



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, January 22, 2019
6:00 P.M.
City Hall Council Chambers – 325 Farr Drive

Agenda

1. **Call to Order**

2. **Roll Call**

3. **Review of Revisions or Deletions to Agenda**

4. **Approval of Agenda**

Draft Motion

Be it resolved that City Council approves the agenda as printed/amended.

5. **Disclosure of Pecuniary Interest and General Nature**

6. **Review and adoption of Council Minutes**

Draft Motion

Be it resolved that City Council approves the following minutes as printed:

- a) Regular meeting of Council – January 8, 2019
- b) Special meeting of Council – January 15, 2018 (Budget)

7. **Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes**

7.1. *Disposition of Land*

Owner: City of Temiskaming Shores

Subject Land: Parts 3 & 4 on Plan 54R-6021

Purpose: The disposition of the subject lands to the Temiskaming Shores Non-Profit Housing Corporation (TSNPHC) – Grant Drive

8. **Question and Answer Period**

9. **Presentations / Delegations**

10. **Communications**

a) Stephanie Paparella, Legislative Coordinator – City of Hamilton

Re: Support – Maintaining the Voters' List for Municipal Elections

Reference: Received for Information

b) Marc Dupuis, Mayor – Municipality of Mattice-Val Cote

Re: Support – Declaration of Office (Council)

Reference: Received for Information

c) Charles Cirtwill, President & CEO – Northern Policy Institute

Re: Invitation – Projects and Resources at NPI

Reference: Received for Information

d) Steve Roy, Project Manager – AECOM Canada Ltd.

Re: Notice – Rehabilitation of Hwy 65 and Hwy 66

Reference: Received for Information

e) Rhonda Latendresse, Executive Director – Seizure & Brain Injury Centre

Re: Proclamation – March as Epilepsy Month

Reference: Received for Information

Draft Motion

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. e) according to the Agenda references.

11. **Committees of Council – Community and Regional**

12. **Committees of Council – Internal Departments**

13. **Reports by Members of Council**

14. **Notice of Motions**

15. **New Business**

a) **Support – Can Eat Smart Initiative**

Draft Motion

Whereas the federal government has passed legislation legalizing recreational cannabis since October 17, 2018; and

Whereas the Cannabis Act, SC 2018, presently permits Canadians to make cannabis edibles at home; and

Whereas the federal government passed an amendment to the Cannabis Act in the fall of 2018, to permit the selling of cannabis edibles taking effect 1 year after the legalization, being in the fall of 2019; and

Whereas more than 50% of Canadians have expressed an interest in trying cannabis edibles but are afraid of overconsumption; and

Whereas the Alcohol and Gaming Commission of Ontario will oversee the sale and distribution of recreational cannabis through a subsidiary corporation within the Province of Ontario; and

Whereas the municipalities and the province of Ontario, should consider the need for education on the safe consumption of cannabis edibles where products are sold; and

Whereas a Northern Ontario business is proposing an education program which would provide information on the responsible use of cannabis edibles to new cannabis users through the CAN EAT SMART initiative;

Now therefore be it resolved that the Council of the City of Temiskaming Shores hereby recognizes the need for education on cannabis edibles and supports the CAN EAT SMART initiative; and

Furthermore that a copy of this resolution be sent to the Federation of Northern Ontario Municipalities (FONOM) for their support.

b) **Administrative Report No. CGP-003-2019 – Amendments to By-law No. 2012-101 – Traffic and Parking By-law – Fines**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby

acknowledges receipt of Administrative Report No. CGP-003-2019;

That Council directs staff to prepare the necessary by-law to amend By-law 2012-101 (Traffic and Parking By-law) amending the Set Fines for parking violations for consideration of First and Second reading (Provisional approval) at the January 22, 2019 Regular Council meeting; and

That Council directs staff to submit the Provisional by-law to the Ministry of Attorney General and Regional Senior Justice for approval of the short form wording and set fines prior to Third and Final Reading.

c) Administrative Report CGP-004-2019 – Zoning By-law Amendment – Marijuana Production Facilities in Manufacturing Industrial (M2) Zone

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-004-2019;

That Council agrees to amend the provisions of the City of Temiskaming Shores Zoning By-law 2017-154 to permit the addition of marijuana production facility to the list of permitted uses in the Manufacturing Industrial (M2) Zone provided such facility is serviced with municipal water and sanitary sewer services;

That Council directs staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law 2017-154 for consideration at the January 22, 2019 Regular Council Meeting.

d) Memo No. 002-2019-CS – Amendment to By-law No. 2019-023 – Borrowing By-law

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 002-2019-CS;

That Council directs staff to prepare the necessary by-law to amend By-law No. 2019-023 to replace Schedule “A”, resulting in the increase in the operating line from \$2,000,000 to \$4,000,000.

e) Administrative Report RS-002-2019 – 2019 Recreation Fee Increases

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. RS-002-2019; and

That Council directs staff to amend By-law No. 2012-039 (Departmental User Fees) to increase recreational fees for 2019 to 2021 for consideration at the February 5, 2019 Regular Council meeting.

f) Budget Targets

16. By-laws

Draft Motion

Be it resolved that:

By-law No. 2019-025 Being a by-law to authorize the Sale of Land to Michael Fila being Part 1 and 2 on Plan 54R-6054 (portion of Lakeview Avenue)

By-law No. 2019-026 Being a by-law to amend By-law No. 2012-101, as amended being a by-law to Regulate Traffic and Parking of vehicles in the City of Temiskaming Shores – Amendment to Set Fines

By-law No. 2019-027 Being a by-law to amend By-law No. 2019-023 being a by-law to authorize borrowing from time to time to meet current Expenditures during the Fiscal Year ending December 31, 2019

By-law No. 2019-028 Being a by-law to enact a Zoning by-law Amendment to amend certain provisions of the Manufacturing Industrial (M2) Zone

be hereby introduced and given first and second reading.

Draft Motion

By-law No. 2019-025;

By-law No. 2019-027; and

By-law No. 2019-028.

be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

17. Schedule of Council Meetings

a) Special – Monday, February 4, 2019 at 6:00 p.m. (Budget)

b) Regular – Tuesday, February 5, 2019 at 6:00 p.m.

18. Question and Answer Period

19. Closed Session

Draft Motion

Be it resolved that Council agrees to convene in Closed Session at _____ p.m. to discuss the following matters:

a) **Adoption of the December 18, 2018 – Closed Session Minutes**

b) **Under Section 239 (2) (b) of the Municipal Act, 2001 – personal matters about an identifiable individual – Organizational Chart**

Draft Motion

Be it resolved that Council agrees to rise with report from Closed Session at _____ p.m.

20. Confirming By-law

Draft Motion

Be it resolved that By-law No. 2019-29 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Special meeting held on **January 15, 2019** and its Regular Meeting held on **January 22, 2019** be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that By-law No. 2019-029 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

21. Adjournment

Draft Motion

Be it resolved that City Council adjourns at _____ p.m.



The Corporation of the City of Temiskaming Shores
Regular Meeting of Council
Tuesday, January 8, 2019
6:00 P.M.
City Hall Council Chambers – 325 Farr Drive

Minutes

1. Call to Order

The meeting was called to order by Mayor Carman Kidd at 6:03 p.m.

2. Roll Call

Council: Mayor Carman Kidd; Councillors Jesse Foley, Doug Jelly, Patricia Hewitt, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager
David B. Treen, Municipal Clerk
Doug Walsh, Director of Public Works
Paul Allair, Superintendent of Parks
Jeff Thompson, Superintendent of Programs
Jennifer Pye, Planner
James Franks, Economic Development Officer
Tammie Caldwell, Director of Recreation

Regrets: Shelly Zubycck, Director of Corporate Services
Tim Uttley, Fire Chief

Media: Diane Johnston, Temiskaming Speaker
Bill Buchberger, CJTT 104.5 FM

Members of the Public Present: 13

3. Review of Revisions or Deletions to Agenda

None

4. Approval of Agenda

Resolution No. 2019-051

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that City Council approves the agenda as printed.

Carried

5. Disclosure of Pecuniary Interest and General Nature

None

6. Review and adoption of Council Minutes

Resolution No. 2019-052

Moved by: Councillor Foley

Seconded by: Councillor McArthur

Be it resolved that City Council approves the following minutes as printed:

a) Regular meeting of Council – December 18, 2018

Carried

7. Public Meetings pursuant to the Planning Act, Municipal Act and other Statutes

7.1. Application for Zoning By-law Amendment – ZBA-2018-04

Owner: City of Temiskaming Shores

Subject Land: All Manufacturing Industrial (M2) Zones

Purpose: The purpose of the application is to rezone Manufacturing Industrial (M2) zones to add Marijuana Production Facility as a permitted use.

Mayor Kidd indicated that the public meeting scheduled tonight is for one (1) Zoning By-law amendment application and that the Planning Act requires that a public meeting be held before Council decides whether to pass a by-law adopting a proposed amendment.

Mayor Kidd stated that the public meeting serves two purposes: first, to present to Council and the public the details and background to the proposed amendment and second, to receive comments from the public and agencies before a decision is made by Council.

Mayor Kidd declared the meeting to be open (6:04 pm) and to be a public meeting pursuant to Section 34 of the Planning Act for zoning application ZBA-2018-04 with the City as the applicant to add marijuana production facility to the list of permitted uses in the M2 zone and requested that Jennifer Pye, Planner to present the application.

Jennifer, utilizing powerpoint, outlined that marijuana production is an emerging sector and can be considered either an agricultural use or an industrial use (plants grown – agriculture & harvest process, packaging – industrial). The post-harvesting is more appropriate for areas with municipal servicing as they require large amounts of water.

Jennifer indicated that in the Official Plan the subject lands (M2 – Zoning) is designated as Employment Areas which includes, but not limited to, industrial uses, commercial uses appropriate to industrial setting. The M2 Zone (two specific locations) within Zoning By-law has site specific exceptions of which Marijuana production facility is not listed/permitted. The Zoning by-law does have a definition for Marijuana Production Facility, however it requires an amendment to the Zoning By-law to identified in which zone it would be permitted. Through the requirement for an amendment such factors as water requirements, volume and quality of wastewater, hydro, natural gas, transportation and separation from sensitive uses can be considered. The application proposes to add “Marijuana Production Facility” as a permitted used in the M2 zone and Site Plan Control would apply.

Mayor Kidd thanked Jennifer for the presentation and inquired if there were any questions or comments from members of the public. With none Mayor Kidd inquired if there were any questions or comments from Council, with none Mayor Kidd declared this portion of the public meeting to be closed (6:10 pm) and advised that Council will consider an Administrative Report at a future meeting.

8. Question and Answer Period

None

9. Presentations / Delegations

- a) Doug Walsh, Director of Public Works and Einas Makki, Rotary Club President

Re: Splash Pad Project Update

Director of Public Works, Doug Walsh utilizing powerpoint provided an update on the project since the Rotary Club made it's initial presentation to Council on May 16, 2017. A Strategic Alliance was approved in principle on June 6, 2017 with Terms of Reference for a Splash Pad Committee (SPC). CRCS Recreation, through an RFP process, was approved by Council for the design, supply and installation of a Splash Pad at a total value of \$250,000.

The SPC has met with CRCS Recreation on a number of occasions and on December 13, 2018 the two entities met to finalize the design, review conceptual drawings, estimated costs for features and construction timelines.

Einass Makki, President of the Rotary Club indicated that from a site selection process a limited number of sites were considered based on availability of water, sanitary, proximity to existing facilities and ground conditions. Sewerage system and water sources were analyzed as well as the completion of a Geotechnical review of the preferred site. The preferred site for the Splash Pad is the Park Area located along Fleming Drive (lake side) immediately south of the Tennis Courts and adjacent to other features along the Waterfront (Mini-Putt, Big Scoops) and would act as a focal point for the recreational activities available in close proximity.

Einass outlined that the proposed Splash Pad has a main aquatic play area of 120 m² and a total area, including the Overspray Zone, of 245 m². The theme is nautical in nature with the main focus of the pad being the "Schooner" feature as well as a wide array of features (24).

Doug Walsh reviewed the various aspects of the project and their associated costs for the following items:

| | |
|-----------------------|---------------------|
| Site Preparation | = \$ 104,000 |
| Water Supply Line | = 43,000 |
| Wastewater System | = 108,500 |
| Electrical Service | = 7,500 |
| Control Building | = 10,000 |
| Site Plumbing | = 17,500 |
| Elements | = 159,000 |
| Concrete Pad | = 37,500 |
| Landscaping | = 10,000 |
| Contingency Allow. | = <u>25,000</u> |
| Estimated Cost | = \$ 522,000 |

Einass Makki outlined how the project is proposed to be paid for from existing committed funds and pending funds as follows:

Committed:

| | |
|------------------|--------------|
| Rotary Club | = \$ 100,000 |
| City (T. Shores) | = 50,000 |
| Frog's Breath | = 25,000 |
| One Foot Forward | = 5,000 |

Pending:

| | |
|-----------------------|--------------|
| Trillium Fund | = \$ 150,000 |
| Community Fundraising | = 135,000 |
| City (T. Shores) | = 50,000 |

Einaz Makki outlined that the Rotary Club is also seeking an additional \$50,000 from the City. Mayor Kidd inquired if there were any inquiries of Council.

Councillor Hewitt inquired about the potential funding from the Trillium Foundation as well as the Community Fundraising component. Director of Recreation Services, Tammie Caldwell outlined that the application to the Trillium Fund was submitted in August 2018 and expect to hear from them sometime this month.

Einaz Makki outlined that the Community Fundraising will be geared around the elements (water components) of the Splash Pad and having them sponsored by organizations and institutions in the area and the over spray area around the pad can house plaques of identifying those sponsors.

Councillor Whalen inquired if the proposed 100 mm (4") water services, upgraded from a 50 mm (2") water service, would be sufficient should there be a desire to change out or add additional elements. Director of Public Works, Doug Walsh indicated that all of the current elements are interchangeable; anything additional that may be considered in the future will require all the piping to be incorporated at this stage. Doug foresaw no issues with a 100 mm (4") water service. It was further noted that the Control Building will house the manifold and all elements can be controlled independently.

Councillor Laferriere inquired as to the anticipated ongoing maintenance costs once the feature is installed. Director of Recreation Services, Tammie Caldwell indicated when in operation and on a daily basis that the pad be washed down as well as an increase in washroom maintenance due to an anticipated larger number of users.

Councillor Jelly inquired as to the timelines for installation and fundraising efforts. Einaz anticipates rolling out the fundraising campaign within three weeks. The target for completion is July 1st (2019), but is largely contingent on the success with the Trillium Fund application and the Community Fundraising campaign.

Mayor Kidd thanked Doug and Einas for the presentation.

Resolution No. 2019-053

Moved by: Councillor Jelly

Seconded by: Councillor McArthur

Be it resolved that Council acknowledges the presentation regarding the Splash Pad Project.

Carried

10. Communications

a) Lisa MacLeod, Minister – Ministry of Children, Community and Social Services

Re: DSSAB Governance and Accountability Review Final Report

Reference: Received for Information

b) Jamie McGarvey – President – Association of Municipalities Ontario (AMO)

Re: AMO Membership 2019-2020

Reference: Received for Information

c) Nicole Guertin – Resident – Can Eat Smart Initiative

Re: Support – On-line educational initiative – Eatable Cannabis Products

Reference: Received for Information

d) Bruce Robertson, Vice President – Ontario Power Generation

Re: Standing Invitation to meet

Reference: Received for Information

e) Dr. Fred Gibbons, President &CEO – Northern College

Re: Economic Impact in the Community

Reference: Received for Information

f) Judy Dezell, Director – LAS Natural Gas Program

Re: 2016-17 Period Reserve Fund Rebate (\$7,431.88)

Reference: Received for Information

g) Scott Fisher, Project Manager – Professions North / Nord

Re: Attracting talent to Northern Ontario initiative

Reference: Referred to the Economic Development Officer

Resolution No. 2019-054

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

Be it resolved that City Council agrees to deal with Communication Items 10. a) to 10. g) according to the Agenda references.

Carried

11. Committees of Council – Community and Regional

Resolution No. 2019-055

Moved by: Councillor Laferriere

Seconded by: Councillor McArthur

Be it resolved that the following minutes and/or reports be accepted for information:

- a) Minutes of the Committee of Adjustment meeting held on September 26, 2018;
- b) Minutes of the Timiskaming Board of Health meeting held on October 3, 2018;
- c) Third Quarter Report to the Board of Health from the Timiskaming Health Unit;
- d) Minutes of the Timiskaming Board of Health meeting held on November 7, 2018;

- e) Healthy Kids and Healthy Eating – Board of Health Report – Timiskaming Health Unit;
- f) Youth Tobacco Prevention – Board of Health Report – Timiskaming Health Unit;
- g) Minutes of the District of Timiskaming Social Services Administration Board meeting held on June 20, 2018;
- h) Minutes of the District of Timiskaming Social Services Administration Board meeting held on August 15, 2018;
- i) Minutes of the District of Timiskaming Social Services Administration Board meeting held on September 19, 2018;
- j) Minutes of the District of Timiskaming Social Services Administration Board meeting held on October 17, 2018; and
- k) Minutes of the Temiskaming Shores Accessibility Advisory Committee meeting held on December 4, 2018;

Carried

12. Committees of Council – Internal Departments

Resolution No. 2019-056

Moved by: Councillor Foley

Seconded by: Councillor Jelly

Be it resolved that the following minutes be accepted for information:

- a) Minutes of the Building Committee meeting held on October 18, 2018;
- b) Minutes of the Building Committee meeting held on November 15, 2018;
- c) Minutes of the Public Works Committee meeting held on October 18, 2018;
- d) Minutes of the Public Works Committee meeting held on November 15, 2018;
- e) Minutes of the Protection to Persons and Property Committee meeting held on October 18, 2018;
- f) Minutes of the Protection to Persons and Property Committee meeting held on November 15, 2018;
- g) Minutes of the Protection to Persons and Property Committee meeting held on December 12, 2018;

Carried

13. Reports by Members of Council

Mayor Kidd reported on the following:

- Santa Express: It was well received and thanked Public Works for snow removal as well as the Temiskaming Shores Fire Department for the goody bags and assistance getting on and off the train.

14. Notice of Motions

None

15. New Business

- a) **Administrative Report No. CGP-001-2019 – Certified Site Program Funding Extension**

Resolution No. 2019-057

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-001-2019;

That Council directs staff to prepare the necessary by-laws to enter into agreements with her Majesty the Queen in Right of Ontario as represented by the Minister of Economic Development, Job Creation and Trade to extend the Hawn East and Hawn West Certified Sites in the Dymond Industrial Park for an additional two years for consideration at the January 8, 2019 Regular Council meeting; and

That Council directs staff to prepare the necessary by-laws to enter a Licence Agreement with her Majesty the Queen in Right of Ontario as represented by the Minister of Economic Development, Job Creation and Trade for the use of *Investment Ready: Certified Site* Official Marks for consideration at the January 8, 2019 Regular Council meeting.

Carried

- b) **Administrative Report No. CGP-002-2019 – CJTT Lifestyles 2019 and Earlton Farm Show 2019**

Resolution No. 2019-058

Moved by: Councillor Hewitt
Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CGP-002-2019;

That Council directs staff to register to exhibit at the Earlton Farm Show, April 12 & 13, 2019 to provide information on programs and activities that support agriculture in our area and supports the provision of a draw prize and support for the school bus program to enable area schools to be able to attend the event; and

That Council directs staff to register to exhibit at the CJTT Lifestyles event, April 26 & 27, 2019 to provide information on City programs and activities as well as selling fire permits and animal tags at \$10 off the regular rate and \$5 off Senior rate, and agrees to offer a draw prize for a six (6) month gym membership to the Waterfront Pool & Fitness Centre and promotional items.

Carried

c) Memo No. 001-2019-CS – Appointments to Committees and Boards of Council

Resolution No. 2019-059

Moved by: Councillor Whalen
Seconded by: Councillor McArthur

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 001-2019-CS; and

That Council directs staff to prepare the necessary by-law to appoint community representatives to various Committees and Boards for the 2019-2022 Term of Council.

Carried

d) Administrative Report No. CS-001-2019 – Health and Safety Policy and Program

Resolution No. 2019-060

Moved by: Councillor Foley
Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-001-2019;

That Council confirms it has reviewed the City of Temiskaming Shores Health

and Safety Policy and Guidelines for the Structure and Function of the Temiskaming Shores Joint Health and Safety Committee (TSJHSC) in accordance with the Occupational Health and Safety Act; and

That Council acknowledges that the TSJHSC will continue to operate under the requirements of the Occupational Health and Safety Act.

Carried

e) Administrative Report No. CS-002-2019 – Harassment and Violence in the Workplace

Resolution No. 2019-061

Moved by: Councillor Hewitt

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-002-2019; and

That Council confirms it has reviewed the City of Temiskaming Shores Violence in the Workplace Harassment and Violence in the Workplace Prevention Program in accordance with the Occupational Health and Safety Act.

Carried

f) Administrative Report No. CS-003-2019 – Cannabis Retail Locations

Resolution No. 2019-062

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. CS-003-2019; and

That Council permits licensed recreational cannabis retail stores within the City of Temiskaming Shores in accordance with the *Cannabis License Act*.

Carried

Recorded Vote

For Motion

Councillor Foley

Councillor Jelly

Councillor Laferriere

Councillor McArthur

Against Motion

Councillor Hewitt

Councillor Whalen
Mayor Kidd

16. By-laws

Resolution No. 2019-063

Moved by: Councillor McArthur

Seconded by: Councillor Jelly

Be it resolved that:

By-law No. 2019-018 Being a by-law to appoint community representatives to various Committees and Boards for the 2019-2022 Term of Council

By-law No. 2019-019 Being a by-law to authorize the execution of an agreement between Her Majesty the Queen in right of Ontario as represented by the Minister of Economic Development, Job Creation and Trade for Transition Funding under Certified Site Program – East side of Hawn Drive within the Dymond Industrial Park

By-law No. 2019-020 Being a by-law to authorize the execution of an agreement between Her Majesty the Queen in right of Ontario as represented by the Minister of Economic Development, Job Creation and Trade for Transition Funding under Certified Site Program – West side of Hawn Drive within the Dymond Industrial Park

By-law No. 2019-021 Being a by-law to authorize the execution of an agreement between Her Majesty the Queen in right of Ontario as represented by the Minister of Economic Development, Job Creation and Trade for use of *Investment Ready: Certified Site Official Marks* for Hawn Drive within the Dymond Industrial Park

By-law No. 2019-022 Being a by-law to provide for an Interim Tax Levy for the payment of taxes and to establish penalty and interest charges

By-law No. 2019-023 Being a by-law to authorize borrowing from time to time to meet current Expenditures during the Fiscal year ending December 31, 2019

be hereby introduced and given first and second reading.

Carried

Resolution No. 2019-064

Moved by: Councillor Laferriere

Seconded by: Councillor Foley

By-law No. 2019-018;

By-law No. 2019-019;

By-law No. 2019-020;

By-law No. 2019-021;

By-law No. 2019-022; and

By-law No. 2019-023.

Be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

17. Schedule of Council Meetings

- a) Special Council Meeting – Tuesday, January 15, 2019 (Budget) at 6:00 p.m.
- b) Regular Council Meeting – Tuesday, January 22, 2019 at 6:00 p.m.

18. Question and Answer Period

None

19. Closed Session

None

20. Confirming By-law

Resolution No. 2019-065

Moved by: Councillor McArthur

Seconded by: Councillor Foley

Be it resolved that By-law No. 2019-024 being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Regular Meeting held on **January 8, 2019** be hereby introduced and given first and second reading.

Carried

Resolution No. 2019-066

Moved by: Councillor Whalen

Seconded by: Councillor Laferriere

Be it resolved that By-law No. 2019-024 be given third and final reading, be signed by the Mayor and Clerk and the corporate seal affixed thereto.

Carried

21. Adjournment

Resolution No. 2019-067

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that City Council adjourns at 7:16 p.m.

Carried

Mayor – Carman Kidd

Clerk – David B. Treen



**The Corporation of the City of Temiskaming Shores
Special Meeting of Council
Tuesday, January 15, 2019
6:00 P.M.**

City Hall – Council Chambers – 325 Farr Drive

Minutes

1. Call to Order

The meeting was called to order by Mayor Carman Kidd at 6:00 p.m.

2. Roll Call

Council: Mayor Carman Kidd; Councillors Jesse Foley, Doug Jelly, Patricia Hewitt, Jeff Laferriere, Mike McArthur and Danny Whalen

Present: Christopher W. Oslund, City Manager
David B. Treen, Municipal Clerk
Doug Walsh, Director of Public Works
Tammie Caldwell, Director of Recreation
Shelly Zubycck, Director of Corporate Services
Laura-Lee MacLeod, Treasurer
Mitch Lafreniere, Manager of Physical Assets
Steve Burnett, Fire Chief (A)
Steve Burnett, Technical & Environmental Compliance Coordinator

Regrets:

Media: Diane Johnston, Temiskaming Speaker
Bill Buchberger, CJTT 104.5 FM

Members of the Public Present: 2

3. Approval of Agenda

Resolution No. 2019-068

Moved by: Councillor Hewitt

Seconded by: Councillor Laferriere

Be it resolved that City Council approves the agenda as printed.

Carried

4. Declaration of Special Council Meeting

Resolution No. 2019-069

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores declares this meeting a “Special Meeting of Council” in accordance to Section 7 of Procedural By-law No. 2008-160.

Carried

5. Disclosure of Pecuniary Interest and General Nature

None

6. New Business

a) Presentation – Overview of Municipal Asset Management Planning – Ontario Regulation 588/17

Director of Public Works, Doug Walsh utilizing powerpoint provided an overview of Municipal Asset Management Planning under Ontario Regulation 588/17.

Resolution No. 2019-070

Moved by: Councillor Jelly

Seconded by: Councillor Foley

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges the presentation on the overview of Municipal Asset Management Planning as presented by the Director of Public Works, Doug Walsh.

Carried

b) Administrative Report PW-001-2019 – Municipal Asset Management Policy

Resolution No. 2019-071

Moved by: Councillor McArthur

Seconded by: Councillor Laferriere

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. PW-001-2019;

That Council is committed to Asset Management and directs Staff to initiate the development an updated *Strategic Asset Management Policy* that will comply with the requirements of *Ontario Regulation 588/17*, being a regulation dealing with *Asset Management Planning for Municipal Infrastructure*, made under the *Infrastructure for Jobs and Prosperity Act, 2015*; and

That Council directs Staff to report back on the progress of the development of the Policy on a quarterly basis, with a deadline for completion of July 1st, 2019.

Carried

c) Presentation – 2019 Budget Presentation

City Manager, Chris Oslund outlined that he would like all Council members to identify and write down their three (3) top priorities for this term of Council. Chris further indicated that he would review the priorities subsequent to the Budget presentation.

City Manager, Chris Oslund and Treasurer Laura Lee MacLeod utilizing powerpoint present the first draft of the 2019 Municipal Budget.

Resolution No. 2019-072

Moved by: Councillor Laferriere

Seconded by: Councillor Jelly

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges the presentation of the 2019 Budget by City Manager, Chris Oslund and Treasurer, Laura-Lee MacLeod.

Carried

City Manager, Chris Oslund utilizing powerpoint made a presentation on the Goals and Vision for the 2019-2022 Term of Council. Chris highlighted, in his opinion, the five themes that emerged during the 2018 Municipal Election; Infrastructure, Community Growth / Economic Development, Senior Housing / Affordable Housing, Taxation and Transparency / Open Government. Chris

also presented the priorities of Council from the exercise early of having each member identify their top priorities in no particular order.

Chris provided information on each of the five themes and concluded with requesting that Council consider establishing targets that would allow staff to make modifications and present the second draft of the municipal budget. Targets for consideration are taxation, reserves, debt & financing, capital expenditures and operating costs (service levels).

It is anticipated that targets could be considered at the January 22, 2019 Regular Council meeting with budget discussions at the Committee level and a detailed review of Operating budget at the February 4, 2019 Special Council meeting.

7. Adjournment

Resolution No. 2019-073

Moved by: Councillor

Seconded by: Councillor

Be it resolved that City Council adjourns at 7:50 p.m.

Carried

Mayor – Carman Kidd

Clerk – David B. Treen



City of Hamilton
Hamilton City Hall
71 Main Street West, 1st Floor
Hamilton, Ontario
Canada L8P 4Y5
www.hamilton.ca

Stephanie Paparella
Legislative Coordinator
Office of the City Clerk
Phone (905) 546-2424 Ext. 3993
Fax # (905) 546-2095
stephanie.paparella@hamilton.ca

January 3, 2019

Doug Brewer
Director of Policy
Ministry of Municipal Affairs
777 Bay Street, 17th Floor
Toronto, ON
M5G 2E5

Minister's Chief of Staff
Ministry of Finance
Frost Building South, 7th Floor
7 Queen's Park Crescent
Toronto, ON
M7A 1Y7

Carla Y. Nell
Vice President, Municipal and Stakeholder
Relations
Municipal Property Assessment Corporation
1340 Pickering Parkway, Suite 101
Pickering, ON
L1V 0C4

Angela Morgan, CMO, AOMC
President
AMCTO
2680 Skymark Avenue
Mississauga, ON
L4W 5L6

Stéphane Perrault
Chief Electoral Officer of Canada
Elections Canada
30 Victoria Street
Gatineau, Quebec
K1A 0M6

Greg Essensa
Chief Electoral Office of Ontario
Elections Ontario
51 Rolark Drive
Toronto ON
M1R 3B1

Please be advised that Hamilton City Council at its meeting of December 19, 2018, approved Item 7.3, which reads as follows:

7.3 Maintaining the Voters' List for Municipal Elections

WHEREAS, concerns over the quality of the Municipal Voters List is not a new phenomenon;

WHEREAS, in 2012, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) published a Voters List Position Paper and since that time has been advocating for transformational changes to the way that Ontario creates and maintains the Voters' List for municipal elections;

WHEREAS, the Preliminary List of Electors, which forms the Voters' List in Ontario, is supplied by data from the Municipal Property Assessment Corporation (MPAC);

WHEREAS, despite the incremental changes made by MPAC, MPAC has a limited ability to fix the currency and accuracy issues that impairs the current

Maintaining the Voters' List for Municipal Elections
Page 2 of 4

process and the Voters' List continues to be flawed with data inaccuracies and outdated information; and,

WHEREAS, a transformational solution to the way that the Voters' List is created and managed is required;

THEREFORE, BE IT RESOLVED:

- (a) That the Council of the City of Hamilton supports the re-establishment of the multi-stakeholder working group between the Ministry of Municipal Affairs, Ministry of Finance, AMCTO, MPAC, Elections Canada and Elections Ontario in exploring and identifying ways to create and maintain the Voters' List for Municipal Elections;
- (b) That Council requests an update be provided from this Voters' List Working Group on the transformational solutions being discussed;
- (c) That representatives from MPAC be invited to a future General Issues Committee meeting to hear the City of Hamilton's concerns (attached hereto) and advise the City on what steps MPAC will be taking in the future;
- (d) That a letter of concerns respecting the Voter's List for Municipal Elections and a request for investigation be forwarded to the Ombudsman's Office; and,
- (e) That a copy of this motion, respecting the Voter's List for Municipal Elections be circulated to all municipalities and the Association of Municipalities of Ontario (AMO).

On behalf of Hamilton City Council, we thank you for your consideration respecting this very important matter and look forward to your response.

Sincerely,



Stephanie Paparella
Legislative Coordinator
Office of the City Clerk

Copied:

Paul Dube, Ombudsman of Ontario
Jamie McGarvey, President, Association of Municipalities of Ontario
All Ontario Municipalities

The City of Hamilton is looking to the Working Group to find resolutions that would include, but not be limited to, the following matters that were encountered during the 2018 municipal election process:

- (a) Neighbours on the same Voter Notification Cards (VNC);
- (b) Polling locations not matching the address;
- (c) Incorrect mailing addresses;
- (d) Electors showing up at an address who had never lived there;
- (e) Addresses outside of the polling subdivision;
- (f) Incorrect names on the VNCs;
- (g) Entire buildings missed;
- (h) Completed the EL15 last Election and still not on the Voters' List;
- (i) No units listed in buildings; and,
- (j) Electors who had lived at their residence for many years not receiving a VNC.

The responsibility of adding the Applications to Amend, Correct and Delete forms has now been downloaded from MPAC to the municipalities. In the case of the City of Hamilton, it required the inputting of over 27,000 applications into the Datafix program; with the legislated deadline for inputting these applications being 30 days from Election Day, which became a very labour intensive and time-consuming task.

Forms that could not be inserted into the Datafix program within the 30-day deadline, were not accepted by MPAC; leaving some of the elector submitted corrections undone and to remain incorrect for the next election.

MPAC has agreed to keep the Voter Look Up program available all year round rather than just in an election year; leaving the obligation of improving the Voters List with the elector and the municipalities.

It was suggested that a campaign be commenced by preparing a drop off card for every household in the city (each municipality would manage their own). This card could include all aspects of adding, correcting and deleting information from the Voters' List. It should also include how to deal with situational voters such as borders, tenants, family members and students.

After the drop off program has concluded, and in conjunction with the appropriate communications strategy, municipalities should continue, on a quarterly basis, to remind electors to check the Voter Look Up program on their respective municipalities website to ensure their information is correct.

In an election year, this program could be expanded to a monthly basis and include radio and print advertisements to reinforce to the elector that the responsibility of ensuring they are correctly included on the voters list on Election Day is their own.

Maintaining the Voters' List for Municipal Elections
Page 4 of 4

Municipalities continue to pay for and use an inaccurate, outdated product (voters list). Unless there is a proactive strategy in place for the preparation of a much more accurate voters list for all municipalities, the same issues will most likely occur in 2022.

Municipalité de
Municipality of

mATTICE~
VAL CÔTÉ



Sac postal / P.O. Bag 129, Mattice, Ont. P0L 1T0
(705) 364-6511 – Fax: (705) 364-6431

December 11th, 2018

Ministry of Municipal Affairs and Housing
Office of the Minister
777 Bay Street, 17th Floor
Toronto, ON
P5G 2E5

Attention: Honourable Steve Clark, Minister

Honourable Minister,

Re: Paragraph 4 of the Declaration of Office

Section 232 of the *Municipal Act, 2001 (Ontario)* provides that a person cannot take a seat on the council of a municipality until he or she takes the declaration of office on the form established by the Minister for that purpose.

In its current version, the declaration of office contains a statement whereby newly elected members of Council promise and declare their faith and allegiance to the Queen. Said statement is considered by many as irrelevant to the current political state of affairs, while many others find it simply offensive.

The Municipality of Mattice – Val Côté recently passed the enclosed resolution requesting that your Ministry amend paragraph 4 of the Declaration of Office in order to address these very legitimate concerns.

Sincerely yours,

Marc Dupuis
Mayor

Encl. Resolution no. 18-190

Municipalité de
Municipality of

mATTICE-
VAL CÔTÉ



Sac postal / P.O. Bag 129, Mattice, Ont. P0L 1T0
(705) 364-6511 – Fax: (705) 364-6431

Meeting no. 18-15

Resolution no. 18-190

Date: December 10th, 2018

Moved by: Daniel Grenier

Seconded by: Steve Brousseau

WHEREAS the requirement for members of municipal Council to be faithful and to bear true allegiance to the Queen is considered by many to be outdated and representative of a different era, and;

WHEREAS said requirement can go against or be contrary to an individual's culture, principles and beliefs, and;

WHEREAS said requirement presents an obstacle for some individuals who would have otherwise been willing to run for Council and serve at the municipal level of government;

NOW THEREFORE BE IT RESOLVED THAT the Ministry of Municipal Affairs and Housing and its Minister modify the wording of paragraph four of the Declaration of Office to make it more inclusive and representative of the times, and;

BE IT FURTHER RESOLVED THAT the Ministry consider replacing paragraph four of the Declaration of Office with the following wording: "I will be faithful and bear true allegiance to my country, Canada, and to its three founding nations", and;

BE IT FURTHER RESOLVED THAT a copy of this resolution be forwarded to the Ministry of Municipal Affairs and Housing, to the Premier of Ontario, Doug Ford, to our provincial and federal parliament representatives, Guy Bourgouin and Carol Hughes, and to all Ontario municipalities.

Carried Defeated Deferred

Mayor, Marc Dupuis
Presiding Officer

Recorded Vote

(unanimous unless indicated below)

| Name | Yeas | Neas | Abstention |
|------------------|------|------|------------|
| Dupuis, Marc | | | |
| Brousseau, Steve | | | |
| Grenier, Daniel | | | |
| Lemay, Richard | | | |
| Malenfant, Joyce | | | |

Certified by:


Guylaine Coulombe, CAO/Clerk

10cl

December 2, 2018

Mayor Kidd
325 Farr Drive
PO Box 2050
Haileybury, ON P0J 1K0



Dear Mayor Kidd,

Northern Policy Institute (NPI) would like to congratulate you on being re-elected as Mayor of Temiskaming Shores (City Of). As you know, it is a great responsibility that brings with it the opportunity to help steer the course of your community and our province.

Northern Policy Institute is Northern Ontario's independent think tank. Like you, we have a bold vision for a bright future for all of Ontario's northern regions.

For the past five years, we have provided objective and evidence-based assessments of policy issues in a Northern Ontario context. What makes NPI unique is our independent and non-partisan approach to policy analysis. This means that our assessments of the current and emerging issues facing Northern Ontario are always objective and provide a balanced perspective to decision-makers like yourself.

As you and your council colleagues settle in we would be more than happy to meet with you to provide information about some of the projects and resources at NPI that may be of use to you over the next four years. From Community Accounts, to Data 101 to the Northern Ontario Data Consortium, we can help you and your entire team bring evidence to bear on the issues facing your community. From Northern Attraction to Grow the North we can help you understand, and stay ahead of, the broader policy pressures facing your community and your neighbours in other communities.

In the interim, you can learn more by visiting our website at www.northernpolicy.ca or by signing up for our monthly [newsletter](#). Feel free to contact Christine St-Pierre at cstpierre@northernpolicy.ca or by phone at (705) -677-5663 if you like to arrange a community visit or Council presentation from NPI.

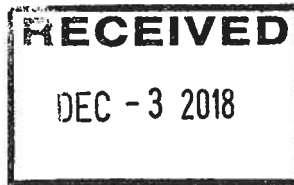
Thank you very much for your time, NPI looks forward to continuing our work together.

Sincerely,

Charles Cirtwill
President & CEO, Northern Policy Institute



JAN 22 119



1003

David Treen
Municipal Clerk
City of Temiskaming Shores
325 Farr Drive, P.O. Box 2050
Haileybury, ON P0J 1K0

November 29, 2018

Our Reference 60587939

Dear Mr. Treen,

RE: Notice of Study Commencement
GWP 5204-14-00 – Rehabilitation and Resurfacing of Highway 65 (47.9 km);
GWP 5210-14-00 – Rehabilitation of Highway 66 (23.1 km) including rehabilitation of the
Misema River Bridge; and
GWP 5277-14-00 – Replacement of the Montreal River Bridge on Highway 566, and
rehabilitation of the Montreal River Bridge on Highway 65.

On behalf of the Ministry of Transportation (MTO), AECOM has initiated a Detail Design Study and Class Environmental Assessment (EA) for the rehabilitation and resurfacing of 47.9 km of Highway 65, the rehabilitation of 23.1 km of Highway 66, the rehabilitation of the Misema River Bridge on Highway 66, the replacement of the Montreal River Bridge on Highway 566 and the rehabilitation of the Montreal River Bridge on Highway 65.

The following work is proposed for GWP 5204-14-00:

- Pavement rehabilitation and resurfacing, including *the* treatment of frost heaves and distress areas;
- Drainage improvements, including the replacement and/or rehabilitation of culverts; and
- Guiderail repair or replacement, as required.

The following work is proposed for GWP 5210-14-00:

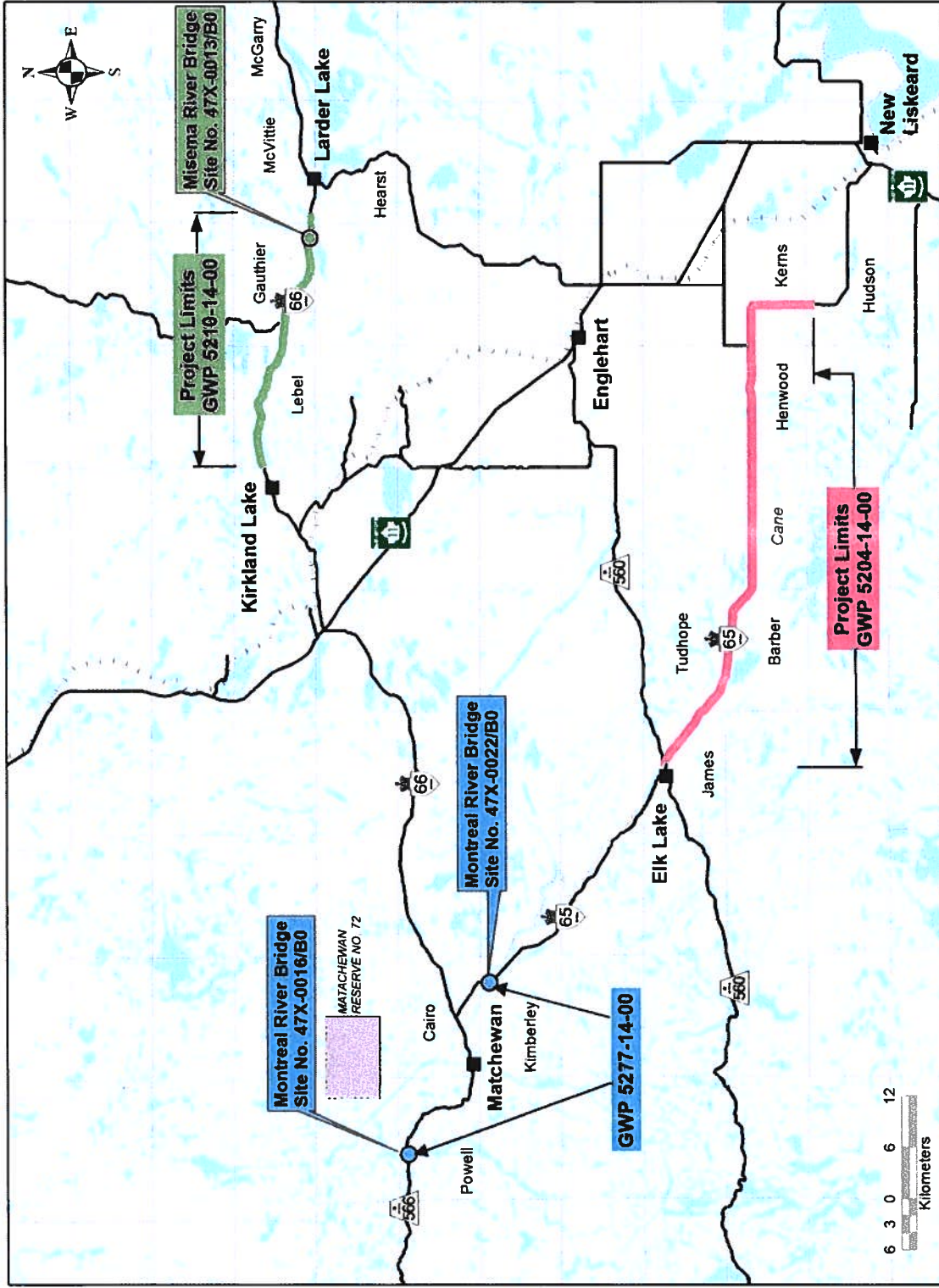
- Pavement rehabilitation, including the installation of fully paved shoulders and treatment of frost heaves and distress areas;
- Rehabilitation of the Misema River Bridge (Site No. 47X-0013/B0) on Highway 66, 3.9 km west of Highway 624;
- Drainage improvements, including the replacement and/or rehabilitation of culverts;
- Guiderail repair or replacement, as required.

The following work is proposed for GWP 5277-14-00:

- Replacement of the Montreal River Bridge (Site No. 47X-0016/B0) on Highway 566, 12.6 km west of the junction of Highways 65 and 66; and
- Rehabilitation of the Montreal River Bridge (Site No. 47X-0022/B0) on Highway 65, 5.1 km south of the junction of Highway 66 and 566.

The study areas are located in the District of Timiskaming, within the geographic townships outlined in the attached map. The project limits and structure locations are also shown on the attached map.

Location Map – GWPs 5204-14-00, 5210-14-00 and 5277-14-00





SEIZURE & BRAIN INJURY CENTRE

education • awareness • support

Enhancing lives...



Mayor Carman Kidd
Temiskamig Shores
325 Farr Avenue
Haileybury, ON P0J 1K0

January 14, 2019

Dear Mayor Kidd:

Re: Epilepsy Month – March

I am writing to you today on behalf of those in the Temiskaming Shores area affected by seizures (epilepsy). March is Epilepsy Awareness Month which is celebrated throughout Canada coast to coast. We are inviting Temiskaming Shores to help us participate in this unique event that is supported throughout the country.

We would also like to declare March Epilepsy Month in Temiskaming Shores area. The Centre will supply all staff and council members with a purple ribbon to wear during the week of March 26th. Of course we hope you will be encouraging all citizens to wear a lavender ribbon in support of epilepsy. Finally, we would like to ask if it would be possible to promote “*March 26th Purple Day for Epilepsy*” on any community owned billboards.

Please feel free to contact me at 264-2933 for further discussion. Thanking you ahead.

Yours sincerely,

Rhonda Latendresse
Executive Director
sabicrl@eastlink.ca

Subject: Amendments to By-law No. 2012-101
Traffic and Parking By-Law - Fines

Report No.: CGP-003-2019
Agenda Date: January 22, 2019

Attachments

Appendix 01: Proposed Set Fines

Appendix 02: Draft Amending by-law

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report CGP-003-2019;
2. That Council directs staff to prepare the necessary by-law to amend By-law 2012-101 (Traffic and Parking By-law) amending the Set Fines for parking violations for consideration of First and Second reading (Provisional approval) at the January 22, 2019 Regular Council meeting; and
3. That Council directs staff to submit the Provisional by-law to the Ministry of Attorney General and Regional Senior Justice for approval of the short form wording and set fines prior to Third and Final Reading.

Background

On December 4, 2012, Council passed By-law No. 2012-101 being a by-law to regulate traffic and the parking of vehicles within the City of Temiskaming Shores.

The current Traffic and Parking By-law is written such that offences can result in a part 2 parking ticket being issued. The fines set for these tickets and any revisions must be approved by the Office of the Attorney General.

The current set fines for parking offences is \$35.00; if payment is paid within seven (7) days (early voluntary payment) the fine is reduced to \$25. The set fines have not been amended since the by-law was adopted in 2012.

Analysis:

Due to the increasing costs of enforcement, the current fines are not sufficient to cover the expenses, nor are they continuing to be a significant deterrent against offences.

On November 19, 2018 the Protection of Persons and Property Committee reviewed the set fines and recommended an increase of \$5.00 for each offence (\$35 to \$40 – early payment; \$25 to \$30 if paid within 7 days).

It was also recommended that the set fines for the offence of “park in front of fire hydrant,” and “park in bus stop” be set at \$50 with no reduced amount for early payment. The fine for “*Stop, stand or park in Fire Access Route*” is set at \$50 with early payment of \$35. It is recommended that the early payment be eliminated.

Appendix 01 – Proposed Set Fines illustrates the proposed increase in the set fines.

Alternatives:

No alternatives were considered.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Staffing implications related to this matter are limited to normal administrative functions and duties.

Submission

Prepared by:

Reviewed and approved by:

Reviewed and submitted for
Council’s consideration by:

“Original signed by”

“Original signed by”

“Original signed by”

Clayton Seymour
Chief Building Official

Shelly Zubyck
Director of Corporate Services

Christopher W. Oslund
City Manager

Part I Provincial Offences Act

Set Fines

| | <u>Current</u> | <u>Proposed</u> | <u>Current</u> | <u>Proposed</u> |
|--|----------------------|----------------------|-----------------|-----------------|
| <u>Short Form Wording</u> | <u>Within 7 days</u> | <u>Within 7 days</u> | <u>Set Fine</u> | <u>Set Fine</u> |
| <i>There are 51 types of violations contained in the Set Fines Schedule</i> | \$25.00 | \$30.00 | \$35.00 | \$40.00 |
| <i>Stop, stand or park in bus stop.</i> | \$25.00 | N/A | \$35.00 | \$50.00 |
| <i>Stop, stand or park within two (2) metres of a fire hydrant.</i> | \$25.00 | N/A | \$35.00 | \$50.00 |
| <i>Stop, stand or park in accessible parking space – no accessible parking permit visible.</i> | N/A | N/A | \$300.00 | \$300.00 |
| <i>Stop, stand or park in Fire Access Route.</i> | \$35.00 | N/A | \$50.00 | \$50.00 |

Note:

The fine for parking in an accessible parking space with no accessible parking permit visible is \$300. There is no proposed change for this violation. Indicated in this table as a reminder.

The Corporation of the City of Temiskaming Shores

By-law No. 2019-000

**Being a by-law to amend By-law No. 2012-101, as amended
being a by-law to Regulate Traffic and Parking of vehicles in
the City of Temiskaming Shores – Amendment to Set Fines**

Whereas Section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws respecting the health, safety and well-being of persons;

And whereas Section 102.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

And whereas the Council of the Corporation of the City of Temiskaming Shores has adopted By-law No. 2012-101 on November 6, 2012 regulating traffic and parking of vehicles in the City of Temiskaming Shores;

And whereas Council considered Administrative Report No. CGP-003-2019 at the January 22, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2012-101 being a by-law to regulate Traffic and Parking for consideration of First and Second reading at the January 22, 2019 Regular Council meeting with consideration of Third reading subsequent to the Ministry of Attorney General and Regional Senior Justice for approval of the short form wording;

Now therefore the Council of the Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council hereby amends By-law No. 2012-101, more specifically removing Appendix "21" – Part I Provincial Offences Act – Set Fines of Schedule "A" and replacing with Appendix "21", attached hereto and forming part of this by-law.
2. That this by-law shall come into force and take effect on the date of its final passing.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first and second time this 22nd day of January, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

Read a third time and finally passed this _____ day of _____, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

The Corporation of the City of Temiskaming Shores

Appendix "21"

to By-Law No. 2019-000

Part I Provincial Offences Act

Set Fines

| <u>Item #</u> | <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
|---------------|---|---|--|-----------------|
| | <u>Short Form Wording</u> | <u>Provision Creating or Defining Offence</u> | <u>Early Voluntary Payment (payable within 7 days)</u> | <u>Set Fine</u> |
| 1. | <i>Stop, stand or park facing wrong direction.</i> | 5.1(a) | \$30.00 | \$40.00 |
| 2. | <i>Stop, stand or park right wheels more than thirty (30) centimeters from curb.</i> | 5.1 b) | \$30.00 | \$40.00 |
| 3. | <i>Where no curb provided stop, stand or park other than on curb lane.</i> | 5.1 c) | \$30.00 | \$40.00 |
| 4. | <i>Stop, stand or park obstructing or interfering with traffic.</i> | 5.1 d) | \$30.00 | \$40.00 |
| 5. | <i>Stop, stand or park in angle parking except within the limits defined by pavement markings.</i> | 5.3 a) | \$30.00 | \$40.00 |
| 6. | <i>Stop, stand or park in angle parking where a load being carried upon the vehicle extends beyond the rear of the vehicle.</i> | 5.3 c) | \$30.00 | \$40.00 |
| 7. | <i>Stop, stand or park a vehicle with a trailer in angle parking.</i> | 5.3 d) | \$30.00 | \$40.00 |
| 8. | <i>Stop, stand or park vehicle in angle parking so as to obstruct traffic.</i> | 5.3 e) | \$30.00 | \$40.00 |
| 9. | <i>Stop, stand or park in loading zone.</i> | 5.5 | \$30.00 | \$40.00 |
| 10. | <i>Stop, stand or park on laneway.</i> | 5.6 | \$30.00 | \$40.00 |
| 11. | <i>Stop, stand or park commercial motor vehicle prohibited time.</i> | 5.7 | \$30.00 | \$40.00 |

| | | | | |
|-----|--|--------|---------|---------|
| 12. | <i>Stop, stand or park commercial motor vehicle longer than two (2) hours.</i> | 5.8 | \$30.00 | \$40.00 |
| 13. | <i>Stop, stand or park between the hours of 12:00a.m. and 7:00 a.m. during the period of November 1st to March 31st.</i> | 5.9 | \$30.00 | \$40.00 |
| 14. | <i>Stop, stand or park in bus stop.</i> | 5.11 | N/A | \$50.00 |
| 15. | <i>Stop, stand or park in school bus loading zone.</i> | 5.13 | \$30.00 | \$40.00 |
| 16. | <i>Stop, stand or park in taxicab zone.</i> | 5.15 | \$30.00 | \$40.00 |
| 17. | <i>Stop, stand or park in police use only zone.</i> | 5.17 | \$30.00 | \$40.00 |
| 18. | <i>Stop, stand or park in designated prohibited area.</i> | 5.19 | \$30.00 | \$40.00 |
| 19. | <i>Stop, stand or park exceeding time limit posted on sign, ninety (90) minutes between 9:00 a.m. and 6:00 p.m.</i> | 5.20.1 | \$30.00 | \$40.00 |
| 20. | <i>Stop, stand or park exceeding time limit posted on sign, sixty (60) minutes between 9:00 a.m. and 6:00 p.m.</i> | 5.20.2 | \$30.00 | \$40.00 |
| 21. | <i>Stop, stand or park exceeding time limit posted on sign, fifteen (15) minutes.</i> | 5.20.3 | \$30.00 | \$40.00 |
| 22. | <i>Stop, stand or park exceeding time limit posted on sign, fifteen (15) minutes between 8:30 a.m. and 4:30 p.m.</i> | 5.20.4 | \$30.00 | \$40.00 |
| 23. | <i>Stop, stand or park in prohibited area during certain time.</i> | 5.20.5 | \$30.00 | \$40.00 |
| 24. | <i>Stop, stand or park in prohibited area between 7:00 a.m and 5:00 p.m.</i> | 5.20.6 | \$30.00 | \$40.00 |
| 25. | <i>Stop, stand or park in front of exit from an assembly occupancy.</i> | 5.21 | \$30.00 | \$40.00 |
| 26. | <i>Stop, stand or park on private road, parking lot or property no valid parking permit.</i> | 5.23.1 | \$30.00 | \$40.00 |

| | | | | |
|-----|--|---------|---------|---------|
| 27. | <i>Stop, stand or park on private road, parking lot or property in contravention of posted sign.</i> | 5.23.2 | \$30.00 | \$40.00 |
| 28. | <i>Stop, stand or park obstructing driveway.</i> | 5.24.1 | \$30.00 | \$40.00 |
| 29. | <i>Stop, stand or park within two (2) metres of a fire hydrant.</i> | 5.24.2 | N/A | \$50.00 |
| 30. | <i>Stop, stand or park on bridge.</i> | 5.24.3 | \$30.00 | \$40.00 |
| 31. | <i>Stop, stand or park in a manner that obstructs or interferes with traffic.</i> | 5.24.4 | \$30.00 | \$40.00 |
| 32. | <i>Stop, stand or park in a manner which prevents removal of vehicle previously parked.</i> | 5.24.5 | \$30.00 | \$40.00 |
| 33. | <i>Stop, stand or park closer to intersection than distance indicated by signs.</i> | 5.24.6 | \$30.00 | \$40.00 |
| 34. | <i>Stop, stand or park within nine (9) metres of an intersection.</i> | 5.24.7 | \$30.00 | \$40.00 |
| 35. | <i>Stop, stand or park closer to a crosswalk than the distance indicated by signs.</i> | 5.24.8 | \$30.00 | \$40.00 |
| 36. | <i>Stop, stand or park within fifteen (15) metres of a railway crossing.</i> | 5.24.9 | \$30.00 | \$40.00 |
| 37. | <i>Stop, stand or park in front of entrance to fire hall.</i> | 5.24.10 | \$30.00 | \$40.00 |
| 38. | <i>Stop, stand or park on any sidewalk, parkland, garden or lawn.</i> | 5.24.11 | \$30.00 | \$40.00 |
| 39. | <i>Stop, stand or park for purpose of displaying vehicle for sale or rent.</i> | 5.24.12 | \$30.00 | \$40.00 |
| 40. | <i>Stop, stand or park for the purpose of washing, greasing or repairing a vehicle.</i> | 5.24.13 | \$30.00 | \$40.00 |
| 41. | <i>Stop, stand or park if vehicle inoperable or has no current license plate.</i> | 5.24.14 | \$30.00 | \$40.00 |
| 42. | <i>Stop, stand or park a recreation vehicle.</i> | 5.25 | \$30.00 | \$40.00 |

| | | | | |
|-----|---|----------|---------|----------|
| 43. | <i>Stop, stand or park</i> a taxicab in location where <i>parking</i> time limit is in force. | 5.26.1 | \$30.00 | \$40.00 |
| 44. | <i>Stop, stand or park</i> at individual <i>parking meter</i> not within <i>parking space</i> indicated by lines or markings. | 6.5.1 | \$30.00 | \$40.00 |
| 45. | <i>Stop, stand or park</i> - not within <i>parking space</i> indicated by lines or markings. | 6.5.2 | \$30.00 | \$40.00 |
| 46. | <i>Stop, stand or park</i> more than one <i>vehicle</i> in one <i>parking space</i> . | 6.7.1 | \$30.00 | \$40.00 |
| 47. | <i>Stop, stand or park</i> in <i>parking space</i> occupied by another <i>vehicle</i> . | 6.7.2 | \$30.00 | \$40.00 |
| 48. | <i>Stop, stand or park</i> in <i>parking meter zone</i> no <i>parking meter</i> erected. | 6.8 | \$30.00 | \$40.00 |
| 49. | <i>Stop, stand or park</i> longer than maximum allowable <i>parking</i> time. | 6.9.1 | \$30.00 | \$40.00 |
| 50. | <i>Stop, stand or park</i> unlawfully at individual <i>parking meter</i> . | 6.9.2 a) | \$30.00 | \$40.00 |
| 51. | <i>Stop, stand or park</i> authorized <i>parking</i> time expired. | 6.9.2 b) | \$30.00 | \$40.00 |
| 52. | <i>Stop, stand or park</i> without display of valid receipt. | 6.9.2 c) | \$30.00 | \$40.00 |
| 53. | <i>Stop, stand or park</i> in <i>accessible parking space</i> – no <i>accessible parking permit</i> visible. | 7.7 | N/A | \$300.00 |
| 54. | <i>Stop, stand or park</i> in <i>Fire Access Route</i> . | 7.9 | N/A | \$50.00 |

Note: The general penalty provision for the offences listed above is Part 11 of By-law 2012-101, a certified copy of which has been filed, and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

Subject: ZBA - Marijuana Production Facilities
In Manufacturing Industrial (M2) Zone

Report No.: CGP-004-2019
Agenda Date: January 22, 2019

Attachments

- Appendix 01:** Planning Report
- Appendix 02:** Application and Public Notice
- Appendix 03:** Draft amending By-law to Zoning By-law 2017-154

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. CGP-004-2019;
2. That Council agrees to amend the provisions of the City of Temiskaming Shores Zoning By-law 2017-154 to permit the addition of marijuana production facility to the list of permitted uses in the Manufacturing Industrial (M2) Zone provided such facility is serviced with municipal water and sanitary sewer services;
3. That Council directs staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law 2017-154 for consideration at the January 22, 2019 Regular Council Meeting.

Background

With the Federal Government's medicinal marijuana regulations, initially passed in 2001, and the legalization of marijuana for recreational use in late 2018, the growth and production of marijuana is an emerging and quickly growing industry in Canada. Production facilities are currently operating in various locations across the country and Health Canada continues to process applications and issue licenses for new marijuana production facilities.

Marijuana production facilities are required to comply with the Official Plan policies and Zoning By-law provisions in place in the municipality in which they are seeking to locate. If the proposed development does not comply, or the facility is not a permitted use then the appropriate approvals are required from the municipality before a building permit can be issued.

Analysis

Staff have reviewed the information available regarding the operational considerations for marijuana production facilities, as well as the approaches taken in other municipalities. Although the use is similar to agriculture because it involves the growing of a crop, the specifics of the processes are not generally well suited to agricultural and rural areas. All

processes are generally carried out at the same facility, including the growing and cultivation, post-harvest processing, testing, packaging, and shipping/distribution, and the post-harvest processes are more similar to industrial uses and better suited to industrial areas. The facilities are intensive users of water and electricity, and wastewater quality and quantity is a concern as well. The buildings themselves are generally one-storey concrete buildings including offices and laboratory facilities that are similar in appearance to industrial buildings. Additionally, these facilities require a number of employees to carry out the various processes, and Health Canada has stringent security requirements that are not typical in rural and agricultural areas.

The public meeting was held on January 8, 2019. No members of the public made oral submissions at the public meeting and no written comments have been received. The Ministry of Transportation was consulted on the request and indicated in a verbally that there are no concerns with the proposed amendment, but that individual developments may still be subject to further review and studies including traffic impacts, stormwater management, lighting impacts, and building and land use permit requirements.

The planning report attached as Appendix 01 provides information regarding the application within the policy framework.

It is the opinion of the undersigned that the proposed Zoning By-law Amendment is consistent with the Provincial Policy Statement (2014), does not conflict with the Northern Ontario Growth Plan, complies with the City of Temiskaming Shores Official Plan, and represents good planning. It is recommended that Council adopt the proposed Zoning By-law amendment.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

Staffing implications related to this matter are limited to normal administrative functions and duties.

Alternatives No alternatives were considered.

Submission

| | | |
|----------------------------------|--|--|
| Prepared by: | Reviewed and approved by: | Reviewed and submitted for Council's consideration by: |
| "Original signed by" | "Original signed by" | "Original signed by" |
| _____ Jennifer Pye Planner | _____ Shelly Zubyck Director of Corporate Services | _____ Christopher W. Oslund City Manager |



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Planning Report

Zoning By-law Amendment Application: ZBA-2018-04

Applicant: The Corporation of the City of Temiskaming Shores

January 16, 2019

Subject Land

Comprehensive amendment to the Manufacturing Industrial (M2) Zone as prescribed in the City of Temiskaming Shores Zoning By-law 2017-154, as amended.

Background and Purpose of the Application

The legalization of cannabis for medical purposes, and recent legalization of cannabis for recreational use has created a need for facilities to legally grow, cultivate, harvest, process, package, and distribute cannabis in Canada. The market for legal cannabis has been created quickly and municipalities have been faced with determining the best locations for production facilities, should one seek to locate within their boundaries.

The approach to siting marijuana production facilities differs in each municipality. While cannabis is a crop, the processing, packaging, and shipping of the product is more aligned with industrial operations (similar to pharmaceutical production) and may not be well-suited to the agricultural or rural area. Additionally, the energy and water requirements needed to run such a facility, as well as the wastewater outputs are more appropriate to properties within the urban serviced area. Rural character is also a consideration as licensed facilities have stringent security requirements, including enclosed areas, fencing, and continuous monitoring which may not be compatible with surrounding agricultural and rural landscapes.

The following definition of marijuana production facility is included in the Zoning By-law:

The use of land, building or structure or part thereof that is used for growing, producing, processing, testing, destroying, storing, packaging or shipping of marijuana or cannabis authorized by a license issued by the Federal Minister of Health under the Controlled Drugs and Substances Act SC 1996, c 19, as amended, but shall not include any other establishment or use as may be defined or classified in this By-law.

As the term is defined but not listed as a permitted use in any zone, any use that falls within the definition is not permitted anywhere in the City except through the approval of a Zoning By-law amendment.

The purpose of the proposed amendment is to add “marijuana production facility” as a permitted use within the M2 zone and include a provision that marijuana production facilities will not be permitted on partial or private services.

Statutory Public Notice

The complete application was received on December 17, 2018. Notice of the complete application and public hearing was advertised in the Temiskaming Speaker on December 19, 2018 and was sent to public agencies in accordance with the statutory notice requirements of the Planning Act. The notice was also mailed to all registered property owners within M2 zone. Notice was not mailed to property owners within 120m of the M2 zone as comprehensive amendments include a number of properties and posting in the Temiskaming Speaker fulfills the legislative notice requirement under the Planning Act.

The public hearing was held on January 8, 2019. No members of the public made oral submissions at the hearing and no formal written comments have been received as of the date of this report.

Site Analysis

The proposed amendment applies to all properties zoned M2 in the City of Temiskaming Shores Zoning By-law, which are limited to properties within the Dymond Industrial Park and a number of properties on the north side of Highway 65 West, west of the Highway 11 overpass. As this amendment does not apply to any one specific property, only general details can be provided in this section.

a) Servicing

Properties in the Dymond Industrial Park are serviced with municipal water and sanitary sewer services. Individual stormwater management controls are required through site plan control in order to address comments from the Ministry of Transportation (MTO) through consultation during the planning and development of the expanded portion of the Park.

The properties along Highway 65 West are not serviced by the municipal systems and utilize private on-site wells and septic systems.

b) Access

Properties in the Dymond Industrial Park front on and have access to municipally-owned and year-round maintained roads: Hawn Drive, Brazeau Boulevard, or Rockley Road. None of the properties in the Industrial Park have direct access to Highway 11, and direct access to the highway will not be permitted by MTO.

The properties along Highway 65 West generally front on and have direct access to this Highway. Highway 65 West is a controlled access highway under the jurisdiction of and maintained by the Province of Ontario. One of the properties has an additional access from Bedard Road, which is municipally-owned and maintained year round.

c) Existing Land Use

The properties within the Industrial Park are either developed industrial properties or vacant, developable properties. A number of different industries currently exist in the Industrial Park, from trucking companies to warehouses, to a heavy equipment and truck training facility.

The properties along Highway 65 West are mostly developed industrial properties, including Hydro One, Ontario Power Generation, and Pedersen Construction. There is a 9.3 acre property containing a residential dwelling with the remainder of the property being farmed, and a smaller property containing a residential dwelling and an industrial business at the rear of the property.

Planning Analysis

Provincial Policy Statement (2014)

The following policies of the 2014 Provincial Policy Statement are relevant to this application:

1.0 Building Strong Healthy Communities

1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable 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;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs*

1.1.3 Settlement Areas

The vitality 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, and their vitality and regeneration shall be promoted.

1.1.3.2 Land use patterns within settlement areas shall be based on:

- a) densities and a mix of land uses which:
 - 1. efficiently use land and resources;*
 - 2. are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
 - 3. minimize negative impacts to air quality and climate change, and promote energy efficiency;*
 - 4. support active transportation;*
 - 5. are transit-supportive, where transit is planned, exists or may be developed;*
 - 6. are freight supportive; and**
- b) a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.*

Properties currently zoned Manufacturing Industrial (M2) in the City are located within the Settlement Area as established in the City of Temiskaming Shores Official Plan.

1.2 Coordination

1.2.6 Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

The Dymond Industrial Park is separated from any adjacent residential uses by the Highway 11 corridor; Rockley Road separates the properties on the northern edge of the Park from residents on the north side of that road. There are two residentially-zoned properties along Highway 65 West adjacent to one of the M2 properties in that location. These properties are not serviced by the municipal system and as such approval of a Zoning By-law amendment would be required to permit the use on of the unserved properties. Issues of incompatibility could be evaluated at that time.

1.3 Employment

1.4.3 Planning authorities shall promote economic development and competitiveness by:

- a) providing for an appropriate mix and range of employment and institutional 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;*
- c) encouraging compact, mixed-use development that incorporates compatible employment uses to support liveable and resilient communities; and*
- d) ensuring the necessary infrastructure is provided to support current and projected needs.*

Employment uses, as defined in the PPS (2014), include manufacturing, warehousing, offices, and associated retail and ancillary facilities. The processing, packaging, and distribution/shipping operations associated with

marijuana production facilities are in line with other industrial uses, and many employees are required for cultivation, harvesting, and processing operations. These facilities would be permitted as industrial uses.

1.6 *Infrastructure and Public Service Facilities*

1.6.6 *Sewage, Water and Stormwater*

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.*

1.6.6.4 *Where municipal sewage services and municipal water services or private communal sewage services and private communal water services are not provided, individual on-site sewage services and individual on-site water services may be used provided that site conditions are suitable for the long-term provision of such services with no negative impacts. In settlement areas, these services may only be used for infilling and minor rounding out of existing development.*

Properties in the Dymond Industrial Park are serviced with municipal water and sanitary sewer services. The Public Works Department has indicated that in order to ensure adequate servicing for any proposed marijuana production facilities, detailed analysis for each facility will be required, outlining the volume of water to be used and the volume of wastewater to be discharged.

Properties along Highway 65 West are serviced with partial or private services. The proposed amendment includes a provision limiting the as-of-right permission to properties serviced by the municipal systems. Properties not serviced by the municipal system would be required to connect at their own expense or apply for a Zoning By-law amendment, which would include any additional information and studies required to support the application (geotechnical investigation for water and septic considerations, land use compatibility evaluation, traffic information, etc.).

1.6.7 *Transportation Systems*

1.6.7.2 *Efficient use shall be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.*

Properties in the M2 zone front on and have direct access to existing transportation infrastructure. The Dymond Industrial Park properties directly access municipal roads that were designed to service industrial properties. The properties along Highway 65 West have existing accesses to that highway, which is under the jurisdiction of the Provincial government.

1.7 *Long-Term Economic Prosperity*

1.7.1 *Long-term economic prosperity should be supported by:*

- a) *promoting opportunities for economic development and community investment-readiness;*
- b) *optimizing the long-term availability and use of land, resources, infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities.*

Based on the above information it is my opinion that the proposed development demonstrates consistency with the Provincial Policy Statement (2014).

Growth Plan for Northern Ontario

The Growth Plan for Northern Ontario was developed under the Places to Grow Act to ensure greater growth occurs in an economically and environmentally sustainable manner.

A review of the Growth Plan for Northern Ontario confirms the proposal does not conflict with any of the Growth Plan policies.

City of Temiskaming Shores Official Plan

Properties zoned Manufacturing Industrial (M2) are designated Employment Areas in the City of Temiskaming Shores Official Plan.

4. Community Development

4.6 Employment Areas

- 4.6.1 *The scope of permitted uses in an employment area as designated on the Land Use Schedules will depend on the classification of the area. Industrial Parks will be designed primarily for industrial land uses by may include commercial uses appropriate to a predominantly industrial setting. Permitted uses in Employment Areas should include those which support the City's role as a regional hub and which are consistent with the City's economic development strategy. Emphasis will be placed on manufacturing uses, tourism and service commercial/industrial uses and knowledge-based and research uses.*
- 4.6.2 *Uses will be designed to be compatible with neighbouring uses in Employment Areas and with sensitive land uses (see Planning Resource Kit). Employment Areas development impacts will be fully addressed prior to development approval (e.g. traffic, noise, air quality, servicing, environmental).*
- 4.6.6 *All employment areas will be appropriately zoned and will be subject to site plan control. Development will be subject to the urban design principles of this Plan (see Section 4.9) and residential uses shall be integrated to avoid or mitigate adverse effects from non-residential land uses through such techniques as:*
- a. Appropriate separation distances;*
 - b. Buffering and screening using landscaping, fencing intervening buildings, parking areas and amenity areas;*
 - c. Noise attenuation;*
 - d. Dust and air quality controls.*

The scope of permitted uses within the Employment Areas designation encompasses marijuana production facilities as the testing, processing, packaging, and shipping activities carried out at these facilities are similar to those of a more traditional industrial operation. Additionally, marijuana production facilities require a large number of employees which is consistent with certain industrial operations and fits within the considerations for the Employment Area designation.

5. Infrastructure and Public Service Facilities

5.4 Water, Wastewater and Stormwater

- 5.4.1 *The systems for water distribution and treatment, wastewater collection and treatment, and stormwater collection and treatment and release will be designed, built and operated in a manner which protects public health and safety, minimizes negative impacts on the natural environment, meets the requirements of the approval authority and meets current and projected needs to support development in accordance with the Community Development policies of this Plan (see Section 3).*
- 5.4.2 *All development applications will be evaluated to determine whether the City water, wastewater and storm water services adequate servicing to support the proposed development (see also Wellhead and Intake Protection Zones). Proponents will be required to undertake an assessment of the reserve capacity for municipal sewage and water services as part of the evaluation. Development will not be approved where the servicing capacity is*

insufficient.

- 5.4.3 *Where possible, development within the Lagoon/Wastewater Catchment Areas and Water Distribution limits of the Settlement Areas will be serviced by municipal sewage services, municipal water services and stormwater services. Adjustments may be made to the boundaries of the catchment areas in accordance with the phasing of development and the planned extension of services. Adjustments to the boundaries will not require an amendment to this Plan.*
- 5.4.4 *Stormwater facilities will be designed and constructed using best management practices (see also Section 4.9 Urban Design Principles and Planning Resource Kit) including the prevention of increased contaminant loads, minimizing changes in water balance and erosion, maximizing the use of vegetation, stormwater attenuation and re-use and by not increasing risks to human health and safety and property damage.*

Municipal water and sewer services are available for properties in the Dymond Industrial Park. Detailed analysis including the volume of water required and the volume of wastewater to be discharged will be required in order to ensure the adequacy of the existing infrastructure. Stormwater facilities are not available in the Dymond Industrial Park and an appropriate level of on-site stormwater management will be required through the site plan control process prior to the issuance of a building permit for any proposed facilities.

Properties along Highway 65 West are not fully serviced by the municipal water and sewer systems. Due to the amount of water required for the operation of these facilities and the quality of waste water it is recommended that a provision be included restricting the siting of these facilities to locations that are serviced by the municipal water and sewer system. The potential remains for marijuana production facilities to be located on properties that are not serviced by the municipal system, but approval of a Zoning By-law amendment application would be required in these situations, and detailed hydrogeological studies demonstrating no negative impact from the proposed facility would be required to support the application.

5.6 *Transportation*

5.6.1 *Provincial Highways*

- b. *In addition to all the applicable municipal requirements, all proposed development located within the Ministry of Transportation permit control area will be subject to the Ministry of Transportation (MTO) approval under the Public Transportation and Highway Improvement Act.*
- d. *Access to provincial highways is restricted and development shall only be permitted where the applicable approvals/permits have been obtained. This may include a traffic and drainage study. An illumination study may be required for a retail facility.*

5.6.2 *City Roads*

- c. *Local roads function within neighbourhoods and distribute traffic from the arterial and collector system to individual properties, typically over short distances.*
- d. *The City will control access, parking, truck routes and traffic signalization as measures to ensure efficient movement of traffic, transit and pedestrians and cyclists. Traffic management studies may be required for development to assess traffic impacts and needed improvements (e.g. road widening, taper lanes, intersection improvements, traffic calming, signalization, crosswalks, and noise/vibration).*

Establishment of a marijuana production facility on any of the properties adjacent to Highway 65 West would require MTO approval for the entrance permit, building and land use permits for any development within the Permit Control Area, lighting, and stormwater. MTO would address any concerns through preconsultation on any Zoning By-law amendment applications that may be submitted, and some specific issues could be addressed through the site plan control process.

Marijuana production facilities in the Dymond Industrial Park would require entrance permits from the City, as Hawn Drive and Brazeau Boulevard are municipally-owned and year-round maintained roads. The roads in the Dymond Industrial Park have already been established and are meant to handle industrial traffic volumes.

Development of any properties within the Dymond Industrial Park adjacent to Highway 11 or within the Permit Control Area for Highway 11 and any of the associated intersections with municipal roads would require approval of building and land use permits from MTO. MTO would also review development proposals and may require further studies and information, including traffic impact studies, stormwater management plans, and lighting plans.

During the development of the expanded southern portion of the Dymond Industrial Park the intersection of Radley Hill Road and Highway 11 was upgraded to include a southbound right-turning lane and a northbound left-turning lane to accommodate traffic movements from Highway 11 into the expansion area.

Based on the above information it is my opinion that the proposed development demonstrates consistency with the City of Temiskaming Shores Official Plan.

City of Temiskaming Shores Zoning By-law

The proposed amendment seeks to add “marijuana production facility” as a permitted use in the M2 zone. Marijuana production facility is a defined term in the Zoning By-law but has not been listed as a permitted use in any zone, therefore approval of a Zoning By-law amendment application would be required prior to the establishment of such a facility anywhere in the City.

The existing list of permitted uses in the M2 zone is as follows:

- Agricultural processing establishment
- Agricultural produce warehouse
- Agricultural services
- Agricultural supply/implement dealership
- Contractor’s establishment
- Crematorium
- Dry Cleaning Establishment
- Equipment sales, service and rental establishment
- Heavy equipment sales and service establishment
- Industrial use
- Light industrial use
- Marine sales and service establishment
- Motor vehicle body repair shop
- Printing establishment
- Recreational vehicle sales and service establishment
- Recycling facility
- Sawmill
- Transportation depot
- Warehouse
- Wayside pit or quarry
- Wholesale establishment

Within the list above, “agricultural processing establishment” and “industrial use” could be considered similar to a marijuana production facility. While the growing of a crop would not generally be permitted in an industrial area, the specific requirements and considerations for the operation of marijuana production facilities make industrial zones a suitable location for these operations. The water and sewer requirements, power requirements, industrial aesthetic of the buildings and compounds, and distribution/shipping considerations of the operations make these facilities more appropriate in serviced industrial areas rather than traditional agricultural or rural areas.

Allowing marijuana production facilities as-of-right in the M2 zone does not waive the requirement to comply with the zone provisions (ie. setbacks, height, lot coverage requirements, etc.) and does not exempt the facilities from the site plan control process; new development in the M2 zone will be subject to site plan control.

Comments Received from the Agency Circulation and Public Notification Process

The application was circulated to municipal departments, agencies, and the public. The following comments were received:

Director of Public Works

- ✓ *The subject land located in the Dymond Industrial Park (DIP) is serviced by municipal water and sanitary services. These services and any upgrades required for any proposed production facility would be the Owners responsibility and at their cost. Currently, the M2 properties located between Hwy 11 and Hwy 65W are not serviced with municipal water or sanitary sewer. A detailed analysis outlining the volumes of water and wastewater to be required and discharged will be required to ensure the current infrastructure is adequate.*
- ✓ *The subject lands in the DIP are located adjacent to Hawn Drive and Brazeau Boulevard. The roadway has a granular surface and is maintained on a year round basis. There are no concrete sidewalks or curb & gutter present and the roadway drainage is by open ditch and drains from the south and west in a north-eastward direction towards Lake Temiskaming. The properties located between Hwy 11 and Hwy 65W are accessed from Highway 65W being a bituminous surfaced, year-round maintained Provincial roadway.*
- ✓ *Vehicular access to the properties in question is available from both the north and south along Highway 11. Entrance permits from Highway 65W would be required from the Ministry of Transportation, those entrance permits required in the DIP would be acquired from the City.*
- ✓ *The Public Works Department has no objections to this application.*

Chief Building Official – *No concerns from the Building and By-law Departments*

Fire Chief – *I have no concerns with ZBA-2018-04.*

Director of Recreation – *No comments received.*

Director of Corporate Services – *No comments received.*

City Manager – *I have no concerns.*

Clerk – *The Clerk's office has no objections to ZBA-2018-04 – Marijuana Production Facilities.*

Economic Development and Funding Application Coordinator – *Looks good.*

Tax Collector / Treasurer – *I have no concerns related to this application.*

Ministry of Transportation – *Verbal comments: no concerns with the proposed amendment, but traffic impact studies may be required to support individual development proposals. Development proposals will need to be circulated to MTO for review of stormwater management and lighting and other considerations of interest to MTO.*

Public Comments: *None received as of the date of this report.*

Recommendation

Based on the information presented in this report, in my opinion, the proposed Zoning By-law amendment is consistent with the Provincial Policy Statement (2014); does not conflict with the Northern Ontario Growth Plan; complies with the City of Temiskaming Shores Official Plan; and represents good planning.

It is therefore recommended that Council approve the Zoning By-law Amendment application.

Respectfully submitted,

Jennifer Pye, MCIP, RPP
Planner



The City of Temiskaming Shores
P.O. Box 2050
325 Farr Drive
Haileybury, Ontario POJ 1K0
705-672-3363

Application for Zoning By-law Amendment Under Section 34 of the Planning Act

Fee for Application to Amend the Zoning By-law: \$750 + \$100 advertising fee + 13% HST = \$960.50

Please read before completing this application

This application reflects the mandatory information that is prescribed in the Schedules to Ontario Regulation 545/06 made under the Planning Act, RSO, 1990, as amended, as well as information required by the City of Temiskaming Shores to assist in the assessment of the proposal.

In addition to completing this form, the Applicant is required to submit the fee, a detailed site plan and any additional information or studies that may be necessary to assess the proposal.

Failure to submit the required information will delay the consideration of this Application. An application which is not considered complete under the Planning Act is not subject to the timelines of the Act.

Applicants are encouraged to consult with the Municipality prior to completing the application.

OFFICE USE ONLY

File No.: ZBA-2018-04

Date Received: December 17, 2018

Roll No.: 5418- N/A

1. Owner Information

Name of Owner: The Corporation of the City of Temiskaming Shores attn: Dave Treen, Municipal Clerk

Mailing Address: PO Box 2050, Haileybury, ON P0J 1K0

Email Address: dtreen@temiskamingshores.ca Phone: 705-672-3363 ext. 4136

If more than one registered owner, please provide information below (attach separate sheet if necessary):

Name of Owner: _____

Mailing Address: _____

Email Address: _____ Phone: _____

2. Applicant/Agent Information (if applicant is not the owner or applicant is an agent acting on behalf of the owner):

Name of Agent: The Corporation of the City of Temiskaming Shores attn: Jennifer Pye, Planner

Mailing Address: PO Box 2050, Haileybury, ON P0J 1K0

Email Address: jpye@temiskamingshores.ca Phone: 705-672-3363 ext. 4105

3. Please specify to whom all communications should be sent:

Owner Applicant/Agent

4. Property Information

a. Location of the subject land:

Dymond New Liskeard Haileybury

Municipal Address

Comprehensive amendment to the City of Temiskaming Shores Zoning By-law

Legal Description (concession and lot numbers, reference plan and lot/part numbers)

Comprehensive amendment to the City of Temiskaming Shores Zoning By-law

b. Date the subject land was acquired by the current owner: NA

c. Names and addresses of the holders of any mortgages, charges, or other encumbrances of the subject land:

NA

d. Are there any easements or restrictive covenants affecting the subject land?

Yes No

If yes, describe the easement or covenant and its effect:

e. Dimensions of subject land:

Lot Area: _____ Road Frontage: _____

Water Frontage: _____ Lot Depth: _____

f. Existing use(s) of the subject land (check all that apply):

- Residential Commercial Industrial
 Institutional Agricultural Vacant
 Mixed Use (specify): _____
 Other (specify): _____

g. Length of time the existing uses of the subject land have continued: _____

h. Are there any buildings or structures existing on the subject land?

- Yes No

If yes, complete the table below (attach a separate sheet if necessary):

| | Building 1 | Building 2 | Building 3 | Building 4 | Building 5 |
|--|------------|------------|------------|------------|------------|
| Type or use of building | | | | | |
| Height of building (m) | | | | | |
| Setback from front lot line (m) | | | | | |
| Setback from rear lot line (m) | | | | | |
| Setback from side lot line one side (m) | | | | | |
| Setback from side lot line other side (m) | | | | | |
| Setback from shoreline (m) | | | | | |
| Dimensions (m) or floor area (m ²) | | | | | |
| Date constructed | | | | | |
| Is building to remain or be removed? | | | | | |

i. Has the subject land ever been used for commercial or industrial purposes?

- Yes No

If yes, has a Record of Site Condition ever been completed in accordance with Ontario Regulation 153/04?

- Yes No

j. Existing use(s) of abutting properties:

North: _____ East: _____

South: _____ West: _____

k. Are any of the following uses or features on the subject land or within 500m (unless otherwise specified)?

| Use or Feature | On the subject land | Within 500 metres of subject land (indicate approximate distance) |
|--|--------------------------|---|
| An agricultural operation including livestock or stockyard | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| A landfill | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| A sewage treatment plant or waste stabilization plant | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| A provincially significant wetland (Class 1, 2 or 3 wetland) | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| A provincially significant wetland within 120 metres of the subject land | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| A waterbody, watercourse, river, or stream | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| A rehabilitated mine site | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| A non-operating mine site within 1 kilometre of the subject land | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| An active mine site, gravel pit or quarry | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| An industrial or commercial use (specify) | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| An active railway line | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Utility corridor(s) | <input type="checkbox"/> | <input type="checkbox"/> _____ |
| Provincial Highway | NA | <input type="checkbox"/> _____ |

5. Planning Information

a. Current Official Plan Designation(s): Employment Areas

b. Explain how the application conforms with the Official Plan:

The Employment Areas designation permits industrial land uses. Marijuana production facilities, including associated testing, packaging, and shipping operations, function similar to pharmaceutical production facilities or other factory greenhouse type operations, which would also be permitted in the industrial areas. Additionally, the properties currently zoned M2 are limited to those within the Dymond Industrial Park and a few additional properties along Highway 65 East. The Dymond Industrial Park is considered a higher-order industrial park, which the Official Plan identifies as being the primary location for new industrial development.

c. Current Zoning: Manufacturing Industrial (M2) and any exceptions thereto

d. Nature and extent of the rezoning being requested:

Comprehensive amendment to add "marijuana production facility" to the list of permitted uses in the M2 zone. Include a note stating that a marijuana production facility is not permitted on partial or private services.

e. Reason why rezoning is being requested:

Marijuana production facilities are generally compatible uses in a primarily industrial setting. Although the use can also be considered agricultural (due to the plant being considered a crop), the post-harvest processing of the product can be considered an industrial process. The inclusion of marijuana production facilities as as-of-right permitted uses in the M2 zone allows the City to be ready for new development opportunities in an emerging market.

f. Is the subject land within an area where the municipality has predetermined the minimum and maximum density requirements or the minimum and maximum height requirements?

Yes No

If yes, provide a statement of these requirements:

g. Is the subject land within an area where zoning with conditions may apply?

Yes No

If yes, explain how the application conforms to the Official Policies related to zoning with conditions:

h. Does the application propose to change the boundary of a settlement area or establish a new area of settlement?

Yes No

If yes, provide details of the current Official Plan policies or Official Plan Amendment dealing with the alteration or establishment of an area of settlement:

i. Does the application propose to remove land from an area of employment?

Yes No

If yes, provide details of the current Official Plan policies or Official Plan Amendment dealing with the removal of land from an area of employment:

6. Proposed Use of Property

a. Proposed use(s) of the subject land (check all that apply):

- Residential Commercial Industrial
 Institutional Agricultural Vacant
 Mixed Use (specify): _____
 Other (specify): _____

b. Are any buildings proposed to be constructed on the property?

Yes No

If yes, complete the table below (attach a separate sheet if necessary):

| | Building 1 | Building 2 | Building 3 | Building 4 | Building 5 |
|--|------------|------------|------------|------------|------------|
| Type or use of building | | | | | |
| Height of building (m) | | | | | |
| Setback from front lot line (m) | | | | | |
| Setback from rear lot line (m) | | | | | |
| Setback from side lot line one side (m) | | | | | |
| Setback from side lot line other side (m) | | | | | |
| Setback from shoreline (m) | | | | | |
| Dimensions (m) or floor area (m ²) | | | | | |

7. Access and Servicing

a. What type of access is proposed for the subject land?

Provincial Highway

Private Road

Municipal Road, maintained all year

Right-of-Way

Municipal Road, maintained seasonally

Water Access

Other (specify): _____

i. If access to the subject land will be by water only, describe the docking and parking facilities to be used and the approximate distance to these facilities from the subject land and the nearest public road:

b. What type of water supply is proposed for the subject land?

Publicly owned and operated piped water supply (City water)

Privately owned and operated individual well

Privately owned and operated communal well

Lake or other water body

Water service not proposed

Other (specify): _____

c. What type of sewage disposal is proposed for the subject land?

Publicly owned and operated sanitary sewage system (City sewer)

Privately owned and operated individual septic system

Privately owned and operated communal septic system

Privy

Sewage disposal service not proposed

Other (specify): _____

i. If the proposed amendment would permit development on a privately owned and operated individual or communal septic system, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, a servicing options report and a hydrogeological report prepared by a qualified professional are required to be submitted:

Title and date of servicing options report: _____

Title and date of hydrogeological report: _____

d. What type of storm drainage is proposed for the subject land?

Storm sewer

Ditches

Swales

Other (specify): _____

8. Previous Applications

Has the subject land ever been the subject of any of the following applications under the Planning Act (if the answer to any of the following is yes, please provide the file number and status of the application if known):

Unknown

Official Plan Amendment Yes No File No.: _____ Status: _____

Zoning By-law Amendment Yes No File No.: _____ Status: _____

Minor Variance Yes No File No.: _____ Status: _____

Plan of Subdivision Yes No File No.: _____ Status: _____

Consent Yes No File No.: _____ Status: _____

Site Plan Control Yes No File No.: _____ Status: _____

Minister's Zoning Order Yes No File No.: _____ Status: _____

9. Concurrent Applications

Is the subject land currently the subject of any of the following applications under the Planning Act (if the answer to any of the following is yes, please provide the file number and status of the application if known):

Official Plan Amendment Yes No File No.: _____ Status: _____

Zoning By-law Amendment Yes No File No.: _____ Status: _____

Minor Variance Yes No File No.: _____ Status: _____

Plan of Subdivision Yes No File No.: _____ Status: _____

Consent Yes No File No.: _____ Status: _____

Site Plan Control Yes No File No.: _____ Status: _____

10. Provincial Policies

a. Is the proposed zoning by-law amendment consistent with the policy statements issued under subsection 3(1) of the Planning Act?

Yes No

- i. If yes, explain how the zoning by-law amendment is consistent with the policy statements issued under subsection 3(1) of the Planning Act:

Properties zoned M2 are located within the Settlement Area Boundary for the City and are designated Employment Areas in the City's Official Plan. The specific areas zoned M2 are generally already serviced with municipal water and sanitary sewer services, and the addition of the note prohibiting the facilities on partial and private services will ensure that only serviced properties can be considered without further investigation of the availability of sufficient water and sanitary capacity. Additionally, the Dymond Industrial Park was developed on the premise of easy access to Highway 11, which is a major transportation corridor for Northeastern Ontario. The location of these facilities in the industrial park will allow easy access to this route. The Dymond Industrial Park is separated from existing residential uses on the east side of Highway 11.

- b. Is the subject land within an area of land designated under any provincial plan or plans?

Yes No

- i. If yes, explain how the zoning by-law amendment conforms or does not conflict with the provincial plan or plans:

The applicable provincial plan is the Growth Plan for Northern Ontario (2011). This plan generally encourages economic growth and investment in the designated area. Permitting marijuana production facilities as-of-right within the M2 zone will allow for the development of these facilities in an appropriate location without the need to amend the Zoning By-law.

11. Public Consultation Strategy

Detail the proposed strategy for consulting with the public with respect to the application:

- Follow Planning Act requirements
 Other (please specify):

12. Additional Studies or Information

Additional studies or information may be required by the Municipality to support the application. The application may not be considered a complete application unless these studies have been completed. Applicants are advised to pre-consult with the Municipality to determine what additional studies or information is required.

List of additional studies or information required by the Municipality (to be provided by the Municipality):

13. Sketch

The application shall be accompanied by a site plan showing the following information:

- The boundaries of the subject land;
- The location, size and type of all existing and proposed buildings and structures on the subject land, indicating their distance from the front lot line, rear lot line and side lot lines;
- The approximate location of all natural and artificial features (for example: buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks, etc.) that:
 - Are located on the subject land and on land that is adjacent to the subject land, and
 - In the applicant's opinion, may affect the application;
- The current uses of land that is adjacent to the subject land;
- The location, width, and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road or a right of way;
- If access to the subject land will be by water only, the location of the parking and docking facilities to be used;
- The location and nature of any easement affecting the subject land.

14. Applicant/Agent Authorization

If the applicant is not the owner of the land that is the subject of this application, the written authorization of the owner that the applicant is authorized to make the application must be included with this form or the authorization set out below must be completed.

I/We, _____ are the registered owners of the subject land and I/we hereby authorize _____ to make this application on my/our behalf and to provide any of my/our personal information that will be included in this application or collected during the processing of the application.

Date: _____ Owner's Signature: _____

Date: _____ Owner's Signature: _____

15. Authorization for Site Visits

I/We authorize Municipal Staff and Council and/or Committee members, as necessary, to enter the subject property to gather information necessary in the assessment of the application.



Applicant Initial

Applicant Initial

16. Notice re: Use and Disclosure of Personal Information

In accordance with the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, I/We acknowledge and understand that any information collected on this form and any supplemental information submitted as part of this application can be disclosed to any person or public body.



Applicant Initial

Applicant Initial

17. Declaration of Applicant

- ✓ If the application is being submitted by the property owner and there is more than one registered owner, each owner must complete a separate declaration.
- ✓ If the application is being submitted by the property owner and the owner is a firm or corporation the person signing this declaration shall state that he/she has authority to bind the corporation or affix the corporate seal.
- ✓ This declaration must be completed in front of a Commissioner for Taking Affidavits.

I, Jennifer Pye of the City of Temiskaming Shores
in the District of Timiskaming make oath and say
(or solemnly declare) that the information contained in this application is true and that the information contained in the documents that accompany this application is true and I make this solemn declaration conscientiously knowing that it is of the same force and effect as if made under oath and by virtue of the Canada Evidence Act.

Sworn (or declared) before me

at the CITY OF TEMISKAMING SHORES
in the DISTRICT OF TIMISKAMING
this 17 day of DECEMBER, 2018

Jennifer Pye
Signature of Applicant

David Treen
A Commissioner for Taking Affidavits
David Treen, a Commissioner, etc.,
While Clerk of the
City of Temiskaming Shores.

Application for Zoning By-law Amendment

**Notice of Complete Application
And Notice of Statutory Public Hearing**

Under Section 34 of the Planning Act, R.S.O. 1990 c.P.13

The City of Temiskaming Shores has received the following application to amend the City of Temiskaming Shores Zoning By-law:

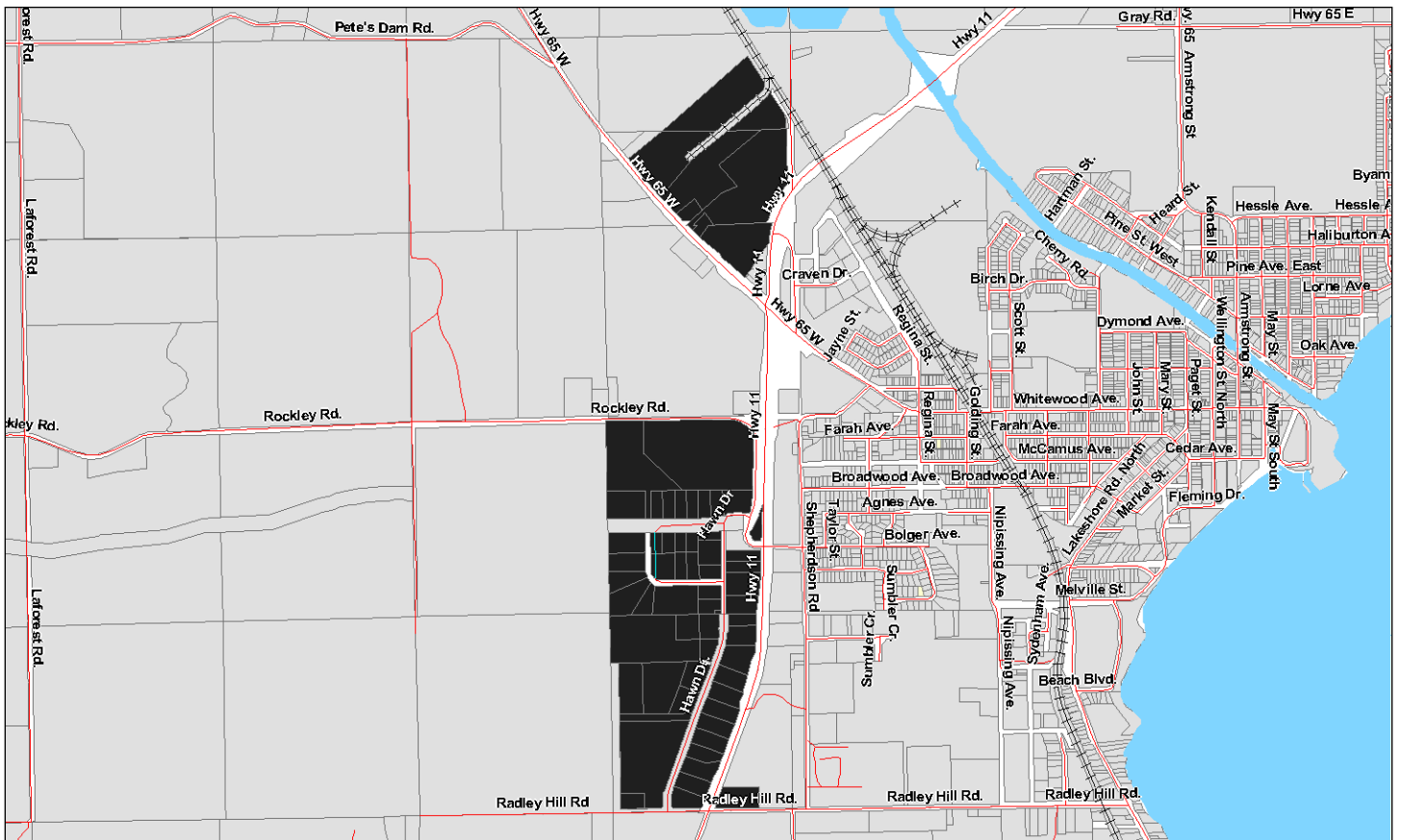
File #: ZBA-2018-04
Applicant: The Corporation of the City of Temiskaming Shores

A public hearing will be held to consider the Zoning By-law Amendment application:

Date: Tuesday, January 8, 2019
Time: 6:00 p.m.
Place: Council Chambers at City Hall, 325 Farr Drive, Haileybury

The purpose of the application is to amend the list of permitted uses in the Manufacturing Industrial (M2) Zone to add Marijuana Production Facility on properties with municipal services. The amendment would make marijuana production facility an as-of-right permitted use on properties in the M2 zone where municipal services are existing. The amendment would affect all properties zoned M2 within the City of Temiskaming Shores.

Properties currently zoned M2 are highlighted in black below:



Any person may attend the public meeting and/or make written or verbal presentation to express support of, or opposition to, this application. If you are aware of any person who may be affected by this application, who has not received a copy of this notice, it would be appreciated if you would inform them of the application.

Written comments on this application may be forwarded to the City prior to the hearing.

If you are receiving this notice as the owner of a multi-unit residential building, please post this notice in a location that is visible to all of the residents.

If you wish to be notified of the decision of the City of Temiskaming Shores on the proposed Zoning By-law Amendment, you must make a written request to the City of Temiskaming Shores at the address below.

If a person or public body would otherwise have an ability to appeal the decision of the Council of the City of Temiskaming Shores to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body is not entitled to appeal the decision.

If a person or public body does not make oral submissions at a public meeting, or make written submissions to the City of Temiskaming Shores before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so.

Additional information pertaining to the application is available for review between 8:30 a.m. and 4:30 p.m. at City Hall, or by contacting the undersigned.

Dated this 19th day of December, 2018.

Jennifer Pye
Planner
City of Temiskaming Shores
325 Farr Drive
PO Box 2050
Haileybury, ON P0J 1K0
Tel: 705-672-3363 ext. 4105
jpye@temiskamingshores.ca

The Corporation of the City of Temiskaming Shores

By-law No. 2019-000

**Being a by-law to enact a Zoning by-law Amendment to
amend certain provisions of the Manufacturing
Industrial (M2) Zone**

Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, the Council of a Municipality may enact by-laws to authorize the use of land, buildings or structures for any purpose set out therein that is otherwise prohibited;

And whereas By-law No. 2017-154 regulates the use of land and the use and erection of buildings and structures within the City of Temiskaming Shores;

And whereas Council considered Administrative Report No. CGP-004-2019 at the Regular Council meeting held on January 22, 2019 and directed staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law No. 2017-154 for consideration at the January 22, 2019 Regular Council meeting.

Now therefore the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. Text Changes

- a) Table 8.1 is amended to add as a permitted use, in the M2 Zone, “marijuana production facility,” subject to note included in (*3) of Section 8.3.1.
 - b) Section 8.3.1 is amended to add “(*3) A marijuana production facility is not permitted on partial or private services.”
2. That all other provisions of By-law No. 2017-154 shall continue to apply.
 3. That the passing of this by-law shall be subject to the provisions of the *Planning Act*.
 4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 22nd day of January, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

Memo

To: Mayor and Council
From: David B. Treen, Municipal Clerk
Date: January 22, 2019
Subject: Amendment to By-law No. 2019-023 – Borrowing By-law
Attachments: Appendix 01 – Commitment Amount

Mayor and Council:

At the September 19, 2017 Regular Council meeting Resolution No. 2017-368 was carried and directed the Treasurer and Mayor to sign the Commitment Letter with Scotiabank to increase the City’s operating line from \$2,000,000 to \$4,000,000 (short term borrowing).

By-law No. 2019-023 being a by-law to authorize borrowing from time to time to meet current Expenditures during the fiscal year ending December 31, 2019 was adopted at the January 8, 2019 Regular Council meeting. Schedule “A” to the by-law is the Commitment Letter referred to in the first paragraph, however the current operating line amount is \$2,000,000.

Appendix 01 – Commitment Amount is a copy of the Commitment Amount that was originally intended to be included as Schedule “A” to By-law No. 2019-023.

It is recommended that Council direct staff to prepare the necessary by-law to amend By-law No. 2019-023 to replace Schedule “A”, resulting in the increase in the operating line from \$2,000,000 to \$4,000,000.

| | | |
|--------------|--------------|--|
| Prepared by: | Reviewed by: | Reviewed and submitted for Council’s consideration by: |
|--------------|--------------|--|

| | | |
|----------------------|----------------------|----------------------|
| “Original signed by” | “Original signed by” | “Original signed by” |
|----------------------|----------------------|----------------------|

David B. Treen
Municipal Clerk

Shelly Zubyck
Director of Corporate Services

Christopher W. Oslund
City Manager

TERMS AND CONDITIONS

CREDIT NUMBER: 01

AUTHORIZED AMOUNT: \$4,000,000

TYPE

Operating Line

PURPOSE

General operating requirements

CURRENCY

Canadian dollars

AVAILMENT

The Borrower may avail the credit by way of direct advances evidenced by Agreement re Operating Credit Line.

INTEREST RATE

The Bank's Prime Lending Rate, from time to time, minus 0.25% with interest payable monthly.

REPAYMENT

Advances are repayable on demand

SPECIFIC SECURITY

The following security, evidenced by documents in form satisfactory to the Bank and registered or recorded as required by the Bank, is to be provided prior to any advances or availment being made under the Credit:

Agreement re: Operating Credit Line

CONDITIONS PRECEDENT

The following conditions are to be met to the satisfaction of the Bank and its solicitors prior to the implementation of the increase in the Operating Limit from the existing \$2,000,000 to \$4,000,000:

Listing of the Borrower's upcoming construction projects with estimated costs and expected starting dates.

Resolution authorizing the Borrower to increase borrowing by way of a limit increase to \$4,000,000 under the operating facility.

SPECIFIC CONDITIONS

Until all debts and liabilities under the Credit have been discharged in full, the following conditions will apply in respect of the Credit:

January 1 to September 30 of each year:

Advances under the Operating credit are to be limited to 50% of total estimated revenue of the Borrower as set out in the budget adopted for the year and approved by Council;

October 1 to December 31 of each year:

Advances under the Operating credit are to be limited to 25% of total estimated revenue of the Borrower as set out in the budget adopted for the year and approved by Council.

CREDIT NUMBER: 02 AUTHORIZED AMOUNT: \$2,000,000
(Current balance: \$516,786)

TYPE

Equipment Financing Line – Revolving Term/Lease (Scotia Leasing)

PURPOSE

To assist with the acquisitions of new equipment

AVAILMENT

The Borrower may avail the Credit by way of direct advances evidenced by Demand Promissory Notes and/or by Lease Agreement with supporting documentation and/or Conditional Sale Contracts in form satisfactory to the Bank.

INTEREST RATE

Direct Advances

The Bank's Prime Lending Rate from time to time per annum, with interest payable monthly.

The Borrower has the option to fix the interest rate for the balance of the term of the loan at any time subject to availability. Rates will be quoted upon request.

Scotia Lease/Conditional Sales Contract

Floating Rate Option:

The base payment applicable to each contract will be set on the commencement date of the contract based upon the Bank's Prime Lending Rate per annum, calculated and payable monthly. The total periodic payment will be adjusted monthly with changes in the Bank's Prime Lending Rate.

Fixed Rate Option:

The Borrower has the option to fix the payments for the balance of the term of the contract provided that the Borrower is not then in default under any credits. This option must be exercised prior to the commencement of the last third of the initial term of the contract.

Although the fixed rate will be set on the date notification is received by the Bank, the new rate will be effective on the next payment due date (provided the next payment due date is at least 10 days from receipt of the notice). A fee is payable when this option is exercised. The fixed rate will be quoted on request/based on Scotia Leasing's Base Rate at the time the option to fix the rate is exercised plus 1.25% per annum, calculated and payable monthly.

FEES

Standard Documentation Fees as prescribed by Scotia Leasing, payable at the time of each Lease drawdown.

DRAWDOWN

The undrawn portion of the credit is subject to Annual Review.

Advances are to be made in minimum multiples of \$50,000.

REPAYMENT

Direct Advances

Advances are repayable in equal monthly instalments of principal, commencing within 30 days of drawdown, with a final payment of the balance of principal and interest then outstanding due at the end of the selected term. The maximum term of each loan is 5 years and the maximum amortization is 5 years.

Scotia Lease – ABC Purchase Option

Leases are repayable in accordance with the terms and conditions of each respective lease contract. The maximum term of any such lease/contract shall not exceed 60 months. At the end of the term to option, the lessee shall elect one of the following options:

- A. purchase the equipment for up to a maximum of 20% of the original cost;
- B. indentify a third party acceptable to the Bank to purchase the equipment from the Bank for up to a maximum of 20% of the original cost;
- C. rent the equipment for an additional term and revised rent payment to be authorized by the Bank.

Scotia Lease – \$1 Purchase Option

Leases are repayable in accordance with the terms and conditions of each respective lease contract. The maximum term of any such lease/contract shall not exceed 60 months. At the end of the term, the lessee shall elect to purchase the equipment for \$1.00.

PREPAYMENT

Prepayments are to be applied against installments of principal in the inverse order of their maturities.

Direct Advances

Floating Interest Rate:

Prepayment is permitted without penalty at any time in whole or in part.

Fixed Interest Rate:

Prepayment of any advance made by the Bank pursuant to this loan agreement (each an Advance"), in whole or in part, is permitted at any time. In addition to any other amount then payable by the Borrower pursuant to the terms hereof (including, without limitation, accrued

interest) in respect of the amount being prepaid (the "Prepayment Amount"), the Borrower shall pay to the Bank an amount equal to the greater of:

- (i) three months simple interest on the Prepayment Amount at the rate applicable to the relevant Advance being prepaid, and
- (ii) The Bank's Funding Loss. For the purposes hereof, "Funding Loss" means, in respect of the Advance being prepaid, any loss, cost or expense which may be incurred by the Bank by reason of the reemployment, for the Prepayment Period, of the funds acquired by the Bank to fund such Advance. "Prepayment Period" means the period commencing on, and including, the date on which the Prepayment Amount is paid to the Bank to, but excluding, the scheduled repayment date of the relevant Advance.

Scotia Lease/Conditional Sales Contract

Leases/Conditional Sale Contracts are not cancellable, and no prepayments of principal are permitted.

SPECIFIC SECURITY

The following security, evidenced by documents in form satisfactory to the Bank and registered or recorded as required by the Bank, is to be provided prior to any advances or availment being made under the Credit(s):

Direct Advances

General Security Agreement supported by a Chattel Mortgage over specific equipment financed with replacement cost insurance coverage, loss, if any, payable to the Bank.

Scotia Lease

Lease Agreement(s)/Conditional Sales Contract(s) covering equipment leased.

Comprehensive General Liability insurance for a minimum of \$2 million per occurrence with the Bank recorded as an additional named insured.

All Risk Insurance covering the replacement value of the equipment with the Bank recorded as loss payee and additional named insured.

Vehicles – Collision and Comprehensive (All Perils) Liability and Damage to vehicle for \$5 million per occurrence showing the Bank as loss payee and additional named insured.

Resolution of the Council authorizing leases.

SPECIFIC CONDITIONS

Until all debts and liabilities under the Credit have been discharged in full, the following conditions will apply in respect of the Credit:

Prior to drawdown, the Bank is to be satisfied with the quality, value and eligibility of all assets being leased or financed.

The amount of financing shall not exceed 100% of the cost of the equipment being financed exclusive of the relative taxes and the Borrower shall provide security deposits, advance rentals and/or down payments to reduce financing to this limit.

CREDIT NUMBER: 03

AUTHORIZED AMOUNT: \$750,000

TYPE

Scotia Visa Business Card - Availment, interest rate and repayment as per Cardholder Agreement.

PURPOSE

Business expenses

CURRENCY

Canadian Dollars

SPECIFIC SECURITY

The following security, evidenced by documents in form satisfactory to the Bank and registered or recorded as required by the Bank, is to be provided prior to any advances or availment being made under the Credit:

ScotiaVisa Business Card Agreement

GENERAL SECURITY, TERMS AND CONDITIONS APPLICABLE TO ALL CREDITS

GENERAL SECURITY

The following security, evidenced by documents in form satisfactory to the Bank and registered or recorded as required by the Bank, is to be provided prior to any advances or availment being made under the Credits:

Municipal Borrowing By-Law for Current Expenditures containing a pledge of tax revenues

Security Agreement, Municipalities and School Boards

Banking Resolution, Municipalities and a supporting List of Officers

GENERAL CONDITIONS

Until all debts and liabilities under the Credits have been discharged in full, the following conditions will apply in respect of the Credits:

The Borrower agrees to:

- (i) comply with all applicable borrowing legislation
- (ii) advise the Bank of any breach of statutory borrowing limits
- (iii) provide the Bank with certificates of estimated revenues from time to time, upon request.

The Borrower will give the Bank the opportunity to offer additional future banking and credit requirements.

For ongoing Credit Risk management purposes, all operating accounts of the Borrower shall be maintained with the Bank as long as the Borrower has any operating line facilities with the Bank.

GENERAL BORROWER REPORTING CONDITIONS

Until all debts and liabilities under the Credits have been discharged in full, the Borrower will provide the Bank with the following:

Annual Audited Consolidated Financial Statements of the Borrower, within 150 days of the Borrower's fiscal year end.

Annual Budget for the ensuing year, within 150 days of fiscal year end.

Copy of current Municipal Borrowing By-Law is required in January of each year.

Copy of current Security Agreement in January of each year.

At the time of the annual review, the Municipality's Treasurer must provide the bank with the following:

- a) Details of short term borrowings from other banks and from its own Reserve funds
- b) Copy of a By-Law approving annual estimates.

Such other financial information as the Bank may reasonably require from time to time.

OTHER FEES

In addition to, and not in substitution for the obligations of the Borrower and the rights of the Bank upon the occurrence of an event of default herein, the Borrower shall pay to the Bank:

- (a) a fee of \$300 per occurrence (or such higher amount as may be determined by the Bank from time to time) during which the Borrower is late in providing the Bank with financial or other information required herein;
- (b) a fee of \$300 per occurrence (or such higher amount as may be determined by the Bank from time to time) during which loan payments of principal, interest or other amounts are past due; and
- (c) a fee of \$1,500 per occurrence (or such higher amount as may be determined by the Bank from time to time) during which the Borrower is in default of any other term or condition contained in this Commitment Letter or in any other agreement to which the Borrower and the Bank are parties.

The imposition or collection of fees does not constitute an express or implied waiver by the Bank of any event of default or any of the terms or conditions of the lending arrangements, security or rights arising from any default. Fees may be charged to the Borrower's deposit account when incurred.

SCHEDULE "A"

ADDITIONAL TERMS AND CONDITIONS APPLICABLE
TO ALL CREDITS

(In the event of a conflict, the terms and conditions of any lease agreement and/or conditional sale contract supersede the terms and conditions in this Schedule A with regard to such leases and/or conditional sale contracts.)

1. Calculation and Payment of Interest

Interest on loans/advances made in Canadian dollars will be calculated on a daily basis and payable monthly on the 22nd day of each month (unless otherwise stipulated by the Bank). Interest shall be payable not in advance on the basis of a calendar year for the actual number of days elapsed both before and after demand of payment or default and/or judgment.

2. Interest on Overdue Interest

Interest on overdue interest shall be calculated at the same rate as interest on the loans/advances in respect of which interest is overdue, but shall be compounded monthly and be payable on demand, both before and after demand and judgment.

3. Indemnity Provision

If the introduction, adoption or implementation of, or any change in, or in the interpretation of, or any change in its application to the Borrower of, any law, regulation, guideline or request issued by any central bank or other governmental authority (whether or not having the force of law), including, without limitation, any liquidity reserve or other reserve or special deposit requirement or any tax (other than tax on the Bank's general income) or any capital requirement, has due to the Bank's compliance the effect, directly or indirectly, of (i) increasing the cost to the Bank of performing its obligations hereunder or under any availment hereunder; (ii) reducing any amount received or receivable by the Bank or its effective return hereunder or in respect of any availment hereunder or on its capital; or (iii) causing the Bank to make any payment or to forgo any return based on any amount received or receivable by the Bank hereunder or in respect of any availment hereunder determined by the Bank in its discretion, then upon demand from time to time the Borrower shall pay such amount as shall compensate the Bank for any such cost, reduction, payment or forgone return (collectively "Increased Costs") as such amounts are reasonably determined by the Bank and set forth in a certificate to the Borrower.

In the event of the Borrower becoming liable for such Increased Costs the Borrower shall have the right to prepay in full, without penalty, the outstanding principal balance under the affected credit other than the face amount of any document or instrument issued or accepted by the Bank for the account of the Borrower, including, without limitation, a Letter of Credit, a Letter of Guarantee or a Bankers' Acceptance. Upon any such prepayment, the Borrower shall also pay the then accrued interest on the amount prepaid and the Increased Costs to the date of prepayment together with such amount as will compensate the Bank for the cost of any early termination of its funding arrangements in accordance with its normal practices, as such amounts are calculated in a certificate reasonably prepared by the Bank.

4. Environment

The Borrower agrees:

- (a) to obey all applicable laws and requirements of any federal, provincial, or any other governmental authority relating to the environment and the operation of the business

activities of the Borrower;

- (b) to allow the Bank access at all times to the business premises of the Borrower to monitor and inspect all property and business activities of the Borrower;
- (c) to notify the Bank from time to time of any business activity conducted by the Borrower which involves the use or handling of hazardous materials or wastes or which increases the environmental liability of the Borrower in any material manner;
- (d) to notify the Bank of any proposed change in the use or occupation of the property of the Borrower prior to any change occurring;
- (e) to provide the Bank with immediate written notice of any environmental problem and any hazardous materials or substances which have an adverse effect on the property, equipment, or business activities of the Borrower and with any other environmental information requested by the Bank from time to time.
- (f) to conduct all environmental remedial activities which a commercially reasonable person would perform in similar circumstances to meet its environmental responsibilities and if the Borrower fails to do so, the Bank may perform such activities; and
- (g) to pay for any environmental investigations, assessments or remedial activities with respect to any property of the Borrower that may be performed for or by the Bank from time to time.

If the Borrower notifies the Bank of any specified activity or change or provides the Bank with any information pursuant to subsections (c), (d), or (e), or if the Bank receives any environmental information from other sources, the Bank, in its sole discretion, may decide that an adverse change in the environmental condition of the Borrower or any of the property, equipment, or business activities of the Borrower has occurred which decision will constitute, in the absence of manifest error, conclusive evidence of the adverse change. Following this decision being made by the Bank, the Bank shall notify the Borrower of the Bank's decision concerning the adverse change.

If the Bank decides or is required to incur expenses in compliance or to verify the Borrower's compliance with applicable environmental or other regulations, the Borrower shall indemnify the Bank in respect of such expenses, which will constitute further advances by the Bank to the Borrower under this Agreement.

5. Periodic Review

The obligation of the Bank to make further advances or other accommodation available under any Credit(s) of the Borrower under which the indebtedness or liability of the Borrower is payable on demand, is subject to periodic review and to no adverse change occurring in the financial condition or the environmental condition of the Borrower or any guarantor.

6. Evidence of Indebtedness

The Bank's accounts, books and records constitute, in the absence of manifest error, conclusive evidence of the advances made under this Credit, repayments on account thereof and the indebtedness of the Borrower to the Bank.

7. Acceleration

- (a) All indebtedness and liability of the Borrower to the Bank payable on demand, is repayable by the Borrower to the Bank at any time on demand;

- (b) All indebtedness and liability of the Borrower to the Bank not payable on demand, shall, at the option of the Bank, become immediately due and payable, the security held by the Bank shall immediately become enforceable, and the obligation of the Bank to make further advances or other accommodation available under the Credits shall terminate, if any one of the following Events of Default occurs:
- (i) the Borrower or any guarantor fails to make when due, whether on demand or at a fixed payment date, by acceleration or otherwise, any payment of interest, principal, fees, commissions or other amounts payable to the Bank;
 - (ii) there is a breach by the Borrower of any other term or condition contained in this Commitment Letter or in any other agreement to which the Borrower and the Bank are parties;
 - (iii) any default occurs under any security listed in this Commitment Letter under the headings "Specific Security" or "General Security" or under any other credit, loan or security agreement to which the Borrower is a party;
 - (iv) any bankruptcy, re-organization, compromise, arrangement, insolvency or liquidation proceedings or other proceedings for the relief of debtors are instituted by or against the Borrower and, if instituted against the Borrower, are allowed against or consented to by the Borrower or are not dismissed or stayed within 60 days after such institution;
 - (v) a receiver is appointed over any property of the Borrower or any guarantor or any judgment or order or any process of any court becomes enforceable against the Borrower or any guarantor or any property of the Borrower or any guarantor or any creditor takes possession of any property of the Borrower or any guarantor;
 - (vi) any course of action is undertaken by the Borrower or any guarantor or with respect to the Borrower or any guarantor which would result in the Borrower's or guarantor's reorganization, amalgamation or merger with another corporation or the transfer of all or substantially all of the Borrower's or any guarantor's assets;
 - (vii) any guarantee of indebtedness and liability under the Credit Line is withdrawn, determined to be invalid or otherwise rendered ineffective;
 - (viii) any adverse change occurs in the financial condition of the Borrower or any guarantor.
 - (ix) any adverse change occurs in the environmental condition of:
 - (A) the Borrower or any guarantor of the Borrower; or
 - (B) any property, equipment, or business activities of the Borrower or any guarantor of the Borrower.

8. Costs

All costs, including legal and appraisal fees incurred by the Bank relative to security and other documentation and the enforcement thereof, shall be for the account of the Borrower and may be charged to the Borrower's deposit account when submitted.

9. Counterparts and Execution of Documents.

This Commitment Letter and any security and other documents relating to the credits established

in it may be executed in counterparts and by different parties in different counterparts, all of which when taken together will constitute a single contract. Subject to applicable conditions precedent, a document will become effective when it has been executed by the Bank (if execution by the Bank is contemplated by the document) and the Bank has received counterparts of the document that, when taken together, bear the signatures of each of the other relevant parties. Delivery of an executed counterpart of a document or a signature page to the document by telecopy or by sending a scanned or other copy by electronic mail or similar means shall be as effective as delivery of an originally executed counterpart, but the Bank may from time to time require delivery of originally executed documents. The Bank may create and store copies of documents in any form as part of its business records, including by microfilm, photocopy and electronic image. Copies may be held in place of original documents and substituted for original documents for any purpose. In administering the credits established in the Commitment Letter and in otherwise dealing with the Borrower and any guarantor, the Bank may rely and act on e-mail, telecopier and other electronic communications that it reasonably believes have been sent by or on behalf of the Borrower or any guarantor, but the Bank may from time to time require that communications from the Borrower or any guarantor be in a non-electronic form specified by the Bank.

10. Representation or Warranty

The Borrower and each Guarantor represents and warrants to the Bank that all financial and other information (including, without limitation, any financial forecasts) provided to the Bank in connection with the credit(s) provided pursuant to this Commitment Letter is true and accurate in all material respects and has been prepared in accordance with Canadian Generally Accepted Accounting Principles consistently applied, and acknowledges that the offer of credit contained in this Commitment Letter is made in reliance on the truth and accuracy of this information and the representation and warranties above.

Subject: 2019 Recreation Fee Increases

Report No.:

RS-002-2019

Agenda Date:

January 22, 2019

Attachments

Appendix 01: Recreation Cost Centre Subsidization Levels

Appendix 02: Proposed User Fee Rates for 2019-2021

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. RS-001-2019; and
2. That Council directs staff to amend By-law No. 2012-039 (Departmental User Fees) to increase recreational fees for 2019 to 2021 for consideration at the February 5, 2019 Regular Council meeting.

Background

In September of 2018, staff was directed to begin work on the 2019 Operating and Capital Budget program. An analysis of the User Fees and Non-Resident User Fees for Recreation facilities and programs was completed as well as a summary of the subsidization levels of the Recreation cost centres.

Staff was directed to include Non-Resident user fees for marina users.

The proposed rates consider annual operating cost, subsidization level, and balance of cost in relation to what is affordable in the community, in conjunction with supporting a community that encourages active healthy living.

The proposed recommendations were presented to the Recreation Services Committee on Tuesday November 20th, 2018 with direction to staff to present the proposed rates to council as part of the 2019 budget process.

Analysis

Attached as Appendix No. 1 to the report is the Recreation Subsidization Summary outlining the percentage of costs covered by the municipality through taxes and the percentage of costs covered by the applicable User Fees. Note that the subsidization levels are based on operating expenditures only and do not include capital project costs.

A summary of the proposed rate increases is as follows:

- Proposed Fee/Rate Changes for the next three years

- Ice/Hall/Ball and Soccer Fields/Marinas/Pool Rental Rates increase between 2% and 5% each year depending on the facility
- Non-Resident Arena User Fees increase to \$125.00 per person/child, maximum \$250.00 per family
- Introduce a Non-Resident User Fee for Seasonal Marina Slips at \$200.00 per boat slip
- Current Non-Resident User Fee for municipal programs of \$20% of the registration fee increased to 25%.

The analysis of cost centres has resulted in cost-savings adaptations to the service delivery levels of the department including:

Haileybury Arena

Analysis of Rentals at the Haileybury Arena in September of 2018 demonstrated not even 50% of available ice time was rented – staff will discuss at the Arena User Meeting the requirement to better utilize the ice or consider shortening the season.

Dymond Rink

Cost for supervision of the Dymond rink is approximately \$14,500 for 8 to 10 weeks. Supervision will be re-scheduled to Friday evening, Saturday and Sunday with timers on the lights to allow it to be available and open for use Monday to Thursday. Washrooms and change rooms will not be available during this time and staff will maintain ice during the day shifts.

Outdoor Rink Riding Ring

Staff has been working with the NL Agricultural Society to develop a land use agreement for the Riding Ring to put in an unsupervised outdoor rink in the Riding Ring. NL Arena staff will flood the ice with the arena ice-resurfacer.

Special Event Analysis

For information purposes, a summary of staff hours dedicated to special events in 2018 equalled 197 hours, equal to the reallocation of 2 employees for 2 ½ weeks reducing staff capacity for core services and total overtime cost of approximately \$3,000.

Haileybury Beach

Due to the required number of lifeguards for the size of the Haileybury Beach and the operation of the waterslide and the mushroom, lifeguard/instructor wages for 8.5 weeks was approximately \$53,000. The Mushroom (water fall feature) at the beach requires a dedicated lifeguard while operating and is not used continuously during the day. Staff is recommending the mushroom be open from 12:00 Noon to 1:30 pm daily and the

supervised beach hours be set at 11:30 am to 6:00 pm rather than 11:30 to 6:30 pm. These adaptations are a cost savings measure of approximately \$20,000.

Financial / Staffing Implications

This item has been approved in the current budget: Yes No N/A

This item is within the approved budget amount: Yes No N/A

The proposed fees will assist Council in reducing operating costs on an annual basis with a proposed three year proposal providing the user groups the opportunity to plan for upcoming years.

Staffing implications related to this matter are limited to normal administrative functions and duties.

Alternatives

A number of alternatives were discussed by staff and the Recreation Services Committee, and it was determined that those recommended best meet the goals and objectives of Council.

Submission

Prepared by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

Tammie Caldwell
Director of Recreation Services

Christopher W. Oslund
City Manager

RECREATION SUBSIDIZATION SUMMARY

| Cost Centre | Paid by User | Paid by Taxes | |
|-----------------------------|-------------------------|--------------------------|-----------------|
| New Liskeard Arena | 65% | 35% | |
| Haileybury Arena | 39% | 61% | |
| PF Centre | 45% | 55% | |
| Riverside Place | 61% | 39% | |
| New Liskeard Community Hall | 21% | 79% | |
| Dymond Hall | 25% | 75% | Note 1 |
| General Parks | 4.00% | 96% | Value \$96.,371 |
| Marinas | 79% | 21% | |
| Dymond Rink | 0% | 100% | Value \$14,480 |
| Special Programs | 63% | 37% | |
| Haileybury Beach | 0% | 100% | Value \$94,490 |
| Soccer Fields | 54% | 46% | |
| Minor Ball | 68% | 32% | |
| Adult Ball | 87% | 13% | |

Note 1: Apartment/Fire Hall/Garages

2019 TO 2021 USER FEES

| Ice Rates | 2018 | 2019 | 2020 | 2021 | |
|-----------------------------------|-------------|-------------|-------------|-------------|----|
| Youth | 94 | 96 | 98 | 99 | 2% |
| Adult | 130 | 133 | 135 | 138 | 2% |
| Cubs | 110 | 110 | 110 | 110 | NC |
| College | 110 | 112 | 114 | 116 | 2% |
| Pick-up per Person | 15 | 15 | 15 | 15 | NC |
| Ball Hockey/Lacrosse | 36 | 40 | 42 | 44 | 5% |
| School | 46 | 48 | 50 | 52 | 5% |
| Commercial | 138 | 140 | 140 | 140 | 2% |
| Non-Prime Time (12 am to 8:30 am) | 75 | 75 | 75 | 75 | NC |

| | | | | | |
|---|-----|-----|-----|-----|--|
| Non-Resident User Fee (per player max 2 children) | 100 | 125 | 128 | 130 | |
|---|-----|-----|-----|-----|--|

| Ball Fields | 2018 | 2019 | 2020 | 2021 | |
|---------------------|-------------|-------------|-------------|-------------|--------------|
| Per Game/Team | 24 | 26 | 28 | 30 | 2% |
| Tournament/Per Day | 105 | 110 | 115 | 120 | Reflect Cost |
| Minor Ball/Per Game | 18 | 20 | 22 | 24 | 2% |

| | | | | | |
|---|--|--|--|--|----|
| Non-Resident User Fee 25% of the Registration Fee | | | | | 5% |
|---|--|--|--|--|----|

| Soccer Fields | 2018 | 2019 | 2020 | 2021 | |
|----------------------|-------------|-------------|-------------|-------------|--|
|----------------------|-------------|-------------|-------------|-------------|--|

| | | | | | |
|-------------------|----|----|----|----|----|
| Per Game/Practice | 18 | 20 | 22 | 24 | 2% |
|-------------------|----|----|----|----|----|

| | | | | | |
|--|--|--|--|--|----|
| Non-Resident User Fee of 25% of the Registration Fee | | | | | 5% |
|--|--|--|--|--|----|

2019 TO 2021 USER FEES

Hall Rental Fees

| Riverside Place | 2018 | 2019 | 2020 | 2021 | |
|------------------------|---------------------------------|-------------|-------------|-------------|-------|
| Private Rental | 479 | 480 | 480 | 480 | Rd Up |
| Second Day Rental | 240 | 240 | 240 | 240 | NC |
| Not-For-Profit | 240 | 240 | 240 | 240 | NC |
| Meetings Under 3 hours | 124 | 75 | 75 | 75 | NC |
| Youth Sports | No Charge based on availability | | | | NC |

| NL Community Hall | 2018 | 2019 | 2020 | 2021 | |
|--------------------------|-------------|-------------|-------------|-------------|---------|
| Private Rental | 391 | 390 | 390 | 390 | NC |
| Second Day Rental | 196 | 196 | 196 | 196 | NC |
| Not-For-Profit | 196 | 196 | 196 | 196 | NC |
| Meetings Under 3 hours | 124 | 75 | 75 | 75 | Reduced |

| | | | | | |
|--------------|---------------------------------|--|--|--|----|
| Youth Sports | No Charge based on availability | | | | NC |
|--------------|---------------------------------|--|--|--|----|

| <u>Dymond Community Hall</u> | <u>2018</u> | <u>2019</u> | <u>2020</u> | <u>2021</u> | |
|------------------------------|---------------------------------|-------------|-------------|-------------|-------|
| Private Rental | 237 | 240 | 240 | 240 | Rd Up |
| Second Day Rental | 119 | 120 | 120 | 120 | Rd Up |
| Not-For-Profit | 119 | 120 | 120 | 120 | Rd Up |
| Meetings Under 3 hours | | 50 | 50 | 50 | New |
| Youth Sports | No Charge based on availability | | | | NC |

| <u>Haileybury Arena Hall</u> | <u>2018</u> | <u>2019</u> | <u>2020</u> | <u>2021</u> | |
|------------------------------|---------------------------------|-------------|-------------|-------------|---------|
| Private Rental | 335 | 335 | 335 | 335 | NC |
| Second Day Rental | 168 | 170 | 170 | 170 | 2% |
| Not-For-Profit | 168 | 170 | 170 | 170 | 2% |
| Meetings Under 3 hours | 124 | 75 | 75 | 75 | Reduced |
| Youth Sports | No Charge based on availability | | | | NC |

2019 TO 2021 USER FEES

| <u>Harborfront</u> | <u>2018</u> | <u>2019</u> | <u>2020</u> | <u>2021</u> | |
|------------------------|-------------|-------------|-------------|-------------|--------------|
| Per Hour | 24 | 26 | 28 | 30 | 2% |
| Per Day | 124 | 130 | 140 | 150 | Reflect Cost |
| Not-for-Profit (daily) | 62 | 65 | 70 | 75 | |

| <u>Haileybury Lions Den</u> | <u>2018</u> | <u>2019</u> | <u>2020</u> | <u>2021</u> | |
|-----------------------------|-------------|-------------|-------------|-------------|----|
| Per Hour | 26 | 26 | 26 | 26 | NC |
| Per Day | 124 | 124 | 124 | 124 | NC |
| Not-for-Profit (daily) | 62 | 65 | 70 | 75 | |

| BUCKE PARK | | | | | |
|----------------------|-------------|-------------|-------------|-------------|----|
| <u>Tent Rates</u> | <u>2018</u> | <u>2019</u> | <u>2020</u> | <u>2021</u> | |
| Daily | 25 | 25 | 25 | 25 | NC |
| Weekly | 155 | 155 | 155 | 155 | NC |
| Monthly | 465 | 465 | 465 | 465 | NC |
| <u>Trailer Rates</u> | <u>2018</u> | <u>2019</u> | <u>2020</u> | <u>2021</u> | |
| Daily | 50 | 50 | 50 | 50 | NC |
| Weekly | 245 | 245 | 245 | 245 | NC |
| Monthly | 675 | 675 | 675 | 675 | NC |
| Seasonal | 1950 | 1950 | 1950 | 1950 | NC |
| <u>Docking Fees</u> | <u>2018</u> | <u>2019</u> | <u>2020</u> | <u>2021</u> | |
| Daily | 15 | 15 | 15 | 15 | NC |
| Weekly | 80 | 80 | 80 | 80 | NC |
| Monthly | 155 | 155 | 155 | 155 | NC |
| Seasonal | 285 | 285 | 285 | 285 | NC |

2019 TO 2021 USER FEES

| MUNICIPAL MARINAS | 2018 | 2019 | 2020 | 2021 | |
|--|-----------------|-------------|-------------|-------------|----|
| Seasonal Per Foot | 33 | 33 | 33 | 33 | NC |
| 1 boat utilizing two slips | 36 | 36 | 36 | 36 | NC |
| Monthly (includes 15% Admin Fee (Per Foot)) | 41.41 | 42 | 42 | 42 | NC |
| Season Rate for Personal Water Craft (Sea Doo) | 170 | 170 | 170 | 170 | NC |
| Hydro (seasonal) | 165 | 165 | 165 | 165 | NC |
| Winter Boat Storage on Municipal Property | 255 | 255 | 255 | 255 | NC |
| Transient (Per Night) | 28 | 28 | 28 | 28 | NC |
| Non-Resident Fee of \$200 per Boat Slip | \$200/Boat Slip | | | | |

| PF Lounge Rentals | 2018 | 2019 | 2020 | 2021 | |
|--------------------------|---------------------|-------------|-------------|-------------|----------|
| 1 hour | 47.79 | 50 | 50 | 50 | Round Up |
| 2 hours | 87.3 | 88 | 88 | 88 | Round Up |
| 3 hours | 130.97 | 132 | 132 | 132 | Round Up |
| Full Day | 191.15 | 192 | 192 | 192 | Round Up |
| 1 hour Fitness Class | 21.68 | 22 | 24 | 26 | Round Up |
| Non-Profit Rate per Hour | 50% of regular rate | | | | |

| Pool Rentals | 2018 | 2019 | 2020 | 2021 | |
|---|-------------|-------------|-------------|-------------|----|
| 1 hour without slide | 102.21 | 105 | 108 | 110 | 2% |
| 1 hour with slide | 148.89 | 150 | 153 | 158 | 2% |
| Birthday Party Option 1 Private Pool Rental | 203.54 | 208 | 212 | 216 | 2% |
| Birthday Party Options 2 during Open Swim | 142.56 | 145 | 148 | 151 | 2% |
| Birthday Party Options 3 during Open Swim | 81.28 | 83 | 85 | 87 | 2% |

The Corporation of the City of Temiskaming Shores

By-law No. 2019-025

Being a by-law to authorize the Sale of Land to Michael Fila being Part 1 and 2 on Plan 54R-6054 (portion of Lakeview Avenue)

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas By-law No. 2015-160 establishes procedures for the disposal of real property, including the giving of notice to the public, governing the sale of land;

And whereas Council considered Administrative Report No. CS-040-2018 at the September 11, 2018 Regular Council meeting, held a public meeting on December 18, 2018 for both the proposed Stopping-Up and Closing and disposition of a portion of Lakeview Avenue;

Now therefore the Council of The Corporation of the City of Temiskaming Shores enacts the following as a by-law:

1. That Council hereby confirms the procedures set forth in By-law No. 2015-160 have been followed by the municipality in order to allow for the sale of lands herein after referred to in this By-law;
2. That Council authorizes the entering into an Agreement of Purchase and Sale between Michael Fila as Purchaser and The Corporation of the City of Temiskaming Shores as Vendor, in the form annexed hereto as Schedule "A" and forming part of this by-law;
3. That Council agrees to sell land legally described as: PIN 61354-0374 (LT) legally described as Part 1 on Plan 54R-6054 being part of Lakeview Avenue Plan M-67 N.B. and PIN 61354-0410 (LT) legally described as Part 2 on Plan 54R-6054 being all of the lane abutting Lot 67 west side of Railway Street on Plan M-67 N.B. in the geographic Township of Bucke; Temiskaming Shores; District of Timiskaming in the amount of \$2,281.70 plus applicable taxes and other such considerations outlined in the said agreement;

4. That Council affirms that the Mayor and Clerk are authorized to execute the Agreement of Purchase and Sale annexed hereto as Schedule "A" to this by-law and all other documentation necessary to complete the sale of land transaction.
5. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 22nd day of January, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

Schedule "A" **Offer to Purchase**

Michael Fila

(as "Purchaser"), having inspected the property, hereby agree to and with

The Corporation of the City of Temiskaming Shores

(as "Vendor")

to purchase the property legally described as:

PIN 61354-0374 (LT), being Part 1 on Plan 54R-6054 and

PIN 61354-0410 (LT), being Part 2 on Plan 54R-6054

consisting of 0.485 acres (1,196.1 m²), more or less

(herein called the "Real Property") at the purchase price of two thousand two hundred and eighty-one dollars and seventy cents (\$2,281.70) payable to the Vendor, subject to adjustments, on the closing date hereinafter set forth.

Release of Information

Vendor authorizes the release of any information relating to the Real Property to the Purchaser and the Purchaser's solicitor by any governmental body or authority and appoints the Purchaser and the Purchaser's solicitor as its agent for the purpose. Without limiting the generality of the foregoing the Vendor consents to the disclosure to the Purchaser and the Purchaser's solicitor of any information relating to the Real Property or the use thereof pursuant to the *Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C.F. 31 and the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, C. M. 56.

Deficiency Notices and Work Orders

The Vendor represents that as at the date of acceptance hereof the Vendor has not received from any municipal or other governmental authority any deficiency notice or work order affecting the Real Property pursuant to which any deficiencies are required to be remedied or any demolition, repairs or replacements are required to be carried out. If the Vendor receives any such deficiency notice or work order after the date of acceptance hereof, the Vendor shall forthwith produce same to the Purchaser for inspection. If by the date of closing the Vendor has not either (a) complied with such deficiency notice or work order, or (b) settled with the Purchaser any question of an abatement of the purchase price arising out of such deficiency notice or work order, the Purchaser may at his option either (a) accept the Real Property subject to such deficiency notice or work order or (b) terminate this Agreement. In the event of

termination as aforesaid, all moneys paid hereunder shall be returned to the Purchaser without interest or deductions.

Adoption of LSUC – OBA Document Registration Agreement

Provided the solicitors for each of the Vendor and the Purchaser are able to complete transactions using electronic registration, the parties agree to complete this transaction using electronic registration, to adopt the LSUC-OBA Document Registration Agreement in use on the Closing Date, and to abide by, and instruct their solicitors to abide by, the closing procedures set forth therein for electronic registration.

Acceptance

This Offer shall be irrevocable by the Purchaser until **11:59 P.M. on the 10th day after the date of signing the offer**, after which time, if not accepted, this Offer shall be null and void.

Title

Title to the Real Property shall be good and free from all encumbrances, except as set out in this Agreement, and except local rates, and except as to any registered restrictions or covenants that run with the land, and subdivision agreements with the municipality, provided the same have been complied with, and except for minor easements for hydro, gas, telephone or like services. Purchaser shall accept the Real Property subject to municipal and other governmental requirements, including building and zoning by-laws, regulations and orders, provided same have been complied with.

Requisitions

Purchaser shall be allowed until closing to investigate the title at his own expense and to satisfy himself that there is no breach of municipal or other governmental requirements affecting the Real Property, that its present use may be lawfully continued and that the principal buildings may be insured against risk of fire. If within that time any valid objection to title or to any breach of municipal or other governmental requirements, or to the fact that the present use may not be lawfully continued, or that the principal buildings may not be insured against risk of fire, which the Vendor is unable or unwilling to remove, remedy or satisfy, and which the Purchaser will not waive, this Agreement shall notwithstanding any intermediate acts or negotiations, be null and void and the deposit money returned to the Purchaser, without interest or deduction, and the Vendor shall not be liable for any costs or damages whatever. Save as to any valid objection so made within such time the Purchaser shall be conclusively deemed to have accepted the Vendor's title to the Real Property.

Surveys and Documents

The Purchaser shall not call for the production of any title deed, abstract, survey or other evidence of title except such as are in the possession or control of the Vendor. The Vendor agrees that he will deliver any existing survey to the Purchaser as soon as

possible and prior to the last day allowed for examining title. In the event that a discharge of any mortgage or charge held by a Chartered Bank, Trust Company, Credit Union or Insurance Company which is not to be assumed by the Purchaser on completion, is not available in registrable form on completion, the Purchaser agrees to accept the Vendor's solicitor's personal undertaking to obtain, out of the closing funds, a discharge or cessation of charge in registrable form and to register same on title within a reasonable period of time after completion, provided that on or before completion the Vendor shall provide to the Purchaser a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by the Vendor directing payment to the mortgagee, of the amount required to obtain the discharge out of the balance due on completion.

Closing

This Agreement shall be completed on or before February 15th, 2019 on which date vacant possession of the Real Property shall be given to the Purchaser unless otherwise provided for herein.

Inspection of Property

The Purchaser acknowledges having inspected the Real Property prior to submitting this Offer and understands that upon the Vendor accepting this offer there shall be a binding Agreement of Purchase and Sale between the Purchaser and the Vendor. The Purchaser shall be entitled to inspect the Real Property immediately prior to the date for completion.

Adjustments

Unearned fire insurance premiums, fuel, taxes, rentals and all local improvements and water rates and other charges for municipal improvements to be apportioned and allowed to the date of completion of sale (the day itself to be apportioned to the Purchaser). Provided Purchaser may elect not to accept assignment of fire insurance in which case no adjustment for insurance premiums.

Costs

The deed or transfer, save for Land Transfer Tax Affidavit, to be prepared at the expense of the Purchaser and if a mortgage or charge is to be given back, it shall be prepared at the expense of the Purchaser in a form acceptable to the Vendor.

Planning Act Compliance

This Agreement shall be effective only if the provisions of Section 50 of the *Planning Act*, R.S.O. 1990, C.P. 13 as amended, are complied with, and the Purchaser agrees, at his expense, to comply with such provisions and to proceed diligently with the application for such compliance, if necessary.

The Transfer/Deed of Land to be given to the Purchaser shall contain a statement of the Vendor and the Vendor's solicitor pursuant to section 50(22) of the Planning Act, R.S.O. 1990, C.P. 13 as amended.

Residency of Vendor

Vendor further agrees to produce evidence that he is not now and that on closing he will not be a non-resident of Canada within the meaning of s.116 of the *Income Tax Act* of Canada, or in the alternative, evidence that the provisions of s.116 regarding disposition of property by a non-resident person have been complied with at or before closing, failing which the Purchaser will be credited towards the purchase price with the amount, if any, which shall be necessary for the Purchaser to pay to the Minister of Revenue in order to satisfy the Purchaser's liability in respect of tax payable by the Vendor under S. 116 of the *Income Tax Act* of Canada by reason of the sale.

Facsimile and Electronic Transmission

Either party may execute this agreement by signing a facsimile or electronic transmission thereof. The parties agree that execution by any party of a facsimile or electronic transmission shall be in all respects identical to execution of an original or photocopy. The parties agree to accept a facsimile or electronic transmission of the signature of any party as evidence of the fact that the agreement has been executed by that party. In all respects a facsimile or electronic transmission signature may be accepted as having the same effect as an original signature.

Counterpart

This agreement may but need not be executed in counterpart.

Time of Essence

This Offer, when accepted, shall constitute a binding contract of purchase and sale, and time in all respects shall be of the essence in this Agreement.

G.S.T./H.S.T.

This transaction is **not** subject to Goods and Services Tax (G.S.T.) pursuant to the *Excise Tax Act* (Canada) as amended (the "Act") and/or Harmonized Sales Tax (H.S.T.) pursuant to the Act and the *Ontario Tax Plan for More Jobs and Growth Act*, 2009, S.O. 2009, C.34.

Representations and Warranties

It is agreed that there is no representation, warranty, collateral agreement or condition affecting this Agreement or the Real Property or supported hereby other than as expressed herein in writing.

Tender

Any tender of documents or money hereunder may be made upon the Vendor or Purchaser or upon the solicitor acting for the party on whom tender is desired, and it shall be sufficient that a cheque certified by a chartered bank or a trust company or the trust cheque of the law firm acting for the party desiring such tender be tendered instead of cash.

Costs of Registration

The Purchaser shall pay all costs of registration and taxes for registration of documents.

Legal Fees

The Parties agree that the Vendor will pay the Purchaser's reasonable legal fees for the transaction.

Gender

This Offer and the resulting Agreement to be read with all changes of gender or number required by the context.

Remainder of this page left blank intentionally

Signed, Sealed and Delivered this _____ day of _____, 2019.

in the presence of:

Purchaser: **Michael Fila**

Per: _____
Michael Fila

Purchaser's Address:
P.O. Box 86
North Cobalt, Ontario
P0J 1R0

The Vendor hereby accepts the above offer.

Dated at the City of Temiskaming Shores this _____ day of _____, 2019.

Vendor: **The Corporation of the City of Temiskaming Shores**

Mayor - Carman Kidd

Clerk - David B. Treen

Vendor's Address:
City of Temiskaming Shores
P.O. Box 2050 / 325 Farr Drive
Haileybury, Ontario
P0J 1K0
Attn.: David B. Treen, Clerk
Phone: 705-672-3363
Fax: 705-672-3200

We have authority to bind the Corporation.

Purchaser's Solicitor:

Evans, Bragagnolo & Sullivan LLP
P.O. Box 490
488 Ferguson Avenue
Haileybury, Ontario P0J 1K0
Attn: Lisa Neal

Phone Number: (705) 672-3338

Vendor's Solicitor:

Evans, Bragagnolo & Sullivan LLP
P.O. Box 490
488 Ferguson Avenue
Haileybury, Ontario P0J 1K0
Attn: Brigid Wilkinson

Phone Number: (705) 672-3338

The Corporation of the City of Temiskaming Shores

By-law No. 2019-026

**Being a by-law to amend By-law No. 2012-101, as amended
being a by-law to Regulate Traffic and Parking of vehicles in
the City of Temiskaming Shores – Amendment to Set Fines**

Whereas Section 10(2) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes a municipality to pass by-laws respecting the health, safety and well-being of persons;

And whereas Section 102.1(1) of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, provides that a municipality may require a person to pay an administrative penalty if the municipality is satisfied that the person has failed to comply with any by-laws respecting the parking, standing or stopping of vehicles;

And whereas the Council of the Corporation of the City of Temiskaming Shores has adopted By-law No. 2012-101 on November 6, 2012 regulating traffic and parking of vehicles in the City of Temiskaming Shores;

And whereas Council considered Administrative Report No. CGP-003-2019 at the January 22, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2012-101 being a by-law to regulate Traffic and Parking for consideration of First and Second reading at the January 22, 2019 Regular Council meeting with consideration of Third reading subsequent to the Ministry of Attorney General and Regional Senior Justice for approval of the short form wording;

Now therefore the Council of the Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Council hereby amends By-law No. 2012-101, more specifically removing Appendix "21" – Part I Provincial Offences Act – Set Fines of Schedule "A" and replacing with Appendix "21", attached hereto and forming part of this by-law.
2. That this by-law shall come into force and take effect on the date of its final passing.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first and second time this 22nd day of January, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

Read a third time and finally passed this _____ day of _____, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

The Corporation of the City of Temiskaming Shores

Appendix "21"

to By-Law No. 2019-026

Part I Provincial Offences Act

Set Fines

| <u>Item #</u> | <u>Column 1</u> | <u>Column 2</u> | <u>Column 3</u> | <u>Column 4</u> |
|---------------|---|---|--|-----------------|
| | <u>Short Form Wording</u> | <u>Provision Creating or Defining Offence</u> | <u>Early Voluntary Payment (payable within 7 days)</u> | <u>Set Fine</u> |
| 1. | <i>Stop, stand or park facing wrong direction.</i> | 5.1(a) | \$30.00 | \$40.00 |
| 2. | <i>Stop, stand or park right wheels more than thirty (30) centimeters from curb.</i> | 5.1 b) | \$30.00 | \$40.00 |
| 3. | <i>Where no curb provided stop, stand or park other than on curb lane.</i> | 5.1 c) | \$30.00 | \$40.00 |
| 4. | <i>Stop, stand or park obstructing or interfering with traffic.</i> | 5.1 d) | \$30.00 | \$40.00 |
| 5. | <i>Stop, stand or park in angle parking except within the limits defined by pavement markings.</i> | 5.3 a) | \$30.00 | \$40.00 |
| 6. | <i>Stop, stand or park in angle parking where a load being carried upon the vehicle extends beyond the rear of the vehicle.</i> | 5.3 c) | \$30.00 | \$40.00 |
| 7. | <i>Stop, stand or park a vehicle with a trailer in angle parking.</i> | 5.3 d) | \$30.00 | \$40.00 |
| 8. | <i>Stop, stand or park vehicle in angle parking so as to obstruct traffic.</i> | 5.3 e) | \$30.00 | \$40.00 |
| 9. | <i>Stop, stand or park in loading zone.</i> | 5.5 | \$30.00 | \$40.00 |
| 10. | <i>Stop, stand or park on laneway.</i> | 5.6 | \$30.00 | \$40.00 |
| 11. | <i>Stop, stand or park commercial motor vehicle prohibited time.</i> | 5.7 | \$30.00 | \$40.00 |

| | | | | |
|-----|--|--------|---------|---------|
| 12. | <i>Stop, stand or park commercial motor vehicle longer than two (2) hours.</i> | 5.8 | \$30.00 | \$40.00 |
| 13. | <i>Stop, stand or park between the hours of 12:00a.m. and 7:00 a.m. during the period of November 1st to March 31st.</i> | 5.9 | \$30.00 | \$40.00 |
| 14. | <i>Stop, stand or park in bus stop.</i> | 5.11 | N/A | \$50.00 |
| 15. | <i>Stop, stand or park in school bus loading zone.</i> | 5.13 | \$30.00 | \$40.00 |
| 16. | <i>Stop, stand or park in taxicab zone.</i> | 5.15 | \$30.00 | \$40.00 |
| 17. | <i>Stop, stand or park in police use only zone.</i> | 5.17 | \$30.00 | \$40.00 |
| 18. | <i>Stop, stand or park in designated prohibited area.</i> | 5.19 | \$30.00 | \$40.00 |
| 19. | <i>Stop, stand or park exceeding time limit posted on sign, ninety (90) minutes between 9:00 a.m. and 6:00 p.m.</i> | 5.20.1 | \$30.00 | \$40.00 |
| 20. | <i>Stop, stand or park exceeding time limit posted on sign, sixty (60) minutes between 9:00 a.m. and 6:00 p.m.</i> | 5.20.2 | \$30.00 | \$40.00 |
| 21. | <i>Stop, stand or park exceeding time limit posted on sign, fifteen (15) minutes.</i> | 5.20.3 | \$30.00 | \$40.00 |
| 22. | <i>Stop, stand or park exceeding time limit posted on sign, fifteen (15) minutes between 8:30 a.m. and 4:30 p.m.</i> | 5.20.4 | \$30.00 | \$40.00 |
| 23. | <i>Stop, stand or park in prohibited area during certain time.</i> | 5.20.5 | \$30.00 | \$40.00 |
| 24. | <i>Stop, stand or park in prohibited area between 7:00 a.m and 5:00 p.m.</i> | 5.20.6 | \$30.00 | \$40.00 |
| 25. | <i>Stop, stand or park in front of exit from an assembly occupancy.</i> | 5.21 | \$30.00 | \$40.00 |
| 26. | <i>Stop, stand or park on private road, parking lot or property no valid parking permit.</i> | 5.23.1 | \$30.00 | \$40.00 |

| | | | | |
|-----|--|---------|---------|---------|
| 27. | <i>Stop, stand or park on private road, parking lot or property in contravention of posted sign.</i> | 5.23.2 | \$30.00 | \$40.00 |
| 28. | <i>Stop, stand or park obstructing driveway.</i> | 5.24.1 | \$30.00 | \$40.00 |
| 29. | <i>Stop, stand or park within two (2) metres of a fire hydrant.</i> | 5.24.2 | N/A | \$50.00 |
| 30. | <i>Stop, stand or park on bridge.</i> | 5.24.3 | \$30.00 | \$40.00 |
| 31. | <i>Stop, stand or park in a manner that obstructs or interferes with traffic.</i> | 5.24.4 | \$30.00 | \$40.00 |
| 32. | <i>Stop, stand or park in a manner which prevents removal of vehicle previously parked.</i> | 5.24.5 | \$30.00 | \$40.00 |
| 33. | <i>Stop, stand or park closer to intersection than distance indicated by signs.</i> | 5.24.6 | \$30.00 | \$40.00 |
| 34. | <i>Stop, stand or park within nine (9) metres of an intersection.</i> | 5.24.7 | \$30.00 | \$40.00 |
| 35. | <i>Stop, stand or park closer to a crosswalk than the distance indicated by signs.</i> | 5.24.8 | \$30.00 | \$40.00 |
| 36. | <i>Stop, stand or park within fifteen (15) metres of a railway crossing.</i> | 5.24.9 | \$30.00 | \$40.00 |
| 37. | <i>Stop, stand or park in front of entrance to fire hall.</i> | 5.24.10 | \$30.00 | \$40.00 |
| 38. | <i>Stop, stand or park on any sidewalk, parkland, garden or lawn.</i> | 5.24.11 | \$30.00 | \$40.00 |
| 39. | <i>Stop, stand or park for purpose of displaying vehicle for sale or rent.</i> | 5.24.12 | \$30.00 | \$40.00 |
| 40. | <i>Stop, stand or park for the purpose of washing, greasing or repairing a vehicle.</i> | 5.24.13 | \$30.00 | \$40.00 |
| 41. | <i>Stop, stand or park if vehicle inoperable or has no current license plate.</i> | 5.24.14 | \$30.00 | \$40.00 |
| 42. | <i>Stop, stand or park a recreation vehicle.</i> | 5.25 | \$30.00 | \$40.00 |

| | | | | |
|-----|---|----------|---------|----------|
| 43. | <i>Stop, stand or park</i> a taxicab in location where <i>parking</i> time limit is in force. | 5.26.1 | \$30.00 | \$40.00 |
| 44. | <i>Stop, stand or park</i> at individual <i>parking meter</i> not within <i>parking space</i> indicated by lines or markings. | 6.5.1 | \$30.00 | \$40.00 |
| 45. | <i>Stop, stand or park</i> - not within <i>parking space</i> indicated by lines or markings. | 6.5.2 | \$30.00 | \$40.00 |
| 46. | <i>Stop, stand or park</i> more than one <i>vehicle</i> in one <i>parking space</i> . | 6.7.1 | \$30.00 | \$40.00 |
| 47. | <i>Stop, stand or park</i> in <i>parking space</i> occupied by another <i>vehicle</i> . | 6.7.2 | \$30.00 | \$40.00 |
| 48. | <i>Stop, stand or park</i> in <i>parking meter zone</i> no <i>parking meter</i> erected. | 6.8 | \$30.00 | \$40.00 |
| 49. | <i>Stop, stand or park</i> longer than maximum allowable <i>parking</i> time. | 6.9.1 | \$30.00 | \$40.00 |
| 50. | <i>Stop, stand or park</i> unlawfully at individual <i>parking meter</i> . | 6.9.2 a) | \$30.00 | \$40.00 |
| 51. | <i>Stop, stand or park</i> authorized <i>parking</i> time expired. | 6.9.2 b) | \$30.00 | \$40.00 |
| 52. | <i>Stop, stand or park</i> without display of valid receipt. | 6.9.2 c) | \$30.00 | \$40.00 |
| 53. | <i>Stop, stand or park</i> in <i>accessible parking space</i> – no <i>accessible parking permit</i> visible. | 7.7 | N/A | \$300.00 |
| 54. | <i>Stop, stand or park</i> in <i>Fire Access Route</i> . | 7.9 | N/A | \$50.00 |

Note: The general penalty provision for the offences listed above is Part 11 of By-law 2012-101, a certified copy of which has been filed, and section 61 of the Provincial Offences Act, R.S.O. 1990, c. P. 33.

The Corporation of the City of Temiskaming Shores

By-law No. 2019-027

**Being a by-law to amend By-law No. 2019-023 being a
by-law to authorize borrowing from time to time to meet
current Expenditures during the Fiscal Year ending
December 31, 2019**

Whereas Section 407, Subsection 1, of the Municipal Act, 2001, S.O. 2001, c.25, as amended, provides for the temporary borrowing by a municipality, at any time during a fiscal year, until taxes are collected and other revenues are received, of the amount council considers necessary to meet the current expenditures of the municipality for the year;

And whereas the total amount which may be borrowed from all sources at any one time to meet the current expenditures of the municipality, except with the approval of the Ontario Municipal Board, is limited by Section 407, subsection 2, of the Municipal Act, 2001, S.O. 2001, c.25, as amended;

And whereas Council considered Memo No. 002-2019-CS at the January 22, 2019 Regular Council meeting and directed staff to prepare the necessary by-law to amend By-law No. 2019-023 to replace Schedule "A", resulting in the increase in the operating line from \$2,000,000 to \$4,000,000;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That Schedule "A" to By-law No. 2019-023 be removed and replaced with Schedule "A", a copy attached hereto and forming part of this by-law.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the by-law and schedule as may be deemed necessary after the passage of this by-law, where such modifications or corrections do not alter the intent of the by-law.

Read a first, second and third time and finally passed this 22nd day of January, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

TERMS AND CONDITIONS

CREDIT NUMBER: 01

AUTHORIZED AMOUNT: \$4,000,000

TYPE

Operating Line

PURPOSE

General operating requirements

CURRENCY

Canadian dollars

AVAILMENT

The Borrower may avail the credit by way of direct advances evidenced by Agreement re Operating Credit Line.

INTEREST RATE

The Bank's Prime Lending Rate, from time to time, minus 0.25% with interest payable monthly.

REPAYMENT

Advances are repayable on demand

SPECIFIC SECURITY

The following security, evidenced by documents in form satisfactory to the Bank and registered or recorded as required by the Bank, is to be provided prior to any advances or availment being made under the Credit:

Agreement re: Operating Credit Line

CONDITIONS PRECEDENT

The following conditions are to be met to the satisfaction of the Bank and its solicitors prior to the implementation of the increase in the Operating Limit from the existing \$2,000,000 to \$4,000,000:

Listing of the Borrower's upcoming construction projects with estimated costs and expected starting dates.

Resolution authorizing the Borrower to increase borrowing by way of a limit increase to \$4,000,000 under the operating facility.

SPECIFIC CONDITIONS

Until all debts and liabilities under the Credit have been discharged in full, the following conditions will apply in respect of the Credit:

January 1 to September 30 of each year:

Advances under the Operating credit are to be limited to 50% of total estimated revenue of the Borrower as set out in the budget adopted for the year and approved by Council;

October 1 to December 31 of each year:

Advances under the Operating credit are to be limited to 25% of total estimated revenue of the Borrower as set out in the budget adopted for the year and approved by Council.

CREDIT NUMBER: 02

AUTHORIZED AMOUNT: \$2,000,000

(Current balance: \$516,786)

TYPE

Equipment Financing Line – Revolving Term/Lease (Scotia Leasing)

PURPOSE

To assist with the acquisitions of new equipment

AVAILMENT

The Borrower may avail the Credit by way of direct advances evidenced by Demand Promissory Notes and/or by Lease Agreement with supporting documentation and/or Conditional Sale Contracts in form satisfactory to the Bank.

INTEREST RATE

Direct Advances

The Bank's Prime Lending Rate from time to time per annum, with interest payable monthly.

The Borrower has the option to fix the interest rate for the balance of the term of the loan at any time subject to availability. Rates will be quoted upon request.

Scotia Lease/Conditional Sales Contract

Floating Rate Option:

The base payment applicable to each contract will be set on the commencement date of the contract based upon the Bank's Prime Lending Rate per annum, calculated and payable monthly.

The total periodic payment will be adjusted monthly with changes in the Bank's Prime Lending Rate.

Fixed Rate Option:

The Borrower has the option to fix the payments for the balance of the term of the contract provided that the Borrower is not then in default under any credits. This option must be exercised prior to the commencement of the last third of the initial term of the contract.

Although the fixed rate will be set on the date notification is received by the Bank, the new rate will be effective on the next payment due date (provided the next payment due date is at least 10 days from receipt of the notice). A fee is payable when this option is exercised. The fixed rate will be quoted on request/based on Scotia Leasing's Base Rate at the time the option to fix the rate is exercised plus 1.25% per annum, calculated and payable monthly.

FEES

Standard Documentation Fees as prescribed by Scotia Leasing, payable at the time of each Lease drawdown.

DRAWDOWN

The undrawn portion of the credit is subject to Annual Review.

Advances are to be made in minimum multiples of \$50,000.

REPAYMENTDirect Advances

Advances are repayable in equal monthly instalments of principal, commencing within 30 days of drawdown, with a final payment of the balance of principal and interest then outstanding due at the end of the selected term. The maximum term of each loan is 5 years and the maximum amortization is 5 years.

Scotia Lease – ABC Purchase Option

Leases are repayable in accordance with the terms and conditions of each respective lease contract. The maximum term of any such lease/contract shall not exceed 60 months. At the end of the term to option, the lessee shall elect one of the following options:

- A. purchase the equipment for up to a maximum of 20% of the original cost;
- B. indentify a third party acceptable to the Bank to purchase the equipment from the Bank for up to a maximum of 20% of the original cost;
- C. rent the equipment for an additional term and revised rent payment to be authorized by the Bank.

Scotia Lease – \$1 Purchase Option

Leases are repayable in accordance with the terms and conditions of each respective lease contract. The maximum term of any such lease/contract shall not exceed 60 months. At the end of the term, the lessee shall elect to purchase the equipment for \$1.00.

PREPAYMENT

Prepayments are to be applied against installments of principal in the inverse order of their maturities.

Direct AdvancesFloating Interest Rate:

Prepayment is permitted without penalty at any time in whole or in part.

Fixed Interest Rate:

Prepayment of any advance made by the Bank pursuant to this loan agreement (each an Advance"), in whole or in part, is permitted at any time. In addition to any other amount then payable by the Borrower pursuant to the terms hereof (including, without limitation, accrued

interest) in respect of the amount being prepaid (the "Prepayment Amount"), the Borrower shall pay to the Bank an amount equal to the greater of:

- (i) three months simple interest on the Prepayment Amount at the rate applicable to the relevant Advance being prepaid, and
- (ii) The Bank's Funding Loss. For the purposes hereof, "Funding Loss" means, in respect of the Advance being prepaid, any loss, cost or expense which may be incurred by the Bank by reason of the reemployment, for the Prepayment Period, of the funds acquired by the Bank to fund such Advance. "Prepayment Period" means the period commencing on, and including, the date on which the Prepayment Amount is paid to the Bank to, but excluding, the scheduled repayment date of the relevant Advance.

Scotia Lease/Conditional Sales Contract

Leases/Conditional Sale Contracts are not cancellable, and no prepayments of principal are permitted.

SPECIFIC SECURITY

The following security, evidenced by documents in form satisfactory to the Bank and registered or recorded as required by the Bank, is to be provided prior to any advances or availment being made under the Credit(s):

Direct Advances

General Security Agreement supported by a Chattel Mortgage over specific equipment financed with replacement cost insurance coverage, loss, if any, payable to the Bank.

Scotia Lease

Lease Agreement(s)/Conditional Sales Contract(s) covering equipment leased.

Comprehensive General Liability insurance for a minimum of \$2 million per occurrence with the Bank recorded as an additional named insured.

All Risk Insurance covering the replacement value of the equipment with the Bank recorded as loss payee and additional named insured.

Vehicles – Collision and Comprehensive (All Perils) Liability and Damage to vehicle for \$5 million per occurrence showing the Bank as loss payee and additional named insured.

Resolution of the Council authorizing leases.

SPECIFIC CONDITIONS

Until all debts and liabilities under the Credit have been discharged in full, the following conditions will apply in respect of the Credit:

Prior to drawdown, the Bank is to be satisfied with the quality, value and eligibility of all assets being leased or financed.

The amount of financing shall not exceed 100% of the cost of the equipment being financed exclusive of the relative taxes and the Borrower shall provide security deposits, advance rentals and/or down payments to reduce financing to this limit.

CREDIT NUMBER: 03

AUTHORIZED AMOUNT: \$750,000

TYPE

Scotia Visa Business Card - Availment, interest rate and repayment as per Cardholder Agreement.

PURPOSE

Business expenses

CURRENCY

Canadian Dollars

SPECIFIC SECURITY

The following security, evidenced by documents in form satisfactory to the Bank and registered or recorded as required by the Bank, is to be provided prior to any advances or availment being made under the Credit:

ScotiaVisa Business Card Agreement

GENERAL SECURITY, TERMS AND CONDITIONS APPLICABLE TO ALL CREDITS

GENERAL SECURITY

The following security, evidenced by documents in form satisfactory to the Bank and registered or recorded as required by the Bank, is to be provided prior to any advances or availment being made under the Credits:

Municipal Borrowing By-Law for Current Expenditures containing a pledge of tax revenues

Security Agreement, Municipalities and School Boards

Banking Resolution, Municipalities and a supporting List of Officers

GENERAL CONDITIONS

Until all debts and liabilities under the Credits have been discharged in full, the following conditions will apply in respect of the Credits:

The Borrower agrees to:

- (i) comply with all applicable borrowing legislation
- (ii) advise the Bank of any breach of statutory borrowing limits
- (iii) provide the Bank with certificates of estimated revenues from time to time, upon request.

The Borrower will give the Bank the opportunity to offer additional future banking and credit requirements.

For ongoing Credit Risk management purposes, all operating accounts of the Borrower shall be maintained with the Bank as long as the Borrower has any operating line facilities with the Bank.

GENERAL BORROWER REPORTING CONDITIONS

Until all debts and liabilities under the Credits have been discharged in full, the Borrower will provide the Bank with the following:

Annual Audited Consolidated Financial Statements of the Borrower, within 150 days of the Borrower's fiscal year end.

Annual Budget for the ensuing year, within 150 days of fiscal year end.

Copy of current Municipal Borrowing By-Law is required in January of each year.

Copy of current Security Agreement in January of each year.

At the time of the annual review, the Municipality's Treasurer must provide the bank with the following:

- a) Details of short term borrowings from other banks and from its own Reserve funds
- b) Copy of a By-Law approving annual estimates.

Such other financial information as the Bank may reasonably require from time to time.

OTHER FEES

In addition to, and not in substitution for the obligations of the Borrower and the rights of the Bank upon the occurrence of an event of default herein, the Borrower shall pay to the Bank:

- (a) a fee of \$300 per occurrence (or such higher amount as may be determined by the Bank from time to time) during which the Borrower is late in providing the Bank with financial or other information required herein;
- (b) a fee of \$300 per occurrence (or such higher amount as may be determined by the Bank from time to time) during which loan payments of principal, interest or other amounts are past due; and
- (c) a fee of \$1,500 per occurrence (or such higher amount as may be determined by the Bank from time to time) during which the Borrower is in default of any other term or condition contained in this Commitment Letter or in any other agreement to which the Borrower and the Bank are parties.

The imposition or collection of fees does not constitute an express or implied waiver by the Bank of any event of default or any of the terms or conditions of the lending arrangements, security or rights arising from any default. Fees may be charged to the Borrower's deposit account when incurred.

SCHEDULE "A"

ADDITIONAL TERMS AND CONDITIONS APPLICABLE
TO ALL CREDITS

(In the event of a conflict, the terms and conditions of any lease agreement and/or conditional sale contract supersede the terms and conditions in this Schedule A with regard to such leases and/or conditional sale contracts.)

1. Calculation and Payment of Interest

Interest on loans/advances made in Canadian dollars will be calculated on a daily basis and payable monthly on the 22nd day of each month (unless otherwise stipulated by the Bank). Interest shall be payable not in advance on the basis of a calendar year for the actual number of days elapsed both before and after demand of payment or default and/or judgment.

2. Interest on Overdue Interest

Interest on overdue interest shall be calculated at the same rate as interest on the loans/advances in respect of which interest is overdue, but shall be compounded monthly and be payable on demand, both before and after demand and judgment.

3. Indemnity Provision

If the introduction, adoption or implementation of, or any change in, or in the interpretation of, or any change in its application to the Borrower of, any law, regulation, guideline or request issued by any central bank or other governmental authority (whether or not having the force of law), including, without limitation, any liquidity reserve or other reserve or special deposit requirement or any tax (other than tax on the Bank's general income) or any capital requirement, has due to the Bank's compliance the effect, directly or indirectly, of (i) increasing the cost to the Bank of performing its obligations hereunder or under any availment hereunder; (ii) reducing any amount received or receivable by the Bank or its effective return hereunder or in respect of any availment hereunder or on its capital; or (iii) causing the Bank to make any payment or to forgo any return based on any amount received or receivable by the Bank hereunder or in respect of any availment hereunder determined by the Bank in its discretion, then upon demand from time to time the Borrower shall pay such amount as shall compensate the Bank for any such cost, reduction, payment or forgone return (collectively "Increased Costs") as such amounts are reasonably determined by the Bank and set forth in a certificate to the Borrower.

In the event of the Borrower becoming liable for such Increased Costs the Borrower shall have the right to prepay in full, without penalty, the outstanding principal balance under the affected credit other than the face amount of any document or instrument issued or accepted by the Bank for the account of the Borrower, including, without limitation, a Letter of Credit, a Letter of Guarantee or a Bankers' Acceptance. Upon any such prepayment, the Borrower shall also pay the then accrued interest on the amount prepaid and the Increased Costs to the date of prepayment together with such amount as will compensate the Bank for the cost of any early termination of its funding arrangements in accordance with its normal practices, as such amounts are calculated in a certificate reasonably prepared by the Bank.

4. Environment

The Borrower agrees:

- (a) to obey all applicable laws and requirements of any federal, provincial, or any other governmental authority relating to the environment and the operation of the business

activities of the Borrower;

- (b) to allow the Bank access at all times to the business premises of the Borrower to monitor and inspect all property and business activities of the Borrower;
- (c) to notify the Bank from time to time of any business activity conducted by the Borrower which involves the use or handling of hazardous materials or wastes or which increases the environmental liability of the Borrower in any material manner;
- (d) to notify the Bank of any proposed change in the use or occupation of the property of the Borrower prior to any change occurring;
- (e) to provide the Bank with immediate written notice of any environmental problem and any hazardous materials or substances which have an adverse effect on the property, equipment, or business activities of the Borrower and with any other environmental information requested by the Bank from time to time.
- (f) to conduct all environmental remedial activities which a commercially reasonable person would perform in similar circumstances to meet its environmental responsibilities and if the Borrower fails to do so, the Bank may perform such activities; and
- (g) to pay for any environmental investigations, assessments or remedial activities with respect to any property of the Borrower that may be performed for or by the Bank from time to time.

If the Borrower notifies the Bank of any specified activity or change or provides the Bank with any information pursuant to subsections (c), (d), or (e), or if the Bank receives any environmental information from other sources, the Bank, in its sole discretion, may decide that an adverse change in the environmental condition of the Borrower or any of the property, equipment, or business activities of the Borrower has occurred which decision will constitute, in the absence of manifest error, conclusive evidence of the adverse change. Following this decision being made by the Bank, the Bank shall notify the Borrower of the Bank's decision concerning the adverse change.

If the Bank decides or is required to incur expenses in compliance or to verify the Borrower's compliance with applicable environmental or other regulations, the Borrower shall indemnify the Bank in respect of such expenses, which will constitute further advances by the Bank to the Borrower under this Agreement.

5. Periodic Review

The obligation of the Bank to make further advances or other accommodation available under any Credit(s) of the Borrower under which the indebtedness or liability of the Borrower is payable on demand, is subject to periodic review and to no adverse change occurring in the financial condition or the environmental condition of the Borrower or any guarantor.

6. Evidence of Indebtedness

The Bank's accounts, books and records constitute, in the absence of manifest error, conclusive evidence of the advances made under this Credit, repayments on account thereof and the indebtedness of the Borrower to the Bank.

7. Acceleration

- (a) All indebtedness and liability of the Borrower to the Bank payable on demand, is repayable by the Borrower to the Bank at any time on demand;

- (b) All indebtedness and liability of the Borrower to the Bank not payable on demand, shall, at the option of the Bank, become immediately due and payable, the security held by the Bank shall immediately become enforceable, and the obligation of the Bank to make further advances or other accommodation available under the Credits shall terminate, if any one of the following Events of Default occurs:
- (i) the Borrower or any guarantor fails to make when due, whether on demand or at a fixed payment date, by acceleration or otherwise, any payment of interest, principal, fees, commissions or other amounts payable to the Bank;
 - (ii) there is a breach by the Borrower of any other term or condition contained in this Commitment Letter or in any other agreement to which the Borrower and the Bank are parties;
 - (iii) any default occurs under any security listed in this Commitment Letter under the headings "Specific Security" or "General Security" or under any other credit, loan or security agreement to which the Borrower is a party;
 - (iv) any bankruptcy, re-organization, compromise, arrangement, insolvency or liquidation proceedings or other proceedings for the relief of debtors are instituted by or against the Borrower and, if instituted against the Borrower, are allowed against or consented to by the Borrower or are not dismissed or stayed within 60 days after such institution;
 - (v) a receiver is appointed over any property of the Borrower or any guarantor or any judgment or order or any process of any court becomes enforceable against the Borrower or any guarantor or any property of the Borrower or any guarantor or any creditor takes possession of any property of the Borrower or any guarantor;
 - (vi) any course of action is undertaken by the Borrower or any guarantor or with respect to the Borrower or any guarantor which would result in the Borrower's or guarantor's reorganization, amalgamation or merger with another corporation or the transfer of all or substantially all of the Borrower's or any guarantor's assets;
 - (vii) any guarantee of indebtedness and liability under the Credit Line is withdrawn, determined to be invalid or otherwise rendered ineffective;
 - (viii) any adverse change occurs in the financial condition of the Borrower or any guarantor.
 - (ix) any adverse change occurs in the environmental condition of:
 - (A) the Borrower or any guarantor of the Borrower; or
 - (B) any property, equipment, or business activities of the Borrower or any guarantor of the Borrower.

8. Costs

All costs, including legal and appraisal fees incurred by the Bank relative to security and other documentation and the enforcement thereof, shall be for the account of the Borrower and may be charged to the Borrower's deposit account when submitted.

9. Counterparts and Execution of Documents.

This Commitment Letter and any security and other documents relating to the credits established

in it may be executed in counterparts and by different parties in different counterparts, all of which when taken together will constitute a single contract. Subject to applicable conditions precedent, a document will become effective when it has been executed by the Bank (if execution by the Bank is contemplated by the document) and the Bank has received counterparts of the document that, when taken together, bear the signatures of each of the other relevant parties. Delivery of an executed counterpart of a document or a signature page to the document by telecopy or by sending a scanned or other copy by electronic mail or similar means shall be as effective as delivery of an originally executed counterpart, but the Bank may from time to time require delivery of originally executed documents. The Bank may create and store copies of documents in any form as part of its business records, including by microfilm, photocopy and electronic image. Copies may be held in place of original documents and substituted for original documents for any purpose. In administering the credits established in the Commitment Letter and in otherwise dealing with the Borrower and any guarantor, the Bank may rely and act on e-mail, telecopier and other electronic communications that it reasonably believes have been sent by or on behalf of the Borrower or any guarantor, but the Bank may from time to time require that communications from the Borrower or any guarantor be in a non-electronic form specified by the Bank.

10. Representation or Warranty

The Borrower and each Guarantor represents and warrants to the Bank that all financial and other information (including, without limitation, any financial forecasts) provided to the Bank in connection with the credit(s) provided pursuant to this Commitment Letter is true and accurate in all material respects and has been prepared in accordance with Canadian Generally Accepted Accounting Principles consistently applied, and acknowledges that the offer of credit contained in this Commitment Letter is made in reliance on the truth and accuracy of this information and the representation and warranties above.

The Corporation of the City of Temiskaming Shores
By-law No. 2019-028
Being a by-law to enact a Zoning by-law Amendment to
amend certain provisions of the Manufacturing
Industrial (M2) Zone

Whereas pursuant to the provisions of Section 34 of the Planning Act, R.S.O. 1990 c.P. 13, as amended, the Council of a Municipality may enact by-laws to authorize the use of land, buildings or structures for any purpose set out therein that is otherwise prohibited;

And whereas By-law No. 2017-154 regulates the use of land and the use and erection of buildings and structures within the City of Temiskaming Shores;

And whereas Council considered Administrative Report No. CGP-004-2019 at the Regular Council meeting held on January 22, 2019 and directed staff to prepare the necessary by-law to amend the City of Temiskaming Shores Zoning By-law No. 2017-154 for consideration at the January 22, 2019 Regular Council meeting.

Now therefore the Council of the Corporation of the City of Temiskaming Shores enacts as follows:

1. Text Changes

- a) Table 8.1 is amended to add as a permitted use, in the M2 Zone, “marijuana production facility,” subject to note included in (*3) of Section 8.3.1.
 - b) Section 8.3.1 is amended to add “(*3) A marijuana production facility is not permitted on partial or private services.”
2. That all other provisions of By-law No. 2017-154 shall continue to apply.
 3. That the passing of this by-law shall be subject to the provisions of the *Planning Act*.
 4. That the Clerk of the City of Temiskaming Shores is hereby authorized to make any minor modifications or corrections of an administrative, numerical, grammatical, semantically or descriptive nature or kind to the By-law and schedule as may be deemed necessary after the passage of this By-law, where such modifications or corrections do not alter the intent of the By-law.

Read a first, second and third time and finally passed this 22nd day of January, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

The Corporation of the City of Temiskaming Shores

By-law No. 2019-029

Being a by-law to confirm certain proceedings of Council of The Corporation of the City of Temiskaming Shores for its Special meeting held on January 15, 2018 and its Regular meeting held on January 22, 2019

Whereas under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, the powers of a municipality shall be interpreted broadly to enable it to govern its affairs as it considers appropriate and to enhance the municipality's ability to respond to municipal issues;

And whereas under Section 9 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act;

And whereas under Section 10 (1) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, a single-tier municipality may provide any service or thing that the municipality considers necessary or desirable for the public;

And whereas it is the desire of the Council of The Corporation of the City of Temiskaming Shores to confirm proceedings and By-laws;

Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the actions of the Council at its Special meeting held on **January 15, 2019** and its Regular meeting held on **January 22, 2019** with respect to each recommendation, by-law and resolution and other action passed and taken or direction given by Council at its said meeting, is, except where the prior approval of the Ontario Municipal Board is required, hereby adopted, ratified and confirmed.
2. That the Mayor, or in his absence the presiding officer of Council, and the proper officials of the municipality are hereby authorized and directed to do all things necessary to give effect to the said action or to obtain approvals where required, and except where otherwise provided, the Mayor, or in his absence the presiding officer, and the Clerk are hereby directed to execute all documents required by statute to be executed by them, as may be necessary in that behalf and to affix the corporate seal of the municipality to all such documents.

Read a first, second and third time and finally passed this 22nd day of January, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen