

**City of Port Colborne
Council Meeting Agenda**

Date: Monday, March 8, 2021
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
 66 Charlotte Street, Port Colborne

	Pages
1. Call to Order	
2. National Anthem	
3. Proclamations	
4. Adoption of Agenda	
5. Disclosures of Interest	
6. Approval of Minutes	
6.1. Public Meeting - February 16, 2021	1
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9. Presentations

10. Delegations

Due to COVID-19 this meeting will be conducted virtually. Anyone wishing to speak to Council is asked to submit a written delegation that will be circulated to Council prior to the meeting. Written delegations will be accepted until noon the day of the meeting by emailing deputyclerk@portcolborne.ca or submitting a hard copy in the after-hours drop box in front of City Hall, 66 Charlotte Street, Port Colborne. Written delegations accepted after this time will be circulated with the minutes and included as public record.

11. Mayor's Report

12. Regional Councillor's Report

13. Staff Remarks

14. Councillors' Remarks

15. Consideration of Items Requiring Separate Discussion

16. Motions

17. Notice of Motions

18. Minutes of Boards & Committees

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| 18.1. | Port Colborne Public Library Board Meeting Minutes - December 1, 2020 and January 18, 2021 | 158 |
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19. By-laws

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| 19.1. | By-law to Adopt Amendment No. 7 to the Official Plan for the City of Port Colborne | 168 |
| 19.2. | Being a By-law to Amend Zoning By-law 6575/30/18 Regarding Mineral Aggregate Operation Zone Provisions, Definitions and Uses in the Highly Vulnerable Aquifer | 175 |
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| 19.4. | By-law to Amend Zoning By-law 6575/30/18 respecting the removal of the Holding Symbol (H) - Municipally Known as 301 Mitchell Street | 184 |

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| 19.5. | By-law to Repeal By-laws 4124/119/01 and 6618/73/18 and to Appoint a Fire Chief for the City of Port Colborne | 186 |
| 19.6. | By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne | 187 |

20. Confidential Items

Confidential reports will be distributed under separate cover. Items may require a closed meeting in accordance with the Municipal Act, 2001.

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| 20.1. | Minutes of the closed session portion of the February 22, 2021 Council Meeting |
| 20.2. | Planning and Development Department Report 2021-83, Appeal of Committee of Adjustment Decision A07-20-PC |

21. Procedural Motions

22. Information items

23. Adjournment

City of Port Colborne
Public Meeting Minutes

Date: Tuesday, February 16, 2021
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

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

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

1. Call to Order

2. Adoption of Agenda

Moved By Councillor E. Beauregard
Seconded By Councillor M. Bagu

That the agenda dated February 16, 2021 be confirmed, as circulated.

Carried

3. Disclosures of Interest

4. Statutory Public Meetings

4.1 Public Meeting Report for Proposed Zoning By-law Amendment at 3288 Second Concession, File D14-02-21, 2021-44

Purpose of Meeting

The purpose of this meeting, pursuant to section 34 of the Planning Act, is to consider an application submitted by agent Julian Renaud on behalf of the owners Andy and Dorothy Veenstra for the lands legally known as Part of Lots 11 and 12, Concession 3, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 3288 Second Concession.

The application for Zoning By-law Amendment proposes to change the zoning from Agricultural to Agricultural Purposes Only and Agricultural Residential. The Zoning By-law Amendment is being sought to satisfy a condition of a farm consolidation severance under consent application B01-21-PC.

Method of Notice

Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on January 26, 2021. Public notice signs were also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

As of the date of this meeting, staff has not received any written comments from members of the public.

Niagara Region

In accordance with Section 3.3.4 of the Memorandum of Understanding between the Region and the local municipalities, Zoning By-law Amendment applications for Agricultural Purposes Only, required as a condition of consent, are exempt from Regional review. The application was required as a condition of consent application B01-21-PC therefore, this file is exempt from our review.

Explanation of Procedure to be Followed

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2021-44

and read any correspondence received from circulated agencies and the public.

Presentation of Application for Zoning By-law Amendment

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes to change the zoning to Agricultural Purposes Only and Agricultural Residential. Agricultural Purposes Only permits agricultural uses, conservation uses, and uses, structures and buildings accessory thereto including greenhouses. The Agricultural Residential zone, permits dwelling, detached and uses, structures and buildings accessory thereto.

Comments of Applicant

Mr. Renaud confirmed that the amendment was being sought as a condition of consent application B01-21-PC.

Questions of Clarification to Applicant/Planning Staff

None.

Oral Presentations and/or Questions from the Public

None.

Announcement Respecting Written Notice of Passage of Zoning By-law Amendment

Mr. Schulz stated, "if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

Explanation of Future Meetings

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

Adjournment

Mayor Steele adjourned this Public Hearing at approximately 6:45 p.m.

Moved By Councillor R. Bodner

Seconded By Councillor A. Desmarais

That Planning and Development Department Report 2021-44 be received for information.

Carried

a. Delegation from Julian Renaud and Brian Lambie, applicants

4.2 Public Meeting Report for Proposed Zoning By-law Amendment at 836 Lorraine Road, File D14-01-21, 2021-43

Purpose of Meeting

The application for Zoning By-law Amendment proposes change the zoning on a portion of the property from Agricultural (A) to A-59, a special provision of the A zone that will permit a Landscaping Establishment on the property as a secondary use to the main agricultural use.

Method of Notice

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on January 27, 2021. A Public notice sign was also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

Explanation of Procedure to be Followed

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2021-43 and read any correspondence received from circulated agencies and the public.

Presentation of Application for Zoning By-law Amendment

Mr. Schulz presented the following:

The application for Zoning By-law Amendment proposes change the zoning on a portion of the property from Agricultural (A) to A-59, a special provision of the A zone that will permit a Landscaping Establishment on the property as a secondary use to the main agricultural use.

Comments of Applicant

The applicant agent was not in attendance at this time.

Questions of Clarification to Applicant/Planning Staff

Councillor Wells asked for an explanation of the secondary uses.

Mr. Schulz responded that provincial policies permit on farm diversified uses and they are considered secondary in this case.

Oral Presentations and/or Questions from the Public

The applicant's agent joined at this time.

Sandy McIsaac stated that he believes there are other businesses being run on the property. He also had concerns over reduced lack of privacy, noise, property values and garbage.

Councillor Bagu asked if the berm ran the entire length of the property.

Mr. McIsaac responded no.

Councillor Bruno asked if this property could be subject to Site Plan Control.

Mr. Schulz responded that it could be implemented in the future.

Steven Rivers added that Site Plan Control could be used. He also added that there are no proposed changes to the property and that it meets the application meets the intent of the Growth Plan, Regional Official Plan and City Official Plan. Land values are not a planning issue.

Councillor Bagu asked if the aerial images were up to date.

Mr. Rivers replied that Mr. McIsaac's house is new and does not show up on current image databases.

Announcement Respecting Written Notice of Passage of Zoning By-law Amendment

Mr. Schulz stated, "if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

Explanation of Future Meetings

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

Adjournment

Mayor Steele adjourned this Public Hearing at approximately 7:15 p.m.

Moved By Councillor H. Wells

Seconded By Councillor F. Danch

That Planning and Development Department Report 2021-43 be received for information.

Carried

- a. Delegation from Steven Rivers and Chad Peterson, applicants**
- b. Delegation from Josh McDougall**
- c. Delegation from Sandy McIsaac, resident**
- d. Correspondence from Neighbouring Properties - Submitted by the Applicant**

As of the date of this meeting, staff has received the following comments:

Luke and Monica Nieuwland – 806 and 501 Lorraine Road

Fully support the proposal and do not have any issues with the property.

Lou and Maribeth Nieuwland – 501 Lorraine Road/ 631 Lorraine Road

No objections to the proposal.

Bill and Liana Grist and Family – 861 Lorraine Road

Support the proposal and the use of the property.

Allert VanKralingen - 773 Lorraine Road

Supports the proposal.

Chris Pace – 950 Lorraine Road

No concerns with the proposal.

Dave Bankert (Lakeeffect Farms) – 650 Lorraine Road/856 Weaver Road

Farms the agricultural lands on the property. No issues with the proposal.

Jason Bodner and Kaitlyn Richardson – 916 Lakeshore Road East

No problems with the proposal.

4.3 Public Meeting Report for Proposed Zoning By-law Amendment for Lot 226, Plan 789, on Colborne Street, File D14-03-21, 2021-45

Purpose of Meeting

The application for Zoning By-law Amendment proposes to change the zoning from Second Density Residential (R2) to R3-58, a special provision of the Third Density Residential zone that will request an increase in parking area width, a reduction in minimum lot area per unit and recognize the existing lot frontage. The Zoning By-law Amendment is being sought to permit the construction of a fourplex on the subject property.

Method of Notice

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on January 25, 2021. A Public notice sign was also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

As of the date of this meeting, staff has received the following comments:

Ashlee Reece – 90 Colborne Street

Does not support a fourplex on the street. The build will not fit in with the neighbourhood. Concerns about property values in the area, should this amendment be approved.

Cathy Tweedy (no address provided)

Concerns with the parking at the proposed fourplex. Not in support of the fourplex.

Explanation of Procedure to be Followed

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2021-45 and read any correspondence received from circulated agencies and the public.

Presentation of Application for Zoning By-law Amendment

Mr. Schulz presented the following:

The subject property is zoned Second Density Residential (R2). The R2 zone permits detached, semi-detached and duplex dwellings and uses, structures and buildings accessory thereto. The application for Zoning By-law Amendment proposes to change the zoning of the property from R2 to R3-58, a special provision of the Third Density Residential (R3) zone. The R3 zone permits detached, semi-detached, duplex, triplex, and fourplex dwellings; block and street townhouses; and uses structures and buildings accessory thereto. The special provision has been requested to permit a fourplex on the property as well as a reduction in lot frontage, minimum lot area per unit and an increase in maximum parking area width.

Comments of Applicant

Ali Vaidya added that the building will match the look of the neighbourhood.

Questions of Clarification to Applicant/Planning Staff

Councillor Beauregard asked how the design will match the rest of the neighbourhood.

Mr. Vaidya responded that the entire neighbourhood would be surveyed.

Councillor Danch questioned how a fourplex would fit on the lot.

Councillor Bruno asked if there was a model of the proposed building and they will be seeking any relief from the by-law.

Mr. Vaidya responded that they have a model and that they would try to stay within the provisions of the by-law.

Mayor Steele asked if a duplex would be permitted on the property.

Mr. Schulz responded that it would.

Councillor Beauregard asked how the property would be maintained.

Mr. Vaidya responded that they would hire a private contractor.

Councillor Desmarais asked if any conversations had been had with the neighbours.

Mr. Vaidya responded that they were informed of the design of the building.

Councillor Bagu asked when construction would be completed.

My Vaidya responded that they wish to complete the build ASAP.

Councillor Bagu asked if they would be able to apply for a variance for another unit if they settled for a three-plex.

Mr. Schulz responded that the ZBA could be worded to not allow for that.

Announcement Respecting Written Notice of Passage of Zoning By-law Amendment

Mr. Schulz stated, "if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice."

Explanation of Future Meetings

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

Adjournment

Mayor Steele adjourned this Public Hearing at approximately 7:50 p.m.

Moved By Councillor D. Kalailieff

Seconded By Councillor G. Bruno

That Planning and Development Department Report 2021-45 be received for information.

Carried

a. Delegation from Ali Vaidya, applicant

b. Delegation from Ashlee Reece, resident

Ms. Reece stated that most of her concerns had been covered but was never informed from Mr. Vaidya that the building would be a four-plex. She also had concerns regarding privacy.

Councillor Bruno asked what the height restrictions are.

Mr. Schulz responded that they are 11m for buildings with 4 or less units.

c. Delegation material from Cathy Tweedy, resident

4.4 Public Meeting Report for Proposed Zoning By-law Amendment for 9 Chestnut Street (Chestnut Park), File D14-04-21, 2021-46

Purpose of Meeting

The purpose of this meeting, pursuant to 34 of the Planning Act, is to consider an application initiated by the City of Port Colborne for the lands legally known as Lots 504 to 511, on Plan 8, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 9 Chestnut Street or Chestnut Park.

Method of Notice

Notice of the Public Meeting was administered in accordance with Section 34 of the Planning Act, as amended, and Section 5 of Ontario Regulation 545/06.

The Notice of Public Meeting was circulated to required agencies, and property owners within 120 metres of the property on January 26, 2021. A Public notice sign was also posted on the property by January 27, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

As of the date of this meeting, staff has received comments from the following members of the public:

Scott and Lee Mathieson: Not in support of the proposed amendment. They have concerns with the proposed new location of the park and the impact on property values.

Barbara deGuerre: Does not support the proposed amendment. Ms. DeGeurre has concerns over the lack of services that would be available to the new tenants and the lack of accessibility.

Irene L: Does not support the proposed amendment. Irene has concerns over noise, traffic and the overall appeal of the neighbourhood.

M. Berry: Has concerns over the property values of surrounding houses and does not want the park to be relocated.

RB McGinnis: Does not want the park to be relocated. Has concerns over the parking in the area.

David and Jenny Beck: Do not support the proposed amendment and do not want the park to be relocated.

Ryan Dyck: Has concerns over the success of the proposed housing project, new park and the surrounding neighbourhood.

Alexandra Taylor: Has concerns over the safety of the neighbourhood after the building has been constructed. Also believes there are not enough amenities for the target demographic.

Rudy Sukkel: Has concerns over crime, waste, property maintenance and property values. Says that money should be put into upgrading the neighbourhood.

Mirella Meneguzzo: Has concerns over safety after the proposed project is built.

Sylvia Sukkel: Has issues with garbage and property maintenance. Would like to see the development take place somewhere else.

Jack and Cathy Roseboom: Have concerns over the lack of amenities and transportation for the people living in the proposed building. Would prefer if the project was located in a different area.

Michelle Turcotte: Is concerned about traffic, crime, the fit for the neighbourhood, property values and mental health. Would like to see the park remain in the location it is.

Tony Pruyn: Is concerned with the size of the proposed building and would not be opposed to development that matches the density of the neighbourhood.

Irma Comazzolo: Does not believe that social housing is the right fit for the neighbourhood. Also has concerns over the decrease in property values, increase in traffic, more crime and danger to young children. Irma also says that this location is not close enough to amenities.

Jacques and Olga Lieber: They do not want to see the park removed from its current location. They want the outdoor space to be saved for children to play for physical and mental health purposes.

Patti and Martin Fitzgerald: Do not want the park to be removed. They would like to see the housing project placed on a vacant lot, instead of taking away an existing park.

Bethany Moore: Has concerns over the new location of the park. Bethany says that parks should be visible to the public and easily accessible. She worries about the safety of the new location and is worried that her property is at risk without a fence.

Gino Castagna: Does not want the park to be replaced by housing and has an issue with not being notified when the City sold the land. Does not like the proposed location of the new park.

Matthew deGuerre: Does not want the park to be removed and believes that there are not enough amenities for a housing project. Believes that infrastructure should be upgraded in the area before more units are added. Also has concerns over why the land was sold without public notice.

Andrew Herron: Wants the zoning to remain the way it is. Worries that a social housing project will disturb the quiet and safe nature of the neighbourhood. Does not think that the proposed location is close enough to amenities.

Joseph DiGregorio and Catarina Buri: Has concerns over noise, safety and traffic. Believes the park should remain where it is and would like to see this housing project in a different location.

Jennefer Driver: Does not support the rezoning and has concerns over the relocation of the park.

Maybeth Szilagyi: Wants to know if the residents have any say in what happens in the neighbourhood. Would like to see the proposed housing units on a vacant lot, rather than relocating the park.

Sam Tavano: Has concerns over the look of the building in the neighbourhood and Council agreeing to sell the property behind closed doors.

Amy and Steven Forte: Believes that the park should not be removed. The new location is unsafe for children and women. Believes that property values will be affected. Has concerns over lack of transparency and believes the public doesn't have a voice.

Jim Turnbull: Believes affordable housing should be located closer to amenities, which are not available in this area.

Mona and Roland Breton: Is opposed to relocating the park because there are not enough parks in the area and does not want children to have to cross a busy street to get to the park.

Penny Turnbull: Is opposed to the removal of the park. Is worried that the proposed development will block the view of the boats. Believes that affordable housing should be located closer to amenities.

Donna Hale: Has concerns over the increase in traffic and would like to know if a traffic study has been conducted and believes that an increase in traffic will reduce safety.

Gayle Pulak: Does not support an apartment building in the neighbourhood as the park is meant for children.

Rick Lascelles: Has concerns over safety, increase in crime, property values, loss of park facilities and the logistics of this development in the neighbourhood. Believes that there are more suitable locations in the city for this development.

Shari Patterson: Has concerns over the target demographic and parking. Would prefer the target demographic be focused on seniors.

Emmanuel Boudreau: Would like the housing units to be located somewhere else and believes that there are better vacant lots in town.

Jessica Nuxoll: Has concerns over the increase in crime rates. Believes that the public should have been consulted in the sale of the property.

Kimberly and Justin LeBlanc: Has concerns over the lack of amenities in the area for this development and concerns over the new location of the park.

Explanation of Procedure to be Followed

Mr. Schulz advised that the procedure to be followed this evening would be to present Department of Planning and Development Report 2021-46 and read any correspondence received from circulated agencies and the public.

Presentation of Application for Zoning By-law Amendment

Mr. Schulz presented the following.

The subject parcel is zoned Public and Park (P). The P zone permits a cemetery; community garden; conservation use; cultural facility; food vehicle; park; public use; recreation uses; and uses, structures and buildings accessory thereto.

The Zoning By-law Amendment proposes to change the zoning of the property from Public and Park to R4-60, a special provision of the R4 zone. The R4 zone permits detached, semi-detached, triplex, fourplex dwellings; block and street townhouse dwellings; apartment buildings;

public apartment buildings; and uses, structures and buildings accessory thereto.

Comments of Applicant

Gary Long and Christine Clark Lafleur made additional comments regarding the target demographic and the need for affordable housing.

Questions of Clarifications to Applicant/Planning Staff

Councillor Desmarais asked about the target demographic.

Ms. Lafleur responded that the target population was seniors.

Councillor Desmarais asked how the public can be more involved.

Ms. Lafleur responded that they will be working closely with the planning department to ensure that any issues raised by the community are addressed and there will be a Community Advisory Committee.

Councillor Kalailieff asked if they would be targeting local seniors.

Ms. Lafleur responded yes they would be targeting locals.

Councillor Kalailieff asked if they would consider a mixed use.

Ms. Lafleur responded that it depends on the funding they receive.

Councillor Bruno asked if the funding will affect the build quality.

Ms. Lafleur said that the intent is to build sustainable and that nothing has been drafted yet but it will fit the neighborhood.

Councillor Bruno asked what the application process for residency looks like.

Ms. Lafleur responded that age will be a factor and it could come down to income or a lottery process.

Councillor Bodner asked if the building can be changed in the future.

Ms. Lafleur responded that it depends on the needs of the future but if Port Cares remains the owner they are obligated to look after the building.

Councillor Bodner asked how quickly this will rollout.

Ms. Lafleur responded that nothing will happen with the park until the due diligence is done. Scott Luey added that it depends on the funding as well.

Councillor Bagu asked if resident will have an input in Lockview Park.

Mr. Long responded that the public will be engaged.

Oral Presentations and/or Questions from the Public

Planning Staff will respond to public inquiries at a later date.

Announcement Respecting Written Notice of Passage of Zoning By-law Amendment

Mr. Schulz stated, “if you wish to be notified of the approval of the zoning by-law amendment you must make a written request to the Clerk. Only those persons and public bodies that give the clerk a written request for the notice of the adoption and passing of a zoning by-law amendment will be given notice.”

Explanation of Future Meetings

The proposed Zoning By-law Amendment and recommendation report will return to Council at a later date.

Adjournment

Mayor Steele adjourned this Public Hearing at approximately 10:28 p.m.

Moved By Councillor A. Desmarais

Seconded By Councillor D. Kalailieff

That Planning and Development Department Report 2021-46 be received for information.

Carried

a. Delegation from Christine Clark Lafleur, Executive Director, Port Cares

b. Delegation from Penny Butler, resident

Penny Butler expressed concerns over accessibility and parking.

c. Delegation from Melissa Bigford, resident

Melissa Bigford indicated that she does not want the City to sell off parkland and gave history of the park. Stated that the proposal contradicts the procedures of the Parks and Recreation plan and does not believe there are enough parks on the east side.

d. Delegation from Jessica Nuxoll, resident

Jessica Nuxoll expressed concerns over property values and an increase in crime in the area.

e. Delegation from Shari Patterson, resident

Shari Patterson expressed concerns about the location of the building. She indicated that it should be reflective of the community and believes that the height will be too high and not fit the character of the neighborhood. Also believes that traffic and parking will be an issue.

f. Delegation from Barbara deGuerre, resident

Barbara deGuerre expressed concerns with how it will impact the area, accessibility and the decrease of property values.

g. Delegation from Penny Turnbull, resident

Penny Turnbull expressed concerns with infrastructure and believes that money needs to be spent on upgrading the infrastructure of the area first. Believes that the building will be too tall and is not in an ideal location.

h. Delegation from Amy and Steve Forte, residents

Amy and Steve Forte expressed safety and property value concerns. They indicated that they do not believe that it will spur economic growth in the area and feels that the proposal is being rushed. They do not feel like there is any transparency between the City and the public.

i. Delegation from MayBeth Szilagyi, resident

j. Delegation from Jennefer Driver, resident

Jennefer Driver indicated that this location is not suitable for this development. She expressed that she does not want the park to be relocated and believes that this is not an accessible location for seniors.

k. Delegation from Matthew deGuerre, resident

l. Delegation from Bethany Moore, resident

Bethany Moore expressed concerns for the new park. Believes that it will be too closed off and will lead to bad behaviour and safety concerns.

m. Delegation from Patti and Martin Fitzgerald, residents

n. Delegation from Tony Pruyn, resident

o. Delegation from Michelle Turcotte, resident

Michelle Turcotte expressed traffic and safety concerns. Believes that there will be an increase in crime and that property values will be affected. She also believes that these issues will lead to mental health problems for the neighbors.

p. Delegation from Alexandra Taylor, resident

Alexandra Taylor expressed concerns over the safety, accessibility and traffic. Believes that the area will be too busy now and is concerned about the transparency between the City and the public.

q. Delegation from Ryan Dyck, resident

Ryan Dyck indicated that this is a growing community because of its affordability and location to a highway but has concerns over accessibility for seniors and the proposed location.

r. Delegation material from Kimberly and Justin LeBlanc, residents

s. Delegation material from Emmanuel Boudreau, resident

t. Delegation material from Rick Lascelles, resident

u. Delegation material from Gayle Pulak, resident

v. Delegation material from Donna Hale, resident

w. Delegation material from Mona and Roland Breton, residents

x. Delegation material from Jim Turnbull, resident

y. Delegation material from the Tavano family, residents

z. Delegation material from Josephine DiGregorio and Catarina Buri, residents

aa. Delegation material from Andrew Herron, resident

ab. Delegation material from Gino Castagna

ac. Delegation material from Jacques and Olga Lieber, residents

ad. Delegation material from Irma Comazzolo, resident

- ae. Delegation material from Jack and Cathy Roseboom, residents
- af. Delegation material from Sylvia Sukkel, resident
- ag. Delegation material from Mirella Meneguzzo, resident
- ah. Delegation material from Rudy Sukkel, resident
- ai. Delegation material from David and Jennie Beck, residents
- aj. Delegation material from Mary Bigford, resident
- ak. Delegation material from RB McGinnis, resident
- al. Delegation material from M. Berry, resident
- am. Delegation material from Irene L., resident

5. Procedural Motions

6. Information Items

7. Adjournment

Mayor Steele adjourned the meeting at approximately 10:30 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk

City of Port Colborne
Committee of the Whole - Budget Meeting Minutes

Date: Wednesday, February 17, 2021
Time: 6:30 pm
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

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

Members(s) Absent: A. Desmarais, Councillor

Staff Present: A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
B. Boles, Director of Corporate Services/Treasurer
C. Kalimootoo, Director of Public Works

1. Call to Order

Mayor Steele called the meeting to order.

2. Adoption of Agenda

Moved By Councillor R. Bodner
Seconded By Councillor H. Wells

That the agenda dated February 17, 2021 be confirmed, as circulated.

Carried

3. Disclosures of Interest

4. Staff Reports

5. Correspondence Items

6. Presentations

**6.1 Barbara A. Robinson, M.A.Sc., P.Eng., President and Founder,
Norton Engineering Inc. - Inflow and Infiltration in Sanitary Sewers**

Barbara A. Robinson, M.A.Sc., P.Eng., President and Founder, Norton Engineering Inc. provided a presentation with respect to Inflow and Infiltration in Sanitary Sewers and responded to questions received from Council.

7. Delegations

8. Procedural Motions

9. Information Items

10. Adjournment

Mayor Steele adjourned the meeting at approximately 8:15 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk

City of Port Colborne Council Meeting Minutes

Date: Monday, February 22, 2021
Time: 6:30 p.m.
Location: Council Chambers, 3rd Floor, City Hall
66 Charlotte Street, Port Colborne

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

Staff Present: D. Aquilina, Director of Planning and Development
T. Cartwright, Fire Chief
A. LaPointe, Manager of Legislative Services/City Clerk
S. Luey, Chief Administrative Officer
C. Madden, Deputy Clerk (minutes)
B. Boles, Director of Corporate Services/Treasurer
C. Kalimootoo, Director of Public Works

1. Call to Order

Mayor Steele called the meeting to order.

2. National Anthem

3. Proclamations

4. Adoption of Agenda

Moved by Councillor E. Beauregard
Seconded by Councillor H. Wells

That the agenda dated February 22, 2021 be confirmed, as circulated.

Carried

5. Disclosures of Interest

5.1 Councillor E. Beauregard - Chief Administrative Office Report 2021-58, Hamilton-Oshawa Port Authority City Joint Development Plan

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

5.2 Councillor E. Beauregard - Chief Administrative Office Report 2021-55, Potential Disposition of City Owned Land

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.

5.3 Councillor E. Beauregard - Corporate Services Department Report 2021-59, Appeal of Zoning By-law Amendment (170 Welland Street)

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided legal advice on this item.

5.4 Councillor E. Beauregard - MOU between the City of Port Colborne and Port Cares for an Affordable Housing Development, 2021-54

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided legal advice on this item.

5.5 Councillor E. Beauregard - Nickel Beach and Centennial – Cedar Bay Beach Seasonal Operation Plans 2021, 2021-49

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided legal advice on this item.

5.6 Councillor E. Beauregard - By-law to Authorize Entering into a Memorandum of Understanding with Port Cares for an Affordable Housing Development

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided legal advice on this item.

6. Approval of Minutes

6.1 Regular Meeting of Council - February 8, 2021

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

That the minutes of the regular meeting of Council, held on February 8, 2021, be approved as presented.

Carried

7. Staff Reports

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

That items 7.1 and 7.2 be approved, and the recommendations contained therein be adopted.

Carried

7.1 COVID Update – February 2021, 2021-53

That Chief Administrative Office Report 2021-53 be received for information.

7.2 Heritage Report for Demolition of an Accessory Building at 120 Main Street West, 2021-57

That Planning and Development Department Report 2021-57 be received; and

That City Council permit the demolition of the accessory building at 120 Main Street West and keep the property listed on the Municipal Heritage Registry.

8. Correspondence Items

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

That items 8.1 to 8.6 be received for information.

- 8.1 **City of St. Catharines - Universal Paid Sick Days in Ontario**
- 8.2 **Town of Lincoln - Request Niagara Region to Explore Options for Securing Recycling Bin Contents**
- 8.3 **Various Municipalities - Request for Municipal Infrastructure Funding Opportunities**
- 8.4 **Lake of Bays - Support Municipality of Mississippi Mills Request for Revisions to the Municipal Elections Act**
- 8.5 **Town of Arnprior - Support City of Hamilton to Amend AGCO Licensing and Application process for Cannabis Retail Stores**
- 8.6 **Municipality of Brockton - Support Port Colborne on Proposed Regulations under Ontario Heritage Act (Bill 108)**
- 9. **Presentations**
- 10. **Delegations**
- 11. **Mayor's Report**

A copy of the Mayor's report is attached.
- 12. **Regional Councillor's Report**

Regional Councillor Butters provided an update to City Council.
- 13. **Staff Remarks**
- 14. **Councillors' Remarks**
 - 14.1 **Load Limits on Brookfield Road (Wells)**

In response to Councillor Wells inquiry regarding issues and potential solutions to the load limits on Brookfield Road, the Director of Public Works advised that he will investigate resolutions.
 - 14.2 **Snow Plowing at Centennial Park (Bodner)**

In response to Councillor Bodner's request to have snow plowing completed more frequently at Centennial Park, the Director of Public Works confirmed that this location will be put on the list of locations that are plowed within 24 hours of the snowfall.

14.3 Snow Removal (Kalailieff)

Councillor Kalailieff provided a reminder to residents regarding snow removal, indicating that City staff does not plow sidewalks and that this responsibility belongs to the property owners.

14.4 Issues with Property Owners Clearing Snow (Danch)

Councillor Danch informed Council that there have been issues with property owners clearing the snow off of the sidewalks and queried whether the City staff could use the sidewalk snow plow in more areas. The Chief Administrative Officer informed Council that he would investigate solutions to this issue and further advised that if Council or the public witnesses any sidewalks not cleared of snow, to contact the By-law Enforcement Division who will investigate.

14.5 Removal of Cars off the Street (Danch)

Councillor Danch reminded residents to remove their cars off of the street after a large snow fall occurs as this will assist City staff when snow plowing the roads.

14.6 Excess Snow Piles Left by Plows (Bruno)

In response to Councillor Bruno's inquiry regarding the process behind removing excess snow that gets left by the plow between on-street parking spaces and the curb, the Director of Public Works advised that if there is a large build-up of snow, staff will return back to that location after the initial plow and clear the excess snow. The Director of Public Works advised Council and residents to call Customer Service to report any areas that have excess snow and staff will arrange to have it cleared.

14.7 7-Eleven Stores' AGCO Applications (Bruno)

In response to Councillor Bruno's inquiry regarding the 7-Eleven Stores' AGCO Applications, the Chief Administrative Officer informed Council that he will investigate this matter and bring a report forward to Council.

15. Consideration of Items Requiring Separate Discussion

15.1 Water Rescue During Wind Storm on November 15, 2020, 2021-59

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That Fire and Emergency Services Report 2021-59 be received; and

That the Fire Chief be directed to continue billing for providing fire fighting or other emergency services to non-residents in accordance with By-law 6741/105/19.

Carried

a. Delegation from Jaskaran Singh

15.2 MOU between the City of Port Colborne and Port Cares for an Affordable Housing Development, 2021-54

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided legal advice on this item.)

Moved by Councillor H. Wells

Seconded by Councillor D. Kalailieff

That Chief Administrative Office Report 2021-54 be received;

That Council approve a Memorandum of Understanding (MOU) between the City of Port Colborne and Port Cares for an Affordable Housing Development; and

That a by-law to enter into a MOU with Port Cares be brought forward.

Carried

a. Delegation material from Melissa Bigford, resident

15.3 Nickel Beach and Centennial – Cedar Bay Beach Seasonal Operation Plans 2021, 2021-49

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided legal advice on this item.)

Moved by Councillor R. Bodner

Seconded by Councillor M. Bagu

That the Centennial – Cedar Bay Beach Operations Plan attached as Appendix A, and the Nickel Beach Operations Plan attached as Appendix B of Corporate Services Department Report 2021-49 be approved; and

That the Director of Corporate Services be directed to engage staff in the implementation of the seasonal operations outlined in Appendix A and Appendix B of Corporate Services Department Report 2021-49.

Amendment:

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That consideration of Corporate Services Department Report 2021-49 Subject: Nickel Beach and Centennial - Cedar Bay Beach Seasonal Operations Plans 2021, be referred to the Director of Corporate Services in order to investigate financial considerations for the Nickel Beach and Centennial - Cedar Bay Beach Seasonal Operation Plans 2021 and bring a report forward to Council with further details.

Carried

15.4 Sugarloaf Marina 2021 Rates Report, 2021-56

Moved by Councillor H. Wells

Seconded by Councillor M. Bagu

That Corporate Services Department Report 2021-56 be received; and

That the recommendations regarding rates and fees as outlined in Appendix A, Appendix B, Appendix C, and Appendix D to Corporate Services Report 2021-56 be approved.

Carried

15.5 Port Colborne Distribution System Annual Inspection, 2021-48

Moved by Councillor H. Wells

Seconded by Councillor G. Bruno

That Engineering and Operations Department Report 2021-48 be received for information.

Carried

15.6 Niagara Region - Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement

Moved by Councillor H. Wells

Seconded by Councillor E. Beauregard

That correspondence from the Niagara Region with regards to Amending Agreement to the Niagara Region Courts Inter-Municipal Agreement, be received for information; and

That Council approve the amending agreement in order to advance the Vision Zero Program.

Carried

15.7 Various Municipalities - Ontario Fire College Closure

Moved by Councillor H. Wells

Seconded by Councillor A. Desmarais

That correspondence from Lake of Bays, Township of Augusta, Town of Gravenhurst, Township of Baldwin, and Township of Terrace Bay regarding Ontario Fire College Closure, be supported.

Carried

16. Motions

17. Notice of Motions

18. Minutes of Boards & Committees

18.1 Downtown Port Colborne BIA Meeting Minutes - November 11 and December 9, 2020

Moved by Councillor D. Kalailieff

Seconded by Councillor A. Desmarais

That the minutes of the Downtown Port Colborne BIA meetings, held on November 11, and December 9, 2020, be approved as presented.

Carried

19. By-laws

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

That items 19.1 and 19.2 be enacted and passed.

Carried

19.1 By-law to Authorize Entering into a Memorandum of Understanding with Port Cares for an Affordable Housing Development

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided legal advice on this item.)

19.2 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne

20. Confidential Items

The City Clerk reported that direction was provided to staff for items 20.2 to 20.4 during closed session in accordance with the *Municipal Act, 2001*.

Moved by Councillor H. Wells
Seconded by Councillor M. Bagu

That Council do now proceed into closed session in order to address items 20.1 to 20.4.

Carried

20.1 Minutes of the closed session portion of the February 8, 2021 Council Meeting

20.2 Chief Administrative Office Report 2021-58, Hamilton-Oshawa Port Authority City Joint Development Plan

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

20.3 Chief Administrative Office Report 2021-55, Potential Disposition of City Owned Land

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided or will provide legal advice on this item.)

20.4 Corporate Services Department Report 2021-59, Appeal of Zoning By-law Amendment (170 Welland Street)

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, and has an indirect pecuniary interest as the City's solicitor provided legal advice on this item.)

21. Procedural Motions

22. Information items

23. Adjournment

Council moved into Closed Session at approximately 8:15 p.m.

Council reconvened into Open Session at approximately 11:30 p.m.

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

William C. Steele, Mayor

Amber LaPointe, City Clerk

Subject: Nickel Beach and Centennial – Cedar Bay Beach Seasonal Operation Plans 2021

To: Council

From: Corporate Services Department

Report Number: 2021-49

Meeting Date: February 22, 2021

Recommendation:

That the Centennial – Cedar Bay Beach Operations Plan attached as Appendix A, and the Nickel Beach Operations Plan attached as Appendix B of Corporate Services Department Report 2021-49 be approved; and

That the Director of Corporate Services be directed to engage staff in the implementation of the seasonal operations outlined in Appendix A and Appendix B of Corporate Services Department Report 2021-49.

Purpose:

The purpose of this report is to seek direction from Council regarding the seasonal operations intended for implementation at Nickel Beach and Centennial – Cedar Bay beach through the 2021 operating season.

While staff have identified options and provided the highlights of a recommended Operations Plan in this report, staff highlight this information is provided as a mechanism to start the conversation on beaches. These plans can and will be adjusted at the direction of Council.

Background:

During the 2020 operating season, various operational changes were implemented at Nickel Beach and Centennial – Cedar Bay Beach in response to the ever-changing requirements of staff, residents, and visitors during the COVID-19 pandemic.

Key operational changes in 2020 included:

- enhanced health & safety measures for both staff and beachgoers
- increased security services
- increased staffing levels
- support from enforcement and emergency services
- consultation with public health
- capacity and residency-based access restrictions
- fee structure for residents and non-residents of the Niagara Region
- hours of operation
- parking options and availability
- communications and media updates
- reserved space and dedicated access times for Port Colborne residents

These operational changes supported a positive and safe beach environment.

Staff acknowledge and identify that despite best efforts the activity around Nickel Beach and Centennial – Cedar Bay beach certainly increased in 2020.

Discussion:

It is anticipated that increased activity around Nickel and Centennial – Cedar Bay will likely continue without pro-active changes in City operations. Staff appreciate Council's support throughout last year and the recognition of some of the challenges associated with beach operations.

Consideration for safety and quality of experience, for both residents and visitors should be at the forefront of decision making. As a result, staff have identified several options for beach operations in 2021 for Council to consider.

Option one – Keep beaches closed with no access for the season. Staff do not recommend this option.

Option two – Open beaches with access restricted to Port Colborne residents only. A City-obtained legal opinion advises against this course of action and staff do not recommend this option.

Option three – Open beaches with strict capacity limits, including pre-booking for non-resident vehicles and implement a multi-faceted operational approach. Staff recommend this option.

Staff have identified that the biggest challenge through the 2020 season was the total volume of cars and patrons attempting to access beaches at peak times, not the geographical residency of those patrons. As such, staff are proposing the implementation of a strategic Operational Plan in 2021 that limits access for both Centennial – Cedar Bay Beach, attached as Appendix A, and Nickel Beach, attached as Appendix B of Corporate Services Report 2021-49. If option three is supported, staff intend to provide Council with an additional information report prior to the start of the

2021 season (schedule for the Victoria Day weekend, subject to Provincial Guidelines and recommendations of the City's EOC (Emergency Operations Centre) as it relates to the evolving COVID-19 pandemic) which will update Council further on the status of operations.

Internal Consultations:

Communications

Staff will work closely with the City's Communications Officer to create and execute a marketing communication to promote new beach operational changes. This includes utilizing both traditional print media, new digital media initiatives, updating signage and graphics adhering to brand guidelines, and responding to media requests. Staff will also provide appropriate and regular updates to the Communications staff, including information regarding capacity, parking, inclement weather, and beach closures.

Community Safety & Enforcement

The implementation of advanced capacity signage will assist all staff with traffic flows and reduce the need to direct traffic.

In this initial plan, the By-law Division's main function with the beach will be the issuance of parking tickets in the adjacent areas. Education and social distancing enforcement will be conducted by the beach team. To alleviate the need for ticketing, a signage review will occur in the coming months with additional signage added to support effective enforcement.

Financial Implications:

Staff identify that projected revenue and associated costs for the 2021 season will vary relative to the direction Council provides for staff regarding beach operations.

Conclusion:

The implementation of a strategic Operational Plan that focuses on limiting capacity, will allow staff to be responsive in managing the challenges and mitigating risk as we continue to navigate through COVID-19 for the 2021 season.

Appendices:

- a. Centennial – Cedar Bay Beach Operating Plan 2021
- b. Nickel Beach Operating Plan 2021

Respectfully submitted,

Blair Holinaty
Recreation Coordinator & Beach Supervisor
(905) 835 2900 Ext. 538
Blair.Holinaty@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

2021 Centennial - Cedar Bay Beach Operating Plan

Readers of this operating plan are cautioned that the plan may be adjusted dependent on the progression of COVID-19 and activity experienced at the beach.

Further readers will find each section in this operating plan builds on the next. To this point questions that may arise in one section may be answered in the next. Staff look forward to discussing with Council the following plan.

COVID- 19 response and service levels

Parking & Capacity Limits

Staff plan to restrict capacity at the beach by controlling the availability parking at the park. This is possible as the streets do not permit on-street parking, therefore the only parking access is the parking lot which will be controlled.

Beach access parking will be restricted to a maximum of 20 to 25 carloads for non-Port Colborne residents at any given time. All other parking space will be reserved for local residents interested in accessing the beach or using the park amenities. For a local resident to access the free parking, they will require a Seasonal Resident Pass (see below).

Beach Staffing Levels & Hours of Operation

From the Victoria Day long weekend to Labour Day, seasonal summer staff will be scheduled to operationalize the sale of daily parking passes, enforce capacity limits and COVID-19 related guidelines, monitor and enforce prohibited parking along Vimy Rd., cleaning & sanitation of washrooms, and support upkeep on the park & beach property. Staff will be stationed at the entrance of the parking lot in order to engage each vehicle that enters.

Intended hours of operation for beach staffing are 9 a.m. – 5 p.m. Staff will be scheduled on weekends from Victoria Day long weekend to the end of June, and seven days per week from the beginning of July to Labour Day.

Budget

There was no budget allocated for operations at Centennial – Cedar Bay Beach through the 2021 City budget. Staff anticipate an additional net cost of approximately \$10,000 to operationalize Centennial – Cedar Bay Beach. This additional cost can be covered through the COVID-19 contingency budget that was presented to Council.

Fees (Non – Port Colborne Residents)

Centennial – Cedar Bay Beach	2020 Fee	2021 Proposed Fee
<i>Daily Parking Pass Monday – Friday (Per vehicle)</i>	Nil	\$10
<i>Daily Parking Pass Weekends & Statutory Holidays (Per Vehicle)</i>	Nil	\$15

Seasonal Resident Passes

Residents of Port Colborne will have free access to parking at both Centennial – Cedar Bay, and Nickel Beach throughout 2021 by means of a seasonal resident's pass. Registration will be required in advance and will be available to residents online prior to the Victoria Day weekend. Due to limited parking spots available at Centennial – Cedar Bay beach, there will always be reserved space for residents of Port Colborne who are interested in accessing the beach or utilizing the park amenities.

Washrooms & hand wash stations

In addition to the public washroom facilities at the beachfront entrance, two additional portable washroom units and a hand washing station will be installed in the parking lot located in Centennial – Cedar Bay Park. All washroom facilities will be cleaned and sanitized every two hours and/or as required. Portable washrooms will be fully serviced two times per week as a minimum.

Security

With the implementation of scheduled summer students daily, there will not be security scheduled on site, however, security services scheduled daily at Nickel Beach will have the ability to respond if necessary, to support operations at Centennial – Cedar Bay beach.

Signage

To deter high volumes of traffic coming to the area when capacity has been reached, an electronic message board will be located on the routes to Centennial – Cedar Bay beach and will be updated to reflect capacity status.

Cash Handling/POS

With minimal infrastructure and no security services, staff will use only point of sale (POS) units to operate parking pass sales in a safe manner. Cash transactions will not be accepted.

Communications

Staff will provide appropriate and regular updates to the Communications Officer. Important information such as capacity, parking, inclement weather, and posted beach closures will be available to the public.

Enforcement and Public Health

Ongoing communication, support and consultation with By-law, Communications, Fire and Emergency, Niagara Regional Police, and Niagara Region's Public Health department.

2021 Nickel Beach Operating Plan

Readers of this operating plan are cautioned that the plan may be adjusted dependent on the progression of COVID-19 and activity experienced at the beach.

Further, readers will find each section in this operating plan builds on the next. To this point, questions that may arise in one section may be answered in the next. Staff look forward to discussing the following plan with Council.

COVID- 19 response and service levels

Parking & Capacity Limits

Parking capacity and beach access at Nickel Beach will be restricted to approximately 150 carloads daily for non-Port Colborne residents. All additional parking space will be dedicated for Port Colborne residents. In order to limit the volume of patrons accessing the beach and surrounding areas direct beachfront parking will be the only option available for beachgoers through the 2021 season. For those with limited mobility or those who may not want to park on the beach there will be limited parking spaces available.

In practical terms this means cars will not be parking on Lake Road, Fares Street and Rodney Street.

To facilitate this, limited daily parking passes will be available to purchase online in advance (further details under online ticketing solutions).

Seasonal Resident Passes

Residents of Port Colborne will have free access to parking at both Nickel, and Centennial – Cedar Bay beaches throughout 2021 by means of a seasonal resident's pass (must display pass for access). Registration will be required in advance and will be available to residents online prior to Victoria Day weekend via an online ticketing solution (below). Appropriate space will be reserved daily for Port Colborne residents to ensure that residents can access the beach at any time. Passes will allow residents to bring family/friends to the beach within their carload.

Walk-on Access

Accessing the beach by parking outside of the designated parking areas and walking onto the beach will be prohibited. Staff anticipate that residents of Port Colborne will primarily take advantage of parking on the beachfront for free via the seasonal resident pass, however residents of Port Colborne from the local area who choose to walk to the beach will be provided access by showing a resident pass, or government issued photo identification.

Online Ticketing Technology

To further mitigate potential traffic congestion due to limited/restricted beach capacity and parking options, daily pass sales will be made available through an online ticketing solution. Similar to “event” type ticketing, interested beachgoers will be required to check availability of parking passes in advance and make purchase prior to their trip to the beach.

Residents of Port Colborne will be able to use the online ticketing technology to register for their free seasonal resident pass which will provide access at any time through the season. In practical terms, this means residents of Port Colborne will be able to come and go at the beach without pre-booking. If demand by local residents exceeds expectations, Staff will look to limit ticket sales on future days to increase capacity for local residents.

Beach Staffing *Levels & Hours of Operation*

The Seasonal Beach Coordinator will supervise summer students and oversee daily operations. The beach will be open seven days per week from Victoria Day weekend to Labour Day. Open hours will be 10 a.m. to 6 p.m. Monday through Friday, and 9 a.m. to 8 p.m. on weekends and statutory holidays.

Nickel Beach (Fees include HST)	2020 Fee	2021 Proposed Fee	Fees (non- residents)
<i>Daily Pass Monday - Friday (Per vehicle)</i>			
Niagara Residents	\$15	\$20	
Non-Residents	\$50	\$50	
<i>Daily Pass Weekends & Statutory Holidays (Per vehicle)</i>			
Niagara Residents	\$20	\$25	
Non-Residents	\$50	\$55	

Washrooms & hand wash stations

The washroom building infrastructure on site continues to deteriorate each season with increased use. Staff plan on decommissioning the building for washroom use and will be used as additional storage space in 2021. Portable washroom units and hand wash stations will be secured and placed at various locations around the beach property for ease of access. All units will be cleaned and sanitized every two hours and/or as required. Portable washrooms will be fully serviced two times per week as a minimum.

Security

Security services will continue to be contracted to support staff and operations and ensure patron compliance. Services will also be available to respond to needs at Centennial - Cedar Bay beach as required. Security will primarily station a checkpoint at the corner of Lake Rd. and Rodney St. where they will control the flow of traffic and re-route vehicles while at capacity. Although, as the season progresses and users become more accustomed to the requirement to pre-book, this location may change.

Signage

To deter high volumes of traffic coming to the area when capacity has been reached, an electronic message board will be located on the routes to Nickel Beach and will be updated to reflect capacity status and a reminder that pre-registration is required.

Cash Handling/POS

Point of sale (POS) units linked with the on-line booking system will be utilized to supplement advance online purchasing. Cash transactions will be limited.

Communications

Staff will provide appropriate updates to the Media and Communications Officer. Important information such as capacity, parking, inclement weather, and posted beach closures will be available to the public.

Enforcement and Public Health

Ongoing communication, support and consultation with By-law, Communications, Fire and Emergency, Niagara Regional Police, and Niagara Region's Public Health Department.

Third Party Lease Agreements

Due to the continued health & safety concerns brought on by COVID-19, and limited beach capacity and parking options through 2021, Splashtown Niagara's inflatable water park intends to delay operations until 2022.

Big Pappi's intends to operate food services at Nickel Beach in 2021 by following strict public health measures.

Memorandum

To: Mayor Steele and Members of Council
From: Bryan Boles, Director of Corporate Services/Treasurer
Date: March 8, 2021
Re: Council Report 2021-49

In response to some questions regarding Corporate Services Department Report 2021-49, Nickel Beach and Centennial – Cedar Bay Beach Seasonal Operation Plans 2021 which was brought forward to Council on February 22, 2021, staff have prepared the following information to supplement the contents of Report 2021-49:

Centennial – Cedar Bay Beach Program and Budget

In Report 2021-49, staff proposed a point in time, targeted approach based on peak hours to Cedar Bay beach. The components of that approach were outlined in Report 2021-49.

The following is a breakdown of the budget projections in Report 2021-49. That projection identified a net cost of \$10,000 to operationalize Centennial – Cedar Bay Beach in 2021.

Parking pass revenues	\$ (15,000)
Staffing	\$ 20,500
2 portable washrooms	\$ 1,000
Signage	\$ 3,500
Total	\$ 10,000

Key assumptions are as follows:

1. Revenues (Parking Pass Sales)
 - Weekends only May 22nd – July 4th, 7 Days per week July 5th – September 6th for a total of 78 days
 - Fees \$10 weekdays, \$15 weekends
 - Projections assuming an approximate average of seven parking pass sales daily for weekdays and 25 parking pass sales daily on weekends
2. Staffing
 - 2 students
 - 18 total weeks of employment
 - Average of 5 – 7hr shifts per week

- All-in, average cost of \$16.50 per hour, per employee
- 3. Portable Washrooms
 - \$145 plus taxes monthly for 3 months including service costs
- 4. Signage
 - Estimated costs for installation of updated signage re – rules/regulations & capacity limits
- 5. Operating hours
 - Proposed hours of operation 9 a.m. – 5 p.m.

As noted, comments and questions with respect to Report 2021-49 have since been received and as a result, staff are proposing the following adjustments:

1. The beach parking lot be locked by way of a chain outside the hours of 8 a.m. and 9 p.m.
2. Student staffing would begin at 8 a.m. instead of 9 a.m. There would be no ability to park in the lot before then. The rationale for the 8 a.m. start time is it facilitated use of the parking and balance the scheduling of students. Should Council wish for the parking lot to be open sooner, staff will accommodate.
3. Starting at 5 p.m. when the students leave, a security guard will be at the lot until 9 p.m. when the lot will be locked. If any vehicles are in the lot at 9 p.m., the security guard will facilitate towing and a ticket will be issued. Bylaw is reviewing if any changes are needed to current regulations and will follow-up with an additional report to facilitate those changes should they be required.

A secondary budget has been prepared in response to questions/concerns surrounding the original operating plans and associated budget for Centennial – Cedar Bay Beach. The following budget includes additional costs associated with increased staffing hours, and contracted security services required to extend operating hours from 8 a.m. to 9 p.m. seven days per week from May 22nd to September 6th, as well as fees required for parking passes to recover all operating costs.

Parking pass revenues	\$ (47,000)
Staffing	\$ 33,000
2 portable washrooms	\$ 1,000
Additional signage	\$ 3,500
Security Services	\$ 9,500
Total	\$ NIL

Key assumptions are as follows:

1. Parking Pass Revenues
 - 7 days per week from May 22nd to September 6th for a total of 108 days
 - Fees \$25 weekdays, \$35 weekends

- With the additional hours of operations added, projections here are assuming an approximate average of 10 parking pass sales daily for weekdays and 25 parking pass sales daily on weekends
2. Staffing
 - 2 students
 - 18 total weeks of employment
 - Average of 8hr shifts per week
 - All-in, average cost of \$16.50 per hour, per employee
 3. Portable Washrooms
 - \$145 plus taxes monthly for 3 months including service costs
 4. Signage
 - Estimated costs for installation of updated signage re – rules/regulations & capacity limits. The City reserves the rights to ticket/tow vehicles on premises outside of the posted operating hours.
 5. Operating hours
 - Hours of operation 8 a.m. – 9 p.m. Staff operate the hours of 8 a.m. – 5p.m. and security services contracted from 5 p.m.-9p.m.

In the event the above budget varies from forecast, ie. revenue is less then budget, staff recommend repurposing the Nickel Beach reserve to a “Beach Reserve” and fund the difference from there. The balance of that reserve is forecasted at December 31, 2020 at \$212 thousand.

Nickel Beach

The following information is a breakdown of the metrics used to propose the restricted maximum of 150 spots for non-Port Colborne residents through 2021.



Similar to the 2020 season, staff calculate that half of the average capacity for single row parking spots on Nickel beach would be 150 total. Staff have intentionally used single row parking metrics along the beachfront while considering safety and user

experience through COVID-19 including adequate spacing for social distancing, additional usage from boaters, as well as environmental impacts such as high-water levels on various days. The key assumptions in this calculation are as follow:

- Approximately 2700 linear feet of total parking footprint
- Conservative average of 9 feet per parking spot $(2700/9) = 300$ total
- Reduce 300 total spots by half capacity to achieve total parking of 150 spots

While 150 spots may be considered conservative, staff propose out of an abundance of caution that this be the City's initial starting point for spots to charge a fee at. This number further helps ensure no Port Colborne resident will be turned away from the beach.

Staff plan to report usage and beach activity at the second Council meeting of every month during the months the beach is open. This will give Council an opportunity to comment and recommend changes.

Respectfully submitted,

Bryan Boles, CPA, CA, MBA
Director, Corporate Services
(905) 835-2900 Ext. 105
bryan.boles@portcolborne.ca



Subject: Downtown BIA Pilot Project with Farmers' Market

To: Council

From: Chief Administrative Office

Report Number: 2021-67

Meeting Date: March 8, 2021

Recommendation:

That Chief Administrative Office Report 2021-67 be received;

That Council approves the Downtown BIA managing the farmers' market as a two-year pilot project; and

That Council direct the Economic Development Officer to work with the Downtown BIA on a Memorandum of Understanding (MOU) and an amended by-law.

Purpose:

The purpose of this report is to update Council on a proposal from the Downtown Business Improvement Area (BIA) to manage Port Colborne's farmers' market on a two-year trial basis and to seek Council approval for this arrangement.

Background:

The Port Colborne farmers' market has been managed within the Community and Economic Development Department by a City-employed Market Clerk position. Due to restructuring within the City, the Community and Economic Development Department has been eliminated. This has resulted in leaving the Market Clerk position vacant. The Downtown BIA has approached City staff with a proposal to manage the farmers' market as a two-year pilot project. City staff would continue to be involved, working with the Downtown BIA regarding logistics, set-up, and garbage removal. A copy of the BIA's proposal is attached as an Appendix to this report.

Discussion:

There are other examples in Ontario where the BIA manages and operates the farmer's market. Throughout the province 18% of farmers' market are managed by the municipality and in most of these cases, it involves a City owned building. The remaining 82% are managed by BIA's, service groups or other not-for-profit organizations.

In order to undertake this new opportunity, the City's by-law for the farmers' market would need to be amended to designate the Downtown BIA Administrator as the Market Clerk to oversee the operations of the farmer's market. The by-law will also need to be amended to change the "Director" from the Director of Community and Corporate Services to the Manager of Strategic Initiatives.

The BIA and City staff will report back to Council after the completion of one year.

Internal Consultations:

This proposal has been discussed between the CAO, the Director of Corporate Services, the City Clerk, the Manager of Strategic Initiatives, the Economic Development Officer, and the Events and Volunteer Coordinator.

Financial Implications:

The City has been requested to provide up to \$2,500 in start-up funding to the BIA for this initiative. The City has collected the fees from the vendors for the farmers' market in the past and had budgeted for \$4,000 in 2021 and those fees under this proposal would go to the BIA.

The farmers' market does not operate at a surplus for the City. Based on financial statements from 2018 and 2019, the City has incurred a deficit from the farmers' markets operations. The primary expense for the farmers' market is related to staff wages. 2018 and 2019 financial statements were determined to be more accurate representations of the numbers than the 2020 statement. In 2020, the farmers market did not run at full capacity due to the ongoing COVID-19 pandemic. With the reorganization of the Community and Economic Department there is staff expense savings related to the Farmers market under this proposal and additional staff time savings have been re-allocated. We anticipate that the staff expense savings will exceed the \$4,000.00 in vendors fees budgeted in 2021.

Public Engagement:

This proposal has been discussed and approved by the Downtown BIA Board of Directors.

Conclusion:

The Downtown BIA has approached the City about managing the Port Colborne farmers' market for two years as a pilot project. This proposal has the support of the Downtown BIA Board of Directors. If Council approves this arrangement, staff are recommending that a joint Memorandum of Understanding (MOU) be prepared to outline responsibilities and expectations of both parties and the current farmers' market by-law be amended accordingly. This MOU and an amended by-law could come back within a staff report for the March 22 Council meeting.

Appendices:

- a. Letter from Downtown BIA Chair

Respectfully submitted,

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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.



Downtown Port Colborne Strategic Plan Proposal

TO: City of Port Colborne

RE: Port Colborne Farmers Market, February 2021

Summary

Greetings Port Colborne Mayor, Council & Senior Staff,

In follow up to our conversations of February 9, 2021 the Downtown Port Colborne BIA wishes to formally express our interest in taking over the operation and management of the Port Colborne Farmers Market. As indicated in our meeting we are developing a new direction and strategic plan at the Downtown Port Colborne BIA to move us forward as a vibrant and responsible steward of our Community and of the merchants we represent. Our BIA is looking for a project and vision to make the core base of our Downtown community and of our operational efforts. We believe that taking over the operations of the Port Colborne Farmers Market give us that core base needed to use as a pedestal and building block for future development, growth, marketing and events promoting the Downtown Core, The City and Engaging the Community. The market requires a vision and direction beyond what the city can provide. Farmers markets can not afford to be an afterthought or an ancillary project that is downloaded to a staff member without the proper training, resume, contacts and experience to manage and operate it. Farmers Markets go well beyond simply signing up vendors and having them set up on a Friday. There is a passion on both the coordinator and the farmers side of things that is unlike most industries. Writing to you as the chair of the BIA and as a Restaurateur and Event Manager, we do not get into these businesses with the expectation of huge financial success. We get into this for passion, creativity and community. With the resume and Market Management experience of our Executive Director, Mary-Lou Ambrose-Little we feel we are the best group for the task of elevating our market to the next level of success and leading it into the future.



Our Current Farmers Market

- The Port Colborne Farmers Market is 207 years old established in 1813.
- At times, Ports Market was a destination market year round for locals, American cottagers and tourists alike.
- Over the past few years the emphasis on sustainable local food sourcing has become the hottest topic in the culinary industry.
- More and More travelers are making farmers markets destination spots to seek out and check out the offerings of the local communities they visit.
- Niagara is rich in all artisan sectors from our wine and craft beer to our farm produce, cheeses and meats.
- A farmers market is a living, breathing entity. There is history, culture, pride and loyalty all built into it.
- The current COVID-19 Climate has had its impact on markets throughout Ontario and the Port Colborne Market requires some stabilization and revitalization.
- In speaking with stakeholders, community members, residents and businesses, there is some concern that our market has been lacking over the past few years. Our intention would be to restore these opinions and help foster the growth and rebirth of our market.
- Only 18% of current farmers markets are in Ontario are municipality run. All other are run by BIA's, Non-Profits, Community Groups and Vendor Associations.

Our Vision for The Market

Our strategic plan vision is to take the market and restore it to its former glory. From there our goal is to grow and built it to be the best market in Niagara. Our vision is to use it as the baseline catalyst of all our efforts for downtown. As an offshoot of the market we can provide an infinite number of promotion, event, tourist and economic development opportunities.



Benefit

- Offers a perfect spring board for all marketing and advertising initiatives. Radio, Print, Etc.
- Gives us a built in captive audience to appeal to and make Downtown a Friday and even by extension, weekend destination.
- In making us a weekend destination will encourage and promote tourism, Bed & Breakfasts, Lodging, Boating, Cycle tourism, Etc.
- Arts & Cultural Tie-In – Roselawn, Art Crawl, Sports Fest, Etc.
- Makes for a perfect stop with the Friendship trail and cycle tourism.
- Makes for an excellent business case for sourcing grant and private sector funding dollars for CIP infrastructure upgrades in the downtown.
- Spring board for Shop Local campaigns.
- Easy transition to Online & Virtual in the winter seasons utilizing technology.
- With a regular recurring reason to go downtown every Friday make a smooth and streamlines transition into advertising our private businesses and other community assets.
- Economic Development – Utilization of market space as a test space / proof of concept for new businesses looking to set up shop in Port Colborne.
- Job Development – Through a partnership with Port Cares Job Creation Program we would be looking to develop a Market Coordinator position under the BIA's Employment and the supervision of our Executive Director.

BIA Responsibilities

- Assume responsibility of vendors recruitment, retention and coordination.
- Provide Quarterly Reporting to City Hall.
- Ensure Compliance with Vendors Rules, City By-Laws, Health & Safety, Fire and Public Health Compliance.
- Actively Manage and staff the market.
- Provide community engagement and liaise with city staff.
- Curate Market Vendors in compliance with Farmers Market Ontario Guidelines and give preference to returning vendors, local to Port Colborne Vendors and Local to Niagara Vendors.
- Maintain comprehensive records of vendors, attendance and documentation.
- Any and all other day to day marketing and administrative considerations.



City of Port Colborne Responsibilities

- Continue to provide maintenance and support services to the Market Square with Street Sweeping, Garbage Collection, Seasonal Snow Removal, Pavement Maintenance and Grounds keeping of King George Park.
- Provide City staff and / or Summer Students for COVID-19 related crowd control.
- Allow the expansion of the market onto the section of Charlotte Street abutting the Market Square and City Hall contained by Catharine Street and King Street in the event that more space is required to grow the market.
- Be an active participant in quarterly meetings to actively monitor the success of this pilot project.
- Actively Promote the Farmers Market and related activities through city resources including the City's Communications Coordinator, Website and Social Media.

Financials & Terms

The BIA agrees to budget event funding towards stabilizing and growing the market from its current status. With the income of vendor fees and some initial seed funding through the Joint Ventures section of our budget as approved by the city, we believe we can make the market cover its cost of operation for the first year with hopes of growth and self sustainability by Year Two. At present we have a \$5000.00 Joint Ventures / Special Project allocation in our budget. Our ask would be for initial approval to access \$2500.00 of that at this time for the launch of the market season.

We propose a Pilot Project period of 18 months bringing us to the end of our board term and bringing City Council to the end of their elected term. At which point a reassessment of the partnership and a renewal of a new MOU can be established.

Respectfully Submitted,

Jesse William Boles | Chair
Downtown Port Colborne BIA

**Subject: Recommendation Report for Official Plan & Zoning By-law
Amendment Applications, File D09-01-20 & D14-03-20
Mineral Aggregate Resources & Operation Zone**

To: Council

From: Planning and Development Department

Report Number: 2021-63

Meeting Date: March 8, 2021

Recommendation:

That the Official Plan Amendment, attached hereto as Appendix A, adding new Mineral Aggregate and Petroleum Resources and aquifer protection policies, be approved.

That the Zoning By-law Amendment, attached hereto as Appendix B, adding new Mineral Aggregate provisions, definitions and aquifer protection provisions, be approved.

Purpose:

The purpose of the report is to provide Council with a recommendation regarding a proposed Official Plan and Zoning By-law Amendment introducing new policies and provisions related to Mineral Aggregate Resources and aquifer protection in the rural area.

Background:

On September 28, 2020, Council received Planning & Development report 2020-123 for information in which contained a staff proposal to amend the Official Plan and Zoning By-law 6575/30/18 which was subject to a public meeting under the Planning Act.

It was proposed to amend the Official Plan's Mineral Aggregate and Petroleum Resources policies under file number File D09-01-19 by adding the following to Section 10.1.1 Additional Policies:

d) require site specific Zoning By-law amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants and aggregate depots that blend and stockpile

aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:

- i) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;*
- ii) the protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;*
- iii) access being obtained directly to a road capable of carrying the anticipated truck traffic; and,*
- iv) notwithstanding b) above, ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Source Water Protection policies in Section 8.3 of this Plan.*

Under file number D14-03-20, Zoning By-law 6575/30/18 proposed to add the following to Section 2.3 Uses Prohibited in All Zones:

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

As Council is aware, there was interest from the public with several written submissions being received for the September 28, 2020, Public Meeting. Minutes of the public meeting were presented to Council at their meeting on October 13, 2020.

On October 26, 2020, Councillor Wells brought forward a motion to identify the Highly Vulnerable Aquifer as a drinking water source for the rural portion of Port Colborne and to protect it.

The motion passed by Council at the October 26, 2020 Council meeting was as follows:

That Council recognizes the Aquifer as identified in Schedule B3 of the Official Plan as a source water for the rural residents of the City; and

That the Director of Planning and Development be directed to amend the Official Plan to include the Aquifer such that the Aquifer receives the same consideration and protection from susceptible threats of contamination or adverse impact as the intake protection zones (IPZ-1 and IPZ-2); and

That the Region of Niagara, Township of Wainfleet, City of Welland, Town of Fort Erie and Niagara Peninsula Conservation Authority be notified of the City's action and be requested to pursue similar updates to their municipal planning documents in order to protect the aquifer.

On December 14, 2020, staff advised Council that a recommendation report would be submitted once additional public comments received after the public meeting can be reviewed.

On January 4, 2021, staff met with Regional Planning staff to discuss the proposed amendments and were informed that a report will be submitted on February 17, 2021, to the Regional Planning and Economic Development Committee in response to a 2020 motion.

Regional minutes of a December 9, 2020, Planning and Economic Development Committee meeting are copied below:

7.3 Port Colborne Aquifer

Councillor Butters requested staff provide a report at the Planning and Economic Development Committee meeting being held on February 17, 2021 respecting changes to Niagara Region's planning documents in order to protect the Port Colborne Aquifer, as identified in Schedule B3 of the City of Port Colborne's Official Plan.

Attached as Appendix D is the Regional Planning report. Staff is now in a position having reviewed all information to provide a recommendation report for Council's consideration.

Discussion:

Review of Council's October 26, 2020 direction

Staff have reviewed the Provincial Policy Statement (PPS) Policies and the Growth Plan related to Water Resources and for the protection/identification of the Highly Vulnerable Aquifer and provide the following:

► PPS

2.1.1 Natural features and areas shall be protected for the long term.

2.1.2 The diversity and connectivity of natural features in an area, and the long-term ecological function and biodiversity of natural heritage systems, should be maintained, restored or, where possible, improved, recognizing linkages between and among natural heritage features and areas, surface water features and ground water features.

2.2.1f) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions;

► Growth Plan

4.2.1 Water Resource Systems

1. Upper-and single-tier municipalities, partnering with lower-tier municipalities and conservation authorities as appropriate, will ensure that watershed planning is undertaken to support a comprehensive, integrated, and long-term approach to the protection, enhancement, or restoration of the quality and quantity of water within a watershed.
2. Water resource systems will be identified to provide for the long-term protection of key hydrologic features, key hydrologic areas, and their functions.
3. Watershed planning or equivalent will inform:
 - a) the identification of water resource systems;
 - b) the protection, enhancement, or restoration of the quality and quantity of water;
 - c) decisions on allocation of growth; and
 - d) planning for water, wastewater, and stormwater infrastructure.
4. Planning for large-scale development in designated greenfield areas, including secondary plans, will be informed by a subwatershed plan or equivalent.
5. Municipalities will consider the Great Lakes Strategy, the targets and goals of the Great Lakes Protection Act, 2015, and any applicable Great Lakes agreements as part of watershed planning and coastal or waterfront planning initiatives.

The City's Official Plan identifies the Highly Vulnerable Aquifer Areas in the City as Schedule B3 but provides no policy direction for lands that rely on private well water supply. Policies in the Official Plan and the Regional Plan only speak to protecting municipal water supply around intake areas. Both documents are silent for water supply when municipal services are unavailable.

The policies in the Official and Regional Plan regarding the Highly Vulnerable Aquifer Areas and protection of intake areas for municipal water supply first involved the completion of a science-based Assessment Report and a Source Protection Plan by the Niagara Peninsula Conservation Authority (NPCA).

When Official Plan policies of Section 8.3 were proposed to Council in 2014, they had to be read in their entirety and in conjunction with the Source Protection Plan, Assessment Report and the Explanatory Document that provided the context and rationale for the land use policies and in identifying significant threats for the Port Colborne water treatment plant intake protection zones.

Section 8 of the Official Plan was amended to identify the intake protection zones along the Welland Canal and included the following policies that controlled land use:

- a) No new waste disposal sites shall be permitted within the Port Colborne IPZ 1.
- b) No new waste disposal sites for the application of untreated septage to land shall be permitted within the Port Colborne intake Protection Zone 2.
- c) The commercial storage of pesticides in a quantity greater than 2,500 kg is considered a significant threat in the Port Colborne Intake Protection Zone 1. The future storage of pesticides in quantities greater than 2,500 kg may only be permitted subject to an approved Risk Management Plan within the Port Colborne Intake Protection Zone 1.
- d) The storage of road salt is considered a significant threat in the Port Colborne Intake Protection Zone 1, if stored outside with no cover, in amounts greater than 5,000 tonnes. New open storage of road salt greater than 5,000 tonnes is not permitted within the Port Colborne Intake Protection Zone 1.
- e) The storage of snow, and the contaminants associated with it, is considered a significant threat in the Port Colborne Intake Protection Zone 1 if stored in an area greater than 1 hectare. New storage of snow greater than 1 hectare in area is not permitted within the Port Colborne Intake Protection Zone 1.
- f) The discharge from untreated stormwater management systems is a significant threat where the storm sewer drainage area is at least 10ha in size with the predominant land use being commercial or industrial. Future stormwater management facilities which meet these criteria are not permitted within the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2.
- g) The discharge from wastewater treatment plants or combined sewer overflows, or discharge of industrial effluent is considered a significant threat as defined under the applicable circumstances in table 20, table 21, table 46, and in table 47 in Appendix C of the Assessment Report (2013). Future combined sewers, wastewater treatment facilities, and industrial effluent systems which meet these criteria are not permitted within the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2.
- h) An application for commercial or industrial development or the expansion, extension, or alteration of existing stormwater management facilities or the expansion of an existing commercial or industrial development, in instances where the Risk Management Official deems such an expansion may pose a significant threat to municipal drinking water, within the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2, shall be accompanied by a stormwater management plan that demonstrates and implements best

management practices related to managing stormwater runoff to the satisfaction of the Region's Chief Planning Official and City of Port Colborne, in consultation with the Risk Management Official, such that the development does not pose a significant threat to municipal drinking water.

i) In consideration of existing or future significant threats related to stormwater discharges, the City shall, within 5 years from the date the Source Protection Plan comes into effect (October 1, 2019), prepare and implement a comprehensive stormwater management master plan for the catchments out-letting to the Port Colborne IPZ 1 and Port Colborne IPZ 2. The stormwater management master plan will be prepared in accordance with the Municipal Class Environmental Assessment and will include:

An evaluation of the cumulative environmental impact of stormwater from existing and planned development.

j) The storage, and application to land of agricultural source material, and the lands used for livestock grazing/pasturing, farm animal yards and outdoor confinement areas, are significant threats in the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2. Future agricultural land uses are not permitted within the Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2.

k) Any planning or building permit application for a land use other than residential in Port Colborne Intake Protection Zone 1 and Intake Protection Zone 2 may require a Section 59 Notice from the Region of Niagara's Risk Management Official. The requirements of the notice will be determined through the application screening process.

l) By February 1st of each year, the City of Port Colborne shall report to the Source Protection Authority on the steps it has taken in the previous calendar year to implement the significant drinking water threat policies.

In response to Council's direction that the Aquifer receives the same protection as the intake protection zones (IPZ-1 and IPZ-2) creates a land use policy conflict and cannot be supported by staff.

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. However, when considering policy amendments, the policies will need to ensure compatibility with the surrounding land uses and be consistent with the Provincial Policy Statement (PPS), conforms to the Growth Plan, Regional and City Plan.

Prohibiting certain land use on designated Agricultural, Rural, Aggregate Resources, Hamlet, and Rural Employment lands create this policy conflict with use being supported in the Regional and City Official Plan. For example, the intake protection zones do not want land used for livestock grazing/pasturing. Prohibiting agricultural land

use on aquifer lands would not be supportable from a land use policy perspective as Agriculture land use is protected and preserved for long term use in the PPS, Regional and City Plan.

Staff however have reviewed the intake protection policies in the Official Plan and have proposed land uses to prohibit in the Highly Vulnerable Aquifer. These were done after review of Section 2.3.1 of the PPS which states that agricultural areas shall be protected for long-term use and while balancing Section 2.2.1 of the PPS. Staff have read the PPS in its entirety and feel that the relevant policies have been considered and applied for proposing the Official Plan amendments.

The Draft Zoning By-law attached as Appendix B proposing prohibitions can be supported (e.g. non-industrial livestock grazing will still be permitted on designated agricultural land in the aquifer).

Review of the Niagara Region Planning Report on Aquifer Options

Staff have reviewed the report (attached as Appendix D) and it is supported. It provides good information on the protection of groundwater resources and drinking water systems. It speaks to what staff have been drafting following receipt of public comments on the proposed applications. Regional staff commented that there are mechanisms such as the zoning by-law that can offer the protection of groundwater resources.

The report supports what staff have proposed through the Zoning By-law amendment by not allowing certain land use in the Highly Vulnerable Aquifer. Regional staff conclude that they are presently developing a comprehensive water resource system as part of their new Niagara Official Plan that will include specific policies regarding the Highly Vulnerable Aquifer. Once approved, the City would then be able to make amendments the Official Plan to ensure conformity with the Regional Plan.

Summary of Official Plan and Zoning By-law amendments

The following amendments have now been included and are summarized below:

Official Plan

- Amend Section 8.3 Source Water Protection by relocating it to Section 4.1.3.2
- Amend Section 4 Natural Heritage by adding 4.1.3.3 Highly Vulnerable Aquifer policies a) to g)
- Introducing new Source Water Protection policies for rural lands in the Highly Vulnerable Aquifer.
- Site Alteration policy in the Highly Vulnerable Aquifer.

- Mineral Aggregate Policy additions in Section 10.

Zoning By-law

- Deleting a) Mineral Aggregate Operations and b) Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals; and replacing it with a) Aggregate Extraction Operation.
- Adding the following definitions to Section 38: Aggregate Extraction Operation, Aggregate Storage Area, Natural Ground Water Table, Wet Pit, Dry Pit and the Highly Vulnerable Aquifer.
- Addition of Schedule A10 Highly Vulnerable Aquifer Overlay.
- Addition of Section 2.3.2 Highly Vulnerable Aquifer prohibited uses.
- Removal of the Mineral Aggregate Operation definition.
- Addition of the following prohibited uses in the Mineral Aggregate Operation zone:
 - Asphalt Plant, Concrete Plant and Aggregate transfer station.

Internal Consultations:

No internal consultation for proposed Official Plan policy and Zoning By-law changes were necessary.

Financial Implications:

There are no financial implications.

Public Engagement:

The public was first engaged on the proposed applications on a Zoom Open House on September 10, 2020, a public meeting on September 28, 2020 and additional public comment submission after the public meeting.

Conclusion:

Staff have recommended amendments to the Official Plan and the Zoning By-law by adding policies to the Mineral Aggregate Resources designation, new policies and provisions protecting the Highly Vulnerable Aquifer. The recommendations are made in the public's interest and represent good planning.

Appendices: (If none delete section)

- a. Appendix A: Draft Official Plan Amendment
- b. Appendix B: Draft Zoning By-law Amendment
- c. Appendix C: Schedule A10 Draft Zoning By-law Amendment
- d. Appendix D: Regional Planning Report on Aquifer Options

Respectfully submitted,

Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development
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Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Adopt Amendment No. 7 to the Official Plan
for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Now therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the *Planning Act*, hereby enacts as follows:

1. That Official Plan Amendment No. 7 to the Official Plan for the City of Port Colborne Planning Area, consisting of the explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this ____ day of _____, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk

**AMENDMENT NO. 7
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**PREPARED BY:
CITY OF PORT COLBORNE
DEPARTMENT OF PLANNING & DEVELOPMENT
FEBRUARY 22, 2021**

**AMENDMENT NO. 7
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 7 to the Official Plan for the City of Port Colborne.

Date: _____

**AMENDMENT NO. 7 TO THE OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

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Introductory Statement

Details of the Amendment

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Part C – The Appendices

1. Minutes of the Public Meeting

2. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, constitutes Amendment No. 7 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of the amendment is to relocate existing policies respecting Source Water Protection, to introduce new policies for the protection of the Highly Vulnerable Aquifer, and to the Mineral Aggregate and Petroleum Resources designation.

Location

The lands that are designated Mineral Aggregate and Petroleum Resources and in the Highly Vulnerable Aquifer are subject to this Amendment.

Basis

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors: 1. the policies will ensure compatibility with the surrounding land uses. 2. This Amendment is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

PART B – THE AMENDMENT

The Official Plan adopted by By-law 5855/109/12 and approved by the Ontario Municipal Board decision of November 25, 2013, for the Port Colborne Planning Area is hereby amended by doing the following:

Amend Section 8.3 Source Water Protection by relocating it to Section 4.1.3.2.

Amend Section 4 Natural Heritage by adding 4.1.3.3 Highly Vulnerable Aquifer policies

a) to f)

- a) Many owners of land outside of the Urban Service Boundary rely on groundwater sources from deep aquifers through a number of active wells for private water supply.
- b) A boundary of one of these aquifers is shown on Schedule B3 as a Highly Vulnerable Aquifer.
- c) An application for development on lands within the highly vulnerable aquifer are to be regulated by the Zoning By-law.
- d) Site alteration shall be restricted when not related to a Building Permit or Planning Act application in the vulnerable aquifer and when applicable, subject to requirements of O. Reg 406/19 made under the Environmental Protection Act.
- e) Outside of the Urban Area Boundary, existing land use considered to be a risk to groundwater that are located on Schedule B3 shall become legal non-conforming and shall, in the long-term be encouraged to relocate to the appropriate land use designation.
- f) That owners continue maintaining their private water supply systems in good working condition.

Amend Section 10 by adding the following to Section 10.1.1 Additional Policies:

- d) require site specific Zoning By-Law Amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants, and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i) the protection of adjoining lands from adverse effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
 - ii) the protection of the environment from adverse effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) access being obtained directly to a road capable of bearing the anticipated loaded truck weights and conveying the cumulative volume of traffic without negative impacts to current traffic flow ; and,
 - iv) ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Highly Vulnerable Aquifer policies in Section 4.3.2 of this Plan; and,

v) ancillary land uses will not be permitted where they are prohibited in O. Reg. 466/20.

- e) require site specific Zoning By-law amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
 - ii) the protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) access being obtained directly to a road capable of carrying the anticipated truck traffic; and,
 - iv) notwithstanding b) above, ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Source Water Protection policies in Section 8.3 of this Plan.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 7 but are included as information to support the Amendment.

Appendix I – Minutes of the Public Meeting dated September 28, 2020

Appendix II – Department of Planning & Development Report 2021-63
(recommendation report)

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Amend Zoning By-law 6575/30/18 Regarding Mineral Aggregate Operation Zone Provisions, Definitions and Uses in the Highly Vulnerable Aquifer

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. That Section 28.2 Permitted Uses in the Mineral Aggregate Operation zone be amended by deleting the following:

- a) Mineral Aggregate Operations
- b) Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals;

And replacing it with the following:

- a) Aggregate Extraction Operation

2. That Section 28.2 Permitted Uses be amended by adding the following:

28.21 Prohibited Uses

- a) Asphalt manufacturing plant
- b) Cement manufacturing plant
- c) Aggregate transfer station

3. That the definition of Mineral Aggregate Operation be deleted from Section 38.
4. That the following definitions be added to Section 38:

Aggregate Extraction Operation: means a site including accessory buildings and structures used for the removal, refinement and / or processing or storage of sand, gravel, stone or other aggregate resources, and may include borrow pits, gravel pits and stone quarries, but does not include an asphalt plant or a concrete plant.

Natural Ground Water Table: means the natural upper surface of the zone of complete groundwater saturation within pores in the subsurface. The zone of saturation is where the pores and fractures of the ground are saturated with water.

Wet Pit: means a man made open depression in the earth's surface that will retain water to the natural ground water table if not artificially kept dewatered.

Dry Pit: means a man made open depression in the earth's surface that is above the natural ground water table that does not retain water or have to be artificially dewatered.

Highly Vulnerable Aquifer: Is the water-bearing formation of permeable rock within the boundaries of the City which can contain or transmit groundwater that has been assessed by the Niagara Peninsula Source Protection Authority to be highly susceptible to contamination due to the physical characteristics of the geology of land subsurfaces and the land use.

5. That Schedule A10 Highly Vulnerable Aquifer Overlay be added to Section 39: Zone Schedules as shown on as Schedule A attached to and forming part of this by-law.
6. That Section 2.3.1 Source Water Protection be amended by adding the following:

2.3.2 Highly Vulnerable Aquifer:

- a) Notwithstanding any other provisions of the by-law to the contrary, the following uses shall be prohibited within the High Vulnerable Aquifer as shown on Schedules A10 in Section 39 of this By-law:
 - i) Waste disposal site;
 - ii) Pesticide storage greater than 2,500 kg;
 - iii) Open storage of road salt greater than 5,000 tonnes;
 - iv) Storage of snow greater than 1 hectare;
 - v) Underground fuel storage tanks;
 - vi) Any commercial or industrial use in the Hamlet zone that pose a significant threat and can't be mitigated or managed are not permitted;
 - vii) Agriculture farm related industrial;
 - viii) Storage of materials that do not meet Table 1 of Provincial Excess Soil Quality Standards.
7. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

8. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this ____ day of _____, 2021.

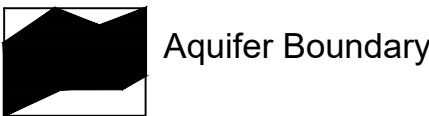
William C. Steele
Mayor

Amber LaPointe
City Clerk

City of Port Colborne



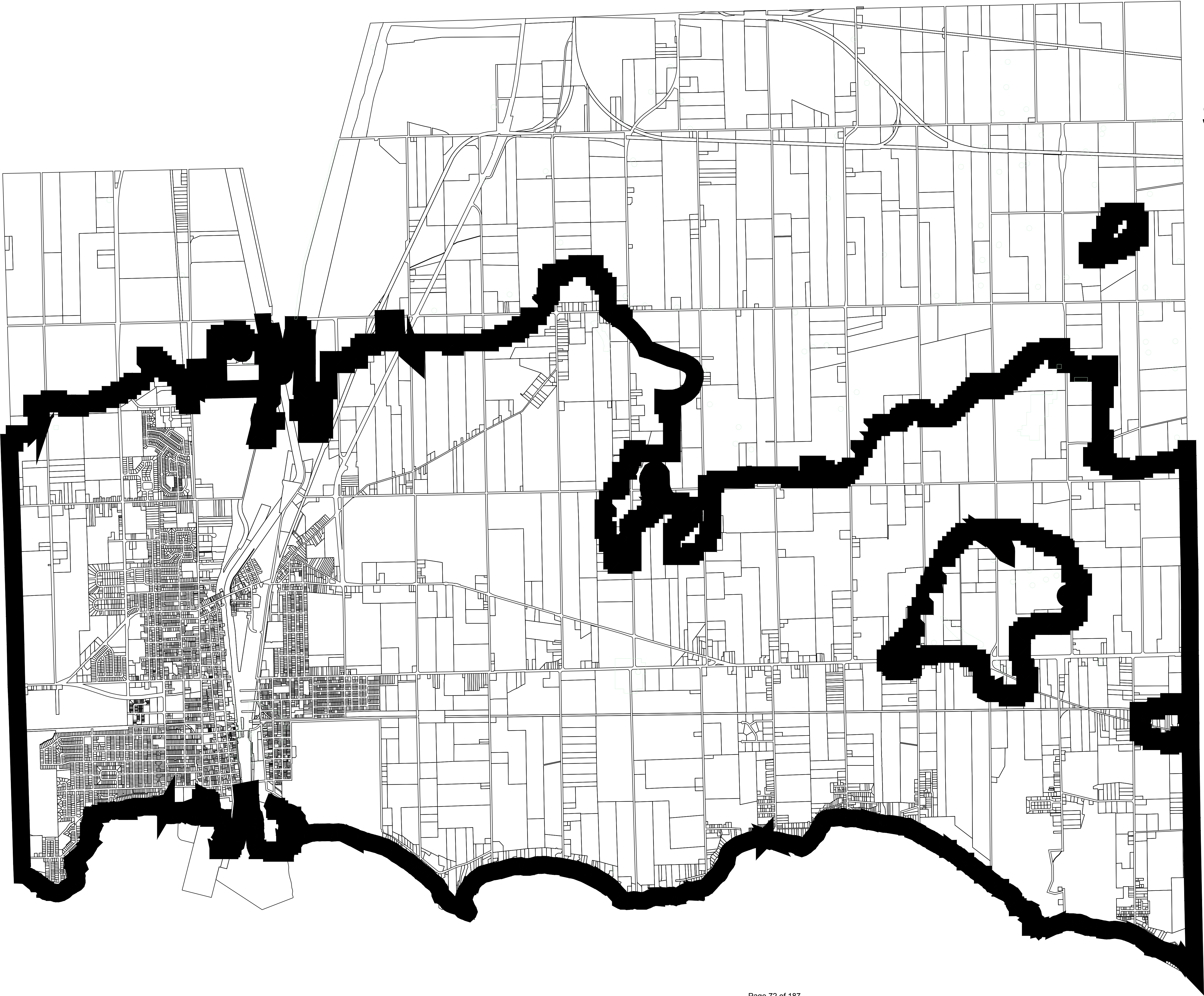
SCHEDULE "A10"
Highly Vulnerable Aquifer Overlay



This is Schedule "A10" to Bylaw No. 6575/30/18
Passed the ____ day of _____, 2021.

William C. Steele, Mayor

Amber LaPointe, City Clerk



Subject: Review of Options – South Niagara Aquifer

Report to: Planning and Economic Development Committee

Report date: Wednesday, February 17, 2021

Recommendations

1. That Report PDS 9-2021 **BE RECEIVED** for information; and
2. That Report PDS 9-2021 **BE CIRCULATED** to the City of Port Colborne, Town of Fort Erie, City of Welland, Township of Wainfleet, Niagara Peninsula Conservation Authority (NPCA), and the Niagara Peninsula Source Protection Committee.

Key Facts

- This report responds to direction given at the December 9, 2020 Planning and Economic Development Committee (PEDC) meeting where staff were requested to prepare a report outline existing policies and options for the protection of the south Niagara aquifer.
- In considering the protection of groundwater resources and drinking water systems in the region there are primarily two pieces of Provincial legislation that need to be reviewed, the *Planning Act, 1990* (Planning Act) and the *Clean Water Act, 2006* (Clean Water Act).
- In Niagara, the NPCA is the Source Protection Authority under the Clean Water Act. The responsibility for source water protection planning is that of the Source Protection Committee (SPC) with staff support from the NPCA. The Province is the approval authority for Source Protection Plans prepared by the SPC.
- Policies included in the Regional Official Plan related to drinking water systems, Intake Protection Zones (IPZs), and Wellhead Protection Areas (WPAs) must be directly informed by the Source Protection Plan (SPP). The Regional Official Plan cannot designate an IPZ or WPA without it first being identified in the SPP by the SPC following a technical evaluation process.
- This report outlines several tools and policies which can protect the south Niagara aquifer, such as provincial policy requirements, official plan policies, zoning by-laws, site alteration by-laws, and Ontario Building Code regulations. The report

however draws the conclusion that the provisions of the Clean Water Act are unlikely to apply to a number of private drinking water wells across a wide geographic area, and the Clean Water Act not the appropriate tool to achieve the desired outcome of protecting the Highly Vulnerable Aquifer (HVA) in south Niagara.

- In 2020, specific actions were taken by Regional Council and the City of Port Colborne City relating to the south Niagara aquifer. In January 2020, PEDC passed a resolution directing staff to include specific policies for the protection of the south Niagara aquifer in the new Niagara Official Plan. At its October 26, 2020 meeting, the Port Colborne City Council passed a resolution directing additional protection of the aquifer including local official plan policies and changes to their zoning by-law.

Financial Considerations

There are no financial implications stemming from this report.

Analysis

Part A – Review of Background Information and Existing Policies

A.1 - Important Terminology Related to Groundwater Resources:

To ensure a common understanding of groundwater resources in the Region the following terminology is used in this report. These terms are based on provincial definitions.

- Key Hydrologic Feature – permanent streams, intermittent streams, inland lakes and their littoral zones, seepage areas and springs, and wetlands (Growth Plan).
- Key Hydrologic Areas – significant groundwater recharge areas, highly vulnerable aquifers, and significant surface water contribution areas that are necessary for the ecological and hydrologic integrity of a watershed (Growth Plan).
- Highly Vulnerable Aquifer (HVA) – aquifers, including lands above the aquifer, on which external sources have or are likely to have a significant adverse effect (Growth Plan).

- Significant Groundwater Recharge Area (SGRA) – an area that has been identified:
 - a) as a significant groundwater recharge area by any body for the purpose of implementing the PPS, 2014;
 - b) as a significant groundwater recharge area in the assessment report required under the Clean Water Act, 2006; or
 - c) as an ecologically significant groundwater recharge area delineated in a subwatershed plan or equivalent in accordance with provincial guidelines

For the purposes of this definition, ecologically significant groundwater recharge areas are areas of land that are responsible for replenishing groundwater systems that directly support sensitive areas like cold water streams and wetlands (Growth Plan).

- Intake Protection Zone (IPZ) – an area as delineated in Schedule H of this Plan and in the Source Protection Plan for the Niagara Peninsula Source Protection Area that surrounds a municipal surface water intake and within which it is desirable to regulate or monitor drinking water threats. Where a conflict in mapping arises, the Source Protection Plan shall prevail (ROP, 2014).
- Wellhead Protection Area (WPA) – an area that is related to a wellhead and within which it is desirable to regulate or monitor drinking water threats (O. Reg. 287/07).

A.2 - Mapping of HVAs and SGRAs in the Region:

To provide context - a map showing the extent of HVAs and SGRAs in the Region is included as **Appendix 1**. The following is a brief description of the sources of the data:

- HVAs are a vulnerable area delineated for the Source Water Protection Assessment Report (Chapter 4 - NPCA, 2010). The HVAs were based largely upon earlier vulnerability mapping completed as part of the 2005 NPCA Groundwater Study. This earlier mapping combined two vulnerability assessment methods: (i) intrinsic susceptibility index (ISI) and (ii) aquifer vulnerability index (AVI).
- SGRAs are also a vulnerable area delineated for the Source Water Protection Assessment Report (Chapters 3 and 4 - NPCA, 2010). The SGRAs are classified as “significant” when they supply more water to an aquifer than the surrounding

area. SGRAs were identified where groundwater is recharged by a factor of 1.15 or more than the average recharge rate for the whole watershed.

A.3 - Role of the Planning Act vs. Role of the Clean Water Act:

In considering the protection of groundwater resources and drinking water systems in the Region there are primarily two pieces of provincial legislation that need to be considered, the Planning Act and the Clean Water Act.

	<i>Planning Act</i>	<i>Clean Water Act</i>
What is it?	The Planning Act sets out the ground rules for land use planning in Ontario. It describes how land uses may be controlled, and who may control them.	The Clean Water Act assists communities with protecting their municipal drinking water supplies at the source.
What tools are available?	Municipal Official Plans (Regional, Local), Zoning By-Laws (Local)	Source Protection Plans, Official Plans and Zoning By-Laws (which have been informed by the SPP)
How is it implemented?	Through a mix of Provincial tools such as the Provincial Policy Statement and Growth Plan, as well as upper and lower tier Official Plans.	Through a Source Protection Plan prepared by the Source Protection Committee and approved by the Province.
Who is primarily responsible?	Regional and Local Planning Departments, Regional and Local Councils.	Source Protection Authority, Risk Management Official.

In addition, there are other pieces of Provincial legislation that can apply on a topic-specific basis, for example: the Ontario Water Resource Act, Safe Drinking Water Act, Aggregate Resource Act, Municipal Act, and Ontario Building Code.

A.3 - Recent Reporting to Planning and Economic Development Committee:

At the January 15, 2020 PEDC meeting, there was a Councillor request for more information on how the Region has been involved in the Port Colborne Quarry project and the Region's obligations under Provincial policies.

In response to that request, PDS 8-2020, dated March 11, 2020 was prepared. PDS 8-2020 includes a discussion on the Region's involvement in the quarry project as well as additional information related to drinking water, source protection, the south Niagara aquifer, and the development of a new comprehensive water resource system (WRS) in the Region. PDS 8-2020 is attached for reference as **Appendix 2**.

A.4 - Provincial Planning Requirements:

There are a number of Provincial planning policies that require municipalities to protect groundwater and other water resources in their jurisdictions. This includes a relatively new Provincial requirement for a comprehensive water resource system (WRS). A WRS is currently being developed and will be implemented in Niagara for the first time as part of the new Niagara Official Plan. Other associated water resources planning policies are being brought into conformance with Provincial requirements through the new Niagara Official Plan project.

The policies of the Provincial Policy Statement (PPS, 2020) related to water resources are included in **Appendix 3**.

The policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020) related to water resources are included in **Appendix 4**.

A.5 - Existing Regional Official Plan Policies:

Although the requirements for a comprehensive WRS are new, there are policies in the existing Regional Official Plan (ROP, 2014) related to water resources (both surface and groundwater). For example Policy 7.A.2.1 a) states that:

"Development and site alteration shall only be permitted if it will not have negative impacts, including cross-jurisdictional and cross-watershed impacts, on the quantity and quality of surface and groundwater"

The policies of the ROP are generally triggered when there is a proposed change in land use requiring an approval under the Planning Act (e.g. Official Plan Amendment,

Zoning By-Law Amendment, Draft Plan of Subdivision, Site Plan, etc.). For other forms of development and site alteration, other mechanisms apply, such as the Ontario Building Code and site alteration by-laws. The Region does not have a site alteration by-law; this is an area of local jurisdiction.

The complete policies of Section 7.A.2 'Water Resources' of the ROP, 2014 are included in **Appendix 5**.

A.6 - In-Effect Council Resolution:

At the January 15, 2020 PEDC meeting, the following resolution was adopted:

*“That staff **BE DIRECTED** to consider the highly vulnerable aquifer as an important, vital source of water to our rural residents in Niagara from Wainfleet, through Port Colborne to Fort Erie and ensure specific Official Plan policies are developed to reflect the importance and subsequent protection of this water source.”*

As directed, staff will include policies in the new Official Plan related to the HVA in south Niagara. The specific wording of these policies will be developed as Staff move forward with the Natural Environment Work Program and related Niagara Watershed Plan projects.

A.7 - Natural Environment Work Program and Niagara Watershed Plan Project:

The Natural Environment Work Program is the project that is being undertaken to identify and protect regional natural systems through the new Niagara Official Plan. Natural systems to be developed include a natural heritage system (NHS) and a water resource system (WRS). The WRS will include both groundwater and surface water features and areas.

Additional information regarding the Natural Environment Work Program can be found on the website for the new Official Plan:

<https://www.niagararegion.ca/projects/rural-and-natural-systems/default.aspx>

One of the three background reports that was completed for Natural Environment Work Program was the Watershed Planning Discussion Paper. This report identified the need for a watershed plan to be completed to inform various aspects of the new Niagara Official Plan (including the development of the WRS). To meet this need, a Consultant

team has been retained and a project to prepare a Niagara Watershed Plan (NWP) is underway. NPCA staff are involved in the project.

The NWP is being prepared in accordance with Provincial requirements, including direction that the new comprehensive water resource system be informed by watershed planning. The consideration of the south Niagara aquifer was identified as an important issue during the project kick-off phase.

A.8 - Source Water Protection Planning:

Source water protection planning is the process in which communities identify potential risks to local water quality and water supply and create a plan to reduce or eliminate the risks. Source water protection planning is undertaken based on a process prescribed by the Clean Water Act and its regulations.

In Niagara, the NPCA is the Source Protection Authority under the Clean Water Act. The program is administered by the Source Protection Committee (SPC) and staff support from the NPCA. Through the SPC, municipalities work to identify, assess and address risks to drinking water within their municipal Intake Protection Zones (IPZs) and Wellhead Protection Areas (WPAs).

Once risks and threats are identified through the Source Protection Plan, municipalities are responsible to develop and implement policies to reduce risks posed by activities located in areas under their jurisdiction. This could include requiring individual property owners to take action on significant drinking water threats located within IPZs and WPAs. In Niagara, this work has been completed and source protection policies are included in Section 7.E of the existing Regional Official Plan (ROP, 2014). These policies were subsequently included in local zoning by-laws. Policies in the Regional Official Plan must be directly informed by the Niagara Source Protection Plan, including the identification of IPZs (there are no municipal well water supplies in Niagara, and therefore no WPAs have been identified).

Schedule H of the ROP, 2014 – Source Water Protection is included as **Appendix 6**.

Additional information regarding drinking water source protection in Niagara can be found here: <http://www.sourceprotection-niagara.ca/>

In general, source water protection planning is a process that is undertaken in regards to municipal drinking water systems. In Niagara, all municipal drinking water is from

surface/lake-based sources. Within the Clear Water Act and O. Reg. 287/07 there is a very limited ability for other (i.e. non-municipal) drinking water systems to be evaluated and considered as part of the program. These provisions apply in circumstances where:

- there is a cluster of six or more private wells or intakes,
- the system is located in a settlement area, or
- the private residence is a designated facility or public facility as defined in O. Reg. 170/03 of the Safe Drinking Water Act.

The geographic area of what constitutes a 'cluster' is not defined in the Clean Water Act or its regulations, however, it is interpreted to be a concentration of systems in a small geographic area. A resolution from the Local Municipality is required for the Source Protection Committee to initiate the process to add a system to the Source Protection Plan. A technical evaluation process is required to support that process. The Province is the decision-making authority for the Source Protection Plan and any proposed changes.

A document entitled "Drinking Water Source Protection Primer: For Municipal Councillors" is included as **Appendix 7**.

A.9 - Provincial Direction Regarding the Implementation of Clean Water Act:

The Province does not maintain a guidance document for adding 'other systems' to source protection plans through the use of municipal resolution. However, the Province has advised that this is possible, subject to the criteria set out in the Clean Water Act and its regulations (as outlined above).

In considering this approach, the Province encourages municipalities to first look at how they can use other tools such as the Planning Act, Municipal Act, and Ontario Building Code to protect vulnerable sources of drinking water.

The Province further recommends that municipalities should encourage landowners to take steps to protect their own private wells by ensuring that their septic systems are functioning properly, and any on-site sources of contamination such as fuel oil tanks and pesticides, are properly stored and managed.

A.10 - Case Study – Trout Creek:

Trout Creek is a community in the Municipality of Powassan, ON, located near North Bay. The entire community is served by private drinking water and septic systems. Trout

Creek is understood to be the only community in Ontario that has attempted to add a 'cluster' of private drinking water wells into their jurisdiction's Source Protection Plan (SPP).

The experience in Trout Creek began with the municipality passing a resolution for the cluster of private drinking water wells to be included in the SPP. A technical evaluation process was undertaken, the system characterized, and threats identified. Based on the threats identified, numerous mitigation measures and policies were recommended including the mandatory inspections of private septic systems, a comprehensive risk management program to be implemented by the municipality, and other prohibitions.

Once the scope of the restrictions, and associated costs were understood and realized by the cluster residents and the municipality, a resolution was passed revoking the earlier resolution, and the process to include the cluster of wells was abandoned. The process took over 5 years and the community was not added to the SPP.

A.11 - Other Municipal Tools:

As noted above, there are other tools that can be used to protect vulnerable sources of drinking water and other sensitive groundwater resources. Some of these are as follows.

- **Site Alteration By-Laws** – are enacted under the Municipal Act and regulate the removal of topsoil, the placing or dumping of fill and the alteration of the grade of land in areas of the municipality. A component of a site alteration by-law can be to ensure that surface and groundwater quality is maintained. Site alteration by-laws are an area of local municipal jurisdiction.
- **Zoning By-Law** – like official plans, zoning by-laws are enacted under the Planning Act. An official plan sets out a municipality's general policies for future land use. Zoning by-laws are legal instruments that regulate the use of land and day-to-day administration. They contain specific planning requirements and are law within the municipality where they are enacted. A zoning by-law controls how land may be used and where buildings and other structures can be located. Zoning by-laws are an area of local municipal jurisdiction.
- **Development Approval Process** - through implementing Regional Official Plan policies, conditions of approval may be requested by Regional staff requiring that a property owner submit a hydrogeological assessment for certain development

applications located in an HVA (e.g. plan of subdivision, multiple lot severances and/or proposed residential lot(s) under 1 ha, etc.)

- Building Permits – are issued under the Building Code Act. A building permit is necessary to construct, renovate, demolish or change the use of a building. A Building Permit under Part 8 of the Building Code is also required for work regarding the installation, alteration, extension or repair of an on-site sewage or septic system. Building Code enforcement, including issuing building permits, is generally carried out by municipal building departments. In Niagara, in the case of on-site sewage or septic systems under Part 8 of the Code, issuing permits and enforcement is the responsibility of the Region in most local municipalities, while others (Welland, Wainfleet and West Lincoln) carry out the program internally.

Rural and other homeowners with private sewage or septic systems are also wastewater treatment system operators and need to take this role seriously. A regular maintenance schedule along with proactive care is the best strategy to lifelong system functionality and optimizing the system's performance. A homeowner's guide to a healthy sewage (septic) system can be found at the Ontario Onsite Wastewater Association's website and at the following link:

<https://www.oowa.org/homeowner-resources/>

A.13 - City of Port Colborne October 26, 2020 Resolution:

On October 26, 2020 the City of Port Colborne passed a resolution stating:

"That Council recognizes the Aquifer as identified in Schedule B3 of the Official Plan as a source water for the rural residents of the City; and

That the Director of Planning and Development be directed to amend the Official Plan to include the Aquifer such that the Aquifer receives the same consideration and protection from susceptible threats of contamination or adverse impact as the intake protection zones (IPZ-1 and IPZ-2); and

That the Region of Niagara, Township of Wainfleet, City of Welland, Town of Fort Erie and Niagara Peninsula Conservation Authority be notified of the City's action and be requested to pursue similar updates to their municipal planning documents in order to protect the aquifer."

Region staff understand the above-captioned resolution to be direction to Staff. Region staff do not interpret the resolution as being an official resolution from City of Port Colborne Council requesting an addition be made to the Source Protection Plan.

In response for the resolutions request for updates to be made to Regional planning document - Regional Planning staff note we are already developing a comprehensive WRS for the Region as part of the new Niagara Official Plan. The WRS will include specific policies in regards to the south Niagara HVA in accordance with the January 15, 2020 PEDC resolution.

A copy of the October 26, 2020 City of Port Colborne resolution is included as **Appendix 8.**

A.14 - Ongoing City of Port Colborne Initiative:

Region Planning staff understand the City of Port Colborne is considering a Local Official Plan Amendment and Zoning By-Law Amendment for additional protection of the aquifer and private drinking water systems in response to the October 26, 2020 resolution. Region Planning staff have had ongoing discussions with City Planning staff regarding that initiative in preparation of this report.

Part B - Analysis of Information Reviewed

The proceeding sections provide an overview of the protection of water resources, drinking water, and drinking water systems from the perspectives of the Planning Act and Clean Water Act, as follows:

B.1 - Planning Act:

- There are policies in the Provincial Policy Statement (PPS, 2020) and A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020) for the protection of water resources including key hydrologic features and key hydrologic areas. The policies are in effect now, and must be considered by Regional and Local Planning staff in making recommendations and Regional and Local Councils when making decisions. Regional planning policies will be brought into conformance through the ongoing work to prepare the new Niagara Official Plan.

- There are policies within the existing Regional Official Plan (ROP, 2014) that require the protection of water resources, including a restriction on site alteration and development that would cause a negative impact on water quality.
- On January 15, 2020, PEDC passed a resolution directing staff to include specific policies for the protection of the south Niagara aquifer. This direction is being incorporated as part of the Natural Environment Work Program, Niagara Watershed Plan, and Niagara Official Plan projects. The specific wording of the policies will be developed as Regional staff move these projects to completion.
- On October 26, 2020, the City of Port Colborne passed a resolution directing additional protection of the aquifer including official plan and zoning by-law policies that provide the same level of consideration and protection as Intake Protection Zones in the City. As a local planning document, the Port Colborne Official Plan may include more specific and detailed policies, provided that they do not conflict with Provincial or Regional policy. Similarly, zoning by-laws are a local document that provide for the day-to-day regulation of land use controls.
- Policies included in the Regional Official Plan related to drinking water systems, Intake Protection Zones, and Wellhead Protection Areas must be directly informed by the Source Protection Plan, and the work of the Source Protection Committee. The Regional Official Plan cannot designate an Intake Protection Zones or Wellhead Protection Areas without it first being identified in the Source Protection Plan following a technical evaluation process and acceptance by the Province.

B.2 - Clean Water Act:

- Intake Protection Zone (IPZs) is the terminology used to describe an area around a surface water intake. Wellhead Protection Area (WPAs) is the terminology used in regards to groundwater wells. IPZs and WPAs are identified through a technical evaluation process.
- The Clean Water Act generally applies to municipal drinking water systems, with a very limited ability to apply to other systems based on criteria set out in the Act and its regulations. Other systems generally apply to clusters of private wells or other private systems for designated facilities.
- Once a property has been identified as being within an IPZ or WPA there will be restriction on existing and proposed land uses or activities that are considered

“significant threats”, including potentially existing or new agricultural uses.

Restrictions can range from risk management to outright prohibitions. The nature of the restrictions and associated land use planning policies would be identified based on the specific characteristics of the area, existing land uses, vulnerability of the system and potential threats. This work would be completed through the technical evaluation process.

- In Niagara, the NPCA is the Source Protection Authority. The responsibility for source water protection planning is that of the Source Protection Committee, with staff support from the NPCA. The Province is the approval authority for Source Protection Plans. Municipalities would be responsible for undertaking and funding technical evaluations in support of requested changes to the Source Protection Plans.

Part C - Summary of Options

- There are existing Provincial policies requiring the protection of key hydrologic features, key hydrologic areas, and other water resources. Provincial direction also requires the identification of a water resources systems (WRS). In addition, the January 15, 2020 staff direction requires the identification of specific policies for the south Niagara aquifer. All of these requirements are being considered as part of the Natural Environment Work Program and Niagara Watershed Plan projects, and will be addressed as part of the Niagara Official Plan. Additional direction to Regional Planning Staff to complete this work is not required.
- There are a range of other mechanisms and existing tools for the protection of groundwater resources that should be used as available and where appropriate such as zoning by-laws, site alteration by-laws, and the provisions of the Ontario Building Code. Regional Council should support and encourage the most appropriate mechanisms for the protection of ground water resources.
- Regional Council should continue to encourage private land owners to take all necessary steps to maintain and protect any private drinking water systems on their properties. Niagara Region Public Health has information on well maintenance for residential settings available on their website at:

<https://www.niagararegion.ca/living/water/cistern-maintenance.aspx>

- Although an October 26, 2020 resolution was made by City of Port Colborne Council and was forwarded to the NPCA as the Source Protection Authority

under the Clean Water Act, Regional staff do not interpret this as being an official resolution to add a system to the Source Protection Plan. Should the City of Port Colborne, or other Local Council, pass a resolution requesting that private drinking water wells in south Niagara be considered as part of the Source Protection Planning program, Regional Council could choose to pass a resolution in support. As this would be a unique situation, it is expected that the Source Protection Committee would need to consult with the Province on resolution and the proposed approach. The completion of the required technical evaluation process, including costs, would be the responsibility of the municipality

Following a resolution by a Local Council and consultation with the Province, a technical evaluation process would be undertaken to accurately characterize the systems, identify the threats, and recommend appropriate mitigation and policies. A technical evaluation of this type would need to be completed by a comprehensive Consultant team. This type of technical evaluation is beyond the scope of the Region's Natural Environment Work Program or Niagara Watershed Plan projects. The completion of the technical studies that would need to be completed, including costs, would be the responsibility of the municipality.

However, Regional Planning staff are of the opinion that the provisions of the Clean Water Act are unlikely to apply to a number of private drinking water wells across a wide geographic area, and are not the appropriate mechanisms to achieve the desired outcome of protecting the Highly Vulnerable Aquifer in south Niagara.

There are more appropriate mechanisms and existing tools at the Local and Regional level for the protection of groundwater resources that should be used. These include official plan policies, zoning by-laws, site alteration by-laws, and Ontario Building Code regulations. The use of these tools should be prioritized and supported.

Alternatives Reviewed

As this report is for information, alternatives are not applicable.

Relationship to Council Strategic Priorities

This report was prepared in response to staff direction given at the December 9, 2020 Planning and Economic Development Committee.

Other Pertinent Reports

- PDS 8-2020 Overview of Regional Involvement in Port Colborne Quarry Proposal

Prepared by:

Sean Norman, PMP, MCIP, RPP
Senior Planner
Planning and Development Services

Recommended by:

Doug Giles, BES, MUP
Acting Commissioner
Planning and Development Services

Submitted by:

Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Erik Acs, MCIP, RPP, Manager, Community Planning and Dan Aquilina, MCIP, RPP, CPT, Director of Planning and Development - City of Port Colborne, with input from Phill Lambert, P.Eng, Director of Infrastructure Planning & Development Engineering, Pat Busnello, MCIP, RPP, Acting Director of Development Planning, Thomas Proks, P.Geo, Source Water Protection Coordinator - Niagara Peninsula Conservation Authority, David Ellingwood, Supervisor, Source Water Protection - North Bay-Mattawa Conservation Authority, and reviewed by Isaiah Banach, Acting Director, Community and Long Range Planning.

Appendices

Appendix 1	Map showing the extent of HVAs and SGRAs in the Region
Appendix 2	PDS 8-2020 Overview of Regional Involvement in Port Colborne Quarry Proposal (March 11, 2020)
Appendix 3	Policies of the Provincial Policy Statement (PPS, 2020) related to Water Resources
Appendix 4	Policies of A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan, 2020) related to Water Resources
Appendix 5	Policies in the existing Regional Official Plan (ROP, 2014) related to Water Resources
Appendix 6	Schedule H of the Existing Regional Official Plan (ROP, 2014) – Source Water Protection
Appendix 7	Drinking Water Source Protection Primer: For Municipal Councillors
Appendix 8	October 26, 2020 City of Port Colborne Resolution

Subject: AGCO Applications in Port Colborne

To: Council

From: Chief Administrative Office

Report Number: 2021-85

Meeting Date: March 8, 2021

Recommendation:

That Chief Administrative Office Department Report 2021-85 be received for information.

Purpose:

This report is provided to Council per direction at the February 22, 2021 Council Meeting. At that meeting, staff was directed to analyze the City's process for responding to the Municipal Information Form that is provided to prospective licensees by the Alcohol and Gaming Commission of Ontario (AGCO).

Background:

From time to time, the City is asked to complete the AGCO's Municipal Information Form which is a part of the Province's Liquor Sales Licence Application. This application form provides an opportunity for the City to identify as a municipality that is:

- Wet – permits the sale of spirits, wine, and beer
- Damp – permits the sale of wine and beer only
- Dry – does not permit the sale of alcohol within municipal boundaries

The Liquor Sales Licence Application form also provides the City the opportunity to identify concerns with an applicant's zoning or other municipal by-laws in a separate submission.

To reiterate – the City does not have an approval role in Liquor Sales Applications, this is strictly the purview of the AGCO, rather the City can comment on compliance with City zoning by-laws and other regulation.

Discussion:

The City is in receipt of a request to complete the Municipal Information Form (Appendix a) in response to an application for a Liquor Sales Licence before the AGCO on behalf of 7-Eleven. The Municipal Information Form was accompanied by a letter from 7-Eleven (Appendix b). Staff normally process these requests internally by ensuring compliance with municipal by-laws including planning and zoning and Provincial legislation administered by the City such as the Building Code and Fire Code.

Historically, staff have not engaged in a review of subjective considerations of applications before the AGCO such as:

- Profitability
- Competition with existing providers in the City
- Social impacts of licencing

In the past year, the City is aware of a number of applications before the AGCO, including:

- Breakwall Brewing Company – Alcohol
- True North Cannabis Company – Cannabis
- Weedy Point – Cannabis
- Storky's – Liquor
- Sessions – Cannabis
- The Pie Guys Bakery & Café – Alcohol
- 7-Eleven – Liquor

In each of these cases, staff have maintained the existing practice of limiting the City's involvement to the review of regulatory matters that are within the City's enforcement jurisdiction.

Staff recognize that these are legitimate concerns to the corporation and the community but are of the opinion that they are beyond the scope of the City's participation in the AGCO's application process. Any member of the public, including individual Council Members, could provide comments on the merits of an application to the AGCO and should be encouraged to do so when appropriate.

Council could direct staff to deviate from this practice by providing Council comments related to the current application before AGCO for their consideration, but staff do not recommend this course of action.

Likewise, Council could direct staff to bring future applications forward to Council in the form of a staff report for comments from Council. Staff feel that the completion of the Municipal Information Form is an objective administrative practice and that including a

Council component injects a subjective element into the process. It also can add time to a process that is viewed by applicants to be unreasonably lengthy to begin with.

Internal Consultations:

Staff have had internal discussion with the Clerks Division and the By-law Division in order to gather background information to provide in this report.

Financial Implications:

There are no financial implications.

Public Engagement:

The City has not conducted public engagement to prepare this report. The AGCO conducts public engagement for all licenced establishments in Ontario (alcohol and cannabis) through the iAGCO online service (iagco.agco.ca). This online portal allows licensees and applicants to access online services and allows members of the public to create and track complaints, submit inquiries, object to applications, and conduct searches for existing licences. iAGCO is currently providing an opportunity for Port Colborne to respond to 7-Eleven's application until March 11, 2021.

Conclusion:

Staff receives an opportunity to complete a Municipal Information Form for Liquor Sales License applications. Staff conduct an internal scan of by-laws and provincial legislation to process these forms. Historically, the completion of the form is not the subject of Council reports. Staff recommend maintaining the existing practice.

Alternatively, Council could direct staff to present future requests to complete the Municipal Information Form to Council in the form of a staff report and/or provide written objection to the current application before the AGCO in the form of a letter from the City. Neither of these options is recommended.

Appendices:

- a. AGCO – Municipal Information Form
- b. Correspondence Received – 7-Eleven

Respectfully submitted,

Scott Luey
Chief Administrative Officer
905-835-2900 extension 306
Scott.Luey@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.



The information requested below is required in support of all applications for a new Liquor Sales Licence or outdoor areas being added to an existing Liquor Sales Licence.

Section 1 - Application Details

Premises Name	Premises Telephone Number		
Contact Name	Contact's Telephone Number	Email Address	
Address	City / Town	Province / State ON	Postal Code

Does the application for a Liquor Sales Licence include:

- ☐ Indoor areas
☐ Outdoor areas

Section 2 - Municipal Clerk's Official Notice of Application for a Liquor Sales Licence in your Municipality

Municipal Clerk:

Please confirm the "Wet/Damp/Dry" status below.

Name of village, town, township or city where taxes are paid: (If the area where the establishment is located was annexed or amalgamated, provide the name of the Village, Town, Township or City was known as)

Is the area where the establishment is located:

- ☐ Wet (for spirits, beer, wine) ☐ Damp (for beer and wine only) ☐ Dry

Note:

Specific concerns regarding zoning or non-compliance with by-laws must be clearly outlined **in a separate submission or letter within 30 days of this notification.**

Signature of Municipal Official	Title
Address of Municipal Office	Date YYYY MM DD



7-Eleven Canada, Inc.
Suite 2400 13450
102nd Avenue,
Surrey, BC
V3T 0C3

Phone: (604) 586-0711(604) 586-0711
Fax: (604) 586-1507

February 2, 2021

City Clerk's Office
66 Charlotte St.
Port Colborne, ON L3K 3C8

RE: 7-Eleven Canada's Liquor Sales License Applications

Dear Port Colborne City Clerk:

Please find enclosed 7-Eleven Canada's application for a Liquor Sales Licence (LSL) at 111 Clarence St. in Port Colborne, Ontario.

Our stores operate as quick-service restaurants and small format grocery stores that provide local customers with the essentials they need, including a core menu of fresh and hot food choices. Our complete menu of hot foods and other food and beverage products including nutrients is available at: <https://7-eleven.ca/nutritional-information>.

Our stores meet the criteria for obtaining a Liquor Sales Licence and we have submitted an application to the Alcohol and Gaming Commission of Ontario.

7-Eleven Canada will apply its rigorous age-restricted sales policy to the sale of alcohol to ensure age-restricted products stay out of the hands of people under 19. Furthermore:

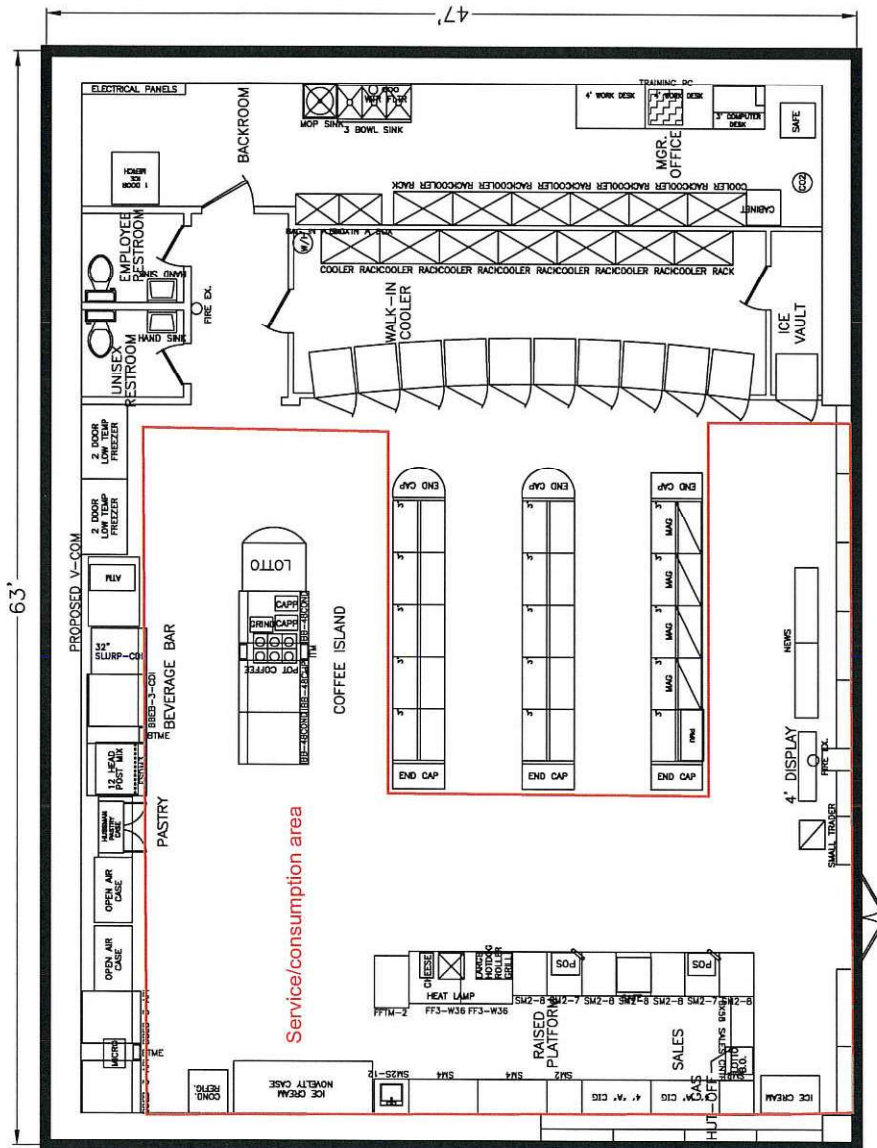
- All staff handling alcohol products would be SmartServe trained.
- A selection of alcohol products would be stored behind the sales counter in a refrigerator, accessible only to SmartServe-trained staff members. The coolers in the back storage room will also be used to store alcohol products not yet on the sales floor.
- 7-Eleven Canada stores would offer a limited menu of alcohol beverages for customers that show available products, quantities (ounces/ml), and prices for that specific location.
- The menu would be offered alongside the various restaurant-style prepared food options available to customers.
- Our stores feature designated consumption areas.
- 7-Eleven Canada staff would provide customers with the poured beverage in a disposable cup at the point of sale, and will communicate to customers that beverages must be consumed in the store.
- 7-Eleven Canada will only permit the sale of alcohol during the hours of noon to 11pm, seven days per week.

Should you have any questions, please do not hesitate to contact me.

Regards,

Victor Vrsnik, Senior Manager, Corporate Affairs and Business Development
604-764-2877

victor.vrsnik3@7-11.com



TITLE:

FLOOR PLAN

PROJECT NO.:

29146

SCALE:

3/32" - 1'-0"

LEGEND:

PROPOSED LICENSED AREA



Subject: Grants for Non-Profits
To: Council
From: Chief Administrative Office

Report Number: 2021-79

Meeting Date: March 8, 2021

Recommendation:

That Chief Administrative Office Department Report 2021-79 be received; and

That the following grants for non-profits be approved for the first allocation of 2021 grants:

- \$5,200 Community Living Port Colborne-Wainfleet
 - \$1,200 Port Colborne Historical and Marine Museum
 - \$2,300 Port Colborne Lions Club
 - \$1,525 Royal Canadian Legion Branch
 - \$4,000 The Evening Optimist Club of Port Colborne Inc.
 - \$3,000 Women's Place of South Niagara Inc.
 - \$3,000 Niagara Health Foundation
-

Purpose:

To seek Council's approval for the 2021 first allocation of grants to non-profit organizations.

Background:

In 2015 Council passed by-law 6317/143/15 establishing a Grant Policy Committee whose purpose is to oversee the distribution of grants to non-profit organizations.

In accordance with the Grant Policy, applications are received twice a year – January 31st and June 30th. Applications are reviewed by the Grant Policy Committee and recommendations are to be brought forward to Council for final approval.

Discussion:

On February 1st, 2021 (January 31st being a Sunday) seven applications for funding were received and found to be in order. The Grant Policy Committee members were provided with copies of these applications for review and a meeting was held on February 18th.

The following recommendation was made by the committee:

That grant requests for a total of \$20,225 be approved for the first allocation of 2021 as follows:

\$5,200 Community Living Port Colborne-Wainfleet – to create and facilitate virtual online leisure and recreational activities for children who have intellectual disabilities

\$1,200 Port Colborne Historical and Marine Museum Auxiliary – to support a community reach-out project involving tapestry kits to celebrate the 150th anniversary of the establishment of the Village of Port Colborne

\$2,300 Port Colborne Lions Club – to purchase a new hot water tank, remove the brick chimney and repair the roof at the Lions Community Centre

\$1,525 Royal Canadian Legion Branch 56 – to purchase a new computer and printer for record keeping and communications with members and the community

\$4,000 The Evening Optimist Club of Port Colborne Inc. – to maintain the viability of the club during the pandemic by assisting with on-going operating expenses (rent, storage) as fundraising activities in 2020 and 2021 have been cancelled.

\$3,000 Women's Place of South Niagara Inc. – to maintain the existing level of emergency shelter, programs and services. The pandemic has created significant stress for families and the shelter occupancy rates are at an all-time high.

\$3,000 Niagara Health Foundation - to purchase a lift and transfer device called The Rifton Tram for use at the Port Colborne Hospital Site.

Financial Implications:

Council approved \$36,000 for grants in the 2021 budget. There is also \$12,250 held in reserves from 2020.

Public Engagement:

The public was notified of the availability of grants through the City's website, as well as the December edition of City Hall News and a media release on January 13, 2021.

Conclusion:

With funds available in the 2021 budget, staff are recommending that Council approve the 2021 first allocation of grants as recommended by the Grant Policy Committee.

Respectfully submitted,

Nancy Giles
Executive Administrative Assistant
Staff Liaison to the Grant Policy Committee
905-835-2900 Ext 301
nancy.giles@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.



Subject: Sale of land to Greg and Carole Newman

To: Committee of the Whole

From: Planning and Development Department

Report Number: 2021-64

Meeting Date: March 8, 2021

Recommendation:

That Council declares Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 as surplus to the City's needs.

That the City enters into an Agreement of Purchase and Sale with Greg and Carole Newman for the purchase of Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 for \$3,880 (plus HST) attached as Appendix A.

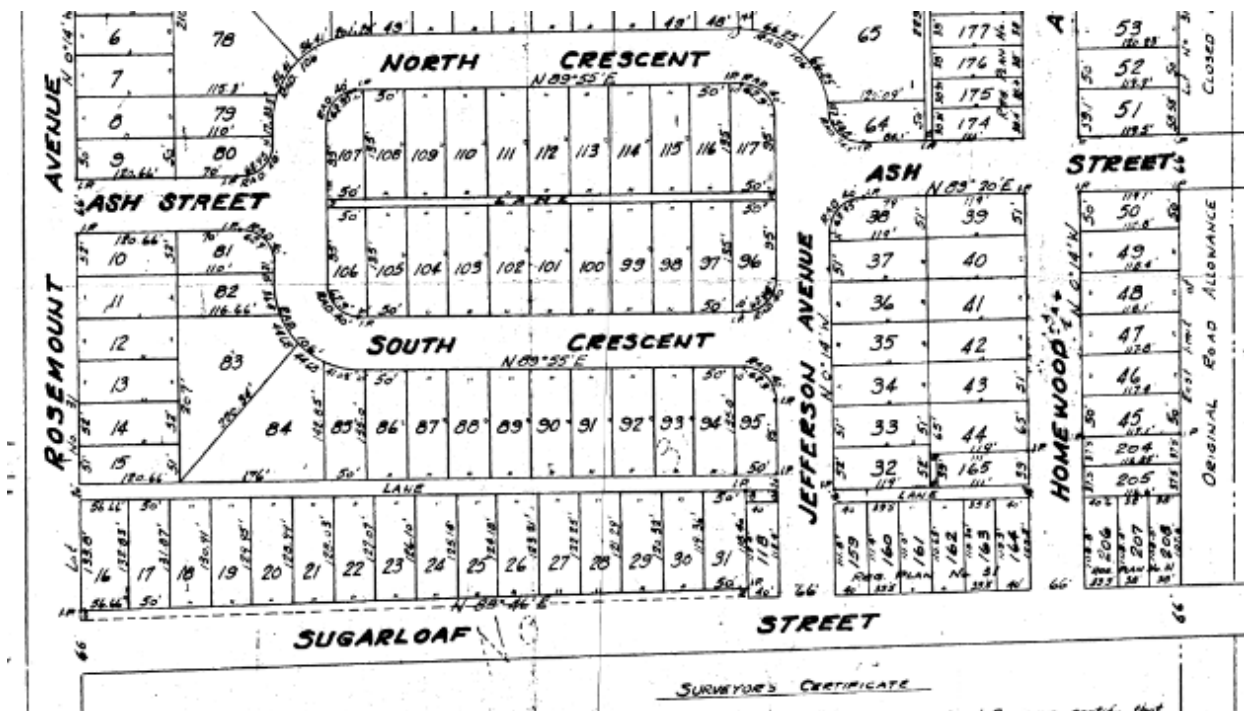
That the Mayor, Clerk and City Solicitor be authorized to sign and execute any and all documents respecting the sale of these lands.

Purpose:

The purpose of the report is to obtain Council's approval to enter into an Agreement of Purchase and Sale with Greg and Carole Newman purchase of Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 for \$3,880 (plus HST).

Background:

Staff received an inquiry from the public on the ownership of lands located south of 16 Homewood Avenue. Upon investigation, staff confirmed the ownership of a 16' wide lane existing on an old registered plan of subdivision that runs from Homewood to Rosemount Avenue to the rear of lands fronting on Sugarloaf Street:



Staff was made aware from a surveyor that this lane was a cow path as the lands were farmed before residential development began.

On May 8, 2018, staff first inquired with all lands owners that abutted the lane from Homewood to Jefferson Avenue on their interest in acquiring a portion of the lane to be merged to their property. Staff then provided the property owners that expressed an interest to acquire what the purchase price would be.

Discussion:

Carole Newman informed staff of her interest to acquire the lane to the south of her property at 2 Homewood Avenue. Staff reached out to the owner of 16 Homewood two times to inquire if she in fact has no interest in acquiring half of the lane given the interest of Mrs. Newman and that her driveway appeared to be located on the lane and received no response (see air photo attached as Appendix C). Staff therefore obtained additional survey work and prepared a sales agreement with Carole and Greg Newman attached as Appendix A.

The sale of the property is guided by the City's policy and procedure under By-law 6620/75/18 and has been followed.

Internal Consultations:

As per policy, staff were consulted and indicated that the lane between Homewood and Jefferson Avenue was surplus to the needs of the City.

Financial Implications:

The proposed selling price of the property is \$3,880. There are no real estate commissions. As per the Council approved Capital Asset Policy, these proceeds will go to the general Capital Asset Reserve.

Public Engagement:

Since 2018, staff have engaged the property owners abutting the City's lane between Jefferson and Homewood Avenue.

Conclusion:

The policy and procedure for land disposition under By-law 6620/75/18 and has been followed by first determining that the property was surplus to the City's need. The sale agreement with Greg and Carole Newman is for the purchase of a 4.86m by 12.19m piece of property for \$3,880 (plus HST).

Appendices: (If none delete section)

- a. Agreement of Purchase and Sale
- b. Draft By-law
- c. Air Photo

Respectfully submitted,

Dan Aquilina, MCIP, RPP, CPT
Director of Planning and Development
905-835-2901 ext. 203
Dan.Aquilina@portclborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

AGREEMENT OF PURCHASE AND SALE

Buyer: Raymond & Carole Newman

Seller: The Corporation of the City of Port Colborne

Address of Property: Vacant land, north of 2 Homewood Avenue

Frontage: 4.86m

Depth: 12.19m more or less:

Legal Description: Part 2 on Plan 59R-16565 and Part 1 on Plan 59R-16888

Purchase Price: Three Thousand Eight Hundred & Eighty (\$3,880.00) CDN Dollars

Deposit: None

(\$0) CDN Dollars

The Buyer agrees to pay the balance of the purchase price to the Seller, by certified cheque or bank draft on closing subject to the usual adjustments and the following:

Schedule A attached hereto shall form part of this agreement.

1. **Chattels:** None.

2. **Fixtures:** None.

3. **Rental Items:** None.

4. **Irrevocability:** This offer shall be irrevocable by the Buyer until 6:00pm **March 21, 2021**, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest or deduction.

5. **Completion Date:** This agreement shall be completed no later than 6:00pm on **April 16, 2021**. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for herein.

6. **Notices.** Any notice to given herein shall be in writing and delivered to the Buyer or the Seller at the address for service provided for herein. The parties agree that this agreement may be sent and received by facsimile transmission and that such transmissions of this agreement may be accepted and executed by the party receiving such transmission. All such transmissions once executed shall constitute a binding agreement between the parties. The parties also agree that all notices or waivers may be sent and received by facsimile transmission as above.

7. **HST.** If this transaction is subject to the HST, then such tax shall be **in addition to** the purchase price. If this transaction is not subject to the HST the Seller shall certify on or before closing that the transaction is not subject to the HST. .

8. **Title Search.** Buyer shall be allowed until **3 days prior to closing** (Requisition Date) to examine the title to the property at his own expense and to satisfy himself that there are no outstanding work orders, open files, notices of violation or deficiencies or any other encumbrances or regulatory directive affecting the property and that its present use **vacant residential** may be lawfully continued and that the principal building may be insured against risk of fire. Seller consents to the municipality or other governmental agencies releasing to the Buyer or his solicitor details of all outstanding work orders or deficiency notices affecting the property, and Seller agrees to execute and deliver such further authorizations in this regard as Buyer may reasonably require.

9. Future Use. Seller and Buyer agree there is no representation or warranty of any kind that the future intended use of the property by the Buyer is or will be lawful except as may be specifically provided for in this agreement.

10. Title. Provided that the title to the property is good and free from all registered restrictions, charges, liens and encumbrances except as otherwise specifically provided in this agreement and save and except for (a) any registered restrictions or covenants that run with the land providing that such are complied with; (b) any registered municipal agreements and registered agreements with publicly regulated utilities provided such have been complied with, or security has been posted to ensure compliance and completion as evidenced by a letter from the relevant municipality or regulated utility; (c) any minor easements for the supply of domestic utility or telephone services to the property or adjacent properties; (d) any easements for drainage, storm or sanitary sewers, public utility lines, telephone lines, cable television lines or other services which do not materially affect the present use of the property. If within the specified time referred to in paragraph 8 any valid objection to the title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to Seller and which Seller is unable or unwilling to remove, remedy or satisfy or obtain insurance save and except against risk of fire in favour of the Buyer and any mortgagee and which Buyer will not waive, this agreement notwithstanding any intermediate acts or negotiations in respect of such objections shall be at an end and all monies paid shall be returned without interest or deduction. Save as to any valid objection 50 made by such day and except for any objection going to the root of title, Buyer shall be conclusively deemed to have accepted Seller's title to the property.

11. Closing Arrangements. Where each of the Seller and Buyer retain a lawyer to complete the Agreement of Purchase and Sale of the Property, and where the transaction will be completed by electronic registration pursuant to Part " of the Land Registration Reform Act, R.S.O. 1990, Chapter 14 and the Electronic Registration Act, S.O. 1991, Chapter 44, and any amendments thereto, the Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Seller and Buyer will (a) not occur at the same time as the registration of the transfer/deed (and any other documents intended for registration in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said lawyers, the form of which is as recommended from time to time by the Law Society of Upper Canada. Unless otherwise agreed to by the lawyers, such exchange of the Requisite Deliveries will occur in the applicable Land Titles Office or such other location agreeable to both lawyers.

12. Documents & Discharge. Buyer shall not call for the production of any title deed, abstract, surveyor other evidence of title to the property except such as are in the possession or control of the Seller. If requested by Buyer, Seller will deliver any sketch or survey of the property within Seller's control to Buyer as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Trust and Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by Buyer on completion, is not available in registerable form on completion, Buyer agrees to accept Sellers lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registerable form and to register same on title within a reasonable period of time after completion, provided that on or before completion Seller shall provide Buyer a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by Seller directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on closing.

13. **Inspection.** Buyer acknowledges having had the opportunity to inspect the property and understands that upon acceptance of this Offer there shall be a binding agreement of purchase and sale between Buyer and Seller.

14. **Insurance.** All buildings on the property and all other things being purchased shall be and remain until completion at the risk of the Seller. Pending completion, Seller shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, Buyer may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion. If Seller is taking back a Charge/Mortgage, or Buyer is assuming a Charge/Mortgage, Buyer shall supply Seller with reasonable evidence of adequate insurance to protect Seller's or other mortgagee's interest on completion.

15. **Planning Act.** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.

16. **Documentation Registration.** The Transfer/Deed, shall save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O. 1990.

17. **Residency.** Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect to tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate or statutory declaration that Seller is not then a non-resident of Canada.

18. **Adjustments.** Any rents, mortgage interest, realty taxes including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Buyer.

19. **Time Limits.** Time shall in all respects be of the essence hereof provided that the time for doing or completing any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.

20. **Tender.** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money may be tendered by bank draft or cheque certified by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.

21. **Family Law Act.** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O. 1990 unless Seller's spouse has executed the consent thereafter provided.

22. **UFFI.** Seller represents and warrants to Buyer that during the time Seller has owned the property, Seller has not caused any building on the property to be insulated with insulation containing urea formaldehyde, and that to the best of the Seller's knowledge no building on the property contains or has ever contained insulation that contains urea formaldehyde. This

warranty shall survive and not merge on the completion of this transaction, and if the building is part of a multiple unit building, this warranty shall only apply to that part of the building which is subject to this transaction.

23. Agreement in Writing. If there is a conflict or discrepancy between any provision added to this agreement including any schedule attached hereto and any provision in contained herein the added provision shall supersede to the extent of such conflict or discrepancy. This agreement including the any schedule attached hereto shall constitute the entire agreement between the Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this agreement other than as expressed herein. This agreement shall be read with all changes of gender or number required by the context.

Dated:

Signed, Sealed and Delivered
in the presence of:

Raymond Newman

Carol Newman

The Seller hereby accepts the above offer.

Dated:

Signed, Sealed and Delivered
in the presence of:

William C. Steele, Mayor

Amber LaPointe, City Clerk

Rocky Vacca, Sullivan Mahoney
Name of Seller's Lawyer

4781 Portage Road
Niagara Falls, ON L2E 6B1
Tel: (905) 357-0500
Fax: (905) 357-0501
email: rvacca@sullivan-mahoney.com

Angle Law
Name of Buyer's Lawyer

Tel: (905)322-1350
F: (905)322-1353
E: christina@anglelaw.ca

Schedule A

The Buyer agrees to accept title to the Property in such a manner so as to merge the property conveyed herein with the Buyer's adjoining lands.

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into an Agreement of Purchase and Sale with Greg and Carole Newman Respecting Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565

Whereas at its meeting of March 8, 2021, Council approved the recommendations of Planning & Development Department, Report No. 2021-64, Subject: Sale of Land to Greg and Carole Newman; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with Greg and Carole Newman for the purchase of Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 for \$3,880 (plus HST);

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

1. That The Corporation of the City of Port Colborne enter into an Agreement of Purchase and Sale with Greg and Carole Newman for the sale of Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 for \$3,880 (plus HST), which agreement is attached hereto as Schedule "A".
2. That the Mayor and Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office as may be required to give full force and effect to this By-law.

Enacted and passed this 8th day of March, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk



Subject: Recommendation Report for Removal of a Holding Provision at 301 Mitchell Street, File D14-06-21

To: Council

From: Planning and Development Department

Report Number: 2021-82

Meeting Date: March 8, 2021

Recommendation:

That Planning and Development Department Report 2021-82 be received;

That the holding provision for 301 Mitchell Street be removed;

That the By-law attached as Appendix A to Planning and Development Report 2021-82 be brought forward for approval; and

That Planning staff be directed to notify the owner/applicant accordingly.

Purpose:

The purpose of this report is to provide Council with information and a recommendation regarding the removal of a Holding Provision (H) from the property legally known as Part of Lots 18 and 19 on Plan 283, in the former Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 301 Mitchell Street.

Background:

The application proposes to remove the Holding Provision (H) from the property in order for the intended Second Density Residential (R2) zoning to take place.

Zoning By-law 6575/30/18 was passed on April 23, 2018 which changed the zoning of the subject parcel from R2 – Second Density Residential to R2-CH – Second Density Residential with a Conversion Holding provision. The Conversion Holding (CH) provision was added to recognize the past commercial use on the property and to ensure the safe transition to a residential property. The intended zoning of the subject parcel cannot be

established until the Holding provision is lifted in accordance with Section 36 of the Planning Act. The Conversion Holding provision is permitted to be lifted once the following condition has been cleared:

- 1) Where a zone symbol contains the suffix “CH” with or without a special provision (e.g. R1-CH or R1-1-CH), the zoning shall not take effect until the prescribed conditions are met including obtaining a Record of Site Condition from the Ministry of the Environment.

Once the above has been completed by the applicant, the owner is able to apply to the City of Port Colborne for removal of the CH. City Council, by way of passing a by-law, can remove the CH if they are satisfied the condition has been cleared (Appendix A).

Discussion:

Planning and Development staff has received confirmation from Hallex Environmental Ltd. (Qualified Person) that, based on the property meeting applicable exemption criteria, a Record of Site Condition (RSC) is not required to be filed under Ontario Regulation 153/04 (Appendix B). Planning staff is confident in the Qualified Person’s findings and concur that the Holding Provision can be removed accordingly.

Internal Consultations:

Planning staff has been in consultation with the Building Division as the owner is eager to obtain a Building Permit for the property. The issuance of the Building Permit is dependent on the removal of the CH from the property.

Financial Implications:

There are no financial implications.

Public Engagement:

Notice of Intention to remove the Holding Provision was circulated to property owners in the area on February 25, 2021. Staff note that Section 36 of the *Planning Act* exempts Holding Removal by-laws from being appealed to the Local Planning Appeal Tribunal unless Council fails to make a decision.

Conclusion:

Based on the findings of the Qualified Person, Planning staff is confident the Record of Site Condition is not required for the property. Therefore, the Planning and Development Department recommend the approval of the Holding Provision removal by-law attached as Appendix A.

Appendices:

- a. By-law for the Removal of the Holding Provision
- b. Hallex Environmental Phase One Opinion Letter

Respectfully submitted,

David Schulz
Planner
(905) 835-2900 ext. 202
David.Schulz@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting the removal of the Holding Symbol (H) from lands legally described as Part of Lots 18 and 19 on Plan 283, in the former Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 301 Mitchell Street.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne is desirous to amend said by-law to remove the Holding Symbol (H) from the whole or any part of the area covered by a Zoning By-law passed under Section 34 of the *Planning Act*.

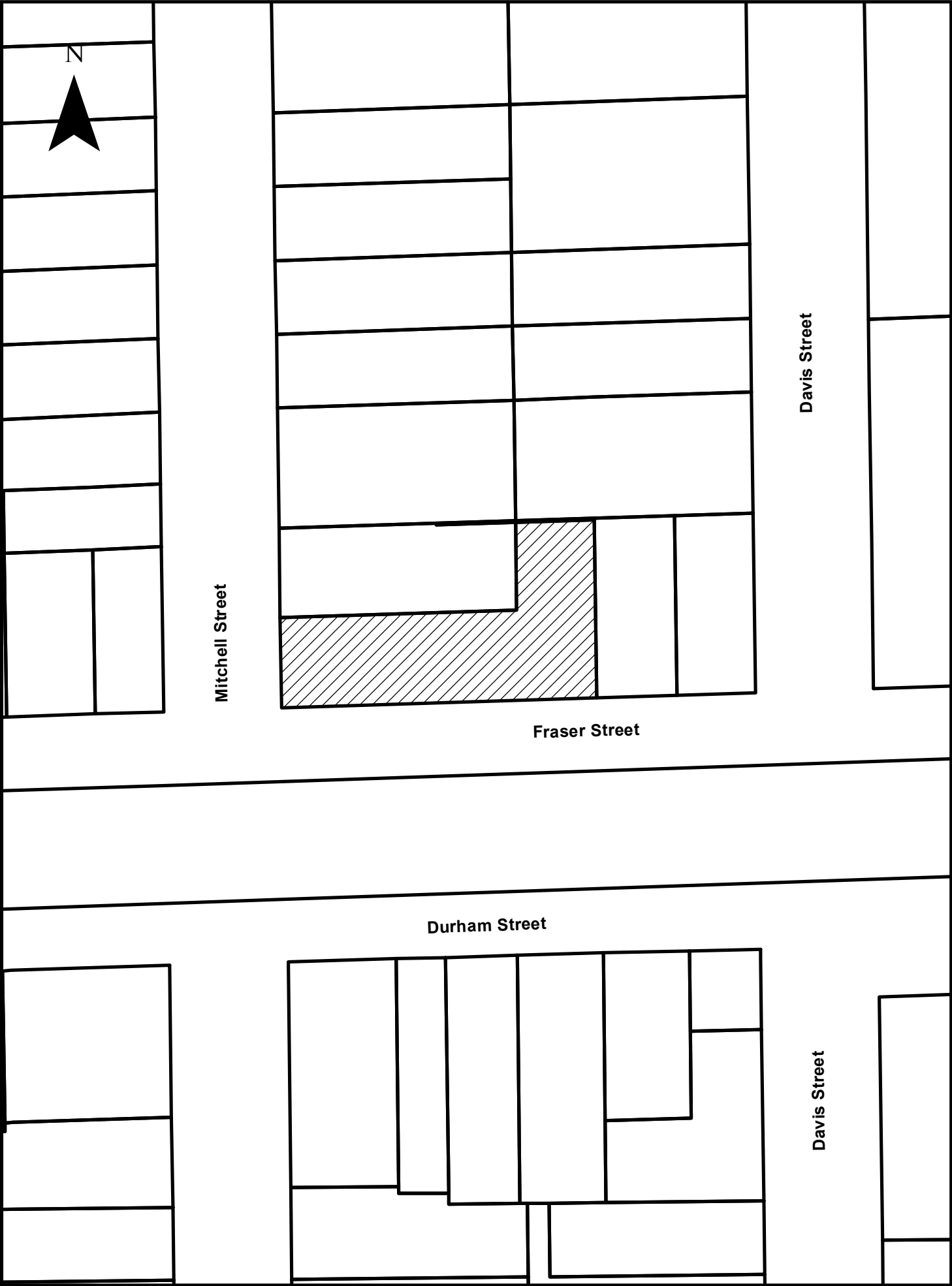
Now therefore, and pursuant to the provisions of Section 36 of the *Planning Act*, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Second Density Residential with Conversion Holding (R2-CH) to Second Density Residential (R2).
3. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
4. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this ____ day of _____, ____.

William C Steele
Mayor

Amber LaPointe
Clerk




This is Schedule "A" to By-law No _____

Passed _____, 2021

Mayor

Clerk

 Lands Subject to By-law

February 2021
File No. D14-06-21
Drawn by: DS - City of Port Colborne
Planning Division
Not to scale

August 27, 2020

City of Port Colborne
66 Charlotte Street
Port Colborne, ON
L3K 3C8

Re: Opinion Letter: 301 Mitchell Street, Port Colborne, ON

Hallex Environmental Ltd. provides the following Phase One ESA summary letter to the City of Port Colborne regarding 301 Mitchell Street, Port Colborne, ON owned by Mr. Nikolas Kosmos and Mr. Peter Kouretsos. The objective was to provide the clients with information about historic or existing land use including identifying any Potentially Contaminating Activities that may have resulted in creating Areas of Potential Environmental Concern at the study site. In addition, Hallex was asked to provide comment on the necessary requirement for a Record of Site Condition at the property relating to the conversion of site use from mixed (commercial/residential) to residential only.

REVIEW OF FINDINGS***Aerial Photographs***

A review of the aerial photographs from 1934 to 2018 revealed that the study site was developed for residential purposes as early as 1934 with the presence of one (1) building onsite. The structure appeared to have been reconstructed to a larger rectangular building in the 1975 air photo. The study site footprint remained in the same configuration until present day. The northeast portion of the study site did not appear to contain any structures from 1934 to present.

Site Reconnaissance

A site visit was conducted on August 14th, 2020 by Jade Anema, *Project Coordinator*, to investigate the current condition of the study site and surrounding properties. One (1) single-storey building (with a portion of the building being 1 ½ stories) was observed on-site in use for residential purposes (apartments). Past history of the study site included a commercial doctor's office and residential apartments. No evidence of historic or current on-site potentially contaminating activities were observed.

Fire Insurance Plans

Two (2) Fire Insurance Plans (FIP) were available from EnviroScan dated 1914 and 1953. Both plans depicted the study site and surrounding land use. The 1914 FIP illustrated the study site as undeveloped. The 1953 FIP depicted the site as being developed with a building located on the southwestern portion of the site.

Potentially Contaminating Activities

Seven (7) off-site Potentially Contaminating Activities (PCAs) were found within the study area; however, due to distance to study site and inferred groundwater flow direction, none of the PCAs result in Areas of Potential Environmental Concern (APEC) at the study site. The PCAs were all noted to be down gradient or cross gradient of the study site; therefore, no groundwater migration pathways were considered available to potentially impact the study site.

MINISTRY OF THE ENVIRONMENT, CONSERVATION & PARKS REGULATORY REQUIREMENTS O.Reg. 153/04

Review of Ontario Regulation 153/04: Records of Site Condition - Part XV.1 of the Act, and consultation with MECP officer Colin Lacey, determined that the study site property located at 301 Mitchell Street, Port Colborne is exempt from the requirement for filing a Record of Site Condition (RSC) as per Section 15.(1):

Exemptions

15. (1) Section 168.3.1 of the Act and section 14 of this Regulation do not apply to any of the following changes in use to a building, nor do those sections apply to the construction of a building that will be used in connection with any of the following changes in use:

1. A change that meets all of the following criteria:

i. Before the change in use to the building, part of the building is used for residential use or institutional use and another part of the building is used for commercial use or community use.

This statement applies as the eastern portion is currently being utilised as residential apartments while the other portion of the building was formerly being utilised for commercial purposes as a Dr.'s office.

ii. After the change in use to the building, the existing building envelope is to remain unchanged and there will be no addition to the exterior portions of the building.

This statement applies as the owners have confirmed to Hallex no changes to the existing building footprint are planned.

iii. The property on which the building is located is not used or has not ever been used, in whole or in part, for an industrial use, as a garage, as a bulk liquid dispensing facility, including a gasoline outlet, or for the operation of dry-cleaning equipment.

This statement applies as Hallex has confirmed through Phase One ESA research that none of the Potentially Contaminating Activities mentioned were conducted at the property.

iv. The property on which the building is located was not exempt under paragraph 2 of this subsection from section 168.3.1 of the Act and section 14 of this Regulation with respect to conversion from a commercial or community use to a use specified in subparagraph 2 ii of this subsection.

This statement applies as the property has never had an RSC filed before.

CONCLUSION

Hallex's research did not reveal any information about the historic or current property or surrounding land uses that would require a recommendation for Phase Two Environmental Site Assessment work at the study site. Hallex confirmed that the property is exempt from the requirement of filing a Record of Site Condition with the Ministry of the Environment, Conservation and Parks for the change in land use from mixed to residential. Based on the above noted findings Hallex therefore concludes that no further environmental site assessment work is required at 301 Mitchell Street, Port Colborne, ON as of August 26th, 2020 and the property is justified for continued residential use.

We trust the above information satisfies your requirements. Please contact the undersigned with any questions.

Sincerely,

Hallex Environmental Ltd.



Kevin Christian, M.Sc., P.Geo., QP
Principal Geoscientist



Subject: Emily Project – FARM 911 Municipal Addressing

To: Council

From: Fire and Emergency Services

Report Number: 2021-71

Meeting Date: March 8, 2021

Recommendation:

That Council receive Fire and Emergency Services Report 2021-71, regarding the Emily Project – FARM 911 Municipal Addressing;

That Council endorse the Emily Project – FARM 911 Municipal Addressing and approve the installation of rural farm land signs and farm parcel municipal addressing upon request of the landowner; and

That Council approve one of two funding models:

1. The City fully funds all aspects of the sign installation.
 2. The City charges back the cost of the sign and installation to the applicant.
-

Purpose:

To endorse the Emily Project – FARM 911 Municipal Addressing, will permit signage to be installed on rural farm lands that normally do not have civic addresses (buildings on the property), thus allowing for efficient and effective emergency service responses should there be an emergency at the location.

Background:

Farm accidents can occur in the most remote locations, making it difficult for first responders to easily locate the situation. The Fire Department has found that there is a flaw in the system as not all rural property entrances have signage. In the event of an emergency, no one should have to wait helplessly for first responders to find them. In an

emergency response, time is everything and an address at the entrance to vacant farm land could make all the difference.

Objectives of the program:

- Create a unified system for acquiring 911 signs across all municipalities
- Persuade municipalities to offer the signs as a service to their community
- Encourage rural landowners to use the service
- Establish a partnership with local agribusinesses who will support the program
- Develop resources to teach property owners how to contact emergency services efficiently
- Promote the program through digital, print, and social media

Discussion:

FARM 911 was inspired by Emily Trudeau, a seven-year-old who died in 2014 when she fell out of a tractor in a farm accident on the family farm in Hastings County.

Emergency responders could not find the property and now the FARM 911 committee is working to make sure that does not happen to anyone else.

On February 8, 2021, the local Niagara Federation of Agriculture approached Council promoting the Emily Project, in hopes that the City of Port Colborne will develop and promote address signage for farm lands that are currently without an address.

Rural addresses without buildings (farm lands) currently do not have addresses assigned to them in Port Colborne.

The farm land signage assigned to these types of lands would have a different colour scheme (black numbers/yellow sign) to differentiate from regular 911 civic address signs and allow emergency services to identify a location. Planning has identified approximately 175 farm properties that signs may be required, based on the property facing a municipal roadway. Farm lands that face unopened road allowances would not be assigned a farm land address.

This initiative would be a collaborative and collective effort by several City Departments listed below:

- Either the Fire Department or the Planning/Building Department can create a process for administering the Farm Parcel Municipal Addressing Application Form (Appendix A) and fee collection from the applicant. The application can be posted under the Building & Planning page on the City's website under Building Applications. A similar posting can be put up on the Fire Department's page.

- Once a municipal address number has been assigned by the Building Division, the number will be registered with the Regional Municipality of Niagara and other applicable services.
 - The Fire Department would arrange for locates and the installation of the sign.
-

Internal Consultations:

The Planning Department is aware of the project and supplied the estimate of lands that may require signs.

Financial Implications:

Under the Fees for Service By-law 6741/105/19, the Fire Department has the ability to charge an applicant \$100 which incorporates all parts of the installation; including the cost of the sign and post. The Building Department collects \$15 towards a 911 sign during the application phase for all requests.

The current cost for materials alone are \$28.19 for the post, sign and mounting hardware. Material costs for the 175 properties would total \$4,933.25.

The proposed cost to an applicant would be \$115.00, which includes administrative, installation and material (sign and post) expenses. The total approximate cost for 175 properties is \$20,125.

Funding is not available within the 2021 Fire Department budget.

Conclusion:

The City of Port Colborne is committed to being accountable to all residents by meeting the needs of those living in the rural areas as well as urban areas. The City of Port Colborne has been providing a service of installing and maintaining 911 green civic address signs for several years; however, farm lands fronting on municipal roadways are without address signage, which would assist emergency services. It is recommended Council endorse the Emily Project FARM 911 Municipal Addressing and approve the installation of farm land address signs.

Appendices:

- a. Farm Parcel Municipal Addressing Application Form

Respectfully submitted,

Scott Lawson
Fire Chief
905-834-4512 ext. 402
scott.lawson@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

Farm Parcel Municipal Address Application

City of Port Colborne Fire & Emergency Services

3 Killaly Street West
Port Colborne, Ontario L3K 6H1
Tel:905-834-4512 Fax:905-835-1020

Section 1 – Applicant Information

Name

Mailing Address (Street address, unit number, city and postal code)

Phone Number

E-mail Address

Section 2 – Property Information

Assessment Roll Number

Registered Owner

Legal Description (Lot, concession, registered plan, etc.)

Municipal Road Name

Side of the Municipal Road

☐ North ☐ South ☐ East ☐ West

Closest 911 Address

Please provide a site plan marking the field entrance for your requested address and any other documents that will help identify the entrance.

Section 3 – Declaration

I, _____, acknowledge that approval of a farm parcel address request:

1. Is to assist in emergency situations only;
2. Does not permit further use or development of the property without the appropriate approvals;
3. Does not constitute the approval of an entrance from a public highway nor does it deem the access safe for use or that it meets any municipal entrance standards;
4. Does not guarantee that access is adequate for emergency vehicles and where access is not adequate, emergency vehicles may not be able to enter the property;
5. Requires the land owner to maintain and keep the access in good repair and ensure the signage remains visible and is maintained. Should signage be damaged, knocked down or removed the land owner shall contact the Town for replacement/repair of the signage at the land owner's expense.

Signature

Date

For Staff Use Only

Fee Received:

Receipt No.:

Address Assigned:

Date of Department/Agency Notification:

Staff Signature:



Subject: Clarence Street Sidewalk Construction – Hampton Avenue to Wood Lane

To: Council

From: Engineering and Operations Department

Report Number: 2021-65

Meeting Date: March 8, 2021

Recommendation:

That Engineering and Operations Department Report 2021-65 be received;

That the Director of Public Works be directed to construct sidewalk on the south side of Clarence Street from the existing sidewalk west of Wood Lane to Hampton Avenue;

That the Director of Public Works be authorized to complete the work under the 2021 concrete sidewalk contract with Signature Contractors at the unit rates set within the contract agreement; and

That the Director of Public Works be authorized and directed to do all things necessary to give effect to this resolution.

Purpose:

This report was prepared in response to direction from Council to determine the feasibility of a sidewalk connecting the new Westwood Estates subdivision to the existing sidewalk network at Hampton Avenue with respect to active transportation.

Background:

During the construction of the first phase of Westwood Estates (Wood Lane, Westwood Drive, and the extension of Clarence Street and Stanley Street), the developer was granted permission from Council to omit the construction of a sidewalk on Clarence Street. In 1997, Council agreed that once the second phase of Westwood Estates was completed, which would connect Clarence Street to Cement Road, that sidewalks would be required on Clarence Street throughout its full length. Phase 2 of Westwood Estates

has largely been constructed, with new sidewalks now included. In 2020, a sidewalk was installed on Stanley Street to connect the network of sidewalks in Phase 2 to the rest of the City. Staff are proposing a new sidewalk on Clarence Street to increase the connectivity of the existing sidewalk network and promote active transportation.

Discussion:

Engineering staff have reviewed the options available for the construction of a new concrete sidewalk on Clarence Street and have prepared high level cost estimates in order to recommend the best location for installation. Three options have been proposed in this report:

Option 1: Install Sidewalk on the North Side of Clarence Street

Option 2: Install Sidewalk on the South Side of Clarence Street **(Recommended)**

Option 3: Do Nothing

The purpose of installing new sidewalks on Clarence Street would be to further expand the network of sidewalks available for residents to use and further promote active transportation. The extension of sidewalks on Clarence Street to Cement Road allows closer, safe access for the residents of Port Colborne to the Gord Harry Conservation trail located on Cement Road and allows an alternate route for residents to safely walk to nearby schools.

The Cement Road and Clarence Street connection has also converted Clarence Street to a collector road. Previously, residents of southwest Port Colborne needed to use Steele Street as a means of exiting the City via Highway 3 or Highway 58. An alternate route has now been created on Clarence Street which leads to Cement Road, resulting in an increase of through traffic in the area.

There are some disadvantages to constructing a new sidewalk in an established neighbourhood. Existing infrastructure is already in place such as hydro poles, streetlights, and fire hydrants, as well as established mature lawns, gardens and other landscaping placed within the existing right of way. Normally, curbface sidewalk, (sidewalk that abuts directly against the back of the curb) is the preferred construction method when space is limited and is used to reduce the impact of existing landscaping from construction. However, in certain cases, curbface sidewalk could add additional costs as a result of utility relocations and the need for an increased sidewalk width due to the close proximity to the roadway. During the layout process, staff will minimize the impact to existing land features which may vary the offset of the sidewalk from the back of the curb.

Option 1: Install Sidewalk on the North Side of Clarence Street

As shown in the attached Figure 1, construction of the sidewalk on the north side of the road would extend further than that on the south side in order to connect to the existing sidewalk network and eliminate the need for crosswalks across Clarence Street. At the east limit, the sidewalk would extend past Hampton Avenue to connect to the sidewalk at Rosemount Avenue, and at the west limit, the sidewalk would extend past Wood Lane to Renfield Avenue, totalling 790 meters. This would add additional cost compared to constructing a sidewalk on the south side as it adds an additional 280 meters. Should the sidewalk be constructed on the north side, a total of 41 driveways would be impacted. One option to eliminate the reduced driveway parking availability would be to construct curbside sidewalk, however, this would require the relocation of 4 fire hydrants, 4 streetlights, 1 hydro pole, and a transformer box at an approximate cost of \$100,000.

Regarding greenery, an estimated 17 trees and 11 gardens would have to be removed in order to facilitate a continuous alignment of a new, non curbside sidewalk. For curbside sidewalk, the numbers are reduced to 10 tree relocations and no garden relocations.

The estimated cost for sidewalk construction on the north side of Clarence Street from Renfield Avenue to Rosemount Avenue is approximately \$290,000 for non-curbface sidewalk, and approximately \$410,000 for curbside sidewalk.

Option 2: Install Sidewalk on the South Side of Clarence Street (Recommended)

Constructing the sidewalk on the south side of the road will impact fewer properties when compared to the north side, both in the case of curbside sidewalk and non-curbface. To facilitate curbside sidewalk construction, the relocation of three hydro poles and three streetlights would be required. However, curbside sidewalk is the only option along the lot of 28 Michael Drive North as having any offset from the curb would eliminate the use of the homeowner's driveway. Non-curbface sidewalk would not require any hydro poles or streetlights to be relocated.

With curbside sidewalk, a total of 5 trees would need to be removed or relocated, in comparison to non-curbface which may require the removal/relocation of 8 trees and 2 gardens. In either scenario the existing "Westwood Estates" subdivision sign will need to be removed in order to accommodate the new sidewalk. The estimated costs proposed do not include the installation of a new subdivision sign.

Constructing the sidewalk on the south side provides the future benefit of being able to extend the sidewalk network to multiple side streets in the future. This includes the potential to connect Michael Drive North, Westwood Drive, and Wood Lane.

The estimated cost for constructing sidewalk on the south side is \$235,000 for curbside sidewalk, and \$165,000 for non-curbface. The difference in price is attributed to the need to relocate hydro and streetlight poles along with an increase to the sidewalk width due to the sidewalk being located along the curbside. Installation of sidewalks along the curbside are required to be a minimum of 1.8 meters wide whereas sidewalks located off of the curb line are required to be 1.5 meters.

Option 3: Do Nothing

The construction of a new sidewalk on either side of Clarence Street may be met with resistance from the homeowners that are directly impacted by the construction. With the sidewalk in the latest phase of Westwood Estates now connected via Stanley Street, Council may decide that an additional route on Clarence Street is not necessary.

Financial Implications:

The cost of \$165,000 associated with completing the sidewalk installation along Clarence Street will be funded from the 2021 Capital Budget contingency. The purpose of the contingency was to accommodate an agile planning environment. The budget for this contingency was set at \$225,654. This will leave \$60,654 available to be assigned to other projects going forward.

Conclusion:

Staff recommend moving forward with the least costly option, being the installation of a new non-curbface concrete sidewalk located on the south side of Clarence Street from Hampton Avenue to the existing sidewalk network west of Wood Lane for a proposed cost of \$165,000.

Upon approval of this project, flyers will be delivered to the residents directly impacted by the sidewalk construction to ensure they are kept informed of the project's overview and timelines. Information, along with updates, will also be advertised on the City's website and social media.

Appendices:

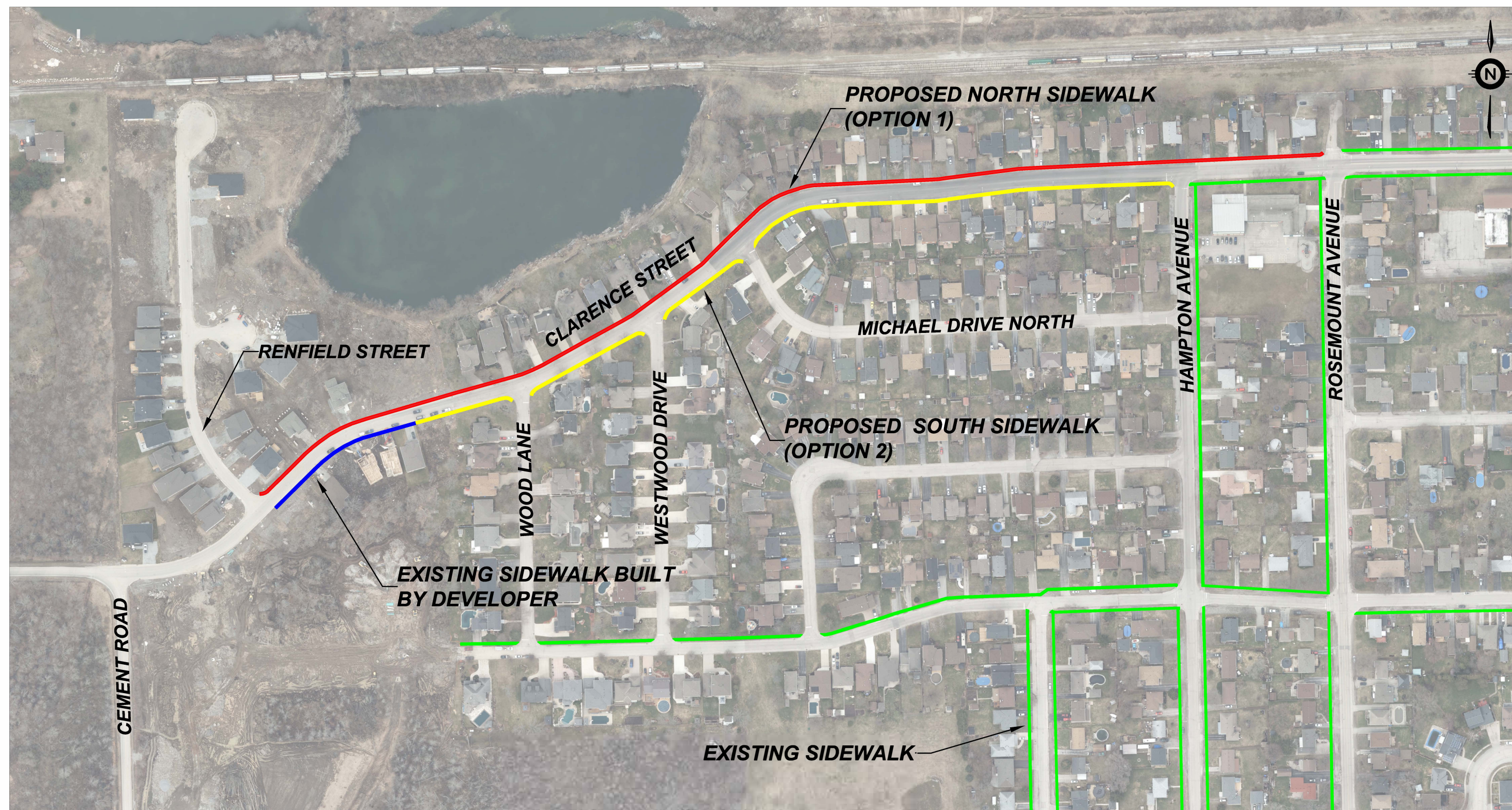
- a. Figure 1 – Proposed Layout of Clarence Street Sidewalk

Respectfully submitted,

Mathew Pilon
Construction Inspector
905-835-2900 x 233
mathew.pilon@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.



THE CITY OF PORT COLBORNE **PROPOSED CLARENCE STREET SIDEWALK**

FIGURE 1

DATE	2020-02-08
SCALE	NTS
REF. No.	
DWG No.	D-01

Subject: Excavator Purchase for Municipal Drains

To: Council - Public Meeting

From: Engineering and Operations Department

Report Number: 2021-72

Meeting Date: March 8, 2021

Recommendation:

That Engineering and Operations Department Report 2021-72 be received;

That the Director of Public Works be directed to issue a tender for the purchase of an excavator; and

That the Director of Public Works be directed to award the tender if equal to or less than the current monthly cost.

Purpose:

The purpose of this report is to seek approval from Council to formally release a tender to receive pricing for a new excavator which will replace the rental equipment currently being utilized for the municipal drain program.

Background:

In 2019, a two-year contract for the supply of rental equipment to complete the municipal drain program was awarded through a tender process. The contract outlined the supply of two pieces of equipment for specific periods of each year. The first piece of equipment was for the municipal drain program, and the second for the roadside ditching program. The two-year contract is set to expire in 2021 leading to Public Works researching alternative, innovative ways to complete the program in the future.

During the 2021 budget approval process, staff brought forward the need for a comprehensive capital asset replacement program for the City's fleet. This fleet replacement program is still planned to be completed in 2021. Due to the expiry of the two-year rental contract, staff are recommending to proceed with investigating the

purchase of this excavator which will have a cost savings over continuing to rent the existing, or a similar, piece of equipment

Discussion:

Due to the rental equipment contract expiring in 2021, staff have been researching and field-testing multiple pieces of equipment that have the potential to better suit the needs of the municipal drain program.

The ideal piece of equipment has been identified as a small excavator agile enough to maneuver along the tree lined drains while also incorporating an extendable boom to maximize the equipment's reach. This piece of equipment has been presented to all divisions of the Public Works Department to ensure maximum usability throughout. The divisions, including Roads & Parks, Water/Wastewater, and Fleet Mechanics, all agree that this piece of equipment will not only be a great tool for the municipal drain program but will also be utilized throughout the department to increase productivity and open new possibilities in repair and maintenance operations.

Financial Implications:

Staff received budgetary estimates for a new excavator from multiple equipment dealers. Although prices varied depending on brand, standard versus optional equipment, and standard warranties, the financing options presented were well below the monthly rental contract currently in place which is \$16,400 per month. The current piece of equipment is rented for 8 months per year which equates to an annual total rental cost of \$131,200. It is recommended that upon completion of a formal tender process, staff will analyze the financial benefits and enter into an agreement to purchase this equipment if annual cost is the same, or below current costs. If costs are above the current rental price, staff will report back to Council with respect to the award recommendations.

Conclusion:

Staff have determined there is the potential for cost savings in the municipal drain program through the purchase of a new excavator versus continuing to rent the existing piece of equipment. As the residents of each watershed directly fund this program, these saving would be passed directly on to them.

Approval of this report will allow staff to start a tender process which will determine the actual costs for a new excavator which can then be evaluated by staff and either awarded or presented to Council for approval depending on pricing submitted.

Respectfully submitted,

Alana Vander Veen
Drainage Superintendent
905-835-2900 ext.291
Alana.vanderveen@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.



Subject: Economic Development Reserve Account

To: Council

From: Chief Administrative Office

Report Number: 2021-81

Meeting Date: March 8, 2021

Recommendation:

That Chief Administrative Office Report 2021-81 be received;

That Council approve the creation of a new Economic Development Reserve account to be used for land proceeds, acquisitions, development costs, and other strategic economic development initiatives;

That the net proceeds from Phase One (1) of the City Real Estate initiative be directed to the new Economic Development Reserve; and

That the cost of the comprehensive Community Improvement Plan (CIP) review be funded from this reserve.

Purpose:

The purpose of this report is to request approval to have a separate reserve account created for sale of land proceeds, land acquisition, land development costs and other strategic economic development initiatives.

Background:

In September 2020, staff created phase one (1) of a City Real Estate initiative designed to identify, market, and sell surplus City-owned land for infill development. Six properties were identified and have been sold. Proceeds from these land transactions are currently being directed to the Capital Reserve Account. Once all of these transactions close, the estimated net proceeds to the City will be \$525,000.

Discussion:

Staff believe it would be financially prudent to have a new reserve account where land proceeds could be directed. This reserve account would also be used to fund property acquisitions and development costs such as Environmental Site Assessments (ESA), Environmental Impact Studies (EIS), geotechnical studies, land appraisals, legal costs, and surveys.

Having a reserve account solely for City real estate and development will provide a source of funding that does not draw from the current tax levy. It will also assist in the financial management of the City's reserve accounts by tracking land related transactions in a new reserve account instead of combining them with other proceeds and expenditures within the Capital Reserve Account. It is recommended that the net proceeds from the phase one (1) City Real Estate initiative, estimated to be \$525,000, be directed to the new Economic Development Reserve account.

It is also recommended that the comprehensive review of the City's six Community Improvement Plans (CIPs), expected to commence this spring, be funded from this new reserve. This is a strategic initiative that ultimately will help to stimulate business investment, create economic activity, enhance buildings, and revitalize properties. The cost of this project is estimated at \$125,000.

As per current practice and protocol, Council will continue to be informed of any proposed use of the reserve funds by way of a staff report requesting a Council motion to approve expenditures.

Internal Consultations:

This has been discussed with and supported by the CAO, the Director of Corporate Services, and the Manager of Strategic Initiatives.

Financial Implications:

This request to establish a new reserve fund comes forward in accordance with FIN – 04, Reserve and Reserve Fund Policy.

The creation of a reserve account for land proceeds, acquisitions, development costs, and strategic economic development initiatives would have no impact on the levy. Presently land proceeds are directed to the General TCA reserve.

As properties are sold, proceeds would be directed to this account and support future expenditures related to acquisitions and development.

Conclusion:

Staff are recommending the creation of a new reserve account that would be used for sale of land proceeds, acquisitions, land development costs and strategic economic development initiatives. This will support the strategic direction of the City to attract residential, commercial, and industrial development.

Respectfully submitted,

Bram Cotton
Economic Development Officer
Bram.Cotton@portcolborne.ca
905-835-2901 x504

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

Subject: External Review of Community Improvement Plans (CIPs)

To: Council

From: Chief Administrative Office

Report Number: 2021-68

Meeting Date: March 8, 2021

Recommendation:

That Chief Administrative Office Report 2021-68 be received;

That Council approves retaining a consultant to complete a comprehensive review of the City's Community Improvement Plans (CIPs); and

That Council approve a project budget limit of \$125,000 plus HST to be funded from the newly proposed Economic Development reserve.

Purpose:

The purpose of this report is to inform Council of an external program review that is proposed to start sometime this spring regarding the City's CIP programs and to seek Council approval for project funding.

Background:

The City of Port Colborne has six CIPs, namely:

- Brownfield Community Improvement Plan
- Downtown Central Business District Community Improvement Plan
- East Waterfront Community Improvement Plan
- Industrial Community Improvement Plan
- Olde Humberstone Community Improvement Plan
- Niagara Gateway Economic Zone and Centre Community Improvement Plan

These CIP programs were developed by City staff and consultants several years ago based on Council direction to incentivize growth and development in designated areas in the City and leverage private sector investment. Part IV of the *Planning Act* outlines municipal authority for the implementation of Community Improvement Plans and the City's Official Plan includes enabling policy for CIPs. Historically \$70,000 has been budgeted on a yearly basis for CIP programs. These programs are administered by the City's Planning and Development Department.

Discussion:

A Request for Proposal (RFP) was recently issued to retain a consultant to complete a comprehensive review of the City's CIP programs. Some of these programs have been in existence for 10-15 years and staff believe they are due to be reviewed and refreshed.

A City Project Team, comprised of the Director of Corporate Services/Treasurer, the Director of Planning and Development, the Manager of Strategic Initiatives, and the Economic Development Officer, will be established to review and evaluate the proposals and select a consultant. A follow up staff report will come to Council in early April to provide an update. This project team will also work closely with the consultant and help guide the process.

The CIP review will focus on the following:

- review current CIPs, project area boundaries, service delivery, and recommend if the City needs to create any new CIPs;
- prepare an implementation plan that can be adopted and utilized by the City to enable the offering of a range of financial incentives that will leverage potential investments;
- consolidate and coordinate CIPs as well as ensuring integration with Niagara Region's incentive programs;
- identify performance targets to identify the success of the program and when/if changes may be required;
- recommendations for budgeting and resourcing the CIP program;
- recommendations on how to market the CIPs to attract more applications;
- review emerging trends and best practices from other jurisdictions and make recommendations;

- incorporate the principles of sustainability (environmental, social, economic, and cultural), community involvement, along with timely and reasonable development when evaluating and approving CIP projects.

It is expected that this review process, that will also include public consultation, will take 8-10 months. The consultant will present their report and recommendations to Council in the first few months of 2022.

Internal Consultations:

This project has been reviewed by Corporate Services, Economic Development and Tourism Services, and Planning and Development.

Financial Implications:

It is estimated that the total project cost will be in the range of \$100,000 to \$125,000 plus HST. Staff are requesting Council approval for a limit of \$125,000 plus HST and that this amount be funded from the newly proposed Economic Development reserve (Report 2021-81).

Public Engagement:

There is a statutory requirement to have public information meetings and consultations, along with required notice periods regarding any proposed changes or updates to the City's CIPs.

Conclusion:

An RFP has been issued to retain a consultant to conduct a comprehensive review of the City's six Community Improvement Plans (CIPs). These programs have created value for the City by leveraging private sector investment and improving buildings in the City's business districts as well as incentivizing the remediation and redevelopment of brownfield properties. These programs have also helped to attract industrial investment, forge public-private partnerships, and create jobs in the City's gateway economic zone. As the City continues to grow and attract interest and capital from new investors, staff believe there is an opportunity at this time for these programs to be reviewed and updated by an external party to reflect best practices to reposition these programs for the future and ensure that Port Colborne has a competitive advantage and is investment ready.

Respectfully submitted,

Gary Long
Manager of Strategic Initiatives
905-835-2901 x.502
Gary.Long@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

Subject: Statement of Remuneration and Expenses for the Year Ended 2020

To: Council

From: Corporate Services Department

Report Number: 2021-73

Meeting Date: March 8, 2021

Recommendation:

That Corporate Services Department Report 2021-73 be received for information.

Purpose:

This report seeks to satisfy the reporting requirements of Section 284 of the *Municipal Act, 2001* as amended.

Background:

Pursuant to Section 283 of the *Municipal Act, 2001*, as amended, a municipality may pay any part of the remuneration and expenses of the members of any local board of the municipality and the officers and employees of the local board.

Pursuant to Section 284 of the *Municipal Act, 2001*, as amended, the City Treasurer shall, on or before March 31, provide to Council an itemized Statement of Remuneration and Expenses paid in the previous year to each member of Council and each person appointed by the municipality to serve as a member of any body, including a local board; in respect of services as a member of Council or member of any body.

The following by-laws authorize the payment of such remuneration and expenses:

- By-law No. 4609/140/04, being a By-law to provide for the remuneration of the Mayor and to repeal By-law #2864/43/93
- By-law No. 4610/141/04, being a By-law to provide for the remuneration of the Councillors and to repeal By-law #2922/101/93

- By-law No. 5141/47/08, being a By-law to amend By-law #4896/121/06, a By-law to establish a conference and seminar policy for members of Council
 - By-law No. 5719/150/11, being a By-law to establish remuneration of Committee of Adjustment members
-

Discussion:

The attached Statement of Remuneration and Expenses for the 12-month period from January 1 to December 31, 2020 was prepared pursuant to Sections 283 and 284 of the *Municipal Act, 2001*, as amended.

Conclusion:

That Corporate Services Department Report 2021-73 be received.

Appendices:

- a. Statement of Remuneration and Expenses
- b. Statement of Conference Expenses

Respectfully submitted,

Bryan Boles, CPA, CA, MBA
Director, Corporate Services
(905) 835-2900 Ext. 105
bryan.boles@portcolborne.ca

Report Approval:

All reports reviewed and approved by the Department Director and also the City Treasurer when relevant. Final approval is by the Chief Administrative Officer.

Appendix A - Statement of Remuneration and Expenses												
City of Port Colborne Statement of Remuneration and Expenses 2020												
	Payroll Remuneration	Fringe Benefits	Car Allowance	Per Diem*	TOTAL	Renumeration	Membership/ Training	Conference Expenses**	Travel	Mobile Service	TOTAL	GRAND TOTAL
Council												
Mayor Bill Steele	43,424.87	11,296.58	2,520.00		57,241.45			1,038.55	284.76	794.77	2,118.08	59,359.53
Councillor Mark Bagu	11,428.01	7,957.31			19,385.32			90.79		172.99	263.78	19,649.10
Councillor Eric Beauregard	11,428.01	3,624.15			15,052.16			452.04		122.11	574.15	15,626.31
Councillor Ron Bodner	11,428.01	6,842.94			18,270.95			0.00		122.29	122.29	18,393.24
Councillor Gary Bruno	11,428.01	6,921.72			18,349.73			0.00		122.25	122.25	18,471.98
Councillor Frank Danch	11,428.01	7,957.31			19,385.32			0.00		122.20	122.20	19,507.52
Councillor Angie Desmarais	11,428.01	7,957.31			19,385.32			45.00		122.79	167.79	19,553.11
Councillor Donna Kalailieff	11,428.01	7,957.31			19,385.32			86.31	204.02	122.12	412.45	19,797.77
Councillor Harry Wells	11,428.01	7,957.31			19,385.32			0.00		122.25	122.25	19,507.57
Committee of Adjustment												
Councillor Eric Beauregard						600.00	150.00				750.00	750.00
Councillor Gary Bruno						530.00	150.00				680.00	680.00
Councillor Angie Desmarais						525.00	150.00				675.00	675.00
Councillor Donna Kalailieff						600.00	150.00				750.00	750.00
Dan O'Hara						560.00	150.00			132.81	842.81	842.81
TOTALS	134,848.95	68,471.94	2,520.00	0.00	205,840.89	2,815.00	750.00	1,712.69	488.78	1,956.58	7,723.05	213,563.94
* Per Diem - for additional meetings (out of town business)												
** Conference Expenses - see Detail of Conference Expenses 2020												

Appendix B - Statement of Conference Expenses							
City of Port Colborne							
Conference Expenses 2020							
	FCM	AMO	ROMA/OGRA	GLSLCI	OACA	Other Conferences & Seminars	CONFERENCE EXPENSES TOTAL
Mayor Bill Steele						1,038.55	1,038.55
Councillor Mark Bagu						90.79	90.79
Councillor Eric Beauregard						452.04	452.04
Councillor Ron Bodner							-
Councillor Gary Bruno							-
Councillor Frank Danch							-
Councillor Angie Desmarais						45.00	45.00
Councillor Donna Kalailieff						86.31	86.31
Councillor Harry Wells							-
TOTALS	-	-	-	-	-	1,712.69	1,712.69
FCM - Federation of Canadian Municipalities							
AMO - Association of Municipalities of Ontario							
ROMA/OGRA - Rural Ontario Municipal Association/Ontario Good Roads Association							
GLSLCI - Great Lakes & St Lawrence Cities Initiative							
OACA - Ontario Association of Committees of Adjustment and Consent Authorities							

From: [Bram Cotton](#)
To: [Amber LaPointe](#)
Cc: [Gary Long](#)
Subject: JBL Letter of Support Request.
Date: March 3, 2021 12:54:30 PM
Attachments: [PortColborne_Logo_EconomicDevelopment_62e61dd4-995f-4afe-a520-e1b9e4c0d176.png](#)

Hi Amber,

Lee Dimascio of Jungbunzlauer (JBL) has asked for a letter of support from Council regarding their Provincial OMAFRA grant application.

Suggested wording for the support is as follows:

“I was pleased to learn that Jungbunzlauer (JBL) is considering the expansion of their business in Port Colborne, with the addition of a new lactic acid facility. Valued at \$50M this enterprise will also provide 30 new jobs, enhancing Ontario’s dynamic and strong economy.

JBL is a significant economic generator in Port Colborne for sustaining and growing the local economy and this investment is important to Ontario.

This is an exciting opportunity and I want to extend my appreciation to JBL, for its current operations in our province and its expansion considerations”.

This initiative is an excellent opportunity for the City of Port Colborne, supports business and expansion in the City and is inline the 2018-2028 Economic Development Strategy.

Thank you for your assistance and support in this.

Best Regards
Bram Cotton

Bram Cotton
Economic Development Officer
Office of the CAO
City of Port Colborne
905-835-2901 x.504
905-359-2248 cell

www.portcolborne.ca

Serving You to Create an Even Better Community

For up-to-date information about how the City is responding to COVID-19, including facility closures and service disruptions, visit <http://portcolborne.ca/page/covid-19>

From: [Bram Cotton](#)
To: [Scott Luey](#); [Gary Long](#)
Cc: [Amber LaPointe](#)
Subject: FW: Support for improved broadband access in Port Colborne
Date: February 26, 2021 1:28:19 PM
Attachments:

Scott and Gary,

Please find attached and below my discussions with Rogers from earlier today.

They are looking for a letter of support as they submit their bid for the matching funding from the feds.

They would like something whether it be from the Mayor a resolution from council by the 15th of March.

I understand that this would be tough with our meetings being set as they are.

They are requesting it as they want to bring in fibre that would bring our underserved areas identified as about 1000 homes better access. These are areas the new SWIFT Announcement did not impact.

For our future prosperity I think we should try and help them get this funding to support PC.

I can ask the BIA and Chamber for letters as well but I wanted your input with our processes the way they are.

Best Regards
Bram

Bram Cotton
Economic Development Officer
Office of the CAO
City of Port Colborne
905-835-2901 x.504
905-359-2248 cell

www.portcolborne.ca

Serving You to Create an Even Better Community

For up-to-date information about how the City is responding to COVID-19, including facility closures and service disruptions, visit <http://portcolborne.ca/page/covid-19>

(On letterhead)

Innovation, Science and Economic Development Canada
235 Queen Street
Ottawa, Ontario K1A 0H5

Re: Improving access to Broadband in Port Colborne, ON

To whom it may concern,

I am writing in support of Rogers Communications Canada Inc.'s ("Rogers") application for funding under the Universal Broadband Fund to improve broadband coverage in Port Colborne, Ontario.

This application will extend broadband capabilities with speeds of at least 75 Mbps download and 10 Mbps upload up to a symmetrical gig to the community providing residents and businesses with better access to government services, e-commerce, and Internet-based resources to stay ahead of the technology and e-learning curve.

[Insert specific, tangible, and expected benefits a project is likely to provide within and around its targeted community. This could include, but is not limited to, how the project will:

- **The Rogers 'leave no home behind' build strategy and commitment to bringing broadband to entire areas of underserved homes is a game changer for our region**
- Impact the community's economic growth, social development, resiliency, employment, ongoing viability and/or capacity to recover from the Covid-19 pandemic and its economic effects.
- Improve access to essential services, including tele-health, distance learning, social inclusiveness, and telework;
- Facilitate participation in the digital economy by underrepresented groups, including women, persons who are 2SLGBTQ, First Nations, Inuit and Métis communities, living in OLMCs, belonging to a visible minority, children, seniors, or persons with disabilities;
- Connect institutions, including schools, libraries, hospitals, and other social services or community institutions, and/or enhance the services these institutions deliver;
- Connect or facilitate the development of small businesses or entrepreneurship;
- Connect or facilitate industrial applications; and
- Contribute to governmental efforts such as Canada's Poverty Reduction Strategy, Canada's Homelessness Strategy, Indigenous Community Development National Strategy, Women Entrepreneurship Strategy or the Action Plan for Official Languages.]

In support of Rogers application, we will look to:

[Insert as applicable]

- Ensure timely and expedient processing of permitting

I support Rogers in its application to bring broadband to my community and request that you grant funding to Rogers' to fulfill this initiative.

Sincerely,

Name
Title
Address
Date

From: [AMCTO President](#)
To: [City Clerk](#)
Subject: An Open Letter to Ontario Municipal Councils
Date: February 18, 2021 8:23:48 AM

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

Dear Amber LaPointe,

We would appreciate your support in sharing the below open letter and for this letter to be included on your municipal council agenda:

February 18, 2021



AN OPEN LETTER TO ONTARIO MUNICIPAL COUNCILS

Dear Council,

As a vital municipal association with membership roots that reach deep into each and every part of Ontario, we know the challenges you have faced in continuing to provide essential municipal services within your community during the COVID-19 pandemic.

As elected officials, we know that you recognize the contribution made by your municipal staff, many of whom are members of AMCTO. Municipal professionals across this entire province have been at the forefront of service delivery, applying their knowledge and skills to innovate processes and procedures to meet the evolving needs of residents and businesses.

One key point that is often overlooked in this pandemic is that many municipal staff were prepared to act and innovate BECAUSE of the professional municipal training and development they receive from organizations like AMCTO. The leadership skills, education and technical training prepare your staff in getting ahead of immediate community needs, reacting and responding to new challenges brought on by COVID-19. This unique and sought-after skillset has allowed your staff to provide council with options and solutions for keeping your municipality running.

In these challenging financial times, there will be temptation to divert operational funding

away from staff training budgets. Now more than ever, it is crucial that municipalities continue to invest in your most valuable resource – your staff.

In addition to increased levels of employee retention, engagement and empowerment, investments in staff professional development strengthens your council's ability to provide reliable, effective and efficient services to your community, both today and in the future. The question is no longer "if" you innovate but "when". Innovation comes with knowledge, training, and exposing municipal staff to new opportunities to grow and develop professionally.

On behalf of AMCTO and its over 2,200 members, please accept my heartfelt thank you for your service during these difficult times. As "Municipal Experts", AMCTO will continue to be at your service to help you and your staff meet the needs of your community.

Sincerely,



Robert Tremblay, MPA, CMO, AOMC
President
AMCTO

CC: Graydon Smith, President, AMO

###

Robert Tremblay, MPA, CMO, AOMC
President



2680 Skymark Ave. # 610
Mississauga, ON L4W 5L6
president@amcto.com
www.amcto.com



February 26, 2021

SENT ELECTRONICALLY

Regional Municipality of Niagara
1815 Sir Issac Brock Way, PO Box 1042
Thorold ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

RE: SUPPORT FOR WINE SECTOR

Please be advised the Council of The Corporation of the Town of Niagara-on-the Lake, at its regular meeting held on February 22, 2021 approved the following resolution:

WHEREAS the Ontario wine industry supports directly and indirectly over 18,000 full-time equivalent jobs; and Niagara is Ontario's largest wine growing region responsible for over 90% of Ontario's grape production;

AND WHEREAS, with 2.4 million annual visitors, Niagara's wine sector has developed unique experiential destination tourism, enhanced by the proximity to Niagara Falls;

AND WHEREAS COVID-19 has had significant impacts on Ontario's wine industry – a key contributor to Niagara's economy and tourism sector;

AND WHEREAS to build back a stronger, more sustainable economy, there is a need to unlock the potential of Ontario's grape and wine industry.

NOW THEREFORE BE IT RESOLVED:

1. *That Niagara Region calls on the Province of Ontario to create a level playing field and to provide Ontario's entrepreneurial wine industry with opportunities to invest more into innovation and job creation while providing consumer choice and convenience for the purchase of Ontario wines;*
2. *That the Province be urged undertake the following:*
 - a. *Eliminate the 6.1% tax applied to VQA (100% Ontario-grown) wines on sales in the 2021 Budget;*
 - b. *Enable Ontario wines to offer direct delivery, with margin, to grocery stores;*
 - c. *Establish long-term VQA wine support programs at the LCBO that would increase shelf space for VQA wines and;*
 - d. *Eliminate import taxes on 100% Ontario VQA wines*

3. *That this motion be circulated to municipalities in Niagara, Premier of Ontario, Minister of Finance, and Minister of Agriculture, Food and Rural Affairs.*

If you have any questions or require further information please contact our office at 905-468-3266.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Peter Todd', with a stylized flourish extending to the right.

Peter Todd, Town Clerk

Cc: The Honourable Doug Ford, Premier of Ontario premier@ontario.ca
The Honourable Peter Bethlenfalvy, Minister of Finance peter.bethlenfalvy@pc.ola.org
The Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs
ernie.hardeman@pc.ola.org
Local Area Municipalities



Our File No: CV044-21

February 12, 2021

Delivered by e-mail to:
amber.lapointe@portcolborne.ca

Ms. Amber LaPointe
City Clerk
Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Dear Ms. LaPointe,

RE: Resolution – Unlicensed and unmonitored cannabis grow operations

We acknowledge receipt of your correspondence dated January 26, 2021, with respect to the above noted matter.

In accordance with the City's policy your correspondence has been forwarded to the Mayor and Members of Council. A member of Council may request the matter be listed on a Council/Committee agenda for consideration.

Should this matter be listed on an agenda, we will advise you of any action taken by Vaughan Council.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'T. Coles', with a long horizontal stroke extending to the left.

Todd Coles
City Clerk

TC/lc



CORPORATE SERVICES DEPARTMENT
TELEPHONE 613-968-6481
FAX 613-967-3206

City of Belleville

169 FRONT STREET
BELLEVILLE, ONTARIO
K8N 2Y8

February 9, 2021

Amber LaPointe, City Clerk
Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

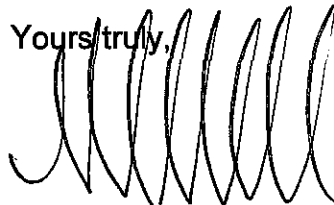
via email: amber.lapointe@portcolborne.ca

Dear Amber:

**RE: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations
Council Information Matters
8.c.2.c), Belleville City Council Meeting, February 8, 2021**

Please be advised that at the Belleville City Council Meeting of February 8, 2021, Councillor Tyler Allsopp requested a staff report regarding this matter. Our office will be sure to advise you of any further action taken and your correspondence will remain on file with the City Clerk's Department.

I trust this is sufficient.

Yours truly,


Matt MacDonald
Director of Corporate Services/City Clerk

MMacD/nh



Our File No: CV041-21

February 12, 2021

Delivered by e-mail to:
amber.lapointe@portcolborne.ca

Ms. Amber LaPointe
City Clerk
Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Dear Ms. LaPointe,

**RE: Resolution – Amending the AGCO Licensing and Application Process
for Cannabis Retail Stores to Consider Radial Separation from Other
Cannabis Locations**

We acknowledge receipt of your correspondence dated January 22, 2021, with respect to the above noted matter.

In accordance with the City's policy your correspondence has been forwarded to the Mayor and Members of Council. A member of Council may request the matter be listed on a Council/Committee agenda for consideration.

Should this matter be listed on an agenda, we will advise you of any action taken by Vaughan Council.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'T. Coles', with a long horizontal stroke extending to the left.

Todd Coles
City Clerk

TC/lc



2297 Highway 12,
PO Box 130
Breachin, Ontario L0K 1B0
p.705-484-5374
f. 705-484-0441

February 19, 2021

City of Port Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8
amber.lapointe@portcolborne.ca

Ms Lapointe,

Re: Amending the AGCO Licensing and Application Process for Cannabis Retail Stores to Consider Radial Separation from Other Cannabis Locations

This is to advise you that the Council of the Township of Ramara passed the following resolution at their meeting held on February 8th, 2021:

THAT we receive the correspondence from the City of Port Colborne dated January 22, 2021 regarding amending the AGCO Licensing and Application Process for Cannabis Retail Stores to consider radial separation from other Cannabis locations; AND THAT we support the resolution.

I trust the above is self-explanatory; however, if you require further information or clarification, please contact me.

Sincerely,
TOWNSHIP OF RAMARA

Jennifer Connor

Jennifer Connor, CMO, AOMC
Director of Legislative & Community Services/Clerk



CORPORATE SERVICES DEPARTMENT
TELEPHONE 613-968-6481
FAX 613-967-3206

City of Belleville

169 FRONT STREET
BELLEVILLE, ONTARIO
K8N 2Y8

February 11, 2021

Amber LaPointe, City Clerk
Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

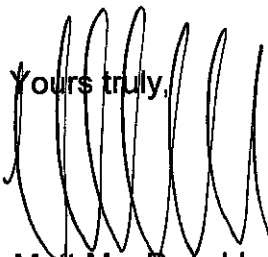
Via email: amber.lapointe@portcolborne.ca

Dear Amber:

**RE: Request Ministry of Agriculture, Food and Rural Affairs Amend
the Tile Drainage Installation Act and/or the Regulations under the
Act that would Require Tile Drainage Contractors File Farm Tile
Drainage Installation Plans with the Local Municipality
Council Information Matters
8.c.2.a), Belleville City Council Meeting, February 8, 2021**

Please be advised that at the Council Meeting of February 8, 2021, Council passed a resolution to "receive" your correspondence. To "receive" means Council will take no further action regarding this matter and your correspondence will remain on file with the City Clerk's Department.

I trust this is sufficient.

Yours truly,


Matt MacDonald
Director of Corporate Services/City Clerk

MMacD/nh



Our File No: CV042-21

February 12, 2021

Delivered by e-mail to:
amber.lapointe@portcolborne.ca

Ms. Amber LaPointe
City Clerk
Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Dear Ms. LaPointe,

RE: Resolution – Amending the Tile Drainage Installation Act

We acknowledge receipt of your correspondence dated January 25, 2021, with respect to the above noted matter.

In accordance with the City's policy your correspondence has been forwarded to the Mayor and Members of Council. A member of Council may request the matter be listed on a Council/Committee agenda for consideration.

Should this matter be listed on an agenda, we will advise you of any action taken by Vaughan Council.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'T. Coles', with a long horizontal stroke extending to the left.

Todd Coles
City Clerk

TC/lc



2297 Highway 12,
PO Box 130
Breachin, Ontario L0K 1B0
p. 705-484-5374
f. 705-484-0441

February 19, 2021

City of Colborne
66 Charlotte Street
Port Colborne, ON, L3K 3C8
amber.lapointe@portcolborne.ca

Ms Lapointe,

Re: Amending the Tile Drainage Installation Act

This is to advise you that the Council of the Township of Ramara passed the following resolution at their meeting held on February 8th, 2021:

THAT we receive the correspondence from the City of Port Colborne dated January 25, 2021 regarding Amending the Tile Drainage Installation Act.
AND THAT we support the resolution.

I trust the above is self-explanatory; however, if you require further information or clarification, please contact me.

Sincerely,
TOWNSHIP OF RAMARA

Jennifer Connor

Jennifer Connor, CMO, AOMC
Director of Legislative & Community Services/Clerk



CORPORATE SERVICES DEPARTMENT
TELEPHONE 613-968-6481
FAX 613-967-3206

City of Belleville

169 FRONT STREET
BELLEVILLE, ONTARIO
K8N 2Y8

February 11, 2021

Amber LaPointe, City Clerk
Port Colborne
66 Charlotte Street
Port Colborne, ON L3K 3C8

Via email: amber.lapointe@portcolborne.ca

Dear Amber:

**RE: Request Province Work with the Federal Minister of
Transportation to Address Concerns Regarding Municipal
Drainage Matters and Need for Coordination with the National
Railways
Council Information Matters
8.c.2.b), Belleville City Council Meeting, February 8, 2021**

Please be advised that at the Council Meeting of February 8, 2021, Council passed a resolution to "receive" your correspondence. To "receive" means Council will take no further action regarding this matter and your correspondence will remain on file with the City Clerk's Department.

I trust this is sufficient.

Yours truly,

Matt MacDonald
Director of Corporate Services/City Clerk

MMacD/nh



Our File No: CV043-21

February 12, 2021

Delivered by e-mail to:
amber.lapointe@portcolborne.ca

Ms. Amber LaPointe
City Clerk
Port Colborne
66 Charlotte Street
Port Colborne, Ontario L3K 3C8

Dear Ms. LaPointe,

RE: Resolution – Drainage Matters on Canadian National Railway Lands

We acknowledge receipt of your correspondence dated January 22, 2021, with respect to the above noted matter.

In accordance with the City's policy your correspondence has been forwarded to the Mayor and Members of Council. A member of Council may request the matter be listed on a Council/Committee agenda for consideration.

Should this matter be listed on an agenda, we will advise you of any action taken by Vaughan Council.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'T. Coles', with a long horizontal stroke extending to the left.

Todd Coles
City Clerk

TC/lc

Port Colborne Public Library Board

MINUTES of the 9th Regular Board Meeting of 2020

Tuesday, December 1, 2020, 6:15 p.m.

Virtual Meeting held via Microsoft Teams

Present:

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

1. Call to Order

The Chair called the meeting to order at 6:16 p.m.

2. Declaration of Conflict of Interest

Nil.

3. Adoption of the Agenda

Moved by C. MacMillan

Seconded by V. Catton

20:057 That the agenda be adopted as circulated.

CARRIED

4. Approval of the Minutes of the Previous Meeting

Moved by B. Ingram

Port Colborne Public Library Board

Seconded by J. Frenette

20:058 That the minutes of the November 3, 2020 meeting be adopted as circulated.

CARRIED

5. Business Arising from the Minutes

Nil.

6. Consent Items

6.1. Circulation Reports

- October 2020 Circulation Report
- Digital Programming October 2020

6.2. Financial Statement

- November 26, 2020

6.3. Public Relations Report

- Report submitted by Librarian R. Tkachuk on virtual library programming, e-resources and social media during November 2020.

6.4. Media Items

- *Library Digital Programming Newsletter*, December 2020
- *City Hall News*, December 2020

Moved by A. Kennerly

Seconded by H. Cooper

20:059 That Consent Items 6.1 to 6.4 be received for information purposes.

CARRIED

7. Discussion Items

Port Colborne Public Library Board

7.1. 2019 Financial Report

Moved by H. Cooper

Seconded by B. Ingram

20:060 That the Port Colborne Public Library Board approves the Port Colborne Public Library 2019 Financial Report as presented.

CARRIED

7.2. Integrated Library System (ILS) Project Completion Report

The Director reported that the final cost of the Migration Project was \$20,816.08 and came in under budget. ILS annual fees will be approximately \$4,000 less due to cost-sharing among Libraries in Niagara Cooperative (LiNC) partner libraries. One more library will join LiNC in 2021, further reducing future costs.

All staff have received job-specific training in the Evergreen modules. Mentors from partner LiNC libraries will provide additional support and training at no cost. Cataloguing activities will resume in December. The Director noted the contribution of Librarian Assistant K. Lascelles for her work to achieve the successful outcomes of the migration project.

7.3. Director's Report

a. COVID-19 Orange-Restrict Zone and Library Services

The Board reviewed compliance restrictions under Orange-Restrict conditions, including updates to personal protective equipment (PPE) when serving unmasked patrons. The Board confirmed that library services will return to contactless curbside pick-up for library materials and print services. In-person browsing, programming and other on-site services will be suspended and replaced with virtual alternatives. The book drop and Wi-Fi will be available to patrons 24 hours a day. Staff will answer phones and provide support to library patrons Monday to Saturday, 9 a.m. to 5 p.m.

Board member B. Beck recommended that the mandatory Safety Plan be prepared to reflect the library's unique workplace.

b. Fines During COVID-19

Port Colborne Public Library Board

Moved by A. Kennerly
Seconded by B Ingram

20:061 That due to the impact of COVID-19, fines on overdue library materials will be waived until further notice from the Board.

CARRIED

c. Reciprocal Borrowing

Commencing January 4, 2021, the library will participate in resource-sharing with partner LiNC libraries. Library patrons throughout LiNC will be able to place and receive holds from other libraries delivered to their home libraries. The LiNC Executive is preparing an RFP for van delivery services.

d. Trillium Resilient Communities Fund

The library has submitted an application for funding to help rebuild capacity to provide library services post-COVID.

e. Twelve Days of Giveaways Partnership with the Port Colborne Optimist Club

The Port Colborne Optimist Club donated boxes of new books for readers of all ages. Books not designated to be added to the collections will be used for the library's "Twelve Days of Giveaways" starting December 7, 2020. The library will also put together "surprise" bags of gently-used books for distribution during the holidays.

f. Library Parking Lot

The City of Port Colborne listed six vacant lots for sale including the Library and Museum parking lot on Catherine Street. The Director was consulted regarding the potential sale of the parking lot and advised the City that library patrons do not use the parking lot due to its location, and that there is free and convenient parking in the public lot and on Elgin, King, and Princess Streets in closer proximity to the library.

Moved by J. Frenette
Seconded by A. Kennerly

20:062 That the Director's Report be received for information purposes.

Port Colborne Public Library Board

CARRIED

8. Decision Items

8.1. Policy Review

8.1.1. *Library Reserves and Reserves Funds* (GOV-12)

Moved by C. MacMillan

Seconded by J. Frenette

20:063 That the Port Colborne Public Library Board approves the *Library Reserves and Reserves Funds Policy* (GOV-12) as presented.

CARRIED

10 Board Members' Items

Nil.

11 Notices of Motion

Nil.

12 Date of the Next Meeting

Tuesday, January 5, 2021 at 6:15 p.m.

Virtual Meeting via Microsoft Teams

13 Adjournment

Moved by J. Frenette

Seconded by B. Ingram

20:064 That the meeting be adjourned at approximately 7:20 p.m.

CARRIED

Port Colborne Public Library Board

Michael Cooper
Board Chair
January 18, 2021

Susan Therrien, Director of Library
Services Board Secretary
January 18, 2021

Port Colborne Public Library Board

MINUTES of the First Regular Board Meeting of 2021

Monday, January 18, 2021, 6:15 p.m.

Virtual Meeting held via Microsoft Teams

Present:

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

1. Call to Order

The Chair called the meeting to order at 6:21 p.m.

2. Declaration of Conflict of Interest

Nil.

3. Adoption of the Agenda

Moved by J. Frenette

Seconded by C. MacMillan

21:001 That the agenda be adopted as circulated.

CARRIED

4. Approval of the Minutes of the Previous Meeting

Moved by V. Catton

Port Colborne Public Library Board

Seconded by J. Frenette

21:002 That the minutes of the December 1, 2020 meeting be adopted as circulated.

CARRIED

5. Business Arising from the Minutes

Nil.

6. Consent Items

6.1. Financial Statement

- January 15, 2021

6.2. Public Relations Report

- Report submitted by Librarian R. Tkachuk on virtual library programming, e-resources and social media during December 2020.

6.3. Media Items

- *Library Digital Programming Newsletter*, January 2021
- *City Hall News*, December 2020 / January 2021

Moved by H. Cooper

Seconded by B. Beck

21:003 That Consent Items 6.1 to 6.4 be received for information purposes.

CARRIED

7. Discussion Items

7.1. Library Operations During the State of Emergency

The Director of Library Services reported to the Board on services and operations during the State of Emergency. The library will continue with

Port Colborne Public Library Board

contactless curbside pick-up for library materials and print services. Only staff engaged in curbside activities will work on-site; other staff will work remotely. Digital programming including virtual class visits are planned. The Library's *Safety Plan* is complete and available for review by staff and the public. Councillor Bagu extended his appreciation to library staff for their efforts to continue to elevate library services despite the restrictions posed by the pandemic.

7.2. Closed Session

Moved by H. Cooper
Seconded by B. Ingram

- 21:004 That the Board do now move into closed session for reasons permitted under the Public Libraries Act re: discussion of matters about an identifiable individual at approximately 6:33 p.m.

CARRIED

Moved by B. Ingram
Seconded by H. Cooper

- 21:005 That the Board do now rise from closed session with report at approximately 6:41 p.m.

CARRIED

7.3. Canada Emergency Wage Subsidy (CEWS)

Bryan Boles, Treasurer, presented a verbal report to the Board. Discussion followed, with the Board requesting further information at the next meeting.

8. Decision Items

8.1. Policy Review

8.1.1. *Tangible Capital Asset Policy*

Moved by C. MacMillan
Seconded by J. Frenette

- 21:006 That the Port Colborne Public Library Board adopts the City of Port Colborne *Tangible Capital Asset Policy* as presented.

Port Colborne Public Library Board

CARRIED

9. Board Members' Items

Nil.

10. Notices of Motion

Nil.

11. Date of the Next Meeting

The Chair will confirm the next meeting date and the Director of Library Services will send notification to the Board.

12. Adjournment

Moved by A. Kennerly
Seconded by H. Cooper

21:0007 That the meeting be adjourned at approximately 8:01 p.m.
CARRIED

Michael Cooper
Board Chair
February 2, 2021

Susan Therrien
Director of Library Services
Board Secretary
February 2, 2021

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Adopt Amendment No. 7 to the Official Plan
for the City of Port Colborne

Whereas it is deemed expedient to further amend the Official Plan, heretofore adopted by Council for the City of Port Colborne Planning Area;

Now therefore the Council of The Corporation of the City of Port Colborne under Section 17(22) of the *Planning Act*, hereby enacts as follows:

1. That Official Plan Amendment No. 7 to the Official Plan for the City of Port Colborne Planning Area, consisting of the explanatory text is hereby adopted.
2. That this By-law shall come into force and take effect on the day of passing thereof.

Enacted and passed this 8th day of March, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk

**AMENDMENT NO. 7
TO THE
OFFICIAL PLAN
FOR THE
PORT COLBORNE PLANNING AREA**

**PREPARED BY:
CITY OF PORT COLBORNE
DEPARTMENT OF PLANNING & DEVELOPMENT
FEBRUARY 22, 2021**

**AMENDMENT NO. 7
TO THE OFFICIAL PLAN
FOR THE
CITY OF PORT COLBORNE**

This Amendment to the Official Plan for the City of Port Colborne, which has been adopted by the Council of the Corporation of the City of Port Colborne, is hereby approved in accordance with Sections 17 and 21 of the Planning Act R.S.O. 1990, c. P.13, as Amendment No. 7 to the Official Plan for the City of Port Colborne.

Date: _____

AMENDMENT NO. 7 TO THE OFFICIAL PLAN

**FOR THE
PORT COLBORNE PLANNING AREA**

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2. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

The Amendment, constitutes Amendment No. 7 to the Official Plan for the Port Colborne Planning Area.

Also attached is **PART C** – The Appendices, which do not constitute part of this Amendment. These appendices contain the background data, planning considerations and public involvement associated with this Amendment.

PART A - THE PREAMBLE

Purpose

The purpose of the amendment is to relocate existing policies respecting Source Water Protection, to introduce new policies for the protection of the Highly Vulnerable Aquifer, and to the Mineral Aggregate and Petroleum Resources designation.

Location

The lands that are designated Mineral Aggregate and Petroleum Resources and in the Highly Vulnerable Aquifer are subject to this Amendment.

Basis

The Planning Act, R.S.O. 1990, as amended, provides that amendments may be made to the Official Plan. Policies of the Official Plan have been considered in the preparation of this Amendment and the following factors: 1. the policies will ensure compatibility with the surrounding land uses. 2. This Amendment is consistent with the Provincial Policy Statement, conforms to the Growth Plan for the Greater Golden Horseshoe and the Region of Niagara Official Plan.

PART B – THE AMENDMENT

The Official Plan adopted by By-law 5855/109/12 and approved by the Ontario Municipal Board decision of November 25, 2013, for the Port Colborne Planning Area is hereby amended by doing the following:

Amend Section 8.3 Source Water Protection by relocating it to Section 4.1.3.2.

Amend Section 4 Natural Heritage by adding 4.1.3.3 Highly Vulnerable Aquifer policies a) to f)

- a) Many owners of land outside of the Urban Service Boundary rely on groundwater sources from deep aquifers through a number of active wells for private water supply.
- b) A boundary of one of these aquifers is shown on Schedule B3 as a Highly Vulnerable Aquifer.
- c) An application for development on lands within the highly vulnerable aquifer are to be regulated by the Zoning By-law.
- d) Site alteration shall be restricted when not related to a Building Permit or Planning Act application in the vulnerable aquifer and when applicable, subject to requirements of O. Reg 406/19 made under the Environmental Protection Act.
- e) Outside of the Urban Area Boundary, existing land use considered to be a risk to groundwater that are located on Schedule B3 shall become legal non-conforming and shall, in the long-term be encouraged to relocate to the appropriate land use designation.
- f) That owners continue maintaining their private water supply systems in good working condition.

Amend Section 10 by adding the following to Section 10.1.1 Additional Policies:

- d) require site specific Zoning By-Law Amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants, and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i) the protection of adjoining lands from adverse effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
 - ii) the protection of the environment from adverse effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) access being obtained directly to a road capable of bearing the anticipated loaded truck weights and conveying the cumulative volume of traffic without negative impacts to current traffic flow ; and,
 - iv) ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Highly Vulnerable Aquifer policies in Section 4.3.2 of this Plan; and,
 - v) ancillary land uses will not be permitted where they are prohibited in O. Reg. 466/20.

- e) require site specific Zoning By-law amendments to permit ancillary land uses such as asphalt plants, cement/concrete plants and aggregate depots that blend and stockpile aggregate materials with salt and aggregate transfer except where otherwise prohibited by the policies of this Plan, subject to:
 - i) the protection of adjoining lands from the negative effects of a reduced water supply, noise, dust, odour, lighting and outdoor storage;
 - ii) the protection of the environment from negative effects of dust, chemical spills, run-off, or contamination of surface or groundwater;
 - iii) access being obtained directly to a road capable of carrying the anticipated truck traffic; and,
 - iv) notwithstanding b) above, ancillary land uses will not be permitted where they are identified as a prohibited use in accordance with the Source Water Protection policies in Section 8.3 of this Plan.

IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 7 but are included as information to support the Amendment.

Appendix I – Minutes of the Public Meeting dated September 28, 2020

Appendix II – Department of Planning & Development Report 2021-63
(recommendation report)

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Amend Zoning By-law 6575/30/18 Regarding Mineral Aggregate Operation Zone Provisions, Definitions and Uses in the Highly Vulnerable Aquifer

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne desires to amend the said by-law.

Now therefore and pursuant to the provisions of Section 34 of the *Planning Act, R.S.O. 1990*, The Corporation of the City of Port Colborne enacts as follows:

1. That Section 28.2 Permitted Uses in the Mineral Aggregate Operation zone be amended by deleting the following:

- a) Mineral Aggregate Operations
- b) Making or establishment of pits and quarries for the purpose of extracting natural materials from the earth including soil, clay, sand, gravel, stone, rock, shale and minerals;

And replacing it with the following:

- a) Aggregate Extraction Operation

2. That Section 28.2 Permitted Uses be amended by adding the following:

28.21 Prohibited Uses

- a) Asphalt manufacturing plant
- b) Cement manufacturing plant
- c) Aggregate transfer station

3. That the definition of Mineral Aggregate Operation be deleted from Section 38.
4. That the following definitions be added to Section 38:

Aggregate Extraction Operation: means a site including accessory buildings and structures used for the removal, refinement and / or processing or storage of sand, gravel, stone or other aggregate resources, and may include borrow pits, gravel pits and stone quarries, but does not include an asphalt plant or a concrete plant.

Natural Ground Water Table: means the natural upper surface of the zone of complete groundwater saturation within pores in the subsurface. The zone of saturation is where the pores and fractures of the ground are saturated with water.

Wet Pit: means a man made open depression in the earth's surface that will retain water to the natural ground water table if not artificially kept dewatered.

Dry Pit: means a man made open depression in the earth's surface that is above the natural ground water table that does not retain water or have to be artificially dewatered.

Highly Vulnerable Aquifer: Is the water-bearing formation of permeable rock within the boundaries of the City which can contain or transmit groundwater that has been assessed by the Niagara Peninsula Source Protection Authority to be highly susceptible to contamination due to the physical characteristics of the geology of land subsurfaces and the land use.

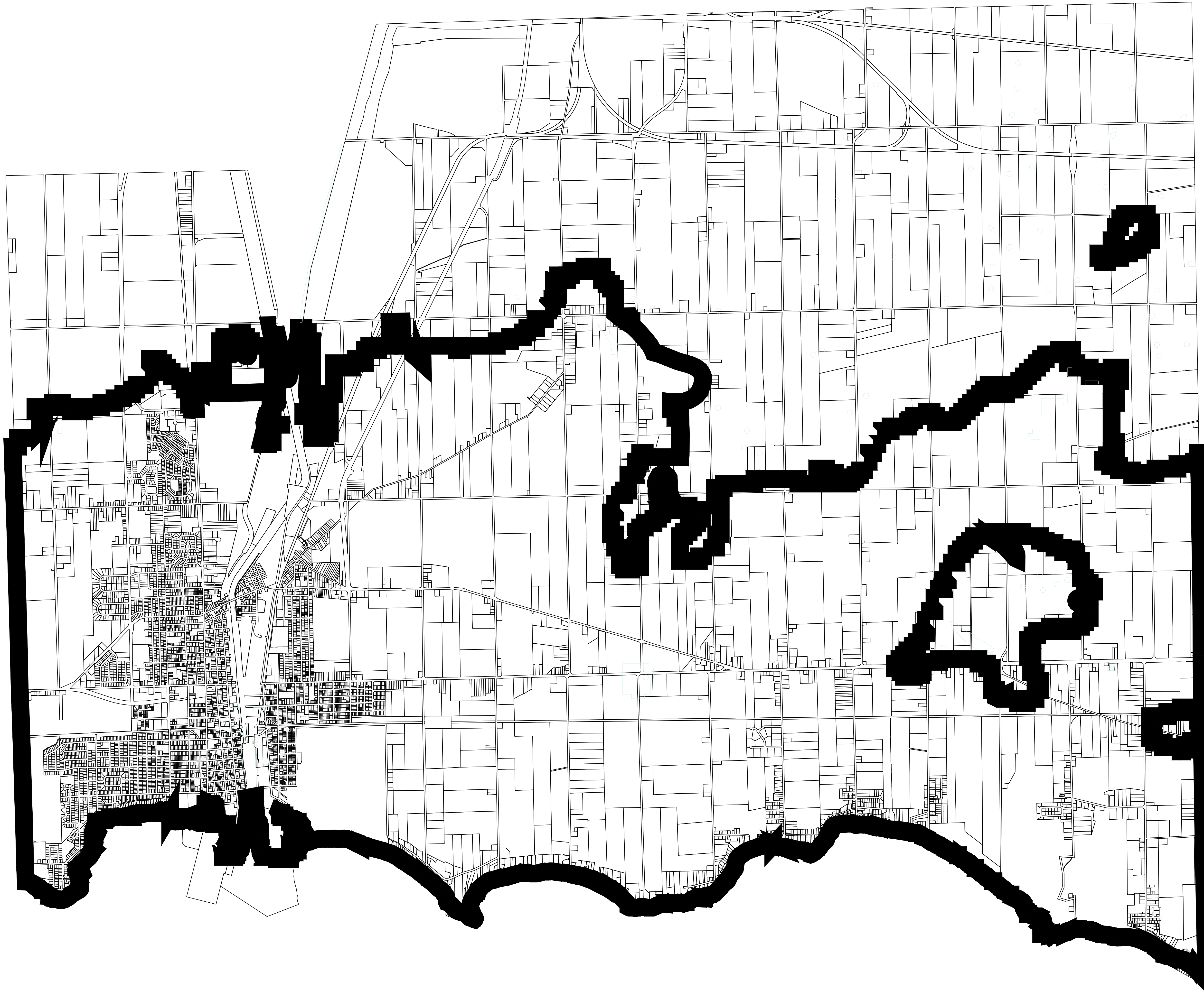
5. That Schedule A10 Highly Vulnerable Aquifer Overlay be added to Section 39: Zone Schedules as shown on as Schedule A attached to and forming part of this by-law.
6. That Section 2.3.1 Source Water Protection be amended by adding the following:

2.3.2 Highly Vulnerable Aquifer:
 - a) Notwithstanding any other provisions of the by-law to the contrary, the following uses shall be prohibited within the High Vulnerable Aquifer as shown on Schedules A10 in Section 39 of this By-law:
 - i) Waste disposal site;
 - ii) Pesticide storage greater than 2,500 kg;
 - iii) Open storage of road salt greater than 5,000 tonnes;
 - iv) Storage of snow greater than 1 hectare;
 - v) Underground fuel storage tanks;
 - vi) Any commercial or industrial use in the Hamlet zone that pose a significant threat and can't be mitigated or managed are not permitted;
 - vii) Agriculture farm related industrial;
 - viii) Storage of materials that do not meet Table 1 of Provincial Excess Soil Quality Standards.
7. That this By-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
8. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this 8th day of March, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk

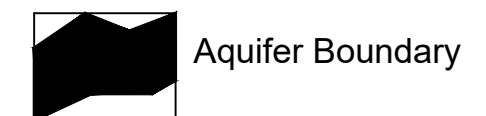


City of Port Colborne



SCHEDULE "A10"

Highly Vulnerable Aquifer Overlay



This is Schedule "A10" to Bylaw No. 6575/30/18
Passed the ____ day of _____, 2021.

William C. Steele, Mayor

Amber LaPointe, City Clerk

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into an Agreement of Purchase and Sale with Greg and Carole Newman Respecting Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565

Whereas at its meeting of March 8, 2021, Council approved the recommendations of Planning & Development Department, Report No. 2021-64, Subject: Sale of Land to Greg and Carole Newman; and

Whereas Council is desirous of entering into an Agreement of Purchase and Sale with Greg and Carole Newman for the purchase of Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 for \$3,880 (plus HST);

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

1. That The Corporation of the City of Port Colborne enter into an Agreement of Purchase and Sale with Greg and Carole Newman for the sale of Part 1 on Plan 59R-16888 and Part 2 on Plan 59R-16565 for \$3,880 (plus HST), which agreement is attached hereto as Schedule "A".
2. That the Mayor and Clerk be and each of them is hereby authorized and directed to sign said agreement, together with any documents necessary to complete the conditions of said agreement, and the Clerk is hereby authorized to affix the Corporate Seal thereto.
3. That the City Solicitor be and is hereby directed to prepare and register all such documents in the proper Land Registry Office as may be required to give full force and effect to this By-law.

Enacted and passed this 8th day of March, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk

AGREEMENT OF PURCHASE AND SALE

Buyer: Raymond & Carole Newman

Seller: The Corporation of the City of Port Colborne

Address of Property: Vacant land, north of 2 Homewood Avenue

Frontage: 4.86m

Depth: 12.19m more or less:

Legal Description: Part 2 on Plan 59R-16565 and Part 1 on Plan 59R-16888

Purchase Price: Three Thousand Eight Hundred & Eighty (\$3,880.00) CDN Dollars

Deposit: None

(\$0) CDN Dollars

The Buyer agrees to pay the balance of the purchase price to the Seller, by certified cheque or bank draft on closing subject to the usual adjustments and the following:

Schedule A attached hereto shall form part of this agreement.

1. **Chattels:** None.

2. **Fixtures:** None.

3. **Rental Items:** None.

4. **Irrevocability:** This offer shall be irrevocable by the Buyer until 6:00pm **March 21, 2021**, after which time, if not accepted, this offer shall be null and void and the deposit shall be returned to the Buyer in full without interest or deduction.

5. **Completion Date:** This agreement shall be completed no later than 6:00pm on **April 16, 2021**. Upon completion, vacant possession of the property shall be given to the Buyer unless otherwise provided for herein.

6. **Notices.** Any notice to given herein shall be in writing and delivered to the Buyer or the Seller at the address for service provided for herein. The parties agree that this agreement may be sent and received by facsimile transmission and that such transmissions of this agreement may be accepted and executed by the party receiving such transmission. All such transmissions once executed shall constitute a binding agreement between the parties. The parties also agree that all notices or waivers may be sent and received by facsimile transmission as above.

7. **HST.** If this transaction is subject to the HST, then such tax shall be **in addition to** the purchase price. If this transaction is not subject to the HST the Seller shall certify on or before closing that the transaction is not subject to the HST. .

8. **Title Search.** Buyer shall be allowed until **3 days prior to closing** (Requisition Date) to examine the title to the property at his own expense and to satisfy himself that there are no outstanding work orders, open files, notices of violation or deficiencies or any other encumbrances or regulatory directive affecting the property and that its present use **vacant residential** may be lawfully continued and that the principal building may be insured against risk of fire. Seller consents to the municipality or other governmental agencies releasing to the Buyer or his solicitor details of all outstanding work orders or deficiency notices affecting the property, and Seller agrees to execute and deliver such further authorizations in this regard as Buyer may reasonably require.

9. Future Use. Seller and Buyer agree there is no representation or warranty of any kind that the future intended use of the property by the Buyer is or will be lawful except as may be specifically provided for in this agreement.

10. Title. Provided that the title to the property is good and free from all registered restrictions, charges, liens and encumbrances except as otherwise specifically provided in this agreement and save and except for (a) any registered restrictions or covenants that run with the land providing that such are complied with; (b) any registered municipal agreements and registered agreements with publicly regulated utilities provided such have been complied with, or security has been posted to ensure compliance and completion as evidenced by a letter from the relevant municipality or regulated utility; (c) any minor easements for the supply of domestic utility or telephone services to the property or adjacent properties; (d) any easements for drainage, storm or sanitary sewers, public utility lines, telephone lines, cable television lines or other services which do not materially affect the present use of the property. If within the specified time referred to in paragraph 8 any valid objection to the title or to any outstanding work order or deficiency notice, or to the fact the said present use may not lawfully be continued, or that the principal building may not be insured against risk of fire is made in writing to Seller and which Seller is unable or unwilling to remove, remedy or satisfy or obtain insurance save and except against risk of fire in favour of the Buyer and any mortgagee and which Buyer will not waive, this agreement notwithstanding any intermediate acts or negotiations in respect of such objections shall be at an end and all monies paid shall be returned without interest or deduction. Save as to any valid objection 50 made by such day and except for any objection going to the root of title, Buyer shall be conclusively deemed to have accepted Seller's title to the property.

11. Closing Arrangements. Where each of the Seller and Buyer retain a lawyer to complete the Agreement of Purchase and Sale of the Property, and where the transaction will be completed by electronic registration pursuant to Part " of the Land Registration Reform Act, R.S.O. 1990, Chapter 14 and the Electronic Registration Act, S.O. 1991, Chapter 44, and any amendments thereto, the Seller and Buyer acknowledge and agree that the exchange of closing funds, non-registrable documents and other items (the "Requisite Deliveries") and the release thereof to the Seller and Buyer will (a) not occur at the same time as the registration of the transfer/deed (and any other documents intended for registration in connection with the completion of this transaction) and (b) be subject to conditions whereby the lawyer(s) receiving any of the Requisite Deliveries will be required to hold same in trust and not release same except in accordance with the terms of a document registration agreement between the said lawyers, the form of which is as recommended from time to time by the Law Society of Upper Canada. Unless otherwise agreed to by the lawyers, such exchange of the Requisite Deliveries will occur in the applicable Land Titles Office or such other location agreeable to both lawyers.

12. Documents & Discharge. Buyer shall not call for the production of any title deed, abstract, surveyor other evidence of title to the property except such as are in the possession or control of the Seller. If requested by Buyer, Seller will deliver any sketch or survey of the property within Seller's control to Buyer as soon as possible and prior to the Requisition Date. If a discharge of any Charge/Mortgage held by a corporation incorporated pursuant to the Trust and Loan Companies Act (Canada), Chartered Bank, Trust Company, Credit Union, Caisse Populaire or Insurance Company and which is not to be assumed by Buyer on completion, is not available in registerable form on completion, Buyer agrees to accept Seller's lawyer's personal undertaking to obtain, out of the closing funds, a discharge in registerable form and to register same on title within a reasonable period of time after completion, provided that on or before completion Seller shall provide Buyer a mortgage statement prepared by the mortgagee setting out the balance required to obtain the discharge, together with a direction executed by Seller directing payment to the mortgagee of the amount required to obtain the discharge out of the balance due on closing.

13. **Inspection.** Buyer acknowledges having had the opportunity to inspect the property and understands that upon acceptance of this Offer there shall be a binding agreement of purchase and sale between Buyer and Seller.

14. **Insurance.** All buildings on the property and all other things being purchased shall be and remain until completion at the risk of the Seller. Pending completion, Seller shall hold all insurance policies, if any, and the proceeds thereof in trust for the parties as their interests may appear and in the event of substantial damage, Buyer may either terminate this Agreement and have all monies paid returned without interest or deduction or else take the proceeds of any insurance and complete the purchase. No insurance shall be transferred on completion. If Seller is taking back a Charge/Mortgage, or Buyer is assuming a Charge/Mortgage, Buyer shall supply Seller with reasonable evidence of adequate insurance to protect Seller's or other mortgagee's interest on completion.

15. **Planning Act.** This Agreement shall be effective to create an interest in the property only if Seller complies with the subdivision control provisions of the Planning Act by completion and Seller covenants to proceed diligently at his expense to obtain any necessary consent by completion.

16. **Documentation Registration.** The Transfer/Deed, shall save for the Land Transfer Tax Affidavit, be prepared in registerable form at the expense of the Seller, and any Charge/Mortgage to be given back by the Buyer to Seller at the expense of the Buyer. If requested by Buyer, Seller covenants that the Transfer/Deed to be delivered on completion shall contain the statements contemplated by Section 50(22) of the Planning Act, R.S.O. 1990.

17. **Residency.** Buyer shall be credited towards the Purchase Price with the amount, if any, necessary for Buyer to pay to the Minister of National Revenue to satisfy Buyer's liability in respect to tax payable by Seller under the non-residency provisions of the Income Tax Act by reason of this sale. Buyer shall not claim such credit if Seller delivers on completion the prescribed certificate or statutory declaration that Seller is not then a non-resident of Canada.

18. **Adjustments.** Any rents, mortgage interest, realty taxes including local improvement rates and unmetered public or private utility charges and unmetered cost of fuel, as applicable, shall be apportioned and allowed to the day of completion, the day of completion itself to be apportioned to the Buyer.

19. **Time Limits.** Time shall in all respects be of the essence hereof provided that the time for doing or completing any matter provided for herein may be extended or abridged by an agreement in writing signed by Seller and Buyer or by their respective lawyers who may be specifically authorized in that regard.

20. **Tender.** Any tender of documents or money hereunder may be made upon Seller or Buyer or their respective lawyers on the day set for completion. Money may be tendered by bank draft or cheque certified by a Chartered Bank, Trust Company, Province of Ontario Savings Office, Credit Union or Caisse Populaire.

21. **Family Law Act.** Seller warrants that spousal consent is not necessary to this transaction under the provisions of the Family Law Act, R.S.O. 1990 unless Seller's spouse has executed the consent thereafter provided.

22. **UFFI.** Seller represents and warrants to Buyer that during the time Seller has owned the property, Seller has not caused any building on the property to be insulated with insulation containing urea formaldehyde, and that to the best of the Seller's knowledge no building on the property contains or has ever contained insulation that contains urea formaldehyde. This

warranty shall survive and not merge on the completion of this transaction, and if the building is part of a multiple unit building, this warranty shall only apply to that part of the building which is subject to this transaction.

23. Agreement in Writing. If there is a conflict or discrepancy between any provision added to this agreement including any schedule attached hereto and any provision in contained herein the added provision shall supersede to the extent of such conflict or discrepancy. This agreement including the any schedule attached hereto shall constitute the entire agreement between the Buyer and Seller. There is no representation, warranty, collateral agreement or condition, which affects this agreement other than as expressed herein. This agreement shall be read with all changes of gender or number required by the context.

Dated:

Signed, Sealed and Delivered
in the presence of:

Raymond Newman

Carol Newman

The Seller hereby accepts the above offer.

Dated:

Signed, Sealed and Delivered
in the presence of:

William C. Steele, Mayor

Amber LaPointe, City Clerk

Rocky Vacca, Sullivan Mahoney
Name of Seller's Lawyer

4781 Portage Road
Niagara Falls, ON L2E 6B1
Tel: (905) 357-0500
Fax: (905) 357-0501
email: rvacca@sullivan-mahoney.com

Angle Law
Name of Buyer's Lawyer

Tel: (905)322-1350
F: (905)322-1353
E: christina@anglelaw.ca

Schedule A

The Buyer agrees to accept title to the Property in such a manner so as to merge the property conveyed herein with the Buyer's adjoining lands.

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting the removal of the Holding Symbol (H) from lands legally described as Part of Lots 18 and 19 on Plan 283, in the former Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 301 Mitchell Street.

Whereas By-law 6575/30/18 is a by-law of The Corporation of the City of Port Colborne restricting the use of land and the location and use of buildings and structures; and

Whereas, the Council of The Corporation of the City of Port Colborne is desirous to amend said by-law to remove the Holding Symbol (H) from the whole or any part of the area covered by a Zoning By-law passed under Section 34 of the *Planning Act*.

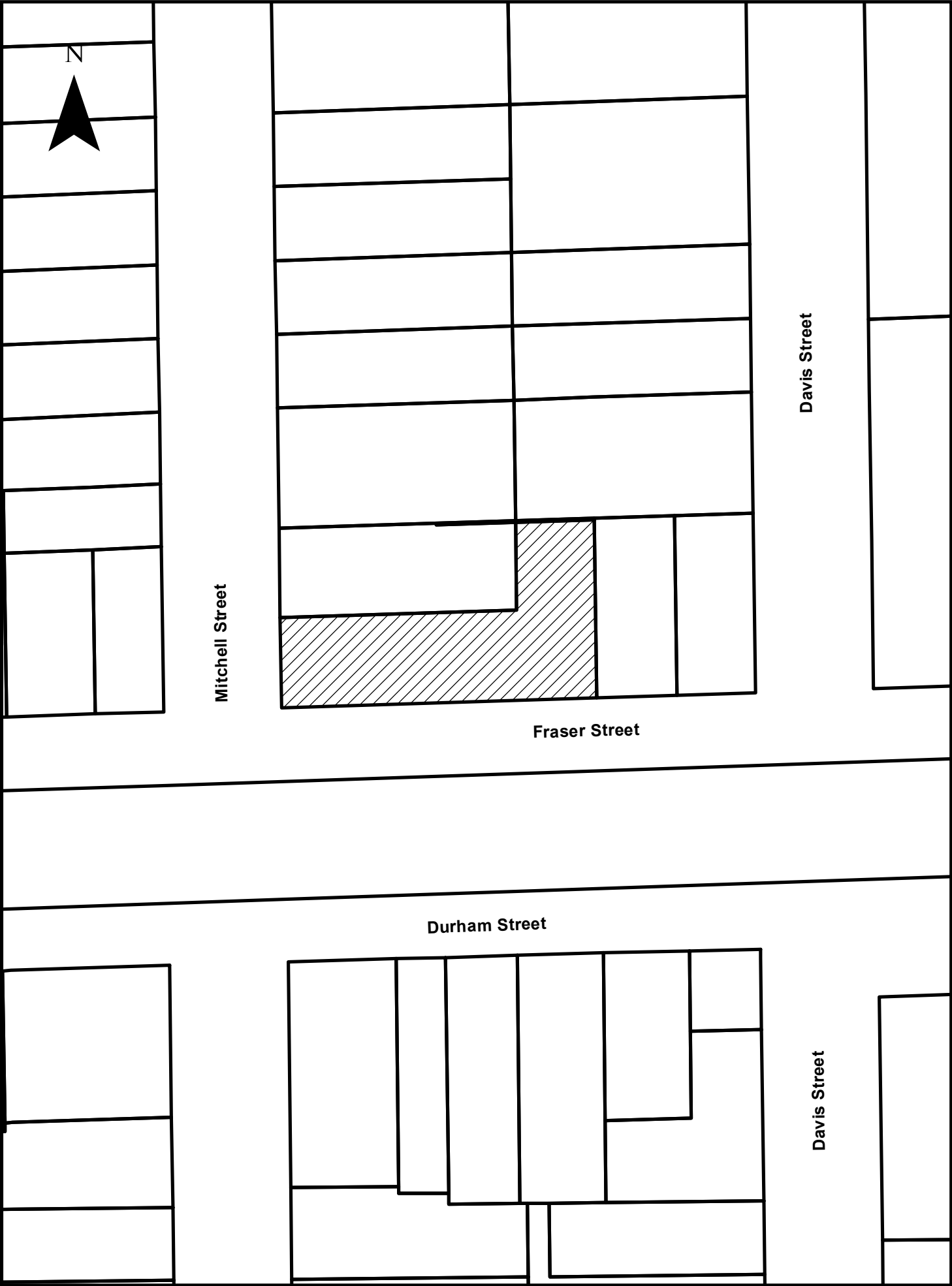
Now therefore, and pursuant to the provisions of Section 36 of the *Planning Act*, R.S.O. 1990, The Corporation of the City of Port Colborne enacts as follows:

1. This amendment shall apply to those lands described on Schedule “A” attached to and forming part of this by-law.
2. That the Zoning Map referenced as Schedule “A6” forming part of By-law 6575/30/18 is hereby amended by changing those lands described on Schedule A from Second Density Residential with Conversion Holding (R2-CH) to Second Density Residential (R2).
3. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.
4. The City Clerk is hereby authorized and directed to proceed with the giving notice of the passing of this by-law, in accordance with the *Planning Act*.

Enacted and passed this 8th day of March, 2021.

William C Steele
Mayor

Amber LaPointe
Clerk




This is Schedule "A" to By-law No _____

Passed _____, 2021

Mayor

Clerk

 Lands Subject to By-law

February 2021
File No. D14-06-21
Drawn by: DS - City of Port Colborne
Planning Division
Not to scale

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Repeal By-laws 4124/119/01 and 6618/73/18
and to Appoint a Fire Chief for the City of Port Colborne

Whereas at its meeting on September 24, 2001, through the enactment of By-law 4124/119/01, Being a By-law to Rescind By-law No. 3080/115/94 and to Appoint a Fire Chief for the City of Port Colborne, the Council of The Corporation of the City of Port Colborne (Council) appointed Tom Cartwright as Fire Chief of the City of Port Colborne; and

Whereas at its meeting on September 24, 2018, through the enactment of By-law 6618/73/18, Being a By-law to Appoint a Deputy Fire Chief, Council appointed Scott Lawson as Deputy Fire Chief of the City of Port Colborne; and

Whereas at its meeting of December 9, 2019, Council enacted By-law 6745/109/19, Being a by-law to Establish and Regulate the City of Port Colborne Fire and Emergency Services (Composite); and

Whereas subsection 6(1) of the *Fire Protection and Prevention Act, 1997, S.O. 1997, c.4*, as amended, requires that the Council of a municipality that has established a fire department shall appoint a Fire Chief for the fire department; and

Whereas section 3 of By-law 6745/109/19 provides that Council shall appoint a Fire Chief and may appoint a Deputy Fire Chief for the fire department; and

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

1. That By-laws 4124/119/01, Being a By-law to Rescind By-law No. 3080/115/94 and to Appoint a Fire Chief for the City of Port Colborne and 6618/73/18, Being a By-law to Appoint a Deputy Fire Chief are hereby repealed.
2. That Scott Lawson be and is hereby appointed as Fire Chief for the City of Port Colborne.
3. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the City of Port Colborne.
4. That this by-law shall come into full force and effect on the day of passing.

Enacted and passed this 8th day of March, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk

The Corporation of the City of Port Colborne

By-Law No. _____

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 March 8, 2021

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

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

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

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

1. Every action of the Council of The Corporation of the City of Port Colborne taken at its Regular Meeting of March 8, 2021 upon which a vote was taken and passed whether a resolution, recommendations, adoption by reference, or other means, is hereby enacted as a by-law of the City to take effect upon the passing hereof; and further
2. That the Mayor and Clerk are authorized to execute any documents required on behalf of the City and affix the corporate seal of the City and the Mayor and Clerk, and such other persons as the action directs, are authorized and directed to take the necessary steps to implement the action.

Enacted and passed this 8th day of March, 2021.

William C. Steele
Mayor

Amber LaPointe
City Clerk