



**The Corporation of the City of Temiskaming Shores
Special Meeting of Council
Tuesday, May 14, 2019
6:00 P.M.
City Hall - New Liskeard Boardroom – 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. **Declaration of Special Council Meeting**

Draft Motion

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.

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

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

7.1. *Zoning By-law Amendment (ZBA-2019-01)*

Owner: Temiskaming Shores Seniors Housing Corporation

Subject Land: 310 Grant Drive

Purpose: Site specific amendment to rezone the property from Highway Commercial (C2) to High Density Residential (R4) to permit the development of a 68-unit seniors housing complex

8. **New Business**

a) **Memo No. 008-2019-PW – Assumption of Primary Services and Roadway (Rivard Court) – Beach Gardens Development**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Memo No. 008-2019-PW;

That Council hereby directs staff to prepare the necessary to assume the Primary Services for the Beach Gardens Development for consideration at the May 14, 2019 Special Council meeting; and

That Council hereby directs staff to prepare the necessary by-law for the assumption of a Highway for public use within the City of Temiskaming Shores – Rivard Court for consideration at the May 14, 2019 Special Council meeting.

b) **Administrative Report No. RS-010-2019 – Recreation Non-Resident User Fee Policy**

Draft Motion

Be it resolved that the Council of the City of Temiskaming Shores hereby acknowledges receipt of Administrative Report No. RS-010-2019; and

That Council hereby directs staff to prepare the necessary by-law for the adoption of a Recreation Non-Resident User Fee Policy for consideration at the May 21, 2019 Regular Council meeting.

9. By-laws

Draft Motion

Be it resolved that:

By-law No. 2019-078 Being a by-law for the Assumption of Municipal Services for the Beach Gardens Development

By-law No. 2019-079 Being a by-law for the assumption of a Highway for public use within the City of Temiskaming Shores – Rivard Court

be hereby introduced and given first and second reading.

Draft Motion

Be it resolved that

By-law No. 2019-078; and

By-law No. 2019-079;

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

10. Adjournment

Draft Motion

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

Mayor – Carman Kidd

Clerk – David B. Treen

Memo

To: Mayor and Council
From: G. Douglas Walsh, Director of Public Works
Date: May 14, 2019
Subject: Assumption of Primary Services and Roadway – Beach Garden Development
Attachments: **Appendix 01** – General Conformance Letter (Exp)
Appendix 02 – Certificate of Municipal Services
Appendix 03 – Site Grading Plan (EXP Plan No. 18-1141)
Appendix 04 – Draft By-law – Assumption of Primary Services
Appendix 05 – Draft By-law – Assumption of Rivard Court (Roadway)

Mayor and Council:

The developer of the Beach Gardens Development has indicated that they have completed the site servicing of the development and lots are now available for sale and construction. In order to issue a building permit the municipal service laterals installed to each lot must be assumed by by-law and the road must be assumed for public use.

A letter from the owner's engineer of December 21, 2018, Appendix 01, confirms that the services have been installed according to the approved engineered drawings and have been tested in accordance with the provisions of the Development Agreement (By-law No. 2019-041). The Director of Public Works has issued the required Certificate of Municipal Services certifying the installation of the services.

In accordance with the provisions of the Development Agreement the City does not assume maintenance of the roadway until it is paved and a 1-year guarantee period has expired, however, in order to issue a building permit for the lots within the subdivision the road needs to be opened and accepted for public use. In order to open the road prior to its full assumption by the City, an agreement amending the Development Agreement must be approved which states that the roadway is opened for public use and the City will take over the snowplowing operations for the road. The remaining responsibilities for the road under the Development Agreement remain the responsibility of the developer.

It is recommended that Council adopt the by-law to assume primary services, approve the agreement to amend the Development Agreement to allow the assumption of Rivard Court, as constructed and illustrated on Appendix 03, for public use and pass the by-law to assume Rivard Court for public use.

Prepared by:

Reviewed and submitted for
Council's consideration by:

"Original signed by"

"Original signed by"

G. Douglas Walsh, CET
Director of Public Works

Christopher W. Oslund
City Manager



December 21st, 2018

Attention: Patrick Rivard

Re: Field Inspection Summary
NWL-01801006 – Beach Gardens
(Inspection Services – NWL-01801067)

EXP Services was retained to perform on site construction inspection services for above noted project.

Inspection services began December 3rd, 2018, through to December 21st, 2018. During this time the Contractor, Pedersen Construction (2013) Inc., completed the installation of the watermain, sanitary sewer and related services up to property line of the proposed Lots between station 10+060 and 10+220 as shown on Plan# 18-1141, Sheet 2. The Contractor was able to complete backfill over all proposed pipe and place the granular subbase and base of the roadway as well as the subdrains. This work was completed as per the contract specifications and drawings under Job # NWL-1801006.

Earth excavation began on November 28th, 2018 at the East end of the site, station 10+055 continuing towards the Cul-de-sac on the West end at station 10+235. Excavated suitable material was used on site as fill in various locations. All material excavated was placed within site for site grading and no material was hauled offsite.

Installation of the watermain began on November 30th, 2018, at station 10+055. The contractor installed 150 mm diameter PVC SDR 35 pipe over a two-week period ending on December 19th, 2018. The pipe was installed over a compacted layer of 150mm Granular A, or 150mm of 19mm clear stone. Clear stone was only used in saturated locations that prevented compaction of Granular A. The pipe sidewalls and up to 300mm above the pipe was backfilled with Granular B Type I and compacted. Between this compacted Granular B and the road subbase, native material was used.

The watermain pressure testing was successfully performed in the presence of EXP Services on December 19th, 2018. Connection to existing watermain occurred on December 19th, 2018.

Sanitary sewer (250mm diameter PVC SDR 35 pipe) was installed over the same period as the watermain and was also installed over a 150mm layer of compacted Granular A, or 150mm of 19mm clear stone. The pipe was also backfilled with Granular

B type I up to 300mm over the top of the pipe, followed with native material. It was found that the existing pipe on the West end had a slight sag in it. This resulted in 15m, from station 10+220 to 10+235 (approximate), of proposed pipe being flattened in order to connect to the existing pipe. The section of pipe is approximated to have been installed at 0.3%.

The contractor had a subcontractor on site to clear and grub the area of all organic material. Some trees were removed to complete site drainage as required.

The roadway was constructed with 750mm subbase of Granular B type I in 200mm lifts and 150mm base of Granular A. The compaction performed was limited as the ground and material placed became frozen as the construction proceeded into the winter season. It is anticipated that when the frost comes out of the material in the spring, the roadway will settle, further compaction on the Granular A Material will be achieved prior to paving.

It should be noted that the asphalt pavement and lot grading is not complete as of December 21st, 2018 and is to be completed at a later date under a separate contract. In addition, it should be noted that the Contractor performed some compaction, but settlement is expected in the spring due to the freezing temperatures during which granular work was performed. Additional material and fine grading may be required in order to meet the roadway design elevations.

We trust this summary and attached inspection documents meet your requirements.

Should you require any additional information, please do not hesitate to contact our office.

Regards,



Nolan Dombroski, P.Eng,
Infrastructure Manager,
EXP Services Inc.

Attachment: Inspector Diary Notes

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
2x Excavator						Foreman: Denis Pedersen
2x Dozer						Contractor on site installing watermain and Sewer main along with services starting from the North end of the Job.
2x Rock truck						
Loader						
Single Steel Drum Roller						Note: not all services were installed at the north end.
Fuel truck						
						The grade of the 2 nd Service on the East side of the Road was changed to 1.5% in order to come closer to the 2m cover. @ 2% 1.8m cover @ 1.5% 1.875m cover

Pipe bedding 150mm, gran A compacted
 Gran. B around pipe compacted
 Native Backfill compacted with Single Steel Drumroller

C.A.I.T. / Milestones

Date: Dec 3 2018 Temp: -8°C a.m. p.m.


Staff Hours:

Weather:
 Working Hours: 7:30am a.m. to 12pm
12:30pm to 5 p.m.

Contract No. NWL-1801006

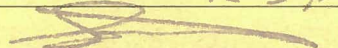
Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
2x Excavator						Contractor continues water and sewer main Lines including services to prop. Line.
2x Dozer						
2x Rock truck						Material has Frozen chunks, Contractor ensuring that Frozen chunks are Removed, ensuring that good material is placed around the pipe.
Loader						
Fuel truck						
Single Steel Drum Roller						

C.A.I.T. / Milestones Date: Dec 4/18 Temp: a.m. p.m.
 Staff Hours: Weather:
 Working Hours: 7:30 a.m. to 12
12:30 to 5 p.m.


 Inspector: Cobean S Hours 8.5

Contract No. NWL-1801006

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
2x Excavator						Contractor continues main lines (water + sewer) Fire Hydrant Install with water valve.
2x Dozer						
2x Rock truck						
Loader						
Single Steel Drum Roller						

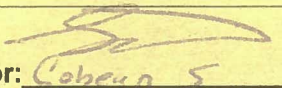
C.A.I.T. / Milestones _____ Date: Dec 5/18 Temp: -2°C a.m. (p.m.)
 Weather: _____
 Staff Hours: _____ Working Hours: 7:30 a.m. to 12pm
 12:30pm to 5 p.m.
 Inspector:  Hours 8.5

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
						Contractor Continues to install main lines and services as per contract.
						Bedding and granular around pipes are place @ proper thickness and compacted.
						Note: When soil conditions are saturated due to water table, contractor uses clear stone, keeping same or thicker thicknesses.

C.A.I.T. / Milestones Date: Dec 6 / 18 Temp: a.m. p.m.

Staff Hours: Weather:

Working Hours: 7:30 a.m. to 12
12:30 to 5 p.m.



Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
						Contractor Finish Sanitary sewer to Manhole (B), installed said manhole and tied in existing sanitary.
						Watermain was completed to same location.
						Note: Services to last 2 properties on East side of Road are Relocated to the extended portion of the Sanitary sewer keeping them parallel to water services @ 2.5m min offset.

C.A.I.T. / Milestones

Date: Dec 7/18 Temp: _____ a.m. p.m.

Staff Hours:

Weather: _____
Working Hours: 7:30 a.m. to 12
12:30 to 4 p.m.

Contract No. NWL-1861006

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
						Contractor installed CBH DICB and 21m of 450mm Ø STORM,
						then completed the 2 water services @ the North end of the road. and the Sanitary services.
						Note: First San Tee was installed prior to inspection, when dug up to install San. service contractor had installed a 450x125 TEE rather than a 250x150 as specified in drawings. Contractor Replaced said TEE with proper TEE joining Mainline with a sleeve.

C.A.I.T. / Milestones

Date: Dec 10/18 Temp: " a.m. p.m.

Weather:

Staff Hours:

Working Hours:

7:30 a.m. to 12
12:30 to 5 p.m.

Book No. 1 Page 006

Inspector: Cobean S Hours 8.5

Contract No. NW2-0180006

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
						Excavation to subgrade, and backfill of
						Excavation for services from yesterday.
						Started clearing/grubbing at roadway location
						Excavation to subgrade @ the NE end.

C.A.I.T. / Milestones

Date: Dec 11/18 Temp: _____ a.m. p.m.

Staff Hours:

Weather: _____
 Working Hours: 7:30 a.m. to 12
12:30 to _____ p.m.

Book No. 1 Page 007

Inspector: Cobran S Hours _____

Contract No. NWL-1801006

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
2X excavator						- Add granular 'b' around MH structure and compact
2X ROCK truck						
Single steel drum roller						- add Water Main pipe sections
Dozer X2						- add Sanitary pipe sections
Mini excavator						

C.A.I.T. / Milestones

Date: Dec 13/18 Temp: -9°c a.m. p.m.

Weather:

Staff Hours:

Working Hours: a.m. to p.m.

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
2x Excavator						- add Water Man pipe sections
2x Rock truck						- add San pipe sections
Single steel drum Roller						- Weeping till along both sides of Road
Dozer x 2						- MH cover added to the structure

C.A.I.T. / Milestones Date: Dec 14 / 18 Temp: 0°C a.m. p.m.
 Staff Hours: Weather: Snowing
Working Hours: a.m. to
to p.m.

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
						Went to site, crew searching for Gns and Hydro.
						- Installing last of Pipe.
						- All going well.
						- Existing pipe is slightly sagged. causing us to flatten the pipe to connect to existing.
						1" - Flattened over 15m. -
						- Point to Point tie in no choice.

C.A.I.T. / Milestones

Date: Dec 17 2018 Temp: - a.m. p.m.

Staff Hours:

Weather:
Working Hours: 8 a.m. to 5
to p.m.

Equipment or Labour	Equip. No.	Working Time		Down Time		Remarks
		Hours	Code	Hours	Code	
CAT EXC. 336E	#335					- LOCATED & CONNECTED TO EXISTING WM IN FRONT OF 455 LAKE SHORE RD. EX WM ELEV 281.2m OBVERT 150mm Ø PI
CAT EXC. 330C	#323					
CAT EXC. 308D	X1					- NEW SERVICE INSTALLED AT ABOVE ADDRESS.
ROCK TRK CAT 725	XZ					- REMAINDER OF WATER MAIN INSTALLED BETWEEN CONNECTION & NEW PIPE PREVIOUSLY LAID.
DOZER J.D 550H	X1					- CLEAR STONE BEDDING FOR WM.
DOZER J.D 660	X1					- WV INSTALLED ≈ 0.6m NORTH OF EXISTING CAP (WM)
LOADER 930K	X1					- PIPE SUBDRAINS TO BED SOIL INSTALLED ON SUBGRADE
TRIAXLES	XZ					- GRAN BI PLACED & PACKED ON ROAD.
GRADE PACKER - BOMAG BN 211D	X1					- EXCAVATOR CUTTING MATERIAL ON APPROX WEST OF CUL-DE-SAC, PLACING AS FILL ON EAST

- TRIAXLES HAULING GRAN BI TO SITE.
- ANNUOES INSTALLED ON WATER JAW & FITTINGS
- 5 BIRCH OUSITE CUTTING DOWN TREES, & CHIPPING

C.A.I.T. / Milestones Date: Dec 18/18 Temp: -10°C a.m. p.m.

Staff Hours: Weather: Working Hours: 8 a.m. to 5 p.m.

**Certificate of
Municipal Services**

MAH File No.:	N/A	Developer:	2373775 Ontario Inc. C.O.B as Rivard Bros. Ltd.
Agreement:	By-law 2019-041	Subdivision:	Rivard Court

Issued through: **Temiskaming Shores – Public Works Department**

This certificate confirms that the City is in receipt of the “Final Inspection / Primary Services Completion Certificate” dated December 21, 2018 from Exp Services in regards to the above noted subdivision. The Certificate confirms that services have been installed in accordance to the Development Agreement (By-law 2019-041 to the satisfaction of the Director of Public Works and includes:

1. **Water Distribution**, including installation to lot line from newly installed distribution infrastructure, flushing, disinfection, pressure testing of mains and service laterals and associated apparatus (i.e. corporation stop and curb stop c/w box etc.);
2. **Sanitary Sewer Collection**, including installation to lot line from newly installed collection infrastructure and inspection of mains and service laterals and associated apparatus (i.e. service connections and terminations etc.);
3. **Storm Water Management System**, including installation of any newly installed infrastructure as well as the localized and lot drainage (as per the Development Grading Plan, dated March 13, 2019).
4. **Soft Services**, including hydro, telephone and natural gas to the satisfaction of the associated agency;
5. **Street Lighting**, including luminaires to be installed on light standards complete with concrete base and LED Fixtures.

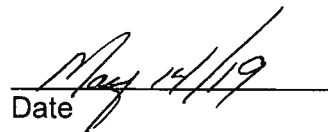
Conditions and/or Comments associated with Certificate:

1. Subdivision Grading and Drainage – clearing, rough Lot Grading have been completed and final grading is deferred until building construction; final lot grading will be completed as part of the building permit process.
2. The final paved road surface and the final adjustment of the sanitary and storm manholes and water valve boxes will be completed within three (3) years or 50% completion of building construction or at the discretion of the Director of Public Works, to preserve the integrity of the roadway surface.

Issued by:

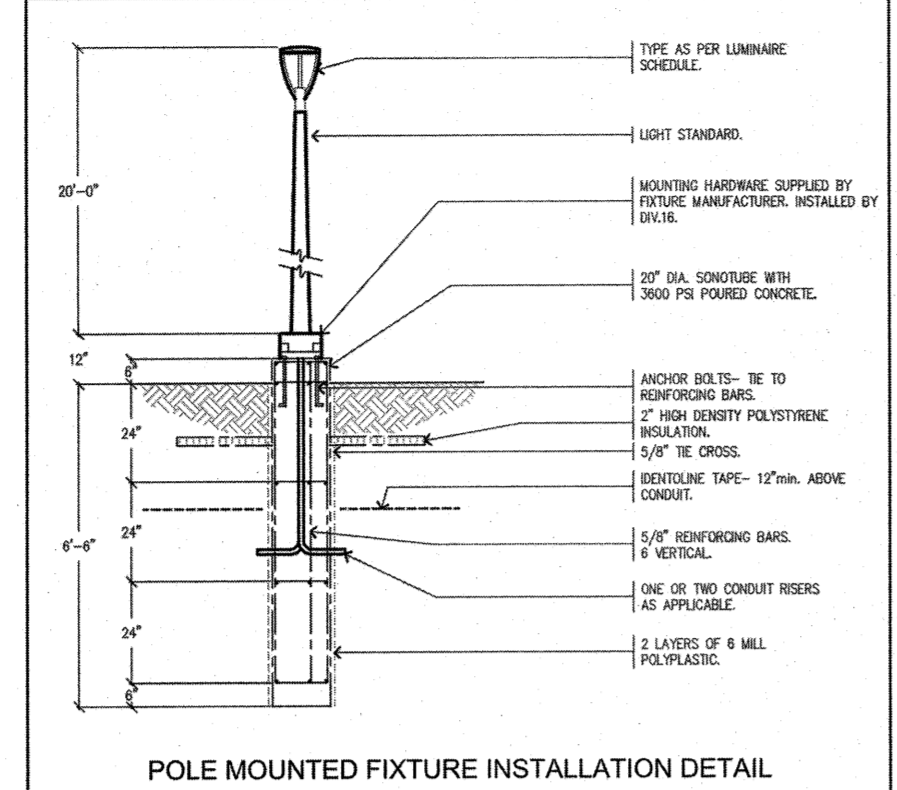


G. Douglas Walsh, CET
Director of Public Works


 Date

CONTROL POINTS				
PNT	N	E	ELEV.	DESC.
4001	5261874.784	599882.721	180.674	HCP
4002	5261655.228	599551.324	180.146	HCP
4004	5261537.027	599492.071	181.432	HCP
4007	5261140.449	599448.941	188.217	SIB
4008	5261170.780	599437.338	188.118	SIB
4009	5261174.850	599477.462	182.996	RIB
4010	5261149.775	599540.612	180.658	ssib
4011	5261149.785	599540.624	180.647	ssib
4012	5261149.779	599540.628	180.645	ssib
4013	5261134.596	599557.549	179.798	ssib
4015	5261306.895	599458.608	182.202	ib
4019	5261307.622	599487.526	181.377	sib
4020	5261302.836	599461.508	181.986	ssib
4021	5261357.464	599463.383	181.599	ssib
4025	5261157.292	599482.178	183.552	ib

CO-ORDINATE ZONE: UTM ZONE 17



LAKE TEMISKAMING

ORIENTATION

PLAN ONLY (APPROXIMATE)

CAUTION: DO NOT SCALE DRAWINGS. THIS REPRODUCTION MAY BE AT A SIZE DIFFERENT THAN ORIGINALLY DRAWN. EXP ASSUMES NO RESPONSIBILITY FOR INCORRECT SCALING. UNAUTHORIZED REPRODUCTION OR REUSE IS STRICTLY PROHIBITED. NOT PUBLISHED - ALL RIGHTS RESERVED. EXP EXPRESSLY DISCLAIMS RESPONSIBILITY ARISING FROM UNAUTHORIZED USE OF THESE DRAWINGS AND NOTES. AUTHORIZATION MUST BE IN WRITING.

© EXP, 2018

DIMENSIONS NOTES:
1. ALL DIMENSIONS ARE IN METERS (m) UNLESS NOTED OTHERWISE.

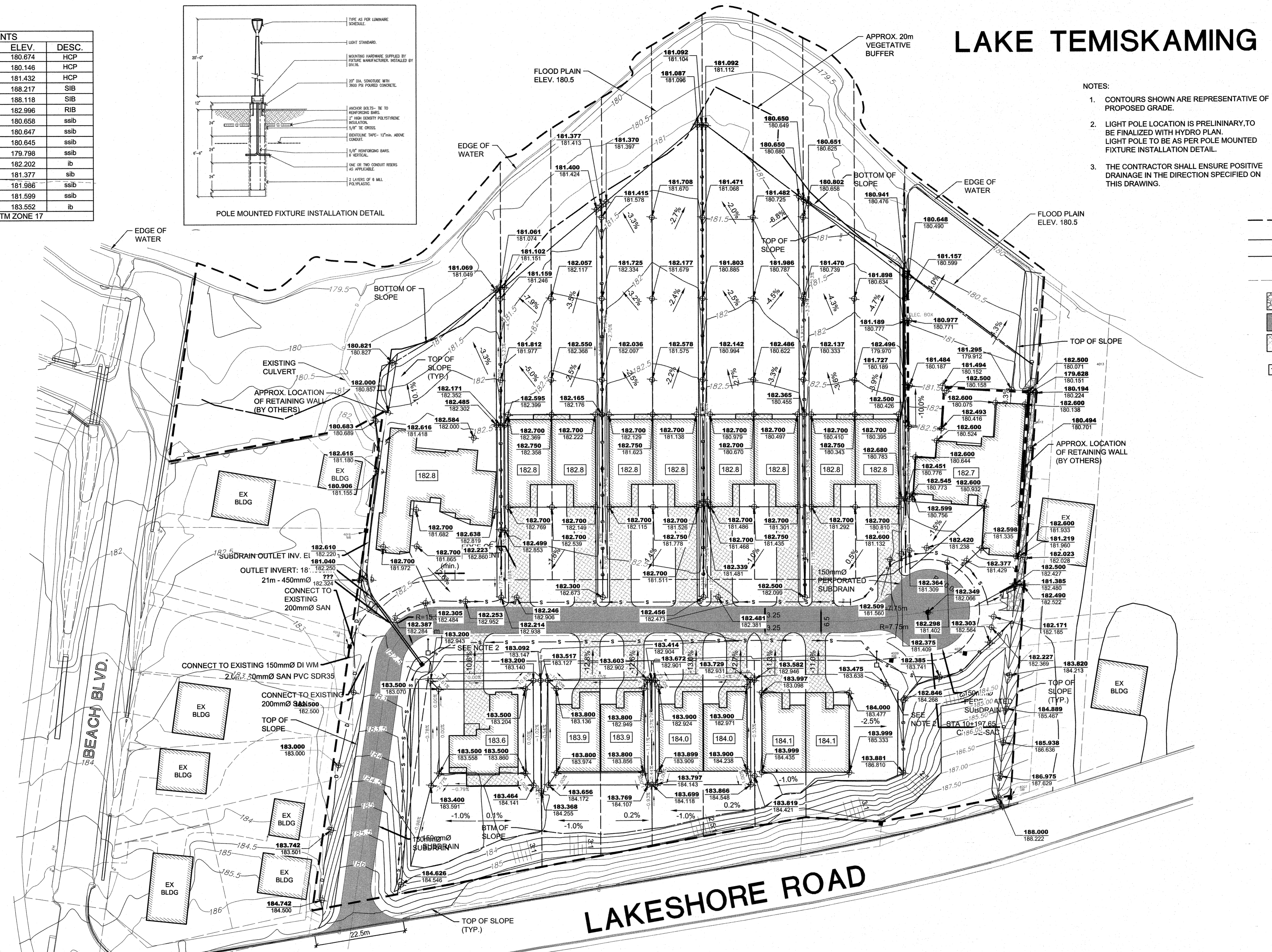
- NOTES:
- CONTOURS SHOWN ARE REPRESENTATIVE OF PROPOSED GRADE.
 - LIGHT POLE LOCATION IS PRELIMINARY, TO BE FINALIZED WITH HYDRO PLAN. LIGHT POLE TO BE AS PER POLE MOUNTED FIXTURE INSTALLATION DETAIL.
 - THE CONTRACTOR SHALL ENSURE POSITIVE DRAINAGE IN THE DIRECTION SPECIFIED ON THIS DRAWING.

LEGEND

- VEGETATIVE BUFFER
- TOP OF SLOPE
- DITCH
- EXISTING PROPERTY LINES
- RIPRAP
- SUPERPAVE 12.5
- SUPERPAVE 12.5 (DRIVEWAYS BY OTHERS)
- INDICATES BASEMENT WINDOW SILL OR FINISH SLAB ELEVATION (FOR SLAB ON GRADE) MINIMUM ELEVATION
- POLE MOUNTED FIXTURE
- CONTROL MONUMENT
- PROPOSED GRADE
- EXISTING GRADE
- FEATURE LINE DIRECTION
- FEATURE LINE GRADE

SCALES

HORIZONTAL 1:500



No.	DATE (MM/DD/YY)	REVISION	BY
9	3/12/19	SITE REGRADED	NJD
8	1/25/19	ISSUED FOR CLIENT REVIEW	NJD
7	11/29/18	RE-ISSUED FOR CONSTRUCTION	NJD
6	10/15/18	ISSUED FOR CONSTRUCTION	NJD

CLIENT: RIVARD BROS. LTD.

PROJECT TITLE: BEACH GARDENS SITE WORK

PROJECT No.: NWL-01801006

DRAWING TITLE: SITE GRADING

	DESIGNED	SCALE AS INDICATED
	TAP	
	DRAWN	PLAN No. 18-1141
	MD	
CHECKED	DRAWING No. 1	
TAP		

EXP Services Inc.

t: 1-705-647-4311 | f: 1-705-647-3111

310 Willowood Ave. West

New Liskowad, ON P0J 1P0

Canada

www.exp.com

3/12/2019 1:58:32 PM S:\ENGINEERING\ACTIVITY\2019\NWL-01801006\PROJECT ASSISTANCE\PROPOSAL PROJECT EXECUTION\EXP DRAWINGS\NWL-01801006-SITE PLANNING

The Corporation of the City of Temiskaming Shores

By-law No. 2019-000

**Being a by-law for the Assumption of Municipal Services for
the Beach Gardens Development**

Whereas under Section 86 (1) (a) of the Municipal Act, S.O. 2001, c.25, a municipality shall supply a building with a water or sewage public utility if the building lies along a supply line of the municipality for public utility;

And whereas in accordance with the 2373775 Ontario Inc. Beach Gardens Development Agreement entered into under By-law No. 2019-041, the Director of Public Works has issued a *Certificate of Final Acceptance for Municipal Services*;

And whereas under the said agreement the municipal services are to be assumed by the City through an *Assumption By-law for Municipal Services*;

And whereas Council considered Memo 008-2019-PW at the May 14, 2019 Special Council meeting and directed staff to prepare the necessary by-law to assume the Primary Services for the Beach Gardens Development for consideration at the May 14, 2019 Special Council meeting;

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

1. That all primary services installed in accordance to the 2373775 Ontario Inc. Beach Gardens Development Agreement (By-law No. 2019-041) are hereby vested wholly and assumed by the City of Temiskaming Shores.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, 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 on this 14th day of May, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

The Corporation of the City of Temiskaming Shores

By-law No. 2019-000

Being a by-law for the assumption of a Highway for public use within the City of Temiskaming Shores – Rivard Court

Whereas under Section 28, of the Municipal Act, S.O. 2001, c.25, as amended, a municipality may pass by-laws in respect of a highway if it has jurisdiction over the highway;

And whereas Council entered into a Development Agreement with 2373775 Ontario Inc. as authorized by By-law No. 2019-041 for the development of Beach Gardens;

And whereas the Subdivision Agreement provided, *inter alia*, that the roadways as defined in the Development Agreement would not be assumed by the City until various obligations, terms and conditions imposed upon the Developer had been completed and compiled with;

And whereas Council of The Corporation of the City of Temiskaming Shores deems it necessary to assume the unopened road allowance on the said Development Plan for public use;

And whereas the Developer (2373775 Ontario Inc.) agrees that, notwithstanding such assumption, it will continue to be responsible and liable for the various obligations, terms, conditions and guarantees imposed upon the Developer in the Development Agreement;

And whereas Council considered Memo No. 008-2019-PW at the May 14, 2019 Special Council meeting and directed staff to prepare the necessary by-law for the assumption of a Highway for public use within the City of Temiskaming Shores – Rivard Court for consideration at the May 14, 2019 Special Council meeting.

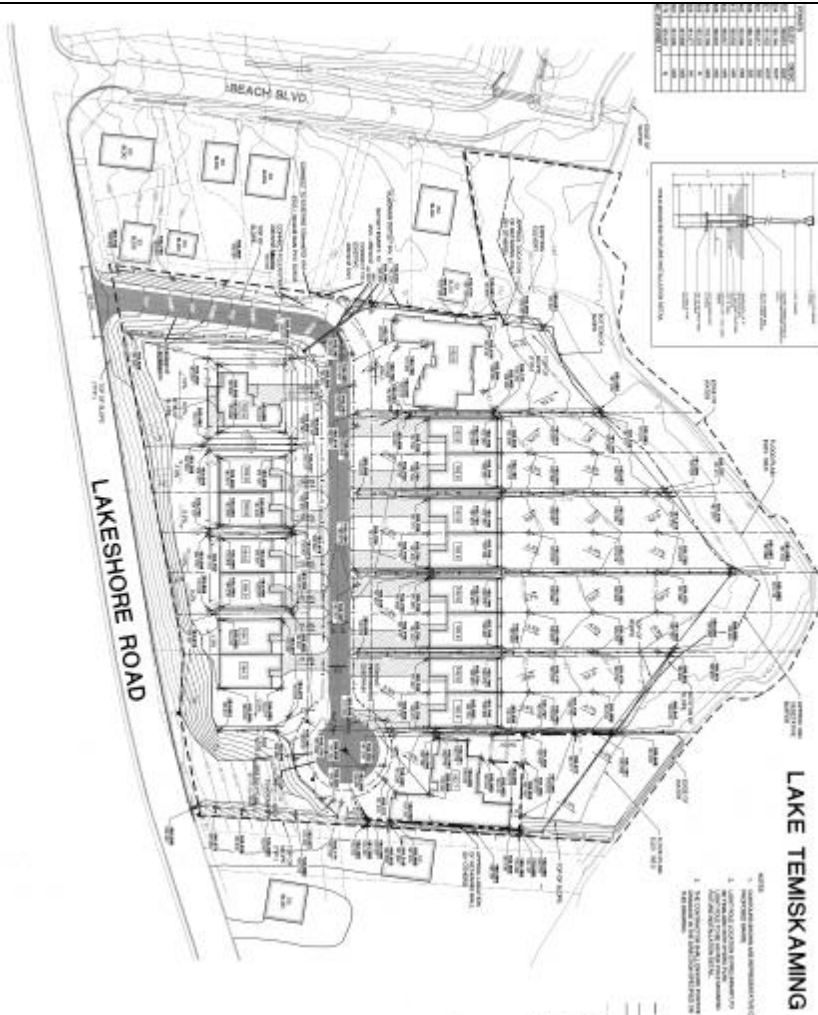
Now therefore the Council of The Corporation of the City of Temiskaming Shores hereby enacts the following as a by-law:

1. That the municipality hereby assumes unopened road allowances for public use, more specifically described as **Rivard Court** and is generally illustrated on Schedule "A", hereto attached and forming part of this by-law;
2. That the Mayor and Clerk are hereby authorized to execute an Amending Agreement to the Development Agreement entered into between the Developer, 2373775 Ontario Inc. and the City of Temiskaming Shores attached hereto as Schedule "B" and forming part of this by-law.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical, numerical or typographical nature to the by-law and schedule 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 on this 14th day of May, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule "A"
Assumed Roadways
Rivard Court



Schedule "B"

Amending agreement made the 14th day of May, 2019.

Between:

2373775 Ontario Inc.
(The "Developer")

And:

The City of Temiskaming Shores
(The "City")

Background:

- A. The Developer and the City entered into a Development Agreement, being By-law No. 2019-041.
- B. The Development Agreement provided, *inter alia*, that the Roadways, as defined in the Development Agreement, would not be assumed by the City until various obligations and terms and conditions imposed upon the Developer had been completed and complied with;
- C. The City and the Developer have decided that it would be in the best interests of both of them for the City to assume the Roadway at this time, and that notwithstanding such assumption, the Developer will continue to be responsible and liable for the various obligations and terms and conditions and guarantees imposed upon the Developer in the Development Agreement.

Now therefore in consideration of the mutual agreements set out in this Amending Agreement the Parties agree:

1. The City may proceed to pass an Assumption Bylaw, as defined in the Development Agreement, for the assumption of the Roadways;
2. The Developer agrees that notwithstanding the passage of the Assumption Bylaw and the assumption of the Roadways by the City, the Developer shall remain as fully responsible and liable for the various obligations and terms and conditions and guarantees imposed upon the Developer by the Development Agreement as if the Assumption Bylaw had not been passed until completion of all the various obligations and terms and conditions imposed by the Developer;
3. Snowplowing shall be provided by the City at the established standard notwithstanding that at least one lot has been developed with a residential dwelling.

In witness whereof the parties have executed this Agreement the day and year first above written.

Signed and Sealed in)
the presence of)

2373775 Ontario Inc.

Developer's Seal)
(if applicable))

Patrick Rivard

Sylvain Rivard

Municipal Seal)

**Corporation of the City of
Temiskaming Shores**

Mayor – Carman Kidd

Clerk – David B. Treen

Subject: Recreation Non-Resident User
Fee Policy

Report No.: RS-010-2019
Agenda Date: May 14, 2019

Attachments

Appendix 01: Draft Recreation Non-Resident User Fee Policy

Recommendations

It is recommended:

1. That Council for the City of Temiskaming Shores acknowledges receipt of Administrative Report No. RS-010-2019; and
2. That Council hereby directs staff to prepare the necessary by-law for the adoption of a Recreation Non-Resident User Fee Policy for consideration at the May 21, 2019 Regular Council meeting.

Background

During the 2019 operating budget considerations, facility and program rates were reviewed and Council approved the amendments to the Non-Resident User Fee at the regular meeting of February 19, 2019.

In April, staff conducted the annual Arena User's and Boater's Association meetings at which time there was discussion on the non-resident fee and its implementation.

Of main concern to the Arena User Groups was the difficulty in collection, the charge per family or per child, and the question of the fee being charged to those who pay taxes but do not reside within the City boundaries. The Boater's Association stated their opposition to the Non-Resident fee based on the economic activity brought into the community by out of town boaters, the marinas tourism potential, and the charge to non-residents who pay taxes to the municipality in some form.

Following the meetings, Mayor Kidd, Councillor McArthur, the City Manager, Treasurer and the Director of Recreation met to review the fee and how it is implemented taking into account the concerns of the User groups.

Analysis

Upon review of the current format for the implementation of the non-resident fee, staff determined the following stipulations would be included in a Recreation Non-resident User Fee policy:

1. The fee would not be applied to those who pay a tax in some form to the City of Temiskaming Shores.

2. The Non-resident fee will be applied per household (example: \$125 per household for registration in Arena programs and \$200.00 + HST per household for boat slips).
3. Upon registration with the sport organization, or the purchase of a boat slip, proof of payment of taxes (or of ownership or of tenancy) may be requested. If you are a Business Owner/Operator contact the municipality directly to determine if you qualify for an exemption to the non-resident fee. The exemption does not apply to vacant land taxes.
4. Working with the minor sport organizations the City will provide:
 - a. A hard copy map of the municipality representing the municipal boundaries and an online map on the city website;
 - b. A one-page fact sheet to have available at minor sport registrations that explains the non-resident fee and the policy as well as the legislation for charging HST on programs for youth 15+, also to be posted on the city website; and
 - c. The presence of a municipal representative at in-person registrations to respond to inquiries about the non-resident fee and policy for the 2019/2020 season.
5. Minor Sport Organizations are required to collect the non-resident fee and forward payment to the City of Temiskaming Shores no later than December 1st of each year.
6. Minor Sport Organizations are required to submit in-person registration dates to the Director of Recreation a minimum of one month prior to the registration to ensure a municipal representative is available to attend. Failure to provide notice may result in the absence of a municipal representative.

Note that as collection of the 2018/2019 Non-resident fees charged for the 2018/2019 season remain in effect with the policy becoming effective as of the date of the passing of the by-law.

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. In terms of a municipal representative attending in person registrations, shifts will be re-scheduled to limit overtime costs.

Alternatives

No alternatives were considered.

Submission

Prepared by:

“Original signed by”

Tammie Caldwell
Director of Recreation Services

Reviewed and submitted for

Council’s consideration by:

“Original signed by”

Christopher W. Oslund
City Manager

The Corporation of the City of Temiskaming Shores

By-Law No. 2019-000

**Being a by-law to adopt a Recreation Non-Resident User
Fee Policy for the City of Temiskaming Shores**

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 Council considered Administrative Report No. RS-010-2019 at the May 14 Special Council meeting and directed staff to prepare the necessary by-law to adopt a Recreation Non-Resident User Fee Policy for the City of Temiskaming Shores for consideration at the May 21, 2019 Regular Council meeting;

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

1. That Council adopts a **Recreation Non-Resident User Fee Policy** for the City of Temiskaming Shores, identified as Schedule "A", attached hereto and forming part of this by-law, and;
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the By-law and schedule, after the passage of this By-law, where such modifications or corrections do not alter the intent of the by-law or its associated schedule.

Read a first, second and third time and finally passed this 21st day of May, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen



Schedule “A” to

By-law No. 2019-000

Recreation Non-Resident User Fee Policy

Recreation Non-Resident User Fee Policy

1. Purpose

The City of Temiskaming Shores Recreation Non-Resident User Fee Policy provides a consistent implementation of the fee for participating in activities in municipally operated facilities and municipally implemented programs/activities for those who do not pay taxes to the City of Temiskaming Shores.

2. Background

The City of Temiskaming Shores is a center for recreational facilities and programs that are enjoyed by residents and non-residents of the City of Temiskaming Shores. The city recognizes the benefit of recreational activities to the community and to the participants. The municipal annual operating budget aims to set fees for the use of facilities and participation in programs/activities that assist in covering the operating and capital upgrade costs while still maintaining that costs to the participant do not limit participation. Subsidization of recreation facilities and programs/activities are subsidized in the range of 30 to 60% depending on the facility/program/activity. Capital upgrades are covered by the municipal tax base with on occasion, assistance from government funded programs.

3. Organizations Subject to the Fee:

- Temiskaming Shores Minor Hockey
- New Liskeard Figure Skating Club
- Haileybury Figure Skating Club
- New Liskeard Lions Midget Hockey Club
- New Liskeard Cubs Hockey Club
- All programs/activities hosted by the City of Temiskaming Shores including but not limited to aquatic programs, minor ball, and memberships at the Waterfront Pool/Fitness Centre

*As new facilities and programs are introduced the policy will apply.

4. Municipal Arena Users

- I. The fee is applied to participants who do not pay taxes to the City of Temiskaming Shores.
- II. The fee will be applied per household and covers all programs the participants are registered in annually that are held at a Temiskaming Shores arena. For example, a household with two children with one registered in Minor Hockey and one in Figure Skating pay one fee per year. (not per child)

- III. It is the responsibility of the registrant to provide proof of payment of the non-resident fee to another organization. For example, if the fee has been paid to NLFSC, then the registrant would be required to provide a copy of the receipt/registration form etc. to TSMHA to show the fee has already been paid.
- IV. Upon registration with the sport organization, proof of payment of taxes (or of ownership or of tenancy) may be requested. If you are a Business Owner/Operator contact the municipality directly to determine if you qualify for an exemption to the non-resident fee. The exemption does not apply to vacant land taxes.
- V. Minor Sport Organizations are required to submit in-person registration dates to the Director of Recreation a minimum of one month prior to the registration date to ensure a municipal representative is available to attend. Failure to provide notice may result in the absence of a municipal representative.

5. Municipal Marinas

- I. The fee is applied to participants who do not pay taxes to the City of Temiskaming Shores.
- II. The fee will be applied per household and includes monthly and seasonal boat slips. For example, a household with one boat and a sea doo will be charged slip fees for both vessels and one non-resident fee, a household with two boats will pay the slip fees for both slips and one non-resident fee.
- III. Upon the purchase of the slip, proof of payment of taxes (or of ownership or of tenancy) may be requested. If you are a Business Owner/Operator please contact the municipality directly to determine if you qualify for an exemption to the non-resident fee. The exemption does not apply to vacant land taxes.

6. City Hosted Programs and Activities

- I. The municipality will apply the fee to participants who do not pay taxes to the City of Temiskaming Shores.
- II. The fee is applied to each participant and to each registered program.

7. Collection

- I. Minor Sport Organizations are required to collect the fee and forward payment to the City of Temiskaming Shores no later than December 1st of each year.
- II. The municipality will provide a hard copy map of the municipality representing the municipal boundaries for in-person registrations
- III. A one-page fact sheet will be made available at minor sport in-person registrations that explains the fee and the policy as well as the legislation for charging HST on programs for youth 15 years of age and older

- IV. The map and policy will be posted on the municipal website and the city encourages minor sport organizations to post on the organizations website to ensure the public is informed.
- V. The municipality will provide a representative for in person registrations sessions to assist in explaining the policy to the public for the 2019/2020 season. Notice of registration dates must be submitted to the Director of Recreation one month prior to the in-person registration date.

8. Rate and Review

- I. The rate of the non-resident fee will be determined annually in conjunction with the municipal annual operating budget and fees are set in the "Schedules of Departmental User Fees and Services for the City of Temiskaming Shores.
- II. The policy will be reviewed every five years.

The Corporation of the City of Temiskaming Shores

By-law No. 2019-078

**Being a by-law for the Assumption of Municipal Services for
the Beach Gardens Development**

Whereas under Section 86 (1) (a) of the Municipal Act, S.O. 2001, c.25, a municipality shall supply a building with a water or sewage public utility if the building lies along a supply line of the municipality for public utility;

And whereas in accordance with the 2373775 Ontario Inc. Beach Gardens Development Agreement entered into under By-law No. 2019-041, the Director of Public Works has issued a *Certificate of Final Acceptance for Municipal Services*;

And whereas under the said agreement the municipal services are to be assumed by the City through an *Assumption By-law for Municipal Services*;

And whereas Council considered Memo 008-2019-PW at the May 14, 2019 Special Council meeting and directed staff to prepare the necessary by-law to assume the Primary Services for the Beach Gardens Development for consideration at the May 14, 2019 Special Council meeting;

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

1. That all primary services installed in accordance to the 2373775 Ontario Inc. Beach Gardens Development Agreement (By-law No. 2019-041) are hereby vested wholly and assumed by the City of Temiskaming Shores.
2. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical or typographical nature to the by-law and schedule, 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 on this 14th day of May, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

The Corporation of the City of Temiskaming Shores

By-law No. 2019-079

Being a by-law for the assumption of a Highway for public use within the City of Temiskaming Shores – Rivard Court

Whereas under Section 28, of the Municipal Act, S.O. 2001, c.25, as amended, a municipality may pass by-laws in respect of a highway if it has jurisdiction over the highway;

And whereas Council entered into a Development Agreement with 2373775 Ontario Inc. as authorized by By-law No. 2019-041 for the development of Beach Gardens;

And whereas the Development Agreement provided, *inter alia*, that the roadways as defined in the Development Agreement would not be assumed by the City until various obligations, terms and conditions imposed upon the Developer had been completed and compiled with;

And whereas Council of The Corporation of the City of Temiskaming Shores deems it necessary to assume the unopened road allowances on the said Development Plan for public use;

And whereas the Developer (2373775 Ontario Inc.) agrees that, notwithstanding such assumption, it will continue to be responsible and liable for the various obligations, terms, conditions and guarantees imposed upon the Developer in the Development Agreement;

And whereas Council considered Memo No. 008-2019-PW at the May 14, 2019 Special Council meeting and directed staff to prepare the necessary by-law for the assumption of a Highway for public use within the City of Temiskaming Shores – Rivard Court for consideration at the May 14, 2019 Special Council meeting.

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

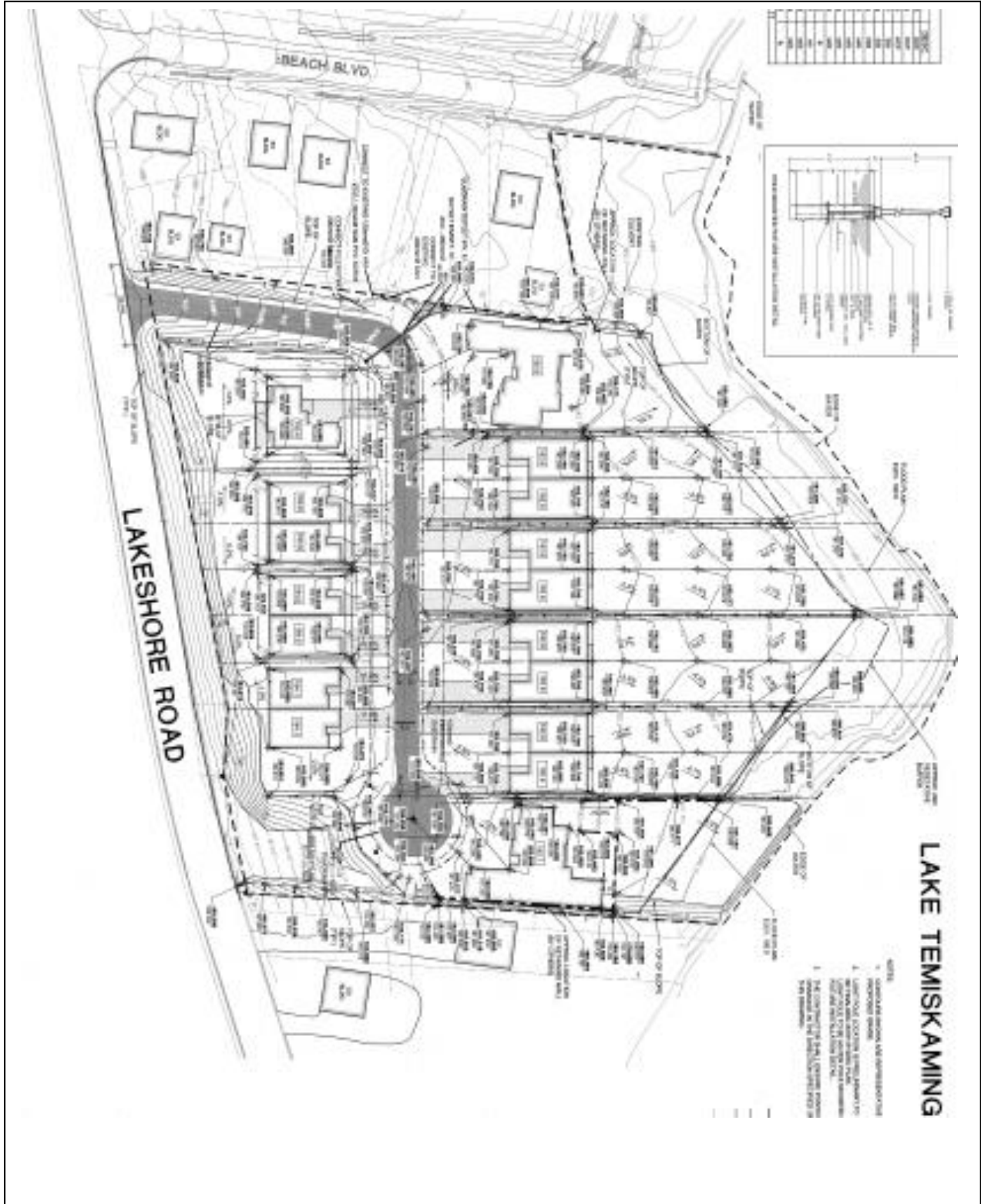
1. That the municipality hereby assumes unopened road allowances for public use, more specifically described as **Rivard Court** and is generally illustrated on Schedule "A", hereto attached and forming part of this by-law;
2. That the Mayor and Clerk are hereby authorized to execute an Amending Agreement to the Development Agreement entered into between the Developer, 2373775 Ontario Inc. and the City of Temiskaming Shores attached hereto as Schedule "B" and forming part of this by-law.
3. That the Clerk of the City of Temiskaming Shores is hereby authorized to make minor modifications or corrections of a grammatical, numerical or typographical nature to the by-law and schedule 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 on this 14th day of May, 2019.

Mayor – Carman Kidd

Clerk – David B. Treen

Schedule "A"
Assumed Roadways
Rivard Court



Schedule "B"

Amending agreement made the 14th day of May, 2019

Between:

2373775 Ontario Inc.
(The "Developer")

And:

The City of Temiskaming Shores
(The "City")

Background:

- A. The Developer and the City entered into a Development Agreement, being By-law No. 2019-041.
- B. The Development Agreement provided, *inter alia*, that the Roadways, as defined in the Development Agreement, would not be assumed by the City until various obligations and terms and conditions imposed upon the Developer had been completed and complied with;
- C. The City and the Developer have decided that it would be in the best interests of both of them for the City to assume the Roadway at this time, and that notwithstanding such assumption, the Developer will continue to be responsible and liable for the various obligations and terms and conditions and guarantees imposed upon the Developer in the Development Agreement.

Now therefore in consideration of the mutual agreements set out in this Amending Agreement the Parties agree:

1. The City may proceed to pass an Assumption Bylaw, as defined in the Development Agreement, for the assumption of the Roadways;
2. The Developer agrees that notwithstanding the passage of the Assumption Bylaw and the assumption of the Roadways by the City, the Developer shall remain as fully responsible and liable for the various obligations and terms and conditions and guarantees imposed upon the Developer by the Development Agreement as if the Assumption Bylaw had not been passed until completion of all the various obligations and terms and conditions imposed by the Developer;
3. Snowplowing shall be provided by the City at the established standard notwithstanding that at least one lot has been developed with a residential dwelling.

In witness whereof the parties have executed this Agreement the day and year first above written.

Signed and Sealed in)
the presence of)

2373775 Ontario Inc.

Developer's Seal)
(if applicable))

Patrick Rivard

Municipal Seal)

Sylvain Rivard

**Corporation of the City of
Temiskaming Shores**

Mayor – Carman Kidd

Clerk – David B. Treen