



City of
Peterborough

To: **Members of Committee of the Whole**

From: **Mayor Daryl Bennett**

Meeting Date: **September 26, 2016**

Subject: **Report COU16-002**
By-laws and Policies related to Business Improvement Areas
in the City of Peterborough

Purpose

A report recommending a review of the by-laws and provincial legislation surrounding the creation and operation of Business Improvement Areas with the goal of developing local policies to guide existing and new Business Improvement Areas for the benefit of their members and the overall community.

Recommendations

That Council approve the recommendations outlined in Report COU16-002, dated September 26, 2016, as follows:

- a) That staff provide a report with recommendations on updating bylaws and policies to govern the role of Business Improvement Areas as local boards of the municipality dedicated to the beautification and promotion of their respective business districts;
- b) That staff review all aspects, including the geographic territory, of the Downtown Business Improvement Area.
- c) That staff report back to City Council by the end of the first quarter of 2017.

Budget and Financial Implications

There are no budget or financial implications as a result of this report.

Background

With the exciting growth and private-sector investment taking place within the Charlotte Street Commercial District west of the Downtown Business Improvement Area (DBIA) as well as the increasing prominence of the Hunter Street East business district that is served by the East City/Ashburnham Business Improvement Area, it would be prudent for the City to review and update its bylaws and policies related to the creation and operation of Business Improvement Areas (BIA) in the City of Peterborough.

As our commercial districts continue to evolve, the City will experience requests for the establishment of new BIAs and for the alteration of existing BIAs to better serve the needs of businesses within our community. For example, the DBIA has enquired in the past about the potential of expanding its territory.

Since the 2014 election, I have been serving on the Peterborough Downtown Business Improvement Area Board of Management, which is an unusual, and I believe unprecedented, role for a City of Peterborough Mayor. The decision to serve on the DBIA Board was meant to reflect this City Council's elevated level of interest in the economic and social well being of the central business district. In addition to the Mayor representing City Council on the DBIA Board, Council has aggressively moved forward with new investments in infrastructure in the downtown, including the additional \$4.2 million added to the City's 2016 Budget for the construction of an urban park in the current location of the Louis St. parking lot. It has also directed more funding to the DBIA's streetscape maintenance program to improve the cleanliness of the downtown. The previous Council prioritized the construction of a new pedestrian bridge over the Otonabee River between the downtown and East City when the former path adjacent to the rail bridge had to be closed for safety reasons and it approved the estimated \$27-million Jackson Creek flood diversion project that will include the reconstruction of Bethune Street and the creation of a linear park-like setting along the corridor. The City provides incentives for private-sector investment in the downtown through the Central Area Community Improvement Plan. The City continues to dedicate significant resources to the downtown as the central business district is recognized as one of the major generators of economic activity in our community.

While the City can help create the environment for job creation and economic activity, the private sector and the market ultimately determine the success of these efforts. BIAs are a way for businesses to join together to enhance the public space in their business districts and to promote their commercial areas; they are meant to attract activity and investment to their business districts.

Under provincial legislation, BIAs are defined as local boards of their municipalities. Municipalities can focus the efforts of their BIAs by setting their mandates, determining what they can and can't do. For instance, the City of Toronto, in its **Municipal Code, Chapter 19-3**, indicates that its BIAs can do the following activities:

- Streetscape beautification and maintenance
- Branding, promotion and marketing
- Festivals and special events
- Advocating on behalf of the interests of the BIA
- Safety and security initiatives
- Graffiti and poster removal

And the City of Toronto states what its BIAs are not permitted to do, including:

- Fund improvements to private property
- Borrow or lend money
- Incur indebtedness beyond the current fiscal year
- Spend money not accounted for in the budget
- Participate in Ontario Municipal Board, Committee of Adjustment, Licensing Tribunal appeals unless participation and the specific expenditures to support the participation are approved by membership
- Take a position contrary to City Council

The City of Toronto, in its orientation to new BIA Board members, clarifies that as a City Board a BIA cannot take a position contrary to City Council once Council has made a decision; it is acceptable to advocate a contrary position while that issue is moving through the decision-making process, however once Council makes a decision a BIA cannot pursue the matter further.

As a local board of a municipality, a BIA is a public body with its meetings open to the public and its records subject to the **Municipal Freedom of Information and Protection of Privacy Act**. In some other municipalities, the dates and times of Board of Management meetings, along with the agenda packages for those meetings, are either listed on the BIA website or on the municipality's website, as is the case for the Millbrook BIA in Cavan Monaghan Township. This could be considered as part of any direction given by the City of Peterborough to its BIAs.

The downtown remains strong and vibrant, however it has its challenges, as all urban areas have their challenges. Cleanliness and public safety are recurring issues raised by business owners, customers and residents. The City can support the activities of its BIAs by focusing their efforts on the mandates as outlined under the **Municipal Act, 2001** such as beautification and promotion, and by giving clear guidance on the creation, realignment and operation of BIAs within the City of Peterborough.

BIAs can be effective organizations that serve their members and thereby benefit the overall community. The DBIA, for example, has a budget of approximately \$450,000 in 2016 with DBIA members paying \$298,685 in a special levy collected by the City on behalf of the DBIA and the City contributing \$124,500 from general property taxes toward the DBIA's activities. In recent years BIAs have taken steps to increase the amount of activity in their districts by investing in new events and festivals; the DBIA is in the process of implementing a public WiFi system; and the DBIA has made changes to its streetscape maintenance program with the support of the municipality. The East City/Ashburnham BIA, while a much smaller organization than its neighbour, is becoming increasingly active as an association. It is conceivable that the City may receive requests for the creation of new BIAs to meet the needs of emerging or existing business districts.

Now is the time to examine the current legislative framework dealing with BIAs and to update our bylaws and policies concerning these local boards to support future growth.

Submitted by,

Mayor Daryl Bennett

Contact Name:

Daryl Bennett

Mayor

Phone: 705-742-7777 Ext. 1870

Toll Free: 1-855-738-3755

Fax: 705-748-8861

E-Mail: dbennett@peterborough.ca