



AGENDA

Regular Council Meeting

October 26, 2021

6:00 pm

Video Conference

Click the following link:

<https://www.youtube.com/channel/UCzuUpFqxcEI8OG-dOYKteFQ>

Pages

1. **CALL TO ORDER**
2. **DECLARATIONS OF PECUNIARY INTEREST**
3. **AMENDMENTS AND APPROVAL OF AGENDA**

RECOMMENDATION

THAT the October 26, 2021 regular Council meeting agenda be accepted as presented.

4. **PUBLIC INPUT PERIOD**

Public input received by the Clerks Department prior to 4:30 pm on the day of the meeting will be read aloud during this portion of the agenda.

Submissions will be accepted via email at clerksoffice@town.stmarys.on.ca or in the drop box at Town Hall, 175 Queen Street East, lower level.

5. **DELEGATIONS, PRESENTATIONS, AND PUBLIC MEETINGS**

5.1. #Strong As Stone

Recognition of September and October Nominees

Rotary Club of St. Marys

St. Marys Kinsmen Club

5.2. Jean Rowcliffe re: Skatepark

8

RECOMMENDATION

THAT the delegation from Jean Alice Rowcliffe regarding the Skatepark Proposal 2021 be received; and

THAT Council support the skate park expansion project in principle to allow for the Steering Committee to proceed with its planning efforts; and

THAT Council approves in-kind staff support to the Skate Park Steering Committee to assist with finance/donations, branding, engineering and design, etc.

6. ACCEPTANCE OF MINUTES

6.1. Regular Council - October 12, 2021

29

RECOMMENDATION

THAT the October 12, 2021 regular Council meeting minutes be approved by Council and signed and sealed by the Mayor and the Clerk.

6.2. Strategic Priorities Committee - October 19, 2021

36

RECOMMENDATION

THAT the October 19, 2021 Strategic Priorities Committee meeting minutes be raised for consideration by Council and signed and sealed by the Mayor and the Clerk.

6.2.1. Draft 2022 Capital Budget - Automatic Door Opener

RECOMMENDATION

THAT staff report back on the pricing of automatic door openers for project #14 as presented in staff report COR 33-2021 as presented to the Strategic Priorities Committee at the October 19, 2021 meeting.

6.2.2. Draft 2022 Capital Budget

RECOMMENDATION

THAT the 2022 draft capital budget be referred to the special meeting of Council on November 16 for approval (subject to any amendments raised by Committee); and

THAT staff be directed to prepare the 2022 draft operating budget to reflect a proactive asset management approach where the minimum annual capital reserve transfer be the greater of a 5% increase or the annual increase in funding deficit that is caused by the current year's capital budget; and

THAT pre-budget approval be given to capital budget item #27, Zamboni Replacement, as presented in staff report COR 33-2021 presented in the Strategic Priorities Committee October 19, 2021 meeting; and

THAT staff report back on:

1. Financial recourse or insurance coverage for the Zamboni damaged by a propane source issue in 2016.
2. On the Town's ownership and responsibility for maintenance of retaining walls near the road allowance within the community.

7. CORRESPONDENCE

None.

8. STAFF REPORTS

8.1. Administration

8.1.1.	ADMIN 45-2021 October Monthly Report (Administration)	42
	<p>RECOMMENDATION THAT ADMIN 45-2021 October Monthly Report (Administration) be received for information.</p>	
8.1.2.	ADMIN 46-2021 Public Disclosure – Settlement of 151 Water Street North Ontario Land Tribunal Appeal	47
	<p>RECOMMENDATION THAT ADMIN 46-2021 Public Disclosure – Settlement of 151 Water Street North Ontario Land Tribunal Appeal be received for information.</p>	
8.1.3.	ADMIN 47-2021 Amending Agreement with St. Marys Cement for Ambient Air Monitoring Location	100
	<p>RECOMMENDATION THAT ADMIN 47-2021 Amending Agreement with St. Marys Cement for Ambient Air Monitoring Location report be received; and THAT Council consider By-Law 90-2021 and authorize the Mayor and the Clerk to execute the associated amending agreement.</p>	
8.2.	Building and Development Services	
8.2.1.	DEV 48-2021 October Monthly Report (Building and Development)	104
	<p>RECOMMENDATION THAT DEV 48-2021 October Monthly Report (Building and Development) be received for information.</p>	
8.3.	Community Services	
8.3.1.	DCS 30-2021 October Monthly Report (Community Services)	108
	<p>RECOMMENDATION THAT DCS 30-2021 October Monthly Report (Community Services) be received for information.</p>	

8.3.2.	DCS 33-2021 Zamboni Replacement Purchase	112
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RECOMMENDATION

THAT DCS 33-2021 Zamboni Replacement Purchase report be received; and

THAT Council approve a sole source procurement with Zamboni Company Ltd. for an ice resurfacers.

8.4. Corporate Services

8.4.1.	COR 35-2021 October Monthly Report (Corporate Services)	115
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RECOMMENDATION

THAT COR 35-2021 Monthly Report (Corporate Services) be received for information.

8.4.2.	COR 34-2021 Milt Dunnell Park Redevelopment	120
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RECOMMENDATION

THAT COR 34-2021 Milt Dunnell Park Redevelopment report be received; and

THAT the following member of Council is appointed to the Milt Dunnell Park Redevelopment internal committee

8.4.3.	COR 36-2021 Modernization Program - Intake 2 Grant	123
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RECOMMENDATION

THAT COR 36-2021 Modernization Program - Intake 2 Grant report be received; and

THAT Council consider By-law 89-2021 authorizing the Mayor and the Clerk to execute the Municipal Modernization Program – Intake 2 Transfer Payment Agreement.

8.5. Fire and Emergency Services

8.5.1.	FD 14-2021 October Monthly Report (Emergency Services)	150
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RECOMMENDATION

THAT FD 14-2021 October Monthly Report (Emergency Services) be received for information.

8.6. Human Resources

- 8.6.1. HR 15-2021 October Monthly Report (Human Resources) 153**

RECOMMENDATION

THAT HR 15-2021 October Monthly Report (Human Resources) be received for information.

8.7. Public Works

- 8.7.1. PW 75-2021 October Monthly Report (Public Works) 155**

RECOMMENDATION

THAT PW 75-2021 October Monthly Report (Public Works) be received for information.

- 8.7.2. PW 74-2021 Winter Maintenance Sidewalk and Trail Closure By-law 158**

RECOMMENDATION

THAT PW 74-2021 Winter Maintenance Sidewalk and Trail Closure By-law report be received; and

THAT Council approve the proposed winter maintenance closures for specific sidewalks and trails as outlined in report PW 74-2021; and,

THAT Council consider By-law 88-2021 Sidewalk and Trail Temporary Closure for the purpose of temporarily closing certain sidewalks and trails between November 1, 2021 and April 30, 2022.

9. EMERGENT OR UNFINISHED BUSINESS

10. NOTICES OF MOTION

11. BY-LAWS

RECOMMENDATION

THAT By-Laws 88-2021, 89-2021 and 90-2021 be read a first, second and third time; and be finally passed by Council, and signed and sealed by the Mayor and the Clerk.

11.1.	By-Law 88-2021 Temporary Sidewalk and Trail Closure	162
11.2.	By-Law 89-2021 Agreement with Minister of Municipal Affairs and Housing for Municipal Modernization Program	164
11.3.	By-Law 90-2021 Amending Agreement with St. Marys Cement Inc. (Canada) for Ambient Air Monitor Location	165

12. UPCOMING MEETINGS

*All meetings are live streamed to the Town's YouTube Channel

November 9, 2021 - 6:00 pm, Regular Council

November 16, 2021 - 9:00 - 2:30 pm, Special Council (budget)

November 23, 2021 - 6:00 pm, Regular Council

13. CONFIRMATORY BY-LAW 166

RECOMMENDATION

THAT By-Law 91-2021, being a by-law to confirm the proceedings of October 26, 2021 regular Council meeting be read a first, second and third time; and be finally passed by Council and signed and sealed by the Mayor and the Clerk.

14. ADJOURNMENT

RECOMMENDATION

THAT this regular meeting of Council be adjourned at _____ pm.

Proposal to St Marys Town Council
October 26, 2021

Presented by:
Jean Alice Rowcliffe
24 Robinson Street
PO Box 3013
St Marys N4X 1A6
226.700.0403

Quinn and Sullivan Bolton
18 Robinson Street

SK8 St Marys
James Street

Overview:

St Marys currently has a skatepark which was built 10+ years ago. It has been well used and loved over the years, but we feel it is time to upgrade the facilities to accommodate the growing interest in scooters and skateboarding that is a national phenomenon. Since the introduction of this as an Olympic event, skateboarding has become a huge draw for communities around the globe. Many parks become destinations and even here in South Western Ontario there are a number of parks that members of this community drive to, including Stratford, London, Kitchener, Woodstock, Ilderton and Zurich.

There is an opportunity to develop the current skatepark in St Marys and there appears to be great enthusiasm in the community to help bring this to fruition.

Why me?

While born and raised in London Ontario, I have lived and worked for decades abroad. Before moving to St Marys I was in San Francisco for over 25 years. During my years there, I had a wonderful son James, who became an avid skateboarder, introducing me to the panoply of skills it taught him. Initially I was a skeptic, but soon came to understand the value of this sport. It requires athleticism and focus with the additional element that it is a solo undertaking. One does not need a team to participate or succeed. It is only through persistence and constant practice that one improves.

Tragically James died at 17 years old, in 2009 from a rare form of cancer. The grief of living in San Francisco made it impossible over time for me to carry on and I returned to Canada to start anew. St Marys beckoned and I moved to this wonderful community just over 5 years ago. It has been my refuge and salvation and I have deep affection for this lovely town.

I would love to give back in some way.

My neighbours are the Bolton family and the young boys, Quinn and Sully, have developed their scootering and skateboarding skills while practicing on Robinson Street. They know about James' story and my interest in the sport and approached me last summer to see if I might help them revamp their skatepark here in town. We sat down and discussed their observations and "wish list" and I promised I'd help them, so long as they were active participants. It is important for young people to understand the nuts and bolts of how things are created. Things don't just fall from the sky!

This undertaking can also be a good civics lesson.

I've been waiting for a way in which to do something for community as well as remembering James, and this seems to be a perfect cause. Hence, I have been doing some of the groundwork to pursue this endeavour and seek council's support in making it come to fruition.

I have happily assumed the role of Chair of the Steering Committee to gather information and bring in community members to help with this. There are a few families who are interested in joining the cause. We will happily hand off to the town council whenever you feel that is imperative. Until then, energy will go into planting seeds and reaching out to possible donors, etc.

Current observations:

1. I've been to the skatepark multiple times to take photos, walk through the current structures with the young people who are using it. There are a number of safety concerns. Erosion has caused earth to cover parts of the ramps. There is not enough room at the top of the ramps to land safely (children put wooden pallets on the top of the ramps last summer to land). A clever solution but terribly dangerous. Many of the children scooter and there is not enough room to accommodate them all. Parts of the current park are cracked. There is only a dirt path for them to roll along side, next to the cement structure. Again, a hazard. Given the number of young people who would like to use it an any given time, the space is limited.
2. There is no where for a parent or caregiver to sit, except on cement blocks.
3. The children go to the Subway shop to get water to drink.
4. Children spend literally hours here. During the summer, children will easily spend 6 hours at the skatepark. To create something that is more challenging yet safe, will only build the community further. Parents will have peace of mind knowing their children are in a safe well managed environment.
5. It would be wonderful to create a space for younger children to scooter. They can be a part of the community without colliding into older, more adventurous children.

Solution and Proposal:

I have reached out to two skateboard park creators in Ontario. Canadian Ramp Company and NewLine Skateparks. Both, based in SW Ontario, are international in their scope and have worked on many projects here in the province. Each company has shown interest in helping to revamp the current park to give it a facelift without doing a huge rebuild, which would incur great expense.

As we would be expanding the size of the park, the Fire Chief has been included in conversations. I have shared with him that we would need some of the land behind the station. He approves of the idea and does not see any difficulties in expansion. Of course, he will be included in all final plans as to the scope, but he is enthusiastic about the idea. I have spoken to the Mayor and CAO on multiple occasions to keep them up to date on all research and developments.

The goal of this exercise is to:

1. Create a larger, updated space for young people that is inclusive, safe and welcoming. To have more challenging runs and jumps would be a huge addition. It is important that this park welcome both girls and boys equally. Ideally it will be an “All Wheel facility”.
2. Make this skatepark a destination for local communities to visit St Marys vs parents driving elsewhere to seek out such facilities.
3. Expand the offerings so that young children can have a safe place to scooter while older children can skateboard without colliding.
4. Make this a beautiful, fun and exciting addition to town.

What benefit for St Marys?

We would become one of the skatepark destinations for families across the region. Instead of parents driving to other local towns to spend hours (and money eating, shopping, touring the town) we gain these visitors coming in to St Marys. An out-of-town family on the average will spend 4-6 hours at a skatepark (to make the journey worth their while) this could mean that St Marys gets the benefit of these visitors, shopping, visiting the Farmers market, getting drinks and lunch, exploring the town. Just as the cycling community is encouraged to visit St Marys, the scooter/skateboarding crowd can also be encouraged.

Once the skatepark gets widely promoted I suspect there would be quite a number of folks come to town who might not have had any reason to otherwise. Repeat visits will become the norm once children discover how wonderful the park is.

There will be an opening for a small scooter/skateboarding shop to open. Parents currently have to drive to Zurich or London for repairs and supplies. This is a protentional small business for town. Both Skatepark developers have told me that once the park is created, a shop usually follows quickly thereafter.

I would like to see a "Wheelies/Skaters box lunch" become a feature of town. Perhaps the Cheese Shop? Independent? We'd create a box lunch that can be ordered in advance to be picked up upon arrival in town. Over the years with James, it was always tough to find refreshments during the day (I would spend 8+ hours at skateparks with him).

The box lunch could have a "green" component using clever packaging. (Perhaps Cascades might have some ideas?)

The "Wheelies Box lunch" would include a choice of sandwiches, fruit, snacks, water & Gatorade, a logo sticker for their helmet, some local treat...? I can see this becoming a huge bonus for families to come to town and encourage them to spend the day. As far as I know, no one offers this in other communities. I would have loved this offering all those years ago.

These box lunches could also be sold for "picnics by the river"...perhaps expanded to be a more adult menu?

Children at the skatepark with parents by the river.

What to create:

The following are on the wish list for the young people who use the park. I hope these are elements that the town council might agree with.

1. A water fountain (To end the practice of going to Subway for water). The children should not have to leave the site to get a drink of water.
2. Wifi so that communication is easy for the young people. This would help them stay in touch with their parents. Apparently, the current signal does not work there. This would also provide access to emergency service calls.
3. A place to sit and relax/eat. I suggest the pavilion could be a perfect setting for this. It would be great to have some picnic tables there for families to sit in the shade and enjoy their Boxed lunch.
4. Benches would be helpful along the edges for folks to sit on and watch their children (These should be metal and bolted into the cement)
5. Rubbish and recycling bins that are larger and set to the side of the park (current one is next to the skate path and attracts bees/wasps).
6. Lighting? Not sure if town would want outdoor lights for evening skating or does the park only operate from dawn to dusk? Lights near James Street would make it less dark for children making their way home on summer evenings.

7. Charging post for phones, especially if children are there for many hours.
8. A visible security camera would act as a deterrent for any vandalism.

Cost:

Both companies have suggested \$200,000 to \$250,000 as a good number for creating a custom park. We would leave the current cement structure in place, clean it up a bit and make it safe. This cement area could provide the “street” element for skaters.

Modular steel ramps, jumps etc. would then be added.

A cement base would be created to hold the modular pieces. New ramps would be created to join the current skatepark to the modular systems. More jumps etc. would then be possible.

Canadian Ramp suggest including a pump track for toddlers next to the main area so that they are a part of the park and can scooter safely.

Design:

While initially it was thought that the pavilion might be moved to the side, it is now becoming a central part of the park design. It can be the “heart” or gathering place for skaters and families to sit (in the shade) and share a meal or watch the skaters. Perhaps the Lions Club could help spruce the pavilion up a bit? Make sure the structure is strong. The pavilion could also be used for birthday parties. Perhaps the park can be rented for private gatherings?

The new park would be developed on the west side of the current jump and then bend around behind the pavilion. We can see how far the development might go towards the tree, but there is a way then for the path to lead back to the current cement form, with the toddler pump track on the side.

In time, there might be the possibility to add on to the skatepark or create a BMX path.

Graham Cooke VP from Canadian Ramp Company will join in the Zoom call on October 26th to give a more detailed overview of a possible design. He is very keen to work with the town council and has years of experience working in a variety of community forums.

A set of three proposals have been sent for your review. These are just to give some ideas for further discussions.

I am awaiting Bill Gurney from NewLine to get back to me with their possible design ideas.

I understand that Park Street is going to be developed as a through road. Might parallel parking be added along the skatepark side for ease of parking? This would open up the space that was earmarked as “Parking” in the original plan.

Fundraising:

1. Ideally it would be great to get donations from within the community for elements of this project, ie. Cement, landscaping, stone features, benches.
2. I understand there may be some funds through the town as this idea fits with the Recreation and Leisure plan. Scooters and skateboarding certainly encourage spontaneous play which develops individual skills and athleticism.
3. Reaching out to local community charities such as United Way, The Lions Club, Rotary will be an important factor.
4. There are a number of grants that we would qualify for, including the Trillium Fund and Perth County Community Fund? St Marys Community Grant? Tony Hawk Foundation? West 47? Is there a skateboarding foundation in Canada? The skatepark developer may have ideas as well on who to reach out to.
A grant writer and guidance from the council will be most appreciated. While I am happy to help with ideas and execution, I am not talented in this field.

5. Clarification is needed re donations that are given to the town for this project. Are they tax deductible?

I suspect a special fund will need to be established through the town?

6. One of the Steering Committee are willing to establish a “Go Fund Me” page for the project. These would not be tax deductible donations, but can be easily established through Facebook/Instagram.
7. Many of my clients and contacts in SF and abroad followed James’ story closely and donated to a charity that was established in his memory in California. As our skatepark is on “James Street” I would like to invoke his memory in reaching out to individuals and companies that might be willing to donate to a cause that would make him so happy. Including James Street in our proposal and signage would bring a personal touch to this cause.
8. Might we create a tiered program for donations? Each level could have different names...after famous skateparks.

\$20,000+	“Woodward”
\$5-10,000	“ Healdsburg”
\$1,000	“Emeryville”
\$500	“Pier 37”

Each level would receive special mention in our PR package.
Perhaps special signage or a wall in the park?

9. An idea I’ve been developing is the “5 by 40” club.
The premise is that 40 donors would each give \$5,000. This would generate \$200,000.
Donors could get special mention in the park...maybe their name on a the side of ramps?

On a tree next in the landscaping? Name on a bench? Sometimes this targeted fundraising tool is very successful as it gives a clear bottom line.

I am willing to make the first donation of \$5,000 to kick off the fund, if you think it would be something that the council would agree with.

10. The following are some names of local businesses that the initial meeting of the Steering Committee generated for possible donations or help with execution.

Forman Electric

McLean Taylor

Dunnys

Cubberly

Action Healthcare

Famme Accountants

Home Hardware

Merchants Association

Delmar

Saville Construction

Cascades

Rob and Kathy Taylor

Hospital Board?

Shurgain

Dave Hensall

Canadian Tire.... Might we qualify for their Jumpstart program?

Drummond Brothers (landscaping?)

11. A few years ago I did a talk in St Marys as a fundraiser for the Stephen Lewis Grandmother's charity. It was a successful event and the Mayor feels that if I was to give a similar talk (in a larger venue) it could be a great fundraiser for the skatepark. I am happy to do this and we could organize a date/location that would work with town. A silent auction at this event would also be a way to generate funds.

12. The young people who are keen to have this come to fruition, have offered to do bake sales, sponsored walks/rides and create promotional hats and shirts to sell. I suspect that more ideas will be generated once enthusiasm grows for the project.

Conclusion:

St Marys is a very special community with a growing number of young families. With the new housing that is being developed I suspect there will be more families moving to this area to raise their children in the knowledge that safe, outdoor space is readily available. Scootering is often a child's first introduction to being on wheels which then morphs into skateboards and bicycles. To provide a wonderful park in town, where families can *gather* would be such a gift and I do feel that our desire to update the current skatepark would receive great support from the community.

With the seductive lure of technology becoming a greater issue for parents to control, being outdoors, playing independently while developing athletic skills provides a wonderful balance in the lives of our young people.

These are the areas where council/community support would be helpful:

- Grant writing and submissions
- Donations of goods and services
- Formation of a community committee to help move this forward
- Branding and communications
- PR development to reach surrounding communities
- Fundraising

I am more than happy to lend my services, in any capacity, to help bring this to fruition, should the council see this a worthy mission. As of the new year I will retire from my work in Burlington, which will afford me much more time here in St Marys. The neighbour children have learned from watching this exercise and I know they too are willing to work towards this goal.

Thank you for your time in reviewing this proposal. Obviously, there are still many questions to be answered, but I hope this offers an initial outline of what could be developed. There is enthusiasm and a willingness to pull up sleeves and get to work, should you decide to move forward. I know my son James would be thrilled to see this be a new offering for our children.

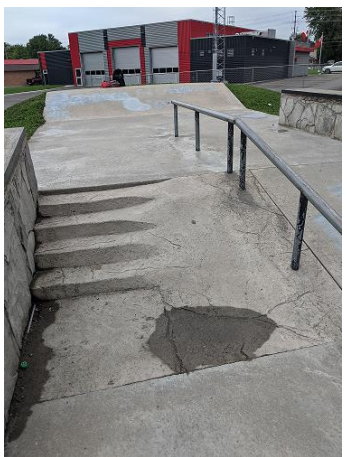
With sincere best wishes to you all.

Jean Alice Rowcliffe
226.700.0403

Canadian Ramp Company
Bishop Mosley/ Graham Cooke
1.905.777.1758

NewLine Skateparks
Bill Gurney
1.644.217.0045



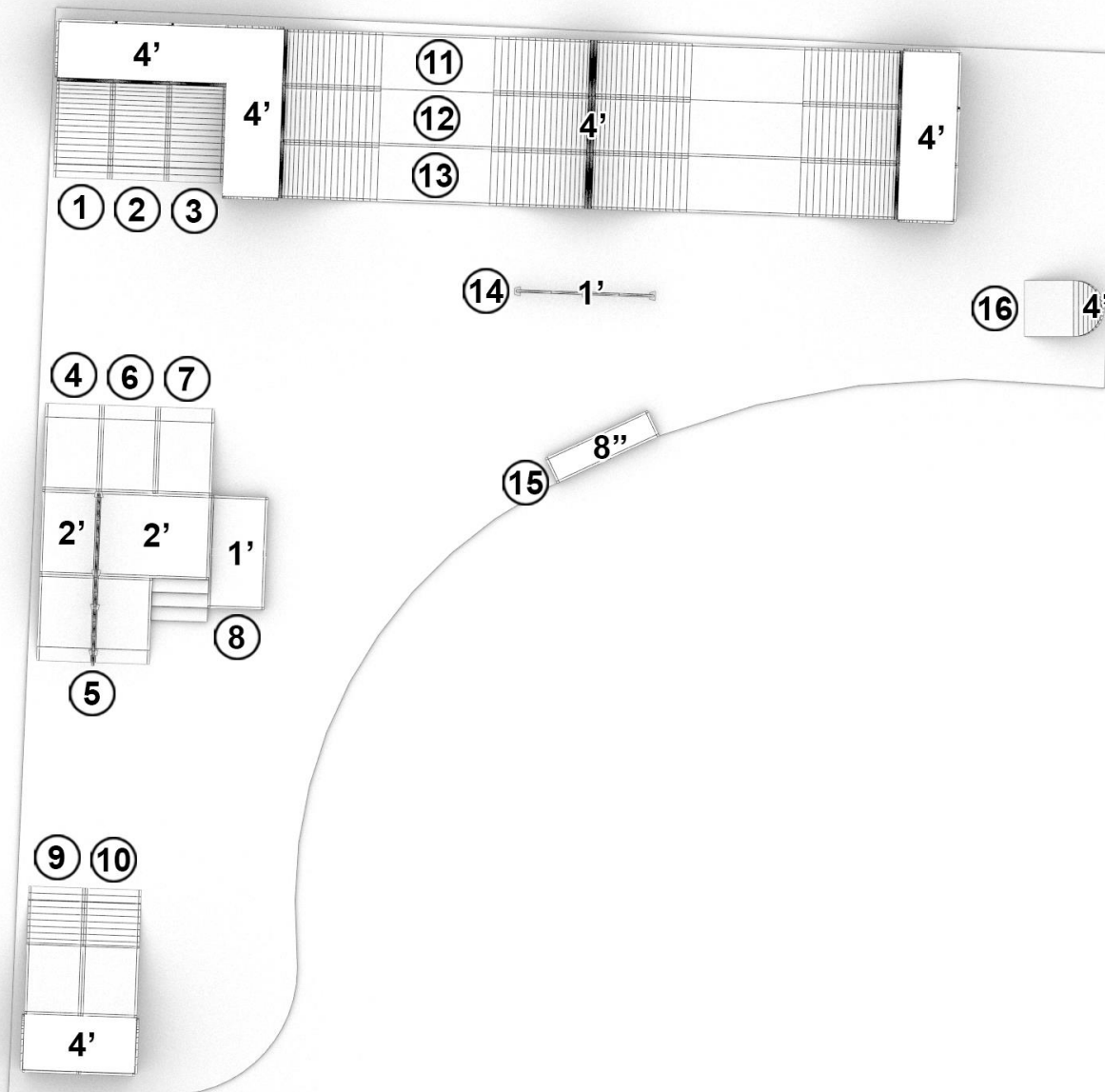




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 Toll Free: (800) 591-2417
 Fax: (289) 644-2975
sales@canadianrampcompany.ca

DRAWN BY Chuck Dodge

DATE 7/14/21

REP. AGENCY

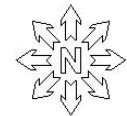
Canadian Ramp Company

REP. NAME

Bishop Mosby

REP. PHONE

(800) 591-2417



CUSTOMER APPROVAL

DATE

PROJECT NAME

Skate Park

DESIGN NO.

7312

43 Curtis Street
Innerkip ON
N01 1M0

Toll-free: 800-591-2417
Local: 905-777-1SK8
Fax: 289-644-2975

sales@canadianrampcompany.ca



Quote #	Design #	FOB	Date
Q25688	7312	St. Marys, ON	10/12/2021

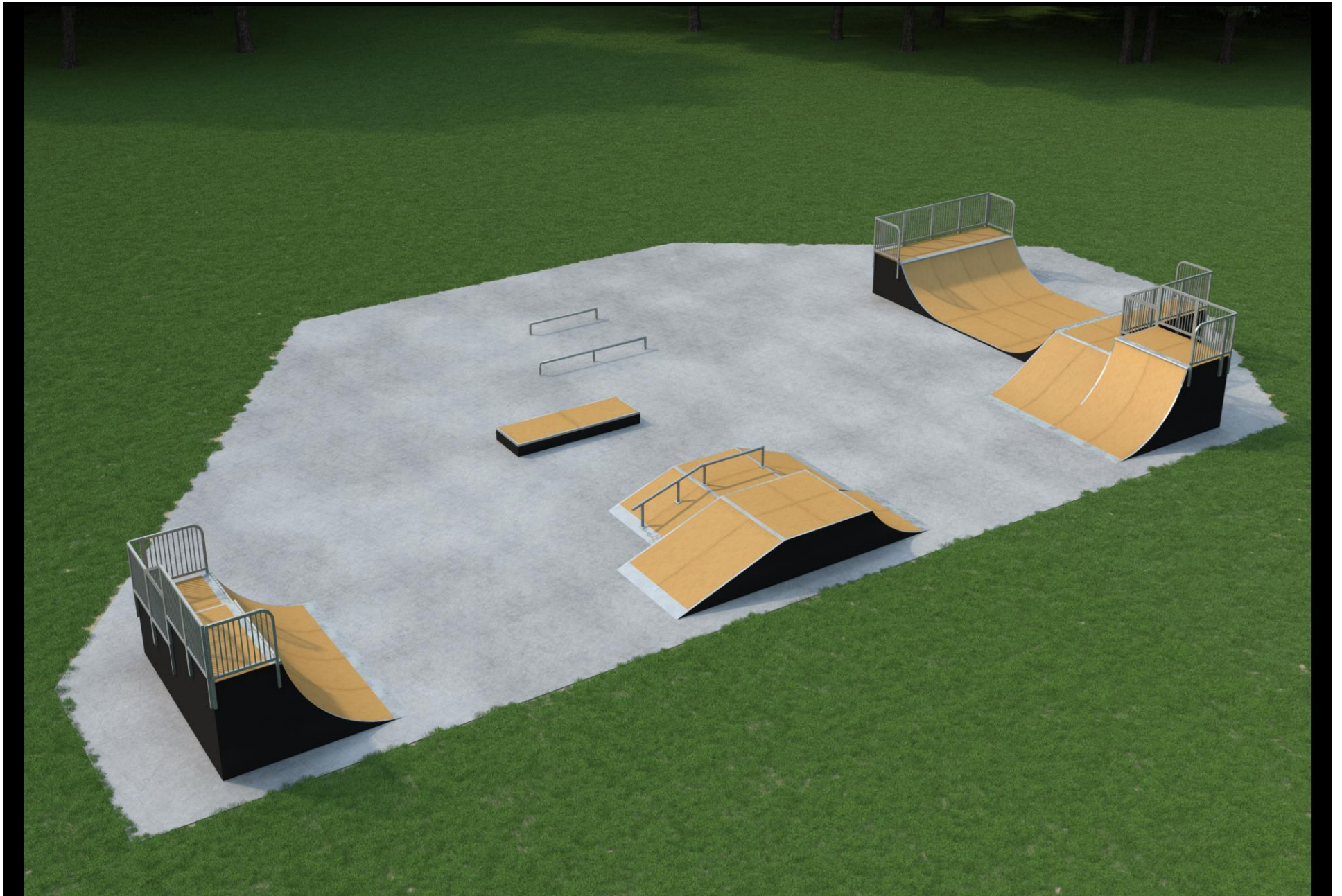
<u>Item</u>	<u>Obstacle</u>	<u>Height</u>	<u>Width</u>	<u>Length</u>	<u>Pro Series</u>
1	Quarter Pipe	4.0'	4.0'	11.0'	
2	Quarter Pipe	4.0'	4.0'	11.0'	
3	Quarter Pipe	4.0'	4.0'	11.0'	
4	Wedge, Flat, Wedge	2.0'	4.0'	18.0'	
5	Grind Rail, Kinked (Round)	1.5'	2"	12.0'	
6	Wedge, Flat, Wedge	2.0'	4.0'	18.0'	
7	Wedge, Flat, Stair	2.0'	4.0'	15.0'	
8	Grindbox	1.0'	4.0'	8.0'	
9	Bank Ramp	4.0'	4.0'	13.0'	
10	Bank Ramp	4.0'	4.0'	13.0'	
11	Half Pipe Section w/4' Spine	4.0'	4.0'	51.0'	
12	Half Pipe Section w/4' Spine	4.0'	4.0'	51.0'	
13	Half Pipe Section w/4' Spine	4.0'	4.0'	51.0'	
14	Grind Rail (Round)	1.0'	2"	10.0'	
15	Grindbox (2' Wide)	8"	2.0'	8.0'	
16	Snap!	4.0'	5.8'	4.0'	

TOTAL

\$155,406.65

Notes:

- This turnkey quote includes Equipment, Shipping, and Installation.
- This quote does not include prevailing wage. If applicable, call for revised quote.
- This quote does not include sales tax. If applicable, call for revised quote.
- Quote is good for 30 days.



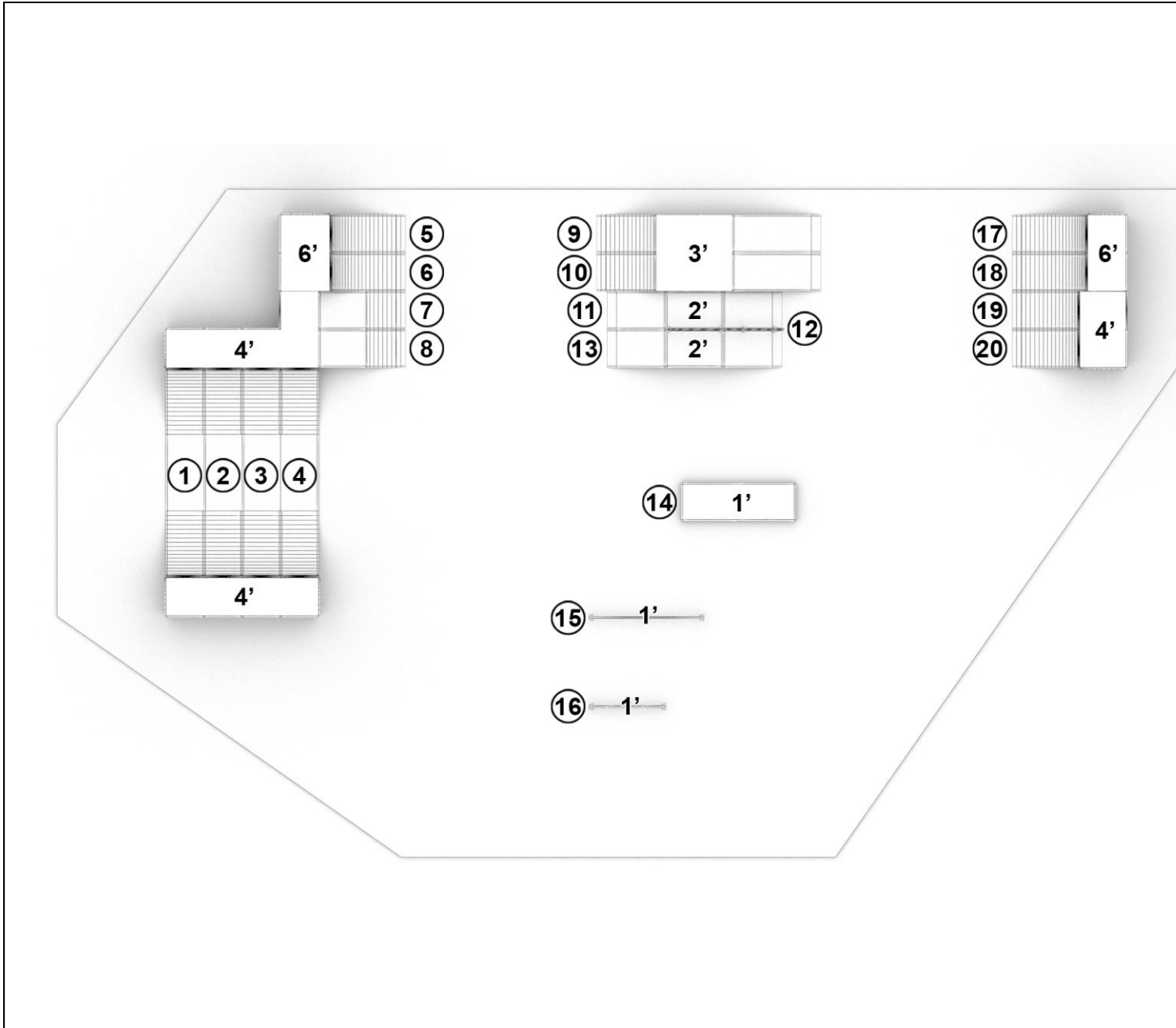
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DRAWN BY	Chuck Dodge
DATE	7/14/21
REP. AGENCY	
Canadian Ramp Company	
REP. NAME	
Bishop Mosby	
REP. PHONE	
(800) 591-2417	
CUSTOMER APPROVAL	DATE
PROJECT NAME	
Skate Park	
DESIGN NO.	7317

43 Curtis Street
 Innerkip ON
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 Local: 905-777-1SK8
 Fax: 289-644-2975

sales@canadianrampcompany.ca



Quote #	Design #	FOB	Date
Q25689	7317	St. Marys, ON	10/12/2021

<u>Item</u>	<u>Obstacle</u>	<u>Height</u>	<u>Width</u>	<u>Length</u>	<u>Pro Series</u>
1	Half Pipe	4.0'	4.0'	30.0'	
2	Half Pipe	4.0'	4.0'	30.0'	
3	Half Pipe	4.0'	4.0'	30.0'	
4	Half Pipe	4.0'	4.0'	30.0'	
5	Quarter Pipe	6.0'	4.0'	13.0'	
6	Quarter Pipe	6.0'	4.0'	13.0'	
7	Bank Ramp	4.0'	4.0'	13.0'	
8	Bank Ramp	4.0'	4.0'	9.0'	
9	Jump Box	3.0'	4.0'	23.0'	
10	Jump Box	3.0'	4.0'	23.0'	
11	Wedge, Flat, Wedge	2.0'	4.0'	18.0'	
12	Grind Rail, Kinked (Round)	1.5'	2"	12.0'	
13	Wedge, Flat, Wedge	2.0'	4.0'	18.0'	
14	Grindbox	1.0'	4.0'	12.0'	
15	Grind Rail (Round)	1.0'	2"	12.0'	
16	Grind Rail (Square)	1.0'	3"	8.0'	
17	Quarter Pipe	6.0'	4.0'	12.0'	
18	Quarter Pipe	6.0'	4.0'	12.0'	
19	Quarter Pipe	4.0'	4.0'	12.0'	
20	Quarter Pipe	4.0'	4.0'	12.0'	

TOTAL

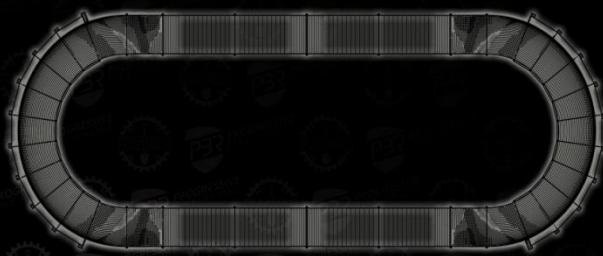
\$173,581.51

Notes:

- This turnkey quote includes Equipment, Shipping, and Installation.
- This quote does not include prevailing wage. If applicable, call for revised quote.
- This quote does not include sales tax. If applicable, call for revised quote.
- Quote is good for 30 days.

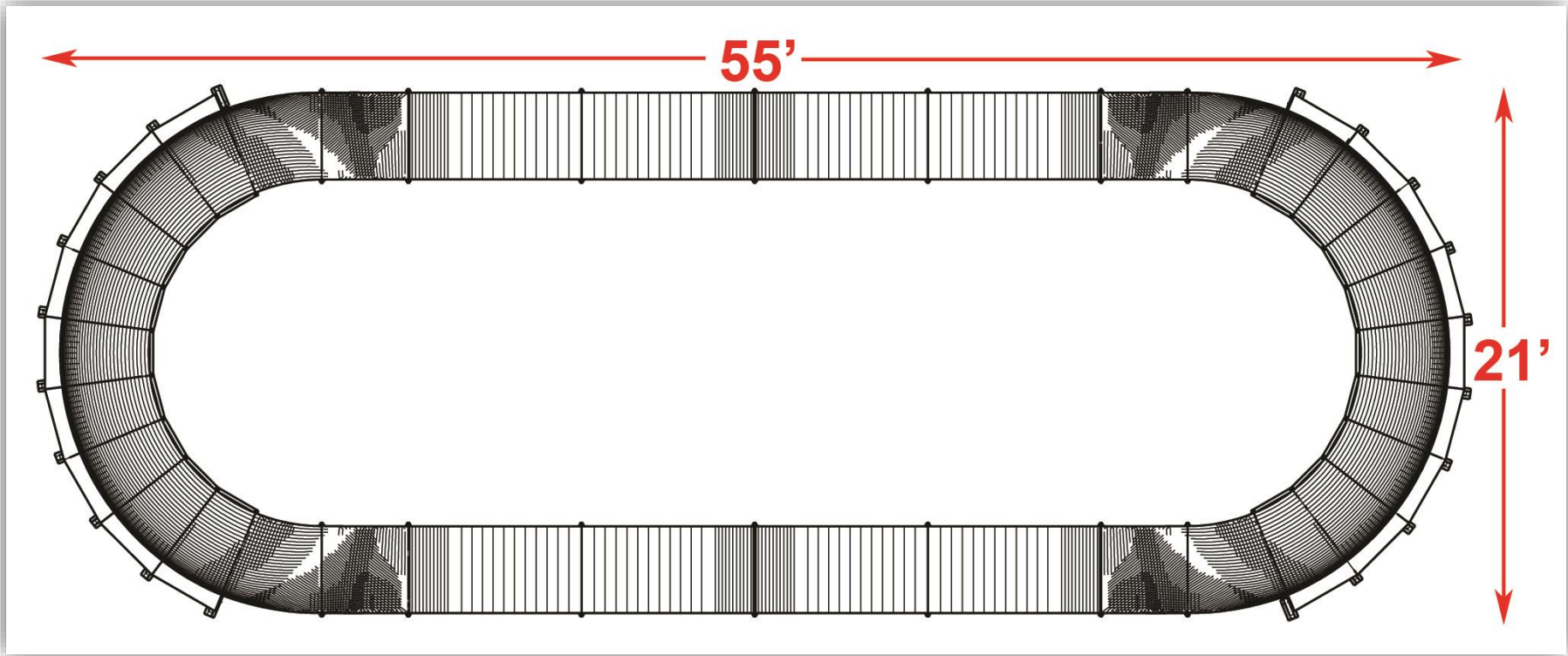
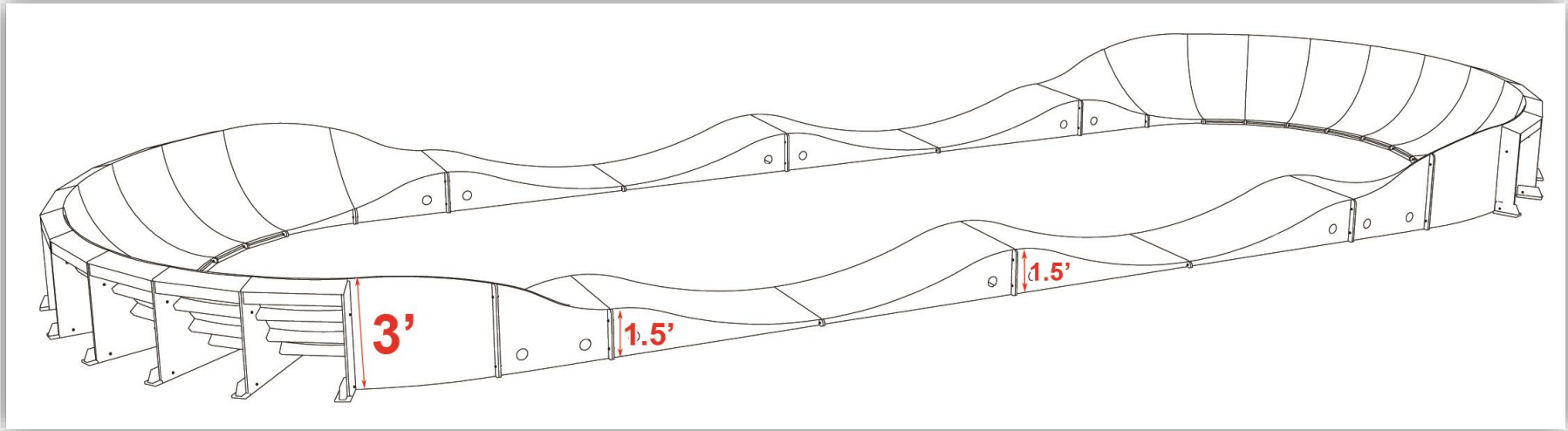


Speed Ring, PBR0045_L



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FOB	Design #	Quote #
Location	PBR0045_L	

<u>Item</u>	<u>Obstacle</u>	<u>Height</u>	<u>Width</u>	<u>Length</u>	<u>Lumberjack</u>
	Speed Ring (Lumberjack)	3.0'	21.0'	55.0'	
TOTAL					\$53,400.00

Notes:

- This turnkey quote includes Equipment, Shipping, and Installation.
- This quote does not include prevailing wage. If applicable, call for revised quote.
- This quote does not include sales tax. If applicable, call for revised quote.
- Quote is good for 30 days.



**MINUTES
Regular Council**

October 12, 2021
6:00pm
Town Hall, Council Chambers

Council Present: Mayor Strathdee (in-person)
Councillor Craigmile (in-person)
Councillor Edney (in-person)
Councillor Luna (in-person)
Councillor Hainer (in-person)
Councillor Pridham (in-person)
Councillor Winter (in-person)

Staff Present: **In-Person**
Jenna McCartney, Clerk

1. CALL TO ORDER

Mayor Strathdee called the meeting to order at 6:00 pm.

2. DECLARATIONS OF PECUNIARY INTEREST

None.

3. AMENDMENTS AND APPROVAL OF AGENDA

Resolution 2021-10-12-01

Moved By Councillor Craigmile

Seconded By Councillor Edney

THAT the October 12, 2021 regular Council meeting agenda be accepted as presented.

CARRIED

4. PUBLIC INPUT PERIOD

In advance of the meeting, Frank Doyle of St. Marys Independent provided the following question:

1. Has Council/Town ever considered having a Town Chamber of Commerce, either by disbanding the BIA (which would save businesses the annual dues) or amalgamating with the BIA under the auspices of the Town or having the Stratford Chamber have a more prominent role in St. Marys.

In response to the question, Mayor Strathdee stated that he is not aware of this being considered by Council in the past.

5. DELEGATIONS, PRESENTATIONS, AND PUBLIC MEETINGS

5.2 Maggie Martin re: PC Connect Quarterly Update

Maggie Martin of Perth County provided a quarterly update on behalf of PC Connect and responded to questions from Council.

Resolution 2021-10-12-02

Moved By Councillor Luna

Seconded By Councillor Winter

THAT the delegation from Maggie Martin of Perth County regarding the PC Connect transit update be received.

CARRIED

5.1 Giving Tuesday Committee re: Giving Tuesday

Cindy Taylor presented the information about the Giving Tuesday initiative and responded to questions from Council.

Resolution 2021-10-12-03

Moved By Councillor Hainer

Seconded By Councillor Luna

THAT the delegation from Cindy Taylor regarding Giving Tuesday be received; and

THAT Council proclaim Tuesday, November 30, 2021 as Giving Tuesday in the Town of St. Marys.

CARRIED

5.3 Amara Kartick re: Greenhouse Gas Reduction Plan

Amara Kartick presented the Greenhouse Gas Reduction Plan and responded to questions from Council.

Resolution 2021-10-12-04

Moved By Councillor Edney

Seconded By Councillor Pridham

THAT Creating A Healthy Environment - Greenhouse Gas Reduction Plan report be received; and

THAT the Council for the Town of St. Marys adopts the Creating A Healthy Environment - Greenhouse Gas Reduction Plan; and

THAT the plan be referred to the Green Committee to work with the Climate Change Coordinator to develop an implementation plan and list of recommended projects.

During deliberation of the resolution, Councillor Hainer requested a friendly amendment to replace the word "adopts" from the second paragraph of resolution 2021-10-12-04 with the word "receives", and further, that staff be included within the list of groups to refer the plan to.

Mayor Strathdee ruled that the proposed friendly amendment would change the intention of the resolution and asked Councillor Hainer to put the amending motion on the floor.

It was determined that there is staff involvement at the committee level and therefore, staff would be involved with the review of the Plan.

Resolution 2021-10-12-05

Moved By Councillor Hainer

Seconded By Councillor Craigmile

THAT resolution 2021-10-12-04 be amended to replace the word "adopts" in the second paragraph with the word "receives".

WITHDRAWN

Councillor Hainer wishes to withdraw amendment.

Resolution 2021-10-12-04

Moved By Councillor Edney

Seconded By Councillor Pridham

THAT Creating A Healthy Environment - Greenhouse Gas Reduction Plan report be received; and

THAT the Council for the Town of St. Marys adopts the Creating A Healthy Environment - Greenhouse Gas Reduction Plan; and

THAT the plan be referred to the Green Committee to work with the Climate Change Coordinator to develop an implementation plan and list of recommended projects.

CARRIED

6. ACCEPTANCE OF MINUTES

6.1 Special Council - September 21, 2021

Resolution 2021-10-12-06

Moved By Councillor Craigmile

Seconded By Councillor Luna

THAT the September 21, 2021 special meeting of Council minutes be approved by Council and signed and sealed by the Mayor and the Clerk.

CARRIED

6.2 Regular Council - September 28, 2021

Resolution 2021-10-12-07

Moved By Councillor Luna

Seconded By Councillor Edney

THAT the September 28, 2021 regular Council meeting minutes be approved by Council and signed and sealed by the Mayor and the Clerk.

CARRIED

7. CORRESPONDENCE

None.

8. STAFF REPORTS

None.

9. COUNCILLOR REPORTS

9.1 Operational and Board Reports

Each Councillor provided an overview of recent committee and board meetings.

Resolution 2021-10-12-08

Moved By Councillor Winter

Seconded By Councillor Luna

THAT Council support the request to light up Town Hall on October 21, 2021 during the evening hours in support of National Disability Employment Awareness Month.

CARRIED

Resolution 2021-10-12-09

Moved By Councillor Craigmile

Seconded By Councillor Luna

THAT agenda items 9.1.1 to 9.1.6 and 9.2.1 to 9.2.15 be received.

CARRIED

9.1.1 Bluewater Recycling Association - Coun. Craigmile

9.1.2 Library Board - Coun. Craigmile, Edney, Mayor Strathdee

**9.1.3 Municipal Shared Services Committee - Mayor Strathdee,
Coun. Luna**

9.1.4 Huron Perth Public Health - Coun. Luna

9.1.5 Spruce Lodge Board - Coun. Luna, Pridham

9.1.6 Upper Thames River Conservation Authority

9.2 Advisory and Ad-Hoc Committee Reports

9.2.1 Accessibility Advisory Committee - Coun. Hainer

9.2.2 Business Improvement Area - Coun. Winter

9.2.3 CBHFM - Coun. Edney

9.2.4 Committee of Adjustment

**9.2.5 Community Policing Advisory Committee - Coun. Winter,
Mayor Strathdee**

9.2.6 Green Committee - Coun. Pridham

9.2.7 Heritage Advisory Committee - Coun. Pridham

9.2.8 Huron Perth Healthcare Local Advisory Committee - Coun. Luna

9.2.9 Museum Advisory Committee - Coun. Hainer

9.2.10 Planning Advisory Committee - Coun. Craigmile, Hainer

9.2.11 Recreation and Leisure Advisory Committee - Coun. Pridham

9.2.12 Senior Services Advisory Committee - Coun. Winter

9.2.13 St. Marys Lincolns Board - Coun. Craigmile

9.2.14 St. Marys Cement Community Liaison Committee - Coun. Craigmile, Winter

9.2.15 Youth Council - Coun. Edney

10. EMERGENT OR UNFINISHED BUSINESS

None.

11. NOTICES OF MOTION

None.

12. UPCOMING MEETINGS

Mayor Strathdee reviewed the upcoming meetings as presented on the agenda.

13. CONFIRMATORY BY-LAW

Resolution 2021-10-12-10

Moved By Councillor Edney

Seconded By Councillor Luna

THAT By-Law 87-2021, being a by-law to confirm the proceedings of October 12, 2021 regular Council meeting be read a first, second and third time; and be finally passed by Council and signed and sealed by the Mayor and the Clerk.

CARRIED

14. ADJOURNMENT

Resolution 2021-10-12-11

Moved By Councillor Pridham

Seconded By Councillor Luna

THAT this regular meeting of Council adjourns at 7:26 pm.

CARRIED

Al Strathdee, Mayor

Jenna McCartney, Clerk



MINUTES
Strategic Priorities Committee

October 19, 2021
9:00 am
Town Hall, Council Chambers

Council Present: Mayor Strathdee (in-person)
Councillor Craigmile (in-person)
Councillor Edney (in-person)
Councillor Hainer (in-person)
Councillor Luna (in-person)
Councillor Pridham (in-person)
Councillor Winter (in-person)

Staff Present: **In-Person**
Brent Kittmer, Chief Administrative Officer
Jenna McCartney, Clerk

Conference Line
Grant Brouwer, Director of Building and Development
Stephanie Ische, Director of Community Services
Jed Kelly, Director of Public Works
Lisa Lawrence, Director of Human Resources
André Morin, Director of Corporate Services / Treasurer
Sarah Andrews, CEO St. Marys Public Library
Doug LaPointe, Supervisor of Operations
Jeff Wolfe, Asset Management Specialist

1. CALL TO ORDER

Chair Strathdee called the meeting to order at 9:00 am.

2. DECLARATIONS OF PECUNIARY INTEREST

None.

3. AMENDMENTS AND APPROVAL OF THE AGENDA

Resolution 2021-10-19-01

Moved By: Councillor Edney

Seconded By: Councillor Craigmile

THAT the October 19, 2021 Strategic Priorities Committee agenda be accepted as presented.

CARRIED

4. STRATEGIC PRIORITIES REVIEW

4.1 COR 33-2021 Draft 2022 Capital Budget

André Morin presented an overview of today's proceedings and explained the process for the presentation of the draft 2022 budget.

Jeff Wolfe elaborated on the asset management plan and linked how it fits with the capital budget.

The Committee was of the consensus that the following capital items should be presented in the draft 2022 capital budget:

- #1 Police Cruiser
- #3 IT Annual Equipment
- #4 Folding / Postage Equipment
- #5 ERP System Upgrades
- #6 Milt Dunnell Park Upgrades
- #7 Wayfinding Strategy Implementation
- #8 Library South Side Exit Door Replacement
- #9 Library Church St. Door
- #10 Library Retaining Wall Repairs
- #11 Town Hall Carpet Replacement
- #12 Town Hall Interior Replacement
- #13 Lind Wall Retaining Wall Replacement
- #14 Lind Sportsplex Door Replacement

Resolution 2021-10-19-02

Moved By: Councillor Hainer

Seconded By: Councillor Pridham

THAT the Strategic Priorities Committee recommends to Council:

THAT staff report back on the pricing of automatic door openers for project #14 as presented in staff report COR 33-2021.

CARRIED

The Committee was of the consensus that the following capital items should be presented in the draft 2022 capital budget:

- #15 Lind Sportsplex Ice Surface Wall Painting
- #16 Museum Retaining Wall Repairs
- #17 MOC Window Replacement
- #18 MOC Flooring Replacement
- #20 Lind Canteen Upgrades
- #21 Facility Energy Upgrades

The Committee took a brief recess at 10:33 am.

Chair Strathdee called the meeting back to order at 10:40 am.

The Committee resumed deliberations and was of the consensus that the following capital items should be presented in the draft 2022 capital budget:

- #22 PRC HVAC Units
- #23 Evaporative Condenser Replacement
- #24 Dehumidification Unit
- #25 Reverse Osmosis System
- #26 Teddy's Field Lights
- #28 L-05 Utility Vehicle
- #29 T-20 5 Tonne Truck with Plow
- #30 Winter Fleet GPS Upgrades
- #31 PW Fleet Radio Upgrades
- #32 Columbarium
- #33 Jones St. Parking Lot - Lighting

- #34 Kin Park Upgrades
- #35 Asset Management Plan Upgrade
- #36 Annual Asphalt Resurfacing
- #37 Road Condition Assessment
- #38 East Ward Traffic Study
- #39 Stormwater Management Improvement
- #40 Guard Rail Replacement
- #41 Sarnia Bridge and Emily Street Overpass - plank repairs
- #42 Church St. Retaining Wall
- #43 Water St. Bridge Repairs
- #44 Wellington St. S. (Bridge to Park St.)
- #45 Wellington St. S. (Park St. to St. Maria)
- #46 Victoria St. (Thames to End)
- #47 Water Valve Replacement Program
- #48 Well Inspection and Maintenance Program
- #49 Well 3 Actuator and Gate Valve Replacement
- #50 Rotometer Replacements (Well 2A / 3)
- #51 Well No. 1 Storage Building Improvements
- #52 Booster Station Rehabilitation
- #53 Wellington Street (Bridge to Park) - water
- #54 Carling Street (Samual to Dead End) - water
- #55 Wellington St. S. (Park St. to St. Maria) - water
- #56 Steam Boiler Replacement
- #57 Electrical System Evaluation
- #58 Raw Sewage Check and Gate Value Replace
- #59 I&I Collection System Improvements

- #60 Spare Chemical Metering Pumps
- #61 RAS Pump 3 Replacement
- #62 Centrifuge Fee Pump Rebuild P404
- #63 Clarifier Weir Replacement #3
- #64 Clarifier 3 Sandblasting and Painting
- #65 Raw Sewage Exhaust Fan Replacement
- #66 Interim Approval Earthworks

The Committee did not consider the following capital items as pre-approval has previously been provided:

- #2 Fire Pumper
- #19 MOC Boiler Replacement

Resolution 2021-10-19-03

Moved By: Councillor Craigmile

Seconded By: Councillor Luna

THAT COR 33-2021 Draft 2022 Capital Budget report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the 2022 draft capital budget be referred to the special meeting of Council on November 16 for approval (subject to any amendments raised by Committee); and

THAT staff be directed to prepare the 2022 draft operating budget to reflect a proactive asset management approach where the minimum annual capital reserve transfer be the greater of a 5% increase or the annual increase in funding deficit that is caused by the current year's capital budget; and

THAT pre-budget approval be given to capital budget item #27, Zamboni Replacement, as presented in staff report COR 33-2021; and

THAT staff report back on:

1. Financial recourse or insurance coverage for the Zamboni damaged by a propane source issue in 2016.

2. On the Town's ownership and responsibility for maintenance of retaining walls near the road allowance within the community.

CARRIED

5. NEXT MEETING

Chair Strathdee reviewed the upcoming meetings related to the budget as presented on the agenda.

6. ADJOURNMENT

Resolution 2021-10-19-04

Moved By: Councillor Luna

Seconded By: Councillor Pridham

THAT this meeting of the Strategic Priorities Committee adjourns at 11:38 am.

CARRIED

Al Strathdee, Mayor

Jenna McCartney, Clerk

MONTHLY REPORT

To: Mayor Strathdee and Members of Council

From: Administration

Date of Meeting: 26 October 2021

Subject: ADMIN 45-2021 October Monthly Report (Administration)

RECOMMENDATION

THAT ADMIN 45-2021 October Monthly Report (Administration) be received for information.

DEPARTMENTAL HIGHLIGHTS

COVID 19 Pandemic Response

- Provincial Proof of Vaccination Requirements:
 - With the continued easing of public health restrictions, public, patron and user group inquiries are resulting in case-by-case determinations where and when proof of vaccination will be required to access municipal buildings.
 - The guiding philosophy of the Province is that proof is not necessary for access to “essential” services, but is required for access to “discretionary” services.
 - Under this approach, staff have communicated to renters and users of the Town Hall theatre / auditorium that proof of vaccination will be required for any person who is not a Town staff to access the theatre.
- Vaccination Clinic Support
 - HPPH is projecting that the Province will expand eligibility for third doses of the COVID-19 vaccine in November. As a result, they are ramping up clinics in November. The plan forward is for the Town to continue to support and host at least one per month.
 - HPPH is planning to leverage its vaccine committees to also support the flu vaccine effort. Town staff have communicated they will support the effort in any way we can.

Strategic Planning and Projects

- Community Transportation Project:
 - St. Marys Bus Stops
 - Currently there is a bus stop for PC Connect at Town Hall.
 - This stop has had instances of traffic conflict as the bus attempts to navigate in and out of the parking area shared with police.
 - City and County staff have advised that a new stop location should be pursued. This could include using parking stall(s) immediately north of the police parking for PC Connect, finding a location on a side street in the downtown, or transitioning the downtown stop to the Train Station.
 - Ridership Update

PC Connect 2020-2021 Ridership Report					
Month 2020-21	Route 1: KW to Listowel	Route 2: KW to St.Marys	Route 3: London to Stratford	Route A: Perth County North	Route B: Perth County South
16-30 November	9	37	N/A	20	19
December	20	59	N/A	48	22
January	4	13	6	43	10
February	11	20	29	73	13
March	11	57	59	158	23
April	7	10	33	135	11
May	6	39	36	62	20
June	12	85	49	50	29
July	46	108	91	80	29
August	34	116	143	81	44
September	91	119	144	87	118
TOTALS	251	663	588	837	338

- Program Extension Update:
 - City of Stratford and the County of Perth both plan to accept grant funding offered to extend the project through to 2025.
 - The City of Stratford has provided the following forecasts for municipal contributions through to the end of the project:

	2021 Projection	2022	2023	2024	2025
Stratford	0	\$106,327.42	\$139,204.46	\$156,343.85	\$9,005.26
North Perth	0	\$106,327.42	\$139,204.46	\$156,343.85	\$9,005.26
St Marys	0	\$106,327.42	\$139,204.46	\$156,343.85	\$9,005.26

- The Town's future contributions to this project are higher than expected at the outset of the project. The cost is directly related to the hours of service being provided at this time.
 - City staff have confirmed that they will be seeking the Town's decision to participate in the program extension or to withdraw from the program prior to the 2023 budget year.
 - If cost is a concern of Council, discussions related to reducing the hours of service should occur before deciding to withdraw.
 - Program Alignment with GO service launch:
 - Overall, the City's strategy in administering the PC Connect program is to ensure that it aligns with and compliments the new GO service.
 - Currently, PC connect pick-up and drop off times in London replicate the GO service for the early morning times of the London-St. Marys-Stratford-KW route.
 - City Staff plan to reconfigure the route pick-up and drop offs to direct users to the GO Service.
 - Long term, the goal is to use PC Connect ridership to demonstrate that public transit is needed in the area to support a business case for GO to increase its service on the line.
 - If GO increases its service level, the vision is for PC Connect to transition to a feeder service that will connect riders to GO.
- Greenhouse Gas Emissions Plan:
 - Council has provided draft approval of \$20,000 to extend the Climate Change Coordinator through to the end of 2022.

- Preliminary discussions have been held at the CAO level and it appears North Perth, West Perth, Perth East and the County are all interested in participating in an extension, with decisions from the City of Stratford and Perth South pending.

Land Sales

- 14 Church Street North
 - Vendor continues to work through the process to clear a lien from the property.
 - A further request for closing date extension is expected to be received in the near future.

Legal Matters

- 151 Water Street North OLT hearing
 - Settlement hearing held October 5, 2021, with a written decision for settlement received October 12, 2021.
 - Further details can be found in staff report ADMIN 46-2021

Other Projects

- Social Wellness and Wellbeing:
 - Community Safety and Wellbeing Plan:
 - Regional Executive Leadership Committee continues to meet monthly.
 - The current implementation goals are communication and service integration.
 - A website has been created to host the CSWBP and to act as the main portal for pushing out information related to plan implementation.
 - A service provider inventory has been created for the region, and the Committee is now in the process of reviewing which providers will participate in issue-based action teams.
 - The Committee will be reviewing the progress of the Town's Community Wellness Committee as an example of a local action team.
- Community Developer and Support Worker
 - Position has begun working from Pyramid Recreation Centre on a periodic basis with a goal of offering drop-in access for the public.
 - Funder's meeting organized for October 26, 2021 to review the 6-month activity report, and the overall progress of the program.
 - Through the 2022 budget deliberations Council will be asked if they wish to continue funding the program. Level of funding will be confirmed once the participating partners are known.

2. Clerks

Legislative Services

- Town Hall
 - In-person visits to Town Hall have returned to pre-pandemic numbers.
 - Will be assisting with payment collection at Town Hall as property tax payments are submitted over the next two weeks.
 - Experienced a recent water breach in the record retention facility at Town Hall. Town Facilities department has been navigating the initial response to the breach. Will be preparing a document remediation plan in the near future and transitioning all vital records to the Museum for permanent retention.
- Animal Control
 - Preparing for the rollover from 2021 licences to 2022 with invoicing occurring in late November to early December.

- Humane Society of Kitchener Waterloo Stratford Perth has advised the Town that the service fee for 2022 will be \$9,281.07 which factors a 2.2 CPI on top of last year's fee.
- Budget 2022
 - Making necessary plans to implement a hybrid approach for meetings during the 2022 budget deliberations.
 - A call for applications has been advertised for the 2022 Community Grants.
- By-Law Review
 - Research continues for poultry licensing options. Will report back to Council at a future date.
 - Outstanding development of by-laws includes noise, refreshment vehicle and public nuisance. Public Works will be preparing amendments to Traffic, Parking and Boulevard Maintenance By-law required at an upcoming meeting.
 - Staff will be working with Stratford Police Service to create an enforcement plan to manage snowmobile complaints this year.
- By-Law Enforcement
 - Stratford Police stats for September 2021:

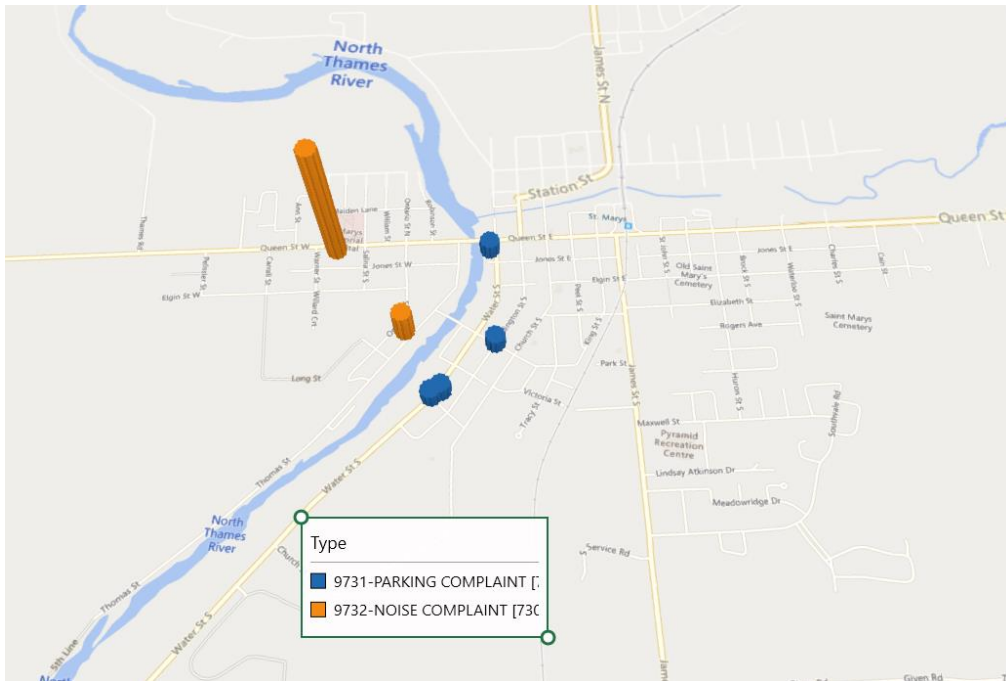
Table 1 – Total Complaints by Complaint Basis

* One less complaint than August 2021.

Table 2 – Total Complaints by Month

Bylaws	Count
Jan	20
Feb	10
Mar	19
Apr	19
May	10
Jun	19
Jul	17
Aug	15
Sep	14
Grand Total	143

Table 3 – Total Complaints by Location



- Commissioner of Oaths
 - Renewal from Division Registrar through Service Ontario for Commissioner of Oaths appointments of staff (Director of Building and Development & Accounting Clerk) remains pending.
- Election 2022
 - Continuing with election training schedule. Working towards presenting Council with the options for voting methods.
 - After a two-year hiatus due to the pandemic, area clerks have resumed regular meetings. Focus on current best practices as well as election procedures.
- Emergency Management
 - Provincial requirement to hold a tabletop exercise in 2021 has been achieved.
- Lottery Licensing
 - Closed one raffle license.
 - Approved one license.
- Training
 - Staff completed marriage solemnization training. Reviewing records to ensure compliance with current practices.

SPENDING AND VARIANCE ANALYSIS

None.

REVIEWED BY

Recommended by the CAO

BK
 Brent Kittmer
 Chief Administrative Officer

FORMAL REPORT

To: Mayor Strathdee and Members of Council

Prepared by: Brent Kittmer, Chief Administrative Officer

Date of Meeting: 26 October 2021

Subject: **ADMIN 46-2021 Public Disclosure – Settlement of 151 Water Street North Ontario Land Tribunal Appeal**

PURPOSE

The purpose of this report is to provide a public disclosure of the Minutes of Settlement and the Ontario Land Tribunal (OLT) decision regarding the planning appeal for 151 Water Street North.

RECOMMENDATION

THAT ADMIN 46-2021 Public Disclosure – Settlement of 151 Water Street North Ontario Land Tribunal Appeal be received for information.

BACKGROUND

1934733 Ontario Inc. (“193 Ontario”) applied in 2016 to amend the Town’s Official Plan and Zoning By-law to permit an age-in-place residential development at 151 Water Street North. These applications were the subject of revision and much discussion until January 2020, when Council refused the applications. 193 Ontario appealed these refusals to the Local Planning Appeal Tribunal, now called the Ontario Land Tribunal (“OLT”).

Through the OLT’s Case Management Process:

- Mr. Paul King was added as a Party to the Proceedings;
- A detailed list of issues was developed;
- Timelines were established, and expert reports were exchanged; and,
- A hearing date was set for the 26th of April 2021, which was adjourned to the 27th of September 2021.

REPORT

In June of 2021, 193 Ontario put forward a conceptual settlement proposal. Since June, Town staff, planner, heritage experts and legal counsel held discussions with the owners and legal counsel of 151 Water Street North for the purposes of exchanging settlement proposals for the owner’s OLT Appeal. Mr. King and his legal counsel were involved in the review of settlement concepts to ensure that a settlement solution could be achieved that met everyone’s needs.

Settlement discussions concluded with an agreement on a final settlement concept representing a compromise of everyone’s interests. Minutes of Settlement were agreed upon and signed by all parties on September 16, 2021. and were submitted to the OLT with a request to cancel the appeals hearing

and to replace the hearing with a one-day settlement hearing. The Minutes of Settlement and settlement concept are attached to this report.

The settlement hearing occurred on October 5, 2021. At the hearing, the Town's planner Mark Stone provided professional planning evidence to the OLT members as to why he felt the settlement concept agreed upon by all parties represented good land use planning. None of the participants to the appeals process objected to Mr. Stone's advice and recommendations. The settlement hearing concluded with OLT members ordering that the draft Official Plan Amendment and Zoning By-Law amendment agreed upon in the Minutes of Settlement be approved to give effect to the settlement concept. A written copy of the OLT decision was received on October 12, 2021 and is attached to this report.

FINANCIAL IMPLICATIONS

To date, the Town has spent approximately \$100,000 on the 151 Water Street appeal file.

A nine-day hearing was booked to hear this appeal. Each day of appeal costs approximately \$10,000, meaning if the Town had proceeded to a full appeal hearing, costs for this file could have been in excess of \$200,000.

SUMMARY

This report provides a public disclosure of the Minutes of Settlement and OLT decision for the 151 Water Street North planning appeal.

STRATEGIC PLAN

Not applicable to this report.

OTHERS CONSULTED

Mr. Ken Strong, Strong Nenniger, Municipal Legal Council

Mr. Mark Stone, Planner, Town of St. Marys

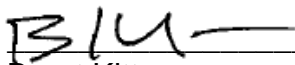
Mr. Paul King and Ms. Sarah Turney (Legal Counsel, Faskens) representing the residents group

ATTACHMENTS

1. Minutes of Settlement – 151 Water Street North
2. OLT Decision (October 12, 2021) – 151 Water Street North

REVIEWED BY

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c.

P.13, as amended

Applicant and Appellant:	1934733 Ontario Inc.
Subject:	Request to amend the Official Plan - Refusal of request by Town of St. Marys
Existing Designation:	Residential
Proposed Designated:	To be determined (site specific)
Purpose:	To permit a seniors residential development
Property Address/Description:	151 Water Street North
Municipality:	Town of St. Marys
Approval Authority File No.:	OP01-2016
OLT Case No.:	PL200131
OLT File No.:	PL200131
OLT Case Name:	1934733 Ontario Inc. v. St. Marys (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c.

P.13, as amended

Applicant and Appellant:	1934733 Ontario Inc.
Subject:	Application amend Zoning By-law No. Z1-1997 - Refusal of Application by Town of St. Marys
Existing Zoning:	Development Zone
Proposed Zoning:	Residential Zone Six (R6) with special provisions
Purpose:	To permit a seniors residential development
Property Address/Description:	151 Water Street North
Municipality:	Separated Town of St. Marys
Municipality File No.:	Z06-2016
OLT Case No.:	PL200131
OLT File No.:	PL200132
OLT Case Name:	1934733 Ontario Inc. v. St. Marys (Town)

MINUTES OF SETTLEMENT

B E T W E E N:

1934733 ONTARIO INCORPORATED
(Hereinafter "193 Ontario")

Of the First Part

-and-

THE CORPORATION OF THE TOWN OF ST. MARYS
(Hereinafter the "Town")

Of the Second Part

-and-

PAUL KING
(Hereinafter "King")

Of the Third Part

WHEREAS 193 Ontario is the legal and beneficial owner of the lands municipally addressed as 151 Water Street North, Town of St. Marys (the "Subject Lands") and has not entered into an agreement of purchase and sale to transfer the Subject Lands or any part thereof;

AND WHEREAS 193 Ontario made application to the Town to amend the Town Official Plan (Town File OP01-2016) and Town Zoning By-law (Town File Z06-2016) to permit a seniors retirement home and assisted living residence on the Subject Lands;

AND WHEREAS the Town refused these applications to amend the Town Official Plan and Town Zoning By-law;

AND WHEREAS 193 Ontario appealed the Town's refusals to the Local Planning Appeal Tribunal, now the Ontario Land Tribunal, ("Tribunal"), and these appeals were assigned Case Number PL200131 ("Subject Appeals");

AND WHEREAS King was added as a party to the Subject Appeals;

AND WHEREAS the Parties have settled the Subject Appeals as set out herein;

NOW THEREFORE in consideration of the mutual covenants given in these Minutes of Settlement and other good and valuable consideration, the receipt and sufficiency of which are hereby irrevocably acknowledged, 193 Ontario, the Town, and King agree as follows:

Recitals

1. The recitals to these Minutes of Settlement are true and accurate and form a binding part of these Minutes of Settlement.

Schedules

2. The schedules to these Minutes of Settlement form a binding part hereof and are identified as follows:
 - Schedule A: Official Plan Amendment
 - Schedule B: Zoning By-law Amendment
 - Schedule C: Design Concept

Settlement

3. The Parties agree to support a joint request that the Tribunal allow the appeal and approve the Official Plan Amendment attached as Schedule "A".
4. The Parties agree to support a joint request that the Tribunal allow the appeal and approve the Zoning By-law Amendment attached as Schedule "B".
5. The Parties agree that the purpose of the Official Plan Amendment set out in Schedule "A" and the Zoning By-law Amendment set out in Schedule "B" is to permit the development (the "193 Ontario Development") of the Subject Lands in accordance with the Design Concept as set out in Schedule "C".
6. Any site plan application for the Subject Lands shall be in accordance with the Design Concept, including the design considerations and commentary, set out in Schedule "C", subject to clause 7 below.
7. The Parties acknowledge that the Design Concept (Schedule "C"), while illustrating a form of development acceptable to the Parties, consists of concept drawings that could be subject to refinements or additional requirements through the site plan process, as determined by 193 Ontario and the Town, and without requiring the approval of King.

8. The Parties shall bear their own costs respecting the Subject Appeals.

General

9. The Parties agree that they are contractually bound to the terms of these Minutes of Settlement, and that the obligations and benefits thereof are enforceable by any Party against the other Parties in the event of a breach of them. The Parties covenant and agree that at all times, and from time to time hereafter, upon every reasonable written request to do so, they shall make, execute, deliver or cause to be made, done, executed and delivered all such further acts, deeds, assurances and things as may be required for more effectively implementing and carrying out the true intent and meaning of these Minutes of Settlement.

10. The Parties agree to act reasonably and with good faith in respect of all dealings between themselves pursuant to these Minutes of Settlement. If any dispute arises between the Parties relating to the application, interpretation, and/or implementation of these Minutes of Settlement or any part thereof, the Parties agree to refer the matter to the Tribunal for determination. In the event the Tribunal does not have jurisdiction or refuses to entertain any such application, then the Parties agree to resolve the dispute in an expeditious manner by arbitration in accordance with the provisions of the *Arbitration Act, 1991*.

11. These Minutes of Settlement constitute the entire agreement between the Parties with respect to the matters set out in these Minutes of Settlement and supersede all prior agreements, negotiations and understandings with respect to the Minutes of Settlement.

12. Any amendment to or waiver of any provisions of these Minutes of Settlement must be in writing and signed by the Parties.

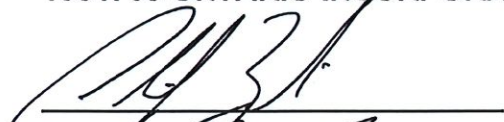
13. The undersigned represent and warrant that they have all necessary power and authority to execute these Minutes of Settlement.
14. These Minutes of Settlement may be executed in counterparts, each of which so executed is deemed to be an original, and such counterparts together constitute one and the same instrument.
15. These Minutes of Settlement shall bind the Parties and their respective successors-in-title and permitted assigns.
16. Unless waived in writing in advance by the Town, 193 Ontario agrees to obtain and file with the Town the written consent of any successor in title or assignee of development rights with respect to all or part of the Subject Lands to be bound by the terms of these Minutes of Settlement.
17. Nothing in these Minutes of Settlement is intended to waive or has the effect of waiving 193 Ontario's obligations to obtain such development approvals and comply with such conditions of approvals as may be required under applicable by-laws, regulations and legislation. 193 Ontario acknowledges that nothing in these Minutes of Settlement shall fetter the discretion of the Town with respect to future amendments to the Official Plan, Zoning By-law, or other statutory decisions made in accordance with prescribed processes, nor do these Minutes of Settlement obligate the Town to grant any further exemption, exemptions or variances to 193 Ontario now or in the future.
18. These Minutes of Settlement are made pursuant to, and shall be governed by and shall be construed in accordance with the laws of the Province of Ontario and the federal laws of Canada applicable in Ontario.

19. The Parties agree that these Minutes of Settlement shall be a public document and filed with the Tribunal and notice of the Minutes of Settlement may be filed by the Town against the Subject Lands.

IN WITNESS WHEREOF the Parties have caused this agreement to be executed by their duly authorized representatives.

Dated this 16 day of SEPT., 2021.

1934733 ONTARIO INCORPORATED


Name: CLIFF ZALUSKI
Position: PRESIDENT

Name:
Position:
I/we have authority to bind the Corporation.

THE CORPORATION OF THE TOWN OF ST. MARYS


Name: Brent Kittmer
Position: Chief Administrative Officer

PAUL KING

Paul King

19. The Parties agree that these Minutes of Settlement shall be a public document and filed with the Tribunal and notice of the Minutes of Settlement may be filed by the Town against the Subject Lands.

IN WITNESS WHEREOF the Parties have caused this agreement to be executed by their duly authorized representatives.

Dated this _____ day of _____, 2021.

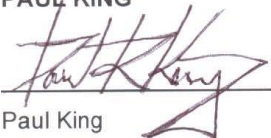
1934733 ONTARIO INCORPORATED

Name:
Position:

Name:
Position:
I/we have authority to bind the Corporation.

THE CORPORATION OF THE TOWN OF ST. MARYS

Name: Brent Kittmer
Position: Chief Administrative Officer

PAUL KING


Paul King



AMENDMENT NO. 37

TO THE

TOWN OF ST. MARYS OFFICIAL PLAN

Prepared by:
Council of the Corporation of the Town of St. Marys
September __, 2021

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW NO. __-2021

TO ADOPT AMENDMENT NO. 37 TO THE TOWN OF ST. MARYS OFFICIAL PLAN

Pursuant to the Order/Decision of the Ontario Land Tribunal issued on _____, 2021, the following are hereby enacted in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990:

1. Amendment No. 37 to the Town of St. Marys Official Plan, consisting of the attached explanatory text and schedule.
2. This By-law shall come into force and take effect on _____, 2021 (the date the Order/Decision was issued by the Ontario Land Tribunal).

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute part of this Amendment.

PART B - THE AMENDMENT, consisting of the following text and map (designated Schedule "A-37"), constitutes Amendment No. 37 to the Town of St. Marys Official Plan.

Also attached is **PART C - THE APPENDICES** which does not constitute part of this Amendment. These appendices (I through V inclusive) contain the background data, planning considerations, and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this Amendment is to set forth specific policies within the “Residential” designation which will apply only to the area affected by this Amendment, as identified on the attached Schedule “A-37”.

Location

This Amendment consists of two parts which shall be referred to as Items (1) and (2):

Item (1)

The land that is affected by this Amendment is described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys, as shown in bold outline on the attached Schedule “A-37”.

Items (2)

Specific policies, in the form of an exception, governing only the land affected by this Amendment, will be provided through revisions to Section 3.1.3 of the Town Official Plan.

Basis

The subject property is approximately 1.3 hectares in size and is a through lot with frontage onto Water Street North and Wellington Street North. The property is also bounded by the Grand Trunk Trail to the north and single detached lots to the south. The property was the former site of an elementary school (Arthur Meighan Public School) and is currently vacant.

The proponent is seeking to develop the subject property as an age-in-place residential development in the form of multi-storey apartment type buildings, ranging in height from one to four storeys and constructed in two phases. At full build-out, the development will consist of between 125 and 140 units (assisted living units and/or seniors' apartment units) resulting in a density of between 96 and 108 units per hectare. The units will have shared access to a dining hall and other ancillary uses such as a hair salon, games room and theatre room. Outdoor amenities include a patio overlooking the ravine to the north, resident gardens and a barbeque area.

The subject property is designated “Residential” in the Town of St. Marys Official Plan. The primary use of land in the Residential designation is for a range of dwelling types from single detached dwellings to walk-up type apartments, parks and open spaces, and institutional uses subject to the policies of the Plan (Section 3.1.2.2). The proposed development is not limited to walk-up type apartments (i.e. exceeds 3 storeys in height) and therefore, does not conform with Section 3.1.2.2. An amendment to the Official Plan is required to permit the proposed development.

Section 3.1.2.3 of the Official Plan states in part that “residential infilling type development is generally permitted throughout the ‘Residential’ designation where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and spatial separation”.

Schedule A: Official Plan Amendment

When considering proposed residential development with a net density of greater than 18 units per hectare, Council must consider the following, as set out in Section 3.1.2.7 of the Official Plan, prior to enacting an amendment to the Town's Zoning By-law:

- a) That the development will not involve a building in excess of three full stories above average finished grade and designed to be in keeping with the general character of the area;
- b) That the physical condition of land proposed for development will not present a hazard to buildings structures and residents;
- c) That the net density of development shall not exceed 75 units per hectare;
- d) That the development is serviced by municipal water supply and sewage disposal facilities and that the design capacity of these services can accommodate such development;
- e) That the proposed development is within 100 metres of an arterial or collector road as defined in Schedule "B" of this Plan; and
- f) That sufficient on-site parking is provided and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing."

While the property is located within 100 metres of collector road and municipal services are available, the proposed development will exceed three storeys in height and 75 units per hectare and therefore an amendment to the Official Plan is required.

Section 7.17.4 of the Official Plan requires that "in considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as the following criteria:

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;
- c) the compatibility of the proposed use with conforming uses in adjoining areas;
- d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;
- e) the potential effects of the proposed use on the financial position of the Town;
- f) the potential suitability of the land for such proposed use in terms of environmental considerations;
- g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;
- h) the adequacy and availability of municipal services and utilities; and
- i) the adequacy of parks and educational facilities and the location of these facilities."

Schedule A: Official Plan Amendment

The Official Plan Amendment is consistent with the policies of the Provincial Policy Statement as it will permit intensification development that efficiently uses land and infrastructure, and contribute to a mix of housing types and densities in the community, while conserving cultural heritage resources.

The proposed development meets the objectives of Section 3.1.1 of the Official Plan. The particularly relevant policies include the objectives to promote:

- the provision of adequate supply and choice of housing (Section 3.1.1.1);
- creativity and innovation in new residential development” (Section 3.1.1.2);
- housing for Senior Citizens” (Section 3.1.1.6),
- additional housing through intensification and redevelopment” (Section 3.1.1.7); and,
- diversification and inter mixing of different housing types and forms” (Section 3.1.1.8).

The Applications promote an efficient form of development that would minimize land consumption and utilize existing infrastructure, and would contribute to the range of residential forms in the Town. Municipal water and sanitary services, and roads are available and sufficient to service the proposed development. The Town is satisfied that there is a need for the proposed use and has considered any potential financial effects on the Municipality.

The design of the proposed development, the policies in this Official Plan Amendment and the provisions of the proposed implementing Zoning By-law Amendment were prepared based on an assessment of the character of the neighbourhood, and are intended to maintain and/or enhance a sense of place, conserve features that help define character such as built heritage resources and ensure compatibility with nearby uses.

PART B - THE AMENDMENT

All of this document entitled “Part B - The Amendment” consisting of the following text and attached Map, designated Schedule “A-37” (Land Use Plan), constitutes Amendment No. 37 to the Town of St. Marys Official Plan.

DETAILS OF THE AMENDMENT

The Town of St. Marys Official Plan is hereby amended as follows:

Item 1

Schedule “A”, being the Land Use Plan for the Town of St. Marys Official Plan, is hereby amended by labelling the land use designation of lands described 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys as shown in bold outline on Schedule “A-37” attached hereto as subject to the policies of Section 3.1.3 k).

Item 2

By adding a new clause to Section 3.1.3 - Exceptions to the Town of St. Marys Official Plan which reads as follows:

“k) The property described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16,

Schedule A: Official Plan Amendment

Concession 17, in the Town of St. Marys, may be developed for a seniors' apartment complex to a maximum density of 108 units per hectare and a maximum total gross floor area of 17,000 square metres.

General

- i) The exterior design of buildings should be compatible with the materials and characteristics of existing buildings in the neighbourhood, including materials, colours, architectural detail, landscaping and streetscape elements.
- ii) Buildings should be designed to present principal building facades, doors and window openings to public roads.
- iii) Building facades greater than 50 metres in length should be articulated through design measures such as recesses, courtyards, step-backs and/or replacing one building with multiple buildings.
- iv) Buildings should be designed to effectively screen roof-top mechanical and telecommunication equipment from public view. Mechanical penthouses should be designed and clad with materials to complement the building façades.
- v) Ground floor porches should be provided along the Wellington Street North and Water Street North frontages to enhance streetscapes.

Building Heights

- i) Maximum building heights and number of storeys of all buildings in Areas H1, H2, H3 and H4 on Schedule 'A' are provided in the following table:

Area on Schedule 'A'	Maximum Height	
	in metres	in storeys
H1	5.5	1
H2	8.5	2
H3	11.5	3
H4	14.5	4

Lot Lines and Building Setbacks

- i) The minimum front yard shall be 4.5 metres and the minimum rear yard shall be 8.6 metres.

Access, Parking and Service Areas

- i) Vehicular access to the property will be via a driveway located at and aligned with the three-way intersection at Wellington Street North and Egan Avenue, to the satisfaction of the Town. The minimum separation between buildings on either side of the driveway to the internal on-site parking area shall be 12 metres.
- ii) Parking, loading, and other similar service areas should be located away from street frontages and shall be designed to ensure compatibility with surrounding land uses.

Schedule A: Official Plan Amendment

- iii) Parking areas should have internal landscaped planting strips and medians to break up large paved areas and to increase urban canopy.
- iv) A private road or driveway access shall not be permitted from Water Street North.
- v) The minimum setback from a surface parking space to Wellington Street North or Water Street North shall be 30 metres.

Mobility

- i) All development, streetscapes and boulevards shall be designed to be accessible to people with disabilities in accordance with the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Building Code.
- ii) A common walkway shall be provided on the subject property in the area between the proposed building and the Water Street North streetline.

Landscaping and Grading

- i) Existing trees and vegetation should be retained and enhanced where possible and additional landscaping should be provided to integrate the proposed development with the existing neighbourhood. Prior to site plan approval, a tree inventory and arborist report shall be submitted for the review and approval of the Town. The tree inventory and arborist report shall provide an inventory of existing trees on the property to detail the location, size, height, species and condition of each tree. The report shall also provide recommendations with respect to preservation and protection, removal and compensation.
- ii) The use of retaining walls along street frontages and abutting adjacent properties should be avoided.

Cultural Heritage

- i) The character and architectural style of the built form and massing shall be respectful and supportive of the heritage character of the area.
- ii) To reduce impacts on the designated heritage property to the south (137 Water Street North), a minimum 14.6 metre wide landscaped open space area shall be provided on the subject property along the mutual property lines, to the satisfaction of the Town.
- iii) To reduce impacts on the listed heritage property to the south (146 Wellington Street North), a minimum 12.2 metre wide landscaped open space area shall be provided on the subject property along the mutual property lines, to the satisfaction of the Town.

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 37 to the Town of St. Marys Official Plan, but are included as information supporting the Amendment.

APPENDIX I - BACKGROUND TO THE AMENDMENT

The owner of the subject property has made application to amend the Official Plan in to permit a seniors' apartment complex.

APPENDIX II - LAND USE SURVEY

Land uses in the vicinity of the subject property described in the attached Town Staff Report DEV 01-2020.

APPENDIX III - SERVICES

There are existing services and utilities available to the property.

APPENDIX IV - PLANNING CONSIDERATIONS

Refer to planning considerations in attached Town Staff Report DEV 01-2020.

APPENDIX V - PUBLIC PARTICIPATION

Includes the following:

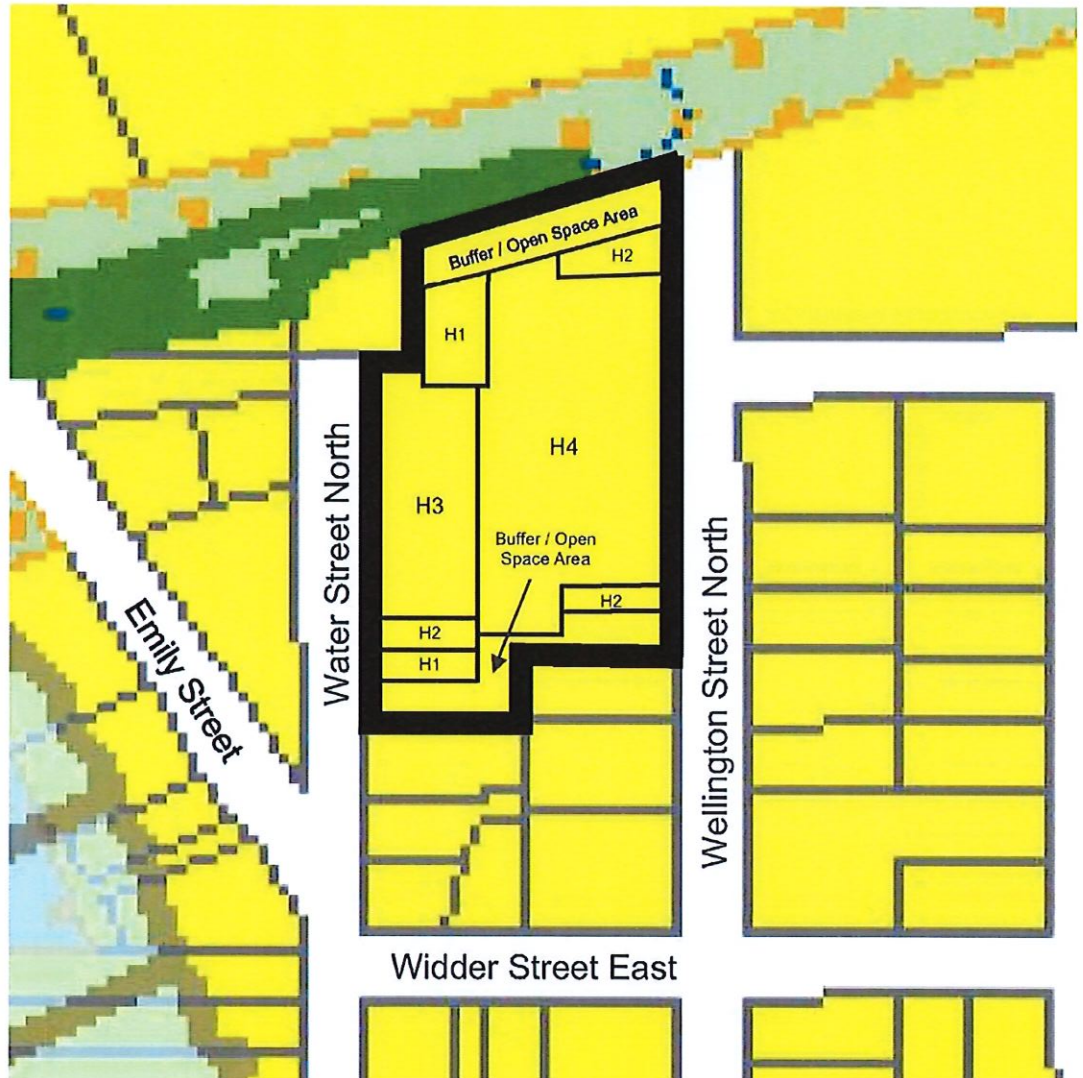
- a) Agency comments summarized in Town Staff Report DEV 01-2020 and,
- b) Notice of Public Meeting at Council (dated December 18, 2017).

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____ , 2021.

Schedule "A-37" – Land Use Plan

AMENDMENT NO. 37

to the Town of St. Marys Official Plan



Modify Residential land use designation and add site specific policies with addition of Section 3.1.3 k

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____, 2021.

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW NO. Z1__-2021

BEING a By-law pursuant to the provisions of Section 34 of the Planning Act, to amend By-law No. Z1-1997, as amended, which may be cited as "The Zoning By-law of the Town of St. Marys" affecting land located at 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys.

NOW THEREFORE THE ONTARIO LAND TRIBUNAL ENACTS AS FOLLOWS:

1. The area shown in grid pattern on the attached map, Schedule "A", and described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys shall be removed from the "Development (RD) Zone" of By-law No. Z1-1997 and shall be placed in the "Residential Zone Six (R6-3) Zone" of By-law No. Z1-1997. The zoning of this land shall be shown as "R6-3" on Key Map 7 of Schedule "A" to By-law No. Z1-1997, as amended.
2. The area shown in dot pattern on the attached map, Schedule "A", and described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys shall be removed from the "Development (RD) Zone" of By-law No. Z1-1997 and shall be placed in the "Open Space (OS-6) Zone" of By-law No. Z1-1997. The zoning of this land shall be shown as "OS-6" on Key Map 7 of Schedule "A" to By-law No. Z1-1997, as amended.

3. That Section 13.5 of By-law No. Z1-1997 is hereby amended by adding the following special provision:

13.5.3 R6-3

a) Location: 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, Key Map 7

b) Notwithstanding the provisions of Sections 3.47.8.1, 3.88, 3.89, 5.21.1.1, 13.1, 13.2.1, 13.2.4, 13.2.7, 13.2.8 and 13.2.9, the following provisions shall apply to those lands zoned "R6-3":

(i) Permitted uses, buildings and structures are limited to a retirement home and accessory uses, buildings and structures.

(ii) Lot Area, Minimum 550 square metres for the first dwelling unit or assisted living unit plus 89 square metres for each additional dwelling unit or assisted living unit

(iii) Front Yard, Minimum 4.5 metres

(iv) Rear Yard, Minimum 8.6 metres

(v) Building Height, Maximum (for R6-3 Zone and R6-3a, R6-3b and R6-3c Overlays on Schedule "A")

R6-3 14.5 metres

R6-3a 11.5 metres

Schedule B: Zoning By-law Amendment

- | | | |
|--|-------|------------|
| | R6-3b | 8.5 metres |
| | R6-3c | 5.5 metres |
- (vi) Number of **Storeys**, Maximum (for R6-3 Zone and R6-3a, R6-3b and R6-3c Overlays on Schedule "A")
- | | | |
|--|-------|---|
| | R6-3 | 4 |
| | R6-3a | 3 |
| | R6-3b | 2 |
| | R6-3c | 1 |
- (vii) The lot line fronting onto Wellington Street North shall be deemed to be the front lot line and the lot line fronting onto Water Street North shall be deemed to be the rear lot line.
- (viii) **Gross Floor Area**, Maximum 17,000 square metres
- (ix) A private road or driveway access shall not be permitted from Water Street North.
- (x) The minimum setback from a surface parking space to Wellington Street North or Water Street North shall be 30 metres.
- (xi) The entrance to the property will be via an access located at and aligned with the three-way intersection at Wellington Street North and Egan Avenue, to the satisfaction of the Town. The separation between buildings to accommodate access to the site shall be a minimum of 12 metres.
- (xii) Building facades greater than 50 metres in length should be articulated through design measures such as recesses, courtyards, step-backs and/or replacing one building with multiple buildings.
- (xiii) A minimum of 25 percent of the surface area of each wall facing and located within 30 metres of the front lot line or rear lot line shall be comprised of openings.
- (xiv) Rooftop mechanical equipment, including any appurtenances thereto, shall be fully enclosed within a mechanical penthouse or screened by an architectural feature, and shall not exceed 3.0 metres in height,
- (xv) A balcony shall be permitted to encroach into the required front or rear yard a distance of not more than 1.5 metres.
- (xvi) **Retirement home** means a building or part thereof designed exclusively to accommodate seniors or other special needs users with central kitchen and dining facilities, common indoor and outdoor amenity areas, consisting of either dwelling units or assisted living units or both.
- (xvii) **Assisted living unit** means a place of residence with one or more habitable rooms containing separate bathroom facilities for private use as a single housekeeping unit and where personal support services may be provided.
- (xviii) **Openings** means any window on a building façade which provides clear, unobstructed visibility to goods, exhibits, or the interior spaces of a building through the use of transparent glazing; or any public entrance on a building façade which provides clear access from the outside to the interior spaces of a building, but does not include entrances to any stairwell, boiler room, maintenance room, mechanical or electrical or utility room.

Schedule B: Zoning By-law Amendment

- (xix) **Mechanical penthouse** means a room or enclosure on the roof of a building exclusively used for mechanical equipment, a stair or elevator tower, elevator equipment, or any combination thereof.
- (xx) **Minimum Number of Required Parking Spaces**

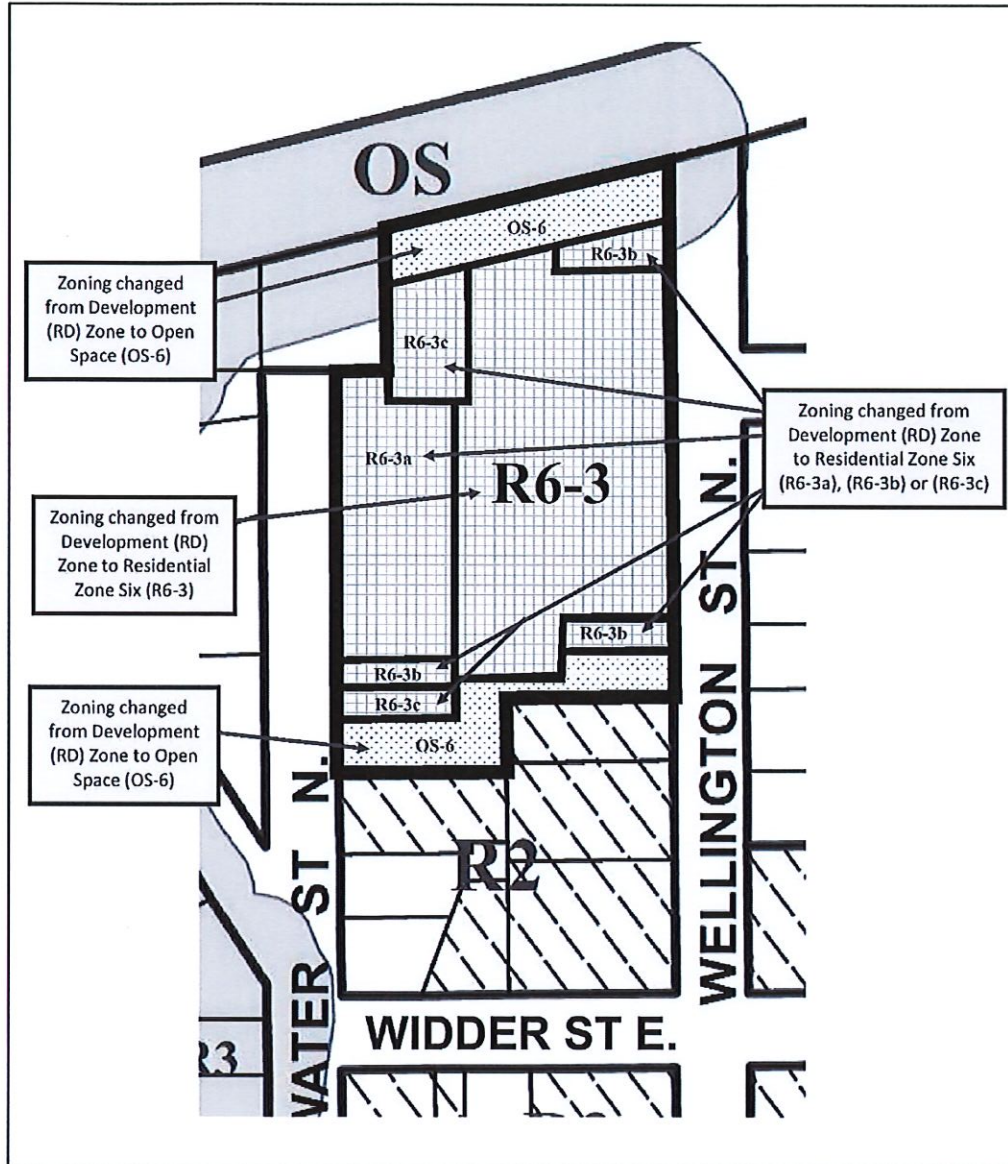
Type of Use	Number of Spaces
Retirement Home – Dwelling Unit	0.5 per dwelling unit (for residents) plus 0.2 per dwelling unit (for visitors and employees)
Retirement Home – Assisted Living Unit	0.3 per assisted living unit (for residents) plus 0.2 per assisted living unit (for visitors and employees)

- c) Section 4.4 shall not apply.
 - d) All other provisions of this By-law, as amended, shall apply.
4. That Section 24.4 of By-law No. Z1-1997 is hereby amended by adding the following special provision:
- 24.4.6 OS-6
- a) Location: 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, Key Map 7
 - b) Notwithstanding the provisions of Section 24.1, the following provisions shall apply to those lands zoned “OS-6”:
 - (i) Permitted uses are limited to landscaped open space.
 - c) Section 4.4 shall not apply.
 - d) All other provisions of this By-law, as amended, shall apply.
5. Schedule “A”, attached hereto, shall form part of this By-law.
6. All other provisions of By-law No. Z1-1997, as amended, shall apply.
7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act, as amended, and to Regulations thereunder.

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____, 2021.

THIS IS SCHEDULE "A"
TO BY-LAW NO. Z1__-2021
OF THE CORPORATION OF THE TOWN OF ST. MARYS
PASSED THIS __th DAY OF SEPTEMBER, 2021

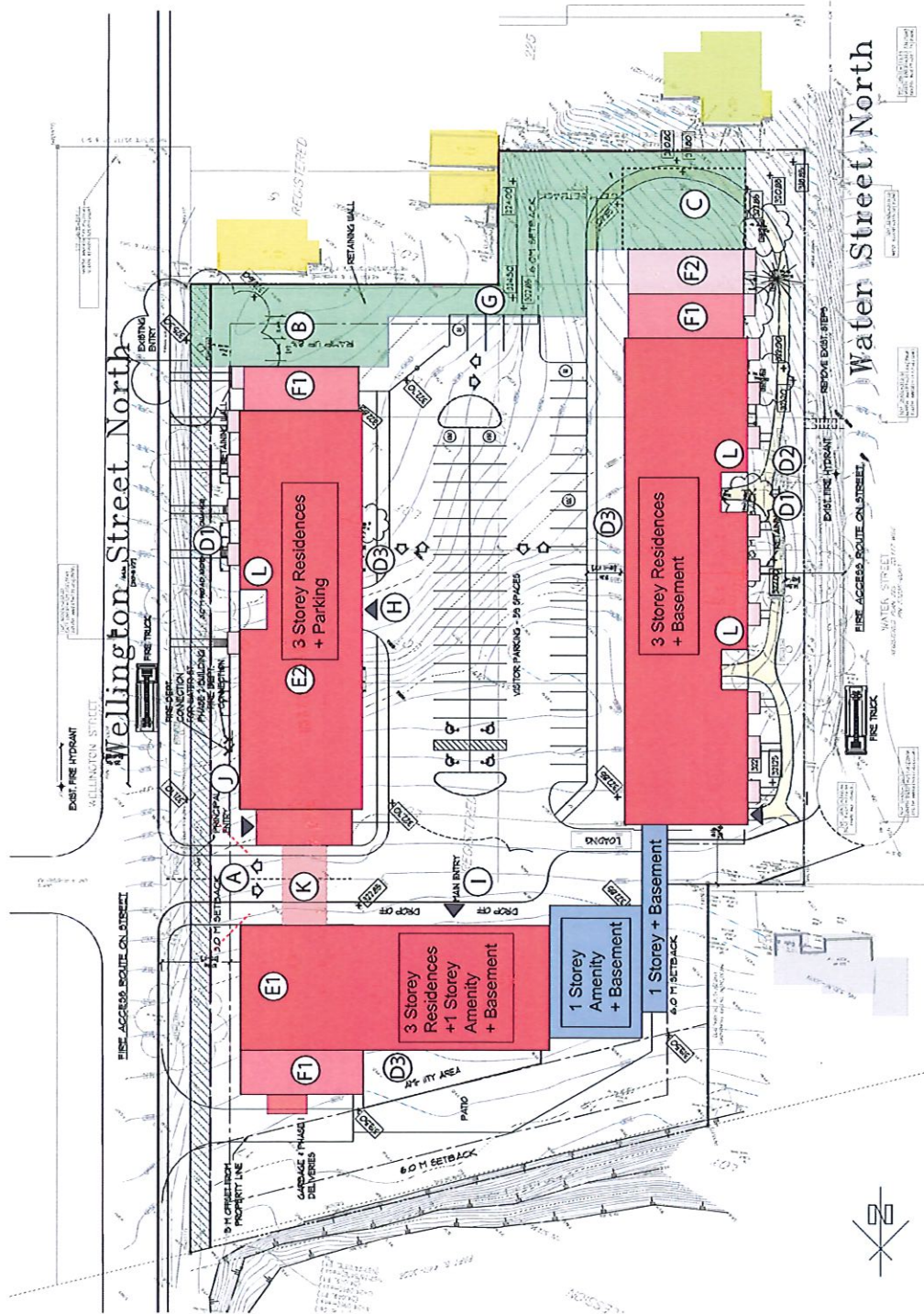
AREA AFFECTED BY THIS BY-LAW



Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____, 2021.

Schedule C: Design Concept

DESIGN CONSIDERATION | SITE PLAN: PROPOSED DEVELOPMENT - Proposed Revisions; Town of St. Marys



KEY REVISIONS PROPOSED

- (A) Align Entry To Wellington / Egan Intersection Provide 6m Sight Triangle To 12m Opening (To Address Potential Head Light Impacts On Residences On East Side Of Wellington)
- (B) New Green Space Grading - 12.2m Setback (To Reduce Impact On Listed Heritage Property)
- (C) New Green Space - 14.6m Setback Former Bay Removed (To Reduce Impact On Designated Heritage Property)
- (D1) Ground Floor Porches, Common Walkway (To Enhance Streetscape)
- (D2) 8.6m Setback (To Enhance Streetscape)
- (D3) Interior Courtyard Balconies Or Patios (To Enhance Activity In Courtyard Or GT Trail) (Delete Parking At Water St Block)
- (E1) Adjust Block North - 4.5m Street Setback (To Allow Road Alignment)
- (E2) 4.5m Setback From Wellington (To Reduce Impact of Building On Streetscape)
- (F1) 1 Storey Step Down, Making This Level 2 Storeys (To Reduce Impact On Adjacent Heritage House)
- (F2) 2 Storey Step Down, Making This Level 1 Storey (To Reduce Impact On Adjacent Heritage House)
- (G) Fence - Wood or Wrought Iron (To Create a Visually Compatible Separation)
- (H) Parking Entry (Unchanged)
- (I) Rework Main Entrance + Drop Off Area (To Accommodate Alignment With Egan Ave)
- (J) Relocate Fire Dept. Connection As Required (To Accommodate Alignment With Egan Ave)
- (K) Bridge Link - 2 Storeys (To Accommodate Fire Truck Access)
- (L) Recess Facade at Regular Intervals (To Reduce Apparent Length of the of Building Along Streetscapes)

Schedule C: Design Concept

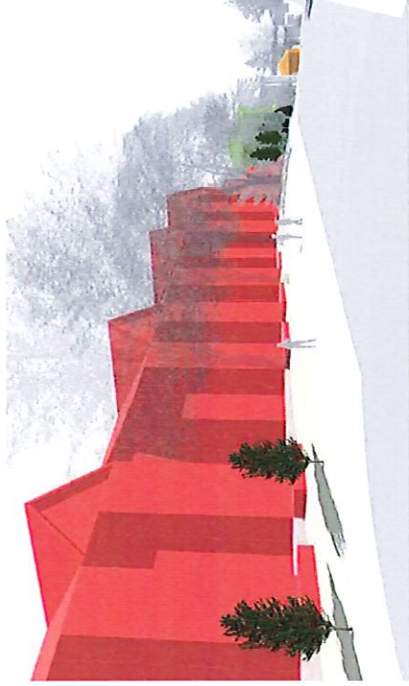
DESIGN CONSIDERATION | MASSING MODEL: WATER STREET NORTH - Proposed Revisions; Town of St. Marys



West Elevation



Northeast View



Southeast View

KEY REVISIONS PROPOSED

Views along Water Street North provide:

- Relationship to adjacent Designated Heritage Property at 137 Water Street N. - approach reduces the negative impact on the property by creating buffer zone
- Proposed landscaping (shown as dark green in adjacent views); use of large trees (especially coniferous) and shrubs will provide further screening of development from adjacent designated heritage property to enhance its setting "on hillside"
- Indication of massing proposed
- Indication of preferred heights
- Indication of setbacks from property lines
- Articulation of rooflines; use of pitch and gable roof creates a sense of rhythm; reflects historic and residential context
- Articulation of facade; use of indentation to break up the appearance of long elevation
- Use of terraces/patios/balconies/gardens to create a "front porch" consistent with the neighbourhood; steps and walkways encourage placemaking and interaction with streetscape at human scale

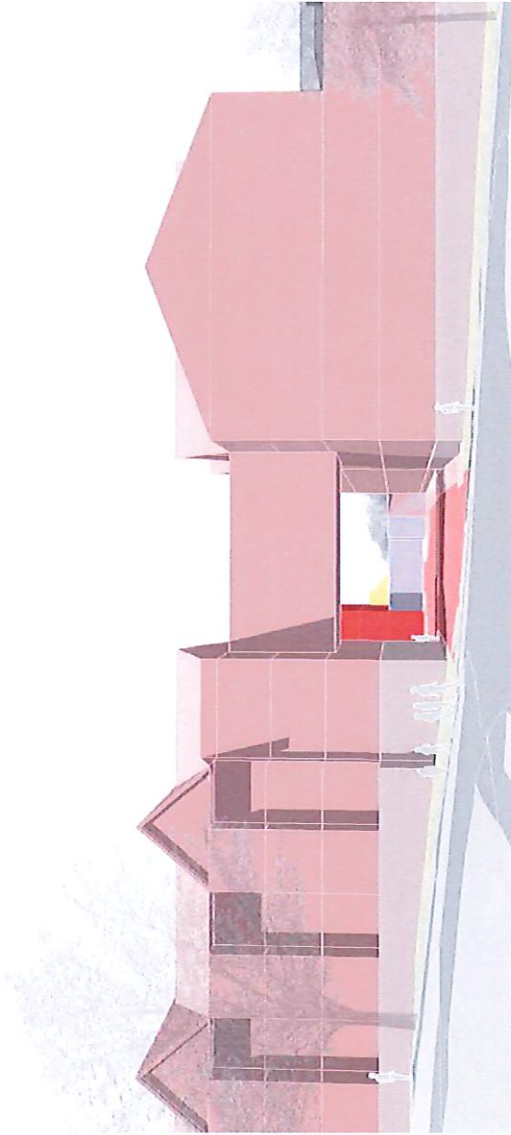
Schedule C: Design Concept

DESIGN CONSIDERATION | MASSING MODEL: WELLINGTON STREET NORTH - Proposed Revisions; Town of St. Marys

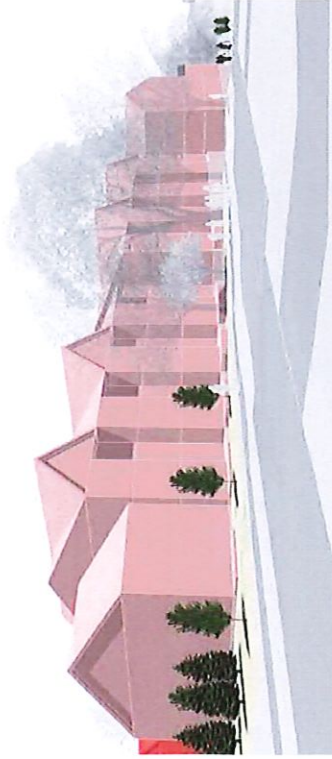
KEY REVISIONS PROPOSED

Views along Wellington Street North provide:

- Articulation of main entrance: vehicular alignment with Egan Ave and pedestrian entrance adjacent
- Indication of massing proposed
- Proposed landscaping (shown as dark green in adjacent views); use of trees (especially coniferous) and shrubs will provide further screening of development from nearby heritage properties
- Indication of preferred heights
- Indication of setbacks from property lines
- Articulation of rooflines; use of pitch and gable roof creates a sense of rhythm; reflects historic and residential context
- Articulation of facade; use of indentation to break up the appearance of long elevation
- Use of terraces/patios/balconies/gardens to create a "front porch" consistent with the neighbourhood; steps and walkways encourage placemaking and interaction with streetscape at human scale



West Elevation



Northwest View



Southwest View

Schedule C: Design Concept

DESIGN CONSIDERATION | DESIGN CONSIDERATIONS - Revised Design Strategies - Proposed Revisions; Town of St. Marys

The following summary highlights the revised design strategies suggested by the Town of St. Marys as provided on the Site Plan and Massing Model for the Proposed Development at 151 Water St. N.

A + B – Align the site access with the Wellington Street North / Egan Avenue intersection to address potential headlight impacts on existing residences on the east side of Wellington and to provide for a more substantial green space buffer with the Listed Heritage Property to the immediate south, increase open space and provide the opportunity to reduce the need for retaining walls due to the ability to more gently grade this area. Remove the proposed ramp down into the site. This will be an issue with regard to headlights shining into the residential properties across the street due to the change in use from school (primarily used during the daytime) to a residential apartment complex with potential for headlights throughout the day and evening. Special attention to landscaping required in this interface to protect the heritage attributes of adjacent and nearby Listed Heritage Properties.

C – Provide open green space to act as a buffer zone between the proposed development at 151 Water St. N and the adjacent Designated Heritage Property to the immediate south of the development. Including a setback of 14.6 metres (this includes removal of one bay as proposed by the developer in the resubmission in June 2021). Special attention to landscaping required in this interface area to protect the heritage attributes of adjacent Designated Heritage Property.

D1, D2 + D3 – D1 - Ground Floor porches, walkways or steps added to the sidewalk along Water and Wellington Streets to enhance the streetscape. D2 - increasing setbacks to 8.6 metres on Water Street will further enhance the streetscape, while D3 - adding courtyard balconies or patios will enhance the activity in courtyard and along the Grand Trunk Trail. Included within the enhancement of the streetscape and the building facade, is the removal of the parking level at grade along Water Street. A reduction in the number of units will allow for a reduction in the number of parking spaces required, and the parking lot at grade facing Water Street is not suitable to the context of a low density, low-rise residential neighbourhood with large front porches, steps/walkways and entrances that engage with the streetscape.

E1 + E2 - Adjust Block North – Adjust the North Building along Wellington Street N. (E1 - Phase 1) to the north to accommodate for the road alignment at Egan Ave and increase width of entrance to development from Wellington Street. Adjust the East Building along Wellington Street N. (E2 – Phase 1) and increase the setback to 4.5 meters to reduce the impact on the streetscape.

F1 + F2 – Step Building down at these locations to reduce the impact of the proposed development on the heritage attributes of the adjacent heritage properties along Wellington and Water Street, with particular focus on reducing the overdevelopment and massing/heights of the proposed development by stepping the heights down. With specific reference to the Designated Heritage Property, stepping down the building along Water Street would reduce negative affects of the proposed development on the heritage attribute referencing “situated on a hillside”. F1 steps the building down one storey, making this level 2 storeys. F2 steps the building down two storeys, making this 1 storey.

G – Fence – Wood or Wrought Iron – a wood or wrought iron fence will provide a more visually compatible separation between the listed heritage property adjacent and the greenspace of the buffer zone.

H – Under Ground Parking Entry. This entrance from the courtyard will remain unchanged

I – Rework Main Entrance + Drop Off Area. The entrance and drop off area have shifted to accommodate alignment changes of the vehicular entrance at Egan Avenue. This location entrance will be considered the main vehicular entrance and drop off area, as well as the pedestrian entrance. As such, adjustments will need to be made in the design of this aspect to allow for the entrance and drop off area to work together.

J - Relocate Fire Dept. Connection As Required. The alignment changes of the vehicular entrance at Egan Avenue will require the Fire Dept. Connection to be relocated adjacent to the entrance as per code.

K - Bridge Link – 1 Storey. The main vehicular entrance is now shifted to accommodate alignment changes at Egan Avenue. As this is the principal vehicular entrance, a bridge is proposed to link the upper two floors together. This will accommodate the Fire-Truck Access, as well as create a pause in an otherwise lengthy elevation along Wellington Street that is not appropriate or reflective of the dynamic composition of elevations and facade present within the historic residential area.

L - Recess Facade at Regular Intervals. A primary concern with the massing of the proposed development is the uninterrupted length of the buildings along Wellington and Water Streets, which appear austere and institutional. In a low-rise, low density residential area comprised of heritage properties and character, this approach to the elevations is not in keeping with the character of the area. Creating recesses in the facade as noted on both Wellington and Water Streets will help to reduce the apparent length of the buildings and create a more dynamic and active street facade.

Schedule C: Design Concept

DESIGN CONSIDERATION | THE HUMAN SCALE



Considerations:

- Articulation of facade/elevation - creating composition
- Relationship to the street
- Articulation of roofline - variations in roof to create a residential feel more appropriate to the heritage context of the area; sense of rhythm "front porch"
- Articulation of facade - entrances, fenestration and porches
- Small outdoor spaces with gardens
- Allows for density and massing while respecting surrounding heritage context and neighbourhood character.

Source: <https://www.mutthihomes.ca/property/modern-farmhouse-townhomes-10/>
 Date: 2021
 Creator: Mutti Homes



Considerations:

- Engages with streetscape
- Creates a residential feel with "pitched roofs, open walkways, lap siding and deep overhangs" (wwarchitects.com)
- Variations in roof styles, slopes and heights creates a dynamic composition
- Balconies, balconettes and entrances from the street.
- Variation in front wall setback and dividing building into sections to reflect scale of neighbouring buildings.

Source: <http://www.wwarchitects.com/thunderbird-apartments.html>
 Date: 2021
 Creator: wwarchitects

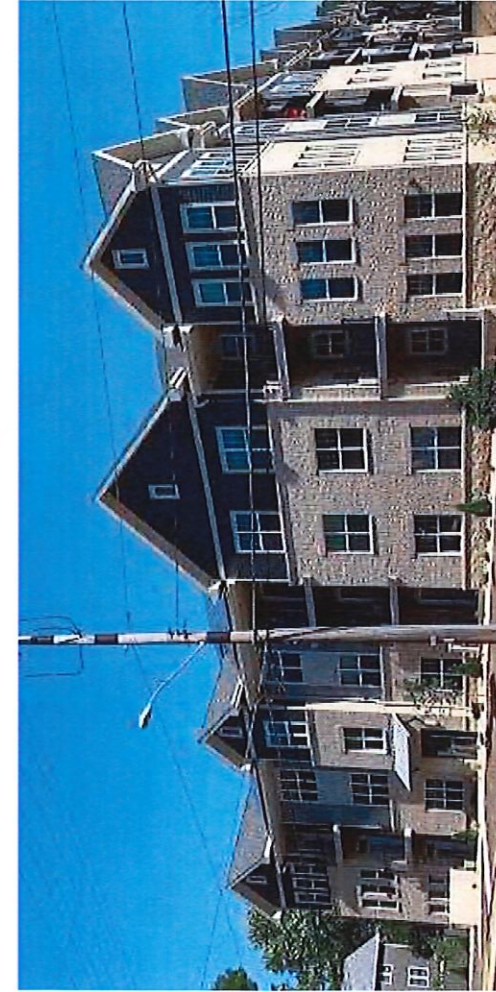
DESIGN CONSIDERATION | THE HUMAN SCALE



Considerations:

Engaging facade/elevations
Articulation of roofline and composition; reflects vernacular of traditional pitch/gable roof typical of the area
Variation in the facade - balconies set back into the elevation gives a sense of depth
Apartments with a residential feel

Source: <https://craneroofing.com/>
Date: May 5, 2014
Creator: Unknown



Considerations:

Balconies inset into facade/elevation
Articulation of facade - entrances, fenestration and balconies
Articulation of roofline; pitch/gable reflects heritage character of the area
Fenestration and openings create a sense of rhythm
Use of stone walls around base of building along streetscape is lower than eyelevel of pedestrian, creating a more inviting facade and relationship;

Source: <http://paulsnewsline.blogspot.com/2019/03/stagecoach-trail-apartments-update-late.html>
Date: February 3, 2017
Creator: Managed by Oakbrook

DESIGN CONSIDERATION | THE HUMAN SCALE



Considerations:

- Relationship to the streetscape
- Balconies and entrance porches at, above and below grade with steps
- Articulation of facade - entrances, fenestration and balconettes
- Small gardens/porches and landscaping
- Sense of rhythm

Source: <https://ekistics.com/project/fremont-townhomes/>
Date: 2012
Creator: Ekistics



Considerations:

- Relationship to the street
- "front porch" or patio/garden
- Articulation of facade - entrances, fenestration and balconies
- Use of trellis designs at street level entrances to create a residential feel that is inviting
- Articulation of pitch/gable roofline wrapping over the balconies, extending forward
- Simplicity of design that is contemporary but works well as a low-rise residential building in a neighbourhood primarily comprised of heritage homes and other low-rise residential buildings

Source: <http://objek.co.za/portfolio/16-bradwell/>
Date: 2021
Creator: Objek

Design Considerations

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: October 12, 2021

CASE NO(S): PL200131

PROCEEDING COMMENCED UNDER subsection 22(7) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 19347733 Ontario Inc.
Subject: Request to amend the Official Plan – Refusal of request by Town of St. Marys
Existing Designation: Residential
Proposed Designated: To be determined (site specific)
Purpose: To permit a seniors' residential development
Property Address/Description: 151 Water Street North
Municipality: Town of St. Marys
Approval Authority File No.: OP01-2016
OLT Case No.: PL200131
OLT File No.: PL200131
OLT Case Name: 19347733 Ontario Inc. v. St. Marys (Town)

PROCEEDING COMMENCED UNDER subsection 34(11) of the *Planning Act*, R.S.O. 1990, c. P.13, as amended

Applicant and Appellant: 19347733 Ontario Inc.
Subject: Application amend Zoning By-law No. Z1-1997 – Refusal of Application by Town of St. Marys
Existing Zoning: Development Zone
Proposed Zoning: Residential Zone Six (R6) with special provisions
Purpose: To permit a seniors' residential development
Property Address/Description: 151 Water Street North
Municipality: Town of St. Marys
Municipality File No.: Z06-2016
OLT Case No.: PL200131
OLT File No.: PL200132

Heard: October 5, 2021 by video hearing

APPEARANCES:

Parties**Counsel**

19347733 Ontario Inc.

Analee Baroudi

Town of St. Mary's

Ken Strong

Paul King

Sarah Turney

**MEMORANDUM OF ORAL DECISION DELIVERED BY S. BRAUN AND C. HARDY
ON OCTOBER 5, 2021 AND ORDER OF THE TRIBUNAL**

[1] 19347733 Ontario Inc. ("Appellant") wishes to develop a retirement home and assisted living residence for seniors on the property located at 151 Water Street North ("subject property"). To permit the proposed development, the Appellant applied to the Town of St. Mary's ("Town") for an Official Plan Amendment ("OPA") and a Zoning By-law Amendment ("ZBLA") in October 2016. The Town refused the applications and the Appellant appealed to the Tribunal pursuant to s. 22(7) and 34(11) of the *Planning Act*¹ ("Act").

[2] At a Case Management Conference held before a panel differently constituted on December 8, 2020, Paul King was granted party status and a hearing on the merits was scheduled for five days. In addition, the following individuals were granted participant status: Teresa Beresi; Stephen Glover; Ralph and Patricia Hopper; Susan McMaster; Henry Monteith; and Randy Warkentin.

[3] The Tribunal received a Request for Adjournment from all parties on March 31, 2021 after Counsel exchanged witness statements and realized that additional hearing days would be required. The Request for Adjournment was granted and a hearing on the merits was re-scheduled for ten days commencing September 27, 2021.

[4] Shortly before the scheduled hearing, the Tribunal was informed that the parties had worked diligently to arrive at an agreement which resolves the appeals. Accordingly, they requested a one-day settlement hearing to present Minutes of

¹ R.S.O. 1990, C. P. 13, AS AMENDED.

Settlement (“MOS”, Exhibit 2). Just prior to the settlement hearing, Mr. Warkentin withdrew as a participant.

[5] In support of the settlement, the parties called the evidence of Mark Stone (a Land Use Planning Expert) and jointly requested the Tribunal approve revised planning instruments (OPA, Exhibit 3 and ZBLA, Exhibit 4).

SUBJECT PROPERTY AND DEVELOPMENT PROPOSAL

[6] The subject property is currently vacant. It is an irregularly shaped lot approximately 1.3 hectares (“ha”) in size, with approximately 111 metres (“m”) of frontage on Water Street North and 147 m on Wellington Street North. The subject property was formerly occupied by the Arthur Meighan Public School, which was demolished in approximately 2016.

[7] The original proposal contemplated the redevelopment of the subject property with an age-in-place residence for seniors in the form of multi-storey apartment type buildings, ranging in height from one to five storeys with a density of 153 units per ha. In response to public and agency comments and as a result of discussions between the parties, the proposal was revised and it is now contemplated that at full build-out, the development will consist of apartment type buildings ranging from one to four storeys with between 125 and 140 assisted living and/or senior’s apartments resulting in a density of between 96 and 108 units per ha. The units will have shared access to a dining hall and other ancillary uses including a hair salon, games room and theatre room as well as outdoor amenities including a patio, resident gardens, and a barbecue area.

[8] The subject property is designated Residential in Schedule A of the Town’s Official Plan (“OP”), which permits a range of dwelling types from single detached dwellings to walk up apartments with a maximum of three storeys. The OP provides that the net density of development shall not exceed 75 units per ha. As the proposal contemplates buildings of up to four storeys and a net density in excess of 75 units per

ha, an OPA is required.

[9] The proposed OPA maintains the Residential designation but adds site-specific policies permitting a seniors' apartment complex with a maximum density of 108 units per ha; limiting the total gross floor area to a maximum of 17,000 square metres; limiting building heights on different parts of the subject property (ranging from one to four storeys); and providing policy direction with respect to building and property design including landscaping, parking, loading, accessibility and walkway requirements; and cultural heritage.

[10] The subject property is zoned Development Zone (RD) in the Town's Zoning By-law. The proposed ZBLA rezones the subject property as Residential Zone 6 (R6-3) and Open Space (OS-6) and includes site specific exemptions providing relief from lot area, front and rear yard minimum requirements as well as maximum building heights and number of storeys.

SURROUNDING AREA AND LAND USES

[11] In terms of the surrounding area in general, it is important to note that the Town of St. Mary's is centered around a historic downtown area and boasts a number of properties either designated under the *Ontario Heritage Act*² ("OHA") or listed on the Town's heritage register.

[12] The immediate area surrounding the subject property includes a well-used recreational trail known as the Grand Trunk Trail, to the north. Further north are lands designated Residential, zoned to permit a mix of single detached and townhouse residences and a draft plan of subdivision has been approved to permit such development on a portion of those lands. South of the subject property are low density residential lots, including 137 Water Street North, which is designated under Part IV of the OHA.

² R.S.O. 1990, C. O. 18, AS AMENDED

[13] To the east are low density residential lots and lands designated Residential, including a former brownfield site which has been remediated, is the subject of an approved draft plan of subdivision and is zoned to permit townhouses, condominium townhouses, duplexes and semi-detached dwelling units. To the west is Water Street North and low-density residential lots.

PLANNING EVIDENCE

[14] Mark Stone, a Registered Professional Planner and full member of the Canadian Institute of Planners and the Ontario Professional Planners Institute, was qualified by the Tribunal to provide expert opinion evidence in the field of land use planning. He provided a detailed contextual and land use planning rationale to support the proposed settlement and reviewed the MOS, the OPA and ZBLA. His Affidavit is Exhibit 5 to this proceeding.

[15] Mr. Stone opined that the OPA and ZBLA before the Tribunal and the development these instruments will permit, satisfy all legislative tests under the Act, as they have appropriate regard for matters of Provincial interest in s. 2; are consistent with the Provincial Policy Statement (“PPS”); conform with the Town’s OP and; overall, constitute good planning. During the course of his testimony, he addressed concerns raised in the written statements of the participants referencing key aspects of the modifications found in the proposed settlement including, but not limited to: considerations of heritage character; density; height; massing; safety and accessibility; infrastructure and servicing (roads, water, sewer).

[16] In support of his overall conclusions, he noted the subject property is a large greenfield site located along Wellington Street North, which is identified as Collector Road in the OP, making this an ideal location for intensification. The subject property is intended for residential use and the proposed development will contribute to a mix of housing options, making efficient use of land, existing infrastructure and services. The Town’s Public Works Department confirmed there is sufficient capacity to accommodate the moderate increase in density associated with the proposed development.

[17] Mr. Stone testified that the Town's OP includes specific objectives and policies designed to strike a balance between the need for new development and due consideration for the character of the area in which new development is proposed. He further testified that the Town has identified a need for the specific type of development proposed, pointing out that there is currently no housing for seniors in the immediate area. With reference to an illustrative Design Concept (Schedule C to the MOS), Mr. Stone testified that the revised proposal and site-specific policies in the instruments before the Tribunal ensure that the proposed development demonstrates due consideration for the heritage character of the area.

[18] For instance, he explained that the siting of the proposed buildings, height restrictions on certain parts of the property and tiered building heights (which gradually step down toward the OHA designated property at 137 Water Street North) are indicative of a well-designed built form considerate of the characteristics of not only 137 Water Street North specifically, but the broader heritage character of the surrounding area in general. In addition, the spacing between the buildings, planned walkways/courtyards, ground floor porches, etc. effectively breaks up the massing of the development, providing pedestrian friendly opportunities for safe and accessible connections between the residents and the neighbourhood.

FINDINGS AND DISPOSITION

[19] The Tribunal accepts the uncontradicted planning evidence and opinions of Mr. Stone and finds the development of the subject property as proposed and the planning instruments to effect this development satisfy all legislative tests as listed above.

[20] In particular, the proposed development supports Provincial initiatives and policy directives aimed at encouraging a mix of housing options and fulfills a specific need for local seniors' housing, as identified by the Town. The Tribunal is satisfied that the site-specific policies enshrined in the OPA and ZBLA including, but not limited to: minimum setbacks and separation distances, open space and tiered building heights ensure that the proposed development will demonstrate due consideration for the heritage character

of the surrounding area.

ORDER

[21] **THE TRIBUNAL ORDERS** that the appeal is allowed in part and:

a) the Official Plan for the Town of St. Mary's is amended as set out in Attachment 1 to this Order; and

b) Zoning By-law No. Z1-1997 is amended by By-law No. Z146-2021, as set out in Attachment 2 to this Order.

"S. Braun"

S. BRAUN
MEMBER

"C. Hardy"

C. HARDY
MEMBER

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

ATTACHMENT 1



AMENDMENT NO. 37

TO THE

TOWN OF ST. MARYS OFFICIAL PLAN

Prepared by:

Council of the Corporation of the Town of St. Marys

September __, 2021

THE CORPORATION OF THE TOWN OF ST. MARYS
BY-LAW NO. 86-2021
TO ADOPT AMENDMENT NO. 37 TO THE TOWN OF ST. MARYS OFFICIAL PLAN

Pursuant to the Order/Decision of the Ontario Land Tribunal issued on _____, 2021, the following are hereby enacted in accordance with the provisions of Sections 17 and 21 of the *Planning Act*, R.S.O. 1990:

1. Amendment No. 37 to the Town of St. Marys Official Plan, consisting of the attached explanatory text and schedule.
2. This By-law shall come into force and take effect on _____, 2021 (the date the Order/Decision was issued by the Ontario Land Tribunal).

THE CONSTITUTIONAL STATEMENT

PART A - THE PREAMBLE does not constitute part of this Amendment.

PART B - THE AMENDMENT, consisting of the following text and map (designated Schedule "A-37"), constitutes Amendment No. 37 to the Town of St. Marys Official Plan.

Also attached is **PART C - THE APPENDICES** which does not constitute part of this Amendment. These appendices (I through V inclusive) contain the background data, planning considerations, and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of this Amendment is to set forth specific policies within the “Residential” designation which will apply only to the area affected by this Amendment, as identified on the attached Schedule “A-37”.

Location

This Amendment consists of two parts which shall be referred to as Items (1) and (2):

Item (1)

The land that is affected by this Amendment is described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys, as shown in bold outline on the attached Schedule “A-37”.

Items (2)

Specific policies, in the form of an exception, governing only the land affected by this Amendment, will be provided through revisions to Section 3.1.3 of the Town Official Plan.

Basis

The subject property is approximately 1.3 hectares in size and is a through lot with frontage onto Water Street North and Wellington Street North. The property is also bounded by the Grand Trunk Trail to the north and single detached lots to the south. The property was the former site of an elementary school (Arthur Meighan Public School) and is currently vacant.

The proponent is seeking to develop the subject property as an age-in-place residential development in the form of multi-storey apartment type buildings, ranging in height from one to four storeys and constructed in two phases. At full build-out, the development will consist of between 125 and 140 units (assisted living units and/or seniors’ apartment units) resulting in a density of between 96 and 108 units per hectare. The units will have shared access to a dining hall and other ancillary uses such as a hair salon, games room and theatre room. Outdoor amenities include a patio overlooking the ravine to the north, resident gardens and a barbeque area.

The subject property is designated “Residential” in the Town of St. Marys Official Plan. The primary use of land in the Residential designation is for a range of dwelling types from single detached dwellings to walk-up type apartments, parks and open spaces, and institutional uses subject to the policies of the Plan (Section 3.1.2.2). The proposed development is not limited to walk-up type apartments (i.e. exceeds 3 storeys in height) and therefore, does not conform with Section 3.1.2.2. An amendment to the Official Plan is required to permit the proposed development.

Section 3.1.2.3 of the Official Plan states in part that “residential infilling type development is generally permitted throughout the ‘Residential’ designation where such development is in keeping with the attributes of the neighbourhood in terms of building type, building form, and spatial separation”.

When considering proposed residential development with a net density of greater than 18 units per hectare, Council must consider the following, as set out in Section 3.1.2.7 of the Official Plan, prior to enacting an amendment to the Town's Zoning By-law:

- a) That the development will not involve a building in excess of three full stories above average finished grade and designed to be in keeping with the general character of the area;
- b) That the physical condition of land proposed for development will not present a hazard to buildings structures and residents;
- c) That the net density of development shall not exceed 75 units per hectare;
- d) That the development is serviced by municipal water supply and sewage disposal facilities and that the design capacity of these services can accommodate such development;
- e) That the proposed development is within 100 metres of an arterial or collector road as defined in Schedule "B" of this Plan; and
- f) That sufficient on-site parking is provided and adequate buffering, screening or separation distance is provided to protect adjacent areas of lower density housing."

While the property is located within 100 metres of collector road and municipal services are available, the proposed development will exceed three storeys in height and 75 units per hectare and therefore an amendment to the Official Plan is required.

Section 7.17.4 of the Official Plan requires that "in considering an amendment to the Official Plan and/or implementing Zoning By-laws, Council shall give due consideration to the policies of this Plan as well as the following criteria:

- a) the need for the proposed use;
- b) the extent to which the existing areas in the proposed designation or categories are developed and the nature and adequacy of such existing development in order to determine whether the proposed use is premature;
- c) the compatibility of the proposed use with conforming uses in adjoining areas;
- d) the effect of such proposed use on the surrounding area in respect to the minimizing of any possible depreciating or deteriorating effect upon adjoining properties;
- e) the potential effects of the proposed use on the financial position of the Town;
- f) the potential suitability of the land for such proposed use in terms of environmental considerations;
- g) the location of the area under consideration with respect to the adequacy of the existing and proposed road system in relation to the development of such proposed areas and the convenience and accessibility of the site for vehicular and pedestrian traffic and the traffic safety and parking in relation thereto;
- h) the adequacy and availability of municipal services and utilities; and
- i) the adequacy of parks and educational facilities and the location of these facilities."

The Official Plan Amendment is consistent with the policies of the Provincial Policy Statement as it will permit intensification development that efficiently uses land and infrastructure, and contribute to a mix of housing types and densities in the community, while conserving cultural heritage resources.

The proposed development meets the objectives of Section 3.1.1 of the Official Plan. The particularly relevant policies include the objectives to promote:

- the provision of adequate supply and choice of housing (Section 3.1.1.1);
- creativity and innovation in new residential development” (Section 3.1.1.2);
- housing for Senior Citizens” (Section 3.1.1.6),
- additional housing through intensification and redevelopment” (Section 3.1.1.7); and,
- diversification and inter mixing of different housing types and forms” (Section 3.1.1.8).

The Applications promote an efficient form of development that would minimize land consumption and utilize existing infrastructure, and would contribute to the range of residential forms in the Town. Municipal water and sanitary services, and roads are available and sufficient to service the proposed development. The Town is satisfied that there is a need for the proposed use and has considered any potential financial effects on the Municipality.

The design of the proposed development, the policies in this Official Plan Amendment and the provisions of the proposed implementing Zoning By-law Amendment were prepared based on an assessment of the character of the neighbourhood, and are intended to maintain and/or enhance a sense of place, conserve features that help define character such as built heritage resources and ensure compatibility with nearby uses.

PART B - THE AMENDMENT

All of this document entitled “Part B - The Amendment” consisting of the following text and attached Map, designated Schedule “A-37” (Land Use Plan), constitutes Amendment No. 37 to the Town of St. Marys Official Plan.

DETAILS OF THE AMENDMENT

The Town of St. Marys Official Plan is hereby amended as follows:

Item 1

Schedule “A”, being the Land Use Plan for the Town of St. Marys Official Plan, is hereby amended by labelling the land use designation of lands described 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys as shown in bold outline on Schedule “A-37” attached hereto as subject to the policies of Section 3.1.3 k).

Item 2

By adding a new clause to Section 3.1.3 - Exceptions to the Town of St. Marys Official Plan which reads as follows:

“k) The property described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys, may be developed for a seniors’ apartment complex to a maximum density of 108 units per hectare and a maximum total gross floor area of 17,000 square metres.

General

- i) The exterior design of buildings should be compatible with the materials and characteristics of existing buildings in the neighbourhood, including materials, colours, architectural detail, landscaping and streetscape elements.
- ii) Buildings should be designed to present principal building facades, doors and window openings to public roads.
- iii) Building facades greater than 50 metres in length should be articulated through design measures such as recesses, courtyards, step-backs and/or replacing one building with multiple buildings.
- iv) Buildings should be designed to effectively screen roof-top mechanical and telecommunication equipment from public view. Mechanical penthouses should be designed and clad with materials to complement the building façades.
- v) Ground floor porches should be provided along the Wellington Street North and Water Street North frontages to enhance streetscapes.

Building Heights

- i) Maximum building heights and number of storeys of all buildings in Areas H1, H2, H3 and H4 on Schedule 'A' are provided in the following table:

Area on Schedule 'A'	Maximum Height	
	in metres	in storeys
H1	5.5	1
H2	8.5	2
H3	11.5	3
H4	14.5	4

Lot Lines and Building Setbacks

- i) The minimum front yard shall be 4.5 metres and the minimum rear yard shall be 8.6 metres.

Access, Parking and Service Areas

- i) Vehicular access to the property will be via a driveway located at and aligned with the three-way intersection at Wellington Street North and Egan Avenue, to the satisfaction of the Town. The minimum separation between buildings on either side of the driveway to the internal on-site parking area shall be 12 metres.
- ii) Parking, loading, and other similar service areas should be located away from street frontages and shall be designed to ensure compatibility with surrounding land uses.
- iii) Parking areas should have internal landscaped planting strips and medians to break up large paved areas and to increase urban canopy.
- iv) A private road or driveway access shall not be permitted from Water Street North.

- v) The minimum setback from a surface parking space to Wellington Street North or Water Street North shall be 30 metres.

Mobility

- i) All development, streetscapes and boulevards shall be designed to be accessible to people with disabilities in accordance with the Accessibility for Ontarians with Disabilities Act (AODA) and the Ontario Building Code.
- ii) A common walkway shall be provided on the subject property in the area between the proposed building and the Water Street North streetline.

Landscaping and Grading

- i) Existing trees and vegetation should be retained and enhanced where possible and additional landscaping should be provided to integrate the proposed development with the existing neighbourhood. Prior to site plan approval, a tree inventory and arborist report shall be submitted for the review and approval of the Town. The tree inventory and arborist report shall provide an inventory of existing trees on the property to detail the location, size, height, species and condition of each tree. The report shall also provide recommendations with respect to preservation and protection, removal and compensation.
- ii) The use of retaining walls along street frontages and abutting adjacent properties should be avoided.

Cultural Heritage

- i) The character and architectural style of the built form and massing shall be respectful and supportive of the heritage character of the area.
- ii) To reduce impacts on the designated heritage property to the south (137 Water Street North), a minimum 14.6 metre wide landscaped open space area shall be provided on the subject property along the mutual property lines, to the satisfaction of the Town.
- iii) To reduce impacts on the listed heritage property to the south (146 Wellington Street North), a minimum 12.2 metre wide landscaped open space area shall be provided on the subject property along the mutual property lines, to the satisfaction of the Town.

PART C - THE APPENDICES

The following appendices do not constitute part of Amendment No. 37 to the Town of St. Marys Official Plan, but are included as information supporting the Amendment.

APPENDIX I - BACKGROUND TO THE AMENDMENT

The owner of the subject property has made application to amend the Official Plan in to permit a seniors' apartment complex.

APPENDIX II - LAND USE SURVEY

Land uses in the vicinity of the subject property described in the attached Town Staff Report DEV 01-2020.

APPENDIX III - SERVICES

There are existing services and utilities available to the property.

APPENDIX IV - PLANNING CONSIDERATIONS

Refer to planning considerations in attached Town Staff Report DEV 01-2020.

APPENDIX V - PUBLIC PARTICIPATION

Includes the following:

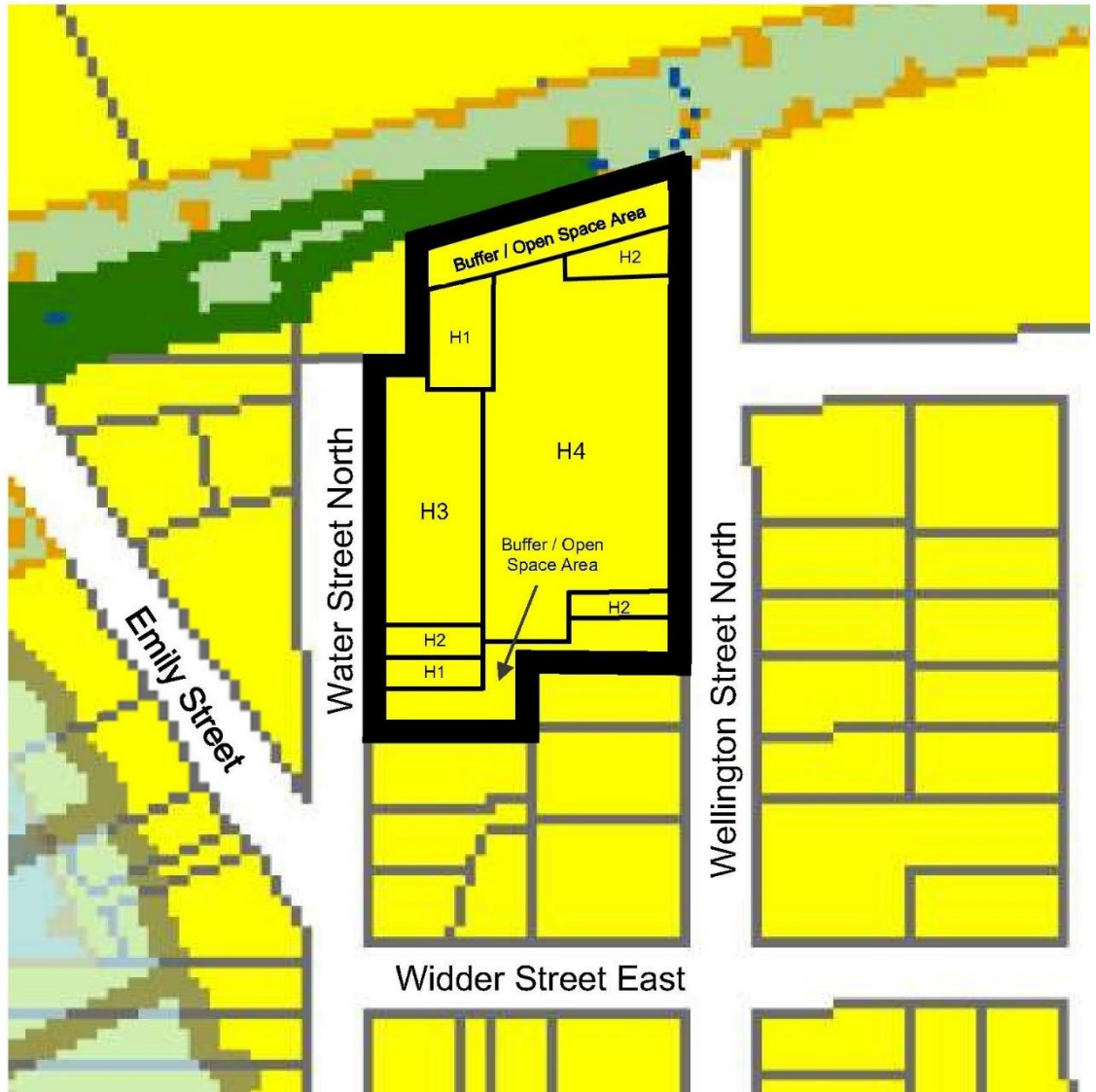
- a) Agency comments summarized in Town Staff Report DEV 01-2020 and,
- b) Notice of Public Meeting at Council (dated December 18, 2017).

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____ ,
2021.

Schedule "A-37" – Land Use Plan

AMENDMENT NO. 37

to the Town of St. Marys Official Plan



Modify Residential land use designation and add site specific policies with addition of Section 3.1.3 k

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____, 2021.

ATTACHMENT 2

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW NO. Z146-2021

BEING a By-law pursuant to the provisions of Section 34 of the Planning Act, to amend By-law No. Z1-1997, as amended, which may be cited as “The Zoning By-law of the Town of St. Marys” affecting land located at 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys.

NOW THEREFORE THE ONTARIO LAND TRIBUNAL ENACTS AS FOLLOWS:

1. The area shown in grid pattern on the attached map, Schedule “A”, and described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys shall be removed from the “Development (RD) Zone” of By-law No. Z1-1997 and shall be placed in the “Residential Zone Six (R6-3) Zone” of By-law No. Z1-1997. The zoning of this land shall be shown as “R6-3” on Key Map 7 of Schedule “A” to By-law No. Z1-1997, as amended.
2. The area shown in dot pattern on the attached map, Schedule “A”, and described as 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, in the Town of St. Marys shall be removed from the “Development (RD) Zone” of By-law No. Z1-1997 and shall be placed in the “Open Space (OS-6) Zone” of By-law No. Z1-1997. The zoning of this land shall be shown as “OS-6” on Key Map 7 of Schedule “A” to By-law No. Z1-1997, as amended.
3. That Section 13.5 of By-law No. Z1-1997 is hereby amended by adding the following special provision:

13.5.3 R6-3

- a) Location: 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, Key Map 7
- b) Notwithstanding the provisions of Sections 3.47.8.1, 3.88, 3.89, 5.21.1.1, 13.1, 13.2.1, 13.2.4, 13.2.7, 13.2.8 and 13.2.9, the following provisions shall apply to those lands zoned “R6-3”:

(i) Permitted uses, buildings and structures are limited to a **retirement home** and **accessory uses, buildings and structures**.

(ii) **Lot Area, Minimum** 550 square metres
for the first

assisted living dwelling unit or

unit plus 89 square metres for each

additional

assisted living	dwelling unit or unit
(iii) Front Yard, Minimum	4.5 metres
(iv) Rear Yard, Minimum	8.6 metres
(v) Building Height, Maximum (for R6-3 Zone and R6-3a, R6-3b and R6-3c Overlays on Schedule "A")	
R6-3	14.5 metres
R6-3a	11.5 metres
R6-3b	8.5 metres
R6-3c	5.5 metres
(vi) Number of Storeys, Maximum (for R6-3 Zone and R6-3a, R6-3b and R6-3c Overlays on Schedule "A")	
R6-3	4
R6-3a	3
R6-3b	2
R6-3c	1
(vii) The lot line fronting onto Wellington Street North shall be deemed to be the front lot line and the lot line fronting onto Water Street North shall be deemed to be the rear lot line .	
(viii) Gross Floor Area, Maximum	17,000 square metres
(ix) A private road or driveway access shall not be permitted from Water Street North.	
(x) The minimum setback from a surface parking space to Wellington Street North or Water Street North shall be 30 metres.	
(xi) The entrance to the property will be via an access located at and aligned with the three-way intersection at Wellington Street North and Egan Avenue, to the satisfaction of the Town. The separation between buildings to accommodate access to the site shall be a minimum of 12 metres.	
(xii) Building facades greater than 50 metres in length should be articulated through design measures such as recesses, courtyards, step-backs and/or replacing one building with multiple buildings .	
(xiii) A minimum of 25 percent of the surface area of each wall facing and located within 30 metres of the front lot line or rear lot line shall be comprised of openings .	
(xiv) Rooftop mechanical equipment, including any appurtenances thereto, shall be fully enclosed within a mechanical penthouse or screened by an architectural feature, and shall not exceed 3.0 metres in height,	

- (xv) A balcony shall be permitted to encroach into the required **front or rear yard** a distance of not more than 1.5 metres.
- (xvi) **Retirement home** means a **building** or part thereof designed exclusively to accommodate seniors or other special needs users with central kitchen and dining facilities, common indoor and outdoor amenity areas, consisting of either **dwelling units** or **assisted living units** or both.
- (xvii) **Assisted living unit** means a place of residence with one or more habitable rooms containing separate bathroom facilities for private use as a single housekeeping unit and where personal support services may be provided.
- (xviii) **Openings** means any window on a building façade which provides clear, unobstructed visibility to goods, exhibits, or the interior spaces of a **building** through the use of transparent glazing; or any public entrance on a **building** façade which provides clear access from the outside to the interior spaces of a **building**, but does not include entrances to any stairwell, boiler room, maintenance room, mechanical or electrical or utility room.
- (xix) **Mechanical penthouse** means a room or enclosure on the roof of a **building** exclusively used for mechanical equipment, a stair or elevator tower, elevator equipment, or any combination thereof.
- (xx) Minimum Number of Required Parking Spaces

Type of Use	Number of Spaces
Retirement Home – Dwelling Unit	0.5 per dwelling unit (for residents) plus 0.2 per dwelling unit (for visitors and employees)
Retirement Home – Assisted Living Unit	0.3 per assisted living unit (for residents) plus 0.2 per assisted living unit (for visitors and employees)

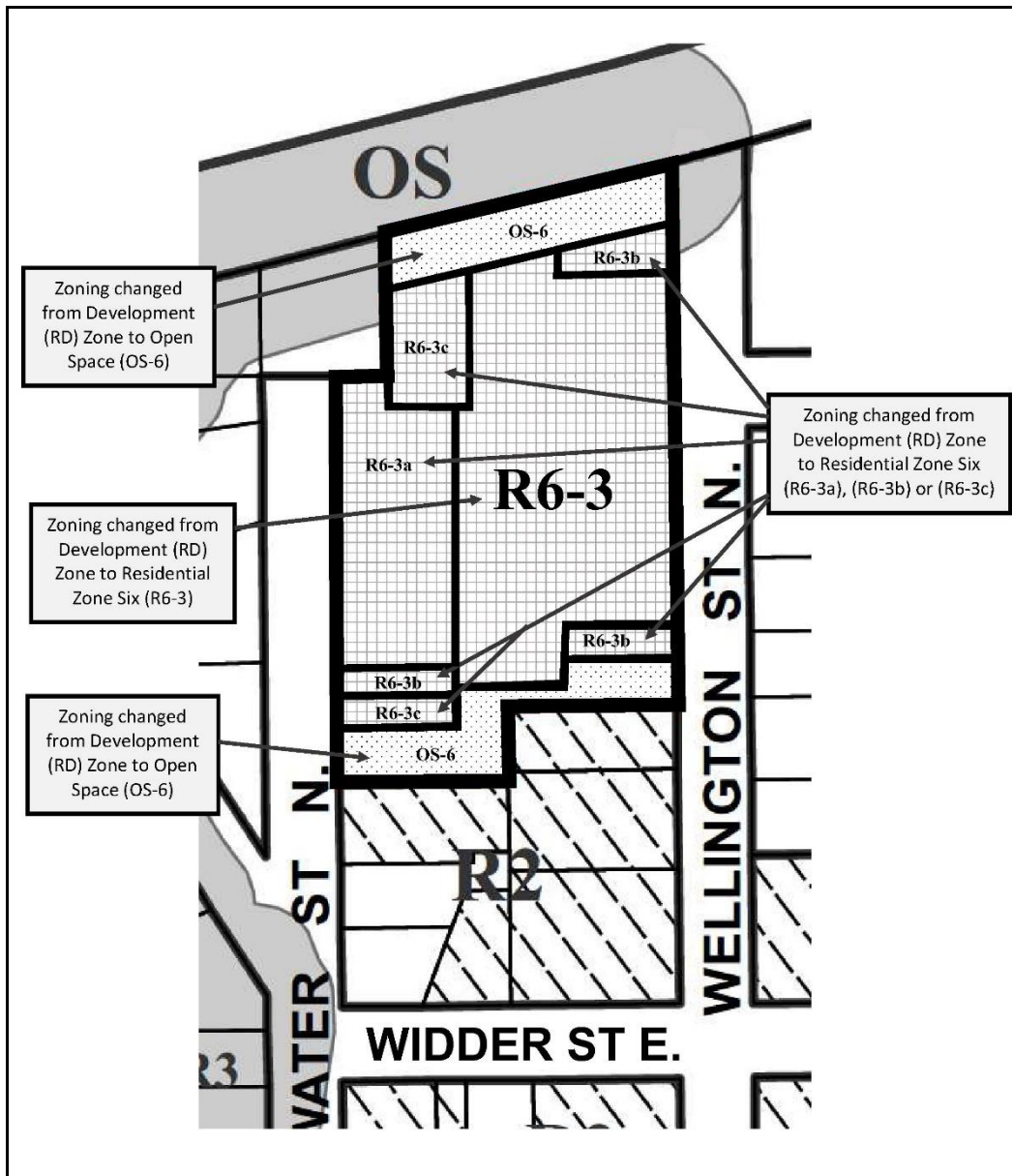
- c) Section 4.4 shall not apply.
 - d) All other provisions of this By-law, as amended, shall apply.
4. That Section 24.4 of By-law No. Z1-1997 is hereby amended by adding the following special provision:
- 24.4.6 OS-6
- a) Location: 151 Water Street North, Lots 14-17, inclusive W/S Wellington Street and Lots 13-17, inclusive E/S Water Street, Registered Plan No. 225 Part of Lot 16, Concession 17, Key Map 7
 - b) Notwithstanding the provisions of Section 24.1, the following provisions shall apply to those lands zoned “OS-6”:
 - (i) Permitted uses are limited to **landscaped open space**.

- c) Section 4.4 shall not apply.
- d) All other provisions of this By-law, as amended, shall apply.
- 5. Schedule "A", attached hereto, shall form part of this By-law.
- 6. All other provisions of By-law No. Z1-1997, as amended, shall apply.
- 7. The Clerk is hereby authorized and directed to proceed with the giving of notice of the passing of this By-law in accordance with the Planning Act, as amended, and to Regulations thereunder.

Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____ ,
2021.

THIS IS SCHEDULE "A"
TO BY-LAW NO. Z1__-2021
OF THE CORPORATION OF THE TOWN OF ST. MARYS
PASSED THIS __th DAY OF SEPTEMBER, 2021

AREA AFFECTED BY THIS BY-LAW



Approved by the Ontario Land Tribunal pursuant to the Order/Decision issued on _____ ,
2021.



FORMAL REPORT

To: Mayor Strathdee and Members of Council

Prepared by: Jenna McCartney, Clerk

Date of Meeting: 26 October 2021

Subject: **ADMIN 47-2021 Amending Agreement with St. Marys Cement for Ambient Air Monitoring Location**

PURPOSE

To seek Council's approval to amend an existing agreement with St. Marys Cement Inc. (Canada) for the purpose of altering the location of the ambient air monitoring equipment location.

RECOMMENDATION

THAT ADMIN 47-2021 Amending Agreement with St. Marys Cement for Ambient Air Monitoring Location report be received; and

THAT Council consider By-Law 90-2021 and authorize the Mayor and the Clerk to execute the associated amending agreement.

BACKGROUND

At the May 11, 2021 regular Council meeting, Council was presented with staff report PW 40-2021, Agreement for Air Monitoring Equipment. The purpose of the report was to present Council with a proposed agreement with St. Marys Cement Inc. (Canada) that facilitated an ambient air monitoring point on Town owned lands.

The agreement was fully executed between both parties and the equipment was placed on Town owned lands at 55 St. George Street North.

The Town received a request from St. Marys Cement Inc. (Canada) recently to amend the location of the equipment from time to time.

REPORT

Currently the referred to ambient air monitoring equipment is located at 55 St. George Street North. St. Marys Cement Inc. (Canada) have requested that the location of the equipment be amended from time to time. It is staff's recommendation that the agreement be amended to delegate the authority to Town staff to approve such location changes during the life of the agreement.

Additionally with the amending agreement, the term is being extended from April 30, 2022 to October 31, 2022.

FINANCIAL IMPLICATIONS

None.

SUMMARY

St. Marys Cement Inc. (Canada) have requested that the location of the ambient air monitoring equipment be amended from time to time. Staff recommend that the agreement be amended to delegate the authority to Town staff to approve such location changes as they arise.

STRATEGIC PLAN

Not applicable to this report.

OTHERS CONSULTED

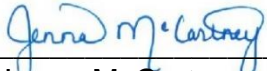
Dave Blake, Environment Services Supervisor

ATTACHMENTS

Amending Agreement with St. Marys Cement Inc. (Canada)

REVIEWED BY

Recommended by the Department



Jenna McCartney
Clerk

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

AMENDMENT TO PERMISSION TO ENTER AGREEMENT

This Agreement is dated as of the ____ day of October, 2021

B E T W E E N:

**THE TOWN OF ST MARYS
(the "Town")**

- and -

**ST. MARYS CEMENT INC. (CANADA)
("St. Marys")**

WHEREAS the Town and St. Marys entered into a Permission to Enter Agreement last dated May 19, 2021 (the "**Agreement**"), whereby the Town permitted St. Marys to install an ambient air monitoring station sensor (the "**Sensor**") on the property municipally described as the Waterworks Building located at 55 St. George St. N St. Marys, ON (the "**Waterworks**");

AND WHEREAS the parties have agreed it is desirable to move the Sensor from the Waterworks to the Town's Fire Station located at 172 James St. S, St Marys ON, N4X 1B6 (the "**Fire Station**");

AND WHEREAS the parties have agreed it is desirable to move the Sensor from time to time to alternative municipally owned lands at the discretion of St. Marys and upon the approval of Town staff;

NOW THEREFORE in consideration of the sum of TWO (\$2.00) DOLLARS and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

1. The Recitals form an integral part of this Amendment. Any capitalised term not defined herein has the meaning ascribed to it in the Agreement.
2. The definition of the "Lands" in the Agreement shall no longer mean the Waterworks but instead shall mean the Fire Station, or such other location as requested by St. Marys and approved by St. Marys' staff.
3. The expiry of the term shall be extended from April 30, 2022 to October 31, 2022.
4. All other applicable terms and conditions contained in the Agreement, except as modified by amendment, shall remain in full force and effect.

- 5. This Agreement may be executed in two or more counterparts, each of which shall be deemed an original, but all of which together shall constitute one and the same instrument. Any signature delivered by electronic transmission shall be binding to the same extent as an original signature page.

The Town has executed this Agreement by the signature of its duly authorized signing officer on this ____ day of _____, 2021.

THE TOWN OF ST MARYS

Per: _____
 Name:
 Title:

Per: _____
 Name:
 Title:

I have authority to bind the corporation

St. Marys has executed this Agreement by the signature of its duly authorized signing officer on this ____ day of _____, 2021.

ST. MARYS CEMENT INC. (CANADA)

Per: _____
 Name:
 Title:

I have authority to bind the corporation

MONTHLY REPORT

To: Mayor Strathdee and Members of Council

From: Building and Development

Date of Meeting: 26 October 2021

Subject: DEV 48-2021 October Monthly Report (Building and Development)

RECOMMENDATION

THAT DEV 48-2021 October Monthly Report (Building and Development) be received for information.

DEPARTMENTAL HIGHLIGHTS

Building Department

- There were 13 permits issued compared to 15 the previous year.
- There were 2 dwelling units issued this month compared to 5 the previous year.
- The total construction value was \$1,194,000 this month compared to \$6,407,984 the previous year.
- The total permit fees collected this month was \$8,224.24.
- There were 39 appointments made this month by the Building Department.
- There was **no** permits issued for an accessory apartment unit this month.

Planning – Applications

- Pre-Consultations
 - Zero (0) pre-consultation meetings held between September 15, 2021, and October 13, 2021, for planning applications. Meetings are scheduled for later in October.
 - Two (2) pre-consultation meetings held between September 15, 2021, and October 13, 2021, for Community Improvement Plan Grants
- Zoning By-law Amendments (ZBLA)
 - 615 Queen Street East (Z03-2021): ZBLA approved by Council on September 28, 2021. Last day of appeal is October 19, 2021.
 - 17 Peel Street South (Z04-2021): ZBLA reviewed by the Planning Advisory Committee on October 4, 2021. Phase I of the Application has been approved by the Committee, Town Staff are working with the Applicant to address Committee concerns prior to proceeding with a Public Meeting.
- Site Plan Agreement (SPA)
 - 665 James Street North: Application for Site Plan Agreement received, details related to the Site Plan are being reviewed with the Applicant. Method for informing the public of the SPA to be determined.
 - 488 Water Street South: Application for Site Plan Agreement received, details related to the Site Plan are being reviewed with the Applicant.

- Minor Variances
 - 36 Widder Street West (A04-2021): Minor Variance approved by the Committee of Adjustment on September 15th, 2021; no appeals received for this file.
 - 279 Elizabeth Street (A00-2021): Working with the Applicant to bring this file to completeness.
- One (1) Zoning Compliance letter has been issued between September 15, 2021 and October 13, 2021.

Planning – Strategic Projects

- Comprehensive Parking Review
 - Consultant has all the information they require, and we are waiting for a draft report back the week of October 25th.
- Community Improvement Plan
 - Community Improvement Plan was launched to the public on September 14th, 2021. Inquiries continue to be received and directed to the pre-consultation process if eligible.
 - The September launch was a soft-launch, with an aggressive campaign at the beginning of 2022 (when most individuals begin looking at future projects for spring/summer implementation).
- Official Plan
 - Consultation meetings being held with landowners
 - Determining a date for the statutory public open house (to be held via Zoom Webinar)
- Planning Process Review
 - Project on hold until the launch of the Community Improvement Plan, and finalization of the Comprehensive Parking Review.

Facilities – Operational

- COVID 19 – cleaning and sanitizing Lind, Seasonal washrooms, MOC, Via, Fire Hall, Museum, Library & Town Hall daily, fogging weekly
- Continuity Plan developed and implemented for facilities staff
- Town Hall & Library – installation of Quadro fiber, awaiting scheduling
- Budget – working on Capital project and operational budgets for facilities
- Lind Sportsplex – lobby walls, guard room & washroom walls being painted by Curling Club Volunteers
- MOC – painting address stone

Facilities – Capital

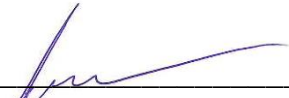
- Cemetery Washroom Project – project has been completed
- Fire Hall SCBA compressor RFQ – project has been completed
- Museum Façade Maintenance Project – project has been completed, awaiting completion of deficiencies.
- Landfill Storage Building Maintenance- project completed
- Town Hall Building Assessment project – project completed
- MOC Salt Shed Ramp – project has been awarded, awaiting scheduling.

SPENDING AND VARIANCE ANALYSIS

None.


REVIEWED BY

Recommended by the Department



Grant Brouwer
Director of Building and Development

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

As of September 30 2021

Permit value (PV), Permit (PH), Dwelling unit (DU)	January	February	March	April	May	June	July	August	September	October	November	December	YTD Total	Annual permit fees	
2021	PV \$5,793,138 PH (DU) 11 1 9 2 17 10 14 7 18 7 12 1 12 21 16 6 13 2 11 194,000	\$1,715,955	\$3,545,000	2,203,400.00	\$1,585,346	\$754,400	\$6,081,400	\$1,605,755	\$1,194,000				\$16,449,394	\$165,452	
2020	PV \$950,000 PH (DU) 7 3 7 2 17 21 13 3 11 0 26 9 14 4 19 7 15 5 15 13 12 4 10 1 166 72	\$624,000	\$10,078,420	2,829,500.00	\$287,000	\$3,733,000	\$1,391,200	\$3,955,499	\$6,407,984	\$5,093,200	\$2,090,000	\$761,000	\$38,401,201	\$181,501	
2019	PV \$110,000 PH (DU) 7 0 7 1 9 2 14 6 13 11 11 2 11 2 12 3 15 3 15 3 15 9 12 4 2 3 134 52	\$442,100	\$1,259,500	2,313,500.00	\$2,374,500	\$2,178,800	\$954,000	\$1,364,600	\$1,151,050	\$2,367,950	\$1,485,000	\$750,000	\$16,751,000	\$116,952	
2018	PV \$700,000 PH (DU) 7 2 4 0 15 6 15 7 23 5 23 4 22 5 13 1 21 5 14 14 14 14 11 3 4 1 172 53	\$233,500	\$1,312,500	4,721,000.00	\$4,461,001	\$1,807,100	\$1,588,300	\$644,100	\$2,717,450	\$2,220,500	\$1,561,200	\$393,000	\$22,825,651	\$191,296	
2017	PV \$2,370,100 PH (DU) 11 4 7 0 4 4 0 18 4 29 6 22 5 21 3 21 7 16 3 16 3 8 2 7 2 4 0 168 36	\$128,350	\$95,380	\$1,204,050	\$1,792,000	\$1,544,500	\$2,053,050	\$1,084,500	\$1,900,600	\$1,385,800	\$775,000	\$1,377,401	\$60,000	\$18,825,719	\$150,015
2016	PV \$181,000 PH (DU) 4 0 3 1 8 2 13 3 12 7 11 1 13 6 15 1 15 2 15 3 7 3 7 3 4 11 120 38	\$336,000	\$897,600	\$760,201	\$1,609,000	\$1,611,000	\$1,822,000	\$644,501	\$764,400	\$1,433,300	\$2,213,000	\$2,613,000	\$14,244,002	\$114,897	
2015	PV \$10,500 PH (DU) 2 0 8 1 8 7 11 3 21 5 18 3 8 7 10 4 10 3 13 2 6 2 6 2 5 3 120 40	\$105,502	\$1,741,100	\$784,660	\$1,581,261	\$1,263,000	\$1,518,000	\$807,168	\$997,301	\$592,900	\$597,000	\$597,100	\$10,595,492	\$128,416	
2014	PV \$475,000 PH (DU) 5 2 6 0 4 2 9 2 9 2 13 2 13 2 13 2 13 2 13 2 11 5 11 5 10 9 115 43	\$465,000	\$895,000	\$1,792,000	\$1,544,500	\$2,053,050	\$1,084,500	\$1,094,500	\$1,226,750	\$534,200	\$1,099,001	\$534,200	\$1,449,000	\$14,268,001	\$140,304
2013	PV \$18,000 PH (DU) 2 0 2 1 5 4 10 2 11 3 13 8 10 4 9 2 8 2 11 5 4 1 8 8 8 8 93 40	\$48,500	\$936,500	\$1,072,500	\$749,220	\$2,223,500	\$964,200	\$663,500	\$804,200	\$1,158,000	\$426,500	\$426,500	\$1,697,500	\$10,762,120	\$108,411
2012	PV \$518,300 PH (DU) 8 2 1 0 5 2 13 1 9 3 15 6 11 6 19 0 7 1 7 1 6 3 9 3 4 2 107 29	\$25,000	\$610,000	\$522,802	\$784,150	\$3,288,988	\$1,523,500	\$2,586,000	\$659,500	\$716,000	\$700,300	\$477,900	\$12,432,440	\$152,225	
2011	PV \$127,400 PH (DU) 5 1 0 0 9 4 14 8 13 4 19 2 18 6 6 1 3 0 11 5 9 3 4 0 111 34	\$0	\$1,020,300	\$1,800,000	\$1,171,150	\$2,662,200	\$2,517,490	\$446,500	\$62,500	\$1,359,000	\$805,600	\$25,801	\$11,997,941	\$178,641	
2010	PV \$65,000 PH (DU) 3 0 5 0 7 6 11 3 7 2 16 1 12 4 12 32 10 1 14 7 11 4 3 1 111 61	\$75,000	\$1,582,000	\$603,800	\$323,200	\$302,300	\$1,570,000	\$4,069,000	\$1,014,300	\$2,226,260	\$1,085,200	\$553,500	\$14,420,060	\$194,284	
2009	PV \$232,500 PH (DU) 7 1 6 0 3 1 7 8 12 3 17 1 21 2 14 4 16 2 14 5 7 2 9 1 124 30	\$113,450	\$25,100	\$339,500	\$6,197,200	\$792,900	\$792,900	\$7,790,250	\$705,160	\$932,539	\$409,000	\$399,600	\$18,549,099	\$139,164	
Monthly average	PV \$879,245 PH (DU) 6.0 1.1 4.8 0.5 7.8 3.8 12.4 4.3 15.1 4.8 16.5 3.5 14.3 6.2 13.4 5.4 12.3 2.4 12.0 5.5 12.0 8.0 2.6 5.2 3.5 124.8 42.8	\$272,321	\$1,159,165	\$1,509,784	\$2,206,711	\$1,820,248	\$2,060,558	\$1,960,573	\$1,056,868	\$1,363,677	\$1,017,855	\$810,764	\$15,851,743	\$141,671	



MONTHLY REPORT

To: Mayor Strathdee and Members of Council

From: Community Services

Date of Meeting: 26 October 2021

Subject: DCS 30-2021 October Monthly Report (Community Services)

RECOMMENDATION

THAT DCS 30-2021 October Monthly Report (Community Services) be received for information.

DEPARTMENTAL HIGHLIGHTS

Grant Funding:

- Senior Services has submitted the annual funding request for the Senior Active Living Centre grant.
- Senior Services Home Support Services Quarterly reports will be submitted the end of October
- Community Museum Operating Grant of \$15,810 was approved and received in late September.

Programming/Wellness:

- Senior Services programs are filling quickly and are running smoothly. The Friendship Centre Pickleball program returned to in person play mid-October.
- Staff have reached out to HPPH to discuss the return to programs that cannot maintain 6 ft distancing.
- Senior Services hosted Thanksgiving Lunch October 6th. Lunch sold out 2 weeks prior to the event and 260 meals were served. 149 meals were picked up in the drive thru and 111 meals were delivered into the community. Senior Services offers the community the option to “gift” a meal to someone in the community who may have barriers to access. 20 meals were gifted and delivered within the community for Thanksgiving.
- Senior Services is working with the Alzheimer’s Society to bring the Minds and Motion program back to the St. Marys community. This program is a partnership with Senior Services and the Alzheimer’s Society.
- Museum staff led an in-person cemetery tour field trip for a grade 7 class on October 5.
- Doors Open St. Marys held Saturday, October 16. There were 8 indoor and 3 outdoor sites participating in the tour this year. <https://www.doorsopenontario.on.ca/en/st-marys>
- Plans underway to lead a number of cemetery walking tours in October.
- EarlyON program started back in building at PRC with programs on 4 days a week. Going to 5 days a week in November.
- Jess Kurtz has taken over the EarlyON program and is making wonderful connections with the families attending and is a great representative for the Town presenting the best light for EarlyON

- Collaboration project with Library & EarlyON underway, families are excited
- National “ECE Appreciation Day” is Thursday October 21. To celebrate the staff at the Child Care Centre are having a catered dinner during our monthly staff meeting (provided by City of Stratford Professional Development Committee) and Jen will share a video that has been made of parents recording their thanks and appreciation for the staff.
- Little Falls before and after school program is having a full staff compliment change due to two resignations. Interviews have been going well and we hope to have new staff in place for November.
- Partnership with Aquatics and EarlyON for developing an aquatic program to expand both areas. Program will be a combination of play and developing swimming skills.
- September stats: Aquafit 96% capacity, Lanes 93% capacity and Family Swim 70% capacity.
- Middlesex Swim Club has seen a steady increase in numbers, working with HPPH to increase swimmers per lane.
- Expanding afternoon programming in the pool, November we are running an aqua light fitness class, this is in response to pool participant needs.
- September focus has been onboarding new lifeguards, shadowing swimming lessons and training on aquafit classes evenings and weekends.
- The Youth Centre opened in October and is free to try until October 22. Membership will be \$15 for the school year. The Centre is seeing a great turnout, in particular from youth in Grade 3’s to Grade 6’s.
- Both the Red Cross Babysitting course and the Stay Safe course ran successfully, with the babysitting course being full with a waitlist, and Stay Safe close to 70% full.
- Staff are looking to start Adult Skates and Tiny Tot skates in the coming weeks.
- Vaccination clinics will continue at the PRC all fall into winter including COVID vaccines, Flu vaccines and school vaccinations.

Facility/Projects:

- Replacement of pool boilers are starting shortly.
- Hot water system for Zamboni fill should be complete this month.
- Entranceway B and D doors are being replaced this month. While work takes place, alternative entranceways will be utilized for participants.
- One of the Zamboni’s has failed completely and cannot be fixed. The standby Zamboni had an engine coil failure October 18th but is repaired and back in service. Procurement for a replacement ice resurfacer to proceed pending Council approval.

Impact/Feedback:

- “Emily, thank you for your assistance with my family research. I appreciated your being able to accommodate us all. The grave stone search was successful Thanks to the map and thick book. And I know Haley came away with new ideas for her family research. Thank you, thank you, THANK YOU!”
- EarlyON parent participant– “I need to say- the way you run this baby group is so beneficial! I attended a baby group in Stratford and we literally just sang songs. It sure was nice to do different things and the discussion and “group” part of the baby group you run is amazing. Then you follow up with resources...no surprise, you kill it Jess. Thank you for offering this!!!”
- EarlyON parent participant – “all of your hard work recently with advertising is working, many people in the community are talking about the programs and sharing calendars and schedules on their own social media platforms, the word is out there!”
- Senior Services “This is one of the few places I feel safe from COVID. Thank you”

- Senior Services “I feel like I am in my 50’s when I am turning 75, thanks to the Men’s Strength program”
- Aquatics “I have been to many pools for swimming lessons and that was by far the best!”
- Aquatics “thank you so much for accommodating my daughter, she feels more comfortable in her new lesson”

Program Statistics:

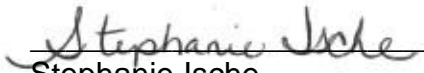
- EarlyON numbers have tripled since moving indoors (August & September were outside) with our highest attendance of 15 children so far
- EarlyON has 32 families registered for their offered programs
- There were 34 archives research appointments booked in September, with the majority being in-town users.
- Museum Staff responded to 14 inquiries in September, with the majority coming from out of town.
- Traffic Statistics for “Picture St. Marys” on Our Ontario website (Location of 3,500 digitized photographs from Museum’s collection)

Month/Year	# Visitors to Site	# Visits to Site
August 2021	1,518	1,786
August 2020	1,445	1,620
September 2021	1,412	1,604
September 2020	779	937

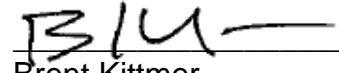
Service	August 2020 Clients Served	August 2021 Clients Served	August 2020 Units	August 2021 Units
Hot Meals on Wheels	12	16	142	171
Frozen Meals on Wheels	15	16	142	141
Community Dining	0	46	0	46
Telephone Reassurance/Social Connection	21	30	481	356
Grocery Shopping/Food Delivery	10	9	15	24
Fitness	0	61	0	324
Social Phone Program	46	28	97	75

REVIEWED BY

Recommended by the Department


Stephanie Ische
Director of Community Services

Recommended by the CAO


Brent Kittmer
Chief Administrative Officer



FORMAL REPORT

To: Mayor Strathdee and Members of Council

Prepared by: Doug LaPointe, Recreation Operations Supervisor

Date of Meeting: 26 October 2021

Subject: **DCS 33-2021 Zamboni Replacement Purchase**

PURPOSE

The purpose of this report is to seek Council's approval for a sole source purchase of a new Zamboni and to trade in the 2006 machine.

RECOMMENDATION

THAT DCS 33-2021 Zamboni Replacement Purchase report be received; and

THAT Council approve a sole source procurement with Zamboni Company Ltd. for an ice resurfacer.

BACKGROUND

Currently the Pyramid Recreation Centre (the "PRC") has a 2016 Zamboni with a laser system which serves as the primary ice resurfacer, and a 2006 Zamboni without a laser system which serves as a backup. The PRC lifecycle plan identifies the Zamboni is due for replacement in 2022. However, in 2017 an issue with propane supply caused damage and although repairs were made and the machine has seen regular continued service, it suffered a failed engine in September 2021. As such, the 2006 Zamboni was required to be used in the interim and has seen breakdowns and is susceptible to more breakdowns, due to age.

REPORT

The recommendation from the manufacturer is to discontinue use of the 2006 Zamboni, due to age and the number of hours on the machine which sits at 6,500 hours. The 2016 Zamboni would then serve as the backup machine following an engine refurbishment and would be in sufficient shape to serve this purpose. A backup machine is vital to ensure service disruptions are avoided should the primary machine fail for any reason, as breakdowns and repairs could take several days to complete.

The purchase of a new ice resurfacer is needed to continue the lifecycle of the asset and is being requested by staff on an urgent basis through budget pre-approval. The Zamboni includes a proprietary laser system which has significant interchangeability when replacing the ice resurfacer, reducing the purchase price. As such, a sole source acquisition approval is being recommended.

FINANCIAL IMPLICATIONS

Purchase price of a Zamboni specific ice resurfacer: \$120,000, minus trade-in of 2006 (trade in value is around \$10,000 to \$12,000), minus interchangeable laser components based on condition:

Estimated Useful Life	7 years
Lifecycle Costs	\$20,000
Impact to Operating Budget	None
Impact to Funding Deficit	None
Impact to Level of Service	Maintain existing level of service
COSTS	
Replacement	\$120,000
Trade -in value rebate	Up to \$10,000 to \$12,000
Laser System rebate	Up to \$5,000
TOTAL	Approx. \$105,000
FUNDING	
Reserve - General Capital	\$105,000
TOTAL	Approx. \$105,000

SUMMARY

An ice resurfacer is vital to the operation of the PRC. Staff have been able to secure two machines on loan so operations can continue while the back up machine is being fixed. To purchase a new Zamboni the lead time for procurement is April 2022.

STRATEGIC PLAN

Not applicable to this report.

OTHERS CONSULTED

André Morin – Director of Corporate Services

ATTACHMENTS

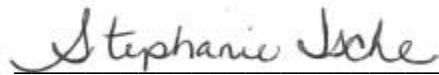
None.

REVIEWED BY

Recommended by the Department



Doug LaPointe
Supervisor of Recreation Operations



Stephanie Ische
Director of Community Services

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

MONTHLY REPORT

To: Mayor Strathdee and Members of Council

From: Corporate Services

Date of Meeting: 26 October 2021

Subject: COR 35-2021 October Monthly Report (Corporate Services)

RECOMMENDATION

THAT COR 35-2021 Monthly Report (Corporate Services) be received for information.

DEPARTMENTAL HIGHLIGHTS

KPMG – Modernize Finance Work Processes

- Information Systems Strategic Plan has been slightly delayed, but is still expected to be presented to Council in November
- In anticipation of the final report, staff have put forward preliminary estimates for the implementation of an ERP system in the 2022 draft Capital budget and are applying for the project under Intake 3 of the Provincial Modernization grant – due October 21, 2021

Budget 2022:

- The draft capital budget will be presented at the October 19, 2021 SPC meeting
- The entire 2022 draft budget will be kicked off at the special meeting of Council on November 16th.

Monthly Division updates:

Finance:

- Reconciled 12 bank accounts for the month of September
- Issued 161 cheques and EFTs in September
- BMO – Mastercard reconciliations (27)
- Q3 remittances sent to school boards and the BIA
- Introduced two (2) new contract finance staff and provided internal training
- October supplementary tax billing run resulted in \$20,000 in municipal revenue from plans submitted by internal staff to MPAC.
- Finance & Building staff met with MPAC to discuss processes, outstanding permits, and the expectation that Cloud Permit designers will create the capability to send building plans electronically to MPAC. MPAC fast tracked roll numbers for Thamescrest Development, Plan 44M-79.
- Final VIA monthly reports sent to VIA Rail head office.
- Number of property sales per month, 2021 vs 2020:

- July 2021: 8 July 2020: 20
- Aug 2021: 25 Aug 2020: 18
- Sept 2021: 12 Sept 2020: 15

Information Technology:

- Updated PRC departmental call flow
- Assisted Youth Centre with reopening
- Created security camera viewing station for testing and planned upgrades
- Finalized the network security audit and returned the testing equipment – staff expect the final report by the end of October and will bring forward to Council at an in-camera meeting in November
- Worked with third party vendors on the internet and hardware for the Service Ontario location
- Staff have confirmed our third-party partner to assist with IT services while staff recruitment takes place

Communications Division:

- Media Relations
 - Issued 7 media releases;
 - National Day for Truth and Reconciliation
 - Fire Prevention Week
 - Fall watermain and hydrant flushing
 - Fire Department training at 425 Church St. S. training
 - Community Improvement Plan
 - Proof of Vaccination to be required for municipal recreation facilities
- Advertising:
 - Print:
 - Continued with weekly Stonetown Crier column
 - Monthly half page Stonetown Supports ad (Physical Health)
 - Environmental Assessment full page ad
 - Speak Up budget engagement (2 half page ads)
 - Watermain flushing ¼ page ad
 - Adult Learning poster
 - Two page ad for Fire Prevention Week
 - Radio
 - Continued coverage of all media releases on St. Marys Radio
 - Digital
 - Fire Prevention Week Facebook Boost

Reach	Website Clicks	Cost
947	13	\$25

- Budget Education Facebook/Instagram campaign

Reach	Website Clicks	Cost
4773	149	\$199.62

- Speak Up St. Marys Facebook/Instagram ad

Reach	Website Clicks	Cost
4732	449	\$199.99

- Speak Up St. Marys Tax Value Facebook Boost

Reach	Website Clicks	Cost
1189	42	\$20

- Recruiting Facebook/Instagram ad

Reach	Website Clicks	Cost
5669	189	\$30

- Website:

- Website Traffic: 18,267 users or 30,655 sessions.
- Top viewed pages: Library (8132), Quarry (3307) Aquatics (3026), Current Opportunities (1986).
- Revised and updated 15 webpages
- COVID-specific page views:
 - 2621 views of COVID-19 page
 - 83 views of Business Resources page
 - 64 views of Community Wellness page
 - Created new staff/contractor testing submission form
 - Created new visitor screening form for recreation users
 - New print and tv signage created for proof of vaccination policies

- Social Media:

- Continued to share wellness, Covid-19 updates, vaccination updates and resources from HPPH.
- Top posts:
 - Flood water safety
 - Proof of vaccination requirement
 - Strong as Stone nominees
- 49 new followers on the Town’s Facebook page in September (5779)
- 26 new followers on the Town’s Twitter page in September
- 11 new followers on the PRC’s Facebook page in September
- 19 new followers on the Friendship centre Facebook page in August
- 4 new followers on LinkedIn page (182 total)

- Other:

- Monthly OFM educational information continues to be shared
- Ongoing claiming and updating of Town Google Business listings (14 to date)
- SWOT Analysis of Activenet presented to PRC team members and efficiency checklist created
- Ongoing website accessibility updating
- Camp PRC satisfaction survey completed

Tourism and Economic Development Division:

- Assisted with the Perth County Cycle Tour event stop in St. Marys, greeted all cyclists, helped with logistics and set-up of the stop, and hosted a tourism information table.
- Developed a cycling influencer Instagram series to further promote the cycling partnership with Destination Stratford.
- Attended the annual Business Excellence Awards hosted by the Stratford & District Chamber of Commerce on behalf of the Town of St. Marys.

- Staff coordinated Truth and Reconciliation Day events and media, and assisted with procurement of staff t-shirts and municipal flags and managed logistics and support for the day.
- Staff have been working with VIA and Metrolinx staff to formalize the details for adding GO service to St. Marys; the service will begin operations on October 18, 2021
- Ended the kayak loan program earlier than expected due to flooding and hosted a partner meeting with Library staff to prepare for a second season in 2022.

VIA Services:

- Total boarding: 76,
- Total tickets printed: 19,
- Percentage of Tickets Printed: 25%,
- Total tickets Sold: 11,
- Total arriving: 95,
- Total Phone Calls & Inquiries: 20

Events:

- Held a photo shoot at the Farmers' Market
- Beginning to work with Legion, Kinsmen and Rotary on Remembrance Week, Santa Claus Parade, and New Year's Eve fireworks, respectively
- Assisting with Doors Open promotion and execution

Truth and Reconciliation Day:

The TRC Report specifically identifies municipalities in five of their recommendations as identified below:

#43: We call upon federal, provincial, territorial, and municipal governments to fully adopt and implement the United Nations Declaration on the Rights of Indigenous Peoples as the framework for reconciliation.

#47: We call upon federal, provincial, territorial, and municipal governments to repudiate concepts used to justify European sovereignty over Indigenous peoples and lands, such as the Doctrine of Discovery and terra nullius, and to reform those laws, government policies, and litigation strategies that continue to rely on such concepts.

#57: We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal-Crown relations. This will require skills-based training in intercultural competency, conflict resolution, human rights, and anti-racism.

#75: We call upon the federal government to work with provincial, territorial, and municipal governments, churches, Aboriginal communities, former residential school students, and current landowners to develop and implement strategies and procedures for the ongoing identification, documentation, maintenance, commemoration, and protection of residential school cemeteries or other sites at which residential school children were buried. This is to include the provision of appropriate memorial ceremonies and commemorative markers to honour the deceased children.

#77: We call upon provincial, territorial, municipal, and community archives to work collaboratively with the National Centre for Truth and Reconciliation to identify and collect copies of all records relevant to the history and legacy of the residential school system, and to provide these to the National Centre for Truth and Reconciliation.

A committee was struck that consisted of the Mayor, one Councillor, staff from Communications, Event Planning, Cultural Services, the Library and guided by a local Indigenous leader. Our status with the calls to action to date are:

- a. #43 – Adopting UNDRIP. A report will be coming forward to Council at a future date regarding this proposed recommendation.
- b. #57 – Education of public servants – This summer staff were asked to participate in a 2-hour webinar hosted by the Woodland Cultural Centre about the experience of Residential Schools. It was very detailed and very informative. Our hope is that all staff will complete this training over time. This Fall we hosted a number of events on September 30th that included a sacred fire hosted in Milt Dunnell Park and was led by a local Indigenous leader. Members of the community and school classes who attended learned about native culture, spirituality, Indigenous medicines, and participants engaged each other around Every Child Matters. The fire also hosted the Artist Jeffrey George who designed our new Town flag for Sep. 30th as well as Author S.P. Joseph Lyons who discussed his new children’s book about kids in CAS care. We also had a “book walk” at the Library entrance which introduced the community to the seven grandfather teachings and their meanings. Staff were given Every Child Matters t-shirts which were purchased by the Town to mark their commitment to awareness about this issue. We are researching for 2022 the possibility of purchasing an online program for instruction for staff.
- c. #75: We collected funds to support survivors of residential schools.
- d. At this time we are not contributing to #77 as we are not in close geographic proximity to a community currently in exploration – the nearest will be Chippewas of the Thames who will be starting their investigation in the next few months.

SPENDING AND VARIANCE ANALYSIS

n/a


REVIEWED BY

Recommended by the Department



André Morin
Director of Corporate Services / Treasurer

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

FORMAL REPORT

To: Mayor Strathdee and Members of Council

Prepared by: André Morin, Director of Corporate Services / Treasurer

Date of Meeting: 26 October 2021

Subject: **COR 34-2021 Milt Dunnell Park Redevelopment**

PURPOSE

In July Council gave staff the approval to proceed with the re-profiling of Milt Dunnell Park and to develop a plan that is shovel ready.

The project committee currently consists of staff representatives from several Town departments, and one representative from Upper Thames River Conservation Authority. Staff is recommending representation from Council on the committee. There has been one introductory meeting thus far.

RECOMMENDATION

THAT COR 34-2021 Milt Dunnell Park Redevelopment report be received; and

THAT the following member of Council is appointed to the Milt Dunnell Park Redevelopment internal committee

BACKGROUND

On July 20, 2021, Council approved as part of its strategic priorities discussion the following:

- Prepare a redevelopment plan for Milt Dunnell park to support the Town's Parks Strategy.
- Use the plan to be "grant ready" and apply for grants to develop new amenities for the park following the redevelopment vision.

A staff project committee has been formed to develop a plan to re-profile Milt Dunnell Park. Recent improvements to the park have created the ability for the Farmers' Market to move to this location. In addition, other projects like the Yak Shak and the Emily Street staircase support the reactivation of the waterfront and push to have the public use this park. Each of these projects have been brought forward without a comprehensive vision for the park, highlighting the need for this type of planning work to occur.

REPORT

The Federal Government launched a new grant in the summer of 2021 called the Canada Community Revitalization Fund, and the Town has applied for upgrades to Milt Dunnell Park. If the grant is successful, the outcome of the redevelopment plan will determine the priority upgrades to be completed with this potential funding source.

The committee will plan to ensure that Milt Dunnell Park remains central for community events and activities and will seek opportunities to expand its offerings. The project will include a comprehensive

public engagement process to ensure the plan meets the needs of the community. A draft plan is expected to be brought to Council for review by the end of the 1st quarter of 2022.

This report is to seek Council representation on the committee to ensure staff are meeting the objectives laid out in the strategic plan.

The committee consists of the following:

- André Morin, Director of Corporate Services / Treasurer
- Kelly Deeks-Johnson, Manager Tourism & Economic Development
- Andrea Macko, Events Coordinator
- Jed Kelly, Director of Public Works
- Ray Cousineau, Facilities Supervisor
- Grant Brouwer, Director of Building & Planning
- Amy Cubberley, Cultural Services Supervisor
- Darcy Drummond, Recreation & Youth Services Supervisor

External Member:

- Jenna Allain, Representative from Upper Thames River Conservation Authority

FINANCIAL IMPLICATIONS

The draft 2022 budget includes a Milt Dunnell park upgrade project in the amount of \$387,500, conditional on federal funding of \$250,000 which would be the 1st phase of the redevelopment. Future phases, full capital and operating costs will be determined as part of the master plan.

SUMMARY

The Town is creating a redevelopment plan for Milt Dunnell Park. The plan will be led by a committee and will include a robust public consultation process. The addition of Council representation to the committee will assist with guiding our discussions and ensuring we meet the strategic objectives of Council.

STRATEGIC PLAN

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
 - Pillar #4 Culture & Recreation: A focused parks strategy
 - Outcome: St. Marys' parks are not only a prized asset, they are also a natural gathering place that can be optimized and incorporated into enhancing the cultural profile of St. Marys.
 - Tactic(s): Investigate Milt Dunnell Park in terms of capacity to host cultural events, such as festivals, "gathering on the green", art exhibits, performances etc.
 - Pillar #4 Culture & Recreation: Year-round Farmers' & Artisans' Market
 - Outcome: In smaller communities, a Farmers' Market plays a strong role in terms of identity, as well as promoting tourism to sample local fare and crafts.
 - Tactic(s): Assess the infrastructure needs of creating a year-round, covered Farmers' Market facility.

OTHERS CONSULTED

Staff working group on the Milt Dunnell Park redevelopment project.

ATTACHMENTS

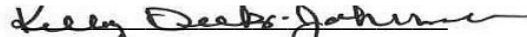
None

REVIEWED BY

Recommended by the Department

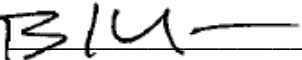


André Morin
Director of Corporate Services / Treasurer



Kelly Deeks-Johnson
Tourism and Economic Development Manager

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer



FORMAL REPORT

To: Mayor Strathdee and Members of Council

Prepared by: André Morin, Director of Corporate Services / Treasurer

Date of Meeting: 26 October 2021

Subject: **COR 36-2021 Modernization Program - Intake 2 Grant**

PURPOSE

To provide Council with the details relating to the receipt of grant funding under the Implementation stream of the Municipal Modernization Program – Intake 2 and receive the authority to execute the agreement.

RECOMMENDATION

THAT COR 36-2021 Modernization Program - Intake 2 Grant report be received; and

THAT Council consider By-law 89-2021 authorizing the Mayor and the Clerk to execute the Municipal Modernization Program – Intake 2 Transfer Payment Agreement.

BACKGROUND

The Province of Ontario launched its Intake 2 of the Municipal Modernization Program in January 2021. In June 2021, the Province announced approval of 254 projects to 224 Municipalities totalling \$24 million. The Town was approved for 2 projects. The first was \$30,000 for an Information Systems Strategic Plan. The second project was under the implementation stream for up to \$61,500 for the digitization of building records.

REPORT

The transfer payment agreement for the digitization of building records was received this week for signing by the Town. The scope of work will be to hire a temporary contract staff member to:

1. Sort and organize the existing hard file system;
2. Scan and catalog the electronic files to make them user friendly; and
3. Remove any duplicate information.

This project will help modernize the Town's services. The anticipated efficiencies include:

- Singular Storage Location: The hard copy property files are stored at the Municipal Operations Centre (MOC). Not all departments are located at the MOC. In the past if a department has required property information they have either had to 1) contact a team member at the MOC to scan the file, or 2) go to the MOC to retrieve the information. Transitioning to an electronic system ensure that all files are readily accessible for those who need them.
- Pandemic Responsive: The pandemic has required workplaces to encourage their employees to work from home. Reliance on electronic files has become paramount. Property files are essential to much of municipal business within various departments, lack of access can delay response times for residents

and building / planning applicants. For example, a law firm may request a zoning compliance letter for the sale of a house. The Town is unable to complete the request in a timely fashion since they are not able to enter the workplace.

- Disaster Responsive: Should any damages occur to the MOC, all data related to properties will be stored in a secondary location.
- Streamline Development Applications: Upon receipt of a development application, staff must complete a review of the property to ensure accuracy and determine if there are any previous planning decisions. Those decisions are not consolidated with the property files – therefore, a thorough search of all Town records is required, which can be a timely process. Electronic filing with clear cataloguing can streamline the review and approval process.
- Improving Transparency

Staff have estimated that this project could create up to \$7,722 in annual efficiencies

FINANCIAL IMPLICATIONS

The total project cost is estimated at \$82,000; with the Province funding 75%, up to \$61,500.

Staff have estimated that this project could create up to \$7,722 in annual efficiencies.

SUMMARY

The Town of St. Marys has received approval for modernization funding from the Province of Ontario up to \$61,500 to assist in the digitalization of property records.

STRATEGIC PLAN

Not applicable to this report.

OTHERS CONSULTED

Grant Brouwer, Director of Building & Development Services

ATTACHMENTS

MMP Intake 2 - TPA

REVIEWED BY

Recommended by the Department



André Morin
Director of Corporate Services / Treasurer

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

ONTARIO TRANSFER PAYMENT AGREEMENT

THE AGREEMENT is effective as of the _____ day of _____, 20____

B E T W E E N :

**Her Majesty the Queen in right of Ontario
as represented by the Minister of Municipal Affairs and
Housing**

(the “Province”)

- and -

**Corporation of the Town of St. Marys
(the “Recipient”)**

CONSIDERATION

In consideration of the mutual covenants and agreements contained in the Agreement and for other good and valuable consideration, the receipt and sufficiency of which are expressly acknowledged, the Province and the Recipient agree as follows:

1.0 ENTIRE AGREEMENT

1.1 **Schedules to the Agreement.** The following schedules form part of the Agreement:

- Schedule “A” - General Terms and Conditions
- Schedule “B” - Project Specific Information and Additional Provisions
- Schedule “C” - Project
- Schedule “D” - Budget
- Schedule “E” - Payment Plan
- Schedule “F” - Reports.

1.2 **Entire Agreement.** The Agreement constitutes the entire agreement between the Parties with respect to the subject matter contained in the Agreement and supersedes all prior oral or written representations and agreements.

2.0 CONFLICT OR INCONSISTENCY

2.1 **Conflict or Inconsistency.** In the event of a conflict or inconsistency between the Additional Provisions and the provisions in Schedule “A”, the following rules will apply:

- (a) the Parties will interpret any Additional Provisions in so far as possible, in a way that preserves the intention of the Parties as expressed in Schedule “A”; and
- (b) where it is not possible to interpret the Additional Provisions in a way that is consistent with the provisions in Schedule “A”, the Additional Provisions will prevail over the provisions in Schedule “A” to the extent of the inconsistency.

3.0 COUNTERPARTS

3.1 **One and the Same Agreement.** The Agreement may be executed in any number of counterparts, each of which will be deemed an original, but all of which together will constitute one and the same instrument.

4.0 AMENDING THE AGREEMENT

4.1 **Amending the Agreement.** The Agreement may only be amended by a written agreement duly executed by the Parties.

5.0 ACKNOWLEDGEMENT

5.1 **Acknowledgement.** The Recipient acknowledges that:

- (a) the Funds are to assist the Recipient to carry out the Project and not to provide goods or services to the Province;
- (b) the Province is not responsible for carrying out the Project; and
- (c) the Province is bound by the *Freedom of Information and Protection of Privacy Act* (Ontario) and that any information provided to the Province in connection with the Project or otherwise in connection with the Agreement may be subject to disclosure in accordance with that Act.

- SIGNATURE PAGE FOLLOWS -

The Parties have executed the Agreement on the dates set out below.

**HER MAJESTY THE QUEEN IN RIGHT OF
ONTARIO as represented by the Minister of
Municipal Affairs and Housing**

Date

Name: Steve Clark
Title: Minister

Corporation of the Town of St. Marys

Date

Name:
Title:

I have authority to bind the Recipient.

Date

Name:
Title:

I have authority to bind the Recipient.

SCHEDULE "A"
GENERAL TERMS AND CONDITIONS

A1.0 INTERPRETATION AND DEFINITIONS

A1.1 **Interpretation.** For the purposes of interpretation:

- (a) words in the singular include the plural and vice-versa;
- (b) words in one gender include all genders;
- (c) the headings do not form part of the Agreement; they are for reference only and will not affect the interpretation of the Agreement;
- (d) any reference to dollars or currency will be in Canadian dollars and currency; and
- (e) "include", "includes" and "including" denote that the subsequent list is not exhaustive.

A1.2 **Definitions.** In the Agreement, the following terms will have the following meanings:

"Additional Provisions" means the terms and conditions set out in Schedule "B".

"Agreement" means this agreement entered into between the Province and the Recipient, all of the schedules listed in section 1.1, and any amending agreement entered into pursuant to section 4.1.

"Budget" means the budget attached to the Agreement as Schedule "D".

"Business Day" means any working day, Monday to Friday inclusive, excluding statutory and other holidays, namely: New Year's Day; Family Day; Good Friday; Easter Monday; Victoria Day; Canada Day; Civic Holiday; Labour Day; Thanksgiving Day; Remembrance Day; Christmas Day; Boxing Day and any other day on which the Province has elected to be closed for business.

"Effective Date" means the date set out at the top of the Agreement.

"Event of Default" has the meaning ascribed to it in section A12.1.

"Expiry Date" means the expiry date set out in Schedule "B".

"Funding Year" means:

- (a) in the case of the first Funding Year, the period commencing on the

Effective Date and ending on the following March 31; and

- (b) in the case of Funding Years subsequent to the first Funding Year, the period commencing on April 1 following the end of the previous Funding Year and ending on the following March 31 or the Expiry Date, whichever is first.

“Funds” means the money the Province provides to the Recipient pursuant to the Agreement.

“Indemnified Parties” means Her Majesty the Queen in right of Ontario, and includes Her ministers, agents, appointees, and employees.

“Loss” means any cause of action, liability, loss, cost, damage, or expense (including legal, expert and consultant fees) that anyone incurs or sustains as a result of or in connection with the Project or any other part of the Agreement.

“Maximum Funds” means the maximum set out in Schedule “B”.

“Notice” means any communication given or required to be given pursuant to the Agreement.

“Notice Period” means the period of time within which the Recipient is required to remedy an Event of Default pursuant to section A12.3(b), and includes any such period or periods of time by which the Province extends that time in accordance with section A12.4.

“Parties” means the Province and the Recipient.

“Party” means either the Province or the Recipient.

“Proceeding” means any action, claim, demand, lawsuit, or other proceeding that anyone makes, brings or prosecutes as a result of or in connection with the Project or with any other part of the Agreement.

“Project” means the undertaking described in Schedule “C”.

“Records Review” means any assessment the Province conducts pursuant to section A7.4.

“Reports” means the reports described in Schedule “F”.

A2.0 REPRESENTATIONS, WARRANTIES, AND COVENANTS

A2.1 General. The Recipient represents, warrants, and covenants that:

- (a) it has, and will continue to have, the experience and expertise necessary to carry out the Project;
- (b) it is in compliance with, and will continue to comply with, all federal and provincial laws and regulations, all municipal by-laws, and any other orders, rules, and by-laws related to any aspect of the Project, the Funds, or both; and
- (c) unless otherwise provided for in the Agreement, any information the Recipient provided to the Province in support of its request for funds (including information relating to any eligibility requirements) was true and complete at the time the Recipient provided it and will continue to be true and complete.

A2.2 **Execution of Agreement.** The Recipient represents and warrants that it has:

- (a) the full power and authority to enter into the Agreement; and
- (b) taken all necessary actions to authorize the execution of the Agreement, including passing a municipal by-law authorizing the Recipient to enter into the Agreement.

A2.3 **Governance.** The Recipient represents, warrants, and covenants that it has, will maintain in writing, and will follow:

- (a) procedures to enable the Recipient to manage Funds prudently and effectively;
- (b) procedures to enable the Recipient to complete the Project successfully;
- (c) procedures to enable the Recipient to identify risks to the completion of the Project and strategies to address the identified risks, all in a timely manner;
- (d) procedures to enable the preparation and submission of all Reports required pursuant to Article A7.0; and
- (e) procedures to enable the Recipient to address such other matters as the Recipient considers necessary to enable the Recipient to carry out its obligations under the Agreement.

A2.4 **Supporting Proof.** Upon the request of the Province, the Recipient will provide the Province with proof of the matters referred to in Article A2.0.

A3.0 TERM OF THE AGREEMENT

A3.1 **Term.** The term of the Agreement will commence on the Effective Date and will expire on the Expiry Date unless terminated earlier pursuant to Article A11.0 or Article A12.0.

A4.0 FUNDS AND CARRYING OUT THE PROJECT

A4.1 **Funds Provided.** The Province will:

- (a) provide the Recipient up to the Maximum Funds for the purpose of carrying out the Project;
- (b) provide the Funds to the Recipient in accordance with the payment plan attached to the Agreement as Schedule “E”; and
- (c) deposit the Funds into an account the Recipient designates provided that the account:
 - (i) resides at a Canadian financial institution; and
 - (ii) is in the name of the Recipient.

A4.2 **Limitation on Payment of Funds.** Despite section A4.1:

- (a) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides evidence satisfactory to the Province that the Recipient’s council has authorized the execution of this Agreement by the Recipient by municipal by-law;
- (b) the Province is not obligated to provide any Funds to the Recipient until the Recipient provides the certificates of insurance or other proof as the Province may request pursuant to section A10.2;
- (c) the Province is not obligated to provide instalments of Funds until it is satisfied with the progress of the Project; and
- (d) the Province may adjust the amount of Funds it provides to the Recipient in any Funding Year based upon the Province’s assessment of the information the Recipient provides to the Province pursuant to section A7.2.

A4.3 **Use of Funds and Carry Out the Project.** The Recipient will do all of the following:

- (a) carry out the Project in accordance with the Agreement;

- (b) use the Funds only for the purpose of carrying out the Project;
- (c) spend the Funds only in accordance with the Budget; and
- (d) not use the Funds to cover any cost that has or will be funded or reimbursed by one or more of any third party, ministry, agency, or organization of the Government of Ontario.

A4.4 **Interest Bearing Account.** If the Province provides Funds before the Recipient's immediate need for the Funds, the Recipient will place the Funds in an interest bearing account in the name of the Recipient at a Canadian financial institution.

A4.5 **Interest.** If the Recipient earns any interest on the Funds, the Province may do either or both of the following:

- (a) deduct an amount equal to the interest from any further instalments of Funds;
- (b) demand from the Recipient the payment of an amount equal to the interest.

A4.6 **Rebates, Credits, and Refunds.** The Province will calculate Funds based on the actual costs to the Recipient to carry out the Project, less any costs (including taxes) for which the Recipient has received, will receive, or is eligible to receive, a rebate, credit, or refund.

A5.0 RECIPIENT'S ACQUISITION OF GOODS OR SERVICES, AND DISPOSAL OF ASSETS

A5.1 **Acquisition.** If the Recipient acquires goods, services, or both with the Funds, it will do so through a process that promotes the best value for money.

A5.2 **Disposal.** The Recipient will not, without the Province's prior consent, sell, lease, or otherwise dispose of any asset purchased or created with the Funds or for which Funds were provided, the cost of which exceeded the amount as provided for in Schedule "B" at the time of purchase.

A6.0 CONFLICT OF INTEREST

A6.1 **Conflict of Interest Includes.** For the purposes of Article A6.0, a conflict of interest includes any circumstances where:

- (a) the Recipient; or
- (b) any person who has the capacity to influence the Recipient's decisions,

has outside commitments, relationships, or financial interests that could, or could be seen by a reasonable person to, interfere with the Recipient's objective, unbiased, and impartial judgment relating to the Project, the use of the Funds, or both.

A6.2 **No Conflict of Interest.** The Recipient will carry out the Project and use the Funds without an actual, potential, or perceived conflict of interest unless:

- (a) the Recipient:
 - (i) provides Notice to the Province disclosing the details of the actual, potential, or perceived conflict of interest;
 - (ii) requests the consent of the Province to carry out the Project with an actual, potential, or perceived conflict of interest;
- (b) the Province provides its consent to the Recipient carrying out the Project with an actual, potential, or perceived conflict of interest; and
- (c) the Recipient complies with any terms and conditions the Province may prescribe in its consent.

A7.0 REPORTS, ACCOUNTING, AND REVIEW

A7.1 **Province Includes.** For the purposes of sections A7.4, A7.5 and A7.6, "**Province**" includes any auditor or representative the Province may identify.

A7.2 **Preparation and Submission.** The Recipient will:

- (a) submit to the Province at the address referred to in section A17.1:
 - (i) all Reports in accordance with the timelines and content requirements as provided for in Schedule "F";
 - (ii) any other reports in accordance with any timelines and content requirements the Province may specify from time to time;
- (b) ensure that all Reports and other reports are:
 - (i) completed to the satisfaction of the Province; and
 - (ii) signed by an authorized signing officer of the Recipient.

A7.3 **Record Maintenance.** The Recipient will keep and maintain for a period of

seven years from their creation:

- (a) all financial records (including invoices and evidence of payment) relating to the Funds or otherwise to the Project in a manner consistent with either international financial reporting standards or generally accepted accounting principles or any other accounting principles that apply to the Recipient; and
- (b) all non-financial records and documents relating to the Funds or otherwise to the Project.

A7.4 **Records Review.** The Province may, at its own expense, upon twenty-four hours' Notice to the Recipient and during normal business hours enter upon the Recipient's premises to conduct an audit or investigation of the Recipient regarding the Recipient's compliance with the Agreement, including assessing any of the following:

- (a) the truth of any of the Recipient's representations and warranties;
- (b) the progress of the Project;
- (c) the Recipient's allocation and expenditure of the Funds.

A7.5 **Inspection and Removal.** For the purposes of any Records Review, the Province may take one or more of the following actions:

- (a) inspect and copy any records and documents referred to in section A7.3; and
- (b) remove any copies the Province makes pursuant to section A7.5(a).

A7.6 **Cooperation.** To assist the Province in respect of its rights provided for in section A7.5, the Recipient will cooperate with the Province by:

- (a) ensuring that the Province has access to the records and documents wherever they are located;
- (b) assisting the Province to copy records and documents;
- (c) providing to the Province, in the form the Province specifies, any information the Province identifies; and
- (d) carrying out any other activities the Province requests.

A7.7 **No Control of Records.** No provision of the Agreement will be construed so as to give the Province any control whatsoever over the Recipient's records.

A7.8 **Auditor General.** The Province's rights under Article A7.0 are in addition to

any rights provided to the Auditor General pursuant to section 9.2 of the *Auditor General Act* (Ontario).

A8.0 COMMUNICATIONS REQUIREMENTS

A8.1 **Acknowledge Support.** Unless the Province directs the Recipient to do otherwise, the Recipient will in each of its Project-related publications, whether written, oral, or visual:

- (a) acknowledge the support of the Province for the Project;
- (b) ensure that any acknowledgement is in a form and manner as the Province directs; and
- (c) indicate that the views expressed in the publication are the views of the Recipient and do not necessarily reflect those of the Province.

A9.0 INDEMNITY

A9.1 **Indemnification.** The Recipient will indemnify and hold harmless the Indemnified Parties from and against any Loss and any Proceeding, unless solely caused by the negligence or wilful misconduct of the Indemnified Parties.

A10.0 INSURANCE

A10.1 **Recipient's Insurance.** The Recipient represents, warrants, and covenants that it has, and will maintain, at its own cost and expense, with insurers having a secure A.M. Best rating of B+ or greater, or the equivalent, all the necessary and appropriate insurance that a prudent person carrying out a project similar to the Project would maintain, including commercial general liability insurance on an occurrence basis for third party bodily injury, personal injury, and property damage, to an inclusive limit of not less than the amount provided for in Schedule "B" per occurrence, which commercial general liability insurance policy will include the following:

- (a) the Indemnified Parties as additional insureds with respect to liability arising in the course of performance of the Recipient's obligations under, or otherwise in connection with, the Agreement;
- (b) a cross-liability clause;
- (c) contractual liability coverage; and
- (d) a 30-day written notice of cancellation.

A10.2 **Proof of Insurance.** The Recipient will:

- (a) provide to the Province, either:
 - (i) certificates of insurance that confirm the insurance coverage as provided for in section A10.1; or
 - (ii) other proof that confirms the insurance coverage as provided for in section A10.1; and
- (b) in the event of a Proceeding, and upon the Province's request, the Recipient will provide to the Province a copy of any of the Recipient's insurance policies that relate to the Project or otherwise to the Agreement, or both.

A11.0 TERMINATION ON NOTICE

A11.1 Termination on Notice. The Province may terminate the Agreement at any time without liability, penalty, or costs upon giving 30 days' Notice to the Recipient.

A11.2 Consequences of Termination on Notice by the Province. If the Province terminates the Agreement pursuant to section A11.1, the Province may take one or more of the following actions:

- (a) cancel further instalments of Funds;
- (b) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient; and
- (c) determine the reasonable costs for the Recipient to wind down the Project, and do either or both of the following:
 - (i) permit the Recipient to offset such costs against the amount the Recipient owes pursuant to section A11.2(b); and
 - (ii) subject to section A4.1(a), provide Funds to the Recipient to cover such costs.

A12.0 EVENT OF DEFAULT, CORRECTIVE ACTION, AND TERMINATION FOR DEFAULT

A12.1 Events of Default. It will constitute an Event of Default if, in the opinion of the Province, the Recipient breaches any representation, warranty, covenant, or other material term of the Agreement, including failing to do any of the following in accordance with the terms and conditions of the Agreement:

- (a) carry out the Project;

- (b) use or spend Funds; or
- (c) provide, in accordance with section A7.2, Reports or such other reports as the Province may have requested pursuant to section A7.2(a)(ii).

A12.2 **Consequences of Events of Default and Corrective Action.** If an Event of Default occurs, the Province may, at any time, take one or more of the following actions:

- (a) initiate any action the Province considers necessary in order to facilitate the successful continuation or completion of the Project;
- (b) provide the Recipient with an opportunity to remedy the Event of Default;
- (c) suspend the payment of Funds for such period as the Province determines appropriate;
- (d) reduce the amount of the Funds;
- (e) cancel further instalments of Funds;
- (f) demand from the Recipient the payment of any Funds remaining in the possession or under the control of the Recipient;
- (g) demand from the Recipient the payment of an amount equal to any Funds the Recipient used, but did not use in accordance with the Agreement;
- (h) demand from the Recipient the payment of an amount equal to any Funds the Province provided to the Recipient;
- (i) demand from the Recipient an amount equal to the costs the Province incurred or incurs to enforce its rights under the Agreement, including the costs of any Record Review and the costs it incurs to collect any amounts the Recipient owes to the Province; and
- (j) terminate the Agreement at any time, including immediately, without liability, penalty or costs to the Province upon giving Notice to the Recipient.

A12.3 **Opportunity to Remedy.** If, in accordance with section A12.2(b), the Province provides the Recipient with an opportunity to remedy the Event of Default, the Province will give Notice to the Recipient of:

- (a) the particulars of the Event of Default; and

(b) the Notice Period.

A12.4 **Recipient not Remediating.** If the Province provided the Recipient with an opportunity to remedy the Event of Default pursuant to section A12.2(b), and:

- (a) the Recipient does not remedy the Event of Default within the Notice Period;
- (b) it becomes apparent to the Province that the Recipient cannot completely remedy the Event of Default within the Notice Period; or
- (c) the Recipient is not proceeding to remedy the Event of Default in a way that is satisfactory to the Province,

the Province may extend the Notice Period, or initiate any one or more of the actions provided for in sections A12.2(a), (c), (d), (e), (f), (g), (h), and (i).

A12.5 **When Termination Effective.** Termination under Article A12.0 will take effect as provided for in the Notice.

A13.0 FUNDS AT THE END OF A FUNDING YEAR

A13.1 **Funds at the End of a Funding Year.** Without limiting any rights of the Province under Article A12.0, if the Recipient has not spent all of the Funds allocated for the Funding Year as provided for in the Budget, the Province may take one or both of the following actions:

- (a) demand from the Recipient payment of the unspent Funds; and
- (b) adjust the amount of any further instalments of Funds accordingly.

A14.0 FUNDS UPON EXPIRY

A14.1 **Funds Upon Expiry.** The Recipient will, upon expiry of the Agreement, pay to the Province any Funds remaining in its possession, under its control, or both.

A15.0 DEBT DUE AND PAYMENT

A15.1 **Payment of Overpayment.** If at any time the Province provides Funds in excess of the amount to which the Recipient is entitled under the Agreement, the Province may:

- (a) deduct an amount equal to the excess Funds from any further instalments of Funds; or
- (b) demand that the Recipient pay to the Province an amount equal to the excess Funds.

A15.2 **Debt Due.** If, pursuant to the Agreement:

- (a) the Province demands from the Recipient the payment of any Funds or an amount equal to any Funds; or
- (b) the Recipient owes any Funds or an amount equal to any Funds to the Province, whether or not the Province has demanded their payment,

such amounts will be deemed to be debts due and owing to the Province by the Recipient, and the Recipient will pay the amounts to the Province immediately, unless the Province directs otherwise.

A15.3 **Interest Rate.** The Province may charge the Recipient interest on any money owing to the Province by the Recipient under the Agreement at the then current interest rate charged by the Province of Ontario on accounts receivable.

A15.4 **Payment of Money to Province.** The Recipient will pay any money owing to the Province by cheque payable to the "Ontario Minister of Finance" and delivered to the Province as provided for in Schedule "B".

A15.5 **Fails to Pay.** Without limiting the application of section 43 of the *Financial Administration Act* (Ontario), if the Recipient fails to pay any amount owing under the Agreement, Her Majesty the Queen in right of Ontario may deduct any unpaid amount from any money payable to the Recipient by Her Majesty the Queen in right of Ontario.

A16.0 NOTICE

A16.1 **Notice in Writing and Addressed.** Notice will be:

- (a) in writing;
- (b) delivered by email, postage-prepaid mail, personal delivery, courier or fax; and
- (c) addressed to the Province or the Recipient as set out in Schedule "B", or as either Party later designates to the other by Notice.

A16.2 **Notice Given.** Notice will be deemed to have been given:

- (a) in the case of postage-prepaid mail, five Business Days after the Notice is mailed; or
- (b) in the case of fax, one Business Day after the Notice is delivered; and
- (c) in the case of email, personal delivery or courier on the date on which

the Notice is delivered.

A16.3 **Postal Disruption.** Despite section A16.2(a), in the event of a postal disruption:

- (a) Notice by postage-prepaid mail will not be deemed to be given; and
- (b) the Party giving Notice will give Notice by email, personal delivery, courier or fax.

A17.0 CONSENT BY PROVINCE AND COMPLIANCE BY RECIPIENT

A17.1 **Consent.** When the Province provides its consent pursuant to the Agreement:

- (a) it will do so by Notice;
- (b) it may attach any terms and conditions to the consent; and
- (c) the Recipient may rely on the consent only if the Recipient complies with any terms and conditions the Province may have attached to the consent.

A18.0 SEVERABILITY OF PROVISIONS

A18.1 **Invalidity or Unenforceability of Any Provision.** The invalidity or unenforceability of any provision of the Agreement will not affect the validity or enforceability of any other provision of the Agreement.

A19.0 WAIVER

A19.1 **Waiver Request.** Either Party may, by Notice, ask the other Party to waive an obligation under the Agreement.

A19.2 **Waiver Applies.** If in response to a request made pursuant to section A19.1 a Party consents to a waiver, the waiver will:

- (a) be valid only if the Party that consents to the waiver provides the consent by Notice; and
- (b) apply only to the specific obligation referred to in the waiver.

A20.0 INDEPENDENT PARTIES

A20.1 **Parties Independent.** The Recipient is not an agent, joint venturer, partner, or employee of the Province, and the Recipient will not represent itself in any way that might be taken by a reasonable person to suggest that it is, or take any actions that could establish or imply such a relationship.

A21.0 ASSIGNMENT OF AGREEMENT OR FUNDS

A21.1 **No Assignment.** The Recipient will not, without the prior written consent of the Province, assign any of its rights or obligations under the Agreement.

A21.2 **Agreement Binding.** All rights and obligations contained in the Agreement will extend to and be binding on:

- (a) the Recipient's successors, and permitted assigns; and
- (b) the successors to Her Majesty the Queen in right of Ontario.

A22.0 GOVERNING LAW

A22.1 **Governing Law.** The Agreement and the rights, obligations, and relations of the Parties will be governed by and construed in accordance with the laws of the Province of Ontario and the applicable federal laws of Canada. Any actions or proceedings arising in connection with the Agreement will be conducted in the courts of Ontario, which will have exclusive jurisdiction over such proceedings.

A23.0 FURTHER ASSURANCES

A23.1 **Agreement into Effect.** The Recipient will:

- (a) provide such further assurances as the Province may request from time to time with respect to any matter to which the Agreement pertains; and
- (b) do or cause to be done all acts or things necessary to implement and carry into effect the terms and conditions of the Agreement to their full extent.

A24.0 JOINT AND SEVERAL LIABILITY

A24.1 **Joint and Several Liability.** Where the Recipient comprises of more than one entity, all such entities will be jointly and severally liable to the Province for the fulfillment of the obligations of the Recipient under the Agreement.

A25.0 RIGHTS AND REMEDIES CUMULATIVE

A25.1 **Rights and Remedies Cumulative.** The rights and remedies of the Province under the Agreement are cumulative and are in addition to, and not in substitution for, any of its rights and remedies provided by law or in equity.

A26.0 FAILURE TO COMPLY WITH OTHER AGREEMENTS

A26.1 **Other Agreements.** If the Recipient:

- (a) has failed to comply with any term, condition, or obligation under any other agreement with Her Majesty the Queen in right of Ontario or one of Her agencies (a “**Failure**”);
- (b) has been provided with notice of such Failure in accordance with the requirements of such other agreement;
- (c) has, if applicable, failed to rectify such Failure in accordance with the requirements of such other agreement; and
- (d) such Failure is continuing,

the Province may suspend the payment of Funds for such period as the Province determines appropriate.

A27.0 SURVIVAL

A27.1 **Survival.** The following Articles and sections, and all applicable cross-referenced Articles, sections and schedules, will continue in full force and effect for a period of seven years from the date of expiry or termination of the Agreement: Article 1.0, Article 2.0, Article A1.0 and any other applicable definitions, section A2.1(a), sections A4.4, A4.5, A4.6, section A5.2, section A7.1, A7.2 (to the extent that the Recipient has not provided the Reports or other reports as the Province may have requested and to the satisfaction of the Province), sections A7.3, A7.4, A7.5, A7.6, A7.7, A7.8, Article A8.0, Article A9.0, section A11.2, sections A12.1, sections A12.2(d), (e), (f), (g), (h), (i), and (j), Article A13.0, Article A14.0, Article A15.0, Article A16.0, Article A18.0, , section A21.2, Article A22.0, Article A24.0, Article A25.0 and Article A27.0.

- END OF GENERAL TERMS AND CONDITIONS -

SCHEDULE “B”
PROJECT SPECIFIC INFORMATION AND ADDITIONAL PROVISIONS

Maximum Funds	Up to \$61,500
Expiry Date	December 30, 2025
Amount for the purposes of section A5.2 (Disposal) of Schedule “A”	\$5,000.00
Insurance	\$ 2,000,000
Contact information for the purposes of Notice to the Province	<p>Name: Brenda Vloet</p> <p>Position: Manager, Municipal Programs and Outreach Unit</p> <p>Address: 777 Bay Street, Toronto, Ontario M7A 2J3, 16th Floor</p> <p>Email: Brenda.Vloet@ontario.ca</p>
Contact information for the purposes of Notice to the Recipient	<p>Name:</p> <p>Position:</p> <p>Address:</p> <p>Fax:</p> <p>Email:</p>
Contact information for the senior financial person in the Recipient organization (e.g., CFO, CAO) – to respond as required to requests from the Province related to the Agreement	<p>Name:</p> <p>Position:</p> <p>Address:</p> <p>Fax:</p> <p>Email:</p>

Additional Provisions:

- B1 **Section 4.2 of Schedule “A” is amended by adding the following subsection:**

- (e) the Province is not obligated to provide any Funds to the Recipient that exceed 75% of the incurred Project costs.

B2 Section 4.3 of Schedule "A" is amended by adding the following subsection:

- (e) not use the Funds for the purpose of paying the Recipient's regular salary costs.
- (f) not use the Funds for the purpose of purchasing land, buildings or vehicles.

SCHEDULE "C"
PROJECT

Project Title
Town of St. Marys Document Digitization
Objectives
The objective of the Project is to digitize the Recipient's paper-based property records and procure a temporary contract staff member to implement the Recipient's file modernization process, with the goals of increasing efficiencies and cost savings.
Description
The Recipient will hire a temporary contract staff member to digitize the Recipient's paper files, including historical records.

SCHEDULE "D"
BUDGET

Item	Amount
Reimbursement of up to 75% of Project costs incurred between January 26, 2021 to the earlier of September 30, 2022 or the submission of the Final Report Back.	Up to \$61,500

SCHEDULE "E"
PAYMENT PLAN

Milestone	Scheduled Payment
<ul style="list-style-type: none"> • Execution of Agreement 	Initial payment of \$21,525 made to Recipient no more than thirty (30) days after the execution of the Agreement
<ul style="list-style-type: none"> • Submission of First and Second Interim Report Backs 	Interim payment made to the Recipient no more than thirty (30) days after the Province's approval of the First Interim Report Back for costs incurred and submitted as part of the First Interim Report Back that exceed the initial payment.
<ul style="list-style-type: none"> • Submission of Final Report Back to the Province 	Final payment of up to \$39,975 less any amount paid as part of the interim payment made to the Recipient no more than thirty (30) days after the Province's approval of the Final Report Back.

SCHEDULE "F" REPORTS

Name of Report	Reporting Due Date
1. First Interim Report Back	January 31, 2022
2. Second Interim Report Back	April 29, 2022
3. Final Report Back	September 30, 2022
4. Annual Report Back	September 29, 2023

Report Details

1. Interim Report Backs (2)

The Recipient will submit up to two (2) Interim Report Backs to the Province using the reporting template provided by the Province. If the Recipient submits the Final Report Back prior to the reporting due date for the Second Interim Report Back, the Recipient is not obligated to submit the Second Interim Report Back. The Interim Report Backs will include:

- A written description of what the Recipient has completed for the Project to date and what will be completed by the next Report Back,
- A list of actual costs to carry out the Project paid by the Recipient that have not been included as part of a previously submitted Interim Report Back, with supporting documentation, such as invoices or receipts, showing actual costs incurred.

2. Final Report Back

The Recipient will submit a Final Report Back to the Province once the Project is completed and by September 30, 2022 using the reporting template provided by the Province. The Final Report Back will include:

- A written description of the Project and the forecasted annual savings and other efficiency outcomes for the Recipient,
- The actual costs to carry out the Project that have not been included as part of a Quarterly Report Back paid by the Recipient with supporting documentation, such as invoices or receipts, showing actual costs incurred.
- A statement indicating an updated estimate of annual cost savings realized through the Project, which will be the performance measure.

3. Annual Report Back

The Recipient will submit an Annual Report Back to the Province using the reporting template provided by the Province. The Annual Report Back will include:

- A statement indicating the actual cost savings and efficiency outcomes from the Project over the course of the year.



MONTHLY REPORT

To: Mayor Strathdee and Members of Council
From: Emergency Services / Fire Department
Date of Meeting: 26 October 2021
Subject: FD 14-2021 October Monthly Report (Emergency Services)

RECOMMENDATION

THAT FD 14-2021 October Monthly Report (Emergency Services) be received for information.

DEPARTMENTAL HIGHLIGHTS

During the month of October (17 September – 15 October 2021) the Fire Department responded to 11 emergency responses most notably:

- MVC – 3 – 1 St. Marys, 2 Perth South
- Automatic Alarm – 2 St. Marys
- Medical – 1 Perth South
- Lift assist – 2 St. Marys
- Pre-Fire – 1 St. Marys
- CO Alarm – 2 St. Marys

Fire Chief Attended 03 Calls alone

Average attendance of firefighters per emergency call - 19

St. Marys Firefighters have responded to 89 calls for service (1 January – 15 October 2021) compared to 94 emergency responses last year (1 January – 15 October 2020).

Inspections

During the month of October (17 September – 15 October 2021) the Chief Fire Prevention Officer (CFPO) has completed the following:

- 12 Follow Up & Ongoing
- 2 Safety Concerns
- 5 Routine
- 2 Site visits (request for clarification regarding Ontario Fire Code, lockbox installation location)

21 Total

Fire Prevention

Fire Prevention Week 3-9 October Can you hear it? Get ready to GET LOUD!

The St. Marys Fire Department organized a variety of events and activities, both virtual and in-person. Throughout the week, firefighters distributed over 1700 swag bags that contained important information on learning the sounds of fire safety. We also held a colouring contest to help teach children the different sounds carbon monoxide and smoke alarms make and their meanings.

- September 28 to October 9: Get Loud! Colouring Contest
Residents were invited to enter a colouring contest for the chance to win a “Fire Chief for a Day” experience. Finn Reid was selected amongst all those who entered the contest and he will be this year’s Fire Chief for a Day.
- October 4&5: Sparky Visit and Swag Bag Booth:
The community was invited to stop by and see our firefighters and Sparky at the Independent Grocery Store from 10am – 2pm!. Residents received a 2021 reusable bag (with important fire safety information and swag), saw Sparky and got a photo with one of the St. Marys fire trucks.
- October 6: Annual Door to Door Visits:
St. Marys firefighters visited 1000 St. Marys homes in one night to hand out 2021 Swag Bags and help educate the town on importance fire safety.

Cindy’s Law

- Cindy’s Law event was held on Saturday 2nd of October from 10am – 12pm.
- 120 free extinguishers were given to the citizens of St. Marys.
- 40 extinguishers were purchased by Perth County Ingredients for their employees.
- \$1500 in donations was collected and we can purchase 50 more fire extinguishers

Training

- Inspection, Testing and Maintenance
- Structural Command & Control Pump Operations exercise
- Fire Prevention Week/Door to Door campaign
- Naloxone Training

Advance Auto Extrication Training 1-3 October

- 9 personnel – St. Marys
- 8 personnel – West Pert/Perth East
- 1 person – North Perth

Personnel

- 100% of our Firefighters are healthy.
- Firefighter Sarah Black has resigned 27 October 2021
- HR has initiated the hiring process of a recruit firefighter from our existing pool

SPENDING AND VARIANCE ANALYSIS

- Advertising for Fire Prevention Week - \$811.79
- TFT 6" valve, cap & adapter - \$2,530.31

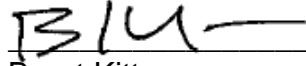
REVIEWED BY

Recommended by the Department



Richard Anderson
Director of Emergency Services / Fire Chief

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

MONTHLY REPORT

To: Mayor Strathdee and Members of Council

From: Human Resources

Date of Meeting: 26 October 2021

Subject: HR 15-2021 October Monthly Report (Human Resources)

RECOMMENDATION

THAT HR 15-2021 October Monthly Report (Human Resources) be received for information.

DEPARTMENTAL HIGHLIGHTS

Recruitment

- Currently recruiting a Technical Literacy Intern (Library), Facilities Operator B, Youth & Child Program staff, a Public Works Labourer and Early Learning Services Casual Supply Staff.
- Completed the recruitment for a Museum Intern, a contract Finance Clerk, Guest Services Attendant, Volunteer Fire Fighter, Educators and Educator Assistants.
- In light of a vacancy in the IT division, working with Corporate Services to review the current corporate needs and determine the best use of staffing resources.
- Working with Community Services to brainstorm long-term staffing solutions for the Early Learning Services, specifically looking at the before and after school programs.

Employee Engagement

- Working with the SMT to plan the Fall All-staff meeting. Engaging the Town's STEAM committee to provide input into agenda topics that are of interest to staff.
- Working with Community Services to identify and implement opportunities for improving team building.

HR Systems

- Facilitating the annual staff Mid-Year Check-In process.
- Continuing work with the Town's compensation consultant (ML Consulting). Draft report tentatively set to come to Council on November 23, 2021.
- Conducted Employee Self-Serve, Electronic Timesheet module training and New Hire Orientation sessions for new staff.

Health & Safety/ Training

- Working with the Fire Department, planning annual fire drills for Town facilities.
- Continuing to monitor and track the Covid-19 staff testing and results.
- Attended a webinar on creating a Culture of Accountability.

Payroll & Benefits

- Completed and submitted Report on Hiring to Service Canada for September 2021.
- Complied payroll data to be reported for various grant positions at Camp PRC and Library.
- Updated Volunteer Firefighter calls and practices tracking and payment worksheets.
- Submitted documentation for reimbursement of Covid Paid Days (3) to WSIB for September. This program was scheduled to end September 25, 2021 but has been extended to December 31, 2021.
- Processed Records of Employments for staff who have resigned or end of employment.
- Distributed Health Care Spending Account statements to applicable staff.
- Participated in various OMERS training webinars.

SPENDING AND VARIANCE ANALYSIS

None to report.

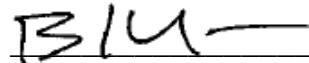
REVIEWED BY

Recommended by the Department



Lisa Lawrence
Director of Human Resources

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

MONTHLY REPORT

To: Mayor Strathdee and Members of Council

From: Public Works

Date of Meeting: 26 October 2021

Subject: PW 75-2021 October Monthly Report (Public Works)

RECOMMENDATION

THAT PW 75-2021 October Monthly Report (Public Works) be received for information.

DEPARTMENTAL HIGHLIGHTS

General Administration

- Green Committee
 - Meeting scheduled for October 27, 2021. Committee to review the progress of the Pollinator Garden and expected to make a recommendation to expand the Pollinator Garden and begin to develop the parameters of the February 2022 Green Initiative Awareness Program.
- Traffic and Parking
 - Town Staff developed and completed the Downtown Parking Utilization Study in September, and continued data analysis in October. Results to be provided with Paradigm Transportation's parking study report.
 - Traffic and Parking By-law Amendment to be presented to Council on October 26, 2021. By-law to address operational concerns raised by staff and the public.
 - Vision Zero report to be presented to the Community Policing Advisory Committee on October 20, 2021.
 - Existing Downtown Parking Permits expire on October 31, 2021. Parking Permits for designated parking spaces will be available at the Elgin Street Parking Lot, Jones Street Parking Lot, and the Water Street North Parking Lot. Parking Permits will be available at the Opera House for those who live in that location.
 - A roll out plan has been created and will rely on the Town's Clerks Department and Stratford Police Service for enforcement support (ticketing).
 - Working with Communications to develop a communications plan indicating the parking changes that come into effect on November 1, 2021 (no overnight on-street parking), and to communicate any changes to the proposed Traffic and Parking By-law Amendment.
- Procurement
 - RFT-PW-15-2021 Supply and Delivery of Regular Unleaded Gasoline and Diesel Fuel to be released in October with a November closing date. Report to Council for approval to be presented in November.

- RFT-PW-16-2021 Pruning, Removal and Disposal of Trees to be released in October with a November closing date. Report to Council for approval to be presented in November.
- RFT-PW-17-2021 Turf Maintenance (Open Spaces and Cemetery) to be released in November, closing date to be determined.
- Budget
 - Preparation of 2022 Operational and Capital Budgets

Environmental Services (Water, Wastewater, Solid Waste Collection, Management and Landfill)

- One (1) watermain break repair completed
- One (1) lead water service replacement completed
- Multiple property drainage / flooding assessments completed as a result of recent rainfall events
- Wood and Brush grinding activities completed
- Water Tower fall arrest safety upgrades completed
- Well Performance testing completed at Well No. 1 as initial phase of maintenance work plan
- Completed Public comment period on Landfill EA
 - Working with consultant on addressing comments received as part of review
- Fall Hydrant Flushing and winterizing to be completed
- Warranty repair of 5HP Supernatant pump. Operations not impacted due to spare pump installation while repairs completed

Public Works Operations

- Street Sweeping
- Application of cold mix to potholes throughout the Town
- Provide support to the Environmental Services Department, including sewer flushing in the Rogers Ave – Waterloo Street area, and Hawthorne Court
- Respond to and aid at various service repairs and a water main break
- Storm response activities (addressing storm event damage from the flooding such as shoulder repairs, and inspection and maintenance of storm damaged trees)
- Prepare equipment for seasonal change-over, and inventory existing winter maintenance materials. Annual Winter Maintenance Meeting to be held with all Public Works Staff (operations and administration) on October 27, 2021.
- Provide support to the Childcare Centre moving furniture
- Construct a new parking lot at the Canadian Baseball Hall of Fame and Museum using milling materials

Parks, Trails, Tree Management, Beautification and Cemetery

- Tree management, trail maintenance and playground maintenance are all ongoing
- Parks Operators took part in the Canadian Certified Playground Inspector Courses to become certified Playground Inspectors. This was required as the responsibility of playgrounds transferred from the Facilities Department to the Public Works Department.
- Locates have been received and stump grinding to commence in mid to late October.
- Meadowridge Naturalization Area
 - Trail being installed in early October
 - Anticipate the planting of 450 trees and shrubs (donations from the Rotary Club of St. Marys, and TD Trees) to take place the week of October 25, 2021. Planting will be a

collaborative effort between Town Staff, Upper Thames River Conservation Authority, the Rotary Club and possibly students from local schools.

- A media release has been circulated to the community promoting the project and indicating that no existing amenities at this location will be distributed by the natural area.
- Tree Donation Program has been launched, and donations are being received. All donations received will be allocated to the spring 2022 planting at the Meadowridge Natural Area.
- Staff have started to prepare for the 2021 Winterlights Program. More details are provided under “Spending and Variance Analysis”.

Capital Projects and Engineering

- Assumption and security reduction requests ongoing for several subdivisions
- Review of development applications
- Follow up from various stormwater issues identified during heavy rain on September 22
- Stormwater repair/improvement work planned for late October on Water St. S., Holy Name, Stonewillow Inn, Milt Dunnel Field, Emily Street and the Grand Trunk Trail.
- Asphalt mill and pave on Queen Street. W, Waterloo Street S, and Water St. S. originally scheduled for October paving delayed due to weather. Based on November forecast, there is a high risk of poor finished product if work completed this year. Contractor has offered a 5% discount if work can be completed in spring 2022. Contractor has committed to having the Town first on the list in the spring. Staff have rescheduled work for spring 2022.
- Working with CN on planned rail crossing repairs at Elizabeth St. and Samuel St. in November 2021.
- Working with UTRCA on minor floodwall repair along Riverview Walkway at Water St. S. parking lot

SPENDING AND VARIANCE ANALYSIS

- Winterlights Display Program (01-7170-5990 and 01-7170-6990)
 - Historically, the Town has used 120V incandescent rope lighting for the displays, this type of rope lighting is no longer in production. The Town will need to transition to LED rope light, which is more expensive. LED rope lighting has been ordered to address displays that require immediate repair, the cost implications are to be determined.
 - Lights that require a repair, will require a complete re-string of the display. Staff are still working to understand the conversion process (i.e. cost and labour time required), and will report back to Council when more information is available. Due to the anticipated reconversions required for existing displays, the Town will not be accepting new display requests for the 2021 season.

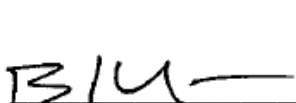
REVIEWED BY

Recommended by the Department



Jed Kelly
Director of Public Works

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer



FORMAL REPORT

To: Mayor Strathdee and Members of Council

Prepared by: Morgan Dykstra, Public Works and Planning Coordinator

Date of Meeting: 26 October 2021

Subject: **PW 74-2021 Winter Maintenance Sidewalk and Trail Closure By-law**

PURPOSE

To request that Council approve a by-law to close certain sections of the municipal sidewalk and trail system between November 1, 2021, and April 30, 2022.

RECOMMENDATION

THAT PW 74-2021 Winter Maintenance Sidewalk and Trail Closure By-law report be received; and

THAT Council approve the proposed winter maintenance closures for specific sidewalks and trails as outlined in report PW 74-2021; and,

THAT Council consider By-law 88-2021 Sidewalk and Trail Temporary Closure for the purpose of temporarily closing certain sidewalks and trails between November 1, 2021 and April 30, 2022.

BACKGROUND

There are various segments throughout the Town's sidewalk trail network that are difficult to maintain during the winter season due to surface conditions, width of access for machine use, and safety concerns. As such the Town does not maintain those sections during the winter season.

In 2018, the Province updated Ontario Regulation 239/03 Minimum Maintenance Standards for Municipal Roads ("MMS") to include minimum maintenance standards for ice and snow accumulation on sidewalks, imposing a duty to maintain those sidewalks to a certain standard. Therefore, the Town is required to maintain those sidewalks it had not been maintaining. However, if the Town passes a by-law closing those sidewalks, its responsibility to maintain is discharged, and liability is reduced.

As a result, the Town of St. Marys has passed By-law's 96-2019 and 110-2020 to close certain sidewalk network and trail system segments where winter maintenance cannot be completed. The closures remain in effect from November 1 to April 30.

REPORT

As noted above, By-law 96-2019 and By-law 110-2020 closed specific sections of the municipal sidewalk and trail network from November 1 to April 30. Following past practice, staff are seeking the passage of a new by-law to close certain sections of the sidewalk network and trail system for the 2021-2022 winter maintenance period. No changes are being proposed from the 2020/2021 winter maintenance period by-law.

The following locations are being proposed for winter season closure:

- a) Elgin Street East Stairs, connecting Wellington Street South to Church Street South

- b) King Street North, east sidewalk from Queen Street East to Timms Lane
- c) Peel Street North, east sidewalk from Queen Street East to Trout Creek
- d) Peel Street South, east sidewalk from Jones Street East to 50 meters northerly
- e) St. George Street South, east sidewalk from Jones Street East to 26 meters northerly
- f) St. George Street North, east sidewalk from Widder Street East to 25 metres northerly
- g) St. George Street Walking Path, from Widder Street East to 25 meters northerly
- h) St. George Walking Path, from Widder Street East to 140 metres southerly (55. St. George Street South)
- i) Water Street North, east sidewalk from Emily Street to north end of street
- j) Eric Taylor Trail, from Station Street at Rotary Park to St. George Walking Path Bridge
- k) Grand Trunk Trail Stairs, connecting the Grand Trunk Trail to Milt Dunnell Field
- l) Grand Trunk Trail, from Ingersoll Street to Thames Road
- m) Loop Trail from 452 Water Street South to James Street South
- n) Loop Trail from James Street South to Ridgewood Crescent
- o) Loop Trail from Stoneridge Boulevard to Southvale Road through Meadowridge Park
- p) Riverview Walkway, from Queen Street East to Wellington Street North
- q) Riverview Walkway, from Queen Street East to Park Street

Please see **Attachment A: Winter Maintenance Review Map** for further clarification.

As noted in previous reports, some complaints have been received regarding the closure of the Riverview Walkway from Queen Street East to Park Street. Staff will endeavor to clear this section of the Riverview Walkway once a snow event has ended, and staff can be deployed to this trail section. This section is challenging because certain sections do not permit machine access, therefore, manual shovelling is required to clear the walkway area. Operators will be deployed to manually shovel once all main road and sidewalk arteries have been completed.

FINANCIAL IMPLICATIONS

For each segment, the Town is required to install a sign indicating that that segment is closed during the winter maintenance period. As no new locations are being proposed, no additional signage is required.

SUMMARY

In 2019, and 2020 staff recommended that certain sections of the municipal sidewalk and trail network be closed between November 1 and April 30. Staff are again requesting that the above sidewalk and trail closures be approved due to width of access for machine use, surface conditions and safety concerns. The overall intent is to ensure the pedestrian network is efficiently well-maintained and safe for both users and Operators during the winter months.

Council passed by-laws authorizing those closures. Staff are recommending that the sections proposed for the 2020 winter season be approved for the 2021/2022 winter maintenance period.

STRATEGIC PLAN

- Not applicable to this report.

OTHERS CONSULTED

Todd Thibodeau, Public Works Supervisor
Public Works Operators

ATTACHMENTS


Attachment A: Winter Maintenance Review Map

REVIEWED BY

Recommended by the Department

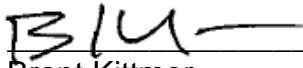


Morgan Dykstra
Public Works and Planning Coordinator



Jed Kelly
Director of Public Works

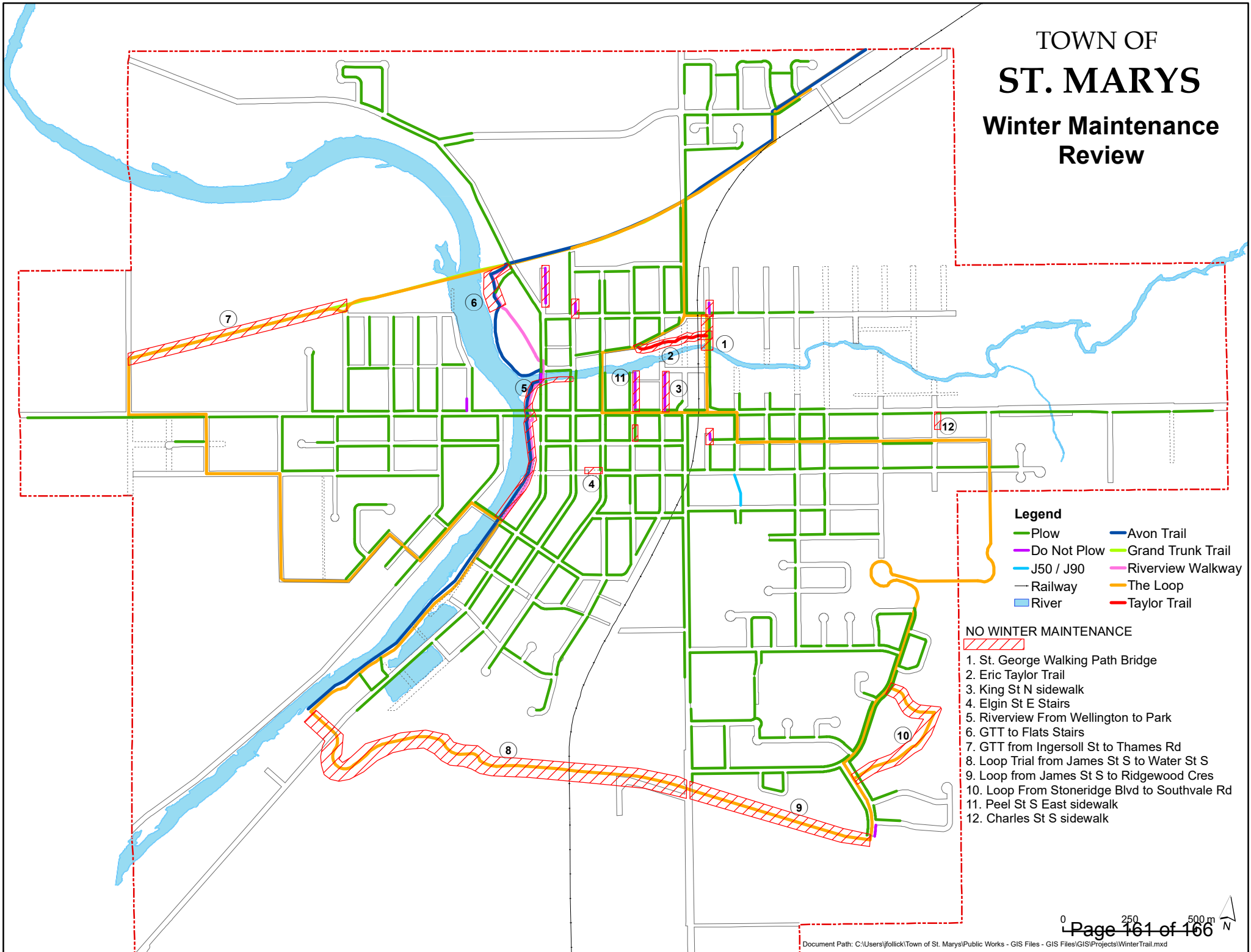
Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

TOWN OF ST. MARYS

Winter Maintenance Review



Legend

- Plow
- Do Not Plow
- J50 / J90
- Railway
- River
- Avon Trail
- Grand Trunk Trail
- Riverview Walkway
- The Loop
- Taylor Trail

NO WINTER MAINTENANCE

1. St. George Walking Path Bridge
2. Eric Taylor Trail
3. King St N sidewalk
4. Elgin St E Stairs
5. Riverview From Wellington to Park
6. GTT to Flats Stairs
7. GTT from Ingersoll St to Thames Rd
8. Loop Trial from James St S to Water St S
9. Loop from James St S to Ridgewood Cres
10. Loop From Stoneridge Blvd to Southvale Rd
11. Peel St S East sidewalk
12. Charles St S sidewalk

BY-LAW 88-2021

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to close parts of the municipal sidewalk and trail network from November 1 to April 30, 2022.

- WHEREAS:** The *Municipal Act, 2001, S.O. 2001, c.25*, as amended, section 10 provides that a single-tiered municipality may pass by-laws respecting its highways;
- AND WHEREAS:** O. Reg. 366/18 of The *Municipal Act, 2001, S.O. 2001, c.25*, sets out minimum standards for road and highway maintenance for all municipalities in Ontario including but not limited to closing highways;
- AND WHEREAS:** The Corporation of the Town of St. Marys deems it expedient to clarify which municipal sidewalks and trails it will not maintain minimum standards over the course of the winter period;
- AND WHEREAS:** A sidewalk is considered to be a part of a highway;
- THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts as follows:

1. That the Town of St. Marys temporarily close sections of the municipal sidewalk and trail network listed below from November 1, 2021 until April 30, 2022:
 - a. Elgin Street East Stairs, connecting Wellington Street South to Church Street South
 - b. King Street North, east sidewalk from Queen Street to Timms Lane
 - c. Peel Street North, east sidewalk from Queen to Trout Creek
 - d. Peel Street South, east sidewalk from Jones Street East to 50 meters northerly
 - e. St. George Street South, east sidewalk from Jones Street East to 26 meters northerly
 - f. St. George Street North, east sidewalk from Widder Street East to 25 metres northerly
 - g. St. George Street Walking Path, from Widder Street East to 25 metres northerly
 - h. St. George Street Walking Path, from Widder Street East to 140 metres southerly (55 St. George Street South)
 - i. Water Street North, east sidewalk from Emily Street to north end of street
 - j. Eric Taylor Trail, from Station Street at Rotary Park to St. George Walking Path Bridge
 - k. Grand Trunk Trail Stairs, connecting the Grand Trunk Trail to Milt Dunnell Field
 - l. Grand Trunk Trail, from Ingersoll Street to Thames Road
 - m. Loop Trail from 452 Water Street South to James Street South
 - n. Loop Trail from James Street South to Ridgewood Crescent

- o. Loop Trail from Stoneridge Boulevard to Southvale Road through Meadowridge Park
 - p. Riverview Walkway, from Queen Street East to Wellington Street North
 - q. Riverview Walkway, from Queen Street East to Park Street.
2. This by-law comes into forces and takes effect on the final passing thereof.

Read a first, second and third time and finally passed this 26th day of October 2021.

Mayor Al Stratheed

Jenna McCartney, Clerk

BY-LAW 89-2021

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to authorize an Agreement between The Corporation of the Town of St. Marys and Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing and to authorize the Mayor and Clerk to execute the Agreement.

- WHEREAS:** Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing (the “Province”) has provided a transfer payment to The Corporation of the Town of St. Marys for the purpose of the Municipal Modernization Program – Intake 2 Grant Program (the “Project”);
- AND WHEREAS:** The Corporation of the Town of St. Marys deems it expedient to enter into an agreement with Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing (the “Agreement”) for the purpose of clarifying and delineating the respective rights, obligations, payments and billing arrangements of and for the delivery of the Project;
- AND WHEREAS:** It is appropriate to authorize the Mayor and the Clerk to execute the Agreement on behalf of the Town;
- NOW THEREFORE:** The Council of the Corporation of the Town of St. Marys hereby enacts as follows:
1. That the Agreement between The Corporation of the Town of St. Marys and Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs and Housing, attached hereto as Appendix “A”, is hereby authorized and approved.
 2. That the Mayor and the Clerk are hereby authorized to execute the Agreement on behalf of The Corporation of the Town of St. Marys.
 3. This by-law comes into force and takes effect on the final passing thereof.

Read a first, second and third time and finally passed this 26th day of October 2021.

Mayor Al Stratheedee

Jenna McCartney, Clerk

BY-LAW 90-2021

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to authorize an Amending Agreement between The Corporation of the Town of St. Marys and St. Marys Cement Inc. (Canada). and to authorize the Mayor and Clerk to execute the Agreement.

- WHEREAS:** Section 5(3) of the *Municipal Act, 2001 S.O. 2001, c.25*, as amended, provides that a municipal power shall be exercised by by-law;
- AND WHEREAS:** The Corporation of the Town of St. Marys entered into an agreement with St. Marys Cement Inc. (Canada) (“St. Marys”) by by-law 49-2021 for the purpose of authorizing St. Marys to enter onto portions of 55 George Street North, legal owned by The Corporation of the Town of St. Marys, for the purpose of installing an ambient air monitoring station sensor on the land;
- AND WHEREAS:** The Corporation of the Town of St. Marys deems it expedient to enter into an amending agreement with St. Marys (the “Agreement”) for the purpose of clarifying and delineating the respective rights, obligations and of the delivery of the Project as it relates to alternative future locations of the Project;
- AND WHEREAS:** It is appropriate to authorize the Mayor and the Clerk to execute the Amending Agreement on behalf of the Town;
- NOW THEREFORE:** The Council of the Corporation of the Town of St. Marys hereby enacts as follows:
1. That the Amending Agreement between The Corporation of the Town of St. Marys and St. Marys Cement Inc. (Canada), attached hereto as Appendix “A”, is hereby authorized and approved.
 2. That the Mayor and Clerk are hereby authorized to execute the Agreement on behalf of The Corporation of the Town of St. Marys.
 3. This by-law comes into force and takes effect on the final passing thereof.

Read a first, second and third time and finally passed this 26th day of October 2021.

Mayor Al Strathdee

Jenna McCartney, Clerk

BY-LAW 91-2021

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to confirm all actions and proceedings of the Council of the Corporation of the Town of St. Marys at its regular meeting held on October 26, 2021

WHEREAS: *The Municipal Act, 2001, S.O. 2001, c.25*, as amended, Section 5(3), provides that the jurisdiction of every council is confined to the municipality that it represents, and its powers shall be exercised by by-law;

AND WHEREAS: The Council of the Corporation of the Town of St. Marys deems it expedient to confirm its actions and proceedings;

NOW THEREFORE: The Council of The Corporation of the Town of St. Marys enacts as follows;

1. That all actions and proceedings of the Council of the Corporation of the Town of St. Marys taken at its regular meeting held on the 26th day of October 2021 except those taken by by-law and those required by by-law to be done by resolution are hereby sanctioned, ratified and confirmed as though set out within and forming part of this by-law.
2. This by-law comes into force on the final passing thereof.

Read a first, second and third time and finally passed this 26th day of October 2021.

Mayor Al Strathee

Jenna McCartney, Clerk