Planning and Economic Development Committee
REPORT 06-011
June 22, 2006
6:00 p.m.
Council Chambers
Hamilton City Hall

Present: Chair M. Pearson
1st Vice-Chair D. Mitchell
2nd Vice-Chair B. Bratina,
Councillors D. Braden, B. Kelly, S. Merulla

Also Present: Councillors, P. Bruckler, B. Morelli, T. Jackson

Absent: Councillor M. Ferguson – illness
Councillor B. McHattie – City Business
Councillor T. Whitehead – City Business

Staff Present: L. Coveyduck, General Manager
T. Redmond, D. Mousseau, Planning & Economic Development
D. Fisher - Legal
A. Rawlings – City Clerk's Office

THE FOLLOWING ITEMS WERE REPORTED TO CITY COUNCIL FOR INFORMATION;

(a) Changes to the Agenda

The Clerk advised of the following changes to the Agenda, which had been distributed today;

6.1(a) Amendments proposed to the staff Recommendation
6.1(b) the proposed by-law, with the staff amendments included within it.

Committee approved the Agenda, as amended.

(b) Declarations of Interest

None
Chair Pearson confirmed that following the completion of the report, staff had made some revisions to the proposed by-law, and that these had been distributed to the Committee, and were available on the steps, with the Agendas. She noted that the changes were contained in 2 documents;

6.1(a) the Amendments proposed to the staff Recommendation and
6.1(b) the proposed by-law, with the staff amendments included within it.

Chair Pearson then advised that this was a Public Meeting, pursuant to the Municipal Act, to hear input regarding the City’s proposed new Sign By-law.

Tom Redmond, introduced the topic and gave an overview of the extensive public consultation and involvement which had taken place during the preparation of the documents.

The City’s consultant, Martin Rendl gave an overview of the study and recommendations with the aid of a power point presentation. Mr. Rendl noted the two major constituencies involved, the public and the sign companies. He said that concerns received from the public included the need for better enforcement, the provision of adequate City resources to administer the by-law and the need for one sign by-law to cover the entire City. Mr. Rendl noted the recommendation to hire two new sign inspectors in the Building Division, the enhanced enforcement priorities in the by-law and the proposed delegation of sign variances to staff. He added that City properties would be governed by the by-law and adjustments would be made to some City By-laws to ensure that facilities such as parks and cemeteries are also covered.

Mr. Rendl explained that the use and placement of mobile signs was one of the major issues identified. The new Sign By-law prohibits the use of mobile signs within all BIA’s, the Ancaster Village Core and within the Hamilton Downtown Community Improvement Area. He explained the restrictions proposed for mobile signs in the other areas of the City, including the ban on fluorescent lettering, and the use of white on black background or black on white background.

Mr. Rendl then gave a short overview of the other major sections of the new by-law. He explained that the implementation of the by-law is proposed to start in February, 2007 and that the intervening time would be used for public and company education and awareness, and the establishment of the required City implementation processes. He added that the new election sign regulations would therefore not affect the 2006 Municipal Election.
Chair Pearson explained that the delegations listed in the Agenda, would be heard first followed by the people who have asked to be placed on the Speakers’ List. Following that, Committee would hear from any other speaker from the audience. She reminded the meeting that the City’s Procedural By-law permits a maximum of 5 minutes per speaker.

The following members of the public addressed Committee on the matter:

(i)  **Marvin Caplan, Realtors Association of Hamilton-Burlington, respecting for-sale signs on properties**

Mr. Caplan addressed Committee on behalf of the Realtors Association. He explained their concern about allowing ‘for sale’ signs to remain on properties until a sale has been registered with the Board. Mr. Caplan thanked staff for addressing this concern as a revision to the document. Mr. Caplan expressed his satisfaction with the process and the intent of the by-law to reduce visual clutter.

(ii) **Don McPhail, Respecting Mobile Signs**

Committee agreed that Mr. McPhail should have additional time to make comment, as he represented a group of sign companies.

Mr. McPhail addressed Committee and expressed his concerns regarding the proposed Sign By-law, particularly as it related to Mobile Signs. These included, but were not limited to;

- overly restricted time allowed for mobile signs
- need to break down one-month allowances with 2 x 15 day periods
- need to allow one week, twice annually “special occasion” permits, as Oakville does, for business openings or closings
- fees too high, higher than Kitchener, Oakville, Burlington
- want colour allowed on mobile signs, agrees that fluorescent should be eliminated
- wants freedom to choose wording on signs, against concept that a mobile sign must advertise goods and services available on that particular site, supports free expression on signs

Mr. McPhail noted his association’s support for the by-law including licensing of sign companies with the exceptions as he had explained and considered the by-law would be workable, if properly enforced.

(iii) **George Langadinos**

Chair Pearson advised that a written submission from Mr. Langadinos had been distributed.
Mr. Langadinos addressed Committee and expressed his concerns regarding the proposed Sign By-law, particularly as it related to Mobile Signs. These included, but were not limited to;

- concerns that not all Councillors were present at the meeting
- problems relating to the previous City of Hamilton By-law in the 1990’s
- difficulty of enforcing 143 restrictions
- should allow colour on mobile signs
- proposed By-law and appendix conflict with Section 99, of the Municipal Act, Section 201, Chapter 25
- problem with the words “wheeled trailer” and suggested “wheeled vehicle”

(iv) Kathy Drewitt, Downtown Hamilton BIA

Ms. Drewitt addressed Committee on behalf of all the Hamilton BIA’s. She thanked staff for meeting with them and for listening to their concerns. Ms. Drewitt spoke in favour of the following items in the By-law;

- the recognition of the uniqueness of the BIA areas
- control of mobile signs and postering
- addressing public safety
- the grace period allowed
- inclusion of signage on City owned property

Ms. Drewitt expressed the following concerns;

- the need to remove abandoned signs within 6 months – 1 year
- that only professionally produced signs should be allowed, with the exception of chalk boards
- poster kiosks should only allow single-event, non-commercial posters
- requested “poster-busting” be tested in BIA’s
- need to impose time limit for posters

Ms. Drewitt offered assistance from the BIA’s in getting the message of the new Sign By-law out to their areas.

(v) Georgina Beattie

Ms. Beattie addressed Committee and expressed her opinion regarding the proposed Sign By-law, particularly as it related to advertising for small businesses. These included, but were not limited to;

- need for staggered implementation of By-laws, with Mobile Sign regulations first, to address clutter
- many signs provide “information” and not “advertising”
a number of discrepancies need to be addressed, including lack of fee listed for A-frame signs, need for a fee for election and real estate signs, need definition of “balloons”
small “mom and pop” businesses need different consideration, and concern that By-law would increase her advertising costs.
better education is needed

Ms. Beattie asked whether the new By-law could be appealed.

Don Fisher explained that there was no appeal process to the O.M.B. and that a court challenge would be needed.

Martin Rendl explained that a number of classes of signs did not require a fee, that permanent signs have a one-time fee and that there are annual fees for mobile signs and A-frames.

(vi) Stew Beattie

Mr. Beattie addressed Committee and expressed his concerns regarding the proposed Sign By-law. These included, but were not limited to;

- need to add horticultural greenhouses, garden centers and horticultural nurseries to the signs permitted in the agricultural area
- suggested that election signs for all levels of government should be banned
- suggested that bond should be posted for election signs, then returned when signs removed, to ensure compliance

At Chair Pearson’s request, Councillor Mitchell assumed the Chair.

Councillor Pearson agreed that her preference would be to have no election signs, but this was not a decision which could be made at the municipal level. She noted that the 3-day limit for removal of election signs might not be sufficient.

Chair Pearson resumed the Chair.

(vii) Anne Hewitt

Ms. Hewitt addressed Committee and expressed her concerns regarding the proposed Sign By-law. These included, but were not limited to;

- suggestion that 3 by-law enforcement officers are needed, not just 2, to permit proper enforcement
- need to outlaw sandwich boards
- should limit mobile signs to a maximum of 14 days, not 30
should be no grandfathering of signs
- signs cause a lot of visual clutter which detracted from visual character of the City, and good controls and enforcement are needed

(viii) Hilton Silberg, Day-Night Pharmacy

Mr. Silberg addressed Committee and expressed his concerns regarding the proposed Sign By-law, particularly as it related to Mobile Signs. These included, but were not limited to;

- visual clutter caused by mobile signs should be controlled
- wanted colour in mobile signs, not just black and white
- suggested that further consideration on timing of mobile signs for mult-unit plazas needed, to allow fairness
- emphasized importance of mobile signage, particularly for small business as large, provincial or national businesses have greater resources, and use print and media advertising as well

(ix) Jim Lamond

Mr. Lamond addressed Committee and expressed his concerns regarding the proposed Sign By-law, particularly as it related to Mobile Signs. These included, but were not limited to;

- Sign By-law lengthy, worthwhile and credible, with some exceptions
- need for the use of colour in mobile signs, not just black and white
- earlier consultations had talked about eliminating fluorescent colouring but had not included the total elimination of colours
- while a transition period would be useful, elimination of colours is financial hardship and not adequate to recoup costs incurred

Councillor Bruckler clarified Mr. Lamond’s request as wanting the use of colour in any logos and graphics on the sign.

(x) Bob Campbell, Rockton Agricultural Society

Mr Campbell addressed Committee on behalf of the Rockton, Binbrook and Ancaster Fairs. He thanked City staff for meeting with them to discuss the issues of rural and non-profit signs and for including appropriate sections in the new By-law.

Councillor Braden also commended staff for their attention to the needs of the rural area and the revisions which have been made to the By-law.

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(xi) Dan Gabriel, Hamilton-Halton Home Builders Association

Mr. Gabriel addressed Committee and expressed the following opinions regarding the proposed sign By-law:

- thanked staff for meeting with the Association
- requested a longer time period for display of Open House signs to permit them to be put in place before rush hour on Friday and to be picked up by Monday afternoon
- requested clarification regarding number of Open House signs which may be displayed at intersections – his Association understands the maximum is three (3) per corner and this will prevent difficulties particularly in areas of major new development such as Ancaster.

Committee discussed Mr. Gabriel’s comments and agreed that a regulation should be put in place to allow Open House signs to be set out from noon on Friday and picked up by noon on the following Monday. Staff clarified that the regulations for Open House signs allow three (3) per corner and thus twelve (12) per intersection where two roads meet and cross.

Mr. Gabriel thanked Committee for the clarification and agreed twelve (12) signs would be acceptable.

(xii) Diane Gibbs, Magnet Signs

Ms. Gibbs addressed Committee and expressed the following opinions regarding the proposed sign By-law:

- explained her organization’s desire to clean-up signage and to get a better appearance for the City
- suggested that enforcement of the “old” City of Hamilton By-law would be effective in reducing 50% of clutter, taking signs out of the road allowances and getting better spaces between mobile signs
- proposed sign By-law will increase labour costs for sign companies and thus City is raising costs of advertising for businesses
- charging sign permit fees is unacceptable
- crucial that businesses are able to promote their business
- explained that sign companies have given their alternative proposal to all Committee members and asked that they read it
- a copy of the sign company’s proposal was give to the Clerk for the public record
(xiii) Sergio Della Fortuna, The Bin Restaurant, Binbrook

Mr. Fortuna addressed Committee and expressed the following opinions regarding the proposed sign By-law:

- explained he had his own mobile sign, and other signage, and used these signs all year, questioned how the By-law would impact his use
- emphasized the need for year-round signage on his site, to attract the public
- asked what he would be allowed to do under the new By-law

Staff explained that he would be subject to the time frames for mobile signs and the other regulations but could consider converting his sign into a ground sign. Staff advised that they would work with individual owners to address site-specific issues.

No other members of the public came forward to address Committee. Committee discussed the comments that had been received and the additional information supplied by staff.

Committee agreed that a number of items should be referred back to staff for further consideration and a report back to the August Committee meeting.

On a motion by Councillor Merulla, seconded by Councillor Mitchell, Committee passed the following:

That Report PED05172(a), including the Final Study Report by Martin Rendl, together with the revised by-law considered by Committee on June 22, 2006, be received, and that staff be directed to review the comments made at the Public Meeting on June 22, 2006 including, but not limited to;

- special occasion mobile signs, for a maximum of 2 x 1 week time periods per year, for business openings and closings
- allowing 2 x 15 day time periods as an alternative to one x 30 day period for mobile signs
- including provisions for horticultural nurseries, greenhouses and garden centres in the agricultural and rural signage provisions
- the items raised by HABIA, including removal of abandoned signs, limitations on posters, and use of professional signs
- provision to allow projecting signs with interchangeable messaging
- allowing the inclusion of colours in mobile signage
- adjusting Open House signs placement and pickup times to mitigate issues related to rush hour traffic on the Friday afternoon expectation of early pick up on the Monday morning.

And report back to Committee on August 8, 2006 with appropriate revisions and amendments.

(d) Adjournment

On a Motion, Committee adjourned at 9.50 p.m.

Respectfully submitted,

Maria Pearson, Chair
Planning & Economic Development Committee

Alexandra Rawlings, Co-ordinator
Planning and Economic Development Committee
June 22, 2006