



**City of Port Colborne
Regular Meeting of Council 27-20
Tuesday, October 13, 2020 – 6:30 p.m.
Council Chambers, 3rd Floor, 66 Charlotte Street**

Agenda

Notice: Council will meet through electronic participation in accordance with Bill 137, the Municipal Emergency Act in order to keep the health and safety of our community as a priority. If you wish to provide public comments regarding an item on the agenda please submit to deputyclerk@portcolborne.ca by noon on Tuesday, October 13, 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 25-20, held on September 28, 2020.
 - (b) Regular meeting of Council 26-20, held on September 28, 2020.
6. **Determination of Items Requiring Separate Discussion:**
7. **Approval of Items Not Requiring Separate Discussion:**
8. **Delegations/Presentations:**
9. **Councillors' Items:**
 - (a) Staff Responses to Previous Councillors' Enquiries
 - (b) Councillors' Issues/Enquiries
10. **Consideration of Items Requiring Separate Discussion:**
11. **Proclamations:**
 - (a) Poppy Week, October 30 – November 11, 2020
12. **Minutes of Boards, Commissions & Committees:**

Nil.

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, Building Division, Report 2020-126, Subject: Request for Reduction of Building Permit Fees for South Niagara Gateway Family Homes – 340 Wellington Street</u></p> <p>That Council approve the reduction in building permit fees for South Niagara Gateway Family Homes Corporation from \$10,220 to \$1,000, and the difference of \$9,220 be refunded to the applicant; and</p> <p>That South Niagara Gateway Family Homes Corporation be so notified.</p>	7
WCS MB EB RB GB FD AD DK HW	2.	<p><u>Planning and Development Department, By-law Enforcement Division, Report 2020-135, Subject: By-law Appointment of Municipal Law Enforcement Officer</u></p> <p>That Christopher Botts be appointed as a Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector.</p>	13
WCS MB EB RB GB FD AD DK HW	3.	<p><u>Corporate Services Department, Financial Services, Report 2020-144, Subject: Reserve and Reserve Fund Policy</u></p> <p>That the Reserve and Reserve Fund Policy attached as Appendix A be approved; and</p> <p>That the reserves and reserve funds be consolidated as outlined in Appendix B and C.</p>	15
WCS MB EB RB GB FD AD DK HW	4.	<p><u>Corporate Services Department, Financial Services Division, Report 2020-145, Subject: Niagara South Coast Tourism Association By-Laws</u></p> <p>That the by-laws attached as Appendix A to Corporate Services Department, Financial Services Division, Report No. 2020-145, Subject: Niagara South Coast Tourism Association By-Laws, be approved.</p>	41

Miscellaneous Correspondence					
WCS	MB	EB	5.	<p><u>Memorandum of Understanding Re: Hamilton-Oshawa Port Authority</u></p> <p>That Council support the Memorandum of Understanding (MOU) between the Hamilton-Oshawa Port Authority (HOPA) and the municipalities of Port Colborne, Thorold, and Welland; and</p> <p>That that Mayor be directed to sign the HOPA MOU.</p>	57
RB	GB	FD			
AD	DK	HW			
WCS	MB	EB	6.	<p><u>The Royal Canadian Legion, Branch 56, Re: Request for Proclamation of Poppy Week, October 30 – November 11, 2020</u></p> <p>That the week of October 30th – November 11th, 2020 be proclaimed as “Poppy Week” in the City of Port Colborne in accordance with the request received from Carol Madden, Poppy Chairman, Royal Canadian Legion, Branch 56, Port Colborne.</p>	61
RB	GB	FD			
AD	DK	HW			
Outside Resolutions – Requests for Endorsement					
WCS	MB	EB	7.	<p><u>Town of Fort Erie Re: Request Province of Ontario to Investigate the Level of On-site Licensed Nursing Care – Private Sector Retirement Homes</u></p> <p>That the resolution received from the Town of Fort Erie Re: Request Province of Ontario to Investigate the Level of On-site Licensed Nursing Care – Private Sector Retirement Homes, be received for information.</p>	63
RB	GB	FD			
AD	DK	HW			
Responses to City of Port Colborne Resolutions					
Nil.					

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

By-law No.	Title
6824/74/20	Being a By-law to Amend By-law No. 89-2000, As Amended, Being a By-law Regulating Traffic and Parking on City Roads (Bell Street)
6825/75/20	Being a By-law to Appoint Christopher Botts as a Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector
6826/76/20	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 October 13, 2020

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**Planning and Development Department
Building Division**

Report Number: 2020-126

Date: October 13, 2020

SUBJECT: Request for Reduction of Building Permit Fees for South Niagara Gateway Family Homes – 340 Wellington Street

1) PURPOSE:

The purpose of the report is to bring forward a request from South Niagara Gateway Family Homes Corporation (SNGFHC) to reduce and refund the Building Permit fees for the renovations to the apartment building.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

A request was received, by letter dated June 22, 2020 (Appendix A), requesting that all Building Permit and infrastructure fees be waived for the construction of a new dwelling.

Several months ago, the owners of the building learned that extensive deterioration of the building envelope necessitates broad and extensive repair work. Total project costs are expected to be \$730,000. Please refer to the letter referenced above for further details on how the project has evolved and associated costs.

Fees Calculated and Collected

The Building Permit application has been submitted, and the permit subsequently issued. All fees due have been paid by the applicant, therefore, the request submitted for consideration is for a partial refund of the fees already paid.

The fees were calculated using the 'Estimated Value of Construction' (EVC) method, as provided in Section 4 of the Building By-law and Schedule 'X' of the Consolidated Fees and Charges By-law. This method provides, in summary, that a fee of \$14 per \$1,000 of EVC is charged. In this case, \$14 x \$730k/\$1,000, returning a fee of \$10,220.

Correction – The letter referenced above makes note of a total permit fee of \$10,745, however, that appears to include the refundable permit deposit of \$525. The deposit should not be part of the permit fees under consideration.

Proposed Fees

The proponent has requested that the Building Permit fees be reduced from \$10,220 to \$1,000. This is based on the estimated labour required from the Building Division to directly administer the permit, including administration, plans review and inspections.

Policies and Practices

There are two formal methods of having Building Permit Fees reduced; first, a project proposed to be undertaken with a CIP designated area is granted a 50% reduction in permit fees as provided in the Consolidated Fees and Charges By-law. The second method, as submitted here, provides that an applicant may request a reduction in fees from Council.

Ideally, this request is made prior to the fees becoming due at the time of permit issuance. Due to the extent of the repairs, the uncertainty of the scope of the repairs, and that time was of the essence in order to undertake the repairs in favourable weather, the Chief Building Official recommended that the appeal of the fees be deferred until after the permit is issued. This allowed the work to be expedited and a more accurate fee be calculated.

Historic Council Relief

City Council have previously granted relief from building permit fees in the past. In 2009, Council granted Habitat for Humanity relief from building permit fees and infrastructure servicing costs, valued at \$7,030.60, for development at 25 Paul Street (See Report #2009-09). In 2007, Council provided similar relief to Habitat for Humanity for development at 21 Paul Street.

Permit Issued, Work Started

The permit for the work was paid for and issued on June 10, 2020 and work began immediately.

The photo below gives some perspective as to the extent of the repairs to the building. The exterior brick, which used to cover the entire building, has been removed above the 2nd storey in order to remove deteriorating components and install modern insulation and durable façade detailing. These repairs are being undertaken on all sides of the building.



3) STAFF COMMENTS AND DISCUSSIONS

As stated by SNGFHC, they are a non-profit company that provide market rental apartments as well as rent-gearred-to-income. Further, financing for the project is being provided by Niagara Regional Housing.

Waiving of fees for this organization is a worthy practice performed throughout the Region and Canada. Partial waiving of the fee as requested would enhance the affordability of the dwelling to a deserving family.

The Chief Building Official agrees that the proposed payable fees of \$1,000 will reasonably cover the costs to administer the building permit by the Building Division. This is based on the known hours already spent on the intake, review and issuance of the building permit plus the expected time and resources necessary to conduct the field inspections and review of reports.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Accept the proposed reduction of fees

Agree to the proposed reduction of the building permit fees from \$10,220 to \$1,000. The difference of \$9,220 would then be refunded to the applicant.

b) Other Options

Council can reduce the \$10,220 fee to any other amount.

c) Do Nothing

Doing so would increase the burden of financing the repairs for South Niagara Gateway Family Homes Corporation.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Not applicable.

6) ATTACHMENTS

Appendix A – Letter from Shoalts Engineering on behalf of South Niagara Gateway Family Homes Corporation, dated June 22, 2020.

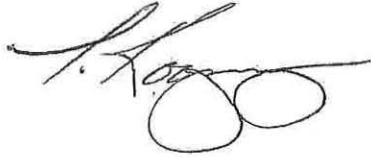
7) RECOMMENDATION

That Council approve the reduction in building permit fees for South Niagara Gateway Family Homes Corporation from \$10,220 to \$1,000, and the difference of \$9,220 be refunded to the applicant; and

That South Niagara Gateway Family Homes Corporation be so notified.

8) SIGNATURES

Prepared on September 9, 2020 by:



Todd Rogers, MAATO, CBCO
Chief Building Official

Reviewed by:



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

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

June 22, 2020

Todd Rogers, MAATO, CBCO
Chief Building Official
Building Division
City of Port Colborne
66 Charlotte St.
Port Colborne, ON L3K 3C8

Re: Exterior repairs and recladding
340 Wellington St.

Dear Sir:

As you are aware, the apartment building at 340 Wellington Street has some serious issues with brick deterioration. When we first examined the walls, it appeared as though there were some relatively minor and isolated sections where the faces of the bricks were spalling. When repairs to these areas were undertaken, we discovered much more extensive, hidden deterioration of the bricks that has occurred because of poor workmanship on the original building. We have explored various options for repair and replacement, estimates for which ranged from \$1,000,000 to upwards of \$2,300,000. This is well beyond the financial means of the owner, South Niagara Gateway Family Homes Corporation. We settled on removing the brick and insulation from the three upper floors of the building and replacing it with a new insulation system and prefinished steel cladding. We received tenders for the work and Serianni Construction of Welland was the successful bidder at approximately \$730,000.00 plus HST. The building permit fee for this work was based on the project value, and including the application fee it cost \$10,745.00.

South Niagara Gateway Family Homes Corporation is a non-profit company with a volunteer board. The apartments at 340 Wellington are a mix of market rents and rent-geared-to-income. The costs of running the building come directly from the tenants and are recovered from the rents; there is no profit generated for anyone and every effort is made to keep the rents affordable. SNGFHC does not have the money for this project, and financing for it is being provided by Niagara Regional Housing. Bearing all of this in mind, we feel that the permit fee of \$10,745.00 is an onerous burden to add to the costs for this work.

If this building were only a few hundred metres west, it would automatically qualify for a 50% reduction in permit fees under the CIP. In addition to this, because of the nature of the project and the work being undertaken and the fact that there is a requirement for regular reports to be submitted to you by our office, there is a limited need for reviews of the work by your department.

We feel that a reduction in fees is a reasonable request, and we suggest that the fees should be based on the actual costs expected to be incurred by the City for the project. We would suggest that an allowance for plan review, administration, and three site reviews should be sufficient, and we feel that a fee of \$1,000.00 would cover the costs for this.

We trust that you understand our position and we hope that you can support us in this.

Sincerely,

A handwritten signature in blue ink that reads "Mark Shoalts". The signature is written in a cursive, flowing style.

Mark Shoalts, P.Eng., CAHP

Report Number: 2020-135

Date: October 13, 2020

Subject: By-law Appointment of Municipal Law Enforcement Officer
Christopher Botts

1) PURPOSE

The purpose of this report is to request that Council appoint by by-law, Christopher Botts as the Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Due to the resignation of one of the City's Municipal Law Enforcement/Property Standards Officers, the By-law Enforcement Division requires a person to enforce various Provincial Acts and City by-laws including the Property Standards and Maintenance By-law.

It is required that the Officer be approved under the *Police Services Act* as a Municipal Law Enforcement Officer to enforce the City's by-laws. The Property Standards and Maintenance By-laws must be enforced by a "Property Standards Officer". This Officer, must be appointed by by-law and assigned the responsibility of enforcing and administering this by-law. The *Ontario Weed Control Act* requires an officer to be appointed to enforce weed inspections and be appointed as a "Weed Inspector" to enforce this Act.

3) STAFF COMMENTS AND DISCUSSIONS

The successful candidate for the vacant full-time Municipal Law Enforcement Officer position was Christopher Botts who will be starting on October 13, 2020.

4) OPTIONS AND FINANCIAL CONSIDERATIONS

a) Do Nothing

This section is not applicable.

b) Other Options

This section is not applicable.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Proactive by-law enforcement enhances the appearance of the City and has been a desire of Council.

6) **ATTACHMENTS**

None. The appointing by-law is attached to the Council agenda.

7) **RECOMMENDATION**

That Christopher Botts be appointed as a Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector.

8) **SIGNATURES**

Prepared on September 25, 2020 by:



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

Reviewed by:



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

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

Report Number: 2020-144

Date: October 13, 2020

SUBJECT: Reserve and Reserve Fund Policy

1) PURPOSE

The purpose of this report is to introduce and approve a Reserve and Reserve Fund Policy for the City of Port Colborne.

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

Reserves and Reserve Funds have historically been managed by the Treasurer in accordance with the *Municipal Act, 2001* as amended and any other regulatory or self-imposed regulations and guidelines.

These regulations set out minimum standards which the proposed Reserve and Reserve Fund Policy attached in Appendix A further enhances and defines.

3) STAFF COMMENTS AND DISCUSSIONS

In proposing this Policy, staff consulted Reserve and Reserve Fund Policies from other municipalities.

The proposed Policy outlines objectives to adhere to statutory requirements, ensure long-term financial flexibility, limit financial risk exposure and prioritize long-term funding of the reserves.

In establishing the long-term funding of reserves this Policy identifies any potential surplus of the City and its Boards and Committees to be a primary source of funding many of the non-capital reserves. Specifically, any surplus/deficit experienced by the City of Port Colborne (the "City") resulting from personnel accounts would first be allocated to/from the Future Liabilities reserve until the target for that reserve is met. Any remaining surplus/deficit would be allocated to reserves they are associated with and if the surplus/deficit is not associated to a reserve it would be allocated/funded at the future direction of Council. For greater clarity, a surplus/deficit that would be associated with a reserve is a surplus/deficit generally associated with a Board and Committee or Self-sustaining entity.

This Policy also defines a standard of care that outlines delegation of authority, authorization and ethics, and conflicts of interest. It further outlines the process to establish a reserve, reserve funding targets, investment income of Reserves and Reserve Funds, contributions to/withdrawals from Reserves and Reserve Funds and internal borrowing. Lastly, the Policy outlines tri-annual reporting requirements.

A Reserve and Reserve Fund Summary is attached as Appendix B. This summary is provided at a point in time with certain assumptions and estimates being made after a review of reserve and reserve funds and recommendation to consolidate certain funds

from over 100 to 39 categories. The reserves and reserve funds recommended for consolidation are grouped in Appendix C. They are based on information available to staff at the time of writing this report. While some forecasting has been performed, actual balances will vary by year end.

Reserves and reserve funds are recommended for consolidation based on the following rationale and criteria:

- Reinforcing the notion that most reserves are first and foremost to provide stability to the organization and prepare for the unexpected;
- Reserves also act as the primary way of providing cash flow to the City between periods of revenue collection and during significant construction projects;
- Simplifying the reserve structure to support tracking and reporting;
- Grouping like reserves together to provide an opportunity to do more together than individually.

The Financial Services Division provides the following comments on the most significant reserves recommended for consolidation and their funding targets:

1. The General Stabilization reserve is recommended with a target of 10% of the annual levy. This reserve is intended to account for unexpected events which the Policy in Appendix A discusses in greater detail. This targeted level of funding represents approximately three times the Province's threshold to qualify for Disaster Recovery Assistance. In establishing this reserve, it is recommended the Goderich Elevator reserve of approximately \$1.2 million be consolidated with it. A separate Goderich Elevator reserve for ongoing capital maintenance is recommended to be maintained.
2. The NRBN Reserve is recommended to be consolidated with and fund the following reserves: Future Liability (\$3.12 million), General Stabilization (\$950,000), Infrastructure Reserve (\$570,000), Transit (\$100,000) and Working Capital Reserve (\$1.46 million). Allocating this reserve to strategically support the long-term sustainability of the City will strengthen the City for years to come. Additional comments on each of these reserves is as follows:
 - Future Liability - This transfer would fund 1/3 of the City's liability as of December 31, 2019 and 44% of the recommended funding target. The funding target identified in the Reserve and Reserve Fund Policy in Appendix A is 75% of the liability. The reasoning for the 75% vs. 100% level is that the liability is based on several assumptions, including interest rates. In moving toward a 75% level the City would be prudently ensuring generational equity and acknowledging that the calculation is a factor of assumptions and current contracts which over time can change.
 - General Stabilization – This reserve was discussed above in point 1. This funding plus the consolidation of other recommended reserves would produce a balance of \$2.8 million. This would be approximately \$800,000 ahead of the target identified in the Reserve and Reserve Fund Policy in Appendix A. The Financial Services Division recommends Council maintain this reserve balance above target at this time.
 - Infrastructure Reserve – This funding would establish a consolidated infrastructure reserve of \$955,000. The 2021 Capital and Related Project budget approved funding for an Infrastructure Needs Study which will help

identify the long-term funding goal of this reserve.

- Transit – This funding would increase this reserve to \$150,000. While no recommendation on Transit is being proposed at this time, staff are aware it may be possible to introduce on-demand transit to the municipality. This could potentially happen in the back part of 2021 and into 2022 prior to any potential Niagara Region transit amalgamation. If this was to occur temporary funding would be required. This amount approximates that temporary funding based on very early information. Staff anticipate a report to Council by early 2021. If Council decided not to move forward with the plan and/or funding, these funds could be repurposed by Council at that time.
- Working Capital Reserve – This funding would fund this reserve to the target level of 10% of the levy calculated as approximately \$2 million. This fund as outlined in the Policy is really the backbone to supporting the day-to-day cashflow operations of the City. When considering outstanding accounts receivable, taxes charged and transferred to the Niagara Region and Ministry of Education prior to collection and pre-funded drainage/ditching work, the Financial Services Division estimates a reserve amount of \$4 million is required. The \$2 million recommendation takes into consideration the \$2 million target of the General Stabilization reserve. Previously this fund was less than \$1 million and there was no specifically identified general stabilization reserve.

The Financial Services Division points out that this report has two components. The first being the Policy and the second being the reserve consolidation process that works into the Policy. The Financial Services Division encourages Councillors to reach out to staff to discuss and ask questions with respect to the proposed Reserve and Reserve Fund consolidation in this Report at their earliest convenience.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

The City would not have a Reserve and Reserve Fund Policy.

b) Other Options

Council could amend the proposed Reserve and Reserve Fund Policy. Should amendments be proposed, staff would request time to consider any amendments and their compliance with the *Municipal Act, 2001* and financial implications.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Implementing a Reserve and Reserve Fund Policy will support the City of Port Colborne in ensuring a sustainable, transparent and accountable financial framework.

6) ATTACHMENTS

Appendix A – Reserve and Reserve Fund Policy
Appendix B – Reserve and Reserve Fund Summary
Appendix C – Consolidation Summary

7) **RECOMMENDATION**

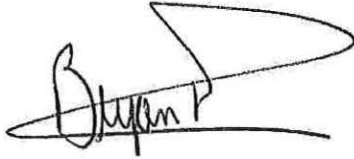
That the Reserve and Reserve Fund Policy attached as Appendix A be approved; and

That the reserves and reserve funds be consolidated as outlined in Appendix B and C.

8) **SIGNATURES**

Prepared on October 2, 2020 by:

Reviewed and respectfully
submitted by:



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



C. Scott Luey
Chief Administrative Officer



PORT COLBORNE

Administrative Policy No:	FIN - 04
Policy:	Reserve and Reserve Fund Policy
Effective:	October 13, 2020 (NEW)
Revised:	
Current Legislation:	<i>Municipal Act, 2001</i> as amended
Applicable to:	Reserve Transactions
Policy Owner:	Director of Corporate Services / Treasurer

Policy Statement

The Corporation of the City of Port Colborne (the “City”) shall maintain reserves and reserve funds in a manner that supports the sustainability of the City and conforms to legislation governing reserves.

The purpose of this Reserve and Reserve Fund Policy is to ensure the integrity of the reserve management process. The objective of this Reserve and Reserve Fund Policy is to manage and ensure the adequacy of reserve balances to support:

- Working cashflow requirements of the City;
- Infrastructure replacement and strategic growth;
- Repayment of liabilities and potential contingencies (i.e. future liabilities);
- Emergency and other unanticipated expenditures;
- Temporary project timing differences between when funding may be available and an activity, project or purchase is able to be completed;
- Meeting legislative and related regulatory requirements,

This Reserve and Reserve Fund Policy shall govern the reserve and reserve fund management activities of the City. This policy applies to all reserves and reserve funds of the City on its own behalf and on behalf of its boards and committees.

1) Objectives

The primary objectives of this reserve and reserve fund management policy, in priority order, are as follows:

a) Adherence to statutory requirements

All reserves and reserve fund management activities shall be governed by the *Municipal Act, 2001* as amended.

b) Ensure long-term financial flexibility

The funding of reserves and reserve funds will take into consideration both the current and future tax and rate payers of the City. To support long-term financial flexibility the City establishes the following additional objectives and metrics to guide reserve and reserve fund activity and related decisions:

- Establish and maintain reserves and reserve funds to support the purposes identified in this Policy;
- Utilize reserve and reserve funds for the purposes they are established;
- Achieve individual reserve and reserve fund target levels (if applicable) as identified in Schedule A by 2040;
- Achieve an aggregate reserve balance divided by total revenue factor (percentage) equal to or greater than the local area municipalities ("LAM's") calculated on an unweighted basis by 2040;

c) Limit Financial Risk Exposure

Reserve and reserve funds that are identified in Schedule A to earn investment income will be managed in a manner to preserve capital, maintain liquidity and earn a competitive rate of return in accordance with the City's Investment Policy.

Reserve and reserve funds will not be invested for a period that exceeds their expected date of need.

d) Prioritize Long-term Funding

Sources of funding are identified in Schedule A for each reserve and reserve fund to support the City's long-term financial flexibility is maintained.

In the event the City or Board and Committees experience an operating budget surplus or deficit those funds will be allocated or funded as follows:

- Any surplus or deficit resulting from budgeted personnel costs (i.e. salary, wages and benefits) will be allocated to or funded from the Future Liability Reserve. Funding to the reserve would not top the targeted funding level identified in Schedule A.
- Any remaining surplus or deficit after encumbrances have been recorded will be allocated to or funded from the reserve or reserve fund associated with the origination of the surplus or deficit. Schedule A identifies source of funds including eligibility for receiving surplus funds and the related source. As an example, and for greater clarity if the Marina which has been identified as a self-sustaining entity experienced a surplus or deficit the difference would be either an addition to or subtraction from the Marina Reserve.

- Any remaining surplus or deficit not associated with a specific reserve or reserve fund will be allocated to or funded from the General Stabilization reserve subject to Council approval, whereby Staff may recommend alternative uses or funding sources subject to achieving the long-term funding targets of the reserve and reserve funds as outlined in Schedule A.

In the event the City experiences a capital and related project surplus or deficit in the Work-in-progress reserve on any capital and related project those funds will be allocated to or funded from a capital or related project reserve to which the project is most closely associated. As an example, and for greater clarity if a water project is completed underbudget or overbudget that project will be closed out to the Water Reserve as either an addition to or subtraction from.

2) Standards of Care

a) Delegation of Authority and Authorization

The Director of Corporate Services / Treasurer shall have overall responsibility for managing the reserve and reserve funds of the City. The Director of Corporate Services / Treasurer shall have the authority to implement the Reserve and Reserve Policy and establish procedures consistent with this Policy. Such procedures shall include the explicit delegation of the authority needed to complete reserve and reserve fund transactions however the Director of Corporate Services / Treasurer shall remain responsible for ensuring that any transactions are compliant with regulations and this Policy. No person may engage in a reserve and reserve funds transaction except as provided under the terms of this Policy.

b) Ethics and Conflicts of Interest

Staff involved with reserve and reserve funds shall refrain from personal business activity that could conflict with the proper execution and management of the Reserve and Reserve Fund Policy, or that could impair their ability to make impartial decisions.

3) Management of Reserves and Reserve Funds

a) Establishing a Reserve or Reserve Fund

All reserve and reserve funds will be established by Council. Prior to establishing a new reserve or reserve fund, a financial plan will be prepared that identifies need, target funding level (if applicable), source of funding and projected disbursements (when practicable) to meet planned future obligations.

b) Reserve funding Targets

A target funding level will normally be established for every reserve or reserve fund at the time that the reserve or reserve fund is created. Target funding levels are identified in Schedule A (if applicable). This target level will be reviewed annually by the Director of Corporate Services / Treasurer to ensure its adequacy and where necessary, a periodic review by a third party subject matter expert will be obtained.

Methodologies for calculating targets are specific to each reserve or reserve fund. Consideration will be given to the following:

- Purpose of the reserve or reserve fund (i.e. operating or capital)
- Certainty of end needs (i.e. for contingent liability or tangible capital asset replacement)
- Economic factors (inflation, interest rates, cyclical pressures)
- Industry / Government / Accounting standards
- Multi-year forecast of contribution and projected usage

c) Investment Income of Reserves and Reserve Funds

All City investment income is credited to the levy operating budget and then allocated where appropriate to reserve and reserve funds as identified below:

- Reserves – Investment income will be allocated to reserves related to rate programs and future liabilities. No other reserves will receive an allocation of investment income unless otherwise approved by Council.
- Reserve Funds – Investment income will be allocated to all reserve funds unless not allowed as a result of an applicable regulation.

Reserve and reserve funds identified for the allocation of investment income will receive investment income credited to their account based on each reserve or reserve funds average balance throughout the year multiplied by the average rate of return received on the City's cash and investment portfolio. If an applicable regulation identifies a higher amount of investment income to be allocated based on a higher rate of return, that higher amount will be applied to the reserve or reserve fund.

Where investment income is earned but not allocated to a reserve or reserve fund it will remain in the levy operating budget to reduce the levy.

d) Contributions to / withdrawals from Reserves and Reserve Funds

All contributions to / withdrawals from reserve and reserve funds shall be approved by Council normally as part of the annual budget approval process or by way of an independent report brought to Council with the following exceptions:

- Direct contributions to reserve and reserve funds such as development charges contributions or settlement in account of prior approvals;
- Reversing a budget transfer from a reserve or reserve fund to the reserve or reserve fund it originated from if the funds were not required within the fiscal year. Reserve and reserve funds transferred to the capital and related project Work-in-progress reserve will remain within this reserve until the project is closed out;
- To establish an encumbrance at the discretion of the CAO and Director, Corporate Services / Treasurer. Under normal circumstances encumbrance requests will only be considered for planned purchases greater than \$5,000. An encumbrance request will not be considered if it causes a department to experience a deficit in its operating costs;
- Transfers resulting from surplus / deficit transactions identified in this Policy;
- Use of a Working Reserve for the purpose of the reserve identified in Schedule A. All transactions in a Working Reserve, other than transactions associated with a Committee, require the approval of the CAO and Director, Corporate Services / Treasurer.

All contributions to / withdrawals from reserves and reserve funds will be clearly identified and segregated within the City's accounting system and accounted for by either an entry to or from an operating cost center or a project account.

e) Internal Borrowing

Reserve and reserve funds can be used as a source of internal borrowing in accordance with the Debt Management Policy to avoid external borrowing provided all borrowing bear market rates of return. The market rate can be no lower than the City's overdraft borrowing rate at the time of the loan.

Internal borrowing will be recorded as a contra reserve funds.

4) Reporting

The Director of Corporate Services / Treasurer shall provide a Tri-annual reserve and reserve fund report to Council which includes, at a minimum the following:

- i) A current year summary of activity with a forecast to year end of reserve and reserve funds;
- ii) Identification of reserve and reserve funds and their proximity to established targets (if applicable);
- iii) Changes and/or recommended changes in reserve and reserve funds and/or established targets (if applicable).

5) Definitions

Contra reserve: a reserve with a negative balance that is accompanied by a funding plan communicated to Council. The cause of such a reserve could be a self-sustaining entity incurring a deficit and/or Councils' approval of internal loan.

Development Charges: fees against land to pay in full or in part on the increased capital costs required because of increased needs for municipal services arising from development of the area in which the land is located.

Encumbrance: a type of reserve where funds budgeted for a specific use in one year are not spent and carried forward to the next year. This may occur as a result of a timing different surrounding a planned purchase.

Reserve: an appropriate from net revenue at the discretion of Council, after the provision for all known expenditures. It has no reference to any specific asset and does not require the physical segregation of money or assets as is the case of a reserve fund.

Reserve Fund: an obligatory fund that is required by legislation to meet a future event.

Working Fund: a reserve utilized as an operating account to fund on-going operations when the financial activity on a year over year basis are continuously not predictable. The purpose of these funds is to provide stability to the operating budget of the City on a year over year basis.

Schedule A – Reserve and Reserve Funds

Name	Purpose*	Primary Source of Funding	Funding Target
Boards and Committees (“BC”)			
Grants Committee Reserve (W)	A working reserve to accumulate unallocated grant funding between fiscal years.	Levy	Zero.
Library Bequest Reserve	To accumulate unallocated bequests.	Donation	Varies – Dependent on Library Board requirements.
Library Future Liabilities Reserve	To fund employee future benefits, including Workplace Safety and Insurance Board (“WSIB”) claims.	Levy Section 1 (d) – Library Surplus / (Deficit) as outlined in this Policy	75% of Employee Future Benefit and WSIB Liability.
Library Capital	To fund capital and related projects.	Levy	Varies – Dependent on Library Board requirements.
Library Reserve	Stabilization reserve	Section 1 (d) – Library Surplus / (Deficit) as outlined in this Policy	5% of the gross Library budget. (When being utilized this reserve can be drawn to zero if required provided a replenishment plan is established).
Local Architectural Conservation Advisory Committee (LACAC) Reserve (W)	A working reserve to fund the activities of the committee.	Levy	Varies – Dependent on activity.

Mayors Youth Council Committee (MYCC) Reserve (W)	A working reserve to fund the activities of the committee.	Levy	Varies – Dependent on activity.
Museum Bequest Reserve	To accumulated unallocated bequests.	Donation	Varies – Dependent on Museum Board requirements.
Museum Capital	To fund capital and related projects.	Donations	Varies – Dependent on Museum Board requirements.
Seniors Advisory Committee (SAC) Reserve (W)	A working reserve to fund the activities of the committee.	Levy	Varies – Dependent on activity.
Niagara South Coast Tourism (W)	A working reserve to fund the activates of the Not-for-profit.	Levy	Varies - Dependent on activity.
Programs, Grants and Activities			
Canada Summer Games Reserve	To fund Council approved Canada Summer Games commitment	Levy	Council Commitment This reserve will cease and be removed from the approved reserve list once funding has been utilized
Canal Days Reserve	Stabilization reserve	Section 1 (d) – Canal Days Surplus / (Deficit) as outlined in this Policy	5% of the gross Canal Days budget. (When being utilized this reserve can be drawn to zero if required provided a replenishment plan is established)
CIP Incentives Reserve (W)	To fund Council approved CIP Incentives commitment	Levy	Council Commitment

Show Boat (W)	To capture funding associated with ticket sales for theatre maintenance	Ticket Sales	Varies – Dependent on activity
Transit (W)	A working reserve to fund the activities of transit.	Levy	Varies – Dependent on activity
Municipal Election Reserve (W)	To fund costs associated with the Municipal Election and costs related to transitioning to a new Council following the election	Levy	Clerk proposed budget
Self Sustaining Entities (SSE)^			
Building Department Reserve (RF)	Ministry regulations outline that a Building Department cannot run a surplus as a result of building fees to offset other Municipal expenditures. This reserve fund captures the Building Department surplus / (deficit) with the goal to achieve a balance of zero over time.	User Fees Section 1 (d) – Building Department Surplus / (Deficit) as outlined in this Policy	Zero
Nickel Beach Reserve	Stabilization and to fund capital and related projects.	User Fees Section 1 (d) – Nickel Beach Surplus / (Deficit) as outlined in this Policy	5% of gross Nickel Beach budget plus pay-as-you-go balance required for capital and related projects. (When being utilized this reserve can be drawn to zero if required provided a replenishment plan is established).

Overholt Cemetery Reserve	Stabilization and to fund capital and related projects.	User Fees Section 1 (d) – Overholt Cemetery Surplus / (Deficit) as outlined in this Policy	5% of gross Overholt Cemetery budget plus pay-as-you-go balance required for capital and related projects. (When being utilized this reserve can be drawn to zero if required provided a replenishment plan is established).
Marina Reserve	Stabilization and to fund capital and related projects.	User Fees Section 1 (d) – Marina Surplus / (Deficit) as outlined in this Policy	5% of gross Marina budget plus pay-as-you-go balance required for capital and related projects. (When being utilized this reserve can be drawn to zero if required provided a replenishment plan is established).
General Government			
Future Liabilities Reserve (W)	To fund employee future benefits, including Workplace Safety and Insurance Board (WSIB) claims.	Levy and Rate Section 1 (d) – Surplus / (Deficit) as outlined in this Policy	75% of Employee Future Benefit and WSIB Liability.
Encumbrance Reserve (W)	To provide an opportunity for approved but unutilized but required funding to be	Section 3 (d) and 5 – Must be requested and approved as	Zero

	carried forward from one year to another.	outlined in this Policy	
General Stabilization	Stabilization of Levy or Rate budgets subject to regulatory allowances.	Section 1 (d) – Levy Surplus / (Deficit) as outlined in this Policy	10% of the Levy, (When being utilized this reserve can be drawn to zero if required provided a replenishment plan is established).
Subject Matter Experts Reserves (W)	To fund subject matter experts	Levy	0.25% of the City's consolidated budget (When being utilized this reserve can be drawn to zero if required provided a replenishment plan is established).
Working Capital Reserve	To support the cash flow of the day-to-day operations of the City and provide the ability to meet current liabilities prior to the collection of taxes, rate or user fees and charges.	Levy	10% of the Levy.
Capital and Related Projects			
Development Charges (RF)	To fund growth related projects as established by the Development Charge Rate setting process.	Development Charges	Varies – Dependent on requirements identified in multi-year forecasts (multi-year forecasts to be provided annually)
Drain / Ditching Reserve	Stabilization and to fund capital and related projects.	Levy	
Facilities Reserve	To fund capital and related projects.	Levy	

Fleet and Equipment Reserve	To fund capital and related projects.	Levy	
Grants - Federal Gas Tax (RF)	To fund capital projects based on eligibility criteria provided by the Federal Government.	Grants	
Grants - Ontario Community Infrastructure Fund (RF)	To fund capital projects based on eligibility criteria provided by the Provincial Government.	Grants	
Infrastructure Reserve	To fund capital and related projects.	Levy	
Storm Sewer Reserve	Stabilization and to fund capital and related projects.	Rate	10% of budget plus pay-as-you-go balance required for capital and related projects.
Waste Water Reserve	Stabilization and to fund capital and related projects.	Rate	
Water Reserve	Stabilization and to fund capital and related projects.	Rate	(When being utilized this reserve can be drawn to zero if required provided a replenishment plan is established).

* Reserves identified with “Stabilization” as or part of the purpose are meant to support stability in the budget in the event there are large fluctuations in budgetary requirements. To provide some context this policy contemplates potential reasons to draw on a stabilization reserve may include an emergency, changes in legislation / regulations, assessment adjustments and/or change in service level.

^ Should an SSE have a deficit it will be funded from the reserve even if the reserve turns negative. The SSE will then have an obligation to adjust its operations and/or user fees to fund the reserve and pay interest on the negative balance. Interest will be charged in the same fashion this Policy allocated interest to reserves except that the interest rate charged to the SSE will be the City’s average overdraft rate on its’ operating bank account. The SSE can request an exception from Council to this requirement. An exemption would require Council to approve an alternative source of funding to cover any deficit.

W – Funds denoted with a “W” are working reserves as defined in this Policy.

RF – All funds above are reserves unless denoted with an “RF” indicated the reserve is a reserve fund. For the purpose of this Policy reserve funds are account for as deferred revenue until funds are spent on prescribed projects that the established eligibility criteria.

Name	Forecasted Amount
Boards and Committees ("BC")	
Grants Committee Reserve (W)	\$12,250
Library Bequest Reserve	\$3,660
Library Employee Future Benefit Reserve	\$16,524
Library Capital	\$72,000
Library Reserve	\$13,578
Local Architectural Conservation Advisory Committee (LACAC) Reserve (W)	\$8,184
Mayors Youth Council Committee (MYCC) Reserve (W)	\$3,217
Museum Bequest Reserve	\$51,183
Museum Capital	\$31,667
Seniors Advisory Committee (SAC) Reserve (W)	\$2,600
Niagara South Coast Tourism (W)	\$27,000
Total Boards and Committees	\$241,864
Programs, Grants and Activities	
Canada Summer Games Reserve	\$27,500
Canal Days Reserve	\$50,000
CIP Incentives Reserve (W)	\$94,749
Show Boat (W)	\$NIL
Transit	\$150,000
Municipal Election Reserve (W)	\$65,585
Total Programs, Grants and Activities	\$387,833
Self Sustaining Entities (SSE)	
Building Department Reserve (RF)	\$83,220
Nickel Beach Reserve	\$147,214
Overholt Cemetery Reserve	\$40,200
Marina Reserve	\$207,876
Total Self Sustaining Entities	\$478,509
General Government	
Encumbrance Reserve (W)	\$432,469
Future Liabilities Reserve (W)	\$3,126,000
General Stabilization	\$2,848,235
Subject Matter Experts Reserves (W)	\$208,598
Working Capital Reserve	\$2,000,000
Total General Government	\$8,615,302
Capital and Related Projects	
Development Charges (RF)	\$206,566
Drain / Ditching Reserve	\$398,701
Facilities Reserve	\$131,385
Fleet and Equipment Reserve	\$422,120
Goderich Maintenance Agreement	\$93,878
Grants - Federal Gas Tax (RF)	\$NIL
Grants - Ontario Community Infrastructure Fund (RF)	\$NIL
General TCA Reserve	\$955,982
Storm Sewer Reserve	\$322,635
Waste Water Reserve	\$NIL
Water Reserve	\$210,178
Total Capital and Related Projects	\$2,741,445

Combined Reserves and Reserve Funds	\$12,464,954
ICIP Grant Matching – Report 2020-116	\$1,996,674
Work-in-progress	\$4,030,253
Total Reserves and Reserve Funds	\$18,491,881

W = Working Fund; RF = Reserve Fund

Consolidation Summary

Proposed Name	Previous Name	Forecasted Balance December 31, 2019	2020 Budget Addition	2020 Budget Usage	In-Year Forecast	Reclassifications / Adjustments	Forecasted 2020 Year End Balance
Boards and Committees (BC)							
Library Bequest Reserve	Library Bequests	3,660					3,660
Future Liabilities	WSIB	16,524					16,524
Library Capital	Library Capital	107,022			(35,022)		72,000
Library Reserve	Library Donor Plaques	2,605					2,605
Library Reserve	Library Budget Stabalization	10,973					10,973
Library Reserve		13,578					13,578
Grant Committee Local Architectual Conservation Advisory Committee (LACAC) Reserve	Grant Committee LACAC	8,184				12,250	12,250
Mayors Youth Council Committee (MYCC) Reserve	Mayors Youth Council	3,217					3,217
Museum Bequests Reserve	Museum Bequests	51,183					51,183
Seniors Advisory Committee (SAC) Reserve	Seniors Advisory	2,600					2,600
Niagara South Coast Tourism	Niagara South Coast Tourism	27,000					27,000
Museum Capital	Heritage Research Archive	45,949		(25,000)			20,949
Museum Capital	Museum 1812 Initatives	4,206					4,206
Museum Capital	Museum Artifacts	3,874					3,874

Museum Capital	Museum Building	11,431		(18,500)	-	7,069	0
Museum Capital	Museum Equipment	7,637		(5,000)			2,637
Museum Capital		73,098	-	(48,500)	-	7,069	31,667
Total Boards and Committees (BC)		306,067	-	(48,500)	(22,772)	7,069	241,864
Canada Summer Games Reserve	Canada Summer Games	15,000	12,500				27,500
Canal Days Reserve	Canal Days	50,000					50,000
CIP Incentives Reserve	CIP Incentives	94,749					94,749
Municipal Election Reserve	Election Expense	37,582	28,003				65,585
Roselawn Reserve	Roselawn Capital	216,627	80,000	(349,000)	-	52,373	(0)
YMCA Reserve	Pool	10,770		(10,770)			(0)
Tax Rate Stabilization	Transit	29,578			-	102,834	132,412
Tax Rate Stabilization	Transit	20,088		(2,500)	-		17,588
Transit Reserve		49,666	-	(2,500)	-	102,834	150,000
Total Programs, Grants and Activities (PGA)		474,393	120,503	(362,270)	-	155,207	387,833
Self Sustaining Entities (SSE)							
Building Department Reserve	Building / Bylaws	129,720		(46,500)			83,220
Nickel Beach Reserve	Nickel Beach Renos	142,590	25,000	(93,267)		72,891	147,214
Overhalt Cemetery Reserve	Overhalt Cemetery	40,579		(30,000)		29,621	40,200
Marina Reserve	Marina Capital	79,937		(49,500)			30,437
Marina Reserve	Sugarloaf Marina	443,186		(315,000)		49,253	177,439
Marina Reserve		523,123	-	(364,500)	-	49,253	207,876
Total Self Sustaining Entities (SSE)		836,011	25,000	(534,267)	-	151,765	478,509
General Government							

Modernization Project Reserve	Modernization Project / Grant	812,921		(65,000)	(350,000)		397,921
Cannabis Education Reserve	Cannabis Grant	34,548					34,548
Encumbrance Reserve		847,469	-	(65,000)	(350,000)	-	432,469
Future Liabilities	Employee Future Benefits	61,494		(100,220)		3,124,310	3,085,584
Future Liabilities	Sick Leave	20,439		(20,439)			-
Future Liabilities	WSIB	40,416					40,416
Future Liabilities		122,349	-	(120,659)	-	3,124,310	3,126,000
Subject Matter Experts Reserve	Nyon Energy A/R Allowance	162,598					162,598
Subject Matter Experts Reserve	Consultants	46,000					46,000
Subject Matter Experts Reserve		208,598	-	-	-	-	208,598
Airport Commission Reserve	Airport Commission	45,429					45,429
Levy Stabilization	Debenture Debt General	231,220	654,971	(863,288)			22,903
Levy Stabilization	General Operating	-	99,266		(500,000)	948,937	548,203
Goderich Reserve	Goderich Property	1,090,289	95,000				1,185,289
Levy Stabilization	Granting Program	783,072		(10,000)			773,072
Levy Stabilization	Safe Community / Programs	1,807					1,807
Levy Stabilization	Staff wages / development	35,000		(35,000)			0
Levy Stabilization	Community Services Studies/Plans	12,757					12,757
Levy Stabilization	Physician Recruitment	10,300	27,700	(38,000)			-
Levy Stabilization	Wall of Fame	491					491
Levy Stabilization	Accessibility	10,800					10,800
Levy Stabilization	Corporate Services	148,163		(4,000)			144,163
Levy Stabilization	Health & Safety	3,600					3,600
Levy Stabilization	Economic Tourism Division	100,401		(62,500)			37,901
Levy Stabilization	Tourism Signage	12,711		(2,500)			10,211

Levy Stabilization	Fire Department Risk Assessment	-	15,000				15,000
Levy Stabilization	Planning	15,234	21,373				36,607
Levy Stabilization	Planning Studies	22,309		(22,309)			0
Levy Stabilization	Computers	27,303		(31,750)		4,447	0
General Stabilization		2,550,888	913,310	(1,069,347)	(500,000)	953,384	2,848,235
Working Capital Reserve	Working Funds	692,322				(151,765)	540,557
Levy Stabilization	NRBN Reserve	6,451,582		(245,000)		(4,747,139)	1,459,443
Working Capital Reserve		7,143,904	-	(245,000)	-	(4,747,139)	2,000,000
Total General Government		10,873,208	913,310	(1,500,006)	(850,000)	(669,445)	8,615,302

Capital and Related Projects

Development Charges - Roads (RF)	Development Charges - Roads	77,941		(72,500)			5,441
Development Charges - Water (RF)	Development Charges - Water	745					745
Development Charges - Sewer (RF)	Development Charges - Sewer	7,030					7,030
Development Charges - Fire (RF)	Development Charges - Fire	37,353		(36,932)			421
Development Charges - Public Works (RF)	Development Charges - Public Works	15,000		(15,000)			-
Development Charges - Corporate (RF)	Development Charges - Corporate	72					72
Development Charges - Parks & Recreation (RF)	Development Charges - Parks & Recreation	32,552					32,552
Development Charges - Library (RF)	Development Charges - Library	1,011					1,011
Development Charges - Parkland (RF)	Development Charges - Parkland	259,104		(99,811)			159,293

Drain Reserve	Drainage Equipment	7,973					7,973
Drain Reserve	Drainage Water Quality	80,420					80,420
Drain Reserve	Drains Construction	185,786	72,500				258,286
Drain Reserve	Drains Maintenance	28,182	23,840				52,022
Drain Reserve		302,361	96,340	-	-	-	398,701
Facilities Reserve	Bethel Comm Centre	57,787		(55,000)			2,787
Facilities Reserve	City Hall	189,260		(136,000)			53,260
Facilities Reserve	Community Centre Vale	170,330		(155,330)			15,000
Facilities Reserve	Soccer Complex	82,940		(22,600)			60,340
Facilities Reserve	Animal Shelter	4,758		(5,000)	-	242	(0)
Facilities Reserve		505,073	-	(373,930)	-	242	131,385
Fleet and Equipment Reserve	Fire Equipment	82,112		(32,975)			49,137
Fleet and Equipment Reserve	Smoke Alarm Program	3,672					3,672
Fleet and Equipment Reserve	Fire Self Containing Breathing Apparatus	265,604	192,336	(450,000)			7,940
Fleet and Equipment Reserve	Equipment	626,117		(129,352)	(135,394)		361,371
Fleet and Equipment Reserve		977,505	192,336	(612,327)	(135,394)	-	422,120
Goderich Maintenance Agreement	Goderich Maintenance	93,878	85,000		(85,000)		93,878
Grants - Federal Gas Tax (RF)	Grant - Federal Gas Tax	1,192,893	555,335	(1,748,228)	-		-
Grants - Ontario Community Infrastructure Fund (RF)	Grant - Ontario Community Infrastructure Fund	375,143	209,381	(584,524)	-		0
General TCA Reserve	Downtown CIP	306,061		(200,000)		-	106,061
General TCA Reserve	Waterfront Regeneration	20,938					20,938
General TCA Reserve	Main St CIP Tourism Centre	10,422					10,422
General TCA Reserve	Industrial Park & Land Sales	208,622		(110,330)			98,292
General TCA Reserve	Parks & Recreation Capital	530,539		(382,672)			147,867

General TCA Reserve	Bridge Maintenance Expense	14,025	5,500				19,525
General TCA Reserve	Ditch Cleaning	143,565					143,565
General TCA Reserve	Engineering Special Projects	78,000		(75,500)			2,500
General TCA Reserve	Environmental Initiatives	9,831					9,831
General TCA Reserve	General Capital	236,813		(180,000)		571,058	627,871
General TCA Reserve	Public Works / Parks	248,406		(176,200)			72,206
General TCA Reserve	Railway Grade Crossings	38,239		(38,239)			0
General TCA Reserve	Sidewalks	109,631					109,631
General TCA Reserve	Signs	14,262					14,262
General TCA Reserve	Traffic Signals / Safety Study	69,409					69,409
General TCA Reserve	Unfunded Capital	(432,267)				(64,131)	(496,398)
General TCA Reserve		1,606,496	5,500	(1,162,941)		506,927	955,982
Storm Sewer Reserve	Storm Sewer	95,356	227,279				322,635
Waste Water Reserve	CSO Sewer Replacement	194,738			(194,738)		0
Waste Water Reserve	Sewer Capital	284,210			(284,210)		-
Waste Water Reserve	Sewer Equipment	107,315		(47,330)	(59,985)		(0)
Waste Water Reserve	Sewer Operations	99,533			(99,533)		0
Waste Water Reserve	Sewer Rate Stabilization	-	206,357	(200,000)	(6,357)		-
Waste Water Reserve		685,796	206,357	(247,330)	(644,823)	-	0
Water Reserve	Bulk Walker Station	269,692			(269,692)		0
Water Reserve	W/S Rate Stabiliation	4,248	205,930		-		210,178
Water Reserve	Water Capital	120,253			(120,253)		0
Water Reserve	Water Debt	-	70,000		(70,000)		-
Water Reserve	Water Equipment	63,907	53,101		(117,008)		-
Water Reserve	Water Meter Replacement	33,526	15,000		(48,526)		(0)
Water Reserve	Water Study	39,935			(39,935)		(0)
Water Reserve		531,561	344,031	-	(665,414)	-	210,178

Total Capital and Related Projects	6,796,872	1,921,559	(4,953,523)	(1,530,631)	507,169	2,741,445
Combined Reserves and	19,286,551	2,980,372	(7,398,566)	(2,403,403)	151,765	12,464,954
ICIP Grant Matching - Report 2020-116 (August 24, 2020, \$500 difference		249,318	1,747,356	-	-	1,996,674
Work-in-progress reserves related to approved Capital and Related Projects		980,669	3,049,584		-	4,030,253
	19,286,551	4,210,359	(2,601,626)	(2,403,403)	151,765	18,491,881

* The associated balance does not include potential partnership fund that could bring this balance to a combined \$3,000,000 or greater.

Note: All amounts above relate to reserves unless denoted with an "RF" for reserve funds.



Report Number: 2020-145

Date: October 13, 2020

SUBJECT: Niagara South Coast Tourism Association By-Laws

1) PURPOSE

The purpose of this report is to introduce and approve the by-laws adopted by the Niagara South Coast Tourism Association (the "NSCTA").

2) HISTORY, BACKGROUND, COUNCIL POLICY, PRACTICES

At the July 13, 2020 Council meeting of the City of Port Colborne (the "City"), Council appointed a Board of Directors to reestablish NSCTA.

As previously communicated the NSCTA has secured a grant to support tourism in the amount of \$473,963.75 in partnership with the City and the municipalities of Welland, Fort Erie, and Wainfleet.

3) STAFF COMMENTS AND DISCUSSIONS

Staff report that NSCTA has now been reestablished subject to the approval of the by-laws attached in Appendix A by the Class A membership. The by-laws set out two classes of members; a Class A with 100 votes and a Class B with 1 vote. The Class A member is the City and the Class B members are the Directors. This model was developed to meet regulatory requirements and to ensure the City maintains control of the entity.

The attached by-laws were developed in consultation with Sullivan Mahoney LLP and approved by the NSCTA board (Class B members) on September 23, 2020.

Staff encourage Council to touch base with them on any questions they may have prior to Council.

4) OPTIONS AND FINANCIAL CONSIDERATIONS:

a) Do Nothing

The NSCTA will not be able to complete its process of reestablishment.

b) Other Options

Council could amend the by-laws. Should amendments be proposed, staff may request time to consider any amendments and consult with Sullivan Mahoney LLP.

5) COMPLIANCE WITH STRATEGIC PLAN INITIATIVES

Reestablishing the NSCTA allows Council the opportunity to access funding otherwise not available to support tourism.

6) ATTACHMENTS

Appendix A – Draft By-Laws

7) RECOMMENDATION

That the by-laws attached as Appendix A to Corporate Services Department, Financial Services Division Report No. 2020-145, Subject: Niagara South Coast Tourism Association By-Laws, be approved.

8) SIGNATURES

Prepared on October 2, 2020 by:



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

Reviewed and respectfully submitted by:



C. Scott Luey
Chief Administrative Officer

BY-LAW NO. 1

a by-law relating generally to the
conduct of the business and affairs of

NIAGARA'S SOUTH COAST TOURISM ASSOCIATION

(hereinafter called the "Corporation")

Section 1 - General

1.01 Definitions

In this by-law, unless the context otherwise requires:

- a. "*Act*" means the *Corporations Act* (Ontario), and upon being proclaimed into law, the *Not-for-Profit Corporations Act*, 2010 (Ontario) and, where the context requires, includes the regulations made under it, as amended or re-enacted from time to time;
- b. "Board" means the board of directors of the Corporation;
- c. "By-laws" means this by-law (including the schedules to this by-law) and all other by-laws of the Corporation as amended and which are, from time to time, in force;
- d. "Chair" means the chair of the Board;
- e. "Corporation" means the corporation that has passed these by-laws under the *Act* or that is deemed to have passed these by-laws under the *Act*;
- f. "Director" means an individual occupying the position of director of the Corporation by whatever name he or she is called;
- g. "Member" means a member of the Corporation, including Members holding Class A Membership and Class B Membership;
- h. "Members" means the collective membership of the Corporation, including all Members holding Class A Membership and Class B Membership; and
- i. "Officer" means an officer of the Corporation.

1.02 Interpretation

Other than as specified in Section 1.01, all terms contained in this by-law that are defined in the *Act* shall have the meanings given to such terms in the *Act*. Words importing the singular include the plural and vice versa, and words importing one gender include all genders.

1.03 Severability and Precedence

The invalidity or unenforceability of any provision of this By-law shall not affect the validity or enforceability of the remaining provisions of this By-law. If any of the provisions contained in the By-laws are inconsistent with those contained in the Articles or the *Act*, the provisions contained in the Articles or the *Act*, as the case may be, shall prevail.

1.04 Seal

The seal of the Corporation, if any, shall be in the form determined by the Board.

1.05 Execution of Contracts

Deeds, transfers, assignments, contracts, obligations and other instruments in writing requiring execution by the Corporation may be signed by any two of its Officers or Directors. In addition, the Board may from time to time direct the manner in which and the person by whom a particular document or type of document shall be executed. Any person authorized to sign any document may affix the corporate seal, if any, to the document. Any Director or Officer may certify a copy of any instrument, resolution, by-law or other document of the Corporation to be a true copy thereof.

Section 2 - Directors

2.01 Election and Term

The Directors shall be elected by the Members. The term of office of the Directors (subject to the provisions, if any, of the articles) shall be from the date of the meeting at which they are elected or appointed until the next annual meeting or until their successors are elected or appointed.

2.02 Vacancies

The office of a Director shall be vacated immediately:

1. if the Director resigns office by written notice to the secretary, which resignation shall be effective at the time it is received by the secretary or at the time specified in the notice, whichever is later;
2. if the Director dies or becomes bankrupt;
3. if the Director is found to be incapable of managing property by a court or under Ontario law; or
4. if, at a meeting of the Members, a resolution is passed by at least a majority of the votes cast by the Members removing the Director before the expiration of the Director's term of office.

2.03 Filling Vacancies

A vacancy on the Board shall be filled as follows:

a quorum of Directors may fill a vacancy among the Directors;

1. if there is not a quorum of Directors or there has been a failure to elect the minimum number of Directors set out in the articles, the Directors in office shall, without delay, call a special

meeting of Members to fill the vacancy and, if they fail to call such a meeting, the meeting may be called by any Member;

2. if the vacancy occurs as a result of the Members removing a Director, the Members may fill the vacancy by a majority vote and any Director elected to fill the vacancy shall hold office for the remainder of the removed Director's term; and
3. the Board may fill any other vacancy by a majority vote, and the appointee shall hold office for the remainder of the unexpired portion of the term of the vacating Director. After that, the appointee shall be eligible to be elected as a Director.

2.04 Committees

Committees may be established by the Board as follows:

1. The Board may appoint from their number a managing Director or a committee of Directors and may delegate to the managing Director or committee any of the powers of the Directors excepting those powers set out in the *Act* that are not permitted to be delegated; and
2. Subject to the limitations on delegation set out in the *Act*, the Board may establish any committee it determines necessary for the execution of the Board's responsibilities. The Board shall determine the composition and terms of reference for any such committee. The Board may dissolve any committee by resolution at any time.

2.05 Remuneration of Directors

The Directors shall serve as such without remuneration and no Director shall directly or indirectly receive any profit from occupying the position of Director; subject to the following:

1. Directors may be reimbursed for reasonable expenses they incur in the performance of their Directors' duties;
2. Directors may be paid remuneration and reimbursed for expenses incurred in connection with services they provide to the Corporation in their capacity other than as Directors, provided that the amount of any such remuneration or reimbursement is:
 - i. considered reasonable by the Board;
 - ii. approved by the Board for payment by resolution passed before such payment is made; and
 - iii. in compliance with the conflict of interest provisions of the *Act*; and
3. Notwithstanding the foregoing, no Director shall be entitled to any remuneration for services as a Director or in other capacity if the Corporation is a charitable corporation, unless the provisions of the *Act* and the law applicable to charitable corporations are complied with, including Ontario Regulation 4/01 made under the *Charities Accounting Act*.

Section 3 - Board Meetings

3.01 Calling of Meetings

Meetings of the Directors may be called by the Chair, president or any two Directors at any time and any place on notice as required by this by-law, provided that, for the first organizational meeting following incorporation, an incorporator or a Director may call the first meeting of the Directors by giving not less than five days' notice to each Director, stating the time and place of the meeting.

3.02 Regular Meetings

The Board may fix the place and time of regular Board meetings and send a copy of the resolution fixing the place and time of such meetings to each Director, and no other notice shall be required for any such meetings.

3.03 Notice

Notice of the time and place for the holding of a meeting of the Board shall be given in the manner provided in Section 10 of this by-law to every Director of the Corporation not less than five days before the date that the meeting is to be held. Notice of a meeting is not necessary if all of the Directors are present, and none objects to the holding of the meeting, or if those absent have waived notice or have otherwise signified their consent to the holding of such meeting. If a quorum of Directors is present, each newly elected or appointed Board may, without notice, hold its first meeting immediately following the annual meeting of the Corporation.

3.04 Chair

The Chair shall preside at Board meetings. In the absence of the Chair, the Directors present shall choose one of their number to act as the Chair.

3.05 Voting

Each Director has one vote. Questions arising at any Board meeting shall be decided by a majority of votes. In case of an equality of votes, the Chair shall not have a second or casting vote.

3.06 Participation by Telephone or Other Communications Facilities

If all of the Directors of the Corporation consent, a Director may participate in a meeting of the Board or of a committee of Directors by telephonic or electronic means that permits all participants to communicate adequately with each other during the meeting. A Director participating by such means is deemed to be present at that meeting.

Section 4 - Financial

4.01 Banking

The Board shall by resolution from time to time designate the bank in which the money, bonds or other securities of the Corporation shall be placed for safekeeping.

4.02 Financial Year

The financial year of the Corporation ends on December 31 in each year or on such other date as the Board may from time to time by resolution determine.

Section 5 - Officers

5.01 Officers

The Board shall appoint from among the Directors a Chair and may appoint any other person to be president, treasurer and secretary at its first meeting following the annual meeting of the Corporation. The office of treasurer and secretary may be held by the same person and may be known as the secretary-treasurer. The office of Chair and president may also be held by the same person. The Board may appoint such other Officers and agents as it deems necessary, and who shall have such authority and shall perform such duties as the Board may prescribe from time to time.

5.02 Office Held at Board's Discretion

Any Officer shall cease to hold office upon resolution of the Board.

5.03 Duties

Officers shall be responsible for the duties assigned to them and they may delegate to others the performance of any or all of such duties.

5.04 Duties of the Chair

The Chair shall perform the duties described in sections 3.04 and 9.05 and such other duties as may be required by law or as the Board may determine from time to time.

5.05 Duties of the President

The president shall perform the duties described in Schedule A and such other duties as may be required by law or as the Board may determine from time to time.

5.06 Duties of the Treasurer

The treasurer shall perform the duties described in Schedule B and such other duties as may be required by law or as the Board may determine from time to time.

5.07 Duties of the Secretary

The secretary shall perform the duties described in Schedule C and such other duties as may be required by law or as the Board may determine from time to time.

Section 6 - Protection of Directors and Others

6.01 Protection of Directors and Officers

No Director, Officer or committee member of the Corporation is liable for the acts, neglects or defaults of any other Director, Officer, committee member or employee of the Corporation or for joining in any receipt or for any loss, damage or expense happening to the Corporation through the insufficiency or deficiency of title to any property acquired by resolution of the Board or for or on behalf of the Corporation or for the insufficiency or deficiency of any security in or upon which any of the money of or belonging to the Corporation shall be placed out or invested or for any loss or damage arising from the bankruptcy, insolvency or tortious act of any person, firm or Corporation with whom or which any moneys, securities or effects shall be lodged or deposited or for any other loss, damage or misfortune whatever which may happen in the execution of the duties of his or her respective office or trust provided that they have:

1. complied with the *Act* and the Corporation's articles and By-laws; and
2. exercised their powers and discharged their duties in accordance with the *Act*

Section 7 - Conflict of Interest

7.01 Conflict of Interest

A Director who is in any way directly or indirectly interested in a contract or transaction, or proposed contract or transaction, with the Corporation shall make the disclosure required by the *Act*. Except as provided by the *Act*, no such Director shall attend any part of a meeting of Directors or vote on any resolution to approve any such contract or transaction.

7.02 Charitable Corporations

No Director shall, directly or through an associate, receive a financial benefit, through a contract or otherwise, from the Corporation if it is a charitable corporation unless the provisions of the *Act* and the law applicable to charitable corporations are complied with.

Section 8 - Members

8.01 Members

Membership in the Corporation shall consist of the incorporators named in the articles and such other persons interested in furthering the Corporation's purposes and who have been accepted into membership in the Corporation by resolution of the Board. There are two (2) classes of Membership as set out in Section 8.04 below.

8.02 Membership

A membership in the Corporation is not transferable and automatically terminates if the Member resigns or such membership is otherwise terminated in accordance with the *Act*.

8.03 Disciplinary Act or Termination of Membership for Cause

1. Upon 15 days' written notice to a Member, the Board may pass a resolution authorizing disciplinary action or the termination of membership for violating any provision of the articles or By-laws.
2. The notice shall set out the reasons for the disciplinary action or termination of membership. The Member receiving the notice shall be entitled to give the Board a written submission opposing the disciplinary action or termination not less than 5 days before the end of the 15-day period. The Board shall consider the written submission of the Member before making a final decision regarding disciplinary action or termination of membership.

8.04 Classes of Memberships

There will be two (2) classes of Membership, which are Class A Membership and Class B Membership. A Member with Class A Membership will be entitled to one hundred (100) votes for each vote taken and a Member with a Class B Membership will be entitled to one (1) vote for each vote taken. The Class A Membership shall only be held by a municipality within the meaning of the *Municipal Act, 2001* (as it may be amended or replaced from time to time).

Section 9 - Members' Meetings

9.01 Annual Meeting

The annual meeting shall be held on a day and at a place within Ontario fixed by the Board. Any Member, upon request, shall be provided, not less than 21 days or other number of days prescribed in regulations before the annual meeting, with a copy of the approved financial statements, auditor's report or review engagement report and other financial information required by the By-laws or articles.

The business transacted at the annual meeting shall include:

- a. receipt of the agenda;
- b. receipt of the minutes of the previous annual and subsequent special meetings;
- c. consideration of the financial statements;
- d. report of the auditor or person who has been appointed to conduct a review engagement;
- e. reappointment or new appointment of the auditor or a person to conduct a review engagement for the coming year;
- f. election of Directors; and
- g. such other or special business as may be set out in the notice of meeting.

No other item of business shall be included on the agenda for annual meeting unless a Member's proposal has been given to the secretary prior to the giving of notice of the annual meeting in

accordance with the *Act*, so that such item of new business can be included in the notice of annual meeting.

9.02 Special Meetings

The Directors may call a special meeting of the Members. The Board shall convene a special meeting on written requisition of not less than one-tenth of the Members for any purpose connected with the affairs of the Corporation that does not fall within the exceptions listed in the *Act* or is otherwise inconsistent with the *Act*, within 21 days from the date of the deposit of the requisition.

9.03 Notice

Subject to the *Act*, not less than 10 and not more than 50 days written notice of any annual or special Members' meeting shall be given in the manner specified in the *Act* to each Member and to the auditor or person appointed to conduct a review engagement. Notice of any meeting where special business will be transacted must contain sufficient information to permit the Members to form a reasoned judgment on the decision to be taken. Notice of each meeting must remind the Member of the right to vote by proxy.

9.04 Quorum

A quorum for the transaction of business at a Members' meeting is a majority of the Members entitled to vote at the meeting, whether present in person or by proxy. If a quorum is present at the opening of a meeting of the Members, the Members present may proceed with the business of the meeting, even if a quorum is not present throughout the meeting.

9.05 Chair of the Meeting

The Chair shall be the chair of the Members' meeting; in the Chair's absence, the Members present at any Members' meeting shall choose another Director as chair and if no Director is present or if all of the Directors present decline to act as chair, the Members present shall choose one of their number to chair the meeting.

9.06 Voting of Members

Business arising at any Members' meeting shall be decided by a majority of votes unless otherwise required by the *Act* or the By-law provided that:

- a. A Member with a Class A Membership shall be entitled to one hundred (100) votes at any meeting and a Member with a Class B Membership shall be entitled to one (1) vote at any meeting;
- b. votes shall be taken by a show of hands among all Members present and the chair of the meeting, if a Member, shall have a vote, provided that it is understood that a Member with a Class A Membership shall be entitled to one hundred (100) votes and a Member with a Class B Membership shall be entitled to one (1) vote for each vote taken;
- c. an abstention shall not be considered a vote cast;

- d. before or after a show of hands has been taken on any question, the chair of the meeting may require, or any Member may demand, a written ballot. A written ballot so required or demanded shall be taken in such manner as the chair of the meeting shall direct;
- e. if there is a tie vote, the chair of the meeting shall require a written ballot, and shall not have a second or casting vote. If there is a tie vote upon written ballot, the motion is lost; and
- f. whenever a vote by show of hands is taken on a question, unless a written ballot is required or demanded, a declaration by the chair of the meeting that a resolution has been carried or lost and an entry to that effect in the minutes shall be conclusive evidence of the fact without proof of the number or proportion of votes recorded in favour of or against the motion.

9.07 Adjournments

The Chair may, with the majority consent of any Members' meeting, adjourn the same from time to time and no notice of such adjournment need be given to the Members, unless the meeting is adjourned by one or more adjournments for an aggregate of 30 days or more. Any business may be brought before or dealt with at any adjourned meeting which might have been brought before or dealt with at the original meeting in accordance with the notice calling the same.

9.08 Persons Entitled to be Present

The only persons entitled to attend a Members' meeting are the Members, the Directors, the auditors of the Corporation (or the person who has been appointed to conduct a review engagement, if any) and others who are entitled or required under any provision of the *Act* or the articles to be present at the meeting. Any other person may be admitted only if invited by the Chair of the meeting or with the majority consent of the Members present at the meeting.

Section 10 - Notices

10.01 Service

Any notice required to be sent to any Member or Director or to the auditor or person who has been appointed to conduct a review engagement shall be provided by telephone, delivered personally, or sent by prepaid mail, facsimile, email or other electronic means to any such Member or Director at their latest address as shown in the records of the Corporation and to the auditor or the person who has been appointed to conduct a review engagement at its business address, or if no address be given then to the last address of such Member or Director known to the secretary; provided always that notice may be waived or the time for the notice may be waived or abridged at any time with the consent in writing of the person entitled thereto.

10.02 Computation of Time

Where a given number of days' notice or notice extending over any period is required to be given, the day of service or posting of the notice shall not, unless it is otherwise provided, be counted in such number of days or other period.

10.03 Error or Omission in Giving Notice

No error or accidental omission in giving notice of any Board meeting or any Members' meeting shall invalidate the meeting or make void any proceedings taken at the meeting.

Section 11 - Adoption and Amendment of By-laws

11.01 Amendments to By-laws

The Members may from time to time amend this by-law by a majority of the votes cast. The Board may from time to time in accordance with the *Act* pass or amend this by-law other than a provision respecting the transfer of a membership or to change the method of voting by members not in attendance at a meeting of members.

Enacted effective as of the ___ day of _____, 2020

Schedule A

Position Description of the President

Role Statement

The president provides leadership to the Board, ensures the integrity of the Board's process and represents the Board to outside parties. The president co-ordinates Board activities in fulfilling its governance responsibilities and facilitates co-operative relationships among Directors and between the Board and senior management, if any, of the Corporation. The president ensures the Board discusses all matters relating to the Board's mandate.

Responsibilities

Agendas

Establish agendas aligned with annual Board goals and preside over Board meetings if also holding the office of Chair. Ensure meetings are effective and efficient for the performance of governance work. Ensure that a schedule of Board meetings is prepared annually.

Direction

Serve as the Board's central point of communication with the senior management, if any, of the Corporation; provide guidance to senior management, if any, regarding the Board's expectations and concerns. In collaboration with senior management, develop standards for Board decision-support packages that include formats for reporting to the Board and level of detail to be provided to ensure that management strategies and planning and performance information are appropriately presented to the Board.

Performance Appraisal

Lead the Board in monitoring and evaluating the performance of senior management, if any, through an annual process.

Work Plan

Ensure that a Board work plan is developed and implemented that includes annual goals for the Board and embraces continuous improvement.

Representation

Serve as the Board's primary contact with the public.

Reporting

Report regularly to the Board on issues relevant to its governance responsibilities.

Board Conduct

Set a high standard for Board conduct and enforce policies and By-laws concerning Directors' conduct.

Mentorship

Serve as a mentor to other Directors. Ensure that all Directors contribute fully. Address issues associated with underperformance of individual Directors.

Succession Planning

Ensure succession planning occurs for senior management, if any, and Board.

Committee Membership

Serve as member on all Board committees.

Schedule B

Position Description of the Treasurer

Role Statement

The treasurer works collaboratively with the president and senior management, if any, to support the Board in achieving its fiduciary responsibilities.

Responsibilities

Custody of Funds

The treasurer shall have the custody of the funds and securities of the Corporation and shall keep full and accurate accounts of all assets, liabilities, receipts and disbursements of the Corporation in the books belonging to the Corporation and shall deposit all monies, securities and other valuable effects in the name and to the credit of the Corporation in such chartered bank or trust company, or, in the case of securities, in such registered dealer in securities as may be designated by the Board from time to time. The treasurer shall disburse the funds of the Corporation as may be directed by proper authority taking proper vouchers for such disbursements, and shall render to the Chair and directors at the regular meeting of the Board, or whenever they may require it, an accounting of all the transactions and a statement of the financial position, of the Corporation. The treasurer shall also perform such other duties as may from time to time be directed by the Board.

Board Conduct

Maintain a high standard for Board conduct and uphold policies and By-laws regarding Directors' conduct, with particular emphasis on fiduciary responsibilities.

Mentorship

Serve as a mentor to other Directors.

Financial Statement

Present to the Members at the annual meeting as part of the annual report, the financial statement of the Corporation approved by the Board together with the report of the auditor or of the person who has conducted the review engagement, as the case may be.

Schedule C

Position Description of the Secretary

Role Statement

The secretary works collaboratively with the president to support the Board in fulfilling its fiduciary responsibilities.

Responsibilities

Board Conduct

Support the president in maintaining a high standard for Board conduct and uphold policies and the By-laws regarding Directors' conduct, with particular emphasis on fiduciary responsibilities.

Document Management

Keep a roll of the names and addresses of the Members. Ensure the proper recording and maintenance of minutes of all meetings of the Corporation, the Board and Board committees. Attend to correspondence on behalf of the Board. Have custody of all minute books, documents, registers and the seal of the Corporation and ensure that they are maintained as required by law. Ensure that all reports are prepared and filed as required by law or requested by the Board.

Meetings

Give such notice as required by the By-Laws of all meetings of the Corporation, the Board and Board committees. Attend all meetings of the Corporation, the Board and Board committees.



MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("Memorandum") is entered into as of <date>, 2020 by and between the Hamilton Oshawa Port Authority ("HOPA"), the Corporation of the City of Welland ("Welland"); Corporation of the City of Thorold "Thorold"; and the Corporation of the City of Port Colborne ("Port Colborne").

WHEREAS HOPA, Welland, Thorold and Port Colborne (collectively, the "Parties") wish to come together to collaborate on mutually beneficial business interests with the goal of economic development and job creation; and

WHEREAS the Parties have agreed to enter into a collaborative agreement in which both Parties will share various information one with the others; and

WHEREAS Niagara is strategically located to provide a cost effective and efficient gateway to and from Ontario and international markets; and

WHEREAS, consistent with their mutual interests, the Parties desire to undertake certain activities to cause economic development, job creation and the facilitation of trade for their respective constituencies including, without limitation, the establishment of a network of Multimodal Industrial Hubs within the industrial employment zones of Welland, Thorold and Port Colborne, to be known collectively as "Niagara Ports";

WHEREAS, some lands in each of Welland, Thorold and Port Colborne have been identified as surplus to Transport Canada's requirements, and which are considered strategic and necessary to the success of Niagara Ports (Lands identified in Appendices A, B, C);

WHEREAS HOPA possesses specialized expertise in developing marine-industrial land, including customer attraction, marine engineering, environmental stewardship, maintenance and security. HOPA is uniquely equipped to maximize the value of the Niagara Ports lands as part of a flexible network of assets in the region, with the capacity to invest in new infrastructure and the ability to identify new users and investors on a compact timeframe; and

NOW, THEREFORE, and in consideration of the premises and of the mutual covenants and agreements herein after contained, the Parties agree as follows:

Agreements:

1. The Parties endorse a request to the Minister of Transport of Canada that the Lands identified in Appendices A, B, C be included within the Schedule B of the HOPA Letters Patent, as required to realize the Niagara Ports Multimodal Hub vision for each of Welland, Thorold and Port Colborne.

2. The Parties desire to collaborate and support the work of each as it relates to each organization's business development and growth opportunities described herein including, without limitation, the development of land use plans, support and promotion, marketing, and development on the Lands.

The Parties acknowledge their respective business development and growth initiatives, and the significance and potential of the Niagara Ports vision. Accordingly the Parties desire to maintain consistent dialogue with respect to the activities and the goals set forth herein and to consider, subject to the approval of the respective Board of Directors / Council of each, more formal definitive arrangements in the future.

3. Nothing contained herein shall be deemed to be a commitment or obligation of funds from or to either of the Parties. Where there is the sharing of any costs or expenses, the Parties will be fully transparent with each other, giving, in advance, as much detailed information as is available, together with a breakdown of that charge.

4. The Parties agree that this Memorandum shall not provide any legal standing in law, nor shall it confer any legal recourse of one party against the other for fulfillment of all or any part of the agreement.

5. This Memorandum may be changed at any time by the mutual written consent of the Parties.

Duration:

The activities under this Memorandum are effective on the date of the signatures below. There is no specific termination date of this Memorandum, however, either party may terminate this Memorandum at any time and this agreement will simply be set aside without right of any legal recourse of one party against the other, except that any prior agreed costs and expenses that are to be shared between the Parties will be settled.

Signed,

HAMILTON OSHAWA PORT AUTHORITY

Name



Title

Date

CORPORATION OF THE CITY OF WELLAND

Name

Title

Date

CORPORATION OF THE CITY OF THOROLD

Name

Title

Date

CORPORATION OF THE CITY OF PORT COLBORNE

Name

Title

Date

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ONTARIO COMMAND

21 September 2020

The Royal Canadian Legion
Port Colborne (Ont. No. 056) Branch
67 Clarence St. Box 31 Port Colborne Ont. L3K 5V7

Tel: 905-834-9512

rclportbranch56@hotmail.com

Fax: 905-836-8368

November 11th Remembrance Day is fast approaching.

This is an opportunity for everyone to remember those who gave of themselves for our freedom.

At this time we are requesting Council's approval to hold our annual Poppy Campaign commencing Friday, October 30th through to November 11th. Remembrance Day services will not be held at H.H. Knoll Park Cenotaph on November 11th due to Covid restrictions. We have plans to stream it live on U-tube from the Legion but unfortunately the public will not be able to attend.

Any assistance, financial or otherwise would be greatly appreciated.

Yours in Comradeship,

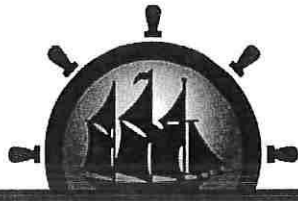
Carol Madden, Poppy Chairman
R.C.L. Branch 56, Port Colborne

City of Port Colborne
RECEIVED

SEP 25 2020

CORPORATE SERVICES
DEPARTMENT

"They served till death! Why not we?"



PORT COLBORNE

October 13, 2020

Moved by Councillor
Seconded by Councillor

That I, Mayor William C. Steele do hereby proclaim October 30th, 2020 to November 11th, 2020 as "Poppy Week" in the City of Port Colborne in honour of the men and women from Port Colborne who gave their lives during the two world wars, the Korean War and the Afghanistan War.

William C. Steele
Mayor



Community Services

Legislative Services

October 6, 2020

File #120203

Sent via email: premier@ontario.ca

The Honourable Doug Ford, Premier of Ontario
Room 281, Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Honourable and Dear Sir:

Re: Request Province of Ontario to Investigate the Level of On-Site Licensed Nursing Care - Private Sector Retirement Homes

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of October 5, 2020 passed the following resolution:

Whereas the Town of Fort Erie has received multiple concerns from families that their loved ones are being discharged from hospital to Retirement Homes and not to Long-Term Care Homes, and

Whereas the Town of Fort Erie recognizes Long-Term Care Homes, considered part of the health care system, are funded by the Province (along with resident co-pay requirements) and have very specific legislation under the *Long-Term Care Homes Act, 2007*; to ensure the care needs of residents are met, and

Whereas the Town of Fort Erie recognizes that Retirement Homes are entirely funded through the payments of residents and can vary quite widely in cost, care and housing offerings and quality, and that while they do have some oversight through the Retirement Homes Regulatory Authority, that is not part of the legislation under the *Long-Term Care Homes Act, 2007*, and

Whereas the Long-Term Care Homes have a formal complaint process with the Ministry of Long-Term Care to deal with complainants not satisfied, by an internal complaint process, and

Whereas the private sector Retirement Homes do not have the same level of consistent family and patient satisfaction processes, complaint mechanism, clear health and safety protocols or adequate methods for communicating with residents and families, and

Whereas the Town of Fort Erie has concerns that the COVID-19 pandemic has revealed the inability of the Long-Term Care Homes to accept the high numbers of patients waiting for placement from Complex and Continuing Care at hospitals, and

.../2

Mailing Address:

The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6

Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022

Web-site: www.forterie.ca

Whereas many of these patients are being discharged to the Independent Living Retirement Homes where the level of on-site Licensed Registered Nursing care is not adequate to meet the needs of these individuals, and

Whereas the Town of Fort Erie feels that there is an opportunity and a need for Ontario Health to address this gap in care with provincially funded health care professionals on-site in the Retirement Homes to ensure that residents receive the care that they require and deserve;

Now therefore be it resolved,

That: The Council of the Town of Fort Erie hereby requests that the Province of Ontario investigate the level of on-site licensed Nursing care being provided at the private sector Retirement Homes, and further

That: The Province of Ontario ensure patients are being discharged from hospitals to facilities that provide the level of care they require and deserve, and further

That: The Province of Ontario direct Ontario Health to ensure the appropriate level of care required by patients discharged from hospitals to Retirement Homes when Long-Term Care accommodations are not available and provide the necessary level of funding for Ontario Health to do so, and that the Province of Ontario establish clear, consistent and effective rules to regulate Retirement Homes as a vital component of the continuum of care as our residents age and require various care needs, and further

That: A copy of this resolution be circulated to The Honourable Doug Ford, Premier of Ontario, The Honourable Merrilee Fullerton, Minister of Long-Term Care, The Honourable Christine Elliott, Minister of Health, and Niagara MPP's, The Regional Municipality of Niagara, and all Niagara Area Local Municipalities, for their support.

Thank you for your attention to this very important and compassionate matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca

CS:dlk

Sent via email

The Honourable Merrilee Fullerton, Minister of Long-Term Care merrilee.fullerton@pc.ola.org

The Honourable Christine Elliott, Minister of Health Christine.elliott@pc.ola.org

Wayne Gates, MPP-Niagara Falls, Legislative Assembly of Ontario wgates-co@ndp.on.ca

Sam Oosterhoff, MPP-Niagara West-Glanbrook, Legislative Assembly of Ontario sam.oosterhoff@pc.ola.org

Jennifer Stevens, MPP-St. Catharines JStevens-CO@ndp.on.ca

Jeff Burch, MPP-Niagara Centre JBurch-QP@ndp.on.ca

The Regional Municipality of Niagara

Niagara Area Local Municipalities

The Corporation of the City of Port Colborne

By-law No. 6824/74/20

Being a by-law to amend by-law no. 89-2000, as amended, being a by-law regulating traffic and parking on city roads (Bell Street)

Whereas the Council of the Corporation of the City of Port Colborne is desirous of amending the provisions of By-law 89-2000, as amended, in accordance with the recommendations of Engineering & Operations Department, Engineering Division, Report No. 2020-128, By-law Revision – Parking Restrictions on Bell Street;

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

1. That Schedule 'A' Stopping Prohibitions, to By-law 89-2000 as amended, be amended by adding thereto the following:

<u>Column 1</u>	<u>Column 2</u>	<u>Column 3</u>		<u>Column 4</u>
Highway	Side	From	To	Times /Days
Bell Street	North	Fares Street	26 metres east therefrom	Anytime
Bell Street	South	Fares Street	26 metres east therefrom	Anytime
Bell Street	North	Fares Street	22 metres west therefrom	Anytime
Bell Street	South	Fares Street	22 metres west therefrom	Anytime

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

Enacted and passed this 13th day of October, 2020.

William C Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-law no. 6825/75/20

Being a by-law to appoint Christopher Botts as a Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector

Whereas the *Police Services Act, R.S.O. 1990, C.P. 15* Section 15 provides that a municipal council may appoint persons to enforce the by-laws of the municipality;

Whereas the *Ontario Weed Control Act* requires the municipality to appoint a weed inspector for the purpose of enforcing the Provisions of the Act;

Whereas the Council of The Corporation of the City of Port Colborne enacted By-law 4229/135/02 being a by-law to prohibit the throwing, placing or depositing or debris on property, to require adequate and suitable heat in rented living accommodation and to provide standards for the occupancy and maintenance of properties in the City of Port Colborne, on the 28th day of October 2002;

Whereas The Corporation of the City of Port Colborne is desirous of appointing a Municipal Law Enforcement Officer, Weed Inspector and a Property Standards Officer;

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

1. Christopher Botts be and is hereby appointed Municipal Law Enforcement Officer for the City of Port Colborne;
2. Christopher Botts be and is hereby appointed Weed Inspector for the City of Port Colborne;
3. Christopher Botts be and is hereby appointed Property Standards Officer for the City of Port Colborne;
4. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the City of Port Colborne;
5. That By-law No. 6588/37/18 A By-law to Appoint Sawyer Madden of as Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector be hereby repealed.
6. This By-law shall come into force and take effect on the date of passing.

Enacted and passed this 13th day of October 2020

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. 6826/76/20

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 October 13, 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 October 13, 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 13th day of October, 2020.

William C. Steele
Mayor

Amber LaPointe
City Clerk

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**City of Port Colborne
Special Council Meeting 25-20
Minutes**

- Date:** September 28, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor (via Zoom)
R. Bodner, Councillor
G. Bruno, Councillor (via Zoom)
F. Danch, Councillor (via Zoom)
A. Desmarais, Councillor
D. Kalailieff, Councillor
W. Steele, Mayor (presiding officer)
H. Wells, Councillor
- Absent:** E. Beauregard, Councillor
- Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)
B. Boles, Director of Corporate Services/Treasurer (via Zoom)
T. Cartwright, Fire Chief (via Zoom)
A. Grigg, Director of Community and Economic Development (via Zoom)
B. Kostuk, Development and Asset Inventory Supervisor (via Zoom)
A. LaPointe, Manager of Legislative Services/City Clerk
S. Lawson, Deputy Chief (via Zoom)
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
S. Shypowskyj, Acting Director of Engineering and Operations (via Zoom)
M. Thomas, Facilities Supervisor (via Zoom)

Also in attendance was one member of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

2. Confirmation of Agenda:

No. 190 Moved by Councilor M. Bagu

Seconded by Councillor D. Kalailieff

That the agenda dated September 28, 2020 be confirmed,
as circulated.

CARRIED

3. Disclosures of Interest:

Councillor Danch declared an indirect pecuniary interest with regard to Planning and Development Department, Planning Division, Report No. 2020-123, Subject: Public Meeting Report for Official Plan & Zoning By-law Amendment Mineral Aggregate Resources & Mineral Aggregate Operation Zone as Rankin Construction Inc. is a customer of the Councillor's business. Councillor Danch refrained from discussing or voting on this item.

4. Public Hearing Under the Planning Act:

Subject: Public Meeting Report for Official Plan & Zoning By-law Amendment Mineral Aggregate Resources & Mineral Aggregate Operation Zone Planning and Development Department, Planning Division, Report No. 2020-123.

(i) Purpose of Meeting:

Dan Aquilina, Director of Planning and Development, advised that the purpose of this meeting, pursuant to Sections 22 and 34 of the *Planning Act*, is to present staff proposed Official Plan and Zoning By-law amendments to Council and the public.

(ii) Method of Notice:

Mr. Aquilina stated that the Notice of the Public Meeting was administered in accordance with Sections 22 and Sections 34 of the *Planning Act*, as amended, and Section 3 of Ontario Regulation 543/06 and Section 5 of Ontario Regulation 545/06. The Notice of this Statutory Public Meeting was advertised in the Port Colborne Leader on September 4, 2020. Public notice was also posted on the City's social media.

(iii) Explanation of Procedure to be Followed:

Mr. Aquilina mentioned the four matters for procedure would be followed this evening will be 1) to present Department of Planning & Development Report No. 2020-123; 2) to hear any comments or questions from Council; 3) to announce the requirements under the Planning Act for written notice of passage of the proposed official plan and zoning by-law amendment; and 4) to provide a brief explanation of future meetings regarding the application.

(iv) Presentation of Application for Official Plan & Zoning By-law Amendment:

Mr. Aquilina provided the following:

The Official Plan is proposed to be amended by adding the following to Mineral Aggregate and Petroleum Resources Section 10.1.1 Additional Policies.

d) require site specific Zoning By-law amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:

i) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;

ii) the protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;

iii) access being obtained directly to a road capable of carrying the anticipated truck traffic; and,

iv) notwithstanding b) above, ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Source Water Protection policies in Section 8.3 of this Plan.

That the Zoning By-law Amendment proposes to be changed to add the following to Section 2.3 Uses Prohibited in All Zones.

b) Asphalt and cement manufacturing without an amendment to this by-law.

Mr. Aquilina provided an overview of the location of Mineral Aggregate designations in the Official Plan.

Mr. Aquilina then provided the following comments from the public were received and summarized as:

- **Gary Gaverluk:** Not in favour of allowing asphalt or concrete manufacturing in wet pits and storage must be thirty (30) meters of a body of water or within two (2) meters of the ground water table.
- **Barb and Larry Butters, 1152 Weaver Rd:** Not in favour of any changes that allow activity below the water table or in wet pits. That

allowing development must be located in the proper location that pose little or no risk to neighbours.

- **Jack Hellinga:** Wants the OP and ZBL to be clear in the prohibited and permitted uses. That definitions be included for aquifer, groundwater table and the high vulnerable aquifer and address uses within the ground water table.
- **Peter Smith and Donna Bonato, 2559 Firelane 3:** They want to protect the health and welfare of residents, the aquifer and environment.
- **Robert Henderson, Niagara Water Protection Alliance Group:** They would like the by-law to protect the quality of water by disallowing the importation of fill, of any kind, at any time, for any purpose, into a wet pit.
- **Emily Brandes:** Wants Pit 1 protected from materials being dumped on top of the water supply.
- **Betty Konc:** Wants the amendment to be simple and not allow the importation of any fill of any kind into a wet pit, include the definition of a Wet Pit and the protection of the aquifer.
- **Lorie Tokola:** That the By-law amendment not allow fill of any kind to be deposited in a Wet Pit, that asphalt or concrete manufacturing and storage should not be permitted in a Wet Pit. Wants simple and defined wording.
- **Susan Rawlins, 55 Michael Dr. S:** “Save our water supply. Stop the pollution by quarries and anyone else.”
- **Ann Mclaughlin, Edd Scorpio) & Seika Groves:** Would like the by-law to protect the quality of water by disallowing the importation of fill, of any kind, at any time, for any purpose, into a wet pit.
- **Natalie:** Wants wording and definitions be precise in the zoning by-law and what is prohibited and permitted specific to Dry and Wet Pits.
- **Josef van Ruyven, 787 Highway 3:** That the By-law amendment not allow fill of any kind to be deposited in a Wet Pit, that asphalt or concrete manufacturing and storage should not be permitted in a Wet Pit. Wants simple and defined wording.
- **David Henderson:** That the amendment needs to be simple in that it needs to say that the importation of any fill of any kind, at any time, for any purpose, into a wet pit be disallowed and that a wet pit be defined and rehabilitated.
- **Sandra Beaulieu:** That the By-law amendment not allow fill of any kind to be deposited in a Wet Pit or wetlands. That asphalt, concrete or toxic substances whether manufacturing, recycling or storage should not be permitted in a wet pit or wetland. Contain plain language and that any future applications to approve prohibited uses be denied.
- **Cindy Mitchell:** That the aggregate industry is a necessary industry, that the aquifer below aggregate should be protected, that there should be a definition of a Wet and Dry Pit, that there should not be any

activities of storing, dumping, recycling, and manufacturing of any material should be done in a wet pit that exposes our groundwater to any risk of contamination.

- **Richard and Janet Phillips 1413 Lorraine Rd.:** not in favour of an asphalt or concrete plant, issues with current quarry operations and their well.
- **Adele Hare:** please vote against dumping of any material, no matter where it comes from, in our quarry. Water fill only.

Mr. Aquilina advised that all comments submitted would be included in their entirety in the recommendation report and had been sent directly to him.

(v) Questions of Clarification to Planning Staff:

Mr. Aquilina respectfully requested from Council to withhold any questions that were posed by the public.

Councilor Bodner requested that simple language be used in the amendment.

Councilor Kailileff mentioned the need to provide clear definitions.

Councilor Desmarais requested that the recommendation report be made available well in advance to the public. Mr. Aquilina replied it would be released a week before Council's normal release date to public.

Councilor Wells requested clarification of Section 8.3 used in the amendment is the Official Plan and made mention that source water protection include the aquifer and be part of an amendment to the Official Plan.

Councilor Bodner mentioned there were comments submitted from Wayne and Carol Huffman, Haidon Hallowell, Heather MacDougald and Ron Baarda. Mr. Aquilina responded that they would be included in the recommendation report.

(vi) Announcement Respecting Written Notice of Passage of Official Plan & Zoning By-law Amendments and Explanation of Future Meetings:

Mr. Aquilina advised that the recommendation report will appear before Council once comments are reviewed and addressed. Mr. Aquilina also commented that all members of the public that commented by email will be informed of such report and then concluded the public information meeting presentation.

(vii) Recommendation:

No. 191 Moved by Councillor H. Wells
Seconded by Councillor G. Bruno

That Planning and Development Department, Planning Division, Report No. 2020-123, Subject: Public Meeting Report for Official Plan & Zoning By-law Amendment Mineral Aggregate Resources & Mineral Aggregate Operation Zone, be received for information.

CARRIED

5. Adjournment:

Mayor Steele adjourned the meeting at approximately 7:04 p.m.

William C. Steele
Mayor

Amber LaPointe
City Clerk

Minutes prepared by the Department of Planning and Development.

From: "Barbara Butters" [REDACTED]
To: "Amber Lapointe" <amberlapointe@portcolborne.ca>, "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>
Date: 2020-09-23 12:14 PM
Subject: Public meeting Sept 28 2020

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to -

- Dan Aquilina – Director of Planning and Development
- Email – danaquilina@portcolborne.ca
- David Schultz – Planner City of Port Colborne
- Email – davidschultz@portcolborne.ca
- Amber Lapointe – City Clerk Port Colborne
- Email – cityclerk@portcolborne.ca
- Charlotte Madden – Deputy Clerk Port Colborne
- Email – deputyclerk@portcolborne.ca

Please read the following comments regarding the Official Plan and amendments for the Mineral Aggregate Operations (MAO) and include them in the public record .

Comments on OP and ZBL amendments for MAO zoning
City of Port Colborne
September 28, 2020

There have been concerns of the wording and the interpretation of the permitted and prohibited uses in the MAO zone since 2017.

It is recognized that mineral extraction is a vital component of built infrastructure and building construction.

It is further recognized that the City of Port Colborne sits on a major geological formation of high quality aggregate.

It is also recognized that the Provincial Ministry of Natural Resources and Forestry (MNRF) has jurisdiction over NEW applications for mineral extraction under the Aggregate Resources Act (ARA) recently amended and reissued as O. Reg. 466/20.

ARA 466/20 has added a definition for below the water table (Clause 1.01 (2) (b), and protection from certain activities within 2 m of the ground water table Clause 2. 0.13 (29)

ARA 466/20 Clause 2 0.13 (30) provides that the municipality may have restrictions for related activities, and which should be reflected in MAO zone as not all areas zoned are under ARA license.

Mineral Aggregate Resources in Port Colborne are extensive in that they extend along the Onondaga Escarpment from the Wainfleet border on the west to the Fort Erie border on the

east. The OP and ZBL must address all of these potential aggregate sites through appropriate MAO zoning.

The City of Port Colborne has the authority and responsibility under the Planning Act, PPS 2020, and ARA 466/20, to control the secondary and affiliated uses in the Mineral Aggregate Operations (MAO) zone in the Official Plan (OP) and Zoning ByLaw (ZBL).

The City of Port Colborne has the authority and responsibility to protect the environment, including the ground water, from activities that can cause harm to the environment and ground water resources.

There have been numerous conflicting opinions on whether certain uses in MAO zones are permitted or prohibited. These opinions are not only different between two readers, but evidenced by the same person(s) having made different interpretations.

The OP and ZBL must be clear in the prohibited and permitted uses in ALL zones, and the current versions of the OP and ZBL do not identify whether the listed general prohibited uses or zone specific permitted uses take precedence.

The OP requires protection of the Source Water under the Clean Water Act and the Source Water Protection Act, but is silent on Groundwater protection, even though it is a requirement under the Provincial Policy Statement (PPS) 2020. The proposed wording for the amendment of the OP does not correct this omission.

Section 12 – Definitions of the OP has related definitions for High Vulnerable Aquifer, Vulnerable (water), Mineral Aggregate Operations, Negative Impacts, but does not include Noxious (uses).

The current definition of MAO includes much more than aggregate extraction, and includes recycling of mineral aggregate products and derived products.

The proposed amendment for the ZBL is specific for asphalt and cement manufacturing, but is silent on all other activities such as recycling within the ground water table.

In Section 38 – Definitions, there are NO definitions for Aquifer, Groundwater, Ground Water Table, High Vulnerable Aquifer.

In the ZBL the definition of MAO allows Manufacturing and Recycling, and the definition of Noxious Uses excludes MAO as a noxious use.

SUMMARY

In order to allow for only one interpretation of the OP and ZBL :

- The OP and ZBL must identify the priority of prohibited and permitted uses
- The OP and ZBL must define all the terms used in the documents
- The OP and ZBL must be precise in the uses allowed and prohibited in a MAO zone consistent with the intent of Provincial Regulations
- The OP and ZBL must afford protection of the environment and groundwater from all potential activities where such activities are not addressed in Provincial Regulations but required in PPS 2020 and ARA O. Reg. 466/20
- The OP and ZBL should reflect the intent of the Interim Control ByLaw passed by the City of Port Colborne in 2018.

Thank you Mayor Steele and council for your time and efforts on our behalf . This may well be the most important decision you will make for generations to come .

Sincerely

Larry and Barbara Butters
1152 Weaver rd
Port Colborne Ont
L3k5V3



From: "Betty Konc" [REDACTED]
To: "Dan Aquilina" <danaquilina@portcolborne.ca>, "Amber Lapointe"
<amberlapointe@portcolborne.ca>, cao@portcolborne.ca
Date: 2020-09-23 03:25 PM
Subject: Public meeting re: proposed OP and Zoning Bylaw Amendment

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I would like my comments to be received and placed in the report to go to council for Sept 28th regarding to above subject.

This amendment needs to be simple in that it needs to say that the importation of any fill of any kind, at any time, for any purpose, into a wet pit is disallowed . The definition Wet Pit is provided by the MNRF which needs to be added and spelled out so there are no other interpretations that may convolute the meaning of wet pit.

Putting our aquifer first and foremost is the right thing to do, period. Let's work together to make sure that the proper words are used to make a good decision on the amendment.

Stay safe,

Betty Konc

Sent from my iPhone

From: "David Henderson" [REDACTED]
To: "Dan Aquilina" <danaquilina@portcolborne.ca>, "Amber Lapointe" <amberlapointe@portcolborne.ca>, cao@portcolborne.ca
Date: 2020-09-24 12:19 PM
Subject: Public meeting re: proposed OP and Zoning Bylaw Amendment

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

I would like my comments to be received and placed in the report to go to council for Sept 28th regarding to above subject.

This amendment needs to be simple in that it needs to say that the importation of any fill of any kind, at any time, for any purpose, into a wet pit is disallowed (please see below except from OSSGA with regard to rehabilitation of wet pits, Port Colborne Quarries are members of the OSSGA.)

The definition Wet Pit is provided by the MNRF which needs to be added and spelled out so there are no other interpretations that may convolute the meaning of wet pit.

Putting safety of the natural environment ahead of profit is the right thing to do for future generations,

Please ensure that the correct wording is used to ensure there is no opportunity for misinterpretation of this document.

David Henderson
[REDACTED]
[REDACTED]

OSSGA
ONTARIO STONE SAND & GRAVEL ASSOCIATION
REHABILITATING PITS AND QUARRIES

The Provincial Standards of the ARA provide minimum rehabilitation standards that deal with the establishment of vegetation, importation of fill, grade of slopes and existing quarry faces. Site plans also must prescribe how a site is to be rehabilitated. Rehabilitation sequences are carefully planned during the preliminary licensing process, and become a legal requirement when the site is first licensed.

Rehabilitated slopes must be no steeper than 3:1 for pits or 2:1 for quarries. Achieving these slopes will often require backfilling and proper planning so that there is enough extracted face left to achieve the desired slope.

Rehabilitation of a pit or quarry involves the management of all of the property's natural resources during the aggregate extraction process. Topsoil, including the seed sources that it contains, and overburden are managed carefully (i.e. stripped and placed separately in a manner that reflects the original profile) throughout the life of the operation. Topsoil and overburden are then sequentially replaced during rehabilitation to prevent erosion and allow for the planting of early successional plant species, followed by trees and shrubs.

Pits and quarries below the water table will be rehabilitated differently than pits and quarries above the water table. The former will be predominantly converted to aquatic end uses

From: "Emily Brandes" [REDACTED]
To: danaquilina@portcolborne.ca, davidschultz@portcolborne.ca, cityclerk@portcolborne.ca, billsteele@portcolborne.ca
Date: 2020-09-23 01:19 PM
Subject: What to do with the pit

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

Hello,

This is probably my 4th or 5th email regarding the Pit 1 issue - not one has been responded to by anyone working for the city, nor any calls. I see the mayor scoff and roll his eyes every time this issue is brought forward and it is infuriating.

I realize Rankins dollars are tempting - but please, if they CONTINUE dumping in that pit the potential damage is irreversible. The only reason this can even be considered is because they are grandfathered in because of the age of the pit - not because it's a safe this is to do. Do you want another contamination scandal for this city?

Please, use common sense. This is not "a few wells" as Rankin would have you believe. It's thousands of families, like mine, who depend on their wells to provide water to their families. What happens if they are contaminated? Who monitors this? Rankin? Seems like a conflict of interest.

My husband works in construction, we know what "clean fill" looks like. It's not something I would put on top of the water supply.

The health of my 5 year old and 8 month old sons is what you are gambling.

Do the right thing. Don't turn it into a dump. Don't allow them a loophole.

Emily Brandes



niagara
water
protection
alliance

nwpa

2020-09-23

Mr Dan Aquilina, Director of Planning & Development
Mrs Amber La Pointe, City Clerk

Re: Public meeting and submission to Council pertaining to "Proposed Official Plan and Zoning By-law Amendment"

Please consider the request of this letter in your submission to Council and include this letter with the material that is included in the Councillor's package.


Simply put, we would like the by-law to protect the quality of water by disallowing the importation of fill, of any kind, at any time, for any purpose, into a wet pit.

All attempts thus far have left room for interpretation. We have recently seen this with excavated material from South Port Development. We see it with the need for an Interim Control By-law but after it lapsed, it is not needed. We see it with a moratorium motion intended to suffice during the time while other legislation times-in but still allows for local activity while encumbering 'out of City' sources. We see it in the initiative to misuse a site alteration permit process by implying that sampling will negate the risk of contamination.

Finding the words and processes, that make the decision a simple one for humanitarian concern, should not be difficult. It will save both energy and money for the need to appeal to other bodies, such as the public, the press, and the Local Planning Appeal Tribunal (LPAT).

Sincerely,

Robert Henderson, President


nwpa411@gmail.com

From: "Cindy Cosby" [REDACTED]
To: "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>, "amberlapointe@portcolborne.ca" <amberlapointe@portcolborne.ca>, "billsteele@portcolborne.ca" <billsteele@portcolborne.ca>, "garybruno@portcolborne.ca" <garybruno@portcolborne.ca>, "markbagu@portcolborne.ca" <markbagu@portcolborne.ca>, "donnaikalilieff@portcolborne.ca" <donnaikalilieff@portcolborne.ca>, "frankdanch@portcolborne.ca" <frankdanch@portcolborne.ca>, "harrywells@portcolborne.ca" <harrywells@portcolborne.ca>, "ronbodner@portcolborne.ca" <ronbodner@portcolborne.ca>, "ericbeauregard@portcolborne.ca" <ericbeauregard@portcolborne.ca>, "angiedesmarais@portcolborne.ca" <angiedesmarais@portcolborne.ca>
Cc: "Butters, Barbara" <Barbara.Butters@niagararegion.ca>
Date: 2020-09-24 03:03 PM
Subject: Proposed Zoning Bylaw, Mineral aggregate zone(s), Sept 28, 2020 public information meeting and council meeting

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

Dear Mr. Aquilina, Mayor Steele, Ms. Lapointe, and all of Council Members,

I am writing to you in regards to the public information meeting of September 28, 2020 and the Proposed Zoning Bylaw Amendment (ZBL) including the Mineral Aggregate Operations Zone(s) (MAO). I would like my comments to be circulated to ALL council members, the planner, and to be included in the public record.

Historically, there have been concerns surrounding the wording and interpretation of this Zoning bylaw (ZBL) and specifically the Mineral Aggregate Operation Zone (MAO) dating back to 2017 in which members of the public had advocated for changes with the previous council and with the current council. Now it is 2020 and this has not been done.

It is recognized that the aggregate industry is a necessary industry and that South Niagara sits upon a rich resource of aggregate BUT below this aggregate is also a highly vulnerable aquifer that should be protected fully and thoroughly. This aquifer provides water to thousands of residents, businesses, farms, cottages, and is even inter-connected with our natural unique environment (i.e. wetlands, lake) and is a needed resource of water for our current generation but also for future generations. The City of Port Colborne is capable of protecting the aquifer and being a leading municipality to do so if the wording and definitions within the new ZBL and MAO are done correctly.

There should be clear definitions of what a "Wet Pit" is and what a "Dry Pit" is and in no way should any activities of storing, dumping, recycling, and manufacturing of any material should be done in a wet pit that exposes our groundwater to any risk of contamination. Incorporated correct wording and definitions within the proposed new ZBL and MAO shall ensure that our groundwater is protected and that any future applications to amend or change the bylaw (ZBL/MAO) would be automatically denied by the City of Port Colborne. Thereby, saving the city future costs and the possible risk of an appeal to LPAT etc. The City of Port Colborne can be more stringent than the Provincial Policy Statement 2020 and the ARA O. Reg. 466/20 and become a leader in ensuring our environment and water is protected. Our aquifer, under the Onondaga Escarpment requires Source Water Protection under the Clean Water

Act, PPS 2020, the Source Water Act and OUR city could initiate this process and include this in the Official Plan (please refer to attached comments).

I have spoke of this in the past, our aquifer is a bountiful source of water and should Lake Erie for whatever reason (i.e. toxic spill, blue-green algae, climate change issues) become unusable; our municipality, including South Niagara, could access the groundwater for all of our needs. Remember the recent ships colliding, the van in the canal, and a small spill/leak in the past in the canal; all of these examples are another reason to protect this valuable water resource of groundwater.

It is a simple humanitarian effort to ensure the citizens of today and tomorrow has access to safe water for their livelihood. Also, if the groundwater became contaminated; seriously, could the taxpayers and our city afford to install infrastructure to all of rural Port Colborne to supply water to homes and businesses? The city of Guelph relies upon an aquifer! We the citizens of South Niagara have a right to protected clean and safe groundwater!

I have attached a copy of some comments (titled September 28th...) that speak to the need to have this CZL and MAO done correctly. Respectfully, my letter is submitted as a delegation to the Public Information meeting and for the planning department and council members to consider my concerns and the need to recognize the significance of protecting our aquifer and not allow any risk of contamination.

I hope this email and attachment finds you all well and safe.

Sincerely,
Cindy Mitchell

Sent from [Mail](#) for Windows 10



Sept 28 2020 zbl mao.pdf

Comments on OP and ZBL amendments for MAO zoning

City of Port Colborne

September 28, 2020

There have been concerns of the wording and the interpretation of the permitted and prohibited uses in the MAO zone since 2017.

It is recognized that mineral extraction is a vital component of built infrastructure and building construction.

It is further recognized that the City of Port Colborne sits on a major geological formation of high quality aggregate.

It is also recognized that the Provincial Ministry of Natural Resources and Forestry (MNRF) has jurisdiction over *NEW* applications for *mineral extraction* under the Aggregate Resources Act (ARA) recently amended and reissued as O. Reg. 466/20.

ARA 466/20 has added a definition for below the water table (Clause 1.01 (2) (b), and protection from certain activities within 2 m of the ground water table Clause 2. 0.13 (29)

ARA 466/20 Clause 2 0.13 (30) provides that the municipality may have restrictions for related activities, and which should be reflected in MAO zone as not all areas zoned are under ARA license.

Mineral Aggregate Resources in Port Colborne are extensive in that they extend along the Onondaga Escarpment from the Wainfleet border on the west to the Fort Erie border on the east. The OP and ZBL must address all of these potential aggregate sites through appropriate MAO zoning.

The City of Port Colborne has the authority and responsibility under the Planning Act, PPS 2020, and ARA 466/20, to control the secondary and affiliated uses in the Mineral Aggregate Operations (MAO) zone in the Official Plan (OP) and Zoning ByLaw (ZBL).

The City of Port Colborne has the authority and responsibility to protect the environment, including the ground water, from activities that can cause harm to the environment and ground water resources.

There have been numerous conflicting opinions on whether certain uses in MAO zones are permitted or prohibited. These opinions are not only different between two readers, but evidenced by the same person(s) having made different interpretations.

The OP and ZBL must be clear in the prohibited and permitted uses in ALL zones, and the current versions of the OP and ZBL do not identify whether the listed general prohibited uses or zone specific permitted uses take precedence.

The OP requires protection of the Source Water under the Clean Water Act and the Source Water Protection Act, but is silent on Groundwater protection, even though it is a requirement under the Provincial Policy Statement (PPS) 2020. The proposed wording for the amendment of the OP does not correct this omission.

Section 12 – Definitions of the OP has related definitions for High Vulnerable Aquifer, Vulnerable (water), Mineral Aggregate Operations, Negative Impacts, but does not include Noxious (uses).

The current definition of MAO includes much more than aggregate extraction, and includes recycling of mineral aggregate products and derived products.

The proposed amendment for the ZBL is specific for asphalt and cement manufacturing, but is silent on all other activities such as recycling within the ground water table.

In Section 38 – Definitions, there are NO definitions for Aquifer, Groundwater, Ground Water Table, High Vulnerable Aquifer.

In the ZBL the definition of MAO allows Manufacturing *and* Recycling, and the definition of Noxious Uses excludes MAO as a noxious use.

SUMMARY

In order to allow for only one interpretation of the OP and ZBL :

- The OP and ZBL must identify the priority of prohibited and permitted uses
- The OP and ZBL must define all the terms used in the documents
- The OP and ZBL must be precise in the uses allowed and prohibited in a MAO zone consistent with the intent of Provincial Regulations
- The OP and ZBL must afford protection of the environment and groundwater from all potential activities where such activities are not addressed in Provincial Regulations but required in PPS 2020 and ARA O. Reg. 466/20
- The OP and ZBL should reflect the intent of the Interim Control ByLaw passed by the City of Port Colborne in 2018

From: "Ann McLaughlin" [REDACTED]
To: cityclerk@portcolborne.ca, deputyclerk@portcolborne.ca
Cc: williamsteele@portcolborne.ca, danaquilina@portcolborne.ca
Date: 2020-09-23 04:58 PM
Subject: Public Meeting September 28

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

Mr Dan Aquilina, Director of Planning & Development
Mrs Amber La Pointe, City Clerk

Re: Public meeting and submission to Council pertaining to "Proposed Official Plan and Zoning Bylaw Amendment"

Please consider the request of this letter in your submission to Council and include this letter with the material that is included in the Councillor's package.

Simply put, we would like the by-law to protect the quality of water by disallowing the importation of fill, of any kind, at any time, for any purpose, into a wet pit. All attempts thus far have left room for interpretation.

We have recently seen this with excavated material from South Port Development. We see it with the need for an Interim Control By-law but after it lapsed, it is not needed. We see it with a moratorium motion intended to suffice during the time while other legislation times-in but still allows for local activity while encumbering 'out of City' sources.

We see it in the initiative to misuse a site alteration permit process by implying that sampling will negate the risk of contamination.

Finding the words and processes, that make the decision a simple one for humanitarian concern, should not be difficult.

It will save both energy and money for the need to appeal to other bodies, such as the public, the press, and the Local Planning Appeal Tribunal (LPAT).

Sincerely,
Ann McLaughlin

[REDACTED]
[REDACTED]

From: "D Bonato" [REDACTED]
To: "deputyclerk@portcolborne.ca" <deputyclerk@portcolborne.ca>, "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>, "davidschultz@portcolborne.ca" <davidschultz@portcolborne.ca>, "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>
Date: 2020-09-21 12:37 PM
Subject: Public Meeting - Letter on Record

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.
Please accept this letter as our comments to be added to the public meeting.

Our concern aligns with those of Niagara Water Protection Alliance Group and have not waived.

Re: quarry operations as it pertains to activity below the water table or in a "Wet Pit "

The matters concerning Pit's 1 and 2 – should have been addressed in years past – yet sadly they were overlooked or shelved and we are now left scrambling to save our water source.

In life with every choice comes a consequence...today, the choices made by city staff and council, with regards to these Pits have the potential to lead to dire consequences in the not so distant future and for generations to come.

Inco is one recent example of a choices made with negative consequences. For years after the contamination was identified the City of Port Colborne was left to deal with the negative impact left from that corporations irresponsible behaviour.

The situation we find ourselves in today with our aquifer is far more tedious and has the potential to have even more far reaching and longer lasting consequences than anything which transpired with Inco.

The implied benefits that a handful of jobs that "might" be brought to this town simply should not supersede the negative consequences and costs (health and monetary) associated with the operation of these pits.

As citizens we depend on all of you to approach this with the best interests of all of us in mind, not just the owner of the pit. This should not be a transactional decision based on finances to be collected for the City of Port Colborne. The decision should be based on

the health and welfare of citizens in the Port Colborne community and the surrounding communities.

As it stands, our vulnerable aquifer supplies water to thousands of residents , farms and businesses in rural Niagara and beyond. These people matter...we matter!

Further, the present day owner of these pits – had previously stated only clean fill would be placed in the pits, yet sadly this month people from the Niagara Water Protection Alliance Group learned that asphalt was wrongly being dumped in Pit 2.

Therefore it seems to us the owner of the Pit has breached his promise in regards to his previous assurances in regards to “clean fill”; not only that, the recent behaviour shown is also a blatant breach of trust, further proving that mismanagement of the pit is a likelihood.

Again, with all choices or decisions made by City and Council this well may be the most important long reaching decision you will make in your lifetime, and remember...with all decisions made there are consequences – please do not allow your citizens become victims from your decisions.

The most sensible choice at this time, is to protect the health and welfare of residents and to protect our aquifer and environment. Corporations do not need protection!

People need protection from corporations!

Our thanks for your attention to this matter,

Residents of ward 4

Peter Smith and Donna Bonato

– 2559 Firelane 3, Port Colborne, ON L3K 5V3

Sent from [Mail](#) for Windows 10

From: "lorie tokola" [REDACTED]
To: "Amber LaPointe (cityclerk@portcolborne.ca)" <cityclerk@portcolborne.ca>, "deputyclerk@portcolborne.ca" <deputyclerk@portcolborne.ca>, "Dan Aquilina" <danaquilina@portcolborne.ca>
Cc: "Barbara Butters" [REDACTED] >, "Mayor Bill Steele (mayor@portcolborne.ca)" <mayor@portcolborne.ca>, "garybruno@portcolborne.ca" <garybruno@portcolborne.ca>, "frankdanch@portcolborne.ca" <frankdanch@portcolborne.ca>, "Donna Kalailieff" <donnaKalailieff@portcolborne.ca>, "Mark Bagu" <markbagu@portcolborne.ca>, "<angiedesmarais@portcolborne.ca>" <angiedesmarais@portcolborne.ca>, "Ron Bodner" <ronbodner@portcolborne.ca>, "Harry Wells/Port_Notes" <harrywells@portcolborne.ca>, "ericbeauregard@portcolborne.ca" <ericbeauregard@portcolborne.ca>, "Jeff Burch (JBurch-CO@ndp.on.ca)" <jburch-co@ndp.on.ca>, "Redekop, Wayne" <wayne.redekop@niagararegion.ca>
Date: 2020-09-23 03:57 PM
Subject: Re: Delegation: Public meeting re: proposed OP and Zoning Bylaw Amendment

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Resending in PDF formatted document attached to this email.

Kind regards,
Lorie

Lorie Tokola
[REDACTED]

From: lorie tokola [REDACTED]
Sent: September 23, 2020 3:43 PM
To: Amber LaPointe (cityclerk@portcolborne.ca) <cityclerk@portcolborne.ca>; deputyclerk@portcolborne.ca <deputyclerk@portcolborne.ca>; Dan Aquilina <danaquilina@portcolborne.ca>
Cc: Barbara Butters [REDACTED] >; Mayor Bill Steele (mayor@portcolborne.ca) <mayor@portcolborne.ca>; garybruno@portcolborne.ca <garybruno@portcolborne.ca>; frankdanch@portcolborne.ca <frankdanch@portcolborne.ca>; Donna Kalailieff <donnaKalailieff@portcolborne.ca>; Mark Bagu <markbagu@portcolborne.ca>; <angiedesmarais@portcolborne.ca> <angiedesmarais@portcolborne.ca>; Ron Bodner <ronbodner@portcolborne.ca>; Harry Wells/Port_Notes <harrywells@portcolborne.ca>; ericbeauregard@portcolborne.ca <ericbeauregard@portcolborne.ca>; Jeff Burch (JBurch-CO@ndp.on.ca) <jburch-co@ndp.on.ca>; Redekop, Wayne <wayne.redekop@niagararegion.ca>
Subject: Delegation: Public meeting re: proposed OP and Zoning Bylaw Amendment

Dear Deputy Clerk,

Please add my comments see below and attached document - to be received and placed in the report to go to council for Sept 28th Public Meeting and Council Meeting as a delegation for the Public Meeting re. Proposed OP and Zoning Bylaw Amendment and also for the Council Meeting September 28th, 2020.

respectfully,
Lorie

Lorie Tokola
Ward 4 Citizen
City of Port Colborne

~~~~~  
September 23rd, 2020

Mr. Dan Aquilina  
Director of Planning  
City of Port Colborne

Dear Mr. Aquilina,

Please take my comments into consideration for the upcoming Zoning Bylaw Amendment. As you advised, I am putting my thoughts in writing and sending to you.

The amended Bylaw should NOT allow any fill of ANY kind to be deposited in ANY form at ANY time into a WET PIT.

In the Zoning Bylaw, any reference to Asphalt and Concrete should include BOTH terms 'manufacturing' and 'storage' in the wording of the bylaw. Neither Asphalt nor Concrete manufacturing NOR storage should be permitted in ANY WET PIT. This is to protect the aquifer drinking water of thousands of citizens. Please include definitions of WET PIT and DRY PIT.

Please ensure this wording is SIMPLE, PLAIN LANGUAGE that is so clear it is NOT SUBJECT TO OTHER INTERPRETATIONS. The amended Zoning Bylaw should NOT be ambiguously worded to allow for multiple interpretations (as has been the case in the recent past). Again, as I requested in the Open House, please re-word this Zoning Bylaw so any member of the public can understand it.

In order to allow for only one interpretation of the Official Plan (OP) and Zoning ByLaw (ZBL) :

- The OP and ZBL must CLEARLY identify the priority of prohibited and permitted uses
- The OP and ZBL must define all the terms used in the documents
- The OP and ZBL must be precise in the uses allowed and prohibited in a MAO zone consistent with the intent of Provincial Regulations Aggregate Resources Act (ARA)
- The OP and ZBL must afford protection of the environment and groundwater from all potential activities where such activities are not addressed in Provincial Regulations but required in PPS 2020 and ARA O. Reg. 466/20
- The OP and ZBL should reflect the intent of the Interim Control ByLaw passed by the City of Port Colborne in 2018 (with an intent to protect the aquifer drinking water).

With these points incorporated into the amendments to the Zoning Bylaw, FUTURE applications to change/amend the bylaw to approve prohibited uses in WET PITS would automatically be denied by the City of Port Colborne. This wording should also be included in the amended Zoning Bylaw.

Thank you for this opportunity to provide input into the amendment process.

I look forward to an Amended Zoning Bylaw that protects WET PITS, our Aquifer drinking water and ultimately the health of all citizens depending on this water source.

Respectfully this letter is submitted as a delegation to the Public Meeting as well as the City Council Meeting on September 28th, 2020.

Regards,  
Lorie Tokola  
Ward 4 Resident,  
City of Port Colborne



Re. Zoning Bylaw Amendment Sept. 23, 2020.pdf

September 23<sup>rd</sup>, 2020

Mr. Dan Aquilina  
Director of Planning  
City of Port Colborne

***Dear Mr. Aquilina,***

Please take my comments into consideration for the upcoming Zoning Bylaw Amendment. As you advised, I am putting my thoughts in writing and sending to you.

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Please ensure this wording is SIMPLE, PLAIN LANGUAGE that is so clear it is NOT SUBJECT TO OTHER INTERPRETATIONS. The amended Zoning Bylaw should NOT be ambiguously worded to allow for multiple interpretations (as has been the case in the recent past). Again, as I requested in the Open House, please re-word this Zoning Bylaw so any member of the public can understand it.

In order to allow for only one interpretation of the Official Plan (OP) and Zoning ByLaw (ZBL) :

- The OP and ZBL must CLEARLY identify the priority of prohibited and permitted uses
- The OP and ZBL must define **all the terms** used in the documents
- The OP and ZBL must be precise in the uses allowed and prohibited in a MAO zone consistent with the intent of Provincial Regulations Aggregate Resources Act (ARA)
- The OP and ZBL must afford protection of the environment and groundwater from all potential activities where such activities are not addressed in Provincial Regulations but required in PPS 2020 and ARA O. Reg. 466/20
- The OP and ZBL should reflect the intent of the **Interim Control ByLaw** passed by the City of Port Colborne in 2018 (with an intent to protect the aquifer drinking water).

With these points incorporated into the amendments to the Zoning Bylaw, FUTURE applications to change/amend the bylaw to approve prohibited uses in WET PITS would automatically be denied by the City of Port Colborne. This wording should also be included in the amended Zoning Bylaw.

Thank you for this opportunity to provide input into the amendment process.

I look forward to an Amended Zoning Bylaw that protects WET PITS, our Aquifer drinking water and ultimately the health of all citizens depending on this water source.

Respectfully this letter is submitted as a delegation to the Public Meeting as well as the City Council Meeting on September 28<sup>th</sup>, 2020.

Regards,

***Lorie Tokola***

Ward 4 Resident,  
City of Port Colborne



From: "N F" [REDACTED]  
To: "deputyclerk@portcolborne.ca" <deputyclerk@portcolborne.ca>  
Date: 2020-09-23 07:31 PM  
Subject: Quarry

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

Save our water!

When deciding the the future of the Port Colborne pits, It is IMPERATIVE that the wording / definitions in the CZL be precise in that it correctly defines the terms of what are: Permitted Uses and what are Prohibited Uses (Not allowed) specific to DRY PITS and WET PITS. The City of Port Colborne "must" get this right the first time!

Please champion for the greater good, not the greater money maker.

Natalie

Sent from my iPhone

From: "S Rawlins" [REDACTED]  
To: "deputyclerk" <deputyclerk@portcolborne.ca>  
Date: 2020-09-23 04:50 PM  
Subject: Protect our Water

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

Save our water supply.

Stop the pollution by quarries and anyone else.

Susan Rawlins  
55 Michael Dr S  
[REDACTED]



From: "Sandra Beaulieu" [REDACTED]  
To: "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>, "davidshultz@portcolborne.ca" <davidshultz@portcolborne.ca>, "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>, "deputyclerk@portcolborne.ca" <deputyclerk@portcolborne.ca>, "mayor@portcolborne.ca" <mayor@portcolborne.ca>, "markbagu@portcolborne.ca" <markbagu@portcolborne.ca>, "donnaikalilieff@portcolborne.ca" <donnaikalilieff@portcolborne.ca>, "ericbeauregard@portcolborne.ca" <ericbeauregard@portcolborne.ca>, "angiedesmarais@portcolborne.ca" <angiedesmarais@portcolborne.ca>, "garybruno@portcolborne.ca" <garybruno@portcolborne.ca>, "frankdanch@portcolborne.ca" <frankdanch@portcolborne.ca>, "ronbodner@portcolborne.ca" <ronbodner@portcolborne.ca>, "harrywells@portcolborne.ca" <harrywells@portcolborne.ca>  
Date: 2020-09-24 01:40 PM  
Subject: Zoning Bylaw Amendment

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

September 24, 2020

Planning Department of Port Colborne,  
City and Deputy Clerks  
City Mayor and Councillors

I am writing today in regards to the upcoming Zoning Bylaw Amendment. As advised, I am putting my thoughts down and would ask that you please take my comments into consideration.

In the Amended Bylaw I would like it to state that No Fill of ANY kind be deposited in ANY form at ANY time, even temporarily, into a WET PIT or Wetlands.

Also, in the Zoning Bylaw, there should be a reference to Recycling, Manufacturing and or Storage of any Asphalt, Concrete or any other possible toxic substances (as in, but not limited to, Diesel fuel, Oil or Coolants.). Asphalt, Concrete or toxic substances whether manufacturing, recycling or storage should NOT be permitted in ANY WET PIT or designated Wetland site. This is to protect the Water sources for thousands of Citizens. Canada alone holds over half the world's clean water sources; it is something we need to protect for the future of mankind. The Bylaw should also include definitions of Wet Pits and Dry Pits.

I ask that the wording use plain and simple language that it is so clear that it would not be subject to any other interpretations to ensure there are no possibility of multiple interpretations, as we have recently witnessed.

It should be precise in the allowed and prohibited uses, consistent with the intent of Provincial Regulations and Aggregate Resources Act. It needs to address protection of the environment and groundwater from all potential activities where such activities are not listed in the Provincial Regulations but required in PPS 2020 and ARA O. Reg. 466/20.

I would also like to see in the Zoning Bylaw Amendment that any current or future applications to change or amend the bylaw to approve prohibited uses in WET PITS be automatically denied

by the City of Port Colborne. This wording should also be included in the Zoning Bylaw Amendment.

I thank you for the opportunity for Port Colborne Residents to provide input into the amendment process. I look forward to the protection of Wet Pits, Wetlands and thus the Aquifer for the health and wellness of all Citizens and wildlife in the area.

I respectfully submit this letter for the Public Meeting as well as the City Council Meeting on September 28<sup>th</sup>, 2020.

Sincerely,

Sandra Beaulieu  
Ward 4 Resident,  
City of Port Colborne  
[REDACTED]

**Sandra Beaulieu**  
**George Beaulieu**

On Sep 25, 2020, 3:43:22 PM, [REDACTED] wrote:

From: [REDACTED]

To: [williamsteele@portcolborne.ca](mailto:williamsteele@portcolborne.ca)

Cc:

Date: Sep 25, 2020, 3:43:22 PM

Subject: Public Meeting and Submission to Council Pertaining to "Proposed Official Plan and Zoning Bylaw Amendment" September 28, 2020

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

Please provide this e-mail to:  
Mayor Bill Steele

Re: Public Meeting and Submission to Council Pertaining to "Proposed Official Plan and Zoning Bylaw Amendment" September 28, 2020

This is not rocket science. It is, however, an opportunity for our Council to do the right thing for the citizens of Port Colborne today and into our future by honoring our commitment to clean, sustainable, and healthy ground water and to place that commitment over that of short-sighted and immediate commercial interests.

Because Port Colborne Quarries, through its development of Pit 1, has demonstrated beyond any doubt whatsoever that the quarry intersects and impacts the natural water table within our area, it is beyond doubt that anything placed within Pit 1 threatens to also interact with that water table. Because that water table is so extensive – affecting much of Ontario, at the very least – it behooves us to weigh the significance of that threat against the slight commercial gain continued use of Pit 1 might provide to a narrow range of commercial interests. In my opinion, such a weighing of interests must assuredly come down in favor of the long-term public need.

Accordingly, I urge the Council to make sure that the Official Plan and Zoning Bylaw under consideration makes it crystal clear that Pit 1 must be closed completely to any development whatsoever and that the only activity to be permitted in Pit 1 will be limited to that which is designed to permanently close that pit and to prepare it for conversion to public use.

Additionally, I request that the Council take into consideration the lessons learned from Port Colborne Quarries' experience in developing Pit 1 which established how closely PCQ's operations are to a critical and environmentally sensitive water aquifer, that the Council consider placing depth restrictions on the future development of Pits 2, 3, 4, etc. so that future problems can be avoided as those pits are developed.

Thank you for your time and consideration,

Thomas M. Weaver  
1717 Firelane 2  
Port Colborne, ON L3K 4H1

From: "Gary Gaverluk" [REDACTED]  
To: danaquilina@portcolborne.ca, davidschulz@portcolborne.ca, amberlapointe@portcolborne.ca, charlottemadden@portcolborne.ca  
Cc: angiedesmarais@portcolborne.ca, harrywells@portcolborne.ca, ronbodner@portcolborne.ca, donnakalailieff@portcolborne.ca, markbagu@portcolborne.ca, frankdanch@portcolborne.ca  
Date: 2020-09-28 08:56 AM  
Subject: PUBLIC MEETING REPORT

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

Good morning Mr. Aquilina:

I am sending this email today in response to the Public Meeting Report.

I find it difficult to understand why a Zoning ByLaw (ZBL) amendment for MAO does not reference the section of the ZBL that deals with MAO zoning.

There are no proposed amendments to the MAO zoning, but only to the generic all-inclusive clauses.

The Interim Control ByLaw (ICBL) was specific in dealing only with extraction of natural materials.

The ZBL allows a multitude of activities in an MAO zone, and specifically, within the aquifer.

If the current review of the MAO zoning does not reflect the intent of the ICBL, it does not address the shortfalls of the current wording in MAO Zone.

I would suggest the best wording of the amendment would be to go to the wording in the ICBL.

I remain steadfast in that it is imperative the amendment wording specifically to MAO (Mineral Aggregate Operations) in the ZBL be clearly and simply defined.

As per my comments in the City Council Package.

Therefore: SPECIFIC TO CONCRETE AND ASPHALT - PROHIBITED USES (Not Allowed)  
- PUTTING WET PITS AT RISK OF CONTAMINATION

- ASPHALT:
  - Recyclable Asphalt shall not be stored within thirty (30) meters of a body of water or within two (2) meters of the ground water table.
  - Recycling operations of Asphalt shall not be done within thirty (30) meters of a body of water or within two (2) meters of the ground water table.
  - The manufacturing of Asphalt and or Asphalt products shall not be done within thirty (30) meters of a body of water or within two (2) meters of the ground water table.

- CONCRETE:
  - Recyclable Concrete shall not be stored within thirty (30) meters of a body of water or within two (2) meters of the ground water table.
  - Recycling operations of Concrete shall not be done within thirty (30) meters of a body of water or within two (2) meters of the ground water table.
  - The manufacturing of Concrete and or Concrete products shall not be done within thirty (30) meters of a body of water or within two (2) meters of the ground water table.

Once again, respectively submitted,

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

████████████████████  
████████████████

991 Highway 3,  
Port Colborne, ON  
L3K 5V3

September 22, 2020

To Whom It May Concern:

I am writing this letter to be put before City Council on behalf of my wife and me.

I have concerns over the dumping of contaminated fill, cement, foundations, boulders, cement floor material from a former machine shop on West Street that is owned by the owner of Port Colborne Quarries. This machine shop operated for many years with heavy machinery and oil spills on the property. Much of this polluted material was dug from the property and dumped into Pit One of the Port Colborne Quarry. Has every truck load been tested for contaminants for the aquifer not only for Port Colborne but miles around?

We live approximately one half mile from this quarry and have put up with heavy blasting and lately fumes and smoke drifting across our property as well as neighbours' property.

Pit One was supposed to be filled with water when quarried out. This was decided by City Council and owners of Port Colborne Quarries many years ago.

I believe that if our wells and those of our surrounding area become contaminated, the owner of the quarry should be responsible for all of the wells in the area and a cistern supplied with potable water delivered as long as required.

For a company that sponsors The Cancer Run, we feel this company should not put the contamination of well water on the back burner.

Yours Truly,



From: "Haydn Halliwell" [REDACTED] >  
To: "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>  
Date: 2020-09-28 11:03 AM  
Subject: Quarry

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

Port Colborne council,

We are residents of Port Colborne who live across the road from the Quarry. We are in favour of tighter regulations and no fill. We have two children under the age of two and worry about their health as well as our own and everyone in our community due to the environmental concerns.

Thank you,

The Laity family  
408 Second Concession Road  
Port Colborne L3K 5V5

From: "Heather MacDougald" [REDACTED]  
To: "danaquilina@portcolborne.ca" <danaquilina@portcolborne.ca>, "planner@portcolborne.ca" <planner@portcolborne.ca>, "cityclerk@portcolborne.ca" <cityclerk@portcolborne.ca>, "mayor@portcolborne.ca" <mayor@portcolborne.ca>, "deputyclerk@portcolborne.ca" <deputyclerk@portcolborne.ca>  
Cc: "ronbodner@portcolborne.ca" <ronbodner@portcolborne.ca>, "donnaikalieff@portcolborne.ca" <donnaikalieff@portcolborne.ca>, "garybruno@portcolborne.ca" <garybruno@portcolborne.ca>, "angiedesmarais@portcolborne.ca" <angiedesmarais@portcolborne.ca>, "markbagu@portcolborne.ca" <markbagu@portcolborne.ca>, "frankdanch@portcolborne.ca" <frankdanch@portcolborne.ca>, "ericbeauregard@portcolborne.ca" <ericbeauregard@portcolborne.ca>, "harrywells@portcolborne.ca" <harrywells@portcolborne.ca>  
Date: 2020-09-28 10:47 AM  
Subject: Proposed changes to the OP and ZBL for Mineral Aggregate Operations

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"Protecting water at its source is a crucial first step in Ontario's approach to delivering safe drinking water. When you turn on your tap, you can be confident that your drinking water is among the best protected in the world" according to the website of the Ontario Government. We deserve nothing less. In urban Port Colborne, water is treated, tested and provided to all residents, In rural Port Colborne, we are pleading for officials of the City of Port Colborne to protect and maintain the same safe quality drinking water for us by protecting our under ground aquifer water source.

Please ensure that all outside materials other than the aggregate being mined is not brought into the quarry pits to risk contamination of the significant aquifer.

We must not forget; the enormous amount of water being pumped out of Pit 1 on a daily basis to keep this Wet Pit from flooding, that Pit 1 is already 8 meters below the ground water level so any contaminated material in this pit will conceivably seep into the aquifer, that dumping of probable contaminants have already happened in Pit 1 numerous times already, that no storage of any kind of material other than the aggregate being mined should be in all pits, that allowing storage or manufacturing of any product in these Pits creates an enormous risk of uncorrectable contamination of the water source of thousands of people along this aquifer, that these changes need to be clear concise and regulated with severe consequences, that pits need to be remediated before a new one is opened including moving the quarrying equipment to the next pit, that Pit 1 is a Wet Pit and needs to be remediated as such.

Thanks you for hearing my concerns and taking the needed action.

Respectfully submitted

Heather MacDougald and Ron Baarda

Sent from [Mail](#) for Windows 10



**City of Port Colborne  
Regular Council Meeting 26-20  
Minutes**

- Date:** September 28, 2020
- Time:** 7:05 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor (via Zoom)  
R. Bodner, Councillor  
G. Bruno, Councillor (via Zoom)  
F. Danch, Councillor (via Zoom)  
A. Desmarais, Councillor  
D. Kalailieff, Councillor  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor
- Absent:** E. Beauregard, Councillor
- Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)  
B. Boles, Director of Corporate Services/Treasurer (via Zoom)  
T. Cartwright, Fire Chief (via Zoom)  
A. Grigg, Director of Community and Economic Development (via Zoom)  
B. Kostuk, Development and Asset Inventory Supervisor (via Zoom)  
A. LaPointe, Manager of Legislative Services/City Clerk  
S. Lawson, Deputy Chief (via Zoom)  
S. Luey, Chief Administrative Officer  
C. Madden, Deputy Clerk (minutes)  
S. Shypowskyj, Acting Director of Engineering and Operations (via Zoom)  
M. Thomas, Facilities Supervisor (via Zoom)

Also in attendance was one member of WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order.

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

**2. Introduction of Addendum Items:**

None.

**3. Confirmation of Agenda:**

**No. 192** Moved by Councillor M. Bagu  
Seconded by Councillor D. Kalailieff

That the agenda dated September 28, 2020 be confirmed, as circulated.

CARRIED

**4. Disclosures of Interest:**

None.

**5. Adoption of Minutes:**

**No. 193** Moved by Councillor A. Desmarais  
Seconded by Councillor G. Bruno

- (a) That the minutes of the regular meeting of Council 23-20, held on September 14, 2020, be approved as presented.
- (b) That the minutes of the special meeting of Council 24-20, held on September 17, 2020 be approved as presented.
- (c) That the minutes of the special Committee of the Whole meeting 06-20 held on September 17, 2020, be approved as presented.

CARRIED

**6. Determination of Items Requiring Separate Discussion:**

The following items were identified for separate discussion:

Items 1, 2, 3, 4, 5, 7, and 11.

**7. Approval of Items Not Requiring Separate Discussion:**

**No. 194** Moved by Councillor G. Bruno  
Seconded by Councillor F. Danch

That Items 1 to 14 on the agenda be approved, with the exception of items that have been deferred, deleted or listed for separate discussion, and the recommendation contained therein adopted.

**Items:****6. Engineering and Operations Department, Engineering Division, Report 202-131, Traffic Safety Review – Intersection of King Street and Sugarloaf Street**

Council Resolved:

That Council direct staff to remove vegetation from City property, to move the westbound stop bar location, install "Trail Crossing" warning signs, and include the realignment of the pedestrian crossing in the upcoming Port Colborne Cruise Ship Berthing Facility project.

**8. Corporate Services Department, Financial Services Division, Report No. 2020-133, Subject: Debt Management Policy**

Council Resolved:

That the Debt Management Policy attached to Corporate Services Department, Financial Services Division, Report No. 2020-133 as Appendix A – Debt Management Policy, be approved;

That the reserve transfer and internal financing related to the balloon payment as described in Corporate Services Department, Financial Services Division, Report No. 2020-133, be approved.

**9. Memo from Councillor Donna Kalalief Re: Request for rehabilitation of helicopter pad at Urgent Care Centre**

Council Resolved:

That Council request that the helicopter pad at the Port Colborne Urgent Care Centre be rehabilitated and put back into service to assist during medical emergencies; and

That this request be sent to the Niagara Hospital Services Board of Directors for consideration and approval.

**10. 2021 Budget Development Process and City Finances**

Council Resolved:

That the 2021 Budget Development Process and City Finances presentation, be received for information.



That Chief Administrative Officer Report No. 2020-134, Subject: COVID-19 Update #6, be received for information.

CARRIED

**2. Planning and Development Department, Planning Division, Report 2020-63, Subject: Meadow Heights Subdivision Agreement Amendment – Phase 2**

Matt Kernahan, Senior Planner from Upper Canada Planning & Engineering Ltd. Was in attendance during the discussion of this item and responded to questions received from Council.

**No. 196** Moved by Councillor M. Bagu  
Seconded by Councillor G. Bruno

That the amending Agreement to the Meadow Heights Subdivision attached as Appendix A, be approved; and

That the Mayor and Clerk be authorized to sign the amending Agreement and that it be registered on title to the lands.

CARRIED

**3. Planning and Development Department, Planning Division, Report 2020-118, Subject: Joint Agency Review Team Public Liaison Committee (JARTPLC)**

**No. 197** Moved by Councillor M. Bagu  
Seconded by Councillor R. Bodner

That Council approve the Terms of Reference for the Joint Agency Review Team Public Liaison Committee (JARTPLC) attached hereto as Appendix A.

CARRIED

**4. Engineering and Operations Department, Engineering Division, Report 2020-128, Subject: By-Law Revision – Parking Restrictions on Bell Street**

**No. 198** Moved by Councillor H. Wells  
Seconded by Councillor D. Kalailieff

That Council direct staff to amend Parking and Traffic By-Law 89-2000 to add new restrictions to “No Stopping” limitations on Bell Street as outlined in this report.

CARRIED

**5. Engineering and Operations Department, Engineering Division, Report 2020-130, Subject: Traffic Safety Review – Intersection of Stanley Street and Wood Lane**

**No. 199** Moved by Councillor M. Bagu  
Seconded by Councillor H. Wells

That Council receive Engineering and Operations Department, Engineering Division Report No. 2020-130, Subject: Traffic Safety Review – Intersection of Stanley Street and Wood Lane, for information.

CARRIED

**7. Corporate Services Department, Financial Services Division, Report No. 2020-132, Subject: Tangible Capital Asset Policy**

**No. 200** Moved by Councillor H. Wells  
Seconded by Councillor A. Desmarais

That the Tangible Capital Asset Policy attached to Corporate Services Department, Financial Services Division, Report No. 2020-132 as Appendix A – Tangible Capital Asset Policy, be approved.

CARRIED

**11. Corporate Services Department, Financial Services Division, Report No. 2020-125, Subject: 2021 Capital and Related Projects Budget**

**No. 201** Moved by Councillor M. Bagu  
Seconded by Councillor H. Wells

That the Corporate Service Department, Financial Services Division, Report No. 2020-125, Subject: 2021 Capital and Related Projects Budget, be received; and

That the 2021 Capital and Related Projects Budget as outlined in Report 2020-125, be approved and that the projects identified in the 2021 Capital and Related Projects Budget can begin immediately where feasible.

CARRIED

**10. Proclamations:****(a) Fire Prevention Week, October 4 – 10, 2020**

**No. 202** Moved by Councillor R. Bodner  
Seconded by Councillor H. Wells

That October 4-10, 2020 be proclaimed as "Fire Prevention Week" in the City of Port Colborne in accordance with the request received from Thomas B. Cartwright, City Fire Chief.

CARRIED

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

**No. 203** Moved by Councillor M. Bagu  
Seconded by Councillor D. Kalailieff

(a) Minutes of the Port Colborne Historical & Marine Museum Board of Management of February 18, 2020

CARRIED

**12. Councillors' Items:****Staff Responses to Previous Councillors' Enquiries**

None.

**Councillors' Issues/Enquiries****(a) One Hour Parking on Pleasant Beach Road (Wells)**

In response to Councillor Wells' inquiry with respect to whether the one hour parking restriction on an area of Pleasant Beach Road is still in place if the business in that area is closed, the Director of Planning and Development confirmed that the one hour parking restriction is still in place at this location even if the business is closed. The Councillor further inquired as to whether signage could be put up at this location indicating this information, and the Director of Planning and Development confirmed that this could be completed.

**(b) Enforcement of Electronic Bikes Speeding on Sidewalks (Danch)**

Councillor Danch reported to Council that there has been an issue with electronic bikes speeding along the sidewalks on Main Street West. The Director of Planning and Development informed Council that if electronic bikes are speeding on sidewalks, then By-law Enforcement staff can enforce this violation; however staff have to witness the violation in person in order to





Seconded by Councillor A. Desmarais

That the following by-laws be enacted and passed:

|            |                                                                                                                                                                                      |
|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 6822/72/20 | Being a By-law to Establish a Joint Agency Review Team Public Liaison Committee                                                                                                      |
| 6823/73/20 | 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 September 28, 2020 |

CARRIED

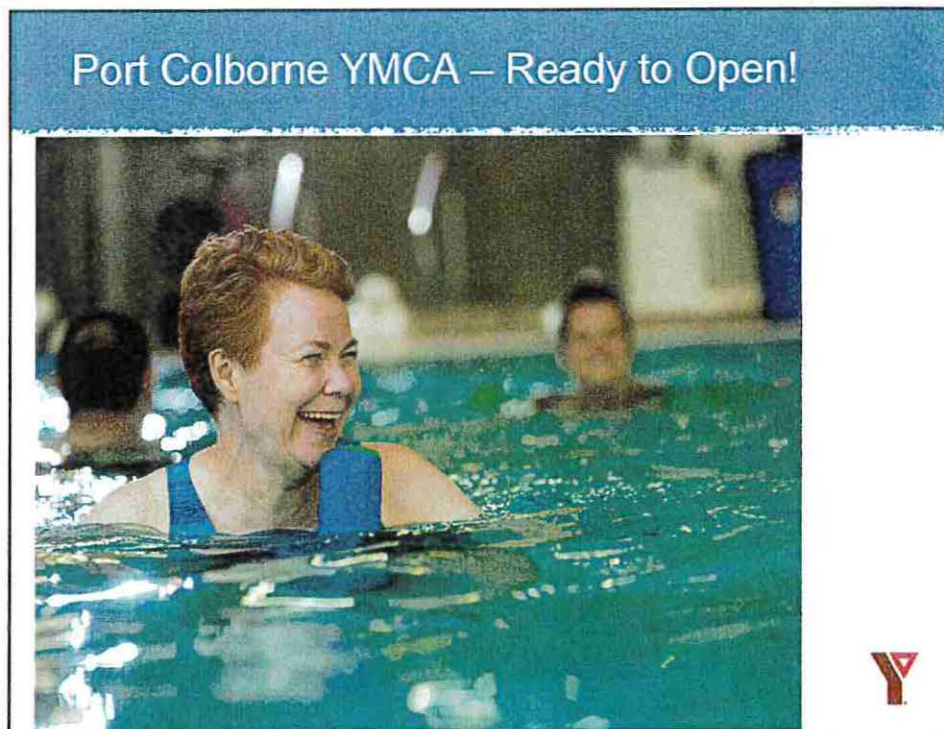
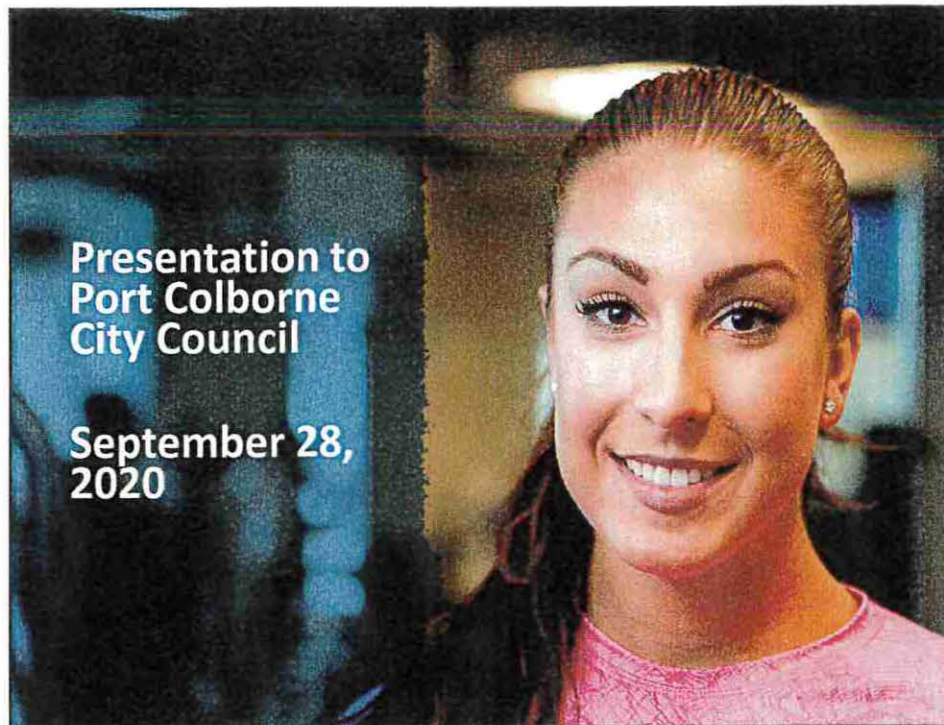
14. Adjournment:

Mayor Steele adjourned the meeting at approximately 8:55 p.m.

\_\_\_\_\_  
William C. Steele  
Mayor

\_\_\_\_\_  
Amber LaPointe  
City Clerk

AL/cm




# Port Colborne YMCA – Reactivation Plan



- Phase One Reactivation Schedule
- Outdoor Fitness Classes
- Highlights of Safety Measures and Protocols
- What to Expect Video
- Questions and Comments



## Phase One Reactivation Schedule – Gym 1



**Port Colborne YMCA**  
Phase 1 Reactivation Schedule  
Effective September 30, 2020

### PHASE 1 REACTIVATION HOURS OF OPERATION & GYMS SCHEDULE

**Operating Hours**

Closed daily for cleaning: 12:00-1:00pm & 4:00-5:00pm  
 Monday - Friday: 8:00am - 8:00pm  
 Saturday: 8:00am - 4:00pm  
 Sunday: Closed

**Pool Hours**

Monday - Friday: 9:00am - 12:00pm & 5:00pm - 8:00pm  
 Saturday: 9:00am - 12:00pm & 1:00pm - 3:00pm  
 Sunday: Closed

**GYM 1 SCHEDULE**

| Monday                        | Tuesday                       | Wednesday                  | Thursday                      | Friday                    | Saturday                      |
|-------------------------------|-------------------------------|----------------------------|-------------------------------|---------------------------|-------------------------------|
|                               |                               | Basketball<br>8:00-10:00am |                               |                           |                               |
| Basketball<br>10:00am-12:00pm | Basketball<br>10:00am-12:00pm |                            | Pickleball<br>10:00am-12:00pm |                           | Basketball<br>10:00am-12:00pm |
| Pickleball<br>1:00-4:00pm     | Pickleball<br>1:00-4:00pm     |                            |                               | Pickleball<br>1:00-4:00pm | Basketball<br>1:00pm-4:00pm   |
| Basketball<br>5:00-8:00pm     | Basketball<br>5:00-8:00pm     | Basketball<br>5:00-8:00pm  | Basketball<br>5:00-8:00pm     | Basketball<br>5:00-8:00pm |                               |



## Phase One Reactivation Schedule – Gym 2

### GYM 2 SCHEDULE

| Monday                     | Tuesday                   | Wednesday                 | Thursday                  | Friday                   | Saturday                 |
|----------------------------|---------------------------|---------------------------|---------------------------|--------------------------|--------------------------|
| Cardio Mix<br>9:15-10:00am | Aquafit<br>9:05-9:50am    |                           | Arriba<br>9:15-10:00am    | Aquafit<br>9:05-9:50am   | Strength<br>9:15-10:00am |
|                            |                           | Strength<br>10:15-11:00am |                           | Yoga<br>10:15-11:00am    |                          |
|                            | Gentlefit<br>1:00-1:45pm  | Yoga<br>1:00-1:45pm       |                           | Gentlefit<br>1:00-1:45pm |                          |
| Strength<br>5:45-6:30pm    |                           | Arriba<br>5:45-6:30pm     |                           |                          |                          |
|                            | Cardio Mix<br>6:15-7:00pm |                           | Cardio Mix<br>6:00-6:45pm |                          |                          |

• SCHEDULES ARE SUBJECT TO CHANGE •



## Phase One Reactivation Schedule - Aquatics

### PHASE 1 REACTIVATION AQUATICS INFORMATION & SCHEDULE

The change rooms are closed with the exception of limited access for pre-booked swimmers only.

The pool is open for Lane Swims and Aquafit classes.

A Lane Swim and Aquafit spot is booked using EZ Facility in 60-minute blocks of time. This includes arrival, use of a change stall, a cleansing shower (required before entering the pool), 45 minutes of swim time, and exit.

Swimmers should arrive with their suit on at the top of the hour and be prepared to exit the pool after their 45 minutes of swim time so disinfection can take place.

Lane swim times can be used for swimming lengths, water walking, therapeutic exercise with one person per lane.

Swimmers may be asked to complete a swim test.



## Phase One Reactivation Schedule - Aquatics

| Monday                      | Tuesday                                               | Wednesday                   | Thursday                    | Friday                                                | Saturday                           |
|-----------------------------|-------------------------------------------------------|-----------------------------|-----------------------------|-------------------------------------------------------|------------------------------------|
| Lane swim<br>9:00am-12:00pm | Aquaft<br>9:05-9:50am<br>Lane swim<br>10:00am-12:00pm | Lane swim<br>9:00am-12:00pm | Lane swim<br>9:00am-12:00pm | Aquaft<br>9:05-9:50am<br>Lane swim<br>10:00am-12:00pm | Lane swim<br>9:00am-12:00pm        |
| Closed                      | Closed                                                | Closed                      | Closed                      | Closed                                                | Closed<br>Lane swim<br>1:00-3:00pm |
| Lane swim<br>5:00-8:00pm    | Lane swim<br>5:00-8:00pm                              | Lane swim<br>5:00-8:00pm    | Lane swim<br>5:00-8:00pm    | Lane swim<br>5:00-8:00pm                              | Closed                             |



## Phase One Reactivation Schedule – General Information

**Masks must be worn upon entry to the facility, and worn while moving about, but may be removed ONLY when using equipment or engaged in exercise.**

### GENERAL INFORMATION

The change rooms are closed with the exception of limited access for pre-booked swimmers only.  
 Members are expected to physically distance themselves in the facility.  
 Please do not bring valuables with you to the YMCA as there will be no locker use.  
 Members should arrive dressed in their exercise gear —coat racks will be provided adjacent to each workout area.  
 Members should bring their own water bottle and towel as there is no towel service at this time.  
 Water bottle filling stations will be available.  
 There are no drop ins, day passes or guest passes, access is only available to YMCA of Niagara members at this time.

### CLEANING CLOSURES:

Please note we are closed everyday from 12:00-1:00 PM, and 4:00-5:00 PM for deep cleaning and disinfection of our facility and equipment.

### PRE-BOOKED CLASSES & ACTIVITIES

The following classes and activities must be pre-booked using EZ Facility:

- Fitness Classes | indoors/outdoors weather dependant
- Lane Swim | 60 minutes including change time
- Basketball Nets | 30-minute time blocks (max 2 consecutive), one person per net, must bring your own ball
- Pickleball | 60-minute time block



## Phase One Reactivation Schedule – General Information

### HEALTH CHECK

A health check, including a temperature check, is required prior to entering the facility.

Each member **MUST** complete the digital health check up to two hours prior to arriving at the Y.

Visit [ymcaofnlagara.org/screening](http://ymcaofnlagara.org/screening) and complete the health check. Be prepared to show your mobile green screen upon entering the YMCA where you swipe your membership card to enter.

Health checks can also be completed in person upon arrival.

### FITNESS CENTRE

For your convenience the Fitness Centre does not need to be booked in advance.

For physical distancing, the Fitness Centre will have a maximum number of members able to attend per hour.

Fitness staff on the floor will help members to navigate available equipment and space.

We appreciate your patience and understanding as we adhere to physical distancing standards.

As a courtesy to all members, we ask you to limit your visits to 60 minutes once per day.

### USING EZ FACILITY

Once you activate your membership, you will be sent a link to create your unique login for EZ Facility.

To book a session, go to [ymcaofnlagara.org/ezfacility](http://ymcaofnlagara.org/ezfacility).

Input your login information.

Click the "Book Sessions" tab in the left navigation bar, take a look at the available classes and activities.

Select "Book" beside your choice.

You will then be sent a confirmation email with your booking.

Please note, you can book your session up to seven days in advance.

### MORE INFORMATION

Every day from 1:00pm – 2:00pm is reserved for Seniors only.

Financial Assistance is available. For more information, please email [customerservice@nlagara.ymca.ca](mailto:customerservice@nlagara.ymca.ca).

During Stage One, members 13+ will be permitted to use the facility. All memberships for those under the age of 13 will remain on hold.



## Free Outdoor Fitness Classes



- Free outdoor fitness classes started in August
- Classes include Cardio Mix, Yoga, Gentle Fit, Strength and Arriba,
- 35 participants, over 200 visits



## Port Colborne YMCA Highlights of Safety Measures and Protocols

- Plexi glass barriers at Membership Desks
- Health checks prior to entry
- Contactless scan-in stations
- Single one-way directional entry and exit arrows
- Physical distancing measures to maintain 2 meters between other people
- Increased sanitization and disinfection
- Increased hand-sanitizing stations
- Masks worn by all members and staff (may be removed when one is settled into their workout station)
- No change rooms open at this time (with some exceptions for swimmers)
- Limited building access and capped fitness class sizes to support physical distancing
- No Day Passes, Guest Passes or Swim Passes during this first phase



## What to Expect Video

<https://www.youtube.com/watch?v=yxfltRWUON4&feature=youtu.be>



