



**City of Port Colborne
Regular Meeting of Council 19-20
Monday, July 27, 2020
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, July 27, 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) Special meeting of Council 16-20, held on July 13, 2020
 - (b) Regular meeting of Council 17-20, held on July 13, 2020
 - (c) Special meeting of Council 18-20, held on July 15, 2020
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Delegations/Presentations:**
 - (a) **Delegation:** Greg Poisson, Owner of Canalside Re: Request to change the hours of Parking on West Street (Page No. 7)
 - (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
9. **Consideration of Items Requiring Separate Discussion:**
10. **Proclamations:**

Nil.

11. Minutes of Boards, Commissions & Committees:

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

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>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</u></p> <p>That the Draft Plan Approval be extended for the Rosedale Draft Plan of Subdivision to August 12, 2021; and</p> <p>That Upper Canada Consultants be notified accordingly.</p>	9
WCS MB EB RB GB FD AD DK HW	2.	<p><u>Planning and Development Department, Report 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion</u></p> <p>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</p> <p>That the Mayor and City Clerk be authorized to sign the Joint Agency Review Team Memorandum of Understanding.</p> <p>That the necessary by-law be approved by Council and signed by the Mayor and City Clerk.</p>	29
WCS MB EB RB GB FD AD DK HW	3.	<p><u>Planning and Development Department, Report 2020-95, Subject: Recommendation Report: Proposed Expansion of the Downtown Central Business District Community Improvement Plan</u></p> <p>That the CBD CIP Project Area expansion as outlined in Planning and Development Department Report No. 2020-95, be approved; and</p> <p>That the necessary by-law be approved by Council and signed by the Mayor and City Clerk.</p>	39
WCS MB EB RB GB FD AD DK HW	4.	<p><u>Engineering and Operations Department, Engineering Division, Report 2020-96, Subject: COVID-19 Infrastructure Stimulus & Recovery Opportunity</u></p> <p>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</p> <p>That staff reports to Council with the outcome of the applications along with a funding strategy.</p>	47

<p>WCS MB EB RB GB FD AD DK HW</p>	<p>5.</p>	<p><u>Corporate Services Department, Financial Services Division, Report 2020-97, Subject: 2021 Proposed Budget Timetable</u></p> <p>That Corporate Services Department, Financial Services Division, Report No. 2020-97, Subject: 2021 Proposed Budget Timetable, be received; and</p> <p>That the 2021 budget timetable and proposal submission process as outlined in Report No. 2020-97, be approved.</p>	<p>53</p>																					
<p>WCS MB EB RB GB FD AD DK HW</p>	<p>6.</p>	<p><u>Department: Chief Administrative Officer, Report 2020-99, Subject: Road Name Policy/Road Name Request</u></p> <p>That the following road names be added to Appendix “A” of the City’s Road Name Policy:</p> <table border="1" data-bbox="454 762 1436 1330"> <tr> <td>Academic Avenue</td> <td>Enhancement Boulevard</td> <td>Investors Way</td> </tr> <tr> <td>Achievement Drive</td> <td>Evolution Drive</td> <td>Progress Drive</td> </tr> <tr> <td>Advancing Lane</td> <td>Expertise Avenue</td> <td>Promotion Boulevard</td> </tr> <tr> <td>Ambition Road</td> <td>Exploration Road</td> <td>Success Crescent</td> </tr> <tr> <td>Breakthrough Road</td> <td>Innovation Avenue</td> <td>Synergy Lane</td> </tr> <tr> <td>Champions Way</td> <td>Inspiration Avenue</td> <td></td> </tr> <tr> <td>Discovery Drive</td> <td>Imagination Road</td> <td></td> </tr> </table> <p>That the following wording be added to the City’s Road Name Policy in Section 4.1 – Road Naming Policies:</p> <ul style="list-style-type: none"> - 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. <p>That staff direction be given with respect to the name of both sections of Ramey Road west of Highway 140.</p>	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		<p>59</p>
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Discovery Drive	Imagination Road																							

WCS	MB	EB	7.	<p>Department: Chief Administrative Officer, Report 2020-98, Subject: COVID-19 Update #4</p> <hr/> <p>That Chief Administrative Officer Report No. 2020-98, Subject: COVID-19 Update #4, be received for information.</p>	63
RB	GB	FD			
AD	DK	HW			
Miscellaneous Correspondence					
WCS	MB	EB	8.	<p>Mayor William C. Steele Re: Proposed Regional Face Coverings By-law</p> <hr/> <p>That the correspondence received from Mayor William C. Steele Re: Proposed Regional Face Coverings By-law, be received for information.</p>	67
RB	GB	FD			
AD	DK	HW			
Outside Resolutions – Requests for Endorsement					
WCS	MB	EB	9.	<p>Town of Kingsville Re: Rent Assistance Program</p> <hr/> <p>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.</p>	117
RB	GB	FD			
AD	DK	HW			
Responses to City of Port Colborne Resolutions					
Nil.					

**Consideration of By-laws
(Council Agenda Item 12)**

By-law No.	Title
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
6802/52/20	Being a By-law to Amend By-law 4588/119/04, Being a By-law to Regulate Noise
6803/53/20	Being a By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne
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
6805/55/20	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
6806/56/20	Being a By-law to Enter Into a Joint Agency Review Team Memorandum of Understanding
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
6808/58/20	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

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

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Planning and Development Department

Report Number: 2020-94

Date: July 27, 2020

SUBJECT: Request for Extension of Draft Plan of Subdivision Approval (File No. D12-H58) Rosedale Plan of Subdivision

1) PURPOSE:

The purpose of this report is to provide Council with a recommendation regarding a request for an extension of Draft Plan of Subdivision Approval for Rosedale Plan of Subdivision.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The Rosedale Draft Plan of Subdivision proposed by Ralph Rotella was approved by the Region of Niagara (being the approval authority at the time) in June 1988. The plan is located east of West Side Road (Hwy 58), south of Stonebridge Drive and north of Oxford Boulevard (Hawthorne Heights). The development is located on 32 acres of land and contains 119 single family dwellings, a block for approximately 57 apartment units, a commercial and a park block. The Draft Plan had a 4 year lapsing date in 1992 to meet all conditions of draft plan approval.

In 1997, the *Planning Act* was amended to give rights to the upper municipalities to delegate to lower municipalities for subdivision/condominium approval. In 1999, through Planning & Development Report 99-11, Council did not approve the City taking over the administration of Rosedale Subdivision from the Region due to outstanding issues between the Region and the proponent on the payment of Development Charges as set out below. However, in 2006 the then Manager of Planning for the City requested the Region delegate the subdivision for administration.

According to Regional Planning Report 2007-64 (in response to the 2006 letter from the then City Planning Manager), in 1989, Regional Council adopted a Development Charges By-law and passed a subsequent by-law which imposed the payment of Development Charges on Plans of Subdivision prior to their registration or prior to an extension of Draft Approval whichever is the earlier. Draft approval for the Rosedale Plan was set to lapse on June 21, 1992 and the applicant was notified of the requirement to pay the Development Charges according to the Regional by-law. After discussions between the Region and Mr. Rotella, it was agreed that Draft Approval could be temporarily extended to allow the proponent to enter into an agreement to pay interest on the Development Charges principle and have Draft Approval extended to 1994.

In October 1994, Mr. Rotella was requested to pay the Regional Development Charge as agreed to previously. No response was received and after several months, a report was approved by Council which recommended the applicant withdraw his Plan of Subdivision. In December 1995, the Region again contacted the applicant through his solicitor and set out another possible payment solution. Again, no response was received, and the file was

put on hold awaiting a response from the proponent.

In 2005, Regional staff met with Mr. Rotella at his request to discuss the Plan's status. It was noted in the discussions that the Rosedale Plan of Subdivision technically remains draft approved as the status has not been formally withdrawn by the Region. Secondly, it was noted that changes in the *Development Charges Act* now requires the City to collect the Regional Development Charge at the building permit stage.

As mentioned above, in 2006, the former Manager of Planning (now Director of Planning & Development) requested that the file for the Rosedale Plan of Subdivision be transferred to the City for administration. Prior to this, the Region indicated that it would retain the file in an effort to have the applicant comply with payment of Development Charges in accordance with the earlier signed agreement; however, at the time of transfer, changes to the *Development Charges Act* have now secured payment of Development Charges at the building permit stage. However, it appears this matter has somewhat come full circle as the Region is now requiring owners to pay Development Charges within 2 years of obtaining Draft Plan approval for their entire subdivision plan as they did in 1989 which, as mentioned above, resulted in the draft plan extension being left in stage of "review".

As Council is aware, the Region of Niagara, City and Mr. Rotella have been in discussions for several years regarding wastewater servicing of the property and the required upgrades to the Oxford Pumping Station. The Region is proposing to construct a wastewater line through Mr. Rotella's property that would cross City lands and then into existing infrastructure on Stonebridge Drive. This would then eliminate the Oxford Pumping Station.

On August 12, 2013, Council set a lapsing date for draft plan approval of August 12, 2015. An extension was granted by City Council on July 12, 2015 to extend the lapsing date to August 12, 2017 and a number of conditions of draft plan approval were added. On June 26, 2017, Council again extended the lapsing date to August 12, 2019. Finally, a one year extension was granted in 2019 to set the currently lapsing date to August 12, 2020.

On June 2, 2020, Planning staff received a request (Appendix A) from Upper Canada Consultants on behalf of Ralph Rotella to extend approval of the Draft Plan of Subdivision for two years, in order to complete engineering designs and undertake a Transportation Impact Study to satisfy the Ministry of Transportation.

3) STAFF COMMENTS AND DISCUSSIONS

Planning staff circulated a request for comments on the draft plan extension request to agencies and the following comments have been received from commenting agencies as of the date of writing of this report:

Niagara Region Planning and Development Services Department:

Although Regional staff acknowledges the desire for a 2 year extension, it is unclear why the TIS is only being initiated now and why other required studies/plans/documents have not been advanced, when draft approval has been granted for 32 years (since 1988). I agree with the recommendation from the last Regional comment letter, and recommend

that only a 1 year extension be granted to ensure the applicant is continuously demonstrating a commitment to move the development forward and so that staff can receive an update on the status of conditions in a timely manner.

The Region may require completion of a constraints analysis as a new condition of subsequent extension requests; however, Regional environmental staff need to visit the site to confirm this requirement.

If City Council grants the current extension request, I would recommend a full review of all conditions if the plan is not registered before the next lapse date, to confirm the proposal conforms to current Provincial and Regional policies.

The full Regional comment is attached to this report (Appendix B).

Comment

Staff has reviewed this request for a two year extension to draft approval. While staff trust that the applicant has been using these past extensions to clear their conditions of draft approval, the status of these conditions remain unclear as staff have not been part of any discussions with any level of government (Appendix C). Staff concur with the Region's comment that the applicant should be required to complete a full review of the draft approval conditions and submit them to the satisfaction of the City of Port Colborne and Niagara Region prior to any future extension requests. Staff have only received periodic updates from Mr. Rotella's consultants over the years.

Through the passing of By-law 6702/66/19, the approved conditions were revised to update nomenclature and remove unnecessary conditions. Staff are of the opinion that the conditions are up to date with the current names of the Ministries and other agencies.

It is staff's position that a one year extension can be supported as commented by the Region. This will give the owner time to start detailed engineering design and reach a conclusion in their discussions with the adjacent property owner and the Ministry of Transportation's support of a new road entrance to Hwy 58. The results of these discussions should be included in the review of each individual condition that is being requested from the City and Niagara Region. The one year extension along with a full review of the conditions will ensure that the owner is pursuing the development in a timely manner.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing

If Council chooses this option, the Draft Plan approval will lapse on August 12, 2020 and the applicant would have to submit a new application.

b) Other Options

i) Though not recommended, Council could deny the application and the Draft Approval will lapse on August 12, 2020 or Council can set the lapsing date to any other time as requested by the applicant.

ii) If Council chooses to further extend beyond one year, it may be prudent to put the applicant on notice on what the expectations are.

iii) Council can choose to reject updates to the Conditions of Draft Approval.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A - Letter Stating Request for Extension

Appendix B - Comments from Niagara Region

Appendix C - Conditions of Draft Approval (updated 2019)

Appendix D - Draft By-law

7) RECOMMENDATION

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.

8) SIGNATURES

Prepared on July 13, 2020 by:



David Schulz, BURPI
Planner

Reviewed by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and Respectfully Submitted:



C. Scott Luey
Chief Administrative Officer



June 2, 2020

To: Dan Aquilina, MCIP, RPP, CPT
Director of Planning & Development
City of Port Colborne
66 Charlotte Street
Port Colborne ON L3K 3C8

**Re: Request for Extension of Draft Plan of Subdivision Approval
Rosedale Subdivision – 26T-87018 (East Side of Highway 58)**

In reference to the above noted project, please accept this request to extend Draft Plan of Subdivision approval for a period of **two (2) years**. Draft Approval was extended for a one-year period by City Council on June 26, 2019 through By-law 6702/66/19. The lapsing date for Draft Approval is **August 12, 2020**.

Cheques will be provided by the owner to City Hall in amounts of **\$1,561.00** made payable to the City of Port Colborne and **\$2,595.00** made payable to the Regional Municipality of Niagara.

As indicated in the project update letter submitted to the Mayor and Council dated February 25, 2020, the applicant has been working with Upper Canada Consultants and the adjacent landowner of Meadow Heights to move engineering design forward, including the undertaking of Transportation Impact Study at the request of the Ministry of Transportation. The scale of the study is large and requires qualified individuals that are pre-approved by the Ministry. It may take six or more months to complete this study. Original plans to initiate the study in the spring were pushed back due to COVID-19 restrictions.

It is worthwhile to note that the adjacent Meadows Heights subdivision is now completely registered and subsequently the road pattern is final. The Rosedale lands present an opportunity to create travel efficiencies and additional access for Meadow Heights from Elm Street to Highway 58. Further, servicing efficiencies within the future right-of-ways are also available when designing and constructing these developments concurrently. Completion of the required Transportation Study will provide significant clarity about if the access can be provided, and if so, in what configuration.

Based on market trends observed in Niagara, it appears that the location of the draft approved Rosedale Subdivision lend themselves to developing in the very near future. These observed trends include a significant increase in work at home configurations (before COVID-19), migration of homeowners from the GTA, and absorption of the limited available lands in southern Niagara (i.e. Dain City).

As our design exercises and dialogue with the adjacent landowner are once again actively underway, an extension of draft approval is considered appropriate and necessary to move this project forward to registration and construction.

Our client respectfully requests that a two-year extension be provided to allow for sufficient time to complete the transportation study, engineering design, obtain all necessary Provincial approvals (servicing, transportation) and work with Niagara Region to confirm the required servicing upgrades.

If you have any questions or require any further information or copies, please contact the undersigned.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Craig A. Rohe', written in a cursive style.

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

CC: Ralph Rotella (Owner)
Martin Heikoop, Upper Canada Consultants

Niagara Region Comment

I've taken a look and note that the attached Regional comments on the last extension request (2019) recommended only a 1 year extension. At that time, Regional staff were concerned about a lack of demonstration that the development was moving forward. The letter submitted for the current extension request (2020), from Upper Canada Consultants indicates *"the applicant has been working with Upper Canada Consultants and the adjacent landowner of Meadow Heights to move engineering design forward, including the undertaking of Transportation Impact Study at the request of the Ministry of Transportation. The scale of the study is large and requires qualified individuals that are pre-approved by the Ministry. It may take six or more months to complete this study. Original plans to initiate the study in the spring were pushed back due to COVID-19 restrictions."* No information on the status of the other conditions of draft approval or work that has been completed to demonstrate that some progress has been made since the last extension request was received by the Region.

Although Regional staff acknowledges the desire for a 2 year extension, it is unclear why the TIS is only being initiated now and why other required studies/plans/documents have not been advanced, when draft approval has been granted for 32 years (since 1988). I agree with the recommendation from the last Regional comment letter, and **recommend that only a 1 year extension be granted to ensure the applicant is continuously demonstrating a commitment to move the development forward and so that staff can receive an update on the status of conditions in a timely manner.** The City's report on the last extension request indicated "Should sufficient progress be made within the next year the applicant can request further extensions." It does not appear that sufficient progress has been made in the last year, so I am reluctant to support a long extension request without demonstration that more progress has been made.

I would also note that there are some unmapped environmental features on the property that may warrant analysis to determine whether they meet significance criteria to be considered features under the Regional Official Plan. The Region may require completion of a constraints analysis as a new condition of subsequent extension requests; however, Regional environmental staff need to visit the site to confirm this requirement. If City Council grants the current extension request, I would recommend a full review of all conditions if the plan is not registered before the next lapse date, to confirm the proposal conforms to current Provincial and Regional policies.

Let me know if you need anything else or if this email is sufficient for your report.

Thanks,

Britney Fricke, MCIP, RPP

Senior Development Planner

Planning and Development Services Department

Regional Municipality of Niagara

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.
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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 is 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.

The Corporation of the City of Port Colborne

By-law No. _____

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, 2021 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 27th day of July, 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.
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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.
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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.
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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.

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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.



Planning and Development Department

Report Number: 2020-93

Date: July 27, 2020

SUBJECT: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion

1) **PURPOSE:**

The purpose of this report is to provide information to Council regarding the Joint Agency Review Team (“JART”) process and to recommend the City of Port Colborne’s commitment to the Memorandum of Understanding (“MOU”).

2) **HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES**

Port Colborne Quarries Inc. (“PCQ”) has proposed an expansion to their existing Pit 3 extraction site in the City of Port Colborne (“City”). The existing quarry operation currently exists on the east side of Port Colborne and is made up of three existing pits. Pit 1, which is the pit situated furthest to the west, was established and fully extracted prior to the *Pits and Quarries Control Act*. Pit 2, which is the centre pit to the east of Pit 1, is a licensed quarry that is fully extracted and used only for internal processing routes. Pit 3, which is the eastern pit, is fully licensed and remains active, however it is estimated that the quarry only has 10 active years of extraction remaining (Appendix A).

A formal application has not yet been received, however the City has met with the Applicant, as well as the Niagara Region (“Region”) and Niagara Peninsula Conservation Authority (“NPCA”), over the last few months to determine the requirements of a complete application.

Through the consultation process, the following land use approval applications were discussed:

- **Ministry of Natural Resources and Forestry:** Category 2 (quarry below water) Class A Licence;
- **Regional Municipality of Niagara:** Official Plan Amendment to re-designate the lands from Good General Agriculture Area to Licensed Pits and Quarries on Schedule D4;
- **City of Port Colborne:** Official Plan Amendment to re-designate the lands from Agricultural to Mineral Aggregate Operation;
- **City of Port Colborne:** Zoning By-law Amendment from By-law 6575/30/18 to re-zone the lands from the A – Agricultural zone to the MAO – Mineral Aggregate

Operation zone.

Along with an overview of the technical studies that the Applicant will be required to submit, the Region provided a presentation to the Applicant, City and NPCA regarding the JART process. The JART is a team of professional staff from the public agencies responsible for coordinating the technical review of matters related to the processing of a mineral aggregate operation application. The process has been successful for the Niagara Region and municipalities in the Region that have been involved in applications of this nature.

The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. The JART does not make a recommendation on the application, rather the JART works to:

- Ensure that the required range of studies and work is completed by the applicant.
- Ensure that the studies are sufficient in terms of their technical content.
- Review the studies and work of the applicant either by technical staff or by peer reviewers.
- Ensure a coordinated public and stakeholder consultation and engagement process.
- Prepare a technical JART report on the application once all reviews are complete.

The report is then used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

In anticipation of an application, a JART has been formed consisting of staff from the Niagara Region, City of Port Colborne and the Niagara Peninsula Conservation Authority. An Aggregate Advisor will assist the JART, however they will not be included as a formal member.

3) STAFF COMMENTS AND DISCUSSIONS

As previously mentioned, City Planning staff have met with the Region and NPCA as well as PCQ and their consultants. An overview of the JART process was presented to all parties and it was generally agreed upon that this was the direction to proceed in. Staff are of the opinion that the JART will not only create efficiencies for the application process, but also efficiencies for staff time and resources.

The JART MOU has already been signed by the applicant who is eager to have all documents in order so the submission of an application is not delayed. The full JART MOU is attached to this report as Appendix B.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Doing nothing is not recommended as it will delay and/or prevent the JART from forming and moving forward efficiently.

b) Other Options

Although not recommended, Council can choose to refuse the signing of the JART MOU which will leave the City without the shared resources and advice from the Aggregate Advisor.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A – Extent of the Proposed Pit 3 Expansion

Appendix B – Joint Agency Review Team – Memorandum of Understanding

7) RECOMMENDATION

That Planning and Development Department 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; and

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

8) SIGNATURES

Prepared on July 10, 2020 by:



David Schulz, BURPI
Planner

Reviewed and Respectfully Submitted:

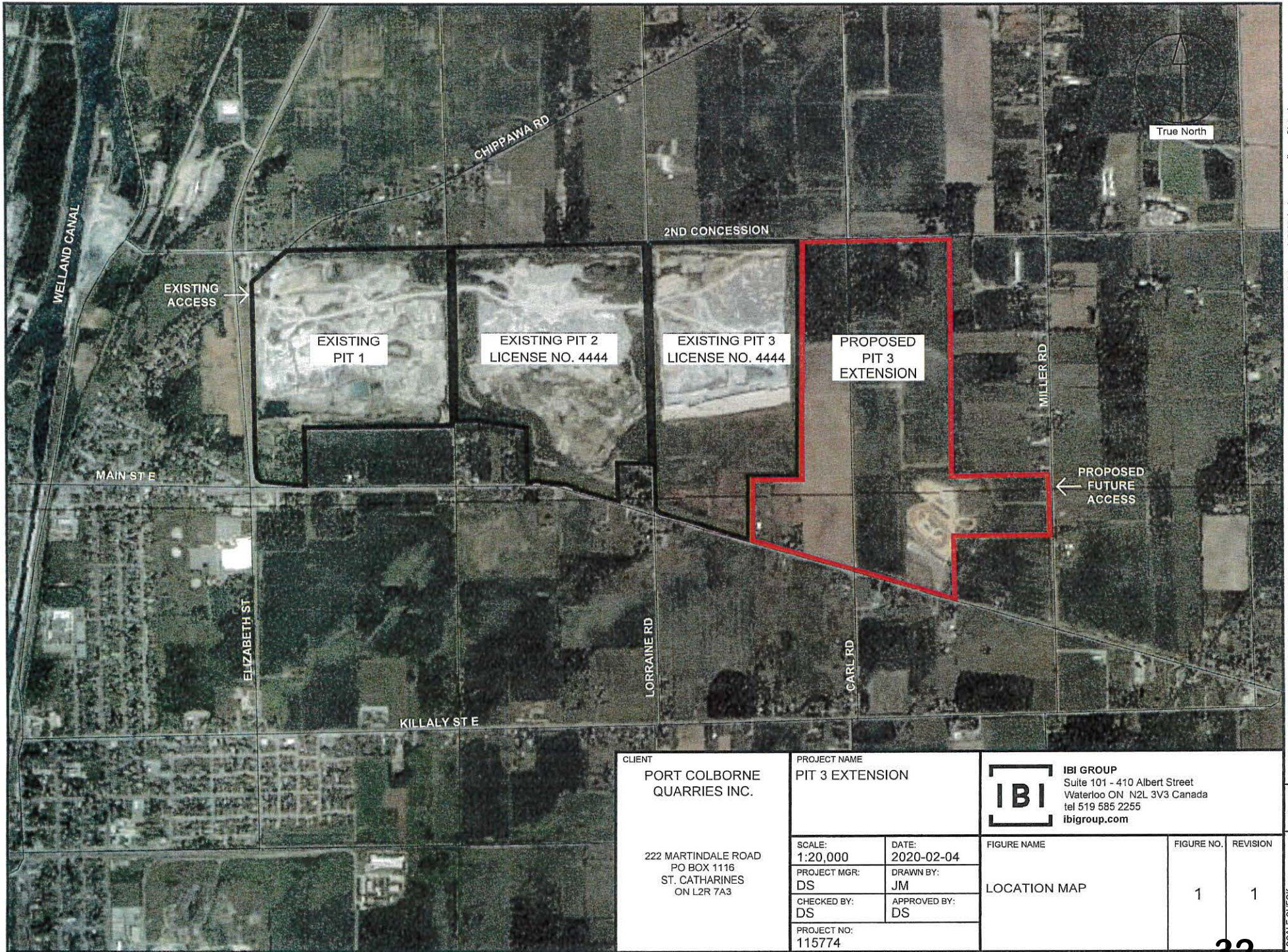


Scott Luey
Chief Administrative Officer

Reviewed and Respectfully Submitted:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development



CLIENT PORT COLBORNE QUARRIES INC. 222 MARTINDALE ROAD PO BOX 1116 ST. CATHARINES ON L2R 7A3		PROJECT NAME PIT 3 EXTENSION	
SCALE: 1:20,000	DATE: 2020-02-04	IBI GROUP Suite 101 - 410 Albert Street Waterloo ON N2L 3V3 Canada tel 519 585 2255 ibigroup.com	
PROJECT MGR: DS	DRAWN BY: JM	FIGURE NAME LOCATION MAP	FIGURE NO. 1
CHECKED BY: DS	APPROVED BY: DS		REVISION 1
PROJECT NO: 115774			

MEMORANDUM OF UNDERSTANDING

Between:

PORT COLBORNE QUARRIES INC.

("PCQ")

- and -

THE REGIONAL MUNICIPALITY OF NIAGARA

("Region")

- and -

THE CITY OF PORT COLBORNE

("Port Colborne" or "City")

- and -

THE NIAGARA PENINSULA CONSERVATION AUTHORITY

("NPCA")

WHEREAS PCQ intends to submit an application (the "application") for the 'Extension of Pit 3' on lands situated within the City of Port Colborne located in the Niagara Region;

AND WHEREAS *Planning Act* approvals are required at the City and Regional level through City and Regional Official Plan amendments and a City Zoning By-law amendment;

AND WHEREAS an *Aggregate Resources Act* approval is required for a Category 2 license at the Provincial level including site plan approval as required under the *Aggregate Resource Act*;

AND WHEREAS the *Planning Act* and *Aggregate Resources Act* approval and licensing processes provide for or require analysis and input from interested stakeholders, including without limitation the Region, City of Port Colborne, and the NPCA;

AND WHEREAS to facilitate and expedite that analysis and input and to provide same in an open and transparent manner, the Region, City, and the NPCA have committed to proceeding using the Joint Agency Review Team ("JART"), generally on the terms outlined herein;

NOW THEREFORE the parties agree to work together in the following manner:

General

1. The purpose of this Memorandum of Understanding ("MOU") is to establish the parties' commitment to the Joint Agency Review Team ("JART") process and to working through the resultant decision-making process in a respectful, efficient and methodical way. Additionally, the parties intend through this process to outline the process, terms of reference, scope, and other particulars of other matters that will be required throughout the application process.

Principles

2. For the purposes of this MOU, the parties acknowledge and agree to the following principles:
 - (a) PCQ operates an existing quarry operation adjacent (to the west) to the location of the proposed extension of Pit 3.
 - (b) The City and Regional Official Plans identify this area as a potential aggregate resource area as per the information provided in the Aggregate Resource Papers that were developed by the Ministry of Natural Resources and Forestry.
 - (c) As part of the approval and licensing process, a technical review of PCQ's application is required.
 - (d) It is in the parties' mutual interest that the technical review be conducted in an efficient, cost-effective, and transparent manner and include consultation with the public and any interested stakeholders.
 - (e) The JART process has been established as a best practice for the review of aggregate applications in Niagara and in other municipalities.

JART Process

3. The JART process is the establishment of a team of professional staff from interested public agencies who are responsible for coordinating the technical review of all matters related to a mineral aggregate operation application. The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. The JART does not make a recommendation on the application, rather the JART works to:
 - Ensure that the required range of studies and work is completed by the applicant
 - Ensure that the studies are sufficient in terms of their technical content
 - Ensure review of the studies and work of the applicant either by technical staff or by peer reviewers
 - Ensure a coordinated public and stakeholder consultation and engagement process
 - Prepare a technical JART report on the application once all reviews are complete

For additional information on the Niagara JART process, please refer to Niagara Region Report - ICP 85-2013 '*Streamlined Review of Mineral Aggregate Applications Process*'

JART Membership

4. The JART will be comprised of planning and other staff from the Region, City, and NPCA. Once retained, an Aggregate Advisor will provide expertise and support to the JART. Additionally, where appropriate:
 - The JART may invite PCQ's staff, consultants, or advisors to participate in meetings and/or the technical review - to facilitate JART's understanding of the application and to resolve technical questions as efficiently as possible.
 - The JART may invite Provincial staff to participate in meetings and/or the technical review - to facilitate JART's understanding of the application and/or or the *Aggregate Resources Act*

application process and/or other Provincial Legislation, Regulations, or Guidelines as required.

Aggregate Advisor

5. Niagara Region on behalf of the JART will retain an Aggregate Advisor to provide technical expertise and to assist in coordinating the review of the applications. The Aggregate Advisor will be qualified as a Registered Professional Planner with experience in aggregate planning and license applications and/or have substantial professional experience reviewing aggregate planning and license applications. The Aggregate Advisor will work with and support the JART throughout the length of the process. The Aggregate Advisor will very actively participate in the JART process, but will not be a formal member.

Peer Reviewers

6. Niagara Region on behalf of the JART will retain third party consultants appropriately qualified to peer review certain technical studies and to provide advice and recommendations on specific topics. It is to be acknowledged that PCQ is not entitled to make final determinations or decisions as to the selection of the third party consultants or the scope of their engagement. PCQ may object to the retainer of a third party consultant only on the basis of a conflict of interest.

Public and Stakeholder Consultation and Engagement

7. Public, stakeholder, agency, and Indigenous consultation and engagement is required under the *Planning Act* and the *Aggregate Resources Act* as part of the applications. The JART and PCQ will work together to plan and coordinate the consultation and engagement program and to provide an open and transparent process. Where ever possible, the public process for the *Planning Act* and *Aggregate Resources Act* approvals will be jointly notified and held.

Facilitator

8. The JART, through discussions with PCQ, may determine that a facilitator is required to assist with the public or other sessions. The scope of work for such a facilitator would be determined through coordination by the JART and authorized by PCQ.

JART Decision-Making

9. The JART does not have decision-making authority and the JART does not make a recommendation on the applications. The JART report is used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

Financial Commitments

10. PCQ has agreed to assume responsibility for the costs of any consultants retained by the Region for the purposes of advancing the applications, in accordance with a separate Cost Acknowledgement Agreement.

No Referral to Local Planning Appeal Tribunal (LPAT)

11. At the beginning of the process, the parties will agree to a timetable for the completion of the protocol. The parties hereto agree that, for so long as the JART protocol is proceeding according to the timetable, no resort, referral or appeal to the LPAT by PCQ will be made in respect, without limitation, of the failure by either the City or the Region to make a decision with respect to the applications or for any other reason related to or arising from the application review process. The timetable may be subject to modification upon mutual agreement by all parties. In any case, the agreement not to resort, refer or appeal to the LPAT ends if any party exercises its right to terminate the MOU as set out in Item 12 below.

Without Prejudice & Termination

12. Any party shall have the right to terminate the MOU by giving three months' written notice in writing to the other parties at any time. If the MOU is terminated by any party, steps shall be taken to ensure that the termination does not affect any prior obligation, project or activity already in progress.
13. The Region shall have the right to suspend or terminate on ten days written notice to the other parties, Niagara Region's participation in the JART process and their obligations pursuant to this MOU, in the event of the suspension or termination of Niagara Region's Cost Acknowledgement Agreement with PCQ described in section 10 of this MOU. The Parties agree that the continuation of this MOU is dependent upon the continued funding provided by PCQ pursuant to its Cost Acknowledgement Agreement with Niagara Region.

Dated at the Regional Municipality of Niagara this ____ day of _____, 2020.

PORT COLBORNE QUARRIES INC.

Per: _____
Name:
Title:
I have authority to bind the Corporation.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____
Name:
Title:
I have authority to bind the Corporation.

THE CITY OF PORT COLBORNE

Per: _____

Name:

Title:

I have authority to bind the Corporation.

**THE NIAGARA PENINSULA CONSERVATION
AUTHORITY**

Per: _____

Name:

Title:

I have authority to bind the Corporation.

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SUBJECT: Recommendation Report: Proposed Expansion of the Downtown Central Business District Community Improvement Plan

1) PURPOSE:

The purpose of this report is to obtain Council's approval of the proposed expansion of the Project Area for the Downtown Central Business District Community Improvement Plan Project Area (CBD CIP).

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:

On July 13, 2020, Council received Planning and Development Report 2020-85, a Public Meeting Report for a Proposed Amendment to the CBD CIP that would include 14 Victoria Street and 21 Adelaide Street.

The statutory public meeting pursuant to Sections 17 and 28 of the *Planning Act* was held on July 13, 2020 and the draft minutes of the meeting are attached hereto as Appendix A.

3) STAFF COMMENTS AND DISCUSSIONS:

As no members of the public submitted comments, staff can provide the following review as it relates to the inclusion of 14 Victoria Street and 21 Adelaide Street:

- The rationale for needs: The addition of the two properties will better site the proposed development of a nine storey mixed use building with 76 units with respect to greater setbacks and access.
- The goals of the existing CBD CIP: The focus on public attention on local priorities and municipal initiatives will be followed with respect to the streetscape plan for the CIP and has stimulated private sector investment through municipal incentive based programs.
- A description of the project area characteristics: The development proposal for the property will promote a healthy downtown with the development of a new building of high quality visual character.
- Is the property near the CBD CIP project area? Yes, the properties are contiguous with the current CBD CIP Project Area.
- Does it have potential for conversion to commercial or mixed use? Yes, the conversion from an industrial to a mix of residential and commercial is proposed.

• Is it in need of improvement? The existing industrial building has been demolished and lands require remediation.

Therefore, based on the above, staff can support the inclusion of 14 Victoria Street and 21 Adelaide Street to the CBD CIP Project Area.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

Council can choose to do nothing and leave the Project Area CBD CIP as is.

b) Other Options

Council can request further information or justification be completed.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES:

Not applicable.

6) ATTACHMENTS:

Appendix A - Draft Public Meeting Minutes

Appendix B - Proposed CBD CIP Project Area

Appendix C - Draft By-law approving the CBD CIP Project Area.

7) RECOMMENDATION:

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.

8) SIGNATURES:

Prepared on July 17, 2020 by:



Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development

Reviewed and Respectfully Submitted:



Scott Luey
Chief Administrative Officer

**City of Port Colborne
Special Council Meeting 16-20
Minutes**

- Date:** July 13, 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)
G. Bruno, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer) (via Zoom)
H. Wells, Councillor (via Zoom)
- Staff Present:** D. Aquilina, Director of Planning & Development (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk

Also in attendance was one member of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Confirmation of Agenda:

No. 103 Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

That the agenda dated July 13, 2020 be confirmed, as circulated.

CARRIED

3. Disclosures of Interest:

Councillor Wells declared a pecuniary interest with regards to Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan. Councillor Wells refrained from discussing or voting on this item.

Councillor Beauregard declared a pecuniary interest with regards to Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan as he is employed by Sullivan Mahoney, the solicitor for Rankin Companies. Councillor Beauregard refrained from discussing or voting on this item.

4. Public Hearing Under the Planning Act:

Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan

(i) Purpose of Meeting

The Director of Planning & Development advised that the purpose of this meeting, pursuant to Sections 17 & 28 of the *Planning Act*, is to present a proposed expansion to the Downtown Central Business District Community Improvement Plan.

(ii) Method of Notice:

Mr. Aquilina stated that the Notice of the Public Meeting was administered in accordance with Section 17(15) and 22(1) of the *Planning Act* as amended, Section 3 of Ontario Regulation 543/06. The Notice of Public Meeting was published in the Thursday June 11, 2020 edition of Niagara This Week.

(iii) Explanation of Procedure to be Followed:

Mr. Aquilina stated that the procedure to be followed this evening will be to:

- a) Present Planning and Development Services Department Report 2020-85.
- b) Hear any comments from Council to Planning Staff.
- c) Open the meeting to the public for comments and/or questions.

- d) Announce the requirements of the *Planning Act* for written notice request of passage of the proposed addition to the Community Improvement Plan.

(iv) Presentation of Application for Amendment:

The Director of Planning & Development provided an overview of the application and details of Report No. 2020-85. Mr. Aquilina advised that the application proposes to include 14 Adelaide Street and 21 Victoria Street to the CBD BCIP Project Area.

Mr. Aquilina highlighted that 176 Elm Street was accidentally omitted from the draft CIP project area and thanked Councillors Bagu and Kalailieff for informing staff earlier.

Mr. Aquilina advised that staff are to review the following in order to support the inclusion of the two properties:

- The rationale for needs;
- The goals of the existing CBD CIP; and
- A description of the project area characteristics.
- Is the property near the CBD CIP project area?
- Does it have potential for conversion to commercial or mixed use?
- Is it in need of improvement?

Mr. Aquilina advised that no comments from the public had been received.

(v) Questions of Clarification to Applicant/Planning Staff:

Councillor Danch requested confirmation of the two properties to be included. Mr. Aquilina confirmed that the two properties were 14 Adelaide Street and 21 Victoria Street. Councillor Bruno inquired about the property accidentally omitted from the draft CIP project area. Mr. Aquilina confirmed that it was the 2019 inclusion of 176 Elm Street.

(vi) Oral Presentations and/or Questions from the Public

No members of the public spoke to the application; however, Mr. Aquilina stated the following:

“If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before the proposed Community Improvement Plan is adopted and approved, the person or public body is not entitled to appeal the decision of the City of Port Colborne to LPAT.”

"If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before the proposed Community Improvement Plan is adopted or approved, the person or public body may not be added as a party to the hearing of an appeal before the LPAT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party."

(vii) Announcement Respecting Written Notice of Passage of Amendment:

Mr. Aquilina advised the following:

"If you wish to be notified of the adoption of the proposed Community Improvement Plan you must make a written request to the Clerk. Only those persons and public bodies that give the Clerk a written request for the adoption by-law will be given notice."

(viii) Explanation of Future Meetings:

Mr. Aquilina concluded the Statutory Public Hearing, held pursuant to Sections 17 and 28 of the *Planning Act*. Further, that the proposal will be placed on the July 27, 2020 Council Meeting for Council's consideration.

(ix) Recommendation:

No. 104 Moved by Councillor Kalailieff
 Seconded by Councillor Bagu

That Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan be received for information.

CARRIED

5. Adjournment:

Mayor Steele adjourned the meeting at approximately 6:39 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.



The Corporation of the City of Port Colborne

By-Law No. _____

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

Whereas the Council of The Corporation of the City of Port Colborne has designated the "Central Business District" as a Community Improvement Plan project area by By-law 1847/112/86 passed pursuant to Section 28(2) of the *Planning Act* on September 29, 1986; and

Whereas the Council of The Corporation of the City of Port Colborne amended the Central Business District Community Improvement Plan project area established by By-law 1847/112/86 by enacting By-law 5296/51/09; and

Whereas the Council of The Corporation of the City of Port Colborne amended the Central Business District Community Improvement Plan project area established by By-law 1847/112/86 by enacting By-law 6711/75/19; and

Whereas the Council of The Corporation of the City of Port Colborne is desirous to further amend By-law 1847/112/86 in order to expand the boundary for the Central Business District Community Improvement Plan project area to include 14 Victoria Street and 21 Adelaide Street;

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

1. That By-law 1847/112/86, enacted on September 29, 1986, be hereby amended by replacing Schedule "A" of By-law 6711/75/19 with Schedule "A" attached hereto.

Enacted and passed this 27th day of July, 2020.

William C Steele
Mayor

Amber LaPointe
Clerk

Report Number: 2020-96

Date: July 27, 2020

SUBJECT: COVID-19: Infrastructure Stimulus & Recovery Opportunity

1) PURPOSE:

The purpose of this report is to make Council aware of a grant opportunity through the Investing in Canada Infrastructure Program (ICIP) and to seek approval for staff to move forward with submitting multiple grant applications.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES:

Earlier this year the Federal government announced that it was preparing to spend more than \$3 billion in infrastructure money on projects to make facilities more pandemic-resistant and encourage outdoor activities as a response to COVID-19.

This COVID-19 response stream will incorporate four project categories and include eligible projects as shown in the table below.

Retrofits, Repairs and Upgrades	COVID-19 Response Infrastructure
Municipal, Territorial and Provincial buildings, community/cultural/recreational infrastructure, health infrastructure and schools	Measures to support physical distancing and repurposing infrastructure to support pandemic response
Active Transportation Infrastructure	Disaster Mitigation, Adaptation and Remediation Projects
Parks, trails, foot bridges, bike lanes and multi-use paths	Natural infrastructure, flood and fire mitigation, tree planting and related infrastructure, and remediation of contaminated sites and lands.

Funding from the Federal government has historically been presented to Port Colborne as covering one-third of the cost of a project along with one-third funded from the Provincial government and the remaining one-third funded by the Municipality. The COVID-19 revenue stream is providing the opportunity for municipalities to apply for Federal funding which will cover up to 80% of project costs and require the municipality to fund the remaining 20%. Limitations to the COVID-19 response stream include a maximum project limit of \$10 million in total eligible costs and project completion dates of December 31, 2021.

3) STAFF COMMENTS AND DISCUSSIONS:

Senior staff have met to deliberate on a successful approach to receive approval from the COVID-19 response stream. To benefit from the high value funding, staff proposes to concentrate all efforts on two applications. The applications outlined below are a high-level look into the type of projects staff will apply for; these applications are subject to change after further development with senior staff and grant writing specialists who will be retained through existing operating funds.

The first application will surround the needs of the City of Port Colborne owned facilities and include, but not be limited to, the projects outlined in the chart below. These projects will directly relate to two of the four project categories listed above: Retrofits, Repairs, and Upgrades, and COVID-19 Response Infrastructure.

Location	Description
Bethel Community Centre	Updates and modernization
City Hall	Renovate all floors of City Hall to modernize in order to improve service delivery and meet COVID-19 needs
Lions Field Park	Updates and modernization to buildings and site infrastructure
Pilot House	Updates and modernization
Roselawn Centre	Interior, and mechanical updates
Tennis Club	Updates and modernization
Vale Health & Wellness Centre	Upgrades to adapt to COVID-19. Repairs and system updates.

The second application will outline a City of Port Colborne Waterfront Plan, which will tie all lakefront and canal projects to a single application. This application will focus largely on two of the four project categories being: Retrofits, Repairs, and Upgrades, and Active Transportation Infrastructure.

Location	Description
Nickel Beach	Upgrades to include parking lot, washrooms, pavilion, playground, gatehouse, volleyball courts, and a Welcome/Interactive Learning Centre.
Centennial Park/Cedar Bay Beach	Upgrades include new Community Centre, washrooms, parking lot, pavilion, playground expansion, and volleyball court upgrades.
West Street Cruise Ship Port	Construction of a new Welcome Centre, landscaping and trail upgrades, parking lot, welcoming park and activity area.
Marina	Dock expansion and upgrades, dredging, fuel dock upgrades, storage expansion, interior updates, connect to NRBN fibre network to expand internet capabilities.
H.H. Knoll Park	Install grey water system at washroom facility.
Active Transportation	Upgrades to Welland Street including trail, landscaping, retaining walls, decorative noise barrier wall.

Active Transportation	Creation of bicycle lanes to major destinations and thoroughfares. Accessibility improvements for Cultural Block trails and sidewalks.
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Staff have concluded that with these two applications covering the majority of the outlined project categories, the City of Port Colborne will have the highest chance of receiving Federal funding from the COVID-19 response stream.

As Council has made the Downtown Community Improvement Plan a priority, it is worthy to note that upon review of the qualifying factors for the COVID-19 response stream, the Downtown CIP is not eligible. Staff will continue to monitor funding streams to ensure the City of Port Colborne can move forward with this project in an economical manner.

At the time of writing this report the financial cost of these projects are being assessed. Financial Services has identified the City could finance its 20% share through reserves or debt financing. From a cash flow perspective, Financial Services would recommend Council consider debt financing which also aligns with the useful life of the proposed projects. For illustrative purposes, if the City received the maximum amount of funding on both applications the City's portion would translate into an annual payment of approximately \$331,000 assuming a 3% interest rate and a 15 year repayment term. For comparison purposes, the 1% capital levy increase that has been adopted in recent years would equal approximately \$191,000 going into fiscal 2021. A final financing plan will be developed following the decision and outcome of the proposed grant applications.

Due to the extensive number of complex projects proposed in both applications, additional staff will be required to ensure each project's success. This will be assessed while creating the grants and after receiving notification of successful applications. The associated costs of retaining staff on a 1 to 1.5 year contract period will be included within the final financing plan.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do nothing.

If no action is taken, Federal funding to the extent of 80% of eligible costs for the projects outlined within this report will not be available.

b) Other Options

Council could instruct staff to submit grant applications based on the information provided within this report. Staff will report to Council with the outcome of each application along with funding strategies. (Recommended)

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Port Colborne Official Plan

1. *East Waterfront Secondary Plan* – Calls for green streets and open spaces that create the setting for neighborhood renewal, infill development, and a variety of lakefront experiences.
2. *Transportation – Walking, Cycling, and Transit* - Investments in new off-street cycling trails and on-street bike lanes focused in the downtown and waterfront

areas.

East Waterfront Community Improvement Plan

1. Improve the quality of the streetscapes in the neighborhood.
2. Reduce the environmental and visual impact of industrial uses.
3. Attract new investment and development to vacant properties.
4. Create new open spaces and recreational opportunities.
5. Improve pedestrian and cycling connections to Nickel Beach and the lake.
6. Establish more attractions at Nickel Beach.

Economic Development Strategic Plan – Action Items

1. Boost efforts to improve curb appeal and property standards along major thoroughfares and in the downtown core.
2. Explore the feasibility of attracting new and innovative ecotourism experiences to the area, combining the strong outdoor beauty of the area with a desire by many visitors for conservation and environmental sustainability.

Parks and Recreation Master Plan

1. Port Colborne's location along the Lake Erie Shoreline and the Welland Canal provides a unique opportunity to develop parks and trail connections along the waterfront that attract local residents and visitors. Additionally, leveraging the City's waterfront for public use (shorelines and beaches), has the potential to attract ecotourists, those that value connection with nature through recreation. The City has already experienced success with their investment in parks such as H.H. Knoll Lakeview Park, which highlights the City's proximity to the waterfront and Canal (page 66).
2. Continue to improve active transportation throughout the City by implementing the recommendations identified in the *Bike Friendly Communities Workshop* hosted by Share the Road Cycling Coalition. This includes strengthening connections between trails and community amenities (such as parks, multiuse facilities and downtown) (Action Item 19).
3. Install wayfinding/entrance signs throughout the City at key focal points, at entrances to all parks and along trails to help with wayfinding and promotion of trails/parks (Action Item 33).
4. Develop the Port Colborne waterfront of Lake Erie, including the Welland Canal, Sugarloaf Marina, H.H. Knoll Park and all City beaches to revitalize the area with land and water activities. This includes upgraded access to all waterfront destinations, upgraded public use amenities and facilities, and linking trails and improving signage to encourage cyclist, walking and commuters to explore all the waterfront amenities available (Action Item 61).

6) ATTACHMENTS

None.

7) RECOMMENDATION

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.

8) SIGNATURES

Prepared on July 17, 2020 by:



Steve Shypowskyj
Manager of Projects & Design

Reviewed by:



Bryan Boles
Director Corporate Services/Treasurer

Reviewed by:



Chris Lee
Director of Engineering and Operations

Reviewed by:



Ashley Grigg
Director of Community Services and
Economic Development

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

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Report Number: 2020-97

Date: July 27, 2020

SUBJECT: 2021 Proposed Budget Timetable

1) PURPOSE

The purpose of this report is to propose a 2021 budget timetable for Council's consideration.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Historically, the City of Port Colborne has approved its budget after the budget year has already started. In many cases the budget has been approved three to four months into the budget year.

3) STAFF COMMENTS AND DISCUSSIONS

Financial Services has received feedback from some Councillors and staff across the City. The consensus is that a budget completed before the budget year would help staff plan and implement the programs and activities that the budget funds.

Financial Services has identified that making the transition will be challenging for some as it shifts the timing of when certain business of Council and staff is performed. Financial Services, with the support of the Clerk's Division and Human Resources, will seek to make this transition as smooth as possible for everyone.

The proposed budget timetable and a look forward to financial policy development has been provided in Appendix A – Proposed Budget Timeline. Councillors will identify the budget has been split into three components: capital and related projects, levy and user fees, and rate budget (water and wastewater). Council will also identify an early approval of the capital and related projects budget is proposed. This is to facilitate a planned staff proposal to prioritize infrastructure condition assessment audits as a core component of the 2021 capital and related projects budget and a desire to move forward on these condition assessments immediately upon approval. Recognizing that budgets are estimates and that the City's needs and priorities may change over time, the budget will include an unallocated placeholder to maintain some flexibility in our capital program going forward.

At the time of writing this report, Financial Services has communicated the preliminary dates to the City's Directors and is in the process of meeting with the Directors to discuss the 2021 budget with the support of Human Resources. Financial Services has identified the budget presentation will look different than previous years, specifically it will be componentized as follows:

- Departments
- Board and Committees
- Programs, Activities & Grants
- General Government

- Capital and Related Projects

Council can also expect to see the beginning of some key performance indicators and concepts that are being introduced for the first time this term of Council, such as the concept of generational equity.

Going into the 2021 budget process, staff ask Council for their assistance in identifying deletions and/or additions, including capital and related projects that members would like to see included in the budget. To assist, and while recognizing the new budget timetable, staff request that Councillors complete the form included as Appendix B to this report - Budget Proposals. Staff are available to discuss any submission and assist where possible. A due date of August 24, 2020 to the Director of Corporate Services/Treasurer is requested.

Financial Services would like to highlight to Council that at the time of writing this report, the COVID-19 pandemic continues. While the City is experiencing a staged re-opening, staff are operating with the understanding that social distancing and related measures will be required for the foreseeable future. It has been communicated to Directors that this budget will focus on core services, health and safety, contingency planning data (infrastructure condition assessments will be proposed which may constrain the capital and related projects budget outside of linear asset projects), and preparing the City in order to come out of this pandemic stronger than it went in.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

Financial Services identifies the proposed 2021 budget timetable is only a proposal and is open to any and all feedback and direction from Council.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

This budget timeline and process has been developed to support a sustainable City of Port Colborne.

6) ATTACHMENTS

Appendix A – Proposed Budget Timetable
Appendix B – Budget Proposals

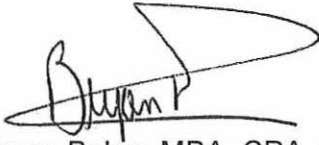
7) RECOMMENDATION

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.

8) SIGNATURES

Prepared on July 16, 2020 by:

A handwritten signature in black ink, appearing to read 'Bryan Boles', with a large, sweeping flourish above the name.

Bryan Boles, MBA, CPA, CA
Director of Corporate Services / Treasurer

Reviewed and respectfully submitted by:

A handwritten signature in black ink, appearing to read 'C. Scott Luey', with a period at the end.

C. Scott Luey
Chief Administrative Officer

Proposed Budget Timetable

Below is a summary of the proposed budget timetable for the City. The Niagara Region key dates have also been provided for information purposes. The highest degree of interconnectedness between the City and the Niagara Region is with respect to the rate budgets. This proposed timetable attempts to align dates as much as possible with the currently scheduled Council meetings.

Budget Components	Port Colborne		Niagara Region	
	<i>Budget Committee of the Whole</i>	<i>Council</i>	<i>Budget Committee of the Whole</i>	<i>Council</i>
Budget Timetable		July 27, 2020	June 25, 2020	
Capital and Related Projects Budget	September 16, 2020	September 28, 2020 (Approval)	October 15, 2020	January 21, 2021 (Approval)
Levy Budget and User Fees	October 21, 2020			
Levy Budget and User Fees	October 28, 2020 (if required)	November 9, 2020 (Approval)	January 14, 2021	January 21, 2021 (Approval)
Rate*	December 2, 2020			
Rate*	December 7, 2020 (if required)	December 14, 2020 (Approval)	November 26, 2020	December 17, 2020 (Approval)

* Rate includes water and waste/water and at the Niagara Region it also includes waste management.

Budget Components	Other Key Dates
Councilor Budget Requests Due	August 24, 2020
Capital and Related Projects Budget – Proposal Available	September 8, 2020
Presentation on City Finances, Budget Development Progress, Capital and Related Projects Budget	September 16, 2020
Levy Budget – Proposal Available (will include 2020 forecast to year end)	October 13, 2020
Rate – Proposal Available (will include 2020 forecast to year end)	November 9, 2020

Proposed Budget Timetable (Continued)

In the future the following listing will not accompany the budget timetable. Financial Services has provided it here to indicate several financial policies are in development to support the on-going operations of the City.

Financial Policies	Other Key Dates
Investment Policy - Proposal	August 24, 2020 (Council)
Capital Asset Policy - Proposal	September 28, 2020 (Council)
Reserve Policy - Proposal	September 28, 2020 (Council)
Travel, Meals and Hospitality Expense Policy - Proposal	November 23, 2020 (Council)
Professional Expense Policy - Proposal	November 23, 2020 (Council)
Budget Guidance Policy* - Proposal	December 14, 2020

* This policy would provide guidance on how future budgets are developed and establish starting guidance. This policy will be developed based on feedback received through the 2021 budget development process and leading practices.



Report Number: 2020-99

Date: July 27, 2020

Subject: Road Name Policy/Road Name Request

1) PURPOSE:

This CAO generated report is provided as a follow up to staff direction given at the July 13, 2020 Council meeting.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

At the July 13, 2020 City Council meeting, Port Colborne City Council approved a Road Name Policy for the City and directed staff to add additional proposed names to the policy with a focus on industrial and commercial terms that could be used when naming roads in industrial or commercial areas in the future. Council also directed staff to bring forward proposed names for the section of Ramey Road that leads north from Highway 140 and the section of Ramey Road that leads south from Third Concession Road.

3) STAFF COMMENTS AND DISCUSSIONS

Staff have gathered a list of road names that are appropriate for industrial and commercial areas in the future. The list includes the following proposed road names that do not conflict with existing names that are currently in use in the City:

Academic Avenue	Enhancement Boulevard	Inventors 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	

Staff recommends that these names be added to the Road Name Policy for future consideration.

Council also considered a request from Mr. Sandeep Chera to rename Ramey Road to Chera Road to distinguish the road from the section of Ramey Road that runs north and south from Second Concession Road near Highway 140. Staff were contacted by the applicant who described watching the Council meeting and proposed five alternate road names to the original suggestion. Mr. Chera's suggestions are:

- Chera Industrial Road

- Chera Industrial Drive
- Chera Innovation Drive
- Chera-Tech Way
- Chera Tech Way

Council considered a single name for both sections of Ramey Road west of Highway 140 or a distinct name for each section. Staff identified that these two sections may eventually join if the City installs a railway crossing in the future; however, without knowing if and/or when that would take place, distinct names for each section would provide more clarity for users of both sections of road.

Lastly, Council expressed an appetite to include current property owners in the selection of a new name in cases where an existing road name is identified by staff for a name change. Staff believe it is reasonable to include wording in the policy that directs staff to choose several names from the approved list in the policy and allow property owners to comment or ‘vote’ for the preferred name.

Staff believe that this can be accomplished by adding this proposed wording to Article 4.1 – Road Naming Policies of the newly approved Road Name Policy:

- 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.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

There are no financial implications to amending the Road Name Policy. If Council chooses a new name for Ramey Road that will be a modest cost to changing signage, by-laws and mapping that will be absorbed in the City’s operating budget.

a) Do nothing.

If Council chooses to do nothing the name Ramey Road will remain in place at the current locations and the Road Name Policy will remain unchanged.

b) Other Options

- Update Road Name Policy but retain Ramey Road Name – Council could direct staff to add the new road names and the public input component to the Road Name Policy without changing the name of Ramey Road.
- Change the name of Ramey Road without updating Road Name Policy – staff could be directed to change the name of Ramey Road without updating the Road Name Policy, this would result in excluding the new industrial/commercial road names and public input component.

- iii) Update Road Name Policy and change Ramey Road name – Council could direct staff to update the Road Name Policy with the public input component and additional road names and change the name of Ramey Road to either a name proposed by the applicant or a name chosen by Council.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

None.

7) RECOMMENDATION

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

Academic Avenue	Enhancement Boulevard	Inventors 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.

8) SIGNATURES

Prepared on July 17, 2020 and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

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Report Number: 2020-98

Date: July 27, 2020

Subject: COVID-19 Update #4

1) PURPOSE:

This CAO generated report is provided as a follow up to the COVID-19 pandemic update that was provided to City Council on June 22, 2020.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

The City's Emergency Operations Centre (EOC) was activated in response to the COVID-19 pandemic on March 13, 2020 by bringing together the City's Emergency Control Group (ECG). Since that date, the City's senior management and a partial activation of the EOC have continued to plan the City's response to the pandemic. The COVID-19 pandemic continues to affect the nation and the City continues to prepare, respond, and plan recovery from the impacts of the pandemic to the municipality. As described in previous staff reports, the City's response is based on four principles:

- Maintaining essential City services to the community throughout the emergency;
- Continuing to ensure the safety and security of the public and City Staff;
- Ensuring the organization remains financially stable throughout COVID-19; and
- Continuing to remain consistent in the City's actions with the actions of other agencies.

In order to respond appropriately to the impacts of the pandemic and adhere to these principles, the City's response has been divided into three phases:

- First phase – initial response and precautions for users and staff
- Second phase – maintaining essential services
- Third phase – recovery and reopening

Currently, the City is in the third phase, recovery and reopening. Staff continue to maintain essential services, but the City has begun the methodical reopening of City facilities, programs, and services according to plans that have been prepared by management and approved by the ECG.

3) STAFF COMMENTS AND DISCUSSIONS

The City continues to maintain essential services during the COVID-19 pandemic. The precautions in place to protect the community and staff have been described in Report No. 2020-56 – COVID-19 Update and Report No. 2020-82 – COVID-19 Update #3. These

precautions remain in place and are actively being monitored, evaluated, and adjusted as needed. City management is content with the precautions in place and, based on feedback from staff and union officials, City Staff are also content with the current working conditions.

With these precautions in place, management and the ECG are actively working on developing, implementing, and monitoring recovery plans for the City.

It is important for staff, Council, and the public to be aware that permission to open from the Province based on lifting past provincial orders does not necessarily equate to a decision at the City to re-open closed facilities. Staff will determine the most practical time to open facilities based on COVID precautions, employee and public safety, and staff resources to achieve reopening.

At this time, staff would direct Council's attention to several high profile areas of the City's operations.

City Hall

City Hall opened on an 'appointment-only' basis on July 13, however, due to physical distance requirements and worker safety, some staff will continue to work remotely or alternate between in-office hours and remote hours. For the foreseeable future, appointments will be available between the hours of 9 a.m. and 2 p.m. from Monday to Thursday. At first, some services will not be offered or will be offered virtually until they can be offered safely for employees and the public. Precautions and cleaning protocols have been put in place for safe access to City Hall.

Marina

As described in past reports, Sugarloaf Harbour Marina has been open on a less than full capacity basis since late May. Operations are running smoothly but some services have been limited, such as garbage containers, fish cleaning huts, and showers. Because the marina is limiting the available slips, there is a waiting list for some boat owners. This has led to boats remaining in storage in the City's fenced compound and parking lot. The encroachment of boats in the parking lot has reduced the available parking and marina patrons have been asked to carpool when boating together or park at H. H. Knoll Park and use the pedestrian bridge to get to the marina.

Nickel Beach

Nickel Beach has been open to the public since late June. During the pandemic and heat wave, the beach has been closed due to capacity numerous times since opening. In order to ensure local access to the beach, entrance is limited to City residents only during the first hour of each day. This restriction has led to reports of many cars parked on City streets waiting for the first hour to pass. Additionally, many beach patrons have chosen to park on City streets and access the beach by foot. By-law Enforcement Officers have

been made aware of this and continue to patrol these common parking areas and issue parking tickets when violations are apparent. In many areas parking is permitted, therefore tickets are not issued. Police and Fire Department officials also monitor these areas and report that there are no apparent safety issues for the most part – that is, driveways and fire hydrants are not blocked and there is adequate access to emergency vehicles.

Staff are aware of the concerns of residents and Council members as beach patrons in vehicles queue to enter the beach. Staff are of the opinion that the queue typically eases as the local hour ends and patrons are admitted to the beach, however, staff continue to monitor the situation and will propose alternate arrangements to ensure the safety of the community and beach patrons.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

City Staff can report that mitigation efforts are working, and the City remains on track for a balanced 2020 budget despite an estimated COVID-19 impact of approximately \$1.4 million (as previously communicated).

In the last COVID-19 update, staff identified they were working with departments on a capital update to be included in this report. At the time of writing this report, staff continue to work with each department and will provide the capital update in a standalone report to be presented at the next council meeting.

a) Do nothing.

This report is for information purposes only, no Council action is required.

b) Other Options

Not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

None.

7) RECOMMENDATION

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

8) **SIGNATURES**

Prepared on July 17, 2020 and
respectfully submitted by:

A handwritten signature in black ink, appearing to read "C. Luey", followed by a period.

C. Scott Luey
Chief Administrative Officer



Memorandum

PORT COLBORNE

To: Members of Council

From: Mayor Bill Steele

Date: July 21, 2020

Re: Proposed Regional Face Coverings By-law

On July 8, 2020 Regional Council considered mandating face coverings throughout the Niagara Region. Council voted to defer the item to consider at a later date.

On July 23, 2020 Regional Council will, for a second time, be considering mandating face coverings. CAO-16-2020, memo from Acting Chief Administrative Officer Ron Tripp is attached for your reference.

At the Council meeting on Monday night I will update members and residents on the decision of Regional Council and necessary steps going forward for staff, residents, and business owners.

Sincerely,

A handwritten signature in blue ink, appearing to be 'W. Steele'.

Mayor William C. Steele

MEMORANDUM

CAO 16-2020

Subject: Supplemental Information - Options to Consider for Mandating Face Coverings

Date: July 23, 2020

To: Regional Council

From: Ron Tripp, Acting Chief Administrative Officer

At its special meeting held on July 8, 2020, Regional Council considered report CAO 15-2020 – Options to Consider for Mandating Face Masks (Appendix 1). Council subsequently passed the following resolution:

1. That Regional Council **CONSIDER** the options presented in Report CAO 15-2020; and
2. That staff **BE DIRECTED** to proceed with a comprehensive education campaign regarding face coverings when physical distancing is not possible.

Correspondence Item CL-C 50-2020, provides Council with additional information respecting the education campaign regarding face coverings when physical distancing is not possible.

On July 8, Council deferred the matter of approval of a temporary by-law requiring mandatory face coverings in enclosed public places during the COVID-19 pandemic and requested staff include in the proposed by-law provisions requiring owners and operators of enclosed public spaces to have a policy in place respecting the wearing of face coverings similar to the by-law passed by the City of Mississauga.

Report CAO 15-2020 outlined options with regard to mandating face coverings, one of which was to support local area municipalities that implement by-laws for mandatory face coverings. Since the July 8 meeting, the City of St. Catharines and Town of Niagara-on-the-Lake have passed by-laws to impose temporary regulations requiring the wearing of Masks within Enclosed Public Spaces. In addition, some of the other local area municipalities have expressed their intention to also pass by-laws respecting face coverings. The option to support lower tier municipalities that implement by-laws is an approach that the Region of Peel has taken in this regard with Mississauga, Brampton and Caledon each passing their own by-laws rather than the Region of Peel doing so.

The authority that would be relied upon to pass a by-law respecting face coverings is pursuant to section 11 of the Municipal Act, 2001 which provides for the ability for bothe

lower and upper tier municipalities to pass by-laws regarding the health, safety and well-being of persons.

The draft by-law prepared by staff would govern all enclosed public places within the Region, as defined in the by-law in order to focus the regulation on indoor spaces where members of the public may have difficulty maintaining the required physical distancing, consistent with public health advice. The by-law does not include “staff only areas” of enclosed public places where member of the public do not attend, given that employers have greater ability to control those areas in accordance with their responsibilities under the *Occupational Health and Safety Act*.

The draft by-law also exempts buildings and services under Provincial and Federal jurisdiction, and specific institutions/facilities that are subject to their own regulatory regime, such as hospitals and schools. The draft by-law further expressly provides that it will not be interpreted to conflict with a Provincial or Federal statute including Emergency Orders.

The draft by-law primarily places responsibility on individuals to wear a face covering when in an enclosed public place, but also places some limited responsibilities on owners/operators of enclosed public places. To the extent that Council consider the focus of any regulation regarding face coverings should be on businesses, the power to pass by-laws related to business licensing largely rests with the local area municipalities should they wish to rely on that authority to impose special conditions related to face coverings as a part of their business licensing requirements.

A revised draft by-law, including red-line revisions has been attached to this memorandum as Appendix 4, further to direction provided by Council on July 8, and the further review by staff of by-laws approved by other jurisdictions since that time.

Upon the request of Council to include provisions within the by-law requiring owners and operators of enclosed public spaces to have a policy in place respecting the wearing of face coverings, staff have included an new provision in section 10 that provides for this measure. As well, staff have included provisions to ensure training for employees is undertaken with respect to the policy.

Council further discussed at the Special meeting whether or not the by-law should be applicable to Regional transit. Staff have further reviewed this issue in response and confirmed that Niagara’s transit operators have been aligned with a “recommended” mask policy across all systems. This followed from federal and provincial health direction (as well as a unanimous trend across the transit industry in Ontario) and was done in consultation with Niagara Region Public Health partners who approved of the transit mask policy and subsequent public campaign. At present, ‘strongly recommended’ is the masking policy on all Niagara transit (locals and Regional).

However, with the passing of the City of St. Catharines mandatory masking by-law it is the understanding of staff that the St. Catharines Transit Commission has also opted to align its masking policy with the City's by-law. Moving forward, all St. Catharines operated transit will move to the mandatory masking policy in line with City facilities and City roll out.

As Niagara Region Transit is Regionally-funded and locally-operated, the Region's local transit partners have been consulted and alerted to the incongruence of one service moving to mandatory while the others remain 'recommended. As such, Niagara Region transportation staff support the inclusion of transit into any mandatory face covering by-law as may be approved by Regional Council. Therefore the draft by-law has further been revised to apply to Regional transit.

Transportation staff have noted that there may be larger operational issues around enforcement and refusal of service that will likely need to be addressed.

Given the inclusion in the draft by-law of transit, staff reached out to the Region's Business Licensing Unit to confirm if taxis and vehicles for hire should also be included as part of the by-law. Business Licensing staff have expressed a preference that any required controls for this industry area be addressed through the business licensing process. As such taxis and vehicles for hire have not been included in the by-law which is consistent with the approach that has been taken by the Region of Waterloo.

In addition, at the July 8, 2020, Special Council meeting, Council approved an amendment to the draft by-law to provide that owners or operators shall provide hand sanitizer at all public entrances and exits for the use of members of the public attending the enclosed public space. Therefore this provision has also been included in the draft by-law.

As other jurisdictions have continued to consider and implement requirements related to mandatory face coverings, staff have provided an updated summary (Appendix 2).

Some of the Public Health considerations canvassed at the Special Meeting applicable to face coverings were also the subject of a subsequent email communication issued by Dr. Hirji to provide further information on the topic (Appendix 3).

If Regional Council desires to enact a temporary Regional by-law mandating face coverings, a suggested motion would be:

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 Report CAO 15-2020.

Respectfully submitted and signed by

Ron Tripp, P. Eng
Acting, Chief Administrative Officer

Attachments:

- Appendix 1 Report CAO 15-2020 – Options to Consider for Mandating Face Coverings
- Appendix 2 Actions by Other Jurisdictions respecting Face Coverings
- Appendix 3 Email message from Dr. Hirji: The Evidence & Controversy around Face Coverings
- Appendix 4 Draft Proposed By-law

For Subject: Options to Consider for Mandating Face Coverings

Report to: Regional Council

Report date: Wednesday, July 8, 2020

Recommendations

1. That Regional Council **CONSIDER** the options presented in Report CAO 15-2020; and
2. That staff **PROCEED** with the option approved by Regional Council.

Key Facts

- The Province of Ontario and The Regional Municipality of Niagara have declared emergencies as a result of the COVID-19 pandemic pursuant to the *Emergency Management and Civil Protection Act*, R.S.O. 1990, c.E.9, as amended.
- Niagara Region Public Health continues to recommend public health measures to be practiced by all residents of Niagara in order to reduce the spread of COVID-19. These include keeping a 2 metre physical distance from others, cleaning hands often, wearing a mask or face covering when maintaining physical distancing is not possible, and staying home and getting tested if sick.
- On June 25, 2020, Council approved the Recommendations in Report CAO 14-2020 (Appendix 1) to encourage all residents and visitors to Niagara to practice the above behaviours that limit the spread of infection. As well all business owners were encouraged to enable other to practice these behaviours.
- Over the past few weeks, other jurisdictions have implemented requirements with respect to face coverings either through an order issued by their medical officer of health pursuant to Provincial Emergency Orders, enactment of a by-law or by their medical officer of health providing instructions under the state of emergency for the mandatory use of face coverings.
- While Niagara's Acting Medical Officer of Health is not currently contemplating making such an order, Regional Council may pass a by-law under section 11 of the Municipal Act, 2001 which could mandate the use of face coverings.
- Alternatively, given Niagara's diverse landscape, Regional Council may choose to defer to (but fully support) the individual decision of the local area municipal councils regarding face coverings.
- Face coverings will not protect the wearer from getting COVID-19. Wearing a face covering protects others from the wearer's respiratory droplets. Therefore, properly wearing an appropriate face covering may reduce the risk of transmission when physical distancing is not possible (Appendix 4 Province of Ontario Fact Sheet).

Financial Considerations

Should Council proceed with Option 1, there would be no costs involved.

Should Council proceed with Option 2 to enact a by-law with respect to face coverings, or Option 3 to launch a comprehensive education campaign, there is no specific budget for an education and advertising program. The estimated cost of an education/advertising program is \$30,000 excluding regional staff time. This campaign is likely to include radio, print and social media advertising elements similar to the scope of what was enacted during the Region's *Stay Home Niagara* efforts.

There is no capacity to absorb these costs within the 2020 Public Health Operating Budget.

In addition with respect to Option 2, financial considerations associated with by-law and enforcement would need to be addressed especially as it relates to after hours and weekend enforcement since many local area municipalities do not have enforcement outside of regular business hours.

There may be additional costs if Council elects to provide masks to the public at municipal facilities or as a part of community outreach efforts to ensure that the requirement of wearing a face covering does not become a financial barrier to individuals seeking to access goods and services, including municipal services.

Analysis

Currently businesses and workplaces are responsible for following public health guidance with some types of workplaces required to have face coverings for their clients and staff (e.g. personal service settings like nail salons, hair dressers, piercing and tattoo studios, dental offices, health care providers). Others are given discretion to decide whether to make mask-wearing mandatory based on upon each setting's particular risk profile, the occupational health and safety of employees and health risks to members of the public entering their premises. Individual businesses and workplaces may refuse entry to persons not wearing a non-medical mask, subject to reasonable exceptions, including those set out in existing public health guidelines.

The re-opening of businesses and other services will result in more people returning to the workplace, more gatherings, and more people taking public transit, which may make the ability to physically distance difficult, or in some cases, impossible. The science regarding the use of masks is still evolving and their efficacy is not definitive; however, the wearing of face masks or face coverings is one measure being considered by a number of jurisdictions that can be taken to help mitigate the risk of the spread of COVID-19, when the preferred measure of physical distancing is not possible.

Staff have outlined three options for Council to consider that support the increased use of face coverings in enclosed spaces where physical distancing is not possible, and provided an overview of considerations applicable to all options.

Option 1

Support those Local Area Municipalities who implement By-laws for Mandatory Face Coverings

Niagara Region has continued to support public health guidance to recommend and encourage the use of non-medical masks in specific situations and settings where physical distancing may be difficult.

For purposes of consistency, efficiency and enforcement, the Province of Ontario would be in the best position to mandate the wearing of medical or non-medical masks by the general public under the Emergency Management and Civil Protection Act. To date the Province has not mandated the wearing of masks citing enforcement challenges as well as concerns related to a “one size fits all” approach given the differing case counts and risk throughout Ontario municipalities.

The local area municipalities have authority pursuant to section 11 of the Municipal Act, 2001, to pass by-laws regarding the health, safety and well-being of persons. The local area municipalities are also largely responsible for business licensing pursuant to section 11 of the Municipal Act, 2001.

A “one size fits all” approach to mandating face coverings throughout the Region has drawbacks. This is an unprecedented situation. Each municipality has its own unique set of circumstances that should be considered when deciding if face coverings should be mandatory in their jurisdiction, including economic recovery strategies.

Currently COVID-19 data is available on a local municipal basis and it demonstrates the varying number of cases between municipalities in Niagara. The opportunity to maintain physical distance may also vary depending on whether a municipality is more urban or rural, and with the kinds of public places present and how crowded they are likely to be. Should an individual municipality consider it necessary to implement a by-law to mandate face coverings, it could be done with an enhanced understanding of the local impacts and challenges this might create. The Region has not had the opportunity to undertake specific outreach and consultation with the local area municipalities, stakeholders (including the business community) and the public regarding the mandating of masks, therefore there is some risk that proceeding to do so may attract criticism for interfering in the business of the local area municipalities, particularly if the Region’s by-law conflicts with by-laws or measures being considered by the local area municipalities.

In this regard, the City of St. Catharines held a Special Council meeting on July 6, 2020 and subsequently directed City staff to enact a temporary by-law. This by-law would require individuals or organizations that are responsible for the operation of a facility or businesses which have enclosed spaces open to the public to ensure no member of the public is permitted entry unless wearing a mask or face covering to help limit the spread of COVID-19. Consideration of this by-law will take place at their Council meeting being held on July 13.

It is unknown at this time should the City of St. Catharines proceed with their by-law, whether it may be in conflict with any Regional by-law enacted and create additional confusion for members of the public and businesses.

It is worth noting that this direction would be consistent with the approach taken by Peel Region, where they deferred to the judgement of their local municipalities to make decisions regarding mandatory face coverings.

Another benefit of the decision-making on this topic resting with the local area municipalities is that they can tailor the requirements of the by-law to align with their individual business licensing by-law regimes and the duration of their declarations of emergency.

If Regional Council wants to support the local area municipalities' efforts to pass their own by-laws a suggested motion would be:

That Regional Council **ENDORSE** and **SUPPORT** the efforts of those local area municipalities that enact temporary by-laws respecting mandatory face coverings to ensure continued diligence in the fight against COVID-19.

Option 2

Enact a Temporary Regional By-law Mandating Face Coverings

Niagara Region also has the authority pursuant to section 11 of the Municipal Act, 2001 to pass by-laws regarding the health, safety and well-being of persons that could be relied upon to pass a by-law mandating the use of face coverings in enclosed public spaces where physical distancing is not possible.

Mandatory face coverings by-laws should be time limited and reviewed based on the state of the pandemic, evolving scientific evidence, the easing of other public health restrictions as the Province re-opens and the impact on the operations of businesses and facilities. Such by-laws should also be limited in scope to ensure that they are no more intrusive than necessary based on available alternatives and the rights of individuals under the Charter of Rights and Freedoms and consideration of other applicable legislation such as AODA.

One factor Council should be aware of in considering this option is the potential that the respective declarations of emergency of the Province, Region and local area municipalities may be terminated at different times. Restrictions imposed on the public and business based on the emergency should be in alignment with the changing state of emergency. However a Regional by-law would not afford flexibility to vary requirements in different municipalities, whereas a local by-law could be repealed at any time if the emergency in that jurisdiction is terminated.

The draft by-law included as Appendix 3 places the onus on persons who are in certain enclosed public places within buildings to comply with the requirement to wear a face covering and on owners and operators of enclosed public places to post signage at all entrances regarding the use of face coverings. This approach strives to provide a balanced responsibility for ensuring that face coverings are worn while in enclosed places.

The draft by-law targets enclosed places based on evidence that the risk of spreading COVID-19 is higher indoors than in outdoor spaces. The draft by-law targets those places within buildings where the public is more likely to be in close proximity such as when shopping, entering/exiting a high traffic area, waiting for service, etc. These public places would not include "employee only" areas such as offices, storage areas, etc. that are not open to the general public because there is more control of the area by the owner/employer and an ability for the owner/operator to implement health and safety measures as necessary related to their employees in accordance with the Occupational Health and Safety Act.

Face coverings are defined in the draft by-law to include masks, bandanas, scarves or similar items which are fitted to completely cover the mouth, nose and chin of a wearer without gaping. The draft by-law outlines exemptions recognizing that wearing a face covering may not be possible/is not recommended for all people including, children under 5, anyone who has trouble breathing or is unable to wear a face covering for medical reasons. Individuals that are unable to wear a face covering will not be required to provide proof of any exemptions.

Public education and buy-in will be an important part of compliance with this by-law and if approved, Regional staff will work to educate residents about the by-law by undertaking a communications campaign.

Should Council wish to proceed with the passing of a temporary by-law, enforcement would be undertaken pursuant to the Provincial Offences Act. Considering that this is a Regional By-law, the draft by-law provides for enforcement by Niagara Regional Police and municipal law enforcement officers or by-law officers appointed by a lower tier municipality or by The Regional Municipality of Niagara.

Overall approach and enforcement strategies would need to be considered to ensure consistency across all the local area municipalities. Enforcement would be by way of summons until such time a set fine order can be obtained to allow for the issuance of tickets. Council should be aware that Ontario Court of Justice issued a notice July 2 that no in-person Provincial Offences Act proceedings will be conducted until September 14, 2020. The lack of practical enforcement options may undermine any relative advantages of making this measure legally mandatory and could result in conflict or questions concerning equity and infringement on certain rights.

Given the draft by-law is regulatory in nature with potential enforcement consequences (i.e. fines) and impacts to business operations, an opportunity for the local area municipalities, businesses and the public to provide input should be contemplated prior to passage of the by-law. Staff could upon direction by Council provide public notice and/or employ other means to seek public input and engage with stakeholders for purposes of receiving input for Council's consideration.

If Regional Council desires to enact a temporary Regional by-law mandating face coverings, a suggested motion would be:

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 3 to Report CAO 15-2020.

Option 3

Launch a comprehensive education campaign that continues to recommend face coverings when physical distancing is not possible

This option is responsive to the potential concern that there may be uncertainty among members of the public regarding the issue of face coverings including:

- When and why to wear a face covering
- What type of face covering
- The correct use of face coverings to prevent risk of contamination
- Proper disposal of face coverings

The education campaign could comprise advertising, online resources, signage, social media and community outreach and would serve to reinforce the advice of public health officials, including regarding the importance of maintaining physical distancing of two metres wherever possible, hand washing and staying home and getting tested if symptomatic. This would build on the recommendations approved by Council on June 25, 2020, in CAO 14-2020.

This option would preserve the autonomy of local area municipalities to make their own determination regarding the benefits of passing by-laws and continues to allow businesses to develop their own policies reflective of their individual operations and customer interactions.

If Regional Council wishes to proceed with an education campaign that continues to recommend face coverings when physical distancing is not possible suggested motion would be:

That staff **BE DIRECTED** to proceed with a comprehensive education campaign that continues to recommend face coverings when physical distancing is not possible.

Face Covering Considerations Applicable to all Options

The approach to masks needs to be part of a broader strategy to reduce the spread of COVID-19. It is critical to emphasize that wearing a mask alone will not prevent the spread of COVID-19. Any guidance on mask wearing should be balanced against ensuring that members of the public do not overestimate their effectiveness or develop a false sense of security in their use, which may potentially lead to lower adherence to other more critical preventative measures such as physical distancing and hand hygiene.

Any requirement for face coverings should be accompanied by education on proper use given that improper use of face coverings can increase the risk of transmission of COVID-19. There is also a need to recognize that wearing a face covering may not be possible for some people.

Many businesses and other services that have continued to operate in some manner during the pandemic have made the wearing of masks mandatory. With regard to businesses that are already open or are preparing to reopen, the Province has already set conditions under Ontario Regulation 82/20 and Ontario Regulation 263/20 (under EMCPA), including ensuring compliance with the Occupational Health and Safety Act and compliance with the guidance for public health officials, including any advice, recommendations or instructions on physical distancing, cleaning or disinfecting. In other cases, certain regulatory bodies have imposed this requirement as a condition of being able to re-start their services. These measures have been directed at both persons responsible for places of business, and at members of the public.

If masks are made mandatory, employees and/or the general public will either have to use their own masks, or have them supplied by their employer or the business owner in question. The costs associated with such measures must be considered to ensure that members of the public continue to have access to good and services they require. Consideration should also be given to those that may not have access to face coverings

and not be able to comply with the by-law requirements to ensure that the requirement to wear a mask does not become financial barrier.

The World Health Organization recently released an interim guide on mask usage ([https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-\(2019-ncov\)-outbreak](https://www.who.int/publications/i/item/advice-on-the-use-of-masks-in-the-community-during-home-care-and-in-healthcare-settings-in-the-context-of-the-novel-coronavirus-(2019-ncov)-outbreak)), which includes some considerations on the benefits and drawbacks of the use of masks or face coverings:

Potential benefits/advantages

- Reduced potential exposure risk from infected persons before they develop symptoms;
- Reduced potential stigmatization of individuals wearing masks to prevent infecting others (source control) or of people caring for COVID-19 patients in non-clinical settings; however, there is the potential for the reverse to occur if masks are mandated (see below)
- Making people feel they can play a role in contributing to stopping spread of the virus;
- A visual cue to remind people to be compliant with other measures (e.g., hand hygiene, not touching nose and mouth). However, this can also have the reverse effect (see below); and,
- Potential social and economic benefits. Amidst the global shortage of surgical masks and PPE, encouraging the public to create their own fabric masks may promote individual enterprise and community integration. Moreover, the production of non-medical masks may offer a source of income for those able to manufacture masks within their communities. Fabric masks can also be a form of cultural expression, encouraging public acceptance of protection measures in general. The safe re-use of fabric masks will also reduce costs and waste and contribute to sustainability.

Potential harms/disadvantages

- Potential increased risk of self-contamination due to the manipulation of a face mask and subsequently touching eyes with contaminated hands;
- Potential self-contamination that can occur if non-medical masks are not changed when wet or soiled. This can create favourable conditions for microorganism to amplify;
- Potential headache and/or breathing difficulties, depending on type of mask used;
- Potential development of facial skin lesions, irritant dermatitis or worsening acne, when used frequently for long hours;
- Difficulty with communicating clearly;
- Potential discomfort;
- A false sense of security, leading to potentially lower adherence to other critical preventive measures such as physical distancing and hand hygiene;
- Poor compliance with mask wearing, in particular by young children;
- Waste management issues; improper mask disposal leading to increased litter in public places, risk of contamination to street cleaners and environment hazard;
- Difficulty communicating for deaf persons who rely on lip reading;

-
- Disadvantages for or difficulty wearing them, especially for children, developmentally challenged persons, those with mental illness, elderly persons with cognitive impairment, those with asthma or chronic respiratory or breathing problems, those who have had facial trauma or recent oral maxillofacial surgery, and those living in hot and humid environments.

As well, there is a risk of stigmatization of those persons with medical conditions who are unable to wear masks either being perceived as unsafe by others, or perceived as being irresponsible or inconsiderate to others.

Currently, public health officials at all government levels support the use of non-medical masks or face coverings for persons in public places where it is difficult to maintain two metres of physical separation from others. Many businesses and other services that have continued to operate in some manner during the pandemic have made the wearing of masks mandatory. In other cases, Provincial orders and certain regulatory bodies have imposed this requirement as a condition of being able to re-start their services.

It should be emphasized that wearing a face covering remains a second-line preventative measure, when the preferred measure of physical distancing is not possible. Practicing physical distancing and frequent hand washing are still the most effective methods to limit the spread of the virus, and both are supported by stronger scientific evidence than wearing face coverings. Paradoxically, a bylaw on mandatory face coverings would mandate the less scientifically-supported second line prevention measures, while leaving the more effective first line measures voluntary. Some regions that have mandated face coverings have addressed this by simultaneously requiring operators of public spaces to provide hand sanitation stations at the entrance to any public space.

Contributing factors to the effectiveness of the use of cloth masks included proper training on mask use, proper fit, hand hygiene and duration of wear. The mask wearer should be properly educated on how to use a mask and adhere to all other mask etiquette.

Alternatives Reviewed

Staff reviewed the approaches taken by other jurisdictions to date (Appendix 5).

Council could decide to not take any action with respect to mandating face coverings acknowledging that public health officials at all government levels have provided advice that the most important measures are to keep a two metre distance from others, wash hands often and to stay home when sick. The use of masks in enclosed public settings where physical distancing is not possible is in addition to the above measures.

Council could also defer to the Medical Officer of Health to continue to exercise judgement on when and if to issue emergency instructions or a public health order making non-medical masks or face coverings mandatory for all community members, with exceptions. These approaches would still suffer the enforcement issues associated with a by-law, with even more challenging enforcement if the route of a public health order was selected. As well, these avenues are legally untested methods to set a requirement on all of society. At present, the Acting Medical Officer of Health does not favour such emergency instructions or an order, but is continually reviewing the situation and would adapt if conditions and evolution of scientific knowledge warrants.

Relationship to Council Strategic Priorities

Ensuring diligence around measures to limit the spread of COVID-19 will prevent illness and potentially death in Niagara. As well it will maximize the opportunity to reopen business safely. This directly supports two of Council's Strategic Priorities: Supporting Businesses and Economic Growth and Healthy and Vibrant Community.

Other Pertinent Reports

See Appendices.

Submitted by:

Todd Harrison, CPA, CMA
Acting Chief Administrative Officer

This report was prepared in consultation with Dr. M. Mustafa. Hirji, Acting Medical Officer of Health, Ann-Marie Norio, Regional Clerk, Donna Gibbs, Director, Legal and Court Services, and Daryl Barnhart, Executive Officer to the Regional Chair.

Appendices

- Appendix 1 Report CAO 14-2020 A Unified Message for All-of-Niagara Vigilance Against COVID-19
- Appendix 2 Memorandum PHD-C 4-2020 Further Details on Order to Wear Masks in Wellington-Dufferin-Guelph
- Appendix 3 Draft By-law
- Appendix 4 Fact Sheet from Government of Ontario website "Face Coverings and Face Masks"

Appendix 5 Actions by Other Jurisdictions respecting Face Coverings

Subject: A Unified Message for All-of-Niagara Vigilance Against COVID-19
Report to: Board of Health (Regional Council)
Report date: Thursday, June 25, 2020

Recommendations

1. That Regional Council, as the Board of Health, **THANKS** the people of Niagara for their sacrifice and diligence in practicing personal conduct that has “flattened the curve” of COVID-19 and enabled Niagara to move into Stage 2 of the province’s *A Framework for Reopening Our Province*;
2. That Regional Council, as the Board of Health, **RESOLVES** that as restrictions on the economy and social interaction are lifted in Niagara, it is more important than ever that everyone practices behaviours that limit the spread of infection, namely:
 - 2.1. Keeping a physical distancing of 2 metres from others
 - 2.2. Washing or sanitizing hands frequently
 - 2.3. Wearing a face covering where it is not possible to maintain a 2 metre distance
 - 2.4. Being attentive to one’s health, and isolating oneself while seeking testing if one develops any symptoms of infection, however mild;
3. That Regional Council, as the Board of Health, **REQUESTS** all leaders and influencers in Niagara to speak in a unified voice about the importance of practicing the above behaviours;
4. That Regional Council, as the Board of Health, **ENCOURAGES** all residents and visitors to Niagara to practice the above behaviours; and
5. That Regional Council, as the Board of Health, **ENCOURAGES** all businesses and services in Niagara to implement all reasonable measures that enable their clients, employees, and visitors to practice the above behaviours.

Key Facts

- As Niagara has entered Stage 2 of the province's *Framework to Reopen Ontario*, there will be more interaction with people who partake of business and services that can reopen, and therefore greater risk that COVID-19 will again circulate more widely.
- Other countries such as South Korea, China, and several U.S. states have seen resurgences in COVID-19 as they reopened, particularly as their populations simultaneously reduced their vigilance to personal behaviours that can limit the spread of COVID-19.
- At Public Health & Social Services Committee on June 16, several members highlighted their concern with a resurgence of infection in Niagara, and the importance of people practicing behaviours such as wearing face coverings that limit the spread of COVID-19.
- Aligned and consistent messaging by all parties is needed to “break through” the plethora of information that surrounds us, and ensure everyone understands the importance of ongoing diligence in the face of COVID-19 to prevent future surges of illness.

Financial Considerations

There are no financial implications to this report.

Analysis

Niagara has achieved great success in reducing the spread of COVID-19. During the peak period of the outbreak, Niagara saw 150 cases over the course of a week (April 11–17). In the most recent week (June 13–19), Niagara had only 13 new cases.

This success is attributable to multiple factors:

1. Restrictions on the US border and measures to reduce travel that have stopped the importation of infections into Niagara from abroad

2. Restrictions on business and social life, reducing interactions amongst persons and therefore reducing the ability of infection to spread
3. Intensive follow-up of cases and contact tracing by Public Health to break chains of transmission
4. Efforts by essential businesses to limit the spread of infection by measures such as controlling the number of clients in their premises, frequent disinfection, one-way flows of traffic to discourage interaction, barriers between workers and clients at check-outs, increased on-line and curbside shopping.
5. Efforts by the people of Niagara to practice behaviours that have limited the spread of infection such as staying home as much as possible, keeping 2 metre distance from persons outside of the household, washing and sanitizing hands frequently, wearing face coverings when a 2-metre distance can't be kept, and staying isolated and getting tested when feeling ill.

These measures have also incurred significant cost and sacrifice in terms of personal freedom and mental wellness, lost income, pressures on child care, risk of illness incurred by essential workers continuing to serve the people of Niagara, and economic survival of businesses amongst many others. The social and economic costs of these has been significant.

As Niagara entered Stage 2 of the Province's [A Framework for Reopening our Province](https://www.ontario.ca/page/framework-reopening-our-province-stage-2) (https://www.ontario.ca/page/framework-reopening-our-province-stage-2) on June 19, 2020, one of the five success factors listed earlier is being scaled back: restrictions on business and social life. This will lessen the most painful of the social and economic costs being experienced, but at the cost of lessening the measures in place to slow the spread of COVID-19. In order to maintain low case counts of COVID-19 in Niagara, efforts towards the remaining four success factors need to continue if not be redoubled.

At greatest risk of not continuing are the voluntary measures taken by businesses and the people of Niagara. There is understandably going to be fatigue to maintaining these measures, and continuing these practices with the same intensity will be difficult.

The experience of other countries such as China, South Korea, and the United States shows that as vigilance to such measures drops with reopening of businesses and services, COVID-19 is resurgent:

... a resurgence of infections in the Seoul region where half of South Korea's 51 million people live is threatening the country's success story and prompting health authorities to warn that action must be taken now to stop a second wave.

... since the easing of distancing, there has been a clear erosion in citizen vigilance, which, along with the highly effective contact tracing, has been credited for allowing the country to weather the epidemic without lockdowns.

While the Health Ministry and KCDC have repeatedly urged residents in the capital area to refrain from unnecessary gatherings and other public activity, data provided by cellphone carriers, credit-card companies and mass-transport operators over the past weekend indicated that people were just as active as before.¹

It is imperative that Niagara not mirror this experience and once again experience the same costs to citizens and business of restrictions on the economy and social life.

In terms of personal conduct that can limit the spread of COVID-19, the Public Health Agency of Canada advises that ²

The best thing you can do to prevent spreading COVID-19 is to wash your hands frequently with warm water and soap for at least 20 seconds. If none is available, use hand sanitizer containing at least 60% alcohol.

The Agency further highlights physical distancing, particularly staying home if one is ill, as measures that are important to stop the spread of infection. Where physical distancing is not possible, wearing a face covering is a secondary measure to mitigate the risk of not keeping physical distance:

- maintain a 2-metre physical distance from others

¹ "Resurgence of coronavirus infections in Seoul prompts warning from South Korean health authorities". *Globe & Mail*. June 11, 2020. <https://www.theglobeandmail.com/world/article-resurgence-of-coronavirus-infections-in-seoul-prompts-warning-from/> (Accessed June 12, 2020)

² "Non-medical masks and face coverings: About". Public Health Agency of Canada. June 9, 2020. <https://www.canada.ca/en/public-health/services/diseases/2019-novel-coronavirus-infection/prevention-risks/about-non-medical-masks-face-coverings.html> (Accessed June 19, 2020)

- when physical distancing cannot be maintained, consider wearing a non-medical mask or homemade face covering

It should be emphasized that wearing a face covering remains a second-line preventive measures, when the preferred measures of physical distancing is not possible. Physical distancing has stronger and consistent evidence to support it. The evidence for face coverings is much weaker and conflicting, even though over the course of the pandemic, the research has begun to lean more favourably to the benefits of wearing face coverings.

A recent systematic review and meta-analysis published in *The Lancet* on June 1, 2020 examined the scientific evidence for these two measures. This kind of research study is considered one of the highest forms of scientific evidence as it combines the findings of the best research available to determine the overall impact. This study concluded with “moderate certainty” that physical distancing reduces the spread of COVID-19. It also concluded that face masks “could result” in reducing risk of infection, but only with “low certainty”.³

Ontario’s scientific agency for public health, Public Health Ontario, published a summary and synthesis of research on face coverings on June 4, 2020. This summary highlights the many studies showing face coverings as ineffective or harmful, as well as more recent studies no showing some benefit to face coverings. Overall, it concludes⁴

- The majority of studies have not demonstrated benefit in cluster randomized controlled trials evaluating the effect of members of the general public wearing masks in non-healthcare settings to prevent the acquisition of viral respiratory infections.

³ DK Chu, EA Aki, S Duda, K Solo, S Yaacoub, HJ Schünemann. “Physical distancing, face masks, and eye protection to prevent person-to-person transmission of SARS-CoV-2 and COVID-19: a systematic review and meta-analysis”. *The Lancet*. June 1, 2020. DOI:[https://doi.org/10.1016/S0140-6736\(20\)31142-9](https://doi.org/10.1016/S0140-6736(20)31142-9)

⁴ Ontario Agency for Health Protection and Promotion (Public Health Ontario). 2019-nCoV – What We Know So Far About...Wearing Masks in Public. Toronto, ON: Queen's Printer for Ontario; 2020.

- If masks are not used appropriately, and not combined with meticulous hand hygiene, there is a theoretical risk of increased infection risk through self-contamination.
- Recommending indiscriminate public wearing of medical masks may result in additional critical shortages of masks needed to protect front-line healthcare workers, and any potential benefits of mask wearing are likely less impactful than physical distancing and hand hygiene.

Balancing this potential benefit with uncertain scientific evidence, the Public Health Agency of Canada recommend face coverings be used, but in a limited fashion: as a mitigation measures when physical distancing is not possible, but not universally.

In addition to these personal behaviours that can limit the spread of COVID-19, one other element of personal contact can support another success factor: getting tested for COVID-19 which enables case management and contact tracing efforts by local public health. Continuing the message the importance of anyone with mild symptoms getting tested will ensure cases of COVID-19 are not missed, and stopping chains of transmission can be maximised.

Through the diligence of citizens and businesses practicing an enabling these behaviours (physical distancing, hand washing/sanitizing, wearing face coverings where distancing is not possible, isolating and getting tested when one has symptoms of illness), Niagara will stand the best chance of successfully reopening the economy and resuming social life, with only limited impact on COVID-19 spread. An All-of-Niagara effort by opinion leaders and influencers to promote these behaviours is recommended to realize this potential.

Alternatives Reviewed

Not speaking in a unified voice across Niagara will lessen the ability of the message to reach and influence residents, employers, and visitors.

Relationship to Council Strategic Priorities

Ensuring diligence around voluntary measures to limit the spread of COVID-19 will prevent illness and potentially death in Niagara. As well, it will maximize the opportunity to reopen businesses safely. This directly supports two of Council's Strategic Priorities:

- Supporting Businesses and Economic Growth
- Healthy and Vibrant Community

Other Pertinent Reports

None

Prepared & Recommended by:
M. Mustafa Hirji, MD MPH FRCPC
Medical Officer of Health & Commissioner (Acting)
Public Health & Emergency Services

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

MEMORANDUM

PHD-C 4-2020

Subject: Further Details on Order to Wear Masks in Wellington-Dufferin-Guelph
Date: July 14, 2020
To: Public Health & Social Services Committee
From: M. Mustafa Hirji, Medical Officer of Health & Commissioner (Acting)

At the June 16, 2020 meeting of Public Health & Social Services Committee, Committee requested Public Health to provide more information on the requirement to wear face coverings in Guelph.

What occurred in Wellington-Dufferin-Guelph was a joint effort by their local public health agency and their municipalities. The medical officer of health issued a public health order on all businesses within the region, and in concert, every municipality issued an emergency order as well.

The substance of these orders was that all owners/operators of commercial establishments prohibit persons from entering or remaining in their premises unless they are wearing a face covering. Face coverings must be worn at all times in these establishments, except as reasonably required to receive the services provided by the establishment (i.e. a mask can be removed while receiving outdoor dine-in services). Exceptions are made for persons for whom face coverings are not recommended. The orders also mandate that alcohol-based hand rub be made available for persons entering or exiting these establishments.

In terms of enforcement of the public health order, consistent with section 23 of the *Provincial Offences Act*, as well as sections 100–102 of the *Health Protection and Promotion Act*, enforcement of the order on any business that was not compliant would require a two stage court proceeding through the Provincial Offences Court or a court proceeding through the Ontario Superior Court of Justice. As of June 28, 2020, Wellington-Dufferin-Guelph Public Health has not pursued any court proceedings to enforce the order.



As of July 2, 2020, the following are various jurisdictions in Ontario and requirements that they have made around wearing face coverings:

JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT
WELLINGTON-DUFFERIN-GUELPH	Public Health Order & Municipal Emergency Orders	Owners/operators of commercial establishments	<ul style="list-style-type: none"> Disallow entry to anyone not wearing a face covering Hand sanitizer available at entrances
WINDSOR & ESSEX COUNTY	Public Health Order	Owners/operators of commercial establishments	<ul style="list-style-type: none"> Have a policy to prohibit entry of anyone not wearing a face covering Hand sanitizer available at entrances
KINGSTON FRONTENAC LENNOX & ADDINGTON	Public Health Order	Owners/operators of commercial establishments	<ul style="list-style-type: none"> Have a policy to prohibit entry of anyone not wearing a face covering Hand sanitizer available at entrances
CITY OF TORONTO	Bylaw	Owners/operators of indoor spaces accessible to the public	<ul style="list-style-type: none"> Have a policy to require staff, customers, and visitors wear a face covering
MIDDLESEX-LONDON	Public Health Order	Transit Operators Hair/nail salons	<ul style="list-style-type: none"> Implement local guidance for reducing risk in public spaces Ensure staff, customers, volunteers, and contractors wear face coverings

JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT
		Any business where workers and customers are face-to-face for more than 15 minutes	
PEEL REGION	Bylaw (proposed)	Owners/operators of indoor spaces accessible to the public	<ul style="list-style-type: none"> • Have a policy to require staff, customers, and visitors wear a face covering
WATERLOO REGION	Bylaw (proposed)	All members of the public	<ul style="list-style-type: none"> • Public must wear face coverings in public spaces

Respectfully submitted and signed by

M. Mustafa Hirji, MD MPH FRCPC
 Medical Officer of Health & Commissioner Acting

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

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 89(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) Every person within an enclosed public place 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 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 and shall include, but not be limited to, any owner, operator, employee and worker in the enclosed public place and any customer, patron or other visitor in the enclosed public place 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 engaged in a sport or other strenuous physical activity;
 - (e) a person while assisting or accommodating another person with a hearing disability; and
 - (f) 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 (e) 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 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.

- (11) 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.
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 20, 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: <date>

- COVID-19: Get the [latest updates](#) or take a [self-assessment](#).



Face coverings and face masks

Learn about face coverings and how to properly wear, fit, remove and clean your non-medical face mask.

About face coverings and COVID-19 (coronavirus)

The best way to stop the spread of COVID-19 (coronavirus) is by staying home and avoiding close contact with others outside of your household.

It is recommended that you use a face covering (non-medical mask such as a cloth mask) to reduce the risk of transmission of COVID-19 when physical distancing and keeping two-metres' distance from others may be challenging or not possible, such as:

- public transit
- smaller grocery stores or pharmacies
- when you are receiving essential services

Face coverings will not protect you from getting COVID-19.

Medical masks (surgical, medical procedure face masks and respirators like N95 masks) should be reserved for use by health care workers and first responders.

[Get a poster about face coverings \(https://files.ontario.ca/moh-coronavirus-face-coverings-en-2020-05-20.pdf\)](https://files.ontario.ca/moh-coronavirus-face-coverings-en-2020-05-20.pdf).

Fit

Non-medical masks or face coverings should:

- fit securely to the head with ties or ear loops
- maintain their shape after washing and drying
- be made of at least two layers of tightly woven material (such as cotton or linen)
- be large enough to completely and comfortably cover the nose and mouth without gaping

Face coverings will not protect you from getting COVID-19. The best way to protect yourself is to:

- minimize errands to a single trip where possible
- avoid close contact with others and keep at least two metres from others outside your household
- wash your hands regularly (or using alcohol-based hand sanitizer if soap and water are not available)
- practice proper cough and sneeze etiquette (for example, sneeze and cough into your sleeve and avoid touching your eyes, nose or mouth)

Who should not use face coverings

Face coverings should not be placed on or used by:

- children under the age of two
- anyone who has trouble breathing
- anyone who is unconscious, incapacitated or otherwise unable to remove the mask without assistance

How to properly use face coverings

When wearing a face covering, you should:

- wash your hands immediately before putting it on and immediately after taking it off (practise good hand hygiene while you are wearing the face covering)
- make sure the face covering fits well around your nose and mouth
- avoid moving the mask around or adjusting it often
- avoid touching the covering while using it
- not share it with others

Face coverings should be changed when they get slightly wet or dirty.

Remove or dispose of face coverings

When removing a face covering, you should:

- throw it out into a lined garbage bin
- wash your hands

Do not leave any discarded face coverings in shopping carts or on the ground.

Cleaning

If the face covering **can be cleaned**, you should:

- put it directly into the washing machine or a bag that can be emptied into the washing machine
- wash with other items using a hot cycle with laundry detergent (no special soaps are needed), and dry thoroughly
- wash your hands after putting the face covering into the laundry

All face coverings **that cannot be cleaned** should be thrown out and replaced as soon as they get slightly wet, dirty or crumpled.

For more information, please read the [Public Health Ontario \(PHO\) fact sheet](https://www.publichealthontario.ca/-/media/documents/ncov/factsheet/factsheet-covid-19-how-to-wear-mask.pdf?la=en) (<https://www.publichealthontario.ca/-/media/documents/ncov/factsheet/factsheet-covid-19-how-to-wear-mask.pdf?la=en>).

Summary dos and don'ts

Do:

- wash your hands immediately before putting on and immediately after taking off a face covering or face mask
- practise good hand hygiene while you are wearing the face covering
- make sure the face covering fits well around your nose and mouth

- avoid moving the mask around or adjusting it often
- avoid touching the covering while using it
- change the face covering or face mask when it gets slightly wet or dirty

Do not:

- share face coverings or face masks with others
- place on children under the age of two years or on anyone unable to remove without assistance or who has trouble breathing
- use plastic or other non-breathable materials as a face covering or face mask

Guidance for health care workers

Personal protective equipment (<https://www.canada.ca/en/health-canada/services/drugs-health-products/medical-devices/covid19-personal-protective-equipment.html>) (PPE) is a garment or device worn by health care workers to protect themselves from infection when they:

- are in close contact with people who are infected
- can't maintain a safe physical distance
- do not have access to a physical barrier

PPE includes:

- surgical masks, also called procedural or medical masks, which prevent droplets and splashes from passing through the mask material
- respirators, such as the N95 respirator, which have a filter and seal around the nose and mouth to help prevent exposure to airborne particles
- gowns
- gloves
- eye protection, such as goggles or face shields

The type of PPE you need depends on the type of health care work you do. Health care workers who provide direct care to patients with suspected or confirmed COVID-19 need to:

- follow droplet and contact precautions
- use a surgical mask, isolation gown, gloves and eye protection

Learn more about Public Health Ontario's PPE recommendations in health care facilities (<https://www.publichealthontario.ca/-/media/documents/ncov/updated-ipac-measures-covid-19.pdf?la=en>).

If you are a business or health care organization and you need PPE, you can find a company or business association that supplies personal protective equipment (<https://covid-19.ontario.ca/how-your-organization-can-help-fight-coronavirus>).

Updated: June 23, 2020

Published: May 20, 2020

Related

What you should do to help prevent the spread (<https://www.ontario.ca/page/covid-19-stop-spread#section-1>)

Memorandum CAO 16-2020

Sector-specific health and safety guidance to prevent COVID-19 in the workplace
(<https://www.ontario.ca/page/resources-prevent-covid-19-workplace>)

As of July 16, 2020, the following are various jurisdictions in Ontario and requirements that they have made around wearing face coverings:

JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT
WELLINGTON-DUFFERIN-GUELPH	Public Health Order & Municipal Emergency Orders	Owners/operators of commercial establishments	<ul style="list-style-type: none"> Disallow entry to anyone not wearing a face covering Hand sanitizer available at entrances
WINDSOR & ESSEX COUNTY	Public Health Order	Owners/operators of commercial establishments	<ul style="list-style-type: none"> Have a policy to prohibit entry of anyone not wearing a face covering Hand sanitizer available at entrances
KINGSTON FRONTENAC LENNOX & ADDINGTON	Public Health Order	Owners/operators of commercial establishments	<ul style="list-style-type: none"> Have a policy to prohibit entry of anyone not wearing a face covering Hand sanitizer available at entrances
CITY OF TORONTO	Bylaw	Owners/operators of indoor spaces accessible to the public	<ul style="list-style-type: none"> Have a policy to require staff, customers, and visitors wear a face covering
MIDDLESEX-LONDON	Public Health Order	Transit Operators Hair/nail salons Any business where workers and customers are face-to-face for more than 15 minutes	<ul style="list-style-type: none"> Implement local guidance for reducing risk in public spaces Ensure staff, customers, volunteers, and contractors wear face coverings

JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT
PEEL REGION	Support of By-law issued by lower tiers (By-laws issued by City of Brampton, City of Mississauga, Town of Caledon)	All members of the public and operators of enclosed public spaces	<ul style="list-style-type: none"> • Public must wear face coverings in enclosed public spaces • Public must wear face coverings while inside enclosed public place • Have a policy that prohibits persons from entering without a face covering and post signage at all entrances regarding the by-law
WATERLOO REGION	Bylaw	All members of the public and operators	<ul style="list-style-type: none"> • Public must wear face coverings in enclosed public spaces • Business owners must post signage
DURHAM REGION	Instruction from Public Health pursuant to Provincial Emergency Orders	All members of the public and operators	<ul style="list-style-type: none"> • Public must wear face coverings while in indoor places accessible to the public
YORK REGION	Instruction from Public Health pursuant to Provincial Emergency Orders (proposed)	Operators of enclosed public spaces	<ul style="list-style-type: none"> • Have a policy that prohibits persons from entering without a face covering

JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT
SIMCOE MUSKOKA DISTRICT HEALTH UNIT	Instruction from Public Health pursuant to Provincial Emergency Orders	All members of the public	<ul style="list-style-type: none"> Public must wear a face covering while within publically accessible indoor locations
PUBLIC HEALTH SUDBURY & DISTRICTS	Instruction from Public Health pursuant to Provincial Emergency Orders	Owners/operators of commercial establishments	<ul style="list-style-type: none"> Have a policy that prohibits persons from entering without a face covering
HALTON REGION	By-law (Co-exist with by-laws passed by City of Burlington and Town of Halton Hills)	All members of the public and owners/operators	<ul style="list-style-type: none"> Public must wear face coverings while inside enclosed public place Have a policy that prohibits persons from entering without a face covering and post signage at all entrances regarding the by-law
CITY OF OTTAWA	By-law	All members of the public and owners/operators	<ul style="list-style-type: none"> Public required to wear a mask in an indoor public setting Post signage at all entrances regarding the by-law and provide hand sanitizer

JURISDICTION	TYPE OF REQUIREMENT	OBJECT OF REQUIREMENT	CONTENT OF REQUIREMENT
CITY OF ST. CATHARINES	By-law	All members of the public and owners/operators	<ul style="list-style-type: none"> • Public must wear face coverings while inside enclosed public place • Have a policy that prohibits persons from entering without a face covering and post signage at all entrances regarding the by-law
TOWN OF NIAGARA-ON-THE-LAKE	By-law	All members of the public and owners/operators	<ul style="list-style-type: none"> • Public must wear face coverings while inside enclosed public place • Have a policy that prohibits persons from entering without a face covering and post signage at all entrances regarding the by-law

From: [Sparks-Zehn, Jennifer](#)
To: [All Regional Niagara E-Mail Accounts](#)
Subject: A message from Dr. Hirji: The Evidence & Controversy around Face Coverings
Date: Tuesday, July 14, 2020 9:44:46 AM
Attachments: [image004.png](#)
[image005.png](#)
[image008.png](#)

Good morning team,

Lately, the COVID-19-related story receiving more attention than anything else, is whether to make face coverings mandatory. This morning, we want to share the evidence around wearing face coverings to explain our current position on this issue, and to help inform you further around this debate.

Back in the spring, the message from most public health expert organizations was that face coverings worn in the community are not helpful. This reflected the best evidence at the time. Specifically, in high quality randomized controlled trials done with influenza and influenza like illness (ILI), there was no significant benefit to a person from wearing a mask; and no such good quality studies looking at whether others are protected from a mask-wearer.

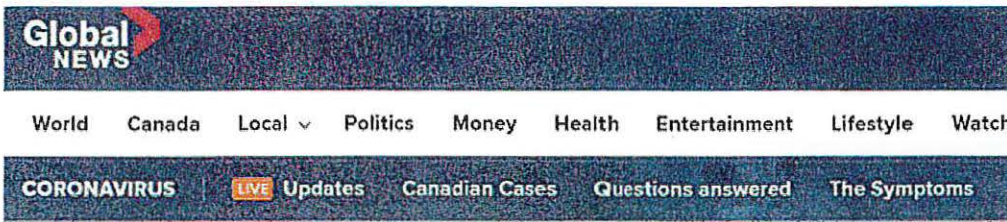


When we looked at lower quality studies around influenza and ILI—observational and ecological studies which are uncontrolled—there was only slightly better news. Several studies showed that if someone wore a mask and did frequent hand washing, they were protected from infection. If a study did not include hand washing though, it generally did not show benefit from wearing a mask. As for protecting others by the mask wearer, these lower quality studies had inconsistent results—sometimes they showed protection, but other times they did not.

Expert bodies therefore concluded that mask-wearing wasn't likely to be effective, and that hand washing was more important. This conclusion was embraced strongly in light of theoretical harms from wearing masks: contaminating hands by touching masks; a false sense of security, resulting in no longer keeping physical distance; stigmatization of those who can't wear masks (e.g. medical reasons), etc.

In the last few months, new research has emerged that is specific to COVID-19 that has shifted the conversation. While there are no high quality randomized studies yet, several new low quality observational and ecological studies show that wearing face coverings protects others from COVID-19. It's hard to know if other factors could be affecting the results (similar to how hand washing did with the influenza/ILI studies). As well, it is not clear what types of masks are effective from those studies, nor if the study countries are similar enough to our Canadian context that the results would hold here. Nonetheless, the results are consistent and large. As well, [a new research paper \(a systematic review and meta-analysis\)](#) did look at 3 higher quality studies (cluster randomized trials) on SARS (which has some similarities to COVID-19), and found a benefit to masks work by the community when pooling results of those three studies, albeit this benefit had only "low certainty".

Acknowledging a precautionary approach of not waiting for perfect information before making decisions, most public health expert bodies now recommend face coverings when people can't keep physical distance given the importance of preventing COVID-19.



HEALTH

Coronavirus: Non-medical masks now recommended for Canadians, officials say



By Beatrice Britneff • Global News

Posted May 20, 2020 12:39 pm · Updated May 20, 2020 11:18 pm



However, recognizing the weakness of the evidence, these bodies aren't recommending policies that require wearing face coverings. The Chief Public Health Officer of Canada and all provincial/territorial chief medical officers of health agree. In Niagara, we also concur with these expert bodies. However, like these, while we're not calling for requirements to wear face coverings (given the lack of strength in the research), we are also not opposed to them (given the research does support use of face coverings) if they are adopted based on other considerations.

There are some local medical officers of health, almost all in Ontario, who have decided to support mandatory face coverings. They argue that given the dynamics of their local regions, that they need to do more to prevent a resurgence of COVID-19, particularly as we reopen businesses and resume public life.

There are valid arguments on both sides of this debate. Ultimately, this boils down to a value judgement: how much do we as a society want to hedge against the risk of COVID-19 that we are willing to deny a small amount of personal freedom and risk potential harms, relying only on relatively weak research to justify this. Our position is that these sorts of value judgements are best made by society as a whole through its elected leaders. It is clear that the public is currently split with passionate advocates on both sides of the debate—all the more reason that elected leaders should publicly debate and decide this.

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Health

Mandatory mask laws are spreading in Canada



Mostly targeted at transportation so far, but calls are growing for more widespread application

[Emily Chung](#) · CBC News · Posted: Jun 17, 2020 2:39 PM ET | Last Updated: June 17

Of course, we've seen the research evolve over the last few months, and we are going to continue to monitor emerging research and adjust our position as the evidence demands—whether that means changing our recommendations, issuing orders, or taking other action. In the meantime, the ongoing discussion around this topic, where both sides speak to the importance of face coverings, will hopefully encourage more people to wear face coverings voluntarily, and perhaps even foster a new social norm.

To explore the research on this topic more, we recommend the [WHO's Advice](#), [Public Health Ontario's summary of the research](#), and a [rapid review by Alberta Health Services](#).

M. Mustafa Hirji, MD MPH FRCPC
Medical Officer of Health & Commissioner (Acting)
Niagara Region Public Health & Emergency Services

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P.O. Box 1052, Station Main
Thorold, Ontario L2V 0A2

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THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. <>

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 public transit vehicle owned or operated by The Regional Municipality of Niagara 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 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 and shall include, but not be limited to, any owner, operator, employee and worker in the enclosed public place and any customer, patron or other visitor in the enclosed public place 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;
 - ~~(e)~~ a person while assisting or accommodating another person with a hearing disability; and

- (fg) 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 (ef) 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.

- (145) 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 2031, 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.

Bill No.

Authorization Reference:

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: <date>

DRAFT



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kingsvilleworks@kingsville.ca

June 29, 2020

The Honourable Doug Ford (premier@ontario.ca)
Premier of Ontario
Legislative Building, Queen's Park
Toronto, Ontario M7A 1A1

-and to-

The Honourable Rod Phillips (rod.phillips@pc.ola.org)
Minister of Finance
Frost Building South; 7th Floor
7 Queen's Park Crescent
Toronto, Ontario M7A 1Y7

Dear Premier Ford and Minister Phillips:

RE: Kingsville Council request that the Rent Assistance Program to include all businesses in a lease agreement within all "residential-above-commercial" properties without a cap on commercial/residential ratio

At its Regular Meeting of June 22, 2020, Kingsville Council resolved the following:

391-2020

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

Whereas the COVID-19 Pandemic has greatly impacted the business community in the Town of Kingsville;

And Whereas the Province of Ontario has provided financial assistance including a multi-level Rent Assistance program to the business community impacted by the COVID-19 Pandemic;

And Whereas the Rent Assistance program offered by the Province of Ontario established an arbitrary cap on multi-use properties where it is common for "residential-above-commercial" developments, especially in downtown and Main Street corridors;

And Whereas Kingsville, particularly in our downtown business centres, has several properties with residential-above-commercial where the ratio of commercial storefront businesses represents less than 30 per cent of the entire building, thus leaving a gap where local business owners cannot qualify for rent relief with their willing landlords;

And Whereas the Town of Kingsville's newly adopted Business Retention and Expansion Project Report identified that Kingsville businesses would benefit from the Province expanding the Rent Assistance program to include all commercial lease properties regardless of overall footprint.

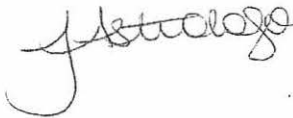
Now Therefore Be It Resolved That the Town of Kingsville requests that the Province of Ontario expand their Rent Assistance program to include all businesses in a lease agreement within all "residential-above-commercial" properties without a cap on commercial/residential ratio;

And Finally, That this Resolution be circulated to the Premier, Doug Ford, the Minister of Finance, Rod Phillips, our local MPP Taras Natyshak, and all Ontario municipalities requesting their support.

CARRIED

Thank you for your consideration.

Sincerely,



Jennifer Astrologo, Director of Corporate Services/Clerk
Corporate Services Department

jastrologo@kingsville.ca

/sjk

CC: Taras Natyshak, MPP (tnatyshak-qp@ndp.on.ca)

CC: All Ontario Municipalities

The Corporation of the City of Port Colborne

By-Law No. 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

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 Special Meeting of July 15, 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 15th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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The Corporation of the City of Port Colborne

By-Law No. 6802/52/20

Being a by-law to amend By-law 4588/119/04, Being a By-law to Regulate Noise

Whereas at its meeting of July 13, 2020, the Council of The Corporation of the City of Port Colborne approved the recommendations of Planning & Development Department, By-law Enforcement Division Report 2020-88, Subject: Discharge of Firearms and Bows By-law 2020; and

Whereas the people expect and have a right to an environment free from unusual, unnecessary, or excessive sound or vibration which may degrade the quality and tranquility of their life or cause nuisance as set out under By-law 4588/119/04, Being a By-law to Regulate Noise;

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

1. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be amended by striking out Section 17 in Schedule 2, Time and Place Prohibited Periods and adding the following thereto:

"17. The discharge of firearms in accordance with the City of Port Colborne's By-law _____ Prohibiting and Regulating the Discharge of Firearms and Bows."

2. That By-law 4588/119/04, Being a By-law to Regulate Noise, as Amended, be further amended by adding the following as Section 18 in Schedule 2:

"18. The detonation of an Exploding Shooting Target as described in the Discharge of Firearms and Bows By-law in the City of Port Colborne at any time."

3. That this by-law shall come into force and take effect on the day of passing.

Enacted and passed this 27th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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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.

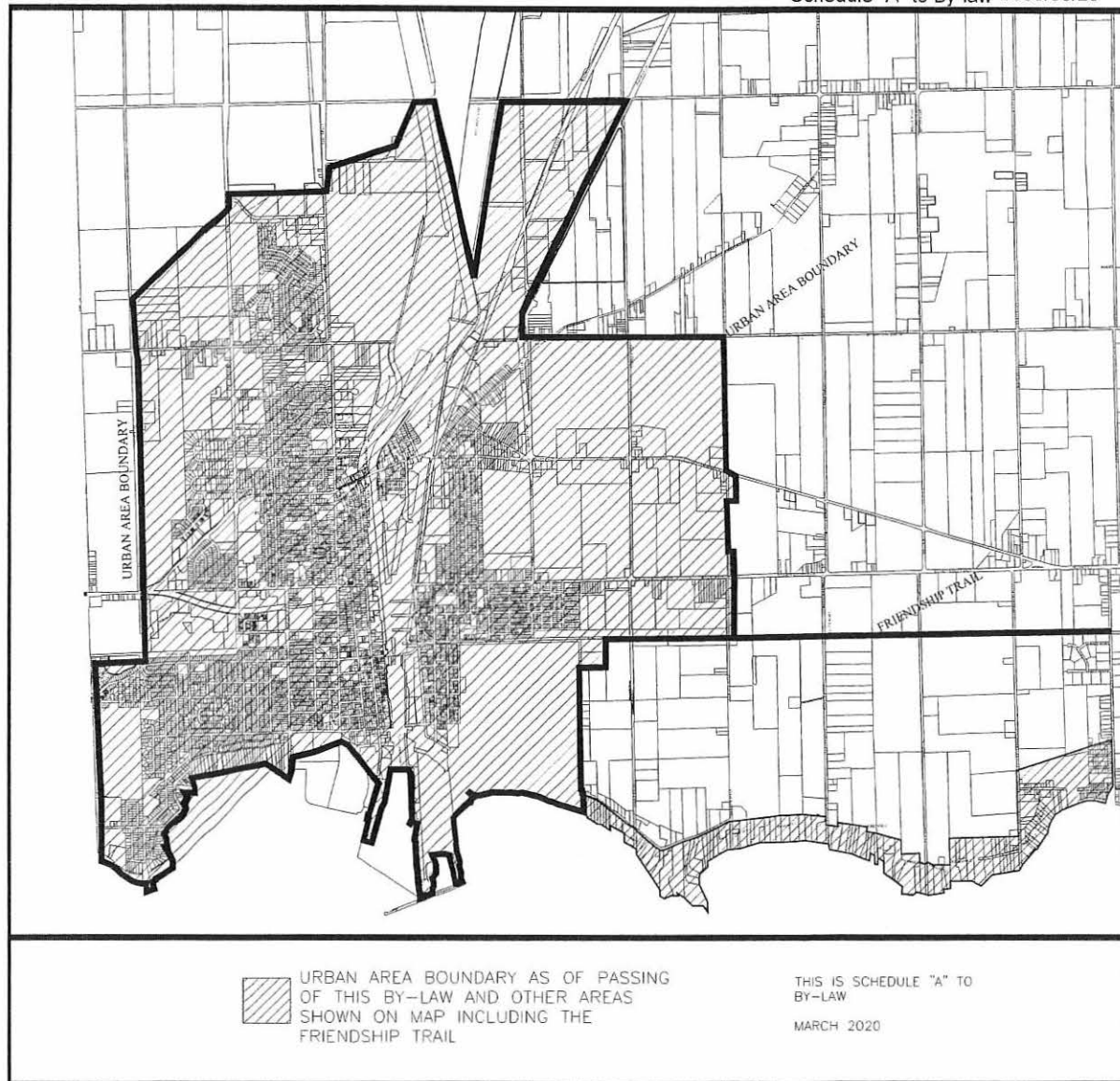
Part 6 – Repeal

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

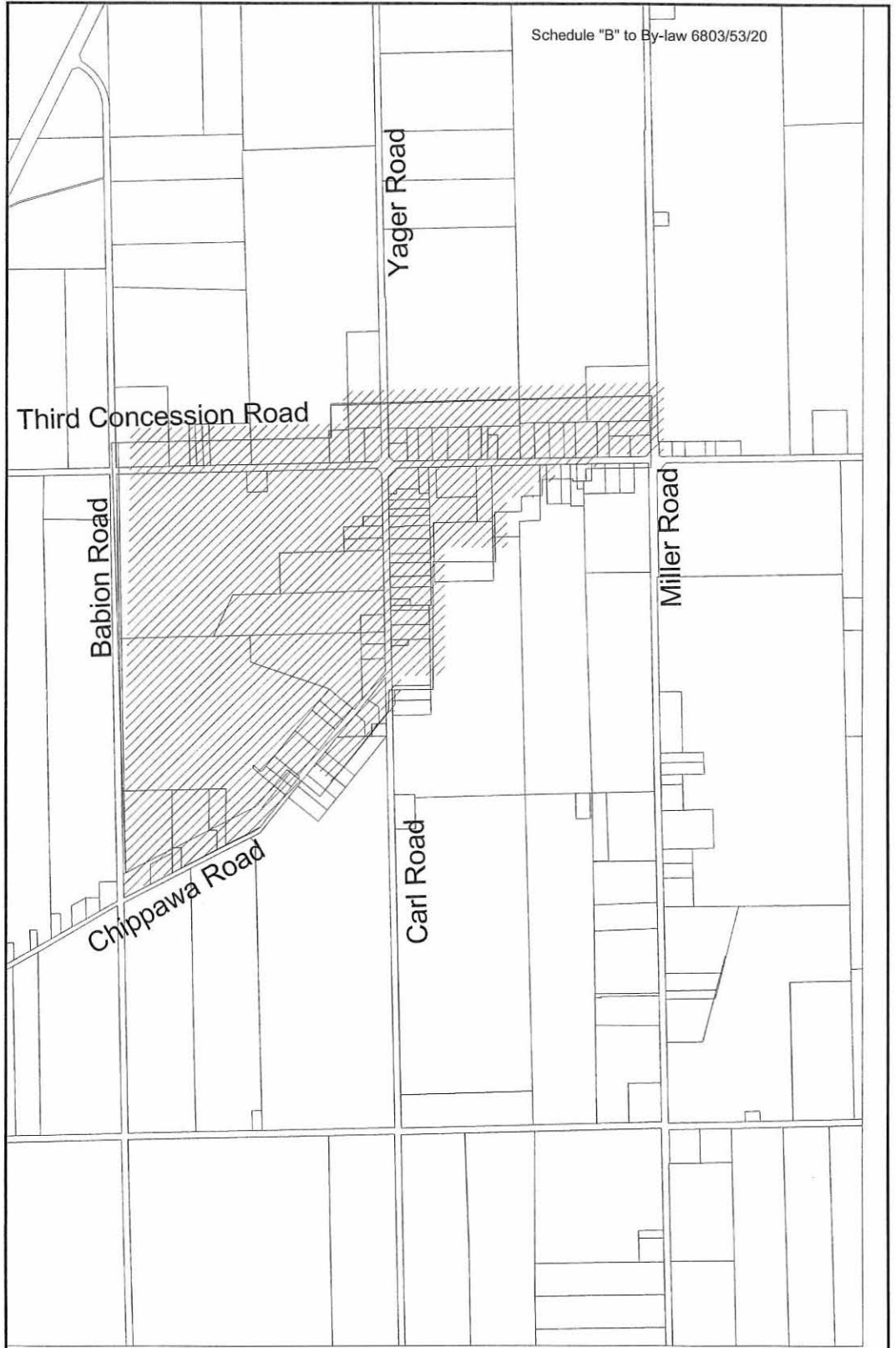
Enacted and passed this 27th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk



Schedule "B" to By-law 6803/53/20



HAMLET OF BETHEL AND OTHER PROHIBITED AREAS

THIS IS SCHEDULE "B" TO BY-LAW NO. 6803/53/20

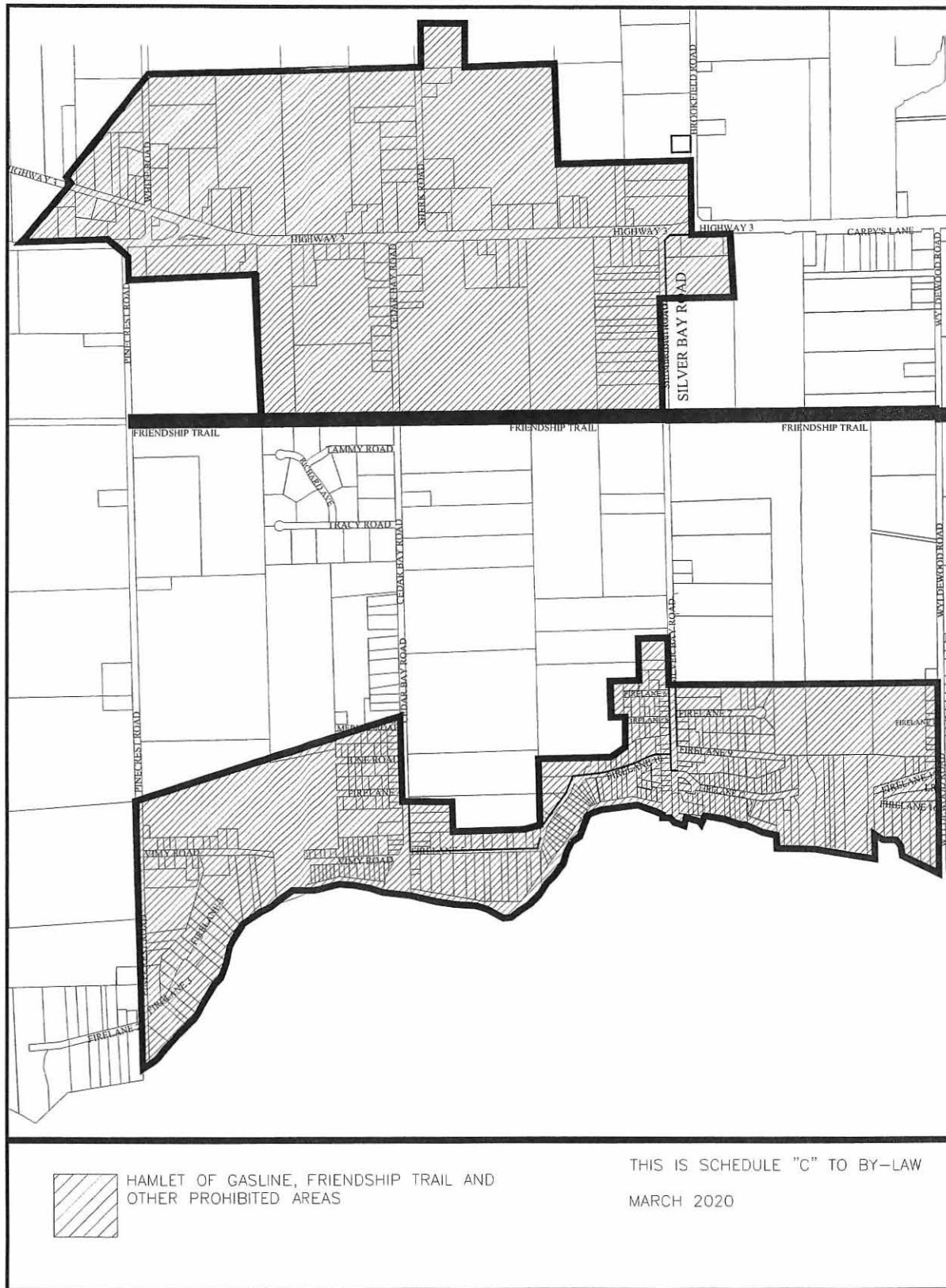


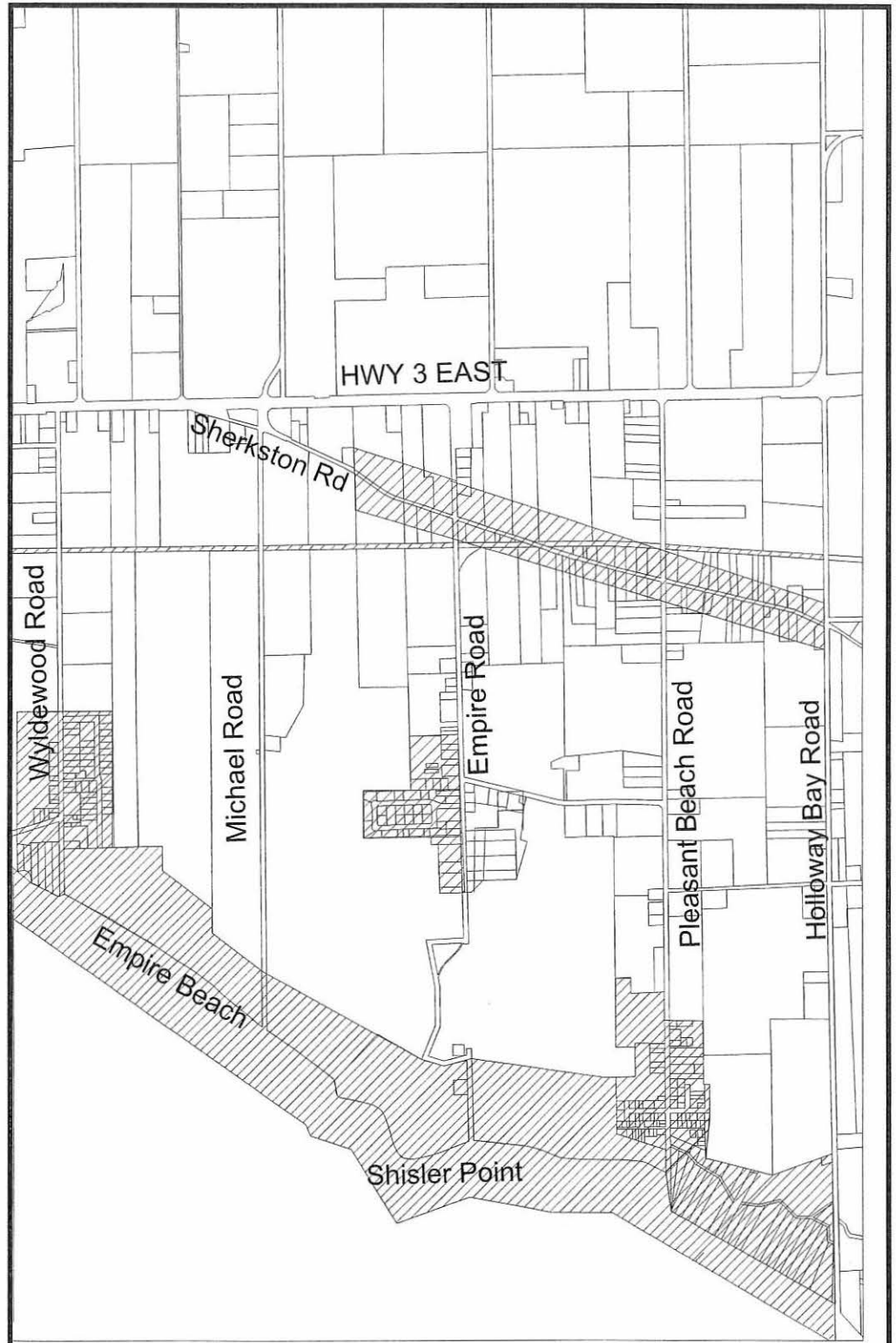
MARCH 2020

FOR HUNTING BY-LAW

SCALE: NTS

DRAWN BY PLANNING AND DEVELOPMENT DEPARTMENT





AREA KNOWN AS THE SHERKSTON AREAS, BEING 500 FEET BACK ON BOTH SIDES SHERKSTON ROAD COMMENCING AT EMPIRE ROAD AND RUNNING EAST TO THE EASTERN BOUNDARY OF THE MUNICIPALITY

BUILT UP AREA ON WEST SIDE OF EMPIRE ROAD (MAPLEVIEW, COTTAGE AREA KNOWN AS PLEASANT BEACH BEING THE SOUTH END OF PLEASANT BEACH ROAD AS SHOWN ON THIS SCHEDULE

ALL AREAS WITHIN 150m(492ft) MEASURED FROM THE WATER'S EDGE FRONTING ONTO LAKE ERIE

THIS IS SCHEDULE "D" TO BY-LAW NO. 6803/53/20

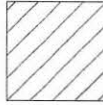
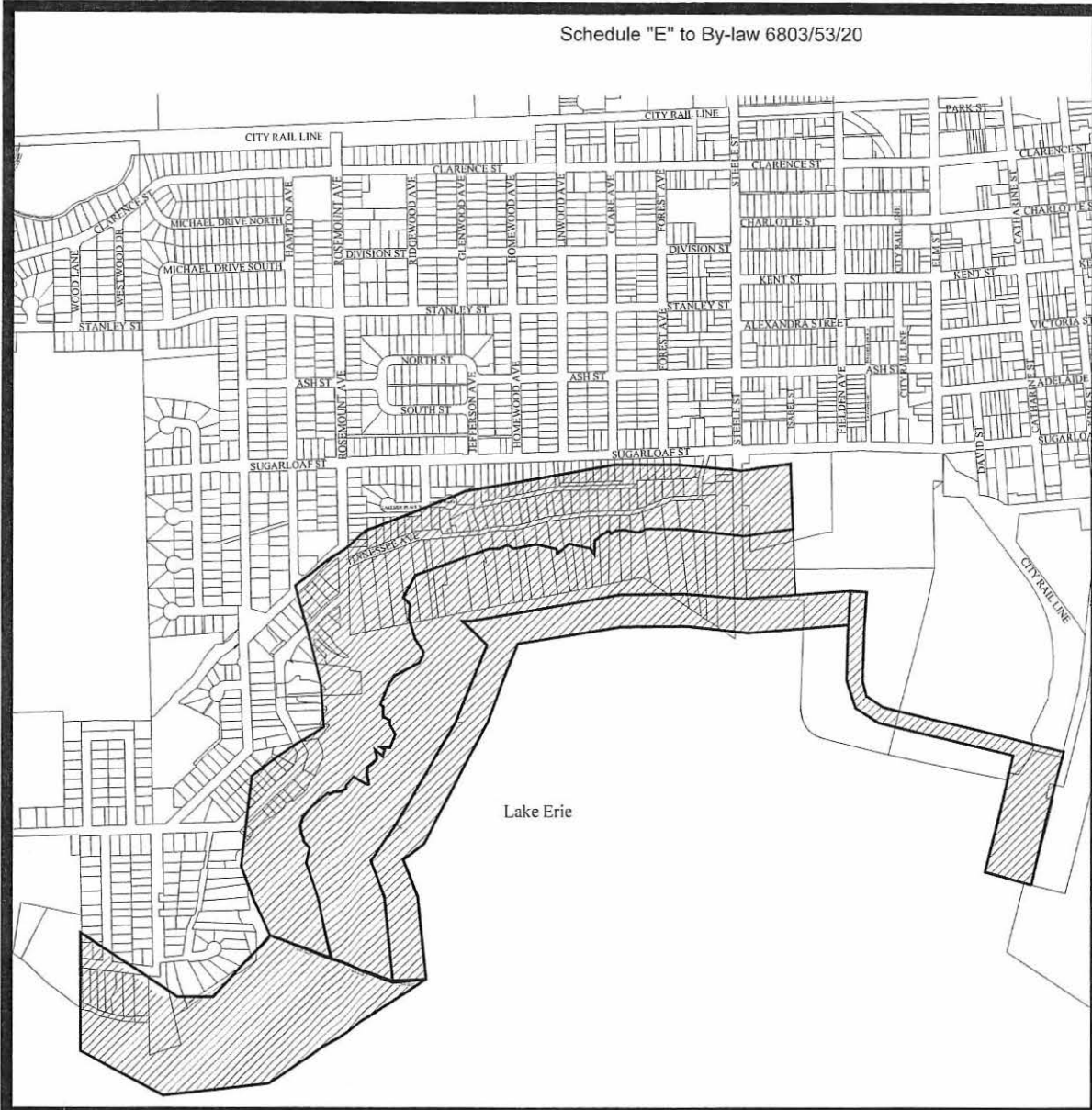


DECEMBER 2019

SCALE: NTS

DRAWN BY PLANNING AND DEVELOPMENT DEPARTMENT

Schedule "E" to By-law 6803/53/20



AREA KNOWN AS GRAVELLY BAY
WESTERN SECTION OF WELLAND CANAL
229m (750ft) FROM THE WATER'S EDGE
INTO GRAVELLY BAY 46M (150FT) FROM
MARINA & ELEVATOR WALL

THIS IS SCHEDULE "E" TO BY-LAW
MARCH 2020

The Corporation of the City Of Port Colborne

By-Law No. 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

Whereas at its meeting of July 13, 2020, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Planning and Development Department, By-law Enforcement Division, Report No. 2020-90, Subject: Parking and Traffic – Pleasant Beach Road; and

Whereas Council is desirous of amending the provisions of By-law 89-2000, Being a By-law Regulating Traffic and Parking on City Roads, as amended, in accordance with the recommendations in the above referenced report;

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

1. That Schedule "C-2" Parking Prohibitions Tow Away Zone, to By-law 89-2000, as amended, be further amended by adding thereto the following:

Column 1	Column 2	Column3		Column 4
Highway	Side	From	To	Times/Day
Beach Road	Both	Pleasant Beach Road	Empire Road	Anytime
Michener Road	Both	Pleasant Beach Road	Holloway Bay Road	Anytime

2. That Schedule 'E' Time Limited Parking to By-law 89-2000, as amended be further amended to adding the following thereto:

Column 1	Column 2	Column3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Pleasant Beach Rd	West	152m north of the lakeshore	14m north therefrom	May 1 to October 31 inclusive 12 p.m. to 9 p.m. daily	1 hour

3. That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Hwy #3	South to Lake Erie excepting that portion of Pleasant Beach Rd designated as Regn. Rd. No.1	60

4. That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Michener Road	South to Lake Erie	40
Pleasant Beach Road	Hwy #3	South to Michener	60

5. That this by-law shall come into force and take effect on the passing, subject to the display of official signs.

Enacted and passed this 27th day of July 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law No. 6805/55/20

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, 2021 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 27th day of July, 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 is 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. 6806/56/20

Being a by-law to enter into a Joint Agency Review Team
Memorandum of Understanding

Whereas the Council of The Corporation of the City of Port Colborne approved the recommendations of Planning and Development Department Report No. 2020-93, Subject: Joint Agency Review Team – Memorandum of Understanding – Port Colborne Quarries Proposed Pit 3 Expansion; and

Where Council is desirous of entering into a Joint Agency Review Team Memorandum of Understanding;

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

1. That The Corporation of the City of Port Colborne enter into a Joint Agency Review Team Memorandum of Understanding between Port Colborne Quarries Inc., The Regional Municipality of Niagara, The City of Port Colborne, and The Niagara Peninsula Conservation Authority, which Memorandum of Understanding is attached to the By-Law as Schedule "A".
2. That the Mayor and the City Clerk be and each of them is hereby authorized and directed to sign the said Memorandum of Understanding.

Enacted and passed this 27th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

MEMORANDUM OF UNDERSTANDING

Between:

PORT COLBORNE QUARRIES INC.

("PCQ")

- and -

THE REGIONAL MUNICIPALITY OF NIAGARA

("Region")

- and -

THE CITY OF PORT COLBORNE

("Port Colborne" or "City")

- and -

THE NIAGARA PENINSULA CONSERVATION AUTHORITY

("NPCA")

WHEREAS PCQ intends to submit an application (the "application") for the 'Extension of Pit 3' on lands situated within the City of Port Colborne located in the Niagara Region;

AND WHEREAS *Planning Act* approvals are required at the City and Regional level through City and Regional Official Plan amendments and a City Zoning By-law amendment;

AND WHEREAS an *Aggregate Resources Act* approval is required for a Category 2 license at the Provincial level including site plan approval as required under the *Aggregate Resource Act*;

AND WHEREAS the *Planning Act* and *Aggregate Resources Act* approval and licensing processes provide for or require analysis and input from interested stakeholders, including without limitation the Region, City of Port Colborne, and the NPCA;

AND WHEREAS to facilitate and expedite that analysis and input and to provide same in an open and transparent manner, the Region, City, and the NPCA have committed to proceeding using the Joint Agency Review Team ("JART"), generally on the terms outlined herein;

NOW THEREFORE the parties agree to work together in the following manner:

General

1. The purpose of this Memorandum of Understanding ("MOU") is to establish the parties' commitment to the Joint Agency Review Team ("JART") process and to working through the resultant decision-making process in a respectful, efficient and methodical way. Additionally, the parties intend through this process to outline the process, terms of reference, scope, and other particulars of other matters that will be required throughout the application process.

Principles

2. For the purposes of this MOU, the parties acknowledge and agree to the following principles:
 - (a) PCQ operates an existing quarry operation adjacent (to the west) to the location of the proposed extension of Pit 3.
 - (b) The City and Regional Official Plans identify this area as a potential aggregate resource area as per the information provided in the Aggregate Resource Papers that were developed by the Ministry of Natural Resources and Forestry.
 - (c) As part of the approval and licensing process, a technical review of PCQ's application is required.
 - (d) It is in the parties' mutual interest that the technical review be conducted in an efficient, cost-effective, and transparent manner and include consultation with the public and any interested stakeholders.
 - (e) The JART process has been established as a best practice for the review of aggregate applications in Niagara and in other municipalities.

JART Process

3. The JART process is the establishment of a team of professional staff from interested public agencies who are responsible for coordinating the technical review of all matters related to a mineral aggregate operation application. The purpose of JART is to have a sharing of information, resources, and expertise so that the application and the associated studies are reviewed in a streamlined and coordinated manner. The JART does not make a recommendation on the application, rather the JART works to:
 - Ensure that the required range of studies and work is completed by the applicant
 - Ensure that the studies are sufficient in terms of their technical content
 - Ensure review of the studies and work of the applicant either by technical staff or by peer reviewers
 - Ensure a coordinated public and stakeholder consultation and engagement process
 - Prepare a technical JART report on the application once all reviews are complete

For additional information on the Niagara JART process, please refer to Niagara Region Report - ICP 85-2013 '*Streamlined Review of Mineral Aggregate Applications Process*'

JART Membership

4. The JART will be comprised of planning and other staff from the Region, City, and NPCA. Once retained, an Aggregate Advisor will provide expertise and support to the JART. Additionally, where appropriate:
 - The JART may invite PCQ's staff, consultants, or advisors to participate in meetings and/or the technical review - to facilitate JART's understanding of the application and to resolve technical questions as efficiently as possible.
 - The JART may invite Provincial staff to participate in meetings and/or the technical review - to facilitate JART's understanding of the application and/or or the *Aggregate Resources Act*

application process and/or other Provincial Legislation, Regulations, or Guidelines as required.

Aggregate Advisor

5. Niagara Region on behalf of the JART will retain an Aggregate Advisor to provide technical expertise and to assist in coordinating the review of the applications. The Aggregate Advisor will be qualified as a Registered Professional Planner with experience in aggregate planning and license applications and/or have substantial professional experience reviewing aggregate planning and license applications. The Aggregate Advisor will work with and support the JART throughout the length of the process. The Aggregate Advisor will very actively participate in the JART process, but will not be a formal member.

Peer Reviewers

6. Niagara Region on behalf of the JART will retain third party consultants appropriately qualified to peer review certain technical studies and to provide advice and recommendations on specific topics. It is to be acknowledged that PCQ is not entitled to make final determinations or decisions as to the selection of the third party consultants or the scope of their engagement. PCQ may object to the retainer of a third party consultant only on the basis of a conflict of interest.

Public and Stakeholder Consultation and Engagement

7. Public, stakeholder, agency, and Indigenous consultation and engagement is required under the *Planning Act* and the *Aggregate Resources Act* as part of the applications. The JART and PCQ will work together to plan and coordinate the consultation and engagement program and to provide an open and transparent process. Where ever possible, the public process for the *Planning Act* and *Aggregate Resources Act* approvals will be jointly notified and held.

Facilitator

8. The JART, through discussions with PCQ, may determine that a facilitator is required to assist with the public or other sessions. The scope of work for such a facilitator would be determined through coordination by the JART and authorized by PCQ.

JART Decision-Making

9. The JART does not have decision-making authority and the JART does not make a recommendation on the applications. The JART report is used independently by staff at each agency as the technical basis to develop a recommendation report, which is then considered by the decision-makers at each individual agency.

Financial Commitments

10. PCQ has agreed to assume responsibility for the costs of any consultants retained by the Region for the purposes of advancing the applications, in accordance with a separate Cost Acknowledgement Agreement.

No Referral to Local Planning Appeal Tribunal (LPAT)

11. At the beginning of the process, the parties will agree to a timetable for the completion of the protocol. The parties hereto agree that, for so long as the JART protocol is proceeding according to the timetable, no resort, referral or appeal to the LPAT by PCQ will be made in respect, without limitation, of the failure by either the City or the Region to make a decision with respect to the applications or for any other reason related to or arising from the application review process. The timetable may be subject to modification upon mutual agreement by all parties. In any case, the agreement not to resort, refer or appeal to the LPAT ends if any party exercises its right to terminate the MOU as set out in Item 12 below.

Without Prejudice & Termination

12. Any party shall have the right to terminate the MOU by giving three months' written notice in writing to the other parties at any time. If the MOU is terminated by any party, steps shall be taken to ensure that the termination does not affect any prior obligation, project or activity already in progress.
13. The Region shall have the right to suspend or terminate on ten days written notice to the other parties, Niagara Region's participation in the JART process and their obligations pursuant to this MOU, in the event of the suspension or termination of Niagara Region's Cost Acknowledgement Agreement with PCQ described in section 10 of this MOU. The Parties agree that the continuation of this MOU is dependent upon the continued funding provided by PCQ pursuant to its Cost Acknowledgement Agreement with Niagara Region.

Dated at the Regional Municipality of Niagara this ____ day of _____, 2020.

PORT COLBORNE QUARRIES INC.

Per: _____
Name:
Title:
I have authority to bind the Corporation.

THE REGIONAL MUNICIPALITY OF NIAGARA

Per: _____
Name:
Title:
I have authority to bind the Corporation.

THE CITY OF PORT COLBORNE

Per: _____

Name:

Title:

I have authority to bind the Corporation.

**THE NIAGARA PENINSULA CONSERVATION
AUTHORITY**

Per: _____

Name:

Title:

I have authority to bind the Corporation.

The Corporation of the City of Port Colborne

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

Whereas the Council of The Corporation of the City of Port Colborne has designated the "Central Business District" as a Community Improvement Plan project area by By-law 1847/112/86 passed pursuant to Section 28(2) of the *Planning Act* on September 29, 1986; and

Whereas the Council of The Corporation of the City of Port Colborne amended the Central Business District Community Improvement Plan project area established by By-law 1847/112/86 by enacting By-law 5296/51/09; and

Whereas the Council of The Corporation of the City of Port Colborne amended the Central Business District Community Improvement Plan project area established by By-law 1847/112/86 by enacting By-law 6711/75/19; and

Whereas the Council of The Corporation of the City of Port Colborne is desirous to further amend By-law 1847/112/86 in order to expand the boundary for the Central Business District Community Improvement Plan project area to include 14 Victoria Street and 21 Adelaide Street;

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

1. That By-law 1847/112/86, enacted on September 29, 1986, be hereby amended by replacing Schedule "A" of By-law 6711/75/19 with Schedule "A" attached hereto.

Enacted and passed this 27th day of July, 2020.

William C Steele
Mayor

Amber LaPointe
Clerk



The Corporation of the City of Port Colborne

By-Law No. 6808/58/20

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

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 July 27, 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 27th day of July, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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**City of Port Colborne
Special Council Meeting 16-20
Minutes**

Date: July 13, 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)
G. Bruno, Councillor (via Zoom)
R. Bodner, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor (via Zoom)
D. Kalailieff, Councillor (via Zoom)
W. Steele, Mayor (presiding officer) (via Zoom)
H. Wells, Councillor (via Zoom)

Staff Present: D. Aquilina, Director of Planning & Development (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk

Also in attendance was one member of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Confirmation of Agenda:

No. 103 Moved by Councillor F. Danch
Seconded by Councillor G. Bruno

That the agenda dated July 13, 2020 be confirmed, as
circulated.

CARRIED

3. Disclosures of Interest:

Councillor Wells declared a pecuniary interest with regards to Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District

Community Improvement Plan. Councillor Wells refrained from discussing or voting on this item.

Councillor Beauregard declared a pecuniary interest with regards to Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan as he is employed by Sullivan Mahoney, the solicitor for Rankin Companies. Councillor Beauregard refrained from discussing or voting on this item.

4. Public Hearing Under the Planning Act:

Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan

(i) Purpose of Meeting

The Director of Planning & Development advised that the purpose of this meeting, pursuant to Sections 17 & 28 of the *Planning Act*, is to present a proposed expansion to the Downtown Central Business District Community Improvement Plan.

(ii) Method of Notice:

Mr. Aquilina stated that the Notice of the Public Meeting was administered in accordance with Section 17(15) and 22(1) of the *Planning Act* as amended, Section 3 of Ontario Regulation 543/06. The Notice of Public Meeting was published in the Thursday June 11, 2020 edition of Niagara This Week.

(iii) Explanation of Procedure to be Followed:

Mr. Aquilina stated that the procedure to be followed this evening will be to:

- a) Present Planning and Development Services Department Report 2020-85.
- b) Hear any comments from Council to Planning Staff.
- c) Open the meeting to the public for comments and/or questions.
- d) Announce the requirements of the *Planning Act* for written notice request of passage of the proposed addition to the Community Improvement Plan.

(iv) Presentation of Application for Amendment:

The Director of Planning & Development provided an overview of the application and details of Report No. 2020-85. Mr. Aquilina advised that the application proposes to include 14 Adelaide Street and 21 Victoria Street to the CBD BCIP Project Area.

Mr. Aquilina highlighted that 176 Elm Street was accidentally omitted from the draft CIP project area and thanked Councillors Bagu and Kalailieff for informing staff earlier.

Mr. Aquilina advised that staff are to review the following in order to support the inclusion of the two properties:

- The rationale for needs;
- The goals of the existing CBD CIP; and
- A description of the project area characteristics.
- Is the property near the CBD CIP project area?
- Does it have potential for conversion to commercial or mixed use?
- Is it in need of improvement?

Mr. Aquilina advised that no comments from the public had been received.

(v) Questions of Clarification to Applicant/Planning Staff:

Councillor Danch requested confirmation of the two properties to be included. Mr. Aquilina confirmed that the two properties were 14 Adelaide Street and 21 Victoria Street. Councillor Bruno inquired about the property accidentally omitted from the draft CIP project area. Mr. Aquilina confirmed that it was the 2019 inclusion of 176 Elm Street.

(vi) Oral Presentations and/or Questions from the Public

No members of the public spoke to the application; however, Mr. Aquilina stated the following:

“If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before the proposed Community Improvement Plan is adopted and approved, the person or public body is not entitled to appeal the decision of the City of Port Colborne to LPAT.”

“If a person or public body does not make oral submissions at a public meeting or make written submissions to the City of Port Colborne before the proposed Community Improvement Plan is adopted or approved, the person or public body may not be added as a party to the hearing of an

appeal before the LPAT unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.”

(vii) Announcement Respecting Written Notice of Passage of Amendment:

Mr. Aquilina advised the following:

“If you wish to be notified of the adoption of the proposed Community Improvement Plan you must make a written request to the Clerk. Only those persons and public bodies that give the Clerk a written request for the adoption by-law will be given notice.”

(viii) Explanation of Future Meetings:

Mr. Aquilina concluded the Statutory Public Hearing, held pursuant to Sections 17 and 28 of the *Planning Act*. Further, that the proposal will be placed on the July 27, 2020 Council Meeting for Council’s consideration.

(ix) Recommendation:

No. 104 Moved by Councillor Kalailieff
Seconded by Councillor Bagu

That Planning and Development Department, Planning Division, Report No. 2020-85, Subject: Public Meeting Report: Proposed Amendment to the Downtown Central Business District Community Improvement Plan be received for information.

CARRIED

5. Adjournment:

Mayor Steele adjourned the meeting at approximately 6:39 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.

**City of Port Colborne
Regular Council Meeting 17-20
Minutes**

- Date:** July 13, 2020
- Time:** 6:40 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)
N. Halasz, Manager of Parks and Recreation (via Zoom)
S. Hanson, Manager of By-law Services (via Zoom)
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

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 various items that were brought forth at the recent Region of Niagara Standing Committee meetings and Special Council meeting including the election of the Regional Chair, whether wearing face masks will be mandatory in the Niagara Region, and Basic Income Security. Councillor Butters concluded her report by encouraging residents to maintain social distancing and to follow the news provided on the Region of Niagara's website with respect to COVID-19.

2. Introduction of Addendum Items:

None.

3. Confirmation of Agenda:

No. 105 Moved by Councillor M. Bagu
Seconded by Councillor D. Kalailieff

That the agenda dated July 13, 2020 be confirmed, as circulated.

CARRIED

4. Disclosures of Interest:

Councillor Danch declared a pecuniary interest regarding item 3 (Planning and Development Department, Report 2020-84, Subject: Stopping Up and Closing part of Carl Road and Sale to 1970065 Ontario Inc.) as Rankin Construction Inc. is a customer of the Councillor's business. Councillor Danch refrained from discussing and voting on item 1.

Councillor Wells declared a pecuniary interest regarding item 3 (Planning and Development Department, Report 2020-84, Subject: Stopping Up and Closing part of Carl Road and Sale to 1970065 Ontario Inc.). Councillor Wells refrained from discussing and voting on item 1.

Councillor Beauregard declared a pecuniary interest regarding item 1 (Reconsideration of Planning & Development Department, By-law Enforcement Division, Report 2020-15, Subject: 48 Kent Street Request of Relief of Fines), item 2 (Planning and Development Department, By-law Enforcement Division, Report 2020-88, Subject: Proposed Discharge of Firearms and Bows By-law 2020), item 3 (Planning and Development Department, Report 2020-84, Subject: Stopping Up and Closing part of Carl Road and Sale to 1970065 Ontario Inc.), and item 5 (Corporate Services Department, Report 2020-91, Subject: Niagara's South Coast Tourism Association) 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.

5. Adoption of Minutes:

No. 106 Moved by Councillor E. Beauregard
Seconded by Councillor A. Desmarais

(a) That the minutes of the regular meeting of Council 15-20, held on June 22, 2020, be approved as presented.

CARRIED

That Council reconsiders Planning & Development Department, By-law Enforcement Division, Report 2020-15, Subject: 48 Kent Street Request of Relief of Fines.

LOST

2. Planning and Development Department, By-law Enforcement Division, Report 2020-88, Subject: Proposed Discharge of Firearms and Bows By-law 2020

No. 109 Moved by Councillor H. Wells
Seconded by Councillor M. Bagu

That the proposed Discharge of Firearms and Bows By-law be approved, as presented; and

That the proposed amendment to the Noise By-law be approved, as presented.

CARRIED

3. Planning and Development Department, Report 2020-84, Subject: Stopping Up and Closing part of Carl Road and Sale to 1970065 Ontario Inc.

No. 110 Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That the attached By-law to stop up, close, declare surplus to the needs of the municipality and sell part of the Carl Road road allowance, Part 1 & 2 on Plan 59R- 16702 to 1970065 Ontario Inc. be approved; and

That the Mayor and Clerk be authorized to sign and execute all documents respecting the sale of these lands.

CARRIED

4. Chief Administrative Officer Department, Report 2020-89, Subject: Ramey Road Name Change Request

No. 111 Moved by Councillor A. Desmarais
Seconded by Councillor H. Wells

That Chief Administrative Officer Report 2020-89, Subject: Ramey Road Name Change Request, be received for information; and

That Council adopt the Road Name Policy attached as Appendix A to this report.

Moved in amendment by Councillor A. Desmarais
Seconded by Councillor H. Wells

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

“That staff prepare an updated list of names for commercial/industrial zones and bring a recommendation forward to Council with respect to changing the name of Ramey Road.”

CARRIED

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

That Chief Administrative Officer Report 2020-89, Subject: Ramey Road Name Change Request, be received for information;

That Council adopt the Road Name Policy attached as Appendix A to this report; and

That staff prepare an updated list of names for commercial/industrial zones and bring a recommendation forward to Council with respect to changing the name of Ramey Road.

CARRIED

5. Corporate Services Department, Report 2020-91, Subject: Niagara's South Coast Tourism Association

No. 112 Moved by Councillor M. Bagu
Seconded by Councillor A. Desmarais

That Council appoint the following to the Niagara's South Coast Tourism Association Board of Directors:

- Mayor William C. Steele
- Councillor Ron Bodner
- Scott Luey
- Bryan Boles; and

That any and all previous Directors of Niagara's South Coast Tourism Association be removed; and

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

CARRIED

6. Planning and Development Department, By-law Enforcement Division, Report 2020-90, Subject: Parking and Traffic – Pleasant Beach Road

No. 113 Moved by Councillor G. Bruno
 Seconded by Councillor H. Wells

That Council approve the following recommended measures in order to alleviate the ongoing issues on Pleasant Beach Road:

- Rename Pleasant Beach Road in accordance with the draft Road Naming Policy
- Increase Tow away fines from \$60.00 to \$160.00
- Prepare and complete a RFP for additional towing companies
- Enforcement increases as necessary (staffing and vehicles)
- Reduce the speed limit after Michener Road to 40 km/hr
- Implement one (1) hour parking in front of the restaurant "Rudders"
- Extend Prohibited Parking/Tow-Away Zone to cover entire length of Michener Road
- Extend the Prohibited Parking/Tow-Away Zone on Pleasant Beach starting at Beach Road; and

That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Hwy #3	South to Lake Erie excepting that portion of Pleasant Beach Rd designated as Regn. Rd. No.1	60

That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Michener Road	South to Lake Erie	40
Pleasant Beach Road	Hwy #3	South to Michener	60

That Schedule 'E' Time Limited Parking to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Pleasant Beach Rd	West	152m north of the lakeshore	14m north therefrom	Anytime	1 hour

That Schedule 'C2' Parking Prohibition Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Day
Michener Road	Both	Pleasant Beach Rd	Holloway Bay Road	Anytime

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by deleting therefrom the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$60

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by adding thereto the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$160

Moved in amendment by Councillor G. Bruno
 Seconded by Councillor H. Wells

That the main motion be amended by striking out the first bulleted item in paragraph one.

CARRIED

Moved in amendment by Councillor H. Wells
 Seconded by Councillor G. Bruno

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

“That a no passing double line be implemented on Pleasant Beach Road from Michener Road south until the road end; and”

CARRIED

Moved in amendment by Councillor R. Bodner
 Seconded by Councillor G. Bruno

That the main motion be amended by adding the following as the seventh bullet in the first paragraph and the ninth paragraph, respectively:

“• Extend Prohibited Parking/Tow-Away Zone to cover entire length of Beach Road”

“That Schedule ‘C2’ Parking Prohibition Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:”

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Day
Beach Road	Both	Pleasant Beach Road	Empire Road	Anytime

CARRIED

The following was accepted as a friendly amendment:

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

“That Schedule ‘E’ Time Limited Parking to By-law 89-2000, as amended be further amended by adding thereto the following:”

Column 1	Column 2	Column 3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Pleasant Beach Rd	West	152m north of the lakeshore	14m north therefrom	May 1 to October 31 inclusive 12 p.m. to 9 p.m. daily	1 hour

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

That Council approve the following recommended measures in order to alleviate the ongoing issues on Pleasant Beach Road:

- Increase Tow away fines from \$60.00 to \$160.00
- Prepare and complete a RFP for additional towing companies
- Enforcement increases as necessary (staffing and vehicles)
- Reduce the speed limit after Michener Road to 40 km/hr
- Implement one (1) hour parking in front of the restaurant “Rudders”
- Extend Prohibited Parking/Tow-Away Zone to cover entire length of Michener Road
- Extend Prohibited Parking/Tow-Away Zone to cover entire length of Beach Road
- Extend the Prohibited Parking/Tow-Away Zone on Pleasant Beach starting at Beach Road; and

That Schedule ‘W’ Speed Limits to By-law 89-2000, as amended be further amended to delete the following therefrom:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed

Pleasant Beach Road	Hwy #3	South to Lake Erie excepting that portion of Pleasant Beach Rd designated as Regn. Rd. No.1	60
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That Schedule 'W' Speed Limits to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2		Column 3
Highway	From	To	Max. Speed
Pleasant Beach Road	Michener Road	South to Lake Erie	40
Pleasant Beach Road	Hwy #3	South to Michener	60

That Schedule 'E' Time Limited Parking to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Pleasant Beach Rd	West	152m north of the lakeshore	14m north therefrom	May 1 to October 31 inclusive 12 p.m. to 9 p.m. daily	1 hour

That Schedule 'C2' Parking Prohibition Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Day
Michener Road	Both	Pleasant Beach Rd	Holloway Bay Road	Anytime

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by deleting therefrom the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$60

That By-law 6082/48/14 Schedule "A" – Administrative Penalty Designated By-law Provisions – Traffic By-law 89—2000, as amended, be further amended by adding thereto the following:

Item	Column 1 Designated Provisions	Column 2 Short Form Wording	Column 3 Administrative Penalty
69	205.03.01	Park in Tow Away Zone	\$160

That a no passing double line be implemented on Pleasant Beach Road from Michener Road south until the road end; and

That Schedule 'C2' Parking Prohibition Tow Away Zone to By-law 89-2000, as amended be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Day
Beach Road	Both	Pleasant Beach Road	Empire Road	Anytime

CARRIED

7. Ron Tripp, Acting Chief Administrative Officer for the Regional Municipality of Niagara Re: Joining the Coalition of Inclusive Municipalities

No. 114 Moved by Councillor E. Beauregard
 Seconded by Councillor M. Bagu

That the correspondence received from Ron Tripp, Acting Chief Administrative Officer for the Regional Municipality of Niagara, dated February 28, 2020 including Regional report titled "CAO 14-2019 Action and Resources to Join the Coalition of Inclusive Municipalities" which outlines the staff recommendations and resourcing to support this initiative as well as a draft declaration, requesting that the Corporation of the City of Port Colborne support the joining of the Coalition of Inclusive Municipalities and signing of the declaration and participate in a media release and possible media event (as coordinated by Niagara Region with the municipalities); be received; and

That, the following Declaration to Join the Coalition of Inclusive Municipalities be adopted and forwarded to Niagara Region:

GIVEN THAT The Canadian Commission for UNESCO (United Nations Educational, Scientific and Cultural Organization) is calling on municipalities to join a Coalition of Inclusive Municipalities and to be part of UNESCO's international Coalition launched in 2004: and

The Federation of Canadian Municipalities (FCM) endorses the Call for a Coalition of Inclusive Municipalities and encourages its members to join; and

WHEREAS Municipal governments in Canada, along with other levels of government, have responsibilities under Canada's Charter of Rights and Freedoms as well as federal, provincial and territorial human rights codes, and therefore have an important role to play in combating racism and discrimination and fostering equality and respect for all citizens;

BE IT RESOLVED THAT The Regional Municipality of Niagara, The Corporation of the Town of Fort Erie, The Corporation of the Town of Grimsby, The Corporation of the Town of Lincoln, The Corporation of the City of Niagara Falls, The Corporation of The Town of Niagara-on-the-Lake, The Corporation of the Town of Pelham, The Corporation of the City of Port Colborne, The Corporation of the City of St. Catharines, The Corporation of the City of Thorold, The Corporation of The Township of Wainfleet, The Corporation of the City of Welland, and The Corporation of the Township of West Lincoln agree to join the Coalition of Inclusive Municipalities and, in joining the Coalition, endorses the Common Commitments (see Appendix A) and agree to develop or adapt a joint Plan of Action led by the Regional Municipality of Niagara accordingly; and

These Common Commitments and the Municipalities' joint Plan of Action will be an integral part of the Municipalities' vision, strategies, and policies; and

In developing or adapting and implementing the joint Plan of Action toward progressive realization of the Common Commitments, the Municipalities will cooperate with other

organizations and jurisdictions, including other levels of government, indigenous peoples, public and private sector institutions, and civil society organizations, all of whom have responsibilities in the area of human rights; and

The Municipalities will set their priorities, actions and timelines and allocate resources according to their unique circumstances, and within their means and jurisdiction. The Municipalities will exchange their expertise and share best practices with other municipalities involved in the Coalition and will report publicly on an annual basis on actions undertaken toward the realization of these Common Commitments.

CARRIED

10. Barclay Walker, Dr. Amanda Bell and Terry Suess Re: City of Port Colborne Sidewalk Contract 2020-12 (Stanley Street Portion)

No. 115 Moved by Councillor D. Kalailieff
Seconded by Councillor H. Wells

That correspondence received from Barclay Walker, Dr. Amanda Bell and Terry Suess Re: City of Port Colborne Sidewalk Contract 2020-12 (Stanley Street Portion), be received for information.

CARRIED

11. City of Welland Re: Odour and Light Management Control Issues from Cannabis Facilities

No. 116 Moved by Councillor R. Bodner
Seconded by Councillor A. Desmarais

That the resolution received from the City of Welland, Re: Odour and Light Management Control Issues from Cannabis Facilities, be received for information.

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

That the main motion be amended by striking out the words "received for information" and inserting thereto the word "supported."

CARRIED

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

That the resolution received from the City of Welland, Re: Odour and Light Management Control Issues from Cannabis Facilities, be supported.

CARRIED

9. Proclamations:

None.

10. Minutes of Boards, Commissions & Committees:

No. 117 Moved by Councillor R. Bodner
Seconded by Councillor H. Wells

(a) Minutes of the Port Colborne Public Library Board Meeting of March 3, 2020.

CARRIED

11. Councillors' Items:

Staff Responses to Previous Councillors' Enquiries

None.

Councillors' Issues/Enquiries

(a) Speeding on Lakeshore Road West (Bagu)

Councillor Bagu reported that there has been a high volume of cars speeding on Lakeshore Road West just past Tennessee Avenue. The Mayor confirmed that he will request the Niagara Regional Police to investigate this issue.

(b) Enforcement of Loud Exhaust Pipes (Bagu)

Councillor Bagu expressed concern regarding the lack of enforcement of loud exhaust pipes on vehicles. The Mayor reported that he will pass along this information to the Niagara Regional Police to investigate.

(c) Parking at Sugarloaf Marina (Bagu)

Councillor Bagu expressed gratitude toward staff for the great work they have been doing to manage the high volume of parking at Sugarloaf Marina.

(d) Dock Buggies at Sugarloaf Marina (Bagu)

In response to Councillor Bagu's inquiry regarding whether staff could implement a system that would allow customers at Sugarloaf Marina to start using the dock buggies in order to carry their supplies from the car to the boat, the Manager of Parks and Recreation confirmed that staff will investigate this matter.

(e) Fish Cleaning Station at Sugarloaf Marina (Bagu)

In response to Councillor Bagu's request to reinstate the fish cleaning station on the docks at Sugarloaf Marina, the Manager of Parks and Recreation confirmed that staff will investigate this matter in conjunction with Public Health and the Emergency Operations Centre.

(f) Garbage Receptacles at Sugarloaf Marina (Bagu)

In response to Councillor Bagu's inquiry with respect to whether garbage receptacles could be installed along the docks at Sugarloaf Marina, the Manager of Parks and Recreation reported that garbage receptacles were removed as a result of multiple animals entering the docks to get to the garbage receptacles. The Manager of Parks and Recreation confirmed that staff will investigate other options such as a barge type system.

(g) Garbage Receptacles on Friendship Trail (Beauregard)

Councillor Beauregard reported that there has been a large amount of garbage along the Friendship Trail recently and inquired as to whether or not more garbage receptacles could be placed in the area of Davis and Durham Streets. The Manager of Parks and Recreation confirmed that staff will investigate this issue.

(h) Illegal Dumping on Friendship Trail (Beauregard)

Councillor Beauregard reported that there has been a large amount of illegal dumping on Durham Street between Elizabeth Street and Reuter Road along the Friendship Trail. The Chief Administrative Officer confirmed that he will work with staff to investigate this issue.

(i) Davis Street Parking Issues (Beauregard)

In response to Councillor Beauregard's inquiry with respect to whether more enforcement could be conducted or whether more road markings could be installed on Davis Street along the boulevard where there is no parking, the Manager of By-law Services informed Council that she will investigate this

issue with the Director of Engineering and Operations as well as the Ward 2 Councillors.

(j) Apology to Business on Pleasant Beach Road (Bodner)

Councillor Bodner provided an expression of regret towards the business located on Pleasant Beach Road for the comments made during the last Council Meeting.

(k) Operations of Centennial Beach (Bodner)

In response to Councillor Bodner's inquiry with respect to how the operations are going at Centennial Beach, the Manager of Parks and Recreation informed Council that the operations are generally going well considering the influx of attendees as well as the changing environment. The Manager of By-law Services reported that from a by-law standpoint, parking and social distancing have not been issues in this area so far. The Chief Administrative Officer reported to Council that some negative emails were received regarding the operations at Centennial Beach; however, he further reminded Council that even though Centennial Beach has some amenities, it is not a staffed beach and therefore, it can be challenging to enforce all the activity.

(l) Line Painting (Bodner)

In response to Councillor Bodner's request with respect to putting hash markings on the road by Centennial Beach, the Director of Engineering and Operations confirmed that he will arrange for staff to complete this.

(m) Stone Roads (Bodner)

In response to Councillor Bodner's inquiry regarding whether there is any type of relief that could be offered to a resident who has health issues related to ingesting dust from their stone road, the Director of Engineering and Operations informed Council that staff are investigating repairs that could be offered in that location.

(n) Issues with the Odour Resulting From Cannabis Growing (Bodner)

Councillor Bodner expressed concern with respect to the odour that produces when cannabis is being grown by those who have a licence to do so. He informed Council that this issue creates hardship for surrounding residents. The Mayor requested that staff investigate this issue and the Manager of By-law Services confirmed that she will review the town of Pelham's recently passed by-law regarding this same topic.

(o) Property Impacting from Flooding (Bruno)

Councillor Bruno informed Council that there is a property on King Street that has been impacted four separate times by flooding. The Director of Engineering and Operations informed Council that staff is in discussions with the St. Lawrence Seaway and requested that they inspect a number of their drainage swales. In response to Councillor Bruno's request, the Chief Administrative Officer confirmed that he will contact the City's Insurance Adjuster and ask that they investigate this issue as soon as possible.

(p) Erie Street Pipe Break (Bruno)

In response to Councillor Bruno's request for an update on the Erie Street pipe break, the Director of Engineering and Operations informed Council that an old section of a cast iron main on Erie Street had blown out and cracked to the service line. He further reported that there were communication issues the night of the incident as the storm had caused the phone lines to cut out. The Director of Engineering and Operations confirmed that there is a post-event meeting happening later in the week to discuss solutions to these issues.

(q) Stage 3 in Niagara Region (Bruno)

In response to Councillor Bruno's inquiry regarding whether Council meetings and Citizen Committee meetings could resume in person after the Niagara Region enters into Stage 3, the City Clerk reported that Council meetings will continue to be conducted virtually; however, the format will change from an entirely electronic meeting to electronic participation. This means that some Councillors will be participating electronically online and some will be participating in Council Chambers in order to adhere to social distancing measures. The City Clerk further informed Council that Citizen Committee meetings will resume once the Niagara Region enters Stage 3 but these meetings will only take place in settings where social distancing measures can be adhered to. As a response to Councillor Bruno's further inquiry if more staff will be returning to work in the office, the City Clerk informed Council that City Hall is now open for appointments only and that if the Niagara Region enters into Stage 3, some staff will continue to work from home in order to safely adhere to social distancing measures.

(r) Playground Equipment (Bruno)

In response to Councillor Bruno's inquiry regarding whether the Parks and Recreation Division foresees any challenges with reopening some of the facilities that would be free to reopen should the Niagara Region enter Stage 3, the Manager of Parks and Recreation informed Council that recovery plans have been presented to the Emergency Operations Centre and that the major

concern staff is currently investigating is the reopening of the Vale Health and Wellness Centre.

(s) Grass cutting on Main Street and on Killaly Street West (Danch)

Councillor Danch informed Council and staff that the grass needs to be cut on Seaway property located on Main Street by the weir. Councillor Danch also reported that grass on Seaway property located on Killaly Street West, east of the weir needs to be cut. The Mayor confirmed that a meeting has been set up with the Niagara representative for Seaway to discuss the properties that require grass cutting.

(t) Speed Sign on Shamrock Avenue (Danch)

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

(u) 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 Director of Engineering and Operations confirmed that staff have completed this task.

(v) Issue with Waste (Desmarais)

Councillor Desmarais requested that Staff look into the issue of excessive garbage being located around the City.

(w) Loud Cars (Desmarais)

Councillor Desmarais expressed concern about the lack of enforcement of loud cars being heard throughout the City.

(x) Speeding on Cement Plant Road (Kalailieff)

Councillor Kalailieff expressed appreciation towards the Mayor for coordinating with the Niagara Regional Police to provide a higher level of enforcement of speeding vehicles on Cement Plant Road.

(y) Update on Eagle Marsh Drain (Kalailieff)

In response to Councillor Kalailieff's request for an update on the Eagle Marsh Drain, the Director of Engineering and Operations informed Council

that as long as the drain flows naturally, once there is a storm event staff will be able to drudge. He further reported that repairs are underway on the gate which should be complete by the end of the week and that there is a new activation system being installed by the contractor that raises and lowers the gate.

(z) Centennial Beach – Cedar Bay Park (Wells)

Councillor Wells informed Council that there are no signs at Centennial Beach related to the times of being open. He further reported that he has received concerns of people swimming late at night. The Manager of Parks and Recreation indicated that this matter will be investigated.

(a) Brookfield Road (Wells)

Councillor Wells informed Council that there is a portion of Brookfield Road on the southbound lane between Forks Road south to a driveway entrance that is very damaged. In response to Councillor Wells' request for a sign to be installed that warns drivers of the damage, the Director of Engineering and Operations confirmed that base repairs are to be completed in the next few weeks and that staff will address the loose sections of asphalt and cautionary signage as soon as possible.

12. Consideration of By-laws:

No. 118 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That the following by-law be enacted and passed:

6797/47/20	Being a By-law to Stop Up and to Close and to Declare Surplus and to Authorize the Sale of the Portion of the Carl Road Road Allowance, Being Part 1 & 2, Plan 59R-16702 to 1970065 Ontario Inc.
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CARRIED

No. 119 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That the following by-law be enacted and passed:

6798/48/20	Being a by-law to appoint a Board of Directors for Niagara's South Coast Tourism Association
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CARRIED

No. 120 Moved by Councillor F. Danch
 Seconded by Councillor G. Bruno

That the following by-laws be enacted and passed:

6796/46/20	Being a By-law to Amend By-Law No. 6746/110/19, A By-law to Establish Penalty Charges and Interest Charges on Payments Due to the Municipality for 2020
6799/49/20	Being a By-Law to Amend By-Law No. 6082/48/14 Being a By-law to Establish a System for Administrative Penalties Respecting the Stopping, Standing and Parking of Vehicles, Schedule 'A' – Administrative Penalty By-law Designated By-law Provisions Traffic By-law No. 89-2000 on Pleasant Beach Road
6800/50/20	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 and Regular Meetings of July 13, 2020

CARRIED

13. Adjournment:

Mayor Steele adjourned the meeting at approximately 10:09 p.m.

 William C. Steele
 Mayor

 Amber LaPointe
 City Clerk

AL/cm

From: "Dean Davies" <[REDACTED]>
To: "deputyclerk@portcolborne.ca" <deputyclerk@portcolborne.ca>
Date: 2020-07-12 01:51 PM
Subject: Re: Report 2020-15

To whom it may concern,

I am writing to you in support of Kruze Ovenden, as council prepares to review their decision to deny him relief of the debt he inherited following the tragic and untimely death of his mother Cheryl Booth-Hampson.

"Something just doesn't seem right about all of this" Luke Mackenzie, Age 15 when asked what brought him out to the first of many protests in support of Kruze Ovenden at Port Colborne City Hall. Niagara This Week February 6th 2020

I think Luke's words have stayed with me all these months because they are so simple, and so true. Here are few of the things about this situation that just don't seem right to me.

Charges in excess of \$22,000 for removal of items/yard clean-up, are exorbitant. I've never hired a removal company, let alone a landscaping company to carry out a yard clean-up, but speaking from personal experience, I can tell you that I have had the contents of my family home packed and shipped transatlantic and back for far less.

At the time of Cheryl Hampson-Booth's death her debt to the City had reached approximately \$35,000 dollars. This debt was inherited by her only child Kruze Ovenden. Kruze has managed to pay over \$17,000 of this debt, and yet today, with the accumulation of compounding penalties/interest, he owes nearly \$25,000.

"I thought there would be a different outcome tonight, especially with everything my mom went through before she died." Kruze Ovenden after receiving council's unanimous vote to reject his request for fines to be waived on compassionate grounds. Port Colborne Leader January 30th 2020

I can only imagine how defeated Kruze must have felt at this decision, after waiting months for a response from Council, while interest and penalties were piling up. Kruze was on his own and grieving. He asked for all fines to be waived out of desperation. By the time of the meeting, he had already made a concerted effort to pay what he could of his mother's debt. He cleared the entire water bill debt, and paid over \$5000 of the outstanding tax debt before his case was rejected. None of this was recognized. I thought perhaps council were unaware of the payments made but I asked Amber LaPointe, City Clerk about this, and was informed that Council were in fact aware prior to the decision to reject Kruze's request. This should have been a starting point to work out a payment plan, not a complete dismissal. I urge all members of council, and our Mayor, as leaders and representatives of our community, to do the right thing, and not only stop interest and penalties from accruing but also remove interest and penalties from the outstanding balance. Give this young man who has made a remarkable effort in extremely difficult times, a fighting chance at the future he deserves.

Sincerely,

Kelly Langley Davies

226 Alexandra St.

Port Colborne

L3K 2Y8

Laurie Dayboll
10128 Lakeshore Road
Wainfleet, Ontario.
L3K 5V4

July 11, 2020

Mayor Steele and Members of Council
City of Port Colborne

Re: Cheryl Booth / Kruze Ovenden and charges associated with the cleanup of 48 Kent Street, Port Colborne

Mayor Steele, Members of Council, City of Port Colborne staff, meeting attendees:

For those of you who do not know me, my name is Laurie Dayboll and I live at 10128 Lakeshore Road in Wainfleet. I am a Port Colborne native; my maiden name is Laurie McNay. During my career I was an administrator for South Niagara Community Development Corporation and Returning Officer for both Elections Canada and Elections Ontario. I mention this because I understand the responsibilities of being a public servant and of being in the public eye while in that role.

This evening you are discussing whether there is a wrong to be righted....to determine if all or any of the, fees penalties and interest charges associated with Kruze Ovenden's property will be written off or forgiven.

I would like to challenge ALL OF YOU to look at this in a different light! To look at this as an opportunity to right a different wrong, or rather to do the right thing in your role as representatives of the City of Port Colborne.

No matter where we live, we have neighbours and often the relationship with those neighbours truly adds to or detracts from the experience of living in the community we do. The Corporation of the City of Port Colborne was one of Cheryl Booth's closest neighbours! During this unprecedented time, we are reminded of the importance of neighbours supporting a person through tough times or addiction or mental illness. And my challenge to you is to realize that this was the City of Port Colborne's role as well. Right outside of the City's back window, City staff and council members could see that Cheryl Booth was in trouble. The City of Port Colborne also knew that some of the actions occurring could (and later did) result in action from themselves the City...The City knew what all of the implications of these actions would be more than any of Cheryl's other neighbours.

Now, The City of Port Colborne has a network of resources and connections that address addiction issues and mental illness strategies and support: Port Cares, Bridges, community organizations etc. The City knows who to get in touch with and how to do so and may even have representatives sitting as Board Members of these organizations. But what did the City do as Cheryl's neighbour????? Did the City try to be supportive? Did the City do anything before the resulting enforceable cleanup and the notices after the costs couldn't be paid.

As a Council, you choose to delegate funds to community groups, you bring organizations that provide awareness presentations to council and you stand with them in support of their efforts and goals, you fly the flags of groups that need a voice, like yours, to break down barriers.

I challenge you to consider this: that during these unprecedented times, when we are reminded that we are "in this together" you, as the City of Port Colborne's current representatives, take the opportunity to do the right thing. Take up your neighbour's cause and be her voice. Show understanding and compassion and support. Be an example of a good neighbour. You, then, will not have to determine whether you should forgive the charges or penalties or interest, but will take ownership of the fact that back then, when this was happening, something MAYBE could have been done to help your neighbour that was suffering and needed the City's support and MAYBE these charges would never have occurred to begin with.

I challenge you, the City of Port Colborne to remove all of the cleanup charges, penalties, interest and fees from the tax roll for 48 Kent Street; not to FORGIVE them but to REMOVE them, in understanding that maybe the City could have done more for their neighbour at the time these were incurred. What an example to your neighbourhood and to your community this would be.

Thank you for your time and consideration.

Respectfully,

Laurie Dayboll

From: "Gillian MacKenzie" <[REDACTED]>
To: "deputyclerk@portcolborne.ca" <deputyclerk@portcolborne.ca>, "Gillian MacKenzie" <[REDACTED]>
Date: 2020-07-12 12:43 PM
Subject: Public Comment for July 13th, 2020 Council Meeting
Kent Street

Agenda Item #1 Re: 48

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Gillian MacKenzie
406 King Street,
Port Colborne, Ontario,
L3K 4H4
[REDACTED]

Re: Reconsideration of Planning and Development Department, By-law Enforcement Division, Report 2020-15, Subject: 48 Kent Street Request of Relief of Fines.

Dear Council Members,

I am writing to you in support of the reconsideration of Kruze Ovenden's request to have the interest and penalties removed from the debt he inherited at 48 Kent Street in Port Colborne and to have future interest frozen.

As a mother of 4 teenage boys Kruze's situation really hits home. If something happened to me and my sons were in Kruze's situation I could imagine nothing less than our amazing community coming together and helping them out in any way they could. I have been a homeowner and part of this wonderful city for 21 years and could not imagine living anywhere else. I have seen us rise up and surround people with love and hope tragedy after tragedy.

We take care of each other.

Kruze has made payment towards this debt with what little he has. The incredible residents of our community have come together and assisted as much as they can. It's time for our elected representatives to do their part. It is within your power to help this young man. I have seen the Federal, Provincial and Municipal government waive interest and penalties for people on their government debts time after time because of extenuating personal circumstances and this is no exception.

Kruze should be responsible for the original amount of the clean up bill. The city needs to be reimbursed for what was paid out to have his mother's property cleaned up. Everything else; administration charges, mailing fees, interest and penalties are phantom charges and should be

withdrawn. These charges are not part of the budget, were not paid to another party by the city and do not cost the taxpayers anything to remove.

I know Council was concerned about setting precedence with a decision of this nature and it is a valid concern. In making your determination please remember that we are all human and are all an extenuating circumstance or two away from being in need of help from others at any given time. Showing compassion and looking for ways to help people when they are in need is what truly makes a community. Shouldn't we be doing that anyways?

Thank you for your consideration,

Gillian MacKenzie

12 July 2020.

Mayor Steele and Councillors;

Recently council provided significant exemptions of taxes and fees to a multimillion-dollar development being undertaken by Rankin Construction two blocks from Kruze Ovenden's home at 48 Kent Street. Most citizens will recognize this decision as an investment that will pay for itself in the future. But regardless of those motivations, it is unreasonable to provide such substantial breaks for a company owned by a millionaire non-resident while at the same time imposing crushing fees and compounded penalties on a young long-term resident who has attempted to repay a substantial debt imposed upon his mother even while she was suffering from extreme and ultimately fatal mental and physical health issues.

This opportunity for reconsideration of Mr. Ovenden's situation is a chance to address that disparity. It is a chance to demonstrate Port Colborne's commitment to treating the most valued part of the community, our residents, in a manner that allows them a chance to survive and thrive in this city while we move to redevelop the city as a whole.

I hope the people of Port Colborne can count on your demonstration of support for a fellow resident who has been through some very difficult times. From all accounts, Kruze wants to be able to repay the initial fines assessed to his mother without still losing his home due to the steady accumulation of compounding interest and penalties on the initial clean-up cost.

The COVID 19 crisis has demonstrated to you our representatives, and to all citizens just how tenuous our health and financial stability can be. Showing mercy in the application of these penalties and interest is an opportunity to acknowledge that what has been happening to Kruze could happen to our relatives, our friends, and ourselves in short order should life take a difficult turn.

Please do the right thing and support a meaningful reduction in fees and penalties in the Kruze Ovenden case. Show the people of our city that council has the ability to look beyond their fee and penalty schedule to ensure that the impacts of bylaw enforcement action aren't passed on to a responsible young person who has suffered greatly as a result of his mother's illnesses and death.

Thank you for your consideration,

Christopher Radimer

123 Kent Street, Port Colborne.



From: "Tammy Ivankovich" <[REDACTED]>
To: "deputyclerk@portcolborne.ca" <deputyclerk@portcolborne.ca>
Date: 2020-07-13 09:49 AM
Subject: Kruz Overden

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

I am writing this email in support of Kruz Overden. Council is revisiting his request for help in regards to the property he inherited on Kent St and the fines his Mother accrued prior to her passing and the penalties and interest on those fines that are amassing as I write this.

I know Kruz personally and know he is doing everything he can to pay off his Mother's fines and penalties because he wants to keep the family home, and he has put in a lot of work and effort with friend's help to clean the property up. This is close to impossible with the monthly interest charges on the fine. I find this disturbing that the City of Port Colborne would be profiting off one of its tax payers by charging and allowing to accrue compound interest, especially a very young person who has just entered the work force.

Kruz has been handed more responsibility and loss than should be expected for his age and yet he is doing his best to try and at least maintain. He is working full time at OSKAM steel but does not make enough to keep up with this interest.

Youth like Kruz are the future of Port Colborne and will be in charge of how the city runs one day. It is in everyone's interest to support them and help them where possible.

I am not asking you to feel sorry for Kruz, I am asking you to make a common sense decision and support one of your young taxpayers, so he is able to become an asset and productive citizen of Port Colborne. With so many troubled young people in today's climate, I would hope that council does not make things impossible for this one.

Tammy Ivankovich
[REDACTED]

From: [REDACTED]
To: deputyclerk@portcolborne.ca
Cc:
Date: Jul 13, 2020, 10:48:08 AM
Subject: Kruze Ovenden

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

To whom it may concern,

I would like to add my name to the list of concerned citizens in support of Kruze Ovenden. I agree with many of the points made by the group of supporters that have taken up his cause and media statements already made.

I will add to those points as opposed to repeating them for your consideration. As a tax payer I am troubled to learn that the substantial amount Kruze has paid has not gone to the actual bill, but phantom fees, interest and administrative fees. Does this in effect the tax payer burden as a result? I would like an answer to this question.

I was very disheartened to see how this was handled by counsel initially. I do appreciate the second look at it and ask that you recognize that Kruze is now taking care of it. I understand the city's position when you are dealing with someone making no effort, but that is not the case now. I would hope this would be the case in all of these situations. Work with people that show effort and be reasonable. This is not a special request per say. There seems to have been a frustration on this case in particular and i'm asking that it be looked at with fresh eyes as Kruze has shown himself to be conscientious in making this his top priority.

Thank you for your time and consideration of this matter.

Sincerely,
Tammy Minor
[REDACTED]



MAYOR'S REPORT
JULY 13, 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 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.

City Hall and almost all of our facilities remain closed to the public.

Staff have been working with members of our Emergency Operations Centre on recovery plans for a safe and gradual reopening once we get the go ahead from the Province of Ontario and our Emergency Operations Centre determines that it is safe to open our facilities to staff and members of the public.

In the meantime, we will continue to find new ways to deliver services to you.

Many of our restaurants are now offering service on their outdoor patios or with takeout, curbside pickup.

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

Nickel Beach

As of Friday, July 10, 2020, the following operational changes were implemented at Nickel Beach.

For Port Colborne residents, season passes will be available and valid Mondays - Thursdays, excluding Civic Holiday, Monday, Aug. 3, and Labour Day, Monday, Sept. 7, and can be purchased for \$100+HST at the beach gates with proof of residency (drivers licence, property bill (hydro, phone, water, etc.).

Note that season passes do not guarantee beach access if we are at capacity. If season pass holders attend Nickel Beach Friday to Sunday, they are still required to pay the regular resident fee.

Early entry to Nickel Beach will be reserved for Port Colborne residents only on Fridays, Saturdays and Sundays from 9:30 – 10:30 a.m. Beginning at 10:30 a.m. the gates will then open to the general public.

A new entry point has been established at the entrance of Lake Road. This will provide additional parking for walk-on beachgoers. Parking is free for Port Colborne residents and \$10 for general public.

Accessible parking is available inside the front gates next to the playground area. Staff will direct those who require access.

These changes have been implemented for the enjoyment of all beaches goers. I have to say I have been a little disappointed in some of the comments out on social media about our visiting “out-of-towners” and I would ask everyone to be respectful of all visitors to Nickel Beach.

Hydro One Announcement

Hydro One has announced the completion of the first stage of infrastructure upgrades to improve power reliability to the City of Port Colborne and the surrounding area. A second high-voltage transmission line has now been energized, providing an additional and alternate source of power to serve communities and customers in the area.

Last summer, Hydro One announced further plans to improve local reliability by investing approximately \$30 million to advance the refurbishment of the Port Colborne Transmission Station from 2025 to 2022. Once in service, the station refurbishment will increase the amount of available power to the Port Colborne area, improving long-term reliability and supporting economic growth.

This collaboration with Hydro One, the City of Port Colborne and Canadian Niagara Power to upgrade aging infrastructure from the 1950s provides immediate and long-term benefits to our residents and businesses.

Pathstone Mental Health

Pathstone Mental Health has begun to re-open their off-site walk-in clinics designed to service children and youth up to age 18 and their families across Niagara. No referral, cost or health card is needed to meet one-on-one with a Pathstone counsellor.

New protocols require an appointment to be made in advance, either the day of the desired walk-in session or a day in advance by calling **1-800-263-4944** during business hours. This will ensure physical distancing and cleaning is maintained between appointments.

The 5-day per week walk-in clinic located at The Branscombe Centre, 1338 Fourth Avenue in St. Catharines has been meeting with clients' in-person for the past few weeks.

Starting July 29th, the Port Colborne location at Bridges Community Health Centre, 380 Elm Street will be open every Wednesday from 9 a.m. to 4:30 p.m.

Scammers claiming to be from Canada Revenue Agency

For many months, the Niagara Regional Police Service has received reports of scam phone calls involving persons claiming to be Canada Revenue Agency workers.

This scam involves threatening or coercive language to scare individuals into paying fictitious debt to the CRA, or they can be arrested. This debt repayment may involve gift cards, wire transfers or cyber based currency. The member of the public is then asked about their personal banking information and social insurance number.

This is done under the guise of paying a fine instead of an arrest and "verifying" the potential victim's identity. This scam is further complicated by the use of technology that can cause a phone display to show a local Niagara telephone number, or a Niagara Regional Police registered telephone number. This is called "spoofing".

Members of the public are advised to be cautious of such scams and know that the Canada Revenue Agency will not call you and ask for banking information while telling you are wanted. The Canada Revenue Agency would never negotiate payments for fines over the phone or roadside. Furthermore, the Canada Revenue Agency, does not accept e-transfers or wire payments for any fees or services.

If you receive a call saying you owe money to the CRA, you can call them directly or check your "My Account" online.

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 begin a safe and gradual reopening of services and business activities. Please stay safe.

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**City of Port Colborne
Special Council Meeting 18-20
Minutes**

Date: July 15, 2020

Time: 9:00 a.m.

Place: Municipal Offices, Committee Room 3,
66 Charlotte Street, Port Colborne

Members Present: M. Bagu, Councillor
E. Beauregard, Councillor
G. Bruno, Councillor
R. Bodner, Councillor
F. Danch, Councillor (via Microsoft Teams)
A. Desmarais, Councillor (via Microsoft Teams)
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor (via Microsoft Teams)

Staff Present: D. Aquilina, Director of Planning & Development
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer

1. Call to Order:

Mayor Steele called the meeting to order.

2. Introduction of Addendum Items:

Nil.

3. Confirmation of Agenda:

No. 121 Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

That the agenda dated July 15, 2020 be confirmed, as
circulated.

CARRIED

4. Disclosures of Interest:

Councillor Beauregard declared a pecuniary interest regarding items (b), (c), and (d) as he is employed by Sullivan Mahoney and the firm has provided legal advice

with respect to these items. Councillor Beauregard left the closed meeting during discussion of these items.

5. Council in Closed Session:

Motion to go into Closed Session – 9:06 a.m.:

No. 122 Moved by Councillor R. Bodner
Seconded by Councillor M. Bagu

That Council do now proceed into closed session in order to address the following matter(s):

- (a) Minutes of the closed session portion of the following Council Meeting: March 9, 2020.
- (b) Planning and Development Department Report No. 2020-39, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.
- (c) Memo from Cecil Vincent, Manager of Special Projects & Strategic Initiatives regarding Nyon Energy Lands and the Nyon Tank Farm property, pursuant to *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.
- (d) Chief Administrative Officer Report No. 2020-92, concerning a Human Resources update, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, and Subsection 239(2)(d) labour relations or employee negotiations.

CARRIED

Motion to Rise With Report:

No. 123 Moved by Councillor D. Kalailieff
Seconded by Councillor M. Bagu

That Council do now rise from closed session with report at approximately 12:37 p.m.

CARRIED

6. **Disclosures of Interest Arising From Closed Session:**

Mayor Steele noted that Councillor Beauregard declared a pecuniary interest regarding items (b), (c), and (d) upon entering closed session and the Councillor left the closed meeting during discussion of these items.

Mayor Steele noted that Councillor Bodner declared a pecuniary interest regarding items (d) during the meeting and the Councillor left the closed meeting during discussion of the item.

7. **Report/Motions Arising From Closed Session:**

- (b) **Planning and Development Department Report No. 2020-39, concerning the potential disposition of City owned land, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board.**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (c) **Memo from Cecil Vincent, Manager of Special Projects & Strategic Initiatives regarding Nyon Energy Lands and the Nyon Tank Farm property, pursuant to *Municipal Act, 2001*, Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

- (d) **Chief Administrative Officer Report No. 2020-92, concerning a Human Resources update, pursuant to the *Municipal Act, 2001*, Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, and Subsection 239(2)(d) labour relations or employee negotiations.**

The City Clerk reported that direction was provided to staff during closed session in accordance with the *Municipal Act, 2001*.

8. Adjournment:

Mayor Steele adjourned the meeting at approximately 12:38 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

AL/cm



Port Colborne Public Library Board

MINUTES of the 4th Regular Board Meeting of 2020

Tuesday, May 19, 2020, 6:15 p.m.

Virtual Meeting held via Microsoft Teams

Present:

Michael Cooper (Chair)
Bryan Ingram (Vice-Chair)
Councilor Mark Bagu
Brian Beck
Valerie Catton
Harmony Cooper
Jeanette Frenette
Ann Kennerly
Cheryl MacMillan
Scott Luey (CEO)
Susan Therrien (Director of Library Services/Board Secretary)

Regrets:

Stephen Corr (Interim Treasurer)

1. Call to Order:

The Chair called the meeting to order at 6:18 p.m.

2. Chair's Remarks:

Mr. Cooper welcomed the Board. He expressed his thanks to Scott Luey and Councilor Bagu for their continued support of the library, and to library staff for their efforts to maintain services during the closure of the library due to the COVID-19 pandemic.

3. Declaration of Conflict of Interest:

Nil.

4. Adoption of the Agenda:



Moved by A. Kennerly
Seconded by J. Frenette

20:021 That the agenda be adopted as circulated.
CARRIED

5. Approval of the Minutes of the Previous Meeting:

Moved by B. Ingram
Seconded by C. MacMillan

20:022 That the minutes of the March 3, 2020 meeting be adopted as circulated.
CARRIED

6. Business Arising from the Minutes:

Nil.

7. Delegations and Presentations:

Nil.

8. Consent Items:

8.1. Circulation Reports

- April 2020
- First Quarter 2020

8.2. Financial Statement

- May 13, 2020

8.3. Public Relations Report

Report submitted by Librarian R. Tkachuk on virtual library programming and new e-resources to provide digital alternatives for library patrons during the library closure.

8.4. Media Items

- Library Digital Programming Newsletter, May 2020
- City Hall News, May 2020

Moved by C. MacMillan

Seconded by H. Cooper

20:023 That Consent Items 8.1 to 8.4 be received for information purposes.

CARRIED

9. Discussion Items

9.1. C.U.P.E. Collective Agreement

The Collective Agreement has been extended one year with a Memorandum of Understanding signed between the Board and the Union.

9.2. Evergreen Migration

The Director reported on the status of the migration project to Evergreen and provided information on the implementation timeline. Training on the new integrated library system will be provided to all staff prior to the go-live date in November 2020. The Director recommended that the library be closed to provide training for staff.

The Board reviewed two quotes for data extraction expenses. The Board discussed both options for data extraction and approved Quote 2 with the understanding that some data would not be carried over to the new database.

Moved by A. Kennerly

Seconded by B. Ingram

20:024 That the Port Colborne Public Library close for at least one day for staff training during the implementation of the new Integrated Library System.

CARRIED

Moved by B. Ingram

Seconded by H. Cooper

20:025 That the Board accepts the Director of Library Services' recommendation to accept Quote 2 for data extraction to realize a cost-savings of approximately \$7000.00 with the understanding that fines, circulation history and authority records will not be carried over to the new database.

CARRIED



9.3. Recovery and Reopening

The Board reviewed the library's *Recovery and Reopening Plan* presented by the Director. The plan includes protocols for the implementation of curbside pick-up and delivery. The Board inquired about the possibility of installing a cashless payment system and if e-transfers were an option. The Director was tasked to inquire about the possibility of debit payments and e-transfers.

a. Circulation Policies During the Pandemic

In response to the sudden and unexpected emergency closure of the library on March 13, 2020, the Director of Library Services made changes to the Circulation Policy to help diminish the hardship on library patrons and to help mitigate the extent of the interruption to library services. These changes included: extending due dates, increasing fine limit blocks, extending the number of overdue items per card, extending library privileges, and extending online membership expiry dates.

Moved by B. Ingram

Seconded by J. Frenette;

20:026 That the Board gives direction to the Director of Library Services to make exceptions and changes to *Circulation Policy (OP-12)* during the library's closure and recovery period from the COVID-19 pandemic. These changes are only to be made when current procedures present challenges to maintaining a safe workplace, or for compassionate reasons while our community is in recovery. This flexibility with the circulation policy will remain in effect until the Board recalls this motion.

CARRIED

b. Staffing and Succession Planning

The Board discussed staffing during the closure of the library due to the pandemic and succession planning after the recovery.

c. 2020 Capital Projects and Operating Budget

The Board reviewed the capital and operating budgets. No decision was made to make changes at this time. The Board will review the budgets at the next meeting.



Port Colborne Public Library Board

The Board asked about the generator capital project and also about insurance coverage in the event of water damage due to power outages. The Director was tasked to provide further information.

10 Board Members' Items:

Nil.

11 Notices of Motion:

Nil.

12 Date of the Next Meeting:

Tuesday, June 9, 2020 at 6:15 p.m.
Virtual Meeting via Microsoft Teams

13 Adjournment:

Moved by B. Ingram
Seconded by H. Cooper

20:027 That the meeting be adjourned at 8:04 p.m.
CARRIED

Michael Cooper
Board Chair
June 23, 2020

Susan Therrien, Director of Library Services
Board Secretary
June 23, 2020

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