Re: The City of Hamilton’s Mobile Sign Bylaw Review

February 16, 2010

To all the City of Hamilton Councillors, Mayor Fred Eisenberger and all members of the Planning and Economic Development Committee.

The information presented in this package is intended to be reviewed and discussed openly and is not intended to be private. The purpose of this information is our commitment to participating in a process that provides accurate facts and honesty that we hope will help to inform the decision makers in achieving the best and correct conclusion.

As Councillor Mr. Lloyd Ferguson and today’s chair person for the Economic Development and Planning Committee stated today at the meeting “there is no special exemptions by anybody”. This package supports this statement with information for some very serious consideration and review.

Kind regards,

Rick & Diane Gibbs

Copy - Clerk's
City of Hamilton Councillors and the Economic Development & Planning Committee

The intention of this document is to follow up with the City of Hamilton and to provide what we believe to be an accurate assessment of the ongoing sign bylaw review, originally scheduled for completion in June 2008. It has been 3 years (February 1, 2007) since the inception of the new sign bylaw (06-243).

We feel that it is our moral responsibility and commitment towards the small business sector, as well as the sign association members, to share this information to help aid in achieving our goal for a successful new mobile sign bylaw. Our research and responses should be seriously taken into consideration and viewed as a vital part of the solution process for change. Accountability and honesty in this process should be transparent to all affected parties involved. To date, hidden negative agendas have damaged and impaired a successful outcome.

The documentation we have provided is a collection of the findings and due diligence from various small business owners (our customers), mobile sign business operators, and ourselves, in order to provide accurate honest useful information. **Our agenda is very clear, we are merely reporting the facts to the best of our research and knowledge.** This information is certainly not intended to be vindictive, but only to expose accountability for proper standards and fairness within this bylaw. We are acutely aware that our credibility depends on our honesty of information, and that the information presented has merit to support these findings.

The correspondence and communications provided to the Hamilton Planning & Economic Development Committee over the past 4 years, resulting from the small business sector and the Ontario Mobile Media Association has been extensive and overlooked by the committee. The result of this oversight has been very damaging to small business owners throughout Hamilton. These findings support the fact that there is **discrimination in enforcement within the “new” mobile sign by-law (06-243).** Mobile sign business operators are **NOT granted a fair and level playing field** in which to operate their businesses. Small business owners are angry and frustrated with unreasonable restrictions while experiencing countless enforcement inequity. It is our hope that this on-going review is accurately completed in 2010 and the input and evaluations make way for some accountability from the City of Hamilton to **support** the small business owner’s ability and platform to promote their products in a fair manner.

This information package along with the previously submitted Ontario Mobile Media Association’s five (5) constructive presentations, should be seriously considered and discussed between all councillors and the Planning & Economic Development Committee in providing a balanced common sense approach to the “new” mobile sign by-law.

We respectfully request, a written response acknowledging receipt of this document. We would also appreciate any constructive comments you may have that would help aid in this process for positive changes moving forward. **Our focus is simple...” we are committed to supporting the vitality of small businesses in Hamilton and we recognize the importance and need for sensible and effective bylaws”.** Thank you for taking the time to review our submission.

Kind regards,

*Rick & Diane Gibbs  Former owners of MagnetSigns Hamilton*

> 6 Westmoreland Road Dundas, ON, L9H 5E2  Ph: 905-628-0027  E-mail: r.gibbs@sympatico.ca <
MagnetSigns had contacted Vince Ormond (By-law Co-coordinator) to see if John would be eligible for a *one time permit exemption* for his sign. John had recently returned from being closed for several months due to a serious illness. John expressed to us that he was now closing his store permanently, and it would be very difficult for him to pay the permit fee, considering his circumstances of no income from sales for several months. Vince denied John an exemption for the permit. John was annoyed and disappointed with the "strict" enforcement because of the 2 signs that were about a block away, referring to 1366 main street east, (Petro Canada) which he had believed to be illegal, never have had to get a permit. This reaction by John has been a common response by countless businesses since 2007. They experience and see the non-permitted signs and discrimination first hand. They are acutely aware of their surroundings because of their history, networking and customer contact in their area.

A few days later, a further discussion took place at another location between the bylaw officer involved and an employee of MagnetSigns. This bylaw officer informed us that Vince had been informed of all the details of John Calderheads store closing and his serious health status. *Vince replied . . . "everyone has to die sooner or later"*. The bylaw officer informed us that Vince is a "very mean spirited person to deal with".
To support our customer's beliefs and discriminatory findings, we provided detailed information including photographs shown in this package. We believe these signs illustrated are illegal. Vince Ormond acknowledged in our meeting on April 20, 2009 that Gas Station signs DO require a permit. We have provided several of these examples, in writing, to the bylaw department since June 21, 2007. Each business is allowed 6 permits per year and these signs have not moved in the past 3 years. Would ignoring a sign at a gas station that requires a permit on Main Street in Hamilton for 3 years suggest a serious case of discrimination?

These examples are widely found across Hamilton and they suggest some discrimination of bylaw enforcement. To support this claim, the Ontario Mobile Media Association submitted a 27 page bylaw review to the Hamilton Planning & Economic Development Committee in January 2009. This review was also submitted to Mr. Tim McCabe (General Manager), Marty Hazel (Director of Bylaw Services), the Hamilton Chamber of Commerce, the Canadian Federation of Independent Business, all 15 councillors, and Mayor Fred Eisenberger.

Petro Canada (1 of 2 on property) - 1366 Main St. E. Hamilton - Feb. 9, 2010

> Written complaints to the Bylaw Department. No permit enforced for 3 years <

This sign was photographed on February 9, 2010. This sign represents one of numerous illegal gas station signs in our community today. This sign has never had a permit and is a good example of enforcement discrimination?

It has been 3 years since the inception of this new bylaw. The mandatory review was scheduled to take place in June 2008 and to this date it has not been completed. This review is intended to balance or correct and address any complaints and/or changes.

A CD is enclosed with 35 photos of signs that appear to be illegal and in place for years.
I am also enclosing a copy of an e-mail that, we believe, we received by accident from Vince Ormond. Diane and I were very disturbed to receive a mean spirited e-mail from Vince Ormond (Bylaw Coordinator). Notice the big bold blue letters stating, "NAIL HIM/HER". What would go through your mind if you received this e-mail from the head of the bylaw department? Bylaw officers have warned us about Vince’s attitude many times. This e-mail would support the characterizing and warning.

The primary reason we have not brought this to the attention of Tim McCabe (general manager) is because of the fear that Vince would inflict very difficult and strict enforcement of the mobile sign by-law, leaving the sign industry virtually paralyzed.

In August 2009, my wife and I sold our business due to the new discriminating by-laws and inconsistent enforcement. We, along with all of our customers, felt that the new bylaws were too restrictive and costly for the marketplace. The result being, our business had suffered significant losses. The mobile sign owners/operators diligently worked hard by establishing the Ontario Mobile Media Association in 2006. This association was formed with our competitors to help create good effective communications with the Economic Planning Committee in developing a sign bylaw that has balance and understands the needs of the small business sector in Hamilton. It is the belief and experience of the small business owners and the sign association that a successful balanced bylaw was not achieved. It is our hope that together with the sign association’s work, research, communications and due diligence, over the past 4 years, will eventually result in a common sense, well balanced, and equally enforced by-law that is so desperately needed for the City of Hamilton.

We were the proud successful owners of MagnetSigns Hamilton for a little over 6 years. We are very thankful for the valuable knowledge and experience that this business has provided us for understanding the needs for small business in the marketplace today.

Rick & Diane Gibbs – Former owners of MagnetSigns Hamilton
Phone: 905-628-0027     E-Mail: r.gibbs@sympatico.ca
Nail Him/Her

-----Original Message-----
From: Shore, Laura Lee
Sent: Friday, October 17, 2008 4:11 PM
To: 'rgibbs@magnetsigns.com'
Cc: Olmstead, Bill; Heuck, Cindy; Gordon, Jim; Summers, Melissa; Di Sanza, Mike; Rotondi, Sheila; Ormond, Vince

Permit # 08 293781 39 Rymal Rd E Oct 21, Nov 4, 2008
"MOUNTAIN VACUUM" Control #3209
this is sign #1 for 2008

Permit # 08 293788 2255 Barton St E Oct 21, Nov 4, 2008
"Work Authority" Control #3208
this is sign #1 for 2008

Permit # 08 293789 1175 Wilson St E Oct 21, Nov 4, 2008
"Unified Professionals" Control #3207
this is sign #1 for 2008

Permit # 08 293781 39 Mary St Oct 16, Nov 23, 2008
"Townsend" Control #3203
this is sign #6 for 2008

600 James St---ScotiaBanc---NOT PERMITTED---6 SIGNS IN 2008 ALREADY ISSUED

LauraLee Shore Dipl.H. Arch. T
Plans Examiner I/CSR
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E-mail ilehare@hamilton.ca
City of Hamilton, Building Services
Planning and Economic Development Department
77 James St. N, Suite 400 Hamilton, Ontario, L8R 2K3

From: 'Ormond, Vince' <Vincent.Ormond@hamilton.ca> - RE:
Hamilton Mobile Signs

Photos on CD Enclosed (25 Gas Station signs) - February 15, 2010

NOTE: Photos on CD available for viewing in the Clerk's Office.

1) Petro Canada – 1366 Main Street East – Hamilton - 2 signs
2) McMaster Esso – 1445 Main Street West – Hamilton - 2 signs
3) Petro Canada – 1366 Main Street East – Hamilton - 2 signs
4) Shell Gas – Queenston Road & Centennial Pkwy North- Stoney Creek – 1 sign
5) Petro Canada – Queenston Road & Centennial Pkwy North – Stoney Creek – 3 signs
6) Esso Gas / Tim Hortons – 2471 Barton St. E. – Stoney Creek – 3 signs
7) Esso – King St. E. & Greenhill Ave. – Stoney Creek – 2 signs
8) Pioneer Gas – Centennial Pkwy S.- 1 block North of Mud St. – Stoney Creek – 1 sign
9) Petro Canada – 300 Mud St. & Paramount – Stoney Creek – 2 signs
10) Esso & Rainbow Variety – Upper Gage & Stone Church Road – Hamilton - 3 signs
11) Petro Canada – Upper Ottawa & Mohawk Road East – Hamilton – 1 sign
12) Sunoco Gas – 1180 Wilson Street West – Ancaster – 1 sign
13) Pioneer Gas – 39 Cootes Drive – Dundas – 1 sign
14) Stadium Esso – 799 Barton Street East – Hamilton – 1 sign
15) Knitalls Sewing Machines & Vacuums – 154 Main St. W. – Hamilton – 1 sign
16) GrandView Fries – 906 Main Street East & Prospect St. – Hamilton – 1 sign
17) 7 Eleven – 810 Main Street East & Ashford – Hamilton – 1 sign
18) Daine’s Automotive – 1135 King Street East – Hamilton – 1 sign
19) Central Cycle – 965 King Street East – Hamilton – 1 sign on sidewalk
20) Tony’s Burger Place – 675 Main Street East & Holton Ave. – Hamilton – 1 sign
21) Sun Studio Tanning – 1231 Main Street East – Hamilton – 1 sign
22) Complete Home Brewing – 596 Fennell Ave. East – Hamilton – 1 sign
23) Sports Swappers – 672 Fennell Ave. East – Hamilton – 1 sign
24) Alfredo’s Place & Belfast Fish & Chips – 931 Fennell Ave. E. – Hamilton – 2 signs
25) Cover of 3 Bylaw Reviews, Bylaw Counter Proposal & Sign Survey presented to the City of Hamilton’s Economic Committee from the Ontario Mobile Media Association.