Special Planning and Economic Development Committee
REPORT 05-023
October 27, 2005
6:00 p.m.
Council Chambers
Hamilton City Hall
71 Main Street West
Second Floor
Hamilton, Ontario

Present:  Chair T. Whitehead
1st Vice-Chair M. Pearson
2nd Vice –Chair D. Mitchell
Councillors:  B. Bratina, M. Ferguson, B. Kelly, B. McHattie,
S. Merulla,

Staff Present:  N. Everson - Planning and Development
H. Milsome – Downtown Renewal
D. Beck – Assistant Corporate Counsel
A. Rawlings, C. Biggs – City Clerk’s Office

FOR THE INFORMATION OF COUNCIL:

(a)  Changes to the Agenda
None

(b)  Declarations of Interest
None

Council – November 9, 2005
During the course of the meeting, Chair Whitehead relinquished the Chair on several occasions to First Vice Chair Pearson in order to join in the debate and to request additional information from staff and the public.

Chair Whitehead welcomed everyone to the Special Meeting of the Planning and Economic Development Committee, regarding the Hamilton Store Hours By-law. He explained that the Public Meeting was intended to hear input from the public on the by-law and that following the public presentations, staff would consider the points raised and prepare a report for consideration at a later meeting of this Committee.

Chair Whitehead continued that he was requesting that speakers keep their presentations in line with the 5 minute rule in the Procedural By-law, and not to repeat points already made by other speakers.

However, he noted that due to the importance of the subject matter, some speakers might need longer than usual and that he would therefore ask each speaker, before they start, how long they would need to fairly explain their views.

Chair Whitehead added that any written presentation material should be given to the Clerk.

Hazel Milsome provided an overview of the current by-law, R79-202, with the aid of a powerpoint presentation. Ms. Milsome noted that she had surveyed fourteen municipalities and found that 13 of the 14 do not have a Store Hours By-law but referred to the Provincial Retail Business Holidays Act. This Act controls the opening of stores on statutory holidays and has specific provisions for exemptions from closure provisions.

In addition, she had contacted 9 Business Improvement Areas across Ontario and found that most open Monday – Wednesday until 5:30 pm or 6:00 pm, Thursdays and Fridays until 8:00 or 9:00 pm and that few open on Sundays.

Ms. Milsome explained that a previous amendment to the existing by-law, regarding the prohibition on opening on the Civic Holiday had led to concerns from the local BIAs. This in turn had led to a Committee request for staff to review the operation of the by-law, and to the staff report considered by Committee on June 7, 2005.
Chair Whitehead then invited the speakers who had registered to come down to the podium to address Committee, and to write their name, address and phone number in the book provided, prior to speaking. He invited Irene Wysocki to speak first.

1. Irene Wysocki

Ms. Wysocki was not present to address Committee.

2. Kathy Drewitt, Downtown Hamilton BIA

Ms. Drewitt addressed Committee and expressed her opinions regarding the current Store Hours By-law. These included, but were not limited to,

- Current by-law sets uniform hours of operation; allows for exemptions; sets fines, sets parameters around procedures for exemptions to by-laws; and sets procedures for special occasions so, why do we need by-law changes?
- Current by-law allows stores to open 96-101 hours per week, why is there any need to open more than this?
- Quality of life issue for thousands of people in Hamilton, both workers and owners
- Many businesses are family-run, “mom and pop” operations and increases to opening hours will cause issues of competition, hardship
- If Hamilton store opening hours extended, ripple effect around Golden Horseshoe, as other municipalities follow Hamilton’s lead
- Need clarification around Civic Holiday opening
- Existing by-law needs review regarding overly long list of exemptions
- Concern that HSR provides additional services to stores on Mountain but not to stores below Mountain – unfair advantage

3. Tracy Fox

Ms. Fox addressed Committee and expressed her opinions regarding the current Store Hours By-law. These included, but were not limited to,

- People who work in retail and people who live near malls do not want extended hours
- Students no longer want to work in retail because expected to work weekend, holidays, etc.
• Extended hours will jeopardize smaller businesses
• Consumers will pay for closure for stores in which they shop
• Retailers and employees will have less personal time, quality of life issue
• Approx. 95,000 Hamiltonians struggle each month, many are working poor
• Please do not subject citizens to later hours
• By-law should not allow exemptions, no matter what is sold
• Request to put issue of Sunday shopping on ballot for next Municipal election.

4. Amy Rolfe, Mountain Plaza Mall
• City should not tie the hands of plaza and mall operators, especially on Civic Holiday and for midnight madness sales
• Hamilton should keep up with times – people who want to shop do so spontaneously and if stores are shut, they will spend their dollars elsewhere
• People want to shop at different hours, e.g. shiftworkers
• Need to keep up with times, different shopping habits and keep competitive

5. Lorraine Murphy, Mountain Plaza Mall
• Requested, on behalf of Mountain Plaza Mall, that shopping centres/retail be allowed to stay open longer
• Additional hours vital to viability of stores, particularly in month before Christmas
• Has conducted research on who buys and when, and shopping habits have changed, particularly with families with two parents working, need longer hours
• Retail a very competitive market, need to stay up-to-date or shoppers will take money elsewhere. This would be a loss to Hamilton’s economy as a whole.
• Mountain Plaza Mall just celebrated 50 years, needs to remain competitive, includes many mom and pop businesses among the 90 in mall
• Many businesses use students for part-time work, vital part of the economy

6. Richard Saker – General Manager, Eastgate Square
• Eastgate Square has no issues with current by-law
• Existing by-law is working because malls in surrounding areas have same hours as Hamilton
Committee discussed the matter in detail and had additional information supplied by staff and by the speakers.

Councillor Kelly noted that a change in opening hours would mean stores across the City could choose different hours, but the issue of competition for business could cause other stores to feel they had to be open. However, on Concession Street, most businesses choose to close early and do not open Sundays.

Councillor McHattie noted that if BIAs choose not to open certain hours, issue is still loss of business, and that this puts pressure on smaller stores. He considered that opening hours represent a quality of life issue, that there are negative impacts from our consumer society.

Councillor Bratina asked questions about the membership and views of the Downtown BIA and Ms. Drewitt responded that there were 450 businesses, a full range of services and agreement with the views she had put forward.

Councillor Whitehead noted that Ms. Drewitt, on behalf of the Downtown BIA, was the only BIA present to put forward views, and that nothing had been received from the other BIAs.

Councillor Ferguson asked a number of questions regarding fixed costs versus variable costs of doing business. He noted that many people now shop after 6:00 pm, that there had been major changes in shopping habits over the last few years and that in order to keep their share of the market, retailers should be given a choice.

Councillor Merulla advised that he understood the arguments made on behalf of small businesses but that if overall hours are extended, there could be an increase in the economy and be more people hired in retail. He noted that the arguments appear more a philosophical than an economic debate.

Councillor McHattie added that there are adverse impacts from opening stores for longer hours and Sunday shopping including a negative impact on family time. Speaking as the Chair of HABIA, he considered that the present system is working well and suggested that staff look at a commercial study as part of GRIDS and look at social implications of the by-law, not just at a consumer approach.

Councillor Kelly considered that we now live in a 24 hour society and this is the current reality which regulations and by-laws must recognize. He noted that Hamilton needs to
attract and maintain businesses and thus flexibility in addressing their needs, and the needs of their customers is essential.

Councillor Kelly concluded that we must recognize the reality that without flexibility, Hamilton and its businesses could lose its market share. He noted the importance of keeping an open mind in the reality of a 24 hour society.

On a Motion by Councillor Merulla, seconded by Councillor Kelly, Committee received the delegations and written submissions.

On a Motion by Councillor Merulla, seconded by Councillor Kelly, Committee referred the matter back to staff, with direction that staff should consider all the points raised at this meeting, and report back with recommendations regarding store hours.

Chair Whitehead thanked all the delegations and the Committee for an excellent discussion on the Store Hours issue.

(e) Adjournment

The Planning and Economic Development Committee adjourned at 7:30 p.m.

Respectfully submitted,

Terry Whitehead, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
October 27, 2005