



AGENDA

Regular Council Meeting

May 24, 2022

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 May 24, 2022 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 Nominees

Laura Parkinson

Andrew Middleton

5.2. St. Marys Homecoming 2022 Proclamation and Event Update

John Flanagan

See staff report ADMIN 27-2022 for further details

5.3. Public Meeting 478 Water Street South

To participate in the public meeting, please join the Zoom Webinar through the following link:

<https://us06web.zoom.us/j/85754227518?pwd=UzdhcIRGTElvUklvS2NvTkJUbgJPUT09>

Password: 287811

RECOMMENDATION

THAT the May 24, 2022 regular Council meeting be adjourned at _____ pm to hold a statutory public meeting as required under the Planning Act; and

THAT a Public Meeting to consider a planning application for 478 Water Street South be opened at _____ pm.

RECOMMENDATION

THAT this Public Meeting be adjourned at _____ pm; and

THAT the May 24, 2022 regular Council meeting reconvene at _____ pm.

6. ACCEPTANCE OF MINUTES

6.1. Regular Council - May 10, 2022

11

RECOMMENDATION

THAT the May 10, 2022 regular Council meeting minutes be approved by Council and signed and sealed by the Mayor and the Clerk.

RECOMMENDATION

THAT the May 17, 2022 Strategic Priorities Committee meeting minutes be received by Council and signed and sealed by the Mayor and the Clerk; and

THAT minute items 4.2, 4.3, 4.4 and 4.5 be raised for consideration.

**6.2.1. Downtown Service Location Review - Advisory Committee
Terms of Reference**

RECOMMENDATION

THAT the terms of reference for the Downtown Service Location Review and Master Plan project advisory committee be approved with the following amendment:

- Mayor and one councillor to represent Council.

6.2.2. St. Marys Housing Strategy - Tiny Homes

RECOMMENDATION

THAT the Town support the implementation of Option 1: Permit tiny homes on existing smaller lots of record, and Option 3: Permit tiny homes development projects – infill, as set out in DEV 30, 2022; and

THAT staff report back on Option 2, Permit Tiny Homes Development Projects – Greenfield, as presented in DEV 30-2022 St. Marys Housing Strategy - Tiny Homes report.

6.2.3. St. Marys Housing Strategy - Surplus Lands

RECOMMENDATION

THAT the Town support the implementation of the following options, as set out in DEV 31-2022:

Option 1: Sell Surplus Land at or Below Market

and/or

Option 2: Partnership Approach

and/or

Option 4: Consider Opportunities to Sell or Lease Parts of Underutilized Town Lands.

6.2.4. St. Marys Housing Strategy - Inclusionary Zoning

RECOMMENDATION

THAT the Town does not pursue an inclusionary zoning approach in St. Marys at this time.

7. CORRESPONDENCE

None

8. STAFF REPORTS

8.1. Administration

8.1.1. ADMIN 26-2022 May Monthly Report (Administration)

27

RECOMMENDATION

THAT ADMIN 26-2022 May Monthly Report (Administration) be received for information.

- 8.1.2. ADMIN 27-2022 Noise By-law Exemption Request for Queen Street and Water Street (Homecoming – Heritage 2022) 32**
- RECOMMENDATION**
- THAT** ADMIN 27-2022 Noise By-law Exemption Request for Queen Street and Water Street (Homecoming – Heritage 2022) report be received; and
- THAT** Council grant an extension to the Noise By-law, 43 of 2007, under Section 6, to the Homecoming Committee at Queen Street and Water Street, St. Marys, for the purpose of a public street dance between 11:00 pm to 11:59 pm on July 1, 2022, subject to the condition of notifying all property owners with a 150m radius.
- 8.1.3. ADMIN 28-2022 Appoint Deputy Treasurer 34**
- RECOMMENDATION**
- THAT** ADMIN 28-2022 Appoint Deputy Treasurer report be received; and
- THAT** Council consider By-law 54-2022 to appoint a Deputy Treasurer for the Corporation.
- 8.2. Building and Development Services**
- 8.2.1. DEV 33-2022 May Monthly Report (Building and Development) 36**
- RECOMMENDATION**
- THAT** DEV 33-2021 May Monthly Report (Building and Development) be received for information.
- 8.2.2. DEV 34-2022 - Part Lot Control Application Registered Plan 44M-79, Thames Crest Farms Subdivision Block 54 – RW Homes Inc. 48**
- RECOMMENDATION**
- THAT** DEV 34-2022 regarding the Application for Part Lot Control for Blocks 54 of the Thames Crest Farms subdivision be received;
- THAT** Council consider By-law 57-2022, to exempt from part lot control affecting Block 54, Registered Plan No. 44M-79 for a one-year period, ending May 24, 2023.

- 8.2.3. **DEV 35-2022 Application for Zoning By-law Amendment (Z05-2021) for 752 Queen Street East by North Bay Capital Investments Ltd.** 54

RECOMMENDATION

THAT DEV 35-2022 Application for Zoning By-law Amendment (Z05-2021) by North Bay Capital Investments Ltd. for 752 Queen Street East be received;

THAT Council approve the Zoning By-law Amendment Application for 752 Queen Street East; and,

THAT Council consider By-law Z150-2022, being a zoning by-law amendment for 752 Queen Street East.

- 8.2.4. **DEV 36-2022 Application for Zoning By-law Amendment (Z02-2022) for 478 Water Street South by Forman Electric Ltd.** 131

RECOMMENDATION

(If no significant concerns are raised by the public or members of Council at the statutory public meeting)

THAT DEV 36-2022 regarding an Application for Zoning By-law Amendment (Z02-2022) by Forman Electric Ltd. for 478 Water Street South be received;

THAT Council approve the Application for Zoning By-law Amendment (Z02-2022) for 478 Water Street South; and,

THAT Council consider By-Law Z151-2022, being a zoning by-law amendment for 478 Water Street South.

8.3. Community Services

- 8.3.1. **DCS 21-2022 May Monthly Report (Community Services)** 141

RECOMMENDATION

THAT DCS 21-2022 May Monthly Report (Community Services) be received for information.

8.3.2. DCS 18-2022 Sports Wall of Fame

145

RECOMMENDATION

THAT DCS 18-2022 Sports Wall of Fame report be received;
and

THAT Council approve the implementation of a virtual Sports Wall of Fame as recommended by the Recreation and Leisure Advisory Committee; and

THAT Council directs staff to implement the Sports Wall of Fame through Option 3, virtual wall of fame integrated with a kiosk to be located at the PRC; and

THAT Council directs staff to update the terms of reference for the Recreation and Leisure Advisory Committee to reflect delegating the committee the authority of selecting the Sports Wall of Fame nominees, to be approved by Council at a future meeting.

8.4. Corporate Services

8.4.1. COR 27-2022 May Monthly Report (Corporate Services)

156

RECOMMENDATION

THAT COR 27-2022 May Monthly Report (Corporate Services) be received for information.

8.4.2. COR 25-2022 Wayfinding RFP Award

162

RECOMMENDATION

THAT COR 25-2022 Wayfinding RFP Award report be received;
and,

THAT the procurement for COR 25-2022 RFP Wayfinding production and installation be awarded to FastSigns, London East for the procured price of \$146,640.01, inclusive of all taxes plus up to \$50,000 for contingency; and,

THAT Council consider By-Law 56-2022, authorizing the Mayor and the Clerk to sign an agreement with FastSigns, London East.

8.4.3.	COR 28-2022 TRF Contribution Agreement	165
	RECOMMENDATION	
	THAT COR 28-2022 TRF Contribution Agreement report be received; and	
	THAT Council consider By-law 55-2022, authorizing the Mayor and Clerk to sign the Contribution Agreement with Her Majesty the Queen in Right of Canada for the Tourism Relief Fund.	
8.4.4.	COR 29-2022 Heritage Event Re-Imagining – Sole Source	190
	RECOMMENDATION	
	THAT COR 29-2022 Heritage Event Re-Imagining – Sole Source report be received; and	
	THAT Council approve staff's funding options as outlined in COR 29-2022 report; and	
	THAT Council approve the unbudgeted difference of \$22,000.	
8.5.	Fire and Emergency Services	
8.5.1.	FD 06-2022 May Monthly Report (Emergency Services)	194
	RECOMMENDATION	
	THAT FD 06-2022 May Monthly Report (Emergency Services) be received for information.	
8.6.	Human Resources	
8.6.1.	HR 05-2022 May Monthly Report (Human Resources)	196
	RECOMMENDATION	
	THAT HR 05-2022 May Monthly Report (Human Resources) be received for information.	
8.7.	Public Works	
8.7.1.	PW 34-2022 May Monthly Report (Public Works)	198
	RECOMMENDATION	
	THAT PW 34-2022 May Monthly Report (Public Works) be received for information.	

9. EMERGENT OR UNFINISHED BUSINESS

10. NOTICES OF MOTION

11. BY-LAWS

RECOMMENDATION

THAT By-Laws 54-2022, 55-2022, 56-2022, 57-2022, Z150-2022 and Z151-2022 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 54-2022 Appoint Deputy Treasurer Denise Feeney	202
11.2.	By-Law 55-2022 Agreement with Federal Economic Development Agency for Southern Ontario	203
11.3.	By-Law 56-2022 Agreement with FastSigns London East	204
11.4.	By-Law 57-2022 Part Lot Control Exemption for Block 54 44M-79 (RW Homes Inc.)	205
11.5.	Z150-2022 Zoning By-Law Amendment 752 Queen Street East	206
11.6.	Z151-2022 Zoning By-law Amendment 478 Water Street South	207

12. UPCOMING MEETINGS

*All meetings will be streamed to the Town's YouTube channel

May 30, 2022 - 9:00 am, CAO Performance Review Committee

June 6, 2022 - 9:00 am, Special Meeting of Council

June 13, 2022 - 10:00 am, Special Meeting of Council

June 14, 2022 - 6:00 pm, Regular Council

June 21, 2022 - 9:00 am, Strategic Priorities Committee

June 28, 2022 - 6:00 pm, Regular Council

13. CLOSED SESSION

RECOMMENDATION

THAT Council move into a session that is closed to the public at _____ pm as authorized under the *Municipal Act*, Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.

13.1. Minutes - CLOSED SESSION

13.2. ADMIN 29-2022 CONFIDENTIAL Request to Purchase Town Owned Lands (Near 20 Thames Road North)

14. RISE AND REPORT

RECOMMENDATION

THAT Council rise from a closed session at _____ pm.

15. CONFIRMATORY BY-LAW

208

RECOMMENDATION

THAT By-Law 58-2022, being a by-law to confirm the proceedings of May 24, 2022 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.

16. ADJOURNMENT

RECOMMENDATION

THAT this regular meeting of Council adjourns at _____ pm.



MINUTES Regular Council

May 10, 2022

6:00pm

Town Hall, Council Chambers

Council Present: Mayor Strathdee (in-person)
Councillor Craigmile (in-person)
Councillor Luna (video conference)
Councillor Pridham (in-person)
Councillor Winter (in-person)

Council Regrets: Councillor Edney
Councillor Hainer

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

Conference Line
Grant Brouwer, Director of Building and Development
Jed Kelly, Director of Public Works
André Morin, Director of Corporate Services / Treasurer
Dave Blake, Environmental Services Manager
Kelly Deeks-Johnson, Tourism and Economic Development
Manager
Mark Stone, Planner

1. CALL TO ORDER

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

2. DECLARATIONS OF PECUNIARY INTEREST

**2.1 Councillor Pridham - DEV 28-2022 Subdivision Agreement for 187
Wellington Street North (2503778 Ontario Incorporated / Lang)**

3. AMENDMENTS AND APPROVAL OF AGENDA

Resolution 2022-05-10-01

Moved By Councillor Luna

Seconded By Councillor Craigmile

THAT the May 10, 2022 regular Council meeting agenda be accepted as presented.

CARRIED

4. PUBLIC INPUT PERIOD

None.

5. DELEGATIONS, PRESENTATIONS, AND PUBLIC MEETINGS

5.1 Ontario Clean Water Agency- 1st Quarter Reporting

Adam McClure and Renee Hornick presented the first quarter reporting to Council.

Resolution 2022-05-10-02

Moved By Councillor Winter

Seconded By Councillor Craigmile

THAT the delegation from Ontario Clean Water Agency regarding the first quarter reporting be received.

CARRIED

5.2 Public Meeting - 752 Queen Street East

Resolution 2022-05-10-03

Moved By Councillor Pridham

Seconded By Councillor Luna

THAT the May 10, 2022 regular Council meeting be adjourned at 6:09 pm to hold a statutory public meeting as required under the Planning Act; and

THAT a Public Meeting to consider a planning application for 752 Queen Street East be opened at 6:09 pm.

CARRIED

Mayor Strathdee opened the public meeting and informed the public that if they wished to be notified of Council's decision related to the planning application, to contact the Clerk.

Jenna McCartney, Clerk, advised how notice was provided to the public. Ms. McCartney stated that the Chippewas of the Thames First Nation and the Upper Thames River Conservation Authority have no objection to the application.

The following highlights were provided through written comments in response to the November 2021 Complete Application circulation:

- Mr. Gary Kipfer and Rudy and Vicki Elderhorst made written submissions expressing concern with trees that were removed from the property and the applicant's proposal for tree replacement.
- Ms. Rachel Mahaffy provided comments via email stating the following:
 - "If our goal is to make a downtown a retail destination for the residents, surrounding community's residents and visitors, retail development should be happening downtown not on the edges of our community. Building permits should not be granted to projects that do not fit with current, well throughout, growth plans.

I have already experienced traffic stops on Queen St. as customers of the gas station and fast food franchise cannot access the parking lot due to amount of traffic. There is no way around the stopped vehicles waiting to enter these establishments and no way to alleviate this problem given the proximity to the bridge and the Golf Course".

Councillor Craigmile advised that at the December 6, 2021 and April 4, 2022 meetings, the Planning Advisory Committee considered the Application and public comments. At the April 4th meeting, the Planning Advisory Committee recommended that Council proceed with the statutory public meeting.

The Town's Planner, Mark Stone, provide an overview of the planning application.

Dave Hannam, agent to the applicant, presented an overview of the planning application, and answered questions from Council.

Mimi Ward of Ward Land Economics, speaking for the applicant, presented a market study related to the planning application, and answered questions from Council.

In response to a concern from Council that queuing at the McDonalds restaurant may provide a bottleneck in the line and parking area, Mr. Stone stated that staff have attempted to visit the site at various times to monitor traffic flow. No concerns have been addressed at this time but staff will continue to monitor and will follow up with the owner.

In response to a inquiry from Council regarding the status of the tree replacement, Mr. Brouwer stated that to date, trees have not been replaced. Mr. Hannam provided an update that he would confirm with the applicant the timing of planting but was aware that sourcing material was causing delays.

Ms. McCartney read into the record three pieces of correspondence related to the application. A summary of each correspondence follows:

Andrea Ludington provided:

- concern with losing another small family owned business due to the arrival of a big box pet store
- downtown core cannot afford to have another empty store front

Kelsi Ristau provided:

- concern with losing another family owned small business
- is a big box business going to benefit the town

Mike Ludington provided:

- concerning about a business coming to town that is already represented

When asked for comments from the public, one person stepped forward during the meeting.

Emily Clarke, owner of McPhail's Pet & Animal Needs, addressed Council. Ms. Clarke stated that she welcomes competition however, small business cannot compete with big box stores.

Mr. Stone provided staff's recommendation related to the planning file and will report back to Council with a recommendation at a future meeting.

Mayor Strathdee thanked those who participated in the meeting and included that should Council proceed with passage of the Zoning By-law Amendment, notice will be provided as prescribed by the Planning Act and a 20-day appeal period to the Ontario Land Tribunal applies.

Resolution 2022-05-10-04

Moved By Councillor Luna

Seconded By Councillor Pridham

THAT this Public Meeting be adjourned at 7:22 pm; and
THAT the May 10, 2022 regular Council meeting reconvene at 7:22 pm.

CARRIED

6. ACCEPTANCE OF MINUTES

6.1 Regular Council - April 26, 2022

Resolution 2022-05-10-05

Moved By Councillor Pridham

Seconded By Councillor Craigmile

THAT the April 26, 2022 regular Council meeting minutes be approved by Council and signed and sealed by the Mayor and Clerk.

CARRIED

7. CORRESPONDENCE

None.

8. STAFF REPORTS

8.1 Building and Development Services

**8.1.1 DEV 27-2022 Site Plan Agreement for 769 Queen Street East
(Gowanbrae Realty Development Ltd.)**

Resolution 2022-05-10-06

Moved By Councillor Craigmile

Seconded By Councillor Pridham

THAT DEV 27-2022 Site Plan Agreement for 769 Queen Street East (Gowanbrae Realty Development Ltd.) report be received; and

THAT Council repeal By-law 65-2016 being a By-law that had previously authorized the Mayor and Clerk to execute a site plan agreement between the Town of St. Marys and Gowanbrae Realty Development Ltd. for 769 Queen Street East; and,

THAT Council consider By-law 51-2022 to approve a site plan for 769 Queen Street East and authorize the Mayor and Clerk to sign a Site Plan Agreement between the Town of St. Marys and Gowanbrae Realty Development Ltd..

CARRIED

8.1.2 DEV 28-2022 Subdivision Agreement for 187 Wellington Street North (2503778 Ontario Incorporated / Lang)

Councillor Pridham declared a pecuniary interest related to this matter.

Resolution 2022-05-10-07

Moved By Councillor Craigmile

Seconded By Councillor Luna

THAT DEV 28-2022 Subdivision Agreement for 187 Wellington Street North report be received;

THAT the Chief Administrative Officer be delegated the authority to negotiate such changes to bring the agreement to its final form; and,

THAT Council consider By-law 52-2022 to authorize the Mayor and Clerk to sign a subdivision agreement between the Town of St. Marys and 2503778 Ontario Incorporated.

CARRIED

8.1.3 DEV 29-2022 Application for Zoning By-law Amendment (Z05-2021) for 752 Queen Street East by North Bay Capital Investments Ltd.

Council was of consensus that the report back should include the following detail:

- what large plate retail existed at time of 1997 Zoning By-law being adopted
- how does this planning application differ from a commercial service centre
- what was the planning justification used to approve previous retail outside of the downtown core, specifically the Independent grocery store

Councillor Winter requested a recorded vote for motion 2022-05-10-08.

Resolution 2022-05-10-08

Moved By Councillor Winter

Seconded By Councillor Craigmile

THAT DEV 29-2022 Application for Zoning By-law Amendment (Z05-2021) by North Bay Capital Investments Ltd. for 752 Queen Street East be received; and,

THAT Staff report back to Council through the preparation of a comprehensive report outlining staff recommendations on the disposition of this Application for zoning by-law amendment for 752 Queen Street East following an assessment of all internal department, external agency, public and Council comments.

Support (4): Mayor Strathdee, Councillor Craigmile, Councillor Luna, and Councillor Pridham

Oppose (1): Councillor Winter

CARRIED

8.1.4 DEV 22-2022 Official Plan Review Project - Provincial Conformity Resolution

Resolution 2022-05-10-09

Moved By Councillor Luna

Seconded By Councillor Craigmile

THAT, in accordance with Section 26 (1)(a), (b) and (c), and 26(7) of the Planning Act, Council declares that Official Plan Amendment No. 38 adopted on April 12, 2022 conforms with the Provincial Policy Statement and has regard to matters of provincial interest listed in Section 2 of the Planning Act.

CARRIED

8.2 Administration

8.2.1 ADMIN 24-2022 Park Patrol Law Enforcement Officer Appointment

Resolution 2022-05-10-10

Moved By Councillor Pridham

Seconded By Councillor Luna

THAT ADMIN 24-2022 Park Patrol Law Enforcement Officer Appointment report be received; and

THAT Council consider By-law 49-2022, being a by-law to appoint park patrol employees as municipal law enforcement officers in the Town of St. Marys.

CARRIED

8.3 Corporate Services

8.3.1 COR 23-2022 BIA 2022 Levy Approval

Resolution 2022-05-10-11

Moved By Councillor Winter

Seconded By Councillor Luna

THAT COR 23-2022 BIA 2022 Levy Approval report be received; and

THAT Council approve the BIA 2022 Levy; and

THAT Council consider By-law 48-2022, being a by-law to summarize the 2022 BIA Levy.

CARRIED

8.3.2 COR 24-2022 VIA Lease Agreement Amendment

Resolution 2022-05-10-12

Moved By Councillor Craigmile

Seconded By Councillor Pridham

THAT COR 24-2022 VIA Lease Agreement Amendment report be received; and

THAT Council consider By-law 50-2022, authorizing the Mayor and the Clerk to sign Amendment 4 to the agreement with VIA Rail Canada Inc.

CARRIED

9. COUNCILLOR REPORTS

9.1 Operational and Board Reports

Each Councillor provided a summary of recent meetings as presented in the agenda.

Resolution 2022-05-10-13

Moved By Councillor Pridham

Seconded By Councillor Luna

THAT Committee and Board minutes listed under agenda items 9.1.1 to 9.1.6 and 9.2.1 to 9.2.16 be received; and,

THAT the verbal updates provided by Council representatives on those Committee and Board meetings 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

Resolution 2022-05-10-14

Moved By Councillor Winter

Seconded By Councillor Craigmile

THAT Council approve the 2022 Stratford Police operating budget and 5-year capital plan.

CARRIED

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 Minor Hockey Association Board - Coun. Craigmile

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

9.2.16 Youth Council - Coun. Edney

10. EMERGENT OR UNFINISHED BUSINESS

None.

11. NOTICES OF MOTION

None.

12. BY-LAWS

Resolution 2022-05-10-15

Moved By Councillor Craigmile

Seconded By Councillor Luna

THAT By-Laws 48-2022, 49-2022, 50-2022, 51-2022, and 52-2022 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

12.1 By-Law 48-2022 BIA 2022 Levy

12.2 By-Law 49-2022 Amendment to 22-2020 to appoint municipal by-law enforcement officers for 2022 park patrol

12.3 By-Law 50-2022 Amendment to 51-1998 agreement with Via Rail Canada Inc.

12.4 By-Law 51-2022 Site Plan Agreement with Gowanbrae Realty Development Ltd. for 769 Queen Street East and to repeal By-Law 65-2016

12.5 By-Law 52-2022 Subdivision Agreement with 2503778 Ontario Inc. for 187 Wellington Street North

13. UPCOMING MEETINGS

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

14. CONFIRMATORY BY-LAW

Resolution 2022-05-10-16

Moved By Councillor Craigmile

Seconded By Councillor Pridham

THAT By-Law 53-2022, being a by-law to confirm the proceedings of May 10, 2022 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

15. ADJOURNMENT

Resolution 2022-05-10-17

Moved By Councillor Winter

Seconded By Councillor Luna

THAT this regular meeting of Council adjourns at 8:18 pm.

CARRIED

Al Strathdee, Mayor

Jenna McCartney, Clerk



MINUTES
Strategic Priorities Committee

May 17, 2022

9:00 am

Town Hall, Council Chambers

Council Present: Mayor Strathdee (in-person)
Councillor Craigmile (in-person)
Councillor Hainer (video conference)
Councillor Pridham (in-person)
Councillor Winter (in-person)

Council Absent: Councillor Edney
Councillor Luna

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

Conference Line
Grant Brouwer, Director of Building and Development
André Morin, Director of Corporate Services / Treasurer
Mark Stone, Planner

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 2022-05-17-01

Moved By: Councillor Winter

Seconded By: Councillor Craigmile

THAT the May 17, 2022 Strategic Priorities Committee agenda be accepted as presented.

CARRIED

4. STRATEGIC PRIORITIES REVIEW

4.1 COR 26-2022 Draft Reserve Policy

Andre Morin presented COR 26-2022 report. The Committee discussed the existing reserves and reserve funds.

Resolution 2022-05-17-02

Moved By: Councillor Pridham

Seconded By: Councillor Hainer

THAT COR 26-2022 Draft Reserve Policy report be received; and

THAT the Strategic Priorities Committee direct staff to bring forward a Reserve and Reserve Fund Policy to a future meeting of Council for consideration based on this report and direction.

CARRIED

4.2 ADMIN 25-2022 Downtown Service Location Review – Advisory Committee Terms of Reference

Brent Kittmer presented ADMIN 25-2022 report.

The Committee discussed the composition of the proposed steering committee.

The Committee was of the consensus that:

- The Advisory Committee composition be changed to be the Mayor plus one Councillor;
- That recruitment for the committee commences after the new term of Council begins.

Resolution 2022-05-17-03

Moved By: Councillor Winter

Seconded By: Councillor Craigmile

THAT ADMIN 25-2022 Downtown Service Location Review – Advisory Committee Terms of Reference be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the terms of reference for the Downtown Service Location Review and Master Plan project advisory committee be approved with the following amendments:

- Mayor and one councillor to represent Council

CARRIED

4.3 DEV 30-2022 St. Marys Housing Strategy – Tiny Homes

Grant Brouwer and Mark Stone presented DEV 30-2022 report.

The Committee discussed the options available for 180 - 900 square foot floor plans.

Resolution 2022-05-17-04

Moved By: Councillor Craigmile

Seconded By: Councillor Hainer

THAT DEV 30-2022 St. Marys Housing Strategy – Tiny Homes report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the Town support the implementation of Option 1: Permit tiny homes on existing smaller lots of record, and Option 3: Permit tiny homes development projects – infill, as set out in DEV 30, 2022.

Councillor Pridham requested an amendment to resolution 2022-05-17-04

Councillor Pridham further requested a recorded vote on the amendment.

Resolution 2022-05-17-05

Moved By: Councillor Pridham

Seconded By: Councillor Hainer

THAT resolution 2022-05-17-04 be amended to include the following:

THAT staff report back on option 2, Permit Tiny Homes Development Projects – Greenfield, as presented in DEV 30-2022 St. Marys Housing Strategy - Tiny Homes report.

Support (5): Mayor Strathdee, Councillor Craigmile, Councillor Hainer, Councillor Pridham, and Councillor Winter

CARRIED

Councillor Pridham requested a recorded vote on the amended main motion.

Resolution 2022-05-17-04

Moved By: Councillor Craigmile

Seconded By: Councillor Hainer

THAT DEV 30-2022 St. Marys Housing Strategy – Tiny Homes report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the Town support the implementation of Option 1: Permit tiny homes on existing smaller lots of record, and Option 3: Permit tiny homes development projects – infill, as set out in DEV 30, 2022; and

THAT staff report back on option 2, Permit Tiny Homes Development Projects – Greenfield, as presented in DEV 30-2022 St. Marys Housing Strategy - Tiny Homes report.

Support (5): Mayor Strathdee, Councillor Craigmile, Councillor Hainer, Councillor Pridham, and Councillor Winter

CARRIED

4.4 DEV 31-2022 St. Marys Housing Strategy – Surplus Lands

Mr. Stone continued with the presentation and presented the options related to surplus lands.

Resolution 2022-05-17-06

Moved By: Councillor Hainer

Seconded By: Councillor Pridham

THAT DEV 31-2022 St. Marys Housing Strategy – Surplus Lands report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the Town support the implementation of the following options, as set out in DEV 31-2022:

Option 1: Sell Surplus Land at or Below Market

and/or

Option 2: Partnership Approach

and/or

Option 4: Consider Opportunities to Sell or Lease Parts of Underutilized Town Lands

CARRIED

4.5 DEV 32-2022 St. Marys Housing Strategy – Inclusionary Zoning

Mr. Stone completed the presentation with options related to inclusionary zoning.

Resolution 2022-05-17-07

Moved By: Councillor Winter

Seconded By: Councillor Craigmile

THAT DEV 32-2022 St. Marys Housing Strategy– Inclusionary Zoning report be received; and

THAT the Strategic Priorities Committee recommends to Council:

THAT the Town does not pursue an inclusionary zoning approach in St. Marys at this time.

CARRIED

5. NEXT MEETING

The Chair reviewed the upcoming meeting as presented on the agenda.

6. ADJOURNMENT

Resolution 2022-05-17-08

Moved By: Councillor Craigmile

Seconded By: Councillor Pridham

THAT this meeting of the Strategic Priorities Committee adjourns at 11:35 am.

CARRIED

Al Strathee, Mayor

Jenna McCartney, Clerk

MONTHLY REPORT

To: Mayor Stratthdee and Members of Council

From: Administration

Date of Meeting: 24 May 2022

Subject: ADMIN 26-2022 May Monthly Report (Administration)

RECOMMENDATION

THAT ADMIN 26-2022 May Monthly Report (Administration) be received for information.

DEPARTMENTAL HIGHLIGHTS

Strategic Planning and Projects

- Downtown Service Location Review
 - Project Steering Committee Terms of Reference
 - Draft has been finalized based on feedback received from SPC.
 - Recruitment of committee members will coincide with the process of general committee recruitment completed for the 2022-2026 Council term.
 - Project Consultant Procurement
 - RFP to procure a consultant to facilitate and project manage the work of the Steering Committee has been finalized and posted.
 - RFP is scheduled to close on June 8, 2022 and award is targeted for June 28, 2022.
 - Interior Demolition of 14 Church Street North
 - Instructions have been provided to BM Ross and Associates to develop the specifications and procurement documents for the interior demolition work.
 - Site work was completed on May 13, and the target is to release the render late summer.
 - It is anticipated that the interior demolition work will be a Winter 2023 project.
- Community Developer Pilot Program
 - Job Description and Job Evaluation Finalized.
 - Position has been posted, and target hire date is mid-June.
- Community Transportation Project:
 - Ridership:

PC Connect Ridership to Date					
	Route A: Perth County North	Route B: Perth County South	Route 1: KW to Listowel	Route 2: KW to St.Marys	Route 3: London to Stratford
Funding Year 3 (Nov 16, 2020- March 2021)	342	87	55	186	94
Funding Year 4 (April 2021-March 2022)	1116	578	872	978	1127
Funding Year 5 April 2022	128	37	127	139	108
TOTALS	1586	702	1077	1313	1330

- App Update:
 - The booking app has been finalized, and a soft launch was completed the week of May 16 with frequent users.
 - Pending any issues to correct, the booking app will be fully launched within 2 weeks.
 - The app will be used to collect the “on-off” data that each partner requires to make decisions about the future of the project when the pilot funding expires.
- Marketing & Outreach:
 - The Community Transportation Survey closed on Friday, April 15.
 - The survey results show a desire for the service to run in the evenings, especially during the upcoming tourism season.
 - Adding run hours will increase the budget, so adjusting the hours of service is being considered to capture the desire for services outside of the existing run hours.
 - Initially, the service was launched as an employment support to help bring employees into the community.
 - It appears as though there has been little employees using the service to get to work.
 - The proposal is to shift the hours of service to start later in the day and end later in the day given that the early morning runs have low uptake.
- MTO Reporting
 - The City of Stratford has submitted the necessary MTO financial reports that are due on April 30.
 - The financial summary shows a positive budget trend in early 2022 as fares are helping to offset municipal contributions.
 - The long-term budget projections for years 6 and 7 show that substantial municipal contributions will be required to continue the service once MTO funding has ended. The City has flagged this concern with the MTO.

Land Sales

- 275 Victoria Street
 - No new update. Survey and other administrative work are on the go prior to the drafting of an agreement of purchase and sale.
- 20 Thames Road North
 - Request received from applicant to purchase a portion of Town owned lands adjacent to the western trailhead of the Grand Trunk Trail.
 - Report on the May 24 agenda for Council to consider
- 248 James Street North
 - Request received from property purchaser to purchase a portion of Town owned lands adjacent to the trail head of the Grand Trunk trail on James Street. Purpose of the purchase is to expand the current property footprint.
 - Request is being internally vetted.

Other

- Benefits Consortium
 - Benefits renewal meeting held May 12, 2022 to consider possible rate increases.
 - Over the last number of years benefits' rates have not increased, and slight deficits year over year have been funded by operating reserves that have accumulated over time.
 - The Consortium's benefits advisor has flagged that if rates are not increased in 2022, the operating deficit projected to be experienced would draw down the Consortium's reserve below the minimum recommended industry amount.

- The consortium has agreed to a 12.5% increase in health rates, and a 3% increase in dental rates. The net impact to St. Marys is a 6.3% annual increase. This was planned for in the 2022 budget and will not impact the Town's overall budget position. In addition, the increase will be implemented July 1 meaning that the actual impact will be 3.15%.
- The Consortium made the decision to agree to these increases in 2022 because it is expected a further increase will be required in 2023 due to insurance industry trends. Agreeing to a larger increase in 2022 will help to smooth out the 2023 budget impact.
- Refreshment Vehicle By-Law
 - Targeting June 21 Strategic Priorities Committee meeting for Council review.

2. Clerks

Animal Control

- Receiving increased inquiries about number of licensed animals permitted on property and whether urban chickens are permitted. The applicable by-law from 2008 permits four dogs per household. The draft by-law presented to Strategic Priorities Committee in 2021 recommended three dogs and three cats per household. The applicable by-law from 1964 prohibits chickens in St. Marys. Staff plan to report back to the Strategic Priorities Committee in the near future with recommendations for exotic pets and a draft by-law.

By-Law Enforcement

- Due to the installation of flooring at Town Hall in May, Park Patrol will commence on June 2.
- Staff have received ongoing requests from residents to permit the use of all-terrain vehicles in St. Marys. The *Off Roads Vehicle Act* regulates the type of vehicle permitted to cross or travel on a highway and goes further to authorize that a municipality may further restrict this permission if so desired. The Town's Traffic, Parking and Boulevard Maintenance By-law prohibits the use of all-terrain vehicles on any highway in St. Marys. Staff are seeking a consensus from Council whether staff should further investigate this option and report back to Council.
- Stratford Police stats for April 2022:

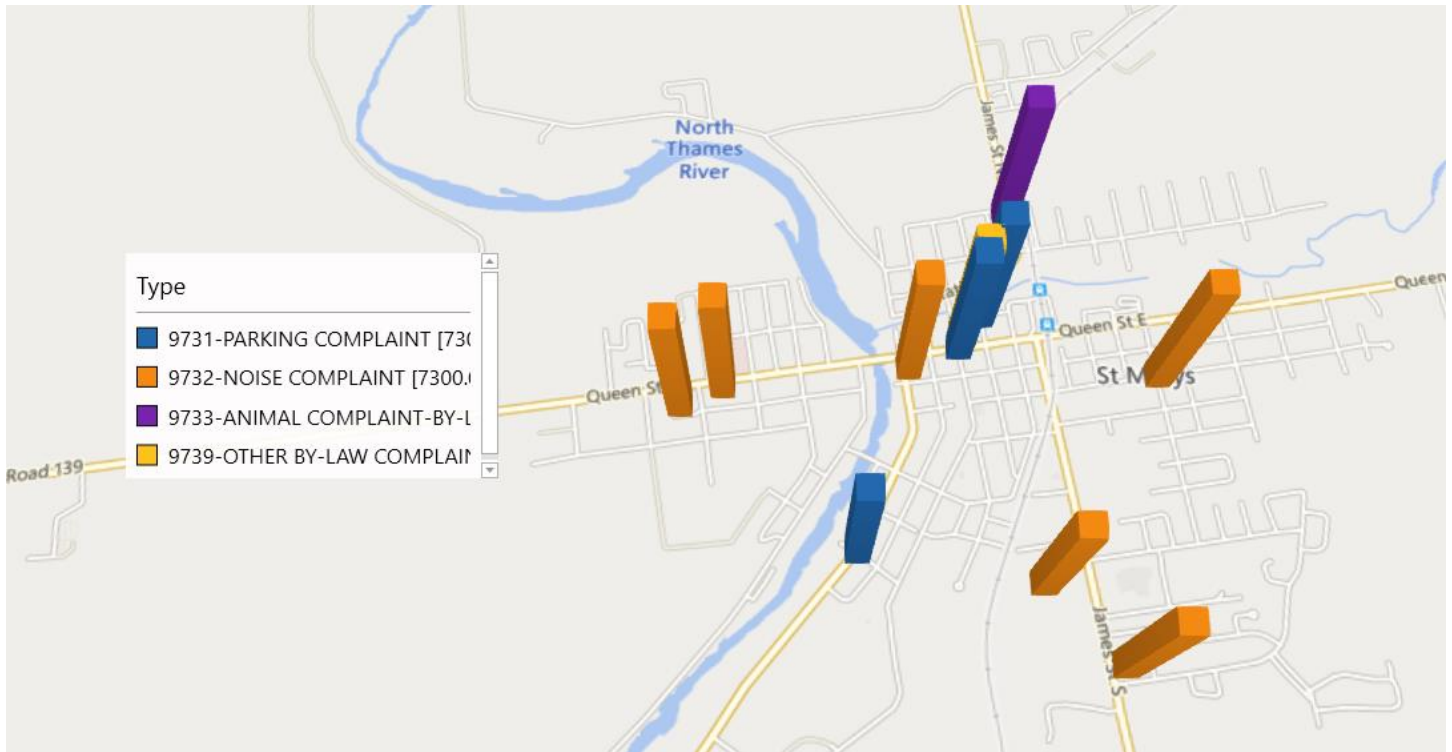
Table 1 - Total Complaints by Complaint Basis

Bylaws	Count
9731-PARKING COMPLAINT [7300.0090]	4
9732-NOISE COMPLAINT [7300.0030]	6
9733-ANIMAL COMPLAINT-BY-LAW ONLY (BARKING, OFF-LEASH, ETC.) [7300.0040]	1
9739-OTHER BY-LAW COMPLAINT [7300.0090]	1
Grand Total	12

Table 2 – Total Complaints by Month

Bylaws	Count
Jan	12
Feb	12
Mar	13
Apr	12
Grand Total	49

Table 3 – Total Complaints by Location



Commissioner of Oaths

- Continuing with 2-3 per week commission requests per week.
- Staff have received complaints from two contractors that the Town has implemented a fee for this service.
 - As a reminder, the fee for this service is \$25/signature for any commissioning completed by a commissioner for the Town.
 - The fee was implemented because the service qualifies as a “private benefit” under the Town’s core service philosophy.
 - Private benefit services are to be offered on a cost-recovery basis recognizing that there is no broader benefit to the remainder of the tax base.

Election 2022


- Nominations opened on May 1 with candidate information packages available at Town Hall from the Clerks department.
- Third-party advertiser packages are available as well.
- Finalizing Joint Compliance Audit Committee terms of reference with partners. Anticipate putting out a call for members by summer.

SPENDING AND VARIANCE ANALYSIS

None.

REVIEWED BY

Recommended by the CAO

A handwritten signature in black ink, appearing to read "BK" followed by a horizontal line.

Brent Kittmer
Chief Administrative Officer

FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Jenna McCartney, Clerk
Date of Meeting:	24 May 2022
Subject:	ADMIN 27-2022 Noise By-law Exemption Request for Queen Street and Water Street (Homecoming – Heritage 2022)

PURPOSE

To provide Council the necessary information regarding a request for a Noise By-law Exemption for the Homecoming – Heritage 2022 street dance to be held on Friday, July 1, 2022.

RECOMMENDATION

THAT ADMIN 27-2022 Noise By-law Exemption Request for Queen Street and Water Street (Homecoming – Heritage 2022) report be received; and

THAT Council grant an extension to the Noise By-law, 43 of 2007, under Section 6, to the Homecoming Committee at Queen Street and Water Street, St. Marys, for the purpose of a public street dance between 11:00 pm to 11:59 pm on July 1, 2022, subject to the condition of notifying all property owners with a 150m radius.

BACKGROUND

The committee organizers of Homecoming had planned to host the event in July 2020. Due to the unforeseen public health restrictions across the country in response to COVID-19, the event was postponed.

Over the last two years, the organizers have worked with municipal staff to amalgamate Homecoming with the Heritage Festival. The event will take place between Friday, July 1, to Sunday, July 3, 2022.

A Noise By-law Exemption Application has been submitted to the Clerk's Department for the Friday evening street dance. The purpose of the public street dance is to celebrate the amalgamated events of Homecoming and Heritage in July 2022.

REPORT

The Homecoming event happens once every ten years. The timing of the event was delayed by two years due to the pandemic response. It is being amalgamated with the annual Heritage Festival for one weekend full of programs and activities. The street dance which is typically associated with the Heritage Festival will occur on Friday, July 1 at Queen Street and Water Street beginning at 5:00 pm until 12:00 am. The event will include live music which is amplified by a sound system and will be open to all ages as it is an alcohol-free event.

Under Schedule 2 of By-law 43 of 2007, the operation of any electronic device incorporating one or more loudspeaker or other electro-mechanical transducer for the purpose of amplifying sound shall be prohibited between 2300hrs and 0700hrs (0900hrs on Sundays). Therefore, the event organizer is seeking an exemption to the By-law as laid out in Section 6.

If Council chooses to grant the Noise By-law Exemption, it is staff's recommendation that a condition be placed on the exemption that requires the applicant to notify all property owners within a 150-metre radius of the event with details about the event.

At Council's regular meeting of May 24, 2022, event organizers will join the meeting to provide an overview of the event schedule.

FINANCIAL IMPLICATIONS

None.

SUMMARY

Staff have received a request from the organizers of the Homecoming – Heritage 2022 event seeking an exemption to the Noise By-law for a street dance held on July 1, 2022. Staff are recommending Council proceed with an exemption to the Noise By-law.

STRATEGIC PLAN

- ☑ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
 - Pillar #2 Communication and Marketing:
 - Develop a new event, or re-brand and re-envision an existing event, to be the "signature: St. Marys event.
 - Create an event, or re-brand and re-envision an existing event that celebrates the Town's key amenities and ties in with the reactivation of the downtown / waterfront.

OTHERS CONSULTED

None.

ATTACHMENTS

None.

REVIEWED BY

Recommended by the Department



Jenna McCartney
Clerk

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer



FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Jenna McCartney, Clerk
Date of Meeting:	24 May 2022
Subject:	ADMIN 28-2022 Appoint Deputy Treasurer

PURPOSE

To seek Council's approval to appoint a deputy treasurer for the Corporation.

RECOMMENDATION

THAT ADMIN 28-2022 Appoint Deputy Treasurer report be received; and

THAT Council consider By-law 54-2022 to appoint a Deputy Treasurer for the Corporation.

BACKGROUND

Section 286(1) of the *Municipal Act* requires that a municipality shall appoint a Treasurer for the municipality and outlines the responsibilities of the Treasurer.

Section 286(2) prescribes that a municipality may appoint a Deputy Treasurer who shall have all the powers and duties of the Treasurer under this and any other Act.

During the 2020 KPMG modernization review, it was determined that the Corporate Services (formerly Finance) department was not sufficiently staffed to proactively support other internal departments with all of their finance related duties. A recommendation from the modernization review that Council adopted was the hiring of a Deputy Treasurer to help increase the capacity of the department.

Denise Feeney commenced employment with the Town of St. Marys in 2021 in the role of deputy treasurer. Ms. Feeney will be returning from a maternity leave as of June 6, 2022. Council is required to consider a by-law for this appointment.

REPORT

As the *Municipal Act* authorizes that a council may appoint a deputy treasurer, the act of appointment shall be completed by the passing of an appointment by-law. Council is asked to consider By-Law 54-2022 for this purpose.

FINANCIAL IMPLICATIONS

None.

SUMMARY

Denise Feeney will be returning to the role of deputy treasurer for the Town of St. Marys on June 6, 2022. Council is asked to consider By-law 54-2022 for the purpose of appointing Ms. Feeney as such.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

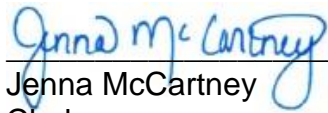
None.

ATTACHMENTS

By-Law 54-2022 found in the by-law section of the agenda.

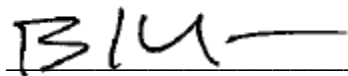
REVIEWED BY

Recommended by the Department



Jenna McCartney
Clerk

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer



MONTHLY REPORT

To:	Mayor Stratthdee and Members of Council
From:	Building and Development
Date of Meeting:	24 May 2022
Subject:	DEV 33-2022 May Monthly Report (Building and Development)

RECOMMENDATION

THAT DEV 33-2021 May Monthly Report (Building and Development) be received for information.

DEPARTMENTAL HIGHLIGHTS

Building

- Please see Attachment B – Building Statistics

Planning – Applications

Miscellaneous	
Pre-Consultation for Planning Applications	<ul style="list-style-type: none">• Two (2) pre-consultation meetings held between April 15, 2022, and May 12, 2022. A total of twelve (12) pre-consultation meetings have been facilitated by the Department.
Zoning Compliance Letters	<ul style="list-style-type: none">• Zero (0) Zoning and Compliances letters issued between April 15, 2022, and May 12, 2022.
Minor Variances	
279 Elizabeth Street (A05-2021)	<ul style="list-style-type: none">• Appeal period has closed, Applicant has one year from the date of the decision to meet the requirements set out in the approval.
143 St. Andrew Street North (A01-2022)	<ul style="list-style-type: none">• Appeal period has closed, Applicant has one year from the date of the decision to meet the requirements set out in the approval.
469 Queen Street West (A02-2022)	<ul style="list-style-type: none">• Minor Variance request regarding lot coverage for an accessory building.• Committee of Adjustment meeting scheduled for June 1, 2022.
Severances	

323 Elgin Street West and 331 Elgin Street West (B01-2022)	<ul style="list-style-type: none"> • Lot conveyance approved by the Committee of Adjustment on April 20, 2022 • Last day of appeal is May 19, 2022.
Official Plan (OPA) and Zoning By-law (ZBLA) Amendments	
752 Queen Street East (Z05-2021)	<ul style="list-style-type: none"> • Application to permit an additional use “Pet retail” • Planning Advisory Committee (PAC) on April 4, 2022 • Statutory Public Meeting scheduled for May 10, 2022 • Town staff preparing a report to Council regarding the matters brought forward at the statutory public meeting.
478 Water Street South (Z02-2022)	<ul style="list-style-type: none"> • Application to permit an additional use “contractor’s yard / shop” • Planning Advisory Committee (PAC) on May 2, 2022 • PAC endorsed the Application in principle • Statutory Public Meeting scheduled for May 24, 2022
178 Queen Street West (Z03-2022)	<ul style="list-style-type: none"> • Application to add an additional dwelling unit (from two to three dwelling units) • Application deemed complete. • Planning Advisory Committee (PAC) scheduled for May 30, 2022
Site Plan Agreement	
665 James Street North (Apartment Building)	<ul style="list-style-type: none"> • Application for Site Plan Agreement received on September 21, 2021. • Town Staff distributed comments to the Applicant on October 13, 2021.
925 Queen Street East (Storage Building)	<ul style="list-style-type: none"> • Application for Site Plan Agreement received. • Comments returned to the Applicant the week of February 14, 2022.
769 Queen Street East (Warehouse)	<ul style="list-style-type: none"> • Application received on March 24, 2022 • Application deemed complete • Site Plan Agreement approved by Council on May 10, 2022.
347 James Street South (Townhouse)	<ul style="list-style-type: none"> • Application received on May 5, 2022. • Town staff working with the Applicant to bring the Application to completeness.
Subdivision Agreements	
187 Wellington Street North	<ul style="list-style-type: none"> • Subdivision Agreement brought forward to Council on May 10, 2022. • Working with the Developer to execute the Subdivision Agreement requirements.
Community Improvement Plan (CIP)	

Pre-Consultations for Community Improvement Plan:	<ul style="list-style-type: none"> • Four (4) pre-consultation meetings held between April 15, 2022, and May 12, 2022. • Four (4) pre-consultation request received the week of May 9, 2022. Pre-consultation meetings have been scheduled for the week of May 16, 2022.
Submission Checklists Issued (and applications not yet received):	<ul style="list-style-type: none"> • King Street (Eligible for Building and Site Improvement Grant, and Design and Study Grant) • Queen Street East (Eligible for Sidewalk and Outdoor Patio Grant, ineligible for Façade and Signage Improvement Grant, Building and Site Improvement Grant, Planning Application and Building Permit Fee Rebate Grant) • Queen Street East (Downtown Rental Housing Unit Grant, and Building and Site Improvement Grant) • Queen Street East (Façade and Signage Improvement Grant) • Queen Street East (Sidewalk Café and Outdoor Patio Grant) • Queen Street East (Façade and Signage Improvement Grant) • Queen Street East (Downtown Rental Housing Grant) • Water Street South (Downtown Rental Housing Grant and Building and Site Improvement Grant)
Approved Applications:	<p>CIP 47 Water Street South (CIP-01-2022)</p> <ul style="list-style-type: none"> • Grant request approved for (a) Building and Site Improvement Grant, (b) Commercial Conversion and Expansion Grant and (c) Design and Study Grant <p>145 Queen Street East (CIP-02-2022)</p> <ul style="list-style-type: none"> • Grant request approved for Sidewalk Café and Outdoor Patio Grant <p>84 Water Street South (CIP-03-2022)</p> <ul style="list-style-type: none"> • Grant request approved for Building and Site Improvement Grant <p>163-167 Queen Street East (CIP-04-2022)</p> <ul style="list-style-type: none"> • Grant request approved for Façade and Signage Improvement Grant
Allotment	As of May 12, 2022, \$37,733.38 of \$50,000 (12,266.62 remaining) has been allotted to CIP and Heritage projects, and \$0.00 been issued.

Planning – Strategic Projects

- Official Plan
 - Staff have forwarded the notice and package to the Province. There is no appeal period related to the Town's adoption; the appeal period will follow Provincial approval.
- Parking Study
 - Town Staff have held a meeting with the Huron Perth Healthcare Alliance Facilities Team to further consider the parking rate for hospitals. Staff to bring report to PAC via the Housekeeping Zoning By-law Amendment on May 30. The statutory public meeting at Council is tentative for June 28, 2022.

- Affordable Housing Strategies
 - Three (3) reports being brought forward to the Strategic Priorities Committee (SPC) regarding housing:
 - St. Marys Housing Strategy – Tiny Homes
 - St. Marys Housing Strategy – Surplus Lands
 - St. Marys Housing Strategy – Inclusionary Zoning
 - After the SPC meeting Town Staff will narrow in on SPC's recommendations.
 - Town Staff to bring forward a summary report detailing findings from consultations with Councillors and experts on June 13, 2022.
- Property File Digitization Project
 - Two (2) File Clerks are currently executing the project, progress is slower than originally anticipated, however efficiencies have already been realized on completed files.
- Tree Replacement By-law
 - Enacted by Council April 12.
- Housekeeping Zoning By-law Amendment
 - Last By-law Consolidation completed in December 2018. Town staff are compiling all Zoning By-law amendments that have been approved since January 2019. This will also include the zoning maps to be updated as well.
 - Draft Amendment being presented to the Planning Advisory Committee on May 30, 2022. Amendments include:
 - Incorporation of revised parking rates as per the Parking Study, permitted uses for properties zoned "Residential Development (RD)".
 - The statutory public meeting at Council is tentative for June 28, 2022.
- Bill 109, More Homes for Everyone Act, 2022
 - Link to Bill 109: [Bill 109, More Homes for Everyone Act, 2022 - Legislative Assembly of Ontario \(ola.org\)](https://ola.org/bills/109)
 - The Bill primarily affects how the Town processes Site Plan Applications (in effect July 1, 2022) and timelines for processing Zoning By-law Amendment and Official Plan Amendments (in effect January 1, 2023)
 - Town staff are revising the Site Plan Control By-law to address the requirements under Bill 109, along with general housekeeping.
 - Processing mapping the planning process for all other planning applications, to make recommendation to Council on June 13, 2022.
- Community Improvement Plan – Promotional Campaign
 - Over 25 inquiries have been received in 2022 – generally positive feedback from those interested.
 - Initially the Façade and Signage Improvement Grant and the Building and Site Improvement Grant were the most popular grants. Since the housing social media campaign, there has been more interest in the Accessory Dwelling Unit Grant.

Facilities – Operational

- Town Hall – a Designated Substance Survey was completed at Town Hall. Report has been delivered by JFM and is being approved by staff. Pending report to Council.
- Mercury Theater – installation of temporary electrical services completed
- Mercury Theater – sold theater lighting, storage box and pew seating on GovDeals
- Mercury Theater – window coverings installed on Church Street windows.
- Museum – Technology Room floor, acquiring pricing.
- MOC – Men's changeroom painting, acquiring pricing.
- St. Maria Pumphouse Exterior painting - acquiring pricing.

- Museum Roof leak – water was dripping in entrance way. Checked flat roof for damage. None noticed. Caulked flashing joints and will monitor.
- Town Hall – Church Street Stair repairs completed
- Town Hall – Roof Tile Management will be onsite to repoint the stonework outside the second-floor window (Church St side). More work than anticipated. Awaiting pricing before we proceed.
- Teddy's Field – women's washroom shut down due to mold issue. Acquiring pricing to remediate mold.
- Library – hung Peter Rice art piece in south window
- MOC – shop alarm repairs to Shop Bay Door #4
- Milt Dunnell Field - Grit Engineering Inc. was onsite to perform a topographic survey
- Fire Hall – Hetek performed gas monitoring system inspections in Truck Bays
- MOC – doors and door frames are being painted by staff to match new flooring
- RZone Items
 - May 5 – Vandalism – Kin Pavilion
 - May 6 – Vandalism – Town Hall exterior washroom

Facilities – Capital

- MOC – MOC Window replacement, completed except 2 windows that are on back order.
- MOC & Town Hall – Floor Replacement
 - Municipal Operations Centre (May 16-26)
 - MOC to be closed between May 16th to May 26th
 - Residents can make property tax payments in-person at Town Hall or their local bank, trust company, credit union, telephone or internet banking
 - Building Permits can be via cheque using the drop box at the MOC or using online banking
 - Town staff will remain available by phone and email
 - Town Hall (May 26-June 3)
 - Residents can make property tax payments in person at the MOC or their local bank, trust company, credit union, telephone or internet banking
 - On May 30 and 31, Town staff will be at the Library accepting tax payments
 - Town staff will remain available by phone and email
- RFQ to commence on May 16 at MOC. Work expected to be completed by May 26. Town Hall work to commence on May 27 and expected to be completed by June 3
- Lind Sportsplex – project completed
- Lind Sportsplex – Lobby Door work to commence May 16
- Museum Retaining Wall RFQ – pricing received Roof Tile Management \$70,500. Budget of \$38,000. Council Report awarded project on March 22 Council Meeting. Project to commence May 30 (weather permitting.)
- Library Retaining Wall RFQ – project completed
- Library Southside Exit Door Replacement - RFQ released, three (3) site tours completed, closed April 6. There were 2 bids on the project. Professional Service Agreement is completed. Awaiting drawings to present to Heritage Committee
- Lind Sportsplex Canteen Upgrades - RFQ released, three (3) site tours completed, closed April 6. There were 2 bids on the project. Professional Service Agreement is completed. Project completed September
- Library Church Street Door refinishing – awaiting pricing
- Town Hall First Floor Renovation – staff have met with architects to acquire pricing for design drawings. Staff have developed three (3) committees to help with the design phase of the

project. Council Committee to review Council's needs, Staff Committee to review staff's needs and the Technical Committee to review technical requirements for the project.

- Fire Hall Build – warranty review meeting was held onsite.

SPENDING AND VARIANCE ANALYSIS

None.

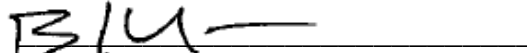
REVIEWED BY

Recommended by the Department



Grant Brouwer
Director of Building and Development

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer



Attachment A: Complaints and Issues Matrix

Building and Development Services Department

Last Updated: May 9 2022

#	Street	Starting Date	Subdepartment	Issues	Action	Status
1	Southvale Rd.	10-Dec-20	Property Standards	Complaints received regarding the dumpster located on the property (foul odours and pests), and the stability of the perimeter fencing.	Letter created on December 10 2020 and delivered to property owner on December 11 2020. Property owner emailed on December 14 2020 letting Staff know that they are working on solutions. Staff and property owner have emailed back and forth regarding fence and garbage. Summer of 2021 emails and meetings discussing options for dumpster. The Building Department sent an email on April 22, 2022 asking for an update and property owner is still waiting on funds and a company to do back flow testing. Director of Building and Development met with 2 board members and maintenance person to figure out a solution on May 3, 2022 in person at the property. They are going to figure out a plan and touch base with the Building Department on May 20 2022.	Ongoing due to lack of funding to complete in a timely manner.
2	Queen St. E.	06-Jun-21	Planning	37 trees were removed from a property under site plan control that were not to be removed	Site Plan Agreement Amendment approved by Council on February 8, 2022. Agreement has been signed and securities have been retained for tree replacement. Property Owner emailed on April 26, 2022 that they will get a landscaping work schedule and will send to the Building Department so they are aware of the plan.	Ongoing

3	Warner St.	15-Sep-21	Property Standards	Complaint received regarding vehicles being parked on front lawn and care of the front yard.	Property Standards letter delivered to property owner on October 6, 2021, conversations with the property owner have taken place in person and via phone. Site inspection completed on October 20, 2021; property standards contraventions not resolved. On November 1, 2021 an Order to Remedy letter was sent by registered by mail and received on November 2, 2021. On November 30, 2021 Property Owner requested an extension. Site inspection on December 15, 2021, follow up with Property Owner regarding outstanding contraventions. The file remains open until Spring 2022 when the outstanding items can be completed (i.e., levelling of ruts in front yard).	Ongoing Property owner had mentioned damage from the town during construction in 2017. The Town will go and top soil and level out in Spring 2022.
4	Queen St. E	08-Nov-21	Building	Outdoor porch canopy built without a building permit.	On December 14 2021, Town staff presented the Owner with two options under the Ontario Building Code: Option #1 – 3.1.16 of the Ontario Building Code applies to your situation. The material the is used in your application is required to meet CAN/ULC-S109. If you are going for a three season structure, you will need to be designed under Part 4 of the OBC for all items around that. (Roof Loading, Uplift etc.). Option #2 – 3.1.16 of the Ontario Building Code still applies, Material needs to meet Can/ULC-S109. The Structure requirements are to be designed under Part 4 of the OBC (Snow load, roof loading, up lift etc.).	Ongoing
5	Edison St.	12-Nov-21	Property Standards	Property owner of Edison St. emailed about the water behind her property pooling in one spot.	Town Staff performed a site inspection on November 15, 2021. Property is adjacent to a Perth South property. Meeting held between St. Marys and Perth South staff on January 5/2022 to discuss possible solutions regarding standing water and drainage along the municipal boundary. A follow up meeting is being scheduled. Information has been provided to the complainant regarding the status of this file.	Ongoing

6	James St. S	02-Dec-21	Building	Neighbouring property concerned about residential development lighting plan. Inquired if the installed lighting will spillover to neighbouring properties, and whether there are regulations that prevent flood lighting.	Town staff are reviewing the lighting plan, engineers have confirmed that if the lights have been installed as per the approved specifications in the lighting plan then there should be no spillover. If there is spillover, a site meeting and light metering assessment will take place. Lights energized on December 22, 2021, Staff have asked the complainant whether there is spillover - a response has not been received from the complainant. The electrical contractor has been in to change the lighting direction. The only thing left is installing the light shield on the post next to the abutting property. The shield has been on order for awhile, and the developer confirmed that the electrical contractor has a deliver date the week of April 10. They have not been delivered as of this email, but should arrive anytime based on the correspondence of the supplier. Once in, the developer has said they will be installed immediately. Shield was installed on May 9 2022.	Completed
7	Church St. N	23-Feb-22	Property Standards	Complaint received regarding snow piles on property line. Once the piles melt damage could be done to adjoining properties and pooling of water.	Letter created to the business's around the property and asked to remove the piles of snow. Letter mailed on March 4 ,2022. Business's were given 3 business days to contact the office to talk about a resolution. Order to Remedy Letter was created and taken to Post office on March 25, 2022 and put in as registered mail. The property owner has till April 11, 2022 to Appeal the matter and has till April 18, 2022 to resolve the issue. Email received by one of the business's on April 6, 2022 they are going to make sure that the snow is 10' back from the property line next year.	Completed, snow has melted

8	St. John St. N	23-Feb-22	Property Standards	Complaint received about storm water going onto neighbour property and damaging the lawn	Letter created to property owner to re-direct storm water and not having it go on adjacent properties. Letter mailed on March 4 2022. Property owner was given 3 business days to contact the office to talk about a resolution. Property Owner did not reach out to Building Department so Order to Remedy Letter was created and taken to Post office on March 25, 2022 and put in as registered mail. The property owner has till April 11, 2022 to Appeal the matter and has till April 18, 2022 to resolve the issue. Building Department talked to the Property Owner's son on April 25, 2022 and they are planning on having the issue fixed in 30 days. A sketch of the plan will be coming to the Building Department for review.	Ongoing
9	St. Andrew St. S	30-Mar-22	Property Standards	Complaint received regarding 7 non running vehicles stored on property and on lawn. Engine motor hanging from a tree by a chain.	Letter created and dropped off to property owner on April 12, 2022. No response to the letter so Order to Remedy Letter created and taken to post office as registered mail on April 29 2022. Clean up to be done by May 13, 2022 or Appeal by May 18, 2022 as per letter.	Ongoing
10	Queen St E	04-Mar-22	Planning	Head lights being cast on abutting properties from commercial business	Informed property owner. Screening has been installed. Further discussion with the abutting owner, the screen has not been installed in the proper location and lights are still geeing through. Staff will disccus with peopretry owner and have the screening adjusted. The Building Department emailed the property owner regarding another complaint about the screening and location of it. The property owner responded on April 26, 2022 with they are going to further extend the fence along the drive-thru curb.	Ongoing
11	Thamescrest Subdivision	18-Mar-22	Building	Complaint about construction debris on neighbours yards	Informed all builders in the subdivison by email on March 22 2022 to clean up any debris that is going onto neighbouring properties.	Completed
12	Trailside Crt.	22-Mar-22	Building	Property owner called in to complain about Townhouse being built beside their property and had an issue with the dirt piles	Building Department advised them to reach out to the builder and let them know their complaint and figure out a solution with the builder.	Completed

13	Elgin St W	22-Mar-22	Building	Complaint about a lot of surface water onto their property since the Wilson Subdivision went in.	Setting up a meeting with abutting property owner and developer to discuss options. Building Department is dealing with it through Subdivision close out.	Ongoing
14	Waterloo St. S	11-Apr-22	Property Standards	Complaint about animal feces on property.	Letter created and dropped off to property owner on April 12, 2022. Owner called on April 14th, 2022, letting staff know that the animal feces has been picked up. Inspection was done on Friday, April 22, 2022 and all animal feces was picked up so property standards issue now closed. Complainant emailed on April 29, 2022 stating that the issue was not fully dealt with and there was still animal feces. The building department determined that they would re-open the property standards and delivered another letter in person on May 6 2022. The building department met with the property owner on site on May 6 2022 and discussed the complaint.	Completed/ Re-opened
15	Water St. S	27-Apr-22	Property Standards	Drain outside of the house is broken and landlord will not fix it. Backup from toilet going into kitchen sink and it takes awhile to get hot water.	The building department is contacting the original complainant for confirmation on when the landlord was contacted about the issues. Once that is received the building department will be contacting the landlord.	Ongoing



Attachment B: Building Department Monthly Summary

Building and Development Services Department

Table 1. Monthly Totals (as of April 2022)

Yearly Dwelling Unit Break Down

Year	Building Permits	Year to Date	Dwelling Units for the Month	Year to Date	Single Family Dwelling	Semi Detached	Townhouse Unit	Accessory Dwelling Units	Apartment unit
2022	17	48	0	22	5		15	1	1
2021	162	162	0	72	20	4	42	6	0

Table 2. Annual Totals

Year	Building Permits	Dwelling Units	Construction Value
2022	48	22	\$ 9,245,241.00
2021	162	72	\$ 42,174,405.00
2020	166	72	\$ 38,801,203.00
2019	134	52	\$ 16,751,000.00
2018	172	53	\$ 22,875,651.00
2017	168	36	\$ 18,825,719.00
2016	120	38	\$ 14,244,002.00

There were **72** appointments made this month from the Building Department.

The Building Department presently has **8** permits waiting for payment.

The Building Department presently has **5** permits under review.

The Building Department presently has **15** new permit applications waiting to be transferred to "in review" (Permits in this section have outstanding documentation)

FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	Mark Stone, Planner
Date of Meeting:	24 May 2022
Subject:	DEV 34-2022 - Part Lot Control Application Registered Plan 44M-79, Thames Crest Farms Subdivision Block 54 – RW Homes Inc.

PURPOSE

The purpose of this report is to provide Council with a summary and recommendations as it pertains to the Application for Part Lot Control for Block 54 of the Thames Crest Farms subdivision.

RECOMMENDATION

THAT DEV 34-2022 regarding the Application for Part Lot Control for Blocks 54 of the Thames Crest Farms subdivision be received;

THAT Council consider By-law 57-2022, to exempt from part lot control affecting Block 54, Registered Plan No. 44M-79 for a one-year period, ending May 24, 2023.

BACKGROUND

Part lot control is a power used by public authorities to prohibit a property owner from conveying a part of a lot from a registered plan of subdivision without approval from the appropriate authority. Section 50(7) of the *Planning Act* provides Council with the authority to exempt or suspend part lot control on parcel(s) of land to allow for further land division by passing a by-law which is registered on title. Exemptions from part lot control are typically requested for semi-detached and townhouse lots due to the difficulty in building common walls between dwelling units precisely along property lines. An exemption from part lot control allows for lot lines to be fixed along the common walls of built foundations/walls.

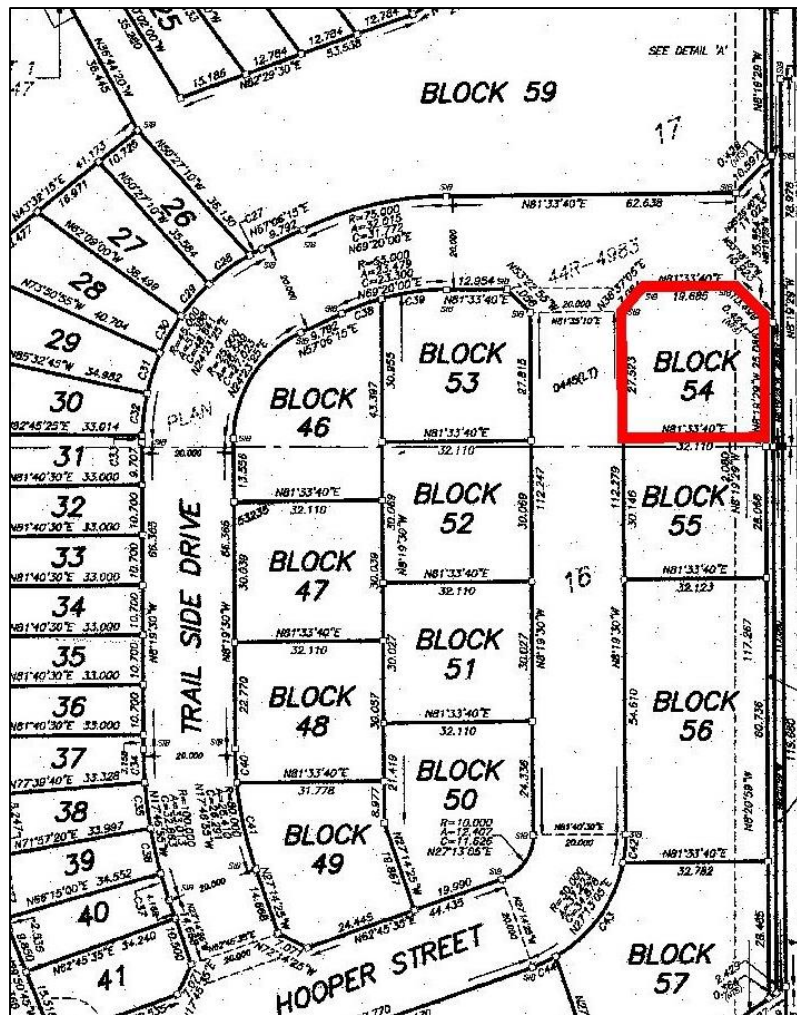
Council has approved policies for the implementation of exemption from part lot control under certain circumstances, including the creation of parcels for townhouse dwellings. Each by-law must include a lapse date to ensure part lot control is re-instated on the properties.

On June 23, 2021, Plan of Subdivision 44M-79 was registered to create 45 single-detached residential lots, 13 townhouse blocks, two park blocks (one for parking) and a storm water management block.

REPORT

An Application for Part Lot Control have been received seeking to subdivide this block for the purposes of building townhouse units along common party walls. The Application is for Block 54 in Plan 44M-79 as shown on Figure 1 for the creation of a total of four townhouse lots.

Figure 1 – Block 54 on 44M-79



Block 54 is designated Residential in the Official Plan and zoned “Residential Zone Five (R5-11)” according to the Town’s Zoning By-law which permits townhouse dwellings.

Provincial and local policies were considered and implemented through the registration of the plan of subdivision and approval of zoning. An exemption to part lot control allows for orderly and appropriate development of this plan of subdivision. The requests are consistent with Council’s procedures and part lot control implementation guidelines.

FINANCIAL IMPLICATIONS

\$1,000 Part Lot Control Fee per Application

SUMMARY

An exemption from part lot control does not involve a public process under the *Planning Act* and as such, public notification is not required.

As the Application meets the requirements for part lot control exemption and constitute good planning, it is recommended that Council approve By-law No. 57-2022 to exempt part lot control for Block 54 of Registered Plan 44M-79, for a period of one year.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

N/A

ATTACHMENTS

- 1) General Location Map
- 2) Registered Plan 44M-79
- 3) Draft R-plan for Block 54

REVIEWED BY

Recommended by the Department

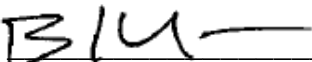


Mark Stone
Planner



Grant Brouwer
Director of Building and Planning

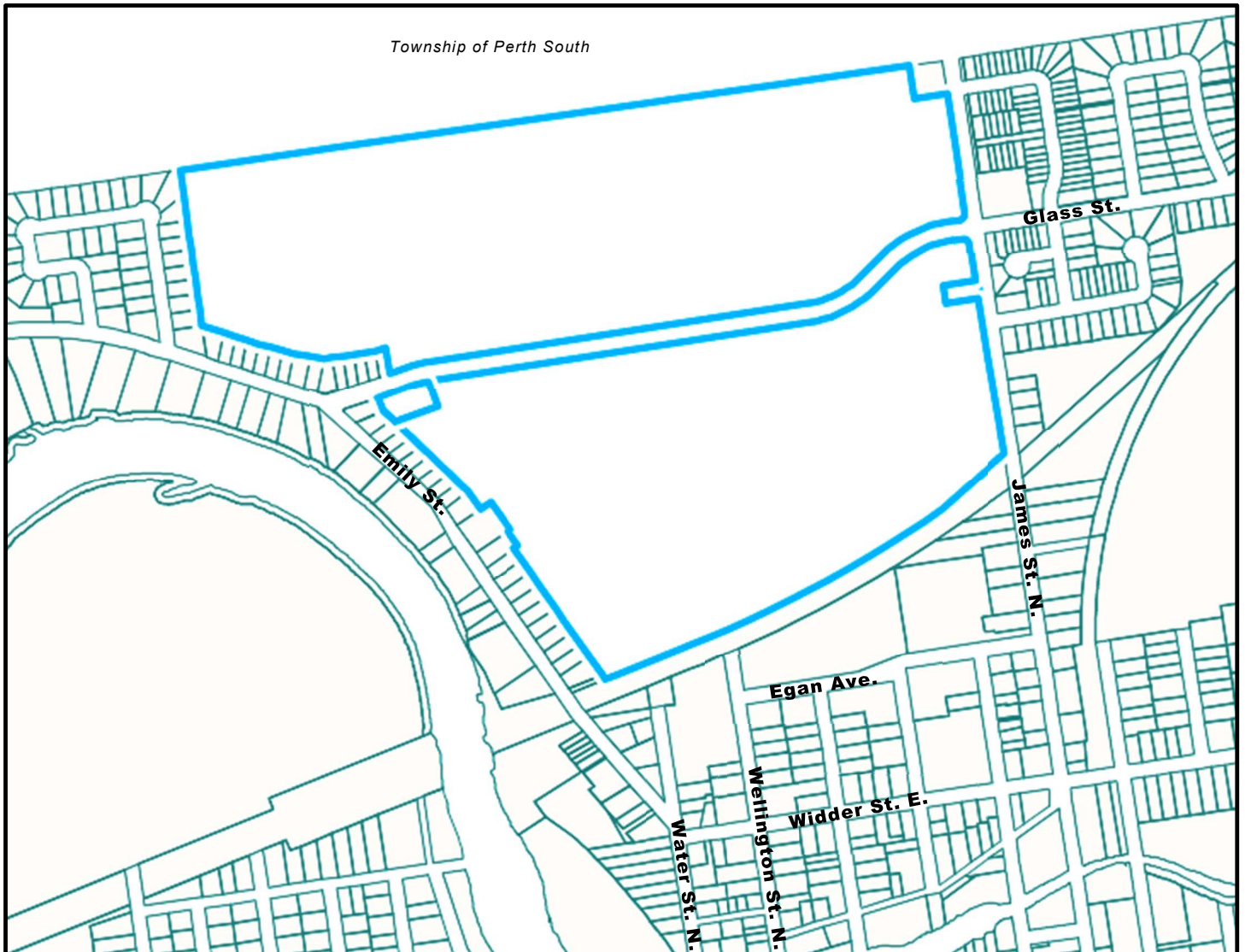
Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

GENERAL LOCATION MAP

Part Lots 15 and 16, Concession 17
and Part Lot 15, Thames Concession
Town of St. Marys



Total Landholding



May 14, 2019

[illegible]

FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Mark Stone, Planner
Date of Meeting:	24 May 2022
Subject:	DEV 35-2022 Application for Zoning By-law Amendment (Z05-2021) for 752 Queen Street East by North Bay Capital Investments Ltd.)

PURPOSE

The purpose of this report is to: review the Application; consider information and comments provided by the Applicant, Town staff and the public; and consider recommendation(s) to Council with respect to the further processing of this Application.

RECOMMENDATION

THAT DEV 35-2022 Application for Zoning By-law Amendment (Z05-2021) by North Bay Capital Investments Ltd. for 752 Queen Street East be received;

THAT Council approve the Zoning By-law Amendment Application for 752 Queen Street East; and,

THAT Council consider By-law Z150-2022, being a zoning by-law amendment for 752 Queen Street East.

BACKGROUND

The subject property is located on the south side of Queen Street East, between Cain Street to the west and Industrial Road to the east, as shown on the General Location Map (refer to Attachment 1 of this report). The property is approximately 3.59 hectares in size, with 150 metres of frontage along Queen Street East.

In 2014, the Town entered into a site plan agreement with the previous owner to permit the original development of a service station with convenience commercial on the front/north part of the subject property. In October of 2020, the Town granted Site Plan Approval for further development of these lands for:

- A 368 m² (3,961 ft²) addition to the existing building (Building A) for a restaurant with a drive-thru that includes queuing for 15 vehicles
- Addition of 57 new parking spaces for a total of 67 spaces
- Construction of a 388 m² (4,176 ft²) Building B for commercial purposes
- Construction of a 184 m² (1,981 ft²) car wash to the rear of proposed Building A and existing Building C (convenience store) that includes queuing for five vehicles and a vacuum area

The area of existing and proposed development is zoned "Highway Commercial (C3-5)".

During discussions in August of 2020, Town staff reminded the owner that while certain commercial uses are permitted according to the C3-5 Zone, a retail store and other similar uses are not listed as permitted uses. It was subsequently determined that a proposed Pet Valu use in Building B would not comply with the permitted uses in the C3-5 Zone.

In August of 2021, the owner submitted a Pre-consultation Request Application to the Town for initial review and for Town staff to identify requirements for a 'complete' Application for Zoning By-law Amendment. The applicant was advised that planning justification would be required to address how the proposed Amendment would conform with the Town's Official Plan, and in particular as it relates to the Highway Commercial and Central Commercial policies.

The Town became aware that the applicant had removed a number of trees during construction of the new buildings, parking area, etc. approved by the Town in the Fall of 2020. These trees were removed without the approval of the Town or Upper Thames River Conservation Authority.

On October 18, 2021, the owner submitted an Application for Zoning By-law Amendment to the Town. The purpose and effect of the Application is to amend the Town's Zoning By-law to add pet food and pet supplies sales, pet grooming and washing, and pet adoptions as permitted uses in the C3-5 Zone. In support of the Application for Zoning By-law Amendment, the applicant submitted a Planning Justification Letter prepared by Urban and Environmental Management Inc. The owner also submitted a replanting strategy for the review of the Town and Upper Thames River Conservation Authority.

On December 6, 2021, the Planning Advisory Committee (PAC) reviewed the Zoning By-law Amendment Application as presented in Formal Report DEV 53-2021. After considering the Application submission and public and staff comments, the PAC passed the following resolution:

Moved By Councillor Craigmile

Seconded By Susan McMaster

THAT DEV 53-2021 Application for Zoning By-law Amendment (Z05-2021) by North Bay Capital Investments Ltd. for 752 Queen Street East be received; and,

THAT Planning Advisory Committee recommends that the Applicant provide:

- An additional planning justification report to show conformity with the Official Plan, including additional information as to why the proposed businesses/uses could not locate in the downtown; and,*
- A revised replanting plan to the satisfaction of the Town, residents, and UTRCA staff, and,*

THAT a Planning Advisory Committee meeting be arranged once those items become available.

Carried

Throughout December and January, there was correspondence between the Owner and Town staff regarding these matters, and the neighbouring property owners were kept apprised of the file/project status via email, telephone conversations and in person visits. On February 8, 2022, Council received Formal Report DEV 06-2022 regarding proposed amendments to the site plan agreement to implement a final tree preservation strategy. The approved strategy includes:

- an updated Landscaping Plan with a 3:1 Tree Replanting (Compensation) ratio for the subject lands, for a total of 108 trees.
- A landscaping maintenance plan to ensure the livelihood of the tree.

- The excess soil currently on site will be scattered through the landscaping/tree planting areas, with excess soils related to the easterly side of the property.
- Installation of all planting will commence in Spring 2022, subject to product availability and favourable weather conditions.

An additional security deposit in the amount of \$34,761.00 from the owner was also required to ensure that the revised landscape plans are executed to the detail provided in the amended drawings. Council passed a by-law authorizing an amendment to the former site plan agreement. Copies of the Site Plan and Replanting Strategy Plan are provided as Attachment 2 of this report.

In addition, the Owner agreed to construct additional fencing to address both visual and noise screening concerns:

- A 1.8 meter (6 feet) high board on board wooden screening fence approximately 21m in length constructed parallel to the restaurant drive through facility/order board.
- A 2.5 meter (8.2 feet) high board on board wooden screening fence approximately 30m in length constructed between the restaurant drive-through facility/windows and the future car wash facility.
- A 1.8 meter (6 feet) high L-shaped board on board wooden screening fence approximately 14m in length constructed on top of the retaining wall to the southwest of the future car wash facility. The purpose of this fence is to provide additional screening from vehicle headlights while using the car wash facility.
- Two 2 metres (6.5 feet) high L-shaped noise barriers next to the vacuum units.

With respect to the Zoning By-law Amendment Application, the owner submitted a more comprehensive Planning Justification Report (PJR) prepared by Zelinka Priamo Ltd. (dated March 15, 2020). A copy of the PJR is provided in Attachment 3 of this staff report. The owner also retained Ward Land Economics Inc. to prepare a Market Assessment and Opinion (MAO) report (dated February 2020). The MAO report was attached to the PJR (refer to Attachment 3 of this staff report).

The MAO report provides a market assessment and opinion regarding the proposed pet store use and “provides additional market information and an assessment of the proposed Pet Valu store and addresses whether the proposed Pet Valu store could be appropriately located in the Downtown”. In summary the MAO report concludes that:

- There are no available sites in Downtown St. Marys that could appropriately accommodate the proposed Pet Valu store nor does the Downtown fulfill Pet Valu’s site selection and location criteria.
- The Downtown is a mixed use, multi-functional area which fulfills its planned function as the primary area of culture, trade and commerce within the Town. The Downtown is the Town’s largest commercial area, and the retail commercial space is characterized by service uses, small unit sizes, and independent and unique stores and businesses. The retail commercial vacancy rate is within the range reflective of a balanced market.
- Relative to the Downtown retail commercial space and median unit size, the Pet Valu store is a large plate retail use which is reflective of and appropriate for the Site’s Highway Commercial designation.
- There is market support for the proposed 388 m² (4,200 ft²) Pet Valu on the Site as well as the existing pet store and pet store related space in the Downtown and elsewhere in St. Marys.

- The Pet Valu store on the Site would not have a negative impact on the planned function of the Downtown or other commercial areas in St. Marys.
- The Pet Valu represents only approximately 1% of the amount of retail commercial space in the Downtown. With the addition of the Pet Valu on the Site, the Downtown will continue to be the dominant Commercial area within the overall hierarchy of commercial function in the Town which is consistent with the Official Plan policy 3.2.1.2.
- With the addition of the Pet Valu on the Site, the role and function, and the well-being of the Downtown will be maintained which is consistent with the Provincial Policy Statement and the Town's Draft Official Plan policy 7.24.5 direction to maintain the well-being of the Downtown.

On April 4, 2022, the Planning Advisory Committee (PAC) received a staff report (DEV 19-2022) passed a resolution recommending that Council proceed with the statutory public meeting.

On May 10, 2022, the Town held the statutory public meeting for this Application. Council directed staff to report back to Council through the preparation of a comprehensive report outlining staff recommendations on the disposition of this Application following an assessment of all internal department, external agency, public and Council comments.

REPORT

PLANNING CONTEXT

Provincial Policy Statement

Section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act. The Provincial Policy Statement (PPS) was issued under the authority of Section 3 of the Act. The PPS provides policy direction on matters of provincial interest related to land use planning and development, including the protection of resources of provincial interest, public health and safety, and the quality of the natural and built environment. The purpose of this section is to identify policies in the PPS relevant to this Application.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by:

- promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs

Section 1.3.1 of the PPS states that "planning authorities shall promote economic development and competitiveness" including by:

- a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs;
- b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

Sections 1.6.3 and 1.6.6.1 promote the efficient use and optimization of existing infrastructure and public service facilities.

Subsections 1.7.1 (c) and (d) of the PPS states that long-term economic prosperity should be supported by optimizing the long-term availability and use of land, resources, infrastructure and public service

facilities, and maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.

The applicant's PJR states that the proposed Zoning By-law Amendment is consistent with the PPS, including as follows:

- "The proposal provides a development pattern that is compact considering the existing settlement pattern, cost effective, and efficient to minimize land consumption and reduce servicing costs (Policies 1.1.1a and 1.1.1e);
- An appropriate form of commercial use is proposed, which will be compatible with the land uses in the general vicinity and contribute to a complete community (Policy 1.1.1b);
- The Subject Lands are located within St. Marys, which is identified as an existing settlement area where growth and development is to be focused (Policy 1.1.3.1);
- The Subject Lands are within and adjacent to the existing commercial area, and the proposed development represents a contiguous form of development that offers commercial use in an appropriate compact form that will efficiently use land and infrastructure (Policy 1.1.3.6); and
- The proposed development will help enhance the vitality of this portion of Queen Street, and as confirmed by the Market Assessment prepared for the proposal, will not unduly impact the viability of the Town's Downtown (Subsection 1.7.1)."

Official Plan

The front (north) half of the property is designated Highway Commercial and the back (south) half is designated General Industrial in the Town of St. Marys Official Plan. The Application for Zoning By-law Amendment applies to lands designated Highway Commercial.

According to Section 3.3 of the Official Plan, Highway Commercial areas "are viewed as an integral component of the commercial well being of the community which are located toward the outer edges of the Town where commercial uses oriented to the travelling public and which require large land areas are located. Such areas are supportive and complimentary to the 'Central Commercial' area".

Economic Development and Highway Commercial Policies

The following chart provides a preliminary analysis of relevant economic development (Section 2.2) and Highway Commercial policies (Section 3.3) of the Official Plan.

SECTION	POLICY	PRELIMINARY COMMENTS
2.2 – Economic Development		
2.2.1 – Objectives		
2.2.1.1	To encourage the retention of existing business and the establishment of new diversified business through the creation of a business friendly culture.	The applicant's PJR states that "the proposed development conforms to the economic development objectives and policies of the OP given that it will result in the establishment of a new business in the Town of St. Marys to the benefit of local residents and the wider community. The proposed pet store will offer new and enhanced services that are currently
2.2.1.2	To advocate local business development for the general benefit of the community.	
2.2.1.3	To be proactive in attracting new business opportunities to the Town.	

SECTION	POLICY	PRELIMINARY COMMENTS
		not available in a single location within St. Marys”.
3.2 – Highway Commercial		
3.3.1 – Objectives		
3.3.1.1	To provide for a range of commercial uses appropriate to meet the needs of the local residents and the travelling public which compliments the role and function of the central commercial area.	The applicant’s PJR states that “the proposed development conforms with the objectives of the highway commercial designation given that it will introduce a new commercial venture into the Town which will offer an enhanced range of products and services to Town residents, the travelling public and the wider community. Introducing the proposed use onto the application lands will promote economic development in this part of the Town, and will not prejudice the viability of existing or future businesses elsewhere in the Highway Commercial designation (as confirmed by the submitted market assessment)”.
3.3.1.2	To encourage highway commercial type uses to locate in the “Highway Commercial” designation by providing a range of commercial opportunities to meet local and non resident demand and to attract new ventures.	
3.3.1.3	To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Highway Commercial” designation as a commercial employment area.	
3.3.2 – Policies		
3.3.2.1	The “Highway Commercial” designation is generally found in the peripheral areas of the Town with the uses focused along Queen Street, both east and west of the commercial core of St. Marys and James Street South. It is intended that the “Highway Commercial” areas will provide a supportive and complementary role to the commercial core area.	
3.3.2.2	“Highway Commercial” uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted. Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory	The applicant’s PJR states that a “range of large plate format commercial uses, buildings, and structures are permitted on the subject lands. While no definition is provided as to what size constitutes a large plate format use, it is noted that when comparing the size of Building B (Pet Valu) at 388 m ² (4,176 ft ²) to the size of other commercial units in the Town’s Downtown, Building B would be a large plate format use”.

SECTION	POLICY	PRELIMINARY COMMENTS
	outlets may also be permitted in accordance with Section 3.3.2.3.	
3.3.2.3	<p>Development or redevelopment of land for “Highway Commercial” purposes may be permitted only where appropriate infrastructure to support the development or redevelopment is available. Appropriate infrastructure includes municipal sanitary collection and treatment facilities, municipal water supply, storm water sewers and management facilities, road network and access points, street lighting, solid waste collection, electrical services, and fire protection.</p> <p>Council may require a market study for any new “Highway Commercial” development or redevelopment where the gross leasable floor area is greater than 1 000 square metres. Such study must demonstrate that the said development or redevelopment can be supported and what, if any, impacts said development or redevelopment will have on the “Central Commercial” designation. Where Council is of the opinion that said development or redevelopment will have negative impacts on the “Central Commercial” designation, such development or redevelopment may not be permitted.</p>	<p>The proposed development, including the pet food and supplies store, will utilize existing municipal infrastructure.</p> <p>The gross leasable floor area of the proposed development does not exceed 1,000 m² and therefore a market study is not warranted. However, as noted in the PJR, “the owner has voluntarily had a Market Assessment prepared for the proposed development. The market assessment has had regard to the OP policies which provide direction with respect to the components of a market study i.e., to assess market support for the proposed development and potential impact on the Town’s Central Commercial / Downtown area. The Market Assessment and Opinion prepared by Ward Land Economics Inc. (“WLE”) (see Attachment 2 of this report) concludes that the proposed 388 sq. m. (approximately 4,200 sq. ft.) pet store (Pet Valu) on the subject lands would not have a negative impact on the planned function of the Town’s Downtown (Central Commercial designation)”.</p>
3.3.2.4	Development or redevelopment shall be subject to site plan control pursuant to the Planning Act, RSO 1990. Such matters to be addressed regarding Site Plan Control include on site building locations, landscaping, buffering, parking and vehicle movements, lighting, and drainage.	The Town granted Site Plan Approval for the proposed development of the site, and approved an amending agreement in February 2022 to address issues related to the removal of trees from the property.
3.3.2.5	Development or redevelopment along the gateways to the Town (i.e., Queen	In the PJR it states that “the detailed design of the existing commercial

SECTION	POLICY	PRELIMINARY COMMENTS
	Street and James Street) shall incorporate landscape green spaces along these corridors. The Towns Zoning By-law shall regulate the extent of these landscaped green spaces.	development on the subject lands has been thoroughly reviewed by Town staff. In October of 2020, the Town granted SPA for the proposed commercial development of the subject lands including the construction of a 388 m ² (4,176 ft ²) Building B. Further, on February 8 2022, a Site Plan Agreement Amendment was approved by the Town that addressed matters generally pertaining to landscaping, fencing and noise improvements for portions of the approval commercial development”.
3.3.2.6	Zoning By-law The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Highway Commercial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height).	The Zoning By-law Amendment Application has been submitted to establish certain uses on the property in accordance with the regulations of the C3 Zone.
3.3.2.7	Highway Commercial uses shall be zoned in a separate zone with appropriate regulations in the Zoning By-law. Any new proposed uses shall be in accordance with those zone standards.	The Zoning By-law Amendment Application has been submitted to establish certain uses on the property in accordance with the regulations of the C3 Zone.

The applicant’s PJR also states that the “proposed pet store use is compatible with the current permitted commercial uses for the subject lands, and will promote the efficient use of shared on-site facilities such as parking areas, driveways, municipal services etc. Visitors to the subject lands will have the opportunity to visit an expanded range of local businesses during a single trip”.

Central Commercial Policies

Concern has been expressed with respect to the appropriateness of permitting the proposed commercial uses outside of the Central Commercial (Downtown) area. An objective in the Official Plan is “to allow for the growth of the Commercial sector in balance with the need to encourage a continuation of the dominant position of the Central Commercial area in the overall hierarchy of commercial function in the Town as well as the institutional uses” (3.2.1.2).

The MAO suggests that “with the addition of the Pet Valu on the Site, the Downtown will continue to be the dominant Commercial area within the overall hierarchy of commercial function in the Town which is consistent with the Official Plan policy 3.2.1.2”.

According to Section 3.2.2.2 of the Official Plan, “a broad range of retail and personal service commercial facilities, professional administration and business offices, hotels, eating establishments, and places of entertainment are permitted” in the Central Commercial area. Highway Commercial areas are intended to complement the role and function of the Central Commercial area “as the primary retail, commercial, civic and cultural focus of the Town” (2.1.3) by providing locations for commercial uses oriented to the traveling public and those uses that require large land areas.

According to Section 3.3.2.2 of the Official Plan, the Highway Commercial designation permits “uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted”. In addition to these uses, “other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.2.3”.

The applicant responds in the PJR that “as per the Market Assessment and Opinion prepared by Ward Land Economics Inc., Downtown St. Marys does not fulfil Pet Valu’s site selection and location criteria; and the proposed 388 sq. m. (approximately 4,200 sq. ft.) pet store (Pet Valu) on the subject lands would not have a negative impact on the planned function of the Downtown. Therefore, from a market perspective, the ZBA to permit a 388 sq. m. (4,200 sq. ft.) pet store on the subject lands is considered to conform with the general intent of the policies for the Central Commercial designation”.

Zoning By-law

The subject property is zoned “Highway Commercial (C3-5)”, “Light Industrial (M1)”, Flood Plain Zone (FP-C3-5)” and “Flood Plain Zone (FP-M1)” in the Town of St. Marys Zoning By-law Z1-1997, as amended. The proposed development will be on lands zoned C3-5.

The C3 Zone sets out permitted uses in three different categories based on minimum lot size and lot frontage and applies varying regulations (such as minimum yard, building height and lot coverage requirements) for each category.

To summarize, on lots with a minimum area and frontage of 900 m² and 30 m, respectively, the following uses are permitted:

17.1.1 Commercial/Business Uses, Buildings, and Structures

- (a) an assembly hall;
- (b) an auction establishment;
- (b.1) an automobile parts supply store;
- (b.2) an automobile rental establishment;
- (c) an automobile repair establishment, excluding body and fender repair shops;
- (d) a bowling alley;
- (e) a building supply outlet;
- (f) a bus depot;
- (g) an clinic, animal;
- (g.1) a convenience business services establishment;
- (h) a convenience store or variety store;
- (i) an eating establishment, restaurant;
- (j) an eating establishment, take-out;

- (k) a farm market;
- (k.1) a funeral home;
- (l) a golf course, miniature;
- (m) a greenhouse, commercial;
- (n) a hotel;
- (o) a landscaping business and/or garden centre;
- (o.2) a liquor, beer or wine store;
- (p) a motel;
- (q) a parking lot, commercial;
- (r) a recreational commercial use;
- (s) a repair shop;
- (t) a rental shop;
- (t.1) a self-storage establishment;
- (t.2) a service commercial centre;
- (t.3) a taxi stand and office;
- (u) a tire sales establishment;
- (v) accessory uses, buildings, and structures.

On lots with a minimum area and frontage of 1,350 m² and 45 m, respectively, the following uses are permitted:

17.1.2 Automotive Commercial Uses, Buildings, and Structures

- (a) an automobile repair establishment;
- (b) an automobile service station;
- (c) an automobile washing establishment;
- (d) a fuel pump island;
- (e) accessory uses, buildings, and structures.

And on lots with a minimum area and frontage of 4,000 m² and 45 m, respectively, the following uses are permitted:

17.1.3 Large Plate Format Commercial Uses, Buildings, and Structures

- (a) an automobile sales and service establishment;
- (b) a building supply outlet;
- (c) a department store;
- (d) a farm implement sales and service establishment;
- (e) a home decorating store;
- (f) a home improvement store;
- (g) a landscape supply outlet;
- (h) an office, business;
- (i) an office, government administration;
- (j) an office, medical/dental;
- (k) a place of entertainment;
- (l) a service commercial centre;
- (m) a supermarket;

- (n) accessory uses, buildings, and structures.

However, a retail store or pet store are not listed as permitted uses.

In the PJR, it is noted that “a range of large plate format commercial uses, buildings, and structures are permitted in the C3 Zone. No definition is provided in the Zoning By-law as to what size constitutes a large plate format use. The permitted large plate uses include such uses as a supermarket and a department store, however, they also include office uses, which do not necessarily always have large floor plates. It is important to note that when comparing the size of Building B (Pet Valu) at 388 m² (4,176 ft²) to the size of other commercial units in the Town’s Downtown, Building B would be a large plate format use”.

A copy of proposed Zoning By-law Z150-2022 is provided in the May 24, 2022 Council agenda.

COMMUNICATIONS

Notice of Public Meeting for the Zoning By-law Amendment Application was circulated by first class mail to all land owners within 120 metres of the subject property, to those agencies as prescribed by Regulation and notice signage was also posted on the property. Information, notices and other documents related to this Application have been provided on the Town’s Current Planning / Development Applications webpage throughout the review process.

The Chippewas of the Thames First Nation provided written comments stating no concerns with the application.

The Upper Thames River Conservation Authority has no objection to the application.

Two residents from Elgin Court met with the Director of Building and Development in response to the November/21 Complete Application circulation expressing concern with trees that were removed from the property and the applicant’s proposal for tree replacement. Mr. Gary Kipfer of 2 Elgin Court submitted a few pieces of correspondence, and Rudy and Vicki Elderhorst of 3 Elgin Court submitted a letter (copies provided in Attachment 4 of this report).

Prior to the public meeting, Ms. Rachel Mahaffy provided comments via email and summarized as follows:

- goal is to make a downtown a retail destination for the residents, surrounding community’s residents and visitors, and retail development should be happening downtown and not on the edges of our community
- there have been traffic stops on Queen Street due to gas station and fast food customers not able to access the parking lot due to the amount of traffic, and no way to alleviate problem given the proximity to the bridge and the golf course

Also prior to the public meeting, Ms. Andrea Ristau and Ms. Kelsi Ristau provided separate comments via email and summarized as follows:

- concerned the Town could lose another small family owned business
- McPhail’s has been in business for over 25 years
- downtown core cannot afford to have yet another empty store front and will impact unique character of the downtown and will impact tourism
- no need for another pet store

Also prior to the public meeting, Mr. Mike Ludington provided comments stating that there already is a pet store downtown and the proposed pet store would impact the employment and ownership of the existing pet store.

Ms. Emily Clark, owner of McPhail's Pet & Animal Needs, spoke at the public meeting and provided comments summarized as follows:

- welcomes competition however, small businesses cannot compete with big box stores
- concerned with the exclusive rights to products a Pet Valu or similar chain has, while an independent store does not
- in St. Marys, an unhealthy competitive environment will be created because an independent pet store will be competing with a chain; suggests that it is a different situation in other communities where Pet Valu is competing with other chains
- McPhail's also provides adoptions and offers everything Pet Valu does, with the exception of pet washing

ANALYSIS

This section provides responses to policy requirements and issues identified through the review of this Application.

Conformity with the Official Plan

The proposed use meets the needs of local residents and the travelling public, supporting and complimenting the role and function of the downtown (OP 3.3.1.1 and 3.3.2.1) by retail and service needs of local residents.

According to Section 3.3.2.2 of the Official Plan, “other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted” on lands designated Highway Commercial. The proposed use has extensive land requirements that are not appropriate for the Central Commercial area. While there is no definition of a large format use, the Market Assessment and Opinion Report suggests that “relative to the Downtown retail commercial space and median unit size, the Pet Valu store is a large plate retail use which is reflective of and appropriate for the Site’s Highway Commercial designation”.

It is also noted that there are very different zoning requirements when comparing the Central Commercial Zone One (C1) which is the main zone applied to the Downtown and the C3-5 Large Format Commercial Uses zoning provisions, some of which are summarized in the following table.

	C1	C3-5 (Large Plate Format Commercial Uses)
Lot Area Minimum (m²)	225	4,000
Lot Frontage Minimum (m)	7.5	45
Front Yard Minimum (m)	0	15
Interior Side Yard Minimum (m)	0	The greater of 10 or ½ the building height
Lot Coverage Maximum (%)	75	35

The proposed Pet Valu requires sufficient land area to accommodate the size of the building and associated parking lot. The regulations in the Zoning By-law for large plate format commercial uses require larger minimum land areas and setbacks to accommodate this type of development. On the other hand, the C1 Zone applied in the Downtown is reflective of development with minimal or no setbacks or parking, and smaller units sizes.

Competitiveness and Protecting the Downtown

Some of the key Provincial and Town policies to be considered when reviewing the Application relate to competitiveness and protecting commercial areas.

The Provincial Policy Statement requires planning authorities to promote economic development and competitiveness. And the Town's Official Plan states that an objective of areas designated Highway Commercial is to "promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the 'Highway Commercial' designation as a commercial employment area".

To the suggestion that there is no need for another pet store in Town, the analysis in the Market Assessment and Opinion Report concludes that there is market support for the proposed and existing pet stores.

With respect to the Downtown, an objective of the Official Plan is "to allow for the growth of the Commercial sector in balance with the need to encourage a continuation of the dominant position of the Central Commercial area in the overall hierarchy of commercial function in the Town as well as the institutional uses". The Market Assessment and Opinion Report concludes that even with the addition of the proposed pet store, "the Downtown will continue to be the dominant Commercial area within the overall hierarchy of commercial function in the Town which is consistent with the Official Plan policy 3.2.1.2".

Section 3.3.2.3 of the Official Plan states in part that "Council may require a market study for any new 'Highway Commercial' development or redevelopment where the gross leasable floor area is greater than 1 000 square metres. Such study must demonstrate that the said development or redevelopment can be supported and what, if any, impacts said development or redevelopment will have on the "Central Commercial" designation". While this policy does not apply to the proposed development, the applicant had a Market Assessment and Opinion Report prepared which concluded that the retail commercial vacancy rate in the downtown is within the range reflective of a balanced market and the proposed land use and development would not have a negative impact on the planned function of the Downtown.

Current Zoning Already Permit?

In response to questions regarding the suggestion that the proposed use is already a permitted use as a 'service commercial centre', the Zoning By-law defines 'service commercial centre' as "a building or buildings containing two or more different permitted commercial uses, which is designed and which functions as a unit in relation to its siting, vehicular access and off-street parking, but not having more than 30 percent (30%) of its gross floor area devoted to all restaurant uses". It is noted that a service commercial centre consists of "permitted commercial uses" and staff is of the opinion that the proposed pet store use is not a permitted use under current zoning.

Traffic and Site Circulation

There were questions regarding the Town's review of potential traffic impacts related to the proposed use and site design. A traffic impact study (TIS) was completed in 2013 in support of proposed

development of a gas station with convenience store, coffee shop with drive-through and future commercial building. For the purposes of the TIS, it was assumed that the future commercial building would be 450 m² in size (the size of the proposed commercial building today is 388 m²). The traffic implications of a range of potential uses (including pet store type uses) was considered as part of the TIS.

The site was designed in such a way to limit potential conflicts between land uses with the expectation that at times of peak usage there could be some conflicts. However, the site layout allows for a bypass around the south side of the restaurant and carwash when there are occasional conflicts.

Town staff continue to monitor traffic circulation to and on the site and will also document any observed instances of a closed drive-through lane creating a potential to impact traffic. And Town staff are reviewing recent line painting work to determine if there are any errors. Staff note that the turning lane was extended to the westerly extent of the west entrance in 2016 as recommended in the 2013 TIS, and the taper length was extended as far as possible. The Town will meet with the property owner and/or tenants should there be any identified issues through the continued monitoring and review of the site.

Timing of Tree Plantings

The owner has confirmed that the landscaping to implement the approved tree preservation strategy has been scheduled to commence on June 20th.

FINANCIAL IMPLICATIONS

None known at this time.

SUMMARY

The proposed uses and development support Provincial and Town policies with respect to encouraging development that efficiently uses land, infrastructure and public service facilities. The proposed use conforms with the policies of the Town's Official Plan and will not affect the dominance of the Downtown in the overall commercial hierarchy.

The analysis in the Market Assessment and Opinion Report concludes that there is market support for the proposed and existing pet stores, and the retail commercial vacancy rate in the downtown is within the range reflective of a balanced market. Further, it is concluded in the report that the proposed land use and development would not have a negative impact on the planned function of the Downtown.

On the basis of the above, it is recommended that Council approve the proposed Zoning By-law Amendment.

OTHERS CONSULTED

Town of St. Marys Development Team

ATTACHMENTS

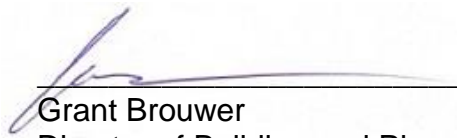
- 1) General Location Map
- 2) Site Plan, Replanting Strategy Plan and Replanting Strategy Details and Notes (Approved February 2022)
- 3) Planning Justification Report (March 15, 2022) and Market Assessment and Opinion (February 2022)
- 4) Public submissions

REVIEWED BY

Recommended by the Department

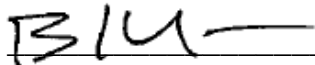


Mark Stone
Planner



Grant Brouwer
Director of Building and Planning

Recommended by the CAO



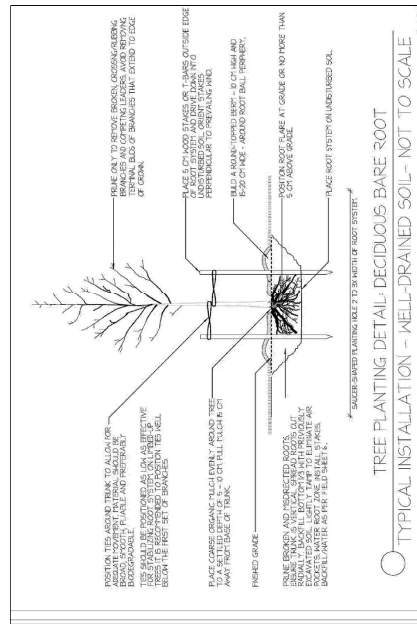
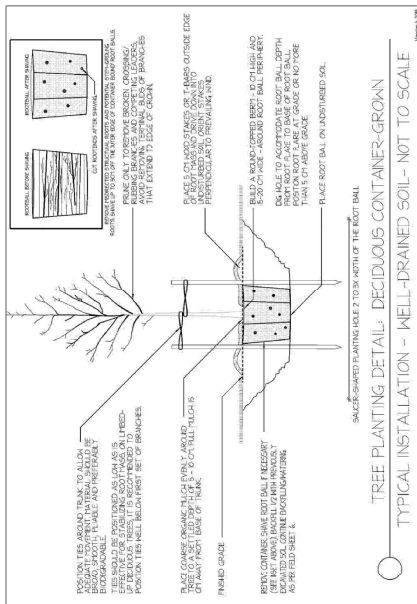
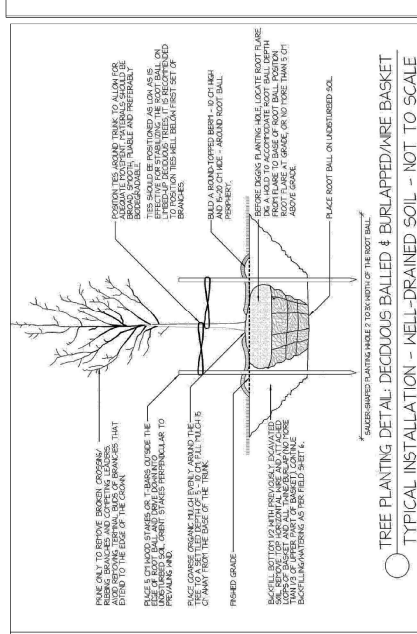
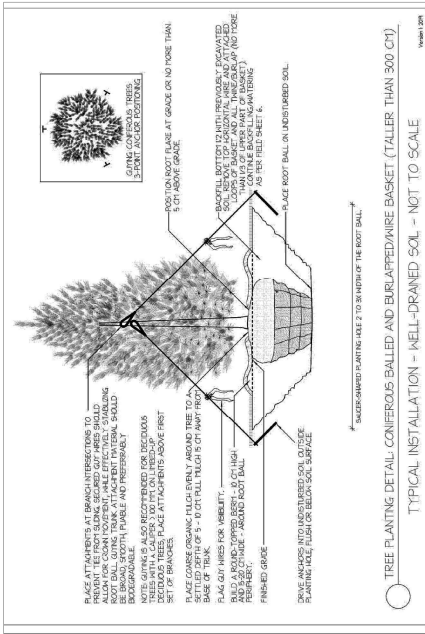
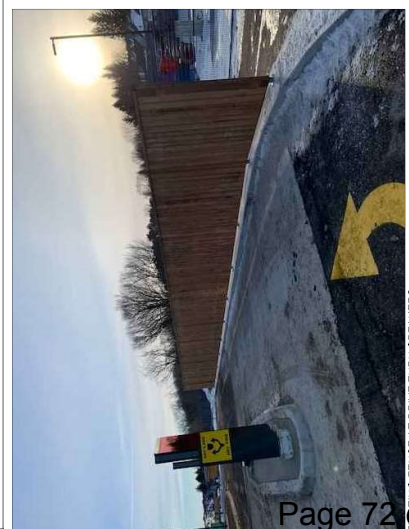
Brent Kittmer
Chief Administrative Officer

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752 QUEEN ST. E
TOWN OF ST. MARYS, N4X 1G2

blueprint2build

Drawn By: JAL	Date: 2023/03/19
Checked By: JAL	Date: 2023/03/19
Drawn Scale: 1/4" = 1'	



- PLANTING & SOIL NOTES:**
1. All planting shall be done in accordance with the City of St. Marys Tree Planting Specifications & Standards.
 2. All trees shall be planted in a well-drained soil basket.
 3. All trees shall be planted in a well-drained soil basket.
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- PLANT MAINTENANCE NOTES:**
1. All trees shall be maintained in accordance with the City of St. Marys Tree Planting Specifications & Standards.
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 20. All trees shall be maintained in accordance with the City of St. Marys Tree Planting Specifications & Standards.

PLANNING JUSTIFICATION REPORT

Proposed Pet Store

752 Queen Street East

Town of St. Marys

PREPARED FOR

North Bay Capital Investments Ltd.

PREPARED BY



ZELINKA PRIAMO LTD

A Professional Planning Practice

March 15, 2022

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ATTACHMENT 1: Approved Site Plan

ATTACHMENT 2: Market Assessment

1.0 INTRODUCTION

1.1 BACKGROUND

In June 2021, Zelinka Priamo Ltd. was retained by North Bay Capital Investments Ltd. to coordinate the current Zoning By-law Amendment Application (“ZBA”) and the Site Plan Agreement Amendment on the commercial property located at 752 Queen Street East, in the Town of St. Marys.

The subject property is located on the south side of Queen Street East, between Cain Street to the west and Industrial Road to the east. The property is approximately 3.59 hectares in size, with 150 metres of frontage along Queen Street East.

In October of 2020, the Town granted Site Plan Approval (“SPA”), for the following development of these lands for:

- A 368 m2 (3,961 ft2) addition to the existing building (Building A) for a restaurant with a drive-thru that includes queuing for 15 vehicles;
- Addition of 57 new parking spaces for a total of 67 spaces;
- Construction of a 388 m2 (4,176 ft2) Building B for commercial purposes; and
- Construction of a 184 m2 (1,981 ft2) car wash to the rear of proposed Building A and existing Building C (convenience store) that includes queuing for five vehicles and a vacuum area.

On February 8 2022, the Site Plan Agreement Amendment was approved by the Town that addressed matters generally pertaining to on-site landscaping, fencing and noise improvements for the approval development.

On October 18, 2021, the owner submitted the ZBA to the Town. The purpose and effect of the ZBA is to facilitate adding a pet store, which includes pet food and pet supplies sales, pet grooming and washing, and pet adoptions components, as a permitted use for approved Building B.

On November 22, 2021, the Town of St. Marys deemed the ZBA complete, and assigned File No. Z05-2021.

On December 6, 2021, a staff report was prepared for the ZBA for the attention of the Chair and Members of the Towns Planning Advisory Committee (“PAC”). The report provided the following recommendation for PAC:

THAT the Planning Advisory Committee recommend to Council:

THAT Council proceed with a public meeting to consider the Application once the applicant has provided:

- additional planning justification to show conformity with the Official Plan, including additional information as to why the proposed businesses/uses could not locate in the downtown; and,
- a revised replanting plan to the satisfaction of Town and UTRCA staff.

As requested by Town staff and PAC, this report includes further planning analysis on how the proposed pet store within approved Building B on the subject lands is in general conformity with the relevant land use planning policy framework, including the Town’s Official Plan policies.

1.2 THE PROPOSAL

North Bay Capital Investments Ltd. are proposing to lease the (under construction) 388 m² (4,176 ft²) Building B as a pet store for Pet Valu.

The proposed ZBA is required because a Pet Valu store, which will include services such as pet food and pet supplies sales, pet grooming and washing, and pet adoptions is not specifically listed as a permitted use under the C3-5 zone for the subject lands.

Figure 1 below is an excerpt of the approved site plan for the application lands denoting Building B, with a larger copy provided as Attachment 1 of this report.

2.0 PLANNING ANALYSIS

Planning analysis has been provided on the following policy matters.

2.1 PROVINCIAL POLICY STATEMENT

The 2020 Provincial Policy Statement (PPS), issued under the authority of Section 3 of the Planning Act, “provides policy direction on matters of provincial interest related to land use planning and development” in order to ensure efficient, cost-effective development and the protection of resources.

The PPS under Policy 1.1.1 states that healthy, livable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the province and municipalities over the long term;
- b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

The Subject Lands are located in the Town of St. Mary settlement area. Policy 1.1.3.1 states that settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted. Policy 1.1.3.2 states that land use patterns within settlement areas shall be based on densities and a mix of land uses which: a) efficiently use land and resources; and, b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available.

Policy 1.1.3.6 states that new development taking place in designated growth areas should occur adjacent to the existing built-up area and shall have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.

Sections 1.6.3 and 1.6.6.1 promote the efficient use and optimization of existing infrastructure and public service facilities.

Subsections 1.7.1 (c) and (d) of the PPS states that long-term economic prosperity should be supported by optimizing the long-term availability and use of land, resources, infrastructure and public service facilities, and maintaining and, where possible, enhancing the vitality and viability of downtowns and main streets.

2.1.1 Planning Analysis

It is our professional opinion that the proposed ZBA is consistent with the 2020 Provincial Policy Statement, including the following policies:

- The proposal provides a development pattern that is compact considering the existing settlement pattern, cost effective, and efficient to minimize land consumption and reduce servicing costs (Policies 1.1.1a and 1.1.1e);
- An appropriate form of commercial use is proposed, which will be compatible with the land uses in the general vicinity and contribute to a complete community (Policy 1.1.1b);
- The Subject Lands are located within St. Marys, which is identified as an existing settlement area where growth and development is to be focused (Policy 1.1.3.1);
- The Subject Lands are within and adjacent to the existing commercial area, and the proposed development represents a contiguous form of development that offers commercial use in an appropriate compact form that will efficiently use land and infrastructure (Policy 1.1.3.6); and
- The proposed development will help enhance the vitality of this portion of Queen Street, and as confirmed by the Market Assessment prepared for the proposal (Discussed further below), will not unduly impact the viability of the Town's Downtown (Subsection 1.7.1).

2.2 TOWN OF ST. MARYS OFFICIAL PLAN

Town staff advised that planning justification is required to address how the proposed ZBA would conform with the Town's Official Plan ("OP"), and in particular as it relates to the Highway Commercial and Central Commercial policies. The below sections of this report address these matters.

2.2.1 Economic development

The economic development objectives and policies are contained within Section 2.2 of the OP. Section 2.2 begins with a general statement that “Council recognizes that the promotion of local economic development is the key to the continuing livelihood of the community. The retention of existing and the development of new business, retail, service, and manufacturing uses enhance employment opportunities for its residents and strengthens the general economic health of the Town.”

The OP includes the following objectives related to economic development:

- To encourage the retention of existing business and the establishment of new diversified business through the creation of a business-friendly culture (Section 2.2.1.1).
- To advocate local business development for the general benefit of the community (Section 2.2.1.2).
- To be proactive in attracting new business opportunities to the Town (Section 2.2.1.3).

The OP policies pertaining to economic development include the following:

- Council will continue with initiatives to market the Town on a national and international landscape as a means of attracting new business (Section 2.2.2.5).
- Council will continue with clear planning policies that detail requirements and conditions from which to evaluate reasonable development applications that implement the goals and objectives of the Town. Council will expedite approvals for those proposals that implement the Official Plan (Section 2.2.2.6).

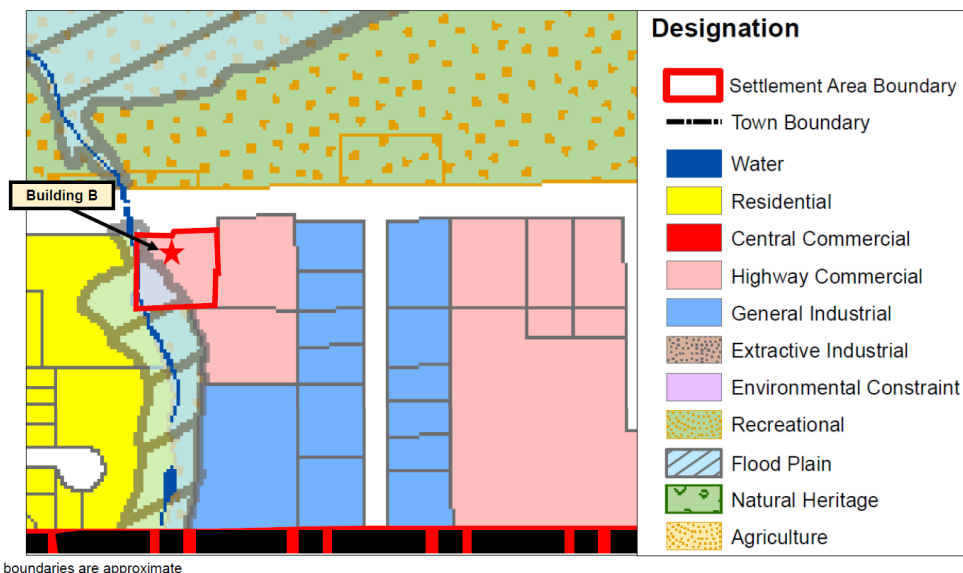
2.2.1.1 Planning Analysis

It is our opinion that the proposed development conforms to the economic development objectives and policies of the OP given that it will result in the establishment of a new business in the Town of St. Marys to the benefit of local residents and the wider community. The proposed pet store will offer new and enhanced services that are currently not available in a single location within St. Marys.

2.2.2 Highway commercial designation

The front (north) half of the subject property is designated “Highway Commercial” and the back (south) half is designated “General Industrial” in the Town of St. Marys Official Plan (“OP”). The ZBA applies to lands designated Highway Commercial (see Figure 2).

Figure 2
St. Marys Official Plan – Schedule ‘A’ Land Use Plan



According to “Schedule B Road Classifications” of the OP, Queen Street is classified as an “Arterial Road”. Arterial Roads are the major routes in the road network that are designed to carry high volumes of traffic from one area of Town to another (Section 5.3.1.1).

Section 3.3 of the OP addresses the “Highway Commercial” designation. Section 3.3. begins with a general statement that “highway commercial areas are viewed as an integral component of the commercial well being of the community which are located toward the outer edges of the Town where commercial uses oriented to the travelling public and which require large land areas are located. Such areas are supportive and complimentary to the “Central Commercial” area.”

2.2.3 Highway commercial objectives

According to Section 3.3.1, the objectives of the Highway Commercial designation include the following:

- To provide for a range of commercial uses appropriate to meet the needs of the local residents and the travelling public which compliments the role and function of the central commercial area (Section 3.3.1.1)
- To encourage highway commercial type uses to locate in the “Highway Commercial” designation by providing a range of commercial opportunities to meet local and non resident demand and to attract new ventures (Section 3.3.1.2)
- To promote economic development and competitiveness by providing, servicing, protecting, and preserving lands in the “Highway Commercial” (Section 3.3.1.3)

2.2.3.1 Planning Analysis

It is our professional opinion that the proposed development conforms with the objectives of the highway commercial designation given that it will introduce a new commercial venture into the Town which will offer an enhanced range of products and services to Town residents, the travelling public and the wider community. Introducing the proposed use onto the application lands will promote economic development in this part of the Town, and will not prejudice the viability of existing or future businesses elsewhere in the Highway Commercial designation (as confirmed by the submitted market assessment).

2.2.4 Highway commercial policies

The relevant policies for lands designated for highway commercial purposes are outlined in Section 3.3.2 of the OP, as follows:

- The “Highway Commercial” designation is generally found in the peripheral areas of the Town with the uses focused along Queen Street, both east and west of the commercial core of St. Marys and James Street South. It is intended that the “Highway Commercial” areas will provide a supportive and complementary role to the commercial core area (Section 3.3.2.1).
- “Highway Commercial” uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast-food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted. Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail

uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.2.3 (Section 3.3.2.2).

- Development or redevelopment of land for “Highway Commercial” purposes may be permitted only where appropriate infrastructure to support the development or redevelopment is available. Council may require a market study for any new “Highway Commercial” development or redevelopment where the gross leasable floor area is greater than 1,000 square metres. Such study must demonstrate that the said development or redevelopment can be supported and what, if any, impacts said development or redevelopment will have on the “Central Commercial” designation. Where Council is of the opinion that said development or redevelopment will have negative impacts on the “Central Commercial” designation, such development or redevelopment may not be permitted (Section 3.3.2.3).
- Development or redevelopment shall be subject to site plan control pursuant to the Planning Act, RSO 1990. Such matters to be addressed regarding Site Plan Control include on site building locations, landscaping, buffering, parking and vehicle movements, lighting, and drainage (Section 3.3.2.4).
- Development or redevelopment along the gateways to the Town (i.e., Queen Street and James Street) shall incorporate landscape green spaces along these corridors. The Town’s Zoning By-law shall regulate the extent of these landscaped green spaces. (Section 3.3.2.5).
- The implementing Zoning By-law shall be the principal tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of “Highway Commercial” uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e., yard setbacks, floor area, and height) (Section 3.3.2.6).
- Highway Commercial uses shall be zoned in a separate zone with appropriate regulations in the Zoning By-law. Any new proposed uses shall be in accordance with those zone standards (Section 3.3.2.7).

2.2.4.1 Planning Analysis

It is our professional opinion that the proposed rezoning of the Site to permit a 388 sq. m. (4,200 sq. ft.) pet store on the subject lands conforms with the general intent of policies for the Highway Commercial designation for the following reasons:

- The proposed pet store use is compatible with the current permitted commercial uses for the subject lands, and will promote the efficient use of shared on-site facilities such as parking areas, driveways, municipal services etc. Visitors to the subject lands will have the opportunity to visit an expanded range of local businesses during a single trip.
- A range of large plate format commercial uses, buildings, and structures are permitted on the subject lands. While no definition is provided as to what size constitutes a large plate format use, it is noted that when comparing the size of Building B (Pet Valu) at 388 m² (4,176 ft²) to the size of other commercial units in the Town's Downtown, Building B would be a large plate format use.
- The Town of St Marys Official Plan does not specifically require the submission of a market study with respect to the subject ZBA, as it does not meet the minimum 1,000 square metre GLA threshold. However, the owner has voluntarily had a Market Assessment prepared for the proposed development. The market assessment has had regard to the OP policies which provide direction with respect to the components of a market study i.e., to assess market support for the proposed development and potential impact on the Town's Central Commercial / Downtown area. The Market Assessment and Opinion prepared by Ward Land Economics Inc. ("WLE") (see Attachment 2 of this report) concludes that the proposed 388 sq. m. (approximately 4,200 sq. ft.) pet store (Pet Valu) on the subject lands would not have a negative impact on the planned function of the Town's Downtown (Central Commercial designation).
- The detailed design of the existing commercial development on the subject lands has been thoroughly reviewed by Town staff. In October of 2020, the Town granted SPA for the proposed commercial development of the subject lands including the construction of a 388 m² (4,176 ft²) Building B. Further, on February 8 2022, a Site Plan Agreement Amendment was approved by the Town that addressed matters generally pertaining to landscaping, fencing and noise improvements for portions of the approval commercial development.

- The ZBA has been submitted to establish a Pet Store use on the subject property. It is our professional opinion that technically the proposed pet store use could be interpreted to be a permitted use on the subject property (see Section 2.4 below). Apart from adding Pet Store as a permitted use on the subject lands, no site-specific special zoning provisions are contemplated for the subject lands, and the proposed development has been designed so as to conform to the standard regulations of the C3 Zone and other relevant Zoning By-law regulations. As such, the proposed ZBA is considered appropriate, and is not anticipated to have a significant undue impact on the surrounding land uses.

2.2.5 Central Commercial designation

Section 3.2 of the OP contains policies and objectives pertaining to the Central Commercial designation.

The opening statement in Section 3.2 advises that Central Commercial development in St. Marys has been focused primarily on the core area. The “Central Commercial” designation is and will continue to be recognized as the single largest concentration of retail and office uses in the Town and is viewed as an integral component of the community’s well being.”

Objectives of the Central Commercial designation include: providing for the widest possible range of goods and services within the market capabilities of St. Marys and surrounding area (Section 3.2.1.1); and allowing for the growth of the Commercial sector in balance with the need to encourage a continuation of the dominant position of the Central Commercial area in the overall hierarchy of commercial function in the Town... (Section 3.2.1.2)

The general theme for the policies for the Central Commercial designation seek the protection of land designated Central Commercial (i.e., the Town’s Downtown) as the dominant position in the overall commercial hierarchy in the town and the primary area of culture, trade and commerce within the Town.

2.2.5.1 Planning Analysis

As per the Market Assessment and Opinion prepared by Ward Land Economics Inc. (“WLE”), Downtown St. Marys does not fulfil Pet Valu’s site selection and location

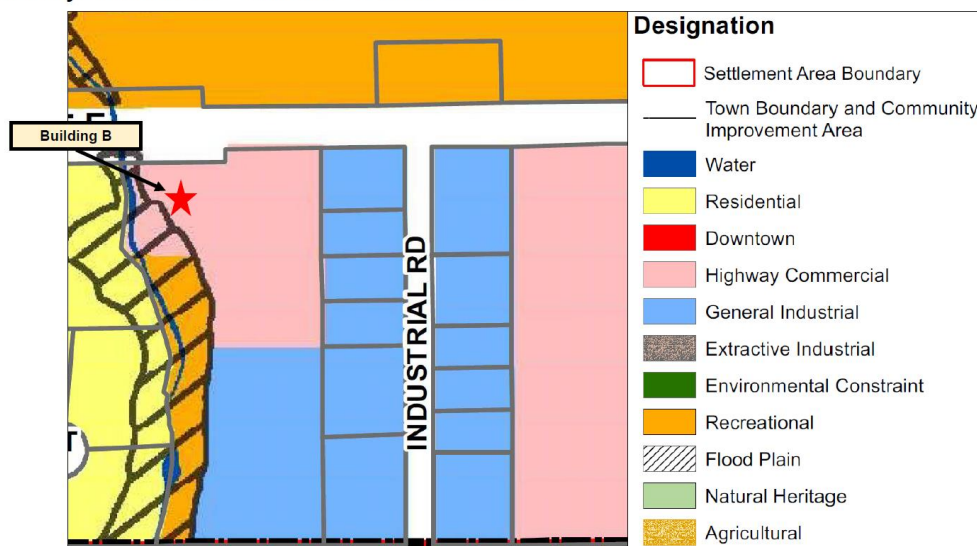
criteria; and the proposed 388 sq. m. (approximately 4,200 sq. ft.) pet store (Pet Valu) on the subject lands would not have a negative impact on the planned function of the Downtown. Therefore, from a market perspective, the ZBA to permit a 388 sq. m. (4,200 sq. ft.) pet store on the subject lands is considered to conform with the general intent of the policies for the Central Commercial designation.

2.3 DRAFT TOWN OF ST. MARYS OFFICIAL PLAN

The Town of St. Marys has initiated a review and update of the OP in accordance with these Planning Act requirements, and to support new strategic goals and community priorities with respect to growth and development in the Town. The latest iteration of the Draft OP was released in December 2021.

The application lands continue to be designated “Highway Commercial” in the December 2021 Draft Town of St. Marys Official Plan (“Draft OP”) (see Figure 3).

Figure 3
Draft St. Marys Official Plan – Schedule ‘A’ Land Use Plan



Location and boundaries are approximate

The current “Central Commercial” designation is renamed “Downtown”, and in general terms the draft objectives and policies for the Highway Commercial and Downtown designations as they relate to the proposed development remain unchanged.

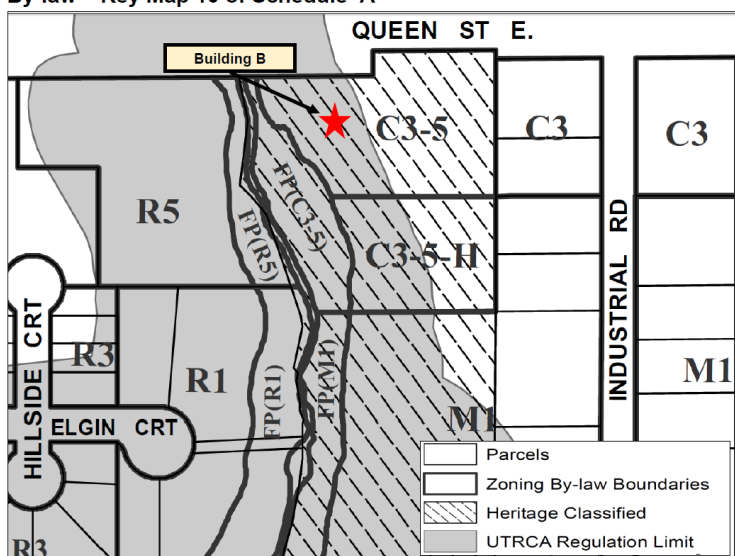
For the reasons outlined in the Section 2.2 above, the proposed development is considered appropriate. The role and function of the Downtown will be maintained with

the addition of the Pet Valu on the subject lands, which is consistent with the policies in the Provincial Policy Statement, and the Town's Draft OP policy direction to maintain the well-being of the Downtown.

2.4 TOWN OF ST. MARYS ZONING BY-LAW

The subject property is zoned "Highway Commercial (C3-5)", "Light Industrial (M1)", Flood Plain Zone (FP-C3-5)" and "Flood Plain Zone (FP-M1)" in the Town of St. Marys Zoning By-law Z1-1997, as amended. The proposed development will be on lands zoned C3-5 (see Figure 4).

Figure 4
St. Marys Zoning By-law – Key Map 10 of Schedule 'A'



Location and boundaries are approximate

The C3 Zone sets out permitted uses in three different categories based on minimum lot size and lot frontage and applies varying regulations (such as minimum yard, building height and lot coverage requirements) for each category. Permitted uses include an animal clinic; a convenience store or variety store; an eating establishment, restaurant; an eating establishment, take-out; a service commercial centre; an automobile washing establishment; a fuel pump island; and accessory uses, buildings, and structures.

Further, a range of large plate format commercial uses, buildings, and structures are permitted in the C3 Zone. No definition is provided in the Zoning By-law as to what size constitutes a large plate format use. The permitted large plate uses include such uses as

a supermarket and a department store, however, they also include office uses, which do not necessarily always have large floor plates. It is important to note that when comparing the size of Building B (Pet Valu) at 388 m² (4,176 ft²) to the size of other commercial units in the Town's Downtown, Building B would be a large plate format use.

As mentioned, a service commercial centre is a permitted use on the subject lands. According to the Zoning By-law, a service commercial centre is defined as "a building or buildings containing two or more different permitted commercial uses, which is designed and which functions as a unit in relation to its siting, vehicular access and off-street parking, but not having more than 30 percent (30%) of its gross floor area devoted to all restaurant uses."

2.4.1 Planning Analysis

The subject property currently consists of a grouping of 3+ existing commercial establishments (i.e., the Esso gas station, Beckers convenience store, the Pizza Pizza and McDonald's restaurants, and Building B) with communal on-site parking, loading areas and driveways. The development was designed and developed as a multi-unit commercial operation, and is under the sole ownership and management of North Bay Capital Investments Ltd.

It is noted that a Pet Store is not a defined term within the Zoning By-law. It is assumed that Town staff consider the proposed pet store to be similar in nature to a "Retail Store", which is defined in the Zoning By-law as "a building or part thereof in which goods, merchandise, products, wares, articles or things are offered or kept for sale directly to the public, but does not include any manufacturing, processing, assembly, or construction use." It is anticipated that Town staff will craft a site-specific definition for the proposed pet store use, if they are minded to approve the ZBA.

A range of large plate format commercial uses, buildings, and structures are permitted on the subject lands. No definition is provided in the Zoning By-law as to what size constitutes a large plate format use. It is important to note that when comparing the size of Building B (Pet Valu) at 388 m² (4,176 ft²) to the size of other commercial units in the Town's Downtown, Building B would be a large plate format use.

The subject property complies with the Zoning By-law definition of a “Service Commercial Centre”, which is listed as a permitted use on the subject lands. It is our professional opinion that the proposed pet store use could fall under the definition of a “Convenience or Variety Store” use. The Zoning By-law defines this use as “a retail outlet serving the day-to-day, non-comparison-shopping needs of a consumer including, for example, a variety store, bake shop, or small food/grocery store, and shall not include any retail outlet having its main product line involving hardware, housewares, apparel, footwear or fashion accessories.” A pet store, such as proposed, is primarily a small food/grocery store focused that sells food products for animals. It is our opinion that the proposed pet store could be interpreted to be a permitted use on the subject property. However, Town staff have a different view, and require the submission a ZBA to permit the proposed pet store. This could be due to the policies contained within the OP that seek to protect the Downtown area.

Apart from adding pet store as a permitted use on the subject lands, no site-specific special zoning provisions are contemplated for the subject lands, and the proposed development has been designed so as to conform to the standard regulations of the C3 Zone and other relevant Zoning By-law regulations. As such, the proposed ZBA is considered appropriate, and is not anticipated to have a significant undue impact on the surrounding land uses.

3.0 PUBLIC CONSULTATION STRATEGY

In accordance with the requirements of the *Planning Act*, North Bay Capital Investments Ltd. and their consulting team are committed to ensuring that the public and other stakeholder groups are meaningfully engaged throughout the review process of the proposed ZBA.

The following Public Consultation Strategy is proposed in order to ensure the public and stakeholder groups are provided sufficient opportunity to make meaningful representation in relation to the proposed application.

The proposed Public Consultation Strategy is as follows:

- Posting of the Notice of Proposed Development Application and Public Meeting Sign on the Subject Lands;
- Town Planning Staff will organize a Public Meeting to take place during a regularly scheduled Council Meeting and in accordance with the requirements of the *Planning Act*;
- Following the Public Meeting, North Bay Capital Investments Ltd. and the consultant team will participate in informal and formal meeting(s) and/or correspondence with individual stakeholders or groups as determined necessary;
- North Bay Capital Investments Ltd. and the consultant team will review all comments received by the public and stakeholders; and
- Reviewing all comments received during the circulation period, North Bay Capital Investments Ltd. and the consultant team may modify the proposed application, and may further engage stakeholders, as determined appropriate.

4.0 LOCATION AND COMPATIBILITY

The application lands are well suited for the proposed commercial development, and the proposed development is compatible with the surrounding land uses, for the following reasons:

- The application lands are located within the boundary of an existing urban area (Town of St. Marys) where commercial uses are contemplated;
- The scale, form, massing, height and character of the proposed development are compatible with the nearby existing and emerging commercial uses and residential uses; and
- The Subject Lands has good access, being located along an Arterial Road.

4.1 TECHNICAL STUDIES

4.1.1 Site plan approval

The detailed design of the existing commercial development on the subject lands, include Building B the location of the proposed pet store, has been thoroughly reviewed by Town staff.

In October of 2020, the Town granted Site Plan Approval, for the following development of the subject lands for:

- A 368 m2 (3,961 ft2) addition to the existing building (Building A) for a restaurant with a drive-thru that includes queuing for 15 vehicles;
- Addition of 57 new parking spaces for a total of 67 spaces;
- Construction of a 388 m2 (4,176 ft2) Building B for commercial purposes; and
- Construction of a 184 m2 (1,981 ft2) car wash to the rear of proposed Building A and existing Building C (convenience store) that includes queuing for five vehicles and a vacuum area

Further, on February 8 2022, a Site Plan Agreement Amendment was approved by the Town that addressed matters generally pertaining to landscaping, fencing and noise improvements for portions of the approval commercial development.

4.1.2 Market Assessment

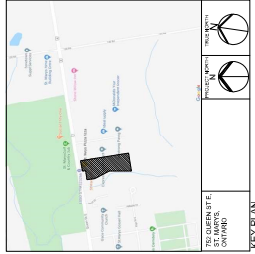
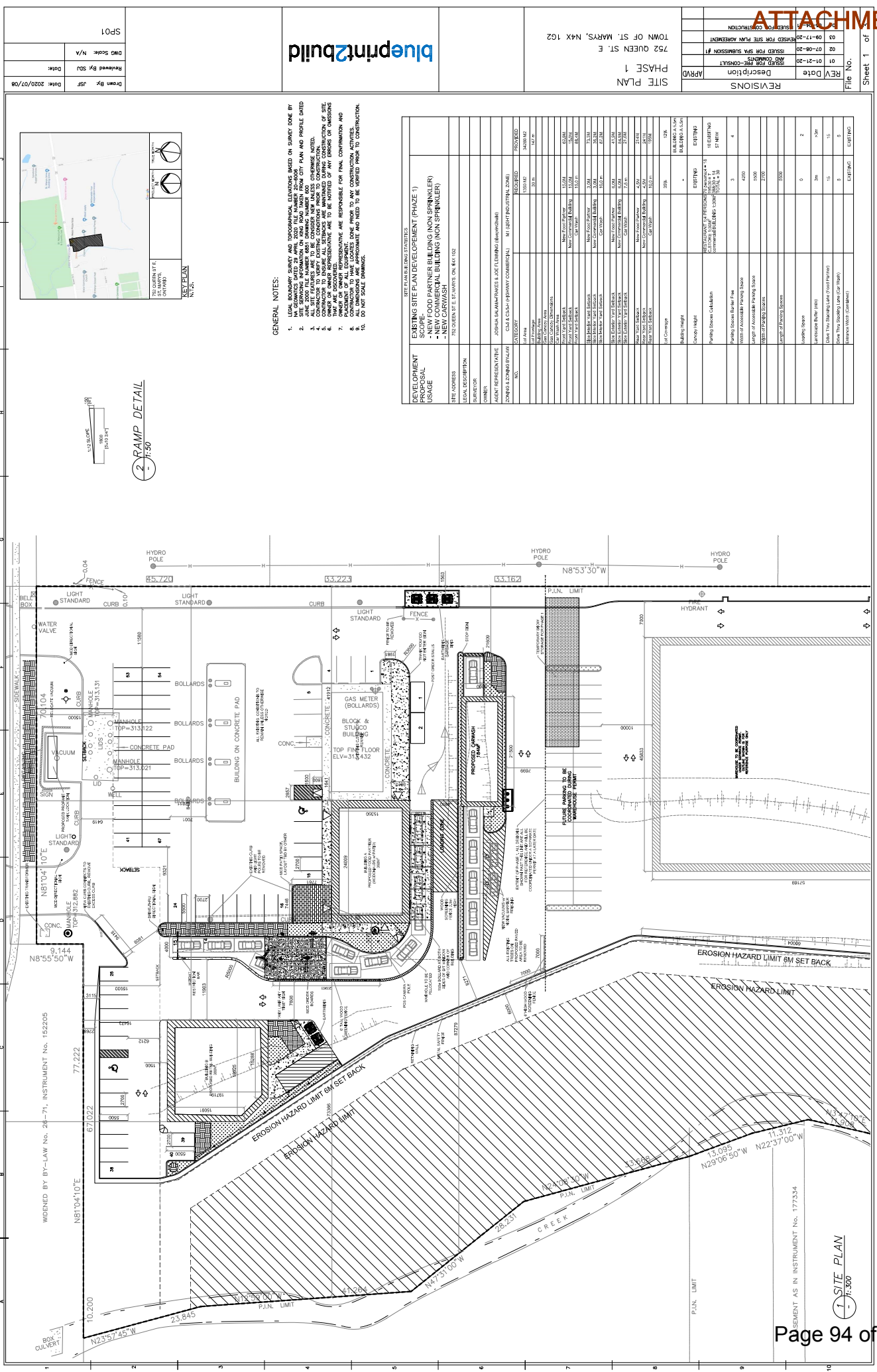
Ward Land Economics Inc. ("WLE") prepared a Market Assessment and Opinion for the proposed 388 sq. m. (approximately 4,200 sq. Ft.) pet store (Pet Valu) on the subject lands. The market assessment concludes that based on the market assessment, Downtown St. Marys does not fulfil Pet Valu's site selection and location criteria and that the subject Site fulfills Pet Valu's site selection and location criteria; and there is market support for the proposed pet store, and it would not have a negative impact on the planned function of the Downtown. Therefore, from a market perspective, the ZBA to permit a 388 sq. m. (4,200 sq. ft.) pet store on the subject lands is justified.

5.0 CONCLUSIONS

It is concluded that the ZBA for the subject lands to permit the proposed pet store is appropriate. The proposal is consistent with the Provincial Policy Statement and conforms with the Town of St. Marys Official Plan, and represents good land use planning, as follows:

- A range of commercial permissions currently exist for the subject lands under the Town's Official Plan;
- The subject lands are located within a designated settlement area which is the focus of new growth and development. The proposed development will create new employment and commercial opportunities in the community. It will also help promote the vitality, land use diversity and economic well-being of the wider community;
- The Market Assessment concludes that there is market support for the proposed pet store; that Downtown St. Marys does not fulfil Pet Valu's site selection and location criteria; and, that being located on the subject lands the proposed pet store would not have a negative impact on the planned function of the Downtown; and
- An attractive high-quality development will be created on lands intended for commercial uses. The design of the proposed development will reinforce and enhance the local community character, while respecting its immediate context and will create a quality living environment.

ATTACHMENT 1



GENERAL NOTES:

1. LEGAL BOUNDARY SURVEY AND TOPOGRAPHICAL ELEVATIONS BASED ON SURVEY DONE BY N.A. GEOMATICS DATED 25 APRIL 2020 (FILE NUMBER 20-000).
2. N.A. GEOMATICS DATED 25 APRIL 2020 (FILE NUMBER 20-000) CITY PLAN AND PROFILE DATED JUNE 2006 (FILE NUMBER 0601) DRAWING NUMBER 800.
3. CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
4. CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
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9. CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
10. CONTRACTOR TO VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.

DEVELOPMENT PROPOSAL		EXISTING SITE PLAN DEVELOPMENT (PHASE 1)	
SCOPE OF WORK: - NEW FOOD PARTNER BUILDING (NON-SPRINKLER) - NEW COMMERCIAL BUILDING (NON-SPRINKLER) - NEW CARWASH		SCOPE OF WORK: - NEW FOOD PARTNER BUILDING (NON-SPRINKLER) - NEW COMMERCIAL BUILDING (NON-SPRINKLER) - NEW CARWASH	
SITE ADDRESS		752 QUEEN ST. E. STAMPS ON 441 102	
LEGAL DESCRIPTION		752 QUEEN ST. STAMPS ON 441 102	
OWNER		JOSHUA MAMATAMER & JAC (LEMMING INVESTMENTS)	
AGENT REPRESENTATIVE		CMA & CMA (PROPERTY COMMERCIAL)	
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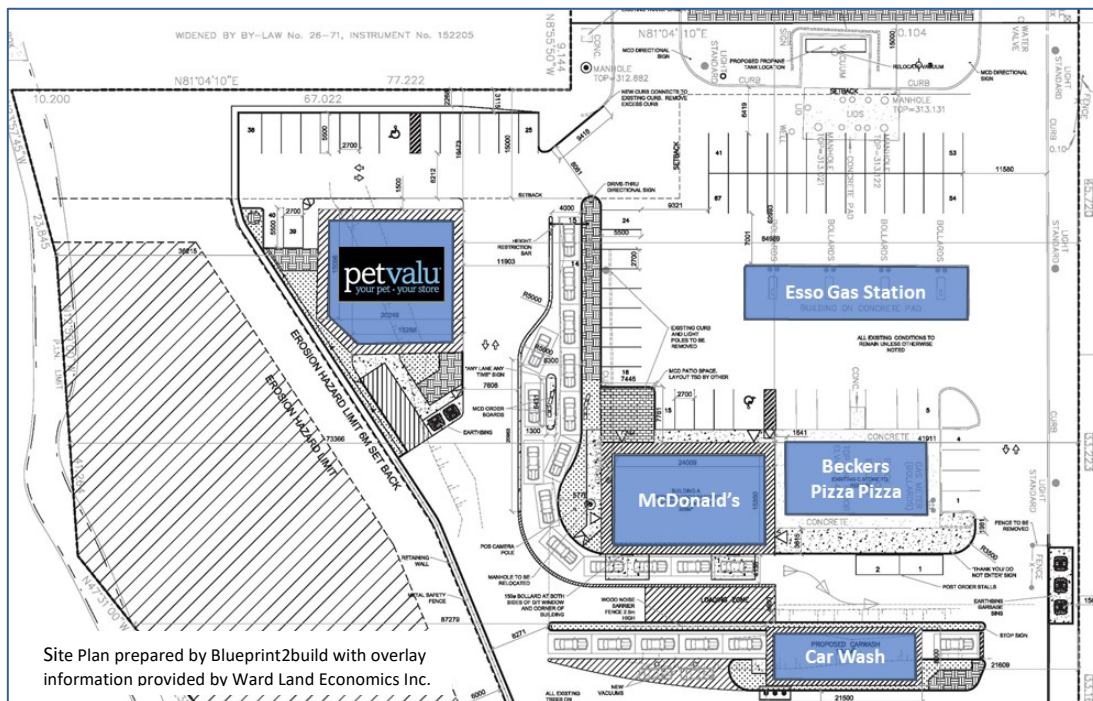
Ward Land Economics Inc.

Market Assessment and Opinion

Proposed Pet Valu

752 Queen Street East, St. Marys

Prepared For: North Bay Capital Investment Ltd.



February 2022

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Executive Summary

This study provides a market assessment and opinion regarding a proposed 388 sq.m. (approximately 4,200 sq.ft.) retail use identified as a pet store (Pet Valu) at 752 Queen Street East (the “Site”). The pet store is proposed on a portion of the Site designated Highway Commercial and zoned site-specific Highway Commercial (C3-5) which permits various retail commercial uses but does not specifically identify a pet store. The Town requires a Zoning By-law amendment to permit the proposed pet store use on the Site.

At the Town’s December 6, 2021 Planning Advisory Committee meeting, Committee considered the subject Zoning By-law amendment application and requested additional information from the applicant including;

“...additional planning justification to show conformity with the Official Plan, including additional information as to why the proposed businesses/uses could not locate in the downtown...” among other items.

In response to the Town of St. Marys Planning Staff Report of December 6, 2021, this study provides additional market information and an assessment of the proposed Pet Valu store and addresses whether the proposed Pet Valu store could be appropriately located in the Downtown. Additional planning related information is provided in a separate report prepared by Zelinka Priamo.

Although not specifically required, this study has also had regard to the Town of St Marys Official Plan policy direction and components a market study. The current Official Plan policy 3.3.2.3 and Draft Official Plan policy 3.3.3.1 inform that where required, a market study is to address support for the proposed development and assess what, if any, impact it would have on the Town’s Central Commercial / Downtown designation.

In summary, based on the market assessment, Downtown¹ St. Marys does not fulfil Pet Valu’s site selection and location criteria. The subject Site fulfills Pet Valu’s site selection and location criteria, there is market support for the proposed pet store, and it would not have a negative impact on the planned function of the Downtown. Therefore, from a market perspective, a rezoning of the Site to permit a 388 sq.m. (4,200 sq.ft.) pet store is justified.

The findings of the market assessment are detailed in this report and summarized as follows.

¹ This report references the Town’s Draft Official Plan terminology for the “Downtown” designation which in the current Official Plan is the “Central Commercial” designation.

- There are no available sites in Downtown St. Marys that could appropriately accommodate the proposed Pet Valu store nor does the Downtown fulfill Pet Valu's site selection and location criteria. The proposed Pet Valu store could not appropriately locate in the Downtown.
- The Downtown is a mixed use, multi-functional area which fulfills its planned function as the primary area of culture, trade and commerce within the Town. The Downtown is the Town's largest commercial area, and the retail commercial space is characterized by service uses, small unit sizes, and independent and unique stores and businesses. The retail commercial vacancy rate is within the range reflective of a balanced market.
- Relative to the Downtown retail commercial space and median unit size, the Pet Valu store is a large plate retail use which is reflective of and appropriate for the Site's Highway Commercial designation.
- The Site at 752 Queen Street East fulfills Pet Valu's site selection and location criteria.
- There is market support for the proposed 388 sq.m. (4,200 sq.ft.) Pet Valu on the Site as well as the existing pet store and pet store related space in the Downtown and elsewhere in St. Marys.
- The Pet Valu store on the Site would not have a negative impact on the planned function of the Downtown or other commercial areas in St. Marys.
- The Pet Valu represents only approximately 1% of the amount of retail commercial space in the Downtown. With the addition of the Pet Valu on the Site, the Downtown will continue to be the dominant Commercial area within the overall hierarchy of commercial function in the Town which is consistent with the Official Plan policy 3.2.1.2.
- With the addition of the Pet Valu on the Site, the role and function, and the well-being of the Downtown will be maintained which is consistent with the Provincial Policy Statement and the Town's Draft Official Plan policy 7.24.5 direction to maintain the well-being of the Downtown.

Therefore, and as detailed in the market assessment report, from a market perspective a rezoning of the Site to permit a 388 sq.m. (4,200 sq.ft.) pet store is justified.

1.0 Introduction

Ward Land Economics Inc. (“WLE”) was retained by the North Bay Capital Investment Ltd. to provide a market assessment and opinion regarding a proposed pet store (Pet Valu) at 752 Queen Street East in St Marys.

1.1 Background

This study provides a market assessment and opinion regarding a proposed 388 sq.m. (approximately 4,200 sq.ft.) pet store (Pet Valu) at 752 Queen Street East (the “Site”). The pet store is proposed on a portion of the Site designated Highway Commercial and zoned site-specific Highway Commercial which permits various retail commercial uses but does not specifically identify a pet store. The Town requires a Zoning By-law amendment to permit the proposed pet store use on the Site.

The Site Zoning By-law amendment application (Z05-2021) was received at the Town’s December 6, 2021 Planning Advisory Committee meeting. The December 6, 2021 Staff Report and Planning Advisory Committee recommended:

THAT DEV 53-2021 Application for Zoning By-law Amendment (Z05- 2021) by North Bay Capital Investments Ltd. for 752 Queen Street East be received; and,

THAT the Planning Advisory Committee recommend to Council:

THAT Council proceed with a public meeting to consider the Application once the applicant has provided:

- *additional planning justification to show conformity with the Official Plan, including additional information as to why the proposed businesses/uses could not locate in the downtown; and,*
- *a revised replanting plan to the satisfaction of Town and UTRCA staff.*

1.2 Study Purpose

This market assessment responds to the December 6, 2021 Staff Report and Planning Advisory Committee’s request for additional market related information. Additional planning related information is provided in a separate report prepared by Zelinka Priamo.

The market assessment provides an analysis of the proposed 388 sq.m. (4,200 sq.ft.) Pet Valu store and provides an opinion with respect to the Site location and whether the proposed Pet Valu could be appropriately located in the Downtown.

The Town of St. Marys Official Plan does not specifically require submission of a market study with respect to the subject application. Although not specifically required, this study has had regard to the Official Plan policies which provide direction with respect to the components of a market study which is to assess market support for the proposed development and potential impact on the Town's Central Commercial / Downtown area. The Town's Draft Official Plan renames the "Central Commercial" designation to the "Downtown" designation. This report refers to the Town's Draft Official Plan terminology with respect to the Downtown.

1.3 Study Approach

The market assessment and opinion are based on the following:

- A review of the proposed Pet Valu and development Site;
- Review of Pet Valu's site selection and location criteria;
- Assessment and review of Downtown St. Marys; and,
- An assessment of market support for the proposed Pet Valu store on the Site and potential impact on the Downtown.

The market assessment, findings, and conclusions are summarized in this report.

This report incorporates standard and accepted methodologies for conducting retail market support and impact analyses for municipal planning purposes. The report methodology, findings, and conclusions incorporate and are based on various assumptions and forecasts. The existing and future market and economic conditions, population and projections, and growth forecasts provided in this report are based on available data, best estimates, and forecasts. If significant market and/or economic changes occur which influence the basic assumptions and analysis provided in this report, then if necessary, the analysis, findings, and conclusions should be revisited.

2.0 Proposed Pet Valu and Site Selection Criteria

This section includes a description of the proposed Pet Valu, provides a review of Pet Valu's site selection and location criteria, and provides a summary of the Site designation and zoning.

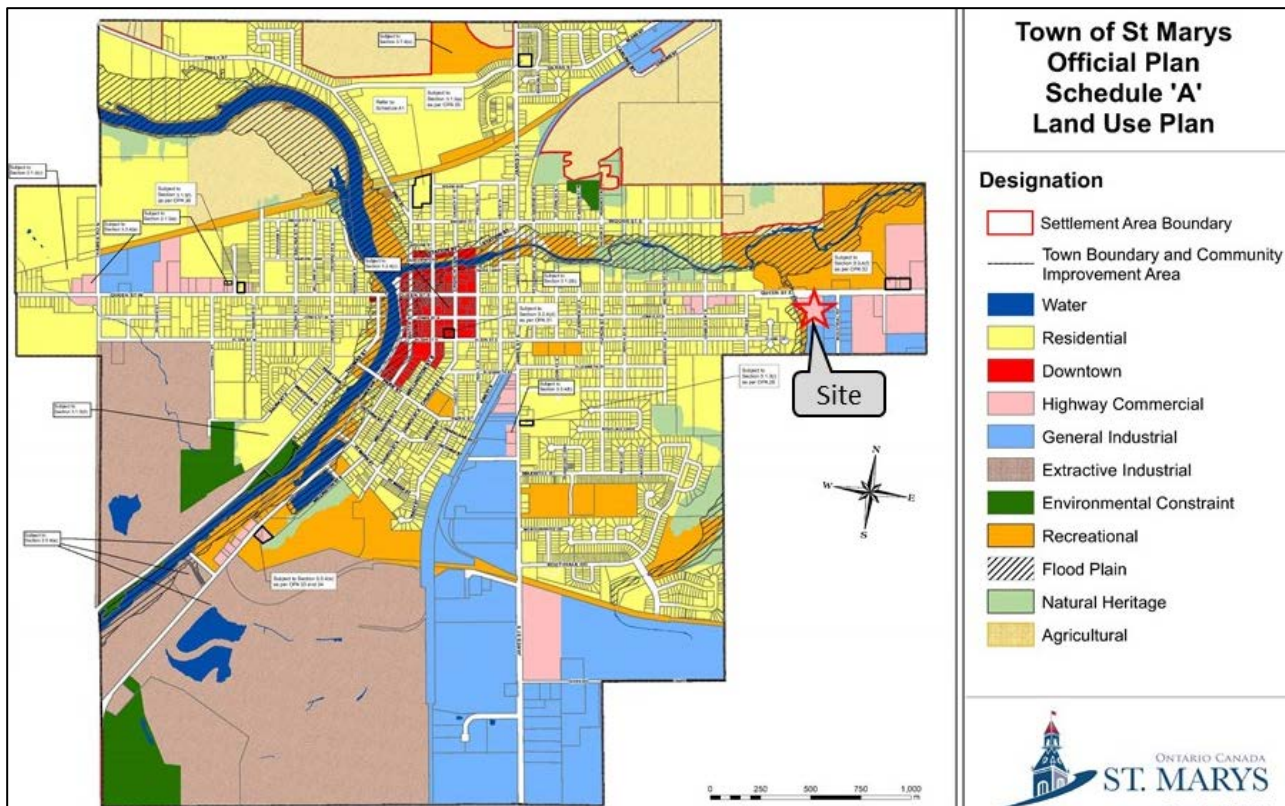
2.1 Proposed Pet Valu Store

A 388 sq.m. (approximately 4,200 sq.ft.) Pet Valu is proposed on the Site.

Pet Valu is a Canadian company which operates a specialty retailer of pet food and pet-related supplies. The company operates over 600 corporate-owned or franchised stores across Canada (Pet Valu Holdings Ltd. Prospectus June 2021 the "Pet Valu 2021 Prospectus").

A 388 sq.m. (4,200 sq.ft.) Pet Valu is proposed on the 3.59 hectare (8.9 acre) Site at 752 Queen Street East as illustrated below.

Figure 2.1: Proposed Pet Valu Site Location



Source: Town of St Marys Draft Official Plan Schedule "A" Land Use Plan with overlay information provided by Ward Land Economics Inc.

The building size and associated land area of the Site are required to accommodate the Pet Valu store including the range of pet food, pet merchandise, other pet supplies, self-serve dog wash area, full-service grooming facilities, staff and storage areas, and associated parking area.

Other uses and tenants on the Site include an Esso Gas Station, Beckers convenience store, a Pizza Pizza and McDonald's restaurants. A car wash will also occupy the Site and the proposed Pet Valu would be the sixth tenant of the Site.

2.2 Pet Valu Site Selection and Location Criteria

The Site location satisfies Pet Valu's site selection and location criteria.

Pet Valu has site selection location criteria which the company uses to select a market location and site for a new store. The site selection and location criteria include the following.

- the level of retail activity and traffic;
- the presence or absence of specific competitors and preferable co-tenants;
- population and demographics of the area;
- total rent and occupancy cost; and,
- the location of existing Pet Valu stores and current franchisee territories and target market segments. (Pet Valu 2021 Prospectus).

Pet Valu also informs that the site selection criteria include high-traffic areas such as shopping centres or "main streets" which draw customers for household and convenience shopping. Site selection is also dependent on a suitable site and favorable lease terms. The Pet Valu 2021 Prospectus informs that:

"Nearly all stores are located in high-traffic areas such as shopping centres or "main streets" of a smaller community, where our management believes customers are likely to do their household shopping for groceries and other non-discretionary items. We open stores in various locations, including urban/metropolitan areas, suburban areas, mid-sized cities and small towns.

Our ability to open new stores is dependent upon, among other factors, locating suitable sites, negotiating favourable lease terms, and aligning growth to our supply chain capacity.

Pet Valu has stores in communities surrounding St Marys including; Exeter, Stratford, Woodstock, Ingersoll, and London. Based on a review of Pet Valu locations in other communities including those surrounding the St Marys market, Pet Valu store locations are characterized by high traffic arterial/"main" streets which provide convenient access for residents of the local and surrounding area, within a strip shopping plaza, beside and co-tenanted with national chain tenants, and within close proximity to a grocery store. The locations are also characterized by a large amount of on-site parking with direct access to the store, ample parking in close proximity to the storefront to accommodate pickups and drop-offs of pets for grooming or other services, and ample loading area space for delivery trucks.

The subject Site location fulfills Pet Valu's site selection and location criteria. In particular, the Site is strategically located to conveniently serve residents of St. Marys and the surrounding market area, is located on a high traffic "main street" arterial road, is within an existing convenience oriented plaza, is co-tenanted with national chain tenants, has direct access to ample on-site parking with direct store front access, and is within close proximity to the town's largest grocery store.

2.3 Site Official Plan Designation and Zoning

Although various retail commercial uses are permitted on the Site, the Town requires a Zoning By-law amendment to permit the proposed pet store use.

The Site is designated Highway Commercial and zoned site-specific Highway Commercial (C3-5). The Site designation and zoning permit various retail commercial uses. The Site Plan Agreement permits the existing retail commercial uses, a car wash, and the 388 sq.m. (4,200 sq.ft.) Building B for commercial purposes. To permit the proposed pet store use within Building B, the Town requires a Zoning By-law amendment.

The Highway Commercial designation permits uses that are not appropriate for the Downtown area such as large plate retail uses, strip malls, shopping centres, among other uses. Section 3.3.2 of the Draft Official Plan (and similar wording is provided in the current Official Plan) directs that:

Uses permitted in the "Highway Commercial" Designation as shown on Schedule "A" to this Official Plan include automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards, open space uses, and utility uses.

Other uses that have extensive land requirements and are not appropriate for the Downtown area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.3.1.

The Town's Zoning By-law provides Definitions of Service Commercial Centre, Shopping Centre, and Shopping Plaza. Large plate retail uses and strip malls are not defined. The Zoning By-law defines the following.

3.135.2 Service Commercial Centre means a building or buildings containing two or more different permitted commercial uses, which is designed and which functions as a unit in relation to its siting, vehicular access and off-street parking, but not having more than 30 percent (30%) of its gross floor area devoted to all restaurant uses.

3.137 Shopping Plaza means a group of commercial establishments designed, developed, owned, and managed as a unit containing three or more physically separated spaces for lease or occupancy by commercial uses or business or professional offices, providing common open spaces, on-site parking areas, loading areas, driveways, and other shared facilities, and which may be held in a single ownership or by participants in a condominium corporation and in which each commercial establishment has an independent entrance from the outside.

The Site has a group of commercial establishments (the Esso gas station, Beckers convenience store, Pizza Pizza and McDonald's restaurants), is designed, owned, and managed as a unit, contains four physically separated spaces for lease and which are occupied by commercial uses, and has on-site parking, loading areas, and driveways. The Site therefore satisfies the Town's definition of a Shopping Plaza and a Service Commercial Centre. A Shopping Plaza and Service Commercial Centre permit retail uses which would include a pet store. The Site is also consistent with permitted retail uses within a Shopping Centre.

The Site Plan Approval permits the 388 sq.m. (4,200 sq.ft.) Building B for commercial purposes. The pet store use proposed for Building B appears to satisfy the Zoning By-law Definition of a Commercial Use.

*3.32 **Commercial Use** means the use of land, buildings, or structures for the purpose of buying and selling commodities, and/or supplying of services, but does not include industrial uses.*

Although it appears that a pet store use would be permitted on the Site, the Town requires a Zoning By-law amendment to permit the proposed pet store.

3.0 Downtown St. Marys

The following provides a review of Downtown St Marys including the planned function and the supply of retail commercial space. This provides input to the assessment of whether the Pet Valu could reasonably locate in the Downtown.

3.1 Downtown St. Marys Role and Function

The Downtown fulfills its role and planned function as a mixed use, multi-functional area which accommodates a full range of uses including service, retail, commercial, entertainment, office, institutional, residential, and open space, among other uses.

The Downtown is a functionally diverse area with a range of activities including services, professional offices, retailers, restaurants, entertainment, and municipal facilities, among other uses. The Downtown has a large component of service space as well as a range of independent retailers, unique shops and services not found elsewhere. The current Official Plan and Draft Official Plan provide similar wording with respect to the Downtown.

Section 3.2 of the Draft Official Plan describes the Downtown as follows.

Downtown development in St. Marys has been focused primarily on the core area. The “Downtown” designation is and will continue to be recognized as the single largest concentration of retail and office uses in the Town and is viewed as an integral component of the community’s well being.

Section 3.2.1.2 informs that an objective of the Downtown (among others) is:

To allow for the growth of the Commercial sector in balance with the need to encourage a continuation of the dominant position of the Downtown area in the overall hierarchy of commercial function in the Town as well as the institutional uses.

The Draft Official Plan informs that permitted uses in the Downtown designation include:

...all forms of retail and service commercial facilities, business and professional offices, schools, hotels, bed and breakfast establishments (in existing single detached dwellings), restaurants, places of worship, places for entertainment, recreational facilities, festival venues, parks, cultural activities, and utilities.

Residential uses are also permitted subject to various restrictions.

Policy Section 3.2.3.1 of the Draft Official Plan directs that:

The “Downtown” designation, as designated on Schedule “A” of this plan, shall remain the primary area of culture, trade and commerce within the Town.

The Downtown is a mixed use, multi-functional area and fulfils its planned function as described in the Official Plan.

3.2 Downtown Supply of Retail Commercial Space

The Downtown is St. Marys’ largest retail commercial area with over 300,000 square feet of retail commercial space. The Downtown retail commercial space is characterized by service uses, small unit sizes, and independent and unique stores and businesses. Retail commercial vacancy in the Downtown is within the average range and reflective of a balanced market.

Downtown St. Marys has over 300,000 sq.ft. of retail and service commercial space (or “retail commercial” space) based on a measured inventory carried out in January 2022. In summary, Downtown St. Marys is composed of:

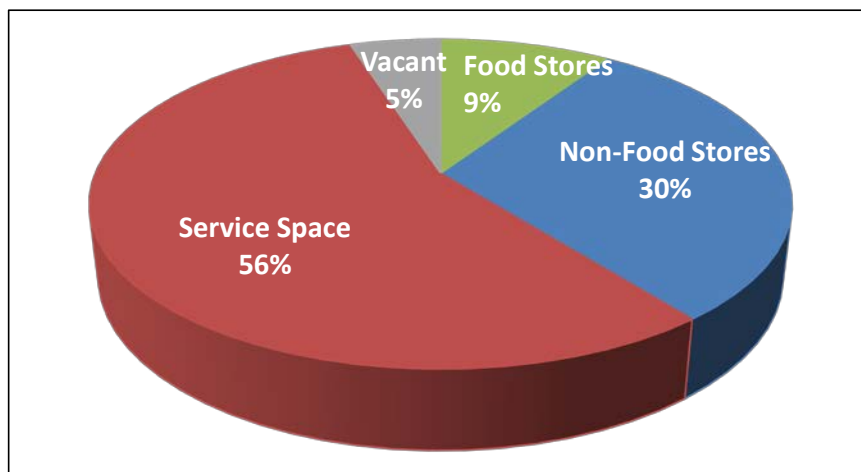
- Over 300,000 sq.ft. of retail commercial space of which most, over half (56% or approximately 176,400 sq.ft.) is composed of service space including restaurants, personal services, banks, professional and medical offices, services, and other commercial uses.
- Approximately a third (30%) of the Downtown retail commercial space is composed of non-food stores.
- Approximately 9% is food store space most of which is the Foodland supermarket (also referred to as a grocery store).
- There is one pet store in the Downtown, McPhails Pet & Animal Needs store which represents less than 1% of the retail commercial space in the Downtown.
- Some pet related merchandise is available in other types of stores located in the Downtown including the supermarket and some non-food stores.
- Vacant space accounts for approximately 5% of the retail commercial space in the Downtown. Vacancies within the range of approximately 5% to 7.5% represent a balanced market.

Table 3.1: St. Marys Downtown Supply of Retail Commercial Space (in sq.ft.)

	Sq.ft.	% of Total
Food Store Space	30,100	9%
Non-Food Store Space	93,500	30%
Total Retail Space	123,600	39%
Restaurants	27,500	9%
Personal Services, Fitness, Recreation	39,400	12%
Other Service and Commercial	109,500	35%
Total Service Space	176,400	56%
Vacant Space	15,800	5%
Total Retail Commercial Space (in sq.ft.)	315,800	100%

Source: Inventory carried out under the direction of Ward Land Economics Inc., January 2022. Numbers are rounded.

Chart 3.1: Downtown St. Marys Distribution of Retail Commercial Space



Source: Inventory carried out under the direction of Ward Land Economics Inc., January 2022.

Small sized and independent specialty stores and businesses characterize the Downtown. Relative to the Downtown retail commercial space median unit size, the Pet Valu store is a large plate retail use which is reflective of and appropriate for the Site's Highway Commercial designation.

- The Downtown is characterized by small unit sizes. The median unit size of the retail commercial space in the Downtown is approximately 2,100 sq.ft.
- Only 7% of the occupied retail units in the Downtown are 4,200 sq.ft. and larger (i.e. of a size or larger than the proposed Pet Valu store).

- Relative to the median retail commercial unit size in the Downtown, the 4,200 sq.ft. Pet Valu store is a large plate retail store which is appropriate for and reflective of the Highway Commercial designation of the Site.

There are no vacant sites or buildings in the Downtown which satisfy the Pet Valu site selection and location criteria. The Pet Valu store therefore cannot be appropriately located in the Downtown.

A review of vacant buildings and sites was carried out to assess whether the proposed Pet Valu store could be appropriately located in the Downtown. The review accounts for the Pet Valu site selection and location criteria as summarized in Section 2. The following provides a summary of findings.

- Vacant retail commercial space in the Downtown totals approximately 15,800 sq.ft. of which almost half is composed of the former Buck or Two dollar store space located at 125 Queen Street East. That vacancy is the only vacant unit in the Downtown which is of the size or larger than the 4,200 sq.ft. proposed Pet Valu store. The vacant space is beside McPhails Pet & Animal Needs store.
- The average and median vacant space unit size in the Downtown excluding the former Buck or Two, is approximately 1,800 sq.ft., and range in size from 1,700 sq.ft. to 2,100 sq.ft.
- Of the vacant retail commercial units in the Downtown, all but one are too small to accommodate the 388 sq.m. (4,200 sq.ft.) Pet Valu store.
- None of the vacant units fulfill the Pet Valu site selection and location criteria including separation from competitive pet store space, preferable co-tenants, retail activity, traffic, visibility, access, and parking, among other factors.
- The former Buck or Two dollar store space and site are not suitable for and do not fulfill the Pet Valu site selection and location criteria including lack of separation from competitive pet store space, does not provide preferable co-tenants, lacks preferred retail activity, traffic, visibility, access, and parking, among other factors.
- All other vacant units in the Downtown are smaller than 388 sq.m. (4,200 sq.ft.) and are not of a size or format that could properly accommodate the proposed 388 sq.m. (4,200 sq.ft.) Pet Valu store.

- Although occupied, the former Beaver Lumber building located at the southeast quadrant of Station Street and Church Street is currently being used for storage space. The site is located at the northern edge of the Downtown, north of the river and adjacent to a residential area. Considering the site location and current use, it is potentially suitable for a mixed use redevelopment. Even if it were available, the building and site are not suitable for and do not fulfill the Pet Valu site selection and location criteria since the building is much larger than the amount of space required for the Pet Valu store, the site lacks the street location, access, visibility, retail activity and preferable co-tenants, among other factors.

Based on the inventory of retail commercial space in the Downtown and this assessment, there are no vacant sites or buildings in the Downtown which satisfy the Pet Valu site selection and location criteria. The Pet Valu store therefore cannot be appropriately located in the Downtown.

The subject Site location is strategically located to conveniently serve residents of St. Marys and the surrounding market area, is located on a main arterial road, is within an existing convenience oriented plaza, is co-tenanted with national chain tenants, has direct access to ample on-site parking with direct store front access, and is within close proximity to the town's largest grocery store.

The Site location therefore fulfils the site selection and location criteria sought by Pet Valu for the proposed 388 sq.m. (4,200 sq.ft.) store in St. Marys.

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4.0 Pet Valu Market Assessment

This section provides an assessment of market support for the proposed Pet Valu and whether it would negatively impact the planned function of the Downtown.

4.1 Pet Valu Market Support and Impact Assessment

Although the Town of St. Marys Official Plan does not specifically require submission of a market study with respect to the proposed 388 sq.m. pet store since it is less than half the development size which requires a market study, this market assessment has had regard to and addresses the Official Plan policy direction with respect to the components of a market study.

The current Official Plan policy 3.3.2.3 and Draft Official Plan policy 3.3.3.1 inform that where required, a market study is to address support for the proposed development and assess what, if any, impact it would have on the Town's Central Commercial / Downtown designation. The Draft Official Plan policy 3.3.3.1 (and similar wording is provided in the current Official Plan) directs that:

Council may require a market study for any new "Highway Commercial" development or redevelopment where the gross leasable floor area is greater than 1,000 square metres. Such study must demonstrate that the said development or redevelopment can be supported and what, if any, impacts said development or redevelopment will have on the "Downtown" designation. Where Council is of the opinion that said development or redevelopment will have negative impacts on the "Downtown" designation, such development or redevelopment may not be permitted.

The following provides an assessment of market support for the proposed Pet Valu and evaluates potential impact on the Downtown designation.

Market support for the proposed Pet Valu will be derived from customers within the store's Trade Area and to some extent from customers who live outside the Trade Area. The Pet Valu Trade Area was defined through an analysis of the Site location, transportation routes, competitive space in and surrounding the market area, customer origin and shopping patterns, drive times and distances, and natural and man-made barriers. The Trade Area is composed of a Primary Area and a Secondary Area as described and illustrated on the following page.

- The Trade Area delineated for the proposed Pet Valu encompasses an area which extends approximately 8-15km from the Site.

A map of the Town of St Marys Primary Area. The primary area is outlined in red, and the secondary area is outlined in black. A callout box points from the primary area label to the red boundary. The map shows various roads, towns, and landmarks. Key locations include Exeter, Stratford, Woodstock, Ingersoll, and London. Roads are labeled with numbers like 2, 7, 8, 16, 20, 22, 23, 27, 33, 40, 43, 49, 59, 73, 83, 84, 107, 119, 122, 135, 160, 229, 401, 404, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500.

The Trade Area is defined for this market analysis of pet related stores and the proposed Pet Valu. The Trade Area may not reflect the Trade Area of other stores, services, and the Town of St. Marys as a whole.

- The Town of St. Marys population is forecast to increase from approximately 7,600 in 2021 to approximately 8,300 in 2027; and,
- The Trade Area population is forecast to increase from approximately 15,100 in 2021 to approximately 15,800 in 2027.

Table 4.1: Trade Area Population, Population Estimate, and Forecast

	2011		2016		2021		Forecast			
	Census	Including Undercount	Census	Including Undercount	Census and Estimate	Including Undercount	2022	2023	2025	2027
Primary Area - Town of St Marys	6,655	6,800	7,265	7,500	7,385	7,600	7,700	7,800	8,100	8,300
Secondary Area	7,330	7,500	7,330	7,500	7,330	7,500	7,500	7,500	7,500	7,500
Total Trade Area	13,985	14,300	14,595	15,000	14,715	15,100	15,200	15,300	15,600	15,800

Source: Statistics Canada Census 2011 and 2016 Trade Area population, and St. Marys Census 2021 population. Census undercount adjustments are applied to the Census population. Reference to the Town of St. Marys population forecasts accounting for the Town of St. Marys municipal boundary area, reference to residential building permits, and Ward Land Economics Inc. estimate. The Secondary Area forecast is based on past growth trends. With reference to residential permits from 2016-2021, the St. Marys 2021 Census population appears low which is conservative for assessing market support and impact.

Note: The Primary Area encompasses the geographic boundary of the Town of St. Marys which is consistent with the municipal boundary and Official Plan mapping.

Based on the market analysis, there is market support for the proposed 388 sq.m. (approximately 4,200 sq.ft.) Pet Valu on the Site and it would not have a negative impact on the planned function of the Downtown.

Market support for pet store space in St. Marys is generated by population and spending in pet stores and other stores which sell pet store related merchandise including supermarkets, general merchandise stores (such as Canadian Tire, Dollarama, etc.), hardware stores, specialty stores, pet washing businesses, and other related stores and services. Together, this space is referred to as “pet store related space” in this market assessment.

The following provides a residual analysis to assess market support for the proposed Pet Valu store in St. Marys. The analysis is based on a conservative estimate of current population and population growth forecasts, pet store related spending, and growth. Therefore, the market study provides a conservative analysis for assessing market support and impact for municipal planning purposes.

The analysis provides an assessment of market support for the proposed Pet Valu and accounts for existing pet store related space in St. Marys and elsewhere. The existing pet store related space includes the pet store and an estimated effective area of pet store related space in food stores and non-food stores.

The analysis illustrates that market support for pet store related space is partially available to stores in St. Marys and partially directed to stores elsewhere. This portion or “market capture” is a function of shopping patterns, existing and future supply of pet store related space, and sales estimates. Market support is also derived from people who live outside the Trade Area but shop at pet store related space in St. Marys. This source of trade, called “inflow,” is added to the market support.

Market captures and inflow trade are a function pet store related space in St. Marys and elsewhere. Guidance was also provided by reference to customer origin data which illustrate shopping patterns of consumers.

Customer origin data illustrate that the proposed Pet Valu would help serve residents of St. Marys as well as residents within the surrounding area. The Pet Valu store would help recapture outflow shopping and spending in surrounding communities which in turn, provides an opportunity to increase customer retention and shopping in St. Marys including the Downtown.

As input to the market analysis and the assessment of shopping patterns and market draw, anonymized customer origin mobility data were reviewed at the Site (excluding the gas station), various stores in St. Marys and Pet Valu stores in surrounding communities. In summary;

- Customer origin mobility data inform that the Site, the Independent Grocer, Canadian Tire, and Foodland stores in St. Marys each derive approximately half of their trade, approximately 40-60% from within 15km of their store and the balance of trade, approximately half (40-60%) from beyond 15km.
- Customer origin mobility data inform that Pet Valu stores in surrounding communities (Stratford, Exeter, Ingersoll, and Woodstock) derive the majority of trade, an average of approximately 60%, from within 15km of their store and the balance of trade, approximately 40% from beyond 15km.

The Trade Area delineated for the proposed Pet Valu in St. Marys extends approximately 8-15km from the Site. Inflow trade identified in this analysis (30%) is less than the inflow trade identified by customer origin data and therefore is conservative for assessing market support and impact for municipal planning purposes.

Market Assessment and Opinion
Proposed Pet Valu – 752 Queen St. E., St Marys

Table 4.2: Proposed Pet Valu Market Support and Impact Assessment

	(estimated 2021 constant dollars)				
	2021	2022	2023	2025	2027
Primary Area - Town of St. Marys					
Population	7,600	7,700	7,800	8,100	8,300
Per Capita Pet Store Related Space Expenditure ¹⁾	\$234	\$235	\$237	\$241	\$244
Total Pet Store Related Space Expenditure (\$m)	\$1.8	\$1.8	\$1.8	\$2.0	\$2.0
St Marys Capture @ 55.0%	\$1.0	--	--	--	--
85.0%	--	\$1.5	\$1.6	\$1.7	\$1.7
Secondary Area					
Population	7,500	7,500	7,500	7,500	7,500
Per Capita Pet Store Related Space Expenditure ¹⁾	\$234	\$235	\$237	\$241	\$244
Total Pet Store Related Space Expenditure (\$m)	\$1.8	\$1.8	\$1.8	\$1.8	\$1.8
St Marys Capture @ 35.0%	\$0.6	--	--	--	--
63.0%	--	\$1.1	\$1.1	\$1.1	\$1.2
Total Capture by St Marys Pet Store Related Space (\$m)	\$1.6	\$2.6	\$2.7	\$2.8	\$2.9
Inflow 30%	\$0.7	\$1.1	\$1.2	\$1.2	\$1.2
Total Estimated Existing Pet Store Related Space Sales in St Marys (\$m) ²⁾	\$2.3	\$3.8	\$3.8	\$4.0	\$4.1
Residual Pet Store Related Space Sales in St Marys (\$m)	--	\$1.5	\$1.6	\$1.7	\$1.8
Estimated Sales at the Site 4,200 sq.ft. Pet Valu (\$m)	--	\$1.6	\$1.6	\$1.7	\$1.8
Estimate of Sales Transfers from Existing Pet Store Related Space in St. Marys (\$m) ³⁾	--	-\$0.11	-\$0.08	\$0.0	\$0.0
Estimate of Sales Transfers (%)	--	-5%	-3%	0%	0%

1) The per capita expenditure is based on Statistics Canada Detailed Household Consumption Expenditure and Household Spending Survey adjusted to Trade Area income and e-commerce. The pet store related space expenditure includes spending in pet stores and pet store related space within food stores and non-food stores and related pet services excluding veterinary services. The analysis is based on a standard and accepted methodology of applying an average per capita spending which accounts for people that do not have pets.

2) Pet store related space sales includes pet store space and an estimated effective area of pet store related space in food stores and non-food stores.

3) Pet Valu opening in 2022 represents a part year of operation, however this analysis is annualized for municipal planning purposes. For example, Pet Valu opening in June 2022 would generate half the sales volume and half the dollar amount of sales transfers estimated in 2022 on the table, with no change to the percentage estimate of sales transfers in 2022.

The analysis illustrates that there is market support for the proposed 4,200 sq.ft. Pet Valu in addition to the existing pet store related space in St. Marys. There is market support to increase the supply of pet store space in St. Marys which provides an opportunity to improve the level of local shopping service and consumer choice for residents of St. Marys and the surrounding market area.

Market support for the Pet Valu store is generated by growth in the market, recapture of outflow spending, and minor and transient sales transfers from existing pet store related space in St. Marys. Based on a directional impact assessment, the amount and percentage rate of sales transfers is forecast to be equally distributed from pet store related space in Downtown St. Marys, and from pet store related space in all other areas of St. Marys (approximately 5% in 2022 and 3% in 2023 respectively).

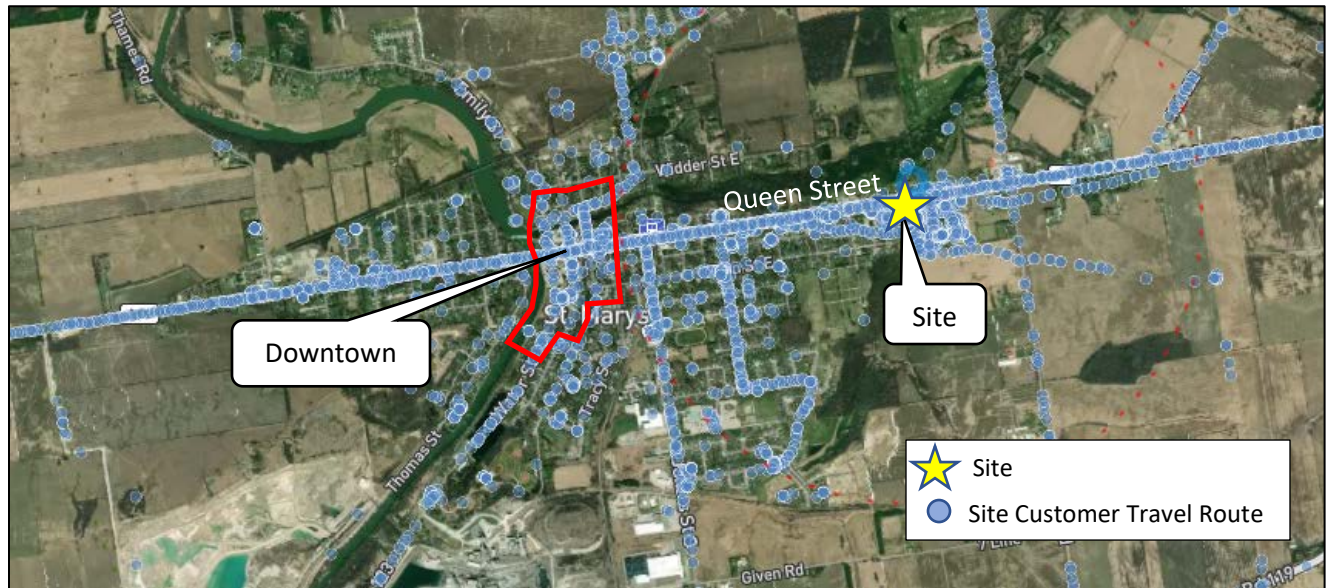
With the addition of the proposed Pet Valu, sales transfers on existing pet store related space are forecast to be minor and transient. The implications of sales transfers, where they may occur, are evaluated in terms of the existing performance, the quantum of impact, and the duration of impact. Ultimately, the impact test for municipal planning purposes is focused on the potential implications to the planned function of commercial areas rather than the competitive impacts on an individual store.

Growth in the market offsets short-term transfers and sales levels of pet store related space are forecast to remain viable throughout the study period. As well, the planned function of the Downtown is not forecast to be negatively impacted with the proposed Pet Valu on the Site.

Customers of the Site travel within Downtown St. Marys before and after a trip to the Site. Similar travel patterns are shown by customer origin data of the nearby Independent Grocer. It follows that the proposed Pet Valu on the Site would generate similar travel patterns and the Pet Valu store provides an opportunity to attract customers to the Downtown.

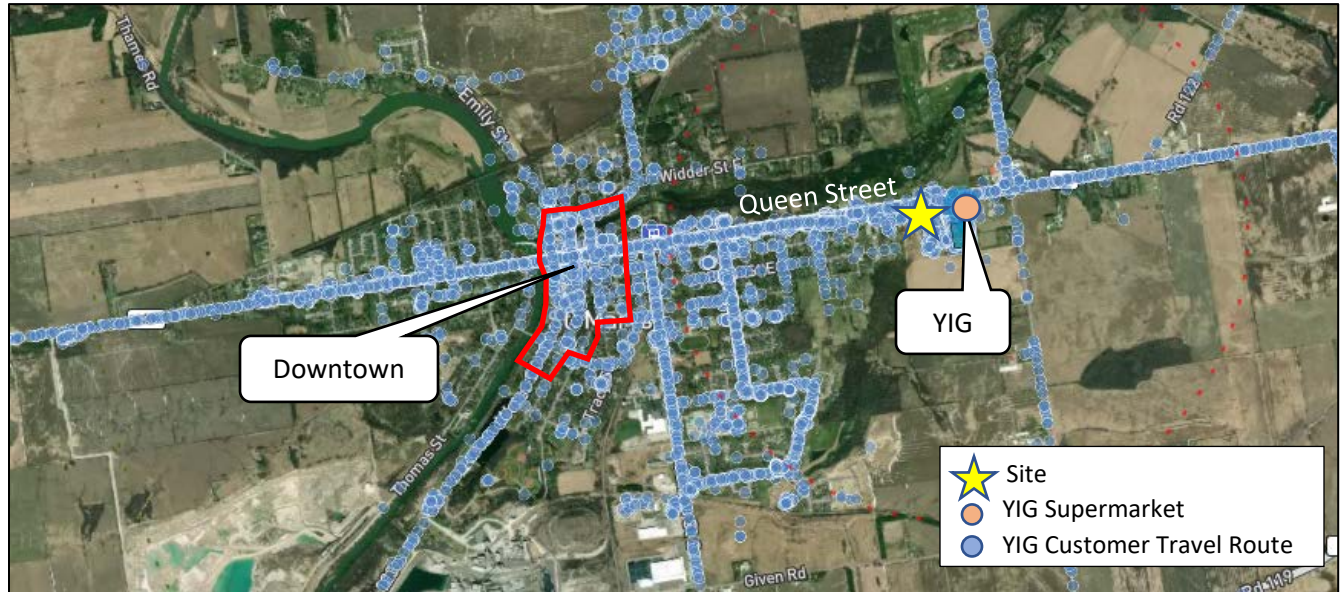
The customer origin data illustrate that customers of the Site and the Independent Grocer supermarket travel within Downtown St. Marys within 30 minutes before and after visiting the Site and/or the supermarket as illustrated by the customer mobility data on the following page. It follows that the proposed Pet Valu on the Site would generate similar travel patterns and therefore the location outside of the Downtown does not entail a lack of travel to and visitation within Downtown St. Marys. The Pet Valu store on the Site provides an opportunity to attract customers to the Downtown.

Figure 4.2: Site Customer Travel Pattern / Pathing



Source: UberMedia and Mapbox with overlay information provided by Ward Land Economics Inc. Travel route/pathing of Site customers 30 minutes before and after Site visit (2021 data). The Site area includes the retail and restaurant area, excluding the gas station.

Figure 4.3: Your Independent Grocer (YIG) Customer Travel Pattern / Pathing



Source: UberMedia and Mapbox with overlay information provided by Ward Land Economics Inc. Travel route/pathing of YIG customers 30 minutes before and after YIG visit (2021 data).

With the addition of the proposed Pet Valu on the Site, the Downtown will remain the dominant commercial area in St. Marys and its commercial structure which is consistent with the Official Plan policy direction.

The proposed Pet Valu store represents only approximately 1% of the amount of retail commercial space in the Downtown. This small addition of space in the market mitigates impact on commercial areas including the Downtown. With the addition of the Pet Valu store on the Site, the Downtown will remain the largest commercial area in St. Marys and its commercial structure, and the Downtown will remain the dominant retail area as directed by the Official Plan.

With the addition of Pet Valu on the Site, the role and function of the Downtown will be maintained. This is consistent with the Town's Official Plan policy direction.

The Downtown is a mixed use, multi-functional area which fulfills its planned function as the primary area of culture, trade and commerce within the Town. The Downtown is characterized by a broad range of service, retail, commercial, office, institutional, residential, and other uses. The amount of retail commercial space, the composition and mix of uses, type of uses, and the role and function of the Downtown differentiates it from that of the proposed Pet Valu store. Based on the market analysis, the proposed Pet Valu on the Site would not impact the planned function of the Downtown and it would not have a negative impact on the commercial structure of St. Marys. With the addition of the proposed Pet Valu on the Site, the role and function of the Downtown will be maintained. This is consistent with the Town's Official Plan policy direction.

With the addition of Pet Valu on the Site, the well-being of the Downtown will be maintained which is consistent with the Provincial Policy Statement and the Town's Draft Official Plan.

The market analysis illustrates that with the addition of the proposed Pet Valu on the Site, sales transfers on existing pet related store space are forecast to be minor and transient. Growth in the market offsets short-term transfers, and sales levels are forecast to remain viable. Therefore, the planned function of the Downtown would not be negatively impacted with the proposed Pet Valu store on the Site.

With the addition of the proposed Pet Valu store on the Site, the role and function, and well-being of the Downtown will be maintained. This is consistent with the Provincial Policy Direction and Section 7.24.5 of the Town's Draft Official Plan policy direction of "...*maintaining the well-being of the downtown,...*".

5.0 Conclusion

The market assessment conclusions are summarized as follows.

- There are no available sites in Downtown St. Marys that could appropriately accommodate the proposed Pet Valu store nor does the Downtown fulfill Pet Valu's site selection and location criteria. The proposed Pet Valu store could not appropriately locate in the Downtown.
- The Downtown is a mixed use, multi-functional area which fulfills its planned function as the primary area of culture, trade and commerce within the Town. The Downtown is the Town's largest commercial area, and the retail commercial space is characterized by service uses, small unit sizes, and independent and unique stores and businesses. The retail commercial vacancy rate is within a range reflective of a balanced market.
- Relative to the Downtown retail commercial space and median unit size, the Pet Valu store is a large plate retail use which is reflective of and appropriate for the Site's Highway Commercial designation.
- The Site at 752 Queen Street East fulfills Pet Valu's site selection and location criteria.
- There is market support for the proposed 388 sq.m. (4,200 sq.ft.) Pet Valu on the Site as well as the existing pet store and pet store related space in the Downtown and elsewhere in St. Marys.
- The Pet Valu store on the Site would not have a negative impact on the planned function of the Downtown or other commercial areas in St. Marys.
- The Pet Valu represents only approximately 1% of the amount of retail commercial space in the Downtown. With the addition of the Pet Valu on the Site, the Downtown will continue to be the dominant Commercial area within the overall hierarchy of commercial function in the Town which is consistent with the Official Plan policy 3.2.1.2.
- With the addition of the Pet Valu on the Site, the role and function, and the well-being of the Downtown will be maintained which is consistent with the Provincial Policy Statement and the Town's Draft Official Plan policy 7.24.5 direction to maintain the well-being of the Downtown.

In summary, based on the market assessment, Downtown St. Marys does not fulfil Pet Valu's site selection and location criteria. The subject Site fulfills Pet Valu's site selection and location criteria, there is market support for the proposed pet store, and it would not have a negative impact on the planned function of the Downtown. Therefore, from a market perspective, a rezoning of the Site to permit a 388 sq.m. (4,200 sq.ft.) pet store is justified.

Ward Land Economics Inc.

4711 Yonge Street, 10th Floor
Toronto, ON M2N 6K8
mward@wleconsulting.com

Gary W, Kipfer
2 Elgin Court
St. Marys, ON
N4X 1B2

December 1, 2021

Town of St. Marys
Building Department
408 James Street S
St. Marys, ON
N4X 1C6

Attention: Mr. Grant Brouwer

Re: New Construction 752 Queen Street East

Dear Mr. Brouwer,

This is to confirm our severe disgust with the destruction of trees that were planted on above site to provide light, noise, sight, pollution protection to joining property owners many years ago.

As you are aware, approximately 30 mature coniferous trees of 20-25 feet in height were destroyed.

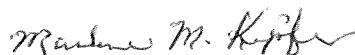
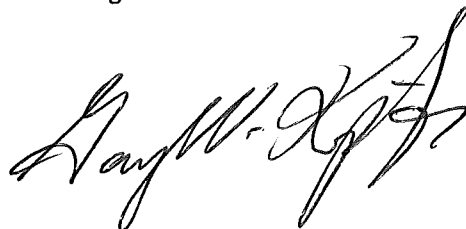
These trees must be replaced, above the wall not below as indicated on their proposal, to do the job. As well as providing immediate protection from vehicle lights and noise from the increased traffic from MacDonald's and from the car wash facility, which should probably have a double permanent fence of sturdy construction.

These measures should be implemented immediately prior to any compliance agreement for businesses to open for business.

We think the least the town can do for its residents is to honor previous agreements with previous landowners and residents in order to have trust in town management.

Can, or maybe, will you take the right action?

Thank you,



Gary & Marlene Kipfer

Gary W. Kipfer
2 Elgin Court
St. Marys, ON
N4X 1B2

December 1, 2021

His Worship Al Strathdee
Mayor, Town St. Marys
175 Queen Street East
St. Marys, Ontario
N4X 1C5

Re: 752 Queen Street East

Sir,

Please find enclosed very serious letters to individuals concerning above property concerns regarding breaches of actions and committed promises to adjacent landowners by the Town of St. Marys

If these issues are not addressed prior to compliance for these businesses to open, we will have to take further unpleasant action that will involve everyone!

Marlene M. Kipfer



Gary & Marlene Kipfer

CC: Independent Newspaper

HAND DELIVERED

Gary W. Kipfer
2 Elgin Court
St. Marys, ON
N4X 1B2

December 1, 2021

Town of St. Marys
Building Department
408 James Street S
St. Marys, ON
N4X 1C6

Attention: Mr. Grant Brouwer

Re: Zoning Amendment Z05-2021

Dear Mr. Brouwer,

You are proposing to add Pet Adoptions to the application of which we thoroughly disapprove.
We do not approve of any and all outdoor kennels or animal runs of any kind that will exist on said property that will result in any animal noise what so ever.

Thank you,

A large, stylized handwritten signature in black ink, which appears to read "Gary W. Kipfer".A smaller, cursive handwritten signature in black ink, which appears to read "Marlene M. Kipfer".

Gary and Marlene Kipfer

Mr. Jacques Mignault,
President
McDonald's Canada
1 McDonald's Place
North York
Toronto, Ontario
M3C 3L4

September 24, 2021

Gary W. Kipfer
2 Elgin Crt
St. Marys, Ontario
N4X 1B2

Dear Mr. President,

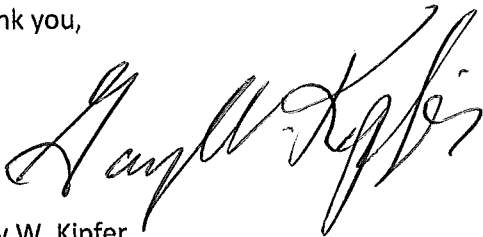
As a property owner immediately beside your intended new location in St. Marys, Ontario I am concerned about your image as a good corporate citizen in this town.

Upon commencing construction your crews immediately destroyed 30 mature coniferous trees that were planted 15 years ago to buffer the residential homes to the west of your location against light, noise and sight pollution. These trees must be replaced or alternative measures constructed to honor agreements between previous land owners and town residents.

Please rectify this problem immediately.

We await your response.

Thank you,

A handwritten signature in black ink, appearing to read 'Gary W. Kipfer', written in a cursive style.

Gary W. Kipfer

Rudy & Vicki Elderhorst

3 Elgin Court, St. Marys, Ontario,
519-949-2781 ra.elderhorst@gmail.com

November 29, 2021

Grant Brouwer
Town of St. Marys

Lately our attention has been focused on the construction that is currently under way at 752 Queen Street East.

This summer we were taken aback when most all of the double row of alternating trees were cut and removed to make way for this construction. These trees were put in place as a measured attempt to form a buffer to minimize the excessive noise and harsh lighting from the industrial area. A plan that the town endorsed and enforced approximately fifteen to twenty years ago and have since applied to other locations bordering residences. Before these trees were cut this summer they were finally at a size and height that they could actually do the job that they were intended to do. The view from our back yards was green and the noise was not bad.

During two of my meetings with Grant Brouwer about these trees he told me that the town was assured by Yao Zhang of North Bay Capital Investment Ltd. that these trees would not be removed or harmed during construction in the redevelopment of this property. So now contractor has ripped them all out and installed a twelve-foot wall as close to the erosion hazard limit in order to increase the foot print of the property so that the developer might squeeze in another building and more parking.

After complaints from other residents as well as ourselves on this, Grant Brouwer said that he would insist on a tree replacement plan from the owner of this project which I see was submitted November 16, 2021. This plan does not mitigate the effects of the tree removal as submitted by Jodi M. Liptrot. The trees that were removed were all coniferous trees not deciduous trees. These trees were not one and a half foot, three foot or six and a half feet high; they were twenty-five feet high and eight feet across. Also, they were planted in a

double alternating row to increase the effect of light and sound from coming through not in a single row as proposed in the plan not to mention all of these little trees will be planted twelve feet below grade not on grade as they were before construction.

If this plan is adopted as is, it would take at least fifteen years for the fast-growing trees to start to taking any effect with the noise or lighting and a full twenty years for the remaining trees.

I am insisting that a proper barrier be installed for excessive noise and harsh lighting before the business's open especially the car wash. I am also insisting that the trees be replaced at the same height and size as they were before they were cut and planted in exactly the same manner as before.

Sincerely,

Rudy & Vicki Elderhorst

----- Forwarded message -----

From: **Rachel Mahaffy** <drhern4@gmail.com>

Date: Thu, Apr 21, 2022 at 8:37 PM

Subject: Z05-2021

To: <clerksoffice@town.stmarys>

If our goal is to make a downtown a retail destination for the residents, surrounding community's residents and visitors, retail development should be happening downtown not on the edges of our community. Building permits should not be granted to projects that do not fit with current, well throughout, growth plans.

I have already experienced traffic stops on Queen St. as customers of the gas station and fast food franchise cannot access the parking lot due to amount of traffic. There is no way around the stopped vehicles waiting to enter these establishments and no way to alleviate this problem given the proximity to the bridge and the Golf Course.

From: Andrea Ristau <andrearistau@yahoo.com>
Sent: May 5, 2022 9:19 PM
To: Clerks Office <clerksoffice@town.stmarys.on.ca>
Subject: Proposed Pet Valu

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

Please consider my stance on the proposed Pet Valu.

Once again our town could lose another small family owned business.

With the proposed addition of a big box pet store located at 752 Queen St our town will lose McPhail's Pet and Animal Needs.

McPhail's has been in business in St Marys for over 25 years. In that time they have provided food, toys, etc to over 75% of the town's pets.

Emily Clark goes above and beyond for our towns pets. She is knowledgeable and provides one on one care and concern for each of her clients.

Our downtown core cannot afford to have yet another empty store front. If we continue to allow big box stores into our town we will lose that personal touch. We will lose the ability to brag that we have one of the best downtown cores when it comes to shopping due to our uniqueness. This will not help our tourism. Why would I shop in a town that has the same big box stores as every other town. Our town does not need another pet store. Allowing this store will not bring about any kind of healthy competition. How is a small business supposed to compete with a big box store? I choose to live and shop in St Marys because we have unique shops. We have to stores that no one else has.

I implore you to please deny the zoning change and allow our small shops to thrive.

Sincerely
Andrea Ludington

From: Kelsi Ristau <kelsiristau@gmail.com>
Sent: May 5, 2022 10:18 PM
To: Clerks Office <clerksoffice@town.stmarys.on.ca>
Subject: Proposed Pet Valu

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

I am writing this email in regards to the meeting being held about the proposed Pet Valu. As a current Mcphails employee I am here to express my concern over our downtown losing yet another family owned small business. Mcphails has been a major contributor to our town by feeding and supplying most of our pets needs. When it comes to business, our staff are always determined to help and provide the best care for our customers, be it animals or humans. Our downtown is striving on small businesses and we all jump in to support them. It would be with great displeasure that we are taken down by a big box company. We observed Buck or Two go down because of the box company Dollarama and it would be with great sadness to see this result to yet another family owned small business. Working there has really provided a great perspective on how much of a family our town really is and how much one can bond over furry friends. We also gain lots of attention from tourists! Our unique small business is like no other. Unlike a Pet Valu you can't find a Mcphails anywhere else making it more exciting and adventurous. We have customers come all over the province just to see our little shop providing more service to other small businesses like us. We need to think about what really is going to benefit our town by bringing in a big box company; losing a small business will not benefit us but put a dent in our little town. Our customers and our staff are like one big family and adding a Pet Valu is not going to benefit but wreck this family that we have created. Seeing smiles on pets and their owners faces is really a highlight of mine and every other staff member's day and if Pet Valu goes in I know alot of our staff especially Emily Clark will miss our family.

Sincerely,
Kelsi Ristau
519-274-9839

From: Mike Ludington <mkludington95@gmail.com>
Sent: May 5, 2022 10:23 PM
To: Clerks Office <clerksoffice@town.stmarys.on.ca>
Subject: Pet Value

Caution: This is an external email. Please take care when clicking links or opening attachments. When in doubt, contact your IT Department

I am a resident of St. Marys. I'm opposed to the proposed Pet Value coming into our town. We already have a pet store downtown and will certainly effect the employment and or ownership of the existing pet store. These employees worked hard and dedicated during the pandemic to keep everyone's pet need met. It would be a shame to have this store close after all there hard work. Thanks.



FORMAL REPORT

To:	Mayor Strathdee and Members of Council
Prepared by:	Mark Stone, Planner
Date of Meeting:	24 May 2022
Subject:	DEV 36-2022 Application for Zoning By-law Amendment (Z02-2022) for 478 Water Street South by Forman Electric Ltd.

PURPOSE

The purpose of this report is to: provide an overview of the Application; consider information and comments provided by the Applicant, Town departments, agencies and the public; and consider recommendation(s) with respect to the further processing of the Application.

RECOMMENDATION

(If no significant concerns are raised by the public or members of Council at the statutory public meeting)

THAT DEV 36-2022 regarding an Application for Zoning By-law Amendment (Z02-2022) by Forman Electric Ltd. for 478 Water Street South be received;

THAT Council approve the Application for Zoning By-law Amendment (Z02-2022) for 478 Water Street South; and,

THAT Council consider By-law Z151-2022, being a zoning by-law amendment for 478 Water Street South.

BACKGROUND

The 0.25 hectare (0.62 acre) subject property has approximately 63.2 metres (207 ft) of frontage onto Water Street South as shown on the General Location Map (provided as Attachment 1 of this report). The property is zoned “Highway Commercial (C3-8)” in the Town of St. Marys Zoning By-law Z1-1997, as amended. The purpose and effect of the Zoning By-law Amendment Application is to amend the Town’s Zoning By-law to add contractor’s yard or shop and ancillary uses as permitted uses in the “Highway Commercial (C3-8) Zone”.

Supporting documents including a concept site plan (provided as Attachment 2 of this report), a noise impact brief and planning justification brief have been submitted with the Application. The concept site plan shows a proposed 743 m² (7,997 ft²) rectangular commercial building to accommodate offices and shop space, with Water Street access at the north end of the property.

It is noted in the Planning Justification Brief that Foreman Electric Inc. currently operates on the property municipally known as 185 King Street and purchased the subject property to relocate their business to these lands. In addition to requiring office and shop space, Foreman Electric provides sales, service and installations. The Brief states that “this site is more appropriate for this type of use, as it is located on a main arterial road in a more commercial and industrial area of Town”.

The site plan is conceptual only and approval of a Site Plan Application and site plan agreement will be required prior to any development occurring on site.

At the May 2, 2022 meeting, the Planning Advisory Committee received a Town Information Report and passed a motion endorsing, in principle, the Application for Zoning By-law Amendment and recommended that Council proceed to a public meeting to consider the Application.

REPORT

PLANNING CONTEXT

Provincial Policy Statement

The Provincial Policy Statement promotes development in settlement areas with densities and a mix of land uses which efficiently use land, infrastructure and public service facilities.

Section 1.1.1 of the PPS states that healthy, liveable and safe communities are sustained by:

- promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term
- promoting cost-effective development patterns and standards to minimize land consumption and servicing costs

Sections 1.6.3 and 1.6.6.1 promote the efficient use and optimization of existing infrastructure and public service facilities.

Subsections 1.7.1 (c) and (d) of the PPS states that long-term economic prosperity should be supported by optimizing the long-term availability and use of land, resources, infrastructure and public service facilities, and maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets.

Official Plan

The subject property is designated Highway Commercial according to the Town's Official Plan. The Highway Commercial designation is intended to "provide for a range of commercial uses appropriate to meet the needs of the local residents and the travelling public which compliments the role and function of the central commercial area" (Objective 3.3.1.1). Uses permitted in the Highway Commercial designation are set out in Section 3.3.2.2 of the Official Plan:

- Uses that cater to the travelling public, particularly automobile-oriented uses, and other uses such as drive-thru or fast food restaurants, automobile sales and service establishments, gasoline bars, lodging establishments, garden centres, hardware/automotive type uses, and lumber yards shall be permitted.
- Other uses that have extensive land requirements and are not appropriate for the central commercial area such as large plate retail uses, strip malls, shopping centres, large scale business and professional offices, and factory outlets may also be permitted in accordance with Section 3.3.2.3.

Section 3.3.2.3:

"Development or redevelopment of land for "Highway Commercial" purposes may be permitted only where appropriate infrastructure to support the development or redevelopment is available. Appropriate infrastructure includes municipal sanitary collection and treatment facilities, municipal water supply, storm water sewers and management facilities, road network and access points, street lighting, solid waste collection, electrical services, and fire protection.

Council may require a market study for any new “Highway Commercial” development or redevelopment where the gross leasable floor area is greater than 1 000 square metres. Such study must demonstrate that the said development or redevelopment can be supported and what, if any, impacts said development or redevelopment will have on the “Central Commercial” designation. Where Council is of the opinion that said development or redevelopment will have negative impacts on the ‘Central Commercial’ designation, such development or redevelopment may not be permitted”.

Section 3.3.2.6:

“The implementing Zoning By-law shall be the principle tool to execute the policies of this designation through the establishment of zones classification to regulate the development of the various types of ‘Highway Commercial’ uses. The Zoning By-law shall address matters such as types of uses, lot characteristic (i.e., lot size, lot area, and lot depth), building form (i.e. yard setbacks, floor area, and height)”.

Zoning By-law

The property is zoned “Highway Commercial (C3-8)” in the Town of St. Marys Zoning By-law Z1-1997, as amended. Only the following uses are permitted on lands zoned C3-8:

- (i) a building supply outlet;
- (ii) a bus depot;
- (iii) an clinic, animal;
- (iv) a convenience store;
- (v) an eating establishment, restaurant;
- (vi) an eating establishment, take-out;
- (vii) a farm market;
- (viii) a gas bar;
- (ix) a greenhouse, commercial;
- (x) a landscaping business and/or garden centre;
- (xi) a parking lot, commercial;
- (xii) a rental shop; and
- (xiii) accessory uses, buildings, and structures.

The purpose and effect of the Zoning By-law Amendment Application is to amend the Town’s Zoning By-law to add contractor’s yard or shop, and ancillary uses as a permitted use in the “Highway Commercial (C3-8) Zone”. Section 3.37 of the Town’s Zoning By-law defines ‘Contractor’s Yard or Shop’ as “the use of land, buildings, or structures for the purpose of:

- (a) storing equipment, vehicles, or material associated with the landscaping, construction, and building trades; and/or
- (b) performing shop work or assembly work by any building trade or other construction contractor”.

COMMUNICATIONS

In accordance with the Planning Act, notice of the public meeting was circulated by first class mail to all landowners within 120 metres of the subject property and any agencies as per the Planning Act, and required notice signage was posted on the property.

In response to the circulation, the Chippewas of the Thames First Nation has indicated no objection to the Application.

PLANNING COMMENTS

A wide range of uses are permitted on lands designated Highway Commercial including those that have extensive land requirements and are not appropriate for the central commercial area including large scale business and professional offices.

Existing infrastructure such as municipal roads and water and sanitary services are available.

A copy of proposed Zoning By-law Z151-2022 is provided in the May 24, 2022 Council agenda.

FINANCIAL IMPLICATIONS

None known at this time.

SUMMARY

The proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement, conforms to the Official Plan and represents good planning. It is recommended that Council approve the Zoning By-law Amendment if no significant concerns are raised by the public or members of Council at the statutory public meeting.

OTHERS CONSULTED

Town of St. Marys Development Team

ATTACHMENTS

- 1) Location Map
- 2) Concept Site Plan
- 3) Planning Justification Letter

REVIEWED BY

Recommended by the Department

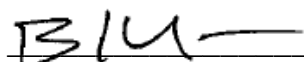


Mark Stone
Planner



Grant Brouwer
Director of Building and Planning

Recommended by the CAO

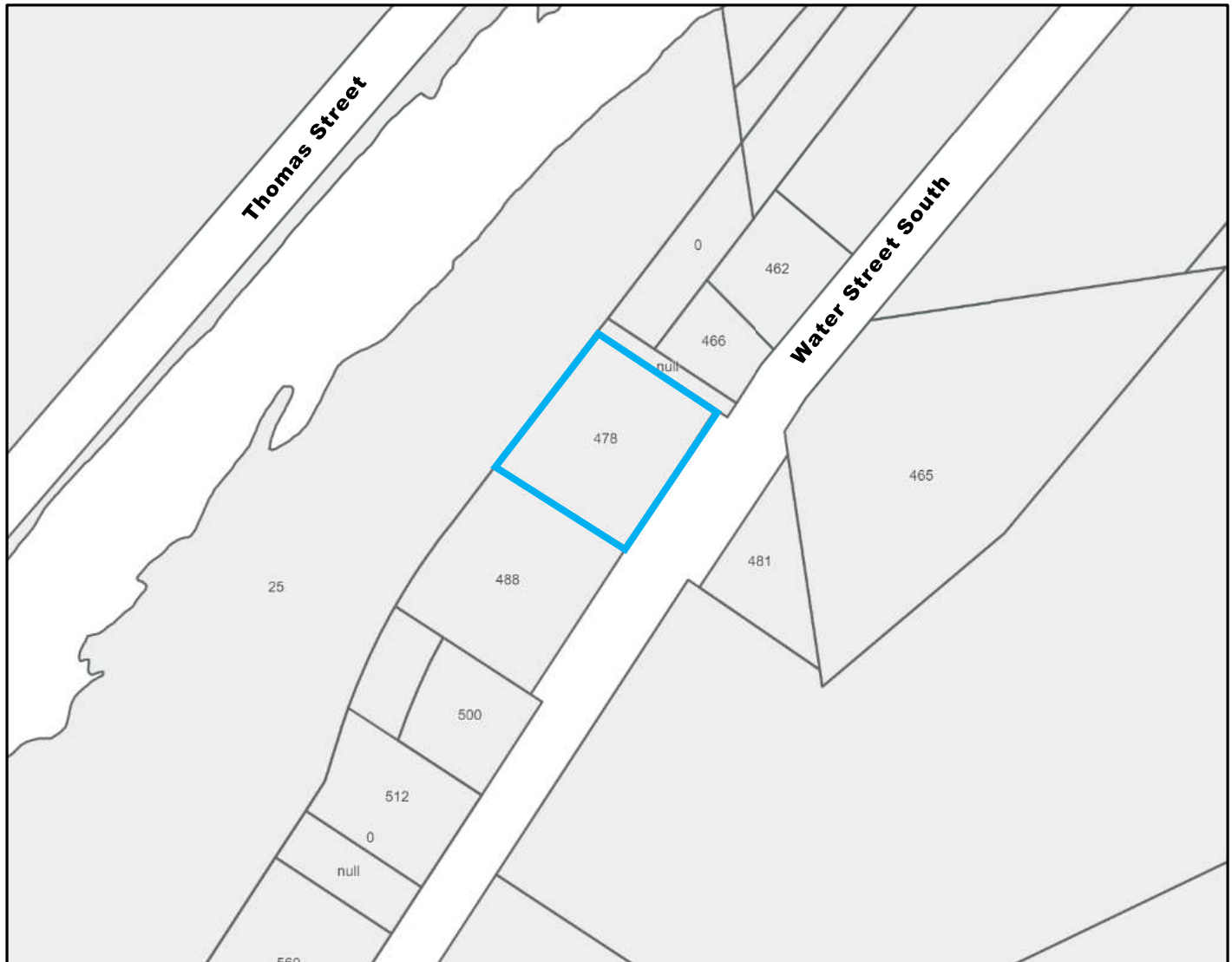


Brent Kittmer
Chief Administrative Officer

GENERAL LOCATION MAP

478 Water Street South

Town of St. Marys



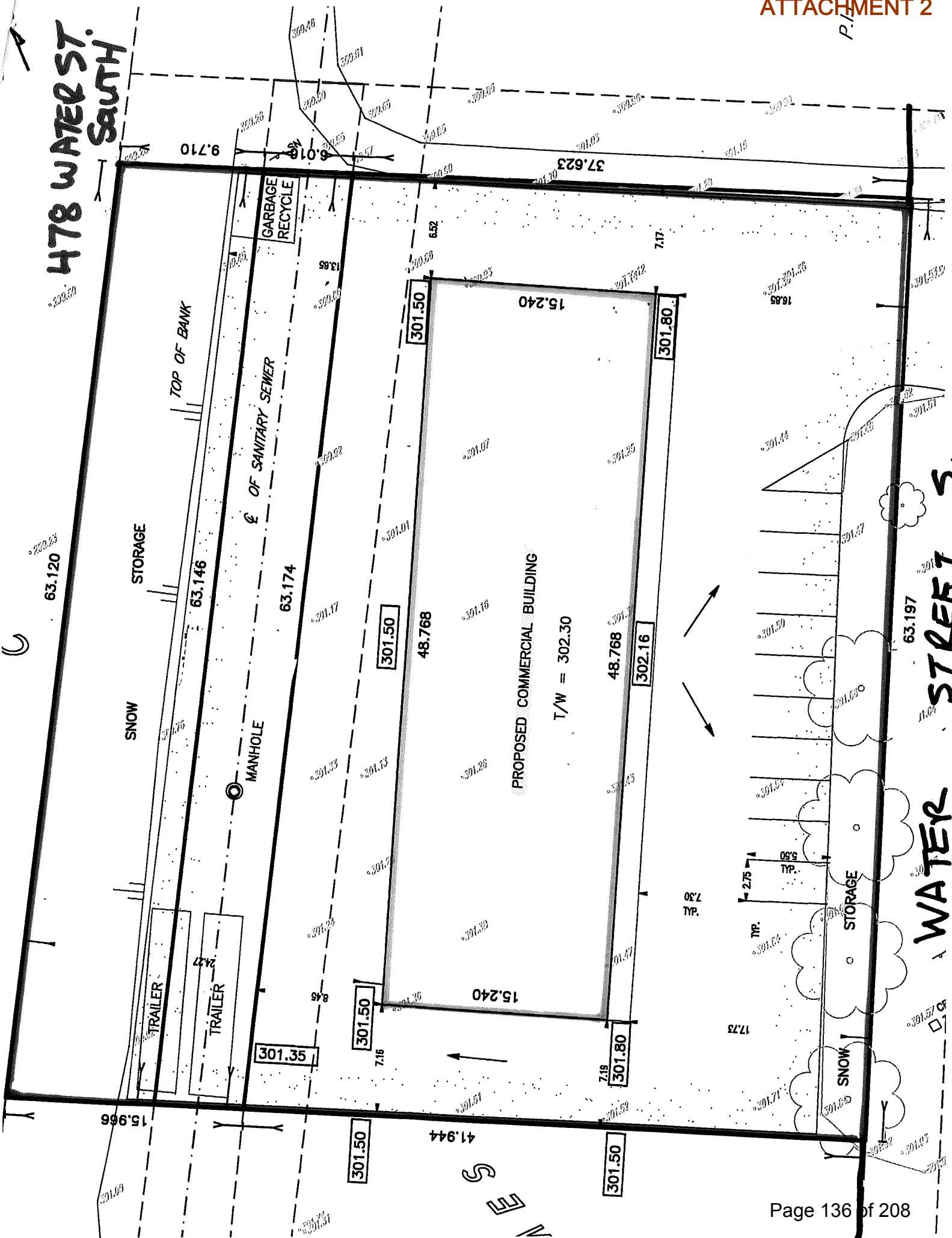
Subject Property



April 2022

P.1

478 WATER ST.
SOUTH



WATER STREET S.

REQUEST FOR ZONING BY-LAW
AMENDMENT
478 WATER STREET SOUTH
ST. MARYS , ONTARIO

SUBMITTED BY FINDLATER & ASSOCIATES INC.
MARCH 2022

1.0 Introduction

Findlater & Associate has been retained by Foreman Electric Inc. to assist with a re-zoning application on the property known municipally as 478 Water Street South in the Town of St. Marys. The property is currently designated “Highway Commercial” in the St. Marys Official Plan, and is zoned Highway Commercial C3-8. The C3-8 Zone does not permit a “contractors yard or shop” as a permitted use. The purpose of the re-zoning application is to simply add that as a permitted use on the subject lands.

2.0 Proposal Overview

Foreman Electric Inc. currently operates from 185 King Street in the Town of St. Marys. The company purchased the 0.25 hectares of land at 478 Water Street and intends to re-locate the business to these lands. While the current C3-8 Zone permits a wide range of uses including a building supply outlet, a gas bar, a landscaping business and a bus depot, it does not permit a “contractors yard or shop”.

The proposed new one floor shop and office will have a total floor area of 743 square metres. While the current shop and office is located in a predominantly residential area of St. Marys, this site is more appropriate for this type of use, as it is located on a main arterial road in a more commercial and industrial area of Town. Both sanitary sewers and municipal water is available for the site, so there is no constraints that would hinder the development of the property.

3.0 Planning Framework and Analysis

Provincial Policy Statement 2020 (PPS)

Section 1.1.3 of the PPS deals with Settlement Areas. It states that Settlement Areas (such as St. Marys) shall be the focus of growth and development.

1.1.3 Settlement Areas

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario’s settlement areas vary significantly in terms

of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available. The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

1.1.3.1 Settlement areas shall be the focus of growth and development.

It is my opinion that this application is consistent with the PPS.

St. Marys Official Plan

The subject lands are designated “Highway Commercial” in the St. Marys Official Plan. These areas are viewed as an integral component of the commercial wellbeing of the community which are located toward the outer edges of the Town. The object of this designation is to provide a range of commercial uses appropriate to meet the needs of local residents and the travelling public.

The Highway Commercial designation also permits uses that have extensive land requirements and are not appropriate for the central commercial area.

It is my opinion that the proposed use is in conformity with the relevant policies in the St. Marys Official Plan.

St. Marys Zoning By-Law

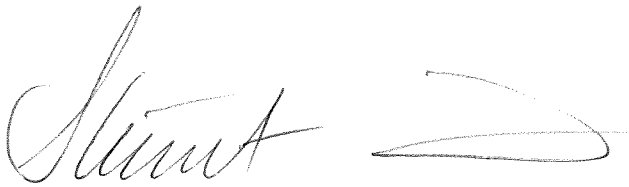
The lands are currently zoned Highway Commercial (C3-8) in the St. Marys Official Plan. As noted earlier in this report, while a wide range of uses are permitted in this Zone, a “contractors yard or shop” is not permitted. The proposed re-zoning would simply add that as a permitted use on the subject lands.

The proposed building meets all requirements contained in the Zoning By-Law and will be subject to site plan approval from the Town. That application is being finalized and will be submitted shortly.

4.0 Conclusion

Based upon a review of the relevant policies in the Provincial Policy Statement 2020 and the Town of St. Marys Official Plan, it is my opinion that the requested zone change is consistent with the PPS and therefor Provincial interests and is also in conformity with the policies in the St. Marys Official Plan.

For these reasons, I would ask that the requested zoning by-law amendment be approved as applied for.

A handwritten signature in black ink, appearing to read 'Stewart', followed by a large, stylized flourish or checkmark.

Stewart Findlater, MCIP, RPP
Findlater & Associates Inc.
30 Village Gate Crescent
Dorchester, Ontario
N0L 1G3
519-318-0128
sfindlater@rogers.com

MONTHLY REPORT

To: Mayor Strathdee and Members of Council

From: Community Services

Date of Meeting: 24 May 2022

Subject: DCS 21-2022 May Monthly Report (Community Services)

RECOMMENDATION

THAT DCS 21-2022 May Monthly Report (Community Services) be received for information.

DEPARTMENTAL HIGHLIGHTS

Grant Funding:

- Curatorial Assistant and Archives Assistant began 16-week contracts, funded through Young Canada Works, on May 16.

Programming/Wellness:

- Spring swimming lessons are in full swing, staff have done a fantastic job transitioning from teaching on the deck with parent support in the water to teaching in the water without parent support.
- Staff will run Red Cross swim lessons this summer and will transition over to the Lifesaving Society Learn to Swim program in the fall.
- Aquatic Staff are working with Human Resources to recruit a candidate for the grant funded position through Canadian Parks and Recreation Association, Youth Employment Experience. This seasonal position will work at the Quarry this summer as a water safety educator, being mentored by the Head Lifeguards.
- Summer schedules for the Aquatic Centre and Swimming lessons are tentative and will be confirmed once staff compliment is in place. Registration for summer programs is June 16 and summer swimming lessons is June 20.
 - Quarry Inflatable update:
 - Week of June 6- Witbit inflatable park will be purchased by the operator and delivered on 12 pallets to the Quarry
 - June 8 or 9- Pouring concrete blocks, Washington Street, one week to cure approximately 65 blocks
 - June 6 to 9- Super Splash staff onsite for concrete block pour
 - June 15 or 16- Concrete blocks in water via helicopter (3-4 hours) Super Splash staff onsite, gridding out the drop zone (after June 9)
 - June 17/18- one or two days- inflatable will inflate and float out to lock in place
 - June 18/19- SCUBA divers in to fix and adjust tension
 - June 22/23- Trailer in place (24 foot)
 - Staffing- still recruiting, staff working with the inflatable on options

- Registration opens for both the Quarry and Inflatable on June 1 at 9 am. There will be two swim times people can choose to register for at the Quarry this summer. The first swim will be 11-3pm and the second swim will begin at 3.15pm-7.30pm.
- Museum staff led 6 on-site, 4 virtual, and 4 walking tour field trips with grade 2-5 students from Little Falls in April and early May
- Museum hosted a Stratford and District Chamber of Commerce Business After Five networking event on Wednesday, April 20. There were approximately 45 people in attendance.
- Heritage walking tour content submitted for Globe and Mail piece.
- Working to develop a guided heritage river tour by kayak program, with support of Yak Shak.
- Museum working on small display to commemorate Pride Month, opening on June 1.
- Camp PRC registration is still ongoing. New staff onboarding and training is underway for summer camp programming.
- The Senior Services Music Jamboree has returned to the Friendship Centre. The first program was a great success. This program will return weekly.
- The Community Allotment Garden has grown from 3 participants in 2019 to 45 participants in 2022. This program was full before even being advertised. Staff are working with Public Works to install a new water line to accommodate the growth in the program. The program is possible with the help of a number of great volunteers.
- Senior Services participant numbers are seeing ups and downs in select programs due to the change in weather. Staff will be working on re-engagement of participants who have yet to return throughout COVID.
- Staff will be conducting a Community Dining survey to help shape the return to Community Dining program.
- Senior Services hosted our first Scrap-a-thon fundraiser on April 30, this is the first one since 2019. The event was well attended, and participants are anxious for the next event which will be held in the fall.
- Senior Services is planning to host the annual Christmas Craft Show. The event will be held November 19, 2022
- Child Care Centre welcomed parents back into the building and everyone has been very receptive to the change. It has been so nice to connect face to face with our families.
- Child Care Summer staff have been secured and all Child Care summer programs are full
- EarlyON conducted a survey about interest in programs from the public and were able to take some suggestions and implement an afternoon program and a new play and read program at the Library
- EarlyON no longer requires registration, it is a drop-in program like pre-COVID and we are seeing amazing participation of up to 40 people at our programs

Facility Projects:

- Pool boilers have been installed, commissioned and are operating optimally with immediate positive effect.
- Additional lines have been added to the north outdoor racquet sport court surfaces to support two additional pickleball courts as previously approved. All nets have been installed for the summer months, with the pickleball club providing their own portable pickleball nets to support their social club nights. Of note, the existing nets and lines remain on the courts and are still applicable for drop-in play. Some wind screens have been installed with the rest to be put up as time permits.

- The tender has been posted for the replacement of the lights at Teddy's Field. The project is expected to be complete in the fall after the conclusion of the baseball season at this location.
- Soccer fields and ball diamonds are being prepared for minor sports groups. The late winter and wet spring have been a challenge to overcome as some preparations are behind schedule.

Impact/Feedback:

- Swim lesson parent- Our child talked about swimming lessons all week; he loves it!
- Lane swimmer- Thanks for the email and chat. Your encouragement is very appreciated. Thanks again for your help
- New family starting at child care – Jen you are a complete life saver, we have appreciated every thing you have done to help us through this process and couldn't be more happy with our decision.

Program Statistics:

- Final numbers for swimming lessons, 320 swimmers registered in Spring lessons, 90% capacity.

Friendship Centre Program Stats				
Program	February Units of Services 2021	February Clients Serviced 2021	February Unit of Services 2022	February Clients Served 2022
Group Fitness	369 classes attended	64 unique individuals served	672 classes attended	113 unique individuals served
Meals on Wheels	412 meals delivered	27 unique individuals served	342 meals delivered	34 unique individuals served
Telephone Check in Calls	271 calls made	24 unique clients served	115 calls made	20 unique clients served
Grocery Shopping	23 Shopping trips provided	12 unique clients served	62 Shopping trips provided	20 unique clients served
Community Dining	318 Meals served (1 meal weekly)	76 unique people fed	189 meals served (2 meals monthly)	96 unique people fed

Committees/Partnerships:

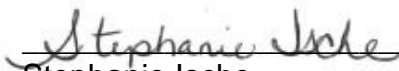
- Friends of the Museum AGM held on May 16. A new executive was appointed, filling a vacancy from a resignation. Interest in and the number of applicants received for this vacancy was surprisingly high.
- The Youth Council is looking at how they can get involved with Pride Month, as well as working through the final details of their Composting and Flowerpot Painting event at the Farmers' Market on May 28.

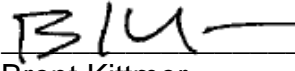
- Senior Services staff attended the United Way Food Security committee meeting. The group has developed a workplan to extend the reach of the Nourish Market, to determine if the market is making a difference and to create a summary of services specific to food security. The Local Community Food Centre will develop a tool to help better understand what food security is
- Senior Services staff attend the St. Marys United Way Committee meeting in May. Ryan Erb presented the Social Research and Planning Committee's Future of Housing Report.

REVIEWED BY

Recommended by the Department

Recommended by the CAO


Stephanie Ische
Director of Community Services


Brent Kittmer
Chief Administrative Officer

FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	Stephanie Ische, Director of Community Services
Date of Meeting:	24 May 2022
Subject:	DCS 18-2022 Sports Wall of Fame

PURPOSE

To develop a Sports Wall of Fame for the Town of St. Marys.

RECOMMENDATION

THAT DCS 18-2022 Sports Wall of Fame report be received; and

THAT Council approve the implementation of a virtual Sports Wall of Fame as recommended by the Recreation and Leisure Advisory Committee; and

THAT Council directs staff to implement the Sports Wall of Fame though Option 3, virtual wall of fame integrated with a kiosk to be located at the PRC; and

THAT Council directs staff to update the terms of reference for the Recreation and Leisure Advisory Committee to reflect delegating the committee the authority of selecting the Sports Wall of Fame nominees, to be approved by Council at a future meeting.

BACKGROUND

During the construction of the Pyramid Recreation Centre in 2006 there was a donation made to develop a Sports Wall of Fame. The commitment of \$10,000 (\$1,000/year for a 10-year period) has been paid in full. The purpose of a Sports Wall of Fame is for all sports and to honor individual athletes, coaches, builders (i.e., trainer, official) and teams who through their athletic achievements have brought fame to themselves and the Town of St. Marys.

At the April 14, 2022, Recreation and Leisure Advisory Committee a report was presented and approved by the Committee with the following recommendations:

Moved by: Chelsea Coghlin

Seconded by: Candice Harris

THAT DCS 10-2022 Sports Wall of Fame be received; and

THAT the Recreation and Leisure Advisory Committee endorses the development of a virtual Sports Wall of Fame as presented; and

THAT the Committee recommend to Council; and

THAT Council approve the concept of a virtual Sports Wall of Fame; and

THAT staff proceed with the procurement of a tourism kiosk to be placed at the Pyramid Recreation Centre; and

THAT Council delegate the authority of selecting the required Sports Wall of Fame nominees to the Recreation and Leisure Advisory Committee through the amendment of the Committee's Terms of Reference.

Carried

REPORT

The preservation and promotion of athletics history and tradition is important for any municipality. Many communities have a Sports Wall of Fame, some communities have an actual dedicated physical wall display whereas others have moved to a virtual platform. Each wall is managed slightly different with a specific criterion for the selection.

Throughout the pandemic we have learned to become very effective from a virtual perspective while still engaging our community. The Town has focused their efforts on becoming more sustainable from an economic standpoint (nothing to maintain) as well from a climate perspective. It's because of this, staff have explored a few options for a Sports Wall of Fame.

How to Implement a Wall of Fame

Option 1: Physical Sports Wall of Fame

A physical Sports Wall of Fame is typically located in one location with individual photos of inductees displayed for people to view. When located in a facility, the wall would only be accessible to view when the facility is open. The wall is typically added to yearly as new nominees are selected. In order to accommodate growth each year the wall would need to be large enough to have space to add too. This wall would require appropriate signage to highlight the area.

When installing a wall of fame, the goal would be to have it in a centrally located high traffic area so to promote its visibility. While the Pyramid Recreation Centre (PRC) is a large facility, there is not a centrally located blank wall that would be large enough for this type of wall display that is accessible for people to view. Many of our peer municipalities have run into space challenges over time as the number of inductees exceeds the space available for the wall of fame. Although this would not be a concern in the first few years after implementing the wall, eventually the Town would be faced with a decision if we would remove or retire members on the wall to accommodate new people as they come forward.

In terms of costs, there is a cost to set up the physical wall, and then annual expenses to update and maintain the physical wall and plaques. Costs for the development of a physical wall will depend on where it is located. As such, it is expected that there would be a small amount of construction in year 1, along with signage to identify the wall. These costs are forecasted to be \$3,000. The remainder of the year 1 costs would vary based on how many initial inductees are added to the wall. Costs for physical plaques would cost roughly \$150 per display.

During the Recreation Committee meeting, staff learned that many organizations are moving to a virtual platform as there are many benefits to this type of wall that will be addressed in option 2.

Option 2: Virtual Sports Wall of Fame via Display Screen

A virtual Sports Wall of Fame would be an electronic visual that could be displayed via a link on our website. This type of wall would be the same as a physical wall however photos would be displayed virtually. Additionally, this virtual wall of fame could be displayed on one of our current TVs at the PRC. Our current screens are used to promote existing Town programs and services. Pictures of inductees could be added to this current display.

The benefits of a virtual wall of fame include:

- Ability to highlight a certain group, category, or individual at certain times of the year; easily creating social media posts and online events.

- Accessibility, although there would be a screen in the facility, you also do not need to come into the facility to explore and read about individuals as you can easily pop onto your computer from anywhere in the world through the Town's website.
- There is an opportunity to display the list at different locations or special events
- The ease at which inductees can be added. And the ability to update it instantly.
- It can be grouped into specific categories or years.
- No wear and tear of the actual photos or impacts to the walls of the facility.
- This virtual wall has no limits and can be expanded upon at any time. So, there are no concerns of space or having to remove photos in the future.

This virtual wall would be developed and managed in partnership with the Library/Museum.

In terms of costs, the cost to set up and manage the virtual wall is staff time as the display screens already exist in the facility.

Option 3: Virtual Sports Wall of Fame with a Kiosk

This option would include a virtual Sports Wall of Fame, with the compliment of the addition of a digital sign system (kiosk) to be located in the PRC to provide individuals with the ability to browse this virtual wall at this kiosk. This type of a kiosk would have a dual purpose and would also serve as an interactive tourism kiosk. The recommendation to have an interactive tourism kiosk in the PRC was approved in 2019 as a modernization initiative to be funded through the one-time Provincial modernization grant. The funding remains in reserve to implement this initiative. The benefit with this type of application is that a kiosk system is more interactive for our visitors. The kiosk would contain the same data as a virtual wall and therefore could also be connected to the TV screens currently at the PRC.

If a kiosk is a preferred option to compliment the virtual wall of fame, the kiosk would be located in a highly visible location in the lobby of the PRC, be free standing, interactive, and Wi-Fi enabled. It would not only have the ability to display the Sports Wall of Fame but would also serve as a tourism information location. Patrons would be able to access this kiosk while the facility is open. In the future, the Town may have further kiosks or opportunities to showcase digital information at various locations, including the Sports Wall of Fame. However, if this was not the preferred option this could be left on hold for further exploration to be considered after the implementation of the stand-alone virtual wall of fame (option 2).

In terms of costs, there is a cost to set up the kiosk, and then annual expenses. Costs of kiosks vary and range in price from \$5,000 up to \$30,000 depending on what capabilities are included. Below is a picture of a kiosk with some basic interaction that staff envision would be similar to the look of what would be purchased. This model has two 55-inch touch screens. Each side is independent of the other, the unit is floor standing, and is Wi-Fi enabled.



How to Select Inductees to the Wall of Fame

Selection Criteria:

The selection criteria and nomination process for a Sports Wall of Fame must be comprehensive so that individuals are assessed equitably. This process for selection is similar to what other municipalities have in place for their program. This process will lay out the selection criteria and nomination process for the Town of St. Marys Sports Wall of Fame. The Sports Wall of Fame selection committee would be the Recreation & Leisure Advisory Committee. The mandate of this committee is to advise and assist Council and the citizens of the Town of St. Marys on matters relating to recreation and leisure. This program meets the mandate however, the terms of reference will require an update with a delegation of authority to the committee for reviewing and approving the nominations.

All completed submissions will be reviewed with a maximum of three being inducted each year. Incomplete nomination forms will be returned for further information and may not be eligible for that year's consideration. The nominations will be kept on file for five years and all will be considered for each year. If after five years the nomination has not been selected, it will no longer be considered unless it is re-submitted. Only persons meeting the criteria shall be eligible for selection.

Categories shall be broken down into teams, athletes and builders. The following explains each classification:

1. Teams

The team must have won a recognizable Provincial, National or International Championship (i.e.: OMHA, OHA, OBA, OFSSA, OWHA etc.) or have made a significant and unique contribution to the history or heritage of sport in the Town of St. Marys. The team must be from the Town of St. Marys. Only one picture of a team will be used, therefore, it is recommended that teams are nominated once they have completed their minor sports career. That way all their success will be captured in their application and identified on the Wall of Fame. If a "team" has been successfully recognized for an achievement, an individual team member may not be nominated for that same achievement unless additional, significant achievements have occurred. Teams will be considered 10 years after their accomplishment.

2. Athletes

An athlete is an individual from the Town of St. Marys who has excelled in one or more sports with distinction. The individual must have competed at Provincial, National, Division 1 or International Levels. Amateur and professional athletes are included in this category. Individuals who have played for teams outside our area and have won Provincial or National Championships will be considered under this category. There will be a two-year period of inactivity in the area for which they have been nominated before being considered, this is to ensure that they have retired and that all their successes will be captured on the plaque. Certain extenuating circumstances may alter consideration (i.e.: terminal illness, etc.)

3. Builders

Individuals or organizations from the Town of St. Marys that support the Town of St. Marys teams or sport organizations will be considered under this category. Builders may be nominated if they are currently still active as long as they have a minimum of 25 years of service. If they are no longer active, they must have served a minimum of 25 years and have been inactive for at least 5 years. Certain extenuating circumstances may alter considerations (i.e.: terminal illness etc.)

Nomination Criterion:

Nominations shall be made on official nomination forms that can be obtained through the Town of St. Marys website or through the Community Services Department. Completed nomination forms are then to be returned to the Community Services Department. Nominations must contain the fullest possible data concerning the record and merits of each candidate. Nominations must have the consent of the nominee, or if deceased, the family. Supportive material in the way of newspaper clippings, letters from witness nominee's standard of involvement etc. Not more than 10 sheets in total. All submissions must be received prior to April 30th.

All eligible inductee nominee applications which are not selected for the induction may be reconsidered each year thereafter. The Committee may contact the nominator for additional information in subsequent years.

In all cases of nominations rejected by the Committee, letters will be sent to the nominator by the Committee, explaining the procedure and asking if there is any additional information that may be relevant to help with the nomination process.

All inductees' files will be kept for any historical information that they may contain - no files will be destroyed.

No sitting member of the Committee shall be considered for selection into the Sports Hall of Fame.

All decisions of the Selection Committee will be final.

Awards:

For each inductee (athlete, team or builder) a photo will be displayed on the virtual Sports Wall of Fame. A condensed biography of individuals and teams awarded will accompany the photo.

Committee Structure:

The Recreation and Leisure Advisory Committee Terms of Reference will serve as the direction for this committee. The annual appointed Chair will present the inductees an award at a selected Town Council meeting annually.

Role of the Committee:

The Committee will promote and encourage nominations for the Sports Wall of Fame. The Committee will review all nominations received and select a maximum of three annually.

Next steps: The timeline will be as follows; staff will work to implement the virtual wall of fame in partnership with the library and museum in 2022/2023 with the Town Sports Wall of Fame making its debut in spring of 2024, if staff can get things in place earlier, this date could be moved up to 2023.

FINANCIAL IMPLICATIONS

Option 1, a traditional physical wall of fame, is expected to have \$3,000 in start up costs, plus the costs to purchase plaques for the initial inductees (estimated to be \$150/plaque). Annual operating costs are then dependent upon the number of individuals inducted each year.

Option 2, the virtual wall of fame, has limited costs and will be developed and implemented in partnership with the Library and Museum staff.

Option 3, a virtual wall of fame + a kiosk, will have capital start up costs ranging from \$5,000 - \$30,000 plus annual operating costs thereafter (staff time, kiosk maintenance, etc.). If a kiosk is the preferred option, there is \$65,000 set aside from the 2019 modernization funding to go towards two tourism kiosks, one which was designated to be located at the PRC. The wall of fame concept can be added to the modernization project without a need for extra funding. The tourism kiosks are going to be implemented as part of the 2022 wayfinding project, which also may have extra funding.

SUMMARY

The recommendation from the Recreation and Leisure Advisory Committee is to implement a virtual Sports Wall of Fame. A virtual Sports Wall of Fame would be an asset to our community as a way to celebrate sports and honor individuals, teams or builders. This program will not only recognize many within our community but will inspire all to strive for excellence in sports. Additionally, this wall of fame will have no limits and can be expanded upon at any time and will be virtually accessible to anyone at any time.

Staff are further recommending that Council select Option 3 to integrate the virtual wall of fame with a kiosk as this is an efficient way to combine two initiatives that have been directed by Council using funding that has been set aside.

STRATEGIC PLAN

☒ Not applicable to this report.

OTHERS CONSULTED

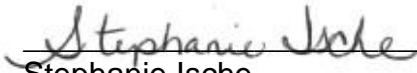
Amy Cubberley, Cultural Services Manager
Sarah Andrews, CEO, St. Marys Public Library
Rebecca Webb, Library Services Coordinator
Kelly Deeks-Johnson, Tourism and Economic Development Manager
Andre Morin, Director of Corporate Services/Treasurer
Darcy Drummond, Recreation Manager
Doug LaPointe, Recreation Operations Manager

ATTACHMENTS

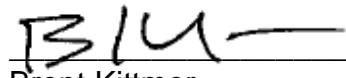
Sports Wall of Fame Nomination Form

REVIEWED BY

Recommended by the Department


Stephanie Ische
Director of Community Services

Recommended by the CAO


Brent Kittmer
Chief Administrative Officer



TOWN OF ST. MARYS SPORTS WALL OF FAME INDUCTEE NOMINATION FORM

The following information is requested so that the Athlete, Team or Builders being nominated can be considered for the induction. In the nomination process, it is important that the person submitting the nomination form completes the form in detail, while ensuring the data provided is accurate. Please include the following with the Nomination Form:

1. All submissions must be accompanied by an appropriate photograph:
 - a) That is a 5x7 size;
 - b) That is of a good quality and suitable for reproduction; and,
2. All research and information gathered is the responsibility of the nominator.
3. Attach all photocopies of articles from newspapers, etc., with names and dates if possible.
4. Complete all pages of the Nomination Form including the Nominee Consent Form. Please type or print clearly.
5. Mail or deliver completed forms and all attachments to:

Recreation and Leisure Advisory Committee
c/o Town of St. Marys Pyramid Recreation Centre.,
St. Marys, ON N4X 1B6
6. The deadline for all nominations is to be determined.
7. If the nomination is accepted, both nominator and nominee will be contacted directly.
8. Submissions will not be returned, so where possible, please submit photocopies as appropriate.



Contact Information of Nominator:

Date Submitted: _____

Name: _____

Address: _____

City/Town: _____ Province: _____

Postal Code: _____

Telephone: Home: _____ Business: _____ Other: _____

E-Mail: _____

Signature: _____

Inductee Personal Data:

Full Name: _____

Nickname: _____

Address: _____

Town: _____ Province: _____ Postal Code: _____

Telephone: Home: _____ Business: _____ Other: _____ Birth

Date: _____ Place of Birth: _____ (d/m/y)

☐ Does the Nominee agree to be considered for selection to the St. Marys Sports Wall of Fame

If deceased: Year of Death _____

If deceased, please include Next of Kin Contact information as follows:

Name: _____

Address: _____

City: _____ Province: _____ Postal Code: _____

Telephone: Home: _____ Business: _____ Other: _____



References:

For the purposes of compiling information on the Nominee to assist the Selection Committee, we request three (3) references (at least one being from a non-family member). (Reference letters can be attached)

Name:_____ Telephone:_____

Address:_____

Name:_____ Telephone:_____

Address:_____

Name:_____ Telephone:_____

Address:_____

Summary of Sports Career:

1. Sporting History & Involvement:
 - a. Please include Year, Team Name, Competitive Level and Achievements
2. Special Awards, Recognition or Titles (MVP, Scoring Titles, Team Captain, National Team member)
 - a. Please include Year, Team Name, Competitive Level and Recognition
3. Please state reasons you are submitting this person for induction consideration:
4. Please state what you believe to be the major strengths of this inductee:
5. Please enclose any other information that would assist the Selection Committee in making their decision:



TOWN OF ST. MARYS SPORTS WALL OF FAME NOMINEE CONSENT FORM

To: Recreation Advisory Committee Sports Wall of Fame Committee

Re: Confidential Information Regarding Nominee

_____ (print nominee's full name)

I, _____, representing myself as the nominee, (print nominee's full name) hereby consent and agree that the Town of St. Marys Sports Wall of Fame may collect and disseminate personal information regarding myself, the nominee, as set out above, for all promotional displays, media coverage in any format, including print or electronic media, certificates, exhibits, biographies, etc.

DATED AT Corporation of Town of St. Marys this _____ day of _____, 20__.

Witness:

Nominee:

Print Name

Print Name

Signature

Signature

MONTHLY REPORT

To: Mayor Stratthdee and Members of Council

From: Corporate Services

Date of Meeting: 24 May 2022

Subject: COR 27-2022 May Monthly Report (Corporate Services)

RECOMMENDATION

THAT COR 27-2022 May Monthly Report (Corporate Services) be received for information.

DEPARTMENTAL HIGHLIGHTS

ERP Project:

- Kickoff meeting held on May 4th
- Staff have begun data collection
- Reviewing childcare system for replacement

E-Newsletter:

- Currently developing a corporate e-newsletter that will be a digital version of the Stonetown Crier column which currently runs weekly in the St. Marys Independent
- The column was originally created to provide regular updates regarding the COVID-19 pandemic to individuals who do not use the Internet/social media
- Going forward staff feel the column continues to add value. The column will be split between general corporate updates and recreation news, with costs being split between Communications and Recreation
- The content from the column will be used to populate the e-newsletter, which will also be distributed on a weekly basis
- A promotional plan has been developed to encourage subscribers once the e-newsletter is launched

Reserve Policy:

- Reconciled 2021 reserve and reserve balances
- Draft reserve changes and policies create and to be tabled with SPC in May

Wayfinding:

- RFP closed with one bid, under budget – staff will be recommending award on May 24, 2022
- A contingency will be included to update the plan and revise the scope of project with any updates

Heritage Festival Rebranding:

- RFP closed with no bidders. Staff presenting Council with a report on suggested next step

Finance:

- First 2022 supplementary tax billing received from MPAC, \$108,000 in municipal revenue
- Received MPAC severances for two townhouse blocks on James St North Subdivision, Plan 44M-79, Block 56 on Hooper St & Block 49 on Trailside Drive
- Reconciled 12 bank accounts for the month of April
- Issued 230 cheques and EFT's in April
- Attended 2 webinar sessions for HST refresher information seminar
- Service Ontario Transaction Volume

	Month	MTC #	DRV #	OPC #	HEALTH #	Total	Avg/day
1	Oct 2021	276	63	6		345	25
2	Nov 2021	872	128	11		1011	48
3	Dec 2021	744	199	7		950	50
4	Jan 2022	711	146	3		860	45
5	Feb 2022	586	121	4		711	37
6	Mar 2022	735	160	16		911	40
7	Apr 2022	863	150	7		1020	54
8							
9							
10							
11							
		4511	904	48	0	5463	

Information Technology:

- Replaced Town antivirus software
- Updated firmware on all WIFI access points and network switches
- Purchased and tested new OWL camera for committee in-person meetings
- Implemented external email notification on all communication from outside of the organization, to aid with phishing detection

Communications:

Media Relations

Total # of Media Releases (Stories sent to news outlets)	Total # of Media Mentions (Stories, photos, etc. published by news outlets)	Total # of Media Outlets (Newspapers, radio and television stations, websites, etc., that covered St. Marys stories)
17	17	3
<ul style="list-style-type: none">• Topics included: COVID-19, new provincial Child Care Agreement, Community Improvement Plan, Wellington Street Reconstruction, Huron Street sanitary sewer replacement		

Traditional Advertising

Total # of Print Ads/Publications	Total # of Radio Ads
12	-
<ul style="list-style-type: none">• Continued Weekly Stonetown Crier column• Other ads:	

<ul style="list-style-type: none"> ○ Spring ice rentals ○ Recruitment ○ Green Initiatives Awareness Program ○ National Volunteer Week ○ Spring water flushing 	
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Digital Advertising

Total # of Digital Ads (Facebook, Instagram, Google, etc.)	Total # of Users Reached by Ads (Number of users that saw the ad at least once)	Total # of Engagements/Outcomes (Likes, comments, link clicks, direct messages etc.)
4		
Lifeguard recruitment (Facebook/Instagram)	15,124	331 link clicks
Ice rentals (ad #1) (Facebook/Instagram)	10,250	313 link clicks
Tourism Coordinator recruitment (Facebook only)	11,072	578 link clicks
Ice rentals (ad #2) (Facebook/Instagram)	19,332	363 link clicks

Website (townofstmarys.com)

Total # Website Visits	Most Visited Pages*
93,410	<ol style="list-style-type: none"> 1. Library 2. Aquatics Centre 3. Current Opportunities (Jobs) 4. Pyramid Recreation Centre 5. Arena and Community Centres (note: it is uncommon for this page to rank in the top 5; likely a result of ice rental promotions)
*Excluding COVID screening forms page and home page	

Social Media

Platform - Owner	Total # of New Followers	Total Followers
Facebook – Town of St. Marys	28	6,245
Facebook – Pyramid Rec Centre	29	3,418
Facebook – Friendship Centre	19	562
Twitter – Town of St. Marys	1	2,364
LinkedIn – Town of St. Marys	4	235
Instagram – Town of St. Marys	28	1, 925
Instagram – Youth Centre	5	293

Current/Ongoing Communications Campaigns

Topic	Tactics
2022 Election	Website, media release, social media, print ads, posters
Wellington Street	Website, media release, social media, newsletters

Community Improvement Plan	Website, media release, social media
Spring water flushing	Website, public notice, print ad, social media
Leaf and yard waste	Website, social media, print ad
Huron Street sanitary sewer replacement	Website, public notice, social media, newsletters
Spring ice promotion	Print ads, paid/unpaid social media, website, social media, digital signage
Recruitment	Print ads, paid/unpaid social media, website, social media, digital signage

Tourism and Economic Development

- Welcomed three new businesses to downtown, Square One Skate Shop, HerCollab Co. and Cloud9 Kids
- Began to formalize plans for the Yak Shack season
- Opened an RFP for the wayfinding implementation project
- Attended Service Club information night to introduce the Flats project
- Met with the Lawn Bowling Club to discuss their wants, needs and wishes for the park to inform the plan that is created

Events

- Worked extensively on Homecoming-Heritage committee on July event
- Wrote RFP for Heritage Festival review
- Six Instagram posts
- Continued working with Events co-op student
- Coordinating Canada Day commemorations, including working with volunteers on artisans market
- Assisting Communications with Pride month banner and flag raising
- Working on commemoration for National Indigenous Peoples Day (June 21)
- Media releases: summer events

VIA/GO Service

Total phone calls/ Schedule and Travel Inquiries = 45

Total GO passengers = 77, (40 departing, 37 arriving)

Total GO tickets Sold/ Printed = 3

Total VIA passengers = 196, (101 departing, 95 arriving)

Total VIA tickets Sold/ Printed = 13

SPENDING AND VARIANCE ANALYSIS

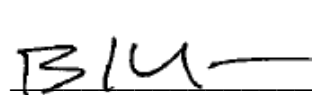
Tender Variances – May 2022 attached

REVIEWED BY

Recommended by the Department


 Andre Morin
 Director of Corporate Services/Treasurer

Recommended by the CAO


 Brent Kittmer
 Chief Administrative Officer

2022 PROJECT TENDERS AND RFPs
Updated - May 12, 2022

#	COUNCIL AWARD REPORT	PROJECT DESCRIPTION	STATUS	PROPONENT	APPROVED PROJECT BUDGET	COST (Net of HST Rebate)	VARIANCE \$	VARIANCE %	# of Bids	High Bid (Inclusive of HST)	COMMENTS
1		MOC Boiler Replacement	Awarded	Cubberly Plumbing, Heating & Air Conditioning	\$34,000.00	\$27,742.61	\$6,257 ▲	-18.40%	3	\$42,657.50	
2	PW-11-2022	Wellington St. Reconstruction	Awarded	Lavis Contracting Co. Ltd.	\$2,181,000.00	\$2,319,475.13	-\$138,475 ▼	6.35%	3	\$2,846,283.61	
3		Equipment Roster	Awarded					#DIV/0!			Various companies.
4		Road Condition Assessment	In Development					#DIV/0!			
5		Church Street Retaining Wall	In Development					#DIV/0!			
6		Wellington St. Engineering	In Development					#DIV/0!			
7		Water St. Bridge Repairs	In Development					#DIV/0!			
8	PW-12-2022	Queen St. E Guide Rail Replacement	Awarded	Royal Fence Ltd.	\$60,000.00	\$88,404.00	-\$28,404 ▼	47.34%	2	\$102,146.35	
9	PW-13-2022	Pavement Markings	Awarded	Provincial Road Marking Inc.	\$19,000.00	\$28,952.36	-\$9,952 ▼	52.38%	3	\$271,534.13	Total cost includes \$3,000 for separate centreline painting contract. Successful bid = \$25,952.36.
10	DEV-14-2022	Town Hall & MOC Floor Replacement	Awarded	Adias Impex Ltd. O/A Carpet Plus	\$57,000.00	\$59,204.99	-\$2,205 ▼	3.87%	6	\$139,450.91	
11	n/a	MOC Window Replacement	Awarded	Nirvana Interior Inc.	\$38,000.00	\$36,259.00	\$1,741 ▲	-4.58%	2	\$55,645.72	
12	PW-17-2022	Turf Maintenance Activities	Awarded	St. Marys Landscaping	\$100,000.00	\$148,609.27	-\$48,609 ▼	48.61%	3	\$3,445,493.60	2022 values only; total cost net of HST = \$478,491.42 over 3 years. Future budget amounts TBD later after service delivery review.
13		Single Axle Plow Truck	Awarded		\$35,000.00	\$36,271.66	-\$1,272 ▼	3.63%			
14	PW-18-2022	Grand Trunk Trail Staircase	Awarded	VanDriel Excavating Inc.	\$89,000.00	\$123,908.52	-\$34,909 ▼	39.22%	3	\$182,148.47	Expected Donations to assist with costs
15		ERP - Pre-Qualification	Awarded		\$250,000.00	\$250,000.00		0.00%	6		Original Scope increased, final scope to be finalized but will be under budget
15	n/a	Lind Sportsplex Retaining Wall	Awarded	Luckhardt Landworks Ltd.	\$15,000.00	\$18,243.53	-\$3,244 ▼	21.62%	2	\$21,162.64	
16		Lind Sportsplex Lobby Door	In Development		\$13,000.00			-100.00%			Originally \$8,000, added \$5,000 to budget for auto door opener for total of \$13,000.
17		Library Southside Exit Door Repl.	Awarded	JSB	\$5,000.00	\$1,864.50	\$3,136 ▲	-62.71%			
18		Pride Banners	Awarded		\$3,000.00	\$2,359.61	\$640 ▲	-21.35%			

2022 PROJECT TENDERS AND RFPs
Updated - May 12, 2022

#	COUNCIL AWARD REPORT	PROJECT DESCRIPTION	STATUS	PROPONENT	APPROVED PROJECT BUDGET	COST (Net of HST Rebate)	VARIANCE \$	VARIANCE %	# of Bids	High Bid (Inclusive of HST)	COMMENTS
19		RTU-ACS-1 HVAC Replacement	Awarded	Black & McDonald Ltd.	\$200,000.00	\$159,850.00	\$40,150 ▲	-20.08%	5	\$189,333.79	
20	DCS 19-2022	Evaporative Condenser Replacement	Awarded	CIMCO	\$115,000.00	\$128,846.32	-\$13,846 ▼	12.04%	2		
21		Teddy's Field Light Replacement	Open							#DIV/0!	
22		Friendship Centre Engineered Air HVAC Units (3) Repl.	In Development							#DIV/0!	
23		Painting Lind Sportsplex	Open							#DIV/0!	CANCELLED - Deferred
24		Skate Park Expansion	Awarded		\$15,000.00	\$16,281.60	-\$1,282 ▼	8.54%	2		RFP
25		Wayfinding Implementation	Closed		\$245,300.00	\$182,053.87	\$63,246 ▲	-25.78%	1		RFP
26		Lind Canteen Upgrades	Awarded	JSB	\$15,000.00	\$15,633.39	-\$633 ▼	4.22%			
27		Museum Retaining Wall	In Development							#DIV/0!	
28		Library Retaining Wall	In Development							#DIV/0!	
29		Stonetown Heritage Festival Review	Closed	n/a						#DIV/0!	no bids, looking at alternative procurement
1		Vote Tabulators	Closed	n/a							no bids, looking at alternative procurement
30		Columbarium	In Development							#DIV/0!	
					\$3,489,300.00	\$3,643,960.37	-\$167,660 ▼	4.43%			

PROCUREMENT AWARD

To:	Mayor Stratthdee and Members of Council
Prepared by:	André Morin, Director of Corporate Services / Treasurer
Date of Meeting:	24 May 2022
Subject:	COR 25-2022 Wayfinding RFP Award

PROJECT DETAILS

Wayfinding is the process of using information to find one's way in the built and natural environment. Wayfinding design is the process of organizing information to help users find their way. This information is usually spatial and environmental and often is the result of a deliberate plan.

Traditional "signage design" is only one part of wayfinding. To do its job well, a good wayfinding plan accesses all of the environmental issues that affect the user's ability to find their way. A wayfinding design approach can yield a high-quality communications solution because it can identify sources of confusion in the subject environment. Confusions may be operational, organizational, having to do with nomenclature, or a result of staff provided direction. A wayfinding design can then resolve the issues and evolve into an appropriate solution.

In 2018 the Town approved a comprehensive signage and wayfinding strategy to improve navigability within the Town's borders. The project is to retain the services of a sign production firm to fabricate and supply custom wayfinding signs based on the strategy with some additional enhancements.

An RFP was launched with proponents expected to provide proposals based on the 2018 report, but also recognizing that the 2018 plan needs to be updated and there will be some changes to the original scope. These changes will be finalized with the final plan, but will include:

- Signage to support and educate our traditional land use
- Enhanced signage to support self-guided tourism
- Signage for the Town's new/changed amenities since 2018 (Quarry upgrades, Yak Shack, etc)
- Enhanced trail signage for walking and bicycling

One proposal was received from FastSigns to fabricate and install the signs per the 2018 report. An up to \$50,000 contingency is added to the project for the refinement of the plan and to change the scope of the project based on those refinements – any changes in scope will be approved by the Director of Corporate Services.

RECOMMENDATION

THAT COR 25-2022 Wayfinding RFP Award report be received; and,

THAT the procurement for COR 25-2022 RFP Wayfinding production and installation be awarded to FastSigns, London East for the procured price of \$146,640.01, inclusive of all taxes plus up to \$50,000 for contingency; and,

THAT Council consider By-Law 56-2022, authorizing the Mayor and the Clerk to sign an agreement with FastSigns, London East.

PROCUREMENT SUMMARY

A procurement document was administered for the above noted project. The following is a summary of the procurement results, as well as a recommendation for a successful proponent:

Procurement Information	Details and Results
Procurement Title:	COR-25-2022-RFP
Tender Closing Date:	Thursday, April 21, 2022
Number of Bids Received:	1
Successful Proponent:	FastSigns London East
Approved Project Budget:	\$245,300
Cost Result – Successful Bid (Inclusive of HST):	\$196,640.01 (Includes \$50,000 contingency)
Cost Result – Successful Bid (Inc. Net of HST rebate):	\$182,053.87 (includes \$50,000 contingency)
Project Over-budget (Net of HST)	n/a

The procurement document submitted by FastSigns London East was found to be complete, contractually acceptable, and ultimately provided the best value for the municipality. As such, staff recommends award of the project to FastSigns London East.

FINANCIAL IMPLICATIONS

The funding sources for the above noted project are as follows:

01-9057 (budgeted)	\$182,053.87
Name and Number of Other Account (if needed)	\$000,000
Tender over-budget (if needed)	\$000,000
Total	\$182,053.87
Transfer from TYPE account (if over-budget)	n/a

STRATEGIC PLAN

☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.

- Corporate Services
 - Implementation of Wayfinding Strategy

OTHERS CONSULTED


N/A

ATTACHMENTS

N/A

REVIEWED BY

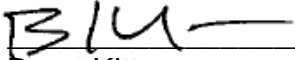
Recommended by the Department



Andre 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:	24 May 2022
Subject:	COR 28-2022 TRF Contribution Agreement

PURPOSE

To provide Council with the details of the Tourism Relief Fund grant the Town has been successful to receive and request the authority to exercise the contribution agreement.

RECOMMENDATION

THAT COR 28-2022 TRF Contribution Agreement report be received; and

THAT Council consider By-law 55-2022, authorizing the Mayor and Clerk to sign the Contribution Agreement with Her Majesty the Queen in Right of Canada for the Tourism Relief Fund.

BACKGROUND

The Corporation of the Town of St. Marys created the Signage and Wayfinding Strategy in 2018 but has not been able to leverage funds in order to implement the plan. The strategy will need to be updated, including the addition of signage to support education about traditional land use and enhanced signage to support self-guided tourism, both on foot and by bicycle. The cost of to fully implement the plan was estimated to be between \$150,975 and \$245,300.

The Town applied for a grant through the Tourism Relief Fund (TRF) to update the plan and implement the updated wayfinding strategy.

REPORT

The Town has been approved for up to \$255,300 from TRF towards the project.

The project will include updating the current strategy; and the purchase and installation of signage directing visitors and residents to various town assets including, but not limited to: the downtown core, Baseball Hall of Fame, Museums, Swimming Quarry, Trails, Parks, Recreation etc. The project also includes updating a tourism specific sign located downtown to a modern digital kiosk that would display on-screen up-to-date information flowing directly from the Town's newly launched tourism website.

FINANCIAL IMPLICATIONS

This project was approved in the 2022 Capital Plan as follows;

COSTS	
Capital/Signage	\$245,300
Expertise/Project management	\$50,000
Other Materials	\$20,000

TOTAL	\$315,300
FUNDING	
Reserve - General Capital	\$60,000
Tourism Relief Fund (not confirmed)	\$255,300
TOTAL	\$315,300

SUMMARY

The Town has been approved for funding in the amount of \$255,300 from the Tourism Relief Fund to assist with the implementation of the Town's wayfinding strategy.

STRATEGIC PLAN

☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.

- Corporate Services
 - Implement Wayfinding Strategy

OTHERS CONSULTED

Kelly Deeks-Johnson, Tourism and Economic Development Manager

FedDev Southern Ontario

ATTACHMENTS

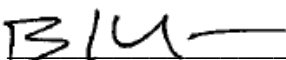
Draft Contribution Agreement

REVIEWED BY

Recommended by the Department


 Andre Morin
 Director of Corporate Services/Treasurer

Recommended by the CAO


 Brent Kittmer
 Chief Administrative Officer

TOURISM RELIEF FUND
CONTRIBUTION AGREEMENT

This Contribution Agreement is made as of [Click or tap here to enter text.](#)

BETWEEN: **HER MAJESTY THE QUEEN IN RIGHT OF CANADA**
("Her Majesty") hereby represented by the Minister responsible
for Federal Economic Development Agency for Southern Ontario

AND: **Corporation of the Town of St. Marys** ("Recipient") a
Municipality (Not-For-Profit) under the laws of **Ontario**

WHEREAS the Federal Economic Development Agency for Southern Ontario was created to strengthen southern Ontario's economic capacity for innovation, entrepreneurship and collaboration, and promote the development of a strong and diversified southern Ontario economy;

WHEREAS as part of the Southern Ontario Prosperity Program, the Minister has established the *Tourism Relief Fund* to support tourism businesses through investments to improve their offerings and adapt to public health measures for the short and long term;

WHEREAS the Agency (as defined below) seeks to guarantee individuals the right to be free from discrimination based on race, national or ethnic origin, colour, religion, age, sex, sexual orientation, gender identity or expression, marital status, family status, genetic characteristics, and disability, in accordance with section 35 of the *Canadian Human Rights Act*;

WHEREAS the Agency seeks to promote a more representative workforce and commits to correcting disadvantages in employment experienced by women, Indigenous peoples, Black Canadians and other racialized Canadians, in accordance with the *Employment Equity Act*; and

WHEREAS the Minister has agreed to make a non-repayable contribution to the Recipient in support of the Recipient's Eligible and Supported Costs (as defined herein) of the Project.

NOW THEREFORE, in accordance with the mutual covenants and agreements herein, Her Majesty as represented by the Minister (as defined herein) and the Recipient agree as follows:

1. Purpose of the Agreement

The purpose of this Agreement is to set out the terms and conditions under which the Minister will provide funding in support of the Project (as defined herein).

2. Interpretation

2.1 Definitions. In this Agreement, a capitalized term has the meaning given to it in this section, unless the context indicates otherwise:

Agency means the Federal Economic Development Agency for Southern Ontario.

Agreement means this contribution agreement including all the annexes attached hereto, as such may be amended, restated or supplemented, from time to time.

Cash Flow Projection of the Project means a spreadsheet presentation of the Project's projected total quarterly revenues and expenses for the duration of the Project, and showing all other sources of cash and cash from the anticipated claims for the Contribution.

Completion Date means the Project completion date, December 31 2022.

Contribution means the contribution to Eligible and Supported Costs in the amount stipulated in Subsection 4.1.

Control Period means the period of **four (4)** years following the period determined in Subsection 3.1 as the duration of the Agreement.

Date of Acceptance means the date on which the electronic copy of a fully executed Agreement is received by the Minister.

Eligibility Date means April 19, 2021.

Eligible Costs means those costs incurred by the Recipient and which, in the opinion of the Minister, are reasonable and required to carry out the Project.

Eligible and Not-Supported Costs means those Eligible Costs which are not supported by the Contribution and which are identified in Annex 1 – Statement of Work.

Eligible and Supported Costs means those Eligible Costs supported by the Contribution as identified in Annex 1 – Statement of Work and relating to the Project activities described therein and which are in compliance with Annex 2 – Costing Memorandum.

Event of Default means the events of defaults described in Subsection 12.1 hereof.

Fiscal Year means the Government of Canada's fiscal year beginning on April 1st of a year and ending on March 31st of the following year.

Minister means the Minister responsible for the Agency or any one or more of the Minister's representatives.

Parties means the Minister and the Recipient and **Party** means any one of them.

Project means the project described in Annex 1 – Statement of Work.

Project Intellectual Property includes, without limitation, all technical data, designs, specifications, software, data, drawings, plans, reports, patterns, models, prototypes, demonstration units, practices, inventions, methods and related technology, processes or other information conceived, produced, developed or reduced to practice in carrying out the Project, and all rights therein, including, without limitation, patents, copyrights, industrial designs, trade-marks and any registrations or applications for the same and all other rights of intellectual property therein, including any rights which arise from the above items being treated by the Recipient as trade secrets or confidential information.

SME means small and medium sized enterprises, located in Southern Ontario.

Southern Ontario includes the following regions: 1 Stormont, Dundas and Glengarry; 2 Prescott and Russell; 6 Ottawa; 7 Leeds and Grenville; 9 Lanark; 10 Frontenac; 11 Lennox and Addington; 12 Hastings; 13 Prince Edward; 14 Northumberland; 15 Peterborough; 16 Kawartha Lakes; 18 Durham; 19 York; 20 Toronto; 21 Peel; 22 Dufferin; 23 Wellington; 24 Halton; 25 Hamilton; 26 Niagara; 28 Haldimand-Norfolk; 29 Brant; 30 Waterloo; 31 Perth; 32 Oxford; 34 Elgin; 36 Chatham-Kent; 37 Essex; 38 Lambton; 39 Middlesex; 40 Huron; 41 Bruce; 42 Grey; 43 Simcoe; 46 Haliburton; and 47 Renfrew.

TRF means the Tourism Relief Fund as described in the recitals hereto.

- 2.2 **Singular/Plural.** Wherever from the context it appears appropriate, each term stated in either the singular or plural shall include the singular and the plural.
- 2.3 **Entire Agreement.** This Agreement comprises the entire agreement between the Parties. No prior document, negotiation, provision, undertaking or agreement in relation to the subject matter of this Agreement has legal effect. No representation or warranty, whether express, implied or otherwise, has been made by the Minister to the Recipient, except as expressly set out in this Agreement.
- 2.4 **Inconsistency.** In case of inconsistency or conflict between a provision contained in the part of the Agreement preceding the signatures and a provision contained in any of the Annexes to this Agreement, the provision contained in the part of the Agreement preceding the signatures will prevail.
- 2.5 **Annexes.** This Agreement contains the following Annexes as described below, which form an integral part of this Agreement:

Annex 1 - Statement of Work
Annex 2 - Costing Guideline Memorandum
Annex 3 - Reporting Requirements
Annex 4 - Federal Visibility Requirements

3. Duration of Agreement

3.1 **Duration of Agreement.** This Agreement comes into force on the Date of Acceptance and, subject to Subsection 3.2, will terminate:

- (a) twelve (12) months after the earlier of:
 - i) the completion of the Project to the satisfaction of the Minister; or
 - ii) the Completion Date.
- (b) upon the date on which all amounts due by the Recipient to Her Majesty under this Agreement, have been paid in full,

whichever is the later, unless terminated earlier in accordance with the terms of this Agreement.

3.2 **Control Period.** Notwithstanding the provisions of Subsection 3.1 above, during the Control Period, the rights and obligations described in the following sections shall continue beyond the duration of the Agreement:

Section 5 – Other Government Financial Support
Subsection 6.8 – Overpayment or non-entitlement
Subsections 7.2, 7.3, 7.4, 7.5, 7.6, 7.7 and 7.8 – Reporting, Monitoring, Audit and Evaluation
Subsection 8.1c) - Representations
Section 11 – Indemnification and Limitation of Liability
Section 12 – Default and Remedies
Section 13 – Project Assets and Intellectual Property
Section 15 – General
Annex 3 – Reporting Requirements – Section 3

3.3 **Commencement.** The Recipient agrees to commence the Project, no later than sixty (60) calendar days after the Date of Acceptance, otherwise the Minister may terminate this Agreement at the Minister's sole discretion.

4. The Contribution

4.1 The Minister will make a non-repayable Contribution to the Recipient in respect of the Project in an amount not exceeding the lesser of (a) and (b) as follows:

- (a) *One hundred percent* (100%) of Eligible and Supported Costs of the Project incurred by the Recipient; and
- (b) Two hundred and fifty five thousand three hundred dollars, (\$255,300).

4.2 The payment of the Contribution per Fiscal Year is set out in Annex 1 – Statement of Work. The Minister will have no obligation to pay any amounts in any other Fiscal Years than those specified in Annex 1 - Statement of Work.

4.3 The Minister shall not contribute to any Eligible and Supported Costs incurred prior to the Eligibility Date or later than the Completion Date.

4.4 The Recipient shall be responsible for all costs of the Project, including cost overruns, if any.

4.5 **Holdbacks.** Notwithstanding any other provisions of this Agreement, the Minister may, at the Minister's sole discretion, withhold up to ten percent (10 %) of the Contribution amount until:

- (a) the Project is completed to the satisfaction of the Minister;
- (b) the Recipient has satisfied all the conditions of this Agreement;
- (c) the final report described in Subsection 6.6 (a) (iii) has been submitted to the satisfaction of the Minister;
- (d) audits and site visits, where required by the Minister, have been completed to the satisfaction of the Minister; and
- (e) the Minister has approved the final claim described in Subsection 6.6.

5. Other Government Financial Support

- 5.1 The Recipient hereby confirms that for purposes of this Project no federal, provincial, municipal or local government assistance has been requested, received or will be received except as disclosed in Annex 1 – Statement of Work.
- 5.2 The Recipient shall promptly inform the Minister in writing in the event additional other government financial support has been requested or received for the Project, during the term of this Agreement and acknowledges and agrees that an adjustment to the amount of the Contribution and a request for repayment of part or all of the amounts paid to the Recipient may be made as a result thereof. The amount of repayment requested will constitute a debt due to Her Majesty and will be recovered as such from the Recipient.
- 5.3 In no instance will the total government funding towards the Eligible Costs of the Project be allowed to exceed one hundred percent (100%) of the total Eligible Costs.

6. Claims and Payments

- 6.1 The Recipient shall maintain accounting records that account for the Contribution paid to the Recipient and the related Project costs in respect of this Agreement, separate and distinct from any other sources of funding.
- 6.2 **Claims Procedures.** The Recipient shall submit claims for reimbursement of Eligible and Supported Costs incurred, not more frequently than monthly and not less frequently than quarterly, in a form satisfactory to the Minister and in accordance with the claim schedule provided by the Minister. Each claim will include the following information:
- (a) an itemized summary by cost category of Eligible and Supported Costs incurred substantially in the form prescribed by the Minister;
 - (b) a certification of the claim by a director or officer of the Recipient, confirming the accuracy of the claim and all supporting information provided;
 - (c) any other substantiating documentation (including without limitation, any invoice or proof of payment), as may be required by the Minister.
- 6.3 The Recipient agrees to submit its first claim for Eligible and Supported Costs incurred, within:
- (a) sixty (60) calendar days from the Date of Acceptance of this Contribution Agreement; or
 - (b) sixty (60) calendar days from the date of Project commencement,
- whichever is the later.
- 6.4 The Recipient agrees to submit its last claim for Eligible and Supported Costs incurred in each Fiscal Year on or before March 10th of that year. For claims related to the final quarter of the Fiscal Year, the Recipient shall also submit to the Minister, no later than March 10th, a detailed estimate of costs incurred but not yet claimed to the end of the Fiscal Year.
- 6.5 **Advance Payments**
- (a) **Initial Advance.** Where the Minister is satisfied and has determined that the Recipient's cash flow requirements justify the need for an advance against the Eligible and Supported Costs payable under this Agreement, the Minister may, at the Minister's sole discretion, pay to the Recipient an initial advance for Eligible and Supported Costs, up to twenty-five percent (25%) of the portion of the Contribution allocated to the Fiscal Year in which the request is made subject to the following:
 - (i) the Recipient submits to the Minister's satisfaction, a forecast of cash flow requirements to be incurred during the initial advance period along with any documentation that the Minister may reasonably request; and
 - (ii) the Recipient shall account by way of claim, to the satisfaction of the Minister, for the use of any advances within one hundred and twenty (120) days of the beginning of the advance period.

- (b) **Subsequent Advances.** Where the Minister is satisfied and has determined that the Recipient's cash flow requirements justify the need, the Minister may, at the Minister's sole discretion, make additional advances for Eligible and Supported Costs, subject to the following:
- (i) the Recipient follows the requirements outlined under (a) (i) and (a) (ii) above with respect to any subsequent advance;
 - (ii) the Recipient provides a statement of the Eligible and Supported Costs incurred during the previous advance period, or any other advance period, certified by a financial officer or other representative of the Recipient;
 - (iii) the Recipient provides a satisfactory report on progress and spending to date substantially in the form prescribed by the Minister; and
 - (iv) the Recipient submits the advance request at least two (2) weeks prior to the start of the advance period to which the advance request pertains.
- (c) The Recipient agrees to spend advances in the Fiscal Year the advance was made, failing which the Recipient agrees to reimburse the Minister any unspent amounts. If the amount of the advance exceeds the amount of Eligible and Supported Costs incurred, during the previous advance period, the Minister may deduct the excess amount and any interest earned by such excess from any other payment under this Agreement.

6.6 **Final Claim Procedures.**

- (a) The Recipient shall submit a final claim pertaining to the final reimbursement of any Eligible and Supported Costs incurred, previously claimed or not, signed by a director or officer of the Recipient and accompanied by the following, in addition to the requirements set out in Subsection 6.2, in a form satisfactory to the Minister in scope and detail:
- (i) a final statement of total Project costs;
 - (ii) a statement of the total government assistance (federal, provincial and municipal assistance) received or requested towards the Eligible Costs of the Project;
 - (iii) a final report on the Project, as more fully described in Section 3 of Annex 3 – Reporting Requirements; and
 - (iv) a final certificate executed by a director or officer of the Recipient substantially in the form prescribed by the Minister.
- (a) The Recipient shall submit the final claim for reimbursement of Eligible and Supported Costs incurred to the satisfaction of the Minister no later than three (3) months after the Completion Date or the date the Project is completed to the satisfaction of the Minister, whichever is earlier. The Minister shall have no obligation to pay any claims submitted after this date.

6.7 **Payment Procedures.**

- (a) The Minister shall review and approve the documentation submitted by the Recipient following the receipt of the Recipient's claim or disclosure reports pursuant to Subsection 6.2 (a), as applicable and in the event of any deficiency in the documentation, it will notify the Recipient and the Recipient shall immediately take action to address and rectify the deficiency.
- (b) Subject to the maximum Contribution amounts set forth in Subsection 4.1 and all other conditions contained in this Agreement, the Minister shall pay to the Recipient the Eligible and Supported Costs set forth in the Recipient's claim, in accordance with the Minister's customary practices.
- (c) The Minister may request at any time that the Recipient provides satisfactory evidence to demonstrate that all Eligible and Supported Costs claimed have been paid.
- (d) The Minister may require, at the Minister's expense, any claim submitted for payment of the Contribution be certified by the Recipient's external auditor or by an auditor approved by the Minister.

6.8 **Overpayment or Non-entitlement.** Where, for any reason, the Recipient is not entitled to all or part of the Contribution or the amount paid to the Recipient exceeds the amount to which the Recipient is entitled, the Contribution or the amount in excess, as the case may be, shall constitute a debt due to Her Majesty and shall be recovered as such from the Recipient. The Recipient shall repay Her Majesty within thirty (30) calendar days from the date of the Minister's notice, the amount of the Contribution disbursed or the amount of the overpayment, as the case may be, together with interest as calculated in accordance with Subsection 15.2 of this Agreement.

6.9 **Revenue Earned.** If the Recipient earns any interest as a consequence of any advance payment of the Contribution or earns any revenue from all or part of the activities supported by the Contribution, other than that interest or revenue which is used to pay for all or part of the Eligible Costs incurred by the Recipient during the Project, the Minister may in the Minister's absolute discretion reduce the Contribution by all or by such portion of the revenue as deemed appropriate.

7. Reporting, Monitoring, Audit and Evaluation

7.1 The Recipient agrees to provide the Minister with the reports as described in Annex 3 – Reporting Requirements, to the Minister's satisfaction. This includes, at minimum, an annual report to be submitted by the Recipient no later than April 15th of each year.

7.2 Upon request of the Minister and at no cost to the Minister, the Recipient shall promptly elaborate upon any report submitted or provide such additional information as may be requested.

7.3 The Minister may request a copy of any report or publication produced as a result of this Agreement or the Project, whether interim or final, as soon as it becomes available.

7.4 The Recipient shall at its own expense:

- (a) preserve and make available for audit and examination by the Minister, proper books, accounts and records of the Project costs, wherever such books, and records may be located, and permit the Minister to conduct such independent audits and evaluations as the Minister's discretion may require;
- (b) upon reasonable notice and after consultation with the Recipient, permit the Minister, reasonable access to the Project site and/or the Recipient's premises and documents in order to inspect and assess the progress and results of the Project and compliance with the terms of this Agreement; and
- (c) supply promptly, on request, such other reports or data in respect of the Project and its results, as the Minister may require for purposes of this Agreement and for statistical and/or evaluation purposes.

7.5 The Minister shall have the right, at the Minister's own expense, and as and when he determines necessary, to perform audits of the Project costs and the Recipient's books, accounts, records, financial statements and claims for reimbursement of Eligible and Supported Costs, and the administrative, financial and claim certification processes and procedures, for the purposes of verifying the costs of the Project, validating claims for reimbursement of Eligible and Supported Costs, ensuring compliance with the terms of this Agreement, and confirming amounts repayable to Her Majesty under the provisions of this Agreement.

7.6 Any audits performed hereunder will be carried out by auditors selected by the Minister, which may include any of the following: Agency officials, an independent auditing firm, and/or the Recipient's external auditors. The Minister will provide the Recipient with a description of the scope and criteria of the audit and the expected time frames for completion of the audit and public release of the related reports.

7.7 The Recipient agrees that the Minister, at the Minister's expense, may engage outside firms or individuals, unrelated to the Government of Canada, with the required expertise to evaluate and monitor the Project and its implementation or review any documents submitted by the Recipient. The Recipient agrees to provide access to any site, meeting or to any document in relation to the Project to such firms or individuals.

7.8 **Auditor General of Canada.** The Recipient acknowledges that the Auditor General of Canada may, at the Auditor General's cost, after consultation with the Recipient, conduct an inquiry under the authority of Subsection 7.1 (1) of the *Auditor General Act* in relation to any funding agreement (as defined in Subsection 42 (4) of the *Financial Administration Act*) with respect to the use of funds received. For purposes of any such inquiry undertaken by the Auditor General, the Recipient

shall provide, upon request and in a timely manner, to the Auditor General or anyone acting on behalf of the Auditor General:

- (a) all records held by the Recipient or by agents or contractors of the Recipient, relating to this Agreement and the use of the Contribution; and
- (b) such further information and explanations as the Auditor General, or anyone acting on behalf of the Auditor General, may request relating to this Agreement and/or the Contribution.

8. Representations and Covenants

8.1 Representations. The Recipient represents and warrants that:

- (a) it is a/an Municipality / Municipal Development Corp. (Not-For-Profit), duly incorporated and validly existing and in good standing under the laws of Ontario, and it has the power and authority to carry on its business, to hold its property and to enter into this Agreement. The Recipient warrants that it shall remain as such for the duration of this Agreement;
- (b) the execution, delivery and performance of this Agreement have been duly and validly authorized by the necessary corporate actions of the Recipient and when executed and delivered by the Recipient, this Agreement constitutes a legal, valid and binding obligation of the Recipient, enforceable against it in accordance with its terms;
- (c) it has acquired appropriate insurance coverage including but not limited to general liability and property damage insurance, at its own expense, in an adequate amount consistent with the scope of the operations and the Project and will maintain such for the duration of the Agreement and Control Period;
- (d) signatories to this Agreement, on behalf of the Recipient, have been duly authorized under a borrowing by-law to execute and deliver this Agreement;
- (e) this Agreement constitutes a legally binding obligation of the Recipient, enforceable against it in accordance with its terms, subject as to enforcement of remedies to applicable bankruptcy, insolvency, reorganization and other laws affecting generally the enforcement of the rights of creditors and subject to a court's discretionary authority with respect to the granting of a decree, ordering specific performance or other equitable remedies;
- (f) the execution and delivery of this Agreement and the performance by the Recipient of its obligations hereunder will not, with or without the giving of notice or the passage of time or both:
 - (i) violate the provisions of the Recipient's by-laws, any other corporate governance document subscribed to by the Recipient or any resolution of the Recipient;
 - (ii) violate any judgment, decree, order or award of any court, government agency, regulatory authority or arbitrator; or
 - (iii) conflict with or result in the breach or termination of any material term or provision of, or constitute a default under, or cause any acceleration under, any license, permit, concession, franchise, indenture, mortgage, lease, equipment lease, contract, permit, deed of trust or any other instrument or agreement by which it is bound.
- (g) there are no actions, suits, investigations or other proceedings pending or, to the knowledge of the Recipient, threatened and there is no order, judgment or decree of any court or governmental agency, which could materially and adversely affect the Recipient's ability to carry out the activities contemplated by this Agreement;
- (h) it has obtained or will obtain all necessary licences and permits in relation to the Project, which satisfy the requirements of all regulating bodies of appropriate jurisdiction;
- (i) it owns or holds sufficient rights in any intellectual property required to carry out the Project;
- (j) the description of the Project in Annex 1 – Statement of Work is complete and accurate; and
- (k) it is located in Southern Ontario.

8.2 Covenants. The Recipient covenants and agrees that:

- (a) it shall use the Contribution solely and exclusively to support the Eligible and Supported Costs of the Project, and shall carry out the Project in accordance with the description in Annex 1 – Statement of Work, in a diligent and professional manner, using qualified personnel;
- (b) it shall obtain the prior written consent of the Minister before making any material change to any aspect of the Project or to the management of the Project or the Recipient;
- (c) it shall not make any changes to its objectives or purpose as stated in its constating documents without the prior written consent of the Minister;
- (d) it shall comply with the federal visibility requirements set out in Annex 4 – Federal Visibility Requirements; and
- (e) it shall acquire and manage all equipment, services and supplies required for the Project in a manner that ensures the best value for funds expended.

8.3 Renewal of Representations. It is a condition precedent to any disbursement under this Agreement that the representations and warranties contained in this Agreement are true at the time of payment and that the Recipient is not in default of compliance with any terms of this Agreement.**9. Official Languages**

The Recipient agrees that any public acknowledgement of the Agency's support for the Project will be expressed in both official languages, and that it shall pay for all translation costs save for those which the Minister may incur with respect to any announcement or other public communications.

10. Environmental and Other Requirements

- 10.1 The Recipient represents and warrants that the Project is not a “designated project” or a “project” under the applicable federal environmental and impact assessment legislation.
- 10.3 The Recipient will provide the Minister with reasonable access to any Project site for the purpose of ensuring that the terms and conditions of any environmental approval are met, and that any required conditions, mitigation measures, monitoring or program follow up have been carried out.
- 10.4 If, as a result of changes to the Project or otherwise, the Minister is of the opinion that an environmental or impact assessment or a subsequent determination is required for the Project, the Recipient agrees that construction of the Project or any other physical activity that is carried out in relation to the Project, including site preparation, will not be undertaken or will be suspended and no funds or additional funds will become or will be payable by the Minister to the Recipient for the Project unless and until:
 - (a) where the Project is a “designated project” under the applicable federal environmental or impact assessment legislation,
 - (i) a decision pursuant to that legislation is made indicating that no environmental or impact assessment is required for the Project; or
 - (ii) a decision statement in respect of the Project is issued to the Recipient indicating that:
 - 1) the Project is not likely to cause significant adverse environmental effects;
 - 2) the Project is likely to cause significant adverse environmental effects that the Governor in Council decides are justified in the circumstances, which decision statement may contain conditions in respect of the Project; or
 - 3) the adverse effects with respect to the impact assessment of the Project are in the public interest,
 - (b) where the Project is a “project” under the applicable federal environmental or impact assessment legislation, a determination that the carrying out of the Project:
 - (i) is not likely to cause significant adverse environmental effects; or

- (ii) is likely to cause significant adverse environmental effects and the Governor in Council decides that those effects are justified in the circumstances, and
- (c) where relevant the requirements under any applicable agreements between Her Majesty and Indigenous groups, are met and continue to be met.

10.5 **Indigenous Consultation.** The Recipient acknowledges that the Minister's obligation to pay the Contribution is conditional upon Her Majesty satisfying any obligation that Her Majesty may have to consult with or to accommodate any Indigenous groups, which may be affected by the terms of this Agreement.

11. Indemnification and Limitation of Liability

11.1 The Recipient shall at all times indemnify and save harmless Her Majesty, its officers, officials, employees and agents, from and against all claims and demands, losses, costs, damages, actions, suits or other proceedings (including, without limitation, those relating to injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights) by whomsoever brought or prosecuted, or threatened to be brought or prosecuted, in any manner based upon or occasioned by any injury to persons, damage to or loss or destruction of property, economic loss or infringement of rights, caused by, or arising directly or indirectly from:

- (a) the Project, its operation, conduct or any other aspect thereof;
- (b) the performance or non-performance of this Agreement, or the breach or failure to comply with any term, condition, representation or warranty of this Agreement by the Recipient, its officers, employees and agents, or by a third party or its officers, employees, or agents;
- (c) the design, construction, operation, maintenance and repair of any part of the Project; and
- (d) any omission or other wilful or negligent act or delay of the Recipient or a third party and their respective employees, officers, or agents, except to the extent to which such claims and demands, losses, costs, damages, actions, suits, or other proceedings relate to the negligent act or omission of an officer, official, employee, or agent of Her Majesty, in the performance of his or her duties.

11.2 The Minister shall have no liability under this Agreement, except for payments of the Contribution, in accordance with and subject to the provisions of this Agreement. Without limiting the generality of the foregoing, the Minister shall not be liable for any direct, indirect, special or consequential damages, or damages for loss of revenues or profits of the Recipient.

11.3 Her Majesty, her agents, employees and servants will not be held liable in the event the Recipient enters into a loan, a capital or operating lease or other long-term obligation in relation to the Project for which the Contribution is provided.

12. Default and Remedies

12.1 **Event of Default.** The Minister may declare that an Event of Default has occurred if:

- (a) the Recipient has failed or neglected to pay Her Majesty any amount due in accordance with this Agreement;
- (b) the Project is not meeting its objectives or milestones as set out in Annex 1 – Statement of Work, is not completed to the Minister's satisfaction by the Completion Date or the Project is abandoned in whole or in part;
- (c) the Recipient makes a materially false or misleading statement concerning support by Her Majesty in any internal and/or public communication, other than in good faith;
- (d) the Recipient becomes bankrupt or insolvent, goes into receivership, or takes the benefit of any statute, from time to time in force, relating to bankrupt or insolvent debtors;
- (e) an order is made or the Recipient has passed a resolution for the winding up of the Recipient, or the Recipient is dissolved;
- (f) the Recipient has, in the opinion of the Minister, ceased to carry on business or has sold, disposed or transferred all or substantially all of its assets;

- (g) the Project is carried out outside of Southern Ontario, unless an exception is set out in Annex 1 – Statement of Work;
 - (h) the Recipient has submitted false or misleading information, or has made a false or misleading representation to the Agency, the Minister, in this Agreement or in its application for the Contribution;
 - (i) the Recipient has not, in the opinion of the Minister, met or satisfied a term or condition of this Agreement;
 - (j) the Recipient has not met or satisfied a term or condition under any other contribution agreement or agreement of any kind with Her Majesty;
 - (k) the Recipient is not eligible or is otherwise not entitled to the Contribution; [or]
 - (l) the Recipient has not complied with the reporting, monitoring, audit and evaluation requirements, specified in this Agreement.
- 12.2 **Notice of Breach and Rectification Period.** Except in the case of default under Subsection 12.1 (d), (e) and (f), the Minister will not declare that an Event of Default has occurred unless he has given prior written notice to the Recipient of the occurrence, which in the Minister's opinion constitutes an Event of Default. The Recipient shall, within such period of time as the Minister may specify in the notice, either correct the condition or event or demonstrate, to the satisfaction of the Minister, that it has taken such steps as are necessary to correct the condition, failing which the Minister may declare that an Event of Default has occurred. During the period of time specified in the notice, the Minister may suspend payment of any claim submitted before or after the date of notice.
- 12.3 **Remedies.** If the Minister declares that an Event of Default has occurred, the Minister may immediately exercise any one or more of the following remedies, in addition to any remedy available at law:
- (a) terminate the Agreement, including any obligation by the Minister to make any payment under this Agreement, including any obligation to pay an amount owing prior to such termination;
 - (b) suspend any obligation by the Minister to make any payment under this Agreement, including any obligation to pay an amount owing prior to such suspension; and
 - (c) require the Recipient to repay forthwith to Her Majesty all or part of the Contribution, and that amount is a debt due to Her Majesty and may be recovered as such.
- 12.4 The Recipient acknowledges the policy objectives served by the Minister's agreement to make the Contribution, that the Contribution comes from the public monies, and that the amount of damages sustained by Her Majesty in an Event of Default is difficult to ascertain and therefore, that it is fair and reasonable that the Minister be entitled to exercise any or all of the remedies, provided for in this Agreement and to do so in the manner provided for in this Agreement, if an Event of Default occurs.

13. Project Assets and Intellectual Property

- 13.1 The Recipient shall retain title to, and ownership of any assets (excluding any Project Intellectual Property), the cost of which has been contributed to by the Minister under this Agreement and shall not sell, assign, transfer, encumber, pledge, grant a security interest or otherwise dispose of same, without the prior written consent of the Minister. As a condition of such consent, the Minister may require the Recipient to repay Her Majesty the whole or any part of the Contribution paid to the Recipient hereunder.
- 13.2 Notwithstanding Subsection 13.1 of this Agreement, after Project completion, any assets (other than any Project Intellectual Property) with a residual value of \$10,000 or less may be sold, assigned, transferred or otherwise disposed of without the Minister's consent.
- 13.3 Ownership and exploitation of the Project Intellectual Property to which the Minister has contributed, and the ownership of Project Intellectual Property rights therefor, shall remain in Canada for the duration of this Agreement unless otherwise agreed to by the Minister.
- 13.4 Title to any Project Intellectual Property shall vest exclusively in the Recipient. The Recipient shall take appropriate steps to protect and enforce the Project Intellectual Property and shall, upon written request, provide information to the Minister in that regard. The Recipient shall not agree to

(i) any exclusive and/or irrevocable licenses of the Project Intellectual Property, or (ii) the sublicensing of the Project Intellectual Property in any license agreement except where the Recipient will be entitled to receive royalties directly or indirectly from such sublicense that reflect fair market value.

- 13.5 Her Majesty will not have an ownership interest in the Project Intellectual Property nor will Her Majesty acquire new rights in any background intellectual property by virtue solely of having provided the Contribution. Rights attributed to Her Majesty in any other way including under the *Public Servants Inventions Act* are not in any way affected by this Agreement.

14. Miscellaneous

- 14.1 The Recipient represents and warrants that no member of the House of Commons or Senate of Canada shall be admitted to any share or part of this Agreement or to any benefit arising from it, that are not otherwise available to the general public.
- 14.2 The Recipient confirms that no current or former public servant or public office holder, to whom the *Values and Ethics Code for the Public Service*, the *Values and Ethics Code for the Public Sector*, the *Policy on Conflict of Interest and Post-Employment* or the *Conflict of Interest Act* applies, shall derive direct benefit from the Agreement, including any employment, payments or gifts, unless the provision or receipt of such benefits is in compliance with such codes and the legislation. Where an employee of the Recipient is either a current or former (in the last twelve (12) months) public office holder or public servant in the federal government, the Recipient shall demonstrate compliance with these codes and the legislation.
- 14.3 The Recipient represents and warrants that:
- (a) it has not paid, nor agreed to pay to any person, either directly or indirectly, a commission, fee or other consideration that is contingent upon the execution of this Agreement, or upon the person arranging a meeting with a public office holder;
 - (b) it will not pay, nor agree to pay to any person, either directly or indirectly, any commission, fee or other consideration that is contingent upon the person arranging a meeting with a public office holder;
 - (c) the Recipient or any persons who are or have been engaged by the Recipient to communicate or arrange meetings with public office holders, regarding the Project or this Agreement, are in full compliance with all requirements of the *Lobbying Act*; and
 - (d) any persons who may be engaged by the Recipient to communicate or arrange meetings with public office holders, regarding the Project or this Agreement, will at all times be in full compliance with the requirements of the *Lobbying Act*.
- 14.4 The Recipient acknowledges that the representations and warranties in this section are fundamental terms of this Agreement. In the event of breach of these, the Minister may exercise the remedies set out in Subsection 12.3.

15. General

- 15.1 **Debt due to Canada.** Any amount owed to Her Majesty under this Agreement shall constitute a debt due to Her Majesty and shall be recoverable as such. Unless otherwise specified herein, the Recipient agrees to make payment of any such debt forthwith on demand.
- 15.2 **Interest.** Debts due to Her Majesty will accrue interest in accordance with the *Interest and Administrative Charges Regulations*, in effect on the due date, compounded monthly on overdue balances payable, from the date on which the payment is due, until payment in full is received by Her Majesty. Any such amount is a debt due to Her Majesty and is recoverable as such.
- 15.3 **Set-Off.** Without limiting the scope of set-off rights provided in the *Financial Administration Act*, the Minister may set off against the Contribution, any amounts owed by the Recipient to Her Majesty under legislation or contribution agreements and the Recipient shall declare to the Minister all amounts outstanding in that regard, when making any claim under this Agreement.
- 15.4 **No Assignment of Agreement.** Neither this Agreement nor any part thereof shall be assigned by the Recipient, without the prior written consent of the Minister.
- 15.5 **Annual Appropriation.** Payment by the Minister of amounts due under this Agreement shall be conditional on there being a legislated appropriation for the Fiscal Year in which the payment is to be made. The Minister shall have the right to terminate or reduce the Contribution, in the event that

the amount of the appropriation is reduced or denied by Parliament. In the event that any portion of the Contribution has been paid to the Recipient and the legislated appropriation for the Fiscal Year in which such payment is made is not obtained, the Minister shall have the right to recover the amount so paid from the Recipient.

- 15.6 **Successors and Assigns.** This Agreement is binding upon the Recipient, its successors and permitted assigns.
- 15.7 **Confidentiality.** Subject to the *Access to Information Act* (Canada), the *Privacy Act*, the *Library and Archives Act* of Canada and Annex 4 – Federal Visibility Requirements, the Parties shall keep confidential and shall not disclose the contents of this Agreement or the transactions contemplated hereby, without the consent of all Parties.
- 15.8 **International Disputes.** Notwithstanding Subsection 15.7 of this Agreement, the Recipient waives any confidentiality rights to the extent such rights would impede Her Majesty from fulfilling its notification obligations to a world trade panel for the purposes of the conduct of a dispute, in which Her Majesty is a party or a third party intervener. The Minister is authorized to disclose the contents of this Agreement and any documents pertaining thereto, whether predating or subsequent to this Agreement, or of the transactions contemplated herein, where in the opinion of the Minister, such disclosure is necessary to the defence of Her Majesty's interests in the course of a trade remedy investigation conducted by a foreign investigative authority, and is protected from public dissemination by the foreign investigative authority. The Minister shall notify the Recipient of such disclosure.
- 15.9 **Sharing of Information.** Notwithstanding Subsection 15.7 of this Agreement, by entering into this Agreement, the Recipient agrees that the Minister is authorized to share information pertaining to the Recipient, to its application for funding and/or this Agreement with Government of Canada departments and Crown corporations for the purposes of monitoring a funding agreement, avoiding fraud or non-compliance; and to support transparency and accountability. Disclosure of this information is subject to the relevant privacy and confidentiality laws including without limitation the *Privacy Act*.
- 15.10 **Governing Law.** This Agreement shall be subject to and construed in accordance with the laws of the Province of Ontario and the laws of Canada applicable therein.
- 15.11 **Dispute Resolution.** If a dispute arises concerning the application or interpretation of this Agreement, the Parties shall attempt to resolve the matter through good faith negotiation, and may, if necessary and the Parties consent in writing, resolve the matter through mediation or by arbitration, by a mutually acceptable mediator or arbitration in accordance with the Commercial Arbitration Code set out in the schedule to the *Commercial Arbitration Act* (Canada), and all regulations made pursuant to that Act.
- 15.12 **No Amendment.** No amendment to this Agreement shall be effective unless it is made in writing and signed by the Parties hereto.
- 15.13 **No Agency.** No provision of this Agreement or action by the Parties will establish or be deemed to establish any partnership, joint venture, principal-agent or employer-employee relationship in any way, or for any purpose, between Her Majesty and the Recipient, or between Her Majesty and a third party. The Recipient is not in any way authorized to make a promise, agreement or contract and to incur any liability on behalf of Her Majesty, nor shall the Recipient make a promise, agreement or contract and incur any liability on behalf of Her Majesty, and shall be solely responsible for any and all payments and deductions, required by the applicable laws.
- 15.14 **No Waiver.** Any tolerance or indulgence demonstrated by one Party to the other, or any partial or limited exercise of rights conferred on a Party, shall not constitute a waiver of rights, and unless expressly waived in writing the Parties shall be entitled to exercise any right and to seek any remedy, available under this Agreement or otherwise at law. Either Party may, by notice in writing, waive any of its rights under this Agreement.
- 15.15 **Public Dissemination.** All reports and other information that the Minister collects, manages or has a right to receive or produce in accordance with this Agreement, or that the Recipient collects, creates, manages and shares with the Minister, shall be deemed to be "Canada Information". The Minister shall have the right, subject to the provisions of the *Access to Information Act*, to release to the public, table before Parliament, or publish by any means, any Canada Information, including such excerpts or summaries of the Canada Information as he may, from time to time, decide to make.

- 15.16 **No conflict of interest.** The Recipient and its consultants and any of their respective advisors, partners, directors, officers, shareholders, employees, agents and volunteers shall not engage in any activity where such activity creates a real, apparent or potential conflict of interest in the sole opinion of the Minister, with the carrying out of the Project. For greater certainty, and without limiting the generality of the foregoing, a conflict of interest includes a situation where anyone associated with the Recipient owns or has an interest in an organization that is carrying out work related to the Project.
- 15.17 **Disclose potential conflict of interest.** The Recipient shall disclose to the Minister without delay any actual or potential situation that may be reasonably interpreted as either a conflict of interest or a potential conflict of interest.
- 15.18 **Severability.** If for any reason a provision of this Agreement that is not a fundamental term of the agreement between the Parties is found to be or becomes invalid or unenforceable, whether in whole or in part, such provision or part thereof declared invalid or unenforceable shall be deemed to be severable and shall be deleted from this Agreement and all remaining terms and conditions of this Agreement will continue to be valid and enforceable.
- 15.19 **Business Information.** Notwithstanding anything else contained in this Agreement, the Minister shall be given the right to the use of any of the Recipient’s publicly available business information about the Project (e.g. brochures, awareness, packages, etc.).
- 15.20 **Tax.** The Recipient acknowledges that financial assistance from government programs may have tax implications for its organization and that advice should be obtained from a qualified tax professional.

16. **Notice**

- 16.1 Any notice, information or document required under this Agreement shall be effectively given, if delivered or sent by letter or email (postage or other charges prepaid). Any notice that is delivered shall be deemed to have been received on delivery; any notice sent by email shall be deemed to have been received when sent, any notice that is mailed shall be deemed to have been received eight (8) calendar days after being mailed.
- 16.2 All notices must be sent to the following addresses:

To the Minister

Federal Economic Development Agency for
Southern Ontario
101-139 Northfield Drive West
Waterloo, ON N2L 5A6

Attention: Tourism Relief Fund

Email: tourismrelieffund-
fondsdaideautourisme@feddevontario.gc.ca

To the Recipient

Corporation of the Town of St. Marys
175 Queen Street East, PO Box 998
St. Marys, ON, N4X 1B6

Attention: Andre Morin

Email: amorin@town.stmarys.on.ca

- 16.3 Each of the Parties may change the address, which they have stipulated in this Agreement by notifying in writing the other party of the new address, and such change shall be deemed to take effect fifteen (15) calendar days after receipt of such notice.

17. Special Conditions

17.1 Conditions Precedent. As a condition precedent to the first disbursement of the Contribution:

- a) the Recipient agrees to provide to the Minister an officer's certificate executed by an officer of the Recipient in the form prescribed by the Minister which includes certified copies of the Recipient's constating documents, by-laws and resolution authorizing the entering into of this Agreement;
- b) the Recipient shall obtain and maintain general liability and property damage insurance. The Recipient agrees to provide certificates of insurance and such other evidence of insurance as the Minister may request;
- c) the Recipient agrees to provide the Minister with a direct deposit authorization in the form prescribed by the Minister; and
- d) the Recipient shall provide to the Minister the following, to the Minister's satisfaction:
 - (i) a copy of the Recipient's conflict of interest policy; and
 - (ii) a copy of the Recipient's procurement policy.

17.2 The Recipient represents and warrants that the Cash Flow Projection of the Project provided to the Minister and dated May 12, 2022 accurately reflects the projected cash flow of the Project and agrees and covenants that it shall promptly notify the Minister of any material changes as determined by the Minister to such projected cash flow and obtain the Minister's prior written consent to such changes.

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18. Acceptance

The Recipient agrees that unless the Minister receives a duly executed electronic copy of this Agreement within thirty (30) calendar days of the date of execution by the Minister, this Agreement is revocable at the discretion of the Minister.

IN WITNESS WHEREOF the Parties hereto have executed this Agreement through authorized representatives.

Project No.: 1001036

HER MAJESTY THE QUEEN IN RIGHT OF CANADA

Per: _____ Date: _____
Sarah Popkey A/Manager
Tourism Relief Fund
Federal Economic Development Agency
for Southern Ontario

Corporation of the Town of St. Marys

Per: _____ Date: _____
Al Strathdee
Mayor

I have authority to bind the corporation.

Corporation of the Town of St. Marys

Per: _____ Date: _____
Jenna McCartney
Clerk

I have authority to bind the corporation.

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TOURISM RELIEF FUND

THE PROJECT - STATEMENT OF WORK

Primary Project Location: 175 Queen Street East, PO Box 998, St. Marys, N4X 1B6
Project Start Date: March 1 2022
Project Completion Date: December 31 2022

Project Description/Purpose/Objective

The Corporation of the Town of St. Mary’s will implement their 2018 Signage and Wayfinding Strategy by December 31 2022. The Town is proposing some revisions to the strategy including the addition of signage to support education about traditional land use and enhanced signage to support self-guided tourism, both on foot and by bicycle. The project will include the purchase and installation of signage directing visitors and residents to various town assets including, but not limited to: the downtown core, Baseball Hall of Fame, Museums, Swimming Quarry, Trails, Parks, Recreation etc. The project also includes updating a tourism specific sign located downtown to a modern digital kiosk that would display on-screen up-to-date information flowing directly from the Town’s newly launched tourism website. There will also be QR codes directing residents and visitors to sections of the tourism website.

Statement on Diversity and Inclusion

The Agency and the Recipient recognize and acknowledge their shared commitment to support a more diverse and inclusive Southern Ontario and Canadian economy. Throughout the duration of the Project, the Recipient agrees to engage with the Agency on their approach(es) to fostering diversity and inclusion within their organization. Examples could include:

- Collecting data and preparing reports on the Recipient’s workforce and participant (defined as collaborators, businesses supported, etc.) demographic composition (on a disaggregated basis) including baseline information;
- Developing and implementing a workplace diversity plan that could include efforts such as increasing senior leadership and workforce participation of underrepresented groups, providing skills development training programs for members of underrepresented groups as defined in the *Employment Equity Act*, or other initiatives;
- Identifying ways to leverage the supply chains and procurement opportunities within southern Ontario to access goods and services from businesses that are predominantly owned, operated and controlled by underrepresented groups as defined in the *Employment Equity Act* and consistent with the Government of Canada’s Indigenous procurement practices, and
- Considering registering as a participant under Canada’s 50-30 Challenge.

Project Milestones

Project Milestones	Estimated Completion Date
Milestone #1 – Launch RFPs.	April 30, 2022
Milestone #2 –Hire a project coordinator.	May 31, 2022
Milestone #3 – Obtain quotes, procure a sign fabricator.	May 31, 2022
Milestone #4 – Revise 2018 Signage and Wayfinding Strategy.	June 30, 2022
Milestone #5 – Purchase and install signage directing visitors and residents to various town assets including, but not limited to: the downtown core, Baseball Hall of Fame, Museums, Swimming Quarry, Trails, Parks, Recreation.	November 30, 2022
Milestone #6 – Update downtown sign to a modern digital kiosk that would display on-screen up-to-date information with QR codes.	November 30, 2022

Expected Results of the Project

Mandatory Indicators

Measurement	At Project End
Total cash leveraged	\$60,000
Number of businesses supported ¹	0
Number of organizations supported ²	0
The number of clients served per funded organization ³	0
Number of tourism products adapted or created, excluding festivals	1
Number of international tourists	10,000
Number of domestic tourists	70,000
Number of businesses trained	0
Number of organizations trained	0

Optional Indicators

Measurement	At Project End
Number of new partnerships formed	0
Number of new collaborations formed	0
Number of clients adapting operations to meet COVID-19 health and safety regulations, self reported	1
Value of investments in clean technology (as a percent of FedDev Ontario investment)	0

Jobs

Jobs	Number of full-time equivalents ¹				
	Created		Maintained ²		Total
	Permanent ³	Temporary ⁴	Permanent	Temporary	
Forecasted total jobs by Project Completion	0	1	0	0	1
<div><div>¹Full-time equivalent (FTE) is equivalent to one employee working full time or more than one person part-time, such that the total working time is the equivalent of one person working full-time. Generally, full-time positions will involve between 35 and 40 hours in a regular workweek. A FTE calculation is the total hours worked in a week divided by the regular workweek. FTEs do not include positions created as a result of subcontracts to undertake work on the project (e.g. construction, suppliers, etc.).</div><div>²Maintained refers to employment that existed prior to the project, but which would not have continued, or would have been unlikely to continue, if the project had not been funded.</div><div>³Permanent job is a position without a fixed end date.</div><div>⁴Temporary job is defined as a temporary or contract position with a fixed end date.</div></div>					

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Project Costs & Financing

COSTS ⁵	Eligible & Supported ^{1,2}		Eligible & Not Supported	Ineligible	Total	
Facility Construction/Renovations ⁵	\$ 225,300	88.2%	\$ 0	\$ 20,000	\$ 245,300	77.8%
Equipment Purchases/Installation	\$ 0	0.0%	\$ 0	\$ 0	\$ 0	0.0%
Expertise	\$ 0	0.0%	\$ 0	\$ 0	\$ 0	0.0%
Labour ⁶	\$ 20,000	7.8%	\$ 0	\$ 30,000	\$ 50,000	15.9%
Operational Costs ⁷	\$ 10,000	3.9%	\$ 0	\$ 10,000	\$ 20,000	6.3%
TOTAL	\$ 255,300	100.0%	\$ 0	\$ 60,000	\$ 315,300	100.0%

FINANCING	Eligible & Supported		Eligible & Not Supported	Ineligible	Total	
FedDev Ontario	\$ 255,300	100.0%			\$ 255,300	81.0%
Other Federal	\$ 0	0.0%	\$ 0	\$ 0	\$ 0	0.0%
Provincial	\$ 0	0.0%	\$ 0	\$ 0	\$ 0	0.0%
Municipal	\$ 0	0.0%	\$ 0	\$ 0	\$ 0	0.0%
Other Private (Equity/Financing)	\$ 0	0.0%	\$ 0	\$ 0	\$ 0	0.0%
Applicant	\$ 0	0.0%	\$ 0	\$ 60,000	\$ 60,000	19.0%
TOTAL	\$ 255,300	100.0%	\$ 0	\$ 60,000	\$ 315,300	100.0%

CONTRIBUTION ALLOCATIONS BY FISCAL YEAR ³	Eligible & Supported Project Costs	FedDev Ontario Contribution per Fiscal Year (\$, reimbursement %)	
2022-23	\$255,300	\$ 255,300	100%
TOTAL	\$255,300	\$ 255,300	100%

STACKING CALCULATION	
Total Eligible & Supported Costs ⁴	\$ 255,300
Total Government Contributions	\$255,300
Stacking %	100.0%
Stacking Limit	100.0%

Notes:

1. Eligible and Supported Costs include the amount of the harmonized sales tax (HST), net of any refund or eligible credits due from the Canada Revenue Agency.
2. The Recipient shall not redirect funding amount between cost categories without the prior written consent of the Minister.
3. FedDev Ontario’s contribution allocations by Fiscal Year will not be reallocated without the prior written consent of the Minister. The Minister has no obligation to pay any amounts in any other Fiscal Years than those specified above. Failure to adhere to Fiscal Year allocations can result in a reduced contribution amount.
4. Eligible Costs is the sum of Eligible and Supported Costs and Eligible and Not-Supported costs.
5. Facility Construction/Renovations include, but are not limited to, general contractor and subcontractor costs to support the purchase and/or fabrication and installation of signage and digital kiosk. Costs would include site work plans, supervision and inspection.
6. Labour costs include, but are not limited to, project coordinator contracted labour that is required to complete project objectives and milestones.
7. Operational costs include, but are not limited to lighting and benches.

Annex 2

TOURISM RELIEF FUND

COSTING GUIDELINE MEMORANDUM**1.0 General Conditions**

- 1.1 Costs are Eligible and Supported Costs for the purposes of this Agreement only if they are, in the opinion of the Minister:
- (a) directly related to the intent of the Project;
 - (b) reasonable;
 - (c) appear in Annex 1 - Statement of Work;
 - (d) incurred in respect of activities, which are incremental to the usual activities of the Recipient; and
 - (e) incurred between the Eligibility Date and the Completion Date.
- 1.2 Costs submitted for reimbursement must be net of any refund or eligible tax credits (including HST).
- 1.3 Costs incurred by way of the exercise of an option to purchase or hire are eligible, only if the exercise of the option is at the sole discretion of the Recipient and the option has been exercised and the costs incurred between the Eligibility Date and the Completion Date.
- 1.4 The costs of all goods and services acquired from an entity which, in the opinion of the Minister, is not at arm's length from the Recipient, shall be valued at the cost which, in the opinion of the Minister, represents the fair market value of such goods or services, which cost shall not include any mark up for profit or return on investment.
- 1.5 No cost described in Subsection 1.4 above shall be eligible for inclusion in Eligible and Supported Costs, unless the Recipient causes the supplying entity to maintain proper books, accounts and records of the costs related to the Project, and to provide the Minister access to such books, accounts and records.

2.0 Eligible Costs

Where consistent with the approved Eligible and Supported Costs, as defined in Annex 1 - Statement of Work, the following criteria will be used in determining eligibility of costs:

2.1 Travel Costs - Transportation

Eligible and Supported Costs incurred for travel are those, which are deemed necessary to the performance of the Project. To be eligible, travel costs must be clearly documented as to the purpose of each trip. Travel expenses, at economy rates, shall be charged at actual costs, but only to the extent that they are considered reasonable by the Minister.

Necessary return airfare, train fare or bus fare at economy rates for participating personnel, where a personal automobile is to be used, kilometre (mileage) allowance will be based on current Treasury Board of Canada Travel Directives. Eligible and Supported Costs shall be limited to the cost that would have been incurred and paid had normal public transportation at economy rates been used.

Food and accommodation costs are eligible only if deemed necessary to the performance of the Project in the opinion of the Minister. If eligible, food and accommodation allowances will be based on current Treasury Board of Canada Travel Directives.

Costs that are, in the opinion of the Minister, entertainment or hospitality costs are not eligible.

2.2 Audit of Project Costs Claimed

If expressly approved in writing by the Minister, Eligible and Supported Costs may include the cost of professional accountants certifying the accuracy of any costs claimed.

2.3 Consultants

The direct costs of studies and/or services carried out by a private contractor or consultant are eligible.

Where a particular contractor or consultant has been specified in the Agreement, and the Recipient wishes to proceed with the Project using another contractor or consultant, prior consultation with the Minister is advised to ensure eligibility.

The Minister shall not contribute to the cost of the services of any consultant that is not, in the opinion of the Minister, at arm's length from the Recipient.

2.4 Calculation of Direct Labour

Labour and benefit costs claimed by the Recipient as direct Eligible and Supported Costs toward the Project will include only that time worked directly on the Project at the payroll rate and excludes indirect time, non-project related time, holidays, vacation, bonuses, paid sickness, etc., except as noted below. Paid overtime, where considered reasonable in the opinion of the Minister, may be claimed. Time off in lieu of payment is not eligible. Time claimed will normally be expressed in hours.

The payroll rate is the actual gross pay rate for each employee (normal periodic remuneration before deductions). The payroll rate excludes all premiums (e.g. overtime, payment in lieu of vacation), shift differentials and any reimbursement or benefit conferred in lieu of salaries or wages except those noted below.

Claims relating to the employer's portion of the Ontario Workplace Safety and Insurance Board (WSIB), statutory benefits (e.g., Canada Pension Plan (CPP), Employment Insurance (EI) and vacation) and discretionary benefits (i.e., dental, extended health, disability and life insurance, pension plans, holiday and paid leave) negotiated as part of collective agreements or other salary and benefit packages shall be limited to the lesser of:

- (a) actual cost; and
- (b) twenty percent (20%) of the payroll rate of each employee.

Benefits such as car allowances and other benefits beyond those listed above are not eligible.

2.5 Sales Taxes

Eligible and Supported Costs include the amount of the harmonized sales tax (HST), net of any refund or eligible credits due from the Canada Revenue Agency.

In order to have the HST approved as an Eligible and Supported Cost on claims, the Recipient will be required to provide documentation verifying the organization's status under the relevant tax legislation.

2.6 Carbon Offset Credits

Eligible and Supported Costs include the purchase of eligible carbon offset credits from a vendor which has received third-party verification and adheres to internationally agreed standards including: Gold Standard, VER+, VERRA (formerly VCS, Verified Carbon Standard), and B.C. Offset System, and where the purchase of said eligible carbon offset credits are for events, conferences and travel related to the Project, as may be permitted hereunder.

3.0 Ineligible Costs

For greater certainty, any costs that do not qualify as Eligible and Supported Costs in accordance with section 1.0 of this Annex, shall be ineligible for inclusion in the Eligible Costs. By way of example only, ineligible costs include, but are not limited to, the following:

- (a) costs of land, building or vehicle purchase;
- (b) refinancing;
- (c) costs of intangible assets such as goodwill, whether capitalized or expensed;
- (d) depreciation or amortization expenses;
- (e) interest on invested capital, bonds, debentures, or mortgages;
- (f) bond discount;
- (g) losses on investments, bad debts and any other debts;
- (h) fines or penalties;
- (i) costs related to litigation;
- (j) non-incremental wages;
- (k) fees for administrators, including payments to any member or officer of the Recipient's Board of Directors;

- (l) opportunity costs;
- (m) hospitality and entertainment costs;
- (n) costs of individual membership in a professional body (e.g. professional designations); and
- (o) lobbyist fees.

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DRAFT

Annex 3

TOURISM RELIEF FUND

REPORTING REQUIREMENTS

1. **Reports.** The Recipient shall submit to the Minister a report on the Project, substantially in the form prescribed by the Minister and satisfactory to the Minister in scope and detail, in order to allow the Minister to assess the progress of the Project. Reports will be submitted on the dates described in the reporting schedule provided by the Minister. The Minister may reassess the reporting frequency from time to time at the Minister’s sole discretion and notify the Recipient of any changes.
2. **Annual report.** The Recipient shall submit to the Minister an annual report on the Project no later than April 15 of each year, substantially in the form and substance prescribed by the Minister. The Recipient will include information on their diversity and inclusion approach including baseline information, and report on progress with respect to diversity and inclusion initiatives.
3. **Final Report.** In accordance with Subsection 6.6, the Recipient shall submit to the Minister a final report on the project, substantially in the form prescribed by the Minister and satisfactory to the Minister in scope and detail, in order to allow the Minister to assess the outcome of the Project.
4. **Financial Statements and Insurance.** The Recipient shall submit to the Minister a copy of the Recipient's insurance policy and financial statements, accompanied by an externally prepared audit report or review report (as determined by the Minister) that has been issued by a licensed public accountant. These financial statements will be submitted within one hundred and eighty (180) calendar days of the Recipient's fiscal year end or within such longer period, as may be authorized in writing by the Minister.

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Annex 4**TOURISM RELIEF FUND****FEDERAL VISIBILITY REQUIREMENTS**

1. The Recipient agrees that its name, the amount of the Contribution and a description of the general nature of the activities supported under this Agreement may be made publicly available by the Minister for reasons of transparency and proactive disclosure.
2. In order to promote the support received from the Minister, and to raise awareness of the Agency's ongoing work and impact across Southern Ontario, the Recipient agrees to, at the request of the Agency:
 - Participate in and assist with the coordination of a public announcement of the Project in the form of an event and/or news release, as determined by the Minister. The Recipient shall maintain the confidentiality of this Agreement until the public announcement takes place;
 - Highlight project achievements and milestones in the form of public events and/or news releases;
 - Celebrate project completion in the form of a public event and/or news release; and
 - Participate in and assist with activities and projects intended to demonstrate the Agency's impact across Southern Ontario, including, but not limited to: photo opportunities, site visits, success stories (in written and/or video formats), and promotion across available traditional and digital media platforms.

All public events requested by the Recipient are at the discretion of the Minister and will be supported by the Agency's Communications Branch. Notice of fifteen (15) business days must be given to the Minister for any public event.

For the activities listed above, the Minister may require access to the Recipient's project location(s), but only insofar as trades secrets or sensitive material, such as intellectual property or proofs of concept that may exist under or be in the patent process, are not divulged.

3. The Recipient agrees to include the appropriate "Government of Canada" wordmark and/or Agency funding acknowledgement in all publications and activities that describe or promote the products and services funded in whole or in part by this Agreement, including, but not limited to, web sites, social media, digital and print media. All official government identifiers will be provided to the Recipient by the Agency and must be approved by the Agency prior to publication. The Recipient will provide the Agency with no less than ten (10) business days for the approval of all materials prior to its release. The Recipient will acknowledge the support received from Her Majesty in all communication and promotional activities until twelve (12) months following the Project Completion Date.

The Minister may, by notice in writing given to the Recipient, require that recognition of the support provided by the Minister not be made in any public communication of the Recipient.

Visibility requirements may be exempted in circumstances where public acknowledgement of Ministerial support is detrimental to the Recipient and/or the Project. These cases must be made known to the Minister.



FORMAL REPORT

To:	Mayor Stratthdee and Members of Council
Prepared by:	André Morin, Director of Corporate Services / Treasurer
Date of Meeting:	24 May 2022
Subject:	COR 29-2022 Heritage Event Re-Imagining – Sole Source

PURPOSE

To provide Council with an update on the re-imagining of the Stonetown Heritage Festival and to consider a proposal from Bannikin Travel and Tourism.

RECOMMENDATION

THAT COR 29-2022 Heritage Event Re-Imagining – Sole Source report be received; and

THAT Council approve staff's funding options as outlined in COR 29-2022 report; and

THAT Council approve the unbudgeted difference of \$22,000.

BACKGROUND

The Town published an RFP to receive assistance in the review of the Stonetown Heritage Festival. The scope of work included:

- determining stakeholders and creating/implementing stakeholder engagement
- SWOT analysis of existing festival with stakeholders
- Review and comparison to similar local/regional events to identify opportunities and regional gaps
- Rebranding/reimagining of community summer event
- Provide draft concept of new event for Town and community input
- Provide implementation strategies to ensure ongoing success of the new event

The budget for the project was estimated between \$5,000 - \$8,000.

The RFP was launched on April 8, 2022 and closed April 27, 2022.

REPORT

We had 5 firms register as a supplier, but in the end the Town did not receive any proposals. Staff suspected the budget may have been too low; but performed an online review of the registered suppliers and one potential supplier stood out. Staff contacted Bannikin Travel and Tourism to ask them why they did not submit a proposal.

Bannikin was excited about our project, has internal staff affiliations with St. Marys, but suggested they could not effectively do the project justice for our budget and decided not to participate. Staff discussed internally and firstly believe we want to ensure the re-imaging of the event is done properly and secondly may have an opportunity to leverage more funds. Therefore, as a follow up discussion, Bannikin was

asked to provide a high-level project plan and budget to perform the Town's original scope of work. Their proposed workplan is below:

STAGE	ACTIVITIES	TIME (Person Days)			TIMELINE (2022)
		PM	CE	RL	
PHASE 1 - PROJECT INITIATION, MANAGEMENT, AND COMMUNICATIONS					
Initial briefing meeting (virtual)	<ul style="list-style-type: none">Facilitated meeting with St. Marys, to kick-off project, walkthrough work plan, and confirm future meetings/communications	0.5	0.5	0.5	Early-Jun
Project management	<ul style="list-style-type: none">Agile project management, including development and use of customized tools	2	0	0	Ongoing
Ongoing liaison	<ul style="list-style-type: none">Internal and external communications, using preferred methods, including pre-scheduled check-in meetings	1	1	1	Ongoing
Outputs	<ul style="list-style-type: none">Finalized work plan; responsive project management; pre-scheduled check-in meetings; efficient and effective ongoing liaison				
Subtotal		3.5	1.5	1.5	

STAGE	ACTIVITIES	TIME (Person Days)			TIMELINE (2022)
		PM	CE	RL	
PHASE 2 – RESEARCH PLANNING AND PREPARATION					
Background review	• Collection and review of recent and relevant background documents	0.5	0.5	2	Early-Jun
Cultural events & festival industry leader survey	• Collection of insights and feedback from industry leaders attending OCD Cultural Tourism Symposium (June 7 th -8 th)	0.5	0.5	0.5	Early-Jun
Research scoping	• Development of research and engagement plan, including of goals, objectives, questions, methods, sources, and tools	0.5	0.25	1	Mid-Jun
Tool design and development	• Design and develop data collection tools over the course of the project that are informed by and align with the research and engagement plan	1	0.5	2.5	Ongoing
Stakeholder identification	• Co-development of contact database, aligned with research work plan to determine festival stakeholders to engage	0.5	0.25	0.5	Mid-Jun
Outputs	• Research and engagement plan; contact database; data collection tools				
Subtotal		3	2	6.5	

PHASE 3 – RESEARCH AND ENGAGEMENT					
Key informant interviews	• Up to ten (10) structured interviews with municipal staff, councillors, and others stakeholder, as identified	1	0	1	Late-Jun
In-market assessment (in-person)	• Visit to St. Marys, incl. downtown core and Milt Dunnell Park, for the Homecoming-Heritage Festival (June 30 th -July 3 rd)	0	1.5	0	Early-Jul
Stakeholder survey (Part 1)	• Collection of feedback from stakeholders via online questionnaire (focus: current state and potential of festival)	0.5	0.25	0.5	Jul
Jurisdictional scan	• Identification and review of up to three (3) comparator and/or competitor local and/or regional festivals/events	1	0.25	1.5	Jul
Analysis and assessment	• Analysis of all data collected and assessment of festival, incl. a SWOC	1	0.5	1.5	Early-Aug

STAGE	ACTIVITIES	TIME (Person Days)			TIMELINE (2022)
		PM	CE	RL	
Outputs	• Festival assessment				
Subtotal		3.5	2.5	4.5	

PHASE 4 – FESTIVAL REIMAGINATION					
Reimagination of festival	• Preparation draft reimagined festival concept, including vision	1	1	1	Late-Aug
Stakeholder survey (Part 2)	• Reengage stakeholders (Part 1) via online questionnaire (focus: vision for festival)	0.5	0.25	0.5	Early-Sept
Presentation (virtual)	• Presentation of reimagined festival concept to municipal council	0.5	0.25	0.5	Mid-Sep
Concept finalization	• Finalize reimagined festival concept based on feedback and input	1	0.5	1	Early-Oct
Outputs	• Reimagined festival concept				
Subtotal		3	2	3	

PHASE 5 – IMPLEMENTATION AND MARKETING PLANNING					
Implementation planning meeting (virtual)	• Facilitated half-day session to plan reimagined festival implementation, including marketing	1	0.5	1	Mid-Oct
Plan development	• Development of the implementation plan, incl. actions	1	0.5	1.5	Late-Oct
Outputs	• Implementation plan				
Subtotal		2	1	2.5	

Bannikin has a great workplan that aligns with our vision of how the project can be successful. In reviewing their previous projects and partnerships, staff believe the proponent can provide valuable leadership and resources to the project. Their proposed budget for this workplan is \$30,000 plus HST.

The alternative solution is for staff to complete the review internally, but at current staff capacity, the project quality would suffer unless we added more internal capacity which would require an increased budget.

As such, staff is recommending that Council approve a sole source award to Bannikin Travel and Tourism.

FINANCIAL IMPLICATIONS

Staff have developed two funding proposals:

Plan A - Funding application through Regional Tourism Organization 4, Tourism Relief Fund – application has been submitted.

Plan B – the wayfinding project has received successful funding from the Tourism Relief Fund (\$255,300), RTO4 (\$60,000), and Town budget (\$60,000). The total funding is \$375,300. The Town currently has received some favourable costing on a big part of the project and the total cost of the project is expected to be \$315,300. As such, the Town can re-direct a portion of the Town's capital budget from the Wayfinding to the Festival Reimagination project.

SUMMARY

The Town is considering a proposal from Bannikin Travel and Tourism for assistance with the reimaging of the Stonetown Heritage Festival

STRATEGIC PLAN

☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.

- Corporate Services
 - Re-imagining of the Heritage Festival

OTHERS CONSULTED

Kelly Deeks-Johnson, Tourism and Economic Development Manager

Andrea Macko, Events Coordinator

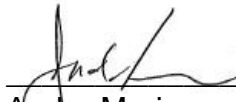
Trevor Jonas Benson, Bannikin Travel and Tourism

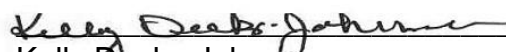
ATTACHMENTS

N/A

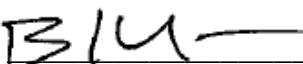
REVIEWED BY

Recommended by the Department


Andre Morin
Director of Corporate Services/Treasurer


Kelly Deeks-Johnson
Manager of Tourism and Economic Development

Recommended by the CAO


Brent Kittmer
Chief Administrative Officer



MONTHLY REPORT

To:	Mayor Stratthdee and Members of Council
From:	Emergency Services / Fire Department
Date of Meeting:	24 May 2022
Subject:	FD 06-2022 May Monthly Report (Emergency Services)

RECOMMENDATION

THAT FD 06-2022 May Monthly Report (Emergency Services) be received for information.

DEPARTMENTAL HIGHLIGHTS

Emergency Responses

During the month of May (14 April – 13 May) the Fire Department responded to 11 emergency responses most notably:

- Automatic alarms – 3 St. Marys
- MVC – 1 Perth South
- CO – 2 St. Marys
- VSA – 1 St. Marys
- Unauthorized Open-Air Burning - 1 St. Marys & 1 Perth South
- Truck fire – 1
- Structure – 1

Average attendance of firefighters 17

Fire Chief attended 02 calls alone.

St. Marys Fire Department has responded to 46 calls for service (01 January – 13 May 2022) compared to 38 (01 January – 13 May 2021)

Fire Prevention

During the month of May (14 April – 13 May) the Chief Fire Prevention Officer accomplished the following:

Inspections

- 14-Routine
- 7-Follow up & ongoing
- 0-Requests
- 0-Site Visit
- 0-complaints

- 1-fire investigation
- Total-22

Public Education

Portable fire extinguisher training-DCVI students

Training

- Low Slope Rescue – Two practical and theory training sessions
- Inspections & Maintenance of vehicles and equipment
- General meeting night – Annual policy review

Recruit

- Recruit Kruz Dumontier has been hired as of May 1, 2022

Volunteer/Charity

- Scrap Metal Pick up – 30 April 2022
- Firefighters collected 110,000 lbs of scrap metal

SPENDING AND VARIANCE ANALYSIS

- Air lines extended in vehicle bays to connect to the vehicles - \$1,408.06
- Dual battery Charger for the Ram Fan - \$1,332.09
- Firefighter PPE (boots, gloves, helmet lights) - \$1,835.01

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 Stratthdee and Members of Council

From: Human Resources

Date of Meeting: 24 May 2022

Subject: HR 05-2022 May Monthly Report (Human Resources)

RECOMMENDATION

THAT HR 05-2022 May Monthly Report (Human Resources) be received for information.

DEPARTMENTAL HIGHLIGHTS

Recruitment

- Currently recruiting for Lieutenant (fire services), Tourism Coordinator, PW Operator B, Community Developer, Water Safety Educator, Lifeguards, Facilities Labourer, Early Learning Services supply staff.
- Completed the recruitment and selection and working through the on-boarding process for:
 - Bartenders
 - Canteen Attendants (Quarry)
 - Volunteer Fire Fighter
 - Lifeguards
 - Recreation Attendants
 - Facilities Labourer
 - Adult Learning Instructor

Employee Engagement

- Presented the newly revised Recognition Program and the final 2019 Employee Engagement Survey update to staff at the Spring All-staff meeting. Next Engagement survey slated for 2023.
- Sent out daily mental health information to acknowledge Mental Health Week.

HR Systems/ Admin.

- Continued tracking & uploading annual performance reviews.
- Updating the Training Matrix as staff complete training.
- Conducted New Hire Orientation and Electronic Timesheet training sessions for new staff.
- Rolled out the Flexible Work Policy to all staff.
- Continuing work on the Right to Disconnect and Electronic Monitoring Policies.
- Preparing the transition plan for the upcoming Director of HR position.

Health & Safety/ Training

- Completed online prerequisite & in-person training – First Aid Instructor.
- SLT “Leadership Training” bundle – Conducted the mid-session feedback meetings.

- Mental Health in the Workplace for Leaders – assigned through HRdownloads.
- Sent out the monthly policy for review. This month was the Respect in the Workplace (Violence and Harassment) policy.
- Attending a Virtual Employment Law conference hosted by Siskinds Law firm.

Payroll and Benefits

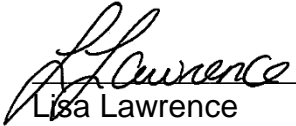
- Completed and submitted report on hiring to Service Canada for April 2022.
- Audited year-to-date Volunteer Firefighter calls and practices.
- Processed Records of Employments for staff who have resigned.
- Continue to work on the 2023 Payroll Budget sheets.
- Submitted documentation for reimbursement of Covid Paid Days (3) to WSIB.
- Processed annual VFIS renewal for Volunteer Firefighters.
- Compiled 2-year Milestone employee list for 2022 recognition.

SPENDING AND VARIANCE ANALYSIS

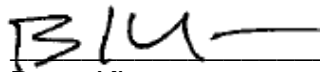
None to report

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 Stratthdee and Members of Council

From: Public Works

Date of Meeting: 24 May 2022

Subject: PW 34-2022 May Monthly Report (Public Works)

RECOMMENDATION

THAT PW 34-2022 May Monthly Report (Public Works) be received for information.

DEPARTMENTAL HIGHLIGHTS

General Administration

- Green Committee
 - April Committee meeting deferred to May 25, 2022, to allow time to prepare an in-depth financial analysis regarding curbside collection contracts, current diversion initiatives and implementation of an organics program coupled with the release the results of the Curbside Collection Survey.
- Traffic and Parking
 - Background work for St. Marys Road Safety Plan – Paused while staff respond to emergency infrastructure repairs and planning files
 - Public Works Operators to begin deploying signage as per the December By-law amendment, stop bars to be painted prior to the installation of stop signs (likely a phased approach)
 - As of May 1st, residents may park overnight on the road allowance excluding the downtown core.
 - Pavement markings “handwork” completed in mid-May. Arterial road centerline painting to be completed in late May/early June through joint contract with Perth County. A second application of crosswalks will occur in late summer/early fall. Wellington Street within the reconstruction project area was purposely omitted and will be painted after new asphalt is installed there later this year.
 - Public Works staff continue to receive inquiries regarding the regulations surrounding the use of all-terrain vehicles in St. Marys, with many requesting that the Town permit the use of all-terrain vehicles on the roads. The *Off Roads Vehicle Act* allows municipalities to make this decision. Further investigation into the subject is needed, along with a review of all other utility vehicles that are now available.
- Green Initiative Awareness Program
 - Promotional campaign the week of April 18, 2022, to coincide with Earth Day, four businesses featured.
 - Good feedback received, staff evaluating the program and will discuss with the Green Committee.
- Corporate Climate Change Action Plan (CCAP)

- Next step is to create a second draft of CCAP that includes the identification of short-term, mid-term, and long-term initiatives to help mitigate and adapt to climate change. This project has been paused while staff respond to emergency infrastructure repairs and planning files.
- CCAP continues to be a priority for the Department, once the emergency response is complete, Town staff will work towards completing the second draft of CCAP.

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

- Landfill EA Activities – Ongoing
 - Technical field work completed with five (5) new monitoring wells installed and two (2) additional boreholes.
 - Field work for testing, surveying, etc. has been undertaken.
- Watermain repair on Carling Street

Public Works Operations

Parks, Trails, Tree Management, Beautification

- Spring switchover is ongoing
 - Picnic tables, garbage cans and Downtown benches have been deployed
 - Garbage is removed from receptacles twice a week
 - Playgrounds are now open, and staff perform weekly and monthly inspections
 - Playground have had wood chips added to surfaces
 - Rolling of sports fields
 - Switchover to summer equipment
 - Placement of new gravel on trails and commenced grooming routines
 - General trail maintenance – installation of new gravel and stone dust
- Turf Maintenance
 - Grass cutting in non-contracted areas
 - Aerating all sports fields
- Tree Maintenance
 - Chainsaw Training course scheduled for mid to late May for PW and Parks Operators
 - Work orders for larger trees and diagnoses sent over to Davey Trees
 - Preparing stump grinding activities, Town to complete the majority of stumps, but will need to contract out at least three stumps due to their size
 - Boulevard Tree planting list created, anticipate planting at the end of the month
- Meadowridge Natural Area
 - Tree planting took place on April 22, 2022, in coordination with UTRCA, local schools, Rotary and St. Marys Cement. Approximately 400 trees and bushes planted, all trees are funded via donation.
 - Coordinate installation of trail with Public Works Operations.
- Beautification
 - Contracted Services has prepped the garden beds at all facilities (i.e. new mulch) intend to plant annual flower beds and hang flower baskets at the end of May / start of June.
- Splash Pads will open at the end of May

Capital Projects and Engineering

- 2021 Elizabeth and Waterloo reconstruction project deficiencies to be cleaned up and topcoat asphalt installed mid/late May.
- Park Street Bridge Rehab underway. Contractor to be complete work late May/Early June

- Grand Trunk Trail staircase construction underway. Expect most work to be complete mid/late May. The final metal handrail measurements could not be confirmed by the fabricator until majority of framing was complete. Still waiting for schedule update from fabricator on when the metal handrail will be ready to install. Staircase will remain closed until the handrail is installed.
- Wellington Street road reconstruction project has been delayed by roughly two months as resources have been re-assigned to address an emergency sanitary sewer issue on Huron Street. See “spending and variance analysis” for more information.
- Asphalt resurfacing project is planned to commence mid-June following the annual induction ceremony at the Canadian Baseball Hall of Fame. Millings from the project will be dumped at the CBHFM and reused for improving parking lot surface.

SPENDING AND VARIANCE ANALYSIS

Landfill

- Landfill leachate system blockage identified on May 6, 2022 with impacts to on site SWM ponds.
- Leachate System restored to Service
- Ponds contained upon identification and Provincial Spills Action Centre Notified
- Remedial Cleanup services coordinated

Huron St. – Sanitary

- Two blockages identified in sanitary sewer collection system in late April on Huron Street south of Queen Street East. Initially an emergency spot repair was planned based on blockage locations. Lavis Contracting had equipment and forces in Town working on Wellington Street and were able to respond immediately. Lavis was hired on a “time and material” basis with rates consistent with Ontario Provincial Standards (OPS).
- After further camera inspection and physical condition assessment once the pipe was unearthed, it was clear that the existing asbestos cement pipe between Queen Street and Elizabeth Street was in very poor condition and continued failure was highly likely if not replaced immediately. Degradation of asbestos concrete pipe appears to be a result of exposure to hydrogen sulfide gas released from the sewage.
- Emergency replacement of sanitary sewer between Queen St. and Elizabeth St, (Approx. 360m) was determined to be necessary.
- BM Ross is providing engineering supervision onsite, with all Lavis timesheets and invoices being reviewed prior to submission to the Town
- Due to location of watermain from Jones Street to Elizabeth Street, watermain must be replaced in those two blocks.
- Asphalt road will be replaced from curb to curb
- A Queen Street traffic detour was required during the sewer tie-in at Queen Street. This detour should not be necessary again.
- To-date there have been no known blockage or backups to residential properties, normal system sanitary flow was restored May 12th when the last active blockage was cleared.
- Depth of repairs requires removal of watermain and some sections of storm system
- Total emergency project cost is estimated at \$1.2 million
 - Still waiting on suppliers for all material costing.
 - Watermain replacement / upgrade to be completed, with water reserves contributing associated costs
 - Ending Balances 2021
 - Sanitary Reserve - \$1,968,902
 - Water Reserve - \$1,925,142
- Review of Capital Plans and Sanitary Capital Schedule required before next revision of water and sanitary user rates

REVIEWED BY

Recommended by the Department



Jed Kelly

Director of Public Works

Recommended by the CAO



Brent Kittmer

Chief Administrative Officer

BY-LAW 54-2022

THE CORPORATION OF THE TOWN OF ST. MARYS

Being a By-law to appoint a Municipal Deputy Treasurer for The Corporation of the Town of St. Marys.

WHEREAS: The *Municipal Act, 2001*, S.O. 2001, c.25, as amended, Section 286 (2), provides that a municipality may appoint a deputy treasurer who shall have all the powers and duties of the treasurer under this Act and any other Act;

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

1. That Denise Feeney be appointed as the Deputy Treasurer of The Corporation of the Town of St. Marys.
2. That Denise Feeney shall perform the duties of Treasurer as required under all statutory obligations when representing the Municipal Treasurer.
3. This by-law comes into force on the final passing thereof.

Read a first, second and third time and finally passed this 24th day of May 2022.

Mayor Al Stratthdee

Jenna McCartney, Clerk

BY-LAW 55-2022

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 Canada as represented by the Federal Economic Development Agency for Southern Ontario and to authorize the Mayor and Clerk to execute the Agreement.

- WHEREAS:** Her Majesty the Queen in Right of Canada as represented by the Federal Economic Development Agency for Southern Ontario (the “Feds”) have provided funding to The Corporation of the Town of St. Marys by way of the Tourism Relief Fund for the purpose of the creating and installing wayfinding signage (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 Canada as represented by the Federal Economic Development Agency for Southern Ontario (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 Mayor and the Clerk are hereby authorized to execute the Agreement on behalf of The Corporation of the Town of St. Marys.
 - 2.** That the Agreement is hereby authorized and approved, and is attached hereto this By-law, and to affix the corporate seal 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 24th day of May 2022.

Mayor Al Strathdee

Jenna McCartney, Clerk

BY-LAW 56-2022

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 FastSigns, London East 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 released an RFP for the purpose of retaining the services of a sign production firm to fabricate and supply custom wayfinding signs based on the Town's comprehensive signage and wayfinding strategy (the "Project") and received a proposal from FastSigns, London East which was subsequently approved by Council on May 24, 2022;
- AND WHEREAS:** The Corporation of the Town of St. Marys deems it expedient to enter into an agreement with FastSigns, London East. (the "Agreement") for the purpose of clarifying and delineating the respective rights, obligations and of 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 Mayor and Clerk are hereby authorized to execute the Agreement on behalf of The Corporation of the Town of St. Marys.
 2. That the Agreement is hereby authorized and approved, and is attached hereto this By-law, and to affix the corporate seal 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 24th day of May 2022.

Mayor Al Stratthdee

Jenna McCartney, Clerk

BY-LAW 57-2022

THE CORPORATION OF THE TOWN OF ST. MARYS

**Being a by-law to exempt from Part Lot Control
Block 54, Registered Plan No. 44M-79 in the Town of St. Marys**

- WHEREAS:** Section 50(7) of the Planning Act, R.S.O. 1990, provides that the Council of a local municipality may, by By-law, provide that the Part Lot Control provisions contained in Section 50(5) of the Planning Act, R.S.O. 1990, do not apply to the lands designated in the By-law;
- AND WHEREAS:** The Council of the Corporation of the Town of St. Marys deems it expedient and in the public interest that Block 54, Registered Plan No. 44M-79 in the Town of St. Marys, in the County of Perth, be exempted from the Part Lot Control provisions of the Planning Act.
- THEREFORE:** The Council of The Corporation of the Town of St. Marys hereby enacts as follows:
1. Block 54 in Registered Plan 44M-79 in the Town of St. Marys, in the County of Perth is hereby exempted from Part Lot Control pursuant to Section 50(7) of the Planning Act, R.S.O. 1990 which land is zoned to permit, among other things, townhouse dwellings in conformity with By-law No. Z1-1997 as amended (the Town of St. Marys' Comprehensive Zoning By-law).
 2. This by-law comes into force on the final passing thereof.
 3. Enactment of this By-law shall be deemed to be authorization to the solicitor for the Town to register same in the appropriate Land Registry Office, without further written authorization.
 4. This By-law shall be in effect for one (1) year from the date of adoption of this By-law. Furthermore, this By-law may be repealed, extended, or may be amended to delete part of the lands described herein by the Council of The Corporation of the Town of St. Marys.
 5. This By-law shall be registered in the Registry Office for the County of Perth, pursuant to Section 50(28) of the Planning Act, R.S.O. 1990.

Read a first, second and third time and finally passed this 24th day of May, 2022.

Mayor Al Strathdee

Jenna McCartney, Clerk

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW NO. Z150-2022

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 lands located at 752 Queen Street East in the Town of St. Marys.

WHEREAS the Council of the Corporation of the Town of St. Marys deems it necessary in the public interest to pass a By-law to amend By-law No. Z1-1997, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ST. MARYS ENACTS AS FOLLOWS:

1. That Section 17.4.5 of By-law No. Z1-1997 is hereby amended by adding the following special provisions and renumbering all existing sections following thereafter:
 - (c) Additional permitted uses: pet food and pet supplies sales, pet grooming and washing, and pet adoptions.
2. All other provisions of By-law No. Z1-1997, as amended, shall apply.
3. 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.
4. This By-law shall come into force on the day it was passed pursuant to the Planning Act, and to the Regulations thereunder.

Read a first, second and third time this 24th day of May, 2022.

Mayor Al Strathee

Jenna McCartney, Clerk

THE CORPORATION OF THE TOWN OF ST. MARYS

BY-LAW NO. Z151-2022

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 lands located at 478 Water Street South in the Town of St. Marys.

WHEREAS the Council of the Corporation of the Town of St. Marys deems it necessary in the public interest to pass a By-law to amend By-law No. Z1-1997, as amended;

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF ST. MARYS ENACTS AS FOLLOWS:

1. That Section 17.4.8(b) of By-law No. Z1-1997 is hereby amended by adding the following special provisions and renumbering all existing sections following thereafter:
 - (xiii) contractor’s yard or shop and ancillary uses.
2. All other provisions of By-law No. Z1-1997, as amended, shall apply.
3. 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.
4. This By-law shall come into force on the day it was passed pursuant to the Planning Act, and to the Regulations thereunder.

Read a first, second and third time this 24th day of May 2022.

Mayor Al Stratthdee

Jenna McCartney, Clerk

BY-LAW 58-2022

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 May 24, 2022

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 24th day of May 2022 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 24th day of May 2022.

Mayor Al Stratthdee

Jenna McCartney, Clerk