Deputy Mayor Caplan called the meeting to order.

THE HEARINGS SUB-COMMITTEE PRESENTS REPORT 03-029 AND RESPECTFULLY RECOMMENDS:

1. Application to Amend the Flamborough Official Plan and Zoning By-law No. 90-145-Z, Millgrove Garden Supplies (Flamborough) (PD03189) (Ward 14) (Referred from Hearings Sub-Committee on August 6, 2003) (Item 4.2)

(Braden/Kelly)
(a) That approval be given to Official Plan Application OPA-02-21, by Ed Doktor (Millgrove Garden Supplies), owner, for lands located on Part of Lots 10 and 11, Concession 4, known municipally as 682 5th Concession Road West (former Town of Flamborough), as shown on Appendix “A” to Report # PD03189, on the following basis:
(i) That Schedule “B”, Rural Land Use Plan, be revised by identifying the subject lands as OPA # __ and by re-designating the subject lands as “Agriculture Site-Specific Area No.___” as shown on Schedule “B” to this Amendment.

Amend Section B.2.12, Agriculture – Site-Specific Areas, by adding Policy B.2.12. __, as follows:

B.2.12. __ “Notwithstanding Policies B.2.1, B.2.3 and B.2.4, the lands municipally known as 682 5th Concession Road West and identified as Site-Specific Area ___ on Schedule “B”, Rural land Use Plan of the former Town of Flamborough, a topsoil preparation and supply business shall be permitted.

Notwithstanding the heritage policies contained in Policy E.2, the stone house and silo located in the northern half of Lot 11, Concession 4, in the former Town of Flamborough, shall be retained and preserved in place”.

(b) That approval be given to Zoning Application ZAC-02-60, by Ed Doktor (Millgrove Garden Supplies), owner, for changes in zoning to Zoning By-law No. 90-145-Z, from the Agricultural “A” Zone to the Conservation Management “CM” Zone and the Site-Specific Agricultural “A-77(H)” Holding Zone to permit a topsoil preparation and supply business on the property located on Part of Lots 10 and 11, Concession 4, known municipally as 682 5th Concession Road West (former Town of Flamborough), shown on Blocks “1” and “2” on Appendix “A” to Report PD03189, on the following basis:

(i) That Block “1” be rezoned from the Agricultural “A” Zone to a Conservation Management “CM” Zone;

(ii) That Block “2” be rezoned from the Agricultural “A” Zone to a Site-Specific Agricultural “A-77(H)” Holding Zone;

(iii) That the Agriculture “A” Zone regulations, as contained in Section 33 of Zoning By-law 90-145-Z (Flamborough), applicable to the subject lands, be modified to include the following special provisions:

(1) Permitted Uses

That notwithstanding Section 33.1, a topsoil preparation and supply business and accessory uses, including a maintenance building not to exceed 450 square metres, shall be permitted only in conjunction with the existing stone dwelling and silo.

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**Topsoil Preparation and Supply Business** - Shall mean a business in which soil, manure and mulches are screened, mixed and/or stored on site for distribution off premises.

(2) **Zone Provisions**

That the following special zoning provisions shall apply to the development of the topsoil preparation and supply business:

| (aa) Setbacks | (i) A minimum 30 metre wide setback shall be provided and maintained along the entire westerly lot line, the Conservation Management “CM” Zone and the northerly side lot line.  
(ii) All building and structures, excluding a single detached dwelling, shall be setback a minimum of 145 metres from the front lot line. |
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<td>(bb) Berm</td>
<td>A landscaped berm having a minimum height of 1 metre shall be provided and maintained along the entire 30 metre setback from the Conservation Management “CM” Zone.</td>
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<tr>
<td>(cc) Parking</td>
<td>A minimum of 10 parking spaces shall be required.</td>
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(iv) That the General Manager, Planning and Development Department be authorized and directed to prepare a By-law, in a form satisfactory to Corporate Counsel, to amend Zoning By-law No. 90-145-Z for presentation to Council;

(v) That the amending By-law apply the Holding provisions of Section 36 (1) of the Planning Act, R.S.O., 1990 to the subject lands by introducing the Holding symbol ‘H’ as a suffix to the proposed Site-Specific Agricultural Zone. The Holding provision will prohibit the use of the subject lands for a Topsoil Preparation and Supply Business, until such time that a site plan has been submitted and approved, to the satisfaction of the Director of Development, Planning and Development Department. City Council may remove the ‘H’
symbol and, thereby, give effect to the Site-Specific Agricultural "A-77" Zone provisions by enactment of an amending By-law once the condition is fulfilled;

(vi) That upon satisfying the conditions of the ‘H’ symbol and submitting the required fee, the Director of Development, Planning and Development Department, be authorized and directed to give the prescribed notice in accordance with the provisions of the Planning Act and to prepare a By-law, in a form satisfactory to Corporate Counsel, to remove the ‘H’ symbol for presentation to City Council.

(vii) That the amending By-law be added to Map “A-10” of Zoning By-law No. 90-145-Z (Flamborough); and,

(viii) That the proposed changes in zoning are in conformity with the Hamilton-Wentworth Official Plan and will be in conformity with the Flamborough Official Plan upon the approval of the requisite Official Plan Amendment.

CARRIED

2. Smoking By-law No. 02-054 One-year Review HCS03033 (City Wide) (Referred from Hearings Sub-Committee February 13, 2002) (Item 4.3)

(Kelly/Jackson)
(a) That one-time funding of $135,000 for a mass media campaign ($100,000) and an additional .5 FTE Tobacco Enforcement Officer ($35,000) be considered and put forward as part of the 2004 Budget deliberations.

(b) That the Smoking By-law No. 02-054 one-year review, which was requested February 13, 2002, be removed from the outstanding business item list.

Recommendation (a) was split for voting purposes. Councillors Mitchell and Braden indicated that they wished to be recorded as OPPOSED to the funding of $100,000 for a mass media campaign.

CARRIED

3. Progress on Homelessness in Hamilton (HCS03034) (City Wide) – (Referred from Hearings Sub-Committee May 28, 2003) (Item 4.4)

(Merulla/Kelly)
(a) That Report HCS03034 regarding Progress on Homelessness in Hamilton be received for information.

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(c) That the Progress Report on Homelessness item, referred from HSC on May 28, 2003, be identified as completed and removed from the Outstanding Business List.

CARRIED

4. **Glanbrook Home Support Programme Inc. (FCS03111) (City Wide)** (Referred from Hearings Sub-Committee on March 20, 2003) (Item 4.5)

   (Mitchell/Dilanni)
   (a) That in 2004, Glanbrook Home Support receive $9,020 to be funded from the interest from the Glanbrook Reserve and that the program be re-evaluated at the end of 2004;

   (b) That Item R on the Hearing Sub-Committee Outstanding Business List dated March 26, 2003, be identified as completed and removed.

CARRIED

5. **Mr. Chris Green respecting sidewalks on Etherington Crescent (Item 5.1)**

   (Mitchell/Jackson)
   That in response to a petition received from the residents of Etherington Crescent requesting that no sidewalk be installed on their street, that no sidewalk be installed on Etherington Crescent, and that staff be directed to take the appropriate measures to bring this about legally.

CARRIED

Councillor A. Horwath indicated that she wished to be recorded as being OPPOSED to this item.

6. **Modification of Traffic Signal – Barton Street East and Nash Road North**

   (Collins/Morelli)
   That the traffic signals at the intersection of Barton Street East and Nash Road North be modified with an Advanced green signal for westbound traffic onto Barton Street.

CARRIED

**FOR THE INFORMATION OF COUNCIL:**

(a) **Declarations of Interest (Item 1)**

   Councillor Horwath declared an interest with respect to Item 4.3 as she owns property which is leased to a restaurant operator.
(b) **Adoption of Minutes (Item 2.1)**

The Minutes of Hearings Sub-Committee Meeting 03-028 held on August 13, 2003 were adopted as presented.

(c) **Application for a Change in Zoning for Lands Located South of Stonechurch Road West Known Municipally as 956 Upper Paradise Road (Hamilton) (PD03192) (Ward 8) (Item 4.1)**

On a MOTION moved by Councillor D'Amico seconded by Councillor Merulla this item was TABLED for an additional two weeks.

(d) **Application to Amend the Flamborough Official Plan and Zoning By-law No. 90-145-Z, Millgrove Garden Supplies (Flamborough) (PD03189) (Ward 14) (Item 4.2)**

This item was tabled at HSC on August 6, 2003 and has been placed back on the Agenda at the request of the lawyer for the applicant.

Cam Thomas outlined the report to Committee.

Ms. Kathy Laforme expressed concerns with respect to the location of the storage of manure on the site. Deputy Mayor Caplan acknowledged receipt of her correspondence which was included in the agenda.

Councillor Braden advised that a public meeting was held, and despite legitimate concerns expressed by residents, the issues were dealt with reasonably by staff. Staff reported that the topsoil operation would be located close to the 5th Concession, which is the area zoned for this particular use, and the rear of the property will be used for agriculture.

Mr. Keith Birch, planning consultant, supported the application.

The Committee approved the staff recommendation.

(e) **Smoking By-law No. 02-054 One-year Review HCS03033 (City Wide) (Item 4.3)**

Dr. M. Taha and Mr. Rob Hall gave an overview of the report and responded to questions of the Committee.

Members of the Committee acknowledged the efforts of Dr. Taha and Rob Hall for the work undertaken by them and their staff.

Councillor Kelly requested staff to keep Council informed with respect to how other municipalities are handling this issue, via e-mail to all members of Council.
Councillor Braden advised that despite their opposition to the by-law at the time, the General Manager of Flamborough Downs has advised that both revenue and attendance have increased.

Councillor McCarthy requested that any future updates include what opportunities can be explored to be more aggressive with the by-law while staying within the confines of the current by-law (i.e., legal obligations).

Deputy Mayor Caplan provided an update from AMO with respect to this issue.

(f) Progress on Homelessness in Hamilton (HCS03034) (City Wide) – Referred from Hearings Sub-Committee May 28, 2003 (Item 4.4)

Joe-Anne Priel, gave an overview of the report which deals with the impact of homelessness on the community.

She indicated that another staff report will be presented to Committee of the Whole which will be based on extensive community and stakeholder consultation.

The Committee approved the staff recommendation.

(g) Glanbrook Home Support Programme Inc. (FCS03111) (City Wide) (Item 4.5)

Robert Rossini gave a brief overview of the staff report, and confirmed that monies are available in the Glanbrook Reserve that can be used for the program.

Janice Gumbley, General Manager of Glanbrook Home Support, appeared before the Committee. She clarified that Glanbrook Home Support was not asking for the entire program to be sustained, but only inquiring as to how much money was available and how much could be allocated on a regular basis. The grant currently received through Trillium is being reduced by $12,000 each year over the next five years. The program has 250 volunteers and is vital to the Glanbrook community, which is the second largest growth area in the City. She indicated that the volunteers have offered to carry out fundraising to raise as much money as possible.

The Committee considered the staff report and subsequently approved a revised motion regarding this matter. (Reference Item 4)

(h) Mr. Chris Green respecting sidewalks on Etherington Crescent (Item 5.1)

Mr. Chris Green addressed Committee.

Mr. Green provided Committee with a copy of his handout, which will become part of the public record.

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Mr. Green appeared before the Committee to requesting an amendment to plan of subdivision agreement to provide that no sidewalk be installed on their street.

Staff advised that at the time the subdivision was approved, sidewalks were required for subdivisions of less than 60 residents on a crescent and therefore there is a contractual agreement between City and the developer to install sidewalks.

Tim McCabe indicated that the current policy would exempt requests of this type. Don Fisher, legal counsel, explained the procedure that would be required to amend the subdivision agreement to exempt installation of sidewalks. The procedure would require that all residents on the crescent must sign the appropriate documents. Staff will undertake the necessary actions required.

A motion to table this issue by Councillor Horwath, seconded by Councillor Bain, was defeated. Subsequently, the motion, as presented, was carried.

Deputy Mayor Caplan thanked the delegation.

(i) Mr. Pat DeCaria on behalf of the Hair Stylists Industry respecting costs/fees applied to hair salons and barbershops through licensing and public health (Item 5.2)

Mr. Pat DeCaria addressed Committee on behalf of the Hair Stylists Industry and provided Committee with a copy of his handout, which will become part of the public record.

Mr. DeCaria requested that consideration be given to reducing annual licensing fees from $225 for existing businesses and $290 for new businesses to $75 per year for new and existing businesses. He was not disputing the requirement for health and/or fire inspections and requested that inspection certificates be issued to the operators as proof that the establishment is in compliance with City regulations.

On a motion by Councillor Dilanni, seconded by Councillor Merulla, this matter was referred to staff with instructions that a report be brought back, including:

(a) financial implications of reducing the licensing fee;
(b) cost of conducting inspections (cost recovery) and the feasibility of issuing certificates;
(c) differences in licensing fees for different types of establishments in terms of risk (e.g., barbershop, full service salon, tattoo shop, aesthetics, piercing).
(j) Mr. Brian McHattie respecting opportunities presented by applying a bottom-up community economic development approach in Hamilton (Item 5.4)

The Committee was advised that Mr. McHattie was unable to attend due to conflicting schedules.

(k) The Committee received presentation from the following with respect to homelessness and poverty issues:

(i) Mr. Murray Lumley and Ms. Darlene Burkett respecting Campaign for Adequate Welfare and Disability Benefits (Item 5.3)

Mr. Murray Lumley and Ms. Darlene Burkett addressed Committee. A copy of their presentation was distributed and will become part of the public record.

(ii) Mr. Mark Williams on behalf of Homelessness Initiative Campaign for Adequate Welfare (HICFAW) respecting report titled "A Portrait of Poverty" (Item 5.5)

Mr. Mark Williams addressed Committee and gave a powerpoint presentation (copy to be provided to the Committee).

Mr. Williams provided Committee with a copy of HICFAW’s report entitled, "A Portrait of Poverty", which will become part of the public record.

Following his presentation Mr. Williams requested Council’s consideration of the recommendations contained in the HICFAW report and responded to questions posed by the Committee.

(iii) Ms. Darlene Burkett on behalf of the Disability Action and Networking Group respecting concerns about disability issues (Item 5.6)

Ms. Darlene Burkett addressed Committee.

Ms. Burkett provided Committee with a copy of her handout, which will become part of the public record.

Deputy Mayor Caplan directed the Clerk forward a copy of Ms. Burkett’s presentation to the City’s Advisory Committee for Persons with Disabilities for review and comments.

(iv) Ms. Shannon Wray and Ms. Julie Gordon behalf of the Social Action Committee of the Hamilton and District Social Workers Association respecting poverty and homelessness (Item 5.7)
Ms. Julie Gordon, Shannon Wray and Darlene Forest addressed the Committee. Copies of the presentations by Ms. Gordon and Ms. Wray were provided to Committee and will become part of the public record. Ms. Forest explained the difficulties she experienced while applying for assistance through the Ontario Works program.

Councillor Horwath advised that large communities throughout the Province have audit and management support provided through their respective corporate management teams and City Managers to:

(aa) manage Ontario Works review;
(bb) perform regular reviews of Ontario Works files to identify inadequate/inappropriate policies, procedures, inconsistencies among work teams; performance evaluation; issues regarding client services (consistency, fair treatment, timeliness); areas requiring further staff training;
(cc) complete investigations of outstanding allegations of fraud;

She directed that this matter be referred to staff to investigate a similar type of system for implementation through the Audit Sub-Committee.

Joe Anne Priel indicated that she will arrange a meeting to review the problems and include Provincial representatives.

(v) Ms. Fiona Williams on behalf of the Social Action Committee of the Ontario Association of Social Action respecting poverty and homelessness (Item 5.8)

Ms. Fiona Williams addressed Committee and provided a copy of her handout, which will become part of the public record.

Ms. Williams emphasized the effect of the provincial claw back of the National Child Benefit Supplement on the children of families receiving social assistance and requested that this issue be brought to the attention of the Provincial Government.

(vi) Ms. Carol Ann Nelson respecting Tenant Advisory Committee (Item 5.9)

Ms. Carol Ann Nelson addressed Committee, and provided Committee with a copy of her handout, which will become part of the public record.

Her presentation addressed the following issues:

(aa) active lobbying of the Provincial Government for changes to the Tenant Protection Act that would safeguard the tenants, and to the Ontario Works and Ontario Disability;
(bb) construction of more affordable housing;
(cc) improvements to residential care facilities;
(dd) enforcement of property standards
(ee) discrimination and housing;
(ff) City-wide tenant education, advocacy and consultation.

(vii) Mr. Peter Hutton (added speaker - Item 5.10)

Mr. Hutton addressed the Committee on behalf of the “Ontario Needs a Raise”, and focused on the question of minimum wage. A copy of his handout was distributed and will become part of the public record.

Deputy Mayor Caplan thanked all of the delegations.

Joe-Anne Priel advised that she and her staff will be reviewing all of the presentations for a report back to the Hearings Sub-Committee addressing a number of the issues expressed throughout all of the presentations.

Deputy Mayor Caplan and Councillor Horwath indicated that they would review the materials provided and compose a omnibus resolution for Council incorporating many of the comments made during the presentations, to be forwarded to AMO.

(I) Notices of Motions (Item 7)

None

(m) General Information (Item 8)

None

(n) Adjournment (Item 10)

The Hearings Sub-Committee adjourned at 12:30 p.m.