



Date 1 February 2011

City Council Committee Report

To: Mayor Canfield & Members of Council

Fr: Karen Brown

Re: Fire Hall Heritage Items

Recommendation:

That Council hereby gives notice of its intention to amend by-law #160-2008 as follows and with the following provisions:

- The Statement of Cultural Heritage Value or Interest be amended to remove the tower bell and the alarm box with bell from the Kenora Fire Hall located on Second St. S.;
- The tower bell and the alarm box with bell be located within the new emergency services facility property and that these items be adequately protected as they would have been had they remained at the existing heritage structure on Second St. S.;
- The City will not sell the tower bell or the alarm box with bell in conjunction with any sale of the new emergency services facility located on Fourteenth St. N., but will relocate these items either to a new emergency services facility within City boundaries or return them to the original heritage structure on Second St. S. at City cost; and
- The City will return the tower bell and the alarm box with bell to the Kenora Fire Hall heritage structure on Second St. S., at City cost, should these items ever become surplus to City needs or considered no longer required, and

That despite the exemption as provided under Section 30.1 (2) of the Ontario Heritage Act for this amendment, Council hereby directs administration to proceed with the notice provisions and applicable appeal period as required within Section 30.1 (1) of that Act.

Background:

In December of 2005, Council established a municipal heritage committee through by-law. On June 12, 2006, Council approved a by-law which established a register of properties situated in the municipality which had been recommended by the Heritage Committee "as being of cultural value or interest". Subsequent to establishing this register, a recommendation came

forward from the Heritage Committee that a number of buildings be added to the registry, including the City of Kenora Fire Hall, located on Second St. S.

In late 2008, City Council provided notice of intention to designate the Kenora Fire Hall as a "property of historical value or interest". A copy of the Statement of Cultural Heritage Value or Interest has been attached for your reference (attachment #1). That statement includes the tower bell and the alarm box (with bell). Following provision of notice, by-law #160-2008 was passed declaring the station a heritage facility.

As a result of the construction of the new Emergency Services Facility, a difference of opinion arose over whether these items should be relocated to the new emergency services facility or be left in the existing heritage structure. A report outlining this issue and recommending that Council and the Emergency Services Manager meet with Heritage Kenora to discuss amending by-law #160-2008 was sent to the City's Property & Planning Committee meeting for discussion at its December 2010 meeting. A copy of that report has been attached for your reference (attachment #2).

That recommendation was approved, and a meeting was held between Heritage Kenora, City Council representatives and City administration, including the Emergency Services Manager, to discuss this matter. The minutes of that meeting have been attached for your reference (attachment #3).

There is no question that this is a matter that both the Emergency Services Department and Heritage Kenora Committee feel passionately about. Without reiterating the arguments, from the perspective of the firefighters, the bell and the bell ceremony is a significant part of the firefighters' traditions. From Heritage Kenora's perspective, the alarm box with bell is significant from a heritage and cultural perspective, and forms an integral part of the building and its history that should be both preserved and protected. The positions of both parties have been documented in the attached minutes (attachment #3), and it is not the intent of the writer to recreate this information as part of this report.

While there is merit in both positions, ultimately it is up to Council to make the difficult decision on this matter. One of the cornerstones of the City's downtown core and revitalization is its heritage structures and maintaining these. At the same time, it is important to understand that the Fire Hall, and more particularly the tower bell and alarm box with bell, is significant to the firefighters from a tradition and ceremony perspective. This is a significance that would not be placed on other heritage items in other heritage structures, such as City Hall for example. Heritage Kenora is concerned with safeguarding the heritage of the structure, and that includes honouring those who have served in the Fire department in this structure. Having listened to both positions, however, it is the writer's opinion that the City should place a higher

value on the honouring the traditions of the Fire Department. It is those traditions that form part of the City's heritage and who we are today.

As a result, it is recommended that the tower bell, fire alarm and bell be moved to the new Emergency Services Facility. The concerns of Heritage Kenora, however, should also be addressed. As a result, it is recommended that the by-law passed to amend by-law #160-2008 include the following:

- The statement of value be amended to remove the tower bell and alarm box with bell from the Kenora Fire Hall located on Second St. S.;
- The tower bell and alarm box with bell be located within the new emergency services facility property and that these items be adequately protected as they would have been had they remained at the existing heritage structure on Second St. S.;
- The City will not sell either the tower bell or alarm box with bell in conjunction with any sale of the new emergency services facility located on Fourteenth St. N., but will relocate these items either to a new emergency services facility within City boundaries or return them to the original heritage structure on Second St. S. at City cost; and
- The City will return the tower bell and alarm box with bell to the Kenora Fire Hall heritage structure on Second St. S., at City cost, should these items ever become surplus to City needs or considered no longer required.

With regards to process, the City has contacted our solicitor, Bruce Ormiston, as to next steps for Council. Mr. Ormiston has advised that the procedure for amending the by-law is set out in Section 30.1 of the Ontario Heritage Act. It is the Law Office's position that this would be covered by the exception in subsection (2) as the change is to "clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes". The City would be required to consult with the municipal heritage committee under subsection (5), which it has done, prior to giving notice to the owner, which is the City. In this situation, the process as required under Section 30.1 (1) of the Ontario Heritage Act would not apply, and the City can proceed directly to amend the by-law for the purposes of correcting the statement of value. Based on discussions at the Property and Planning Committee held February 15th, however, Committee direction was to proceed through the appeal process included under Section 30.1 (1) of the Ontario Heritage Act. This direction was given in order to allow the opportunity for appeals as well as a review by the Cultural Review Board should any appeals be received. The recommendation has been amended to reflect this direction.

If approved, the amended by-law will need to be registered on title prior to the sale of this facility.

Budget:

The Fire department will need to find the funds to move the items to the new emergency services facility location, including appropriate set up for housing these items.

Communication Plan/Notice By-law Requirements:

Heritage Kenora will be advised of Council's decision on this matter.