



Staff Report

Administration – Chief Administrative Officer

Report To: Council Meeting
Meeting Date: October 13, 2026
Report Number: ADM.26.071
Title: Response to Bay Street Notice of Motion
Prepared by: Adam Smith, Chief Administrative Officer

A. Recommendations

THAT Council receive Staff Report ADM.26.071, entitled “Response to Bay Street Notice of Motion”.

B. Relationship to Strategic Plan

Objective 1.1 - *Deliver transparent, effective, and evidence-based governance and decision making.*

The staff report offers a comprehensive assessment of policies, risks and costs to inform Council’s decision-making on the Notice of Motion and align with the above objective under the Corporate Strategic Plan.

C. Executive Summary

This staff report is in response to discussion at the September 28th Council meeting regarding Councillor Porter’s notice of motion (NOM) seeking to reconsider the direction given at the February 18, 2025 Council for Staff Report [OPS.25.004 Bay Street East Reconstruction PIC 2 Follow-up](#) . It is intended to support Council deliberations as to whether the reconsideration should be advanced. As explained at the September 28th meeting, the reconsideration is inconsistent with the procedural by-law given that contractual agreements have been executed to advance the direction from February 18, 2025. Further, there are engineering and project management concerns with implementation of the revised direction in the NOM that may impact timing of works to be completed for Bay Street and create financial risks tied to legal exposure or enhanced pedestrian facilities to address safety and liability concerns.

D. Public Engagement

The topic of this Staff Report has not been the subject of a Public Meeting and/or a Public Information Centre as neither a Public Meeting nor a Public Information Centre are required. However, any comments regarding this report should be submitted to Adam Smith, Chief Administrative Officer cao@thebluemountains.ca .

E. Background

WT Infrastructure was retained in mid-2022 to complete the design of the Bay St Reconstruction project. Staff Report [CSOPS.23.044 Addition of Engineering for Bay Street Reconstruction and Construction Administration for Thornbury WWTP Outfall](#) was presented to COW on August 15, 2023, to increase the engineering scope and budget” for the full reconstruction of Bay Street from Mill Street to Grey Street to a full urban cross section”. This was adopted at a subsequent Council meeting on August 28, 2023.

With this direction the design was advanced to the 30% threshold, and the first Public Information Centre was held on April 18, 2024, [WT Infrastructure PIC #1 Presentation](#) can be found on the website. The PIC presented preliminary road cross-section alternatives for discussion purposes.

A follow up Staff Report, [CSOPS.24.031 Bay Street East Reconstruction PIC 1 Follow-up](#), for PIC#1 was provided to Council on July 2, 2024 summarizing the PIC and the feedback received. This report provided a recommendation to “the Town Standard Local Urban 20m ROW with No Parking Cross-section with 7.5m asphalt width, and 2.7m multiuse trail”. An alternate recommendation was also provided “Town Standard 20m ROW Urban Cross-section with parking (page 17 of [WT Infrastructure PIC #1 Presentation](#)).

When reconstructing roads, there is a responsibility to bring the road up to current standards. The design must consider regulatory requirements, Town’s Engineering Standards, Accessibility (AODA), utility requirements, industry best practices, safety requirements, as well as guiding documents such as the Town’s Official Plan, Transportation Master Plan, Drainage Master Plan etc. Often these requirements, impact the ability of creating a cross-section that mirrors the cross-section that previously existed. With the existing road being approximately 6.0m wide there is a conflict for vehicles, cyclists and pedestrians. Staff and the project engineers attended the site during the design and witnessed how the road operated. The existing 6.0m asphalt was deemed not to be adequate for current or future needs. The following is a list of some of the items considered during the design:

- 1) Drainage: It is the Town’s responsibility to address drainage within the right-of-way. When reconstructing a roadway we must consider this and manage the drainage. An urban cross-section with barrier curb and gutter will direct rainwater off the road and into the proposed storm sewer and to an acceptable outlet. This will reduce maintenance costs and extend the life of the road. A rural cross section is much wider (10m- consisting of 7m asphalt and 1.5m shoulders) plus ditches on either side. Consideration of a rural context would result in larger impacts.
- 2) Official Plan: The Town’s Official Plan outlines policies on how land in the Town should be used. There are numerous sections in the OP that provide guidance on active transportation. For example Section A1.1 Guiding Principles, “To establish an integrated transportation system that safely and efficiently accommodates various modes of transportation including walking, cycling, automobiles and trucks”.
- 3) Transportation Master Plan: Completed in 2022. It has identified Bay St E within the project boundaries as a “General Active Transportation Route”.

- 4) Towns Engineering Standards: Outline the standards in which active transportation facilities should be constructed. For instance, it states that sidewalks are required on at least one side of all Local Urban roads. It also requires that active transportation facilities shall be implemented and designed in accordance with the Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads, the corresponding MTO Design Supplement for TAC Geometric Design Guide for Canadian Roads, Ontario Traffic Manuals (specifically Books 12A, 15 and 18), Accessibility for Ontarians with Disabilities Act (AODA) and the Town's Official Plan. A sidewalk on at least one side of a local urban road is often a standard practice and is recommended by Transportation Association of Canada (TAC) Geometric Design Guide for Canadian Roads.
- 5) Complete Streets: Are essential communal spaces where residents connect, children play, and all modes of transportation coexist harmoniously. This approach designs streets to be safe and accessible for everyone, whether they walk, cycle, take transit, or drive, promoting an inclusive and multi-modal transportation network. The concept is adaptable, balancing the needs of various users and enhancing public health by encouraging active transportation. The principle also applies to respecting existing character and to the extent possible, marrying into the design process as this has been done through the collection of feedback via the Public Information Centres (PICs) making this an iterative design process.
- 6) Cottage Streets: Through design and consultation there have been many references to the Saugeen Shores Cottage Street Design Guidelines especially in reference to narrow lanes and no sidewalk. These guidelines were considered during design. From this review it became apparent that Saugeen Shores was a very different situation than Bay St. Saugeen Shores challenge was that they had narrow right-of-way property boundaries (6-10m) with limited space given the width of the right-of-ways (ROWs). Bay St is a 20m ROW with plenty of room to accommodate a safe space for all users within the property boundaries. The Saugeen Shores Cottage Street Road Design guidelines recommend a target lane width of 3.3m (or 6.6 m road width). They also provide direction on the use of sidewalks "to meet accessibility needs, address known safety concerns, provide connectivity to neighbourhood amenities and complete missing links in the pedestrian network".

On July 15, 2024 Council pulled report [CSOPS.24.031 Bay Street East Reconstruction PIC 1 Follow-up](#) for addition discussion. Council directed staff to proceed with:

- The design of Bay Street East including sanitary forcemain, sanitary sewer, storm sewer and watermain by undertaking a preliminary design of a one-way street cross section with an alignment which minimizes the impact to the existing streetscape while not compromising safety or the needed infrastructure. The preliminary design is to include:
- Stormwater bike safe grates/basins within the asphalt and/or semi-mountable curb.
- No sidewalks, multi-use trail, or drainage ditches.
- The design of Grey Street beginning south from Bay Street East to Highway 26 in a complimentary manner to Bay Street East cross-section from Highway 26 to the Wastewater Treatment Plant with restoration to the Town standard local urban 20m ROW with no parking cross-section with 7.5 metre asphalt width and 2.7 metre multi-

use trail including the installation of the outfall sanitary forcemain, storm sewer and watermain.

At the October 29, 2024 Special Council Meeting a reconsideration was tabled and subsequently defeated for Staff Report CSOPS.24.031 which is distinct from Staff Report OPS.25.004 that is the subject of Councillor Porter's NOM.

Based on the direction from Council, WT proceeded with the design of a one-way street with no sidewalk to the 60% milestone. A second PIC was conducted on December 17, 2024. After the second PIC staff provided Staff Report [OPS.25.004 Bay Street East Reconstruction PIC 2 Follow-up](#) on February 4, 2025.

The report sought Council direction to proceed to final design, tender, and construction based on the previous direction from Council (one-way street, no sidewalk). These recommendations were approved by Committee of the Whole, and the direction was adopted by Council at their meeting on Tuesday, February 18, 2025.

The project was awarded to Arnott Construction and construction started in November 2025. Construction on Bay St E is currently over 75% complete. Bay St from Mill St to Elgin Street is paved and almost complete with boulevard restoration underway. The underground work is complete in the section from Elgin St to Grey St and is expected to be paved in November 2026.

F. Analysis

At the September 28th 2026, Council meeting, the following was passed in response to Councillor Porter's NOM:

THAT, Council direct staff to provide a report directly to the October 13, 2026 Council Meeting, regarding the detail included in the September 8, 2026 Notice of Motion of Councillor Porter (as printed on the September 28, 2026 Council Agenda), specifically regarding the contract and engineering of the Bay Street East Reconstruction project, specifically related to designate the road from two-way to one-way upon completion;

AND THAT Council direct staff to engage with Saugeen Shores as it relates to Cottage Street Design Guidelines

Further to the project background in the preceding sections outlining the basis for the current one-way configuration of Bay Street, changing the design at this stage of construction will incur additional design and construction costs to revise the design and make the necessary changes to the construction contract. Depending on the procurement status of the contractor, it would be anticipated that there would be sunk costs that would not be recoverable as a result of this change.

While at the recommended minimum lane width under the TAC Design Guide, the current roadway can be used as a 2 lane roadway with a shared cyclist configuration by including appropriate signage and painting as per MTO standard. However, in WT's professional opinion, attempting to integrate pedestrians into a 6 m wide curbed roadway without shoulders is

fundamentally unsafe and inconsistent with accessibility. As such, in order to achieve this objective a minimum 1.5 m wide sidewalk would be required on the north side of the road from Grey St. to Mill St.

While the Saugeen Shores Cottage Street Design Guidelines were considered previously in the design process, staff engaged counterparts in Saugeen Shores regarding implementation of the standards in the community.

Saugeen Shores advised that the Cottage Streets Design Guidelines are primarily intended for waterfront and other historically developed areas where the existing right-of-way is narrower than the Town's standard 20-metre right-of-way. The intent is to provide some flexibility in reconstruction while maintaining the historical character of these streets.

Over the past three years, Saugeen Shores has undertaken three Cottage Street reconstruction projects. Staff noted that there was considerable public interest in retaining the existing character of the streets and resistance to some standard urban design elements, including concrete curb and gutter and stormwater infrastructure. Despite this, the Town has continued to rely on engineering principles and site-specific conditions when determining the final design. In one example, the reconstructed road elevation was higher than adjacent properties, which reinforced the need for curb, gutter and stormwater controls to manage drainage and protect private property.

Saugeen Shores advised that where a full 20-metre right-of-way is available, the Town generally applies its standard engineering design. The Cottage Streets approach is primarily used where the right-of-way is atypically narrow and where other characteristics are present, such as proximity to the lakefront and a historic cottage-style development pattern. All three of the projects completed over the last several years have involved non-standard right-of-way widths. Saugeen Shores also emphasized that applicable accessibility requirements, Ontario Provincial Standards and other regulatory requirements continue to apply regardless of the Cottage Street designation.

Existing encroachments do not automatically result in a non-standard road design. Where feasible, the Town continues to apply its engineering standards, particularly where encroachments involve landscaping or other removable features rather than permanent structures.

In summary, the Cottage Street Design Guidelines have not been applied to provide a broad exemption from standard engineering requirements. Rather, it provides a structured way to consider site-specific flexibility where standard road geometry cannot reasonably be achieved, while still requiring engineering justification and compliance with applicable standards.

Based on the foregoing, Council has three options to consider with respect to the Notice of Motion being presented:

Option #1: Do Nothing

Proceeding with Option #1 involves not proceeding with the reconsideration. Doing so creates the least risk to project timelines and cost as it will proceed based on the current scope and design. However, staff understand there are concerns with the one-way configuration which may result in higher costs in the future if a sidewalk or modification of the one-way design is sought following completion of the reconstruction project.

Option #2: Direct a scope change in supporting the reconsideration to include a 1.5 metre sidewalk between Grey Street and Mill Street.

There are both procedural and financial challenges to implementing Option #2. Procedurally, it requires Council to waive Section 22.5 of the Procedural By-law being that:

A resolution that was decided by Council cannot be reconsidered if action has been taken in implementing the resolution, resulting in legally binding commitments that are in place on the date the Motion to reconsider is considered by Council.

If this occurs, staff will need to proceed with an immediate scope change to ensure the sidewalk can be constructed within the construction window and avoid additional contract management costs associated with these works extending into summer 2027. The sidewalk will also cost an additional \$300K which can be taken from the project's contingency budget but constrains the ability to respond to future unforeseen risks that may arise through the remainder of the project timeline. Attachment #1 provides a concept of the sidewalk design to be constructed.

As encountered throughout the design process for Bay-Grey Street Reconstruction, the inclusion of a 1.5 metre sidewalk does carry with it impacts to private property and/or impacts to service levels. The road is designed to maintain it as close to what is there as possible which means that some of the driveways on the north side are close to the maximum slope allowable for a driveway. If a sidewalk is on the north side, the slope will need to be flattened across the sidewalk which would require driveway reinstatement a couple of metres onto private property to meet the maximum slope requirement. The other option is to change the curb on the south side to barrier curb and do a curb face sidewalk which would be easier from a constructability standpoint but creates challenges for snow removal and storage but avoids work on private property.

Option #3: Proceed with the reconsideration and approve the Notice of Motion as written.

In the absence of proceeding with the sidewalk as presented in Option #2, Council may still wish to direct staff to have the constructor complete the works in the absence of signage and line-painting delineating the road as a one-way and then through by-law keep it as an two-way street. Proceeding in this manner would be in the absence of engineering approval for the two-way design layout creating significant liability which has been confirmed by the Town's insurer. If Council proceeds to designate Bay Street East as a two way road without implementing the safety measures identified by the Engineer of Record being a 1.5 metre sidewalk, the Town

would be knowingly operating a road in a manner its own engineer has identified as potentially unsafe and inconsistent with applicable standards.

In the event of a serious collision or incident involving a pedestrian or other vulnerable road user, this documented professional advice and the identified destinations (waterfront, park, tennis courts, trail access etc.) could significantly increase the Town's exposure in any claim, as it may be difficult to argue that the roadway was reasonably safe for its intended use. As noted previously, the presence of alternative design guidelines would not supersede other regulatory standards particularly given the presence of a standard 20 metre right-of-way width.

G. Community Impacts

A two-way street design is better aligned with Town policies and master plans as emphasized through the design process for Bay-Grey Street Reconstruction with more benefits associated with increased pedestrian and vehicular connectivity. However, this design must be accompanied by appropriate facilities for pedestrians and stormwater management. As such there are environmental and social trade-offs associated with vegetation removals and private property conflicts to accommodate this infrastructure which is required to enable a two-way street design.

H. Financial Impacts

Option #1 will not carry any financial impacts given there are no changes required to the project scope. Option #2 will likely cost approximately \$300,000 for the construction of a 1.5 metre sidewalk from Grey Street to Mill Street and associated construction administration costs. Staff anticipate that this can be funded through the project's contingency budget. Option #3 will have cost-savings linked to the reduced scope but carries significant liability risk that may cause the Town to encounter uninsured claims in the future.

I. RACI (Responsible, Accountable, Consulted and Informed)

R: Mike Humphries, Water and Wastewater Project Manager
A: Allison Kershaw, Manager of Water and Wastewater
Adam Smith, CAO/Acting Director of Operations
C: Corrina Giles, Town Clerk
Ryan Gibbons, Director of Community Services
I: Council

J. Attached

1. Attachment 1 – Option 2 Sidewalk Design

Respectfully submitted,

Adam Smith
Chief Administrative Officer

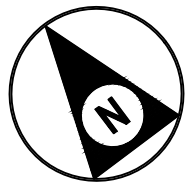
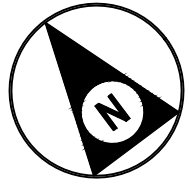
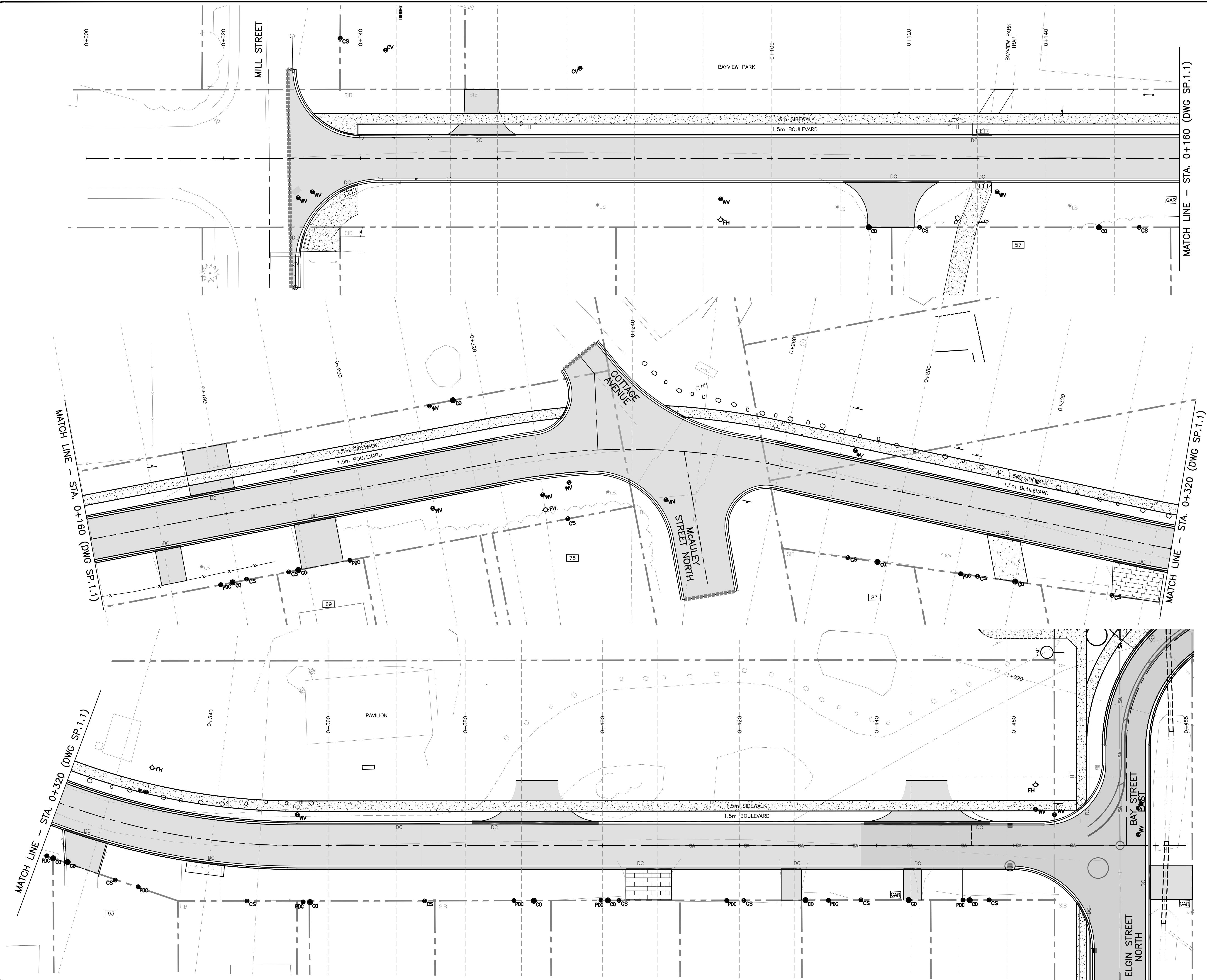
For more information, please contact:
Adam Smith, Chief Administrative Officer
cao@thebluemountains.ca
519-599-3131 extension 234

Report Approval Details

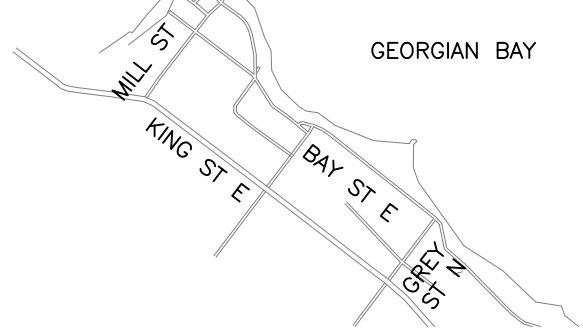
Document Title:	ADM.26.071 Response to Bay Street Notice of Motion.docx
Attachments:	- Attachment 1 Option 2 Sidewalk Design.pdf
Final Approval Date:	Oct 7, 2026

This report and all of its attachments were approved and signed as outlined below:

Adam Smith - Oct 7, 2026 - 6:52 PM



KEYPLAN:



NOTES:

- SERVICE CONNECTION LOCATIONS AND ELEVATIONS ARE APPROXIMATE. CONTRACTOR TO FIELD VERIFY ALL CONNECTION LOCATIONS.
- CONTRACTOR TO COORDINATE THIRD PARTY SUPPORT OF ALL UTILITIES AND UTILITY POLES ADJACENT TO THE AREA OF WORK.
- CURB STOPS FOR THE WATER SERVICE CONNECTIONS ARE TO BE LOCATED AT THE PROPERTY LINE UNLESS INDICATED OTHERWISE. EXISTING SERVICE CONNECTIONS ARE TO BE RECONFIGURED AS REQUIRED.
- PROVIDE TREE PROTECTION ZONES AS SPECIFIED AND AS DETAILED IN THE ARBORIST REPORT APPENDED TO THE SPECIFICATION.
- PROVIDE AND MAINTAIN EROSION AND SEDIMENT CONTROL MEASURES AS SPECIFIED THROUGHOUT CONSTRUCTION.

STAMP:

BENCHMARK:

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THIS DRAWING IS NOT TO BE SCALED.

1	AT	08-10-2025	ISSUED FOR CONSTRUCTION		
NO.	BY	DATE	ISSUE / REVISION		



CLIENT:



PROJECT NAME:

RECONSTRUCTION OF BAY ST EAST
GREY ST NORTH AND GREY ST SOUTH

CLIENT REF: 2025-24-PQ-OPS

TITLE:

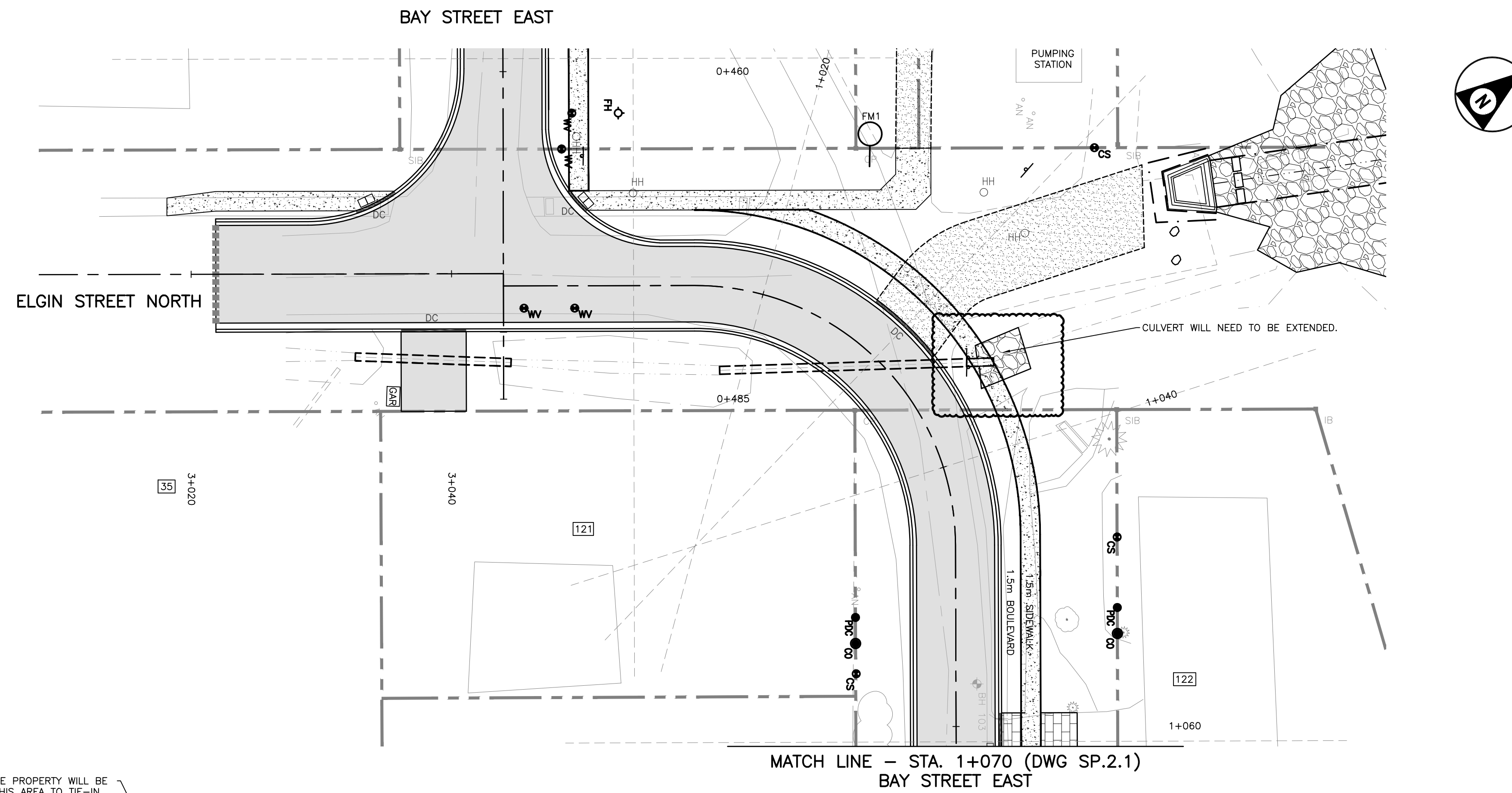
SIGNAGE AND PAINTING PLAN
STA. 0+000 TO STA. 0+480
BAY STREET EAST

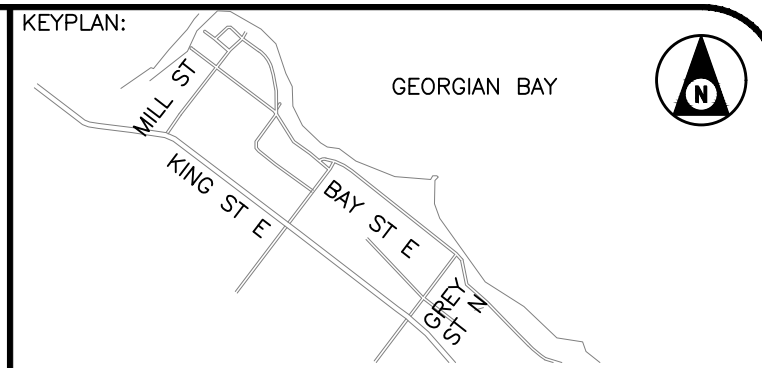
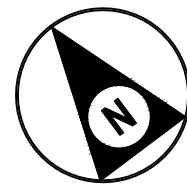
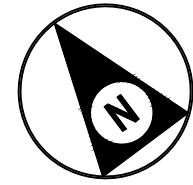
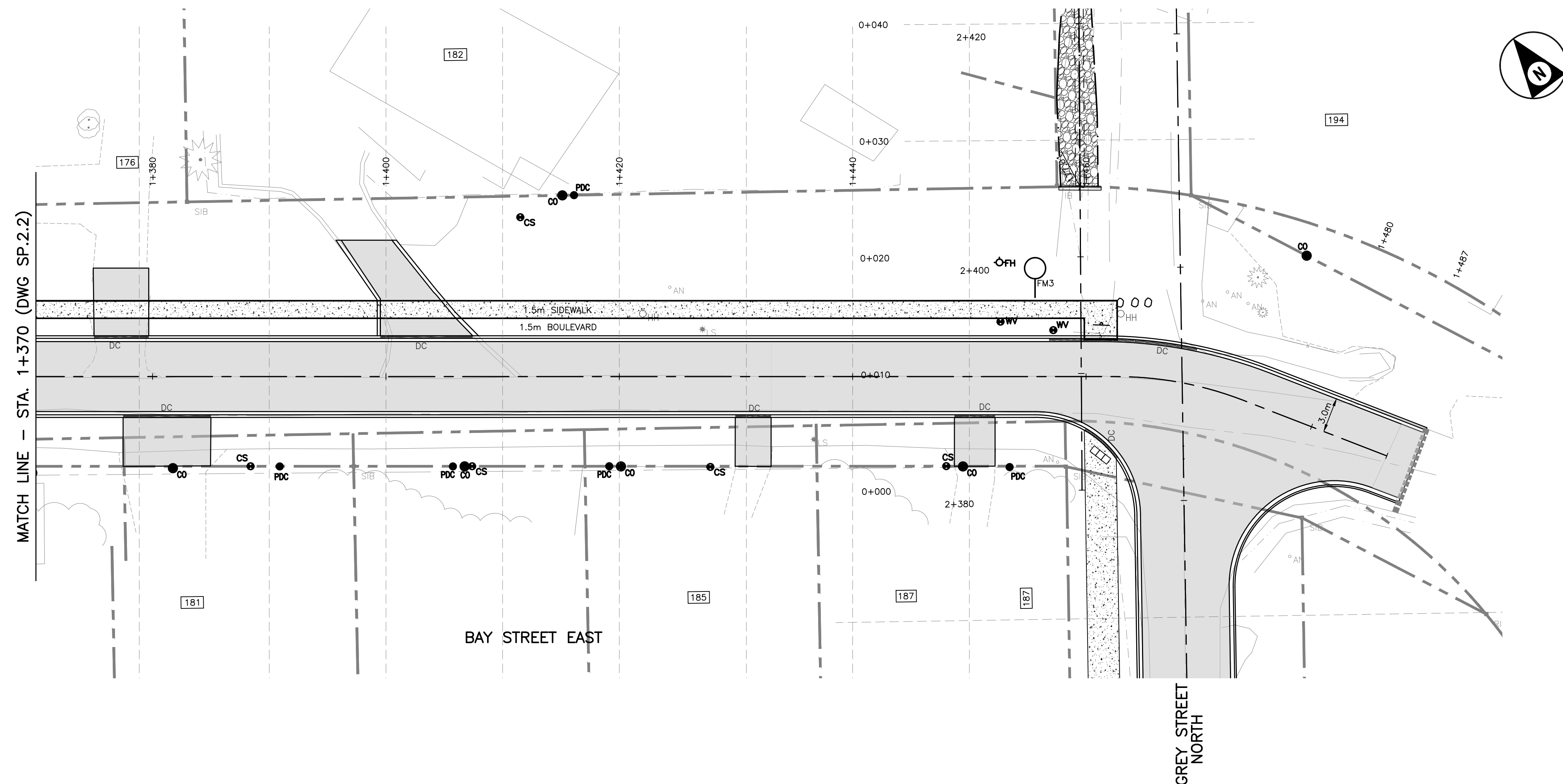
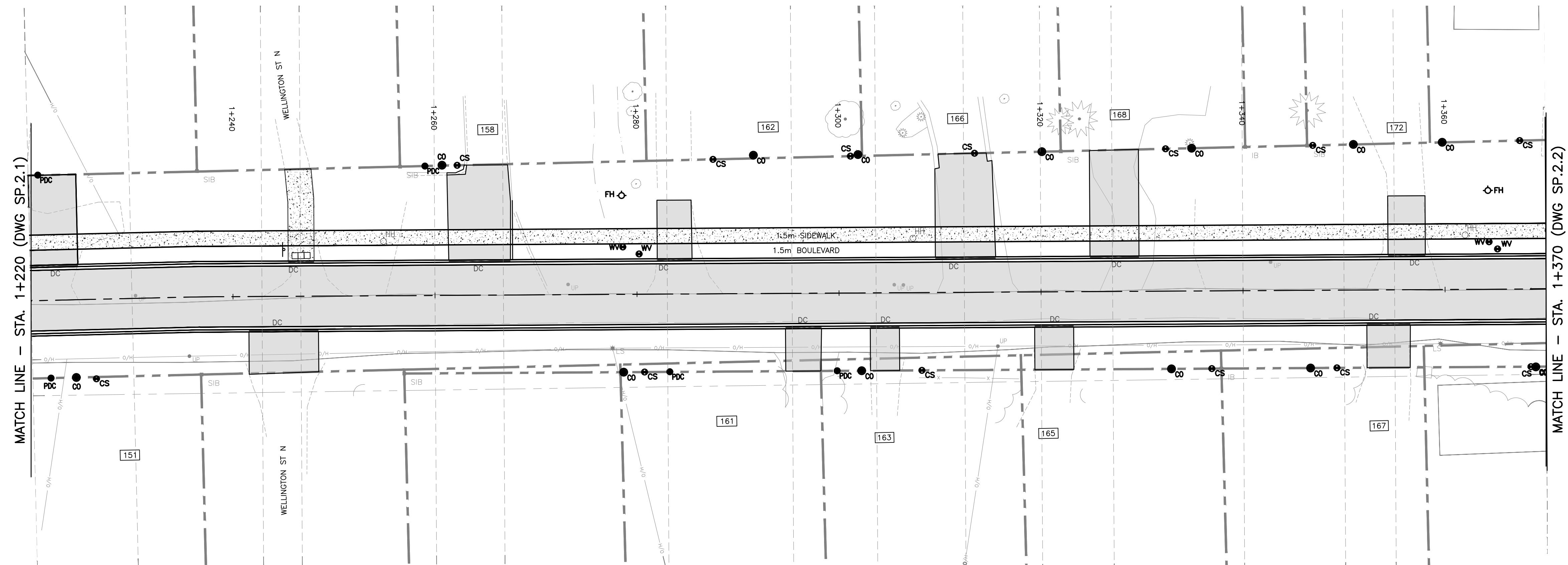
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40 OF 50





- NOTES:**
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1	AT	08-10-2025	ISSUED FOR CONSTRUCTION
NO.	BY	DATE	ISSUE / REVISION



WT INFRASTRUCTURE
PRACTICAL INNOVATION



TOWN OF
THE BLUE MOUNTAINS

CLIENT:

PROJECT NAME:
RECONSTRUCTION OF BAY ST EAST
GREY ST NORTH AND GREY ST SOUTH

CLIENT REF: 2025-24-PQ-OPS

TITLE:
SIGNAGE AND PAINTING PLAN
STA. 1+220 TO STA. 1+480
BAY STREET EAST

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