

City of Port Colborne Council Meeting Agenda

Date: Time: Location:		Monday, April 26, 2021 6:30 pm Council Chambers, 3rd Floor, City Hall 66 Charlotte Street, Port Colborne	Pages
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10. Delegations

8.

9.

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

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20.	Confid	ential Items			

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

20.1. Minutes of the closed session portion of the April 19, 2021 Council Meeting

- 20.2. Chief Administrative Office Report 2021-135, Nyon Energy Lands and the Nyon Tank Farm property
- 20.3. Chief Administrative Office Report 2021-129, Potential Acquisition of Land
- 20.4. Chief Administrative Office Report 2021-130, Potential Acquisition of Land
- 21. Procedural Motions
- 22. Information items
- 23. Adjournment



April 26, 2021

Moved by Councillor Seconded by Councillor

WHEREAS throughout our community, museums, art galleries, and heritage sites reflect our local history and culture and contribute to our development; and

WHEREAS this month provides an opportunity to increase awareness of our community's museums and celebrate the contributions these institutions make to quality of life, education, and economic development; and

WHEREAS museums, galleries, and heritage sites welcome visitors and tourists to our community; and

WHEREAS these museums, galleries and heritage sites are valuable resources for education and learning, and are important community hubs;

NOW THEREFORE, I, Mayor William C. Steele, do hereby proclaim May 1 – 31, 2021 as **"Museum Month"** in the City of Port Colborne, and encourage all residents and tourists to join the local museum this May.

William C. Steele Mayor



City of Port Colborne

Council Meeting Minutes

Date: Time: Location:	Monday, April 12, 2021 6:30 pm 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 W. Steele, Mayor (presiding officer) H. Wells, Councillor
Member(s) Absent:	D. Kalailieff, Councillor
Staff Present:	 T. Cartwright, Director of Community Safety & Enforcement A. LaPointe, Acting Director of Planning and Development/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 A. Desmarais Seconded by Councillor E. Beauregard That the agenda dated April 12, 2021 be confirmed, as circulated.

Carried

5. Disclosures of Interest

5.1 Councillor E. Beauregard - Proposed Draft Discharge of Firearms Bylaw, 2021-104

The Councillor is employed by Sullivan Mahoney LLP, the City's solicitor, who has provided legal advice on this item.

5.2 Councillor E. Beauregard - By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne

The Councillor is employed by Sullivan Mahoney LLP., the City's solicitor, and they have provided legal advice on this item.

5.3 Councillor E. Beauregard - Parking and Traffic – Access to Lake from Road Ends, 2021-109

The Councillor is employed by Sullivan Mahoney LLP., the City's solicitor, and they have provided legal advice with respect to the Firelanes.

6. Approval of Minutes

6.1 Regular Meeting of Council - March 22, 2021

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

That the minutes of the regular meeting of Council, held on March 22, 2021, be approved as presented.

Carried

7. Staff Reports

Moved by Councillor M. Bagu Seconded by Councillor F. Danch

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

Carried

7.1 Parking and Traffic Fares Street, 2021-105

That Community Safety & Enforcement Department Report 2021-105 be received; and

That the following amendments to By-law 89-2000, being a By-law regulating traffic and parking on City roads, be approved:

That Schedule "B" Standing Prohibitions to By-law 89-2000 as amended, be further amended by deleting therefrom the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	То	Times/Days
Fares St	East	74 m north of	70 m north	8.a.m 6.p.m.
		Bell St	therefrom	Mon - Fri

That Schedule "B" Standing Prohibitions to By-law 89-2000 as amended, be further amended by adding thereto the following:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	То	Times/Days
Fares St	East	44 m north of Bell St	144 m north of Bell St	8.a.m 6.p.m. Mon - Fri

7.2 Equipment Purchase Opportunity, 2021-113

That Public Works Department Report 2021-113 be received; and

That the Director of Public Works be directed to purchase the equipment as outlined within Public Works Department report 2021-113.

8. Correspondence Items

Moved by Councillor M. Bagu Seconded by Councillor F. Danch

That items 8.1 and 8.2 be received for information.

Carried

8.1 Town of Kingsville - Bill C-21 Regarding Firearms

8.2 City of Kitchener - Planning Act Timelines

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

13.1 Update on Proposed Pit 3 Expansion (LaPointe)

The Acting Director of Planning and Development/City Clerk informed Council that Port Colborne Quarries Inc. has submitted an application under the *Aggregate Resources Act* and the *Planning Act* for the extension of Pit 3. She further indicated that the applicant is hosting a virtual public open house in accordance with the *Aggregate Resources Act* and that the link to join their virtual open house can be found at <u>www.portcolbornequarries.ca</u>. The Acting Director of Planning and Development/City Clerk noted that the open public houses to be hosted by the City/Region will occur at a later date.

13.2 Short Term Rentals (LaPointe)

The Acting Director of Planning and Development/City Clerk informed Council that a full review of short term rentals will be undertaken this year but that a fulsome review cannot be completed before this upcoming summer season. She further indicated that for the upcoming season, staff will focus on specific issues by-law related and between the Police, the Fire department, and By-law Enforcement staff, these issues will be monitored.

13.3 After Hours Staffing (Kalimootoo)

The Director of Public Works provided an update with respect to after hours staff collecting waste in public areas and parks. The Director informed Council that overtime hours have been offered to staff to attend parks and public areas on weekends to remove waste until the seasonal staff positions are filled.

14. Councillors' Remarks

14.1 Parking at Pleasant Beach (Bodner)

In response to Councillor Bodner's inquiry regarding whether staff have begun enforcing parking at Pleasant Beach over the weekends, the Director of Community Safety & Enforcement informed Council that staff did attend Pleasant Beach over the weekend but that he will ensure there is an upgrade to the amount of enforcement visits made to the beach road ends.

14.2 Enforcement of Large Gatherings (Bodner)

In response to Councillor Bodner's inquiry regarding who enforces large gatherings on the weekends, the Director of Community Safety & Enforcement informed Council that By-law staff will enforce with the accompaniment and assistance of the Police.

14.3 Rally in St. Catharines (Desmarais)

Councillor Desmarais commented on the recent rally that took place in St. Catharines and expressed gratitude towards her fellow Councillors for not taking part in it.

14.4 Parking Lot at the Boat Launch (Bagu)

Councillor Bagu expressed concern over the amount of cars that were parked at the boat launch the past weekend, noting that some cars even had to park on the grass at H.H. Knoll Lakeview Park. The Director of Corporate Services informed Council that he would investigate methods to mitigate this issue.

14.5 Update on Gutter Covers (Bagu)

In response to Councillor Bagu's request for an update on the Vale Health and Wellness Centre gutter covers installment, the Director of Public Works informed Council that staff are waiting for a third quote before work can begin.

14.6 Refuse Area at Pleasant Beach (Wells)

In response to Councillor Wells' expressed concern regarding the overuse and abuse of the refuse area at Pleasant Beach, the Director of Public Works indicated that he would contact the Niagara Region to discuss potential solutions to this issue.

14.7 Stopping the Growing Operation (Wells)

Councillor Wells expressed appreciation to all those involved in stopping the growing operation at a particular property.

14.8 Street Signs (Danch)

In response to Councillor Danch's request for an update on various street signs, the Director of Public Works confirmed that he will follow-up with the Niagara Region again to determine when they plan to complete this request.

14.9 Beach Passes for Port Colborne Residents (Danch)

In response to Councillor Danch's inquiry, the Director of Corporate Services confirmed that beach passes will be free of charge for Port Colborne residents and a report will be brought forward to Council explaining how residents can sign up for passes in the near future.

14.10 Fence off of King Street (Danch)

In response to Councillor Danch's concern regarding a broken fence on King Street by the Friendship Trail, the Mayor and Director of Public Works confirmed they would investigate this issue.

15. Consideration of Items Requiring Separate Discussion

15.1 Edie's Café and Bar – Pilot Project 2022, 2021-114

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

That Chief Administrative Office Department Report 2021-114 be received; and

That Council direct the Manager of Strategic Initiatives to enter into negotiations with Lively Media regarding a lease to operate Edie's Café and Bar on City property from June 2022 to September 2022.

Carried

15.2 Year End Surplus/(Deficit) and Closeout Report, 2021-74

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

That Corporate Services Department Report 2021-74 be received; and

That the recommendations set out in the Discussion section and Appendix D of Corporate Services Department Report 2021-74 be approved.

15.3 Parking and Traffic – Access to Lake from Road Ends, 2021-109

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP., the City's solicitor, and they have provided legal advice with respect to the Firelanes.)

The recommendation was split into two separate votes to account for Councillor Beauregard's Disclosure of Interest.

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

That Community Safety and Enforcement Department Report 2021-109 be received;

That Council approve moving forward with Option 3 identified under the Financial Implications section of Community Safety and Enforcement Department Report 2021-109.

Amendment:

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

That Community Safety and Enforcement Department Report 2021-109 be received;

That Council approve moving forward with Option 3 identified under the Financial Implications section of Community Safety and Enforcement Department Report 2021-109; and

That the Director of Public Works and Director of Community Safety & Enforcement be directed to investigate cost for signage past the Friendship Trail and provide a report to Council on their findings in preparation of the 2022 budget process.

Carried

Moved by Councillor H. Wells Seconded by Councillor R. Bodner That the Parking Prohibition Certificate attached as Appendix A to Community Safety and Enforcement Department Report 2021-109 be approved; and

Amendment:

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

That the Parking Prohibition Certificate attached as Appendix A to Community Safety and Enforcement Department Report 2021-109 be approved; and

That the Parking Prohibition Certificate attached as Appendix A to Community Safety and Enforcement Department Report 2021-109 be amended by deleting "September 30, 2021" and adding "October 31, 2021" thereto.

Carried

15.4 Proposed Draft Discharge of Firearms By-law, 2021-104

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

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

That Community Safety & Enforcement Department Report 2021-104 be received; and

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

Amendment:

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

That Community Safety & Enforcement Department Report 2021-104 be received; and

That section 10 of the proposed Discharge of Firearms and Bows Bylaw be amended by deleting the following therefrom: a) where the *Firearm* is a shotgun, it is of no greater calibre than No. 2 Shot

That section 10 of the proposed Discharge of Firearms and Bows Bylaw be amended by adding the following thereto:

a) where the *Firearm* is a shotgun, that it have a shell size no greater than a No. 2 Shot

Carried

Amendment:

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

That Community Safety & Enforcement Department Report 2021-104 be received; and

That section 10 of the proposed Discharge of Firearms and Bows By-law be amended by deleting the following therefrom:

a) where the Firearm is a shotgun, it is of no greater calibre than No. 2 Shot

That section 10 of the proposed Discharge of Firearms and Bows By-law be amended by adding the following thereto:

a) where the Firearm is a shotgun, that it have a shell size no greater than a No. 2 Shot; and

That the proposed Discharge of Firearms and Bows By-law be approved, as amended, with the exception of section 14.

Carried

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

That section 14 of the Discharge of Firearms and Bows By-law be referred back to staff to investigate options for a public process when considering an application for exemption.

Carried

15.5 Roselawn Theatre Management Agreement, 2021-115

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

That Chief Administrative Office Report 2021-115 be received; and

That the Mayor and Clerk be authorized to enter into an agreement with Lighthouse Festival Theatre Corporation for the management of the theatre at the Roselawn Centre.

Carried

15.6 Public Boat Ramp – Operation Plans 2021, 2021-111

Moved by Councillor M. Bagu Seconded by Councillor G. Bruno

That Corporate Services Department Report 2021-111 be received; and

That the day pass fee at the Public Boat Ramp be set at \$14.00 when purchased through the HonkMobile App.

Carried

15.7 Awarding Food Vendor Contracts for H.H. Knoll Lakeview Park – 2021 Season, 2021-112

Moved by Councillor G. Bruno Seconded by Councillor M. Bagu

That Chief Administrative Office Department Report 2021-112 be received; and

That the City of Port Colborne enter into agreements with Big Momma's Fresh Cut Fries and Heavenly Dreams Ice Cream at H.H. Knoll Lakeview Park for the 2021 season for the provision of food and beverage services.

Carried

15.8 Fence Variance Request 5521 Firelane 22, 2021-102

Moved by Councillor M. Bagu Seconded by Councillor A. Desmarais That Community Safety & Enforcement Department Report 2021-102 be received;

That the fence variance application for 5521 Firelane 22 as set out in Appendix A of Community Safety & Enforcement Department Report 2021-102 be approved to allow 2 m high cedar trees to be planted in the front yard and to waive the 4.5 m setback requirement from the driveway; and

That the Tree Planting By-law setback of 4.5 m be waived for coniferous trees.

Carried

a. Amended Appendix A to Community Safety & Enforcement Department Report 2021-102

15.9 Town of Lincoln - Support for McNally House Hospice

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

That correspondence from the Town of Lincoln regarding Support for McNally House Hospice, be received for information.

Carried

15.10 Township of Brock - Cannabis Licensing and Enforcement

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

That correspondence from the Township of Brock regarding Cannabis Licensing and Enforcement, be supported.

Carried

15.11 Debbie France - Health Canada Cannabis Consultations

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

That correspondence from Debbie France regarding Health Canada Cannabis Consultations be received for information.

Amendment:

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

That correspondence from Debbie France regarding Health Canada Cannabis Consultations be received for information; and

That the Director of Community Safety & Enforcement be directed to investigate this matter and prepare a report to bring forward to Council on April 26, 2021.

Carried

16. Motions

17. Notice of Motions

17.1 Councillor Wells - Parking Stalls at Road Junctions along Friendship Trail

Councillor Wells provided notice of his intention to introduce a motion at the April 26, 2021 Council meeting with respect to directing staff to investigate parking areas along the Friendship Trail at road junctions and provide a report back to Council on these findings.

18. Minutes of Boards & Committees

Moved by Councillor F. Danch Seconded by Councillor R. Bodner

That items 18.1 to 18.4 be approved, as presented.

Carried

- 18.1 Port Colborne Historical and Marine Museum Board Meeting Minutes - January 19 and February 16, 2021
- 18.2 Port Colborne Public Library Board Meeting Minutes February 2 and February 9, 2021
- 18.3 Port Colborne Economic Development Advisory Committee Meeting Minutes - February 19, 2020
- 18.4 Canal Days Advisory Committee Meeting Minutes February 2, 2021

19. By-laws

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

That items 19.2, 19.3, and 19.4 be enacted and passed.

Carried

- 19.2 By-law to Authorize Entering into an Agreement with Lighthouse Festival Theatre Corporation to Manage the Theatre at Roselawn Centre
- 19.3 By-law to Amend By-law No. 89-2000, Being a By-law Regulating Traffic and Parking on City Roads (Fares St)
- 19.4 By-law to Adopt, Ratify and Confirm the Proceedings of the Council of The Corporation of the City of Port Colborne
- 19.1 By-law to Regulate the Discharge of Firearms and Bows in the City of Port Colborne

Councillor E. Beauregard declared a conflict on this item. (The Councillor is employed by Sullivan Mahoney LLP., the City's solicitor, and they have provided legal advice on this item.)

This item has been withdrawn as a result of the referral of section 14.

20. Confidential Items

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

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

Amendment:

Moved by Councillor E. Beauregard Seconded by Councillor F. Danch

That items 20.1 to 20.4 be deferred to a Council Meeting to be scheduled for April 19, 2021 immediately after the Statutory Public Meeting.

Carried

- 20.1 Minutes of the closed session portion of the March 22, 2021 Council Meeting
- 20.2 Chief Administrative Office Report 2021-86, Potential Disposition of Land
- 20.3 Chief Administrative Office Report 2021-99, Potential Disposition and Acquisition of Land
- 20.4 Chief Administrative Office Report 2021-98, Potential Acquisition of Land

21. Procedural Motions

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

That the rules of procedure set out in Section 4.1 of the Procedural By-law be waived to allow the meeting to extend past 11 p.m.

Carried

22. Information items

23. Adjournment

Mayor Steele adjourned the meeting at approximately 11:05 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk



Mayor's Report

April 12, 2021 Council Meeting

COVID-19

The province is currently in a shutdown position as described in the Keeping Ontario Safe and Open Framework.

This shutdown includes a stay-at-home order and restrictions on numbers of retail customers in a store, and cancels sit-down dining inside and out, as well as the cancellation of sporting activities and personal care services.

At the City, we will continue to serve residents by appointment.

In-person appointments will be scheduled for essential and time sensitive services. Where possible, services will be provided through remote means. To access City services, please call our customer service representative team at 905-835-2900.

We emphasize the need for social distancing, hand washing and face coverings where social distancing can't be maintained or where required by the Region's face covering by-law.

Last week, the first vaccination clinic was held in Port Colborne at the Vale Health and Wellness Centre, with 960 individuals receiving their vaccine. Additional clinics are scheduled for tomorrow and Wednesday and a full week May 10-14.

Currently individuals 60 years of age or older can register to receive the vaccine by going to the Government of Ontario website to book an appointment or calling 1-888-999-6488.

Individuals 55-59 can book an appointment for the AstraZeneca COVID-19 vaccine through participating pharmacies – Boggio's in Port Colborne is one such pharmacy.

I ask that you please be patient and kind when speaking with staff. We will keep you informed of any new information we receive.

Port Cares Soupfest

The Port Cares Soupfest was a great success with all tickets being sold. Thank you to everyone for supporting this great organization.

Community Engagement Survey

The City of Port Colborne has launched a community engagement survey to help identify key themes for our upcoming strategic plan and we're looking for resident input.

Council and staff initiated the strategic planning process in 2019 and facilitated several roundtable discussions into the first quarter of 2020. As a result of the disruptions caused by COVID-19, the process was put on hold and picked up again in the fall.

The strategic plan is being developed to support the City's vision and mission statements and will include specific action items to achieve future goals. It will also be divided into two sets of strategic pillars: community and corporate.

The community pillars are designed to benefit residents, businesses and visitors. Whereas the corporate pillars cover the day-to-day practices, processes and governance that Council and City staff can focus on to deliver maximum value and benefits.

As City staff continue to work closely with Council to create the 2020-2023 strategic plan, we understand the importance of getting the community's input.

We value what our residents have to say, and we want to make sure we're headed in the right direction.

The community engagement survey is available until April 23 on the City's website <u>www.portcolborne.ca/survey</u>.

Paper copies of the survey are also available for curbside pickup at the Library and City Hall.

Individuals 18 and older, whose primary residence is in Port Colborne, are encouraged to complete the survey.

Anyone who completes the survey will be entered into a draw for a chance to win a \$50 gift card to a Port Colborne establishment of choice.

Results from the survey will be reported to Council and used to support implementation of the Strategic Plan later this spring.

National Volunteer Appreciation Week

National Volunteer Appreciation Week (April 18 – 24) is always a highlight for the City of Port Colborne.

Being able to recognize and thank the many volunteers that help manage events, maintain facilities, and keep programs running, is something the City takes great pride in.

There is an exceptional group of volunteers in this community, and although COVID-19 has paused many of the volunteer opportunities, one day programs will resume again and the amazing volunteer team can return.

To all City of Port Colborne volunteers, thank you for being dedicated, kind, generous, hard working, and overall fantastic people.

You make this community proud.

During National Volunteer Appreciation Week, the City of Port Colborne has highlighted some amazing volunteers on its social channels. Be sure to check it out!

Virtual Programming at your Library

You can PORTicipate virtually with your public library this April Break.

The Port Colborne Public Library is reminding residents it's not too late to register for some virtual fun with events taking place this week.

Log onto our website at <u>www.portcolborne.ca</u> for full details.

Thank you.



City of Port Colborne

Public Meeting Minutes

Date: Time: Location:	Monday, April 19, 2021 6:30 pm 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 A. Desmarais, Councillor D. Kalailieff, Councillor W. Steele, Mayor (presiding officer) H. Wells, Councillor
Member(s) Absent:	F. Danch, Councillor
Staff Present:	 A. LaPointe, Acting Director of Planning and Development/City Clerk S. Luey, Chief Administrative Officer C. Madden, Deputy Clerk (minutes) D. Schulz, Planner

1. Call to Order

Mayor Steele called the meeting to order.

2. Adoption of Agenda

Moved By Councillor H. Wells Seconded By Councillor G. Bruno

That the agenda dated April 19, 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 on Neff Street, File D14-08-21, 2021-119

Purpose of Meeting

The purpose of this meeting, pursuant to Section 34 of the *Planning Act*, is to consider an application submitted by the applicant Grandstone Living Inc. for the lands legally known as Lots 3 and 4 on Plan 30R15706, in the City of Port Colborne, regional Municipality of Niagara, and located in the Downtown Commercial Zone (DC), municipally known as VL Neff St.

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 120m of the property on March 29, 2021. A Public notice sign was also posted on the property by March 30, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

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

Niagara Region

- Based on the Phase One Environmental Site Assessment (ESA) submitted with application, the Region is requesting the submission of a Phase Two ESA in accordance with the *Environmental Protection Act*.
- This request can be dealt with through a Holding provision being put on the property or by delaying the Council decision until the materials are submitted to the satisfaction of the Region.

Explanation of Procedure to be Followed

The procedure to be followed this evening will be to present Planning and Development Department Report 2021-119, hear any comments from the applicant, receive questions of clarification from Council to the applicant or Planning staff, open the meeting to the public for comments and questions and announce the requirements under the *Planning Act* for written notice of passage of the proposed zoning by-law amendment.

Presentation of Application for Zoning By-law Amendment

Mr. Schulz presented the following:

The application for a Zoning By-law Amendment proposes to add the Fourth Density Residential (R4) zoning to a property currently not zoned. Due to the irregular shape of the lot, special provisions are being sought to reduce the front yard setback from 9m to 7m and reduce the rear yard setback from 6m to 3m. The Zoning By-law Amendment is being sought to permit the construction of a multi-unit residential building on the subject property.

Comments of Applicant

The applicant did not provide additional comments.

Questions of Clarification to Applicant/Planning Staff

Councillor Wells asked if there will be any parking on the road. Mr. Schulz responded that parking will be contained on site.

Councillor Kalailieff asked if there were any required parking setbacks from the railway. Mr. Schulz responded no, but there are landscape requirements.

Oral Presentations and/or Questions from the Public

Nil.

Announcement Respecting Written Notice of Passage of Zoning Bylaw 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 will return to Council at a later date.

Adjournment

Mayor Steele adjourned this Public Hearing at approximately 6:50 p.m.

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

That Planning and Development Department Report 2021-119 be received for information.

Carried

- a. Delegation from Marc Vaillancourt, applicant
- b. Delegation material from the Niagara Region
- 4.2 Public Meeting Report for Official Plan and Zoning By-law Amendments at Killaly Street East and Welland Street, File D14-05-21, 2021-120

Purpose of Meeting

The purpose of this meeting, pursuant to Section 34 of the *Planning Act*, is to provide Council with information regarding proposed Official Plan and Zoning By-law Amendments initiated by the City of Port Colborne for the lands known as Part of Lot 27 on Concession 2, and Part 1 on Plan 59R-1871, on the northeast corner of Welland Street and Killaly Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 72 Killaly Street East, vacant land on the northside of Killaly Street East and City-owned land on Welland Street.

Method of Notice

The Notice of Public Meeting was circulated to required agencies, and property owners within 120m of the lands on March 29, 2021. Meeting details have been provided along with the Council Agenda on the City's website.

As of the date of this meeting, staff have received comments from the following members of the public and commenting agencies:

- Garry Tate supportive of the proposal
- Melissa Bigford objects to proposal and will be speaking when the floor is opened to the public
- Letter from neighbours object to the proposal

Drainage Superintendent

No concerns with respect to municipal drains. Future ditch maintenance may require the use of the parcel along the city-owned strip on the east side of the lands.

Niagara Region

In principle, the Region is supportive of the amendments, however Regional staff recommend the City utilize site specific provisions within the LI zone to minimize and mitigate and potential impacts on the adjacent residential area including:

- Limit the permitted uses to Class I industry, to ensure the 20m minimum separation distance can be achieved. Based on our review of the LI zone provisions, Regional staff recommend removing permission for a contractor's yard and motor vehicle repair garage, both of which would generate offsite noise and/or dust impacts;
- Increase the minimum interior side yard abutting a Residential zone provision to 20m, in line with the minimum separation distance recommended by the D6 Guideline;
- Prohibit outdoor storage within the minimum interior side yard abutting a Residential zone to ensure this setback is maintained for all aspects of the use, not just the buildings; and,
- Require that a parking area in the interior side yard abutting a Residential zone also be paved with concrete or asphalt to minimize dust impacts.

Explanation of Procedure to be Followed

The procedure to be followed this evening will be to present Planning and Development Department Report 2021-120, hear any comments from the applicant, receive questions of clarification from Council to the applicant or Planning Staff, open the meeting to the public for comments and questions and announce the requirements under the *Planning Act* for written notice of passage of the proposed zoning by-law amendment.

Presentation of Application for Official Plan and Zoning By-law Amendments

The application for Official Plan Amendment proposes to change the Official Plan designation for these properties from Urban Residential to Industrial/Employment Area. The application for Zoning By-law Amendment proposes to change the zoning from Residential Development (RD) to Light Industrial (LI).

Comments of Applicant

Mr. Fontaine added that this expansion would allow for a 50,000sqft warehousing building and would see the addition of five more trucks. Working hours would remain the same and the building would be 41ft high.

Questions of Clarification to Applicant/Planning Staff

Councillor Bruno asked if the back of the proposed building would be similar to the Vale Centre. Mr. Fontaine responded yes.

Councillor Bruno asked if the new building would block the old one. Mr. Fontaine responded yes.

Councillor Bruno asked if the applicant would be opposed to planting trees to obstruct the view for neighbors. Mr. Fontaine responded no and added that he intended to plant trees.

Oral Presentations and/or Questions from the Public

Melissa Bigford commented that she was not in favour of the proposal. She added that a residential use would be better suited for this land and questioned if the property could be severed and sold down the road. She also added that there is currently work happening on the City owned parcel of land and that the site plan process should go to Council for public input.

Councillor Kalailieff asked if paving the parking surface would address some of her concerns. Ms. Bigford responded that her concerns are still with the northern parcel of land.

Councillor Bruno asked if anything would need to be done with the City owned parcel. Mr. Schulz responded no; it is part of the Zoning by-law Amendment.

Councillor Desmarais asked if the City would need to clean the property before sale. The CAO responded that a Record of Site Condition is typically required but technically the land could be sold as is.

Announcement Respecting Written Notice of Passage of Zoning Bylaw 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 will return to Council at a later date.

Adjournment

Mayor Steele adjourned this Public Hearing at approximately 7:51 p.m.

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

That Planning and Development Department Report 2021-120 be received for information.

Carried

- a. Delegation from Larry and Barb Fontaine, property owners
- b. Delegation from Melissa and Mary Bigford, residents
- c. Delegation material from Garry Tate, resident
- d. Delegation material from the Niagara Region
- e. Delegation material from multiple residents
- 5. **Procedural Motions**
- 6. Information Items
- 7. Adjournment

Mayor Steele adjourned the meeting at approximately 7:55 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk



City of Port Colborne

Council Meeting Minutes

Date: Time: Location:	Monday, April 19, 2021 6:30 pm 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 A. Desmarais, Councillor D. Kalailieff, Councillor W. Steele, Mayor (presiding officer) H. Wells, Councillor
Member(s) Absent:	F. Danch, Councillor
Staff Present:	 A. LaPointe, Acting Director of Planning and Development/City Clerk S. Luey, Chief Administrative Officer C. Madden, Deputy Clerk (minutes)

1. Call to Order

Mayor Steele called the meeting to order at 7:56 p.m.

2. Adoption of Agenda

Moved by Councillor A. Desmarais Seconded by Councillor D. Kalailieff

That the agenda dated April 19, 2021 be confirmed, as circulated.

Carried

3. Disclosures of Interest

4. By-laws

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

That item 4.1 be enacted and passed.

Carried

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

5. Confidential Items

Moved by Councillor A. Desmarais Seconded by Councillor D. Kalailieff

That Council do now proceed into closed session in order to address items 5.1 to 5.4.

Carried

- 5.1 Minutes of the closed session portion of the March 22, 2021 Council Meeting
- 5.2 Chief Administrative Office Report 2021-86, Potential Disposition of Land
- 5.3 Chief Administrative Office Report 2021-99, Potential Disposition and Acquisition of Land
- 5.4 Chief Administrative Office Report 2021-98, Potential Acquisition of Land
- 6. **Procedural Motions**
- 7. Information items

8. Adjournment

Council moved into Closed Session at approximately 8:00 p.m. Council reconvened into Open Session at approximately 9:15 p.m. Mayor Steele adjourned the meeting at approximately 9:16 p.m.

William C. Steele, Mayor

Amber LaPointe, City Clerk



Subject: Farmers' Market MOU and Amended By-law

To: Council

From: Chief Administrative Office

Report Number: 2021-100

Meeting Date: April 26, 2021

Recommendation:

That Chief Administrative Office Report 2021-100 be received; and

That Council approve a Memorandum of Understanding (MOU) between the City of Port Colborne and the Downtown Business Improvement Area (Downtown BIA) regarding the Port Colborne Farmers' Market Operations; and

That a by-law to enter into a MOU with the Downtown BIA and a by-law amending By-Law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market, be brought forward.

Purpose:

The purpose of this report is to seek Council approval to enter into a Memorandum of Understanding (MOU) between the City of Port Colborne (City) and the Port Colborne Downtown Business Improvement Area (Downtown BIA) regarding the transition and management of the Port Colborne Farmers' Market. The report also seeks approval of the amended Farmers' Market By-law.

Background:

At the March 8, 2021 meeting, Port Colborne Council approved the Downtown BIA's proposal to manage and operate the Port Colborne Farmers' Market as an eighteenmonth pilot project and directed staff to draft a MOU and amend the current Farmers' Market By-law.

Discussion:

The Port Colborne Farmers' Market has a long and valued tradition in Port Colborne. The Downtown BIA will be assuming operations of the Farmers' Market on an eighteenmonth pilot project. To ensure a smooth transition a MOU has been drafted. The City will remain the governing body for the Farmers' Market and will provide support.

The eighteen-month pilot project will begin on April 30, 2021 and will end on September 30, 2022. Upon commencement of the term, the City and the Downtown BIA will reevaluate the partnership and the potential renewal of the MOU will be considered.

In addition to the MOU, the Farmers' Market by-law had to be updated to reflect the new reporting structure, the new hours of operation, and to clarify the financial reporting.

The MOU states that the Downtown BIA is responsible for the following:

- Gaining approval from Niagara Region Public Health to begin operating the Farmers' Market. Under COVID-19 restrictions, Public Health must approve the number of vendors and the allowable capacity of people inside the market. This information must be communicated to the City.
- On-site operations including but not limited to set-up, tear-down, traffic control, signage, and compliance with the by-law.
- Administrative responsibilities including but not limited to correspondence, vendor recruiting, processing invoices, and marketing.
- Recruiting and managing volunteers as needed for traffic control and other market responsibilities.
- Adhering to the City of Port Colborne Farmers' Market By-law and Farmers' Market Ontario Regulations.
- Ensuring all vendors submit certificates of insurance (COI) naming the City of Port Colborne as additionally insured. All COI's must be sent to the City. All vendor applications must be shared with the City as well.
- Vendors that have been at the Farmers' Market in prior years must be given preference to attend the market again.
- Expansion requests must be made to the City at the completion of the pilot project term.
- Register and pay for annual membership and insurance costs to Farmers' Market Ontario.

The MOU states that the City is responsible for the following:

- Continue normally scheduled maintenance efforts including street sweeping, park maintenance, garbage and snow removal.
- The City will provide road barricades for the closure of Market Square.
- City Event staff will work with the Downtown BIA for compliance with the by-law and this MOU. Event staff will keep in contact regularly to support the Farmers' Market.

• Assist with promotion of the Farmers' Market at the request of the Downtown BIA.

Financial Implications:

The City of Port Colborne will provide \$2,500 in funding, allocated from the Joint Ventures/Special Projects budget. This funding will provide the support the Downtown BIA needs to be up and running for the 2021 season. It will also help stabilize and grow the Farmers' Market moving forward.

Under this new partnership, the City will still incur costs from vendor hydro usage. With vendor revenue now going to the Downtown BIA, the City will recover the hydro costs through the following:

 Hydro fees have been recovered by the City through an additional vendor fee, that was paid by vendors who required access to hydro. The Downtown BIA will continue to charge vendors the hydro access fee. This revenue will be remitted to the City in order to recover the hydro costs the City will still incur.

Conclusion:

At the March 8, 2021 meeting, Council directed staff to move forward with the Downtown BIA managing the Farmers' Market Operations. Staff have drafted a MOU and amendments to the Farmers' Market By-Law to help facilitate this transition.

Appendices:

- a. Draft Farmers' Market Amended By-Law
- b. Draft Farmers Market MOU By-Law
- c. Farmers Market MOU

Respectfully submitted,

Luke Rowe Event Coordinator & Volunteer Coordinator 905-835-2900 ext. 566 Luke.Rowe@portcolborne.ca Gary Long Manager of Strategic Initiatives 905-835-2900 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.

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-Law to Amend By-Law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market and to Repeal By-Laws 4490/21/04 and 5088/143/07

Whereas at its meeting of April 26, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Chief Administrative Office Report No. 2021-100, Subject: Farmers' Market MOU and Amended By-law;

Whereas Council is desirous of amending the provisions of By-law 6500/67/17, Being a By-law to Establish and Regulate the Port Colborne Farmers' Market and to Repeal By-laws 4490/21/04 and 5088/143/07 in accordance with the recommendations in the above referenced report;

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

- 1. That By-law 6500/67/17 be amended by deleting all references to the "Market Clerk" and replacing those references with the "Market Manager".
- 2. That Section 1 Definitions of By-law 6500/67/17, be amended by deleting the following therefrom:

""**Director**" means the Director of Community and Corporate Services, or designate."

3. That Section 1 Definitions of By-law 6500/67/17, be amended by adding the following thereto:

""Director" means the Manager of Strategic Initiatives, or designate."

- 4. That Section 3(a) of By-law 6500/67/17 be amended by deleting "6:00 a.m. until 1:00 p.m." and replacing it with "8:00 a.m. until 12:00 p.m.".
- 5. That By-law 6500/67/17 be amended by deleting the following therefrom:

Section 4(c)(ii) "collect all fees payable under this by-law and to pay over, remit and account weekly to the City Treasurer all fees and monies received with regard to the Market."

6. That By-law 6500/67/17 be amended by adding the following thereto:

Section 4(c)(ii) "collect all fees payable under this by-law and to pay over and remit to the Port Colborne Downtown Business Improvement Area, with exception to the vendor hydro usage fees. By December 20th each year, the Downtown Business Improvement Area will pay over and remit all hydro access vendor fees accumulated throughout the year to the City Treasurer."

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

Enacted and passed this 26th day of April 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 a Memorandum of Understanding with the Port Colborne Downtown Business Improvement Area Regarding the Port Colborne Farmers' Market Operations.

Whereas at its meeting of April 26, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Chief Administrative Office Report No. 2021-100, Subject: Farmers Market MOU and Amended By-law; and

Whereas Council is desirous of entering into a Memorandum of Understanding (MOU) with the Port Colborne Downtown Business Improvement Area, for the purposes of taking over the Port Colborne Farmers' Market Operations; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

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 enters into a MOU with the Port Colborne Downtown Business Improvement Area, for the purposes of taking over the Port Colborne Farmers' Market Operations.
- 2. That the Mayor and City Clerk be and they are hereby authorized and directed to sign the said agreement, attached hereto as Schedule "A", together with any documents necessary to complete the conditions of the said agreement, and the City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 26th day of April, 2021.

William C. Steele Mayor

Amber LaPointe City Clerk

Memorandum of Understanding

Between the

"City of Port Colborne"

And

"Port Colborne Downtown Business Improvement Area"

Purpose:

The purpose of this Memorandum of Understanding (MOU) is to outline and clarify the responsibilities and expectations of each party with regards to the transition of the Port Colborne Farmers' Market.

Overview:

At their March 8th, 2021 council meeting, the City of Port Colborne City Council voted in favour of the Downtown BIA operating the Farmers' Market, contingent on the completion of an MOU and amendments made to the current by-law.

The Farmers' Market has a long and valued tradition in Port Colborne. It has been managed by the City and is now transitioning. The Port Colborne Downtown Business Improvement Area (BIA) will be taking over operations of the Farmers' Market on an eighteen-month pilot project. The City will remain the governing body for the farmers market and will provide support.

Term:

The eighteen-month pilot project will begin on April 30th, 2021 and will end on September 30th, 2022. Upon the commencement of the term the City and the Downtown BIA will re-evaluate the partnership and the potential renewal of the MOU will be considered.

The City of Port Colborne reserves the right to vacate itself from this MOU and reclaim management of the Farmers' Market operations at any point during the eighteen-month pilot project time period, if the Farmers' Market does not meet the expectations of the City appointed Market Director and the Port Colborne City Council.

Farmers Market By-Law

The Port Colborne Farmers' Market is operated under By-Law N0. 6500/67/17 being a by-law to establish and regulate the Port Colborne Farmers' Market and to repeal by-laws 4490/21/04 and 5088/143/07. The following amendments will be made to the current by-law in order to follow through with this MOU:

- The "Director" as defined in the by-law will be changed to the Manager of Strategic Initiatives.
- The Executive Director of the Downtown BIA will be deemed the "Market Manager."
- Under section 4: Operation and Management Market Manager, subsection ii) states that the Market Manager shall collect all fees payable under this by-law and to pay over, remit, and account weekly to the City Treasurer all fees and monies received with regard to the Market. This subsection will be altered to accurately show the arrangement under this agreement.
- The hours of operation of the Farmers' Market will be changed from 6:00 a.m. to 1:00 p.m. to 8:00 a.m. to 12:00 p.m.

The by-law clearly states the responsibilities of the Director and Market Manager as well as the market lands, hours of operation, operation and management, general restrictions, authorized goods, unauthorized goods, permitted vendors, entertainment, vendor permit application and approval process, vendor responsibilities, permit cancellations, appeal process, sale and sampling of VGA wine, fruit wine, and cider, indemnification, penalties and enforcement, severability and conflict, by-laws repealed, and effective date. The Market Manager must adhere to all regulations stated in the by-law.

Downtown BIA Responsibilities

Under this MOU the Downtown BIA is responsible for the following:

- Gaining approval from Niagara Region Public Health to begin operating the Farmers' Market. Under COVID-19 restrictions, Public Health must approve the number of vendors and the allowable capacity of people inside the market. This information must be communicated to the City.
- On-site operations including but not limited to set-up, tear-down, traffic control, signage, and compliance with the by-law.
- Administrative responsibilities including but not limited to correspondence, vendor recruiting, processing invoices, and marketing.
- Recruiting and managing volunteers as needed for traffic control and other market responsibilities.
- Adhering to the City of Port Colborne Farmers' Market By-law and Farmers' Market Ontario Regulations.
- Ensuring all vendors submit certificates of insurance (COI) naming the City of Port Colborne as additionally insured. All COI's must be sent to the City. All vendor applications must be shared with the City as well.
- Vendors that have been at the Farmers' Market in the year's prior must be given preference to attend the market again.
- Expansion requests must be made to the City at the completion of the pilot project term.
- Register and pay for annual membership and insurance costs to Farmers' Market Ontario.

City of Port Colborne Responsibilities:

Under this MOU the City of Port Colborne is responsible for the following:

- Continue normally scheduled maintenance efforts including street sweeping, park maintenance, garbage and snow removal.
- The City will provide road barricades for the closure of Market Square.
- City Event staff will work with the Downtown BIA for compliance with the by-law and this MOU. Event staff will keep in contact regularly to support the Farmers' Market.
- Assist with promotion of the Farmers' Market at the request of the Downtown BIA.

Financial Considerations

The City of Port Colborne will provide \$2,500 in funding, allocated from the Joint Ventures/Special Projects budget. This funding will provide the support the Downtown BIA needs to be up and running for the 2021 season. It will also help stabilize and grow the Farmers' Market moving forward.

Under this new partnership, the City will still incur costs from vendor hydro usage. With vendor revenue now going to the Downtown BIA, the City will recover the hydro costs through the following:

• Hydro fees have been recovered by the City through an additional vendor fee, that was paid by vendors who required access to hydro. The Downtown BIA will continue to charge vendors the hydro access fee. This revenue will be remitted to the City in order to recover the hydro costs the City will still incur.

Signed:		
Corporation of the City of	Port Colborne	
Name:		
Title:		
Date:	Signature:	
Name:		
Title:		
Date:	Signature:	
The Port Colborne Downto	own Business Improvement Area	
Name:		
Title:		
Date:	Signature:	
Name:		
Title:		
Date:	Signature:	



Subject: By-law 1117/64/81 - Driveway Entrance Construction Provisions

To: Council

From: Public Works Department

Report Number: 2021-122

Meeting Date: April 26, 2021

Recommendation:

That Council approve delegating authority to the Director of Public Works to reduce provisions 3.5.2 and 3.1.1 e) of By-law 1117/64/81 to 3.0m and 1.0m, respectively, for the next 12 months;

That the Director of Public Works be directed to analyze best management practices and bring a draft revision of said by-law to Council by the end of December, 2021; and

That Council grant relief from the specific provisions of the by-law affecting Committee of Adjustment applications A03-21-PC, A05-21-PC, A08-21-PC, and B02-21-PC.

Purpose:

This report is being written in response to a motion by Councillor Beauregard at the Council Meeting conducted on March 22, 2021. The Councillor requested the Public Works Department review By-law 1117/64/81, pertaining to constructing entrances to municipal roads, and provide a recommendation to Council of proposed changes to said by-law.

Background:

By-law 1117/64/81 establishes policies and procedures for constructing entrances to municipal roads in the City of Port Colborne. It was approved and passed by the Council on July 27, 1981.

Council has noted that several current applications brought to the Committee of Adjustment have been in contravention of the provisions of this by-law. Rather than

have each applicant appeal to Council to waive the provisions of the by-law individually, Council would like to have staff review the provisions and, if agreeable, provide recommended revisions to the by-law.

The current list of affected applications provided to staff include A03-21-PC, A05-21-PC, A08-21-PC, A09-21-PC, and B02-21-PC.

Discussion:

Engineering staff regularly reference this by-law when assessing public requests for new or altered driveway entrances to their properties. In recent years, several outdated or unclearly defined provisions have been identified which should be updated or revised.

The Engineering Division would like the opportunity to look into best management practices by obtaining examples of similar by-laws from other municipalities, coordinating with other internal departments, and researching all related construction specifications in order to provide a fully updated by-law. Due to limited staff resources, creating a revised by-law will take some time to complete. It is expected that a draft version of a completely revised by-law could be presented to Council by the end of 2021.

In the interim, in order to address the most commonly encountered issues pertaining to the current form of the by-law, staff recommend that, for the next 12 months, Council reduce the minimum driveway width on an urban road from 5.0m to 3.0m and the minimum offset from a projected lateral property line from 1.5m to 1.0m. These provisions are defined, respectively, as sections 3.5.2 and 3.1.1 e) in By-law 1117/64/81.

To address the specific Committee of Adjustment applications that have been brought to the attention of the Engineering Division, the following recommendations are provided:

A03-21-PC proposes to contravene both the minimum driveway width and the minimum offset from projected lateral property line provisions. This application could be approved if Council accepts staff's recommendations.

A05-21-PC proposes to contravene the provision for minimum distance from an intersection street. Engineering staff have reviewed this application and recommend that Council provide relief from the provision in this case, as the location is isolated, is at a T-intersection, and not a four way stop and sees very little traffic, therefore reducing the potential for any vehicular conflicts.

A08-21-PC proposes to contravene the provision for maximum driveway width of 7.3m. While staff do not recommend increasing the maximum allowable driveway

width in general, it is recognized that certain situations will require relief from this provision. The Engineering Department has reviewed this application and recommend providing relief in this case, due to the unique proposal of the development and current existing and historical conditions that are similar to what is being proposed.

A09-21-PC also proposes to contravene the provision for minimum distance from an intersection street. After assessing the proposed design, the Engineering Division recommend that Council **do not** grant relief to this application as presented. The proposed driveway location for Unit 1 is such that a car backing out could enter the four-way intersection of Fraser Street and Mitchell Street. Staff recommend that this development look into utilizing a rear-access driveway off of Mitchell Street to reduce potential for vehicular interaction and increase safety.

B02-21-PC proposes to contravene the minimum offset from projected lateral property line provision. This application could be approved if Council accepts staff's recommendations.

Financial Implications:

There are no financial implications.

Conclusion:

The Engineering Division request a timeline of December 2021, to provide a draft of a completely revised version of By-law 1117/64/81 that will include best management practices and more appropriate specifications for Port Colborne's future density, growth and development. In the meantime, staff recommend that Council reduce the minimum driveway width on an urban road from 5.0m to 3.0m and the minimum offset from a projected lateral property line from 1.5m to 1.0m for the next 12 months in order to address the current issues affecting driveway entrance requests. In addition, the Public Works Department recommend granting relief from the specific provisions of the by-law affecting Committee of Adjustment applications A03-21-PC, A05-21-PC, A08-21-PC, and B02-21-PC.

Respectfully submitted,

Brian Kostuk Development & Asset Inventory Supervisor 905-835-2900 ext 222 Brian.Kostuk@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: Recommendation Report for OPA and ZBA Killaly Street East and Welland Street, File No.: D09-01-21 & D14-05-21

To: Council

From: Planning and Development Department

Report Number: 2021-136

Meeting Date: April 26, 2021

Recommendation:

That Planning and Development Department Report 2021-136 be received; and

That the Official Plan Amendment attached as Appendix A to Planning and Development Report 2021-136 be approved; and

That the Zoning By-law Amendment attached as Appendix B to Planning and Development Report 2021-136 be approved; and

That Planning staff be directed to circulate the Notice of Adoption and Passing in accordance with the *Planning Act*.

Purpose:

The purpose of this report is to consider an application initiated by the City of Port Colborne for an Official Plan and Zoning By-law Amendment regarding the lands known as Part of Lot 27 on Concession 2, and Part 1 on Plan 59R-1871, on the northeast corner of Welland Street and Killaly Street East, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 72 Killaly Street East, vacant land on the northside of Killaly Street East and City-owned land on Welland Street.

Background:

At its January 25, 2021 meeting, Council provided the following direction to staff:

That the Director of Planning & Development be directed to make applications to amend the Official Plan and Zoning By-law for City and private property located at the northwest corner of Welland and Killaly Street East; and

That all costs be absorbed by the City.

The application for Official Plan Amendment proposes to change the Official Plan designation for these properties from Urban Residential to Industrial/Employment Area. The application for Zoning By-law Amendment proposes to change the zoning from Residential Development (RD) to Light Industrial (LI). Special provisions have been recommended and will be outlined further in the report. The Zoning By-law Amendment is being sought to permit the expansion of the existing business located at 72 Killaly Street East.

On April 19, 2021, Planning staff presented Public Meeting Report 2021-120 for this application, outlining the proposed amendments and receive questions and comments from Council and members of the public.

Discussion:

City of Port Colborne Official Plan:

According to Schedule A: City Wide Land Use, the City of Port Colborne's Official Plan designates the subject properties as **Urban Residential**. Land uses in the Urban Residential designation include residential, neighbourhood, commercial and community facilities and institutional uses.

The Official Plan Amendment proposes to redesignate the lands from Urban Residential to Industrial/Employment. The land uses in the **Industrial/Employment** designation shall include, but not be limited to; manufacturing and fabricating; assembling; processing; servicing and repairing; warehousing and storage; shipping and receiving; offices as an accessory or secondary use; commercial activities that provide amenities to employees during the workday, as an accessory use, cannabis production facilities; industrial activities related and proximate to the Canal and harbour such as ship dockage and repair; and accessory uses such as parking garages.

City of Port Colborne Zoning By-law 6575/30/18:

The subject properties are currently zoned **Residential Development (RD).** The RD zone permits a detached dwelling; and uses, structures and buildings accessory thereto.

The Zoning By-law Amendment proposes to change the zoning from Residential Development (RD) to Light Industrial (LI). The LI zone permits the following uses: adult oriented entertainment establishment; cannabis production facility; car wash; contractor's yard; crematorium; education facility; industry, light; motor vehicle repair

garage; public use; research facility; transportation depot; and uses, structures, and building accessory thereto does not include obnoxious, dangerous or offensive trades.

As mentioned previously, the amendment, if approved, will permit the expansion of the existing industrial facility at 72 Killaly Street East.

Northwest	North	Northeast
Welland Street/Rail spur	Secondary School	Residential properties
	Zoned: Institutional	Zoned: R2
West		East
Welland Street/Rail spur	Subject Properties	Residential properties
		Zoned: R2
Southwest	South	Southeast
Welland Street	Killaly Street East	Killaly Street
	-	East/Residential properties

Adjacent Zoning and Land Use:

Planning Division Comment:

Through staff's review of current and former Official Plan documents, it appears that the subject lands have been designated as Urban Residential since at least 2006. Further, staff have reviewed current and former Zoning By-laws for the City of Port Colborne. Through the passing of Zoning By-law 1150/97/81 in 1982, the City-owned parcel (formerly Exit Chemical) and the larger parcel (formerly the Dwor Estate lands) were zoned as Residential Development. The 72 Killaly Street East parcel (Fontaine Transport) was zoned Light Industrial up until the passing of the City's current Zoning By-law 6575/30/18 in 2018. As Council is aware, land uses in the Zoning By-law are required to conform to the overarching Official Plan land use designation. This was the reasoning behind the land use changes and long-standing history with these properties.

Based on former uses located on the subject lands, it is unrealistic in the immediate future to expect a residential proposal to come forward. Staff is aware of Mr. Fontaine's proposed expansion and are willing to work to accommodate the proposal while keeping the neighbourhood's comments in mind.

Ministry of Environment, Conservation and Parks D-6 Guidelines:

Concerns about noise, dust, emissions, and vibrations can be dealt with through the application of the Ministry of Environment, Conservation and Parks D-6 Guidelines. These guidelines specifically address land use compatibility between industrial properties and more sensitive land uses, including residential. As suggested by Council and the Region, staff have reviewed uses permitted in the Light Industrial zone and concur with the Region's recommendation. Staff would like to further note section 2.3, being "Uses Prohibited in All Zones" of the Zoning By-law, that lists "any use where its

nature or the material used therein is considered a noxious use as defined in Section 38." In Section 38, Noxious use is defined as:

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

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

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

d) a combination thereof; but

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

Staff is confident that the wording in the Zoning By-law does prohibit business types that generate excessive noise, dust, vibrations or emissions for uses not specifically zoned. However, staff concur with the Region's recommendation regarding the removal of the "Contractor's Yard" and "Motor Vehicle Repair Garage" from the permitted uses of the zone, as these uses, without question, could have a negative impact on the neighbourhood. Staff have also determined that based on by-law requirements for a Cannabis Production Facility, and an Adult Oriented Entertainment Establishment, these would not be suitable uses on these lands. Therefore, staff are suggesting removing these from the permitted uses.

With respect to the Region's comment regarding the 20m interior side yard setback, staff note that this extra restriction will not be required. The City owns a 9m wide strip of land in between the residential properties on Janet Street and the former Dwor Estate parcel. This 9m strip plus the 15m required interior side yard setback will provide a buffer of 24m from the residential property line to any proposed expansion to the Fontaine Transport facility. Staff are confident that the 20m D6 Guideline requirement has been met for this property. Finally, to further limit any potential impacts, staff will recommend that outdoor storage will not be permitted in any required interior side yard setback (15m) and that any parking areas located in the required interior side yard setback be maintained with asphalt or concrete, so as to limit any dust impact.

Traffic:

With an increase of roughly five trucks per day travelling to and from the site, staff feel that traffic will be minimally impacted. The entrances to the site will be configured and improved as necessary to maximize the safety of ingress and egress from the site.

Site Plan Control:

The lands are currently not under site plan control. Any expansion or building on the property will require a site plan agreement to be registered on title of the land. The site plan agreement will address fencing, lighting, landscaping, parking and other physical attributes of the site. As mentioned in the oral comments from Melissa Bigford, if Council would like, staff can be directed to circulate a preliminary site plan and to take into consideration comments from members of the public that have objected to this proposal. Staff will be requesting a landscape plan through the site plan control submission to ensure the easterly property line has sufficient tree coverage to help shield the view of the facility.

Internal Consultations:

Notice of Public Meeting was circulated on March 30, 2021 to internal departments and agencies and the following comments have been received as of the time this report was prepared:

Port Colborne Fire Department:

"No objections"

Bell Canada:

"Buried cable from the east running parallel to Killaly St. E. and then up to the east wall of 72, where we have a terminal."

Drainage Superintendent:

"Operations has no concerns with Municipal Drains however there is a city owned parcel next to the Killaly Street parcel. The right of way is not wide enough for the ditch and the machine to work on the ditch. If/when that parcel is developed the maintenance of the ditch will have to be completed from the subject parcel."

Niagara Region:

- The Region's full comment is attached as Appendix C
- No objection to the proposed amendment. It is recommended to include the following in the Zoning By-law Amendment to minimize and mitigate any potential impacts to the neighbouring residential area, including:
 - Limit the permitted uses to Class I industry, to ensure the 20m minimum separation distance can be achieved. Based on our review of the LI zone provisions, Regional staff recommend removing permission for a contractor's yard and motor vehicle repair garage, both of which would generate offsite noise and/or dust impacts;

- Increase the minimum interior side yard abutting a Residential zone provision to 20m, in line with the minimum separation distance recommended by the D6 Guidelines;
- Prohibit outdoor storage within the minimum interior side yard abutting a Residential zone to ensure this setback is maintained for all aspects of the use, not just the buildings; and,
- Require that a parking area in the interior side yard abutting a Residential zone also be paved with concrete or asphalt to minimize dust impacts.
- Regional staff recommend that the City consider including a Holding provision on these lands to require submission of a Stage 1-2 Archaeological Assessment for any areas of the property that are not already disturbed by existing development. Alternatively, this requirement could be addressed through later *Planning Act* approvals, such as site plan control.

Financial Implications:

This proposal has the potential to increase the City's tax base while encouraging the growth of our employment sector.

Public Engagement:

Notice was circulated on March 25, 2021 and the following comments have been received as of the date of preparing this report (full comments have been attached as Appendix D):

Gerry Tate (no address provided):

• Supportive of the proposal

Melissa Bigford (no address provided):

- Objects to the proposal
- Concerns regarding amending a 40-year-old land designation
- The list of permitted uses in the Light Industrial zone are not compatible with the adjacent residential neighbourhood
- Questions why the taxpayers are being financially responsible
- Do not believe the amendments are in the best interest of the neighbourhood and the community as a whole

Letter Submitted by Multiple Residents:

- Object to the proposal
- Concerns regarding contamination of soil, increase in noise, dust and traffic

- Do not believe the proposal is in the best interest of the neighbourhood and community
- Concerns regarding the values of their homes nearby

Conclusion:

Based on staff's review of the applicable Provincial, Region and City policies, and consideration of materials submitted, the Planning Division recommends the approval of Official Plan Amendment No. 8 (Appendix A) redesignating the lands from Urban Residential to Industrial/Employment. Further, staff recommend the approval of the Zoning By-law Amendment attached to this report (Appendix B), changing the zoning of the land from Residential Development (RD) to LI-62. Council is statutorily obligated to make a decision on applications for Official Plan and Zoning By-law Amendments

Appendices:

- a. Official Plan Amendment No. 8
- b. Zoning By-law Amendment
- c. Regional Comments
- d. Public Comments

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 adopt amendment no. 8 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;

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. 8 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and 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 _____, ____,

William C Steele Mayor

Amber LaPointe Clerk

AMENDMENT NO. 8

TO THE

OFFICIAL PLAN

FOR THE

PORT COLBORNE PLANNING AREA

PREPARED BY:

CITY OF PORT COLBORNE DEPARTMENT OF PLANNING & DEVELOPMENT

April 7, 2021

AMENDMENT NO. 8

TO THE

OFFICIAL PLAN

FOR THE

PORT COLBORNE PLANNING AREA

AMENDMENT NO. 8

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. 8 to the Official Plan for the City of Port Colborne.

Date: _____

AMENDMENT NO. 8 TO THE OFFICIAL PLAN

FOR THE PORT COLBORNE PLANNING AREA

INDEX

The Statement of Components

Part A – The Preamble

Purpose Location Basis

Part B – The Amendment

Introductory Statement Details of the Amendment Implementation & Interpretation

Part C – The Appendices

Minutes of the Public Meeting
 Department of Planning and Development Report

STATEMENT OF COMPONENTS

<u>PART A</u>

The Preamble does not constitute part of this Amendment.

<u>PART B</u>

The Amendment, consisting of the following map, constitutes Amendment No. 8 to the Official Plan for the Port Colborne Planning Area.

Also attached is <u>**PART C**</u> – 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 Official Plan Amendment No. 8 is to change the designation for the subject lands, shown on the attached Schedule, from Urban Residential to Industrial/Employment Area.

Location

The lands affected by this amendment are legally described as Part Lot 27, Concession 2, and Part 1 on Plan 59R-1871, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 72 Killaly Street East and vacant lands to the north and east.

<u>Basis</u>

Currently, the subject lands are designated Urban Residential. An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning Bylaw as they relate to these lands in order to permit the use of the property for industrial uses.

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "RD – Residential Development" zone to "LI – Light Industrial" that will permit industrial uses on the subject lands.

PART B - THE AMENDMENT

All of this part of the document entitled **PART "B"** – "The Amendment" consisting of the following text and map designated Schedule "A" constitutes Amendment No. 8 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Lands shown on Schedule A are redesignated from Urban Residential to Industrial/Employment area.

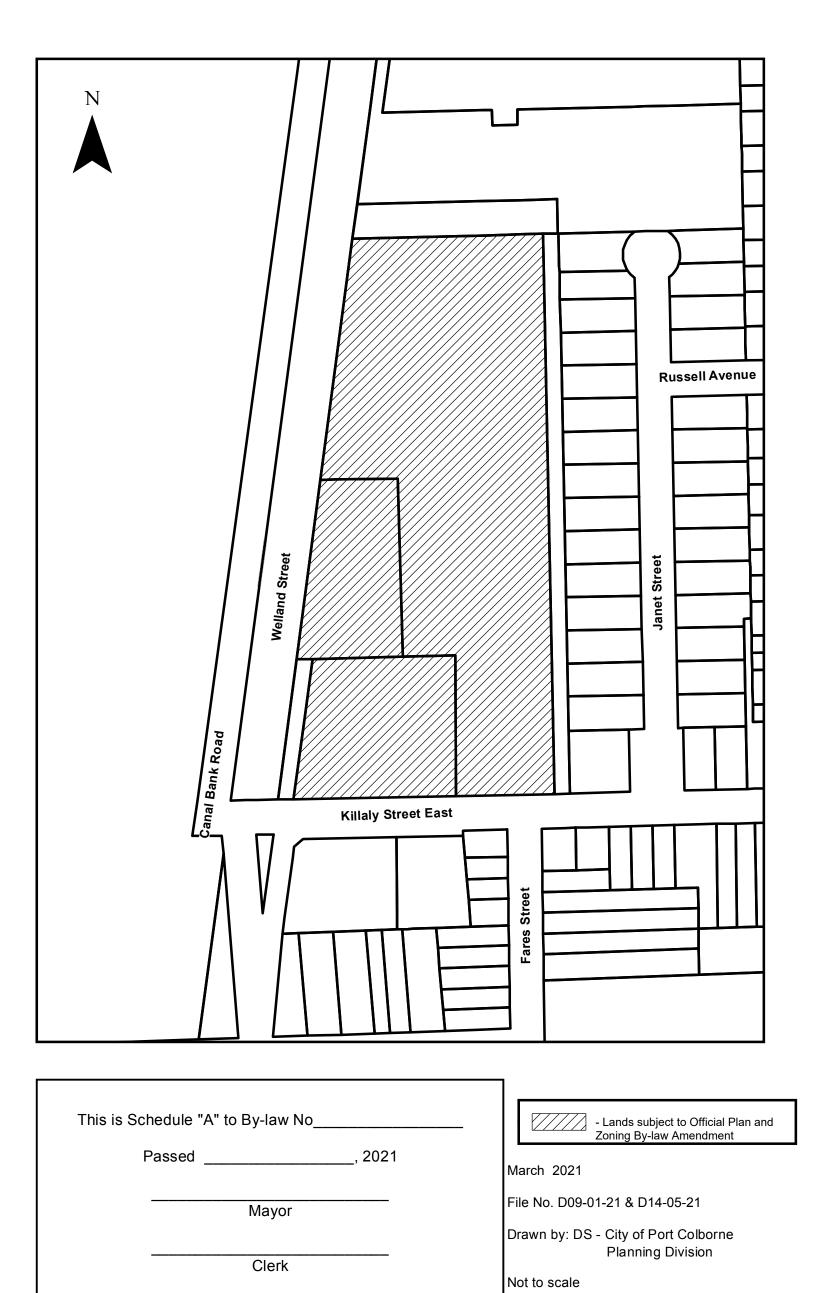
IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 8 but are included as information to support the Amendment.

APPENDIX I – Draft Minutes of the Public Meeting on April 19, 2021 APPENDIX II – Department of Planning & Development Report 2021-120



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The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part Lot 27, Concession 2, and Part 1 on Plan 59R-1871, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 72 Killaly Street East and vacant lands to the north and east.

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. 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 Residential Development (RD) to LI-62, being a special provision of the Light Industrial zone.
- 3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

<u>LI-62</u>

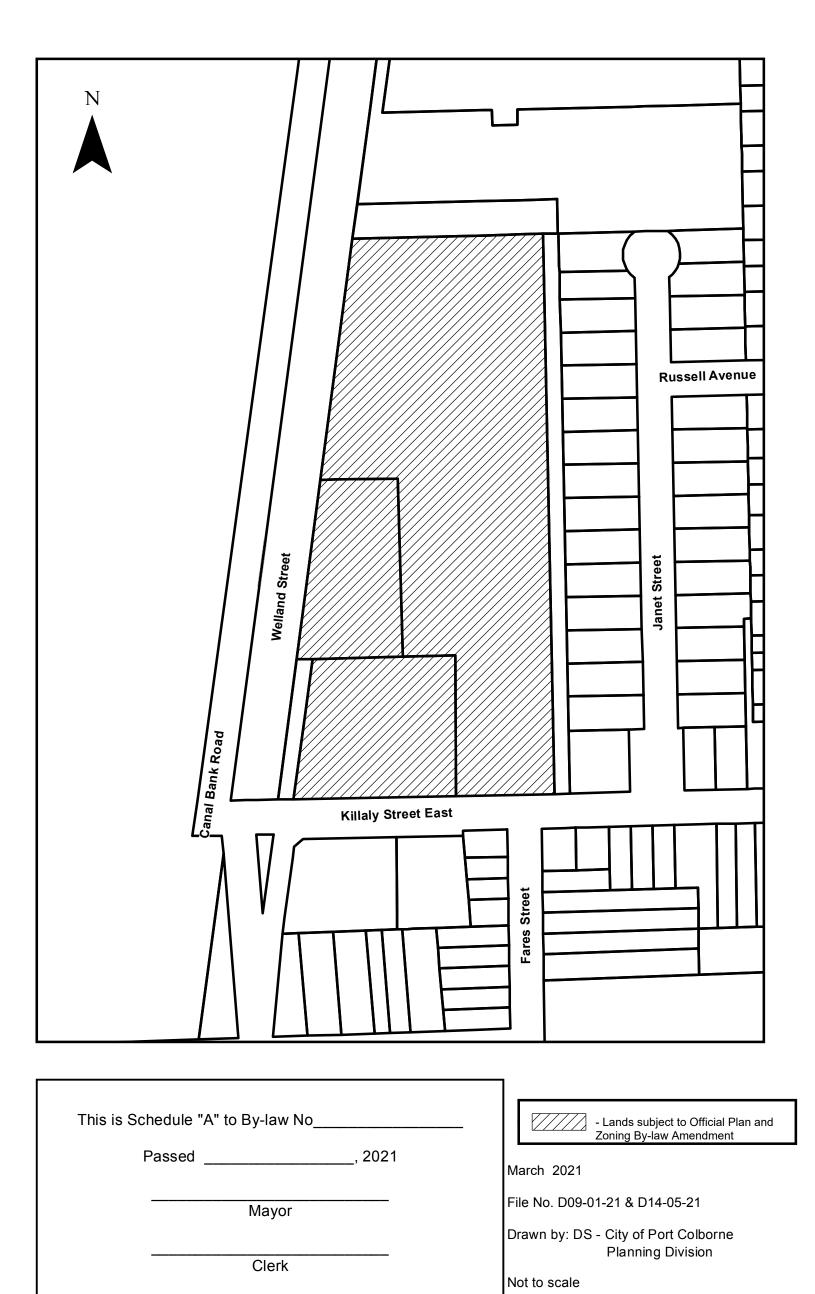
Notwithstanding the provisions of the Light Industrial (LI) zone, the following regulations shall apply:

- a) That the following uses shall not be permitted:
 - i. Adult Oriented Entertainment Establishment
 - ii. Cannabis Production Facility
 - iii. Contractor's Yard
 - iv. Motor Vehicle Repair Garage
- b) That outdoor storage shall not be permitted in any required yards;
- c) That parking areas in the interior side yard shall be maintained with a hard surface of concrete or asphalt.
- 4. 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*.
- 5. 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 <u>day of</u>, 2021.

William C Steele Mayor

Amber LaPointe Clerk



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Planning and Development Services

1815 Sir Isaac Brock Way, Thorold, ON L2V 4T7 905-980-6000 Toll-free:1-800-263-7215

Via Email Only

April 19, 2021

File Nos.: D.10.07.OPA-21-0019 D.18.07.ZA-21-0035

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

Dear Mr. Schulz:

Re: Provincial and Regional Comments City Inititate Official Plan and Zoning By-law Amendment Applications City File No.: D09-01-21 and D14-05-21 Location: 72 Killaly Street East, vacant land on the north side of Killaly Street East and City-owned land on Welland Street Legal Description: Part of Lot 27, Concession 2 & Part 1, Plan 59R-1871 City of Port Colborne

Regional Development Planning staff has reviewed the information circulated with the City initiated Official Plan and Zoning By-law Amendments, which proposes to change the Official Plan designation for these properties from Urban Residential to Industrial/Employment Area. The application for Zoning By-law Amendment proposes to change the zoning from Residential Development (RD) to Light Industrial (LI).

No pre-consultation meeting was held to discuss the proposed amendments. The applications were received by Regional staff by email on March 30, 2021. Regional staff provides the following comments to assist the City in finalizing the amendments from a Provincial and Regional perspective, before they go to Council for consideration.

Provincial and Regional Growth Management Policies

The subject lands are located within a Settlement Area under the Provincial Policy Statement (PPS), where development is generally concentrated, an appropriate range and mix of land uses are to be provided, and the efficient use of land, resources, infrastructure and public service facilities that are planned or available is encouraged. The PPS (1.3.1) directs planning authorities to promote economic development and competitiveness through a number of provisions, including but not limited to "providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses." Further, promoting opportunities for economic development and community investment, optimizing long-term availability and use of land, and promoting redevelopment of brownfield sites are all means to support long-term economic prosperity (PPS, 1.7.1).

The subject lands are within the Delineated Built-Up Area under the A Place to Grow: Growth Plan for the Greater Golden Horseshoe (Growth Plan), which contains policies that encourage the development of complete communities with a diverse mix of land uses. The Growth Plan (2.2.5.1) calls for the promotion of economic development and competitiveness by "making more efficient use of existing employment areas and vacant and underutilized employment lands and increasing employment densities".

The subject lands are located within the Urban Area of the City of Port Colborne, as designated in the Regional Official Plan (ROP). A full range of residential, commercial and industrial uses are permitted generally within the Urban Area designation of the ROP, subject to the availability of adequate municipal services and infrastructure, and subject to compliance with other Provincial/Regional policies relative to land use compatibility, environmental conservation, etc. The ROP also directs the efficient use of land within the Urban Area, including development of higher densities than in the past and using lands suitable for infilling, intensification and redevelopment to promote more compact urban forms.

The PPS, Growth Plan and ROP all direct growth to settlement areas and encourage a mix of land uses and densities that are compatible; efficiently use land, resources, infrastructure, and public service facilities, which are planned or available; and, support vibrant neighbourhoods and complete communities. The unaddressed lands are adjacent to an existing warehouse, which is designated as Employment Land in the Region's draft Employment Lands Amendment (ROPA 9). The proposed OPA and ZBA will facilitate development of vacant land within the Urban Built-Up Area, making more efficient use of the existing infrastructure and services. The applications align with Provincial and Regional growth management policies.

Land Use Compatibility

The PPS and Growth Plan call for a coordinated, integrated and comprehensive approach to land use planning matters. Specifically, Policy 1.3.2.2 of the PPS states that "...[e]mployment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas". Furthermore, major facilities (including industrial uses) and sensitive land uses (including residential) "shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimise risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures." (PPS, 1.2.6.1)

To implement this policy, the Ministry of Environment, Conservation and Parks (MECP) Land Use Planning Policy guidelines (the Guidelines) are to be applied in the land use planning process to prevent or minimize future land use problems due to the encroachment of sensitive land uses on industrial uses, and vis versa. Guideline D-1 "Land Use Compatibility Guidelines" and Guideline D-6 "Compatibility between Industrial Facilities and Sensitive Land Uses" were considered in the review of these applications.

The D-1 and D-6 Guidelines indicate that industrial land uses and sensitive land uses are normally incompatible due to possible adverse effects on sensitive land uses created by industrial operations in close proximity. The guidelines indicate that a sensitive land use should not be permitted closer than the specified minimum separation distance, unless impacts from industrial activities can be mitigated to the level of "trivial impact (i.e. no adverse effects)". The MECP has identified, through case studies and past experience, potential influence areas (i.e. areas within which adverse effects may be experienced) for industrial land uses based on a classification system. In the absence of studies that specify actual influence areas for a particular industrial facility, Regional staff use these potential influence areas to screen for potential incompatibilities. The D-6 Guideline also requires that the minimum separation distance (MSD) between industrial facilities and sensitive uses be based on these classifications, using a predictable "worst case scenario" and the permitted uses in the zoning by-law. Both the potential influence area and MSD is outlined below:

	Potential Influence Area	Minimum Separation Distance
Class I Industry	70m	20m
Class II Industry	300m	70m
Class III Industry	1000m	300m

The D-6 guidelines acknowledge that it may not be possible to achieve the recommended MSD in areas where infilling, urban redevelopment and/or a transition to mixed use are taking place. In order to consider a reduction to the recommended MSD, justification through an impact assessment (i.e. a use specific evaluation of the industrial processes and the potential for off-site impacts on existing and proposed sensitive land uses), as detailed in Section 4.10 of the D6 Guidelines, would be required. Mitigation to the greatest extent possible is the key to dealing with less than the minimum separation distance.

The subject lands are adjacent to an established residential neighbourhood. The proposed ZBA would permits a range of uses that may fall under the Class I or II categories of Guideline D-6. Details of the proposed use were not provided as part of

the application and the proposed amendments would result in the industrial uses being able to locate closer to the existing residential uses than currently permitted. Therefore, in the absence of site specific impact assessment, Regional staff recommend that the City utilize site specific provisions within the LI zone to minimize and mitigate any potential impacts on the adjacent residential area, including:

- Limit the permitted uses to Class I industry, to ensure the 20m minimum separation distance can be achieved. Based on our review of the LI zone provisions, Regional staff recommend removing permission for a contractors yard and motor vehicle repair garage, both of which would generate offsite noise and/or dust impacts;
- Increase the minimum interior side yard abutting a Residential zone provision to 20m, in line with the minimum separation distance recommended by the D6 Guideline;
- Prohibit outdoor storage within the minimum interior side yard abutting a Residential zone to ensure this setback is maintained for all aspects of the use, not just the buildings; and,
- Require that a parking area in the interior side yard abutting a Residential zone also be paved with concrete or asphalt to minimize dust impacts.

This approach bases the influence area/setback on the industrial property to restrict permissions and ensure compatibility is maintained.

Archaeological Potential

The PPS and ROP provide direction for the conservation of significant cultural heritage and archaeological resources. Specifically, Section 2.6.2 of the PPS and Policy 10.C.2.1.13 of the ROP state that development (including the construction of buildings and structures requiring approval under the *Planning Act*) and site alteration (activities, such as grading, excavation and the placement of fill that would change the landform and natural vegetative characteristics of the site) are not permitted on lands containing archaeological resources or areas of archaeological potential, unless significant archaeological resources have been conserved.

Based on the Ministry of Heritage, Sport, Tourism and Culture Industries' Criteria for Evaluating Archaeological Potential, the subject lands exhibit potential for the discovery of archaeological resources due to proximity (within 300m) to past and present watercourses to the north and north-east. Regional staff recommend that the City consider including a Holding provision on these lands to require submission of a Stage 1-2 Archaeological Assessment for any areas of the property that are not already disturbed by existing development. Alternatively, this requirement could be addressed through later *Planning Act* approvals, such as site plan control.

Regional Sewage Pumping Station

The subject lands are in close proximity to the existing Regional sewage pumping station (East Side SPS) on the south side of Killaly Street East. Future development of the properties may require wording to advise of potential noise and/or odour impacts resulting from the normal operation and maintenance of the Regional infrastructure.

Waste Collection

Niagara Region provides curbside waste and recycling collection for developments that meet the requirements of Niagara Region's Corporate Waste Collection Policy. Region staff note the subject properties are eligible to receive Regional curbside waste and recycling collection provided that the owner bring the waste and recycling to the curbside on the designated pick-up day and that the following curbside limits are met for the Industrial uses:

- 8 Blue/Grey Carts- weekly collection;
- 8 Green Carts- weekly collection; and,
- 8 Garbage Bags/Cans- every-other-week collection.

Conclusion

In conclusion, Regional staff are supportive of the amendments from Provincial and Regional perspective, in principle; however, recommend that the Zoning By-law Amendment be revised to address land use compatibility for the adjacent residential area. Provided the ZBA incorporates the Region's suggested provisions, the proposal will be consistent with the PPS and conform to Provincial Plans and the Regional Official Plan.

Provided the Region receives a revised ZBA that addresses these comments, the Official Plan Amendment can be exempt from Regional Council approval in accordance with Policy 14.E.6 and 14.E.7 of the Regional Official Plan and the Memorandum of Understanding.

Should you have any questions related to the above comments, please feel free to contact me by email at Britney.fricke@niagararegion.ca.

Please send a copy of the staff report from the City and notice of Council's decision on these applications when available.

Kind regards,

Britney Fricke, MCIP, RPP Senior Development Planner

cc: Rob Alguire, CET, Development Approvals Technician, Niagara Region

Appendix D Report 2021-136

Melissa Bigford on behalf of Mary Bigford 147 Killaly St. E. Port Colborne, ON L3K1N7

April 18, 2021

To: Mayor and Members of Council,

We are writing this letter to inform you that we are not in favour of the change in designation from Urban Residential to Industrial/Employment Area in the Official Plan and Residential Development to Light Industrial in the Zoning By-Law at Killaly St. E. and Welland Street, File D14-05-21.

The city owned property and the vacant land to the North of the 72 Killaly Street property has been Zoned Urban Residential in the Official Plan dating back to 1982. Meaning it has been Zoned Urban Residential for almost 40 years, and the Zoning By-Law has always been Zoned Residential Development. Why are the long standing Official Plan and Zoning By-Law being amended?

These properties are zoned Residential Development as it good planning in that it suits the existing neighbourhood and surrounding areas. There is no Light Industrial Zoning in the surrounding area from East of Welland Avenue to Elizabeth Street and from South of Killaly Street to Fraser Street. This is residential neighbourhood and these lands should continue to be Urban Residential. It is stated that any building, structure or use shall not adversely affect the character or amenity of the neighbourhood in which it is located.

The list of permitted uses in the industrial designation is not compatible with the adjacent residential neighbourhood and schools. The surrounding area is considered sensitive land use which means that buildings, amenity areas or outdoor spaces where routine or normal activities occurring at reasonably expected times would experience one or more adverse effects from contaminant discharges, fumes, odours, vibrations, sound waves or radiation generated from a nearby industrial, cannabis production facility, transportation or utility source. Sensitive land uses may be part of the natural or built environment. Examples may include, but are not limited to: residential uses, parks, community or day care centres, recreation areas, medical facilities, churches and schools.

The City's Official Plan outlines the identification and intensification of residential within the built boundary of the City and directed by the Provincial Growth Plan. Intensified development is the majority of the Municipality's intensification, will be accommodated within the Urban Area where the development is compatible with the surrounding uses. The objectives of the intensification policies of this Plan are to provide land use policy directions for accommodating additional growth on lands designated Urban Residential.

The City of Port Colborne's Growth Management Strategy shall prevent development in inappropriate areas and support the conservation of valuable economic, environmental and cultural resources, promoting the rehabilitation and reuse of greyfield properties throughout the community as an alternative to the establishment of additional commercial lands.

The City of Port Colborne Official Plan also states that in Industrial/Employment land buffering is required between industrial/employment area uses and sensitive land uses, such as residential, including but not limited to, increased setbacks, berming, and a high degree of landscaping, screening and fencing. None of this is currently in place with the existing non-conforming business/property.

The North property has always been zoned Residential Development. Why is the cost of this application being absorbed by the tax-payers? At a cost of \$7,959.00, plus any further fees required by the Niagara Region of up to \$2000.00!! Why is the property owner not paying for this amendment when it was stated at council at the January 25^{th,} 2021 meeting that all laws and obligations were met in the planning process?

Some other questions arising from this proposed amendment are:

What protective and proactive measures are or will be put in place to ensure the flow of water/ drainage to the Central Park Drain which borders the property to the West and at the North End?

What will happen to the accessibility and maintenance of the city maintained ditches that border the Janet Street properties?

Why does the city want to change the long-standing zoning of Welland street parcel of land? Does the city intend to sell the Welland street parcel of land?

If the designation is changed this would this be a new industrial development designation and will they be required to demonstrate compliance with the Ministry of Environment's Land Use Compatibility (D6) Guidelines?

Will an Environmental Planning Study be requested as a major land use change or plan is proposed?

In conclusion, we do not believe that these amendments are compatible with the adjacent uses of land, are in the best interest of the neighbourhood and the community as a whole or that all the implications of the Official Plan and Zoning By-Law Amendment have been reflected.

Sincerely,

Melissa & Mary Bigford

Laber Hlan hacroy 38 Jonet Street Port Creborne our L3K 267 905.835-8534

To mayor and membuas of Counter We the people on Janet Street are writing this letter to inform you of our Concurs and questions regarding the official plan and zoning - by - low comend mests at Kuldly last and willard Street. Why is the city changing the zoning-by law from R.D to light industrial Reasons-1st - Contamination of soil Maise in our area Dust in our area more Traffice The area behind our homes has been youred residential development for over 40 years We do not beloeve that this pupposel is in the best interest of the neighbourhood ord Community as a whoage 67 52/1 st all the

by law amendment have been reflected We do not think that this zoneng by law amend ment is compatible with the adjacent uses of lord. We think too many important aspects are being lift but and that we as homeowness in the surrounding area will feel the greatest effects of these Shaet coming 5 It will also sectarily lower the value of our homes Clarina Turchetti 534 Janet street. 11 905-7347084 Our do lee hour JANET ST 33 Fred Moren L3K2E6 905 8345433 Donne Mouan 1' Sam Jox Koracs Shara Koracs 30 JANET ST 22 JANES ST. C. Bagan 231 West Side Rd. Lenda Romano & Carmen 905-834-7494

To the Mayor and Members of Council:

We the people on Janet Street are writing this letter to inform you of our concerns and questions regarding the official plan and zoning by-law amendments at Killaly East and Welland Street.

Why is the City changing the Zoning By-law from RD to Light Industrial?

Reasons – 1st – Contamination of soil

- Noise in our area
- Dust in our area
- More traffic

The are behind our homes has been zoned RD for over 40 years. We do not believe this proposal is in the best interest of the neighbourhood and the community as a whole. That all the implications of the official plan and zoning by-law amendment have been reflected.

We do not think that this ZBA is complatible with the adjcacent uses of land. We think too many aspects are being left out and that we as home owners in the surrounding area will feel the greatest effects of these short comings. It will also certainly lower the value of our homes.

Signed,

Collette and Alain Lacroix – 38 Janet Street

Clazina and Odillo Turchetti – 34 Janet Street

Fred and Donna Moreau – 33 Janet Street

Joe and Sharon Kovacs – 30 Janet Street

Louis Kozma – 22 Janet Street

Linda and Carmen Romano – 231 West Side Rd.

From: Garry Tate
Sent: March 25, 2021 9:41 PM
To: Charlotte Madden
Subject: File D09-01-21 & D14-05-21 Notice of Public Meeting Proposed Official Plan and Zoning By-law Amendment 72 Killaly Street East, City Land on Welland Street and 1338277 Ontario Inc

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

Hello Ms. Madden

It is refreshing that a City such as Port Colborne is paying attention to the need for Industrial/Employment land.

These lands seem well suited for this purpose.

Regards - Garry Tate



Subject: Storm Sewer Rate Report

To: Council

From: Public Works Department

Report Number: 2021-134

Meeting Date: April 26, 2021

Recommendation:

That Public Works Department Report 2021-134 be received;

That the 2021 Storm Sewer Rates as set out in page 3 of Public Works Department Report 2021-134, be approved; and

That Council approve moving forward with Option 3 as set out in Appendix B to Public Works Department Report 2021-134.

Purpose:

During the March 11, 2021 meeting, Council referred the Storm Sewer Rates to the Director of Public Works to investigate while utilizing the City's Official Plan Urban Service Mapping.

The purpose of this report is to present the proposed 2021 Storm rates to Council for approval and provide an update to Council Report 2021-84.

Background:

In 2019, Council approved a Storm Sewer fee that applies to all properties in the Stormwater Boundary. This boundary refers to properties which utilize the Storm Sewer System including storm sewer piping, ditches and municipal drains that work as one interconnected system to convey stormwater to outlets at the Welland canal and Lake Erie. This Storm Sewer boundary is located mainly within the Urban Area Boundary as defined in the City's Official Plan. Further illustrations have been included as Appendices to this Report.

An effective Storm Sewer system can help reduce inflow and infiltration (I&I) in the wastewater system. There have been some questions brought forward regarding properties that are within the Stormwater Boundary that do not have piping infrastructure directly adjacent to properties. There are, however, surface drainage sloping, ditches or municipal drains that direct flow away from these properties and ultimately discharge by outlets to the Lake. This report provides Council with billing options to consider for these properties to help clarify any confusion. These options are included in Appendix B.

Staff note that all properties within the Stormwater Boundary benefit from the system and for this reason it is recommended every property within the boundary contribute to the cost of managing storm water. To this point, staff have also recommended all properties that contribute storm water to a drainage ditch that is in the Stormwater boundary should not be charged for the ditch and instead those costs should be borne by the Storm Sewer fee as both systems work together to provide relief from stormwater.

Discussion:

The storm sewer rate is a fixed rate charge. In this respect, the increase over 2020 actuals proposed in Rate Budgets, Report 2021-84 result in a 10% increase in rates. The most notable expense in that budget is the 64% borrowing cost for the Nickel Storm Sewer. A single-family property will experience a \$10.50 increase as a result. The 2021 proposed rates are as follows:

Property Description		Flat Fee per Year 2021	
Single Family Properties	\$	115.50	
Multi-Residential 2 to 5 Units	\$	202.13	
Multi-Residential 6 to 9 Units	\$	259.88	
Institutional / Multi Res > 10 Units	\$	317.63	
Small Commerical	\$	202.13	
Medium Commerical	\$	259.88	
Large Commercial	\$	317.63	
Light Industrial	\$	433.13	
Heavy Industrial	\$	548.63	
City Owned	\$	259.88	
CNPI Owned	\$	259.88	
Hydro One Owned	\$	259.88	
Niagara Peninsula Housing	\$	317.63	
Niagara Region	\$	259.88	
Niagara Regional Housing	\$	317.63	
Transport Canada Owned	\$	259.88	
MTO Owned	\$	259.88	

The comparison of 2020 to the proposed 2021 Fees are included in Appendix A. As noted earlier in the report, staff have reviewed the conditions of the Storm Sewer Charge and recommend the following:

- 1. All properties within the Stormwater boundary are charged the storm sewer rates
- 2. All properties on municipal drains within the Stormwater boundary will have those costs covered by the Storm Sewer fee

These recommendations are made after reviewing how this fee came about and recognizing one of the founding concepts was to try to keep the program simple. Further, it recognized the drains, ditches and storm sewers do have connectivity and work together to remove stormwater from properties within the City's Urban Area Boundary and more specifically within the Stormwater Boundary.

While staff have recommended the above option, other options for Council to consider are included in Appendix B.

Financial Implications:

Financial Services identifies the proposed 2021 storm sewer rates are a staff recommendation which Council can adjust, if required.

Conclusion:

Staff are recommending that the 2021 storm sewer rates as recommended in this report be approved.

In making this recommendation staff acknowledge these budgets continue to be underfunded in terms of capital investments. Once staff have completed the planned infrastructure needs assessment further, discussion on capital funding, which may include any available grant programs, will be required.

Appendices:

- a. Storm Sewer Rates
- b. Options for Storm Sewer and Municipal Drain Rates Charged to Properties
- c. Mapping Illustrating the Urban Area Boundary and the Stormwater Boundary

Respectfully submitted,

Christopher Kalimootoo, BA, P. Eng, MPA, PMP Director, Public Works Services (905) 835-2900 Ext. 223 Chris.kalimootoo@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 - Storm Sewer Rates

Property Description	Flat Fee per Year		
Property Description	2020	2021	
Single Family Properties	\$105.00	\$115.50	
Multi-Residential 2 to 5 Units	\$183.75	\$202.13	
Multi-Residential 6 to 9 Units	\$236.25	\$259.88	
Institutional / Multi Res > 10 Units	\$288.75	\$317.63	
Small Commerical	\$183.75	\$202.13	
Medium Commerical	\$236.25	\$259.88	
Large Commercial	\$288.75	\$317.63	
Light Industrial	\$393.75	\$433.13	
Heavy Industrial	\$498.75	\$548.63	
City Owned	\$236.25	\$259.88	
CNPI Owned	\$236.25	\$259.88	
Hydro One Owned	\$236.25	\$259.88	
Niagara Peninsula Housing	\$288.75	\$317.63	
Niagara Region	\$236.25	\$259.88	
Niagara Regional Housing	\$288.75	\$317.63	
Transport Canada Owned	\$236.25	\$259.88	
MTO Owned	\$236.25	\$259.88	

Appendix B – Options for Storm Sewer and Municipal Drain Rates Charges

Option 1 (Not Recommended)

Do Nothing. Properties within the Stormwater Boundary are often charged both the Storm Sewer System Rate and the Municipal Drainage maintenance and repair costs.

This is often confusing as not all properties immediately drain to both systems; however, some Storm Sewer Systems do eventually flow to the Municipal Drains and some properties are only on Municipal Drains but pay both rates.

Municipal Drain charges are larger one-off invoices compared to comparatively smaller monthly Storm Sewer System rate charges. This can also be confusing for property owners who are invoiced for both Systems.

Option 2 (Not Recommended)

All properties within the Stormwater Boundary be identified as either 50%+ immediately draining to the Storm Sewer System OR Municipal Drainage and the property be charged only the rate the majority of the property immediately drains to.

This will require staff to identify permeable and non permeable areas of each property within the Boundary and delineate where most of the stormwater drains, and this percentage can change over time within a property. It is a highly contentious and labour-intensive undertaking.

As Storm Sewer Systems or Municipal Drains are repaired/replaced, the property owners receive larger, one off invoices. Staff also maintain two rate systems.

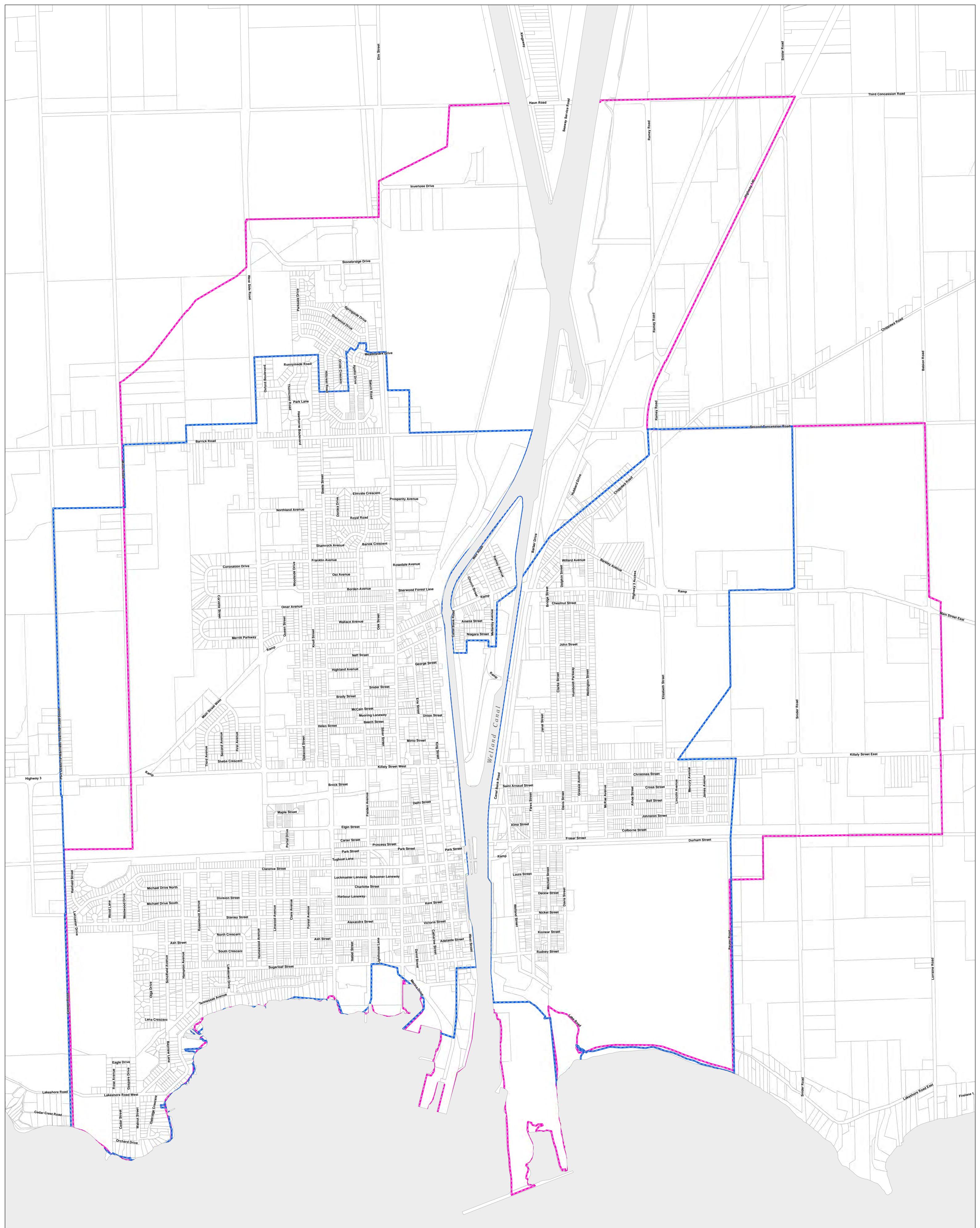
Option 3 (Recommended)

All properties within the Stormwater Boundary be charged only the Storm Sewer System rate charge. Any Municipal Drainage or ditching works conducted within the boundary will be paid for through Storm Sewer System funds.

There is only one rate for property owners within the Stormwater Boundary and staff only maintain one rate system.

The property owners receive regular invoices and as the Storm Sewer System, ditches or Municipal Drains are repaired, they are paid for through the previous or future collected funds.

The Storm Sewer System rate will remain proportional to the existing structure and all infrastructure in the Stormwater Boundary area is considered one drainage system.



Lake

Erie

Report 2021-134 Appendix C

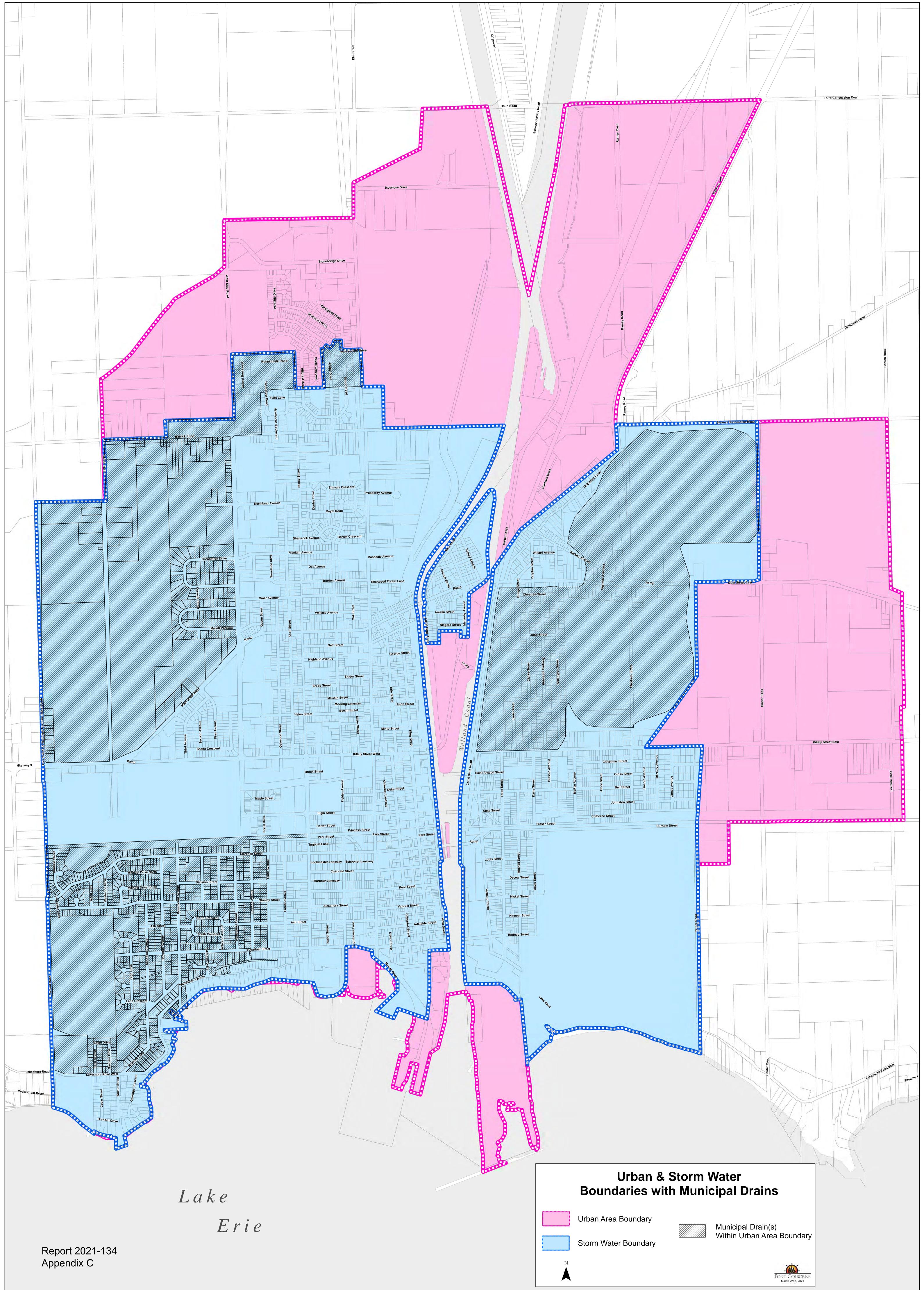
Urban Area & Storm Water Boundaries



Ν

Urban Area Boundary





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Subject: COVID Update – April 2021

To: Council

From: Chief Administrative Office

Report Number: 2021-131

Meeting Date: April 26, 2021

Recommendation:

That Chief Administrative Office Report 2021-131, be received.

Purpose:

This CAO generated report is provided as a follow-up to the COVID-19 pandemic update that was provided to City Council on February 22, 2021 and the further verbal update that was provided on March 22, 2021.

Background:

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

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

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

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

Currently, the City is in the third phase, recovery and reopening, as staff continue to execute plans that were developed for reopening the City's programs, services, and facilities.

Discussion:

Since the last report to Council, COVID cases in Ontario have been increasing. In response to the increase in cases, the Province has announced a 'shut down' that is similar to the Grey/Lockdown level of the recovery framework and took effect on April 3. The shut down, also know as an 'emergency brake' is intended to slow the increase in case numbers and is in place for a minimum of four weeks. A week later, the Province announced another 'stay-at-home order', again for a duration of four weeks, that took effect on April 8. The City has recovery plans that are tailored to each level of the Province's framework and staff will implement these plans and continue to monitor Provincial announcements.

Vaccination Clinics

As reported at the March 22 Council meeting, mass immunization clinics in Niagara started at the end of March with the first clinic in Port Colborne being early in April. These clinics are administered by Niagara Public Health but take place in the Vale Health & Wellness Centre (VHWC); the City is an active partner in offering the clinics to the community. The City has supplied support staff and the City's Fire Department has attended the clinics to distribute masks that were donated to the City to members of the public. At the vaccination clinics in May, the Fire Department will distribute donated hand sanitizer to members of the public receiving their vaccines. By all accounts, the vaccine clinics are very well run, and staff are receiving many compliments on the orderly nature of the vaccine clinic and compliments on the VHWC from those who are visiting it for the first time.

Water Sample Testing

Residents of Port Colborne who rely on wells for drinking water in their homes typically have their well water tested through a water quality test provided by the Region. This service was suspended in 2019 due to COVID. Through discussions with City staff, the Region, and the Township of Wainfleet (where residents also rely on this service), staff were able to restore this service in March. Instructions on accessing this service during the pandemic are available on the City's website.

Community Events

As the City continues to operate in the recovery and reopening phase of the pandemic response, City staff and the ECG continue to monitor and evaluate the ability to operate municipal programs and services. Part of this exercise is determining whether it is realistic to resume City-organized and third-party organized community events. Based on this analysis, staff have determined that all events are suspended until July 1, 2021. Some limited events with restricted access, such as fishing tournaments, will be permitted to take place provided that COVID-19 prevention measures and precautions are in place and Provincial regulations permit events to proceed. Staff suspect that it is unlikely that the Canal Days Marine Heritage Festival will not take place, the Canal Days Committee continues to discuss the event and a final recommendation will be before Council for a decision before June 15, 2021.

Financial Implications:

The City's 2021 budget was prepared to allow the City the flexibility to continue to navigate through the pandemic while continuing to provide all municipal services without putting the City in a deficit position. In March, the Provincial Government announced additional COVID relief funding for municipalities and Port Colborne qualified for \$505,536 that will be used to mitigate the cost of the City's response to the pandemic.

Public Engagement:

The City continues to provide high-quality communication to the community by giving frequent updates of City initiatives and sharing information from other agencies such as the Federal government, the Provincial government, and the Region of Niagara and Niagara Region Public Health.

Conclusion:

The City's Emergency Control Group continues to meet during the pandemic to make operational decisions for the City's programs and services in order to maintain essential operations within the community. Staff will continue to report to Council for the duration of the pandemic. Respectfully submitted,

Scott Luey Chief Administrative Officer 905-835-2901 ext. 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.



Subject: 2021 Beach Operations Update

To: Council

From: Corporate Services Department

Report Number: 2021-132

Meeting Date: April 26, 2021

Recommendation:

That Corporate Services Department Report 2021-132, Subject: 2021 Beach Operations Update, be received for information.

Purpose:

The purpose of this report is to provide Council with updates on Beach Operations for the 2021 season including information on how Port Colborne residents can register for their free seasonal PORTicipate Pass.

Background:

At the March 8, 2021 Council meeting, Council endorsed Strategic Operational Plans for both Centennial–Cedar Bay Beach and Nickel Beach locations. Staff identified that an information report would be presented to Council in April that provides more information on the seasonal resident passes and the status of operations. In addition, staff identified that adjustments would be made to the Strategic Operational Plans for both beaches if required by the Province.

Discussion:

Residents PORTicipate Pass and Non-Resident Daily Pass Sales

The PORTicipate Pass attached as Appendix A, will be available for residents of Port Colborne to register beginning Monday, May 3, 2021. Several methods of registration will be available to residents:

- By phone (Vale Health & Wellness Centre or City Hall)
- Online through the City's website
- On site at Nickel Beach during open hours

Once registered, staff will be able to mail passes to residents or, if preferred, passes will be held for pickup on site at the Vale Health & Wellness Centre, City Hall (by appointment only), once the Provincial Stay-At-Home order has been lifted. In addition to providing residents with free parking at Nickel Beach and Centennial–Cedar Bay Beach, staff are investigating other uses for the PORTicipate Pass, such as free access to Museum exhibits and grounds.

Advanced online purchases of daily passes for non-Port Colborne residents will be delayed until the Stay-At-Home order has been lifted and opening dates for beaches are confirmed.

Status of Operations

The current Stay-At-Home order in place from the Province is set to expire Thursday, May 20, 2021 – one day prior to the targeted opening date for beaches this season. Additionally, the May 3, 2021 start date for seasonal staff may be delayed. Both beach locations will remain closed at this time for passive use and accessible for Port Colborne residents only. The Strategic Operational Plans for beaches presented to Council on March 8, 2021 account for safe opening in the grey "lockdown" level of Ontario's Reopening Framework. As such, staff intend on opening beaches using the Strategic Operational Plans as presented to Council once the Provincial Stay-At-Home order has been lifted. Staff will continue to monitor and evaluate the evolving COVID-19 pandemic and beaches will only open under Provincial Guidelines, and recommendations from the City's ECG (Emergency Control Group).

Conclusion:

That Corporate Services Department Report 2021-132, Subject: 2021 Beach Operations Update, be received.

Appendices:

a. Sample PORTicipate Pass 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.



PORT COLBORNE #PORTicipate Pass www.portcolborne.ca

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PLEASE READ, WAIVER OF RIGHTS

me access to City properties: I AM AWARE THAT I and LAGREE TO ASSUME ALL RISKS associated ANY EVENT FOR WHICH THIS PASS IS ISSUED INCLUDING NEGLIGENCE ON THE PART OF THE FURTHER AGREE TO INDEMNIFY the City of Port

The City of Port Colborne or the venue may revoke this pass and eject or refuse entry to the holder for any violation of the City of Port Colborne or venue policies, regulations, and By-Laws. Holder grants permission to the facility or promoter of event to use holder's image or likeness in photographs, film, etc. Please be advised that the for the program for a philpert of the venue: Weapons, Drugs, Ind any specific items listed at point of entry. Holder agrees not to resell this City Pass.



Subject: Parking and Traffic – Pleasant Beach Road and Areas

To: Council

From: Community Safety & Enforcement Department

Report Number: 2021-127

Meeting Date: April 26, 2021

Recommendation:

That Community Safety and Enforcement Department Report 2021-127 be received; and

That the recommendations in Appendix A of Community Safety and Enforcement Department Report 2021-127 be approved.

Purpose:

This report is brought before Council to provide a by-law amendment to ensure that overnight parking around Pleasant Beach Road, Wyldewood Road as well as Centennial and Cedar Bay Park and Nickel Beach are restricted.

Background:

Previously Council requested that the parking on Pleasant Beach Road and Wyldewood Road mirror each other. However, By-law amendment 6816/66/20 to regulate parking on Wyldewood Road was passed at Council's request to limit the allowable parking from 9 p.m. to 6 a.m.

Discussion:

Staff spoke with the Ward 4 councillor(s) regarding the parking in the area and interest was expressed to limit the overnight parking in these areas. Therefore, approval of this report will result in allowable parking on Pleasant Beach Road being restricted to daytime parking only.

Internal Consultations:

Staff spoke with the Recreation staff and they are preparing and erecting signage to limit the parking in Cedar Bay Park and Nickel Beach areas to mirror the surrounding parking restrictions. The consistent restricted parking and beach closures from 9 p.m. to 6 a.m. will ensure a clear consistent message at all noted areas and assist with enforcement.

Financial Implications:

Signs will need to be updated on-street and in the park at a minimal cost.

Conclusion:

The parking in the above noted areas and Cedar Bay Beach and Centennial park will be closed from 9 p.m. to 6 a.m. daily

Appendices:

a. Draft By-law Amendment

Respectfully submitted,

Sherry Hanson Manager of By-law Services 905-835-2900 ext. 210 Sherry.Hanson@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 By-law No. 89-2000, Being a by-law regulating traffic and parking on city roads (Pleasant Beach Road)

Whereas at its meeting of April 26, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Community Safety and Enforcement Department, By-law Enforcement Division Report No. 2021-127, Subject: Parking and and Traffic on Pleasant Beach Road and areas; and

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

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

1. That Schedule "C" Parking Prohibition to By-law 89-2000, as amended be further amended to add the following thereto:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	То	Times/Day
Pleasant Beach Road	East	150m north of the lakeshore	25m north therefrom	9;00 p.m. to 6:00 a.m. daily
Pleasant Beach Road	West	138m north of the lakeshore	55m north therefrom	9:00 p.m. to 6:00 a.m. daily

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

Enacted and passed this 26th day of April, 2021.

William C. Steele Mayor

Amber LaPointe City Clerk



Subject: Lodging House Licencing By-law

To: Council

From: Chief Administrative Office

Report Number: 2021-116

Meeting Date: April 26, 2021

Recommendation:

That Chief Administrative Office Report 2021-116 be received;

That Council request the Niagara Region's Licencing Department staff to implement licencing of lodging houses in the Niagara Region; and

That, if Regional staff does not wish to pursue Regional licencing of lodging homes, City staff are directed to initiate the process of licencing at the municipal level.

Purpose:

This report is prepared at the request of Council to provide recommended options to protect vulnerable tenants of Lodging Houses in Port Colborne. Lodging houses are unregulated, and staff feel that there is an opportunity to put regulations in place to protect the occupants of these residential facilities.

Background:

There are a number of lodging houses operating in Port Colborne. Lodging houses are defined in the City's Zoning By-law as:

Boarding or Lodging House: Means a dwelling in which the proprietor supplies, for gain lodging, with or without meals, to more than four persons, but does not include a group home, hotel, hospital or other establishment otherwise classified or defined in this By-law.

Lodging houses are also defined in the Building Code and the Fire Code. In many instances, lodging houses are operating as supportive living homes. Supportive living

homes often provide housing for low-income seniors and people with disabilities who need assistance to live on their own.

In the past, City staff have received complaints about the living conditions and safety conditions in lodging houses, however, the City has no enforcement tools to address these complaints because there is no existing regulation of lodging houses. Without provincial, regional, or municipal regulation, staff have no authority to enforce unsatisfactory conditions in these facilities.

Discussion:

Staff believe that it is important to regulate lodging houses in Port Colborne and see three options to introduce regulation.

Option 1 – Provincial Regulation

Staff believe that the regulation of lodging houses could come in the form of Provincial legislation that licences operations of this type Province-wide. This would be in the same manner that the Province regulates rental accommodations through the Residential Tenancies Act or nursing homes through the Nursing Homes Act. The local Member of Provincial Parliament introduced legislation to regulate supportive living accommodations in the provincial legislature in 2019 (Appendix A). The proposed bill has passed two readings in 2020 and has been referred to the Standing Committee on General Government.

Staff believe that provincial legislation is the preferred method to regulate lodging houses in Ontario, however there is no indication if the Private Member's Bill will pass the legislature or what the expected timing will be. Staff do not feel that there is a likelihood of a provincial solution to the lodging house issue.

Option 2 – Regional Regulation

Staff believe that another model for regulation of lodging homes is through a regional by-law that applies to the entire Niagara Region. Staff believe this model would be beneficial as it would create an operating environment that is consistent throughout the Region.

Port Colborne staff believe that, in the absence of Provincial regulation, Regional regulation is the next best option and is preferable to regulation at the City level. Staff have discussed this option with Regional staff and the initial indication is that the Region would prefer to have lodging by-laws passed at the City level rather than at the Regional level.

Option 3 – Municipal Regulation

A third option to provide a regulatory environment for lodging homes is for the City to enact a by-law that applies to this type of operation within Port Colborne. For several years, staff have been working on a draft by-law with various departments at the City, other municipalities and agencies, the City solicitor, and staff at Niagara Region.

Staff have developed a draft Lodging House Licencing By-law (attached as Appendix B). Staff believe that this by-law is a reasonable choice to implement in the event that a licencing regime is not implemented at either the Province or the Regional level. Staff believe that the Provincial or Regional licencing system is preferred over the municipal licencing system.

If Council decides to direct staff to bring the draft lodging House Licencing By-law before Council for consideration, staff would recommend holding a public open house to gather public comments about the proposed by-law and to provide an opportunity for operators of lodging homes to provide comments to Council.

Internal Consultations:

The proposed by-law has been the subject of several years of effort – both by City staff and external agencies. The Region and a number of other municipalities have worked on similar by-laws and these efforts have contributed to this draft by-law. The draft bylaw has also been the subject of discussion at the City's Social Determinants of Health Committee. Likewise, the Region has administered a working group to help develop the draft by-law and the City's previous Deputy Fire Chief was an active contributor to the proposed by-law as a member of the working group.

More recently, staff have been actively working on tailoring the draft by-law to meet the City's needs. This exercise has included the Chief Administrative Officer as well as staff from the By-law Division, Fire Department, Clerk's Division, Planning Department and staff from Niagara Region Community Services.

Region of Niagara Comments:

The following background information has been provided by Niagara Region staff:

In 2017 Regional Council directed that regional staff create a working group with the mandate to explore with local area municipalities options, including commonly worded by-laws, that may better ensure the provision of basic and humane necessities of life in boarding and lodging houses in Niagara. This work was linked to the goal of Niagara's 10-year Housing and Homelessness Action Plan (HHAP) to provide safe, affordable housing options for all Niagara residents. The challenge crossed multiple levels of government (Provincial, Regional, and Municipal) and areas of responsibility/jurisdiction (Fire, Residential Tenancies, Health, Mental Health, Police, and Food Safety). To address this, the working group engaged a variety of subject matter and sector experts from municipal government and community agencies, including: Homelessness Services, Social Assistance, municipal Fire Prevention, municipal Planning and By-law, Public Health (Mental Health and Environmental Health), Community Legal Clinic, and service providers. Differences in local context were addressed by including representatives from different local area municipalities, including Port Colborne.

Through a facilitated process the working group identified specific issues related to rooming houses to be addressed, identified the interests and needs of key stakeholders, developed a list of possible solutions, evaluated the possible solutions, and developed recommendations. The group also explored examples from different jurisdictions including Alberta, London, Ottawa, Hamilton, and local area municipalities. As a result of this process the group recommended the creation of a commonly worded By-law for Rooming Houses that could be adapted to meet the needs of local area municipalities. A draft commonly worded by-law was completed in December 2018 and shared with local area municipalities in 2019.

A staff member from Niagara Region who was involved in the regional working group and the preparation of the draft commonly worded by-law was available to the City of Port Colborne in a consultancy role during the development of the City's draft municipal by-law.

Financial Implications:

There would be a cost in staff time to implement and administer a licencing regime for lodging houses in Port Colborne. Staff would recommend implementing a licence fee to help mitigate the financial impact of administering the licencing program.

Public Engagement:

If Council chooses to direct staff to bring the draft by-law forward, staff recommend that a public meeting be held to receive comments from the community with respect to the proposed Lodging House Licencing By-law. If a public meeting is scheduled, staff will notify the proprietors of any known lodging houses in Port Colborne.

Conclusion:

Staff believe that it is important to provide protection to residents of lodging homes by regulating their operations in Port Colborne with a licencing regime. Staff are of the opinion that the most appropriate agency to establish licencing is the Province of Ontario, in the event that the Province is unwilling to regulate these activities, staff believe the Region of Niagara is the next most appropriate agency. If neither the Province, nor the Region undertakes licencing of lodging homes, staff recommend the attached licencing by-law be enacted at the City level.

Appendices:

- a. Appendix A Article Supporting Living Homes
- b. Appendix B Draft Lodging House By-law

Respectfully submitted,

Scott Luey Chief Administrative Officer 905-835-2900 ext. 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.

Report 2021-116 Appendix A

NDP MPP Jeff Burch tables legislation to protect vulnerable Ontarians in supportive living homes

QUEEN'S PARK – NDP MPP Jeff Burch (Niagara Centre) has announced a new private member's bill to regulate supportive living homes.

The Protecting Vulnerable Persons in Supportive Living Accommodation Bill provides a framework for operators and sets minimum standards that must be met so that tenants are no longer at risk.

"Residents of supportive living homes are some of the most vulnerable people in our province, and deserve to be protected.

"The sector remains unregulated with no minimum standards of care. We've heard too many shocking stories of high-risk adults and seniors being mistreated, neglected and left to live in deplorable conditions," said Burch on Tuesday during a press conference at the Ontario legislature.

"When things go wrong there is nowhere for residents and their families to turn, and these unlicensed private operators are allowed to carry on offering inadequate care to others.

"This legislation will finally require operators to be licensed to ensure all Ontarians in supportive living homes receive a high standard of quality of care, food and accommodation."

Supportive living homes include low-income seniors and people with disabilities who need assistance to live on their own, and also provide accommodation for people experiencing mental health and addictions issues.

Burch was joined at the press conference by Karen Barry, the daughter of a former supportive living home resident, who shared her father's first-hand experiences as a resident of an unregulated group home.

"In the home my father was placed in, he had to contend with unsanitary conditions, bed bugs in the apartments above him and rodent infestation in the basement below him that was also used for food storage," said Barry.

"He lived in fear and neglect and he paid a significant amount each month to do so. He ended up living a nightmare that I can't forget, I don't think he can either."

Burch's private member's bill, to be tabled Tuesday, will create a framework for inspection and complaint protocols, introduce new safeguards to protect residents, and will make failure to have a license a punishable offence with fines of up to \$1,000 per day.

"Alberta introduced provincial legislation to protect their vulnerable residents living in supportive living facilities almost a decade ago. We need action in Ontario to stop more vulnerable people suffering at the hands of these unlicensed for-profit operators," added Burch. Page 96 of 211

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to provide for the licensing, regulating and governing of Lodging Houses.

WHEREAS section 151 of the Municipal Act, R.S.O. 1990, c. M.45, as amended, provides that the Council of a local Municipality may pass by-laws for licensing, regulating and governing any business carried on within the Municipality.

AND WHEREAS on the following dates, the City held open houses and public meetings with respect to the licensing proposal: (add dates)

AND WHEREAS Council of the Corporation of City of Port Colborne approved Report **(add report and date)** recommending the adoption of a by-law to provide for the licensing and regulation of Lodging Houses within the City of Port Colborne.

AND WHEREAS the Council of the Corporation of City of Port Colborne deems it desirable and expedient to license, regulate and govern Lodging Houses.

NOW THEREFORE THE COUNCIL OF THE CORPORATION OF CITY OF PORT COLBORNE ENACTS AS FOLLOWS:

DEFINITIONS:

1. In this by-law

"Applicant" means a Person applying for a licence under this by-law;

"Assistance in daily activities" means assistance with activities that allow individuals to live independently in their community, such as cleaning and maintaining a house, managing money, preparing or provision of meals, shopping for groceries and other necessities, using the telephone or other form of communication, taking prescription drugs, or transportation.

"Clerk" means the Clerk for The Corporation of City of Port Colborne;

"Council" means the Council of The Corporation of City of Port Colborne;

"Guardian of the Person" means the Guardian of the Person or attorney for Personal care who is responsible for decisions regarding the Tenant's Personal care, including health care, pursuant to the *Substitute Decisions Act*, 1992, S.O. 1992, c. 30, as amended; "Guardian of Property" means the attorney for property or statutory or courtappointed Guardian of Property who is managing the property of the Tenant pursuant to the *Substitute Decisions Act*, 1992, S.O. 1992, c. 30, as amended;

"Health and Support Worker" means a Person who provides services or assistance to a Tenant in order to improve the Tenant's health and social condition and who is not a Health Care Professional;

"Health Care Professional" means a Person who is a member of a College that is governed by a health profession act included in Schedule 1 of the *Regulated Health Professions Act, 1991,* c.18, as amended;

"Inspector" means the Medical Officer of Health, the Fire Chief of the Municipality, the Chief Building Official of the Municipality, & a Municipal Law Enforcement Officer or their respective designate.

"Landlord" includes,

(a) the Owner of a Rental Unit or any other Person who permits occupancy of a Rental Unit, other than a Tenant who occupies a Rental Unit in a residential complex, and who permits another Person to also occupy the unit or any part of the unit,

(b) the heirs, assigns, Personal Representatives and successors in title of a Person referred to in clause (a), and

(c) a Person, other than a Tenant occupying a Rental Unit in a residential complex, who is entitled to possession of the residential complex and who attempts to enforce any of the rights of a Landlord under a tenancy agreement or this Act, including the right to collect rent;

"Licensee" means a Person who holds a valid licence issued under the provisions of this by-law;

"Lodging House" means a building or portion thereof in which Persons are provided living accommodation in separate Rental Units which do not have both sanitary and food preparation facilities for the exclusive use of individual Tenants, and in which Tenants may be provided with meals or other Assistance in daily activities by another Person or Persons, who receives remuneration to provide this assistance, but does not include a tourist establishment or hotel or a hospital, long term care home, nursing home, retirement home, or group home if the institution is licensed, approved or serviced under any provincial statute;

"Medical Officer of Health" means the Medical Officer of Health for the Regional Municipality of Niagara, a designate, or a Person acting under a direction given by the Medical Officer of Health for the Regional Municipality of Niagara; "Medications" means Medications prescribed or approved by a Health Care Professional or over-the-counter Medications approved by the Tenant's Guardian of the Person or attorney for Personal care pursuant to the *Substitute Decisions Act*, 1992, S.O. 1992, c. 30;

"Municipality" means The Corporation of City of Port Colborne;

"Municipal Law Enforcement Officer" means a Person appointed by The Corporation of City of Port Colborne to enforce its by-laws and the laws of the Province of Ontario;

"Operator" means an Owner or another Person who has responsibility for carrying out the business of the Lodging House, including but not limited to financial responsibility for accounts payable and receivable and the management of any employees of the Lodging House.;

"Order" means a compliance order issued under section * of the By-law;

"Owner" means a Person who alone or with others has the right to any freehold or other estate in the lands of a Lodging House or to possess or occupy a Lodging House or actually does possess or occupy a Lodging House, other than a Tenant;

"Person" includes, where the context permits, any legal entity;

"Receipt" means an individual Receipt or accounting of an expenditure. The Receipt may be an accounting of the expenditures after a certain point of time (i.e. Monthly) or at the time of each expenditure;

"Rental Unit" means a unit that consists of self-contained living accommodation in a Lodging House that is used, or intended to be used as a residence;

"Representative" of a Tenant means the Guardian of the Person or Guardian of Property for the Tenant, as the context requires, or, if the Tenant does not have a Guardian of the Person or Guardian of Property, the Person the Tenant has authorized in writing to assist the Tenant with specific activities or services;

"Sanitary Facilities" means a room containing the following: a toilet, a wash basin, and a bathtub or shower;

"Tenant" includes a Person who pays rent or provides services in lieu of paying rent, in return for the right to occupy a Rental Unit;

"Trust Accounts" means any account (group or individualized) or internal holding system (cash box or safe) where funds held by the Operator on behalf of the Tenant(s) are kept. This includes situations where the Operator receives deposits from the Tenant or Guardian of Property for a Tenant and the Tenant withdraws the funds. Money that is provided by a Tenant to the Operator as a rent deposit (last month's rent) for their accommodation is not a trust account;

"Vital Services" includes electricity, heat, fuel, gas, or water (hot and cold).

SHORT TITLE

2. This By-law shall be known as the "Lodging House Licensing By-law".

PROHIBITION

- 3. Every Owner of a Lodging House shall procure and maintain in good standing a licence from the City authorizing him or her to carry on or engage in the business of owning a Lodging House.
- 4. (a) No Person shall carry on or engage in the business set out in section 3 within the boundaries of the Municipality unless he or she has a valid licence issued under this by-law permitting him or her to do so.
 - (b) No Person shall fail to comply with a term or condition of a licence issued under this By-law.
 - (c) No Person shall fail to comply with an Order issued under this By-law
 - (d) No Person shall provide false or misleading information to the City when applying for a licence under this By-law, renewing a licence or at any other time.
- 5. A licence issued under this by-law is not transferable to another Person or another Lodging House.
- 6. The requirement of obtaining a licence under this by-law is in addition to and not in substitution for any other requirement to obtain a licence or licenses or other regulatory approval under any other federal, provincial or municipal regulation, and obtaining a license under this by-law does not remove any obligations to comply with other applicable law or standards.
- 7. Subject to section 12, every Licensee and Applicant, respectively, shall, within four business days of any change occurring in any of the information submitted to the Municipality by the Licensee and Applicant in support of the issuance of a license, notify the Clerk in writing of such change, and provide full written disclosure to the Clerk of all relevant information existing after such change.

8. It shall be a condition of every licence that the Licensee shall comply with the provisions of this by-law in operating the business and ensure such compliance by every other Person involved in the operation of such business.

EXEMPTION

9. Notwithstanding any other provision of this By-law to the contrary, a licence to carry on a Lodging House business is not required in any Lodging House with fewer than 3 Tenants.

ADMINISTRATION

- 10. The power and authority to issue and renew a licence, refuse to issue and refuse to renew a licence, to cancel, to impose terms and conditions including special conditions on a licence are hereby delegated to the Clerk.
- 11. The Clerk shall generally perform all of the administrative functions conferred upon him or her by this By-law and without limitation may:
 - (a) Receive and process all applications for licences and renewal of licences under this By-law;
 - (b) Issue licences in accordance with the provisions of this By-law;
 - (c) Impose terms and conditions on licences in accordance with this By-law; and,
 - (d) Refuse to issue or renew a licence or revoke or suspend a licence in accordance with this By-law.

APPLICATION FOR LICENCE

- 12. Every Applicant seeking to obtain a licence to carry on a Lodging House business shall attend the office of the Clerk and provide:
 - (a) a completed application in the form required by the Municipality which shall include:
 - (i) the municipal address and legal description of the Lodging House;
 - (ii) the name, municipal address, telephone number and email address of each Owner;
 - (iii) evidence of Ownership of the property to the satisfaction of the Clerk;
 - (iv) proof of insurance that:
 - a. Includes a limit of liability of not less than \$2 million for property damage and liability;
 - b. Identifies the use as a Lodging House;

- (v) a sworn statement by each Owner certifying the accuracy, truthfulness and completeness of the Application
- (b) the fee prescribed in Schedule "A"; and
- 13. Each Lodging House shall be individually licensed to carry on the business of the Lodging House business.
- 14. In the case of a Lodging House owned or operated by a partnership, attendance shall be made by one of the partners, who shall file the application package on behalf of every other partner.
- 15. In the case of a Lodging House owned or operated by a corporation, attendance shall be made by an officer of the corporation who shall file the application package on behalf of the corporation which shall include the following documentation:
 - (a) a certified copy of the corporation's letters of incorporation or other incorporating documents;
 - (b) a certified copy of the most recent filing by the corporation with the Ministry of Government & Consumer Services listing all directors and officers and the address of the head office of the corporation;
 - (c) a resolution of the directors of the corporation authorizing the application for a licence; and
 - (d) the name and address of every Person having responsibility for the management of the Lodging House business of the Applicant.
- A licence issued under this By-law to carry on a Lodging House business expires two (2) years from the date of issuance, unless suspended or revoked.
- 17. A renewal application must be filed at least sixty (60) days prior to a current licence expiring.
- 18. (1) Every Person applying for the renewal of a licence shall submit a renewal application package in the form required by the Municipality to the Clerk by ordinary mail without the necessity of attending at the office of the Clerk.
 - (2) Notwithstanding Section 18(1) above, the Clerk may require an Owner to comply with Section 12, where, in the opinion of the Clerk, the renewal application in respect of the Lodging House is substantially different than the original application.

- 19. (1) Every Licensee shall report in writing to the Clerk particulars of any pending change in Ownership of the Lodging House business or control of the corporation that owns the Lodging House business at least thirty days prior to such change taking effect. The change in ownership shall trigger a new application, and the prospective Owner or controlling shareholder shall file an application for a licence in accordance with section 12..
 - (2) Upon Receipt of the information required to be filed by subsection (1), the Clerk shall circulate and review notice of the change in Ownership or control in accordance with the provisions of this By-law and shall on completion of the required circulation and review, notify in writing, the Licencee, and the prospective Owners, as the case may be of:
 - (a) the approval of the license; or
 - (b) the failure of the Applicant to satisfy the requirements of this By-law, with the details of the deficiencies in the application.

APPLICATION PROCEDURES

- 20. (1) Upon the receipt of a complete application, the Clerk shall undertake the following:
 - (a) the Clerk shall circulate the application to the Planning department of the Municipality for determination of compliance with the Zoning By-law #6575/30/18 as amended, and for comments and objections, if any, to the application;
 - (b) the Clerk shall circulate the application to the Medical Officer of Health, the Fire Chief of the Municipality and the Planning department of the Municipality for their comments and objections, if any, with respect to the application; and
 - (c) the Clerk shall determine if all inspections and approvals of the Medical Officer of Health, the Fire Chief of the Municipality and the Building Division of the Municipality, if any are required, have been completed and all lawful requirements satisfied.
 - (2) Every Applicant shall:
 - (a) ensure that all inspections are completed annually and every lawful requirement of the Medical Officer of Health, the Fire Chief of the

Municipality and the Building Division of the Municipality has been complied with; and

(b) ensure that any relevant objections or adverse comments relating to the application, if any, by the Medical Officer of Health, the Fire Chief of the Municipality and the Building Division of the Municipality are addressed satisfactorily within the timeline requested by the Inspector.

ISSUANCE, RENEWAL AND REFUSAL OF A LICENCE

- 21. (1) Upon completion of the investigations and searches set out in section 20, the Clerk shall issue or renew a licence, provided that:
 - (a) the provisions of the licence applied for have been complied with;
 - (b) the Applicant has not been convicted of an offence under this or any other by-law relating to licences;
 - no objection is received from any of the agencies to which the application was circulated;
 - (d) the Clerk reasonably believes that the issuing of the licence for the Lodging House is in the public interest;
 - (e) the Applicant does not owe any fine or fee to the City in respect of the Lodging House; and
 - (c) each Applicant is eighteen (18) years of age or older.
 - (2) The Clerk may impose conditions to a licence upon issuance as the Clerk determines are appropriate. A licencee who is dissatisfied with conditions imposed may appeal to Council in accordance with the process set out below.
- 22. (1) In the event that the Clerk does not issue the licence, or in the event that the Clerk issues a licence with conditions, the Clerk shall notify the Applicant of the Clerk's decision by sending the Applicant a Notice of Refusal or Notice of Imposition of Conditions, within seven (7) days of making the decision.
 - (2) The Clerk, in delivering any notice under subsection (1), shall give reasons for the decision.

- 23. (1) Subject to subsection (2), an Applicant or Licensee who receives a notice under section 22(1) may, upon written request, have the matter heard by Council, and the Clerk shall place the matter on a Council agenda for consideration by Council.
 - (2) A request referred to in subsection (1) must be filed with the Clerk in writing, within ten days of the delivery of the notice to the Applicant or Licensee.
- 24. The Licensee shall be given a notice of hearing, and the Licensee shall be entitled to attend the hearing and adduce evidence and make submissions either personally or through a Representative, in accordance with law, including the procedures of Council.
- 25. (1) The Council shall, in accordance with applicable law, hear the matter and shall:
 - (a) grant the licence to the Applicant;
 - (b) refuse to grant the licence to the Applicant; or

(c) grant the licence and impose conditions on the licence at the time it is granted;

Council's decision shall be final.

- (2) Council shall give its reasons, in writing, for any decision made under clauses (1)(b) or 1(c).
- (3) Council may notify any licensing authority or Person, as it considers appropriate, if any action is taken under this section of the by-law.
- 26. No Person licensed to carry on business under this by-law shall advertise or promote or carry on such business under any name other than the name endorsed upon the licence.
- 27. Every Licensee shall keep the licence issued in respect of the Lodging House exposed in a conspicuous place in the interior of the said premises at all times during the currency of the licence.

LISTS, FILES, AND RECORDS

28. (1) Every Licensee shall maintain a list of current Tenants in the Lodging House.

(2) The list referred to in subsection (1) shall contain the first and last names of the Tenants in alphabetical order, and the date of the start of tenancy.

- 29. Every Licensee shall maintain a separate file for each Tenant, stating the following particulars of each Tenant: name; date of start of tenancy; date of end of tenancy, if any; the name, address and telephone number of the Tenant's emergency contact and Health Care Professional contact; nutritional needs and preferences; allergies; and the particulars of each occurrence listed in section 17 involving the Tenant in the Lodging House.
- 30. Every Licensee shall maintain a record for each Tenant of the following occurrences:
 - (a) death of the Tenant in the Lodging House that resulted from any accident;
 - (b) assaults caused by or directed to the Tenant in the Lodging House;
 - (c) injuries caused by or directed to the Tenant in the Lodging House;
 - (d) harassment caused by or directed to the Tenant in the Lodging House;

and shall keep this record in the file referred to in section 28 for each Tenant.

GENERAL REGULATIONS - BUILDING AND FACILITIES

Hazards and Cleanliness of Common Areas

- 31. Every Licensee shall ensure the Lodging House, including any Rental Units in it, are kept in a good state of repair and fit for human habitation in accordance with the *Residential Tenancies Act*, 2006, S.O. 2007, c. 17, as amended and are free from hazards in accordance with the Ontario Fire Code and property standards.
- 32. Every Licensee shall ensure that the physical structure provides resistance to insect and vermin ingress in accordance with the Building Code Act and the Municipality's By-laws.
- 33. Every Licensee shall ensure that the common areas of the Lodging House available for the use of Tenants, including, including furniture, appliances, furnishings, parking and related facilities, laundry facilities, elevator facilities, common recreational facilities and garbage facilities are maintained in a clean and hazard free manner.

Food Preparation and Service Areas

34. Every Licensee shall ensure that all areas where food is prepared, processed, packaged, served, transported, manufactured, stored and handled comply with the

Food Premises Regulations O. Reg. 493/17 under the *Health Protection and Promotion Act*, R.S.O. 1990, c. H.7.

Dining Rooms

35. Every Licensee shall provide a common dining room or rooms in the Lodging House with a minimum aggregate floor area of 1.85 square metres per Rental Unit, but in no case shall the minimum floor area be less than the minimum requirements for dining rooms prescribed by the Ontario Building Code.

Sitting Room

- 36. (1)Every Licensee shall provide a common sitting room or rooms in the Lodging House with a minimum aggregate floor area of 1.39 square metres per Rental Unit, but in no case shall the minimum floor area be less than the minimum requirements for sitting rooms prescribed by the Ontario Building Code.
 - (2) The sitting room required by subsection (1) may be located in the dining room, provided that all Tenants dine at the same time and, if so located, shall be regulated by section 22 of this by-law.

Sanitary Facilities

- 37. Every Licensee shall provide Sanitary Facilities that are not adjacent to, or open directly into, any dining room, kitchen, food preparation or food storage room.
- 38. Every Licensee shall provide at least 1 sanitary facility for every five Tenants, but in no case shall the number of Sanitary Facilities be less than the minimum requirements of the building code.
- 39. Every Licensee shall ensure that there is provided at all times an adequate supply of clean towels for each resident, and other customary toilet supplies, and that access to and use of all Sanitary Facilities is provided without extra charge.

Rental Units

40. (a) Each Rental Unit shall have an area of not less than 7 square meters per Person, but in no case shall the minimum floor area be less than the minimum requirements for private dwelling areas prescribed in the Ontario Building Code.

(b) Where the Rental Unit is used on the basis of double occupancy, the Rental Unit, shall have an area of not less than 4.6 square meters per Person, but in no case shall the minimum floor area be less than the minimum requirements for private dwelling areas prescribed in the Ontario Building Code Act.

(c) Every Licensee shall ensure that every Rental Unit complies with the City's Property Standards By-law.

Safety and Security of Rental Units

- 41. The Licensee shall provide for the safety and security of Rental Units in accordance with the Residential Tenancies Act, including ensuring that:
 - (a) Every window and exterior door that is capable of being opened and that is accessible from outside a Rental Unit shall be equipped so that it can be secured from the inside,
 - (b) At least one entrance door in a Rental Unit shall be capable of being locked from outside the Rental Unit.
 - (c) The Tenant is provided a key to any locks used to secure the Rental Unit.
- 42. Every Licensee shall ensure that the entrance door to a Rental Unit is capable of being secured by the Tenant.

TENANCY AGREEMENTS

- 43. A Licensee shall comply with all requirements of the Residential Tenancies Act regarding Rental Units, including any rooms within the Lodging House used or intended for use as residential premises.
- 44. Persons residing in a Rental Unit used or intended for use as residential premises, as defined in the *Residential Tenancies Act*, shall be considered Tenants under the *Residential Tenancies Act*.
- 45. The Licensee shall provide each Tenant with a tenancy agreement in accordance with the *Residential Tenancies Act*.
- 46. Where the Licensee agrees to provide a Tenant with Assistance in daily activities of living, the tenancy agreement shall clearly indicate separately the amount of rent, any services to be provided by the Licensee, and the cost for any services provided.
- 47. Relocation of a Tenant shall constitute the termination of a tenancy, and shall be conducted in accordance with the requirements for termination of a tenancy in the Residential Tenancies Act.
- 48. Every Licensee shall ensure that a copy of this by-law is given to every Tenant, and their Representative, where applicable.

ACCESS TO SERVICES

49. Every Licensee shall ensure the provision of Vital Services in accordance with the Residential Tenancies Act.

ACCESS TO MEDICAL SERVICES

50.

(a) No Licensee shall withhold or interfere with the provision of any medical, health or care service, or interfere with a Tenant obtaining medical, health or care services of a Tenant's choice.

(b) No Licensee shall harass, obstruct, coerce, threaten or interfere with a Tenant contrary to the provisions of the Residential Tenancies Act.

(c) No Licensee shall obstruct a Health Care Professional or health care support worker from providing care services to a Tenant at the Lodging House.

GUESTS

- 51. (a) No Licensee shall interfere with the reasonable enjoyment of the Lodging House by a Tenant in respect of guests in accordance with the Residential Tenancies Act;
 - (b) No Licensee shall:
 - (i) Restrict, harass, obstruct, coerce, threaten or interfere with shortterm visitors or non-frequent guests;
 - (ii) Impose visiting hours;
 - (iii) Require the Tenant to notify the Operator of guests and to receive permission beforehand; or
 - (iv) charge Tenants additional fees or raise rents for short term visitors or non-frequent guests.
- 52. Each Tenant shall be responsible for the actions of their guests in accordance with the *Residential Tenancies Act*, including any damage, harassment, intimidation, committing of illegal acts by a guest or interference of a guest with another Tenant's right to reasonable and quiet enjoyment.

CLEANING

- 53. Unless otherwise stated in the tenancy agreement, the cleanliness of a Tenant's Rental Unit shall be the responsibility of the Tenant in accordance with the Residential Tenancies Act.
- 54. If a tenancy agreement identifies the cleanliness of a Tenant's Rental Unit to be the responsibility of the Licensee, the Licensee shall ensure the Rental Unit is cleaned as stipulated within the tenancy agreement and at least once per week while respecting the scheduling preferences of the Tenant as much as possible.

NUTRITION

- 55. Where a tenancy agreement identifies the provision of a meal or meals to be the responsibility of the Licensee, the Licensee shall ensure that,
 - (a) if the Licensee is the sole provider of the Tenant's meals, the Tenant is offered at least three meals per day at reasonable and regular meal hours, a beverage between the morning and midday meals, a snack and a beverage between the midday and evening meals and a snack and a beverage after the evening meal;
 - (b) menus are consistent with standards of *Canada's Food Guide for Healthy Eating*;
 - (c) an individualized menu is developed for the Tenant if the Tenant's needs cannot be met through the Lodging House's menu cycle;
 - (d) the Tenant is informed of his or her daily and weekly menu options with menus posted in a publicly accessible location;
 - (e) the Tenant is given sufficient time to eat at his or her own pace, and is accommodated if they are unable to eat during a regular meal period;
 - (f) food service workers and staff assisting the Tenant are aware of the Tenant's diet, special needs and preferences; and
 - (g) staff monitor the Tenant during meals as required.

PRESCRIPTION DRUGS

56. (1) Every Licensee shall ensure that there are written policies and procedures for employees for the distribution of Medications to Tenants, which policies and procedures are in accordance with current professional practices and provincial regulations for medication distribution.

- (2) Lodging House employees shall not administer medication unless permitted to do so under the *Regulated Health Professions Act.*
- (3) Every Licensee and every employee shall strictly adhere to the policies and procedures set out in subsections (1) and (2).

TENANT REPRESENTATIVES

57. No Licensee or any of its Operators or employees shall act as Guardian of Property or Guardian of the Person for a Tenant.

TRUST ACCOUNTS

- 58. If a Tenant or Representative requests that a Licensee hold money on behalf of the Tenant , the Licensee shall
 - (a) deposit those funds into a trust account opened and maintained for that purpose, and
 - (b) provide a Receipt for each transaction, and
 - (c) provide records of the trust account transactions and balance to the Tenant or the Representative.
- 59. A Licensee shall ensure that easily understandable records are maintained in respect of the trust account showing opening and closing balances and make those records available for inspection by the Tenant or the Tenant's Representative without charge.
- 60. If the Licensee is required to provide money from the trust account or statements regarding the trust account to the Tenant or their Representative on an 'upon request' basis, the Licensee shall ensure that the request is fulfilled within two business days for day to day transactions and within 60 calendar days in respect of the closure of a trust account.

DOCUMENTATION OF COMPLAINTS

- 61. Every Licensee shall keep a record of each complaint submitted to the Licensee or his or her staff by a Tenant or Guardian for Property or Guardian of the Person, provided the complaint pertains to a matter regulated by this by-law or other applicable legislation.
- 62. Records of complaints shall be in a form satisfactory to the Clerk, and shall include, where applicable:
 - (1) the date and time the complaint is received;

- (2) the name and telephone number of the complainant or their Representative, if provided;
- (3) the name of any employee(s) identified in the complaint;
- (4) the name of the reviewer of the complaint;
- (5) the details of the complaint;
- (6) the action taken in response to the complaint; and
- (7) the date and time the complainant is notified of the action taken.
- 63. The Licensee shall report any complaint concerning the safety of a Tenant immediately to the Clerk, and shall:
- 64.
- (a) retain complaint records for at least three years; and
- (b) make complaint records available to the Clerk or an Inspector upon request.

FORMAL COMPLAINT PROCESS

- 65. Every Licensee shall post in a conspicuous place within the Lodging House, the municipal complaints hotline telephone number.
- 66. Any Person who has reason to believe that a Licensee has failed to comply with this by-law or an order issued under this by-law or a condition of a licence may make a complaint on the complaints hotline.
- 67. The identity of a complainant will not be shared with Licensee or the Operator of the Lodging House about which the complaint was made.
- 68. Complaints submitted to the complaints hotline will be submitted to a Compliance Officer.

Compliance Officers

- 69. (1) The Clerk may designate one or more Persons as Compliance Officers for the purposes of this By-law.
 - (2) A Compliance Officer has all of the powers of an Inspector.
 - (3) A Compliance Officer shall:
 - (a) review complaints received under this section to determine whether an investigation of the complaint is necessary, and for that purpose may
 - (i) make inquiries;

- (ii) enlist expertise relevant to the complaint; and,
- (iii) take any other action the Compliance Officer considers appropriate in the circumstances, including, without limitation, attempting to resolve the complaint through mediation or conciliation and notifying the Clerk of an offence under this by-law, and
- (b) refer the complaint to an Inspector if the Compliance Officer determines that an investigation of the complaint is necessary.
- (4) A Compliance Officer may refuse to refer a complaint to an Inspector if,
 - (a) the Compliance Officer considers the complaint to be frivolous or vexatious, or
 - (b) the Compliance Officer has resolved the complaint under subsection (3)(a)(iii).
- (5) A Compliance Officer shall inform the complainant, if the identity of the complainant is known, and any other Person the Compliance Officer considers appropriate of a decision made under subsections (3) or (4).

Inspections

- 70. Before a licence is issued under this By-law, an Applicant shall authorize, in writing, as a condition of the licence, the inspection of the Lodging House by an Inspector.
- 71. The Clerk or an Inspector may require a Licensee to produce the licence, records or other documents for the purpose of determining whether such Person is validly licensed under this by-law, or whether this by-law is being contravened.
- 72. (1) Subject to subsection (2), an Inspector may, for the purposes of ensuring compliance with this by-law, an Order issued under this by-law or a condition of a licence:
 - (a) at any reasonable hour enter the property upon which the Lodging House is situated or the Lodging House for the purposes of an inspection;
 - (b) require the production of any relevant books, records or other documents in respect of the Lodging House and examine them, make copies of them or remove them temporarily for the purpose of making copies;
 - (c) inspect and take samples of any material, food or equipment being used in the Lodging House;

- (d) perform tests, take photographs or make recordings in respect of the Lodging House; and,
- (e) interview the Operator of the Lodging House with respect to matters relevant to the inspection.
- (2) An Inspector may enter the Rental Unit of a Tenant only with the permission of the Tenant or the Tenant's Representative.
- (3) An Inspector may interview employees and Tenants of the Lodging House, friends or relatives of Tenants, Representatives of Tenants and any other Person who may have information relevant to the inspection.
- (4) When an Inspector removes any books, records or other documents under subsection (1)(b), the Inspector shall:
 - (a) give a Receipt for those items to the Person from whom those items were taken, and
 - (b) forthwith return the items to the Person from whom they were taken when they have served the purposes for which they were taken.
- (5) When an Inspector takes samples of any material, food or equipment under subsection (1)(c), the Inspector shall:
 - (a) give a Receipt for those items to the Person from whom those items were taken, and
 - (b) on that Person's request, return those items to that Person when those items have served the purposes for which they were taken.
- (6) A Licensee or Operator shall provide on request the list, file, and record of Tenant names and information referred to in sections 28 to 30 to an Inspector.
- (7) No Person shall obstruct or hinder an Inspector in the exercise of his or her duties under this By-law.
- (8) The Inspector shall inform the Licensee, every Operator and the Clerk of the results of an inspection of the Lodging House.

Orders

72. (1) Where, an Inspector is of the opinion that this By-law or a condition of a licence is not being complied with, the Inspector may in writing order the Licensee to take the measures specified to address the contravention within the time limits specified in the Order.

- (2) Every order issued under this section shall be delivered personally to the Licensee or sent by first class prepaid mail to the Licencee's last known address and shall be posted in a prominent place in the Lodging House.
- (3) Every Order shall contain the reasons for its issuance.
- (4) An Order served on a Licensee under this section must inform the Licensee of the right to appeal the Order to the Municipality's Property Standards Appeal Committee as outlined in the Municipality's Property Standards By-law section XX. An appeal of an Order shall follow the process set out in section 74 below with the necessary modifications.
- 73. In any case where an Order may result in the loss of housing for one or more Tenants:
 - (a) the Inspector shall notify Niagara Region Community Services of any potential loss of housing; and
 - (b) Niagara Region Community Services will support Tenants through housing loss, including as appropriate the provision of:
 - (i) information about available emergency housing and related supports,
 - (ii) access to emergency housing and related supports.

SUSPENSION, REVOCATION AND CONDITIONS

- 74. The Clerk may, at any time during the term of a licence:
 - (a) suspend any licence;
 - (b) revoke any licence; or
 - (c) impose conditions on any licence issued pursuant to this by-law.

The Clerk shall issue written reasons for its exercise of a power under this section and shall advise the Licencee of its right to appeal the decision of the Clerk to Council.

75. Where a Licencee advises the Clerk of its intention to appeal to Council, the Clerk shall schedule the hearing for the next regularly scheduled meeting. Council shall conduct a hearing, and the Licensee shall be entitled to attend the hearing and adduce evidence and make submissions either Personally or through a Representative, in accordance with law, including the procedures of Council.

- 76. (1) The Council shall, in accordance with applicable law, hear the matter and shall:
 - (a) confirm the decision to suspend or revoke the Licence; or
 - (b) reinstate the licence with or without conditions, as the case may be,

Council's decision shall be final.

- (2) Council shall give its reasons, in writing, for any decision made under clause (1)(a).
- 77. (1) The following are the grounds upon which a licence may be revoked or suspended, or upon which conditions to an existing licence may be imposed:
 - that the Applicant, Licensee, any partner, officer, or director of the Applicant or Licensee, any employee or agent of the Applicant or Licensee, has not complied with or satisfied any requirement of this Bylaw.
 - (b) that the conduct of the Applicant, Licensee, any partner, officer, or director of the Applicant or Licensee, any employee or agent of the Applicant or Licensee, affords reasonable grounds for belief that they, or any of them, have not or will not carry on the trade, calling, business or occupation in accordance with the law or with honesty and integrity;
 - (c) that the Licensee has breached any condition of the licence;
 - (d) that the Licensee has been convicted of contravening any provision or provisions of this by-law; or
 - (e) that the Licensee or Applicant has furnished any false, misleading or incomplete information to the Clerk, or failed to provide all information and documents required to be provided to the Clerk under this by-law, including any changes to such information or documents within four (4) days of their occurrence.
 - (2) The Clerk of Council, as the case may be, in making any decision referred to in subsection (1), shall give written reasons for such decision.
- 78. Council may notify any licensing authority or Person, as it considers appropriate, if any action is taken under this section.

79. If a licence is revoked, the former Licensee is entitled to a refund of that part of the licence fee proportionate to the unexpired part of the term for which it is granted.

FEES

- 80. Fees for the licence shall be paid as prescribed in Schedule "A".
- 81. Each application or renewal for a licence must be accompanied by the fees prescribed.
- 82. Where a licence is not issued to an Applicant, the fee paid by the Applicant shall be returned to the Applicant less the non-refundable processing fee, if any, as set out in Schedule "A".

NOTICES

- 83. Any notice required by this by-law to be given to an Applicant or to a Licensee may be given,
 - (a) by mailing a copy of the notice by pre-paid ordinary post to the residence address of the Applicant or Licensee, as the case may be, listed on the most recent application for a licence;
 - (b) by delivering a copy of the notice Personally to the Applicant or the Licensee;
- 84. Any notice served by pre-paid ordinary post in accordance with section 67 shall be deemed to have been received by the Applicant or Licensee on the fourth day following mailing.

OFFENCES AND PENALTIES

- 85. (1)Every Person who contravenes this by-law, and every director or officer of a corporation who concurs in such contravention by the corporation, is guilty of an offence and on conviction is liable to a fine of not more than \$100,000, pursuant to subsection 425 (2) of the Municipal Act, 2001, S.O. 2001, c. 25, as may be amended from time to time.
 - (2) Where a Corporation is convicted of an offence to this By-law, the maximum fine that may be imposed on the Corporation is \$100,000, pursuant to subsection 425 (2) of the Municipal Act, 2001, S.O. 2001, c. 25, as may be amended from time to time.

CONFLICTS

86. In the event of any conflict between the provisions of this by-law and any other general or special by-law, the more restrictive provision shall apply.

SEVERABILITY

87. If any provision of this By-law or the application thereof shall to any extent be invalid or unenforceable, the remainder of this By-law and/or the application of such term to circumstances other than those to which it is held invalid or unenforceable, shall not be affected thereby and each term of this By-lay shall be separately valid and enforceable to the fullest extent of the law.

ENACTMENT

- 88. Schedule "A" shall form part of this By-law
- 89. By-law No. 4323/159/02 is repealed.
- 90. This By-law shall come into force and effect on **

Passed this [DATE].



Subject: Property Tax Collection History and Next Steps

To: Council

From: Corporate Services Department

Report Number: 2021-75

Meeting Date: April 26, 2021

Recommendation:

That Corporate Services Department Report 2021-75 be received; and

That the Director of Corporate Services/Treasurer be directed to resume normal tax collection processes, including moving forward and beginning the process that could lead to a tax sale for properties that have not paid for three years in accordance with the steps outlined in page 4 of Corporate Services Department Report 2021-75.

Purpose:

This report seeks approval to move forward with a collection plan, including property tax sale, on properties with long-standing outstanding receivable balances.

Background:

The City of Port Colborne (the "City") levies property taxes annually through a fourinstallment model. Property taxes are based on approved budgetary requirements that are identified in the budget process as the annual levy. The property tax bill may also include penalty and interest and other charges related to a property that have otherwise not been collected. Examples might include water, wastewater, storm sewer, Business Improvement Area and/or items such as unpaid City invoices.

The City operates in a multi-tier municipal system with the City being the "lower-tier" and the Niagara Region being the "upper-tier". In this model the City also bills property owners the Niagara Region levy and any levy set by the Province of Ontario for Education purposes. The model sees the City paying the Niagara Region and the Province of Ontario their full levy in quarterly installments regardless of actual collection experience. Recognizing the City pays the Niagara Region and the Province of Ontario

their portion upfront, the City keeps all penalty and interest charged on outstanding property tax balances.

Collection risk is generally considered low on property tax balances as the Municipal Act under Part XI provides for a municipality to implement a tax sale on a property in conjunction with Ontario Regulation 181/03. As a summary and standing practice of municipalities is to begin the process to move towards a potential tax sale after three years of outstanding taxes.

The City has historically maintained the following collection procedures:

- Regular billings are sent that also outline any arrears balance outstanding;
- Notices are sent after missed due dates;
- Special notice to Property Owners in October/November letting them know if they are approaching three years in arrears and providing a final timeline for repayment;
- In addition to the above, the Tax Clerk makes phone calls and sends emails to maintain contact with Property Owners and to develop payment plans;
- In mid/late January the Tax Clerk makes final calls and if no collection progress has been made on properties with an excess of three years of tax arrears, the City has historically moved forward with a registration process on those properties.

The City monitors and implements collection procedures in order to:

- Protect property owners from allowing their balances to grow too high;
- Ensure there is an incentive to pay property taxes so as not to disadvantage those that do pay their property taxes;
- Provide funding and related cashflow to fulfill the direction of Council;
- Fulfill our stewardship responsibility with the Niagara Region and Province of Ontario.

Discussion:

The City's collection rate over the past 5 years has been approximately 97.5%.

At December 31, 2020 (Comparative December 31, 2019), the City's outstanding property tax accounts receivable balances were as follows:

Billing Related to	At December 31, 2020	At December 31, 2019
2020	\$2,050,000	NA
2019	968,000	\$1,776,000
2018	596,000	958,000
2017	574,000	662,000
2016 <=	224,000	217,000
	\$4,412,000	\$3,613,000

The City's financial reporting system does not break out the Niagara Region and/or Province of Ontario portion. It is possible the system was designed this way given the fact collection risk, as identified above, is generally considered low given the ability to implement a tax sale.

In the event the City could not collect the property taxes outstanding on a property, the uncollected amount could be shared. In 2020, the residential bill was 52% City; 39% Niagara Region; 9% Province of Ontario.

The year over year increase of \$797,990 can be attributed as follows:

- \$390,000 representing 29 properties owned by one developer
- \$172,000 from properties representing 0.4% of total billings which compares to the year over year increase in taxes of 4.48%.
- \$146,000 to penalty and interest
- \$90,000 to the new procedure to move unpaid water and wastewater balances to the property tax account;

The above identifies that while the COVID-19 pandemic has changed so much for so many, property tax collection has not deteriorated.

The City has offered property tax and water and wastewater deferrals with a total of 12 qualifying participants since the beginning of the COVID-19 pandemic. These deferrals ended March 31, 2021. Staff understand all other Niagara Region municipalities have ended or are ending their deferral programs in the near term.

Since the beginning of the COVID-19 pandemic, staff have not prioritized tax collection through normal processes. At the time of writing this report, staff recommends Council's support to resume normal tax collection processes, including moving forward and beginning the process that could lead to a tax sale for properties that have not paid for three years.

At the time of writing this report, some additional detail/breakdown of the properties that would enter the process that could lead to a tax sale include:

- 64 properties totalling \$768,000
- 29 properties owned by one developer totalling \$1,478,000

In making this recommendation, staff highlight the following:

- In any given year the City regularly faces 60-100 properties that would meet the three-year property tax outstanding test. This represents approximately 0.7% of properties. This figure stays fairly constant as many of the properties are repetitive in their diligence.
- These properties had not paid any amount for at least two years prior to the COVID-19 pandemic beginning.

- Only one owner of the properties included above applied for and received COVID-19 relief. That property would have met the three-year test prior to the COVID-19 pandemic beginning.
- These properties continue to be taxed and to incur penalty and interest.
- The process for these properties, as outlined above, will take at least one year prior to a tax sale occurring. Historically during this time, the number of properties that have actually been required to move forward to tax sale has been reduced to two (2016), one (2017), two (2018), zero (2019), four (2020).

Staff recommends the City move forward with the identified properties above as follows:

- The City's Tax Clerk will begin with a letter and collection call(s) to collect at a minimum the third-year owing, plus all the penalty and interest.
- Accounts that have not seen improvement as identified in the bullet above will be sent to Realtax to begin the process of tax registration.
- Realtax will begin the tax registration process and the City will assess a fee of \$452 per property. <u>Once this fee is added and this process begins a property</u> <u>owner is required to pay all outstanding amounts to avert the tax sale, partial</u> <u>payments can not be accepted.</u>
- Over the course of 12-14 months after initial registration, the owner has the ability to redeem the property by paying the amount in full.
- Once full registration time has passed and if the balance has not been received, the City will prepare to take the property to tax sale. The Property Owner can redeem if all amounts owing including Realtax fees, are paid to the City.
- If the owner does not avert the tax sale by paying all outstanding amounts, Realtax will conduct the tax sale by listing the property for a minimum bid of all amounts owing to the City.

Financial Implications:

Staff identify the City's taxpayers continue to be diligent and consistent in their payment of property taxes.

Historically the risk of non-payment has been low. Staff continues to assess that risk as low provided Council moves forward as recommended in this report. In the event this process is delayed the potential of non-payment increases as the balance increases.

Conclusion:

Staff recommend moving forward with the recommended actions identified in this report to limit the financial risk of non-payment.

Respectfully submitted,

Bryan Boles, CPA, CA, MBA Director, Corporate Services/Treasurer (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.



Subject:Heritage Report for the Demolition of 664 King StreetTo:CouncilFrom:Planning and Development Department

Report Number: 2021-126

Meeting Date: April 26, 2021

Recommendation:

That Planning and Development Department Report 2021-126 be received; and

That the Council of the City of Port Colborne removes the lands legally known as Lot 29 on Plan 1029, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 664 King Street from the Municipal Registry of Heritage Properties.

Purpose:

The purpose of the report is to provide Council with a recommendation regarding a request to remove from the Municipal Registry of Heritage Properties the lands legally known as Lot 29 on Plan 1029, in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 664 King Street.

Background:

On April 1, 2021, the Planning Division received a formal request through the submission of a demolition permit to remove the property at 664 King Street from the City's Municipal Registry of Heritage Properties. The Municipal Registry was created under Section 27 of the *Ontario Heritage Act*. This section permits municipalities to maintain a register of properties that are of cultural heritage value or interest. This is not the same as a building or property being designated under Part IV or Part V of the *Ontario Heritage Act*. The heritage registry requires a 60-day delay after a demolition permit is applied for before any structure on a listed property can be demolished. This gives Council, with its Municipal Heritage Committee, the opportunity to review the property to determine if the property is worthy of designate the property, or no decision is made within 60 days, the demolition permit will be issued.

The subject property was added to the Municipal Registry of Heritage Properties under Council's direction at its meeting on November 9, 2009. The records for the subject property in the Registry are listed as follows:

Address	664 King Street
Year Construction	1860 (estimated)
Commenced/	Tax records show 1890
Completed	
	Desidential
Present Use	Residential
Original Use	Unknown
Style	Classic Revival (est)
Construction	Aluminum siding
Architect	Unknown
Design	Medium gable roof
Interior Features	N/A
Property Features	Barn, garden (no barn present)
Original Owner	George Freud
Occupation	N/A
Event	N/A
Context	N/A
Continuity	N/A
Setting	N/A
Landmark	N/A
Site	Unknown
Alterations	Walls, windows, addition
Condition (Survey 1982)	Maintained

Discussion:

The owner of 664 King Street is seeking to remove the property from the registry with the intent of demolishing and rebuilding a dwelling on the property.

Staff have reviewed the property features listed in the municipal registry. As shown in the attached pictures, the dwelling is in rough shape. Staff note that the records in the registry are minimal and provide very little information regarding the features of the dwelling.

Internal Consultations:

It is usual practice for such requests to first be considered by the City of Port Colborne's Heritage Committee before a recommendation is made to Council on removing the property from the registry. Due to ongoing constraints, the Heritage Committee was consulted via email.

No adverse comments were received by the members of the Committee.

Financial Implications:

There are no financial implications.

Public Engagement:

Public input is not required as part of the heritage registry removal process. The Heritage Committee was consulted to act as representation from the public.

Conclusion:

The Planning Division is of the opinion that the dwelling is of marginal heritage value and preserving the structure is nearly impractical. Therefore, staff recommends removing 664 King Street from the City of Port Colborne Municipal Heritage Registry.

Appendices:

a. Letter and Pictures of the Subject Property

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. Dear Mayor Bill Steele,

We purchased 664 King Street property in late February in hope to build a new beautiful semi-detached building for our family and my parents. My husband and I came from Toronto. We fell in love with the quaint and country vibe of Port Colborne. We wish to start a family here and bring my parents to live with us.

My husband and I would like to kindly ask you to consider granting us permission to demolish the house on 664 King street.

We started the demolition application process 3 weeks ago and were surprised to discover that the house we intend to demolish was listed on the Municipal Heritage Registry. The conditions of the property were in such ruinous state when we received it that we did not have the least idea that it would be regarded as a heritage building.

As how the house currently stands (please see attached images below), it appears to be more of a danger to the community than a heritage site. There's excessive water damage (infiltration in flooded crawl space), failed roof, moisture infiltration on walls and floors, breakage of ceilings and stairs, as well as non-functioning mechanicals. Overall, the house may be one storm away from collapse. It is extremely dilapidated, unsafe to inhabit and poses a constant risk of harbouring the homeless and illicit activities in the neighbourhood.

We are in the process of finalizing our drawings (please see attachment). We commissioned the young, aspiring designer Mr. Dhulkl, who also moved to Port Colborne several years ago. The house will be beautiful with plenty of landscape facing both Charles and King streets.

We wish to bring vigour and positive energy to the local community and building this house is our first step. We would greatly appreciate your timely support to facilitate the removal of the house from Municipal Heritage Registry or alternative suitable solutions. Thank you for reviewing our request,

Yours sincerely,

Gabriella Guo













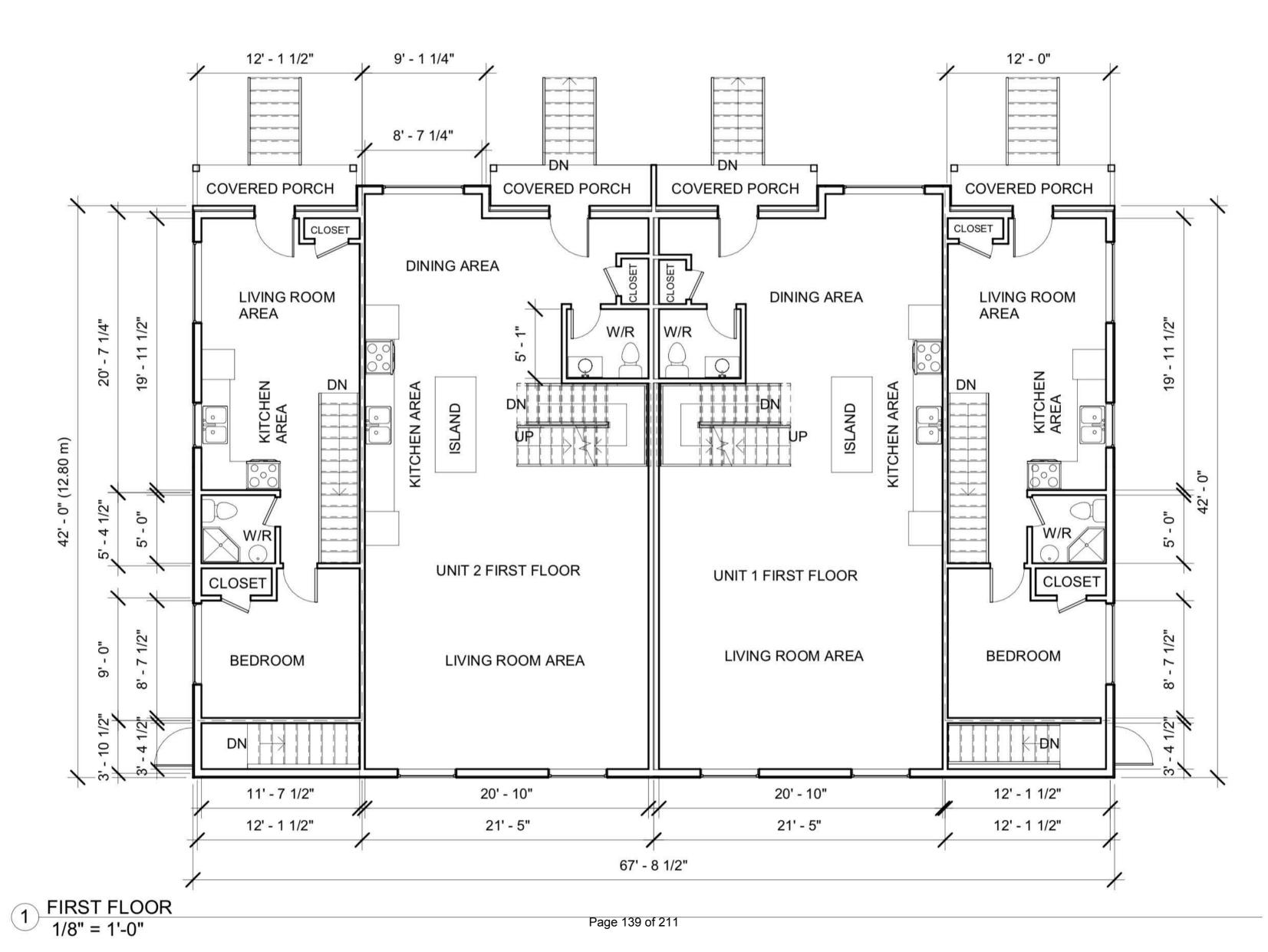






Page 137 of 211







Subject: Appointment of Municipal Law Enforcement Officers

To: Council

From: Community Safety & Enforcement Department

Report Number: 2021-124

Meeting Date: April 26, 2021

Recommendation:

That Community Safety & Enforcement Department Report 2021-124 be received;

That Kendra Cousineau, Emma Beaulne, Briar Messing, and Christopher Roome, be appointed as Municipal Law Enforcement Officers for The Corporation of the City of Port Colborne; and

That the Mayor and City Clerk be authorized to execute the appropriate by-law.

Purpose:

The purpose of this report is to appoint the three successful candidates as Municipal Law Enforcement Officers for the By-law Summer Student positions. Further, to appoint Chris Roome, Planning Technician, as a Municipal Law Enforcement Officer to assist with Zoning Enforcement.

Background:

It is required that the Officers be approved under the *Police Services Act* as a Municipal Law Enforcement Officer to enforce the City's by-laws.

It is Council's desire to have sufficient staff to enforce the influx of parking and various by-law complaints including Zoning, in a timely manner.

Discussion:

Staff are recommending that Kendra Cousineau, Emma Beaulne, Briar Messing and Chris Roome, be appointed as Municipal Law Enforcement Officers.

Internal Consultations:

Discussions have been held with Human Resources and Planning and they have no objections to these appointments

Financial Implications:

Funding has been approved for these three officers in the 2021 budget.

Conclusion:

The City of Port Colborne appoints staff to be able to conduct work as per their job requirements to enforce the municipal by-laws.

Appendices:

a. Draft Municipal Law Enforcement Officer Appointment By-law

Respectfully submitted,

Sherry Hanson Manager of By-law Services 905-835-2900 ext. 210 Sherry.Hanson@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 appoint Municipal Law Enforcement Officers

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

Whereas at its meeting of April 26, 2021 the Council of The Corporation of the City of Port Colborne approved the recommendations of Community Safety & Enforcement Department Report No. 2021-124, Subject: Appointment of Municipal Law Enforcement Officers;

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

- 1. That Kendra Cousineau be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne;
- 2. That Emma Beaulne be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne;
- 3. That Briar Messing be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne;
- 4. That Christopher Roome be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne
- 5. This by-law shall come into force and take effect on the date of passing.

Enacted and passed this 26th day of April 2021.

William C. Steele Mayor

Amber LaPointe City Clerk



City of Welland Corporate Services Office of the City Clerk 60 East Main Street, Welland, ON L3B 3X4 Phone: 905-735-1700 Ext. 2159 | Fax: 905-732-1919 Email: clerk@welland.ca | www.welland.ca

April 15, 2021

File No. 21-13

SENT VIA EMAIL

Niagara Region 1815 Sir Isaac Brock Way P.O. Box 1042 Thorold, ON L2V 4T7

Attention: Ann-Marie Norio, Regional Clerk

Dear Ms. Norio:

Re: April 13, 2021 - WELLAND CITY COUNCIL

At its meeting of April 13, 2021, Welland City Council passed the following motion:

"THAT THE COUNCIL OF THE CITY OF WELLAND receives for information Report TRANS-2021-01: Update on Niagara Region Transit (NRT) Governance Strategy; and further

THAT Welland City Council supports the current levels of Niagara Region Transit service in place and the emergence of on-demand services for smaller municipalities, which do not provide conventional and specialized services; and further

THAT Welland City Council defers approval for the proposed Niagara Transit Governance Strategy until 2023 due to the potential negative financial impact to Welland taxpayers; and further

THAT Report TRANS-2021-01: Update on Niagara Region Transit (NRT) Governance Strategy be circulated to all area municipalities."

Yours truly,

Tara Stephens City Clerk

TS:jm

c.c.: Local Area Municipal Clerks, sent via email

S. Zorbas, Interim CAO/Director of Corporate Services, Chief Financial Officer/Treasurer

D. Stuart, Transit Manager

SPECIAL COUNCIL CORPORATE SERVICES TRANSIT DIVISION

GENERAL M	ANAGER
CFO	C. C.
CAO	(P)

REPORT TRANS-2021-01 APRIL 13, 2021

SUBJECT: UPDATE ON NIAGARA REGION TRANSIT (NRT) GOVERNANCE STRATEGY

AUTHOR: DAVE STUART, TRANSIT MANAGER

APPROVING G.M.: STEVE ZORBAS, CPA, CMA, B.Comm, DPA, INTERIM CAO / DIRECTOR, CORPORATE SERVICES, CHIEF FINANCIAL OFFICER / TREASURER

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND receive for information report TRANS-2021-01 – Update on Niagara Region Transit (NRT) Governance Strategy; and further

THAT Welland City Council support the current levels of Niagara Region Transit service in place and the emergence of on-demand services for smaller municipalities, which do not provide conventional and specialized services; and further

THAT Welland City Council defer approval for the proposed Niagara Transit Governance Strategy until 2023 due to the potential negative financial impact to Welland taxpayers; and further

THAT report TRANS-2021-01 – Update on Niagara Region Transit (NRT) Governance Strategy be circulated to all area municipalities.

ORIGIN AND BACKGROUND:

On February 21, 2017, Report CAO-2017-02 – Niagara Transit Service Delivery and Governance Strategy Report, was presented to Council (Appendix I). Within this report, Council was asked to support a Memorandum of Understanding (MOU), which was approved by the Cities of Welland, St. Catharines, and Niagara Falls; and Niagara Region. This MOU included the Guiding Principles for Welland's involvement of, and support for, inter-municipal transit. These Guiding Principles were drafted by Welland staff to ensure they would continue to influence Welland's perspective and involvement in the future phases of the inter-municipal transit discussion and include:

- Fiscal responsibility and affordability for the City of Welland. Thus, no negative impacts to the City's tax levy and receipt of provincial gas tax is not negatively impacted.
- Ease of implementation for the City of Welland.
- Operational viability for City of Welland.

- Improving economic development opportunities for the City of Welland.
- Local transit services will not be adversely impacted.
- Respecting existing transit collective agreements in each respective municipality.

The City of Welland remains steadfast in its commitment to improving public transit in our community and advancing transit integration throughout Niagara. Since NRT's inception in September 2011, Welland Transit has played an important role in all the operational, fleet & technology, and procedural enhancements, which have been implemented to improve the accessibility and efficiency for residents to utilize public transportation for travel throughout the Niagara region.

Some of the more notable enhancements include:

- Working with our Transit colleagues to modify our long-standing route numbers to better utilize technology such as the Transit App, which allows customers to access real-time information on how to move seamlessly throughout the entire region.
- Develop common customer-facing policies to ensure consistency for our collective customers.
- Commenced with the development work for a consolidated customer call center and common fare structure.
- Have participated in the review and implementation of current fare technology, GPS installations, and mobile communication systems to improve reliability and marketability of services.
- Ongoing enhancements to infrastructure such as; bus stops, maintenance facilities, and terminals.

At the October 21, 2020 meeting of the Linking Niagara Transit Committee (LNTC), the consultant's report on transit governance was presented and supported in principle by the LNTC. The path forward includes further review by Niagara Region Public Works Committee and the Local Area Municipalities.

COMMENTS AND ANALYSIS:

The City of Welland is supportive and invested in ensuring the growth of public transit throughout Niagara. The items detailed below are designed to aid transparency and ensure transit integration is accomplished in a manner that properly allocates transition costs, ensures local service level control, and ensures taxpayer equity.

To that end, City staff would like to bring the following items of note to Council's attention:

 Pandemic – The global pandemic has brought great challenges and uncertainty to public transit. Ridership and revenue losses remain substantial. Passenger trips per day have rarely surpassed 25% of pre-COVID ridership values and revenue losses are commensurate. Although dependent on many factors, attaining our pre-COVID ridership levels may not occur until September 2022. The City has received Safe Restart Agreement funding from the province, and the municipal transit industry is hopeful there will be additional support funding moving forward to mitigate the revenue losses but are not sure these funds will be realized.

- 2. Service Plan The Governance Strategy does not provide a comprehensive Service Plan of enhancements yet creates the expectation that transit will realize exponential (almost doubling) growth in ridership over the next ten years. Further, the current operational costs have been identified in the Governance Strategy as increasing from \$27M to in excess of \$60M over the next ten years.
- 3. Ridership Growth The consultant indicated there will be an increase in ridership of up to 80% by 2031. This increase in ridership is based on a 95% enhancement in service hours. This ridership growth is based on the results experienced by other Ontario regions, such as Waterloo, York, and Durham, which amalgamated their transit systems over the last several years. The report does not disclose the extensive additional investment in service and assets in these areas to support the growth in population and ridership gains. In these regions, ridership has grown but associated expenditures have grown to a greater extent. These systems have seen a drop in their revenue-to-cost ratio, which presents an overall picture of a system's fiscal productivity.

Further, ridership growth in the past ten years in the Niagara region has been very heavily driven by the post secondary student demographic, which will be less clear moving forward. In approximate terms, the student market represents the following percentages of ridership for these systems: Welland ~ 35%, St. Catharines ~ 60%, Niagara Falls ~ 40%, and Niagara Region Transit ~ 85+%. Thus, all systems are very dependent on this demographic for their overall ridership.

- 4. Single Fare A Regional Commission should provide a single fare for travel anywhere in Niagara. This is mentioned in the report, but no cost estimates are associated with this implementation. The fare structure is a critical component to attracting ridership and generating revenue. Leaving this alignment to a few years into the new entity could result in a large funding requirement and budgetary challenges.
- 5. Consolidation of Union Agreements The amalgamation of transit service will bring a great deal of change to the employees of the organizations involved. Balancing the collective agreements will be crucial to ensure positive labour relations in the early years of the new entity. The report discusses renegotiating these agreements as they expire. This needs to be part of the transition and accounted for in that envelope as these costs could be considerable.
- 6. Representation on the Commission The NTGS calls for a nine-member Commission made up of five Regional Councillors and four citizen appointees. The Regional Councillors would be comprised of one each from St. Catharines, Niagara Falls, and Welland, along with two from any other municipality. The result is the three largest transit systems with 80+% of the assets and ridership represent 33% of the voting on this Commission and thus, the current representation model will not be favourable to the three largest municipalities.

7. Asset Transfer – The report calls for the transfer of assets based on the Cummings Principal, which is a precedent that uploads all the assets to the new entity with no compensation to the purchasing municipality. Thus, the City of Welland would provide the Region with approximately \$10M (as of December 31, 2019) in assets. These assets include; the Operations Facility at 75 Federal Rd., the Bus Terminal (and all the land they reside on), all maintenance equipment, and our fleet of buses and support vehicles with no compensation in return.

Of interest, the City of Welland has secured funding through the Investing in Canada Infrastructure Fund for \$11M, which will be utilized to design and construct a new Transit Operations Facility. This facility will be built to enhance municipal service synergies with other departments, such as; support for Public Works, meeting and training spaces, and a back-up emergency command office. If uploaded, the new NRT Commission would have the ability to determine the ultimate uses permitted within this new facility.

8. Funding Model – The new entity would be funded by a phased-in uniform tax levy. Based on 2020 transit spending, the funding of transit in Niagara would be redistributed as follows;

	2021			2029			Change	•
St. Catharines	\$ 12,275,402	44.88%	\$	6,936,441	25.36%	-\$	5,338,961	-43.49%
Niagara Falls	8,645,833	31.61%		5,333,620	19.50%	- 10	3,312,213	-38.31%
Welland	2,050,898	7.50%	同時 雪気	2,201,828	8.05%		150,930	7.36%
NOTL	497,223	1.82%		2,469,877	9.03%		1,972,654	396.73%
Port Colborne	127,092	0.46%		877,996	3.21%		750,904	590.83%
Pelham	261,156	0.95%		1,258,187	4.60%		997,031	381.78%
Thorold	2,152,143	7.87%		1,085,870	3.97%		1,066,273	-49.54%
Fort Erie	826,323	3.02%		1,764,198	6.45%		937,875	113.50%
Grimsby	250,000	0.91%	na sta	2,127,978	7.78%		1,877,978	751.19%
Lincoln	265,829	0.97%		1,769,668	6.47%		1,503,839	565.72%
West Lincoln	el de la	0.00%		1,020,226	3.73%		1,020,226	
Wainfleet		0.00%		506,010	1.85%		506,010	
Total Expenditure	\$ 27,351,899	100.00%	\$	27,351,899	100.00%			

This represents the current expenditures on transit and does not include service expansion or inflation, which are estimated to approach \$60M in the initial ten years of the amalgamation. The proposed uniform tax levy based on the regional apportionment is not equitable. This shifts the financial burden from a municipality that directly benefits from the service to municipalities that have little or no investment in transit service. An alternative method would be a 'special area rate' similar to how St. Catharines funds transit. Conventional transit, which is only available in the urban boundary is assessed against only those properties, while specialized services, which are available to all properties in St. Catharines are included in the general rate.

 Regional Tax Levy – The impact of transferring existing transit from the local to the regional levy should be provided along with the associated increases associated for service expansion.

- 10. Five-Year Service Guarantee The proposed Regional Commission guarantees that, at a minimum, the 2021 service hours in local municipalities will be maintained for five years from the assumption of the service by the new Commission, unless otherwise agreed to by the local area municipality. As stated earlier, 2021 is not anticipated to be a normal 'service hour' year due to the global pandemic. In addition, after five years the new Commission could revise service in Welland should it receive the necessary majority of votes.
- 11. Government Funding At present, municipalities providing public transit are eligible for various funding at the federal and provincial levels. These subsidies have assisted the municipality with operating and capital expenditures such as; rolling stock, infrastructure, facilities, and operational subsidies during this pandemic.

Of great concern, will these subsidies be present for municipalities moving beyond the current period to support the challenges public transit will continue to face for a significant period of time?

Further, municipalities actively lobbied for and managed the receipt of these funding streams. Will these same efforts be demonstrated by this Regional Commission? How will the funding be apportioned throughout the Niagara region? The levels of control of these funding sources would be dependent on our single vote on the Commission.

It seems prudent that a delay should be considered, which would allow for greater certainty on the pandemic recovery period prior to implementing large scale transit investments and revisions in the absence of a clearer picture of transit's future and a more settled experience for employees.

FINANCIAL CONSIDERATION:

There are many aspects of this Governance Strategy that will have significant consequences on Welland's ability to fully control our costs moving forward. Regional staff created the chart (item #8 above) indicating what costs will be redistributed annually from our Municipal Levy to the Regional Levy from 2022 through 2029. This chart indicates the annual cost apportioned to the City of Welland will be approximately 7.4% greater in 2029 and there is no determination what the cost redistribution may be beyond this relatively narrow period.

The Guiding Principles approved by Welland City Council support a strong level of control of our municipal Transit service levels and ensuring the associated amalgamation costs would have no negative impact to Welland taxpayers. Upon review of preliminary funding models, City of Welland staff have significant concerns that the proposed 'new funding model for Niagara Region Transit will have negative impacts on Welland taxpayers' when compared to the current service delivery model in place for Welland Transit services. In addition, the current financial assumptions appear to exclude the impact of increased service levels and increased capital spending, which will likely place an increased economic burden upon Welland taxpayers.

The proposed funding model appears to provide significant financial relief to St. Catharines and Niagara Falls taxpayers at the expense of other lower tier municipalities.

As a result of these significant financial concerns, staff recommend that the current Transit service delivery model be maintained, including current delivery of Inter-Municipal Transit until 2023 to

allow 'new and updated' options to be presented to ensure Welland taxpayer's are not adversely impacted.

Update on Transit Service Provision to Port Colborne

City of Welland staff have been in continuous dialogue with our Port Colborne contacts with respect to our provision of municipal service within their city. The initial period of ending our service arrangement with Port Colborne has been pushed back from mid-summer to December 31, 2021. Further, Welland Transit is actively reviewing other technologies and service revisions which would be of benefit to the residents of Port Colborne and there is a possibility our service provision relationship may extend beyond 2021.

OTHER DEPARTMENT IMPLICATIONS:

The transition of Welland Transit from a municipal entity to a component of Niagara Region Transit should relieve the municipality of a number of requirements and responsibilities. If amalgamation occurs, the City will not be required to support Transit for many tasks, including: Finance and Legal oversight, Human Resources guidance, Payroll support, and matters pertaining to Engineering & Planning.

Conversely, the City would not have the same autonomy to utilize the fleet for municipal events, support Council initiatives, and generally be in full alignment with the developments and enhancements being realized within our dynamic community.

SUMMARY AND CONCLUSION:

The Niagara Transit Governance Study indicates ridership growth of up to 80%; it does not display the associated costs of additional service hours and asset investment required. These amounts should be included when displaying the cost redistribution for a uniform tax levy. A determining factor of these growth projections was the experience of other Ontario regions which regionalized their transit systems. It was not noted that these regions have significant population growth, more urban density, and have invested millions in new transit service and thus, these comparisons are not fully in alignment with the characteristics of the Niagara region.

Control of service level and representation on the board are also concerns with this governance strategy model. Transit service in Niagara will continue to be concentrated in the three larger urban centres and therefore, far more input and control should be considered for Welland, Niagara Falls, and St. Catharines under this new governance model.

Welland Transit staff recommend that the Niagara Transit Governance Study should be updated to reflect the entirety of these transition costs and fully capture the costs associated with the necessary service enhancements needed to achieve the ridership increases stated. This will allow for local area municipalities to decide based on fulsome and ever evolving information. Taking the time to conduct this work now will make the transition and future service costs more transparent. A new consolidated transit entity will experience many challenges in the initial years and properly funding these transition costs place less of a burden on the operating budget. A

clear financial forecast and service plan will provide greater guidance to the Transit team tasked with managing the expectations of all stakeholders.

It would be prudent to review options for an appropriate 'best for Niagara' solution that reflects a true partnership between the upper and lower tier municipalities. There are other options to consider, including:

- 1. Benefiting Area Rating Creating a rate charged to each municipality based on the service area / service hours and their associated costs.
- 2. **Representation** Creating a voting weight structure to better represent the size and scope of the investments those municipalities have in their systems.
- **3.** Lower Tier Control Allowing lower tier municipalities to determine the magnitude of transit services provided in their municipality and the associated cost of that service.

ATTACHMENTS:

Appendix I – CAO-2017-02 - Niagara Transit Service Delivery and Governance Strategy Report

AGENDA PAGE 1 - 8 NUMBER



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MOTION

MOVED BY: Mastroranni

SECONDED BY: Cal,

THAT THE COUNCIL OF THE CITY OF WELLAND receives for information the presentation by Gary Long, Chief Administrative Officer and Alfred Stockwell, Transit Manager regarding Niagara Transit Service and Governance Strategy; and THAT Welland City Council endorses in principle the creation of a consolidated transit system in partnership with the cities of Niagara Falls, St. Catharines, and the Region of Niagara to develop a regionally integrated transit system; and THAT staff be directed to develop a Memorandum of

Understanding (MOU) between Niagara Falls, St. Catharines, Welland and Niagara Region to develop a governance framework and specify how key issues are to be addressed by all parties along with next steps and timelines; and

THAT Welland City Council hereby requests that Niagara Region become formally involved in and supportive of the consolidated transit model as recommended in the January 2017 Niagara Transit Service Delivery and Governance Strategy Report and endorsed by the Inter-Municipal Transit Working Group; and THAT Council supports the formation of a Transit Working Group, with representatives from the 12 Municipalities and the Region of Niagara, to work towards the implementation of a consolidated transit model; and

THAT Council supports the transition of the current Inter-Municipal Working Group to a Transit Steering Committee until a new governance framework is established in the pending Memorandum of Understanding; and

THAT Council reconfirm the guiding principles for Welland's involvement of and support for inter-municipal transit.

CARRIED

REF. NO.

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APPENDIX I



	APPROVALS
	GENERAL MANAGER
	TREASURER
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EPO	RT CAO-2017-02

SUBJECT: NIAGARA TRANSIT SERVICE DELIVERY AND GOVERNANCE STRATEGY REPORT

AUTHOR: GARY LONG, CAO

RECOMMENDATION:

THAT THE COUNCIL OF THE CITY OF WELLAND endorses in principle the creation of a consolidated transit system in partnership with the cities of Niagara Falls, St. Catharines, and the Region of Niagara to develop a regionally integrated transit system; and

That staff be directed to develop a Memorandum of Understanding (MOU) between Niagara Falls, St. Catharines, Welland and Niagara Region to develop a governance framework and specify how key issues are to be addressed by all parties along with next steps and timelines; and

That Welland City Council hereby requests that Niagara Region become formally involved in and supportive of the consolidated transit model as recommended in the January 2017 Niagara Transit Service Delivery and Governance Strategy Report and endorsed by the Inter-Municipal Transit Working Group; and

That Council supports the formation of a Transit Working Group, with representatives from the 12 Municipalities and the Region of Niagara, to work towards the implementation of a consolidated transit model; and

That Council supports the transition of the current Inter-Municipal Working Group to a Transit Steering Committee until a new governance framework is established in the pending Memorandum of Understanding; and

That Council reconfirm the guiding principles for Welland's involvement of and support for intermunicipal transit.

ORIGIN AND BACKGROUND:

In 2010, the cities of St. Catharines, Welland and Niagara Falls made a proposal to Regional Council to create a tri-city transit service which the three cities would operate, to be funded by the Region and called Niagara Region Transit (NRT). The NRT was to operate for 3 years with

the intent that if successful, transit would be uploaded to the Region through a Triple Majority process. Regional Council approved the proposal by a solid majority and in September 2011 Niagara Region, the St. Catharines Transit Commission, the City of Niagara Falls and the City of Welland entered into a pilot project agreement to formalize the provision of inter-municipal transit services. Funded by the Niagara Region and jointly operated by St. Catharines Transit, Niagara Falls Transit and Welland Transit ("transit operators"), the Niagara Regional Transit pilot provides transit connections to the communities of St. Catharines, Thorold, Niagara Falls, Welland, Niagara-on-the-Lake, Port Colborne and Fort Erie.

In May 2015, prior to formalizing the NRT as a permanent inter-municipal transit service and securing triple majority support from local municipalities, Regional Council agreed to ask the cities of St. Catharines, Niagara Falls and Welland, as transit operators, to work together to present a new model to the whole region.

Since January 2016, the Inter-municipal Transit Working Group of Mayors, CAO's and Transit Managers from St. Catharines, Welland and Niagara Falls, with support from the Regional Chair and CAO, have been working together to develop options for integrated transit services for Niagara. The Working Group has also been working cooperatively to make improvements to the existing Niagara Region Transit services during the pilot project period and to make the existing transit services the best they can be.

Welland City Council approved the following guiding principles for City staff to utilize in discussing inter-municipal transit:

- 1. Fiscal responsibility and affordability for the City of Welland (Financially neutral for the City of Welland with no negative impact to the City's tax levy and receipt of Provincial Gas Tax is not negatively impacted)
- 2. Ease of implementation for the City of Welland
- 3. Operational viability for the City of Welland
- 4. Improving Economic Development opportunities for the City of Welland
- 5. Utilizing the Council approved Master Transit Plan to ensure City's Transit service levels are not adversely impacted
- 6. Maintaining an affordable and effective Transit service to Niagara College and Brock University
- 7. Local Transit service levels will not be adversely impacted
- 8. Respecting existing Transit Collective Agreements in each respective municipality

These guiding principles will continue to influence Welland's perspective and involvement in the next phase of the Inter-municipal Transit discussion.

The Niagara Transit Service Delivery and Governance Strategy Report, commissioned by the Working Group, and prepared by Dillon Consulting, provides strategic recommendations for the improvement of transit service throughout Niagara. The feedback from Councils and the community, through public meetings and an online survey, helped shape the consultant's final recommendations.

The final report presented a governance strategy that recommends a consolidated transit model. This would see St. Catharines, Niagara Falls and Welland Transit systems combine their services into one large consolidated transit system to serve the entire Niagara region. The consolidated transit model would allow local municipalities to maintain control over transit

system planning and allows the Region to be involved in the funding and decision making of inter-municipal connections. The recommendation for consolidation calls for the creation of a new governing body such as a municipal service board or commission made up of representatives from St. Catharines, Niagara Falls, Welland and Niagara Region with advisory representation from Niagara's municipalities involved with connecting transit services.

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The report recommends improvements to inter-municipal transit services in Niagara by:

- Increasing the frequency of inter-municipal service so that buses arrive every 30 minutes during peak periods
- · Extending service hours so that transit is available later in the evening
- Extending full weekend service that would have inter-municipal transit operating on Sundays.
- Eliminating duplicate routes and services to be reinvested
- Improving integration with other municipal transit systems;
- Creating a new Niagara-West inter-municipal transit link
- Adding new dynamic transit services for low-demand and rural areas
- Integrating fare strategy, payment technology and trip-planning.

The report also outlines the next steps to be taken to create a consolidated transit system for Niagara including financial and legal considerations to be taken by local service bodies and municipalities.

COMMENTS AND ANALYSIS:

The Niagara Transit Service Delivery and Governance Strategy report outlines next steps required to implement a consolidated transit model and outlines options to phase in the changes. In summary;

- Reach triple majority for Region's involvement in transit. The Region should be given legislative authority through a transit by-law to plan, provide funding and make decisions on transit policy and capital requirements.
- 2. Approve consolidated transit model. Secure agreement and commitment by all municipalities involved to work together and implement the strategic direction through a signed memorandum of understanding to further develop the implementation plan.
- 3. Consolidated transit model implementation plan. This requires a number of steps to be taken. The Strategy outlines an aggressive 12-month implementation to the new consolidated transit model, including the need to initiate further studies and develop the governance structure. Details to be confirmed include legal organization of governing body, financing and decision-making processes, organizational structure and brand of consolidated transit entity.
- 4. Implement inter-municipal transit service strategy. Implementation of the service plan as outlined in the strategy can occur independently outside the creation of the consolidated transit model, however this not recommended.

The strategy outlines an aggressive timeline for implementation in 12 months. The working group is recommending a less aggressive implementation strategy and phased-in approach

based on staffing and resources, respect for the cooperative nature of the working group and the need for municipal council support, as well as potential opportunities for financial support and transit incentive programs from other levels of government.

To achieve the working group's objectives, staff are recommending phase 3 be expanded to allow more time, and more steps in the implementation strategy, as outlined in the recommendation section of the report.

Collectively, municipal staff and transit managers are recommending that the next steps towards a consolidated transit model are to create 2 new formal bodies to oversee implementation: a Transit Steering Committee (made up of the current Inter Municipal Working Group, with two additional regional members) and a Transit Working Group, outlined below.

Transit Steering Committee: a governing body made up of representatives of:

- 2 City of St. Catharines
- 2 City of Welland
- 2 City of Niagara Falls
- 4 Niagara Region (the current two representatives plus 2 representatives from Niagara municipalities which do not operate their own transit service)

Responsibilities:

- Direct the work of the Transit Working Group
- Approve MOU to be presented to the Municipalities
- Coordinate branding and marketing of transit service
- Government relations and advocacy (i.e. funding opportunities)
- Unified Niagara voice for transit

(Note, this group will disband once the new governance framework is approved)

Transit Working Group: inter-municipal staff group, reports to Steering Committee

- Transit managers of each municipal service
- 1 representative from each non-transit municipality
- 1 Niagara Region representative

Responsibilities:

- Procurement / purchasing transit capital needs
- Development of proposals for fare boxes, technology, policies, customer service structure, service guidelines
- Route optimization and coordination
- Coordination with other transit providers (GO transit, Metrolinx, Hamilton Street Railway)
- Coordination with post-secondary schools and private carriers
- Liaise with economic development and planning offices
- Union contracts and standardization of standard operating procedures (SOPs)

(Note, this group is anticipated to become permanent and codified in the MOU)

One of the main objectives of the IMT Working Group has been to focus on the needs of the transit user as inter-municipal transit enables residents to access education, employment, recreation and social services. Another objective has been to ensure that Niagara is ready for and supportive of future economic growth and prosperity. Based on the Region's 2041 Growth Strategy, the population of Niagara Region is expected to gain 170,000 new residents and

80,000 new jobs over the next twenty-five years. A new integrated transit system, with enhanced inter-connectivity will support this.

Also, local and inter-municipal connections will support daily GO train service coming to Niagara, starting with Grimsby by 2021, and St. Catharines and Niagara Falls by 2023. It will be important that there are inter-municipal routes and an integrated transit system to ensure Welland residents, visitors, and students can make connections with GO. The objectives mentioned above are consistent with the guiding principles adopted by Welland City Council.

It's also important to recognize the economic impact of investing in public transit. Based on information recently provided by the federal government, every \$1 invested in transit results in \$3 in economic growth, as well as quantifiable benefits for the environment, and reducing traffic congestion. Investing in public transit ultimately improves our competitiveness and the liveability and sustainability of our community. Over the past year, there has been more public policy focus and discussion along with increased public transit funding from both the federal and provincial governments. The proposed changes to transit service delivery and governance in Niagara are timely and consistent with federal and provincial policy directions and transit funding programs, as well as supporting the strategic priorities of local municipalities and the Region. Welland City Council's recent investments in transit in terms of fleet purchases, facility upgrades, fare box technology, hiring an additional Transit Supervisor, and increased service hours, is positive for our community and they complement the strategic direction of transit in Niagara.

FINANCIAL CONSIDERATIONS:

There are no immediate financial implications in adopting the recommendations of this report. The Niagara Transit Service Delivery and Governance Strategy Report outlines estimated cost projections for a consolidated model including operational costs, capital facility upgrades and fleet purchases, and one-time implementation costs. One of the responsibilities of the proposed Transit Steering Committee will be determine how the increased operational and capital costs will be funded. The CAOs have requested a meeting with senior officials at the Ministry of Transportation to update them on the report's recommendations and discuss provincial funding sources. The Transit Steering Committee will also pursue funding from the federal Public Transit Infrastructure Fund (PTIF). It is also noteworthy that the province has recently announced additional transit funding starting in 2019.

OTHER DEPARTMENT IMPLICATIONS:

The CAO, along with the Mayor, are members of the IMT Working Group and would continue to be involved as members of the proposed Transit Steering Committee. Our Transit Manager has been working closely with his counterparts at Niagara Falls and St. Catharines as well as Regional staff, and he would continue to be involved as a member of the proposed Transit Working Group. The City's CFO will continue to be actively involved in providing support and advice to the CAO and Transit Manager.

SUMMARY AND CONCLUSION:

The IMT Working Group are recommending to the Councils of Welland, Niagara Falls, and St. Catharines to adopt in principle the creation of a consolidated transit system, and that the Region, through legislative authority, become formally involved in transit. A Memorandum of Understanding between the three municipalities and the Region will be developed that includes

a governance framework and the key issues to be addressed along with next steps and timelines. It has also been recommended that a Transit Steering Committee and Transit Working Group be formed to replace the IMT working group, and will have responsibility for developing an implementation plan for the consolidated transit system through a phased-in approach.

ATTACHMENTS:

Appendix I – Dillon Final Report (in Council's possession)

Appendix II - Transit: Getting Canadians Moving

APPENDIX II

TRANSIT: Getting canadians moving

For the years ahead, we need world-class public transit to form the backbone of more competitive, livable and sustainable Canadian cities.

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It's no coincidence that the world's most dynamic cities feature some of the best transit systems. People want to spend less time commuting and more time with their families. And those faster connections increasingly attract top employers, skilled workers and innovative professionals.

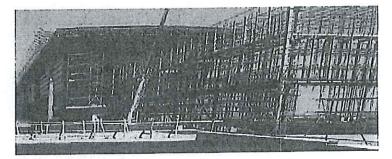
Local transit solutions will tackle national challenges as well. Getting people and goods moving faster will kickstart economic growth. Getting more cars off the road will reduce Canada's climate-changing emissions. And we'll finally start recovering that \$10 billion in productivity that our country loses to gridlock each year.

Phase 1 of your government's transit plan delivered significant support for state-of-good-repair work across Canada. But it's the upcoming Phase 2 that has the potential to be truly transformative.

Given the right financial tools, large and mid-sized cities have major transit expansions ready to go. These projects incorporate light rail, streetcars, hybrid buses, accessible transportation and beyond—as the backbone for innovative, lower-carbon models of urban land use and development. In many cases, planning, consultation and engineering are well underway. To unlock this local potential, we recommend streamlining Phase 2 transit investment as long-term, predictable allocations based on existing ridership and population. This allocation-based approach is working in Phase 1 because it empowers cities to plan, consult, leverage local expertise, and move the most cost-effective projects forward.

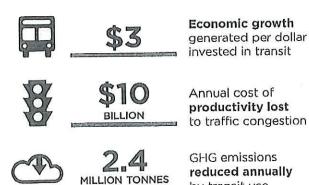
Modernizing cost-sharing is critical as well. Recognizing cities' majority share of full-lifecycle costs and restrained fiscal capacity, your government grew its capital contribution to 50 per cent for Phase 1 projects. To ensure strategic transit projects move forward, this innovation should continue in Phase 2, with provinces contributing no less than their traditional one-third share.

In the 19th century, we built this country by laying rails to link our regions. In the 20th, we reached out to the world through our ports and highways. In tomorrow's Canada, we're looking to transit to shape the next generation of livable, sustainable cities to compete with the world's best.



"We truly believe that mobility is key to opportunities for Canadians, as well as to building sustainable communities... But our transit systems are aging and investments have not kept pace with the rapid development and growth of our cities."

> Hon. Amarjeet Sohi, Minister of Infrastructure and Communities, March 29, 2016





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APPENDIX I



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Budget 2017 recommendations

- Optimize Phase 2 of the Public Transit Infrastructure Fund to build the next generation of efficient, growth-supporting public transit in communities across Canada, directing the full value of the fund to municipalities with transit systems.
- Commit to an allocation-based investment model, building on the success of this approach in Phase 1, recognizing that predictable funding empowers local governments to plan, consult, leverage local expertise and move strategic transit projects forward.
- Work with FCM to develop an allocation formula that enables cities to realize large-scale, transformative transit projects—while ensuring that transit-providing communities of all sizes are included in this nation-building project.
- Develop an additional mechanism, in consultation with FCM, to support transit ridership-growth and system-expansion goals that cannot be achieved through the allocation-based investment model alone.
- Maintain a 50 per cent federal contribution to lifecycle capital costs of transit projects—with provinces contributing no less than their traditional 33 per cent share—to ensure that strategic projects can move forward in communities of all sizes.

- Define project eligibility to encompass both stateof-good-repair projects and transit expansions—and expand cost eligibility to include land acquisition, financing and P3-related costs, while extending the Phase 1 decision to include design and planning costs.
- Build maximum flexibility into stacking rules, allowing municipalities the local discretion to pool Public Transit Infrastructure Fund investments with other federal funding sources to move projects forward.
- As a general principle for transit investment, empower municipalities to direct funds to locallyidentified priorities based on local data and expertise, supporting evidence-based asset management and capital planning practices.
- Align Phase 2 Transit and Green components to reinforce and expand the level of funding available for complementary projects (e.g. network extensions and expansions, greening of transit fleets).

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April 16, 2021



Hon. Patty Hajdu House of Commons Ottawa, ON Canada KIA 0A6

Honourable Minister Hajdu:

Re: Cannabis Licencing and Enforcement

Council for the Town of Mono passed the following resolution in open council on March 23, 2021.

<u>Resolution #11-6-2021</u> Moved by Sharon Martin, Seconded by John Creelman

WHEREAS the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

AND WHEREAS the police have not been given lawful authority to lay charges under the Cannabis Act to appropriately respond to violations of Health Canada Registrations and Licenses;

AND WHEREAS there is no direct communication or dedicated effort to provide a communication channel between Municipal government staff or Police Agencies for dealing with Health Canada Registrations and Licenses;

AND WHEREAS the Town of Mono has not been consulted by Health Canada prior to the issuance of licenses for properties not in compliance with municipal zoning by-laws.

BE IT RESOLVED THAT the Town of Mono requests that Health Canada:

- 1. Require Federal Licenses and Registrations for Designated Growers to conform with local zoning and control by-laws;
- 2. Ensure local authorities are provided with notification of any licence issuance, amendment, suspension, reinstatement or revocation within their jurisdiction;
- 3. Provide dedicated communication with local governments and Police services;
- 4. Provide lawful authority to Police agencies to lay charges when registered or licenced operations grow in excess of their registration or licence through Health Canada; and,

P: 519.941.3599 F: 519.941.9490	E: info@townofmono.com W: townofmono.com	347209 Mono Centre Road Mono, ON L9W 6S3
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5. Provide enforcement support and guidance to local municipalities for dealing with land use complaints relating to cannabis.

AND FURTHER BE IT RESOLVED THAT this motion be sent to the local MP and MPP; the Minister of Agriculture, Food and Rural Affairs; the Minister of Agriculture and Agri-Food; and all municipalities in Ontario, requesting that the Federal government enact legislation to better support local governments with land use management and enforcement issues as they relate to Cannabis Production and Processing.

"Carried"

Regards,

Fred Simpson Clerk

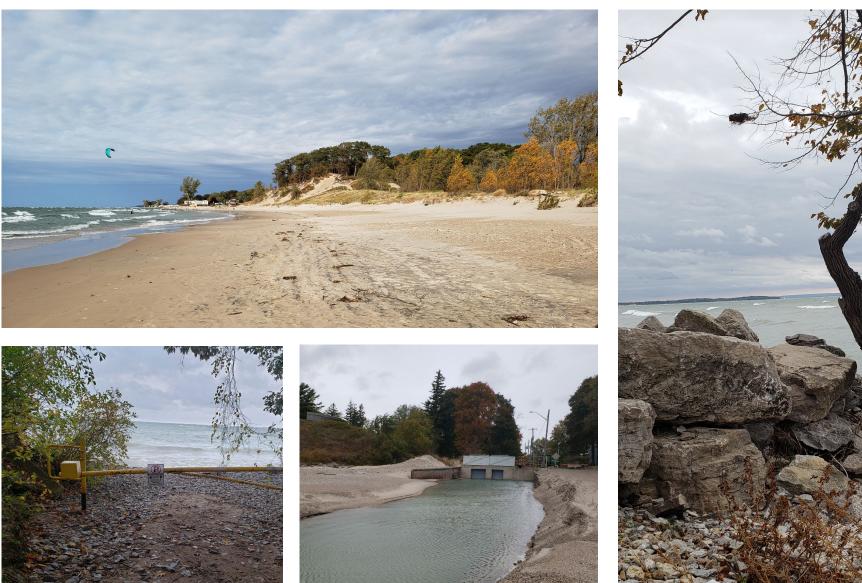
cc: Honourable Marie-Claude Bibeau, Minister of Agriculture and Agri-Food Honorable Kyle Seeback, MP Dufferin-Caledon Honourable Ernie Hardeman, Minister of Agriculture, Food and Rural Affairs Honourable Sylvia Jones, Solicitor General and MPP Dufferin-Caledon All Ontario Municipalities

Review of Road Allowance as Informal Beach Access

April 26, 2021

Road Allowances







Page 164 of 211

Process Reminder: From the Work Plan

✓ Public and Property Stakeholder Consultation Preparation and Execution

There are a number of different perspectives that are relevant to creating a workable range of solutions:

- Public at large and beach goers;
- Adjacent property owners;
- Potential commercial partners;
- Cottage owners; and
- Council and management of the City.



42% of respondents within the main survey zone reported that their property fronts directly onto one of the road

allowances (the most common being Pleasant Beach), compared with 14% from outside the zone. Some respondents included other roads in their response including Firelane 2, Firelane 14, and Firelane 2.

Respondent Information

- A minority of respondents' property has beach frontage or frontage onto the shoreline (24% within the main survey zone and 16% outside of it).
- Unsurprisingly, respondents from within the main survey zone reported living closer to the nearest shore access point at the foot of a road allowance, with 83% being within 1 kilometre. However, a smaller majority (62%) of respondents outside the main survey zone also reported being within a kilometre, with only 9% being more than 5 kilometres away.
- There was little difference in length of ownership between in zone and out of zone respondents in terms of length of property ownership, with 57% and 56% (respectively) owning for longer than 10 years.

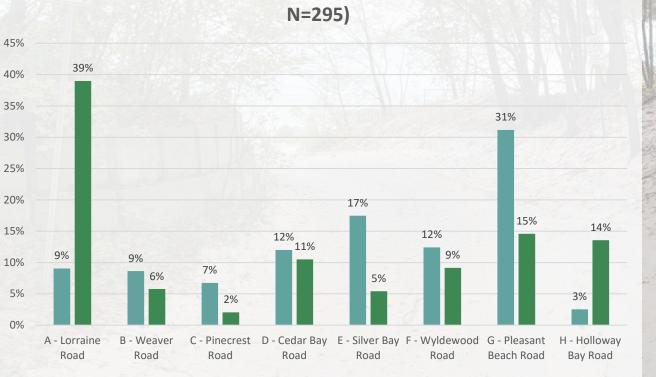
- The overwhelming majority of respondents are the registered owner of the property, at 92% within the main survey zone, and 87% from outside the zone.
- A large number (41%) of respondents within the main zone are seasonal residents, compared with 28% of respondents outside the zone.
- 31% of respondents within the main survey zone indicated that they have deeded access to the shoreline, compared with 16% of other respondents. 14% and 13% (respectively) were unsure whether they do or not.
- A majority of respondents are not part of a neighbourhood association. Of those who are, the most commonly listed association for respondents within the main survey zone was the Pleasant Beach Property Owners Association, followed by the Lorraine Bay Association. For other respondents it was the Cedar Bay Association followed by the Wyldewood Beach Association.



Respondent Location

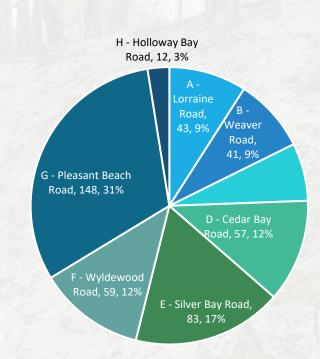


Closest Road Allowance (In Zone)



Closest Road Allowance (In Zone N=475, Out of Zone

■ In Zone ■ Out of Zone

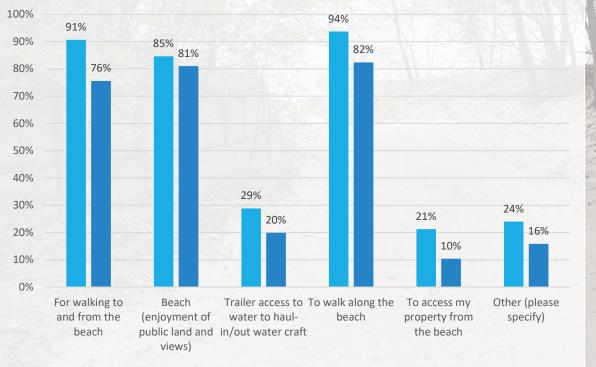


Sierra Planning and Management advice • strategy • implementation

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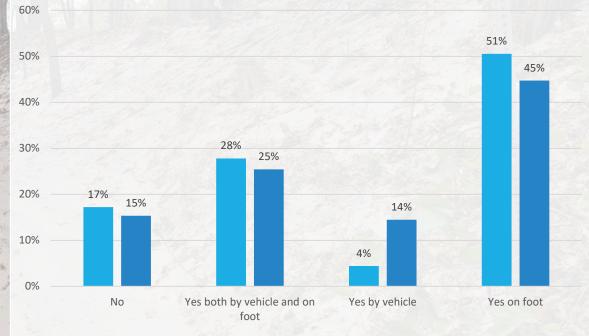
Need for Access

Why do you access the beach at the road allowances (In Zone N=396, Out of Zone, N=221)



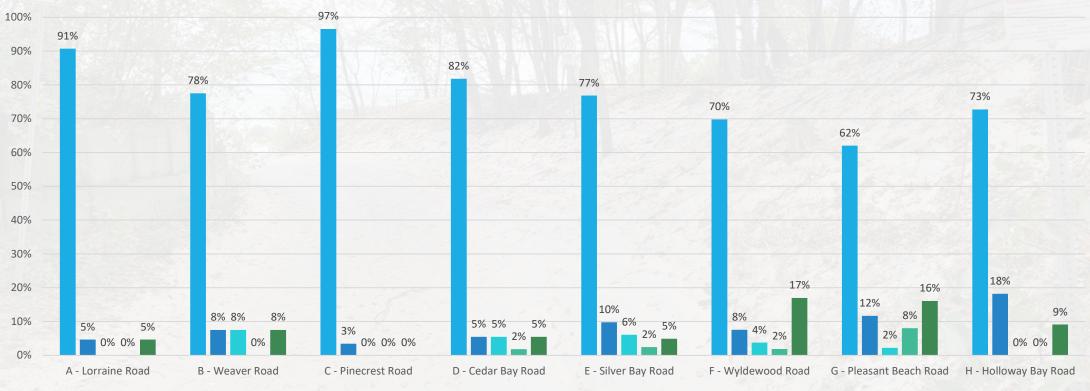
In Zone Out of Zone

Do you require on-going access to the shoreline via the road allowance (In Zone N=453, Out of Zone N=228)



■ In Zone ■ Out of Zone



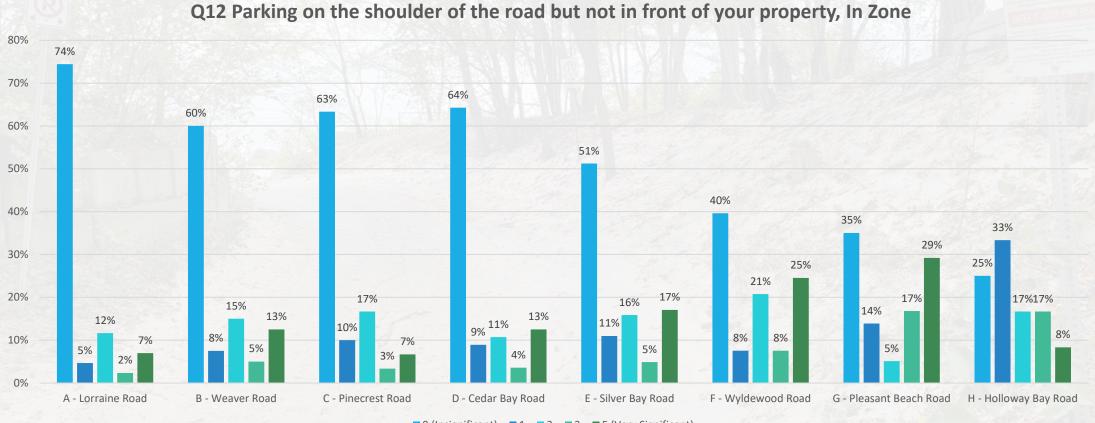


Q12 Parking in front of drive way, In Zone

■ 0 (Insignificant) ■ 1 ■ 2 ■ 3 ■ 5 (Very Significant)

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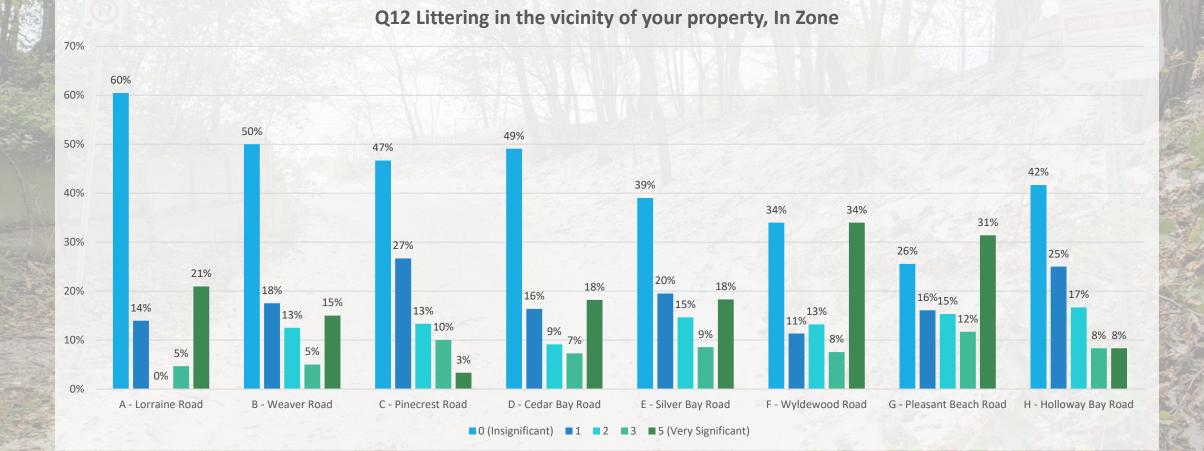
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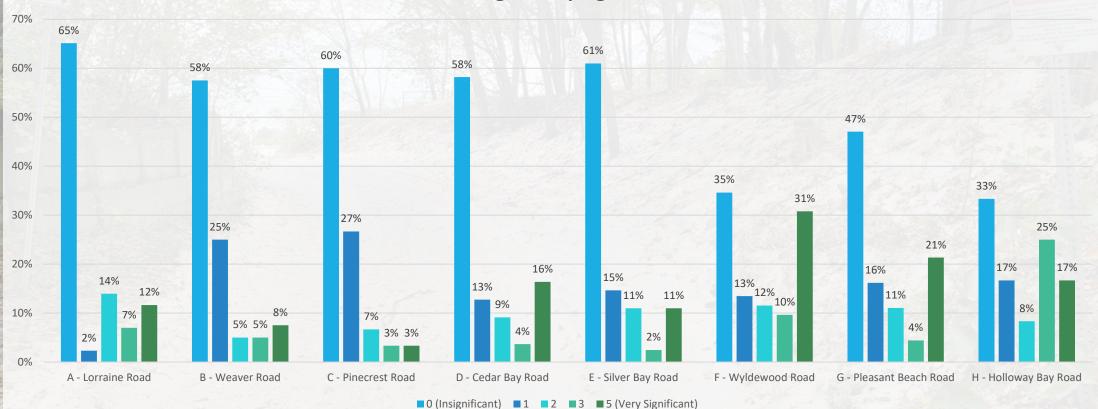
■ 0 (Insignificant) ■ 1 ■ 2 ■ 3 ■ 5 (Very Significant)



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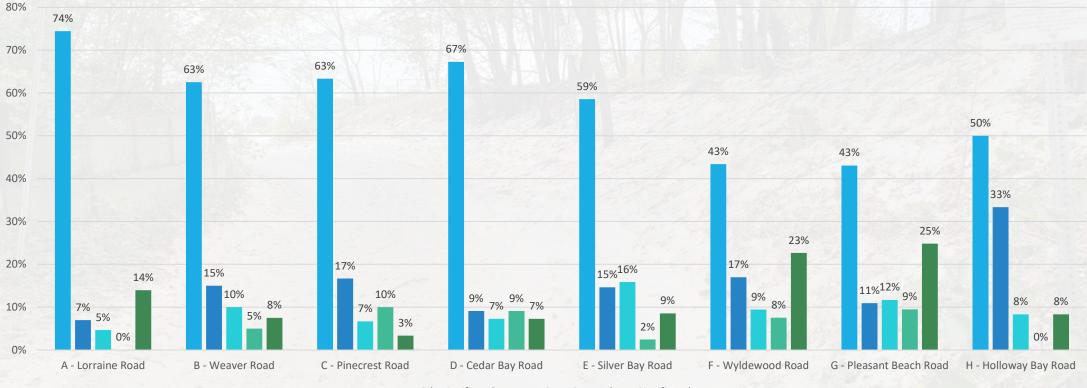






Q12 Illegal Dumping, In Zone



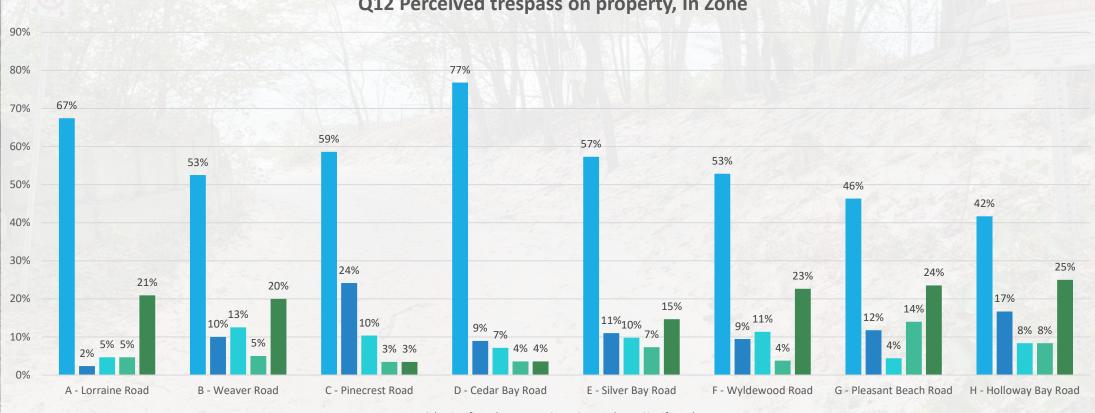


Q12 Noise disturbance late at night, In Zone

■ 0 (Insignificant) ■ 1 ■ 2 ■ 3 ■ 5 (Very Significant)



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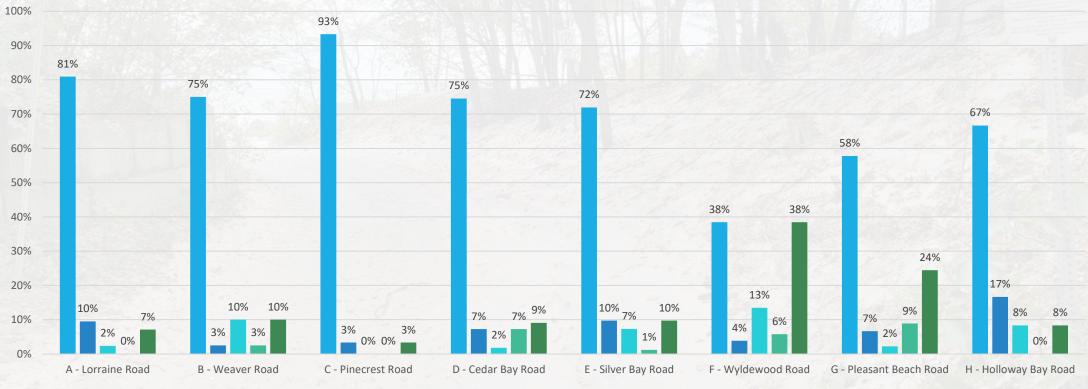


Q12 Perceived trespass on property, In Zone

■ 0 (Insignificant) ■ 1 ■ 2 ■ 3 ■ 5 (Very Significant)



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Q12 Issues related to washroom access, In Zone

■ 0 (Insignificant) ■ 1 ■ 2 ■ 3 ■ 5 (Very Significant)



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Willingness to Consider Measures (In Zone)

Willingness to consider measure by road allowance (% using Q2 result as N for each allowance) 80% 75% 70% 61% 60% 51% 47% 50% 44% 40% 34% 33% 33% 31% 30% 30% 23% 23% 22% 20% 19% 19% 18% 17% 17% 20% 16% 15% 16% 15% 11% 11% 10% 10% 9% 8% 8% 8% 10% 7% 6% 5% 0% E - Silver Bay Road F - Wyldewood Road A - Lorraine Road B - Weaver Road C - Pinecrest Road D - Cedar Bay Road G - Pleasant Beach Road H - Holloway Bay Road Fencing sufficient to prevent public access entirely Maintaining current policy of vehicular gates Add more legal parking further away from the beach or on an off-street location Sell road allowance lands at the shore to private owner(s)

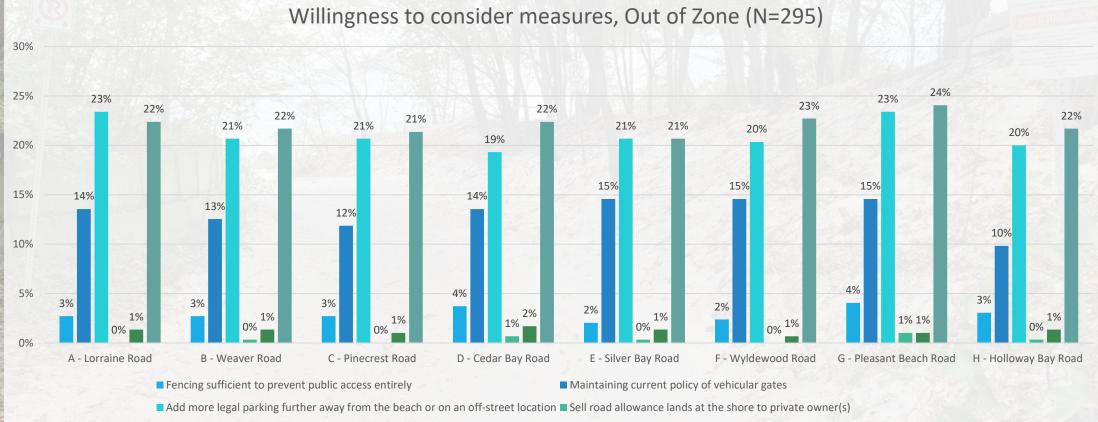
Partial sale but retain emergency access easement to beach

Creating public parks

Sierra Planning and Management advice • strategy • implementation

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Willingness to Consider Measures (Out of Zone)



Partial sale but retain emergency access easement to beach

Creating public parks

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Process: Next Steps

Public and Property Stakeholder Consultation

- Develop and present range of Policy and Planning Solutions
 - Seek public and property owner feedback on solutions
 - Develop recommendations report





Memorandum

То:	Mayor Steele and Members of Council
From:	Councillor Harry Wells
Date:	April 26, 2021
Re:	Public Safety at Road Crossing on the Friendship Trail

Throughout 2019 and 2020 there have been many emails from concerned citizens living on and using roads where the Friendship Trail crosses the roads. There has been a number of reported near misses where a cyclist using the trail was almost struck when they suddenly appeared in front of a motorist because the sightlines were obscured, and the cyclist didn't stop.

The Parks and Recreation staff were to identify crossing where a "ZIGZAG" (an off-set open gateway structure that impedes traffic) would slow down bicycle traffic on the trail prior to the trail's junction with the road and prepare a report on the number needed and associated cost to install the ZIGZAGs.

With the warm weather and people using the Trail more due to the pandemic concerns are again being received. Some of the concerns were made worse by people parking on the roadside and then using the trail blocking even more of the sight lines as shown in the attached picture.

I am requesting that Council approve the following motion:

The Director of Public Works undertake a review of the road junctions and the Friendship Trail for sight line obstructions and consideration of parking areas to ensure sight triangles are unobstructed and consistent with the Comprehensive Zoning By-law 6575/30/18 and bring back to Council in the second quarter a report with recommendations.

Thank you for your consideration,

Harry Wells Ward 4 Councillor



Junction of the Friendship Trail and Cedar Bay Road



Memorandum

To: Mayor Steele and Members of Council From: Councillor Harry Wells Date: April 26, 2021 Re: Consultation on guidance on personal production of cannabis for medical purposes

The Cannabis Act (the Act) and the Cannabis Regulations (the Regulations) came into force on October 17, 2018 with the purpose of protecting public health and public safety. Health Canada is the agency responsible for approval of cannabis production facilities and the processing of registrations and issuing certificates for growing personal medical cannabis in Canada.

The Act was the first attempt to create a strict legal framework for controlling the production, distribution, sale and possession of cannabis across Canada. The Act aimed to achieve 3 goals:

- keep cannabis out of the hands of youth,
- keep profits out of the pockets of criminals,
- protect public health and safety by allowing adults access to legal cannabis.

One intent of the Act was to provide reasonable access to cannabis for medical purposes for patients that have a signed medical prescription from their health care practitioner. To achieve this the following options were provided:

- purchase quality-controlled cannabis from a wide variety of federally licensed sellers inspected by Health Canada,
- produce a limited amount of cannabis for personal medical purposes as authorized by their health care practitioner ("personal production"),
- designate someone to produce it for them ("designated production")

The Act as written with a limited number of requirements set out in the Regulations has become a problem and even Health Canada is concerned that too much cannabis is being grown at home. On December 17, 2020 Health Canada publicly raised concerns about the large quantity of medical cannabis people were growing at home. An analysis of its data showed a significant jump in the daily average production permitted by health care practitioners. Health Canada's findings show that authorizations rose 44% while average purchases from licensed producers and federal medical sellers remained constant.

Health Canada is now acknowledging that high daily authorized amounts of personal medical cannabis are leading to abuse of the access to cannabis for medical

purposes framework and are undermining the integrity of the system to achieve the goals of the Act.

On January 11, 2021 the City's Planning and Development Department presented Report Number: 2021-07 regarding Medical Cannabis Grow Operations. Planning and Development staff reviewed correspondence received from the NRP, Township of Blandford-Blenheim and other municipalities and confirmed that the majority of the concerns raised have been witnessed first-hand by City Planning and By-law Enforcement staff.

The report identified that the City's only mechanism to control land use compatibility issues between medical cannabis facilities and neighbouring properties is through the Zoning By-law. However, this mechanism is consistently overridden by the Federal Government and Health Canada when licenses are issued.

The Regional Municipality of Niagara Police Services Board letter that was sent to the Honourable Patty Hajdu regarding Medical Cannabis Grow Operations and Public Safety Concerns identified issues with the current situation and organized crime that threaten public safety. The following needs were identified:

- The need for Health Canada regulations requiring compliance and consistency with local municipal by-laws according to criteria set out for applicants in the process administered by Health Canada.
- The need for Health Canada to establish the proper regulation of the cannabis industry, specifically with regards to designated medical growers who are operating outside of their medical designations.
- The need for Health Canada to not treat certificates as medical information and require operators to provide their certificates to municipalities and police so the municipalities and police can determine if an operation is legally permitted or not.
- The need for Health Canada to implement practices that will improve the sharing of information regarding cannabis certificates with police and municipalities that outline requirements for compliance with municipal zoning by-laws, include appropriate monitoring and inspections.
- The need for Health Canada to consider the need to revisit the formula for determining the maximum number of plants permitted under a medical certificate.
- The need for Health Canada to increase oversight of Medical Cannabis Grow Operations to ensure growers are not producing in excess of the maximum licensed number of plants and are not funneling product to the illicit market which is mostly controlled by organized crime.

Based on the correspondence reviewed and the actual issues the City has experienced and is encountering, staff recommend that Council endorse the Police Services Board letter and the resolution received from the Township of Blandford-Blenheim for Health Canada to amend the legislation for medical cannabis facilities to ensure the safety and rights of the local communities are respected.

City Council approved the recommendation to support the Regional Municipality of Niagara Police Services Board's and the Township of Blandford-Blenheim's efforts to have Health Canada make the appropriate changes to the Act that threaten public safety.

Currently the Federal Government is conducting a consultation on guidance on personal production of cannabis for medical purposes. In order to submit a joint response and to demonstrate the City's support and commitment to public health and safety,

I am requesting that Council approve the below resolution:

THAT WHEREAS the Government of Canada introduced Bill C-45 (the Cannabis Act) to create the foundation for a comprehensive national framework to provide restricted access to regulated cannabis, and to control its production, distribution, sale, importation, exportation, and possession;

AND WHEREAS unlicensed and unmonitored cannabis grow operations have increasingly become a problem in communities in Ontario as well as across the Country;

AND WHEREAS these operations are allowed to establish with little or no consultation with the local community and municipalities are often only made aware of their existence after conflicts arise with neighboring land owners;

AND WHEREAS there is no direct communication or dedicated effort to provide a communication channel between Municipal government staff or Police Agencies for dealing with Health Canada Registrations and Licenses;

AND WHEREAS the City of Port Colborne has not been consulted by Health Canada prior to the issuance of licenses for properties not in compliance with municipal zoning by-laws;

AND WHEREAS loopholes in existing Federal legislation allow these large scale grow op's to establish and operate without any of the regulations or protocols that licensed and monitored operations need to adhere to;

AND WHEREAS the police have not been given lawful authority to lay charges under the Cannabis Act to appropriately respond to violations of Health Canada Registrations and Licenses;

NOW THEREFORE BE IT RESOLVED THAT the City of Port Colborne urges the Federal Government and Health Canada to amend the legislation under which these facilities operate to ensure the safety and rights of the local communities in which they are situated are respected;

Limit the authorization to produce cannabis plants for personal medicinal use to the maximum daily quantity as prescribed by a professional medical practitioner to members of the immediate family living in the same residence;

Prohibit the ability for an individual to designate the growing and processing of medical cannabis plants and cannabis products by another individual on their behalf unless that individual is a member of the immediate family and resides in the same residence;

Issue one license to the property where the growing of medical cannabis for personal purposes is to be permitted;

Require Federal Licenses and Registrations for Designated Growers to conform with local zoning and control by-laws. Make it mandatory as part of the registration that the applicant provide a signed and dated declaration from the local municipality providing consent to the production and quantity of cannabis plants and products prior to approval of a licence to grow medical cannabis plants for personal consumption;

Ensure local authorities are provided with notification of any licence issuance, amendment, suspension, reinstatement or revocation within their region; Provide dedicated communication with local governments and Police services; Provide lawful authority to Police agencies to lay charges when registered or licences operations grow in excess of their registration or licence through Health Canada; and, Provide enforcement support and guidance to local municipalities for dealing with land use complaints relating to Cannabis.

AND FURTHER BE IT RESOLVED THAT the City of Port Colborne forward this motion to the following;

cannabis.consultation@canada.ca The Honourable Bill Blair, Minister of Public Safety and Emergency Preparedness The Honourable David Lametti, Minister of Justice and Attorney General of Canada MP Dean Allison, Niagara West MP Chris Bittle, St. Catharines MP Tony Baldinelli, Niagara Falls MP Vance Badawey, Niagara Centre President Micki Ruth, Canadian Association of Police Governance Chief of Police Bryan Larkin, President, Canadian Association of Chiefs of Police The Honourable Christine Elliott, Deputy Premier and Minister of Health The Honourable Doug Downey, Attorney General The Honourable Sylvia Jones, Minister of the Solicitor General MPP Sam Oosterhoff, Niagara West MPP Jennie Stevens, St. Catharines MPP Wayne Gates, Niagara Falls MPP Jeff Burch, Niagara Centre

Chair Patrick Weaver, Ontario Association of Police Services Boards Chief of Police Paul Pedersen, President, Ontario Association of Chiefs of Police Regional Chair Jim Bradley and Members of Council, Niagara Region Mayor Dave Bylsma and Members of Council, Town of West Lincoln Mayor Frank Campion and Members of Council, City of Welland Mayor Jim Diodati and Members of Council, City of Niagara Falls Mayor Betty Disero and Members of Council, Town of Niagara-on-the-Lake Mayor Sandra Easton and Members of Council, Town of Lincoln Mayor Kevin Gibson and Members of Council, Township of Wainfleet Mayor Jeff Jordan and Members of Council, Town of Grimsby Mayor Marvin Junkin and Members of Council, Town of Pelham Mayor Wayne Redekop and Members of Council, Town of Fort Erie Mayor Walter Sendzik and Members of Council, City of St Catharines Mayor Bill Steele and Members of Council, City of Port Colborne Mayor Terry Ugulini and Members of Council, City of Thorold Board Members, Niagara Police Services Board

Thank you for your consideration,

Harry Wells Ward 4 Councillor



MINUTES of the Third Regular Board Meeting of 2021 Tuesday, March 2, 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 Susan Therrien (Director of Library Services/Board Secretary)

Regrets:

Scott Luey (CEO) Bryan Boles (Treasurer)

1. Call to Order

The Chair called the meeting to order at 6:17 p.m.

2. Declaration of Conflict of Interest

Nil.

3. Adoption of the Agenda

Moved by A. Kennerly Seconded by J. Frenette 21:017 That the agenda be adopted as circulated. CARRIED



4. Presentation by Peggy Malcolm, SOLS Consultant

The Board received a presentation by Peggy Malcolm (Southern Ontario Library Service) providing information about union libraries under the *Public Libraries Act*. Discussion followed the presentation.

Moved by A. Kennerly Seconded by J. Frenette

21:018 That the Board schedule a separate meeting to discuss the ideas presented and options going forward.

CARRIED

5. Approval of the Minutes of the February 2, 2021 Regular Board Meeting

	Moved by C. MacMillen
	Moved by C. MacMillan
	Seconded by V. Catton
21:019	That the minutes of the 2 nd Regular Board Meeting of February 2, 2021 be adopted as circulated.
CARRIE)

Approval of the Minutes of the February 9, 2021 Special Board Meeting

	Moved by J. Frenette Seconded by B. Beck
04 000	
21:020	That the minutes of the Special Meeting of February 9, 2021 be adopted
	as circulated.
CARRIE	

6. Business Arising from the Minutes

Nil.

7. Consent Items

7.1. Circulation Report

• January 2021



7.2. Financial Statement

• January 28, 2021

7.3. Public Relations Report

• Report submitted by Librarian R. Tkachuk on virtual library programming, eresources and social media during February 2021.

7.4. Media Items

- Library Digital Programming Newsletter, February 2021
- City Hall News, February 2021

7.5. Correspondence

• Card of thanks received from staff.

Moved by A. Kennerly Seconded by H. Cooper 21:021 That Consent Items 7.1 to 7.5 be received for information purposes. CARRIED

8. Discussion Items

8.1. Director's Report

a. COVID-19 Update

Under Red Control (Stringent Measures) restrictions, the library will continue with contactless curbside pick-up service for library materials, take-and-make crafts, and print services. Digital programming will be available. No inperson programming or meetings will be available. All accessed and returned materials must be quarantined or disinfected before being recirculated.

b. Libraries in Niagara Cooperative (LiNC) Updates



The Board reviewed information regarding resource-sharing, funding opportunities, delivery van service, software upgrades, and the expansion of the LiNC library partner membership.

c. Let's Talk About... Series

The Director discussed the possibility of re-establishing the Let's Talk About... Series with virtual presentations, in partnership with the City. Topics will include tenant rights and responsibilities, vulnerable seniors, diversity and inclusion, and poverty.

d. Funding Opportunities

- Niagara Investment in Culture (NIC) grant joint application with the Port Colborne Historical and Marine Museum
- Niagara Prosperity Initiative (NPI) grant joint application for a grant to purchase lendable technology

e. Patron Comments

The Board reviewed comments of appreciation received from patrons regarding library staff and services.

Moved by C. MacMillan Seconded by B. Ingram

21:022 That the Board receives the Director's Report for information purposes. CARRIED

8.2. Year 3 of Board Cycle: Assessing and Planning for the Future

• Deferred.

8.3. Strategic Plan

• Deferred.

9. Decision Items



9.1. Policy Review

a. COVID-19 Policy (HR-07)

Moved by J. Frenette Seconded by B. Beck

21:023 That the Port Colborne Public Library Board approves COVID-19 (HR-07) as presented.

CARRIED

10. Board Members' Items

Nil.

11. Notices of Motion

Nil.

12. Date of the Next Meetings

- Special Meeting on Tuesday, March 30, 2021
- Regular Board Meeting on Tuesday, April 6, 2021

13. Adjournment

Moved by B. Ingram Seconded by H. Cooper 21:024 That the meeting be adjourned at approximately 8:00 p.m. CARRIED

> Michael Cooper Board Chair April 6, 2021

Susan Therrien Director of Library Services Board Secretary April 6, 2021

By-Law No. _____

Being a By-Law to Amend By-Law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market and to Repeal By-Laws 4490/21/04 and 5088/143/07

Whereas at its meeting of April 26, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Chief Administrative Office Report No. 2021-100, Subject: Farmers' Market MOU and Amended By-law;

Whereas Council is desirous of amending the provisions of By-law 6500/67/17, Being a By-law to Establish and Regulate the Port Colborne Farmers' Market and to Repeal By-laws 4490/21/04 and 5088/143/07 in accordance with the recommendations in the above referenced report;

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

- 1. That By-law 6500/67/17 be amended by deleting all references to the "Market Clerk" and replacing those references with the "Market Manager".
- 2. That Section 1 Definitions of By-law 6500/67/17, be amended by deleting the following therefrom:

""Director" means the Director of Community and Corporate Services, or designate."

3. That Section 1 Definitions of By-law 6500/67/17, be amended by adding the following thereto:

""Director" means the Manager of Strategic Initiatives, or designate."

- 4. That Section 3(a) of By-law 6500/67/17 be amended by deleting "6:00 a.m. until 1:00 p.m." and replacing it with "8:00 a.m. until 12:00 p.m.".
- 5. That By-law 6500/67/17 be amended by deleting the following therefrom:

Section 4(c)(ii) "collect all fees payable under this by-law and to pay over, remit and account weekly to the City Treasurer all fees and monies received with regard to the Market."

6. That By-law 6500/67/17 be amended by adding the following thereto:

Section 4(c)(ii) "collect all fees payable under this by-law and to pay over and remit to the Port Colborne Downtown Business Improvement Area, with exception to the vendor hydro usage fees. By December 20th each year, the Downtown Business Improvement Area will pay over and remit all hydro access vendor fees accumulated throughout the year to the City Treasurer."

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

Enacted and passed this 26th day of April 2021.

William C. Steele Mayor

By-law No.

Being a By-law to Authorize Entering into a Memorandum of Understanding with the Port Colborne Downtown Business Improvement Area Regarding the Port Colborne Farmers' Market Operations.

Whereas at its meeting of April 26, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Chief Administrative Office Report No. 2021-100, Subject: Farmers Market MOU and Amended By-law; and

Whereas Council is desirous of entering into a Memorandum of Understanding (MOU) with the Port Colborne Downtown Business Improvement Area, for the purposes of taking over the Port Colborne Farmers' Market Operations; and

Whereas the *Municipal Act*, 2001 S.O. 2001, c.25, as amended, confers broad authority on municipalities to enter into such agreements;

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 enters into a MOU with the Port Colborne Downtown Business Improvement Area, for the purposes of taking over the Port Colborne Farmers' Market Operations.
- 2. That the Mayor and City Clerk be and they are hereby authorized and directed to sign the said agreement, attached hereto as Schedule "A", together with any documents necessary to complete the conditions of the said agreement, and the City Clerk is hereby authorized to affix the Corporate Seal thereto.

Enacted and passed this 26th day of April, 2021.

William C. Steele Mayor

Memorandum of Understanding

Between the

"City of Port Colborne"

And

"Port Colborne Downtown Business Improvement Area"

Purpose:

The purpose of this Memorandum of Understanding (MOU) is to outline and clarify the responsibilities and expectations of each party with regards to the transition of the Port Colborne Farmers' Market.

Overview:

At their March 8th, 2021 council meeting, the City of Port Colborne City Council voted in favour of the Downtown BIA operating the Farmers' Market, contingent on the completion of an MOU and amendments made to the current by-law.

The Farmers' Market has a long and valued tradition in Port Colborne. It has been managed by the City and is now transitioning. The Port Colborne Downtown Business Improvement Area (BIA) will be taking over operations of the Farmers' Market on an eighteen-month pilot project. The City will remain the governing body for the farmers market and will provide support.

Term:

The eighteen-month pilot project will begin on April 30th, 2021 and will end on September 30th, 2022. Upon the commencement of the term the City and the Downtown BIA will re-evaluate the partnership and the potential renewal of the MOU will be considered.

The City of Port Colborne reserves the right to vacate itself from this MOU and reclaim management of the Farmers' Market operations at any point during the eighteen-month pilot project time period, if the Farmers' Market does not meet the expectations of the City appointed Market Director and the Port Colborne City Council.

Farmers Market By-Law

The Port Colborne Farmers' Market is operated under By-Law N0. 6500/67/17 being a by-law to establish and regulate the Port Colborne Farmers' Market and to repeal by-laws 4490/21/04 and 5088/143/07. The following amendments will be made to the current by-law in order to follow through with this MOU:

- The "Director" as defined in the by-law will be changed to the Manager of Strategic Initiatives.
- The Executive Director of the Downtown BIA will be deemed the "Market Manager."
- Under section 4: Operation and Management Market Manager, subsection ii) states that the Market Manager shall collect all fees payable under this by-law and to pay over, remit, and account weekly to the City Treasurer all fees and monies received with regard to the Market. This subsection will be altered to accurately show the arrangement under this agreement.
- The hours of operation of the Farmers' Market will be changed from 6:00 a.m. to 1:00 p.m. to 8:00 a.m. to 12:00 p.m.

The by-law clearly states the responsibilities of the Director and Market Manager as well as the market lands, hours of operation, operation and management, general restrictions, authorized goods, unauthorized goods, permitted vendors, entertainment, vendor permit application and approval process, vendor responsibilities, permit cancellations, appeal process, sale and sampling of VGA wine, fruit wine, and cider, indemnification, penalties and enforcement, severability and conflict, by-laws repealed, and effective date. The Market Manager must adhere to all regulations stated in the by-law.

Downtown BIA Responsibilities

Under this MOU the Downtown BIA is responsible for the following:

- Gaining approval from Niagara Region Public Health to begin operating the Farmers' Market. Under COVID-19 restrictions, Public Health must approve the number of vendors and the allowable capacity of people inside the market. This information must be communicated to the City.
- On-site operations including but not limited to set-up, tear-down, traffic control, signage, and compliance with the by-law.
- Administrative responsibilities including but not limited to correspondence, vendor recruiting, processing invoices, and marketing.
- Recruiting and managing volunteers as needed for traffic control and other market responsibilities.
- Adhering to the City of Port Colborne Farmers' Market By-law and Farmers' Market Ontario Regulations.
- Ensuring all vendors submit certificates of insurance (COI) naming the City of Port Colborne as additionally insured. All COI's must be sent to the City. All vendor applications must be shared with the City as well.
- Vendors that have been at the Farmers' Market in the year's prior must be given preference to attend the market again.
- Expansion requests must be made to the City at the completion of the pilot project term.
- Register and pay for annual membership and insurance costs to Farmers' Market Ontario.

City of Port Colborne Responsibilities:

Under this MOU the City of Port Colborne is responsible for the following:

- Continue normally scheduled maintenance efforts including street sweeping, park maintenance, garbage and snow removal.
- The City will provide road barricades for the closure of Market Square.
- City Event staff will work with the Downtown BIA for compliance with the by-law and this MOU. Event staff will keep in contact regularly to support the Farmers' Market.
- Assist with promotion of the Farmers' Market at the request of the Downtown BIA.

Financial Considerations

The City of Port Colborne will provide \$2,500 in funding, allocated from the Joint Ventures/Special Projects budget. This funding will provide the support the Downtown BIA needs to be up and running for the 2021 season. It will also help stabilize and grow the Farmers' Market moving forward.

Under this new partnership, the City will still incur costs from vendor hydro usage. With vendor revenue now going to the Downtown BIA, the City will recover the hydro costs through the following:

• Hydro fees have been recovered by the City through an additional vendor fee, that was paid by vendors who required access to hydro. The Downtown BIA will continue to charge vendors the hydro access fee. This revenue will be remitted to the City in order to recover the hydro costs the City will still incur.

Signed:		
Corporation of the City of	Port Colborne	
Name:		
Title:		
Date:	Signature:	
Name:		
Title:		
Date:	Signature:	
The Port Colborne Downt	town Business Improvement Area	
Name:		
Title:		
Date:	Signature:	
Name:		
Title:		
Date:	Signature:	

By-law No.

Being a by-law to delegate authority to the Director of Public Works for the purpose of reducing provisions 3.5.2 and 3.1.1 e) of By-law 1117/64/81 to 3.0m and 1.0m, respectively, for the next 12 months

Whereas Section 23(1) of the *Municipal Act, 2001,* authorizes a municipality to delegate its powers and duties to a person or body subject to the restrictions set out thereto; and

Whereas at its meeting of April 26, 2021, the Council of The Corporation of the City of Port Colborne approved the recommendations of the Public Works Department, Report 2021-122, By-law 1117/64/81 – Driveway Entrance Construction Provisions; and

Whereas Council of The Corporation of the City of Port Colborne is desirous of delegating authority to the Director of Public Works for the purpose of reducing provisions 3.5.2 and 3.1.1 e) of By-law 1117/64/81 to 3.0m and 1.0m, respectively, for the next 12 months; and

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

- The authority of the Council of The Corporation of the City of Port Colborne to reduce provisions 3.5.2 and 3.1.1 e) of By-law 1117/64/81 to 3.0m and 1.0m, respectively, for the next 12 months, is hereby delegated to the Director of Public Works;
- 2. That said delegation shall be strictly limited to the purposes and conditions set out herein;
- 3. That this by-law shall come into full force and effect on the day of passing.

Enacted and passed this 26th day of April, 2021.

William C. Steele Mayor

By-law no. _____

Being a by-law to adopt amendment no. 8 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;

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. 8 to the Official Plan for the City of Port Colborne Planning Area, consisting of the attached map and 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 26th day of April, 2021.

William C Steele Mayor

Amber LaPointe Clerk

AMENDMENT NO. 8

TO THE

OFFICIAL PLAN

FOR THE

PORT COLBORNE PLANNING AREA

PREPARED BY:

CITY OF PORT COLBORNE DEPARTMENT OF PLANNING & DEVELOPMENT

April 7, 2021

AMENDMENT NO. 8

TO THE

OFFICIAL PLAN

FOR THE

PORT COLBORNE PLANNING AREA

AMENDMENT NO. 8

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. 8 to the Official Plan for the City of Port Colborne.

Date: _____

AMENDMENT NO. 8 TO THE OFFICIAL PLAN

FOR THE PORT COLBORNE PLANNING AREA

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STATEMENT OF COMPONENTS

<u>PART A</u>

The Preamble does not constitute part of this Amendment.

<u>PART B</u>

The Amendment, consisting of the following map, constitutes Amendment No. 8 to the Official Plan for the Port Colborne Planning Area.

Also attached is <u>**PART C**</u> – 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 Official Plan Amendment No. 8 is to change the designation for the subject lands, shown on the attached Schedule, from Urban Residential to Industrial/Employment Area.

Location

The lands affected by this amendment are legally described as Part Lot 27, Concession 2, and Part 1 on Plan 59R-1871, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 72 Killaly Street East and vacant lands to the north and east.

<u>Basis</u>

Currently, the subject lands are designated Urban Residential. An application has been made to initiate amendments to the City of Port Colborne's Official Plan and Zoning Bylaw as they relate to these lands in order to permit the use of the property for industrial uses.

It is intended to concurrently approve an Amendment to the City's Zoning By-law 6575/30/18, rezoning of the lands from the existing "RD – Residential Development" zone to "LI – Light Industrial" that will permit industrial uses on the subject lands.

PART B - THE AMENDMENT

All of this part of the document entitled **PART "B"** – "The Amendment" consisting of the following text and map designated Schedule "A" constitutes Amendment No. 8 to the Official Plan for the City of Port Colborne. The Official Plan of the City of Port Colborne is hereby amended as follows:

Lands shown on Schedule A are redesignated from Urban Residential to Industrial/Employment area.

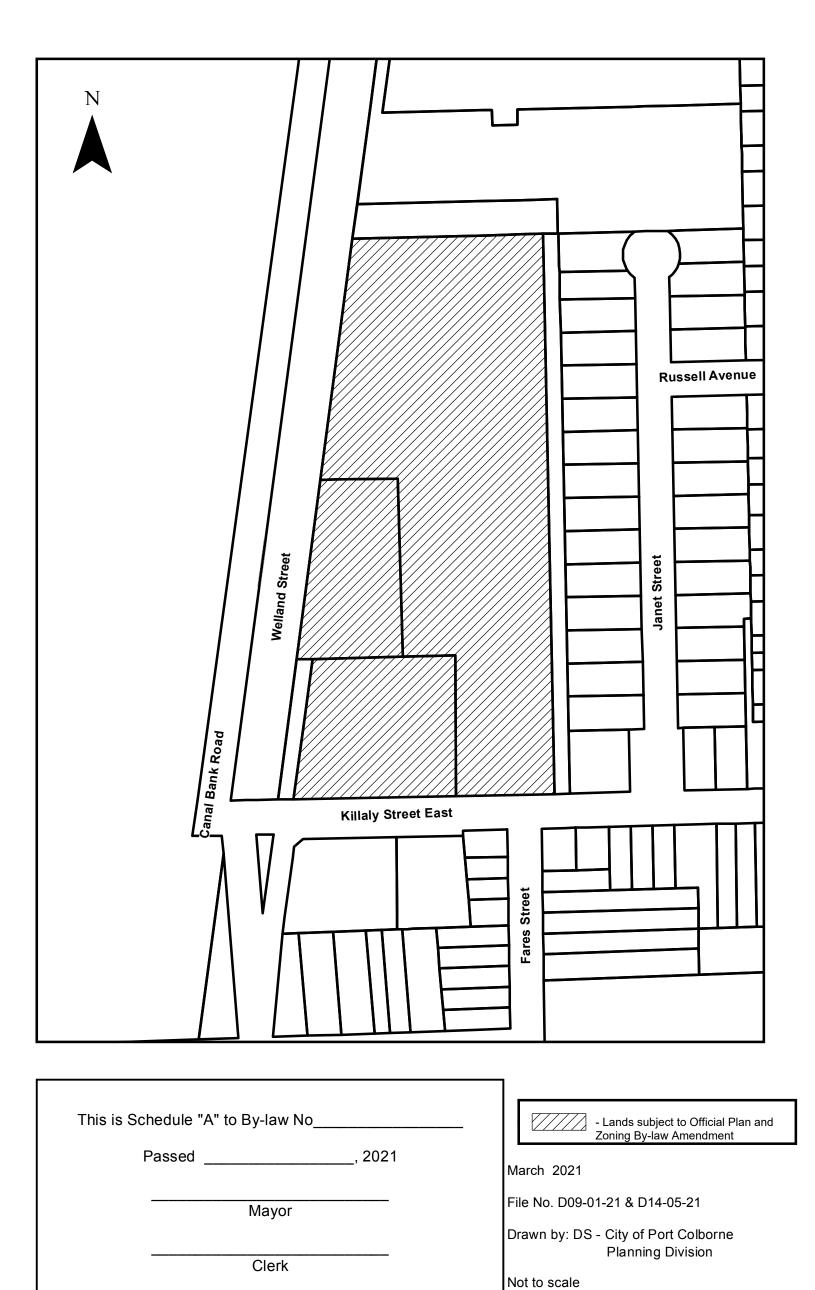
IMPLEMENTATION AND INTERPRETATION

The implementation and interpretation of this amendment shall be in accordance with the respective policies of the Port Colborne Official Plan and an amendment to the City Zoning By-law to rezone the subject lands.

PART C – THE APPENDICES

The following appendices do not constitute part of Amendment No. 8 but are included as information to support the Amendment.

APPENDIX I – Draft Minutes of the Public Meeting on April 19, 2021 APPENDIX II – Department of Planning & Development Report 2021-120



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By-law no. _____

Being a by-law to amend Zoning By-law 6575/30/18 respecting lands legally described as Part Lot 27, Concession 2, and Part 1 on Plan 59R-1871, formerly in the Township of Humberstone, now in the City of Port Colborne, Regional Municipality of Niagara, municipally known as 72 Killaly Street East and vacant lands to the north and east.

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. 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 Residential Development (RD) to LI-62, being a special provision of the Light Industrial zone.
- 3. That Section 37 entitled "Special Provisions" of Zoning By-law 6575/30/18, is hereby further amended by adding the following:

<u>LI-62</u>

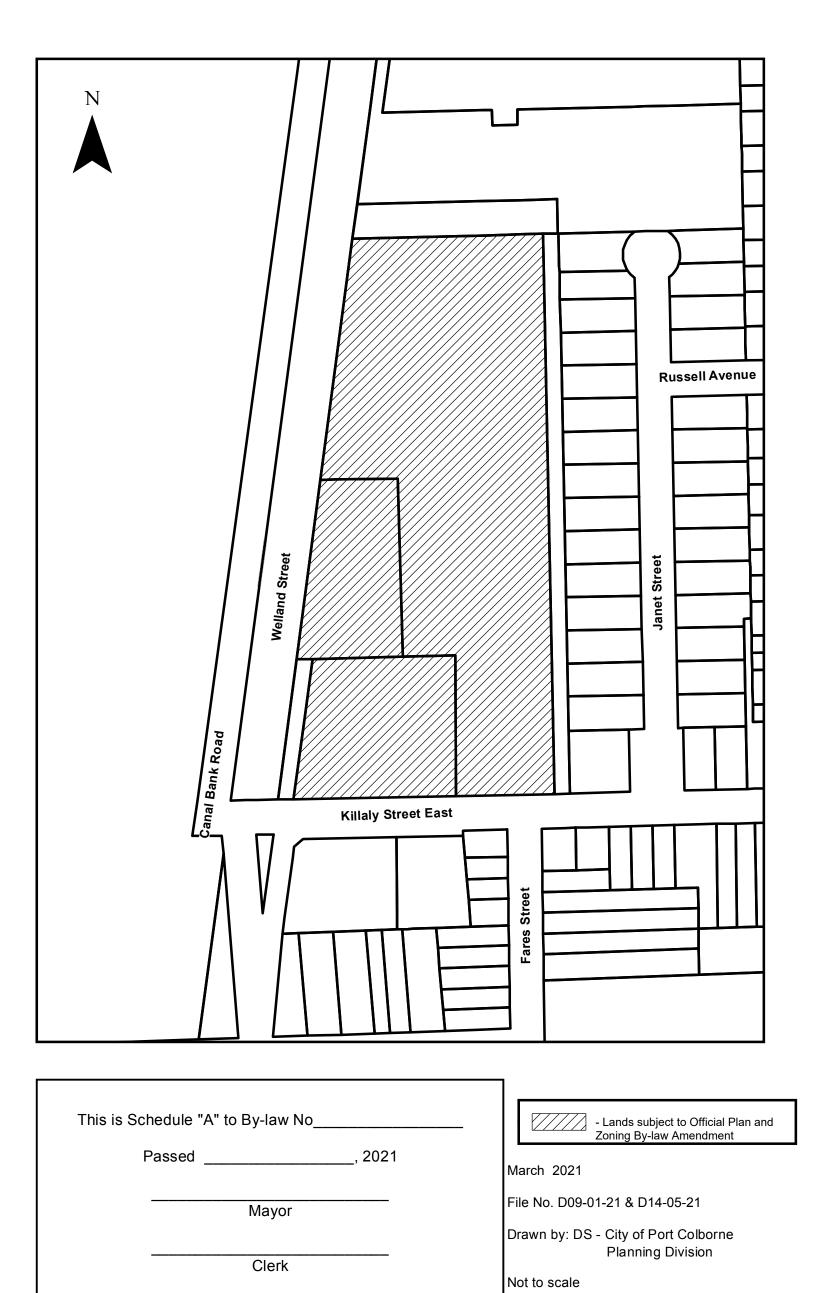
Notwithstanding the provisions of the Light Industrial (LI) zone, the following regulations shall apply:

- a) That the following uses shall not be permitted:
 - i. Adult Oriented Entertainment Establishment
 - ii. Cannabis Production Facility
 - iii. Contractor's Yard
 - iv. Motor Vehicle Repair Garage
- b) That outdoor storage shall not be permitted in any required yards;
- c) That parking areas in the interior side yard shall be maintained with a hard surface of concrete or asphalt.
- 4. 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*.
- 5. 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 26th day of April, 2021.

William C Steele Mayor

Amber LaPointe Clerk



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By-law no. _____

Being a by-law to amend By-law No. 89-2000, Being a by-law regulating traffic and parking on city roads (Pleasant Beach Road)

Whereas at its meeting of April 26, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendation of Community Safety and Enforcement Department, By-law Enforcement Division Report No. 2021-127, Subject: Parking and and Traffic on Pleasant Beach Road and areas; and

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

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

1. That Schedule "C" Parking Prohibition to By-law 89-2000, as amended be further amended to add the following thereto:

Column 1	Column 2	Column 3		Column 4
Highway	Side	From	То	Times/Day
Pleasant Beach Road	East	150m north of the lakeshore	25m north therefrom	9;00 p.m. to 6:00 a.m. daily
Pleasant Beach Road	West	138m north of the lakeshore	55m north therefrom	9:00 p.m. to 6:00 a.m. daily

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

Enacted and passed this 26th day of April, 2021.

William C. Steele Mayor

By-law no. _____

Being a by-law to appoint Municipal Law Enforcement Officers

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

Whereas at its meeting of April 26, 2021 the Council of The Corporation of the City of Port Colborne approved the recommendations of Community Safety & Enforcement Department Report No. 2021-124, Subject: Appointment of Municipal Law Enforcement Officers;

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

- 1. That Kendra Cousineau be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne;
- 2. That Emma Beaulne be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne;
- 3. That Briar Messing be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne;
- 4. That Christopher Roome be and is hereby appointed as a Municipal Law Enforcement Officer for the City of Port Colborne
- 5. This by-law shall come into force and take effect on the date of passing.

Enacted and passed this 26th day of April 2021.

William C. Steele Mayor

By-Law No. _____

Being a By-law to Appoint a Chief Building Official

Whereas Section 3(2) of *The Building Code Act, 1992, S.O. 1992, c.23* (the Act) provides that the council of each municipality shall appoint a chief building official and such inspectors as are necessary for the enforcement of the Act in the areas in which the municipality has jurisdiction; and

Whereas at its meeting of February 8, 2021, through the enactment of Bylaw 6866/14/21, Being a By-law to Appoint a Chief Building Official, the Council of The Corporation of the City of Port Colborne (Council) appointed Tony Aiello as the Chief Building Official for the City Port Colborne; and

Whereas Council is desirous of providing for the appointment of a Chief Building Official; and

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

- 1. That Jon Taylor be appointed as Chief Building Official for The Corporation of the City of Port Colborne effective May 3, 2021.
- 2. That the duties of the Chief Building Official will be those set out in the *Building Code Act 1992, S.O. 1992, c. 23* and the Regulations thereunder, the Corporation's zoning and building by-laws and such other duties as Council may impose from time to time.
- 3. That when said Chief Building Official is unable to carry on their duties through illness or otherwise, the Chief Administrative Officer is hereby delegated the authority to appoint a Chief Building Official for such term and on such terms and conditions as the Chief Administrative Officer deems expedient.
- 4. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the City of Port Colborne.
- 5. That By-law 6866/14/21, Being a By-law to Appoint a Chief Building Official be repealed effective May 3, 2021.
- 6. That this by-law shall come into force and effect on May 3, 2021.

Enacted and passed this 26th day of April, 2021.

William C. Steele Mayor

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 April 26, 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 April 26, 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 26th day of April, 2021.

William C. Steele Mayor