



**KINGSTON MUNICIPAL HERITAGE COMMITTEE (L.A.C.A.C.)  
MINUTES  
SPECIAL MEETING No. 2009-08  
Monday May 11, 2009 at 1:00 p.m.  
Councillors' Lounge, City Hall**

**MEMBERS PRESENT**

Mr. Peter Gower, Chair  
Mr. R. Bruce Downey, Vice-Chair  
Councillor Bill Glover  
Mr. Robert Cardwell  
Mr. John Duerkop  
Mr. Craig Sims  
Ms. Christine Sypnowich

**STAFF PRESENT**

Ms. Cynthia Beach, Commissioner, Sustainability & Growth  
Mr. John Bolognone, Deputy City Clerk  
Mrs. Carolyn Downs, City Clerk,  
Ms. Lindsay Lambert, Planner  
Ms. Susan Powley, Committee Clerk  
Mr. George Wallace, Director, Planning and  
Development

**REGRETS**

Mr. David Ariss  
Mr. Anthony Barlow  
Mr. Michael Gemmell

**OTHERS PRESENT**

Ms. Helen Finley

**THIS IS NOT A VERBATIM REPORT**

**MEETING TO ORDER:**

Mr. Peter Gower, Chair, called the meeting to order.

**POSSIBLE PECUNIARY INTEREST:**

None was declared.

**CONFIRMATION OF AGENDA:**

*Moved by Mr. Downey  
Seconded by Mr. Cardwell*

*THAT the agenda be confirmed as presented.*

**CARRIED**

**BRIEFINGS:**

a) **Mrs. Carolyn Downs, City Clerk**

Mrs. Downs briefed the Committee on a draft Committee mandate. She noted consultation undertaken with City Staff and other municipalities in preparation of the report. She referenced the workload of the Committee and the types of applications which are considered of which one third to one half do not require building permits.

**BUSINESS:**

**A. Reports**

**a) Mandate of Kingston Municipal Heritage Committee**

The Report of Carolyn Downs, City Clerk (KMH-09-003) was attached.

A discussion took place during the presentation of the report.

Site Visit Process (section c)

Mrs. Downs suggested that Staff and members continue with the current site visit process which works well.

Commenting Process (section j)

Mr. Wallace commented on the current Official Plan which envisions that the Heritage Committee has a role similar to any other commenting agency whereby comments are provided to a Planner. A separate application would not be required as comments are then incorporated into a report.

Mr. Wallace noted that for certain types of applications such as minor variance and site plan a Heritage decision should be made first in order to add clarity for the requirements for a Heritage Impact Statement (HIS). He noted that the Committee could advise that an HIS is required or not.

To questions regarding Heritage and Planning processes, Mr. Wallace clarified that general comments would be obtained from the Committee regarding new construction or alterations and a Heritage application would be required. In regard to a site plan application, Heritage approval would be required prior to consideration by the Committee of Adjustment. An Approval in Principle by the Committee would be beneficial to take to Planning, and then detailed comments would be received as part of an ongoing application. Mr. Wallace noted a mandatory pre-consultation process wherein the information is not public until an application is filed. He further noted that Staff encourage applications to be filed concurrently; however, the applicant, knowing that the Committee will need to be involved, may or may not choose to appear before the Committee prior to formal Staff notification.

Mrs. Downs advised that adjacent properties will be added to this section.

Committee Name

Members questioned the change of name, and noted that whether 'Kingston' is part of the formal committee name, it will be used if dealing with other communities.

By-Law Review Committee Process

Mrs. Downs clarified that the Committee to Review By-law 98-1 will review the committee mandate and will report to Council.

Recommendations to Council (section b)

It was suggested that 'infilling' and 'design of new structures' be added.

Mr. Wallace commented that any infilling in a Heritage Conservation District would require Heritage approval under section 'j'.

It was suggested that some items such as roofing, siding, masonry, maintenance don't require a permit but would benefit by comments from the Committee. It was agreed that Staff approval of in kind replacement of eg. 3-tab asphalt is workable; however the Committee should continue to deal with eg. other roofing and siding applications, verandahs, delicate fret work, recognizing that if the workload becomes too much, the matter can be reconsidered. It was highlighted that the Committee should have the opportunity to offer advice and guidance which would not be available from Staff.

Mrs. Downs queried the amount of time the Committee would be able to devote to details. She recognized the Committee's continued involvement in alterations to windows and doors. She noted that the delegated authority by-law is under review, and that policies can be built into the by-law when it comes to the committee.

Mr. Gower summarized the discussion and that the Committee wishes to make recommendations regarding exterior alterations which are changed from what already exists, and noted the difficulty of creating a complete list.

It was noted that the mandate is driven by amendments to the Ontario Heritage Act. He referenced past discussions with senior Staff and options such as separate committees for Part IV and Part V designations, as well as noting the possible implementation of a Technical Advisory Working Group which would retain the advice and guidance of current members who are practitioners, and which would separate pecuniary interest matters.

Ms. Downs confirmed the option for two members at large for a total of 13 members.

A suggestion was made that a diagnosis could be developed around the table for maintenance issues. Whether or not a matter is a time sensitive issue, there may need to be a mechanism so advice can be sought in order to assist the public and Staff.

#### Term of Appointment

It was suggested that staggered terms could be difficult for this Committee.

A suggestion was made to consider extending terms of members beyond the term of Council.

The importance of the exceptional expert advice offered by some members of the committee was highlighted. It was suggested that consideration be given to extended terms for these members. It was noted that assumptions have been made that there are adequate Staff to offload some of the work from the Committee.

#### Ms. Helen Finley

Ms. Finley provided comments regarding Technical Circulations, Alterations, Committee Dialogue, Composition of the Committee and other suggestions as follows:

#### Technical Circulations

Ms. Finley expressed her observations of recent difficulties and misunderstandings. She noted the introduction of technical circulations of Heritage applications, a new method that the Committee had not previously been involved with.

#### Alterations

Ms. Finley noted that as indicated, all alterations not requiring planning applications or building permits would automatically go to Staff. She noted that new things which come up would therefore not come before the Committee.

#### Committee Dialogue

Ms. Finley noted and endorsed the dialogue which takes place at the Committee level which includes professional opinions, and that much can be learned from attending meetings.

#### Composition

Ms. Finley expressed concern regarding the public attending a large committee with an increase in membership to 13, and suggested that applicants could be provided with a relaxed environment prior to decision making.

Ms. Finley made the following suggestions: a location in City Hall for the Heritage resource Centre'; a change in wording of 'heritage assets in the community'; to move designation points to the end of the listing under section b); clarification of sections e, j i); add 'severance' under j iii); add 'concurrent' under j iii, iv, v); consideration be given to meeting twice per month; and a term of appointment be consistent with the term of Council.

#### Timing Requirements

Councillor Glover noted timing requirements for technical circulations, recommendations to Council and resolutions of Council which would be forwarded to the Committee of Adjustment. He further noted different legislated schedules ie. 90 days under the Ontario Heritage Act and 120 days under the Planning Act as well as a statutory public meeting.

#### Staff and Committee Roles

It was noted that the delineation of Staff and Committee roles is not covered within the report, and difficulties with processes in the past were recalled. The need to define the role of Staff and the relationship with the Committee was highlighted.

Mr. Gower asked Mr. Downey to assume the Chair.

Mr. Gower queried past proposed within the last one and one half years which are not included in the document. He said terms should be for four years. He expressed concern regarding appointments ending with the term of Council in November, and any delay regarding reappointments which could impact the 90 day requirement for applications. He expressed concern regarding an increase in the size of the Committee. He questioned the composition of the Committee delineated by areas of expertise, and suggested that the composition be generalized and include KARF, Frontenac Heritage Foundation and some other groups.

Mr. Gower recognized that the previous mandate was written prior to the current Ontario Heritage Act. He noted that the City with its 650 Heritage properties is different from most other communities and thus it must be considered differently. He said the Committee is a Built Heritage Committee and that sections f), h), and i) should be excluded as these fall under Cultural Heritage. He suggested that section e) be rewritten and that wording 'Municipal Heritage Property Register' be included.

Mr. Gower noted alternate processes imposed upon the Committee, and asked for some past allowances to better assist the public to be returned to the Committee.

Mr. Gower resumed the Chair.  
Committee Process

It was noted that the working relationship within the Committee which has developed over time, and the growth by members as they become more knowledgeable enhances clarification which is provided to applicants. It was noted that corporate memory leaves when members go. The discussion which is generated by consideration of an application with the applicant in attendance is a benefit for all who are present at the meeting.

Councillor Glover recalled and emphasized the benefit of an applicant being able to return to the Committee for discussions on several occasions, and recalled a recent successful outcome.

Councillor Glover also noted the importance for the Committee to establish a process for time sensitive applications for which discussions are essential. He highlighted the difference between the function of this committee in comparison with other committees.

Technical Advisory Working Group

In regard to a Technical Advisory Working Group, Councillor Glover noted the expertise of those members at the table. He suggested that a group could be appointed by the CAO in order to retain members expertise to assist in safeguarding the large number of heritage properties; this would also avoid pecuniary interest issues.

Submissions of Members Comments

To a question regarding the status and analysis of submissions of members comments, Mrs. Downs advised that a summary had been presented to the Committee to Review By-law 98-1 and would be considered at the next meeting.

Mrs. Downs thanked the Committee for providing feedback. She noted that clarification is required within the mandate to include the roles of the Committee and Staff. She said that the provision of advice at a technical level will be further explored, and noted that the cities of Hamilton and London use this method.

Members recognized the work which had gone into the development of the draft by-law. Mr. Gower thanked Mrs. Downs for attending the meeting.

**OTHER BUSINESS:**

**NEXT MEETING DATES:**

The next meeting is scheduled for June 01, 2009 at 12:00 noon in the Council Chambers.

**ADJOURNMENT:**

The meeting adjourned at 2:50 p.m.

