

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

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

Also in attendance was one member of WeeStream.

1. Call to Order:

Mayor Steele called the meeting to order.

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

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

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

2. Introduction of Addendum Items:

Additions:

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

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

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

CARRIED

3. Confirmation of Agenda:

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

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

CARRIED

4. Disclosures of Interest:

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

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

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

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

5. **Adoption of Minutes:**

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

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

CARRIED

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

The following items were identified for separate discussion:

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

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

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

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

Items:

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

Council Resolved:

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

9. Town of Kingsville Re: Rent Assistance Program

Council Resolved:

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

CARRIED

8. Delegations/Presentations

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

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

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

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

That Staff engage with the Downtown BIA during the review.

CARRIED

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

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

No. 129 Moved by Councillor A. Desmarais

Seconded by Councillor E. Beauregard

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

CARRIED

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

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

LOST

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

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

9. Consideration of Items Requiring Separate Discussion:

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

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

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

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

That Upper Canada Consultants be notified accordingly.

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

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

CARRIED

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

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

That Upper Canada Consultants be notified accordingly.

CARRIED

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

No. 132

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

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

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

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

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

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

CARRIED

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

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

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

CARRIED

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

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

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

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

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

CARRIED

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

No. 133

Moved by Councillor M. Bagu

Seconded by Councillor A. Desmarais

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

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

CARRIED

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

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

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

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

CARRIED

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

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

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

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

CARRIED

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

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

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

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

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

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

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

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

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

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

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

CARRIED

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

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

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

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

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

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

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

CARRIED

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

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

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

CARRIED

10. Proclamations:

None.

11. Minutes of Boards, Commissions & Committees:

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

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

CARRIED

Procedural Motion:

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

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

CARRIED

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

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

(b) Reopening the YMCA (Griggs)

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

(c) Brochures regarding Fire Safety (Cartwright)

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

(d) Sugarloaf and Elm Streets Railway (Shypowskyj)

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

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

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

Councillors' Issues/Enquiries

(a) Site Issues on Friendship Trail at Pinecrest Road (Wells)

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

(b) Congratulations to Local Business (Kalailieff)

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

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

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

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

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

(e) Interim Control By-law (Desmarais)

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

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

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

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

(g) Speed Sign on Barrick Road (Danch)

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

(h) Speeding on Minor Road (Bruno)

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

(i) Speeding on Barrick Road (Bruno)

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

(j) Trucks Speeding on Barrick Road (Bruno)

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

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

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

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

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

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

(m) Davis Street Parking Issues (Beauregard)

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

(n) Garbage Receptacles on Friendship Trail (Beauregard)

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

(o) Food Truck Update (Bagu)

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

(p) Eagle Marsh Drain Update (Bagu)

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

(q) Vale Centre Roof Update (Bagu)

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

13. Consideration of By-laws:

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

That the following by-law be enacted and passed:

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

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

That the following by-law be enacted and passed:

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

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

CARRIED

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

That the following by-law be enacted and passed:

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

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

Hello

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

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

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

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

Thank you Greg

Nickel Beach 2020

COUNCIL PRESENTATION JULY 27, 2020



NICKEL BEACH 2020 OPERATIONS SNAPSHOT

Estimated Attendance since June 26, 2020 Opening Day

10 916-Total Estimated Beach Attendance

- 63%- Residential Beach (6236)
- 36%- Non Resident Beach (4680)
based on car load of 4 per vehicle
- 16 Season Passes Sold
- 3 Rain Days



NICKEL BEACH 2020 OPERATIONS SNAPSHOT

COVID-19 Operations Response

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



COVID-19 Infrastructure Improvements

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



Cedar Bay Beach/ Centennial Park

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



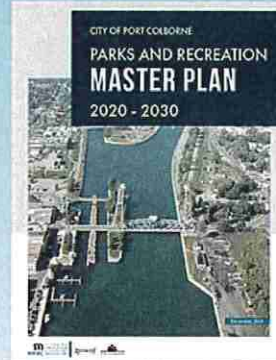
By Law Related Issues

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



Long Term Planning for Nickel Beach

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





MAYOR'S REPORT
JULY 27, 2020 COUNCIL MEETING

COVID-19 UPDATE

Good evening and welcome to our virtual council meeting.

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

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

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

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

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

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

Niagara Region Mandatory Mask By-law

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

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

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

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

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

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

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

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

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

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

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

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

Closing

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

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



February 25, 2020

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

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

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

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

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

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

Respectfully submitted,

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

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

Speaking Points

Rosedale Subdivision Report 2020-94

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

Key Points

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

/CR



niagara
water
protection
alliance

2020-07-26

To the Council of the City of Port Colborne

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

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

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

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

Robert Henderson, President

Tel: (905) 834-0299

nwpa411@gmail.com

www.niagarawaterprotectionalliance.com

Follow us on [Facebook](#)

From: lorie tokola <[REDACTED]>

Sent: July 26, 2020 7:56 PM

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

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

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

Dear Mayor Steele and City Councillors,

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

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

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

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

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

This is very wrong.

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

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

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

PLEASE do Not set that precedent!

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

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

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

Please acknowlegde receipt of my message. Thank you.

Respectfully,

Lorie Tokola

Niagara Water Protection Alliance

Founder, Past President, Media & Social Media Communications

905-515-1797

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

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

Hi all

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

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

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

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

Thank you
Ron Baarda

From: Gary Gaverluk <[REDACTED]>

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

To: mayor@portcolborne.ca

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

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

Mayor Steel and all City of Port Colborne Councillors:

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

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

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

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

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

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

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

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

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

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

Sincerely

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

July 27, 2020

Dear Mayor and Port Colborne City Council,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

Cindy Mitchell

Vice President of

Niagara Water Protection Alliance

July 24, 2020

Council Session CL 12-2020, July 23, 2020

LOCAL AREA MUNICIPALITIES

SENT ELECTRONICALLY

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

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

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

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

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

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

Yours truly,



Ann-Marie Norio
Regional Clerk

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2020-46

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

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

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

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

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

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

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

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

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

- (b) Every person before entering and while riding any municipal public transit vehicle owned or operated by The Regional Municipality of Niagara or the local area municipalities shall wear a face covering.

- (2) Every person that is the parent or guardian accompanying a child that is five (5) years old or older in an enclosed public place or a public transit vehicle owned or operated by The Regional Municipality of Niagara or the local area municipalities shall ensure that the child wears a face covering.

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

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

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

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

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

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

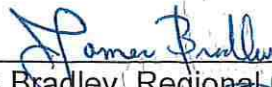
2. This By-law may be enforced by:

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

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

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

THE REGIONAL MUNICIPALITY OF NIAGARA



James Bradley, Regional Chair



Ann-Marie Norio, Regional Clerk

Passed: July 23, 2020

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

That the following by-law be enacted and passed:

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

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

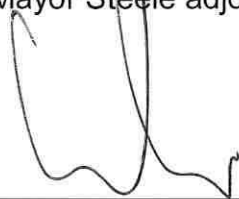
That the following by-laws be enacted and passed:

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

CARRIED

14. Adjournment:

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



 William C. Steele
 Mayor



 Amber LaPointe
 City Clerk