda for the November 15, 2011 meeting be amended to allow Ms. Soveloski to speak at this time.

CARRIED

Ms. Soveloski addressed the Committee as a representative of the Hamilton Kit Cat Club, and expressed her concern over the euthanizing of cats and encouraged low cost spaying/neutering clinics.

(Collins/Johnson)

That the public presentation from Elizabeta Soveloski respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (16) Claudia Vecchio – 300 Coxwell Ave., P.O. Box 22608 Toronto, Ontario M4L 3W7

Ms. Vecchio addressed the Committee and expressed concern over the number of cats being euthanized. She also suggested that there be an adoption program in Hamilton's animal services. She also indicated that public adoption, "Trap, Neuter & Return" program and cat licensing is needed.

(Pearson/Whitehead)

That the public presentation from Claudia Vecchio respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

Staff indicated that the HBSPCA takes first choice as to the dogs that enter into the care of HAC. The HBSPCA does not normally take cats due to the severe number. However, if there is an animal in the care of HAC, someone may chose to adopt that animal through the HBSPCA since they share the same building.

Councillor Collins asked if there is any cost recovery for the relationship between animal services and the SPCA.

- (17) Michele Spoelstra – 1620 Guyatt Rd., Binbrook, ON L0R 1C0

(Johnson/Pasuta)

That the agenda for the November 15, 2011 meeting be amended to allow Ms. Spoelstra to speak at this time.

CARRIED

Ms. Spoelstra addressed the committee on behalf of the Federation of Agriculture in regards to Sections 11.5 to 11.20 of the By-law with the aid of speaking notes. A copy of the speaking notes has been included in the official record. She expressed concerned that the size of the lot should reflect what types of animals one may own and requested that wild boar, chinchillas and mink be added as a list to the exemptions and be included as farming. She also expressed concern over cats for farms and asked that remain exempt from the category of pets.

(Pearson/Collins)

That the public presentation from Michele Spoelstra respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (18) Eva McDowell – 23 Petes Lane, Pefferlaw, ON L0E 1N0

Ms. McDowell addressed the committee with concern over the kill rates of animals. She expressed that: there should be low cost spay-neuter clinics available for those on low income; and that the City should support the SPCA's "Trap, Neuter & Return" program. Ms. McDowell also provided a petition titled, Petition: For Shelter Reform at the Hamilton Animal Control and two online petitions:

<http://www.causes.com/causes/610534-ora-project-accountability-now-abolish-death-row-at-Hamilton-animal-control>

<http://www.thepetitionsite.com/1/ora-project-accountability-now/>

(Farr/Partridge)

That the public presentation from Eva McDowell respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

(Farr/Partridge)

That the petition and online petition respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (19) Russell Ohrt – 83 Pearl St. N, Hamilton, ON L8R 2Z2

Mr. Ohrt addressed the Committee with concerns over urban chickens and is representing those who wish to own them. He is an urban farmer who is interested in bringing awareness of farming practices to the urban community.

(Collins/Johnson)

That the public presentation from Russell Ohrt respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (20) Renate Intini – 336 Old Brock Rd., Greensville ON, L9H 5H6

Ms. Intini addressed the Committee with concerns over the restrictions in settlement areas.

(Pearson/Partridge)

That the public presentation from Renate Intini respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (21) Don Intini - 336 Old Brock Rd., Greensville ON, L9H 5H6

Mr. Intini addressed the Committee representing Flamborough Fur and Feather Fanciers, with concerns over App. B, Page 13 and indicated that there should be small animals allowed in rural settlement areas and that the distance between animal enclosures should be measured from a dwelling unit, rather than the property line. Under this by-law, those in rural settlement areas would not be allowed to have birds (i.e. chickens, geese, ducks). He also expressed his interest in working with staff on this by-law.

(Johnson/Partridge)

That the public presentation from Don Intini respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (22) Larry Freeman – 407 Fletcher Rd., RR 1, Hannon ON, L0R 1P0

Mr. Freeman addressed the Committee and expressed his concern over Sections 6.1 and 6.3 of the By-law (Animals at Large) as there are accidents caused by vehicles that may cause animals to get loose. As a result, police and staff must ensure accidents are reported to home owners. He also noted the diseases caused by fleas and has a particular concern over rats and their breeding habits. He also expressed interest in allowing farm cats to not be licenced or be restricted to properties.

(Collins/Johnson)

That the public presentation from Larry Freeman respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (23) Bruce Eventon

Mr. Eventon addressed the Committee and expressed concerns over organic eggs and the ability to have more nutritious eggs through urban chickens.

(Pearson/Whitehead)

That the public presentation from Bruce Eventon respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (24) Jaymz Kay – 1460 Tyandaga Park Drive, Burlington, ON L7P 3H3

Mr. Kay addressed the Committee and expressed concerns over the banning of certain reptiles and amphibians with aid of speaking notes. A copy of the speaking notes has been included in the official record. He expressed that there should be a ban to specific animals, not the entire species and has a list of the specific animals that should be banned. He also believes the scientific names are the best way to address the animals in the By-law.

(Whitehead/Farr)

That the public presentation from Jaymz Kay respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

- (25) Michael Gainer – 944 Essa Cr., Pickering ON, L1W 2J1

Mr. Gainer addressed the Committee with the aid of a PowerPoint presentation. A copy of the presentation has been included in the public record. He supports the registration of cats.

(Pearson/Whitehead)

That the public presentation from Michael Gainer respecting, Report PED09303(b), Responsible Animal Ownership By-law, be received.

CARRIED

(Johnson/Whitehead)

That the public meeting respecting, Report PED09303(b), Responsible Animal Ownership By-law, be closed.

CARRIED

(Collins/Pearson)

That Appendix A to Report PED09303(b), respecting, Responsible Animal Ownership By-law, be amended, by adding a new Map L, Orkney Rural Settlement Area, to Appendix 1 to Appendix A.

CARRIED

(d) MOTIONS

(i) The Consideration of Urban Chickens

(Farr/Pasuta)

With regard to the consideration of Urban Chickens:

- (a) That staff report back by the end of the first quarter of 2012 with a comprehensive report on the concerns and regulations required for Urban Chickens, taking into account: the number of chickens per household; coop distance restrictions; enclosure and containment restrictions; enclosure and containment restrictions nuisance clauses; permit fees; and rooster regulation (rooster restriction);
- (b) That staff fully study the financial and resource issues, including: budgetary implications, licensing and registration and inspection costs; the costs of handling abandoned chickens and capital for accommodation of stray chickens; and a cost recovery model;
- (c) That staff seek more comprehensive input from Public Health with this report.

CARRIED

(e) NOTICES OF MOTION

Councillor Johnson introduced the following Notice of Motion:

(Johnson/Pasuta)

That the rules be waived in order to allow the following Notice of Motion respecting, Contract for Animal Services in Glanbrook, to be brought forward as a Motion at today's meeting. **CARRIED**

The following Motion was approved at Council on November 30, 2011:

(i) Contract for Animal Services in Glanbrook

(Johnson/Pasuta)

WHEREAS the 2011 operating budget approved by City Council included a \$75,000 reduction to eliminate the private contractor providing Animal Control Services to the former Township of Glanbrook and to in-source this work to City staff; and

WHEREAS City Council subsequently provided direction for another service review/report and to retain the current contractor on a month-to-month basis until the Fall of 2011; and

WHEREAS the Glanbrook Community continues to question the City's ability to maintain the current service levels at reduced costs.

THEREFORE, BE IT RESOLVED that, in accordance with the second alternative identified on page 4 of staff report PED11190 (Contract for Animal Services in Glanbrook), staff be directed to issue a Request for Tender to provide carcass removal and disposal, pound keeping, and licensing services in Glanbrook using the same tender document as was used for Flamborough in 2011; and

That staff be directed to report back to the Planning Committee when the responses to the Request for Tender are received with a full cost comparison of contractual versus in-house service provision; and

That staff be directed to continue extending the contract for Glanbrook Animal Services on a month to month basis until the Request for Tender is awarded or otherwise resolved; and

That the estimated additional cost for the month to month contract be funded: firstly from the Planning and Economic Development budget; secondly from the 2011 and 2012 corporate surplus and thirdly from the tax stabilization budget.

CARRIED

Councillor Collins introduced the following Notice of Motion:

(Collins/Pearson)

That the rules be waived in order to allow the following Notice of Motion respecting, Prohibition of the Feeding of Wildlife, to be brought forward as a Motion at today's meeting.

CARRIED

(ii) Prohibition of the Feeding of Wildlife

(Collins/Whitehead)

WHEREAS there are known negative effects when wild animals are attracted to neighbourhoods by citizens feeding these animals;

AND WHEREAS in Hamilton, unsafe conditions have been created due to wildlife feeding on the Beach Strip with coyotes and deer in the Iroquois Heights Conservation Area;

AND WHEREAS other municipalities have banned feeding of wildlife (i.e., Mississauga, Thunder Bay, Vancouver).

NOW THEREFORE BE IT RESOLVED That staff be directed to report back on options to ban the feeding of wildlife in Hamilton.

CARRIED

(f) ADJOURNMENT

(Farr/Pearson)

That, there being no further business, the Planning Committee be adjourned at 4:00 p.m.

CARRIED

Respectfully submitted,

Councillor R. Pasuta
Chair, Planning Committee

Vanessa Robicheau
Legislative Assistant
Office of the City Clerk
November 15, 2011