



Hamilton

MINUTES

OPEN FOR BUSINESS SUB-COMMITTEE

Wednesday, February 22, 2012

9:30 a.m.

Room 264

Hamilton City Hall

- Present:** Councillor R. Powers, Chair
Councillors C. Collins, L. Ferguson, R. Pasuta and M. Pearson
- Absent with
Regrets:** Councillor T. Whitehead, Vice-Chair
- 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
B. Young, Director, Municipal Law Enforcement
T. Sergi, Senior Director of Growth Management
P. Mallard, Director of Planning
G. Norman, Manager, Engineering Design and Construction
A. Fletcher, Manager, Strategic Services, Special Projects
D. Ortiz, Manager, Building, Engineering and Zoning
J. Morgante, Senior Project Manager, Design and Construction
D. Spence, Communications Officer
K. d'Andrade, Coordinator, 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 were no changes to the agenda.

(Pearson/Ferguson)

That the agenda for the February 22, 2012 meeting be approved as presented.

CARRIED

2. DECLARATIONS OF INTEREST

There were none declared.

3. ADOPTION OF MINUTES

(Pasuta/Ferguson)

That the Minutes of the February 8, 2012 meeting be approved as presented.

CARRIED

4. PRESENTATIONS AND STAFF OVERVIEW

(i) Site Plan Process (Continued from February 8, 2012 meeting) (Item 4.1)

John Morgante outlined the following topics with the aid of a PowerPoint presentation:

- Storm Water Management (SWM) Design
 - Purpose;
 - General Requirements;
 - Challenges
- Road Widenings
 - Purpose;
 - General Requirements;
 - Challenges
- Growth Management Additional Challenges
 - Site specific water and sewer capacity;
 - Establishing new and/or removing existing driveways;
 - Parallel processes to Site Plan:
 - Sewer and Water Permit
 - Road-cut permit
 - External works agreement
 - Joint-use permit
 - Special service agreement

(ii) Building Permit Process (Site Plan) Referred from February 8, 2012 meeting (Item 4.2)

Dio Ortiz outlined the following topics with the aid of a PowerPoint presentation:

- Building Permit Application
 - Once level one and level two conditions are met and the securities paid the owner can apply for a building permit;
 - Same process as with Change of Use.

Ken d'Andrade outlined the following topics:

- Phase Three Conditions
 - Prior to Occupancy;
 - Potential challenges – cost to relocate utilities and owner must receive an access permit from Public Works or Ministry of Transportation
- Phase Four Conditions
 - Within one year Occupancy;
 - Potential challenges – release of letter of credit.

Committee discussed and commented on the following issues:

- How to deal with the ongoing issue of road widening requirements which can make a plan become unviable;
- Set up a service agreement to ensure applicants receive a response to their telephone call or e-mail within 48 hours;
- An office clerk has been given the task of receiving calls and advising the caller where they are on the list;
- Advise the applicant up front when submitting an application what number they are and/or if their application is not complete;
- Staff indicated they have written procedures requiring that a list be maintained – the list is submitted to the Senior Director – there is no such thing as “seasonal” construction any more – the construction is year round therefore there is no down time;
- 15% of the applications get approved first time through;
- The factors that can delay a building permit are: the applicant does not have the right designers, designations, structural or mechanical engineers; also, there could be administrative delays – development charges, or parkland dedication going through an appeal;
- Greenhouses require site plan control because of storm water management as set-out in the City of Hamilton by-law;
- It does not depend on the size of the greenhouse; dairy barns which are larger do not require site plan control;
- Staff were requested to review these requirements to get clarity and provide some resolution;
- The farm exemptions will need to be reviewed regardless when the Province enacts the natural heritage policies – it will be a huge issue for the agricultural community to undertake an impact assessment – not in place yet but it is coming;

- 2/3's of our agricultural area will require site plan approval – (staff to bring map to future meeting to show the agricultural areas) - Can this be addressed? – It is a requirement under the Green Belt legislation;
- The General Manager noted that he receives the fewest complaints from the public regarding the Building Division– The major complaint he receives is that they refuse to process the site plan application at the same time as the building permit application;
- The site plan process is driven by the applicant – inspections are conducted at the request of the owner when he/she has complied with the conditions and then the letter of credit can be released – landscaping requirements can take up to a year.

5. DISCUSSION ITEMS

(i) Proposed Public Consultation Process and Timing (Item 5.1)

Chris Phillips addressed Committee and copies of a hand-out regarding an Overview of Small Business/Public Consultations Options were distributed. Debbie Spence briefly presented the document to the Sub-Committee.

It was noted that the Hamilton Association of Business Improvement Areas (H.A.B.I.A.), the Chamber of Commerce, the Hamilton Halton Home Builder's Association and the Hamilton Halton Construction Association all have expressed interest in appearing as delegations before the Sub-Committee.

The Sub-Committee indicated that it would be beneficial to have those operators who do businesses with other municipalities address the Sub-Committee as comparators.

The Chair suggested blocking off fifteen (15) minutes for each delegation – five (5) minutes for their presentations and ten (10) minutes of discussion. This timeframe would accommodate eight (8) delegations per meeting. Staff suggested allowing twenty (20) minutes for some delegations.

Staff also suggested that five (5) or six (6) questions be pre-arranged for the Sub-Committee to pose to the delegations such as; what worked, what didn't, what suggestions do they have? The questions would be circulated to the Sub-committee with the list of the delegations scheduled to attend the two meetings set aside for this purpose. After the two meetings, the Sub-Committee will be able to analyse whether it was able to obtain what it needed. If not polling and/or surveys could be utilized at a later date. Staff suggested canvassing the delegations afterwards as a follow-up.

It was suggested that the Sub-Committee decide at a later date whether delegations should be invited from the general public.

Kristen Huigenbos and Ken d'Andrade offered to prepare a list of small business operators so that they could also be included in the process.

(ii) Review of Identified Issues To-Date

Chris Phillips provided a brief introduction. A copy of the hand-out outlining the issues identified by the Sub-Committee to date was printed in the agenda.

The following topics were discussed:

- Approval, permits, licensing processes
 - Last recognized use process
 - Zoning
 - Integration of inspections
 - Integration of fees
 - Encroachment agreements and road widening
 - Legal “non-conforming” status
 - Heritage issues
- Customer Focused Services
 - Turnaround times for responses
 - Referral for professional services
 - Preliminary Costing
 - Checklist and FAQ’s
 - Exit Interview – outreach – promotion- surveys
 - Internal Technology Limitations
 - Cost recovery for services
- Enforcement
 - Violation and charging process - OBC
- Website
- Fee Review
- Measurements/Evaluations/Indicators/Comparisons
- Rural Business Services
- Inter-Departmental Integration

Committee discussed and commented on the following issues:

- How do staff handle referrals for professional services? What are the challenges? How can Councillors provide assistance to applicants in this regard? – Paul Mallard offered to create a data base listing professionals who the City has done business with in the past year. Staff to investigate the best way to address this issue.

- The Sub-Committee noted that the checklist provided to applicants is not very clear;
- With respect to the City's web site, should Information Services staff involved be invited to a Sub-Committee meeting?
- Staff advised that changes to the web site were focused on the residents group and not the business group;
- Committee indicated it is interested in what other municipalities are providing on their web site;
- The web site issue is scheduled to be on the March 28 meeting agenda;
- The Committee requested a presentation on what is being done elsewhere in comparison to what the City is doing and what the City needs to improve;
- As the web site is currently being overviewed by the City Manager's office, the Chair will speak to the City Manager regarding this issue.

(a) List of Challenges identified in January 11, 2012 PowerPoint presentation (Outstanding business Item D)

Chris Phillips noted that at the request of Councillor Ferguson, the following slides from the January 11, 2011 PowerPoint presentation outlining the challenges faced by the Open for Business section were included on today's agenda:

- **Challenge #1** Licence may be held up due to need for building permit, once the Building Permit (BP) is issued licensing staff are not notified, thus licence may not be issued.
- **Solution:** Software changes and upgrades required.
- **Challenge #2** New Licence Applications require a Zoning Verification. Licence can only be issued if the use is recognized by a BP. Often the use is not recognized by a BP. Applicant required to apply for Permit. Must hire qualified professional to prepare plans. Process is costly and time consuming. Often there are insufficient records and or previous permits may be located off site.
- **Solution:**
- **Challenge #3** Similarly, with Licences for legal non-conforming uses it is very difficult to find a previous Building Permit
- **Solution:** Could create an application for a field review instead of submitting professional drawings. Implementation of New Temporary Occupancy By-law.

- **Challenge #4** One-Stop should have more exposure on the City of Hamilton Web Site.
- **Solution:** Provide a direct link from the main City of Hamilton Page to the One Stop for Business page.

- **Challenge #5** The terms and definitions used in the Licensing By-law and the Zoning By-law are not consistent i.e. Banquet Hall, Private Club, Public Hall.
- **Solution:** Implement housekeeping revisions to the By-laws.

- **Challenge #6** There have been several complaints that One-Stop has not been working. Upon investigating several instances, the problem was at the Building Permit Stage. Plans submitted, deficiencies outlined etc. i.e. Dundas post office, cake shop on Locke, Carlisle Road Bistro, potato farmer/retail building, mission services renovation.
- **Solution:** Staff have drafted a Change of Use brochure/checklist to help reduce the number of potential deficiencies in BP applications. More work to be done.

A brief discussion followed regarding the various challenges and possible solutions and staff were requested to flag the challenges, review and prioritize them and report back to the Sub-Committee.

6. NEW BUSINESS

The Sub-Committee requested a list of who does what (who they should contact) in the various Divisions.

Also, the Councillors requested that they be advised of what is on going in their Wards.

7. Adjournment

(Collins/Pasuta)

There being no further business, the meeting be adjourned at 11:18 a.m.

Respectfully submitted,

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

Ida Bedioui
Legislative Co-ordinator
Open for Business Sub-Committee
February 22, 2012