

**City of Port Colborne  
Regular Council Meeting 11-20  
Minutes**

- Date:** May 25, 2020
- Time:** 6:30 p.m.
- Place:** Council Chambers, Municipal Offices, 66 Charlotte Street, Port Colborne
- Members Present:** M. Bagu, Councillor (via Zoom)  
E. Beauregard, Councillor (via Zoom)  
R. Bodner, Councillor (via Zoom)  
G. Bruno, Councillor (via Zoom)  
F. Danch, Councillor (via Zoom)  
A. Desmarais, Councillor (via Zoom)  
D. Kalailieff, Councillor (via Zoom)  
W. Steele, Mayor (presiding officer)  
H. Wells, Councillor (via Zoom)
- Staff Present:** D. Aquilina, Director of Planning and Development Department (via Zoom)  
T. Cartwright, Fire Chief (via Zoom)  
C. Lee, Director of Engineering and Operations (via Zoom)  
A. LaPointe, Acting Director of Corporate Services/City Clerk  
S. Luey, Chief Administrative Officer  
C. Madden, Deputy Clerk  
D. Suddard, Environmental Compliance Supervisor (via Zoom)

Also in attendance was one member of WeeStream.

**1. Call to Order:**

Mayor Steele called the meeting to order and then proceeded into Roll Call.

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

Regional Councillor Butters provided Council with municipal information on the COVID-19 virus and indicated some of the statistics in the Region. She proceeded in expressing gratitude towards paramedic service workers in honour of Paramedic Services Appreciation Week. Councillor Butters concluded her report by informing residents that anyone can now make an appointment to get tested for COVID-19 and that self-referrals are now permitted. She encouraged residents to maintain social distancing and to follow the news provided on the Region of Niagara's website. She provided confirmation to a question received by Council with regards

to large item pick-up by the Region, as well as a request that the Dog Park located on Elm Street be cleaned up.

## **2. Introduction of Addendum Items:**

### **Additions:**

Councillors' Items is being added as an item after Item 9 on the agenda for all electronic meetings.

**No. 63**            Moved by Councillor F. Danch  
                          Secinded by Councillor G. Bruno

                          That the Rules of the Procedural By-law be waived for all electronic meetings in order to add Councillors' Items after Item 9 on the agenda.

CARRIED

## **3. Confirmation of Agenda:**

**No. 64**            Moved by Councillor R. Bodner  
                          Secinded by Councillor H. Wells

                          That the agenda dated May 25, 2020 be confirmed, as circulated.

CARRIED

## **4. Disclosures of Interest:**

Councillor Beauregard declared a pecuniary interest regarding item 1 (Fire and Emergency Services Department, Report 2020-35, Subject: Open Burning By-law) and item 2 (Chief Administrative Officer Department, Report 2020-66, Subject: Carl Road road allowance – Proposed Sale) as he is employed by Sullivan Mahoney and the firm has provided legal advice with respect to these items. Councillor Beauregard refrained from discussing and voting on items 1 and 2.

Councillor Beauregard declared a pecuniary interest regarding item 6 (Planning and Development Department, Report 2020-51, Subject: Community Improvement Plan Incentives – 118 West Street (SouthPort Condos Inc.)) and item 7 (Planning and Development Department, Planning Division, Report 2020-59, Subject: Mineral Aggregate Operation Zone) as he is employed by Sullivan Mahoney, the solicitor for Rankin companies. Councillor Beauregard refrained from discussing and voting on items 6 and 7.

Councillor Wells declared a pecuniary interest regarding item 2 (Chief Administrative Officer Department, Report 2020-66, Subject: Carl Road road allowance – Proposed Sale) and item 7 (Planning and Development Department, Planning Division, Report

2020-59, Subject: Mineral Aggregate Operation Zone) as they could affect the value of his property. Councillor Wells refrained from discussing and voting on items 2 and 7.

Councillor Wells declared a pecuniary interest regarding item 13 (Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee), more specifically with respect to the approval for donation to Women's Place of South Niagara as his daughter is employed by Women's Place of South Niagara. Councillor Wells refrained from discussing and voting on item 13.

Councillor Bodner declared a pecuniary interest regarding item 1 (Fire and Emergency Services Department, Report 2020-35, Subject: Open Burning By-law) as his business sells firewood. Councillor Bodner refrained from discussing and voting on item 1.

Councillor Danch declared a pecuniary interest regarding item 7 (Planning and Development Department, Planning Division, Report 2020-59, Subject: Mineral Aggregate Operation Zone) as Rankin Construction Inc. is a customer of the Councillor's business. Councillor Danch refrained from discussing and voting on item 7.

**5. Adoption of Minutes:**

**No. 65** Moved by Councillor M. Bagu  
Seconded by Councillor D. Kalailieff

(a) That the minutes of the regular meeting of Council 10-20, held on April 27, 2020, be approved as presented.

CARRIED

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

The following items were identified for separate discussion:

Item 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, and 13.

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

**No. 66** Moved by Councillor E. Beauregard  
Seconded by Councillor A. Desmarais

That Items 1 to 28 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:**

**5. Engineering and Operations Department, Engineering Division, Report 2020-62, Subject: Project No.: 2015-04, City Wide Grass Mowing Contract, Extension**

Council Resolved:

That the current City Wide Roadside Grass Mowing Contract No. 2015-04 with The Greenfield Group be extended for another year, at a 0% increase over the 2019 unit rates;

That staff be directed to utilize the bid items as listed within the existing Tender Document in such manner as to complete all works as may be required for each year, all as approved in the annual budget by Council, for each of those years;

That a by-law, whereby the City enters into a Contract Agreement with the contractor be prepared to extend the contract as stated and the City Clerk and Mayor be authorized to execute the Contract Agreement.

That funding for the extension of Project No. 2015-04, be financed under the following GL Account number for annual roadside grass mowing, GL#0-500-73410-3328.

**8. Planning and Development Department, Planning Division, Report 2020-67, Subject: Recommendation Report on Removing 3620 Second Concession from the Municipal Registry of Heritage Properties**

Council Resolved:

That Council of the City of Port Colborne removes from the Municipal Registry of Heritage Properties the lands legally known as Humberstone Plan Concession 3 Part of Lots 9 and 10, in the City of Port Colborne, Regional Municipality of Niagara; municipally known as 3620 Second Concession.

**12. Memorandum from Karen Walsh, Executive Assistant to Director of Community & Economic Development, Re: Senior Advisory Council – Proclamation of June 2020 as Seniors' Month**

Council Resolved:

That June 1 – 30, 2020 be proclaimed as “Seniors’ Month” in the City of Port Colborne in accordance with the request received from Karen Walsh, Executive Assistant, on behalf of the Senior Advisory Council.

**14. Region of Niagara Re: Report CSD 30-2020 COVID-19 Preliminary Overview of Financial Impacts**

Council Resolved:

That the correspondence received from the Region of Niagara Re: Report CSD 30-2020 COVID-19 Preliminary Overview of Financial Impacts, be received for information.

**15. Region of Niagara Re: Memorandum CHR 2-2020 COVID-19 Government Relations Strategy**

Council Resolved:

That the correspondence received from the Region of Niagara Re: Memorandum CHR 2-2020 COVID-19 Government Relations Strategy, be received for information.

**16. Region of Niagara Re: Report PDS 19-2020 2019 End of Year Growth Report**

Council Resolved:

That the correspondence received from the Region of Niagara Re: Report PDS 19-2020 2019 End of Year Growth Report, be received for information.

**17. Region of Niagara Re: Report PDS 13-2020 2019 Reserve Water and Wastewater Treatment Capacities**

Council Resolved:

That the correspondence received from the Region of Niagara Re: Report PDS 13-2020 2019 Reserve Water and Wastewater Treatment Capacities, be received for information.

**18. Region of Niagara Re: Report CSD 23-2020 2020 Property Tax Policy, Ratios and Rates**

Council Resolved:

That the correspondence received from the Region of Niagara Re: Report CSD 23-2020 2020 Property Tax Policy, Ratios and Rates, be received for information.

**19. Region of Niagara Re: Report 8-2020 Optional Tax on Vacant Residential Units**

Council Resolved:

That the correspondence received from the Region of Niagara Re: Report 8-2020 Optional Tax on Vacant Residential Units, be received for information.

**20. CN Rail Re: CN Right of Way Vegetation Control**

Council Resolved:

That the correspondence received from CN Rail Re: CN Right of Way Vegetation Control, be received for information.

**21. City of Welland Re: COVID-19 Financial Impact Report**

Council Resolved:

That the resolution received from the City of Welland Re: COVID-19 Financial Impact Report, be received for information.

**22. City of St. Catharines Re: COVID-19 Update**

Council Resolved:

That the resolution received from the City of St. Catharines Re: COVID-19 Update, be received for information.

**23. Town of Lincoln Re: Request for Emergency Funding for Municipalities from the Government of Canada**

Council Resolved:

That the resolution received from the Town of Lincoln Re: Request for Emergency Funding for Municipalities from the Government of Canada, be received for information.

**24. Town of Oakville Re: Rent Relief Advocacy Letter**

Council Resolved:

That the Rent Relief Advocacy Letter received from the Town of Oakville requesting changes to the Canada Emergency Commercial Rent Assistance (CERCA) program, be supported; and

That the Mayor be directed to contact the Provincial and Federal Ministers of Finance to provide support for this request.

**25. Town of Grimsby Re: Support for Commercial Rent Assistance Program**

Council Resolved:

That the resolution received from the Town of Grimsby Re: support for Commercial Rent Assistance Program, be received for information.

**26. City of Hamilton Re: Request to Regulate and Enforce Odour and Lighting Nuisances Related to the Cultivation of Cannabis Plants**

Council Resolved:

That the resolution received from the City of Hamilton Re: Request to Regulate and Enforce Odour and Lighting Nuisances Related to the Cultivation of Cannabis Plants, be received for information.

**27. Town of Fort Erie Re: Niagara Parks Commission Development of Miller's Creek Marina**

Council Resolved:

That the resolution received from the Town of Fort Erie Re: Niagara Parks Commission Development of Miller's Creek Marina, be received for information.

**28. Township of Armour Re: High Speed Internet Connectivity in Rural Ontario**

Council Resolved:

That the resolution received from the Township of Armour Re: High Speed Internet Connectivity in Rural Ontario, be received for information.

CARRIED.

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

**1. Fire and Emergency Services Department, Report 2020-35, Subject: Open Burning By-law**

**No. 67**

Moved by Councillor F. Danch  
Seconded by Councillor H. Wells

That Fire and Emergency Services Department Report No. 2020-35, Open Air Burning By-law, be received for information; and

That Council of The Corporation of the City of Port Colborne approve Option No. 2 – Continue to Enforce the Existing Open Air Burning By-law.

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

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

“That Council of The Corporation of the City of Port Colborne approve Option No. 4 – Modify Existing By-law.”; and

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

“That section 2.2 of the draft modified Open Burning By-law be amended by striking out subsection b) and adding thereto the following:

- “b) Every person is permitted to conduct a campfire in all campgrounds located in the City of Port Colborne.””

CARRIED

Moved in Amendment to the Amendment by Councillor G. Bruno  
Seconded by Councillor F. Danch

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

“That section 2.2 a) of the draft modified Open Burning By-law be amended by striking out subsection i) and adding thereto the following:

- “i) Minimum distance from buildings, property lines and combustible materials of not less



than 3 m (9.8') horizontally and 5 m (16.4') vertically.””

CARRIED

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

That Fire and Emergency Services Department Report No. 2020-35, Open Air Burning By-law, be received for information;

That Council of The Corporation of the City of Port Colborne approve Option No. 4 – Modify Existing By-law;

That section 2.2 of the draft modified Open Burning By-law be amended by striking out subsection b) and adding thereto the following:

“b) Every person is permitted to conduct a campfire in all campgrounds located in the City of Port Colborne.”

That section 2.2 a) of the draft modified Open Burning By-law be amended by striking out subsection i) and adding thereto the following:

“i) Minimum distance from buildings, property lines and combustible materials of not less than 3 m (9.8') horizontally and 5 m (16.4') vertically.”

CARRIED

**2. Chief Administrative Officer Department, Report 2020-66, Subject: Carl Road road allowance – Proposed Sale**

**No. 68** Moved by Councillor M. Bagu  
Seconded by Councillor R. Bodner

That Chief Administrative Officer Report No. 2020-66, Carl Road road allowance – Proposed Sale, be received for information.

CARRIED

**3. Chief Administrative Officer Department, Report 2020-70, Subject: COVID-19 Update #2**

**No. 69** Moved by Councillor D. Kalailieff

Seconded by Councillor G. Bruno

That Chief Administrative Officer Report No. 2020-70, COVID-19 Update #2, be received for information.

CARRIED

**4. Engineering and Operations Department, Operations Division, Report 2020-58, Subject: Drinking Water Quality Management System Part 1 Management Review Summary**

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**No. 70**

Moved by Councillor M. Bagu  
Seconded by Councillor A. Desmarais

That Engineering and Operations Department, Operations Division Report No. 2020-58, Drinking Water Quality Management System, Part 1 Management Review Summary, be received for information.

CARRIED

**5. Engineering and Operations Department, Engineering Division, Report 2020-62, Subject: Project No.: 2015-04, City Wide Grass Mowing Contract, Extension**

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**No. 71**

Moved by Councillor E. Beauregard  
Seconded by Councillor R. Bodner

That the current City Wide Roadside Grass Mowing Contract No. 2015-04 with The Greenfield Group be extended for another year, at a 0% increase over the 2019 unit rates;

That staff be directed to utilize the bid items as listed within the existing Tender Document in such manner as to complete all works as may be required for each year, all as approved in the annual budget by Council, for each of those years;

That a by-law, whereby the City enters into a Contract Agreement with the contractor be prepared to extend the contract as stated and the City Clerk and Mayor be authorized to execute the Contract Agreement.

That funding for the extension of Project No. 2015-04, be financed under the following GL Account number for annual roadside grass mowing, GL#0-500-73410-3328.

CARRIED

**6. Planning and Development Department, Report 2020-51, Subject: Community Improvement Plan Incentives – 118 West Street (SouthPort Condos Inc.)**

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**No. 72** Moved by Councillor R. Bodner  
Seconded by Councillor M. Bagu

That the Tax Increment Grant application submitted by SouthPort Condos Inc. for the property at 118 West Street be approved along with a three (3) year tax freeze in accordance with the Downtown CIP and Brownfield CIP; and

That the Mayor and City Clerk be directed to execute the Grant Agreement attached hereto as Appendix A.

CARRIED

**7. Planning and Development Department, Planning Division, Report 2020-59, Subject: Mineral Aggregate Operation Zone**

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**No. 73** Moved by Councillor A. Desmarais  
Seconded by Councillor R. Bodner

That Planning and Development Department, Planning Division, Report No. 2020-59, Subject: Mineral Aggregate Operation Zone, be received for information.

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

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

“That the Director of Planning and Development be directed to bring forward a Zoning By-law amendment application to include the following:

- Leave the Uses Prohibited in all Zones as is.
- Leave Section 39 Noxious Uses definition as is.
- Leave the definition of MAO as is.
- Leave Section 28 MAO Zone – 28.2 Permitted Uses as is,

except add to:

- a) Mineral Aggregate Operations, “except the manufacturing of asphalt, cement and secondary related products and, processing or recycling of asphalt, cement and secondary related products within 2m of the ground water table of the aquifer(s) and where runoff may enter the aquifer(s).”

CARRIED

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

That Planning and Development Department, Planning Division, Report No. 2020-59, Subject: Mineral Aggregate Operation Zone, be received for information; and

That the Director of Planning and Development be directed to bring forward a Zoning By-law amendment application to include the following:

- Leave the Uses Prohibited in all Zones as is.
- Leave Section 39 Noxious Uses definition as is.
- Leave the definition of MAO as is.
- Leave Section 28 MAO Zone – 28.2 Permitted Uses as is,

except add to:

- a) Mineral Aggregate Operations, “except the manufacturing of asphalt, cement and secondary related products and, processing or recycling of asphalt, cement and secondary related products within 2m of the ground water table of the aquifer(s) and where runoff may enter the aquifer(s).

CARRIED

**9. Planning and Development Department, By-law Enforcement Division, Report 2020-64, Subject: Parking and Traffic – Nickel Street**

**No. 74**

Moved by Councillor E. Beauregard  
Seconded by Councillor A. Desmarais

That the Council of the City of Port Colborne approve the following amendment to By-law No. 89-2000, Being a By-law regulating traffic and parking on City roads;

1. That Schedule "E" Limited Parking Restrictions, to By-law 89-2000 as amended, be amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Nickel Street	North	8m east of the east limit of Fares Street	11m east therefrom	7:30 a.m. to 10:00 p.m. Mon to Sun	2 hours

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

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Days
Nickel Street	North	The east limit of Fares Street	8m east therefrom	Anytime

Moved in amendment by Councillor E. Beauregard  
 Seconded by Councillor A. Desmarais

That the main motion be amended by striking out amendment 1 to By-law No. 89-2000, Being a By-law regulating traffic and parking on City roads and adding thereto the following:

- "1. That Schedule "E" Limited Parking Restrictions, to By-law 89-2000 as amended, be amended by adding thereto the following:"

Column 1	Column 2	Column 3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Nickel Street	North	8m east of the east limit of Fares Street	5.5m east therefrom	7:30 a.m. to 10:00 p.m. Mon to Sun	2 hours

CARRIED

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

That the Council of the City of Port Colborne approve the following amendment to By-law No. 89-2000, Being a By-law regulating traffic and parking on City roads;

1. That Schedule "E" Limited Parking Restrictions, to By-law 89-2000 as amended, be amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4	Column 5
Highway	Side	From	To	Times/Days	Maximum
Nickel Street	North	8m east of the east limit of Fares Street	5.5m east therefrom	7:30 a.m. to 10:00 p.m. Mon to Sun	2 hours

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

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	To	Times/Days
Nickel Street	North	The east limit of Fares Street	8m east therefrom	Anytime

CARRIED

**10. Corporate Services Department, Finance Division, Report 2020-61, Subject: 2020 Final Tax Rates**

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**No. 75**

Moved by Councillor M. Bagu  
 Seconded by Councillor A. Desmarais

That Council approves the rates of taxation for the year 2020; and

That the 2020 tax rate by-law be executed by the Mayor and City Clerk; and

That the 2020 final billing for the residential, multi-residential, commercial, industrial, pipeline, farmland, managed forest and farmland awaiting development tax

classes have a demand (mailing) date of June 11, 2020 with due dates of July 2 and October 1, 2020.

CARRIED

**11. ADR Chambers Integrity Commissioner Office for the City of Port Colborne Re: Complaint Reference Number IC-184-0220 (filed February 28, 2020) Ron Baarda and Councillor Ron Bodner**

**No. 76** Moved by Councillor G. Bruno  
Seconded by Councillor A. Desmarais

That Integrity Commission Report IC-184-0220, be received for information.

CARRIED

**13. Memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee**

**No. 77** Moved by Councillor G. Bruno  
Seconded by Councillor A. Desmarais

That the memorandum from Nancy Giles, EA to CAO and Mayor and Staff Liaison to the Grant Policy Committee Re: Recommendations of Grant Policy Committee, be received for information;

That the following donation/sponsorship requests be approved for a total of \$12,200:

- Education Foundation of Niagara - \$1,800
- Habitat for Humanity - \$3,400
- Port Colborne Lions Club - \$5,000
- Women's Place of South Niagara - \$2,000

That the following donation/sponsorship requests be approved if the program operates in 2020 for a total of \$3,800:

- YMCA of Niagara - \$2,000
- Community Living Port Colborne Wainfleet - 1,800

That the Grant Policy be amended to include:

1. That funds be used within one year of approval.

2. That 3 estimates be provided with the application for requests for capital improvements.

CARRIED

**9. Proclamations:**

**(a) Seniors' Month. June 1-30, 2020**

**No. 78** Moved by Councillor F. Danch  
Seconded by Councillor G. Bruno

That June 1 – 30, 2020 be proclaimed as “Seniors’ Month” in the City of Port Colborne in accordance with the request received from Karen Walsh, Executive Assistant to the Director of Community & Economic Development, on behalf of the Senior Advisory Council.

CARRIED

**Councillors' Items:**

**(a) Thank you to Councillor Bagu (Wells)**

Councillor Wells expressed appreciation towards Councillor Bagu for being present in Ward 4 and for his valuable contributions.

**(b) Thank you to Operations Division (Wells)**

Councillor Wells expressed gratitude towards the Operations Division for addressing the road ends issues by installing gates.

**(c) Truck Speed at King and Sugarloaf Streets (Kalailieff)**

Councilor Kalailieff expressed concern regarding the speed of trucks driving southbound on King Street near the intersection of King and Sugarloaf Streets. In response to Councillor Kalailieff’s inquiry regarding whether his department had ever considered putting a stop sign on the north end of King Street at the intersection of King and Sugarloaf Streets, the Director of Engineering and Operations indicated that this area has been studied in the past and a decision was made not to put a stop sign at this location due to the trucks experiencing difficulty stopping when going uphill.

**(d) Railroad Crossing at Sugarloaf and Elm Streets (Kalailieff)**

In response to Councillor Kalailieff’s request for an update as well as an approximate date of completion on the repairs to be conducted on the railroad crossing at Sugarloaf and Elm Streets, the Director of Engineering and



Operations confirmed that the panels that are to be built for this construction have been ordered and are expected to be delivered the first week in June. He further reported that staff hasn't received a concrete date from Gia Rail as to when they plan to be on site to perform the repairs but that staff are in constant communication with them in order to ensure the equipment and materials that they require can be accommodated when they arrive.

**(e) Safety Concerns at the end of Stanley Street (Kalailieff)**

In response to Councillor Kalailieff's request for an update on the investigation of the safety concerns at the end of Stanley Street, the Director of Engineering and Operations confirmed that a staff report has been prepared which addresses these concerns and will be brought forward at the next meeting.

**(f) Speeding on Lakeshore Road West (Kalailieff)**

Councillor Kalailieff expressed concern about cars speeding along Lakeshore Road West and Cement Plant Road. The Director of Engineering and Operations confirmed that the speed limits in this area will be addressed by a consultant that will conduct an in-depth analysis and traffic study in a number of areas around the City.

**(g) Virtual Tours (Kalailieff)**

Councillor Kalailieff offered her suggestion of performing virtual tours that could be posted on the City's website in lieu of in-person tours which have been cancelled as a result of COVID-19 precautionary measures. The Chief Administrative Officer informed Council that he will take this suggestion back to staff.

**(h) Fireworks (Desmarais)**

Councillor Desmarais expressed concern about people putting off fireworks/firecrackers in the City over the holiday weekend and informed staff that this issue keeps getting worse.

**(i) Road Closure on Davis Street (Desmarais)**

Councillor Desmarais expressed frustration with the road closure at Davis and Durham Streets as it was preventing a lot of packages from being delivered to residents on Davis Street. The Director of Engineering and Operations informed Council that this closure was facilitated by Canadian Niagara Power in order to install underground duct work and that he will reach out to them to find out when their work will be completed in this area.

**(j) Transit Issues (Desmarais)**

In response to Councillor Desmarais' inquiry regarding when the transit system will be up and running its regularly scheduled routes, the Chief Administrative Officer informed Council that a financial decision was made to follow suit with Welland and hold off on re-starting the transit system while the pandemic is still ongoing.

**(k) Thank you for allowing residents to start fishing (Desmarais)**

Councillor Desmarais thanked staff for getting the processes in place to allow residents to start fishing again.

**(l) Farmers' Market Reopening (Desmarais)**

In response to Councillor Desmarais' request for an update regarding when the farmers' market will be reopening, the Chief Administrative Officer informed Council that staff is currently investigating and preparing safety measures recommended by Public Health that are required to be put in place when the market reopens. He further reported that the goal is to reopen the farmers' market for harvest season with precautions in place that are approved by Public Health.

**(m) Long grass on Main Street West by the Weir (Danch)**

In response to Councillor Danch's concern regarding the long grass and garbage located on the south side of Main Street West by the weir, the Director of Engineering and Operations confirmed that he will have staff investigate the property where the long grass is located to determine if it is City property or property owned by Seaway who would therefore be responsible for cutting the grass.

**(n) Bollards for Main Street West (Danch)**

In response to Councillor Danch's request for bollards to be placed along Main Street West for protection of the businesses since there was recently a car accident in that area, the Chief Administrative Officer said he will ask staff to investigate the issue at their upcoming Directors' meeting.

**(o) Street Light out on west end of Barrick Road (Danch)**

Councillor Danch reported that there is a street light out on Barrick Road towards the west end and asked staff to repair it.

**(p) Thank you to non-medical essential workers (Bruno)**

Councillor Bruno expressed appreciation towards non-medical essential workers that have been servicing residents throughout the COVID-19 pandemic. He further suggested that these workers be recognized in City Hall News.

**(q) Thank you to Staff (Bodner)**

Councillor Bodner expressed gratitude towards staff for continuing to do a great job during COVID-19 and encouraged staff to keep up the great work.

**(r) Gates at the end of Johnston Street (Beauregard)**

In response to Councillor Beauregard's request for an update on the gate to be installed at the Johnston Street road end, the Director of Engineering and Operations informed Council that staff are waiting to have a public meeting in order to get feedback from the public before bringing a report forward to Council. He further reported that due to COVID-19 restrictions not allowing for large groups to meet at this time, he has asked staff to prepare the report as much as possible so that when restrictions are lifted, a public meeting can be arranged as soon as possible thereafter.

**(s) Old Bakery on Mitchell Street (Beauregard)**

In response to Councillor Beauregard's concern regarding potential squatters inhabiting the old abandoned bakery on Mitchell Street, the Chief Administrative Officer reported that he will forward along this concern to staff to investigate.

**(t) Mask Mates (Bagu)**

Councillor Bagu thanked a local group who have been making and donating mask mates for essential workers to use when they are wearing masks in the workplace.

**(u) Garbage Cans on West Street and at H.H. Knoll Park (Bagu)**

Councillor Bagu informed Council that he has been in contact with staff regarding the overflow of garbage in garbage cans located along West St. and at H.H. Knoll Park during the weekends and confirmed that this will be addressed.

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

None.

**11. Consideration of By-laws:**

**No. 79** Moved by Councillor R. Bodner  
Seconded by Councillor H. Wells

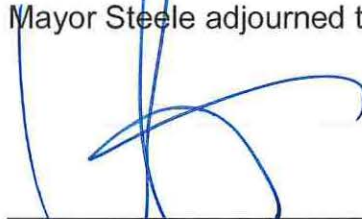
That the following by-laws be enacted and passed:

6781/30/20	Being a By-law to Authorize Entering Into a Contract Agreement with The Greenfield Group Re: Project No. 2015-04, City Wide Grass Mowing Contract Extension
6782/31/20	Being a By-law to Authorize Entering Into a Grant Agreement with SouthPort Condos Inc. for Community Improvement Plan Incentives
6783/32/20	Being a By-law to Set and Levy the Rates of Taxation for City Purposes for the Year 2020
6784/33/20	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 May 25, 2020

CARRIED

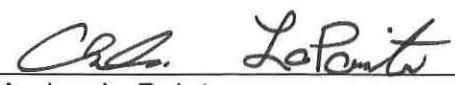
**12. Adjournment:**

Mayor Steele adjourned the meeting at approximately 10:18 p.m.




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William C. Steele  
Mayor




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Amber LaPointe  
City Clerk

AL/cm

Mayor and Members of Council of the City of Port Colborne

Re: Planning and Development Department Report 2020-59

May 24, 2020

I am responding to the above Report included at pages 115 – 118 of the Council Package of May 25, 2020.

It should be noted at the outset that there has to my knowledge never been a suggestion that asphalt and concrete recycling be banned in all zones. The contention has always been that the location/zone should be appropriately designated, including and particularly **the proximity to the ground water table and sensitive land uses.**

In the quoting of the Section 39, Noxious Uses of the Consolidated Zoning By-Law, I am both curious and concerned about the definition of Noxious Uses in particular d):

**“Noxious Use:** means

a) a use which creates an adverse effect through the generation of noise, vibration, dust, fumes, gas, odour, waste, hazardous waste, emissions, smoke, glare, radiation, electrical interference; or

b) any use involving the use or storage of hazardous, toxic or contaminant substances which constitutes a threat to public health and safety; or

c) any use that is not lawfully permitted in the Province of Ontario; or

c) a combination thereof; but

d) excluding normal agricultural and livestock operations and normal aggregate resource operations in a licensed pit or quarry”

The duplicate c) is taken from P&DD Report 2020-59. The d) exclusion **allows** “normal aggregate resource operations”. The Aggregate Resources Act (ARA) has included aggregate recycling as a promoted use in aggregate operations. So recycling of asphalt and concrete is a normal aggregate resource operation. We support recycling of asphalt and concrete if done appropriately, as it decreases the demand for virgin aggregate.

In Section 28 Mineral Aggregate Operation Zone of the CZBL, **permitted** uses includes MAO Operations, and the MAO definition also includes aggregate recycling:

**“Mineral Aggregate Operation:** means

a) An operation other than wayside pits and quarries, conducted under a license or permit under the Aggregate Resources Act or successors thereto; and

b) Associated accessory facilities used in extraction, transport, beneficiation, processing, or recycling of mineral aggregate resources.”

The Consolidated Zoning By-Law must be read and applied as a whole. I would ask that the precedence of the various Sections and clauses be established because of conflicting clauses allowing or prohibiting particular activities, particularly in the MAO Zone.

I would suggest the priority of clauses is usually understood to be:

- Definitions
- Exceptions/Exemptions within clauses
- specific clauses and Sections
- general clauses and Sections

On this basis, aggregate recycling and asphalt production and concrete batching are not prohibited uses.

But as stated at the outset, it has never been suggested that certain activities be banned completely. The emphasis is and has always been on ensuring the protection of the environment including the high vulnerable aquifer which becomes more vulnerable when the overburden is removed, and when quarrying extends into the aquifer.

Going back to the recommendations made on April 23, 2018, it was concern over the location of particular potentially contaminating operations and the adverse environmental effects from those operations. It was for this reason the Council of the day passed the Interim Control By-Law (ICBL). It is for this reason we have been seeking to ensure that the Consolidated Zoning By-Law reflect the ICBL to precisely identify permitted and prohibited uses. In this instance, the simple solution for amendment of the CZBL is:

- Leave the Uses Prohibited in all Zones as is.
- Leave Section 39 Noxious Uses definition as is.
- Leave the definition of MAO as is.
- Leave Section 28 MAO Zone - 28.2 Permitted Uses as is,

except **add** to:

- a) Mineral Aggregate Operations, "**except the manufacturing of asphalt, cement and secondary related products and, processing or recycling of asphalt, cement and secondary related products within 2m of the ground water table of the aquifer(s) and where runoff may enter the aquifer(s).**"

Lastly, if asphalt recycling is a Noxious Operation, and it is prohibited with the CZBL, why was no action taken in 2018 and 2019 when this process was being conducted on the floor of Pit 1?

Respectfully Submitted,  
Jack S Hellinga  
770 Highway 3, Port Colborne



MAYOR'S REPORT

MAY 25, 2020 COUNCIL MEETING

## **COVID-19 UPDATE**

Good evening and welcome to our second virtual council meeting.

I am here in the council chambers with our CAO Scott Luey, Clerk Amber LaPointe, Deputy Clerk Charlotte Madden and a member of Wee Stream who are live streaming this meeting for us. I would like to welcome our eight city councillors and various city directors who are each attending from home.

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

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

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

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

I know these times are trying on everyone, and recently there were some attacks on social media against our by-law enforcement officers who were out in the community trying to enforce the provincial orders.

Our staff deserve respect and I ask that you allow them to do their jobs in a respectful manner.

### **Activities that have reopened in Phase One**

As the provincial government entered Phase One of its recovery plan, some restrictions were lifted allowing our municipality to reopen some amenities.

- Our boat launch reopened but not our marina or docks.
- Our tennis/pickle ball courts reopened – however, washrooms have not.
- The Elm Street leash free dog park is open.
- Our beaches continue to be open for passive use only – meaning you can walk the beach, not sit on the beach.

Parks remain open for passive use only. Last Friday we expanded some of the amenities included in passive use in our parks to include:

- Shoreline fishing, including H.H. Knoll Lakeview Park
- Bringing a chair or blanket to relax in parks
- Kicking a ball, playing catch, flying a kite and other such activities with members of your own household



- Use of basketball and soccer nets with members of your own household at community parks (excluding the Vale Health & Wellness Centre/T.A. Lannan Sports Complex)
- Individual activities such as yoga or exercising provided not in a group or class

All this, while still abiding by restrictions limiting groups to no more than five people.

Anyone taking advantage of these spaces are to follow the best practices as outlined by Niagara Region Public Health to limit the spread of COVID-19 in our community.

These include frequent washing/sanitizing of hands, physical separation, avoid touching of shared surfaces and staying home if displaying symptoms or having been in contact with cases of the virus.

Organized sports are still restricted on municipal fields, given their necessity for gathering in groups.

At this time, park and outdoor amenities such as playground equipment, benches, outdoor fitness equipment, municipal beaches, washroom facilities, and the Algoport Skateboard and BMX Park will remain closed.

By-law enforcement will continue to enforce gatherings larger than five people, dogs off-leash, and anyone using closed park amenities.

## **Letter to Provincial and Federal Government**

This week Niagara Region and the mayors of the 12 municipalities sent a letter to Ministers of Finance for the Province of Ontario and Government of Canada outlining the financial impact of COVID-19 on Niagara area municipalities.

We have offered 6 recommendations for financial relief and look forward to their response. The sustainability of our municipal operations is of the utmost importance as we continue to bring essential services to our residents and businesses.

The Mayors and CAOs in the region continue to hold weekly teleconferences to discuss issues related to COVID-19 in our communities and how we are dealing with them.

The Mayors of Welland, Thorold and myself continue to speak with MP Badawey on a weekly basis as he keeps us apprised of developments and assistance offered by the federal government.

## **Business Recovery**

Our economic development officer, Julian Douglas-Kameka has been meeting with her colleagues in the region as well as businesses in Port Colborne and are developing a Regional Economic Recovery Plan.

Julian also continues to meet with local businesses via virtual meetings to assist with individual recovery business plans.

## **Curbside Pick-up**

In order to assist with curbside deliveries, beginning last week City staff started installing 15-minute curbside pick-up zone temporary signage in the downtown core for residents and visitors supporting local businesses to use.

Since Main Street has no on-street parking, curbside pick up locations have been created in parking lots along Main Street.

Please watch for these signs when parking and be mindful they are there to help your local businesses.

Residents and visitors interested in supporting local businesses are also encouraged to visit <https://resilient.portcolborne.ca/> to learn which Port Colborne businesses are open and how they are adapting services.

Port Colborne businesses are also encouraged to visit this website to add their business and service offerings.

## **Outdoor Patios**

We have heard from several restaurant owners requesting the creation or expansion of outdoor patios once restaurants and bars are allowed to open. We have also heard that many are facing significant red tape from the AGCO with respect to these temporary license expansion requests.

We urge the provincial government to ease some of these restrictions but also let the municipalities administer their by-laws and work with the businesses to find appropriate places for these expanded patios.

## **Public Health Statistics**

Last week Niagara Region Public Health released COVID-19 statistics as they relate to each municipality. They can be viewed on the Niagara Region website at their COVID-19 link.

Statistics for Port Colborne remain very low with only 1 active case as of last Friday, but we need to remain focused on proper precautions.

## **ATVs and off-road motorcycles around the City**

Earlier this month city officials met with staff from Gio Railways, The St. Lawrence Seaway Management Corporation and Niagara Regional Police to further discuss the issue of ATVs and off-road motorcycles on private and city property.

We are developing a plan of improved signage, restricted access and increased enforcement to deal with these individuals as they continue to access private property.

We ask that you continue to report violators to our by-law enforcement office via email at [bylawenforcement@portcolborne.ca](mailto:bylawenforcement@portcolborne.ca) or by calling 905-835-2900 Ext 207.

## **Closing**

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

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

Please stay safe.

## **Anonymous grocery donor set to sail into Port Colborne**

**Port Colborne, ON (May 25, 2020)** – The residents of Port Colborne will be the next beneficiaries of Niagara’s anonymous grocery donor on Wednesday, May 27, 2020 from 1-3:30 p.m., when the next truckload of free groceries will be unloaded in the Vale Health & Wellness Centre parking lot.

All are welcome to come to the Vale Health & Wellness Centre to receive free groceries, while quantities last. Staff and volunteers from the City of Port Colborne and Port Cares will be on hand to assist in distributing the groceries. Items will be distributed following the best practices outlined by Niagara Region Public Health to limit the spread of COVID-19. These include physical distancing, use of hand wash stations/sanitization of hands, and all volunteers will be wearing personal protection equipment. Those attending who have face coverings are also asked to wear them when picking up food.

Since the Port Colborne community bus is currently not operating due to COVID-19, City staff are currently coordinating a bus route for residents who require transportation to the Vale Health & Wellness Centre. Route details will be available in the next day.

This donation comes at a time of need when individuals and families across Niagara are struggling with financial concerns amid the COVID-19 pandemic. Anonymous food donations have already been made in St. Catharines, Welland, Thorold, and Niagara Falls.

For City COVID-19 updates, visit [www.portcolborne.ca/page/covid-19](http://www.portcolborne.ca/page/covid-19).

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**For more information, contact:**

Michelle Idzenga  
Corporate Communications Officer  
City of Port Colborne  
905-835-2900 ext. 307  
[michelleidzenga@portcolborne.ca](mailto:michelleidzenga@portcolborne.ca)