THE CITY OF HAMILTON LICENSING COMMITTEE PRESENTS REPORT 06-005 AND RESPECTFULLY RECOMMENDS:

1. Refreshment Vehicles (i.e. Hot Dog Carts) Located at Establishments in the Hess Village Entertainment District (PED06193) (Ward 2) (Item 5.1)

That a condition be added to all Refreshment Vehicle Licences (i.e. Hot Dog Carts) issued within the Hess Village Entertainment District operating in conjunction with an Eating Establishment, requiring the closing down of the operation of the Refreshment Vehicle no later than 2:30 a.m.
2. **Hess Village Entertainment District Closing By-law**

That a by-law be created to establish a specific closing time of 2:30 a.m. for all establishments and refreshment vehicles located within the Hess Village Entertainment District.

3. **Parking Enforcement for Taxicabs in the Hess Village Entertainment District**

(a) That parking enforcement staff use discretion in enforcing the parking restrictions for taxicabs only on Queen Street in the vicinity of the Hess Village Entertainment District during the late evening and early morning hours.

(b) That a timeframe for discretionary enforcement of parking restrictions for taxicabs only, on Queen Street in the Hess Village Parking District, be established by the appropriate staff.

(c) That staff investigate the possibility of creating a part-time taxi stand(s) on Queen Street, in the vicinity of the Hess Village Entertainment District during the required hours.

FOR THE INFORMATION OF THE COMMITTEE:

(a) **CHANGES TO THE AGENDA (Item 1)**

The Clerk noted the following change to the agenda:

(i) Added as Item 9.1 – Verbal Update respecting the City of Hamilton Licensing Code By-law 01-156.

The agenda was approved, as amended.

(b) **DECLARATIONS OF INTEREST (Item 2)**

None were declared.

(c) **MINUTES OF MEETINGS (Item 3)**

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The Minutes of the May 4, 2006, meeting of the City of Hamilton Licensing Committee were received and adopted, as presented.

(d) Refreshment Vehicles (i.e. Hot Dog Carts) Located at Establishments in the Hess Village Entertainment District (PED06193) (Ward 2) (Item 5.1)

Constable Tony Furness, of the Hamilton Police Service, noted that he had met with the Hess Village Task Force and it was determined that people were hanging around the Hess Village Entertainment District, after closing, due mainly to the availability of food after 2:00 a.m.

Those who lingered in the area tend to stay anywhere from an hour to an hour and a half past closing. This is when things tend to get loud and out of control opposed to patrons heading toward home.

Incidents have ranged from noise complaints from area residents, to fights and unruly behaviour by intoxicated patrons; all of which draw on Police Service staffing. Additional officers, over and above the eight paid duty officers assigned to the Hess Village Entertainment District, often need to be called in for assistance to ensure the safety of both the patrons and police officers in the Village. Situations such as assault, assault with a weapon and vandalism have occurred in the Hess Village Entertainment District.

It would be beneficial to have the larger crowd disperse into smaller crowds at the end of the evening (closing 2:30 a.m./2:45 a.m.), as smaller crowds are easier to manage and are less likely to cause a disturbance.

Constable Furness noted that a large part of the problem is that certain establishments continue to over serve patrons. Also, those patrons of a younger demographic (19-22) tend to not be able to hold liquor well and are often unable to determine their limits.

(e) Jim Skarratt representing the Lazy Flamingo, 19 Hess Street South, Hamilton, Ontario and Skarratt Promotions Inc. o/a Masque Village Pizza, 13 Hess Street South, Hamilton, Ontario (Item 6.2)

Mr. Jim Skarratt of the Lazy Flamingo and Masque Village Pizza stated that he closes his kitchens and stops serving food at midnight and does not have a hot dog cart; however, supports the availability of the carts in Hess Village. It was also stated that most establishments in Hess Village stop serving food around midnight.
Mr. Skarratt feels that patrons who are intoxicated would be better off remaining in Hess Village, where there are paid duty officers, while attempting to eat before going home.

(f) Steven Tarpos representing 1277508 Ontario Inc. o/a Side Bar, 96 George Street, Hamilton, Ontario (Item 6.1)

Mr. Steven Tarpos of Side Bar, 96 George Street, stated that he would like the hot dog carts to remain open until 2:30 a.m. to 2:45 a.m., as the busiest times are between 2:00 a.m. and 3:00 a.m.

Mr. Tarpos also advised Committee that he would be opening another hot dog cart at the Gown and Gavel, 24 Hess Street South, in the near future.

(g) Roger Auger, Owner – Street Meat King (Hot Dog Cart) (Item 6.3)

Mr. Roger Auger, Owner of Street Meat King and operator of the hot dog cart located at the Funky Munky Ribhouse at 115 George Street, provided an overview of his presentation.

Mr. Auger proposed a closing time (for the hot dog carts) of 2:30 a.m. with a grace period of 15 minutes to clean up.

It was also reiterated that several establishments continue to over serve their patrons, which is a large part of the issue. He also believes that the lack of taxicabs available to transport the patrons, who are leaving the Village, is another part of the problem.

Parking Enforcement officers are ticketing and asking taxicab drivers who are parked in the Queen St. and George St. area to leave. In turn, leaving no available taxis for the patrons who wish to leave the Village.

Mr. Auger feels that it is the best interest of the community to provide food to the patrons in the Hess Village Entertainment District, especially to those patrons who may be intoxicated, before they leave to either walk or drive home.

Constable Furness clarified that those patrons who are intoxicated when they leave an establishment would not be sober enough to drive after having several hot dogs. He also noted that he did not feel that the hot dog carts were the problem, but it was some who hung around the carts to obtain food.
after closing. Property damage is also being caused as patrons are leaving the Village.

(h) Bruce Berblund for Doors Pub and Pizzeria, 56 Hess Street South, Hamilton, Ontario – Recommendation to Place Conditions on Restaurant (Establishment) Licence (Item 4.1)

Mr. Berblund advised Committee that he has been in Hess Village for 10 years and has a mainly local clientele (neighbourhood pub atmosphere) who are regulars.

Mr. Berblund noted that he had always made an effort to quickly rectify any issues, which were brought to his attention, by the City, Police Service or the local neighbours. Since being notified of the hearing, he has made additional adjustments such as: moving three of his patio tables up against the fence in order to remove them from the view of the adjacent apartment buildings, and a fountain and other items have been placed on the patio to reduce space for patrons to gather.

It was confirmed, by Mr. Berblund, that verbal warnings had been received by the City with respect to noise complaints from local residents. He now attempts to keep both the front and side door closed whenever possible. During evenings when music is being played there is a staff member stationed by the front door to ensure that it remains closed after patrons enter and exit the premises.

It was also suggested that a police officer park in the parking lot adjacent to the establishment around closing in order to discourage patrons from loitering or causing damage in the parking lot.

Acting Sergeant Brandy Frazier stated that an analysis of the establishment had been done for the period of May 10, 2005, to May 10, 2006, to determine the frequency and types of police calls.

It was determined that there were 23 calls to the property that were logged and dispatched, this would not include attendance by officers who were in the area and attended without being dispatched. The incidents from those calls were for noise complaints, disturbance on the bar, disturbance on the street, loss of property and ambulance calls. Half of the 23 calls were noise complaints and all 23 calls were on the establishment itself.
Sergeant Blake G. Easto noted that the noise was mainly coming from the small patio area, and that complaints of open marijuana use on the patio were also received.

Acting Sergeant Brandy Frazier confirmed that there had been charges laid with respect to CDSA offences (marijuana possession) on patrons at the establishment.

Under advisement of the Assistant City Solicitor, Ron Sabo, staff had requested that their recommendation be tabled to the July 6, 2006, meeting of the City of Hamilton Licensing Committee in order to determine the City’s legal boundaries with respect to the proposed recommendation.

Mr. Berglund was asked if he would voluntarily speak to staff to determine if the situation could be rectified without a hearing. Mr. Berglund agreed. Staff will provide the Clerk with an update, in writing, on or before the July 6, 2006 meeting of the Licensing Committee.

(i) **Verbal Update respecting the City of Hamilton Licensing Code By-law 01-156**

Ron Sabo, Assistant City Solicitor, informed the Committee that the City of Hamilton Licensing Code By-law 05-156 is subject to a five year period, which is deemed by the Municipal Act, and has an expiry date of August 1, 2006.

Committee was notified that Standards & Licensing staff would be bringing forward an amended by-law, which would include minor changes (mostly administrative), to the July 10, 2006, meeting of the Planning and Economic Development Committee and then to the July 12, 2006, meeting of Council for consideration.

(j) **ADJOURNMENT (Item 9)**

There being no further business, the meeting adjourned at 11:05 a.m.

Respectfully submitted,

Councillor S. Merulla, Chair

Stephanie Paparella
Legislative Assistant
June 8, 2006

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