



**City of Port Colborne
Regular Meeting of Council 20-20
Monday, August 10, 2020 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

Notice: Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to deputyclerk@portcolborne.ca by noon on Monday, August 10, 2020.

Watch the Council Meeting streaming live on our [YouTube Channel](#).

1. **Call to Order:** Mayor William C. Steele
2. **Introduction of Addendum Items:**
3. **Confirmation of Agenda:**
4. **Disclosures of Interest:**
5. **Adoption of Minutes:**
 - (a) Regular meeting of Council 19-20, held on July 27, 2020
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Delegations/Presentations:**
 - (a) **Presentation:** Bill Myers, Customer Service Project Coordinator Re: Customer Service Update
9. **Consideration of Items Requiring Separate Discussion:**
10. **Proclamations:**

Nil.
11. **Minutes of Boards, Commissions & Committees:**

Nil.
12. **Councillors' Items:**
 - (a) Staff Responses to Previous Councillors' Enquiries
 - (b) Councillors' Issues/Enquiries

13. Consideration of By-laws:

14. Adjournment:

Council Items:

Notes	Item	Description / Recommendation	Page
WCS MB EB RB GB FD AD DK HW	1.	<p><u>Engineering and Operations Department, Engineering Division, Report 2020-101, Subject: Request for Traffic Safety Review – Intersection of Killaly Street East and Elizabeth Street</u></p> <p>That Engineering and Operations Department, Engineering Division, Report No. 2020-101, Subject: Request for Traffic Safety Review - Intersection of Killaly Street East and Elizabeth Street, be received for information; and</p> <p>That Council direct staff to relocate the southbound stop control location on Elizabeth Street to address sight line obstructions.</p>	7
WCS MB EB RB GB FD AD DK HW	2.	<p><u>Engineering and Operations Department, Engineering Division, Report 2020-102, Subject: Request for Traffic Safety Review – Intersection of Bell Street and Fares Street</u></p> <p>That Engineering and Operations Department, Engineering Division, Report No. 2020-102, Subject: Request for Traffic Safety Review - Intersection of Bell Street and Fares Street, be received for information; and</p> <p>That Council direct staff to include a request in the 2021 budget package to hire an external consultant to provide a full traffic study for the Bell Street and Fares Street intersection.</p>	11
WCS MB EB RB GB FD AD DK HW	3.	<p><u>Planning and Development Department, By-law Enforcement Division, Report 2020-104, Subject: Fence Variance – 1731 Barber Drive</u></p> <p>That Planning and Development Department, By-law Enforcement Division, Report 2020-104, Subject: Fence Variance – 1731 Barber Drive, be received for information; and</p> <p>That Council grant the approval of the fence variance for 1731 Barber Drive.</p>	15
WCS MB EB RB GB FD AD DK HW	4.	<p><u>Engineering and Operations Department, Operations Division, Report 2020-100, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2018)</u></p> <p>That Engineering and Operations Department, Operations Division, Report No. 2020-100, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2018), be received for information.</p>	21

Miscellaneous Correspondence					
WCS	MB	EB	5.	<p><u>By-law 6803/53/20, Being a By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne</u></p> <p>That staff bring forward By-law 6803/53/20, Being a By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne, for approval.</p>	31
RB	GB	FD			
AD	DK	HW			
Outside Resolutions – Requests for Endorsement					
WCS	MB	EB	6.	<p><u>Township of South Glengarry Re: Funding and Inspections for Long Term Care Homes due to COVID-19 Pandemic</u></p> <p>That the resolution received from the Township of South Glengarry regarding funding and regular inspections for Long Term Care facilities, be received for information.</p>	41
RB	GB	FD			
AD	DK	HW			
Responses to City of Port Colborne Resolutions					
Nil.					

**Consideration of By-laws
(Council Agenda Item 11)**

By-law No.	Title
6808/58/20	Being a By-law to Amend By-law 5991/97/13 Being a By-law to Set a Lapsing Date of Draft Plan of Approval for Rosedale Subdivision
6809/59/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of August 10, 2020

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Report Number: 2020-101

Date: August 10, 2020

SUBJECT: Request for Traffic Safety Review - Intersection of Killaly Street East and Elizabeth Street

1) PURPOSE:

This report is prepared in response to a request from Council to have the Engineering Division review the intersection of Killaly Street East and Elizabeth Street in regards to any traffic safety issues that may exist and to determine whether and all-way stop should be considered.

2) HISTORY, BACKGROUND, COUNCIL POLICY, AND PRACTICES:

Killaly Street East is an arterial road owned by the City of Port Colborne that runs east-west from Welland Street to Highway 3. West of Elizabeth Street, there are sidewalks and on-street parking on both the north and south sides of the road. East of Elizabeth Street, there is a sidewalk and on-street parking on the south side only. There are no stop signs at any location along Killaly Street East, aside from the east and west termination points.

Elizabeth Street is an arterial/collector road owned by the City of Port Colborne that runs north-south from Colborne Street to Main Street East / Highway 3. Immediately north and south of Killaly Street East, there is a sidewalk on the west side and on-street parking on both the east and west sides of the road. There is also a slight offset between the alignment of the north and south legs at the Killaly Street East intersection. Elizabeth Street has stop signs for traffic travelling both north and south at the Killaly Street East intersection, as well as an all-way stop at the Bell Street intersection further south.

Three previous Council reports have been prepared, all addressing the same concerns and all offering the same recommendation.

- Report 2001-57 - Killaly Street East and Elizabeth Street Intersection
- Report 2011-29 - Request for All Way Stop Control at Three Intersections Within the City
- Report 2015-182 - Request for All Way Stop Control at the Killaly Street East and Elizabeth Street Intersection

Each study came to the conclusion that all-way stop control was not warranted or recommended at this intersection.

3) STAFF COMMENTS AND DISCUSSIONS:

Engineering staff have studied the intersection and assessed safety issues based on the current Transportation Association of Canada (TAC) standards. It was found that sight lines for northbound traffic on Elizabeth Street are acceptable and no improvements are required. For southbound traffic, some obstructions were found when looking west and a

recommendation was made to relocate the stop sign and painted stop bar 4m south of its current location.

Based on TAC standards and other accepted design guidelines, this intersection does not meet any warrants for an all-way stop control. Killaly Street East is considered the major arterial route while Elizabeth Street is considered the minor approach to this particular intersection.

It is staff's opinion that the slight offset of the north and south legs of Elizabeth Street, while unusual, does not hinder a driver's ability to cross Killaly Street East and continue travelling.

Staff obtained collision reports from the Niagara Regional Police Service (NRP) covering the years from 2002 to 2019, with the exception of 2012 and 2013, for which records could not be found. For the years provided, a total of 22 collisions were reported, which is an average of 1.4 collisions per year. According to the NRP, this is no more than the average for other intersections throughout the city.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Council could decide that the obstructions to sight lines for southbound traffic are acceptable and leave the stop control in its current location.

b) Other Options

i) Adjust location of stop control (Recommended)

Council could direct staff to relocate the southbound stop control on Elizabeth Street 4m south to address the sight line obstructions.

ii) Request external traffic study

Council could direct staff to include a request in the 2021 budget package to hire an external consultant to provide a full traffic study at an approximate cost of \$10,000.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

Not applicable.

6) ATTACHMENTS:

None.

7) RECOMMENDATION:

That Engineering and Operations Department, Engineering Division, Report No. 2020-101, Subject: Request for Traffic Safety Review - Intersection of Killaly Street East and Elizabeth Street, be received for information; and

That Council direct staff to relocate the southbound stop control location on Elizabeth Street to address sight line obstructions.

8) SIGNATURES:

Prepared on July 31, 2020, by:



Brian Kostuk
Development & Asset Inventory
Supervisor

Reviewed by:



Steve Shypowskyj
Acting Director of Engineering and
Operations

Reviewed and Respectfully Submitted by:



C. Scott Luey
Chief Administrative Officer

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Report Number: 2020-102

Date: August 10, 2020

SUBJECT: Request for Traffic Safety Review - Intersection of Bell Street and Fares Street

1) PURPOSE:

This report is prepared in response to a request from Council to have the Engineering Division review the intersection of Bell Street and Fares Street in regards to any traffic safety issues that may exist.

2) HISTORY, BACKGROUND, COUNCIL POLICY, AND PRACTICES:

Bell Street is a collector road owned by the City of Port Colborne that runs east-west from Welland Street to James Street. There are sidewalks and on-street parking on both sides of the street for the entire length, with the exception of the final block on the east end, between Mercury Avenue and James Street. Bell Street has stop signs where it intersects with McRae Avenue, Elizabeth Street, and Mercury Avenue, as well as both termination points.

Fares Street is a collector road owned by the City of Port Colborne that runs north-south from Lake Road to Killaly Street East. There are sidewalks and on-street parking on both sides of the street for the entire length, with the exception of the final block on the south end, between Rodney Street and Lake Road. Fares Street has stop signs where it intersects with Nickel Street, Durham Street, and Bell Street, as well as both termination points.

In the past, this intersection had a four-way beacon hanging in the center with amber flashing lights facing east-west towards Bell Street traffic and red flashing lights facing north-south towards Fares Street traffic. In 2013, Report 2013-42 was submitted to Council seeking direction for the continued use of the overhead beacon. Council's decision at the time was to remove the four-way beacon and replace it with new red flashing lights mounted on the stop signs facing north and south towards Fares Street traffic. Those red flashing lights are still in use today.

3) STAFF COMMENTS AND DISCUSSIONS:

Engineering staff have studied the intersection and assessed safety issues based on the current Transportation Association of Canada (TAC) standards. Several major obstructions to sight lines have been identified for both north-bound and south-bound traffic on Fares Street.

The most significant obstruction at this intersection is the building at 402 Fares Street which was built right up to both the south and east property lines. This building is a major impediment to sight lines for south-bound traffic.

The steel picket fence along the property line of 379 Fares Street, despite being an open construction that can be easily seen-through from straight-on, obstructs a north-bound driver's ability to see east on Bell Street as a result of the pickets lining up and causing them to appear as a solid wall from the driver's viewpoint at the stop location. This fence also violates the maximum height allowed on a corner lot in By-Law 1170/117/81 by 0.3m.

Due to the width of both roads and crosswalks on all four sides of the intersection, adjustments cannot be made to the stop locations to address sight line obstructions. Minor improvements could be made for south-bound traffic, including relocating a Canada Post mailbox and extending the No Parking limit further west; however, drivers will still need to creep into the intersection to see past the building on the northwest corner.

Staff have discussed an opportunity to utilize a "bump-out" curb design at this location, similar to the recent decision on the Elm Street and Elgin Street intersection. This would involve designing and building extended curbs that would allow cars to stop further into the intersection, allowing them to see past the major obstructions they currently face. Staff recommend hiring an external consultant to do a full traffic study of the intersection to investigate this option further.

Collision reports provided by the Niagara Regional Police Service reveal that nine collisions have occurred at this intersection within the last five years, accounting for 0.55% of overall collisions reported throughout the city. Four of these collisions were the result of disobeying the stop sign on Fares Street.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Council could decide that the obstructions to sight lines are acceptable and leave the intersection in its current state.

b) Other Options

i) Hire an external consultant to perform a full traffic study (Recommended)

Council could direct staff to include a request in the 2021 budget package to hire an external consultant to provide a full traffic study at an approximate cost of \$10,000.

ii) Make minor alterations to alleviate some sight line obstructions

Council could instruct staff to arrange to have the Canada Post mailbox relocated and extend the No Parking limit further west to improve sight lines for south-bound traffic.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

Not applicable.

6) ATTACHMENTS:

None.

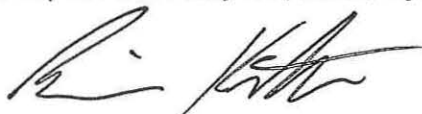
7) RECOMMENDATION:

That Engineering and Operations Department, Engineering Division, Report No. 2020-102, Subject: Request for Traffic Safety Review - Intersection of Bell Street and Fares Street, be received for information; and

That Council direct staff to include a request in the 2021 budget package to hire an external consultant to provide a full traffic study for the Bell Street and Fares Street intersection.

8) SIGNATURES:

Prepared on July 31, 2020, by:



Brian Kostuk
Development & Asset Inventory
Supervisor

Reviewed by:



Steve Shypowskyj
Acting Director of Engineering and
Operations

Reviewed by:



Bryan Boles
Director of Corporate Services

Reviewed and Respectfully Submitted by:



C. Scott Luey
Chief Administrative Officer

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Report Number: 2020-104

Date: August 10, 2020

Subject: Fence Variance – 1731 Barber Drive

1) PURPOSE

The purpose of this report is to present Council with a fence variance request from Jean-Francois Walker of Logistec at 1731 Barber Drive.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

It is Council Policy to review any variance requests for fences and decide on each case based on the information presented. An application has been received for a property located in an industrial area on the east side of Barber Drive. Logistec is working towards complying with a noise abatement plan as required by the Ministry of Environment, Conservation and Parks (MECP).

3) STAFF COMMENTS AND DISCUSSIONS

The City's current Fence By-law 5510/107/10, Section 3.4, establishes fence heights of 2.6 m (8.6 ft) above the effective ground level in any parcel of land in any commercial or industrial area.

The proposed perimeter fencing along the eastern edge of the property to be 4.0 m (13ft) along 520 meters adjacent to the railway. The fence/noise abatement wall would be constructed of shipping containers to comply with the noise abatement plan.

The By-law Enforcement Division have no objections to the proposed noise abatement plan and erection of the fence at the above noted property, as the plan has been approved by the MECP.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

This is not the recommended action.

b) Other Options

This section is not applicable, as the proposed plan has been approved by the MECP.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This section is not applicable.

6) ATTACHMENTS

Appendix A – Fence variance application and attachments


7) RECOMMENDATION

That Planning and Development Department, By-law Enforcement Division, Report 2020-104, Subject: Fence Variance – 1731 Barber Drive, be received for information; and

That Council grant the approval of the fence variance for 1731 Barber Drive.

8) SIGNATURES

Prepared on August 4, 2020 by: Reviewed by:


Sherry Hanson, C.P.S.O.
Manager of By-law Services


Sherry Hanson C.P.S.O.
Acting Director of Planning and Development

Reviewed and respectfully
submitted by:



C. Scott Luey
Chief Administrative Officer



Application Form

Request for Relief from Fence By-law

Applicant

1) Name: Jean-Francois Walker
 2) Address: 1880 Barber Drive, L3K 5V5
 3) Phone #: 905-380-8296
 4) Email: jfwalker@logistec.com

Area in question

Site Plan Attached

Address: 1731 Barber drive (Storage Yard)

Location: (check all that apply)

- Front Yard
- Side Yard
- Exterior Side Yard
- Required Front Yard
- Rear Yard
- Corner Lot

Fence Construction: Open Closed

Existing Fence Height: N/A m **Proposed Fence Height:** 4.0 m

Is the Fence adjacent to a driveway	<u>NO</u>	Is there an easement/swale on the property	<u>NO</u>
Is there an existing Site Plan Agreement	<u>NO</u>	Is there a Pool on the property	<u>NO</u>

Comments: Perimeter fence along eastern edge of the property. 4.0m high along ~~100m~~ 520 meters adjacent to the railway. Fence/wall construction to consist of shipping containers to comply with noise abatement plan as required by MOE

Applicant Signature JFW **Date:** July 31st 2020

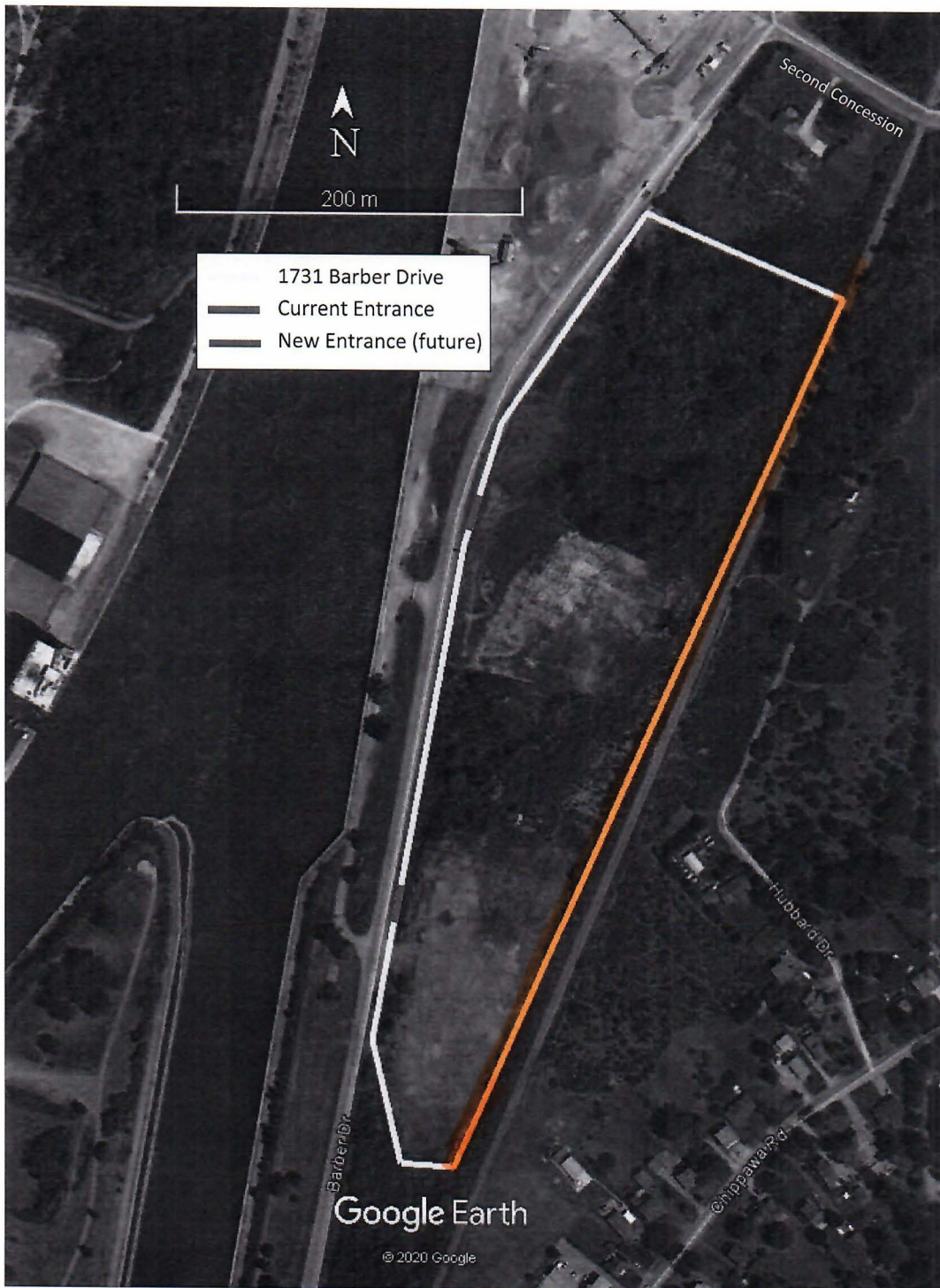
Office Use Only:

Variance Fee	\$450.00	Zoning	
Paid by:		Date	

Figure 3: Site Plan



Figure 3: Site Plan



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Report Number: 2020-100

Date: August 10, 2020

SUBJECT: Energy Consumption and Greenhouse Gas Emissions Report (2018)

1) PURPOSE

This report has been prepared to inform Council on the 2018 Energy Consumption and Greenhouse Gas Emissions Report to be submitted to the Ministry of Energy by October 1, 2020, as a requirement of O. Reg 507/18 – Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans under the *Electricity Act, 1998*.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Under the *Electricity Act, 1998* all Ontario municipalities are required to comply with O. Reg 507/18 – Broader Public Sector: Energy Reporting and Conservation and Demand Management Plans. As part of this regulation, the City of Port Colborne is required to track and report on annual energy consumption and greenhouse gas (GHG) emissions from all heated and/or cooled City operated facilities. Using this information, one function of the regulation is to encourage a province wide reduction in energy.

In order to fulfill the requirement of annual energy reporting established under O. Reg 507/18, a database of annual electricity and natural gas consumption for all heated and/or cooled City operated facilities has been created. These records are organized and stored using the Energy Planning Tool (EPT), a web-based program developed and provided by Local Authority Services (LAS). Using this tool, the City has established complete records of monthly electricity and natural gas consumption beginning from 2011: the first year required to be reported on under this regulation. The first annual report was submitted in 2013, reporting on energy consumption from two years prior, in 2011. Energy consumption and GHG emissions for 2012 were then reported in 2014, with 2013 being reported in 2015 and so on. With the exception of the year 2020, annual reports must be submitted to the Ministry of Energy, Northern Development and Mines by July 1st each year, reporting on data from two years prior to the current calendar year. After submission, the reports must also be made available for public viewing in both printed form and on the City's official website. Due to the COVID-19 pandemic, the Province extended the deadline for the 2018 annual report until October 1, 2020. The annual report for 2020, which reports 2018 energy consumption and GHG emissions, was submitted to the Ministry on July 30, 2020.

Data from current and past reports have been used to track trends in City wide energy consumption, and have also been used in identifying the City's largest energy consuming facilities. The identification of these facilities has allowed for a targeted approach to energy conservation, such as the completion of energy audits on select buildings which

have allowed for the identification of appropriate energy conservation initiatives. Through such efforts, in-depth energy audits have been conducted on the City's primary energy consuming facilities, including Port Colborne's City Hall, Fire Hall, Library, Roselawn Centre, Museum, Marina and Vale Health & Wellness Centre. The collection of information through these reports has been used in setting attainable energy conservation goals and objectives, as outlined under the City's official Energy Conservation and Demand Management Plan, endorsed by Council in June of 2019.

3) STAFF COMMENTS AND DISCUSSIONS

The 2018 Energy Consumption and Greenhouse Gas Emissions Report, attached as Appendix A to this report, outlines the total annual electricity and natural gas consumption from all heated and/or cooled City operated facilities during the associated year. As such, some of the buildings originally reported on in the first 2011 report are no longer in operation, such as the Teeder Kennedy Youth Arena, Centennial Swimming Pool, and the West Side Arena; or the City no longer operates or pays the utility bills (i.e. Dog Pound and Lighthouse Tour Booth). Other facilities, specifically the Vale Health & Wellness Centre, are newly constructed and operating, and the 2013 report was the first to include energy consumption values from this new facility. Additionally, the Engineering and Operations Centre is new to be included in this report. This facility replaces the Parks Depot and the Public Works Yard.

Accounting for these facility changes, the City's total annual energy consumption for 2018 reached a sum of 10,230,160.42 ekWh/yr (equivalent kilowatt-hours per year), which is less than 1% decrease from the 2017 total. However, total annual GHG emissions saw a 3% increase compared to 2017, totaling 1,100,662.813 kg CO₂e/yr. Based on historical data from the Government of Canada website, 2018 experienced significantly warmer weather (with 540.3 cooling degree days and 3,322.3 heating degree days in 2018 versus 229.2 cooling degree days and 3,608.9 heating degree days in 2017) than 2017. The year 2018 demonstrated a 5.6% decrease in natural gas consumption; however, it also accounted for a 6% increase in electricity consumption for cooling purposes. These changes are likely correlated to the weather patterns. Further investigation into why GHG emissions increased slightly when the total energy consumption decreased slightly reveal that the increase is attributed to factors in the formula the province uses to calculate GHG emissions. The factor used each year is based on Environment Canada's National Inventory, and the factor will vary from year to year, and thus affect the City's reportable GHG emissions.

Beyond sole consideration of facility consumption, an important indicator of energy use and efficiency is energy intensity – the measure of a building's consumption relative to its total operational area. Figure 1, below, depicts the energy intensity of all Port Colborne facilities during the 2017 and 2018 report periods. The Vale Health & Wellness Centre (VHWC), Engineering and Operations Centre (EOC), Roselawn Centre and the Fire Hall have the highest energy intensities. Most notably, although the VHWC is the City's most significant energy consumer, its energy intensity reveals that it is considerably more energy efficient than the City facilities it replaced (Teeder Kennedy Youth Arena,

Centennial Swimming Pool, and West Side Arena). In the 2011 report, these three facilities together accounted for 56% of total energy consumption that year. Although the VHWC continues to account for a similar percentage of the City's total annual energy consumption, relative to its predecessors the facility is almost five times more energy efficient, largely a reflection of its LEED Gold certification and high operating standards.

2017/2018 Facility Energy Intensity (ekWh/m²)

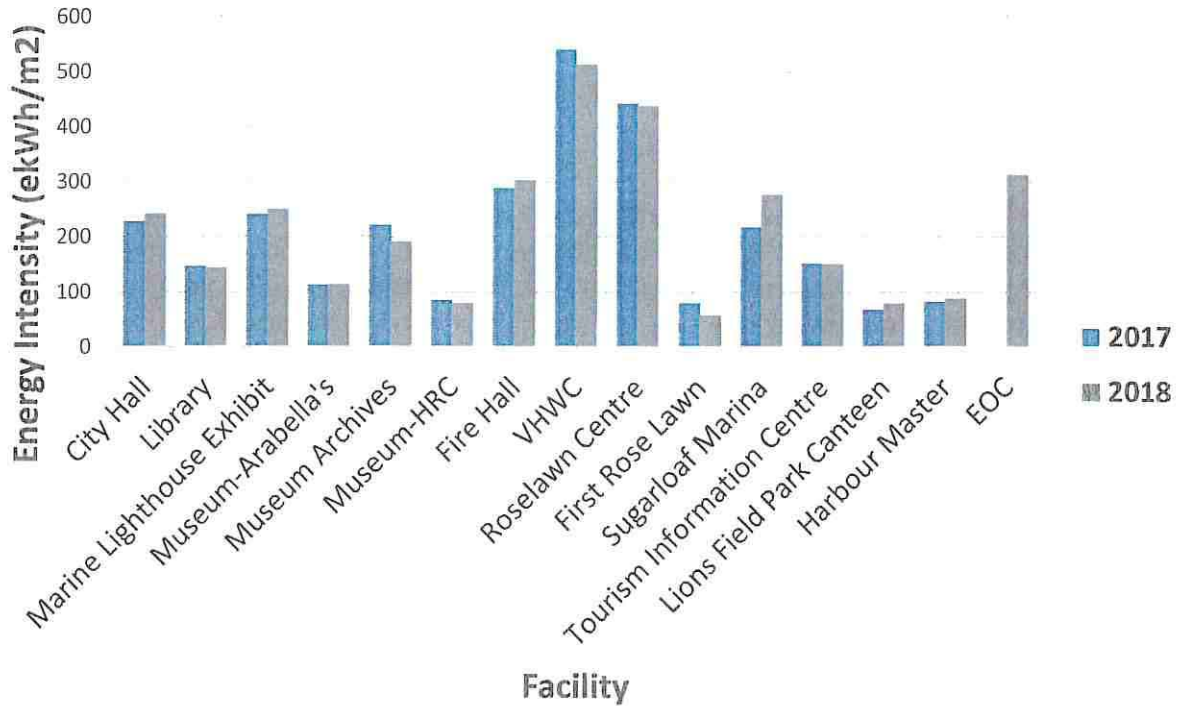


Figure 1: Comparison of yearly energy intensity of City facilities - 2017 vs 2018.

The newest city facility is the Engineering and Operations Centre (EOC), and the energy efficiency of the building is similar to the Fire Hall (Figure 1). As 2018 was the first full operating year, there is no previous year to compare. However, as the EOC replaced two older, less efficient facilities (Parks Depot and Public Works Yard). Figure 2, below, demonstrates the energy intensity of the EOC in 2018, compared to the energy intensity for the two facilities it replaced. The last full year of operation for the Parks Depot and the Public Works Yard (2016), is the year used for the comparison.

EOC Facility Energy Intensity (ekWh/m²)

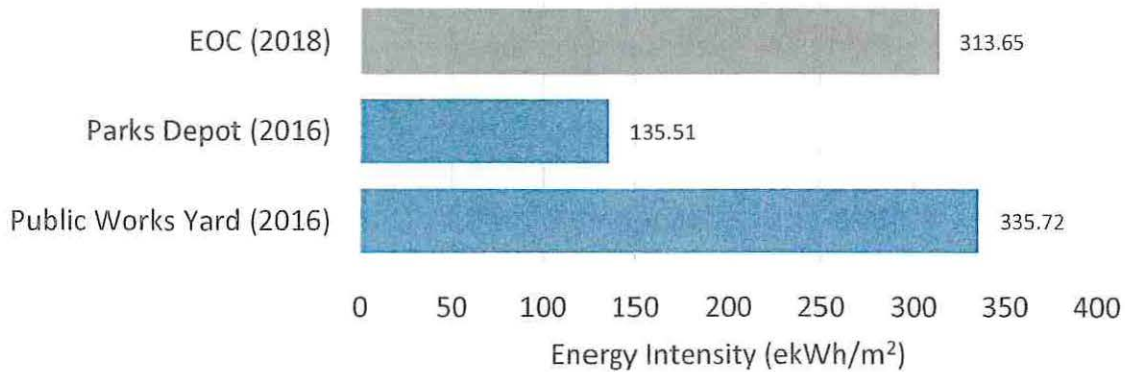


Figure 2: Comparison of energy intensity at new Operations and Engineering Centre, and the facilities it replaced.

The energy intensity of the EOC is higher than the Parks Depot, and a bit lower than the energy intensity of the Public Works Yard. However, the new EOC is nearly double the size of its predecessors, and houses not only the Parks and Operations staff, but also the Engineering staff. Combining the energy intensity of the previous facilities to directly compare them to the EOC provides a total of 471.23 ekWh/m², which is 1.5 times greater than the energy intensity of the EOC, despite the fact that the two previous facilities combined had a total area less than half the size of the EOC. Therefore, when compared against the facilities it replaced, it can be concluded that the EOC is much more energy efficient than the facilities it replaced.

Future reports should show reductions in energy intensity, paralleled by an increase in efficiency, as a result of both the current and future implementation of conservation practices and energy efficiency upgrades as staff work towards the quantitative energy management goals in the 2019 Energy Conservation and Demand Management Plan.

The finalized 2018 report was submitted to the Ministry on July 30, 2020, well before the October 1st deadline, and will be made available in printed form, and uploaded to the City's official website. Using this updated information, alongside the City's second official Energy Conservation and Demand Management Plan, staff will continue to investigate and develop energy conservation initiatives and opportunities throughout City facilities in order to meet outlined goals and objectives as set under the requirement of O. Reg 507/18.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do nothing.

This is not an option. Under O. Reg. 507/18, the City is mandated to compile and submit an annual Energy Consumption and Greenhouse Gas Emissions Report dated two years prior to the current calendar year.

b) Other options

Council may choose to review the attached 2018 Energy Consumption and Greenhouse Gas Emissions Report.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not Applicable.

6) ATTACHMENTS

Appendix A - 2018 Energy Consumption and Greenhouse Gas Emissions Report

7) RECOMMENDATION

That Engineering and Operations Department, Operations Division, Report No. 2020-100, Subject: Energy Consumption and Greenhouse Gas Emissions Report (2018), be received for information.

8) SIGNATURES

Prepared on July 30, 2020 by:


Mae Lannan
Climate Change Coordinator

Reviewed by:


Darlene Suddard
Environmental Compliance Supervisor

Reviewed by:


Steve Shypowsky
Acting Director of Engineering &
Operations

Reviewed and Respectfully Submitted:


C. Scott Luey
Chief Administrative Officer

Energy Consumption and Greenhouse Gas Emissions Reporting - for 2018	
Confirm consecutive 12-mth period (mth-yr to mth-yr)	Jan/2018 - Dec/2018
Sector	Municipality
Agency Sub-sector	Municipal
Organization Name	City of Port Colborne

Operation Name	Operation Type	Address
Stephenson Building	Administrative offices and related facilities, including municipal council chambers	2160 Yonge Street
City Hall	Administrative offices and related facilities, including municipal council chambers	66 Charlotte Street
Engineering and Operations Cent	Storage facilities where equipment or vehicles are maintained, repaired or stored	1 Killaly Street West
First Rose Lawn	Administrative offices and related facilities, including municipal council chambers	296 Fielden Avenue
Harbour Master	Other	201 West Street
Library	Public libraries	310 King Street
Lions Field Park Canteen	Community centres	148 Killaly Street W.
Marine Lighthouse Exhibit	Cultural facilities	280 King Street
Port Colborne Fire and Emergen	Fire stations and associated offices and facilities	3 Killaly Street W.
Port Colborne Museum- Arabella	Cultural facilities	61 Princess Street
Port Colborne Museum- Archives	Cultural facilities	286 King Street
Port Colborne Museum- HRC	Cultural facilities	291 Catharine Street
Roselawn Centre	Cultural facilities	296 Fielden Avenue
Sugarloaf Marina	Other	3 Marina Road
Tourism Information Centre	Cultural facilities	76 Main Street West
Vale Health and Wellness Centre	Indoor recreational facilities	550 Elizabeth Street

Energy Consumption and

Confirm consecutive 12-mth period (mth-yr to mth-yr)

Sector

Agency Sub-sector

Organization Name

Operation Name	City	Postal Code	Total Floor Area	Unit	Avg hrs/wk	Annual Flow (ML)
<i>Stephenson Building</i>	<i>Toronto</i>	<i>M7A 2G5</i>	<i>135,034.00</i>	<i>Square feet</i>	<i>70</i>	<i>23516.00224</i>
City Hall	Port Colbc	L3K 3C8	2,800.00	Square meters	39.99	0.00000
Engineering and Operations Cent	Port Colbc	L3K 2L5	3,424.00	Square meters	76	0.00000
First Rose Lawn	Port Colbc	L3K 4T6	900.00	Square meters	39.99	0.00000
Harbour Master	Port Colbc	L3K 4E3	75.00	Square meters	9.99	0.00000
Library	Port Colbc	L3K 4H2	2,148.00	Square meters	53.99	0.00000
Lions Field Park Canteen	Port Colbc	L3K 4Y2	131.00	Square meters	20.98	0.00000
Marine Lighthouse Exhibit	Port Colbc	L3K 4H1	255.00	Square meters	24.99	0.00000
Port Colborne Fire and Emergenc	Port Colbc	L3K 6H1	1,625.00	Square meters	167.98	0.00000
Port Colborne Museum- Arabella	Port Colbc	L3K 4H1	260.00	Square meters	34.98	0.00000
Port Colborne Museum- Archives	Port Colbc	L3K 4H1	290.00	Square meters	13.98	0.00000
Port Colborne Museum- HRC	Port Colbc	L3K 4L3	292.00	Square meters	34.98	0.00000
Roselawn Centre	Port Colbc	L3K 4T6	675.00	Square meters	39.99	0.00000
Sugarloaf Marina	Port Colbc	L3K 6C6	610.00	Square meters	32.66	0.00000
Tourism Information Centre	Port Colbc	L3K 3V2	290.00	Square meters	55.81	0.00000
Vale Health and Wellness Centre	Port Colbc	L3K 5W3	13,471.00	Square meters	119	0.00000

Energy Consumption and
Confirm consecutive 12-mth period (mth-yr to mth-yr)
Sector
Agency Sub-sector
Organization Name

Operation Name	Electricity Quantity	Electricity Unit	Natural Gas Quantity	Natural Gas Unit	GHG Emissions (Kg)
<i>Stephenson Building</i>	<i>2,181,065.00000</i>	<i>kWh</i>	<i>125,300.00000</i>	<i>Cubic meter</i>	
City Hall	426,255.00000	kWh	24,324.00000	Cubic Meter	58,582.59389
Engineering and Operations Cent	317,873.00000	kWh	72,735.00000	Cubic Meter	146,907.26625
First Rose Lawn	15,019.00000	kWh	3,580.00000	Cubic Meter	7,212.22607
Harbour Master	6,608.00000	kWh			195.25318
Library	117,652.00000	kWh	18,488.00000	Cubic Meter	38,430.29327
Lions Field Park Canteen	8,274.00000	kWh	203.00000	Cubic Meter	628.27743
Marine Lighthouse Exhibit	10,265.00000	kWh	5,160.00000	Cubic Meter	10,058.94554
Port Colborne Fire and Emergenc	182,398.00000	kWh	29,947.00000	Cubic Meter	62,008.10287
Port Colborne Museum- Arabella	4,811.00000	kWh	2,384.00000	Cubic Meter	4,649.41020
Port Colborne Museum- Archives	16,976.00000	kWh	3,707.00000	Cubic Meter	7,510.16114
Port Colborne Museum- HRC	9,956.00000	kWh	1,286.00000	Cubic Meter	2,725.52621
Roselawn Centre	83,946.00000	kWh	20,415.00000	Cubic Meter	41,077.58661
Sugarloaf Marina	62,163.00000	kWh	10,309.00000	Cubic Meter	21,327.26607
Tourism Information Centre	8,057.00000	kWh	3,449.00000	Cubic Meter	6,758.84076
Vale Health and Wellness Centre	3,718,790.00000	kWh	308,209.00000	Cubic Meter	692,591.06396

Energy Consumption and

Confirm consecutive 12-mth period (mth-yr to mth-yr)
Sector
Agency Sub-sector
Organization Name

Operation Name	Energy Intensity (ekWh/sqft)	Energy Intensity (ekWh/Mega Litre)
<i>Stephenson Building</i>		
City Hall	22.72026	0.00000
Engineering and Operations Cent	29.59884	0.00000
First Rose Lawn	5.47781	0.00000
Harbour Master	8.18537	0.00000
Library	13.58678	0.00000
Lions Field Park Canteen	7.39780	0.00000
Marine Lighthouse Exhibit	23.71917	0.00000
Port Colborne Fire and Emergenc	28.62373	0.00000
Port Colborne Museum- Arabella	10.77232	0.00000
Port Colborne Museum- Archives	18.05944	0.00000
Port Colborne Museum- HRC	7.51602	0.00000
Roselawn Centre	41.41575	0.00000
Sugarloaf Marina	26.15368	0.00000
Tourism Information Centre	14.32379	0.00000
Vale Health and Wellness Centre	48.23678	0.00000

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The Corporation of the City of Port Colborne

By-Law No. 6803/53/20

Being a by-law to regulate the discharge of firearms and bows
in the City of Port Colborne

Whereas Section 9 of the *Municipal Act*, 2001 S.O. 2001, c.25 provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

Whereas Section 11 of the *Municipal Act*, 2001 S.O. 2001, c.25 provides that municipalities may provide any service or thing that the municipality considers necessary or desirable for the public, including the passing of by-law within the respective sphere of jurisdiction; and

Whereas pursuant to Subsection 11(2) para 6. of the *Municipal Act*, 2001 S.O. 2001, c.25 municipality may pass by-laws to protect the health, safety and well-being of persons; and

Whereas Sections 23.1(1) of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to delegate certain powers and duties; and

Whereas Section 119 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a local municipality for the purpose of public safety, prohibit or regulate the discharge of guns or other firearms, air-guns, spring-guns, cross-bows, long-bows or any other weapon; and

Whereas Section 425 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to provide offences for a contravention of a by-law; and

Whereas Section 429 of the *Municipal Act*, 2001 S.O. 2001, c.25 authorizes a municipality to establish a system of fines under a by-law; and

Whereas Council of the City of Port Colborne has deemed it in the public interest to regulate the discharge of firearms within the City for the purposes of public safety; and

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

That this by-law shall be comprised of SIX (6) parts containing various sections, namely:

Part 1	Title and Definitions
Part 2	Application of the By-law
Part 3	General Provisions
Part 4	Enforcement
Part 5	Schedules
Part 6	Repeal

Part 1 – Title and Definitions

Short Title

1. This by-law shall be referred to as "The Discharge of Firearms By-law".

Definitions

2. For the purposes of this By-law, including in the Recitals and the Definitions,

- a) "Agent" means a person authorized by the Regulations under the *Fish and Wildlife Conservation Act*, to act as an agent for a landowner to kill, capture or harass wildlife for the protection of property and includes:
 - i) Trappers licensed under Ontario Regulation 667/98 (Trapping);
 - ii) Members of a landowner's immediate family acting on behalf of the landowner on the landowner's own land;
 - iii) Persons whose business is primarily the business of removing nuisance wildlife, if they harass wildlife or if they capture and release wildlife if capable of being released;
 - iv) Employees or agents of a municipality whose responsibility relates to wildlife control; and
 - v) Persons who hold a valid class H1 outdoors card issued under Ontario Regulation 665/98, for the purposes of killing or harassing the wildlife but not capturing it.
- b) "Bow" means a curved or re-curved stave of a resilient material, strung taut from end to end and used to launch an arrow, bolt, quarrel or any similar projectile and includes cross-bows, long bows, re-curve bows and compound bows.
- c) "Business" means a person who carries on a business that includes the manufacture, assembly, possession, purchase, sale, importation, exportation, display, repair, restoration, maintenance, storage, alteration, pawn brokering, transportation, shipping, distribution or delivery of firearms or bows, and ammunition for firearms or bows.
- d) "City" means the Corporation of the City of Port Colborne, Ontario and its geographical boundaries.
- e) "Conservation Officer" means a Conservation Officer or Deputy Conservation Officer appointed pursuant to the *Fish and Wildlife Conservation Act*.
- f) "Council" means the Council of the Corporation of the City of Port Colborne.
- g) "Defined Areas" includes:
 - i) All lands within the City's urban boundary and hamlets as designated under the City's Official Plan, as amended;
 - ii) Those lands illustrated in Schedules A through E inclusive of this By-law;
 - iii) Those areas within 150 metres from the water's edge into a navigable waterway as defined in the *Navigable Waters Protection Act*, R.S.C. 1985, Chap. N-22; and
 - iv) Those areas within 229 metres from the water's edge into Gravelly Bay in Lake Erie.

- h) "Educational Property" includes school facilities operated by a school board, a private school, a university, a provincial college, a private college or an outdoor area owned by the school when in use for instructional purposes whether or not the area is adjacent to a school building.
- i) "Exploding Shooting Target(s)," means a binary explosive used for firearms practice, including but not limited to Tannerite, and Shockwave.
- j) "Farming and Food Production Protection Act" means the *Farming and Food Production Protection Act*, 1998, S.O. 1998, c. 1, or any amending or successor legislation.
- k) "Firearm" means any type of device from which a projectile can be discharged and that is capable of causing serious bodily injury or death, including, but not limited to, handguns, shotguns, rifles, air or pellet guns, spring-guns, bows, long-bows, compound bows and crossbows or any class thereof and includes anything that can be adapted for use as a Firearm.
- l) "Fish and Wildlife Conservation Act" means the *Fish and Wildlife Conservation Act*, 1997, S.O. 1997 c. 41, or any amending or successor legislation.
- m) "Highway" shall mean a common and public highway and includes a street, public land and road allowance and any bridge, trestle, viaduct or structure that forms part of a highway and all lands between the lateral boundaries
- n) "Law Enforcement Officer" shall mean a Police Officer, a member of the Armed Forces of Canada, a peace officer, an Officer appointed under the *Fish and Wildlife Conservation Act* or the municipality's Municipal Law Enforcement Officers, Fire Chief or his/her designate.
- o) "Livestock Product" shall be defined as in the *Livestock and Livestock Products Act*, R.S.O. 1990, c.L.20, as amended, or any successor legislation thereto.
- p) "Manager" means the Manager of By-law Services as appointed on behalf of the City of Port Colborne and includes his/her designate.
- q) "Municipal Act" means the *Municipal Act*, 2001, S.O. 2001, c. 45, or any amending or successor legislation.
- r) "Normal Farm Practice", as defined in the *Farming and Food Production Protection Act*, means a practice which is conducted in a manner consistent with proper and acceptable customs and standards, as established and followed by similar agricultural operations under similar circumstances, or makes use of innovative technology in a manner consistent with proper advanced farm management practices, and includes any practice which may be recognized as such by the Normal Farm Practices Protection Board.
- s) "Occupier" shall include,
 - i) a person who is in physical possession of premises, or
 - ii) a person who has responsibility for and control over the condition of premises or the activities there carried on, or control over persons allowed to enter the premises, even if

there is more than one occupier of the same premises;
("occupant") e.g. an agent.

- t) "Paintball Facility" – means a facility that is designed for the purpose of conducting Paintball Gun activities.
- u) "Paintball Gun" – means a barreled weapon that, is designed for discharging paintballs; and is deemed not to be a firearm pursuant to Section 84(3)(d) of the *Criminal Code*, or any successor thereof.
- v) "Park" includes open space, private and/or Public Park and means an area open to the public used for sports, picnic, and like activities.
- w) "Peace Officer" means a member of a regional, provincial or federal police force or the Canadian Armed Forces.
- x) "Person" means an individual, firm, corporation, business, association or partnership.
- y) "Property" means any parcel of land and any buildings or structures on the land and includes a portion of property.
- z) "Protection of Property" means the killing, capturing or harassing of wildlife found damaging or destroying property on a person's own land, or, that a person believes, on reasonable and probable grounds, is about to damage or destroy property on their own land.
- aa) "Recreational Trail" shall mean any property that is open or available to the general public for permitted recreational trail uses, and includes any bridge, trestle, viaduct or structure that forms part of a trail and all lands between the lateral boundaries.
- bb) "Target" shall mean an animal, reptile, bird or object.
- cc) "Trapper" means a person licensed by the Ministry of Natural Resources in accordance with the *Fish and Wildlife Conservation Act* and Regulations to hunt and trap fur-bearing mammals.
- dd) "Shooting Range" a location that is designed or intended for the safe discharge, on a regular and structured basis, of firearms for the purpose of shooting at an object to be aimed at in shooting practice or contests.
- ee) "Wildlife" shall be as defined in the *Fish and Wildlife Conservation Act*.

Part 2 – Application of the By-law

Interpretation

3. For the purposes of this by-law:

Word Usage

- a) words in singular shall be deemed to include plural and words in plural shall be deemed to include singular and this By-law shall be interpreted with all changes in gender or number as the context may require;
- b) unless otherwise defined herein, the words and phrases used in

this By-law have their normal and ordinary meaning;

- c) headings are inserted for convenience and reference purposes only, they form no part of this By-law and shall not affect in any way the meaning or interpretation of the provisions of this By-law; and
- d) reference to any Act, Regulation, By-law, or *Agreement* is a reference to that Act, Regulation, By-law, or *Agreement* as it is amended or re-enacted from time to time.

Application

- 4. The provisions of this By-law shall apply to all discharges of *Firearms* and *Bows* within the boundaries of the *City*.
- 5. Nothing in this By-law shall be interpreted as reducing or eliminating the need for full compliance with the provisions of all applicable Federal and Provincial statutes and associated Regulations, including but not limited to the following:
 - a) *Criminal Code, R.S.C. 1985, c. C-46;*
 - b) *Firearms Act, S.C. 1995, c. 39;*
 - c) *Migratory Birds Convention Act, 1994, S. C. 1994, c. 22; and*
 - d) *Fish and Wildlife Conservation Act.*

Conflict

- 6. Where this By-law conflicts, or is deemed to conflict, with any applicable Federal or Provincial statute, the provisions of such Federal or Provincial statute shall prevail.

Severability

- 7. If a court of competent jurisdiction declares any section or part of a section of this By-law to be invalid, such section or part of a section shall not be construed as having persuaded or influenced *Council* to pass the remainder of this By-law, and the remainder of the By-law shall be valid and remain in force.

Part 3 – General Provisions

Prohibitions

- 8. No *Person* shall discharge a *Firearm* or *Bow* in the *City* except in accordance with this By-law.
- 9. No *Person* shall discharge any *Firearm* or *Bow* in the *City* upon lands within the *Defined Areas*.
- 10. No *Person* shall discharge any *Firearm* or *Bow* in the *City* upon lands outside the *Defined Areas* except a land owner, tenant, *Agent* authorized by the land owner or tenant, or a *Person* with the land owner or tenant's permission, provided that:
 - a) the *Property* upon which the discharge is to occur is no less than 2.02 hectares (5 acres) in size;

- b) where the *Firearm* is a shotgun, it is of no greater calibre than No. 2 Shot (6.86 millimetres , .270 inches);
 - c) no bullet, shot, bolt, arrow, or quarrel shall pass over the boundary of the *Property*; and
- 10.1 No person shall discharge a *Firearm* in the *City*, regardless of caliber, which incorporates a rifled barrel in its construction.
- 10.2 No *Person* shall discharge, cause to be discharged or allow to be discharged a *Firearm* for the purposes of detonating *Exploding Shooting Target* or any other binary explosive that requires a shot by a *Firearm* to initiate a detonation.
11. Notwithstanding sections 9 and 10 of this By-law, no *Person* shall discharge any *Firearm* or *Bow* within 150 metres (492 ft) of:
- a) any dwelling, other than a dwelling located on the *Property* upon which the lawful discharge occurs; or
 - b) any public or private *Park* (including a *Recreational Trail*) or a public open space; or
 - c) the premises of an *Educational Property* or religious institution, including but not limited to any building, structures or grounds related thereto.
 - d) all areas fronting onto Lake Erie, measured from the water's edge.

Exceptions

12. This By-law shall not apply to the discharge of a *Firearm* or *Bow*:
- a) for the *Protection of Property* from nuisance *Wildlife* that may be killed or harassed in accordance with the *Ontario Fish and Wildlife Conservation Act*, or a permit issued under the *Canada Migratory Birds Regulations*;
 - b) undertaken as a *Normal Farm Practice*;
 - c) upon properties being used for the raising of livestock product and where the discharge is necessary to protect the livestock product;;
 - d) by any *Peace Officer*, *Conservation Officer* or *Deputy Conservation Officer* acting in the course of his/her duty under the authority of his/her employment;
 - e) at a facility operated or utilized by *Peace Officers* for training purposes;
 - f) at a lawful *Shooting Range*, *Paintball Facility*, skeet club or at a shooting meet which has been authorized by the *Manager*;
 - g) at an *Educational Property* used for instruction in the proper use of *Firearms* or *Bows*;
 - h) at a federally regulated and licensed *Business*, the use and location of which is lawful and in accordance with all applicable federal, provincial and municipal laws; and
 - i) by a *Person* firing blank ammunition for the purposes of:

- i) a ceremonial event, historical display or educational program;
- ii) a theatrical film or television production;
- iii) a sporting event; or
- iv) the training of animals.

Grant of Exemption by Council

- 13. Notwithstanding any provisions of this By-law, any *Person* may make application to *Council* to be granted an exemption from any of the provisions of this By-law with respect to the discharge of *Firearms* or *Bows* and *Council*, by resolution, may grant or refuse to grant the exemption applied for, or may grant any exemption of lesser effect, and in granting any exemption *Council* may include such terms and conditions as it deems appropriate.
- 14. In deciding whether to grant an exemption, *Council* shall give the applicant and any other *Persons* an opportunity to be heard and may consider such other information and matters as it considers appropriate, including but not limited to, the impact on public safety.
- 15. A breach by the applicant of any of the terms or conditions of any exemption granted by *Council* shall render the exemption immediately null and void and of no force or effect.

Part 4 – Enforcement

- 16. The provisions of this By-law may be enforced by a *Law Enforcement Officer* or any other *Person* appointed to enforce by-laws for the *City*.

Power of Entry

- 17. The *City* may enter onto a *Property* at any reasonable time for the purpose of carrying out an inspection to determine whether or not the following are being complied with:
 - a) the provisions of this By-law;
 - b) an order issued under this By-law; or
 - c) an order made under section 431 of the *Municipal Act*.
- 18. Where an inspection is conducted by the *City*, the *Person* enforcing the provisions of this By-law and conducting the inspection may:
 - a) require the production for inspection of documents or things relevant to the inspection;
 - b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
 - c) require information from any *Person* concerning a matter related to the inspection including name, address, phone number and identification; and
 - d) alone or in conjunction with a *Person* possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purposes of the inspection.

19. The *City* may undertake an inspection pursuant to an order issued under s. 438 of the *Municipal Act*.
20. The *City's* power of entry and inspection may be exercised by a *Law Enforcement Officer* or any other *Person* appointed or delegated to enforce by-laws for the *City*.

Penalty

21. Every *Person* who contravenes a provision of this By-law, including an order issued under this By-law, is guilty of an offence.
22. If a corporation has contravened a provision of this By-law, including an order issued under this By-law, every director and officer who knowingly concurred in such a contravention is guilty of an offence.
23. If an order has been issued under this By-law, and the order has not been complied with, the contravention of the order shall be deemed to be a continuing offence for each day or part of a day that the order is not complied with.
24. Every *Person* who is guilty of an offence under this By-law shall be subject to the following penalties:
 - a) upon a first conviction, to a fine of not less than \$100.00 and not more than \$50,000.00;
 - b) Upon a second or subsequent conviction for the same offence, to a fine of not less than \$400.00 and not more than \$100,000.00;
 - c) Upon conviction for a continuing offence, to a fine of not less than \$100.00 and not more than \$10,000 for each day or part of a day that the offence continues. The total of the daily fines may exceed \$100,000.00; and
 - d) Upon conviction of a multiple offence, for each offence included in the multiple offence, to a fine of not less than \$100.00 and not more than \$10,000.00. The total of all fines for each included offence may exceed \$100,000.00.
25. For the purposes of this By-law:
 - a) "multiple offence" means an offence in respect of two or more acts or omissions each of which separately constitutes an offence and is a contravention of the same provision of this By-law; and
 - b) an offence is a "second or subsequent offence" if the act giving rise to the offence occurred after a conviction had been entered at an earlier date for the same offence.

Part 5 – Schedules

Schedules to this By-law

26. Schedules A through E inclusive attached hereto shall form part of this By-law.

Part 6 – Repeal

27. By-law Number 2499/115/90 and all amendments thereto are hereby repealed.

Enacted and passed this 10th day of August, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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CORPORATION OF THE TOWNSHIP OF SOUTH GLENGARRY

MOVED BY Stephanie Jaworski

RESOLUTION NO 229-2020

SECONDED BY *Lyle Warden* **DATE** July 20, 2020

WHEREAS the COVID-19 pandemic has disproportionately affected the vulnerable elderly population in Canada's long-term care (LTC) homes and some of Ontario's LTC homes are among those with the highest fatality rates in the country as the pandemic has exposed deplorable conditions in many LTC homes across Canada; and

WHEREAS it is the mandate of the Ministry of Long-Term Care to inspect long term care homes on an annual basis and these inspections have consistently dropped in number since 2017 with only nine completed out of 626 long term care homes in 2019; and

WHEREAS residents have been endangered by personnel moving between infection zones without adequate equipment; and

NOW THEREFORE BE IT RESOLVED THAT the Council of the Township of South Glengarry urges the Ontario government to provide funding to increase full-time positions in place of casual and part-time labour in long term care homes and requests that the Ministry of Long-term Care acts to regularly inspect all long term care homes, and sound infection control measures are put in place at all Ontario long term care homes, and that this resolution be forwarded to Premier Ford, the Minister of Long-term Care Merrilee Fullerton and all Ontario municipalities for consideration.

CARRIED DEFEATED POSTPONED

Frank Prevost
Mayor Frank Prevost

Recorded Vote:	Yes	No
Mayor Prevost	—	—
Deputy Mayor Warden	—	—
Councillor Lang	—	—
Councillor Jaworski	—	—
Councillor McDonell	—	—

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The Corporation of the City of Port Colborne

By-law No. 6808/58/20

Being a by-law to amend by-law 5991/97/13
being a by-law to set a lapsing date of draft plan approval
for Rosedale Subdivision

Whereas the Council of The Corporation of the City of Port Colborne passed By-law 5991/97/13 to give Draft Plan approval to August 12, 2015; and

Whereas on July 13th, 2015 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2017; and

Whereas on June 26th, 2017 the Council of The Corporation of the City of Port Colborne extended Draft Plan approval to August 12, 2019;

Whereas on July 8th, 2019 the Council of The Corporation of the City of Port Colborne passed By-law 6702/66/19 which extended Draft Plan approval to August 12, 2020;

Now therefore, the Council of The Corporation of the City of Port Colborne enacts as follows:

1. That a draft approval lapsing date of August 12th, 2022 be set for the Rosedale Plan of Subdivision.
2. That Schedule A to this by-law form the list of conditions of draft approval for the Rosedale Plan of Subdivision.

Enacted and passed this 10th day of August, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

ROSEDALE PLAN OF SUBDIVISION
1988 CONDITIONS WITH 2019 AMENDMENTS

The conditions for final approval and registration of the Rosedale (Revised) plan of subdivision, R. Rotella, File No. 26T-87018, Part of Lot 30, Conc. 3, City of Port Colborne are:

1. That this approval applies to the Rosedale draft plan of subdivision, Part of Lot 30, Conc. 3 (Former Twp. of Humberstone), City of Port Colborne, prepared by W.A. Mascoe, O.L.S., dated April 29th, 1987, and revised on May 31, 1988, showing 119 single family residential lots, two blocks of land for access reserve purposes and one block of land each for commercial, multiple family residential and park purposes, respectively.
2. That the road allowances within the draft plan be dedicated as public highway.
3. That the proposed streets be named to the satisfaction of the City of Port Colborne.
4. That any dead end streets and open sides of road allowances within the draft plan be terminated in 0.3m (1ft) reserves to be conveyed to the City of Port Colborne.
5. That a temporary point of ingress to and egress from the plan site be provided to the satisfaction of the City of Port Colborne until such time as adjacent residential lands are developed.
6. That all easements required for utility or drainage purposes be granted to the appropriate authority.
7. That the owner dedicate those lands shown as Block 'B' on the revised draft plan to the City of Port Colborne for park purposes pursuant to the provisions of Section 50(5)(a) of the Planning Act, 1983.
8. That the final plan may incorporate minor design revisions requested by the City of Port Colborne which may result in changes to the width or area of some lots but which shall not include a change in the total number shown on the draft approved plan.
9. That development of the subdivision be phased to the satisfaction of the City of Port Colborne and that provision for such phasing be included in the subdivision agreement between the owner and the City.

10. That the owner agrees in writing to satisfy all requirements, financial or otherwise, of the City of Port Colborne concerning the provision of roads, installation of services, drainage, and all other matters related to the development of the subject site.
11. That the subdivision agreement between the owner and the City of Port Colborne be registered by the municipality against the land to which it applies as provided for pursuant to Section 50(6) of the Planning Act, S.O. 1983.
12. That the design for the water distribution system intended to service the draft plan area be submitted to the City of Port Colborne for review and approval.
13. That prior to final approval for registration of this plan of subdivision, the owner shall submit the design drawings, with calculations, for the sanitary and storm drainage systems required to service this development and obtain Ministry of the Environment, Conservation and Parks (MECP). Compliance Approval under the Transfer of Review Program.

Note: Under the MECP Transfer of Review Program, general sanitary and storm systems are reviewed. Any specialized systems and/or stormwater management will require direct application to the MECP office in Toronto. Please note that any additional approvals required from any other agency (NEC, NPCA, MTO, etc.) as part of the application must be obtained prior to submission of the ECA application. The developer should discuss any items with an engineering consultant.

14. That prior to approval of the final plan or any on-site grading, the owner submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval two copies of a detailed stormwater management plan for the subdivision and the following plans designed and sealed by a suitably qualified professional engineer in accordance with the Ministry of Environment documents entitled Stormwater Management Planning and Design Manual, March 2003 and Stormwater Quality Guidelines for New Development, May 1991:
 - (a) Detailed lot grading, servicing and drainage plans, noting both existing and proposed grades and the means whereby overland flows will be accommodated across the site; and,
 - (b) Detailed erosion and sedimentation control plans.

Note: The Region will request that the Niagara Peninsula Conservation Authority review the stormwater management and other related plans on the Regions behalf and submit comments to the Regional Planning and Development Services

Department (Development Services Division) regarding the approval of these plans and the subsequent clearance of related conditions by Regional Planning Staff.

15. That the owner enters into an agreement with the Regional Municipality of Niagara and assumes their portion of the cost to construct the sanitary sewer to the Industrial Pumping station as a result of this development.
16. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 metre (G.S.C.) contour as being the top of the bank.
17. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
18. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
19. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
20. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
21. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of the agency.
22. That the owner provides a written acknowledgement to the Regional Planning and Development Services Department (Development Service Division) that draft approval of this subdivision does not include a commitment of serving allocation by the Regional Municipality of Niagara as this servicing allocation will be assigned at the time of final approval of the subdivision for registration purposes.
23. That the owner shall provide the Regional Planning and Development Services Department (Development Services Division) with a written undertaking stating that all offers and agreements of purchase and sale, which may be negotiated prior to

registration of the subdivision, shall contain a clause that servicing allocation will not be assigned until the plan is granted final approval for registration, and a similar clause be inserted in the subdivision agreement between the owner and the City of Port Colborne.

24. That in order to provide for Regional curbside collection of waste the owner shall comply with any applicable Regional policies relating to the collection of waste and ensure that all streets and development blocks can provide a through access.
25. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 98 and 99 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 184 meter (G.S.C.) contour as being the top of the bank.
26. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lot 100 to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the rear lot line for Lot 100 as shown on the revised draft plan as being the top of the bank.
27. That a 7.6 meter (25 foot) setback be maintained from the top of the bank of the escarpment for all structural development on Lots 101 to 106 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority. For this purpose the Authority has defined the 189 meter (G.S.C.) contour as being the top of the bank.
28. That a 7.6 meter (25 foot) setback be maintained from the toe of the escarpment for all structural development on Lots 80 to 83 inclusive, to the satisfaction of the Niagara Peninsula Conservation Authority.
29. That the owner submit a grading plan showing existing and final contours and erosion controls to be undertaken where necessary to the Niagara Peninsula Conservation Authority for their review and approval.
30. That the subdivision agreement between the owner and the City contain wording whereby the owner agrees to undertake the development setback and grading requirements of the Niagara Peninsula Conservation Authority as specified above, to the satisfaction of that agency.
31. That prior to approval of the final plan, the owner prepare and submit to the satisfaction of the Ministry of Transportation a traffic report indicating anticipated peak hour turning volumes at the Highway 58 access to the subdivision site.

32. That prior to approval of the final plan, the owner enter into a legal agreement with the Ministry of Transportation whereby the owner agrees to be responsible for all costs associated with improvements which may be required to Highway 58 and its intersection with the public road access to the subdivision site.
33. That the owner convey a 0.3m (1ft) reserve to the Ministry of Transportation along the Highway 58 frontage of the subdivision site to the satisfaction of that agency.
34. That prior to approval of the final plan, the owner prepare and submit to the Ministry of Transportation for review and approval a drainage plan and report outlining the intended treatment of the calculated run-off from the plan site insofar as it may affect the Highway 58 right-of-way.
35. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for the review and approval a detailed noise impact study assessing potential noise impacts from Highway 58 and the adjacent Loyalist Industrial Park for the proposed development and recommending mitigation measures to meet the applicable MECP noise guidelines.
36. That the subdivision agreement between the owner and the City of Port Colborne contain provisions whereby the owner agrees to implement the approved mitigation measures recommended by the noise impact study referred to in the condition above.
37. That prior to any grading or construction on the subdivision site, the owner carry out an examination of the site to the satisfaction of the Ministry of Natural Resources to ascertain if previous drilling activity for gas resources poses a potential hazard to existing and subsequent land owners.
38. That prior to any grading or construction on the subdivision site, the owner identify and if necessary replug any gas wells on the site to the satisfaction of the Ministry of Natural Resources and Forestry.
39. That prior to approval of the final plan, the owner demonstrate to the satisfaction of the Ministry of Natural Resources that adequate provisions have been made for the elimination of any on-site hazards related to any abandoned gas wells within the subdivision site.
40. That prior to approval of the final plan, the owner shall submit to the Regional Planning and Development Services Department (Development Services Division) for review and approval a Stage 1 Archaeological Assessment to address the registered archaeological sites on the subject lands. No demolition, grading or

other soil disturbances shall take place on the subject property prior to the issuance of a letter of compliance from the Ministry of Tourism, Culture and Sport through the Regional Planning and Development Services Department (Development Services Division) conforming that all archaeological resource concerns have met licensing and resource conservation requirements.”

41. That prior to the approval of the final plan, Conditions 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 35 and 36 have been carried out to the City's satisfaction.

The clearance letter from the municipality shall include a brief and complete statement for each condition indicating how each has been satisfied or carried out.

42. That prior to the approval of the final plan, the City of Port Colborne is to be satisfied that Conditions 12, 13, 14 and 15 have been met.

43. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Niagara Peninsula Conservation Authority that Conditions 16, 17, 18, 19, 20 and 21 have been carried out to its satisfaction.

44. That prior to the approval of the final plan, the City of Port Colborne is to be advised by the Ministry of Transportation that Conditions 31, 32, 33 and 34 have been carried out to its satisfaction.

45. That prior to the approval of the final plan, the City is to be advised by the Ministry of Natural Resources that conditions 37, 38 and 39 have been carried out to its satisfaction.

46. That if final approval is not given to this plan within four years of the draft approval date, and no extensions have been granted, draft approval shall lapse. If the owner wishes to request an extension to the draft approval period, a written explanation is required, together with a resolution from the local municipality which must be received by the Region prior to the lapsing date.

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The Corporation of the City of Port Colborne

By-Law No. 6809/59/20

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Regular Meeting of August 10, 2020

Whereas Section 5(1) of the *Municipal Act, 2001*, provides that the powers of a municipality shall be exercised by its council; and

Whereas Section 5(3) of the *Municipal Act, 2001*, provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise; and

Whereas it is deemed expedient that the proceedings of the Council of The Corporation of the City of Port Colborne be confirmed and adopted by by-law;

Now therefore the Council of The Corporation of the City of Port Colborne enacts as follows:

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of August 10, 2020 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 10th day of August, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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**City of Port Colborne
Regular Council Meeting 19-20
Minutes**

- Date:** July 27, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor (via Zoom)
E. Beauregard, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
G. Bruno, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Zoom)
- Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)
B. Boles, Director of Corporate Services (via Zoom)
T. Cartwright, Fire Chief (via Zoom)
A. Griggs, Director of Community and Economic Development
N. Halasz, Manager of Parks and Recreation
S. Hanson, Manager of By-law Services
C. Lee, Director of Engineering and Operations (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk
S. Shypowskyj, Acting Director of Engineering and Operations (via Zoom)

Also in attendance was one member of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

Mayor Steele delivered his Mayor's Report, a copy of which is attached.

Regional Councillor Butters reported to Council on the Niagara Region's financial position and the effects of COVID-19. She indicated that the financial position in July has generally improved over June and that any non-urgent capital projects have

been delayed to 2021. Councillor Butters concluded her report by answering various questions from Councillors.

2. Introduction of Addendum Items:

Additions:

Delegations/Presentations is being added as an item after Item 7 on the agenda for all electronic meetings.

No. 124 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That the Rules of the Procedural By-law be waived for all electronic meetings in order to add Delegations/Presentations after Item 7 on the agenda.

CARRIED

3. Confirmation of Agenda:

No. 125 Moved by Councillor H. Wells
 Seconded by Councillor R. Bodner

That the agenda dated July 27, 2020 be confirmed, as circulated.

CARRIED

4. Disclosures of Interest:

Councillor Danch declared a pecuniary interest regarding item 2 (Planning and Development Department, Report 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion) as Rankin Construction Inc. is a customer of the Councillor's business. Councillor Danch refrained from discussing and voting on item 2.

Councillor Wells declared a pecuniary interest regarding item 2 (Planning and Development Department, Report 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion), and item 3 (Planning and Development Department, Report 2020-95, Subject: Recommendation Report: Proposed Expansion of the Downtown Central Business District Community Improvement Plan). Councillor Wells refrained from discussing and voting on items 2 and 3.

Councillor Beauregard declared a pecuniary interest regarding item 2 (Planning and Development Department, Report 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion), item 3 (Planning and Development Department, Report 2020-95,

Subject: Recommendation Report: Proposed Expansion of the Downtown Central Business District Community Improvement Plan), By-law No. 6802/52/20 (Being a By-law to Amend By-law 4588/119/04, Being a By-law to Regulate Noise), By-law No. 6803/53/20 (Being a By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne), By-law No. 6806/56/20 (Being a By-law to Enter Into a Joint Agency Review Team Memorandum of Understanding), and By-law No. 6807/57/20 (Being a By-law to Amend By-law 1847/112/86 to Permit an Expansion to the Central Business District Community Improvement Project Area to Include 14 Victoria Street and 21 Adelaide Street) as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to these items. Councillor Beauregard refrained from discussing and voting on these items and by-laws.

5. Adoption of Minutes:

No. 126 Moved by Councillor D. Kalailieff
Seconded by Councillor M. Bagu

- (a) That the minutes of the special meeting of Council 16-20, held on July 13, 2020, be approved as presented.
- (b) That the minutes of the regular meeting of Council 17-20, held on July 13, 2020, be approved as presented.
- (c) That the minutes of the special meeting of Council 18-20, held on July 15, 2020, be approved as presented.

CARRIED

6. Determination of Items Requiring Separate Discussion:

The following items were identified for separate discussion:

Items 1, 2, 3, 4, 5, 6, and 8.

7. Approval of Items Not Requiring Separate Discussion:

No. 127 Moved by Councillor A. Desmarais
Seconded by Councillor E. Beauregard

That Items 1 to 9 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

Items:

7. Department: Chief Administrative Officer, Report 2020-98, Subject: COVID-19 Update #4

Council Resolved:

That Chief Administrative Officer Report No. 2020-98, Subject: COVID-19 Update #4, be received for information.

9. Town of Kingsville Re: Rent Assistance Program

Council Resolved:

That the resolution received from the Town of Kingsville regarding Rent Assistance Program to include all businesses in a Lease Agreement within all “residential-above-commercial” properties without a cap on commercial/residential ratio, be received for information.

CARRIED

8. Delegations/Presentations

- (a) **Delegation:** Greg Poisson, Owner of Canalside Re: Request to change the hours of Parking on West Street

Greg Poisson, Owner of Canalside, provided a verbal presentation with respect to the hours of limited parking on West Street and requested that the hours be extended to 10:00 p.m. A copy of Mr. Poisson’s request is attached.

No. 128 Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

That the Manager of By-law Services review limiting parking hours on West Street and prepares a report to Council with recommendations; and

That Staff engage with the Downtown BIA during the review.

CARRIED

- (b) **Presentation:** Ashley Grigg, Director of Community and Economic Development, Nicole Halasz, Manager of Parks and Recreation and Sherry Hanson, Manager of By-law Services Re: Nickel Beach Update

Ashley Grigg, Director of Community and Economic Development, Nicole Halasz, Manager of Parks and Recreation and Sherry Hanson, Manager of By-law Services, provided an update on the operations of Nickel Beach and responded to questions received from Council. A copy of their presentation is attached.

No. 129 Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

That the rules respecting notice of motion, as outlined under Section 15 of the Procedural By-law, be waived in order to dispense with notice.

CARRIED

No. 130 Moved by Councillor A. Desmarais
Seconded by Councillor F. Danch

That access to Nickel Beach be restricted to Port Colborne residents only.

LOST

Councillor Beauregard declared a conflict with this motion and therefore did not vote.

- (c) **Delegation:** To be heard under Section 9 "Consideration of Items Requiring Separate Discussion", Item 1, Planning and Development Department, Report 2020-94, Subject: Request for Extension of Draft Plan of Subdivision Approval (File No. D12-H58) Rosedale Plan of Subdivision.

9. **Consideration of Items Requiring Separate Discussion:**

1. **Planning and Development Department, Report 2020-94, Subject: Request for Extension of Draft Plan of Subdivision Approval (File No. D12-H58) Rosedale Plan of Subdivision**

Craig Rohe, Senior Planner, Upper Canada Consultants, spoke in support of a two-year extension for the Draft Plan Approval of the Rosedale Draft Plan of Subdivision. A copy of Mr. Rohe's speaking notes is attached.

No. 131 Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

That the Draft Plan Approval be extended for the Rosedale Draft Plan of Subdivision to August 12, 2021;
and

That Upper Canada Consultants be notified accordingly.

Moved in amendment by Councillor G. Bruno
Seconded by Councillor F. Danch

That the main motion be amended by striking out the words "August 12, 2021" in the first paragraph and inserting thereto the words "August 12, 2022".

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the Draft Plan Approval be extended for the Rosedale Draft Plan of Subdivision to August 12, 2022; and

That Upper Canada Consultants be notified accordingly.

CARRIED

2. Planning and Development Department, Report 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion

No. 132

Moved by Councillor M. Bagu
Seconded by Councillor R. Bodner

That Planning and Development Report 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion, be received for information; and

That the Mayor and City Clerk be authorized to sign the Joint Agency Review Team Memorandum of Understanding.

That the necessary by-law be approved by Council and signed by the Mayor and City Clerk.

Moved in amendment by Councillor M. Bagu
Seconded by Councillor R. Bodner

That the main motion be amended by striking out the words "Pit 3 Expansion" in the first paragraph and inserting thereto the words "Quarry Application".

CARRIED

Moved in amendment by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That the main motion be amended by adding the following as the third paragraph:

“That the Director of Planning and Development prepare and bring forward a report to Council regarding the creation of a Planning Committee;”

CARRIED

The vote was then called on the main motion, as amended, as follows:

That Planning and Development Report 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Quarry Application, be received for information; and

That the Mayor and City Clerk be authorized to sign the Joint Agency Review Team Memorandum of Understanding; and

That the Director of Planning and Development prepare and bring forward a report to Council regarding the creation of a Planning Committee; and

That the necessary by-law be approved by Council and signed by the Mayor and City Clerk.

CARRIED

3. Planning and Development Department, Report 2020-95, Subject: Recommendation Report: Proposed Expansion of the Downtown Central Business District Community Improvement Plan

No. 133

Moved by Councillor M. Bagu

Seconded by Councillor A. Desmarais

That the CBD CIP Project Area expansion as outlined in Planning and Development Department Report No. 2020-95, be approved; and

That the necessary by-law be approved by Council and signed by the Mayor and City Clerk.

CARRIED

4. Engineering and Operations Department, Engineering Division, Report 2020-96, Subject: COVID-19 Infrastructure Stimulus & Recovery Opportunity

No. 134 Moved by Councillor G. Bruno
 Seconded by Councillor H. Wells

That staff finalize a list of projects and apply for the grant based on the principles outlined in the Engineering and Operations Department, Engineering Division, Report No. 2020-96, Subject: COVID-19: Infrastructure Stimulus & Recovery Opportunity; and

That staff reports to Council with the outcome of the applications along with a funding strategy.

CARRIED

5. Corporate Services Department, Financial Services Division, Report 2020-97, Subject: 2021 Proposed Budget Timetable

No. 135 Moved by Councillor H. Wells
 Seconded by Councillor R. Bodner

That Corporate Services Department, Financial Services Division, Report No. 2020-97, Subject: 2021 Proposed Budget Timetable, be received; and

That the 2021 budget timetable and proposal submission process as outlined in Report No. 2020-97, be approved.

CARRIED

6. Department: Chief Administrative Officer, Report 2020-99, Subject: Road Name Policy/Road Name Request

No. 136 Moved by Councillor A. Desmarais
 Seconded by Councillor G. Bruno

That the following road names be added to Appendix "A" of the City's Road Name Policy:

Academic Avenue	Enhancement Boulevard	Investors Way
Achievement Drive	Evolution Drive	Progress Drive
Advancing Lane	Expertise Avenue	Promotion Boulevard
Ambition Road	Exploration Road	Success Crescent

Breakthrough Road	Innovation Avenue	Synergy Lane
Champions Way	Inspiration Avenue	
Discovery Drive	Imagination Road	

That the following wording be added to the City’s Road Name Policy in Section 4.1 – Road Naming Policies:

- In the event a road in the City is identified for a road name in the City, staff will make a short-list of two or three names from Appendix “A” to this policy and contact current property owners on the road to gain input prior to approval of the new name.

That staff direction be given with respect to the name of both sections of Ramey Road west of Highway 140.

Moved in amendment by Councillor A. Desmarais
 Seconded by Councillor G. Bruno

That the main motion be amended by striking out the third paragraph and adding the following thereto:

“That the sections of Ramey Road west of Highway 140 be renamed Progress Drive North and South.”

CARRIED

The vote was then called on the main motion, as amended, as follows:

That the following road names be added to Appendix “A” of the City’s Road Name Policy:

Academic Avenue	Enhancement Boulevard	Investors Way
Achievement Drive	Evolution Drive	Progress Drive
Advancing Lane	Expertise Avenue	Promotion Boulevard
Ambition Road	Exploration Road	Success Crescent

Breakthrough Road	Innovation Avenue	Synergy Lane
Champions Way	Inspiration Avenue	
Discovery Drive	Imagination Road	

That the following wording be added to the City’s Road Name Policy in Section 4.1 – Road Naming Policies:

- In the event a road in the City is identified for a road name in the City, staff will make a short-list of two or three names from Appendix “A” to this policy and contact current property owners on the road to gain input prior to approval of the new name.

That the sections of Ramey Road west of Highway 140 be renamed Progress Drive North and South.

CARRIED

8. Mayor William C. Steele Re: Proposed Regional Face Coverings By-law

No. 137 Moved by Councillor D. Kalailieff
 Seconded by Councillor A. Desmarais

That the correspondence received from Mayor William C. Steele Re: Proposed Regional Face Coverings By-law, be received for information.

CARRIED

10. Proclamations:

None.

11. Minutes of Boards, Commissions & Committees:

No. 138 Moved by Councillor G. Bruno
 Seconded by Councillor F. Danch

- (a) Minutes of the Port Colborne Public Library Board Meeting of May 19, 2020.

CARRIED

Procedural Motion:

- No. 139** Moved by Councillor H. Wells
Seconded by Councillor G. Bruno

That the rules respecting meeting curfew, as outlined under Section 4.1 of the Procedural By-law, be suspended in order to permit the Council meeting to extend past 11 p.m.

CARRIED

12. Councillors' Items:**Staff Responses to Previous Councillors' Enquiries****(a) COVID-19 Update (Luey)**

The Chief Administrative Officer provided a brief update on the City's response to COVID-19 and the process of reopening the City's facilities. He further expressed appreciation towards staff for leading the City through this pandemic as well as through the recovery process.

(b) Reopening the YMCA (Griggs)

The Director of Community and Economic Development informed Council that the YMCA is taking a phased approach to reopening their facilities and reactivating their programs and are targeting a mid-September reopening of their Port Colborne location.

(c) Brochures regarding Fire Safety (Cartwright)

The Fire Chief informed Council that the Fire Department has distributed a new brochure regarding the education of fire safety.

(d) Sugarloaf and Elm Streets Railway (Shypowskyj)

The Acting Director of Engineering and Operations provided Council with an update on the repair of the railway at Sugarloaf and Elm Streets intersection. He indicated that the panel supplies will not be delivered until mid-August and the replacement of those panels will occur at the end of August.

(e) Illegal Dumping near the Friendship Trail (Shypowskyj)

The Acting Director of Engineering and Operations informed Council that staff had met at the location where there was illegal dumping and coordinated with the Region of Niagara to determine that moving forward, bags could be opened to determine the route of the investigation.

Councillors' Issues/Enquiries**(a) Site Issues on Friendship Trail at Pinecrest Road (Wells)**

Councillor Wells reported that there has been some site line issues for bikers travelling along the Friendship Trail, particularly near Pinecrest Road. In response to Councillor Wells' request to have protective measures put in place, the Director of Community and Economic Development informed Council that a Request for Quote for a protective measure to be installed along the Friendship Trail at the road crossings has been distributed and that staff will investigate interim measures to install in the meantime. The Director of Community and Economic Development further reported to Council that the last time Parks staff cut the grass along the Friendship Trail was July 13-July 14, 2020 and that they will coordinate with Operations staff to ensure the site lines along the road are clear of grass as well.

(b) Congratulations to Local Business (Kalailieff)

Councillor Kalailieff extended wishes of congratulations to Talwood Manor for being awarded the best Cycle friendly business in 2020 by Ontario by Bike.

(c) Cement Helicopter Pad at Port Colborne Hospital (Kalailieff)

In response to Councillor Kalailieff's inquiry regarding whether the cement helicopter pad at the Port Colborne Hospital is in use, the Fire Chief confirmed that it is not primarily used because the Emergency Medical Services (EMS) has a preference to go to the Welland Hospital since the Port Colborne Hospital no longer has an Emergency Unit.

(d) Speaking to Council about Items on Agenda (Desmarais)

In response to Councillor Desmarais' request to have the Delegation process explained specifically for residents who wish to speak to Council about items on the agenda, the City Clerk advised that the delegation process has been advertised on the City's website and social media channels as well as on the first page of the agenda package. The City Clerk further reported that for those who wish to speak to an item on the agenda, written delegations are accepted until 12 p.m. noon on the day of the Council meeting and that received delegations are distributed to members of Council and staff prior to the start of the meeting as well as attached to the Council meeting minutes as public record.

(e) Interim Control By-law (Desmarais)

In response to Councillor Desmarais' inquiry regarding whether an interim control by-law can be moved and voted on by Council without advance notice

or a public meeting, the Director of Planning and Development informed Council that under the *Planning Act*, an interim control by-law cannot be passed without first holding a public meeting.

(f) Speed/Children Playing Signs on Shamrock Avenue (Danch)

In response to Councillor Danch's request for an update on the speed limit and children playing signs to be installed on Shamrock Avenue, the Acting Director of Engineering and Operations confirmed that locates are in and that this work should be completed in the near future.

(g) Speed Sign on Barrick Road (Danch)

In response to Councillor Danch's request for an update with regards to speed limit signs being installed on the easterly part of Barrick Road past Elm Street, the Acting Director of Engineering and Operations confirmed that this task should be completed in the near future.

(h) Speeding on Minor Road (Bruno)

Councillor Bruno informed Council that there has been an issue with cars speeding on Minor Road and requested that the Mayor notify the Niagara Regional Police about this area.

(i) Speeding on Barrick Road (Bruno)

Councillor Bruno informed Council that there is a continuous issue with cars speeding on Barrick Road and inquired as to whether the Niagara Regional Police have investigated this issue as well as if they will be providing information on this issue to Council. The Mayor confirmed that he will discuss this matter with the new Staff Sergeant at the Niagara Regional Police.

(j) Trucks Speeding on Barrick Road (Bruno)

Councillor Bruno informed Council that trucks have continued to speed down Barrick Road and inquired as to whether residents can contact the trucks' destination company or the trucking companies directly to request that they avoid making violations in these areas. The Chief Administrative Officer confirmed that he will investigate this issue.

(k) Cutting grass, Sweeping Roads Comprehensive Review (Bruno)

Councillor Bruno requested that the various issues of cutting grass and sweeping roads, where multiple agencies are involved in ensuring these tasks are completed, be assessed so that a standard of work is quantified in order to determine whether it is worth the City taking over all of these responsibilities.

The Chief Administrative Officer and Mayor confirmed that they will investigate this matter.

(l) Trimming Back Site Lines at Stop Signs in Rural Area (Bodner)

In response to Councillor Bodner's inquiry regarding whether staff is still trimming back the site lines at stop signs in the rural area or if this task has been delayed as a result of COVID-19, the Acting Director of Engineering and Operations confirmed that staff are actively cutting in these areas as usual. Councillor Bodner requested that various areas be investigated by staff.

(m) Davis Street Parking Issues (Beauregard)

In response to Councillor Beauregard's request for an update with respect to the road markings to be installed on Davis Street along the boulevard where there is no parking, the Acting Director of Engineering and Operations confirmed that he will investigate this issue and provide an update in the near future.

(n) Garbage Receptacles on Friendship Trail (Beauregard)

In response to Councillor Beauregard's request for an update with respect to more garbage receptacles being placed along the Friendship Trail, the Director of Community and Economic Development informed that a garbage receptacle has been moved to the area of Davis and Durham Streets and that more pet waste receptacles are currently on order.

(o) Food Truck Update (Bagu)

In response to Councillor Bagu's request for an update on food trucks arriving at H.H. Knoll Lakeview Park, the Director of Community and Economic Development confirmed that staff are finalizing the terms of agreement but that the food trucks likely won't arrive until next year.

(p) Eagle Marsh Drain Update (Bagu)

In response to Councillor Bagu's request for an update regarding the Eagle Marsh Drain incident, the Acting Director of Engineering and Operations informed Council that the City and the Ministry have investigated the issue and determined that the incident was a result of the extended warm weather and dissolved oxygen levels. The Acting Director of Engineering and Operations further reported that the bulk of the cleanup was completed on July 21, the area will continue to be monitored, and the repairs to the gates will be completed within two to three weeks.

(q) Vale Centre Roof Update (Bagu)

In response to Councillor Bagu's request for an update on the roof repairs at the Vale Health and Wellness Centre, the Acting Director of Engineering and Operations confirmed that the gutters have successfully been realigned and put in place so there should not be any further leaks at this time and that the remaining work should take place over the next two weeks.

13. Consideration of By-laws:

No. 140 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That the following by-law be enacted and passed:

6802/52/20	Being a By-law to Amend By-law 4588/119/04, Being a By-law to Regulate Noise
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CARRIED

No. 141 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That the following by-law be enacted and passed:

6803/53/20	Being a By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne
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Moved in deferral by Councillor F. Danch
 Seconded by Councillor D. Kalailieff

That consideration of By-law 6803/53/20 Being a By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne be deferred to the August 10 regular Council meeting.

CARRIED

No. 142 Moved by Councillor D. Kalailieff
 Seconded by Councillor M. Bagu

That the following by-law be enacted and passed:

6805/55/20	Being a By-law to Enter Into a Joint Agency Review Team Memorandum of Understanding
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CARRIED

No. 143 Moved by Councillor G. Bruno
 Seconded by Councillor R. Bodner

That the following by-law be enacted and passed:

6806/56/20	Being a By-law to Amend By-law 1847/112/86 to Permit an Expansion to the Central Business District Community Improvement Project Area to Include 14 Victoria Street and 21 Adelaide Street
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CARRIED

No. 144 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That the following by-laws be enacted and passed:

6801/51/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Special Meeting of July 15, 2020
6804/54/20	Being a By-law to Amend By-law No. 89-2000, Being a By-law Regulating Traffic and Parking on Pleasant Beach Road and Michener Road
6807/57/20	Being a By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne at its Regular Meeting of July 27, 2020

CARRIED

14. Adjournment:

Mayor Steele adjourned the meeting at approximately 11:32 p.m.

 William C. Steele
 Mayor

 Amber LaPointe
 City Clerk

AL/cm

From: "Greg Poisson" <greg@canalside.ca>
To: "Donna Kailieff" <donnakalailieff@portcolborne.ca>, <sherryhanson@portcolborne.ca>
Date: 2020-06-13 06:32 PM
Subject: West street Parking hours

Hello

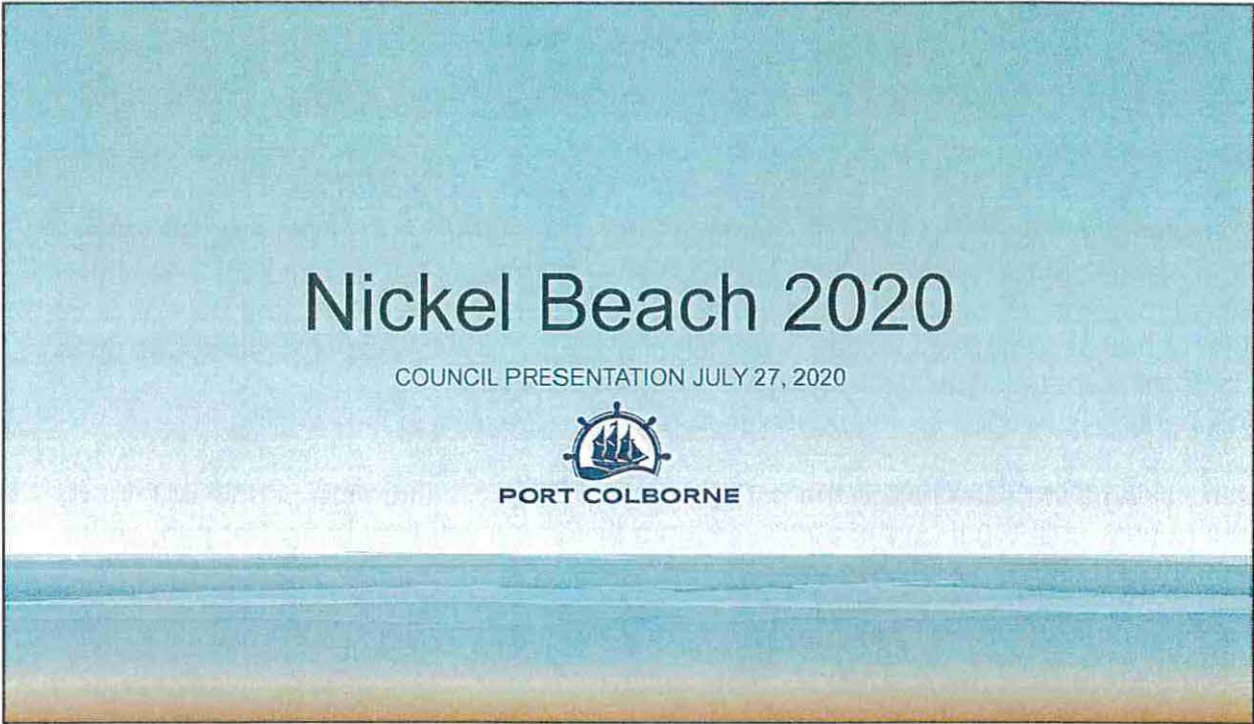
I am asking if council can look into changing the hours of parking on West st. As of now the parking is until 6 pm so as of 4 pm residents of the second floor buildings have been parking out front all night long. As we have more residents on the second floor of West st there has become less parking in the evening on the street. As of now there are up to 4 to 5 different residents parking on the street most nights.

This parking is needed for the business especially restaurant in the evening.

I am asking if we can change the parking meters till 10 pm therefore people will not be able to park until 8 pm on the street. I have asked a few if they could not park on the street during dinner hours but this has not worked.

If this cannot be done I would like to address the issue of putting parking meters back in as the system does not seem to be working anymore.

Thank you Greg



NICKEL BEACH 2020 OPERATIONS SNAPSHOT

Estimated Attendance since June 26, 2020 Opening Day

10 916-Total Estimated Beach Attendance

- 63%- Residential Beach (6236)
- 36%- Non Resident Beach (4680)
based on car load of 4 per vehicle

- 16 Season Passes Sold
- 3 Rain Days



The image shows the back of a person wearing a blue t-shirt and a tan hat. The t-shirt has a graphic with the text 'PORT COLBORNE BY MAINTAINING A LARGE BEACH BALL DISTANCE' and a diagram showing two people standing on either side of a beach ball with a double-headed arrow between them labeled '6' (2 METERS)'. The background of the image is a blurred outdoor setting.

NICKEL BEACH 2020 OPERATIONS SNAPSHOT

COVID-19 Operations Response

- Daily Capacity based on Social Distancing recommendations;
- Resident/ Non Resident Rates;
- Port Colborne Residents Only Friday –Sunday 9:30-10:30am;
- Southside Parking on Lake Road;
- Overflow Parking lot on Welland St ;
- 7 days per week security on site (2 guards on duty Friday-Sunday);
- Increased presence of City of Port Colborne Fire and By law ;
- 3 additional students;
- Social Media Capacity Campaign;
- Social Distancing Signage;
- Hwy 140, Hwy 3 and Welland Road- Nickel Beach at Capacity No Access Electronic signage.



COVID-19 Infrastructure Improvements

- 5 Additional Porta Potties;
- 3 Handwashing stations;
- Additional trash receptacles;
- Debit/ Credit Payment Options;
- Increased PPE for staff.



Cedar Bay Beach/ Centennial Park

- Lakeview Crew (3 visits daily);
- Social Distancing Signage;
- 4 Mobile Security Patrols daily (Friday-Sunday);
- Installation of Beach Fence



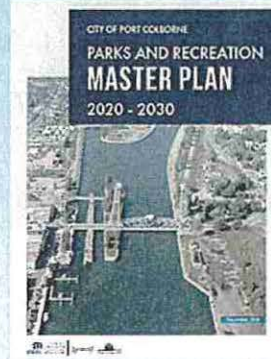
By Law Related Issues

- 2-4 visits daily to Nickel and Cedar Bay Beach;
- 5 By Law related incidents (Education Provided);
- 135 Parking tickets issued (Nickel Beach);
- 47 Parking tickets issues (Pleasant Beach);
- 0 (Centennial Park/ Cedar Bay Beach);
- 5 (Road Allowances) ;
- Fines \$ 7860.00.



Long Term Planning for Nickel Beach

- Infrastructure Improvements;
- RFP for Beach Master Plan - September 2020 Release;
- \$2.8 Million in Grant Applications;
- Ongoing Land Use Agreement with Vale;
- Third Party Service Providers;
- Preserve and Enhance Public Access to Waterfront.





MAYOR'S REPORT
JULY 27, 2020 COUNCIL MEETING

COVID-19 UPDATE

Good evening and welcome to our virtual council meeting.

I am here in the council chambers with our CAO Scott Luey, Clerk Amber LaPointe, Deputy Clerk Charlotte Madden, staff from our Community and Economic Development Department and By-law Department and a member of Wee Stream who are live streaming this meeting for us.

I would like to welcome our eight city councillors and various city directors who are each attending from home.

Niagara Region has now entered Stage 3 of the COVID-19 recovery process.

In addition to further businesses now being allowed to operate, the city was able to reopen all of our playgrounds.

We continue to emphasize social distancing, hand washing, face coverings where social distancing can't be maintained or where required by the Region's face mask by-law.

We ask for your patience while we all work together for a safe and gradual return of services.

Niagara Region Mandatory Mask By-law

On July 23, 2020, as part of their efforts to slow the spread of COVID-19, Niagara Regional Council approved a by-law making it mandatory to wear a face covering or non-medical mask in enclosed public places.

The by-law comes into effect at 12:01 a.m. on July 31, 2020 and will remain in effect until Oct. 1, 2020 unless extended by Regional Council.

The by-law applies to the following enclosed indoor places:

- Retail stores where goods and services are sold to customers
- Businesses that primarily sell food including restaurants
- Supermarkets, grocery stores, bakeries and convenience stores
- Churches, mosques, temples, synagogues and other places of worship, except during a religious rite or ceremony that is incompatible with the face being covered
- Shopping malls or similar structures which contain multiple places of business
- Lobby areas of commercial buildings
- Common areas of hotels and motels and other short term accommodations, such as lobbies, elevators, meeting rooms or other common use facilities but does not include the common areas of residential apartment buildings or condominiums
- Laundromats
- Concert venues, theatres and cinemas
- Fitness centres, gyms, other recreational and sports facilities and clubhouses
- Arcades and other amusement facilities
- Premises utilized as an open house, presentation centres or other facility for real estate purposes
- Museums, galleries, historic sites and similar attractions
- Businesses providing personal care services
- Banquet halls, convention centres, arenas, stadiums and other event spaces
- Public transit operated by Niagara Region and local area municipalities
- Municipal buildings

When it comes to children, every child that is five years old or older will be required to wear a mask.

Under the by-law, all businesses operating in Niagara must have a policy regarding the wearing of face coverings that prevent persons from entering without a mask.

Additionally, businesses must ensure that staff receive training in the requirements of the policy and provide hand sanitizer at all public entrances.

There are some exemptions. As some individuals may be unable to wear a mask, Niagara Region is asking residents to be supportive to others in our community who may be exempt and remind residents that every person's situation is different.

For those who are unable to wear a mask, the by-law does not require those individuals to disclose the reason for the exemption.

The by-law also makes exemptions for indoor locations that would already have their own policies, or would be subject to other provincial legislation or guidelines:

- Day cares, schools, post secondary institutions and other facilities used solely for educational purposes
- Hospitals, independent health facilities and offices of regulated health professionals
- Buildings and services owned or operated by the Province of Ontario or the Federal Government of Canada
- An indoor area of a building that is accessible only to employees
- Portions of buildings that are being used for the purpose of providing day camps for children or for the training of amateur or professional athletes

If residents or businesses have any questions or concerns regarding this by-law, more information is available by visiting niagararegion.ca/covid19.

Closing

In closing, we must remain vigilant in fighting this virus.

Our number one priority is the health and safety of our citizens as we continue the safe and gradual reopening of services and business activities. Please stay safe.

February 25, 2020

To: Mayor Steele and Council
C/O Amber LaPointe, City Clerk
City of Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

**Re: Rosedale Subdivision (26T-87018)
Update on Planning Progress**

On behalf of our client Mr. Ralph Rotella, please accept this letter as an update on the progress made with regard to the Rosedale Subdivision in Port Colborne.

Currently, discussions are taking place between our client and the adjacent landowner Mr. Ray Khana to find design efficiencies between Rosdale and the Meadow Heights subdivisions. Most notably, steps are being taken to plan for and accommodate the required Regional sanitary sewer alignment through detailed engineering design.

In addition to negotiations with the adjacent landowner, Upper Canada Consultants staff has been engaged with the Ministry of Transportation regarding the draft approved access onto Highway 58. We have been instructed by Ministry staff that in order to move the Highway 58 access forward an MTO approved Traffic Consultant must be retained by our client to prepare an up to date traffic study per the current MTO study guidelines. The traffic consultant will need prepare a 1-page Terms of Reference for the study for MTO approval prior to undertaking any work. Once the study has been completed and approved, detailed design work can be undertaken. This may result in minor adjustments to the Draft Plan.

It is our hope that these issues are resolved in the near future, however an extension of draft approval will likely be required to prevent the plans from lapsing and having progress lost. A formal request for extension of draft approval will follow shortly.

Respectfully submitted,



Craig A. Rohe, M.P.I., MCIP, RPP
Senior Planner
Upper Canada Consultants

CC: Mr. Ralph Rotella, Land Owner
Mr. Martin Heikoop, President, Upper Canada Consultants
Dan Aquilina, City of Port Colborne

Speaking Points

Rosedale Subdivision Report 2020-94

Craig Rohe, Upper Canada Consultants (agent) on behalf of Ralph Rotella (owner)

Key Points

- Draft extension was granted for Rosedale in 2019 for a 1-year period.
- Council had directed that progress must be made on the subdivision to warrant further extensions.
- Mr. Rotella has been coordinating development efforts with Mr. Ray Khana to comprehensively engineer Meadows Heights Phase 2 and Rosedale.
- Update on this progress was sent to Mayor and Council on February 25, 2020.
- A meeting was planned in March to work out additional details and retain a transportation consultant to evaluate Highway 58 access.
- Due to COVID-19, the meeting between the landowners was cancelled.
- By the time a meeting could be held, a submission for extension was needed.
- Request for extension as filed on June 2, 2020.
- If the extension is granted, the Mr. Rotella will be retaining a transportation consultant immediately to complete the Highway 58 evaluation. Consultant has not been retained due to the risk for lapsing of the approval during study window.
- Meadow Heights Phase 1 is subject to a subdivision agreement amendment which will allow for the completion of the roadways, and open up the opportunity to move forward with Meadow Heights Phase 2.
- Meadow Heights Phase 2 and Rosedale will be engineered together to maximize efficiencies.
- Lands with Draft approval are beneficial to the City from a “ready-to-design” standpoint.
- Changes in the market are putting increasing pressure on communities that have development ready lands.
- Rosedale is a likely candidate to see similar scale and form of development as Dain City.
- Lapsing of Draft approval will push the lands back to square one, and will make development more difficult to permit due to changing plans and review agency requirements.
- Design efficiencies between Rosedale and Meadow Heights may be lost.
- A two-year extension will provide flexibility for review and limit the need for Council to discuss this matter.

/CR



niagara
water
protection
alliance

2020-07-26

To the Council of the City of Port Colborne

Re: 2020-93 in the council package for July 27th, 2020 council meeting.

Recognizing that this is a recommendation from staff that the Council vote in favour of the Memorandum of Understanding (MOU) to participate on a Joint Agency Review Team (JART), we in Niagara Water Protection Alliance (NWPA) support that motion because it involves an opportunity for input from the public.

NWPA will support the bid of Port Colborne Quarries (PCQ) for additional permit(s) to mine between Pit 3 and Miller Rd., **provided:**

- a) it is a new permit and not an extension of permit #4444, and for the purposes of this letter I will refer to it as Pit 4. A reason for this is that in Pit 3, mining is permitted and occurring into the highly vulnerable aquifer below the water table. NWPA is about protecting our water and we will state, repeatedly, that permission should not be granted to mine into the water table.
- b) PCQ demonstrates that they will follow conditions of the permit by doing what has been a requirement of Pits 2 and 3. Pit 2 requires sloping of edges and rehabilitation to a passive lake as established by the council in 1982 when they passed Site Plan Agreement Bylaw 1155/102/81. These requirements passed by council were to be requirements stated in the permit #4444 granted by Pits and Quarries Control Act RSO 1971, This now comes under the jurisdiction of the Ministry of Natural Resources and Forestry. Pit 3 is to have progressive rehabilitation as it is quarried and this is not being done on schedule.
- c) other issues of lessor impact committed to, and not done, by PCQ in and around the existing Pits are done.
- d) the woodlot area of approximately 24 hectares be exclude from the permitted area of Pit 4.
- e) other issues that may come up as the process moves forward are addressed.

Robert Henderson, President

Tel: (905) 834-0299

nwpa411@gmail.com

www.niagarawaterprotectionalliance.com

Follow us on [Facebook](#)

From: lorie tokola <[REDACTED]>

Sent: July 26, 2020 7:56 PM

To: williamsteele@portcolborne.ca <williamsteele@portcolborne.ca>;
frankdanch@portcolborne.ca <frankdanch@portcolborne.ca>;
ronbodner@portcolborne.ca <ronbodner@portcolborne.ca>;
markbagu@portcolborne.ca <markbagu@portcolborne.ca>;
donnaKalailieff@portcolborne.ca <donnaKalailieff@portcolborne.ca>;
angiedesmarais@portcolborne.ca <angiedesmarais@portcolborne.ca>;
garybruno@portcolborne.ca <garybruno@portcolborne.ca>;
ericbeauregard@portcolborne.ca <ericbeauregard@portcolborne.ca>;
harrywells@portcolborne.ca <harrywells@portcolborne.ca>

Cc: Barbara.Butters@niagararegion.ca <Barbara.Butters@niagararegion.ca>;
vance.badawey@parl.gc.ca <vance.badawey@parl.gc.ca>; Vance Badawey
(Vance.Badawey.a1@parl.gc.ca) <vance.badawey.a1@parl.gc.ca>; Jeff Burch (JBurch-
CO@ndp.on.ca) <jburch-co@ndp.on.ca>; Kristy.Ferguson@Ontario.Ca
<Kristy.Ferguson@Ontario.Ca>

Subject: Expansion of Pit 3 VS. New License for Pit 4

Dear Mayor Steele and City Councillors,

I have reviewed the July 27th, 2020 City of Port Colborne Council Agenda Package and I am disappointed to see that there is a proposal that refers to "*Expansion*" of Pit 3 in an area that Port Colborne Quarries (PCQ) has previously referred to as "Pit 4".

I am requesting you to please vote **against** any proposals that refer to or promote this new concept of "Expansion of Pit 3".

A NEW PIT NEEDS A NEW A.R.A. (Aggregate Resources Act) LICENSE.

PCQ has a consistent track record of Not following through on written agreements, i.e. no rehabilitation of Pit 2 even though the Port Colborne City Council Agenda Package clearly shows this Pit 2 has been depleted for years. PCQ is citing their own truck traffic as a reason for Not rehabilitating Pit 2. This is unacceptable. Period.

And regarding Pit 1, they have conveniently set up washers and crushers in Pit 1 to call it "*active quarrying operations*" and thereby avoid rehabilitation indicated by the 1982 Site Plan Agreement.

This is very wrong.

The City of Port Colborne has a right to protect the water sources of it's residents and to ensure that agreements with PCQ are upheld.

I implore you to do just that by insisting that a NEW ARA LICENSE is obtained for "Pit 4".

If you allow this to go through as a "Pit 3 Expansion" then when the expansion area is depleted (i.e. Pit 4) PCQ will insist that "pit 5" is another "Pit 3 Expansion" based on precedent.

PLEASE do Not set that precedent!

As the Ontario Sand, Stone and Gravel Association dictates, Wet quarries should be rehabilitated to fill with water. ALL three quarries, Pit 1, 2, and 3 are wet quarries. That is the safest way to protect our Aquifer water source.

This lies in your hands. **Please change the proposal to a "New Pit 4 with New ARA License".**

Mayor Steele, I am requesting a "Recorded Vote" for any council votes on anything related to Pit 3 EXPANSION vs. New License for Pit 4. I look forward to your response on this please.

Please acknowledge receipt of my message. Thank you.

Respectfully,

Lorie Tokola

Niagara Water Protection Alliance

Founder, Past President, Media & Social Media Communications

905-515-1797

From: "Ron Baarda" [REDACTED]
To: mayor@portcolborne.ca, cao@portcolborne.ca,
danaquilina@portcolborne.ca, cityclerk@portcolborne.ca
Cc: garybruno@portcolborne.ca, ronbodner@portcolborne.ca,
harryawells@gmail.com, donnakalailieff@portcolborne.ca,
markbagu@portcolborne.ca, ericbeauregard@portcolborne.ca,
angiedesmarais@portcolborne.ca, frankdanch@portcolborne.ca
Date: 2020-07-27 10:52 AM
Subject: Pit 3 Expansion (Please insure this is read at tonights council meeting)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi all

Please do not allow this blatant skirting of proper procedures to open pit 4 morph into allowing the expanding of pit 3 , and thus achieve a means to an end.

Did anyone know at the time the sale of Carl Road was before council that this would be the only and true reason for the purchase?

The more we hear of these methods of getting around. or bypassing mandated rules of conducting business, the more we lose faith that anyone is minding the so called store. It is absolutely disheartening to be a citizen and see that nothing matters other than absolute greed and using unscrupulous methodology (Loopholes) to achieve this end.

The shame of not fixing the cracks and loopholes of the aforementioned routes of a means to an end rests solely on the people that are making the decisions today.

Thank you
Ron Baarda

From: Gary Gaverluk <[REDACTED]>

Date: 2020-07-26 10:03 PM (GMT-05:00)

To: mayor@portcolborne.ca

Cc: markbagu@portcolborne.ca, donnakalailieff@portcolborne.ca,
ericbeauregard@portcolborne.ca, angiedemarais@portcolborne.ca,
garybruno@portcolborne.ca, frankdanch@portcolborne.ca,
harrywells@portcolborne.ca, ronbodner@portcolborne.ca,
barbara.butter@niagararegion.ca

Subject: PORT COLBORNE QUARRIES PROPOSED EXPANSION OF PIT #3 to site
HISTORICALLY REFERENCED AS PIT #4

Mayor Steel and all City of Port Colborne Councillors:

I have reviewed the information from the Monday, July 27, 2020, City Council Agenda Package specific to Port Colborne Quarries proposal to expand its mining / quarrying operations to another site that has historically referred to as PIT #4 by said company.

As in the package PC Quarry is requesting that they be permitted to expand into this new parcel of land separated by a road allowance as an expansion of Pit #3.

I believe that this is another attempt by Port Colborne Quarries to negate their obligations and responsibilities as per the 1982 Site Plan Agreement referencing remediation of the depleted pits.

As all three current pits are "WET PITS" the Ontario Sand, Stone and Gravel Association "dictates that the REHABILITATION PROCESS FOR WET PITS be allowed to fill with water".

PC Quarries has avoid the remediation of Pit #1 as they have deemed it "Active Aggregate Operations" by maintaining the use of this pit for stone crushing operations and process product washing.

Pit #2 by PC Quarries own admission has been depleted or mined out if you prefer several years ago. They have avoided the remediation process for this pit by contending a roadway that runs though the Pit #2 is required for their operational process flow for the movement of product between Pit #1 and Pit #3.

As PC Quarries moves to this new parcel of land they are as in the past legally required to make application for a NEW ARA LICENCE (pending completion of all required studies) to operate quarry, mining operations at this new location and no exceptions should be made as this will be viewed as "precedent setting" within the Mineral Aggregate community.

I am requesting that you Mayor Steel and all council members vote NO to this proposal from PC Quarries. Any reference / references for the Expansion of PIT #3 should be denied.

PC Quarries expansion into this site as it as separate parcel of land should be referred to as PIT #4 as history would suggest and that expansion can only be permitted by applying for a "NEW" ARA licence for quarrying mining operations.

One other point for consideration is the sensitivity of the woodlots / wetlands located on this site.

Sincerely

Gary B. Gaverluk
Gaverluk Services Ltd.
"Quality Assurance through
Responsible in plant representation"

July 27, 2020

Dear Mayor and Port Colborne City Council,

I am writing you in regards to the endeavors of Port Colborne Quarries (PCQ) desire to enlarge their quarrying operations within our city of Port Colborne (city) limits. I have reviewed the information provided in the agenda package for the council meeting dated July 27, 2020.

I am asking that the Mayor and council members seek to include at least one or two community members on the regional JART committee/team even if this person(s) sits to observe the proceedings and may make a few suggestions. This would ensure there is greater transparency and that various tasks are not overlooked (i.e. environmental studies, community impact, etc). Increased community engagement in a project as big as this will increase trust, ideas, solutions, and acceptance.

The City of Port Colborne should be asking PCQ to apply for a new license under the Aggregate Resources Act from the very beginning and not entertain an expansion of Pit 3. The very expanse of this project is huge and by no means is this simply a few feet of expansion. Simply drive along Highway #3 from Miller Road to the 140 highway and you will grasp the enormity of this quarry operation. Even PCQ has, in the past, referred to the creation of a Pit 4 and not an expansion of Pit 3! Where would Pit 3 ever end? How would Pit 3 be eventually rehabilitated if Pit 3 simply continues to be extended (all the way to Fort Erie)? For the purposes of my letter, I will not be using the phrase if "expansion of Pit 3" to identify this area of land/quarry operation but rather I will use "Pit 4" because that is how this should be managed and identified.

Thus, within the Memorandum of Understanding and within any comments or references regarding the Joint Agency Review Team (JART) etc – that city/council members shall be asking that the language/wording in any documentation begin to refer to it as "Pit 4" and that PCQ should be getting a new licence/permit via the ARA in order to conduct quarrying operations on this new plot of land between Pit 3 and Miller Road. This would ensure that a new quarrying operation is more thoroughly researched and does meet the requirements etc of the new Aggregate Resources Act (ARA) and any other provincial/federal regulations/acts that would have an impact upon this project.

The new Pit 4 will be dug upon land that is a significant groundwater recharge area (SGRA) for a highly vulnerable aquifer as identified by the Niagara Peninsula Conservation Authority (NPCA) and the highly vulnerable aquifer area is depicted within regional maps. An SGRA designation means the groundwater is replenished at a rate at least 15 percent greater than average groundwater recharge. In addition, this area contains a woodlot and wetland and those two areas should be protected to the fullest extent and not included for mining purposes. One of the main benefits of a wetland is to prevent flooding but most importantly, a wetland does purify the water as it eventually seeps down in to the aquifer and does this better than just your average overburden of soil (good agricultural land).

PCQ has for over 30 years not followed through with their responsibilities to rehabilitate Pits 1 and 2 and this should be a requirement prior to creating Pit 4. If Pit 3 never closes and continues as an expansion there will be no rehabilitation of that area. PCQ should have to relocate their crushing and washing

equipment from the floor of Pit 1 and no longer utilize Pit 2 as a drive thru connection between Pit 3 and Pit 1. All quarrying operations/equipment can and should be moved east to Pit 3 and then the pumps can be shut off to allow Pits 1 and 2 to naturally fill with water as this is the safest means of ensuring there is no risk of contamination to our highly vulnerable aquifer. By shutting of the pumps there will no longer be a waste of good potable water that is drained away to the lake and canal via ditches. The shutting off of unneeded pumps would decrease the loss of water in our valuable aquifer. Think about it – with the current Permits to Take Water; the total litres of drawing water from our aquifer is greater than what Nestle draws from Ontario’s aquifers! Yes, do the math, PCQ draws millions of litres of water each year. The addition of new Permits to Take Water from Pit 4 that will be dug into our aquifer will greatly increase this waste of precious water! Simply a waste of a valuable resource of water – our city should be thinking of the future by thinking in terms of sustainable initiatives and the restoration of natural areas. The very protection of our aquifer will ensure that there will be water for our future. The aquifer could provide for all of South Niagara should the lake itself cease to be an option (i.e. blue green algae).

Pits 1, 2, 3, and the future Pit 4 are all considered ‘wet pits’ and the safest means, according to multiple research sources, to protect our groundwater/aquifer is to allow the pits to remain wet and naturally fill with water. Thus far, PCQ has not followed through with any rehabilitations of any of the depleted Pits of 1 and 2 and this should be corrected. Pit 3 will never be rehabilitate if it is continuously expanded.

Our city has the ability and the legislative power to protect our aquifer/groundwater water sources and should do so. For example, to designate the aquifer for source water protection; thereby, granting continued protection of this valuable and necessary resource of water for not only our city but for those communities close by and far away. Covid 19 has demonstrated that our health is intricately tied to the health of our environment so our city can participate and be pro-active in protecting our environment in order to promote the health of all. Imagine this: with Covid it has shown southern Ontario that we need recreational water destinations for the public; what if the city leased Pit 1 (maybe Pit 2 too) similar to how the city leases Nickel Beach from Vale, and our city developed this area as a destination for tourists etc and even housing by passive lakes that are larger than 150 acres each (just some thoughts and thinking outside the box). Imagine the future possibilities and tax revenue!

I am asking city council and the Mayor to vote NO to any proposal that refers to an “expansion of Pit 3” as this proposal should be considered and applied as a new license/permit for a new Pit 4. As such, the language of the Memorandum of Understanding (MOU) and JART paperwork should from the very beginning begin to speak only to a new Pit 4 and that any motion in city council do the same by referring to Pit 4 and not an extension. That council put forth a motion to consider a Pit 4 and not an expansion of Pit 3.

As stated before in my letter, city council and the Mayor should be asserting that one or two community members be included to sit on the JART team/committee. Our city should promote transparency and encourage the engagement of our community and not just in a public meeting led by some professional whom the community does not know or trust.

Having PCQ apply for and obtain a new license/permit via the new Aggregate Resources Act will ensure a more thorough process so that all necessary and various studies are completed and new recommendations and expectations are set forth to ensure the best outcome of this new development

of Pit 4 and to ensure the rehabilitation of the older Pits 1 and 2. The City of Port Colborne should be taking action from the very beginning of this process and not allowing just an expansion.

I further ask of the Mayor to seek a recorded vote on this matter. I also request that my letter be included in this council meeting.

That the wetlands and woodlot be excluded from the mining/quarrying designated areas and that they be given ongoing protections.

I have repeated my thoughts within this letter and I have done so on purpose in the hopes of ensuring there is increased understanding and recall.

I would like to thank you for your time and consideration in regards to my letter to you. Stay safe and healthy during these unprecedented times of Covid 19.

Sincerely,

Cindy Mitchell

Vice President of

Niagara Water Protection Alliance

July 24, 2020

Council Session CL 12-2020, July 23, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

RE: Memorandum CAO 16-2020 – Supplemental Information – Options to Consider for Mandating Face Coverings
Minute Item 10.1 CL 12-2020, July 23, 2020

Regional Council, at its meeting held on July 23, 2020, passed the following resolution:

That Memorandum CAO 16-2020, dated July 23, 2020, respecting Supplemental Information - Options to Consider for Mandating Face Coverings, **BE RECEIVED**; and

That Regional Council **APPROVE** the temporary by-law to require mandatory face coverings in enclosed public places during the COVID-19 pandemic attached as Appendix 4 to Memorandum CAO 16-2020.

Council subsequently passed By-law 2020-46 being a by-law to require mandatory face coverings in enclosed public places during the COVID-19 Pandemic. This by-law shall come into force and effect on July 31, 2020.

A copy of the by-law is attached for your reference.

Yours truly,



Ann-Marie Norio
Regional Clerk

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-46

A BY-LAW TO REQUIRE MANDATORY FACE
COVERINGS IN ENCLOSED PUBLIC PLACES
DURING THE COVID-19 PANDEMIC

WHEREAS on March 17, 2020, an emergency was declared by the Government of Ontario ("Province") pursuant to Order in Council 518/2020 under section 7.0.1 of the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9 ("EMCPA") in response to the outbreak of COVID-19;

WHEREAS on April 3, 2020 The Regional Municipality of Niagara and Niagara's 12 local area municipalities jointly declared a State of Emergency under s 7.0.1 (1) of the *Emergency Management and Civil Protection Act*;

WHEREAS public health authorities at the Federal and Provincial level have recommended that persons wear face coverings in public where physical distancing cannot be maintained;

WHEREAS subsection 8(1) of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended provides that the powers of a municipality shall be interpreted broadly so as to confer broad authority to enable it to govern its affairs as it considers appropriate and to enhance its ability to respond to municipal issues;

WHEREAS The Regional Municipality of Niagara has the authority to enact by-laws for the health, safety and well-being of persons pursuant to section 11 of the *Municipal Act*, 2001, S.O. 2001, c. 25, as amended; and

WHEREAS the Council of The Regional Municipality of Niagara wishes to enact a temporary by-law to protect the health, safety, and well-being of residents and visitors to Niagara Region as the Province reopens to require individuals to wear a face covering while in certain enclosed public spaces to assist in reducing the spread of COVID-19 in the Region.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows:

1. (1) (a) Every person within an enclosed public place shall wear a face covering.

- (b) Every person before entering and while riding any municipal public transit vehicle owned or operated by The Regional Municipality of Niagara or the local area municipalities shall wear a face covering.
- (2) Every person that is the parent or guardian accompanying a child that is five (5) years old or older in an enclosed public place or a public transit vehicle owned or operated by The Regional Municipality of Niagara or the local area municipalities shall ensure that the child wears a face covering.
- (3) A “person” in subsections (1) and (2) of this section shall include any occupant within an enclosed public place or riding a municipal public transit vehicle owned or operated by The Regional Municipality of Niagara or the local area municipalities and shall include, but not be limited to, any owner, operator, employee, worker, customer, patron or other visitor but shall not include any of the following persons:
- (a) a child who is under the age of five (5) years old;
 - (b) a person who is unable to wear a face covering as a result of a medical condition or a disability pursuant to the Human Rights Code, R.S.O. 1990, c. H.19, who is unable to put on or remove a face covering without assistance or for whom a face covering would inhibit the person’s ability to breathe;
 - (c) a person while consuming food or drink provided by a business that is permitted to operate under the Provincial Emergency Orders and provided that all other conditions of the Emergency Orders are met;
 - (d) a person while receiving services involving the face and requiring the temporary removal of a face covering provided such services are permitted to operate under the Provincial Emergency Orders and provided 2 metres distance is maintained from all other persons other than the person providing the service;
 - (e) a person engaged in a sport or other strenuous physical activity;
 - (f) a person while assisting or accommodating another person with a hearing disability; and
 - (g) employees and agents for the owner or operator of the enclosed public space within an area not for public access, or within or behind a physical barrier.

- (4) No person shall be required to provide proof of any of the exemptions set out in subsections (3) (a), (b) and (f) of this section.
- (5) For the purposes of this By-law, an enclosed public place shall mean all or any portion of a building that is located indoors and where the public is ordinarily invited or permitted access to whether or not a fee is charged or a membership is required for entry.
- (6) For greater clarity, an enclosed public place shall include the following:
 - (a) retail stores where goods and services are sold to customers;
 - (b) businesses that primarily sell food including restaurants, supermarkets, grocery stores, bakeries and convenience stores;
 - (c) churches, mosques, temples, synagogues and other places of worship, except during a religious rite or ceremony that is incompatible with the face being covered;
 - (d) shopping malls or similar structures which contain multiple places of business;
 - (e) lobby areas of commercial buildings;
 - (f) common areas of hotels and motels and other short term accommodations, such as lobbies, elevators, meeting rooms or other common use facilities but does not include the common areas of residential apartment buildings or condominiums;
 - (g) laundromats;
 - (h) concert venues, theatres and cinemas;
 - (i) fitness centres, gyms, other recreational and sports facilities and clubhouses;
 - (j) arcades and other amusement facilities;
 - (k) premises utilized as an open house, presentation centre, or other facility for real-estate purposes;

- (l) museums, galleries, historic sites and similar attractions;
 - (m) businesses providing personal care services;
 - (n) banquet halls, convention centres, arenas, stadiums and other event spaces; and
 - (o) municipal buildings.
- (7) For greater clarity, a waiting area, lobby, service counter, washroom, hallway, stairwell and elevator are included as part of an enclosed public place prescribed in subsection (6) of this section if they are open to the general public.
- (8) For greater clarity, the following places shall not be included as an enclosed public place for the purposes of this section:
- (a) day cares, schools, post secondary institutions and other facilities used solely for educational purposes;
 - (b) hospitals, independent health facilities and offices of regulated health professionals; and
 - (c) buildings and services owned or operated by the Province of Ontario or the Federal Government of Canada;
 - (d) an indoor area of a building that is accessible only to employees; and
 - (e) portions of buildings that are being used for the purpose of providing day camps for children or for the training of amateur or professional athletes.
- (9) For the purposes of this by-law, a face covering shall mean a mask or other face covering, including a bandana or scarf constructed of cloth, linen or other similar fabric that fits securely to the head and is large enough to completely and comfortably cover the mouth, nose and chin without gaping.

- (10) Every person who is an owner or operator of an enclosed public place shall adopt a policy regarding the wearing of face coverings that prohibits persons from entering, or otherwise remaining, within the enclosed public place unless they are wearing a face covering, subject to the exemptions provided for in this by-law.
- (11) Every person who is an owner or operator of an enclosed public place shall ensure that all persons working at the enclosed public place are trained in the requirements of the policy.
- (12) Every person who is an owner or operator of an enclosed public place shall provide a copy of the face covering policy for inspection by any persons authorized to enforce this by-law.
- (13) Every person who is the owner or operator of an enclosed public place shall post clearly visible signage conspicuously at all entrances to the enclosed public place containing the following text in a minimum font size of 24 point:

Protect each other
Wear a face covering
Cover your nose, mouth, and chin
Required by the Face Covering By-law
Does not apply to children under the age of five and those who are
unable to wear a face covering as a result of a medical condition or a
disability.

- (14) Every person who is the owner or operator of an enclosed public space shall provide hand sanitizer with a minimum 70% alcohol content, at all public entrances and exits at all times for the use of members of the public attending the enclosed public place.
- (15) A "person" in subsection (10) of this section shall include, but not be limited to, a corporation.

2. This By-law may be enforced by:

- (1) A provincial offences officer of a lower tier municipality or The Regional Municipality of Niagara or other person appointed under the authority of a municipal by-law to enforce municipal by-laws;
- (2) A public health inspector acting under the direction of the Medical Officer of Health;

- (3) A police officer of the Niagara Regional Police Service;
 - (4) Such other person as designated from time to time by The Regional Municipality of Niagara.
3.
 - (1) Every person who contravenes any provision of this By-law is guilty of an offence.
 - (2) Upon conviction, every person who contravenes any provision in this By-law is liable to a fine not exceeding one thousand dollars (\$1,000), exclusive of costs, for each offence, recoverable under the provisions of the Provincial Offences Act, R.S.O. 1990, c. P.33, as amended, or any successor legislation thereto.
4. If any provision of this By-law is declared invalid for any reason by a court of competent jurisdiction, only that invalid portion of the By-law shall be severed and the remainder of the By-law shall still continue in force.
5. This By-law shall not be interpreted so as to conflict with a Provincial or Federal statute, regulation, or instrument of a legislative nature, including an order made under the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c. E.9, as amended. For greater certainty, nothing in this By-law shall be construed as permitting the opening or access to an enclosed public place that is not permitted or is restricted by a Provincial Emergency Order. The owner or operator of an enclosed public place is responsible to ensure that it is operated in accordance with all applicable Provincial Emergency Orders and laws, including the Occupational Health and Safety Act and regulations thereunder.
6. This By-law may be cited as the "Face Covering By-law".
7. This By-law shall come into force and effect on July 31, 2020.

- 8. This By-law shall be deemed repealed and no longer in force and effect at 12:01 a.m. on October 1, 2020 unless otherwise extended or repealed by resolution of Council.

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: July 23, 2020

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