Council Direction:

City Council, at its meeting of January 25, 2012 directed that:

“The correspondence from Cynthia Hill, President of the James Street North Merchant and Business Association, expressing opposition to joining the Downtown B.I.A. be referred to the General Manager of Planning and Economic Development for a report to the General Issues Committee.”

This referenced communication is attached as Appendix ‘A’ to Report PED12051

Information:

Procedural Background

When a Business Improvement Area (B.I.A.) receives interest from property/business owners that are located within close proximity to the B.I.A.’s existing boundary, the Board of Management for the respective B.I.A. would determine if they have an interest to expand their boundary. If the B.I.A. is receptive to a possible expansion, meeting(s) are held with the property/business owners within the geographical area that is being identified for the proposed expansion. The purpose of the meeting(s) is to share information and to gauge the interest of those who are within the proposed expanded area. The B.I.A. Coordinator would assist the B.I.A., sending notice to the property owners within the proposed expanded area and attend the meetings to providing information respecting the legislation that governs the B.I.A.s, specifically outlining the
process for an expansion of a B.I.A. boundary. The B.I.A. would deliver notice of the meeting to the business owners as the business owners may not be the property owner. Members of a B.I.A. are the owners of properties that are assessed a commercial or industrial rate and tenants of such properties that are within the geographical boundary of a B.I.A. Once determined that there is support to move forward with a proposed expansion, a letter from the B.I.A. Board of Management would be sent to the B.I.A. Coordinator, Urban Renewal requesting that the necessary action be taken to move forward with the expansion. An expansion to an existing B.I.A. would require an amendment to their designating By-law. Council approval would be required to direct the City Clerk to send the required notice of the proposed by-law as legislated in the Municipal Act, 2001, Section 210. The notice would outline the process for objection and a by-law could not be passed if sufficient objection was received.

**Chronology of Events**

In the early part of 2011, the Downtown Hamilton B.I.A. advised the B.I.A. Coordinator that they had received interest from property/business owners on James St. N. to possibly become part of the Downtown Hamilton B.I.A. In September 2011, the B.I.A. advised that they planned to have a meeting with the property and business owners within the proposed expanded area (James St. N. from Rebecca – Mulberry), on October 26, 2011. The purpose of the meeting was to provide information about the Downtown Hamilton B.I.A. and information about the legislation that governs B.I.A.s, outlining the process for an expansion to a B.I.A. The B.I.A. Coordinator was not available to attend the October meeting but staff from Urban Renewal was in attendance. A second meeting was held to further reach out to the property and business owners within the proposed expanded area on January 10, 2012. The B.I.A. Coordinator was in attendance at the meeting and observed that the majority of those who attended the meeting did not support the proposal of an expansion to the Downtown Hamilton B.I.A. boundary to include James St. N., Rebecca to Mulberry. Toward the latter part of the meeting a petition was presented to Kathy Drewitt, Executive Director of the Downtown Hamilton B.I.A. and Eileen Maloney, B.I.A. Coordinator, Urban Renewal. The petition presented 15 signatures of property and business owners from James St. N. outlining their opposition to being included in the B.I.A. The meeting concluded with the Downtown Hamilton B.I.A. and the James Street North Merchants and Business Association identifying the need for both parties to meet in the future to determine how they may be able to develop a partnership.

**Conclusion**

At this time, the Downtown Hamilton B.I.A. has advised that there has been no further action respecting the proposed boundary expansion to include James St. N., Rebecca to Mulberry.

Accordingly, this item can be removed from the General Issues Committee Outstanding Business List.
January 27, 2012

James St. N. Merchants and Business Association
243 James Street North
Hamilton, ON L8K 2L2

Dear Sir/Madame:

Re: Joining the Downtown BIA

At its meeting of January 25, 2012, City Council considered your letters dated January 10, 2012, with petition, and January 15, 2012 respecting the above matter.

Please be advised that Council has received this correspondence and referred it to the General Manager of Planning and Economic Development for a report to the General Issues Committee.

Yours truly,

Mary Gallagher,
Manager of Legislative Services/Deputy Clerk

MG: sr

File C12-002

cc. Tim McCabe, General Manager, Planning and Economic Development
Kathy Drewitt, Downtown Hamilton B.I.A.
Eileen Maloney, Urban Renewal Div, City of Hamilton

January 10, 2012

We are in receipt of your invitation to talk about the inclusion of James Street North into the BIA community.

The Jamesville BIA came into existence in 1985. It created a conflict among the members from its inception. The members of City council later organized a vote that resulted in the BIA designation being rescinded.

Those opposed have stated their objections to the inclusion of James Street North into the BIA community every time the issue has been reintroduced.

We respect the work and dedication of those committed to BIA. We would also expect the BIA to respect the views of those of us opposed to BIA.

The process has been explained to us. We are prepared to organize a majority of eligible voters in a campaign to oppose and defeat the inclusion of the BIA on James Street North in the proposed boundary.

It has taken many years for the old wounds of the previous BIA to heal. It turned neighbor against neighbor.

We do not want to recreate this atmosphere again. We urge you to listen to the voices and opinions of all of us, and NOT just to the voices and opinions of what we believe is a vocal minority.

We have signed our names and addresses to this letter for you to identify us and our opposition to your inclusion proposal of James Street North into the BIA community.

Respectfully
Business & Property Owners of effected addresses on James Street North

NOTE:

C.C. The Mayor and Members of City Council, the City of Hamilton
Appendix 'A' to Report PED12051

Letter January 10, 2012, Kathy Drewitt, Downtown Hamilton BIA, Eileen Maloney, Urban Renewal Div. City Of Hamilton, The Mayor and Members of City Council, the City of Hamilton. We the undersigned are vehemently opposed to the inclusion of James Street North into the BIA community.

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<td>Amy Leen</td>
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<td>Sarah Moyal</td>
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<td>17-B JAMES St</td>
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<td>Michael</td>
<td>172 JAMES St</td>
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<tr>
<td>Janet Rizzi</td>
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<td>Dan Cawood</td>
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<td>Tim Lee</td>
<td>80 James St N</td>
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<td>Three Trees Gallery</td>
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<td>City Centre</td>
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JAMES ST. N. MERCHANTS AND BUSINESS ASSOCIATION

JAN. 15, 2012

243 JAMES ST. N. HAMILTON ON. L8K 2L2
905-522-8735

HAMILTON CITY COUNCIL,
PLEASE BE INFORMED THAT JAMES ST. N. MERCHANTS AND BUSINESS ASSOCIATION WISHES TO ASK THE HAMILTON CITY COUNCIL TO STOP THE DOWN TOWN B.I.A. FROM HARASSING AND PRESSURING OUR MERCHANTS AND BUSINESS PEOPLE ON JAMES ST. N. WE HAVE RECEIVED COMPLAINTS THAT THE MEMBERS OF THE DOWNTOWN B.I.A. ARE PRESSURING OUR BUSINESS PEOPLE IN THEIR STORES AT A TIME OF CONDUCTING BUSINESS. WE HAVE UNANIMOUSLY INFORMED THE B.I.A. THAT THEY ARE NOT WANTED ON JAMES.


MAY I ALSO ADD THAT THE MAJORITY OF CONVERSATION DURING THIS EVENT CENTERED AROUND THE FACT THAT THEY ARE NOT WELCOME ON JAMES ST. N. AND NOT WANTED THE JAMES ST. N. M.B.A. HAVE FUNCTIONED FOR OVER 15 YEARS, WE HAVE MANAGED TO DO EVERYTHING NECESSARY FOR OUR BUSINESS COMMUNITY. AND WE DO IT WITH VOLUNTEERS. WE UNDERSTAND THAT THE MONEYS ALLOCATED FOR SALARIES FOR THE B.I.A. IS $90,000 A YEAR. WE PROVIDE THE SAME SERVICE AS VOLUNTEERS. WHEN WE HAVE PROJECTS WE ALL PITCH IN AND ACCOMPLISH THE SAME TASKS. WE ALSO WONDER WHY THE CITY WOULD SUPPORT THIS FORM OF HARASSMENT BY HAVING A REPRESENTATIVE ADVOCATING THIS TAKE OVER, AND AT WHAT POINT DO WE THE M.B.A. RECEIVE THE SAME SUPPORT IN OUR CITY AS THE B.I.A. RECEIVES. DURING THE MEETING ON JAN. 10 2012 A BUSINESS MAN AND OWNER OF THE FEDERAL BUILDING, TONY IVC, DID A QUICK PETITION AND HANDED IT TO CATHY DREWITT. THIS PETITION STATED THAT THE PEOPLE ARE VEHEMENTLY OPPOSED TO THE B.I.A. INCLUSION ON JAMES ST. N.

THE ONLY PEOPLE AT THIS MEETING THAT WERE PRO BIA WERE THE MEMBERS OF THE DOWNTOWN BIA ADVOCATING THIS ACTION. WHEN ASKED WHY THE BIA WAS ATTEMPTING THIS TAKE OVER THEY CLAIMED TO HAVE SEVERAL REQUESTS BUT COULD NOT SUPPORT THIS CLAIM. WE OUR COMMUNITY HAVE NURTURED AND WORKED HARD TO BRING JAMES ST. TO THE BEAUTIFUL STREET THAT IT IS TODAY. WE ARE THE AREA OF INTEREST IN HAMILTON.

OUR OUT DOOR FRUIT AND VEGETABLE STANDS KEEP OUR STREETS FULL OF ACTIVITY THROUGHOUT THE YEAR, OUR COFFEEHOUSES AND ENTERTAINMENT BUSINESSES ALSO...
CONTRIBUTE TO A GREAT NIGHT LIFE, AND THE ART DISTRICT HAS THE ATTENTION OF
THE ART COMMUNITY ACROSS CANADA. WE HAVE ARTISTS MOVING FROM ACROSS CANADA
TO JOIN THE COMMUNITY HERE ON JAMES ST. SO HERE WE SIT WITH ALL THE RIGHT
INGREDIENTS FOR A GREAT AND SUCCESSFUL ART DISTRICT, OUR ART CRAWLS ARE
NATIONALLY KNOWN AND WE BRING THOUSANDS OF PEOPLE INTO THE CITY EACH MONTH.
WE BROUGHT 50,000 PEOPLE IN AT THE SUPER CRAWL. WE THE COMMUNITY AND THE
M.B.A. MADE THIS HAPPEN. NO ONE HAS THEIR HAND OUT FOR MONEY AND WE DID THIS
FROM OUR COMMUNITY SPIRIT. OUR STREETS ARE CLEAN BECAUSE OF THE COOPERATION
BETWEEN THE CITY AND OUR MERCHANTS, WE CLEAN UP GARBAGE OURSELVES, WE ASSIST
ONE ANOTHER AT EVERY TURN. WE CELEBRATE OUR ACCOMPLISHMENTS.

ANDREA HORAWATH HELPED FORM THE M.B.A. 15 YEARS AGO AND SHE BELIEVES IN OUR
RIGHT TO REPRESENT JAMES N. SHE ALSO ASSISTED WHEN EVER POSSIBLE TO FORM THE
DISTRICT. MAYOR BOB BRATINA WAS ONE OF THE MAJOR PLAYERS IN NURTURING JAMES ST.
N. AND BRINGING IT TO WHERE IT IS TODAY. THE PAST PRESIDENT OF THE M.B.A. REV.
RON, HAD THE INSIGHT TO PREPARE THIS AS A ART DISTRICT AND ALONG WITH ZENA
HAGARDY STARTED THE ART CRAWL.

JAMES ST. N. IS READY AND WORKING HARD TOWARDS THE FUTURE. IN THE ART
DISTRICT, WE HAVE FUNDED ESTABLISHMENTS SUCH AS ARTIST INC, THE FILM FACTORY
AND

THE PRINT STUDIO THESE ARE NATIONALLY KNOWN AND ESSENTIAL TO THE DISTRICT. BUT
ALSO ESSENTIAL TO THE ART DISTRICT ARE THE SMALL COMMERCIAL ART GALLERIES
AND THEATRE STAGES. THERE WOULD NOT BE A ART DISTRICT WITHOUT THE SMALLER
COMMERCIAL GALLERIES. THE SMALL GALLERIES DO NOT MAKE ENOUGH MONEY TO
SURVIVE.

WE ALL STRUGGLE AND SUPPLEMENT OUR BUSINESSES IN MANY WAYS SUCH AS OUTSIDE
EMPLOYMENT AND LIVING WHERE WE WORK, HELP FROM VOLUNTEERS WE HAVE ALREADY
LOST SEVERAL GALLERIES DUE TO A LACK OF INCOME THE SUBLIMATES GALLERY RUN BY
ZENA HAGGERTY WAS INSTRUMENTAL IN FORMING THE ART CRAWL, WORTH WORK GALLERY
A GALLERY FOR DISABLED ARTISTS A ESSENTIAL NECESSITY IN THE ART COMMUNITY. BOTH
ONE OF THESE IMPORTANT GALLERIES CLOSED DUE TO LACK OF INCOME.

STRUGGLE IS IMMENSE. MY POINT IS THIS I WILL NOT SURVIVE ANY MORE OPERATION
EXPENSE, AND NEITHER WILL THE OTHER COMMERCIAL GALLERIES. SEVERAL BUSINESSES
ON JAMES ST. N. ARE SMALL AND FAMILY RUN. THEY WILL NOT SURVIVE ANY MORE
OPERATION EXPENSES. HOW OFTEN DO WE HAVE TO FIGHT OFF THE B.I.A., WE CAN NOT
AFFORD THEIR BUDGET OR WAGES.

THERE CONSTANT HARASSMENT IS NOT ONLY TIME CONSUMING BUT INSULTING. IF THEY
WERE HERE THEY WOULD BE CHARGING EACH BUSINESS A CONSIDERABLE AMOUNT OF
MONEY, IN THE FORM OF A DEMANDED PAYMENT NOT TO MENTION THE TIMES THEY ARE AT YOUR DOOR ASKING FOR MONEY. I LIVED ON KING STREET AND HAD THE B.I.A. AT MY DOOR ASKING FOR ADDITIONAL MONEY AT LEAST TWICE A YEAR. THIS MONEY GRAB IS NOT ACCEPTABLE. ON JAMES N. THE ART DISTRICT HAS ALL THE RIGHT INGREDIENTS EXCEPT FOR THE MONEY CROWD AND THAT WILL FOLLOW. WE ARE AT A DELICATE STAGE AND THE STYLE OF THE B.I.A. IS NOT APPROPRIATE NOR IS ACCEPTABLE TO JAMES N.

IF WE WERE TO COMPARE JAMES N. TO THE DOWNTOWN AREA AND JUDGE THE TWO AREAS YOU CAN CLEARLY SEE THAT WE WORKING AS A COMMUNITY HAVE FAR SURPASSED THE DOWNTOWN CORE IN MANY WAYS. AND WE HAVE DONE THIS WITH OUT PAYING A HUGE BUDGET AND HUGE SALARIES.


OUR AREA HOUSES ARTISTS, MUSICIANS, ACTORS, AS WELL AS THE MULTICULTURAL NEW COMERS AND HARD WORKING MEN AND WOMEN. IF THERE HAD NEVER BEEN A ACTUAL PHYSICAL PLACE THAT THE BOHEMIAN SUBCULTURE COULD INHABIT, THAN WE WOULD NOT HAVE MANY OF THE GREAT WORKS OF ART THAT WE ALL ENJOY.

AS SOON AS JAMES ST. N. IS RUN STRICTLY AS A PROFIT MAKING ENTERPRISE WE WILL LOOSE THE ARTISTS AND COMMERCIAL GALLERIES.

A MEMBERS OF THE B.I.A. EXPRESSED THERE CONCERN OVER THE SALE OF FRANKS VEGETABLE AND FRUIT STAND. ON JAMES N. THEY WERE WORRIED AS TO WHO'S HANDS THIS BUSINESS WILL FALL INTO. AT THE SAME TIME THE BOARD MEMBER CLAIMED TO OWN SEVERAL BUILDING IN DOWNTOWN AND JAMES N.

IS IT THE JOB OF THE B.I.A. TO MANIPULATE SALES AND ALSO TRY TO CONTROL FREE ENTERPRISE. THIS IS EXACTLY THE MIND SET THAT WE DO NOT AGREE WITH. AND ALSO THIS IS NOT THEIR DISTRICT. THE B.I.A. NEEDS TO TEND TO THE DOWNTOWN DISTRICT IT IS VERY UNFRIENDLY. THEY DO NOT HAVE THE RIGHT TO MEDAL NOR DO THEY HAVE THE SENSITIVITY NOR INCITE TO HANDLE JAMES ST. N. I WONDER ABOUT YOUR VISITING REPRESENTATIVE EILEEN MALONEY’S PARTICIPATION IN THE B.I.A.’S ATTEMPT TO TAKE OVER JAMES ST. N. WHY HAVE WE NEVER DEALT WITH HER? WE ARE PART OF THE BUSINESS DISTRICT IN HAMILTON. ITS TIME TO PLAY FAIR WITH ALL. JAMES NORTH IS UNIQUE AND IT IS THE JEWEL OF HAMILTON. I FIND IT VERY QUESTIONABLE AS TO WHY AFTER WE HAVE DONE ALL THE WORK WHY NOW IS THE CITY IS ASSISTING IN ANY WAY THIS ATTEMPT TO TAKE OVER OUR BUSINESS AREA.

        THANK YOU CYNTHIA HILL
MERCHAND AND BUSINESS ASSOCIATION

PRESIDENT OF THE JAMES ST.

OFFICE OF THE CITY CLERK

JAN 19 2012

REC'D BY: ___________________________ DATE: ___________________________

REF'D TO: ___________________________ DATE: ___________________________

ACTION: ___________________________ DATE: ___________________________

Appendix 'A' to Report PED12051