



Hamilton

## MINUTES

### OPEN FOR BUSINESS SUB-COMMITTEE

Wednesday, March 28, 2012

9:30 a.m.

Room 264

Hamilton City Hall

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**Present:** Councillor R. Powers, Chair  
Councillor T. Whitehead, Vice-Chair  
Councillors C. Collins, L. Ferguson, R. Pasuta and M. Pearson

**Also Present:** Councillor J. Farr

T. McCabe, General Manager of Planning and Economic Development  
C. Phillips, Senior Advisor, Planning Department  
M. Hazell, Senior Director, Parking & By-law Services  
T. Sergi, Senior Director of Growth Management  
P. Mallard, Director of Planning  
J. Caetano, [Acting Director of Building Services](#)  
S. Baldry, Secretary to the Committee of Adjustment  
V. Ormond, Manager, Licensing and Permits  
G. Norman, Manager, Engineering Design and Construction  
A. Fletcher, Manager, Strategic Services, Special Projects  
D. Ortiz, Manager, Building, Engineering and Zoning  
D. Spence, Communications Officer  
K. d'Andrade, Co-ordinator, Business Facilitation  
K. Huigenbos, Co-ordinator, Small Business Enterprise Centre  
I. Bedioui, City Clerk's Office

#### 1. CHANGES TO THE AGENDA

The Clerk advised there is an added staff report respecting the Liquor Licence Application Review Update which will be Item 8 under General Information. This Report has been added for the Sub-Committee's information and copies have been distributed.

**(Pearson/Ferguson)**

That the agenda for the March 28, 2012 meeting be approved as amended.

**CARRIED**

**2. DECLARATIONS OF INTEREST**

There were none declared.

**3. ADOPTION OF MINUTES**

**(Pasuta/Pearson)**

That the Minutes of the February 22, 2012 meeting be approved as presented.

**CARRIED**

**4. PRESENTATIONS AND STAFF OVERVIEW**

**(i) Minor Variance (Item 4.1)**

Scott Baldry addressed Committee with the aid of a PowerPoint presentation. His comments included but were not limited to the following:

- What triggers the process?
- What types of projects may go through a Minor Variance?
- Purpose of Minor Variance;
- Who oversees this process?
- How our process differs from other Municipalities;
- Step One: Submit an Application;
- The overall process;
- Potential outcomes;
- Potential processes after a file is closed;
- Potential Challenges and Solutions.

Committee discussed and commented on the following issues with input from staff:

- Sometimes the applicant does not post the requisite sign – especially if the proposal contentious is contentious to the neighbours;
- The Committee of Adjustment can postpone the hearing and require that the applicant post the sign;
- Some municipalities require proof that the sign has been posted;
- The sign is small (11" X 17") and colour coded (orange for variances and blue for severances);
- Sign issue to be examined further;

- The staff reports are only available at the Committee of Adjustment meeting and the Ward councillor is therefore unable to provide a copy if requested by his constituent;
- The Ward Councillor can receive a copy of the report on the Tuesday before the meeting;
- The applicant is advised by staff to call the office on the prior Tuesday to learn about the comments;
- The Committee of Adjustment may not approve the staff recommendation and the City will only appeal if the decision affects policy;
- The new By-law for Institutional and Industrial Zones will be more flexible with regards to minor variances;
- What are the Committee of Adjustment meeting timelines and timelines for processing applications? – (Close to 30 days turn around time.)
- How many decisions are appealed and is the appeal process expedited by the OMB? (5% are appealed; there is a 20 day appeal period; the OMB appeals for the Committee of Adjustment are not expedited);
- How can the City mediate? – only prior to the decision and only if it does not involve a neighbour dispute.

**(Pasuta/Collins)**

That the staff presentation respecting Minor Variances be received.

**CARRIED**

**(ii) Sign By-law (Item 4.2)**

Vince Ormond outlined the following topics with the aid of a PowerPoint presentation:

- What triggers the process?
- Sign Companies;
- What types of signs require a permit?
- The Sign By-law also regulates:
  - Permit/timing: display timelines
  - Structure: size and height
  - Location: on property, setbacks from property lines
  - Content: type of sign permitted
- The process;
- Permanent Signs;
- Temporary Signs;
- Stats and Trends;
- Potential Challenges:
  - Signs that are grandfathered/legal non-conforming
- Potential Solutions

Committee discussed and commented on the following issues:

- What are the fees? - Staff to submit the fees to the Sub-Committee;
- Staff should not be punitive to businesses that have made investments (to upgrade their signs) and avoid being bureaucratic - Variances to the Sign By-law are forwarded to Paul Mallard who will make a decision and the applicant can appeal his decision which will be brought before the Planning Committee and Council who will have the final say;
- Paul Mallard was requested to send out an e-mail to Councillors to explain the process;
- The regulations of the large billboard signs;
- The City receives substantial fees for City property being leased for signs;
- Council should identify locations where they don't want them located;
- Sign By-law brochures are still available, in addition to the information available on-line;
- Councillor Powers requested some Sign By-law brochures;
- How will the poster kiosks in the downtown be enforced? The signs can be pulled off the street poles within a 200 metre radius of the kiosks;
- Staff advised that sign industry representatives met with staff and a number of their issues and concerns were addressed.

**(Whitehead/Ferguson)**

That the staff presentation respecting Sign By-law be received.

**CARRIED**

**5. DISCUSSION ITEMS**

**(i) Public Consultation Process - Status Update (Item 5.1)**

Debbie Spence addressed Committee and indicated that so far only four delegations have confirmed attendance at the meetings set aside for public consultation (April 11 and 25). There has not been much feedback received from the B.I.A.'s.

Staff are following up with the invitations and are also extending invitations to small business operators.

A brief discussion followed regarding the mandate of the Sub-Committee and the type of input from the delegations that the Sub-Committee will be seeking.

Debbie Spence presented four questions for the Sub-Committee's consideration. The Sub-Committee agreed on the following five questions which the delegations will be requested to answer in writing, in addition to their presentations:

1. Do you believe City Hall is "Open for Business"? Please explain why or why not.
2. What are the one or two critical processes or services that need to be improved when doing business at City Hall?
3. Where/how does Hamilton excel in helping businesses open or expand?
4. What are the most important elements of customer service when dealing with the City?
5. If you had to do your project over again, what would you have done differently and/or what mistakes did you or your agents make that would have made the approval process smoother?

A discussion followed on who and how to invite the delegations. The suggestions included but were not limited to:

- Councillors to outreach to those applicants that they know had issues (submit contacts to Chris and Debbie);
- Invite the Smart Centre operators and other large investors as they have done business with other municipalities;
- Invite representatives from McMaster Innovation Park;
- Invite representatives from Starsky Foods;
- Invite the Copolares;
- Solicit information from the broader business community (as not all businesses are members of the Chamber of Commerce) by mail-outs or advertisements in the appropriate media;
- Federation of Independent Business Owners;
- The local banks – why not finance business in Hamilton?
- Written responses can also be solicited on the City's web page.

**(ii) List of Planners and Other Professionals (Item 5.2)**

Chris Phillipps indicated that the list of planners and other professionals is not quite ready and staff will distribute them to the Sub-Committee electronically.

**(iii) Identified Issues To-Date – Status Update (Item 5.3)**

Chris Phillips referred to a hand-out that was distributed entitled “Open for Business Sub-Committee - Outstanding Issues Management List”. He explained that this list is more comprehensive than the Outstanding Business list printed with the agenda and in order to streamline the process requested, that the two lists be combined. The Sub-Committee agreed.

Chris Phillips asked how the Sub-Committee wished staff to approach Item 12 respecting *Inter-Departmental Process Review*, Item 13 respecting *Fee Review* and Item 14 respecting *Rural Business Review*.

The Chair suggested inviting all the General Managers, through the City Manager’s Office, to talk about Item 12 regarding the interdepartmental review.

The Chair noted that the fee review may not be completed by the June, 2012 target date. If necessary, the Sub-Committee can recommend that the fees be reviewed and that the Sub-Committee continue after June. Staff noted that they have already commenced addressing some aspects of the concerns regarding fees and an entire meeting date will be required to consider all the issues (i.e. comparables with other municipalities, identifying and eliminating duplication of fees, etc.)

**(iv) Outstanding Business List (Item 5.4)**

**(Pearson/Whitehead)**

(a) That the due dates of the following outstanding business list Items be amended as outlined below:

- (i) Item “A” - Update respecting the Temporary Occupancy Policy  
Current due date: March 28, 2012  
New proposed due date: May 9, 2012
- (ii) Item “B” - Data Collection – Surveys and Comparators  
Current due date: March 28, 2012  
New proposed due date: May 9, 2012

**CARRIED**

**6. NEW BUSINESS**

**(i) Liquor Licence Application Review Update (PED09127(f)) - Draft Report (Added Item 6.1)**

Marty Hazel provided a brief overview of the Report which will be presented to the Planning Committee. He explained that the Report recommendations are to address deficiencies in the City's current Liquor Licence Application process.

Tim McCabe indicated that the purpose is to make the Sub-Committee aware of the Report and he advised that he has request Legal staff to amend the wording in subsection (a) (i) of the recommendation to make it more business friendly.

The Sub-Committee briefly discussed the Report.

**7. Adjournment**

The Sub-Committee extended congratulations to staff respecting the recent event that took place at Carmen's. The Small Business Work Shop was very successful.

**(Pasuta/Pearson)**

There being no further business, the meeting be adjourned at 11:23 a.m.

**Respectfully submitted,**

**Councillor R. Powers, Chair  
Open for Business Sub-Committee**

**Ida Bedioui  
Legislative Co-ordinator  
Open for Business Sub-Committee  
March 28, 2012**