

## **2021 MEMORANDUM OF UNDERSTANDING – OCTOBER 2020 v5.0**

### **BETWEEN**

### **TILLSONBURG BUSINESS IMPROVEMENT AREA**

### **AND**

### **THE CORPORATION OF THE TOWN OF TILLSONBURG**

#### **1.0 STATEMENT OF INTENT:**

The Town of Tillsonburg (Town); representing the community at large, and the Downtown Business Improvement Area (BIA); representing the service, industrial, institutional and commercial community in the Downtown Core enter into this Memorandum of Understanding to establish a working partnership/relationship to further enhance that goal. For other services provided including the installation and removal of Christmas lights; banners; and other goods and services - the BIA will effect a separate agreement with the 3<sup>rd</sup> party.

#### **2.0 GUIDING PRINCIPLES:**

The following guiding principles will direct the deliberations of the Town and BIA in achieving that goal.

- 2.1 Assist business entrepreneurs to establish and thrive in the Core on an ongoing basis.
- 2.2 Provide through the Town's Economic Growth Strategy a framework for growth, management and development.
- 2.3 Initiate improvement projects that will enhance the Community profile of the Core.
- 2.4 Provide financial incentives and technical resource assistance as requested and/or needed.
- 2.5 Encourage and support the BIA management board and staff in their endeavours.
- 2.6 Promote and raise the profile of the Core in surrounding communities as the place to visit and shop.
- 2.7 Develop plans for continuous improvement of all capital assets and beautifications.
- 2.8 Coordinate annual operating and capital plans between the parties, where feasible and practical.
- 2.9 Develop communication protocols and procedures to enhance the effectiveness of BIA operations in the Downtown Core.

- 2.10 Provide for the annual review of by-laws to ensure consistency between Town and BIA strategic objectives.
- 2.11 BIA and Town to review and agree upon capital projects prior to the Town's budget approval by Town Council.

### **3.0 MANDATES:**

#### **BIA:**

The BIA as set out in the Municipal Act, has been established to promote (a) the Core as the major business and shopping area of the Town and (b) the improvement, beautification and maintenance of municipally-owned land, buildings, and structures in the area beyond that provided (incremental to) the expense of the municipality.

#### **TOWN:**

The Town of Tillsonburg, as set out in the Official Plan, is obligated to maintain, develop and create a strong, healthy and vibrant Downtown Core consistent with the Corporate strategic plan and best-practices as demonstrated by similar towns & cities in Canada.

### **4.0 CONDITIONS PRECEDENT:**

The parties agree to the following conditions:

- 4.1 Capital projects of a minor nature as set out above will be the responsibility of the BIA to fund under separate levy subject to a business plan being presented to-Council that includes the ongoing operating costs associated therewith. A list of project assets to date is provided in Appendix A.
- 4.2 Operating costs between the parties will be in accordance with the approved schedule attached as Appendix B.
- 4.3 Any additional charges or costs other than those contained in this agreement must be agreed to by the parties prior to procurement and/or issuance of a purchase order.
- 4.4 **INSURANCE:** The Town of Tillsonburg will allow the BIA to insure the BIA vehicle(s) and offices under a rider in the town's existing insurance policy with Frank Cowan Company. The town will invoice the BIA for that portion of the insurance cost(s) applicable to the BIA. The BIA agrees to pay for the insurance premium amounts for this coverage.
- 4.5 The approved/budgeted BIA levy is to be paid in equal installments calculated as the approved annual gross levy budget divided by 4. These payments are to be made on:

<b>January 2nd, 2021</b>	<b>\$34,862.50</b>
<b>April 1<sup>st</sup>, 2021</b>	<b>\$34,862.50</b>
<b>July 2nd, 2021</b>	<b>\$34,862.50</b>
<b>October 1st, 2021</b>	<b>\$34,862.50</b>

- 4.6 BIA EXPANSION LEVY: Upon the successful outcome of the public process; both parties agree to review and update the MOU to reflect any revised charges allocated for servicing the proposed expansion area of the BIA.
- 4.7 Any invoiced charges and/or applied reductions to the quarterly BIA levy payment must be accompanied with proper back-up documentation that may include the scope of work and staff time as per this agreement.
- 4.8 A BIA representative and the Town's Revenue Manager are to meet at least twice yearly to review the assessment roll for changes and updates.
- 4.9 The BIA and Town agree to provide "change of use" information between the parties on an as-needed basis with respect to properties contained within the BIA zone (i.e. a Church no longer be used as a "house of worship").
- 4.10 The payment for services provided by the BIA under this MOU and paid for by the Town are to be billed in four (4) equal installments as follows (from the attached Appendix B):

<b>January 2nd, 2021</b>	<b>\$12,661.25</b>
<b>April 1st, 2021</b>	<b>\$12,661.25</b>
<b>July 2nd, 2021</b>	<b>\$12,661.25</b>
<b>October 1st, 2021</b>	<b>\$12,661.25</b>

## **5.0 AMENDMENTS:**

Amendments to the agreement will require the mutual consent of the parties but will otherwise be considered at the annual review meeting to take place in September of each year. The BIA Board of Management and Town Council must approve all proposed amendments.

## **6.0 TERMS OF THE AGREEMENT:**

- 6.1 The agreement will be reviewed annually and will be in effect from the commencement date of January 1<sup>st</sup>, 2021 to December 31<sup>st</sup> of 2021.

- 6.2 The annual review will take place in September of each year and prior to the approval of the Town and BIA budgets for the upcoming fiscal year.

Note: There is no base cost adjustment for the cost of living as the current CPI as of October 1<sup>st</sup>, 2020. The cost for landscape services was increased from 2020 to 2021 to reflect the actual experienced costs from invoices in 2020.

**TILLSONBURG BUSINESS IMPROVEMENT AREA (BIA)**

\_\_\_\_\_  
By: \_\_\_\_\_ Date: \_\_\_\_\_

**THE CORPORATION OF THE TOWN OF TILLSONBURG**

\_\_\_\_\_  
By: Stephen Molnar, Mayor \_\_\_\_\_  
Date: December 14, 2020

\_\_\_\_\_  
By: Michelle Smibert, Town Clerk \_\_\_\_\_  
Date: December 14, 2020

## **APPENDIX A: BIA ASSETS**

### **1.0 STREET FURNITURE:**

- 1.1 Benches – cast iron and wood slat construction - 29
- 1.2 Glass top tables (36" x 36") – 40
- 1.3 Glass top side tables (20" x 20") – 15
- 1.4 Black aluminum chairs – 160
- 1.5 Nylon brown chairs - 60
- 1.6 Hexagon picnic tables – 3
- 1.7 Round black slat aluminum tables – 20
- 1.8 Patio heaters – 12 (additional 12 on order)
- 1.9 Nylon black chairs - 20

### **2.0 SMOKING CONTROL:**

- 2.1 Butt stop – stand alone unit – 24
- 2.2 Butt stop – wall mount – 5

### **3.0 POTS & PLANTERS:**

- 3.1 Narrow/tall single planter - 40
- 3.2 Large brown pots – 30
- 3.3 Medium brown pots - 10
- 3.4 Square planters - 4

### **4.0 GARBAGE CONTAINERS:**

- 4.1 Black steel double unit – 11
- 4.2 Barrel style with red lid – 1
- 4.3 Bonnet style with black lid - 1
- 4.4 Rubbermaid – round style with lid – 2
- 4.5 Rubbermaid – square with lid – 2
- 4.6 Rubbermaid – square with recycling lid – 1

### **5.0 SHADE STRUCTURE & SUPPORTS:**

- 5.1 7' umbrella – 72
- 5.2 9' umbrella – 6
- 5.3 Umbrella bases – large – 60
- 5.4 Umbrella bases – small – 24

### **6.0 OFFICE EQUIPMENT:**

- 6.1 IT – laptop computers – 2
- 6.2 IT – desktop computers – 2
- 6.3 IT – colour printers – 3
- 6.4 IT – iPhones – 1
- 6.5 IT – label maker – 1
- 6.6 Furniture – tables – 1

- 6.7 Furniture – office chairs – 2
- 6.8 Office miscellaneous – 17

## **7.0 STREETScape IMPROVEMENTS:**

- 7.1 Broadway node reconstruction circa 2004:
  - 7.1.1 Interlocking stone-works
  - 7.1.2 Cast iron tree grates
  - 7.1.3 Trees
  - 7.1.4 Accessible ramps
  - 7.1.5 Tree guards
  - 7.1.6 Power outlets
- 7.2 Heritage LED light fixtures circa December 2018:
  - 7.2.1 Contribution to capital cost for procurement differential: (\$114,000 comprised of 70 fixtures)

## **8.0 ELECTRONIC BULLETIN BOARDS & DISPLAYS**

- 8.1 EBB at Venison & Broadway
- 8.2 EBB at Mineral Springs
- 8.3 LG 47WB 50BRB-B flat panel HD TV (1 each)

## **9.0 POP-UP PATIO & PATIO HEATERS**

- 9.1 Patio heaters (10)
- 9.2 Wood panels, cross-beams
- 9.3 Concrete post bases/blocks
- 9.4 Rope/cords (2)

## **10.0 VEHICLES:**

- 10.1 2020 Chevrolet Silverado Custom (leased from GMAC Canada)
- 10.2 2021 – (To be purchased) – open utility trailer
- 10.3 2021 – (To be purchased) – closed utility trailer

## **APPENDIX B: COST OF SERVICES – OPERATING & CAPITAL – 2021 FISCAL YEAR**

	<b><u>TOWN</u></b>
<b>1.0 COURTESY BENCHES</b> Purchase, installation, storage & maintenance of all benches in the BIA zone which includes seasonal installation, (spring); maintenance during spring, summer and early fall; and collection & storage in the winter months.  Operational responsibility: 100% BIA with the Town paying \$2,975 to the BIA in 2021.	<b>\$2,975</b>
<b>2.0 WASTE &amp; RECYCLE REMOVAL</b> Collect, remove and disposal of waste and recycling in the Downtown Core with the exception of the units located at the Tillsonburg Town Centre Mall campus area. This also includes the collection, removal and disposal of dumped waste items in Downtown alleys, Downtown parking lots & other public spaces including Library Lane. The BIA will be responsible for its own dumpster, labour, scheduling, service levels and disposal of collected items. Operational responsibility: 100% BIA with Town paying \$9,750 to the BIA for 2021.	<b>\$9,750</b>
<b>3.0 LANDSCAPING SERVICES STREET POTS, PLANTERS, TREES</b> Purchase and install all trees, replace damaged or dead trees/foilage on an annual basis. Includes as-needed pruning and foliage removal. The BIA will assume the cost of the plant materials, Maintenance & care for the large Town pots located at the clock tower, major intersections & other areas in the Downtown BIA zone. Purchase and install all seasonal pots, planters, hang baskets, (includes the cost of all specimens of flowers, greenery, pot accents and signage.) *Note: this does not include the cost of cutting or caring for grassed areas which remains in the purview of the Town.	<b>\$4,620</b>

Remove all weeds from grates, curbs, sidewalks, alleys, walkways, public areas, parkettes, traffic signals, nodes, & interlocking stone areas. Operational responsibility: 100% BIA with Town paying \$4,620 to the BIA for 2021.

#### **4.0 WATERING/IRRIGATION**

**\$6,530**

Includes watering/irrigation of all pots, plants, baskets, planter units & urns in the BIA defined zone including those owned by either the BIA or Town of Tillsonburg.

This service includes the cost of water, fertilizer, hoses, nozzles, pumps & other equipment that is required to undertake this effort.

Operational responsibility: 100% BIA with Town paying \$6,530 to the BIA for 2021.

#### **5.0 DECORATIVE STREET SIGNS/BLADES**

**\$1,500**

100% responsibility of the BIA with The Town providing \$1,500 per annum for replacement and/or new street signage that meets AODA standards.

This service includes the design, approval, procurement, installation, maintenance & repair of all Downtown street blade signs on an annual basis.

Note: For 2021; commence transition to proper AODA standards for 10 main Broadway signs with the remaining replacements to be phased-in commensurate with future budgets & business plans.

100% BIA responsibility with the Town paying the BIA \$1,500 for 2021.

#### **6.0 SIDEWALK & GUTTER CLEANLINESS & MANUAL STREET-SWEEPING**

**\$4,270**

The BIA will perform day-to-day sweeping in all downtown areas of the commercial corridor. The Town to provide annual funding



of \$4,270 representing 50% of the cost of this service for 2021.

This service includes all labour costs; cost of removal of garbage, cost of equipment, cost of PPE & supervision of student labour including an operational plan and system for BIA staff to follow.

This service also includes the one-time, annual spring clean-up from the winter thaw.

**7.0 CAPITAL PROJECTS: \$15,000**

The Town to provide the BIA with 2020 funding of \$15,000 towards BIA capital projects for the downtown Core area with an equal or greater contribution by the BIA for 2021.

2021 capital purchases include:

- a) Utility trailer
- b) Electric generator
- c) Shoulder-mount/commercial grade video camera
- d) Additional waste receptacles units
- e) Contribution to remaining BIA capital projects as determined by the Board of Management.

**8.0 TOURISM: \$6,000**

The Town to provide the BIA with 2021 funding of \$6,000 towards BIA main-street tourism project commensurate with the BIA move to 200 Broadway.

The BIA will provide street-level tourism & marketing information 7 days a week from April 1<sup>st</sup> to December 24<sup>th</sup> for 2021. Specific hours TBD.

**TOTAL 2021 MOU FUNDING FROM THE TOWN TO BIA: \$50,645**

**\*\*\*END OF DOCUMENT\*\*\***