Present: Chair T. Whitehead


Staff Present: T. McCabe, General Manager – Planning and Economic Development
P. Mallard, T. Sergi, D. Cuming, B. Janssen – Planning and Economic Development
A. Rawlings, Co-ordinator - City Clerk’s Office

THE ECONOMIC DEVELOPMENT AND PLANNING COMMITTEE PRESENTS REPORT 08-018 AND RESPECTFULLY RECOMMENDS:

1. Outstanding Business Item K: Review of Timing of Decisions for Applications Considered at Public Meetings (PED08029) (City Wide)

That the entire matter be tabled and that staff be directed bring back the amendments to the staff recommendation, proposed by Councillor McHattie, together with the other proposals put forward by members of the Committee, to the Meeting of October 7, 2008, for further deliberation.

FOR THE INFORMATION OF COUNCIL:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised of the following changes:

- added speakers have registered since the Agenda published, their names have been added to a Speakers’ List, and distributed this evening.
- Several added communications have also been distributed to members.
The Agenda for the September 22, 2008, meeting of the Economic Development & Planning Committee was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

None

(c) Outstanding Business Item K: Review of Timing of Decisions for Applications Considered at Public Meetings (PED08029) (City Wide) (Item 6.1.1)

Paul Mallard provided an overview of the staff report. He noted that during the preparation of the report, eleven comparable municipalities had been surveyed to review possible “best practices”.

Mr. Mallard explained the changes which had been approved by Council in 2003, and the resultant improvements to the public input process, and then outlined alternatives for consideration. He highlighted the two changes to the process being recommended by staff.

In response to questions from Committee, staff provided the following additional information:

- average processing time frame for an application is 4-5 months
- Committee always has option of tabling an item, after the public meeting, for a decision at a later meeting
- Hamilton process is quicker than several other municipalities
- Committee considers a large number of items per year, to date, Planning and Development has completed over 260 reports; Public Works is the second major report producer, they have done approximately 100 reports so far this year
- special evening meetings are arranged when needed
- regular evening meetings will mean administrative crunch, additional costs in terms of personnel and staff overtime.

The Chair advised Committee that there were added communications which had been distributed tonight, from the following individuals and groups;

Julie Vohra
Ted Mitchell
Ainslie Wood/Westdale Community Association
Georgina Beattie
(e) Public Delegations (Item 6.1.3.)

Grant Ranalli

Mr. Ranalli addressed Committee. His comments included, but were not limited to the following;

- concerns about behaviour and decorum of Councillors at meetings. Politicians and staff work hard, and long hours, but behaviour should be polite
- appalled by behaviour of a few of Councillors who laugh, joke, stroll around, work on their blackberries while a citizen is presenting
- need proper consideration given to the public, need equity and professionalism to be displayed
- suggested meetings during day for smaller, standard issues and evening meetings for major issues
- Committee should hear public input and vote at next meeting

Jeff Bush

Mr. Bush was not present to address Committee.

Herman Turkstra

Mr. Turkstra was not present to address Committee. The Chair noted that Mr. Turkstra was presently involved in an OMB Hearing outside Hamilton, and had advised that he would probably arrive later.

The Chair then asked speakers who were included on the Speakers' List to come forward.

Don McLean addressed Committee. His comments included, but were not limited to the following;

- meeting was not well advertised, so information did not reach people
- concern about the “5 minute” speaker rule, asked for new Provincial rules on Planning Act Public Meetings to be considered for all items
- individual public meetings take too long, no assurances on timing of start/finish of meetings for the public, Committee meetings are too long
- Hamilton Convention Centre not the best, not the worst place for meetings, Public Library better
- Concern about operation of public open houses, requested a new approach, better information needed, presentation needs to be changed

Council – September 24, 2008
- Public Works open houses are better, waste management run catchy ads, these attract people
- Suggested all processes which include public participation be included in a later staff report
- Ask everyone who has been involved in a public meeting for comment back on their views
- Suggested hiring a consultant to help facilitate process of public meetings
- Large advertisements in the Spectator are not attractive, can turn people off
- Suggested public meeting on applications be held before staff report written, to hear public first, potentially avoid expensive OMB Hearings
- Suggested establishment of “threshold” for applications, major ones would go to evening meetings, non-controversial to daytime meetings
- Dislikes “16 mayor” system in Hamilton, where Ward Councillor had too much power
- Would like all votes on all items be recorded.

Georgina Beattie was not present to address Committee, but had sent in a letter of comment.

Ray Zencowich, Hamilton Halton Home Builders Association, addressed Committee. His comments included, but were not limited to the following;

- in favour of staff report and present system, allows exchange of real views, likes information sessions
- developers often hold information sessions, they work well, but not needed for all applications
- City doing well in meeting Provincial guidelines on timing, concern that adding more meetings and delaying decisions will cost developer too much, and that the added costs will be passed along to consumers
- Extended time frames may cause more developers to appeal to OMB, further increasing costs to future homeowners
- Major applications should be considered at evening meetings, local Councillors should decide which are major items.

John Norris addressed Committee. His comments included, but were not limited to the following;

- read and distributed a written statement respecting difficulties experienced by a group of neighbours in May 2007, who attended a Public Meeting of Planning and Development Committee respecting surplus school property but were advised that no further need for meeting as land already rezoned to residential
- concern that City could have rezoned school properties to residential, without appropriate, clear notice to residents that this type of rezoning was contemplated
- critical of City Notices which did not explain, in clear language, what intent of rezoning respecting institutional zones really meant – that surplus school board property could now automatically be reused for residential without any public process
- concern for loss of existing parkland, impact on neighbourhoods, now and in future, concern that process should be open and clear, allowing informed public involvement
- planning system has failed public, nobody understood and nobody explained potential impacts
- noted his previous two text change rezonings, three appeals to OMB, all in desire to make Hamilton better, all at no financial gain to him Requested this type of application should have application fees waived/refunded.

Committee agreed with issues raised by the speaker, and expressed concerns about this situation respecting school board property, lack of clarity in the relevant advertisements.

Councillor Duvall suggested that he would be putting forward a Notice of Motion to address this problem.

Sergio Manchia addressed Committee. His comments included, but were not limited to the following;

- as a professional planner, considered City process to be a good one, and that previous suburbs had also had good processes
- concern about timing of release of planning reports, reports held until Councillors have seen them, delays public review
- Information meetings are important, praised Councillors who have good systems in place, believes in public discussion early in process
- Committee meetings are too long, when an item cannot be resolved, refer it back to staff

Chair Whitehead asked if there were additional persons who wished to speak.

Mike Jefferson, Ancaster, addressed Committee. His comments included, but were not limited to the following:

- had been against amalgamation
- process lacks thoroughness and follow-through
- what is short and long term theme for City?
- too many unrealized plans, City lost money on bike races, Waterfront Plan has not happened
- Where is LRT plan, he had asked for information but no one contacted him.
Chair Whitehead advised the speaker that while his points were valid, this meeting was not the place to debate them.

Councillor Ferguson asked the speaker to contact his office directly to arrange an appointment, and he would discuss the concerns with Mr. Jefferson.

David Harris, Mother Street, Glanbrook, addressed Committee. His points included, but were not limited to, the following:

- concern about 2005 OMB Hearing into Effort Trust application. Planners had changed their minds during processing of application, information supplied to Board not complete/up-to-date, enforcement of OMB decision not appropriate, lack of staff follow-up.

Chair Whitehead suggested the speaker could address the Committee directly on these issues, by contacting the Clerk and making a delegation request.

Councillor Mitchell assured the speaker that his communications to the City would be answered.

Brian Graham, Ancaster, addressed Committee. His comments included, but were not limited to, the following:

- people are unable to access meetings, publicity issue
- suggested using internet to communicate with people, content management system, need two-way communication, good way to facilitate knowledge, not yet available on City site.

The Committee continued their discussion on the staff recommendation;

(a) That Council amend the Public Participation and Mediation in the Planning Approval Process (PED03105) by adding the following new policies:

(i) That a copy of all correspondence received in response to the preliminary circulation letter be forwarded to the Ward Councillor immediately upon receipt of such correspondence.

(ii) That a Public Information Meeting be held prior to the scheduling of the formal Public Meeting where, in the opinion of the City’s Manager of Development Planning, in consultation with the Ward Councillor, it is seen to be beneficial to address public issues raised in response to the preliminary circulation letter.
Committee considered the points raised by the speakers, and had additional information supplied by staff.

Committee considered a number of issues, including but not limited to, the following:

- the advantages and disadvantages of the current system
- plan language in advertising applications and meetings, type of advertising
- length, number, timing, duration of meetings
- cost of changes to current system, cost of OMB Hearings
- need for public information sessions, “threshold” for special meetings

Councillor McHattie, seconded by Councillor Clark, moved the following as amendments to the staff recommendation:

b) that the staff “alternative option” to streamline the process be adopted, such that a monthly separate meeting be convened to consider non-public meeting and discussion items (i.e. Consent items, presentations, delegations, and information reports);

c) While acknowledging the requirement to specify legislated Planning Act language, that clear and “catchy” titles be used for EDP public meetings (i.e. as is done by the Waste Management Committee);

d) that staff investigate a delivery of a questionnaire to people who have made delegation to EDP in order to gain ideas to improve the process;

e) that prior to open houses, material be posted to the City website so citizens are prepared to participate;

f) that the Procedural By-law 5 minute speaking rule be referred to the Governance Sub-Committee for review.

Councillor Ferguson noted the difficulty of all members comprehending the number of details which were included in the amendment, and the need to consider then in written form, before Making a decision.
Councillor Ferguson, seconded by Councillor Duvall, moved the following Motion:

That the matter be tabled, with direction to staff, to bring back the proposed amendments to the next meeting so the Committee could properly reflect on them before making a decision.

The Motion was lost on a tie vote.

Committee continued their discussion of the matter, and the following additional points were made by members:

(i) that the current schedule of daytime meetings should be maintained
(ii) that an appropriate threshold be established with regard to the holding of special evening meetings concerning significant matters
(iii) that all members should receive all correspondence following the preliminary circulation of an application
(iv) that legal items involving the City Solicitor, should continue to be addressed at a set time, being 12 noon
(v) that the Agenda be re-arranged to place “carry-over” items at the start of the meeting
(vi) that the agenda be re-arranged to place Public Meetings ahead of Consent Items
(vii) that evening Public Meetings, Pursuant to Planning Act items, be held very two weeks
(viii) that the current schedule of two meetings per month be re-arranged, to have one meeting specifically for Public Meetings and the second one for the balance of items considered by committee
(ix) that the issue of decorum and conduct of Councillors at meetings should be considered further, and by the Integrity Commissioner.

Councillor Ferguson, seconded by Councillor Duvall, moved a tabling Motion:

Committee approved the Motion. Councillors Pearson and Mitchell requested their opposition be recorded.

Chair Whitehead thanked all those in attendance for their participation in the meeting.

(g) Motions (Item 9)

None
(h) Notice of Motion (Item 10)

Councillor McHattie introduced his Notice of Motion. He noted that the Notice had been distributed to members at the start of the meeting.

Whereas Economic Development and Planning Committee meetings currently run 6-8 hours with the public meeting component being the substantive portion of the meeting;

And whereas, citizens wishing to speak at the public meetings are often required to take time off work due to the daytime nature of the Economic Development and Planning Committee meeting;

And whereas, due to the long meetings, citizens often have to wait for many hours before speaking;

And, whereas, City Council is committed to improving public consultation via their new corporate strategic plan;

Therefore, be it resolved;

(a) That the Economic Development and Planning Committee meetings be restructured as follows and be in place for January 1, 2009:

(i) That the public meetings component be moved to evening meetings, every two weeks, and

(ii) That the policy and other reports component remain a day-time meeting, every two weeks or as required.

(i) General Information (Item 11)

None

(j) Private and Confidential (Item 12)

None
(k) ADJOURNMENT (Item 13)

On a Motion, the Economic Development and Planning Committee adjourned at 9:45 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
September 22, 2008