

**CITY OF HAMILTON****PLANNING AND ECONOMIC DEVELOPMENT DEPARTMENT**  
**Downtown and Community Renewal Division**

<b>TO:</b> Mayor and Members General Issues Committee	<b>WARD(S) AFFECTED:</b> WARD 2
<b>COMMITTEE DATE:</b> February 14, 2011	
<b>SUBJECT/REPORT NO:</b> Hess Village Community Liaison Committee Review (PED09127(e)) (Ward 2)	
<b>SUBMITTED BY:</b> Tim McCabe General Manager Planning & Economic Development Department	<b>PREPARED BY:</b> Alan Waterfield 905-546-2424 x1251
<b>SIGNATURE:</b>	

**RECOMMENDATION:**

That Council endorse the continuation of the Hess Village Community Liaison Committee through to the end of the current term of Council in 2014, in accordance with the Terms of Reference for the Hess Village Community Liaison Committee (2011-2014), attached as Appendix 'A' to Report PED09127(e).

**EXECUTIVE SUMMARY**

Report PED09127(e) recommends that the Hess Village Community Liaison Committee (CLC) continue meeting through to the end of the current term of Council in 2014. The CLC was formed as per Council direction in 2009 as a result of the Hess Village Review that outlined a co-ordinated response by the City and Hamilton Police Services for dealing with a variety of issues relating to Hess Village (Report PED09127). The purpose of the CLC was to provide stakeholders with an ongoing role in monitoring the implementation and effectiveness of the Hess Village strategies, and to establish ongoing dialogue between City representatives, the Hess Village bar owner/operators, property owners and neighbouring residents.

The approved Terms of Reference for the CLC established a term set to expire at the end of January 2011, unless Council directs otherwise following consideration of this staff Report about the CLC and whether continued meetings are warranted. The CLC concluded at its most recent meeting on November 29, 2010 that it would like to continue to meet, with future meetings taking place twice a year, in May and October, at the beginning and end of each patio season, as per the Terms of Reference attached as Appendix 'A' to this Report. The feedback provided at meetings indicates positive results arising from the implementation of Hess Village Review strategies, particularly through the new Public Nuisance By-law. Future meetings are warranted in order to continue monitoring the effects of these strategies over a longer time period. In addition, the CLC would like to consider the effectiveness of upcoming improvements such as the new liquor licence commenting/review process now under development.

*Alternatives for Consideration – see page 5.*

<b>FINANCIAL / STAFFING / LEGAL IMPLICATIONS</b> (for Recommendation(s) only)
-------------------------------------------------------------------------------

There are no financial, staffing or legal implications arising from approval of this Report's recommendation. It is proposed that the CLC would continue without the use and associated cost of independent professional facilitation services, due to the familiarity now established among CLC members and fewer planned meetings. Instead, Downtown and Community Renewal Division staff would facilitate future meetings and prepare the minutes. CLC operating costs (e.g. copying and distributing agenda and minutes) would be absorbed in the operating budget of the Downtown and Community Renewal Division.

<b>HISTORICAL BACKGROUND</b> (Chronology of events)
-----------------------------------------------------

The Hess Village Community Liaison Committee (CLC) stems from the Hess Village Review (Report PED09127), which was prepared by a multi-disciplinary team of City staff and Hamilton Police Services in response to Council's February 2009 direction to address various issues in Hess Village. Through Council's approval of the Hess Village Review recommendations in May 2009, the principle of establishing the Hess Village CLC was endorsed.

Subsequently, Report PED09127(a) outlined the process to establish the Hess Village CLC in accordance with a draft Terms of Reference. Report PED09127(a)'s recommendations, approved by Council in July 2009, directed staff to report back on a finalized Terms of Reference once the Hess Village CLC had been established and its members provided an opportunity for input into the Terms. The initial meeting of the Hess Village CLC occurred on September 21, 2009. As a result of that meeting, some minor revisions to the draft Terms were recommended, and ultimately endorsed by Council through approval of Report PED09127(b) in October 2009.

The Hess Village Review recommendations were intended to create opportunities to improve Hess Village and the effect on the surrounding residential areas. It was intended that the CLC monitor and provide input to the City regarding the implementation and effectiveness of the recommendations, and establish a dialogue among the City, Hess Village bar owners/operators, property owners, and surrounding residents to foster a cooperative environment in which to address issues.

Following the initial meeting in September 2009, the CLC met five (5) more times, most recently on November 29, 2010. As per the original Terms of Reference, the CLC was set to conclude at the end of January 2011, unless directed otherwise by Council, having considered the information and recommendation provided in this Report.

### **POLICY IMPLICATIONS**

There are no specific policy implications resulting from a Council decision on this Report's recommendation. If approved, the CLC may have cause to examine at future meetings the following legislation, policies and regulations in relation to Hess Village:

- Planning Act;
- Municipal Act;
- Ontario Building Code Act;
- Fire Protection and Prevention Act;
- Downtown Hamilton Secondary Plan, City of Hamilton (former) Official Plan, Council-adopted Urban Hamilton Official Plan;
- Zoning By-law 05-200;
- Business Licensing By-law 07-170;
- Noise By-law 03-117; and,
- Public Nuisance By-law.

### **RELEVANT CONSULTATION**

Report PED09127(e) was prepared based on input received at Hess Village Community Liaison Committee meetings. A draft version of this Report, including Appendix 'A', was also provided to CLC members for review and comment.

### **ANALYSIS / RATIONALE FOR RECOMMENDATION**

(include Performance Measurement/Benchmarking Data, if applicable)

At its meeting of November 29, 2010, the CLC reviewed its accomplishments and discussed expectations for moving forward in 2011. The CLC has been useful for establishing dialogue and understanding between the various member interests, identifying common ground regarding the benefits of Hess Village and shared desire for improved patron behaviour and less neighbourhood impact. The feedback provided at

meetings indicates positive results arising from the implementation of Hess Village Review strategies, particularly through the new Public Nuisance By-law. While the 2010 season was not without incident, there has been an overall improvement from previous years concerning reports of nuisance impact.

- Ward 1 and Ward 2 Councillor offices and the neighbourhood representatives reported fewer complaints relating to Hess Village.
- The Public Nuisance By-law enacted by Council in May 2009 has been an effective tool for Hamilton Police Services. The ability to lay charges for acts of public urination, for example, has demonstrated that there are consequences for such behaviour. In addition, the increased number of mobile patrol officers (from two to three), and paid duty officers (from eight to ten), has enhanced the police presence in and around Hess Village on Friday and Saturday nights, as has the introduction of the horse-mounted unit.
- There is less animosity reported between various groups. There is also a better working relationship between Hamilton Police Services and the Hess Village operators, who have appointed a representative to liaise with the Police.
- Hess Village operators have formed an informal Hess Village Merchants association, to co-ordinate efforts such as the Hess Village clean-up conducted in August 2010.
- Through meeting face to face, the potential opportunity for neighbourhood marketing and event co-ordination between Hess Village operators and surrounding neighbourhood associations has been identified.
- An informal set of indicators/measures was prepared to guide discussion at future meetings, identifying various facts/statistics that will be reported on in order to track changes and measure the effectiveness of the Hess Village Review strategies over the longer term. These indicators/measures are appended to the Terms of Reference for the Hess Village Community Liaison Committee (2011-2014).

It is acknowledged that full attendance has been a challenge, and some bar operators have changed; however, over the course of meetings, a solid core of attendees has materialized and has expressed the desire to continue meeting. As per the Terms of Reference attached as Appendix 'A' to this Report, it was proposed that future meetings would take place twice a year, in May and October, at the beginning and end of each patio season, through to the end of the current term of Council in 2014.

CLC members are interested in future land use issues in the area and receiving information about development proposals and liquor licence applications within the Hess Village Entertainment District. Neighbourhood representatives, in particular, are concerned that the current notice of these applications is not adequate. Through the CLC, staff will share public information about development proposals and identify relevant initiatives for the CLC's consideration and potential input, such as the upcoming review of the Downtown Hamilton Secondary Plan.

Concerning future liquor licence applications, in December 2010, Council approved amendments to the Licence By-law 07-170 to establish a bar and nightclub business licence category. Among the new requirements are a premises plan, a crowd control plan and a noise plan for all establishments licensed as a Bar and Nightclub. Subsequent to the approval of the Bars and Nightclub licence category, Municipal Law Enforcement staff are developing a comprehensive liquor licence commenting/review process as recommended by the Hess Village Review. One of the key concerns of the neighbourhood CLC representatives is that they be better advised of liquor licence applications through the new process. The CLC will monitor these changes to consider whether they meet the intended result of better controls on licensed establishments and possibly reduce policing costs over time.

**ALTERNATIVES FOR CONSIDERATION:**

(include Financial, Staffing, Legal and Policy Implications and pros and cons for each alternative)

Council may choose to NOT approve the recommendations of this Report, particularly if it is the opinion of Council that a Hess Village Community Liaison Committee is no longer warranted. There would be no associated financial, staffing, legal or policy implications; however, there would be no formalized community forum for discussing Hess Village issues. It is possible that the Hess Village Merchants may continue to meet among themselves and on an ad hoc basis with City staff and/or Hamilton Police Services as issues arise.

**CORPORATE STRATEGIC PLAN (Linkage to Desired End Results)**

Focus Areas: 1. Skilled, Innovative and Respectful Organization, 2. Financial Sustainability, 3. Intergovernmental Relationships, 4. Growing Our Economy, 5. Social Development, 6. Environmental Stewardship, 7. Healthy Community

***Healthy Community***

An engaged Citizenry - The Hess Village Community Liaison Committee is intended to foster improved community relations and responsiveness to issues between the City, Hess Village establishments and the surrounding neighbourhoods.

**APPENDICES / SCHEDULES**

Appendix 'A' to Report PED09127(e): Terms of Reference for the Hess Village Community Liaison Committee (2011-2014)

AW/vk

**City of Hamilton**  
**Hess Village Community Liaison Committee (CLC)**  
**Terms of Reference 2011-2014**

**PURPOSE OF THE COMMUNITY LIAISON COMMITTEE:**

The Hess Village Community Liaison Committee (CLC) was established in 2009 to provide stakeholders with an ongoing role in monitoring the implementation and effectiveness of the strategy for addressing issues relative to Hess Village, as outlined by the Hess Village Review (PED09127), including the document prepared by Hamilton Police Services titled "2009 Policing Strategies at Hess Village" attached as Appendix F to Report PED09127. The CLC will continue to meet for this purpose and will also continue to be used as a forum to establish ongoing dialogue between City representatives, the Hess Village bar owner/operators, property owners and neighbouring residents.

**SCOPE OF ISSUES:**

The recommendations approved through the Hess Village Review are intended to create opportunities to improve Hess Village and the effect on the surrounding residential areas. The issues that the CLC may discuss and address include, but are not limited to:

- stakeholder concerns regarding the existing and potential impacts of Hess Village on properties, businesses, and overall well-being;
- strategies to control and minimize the occurrence of inappropriate behaviour, nuisance and noise, including the Public Nuisance By-law;
- implementation and effectiveness of strategies to address licensing issues, including the new Bars and Nightclubs business licence category and liquor licence review process;
- implementation and effectiveness of safety and policing enhancements, including additional closing time street lighting, fixed garbage containers, additional police officers and perimeter patrols, and closed circuit television cameras (CCTV);
- implementation and effectiveness of parking and taxi lane strategies.

**COMMITTEE COMPOSITION:**

Members will be invited to reflect area stakeholders, including a balanced representation of the following groups:

- Four (4) residents, including one (1) to represent each of the adjacent neighbourhoods (Central, Durand, Kirkendall and Strathcona);

- Two (2) members of City Council representing Wards 1 and 2;
- Three (3) Hess Village property owners, including a representative of the Hess Village Pedestrian Mall Authority;
- Three (3) Hess Village bar owner/operators;
- One (1) representative of Hamilton Police Services.

Staff from the Downtown and Community Renewal Division will act as primary support and facilitate the meetings. Additional resource staff, including but not limited to those who comprised the Hess Village Review team, will attend meetings of the CLC as needed to address issues. They may include representatives of Parking and By-law Services, Zoning By-law Reform, Building Services, Public Works, Legal Services, Economic Development and Real Estate, Public Health Services, and Emergency Services (Fire Prevention Bureau).

**ROLES AND RESPONSIBILITIES:**

Upon accepting membership in the Committee, CLC members will:

- Agree to this Terms of Reference established to guide the CLC;
- Attend CLC meetings;
- Review all documents, agenda and minutes presented to them before attending CLC meetings to provide informed discussion that is accurately documented;
- Receive information from, and provide input and advice to, the City regarding various initiatives and strategies related to Hess Village;
- Suggest agenda items for meetings, with the assistance of City staff;
- Strive to operate in consensus, where CLC members listen to others and openly discuss their respective views and opinions;
- Communicate accurate information to and from the community and/or, for CLC members who represent groups, to and from their groups.

The Committee will be led by two (2) co-Chairs elected by the CLC members. Two (2) vice-Chairs will also be elected to act in the absence a corresponding co-Chair. The co-Chairs have the responsibility of leading the meeting and providing a safe and neutral space for members. All questions, comments and responses will be directed through the co-Chairs.

Staff will contribute technical information, as well as professional perspectives and knowledge to assist the CLC in formulating its advice and recommendations. They will also:

- Assist in the development of meeting agenda and other support materials as may be required;
- Ensure that appropriate Hess Village Review team members, are available for CLC discussions;
- Synthesize and summarize information and discussion from CLC meetings and prepare meeting minutes;
- Assist in the resolution of issues as required;
- Ensure that CLC advice and recommendations are considered in decisions made by the City of Hamilton in relation to Hess Village initiatives.

The City will cover costs associated with booking meeting facilities, providing simple refreshments for the meetings, and funding the facilitator, including the recording, copying and distribution of minutes and agenda. Copies of reports and monitoring information relevant to issues being considered by the CLC shall be made available to CLC members.

#### **MEETINGS, TERM, AGENDA AND MINUTES**

- The CLC shall meet twice a year – once in May and once in October – before and after the Hess Village patio season. Additional meetings may be scheduled at the call of the co-Chairs.
- CLC meetings will be scheduled through to the end of the current term of City Council in 2014.
- Meetings will be held at Hamilton City Hall, generally during the evening hours to facilitate citizen participation. Meetings may be held at alternate times provided that all CLC members and staff can confirm their attendance.
- Meeting agendas will be set by the co-Chairs in consultation with City staff. A draft agenda and any related information (e.g. previous meeting minutes) will be circulated to CLC members and staff one week in advance of a meeting. The co-Chairs may grant requests for discussion of items not on the agenda.
- The set of indicators/measures prepared by the CLC during the course of meetings held in 2009-2010 will form the basis for discussion at future meetings. These indicators are appended to this Terms of Reference. Staff will co-ordinate the gathering of this information prior to the May and October meetings.



- Decision-making will be based on the principle that everyone has a right to express his or her opinion. Decisions should be reached on a consensus basis, but when required will be made by a vote of greater than 50% of CLC members in attendance at the meeting.
- The meetings shall be open to the public, providing the public-at-large with an opportunity to participate in CLC meetings. Observers who are not CLC members will be provided with an opportunity to ask questions and/or provide comments during meetings.
- The minutes of each CLC meeting shall be prepared by City staff and distributed to CLC members. Amendments to the minutes, if required, shall be brought to the attention of City staff no later than two weeks after distribution. Once finalized, the minutes shall be forwarded to the City's General Issues Committee for information.

### **Hess Village Indicators/Measures**

As per the Hess Village Community Liaison Committee (CLC) Terms of Reference (2011-2014), the purpose of the CLC is to provide stakeholders with an ongoing role in monitoring the implementation and effectiveness of strategies for addressing issues relative to Hess Village. To assist the CLC in this role, a series of indicators/measures is provided. These indicators/measures will provide information needed to track progress, and can be used by the CLC to measure the success of various initiatives. They can be both quantitative and qualitative.

The Hess Village Entertainment District (HVED) includes the lands contained by Queen Street, King Street, Caroline Street and Main Street. The influence area is generally within 400 m of the boundaries of the HVED (e.g. north to York Boulevard, west to Locke Street, and south to Bold Street).

<b>Indicator/Measure (what)</b>	<b>Location/Frequency (where, when)</b>	<b>Data Source (how, who)</b>	<b>Purpose (why) Other Issues/Considerations</b>
<b><i>How is Safety and Well-Being Improving?</i></b>			
Number of noise/nuisance/crime/ vandalism/tail gate party incidents (e.g. Liquor License Act, public urination, breach of peace, cause disturbance, criminal code, other)	- within the HVED and influence area - seasonal (May thru September)	Hamilton Police Service (HPS) statistics	- to indicate if the desired outcome of decreased incidents is being achieved - an increased number of incidents may be due to increased level of policing - some incidents may not be due to HVED patrons
Number of severe or more serious incidents of violence			
Number of Police/security staff on patrol	- within the HVED and influence area - seasonal	- HPS - bars (number of security staff/bouncers)	- increased security may add to feeling of safety and act as a deterrent - this indicator may help explain findings of the first indicator
Number of establishment infractions (e.g. overcrowding, serving underage/intoxicated patrons)	- as they occur within the HVED	HPS, Municipal Law Enforcement (MLE), Alcohol and Gaming Commission of Ontario (AGCO)	- infractions are related to conditions that cause negative impact
Number of license suspensions			

Indicator/Meure (what)	Location/Frequency (where, when)	Data Source (how, who)	Purpose (why) Other Issues/Considerations
Number of complaints received by Ward 1 and 2 Councillors	- as they occur within the influence area	Offices of Councillors McHattie and Farr	- fewer complaints suggest issues are being addressed
Number of establishments with comprehensive safe practice policies/crowd control and noise plans in place	- within the HVED	Hess Village establishments, MLE	- to determine what "safe bar" practices are being used
<b><i>How is Parking/Traffic Improving?</i></b>			
Number of public parking spaces available to HVED patrons	- within the HVED	City, Hamilton Municipal Parking System (HMPS)	- parking available within HVED should lessen patron parking in peripheral areas
Number of Highway Traffic Act offences issued	- within the HVED and influence area - seasonal	HPS, MLE, HMPS	- increased number of infractions may be due to increased enforcement - some may not be due to HVED patrons
Number of tickets issued for parking infractions			
Results of RIDE programs in relation to the RIDE programs in Hess Village	- within the HVED and influence area	HPS	- to indicate if the desired outcome of decreased incidents is being achieved - an increased number of incidents may be due to increased level of policing - some incidents may not be due to HVED patrons
<b><i>What are the positive changes in Capacity/Patronage?</i></b>			
Number of licensed seats (indoor and outdoor)	- within the HVED	City, MLE, AGCO	- helps to monitor growth of the HVED
Number of outdoor patios			
Customer demographics (e.g. number of customers, age profile, where they come from)	- within the HVED	Observations of Hess Village establishments, HPS	- qualitative assessment based on observations
CLC members are aware of applications for new development and/or liquor licence applications	- within the HVED	City to advise CLC members	- to confirm that notice and sharing of information has improved

<b>Indicator/Measure (what)</b>	<b>Location/Frequency (where, when)</b>	<b>Data Source (how, who)</b>	<b>Purpose (why) Other Issues/Considerations</b>
<b><i>How are Land Use and Economics Contributing to Well Being?</i></b>			
Number of businesses and vacancies	- within the HVED	City	- indicates if there is a balanced mix of uses in the HVED
Land use mix (% by type of use)			
Type of establishments (bar vs. restaurant)	- within the HVED	MLE/Business licensing	- indicates if there is a balanced mix of uses in the HVED
Number of employees	- within the HVED	Hess Village establishments, City	- to indicate economic contribution of the HVED
Property Taxes Paid	- by HVED properties	City	- to indicate economic contribution of the HVED - aggregate data to ensure confidentiality
Number of residents	- within HVED and influence area	City, census data	- indicates if there is a balanced mix of uses in the HVED
<b><i>How are Community Relations Improving?</i></b>			
Number of community based events involving Hess Village establishments	- as they occur	Hess Village CLC members to report	- events may improve community relations and image
Number of positive and negative news stories relating to the Hess Village Entertainment District	- as they occur	Hamilton Spectator, community papers, neighbourhood association newsletters	- an increase in positive press may indicate an improving image