



AGENDA
Strategic Priorities Committee

June 20, 2023

9:00 am

Council Chambers, Town Hall

175 Queen Street East, St. Marys

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

Pages

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

RECOMMENDATION

THAT the June 20, 2023 Strategic Priorities Committee agenda be accepted as presented.

4. **STRATEGIC PRIORITIES REVIEW**

RECOMMENDATION

THAT report PW 39-2023, Stone Walls be received for discussion; and,

THAT the Strategic Priorities Committee recommend to Council:

THAT Council **[Support / Not Support]** future funding of culturally significant shared stone walls; and,

THAT Council **[Support / Not Support]** future funding of private property walls;

THAT Council **[Support / Not Support]** future funding of landscaping stone walls; and,

THAT Council direct staff to incorporate funding provisions and requirements related to stone walls into the Community Improvement Plan (CIP) at its next revision.

5. CLOSED SESSION

RECOMMENDATION

THAT the Strategic Priorities Committee move into a session that is closed to the public at _____ am as authorized under the *Municipal Act*, Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

5.1 PW 40-2023 CONFIDENTIAL Legal Advice – Cross Border Water Services

6. RISE AND REPORT

RECOMMENDATION

THAT the Committee rise from a closed session at _____ am.

6.1 Cross Border Water Services

7. NEXT MEETING

*All meetings are open to the public to attend in person and will be live streamed to the Town's YouTube channel

July 18, 2023 - 9:00 am

8. ADJOURNMENT

RECOMMENDATION

THAT this meeting of the Strategic Priorities Committee be adjourned at _____
pm.



FORMAL REPORT

To:	Chair Stratthdee and Members of Strategic Priorities Committee
Prepared by:	Dave Blake, Environmental Services Manager
Date of Meeting:	20 June 2023
Subject:	PW 39-2023 Stone Walls

PURPOSE

This report provides the Strategic Priorities Committee with information related to various stone walls which can be found within the community. This report is to advise SPC, and by extension, Council, of the history, responsibility and / or liability for maintenance of stone retaining walls near the road allowance within the community.

RECOMMENDATION

THAT report PW 39-2023, Stone Walls be received for discussion; and,

THAT the Strategic Priorities Committee recommend to Council:

THAT Council [**Support / Not Support**] future funding of culturally significant shared stone walls; and,

THAT Council [**Support / Not Support**] future funding of private property walls;

THAT Council [**Support / Not Support**] future funding of landscaping stone walls; and,

THAT Council direct staff to incorporate funding provisions and requirements related to stone walls into the Community Improvement Plan (CIP) at its next revision.

BACKGROUND

The Town of St. Marys is known by its nickname, “the Stonetown”, due to the abundance of limestone in the surrounding area, which gave rise to a large number of limestone buildings and homes throughout the Town. Many 19th century limestone structures have survived including churches, museum, opera house, commercial blocks, private homes and along with some of these properties, stone walls.

As with many remaining structures, during the early years stonewalls were erected through the Town for a variety of possible reasons. However, there is no (or limited) documentation or information as to who actually constructed the walls and what the purpose of the construction was for (i.e. were they for private, municipal or joint benefit?).

On October 26, 2021, Council passed a resolution that requested staff report back on the Town’s ownership and responsibility for maintenance of retaining walls near the road allowances within the community.

This report provides information to the Committee for discussion on the Town’s inferred responsibilities related to these retaining walls based on currently available information.

REPORT

Cultural and Heritage Significance:

Throughout the late 19th century and the first decades of the 20th century, stone walls were common in the Town of St. Marys because the material to build them was readily available, as were workers who were skilled in stonewall construction. Most of the walls in St. Marys are mortared, although there are examples of drywall construction as well. These walls were either built to serve as permanent fences marking property lines, or as retaining walls. As St. Marys is in the valleys of Trout Creek and the Thames River, many properties require terraced structural support. Through the years, many stone walls have been lost to road widening projects, or as material and expertise became scarce, property owners could no longer afford to maintain them. The original stone walls that remain are of heritage significance and efforts should be made to preserve them.

In the early 2000s, the St. Marys Heritage Committee undertook an inventory of the stone walls in St. Marys. They also made a proposal to Council to support the upkeep and repair of stone walls through interest-free loans to property owners. In 2005, Council supported a recommendation from Public Works to introduce a \$5,000 interest-free loan to owners of walls on private property to assist with repairs and maintenance.

As the “Stone Town”, many of these hand-laid stone walls provide important cultural and heritage benefits to the community. The preservation of these walls can provide benefits which may include, but not be limited to the following:

- Preserving these walls helps to keep the history and culture of the community alive as these walls are often found at historic buildings or landmarks. Preserving such features helps to preserve the stories and traditions of these locations. In some instances, these walls are located on designated heritage properties and are part of the heritage designation;
- Preserving these walls helps to maintain the character and charm of the community;
- The Town of St. Marys actively promotes itself as a destination to take in limestone architecture. This includes stone walls. Economic benefits can be realized by preserving these walls as tourists can be drawn to places of charm and character; and,
- Many of these walls serve a necessary role for sloped properties, and if they were to be removed, they would have to be replaced by some form of retaining wall. Preservation of stone walls can also have environmental benefits by extending the life of these limestone walls as opposed to new material construction.

Infrastructure Considerations:

While culture and heritage considerations are important, it cannot be ignored that many of these stone walls are located along municipal streetscapes. As such they may have played an integral part of the development of community infrastructure such as sidewalk placement, road grade, utilities and the overall general streetscape.

As the Town has completed road reconstruction efforts over the years, where these stone walls exist, generally streetscape designs have identified and incorporated these stone walls into the overall look and feel of the road. Often times, sidewalks have now been installed abutting the base of many of these stone walls with slope and gradings accommodating the existing built features of these walls. This can impact the grading of boulevards, placement of utilities, etc. as these walls have survived over the years. Municipal Stormwater, sanitary sewers and water supply services in many instances are provided under these walls to reach property buildings which can become problematic during repairs on these services. The challenge can be understanding liabilities, especially related to shared walls, and who is responsible for their restoration.

Council has endorsed a “Water Repair and Restoration” policy that aims to identify the responsibilities for the distribution of costs and repairs between the Town and property owners when a necessary utility service repair is required. Stone walls pose another consideration and cost that should be considered that can increase restoration costs and clear direction on stone wall maintenance would be beneficial.

Historical Funding Support and Financial Liability:

In the early 2000’s, stone retaining walls and their continued importance and upkeep were discussed at great length within the community. At the time, the Heritage Committee completed an inventory of known walls. At that time, it was identified that up to 3,122 linear feet of these stone walls were located within the community with their construction location being divided between public property, private property, or on the property line (i.e. shared). While information can be conflicting as to the exact ownership of these walls, the following was adopted in 2005 as a means to manage these cultural assets.

“...Motion No. 69-2005

Be it hereby resolved that the Town Council for the Separated Town of St. Marys accept the recommendation of the Public Works Subcommittee that the stone walls proven to be on municipal property will become the Town’s responsibility.

Stonewalls on private property – the Town will make available a \$5,000 interest free loan for a maximum of five years, Also that the St. Marys Heritage is the governing group to approve the loans...”

The above motion appears to have been influenced by the desire from the Heritage Committee that recognized and wished to preserve the historical character provided by these walls for the community. This position was further discussed in 2007 when the above policy discussion was reconsidered as a result of new inquiries for maintenance on specific walls within the community. The Heritage Committee reaffirmed their position that it is vital that these stone walls be preserved and that there had been a consistent advocacy for a policy that would include both the homeowner and the Town for restoration of walls in public view regardless of whether the walls were located on public or private property and regardless of who built or benefits from the wall(s).

The question is whether or not the 2005 resolution is binding today, and the answer is it is not. The Municipal Act sets out that a Council cannot fetter the discretion, or bind, a future Council. The exception being that a future Council does have to honor the agreements of previous Council unless they choose to formally amend or terminate them. Resolutions are not agreements. They are used to record the direction of the day from Council on a specific issue. Future terms of Council may choose to honour previous resolutions, or may choose to have an alternative opinion on a matter and may change it by resolution without having to amend, repeal, or formally reconsider the previous Council’s decision.

To staff’s knowledge, there is not a formal by-law or policy on the books related to stone wall maintenance. As of today, there is no clear direction or policy in place on how these cultural assets are to be managed within the community or whether there is a responsibility for the Town to maintain these features at this time.

While this is the case, there are historical precedents that can be drawn from. In 2008, the Town entered into some cost sharing agreements with private property owners to address safety concerns related to stone walls within the community. More recently, ownership of these walls has been determined based on the benefitting property. For example, if a wall is located on a property line (i.e. shared) but provides no discernible benefit to the Town for infrastructure or streetscape needs but does provide a benefit to private property, the Town has not provided funding support for maintenance. That said, inquiries over the last decade have been few and far between.

The following provides a summary of the length of walls based on a review of readily available information for the Committee’s consideration.

Location	Linear Feet
Town Property	1,270
Shared Property	1,618
Private Property	234

Please refer to Attachment No. 1 for a current list of stone wall locations within the community and their inferred location, length and condition.

The purpose of this report has been to present information regarding stone walls within the road allowance for discussion. Based on available information at the time of this report, it is staff opinion that there is currently no position or requirement to fund the ongoing maintenance of these stone walls, with the exception of walls currently fronting town owned properties such as the Library, Town Hall and museum to name a few.

While there is currently no clear direction for staff on how to manage requests for maintenance on these walls moving forward, such direction would be beneficial. To move this file forward, staff requests the Committee to consider the past and current positions related to funding the maintenance of these walls and to provide direction on the preferred position moving forward.

When considering available options, the Committee should be mindful of the following:

- Is it fair and reasonable to expect all taxpayers to pay the cost of maintaining walls for a few residents?
- Is it fair and reasonable to require individual residents to bear the full cost?
- Is it possible to force repair of a deteriorating wall before it might cause harm or collapse regardless of ownership?

With the above information in mind, staff recommends that the Committee make recommendations to Council to answer the following questions:

1. Should the Town be providing financial support for the ongoing upkeep and maintenance of these culturally significant stone walls?
 - a. If yes, should financial support be included for all stone walls, or only walls located solely on municipal property?
2. Should the Town provide funding support for shared stone walls?
 - a. If yes, should funding be open to all shared walls, or only shared walls that provide a benefit to Town infrastructure or streetscapes?
3. Should funding be provided to walls located solely on private property, or constructed for private landscape purposes?
4. If any form of funding is to be provided, how should the financial liability for stone walls be funded?

To assist with Committee's deliberation of the funding questions above, several options are available for consideration:

Funding Option 1: Administer funds when requested from available Reserves.

With this option, there would be no direct or allocated funding source for the ongoing maintenance of applicable stone walls. Funding would be allocated through individual requests which would be

managed through available Town reserve accounts. With this option, staff would bring forward individual requests to Council for consideration along with an appropriate funding source.

While maintenance requests are anticipated to be minimal, this option does not identify or allocate specific funds to address any future funding liability (if any). As such, staff do not support this Option should municipal funding be provided for these stone walls moving forward.

Funding Option 2: Identify and assign funds as an annual budget

With this option, a new budget account would be created to support funding for stone walls on an annual basis. The exact value to be allocated in any given year could be reviewed and discussed as part of annual budget deliberations.

While this option does present identified funds to address any future maintenance liabilities, funds may be under utilized should a need not be required for a long period of time. As such, staff do not support this funding Option at this time.

Funding Option 3: Leverage Existing Grant(s) or Program(s)

The Town does have existing funding programs in place that could be utilized to provide opportunities for funding should it be desired. These can include Heritage funding, annual grant funding requests, Community Improvement Plan (CIP), etc. with each program having advantages or disadvantages for consideration. However, the most appropriate program is the CIP, which is a municipal planning and financial tool, legislated under the *Planning Act*, that sets out programs and strategies for improving the built, economic and social environmental areas of the Town. Essentially, the CIP establishes a framework for public sector investment into private properties, should the Committee recommend Council retain these cultural assets within the community.

This option would group applicable stone walls in with larger, existing funding programs already in place within the community which could leverage existing financial resources. With this approach, consideration for stone wall support would transition to an application-based program and works reviewed and approved based on available funds in the total CIP budget. With the CIP funding avenue not being specific to stone walls, should no direct applications be received for consideration, available funds could still be redirected to other program areas within the CIP for any given year as community requests are received.

Staff recommend leveraging the Community Improvement Plan to fund any future stone wall maintenance initiatives should that be the direction provided.

FINANCIAL IMPLICATIONS

Absent a formal policy, at the present time, there is no binding financial liability to the ongoing maintenance and upkeep of stone walls within the community, with the exception of walls that are municipal responsibility as a property owner.

The Town has completed maintenance work on several stone walls in recent years. Based on these more recent costings, it can be estimated the cost for maintenance work for repointing or grouting to be between \$175-\$250 per linear foot. Using these unit rates, a potential financial liability related to stone walls within the community is shown below:

Responsible Party	Length (ft)	Liability Estimate (\$)
On Town Property	1,271	\$222,250 - \$317,500
Shared Location	1,618	\$283,150 - \$404,500
Private property	234	\$25,000*

* Cost based on five (5) properties eligible for historical policy interest free loan

The actual costs to reconstruct walls are unknown at this time and would be estimated to be significantly more than the smaller maintenance obligations like grouting or repointing referenced above.

Any decision to fund or partially fund the ongoing maintenance and upkeep of various stone walls within the community would result in a future funding liability that would need to be considered.

SUMMARY

Staff have identified a historical decision that indicated that the Town would assume maintenance responsibilities for all limestone retaining walls within the community that are confirmed to be located on Town property regardless of their function. Furthermore, the policy also allowed for \$5,000.00 interest free loans for private stone walls for a maximum of five years. However, no record of a by-law could be located to confirm this policy stance was to be in perpetuity. Staff are of the opinion that there is no clear direction or liability related to stone retaining walls near the road allowance at this time.

More recent decisions on stone wall requests have been based on the benefiting property, which has resulted in the Town declining financial support for maintenance in many cases. At this time, there appears to be no financial responsibility or liability to the Town related to stone walls where there is no clear benefit to town infrastructure, streetscape or owned property.

Direction is being sought from the Committee on whether that is an acceptable position moving forward, or whether the Committee wishes to recommend future funding commitments for these walls which can be considered culturally significant to the Community.

STRATEGIC PLAN

- ☒ This initiative is supported by the following priorities, outcomes, and tactics in the Plan.
- Pillar # 1 Infrastructure – Developing a comprehensive and progressive infrastructure plan:
 - Outcome: St. Marys is committed to developing a progressive and sustainable infrastructure plan that meets the infrastructure needs of today and tomorrow. This will require a balance between building and regular maintenance.
 - Tactic(s): To support the asset management plan, complete a financial analysis of the Town's ability to pay to establish a minimum capital budget threshold to be budgeted for each year (either in actual spending or put into reserve).
 - Tactic(s): Develop a public engagement program to better inform residents of the Towns asset management strategies.
- Pillar # 1, Infrastructure – Maintenance Prioritization:
 - Outcome: Given the large number of Town-owned heritage assets, a maintenance schedule ought to be agreed to by Council in prioritizing which of these assets will be the recipient of discretionary funding.
 - Tactic(s): Prioritize heritage assets, in terms of importance and develop maintenance schedule and budget accordingly. Assess if any assets can be better utilized by others.
 - Tactic(s): Implement a seasonal inspection schedule
 - On a go forward basis, maintenance, acquisition and devolution of heritage assets will align with the municipality's long term strategic position.
- Pillar # 4, Culture and Recreation – Downtown Revitalization Plan:
 - Outcome: Protecting St. Marys' unique heritage assets while planning for growth in key sectors will require an integrated and balanced approach. The downtown should be perceived as a safe, central and culturally vibrant gathering area. Ultimately, the

transition will be to transform St. Marys from a heritage to a cultural experience. In order to achieve this, evaluate the Heritage Conservation District Plan (HCDP).

- Tactic(s): Investigate options for incentivizing or enforcing standards for heritage properties after the review of the HCDP.
- Tactic(s): Investigate the idea of providing allowances for accessibility changes to buildings under the Community Improvement Program (CIP)
- Pillar # 4, Culture and Recreation – Developing a comprehensive granting policy:
 - Outcome: Given limited financial resources, a granting policy will ensure that those seeking Town funds will be subject to a process that will assist Council in making key decisions on selecting granting priorities.
 - Tactic(s): Develop and formalize the new granting process for readiness in the next budget cycle.
 - Tactic(s): Review the granting policy at least three to five years after implementation.
- Pillar # 5, Economic Development – Downtown Revitalization Plan:
 - Outcome: Protecting St. Marys' unique heritage assets while planning for growth in key sectors will require an integrated and balanced approach. The downtown should be perceived as a safe, central and culturally vibrant gathering area. Ultimately, the transition will be to transform St. Marys from a heritage to a cultural experience. In order to achieve this, evaluate the Heritage Conservation District Plan (HCDP).
 - Tactic(s): Investigate options for incentivizing or enforcing standards for heritage properties after the review of the HCDP.
 - Tactic(s): Investigate the idea of providing allowances for accessibility changes to buildings under the Community Improvement Program (CIP).

OTHERS CONSULTED

Jed Kelly, Director of Public Works – Town of St. Marys

Morgan Dykstra, Planning and Public Works Coordinator – Town of St. Marys

Amy Cubberley, Cultural Services Manager – Town of St. Marys

ATTACHMENTS

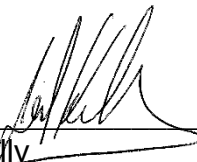
Attachment 1 – Stone Wall Inventory (2003 – Updated 2023)

REVIEWED BY

Recommended by the Department



Dave Blake, C.E.T.
Environmental Services Manager



Jed Kelly
Director of Public Works

Recommended by the CAO



Brent Kittmer
Chief Administrative Officer

INVENTORY LIST OF STONE WALLS

The Corporation of the Town of St. Marys

Location	Location re: Property Line	Approximate Length (ft)	Details
15 Church Street North (Library & Town Hall)	Municipal Property	148	Excellent - Repointed and grouted by the Town in circa 2021
121 Carrall Street	Private Property	2.6	Four (4) private driveway entry pillars -Good condition
46 Church Street South	Shared	45.6	Wall extending off NE corner of building. No benefit to Town infrastructure or Streetscape. Good Condition
45 Church Street South	Municipal Property	121.71	North wall on property recently reconstructed or rehabilitated. Overall wall appears to be in fair to good condition, abuts sidewalk on Church Street
51 Church Street South	Shared	103.34	Wall appears to be in fair condition, abuts sidewalk on Church Street
147 Church Street South	Municipal Property	77.09	Repairs completed circa 2008. Varying condition of wall, but overall fair to good
177 Church Street South	Municipal Property	187.66	Museum Wall - Fair to Good condition. Municipally owned property.
233 Church Street South	Private Property	51.5	Stone landscaping wall (not including streetscape wall along sidewalk. Does not provide benefit to Town infrastructure or streetscape design.
Former Central School parking lot now part of 147 Church St S	Shared	203.74	Repairs completed circa 2008. Varying condition of wall, but overall fair to good
Church Street South (Lind Park)	Municipal Property	364.17	Excellent - Repointed and grouted by the Town in circa 2021
201 Jones Street East	Municipal Property	15.9	Inferred to be a landscaping wall.
160 Maiden Lane	Private Property	102.46	Various stone walls that have incorporated private property useability improvements.
160 Maiden Lane	Municipal Property	62.99	Various stone walls that have incorporated private property useability improvements.
68 Ontario Street North	Private Property	25.91	Dry laid stone wall providing usability benefit to private property
178 Ontario Street South	Private Property	5.16	Encroachment Agreement in Place for Wall
230 Queen Street East	Shared	29.52	Stone and mortar wall. Westerly corner removed due to sanitary sewer repair. Good condition. Abuts municipal sidewalk
234 Queen Street East	Municipal Property	35.69	Recent repairs made by property owner to improve construction of dry laid wall. Fronts municipal sidewalk
238 Queen Street East	Municipal Property	35.53	Wall abuts municipal sidewalk. Deteriorating and listing in sections towards sidewalk. Improves useability of private property and entry access.
252 Queen Street East	Municipal Property	122.3	Fair to good condition abutting municipal sidewalk. Improves private property function
147 Queen Street West	Shared	46.91	Wall in fair to good condition
156 Queen Street West	Municipal Property	15.41	Wall in good to excellent condition, abutting municipal sidewalk
157 Queen Street West	Shared	109.58	Dry laid stone wall abutting municipal sidewalk listing to north
164 Queen Street West	Shared	112.53	Wall in good to excellent condition, abutting municipal sidewalk
165 Queen Street West	Shared	84.64	Dry laid stone wall in fair to poor condition that terminates at western property edge.
23 St. George Street North	Municipal Property	32.8	Inferred to be a landscaping wall to improve property optics.
226 Thames Ave	Private Property	97.44	Landscaping wall for property. Good to fair condition.
99 Water Street North	Shared	92.84	Repairs completed circa 2008. Good condition
107 Water Street North	Shared	62.66	Fair to good condition abutting municipal sidewalk. Improves private property function
130 Wellington Street North	Shared	164	Wall located fronting Widder Street East in good condition. Does not front sidewalk. Inferred to be estate wall
147 Widder Street East	Shared	314.96	Wall for Church abutting municipal; sidewalk. Improves private landscaping and function of private property
191 Widder Street East	Shared	66.63	Fair to good condition abutting municipal sidewalk. Improves private property function
197 Widder Street East	Shared	123.35	Fair to good condition abutting municipal sidewalk. Improves private property function
249 Widder Street East	Shared	58.07	Estate landscaping wall, fair to poor condition with western extent leaning

Total Length of Municipal Stone Walls: 1270.75

Total Length of Shared Stone Walls: 1618.37

Total Length of Private Stone Walls: 233.57

Total Length of Stone Walls: 3122.69