MEETING: Committee of the Whole

DATE: Monday, April 15, 2019 Reference No. COW - 28/50

OPEN SESSION in S.H. Blake Memorial Auditorium at 6:30 p.m.

Committee of the Whole - Planning Services Session
Chair: Councillor T. Giertuga

DISCLOSURES OF INTEREST

CONFIRMATION OF AGENDA

Confirmation of Agenda - April 15, 2019 - Committee of the Whole

With respect to the April 15, 2019 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

PRESENTATIONS

Community Economic Development Commission (CEDC) presentation to Council on Tourism Services

Memorandum from Mr. D. Murray, CEO - CEDC, dated April 5, 2019 requesting an opportunity to provide a presentation relative to the Thunder Bay Community Economic Development Commission (CEDC) Tourism Services.

DEPUTATIONS

Westmoreland Company - Innova Park

Deputation request received from Ms. A. Rodebaugh, The Westmoreland Company Inc on March 27, 2019 requesting to appear before Committee relative to the purchase of additional land in Innova Park.

Soccer Northwest

Deputation request received from Ken Pytyck, SNO District Administrator relative to the above noted. (Distributed Separately)
REPORTS OF COMMITTEES

Thunder Bay Appeals Tribunal (Property Standards) Minutes

Minutes of Meeting No. 1-2019 of the City of Thunder Bay Appeals Tribunal (Property Standards) held on February 12, 2019, for information.

Heritage Advisory Committee Minutes

Minutes of Meeting No. 02-2019 of the Heritage Advisory Committee held on February 28, 2019, for information.

Lakehead Regional Conservation Authority Minutes

Lakehead Regional Conservation Authority Minutes for Meeting No. 2, held on February 27, 2019, for information.

REPORTS OF MUNICIPAL OFFICERS

Smoking By-law Amendment

Report No. R 53/2019 (Licensing & Enforcement), recommending that the City’s Smoking Prohibition By-law (Number 052-2010) be amended to include prohibitions for vaping (e-cigarettes) and cannabis.

With respect to Report No. 53/2019 (Licensing and Enforcement), we recommend that the City’s Smoking Prohibition By-law 052-2010 be amended to include prohibitions for vaping (e-cigarettes) and cannabis;

AND THAT any necessary by-laws be presented to City Council for ratification.

PETITIONS AND COMMUNICATIONS

Increase in Monthly Parking Fees

Memorandum from Mr. J. Paske, Supervisor - Parking Authority, dated April 5, 2019 containing a motion relative to increasing the monthly parking rates for surface lots and parkades.

With respect to the rates for monthly parking and surface lots for the City of Thunder Bay, we recommend that the monthly parking fee for surface lots be increased to $52.00 per month (HST included);

AND THAT the monthly parking fee for parkades be increased to $59.00 per month (HST included);
AND THAT these increases take effect June 1, 2019;
AND THAT any necessary by-laws be presented to City Council for ratification.

New One-Time Federal Gas Tax Funding

Memorandum from Mayor Bill Mauro relative to the above noted. (Distributed Separately).

NEW BUSINESS

ADJOURNMENT
MEETING DATE: 04/15/2019 (mm/dd/yyyy)

SUBJECT: Confirmation of Agenda

SUMMARY

Confirmation of Agenda - April 15, 2019 - Committee of the Whole

RECOMMENDATION

With respect to the April 15, 2019 Committee of the Whole meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.
<table>
<thead>
<tr>
<th><strong>MEETING DATE</strong></th>
<th>04/15/2019 (mm/dd/yyyy)</th>
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<tr>
<td><strong>SUBJECT</strong></td>
<td>Community Economic Development Commission (CEDC) presentation to Council on Tourism Services</td>
</tr>
</tbody>
</table>

**SUMMARY**

Memorandum from Mr. D. Murray, CEO - CEDC, dated April 5, 2019 requesting an opportunity to provide a presentation relative to The Thunder Bay Community Economic Development Commission (CEDC) Tourism Services.

**ATTACHMENTS**

1 Memorandum from Mr. D. Murray
Memo

To: John Hannam, City Clerk

From: Mr. T. Douglas Murray, CEO of Thunder Bay CEDC

Date: April 5, 2019

Re: The Thunder Bay Community Economic Development Commission (CEDC) presentation to Council on Tourism Services

Please accept this memo requesting an opportunity to provide a presentation relative to The Thunder Bay Community Economic Development Commission (CEDC) Tourism Services at the April 15, 2019 Committee of the Whole meeting.
MEETING DATE  04/15/2019 (mm/dd/yyyy)

SUBJECT  Westmoreland Company - Innova Park

SUMMARY

Deputation request received from Ms. A. Rodebaugh, The Westmoreland Company Inc on March 27, 2019 requesting to appear before Committee relative to the purchase of additional land in Innova Park.

ATTACHMENTS

1 Letter From Ms. A. Rodebaugh
March 27, 2019

VIA EMAIL DELIVERY (GStover@thunderbay.ca)

Mr. Gordon Stover, M.A.
Committee & Meeting Management System Coordinator
City of Thunder Bay
111 S. Syndicate Avenue
2nd Floor, Victoriaville Civic Centre
Thunder Bay, ON P7C 5K4

RE: Deputation Request
Lot 12 - Innova Business Park

Dear Mr. Stover:

Please allow this to serve as our formal Deputation Request for the City Council Meeting of April 15, 2019. Per the standard procedure, please see the information below:

1. Contact Information: The Westmoreland Company, Inc. on behalf of Westco Windsor, Inc.
   Jada R. Leo, President
   200 Randolph Avenue, Huntsville, AL 35801
   Phone: (256) 539-5533
   Fax: (256) 539-2053
   Email: jleo@westco.us with a copy to: amy.rodebaugh@westco.us

2. Names of Presenters: Jada R. Leo and Les R. Scrimshaw

3. Date Requested: April 15, 2019

4. Subject Matter: Currently Westco Windsor, Inc. has in place with the City of Thunder Bay an Agreement of Purchase and Sale for Lots 13, 14 and 15 in the Innova Business Park. The planned use for this property will be on a build-to-suit, lease-back basis. We propose to develop an approximately 13,000 sq. ft professional class industrial building for the end-user and lease that building back to
them while retaining ownership of the property and extensive improvements. In an effort to plan for the long-term, the end user has asked us to pursue the purchase of approximately 17 meters (+/-55 feet) of Lot 12 (abutting the property that we currently have under contract) within Innova Park. This additional property would provide the end user security for future growth potential of the building and employees. Because of the end user’s own substantial capital expenditure put into personal property within the building, this type of long-term planning and flexibility for the future is critical to them. At this time, we seek Council approval to purchase this additional +/-17 meters (+/-55 feet) under the same terms as provide in our current Agreement of Purchase and Sale.

5. Funding: N/A

6. Efforts to Date: Westco Windsor, Inc. has submitted a formal request to the Realty Services Department requesting to purchase this additional property.

7. Overview: It is our opinion that if the City could provide the opportunity for us to purchase this additional property now, it would help to provide security to the tenant which they very much desire and provide long-term property tax revenue and sustainable job growth.

Thank you for your consideration and we look forward to this opportunity.

Very truly yours,

THE WESTMORELAND COMPANY, INC.

BY: Jada R. Leo, President

cc: Les Scrimshaw
    Greg Dyer
    File
MEETING DATE  04/15/2019 (mm/dd/yyyy)

SUBJECT  Soccer Northwest

SUMMARY

Deputation request received from Ken Pytyck, SNO District Administrator relative to the above noted. (Distributed Separately)
MEETING DATE       04/15/2019 (mm/dd/yyyy)

SUBJECT         Thunder Bay Appeals Tribunal (Property Standards) Minutes

SUMMARY

Minutes of Meeting No. 1-2019 of the City of Thunder Bay Appeals Tribunal (Property Standards) held on February 12, 2019, for information.

ATTACHMENTS

1 Appeals Tribunal minutes Feb 12 2019
DATE: FEBRUARY 12, 2019
TIME: 12:52 P.M.
PLACE: MCNAUGHTON ROOM
3RD FLOOR CITY HALL
CHAIR: MR. TIM GROULX

PRESENT:
Mr. Tim Groulx
Ms. Melanie Mayhew-Hammond
Mr. Robin Rickards
Mr. Richard Togman

OFFICIALS:
Ms. Krista Power, Deputy City Clerk
Ms. Leanne Lavoie, Committee Coordinator
Ms. Francie O’Brien, Licensing & Enforcement Officer

APPELLANT:
Mr. Roy De Luca

DISCLOSURES OF INTEREST
There were no disclosures announced at this time.

INTRODUCTION
The Chair requested Ms. Krista Power, Deputy City Clerk to provide the committee with background and an overview of the original order.

The purpose of the hearing was to review the order on the property known municipally as 2242 Lacewood Drive, Plan 55M519, Lot 9, Thunder Bay, Ontario as adopted by By-law 066-2008, and the Building Code Act, S.O. 1992, c.23, for the maintenance and occupancy of property in the City of Thunder Bay. All of the work was to be completed by November 30, 2018.

Mr. Roy De Luca was appealing the order and requesting an extension to the completion date originally set at November 30, 2018.

OPENING STATEMENTS
The City of Thunder Bay was represented by Ms. Francie O’Brien, Licensing and Enforcement Officer. Ms. Francie O’Brien provided an overview of the steps taken to date relative to the above noted
property and provided photographs of the site under review. These pictures will be kept on file in the By-Law and Licensing Department as well as the City Clerk’s Office.

Mr. Roy De Luca, the appellant, detailed the reasons for this appeal.

The Chair asked the Committee for their comments, feedback and if they had any questions or concerns relative to this order.

The appellant responded to questions from the Committee.

Ms. Francie O’Brien responded to questions from the Committee.

**DECISION**

It was consensus of the Committee that Item #1 of the Property Standards Order be confirmed. It states that the appellant is to reconfigure downspout extension and sump pump pipe so that water is dispersed onto the appellant’s own property and does not deposit water or allow water to pond on any abutting Lands. This item was to be completed by November 30, 2018; However the Committee has amended the order to state that the work is to be completed by June 30, 2019.

Mr. Roy De Luca will receive a letter via registered mail with the new details of the order.

**ADJOURNMENT**

The meeting adjourned at 1:25 p.m.
MEETING DATE 04/15/2019 (mm/dd/yyyy)

SUBJECT Heritage Advisory Committee Minutes

SUMMARY

Minutes of Meeting No. 02-2019 of the Heritage Advisory Committee held on February 28, 2019, for information.

ATTACHMENTS

1 HAC minutes Feb 28 2019
1.0 DISCLOSURES OF INTEREST

None.

2.0 AGENDA APPROVAL

MOVED BY: Ms. D. Pallen
SECONDED BY: Mr. L. Hebert

With respect to the February 28, 2019 Heritage Advisory Committee meeting, we recommend that the agenda as printed, including any additional information and new business, be confirmed.

CARRIED

3.0 CONFIRMATION OF PREVIOUS MINUTES

The Minutes of the Heritage Advisory Committee Meeting No. 01-2019 held on January 24, 2019 to be confirmed.

MOVED BY: Ms. J. Bonazzo
SECONDED BY: Ms. S. Walker
THAT the Minutes of Meeting No. 01-2019 held on January 24, 2019 be confirmed.

CARRIED

4.0 ARLINGTON APARTMENTS 230 BRODIE STREET N.

At the December 13, 2018 HAC meeting, Mr. M. Tempelman, MET Services provided a presentation and responded to questions relative to the addition of exterior stairs at Arlington Apartments, 230 Brodie Street North, a designated heritage property.

At the January 24, 2019 meeting the inspection order dated May 29, 2018 and the proposed design of exterior stairs as presented on December 13th by Mr. M. Tempelman were discussed by Committee. It was the consensus of committee to request that the property owner submit alternative plans for exterior stairs to the fire marshal, and that the alternative plans have less impact on the significant heritage features of the building, and that the owner or their representative return to a HAC meeting for approval of the plans.

Letter to property owner, Mr. M. McKay, dated February 27, 2019 was distributed with agenda, for information.

5.0 DEASE POOL

Ms. L. Abthorpe, Heritage Researcher provided an update relative to cultural heritage property evaluation for Dease Pool.

Ms. L. Abthorpe and Mr. A. Cotter met to discuss the history of Dease Pool and to review Corporate Report No. R 124/2018 relative to Dease Pool and an engineering report from 2017 outlining issues with the pool.

Ms. L. Abthorpe, Mr. A. Cotter, Ms. K. Costa and Mr. D. Yahn will meet for further evaluation on March 8, 2019.

6.0 CITY OF THUNDER BAY ARTS & HERITAGE AWARDS

Mr. M. Szybalski, Corporate Records Manager & City Archivist provided information relative to sponsorship of the Arts & Heritage Awards.

MOVED BY: Mr. L. Hebert
SECONDED BY: Ms. D. Pallen
THAT the City of Thunder Bay Heritage Advisory Committee supports the 2019 Thunder Bay Arts & Heritage Awards event by providing a $1000 sponsorship.

CARRIED

Committee members provided updates relative to the following nominations submitted by HAC:

Doors Open 2018 for Cultural Festival or Event of the Year
Chronicle Journal for Cultural Sponsor of the Year
Chippewa Park Carousel for Achievement – Built Heritage
Bonnie McNulty for Achievement – Lifetime or Professional

The event is scheduled to take place on April 5, 2019 at Magnus Theatre.

7.0 COMMITTEE TERMS OF REFERENCE

Mr. M. Szybalski, Corporate Records Manager & City Archivist provided an update relative to the above-noted.

Corporate Report No. R 29/2019 Terms of Reference – Heritage Advisory Committee has been completed and is in review. It will be presented to City Council for approval at the March 25, 2019 Committee of the Whole meeting.

8.0 50th ANNIVERSARY CELEBRATION STEERING COMMITTEE

Mr. M. Szybalski, Corporate Records Manager & City Archivist provided the following information in an update relative to the above-noted:

- 50th Anniversary Celebration Steering Committee has been formed
- Committee Chair is Councillor S. Ch'ing
- Branding is in process
- Budget is being developed
- Planning a levee on January 1, 2020 and Lieutenant Governor will be invited
- For all of 2020, businesses and organizations will be encouraged to adopt a 50th anniversary theme for existing events or to create new events with a 50th anniversary theme
- Committee is in the process of choosing 50 great moments in the history of Thunder Bay, including a few quirky moments in addition to well-known ones

Mr. M. Szybalski invited committee members to suggest ideas.
Ms. L. Abthorpe, Heritage Researcher noted that Doors Open 2020 will have an amalgamation theme.

Ms. D. Pallen pointed out that Thunder Bay Historical Museum and Northwestern Ontario Sports Hall of Fame are combining forces to create pop-up posters with Thunder Bay history facts. They would like to partner with HAC on this project.

9.0 HERITAGE REGISTER

Ms. L. Abthorpe, Heritage Researcher provided a PowerPoint presentation entitled Heritage Register Potential Additions 2019.

The list of potential additions included:

- Paramount Theatre, 24 Court Street S.
- Alexander Henry
- Canadian Pacific Freight Office, 2200 Sleeping Giant Parkway
- Andrews Block, 204 Red River Road
- Old Perciante & Laprade, 9 Cumberland Street S.
- J.T. Emmerson Block, 17 Cumberland Street S.
- Aitkens Building, 325 Simpson Street
- International Friendship Garden, 102 Legion Track Drive
- Centennial Botanical Conservatory, 1601 Dease Street
- Copp Residence, 541 Christina Street E.
- Donald McKellar Residence, 400 Vickers Street S.
- Katie McKellar Residence, 410 Vickers Street S.
- Young Residence, 405 Selkirk Street S.

It was the consensus of Committee to begin with three properties, Paramount Theatre, Centennial Botanical Conservatory and Katie McKellar Residence. Ms. L. Abthorpe will provide a presentation at the April 25, 2019 HAC meeting and property owners will be invited to attend.

10.0 HERITAGE RESEARCHER UPDATE

Ms. L. Abthorpe, Heritage Researcher provided an update relative to the above-noted.

- Walleye article for March will be the former Polish Hall, 818 Spring Street
- Walleye article for April will be McKibbin House
- Doors Open/HAC presentation to City Council on January 28, 2019 was well received
11.0 HERITAGE ADVISORY COMMITTEE 4 YEAR STRATEGIC PLAN UPDATES

It was the consensus of Committee to wait for the release of Council’s 2019-2022 Strategic Plan, then follow their theme for HAC’s 4-year Strategic Plan.

12.0 NEW BUSINESS

12.1 St. Andrew’s Presbyterian Church

Mr. L. Hebert provided information about plans to honour those who contributed to the restoration of St. Andrew’s Presbyterian Church by painting their names on an interior wall. Committee members agreed that this is a wonderful way to honour them.

12.2 Chippewa Park Carousel

Ms. J. Bonazzo and Mr. D. Yahn provided an update relative to the restoration of the Chippewa Park Carousel.

- Fund raising is underway to support the restoration
- There is a campaign for major sponsors to name the horses
- Chippewa Park Carousel merchandise is for sale at Thunder Bay Country Market
- Restored horses have been on display around the City
- Centre panels will be replaced with new wood, but original panels will be on display
- Parts of the carousel will not be restored to original, but will be kept in the same style
- A new, smaller motor will be installed and the old, large motor will be on display

13.0 NEXT MEETING DATE

The next meeting is scheduled for Wednesday, April 3, 2019 at 5:00 p.m. in the McNaughton Room.

14.0 ADJOURNMENT

The meeting was adjourned at 6:48 p.m.
MEETING DATE  04/15/2019 (mm/dd/yyyy)

SUBJECT    Lakehead Regional Conservation Authority Minutes

SUMMARY

Lakehead Regional Conservation Authority Minutes for Meeting No. 2, held on February 27, 2019, for information.

ATTACHMENTS

1 LRCA Minutes - Feb 27 2019
Minutes of the Second Regular Meeting of the Lakehead Region Conservation Authority held on Wednesday, February 27, 2019, in the Authority Boardroom. The Chair called the Meeting to order at 4:30 p.m.

PRESENT:
Donna Blunt, Chair
Grant Arnold, Vice-Chair
Rudy Buitenhuis
Ed Chambers
Trevor Giertuga
Umed Panu
Jim Vezina
Allan Vis

REGRETS:
Erwin Butikofer
Andrew Foulds
Andrea Goold

ALSO PRESENT:
Tammy Cook, Chief Administrative Officer
Mark Ambrose, Finance Manager
Gail Willis, Watershed Manager
Ryne Gilliam, Field Operations Supervisor
Melanie O’Riley Receptionist/Admin Clerk, recorder of Minutes

1. ADOPTION OF AGENDA

Resolution #23/19

Moved by Ed Chambers, Seconded by Grant Arnold

"THAT: the Agenda is adopted as published." CARRIED.

2. DISCLOSURE OF INTEREST

None.
3. **MINUTES OF PREVIOUS MEETING**

Resolution #24/19

Moved by Grant Arnold, Seconded by Allan Vis

"**THAT: the Minutes of the Lakehead Region Conservation Authority 65th Annual Meeting held on Wednesday, January 30, 2019, together with the In-Camera portion are adopted as published.**" CARRIED.

4. **IN-CAMERA AGENDA**

Resolution #25/19

Moved by Allan Vis, Seconded by Ed Chambers

"**THAT: we now go into Committee of the Whole (In-Camera) at 4:32 p.m.**” CARRIED.

Resolution #26/19

Moved by Jim Vezina, Seconded by Grant Arnold

"**THAT: we go into Open Meeting at 4:40 p.m.**” CARRIED.

The purpose of the In-Camera Meeting pertained to property and legal matters.

5. **BUSINESS ARISING FROM PREVIOUS MINUTES**

(a) **Board Training**

Members were provided with a Board Training Schedule. The first session was held after the scheduled Board Meeting. Board Members were requested to bring their Board Member Reference Manuals to each session.

(b) **File: 2019 Budget and Levy – Appendix “A”**

Members reviewed and discussed the 2019 Budget and Levy.
Resolution #27/19

Moved by Allan Vis, Seconded by Ed Chambers

"THAT: the Lakehead Region Conservation Authority adopts the non-matching levy of $1,371,655 AND FURTHER THAT all member municipalities are designated as benefitting and pay $723,652 AND FURTHER THAT the City of Thunder Bay is designated as the sole-benefitting municipality for floodplain mapping projects in the City of Thunder Bay, Neebing-McIntyre Floodway projects and Kaministiquia River erosion projects and pays $634,053 AND FURTHER THAT the Municipality of Oliver Paipoonge is designated as sole-benefiting for a portion of the Kaministiquia River and Pennock Creek floodplain mapping projects and pays $13,950 AND FURTHER THAT each member municipality is to be advised of their apportionment of the non-matching levy." CARRIED.

Non-Matching Funds Levy Portion - Weighed Recorded Vote Results:

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<th>Vote %</th>
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<td>Dorion</td>
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<tr>
<td>Thunder Bay</td>
<td>Andrea Goold</td>
<td>12.50%</td>
<td>Absent</td>
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Resolution #28/19

Moved by Jim Vezina, Seconded by Allan Vis

"THAT: the Lakehead Region Conservation Authority adopts the matching levy of $292,380 AND FURTHER THAT all member municipalities are designating as benefitting AND FURTHER THAT each member municipality is to be advised of their apportionment of the matching levy.‖ CARRIED.

Resolution #29/19

Moved by Ed Chambers, Seconded by Allan Vis

"THAT: funds will be taken from the Vehicle and Equipment Reserve during 2019 to purchase a riding mower, two brush cutters, hand held blower and electric motor AND FURTHER THAT the estimated cost is $6,000.00." CARRIED.
Resolution #30/19

Moved by Umed Panu, Seconded by Rudy Buitenhuis

“THAT: funds will be taken from the Forest Management Reserve during 2019 for consultant fees and the annual tree subsidy AND FURTHER THAT the estimated cost is $12,500.00.” CARRIED.

Resolution #31/19

Moved by Rudy Buitenhuis, Seconded by Umed Panu

“THAT: the Lakehead Region Conservation Authority adopts the 2019 Budget Document, Version 2.0 for a total budget of $2,767,208.” CARRIED.

Members were advised that the levy notice to the member municipalities will be posted by registered mail as per the Conservation Authorities Act.

6. CORRESPONDENCE

(a) File: Conservation Ontario

The Conservation Ontario Minutes from Meeting #4/18 held on December 10, 2018, at Black Creek Pioneer Village were noted.

(b) File: Lakehead Conservation Foundation

The Minutes of the Lakehead Conservation Foundation Meeting dated November 5, 2018, which were adopted at their January 21, 2019 Meeting were noted.

(c) File: Complaint regarding unmaintained winter trails at Mission Island Marsh Conservation Area

Members reviewed and discussed a complaint received regarding un-maintained winter trails at Mission Island Marsh Conservation Area. Correspondence will be sent to the complainant stating trails are not maintained during the winter months, as well as an offer to appear before the Board to address the issue if so desired.

7. STAFF REPORTS

Members reviewed and discussed Staff Report KAMEC-01-2019, which summarized the 2019 update to the Kaministiquia River Operation, Maintenance and Surveillance Plan for Victor Broadway.
Resolution #32/19

Moved by Urned Panu, Seconded by Rudy Buitenhuis

"THAT: Staff Report KAMEC-01-2019 be received." CARRIED.

Members reviewed and discussed Staff Report FORMG-01-2019, related to the 2018 annual summary of activities on the Forest Management properties.

Resolution #33/19

Moved by Rudy Buitenhuis, Seconded by Urned Panu

"THAT: Staff Report FORMG-01-2019 be received." CARRIED.

Members reviewed and discussed Staff Report LM-01-2019 related to a registered mining claim at Granite Point.

Resolution #34/19

Moved by Urned Panu, Seconded by Rudy Buitenhuis

"THAT: Staff Report LM-01-2019 be received." CARRIED.

Members reviewed and discussed Staff Report FPMAP-01-2019, related to the Mosquito Creek Floodplain Mapping Update Project Commencement.

Resolution #35/19

Moved by Urned Panu, Seconded by Rudy Buitenhuis

"THAT: the proposal submitted by CDS Consulting for technical support services for the Mosquito Creek Floodplain Mapping Project dated February 7, 2019 is approved." CARRIED

Members reviewed and discussed Staff Report WM-01-2019, related to the LRCA’s support in nominating the Lake Superior to Lake of the Woods (LSLW) river route by taking on the role of River Manager for the Eastern Section.

Resolution #36/19

Moved by Rudy Buitenhuis, Seconded by Urned Panu

"THAT: Staff Report WM-01-2019 be received AND FURTHER THAT if the Boundary Waters Voyageur Waterway is amended to include Lake Superior to Lake of the Woods river route, the Lakehead Region Conservation Authority would take on the role of River Manager for the Eastern Section on the Kaministiquia River from Lake Superior to the French River." CARRIED.
8. **CHIEF ADMINISTRATIVE OFFICER’S REPORTS**

Members were provided with the monthly Treasurer’s Report for expenses and revenues for January plus totals to date for Administration, Capital and Vehicle and Equipment Program.

Members were provided with the final 2018 Treasurer’s Reports for expenses and revenues for the year ending December 31, 2018 for Administration and Capital.

It was noted that the Information and Privacy Commissioner had been advised that the Authority did not receive any Freedom of Information requests in 2018.

Members were provided with the 2019 LRCA Directory.

It was noted that no fee changes were proposed to the 2019 Summary of Fees.

9. **PASSING OF ACCOUNTS**

Resolution #37/19

Moved by Umed Panu, Seconded by Rudy Buitenhuis

“THAT: having examined the accounts for the period of January 1, 2019 to January 31, 2019 cheque #1538 to #1561 for $142,480.47 and preauthorized payments of $49,373.96 for a total of $191,854.43, we approve their payment.” **CARRIED.**

10. **REGULATORY ROLE**

The Plan Input and Review binder for the period from January 31, 2019 to February 27, 2019 was circulated.

The Permits issued under the Development, Interference with Wetlands and Alterations to Shorelines and Watercourses for the period January 31, 2019 to February 27, 2019, were circulated.

11. **PROJECTS UPDATE**

Members were provided with the written updates on on-going projects/activities as detailed in the Agenda.

It was noted that the 2019 Conservation Dinner and Auction was well attended and $18,500 was raised in net profit.

Members were advised the Lakehead Conservation Foundation (LCF) Annual General Meeting will be held on Monday, March 4, 2019.
Members were advised that Staff are currently planning the 2019 Dorion Birding Festival, which will occur on Saturday, May 25 and Sunday, May 26, 2019. Enbridge has committed to a donation of $3,500.00 towards the event, which will be utilized to offset the cost of meals and bussing.

Members were advised that the Authority has purchased four tickets to the North Shore Steelhead Association Dinner and Auction as they have been great supporters of the LRCA for a number of years. Two of the tickets will be used by Staff with two tickets available for interested Board Members.

Members were advised that Staff had attended a recent public open house related to ongoing efforts to remediate the North Harbour site. The steering committee is progressing with evaluating the options, one of which proposes to install a berm around the site, followed by capping the site with fill. Staff have advised Environment and Climate Change Canada (ECCC), that there is potential for available excess fill from maintenance dredging activities within the Neebing-McIntyre Floodway in future years. The volume of required fill far exceeds forecasted volumes from the Floodway; however, Floodway volumes may assist in sourcing required volumes if that option was selected. Additionally, ECCC was provided with a map of the Intake Protection Zones related to the adjacent Bare Point Water Treatment facility and were advised that any considered option must include methods to assess and monitor impacts to the Intake Protection Zone.

It was noted that the February 15th Snow Survey indicated above average snow depth and water content compared to average values typically recorded on that date.

12. NEW BUSINESS

None.

13. NEXT MEETING

Wednesday, March 27, 2019, at 4:30 p.m. followed by Board Member Training Session #2.

14. ADJOURNMENT

Resolution #38/19

Moved by Umed Panu, Seconded by Rudy Buitenhuys

“THAT: the time being 5:38 p.m. AND FURTHER THAT there being no further business THAT we adjourn.” CARRIED.

Chair

Second Regular LRCA Meeting Minutes – February 27, 2019
RECOMMENDATION

With respect to Report No. 53/2019 (Licensing and Enforcement), we recommend that the City’s Smoking Prohibition By-law 052-2010 be amended to included prohibitions for vaping (e-cigarettes) and cannabis;

AND THAT any necessary by-laws be presented to City Council for Resolution.

EXECUTIVE SUMMARY

This Report recommends for council approval, an amendment to By-law 052-2010 that prohibits tobacco smoking, to include prohibitions for smoking cannabis and the vaping (e-cigarettes) of any substance, be added to the By-law.

DISCUSSION

On October 17, 2018, the federal government legalized the use of “recreational” cannabis in Ontario. On the same day the province enacted and new version of the Smoke Free Ontario Act (S.O.F.A.) and repealed the 1994 version.

The effect of the new provincial legislation is to include cannabis smoking and strengthen the existing rules for tobacco and vaping (formerly under the Electronic Cigarettes Act). These new rules are significantly more restrictive on anyone wanting to smoke or vape in public but they are also accompanied by a new “communication onus” placed upon all employers, businesses, facility operators and others, including the City. Strict new rules (and penalties) have been put in place to ensure appropriate signage is erected and maintained and employees/businesses must now communicate with public users about smoking/vaping rules if contraventions are observed where regulations apply.
Enforcement of the S.F.O.A. legislation, both former and new, continues to remain the purview of the provincial S.F.O.A. Officers, whom actively work within the City. The Divisions’ Municipal Law Enforcement Officers, currently enforce compliance with the “stricter prohibitions” created in the original By-law 052-2010 toward tobacco violations only. The effect of this amendment, if approved in its present form, would be to simply expand the original intent of the by-law to include vaping (e-cigarettes) and cannabis; it is not to supplement a stricter provincial mandate with municipal staffing resources.

Administration has reviewed the new legislation in its entirety and, in addition to including vaping and cannabis amendments, it recommends maintaining the “additional prohibitions” (which remain more restrictive than the provinces’); summarized as follows:

1. 3m distance from entrance to enclosed workplace
2. 3m distance from unenclosed workplace
3. 3m distance from public food booths/stands
4. 3m distance from refreshment stand
5. 10m distance from beach (waterfront)

This Report recommends inclusions for vaping and cannabis only which will not significantly change the current role of Municipal Enforcement and the resources expended. Should council wish to consider broader roles and changes that may “mirror” the provincial legislation, then council should direct staff that a broader-ranging Report should be brought forward, so full consideration of all operational and financial implication, if any, may be undertaken in that review.

**FINANCIAL IMPLICATION**

The current compliment of Municipal Enforcement Officers already is charged with enforcing compliance with the tobacco related complaints for the stricter provisions set out in By-law 052-2010. The proposed amendments are not anticipated to create additional workload and could therefore be managed within the current staffing and budget allocations.

**BACKGROUND**

Tobacco sales have been regulated in Canada since 1908 (Tobacco Restraint Act); in 1963 Health Canada recognized the official “health” concerns of smoking in Canada but only enacted protective legislation for non-smoking federal workplaces, public travel on planes, ships and planes, in 1988. Soon after, Ontario started workplace regulations in 1990. The City has been passing By-laws related to smoking since 1981.

In 1994, the province passed sweeping legislation that “standardized” the wide-ranging by-laws across the provincial municipalities and created a “provincial” enforcement regime to regulate and control advertising, display, sale and use in Ontario. This move took the responsibility out of
municipal purview and clearly a health initiative under provincial mandate, including a provincial enforcement body that continues today.

In response to the provincial move, the City examined its By-law comparing it to the provincial rules and in 2010, repealed By-law 34-2004. In its place they passed a By-law 052-2010 that only contained additional, more restrictive prohibitions, that went beyond the provinces’ rules; this By-law is legal and enforceable by municipal Officers concerning tobacco only; vaping and the “recreational” use of cannabis did not exist when the By-law was enacted.

Then in 2013, an additional amendment (By-law 109-2013) was enacted to create more restrictive smoking prohibitions on the grounds of the Thunder Bay Regional Health Sciences Centre.

REFERENCE MATERIAL ATTACHED:

Attachment A – By-law 52-2010
Attachment B – By-Law 109-2013

PREPARED BY: Doug Vincent, Manager - Licensing & Enforcement

THIS REPORT SIGNED AND VERIFIED BY:
(NAME OF GENERAL MANAGER)

Mr. Mark Smith, General Manager – Development & Emergency Services

DATE:
April 8, 2019
Memorandum

TO: Sheelagh Hendrick, Deputy City Clerk
FROM: Jennifer Lohuis, Corporate Services Licensing & Enforcement, Development Services
DATE: April 29, 2010
SUBJECT: Smoking Prohibition

MEETING DATE: City Council - May 10, 2010

By-law Description: A By-law to repeal the City’s prior Smoking Prohibition By-law (Number 34-2004) and to enact a replacement by-law that contains only those prohibitions that are more restrictive than the ones set out in the Smoke Free Ontario Act, 1994 (S.O. 1994, c. 10, as amended).

Authorization: Report 2009.061 - Licensing & Enforcement Division - Committee of the Whole, April 20, 2009

By-law Explanation: A By-law to repeal the City’s prior Smoking Prohibition By-law (Number 34-2004) and to enact a replacement by-law that contains only those prohibitions that are more restrictive than the ones set out in the Smoke Free Ontario Act, 1994 (S.O. 1994, c. 10, as amended).

/BM
THE CORPORATION OF THE CITY OF THUNDER BAY

BY-LAW NUMBER 052-2010

A By-law to repeal the City’s prior Smoking Prohibition By-law (Number 34-2004) and to enact a replacement by-law that contains only those prohibitions that are more restrictive than the ones set out in the Smoke Free Ontario Act, 1994 (S.O. 1994, c. 10, as amended).

Recitals

1. By-law Number 34-2004 of The Corporation of the City of Thunder Bay was enacted after a municipal referendum, and prior to certain significant amendments to the Smoke Free Ontario Act, 1994. Since it has been amended, the legislation duplicates many of the provisions within the by-law.

2. Subsection 115(10) of the Municipal Act, 2001 (S.O. 2001, c. 25, as amended), provides that municipal by-laws prohibiting Smoking may contain provisions more restrictive than those in the legislation itself. Certain provisions in By-law 34-2004 are more restrictive than those in the legislation, and it is Council’s intention to retain those provisions.

3. Report 2009.061 was considered by Council in April 2009. Based on the recommendations in that Report, Council resolved to further restrict Smoking at entrances to Recreational Facilities, playgrounds and Beaches.

4. This By-law is passed under Section 115 of the Municipal Act, 2001 (S.O. 2001, c. 25, as amended), which authorizes Council to pass by-laws regulating the smoking of tobacco in public places and workplaces within the municipality and designating public places or workplaces as places in which smoking tobacco or holding lighted tobacco is prohibited.

5. It has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants and workers in Thunder Bay.

Accordingly, the Council of the Corporation of the City of Thunder Bay Enacts as follows:

Article 1.00: Interpretation

1.01 Definitions: Wherever a term set out below appears in the text of this By-law with its initial letters capitalized, the term is intended to have the meaning set out for it in this Section 1.01. Wherever a term below appears in the text of this By-law in regular case, it is intended to have the meaning ordinarily attributed to it in the English language.
(a) **Beach** means any waterfront area owned by the Corporation. A Beach may be surfaced with sand, rock, grass, pavement, wood or any other material. A Beach may be used for access to swimming, for active or passive recreation, for sight-seeing or for other enjoyment. The term includes any docks, piers, lookout decks, boardwalks or similar structures.

(b) **By-law** means this By-law, including its recitals which form an integral part of it, as amended from time to time.

(c) **Corporation** means The Corporation of the City of Thunder Bay, a municipal Corporation duly incorporated pursuant to the laws of the Province of Ontario.

(d) **Employee** means a person whose services are contracted for by an Employer. The term applies to any person, regardless of whether that person is remunerated or whether he or she provides the services as a volunteer. The term includes trainees.

(e) **Employer** means any person who contracts for the services of one or more persons, whether or not those persons are remunerated.

(f) **Enclosed** means surrounded by walls and a ceiling or roof. Windows and/or doors do not render an otherwise Enclosed premises Unenclosed.

(g) **Highway** means any street, lane, roadway or highway that is under the Corporation’s jurisdiction and has formally been opened to the public for vehicular travel.

(h) **Municipal Law Enforcement Officer** means any person duly appointed to enforce the provisions of this By-law, Tobacco Enforcement Officers of the Thunder Bay District Health Unit or any member of the Thunder Bay Police Service.

(i) **Playground Equipment** means any kind of structure or apparatus which is customarily found in a park-like setting and upon or around which a person may engage in play-like activities. Examples include structures intended for: swimming in, wading in, water play, climbing upon or through, swinging upon or within, hanging on, crawling through or on, jumping over or on, stepping along, across or on, for enjoyment or exercise. The term includes motorized playground structures such as amusement rides. The term does not include facilities for walking and biking trails, park fences, or trees.

(j) **Public Place** means the whole of an Unenclosed place or premises where persons other than the owner or occupier have access as of right or by invitation, expressed or implied. Unless excluded, a park owned by the Corporation is a Public Place. The term does not include Highways, golf courses or camping grounds.
(k) **Recreation Facility** means an Enclosed area owned or occupied by the Corporation which contains facilities, structures, and/or equipment (including Playground Equipment), used for entertainment and/or for recreation by the public. The term includes the Thunder Bay Community Auditorium, hockey arenas, community recreation centres, and buildings associated with recreation fields.

(l) **Smoke** means to smoke a Tobacco Product. The term includes the holding of lighted tobacco. **Smoking** has a corresponding meaning.

(m) **Tobacco Product** means products that contain or are made from tobacco and/or extracts of tobacco. Tobacco Products include, but are not limited to, cigarettes, cigars, cigarillos, pipe tobacco, loose-leaf tobacco, chewing tobacco, spit tobacco, snus and bidis.

(n) **Unenclosed** means not surrounded by walls and a ceiling or roof.

(o) **Work Place** means any one or more of the following:

   (i) an Enclosed place that Employees are required to attend within for any time duration as part of their employment duties;

   (ii) vehicles such as school buses, taxicabs, or public transportation vehicles;

   (iii) any Unenclosed but identifiable area where food or beverages are sold or consumed that is adjacent to, within, or operated in conjunction with, a Public Place;

   (iv) an Unenclosed booth or stand where food and beverages are sold or offered to the public;

   (v) the area within three (3m) metres of a refreshment vehicle located in a public place.

   (vi) a shaft, tunnel, caisson, or similar place that Employees are required to use in order to access any other place or vehicle meeting this definition; and

   (vii) all change rooms, wash rooms, lounges, corridors, eating areas, reception areas, elevators, escalators, stairwells, foyers, hallways, amenity areas, lobbies, laundry rooms and parking garages associated with any other place or vehicle meeting this definition.
1.02 **Construing this By-law:** The captions, article and section names and numbers appearing in this By-law are for convenience of reference only and have no effect on its interpretation. This By-law is to be read with all changes of gender or number required by the context. The words “include”, “includes”, “including” and “included” are not to be interpreted as restricting or modifying the words or phrases which precede or follow them.

**Article 2.00: Offences & Exemptions**

2.01 **Smoking in a Work Place:** It is an offence for a person to Smoke or to otherwise use Tobacco Products in a Work Place.

2.02 **Smoking near Entrance to Enclosed Work Place:** It is an offence for a person to Smoke or to otherwise use Tobacco Products within three (3) metres of the entrance to a Work Place.

2.03 **Smoking near Unenclosed Work Place:** It is an offence for a person to Smoke or to otherwise use Tobacco Products within three (3) metres, measured in any direction, of an Unenclosed Work Place.

2.04 **Tobacco Use near Entrance to Recreational Facilities:** It is an offence for a person to Smoke or to otherwise use Tobacco Products within a ten (10) metre radius of the entrance to a Recreational Facility.

2.05 **Recreation Facilities:** Section 2.04 prevails over Sections 2.02 and 2.03.

2.06 **Ensuring Compliance with 2.01, 2.02 and 2.03:** It is an offence for a person with temporary or permanent care and control of a Work Place to allow any person to contravene Section 2.01, Section 2.02 or Section 2.03 of this By-law.

2.07 **Tobacco Use near Municipal Playgrounds:** It is an offence for a person to Smoke or to use Tobacco Products within a ten (10) metre radius of any Playground Equipment that is located on land owned by the Corporation.

2.08 **Tobacco Use near Beaches:** It is an offence for a person to Smoke or to otherwise use Tobacco Products within a ten (10) metre distance from the edge of a Beach as determined in Section 2.09.

2.09 **Edge of Beach:** Where the water’s edge meets rock, grass, or forested area, the water’s edge is considered the edge of the Beach. Where the water’s edge meets sand, pavement, concrete, or gravel, the edge of the Beach is the endpoint of that surface material. The existence of a dock, deck, boardwalk, sidewalk, recreational trail or similar structure or facility within a Beach has no impact on the location of the edge of the Beach.
2.10 **Exemption for Highways:** This By-law does not apply to restrict or prohibit Smoking on a Highway, except within vehicles included in the definition of Work Place, pursuant to Subsection 115(3) of the *Municipal Act, 2001*.

2.11 **Exemption for Aboriginal Cultural and Spiritual Uses:** Nothing in this By-law prohibits any person from the use of a Tobacco Product as part of, and in connection with, traditional Aboriginal cultural or spiritual purposes.

2.12 **Exemption for Docked Watercraft:** Nothing in this By-law prohibits any person from the use of a Tobacco Product when that person is aboard a watercraft that is moored or tied. Other applicable law may prohibit such use at such time or place.

**Article 3.00: Enforcement & Penalties**

3.01 **Enforcement:** This By-law may be enforced by any Municipal Law Enforcement Officer.

3.02 **Penalties:** Every person who commits an offence under this By-law is, upon conviction, liable to a fine or penalty provided for offences under the *Smoke Free Ontario Act, 1994*, as if he or she had committed an offence under that Statute.

**Article 4.00: Miscellaneous Matters**

4.01 **Repeals:** By-law 34-2004 of the Corporation is repealed.

4.02 **Effective Date:** This By-law shall come into force and take effect on the first day of June, 2010.

Enacted and passed this 10th day of May, A.D. 2010 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Lynn Peterson
Mayor

Sheelagh Hendrick
Deputy City Clerk
TO: John S. Hannam, City Clerk
FROM: Patty Robinet, Deputy City Solicitor
Legal Services, City Solicitor & Corporate Counsel
DATE: October 21, 2013
SUBJECT: A by-law to amend By-law Number 052-2010, being a By-law to repeal the City’s prior Smoking Prohibition By-law (the "Smoking Prohibition By-law")

MEETING DATE: City Council - October 21, 2013

By-law Description: A by-law to amend By-law Number 052-2010, being a By-law to repeal the City’s prior Smoking Prohibition By-law (the "Smoking Prohibition By-law"), to further prohibit Smoking or the use of Tobacco Products on the grounds of the Thunder Bay Regional Health Sciences Centre


By-law Explanation: A by-law to amend By-law Number 052-2010, being a By-law to repeal the City’s prior Smoking Prohibition By-law (the "Smoking Prohibition By-law"), to further prohibit Smoking or the use of Tobacco Products on the grounds of the Thunder Bay Regional Health Sciences Centre

/AB
THE CORPORATION OF THE CITY OF THUNDER BAY

BY-LAW NUMBER 109-2013

A by-law to amend By-law Number 052-2010, being a By-law to repeal the City’s prior Smoking Prohibition By-law (the “Smoking Prohibition By-law”), to further prohibit Smoking or the use of Tobacco Products on the grounds of the Thunder Bay Regional Health Sciences Centre

Recitals

1. City Council authorized an amendment to By-law Number 052-2010, being a By-law to repeal the City’s prior Smoking Prohibition By-law (Number 34-2004) and to enact a replacement by-law that contains only those prohibitions that are more restrictive than the ones set out in the Smoke Free Ontario Act, 1994 (S.O. 1994, c. 10), as amended (the “Smoking Prohibition By-law”), by resolution, on September 30, 2013, to further prohibit Smoking or the use of Tobacco Products on the grounds of the Thunder Bay Regional Health Sciences Centre.

2. It has been determined that second-hand smoke is a serious health hazard because of its adverse effects and risk to the health of all of the inhabitants and workers in Thunder Bay.

3. It is desirable for the health, safety and well-being of the inhabitants of Thunder Bay to ensure and aid in the prohibition of Smoking and the use of Tobacco Products in accordance with the provisions of this amending by-law.

ACCORDINGLY, THE COUNCIL OF THE CORPORATION OF THE CITY OF THUNDER BAY ENACTS AS FOLLOWS:

1. THAT section 1.01, under the heading “Definitions”, is hereby amended by deleting section 1.01(b) in its entirety and replacing it with the following:

   (b) **By-law** means this By-law, including its schedules and recitals which form integral parts of it, as amended from time to time.

2. AND THAT section 1.01, under the heading “Definitions”, is hereby amended by inserting, directly after subsection 1.01(g), the following:

   (g.1) **Hospital** means the Thunder Bay Regional Health Science Centre located at 980 Oliver Road, Thunder Bay, as more particularly described by the drawn property line on the map attached to this By-law as Schedule “A”, including all related buildings, structures, property, parking lots, vehicles and conveyances within such property line.
3. AND THAT article 2.00, under the heading “Offences & Exemptions” is hereby amended by inserting, directly after subsection 2.09, the following:

2.09.1 No person shall Smoke or use Tobacco Products at the Hospital. This section prevails over Sections 2.02 and 2.03.

4. AND THAT Schedule “A” of this amending by-law be inserted and attached as Schedule “A” to the Smoking Prohibition By-law.

5. This By-law shall come into force and take effect on the date it is passed.

Enacted and passed this 21st day of October, A.D. 2013 as witnessed by the Seal of the Corporation and the hands of its proper Officers.

Keith Hobbs
Mayor

John S. Hannam
City Clerk
MEETING DATE  04/15/2019 (mm/dd/yyyy)

SUBJECT  Increase in Monthly Parking Fees

SUMMARY

Memorandum from Mr. J. Paske, Supervisor - Parking Authority, dated April 5, 2019 containing a motion relative to increasing the monthly parking rates for surface lots and parkades.

RECOMMENDATION

With respect to the rates for monthly parking and surface lots for the City of Thunder Bay, we recommend that the monthly parking fee for surface lots be increased to $52.00 per month (HST included);

AND THAT the monthly parking fee for parkades be increased to $59.00 per month (HST included);

AND THAT these increases take effect June 1, 2019;

AND THAT any necessary by-laws be presented to City Council for ratification.

ATTACHMENTS

1 Memo from J. Paske
MEMORANDUM

TO: Members of City Council

FROM: Jonathan Paske
Supervisor – Parking Authority

DATE: April 8, 2019

RE: Increase in Monthly Parking Fees

This memo is in response to the motion presented at the January 30, 2019 Committee of the Whole budget meeting to increase monthly parking fees which was referred to the Parking Authority Board for input and direction.

The current monthly surface lot rate is $49 and the current monthly parkade rate is $54. The amended motion called for an increase of $10 bringing the monthly surface lot rate to $59 and the monthly parkade rate to $64.

The Parking Authority Board was presented with comments from users and comparison rates from various local and other Ontario municipal parking facilities. Users expressed concern that an increase of that magnitude so quickly would negatively affect them. Other local monthly surface lot rates range from $21.67 to $55 and monthly parkade rates, both local and other municipal, range from $60 to $100. After discussion, the Board suggested a $3 increase to the monthly surface lot rate and a $5 increase to the monthly parkade rate, bringing them to $52 and $59 respectively in place of the suggested increase of $10 per month for both surface and parkade lots. A letter was submitted to the Waterfront BIA Board for comment, to which they responded with support and understanding.

The suggested increases would result in an estimated revenue increase of $62,100 annually. All parking rates will again be reviewed during the 2020 budget preparation.

Therefore, with respect to the monthly fees for parking in parkades and surface lots, the following recommendation is provided for your consideration.
With respect to the rates for monthly parking and surface lots for the City of Thunder Bay, we recommend that the monthly parking fee for surface lots be increased to $52.00 per month (HST included);

AND THAT the monthly parking fee for parkades be increased to $59.00 per month (HST included);

AND THAT these increases take effect June 1, 2019;

AND THAT any necessary by-laws be presented to City Council for ratification.

Sincerely,

Jonathan Paske, on behalf of the Parking Authority Board
Supervisor – Parking Authority
MEETING DATE 04/15/2019 (mm/dd/yyyy)

SUBJECT New One-Time Federal Gas Tax Funding

SUMMARY

Memorandum from Mayor Bill Mauro relative to the above noted. (Distributed Separately).