Economic Development and Planning Committee
MINUTES 09-019
Sign By-law
Tuesday, September 22, 2009
1:30 pm
Webster Room, Hamilton Convention Centre
1 Summer’s Lane, Hamilton

Present: Chair M. Pearson
Vice Chairs, Councillors:  B. Bratina, L. Ferguson,
Councillors:  B. Clark S. Duvall, B. McHattie D. Mitchell, R. Pasuta,
T. Whitehead

Staff Present: T. McCabe, General Manager – Planning and Economic
Development
T. Sergi, M. Hazell, B. Janssen, V. Ormond, J. Xamin - Planning
and Economic Development
L. Pasternak -Legal Services
A. Rawlings – City Clerk’s Office

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL:

1. Sale of City Lands Known as “0” Bittern Street, Ancaster, Part of Blocks B, D and all of Blocks C, E, F, G and H, Plan 62M-1121, in the Former Town of Ancaster, Now in the City of Hamilton to 1449814 Ontario Inc. (Sanjay Modi) (PED09265) (Ward 12)

(Whitehead/Duvall)

(a) That an Offer to Purchase City lands known as “0” Bittern Street, Ancaster, in the former Town of Ancaster, now in the City of Hamilton, submitted by 1449814 Ontario Inc. (Sanjay Modi) be approved.

(b) That the City Solicitor be authorized and directed to accept the executed Offer to Purchase Agreement submitted by 1449814 Ontario Inc. (Sanjay Modi) for the sale by the City of the vacant City-owned lands known as Part of Blocks B, D and all of Blocks C, E, F, G and H, Plan 62M-1121, comprising 4.04 hectares (10 acres) of vacant land more or less (as shown on Appendix A to Report PED09265), municipally known as 0 Bittern Street, Ancaster, now in the City of Hamilton.
(c) That the financial details of the sale of the aforementioned City-owned lands, as noted in Conditions (d), (e) and (f) of Report PED09265 remain confidential until final disposition by Council and the completion of the transaction.

(d) That the Mayor and Clerk be authorized and directed to sign all relevant documents relating to this transaction.

(e) That only Recommendations (a), (b) and (c) of Report PED09265 respecting the sale of City lands known as “0” Bittern Street, Ancaster, be made public at this time, and further, that the body of the report remain confidential and not be released as a public document.

CARRIED

THE FOLLOWING ITEMS WERE REPORTED TO COUNCIL FOR INFORMATION PURPOSES:

(a) CHANGES TO THE AGENDA (Item 1)

The Clerk advised the following changes to the agenda:

- change in order of presentations respecting the Sign By-law

- confidential Items 12.2 and 12.3, held over from EDP 09-018, this morning, will be added to end of Agenda.

On a Motion (Ferguson/Bratina), the agenda for the September 22, 2009, meeting of the Economic Development & Planning Committee respecting the Sign By-law was approved, as amended.

(b) DECLARATIONS OF INTEREST (Item 2)

Councillor Ferguson asked whether the staff report addressed changes to ground signs, as his brother is contemplating a change to a ground sign on a commercial property.

Mr. McCabe confirmed that the subject report does not include anything related to ground signs and therefore does not affect any ground signs.
Councillor Bratina noted later in the meeting that he had a conflict, as the company he worked for is involved in advertising, and uses signage.

(c) Comprehensive Review of the Sign By-law (PED05172(f)) (City Wide) (Item 3.1)

Chair Pearson advised that this is a Public Meeting, under the Municipal Act, to hear input into the proposed changes to the Sign By-law. The Meeting has been advertised in the newspapers, and persons who wished to address the Committee on this issue had been asked to register with the Clerk.

Marty Hazell and Vince Ormond were present to assist Committee and gave an overview of the matter, with the help of a powerpoint presentation.

Mr. Hazell noted that following the approval of the Sign By-law in 2006, enforcement of the regulations had been carried out by education, warnings and impounding of signs. Actual enforcement of the by-law commenced in 2008. He noted that municipal sign by-laws were similar across the Province, and that some of the recommendations in the report were intended to strengthen the by-law, and that some were as a result of compromise with the sign industry.

Vince Ormond provided additional information.

Martin Rendl, the City’s Consultant, addressed the Committee and gave an overview of the work he had carried out on the subject. He also noted that the approach to municipal sign by-laws was similar across the Province.

Joe Xamin was present to assist Committee and provided further information respecting postering.

Committee discussed the presentations and raised a number of different issues, including but not limited to the following:

- if enforcement does not happen quickly, can lead to additional illegal signs being placed. Staff advised they are working with Public Works staff on removal of illegal signage, but only safety hazards are removed immediately.

- timing allowance for portable signs may be too lengthy, leads to sign pollution

- when and where will poster kiosks be placed. Staff noted enough money for 3 pilot kiosks, 2 in Downtown and can locate third in one of other downtowns.

- Bingo sign at Hughson and King, inside a window is a problem. Staff will review this.
Concern respecting smaller separation distance of signs from residential areas

Size of A-frame signs for agricultural areas

Need to treat signs for agricultural areas in a different way, to ensure Agricultural Societies and farmers can advertise appropriately

Lack of consultation with the public over the changes in a problem.

Committee directed staff to review the following issues:

- car dealership signage, placed on poles on the lots, how this can be addressed
- school signage and increasing amount of the actual sign which can be used for changeable letters and messages, as this is a public service.

The Chair advised that the following are the Speakers who have registered with Clerks and requested that they come to the podium to address Committee. The Chair asked that they sign their name, address and their phone number, in the book provided and reminded all speakers that they had a maximum of 5 minutes to address Committee.

John Woods, Waterdown
Wesley Vandervries
Judy Musitano
Doug Gorr, All Ontario Mobile Signs Rentals
John Schouten, EyeMark Signs
Joe Pouget, Acclaim Signs
Don McPhail, Advantage Signs

John Woods addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- in portable sign business 50 years
- believed Council should quash portable sign by-law
- since introduction of new Sign By-law in 2007, problems with enforcement, threats to his business, now sign rental business is out of business
- said legislation does not allow City’s by-law
- asked Committee not to support a money losing by-law.

Wesley Vandervries addressed Committee with regard to the proposal. His points included, but were not limited to the following:
- City should have consulted farmers, not threatened them with fines
- Allowable area for a sandwich board sign too small for agricultural area, need 36” x 36”, need size which can be seen.

Judy Musitano addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

- represents a co-operative group of 15 registered growers
- concern respecting unprofessionalism of enforcement officers, has overheard, in Tim’s, your officers bragging about how many signs they can rip down
- requested discretion in enforcing regulations in the rural area
- concern about small allowable size for A-frame signs
- raised issue of Private Members Bill, passed in 1998, which permitted additional signs in Norfolk
- concern that farmers’ markets selling local food do not have adequate allowable advertising, that farmers have been intimidated by officers
- concern regarding lack of consultation with agricultural community
- need to advertise produce they grow which has been stored, concern about definition of “seasonal” produce.

Doug Gorr All Ontario Mobile Signs Rentals addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- Hamilton has many problems including unemployment, need for common sense approach to enforcement, do not need lots of paperwork, do not need a site plan process
- Hamilton needs advertising, helps create and maintain jobs
- By-law not well balanced, should be business friendly
- Other municipalities, including Peel and Halton, allow mobile signs for community uses on City property
- Feels that paying a fee to operate our businesses under by-law is OK, but a bad by-law is not OK

John Schouten, EyeMark Signs, addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- said that sign industry not consulted on changes
- problems with process include high permit fee of $150, while only $45 in Burlington, $27 in Milton
- permit process too cumbersome and time-consuming, both Burlington and Milton are more streamlined
- fee increases are not acceptable
Joe Pouget, Acclaim Signs addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- happy that better, fairer enforcement but concerned that common sense approach no longer being followed
- rules regarding how long each business on a multiple tenant property can legally advertise are too restrictive
- 45 day permit for events in City parks, whereas many events only need 15 days, suggested a reduced fee permit for shorter time frame for community events

Don McPhail, Advantage Signs addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- advised Councillor Bratina that he had a conflict, due to his employer
- started mobile sign business in 1989
- wants fair, equitable rules
- deals with other municipalities, including Burlington, Oakville and Milton, suggested Hamilton staff meet with municipal staff in these areas, check out how their process works
- Burlington Sign By-aw is fairest in country, fair, equitable, common sense
- Said City cannot tell people what they can say on the signs
- Told Committee to come up with better by-law

The Chair asked for any additional speakers from the floor.

John Hawker addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- not in the sign business, but spent 30 years in advertising, buying billboards, he is on Cleanliness and Clean Hamilton Committees.
- Regulations could lead to sign blight, wants a proper separation between mobile signs
- Concern that little information on these changes was made available
- Can citizens remove poster signs which are outdated?
- Should have time limits for placement of posters, both pre-event and for removal after the event
- Looking forward to poster kiosks

Diane Gibbs addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

- used to own Magnet Signs, had over 400 on customer list, sold quite recently
- complained that when she had previously complied with the by-law, she lost business
- now rules require permit and a site plan, not common sense anymore
- too many restrictions
- City did not properly advise people of this meeting

Don Sloate addressed Committee with regard to the proposal. His points included, but were not limited to the following:

- represents a client, on Upper James, who regularly advertises using a banner, used to be no fee, but now they have to pay
- need for more input from small businesses into the by-law.

Franca Di Gennaro addressed Committee with regard to the proposal. Her points included, but were not limited to the following:

- she is a tenant in a multiple building, if she follows rules, can only advertise once every two years
- businesses need to advertise, need fairness here.

Committee discussed the matter and had additional information supplied by staff. Staff confirmed the following:

- mobile signs are just one element of signage
- size of all signs was included in by-law passed in 2006
- staff will now be re-active on enforcement
- recommendations include loosening of some rules
- by-law does not allow citizens to remove signs
- Private Members’ Bill in Norfolk related to MTO permits
- Kiosks should be in place in 2010
- Signs in parks need permits
- Mobile signs can be shared between users, text can be changed while sign in place
- Working with Public Works staff on a process for removal of illegal signs

Councillor Bratina agreed with Mr. McPhail and declared that he had a conflict, and thereafter refrained from discussion on the subject.

Councillor Clark asked whether staff or the City had ever said that the agricultural or rural uses would be exempt from the by-law.
Martin Rendl explained that after meetings in the rural area, staff had proposed to exempt rural signage from certain permits, but no blanket exemption from the regulations was contemplated.

Councillor Mitchell agreed and read the wording from a previous report on this matter. He noted A-frame signs should be larger in rural areas.

Councillor Clark noted his disappointment that this review had not included any public consultation, and suggested a public comment period should be held for the proposed changes.

Committee continued their discussion.

On a Motion (Clark/Duvall), Committee approved the following:

(a) That Committee deem the public meeting is closed.
(b) That the Comprehensive Sign By-law Report, with staff recommendations be deferred for 30 days of written public comment.
(c) That all information received today and over the 30 day time frame be reviewed and that staff provide comments to Committee.

The Chair thanked all the presenters for their input today, and thanked staff for their work on the by-law.

(d) GENERAL INFORMATION (Item 11)
None

(e) PRIVATE AND CONFIDENTIAL (Item 12)

(i) Sale of City Lands Known as “0” Bittern Street, Ancaster, Part of Blocks B, D and all of Blocks C, E, F, G and H, Plan 62M-1121, in the Former Town of Ancaster, Now in the City of Hamilton to 1449814 Ontario Inc. (Sanjay Modi) (PED09265) (Ward 12)(Item 12.2)

(ii) Matter before the OMB (Added Item 12.3)

On a Motion (Bratina/Clark) Committee moved into Closed Session at 4.10pm, to consider two items which are subject to Section 8.1, subsection (e) of the City’s Procedural By-law and Section 239 of the Ontario Municipal Act as the subject matter pertains to litigation or proposed litigation, including matters before administrative tribunals, affecting the municipalities or local board.
On a Motion (Mitchell/ Whitehead) Committee resumed in Open Session.

(i) Sale of City Lands Known as “0” Bittern Street, Ancaster, Part of Blocks B, D and all of Blocks C, E, F, G and H, Plan 62M-1121, in the Former Town of Ancaster, Now in the City of Hamilton to 1449814 Ontario Inc. (Sanjay Modi) (PED09265) (Ward 12)(Item 12.2)

Committee passed the Motion noted in Item 1, above.

(ii) Matter before the OMB (Added Item 12.3)

The Chair noted that this item had been discussed in Closed Session, that staff had been given appropriate direction, and that the matter would now be forwarded to Council for their final disposition.

(f) Adjournment (Item 13)

(Whitehead/Duvall)

The meeting adjourned at 7:20 pm.

Respectfully submitted,

Maria Pearson, Chair
Economic Development and Planning Committee

Alexandra Rawlings, Co-ordinator
Economic Development and Planning Committee
September 22, 2009