

STAFF REPORT: Office of The Chief Administrative Officer

REPORT TO: Council

MEETING DATE: August 27, 2012

REPORT NO.: CAO.12.05

SUBJECT: **Thornbury Business Improvement Area (BIA)**

PREPARED BY: Troy Speck
Chief Administrative Officer

A. Recommendation

THAT Council receive Report CAO.12.05 entitled “Thornbury Business Improvement Area (BIA)” for their information purposes; and

THAT Council accepts the resignations of the Directors of the Board of the Thornbury Business Improvement Area dated July 6, 2012, with regret, and rescinds all current appointments to the Board;

THAT Council hereby appoints all current members of Council for the Town of The Blue Mountains as the interim Board of the Thornbury Business Improvement Area, effective immediately;

THAT Council call, and direct staff to advertise notice of, a general information meeting of the current membership of the Thornbury Business Improvement Area (BIA), on September 25, 2012, for the purposes of providing fact-based information, facilitating discussions and getting member feedback on the continuation of a BIA in Thornbury; that representatives of the Ministry of Municipal Affairs and Housing (MMAH) and the Ontario Business Improvement Area Association (OBIAA) be invited to provide a presentation and to help facilitate discussions at the meeting; and that a subsequent general meeting be called within 4 weeks following on this meeting, to undertake a vote of the BIA membership on the following question: “Do you wish to continue to have a Thornbury Business Improvement Area?”

THAT Council directs Staff to work with representatives of the Ministry of Municipal Affairs and Housing, and the Ontario Business Improvement Area Association, prior to the aforementioned general meeting of the Membership, to prepare information and communications for the Business Improvement Area Membership, and the public, regarding the role and impacts of Business Improvement Areas; and

THAT Council provide direction as to whether Council wishes for Town staff to carry forward with organizing and holding the 2012 Apple Harvest Festival and Olde Fashioned Christmas events, as outlined in report CAO.12.05.

B. Purpose

The purpose of this report is to recommend actions for Council to take in response to the resignation of the Directors of the Thornbury Business Improvement Area (TBIA).

C. Background

On July 9, 2012, the Mayor received a letter of resignation dated July 6, 2012 from all of the TBIA Board's Directors, with the exception of the Town's representative. The resignations were stated to be effective July 31, 2012. A copy of the letter is attached as Schedule "A" to this report.

By way of background about BIAs, the Ministry of Municipal Affairs and Housing's "Business Improvement Area Handbook, 2010", describes a Business Improvement Area (BIA) as follows:

"A Business Improvement Area (BIA) is a "made-in-Ontario" innovation that allows local business people and commercial property owners and tenants to join together and, with the support of the municipality, to organize, finance, and carry out physical improvements and promote economic development in their district.

Traditionally, a BIA is a body established by a municipality using the specific business improvement area provisions in the *Municipal Act, 2001*. It is governed by a board of management...Business and property owners or others can request that a BIA be designated by a municipal bylaw. BIAs are local entities. The legislation states they are local boards. People also refer to the geographic area designated by a municipality for a BIA as the BIA...

Once a traditional BIA is approved by municipal council, businesses within its boundaries become members and pay the BIA levy along with their property taxes. A traditional BIA view is that this structure reflects the principle that all who benefit should be required to bear their fair share of the cost of the program. In addition, the arrangement provides a secure source of funding for BIA activities. In addition, many BIAs undertake modest or extensive public and private fundraising to raise funds for special events or activities".

The legislation governing the specific establishment, operation and dissolution of a BIA can be found at sections 204 – 215 of the Municipal Act (the "Act"). The TBIA was originally established through a By-Law passed by the Council of the former Town of Thornbury in December, 1981, and has been in operation since that time. The current boundaries of the TBIA are as shown on the attached Schedule "B".

At subsection 204(1), the Act outlines that,

“A local municipality may designate an area as an improvement area and may establish a board of management,

- a) To oversee the improvement, beautification and maintenance of municipally-owned land, buildings and structures in the area beyond that provided at the expense of the municipality generally; and
- b) To promote the area as a business or shopping area.”

The current TBIA engages in a number of downtown beautification and event planning efforts, including:

- Summer flower baskets
- Christmas lights
- Banners

(the BIA purchases these items, and pays the Town to install them)

- Canada Day event
- Peak to Shore music festival
- Apple Harvest event

(the above 3 events are typically shared with the Blue Mountain Village Association)

- Street dance in conjunction with Cedar Run rodeo
- Olde Fashioned Christmas

In discussions with TBIA President, George Matamoros, and Board Director Casey Thomson, it was expressed by them that the core issue surrounding the resignation of the TBIA Board members was one of funding, and of a disconnect between what the Board saw as the best course for the TBIA, and what the membership were prepared to support. The TBIA Board had a vision of enhanced events that they felt would be in the best interests of the TBIA and its members, including the hiring of individuals to implement these events. However, at their most recent Annual General Meeting, the membership were not willing to fund that vision.

Unwilling to proceed with the budget approved by the membership and effectively deliver only part of what the Board felt was needed, the directors felt it more appropriate to step down.

It is suggested that now may be a good time for the Town and the TBIA membership to take a step back and assess the wishes of the TBIA membership regarding the future of the BIA.

C. Analysis

1) Addressing Vacancies on TBIA Board

The first issue that needs to be addressed is the current vacancies on the TBIA board. With respect to vacancies occurring on the board of a BIA, subsection 204 (12) of the Act provides that, “...if a vacancy occurs for any cause, the municipality may appoint a person to fill the vacancy for the unexpired portion of the term and the appointed person is not required to be a member of the improvement area.” In addition, section 216 of the Act confirms the municipality’s authority to “...dissolve or change a local board”.

At the time of writing this report, no other member of the TBIA has formally contacted the Town, nor is the former head of the TBIA aware of any BIA member(s) who have expressed an interest in forming a new Board for the BIA though, in fairness, there has not yet been any formal advertising or request for volunteers. With the Board resignations having taken effect on July 31, the void on the board creates issues of who has authority to act on behalf of the BIA and what the future of the BIA will be. It will take some time to settle issues regarding the future of the TBIA and/or to advertise for and select a future board. As such, it is recommended that action be taken immediately to fill the vacancies on the board **on an interim basis**.

An option to address the immediate lack of a Board would be for Council to utilize the provisions of sections 204 (12) and 216 of the Act to appoint itself as the *interim* board for the TBIA. Ministry of Municipal Affairs and Housing (MMAH) staff advise that this is an approach that has been used elsewhere in past.

Given the uncertainty presented by having no board, and that there appears to be some question about the future direction of the TBIA, it is recommended that the most efficient and timely solution would be for Council to establish itself as the interim board of the TBIA until some longer term issues can be settled, as outlined below.

2) Addressing the Apparent Disconnect Regarding the Membership’s Vision for the BIA

In light of the feedback from former members of the TBIA board regarding the disconnect between the former board’s vision and the membership’s disinterest in financing that vision, as well as the perceived lack of interest by other members in stepping forward to take over board duties, it would seem appropriate to gauge the interest of the TBIA membership in continuing with a BIA at all. Such a discussion would benefit from some broader background education regarding BIAs in general, how they

operate, what they have been able to accomplish here and elsewhere, and what opportunities there may be for a TBIA.

If there is continued interest in having a TBIA, the discussion outlined above could also include some discussion regarding establishing a vision for the TBIA and its activities that will have the support of a majority of TBIA members. The Ministry of Municipal Affairs and Housing, and the Ontario Business Improvement Area Association, have both indicated a willingness to assist the Town with preparation for, and facilitation of, such discussions with the TBIA membership.

As the interim board, Council would have the authority to call a general meeting of the TBIA membership to engage in such discussions. It is recommended that Council do so.

3) Upcoming Events Usually Sponsored by the TBIA

As identified earlier in this report, there are a number of local events that the TBIA has traditionally sponsored and organized. Three of these events would have been scheduled to occur in the coming four months and, in the interest of allowing for adequate planning, Council should make a decision now as to whether or not they wish to carry forward with holding these events. The events include:

Street Dance in conjunction with Cedar Run Rodeo – Aug. 25
Apple Harvest Festival – October 6 – 8
Olde Fashioned Christmas - December

Should Council decide to appoint themselves as interim board of the TBIA, they will have access to the funds levied for the TBIA and budgeted for these events to cover costs incurred. The work of organizing the events would have to be performed by Town staff and/or other volunteers, as outlined below.

Street Dance

Given the timing of the board's resignation in relation to this event, the President of the TBIA has indicated that board members will ensure that the TBIA's commitment to holding this event is fulfilled.

Apple Harvest Festival

This event is usually held in partnership with the Blue Mountain Village Association (BMVA). The BMVA has indicated that they will be continuing with their sponsorship of the event, including taking the lead on marketing the event. They have asked whether funds in the amount of \$1,000 could be provided by the BIA/Town as a share of the marketing costs. In past, the TBIA has contributed towards marketing costs for the event. Given the timing of the event (advertising

will have to go to print prior to the August 27 Council meeting) and the relatively nominal amount requested, the CAO has indicated to the BMVA that the requested funding for marketing can be found. Should Council decide to go ahead with this event, there are a number of activities that staff will spend time organizing. Some of them will require simply that staff coordinate with those who will actually carry out the activity. Some others will require more staff time to coordinate and run.

Attached as Schedule "C" to this report is a list of the events that are normally planned for the Apple Harvest Festival. The activities in red are those that staff feel could reasonably be coordinated and carried out by Town staff this year. Those in black would be eliminated from this year's event, unless another party came forward and volunteered to carry on the activity.

Olde Fashioned Christmas

Although this event does not occur until December, at this point it is unknown how the BIA issues will be resolved, and if the event is to be held, planning for it should begin very soon. There are a number of activities normally associated with this event which, if carried on this year, will require Town staff time to coordinate, work with store owners and run some of the activities. Staff estimate approximately 25 hours of staff time required for pre-event work, plus another 20 hours for the actual event. Obviously this would lead to some shifting of priorities and extend the timeline for some work that may have otherwise been attended to by the staff working on the event.

Staff are seeking direction as to whether Council wishes for Town staff to carry forward with organizing and holding these events in 2012.

D. The Blue Mountains' Strategic Plan

"Economic Prosperity" is one of the pillars of The Blue Mountains Sustainable Path.

E. Environmental Impact

N/A

F. Budget Impact

If members of Council are appointed as the interim board of the BIA, there should be no financial impact to the Town of carrying on the remaining BIA events for 2012, as the cost of the events can be paid from the budgets established for them in the BIA's 2012 levy and budget. As outlined earlier in this report, there will be some impacts on staff time that were not anticipated when 2012 budgets and work plans were developed.

G. In Consultation With

George Matamoros – President, Thornbury BIA
Casey Thomson - Director, Thornbury BIA
Councillor Michael Martin
Luanne Phair – Municipal Advisor, Ministry of Municipal Affairs and Housing (MMAH)
Diane Ploss – Municipal Advisor, MMAH
Jody Lucente – Assistant Municipal Advisor, MMAH
Shawn Everitt – Director of Recreation, ToBM

H. Attachments

Schedule “A” – July 6, 2012 letter of resignation from Directors of Thornbury BIA
Schedule “B” – map of current boundaries of Thornbury BIA
Schedule “C” - list of the events normally planned for the Apple Harvest Festival

Respectfully submitted,

Troy Speck, B.A., LL.B.
Chief Administrative Officer

For more information, please contact
Troy Speck
tspeck@thebluemountains.ca
519-599-3131 ext. 234



RECEIVED
JUL 09 2012

July 6, 2012

DELIVERED BY HAND

Ellen Anderson, Mayor
The Town of the Blue Mountains
32 Mill Street
Thornbury, ON N0H 2P0

Dear Ellen,

We the undersigned volunteer directors of the Thornbury Business Improvement Area (BIA) Board of Management hereby tender our resignations from the board effective July 31, 2012.

We are very proud of the work we have done over the last few years improving the Thornbury brand and putting on the events which serve our community and attract visitors. For 2012 we presented a plan based on an increased budget to build on these successes in an increasingly competitive environment. The vote at the 2012 annual general meeting made it clear that the majority of the members who attended did not support the board's vision. The reduced budget that was approved and the subsequent claw back of the Town's grant leave no room for improvement. The time has come for a new board to lead the BIA in a manner more consistent with the membership's wishes.

Sincerely,


George Matamoros


Casey Thomson


Ted DeCorso


Linda Teed


Meredith Brown



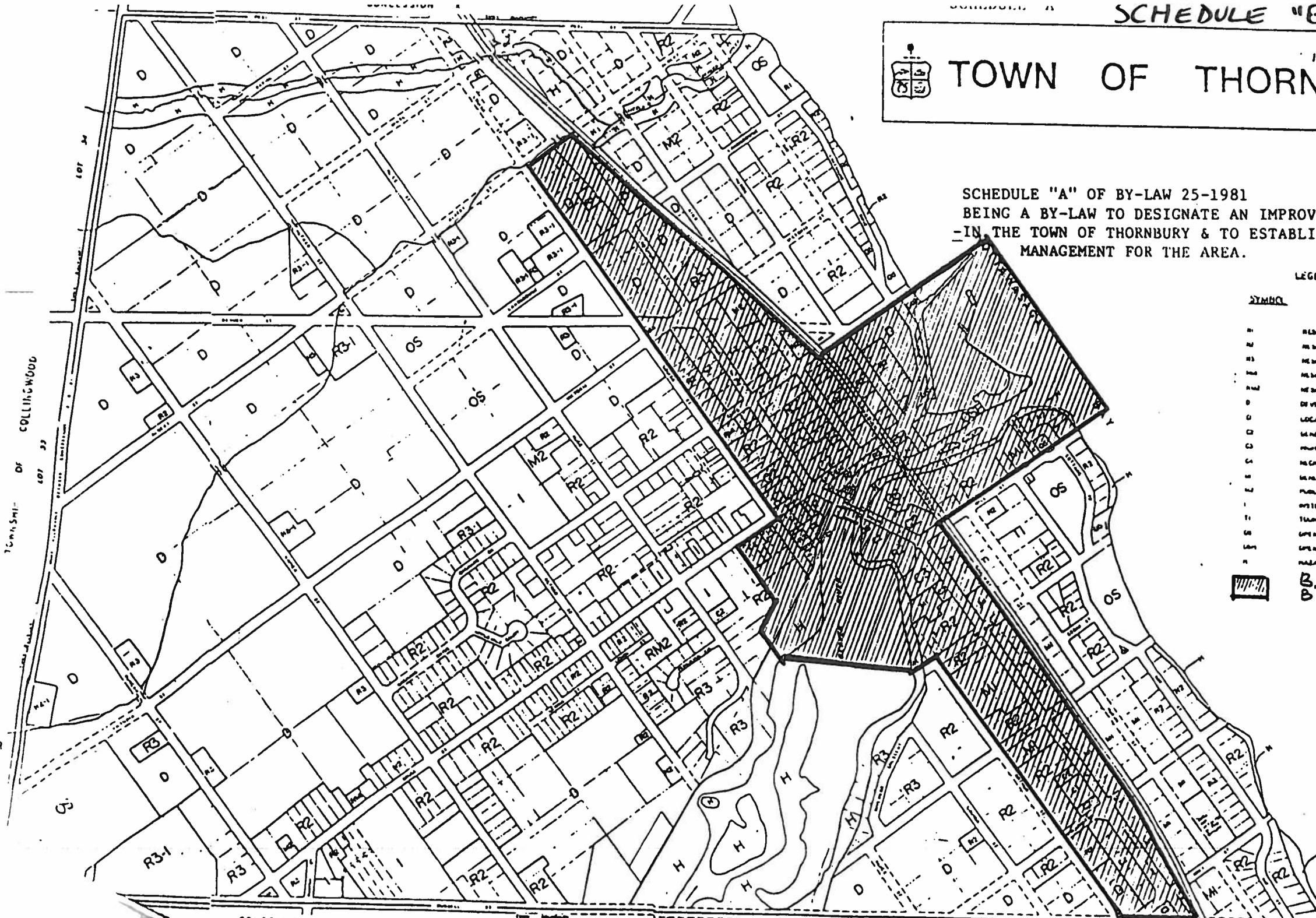
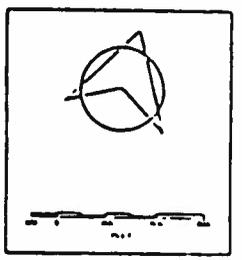
TOWN OF THORNBURY



SCHEDULE "A" OF BY-LAW 25-1981
BEING A BY-LAW TO DESIGNATE AN IMPROVEMENT AREA WITH
-IN THE TOWN OF THORNBURY & TO ESTABLISH A BOARD OF
MANAGEMENT FOR THE AREA.

LEGEND

SYMBOL	ZONE
R1	RESIDENTIAL R1
R2	RESIDENTIAL R2
R3	RESIDENTIAL R3
MR2	RESIDENTIAL MULTIPLE DW
MR3	RESIDENTIAL MULTIPLE DW
D	DEVELOPMENT D
OC	LOCAL COMMERCIAL OC
OC	GENERAL COMMERCIAL OC
OC	INDUSTRIAL COMMERCIAL OC
C	RECREATIONAL COMMERCIAL C
H	HEALTH SERVICES H
M	PUBLIC MEASUREMENT M
I	INSTITUTIONAL I
T	TOWNST CLERK T
OS	OPEN SPACE OS
OS	OPEN SPACE PARKWAY OS
H	HAZARD H
[Hatched Box]	B.I.A. DESIGNATED BOUNDARY



Township of COLLINGWOOD

SCHEDULE "C"

2012 event

Friday

Anytime	Apple Scavenger Hunt	BIA	Throughout town
10a.m. – 6p.m.	History of Apples	Oakley's	Oakley's stand
10a.m. – 8p.m.	BVO Charity Auction	Outreach	BVCC

Saturday

Anytime	Apple Scavenger Hunt	BIA	Throughout town
8a.m. – 10:30a.m.	Kinettes Pancake Breakfast	Kinettes	BVCC
9a.m. – 5p.m.	History of Apples	Oakley's	Oakley's stand
10a.m. – 4p.m.	BVO Charity Auction	Outreach	BVCC
10a.m. – 4p.m.	Live Music	BIA	Downtown
Noon – 4p.m.	Pumpkin Carving	BIA	Hester Street Parkette
Noon – 4p.m.	Fiddler/Balloons/Face Painting	BIA	Hester Street Parkette
Noon – 4p.m.	Interactive Juggling	BIA	Hester Street Parkette
Noon – 4p.m.	Horse & Wagon Rides	BIA	Downtown
1p.m. – 3p.m.	Apple Activities & Crafts	Library	Library
11a.m. – 4p.m.	Salmon Fish Ladder Tours	Ralph	Dam

Sunday

Anytime	Apple Scavenger Hunt	BIA	Throughout town
11a.m. – 4p.m.	History of Apples	Oakley's	Oakley's stand
Noon – 4p.m.	Live Music	BIA	Downtown
Noon – 4p.m.	Pumpkin Carving	BIA	Hester Street Parkette
Noon – 4p.m.	Fiddler/Balloons/Face Painting	BIA	Hester Street Parkette

Monday

Anytime	Apple Scavenger Hunt	BIA	Throughout town
11a.m. – 4p.m.	History of Apples	Oakley's	Oakley's stand