

The Corporation of the Town of



**SPECIAL COUNCIL MEETING AGENDA**

Held on Tuesday, June 30, 2020 at 5:00 PM

Via Teleconference Toll Free: 1-833-311-4101

Access Code: 132 844 9685

<b>1</b>	<b>Call Meeting to Order</b>
<b>2</b>	<b>Disclosure of Pecuniary Interest &amp; General Nature Thereof</b>
<b>3</b>	<b>Public Question / Comment</b> (Only Addressing Reports on the Agenda)
<b>4</b>	<b>Public Meeting</b>
	<b>Community Improvement Plan</b> (Ref. Report Council-PD-2020-15)
<b>5</b>	<b>Staff Report</b>
	<b>Brenda Guy, Manager of Planning &amp; Development, and; Kari Lambe, Manager of Community Services</b>
	Council-PD-2020-15 – Community Improvement Plan (CIP)
	<b>Paul McMunn, Manager of Public Works</b>
	Council-RDS-2020-07 – IHC Decorative Street Lighting – Award for Material Supply
<b>6</b>	<b>Confirmation By-law</b>
	By-law No. 2020-081 – Confirm the proceedings of Council for the Special Meeting held on Tuesday, June 30, 2020 (3 Readings)
<b>7</b>	<b>Questions from the Media</b>
<b>8</b>	<b>Next Meeting</b> – Tuesday, July 7, 2020
<b>9</b>	<b>Adjournment</b>



## NOTICE OF PUBLIC MEETING

### TO CONSIDER A PROPOSED EXTENSION COMMUNITY IMPROVEMENT PLAN (CIP)

**TAKE NOTICE THAT** the Council of the Corporation of the Town of Gananoque will hold a Public Meeting on **TUESDAY, JUNE 30, 2020 at 5:00PM** via **TELECONFERENCE** using the number and access code provided on the meeting agenda to consider a proposed extension to a Community Improvement Plan (CIP) under Section 28 of the Planning Act, R.S.O. 1990, c. P13.

By-Law 2012-34 designated a Community Improvement Project Area respecting the redevelopment, revitalization, prosperity of Gananoque.

The adopted Community Improvement Plan contains a variety of loan and grant programs in the areas of the Downtown Community Improvement Plan and Brownfield Community Improvement Plan.

The intent and purpose of the Public Meeting is to extend the program and provide a temporary COVID-19 Recovery grant and loan program to stimulate the social or community economic development revitalization of the Town for COVID-Recovery.

**ANY PERSON** may attend the Public Meeting and/or make written or verbal representation either in support of or in opposition to the proposed Community Improvement Plan.

**IF A PERSON OR PUBLIC BODY** would otherwise have an ability to appeal the decision of the Council of the Town of Gananoque 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 Town of Gananoque 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 Town of Gananoque 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.

If you wish to be notified of the adoption of the proposed Community Improvement Plan, or of the refusal to adopt the proposed Community Improvement Plan, you must make a written request to the Town Clerk at the municipal address shown at the bottom of this notice.

**ADDITIONAL INFORMATION** or a copy of the proposed Community Improvement Plan is available by contacting the Town Clerk at the municipal address shown below. The Community Improvement Plan documents can be viewed on the Town's website.

**QUESTIONS OR WRITTEN SUBMISSIONS** may be directed to the Town of Gananoque, 30 King Street East, Box 100, Gananoque, ON K7G 2T6 or by contacting the Manager of Planning and Development at 613 382-2149 ext.1126 or bguy@gananoque.ca.

The personal information accompanying your submission is being collected under the authority of the Planning Act and may form part of the public record which may be released to the public. Questions about this collection should be directed to the Records and Freedom of Information Officer at 613 382-2149 ext.1120.

DATED AT THE TOWN OF GANANOQUE THIS  
4TH DAY OF JUNE, 2020.

Penny Kelly, Clerk  
Town of Gananoque  
30 King Street East, Box 100  
Gananoque, ON K7G 2T6  
Telephone: (613) 382-2149 ext. 1120  
E-mail: clerk@gananoque.ca

**Date:** June 30, 2020

**IN CAMERA**

**Subject:** Community Improvement Plan (CIP)

**Author:** Brenda Guy, Manager of Planning and Development  
Kari Lambe, Manager of Community Services

**OPEN SESSION**

---

**RECOMMENDATION:**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASSES BY-LAW NO. 2020-079, BEING A BY-LAW TO RE-ESTABLISH A COMMUNITY IMPROVEMENT PLAN (CIP) FOR THE TOWN OF GANANOQUE, SUBJECT TO THE APPROVAL OF THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING (MMAH), AS PRESENTED COUNCIL REPORT-PD-2020-15.

---

**RECOMMENDATION:**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASSES BY-LAW NO. 2020-080, BEING A BY-LAW TO AMEND THE DELEGATION OF CERTAIN COUNCIL POWERS AND DUTIES BY-LAW NO. 2017-012, TO EXPAND THE DELEGATION OF AUTHORITY FOR THE COMMUNITY IMPROVEMENT PLAN (CIP) FOR THE MANAGER OF PLANNING AND DEVELOPMENT TO INCLUDE THE COVID-19 SCHEDULE A-3, AS PRESENTED COUNCIL REPORT-PD-2020-15.

---

**RECOMMENDATION:**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE EARMARKS THE REMAINING \$34,000 OF THE 2020 BUDGETTED FUNDS TO COVID RECOVERY (SCHEDULE A-3) UNTIL OCTOBER 1<sup>ST</sup>, 2020 AT WHICH TIME ANY UNUSED BUDGETTED FUNDS WILL BE MADE AVAILABLE TO ALL COMMUNITY IMPROVEMENT PLAN (CIP) CATEGORIES, AS PRESENTED COUNCIL REPORT-PD-2020-15.

**STRATEGIC PLAN COMMENTS:**

Sector #1: Economic Prosperity – Strategic Initiative #1 – To create an economically prosperous and vibrant downtown business district. Action A-f) Create an emphasis on the Community Improvement Plan.

**BACKGROUND:**

The *Municipal Act* restricts the bonusing of businesses. However, the *Planning Act* provides for the implementation of a Community Improvement Plan (CIP) which permits a combination of grants and loans.

The Town of Gananoque had a Community Improvement Plan (CIP) in place which has expired.

The areas that it addressed were:

1. Downtown BIA area – Façade and Loan Program
2. Brownfield – Town wide for multi-residential, commercial, industrial, institutional

A CIP is adopted to target an area that is in need of transition or in need of repair. It is intended to encourage rehabilitation initiatives and/or stimulate development with a defined area geared to local needs, priority and circumstances for a temporary period of time.

Under Report Council-PD-2020-12, attached, staff identified an area for Council to consider specific to COVID and recovery for businesses within the Town.

### **INFORMATION/DISCUSSION**

The Goals and Objectives within the Downtown and Brownfield CIP are as follows:

2.3.1 The objectives of the CIP as identified in the Official Plan include, but are not limited to:

- i. To revitalize, intensify and strengthen residential, commercial, cultural and employment opportunities;
- ii. To provide a safe, vibrant, pedestrian friendly environment;
- iii. To provide an attractive and inviting environment;
- iv. To enhance and reinforce linkages between the areas and the waterfront open space system;
- v. A cleaner, healthier, safer and more livable environment;
- vi. To increase employment, economic activity and investment;
- vii. To upgrade and maintain all essential municipal services and community facilities;
- viii. To ensure that community improvement projects are carried out within the built up areas of the Town;
- ix. To ensure the maintenance of the existing building stock;
- x. To facilitate the remediation, rehabilitation and/or redevelopment of existing Brownfield sites;
- xi. To encourage private sector investment and the strengthening of the economic base;
- xii. To enhance the visual appearance of Community Improvement Areas;
- xiii. To revitalize our downtown commercial district (General Commercial Policy Area) as a mixed use area and a vibrant shopping destination;
- xiv. To encourage the continued commercial vitality and economic viability throughout all seasons of the year;
- xv. To preserve heritage resources of architectural and historical significance and encourage improvement in buildings consistent with the heritage character of the area;
- xvi. To create an attractive image of the Town that reflects the historic character and heritage of the community;
- xvii. To encourage infilling and redevelopment of vacant or underutilized land as with Brownfield sites;

- xviii. To provide incentives to promote a broad range of building and environmental rehabilitation, development and redevelopment and land acquisition consistent with the Official Plan of the Town of Gananoque;

None of the former CIP document has changed. As the program progresses, it will be reviewed by Economic Development Advisory Panel, Planning Advisory Committee, and Staff for future tweaks/amendments.

The Downtown CIP is defined as the Business Improvement Area under By-law No. 1978-33 and the Brownfield CIP is defined as commercial, industrial, multi-residential and institutional uses within the geographical area of the Town.

Both programs have defined eligibility and criteria outlined in the CIP under Section 3.3 and 3.4 (Downtown) and Section 6.2 (Brownfield). Submissions include an application, quotations and supporting documentation. The Downtown CIP is a combination of a grant and loan program. The Brownfield is a combination of grant, tax cancellation and tax increment program. Works are not to be undertaken prior to approval. The term for this CIP will be five (5) years, with potential renewals.

#### COVID-Recovery – Schedule A-3

This is the new, short term schedule that has been created to assist businesses in implementing new health and safety measures in their place of business due to COVID. It is time stamped to December 31, 2020 or until such time as 2020 budget amount is depleted whichever comes first.

*Eligible COVID-Recovery improvements will include but are not limited to the following, as determined by the Town:*

- xix. Implement proper permanent sanitization stations for employees and/or customers*
- xx. Implement and erect proper shields and barriers for customer interaction*
- xxi. Installation of new signage or improvements to existing signage including floor markers or directional flow, curbside pickup/delivery*
- xxii. Implementation of optional payment methods (financial programs or cashless transactions)*

Given that the Ministry of Municipal Affairs and Housing (MMAH) had approved the previous CIP, MMAH focused on the COVID-Recovery schedule in an effort to assist Gananoque and our businesses with moving forward this fairly quickly. MMAH is also using Gananoque's CIP COVID Schedule as an example to other municipalities.

To confirm and highlight what is currently in the Schedule:

- Eligible time frame is March 16, 2020 to December 31, 2020
- Eligible areas include storefront business in the Employment Designation, Gateway Commercial, Commercial Traditional Core, and Lowertown
- Grant up to one thousand (\$1,000) to businesses that submit detailed receipts for eligible items as noted above.
- \$5,000 interest free loan. Annual payments of one thousand (\$1,000). First repayment being March 2021.

- The total 2020 Budget for the CIP program is \$40,000 (there is a current submission of \$6K for an approved application from 2019) so there is \$34,000 remaining for 2020. This essentially means that 34+ businesses could apply to the Town for the \$1,000 grant.
- Consideration may be given to businesses that remained closed during COVID to businesses that have continued to operate during COVID based on the 2020 budget.

Staff note that there are approximately 110 businesses within the Town that have storefront operations so it is recommended that consideration be given to those who were not able to operate during COVID. This will be based on the essential services listing as provided by the Province.

It is recommended that Council approves the Community Improvement Plan as set out in this report and forward to the Ministry for final approval.

Further, staff recommends that the remaining \$34,000 of the 2020 funds be earmarked for applications made under COVID-recovery until October 1<sup>st</sup> 2020 at which time all categories could apply for any unused funds.

**APPLICABLE POLICY/LEGISLATION:**

*Planning Act, Official Plan*

**FINANCIAL CONSIDERATIONS:**

\$40,000 was approved in the 2020 budget. \$6,000 has already been committed leaving \$34,000 to be accessed through the CIP program.

**CONSULTATIONS:**

Ministry of Municipal Affairs and Housing (MMAH), Notice of Meeting – Town website and Newspaper

**ATTACHMENTS:**

- Attachment 1 – Report Council-PD-2020-12
- Attachment 2 – Community Improvement Plan (CIP)
- Draft By-law Nos. 2020-079 and 2020-080

<b>APPROVAL</b>	<p>_____</p> <p>Brenda Guy, Manager of Planning and Development</p> <p>_____</p> <p>Kari Lambe, Manager of Community Services</p> <p>_____</p> <p>Melanie Kirkby, Treasurer</p> <p>Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council's own policies and guidelines and the <i>Municipal Act</i> and regulations.</p> <p>_____</p> <p>Shellee Fournier, CAO</p>
-----------------	---



**G NANOQUE**  
Council Report – PD-2020-12

**Date:** June 2, 2020  **IN CAMERA**

**Subject:** Community Improvement Plan (CIP) – COVID Recovery

**Author:** Brenda Guy, Manager of Planning and Development  
Kari Lambe, Manager of Community Services  **OPEN SESSION**

---

**RECOMMENDATION:**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE RECEIVES FOR INFORMATION THE COMMUNITY IMPROVEMENT PLAN (CIP) – COVID RECOVERY REPORT, AS PRESENTED COUNCIL REPORT-PD-2020-12.

**STRATEGIC PLAN COMMENTS:**

Sector #1: Economic Prosperity – Strategic Initiative #1 – To create an emphasis on the Community Improvement Plan

**BACKGROUND:**

The Town of Gananoque had a Community Improvement Plan (CIP) in place which has lapsed.

The areas that it addressed were:

1. Downtown BIA area – Façade and Loan Program
2. Brownfield – Town wide for multi-residential, commercial, industrial, institutional

A CIP is adopted to target an area that is in need of transition or in need of repair. It is intended to encourage rehabilitation initiatives and/or stimulate development with a defined area geared to local needs, priority and circumstances for a temporary period of time.

**INFORMATION/DISCUSSION**

The *Municipal Act* restricts the bonusing of businesses. However, the *Planning Act* provides for the implementation of a Community Improvement Plan (CIP) which permits a combination of grants and loans.

Prior to COVID-19, Staff from Community Services and Planning and Development met with the Economic Development Advisory Panel to provide an overview of a CIP. The purpose was to review the overall program and determine if it is warranted to continue and adopt a further CIP, or; did the CIP meet the needs of the time and had run its' course within the community.

For instance, a number of businesses in the downtown have utilized the downtown CIP, so does the continuation of a Downtown CIP warrant the expenditures of taxpayers' money or casino funds?

Or, when Stone and South applied for a Brownfield CIP, Council decided to not approve the application. Does the continuation of a Brownfield CIP warrant the expenditures of taxpayers' money or casino funds?

The Economic Development Advisory Panel requested that Staff provide a detailed analysis including where the programs were being utilized, what was approved and the accomplishments, and measurables of the program. Staff had been working on this for a future meeting with the intent of a recommendation to Council from the Economic Development Advisory Panel. It is noted that the CIP program is dependent on Council adoption of the annual budget. Applications will be processed and approved on a first come first serve basis, subject to availability of funding as approved by Council.

Due to COVID-19, Staff have been discussing means of assisting businesses and how the Town may be able to assist. The CIP is a mechanism that could be put in place for assisting businesses.

The Plan requires the Ministry of Municipal Affairs and Housing (MMAH) approval. Two meetings have been held with the Ministry in this regard including a submission of a draft document to discuss what could be eligible to small business. A "COVID-Recovery" has been drafted geared to businesses within the Employment Designation, Gateway Commercial, Commercial Traditional Core, and Lowertown. It is intended to be short-term from the date of the State of Emergency until December 31, 2020.

*Eligible COVID-Recovery improvements will include but is not limited to the following, as determined by the Town:*

- i. Implement proper permanent sanitization stations for employees and/or customers*
- ii. Implement and erect proper shields and barriers for customer interaction*
- iii. Installation of new signage or improvements to existing signage including floors markers or directional flow, curbside pickup/delivery*
- iv. Implementation of optional payment methods (financial programs or cashless transactions)*

For 2020, it is recommended that the COVID-Recovery be implemented and utilized by small business to address the new compliance measures that businesses are now facing. Staff are proposing a grant of one thousand (\$1,000) and a loan of five thousand (\$5,000). Council may choose to increase or decrease the amounts or choose to limit to specific commercial areas.

It is further noted that at this time the focus is on the COVID-Recovery. The areas of the CIP being the Downtown and the Brownfield will work its way through the proper channels of Economic Development Advisory Panel and Council at a future date.

Staff will be scheduling a public meeting in this regard to meet legislative timelines.



**APPLICABLE POLICY/LEGISLATION:**

*Planning Act, Official Plan*

**FINANCIAL CONSIDERATIONS:**

N/A

**CONSULTATIONS:**

Ministry of Municipal Affairs and Housing

**ATTACHMENTS:**

None.

<b>APPROVAL</b>	<p>_____</p> <p>Brenda Guy, Manager of Planning and Development</p> <p>_____</p> <p>Kari Lambe, Manager of Community Services</p> <p>_____</p> <p>Melanie Kirkby, Treasurer</p> <p>Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council's own policies and guidelines and the <i>Municipal Act</i> and regulations.</p> <p>_____</p> <p>Shellee Fournier, CAO</p>
-----------------	---

# COMMUNITY IMPROVEMENT PLAN

## DOWNTOWN REVITALIZATION & BROWNFIELD DEVELOPMENT



DIVA

Gananoque

[www.gananoque.ca](http://www.gananoque.ca)



Ontario

Canada

## TABLE OF CONTENTS

1.0	Introduction .....	3
2.0	Community Improvement Plan.....	3
2.1	Overview .....	3
2.2	Purpose .....	4
2.3	Goals and Objectives.....	4
2.4	Community Improvement Areas .....	5
2.5	Legislation .....	5
3.0	Area “A-1” - Downtown Façade/Business Improvement.....	9
	Grant Requirements (Schedule A) .....	9
3.1	Purpose .....	9
3.2	Design Guidelines: .....	9
3.3	Eligibility .....	9
4.0	Area “A-2” - Downtown Façade/Business Improvement .....	14
	Loan Requirements (Schedule A).....	14
4.1	Purpose .....	14
4.2	Design Guidelines: .....	14
4.3	Eligibility .....	14
5.0	Area “A-3” – COVID-Recovery.....	17
	Grant and Loan Requirements (Schedule B).....	17
5.1	Purpose .....	17
5.2	Guidelines .....	17
5.3	Eligibility .....	17
6.0	Area “B” - Brownfield (Schedule B).....	21
6.1	Purpose .....	21
6.2	Eligibility .....	21
6.3	Timing of Program .....	22
6.4	Terms of Municipal Fees Grant Program (Any time) .....	22
6.5	Terms of Study Grant Program .....	23
6.6	Terms of Tax Cancellation Program .....	24
6.7	Terms of Property Tax Increment program .....	25
6.8	Application and Approval Process – Area “B” .....	26
7.0	Monitoring Program .....	28
8.0	Marketing the CIP .....	28
9.0	Amendments to the CIP.....	28
10.0	Review of the CIP .....	28
11.0	Definitions.....	29
	Schedule A-1 and Schedule A-2 – Downtown CIP area .....	31
	Schedule B – Area A-3* and Brownfield CIP area .....	32
	Schedule C – Summary of Programs.....	33
	Schedule D – Record of Site Condition .....	34

## 1.0 INTRODUCTION

The Town of Gananoque is in the heart of the 1000 Islands and is recognized as one of Eastern Ontario's most stunning waterfront communities. It has truly developed into a world-class destination for travelers, businesses and residents.



Gananoque is a strategic business location. The Town is located on the Detroit/Windsor-Montreal corridor on Highway 401. Along this route resides two thirds of Canada's population, and is approximately two and a half hours east of Toronto, three and a half hours west of Montreal, and one hour south of Ottawa, via Hwy 416. Access to the United States and its markets is only twenty minutes east of Gananoque at the 1000 Islands International Bridge, which connects Hwy 401 to U.S. Interstate 81.

## 2.0 COMMUNITY IMPROVEMENT PLAN

### 2.1 Overview

A Community Improvement Plan (CIP) is a tool that allows a municipality to direct funds and implement policy initiatives toward a specifically defined project area. Section 28 of the *Planning Act* gives municipalities that have enabling policies in their official plans the ability to prepare Community Improvement Plans. CIP's are intended to encourage rehabilitation initiatives and/or stimulate development. Once implemented, the plan allows municipalities to provide tax assistance, grants or loans to assist in the rehabilitation of lands and/or buildings within the defined Community Improvement Project Area.



## 2.2 Purpose

The purpose of the CIP is to provide an opportunity to develop and redevelop properties within the boundaries designated as a Community Improvement Project Area.

The CIP will provide incentives to develop and redevelop property in the form of grants, loans and tax assistance.

## 2.3 Goals and Objectives

2.3.1 The objectives of the CIP as identified in the Official Plan include, but are not limited to:

- i. To revitalize, intensify and strengthen residential, commercial, cultural and employment opportunities;
- ii. To provide a safe, vibrant, pedestrian friendly environment;
- iii. To provide an attractive and inviting environment;
- iv. To enhance and reinforce linkages between the areas and the waterfront open space system;
- v. A cleaner, healthier, safer and more livable environment;
- vi. To increase employment, economic activity and investment;
- vii. To upgrade and maintain all essential municipal services and community facilities;
- viii. To ensure that community improvement projects are carried out within the built up areas of the Town;
- ix. To ensure the maintenance of the existing building stock;
- x. To facilitate the remediation, rehabilitation and/or redevelopment of existing Brownfield sites;
- xi. To encourage private sector investment and the strengthening of the economic base;
- xii. To enhance the visual appearance of Community Improvement Areas;
- xiii. To revitalize our downtown commercial district (General Commercial Policy Area) as a mixed use area and a vibrant shopping destination;
- xiv. To encourage the continued commercial vitality and economic viability throughout all seasons of the year;
- xv. To preserve heritage resources of architectural and historical significance and encourage improvement in buildings consistent with the heritage character of the area;
- xvi. To create an attractive image of the Town that reflects the historic character and heritage of the community;
- xvii. To encourage infilling and redevelopment of vacant or underutilized land as with Brownfield sites;
- xviii. To provide incentives to promote a broad range of building and environmental rehabilitation, development and redevelopment and land acquisition consistent with the Official Plan of the Town of Gananoque;

## 2.4 Community Improvement Areas

2.4.1 The CIP designates two Community Improvement Project Areas.

- i. Area “A-1 and A-2”, Façade/Business Improvement – As shown on Schedule A of the CIP, this area is generally the area of the Business Improvement Area. This area has approximately 50 businesses, located generally on either side of King St. from Charles St. to the Gananoque River, and on the south side of King Street from the Gananoque River to Main Street.
- ii. [Area “A-3”, Business Improvement – As shown on Schedule A-3 of the CIP, this is the geographical boundaries of the Town of Gananoque.](#)
- iii. Area “B”, Brownfield – Town wide - As shown on Schedule B of the CIP, this is the geographical boundaries of the Town of Gananoque.

## 2.5 Legislation

### **Municipal Act**

Section 106 of the Municipal Act prohibits Municipalities from providing assistance to businesses that would favour a business over its competitors:

- (1) Despite any Act, a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses for that purpose.
- (2) Without limiting subsection (1), the municipality shall not grant assistance by,
  - i. giving or lending any property of the municipality, including money;
  - ii. guaranteeing borrowing;
  - iii. leasing or selling any property of the municipality at below fair market value; or
  - iv. giving a total or partial exemption from any levy, charge or fee.

Section 106 (3) provides an exception to the above:

- (3) Subsection (1) does not apply to a council exercising its authority under subsection 28 (6), (7) or (7.2) of the *Planning Act* [Community Improvement Plans] or under section 365.1 of this Act [Brownfield Assistance].

### **Planning Act**

Section 28 of the Planning Act permits municipalities to approve a Community Improvement Plan. The Act contains the following definitions:

“**Community Improvement**” means the planning or replanning, design or redesign, resubdivision, clearance, development or redevelopment,

construction, reconstruction and rehabilitation, improvement of energy efficiency, or any of them, of a community improvement project area, and the provision of such residential, commercial, industrial, public, recreational, institutional, religious, charitable or other uses, buildings, structures, works, improvements or facilities, or spaces therefor, as may be appropriate or necessary;

**“Community Improvement Plan”** means a plan for the community improvement of a community improvement project area;

**“Community Improvement Project Area”** means a municipality or an area within a municipality, the community improvement of which in the opinion of the council is desirable because of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason.

The Act further identifies provisions with respect to grants, loans, agreements and maximum eligibility. It additionally requires the municipality to have provisions set out in their Official Plan permitting community improvement plans.

#### **Town of Gananoque Official Plan**

Section 5.5 of the Town’s Official Plan dated September 15, 2009 and MAH approved May 10, 2010 addresses the Community Improvement Plan.

##### **5.5.1 Policies**

Subject to Section 28 of the Planning Act, in pursuing the objectives of the Official Plan’s Community Improvement Policies Council may:

- a) sell, lease or dispose of lands and buildings acquired or held by the municipality;
- b) give loans and grants to owners, tenants and their assignees for rehabilitation purposes;
- c) provide tax assistance by freezing or canceling the municipal portion of the property tax on eligible properties for remediation purposes;
- d) issue debentures with the approval of the Ontario Municipal Board; and
- e) fostering the improvement of businesses and public spaces to remove barriers, which may restrict their accessibility.

##### **5.5.1.2 Council shall have regard for the following matters in the preparation and adoption of a Community Improvement Plan, namely;**

1. The basis for selection of the community improvement project areas with specific consideration of the following:
  - i. That there is evidence of a need to improve municipal services such as roads, sidewalks, street lighting, parking, sanitary and storm sewers, water supply, parks and recreation, community facilities, the waterfront areas or streetscaping. Improvements may apply to some or all of the above services.



- ii. That the phasing of improvements corresponds to the timing of improvements by the Town and/or senior governments and is within the financial capability of the municipality.
  - iii. That a significant number of buildings in an area show signs of deterioration and need of repair.
  - iv. That there is evidence that a site can be classified as a Brownfield and that the adoption of a community improvement plan would assist in the remediation, rehabilitation and\or redevelopment of a property or area.
  - v. That improvement to the visual appearance or aesthetics be required.
  - vi. That improvements will have a significant impact on strengthening the economic base of the community.
2. The boundary of the area and the land use designations contained in this Plan;
  3. Properties proposed for acquisition and/or rehabilitation;
  4. The estimated costs, means of financing and the staging and administration of the project;
  5. The provision of sufficient flexibility, as circumstances warrant, where project and costing revisions are necessary;
  6. The phasing of improvements and the means of their implementation; and
  7. Citizen involvement during the preparation of a Community Improvement Plan.

#### 5.5.1.3 Implementation of a Community Improvement Plan Policies

Council shall implement the general principles and policies of this Section as follows:

1. Through the identification of specific community improvement projects and the preparation of Community Improvement Plans;
2. Through participation in programs with senior levels of government;
3. Through enforcement of the Municipality's Property Standards Bylaw;
4. Through the acquisition of land to implement adopted Community Improvement Plans;
5. Through the encouragement of the orderly development of land as a logical and progressive extension of development which provides for the infilling of underutilized land;
6. Through the encouragement of the private sector to utilize available government programs and subsidies;
7. Through the enactment of a comprehensive zoning by-law which provides for a range of appropriate uses, for the intensification and integration of land uses, and which stimulates the economic and/or functional role of the areas or alternatively through the adoption of an area specific Development Permit System which streamlines development approval and which ensures that architectural and urban design considerations are implemented; and



8. By encouraging the rehabilitation of existing buildings and structures which will be used for a purpose compatible with the surrounding area.



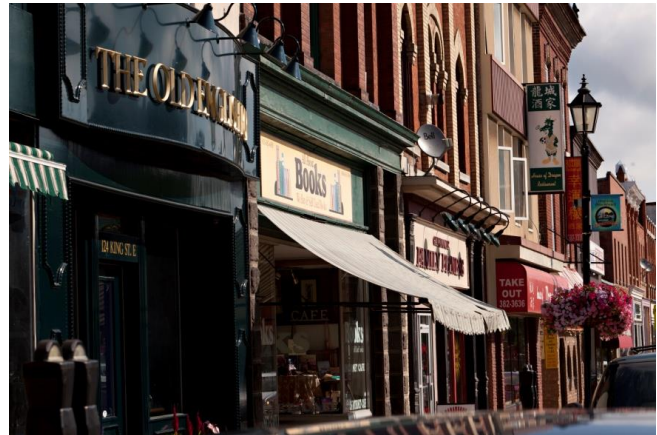
### 3.0 Area “A-1” - Downtown Façade/Business Improvement Grant Requirements (Schedule A)

This section sets out all of the requirements for the Downtown Façade/Business Improvement grant programs in Area “A-1” of the CIP for both interior and exterior. Compliance with these requirements is mandatory. Individual programs may have additional requirements that must also be complied with to be eligible for incentives.

#### 3.1 Purpose

To encourage and provide a program for design changes to stimulate redevelopment and revitalization of the Downtown core.

To encourage and provide a program to rehabilitate existing commercial/mixed use buildings. This will promote improvement of the physical conditions that would otherwise be considered cost prohibitive by a landowner.



#### 3.2 Design Guidelines:

All applications shall be reviewed against the following. In addition, decisions related to awarding incentives will be based on consistency with the following:

- a) Profiles for the Downtown Revitalization Study completed by Commonwealth Historic Resource Management Limited dated 2005;
- b) The design guidelines as set out in the Commercial Traditional Core designations in the Development Permit By-law; and
- c) Applicable Town, Provincial and Federal policies, by-laws, provisions, standards and guidelines.

#### 3.3 Eligibility

The following is a list of criteria required for participation in the CIP for Area "A-1". The list below is not exhaustive and the Town reserves the right to include other criteria or requirements on a site specific basis as deemed appropriate:

- a) The Community Improvement Project Area for Area "A-1" is illustrated in Schedule A attached to this CIP. Only properties within Schedule A are eligible for the incentives available under this CIP.
- b) Only one application shall be received for each storefront, on an assessed property, on a one time basis.

- c) Commercial building owners and tenants of the buildings who operate a business within the CIP area.
- d) Applicants for the CIP may be tenants of a property provided that the application is authorized by the owner of the property.
- e) The Owner is required to enter into an agreement satisfactory to the Town to govern the administration of the incentive program.
- f) Works completed prior to approval by the Town are not eligible.
- g) Costs in excess of the amount set out in the Agreement are the responsibility of the Owner/Applicant.
- h) Applications will be processed and approved on a first come first serve basis, subject to availability of funding as approved by Council.
- i) The total value of all incentives under the CIP program(s) cannot exceed the approved value of eligible costs.
- j) Stacking of grants is allowed (Funding provided through CIP may be used in partnership with other private, provincial or federal funding) provided that the total amount of all incentives, grants and other financial programs provided by all levels of government do not exceed the approved eligible costs.
- k) Property owners who are in arrears of taxes, water and sewer or any other municipal accounts receivable are not eligible to receive any incentives under the CIP. If a payment plan was in place, approved by the Finance Department, an application could be considered.
- l) All outstanding work orders must be satisfied.
- m) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Town, the Town may delay, reduce or cancel any approved incentives and require repayment of any incentive already provided.
- n) The Town may discontinue any of the programs contained in this CIP at any time, but applicants with approved grants will still receive said grant, subject to meeting the general and program specific requirements.
- o) Eligible applicants can apply for one, more or all of the incentive programs contained in this CIP, but no two programs may be used to pay for the same eligible cost. Also, the total of all grant and tax assistance provided in respect of the subject property for which an applicant is making application under the programs contained in the CIP shall not exceed the eligible cost of the improvements to that property.
- p) Development must conform to approved Official Plan, Development Permit By-law and all other municipal by-laws, legislation and supporting regulations/approvals by other levels of government.

### 3.4 Terms of Grant Program

- a) **Façade** - Maximum matching grant of \$3,000 - A onetime grant of 50% of the eligible costs, to a maximum of \$3,000, is available to assist property owners or tenants to improve. Grant applicants shall consider the entire façade of the building. One grant is available per storefront building.

Eligible façade improvements will include repair/restoration/ replacement/ installation of exterior features including but not limited to the following as determined by the Town:

- i. Repainting, cleaning or re-facing of façades
- ii. Repair or restoration of façade masonry, brickwork or wood
- iii. Exterior woodwork
- iv. Replacement, repair or restoration of cornices, eaves, parapets and other architectural features
- v. Paint (including removal, surface preparation, cleaning and/or painting)
- vi. Installation or repair of canopies and awnings
- vii. Installation or repair of exterior lighting
- viii. Restoration of historic features
- ix. Entranceway modifications that improve the appearance and/or access to the commercial units
- x. Installation new signage or improvements to existing signage (cannot be applied for individually) as per the Sign and Merchandise Display By-law
- xi. Replacement or repair of Windows and doors (cannot be applied for individually)
- xii. Architectural or design fees may be eligible in an amount up to \$500 as part of the total grant awarded for completed construction. In no event shall the total eligible costs exceed \$3,000 per building. The type and amount of eligible work/costs shall be determined in the sole discretion of the Town.
- xiii. Sidewalk improvements may be considered provided all encroachment permits and any applicable policies are met

b) **Accessibility** - Maximum matching grant of \$3,000 for accessibility - A onetime grant of 50% of the eligible costs, to a maximum of \$3,000, is available to assist property owners or tenants to encourage accessibility to the existing buildings.

c) **Interior** - Maximum matching grant of \$3,000 for interior (\$2,000 commercial, \$1,000 residential) - A onetime grant of 50% of the eligible costs, to a maximum of \$3,000, is available to assist property owners to make interior improvements as described below.

- i) Commercial – For properties zoned for commercial use, a onetime grant of a maximum of \$2,000 is available to assist in the following improvements:
  - a) Alterations to interior walls, ceilings and doors
  - b) Paint, wallpaper, windows covers and flooring (including removal, surface preparation, cleaning and/or painting)

- c) Phone and data cabling
  - d) Architectural detail
  - e) Fixed interior lighting
  - f) HVAC, electrical or plumbing upgrades
- ii) Residential – For properties designated for residential use, a onetime grant of a maximum of \$1,000 is available to assist in the conversion of vacant space in upper storey buildings to create new residential dwelling units.

Eligible costs include but are not limited to:

- a) Alterations to interior walls, ceilings and doors
- b) Paint, wallpaper, windows covers and flooring (including removal, surface preparation, cleaning and/or painting)
- c) Phone and data cabling
- d) Architectural detail
- e) Fixed interior lighting
- f) HVAC, electrical or plumbing upgrades

Interior grants will only be eligible where the exterior of the building is in a satisfactory state as determined by the Review Committee in its sole discretion.

- d) **Permit/Applications** - Maximum reimbursement of up to \$500 for building permit and encroachment permit fees for work that is approved for the CIP program. The applicable fees must be paid in full for any approved work and upon completion of all eligible work in accordance with all applicable laws the Town may reimburse the fee.

### 3.5 General Terms of Grant Program

- a) Works as set out in the Agreement must be completed prior to the grant portion being distributed.
- b) Payment of any grant/incentive is conditional upon submission of satisfactory proof of payment of the eligible costs.
- c) Where an incentive is a matching grant, proof of the total costs incurred and paid will be required. In the event that the actual eligible costs are less than the amounts submitted with the application, the matching grant shall be limited to 50% of the total eligible costs.
- d) The Town reserves the right to require a compliance audit and site inspection as a condition of approval and payment of any incentives.
- e) Eligible costs do not include any labour costs for work performed by the applicant/owner. All labour costs must be substantiated with proof of payment.
- f) Works must be completed within one year of the approved agreement unless approved by the Town.

### 3.6 Application and Approval Process

- a) Applicants are required to complete the application form.
- b) Applicants are required to submit supporting documentation such as specifications of the proposed project including plans, colour samples, drawings and photographs of the existing building, past photos or drawings and any other information or materials requested by the Town.
- c) A minimum of three quotes are required for the requested works.
- d) Applicants are required to obtain all necessary building, encroachment or work permits in advance of commencing any work. Approval of a CIP application is not permission to construct required under the Planning Act, Building Code Act or any other applicable laws.
- e) Applications may be circulated to any internal departments for review and comment.
- f) If the application meets all relevant criteria, the Review Committee may recommend approval of the application to Council. A business plan may be a requirement of the Review Committee.
- g) Council has the absolute discretion to approve or refuse any incentive or combination of incentives.
- h) Upon approval by Council, the applicant will be required to sign a site specific agreement between the Owner and the Town on terms satisfactory to the Town.
- i) Upon completion of the works as set out in the agreement and upon payment by the applicant for works performed, the applicant submits proof of payment to the Town along with photos of said works.
- j) Staff will review the proof of payment, photos and conduct a site inspection.
- k) If approved to the satisfaction of the works as outlined in the agreement a requisition will be submitted as set out in the agreement. The requisition will be part of the next available cheque disbursement of the Town





## 4.0 AREA “A-2” - DOWNTOWN FAÇADE/BUSINESS IMPROVEMENT LOAN REQUIREMENTS (SCHEDULE A)

This section sets out all of the requirements for the Downtown Facade/Business Improvement loan programs in Area “A-2” of the CIP. Compliance with these requirements is mandatory. Individual programs may have additional requirements that must also be complied with to be eligible for incentives.

### 4.1 Purpose

To encourage and provide a program for interior/exterior design changes to stimulate redevelopment and revitalization of the Downtown core.

To encourage and provide a program to rehabilitate existing commercial/mixed use buildings. This will promote improvement of the physical conditions that would otherwise be considered cost prohibitive by a landowner.

### 4.2 Design Guidelines:

All applications shall be reviewed against the following. In addition, decisions related to awarding incentives will be based on consistency with the following:

- a) Profiles for the Downtown Revitalization Study completed by Commonwealth Historic Resource Management Limited dated 2005;
- b) The design guidelines as set out in the Commercial Traditional Core designations in the Development Permit By-law; and
- c) Applicable Town, Provincial and Federal policies, by-laws, provisions, standards and guidelines.

### 4.3 Eligibility

The following is a list of criteria required for participation in the CIP for Area "A". The list below is not exhaustive and the Town reserves the right to include other criteria or requirements on a site specific basis as deemed appropriate:

- a) The Community Improvement Project Area for Area "A-2" is illustrated in Schedule A attached to this CIP. Only properties within Schedule A are eligible for the incentives available under this CIP.
- b) Only one application shall be received for each storefront on an assessed property.
- c) Commercial building owners and tenants of the buildings who operate a business within the CIP area.
- d) Applicants for the CIP may be tenants of a property provided that the application is authorized by the owner of the property.
- e) The Owner is required to enter into an agreement satisfactory to the Town to govern the administration of the incentive program.
- f) Works completed prior to approval by the Town are not eligible.

- g) Costs in excess of the amount set out in the Agreement are the responsibility of the Owner/Applicant.
- h) Applications will be processed and approved on a first come first serve basis, subject to availability of funding as approved by Council.
- i) The total value of all incentives under the CIP program(s) cannot exceed the approved value of eligible costs .
- j) Stacking of grants is allowed (Funding provided through CIP may be used in partnership with other private, provincial or federal funding) provided that the total amount of all incentives, grants and other financial programs provided by all levels of government do not exceed the approved eligible costs.
- k) Property owners who are in arrears of taxes, water and sewer or any other municipal accounts receivable are not eligible to receive any incentives under the CIP. If a payment plan was in place, approved by the Finance Department, an application could be considered.
- l) All outstanding work orders must be satisfied.
- m) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Town, the Town may delay, reduce or cancel any approved incentives and require repayment of any incentive already provided.
- n) The Town may discontinue any of the programs contained in this CIP at any time, but applicants with approved grants will still receive said grant, subject to meeting the general and program specific requirements.
- o) Eligible applicants can apply for one, more or all of the incentive programs contained in this CIP, but no two programs may be used to pay for the same eligible cost. Also, the total of all grant and tax assistance provided in respect of the subject property for which an applicant is making application under the programs contained in the CIP shall not exceed the eligible cost of the improvements to that property.
- p) Development must conform to approved Official Plan, Development Permit By-law and all other municipal by-laws, legislation and supporting regulations/approvals by other levels of government.

#### 4.4 Terms of Loan Program

A Maximum loan of \$10,000 - An interest free loan to a maximum of \$10,000 amortized over 5 years is available to assist property owners with exterior and/or interior improvements.

- i. The term of the loan shall be 5 years and the principal balance of the loan shall be repaid in 5 equal annual installments as outlined in the agreement.
- ii. The loan shall be interest free for the term of the loan; unless the loan is in default.
- iii. Interest and default terms shall be specified in the agreement
- iv. The loan shall be secured against the property for which work is being performed under this CIP.



- v. Should the property be sold, prior to the full repayment of the loan, the financial obligation shall be paid in full by the Building Owner.
- vi. Where a tenant applies for this program, they must secure the permission in writing from the property owner and the owner must be a party to the agreement with the Town. Tenants shall be required to post alternative security in the full amount of the loan.
- vii. Completion of the façade improvement shall be completed within one year of the date of this agreement or the Agreement shall be null and void and any money advanced to the Owner shall be repaid immediately.

#### 4.5 Application and Approval Process

- a) Applicants are required to complete the application form.
- b) Applicants are required to submit supporting documentation such as specifications of the proposed project including plans, colour samples, drawings and photographs of the existing building, past photos or drawings and any other information or materials requested by the Town.
- c) A minimum of three quotes are required for the requested works.
- d) Applicants are required to obtain all necessary building, encroachment or work permits in advance of commencing any work. Approval of a CIP application is not permission to construct required under the Planning Act, Building Code Act or any other applicable laws.
- e) Applications may be circulated to any internal departments for review and comment.
- f) If the application meets all relevant criteria, the Review Committee may recommend approval of the application to Council. A business plan may be a requirement of the Review Committee.
- g) Council has the absolute discretion to approve or refuse any incentive or combination of incentives.
- h) Upon approval by Council, the applicant will be required to sign a site specific agreement between the Owner and the Town on terms satisfactory to the Town.
- i) Upon completion of the works as set out in the agreement and upon payment by the applicant for works performed, the applicant submits proof of payment to the Town along with photos of said works.
- j) Staff will review the proof of payment, photos and conduct a site inspection.
- k) If approved to the satisfaction of the works as outlined in the agreement a requisition will be submitted as set out in the agreement. The requisition will be part of the next available cheque disbursement of the Town.

## 5.0 AREA "A-3" – COVID-RECOVERY GRANT AND LOAN REQUIREMENTS (SCHEDULE B)

This section sets out all of the requirements for a Business Improvement grant and loan program in Schedule "B" of the CIP for COVID-Recovery. Compliance with these requirements is mandatory. Individual programs may have additional requirements that must also be complied with to be eligible for incentives.

### 5.1 Purpose

To encourage and provide a program to stimulate the social or community economic development revitalization of the Town for COVID-Recovery.

This will promote improvement of the physical conditions that would otherwise be considered cost prohibitive by an owner due to circumstance.

### 5.2 Guidelines

All applications shall be reviewed against the following. In addition, decisions related to awarding incentives will be based on consistency with the following:

- a) The Provincial "reopening Ontario after COVID-19" plan and Leeds Grenville and Lanark District Health Unit guidelines for re-opening business; and
- b) Any Applicable Town, Provincial and Federal policies, by-laws, provisions, standards and guidelines.
- c) This program is available from March 16, 2020 to December 31, 2020.

### 5.3 Eligibility

The following is a list of criteria required for participation in the CIP for Area "A-3". The list below is not exhaustive and the Town reserves the right to include other criteria or requirements on a site specific basis as deemed appropriate:

- a) The Community Improvement Project Area for Area "A-3" is illustrated in Schedule "B" attached to this CIP.
- b) Owners of eligible properties include storefront businesses within the Employment, Gateway Commercial, Commercial Traditional Core, and Lowertown designations.
- c) Only one application shall be received for each storefront or place of business, on an assessed property, on a one time basis.
- d) Applicants for the CIP may be tenants of a property provided that the application is authorized by the owner of the property.
- e) If the applicant is not the Owner, the Owner is required to enter into an agreement satisfactory to the Town to govern the administration of the incentive or loan program.

- f) Costs in excess of the amount set out in the Agreement are the responsibility of the Owner/Applicant.
- g) Applications will be processed and approved on a first come first serve basis, subject to availability of funding as approved by Council.
- h) Dependent upon the number of applicants, priority consideration will be given to businesses that were unable to remain open during COVID-19 and businesses that were able to be open. This will be based on the Province's essential services listings.
- i) The total value of all incentives under the CIP program(s) cannot exceed the approved value of eligible costs-.
- j) Stacking of grants is allowed (Funding provided through CIP may be used in partnership with other private, provincial or federal funding) provided that the total amount of all incentives, grants and other financial programs provided by all levels of government do not exceed the approved eligible costs.
- k) Property owners who are in arrears of taxes, water and sewer or any other municipal accounts receivable are not eligible to receive any incentives under the CIP. If a payment plan was in place, approved by the Finance Department, an application could be considered.
- l) All outstanding work orders must be satisfied.
- m) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Town, the Town may delay, reduce or cancel any approved incentives and require repayment of any incentive already provided.
- n) The Town may discontinue any of the programs contained in this CIP at any time, but applicants with approved grants will still receive said grant, subject to meeting the general and program specific requirements.
- o) Eligible applicants can apply for one, more or all of the incentive programs contained in this CIP, but no two programs may be used to pay for the same eligible cost. Also, the total of all grant and tax assistance provided in respect of the subject property for which an applicant is making application under the programs contained in the CIP shall not exceed the eligible cost of the improvements to that property.
- p) Development must conform to approved Official Plan, Development Permit By-law and all other municipal by-laws, legislation and supporting regulations/approvals by other levels of government.

#### 5.4 Terms of Grant Program

Maximum grant of \$1,000 - A onetime grant of 100% of the eligible costs is available to assist property owners or tenants to retrofit/improve their place of business to implement required health and safety measures due to COVID-19. One grant is available per storefront building or place of business.

Eligible COVID-Recovery improvements will include but is not limited to the following as determined by the Town:

- i. Implement proper permanent sanitization stations for employees and/or customers

- ii. Implement and erect proper shields and barriers for customer interaction
- iii. Installation of new signage or improvements to existing signage including floors markers or directional flow, curbside pickup/delivery
- iv. Implementation of optional payment methods (financial programs or cashless transactions)

## 5.5 General Terms of Grant Program

- a) Works as set out in the Agreement must be completed prior to December 31, 2020
- b) Payment of any grant/incentive is conditional upon submission of satisfactory proof of payment of the eligible costs.
- c) In the event that the actual eligible costs are **more** than the amounts submitted with the application, the grant shall be limited to \$1,000.
- d) The Town reserves the right to require a compliance audit and site inspection as a condition of approval and payment of any incentives.
- e) Eligible costs do not include any labour costs for work performed by the applicant/owner. All labour costs must be substantiated with proof of payment.

## 5.6 Terms of Loan Program

Maximum loan of \$5,000 - An interest free loan to a maximum of \$5,000 amortized over 5 years is available to assist property owners to retrofit/improve their place of business to implement required health and safety measures due to COVID-19.

- viii. The term of the loan shall be 5 years and the principal balance of the loan shall be repaid in 5 equal annual installments as outlined in the agreement.
- ix. The loan shall be interest free for the term of the loan; unless the loan is in default.
- x. Interest and default terms shall be specified in the agreement
- xi. The loan shall be secured against the property for which work is being performed under this CIP.
- xii. Should the property be sold, prior to the full repayment of the loan, the financial obligation shall be paid in full by the Building Owner.
- xiii. Where a tenant applies for this program, they must secure the permission in writing from the property owner and the owner must be a party to the agreement with the Town. Tenants shall be required to post alternative security in the full amount of the loan.

## 5.7 Application and Approval Process

- a) Applicants are required to complete the application form.

- b) Applicants are required to submit supporting documentation such as details of implementation and how the improvement/retrofit The Provincial “reopening Ontario after COVID-19” plan and Leeds Grenville and Lanark District Health Unit guidelines for re-opening business and any other information or materials requested by the Town.
- c) Upon completion of the works as set out in the agreement and upon payment by the applicant for works performed, the applicant submits proof of payment to the Town.
- d) Staff will review the proof of payment and if approved to the satisfaction of the works as outlined in the agreement a requisition will be submitted as set out in the agreement. The requisition will be part of the next available cheque disbursement of the Town.

## **5.06.0**            **AREA “B” - BROWNFIELD (SCHEDULE B)**

### **5.16.1** Purpose

To provide incentives to encourage the reuse, rehabilitation and redevelopment of brownfield properties by removing or reducing the barriers to such redevelopment. The financial incentive program will encourage the private sector to invest in these properties.

The Tax Assistance Program provides a tax freeze on properties that are undergoing remediation and development. It is designed to assist with environmental remediation for properties requiring environmental remediation and/or risk assessment/management.

The Tax Increment provides a grant to the full amount or a portion of the amount of the property tax increase after the property is redeveloped.

### **5.26.2** Eligibility

The following is a list of criteria required for participation in the CIP for Area "B". The list below is not exhaustive and the Town reserves the right to include other criteria or requirements on a site-specific basis as deemed appropriate:

- a) All lands within the geographical area of the Town have been designated under the Community Improvement Plan – Brownfields. Properties within area "B" may be eligible for the incentives available within this Community Improvement Project Area.
- b) Owners of eligible property that is proposed for commercial, industrial, multi-residential and institutional use within Area “B” are eligible to apply for an incentive program.
- c) The Owner is required to enter into an agreement satisfactory to the Town to govern the administration of the incentive program prior to incurring any costs for which an incentives is applied for.
- d) Works completed prior to approval by the Town are not eligible.
- e) Costs in excess of the approved eligible costs are the responsibility of the Owner/Applicant.
- f) Applications will be processed and approved on a first come first serve basis, subject to availability of funding as approved by Council.
- g) The total value of all incentives under the program(s) in this CIP cannot exceed the value of the approved eligible costs.
- h) Stacking of grants is allowed (incentives provided through the CIP may be used in partnership with other private, provincial or federal funding) provided that the total amount of all incentives, grants and other financial programs provided by all levels of government do not exceed the approved eligible costs.

- i) Property owners who are in arrears of taxes, water and sewer or any other municipal accounts receivable are not eligible to receive a loan or grant.
- j) All outstanding work orders must be satisfied.
- k) If the applicant is in default of any of the general or program specific requirements, or any other requirements of the Town, the Town may delay, reduce or cancel the approved incentives and require repayment of the approved incentives;
- l) The Town may discontinue any of the programs contained in this CIP at any time, but applicants with approved grants will still receive said grant, subject to the meeting the general and program specific requirements.
- m) Eligible applicants can apply for one, more or all of the incentive programs contained in this CIP, but no two programs may be used to pay for the same eligible cost. Also, the total of all grant and tax cancellation provided in respect of the eligible property for which an applicant is making application under the programs contained in the CIP shall not exceed the approved eligible costs ;
- n) Development must conform to approved Official Plan, Development Permit By-law and all other municipal by-laws, legislation and supporting regulations/approvals by other levels of government.

### 5.36.3 Timing of Program

For the purposes of the Brownfield CIP there are four areas:

- i. Study Phase – Applies when the applicant is going to undertake a Phase I and Phase II ESA
- ii. Rehabilitation Phase – Applies after a Phase I and Phase II ESA has been conducted and before a building permit is issued (not including a demolition permit).
- iii. Development Phase – Applies when the applicant has a building permit issued and redevelopment is occurring.
- iv. Occupancy Phase – Applies when the building can be occupied.

### 5.46.4 Terms of Municipal Fees Grant Program (Any time)

- a) A onetime grant, equal to the value of the applicable municipal planning application fee and/or building permit fee up to a maximum of \$500.00 whichever is the lesser, provided such matters are supported by the Town and consistent with Town policy including the Official Plan and Development Permit By-law.
- b) Eligible municipal planning applications and building permits fees include:
  - i. official plan amendments;
  - ii. consent application;
  - iii. development permit;
  - iv. demolition permit;

- v. building permit.
- c) The applicant is responsible for all mapping and registration costs for agreements and plans were applicable.
- d) All fees must be paid by the applicant upon submission of the application. Grants, equal to the value of the application fee or building permit will be paid upon final approval of the application or issuance of the demolition or building permit fee, up to the maximum grant amount.
- e) This incentive program is not available in isolation from other CIP Area "B" incentive programs. Eligible properties may apply for this incentive program only in conjunction with one or more applications for other incentive programs.

#### 5.56.5 Terms of Study Grant Program (Study Phase)

- a) Property owners may apply for a study grant incentive at any time. The purpose of the study grant is to confirm whether the property may be eligible for other incentive programs.
- b) Only phase 1 and 2 environmental site assessments that conform with the requirements of Ontario Regulation 153/04 and that are capable of forming part of a complete Record of Site Condition (RSC) are eligible for this incentive program. – see Schedule D.
- c) A maximum of 1 grant per eligible property is available for a phase 1 study. The grant is a matching grant equal to 50% of the cost of the study or \$5,000, whichever is less.
- d) A maximum of 1 grant per eligible property is available for a phase 2 study. The grant is a matching grant equal to 50% of the cost of the study or \$10,000, whichever is less.
- e) The Study must be completed within five years of approval of the funding
- f) The applicant must provide proof of payment for the costs of the study to the Town as a condition of being eligible for the grant.



### 5.66.6 Terms of Tax Cancellation Program (Rehabilitation Phase and Development Phase)

- a) Owners of eligible property may apply for a cancellation of Municipal and Educational property taxes for a total period of three (3) years.
- b) The applicant may apply for a cancellation of taxes for the eligible property during the rehabilitation period and the development period as defined in this CIP.
- c) Educational property tax is subject to Minister of Finance approval.
- d) Eligible properties are those properties for which a phase 2 environmental site assessment has been conducted, and where, as of the date of the phase 2 environmental site assessment, the property did not meet the standards that must be met under subparagraph four i of subsection 168.4 (1) of the *Environmental Protection Act* to permit a record of site condition to be filed under that subsection in the Environmental Site Registry.
- e) Applicants must submit the phase 2 environmental site assessment to the Town to establish eligibility.
- f) Eligible properties must have an estimated total cleanup cost in excess of \$50,000 to be eligible for this program.
- g) Eligible costs are the costs associated with any action taken to reduce the concentration of contaminants on, in or under the property to permit a Record of Site Condition to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*. This includes the cost of:
  - i. Environmental remediation;
  - ii. Placing clean fill and grading;
  - iii. Demolition costs;
  - iv. Costs of removing substances designated under Ontario Regulation 490/09 for projects involving re-use or demolition of existing structures;
  - v. Environmental insurance premiums; and
  - vi. complying with any certificate of property use issued under section 168.6 of the Environmental Protection Act

In no case will the total amount of the taxes cancelled under the Property Tax Cancellation Program exceed the total of these eligible costs.

- h) The Property Tax Cancellation Program will cease:
  - i. When the total tax assistance provided equals the total eligible costs as specified above; or
  - ii. After three (3) years for the municipal portion of taxes, and after such time period as is approved by the Minister of Finance for the education portion of taxes, whichever comes first
  - iii. If the applicant is in the Occupancy Phase.
- i) The eligible property will not be eligible to receive tax cancellation until the Town passes a By-law authorizing the provision of assistance. In

addition, the by-law will address any conditions imposed by the Minister of Finance.

- j) Matching education property tax cancellation for eligible property is subject to approval of the Minister of Finance
- k) If the applicant is in default of any conditions in the By-law or brownfield agreement, the tax assistance will be re-payable to the Town and the Province.

#### 5.76.7 Terms of Property Tax Increment program (Occupancy Phase)

- a) Owners of eligible properties may apply for the Property Tax Increment program provided that the estimated costs of remediation is in excess of \$50,000.
- b) Property tax increment grants are only available after a property has been redeveloped following the filing of a record of site condition.
- c) The incentive available is calculated only in relation to the general portion of the total taxes paid and does not include the education taxes levied.
- d) Eligible costs are the costs associated with any action taken to reduce the concentration of contaminants on, in or under the property and any costs to prepare a risk assessment necessary to permit a Record of Site Condition to be filed in the Environmental Site Registry under Section 168.4 of the *Environmental Protection Act*. This includes the cost of:
  - i. Environmental remediation;
  - ii. Risk assessments prepared in accordance with Ontario Regulation 153/04;
  - iii. Placing clean fill and grading;
  - iv. Demolition costs;
  - v. Costs of removing substances designated under Ontario Regulation 490/09 for projects involving re-use or demolition of existing structures;
  - vi. Environmental insurance premiums; and
  - vii. Complying with any certificate of property use issued under section 168.6 of the *Environmental Protection Act*.
- e) Applicants with the Town are eligible to apply for funding under this program provided the following requirements are met:
  - i. Both the pre-construction and post-construction property assessments are established and certified by the Municipal Property Assessment Corporation (MPAC) at the time of application.
  - ii. The cost of the environmental clean-up is identified and certified;
- f) The tax increment is calculated based on the difference between the “pre-construction” municipal taxes and the “post-construction” municipal taxes (the calculation is for the municipal portion of taxes only. The education component of property taxes must be paid in full).The difference in municipal taxes is the portion eligible for a full or partial tax

increment based grant to off-set- eligible costs. This grant is available for a set time period set out in the brownfield agreement between the Town and the land owner.

- g) To be eligible for a tax increment grant the remediation and redevelopment of the eligible property must result in an increase in assessed value and property tax revenues for that property.
- h) The tax increment grant is provided to the property owner annually after all real property taxes have been paid. Once approval is given by Council, a by-law is passed and all applicable agreements are entered into, the Owner will receive an annual grant from the Municipality in accordance with the following formula, commencing the year the property is occupied after remediation and redevelopment:
  - i. year one, 100% of the value of the tax increment;
  - ii. year two, 75% of the value of the tax increment;
  - iii. year three, 50% of the value of the tax increment;
  - iv. year four, 25% of the value of the tax increment;In year five, the Owner shall no longer receive tax increment grants.
- i) The property tax increment program would apply for a four year period as set out in an agreement with the Town and the landowner
- j) The total of all grants provided under this program shall not exceed the total of eligible costs.
- k) Should the property owner default on any of the conditions outlined in the Agreement, the tax assistance provided (plus interest) will become payable to the Town.
- l) The property tax increment grant will be paid to the owner of eligible property. The owner of eligible property may assign the entitlement to receive the grant to any person. The Town will only pay grants to eligible property owners, unless the eligible property owner has provided the Town with a written assignment and direction to pay the grant to another person. The Town shall not be responsible for payments made in accordance with the Plan and/or any written assignment provided by the owner.

#### 5.86.8 Application and Approval Process – Area “B”

- a) Applicants are required to complete the applicable application form, which must be accompanied by the documentation outlined in the application. The application may require the submission of some or all of the following. The Town reserves the right to request additional documentation or information:
  - i. Phase II ESA by a Qualified Person that determines that the property does not meet the standards under Section 168.4(1) of the Environmental Protection Act to permit a Record of Site Condition (RSC) to be filed in the Environmental Site Registry;
  - ii. A description of the planned development along with a timeline for completion and an assessment of Planning Act or other approvals required to proceed;

- iii. An estimate of all eligible costs and where possible supporting documentation related to those costs;
- iv. A pre-construction property assessment confirmed by the Municipal Property Assessment Corporation (MPAC).
- b) A minimum of three quotes are required for the requested works (Study Phase).
- c) Applicants are required to obtain all necessary building or work permits.
- d) Application may be circulated to any internal departments for review and comment.
- e) If the application meets all relevant criteria, the Review Committee may recommend approval of the application to Council.
- f) Upon approval by Council, the applicant will be required to sign a site specific agreement between the Owner and the Town. Council will approve or refuse any incentive or combination of incentives.
- g) Upon completion of the remediation, the applicant must file a Record of Site Condition (RSC) with the Ministry of Environment, with a copy to the Town.
- h) The applicant must pay for all work performed for which an incentive is sought and submit proof of payment to the Town along with two (2) copies of the completed study and all other required documentation.

## **7.0 MONITORING PROGRAM**

The CIP is intended to provide a proactive approach to the redevelopment of property within the Town of Gananoque. The CIP is an opportunity for job retention and creation, increased tax assessment. The Town will monitor:

- i. Jobs created/maintained
- ii. Approved applications
- iii. Unapproved applications and the reasons
- iv. Increase in municipal property tax
- v. Compile participant comments on their experience
- vi. Monitor visual appearance of the community

## **8.0 MARKETING THE CIP**

The successful implementation of the CIP depends on the ability of the initiatives and funding opportunities to be effectively communicated to property owners, business owners, and community organizations.

## **9.0 AMENDMENTS TO THE CIP**

As the plan is implemented, the Plan may be refined to best meet the goals and objectives outlined in this plan. The programs may be altered at any time without an amendment to the plan. An expansion of the CIP area or an increase to the value of the financial programs would require amendment of the Plan in accordance with Section 28 of the Planning Act.

## **10.0 REVIEW OF THE CIP**

This CIP will be valid for five years from the date of Council adoption. The Town will have an opportunity to review the plan and bring forward recommendations prior to the lapsing of the five year period as to whether the program should continue. The program may be renewed for a maximum of 3 (three) years by bylaw.

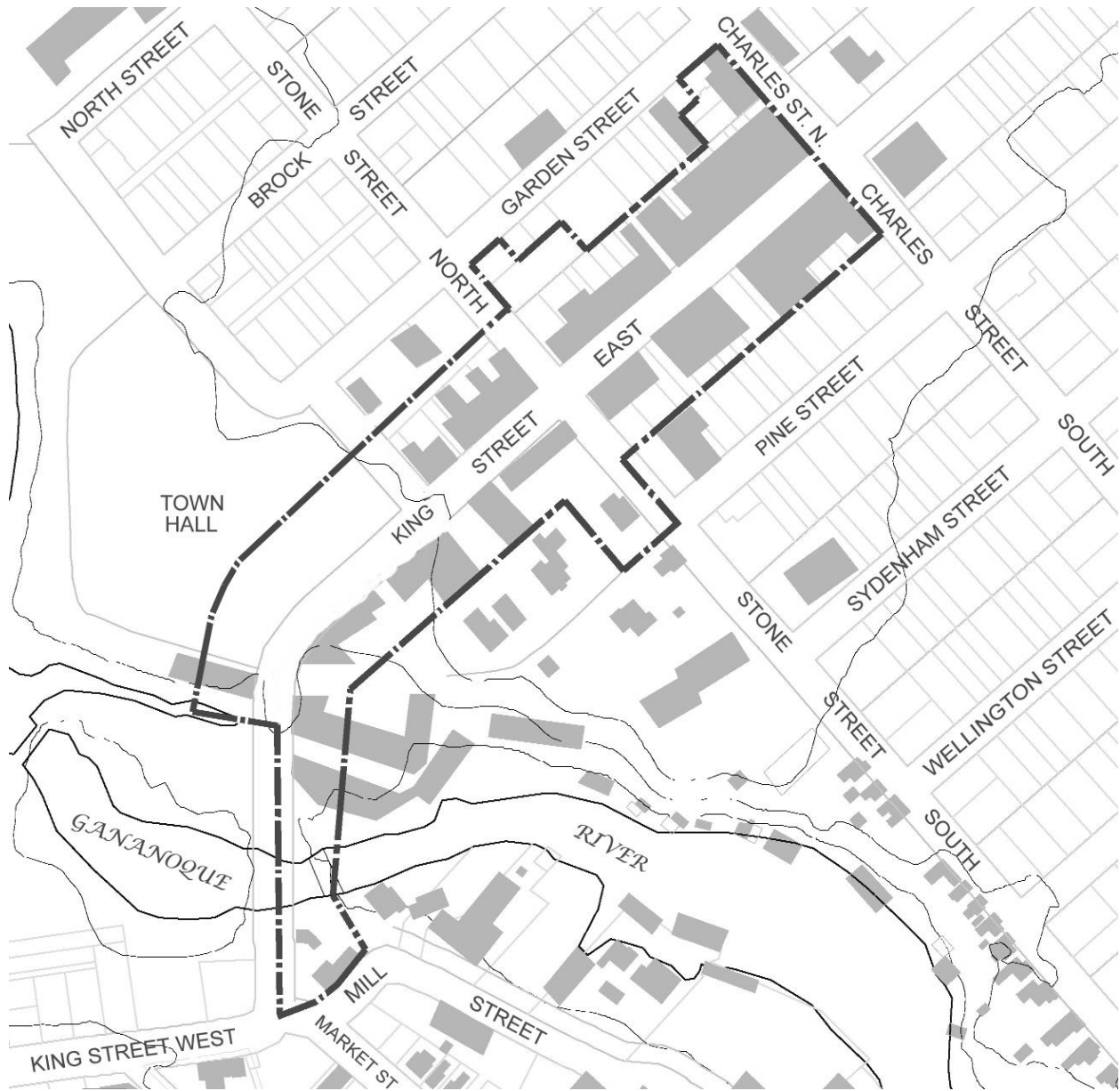
# 11.0 DEFINITIONS

- a. **Agreement** shall mean the terms, duration and default provisions of the tax assistance between the property owner and the Town. This Agreement is also subject to approval by Council.
- b. **Applicant** shall mean the registered owner, and may include the assessed owner and tenants of lands and buildings within the community improvement project area and any person to whom such an owner or tenant has assigned the right to receive a grant or loan.
- c. **Brownfield** shall mean vacant or underused sites with potential for redevelopment. They may be contaminated, often due to former industrial or commercial use.
- d. **Contaminated Lands** shall mean situations where elevated levels of contaminants are present in land due to industrial use, waste disposal, accidents or spillages, aerial deposition or migration of contaminants from adjacent areas. Land may also be affected by contamination due to the presence of naturally occurring substances
- e. **Development Period** means, with respect to an eligible property, the period of time starting on the date the rehabilitation period ends and ending on the earlier of,
  - a. the date specified in the bylaw, or
  - b. the date that the tax assistance provided for the property equals the sum of the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under Section 168 of the Environmental Protection Act, and the cost of complying with any certificate of property use issued under Section 168 of the Environmental Protection Act.
- f. **Eligible Costs** shall mean costs including the cost of materials, equipment, and contracted labour as more particularly described in each program within the CIP.
- g. **Owner** means the registered Owner of the Lands and includes any successors or assigns.
- h. **Phase I ESA** is the study conducted to determine the likelihood that one or more contaminants have affected all or part of a property. The specific requirements for carrying out a Phase I ESA are set out in Part VII of the Ontario Regulation 153/04 (Record of Site Condition: A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition, MOE, 2004).
- i. **Phase II ESA** is the study conducted to determine the location and concentration of one or more contaminants in the natural environment. The specific requirements for carrying out a Phase II ESA are set out in Part VIII of the Ontario Regulation 153/04 (Record of Site Condition: A Guide on Site Assessment, the Clean-up of Brownfield Sites and the Filing of Records of Site Condition, MOE, 2004).
- j. **Post Construction** shall mean the established assessment as certified by MPAC estimating the assessment value of the completed project.
- k. **Pre Construction** shall mean the established assessment as certified by MPAC estimating at the time of the application of the Property Tax Increment Program.
- l. **Qualified Person** shall mean a qualified person (QP) who may conduct or supervise an environmental site assessment (ESA) to be used in support of the submission of a record of site condition (RSC) is defined under Ontario Regulation 153/04 as someone:
  - a. Who holds a licence, limited licence or temporary licence under the Professional Engineers Act; or,
  - b. Who holds a certificate of registration under the Professional Geoscientists Act, 2000 and is a practising member, temporary member or limited member of the Association of Professional Geoscientists of Ontario.

- m. **Record of Site Condition (RSC)** shall mean a document filed in the Environmental Site Registry (ESR). It is a report documenting the results of one or more environmental site assessments (ESAs) of a property conducted or supervised by a qualified person as defined in the Regulation). The RSC will either confirm that there is no evidence of contaminants at the property that would interfere with any future use of the property or that contaminants at the property do not exceed certain concentration limits (standards). The standards are set based on the intended use (residential, commercial, etc.) of the property and on certain physical characteristics of the property. Where the RSC involves standards, the RSC would confirm that the standards for the intended use had been met.
- n. **Rehabilitation** shall mean any effort that result in the productive reuse of lands or buildings within the community improvement project area.
- o. **Rehabilitation period** shall mean, with respect to the eligible property, the period of time starting on the date on which the bylaw providing tax assistance for the property is passed and ending on the earliest of:
  - a. The date that is 18 months after the date that the tax assistance begins to be provided;
    - i. The date that a Record of Site Condition (RSC) for the property is filed in the Environmental site Registry under Section 168 of the Environmental Protection Act; and
    - ii. The date that the tax assistance provided of the property equals the sum of the cost of any action taken to reduce the concentration of contaminants on, in or under the property to permit a record of site condition to be filed in the Environmental Site Registry under Section 168 of the Environmental Protection Act, and the cost of complying with any certificate of property use issued under Section 168 of the Environmental Protection Act.
- p. **Tax Cancellation** means the cancelling of the increase in tax liability.
- q. **Town** means the Corporation of the Town of Gananoque.



**SCHEDULE A-1 AND SCHEDULE A-2 – DOWNTOWN CIP AREA**





SCHEDULE B – AREA A-3\* AND BROWNFIELD CIP AREA



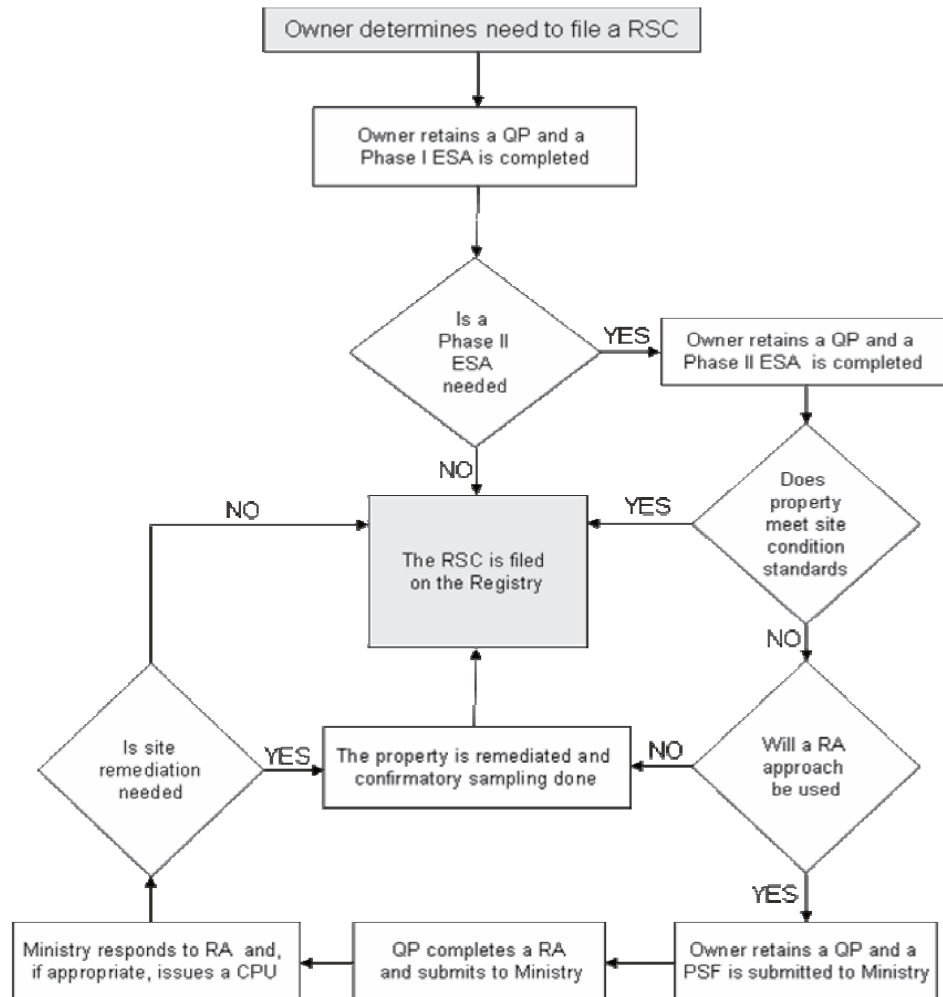
\*Schedule A-3 does not include lands designated Residential

## SCHEDULE C – SUMMARY OF PROGRAMS

Incentive	Summary Details
Downtown Facade Improvement Grant	One time grant up to 50% Maximum \$3,000
Downtown Interior Improvement Residential - Grant	One time grant up to 50% Maximum \$1,000
Downtown Interior Improvement Commercial - Grant	One time grant up to 50% Maximum \$2,000
Downtown Accessibility Improvement Grant	One time grant up to 50% Maximum \$3,000
Downtown Business Improvement Loan	Interest free loan to a maximum of \$10,000 payable over 5 years
Permit/Application Fees Grant	One time grant up to \$500
<a href="#">Business Improvement – COVID-Recovery</a>	<a href="#">One time grant up to 50% Maximum \$1,000</a>
<a href="#">Business Improvement – COVID-Recovery</a>	<a href="#">Interest free loan to a maximum of \$5,000 payable over 5 years</a>
Brownfield Development Grant – Phase I	One time grant up to 50% Maximum \$5,000
Brownfield Development Grant – Phase II	One time grant up to 50% Maximum \$10,000
Brownfield Development Tax Assistance Program	Tax increment grant paid over four years, with a decreasing value
	Cancellation of the education property tax increase up to 3 years, if approved by the Minister of Finance
Brownfield Development Tax Assistance Program	Tax break with escalating scale over 4 years
Application and Permit Fee Grant	One time grant maximum \$500

## SCHEDULE D – RECORD OF SITE CONDITION

**Figure 1: Overview of the RSC Process**



Notes for Figure 1:

1. “CPU” means a certificate of property use
2. “ESA” means an environmental site assessment
3. “Ministry” means Ministry of the Environment
4. “PSF” means a pre-submission form
5. “QP” means a qualified person
6. “RA” means risk assessment
7. “RSC” means a record of site condition

## SCHEDULE E – SUMMARY OF TAX INCENTIVE

### Example of Tax Incentives:

From Vacant Commercial (CX) assessment \$200,000

To Residential (RT) \$1,000,000 and New Commercial (XT)\$3,000,000

	Assessment	Total Taxes	Municipal Tax Incentive	Provincial Tax Incentive Education Tax	Net Tax Owning
Tax Cancellation Year 1	CX \$200,000	\$5,516	\$3,094	\$2,422	\$0
Tax Cancellation Year 2	CX \$200,000	\$5,681	\$3,186	\$2,495	\$0
Tax Cancellation Year 3	CX \$200,000	\$5,852	\$3,277	\$2,575	\$0
Tax Escalation Year 1	RT \$1,000,000 CT \$3,000,000	\$127,355	\$82,780 100%	\$0	\$44,575
Tax Escalation Year 2	RT \$1,000,000 CT \$3,000,000	\$131,175	\$63,948 75%	\$0	\$67,227
Tax Escalation Year 3	RT \$1,000,000 CT \$3,000,000	\$135,111	\$43,910 50%	\$0	\$91,201
Tax Escalation Year 4	RT \$1,000,000 CT \$3,000,000	\$139,164	\$22,614 25%	\$0	\$116,550
Total		\$549,854	\$222,809	\$7,492	\$319,553

Any cancellation /reduction in Education Tax is subject to the Minister of Finance approval.

**THE CORPORATION OF THE TOWN OF GANANOQUE  
BY-LAW NO. 2020-079**

---

**BEING A BY-LAW TO RE-ESTABLISH A COMMUNITY IMPROVEMENT PLAN (CIP)  
FOR THE TOWN OF GANANOQUE**

---

**WHEREAS** by Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, provides that the powers of every Council are to be exercised by By-law;

**AND WHEREAS** the *Planning Act*, Part IV, Section 28, authorizes a Council of a municipality to pass a by-law adopting a Community Improvement Plan designating a whole or part of an area of the municipality as a Community Improvement Area;

**AND WHEREAS** Section 106 (1) of the *Municipal Act*, states that a municipality shall not assist directly or indirectly any manufacturing business or other industrial or commercial enterprise through the granting of bonuses;

**AND WHEREAS** Section 106 (3) of the *Municipal Act*, provides an exception to providing assistance to businesses for the purpose of providing a Community Improvement Plan adopted under the authority of the *Planning Act* or under Section 365.1 of the *Municipal Act*;

**AND WHEREAS** Section 365.1 of the *Municipal Act*, give authority to a municipality to adopt a Community Improvement Plan which provides financial assistance to eligible property owners;

**AND WHEREAS** on August 14, 2012, the Council of the Town of Gananoque passed By-law No. 2012-034, being a By-law to adopt a Community Improvement Program (CIP) for the Downtown and Brownfield designation which has self-expired;

**AND WHEREAS** the Council of the Town of Gananoque received Council Report PD-2020-15, and concurs with its recommendation to implement a Community Improvement Plan (CIP) for the Town of Gananoque, subject to the approval of the Ministry of Municipal Affairs and Housing (MMAH);

**AND WHEREAS** the Council of the Corporation of the Town of Gananoque deems it appropriate to pass such a By-law.

**NOW THEREFORE** be it resolved that the Council of the Corporation of the Town of Gananoque enacts as follows:

**1. AUTHORIZATION:**

- 1.1. That Council hereby adopts the Community Improvement Plan attached hereto as Schedule 'A', and forming part of this By-law.

**2. EFFECTIVE DATE:**

- 2.1. This By-law shall come into full force and effect upon the date of approval by the Ministry of Municipal Affairs and Housing (MMAH), and shall remain in full force and effect for a five (5) year period with the exception of COVID-Recovery – Schedule A-3 which shall expire on December 31, 2020.

Read a first, second and third time and finally passed this 30<sup>th</sup> day of June, 2020

---

Ted Lojko, Mayor

---

Shellee Fournier, Deputy Clerk

(Seal)

**THE CORPORATION OF THE TOWN OF GANANOQUE  
BY-LAW NO. 2020-080**

---

**BEING A BY-LAW TO AMEND THE DELEGATION OF COUNCIL POWERS AND  
DUTIES POLICY BY-LAW NO. 2017-012, EXPAND THE DELEGATION OF  
AUTHORITY FOR THE COMMUNITY IMPROVEMENT PLAN (CIP) FOR THE  
MANAGER OF PLANNING AND DEVELOPMENT TO INCLUDE THE COVID-19  
SCHEDULE A-3**

---

**WHEREAS** by Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, provides that the powers of every Council are to be exercised by By-law;

**AND WHEREAS** Section 270 of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, provides that a municipality may delegate its powers and duties to a person or body subject to the restrictions set out in the Act;

**AND WHEREAS** in accordance with Section 270 of the *Municipal Act*, 2001, S.O. 2001, Chapter 25, the Council of The Town of Gananoque established a Policy to delegate its powers and duties to persons or bodies, subject to restrictions set out in the Act;

**AND WHEREAS** the Council of the Town of Gananoque received Council Report PD-2020-15, and concurs with its recommendation to expand the Delegation of Authority for the Community Improvement Plan (CIP) for the Manager of Planning and Development to include the COVID-19 Schedule A-3;

**AND WHEREAS** the Council of the Corporation of the Town of Gananoque deems it appropriate to pass such a By-law.

**NOW THEREFORE** be it resolved that the Council of the Corporation of the Town of Gananoque enacts as follows:

**1. AUTHORIZATION:**

1.1. That By-law No. 2017-012, be hereby amended to remove and replace with the Schedule 'A', attached hereto and forming part of this By-law.

**2. REPEAL**

2.1. That any by-law inconsistent with this By-law, specifically referencing Schedule 'A', is hereby repealed.

**3. EFFECTIVE DATE:**

3.1. This By-law shall come into full force and effect on the date it is passed by Council.

Read a first, second and third time and finally passed this 30<sup>th</sup> day of June, 2020

---

Ted Lojko, Mayor

---

Shellee Fournier, Deputy Clerk

(Seal)

<b>Delegation of Council Powers and Duties</b>			
<b>Authority</b>	Council		
<b>Establishing By-law No.</b>	2017-012	<b>Amending By-law No.</b>	2020-079

**PURPOSE**

Section 270 of the *Municipal Act* S.O. 2001, as amended, requires that a municipality adopt and maintain a policy with respect to the delegation of municipal powers and duties.

The Council of the Town of Gananoque recognizes that it is directly responsible for all municipal powers and duties as legislated under the *Municipal Act* S.O. 2001 as amended and recognizes that the delegation of powers and duties does not absolve the Council of their responsibility.

In determining the delegation of its powers and duties, Council shall abide by the legislative restrictions and obligations, and shall ensure that such delegation will be accomplished maintaining the principles of accountability and transparency.

**DEFINITIONS**

- (a) *Legislative Powers* – Includes all matters where Council acts in a legislative or quasi-judicial function including enacting by-laws, setting policies, and exercising decision-making authority.
- (b) *Administrative Powers* – Includes all matters required for the management of the corporation that do not involve discretionary decision-making.

**POLICY STATEMENT**

Council, as a duly elected municipal government, is directly accountable to its constituents for its legislative decision-making, policies, and administrative powers. Council’s decisions are generally expressed by by-law or motion of Council carried by a majority vote. The efficient management of the Town and the need to respond to issues in a timely fashion require Council to entrust certain powers and duties to committees and staff while concurrently maintaining accountability, which can be effectively accomplished through the delegation of legislative and administrative functions. Council authority will be delegated within the context set out in the Act and will respect the applicable restrictions outlined in the Act.

## **POLICY REQUIREMENTS**

Town Council supports the delegation of powers and duties to provide efficient management of municipal operations and to respond to matters in a timely fashion. The following shall be the general rules and guidelines relative to the delegation of Council powers and duties:

- 1) All delegation of powers and duties that are made by Council on or after the date of this By-law comes into force shall be made:
  - a) In accordance with sections 23.1 to 23.5 of the *Municipal Act* S.O. 2001 inclusive, or with any other applicable legal requirement;
  - b) By resolution confirmed by by-law or by-law alone.
- 2) Unless otherwise specified, a delegation of power or duty to any officer or employee of the Town includes a delegation to a person who is appointed by the Chief Administrative Officer or by the delegate to act in the capacity of the delegate in their absence.
- 3) Council shall not delegate any of the following powers and duties:
  - a) The power to appoint or remove from office an officer of the Town whose appointment is required by the *Municipal Act*, S.O. 2001.
  - b) The power to pass a by-law under Parts VIII, IX and X of the *Municipal Act* S.O. 2001.
  - c) The power to incorporate corporations in accordance with section 203 of the *Municipal Act* S.O. 2001.
  - d) The power to adopt an Official Plan, Zoning by-law, Development Permit System, or amendments to any of the aforementioned under the *Planning Act*.
  - e) The power to pass a by-law under subsections 108 (1) and (2) and 110 (3), (6) and (7) of the *Municipal Act* S.O. 2001.
  - f) The power to adopt a community improvement plan under section 28 of the *Planning Act*, if the plan includes provisions that authorize the exercise of any power under subsection 38 (6) or (7) of that Act or under section 365.1 of the *Municipal Act* S.O. 2001.
  - g) The power to adopt or amend the budget of the Town.
  - h) Any other power or duty that may be prescribed under paragraph 23.3 (1) 9 of the *Municipal Act*, 2001.



**Contraventions**

The Chief Administrative Officer shall be responsible for receiving complaints and/or concerns related to this policy. Upon receipt of a complaint and/or concern, the Chief Administrative Officer shall notify Council.

**Responsibilities**

Town staff is responsible for adhering to the parameters of this policy and for ensuring appropriate application of the delegated authority.

Delegate Authority	Delegated To	Relevant Legislated	Rationale
Authority for the execution of Town minutes, by-laws, agreements, etc.	Mayor and Clerk, or designates	Section 23.1 (1) of the <i>Municipal Act</i> , 2001, S. O. 2001, c. 25	The Mayor and Clerk are the designate signing authorities for the Town of Gananoque; with the exclusion of bank financial
Hire/Dismiss all employees, save and except Directors/Officers, in accordance with the Human Resource Policy Manual, Provincial Statutes, and the annual Budget.	Chief Administrative Officer or Designate	Directors/Officers in accordance with the Human Resources Policy Manual, the annual budget, and Provincial Statutes.	Considered to be in compliance with the Human Resources Manual; and/or Officers appointed under the Authority of Provincial Statutes.
When the Restricted Acts Section in the <i>Municipal Act</i> applies after Nomination Day ("Lame Duck" Council), authority shall be granted from Nomination Day through to the Inauguration of the new Council to the Chief Administrative Officer to appoint or remove from office any officer/manager of the municipality.	Chief Administrative Officer or Designate	Section 275(6) of the <i>Municipal Act</i> , 2001	The new longer lame duck period could limit the duration of the Town being without legislated officers and/or managers thereby affecting operations.
When the Restricted Acts Section in the <i>Municipal Act</i> applies after Nomination Day ("Lame Duck" Council), authority shall be granted from Nomination Day through to the Inauguration of the new Council to the Chief Administrative Officer to be the financial signing authority for expenditures, outside the current budget, exceeding \$50,000 and/or for the disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal.	Chief Administrative Officer or Designate	Section 275(6) of the <i>Municipal Act</i> , 2001	Section 275(6) of the <i>Municipal Act</i> provides that the authority of a municipality can be delegated to a person or body prior to Nomination Day for the election of the new Council. It is customary to delegate this authority to the Chief Administrative Officer (CAO).

<b>Delegate Authority</b>	<b>Delegated To</b>	<b>Relevant Legislated</b>	<b>Rationale</b>
When the Restricted Acts Council of the <i>Municipal Act</i> applies after Nomination Day ("Lame Duck" Council), authority shall be granted, from Nomination Day through to the Inauguration of the new Council, to the Chief Administrative Officer to sign an extension to any existing contract/agreement provided that the extension does not extend beyond <b>January 1<sup>st</sup> after</b> the inaugural meeting of Council and no additional costs are incurred by the Town.	Chief Administrative Officer or Designate	<i>Section 275(6) of the Municipal Act, 2001</i>	Considered an administrative matter
Authorize the Chief Administrative Officer to issue grant applications in favour of the Town.	Chief Administrative Officer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001, S. O. 2001, c. 25</i>	Applications for grant deadlines do not always match up with Council meetings this will provide the CAO with the authority to sign grant applications.
Authorize the Chief Administrative Officer to execute development confidentiality agreements.	Chief Administrative Officer or Designate	Section 23.1 (1) of the <i>Municipal Act, 2001, S. O. 2001, c. 25</i>	These are usually time sensitive requests that at times are difficult to match up with Council meeting timelines. Confidentiality agreements are required for certain types of development to protect the confidentiality of a potential development and restrict price gouging of property and protect trade secrets. They are typically used prior to the development of a site development agreement.
Authority be granted to approve Facility Rental Agreements.	Manager of Community Services	Section 23.1 (1) of the <i>Municipal Act, 2001, S. O. 2001, c. 25</i>	Considered an administrative matter

<b>Delegate Authority</b>	<b>Delegated To</b>	<b>Relevant Legislated</b>	<b>Rationale</b>
Authority be granted to execute/approve Special Event Applications on Town properties.	Manager of Community Services or Designate	Section 23.1 (1) of the <i>Municipal Act</i> , 2001, S. O. 2001, c. 25	Considered an administrative matter
Authority to temporarily approve road closures and establish parking bans for the purpose of conducting municipal operations and construction, reconstruction, festivals and events.	Manager of Public Works or Designate	Section 23.1 (1) of the <i>Municipal Act</i> , 2001, S. O. 2001, c. 25	Authority granted to ensure all future highway construction projects, festivals, emergencies, and events in the Town are appropriately designated and managed.
Authority may be designated to set a lower rate of speed for motor vehicles driven in a designated “construction zone” than is otherwise prescribed; and the rate of speed shall be marked by signs in accordance with regulations.	Manager of Public Works or Designate	Section 23.1 (1) of the <i>Municipal Act</i> , 2001, S. O. 2001, c. 25	Authority granted to ensure all future highway construction projects, festivals, emergencies, and events in the Town are appropriately designated and managed.
Authority be delegated to the Mayor and Clerk to execute the agreements related to the <i>Planning Act</i> R.S.O. 1990 for a Class I, Class II or Class III under the Development Permit By-law, as required and approved by the appropriate authority.	Mayor and Clerk, or Designates	<i>Planning Act</i> , and; Section 23.1 (1) of the <i>Municipal Act</i> , 2001, S. O. 2001, c. 25	To expedite the administrative functions of the Development Permit By-law as amended.
Authority to approve Class II applications under the Development Permit By-law.	Planning Advisory Committee	<i>Planning Act</i> , and; Section 23.1 (1) of the <i>Municipal Act</i> , 2001, S. O. 2001, c. 25	Authority to approve Class II applications as defined in the Development Permit By-law as amended.

Delegate Authority	Delegated To	Relevant Legislated	Rationale
<p>Authority to execute and approve Mobile Canteen Licences.</p>	<p>Manager of Planning &amp; Development and Clerk or Designates</p>	<p>Section 23.1 (1) of the <i>Municipal Act</i>, 2001, S. O. 2001, c. 25</p>	<p>Authority to approve Mobile Canteen Licences as per the Mobile Canteen By-law as amended.</p>
<p>Authority to approve Community Improvement applications for the Downtown Area for the Community Improvement Plan. This excludes Brownfield applications. (See By-law 2012-034 "Schedule A")</p> <p>In addition, authority to approve Community Improvement Plan (CIP) Applications for the COVID-19, Schedule A-3.</p> <p>In addition, authority be delegated to the Mayor and Clerk to execute the agreements related to the Planning Act R.S.O. 1990 for Community Improvement Plan, as required and approved by the appropriate authority.</p>	<p>Manager of Planning &amp; Development, Manager of Community Services, and; Treasurer, or Designates</p> <p>Manager of Planning &amp; Development</p> <p>Mayor and Clerk, or Designates</p>	<p><i>Planning Act</i>, and; Section 23.1 (1) of the <i>Municipal Act</i>, 2001</p>	<p>To expedite the administrative functions of the Community Improvement Plan By-law as amended.</p>
<p>Authority to Mayor and Clerk to execute extensions on approved agreements concerning grants that the Town has received from other agencies (Province etc.).</p>	<p>Mayor and Clerk, or Designates</p>	<p>Section 23.1 (1) of the <i>Municipal Act</i>, 2001, S. O. 2001, c. 25</p>	<p>Extension on funding agreements are to the Towns advantage. Generally initiated by other agencies when grant or loan program timelines are being extended.</p>
<p>Authority to the Mayor and Clerk to execute tax sale extension agreements upon the recommendation of the Treasurer.</p>	<p>Mayor and Clerk, or Designates</p>	<p>Section 23.1 (1) of the <i>Municipal Act</i>, 2001, S. O. 2001, c. 25</p>	<p>Tax sale extension agreements are to the Town's advantage.</p>

<b>Delegate Authority</b>	<b>Delegated To</b>	<b>Relevant Legislated</b>	<b>Rationale</b>
Authority to grant to the Treasurer vesting after a failed tax sale.	Treasurer	The Municipal Act, Section 379 (15 & 16), and; Property Tax Billing and Collection Policy	Expedite the administrative functions and to protect owner confidentiality.

DRAFT



# GANANOQUE

Council Report – RDS-2020-07

**Date:** June 30, 2020  **IN CAMERA**

**Subject:** IHC Decorative Street Lighting – Award for Material Supply

**Author:** Paul McMunn, Manager of Public Works  **OPEN SESSION**

---

**RECOMMENDATION:**

BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2020-073, BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN AN AGREEMENT WITH DALTCO ELECTRIC FOR THE SUPPLY AND DELIVERY OF A DECORATIVE STREET LIGHTING PACKAGE IN THE AMOUNT OF \$62,055.00 (PLUS HST), AS PRESENTED IN COUNCIL REPORT RDS-2020-07.

**STRATEGIC PLAN COMMENTS:**

Sector 6 – Governance – Strategic Initiative #4 - Town Council will ensure openness and transparency in its operations.

**BACKGROUND:**

The Town is responsible for the installation and maintenance of street lighting throughout town, whether it be street lighting within the municipal right of way, or throughout certain parks such as Joel Stone Park. As part of the agreement between the Town and RMP Construction, the Town is responsible for the installation and maintenance of street lighting on Water Street, Kate Street, St. Lawrence Street and Market Street.

Originally, prior to the commencement of the Island Harbor Club development, street lighting was in the form of cobra head fixtures mounted on arms on utility poles. As servicing to the development has been installed underground, utility poles have been removed. The overhead utility and associated poles have been removed on St. Lawrence Street by the Town to accommodate gaining width on the street for reconfiguration of the street to accommodate improved facilities for boat launching at the Lions Municipal Boat Launch.

**INFORMATION/DISCUSSION:**

Public Works Department – Roads Division staff issued a Request for Quotation via email to three (3) lighting suppliers on June 8<sup>th</sup>, 2020, with a closing date of June 15<sup>th</sup>, 2020 at 12:00 pm. Two (2) of the three (3) suppliers submitted prices and are listed in the table below with their corresponding bid prices.

<b>Company</b>	<b>Bid Price (excluding HST)</b>
Daltco Electric (Kingston)	\$62,055.00
Westburne Electric Supply	\$65,700.00

The poles are manufactured by LUMEC, are decorative and black in colour. The fixtures are LED, decorative and black in colour. There will be 15 decorative lights in total installed, bordering the streets around the Island Harbor Club. The lighting package is identical to the decorative lighting throughout Joel Stone Park. Of note, there is a 6-8 week lead-time for delivery of the lights once ordered. RMP Construction is currently arranging for the installation of new concrete curbing around the perimeter of the development, followed by concrete sidewalk installation. Following that work, the electrical contractor (to be determined) can then install the conduit and concrete bases for the streetlights.

**APPLICABLE POLICY/LEGISLATION:**

2020 Budget By-law No. 2020-001

**FINANCIAL CONSIDERATIONS:**

\$89,240 was approved in the 2020 Capital Budget for this project. The total expense for the streetlights will be \$63,147.17 with the Town's portion of the HST, leaving a balance of approximately \$26,000. The balance of \$26,000 will be allocated to the installation of the lighting package, for which has yet to be tendered, however staff are currently working on that document and should be issued in the next two (2) weeks.

**CONSULTATIONS:**

Melanie Kirkby, Treasurer

**ATTACHMENTS:**

Draft By-law No. 2020-073

<b>APPROVAL</b>	<p>_____</p> <p>Paul McMunn, Manager of Public Works</p> <p>_____</p> <p>Melanie Kirkby, Treasurer</p> <p>Certifies that unless otherwise provided for in this report the funds are contained within the approved Budgets and that the financial transactions are in compliance with Council's own policies and guidelines and the <i>Municipal Act</i> and regulations.</p> <p>_____</p> <p>Shellee Fournier, CAO</p>
-----------------	--



**THE CORPORATION OF THE TOWN OF GANANOQUE  
BY-LAW NO. 2020-073**

---

**BEING A BY-LAW TO AUTHORIZE THE MAYOR AND CLERK TO SIGN AN  
AGREEMENT WITH DALTCO ELECTRIC FOR THE SUPPLY AND DELIVERY OF A  
DECORATIVE STREET LIGHTING PACKAGE**

---

**WHEREAS** by Section 5 of the *Municipal Act*, 2001, S.O. 2001, c. 25, the powers of a municipal corporation are to be exercised by its Council;

**AND WHEREAS** the *Municipal Act*, 2001, S.O. 2001, c. 25, provides that the powers of every Council are to be exercised by By-law;

**AND WHEREAS** the Council of the Town of Gananoque received Council Report RDS-2020-07, and concurs with its recommendation to authorize the Mayor and Clerk to sign an Agreement with Daltco Electric for the supply and delivery of a decorative street lighting package, in the amount of \$62,055.00 (plus HST);

**AND WHEREAS** the Council of the Corporation of the Town of Gananoque deems it appropriate to pass such a By-law.

**NOW THEREFORE** be it resolved that the Council of the Corporation of the Town of Gananoque enacts as follows:

**1. AUTHORIZATION:**

1.1. That the Mayor and Clerk are hereby authorized to sign an Agreement with Daltco Electric for the supply and delivery of a decorative street lighting package, in the amount of \$62,055.00 (plus HST).

**2. SCHEDULE**

2.1. Attached to and forming part of this By-law is the Agreement with Daltco Electric, marked as Schedule 'A'.

**3. EFFECTIVE DATE:**

3.1. This By-law shall come into full force and effect on the date it is passed by Council.

Read a first, second and third time and finally passed this 30<sup>th</sup> day of June, 2020

---

Ted Lojko, Mayor

---

Penny Kelly

(Seal)



**MOTION / RESOLUTION OF COUNCIL**

<b>Date: June 30, 2020</b>	
<b>Subject: Confirming By-law – June 30, 2020</b>	
<b>Moved By:</b>	
<b>Seconded By:</b>	
<p>BE IT RESOLVED THAT THE COUNCIL OF THE TOWN OF GANANOQUE PASS BY-LAW NO. 2020-081, BEING A BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL AT ITS SPECIAL MEETING HELD ON JUNE 30<sup>TH</sup>, 2020, BE READ THREE TIMES AND FINALLY PASSED THIS 30<sup>TH</sup> DAY OF JUNE 2020.</p>	

Ayes \_\_\_\_\_ Nays \_\_\_\_\_

Carried: \_\_\_\_\_

Defeated: \_\_\_\_\_

Tabled/Postponed: \_\_\_\_\_

\_\_\_\_\_  
Ted Lojko, Mayor

MA s. 246 - When a recorded vote is requested, the Clerk will call for each Councillors vote (Aye or Nay), mark the recorded vote as indicated by the member, and announce whether the motion is carried or defeated. The Mayor will then sign the motion.

RECORDED VOTE:	Aye	Nay
Anderson, D.		
Haird, A.		
Harper, M.		
Kench, M.		
O'Connor, D.		
Osmond, D.		
Lojko, T.		
<b>TOTALS</b>		