City of Port Colborne
Council Meeting Agenda

Date:	Monday, May 10, 2021
Time:	6:30 pm
Location:	Council Chambers, 3rd Floor, City Hall 66 Charlotte Street, Port Colborne

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2. National Anthem

3. Proclamations

4. Adoption of Agenda

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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.

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

20. Confidential 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 26, 2021 Council Meeting

20.2. Corporate Services Department Report 2021-143, Performance Review and Goals of the Chief Administrative Officer

21. Procedural Motions

22. Information items

23. Adjournment

City of Port Colborne

Council Meeting Minutes

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

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

Staff Present: 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

3.1 Museum Month, May 2021

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

That the month of May 2021 be proclaimed as “Museum Month” in the City of Port Colborne and that all residents and tourists be encouraged to join the local museum this May.

Carried

4. Adoption of Agenda

The Mayor noted that item 7.1 was pulled from the agenda at the request of staff.

Moved by Councillor M. Bagu
Seconded by Councillor D. Kalailieff

That the agenda dated April 26, 2021 be confirmed, as amended.

Carried

5. Disclosures of Interest

5.1 Councillor E. Beauregard - Lodging House Licencing By-law, 2021-116

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

5.2 Councillor E. Beauregard - Chief Administrative Office Report 2021-135, Nyon Energy Lands and the Nyon Tank Farm property

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

6. Approval of Minutes

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

a. That the minutes of the regular meeting of Council held on April 12, 2021, be approved as circulated.

b. That the minutes of the Public Meeting held on April 19, 2021, be approved as circulated.

c. That the minutes of the regular meeting of Council held on April 19, 2021, be approved as circulated.

Carried

6.1 Regular Meeting of Council - April 12, 2021

6.2 Public Meeting - April 19, 2021

6.3 Regular Meeting of Council - April 19, 2021

7. Staff Reports

Moved by Councillor M. Bagu
Seconded by Councillor D. Kalailieff

That item 7.2 be approved, and the recommendation contained therein be adopted.

Carried

7.2 COVID Update – April 2021, 2021-131

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

7.1 Farmers' Market MOU and Amended By-law, 2021-100

This item was pulled from the agenda at the request of staff.

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.

8. Correspondence Items

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

That items 8.1 and 8.2 be received for information.

Carried

8.1 City of Welland - Niagara Region Transit (NRT) Governance Strategy

8.2 Town of Mono - Cannabis Licensing and Enforcement

9. Presentations

9.1 Jonathan Hack, Director at Sierra Planning and Management - Road Allowance Survey and Process Update

Jonathan Hack, Director at Sierra Planning and Management, provided a presentation with respect to the Road Allowance Survey and Process Update and responded to questions received from Council.

10. Delegations

11. Mayor's Report

A copy of the Mayor's report is attached.

12. Regional Councillor's Report

Regional Councillor Butters provided an update to City Council.

13. Staff Remarks

14. Councillors' Remarks

14.1 Sidewalk Repair - Thank You (Bagu)

Councillor Bagu expressed gratitude towards Public Works staff for arranging for the repair of a sidewalk in Ward 1.

14.2 New Chief Building Official (Bodner)

In response to Councillor Bodner's inquiry, the Chief Administrative Officer confirmed that a new Chief Building Official named Jon Taylor has been hired and that he will be starting on May 3, 2021.

14.3 Signs for Road Ends (Kalailieff)

In response to Councillor Kalailieff's inquiry with respect to when the "No Trespassing" signage is to be installed at the road ends, the Director of Public Works confirmed that staff have begun the process and that residents should see the signs installed in the near future.

14.4 Pole at Killaly Street and Mellanby Avenue (Danch)

In response to Councillor Danch's inquiry regarding a taken down pole near Killaly Street and Mellanby Avenue, the Director of Public Works confirmed that the City's manufacturing company is just waiting for supplies in order to remedy the issue.

14.5 Canal Bank Sign - Thank You (Danch)

Councillor Danch expressed gratitude towards the Director of Public Works for arranging for the Canal Bank sign to be installed.

15. Consideration of Items Requiring Separate Discussion

15.1 By-law 1117/64/81 - Driveway Entrance Construction Provisions, 2021-122

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

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.

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

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.

That Committee of Adjustment application A09-21-PC be granted relief from the specific provisions of the by-law with the condition that the proposed driveway location for Unit 1 be relocated to a rear access driveway off of Mitchell Street.

Carried

a. Delegation material from Gareth Mattocks (2712626 Ontario Inc.), applicant

15.2 Recommendation Report for OPA and ZBA Killaly Street East and Welland Street, File No.: D09-01-21 & D14-05-21, 2021-136

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

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*.

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

That Planning and Development Department Report 2021-136 be deferred to the Regular Council Meeting on May 10, 2021.

Carried

a. Delegation material from Melissa and Mary Bigford, residents

b. Delegation material from Larry Fontaine, property owner

15.3 Storm Sewer Rate Report, 2021-134

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

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.

Carried

15.4 2021 Beach Operations Update, 2021-132

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

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

Carried

15.5 Parking and Traffic – Pleasant Beach Road and Areas, 2021-127

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

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.

Carried

15.6 Lodging House Licencing By-law, 2021-116

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

Moved by Councillor M. Bagu
Seconded by Councillor D. Kalailieff

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.

Carried

15.7 Property Tax Collection History and Next Steps, 2021-75

Moved by Councillor E. Beauregard
Seconded by Councillor G. Bruno

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.

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

That Corporate Services Department Report 2021-75 be received;

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; and

That staff be directed to extend the COVID-19 Penalty and Interest Relief Program for previously approved participants until June 30, 2021.

Carried

15.8 Heritage Report for the Demolition of 664 King Street, 2021-126

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

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.

Carried

15.9 Appointment of Municipal Law Enforcement Officers, 2021-124

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

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.

Carried

16. Motions

16.1 Memorandum From Councillor Wells - Friendship Trail Road Crossings

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

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.

Carried

16.2 Memorandum From Councillor Wells - Federal Government Cannabis Consultation

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

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;

That medical marijuana be added to the approved drug list so that it be a covered cost under OHIP;

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

Carried

17. Notice of Motions

18. Minutes of Boards & Committees

18.1 Port Colborne Public Library Board Meeting Minutes - March 2, 2021

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

That the minutes of the Port Colborne Library Board meeting held on March 2, 2021, be approved as presented.

Carried

19. By-laws

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

That items 19.3, 19.6, 19.7, 19.8, and 19.9 be enacted and passed.

Carried

19.3 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

19.6 By-law to Amend By-law No. 89-2000, Being a By-law Regulating Traffic and Parking on City Roads (Pleasant Beach Road)

19.7 By-law to Appoint Municipal Law Enforcement Officers

19.8 By-law to Appoint a Chief Building Official

19.9 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 Amend By-law No. 6500/67/17 Being a By-law to Establish and Regulate the Port Colborne Farmers' Market

This item has been withdrawn as a result of the corresponding report being pulled from the agenda.

19.2 By-law to Authorize Entering into a Memorandum of Understanding with the Downtown BIA Regarding the Farmers' Market Operations

This item has been withdrawn as a result of the corresponding report being pulled from the agenda.

19.4 By-law to Adopt Amendment No. 8 to the Official Plan for the City of Port Colborne

This item has been withdrawn as a result of the corresponding report's deferral.

19.5 By-law to Amend Zoning By-law 6575/30/18 Respecting 72 Killaly Street East and Vacant Lands to the North and East

This item has been withdrawn as a result of the corresponding report's deferral.

20. Confidential Items

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

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

Carried

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

20.2 Chief Administrative Office Report 2021-135, Nyon Energy Lands and the Nyon Tank Farm property

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

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

Council moved into Closed Session at approximately 9:48 p.m.

Council reconvened into Open Session at approximately 11:09 p.m.

Mayor Steele adjourned the meeting at approximately 11:10 p.m.

William C. Steele, Mayor	Amber LaPointe, City Clerk

PORT COLBORNE

Mayor's Report

April 26, 2021 Council Meeting

COVID-19

The province continues 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, cancels sit-down dining inside and out, as well as the cancellation of sporting activities and personal care services all in an effort to control the number of cases of COVID-19 in our communities.

Our beaches, marina and boat ramp are closed as per provincial orders. Playgrounds, trails and parks are open for outdoor exercise.

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.

Currently individuals 60 years of age or older, or designated in an eligible group, 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 over 40 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.

Recognition of Joanne Ferraccioli

I'd like to take a moment to recognize a former employee of the City of Port Colborne, who recently retired from the Town of Fort Erie.

Joanne Ferraccioli started working for the City of Port Colborne in September 2008 as our Health Services Coordinator.

Joanne worked tirelessly over the years helping to bring family physicians to our community. She was our liaison to bring many services right to Port Colborne, such as Pathstone Mental Health, Caring for my COPD Community Program and our ongoing memory clinic.

She was a champion for Rural Medicine Week, sponsored by the Rural Ontario Medical Program, which brought first year medical students to Port Colborne to show them the value of being a family doctor and living in a rural community. Several of these students have returned to Niagara to start their practices.

Joanne was an advisor during changes to the health care system being able to explain the differences in models for health care and her inside knowledge of this system was invaluable.

While she was working for the city, Joanne went on secondment with the Niagara Health System working on a special project and she was subsequently offered employment in her hometown of Fort Erie.

We were fortunate to reach an agreement with Fort Erie to have Joanne continue to provide us with her guidance.

Joanne has now decided that retirement is the right direction for her, and we wish her all the best.

Thank you, Joanne, for your years of dedicated service to the city and residents Port Colborne.

Recognition of Gary Long

In would also like to take a moment to recognize another current employee of the city, Gary Long, our Manager of Strategic Initiatives.

This year, the Canadian Association of Municipal Administrators is recognizing Gary Long for his ten years of municipal service on a management capacity.

Although Gary has been with us just under one year, his ongoing support of the municipal profession and part he plays in helping to make CAMA the leading organization in fostering and sustaining municipal excellence, is truly admirable.

We look forward to continuing to work with Gary and appreciate the leadership he provides to our staff and our organization as a whole.

National Day of Mourning – April 28

On Wednesday we will lower the flags throughout the city in recognition of the National Day of Mourning – April 28, 2021.

This is a day to reflect, remember, and pay our respects to the thousands of workers who have died or been injured on the job and to the families they have left behind.

When you leave for work each day, you and your family expect you to return safely and it is the responsibility of every employer and every worker to ensure this happens.

Health and Safety is a top priority for the City of Port Colborne and we ask all employers within the city to ensure it continues to be their priority too.

Today, as we remember, we renew our commitment to the promotion of healthy and safe workplaces and the prevention of future fatalities.

Doctor's Day

On May 1st we will be recognizing Doctor's Day, celebrated across the province each May 1 to recognize Ontario's 30,000 doctors and their commitment to improving the health of all patients.

Every day, more than 350,000 patients across Ontario are treated and cared for by doctors who are working together to provide high-quality care.

In Port Colborne, there is a committed team of doctors who work tirelessly ensuring our residents receive the services and care they need in our community.

It's been a year since this global pandemic has impacted us and our healthcare workers have taken on the extra burden of fighting COVID-19 on the front lines.

They've sacrificed spending time with family and loved ones to ensure Niagara residents continue to stay healthy.

On behalf of City Council and staff, thank you to our doctors, nurses, and all frontline healthcare workers. We appreciate and are so grateful for everything you've done and continue to do.

NPCA Strategic Plan

It is time to shape the next 10 years of conservation in Niagara. The Niagara Peninsula Conservation Authority is developing a new strategic plan, and would like to invite the members of our communities to "get involved" by participating in the process. A public survey link can be found on the home page of the Niagara Regions' website, or by visiting GetInvolvedNPCA.ca.

This new strategic plan begins with a fresh approach towards achieving a shared vision. A representative team of staff experts from various departments are leading the way by working together to inform, develop, and implement the strategic planning process.

The NPCA staff and Board of Directors, of which I am a member, are now looking for public input to develop a common vision for conservation in Niagara, through these future strategic priorities.

So, get involved and have your say, by completing the survey before May 6th.

PORT COLBORNE

Subject: **Farmers Market MOU and Amended By-Law - 2021-100.docx**

To: **Council**

From: **Chief Administrative Office**

Report Number: 2021-100

Meeting Date: May 10, 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 eighteen-month 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 eighteen-month 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 re-evaluate 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 May 10, 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 10th day of May, 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 May 10, 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 10th day of May, 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, Port Colborne City Council voted in favour of the Port Colborne Downtown Business Improvement Area (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 BIA will be taking over operations of the Farmers' Market on a two-year pilot project.

Term:

The two-year pilot project will begin on April 30th, 2021 and will end on December 31st, 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 Downtown BIA will provide monthly reports to City staff and City Council. The Downtown BIA will also work collectively with City staff to address any concerns that arise from 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 “Market Manager” will be appointed by the Downtown BIA.
- 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 Downtown BIA will assume financial management of the Farmers’ Market.
- 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 times are subject to further change at the discretion of the Downtown BIA.

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 VQA 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.
- Vendors that have been at the Farmers’ Market in the year’s prior will be given preference to attend the market again. The Downtown BIA has the final decision on accepting vendors.
- The Downtown BIA will be expanding their footprint into King George Park to better accommodate spacing of vendors in the venue.

- 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.
- Assist with volunteer recruitment for Farmers' Market operations, crowd control, and venue capacity.

Financial Considerations

The City of Port Colborne will provide $2,500 in funding, allocated from the Supplies section in the existing Farmers' Market 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 Downtown Business Improvement Area

Name:

Title:

Date:_____ Signature: _____

Name:

Title:

Date:_____ Signature: _____

PORT COLBORNE

Subject: **Museum 2020 Annual Report and 2021 Update**

To: **Council**

From: **Chief Administrative Office**

Report Number: 2021-125

Meeting Date: May 10, 2021

Recommendation:

That Chief Administrative Office Report 2021-125, be received for information.

Purpose:

Chief Administrative Officer, Scott Luey, approved the Director/Curator to present the Annual Report for the Port Colborne Historical and Marine Museum on behalf of the Board of Management, as well as offer comments on Museum/Archives 2021 initiatives.

Background:

The Port Colborne Historical and Marine Museum was established by a Council By-law in 1974. Port Colborne City Council appoints a Board of Directors to act on behalf of Council to provide oversight to Museum staff who are supervised by the Museum Director/Curator.

Museum activities are governed by the policies and procedures in accordance with the Ontario Ministry of Tourism, Culture and Sport's Standards for Community Museums in Ontario including the following 10 standards:

- Governance Standard
- Finance Standard
- Collections Standard
- Exhibition Standard
- Interpretation and Education Standard
- Research Standard
- Conservation Standard
- Physical Plant Standard

- Community Standard
- Human Resources Standard

The province has a fundamental commitment to the preservation, presentation, and sustainability of the material culture of Ontario, through the community museums of the province. Museums that achieve these standards are eligible to receive Community Museum Operating Grant (CMOG) funding annually. The Port Colborne Historical and Marine Museum Board of Management and staff consistently uphold these standards in an effort to obtain this funding.

Discussion:

The 2020 season was a unique and challenging year that prompted a shift to more on-line services, community collaborations and creative financial solutions to ensure success.

Financial Implications:

There are no financial implications.

Public Engagement:

This Annual Report was approved by the Board of Management of the Port Colborne Historical and Marine Museum on April 20, 2021.

Strategic Plan Alignment:

The Chief Administrative Officer, Scott Luey lead a strategic planning session of the Port Colborne Historical and Marine Museum Board of Management Strategic and the five-year plan was approved in 2018. The following five goals resulted:

- Serve and preserve
- Increase financial contributions
- Donor recognition
- Improve visitor experience
- Building Maintenance
- Increased engagement on social media

Conclusion:

Staff are pleased to present this Annual Report.

Appendices:

a. Port Colborne Historical and Marine Museum 2020 Annual Report
b. Port Colborne Historical and Marine Museum Strategic Plan 2018 - 2022

Respectfully submitted,

Stephanie Powell Baswick
Director/Curator
905 834 7604 Museum Cell # 905 246 0895
Stephanie.baswick@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.

PRESERVE

More Than a Museum

PORT COLBORNE HISTORICAL AND MARINE MUSEUM

2020 ANNUAL REPORT

"Port Lighthouse" painting by Douglas Todd, which was generously donated by the artist for the museum's fundraising auction.

Cover photo: Custodian Frank Habjan created a winter wonderland on the grounds with over 1000 feet of lights for the Christmas Light Display Contest in Port Colborne.

"OUR MISSION IS TO SERVE PORT COLBORNE'S RESIDENTS AND VISITORS BY PRESERVING, EXHIBITING, AND INTERPRETING THE ARTIFACTS AND ARCHIVES OF PORT COLBORNE AND HUMBERSTONE."

PORT COLBORNE HISTORICAL AND MARINE MUSEUM MISSION STATEMENT

Archivist Michelle Vosburgh hands off a wreath-making kit to a happy customer in December.

LETTER FROM THE CHAIRMAN

Over the past year the world has experienced momentous change due to the COVID-19 pandemic. During this exceptional time the Port Colborne Museum has made it a priority to maintain services, reach out to others, and stay connected. Thanks to the generous support of our community, we've been able to do just that.

Last year looked and felt different from previous years, and this inspired us and kept us on our toes. While reinventing ways to celebrate much-loved events such as Arabella's Pie Social & History Fair, Canal Days and the Grand Old Christmas Festival, we also introduced a new way to offer services with our "Book A Safe Service" (B.A.S.S.) program. The museum's 2020 exhibits showcased historical stories of perseverance in the face of great challenges. *A Village by the Canal* highlighted the tenacity of the citizens of Port Colborne as they turned a small settlement into a thriving village. Our *Judging* exhibit celebrated the determination of one woman—Helen Kinnear—as she broke down barriers to become the first woman appointed as county judge by the Government of Canada.

New technologies and creative pivoting helped us to serve our members in new and safe ways. The community support for our Welland Canal T-shirt sales was heartwarming, and by introducing a remote payment system all purchases and deliveries were made safely. The take-home wreath kits created as an alternative to our traditional Grand Old Christmas Festival were an enormous success, and one more example of how our community has come together to keep spirits high over the past year. This connection and enthusiasm has continued to inspire the museum's staff and volunteers as they strive to preserve our heritage and serve the community during this unprecedented time.

While the museum was being propelled forward by community partners in 2020, in 2021 this will take on a more literal meaning after Algoma Central Marine installs a beautiful brass propeller in the museum's Marine Park. Plans are also underway to invigorate the Heritage Village with an exciting and unique exhibit currently in development for the Carriage House. Our work will continue to prioritize strong connections within our community as we educate, preserve, and celebrate the rich heritage of Port Colborne.

We're thankful to have shared this unforgettable year with all of you. Port Colborne is a community like no other, and we're honoured to be a part of it.

Terry Huffman

Chairman of the Board of Management
Port Colborne Historical and Marine Museum

2020 BY THE NUMBERS

1367
TOTAL VISITORS

21
HARD-WORKING VOLUNTEERS

441
MUSEUM MEMBERS

13
MUSEUM SERVICES PROVIDED

65
COMMUNITY MEMBERS SERVED BY EDUCATIONAL PROGRAMS

21072
ARTIFACTS IN PERMANENT COLLECTION

2
ONLINE EXHIBITS

12
STRUCTURES
HERITAGE VILLAGE & MARINE PARK

16
TYPES OF RESEARCH DOCUMENTS
AT THE HERITAGE RESEARCH ARCHIVES

18
MARKETING TOOLS PRODUCED

10
EXHIBITS PRESENTED

29
NEWS MEDIA MENTIONS

13
DEDICATED STAFF
2 FULL TIME
6 PART TIME
5 SUMMER STUDENT STAFF

3883
UNIQUE PAGEVIEWS TO WEBSITE

1353
INSTAGRAM FOLLOWERS

433
PARTICIPANTS IN SPECIAL EVENTS

667
TWITTER FOLLOWERS

724
ARTIFACTS DONATED BY
10
GENEROUS DONORS

1201
ARTIFACTS ON DISPLAY

17
MUSEUM PUBLICATIONS FOR RESEARCH AND SALE

2
EXHIBITS
IN MAIN MUSEUM GALLERY

2695
FACEBOOK FOLLOWERS

4
TELEVISION INTERVIEWS

15
PHOTO SHOOTS

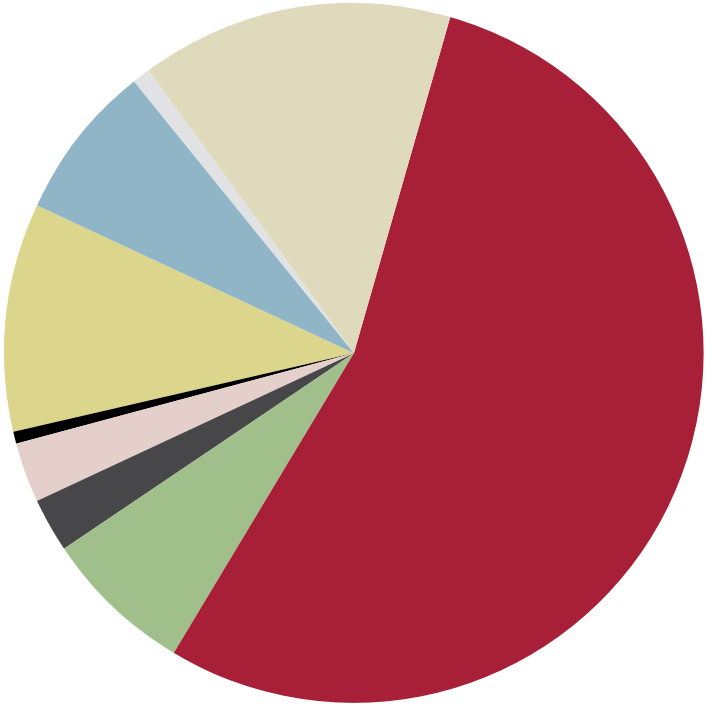
2020 FINANCIALS

MUSEUM-RAISED REVENUE

ADMISSIONS

All Tours Sponsored by **Lower Lakes Towing**

Museum/Heritage Village Tours:	5030
TOTAL ADMISSIONS:	5030
Memberships:	562
Fundraising *(Welland Canal T-Shirts, Take-Home Kits)*:	9666



SPECIAL EVENTS

Pie Social:	0
Canal Days:	0
Christmas Festival:	0
Museums Assistance Program (MAP) grant for revenue loss from events/ public access:	36525
Total Special Events:	**36525**
Donations *(Corporate/Individual)*:	4658
Rent *(Archives Rental Hall)*:	1616
Gift Shop Sales:	1889
Photocopies/Photos/Research *(Archives)*:	420
Auxiliary Donations:	7000

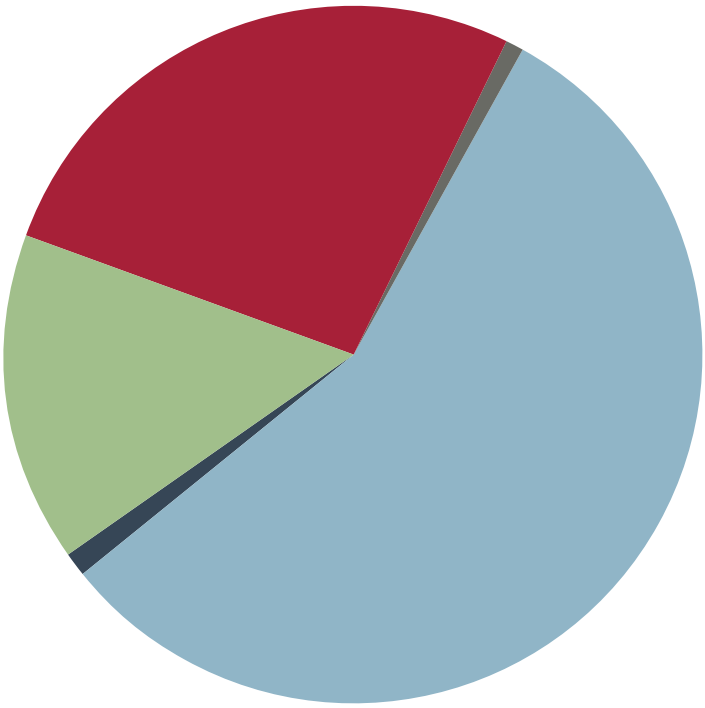
GRANTS

Community Operating Grant *(Pay Equity Included)*:	**24093**
Young Canada Works (Museum):	6208
Canada Summer Jobs:	8469
Summer Experience Grant:	3658
Young Canada Works (Archives):	6003
TOTAL Grant Revenue:	**48431**

MUSEUM VISITORS

Daily Museum:	213
Tea Room:	0
Heritage Research Archives:	367
School Tours (1):	9
Group/Bus Tours:	0
Education and Outreach*:	772
Weddings/Photography Bookings:	15
TOTAL Visitors	**1367**

**Walking Tours (10), Port Colborne Sailing Club (40), Member's Recognition Gingko Card (281), Arabella's Pie Social On The Road (42), Canal Days Postcard Project (302), Grand Old Christmas Festival (97)*



MUSEUM MEMBERS

Year 2020 Members:	101
Life Members:	292
Corporate Sustaining:	48
TOTAL Members:	**441**

VOLUNTEERS

Board Member Volunteers:	12
Grounds and Gardens Volunteers:	5
Research and Collections Volunteers:	4
Total Volunteers:	**21**

Volunteer Pam Kaufman hard at work tending to the heritage garden.

STAFF

FULL TIME:

Director/Curator: Stephanie Powell Baswick

Assistant Curator: Michelle Mason

PART TIME:

Archivist: Michelle Vosburgh

Archives Assistant: Abbey Stansfield/Kyla Harrietha

Custodian/Maintenance: Frank Habjan

Education Programmer: Abbey Stansfield

Receptionist: Sherry Spark

Registrar: Michelle Vosburgh/Meghan Chamberlain

Administrative Assistant: Amanda Emery

Assistant Curator Michelle Mason enjoys the view from the general store in our "A Village by the Canal" exhibit.

BOARD MEMBERS

SUMMER STAFF:

Collections Assistant: Dario Smagata-Bryan
(Young Canada Works in Heritage Institutions)

Program Planner: Spencer Alder
(Canada Summer Jobs)

Graphic Designer: Hanna Skala
(Canada Summer Jobs)

Educational Programming Assistant: Meaghan Chamberlain
(Summer Experience Program)

Public History Development Officer: Spencer Alder
(Young Canada Works Canadian Council of Archives)

Summer student Hanna Skala designs visuals for volunteer appreciation week.

2019 CITIZEN APPOINTEES:

Bonnie Johnston *(1981)*

Marcia Turner, Finance Chair *(1995)*

Cheryl MacMillan, Auxiliary President *(2001)*

Brian Heaslip, Vice Chair *(2009)*

Terry Huffman, Chair *(2009)*

Pamela Koudijs *(2013)*

Margaret Tanaszi, Secretary *(2015)*

Alexander Fazzari *(2015)*

Donna Abbott *(2017)*

Claudia Brema *(2018)*

Bert Murphy *(2018)*

Jeff Piniak *(2019)*

COUNCIL APPOINTEE:

Eric Beauregard *(2019)*

ASSOCIATE MEMBERS:

Tom Lannan *(2009)*

John Maloney *(2020)*

Bina Patel *(2020)*

Tea time looked different in 2020, but the smiles stayed the same.

EXHIBITS

ON-SITE EXHIBITS:

A Village by the Canal:

Take a look back to 150 years ago when Port Colborne was incorporated as a village. This exhibit explores the remarkable history of daily life in the village, and the skills and trades which were characteristic of Port Colborne's inhabitants in the era of 1870-1917.

Judging:

Helen Kinnear was called to the bar 100 years ago, beginning a legal career during which she accomplished a number of firsts for women, including becoming the first federally-appointed female judge in Canada. Raised in Port Colborne, it was here she first practised law. This exhibit takes a journey through her remarkable legal career and accomplishments.

Marine Exhibit Lighthouse
Tugging Along: Tugboats on the Welland Canal

Narrow channels, small canal locks, and lots of ship traffic on the third Welland Canal meant plenty of business for the tugs and their crews. Peer into the Marine Exhibit Lighthouse to catch a glimpse of this vital part of the canal scene.

Permanent
The Welland Canal:

Using an interactive touchscreen display and dozens of archives and photographs, this new, permanent exhibit looks at the people who built the canal, the economic impact of the canal, and its role in shaping the community.

TRAVELLING EXHIBITS FROM MUSEUM

CITY HALL EXHIBITS

Misener Family's Shipping Businesses:

More than a century ago, Captain Scott Misener started investing in ships. This exhibit sails into the company's many transformations: Misener and McKellar, Sarnia Steamships Ltd., Colonial Steamships Ltd., and Misener Transportation Ltd.

Port Colborne: The Welland Canal:

The canal is a defining landmark that bisects the city of Port Colborne and continues to be an integral part of its economy and tourism. This retrospective exhibit looks at the changes from the first to the fourth Welland Canal.

ON-LINE EXHIBITS:

The War of 1812 and the Sugarloaf Settlement:

From 1812 to 1815, the inhabitants of what was to become Canada fought side by side with the British forces and their First Nations allies to defend their lands against the Americans. The battles were waged on land and sea on both sides of the border, and the impact of the war was felt by all. This website is dedicated to making the surviving records and artifacts from this time period available to everyone.

The History of the Welland Canal in Port Colborne:

A selection of photographs from the museum's collections showing ships that have travelled through Port Colborne using the canal and locks to reach the Great Lakes. These photographs were released to the public in 2009 for the 50th Anniversary of the St. Lawrence Seaway Management Corporation. They're a tribute to the Welland Canal, which has given so much to this community.

"I AM GRATEFUL FOR THE TOUR BEING SPONSORED BY LOWER LAKES BUT I AM HAPPY TO DONATE TO HELP YOU KEEP YOUR WORK GOING. I LOVED THE TOUR AND IT WAS SO GOOD TO BE ABLE TO LEARN ABOUT OUR LOCAL HISTORY."

KERRY SINCLAIR

Displays from our two on-site exhibits, "Judging" and "A Village by the Canal".

PROGRAMS & EVENTS

ONTARIO HERITAGE WEEK 2020 | FEBRUARY 17 TO 23, 2020

During Ontario Heritage Week the L.R. Wilson Archives virtually shared many artifacts from the Fred Addis Sports Collection. This was also in honour of the City of Port Colborne wrapping up SportsFest 2020.

VIRTUAL TOP HAT PRESENTATION | MARCH 24, 2020

The 2020 Top Hat Ceremony—marking the opening of the Southern terminus of the Welland Canal—was cancelled this year. Instead, the Port Colborne Museum virtually presented the beaver fur top hat to the first captain. The M.V. CSL Tadoussac spent the winter tied up in Port Colborne and was the first downbound vessel at 4:15am.

TEA TIME WITH ARABELLA | APRIL 3, 2020

Museum education programmer Abbey Stansfield created an educational video to encourage those at home to enjoy afternoon tea. It featured Arabella Williams providing tea tips and sharing a historical biscuit recipe.

ARCHIVES AWARENESS WEEK | APRIL 6 TO 12, 2020

The L.R. Wilson Archives celebrated this year's *Archives Online* theme by sharing a collection of archival documents related to the First World War from the Schooley Collection. These documents presented the journey of Karl Schooley, from his volunteering for service in 1916 to his return on the S.S. Melita after being wounded.

ARABELLA'S PIE SOCIAL ON THE ROAD | MAY 31, 2020

Our annual Arabella's Pie Social and History Fair was cancelled this year. In its place, museum staff decided to give back by hand-delivering an afternoon treat to almost 40 Arabella's Tea Room volunteers.

GREAT CANADIAN GIVING CHALLENGE | JUNE 2020

This June we participated in the *Great Canadian Giving Challenge* in support of charities registered with Canada Helps. We reached out to our online community and encouraged donations of any kind to help at this difficult time.

YOUR OUTDOOR MUSEUM/PARKS AND RECREATION MONTH | JUNE 2020

In support of the City of Port Colborne's Recreation and Parks Month, we offered visitors a "virtual walking tour" of the museum grounds throughout the month of June by sharing daily photos on social media of our outdoor features and attractions.

GRAND OLD CHRISTMAS FESTIVAL WREATH-MAKING KITS | DECEMBER 2020

As an alternative to our traditional festival, the museum put together affordable wreath-making kits to help our community members get creative for the holidays and safely celebrate the beauty of the season.

THEN AND NOW: L.R. WILSON HERITAGE RESEARCH ARCHIVES | 2020

Due to the Archives being closed to the public for walk-in research, requests increased for the Archives' *Then and Now* Facebook posts, which showcase different archives in our possession and garner interest in local history. These posts were eagerly anticipated by our online community, and reached over 32,700 people.

"KUDOS TO THE PORT COLBORNE MUSEUM FOR SETTING UP TODAY'S SAFE ALTERNATIVE TO THE GRAND OLD CHRISTMAS FESTIVAL. THE WREATH MAKING KITS WERE SO MUCH FUN TO DO! EVERYTHING WAS PROVIDED AND PICK UP WAS ORGANIZED AND SAFE. THANKFUL FOR THIS ALTERNATIVE OPTION. WELL DONE. #PORTICIPATE."

KATIE SNEAK (INSTAGRAM)

We acted quickly to keep our facilities safe for visitors and staff alike.

"I AM ALWAYS AMAZED BY THE WAY THE MUSEUM USES CREATIVITY TO CONNECT TO THE COMMUNITY."

VIRGINIA ANGER

Director/Curator Stephanie Powell Baswick on the road as Arabella to deliver a tea time treat to our Tea Room volunteers.

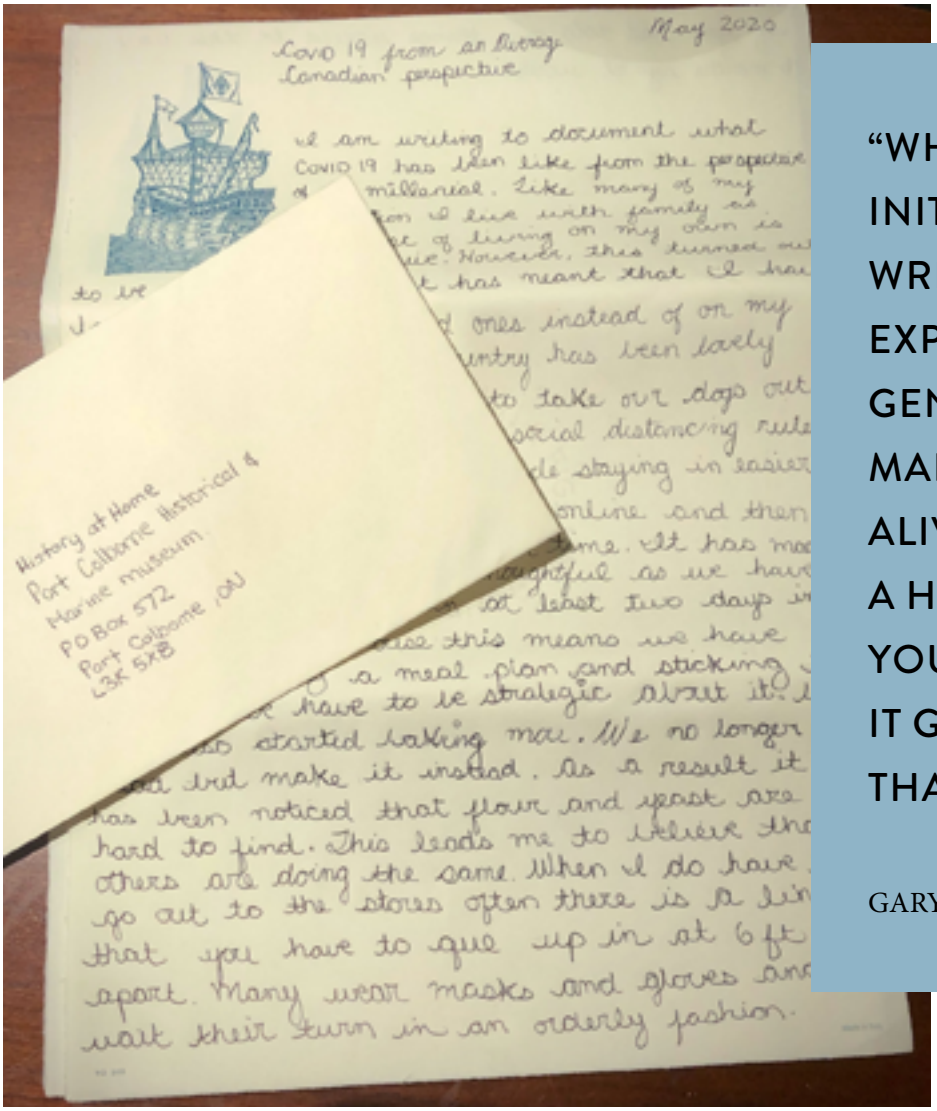
2020 ACTIVITIES

HERITAGE CLOTHING COLLECTION:

In the early months of 2020, Education Programmer Abbey Stansfield undertook the project of creating a catalogue of heritage clothing. Donations of heritage clothing had been received from the museum's beginnings, but these had never been catalogued. During this intensive process, clothing and accessories were photographed, assessed for condition and time period representation and then placed in proper storage vessels. In total over 200 items were catalogued, and an accurate account of the reproduction costumes available for museum programming was created.

HISTORY FROM HOME:

During the early stages of the province-wide COVID shutdown, the Port Colborne Historical and Marine Museum asked the community to help capture *History from Home*. The public was called on to help document this extraordinary time within history. We asked for handwritten letters of people's personal experiences, requesting they share with us thoughts, feelings, drawings, photographs, and/or daily activities at home. Everyone—of any age—was welcome to participate. If they did not have the supplies to mail us a letter, participants were able to request a kit (paper, stamp, and envelope) to be mailed to them. In addition, at the letter-writer's request museum staff would send a reply. These letters were compiled in our Heritage Resource Centre and Archives, and may one day be a part of the collection for future generations to read.



"WHEN I SAW YOUR INITIATIVE ABOUT PEOPLE WRITING ABOUT THEIR EXPERIENCES FOR FUTURE GENERATIONS...YOU ARE MAKING HISTORY COME ALIVE! WE ARE LIVING IN A HISTORIC MOMENT AND YOU ARE MAKING SURE IT GETS DOCUMENTED SO THAT IS IMPRESSIVE. "

GARY BRUNO (COUNCILLOR)

One of the many amazing letters we received documenting local experiences of the COVID-19 pandemic for future generations.

NEWSLETTER ENGAGEMENT:

In our newsletters and through City Hall News we worked to engage the community via activities that could be done at home. One popular activity was a crossword puzzle created by Collections Assistant Dario Smagata-Bryan. The community responded very favourably, and we received many requests for copies of the puzzle as its popularity spread throughout the community.

We also shared heritage recipes through our newsletters in 2020. Education Programmer Abbey Stansfield provided a wartime shortbread cookie recipe, along with the history of the cookie. We had bakers in our community reporting back with their opinions of the recipe.

INSTAGRAM ENGAGEMENT:

Over the course of 2020 museum staff engaged the community on Instagram with daily behind-the-scenes updates. This provided an opportunity for the public to see artifacts that were not on display at the time, and offered a look at museum work that generally goes unseen.

BOOK A SAFE SERVICE:

In a new initiative, museum staff invited the community to "Book A Safe Service" (B.A.S.S.), allowing our visitors to safely see our newest exhibits (*A Village by the Canal*, and *Judging*), shop in our gift shop or do research at the archives. Through B.A.S.S, we booked 45-minute appointments of no more than 4 guests from the same party, ensuring sanitization was taking place in between each appointment. The safe services offered included guided tours, heritage research, gift shop browsing, donations to collection and memorial donations.

GUIDED TOURS:

A longtime supporter of the Port Colborne Historical and Marine Museum, Lower Lakes Towing Ltd. sponsored the cost of all guided tours for the 2020 season. Lower Lakes Towing Ltd. grew from its infancy in 1994 as a small tug and barge operator to become one of the largest marine transportation service providers operating on the Great Lakes today. Over the last few decades they have recognized the value of marine history in the community, and with their support visitors could book a free guided tour at the Museum.

Collections Assistant and summer student Dario Smagata-Bryan puzzling over the creation of our popular newsletter crossword.

SERVICES & FACILITIES

MUSEUM SERVICES PROVIDED:

- Free admission to museum, exhibits, heritage village and marine park
- Guided group tours
- Public programming/speaking engagements
- Research room
- Museum gift shop
- Covered pavilion
- Picnic tables, benches, gardens and pathways
- 7 washrooms (4 accessible)
- Free parking

RESEARCH ASSISTANCE IS PROVIDED FOR:

- Heritage consultants
- Environmental and industrial researchers
- Genealogical researchers, students and general researchers
- City staff
- Archaeologists
- Journalists and reporters
- Authors

RESEARCH FACILITIES PROVIDED:

Fully accessible Heritage Research Archives providing documentary history of Port Colborne, Humberstone and the Welland Canal:

- Historic maps
- Historic photographs
- Indexed deeds and property records
- Directories (business and telephone)
- Microfilm
- Census records
- Cemetery records
- Welland Canal files and marine documents
- Ship files
- Family history files
- Local history books
- Microfilmed historic business ledgers
- Assessment and collector rolls
- Land registry records
- Historic newspapers
- Florence Neff Young collection

Staff members decorating for the Port Colborne's "Light Up the City" challenge.

PROJECTS & PUBLICATIONS

BUILDING & PROPERTY PROJECTS:

- Heritage Clothing Index and Storage Project
- Painting of Yvon Dupre Jr. and Marine Exhibit Lighthouse
- Walls repaired in heritage buildings
- Arabella's Tea Room asbestos remediation
- Interior painting: offices, tea room, archives and storage
- Security cameras installed throughout the grounds
- Rolled textile storage built
- New picnic tables
- New fire suppression systems
- Heritage vegetable and flower gardens
- New site plan created for outdoor information board

PUBLICATIONS PRODUCED:

- 3 museum newsletters: *Spring, Summer & Fall*
- Museum event and exhibit flyer: *"Navigator"*
- Membership *Gingko* card gift
- Arabella's *Pie Social on the Road* tag
- Canal Days postcard
- Book a Safe Service (B.A.S.S.) poster
- COVID-19 policy and volunteer binder
- Christmas cards for members and volunteers

MUSEUM PUBLICATIONS FOR RESEARCH & SALE

- Golden Age of Humberstone Village
- A-Z Documentary History of Humberstone Village
- Port Colborne: Tales from the Age of Sail
- Coming Home—The 1901 Neff Steam Buggy
- Humberstone Township—The First Fifty Years
- Welland Canals at Port Colborne
- Memoirs of Pat MacDonald
- Scruples of Conscience—The War of 1812 in the Sugarloaf Settlement
- David Sherk and Descendants
- Caspar Sherk and Descendants
- Sherk-Troup House
- Kendricks: Port Colborne Lighthouse Keepers
- The Locktender's House
- Port People—Builders and Shapers of our Culture and Community
- Port Colborne and The Fenian Invasion of Canada June 1866
- Port People—Along the Lakeshore-Builders and Shapers of our Community in Port Colborne and Wainfleet

JOIN US IN 2021!

2021 EVENTS

January 19	**Annual General Meeting**
February 15-21	**Heritage Week**
February 26	**One Hour in the Past** podcast with the St. Catharines Museum ("Spices")
March 1	**Bell Marine sponsored membership** for all Port Colborne and Wainfleet residents
March 15	**Book A Safe Service** opens and **Archaeology of the Great Lakes** lecture
March 17	**A Canal and its People** lecture
April 8	**Resilient Community: Epidemics in Port Colborne's Past** lecture
April 12-18	**Cabin Fever** tours for spring break
May 18	**International Museum Day**
May 30	Celebration to mark **Arabelle's Pie Social**
July 30 - August 1	Celebration to mark **Canal Days**
September	**Virtual museum classroom**
Fall 2021	**Lecture Series**
November	Outdoor **Remembrance Day** exhibit
December 2021	Celebration to mark the **Grand Old Christmas Festival**

MEMBERSHIP

Thanks to the generous sponsorship from Bell Marine, all residents of Port Colborne and Wainfleet who wish to become museum members can do so for free in 2021. Bell Marine, the oldest chandler on the Great Lakes, has contributed the cost of membership fees so citizens can join the museum at no personal cost.

Memberships can be obtained by filling out a membership card and dropping it into the mailbox or by visiting the City website and purchasing online. Life Patron membership is available for $100. Members who donate to the museum with their membership are eligible for an income tax receipt (for donations over $20.)

TOURS

The museum and archives offer a number of different tours, including various Urban History Walking Tours in the city of Port Colborne, Cemetery Tours, a step-on bus tour, and tours of the museum's own heritage village. These tours offer residents and visitors an entertaining and informative glimpse into our community's past, sharing the stories of the people and places which give Port Colborne such a rich cultural heritage.

Please call for rates and schedules, or follow us on Facebook.

L.R. WILSON HERITAGE RESEARCH ARCHIVES

The archives is open by appointment using B.A.S.S. (Book a Safe Service) for heritage research specializing in genealogy, heritage home research, local history and marine heritage.

The McDonald Conference Hall at the L.R. Wilson Heritage Research Archives is available for rent, and large enough to accommodate groups with diverse purposes. Hall rental includes 8 tables, 52 stacking chairs and access to a kitchenette which includes a small fridge, microwave, coffee maker and kettle.

Rental Fees:

4 Hour rental: $75.00 | 8 Hour rental: $120.00

Note: A $20.00 deposit is required when booking the Conference Hall. Prices do not include HST.

Rentals will resume when Ontario COVID-19 response framework declares Niagara in the yellow "protect" zone.

Poppies in bloom on the museum grounds.

Port Colborne Historical & Marine
MUSEUM
...more than a museum!

PORT COLBORNE HISTORICAL & MARINE MUSEUM

280 King Street, Port Colborne, ON L3K 5X8
905-834-7604 | museum@portcolborne.ca

PortColborneHistoricalMarineMuseum
ArabellasTeaRoom
WilsonArchives
@PortMuseum
@portcolbornemuseum
@arabellastearoom
Port Colborne Historical & Marine Museum
Museums Ontario: Port Colborne Historical & Marine Museum

Artist Douglas Todd kindly donated his painting "Two Tugs" to raise funds for the museum at our November auction.

Port Colborne Historical & Marine
MUSEUM
...more than a museum!

Port Colborne Historical & Marine Museum Strategic Plan 2018-2022

The Museum

The Port Colborne Historical and Marine Museum was established by a Council By-law in 1974. Port Colborne City Council appoints a Board of Directors to act on behalf of Council to provide oversight to Museum staff who are supervised by the Museum Director/Curator. The Museum has undertaken strategic planning in the past, approving plans in 2004, 2010, and 2013.

The Strategic Planning Process

The City's Chief Administrative Officer began the Strategic Planning process by distributing questionnaires to all Museum Board members. The completed questionnaires helped set the stage for the Board's Strategic Planning session.

In March 2018, the Museum Board held a Strategic Planning session that was facilitated by the Chief Administrative Officer. The session was attended by Board members as well as the Director/Curator.

During the Strategic Planning session the participants spent time reviewing the reasons the Museum exists and the stakeholders that benefit from the Museum. Based on this foundation, the participants reviewed the Museum's Mission, Vision, and Values. After reviewing the Mission, Vision, and Values the facilitator led the participants through a SOAR Assessment. This assessment allowed the participants to identify the Strengths, Opportunities, Aspirations, and expected Results of the Museum. Lastly, the participants established a series of Goals and Objectives for the period of time covered by the Strategic Plan.

Vision

The Museum had an existing "Vision Statement" prior to the 2018 Strategic Planning process. During the planning session, the Board had some discussion about the Vision Statement and considered several different statements before establishing a new Vision Statement for the organization.

The Museum Board worked together to develop a new Vision Statement that encapsulates the organization's vision. The Museum's Vision Statement is:

We envision a museum that serves our community and preserves the history and marine heritage of Port Colborne and Humberstone.

This Vision Statement represents "why we do what we do" at the Museum at the Board level and at the staff level and should become ingrained in the culture of the Museum.

Values

The Museum had several existing "Values" that had been established to guide the day-to-day work done by the staff. The participants reviewed these Values and made the decision to retain the existing Values while adding two additional Values. These Values that will be adopted in the Strategic Plan.

The Port Colborne Historical and Marine Museum's Values are:

- *To create and maintain a space for all users to celebrate our Historical and Marine Heritage*
- *To provide access to the Museum's resources for research and education needs*
- *To preserve and protect the integrity of the heritage collection for which it has been entrusted by the people of Port Colborne*
- *To respect the wishes of the donors who have provided the artifacts and archives in the Museum's collection*
- *To ensure the provision of accurate historical information for the knowledge of all peoples*
- *To treat all visitors with respect and honesty*
- *To act within the legal requirements of all levels of government*

Mission

Prior to the Strategic Planning exercise, the Port Colborne Museum had an existing Mission Statement. As part of the exercise, the participants reviewed the Mission Statement and developed a revised statement that succinctly captures the Museum's mission.

Our mission is to serve Port Colborne's residents and visitors by preserving, exhibiting, and interpreting the artifacts and archives of Port Colborne and Humberstone.

SOAR Analysis

Finally, before establishing the Goals and Objectives that will comprise the Strategic Plan, the participants conducted a SOAR Analysis in which the group focused on the Museum's current strengths and vision for the future by listing the organization's Strengths, Opportunities, Aspirations, and key Results.

The SOAR Analysis is presented in the chart below. The SOAR analysis does not present the approved direction of the board, it merely summarizes the discussion that took place during the strategic planning session in order to arrive at the Goals and Objectives.

Port Colborne Historical & Marine Museum - SOAR Assessment

SOAR

Strengths

- Staff
- Community
- Volunteers
- Belonging
  - Inclusion
  - Acceptance
- Our History!!
- Pride – our pride logo
- Site/Location
  - Room to grow
  - Where we are
- 18,000 artifacts
- Municipal Status – connection to City Hall
- Tea Room
- Archives & Resources
- Collaboration & Support

Opportunities

- Outreach
- Schools
- Acquisitions
  - Shickluna Gas Station
- Expansion?
- Cultural Block – marketing destination
- Technologies – digitization
- Media – promotion
- Partnerships
  - Businesses
  - Organizations
- Language – transition to bilingual status
- Accessibility
- Collaborate
- Funding - sponsorships

Aspirations

- Shickluna Gas Station
- Expansions & Acquisitions
- Increased community awareness
- Outreach – pop-up?
- Easy for users to access
- To meet the Community's needs/expectations
- Adequate staff levels
- Communications person (City?)
- Adequate financial resources
- Educate & Inform
- Green
- Preserve
- Mandate
- Financially self-sustaining

Results

- Increased financial contributions
- Improved/increased partnerships
  - Rural areas
- Increased visits
- Positive visitor experience
- Improved access to HRC
  - Tours
  - Organized access
- Continued progress on built form of museum
  - Plan for buildings
- Increase engagement on social feeds
- Buildings well maintained
  - Building assessments

Goals and Objectives

The Museum Board completed the Strategic Plan section by developing 5 goals for the strategic plan. These goals and the associated objectives that will help the Museum realize the goals are outlined below.

Goal #1 – Serve and Preserve	
Objective 1.1 – Annual Events	Museum staff to maintain and grow the three annual events (Christmas, Canal Days, and Pie Social) that the museum currently offers.
Objective 1.2 – Collections Management	Museum staff will continue to adhere to the Museum's Collection Management Policy.
Objective 1.3 – Outreach	Museum staff will explore new outreach opportunities to raise the profile of the museum in Port Colborne and beyond.

Goal #2 – Increase Financial Contributions	
Objective 2.1 – Donor recognition	Staff to explore improvements to the donor recognition program to broaden the recognition of donors and make donating to the museum more attractive to potential donors.
Objective 2.2 – Online Donation Module	Staff to work towards creating a tool that allows donations to be made online and the sale of memberships to be conducted online.
Objective 2.3 – Increase Memberships	Staff to formulate a plan to conduct a membership drive designed to increase membership sales.

Goal #3 – Improve Visitor Experience	
Objective 3.1 – Staff Interaction	Museum staff to transition to improved customer service standards by providing a trained staff person as the first point of contact in an interaction with museum visitors.
Objective 3.2 – Operating Hours	Staff are to analyze the operating hours and season of the museum and report any potential improved operating schedules to the board for approval.
Objective 3.3 – Training Program	Museum staff to develop a training program for staff and volunteers to ensure that both groups have adequate training to provide the best visitor experience.

Goal #4 – Building Maintenance	
Objective 4.1 – Building Assessments	Museum staff to work together with City Staff to conduct an assessment on all museum buildings and report results to the board.
Objective 4.2 – Building Master Plan	Museum staff to conduct a building plan for current and future buildings and present to the board.

Goal #5 – Increase Engagement on Social Media	
Objective 5.1 – Board Reporting	Museum staff to prepare regular reports to the board with respect to social media activity including metrics.
Objective 5.2 – Collaboration With City Communications Staff	Museum staff to actively work with City Communications Officer to develop policies and carry out social media activities.

Location:

280 King Street
Box 572
Port Colborne, ON
L3K 5X8
905-834-7694
905-834-6198 (fax)
museum@portcolborne.ca

Administrative Contacts:

Stephanie Powell Baswick – Director/Curator
Michelle Mason – Assistant Curator

Museum Board:

Brian Heaslip – Chair
Donna Abbott
Claudia Brema
Alexander Fazzari
Terry Huffman
Bonnie Johnston
Pamela Koudijs
Cheryl MacMillan
Bert Murphy
Margaret Tanaszi
Marcia Turner
Councillor Dave Elliot

PORT COLBORNE

Subject: **Community Survey Results**

To: **Council**

From: **Chief Administrative Office**

Report Number: 2021-137

Meeting Date: May 10, 2021

Recommendation:

That Chief Administrative Office report 2021-137 and accompanying presentation be received for information; and

That the Manager of Strategic Initiatives be directed to bring forward the final draft of the Strategic Plan as well as the detailed Implementation Plan for Council's final review and approval at the May 25, 2021 Council meeting.

Purpose:

The purpose of this report is to review results from a survey conducted to obtain resident input on community issues and priorities, which will assist Council and staff in finalizing a new strategic plan.

Background:

City staff have been developing a new strategic plan based on facilitated roundtable discussions with Council and staff in 2019 and 2020. This project was postponed in March 2020 because of the COVID-19 global pandemic and resumed in the fall of 2020. A draft strategic plan framework was presented at the March 22 Council meeting. Council directed staff to survey the community to ensure the plan aligns with and reflects the pulse of the community in terms of issues and priorities.

A survey was developed and posted on the City's website from Monday, April 12 to Friday, April 23, 2021. Hard copies of the survey were also made available at the Public Library and City Hall. The survey was promoted through a news release, a newspaper advertisement, frequent mentions on the City's social media channels, and email

invitations to key contacts and community stakeholders who were also encouraged to share the information and survey link with others.

In total, 620 residents completed the survey. Residents who completed surveys and provided their email addresses have been entered into a draw for one of six $50 gift certificates to a Port Colborne business of their choice.

Discussion:

City staff are encouraged by the survey participation rate. Based on 620 completed surveys and the number of residents over 18 years of age (estimate of 15,530 based on census information), the participation rate is 4%. Municipal surveys for an Ontario city with a population size similar to Port Colborne generally average 600 responses.

The purpose of the survey was to obtain resident input on a broad range of community issues in order to assist Council and staff in finalizing a new strategic plan that aligns with the community's priorities.

The survey results are shared in the attached PowerPoint presentation.

Graphs and tables present the data in descending order based on percentage and the question's rating scale. After the responses to each question were analyzed according to their weighted percentage, a consistent pattern in ranking across questions helped to reveal important issues and priorities. A list of issues and priorities was compiled and analyzed in conjunction with the contents of the draft strategic plan. This part of the analysis involved a thoughtful and thorough process whereby the plan's statements, principles, pillars, goals and action items were assessed in relation to the issues and priorities uncovered.

Staff provide the following comments regarding alignment between the survey results and the draft strategic plan:

- The community was given the opportunity to identify issues and priorities without viewing and being influenced by the draft strategic plan;

- Services and programs must continue to be delivered in quality and innovative ways and demonstrate excellence in meeting the community's needs;

- The input received suggests there is a shared vision and common goals for the unique and valued assets found throughout the community;

- The issues identified by the community underpin and link to the various studies and plans in the draft strategic plan, including areas such as arts and culture, parks and recreation, economic development and tourism, and land use planning;

- The priorities that matter most to the community reflect the numerous projects, initiatives and action items included in the draft strategic plan;

- Overall, the community's needs, values and vision show a strong connection to the concept of sustainability, which serves as a foundation for the path forward.

A section summarizing the survey results will be added to the final draft of the strategic plan and a full report of these same results will be added to the City's website. Staff would like to thank the residents who participated in the survey and shared their invaluable feedback.

Internal Consultations:

Prior to the survey going live, it was tested by a group of City staff to work out any technical glitches and make any revisions to questions.

Financial Implications:

There are no cost implications associated with this report and its recommendations. The survey, along with the development of the strategic plan, is being completed in-house by City staff. The $300 in gift certificates will be funded from the Economic Development and Tourism Services Division operating budget.

Public Engagement:

As per Council direction at the March 22nd meeting, City staff developed a survey to obtain community input that will be used to assist Council and staff in finalizing the City's strategic plan.

Conclusion:

A new City strategic plan is being completed that will include vision and mission statements, guiding principles, community and corporate pillars, goals and action items, and an implementation plan. Council directed staff to survey residents to ensure that community issues and priorities are reflected in the key themes of the strategic plan. In total, 620 surveys were completed, which represent favourable participation relative to municipal survey averages.

Based on an analysis of the results, the residents surveyed are supportive of the current direction and priorities of the City. They have also outlined areas for improvement and

identified community issues that should be given more attention. A copy of the survey results will be shared with City staff.

Appendices:

a. Community Engagement Survey PowerPoint Presentation

Respectfully submitted,

Gary Long
Manager of Strategic Initiatives
905-835-2900 x. 502
Gary.Long@portcolborne.ca

Greg Higginbotham
Tourism Coordinator
905-835-2900 x. 505
Greg.Higginbotham@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.

Community Engagement Survey

Presentation of Results

May 10, 2021

Gary Long
Manager of Strategic Initiatives

Greg Higginbotham
Tourism Coordinator & Special Projects

PORT COLBORNE

Purpose

- The purpose of the survey was to obtain resident input on community issues and priorities to assist Council and staff in finalizing a new strategic plan

- Survey design, including questions and format, was done by City staff and took direction from a number of different municipal satisfaction surveys

Methodology

- The survey opened on Monday, April 12th and closed on Friday, April 23rd
- Access to the survey was given via online or digital means as well as print or hard copy format at City Hall and the Library
- Communication
  - An announcement about the survey was made via a Media Release issued on Monday, April 12
  - Information about the survey, including online and hard copy access, was posted on the City's website (home page, news & City Hall sections)

Methodology

- Communication
  - Posts on social media and Port Colborne Resident News email blasts
  - An advertisement was taken out in Niagara This Week on Thursday, April 15
  - The Media Release received coverage in Niagara This Week in both print and e-editions during the week of April 12-16
  - Outreach was supported by the Downtown Port Colborne BIA, Port Colborne-Wainfleet Chamber of Commerce as well as various boards and committees

Methodology

- The survey was conducted amongst residents of Port Colborne, 18 years of age or older, who are not employed by the City
- Over 12 days, we received **620** total surveys (**3** hard copy and **617** online)
- Based on the 18+ demographic of the population (15,530*), the participation rate is **4%**

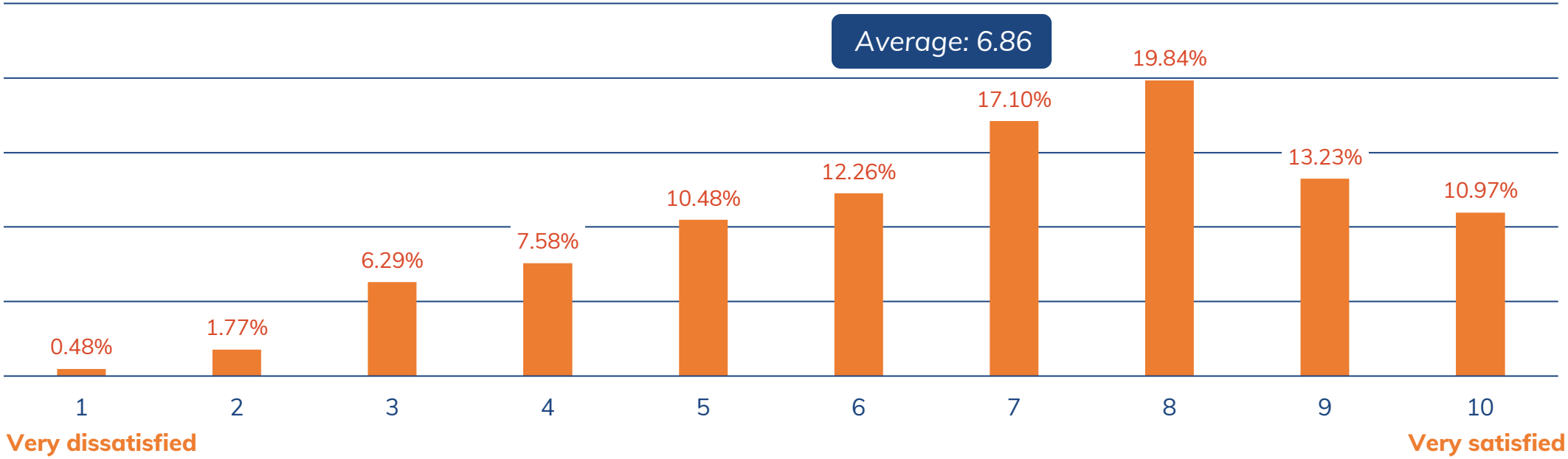
Statistics Canada - Census Profile, 2016 Census

PORT COLBORNE

Results

Port Colborne as a Place to Live

Overall Satisfaction (%)



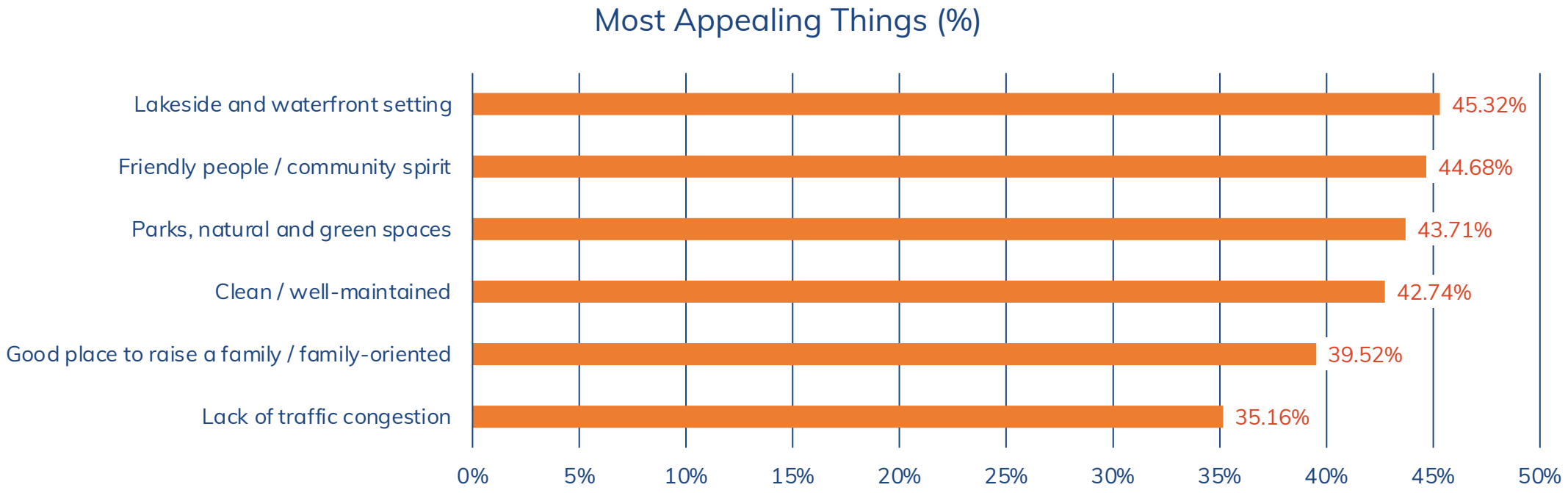
Question: How do you generally feel about Port Colborne as a place to live?

Completed: 620

PORT COLBORNE

Results

Port Colborne as a Place to Live

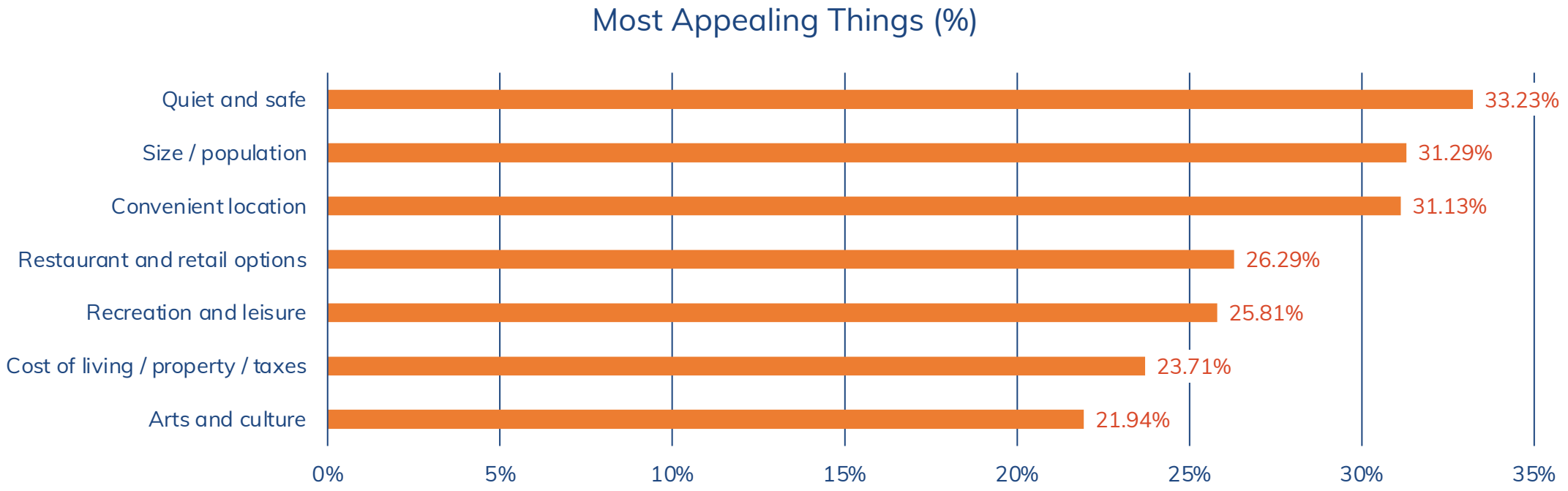


Question: In your opinion, what would you say are the most appealing things about Port Colborne?

Completed: 620

Results

Port Colborne as a Place to Live



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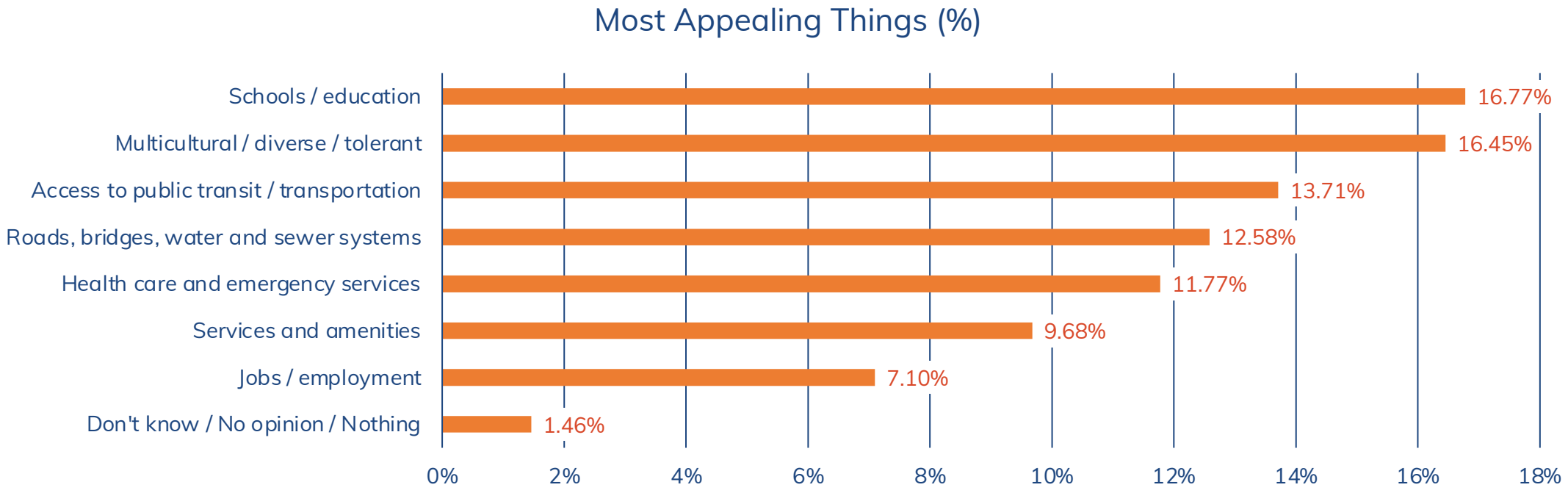
PORT COLBORNE

Results

Port Colborne as a Place to Live



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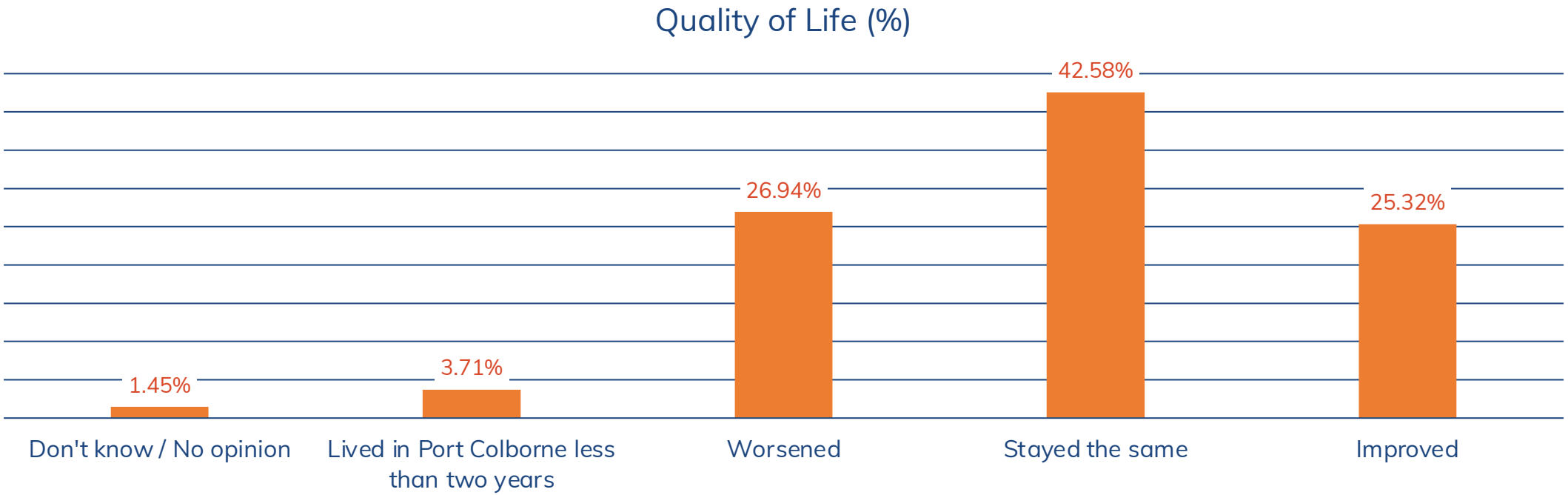
PORT COLBORNE

Results

Port Colborne as a Place to Live



Question: Not taking into account the effects of COVID-19, would you say the quality of life in Port Colborne over the last two years has...?

Completed: 620

Results

Port Colborne as a Place to Live

Worse (%)

Drug use and addiction	44.59%
Cost of living and housing	43.46%
Homelessness	42.97%
Crime and public safety	41.20%
Taxes	31.18%
Jobs / employment opportunities	26.66%
City governance (planning, policies, decisions, etc.)	24.88%
Maintenance (waste collection, snow removal, etc.)	20.03%

Roads, bridges, water and sewer systems	17.61%
Sense of community	16.32%
Traffic conditions	14.54%
Businesses, restaurant and retail options	14.05%
Public transit / transportation	11.63%
Parks and recreation	10.82%
Access to services and amenities	8.56%

Question: Not taking into account the effects of COVID-19, what has gotten better or worse about the quality of life in Port Colborne over the last two years?

Completed: 619

Results

Port Colborne as a Place to Live

Stayed the Same (%)

Access to services and amenities	75.61%
Public transit / transportation	64.62%
Traffic conditions	64.14%
Parks and recreation	61.07%
Maintenance (waste collection, snow removal, etc.)	59.77%
Sense of community	59.77%
Roads, bridges, water and sewer systems	58.80%
City governance (planning, policies, decisions, etc.)	52.67%

Jobs / employment opportunities	51.21%
Taxes	50.40%
Businesses, restaurant and retail options	44.43%
Crime and public safety	40.39%
Homelessness	37.00%
Drug use and addiction	35.86%
Cost of living and housing	34.89%

Question: Not taking into account the effects of COVID-19, what has gotten better or worse about the quality of life in Port Colborne over the last two years?

Completed: 619

Results

Port Colborne as a Place to Live

Better (%)

Businesses, restaurant and retail options	41.52%
Parks and recreation	28.11%
Sense of community	23.75%
Public transit / transportation	23.59%
Roads, bridges, water and sewer systems	23.59%
City governance (planning, policies, decisions, etc.)	22.46%
Jobs / employment opportunities	21.97%
Cost of living and housing	21.65%

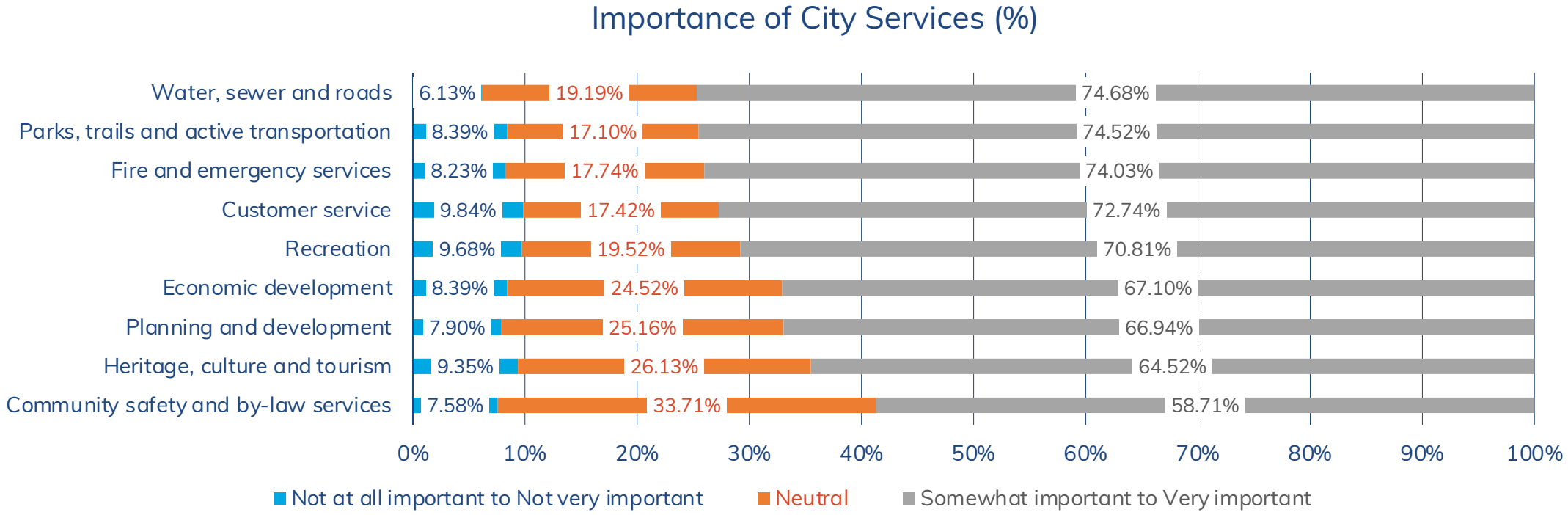
Traffic conditions	21.16%
Maintenance (waste collection, snow removal, etc.)	20.19%
Homelessness	20.03%
Drug use and addiction	19.55%
Crime and public safety	18.42%
Taxes	18.42%
Access to services and amenities	15.67%

Question: Not taking into account the effects of COVID-19, what has gotten better or worse about the quality of life in Port Colborne over the last two years?

Completed: 619

Results

City Services



Question: How important is each of these City services to you?

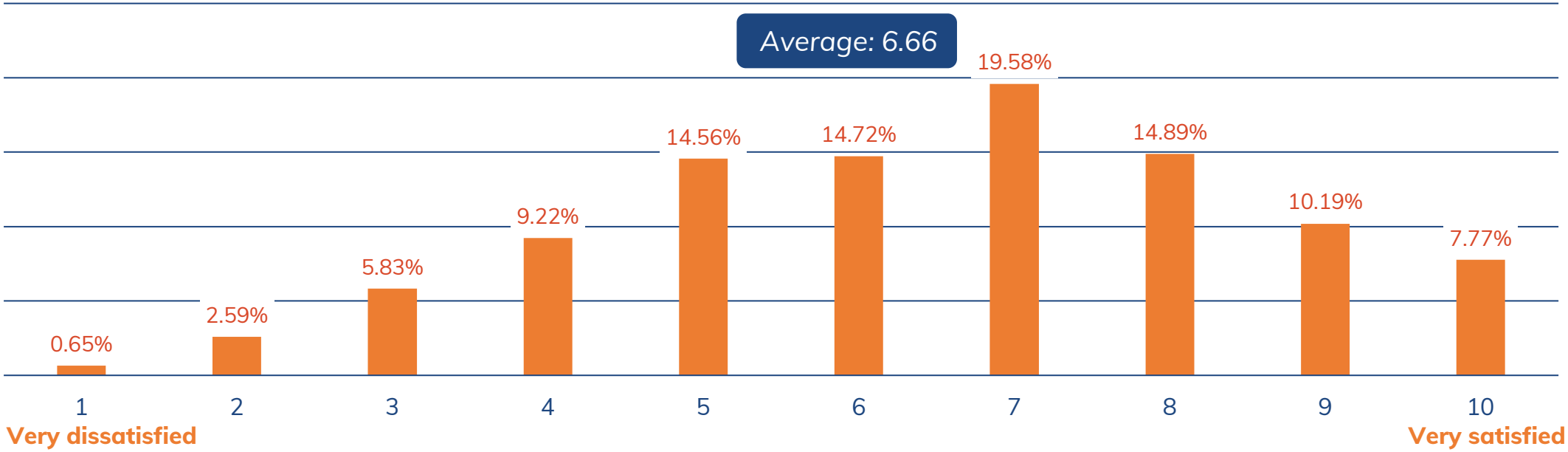
Completed: 620

PORT COLBORNE

Results

City Services

Overall Service Satisfaction (%)



Question: Thinking about the City services that you've used, how satisfied are you with the quality of these services overall?

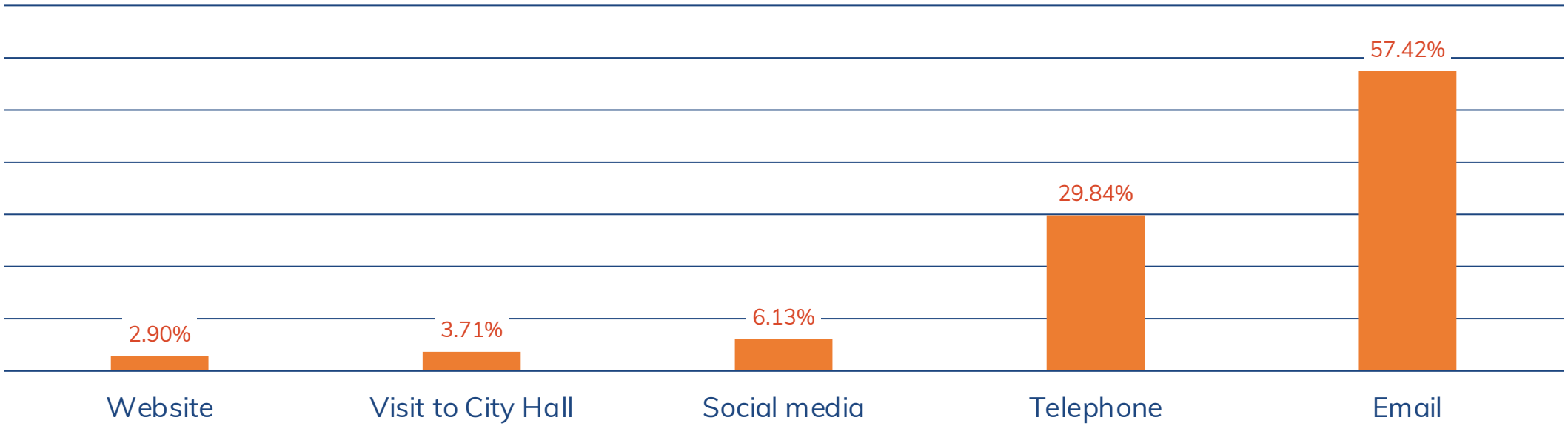
Completed: 620

PORT COLBORNE

Results

City Services

Method of Contact (%)



Question: What is your preferred method for contacting the City?

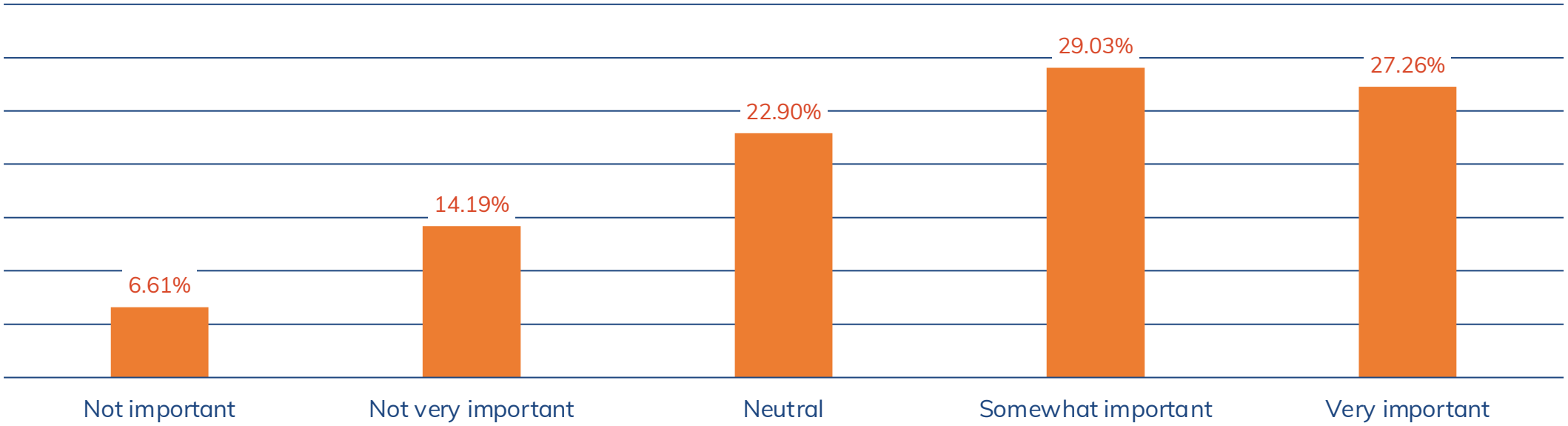
Completed: 620

PORT COLBORNE

Results

City Services

Importance of Online or Digital Services (%)



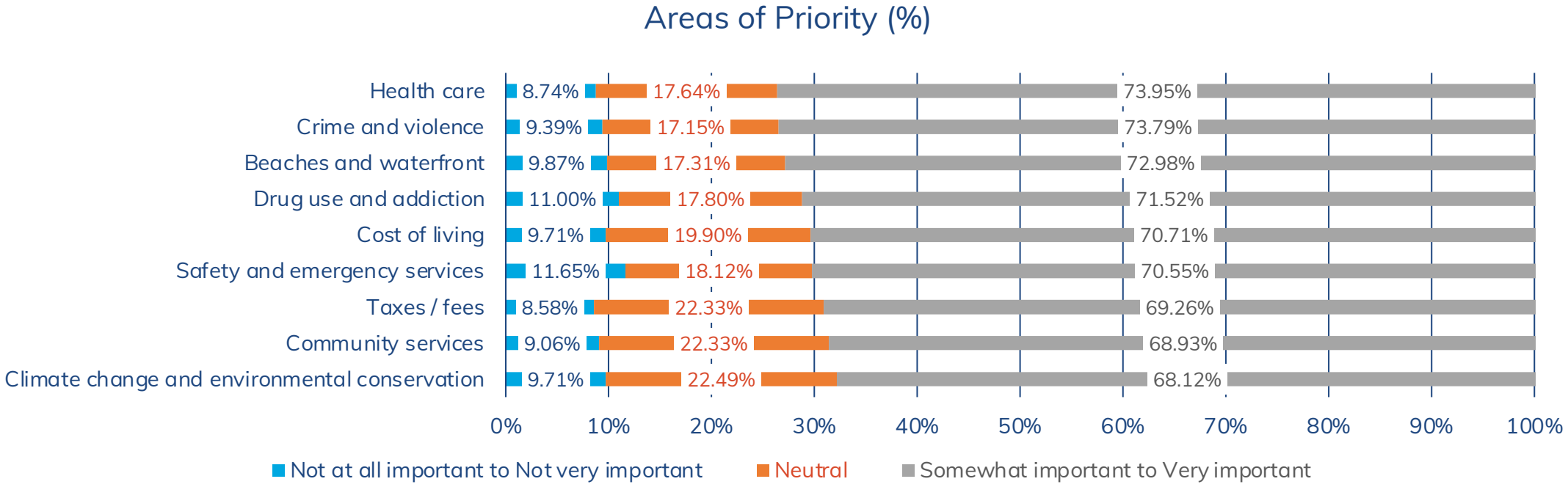
Question: How important is it that the City of Port Colborne offers a wide range of online or digital services?

Completed: 620

PORT COLBORNE

Results

Vision for Port Colborne

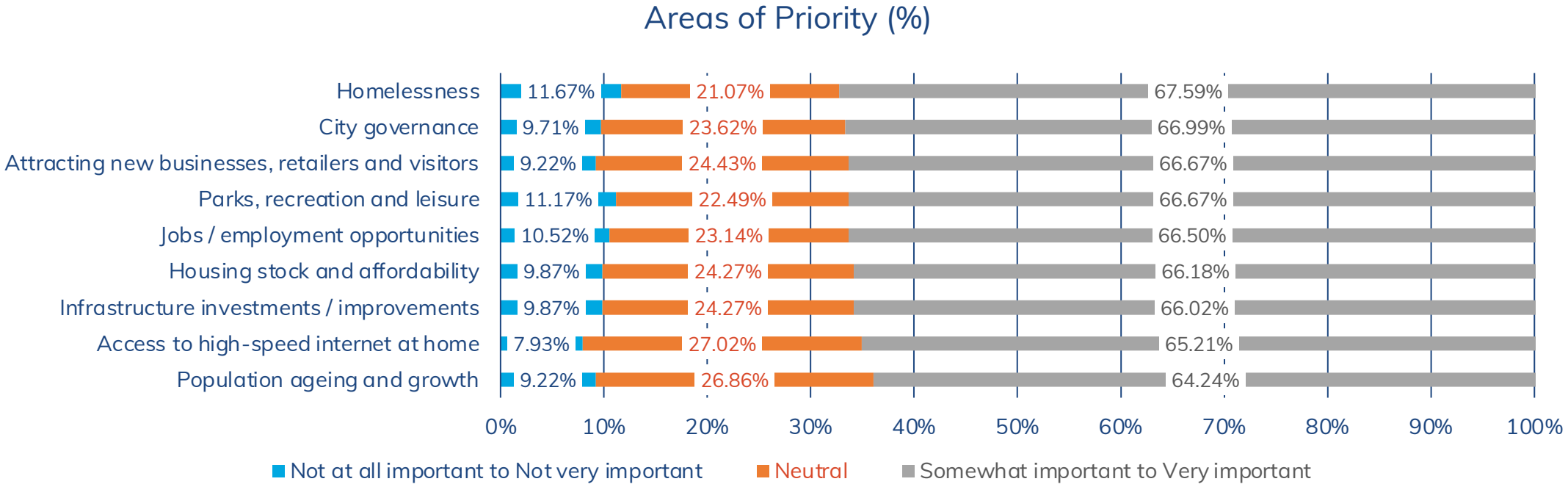


Question: Thinking about the priorities that Port Colborne Council could address in the future, how important is each of the following to you?

Completed: 620

Results

Vision for Port Colborne

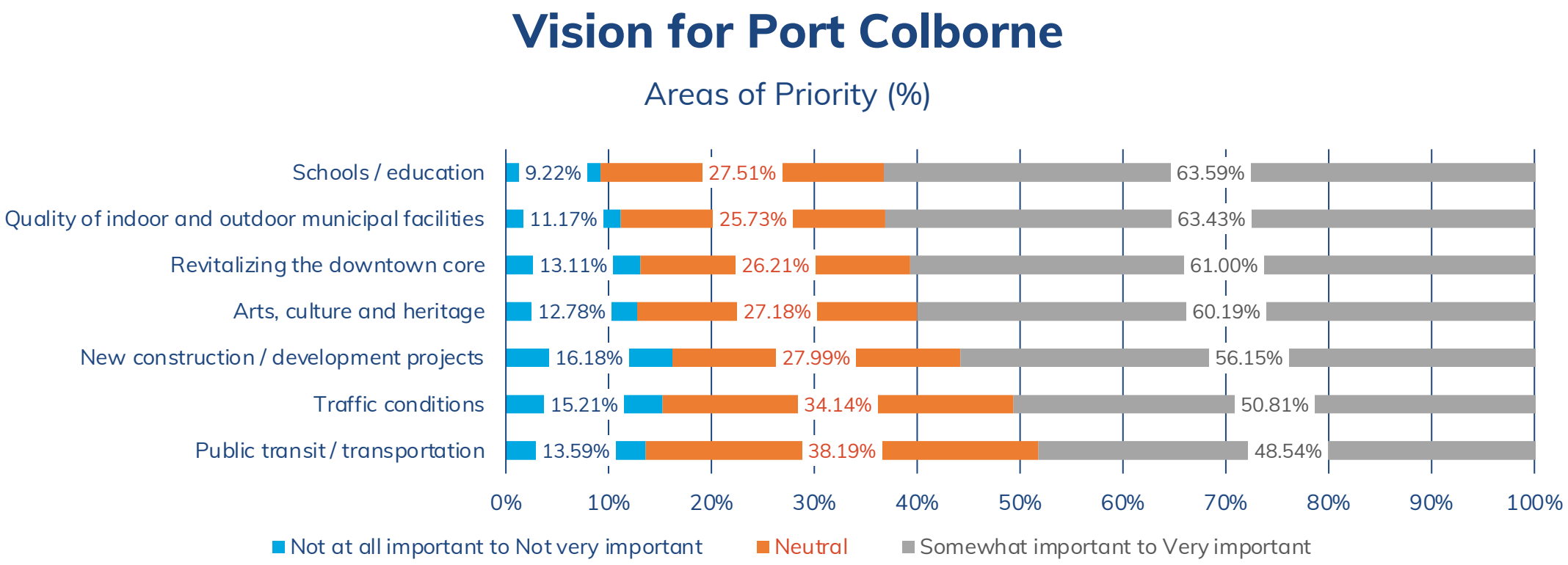


Question: Thinking about the priorities that Port Colborne Council could address in the future, how important is each of the following to you?

Completed: 620

PORT COLBORNE

Results



Question: Thinking about the priorities that Port Colborne Council could address in the future, how important is each of the following to you?

Completed: 620

PORT COLBORNE

Results

Vision for Port Colborne

Community	Safety	Environment	Economy
• Quiet • Welcoming • Friendly • Inviting • Neighbourly • Inclusive • Small town • Diverse	• Civil • Secure • Crime free • Policing • Accessibility • Health care • Medical access • Traffic	• Clean & Green • Healthy • Sustainable • Beautiful • Bike friendly • Conservation • Protect assets • Respectful	• Prosperous • Affordable • Competitive • Technology • Progressive • Revitalization • Retail • Commercial

Question: What words or phrases would you use to describe the community you want Port Colborne to be in the future?

Completed: 620

Results

Vision for Port Colborne

Community	Recreation	Governance	Other
• Spirit & Pride • Accessible • Cooperation • Responsive • Heart & Soul • Multicultural • Vibrant • Compassionate	• Leisure spaces • Walkability • Heritage • Arts & Culture • Events • Activities • Trails & Cycling • Age friendly	• Engaged • Integrated • Responsive • Transparent • Lower taxes • Reasonable fees • Responsible • Investments	• Changing • Developing • Improving • Appealing • Profile-raising • Thriving • Belonging • Bustling

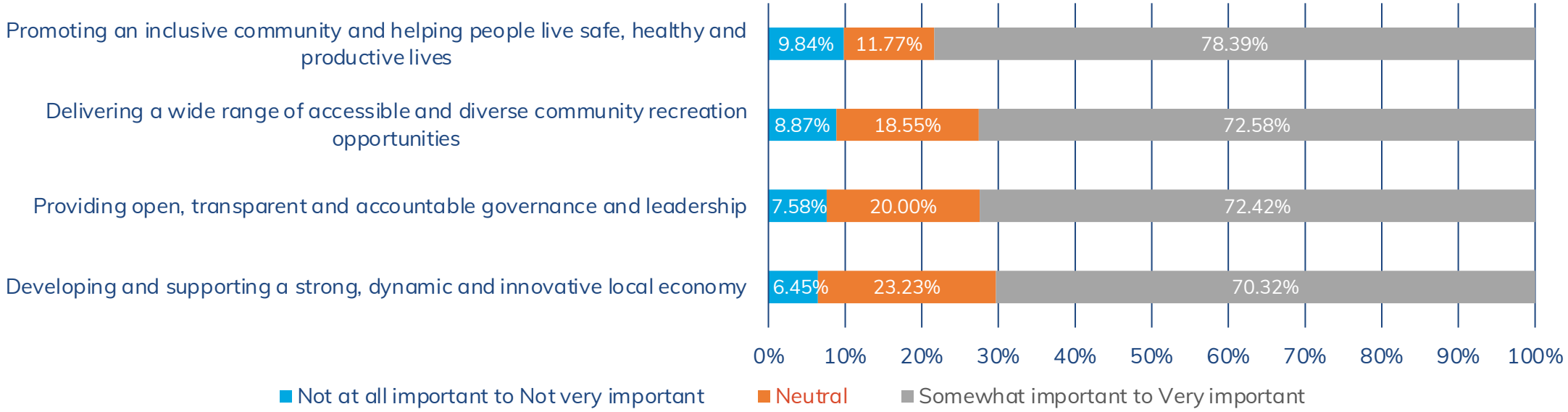
Question: What words or phrases would you use to describe the community you want Port Colborne to be in the future?

Completed: 620

Results

Vision for Port Colborne

Importance of Goals (%)



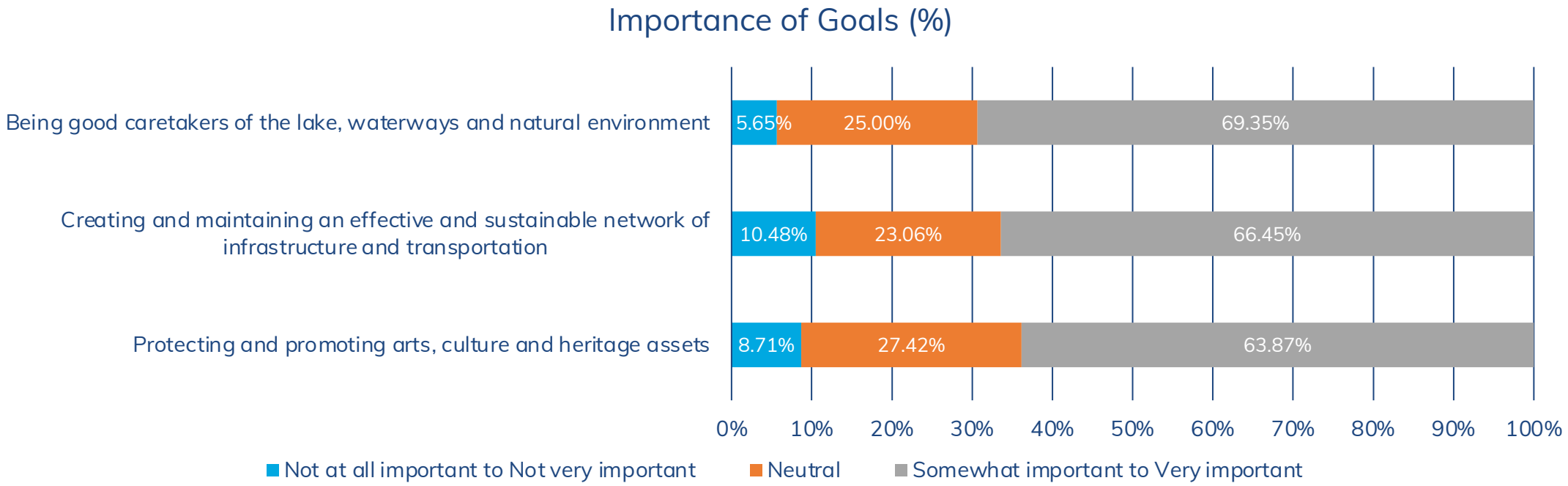
Question: How important is each of these goals to you?

Completed: 620

PORT COLBORNE

Results

Vision for Port Colborne



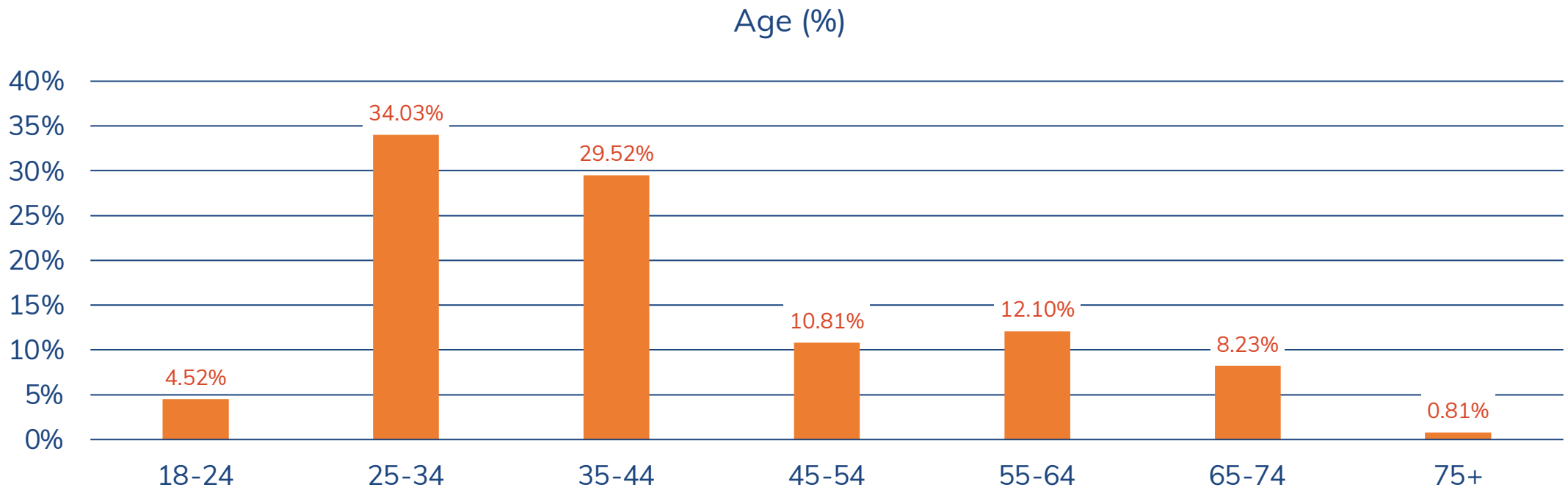
Question: How important is each of these goals to you?

Completed: 620

PORT COLBORNE

Results

Demographics



Question: What is your age?

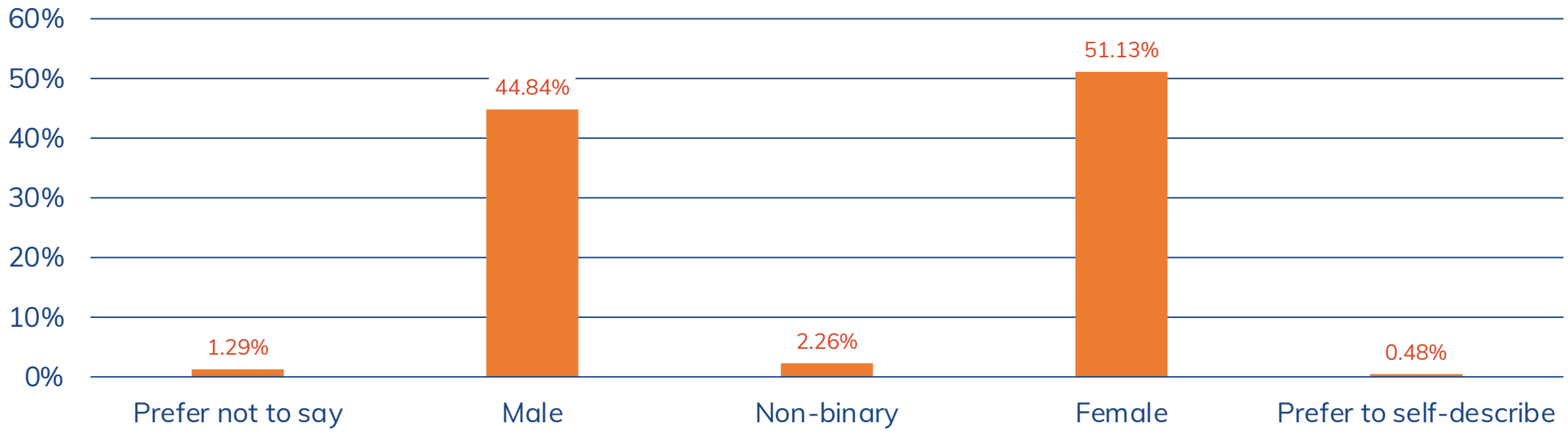
Completed: 620

PORT COLBORNE

Results

Demographics

Gender Identity (%)



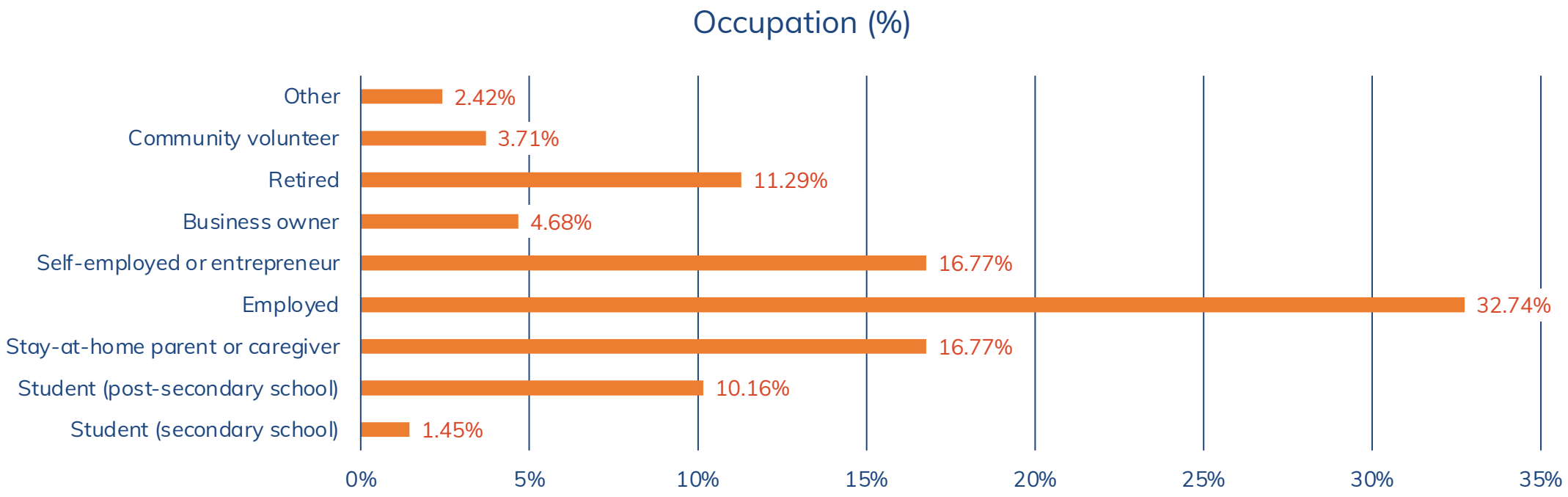
Question: How do you identify?

Completed: 620

PORT COLBORNE

Results

Demographics



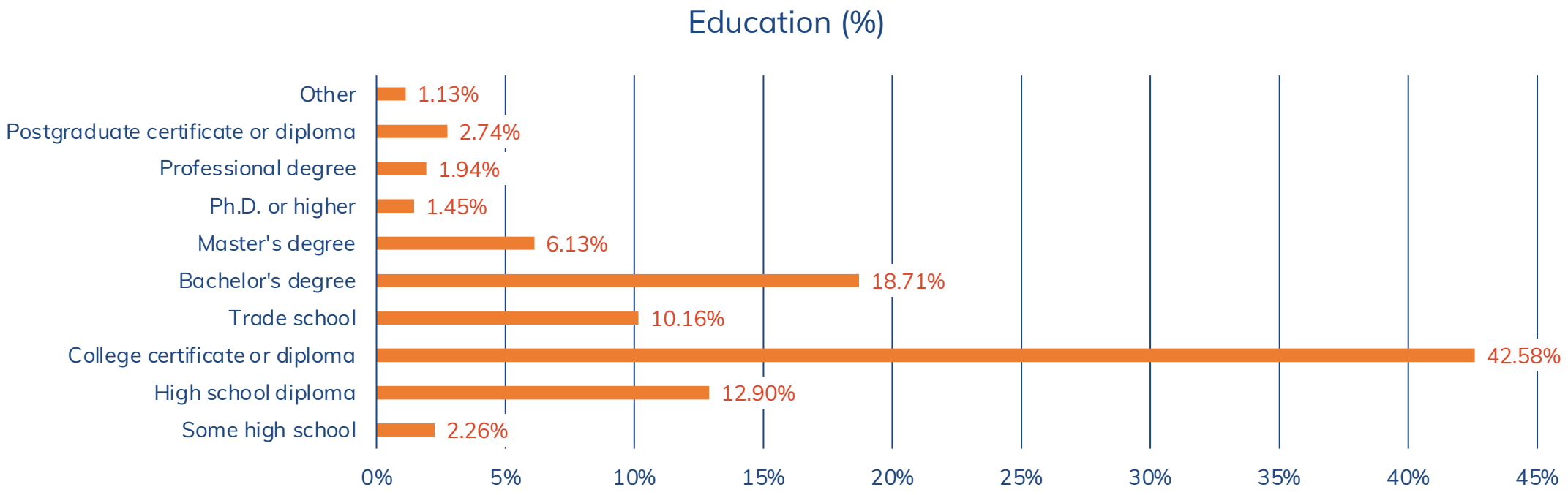
Question: What is your occupation?

Completed: 620

PORT COLBORNE

Results

Demographics



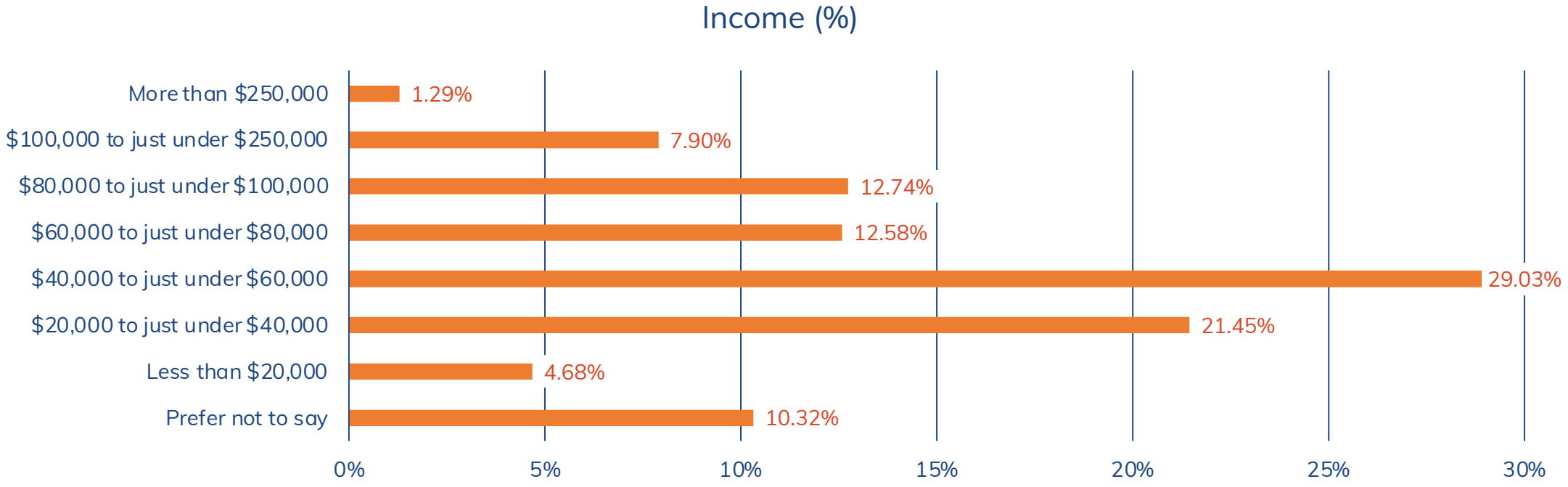
Question: What is the highest level of education you have completed?

Completed: 620

PORT COLBORNE

Results

Demographics



Question: What is your annual income before tax and from all sources?

Completed: 620

PORT COLBORNE

Analysis

- The purpose of the survey was to obtain resident input on community issues and priorities to assist Council and staff in finalizing a new strategic plan
- Analysis of the data revealed consistent patterns and helped to identify important issues and priorities
- These issues and priorities were analyzed in conjunction with the draft strategic plan's statements, principles, pillars, goals and action items

Comments

- The community was asked to complete the survey without viewing and being influenced by the draft strategic plan

- Services and programs must continue to be delivered in quality and innovative ways and demonstrate excellence in meeting the community's needs

Comments

- The input received suggests there is a shared vision and common goals for the unique and valued assets found throughout the community

- The issues identified underpin and link to the various studies and plans in the draft strategic plan, including areas such as arts and culture, parks and recreation, economic development and tourism and land use planning

Comments

- The priorities that matter most to the community reflect the numerous projects, initiatives and action items included in the draft strategic plan

- Overall, the community's needs, values and vision show a strong connection to the concept of sustainability, which serves as a foundation for the path forward

Conclusion

- A section summarizing the survey results will be added to the final draft of the strategic plan
- A full report of the survey results will be added to the City's website and shared with Staff
- Residents who provided their email addresses have been entered into a draw for one of six $50 gift certificates to a Port Colborne business of their choice

Staff would like to thank the residents who participated in the survey and shared their invaluable feedback.

PORT COLBORNE

PORT COLBORNE

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: May 10, 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.

Adjacent Zoning and Land Use:

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

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 _____, 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

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

1. Minutes of the Public Meeting
2. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

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

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

PART A - THE PREAMBLE

Purpose

The purpose of 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.

Basis

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 By-law 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.

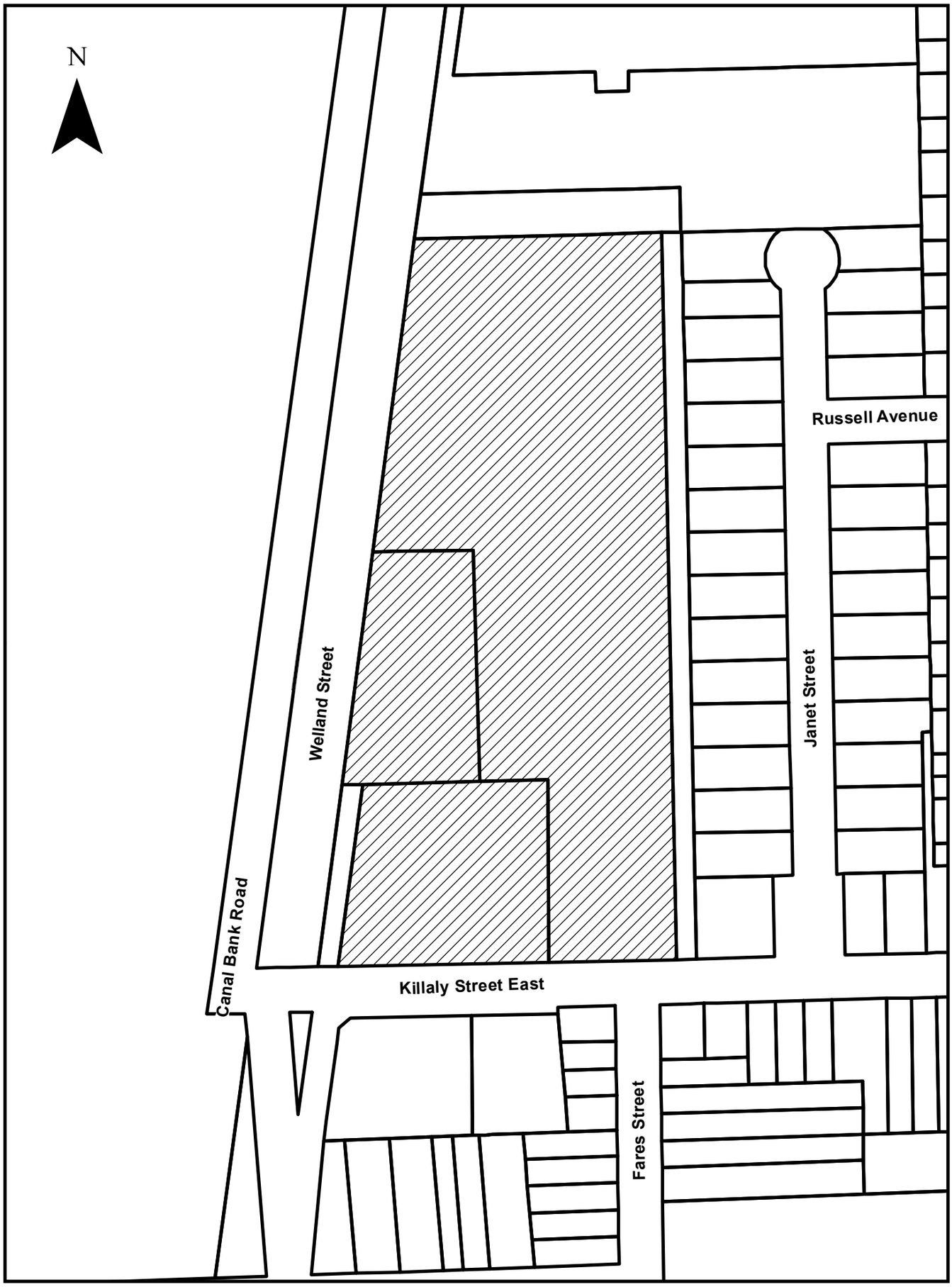
IMPLEMENTATION AND INTERPRETATION

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



This is Schedule "A" to By-law No_____

Passed _____, 2021

_____
Mayor

_____
Clerk

- Lands subject to Official Plan and Zoning By-law Amendment

March 2021

File No. D09-01-21 & D14-05-21

Drawn by: DS - City of Port Colborne Planning Division

Not to scale

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to 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
   v. Transportation Depot

b) Maximum Building Height abutting a Residential Zone — 14.5 metres

c) That outdoor storage shall not be permitted in any required yards;

d) That parking areas in the interior side yard shall be maintained with a hard surface of concrete or asphalt.

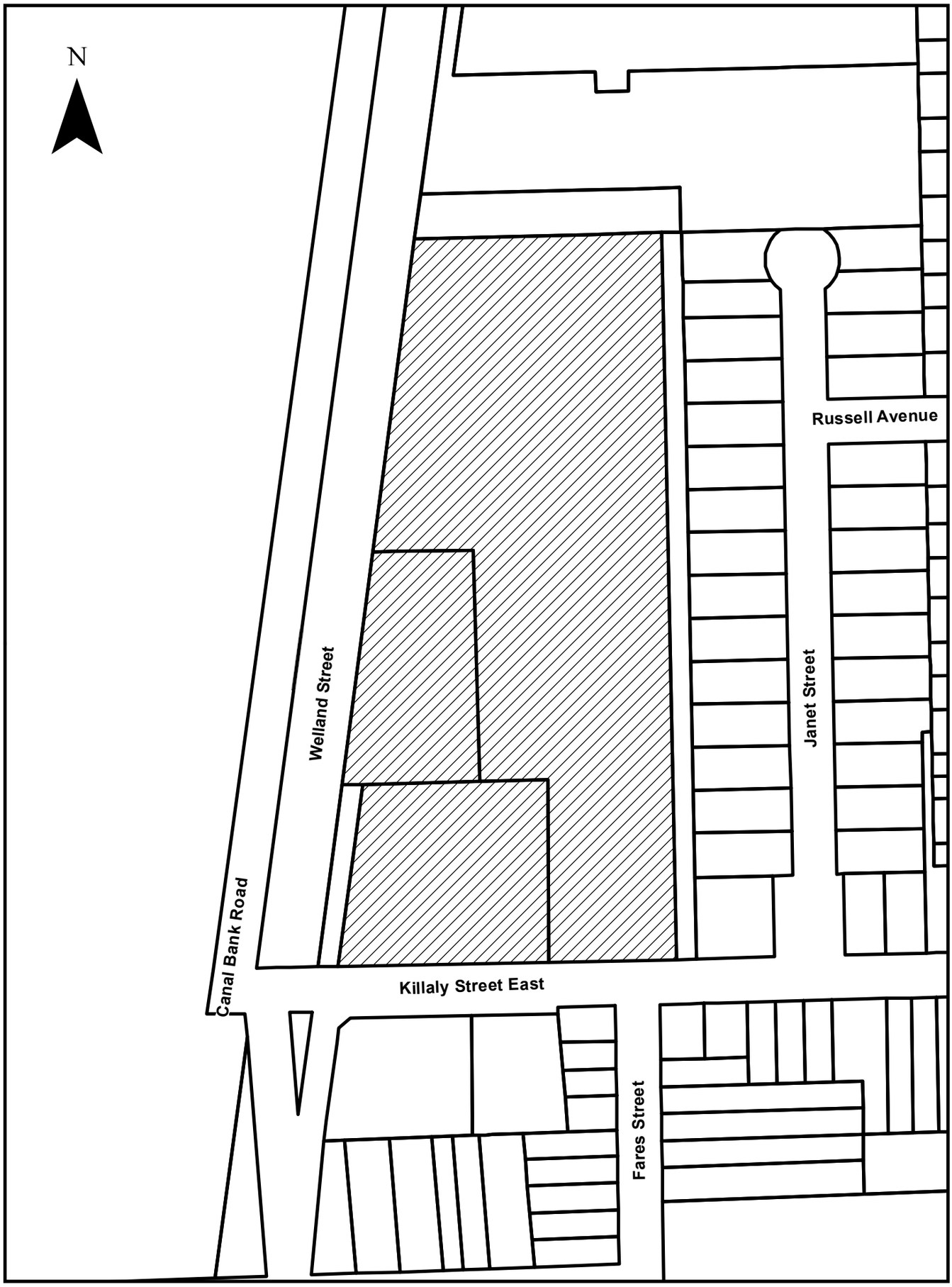
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

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 day of , 2021.

_____
William C Steele
Mayor

_____
Amber LaPointe
Clerk



This is Schedule "A" to By-law No_____

Passed _____, 2021

_____
Mayor

_____
Clerk

- Lands subject to Official Plan and Zoning By-law Amendment

March 2021

File No. D09-01-21 & D14-05-21

Drawn by: DS - City of Port Colborne Planning Division

Not to scale

Niagara Region

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

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

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 25th, 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

Colette & Alain Lacroix
38 Janet Street
Port Colborne ON
L3K 2E7
905-835-8534

To 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 Wilmot Street.

- Why is the city changing the zoning-by-law from R.D to light industrial

Reasons - 1st - Contamination of soil
- Noise in our area
- Dust in our area
- More traffic

The area behind our homes has been zoned residential development for over 40 years. We do not believe that this proposal is in the best interest of the neighbourhood and community as a whole. Not all the implications of the official plan are

by-law amendment have been reflected.
We do not think that this zoning by-law amendment is compatible with the adjacent uses of land. We think too many important aspects are being left out and that we as homeowners in the surrounding area will feel the greatest effects of these shortcomings

It will also certainly lower the value of our homes

Clarina Turchetti
Orlando Teatroli
34 Janet street
L3K 2E7
" " 905-8347084

Paul Moran
Donna Moran
33 JANET ST
L3K 2E6
905 834 5433
" same

Joe Kovacs
Sharon Kovacs
30 JANET ST
" " "

C. Bazan
22 JANET ST.

Linda Romano & Carmen
231 West Side Rd.
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 [redacted]
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

PORT COLBORNE

Memorandum

To: **Mayor Steele and Members of Council**

From: **David Schulz, Planner**

Date: **May 10, 2021**

Re: **Revised Recommendation for Report 2021-136, OPA and ZBA for Killaly Street East and Welland Street, File No.: D09-01-21 & D14-05-21**

At its meeting on Monday, April 26, 2021, City Council deferred Planning and Development Report 2021-136 regarding an application for Official Plan and Zoning By-law Amendment 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.

Prior to the meeting on April 26, 2021, staff received a request from Larry Fontaine for Council's consideration to increase the height permitted in the zoning of the property from 8m to 14.5m when a property is abutting a residential zone. Staff has reviewed the request and would like to note the following to City Council:

- An increase in height will limit the sprawling of the building footprint. Permitting an increase in height will ensure the building remains in southern area, as proposed, rather than stretching further north on the property.
- The setback from the building to the residential property lines on Janet Street will be 24m (78 feet)

Staff has reviewed the request from Mr. Fontaine and are supportive of the height increase. Further, staff has discussed with the Niagara Region regarding the removal of a "Transportation Depot" as a permitted use. Regional Planning staff are supportive of this removal. The By-law included in the Council agenda has been revised to reflect the updated staff recommendation.

I am requesting that Council consider the updated recommendation below:

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, as amended, further removing a Transportation Depot as a permitted use and increasing the permitted height from 8m to 14.5m; and

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

Thank you for your consideration,

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

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

April 26, 2021

To: Mayor and Members of Council,

We are writing this letter to inform you that there are still some concerns that have not been addressed in the recommendation Report File No: D09-01-21 & D14-05-21.

The applicant stated that the property is contaminated. Will an Environmental Planning Study be requested? Will the development of the property create contaminated dust and soil run-off into the neighbouring properties?

Is there a demarcation line for contaminates from the City (former Exit Chemical) property to the Residential Property. Will the dust from the trucks be contaminated?

Will the trucks now be moved to the Northern end of the property and be abutting these neighbours?

Will council consider limiting the extent of the zoning parcel boundaries to the Southern area expansion? There is nothing in place to protect the Northern homeowners on Janet St. from seeing parked transport trucks, the dust and noise they create as the current Southern neighbours have had to endure?

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.

Why is the city parcel of land being considered as part of the required 20m setback?

The applicant also stated that the building would be approximately 12.49m (41ft) in height but according to the Zoning By-Law Section 26: Light Industrial Zone the maximum building height abutting a residential neighbourhood is 8 metres (26ft).

In conclusion, I hope council addresses the outstanding issues and concerns stated above before approving the recommendation report and that council direct staff to involve the neighbourhood in preliminary site plan and site plan control.

Sincerely,

Melissa & Mary Bigford

FONTAINE

PORT COLBORNE, ONT.

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

Attention: David Schulz, Planner

April 28, 2021

RE: Proposed Official Plan and Zoning By-law Amendment
72 Killaly Street East, City Land on Welland Street and
1338277 Ontario Inc Land on Welland Street and Killaly Street East

We are writing this letter to the City of Port Colborne staff, Members of Council and the Mayor in response to concerns raised by Council on April 26, 2021 regarding the above noted Official Plan and Zoning By-law Amendment.

We have attached a preliminary plot plan that we produced in-house in hopes it will help City Staff and Council Members visualize the proposed development. This proposal is a starting point that we can adjust accordingly to help with neighbors' concerns and meet zoning requirements. It should be noted that we will hire professionals to complete an official site plan of the proposed development at the appropriate time.

The building size required is 50,000 square feet and will have a peaked roof. The wider we go, the less northerly impact there is but this requires a higher peak and thus we asked for a change in the zoning by-law to incorporate a higher roof. As an alternative, we can lengthen the building and reduce the width to meet the existing zoning requirement with respect to building height. Either way works for us and are open to further discussions at the time of site plan control.

In response to concerns of the easterly setbacks, we thought it best to include the City owned land as part of the buffer and accordingly reduce the south to north length of the building. As an alternative, we would entertain the idea of purchasing the strip of City property to the east side and thus putting us into compliance.

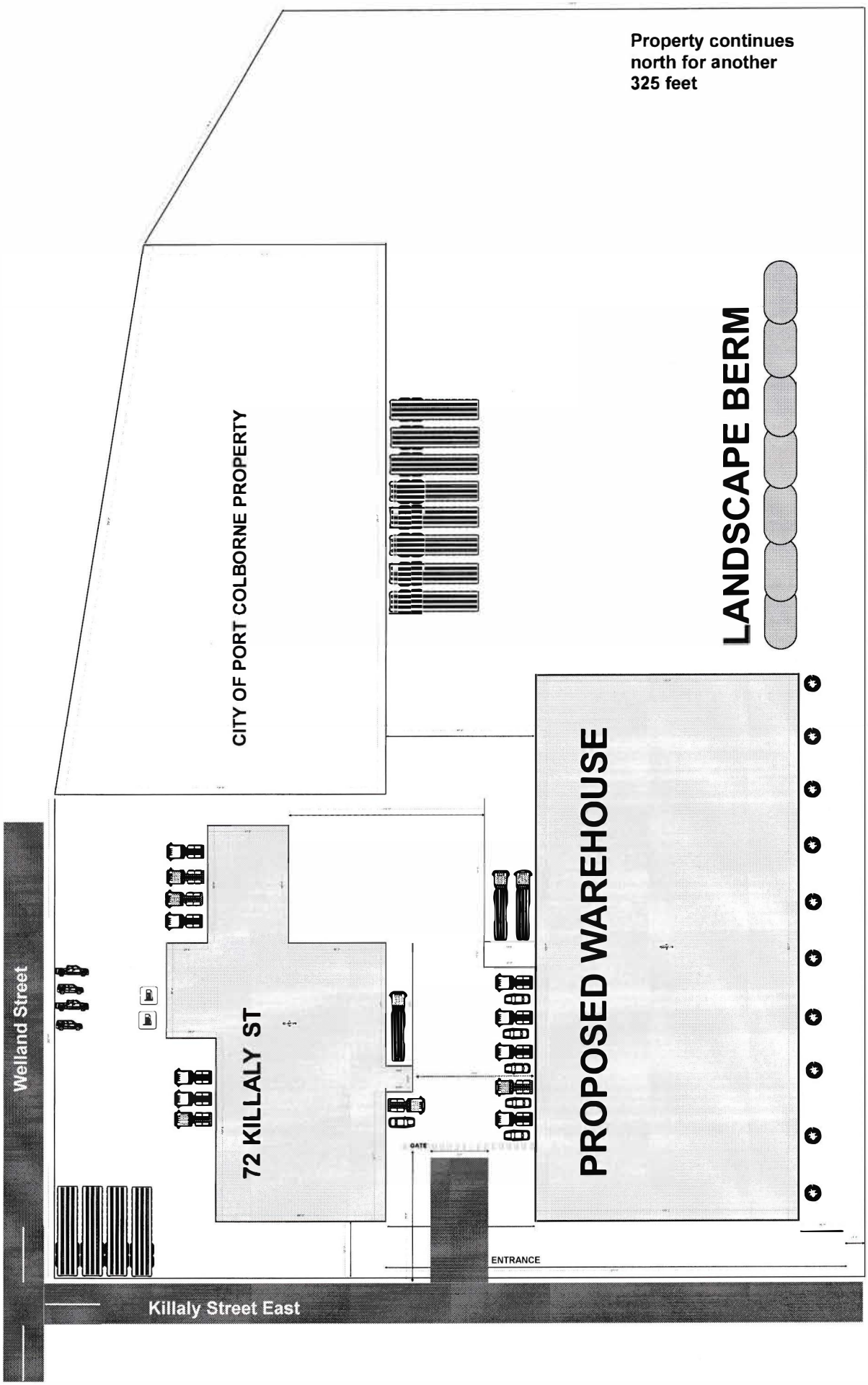
As shown on the plot plan there will be trailers parked north of the building. We are thinking that the best location for the trailers is up against the City owned property to the west, with a landscape berm on the eastside of the property. This would leave a significant buffer between the neighbours and the trailer parking.

The ideal situation, we believe would be for us to purchase the City's property to the west along Welland Street and park the trailers on that property. This has been discussed with City staff and is ongoing pending the environmental testing results currently underway by the City. Under either circumstance site plan control will require all appropriate and necessary buffering.

We have completed environmental testing on the vacant parcel of land we own and a report has been issued. Based on the report, there is no migration of contamination onto neighbouring properties. The contamination consists of material that was dumped there during construction of the canal and consists primarily of rock, concrete and asphalt with no indication of harmful materials. However, to develop this property into a more sensitive use would require a complete cleanup of the material in order to receive a Record of Site Condition. The circumstances dictate that is not a viable plan. The City is privy to this report.

We hope that this letter provides more clarity on the proposed development.

Larry Fontaine


Property continues north for another 325 feet
CITY OF PORT COLBORNE PROPERTY
LANDSCAPE BERM
PROPOSED WAREHOUSE
72 KILLALY ST
GATE
ENTRANCE
Welland Street
Killaly Street East

Melissa Bigford on behalf of Mary Bigford
147 Killaly St. E.
Port Colborne, ON
L3K1N7
905-835-1298

April 26, 2021

To: Mayor and Members of Council,

We are writing this letter to inform you that there are still some concerns that have not been addressed in the recommendation Report File No: D09-01-21 & D14-05-21.

The applicant stated that the property is contaminated. Will an Environmental Planning Study be requested? Will the development of the property create contaminated dust and soil run-off into the neighbouring properties?

Environmental Site Assessments are only required when a changing a use to a more sensitive use. Parking areas and stormwater management will be dealt with through the site plan control process. Based on the review of the City owned parcel, it is very possible that migration of contaminates in the ground have migrated.

Is there a demarcation line for contaminates from the City (former Exit Chemical) property to the Residential Property. Will the dust from the trucks be contaminated?

I believe the city has been undergoing testing of this site. The findings of the tests will determine what will be done with the site (fencing, leave as is etc.) Excessive dust is not permitted in the Light Industrial zone. Planning staff can include clauses in the site plan agreement regarding dust mitigation.

Will the trucks now be moved to the Northern end of the property and be abutting these neighbours?

This is more of a question for the developer. However, through the site plan control process, planning staff can ensure that the parking areas are as far south as possible. Further, Council has the ability to restrict the re-zoning/re-designation only to the southern portion to limit the expansion.

Will council consider limiting the extent of the zoning parcel boundaries to the Southern area expansion? There is nothing in place to protect the Northern homeowners on Janet St. from seeing parked transport trucks, the dust and noise they create as the current Southern neighbours have had to endure?

Same as above. Council has the power to make these changes.

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.

Will be dealt with through site plan control. Mr. Fontaine is prepared to include the features above as part of his development.

Why is the city parcel of land being considered as part of the required 20m setback?

The D6 guidelines measure from the industrial use to the residential property line. With the zoning and 9m strip of land, there is a 24m separation between the land uses. Including this land as part of the buffer will limit the sprawling of the building further north, and will keep it as far south as possible.

The applicant also stated that the building would be approximately 12.49m (41ft) in height but according to the Zoning By-Law Section 26: Light Industrial Zone the maximum building height abutting a residential neighbourhood is 8 metres (26ft).

This was not originally raised as a change until the day of the Council meeting on April 26th. Mr. Fontaine has indicated that the height is required in order to ensure the building remains on the south portion of the property rather than sprawling further north. If not included as an amendment, the warehouse will need to be longer rather than wider. Note: Height limits in the industrial zones were increased in late 2020, however the abutting a residential zone height was not included as part of that amendment.

In conclusion, I hope council addresses the outstanding issues and concerns stated above before approving the recommendation report and that council direct staff to involve the neighbourhood in preliminary site plan and site plan control.

Sincerely,

Melissa & Mary Bigford

PORT COLBORNE

Subject: **2021 Property Tax and Storm Sewer By-Laws**

To: **Council**

From: **Corporate Services Department**

Report Number: 2021-139

Meeting Date: May 10, 2021

Recommendation:

That Corporate Services Department Report 2021-139 be received; and

That the 2021 property tax rates outlined in Appendix A of Corporate Services Department Report 2021-139, be approved.

Purpose:

To establish the 2021 property tax rates and corresponding by-law.

Background:

The City of Port Colborne (the "City") levies property taxes annually through a four-installment model. Property taxes are based on approved budgetary requirements that are identified in the budget process as the annual levy. The 2021 budget was approved on November 23, 2020 by way of report 2020-168.

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 Niagara Region establishes tax policy, including tax ratios and any discount factors. The City bills property owners for the City and Niagara Region levies and the property tax rates set by the Province of Ontario for Education purposes. The total assessment for each property class, tax ratios, discount factors, rates and amounts being levied are included in Appendix A.

Local property tax rates are established through by-law in accordance with Section 312 of the *Municipal Act, 2001* as amended.

Amounts raised by way of a special levy for the Downtown Development Board (BIA) and the Main Street Gateway (BIA) are done so in accordance with Section 208 (1) of the *Municipal Act, 2001*, as amended.

Discussion:

The combined residential property tax rate, including the City, Niagara Region, and Education are summarized as follows:

	2021	2020	$	%
City	0.00929437	0.00877454	0.00051983	5.92%
Niagara Region	0.00587571	0.00577985	0.00009590	1.66%
Niagara Region: Waste Management	0.00092220	0.00089512	0.00002708	3.03%
Education	0.00153000	0.00153000	0.00000000	0.00%
Total	**0.01762228**	**0.01697951**	**0.00064277**	**3.79%**

The City's year over year increase on a blended property tax basis is 3.12% (5.92% x 52.74% which is the City's portion of the combined tax rate). This compares to 3.44% (2.44% estimated on operations and 1% estimated on capital) during the budget process.

The impact on the blended property tax rates on the average residential, commercial, and industrial property in the City is as follows:

	CVA	2021	2020	$	%
Avg. Residential	$209,343	$3,689	$3,554	135	3.79%
Avg. Commercial	$322,073	$11,825	$11,789	36	0.31%
Avg. Industrial	$791,321	$40,455	$42,045	(1,590)	(3.78)%

The residential property average above represents the average of all residential properties in the City, including waterfront properties. This change has been made after feedback taken during the budget process.

The property sample for the commercial and industrial class does not include larger industrial, shopping centre, office buildings, parking lots or subclass properties. Rates for all property classes are included in Appendix A.

The average commercial and industrial property highlighted above illustrates the impact on the Province's decision to cut Education rates to these property classes. There was no reduction in the Education rate on residential properties. The net result is commercial properties will see almost no increase and industrial properties will see a reduction in property taxes on a blended rate basis in 2021.

The final tax due dates for all classes are recommended as the last Friday in July (July 30) and the last day in September (September 30).

Financial Implications:

The proposed tax rates form the basis to fund the City's approved 2021 budget.

Conclusion:

Staff recommend the proposed 2021 property tax rates in Appendix A be approved.

Appendices:

a. 2021 Property Tax Rates

Respectfully submitted,

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Report Approval:

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

Appendix A - 2021 Property Tax Rates

City of Port Colborne
General 2021 Tax Rates

Property Class	RTC Code	2021 Current Value Assessment	Tax Ratio	Discount Factor
Residential	RT	$1,641,046,580	1.0000	1.0000
Multi-Residential	MT	$39,208,000	1.9700	1.0000
New Multi-Res	NT	$913,000	1.0000	1.0000
Commercial	CT	$114,006,215	1.7349	1.0000
Excess Land	CU	$130,400	1.7349	0.7750
Vacant Land	CX	$2,377,700	1.7349	0.7750
Commercial Other	GT	$317,500	1.7349	1.0000
Commercial Other	ST	$11,925,873	1.7349	1.0000
Comm - New Const.	XT	$9,347,700	1.7349	1.0000
Comm - New Const. Exce	XU	$171,200	1.7349	0.7750
Ind - New Const.	JT	$11,613,900	2.6300	1.0000
Ind - New Const. Excess	JU	$75,700	2.6300	0.7750
Industrial	IT	$22,412,900	2.6300	1.0000
Excess Land	IU	$393,900	2.6300	0.7750
Vacant Land	IX	$8,276,400	2.6300	0.7750
Large Industrial	LT	$42,419,327	2.6300	1.0000
Excess Land	LU	$1,602,841	2.6300	0.7750
Pipelines	PT	$10,739,000	1.7021	1.0000
Farmlands	FT	$56,954,800	0.2500	1.0000
FAD I	R1	$1,407,700	1.0000	0.7500
Managed Forests	TT	$863,000	0.2500	1.0000
		$1,976,203,636		
Rounding				

PAYMENTS-IN-LIEU

Property Class	RTC Code	Current Value Assessment		
Residential-FULL	RF	$1,108,000	1.0000	1.0000
Residential-GEN	RG	$383,400	1.0000	1.0000
Commercial-FULL	CF	$11,092,500	1.7349	1.0000
Commercial-GEN	CG	$500,000	1.7349	1.0000
Industrial-HYDRO	IH	$78,000	2.63	1.0000
		$13,161,900		

Appendix A - 2021 Property Tax Rates

City of Port Colborne
General 2021 Tax Rates (Con't)

Property Class	City Tax Rates	Region Tax Rates	Region Waste Mgmt Tax Rates	Education Tax Rates	TOTAL
Residential	0.00929437	0.00587571	0.00092220	0.00153000	0.01762228
Multi-Residential	0.01830991	0.01157515	0.00181673	0.00153000	0.03323179
New Multi-Res	0.00929437	0.00587571	0.00092220	0.00153000	0.01762228
Commercial	0.01612480	0.01019377	0.00159992	0.00880000	0.03671849
Excess Land	0.01249672	0.00790017	0.00123994	0.00880000	0.03043683
Vacant Land	0.01249672	0.00790017	0.00123994	0.00880000	0.03043683
Commercial Other	0.01612480	0.01019377	0.00159992	0.00880000	0.03671849
Commercial Other	0.01612480	0.01019377	0.00159992	0.00880000	0.03671849
Comm - New Const.	0.01612480	0.01019377	0.00159992	0.00880000	0.03671849
Comm - New Const. Exce	0.01249672	0.00790017	0.00123994	0.00880000	0.03043683
Ind - New Const.	0.02444419	0.01545312	0.00242539	0.00880000	0.05112270
Ind - New Const. Excess	0.01894425	0.01197616	0.00187967	0.00880000	0.04160008
Industrial	0.02444419	0.01545312	0.00242539	0.00880000	0.05112270
Excess Land	0.01894425	0.01197616	0.00187967	0.00880000	0.04160008
Vacant Land	0.01894425	0.01197616	0.00187967	0.00880000	0.04160008
Large Industrial	0.02444419	0.01545312	0.00242539	0.00880000	0.05112270
Excess Land	0.01894425	0.01197616	0.00187967	0.00880000	0.04160008
Pipelines	0.01581995	0.01000105	0.00156968	0.00880000	0.03619068
Farmlands	0.00232359	0.00146893	0.00023055	0.00038250	0.00440557
FAD I	0.00697078	0.00440678	0.00069165	0.00114750	0.01321671
Managed Forests	0.00232359	0.00146893	0.00023055	0.00038250	0.00440557

PAYMENTS-IN-LIEU Property Class	City Tax Rates	Region Tax Rates	Region Waste Mgmt Tax Rates	Education Tax Rates	TOTAL
Residential-FULL	0.00929437	0.00587571	0.00092220	0.00153000	0.01762228
Residential-GEN	0.00929437	0.00587571	0.00000000	0.00000000	0.01517008
Commercial-FULL	0.01612480	0.01019377	0.00159992	0.00980000	0.03771849
Commercial-GEN	0.01612480	0.01019377	0.00000000	0.00000000	0.02631857
Industrial-HYDRO	0.02444419	0.01545312	0.00242539	0.01250000	0.05482270

Appendix A - 2021 Property Tax Rates

City of Port Colborne
General 2021 Tax Rates (Con't)

Property Class	City Levy	Region Levy	Region Waste Mgmt Levy	Education Levy	Total Levy
Residential	$15,252,494	$9,642,314	$1,513,373	$2,510,801	$28,918,982
Multi-Residential	$717,895	$453,838	$71,230	$59,988	$1,302,952
New Multi-Res	$8,486	$5,365	$842	$1,397	$16,089
Commercial	$1,838,327	$1,162,153	$182,401	$1,003,255	$4,186,136
Excess Land	$1,630	$1,030	$162	$1,148	$3,969
Vacant Land	$29,713	$18,784	$2,948	$20,924	$72,370
Commercial Other	$5,120	$3,237	$508	$2,794	$11,658
Commercial Other	$192,302	$121,570	$19,080	$104,948	$437,900
Comm - New Const.	$150,730	$95,288	$14,956	$82,260	$343,233
Comm - New Const. Exce	$2,139	$1,353	$212	$1,507	$5,211
Ind - New Const.	$283,892	$179,471	$28,168	$102,202	$593,734
Ind - New Const. Excess	$1,434	$907	$142	$666	$3,149
Industrial	$547,865	$346,349	$54,360	$197,234	$1,145,808
Excess Land	$7,462	$4,717	$740	$3,466	$16,386
Vacant Land	$156,790	$99,119	$15,557	$72,832	$344,299
Large Industrial	$1,036,906	$655,511	$102,883	$373,290	$2,168,591
Excess Land	$30,365	$19,196	$3,013	$14,105	$66,678
Pipelines	$169,890	$107,401	$16,857	$94,503	$388,652
Farmlands	$132,340	$83,663	$13,131	$21,785	$250,918
FAD I	$9,813	$6,203	$974	$1,615	$18,605
Managed Forests	$2,005	$1,268	$199	$330	$3,802
	$20,577,598	$13,008,737	$2,041,736	$4,671,050	$40,299,123
Rounding	$0	$1	$2	$0	$3
	$20,577,598	$13,008,738	$2,041,738	$4,671,050	$40,299,124

PAYMENTS-IN-LIEU Property Class	City Levy	Region Levy	Waste Mgmt Levy	Education Levy	TOTAL LEVY
Residential-FULL	$10,298	$6,510	$1,022	$1,695	$19,525
Residential-GEN	$3,563	$2,253	$0	$0	$5,816
Commercial-FULL	$178,864	$113,074	$17,747	$108,707	$418,392
Commercial-GEN	$8,062	$5,097	$0	$0	$13,159
Industrial-HYDRO	$1,907	$1,205	$189	$975	$4,276
	$202,695	$128,140	$18,958	$111,377	$461,170

PORT COLBORNE

Subject: **Management of Roselawn Centre**

To: **Council**

From: **Chief Administrative Office**

Report Number: 2021-108

Meeting Date: May 10, 2021

Recommendation:

That Chief Administrative Office Report 2021-108 be received;

That Council direct the Manager of Strategic Initiatives to stop the Port Colborne Innovation, Creativity and Culinary Incubator;

That Council appoint a member of the Friends of Roselawn Centre to The Port Colborne Historical and Marine Museum Board; and

That the Director/Curator of the Port Colborne Historical & Marine Museum be responsible for the general management of Roselawn Centre.

Purpose:

The purpose of this report is to seek approval for the appointment of a member of the Friends of Roselawn Centre to the Port Colborne Historical and Marine Museum Board and for the Director/Curator of the Port Colborne Historical & Marine Museum to be responsible for managing the Roselawn Centre. Staff are also seeking direction from Council on the Port Colborne Innovation, Creativity and Culinary Incubator initiative proposed in the summer of 2020.

Background:

The City assumed ownership of the Roselawn Centre (Roselawn) in 1996 and has worked with various groups to maintain the building and continue community access. The events and activities that have taken place at Roselawn over the years are generally based in arts and culture.

All programming at Roselawn was suspended in March 2020 due to the COVID-19 pandemic, and the building has remained closed ever since. Between then and the writing of this report, Economic Development & Tourism Services staff have been tasked with examining the situation at Roselawn and exploring new opportunities to enhance its offerings.

MDB Insight Inc. and Gow Hastings Architects made a presentation to Council on August 24, 2020, regarding the Port Colborne Innovation, Creativity and Culinary Incubator Feasibility Study. The study proposed Roselawn as the site for this incubator.

Staff consultations with the Friends of Roselawn Centre in recent months suggest a desire to see Roselawn continue as a home to community events and activities of an arts, cultural and historical nature.

Discussion:

Over the past several months, there have been ongoing discussions amongst City staff, individual Councillors and the Friends of Roselawn Centre regarding options for governance, management oversight and realizing a new vision and path for Roselawn moving forward.

The Friends of Roselawn Centre's winter 2021 newsletter indicates an interest in aligning with the Port Colborne Historical and Marine Museum. Port Colborne Historical and Marine Museum Board ("the Museum Board") Chair Brian Heaslip, said at the Board's last Annual General Meeting that "…as a volunteer-run committee of Council…[we] welcome the possibility of exploring areas of mutual interest."

If Council views the alignment as suitable, then it is recommended that a member of the Friends of Roselawn Centre be appointed to the Museum Board. The appointee will act as a liaison between the two volunteer boards and ensure the Friends of Roselawn Centre's interests are represented and protected.

The Museum's mission is "to serve Port Colborne's residents and visitors by preserving, exhibiting, and interpreting the artifacts and archives of Port Colborne and Humberstone." The 2018-2022 Strategic Plan of the Museum recognized an interest in growth and expansion. Although there was no specific mention of Roselawn Centre in this Strategic Plan, the Director/Curator of the Port Colborne Historical & Marine Museum and her staff are willing and able to assume the role of managing Roselawn.

If Council chooses to interpret Roselawn as a heritage asset, oversight from the Museum Board and management by the Director/Curator can help maintain the building.

The implementation of this management structure for Roselawn will need additional staff recommendations on areas like facility condition, capital projects funding,

operational budgeting, staffing and day-to-day programming. Not all of these areas will require new strategies and objectives since the City's Arts & Culture Master Plan and Parks & Recreation Master Plan already serve as valuable resources to draw from. Subsequent reports with staff recommendations will be provided once a more detailed redevelopment and renewal plan is developed.

Following through on an action item from the Economic Development Strategy and Action Plan, MDB Insight Inc. and Gow Hasting Architects were retained last year to determine the need, interest, and feasibility of having an Innovation, Creativity and Culinary Incubator at Roselawn. Their proposal, presented to Council on August 24, 2020, concluded that the City should focus on providing space for business innovation and creating a culinary incubator.

While the ideas in the proposal are bold and visionary, City staff are recommending that Council not proceed with this initiative for the following reasons:

- The estimated cost of this initiative is almost $2 million. Given other important capital projects and strategic priorities (e.g. water/wastewater infrastructure, investments in asset management, downtown CIP project, cruise ship welcoming centre, parks and recreation facility upgrades, etc.), financing this initiative will be a challenge. Successfully securing grants from federal-provincial funding programs to help cover a major portion of the costs is unknown. Also, these funding programs tend to be very competitive, require significant municipal contributions and enforce strict eligibility criteria.
- The City does not have the staffing capacity to resource this initiative appropriately. New full-time positions would need to be created to assist with the planning, development, implementation and oversight, in addition to day-to-day operations and programming. Any new positions would need to be funded from the tax levy as federal-provincial grant programs will not provide operating funds. Furthermore, any revenues from the proposed culinary programs will not be enough to cover expenses.
- Based on the current landscape, there are already twelve (12) agencies and non-profit organizations in the Niagara region that provide support for small businesses and entrepreneurs and serve as incubators for innovation and experimentation. Providing space for incubation and business accelerators in Port Colborne has been widely discussed amongst City staff. There is still an opportunity to establish an incubator in Port Colborne, assuming that another public or private space will become available and show potential.
- Niagara College and its Canadian Food and Wine Institute have state-of-the-art facilities with commercial kitchens that serve as a living lab for students. Their world-renowned programs, instructor expertise, reputation, industry networks, partnerships and resources are all ideal qualities to make a culinary incubator successful. Simply put, the City doesn't have the same advantages.

- The past successes of Roselawn should dictate its future, which is to maintain a focus on arts, culture, heritage, tourism and special events. This statement is supported by the City's Arts and Culture Master Plan and Parks and Recreation Master Plan. Roselawn's past and future have also been reinforced and solidified through a new five-year management agreement between the City and Lighthouse Theatre.

Internal Consultations:

The CAO engaged the Manager of Strategic Initiatives, Director/Curator of the Port Colborne Historical & Marine Museum and Tourism Coordinator in consulting on this matter.

Financial Implications:

There are no financial implications to approving this report. Any requests for funding the continued operation of Roselawn Centre will come to Council for approval.

Public Engagement:

The Director/Curator of the Port Colborne Historical & Marine Museum and the Tourism Coordinator engaged the Friends of Roselawn and listened to their views on this matter.

Conclusion:

The COVID-19 global pandemic and temporary closure of public facilities has given City staff and key stakeholders an opportunity to pause, reflect, and strategize a new vision and path forward for Roselawn Centre. As part one of a multi-phased plan, City staff are recommending: (1) a hybrid governance model by appointing a member from the Friends of Roselawn Centre to the Museum Board to serve as a liaison on behalf of Roselawn Centre; (2) management oversight with the Director/Curator of the Museum being responsible for Roselawn Centre and day-to-day operations and programming; and (3) the City not proceed with the proposed Innovation, Creativity, and Culinary Incubator initiative presented last August. Staff will be bringing forward another report this summer with ideas and recommendations as part two of the Roselawn Centre redevelopment and renewal plan.

Appendices:

a. Port Colborne Historical and Marine Museum 2018-2022 Strategic Plan

Respectfully submitted,

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Report Approval:

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

Port Colborne Historical & Marine
MUSEUM
...more than a museum!

Port Colborne Historical & Marine Museum Strategic Plan 2018-2022

The Museum

The Port Colborne Historical and Marine Museum was established by a Council By-law in 1974. Port Colborne City Council appoints a Board of Directors to act on behalf of Council to provide oversight to Museum staff who are supervised by the Museum Director/Curator. The Museum has undertaken strategic planning in the past, approving plans in 2004, 2010, and 2013.

The Strategic Planning Process

The City's Chief Administrative Officer began the Strategic Planning process by distributing questionnaires to all Museum Board members. The completed questionnaires helped set the stage for the Board's Strategic Planning session.

In March 2018, the Museum Board held a Strategic Planning session that was facilitated by the Chief Administrative Officer. The session was attended by Board members as well as the Director/Curator.

During the Strategic Planning session the participants spent time reviewing the reasons the Museum exists and the stakeholders that benefit from the Museum. Based on this foundation, the participants reviewed the Museum's Mission, Vision, and Values. After reviewing the Mission, Vision, and Values the facilitator led the participants through a SOAR Assessment. This assessment allowed the participants to identify the Strengths, Opportunities, Aspirations, and expected Results of the Museum. Lastly, the participants established a series of Goals and Objectives for the period of time covered by the Strategic Plan.

Vision

The Museum had an existing "Vision Statement" prior to the 2018 Strategic Planning process. During the planning session, the Board had some discussion about the Vision Statement and considered several different statements before establishing a new Vision Statement for the organization.

The Museum Board worked together to develop a new Vision Statement that encapsulates the organization's vision. The Museum's Vision Statement is:

We envision a museum that serves our community and preserves the history and marine heritage of Port Colborne and Humberstone.

This Vision Statement represents "why we do what we do" at the Museum at the Board level and at the staff level and should become ingrained in the culture of the Museum.

Values

The Museum had several existing "Values" that had been established to guide the day-to-day work done by the staff. The participants reviewed these Values and made the decision to retain the existing Values while adding two additional Values. These Values that will be adopted in the Strategic Plan.

The Port Colborne Historical and Marine Museum's Values are:

- *To create and maintain a space for all users to celebrate our Historical and Marine Heritage*
- *To provide access to the Museum's resources for research and education needs*
- *To preserve and protect the integrity of the heritage collection for which it has been entrusted by the people of Port Colborne*
- *To respect the wishes of the donors who have provided the artifacts and archives in the Museum's collection*
- *To ensure the provision of accurate historical information for the knowledge of all peoples*
- *To treat all visitors with respect and honesty*
- *To act within the legal requirements of all levels of government*

Mission

Prior to the Strategic Planning exercise, the Port Colborne Museum had an existing Mission Statement. As part of the exercise, the participants reviewed the Mission Statement and developed a revised statement that succinctly captures the Museum's mission.

Our mission is to serve Port Colborne's residents and visitors by preserving, exhibiting, and interpreting the artifacts and archives of Port Colborne and Humberstone.

SOAR Analysis

Finally, before establishing the Goals and Objectives that will comprise the Strategic Plan, the participants conducted a SOAR Analysis in which the group focused on the Museum's current strengths and vision for the future by listing the organization's Strengths, Opportunities, Aspirations, and key Results.

The SOAR Analysis is presented in the chart below. The SOAR analysis does not present the approved direction of the board, it merely summarizes the discussion that took place during the strategic planning session in order to arrive at the Goals and Objectives.

Port Colborne Historical & Marine Museum - SOAR Assessment

Strengths

- Staff
- Community
- Volunteers
- Belonging
  - Inclusion
  - Acceptance
- Our History!!
- Pride – our pride logo
- Site/Location
  - Room to grow
  - Where we are
- 18,000 artifacts
- Municipal Status – connection to City Hall
- Tea Room
- Archives & Resources
- Collaboration & Support

Opportunities

- Outreach
- Schools
- Acquisitions
  - Shickluna Gas Station
- Expansion?
- Cultural Block – marketing destination
- Technologies – digitization
- Media – promotion
- Partnerships
  - Businesses
  - Organizations
- Language – transition to bilingual status
- Accessibility
- Collaborate
- Funding - sponsorships

SOAR

Aspirations

- Shickluna Gas Station
- Expansions & Acquisitions
- Increased community awareness
- Outreach – pop-up?
- Easy for users to access
- To meet the Community's needs/expectations
- Adequate staff levels
- Communications person (City?)
- Adequate financial resources
- Educate & Inform
- Green
- Preserve
- Mandate
- Financially self-sustaining

Results

- Increased financial contributions
- Improved/increased partnerships
  - Rural areas
- Increased visits
- Positive visitor experience
- Improved access to HRC
  - Tours
  - Organized access
- Continued progress on built form of museum
  - Plan for buildings
- Increase engagement on social feeds
- Buildings well maintained
  - Building assessments

Goals and Objectives

The Museum Board completed the Strategic Plan section by developing 5 goals for the strategic plan. These goals and the associated objectives that will help the Museum realize the goals are outlined below.

Goal #1 – Serve and Preserve	
Objective 1.1 – Annual Events	Museum staff to maintain and grow the three annual events (Christmas, Canal Days, and Pie Social) that the museum currently offers.
Objective 1.2 – Collections Management	Museum staff will continue to adhere to the Museum's Collection Management Policy.
Objective 1.3 – Outreach	Museum staff will explore new outreach opportunities to raise the profile of the museum in Port Colborne and beyond.

Goal #2 – Increase Financial Contributions	
Objective 2.1 – Donor recognition	Staff to explore improvements to the donor recognition program to broaden the recognition of donors and make donating to the museum more attractive to potential donors.
Objective 2.2 – Online Donation Module	Staff to work towards creating a tool that allows donations to be made online and the sale of memberships to be conducted online.
Objective 2.3 – Increase Memberships	Staff to formulate a plan to conduct a membership drive designed to increase membership sales.

Goal #3 – Improve Visitor Experience	
Objective 3.1 – Staff Interaction	Museum staff to transition to improved customer service standards by providing a trained staff person as the first point of contact in an interaction with museum visitors.
Objective 3.2 – Operating Hours	Staff are to analyze the operating hours and season of the museum and report any potential improved operating schedules to the board for approval.
Objective 3.3 – Training Program	Museum staff to develop a training program for staff and volunteers to ensure that both groups have adequate training to provide the best visitor experience.

Goal #4 – Building Maintenance	
Objective 4.1 – Building Assessments	Museum staff to work together with City Staff to conduct an assessment on all museum buildings and report results to the board.
Objective 4.2 – Building Master Plan	Museum staff to conduct a building plan for current and future buildings and present to the board.

Goal #5 – Increase Engagement on Social Media	
Objective 5.1 – Board Reporting	Museum staff to prepare regular reports to the board with respect to social media activity including metrics.
Objective 5.2 – Collaboration With City Communications Staff	Museum staff to actively work with City Communications Officer to develop policies and carry out social media activities.

Location:

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Administrative Contacts:

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Michelle Mason – Assistant Curator

Museum Board:

Brian Heaslip – Chair
Donna Abbott
Claudia Brema
Alexander Fazzari
Terry Huffman
Bonnie Johnston
Pamela Koudijs
Cheryl MacMillan
Bert Murphy
Margaret Tanaszi
Marcia Turner
Councillor Dave Elliot

PORT COLBORNE

Subject: **Canal Days Committee Recommendation for Canal Days 2021**

To: **Council**

From: **Chief Administrative Office**

Report Number: 2021-38

Meeting Date: May 10, 2021

Recommendation:

That Chief Administrative Office Report 2021-38 be received;

That, in order to safeguard the health and safety of the community, volunteers, artists, festival partners/vendors, visitors and staff, the 2021 Canal Days Marine Heritage Festival is hereby cancelled;

That staff, in conjunction with the Canal Days Advisory Committee, be directed to commence planning a smaller event, or series of events, to take place in the 2021 fall season, that would take place once the public health crisis is contained and economic recovery efforts are underway.

Purpose:

The purpose of this report is to provide a recommendation from the Canal Days Advisory Committee regarding the status of the 2021 Canal Days Marine Heritage Festival.

Background:

The information outlined in this report has been discussed internally with staff, production management, and with the Canal Days Advisory Committee at its meeting, April 27, 2021. Last year, the City took precautionary measures in response to the COVID-19 pandemic and cancelled the 2020 festival. The recommendation in this report is intended to safeguard the health and safety of the community, volunteers, staff, festival partners, and visitors.

Discussion:

The COVID-19 pandemic is continuing to have a significant impact on the economic and tourism industries again in 2021. On April 8, 2021, the provincial government officially announced a stay-at-home order. This includes a limit on social gatherings to only members of households. Summer events and festivals have begun announcing cancellations throughout Ontario. For example, RBC Bluesfest in Ottawa and Boots & Hearts Music festival have announced cancellations in April. The Burlington Sound of Music Festival will be taking on a different form; therefore, staff are of the opinion that mass gathering festivals and concerts are not feasible this year. In light of the current impacts of the COVID-19 pandemic, Economic Development and Tourism Services Division staff have been continually analyzing the situation and the impacts on this year's Canal Days Marine Heritage Festival. As noted above, this information was presented to the Canal Days Advisory Committee on April 27, 2021. At that meeting, the Committee recommended the City again take precautionary measures in response to the evolving COVID-19 pandemic by cancelling the 2021 Canal Days Marine Heritage Festival. The Committee also recommends that staff continue to evaluate the status of the COVID-19 pandemic and be prepared to host a smaller event or series of smaller events in the fall season, once the public health crisis is contained and economic recovery efforts are underway.

Cancellation is recommended in order to safeguard the health and safety of the community, volunteers, festival partners, artists, vendors, visitors, and staff.

Once direction has been received, the Economic Development and Tourism Services Division will work with Communications staff to prepare public communication materials and reach out to festival partners.

Financial Implications:

The City has contractual agreements in place for the 2021 Canal Days Festival and staff are working with the parties to move the contracts forward to the 2022 Canal Days.

Conclusion:

The Canal Days Advisory Committee recommends that the 2021 Canal Days Festival be cancelled in order to safeguard the health and safety of the community, volunteers, festival partners, artists, vendors, visitors, and staff. Also, that Council direct staff, with participation of the Committee, to prepare to host a smaller event, or series of separate events in the fall season, once the public health crisis is contained and economic recovery efforts are underway.

Respectfully submitted,

Luke Rowe
Events and Volunteer Coordinator
905-835-2900 ext. 566
Luke.Rowe@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

Subject: **Petition for Drainage on Weaver Road**

To: **Council**

From: **Public Works Department**

Report Number: 2021-138

Meeting Date: May 10, 2021

Recommendation:

That Public Works Department Report 2021-138 be received; and

That Council allow Paul Marsh of EWA Engineering Inc. to investigate the validity of the petition and proceed, if valid, under the previous appointment and By-law No. 6602/57/18 for the Beaver Dam drain.

Purpose:

This report is being written as a requirement of the *Drainage Act* and all "sections" quoted herein will be a reference to sections of the *Drainage Act*, R.S.O. 1990. Pursuant to section 5, after the filing of a "Section 4 Petition", the Council of the municipality shall consider the petition and decide if it shall or shall not proceed.

Background:

Paul Marsh of EWA Engineering was appointed through By-law No. 6602/57/18 (attached as Appendix B) under Section 8 and 78 to complete a new engineer's report. The report is currently being studied and worked with the potential of completion late this year. To date there have been public consultations (with members of the watershed) as well as additional discussions with a few affected landowners about their specific concerns and additional survey work to the previous engineer's work.

A petition has been signed by one of the affected property owners who farms the south west side of Weaver Road. The current drainage pattern allows the drainage from the west of his land to cross and interfere with his farming practices and the petitioner wished to have this addressed through a branch drain.

The timing of the filed petition fits with works that are already underway.

Discussion:

The petition subject area has already been studied through supporting documents completed by EWA Engineering Inc. and documentation has previously been shared with the Niagara Peninsula Conservation Authority in addition to several meetings. This area has already been flagged as having potential to have excess storage for runoff due to increased storm intensities.

Financial Implications:

All costs associated with this petition shall be assessed through the Engineer's Report and be held by the Municipality until the assessments can be recovered through the billing of the watershed of the Beaver Dam Drain.

Conclusion:

The Municipality is bound by the *Drainage Act* to comply and proceed accordingly. Staff have been involved in the studies about said area and this petition, which would likely minimize future drainage concerns of the watershed and would assist the petitioner with daily farming practices, would create a nominal increase to the scope of work for the Beaver Dam Drain report.

Appendices:

a. Form 1 Petition for Drainage Works by Owner

b. By-law No. 6602/57/18

Respectfully submitted,

Alana Vander Veen
Drainage Superintendent
905-835-2900 ext 291
Alana.VanderVeen@PortColborne.ca

Report Approval:

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

Ontario

Ministry of Agriculture, Food and Rural Affairs

Petition for Drainage Works by Owners
Form 1

Drainage Act, R.S.O. 1990, c. D.17, clause 4(1)(a) or (b)

This form is to be used to petition municipal council for a new drainage works under the *Drainage Act*. It is not to be used to request the improvement or modification of an existing drainage works under the *Drainage Act*.

To: The Council of the Corporation of the City of Port Colborne

The area of land described below requires drainage (provide a description of the properties or the portions of properties that require drainage improvements)

The south end of agricultural lands at 856 Weaver rd. Roll number 040-003-14700-000

In accordance with section 9(2) of the *Drainage Act*, the description of the area requiring drainage will be confirmed or modified by an engineer at the on-site meeting.

As owners of land within the above described area requiring drainage, we hereby petition council under subsection 4(1) of the *Drainage Act* for a drainage works. In accordance with sections 10(4), 43 and 59(1) of the *Drainage Act*, if names are withdrawn from the petition to the point that it is no longer a valid petition, we acknowledge responsibility for costs.

Purpose of the Petition (To be completed by one of the petitioners. Please type/print)

Contact Person (Last Name)	(First Name)	Telephone Number
Bankert	Dave	905 380-1065 ext.

Address

Road/Street Number	Road/Street Name
856	Weaver rd

Location of Project

Lot	Concession	Municipality	Former Municipality (if applicable)
19	1	Niagara	

What work do you require? (Check all appropriate boxes)

- [x] Construction of new open channel
- [ ] Construction of new tile drain
- [ ] Deepening or widening of existing watercourse (not currently a municipal drain)
- [ ] Enclosure of existing watercourse (not currently a municipal drain)
- [ ] Other (provide description ▼)

Name of watercourse (if known)

Estimated length of project
650ft

General description of soils in the area
Muck soil type

What is the purpose of the proposed work? (Check appropriate box)

- [ ] Tile drainage only
- [ ] Surface water drainage only
- [x] Both

Petition filed this 7th day of April, 2021

Name of Clerk (Last, first name)	Signature
LaPointe, Amber	[signature]

Property Owners Signing The Petition | Page of

- Your municipal property tax bill will provide the property description and parcel roll number.
- In rural areas, the property description should be in the form of (part) lot and concession and civic address.
- In urban areas, the property description should be in the form of street address and lot and plan number if available.
- If you have more than two properties, please take copy(ies) of this page and continue to list them all.

Number	Property Description
1	856 Weaver rd

Ward or Geographic Township	Parcel Roll Number
Ward 4	040-003-14700-0000

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☑ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)
Bankert, Dave	DBankert	2021/04/09

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation.
Position Title	Date (yyyy/mm/dd)

Number	Property Description

Ward or Geographic Township	Parcel Roll Number

I hereby petition for drainage for the land described and acknowledge my financial obligations.

Ownership

☐ Sole Ownership

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Partnership (Each partner in the ownership of the property must sign the petition form)

Owner Name (Last, First Name) (Type/Print)	Signature	Date (yyyy/mm/dd)

☐ Corporation (The individual with authority to bind the corporation must sign the petition)

Name of Signing Officer (Last, First Name) (Type/Print)	Signature
Name of Corporation	I have the authority to bind the Corporation.
Position Title	Date (yyyy/mm/dd)

☐ Check here if additional sheets are attached | Clerk initial

Petitioners become financially responsible as soon as they sign a petition.

- Once the petition is accepted by council, an engineer is appointed to respond to the petition. *Drainage Act*, R.S.O. 1990, c. D. 17 subs. 8(1).
- After the meeting to consider the preliminary report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible in equal shares for the costs. *Drainage Act*. R.S.O. 1990, c. D. 17 subs. 10(4).
- After the meeting to consider the final report, if the petition does not comply with section 4, the project is terminated and the original petitioners are responsible for the costs in shares proportional to their assessment in the engineer's report. *Drainage Act*, R.S.O. 1990, c. D. 17 s. 43.
- If the project proceeds to completion, a share of the cost of the project will be assessed to the involved properties in relation to the assessment schedule in the engineer's report, as amended on appeal. *Drainage Act*. R.S.O. 1990, c. D. 17 s. 61.

Notice of Collection of Personal Information

Any personal information collected on this form is collected under the authority of the *Drainage Act*, R.S.O. 1990, c. D.17 and will be used for the purposes of administering the Act. Questions concerning the collection of personal information should be directed to:
where the form is addressed to a municipality *(municipality to complete)*

and where the form is addressed to a territory without municipal organization, the Drainage Coordinator, Ministry of Agriculture, Food and Rural Affairs, 1 Stone Rd W, Guelph ON N1G 4Y2, 519 826-3552.

0173E (2012/08)

The Corporation of the City of Port Colborne

By-law No. 6602/57/18

Being a by-law to appoint Paul Marsh P. Eng. of EWA Engineers Inc. for the completion of a new engineer's report for the repair and improvement of the Wignell, Michener, Port Colborne and Beaverdam drains situated in the City of Port Colborne and to rescind By-law No. 5653/84/11 and By-law No. 5666/97/11

Whereas at its meeting of June 13, 2011 Council adopted By-law No. 5653/84/11, being a by-law to appoint Paul Smeltzer P. Eng. of AMEC for the preparation of a new engineer's report for the repair and improvement of the Wignell/Michener and Beaverdam Drains situated in the City of Port Colborne; and

Whereas at its meeting of July 11, 2011 Council adopted By-law No. 5666/97/11, being a by-law to authorize entering into an agreement with Paul Smeltzer P. Eng. of AMEC Earth and Environmental Limited respecting a drainage report for the Wignell-Michener and Beaverdam Municipal Drains; and

Whereas AMEC Earth and Environmental Limited has exercised their right to withdraw from the engineering services agreement; and

Whereas the Engineering and Operations Department, Engineering Division Report 2018-103, Subject: Wignell, Michener, Port Colborne and Beaverdam Municipal Drains Engineer Appointment, has provided a detailed background on the events to date regarding the Wignell/Michener and Beaverdam Municipal Drains; and

Whereas by adoption of the Engineering and Operations Department, Engineering Division Report 2018-103, at its meeting of July 23, 2018, Council has approved the appointment of Paul Marsh, P. Eng. of EWA Engineers Inc. for the Wignell, Michener, Port Colborne and Beaverdam Municipal Drainage Works.

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

1. That Paul Marsh, P. Eng. EWA Engineers Inc. be appointed under Sections 8 and 78, Chapter D. 17 of the *Drainage Act, R.S.O. 1990*, to complete a new Engineer's Report for the repair and improvement of the Wignell, Michener, Port Colborne and Beaverdam Municipal Drains, and that said appointment become effective once the conditions under Section 78(2) of the *Drainage Act* have been satisfied.

2. That By-laws No. 5653/84/11 and 5666/97/11 are hereby repealed.

Enacted and passed this 23rd day of July, 2018.

John Maloney
Mayor

Amber LaPointe
City Clerk

PORT COLBORNE

Subject: **Status Update for Niagara's South Coast Tourism Association**

To: **Council**

From: **Chief Administrative Office**

Report Number: 2021-123

Meeting Date: May 10, 2021

Recommendation:

That Chief Administrative Office Report 2021-123 be received for information purposes.

Purpose:

The purpose of this report is to provide Council with an update on the status of Niagara's South Coast Tourism Association and the initiatives underway to keep the destination marketing organization active.

Background:

Niagara's South Coast Tourism Association ("NSCTA") was established in 2012 as a destination marketing organization ("DMO") and is comprised of four municipalities: Town of Fort Erie, City of Port Colborne, Township of Wainfleet and City of Welland. From 2017 to the first quarter of 2020, the NSCTA was largely inactive in promoting south Niagara tourism and generating visits to this area of the region.

When it became known to the four municipalities that the Tourism Industry Association of Ontario ("TIAO") would receive $30 million from the FedDev Ontario Regional Relief and Recovery Fund ("RRRF") to support DMOs financially during the COVID-19 pandemic, they all agreed to apply before the June 5, 2020 deadline. Upon notification of a successful application, it was further agreed that this funding should be used to make the NSCTA active once again.

Once the NSCTA received a total of $473,963.75 in funding, efforts were quickly taken by the City of Port Colborne's Corporate Services Department to initiate a Board of Directors and draft association by-laws in consultation with the City's solicitor. At the

July 13, 2020 Council meeting, Council approved Corporate Services Department Report 2020-91 to appoint a Board of Directors. At the October 13, 2020 Council meeting, Council approved Corporate Services Department Report 2020-145 to adopt the by-laws previously approved by the NSCTA board.

Of the total funding amount, approximately 70% or $331,774.00 was distributed among all four municipalities in a 67% equal split and a 33% split based on population. Using their respective allotments, the municipalities carried out projects aimed at supporting the reopening and recovery of the local tourism market. The remaining 30% or $142,189.75 of the funding was allocated to DMO initiatives (at $100,600.00) and administrative expenses (at $41,589.75).

Over eight months, appointed staff from the four municipalities worked as part of a committee to develop a strategic plan using the allocated 30%. The primary objective of this plan was to generate visitation to local businesses and south Niagara attractions, and to re-establish the NSCTA and keep it active beyond 2020-21.

A final report attesting to how the total funding amount had been spent, including detailed descriptions, was submitted to TIAO on February 28, 2021. After successfully completing an audit of its expenses, the NSCTA received notification at the end of March that the process had officially come to a close.

Discussion:

Staff from the four municipalities meet on a bi-weekly basis to coordinate and report on the various DMO initiatives in their strategic plan. Many of these initiatives have been underway for several months, and only a small number – marked with an asterisk (*) – remain on hold until restrictions around COVID-19 are loosened, and leisure travel is allowed to resume. They are as follows:

- Redevelop the niagarasouthcoast.com website
- Introduce a new logo and develop the South Coast brand
- Publicize a new promotional video
- Complete Google My Business Listings for tourism stakeholders
- Continue participation in Great Taste of Ontario passport program
- Launch a South Coast passport program*
- Execute a digital advertising campaign*
- Build social media presence and increase user engagement
- Develop content for marketing and communications
- Remain active members of the Tourism Industry Association of Canada (TIAC) and Tourism Industry Association of Ontario (TIAO)

The outcomes of the initiatives listed above will culminate, not only in a revived online presence for Niagara's South Coast, but also a renewed foundation as a DMO. The City

of Port Colborne's tourism coordinator and manager of strategic initiatives will continue to contribute at the committee level to moving these initiatives forward and increasing the potential economic benefits of tourism for Niagara's South Coast communities.

Financial Implications:

There are no financial implications.

Public Engagement:

Once the above-listed initiatives are ready for visibility in the public domain, they will be publicized, either individually or separately, through various media relations activities. From that point onwards, the NSCTA plans to further engage tourism stakeholders across the four municipalities on activities and projects related to strategic planning and branding.

Conclusion:

This report provides an update on the status of Niagara's South Coast Tourism Association. Funding from the Tourism Industry Association of Ontario, through the FedDev Ontario Regional Relief and Recovery Fund, allowed the NSCTA to re-establish itself as a destination marketing organization and focus on implementing a series of initiatives. With many of these initiatives underway, the objective is to keep the NSCTA active beyond 2020-21 in order to realize the potential of tourism and its benefits in Niagara's South Coast.

Respectfully submitted,

Gary Long
Manager of Strategic Initiatives
905-835-2900 ext. 502
Gary.Long@portcolborne.ca

Greg Higginbotham
Tourism Coordinator
905-835-2900 ext. 505
Greg.Higginbotham@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

Subject: **By-law Appointment of Municipal Law Enforcement Officer Ian Roberts**

To: **Council**

From: **Community Safety & Enforcement Department**

Report Number: 2021-141

Meeting Date: May 10, 2021

Recommendation:

That Community Safety and Enforcement Department Report 2021-141 be received; and

That the recommendations outlined in Appendix A of Community Safety and Enforcement Department Report 2021-141, be approved.

Purpose:

That Council appoint by by-law, Ian Roberts as a Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector.

Background:

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

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

Discussion:

The successful candidate for the vacant full-time Municipal Law Enforcement Officer position was Ian Roberts who will be starting on May 5, 2021.

Internal Consultations:

Discussions have been held with Human Resources and they have no objections to this appointment.

Conclusion:

The City of Port Colborne appoints the vacancy in By-law Enforcement Services, so we will be able to conduct work as per their job requirements to enforce the municipality's by-laws

Appendices:

a. The appointment By-law of Ian Roberts via 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 Ian Roberts as a Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector

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

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

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

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

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

1. Ian Roberts be and is hereby appointed Municipal Law Enforcement Officer for the City of Port Colborne;

2. Ian Roberts be and is hereby appointed Weed Inspector for the City of Port Colborne;

3. Ian Roberts be and is hereby appointed Property Standards Officer for the City of Port Colborne;

4. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the City of Port Colborne;

5. That By-law No. 6825/75/20, Being a By-law to Appoint Christopher Botts of as Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector, be hereby repealed.

6. This By-law shall come into force and take effect on the date of passing.

Enacted and passed this 10th day of May 2021.

_____
William C. Steele
Mayor

_____
Amber LaPointe
City Clerk

Community Services

Legislative Services

April 27, 2021
File #120203
Sent via email: premier@ontario.ca

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

Honourable and Dear Sir:

Re: Province Investigating and Updating Source Water Protection Legislation

Please be advised the Municipal Council of the Town of Fort Erie at its meeting of April 26, 2021 passed the following resolution:

Whereas the Municipal Council of the Town of Fort Erie passed a resolution on October 21st, 2019 identifying that 1,100 private water wells were in operation in the Town of Fort Erie, of which 75% were used for domestic purposes including human and livestock consumption, and

Whereas the Municipal Council of the Town of Fort Erie further identified in that resolution that Council requires the protection of water in the aquifer supplying water to those wells from contamination as the result of any remediation of Pit One owned by the Port Colborne Quarries in the City of Port Colborne, and further

Whereas Report No. PDS-23-2021, approved by Council on March 22, 2021, identified that while the Niagara Peninsula Conservation Authority, The Regional Municipality of Niagara and Local Area Municipalities work together to protect source water, these plans do not generally apply to private servicing, and

Whereas Report No. PDS-23-2021 further identified efforts undertaken by the Town of Fort Erie through available provincial planning policy, regulation and legislation to protect source water within the Town of Fort Erie without any explicit ability to designate source water protection for private services, and

Whereas on July 28, 2010, through Resolution 64/292, the United Nations General Assembly explicitly recognized the human right to water and sanitation and acknowledged that clean drinking water and sanitation are essential to the realization of all human rights, and

…/2

Mailing Address: The Corporation of the Town of Fort Erie
1 Municipal Centre Drive, Fort Erie ON L2A 2S6
Office Hours 8:30 a.m. to 5:00 p.m. Phone: (905) 871-1600 FAX: (905) 871-4022 Web-site: www.forterie.ca

Whereas it would be desirable to ensure that those in our community who rely on wells and other private servicing for clean drinking water are afforded the same source water protection as municipal drinking water systems;

Now therefore it be resolved,

That: The Municipal Council of the Town of Fort Erie recognizes and acknowledges that clean drinking water and sanitation are basic human rights and essential to the realization of all human rights, and further

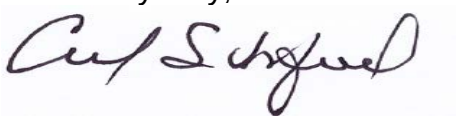
That: The Municipal Council of the Town of Fort Erie requests that the Ministry of Environment, Conservation and Parks consider legislative changes that would permit the expansion of source water protection to aquifers and private services, and further

That: This resolution be circulated to The Honourable Doug Ford, Premier of Ontario, the Honourable Jeff Yurek, Minister of the Environment, Conservation and Parks, Wayne Gates, MPP Niagara Falls, Jeff Burch, MPP Niagara Centre, Jennifer Stevens, MPP St. Catharines and Sam Oosterhoff, MPP Niagara West, and further

That: This resolution be circulated to all Conservation Authorities and Municipalities in Ontario for their endorsement and support.

Thank you for your attention to this matter.

Yours very truly,



Carol Schofield, Dipl.M.A.
Manager, Legislative Services/Clerk
cschofield@forterie.ca
CS:dlk
c.c.
The Honourable Jeff Yurek, Minister of Environment, Conservation and Parks jeff.yurekco@pc.ola.org
Jeff Burch, MPP, Niagara Centre jburch-qp@ndp.on.ca
Sam Oosterhoff, MPP, Niagara West sam.oosterhoff@pc.ola.org
Jennifer Stevens, MPP, St. Catharines JStevens-co@ndp.on.ca
Wayne Gates, MPP, Niagara Falls wgates-co@ndp.on.ca
Ontario Conservation and all Ontario Conservation Authorities: kgavine@conservationontario.ca; bhorner@abca.ca; kfurlanetto@crca.ca; generalmanager@catfishcreek.ca; @cloca.com; mvytvytskyy@hrca.on.ca; deb.martindowns@cvc.ca; tim.pidduck@crowevalley.com; tbyrne@erca.org; llaliberte@grca.on.ca; karmstrong@grandriver.ca; t.lanthier@greysauble.on.ca; Lisa.Burnside@conservationhamilton.ca; mmajchrowski@kawarthaconservation.com; elizabeth@kettlecreekconservation.on.ca;.cullen@lsrca.on.ca; tammy@lakeheadca.com; jmaxwell@lprca.on.ca; mark.peacock@ltvca.ca; kelly.vandettte@ltc.on.ca; beard@mvca.on.ca; David.Vallier@mattagamiregion.ca; smcintyre@mvc.on.ca; csharma@npca.ca; carl.jorgensen@conservationsudbury.ca; **brian.tayler@nbmca.ca;** dhevenor@nvca.on.ca; dlandry@otonabeeconservation.com; bmcnevin@quinteconservation.ca; richard.pilon@rrca.on.ca; sommer.casgrain-robertson@rvca.ca; j.stephens@svca.on.ca; cbarrett@ssmrca.ca; acoleman@nation.on.ca; bmcdougall@scrca.on.ca; John.MacKenzie@trca.ca; annettt@thamesriver.on.ca
Ontario Municipalities

Office of the Clerk
Holly Willford, BA
hwilford@pelham.ca
905-892-2607 x 320

April 23, 2021

Ann-Marie Norio, Regional Clerk
Niagara Region
1815 Sir Isaac Brock Way
Thorold ON L2V 4T7
ann-marie.norio@niagararegion.ca

Attention: Ms. Norio,

Item 14.1 Motion re: Request to Region of Niagara to Delay Official Plan Update

Please be advised that at their regular meeting of April 19, 2021 Council of the Town of Pelham passed the following:

WHEREAS the Province of Ontario, through the Planning Act, requires that the Region of Niagara conduct a municipal comprehensive review (MCR) of its Official Plan whereby decisions must be made as to how all of the population and employment growth is to be accommodated in the local municipalities for the years 2031 to 2051;

AND WHEREAS since June 2019 the Province has amended a number of Provincial Statutes and policies that impact how municipalities plan for growth including the following:

- **The Provincial Policy Statement,**
- **A Place to Grow: The Growth Plan for the Greater Golden Horseshoe,**
- **The Development Charges Act,**
- **The Planning Act,**
- **The Environmental Assessment Act, and**
- **The Conservation Authorities Act;**

AND WHEREAS these significant Provincial changes include:

- **reduced density targets in new greenfield development from 80 persons and jobs per hectare to 50 persons and jobs per hectare,**
- **reduced intensification targets from 60% beyond 2031 to 50%,**
- **setting minimum population and employment growth forecasts that can be exceeded subject to Provincial approval,**
- **extended the planning horizon from 2041 to the year 2051,**
- **introduced market demand as a consideration in determining the housing mix, and**

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hwilford@pelham.ca
905-892-2607 x 320

• revisions to how municipalities fund growth;

AND WHEREAS these Provincial changes signal an abrupt shift from the emphasis on creating compact and complete communities to a planning regime that facilitates lower density and car dependent communities;

AND WHEREAS several Regions throughout Ontario have declared climate change emergencies and must consider the role of land use planning in their strategies to reduce their greenhouse gas emissions;

AND WHEREAS these Provincial changes create pressure to convert more class 1, 2 and 3 farmland in to urban uses than would otherwise be necessary which is contrary to Niagara's Official Plan as it relates to the protection of the agricultural system in Niagara;

AND WHEREAS ensuring that Ontarians have access to healthy safe food in the future requires thoughtful consideration of the long term impact of converting thousands of acres of prime agricultural lands in the Greater Golden Horseshoe to urban uses;

AND WHEREAS the change of the planning horizon to 2051 by the Province means that future municipal councils and the public will have little power to change decisions where they will grow after 2031 to the 2051 planning horizon;

AND WHEREAS in the rural areas internet service is often poor, making it difficult for rural residents to participate in zoom calls;

AND WHEREAS Niagara Region has adopted a public engagement initiative for the Niagara Official Plan review that includes public surveys, stakeholder input, direct public input and a Planning Advisory Committee;

AND WHEREAS the current pandemic is making effective, in person public consultation impossible at a time when robust, informed public consultation is needed more than ever;

AND WHEREAS the nature of work has evolved in response to the pandemic which may cause long term changes to the assumptions underlying the province's Land Needs Assessment.

NOW THEREFORE BE IT RESOLVED THAT Pelham Council request the Niagara Regional Chair to write to request the Province to allow the Region to delay its final report on

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Holly Willford, BA
hwilford@pelham.ca
905-892-2607 x 320

its Official Plan Review until proper, in person, informed consultation with the public has been conducted on the growth concepts and the preferred growth concept;

AND FURTHER THAT the Province be requested to allow the new Regional Official Plan which identifies non-discretionary components of a Regional Urban Structure that support local plans and priorities inside the current urban boundaries, exempt from the requirement for in-person consultation with the public;

AND FURTHER THAT the Province be requested to suspend the timetable for municipal conformity to the Growth Plan and the Provincial Policy Statement to ensure that the public can fully participate in the process of planning their communities for the growth planning period covering 2031 to 2051;

AND FURTHER THAT the Province suspend the deadlines it has set for conformity until the Land Needs Assessment Framework can be revisited to adjust to the significant changes to the nature of work that are reducing office space and parking space needs.

AND FURTHER THAT this resolution be circulated to Premier Doug Ford, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, Niagara's Local Municipalities, the Association of Municipalities of Ontario, the leaders of the Provincial opposition parties, Niagara's MPP's, and the Greater Golden Horseshoe municipalities.

If you require any further information, please contact the undersigned.

Yours very truly,

Holly Willford, BA
Acting Town Clerk

cc. Doug Ford, Premier of Ontario, doug.fordco@pc.ola.org
The Honourable Steve Clark, Minister of Municipal Affairs and Housing steve.clark@pc.ola.org
Sam Oosterhoff, MPP, sam.oosterhoff@pc.ola.org
Jennifer Stevens, MPP, JStevens-QP@ndp.on.ca
Wayne Gates, MPP, wgates-qp@ndp.on.ca
Jeff Burch, MPP, JBurch-QP@ndp.on.ca
Andrea Horwath, Leader of the Official Opposition, ahorwath-qp@ndp.on.ca
Niagara Local Municipalities
Association of Municipalities of Ontario amo@amo.on.ca
Greater Golden Horseshoe
Barb Wiens, Director of Planning of Development

West Lincoln
Your Future Naturally

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CLERKS DEPARTMENT

April 28,2021

Mr. Sam Oosterhoff, MPP
Room 328
Main Legislative Building
Queen's Park
Toronto, ON
M7A 1A8
Via email: sam.oosterhoff@pc.ola.org

Dear Mr. Oosterhoff:

Re: Request for Support to Amend the Beds of Navigable Waters Act

At the Township of West Lincoln Council Meeting on April 26,2021 the following resolution was adopted requesting that the Province amend the beds of Navigable Waters Act.

Resolution:

That, Report No. PD-49-2021, relating to the "Recommendation Report, Request to Amend the Beds of Navigable Waters Act", dated April 12th, 2021, BE RECEIVED; and,

That, Council for the Township of West Lincoln hereby requests Sam Oosterhoff, MPP, on our behalf, and for the benefit of all lower and upper tier municipalities who may be affected by the Beds of Navigable Waters Act, to amend the Act such that the affected lower and upper tier municipality is also required to be served with notice when an application for natural severance is filed with the Courts; and,

That, Township Legal Counsel be notified of this resolution and that the Mayor and staff be authorized to discuss this matter with MPP Oosterhoff, as required; and,

That, support of all municipalities in Ontario be sought through AMO and with direct request for support from all local Niagara Region municipalities.

For more information relating to this matter, please refer to Staff Report PD-049-2021 Recommendation Report-Request to Amend the Beds of Navigable Waters Act dated April 12th, 2021.

Please accept this for your consideration and any necessary action and we will ensure all letters of support are sent to your office in a timely fashion.

Sincerely,

Joanne Scime

Joanne Scime, Clerk

cc. Tom Richardson, Sullivan Mahoney
Area Municipalities

Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-685-4225 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

April 26, 2021

CL 8-2021, April 22, 2021
CSC 4-2021, April 14, 2021
Report CSD 23-2021, April 14, 2021

Local Area Municipalities

SENT ELECTRONICALLY

2021 Property Tax Policy, Ratios and Rates
Report CSD 23-2021

Regional Council, at its meeting of April 22, 2021, approved the following recommendation of its Corporate Services Committee:

That Report CSD 23-2021, dated April 14, 2021, respecting 2021 Property Tax Policy, Ratios and Rates, **BE RECEIVED** and the following recommendations **BE APPROVED**:

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2021 taxation year:

Property Classification	Tax Ratio	Sub-Class Reduction
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	22.5%
Commercial – Vacant Land	1.734900	22.5%
Industrial	2.630000	
Industrial – Excess Land	2.630000	22.5%
Industrial – Vacant Land	2.630000	22.5%
Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

2. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration and **BE CIRCULATED** to the Councils of the Area Municipalities for information; and

3. That Report CSD 23-2021 **BE CIRCULATED** to the Councils of the Area Municipalities for information.

A copy of Report CSD 23-2021 and the associated by-laws are attached for your information.

Yours truly,

Ann-Marie Norio
Regional Clerk
:kl

CLK-C 2021-065

cc: R. Fleming, Senior Tax & Revenue Analyst
H. Chamberlain, Director, Financial Management & Planning
T. Harrison, Commissioner, Corporate Services
K. Beach, Executive Assistant to the Commissioner, Corporate Services

Niagara Region

Subject: 2021 Property Tax Policy, Ratios and Rates

Report to: Corporate Services Committee

Report date: Wednesday, April 14, 2021

Recommendations

1. That Regional Council **APPROVE** the following tax ratios and sub-class reductions for the 2021 taxation year:

Property Classification	Tax Ratio	Sub-Class Reduction
Residential	1.000000	
New Multi-Residential	1.000000	
Multi-Residential	1.970000	
Commercial	1.734900	
Commercial – Excess Land	1.734900	22.5%
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Pipeline	1.702100	
Farmland	0.250000	
Managed Forest	0.250000	
Farmland Awaiting Development 1	1.000000	25%
Farmland Awaiting Development 2	Class Ratio	
Landfill Sites	2.940261	

2. That the necessary by-laws **BE PREPARED** and **PRESENTED** to Council for consideration and **BE CIRCULATED** to the Councils of the Area Municipalities for information; and

3. That Report CSD 23-2021 **BE CIRCULATED** to the Councils of the Area Municipalities for information.

Key Facts

- The purpose of this report is to set the tax policy for 2021 which includes tax ratios, rates and other policy considerations. Tax policy accounts for property assessment changes and affects the actual taxes paid by property owners or classes.

- The recommended tax policy for 2021, supported by Regional staff and Area Treasurers, is to maintain the status quo tax ratio adopted for the 2020 taxation year and to continue the previous Council approved phase-out schedule of the commercial/industrial vacant/excess land subclass discounts from 30% to 22.5%.
- In order for the Area Municipalities to complete final tax billings in June, Regional bylaws should be established no later than April.
- The Region approved a 2021 levy increase of 1.80%. Area Municipal increases range from 0.32% to 2.64% for those that have approved budgets.
- Under the proposed tax policy the residential class in aggregate will see a tax increase of 1.7% (see Table 1).
- The Province for 2021 has also adopted a policy to standardize business education tax rates across the province resulting in education tax savings for Niagara commercial and industrial properties totaling $6.6M and $2.8M, respectively.
- The proposed tax policy and approved Regional tax levy will result in an increase of approximately $27 to the typical residential property with a CVA of $278,764 in 2021 for an annual Regional property tax of $1,638.

Financial Considerations

There are no direct costs to the Region as a result of setting 2021 tax policy. There are however, taxpayer impacts as a result of tax shifts between property classes due to assessment growth and tax ratio/discount decisions. Detailed analysis of these impacts are included in the Tax Policy Study attached as Appendix 1 to Report CSD 23-2021.

Regional staff engaged the Area Treasurers in the review of the tax study as completed by the Region's external tax consultant as well as reviewed various options and scenarios for 2021. Based on the feedback provided, both Regional staff and Area Treasurers are recommending to maintain the status quo tax ratio for the 2021 taxation year including the commercial/industrial vacant/excess land subclass discount phase-out from 30% to 22.5%, which results in a reduction in residential taxes shifted to other classes of 0.11%, or $331,000.

The follow are the key factors that support the recommendation, these are expanded on in the Analysis section of this report:

- Preliminary assessment data for the next assessment cycle indicates that there will be a significant pressure on the residential tax base. It is estimated that there could

be a shift onto the residential class of approximately 1.74% or $5 million before incorporating any impacts generated from future levy changes.

- The BMA study demonstrates that all residential taxation categories are above the BMA study average and data provided by the Region's Affordable Housing Strategy Steering Committee indicates that many of the households in core housing need currently reside in single detached homes (included in the residential tax class),
- Education tax rates for commercial and industrial classes have been reduced for 2021, these reductions in education tax rates will generate savings for commercial and industrial properties totaling $6.6M and $2.8M, respectively.
- The Region and local area municipalities offer many incentive programs including tax increment and development charge related grants that reduce the actual tax burden experienced by some property classes in Niagara including industrial.

Staff did consider alternate scenarios, these are found in the Alternatives Reviewed section, but none of these were supported by Regional staff or the Area Treasurers.

Analysis

The Municipal Act provides the Region with the responsibility to establish tax policy to raise levy requirements. Reassessment impacts, assessment growth and provincial legislation can create tax shifts in burden across all property classes. These factors are outside the control of Niagara Regional Council and the budget process. The only opportunity to affect these is through a thorough analysis of options available for ratios and resulting impacts. Staff with the use of a third party consultant undertook an analysis of a number of options to arrive at the recommendations presented in this report.

Analysis of Current State

1. Assessment Growth

The overall real assessment growth that occurred in 2020 for the Region was 1.44% (as included in the approved 2021 tax supported operating budget), equivalent to $5.7 million in tax dollars from new taxpayers. Table 1 summarizes the overall assessment growth that occurred in 2020 (column (2)) as well as the impacts affecting each of the tax classes based on maintaining the status quo tax ratios with the adjustment to the vacant/excess land subclass discounts from 30% to 22.5% as per the Council approved phase-out schedule (column (3)). Note this phase-out schedule was approved by the Province and has been written into Provincial legislation

Table 1 – 2021 Tax Levy Impacts by Property Class (Status Quo Policy)

Property Class	2020 Approved Levy (1)	Growth Impacts (2)	Inter-Class Shift (3)	2021 Levy Impacts (4)	2021 Approved Levy (5)	Avg. % Increase
Residential	$285,569,439	$5,456,643	$(331,315)	$5,158,042	$295,852,809	1.7%
New Multi-Res	1,006,093	40,202	(1,191)	$18,544	$1,063,648	1.7%
Multi-Residential	15,628,351	(2,151)	(17,786)	$276,958	$15,885,372	1.7%
Farm	3,432,522	19,409	(3,917)	$61,179	$3,509,193	1.7%
Managed Forest	22,687	(189)	(26)	$399	$22,871	1.6%
Commercial	70,887,201	(61,524)	194,016	$1,260,211	$72,279,904	2.1%
Industrial	13,508,620	182,039	163,301	$245,835	$14,099,795	3.0%
Pipelines	2,453,164	30,320	(2,827)	$44,018	$2,524,675	1.7%
Landfill	61,314	-	(70)	$1,087	$62,331	1.7%
Total	**$392,569,391**	**$5,664,749**	**$185**	**$7,066,273**	**$405,300,598**	1.8%
% Increase		**1.44%**	**0%**	**1.80%**	**3.25%**	

** Represents a tax shift away from residential of 0.11% as a result of the decrease in vacant/excess land subclass discount from 30% to 22.5% as per Council approved phase-out schedule.*

2. Re-Assessment Phase-In and Tax Shifts

Reassessments of all properties is mandated by the Province every four years across Ontario to ensure that current value assessments (CVA) relied upon for property tax purposes are reflective of current market conditions. Increases in assessment based on 2016 values have been phased in over 2017-2020. As a result of COVID-19, the Province announced that they are delaying the proposed new assessment cycle that was to be effective for the taxation years of 2021-2024. The Province has not provided any guidance as to when the next assessment cycle will take place, therefore the destination values from 2020 taxation year will continue into 2021 resulting in no tax shift impacts caused by assessment phase-in changes.

MPAC had released preliminary figures for the 2021 new assessment cycle and based on the preliminary analysis that was prepared during the 2020 tax policy review, Niagara was anticipated to experience significant residential assessment increases. The residential tax class in Niagara was anticipated to experience a 50% increase in average assessed values while all other non-residential classes would experience an approximate 20% assessment value increase. This increase for the residential tax class was approximately 20% higher than the MPAC average for the Regions of Peel and

Halton, Cities of Hamilton and Brantford, and the Counties of Haldimand, Norfolk and Brant. Niagara's anticipated residential assessments represent one of the highest increases across the Province. It is important to note that these values were preliminary and are subject to change until finalized by MPAC in advance of the next assessment cycle. More information on the residential assessment impacts can be found in Appendix 4 to Report CSD 23-2021.

Staff previously completed an estimate of the impacts of the aforementioned new assessment cycle during the preparation of the 2020 tax policy report. It was estimated that there could be a shift onto (i.e., increase in) the residential tax class burden of approximately 1.74% or $5 million as a result of shifts from (i.e., decreases in) other tax class burdens primarily commercial and industrial. Shifts would also be experienced on an Area Municipality level but may vary as a result of different assessment trends that may occur on a more granular level.

Based on the recommended tax policy for 2021 there is a decrease in the residential class' proportionate share of taxes (0.11% or $331,000) as a result of reducing the subclass discount for commercial/industrial vacant/excess lands from 30% to 22.5% (see Table 1 Column 3). This will result in minor municipal shifts. These impacts have been summarized in Appendix 1 to Report CSD 23-2021, Table 6 and range from -0.09 (Pelham and Wainfleet) to 0.11% (Niagara Falls). A negative number represents a decrease in the relative total municipal burden while a positive number represents an increase.

Table 2 shows the relative tax share of each tax class from 2020 to 2021. The 2021 amounts are based on the recommended tax policy. The table represents a starting point for any further ratio analysis. The residential increase noted previously of 1.70% (which is below the 2021 Regional levy increase of 1.80%) is as a result of the subclass discount reduction (See Appendix 1 to Report CSD 23-2021, Table 5).

Table 2 – Multi-Year Tax Distribution by Tax Class

Realty Tax Class (Taxable)	2020 Year End (As Revised)	% Share	2021 Levy (As Returned)	% Share
Residential	$291,026,081	73.08%	$295,852,809	73.00%
New Multi-Residential	1,046,295	0.26%	1,063,648	0.26%
Multi-Residential	15,626,200	3.92%	15,885,372	3.92%
Farm	3,451,930	0.87%	3,509,193	0.87%
Managed Forest	22,498	0.01%	22,871	0.01%
Commercial	70,825,677	17.78%	72,279,904	17.83%
Industrial	13,690,659	3.44%	14,099,795	3.48%
Pipeline	2,483,484	0.62%	2,524,675	0.62%
Landfill	61,314	0.02%	62,331	0.02%
Total Taxable	**$398,234,138**	**100%**	**$405,300,598**	**100%**

3. Education Rates

The education tax rates are established by the Province to meet their revenue targets for the year. Typically the education tax rates decrease from one year to the next as the Provincial policy is to maintain revenue neutrality. In prior years, this Provincial policy has created savings in Niagara which generally assist in offsetting municipal increases. For 2021 however, the Province has maintained the education tax rates from 2020 for all classes except the commercial and industrial, which have been reduced. The Province has identified this as a priority as a result of the COVID-19 pandemic specifically indicating that this change will eliminate variations in business education taxes reducing tax inequalities and improve business competitiveness.

Table 4 summaries select education tax rates including the changes to the commercial and industrial classes. In aggregate for Niagara, the reduction in business education tax rates will generate savings for commercial and industrial properties totaling $6.6M and $2.8M, respectively.

Table 4 – Select Education Tax Rates for Niagara Region

Realty Tax Class	2021 Education Rate	2020 Education Rate	Change
Residential	0.00153	0.00153	0.0000
Multi-Residential	0.00153	0.00153	0.0000
New Multi-Residential	0.00153	0.00153	0.0000
Commercial Occupied	**0.0088**	**0.0098**	**-0.0010**
Commercial Occupied - New	**0.0088**	**0.0098**	**-0.0010**
Industrial Occupied	**0.0088**	**0.0125**	**-0.0037**
Industrial Occupied - New	**0.0088**	**0.0098**	**-0.0010**

4. Waste Management Rates

Waste management tax rates are also set based on the Regional tax ratios. The waste management requisition by municipality was approved through Report CSD 66-2020; however the by-law setting for the waste management rates for the 2021 requisitions are brought forward with the 2021 general tax levy by-law as the rates are based on each municipality's assessment and are dependent on the tax ratios (with the exception of Niagara-on-the-Lake).

Tax Policy Considerations

The Region utilizes several BMA tax related performance metrics as seen in Appendix 3 to Report CSD 23-2021. These metrics were considered in the evaluation of tax policy options and discussed with Area Treasurers which helped inform the policy decisions proposed.

- *Residential taxpayer* - The residential class is responsible for 73% of the overall tax levy. Under the recommended tax policy the tax shift away from the residential class will mitigate the overall levy increase on the class from 1.8% to 1.7% (see Table 1). In previous years, the Region utilized the tax shifts away from the residential class to provide relief to multi-residential and commercial tax classes through reduced tax ratios (see Appendix 2 to Report CSD 23-2021). As identified in the most recent BMA study, Niagara's average residential property taxes (including water and wastewater) payable as a percentage of household income is above the BMA study average (2020 - Niagara 5.2% verses BMA average 4.8%). This gap between Niagara and the survey average has increased from prior years (2019 - Niagara 5.0% verses BMA average 4.9%). The tax shift caused by reducing the subclass

discount for commercial/industrial vacant/excess lands from 30% to 22.5% will assist with narrowing the gap between Niagara and the BMA average.

In addition to this, the Region's Affordable Housing Strategy Steering Committee also provided information regarding the distribution of housing need in Niagara. The information demonstrated that the majority (approximately 85%) of households with modest incomes live in traditional residential buildings (i.e., residential tax class) as opposed to multi-residential structures.

- *Multi-Residential Tax Class* – the multi-residential tax category consists of two property tax classes. The multi-residential class is responsible for 3.9% of the overall tax levy while the new-multi-residential category (which includes multi-residential structures constructed after 2003) is responsible for 0.3%. Under the recommended tax policy the multi-residential and new-multi-residential classes will see an increase of 1.7% over 2020 as a result of the 2021 levy increase and the anticipated tax shifts. In previous years, the Region utilized the tax shift away from the residential class to provide relief to multi-residential through reduced tax ratios from 2.0 to 1.97.

  Appendix 3 to Report CSD 23-2021, provides BMA metrics related to two multi-residential structure types (Walk-up and Mid/High-Rise). The walk-up style structure was identified as above the survey average by $209 and the high-rise structure types are below the average by $5 for 2020.

- *Industrial Tax Class* – per Table 2, under the recommended tax policy, the Industrial property class will be responsible for 3.48% of Regional taxes which includes a tax shift away from the industrial class in 2021 of 0.11%. As a result of significant reassessment and appeal reductions in this property class in the recent past, the Industrial class share of taxation is down from 3.3% in 2016 to 3.0% in 2021 (when excluding the vacant/excess land subclasses). Despite this, the relative tax burden averages for standard industrial for the Region is higher than the BMA survey average as provided in Appendix 3 to Report CSD 23-2021. This however is partially offset by the many incentive programs currently offered by the Region including tax increment and development charge related grants that reduce the actual tax burden experienced by some industrial properties in Niagara.

- *Commercial Tax Class* - properties pay the second largest share (after residential) of Regional taxes at 17.83%. Appendix 3 to Report CSD 23-2021 illustrates that Niagara taxation of office buildings is low and that shopping centres and motels are moderately above the BMA average while hotels are classified as high. It should be

noted that a significant number of hotel appeals that were previously outstanding have been settled which will decrease the overall burden experienced by those properties. It is also important to note that the current assessment practice for hotels is the net rental income approach. A higher potential income per night from a higher concentration of hotels in Niagara Falls tourist areas helps explain the higher Niagara hotel taxes relative to neighbouring municipalities. For the 2018 taxation year Council approved a reduction in the commercial tax ratio from 1.7586 to 1.7349. The Region's tax ratio for the commercial class approximates the BMA average of 1.6747. The current tax ratio has been in effect since 2018 when it was reduced from 1.7586.

2021 Property Tax Levy Impacts

Table 4 shows the Regional tax increases for status quo tax ratios plus the commercial/industrial vacant/excess land subclass discount adjustment from 30% to 22.5%. Since there was no phase-in impacts for 2021, the levy increase on all classes under the proposed tax policy is 1.7%.

Table 4 – Regional Tax Increases for Status Quo Tax Policy

Taxation Class	2020 Avg. CVA	2020 Regional Taxes	2021 Avg. CVA	2021 Regional Taxes*	$ Increase	% Increase
Residential	278,764	1,611	278,764	1,638	27	1.7%
Multi-Res.	2,543,766	28,964	2,543,766	29,444	480	1.7%
Commercial	814,152	8,164	814,152	8,299	135	1.7%
Industrial	786,286	11,952	786,286	12,151	198	1.7%
Farmland	400,452	579	400,452	588	10	1.7%

* Based on draft rates utilizing the recommended 2021 tax policy.

Alternatives Reviewed

A number of scenarios were reviewed for the 2021 tax policy. All scenarios considered utilizing a portion of the tax shift away from the residential class to benefit other tax classes (i.e., commercial and multi-residential). Staff did not feel that these scenarios would achieve the desired outcomes for the reasons cited below. This coupled with the anticipated impacts of the future assessment cycle update on the residential tax class resulted in staff **RECOMMENDING** a status quo tax ratio option for 2021.

Staff analyzed an alternative which utilized a portion of the tax shift away from the residential class (0.11% to 0.06%) to reduce the tax ratio of the commercial tax class from 1.7349 (status-quo) to 1.729135. This alternative was **NOT RECOMMENDED** as a result of the analysis discussed under the Tax Policy Considerations section of this report. Many of the Region's existing and future incentives will focus on the employment sectors. The Region currently offers grants to these property types in the form of tax increment and development charge grants which effectively reduces the burden experienced by some of the existing property owners in the industrial tax class.

Through report CSD 12-2021 - *Optional Small Business Tax Subclass Overview*, staff also reviewed the opportunities and challenges that exist with the implementation of new optional small business tax subclass. While the anticipated challenges with implementation were significant, staff committed to continue to monitor and report back to Council in advance of 2022 tax policy.

Given the strong emphasis on affordable housing, staff also analyzed an alternative that utilized the full tax shift away from the residential class (0.11% to 0.00%) to reduce the tax ratio of the multi-residential tax class from 1.97 (status-quo) to 1.91275. While this alternative was explored it is **NOT RECOMMENDED.** Under the Residential Tenancy Act, tenants are entitled to an automatic rent reduction when landlord's property taxes have been reduced by more than 2.49% from one year to the next. Based on current levy requirements for the Region and the anticipated levy requirements for the Area Municipalities coupled with the Province maintaining the education tax rate from 2020 for multi-residential properties for 2021, it is not anticipated that a significant number of properties (if any) would be eligible for the mandatory rent reduction as outlined in the Act. This means that there would be no legislated requirement for the landlords to pass any of the property tax savings as a result of a ratio reduction to the tenant.

Further to this, Regional Council approved a multi-residential tax class ratio reduction for 2018 which also utilized the tax shift away from the residential class 2018. It is important to note, that the new-multi-residential tax class has a legislated tax ratio of 1 (same as residential tax class). The intent behind the new class as legislated in 2017 (adopted by Region in 2003) is to assist in rental affordability of newly constructed multi-residential properties. Any reduction to the multi-residential tax class would also increase the tax burden on the new-multi-residential tax class.

Relationship to Council Strategic Priorities

This tax policy report is aligned to Sustainable and Engaging Government.

Other Pertinent Reports

- CSD 3-2019 - Vacancy Program Revisions Submission to Ministry of Finance
- CSD 12-2021 Optional Small Business Tax Subclass Overview

Prepared by:
Rob Fleming, MBA
Senior Tax & Revenue Analyst
Corporate Services

Recommended by:
Todd Harrison, CPA, CMA
Commissioner/Treasurer
Corporate Services

Submitted by:
Ron Tripp, P.Eng.
Acting Chief Administrative Officer

This report was prepared in consultation with Margaret Murphy, Associate Director, Budget Planning & Strategy, and reviewed by Helen Chamberlain, Director, Financial Management & Planning.

Appendices

Appendix 1	2021 Tax Policy Study
Appendix 2	History of Regional Tax Ratios
Appendix 3	Performance Measures
Appendix 4	MPAC Preliminary Market Trends – 2021 Assessment Cycle

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-25

A BY-LAW TO SET TAX RATIOS AND TAX RATE REDUCTIONS FOR PRESCRIBED PROPERTY SUBCLASSES FOR REGIONAL PURPOSES AND AREA MUNICIPAL PURPOSES FOR THE YEAR 2021

WHEREAS pursuant to Section 308 (5) of the Municipal Act, 2001, S.O. 2001, c. 25 as amended (referred hereinafter as "the *Municipal Act, 2001*"), The Regional Municipality of Niagara (referred hereinafter as "The Regional Corporation") may establish the tax ratios for The Regional Corporation and the Area Municipalities;

WHEREAS the tax ratios determine the relative amount of taxation to be borne by each property class;

WHEREAS the property classes have been prescribed by the Ministry of Finance pursuant to Section 7 of the *Assessment Act*, R.S.O. 1990, c. A.31, as amended;

WHEREAS pursuant to Section 313 (1) of the *Municipal Act, 2001*, The Regional Municipality of Niagara may establish tax reductions for prescribed property subclasses for The Regional Corporation and the Area Municipalities; and

WHEREAS the property subclasses for which tax rate reductions are to be established are in accordance with Section 8 of the *Assessment Act*.

NOW THEREFORE the Council of The Regional Municipality of Niagara enacts as follows for the 2021 taxation year:

1. That the tax ratio for property in:

    a. The residential property class is 1.000000;
    b. The new multi-residential property class is 1.000000;
    c. The multi-residential class is 1.970000;
    d. The commercial property class is 1.734900;
    e. The industrial property class is 2.630000;
    f. The pipelines property class is 1.702100;
    g. The farm property class is 0.250000;
    h. The managed forest property class is 0.250000;
    i. The landfill property class is 2.940261.

2. That the municipal purpose tax reduction for:

   a. The vacant land and excess land subclasses in the commercial property class is 22.5%;

   b. The vacant land and excess land subclasses in the industrial property class is 22.5%;

   c. The first class of farmland awaiting development in the residential, multi-residential, commercial or industrial property classes is 25%;

   d. The second class of farmland awaiting development in the residential, multi-residential, commercial or industrial property classes is 0%.

3. That for the purposes of this bylaw:

   a. The industrial property class includes all properties classified as industrial and large industrial as per Ontario Regulation 282/98;

   b. The first class of farmland awaiting development and the second class of farmland awaiting development consists of land as defined in accordance with Ontario Regulation 282/98.

4. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: April 22, 2021

THE REGIONAL MUNICIPALITY OF NIAGARA

BY-LAW NO. 2021-26

A BY-LAW TO SET AND LEVY THE RATE OF TAXATION FOR REGIONAL GENERAL AND SPECIAL PURPOSES FOR THE YEAR 2021

WHEREAS the Regional Council of The Regional Municipality of Niagara (hereinafter referred to as "The Regional Corporation") has prepared and adopted a budget including estimates of all sums it required during the year 2021 for the purposes of the Regional Corporation pursuant to Section 289 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended (hereinafter referred to as the "Municipal Act");

WHEREAS Regional Council by By-Law No. 2020-94 adopted the 2021 Waste Management Budget, and by By-Law No. 2021-07 adopted the 2021 Operating Budget and Tax Levy;

WHEREAS for the purposes of raising the general levy for the Regional Corporation, the Regional Corporation shall pass a by-law directing each Lower-Tier Municipality to levy a separate tax rate, as specified in the by-law, on the assessment in each property class in the Lower-Tier Municipality ratable for the purposes of The Regional Corporation, pursuant to Section 311 (2) of the Municipal Act;

WHEREAS the tax ratios and the tax rate reductions for prescribed property classes for the 2021 taxation year have been set out in By-Law No. 2021-25 of The Regional Corporation dated the 22nd of April 2021;

WHEREAS The Regional Corporation is responsible for providing Waste Management services pursuant to By-Laws 8280-96, 8281-96, 8282-96 and 8283-96;

WHEREAS Regional Council is desirous of imposing a special levy for Waste Management purposes and the sums required by taxation in the year 2021 for the said purposes are to be levied by separate rates by the applicable Area Municipalities as directed by Regional by-law pursuant to Subsection 311 (4) of the Municipal Act; and,

WHEREAS Regional Council established tax rates for property classes, and other decisions consistent with setting and levying rates of taxation for regional purposes for 2021.

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

1. That for the year 2021 in The Regional Municipality of Niagara the lower-tier municipalities shall levy upon the property tax classes set out in Schedule "A" the property tax rates applicable thereto.

2. That payment of all amounts directed to be levied pursuant to the provisions of this by-law and due to The Regional Municipality of Niagara shall be due and payable in the amounts and at the times shown on Schedule "B" attached to this by-law.

3. That for the year 2021 in The Regional Municipality of Niagara, the Town of Niagara-on-the-Lake be required to pay $1,758,444 to the Regional Corporation as the charges for Waste Management purposes set out in Schedule "C". The remaining area municipalities shall levy upon the property tax classes and applicable subclasses the tax rates for Waste Management purposes set out in Schedule "C" attached to this by-law.

4. That if a lower-tier municipality fails to make any payment or portion thereof as provided in this by-law, the lower-tier municipality shall pay to the Regional Corporation interest due on the amount in default at the rate of fifteen (15) per cent per annum from the due date of the payment until the payment is made.

5. That this by-law shall come into force and effect on the day upon which it is passed.

THE REGIONAL MUNICIPALITY OF NIAGARA

James Bradley, Regional Chair

Ann-Marie Norio, Regional Clerk

Passed: April 22, 2021

Schedule A – 2021 Tax Ratios, Sub-Class Reductions, and Rates

Property Classification	Tax Ratio	Sub-Class Reduction	Tax Rate by Class
Residential	1.000000		0.00587571
New Multi-Residential	1.000000		0.00587571
Multi-Residential	1.970000		0.01157515
Commercial	1.734900		0.01019377
Commercial - Excess	1.734900	22.5%	0.00790017
Commercial - Vacant	1.734900	22.5%	0.00790017
Landfill	2.940261		0.01727612
Industrial	2.630000		0.01545312
Industrial - Excess	2.630000	22.5%	0.01197617
Industrial - Vacant	2.630000	22.5%	0.01197617
Pipelines	1.702100		0.01000105
Farmland	0.250000		0.00146893
FAD 1	1.000000	25%	0.00440678
FAD 2	Class Ratio		Class Rate
Managed Forests	0.250000		0.00146893

Schedule B – 2021 GENERAL TAX LEVY

2021 Upper-Tier General Levy and Dates by Local Municipality (Taxable Levy Only)

Municipality	Interim Payment Due March 10, 2021	Interim Payment Due May 12, 2021	Final Payment Due August 4, 2021	Final Payment Due October 13, 2021	2021 Approved General Levy	Regional Depts.	Niagara Regional Police	Niagara Regional Housing	Niagara Peninsula Conserv. Authority	Court Services
Fort Erie	6,062,754	6,062,754	6,527,700	6,527,700	25,180,908	13,052,265	10,006,494	1,796,247	368,161	(42,259)
Grimsby	7,516,889	7,516,889	7,938,700	7,938,700	30,911,178	16,022,491	12,283,613	2,205,008	451,941	(51,875)
Lincoln	5,833,404	5,833,404	6,395,290	6,395,290	24,457,388	12,677,236	9,718,979	1,744,635	357,583	(41,044)
Niagara Falls	20,700,592	20,700,592	22,025,537	22,025,537	85,452,258	44,293,299	33,957,374	6,095,624	1,249,367	(143,406)
Niagara-on-the-Lake	8,506,826	8,506,826	9,038,808	9,038,808	35,091,268	18,189,198	13,944,714	2,503,189	513,057	(58,890)
Pelham	4,094,715	4,094,715	4,479,864	4,479,864	17,149,157	8,889,089	6,814,803	1,223,312	250,732	(28,780)
Port Colborne	3,141,768	3,141,768	3,362,601	3,362,601	13,008,738	6,742,946	5,169,466	927,961	190,196	(21,831)
St. Catharines	25,634,978	25,634,978	26,734,934	26,734,934	104,739,824	54,290,811	41,621,947	7,471,477	1,531,363	(175,774)
Thorold	3,923,644	3,923,644	4,451,753	4,451,753	16,750,794	8,682,602	6,656,500	1,194,896	244,907	(28,111)
Wainfleet	1,485,405	1,485,405	1,577,646	1,577,646	6,126,102	3,175,402	2,434,416	436,997	89,568	(10,281)
Welland	8,123,257	8,123,257	8,670,376	8,670,376	33,587,266	17,409,614	13,347,048	2,395,903	491,067	(56,366)
West Lincoln	3,118,117	3,118,117	3,304,745	3,304,745	12,845,724	6,658,449	5,104,687	916,333	187,813	(21,558)
Regional Total Taxable Only	**98,142,349**	**98,142,349**	**104,507,954**	**104,507,954**	**405,300,605**	**210,083,402**	**161,060,041**	**28,911,582**	**5,925,754**	**(680,174)**

Schedule C – 2021 WASTE MANAGEMENT TAX RATES & LEVY

2021 Upper-Tier Special Levy (Waste Management) and Dates by Local Municipality (Taxable Levy Only)

Municipality	Interim Payment Due March 10, 2021	Interim Payment Due May 12, 2021	Final Payment Due August 4, 2021	Final Payment Due October 13, 2021	2021 Approved Special Levy
Fort Erie	738,469	738,469	802,973	802,973	3,082,884
Grimsby	530,215	530,215	585,530	585,530	2,231,490
Lincoln	442,593	442,593	484,450	484,450	1,854,085
Niagara Falls	1,903,785	1,903,785	2,072,505	2,072,505	7,952,580
Niagara-on-the-Lake	420,597	420,597	458,638	458,638	1,758,470
Pelham	335,669	335,669	367,988	367,988	1,407,314
Port Colborne	486,563	486,563	534,306	534,306	2,041,738
St. Catharines	2,954,087	2,954,087	3,201,909	3,201,909	12,311,992
Thorold	410,601	410,601	457,398	457,398	1,735,998
Wainfleet	150,179	150,179	162,568	162,568	625,494
Welland	1,088,826	1,088,826	1,177,884	1,177,884	4,533,420
West Lincoln	243,785	243,785	271,940	271,940	1,031,450
Regional Total Taxable Only	**9,705,369**	**9,705,369**	**10,578,089**	**10,578,089**	**40,566,915**

Schedule C – 2021 WASTE MANAGEMENT TAX RATES & LEVY

Fort Erie Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	3,567,293,085	0.00071936	2,566,168
New Multi-Residential	47,900	0.00071936	34
Multi-Residential	42,015,200	0.00141714	59,541
Commercial	251,095,717	0.00124802	313,372
Commercial - Excess	4,946,888	0.00096721	4,785
Commercial - Vacant	20,149,100	0.00096721	19,488
landfill	0	0.00211511	-
Industrial	43,634,391	0.00189192	82,553
Industrial - Excess	765,300	0.00146624	1,122
Industrial - Vacant	4,221,600	0.00146624	6,190
Pipelines	16,079,000	0.00122442	19,687
Farmland	53,994,200	0.00017984	9,710
FAD 1	0	0.00053952	-
Managed Forests	1,299,300	0.00017984	234
Taxable Total	4,005,541,681		$3,082,884

Grimsby Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	4,410,164,148	0.00042417	1,870,659
New Multi-Residential	0	0.00042417	-
Multi-Residential	28,810,000	0.00083561	24,074
Commercial	330,535,985	0.00073589	243,238
Commercial - Excess	11,558,625	0.00057032	6,592
Commercial - Vacant	14,869,500	0.00057032	8,480
landfill	0	0.00124717	-
Industrial	50,228,300	0.00111557	56,033
Industrial - Excess	3,829,400	0.00086456	3,311
Industrial - Vacant	4,140,600	0.00086456	3,580
Pipelines	8,277,000	0.00072198	5,976
Farmland	89,103,995	0.00010604	9,449
FAD 1	0	0.00031813	-
Managed Forests	922,600	0.00010604	98
Taxable Total	4,952,440,153		$2,231,490

Schedule C – 2021 WASTE MANAGEMENT TAX RATES & LEVY

Lincoln Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	3,277,341,979	0.00044543	1,459,826
New Multi-Residential	0	0.00044543	-
Multi-Residential	24,195,200	0.00087750	21,231
Commercial	214,071,974	0.00077278	165,431
Commercial - Excess	8,847,300	0.00059890	5,299
Commercial - Vacant	4,784,500	0.00059890	2,865
landfill	0	0.00130968	-
Industrial	97,631,058	0.00117148	114,373
Industrial - Excess	2,870,900	0.00090790	2,606
Industrial - Vacant	9,291,000	0.00090790	8,435
Pipelines	20,900,000	0.00075817	15,846
Farmland	521,395,936	0.00011136	58,063
FAD 1	0	0.00033407	-
Managed Forests	985,900	0.00011136	110
Taxable Total	4,182,315,747		$1,854,085

Niagara Falls Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	9,031,444,248	0.00054682	4,938,574
New Multi-Residential	14,798,500	0.00054682	8,092
Multi-Residential	324,378,589	0.00107724	349,434
Commercial	2,386,402,851	0.00094868	2,263,933
Commercial - Excess	38,763,167	0.00073523	28,500
Commercial - Vacant	145,047,100	0.00073523	106,643
landfill	3,152,500	0.00160779	5,069
Industrial	104,789,136	0.00143814	150,701
Industrial - Excess	6,847,357	0.00111456	7,632
Industrial - Vacant	35,614,600	0.00111456	39,695
Pipelines	45,968,000	0.00093074	42,784
Farmland	82,709,600	0.00013671	11,307
FAD 1	0	0.00041012	-
Managed Forests	1,576,600	0.00013671	216
Taxable Total	12,221,492,248		$7,952,580

Schedule C – 2021 WASTE MANAGEMENT TAX RATES & LEVY

Niagara-on-the-Lake Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	N/A	N/A	N/A
New Multi-Residential	N/A	N/A	N/A
Multi-Residential	N/A	N/A	N/A
Commercial	N/A	N/A	N/A
Commercial - Excess	N/A	N/A	N/A
Commercial - Vacant	N/A	N/A	N/A
landfill	N/A	N/A	N/A
Industrial	N/A	N/A	N/A
Industrial - Excess	N/A	N/A	N/A
Industrial - Vacant	N/A	N/A	N/A
Pipelines	N/A	N/A	N/A
Farmland	N/A	N/A	N/A
FAD 1	N/A	N/A	N/A
Managed Forests	N/A	N/A	N/A
Taxable Total			$1,758,444

Pelham Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	2,616,394,467	0.00048218	1,261,573
New Multi-Residential	544,000	0.00048218	262
Multi-Residential	18,604,000	0.00094989	17,672
Commercial	100,245,889	0.00083653	83,859
Commercial - Excess	764,111	0.00064831	495
Commercial - Vacant	3,553,000	0.00064831	2,303
landfill	0	0.00141774	-
Industrial	4,215,800	0.00126813	5,346
Industrial - Excess	45,100	0.00098280	44
Industrial - Vacant	101,000	0.00098280	99
Pipelines	17,725,000	0.00082072	14,547
Farmland	172,072,933	0.00012055	20,743
FAD 1	0	0.00036164	-
Managed Forests	3,079,300	0.00012055	371
Taxable Total	2,937,344,600		$1,407,314

Schedule C – 2021 WASTE MANAGEMENT TAX RATES & LEVY

Port Colborne Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	1,641,046,580	0.00092220	1,513,373
New Multi-Residential	913,000	0.00092220	842
Multi-Residential	39,208,000	0.00181673	71,230
Commercial	135,597,288	0.00159992	216,945
Commercial - Excess	301,600	0.00123994	374
Commercial - Vacant	2,377,700	0.00123994	2,948
landfill	0	0.00271151	-
Industrial	76,446,127	0.00242539	185,412
Industrial - Excess	2,072,441	0.00187967	3,896
Industrial - Vacant	8,276,400	0.00187967	15,557
Pipelines	10,739,000	0.00156968	16,857
Farmland	56,954,800	0.00023055	13,131
FAD 1	1,407,700	0.00069165	974
Managed Forests	863,000	0.00023055	199
Taxable Total	1,976,203,636		$2,041,738

St. Catharines Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	12,356,852,373	0.00069068	8,534,631
New Multi-Residential	82,197,920	0.00069068	56,772
Multi-Residential	678,449,568	0.00136064	923,126
Commercial	1,989,896,971	0.00119826	2,384,414
Commercial - Excess	12,795,100	0.00092865	11,882
Commercial - Vacant	17,926,800	0.00092865	16,648
landfill	0	0.00203078	-
Industrial	156,714,088	0.00181649	284,670
Industrial - Excess	4,925,360	0.00140778	6,934
Industrial - Vacant	23,327,100	0.00140778	32,839
Pipelines	31,196,000	0.00117561	36,674
Farmland	135,530,300	0.00017267	23,402
FAD 1	0	0.00051801	-
Managed Forests	0	0.00017267	-
Taxable Total	15,489,811,580		$12,311,992

Schedule C – 2021 WASTE MANAGEMENT TAX RATES & LEVY

Thorold Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	2,157,704,360	0.00060894	1,313,912
New Multi-Residential	70,409,800	0.00060894	42,875
Multi-Residential	42,550,000	0.00119961	51,043
Commercial	169,005,018	0.00105645	178,545
Commercial - Excess	3,905,613	0.00081875	3,198
Commercial - Vacant	8,394,500	0.00081875	6,873
landfill	0	0.00179044	-
Industrial	48,723,413	0.00160151	78,031
Industrial - Excess	3,794,465	0.00124117	4,710
Industrial - Vacant	17,451,300	0.00124117	21,660
Pipelines	26,690,000	0.00103648	27,664
Farmland	48,654,840	0.00015224	7,407
FAD 1	0	0.00045671	-
Managed Forests	528,600	0.00015224	80
Taxable Total	2,597,811,909		$1,735,998

Wainfleet Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	934,620,038	0.00059993	560,707
New Multi-Residential	0	0.00059993	-
Multi-Residential	457,000	0.00118186	540
Commercial	18,997,470	0.00104082	19,773
Commercial - Excess	948,800	0.00080663	765
Commercial - Vacant	372,500	0.00080663	300
landfill	0	0.00176395	-
Industrial	4,321,700	0.00157782	6,819
Industrial - Excess	85,300	0.00122281	104
Industrial - Vacant	132,000	0.00122281	161
Pipelines	5,642,000	0.00102114	5,761
Farmland	201,914,715	0.00014998	30,283
FAD 1	0	0.00044995	-
Managed Forests	1,871,600	0.00014998	281
Taxable Total	1,169,363,123		$625,494

Schedule C – 2021 WASTE MANAGEMENT TAX RATES & LEVY

Welland Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	4,310,286,156	0.00079307	3,418,359
New Multi-Residential	12,113,500	0.00079307	9,607
Multi-Residential	151,792,900	0.00156235	237,154
Commercial	375,547,493	0.00137590	516,716
Commercial - Excess	7,304,967	0.00106632	7,789
Commercial - Vacant	23,093,900	0.00106632	24,625
landfill	455,400	0.00233183	1,062
Industrial	127,455,020	0.00208577	265,842
Industrial - Excess	3,634,400	0.00161647	5,875
Industrial - Vacant	8,191,800	0.00161647	13,242
Pipelines	21,254,000	0.00134988	28,690
Farmland	21,394,900	0.00019827	4,242
FAD 1	0	0.00059480	-
Managed Forests	1,092,900	0.00019827	217
Taxable Total	5,063,617,336		$4,533,420

West Lincoln Property Classification	2021 Roll Return CVA	Tax Rate by Class	Waste Management Levy by Class
Residential	1,765,999,000	0.00047179	833,181
New Multi-Residential	0	0.00047179	-
Multi-Residential	7,074,000	0.00092943	6,575
Commercial	75,438,100	0.00081851	61,747
Commercial - Excess	732,500	0.00063434	465
Commercial - Vacant	3,087,300	0.00063434	1,958
landfill	0	0.00138719	-
Industrial	36,948,100	0.00124081	45,846
Industrial - Excess	305,200	0.00096163	293
Industrial - Vacant	1,177,000	0.00096163	1,132
Pipelines	29,128,000	0.00080303	23,391
Farmland	480,132,100	0.00011795	56,632
FAD 1	0	0.00035384	-
Managed Forests	1,948,100	0.00011795	230
Taxable Total	2,401,969,400		$1,031,450

Administration
Office of the Regional Clerk
1815 Sir Isaac Brock Way, PO Box 1042, Thorold, ON L2V 4T7
Telephone: 905-980-6000 Toll-free: 1-800-263-7215 Fax: 905-687-4977
www.niagararegion.ca

April 28, 2021

CL 8-2021, April 22, 2021

DISTRIBUTION LIST

SENT ELECTRONICALLY

Re: Motion – Support Local Journalism and News Media

Regional Council, at its meeting held on April 22, 2021, passed the following motion:

WHEREAS a healthy and strong local media is essential for the proper functioning of our democracy;

WHEREAS the role of the fourth estate ensures that residents are well informed, and elected officials are held accountable for their actions and decisions;

WHEREAS local sources of journalism have struggled financially in recent years due to a decline of traditional revenue sources;

WHEREAS newspapers across Canada continue to have their content republished on online platforms (including social media) with little to no compensation, further disadvantaging local news media by exploiting their content;

WHEREAS local newspapers across Canada have been forced to significantly downsize, reduce coverage, and in many cases, cease production all together;

WHEREAS Niagara's local radio stations have been forced to reduce their coverage of local news, replacing it with less relevant syndicated content;

WHEREAS the importance of local news media has never been more important than during the COVID-19 crisis, as residents turn to trusted news sources for vital information and content;

WHEREAS the decline of trusted, balanced local news media across Canada, staffed by ethical journalists with integrity, has created a vacuum that has been filled by disinformation and slanted coverage, often fueled by social media;

WHEREAS nearly two out of every three Canadians support sending financial aid to struggling news providers, according to a Nanos Research poll of April 2020; and

WHEREAS the federal government allocated nearly $600 million in aid for Canadian media over five years in its 2019 budget, including a 25-per-cent tax credit for newsroom salaries; a 15-per-cent tax credit for digital media subscribers; and charitable tax status for non-profit news outlets.

NOW THEREFORE BE IT RESOLVED:

1. That Niagara Regional Council **FORMALLY RECOGNIZE** that a healthy, professional news media is essential to the proper functioning of democracy in the region and encourage residents to support local sources of credible news;

2. That Niagara Regional Council **ENDORSE** legislation and regulations to support, rejuvenate and create a level playing field for news outlets across Canada;

3. That the Regional Chair **BE DIRECTED** to write a letter to the federal government urging them to move quickly to pass legislation to ensure an ecosystem for a healthy news media to serve all Canadians; and

4. That the Regional Clerk **BE DIRECTED** to forward this motion to the local area municipalities, local MPs and MPPs, the Federation of Canadian Municipalities and the Association of Municipalities of Ontario.

Yours truly,

Ann-Marie Norio
Regional Clerk
CLK-C 2021-075

Distribution List:

Local Area Municipalities
Dean Allison, MP, Niagara West
Vance Badawey, MP, Niagara Centre
Tony Baldinelli, MP, Niagara Falls
Chris Bittle, MP, St. Catharines
Jeff Burch, MPP, Niagara Centre
Wayne Gates, MPP, Niagara Falls
Sam Oosterhoff, MPP, Niagara West
Jennifer Stevens, MPP, St. Catharines
Federation of Canadian Municipalities
Association of Municipalities of Ontario

April 30, 2021

Hon. Doug Ford, Premier
Room 281
Legislative Building, Queen's Park
Toronto, ON M7A 1A1

Sent via email: premier@ontario.ca

Dear Premier Ford,

Please be advised that at the Brantford City Council Meeting held April 27, 2021, the following resolution was adopted:

Request - Province of Ontario withdraws its prohibition on golfing and any other outdoor recreational activities

WHEREAS COVID-19 restrictions have had significant impacts; and

WHEREAS many forms of socializing, recreation and sport have been curtailed; and

WHEREAS the game of golf can be enjoyed while maintaining proper social distancing;

THEREFORE BE IT RESOLVED THAT The Corporation of The City of Brantford recommends:

A. THAT The Province of Ontario withdraws its prohibition on golfing and any other outdoor recreational activities which can be enjoyed while maintaining proper social distancing; and

B. THAT the City Clerk BE DIRECTED to forward a copy of this resolution to the Premier of Ontario; Will Bouma, MPP, Brantford-Brant, the Association of Municipalities of Ontario, Ontario Big City Mayors; and the list of other Municipalities in Ontario.

Yours truly,

Tanya Daniels
City Clerk
tdaniels@brantford.ca

cc MPP Will Bouma, Brantford-Brant
Association of Municipalities of Ontario (AMO)
Ontario Big City Mayors
All Ontario Municipalities

NIAGARA PENINSULA CONSERVATION AUTHORITY
250 Thorold Road West, 3rd Floor, Welland, Ontario L3C 3W2
Telephone 905.788.3135 | Facsimile 905.788.1121 | www.npca.ca

April 22, 2021

Mayor Steele and Council
City of Port Colborne
66 Charlotte Street
Port Colborne, ON
L3K 3C8

SENT ELECTRONICALLY

Dear Mayor Steele and Council,

Please be advised that at its meeting of April 16, 2021, the Board of Directors of the Niagara Peninsula Conservation Authority adopted the following as Resolution No. FA-75-21:

Moved by Board Member Mackenzie
Seconded by Board Member Huson

WHEREAS *the public has shown a strong desire and need to be out in nature in the NPCA watershed and across Ontario and it has been demonstrated that being in nature benefits our physical and mental health;*

WHEREAS *the Province and the Region of Niagara have identified that the population of Niagara is expected to grow by 226,000, or 50% by 2051;*

WHEREAS *the popularity of the present community-connecting trails like the Friendship Trail, Niagara River Waterfront Trail, Seaway Canal Trail, Dofasco Trail and the Gord Harry Trail is well documented;*

WHEREAS *there are a large number of unopened road allowances and abandoned rail lines and other possible corridors that are presently not accessible to the public that have the capability of making physical connections between the municipalities in Niagara and with Hamilton and Haldimand County;*

WHEREAS *Conservation Authorities including the NPCA have been shown to be agencies that can plan for and develop trails throughout their watersheds;*

NOW, THEREFORE BE IT RESOLVED:

1. ***THAT*** *NPCA, being the agency with 2,845 ha of public land connecting Niagara, Hamilton and Haldimand,* ***CONVENE*** *a forum to bring agencies and municipalities in its watershed together to facilitate planning and development of an inter-jurisdictional trails network connecting municipalities, neighbourhood, employment areas, and nature destinations.*

2. ***THAT*** *NPCA municipalities* ***BE ENCOURAGED*** *to adopt, through official plan updates, expanded trail networks using publicly owned corridors, abandoned rails lines, and other opportunities.*

3. ***THAT*** *NPCA staff* ***EXPLORE*** *formal partnership opportunities with municipalities to map, build, and enhance trail connections.*

4. ***AND FURTHER THAT*** *a copy of this motion* ***BE CIRCULATED*** *to the local and regional municipalities within NPCA's jurisdiction*.

CARRIED

Should you have any questions on this matter, please feel free to contact CAO, Chandra Sharma at csharma@npca.ca or 905-788-3135.

Sincerely,

Grant Bivol
Clerk / Board Secretariat

Sample Resolution for Municipal Partners – 2 Billion Trees Initiative

WHEREAS *the federal government has announced the "Growing Canada's Forests" program as part of its 2 Billion Trees initiative, making substantial matching funding available to support reforestation efforts across the country;*

WHEREAS *this is a timely opportunity to attract federal investment towards implementing nature-based climate solutions in our communities through a strong and coordinated multi-partner approach across the Niagara Peninsula watershed;*

WHEREAS *the Niagara Peninsula Conservation Authority (NPCA) is convening partners and collaborators towards a 10-year planning program for a Request for Information submission in application to Growing Canada's Forest Funding Program due May 27th 2021;*

WHEREAS *the NPCA has a well-established track record of reforestation with private and public landowners, non-governmental organizations, nature clubs, academic institutions and community groups, has the scientific know-how to identify land and tree species with the biggest ecological and climate benefits, and has partnerships in place to mobilize volunteers to plant and monitor trees;*

AND WHEREAS *the proposed opportunity aligns with the Municipal objectives, has the potential to provide multiscale benefits;*

IT IS RECOMMENDED THAT *the Council endorse the attached letter in support of NPCA's Request for Information submission in application to Growing Canada's Forests 2 Billion Trees initiative; and*

AND FURTHER THAT *staff continue to collaborate with NPCA and other partners in identifying planting opportunities and programs aligned with municipal priorities to be included in the full funding application should the Request for Information submission as an expression of interest be successful.*

[Date]

RE: Letter of Support for NPCA Growing Canada's Forest Program 2 Billion Trees

To whom it may concern

[Name of Municipality] is pleased to support the Niagara Peninsula Conservation Authority (NPCA) application to the Growing Canada's Forests program under the 2 Billion Trees initiative.

We recognize the value of creating resilient forests here in Niagara. We are part of the Carolinian zone, the most diverse and fragile ecoregion in Canada. The opportunity to implement nature-based climate solutions towards enhancing our unique forest and urban tree canopy is significant. This initiative will help strengthen our existing commitments to enhance natural areas and address climate impacts in our municipality.

We are committed to working with the NPCA in the coming months to identify suitable land within our municipality where we can restore and expand tree cover. We also intend to cost-share planting projects to scale our planting efforts with Federal funding support.

With more than 60 years of expertise, the NPCA is ideally positioned to successfully implement this project. Their emphasis on evidence-based conservation will ensure we leverage forestry best practices tailored to our unique geography. Meanwhile, their collaborative approach means efforts will be strategic and well-coordinated with the region's many stakeholders and partners.

As one of those partners, we look forward to working alongside the NPCA to plant, grow and maintain forests within our jurisdiction.

Sincerely,
[name]
[title]

Natural Resources Canada | Ressources naturelles Canada

Growing Canada's Forests:

Future Participants Respondent Guide

2BILLION TREES

Canada

Growing Canada's Forests:

Future Participants Respondent Guide

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Canadian Forest Service
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1. Purpose of the Request for Information (RFI)

In 2020, the Government of Canada committed to planting two billion additional trees over the next 10 years as part of a broader approach to nature-based climate solutions. To identify and determine the interest of organizations in Canada in implementing or contributing to large-scale single or multi-year tree planting projects, its Growing Canada's Forests (GCF) program is accepting Requests for Information (RFI). We want to understand your vision and capacity as we finalize the design of the GCF program.

This document guides you through the process of contributing information to the GCF program through a RFI. A number of criteria (e.g. the types of eligible organizations) that will be put in place to fund potential projects in the future are described. In your response, we are asking you to identify which criteria would apply to your organization or to the project(s) you have in mind.

If you do not have a project in mind, but would consider applying to a funding opportunity in the future, your feedback is also welcome on the criteria and information set out in this RFI. In these cases, we ask that you complete as much of the RFI as possible and provide responses to the questions contained within the response form.

This RFI is also intended to identify potential linkages within the supply chain and facilitate collaboration by sharing contact information with provinces and territories and other organizations. If you agree to this in your response form, you may be contacted by NRCan for further information.

Participation in this RFI is encouraged, but is not a condition or prerequisite for participation in any subsequent Request for Proposals.

Please use our Growing Canada's Forests: Future Participants Respondent form to provide a response to this RFI. Even if you have multiple projects in mind, please submit only one response per organization and include additional information as necessary. Tombstone information can be submitted as one piece with multiple projects as annexes.

Please note that this RFI is part of an engagement process and **will not result** in funding proposed projects. It is not a Request for Proposals (RFP) and no funding agreement will be entered into based on any response/submission to this process. As a result, the Government of Canada will not accept any liability, financial or otherwise, nor should respondents undertake any work chargeable to Canada. Natural Resources Canada (NRCan) does not consider this RFI to constitute a commitment to issue an RFP for the GCF program.

2. Eligibility requirements

2.1. Eligibility for large-scale projects

Eligible participants considered for implementing or contributing to single-year or multi-year large-scale tree planting projects would be:

- a provincial or territorial government or one of their agencies;
- a municipal or local government or one of their agencies, or a regional municipal organization;
- a not-for-profit organization (legally incorporated and registered in Canada), such as a registered charitable organization, volunteer organization, community, professional, industry or other association, land conservation organization, or non-government organizations;
- a for-profit organization;
- an Indigenous organization[1] (for profit and not-for-profit) or community.

2.2. Eligible activities and costs

Eligible activities would consist of activities directly related to tree planting, managing trees and forests, and monitoring the health and growth of planted trees. Eligible activities would not cover any such costs where the planting, management and monitoring is legally required following commercial activity or as a condition for impact assessment approval.

Eligible expenditures are those necessary to support the tree planting supply chain and must be directly related to the implementation and conduct of a project. Eligible expenditures for program funding will consist of:

- Salaries and benefits, and employee recruitment and training;
- Professional, technical, and capacity building services;
- Community and landowner engagement;
- Translation, production, printing, publication and distribution, and media services;
- Contractors, such as for tree planting and silviculture;
- Materials and supplies, such as seeds and trees for planting;
- Transportation;
- Facilities;
- Machinery and equipment;
- Travel expenses including accommodation, and venue expenses;
- Honoraria and ceremonial costs where Indigenous recipients or Indigenous partners are involved;
- Overhead expenditures provided they are directly related and essential to the conduct of the project, up to 15% of eligible expenditures; and

[1] Indigenous nations entities (as self-defined and representing nation-based collectives - could be linked by cultural or linguistic background, geographical area or historical treaty lines), nation member communities or member organizations on behalf of nation entities, Section 35 rights-bearing Métis entities, national and regional Indigenous organizations, self-governing Indigenous governments, Indigenous owned or operated businesses, other Indigenous organizations.

- GST, PST or HST, net of any tax rebate to which the recipient is entitled.

2.3 Cost sharing

Recognizing that the Government of Canada will ultimately be looking to enter into cost-sharing[2] agreements, consideration should be given to how your organization would finance a proposed project. While subject to change, the maximum NRCan contribution for eligible project costs are 50% of eligible expenditures. Indigenous organizations will be encouraged at a later stage to contact NRCan for further information on cost sharing.

3. Information for Completing the Future Participants RFI form

Where applicable to your organization type and if the information is known, we encourage you to provide details in our Growing Canada's Forests: Future Participants Respondent form to the best of your knowledge. This information will not be retained in the context of any subsequent Requests for Proposals. The information will be used to better understand your organizations' interest and capacity to participate in the GCF program. The main sections of the form are:

- Respondent contact information
- Organization overview
- Project information and overview
- Forecasted project costs and funding sources
- Collaboration
- General questions for project delivery consideration
- Diversity and inclusion
- Authorization
- Project submission and NRCan contact information

A description of each section is included below to assist you in completing your RFI. The numbered segments within each section correspond with the numbering on the RFI form.

It is recommended that you save your work often, prior to submitting your response form to the GCF program.

Respondent contact information

1. **Legal Name of Respondent:** The legal name is the official name of the Organization or Business at registration or incorporation. This may be different from the organization's operating name (e.g. Legal Name 123456 Northern Ltd, operating publically as ABC Moving Services).

2. **Project Name:** Provide a short, clear and concise name describing your proposed project. You can include some details on the nature of your project. For example, *Planting a Greenbelt around Cityville*.

[2] In this document, the terms "cost-shared" and "cost-sharing" refer not to official cost-sharing agreements, but to situations where the Government of Canada will fund a portion of a project through a contribution agreement and the recipient will be required to also provide a portion of the funding.

3. **Primary Contact Name:** Enter the person authorized to represent the business or organization. This person will be the main point of contact regarding your RFI submission.
4. **Phone Number (Primary Contact):** Be sure to include the area code of the primary contact's phone number.
5. **Email Address (Primary Contact):** Include the direct email address for the primary contact and not a generic email address for the organization.
6. **Organization Type:** This information is important to determine if the respondent would be meeting the eligible recipient type.
    - **Provincial and Territorial governments** and their agencies.
    - **Municipal or local governments** and their agencies, includes local forms of government with elected authorities (e.g. mayor and council).
    - **Indigenous Governments or Organizations,** includes Indigenous nations entities (as self-defined and representing nation-based collectives - could be linked by cultural or linguistic background, geographical area or historical treaty lines), nation member communities or member organizations on behalf of nation entities, Section 35 rights-bearing Métis entities, national and regional Indigenous organizations, self-governing Indigenous governments, Indigenous owned or operated businesses, other Indigenous organizations.
    - **For-Profit** includes businesses such as incorporated companies, corporations or co-operatives.
    - **Non-Profit** includes organizations such as tree planting charities, community associations and organizations, and industry or sector associations.
7. **Brief Description of Organization and its Mandate:** This information will be used in part to determine if the respondent has the mandate and capacity to undertake a project of this nature.

Organization overview

8. **Type of participation:** Check the box that best describes how your organization is interested in participating in cost-shared tree planting projects. Check all boxes that apply and briefly provide more details in the space below if required.
9. **Years of experience:** Enter the number of years your organization has in the areas selected in question 8.
10. **Quantitative estimates of achievements:** Describe, to the best of your ability, a quantitative estimate of your past activities. This could be number of trees planted, hectares planted, number of seedlings produced or tree planting projects managed. Be sure to describe the measure used for the estimate. For example, planted 1 million seedlings in Alberta or produced an average of 60 million seedlings for reforestation in the past three years.
11. **Enabling your project**: Identify and describe the top three factors that would enable or facilitate your participation in the GCF program and describe how your organization would address these factors. For example, securing funding to expand your operations, securing a source of seedlings/trees, finding access to land, finding labour, monitoring the trees for survivability. Be sure to describe how your organization would address these elements to ensure project success.

Project information

12. **Project Location (Community):** Provide the name of the province(s)/territory(ies) and the region or city where the proposed project would take place. For projects in multiple areas, identify all locations.
13. **Potential Start Date:** The date the first activity of the proposed project is expected to get underway. Costs incurred before the start of the project or signing of the contribution agreement may not be reimbursed.
14. **Expected End Date:** The date all project activities are expected to be completed.
15. **Location types:** Please identify the location types for your projects. You may select more than one if you have multiple location types.
16. **Estimate of number of incremental trees:** Fill out the table providing the number of trees you estimate planting per year for your proposed project to the nearest thousand. If you have multiple locations per year, please provide the total number of trees. When not anticipating to planting any trees in any given year, please leave blank.
17. **Approach for securing trees:** Indicate your short-term and long-term plan for accessing seedlings and trees for your proposed project. Be sure to highlight any partnerships and collaborations with regard to increasing nursery capacity.
18. **Estimate the land area required to plant the incremental trees:** Provide an estimate of the land area required to plant the number of trees you have estimated in question 16. Provide the answer in hectares. Free online area conversion calculators can assist if required.
19. **Approach for securing land:** Indicate your short-term and long-term plan for accessing land to plant the incremental trees indicated in question 18. This includes agreements in principal with landowners on providing land for tree planting incremental trees or partnerships with other organizations.
20. **Indigenous lands or traditional territory**: Indicate if, to the best of your knowledge, your proposed project will take place within or adjacent to Indigenous lands or traditional territory, including lands governed by a modern treaty. If you do not know, simple check the "Do not know" box, but understand that this information will be required in any subsequent agreement.
21. **Project Overview:** Describe the project in a few paragraphs. Please provide brief answers to all the sections. Be as concise as possible with your responses; however, do not leave out important information in order to be brief. Answer all sections as best as you can with information available to you. Incomplete answers will not necessarily result in the rejection of your application.
    a. **Proposed approach:** Describe the key activities your organization would like to carry out in the context of implementing one or more tree planting projects. If applicable, include how you will ensure the right trees are planted in the right location, and post-planting activities such as monitoring for tree health and survival as well as reporting on project outcomes.
    b. **Readiness & Capacity Building:** Describe your organization's experience and readiness as it relates to your proposed contribution to the GCF program. Describe any capacity building needs or potential gaps in your ability to participate.

c. **GHG emission reductions & Co-benefits**: Describe how your proposed project will contribute to maximizing greenhouse gas (GHG) emission reductions or increasing carbon sequestration, and how your proposed project will lead to measurable biodiversity and human well-being co-benefits. Examples include, but are not limited to:
   i. Improvement or creation of a community park
   ii. Extension of a green belt around a city
   iii. Forest health restored, or increased forest area, for habitat
   iv. Increase biodiversity to increase forest resilience to climate change
   v. Creating green jobs for a local community or youth
   vi. Engagement and creation of jobs with Indigenous youth

Forecasted project costs and funding sources

22. **Cost of proposed project:** Provide details on the types of costs for your proposed project. Section 2.2 provides types of costs that are eligible under the GCF program.

23. **Financing your project:** Recognizing that the Government of Canada will ultimately be looking to enter into cost-sharing agreements, describe how your organization would finance a proposed project. Has your organization considered using multiple sources of funding to finance project costs? If yes, please describe any funding partnerships or different funding mechanisms your organization is considering. If you are not considering using different sources of funding, please explain why**.**

Collaboration

24. **Collaboration:** Is your organization seeking collaborators and partners to develop a tree planting project or to build capacity to undertake a tree planting project? If yes, please describe the nature of the collaboration or partnership you are seeking. This could be a financial arrangement, in-kind contributions, access to land or any type of collaboration that allows you to implement your proposed project. Please be sure to describe the nature of this collaboration.

General questions for project delivery consideration

25. Regardless of whether or not you have a project(s) in mind as part of your response to this RFI, we would welcome feedback on the following questions. Please keep in mind, responses will help inform and identify the most appropriate program delivery scenarios of a future funded Request for Proposals (RFPs) with respect to implementing or contributing to large-scale single or multi-year projects.
   a) The questions within this RFI would generally reflect the types of questions being included in a formal funding RFP. In your view are there elements missing that should be considered to ensure projects are well assessed and represent good value for money for the Government of Canada? If so, what additions would you suggest.
   b) Are there questions within this RFI, if transposed into a funding RFP, that would create barriers to participation and prevent the program from reaching its goal with respect to large-scale single or multi-year projects? If so, please elaborate on those barriers.
   c) Are there specific criteria, in your experience as an organization involved in large-scale tree planting projects that should be weighted more heavily than others for the sake of achieving the goals of the GCF program? If so, which ones would those be and why?

d) Monitoring results of tree plantings will be a significant undertaking. Are there best practices (whether tools, systems or processes) that you would like to identify. If so, could you please provide details about where this best practice exists, what its benefits are, and how it works.
e) Are there tools/mechanisms that you, as an organization participating in a future large-scale project, would like to see to enable collaboration between various funding recipients? If so, what would those tools/mechanisms be or look like, and are there any best practices that you are aware of and would like to identify?

Diversity and Inclusion

Building a sustainable, inclusive, and dynamic economy helps all Canadians prosper. Recognizing that systemic barriers remain in achieving the full participation of underrepresented, disadvantaged, or equity-seeking groups (including, but not limited to, women, Indigenous Peoples, persons with disabilities, members of visible minority/racialized groups), the information collected in this section helps the Government of Canada identify the potential impacts of its policies, programs and services on diverse groups of people.

The information you provide in this section is protected under the *Privacy Act*. As such, the GCF program will only use it for the purposes of assisting the program better design how to solicit this kind of information in future Requests for Proposals, and for no other purposes.

4. Submitting your response

Please follow the following steps to submit your RFI. To ensure the health and safety of our workers during the COVID-19 pandemic, we encourage response forms to be sent via email. However, should this not be possible, please contact the email address below for a mailing address.

1. Download our Growing Canada's Forests: Future Participants Respondent form and save as a separate file.
2. Fill in the form.
    - Please make sure your response is not scanned since data will be extracted from the electronic version for processing by NRCan.
3. Print, sign, scan and save as a separate file the Authorization page.
    - Alternatively, you can digitally sign the form and send as one file.
4. Email your Request for Information form as well as your signed Authorization page to nrcan.2btrees-2garbres.rncan@canada.ca by **Thursday, May 27, 2021, 5:00 p.m. EDT**
5. In the email subject line use the following format to assist with the processing your submission: 2021 RFI – [Province / Territory] – [Organization Name]
    - Replace the information in the square brackets with the appropriate province/territory and organization name for your project (e.g.: 2021 RFI – MB – ABC Enterprises)

5. Confidentiality & Authorization

This last page of the RFI response form describes how the use and distribution of information collected through this RFI will comply with both the *Privacy Act* and the *Access to Information Act*. This section is to be completed by a representative duly authorized to make the declarations and submit the response to NRCan.

Pursuant to the *Privacy Act*, the program will keep confidential any personal information it may collect and will not disclose or transmit said information without your written consent.

Pursuant to the *Access to Information Act*, the GCF program will protect from disclosure any information of a financial, commercial, scientific or technical nature it collects from you so long as you treat said information as confidential in your own establishment.

If you choose to send the information or other confidential information to the program by e-mail, the GCF program will respond by email. Similarly, if your correspondence is through regular mail, the program's response will be in like manner. However, in all cases, the program will use e-mail correspondence to you for all non-confidential matters.

In this section, you may also express your interest in having NRCan share your basic contact information with other interested participants for facilitating collaboration. By checking the box for this purpose, you acknowledge and agree that the Government of Canada will not accept any liability for any business relationships, including joint ventures or partnerships that would result therefrom. Leaving the box unchecked will not adversely affect the assessment of your RFI.

6. For more information

For any questions surrounding this RFI process, please do not hesitate to contact us by email at nrcan.2btrees-2garbres.rncan@canada.ca.

NIAGARA PENINSULA CONSERVATION AUTHORITY

Office of the Chief Administrative Officer
Secretary-Treasurer

250 Thorold Road West, 3rd Floor, Welland ON L3C 3W2
Telephone (905) 788-3135 x 251 I Facsimile (905) 788-1121
csharma@npca.cal www.npca.ca

April 30th, 2021

Chief Administrative Officers
NPCA Member Municipality

RE: NrCan Growing Canada's Forests 2 Billion Trees Funding Initiative - Request for Information

Dear Partners Municipality CAOs:

Thank you for your valuable time in joining the Niagara Peninsula Conservation Authority (NPCA) briefing meeting hosted on Friday April 23rd, 2021 regarding the above initiative. We truly want to communicate to the federal government a strong local partnership aspiring to collaborate towards a large-scale tree planting program.

To capitalize on this exciting opportunity, NPCA is seeking your support to submit an initial Request for Information (RFI) by May 27th specific to the NPCA jurisdiction across our fifteen partner municipalities. Your support would go a long way toward strengthening our collaborative submission, enhancing our tree canopy/forest cover, and engaging residents in this significant climate change initiative. At this time specific values of In-kind and cash commitments will not be required but a letter of support is critical to show strong local partnership capacity this early stage.

As requested, we are pleased to provide supporting documentation for your consideration. Included with this package you will find:

A) A sample template Letter of Support to submit back to NPCA preferably by May 21st.

B) An updated background presentation from Friday April 23rd , as well as the RFI guide and the associated form for more detail as to the request.

C) A sample resolution that can be modified, as appropriate, for your Council consideration.

Additionally, we are requesting to designate a staff person to work with NPCA's restoration team to help identify restoration initiatives, restoration land availability, potential growers, and projected plantings.

Thank you for the support you have demonstrated thus far to bringing a significant federal investment to our jurisdiction. Please have your designated staff contact Geoff Verkade, Senior Manager Integrated Watershed Planning and Information Management at either gverkade@npca.ca or extension 244.

Sincerely,

Chandra Sharma MCIP RPP
CAO/Secretary-Treasurer

cc.
Geoff Verkade, Senior Manager, Integrated Watershed Planning & Information Management (NPCA)

/Encl.
NPCA - 2 Billion Trees - Municpal CAO's circulation.pptx
NPCA - 2 Billion Trees Letter of Support.docx
NPCA – 2 Billion Trees Sample Municipal Support Resolution.docx
2 Billion Trees - NRCAN - Future Participants Respondent Guide.pdf

Canal DAYS ADVISORY COMMITTEE MEETING
Tuesday, March 2, 2021 – 5:15 p.m.
Virtual Meeting

Present: Mayor Bill Steele, Councilor Eric Beauregard, Councilor Ron Bodner, Councilor Donna Kalailieff,

Staff: Gary Long, Scott Luey, Alex Pedersen, Luke Rowe, and Karen Walsh

1) Welcome Call meeting to order at 5:16 p.m.

2) Approval of the Agenda

Moved by: Councilor Ron Bodner
Seconded by: Councilor Donna Kalailieff
THAT the agenda be approved as present.
CARRIED

3) Approval of the Minutes

Moved by: Councilor Eric Beauregard
Seconded by: Councilor Donna Kalailieff
THAT the minutes be approved as present.
CARRIED

4) Declarations of Interest

none

5) Recommendations for Canal Days 2021

Discussion took place for recommendations for Canal Days and other events.

Direction: Staff to do a report for activities happening in Port Colborne, what is open and the hours or operation.

6) Other Business

None

7) Next meeting date TBA

8) Adjournment – 5:47 p.m.

Port Colborne Public Library Board

MINUTES of the Fourth Regular Board Meeting of 2021
Tuesday, April 6, 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
Ann Kennerly
Cheryl MacMillan
Scott Luey (CEO)
Susan Therrien (Director of Library Services/Board Secretary)

Regrets:

Jeanette Frenette
Bryan Boles (Treasurer)

1. Call to Order

The Chair called the meeting to order at 6:22 p.m.

2. Declaration of Conflict of Interest

Nil.

3. Adoption of the Agenda

Moved by A. Kennerly
Seconded by V. Catton
21:025 That the agenda be adopted as circulated.
CARRIED

4. Approval of the Minutes of the March 2, 2021 Regular Board Meeting

Moved by H. Cooper
Seconded by B. Beck
21:026 That the minutes of the 3rd Regular Board Meeting of March 2, 2021 be adopted as circulated.
CARRIED

5. Business Arising from the Minutes

Nil.

6. Consent Items

6.1. **Circulation Report**

- February 2021
- February 2021 Digital Programming
- February 2021 LiNC Transits

6.2. **Financial Statement**

- April 1, 2021

6.3. **Media Items**

- Library Digital Programming Newsletter, April 2021
- City Hall News, April 2021

6.4. **Director's Report**

a. **Digital Screening**

Effective March 29, 2021, the Library implemented new digital self-screening protocols for employees. Digital screening for visitors and contractors will also be available.

b. **Province-Wide Shutdown**

During the province-wide shutdown, the Library will provide contactless curbside pick-up service for library materials, take-and-make crafts, and print services. No in-person programming, meetings, or public computer access will be available. Digital programming will be available. All accessed and returned materials will be quarantined or disinfected before being re-circulated. The book drop will remain open 24/7 and fines waived

c. **Funding Opportunities**

The Director reported on funding opportunities including: legacy funding from the Port Colborne Lioness Club; a joint submission with the Libraries in Niagara Cooperative (LiNC) for a Niagara Prosperity Initiative (NPI) grant to acquire lendable technology; and, a donation of tablets from the Fort Erie Rotary Club. The OTF Resilient Communities Fund grant application is under review.

d. **Free Income Tax Clinics**

The library is a host organization for the Canada Revenue Agency's Community Volunteer Income Tax Program (CVITP). Tax preparation will be available through contactless curbside drop-off and pick-up.

e. **Niagara Regional Broadband Network (NRBN)**

The Director is working with the Treasurer and City IT staff to investigate the possibility of moving to NRBN Fibre for data and voice services.

f. **Staff Development**

The Director reported on upcoming virtual training opportunities for library staff.

Moved by H. Cooper
Seconded by C. MacMillan
21:027 That Consent Items 6.1 to 6.4 be received for information purposes.
CARRIED

7. Discussion Items

7.1. **Challenged Books**

The Director reported that the challenged Dr. Seuss books owned by the library have not been removed from the collection. The Board affirmed the library's collection policy that states that the presence of an item in the collection does not indicate an endorsement of its contents, but rather is an affirmation of the principle of intellectual freedom as embodied in the *Canadian Library Association Statement on Intellectual Rights of the Individual.*

7.2. **Library Facility: Building Condition Assessment and Designated Substance Report**

The Board reviewed a proposal and quote received from Mason Thomas, City of Port Colborne Facilities Supervisor.

Moved by V. Catton
Seconded by B. Beck
21:028 That the Board approves the quote received and that the City Facilities Supervisor proceed with the Building Condition Assessment and Designated Substances Report for the Library facility.
CARRIED

7.3. **Collective Agreement**

The CEO reported on the ratification of the collective agreement.

7.4. **Union Library**

The Director presented a report on union libraries under the *Public Libraries Act*. The Chair called a special meeting to continue the discussion.

Moved by V. Catton
Seconded by B. Beck
21:029 That the Director provide further information to the Board; and,
That the Chair call a special meeting on May 11, 2021 to continue discussion.
CARRIED

8. Board Members' Items

Nil.

9. Notices of Motion

Nil.

10. Date of the Next Meetings

- 5th Regular Board Meeting on Tuesday, May 4, 2021
- Special Meeting on Tuesday, May 11, 2021

11. Adjournment

Moved by B. Ingram
Seconded by H. Cooper
21:030 That the meeting be adjourned at approximately 8:02 p.m.
CARRIED

Michael Cooper Board Chair May 4, 2021	Susan Therrien Director of Library Services Board Secretary May 4, 2021

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 May 10, 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 10th day of May, 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 May 10, 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 10th day of May, 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, Port Colborne City Council voted in favour of the Port Colborne Downtown Business Improvement Area (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 BIA will be taking over operations of the Farmers' Market on a two-year pilot project.

Term:

The two-year pilot project will begin on April 30th, 2021 and will end on December 31st, 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 Downtown BIA will provide monthly reports to City staff and City Council. The Downtown BIA will also work collectively with City staff to address any concerns that arise from 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 "Market Manager" will be appointed by the Downtown BIA.

- 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 Downtown BIA will assume financial management of the Farmers' Market.
- 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 times are subject to further change at the discretion of the Downtown BIA.

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 VQA 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.
- Vendors that have been at the Farmers' Market in the year's prior will be given preference to attend the market again. The Downtown BIA has the final decision on accepting vendors.
- The Downtown BIA will be expanding their footprint into King George Park to better accommodate spacing of vendors in the venue.
- 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.
- Assist with volunteer recruitment for Farmers' Market operations, crowd control, and venue capacity.

Financial Considerations

The City of Port Colborne will provide $2,500 in funding, allocated from the Supplies section in the existing Farmers' Market 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 Downtown Business Improvement Area

Name:

Title:

Date:_____ Signature: _____

Name:

Title:

Date:_____ Signature: _____

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 10th day of May, 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

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

1. Minutes of the Public Meeting
2. Department of Planning and Development Report

STATEMENT OF COMPONENTS

PART A

The Preamble does not constitute part of this Amendment.

PART B

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

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

PART A - THE PREAMBLE

Purpose

The purpose of 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.

Basis

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 By-law 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.

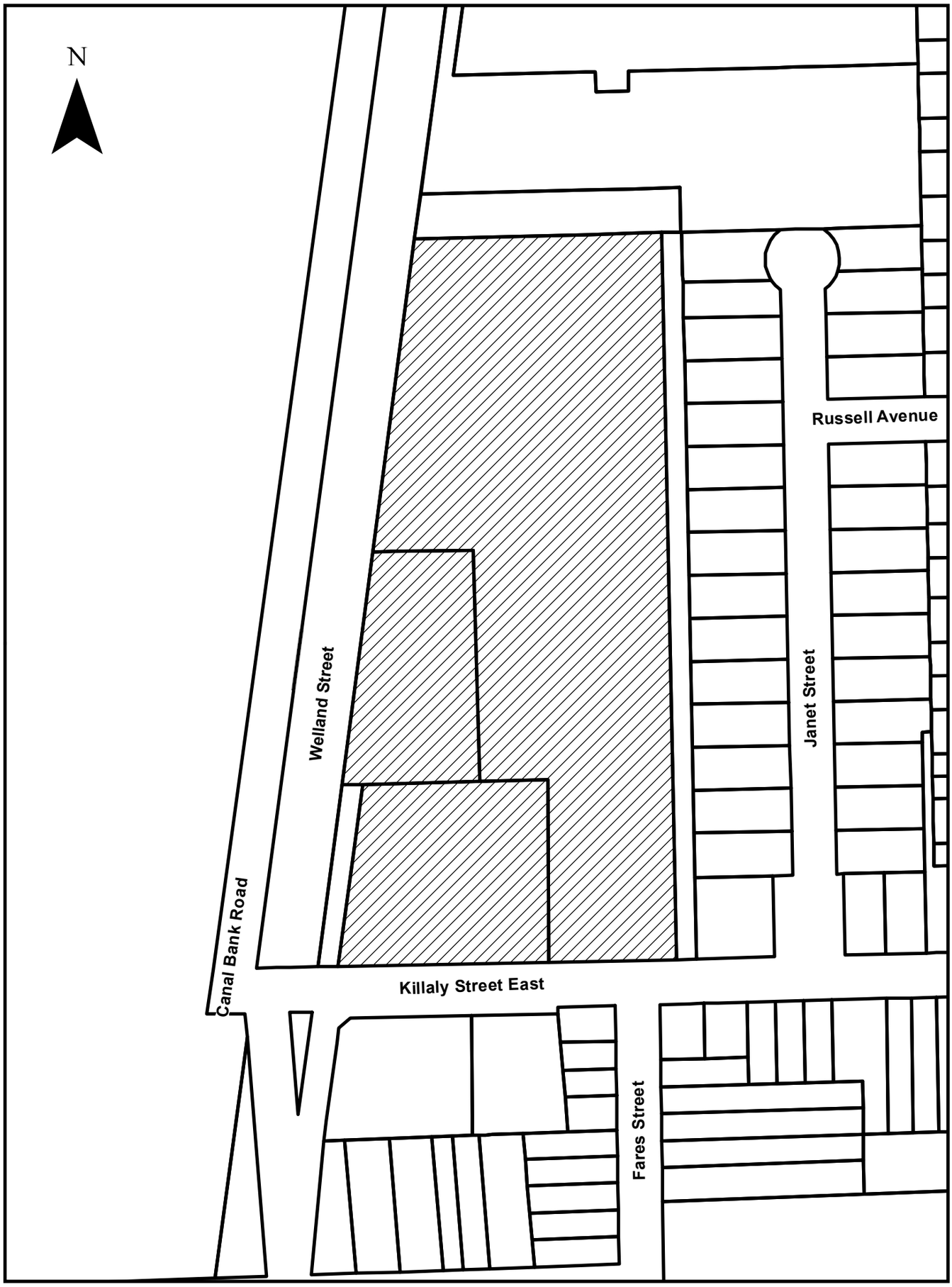
IMPLEMENTATION AND INTERPRETATION

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



This is Schedule "A" to By-law No_____

Passed _____, 2021

_____
Mayor

_____
Clerk

- Lands subject to Official Plan and Zoning By-law Amendment

March 2021

File No. D09-01-21 & D14-05-21

Drawn by: DS - City of Port Colborne Planning Division

Not to scale

The Corporation of the City of Port Colborne

By-law no. _____

Being a by-law to 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
   v. Transportation Depot

b) Maximum Building Height abutting a Residential Zone — 14.5 metres

c) That outdoor storage shall not be permitted in any required yards;

d) That parking areas in the interior side yard shall be maintained with a hard surface of concrete or asphalt.

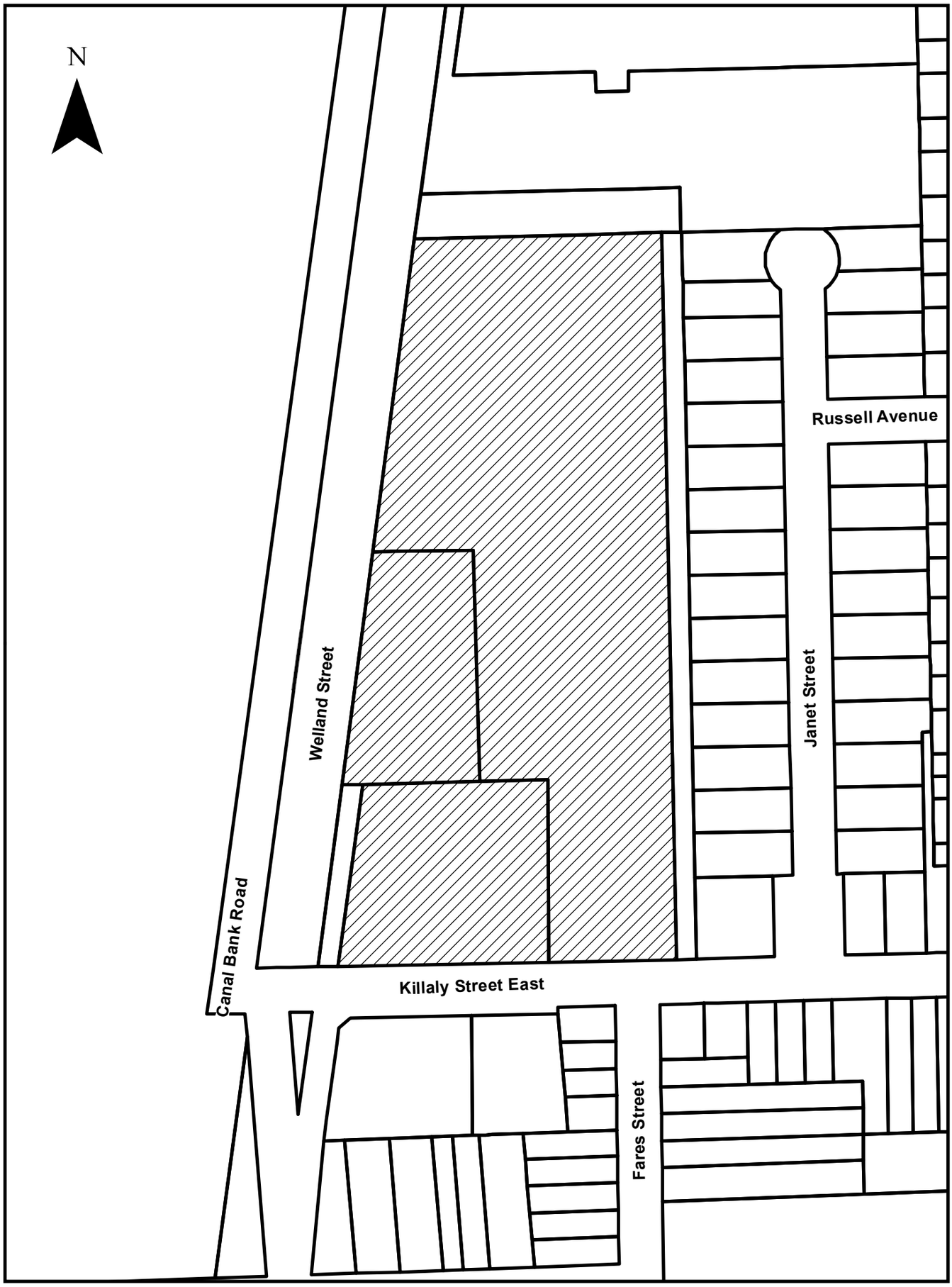
4. That this by-law shall come into force and take effect on the day that it is passed by Council, subject to the provisions of the *Planning Act*.

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 10th day of May, 2021.

_____
William C Steele
Mayor

_____
Amber LaPointe
Clerk



This is Schedule "A" to By-law No_____

Passed _____, 2021

_____
Mayor

_____
Clerk

- Lands subject to Official Plan and Zoning By-law Amendment

March 2021

File No. D09-01-21 & D14-05-21

Drawn by: DS - City of Port Colborne Planning Division

Not to scale

The Corporation of the City of Port Colborne

By-Law No. _____

Being a By-Law to Set and Levy the Rates of Taxation
for City Purposes for the Year 2021

Whereas at its meeting of November 23, 2020 the Council of The Corporation of the City of Port Colborne ("Council") approved the recommendations of Corporate Services Department Report No. 2020-168, Subject: REVISED 2021 Levy Budget; and

Whereas at its meeting of April 26, 2021, Council approved the recommendations of Public Works Department Report No. 2021-134, Subject: Storm Sewer Rate Report; and

Whereas the City of Port Colborne (the "City") shall in each year prepare and adopt a budget including estimates of all sums required during the year for the purposes of the City pursuant to Section 290(1) of the *Municipal Act*, 2001, S.O. 2001, C. 25 as amended, (hereinafter referred to as the "*Municipal Act*"); and

Whereas the City shall in each year levy a separate tax rate on the assessment in each property class pursuant to Section 312 of the *Municipal Act,* as amended; and

Whereas the Regional Municipality of Niagara (the "Niagara Region") through by-law sets the tax ratios and the tax rate reductions for prescribed property classes for the 2021 taxation year; and

Whereas the Niagara Region through by-law sets the tax rates for the Niagara Region, including Niagara Region Waste Management and the Province of Ontario sets the tax rates for Education purposes; and

Whereas the City shall annually raise the amount required for the purposes of a Board of Management (Business Improvement Areas) pursuant to subsection 208(1) of the Municipal Act, 2001, as amended.

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

1. That the rates of taxation be based on the levy amount of $20,577,600.

2. That in accordance with Section 312 and Subsection 208(1) of the *Municipal Act*, the City shall levy upon the property tax classes the property tax rates set out in Schedule "A" attached hereto.

3. That the City shall levy upon the assessment of such property classes set out in Schedule “A” attached hereto, the rate of taxation pursuant to current value assessment as returned on the assessment roll from the Municipal Property Assessment Corporation.

4. That the levy provided for in Schedule “A” attached hereto shall be reduced by the amount of the interim levy for 2021 that was requisitioned in accordance with By-Law No. 6842/92/20.

5. That payments-in-lieu of taxes due to the City, the actual amount due to the City shall be based upon the assessment roll and the tax rates for the year 2021.

6. That railway rights-of-way taxes due to the City in accordance with the regulations as established by the Minister of Finance, pursuant to the *Municipal Act*, the actual amount due to the City shall be based on the assessment roll and the tax rates for the year 2021.

7. The City will levy on behalf of the Port Colborne Downtown Business Improvement Area an amount of $39,600. The Commercial occupied rate will be 0.00065257.

8. The City will levy on behalf of the Port Colborne Gateway Business Improvement Area an amount of $10,000. The Commercial occupied rate will be 0.00100754, with no property having an assessment of more than $5,000 being billed less than $125.00 or more than $250.00.

9. That the City shall charge the Storm Sewer fees by property class set out in Schedule “B” attached hereto.

10. That in accordance with Section 343 of the *Municipal Act*, the demand date shall be July 9, 2021, effective for the Residential, Commercial, Industrial, Multi-Residential, Pipelines, Farmlands, Managed Forests and Farmland Awaiting Development property classes.

11. That in accordance with Section 343 of the *Municipal Act*, the Treasurer shall send a bill to the taxpayer’s residence or place of business, or to the premises in respect of which the taxes are payable unless the taxpayer directs the Treasurer, in writing, to send the bill to another address.

12. That in accordance with Section 342 and 346 of the *Municipal Act*:

    a. The payment of taxes, including local improvement assessments and other rates as taxes, to be made to the office of the Treasurer in one amount or by installments on the dates of July 30, 2021 and September 30, 2021, on which

the taxes or installments are due, and provide for the immediate payment of any installments if earlier installments are not paid on time. The due dates for installments, as mentioned, are effective for the Residential, Commercial, Industrial, Multi-Residential, Pipelines, Farmlands, Managed Forests and Farmland Awaiting Development property classes.

b. The payment of taxes to the Municipality may also be paid by any person to any financial institution within the City of Port Colborne.

c. The payment of taxes be made according to the established preauthorized payment plan on either a due date or monthly plan in the year for which the taxes are imposed to allow taxpayers to spread the payment of taxes more evenly over the year and that monthly payments be made on the 1st of the month from January to December, inclusive.

13. That in accordance with Section 347 of the *Municipal Act*, the Treasurer may accept part payment on account and allocate such payments in accordance with this Section.

14. That in accordance with By-Law No. 6841/91/20, a penalty and interest charge for late or non-payment of taxes shall be imposed.

15. That in accordance with Section 355 of the *Municipal Act*, where the sum of such taxes would be less than $5.00, the amount of actual taxes payable shall be zero.

16. Where the sum of taxes would be $150.00 or less, the amount shall be due and payable in one installment on the same date as the first installment.

17. All monies raised, levied or collected under authority of this by-law shall be paid into the hands of the City.

Enacted and passed this 10th day of May, 2021.

_____
William C. Steele
Mayor

_____
Amber LaPointe
City Clerk

Schedule A to By-law No.____

City of Port Colborne
General 2021 Tax Rates

Property Class	RTC Code	2021 Current Value Assessment	Tax Ratio	Discount Factor
Residential	RT	$1,641,046,580	1.0000	1.0000
Multi-Residential	MT	$39,208,000	1.9700	1.0000
New Multi-Res	NT	$913,000	1.0000	1.0000
Commercial	CT	$114,006,215	1.7349	1.0000
Excess Land	CU	$130,400	1.7349	0.7750
Vacant Land	CX	$2,377,700	1.7349	0.7750
Commercial Other	GT	$317,500	1.7349	1.0000
Commercial Other	ST	$11,925,873	1.7349	1.0000
Comm - New Const.	XT	$9,347,700	1.7349	1.0000
Comm - New Const. Exce	XU	$171,200	1.7349	0.7750
Ind - New Const.	JT	$11,613,900	2.6300	1.0000
Ind - New Const. Excess	JU	$75,700	2.6300	0.7750
Industrial	IT	$22,412,900	2.6300	1.0000
Excess Land	IU	$393,900	2.6300	0.7750
Vacant Land	IX	$8,276,400	2.6300	0.7750
Large Industrial	LT	$42,419,327	2.6300	1.0000
Excess Land	LU	$1,602,841	2.6300	0.7750
Pipelines	PT	$10,739,000	1.7021	1.0000
Farmlands	FT	$56,954,800	0.2500	1.0000
FAD I	R1	$1,407,700	1.0000	0.7500
Managed Forests	TT	$863,000	0.2500	1.0000
		$1,976,203,636		
Rounding				

PAYMENTS-IN-LIEU

Property Class	RTC Code	Current Value Assessment		
Residential-FULL	RF	$1,108,000	1.0000	1.0000
Residential-GEN	RG	$383,400	1.0000	1.0000
Commercial-FULL	CF	$11,092,500	1.7349	1.0000
Commercial-GEN	CG	$500,000	1.7349	1.0000
Industrial-HYDRO	IH	$78,000	2.63	1.0000
		$13,161,900		

Schedule A - 2021 Property Tax Rates

City of Port Colborne
General 2021 Tax Rates (Con't)

Property Class	City Tax Rates	Region Tax Rates	Region Waste Mgmt Tax Rates	Education Tax Rates	TOTAL
Residential	0.00929437	0.00587571	0.00092220	0.00153000	0.01762228
Multi-Residential	0.01830991	0.01157515	0.00181673	0.00153000	0.03323179
New Multi-Res	0.00929437	0.00587571	0.00092220	0.00153000	0.01762228
Commercial	0.01612480	0.01019377	0.00159992	0.00880000	0.03671849
Excess Land	0.01249672	0.00790017	0.00123994	0.00880000	0.03043683
Vacant Land	0.01249672	0.00790017	0.00123994	0.00880000	0.03043683
Commercial Other	0.01612480	0.01019377	0.00159992	0.00880000	0.03671849
Commercial Other	0.01612480	0.01019377	0.00159992	0.00880000	0.03671849
Comm - New Const.	0.01612480	0.01019377	0.00159992	0.00880000	0.03671849
Comm - New Const. Exce	0.01249672	0.00790017	0.00123994	0.00880000	0.03043683
Ind - New Const.	0.02444419	0.01545312	0.00242539	0.00880000	0.05112270
Ind - New Const. Excess	0.01894425	0.01197616	0.00187967	0.00880000	0.04160008
Industrial	0.02444419	0.01545312	0.00242539	0.00880000	0.05112270
Excess Land	0.01894425	0.01197616	0.00187967	0.00880000	0.04160008
Vacant Land	0.01894425	0.01197616	0.00187967	0.00880000	0.04160008
Large Industrial	0.02444419	0.01545312	0.00242539	0.00880000	0.05112270
Excess Land	0.01894425	0.01197616	0.00187967	0.00880000	0.04160008
Pipelines	0.01581995	0.01000105	0.00156968	0.00880000	0.03619068
Farmlands	0.00232359	0.00146893	0.00023055	0.00038250	0.00440557
FAD I	0.00697078	0.00440678	0.00069165	0.00114750	0.01321671
Managed Forests	0.00232359	0.00146893	0.00023055	0.00038250	0.00440557

PAYMENTS-IN-LIEU Property Class	City Tax Rates	Region Tax Rates	Region Waste Mgmt Tax Rates	Education Tax Rates	TOTAL
Residential-FULL	0.00929437	0.00587571	0.00092220	0.00153000	0.01762228
Residential-GEN	0.00929437	0.00587571	0.00000000	0.00000000	0.01517008
Commercial-FULL	0.01612480	0.01019377	0.00159992	0.00980000	0.03771849
Commercial-GEN	0.01612480	0.01019377	0.00000000	0.00000000	0.02631857
Industrial-HYDRO	0.02444419	0.01545312	0.00242539	0.01250000	0.05482270

Schedule A - 2021 Property Tax Rates

City of Port Colborne
General 2021 Tax Rates (Con't)

Property Class	City Levy	Region Levy	Region Waste Mgmt Levy	Education Levy	Total Levy
Residential	$15,252,494	$9,642,314	$1,513,373	$2,510,801	$28,918,982
Multi-Residential	$717,895	$453,838	$71,230	$59,988	$1,302,952
New Multi-Res	$8,486	$5,365	$842	$1,397	$16,089
Commercial	$1,838,327	$1,162,153	$182,401	$1,003,255	$4,186,136
Excess Land	$1,630	$1,030	$162	$1,148	$3,969
Vacant Land	$29,713	$18,784	$2,948	$20,924	$72,370
Commercial Other	$5,120	$3,237	$508	$2,794	$11,658
Commercial Other	$192,302	$121,570	$19,080	$104,948	$437,900
Comm - New Const.	$150,730	$95,288	$14,956	$82,260	$343,233
Comm - New Const. Exce	$2,139	$1,353	$212	$1,507	$5,211
Ind - New Const.	$283,892	$179,471	$28,168	$102,202	$593,734
Ind - New Const. Excess	$1,434	$907	$142	$666	$3,149
Industrial	$547,865	$346,349	$54,360	$197,234	$1,145,808
Excess Land	$7,462	$4,717	$740	$3,466	$16,386
Vacant Land	$156,790	$99,119	$15,557	$72,832	$344,299
Large Industrial	$1,036,906	$655,511	$102,883	$373,290	$2,168,591
Excess Land	$30,365	$19,196	$3,013	$14,105	$66,678
Pipelines	$169,890	$107,401	$16,857	$94,503	$388,652
Farmlands	$132,340	$83,663	$13,131	$21,785	$250,918
FAD I	$9,813	$6,203	$974	$1,615	$18,605
Managed Forests	$2,005	$1,268	$199	$330	$3,802
	$20,577,598	$13,008,737	$2,041,736	$4,671,050	$40,299,123
Rounding	$0	$1	$2	$0	$3
	$20,577,598	$13,008,738	$2,041,738	$4,671,050	$40,299,124

PAYMENTS-IN-LIEU Property Class	City Levy	Region Levy	Waste Mgmt Levy	Education Levy	TOTAL LEVY
Residential-FULL	$10,298	$6,510	$1,022	$1,695	$19,525
Residential-GEN	$3,563	$2,253	$0	$0	$5,816
Commercial-FULL	$178,864	$113,074	$17,747	$108,707	$418,392
Commercial-GEN	$8,062	$5,097	$0	$0	$13,159
Industrial-HYDRO	$1,907	$1,205	$189	$975	$4,276
	$202,695	$128,140	$18,958	$111,377	$461,170

Schedule B to By-law No._____
2021 Storm Sewer Rates

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 Corporation of the City of Port Colborne

By-law no._____

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

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

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

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

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

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

1. Ian Roberts be and is hereby appointed Municipal Law Enforcement Officer for the City of Port Colborne;

2. Ian Roberts be and is hereby appointed Weed Inspector for the City of Port Colborne;

3. Ian Roberts be and is hereby appointed Property Standards Officer for the City of Port Colborne;

4. That this by-law shall be repealed on the date that the appointee ceases to be an employee of the City of Port Colborne;

5. That By-law No. 6825/75/20, Being a By-law to Appoint Christopher Botts of as Municipal Law Enforcement Officer, Property Standards Officer and Weed Inspector, be hereby repealed.

6. This By-law shall come into force and take effect on the date of passing.

Enacted and passed this 10th day of May 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 Lease Agreement with Big Momma's Fresh Cut Fries Regarding Food Vending Operations at H.H. Knoll Lakeview Park

Whereas at its meeting of April 12, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Chief Administrative Office Report No. 2021-112, Subject: Awarding Food Vendor Contracts for H.H. Knoll Lakeview Park - 2021 Season; and

Whereas Council is desirous of entering into a Lease Agreement with Big Momma's Fresh Cut Fries for the purpose of food vending operations at H.H. Knoll Lakeview Park; 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 lease agreement with Big Momma's Fresh Cut Fries, for the purposes of food vending operations at H.H. Knoll Lakeview Park.

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 10th day of May, 2021.

_____
William C. Steele
Mayor

_____
Amber LaPointe
City Clerk

Schedule “A” to By-law _____

H.H. Knoll Lakeview Park Food Vending Agreement

THIS CONTRACT made this _____ day of _____.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COLBORNE
(hereinafter called the “City”)

AND

Big Momma’s Fresh Cut Fries

(hereinafter called the “Licensee”)

1. PURPOSE

1.1 In consideration of the sum of the fees outlined in Section 3, the City hereby grants the Licensee the right to manage a food vending operation within a specified area at H.H. Knoll Lakeview Park (5 Marina Drive) as outlined on the plan attached as Schedule “A”.

1.2 The food vending station will be set up for operation throughout the City’s operational season (as hereinafter defined) at H.H. Knoll Lakeview Park. The Licensee will have the option to move the food station anywhere within the operating boundaries highlighted in Schedule “A” as approved by the Parks Supervisor.

1.3 The rights and privileges granted by this contract are for the management, operation, and maintenance of food vending operation for the general public to enjoy.

1.4 Nothing in this contract shall be construed as granting the Licensee any rights to conduct special events within the Park and any area other than that specified on the attached map unless otherwise approved by the City.

2. TERM

2.1 The term of the agreement shall be for one operating season commencing May 21, 2021 and expiring October 31, 2021. The operating season is subject to change at the City’s discretion based on provincial COVID-19 restrictions.

2.2 The Licensee will operate annually within periods that coincide with the City’s seasonal operations, generally from Victoria Day weekend to the beginning of October (weather permitting) (the “Operational Season”). Approximate daily hours, weather pending, are 11:00 a.m. to 9:00 p.m.

3. FEES

3.1. The Licensee will pay the following base fee structure (the “Seasonal Base Fee”):

Year	Seasonal Fee
2021	$2500

OR 7.5% of the total annual gross operating sales before taxes and discounts (whichever is greater) (the “Gross Sales Fee”). The Licensee will provide a statement of gross operating sales (before taxes and discounts) to the City no

later than November 1st. After receiving the statement of gross operating sales, the City will calculate the Gross Sales Fee. If the Gross Sales Fee is greater than the Seasonal Base Fee, then the City will generate, and provide the Licensee with appropriate invoicing showing the amount by which the Gross Sales Fee exceeds the Seasonal Base Fee within 5 business days following November 1st. Payment will be required from the Licensee no later than November 15th. Additional property taxes or sublet fees will not be charged in addition to this.

3.2. For the right to manage a food vending operation at H.H. Knoll Lakeview Park, fees as outlined in 3.1 are as follows:

- The Licensee will pay a $500 (no HST) non-refundable deposit no later than May 21, 2021, applied to the $2500 seasonal fee.

3.3 The Licensee will ensure that they are in compliance with all regulations and requirements in relation to a food vending operation, obtain and pay for any permits, and other related costs that may be required from outside organizations, such as, but not limited to, Niagara Regional Public Health. The City does not make any representations as to the ability of the Licensee to operate a food vending station.

4 DEFAULT

4.1 If the fees above, or any part thereof, shall be in arrears or unpaid by the Licensee at any time or times, then, such non-payment of fees, defaults, breach or non-observance is not corrected within fifteen days from the date of written notice from the City to the Licensee, the City may terminate this contract by giving to the Licensee written notice. The notice will be delivered to the Licensee or any officer of the Licensee or mailed to the last known address of the place of business or office of the Licensee, with such notice served by mail to be deemed to have been given on the fifth (5th) business day following that on which the letter containing the notice was posted, and any notice which is given electronically or by facsimile, to be effective on the date delivered. Once the Licensee receives notice, this contract shall be ended, and in that event, it shall be lawful for the City, its employees or agents, to have all items removed at the expense of the Licensee without any compensation being payable to the Licensee and all outstanding obligations and fees owing under this Agreement to be performed or paid.

4.2 No acceptance of fees subsequent to any breach or default, other than non-payment of fees, nor any condoning, excusing or overlooking by the City on previous occasions of breaches or defaults similar to that for with re-entry is made shall be taken to operate as a waiver of this condition nor in any way to defeat or affect the rights of the City hereunder.

4.3 Any other breach of this Agreement, if not cured within 5 business days, shall entitle the City to cancel this Agreement in accordance with section 4.1, with all fees, expenses and other obligations currently due and owing under this Agreement at that date to be paid immediately.

5. MAINTENANCE

5.1 The Licensee shall be responsible to keep the area identified in Schedule “A” clean and clear of garbage and debris. All waste accumulation will be disposed of in the appropriate waste bins provided by the City.

5.2 In order to ensure that the facilities are being maintained to the satisfaction of

the City, the Licensee and the City will undertake joint inspections of the facilities at regular intervals as may be agreed upon between the parties, and the Licensee undertakes to rectify forthwith any maintenance deficiencies identified during such inspections.

5.3 The Licensee will be responsible for supplying and keeping all equipment aesthetically pleasing and in good repair, including damage caused by vandalism.

6. OPERATION

6.1 The Licensee shall pay all operating expenses incurred in managing the food vending operation.

6.2 The Licensee agrees to manage and operate in a manner consistent with good business and safety practices satisfactory to the City in the City's sole discretion.

6.3 The facilities shall be managed by the Licensee in such a manner to provide a safe, enjoyable food and beverage service to the public in the City's sole discretion.

6.4 The Licensee will ensure that all staff used for the food vending operation are trained and certified under all safe food handling requirements as set out from time to time by the Niagara Region or other authority.

6.5 It is the Licensee's responsibility to cooperate with the Niagara Region Public Health Department, or comparable agency, for any required testing/inspections, as they deem necessary.

6.6 The Licensee is responsible for the safe and environmentally friendly installation and operation of the food vending station. The Licensee will ensure that any safety certification, and/or legislative requirements are satisfied for the operation of food vending services. Copies of any said certifications are to be provided to the City prior to each annual operating season.

6.7 The Licensee will provide any type of physical barrier between vehicle traffic areas and the food vending area.

6.8 Approved signage areas will be determined on site. The Licensee shall not erect any signs within the Park without obtaining approval from the Parks Supervisor or designate.

6.9 The City acknowledges and accepts that the Licensee is not obligated to stay open if they choose not to, due to weather, staffing, or any other reason to be determined.

6.10 The Licensee will have the option of adding new features/structures to the food vending station annually pending formal approval from the City. A request for any of said additions will be provided to the Parks Supervisor or designate.

6.11 The Licensee will be provided access to the hydro panel outlined on Schedule "A" in order to operate the food vending operation. The Licensee will incur all costs associated with alternative hydro access other than that which is outlined in Schedule "A".

7. FINANCES

7.1 The Licensee will provide the City with a statement of gross total annual sales (before taxes and discounts) following the end of the operating season, no later than November 1st annually. Such statements will be used by the City for the

calculations of the annual rental fees, being either the Seasonal Base Fee or the Gross Sales Fee as outlined in section 3.1.

8. INDEMNIFICATION AND INSURANCE

8.1 The Licensee agrees to defend, indemnify and save harmless the City from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever arising out of or related to the Supplier's status with WSIB. This indemnity shall be in addition to and not in lieu of any proof of WSIB status and compliance to be provided by the Supplier in accordance with this Contract and shall survive this Contract.

The Licensee shall indemnify and save harmless the City and its employees, trustees and officers, independent contractors, subcontractors, agents, volunteers, successors, and assigns (collectively the "City of Port Colborne"), of any and all losses, costs, claims, obligations, expenses, demands, actions, causes of action, deficiency, liability, or damages which may be brought against the City of Port Colborne or which it may suffer or incur, directly or indirectly, as a result of, in respect of or arising out of any act or any negligence by the Licensee or its employees, volunteers or agents, any non-performance or non-fulfilment of any terms of this Agreement, or any loss of use, revenue or profit by any person, organization or entity, including but not limited to, incidental, indirect, special and consequential damages. Liabilities include but are not limited to, any and all liability for damages to property and injury to persons (including death), judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind. Any expenses including but not limited to, legal fees on a solicitor-client basis, which indemnified persons, entities or organizations, may suffer or incur howsoever caused arising out of or in connection with, in any way related to, or as a result of:

- Anything done or omitted to be done by the Licensee or the Licensee's employees, volunteers, agents or personnel with respect to their obligations under the Contract, including any breach by the Licensee of its obligations under this Contract or any breach by the Licensee's representations, warranties and covenants set forth in the respondent proposal; and

- Any alleged infringement or infringement of any patent, copyright, trade mark, trade secret, or other intellectual or industrial property right or contractual right or obligation of any third party by reason of the purchase, use or possession of any of the services or deliverables under this Contract.

8.2 The Licensee shall provide the City of Port Colborne with a certified copy of Third-Party Liability in a form satisfactory to the City.

- Policy to be written on the comprehensive form including Contractual Liability and Complete Operations with an inclusive limit of not less than five million dollars ($5,000,000.00) Bodily Injury and Property Damage with a deductible not greater than five thousand dollars ($5,000.00). The Liability insurance Policy shall not contain any exclusions of liability for damage, etc., to property, building, or land arising from the removal or weakening of support of any property, building or land whether such support be natural or otherwise.
- Standard Automobile Policy on both owned and non-owned vehicles with inclusive limits of not less than five million dollars ($5,000,000.00) Bodily Injury or Property Damage with a deductible not greater than five thousand dollars ($5,000.00).
- A "Cross Liability" clause or endorsement. An endorsement certifying that the Corporation of the City of Port Colborne is included as additional insured.
- An endorsement to the effect that the policy or policies will not be altered, cancelled, or allowed to lapse thirty (30) days prior written notice to the City.

8.3.0 The Licensee shall maintain insurance against liability imposed by any Workers' Compensation Act or comparable legislation respecting the injury to or death of all permanent and part time employees engaged by the Licensee in the food vending operation.

9. SERVICE RESERVATION

9.1 The City has the right to maintain and operate services installed on the lands owned or operated by the City known as H.H. Knoll Lakeview Park, including the lands designated in Schedule "A" as the Approved Food Vendor Area, and the right to grant leases or licenses, privilege or permission to install, lay, maintain and use services on, under, over or across the said lands, including but not limited to any utility or telecommunications lines. The Licensee shall not do anything or cause or permit anything to be done which will in any way interfere with the rights and privileges or permissions thereby granted.

10. ACCESS

10.1 While acting in the scope of their duties, the City, its servants or agents shall, at all times and for all work purposes, have free access to any and every part of the area identified on Schedule "A".

10.2 During the term of this Agreement, the general public shall have at all times free and unrestricted access to the lands known as H.H. Knoll Lakeview Park, including the lands designated in Schedule "A" as the Approved Food Vendor Area.

11. SECURITY

11.1 If required, the Licensee will coordinate security services for any items kept on the property. The City is not responsible for any loss or damage to the Licensee's property at any time.

12. CONSTRUCTION OF BUILDINGS OR STRUCTURES

12.1 With the exception of the food vending station outlined in Appendix A, the Licensee shall not construct or erect any permanent buildings or other structures on the said facilities without the prior written consent of the City, and all such buildings or structures shall be constructed and thereafter maintained by and at the cost and expense of the Licensee to the satisfaction of the City.

13. COMPLIANCE WITH LAW

13.1 The Licensee shall in all respects abide by and comply with all rules, regulations and by-laws of the municipality and other governing bodies in any manner affecting the said facilities.

13.2 The Licensee shall ensure that all products and services provided in respect to this contract are in accordance with and under the authorization of all applicable authorities municipal, provincial, and federal legislation, including, but not limited to; the Occupational Health & Safety Act of Ontario, Workplace Safety & Insurance Act, Environmental Protection Act, and the Ministry of Natural Resources Explosives Regulatory Division requirement.

14. ASSIGNMENT

14.1 The Licensee shall not make any assignment of this contract nor any transfer of its rights or privileges under this contract without obtaining the prior consent in writing of the City to such assignment or transfer, which consent may be arbitrarily with held in view of the special purpose nature of this contract.

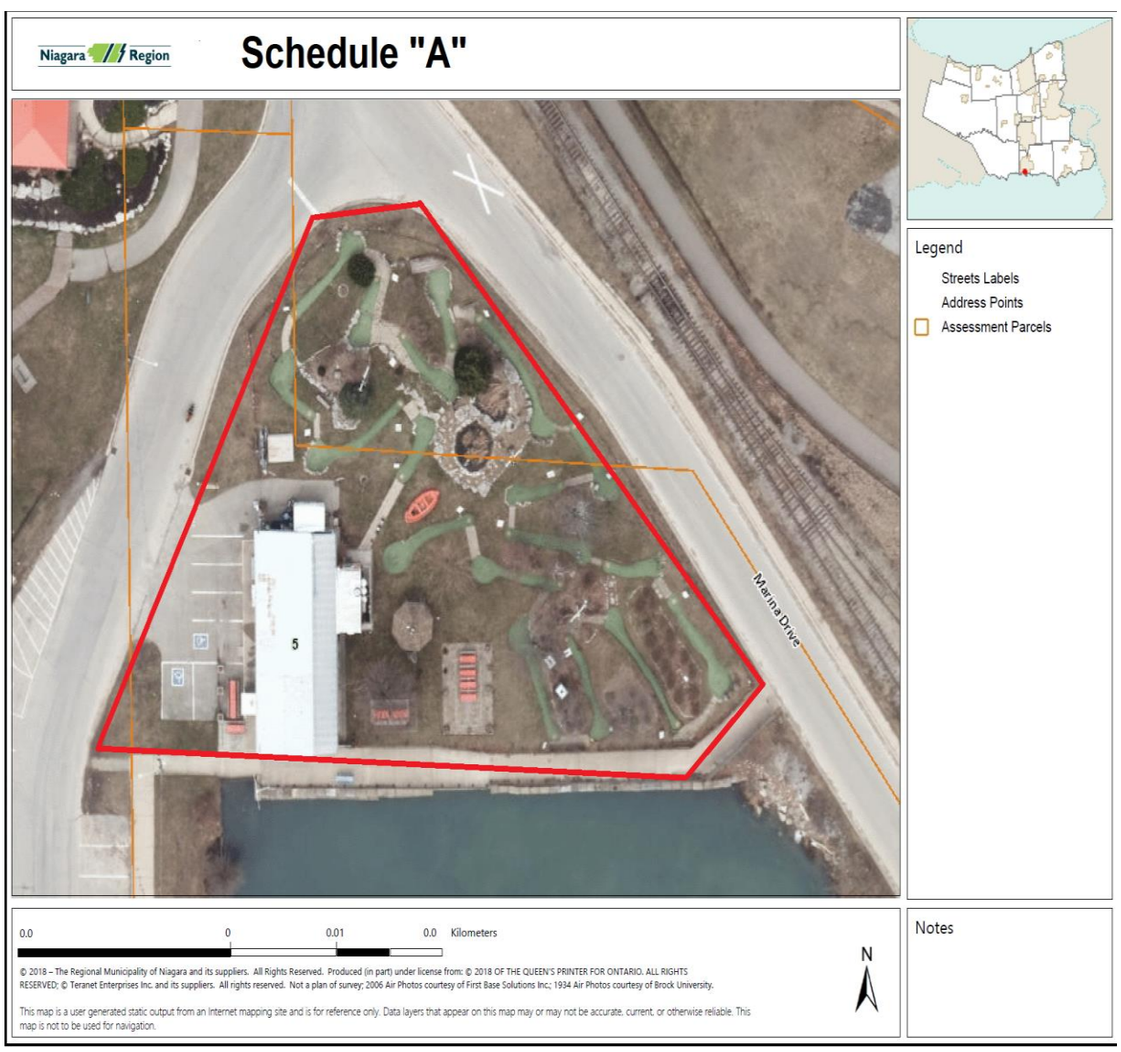
15. INABILITY TO OPERATE

15.1 Notwithstanding anything to the contrary in this Agreement, if the City or Licensee is delayed or hindered in or prevented from the performance of any term, covenant or act required hereunder by reason of being unable to obtain materials, goods, equipment, services or labour; pandemic, including any issues resulting from the current COVID-19 pandemic; or by reason of any Statute, law or Order or Direction of any Administrator, Board, Governmental Department or Office or other authority required thereby, or by reason of any other cause beyond its control, whether of the foregoing character or not, the City or Licensee, as the case may be, shall be relieved from the fulfilment of such obligation while such condition is in effect ,and the City or Licensee respectively shall not be entitled to compensation for any inconvenience, nuisance, damage or discomfort thereby occasioned.

15.2 If, by reason of the current COVID-19 pandemic and any related restrictions or closures, the Licensee is delayed or unable to set up, commence and operate the food vending station as contemplated by this Agreement, then the Seasonal Base Fees under this Agreement for the particular year shall be determined on a proportionate basis, which Seasonal Base Fees shall be based on the number of days the Licensee does in fact operate the food vending station as a proportion of the total number of days in the Operational Season for that particular year.

15.3 If, by reason of the current COVID-19 pandemic, the Licensee is unable or unwilling to operate the food vending station for any time during an Operational Season, then the entire Seasonal Base Fee for that particular Operational Season shall be waived by the City.

16. Food Vendor Area



IN WITNESS WHEREOF the parties have executed these presents.

SIGNED, SEALED AND DELIVERED	)	THE CORPORATION OF THE
	)	CITY OF PORT COLBORNE
		_____
		Mayor, William Steele
	)	
	)	_____
		City Clerk, Amber LaPointe
	)	
	)	_____
		Licensee

The Corporation of the City of Port Colborne

By-law No. _____

Being a By-law to Authorize Entering into a Lease Agreement with Heavenly Dreams Ice Cream Regarding Food Vending Operations at H.H. Knoll Lakeview Park

Whereas at its meeting of April 12, 2021, the Council of The Corporation of the City of Port Colborne (Council) approved the recommendations of the Chief Administrative Office Report No. 2021-112, Subject: Awarding Food Vendor Contracts for H.H. Knoll Lakeview Park - 2021 Season; and

Whereas Council is desirous of entering into a Lease Agreement with Heavenly Dreams Ice Cream for the purpose of food vending operations at H.H. Knoll Lakeview Park; 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 lease agreement with Heavenly Dreams Ice Cream, for the purposes of food vending operations at H.H. Knoll Lakeview Park.

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 10th day of May, 2021.

_____
William C. Steele
Mayor

_____
Amber LaPointe
City Clerk

Schedule “A” to By-law _____

H.H. Knoll Lakeview Park Food Vending Agreement

THIS CONTRACT made this _____ day of _____.

BETWEEN:

THE CORPORATION OF THE CITY OF PORT COLBORNE
(hereinafter called the “City”)

AND

Heavenly Dreams Ice Cream

(hereinafter called the “Licensee”)

1. PURPOSE

1.1 In consideration of the sum of the fees outlined in Section 3, the City hereby grants the Licensee the right to manage a food vending operation within a specified area at H.H. Knoll Lakeview Park (5 Marina Drive) as outlined on the plan attached as Schedule “A”.

1.2 The food vending station will be set up for operation throughout the City’s operational season (as hereinafter defined) at H.H. Knoll Lakeview Park. The Licensee will have the option to move the food station anywhere within the operating boundaries highlighted in Schedule “A” as approved by the Parks Supervisor.

1.3 The rights and privileges granted by this contract are for the management, operation, and maintenance of food vending operation for the general public to enjoy.

1.4 Nothing in this contract shall be construed as granting the Licensee any rights to conduct special events within the Park and any area other than that specified on the attached map unless otherwise approved by the City.

2. TERM

2.1 The term of the agreement shall be for one operating season commencing May 21, 2021 and expiring October 31, 2021. The operating season is subject to change at the City’s discretion based on provincial COVID-19 restrictions.

2.2 The Licensee will operate annually within periods that coincide with the City’s seasonal operations, generally from Victoria Day weekend to the beginning of October (weather permitting) (the “Operational Season”). Approximate daily hours, weather pending, are 11:00 a.m. to 9:00 p.m.

3. FEES

3.1. The Licensee will pay the following base fee structure (the “Seasonal Base Fee”):

Year	Seasonal Fee
2021	$2500

OR 7.5% of the total annual gross operating sales before taxes and discounts (whichever is greater) (the “Gross Sales Fee”). The Licensee will provide a statement of gross operating sales (before taxes and discounts) to the City no

later than November 1st. After receiving the statement of gross operating sales, the City will calculate the Gross Sales Fee. If the Gross Sales Fee is greater than the Seasonal Base Fee, then the City will generate, and provide the Licensee with appropriate invoicing showing the amount by which the Gross Sales Fee exceeds the Seasonal Base Fee within 5 business days following November 1st. Payment will be required from the Licensee no later than November 15th. Additional property taxes or sublet fees will not be charged in addition to this.

3.2. For the right to manage a food vending operation at H.H. Knoll Lakeview Park, fees as outlined in 3.1 are as follows:

- The Licensee will pay a $500 (no HST) non-refundable deposit no later than May 21, 2021, applied to the $2500 seasonal fee.

3.3 The Licensee will ensure that they are in compliance with all regulations and requirements in relation to a food vending operation, obtain and pay for any permits, and other related costs that may be required from outside organizations, such as, but not limited to, Niagara Regional Public Health. The City does not make any representations as to the ability of the Licensee to operate a food vending station.

4 DEFAULT

4.1 If the fees above, or any part thereof, shall be in arrears or unpaid by the Licensee at any time or times, then, such non-payment of fees, defaults, breach or non-observance is not corrected within fifteen days from the date of written notice from the City to the Licensee, the City may terminate this contract by giving to the Licensee written notice. The notice will be delivered to the Licensee or any officer of the Licensee or mailed to the last known address of the place of business or office of the Licensee, with such notice served by mail to be deemed to have been given on the fifth (5th) business day following that on which the letter containing the notice was posted, and any notice which is given electronically or by facsimile, to be effective on the date delivered. Once the Licensee receives notice, this contract shall be ended, and in that event, it shall be lawful for the City, its employees or agents, to have all items removed at the expense of the Licensee without any compensation being payable to the Licensee and all outstanding obligations and fees owing under this Agreement to be performed or paid.

4.2 No acceptance of fees subsequent to any breach or default, other than non-payment of fees, nor any condoning, excusing or overlooking by the City on previous occasions of breaches or defaults similar to that for with re-entry is made shall be taken to operate as a waiver of this condition nor in any way to defeat or affect the rights of the City hereunder.

4.3 Any other breach of this Agreement, if not cured within 5 business days, shall entitle the City to cancel this Agreement in accordance with section 4.1, with all fees, expenses and other obligations currently due and owing under this Agreement at that date to be paid immediately.

5. MAINTENANCE

5.1 The Licensee shall be responsible to keep the area identified in Schedule “A” clean and clear of garbage and debris. All waste accumulation will be disposed of in the appropriate waste bins provided by the City.

5.2 In order to ensure that the facilities are being maintained to the satisfaction of

the City, the Licensee and the City will undertake joint inspections of the facilities at regular intervals as may be agreed upon between the parties, and the Licensee undertakes to rectify forthwith any maintenance deficiencies identified during such inspections.

5.3 The Licensee will be responsible for supplying and keeping all equipment aesthetically pleasing and in good repair, including damage caused by vandalism.

6. OPERATION

6.1 The Licensee shall pay all operating expenses incurred in managing the food vending operation.

6.2 The Licensee agrees to manage and operate in a manner consistent with good business and safety practices satisfactory to the City in the City's sole discretion.

6.3 The facilities shall be managed by the Licensee in such a manner to provide a safe, enjoyable food and beverage service to the public in the City's sole discretion.

6.4 The Licensee will ensure that all staff used for the food vending operation are trained and certified under all safe food handling requirements as set out from time to time by the Niagara Region or other authority.

6.5 It is the Licensee's responsibility to cooperate with the Niagara Region Public Health Department, or comparable agency, for any required testing/inspections, as they deem necessary.

6.6 The Licensee is responsible for the safe and environmentally friendly installation and operation of the food vending station. The Licensee will ensure that any safety certification, and/or legislative requirements are satisfied for the operation of food vending services. Copies of any said certifications are to be provided to the City prior to each annual operating season.

6.7 The Licensee will provide any type of physical barrier between vehicle traffic areas and the food vending area.

6.8 Approved signage areas will be determined on site. The Licensee shall not erect any signs within the Park without obtaining approval from the Parks Supervisor or designate.

6.9 The City acknowledges and accepts that the Licensee is not obligated to stay open if they choose not to, due to weather, staffing, or any other reason to be determined.

6.10 The Licensee will have the option of adding new features/structures to the food vending station annually pending formal approval from the City. A request for any of said additions will be provided to the Parks Supervisor or designate.

6.11 The Licensee will be provided access to the hydro panel outlined on Schedule "A" in order to operate the food vending operation. The Licensee will incur all costs associated with alternative hydro access other than that which is outlined in Schedule "A".

7. FINANCES

7.1 The Licensee will provide the City with a statement of gross total annual sales (before taxes and discounts) following the end of the operating season, no later than November 1st annually. Such statements will be used by the City for the

calculations of the annual rental fees, being either the Seasonal Base Fee or the Gross Sales Fee as outlined in section 3.1.

8. INDEMNIFICATION AND INSURANCE

8.1 The Licensee agrees to defend, indemnify and save harmless the City from and against any and all claims of any nature, actions, causes of action, losses, expenses, fines, costs (including legal costs), interest or damages of every nature and kind whatsoever arising out of or related to the Supplier's status with WSIB. This indemnity shall be in addition to and not in lieu of any proof of WSIB status and compliance to be provided by the Supplier in accordance with this Contract and shall survive this Contract.

The Licensee shall indemnify and save harmless the City and its employees, trustees and officers, independent contractors, subcontractors, agents, volunteers, successors, and assigns (collectively the "City of Port Colborne"), of any and all losses, costs, claims, obligations, expenses, demands, actions, causes of action, deficiency, liability, or damages which may be brought against the City of Port Colborne or which it may suffer or incur, directly or indirectly, as a result of, in respect of or arising out of any act or any negligence by the Licensee or its employees, volunteers or agents, any non-performance or non-fulfilment of any terms of this Agreement, or any loss of use, revenue or profit by any person, organization or entity, including but not limited to, incidental, indirect, special and consequential damages. Liabilities include but are not limited to, any and all liability for damages to property and injury to persons (including death), judgments, claims, demands, causes of action, contracts, suits, actions or other proceedings of any kind. Any expenses including but not limited to, legal fees on a solicitor-client basis, which indemnified persons, entities or organizations, may suffer or incur howsoever caused arising out of or in connection with, in any way related to, or as a result of:

- Anything done or omitted to be done by the Licensee or the Licensee's employees, volunteers, agents or personnel with respect to their obligations under the Contract, including any breach by the Licensee of its obligations under this Contract or any breach by the Licensee's representations, warranties and covenants set forth in the respondent proposal; and

- Any alleged infringement or infringement of any patent, copyright, trade mark, trade secret, or other intellectual or industrial property right or contractual right or obligation of any third party by reason of the purchase, use or possession of any of the services or deliverables under this Contract.

8.2 The Licensee shall provide the City of Port Colborne with a certified copy of Third-Party Liability in a form satisfactory to the City.

- Policy to be written on the comprehensive form including Contractual Liability and Complete Operations with an inclusive limit of not less than five million dollars ($5,000,000.00) Bodily Injury and Property Damage with a deductible not greater than five thousand dollars ($5,000.00). The Liability insurance Policy shall not contain any exclusions of liability for damage, etc., to property, building, or land arising from the removal or weakening of support of any property, building or land whether such support be natural or otherwise.
- Standard Automobile Policy on both owned and non-owned vehicles with inclusive limits of not less than five million dollars ($5,000,000.00) Bodily Injury or Property Damage with a deductible not greater than five thousand dollars ($5,000.00).
- A "Cross Liability" clause or endorsement. An endorsement certifying that the Corporation of the City of Port Colborne is included as an additional insured.
- An endorsement to the effect that the policy or policies will not be altered, cancelled, or allowed to lapse thirty (30) days prior written notice to the City.

8.3.0 The Licensee shall maintain insurance against liability imposed by any Workers' Compensation Act or comparable legislation respecting the injury to or death of all permanent and part time employees engaged by the Licensee in the food vending operation.

9. SERVICE RESERVATION

9.1 The City has the right to maintain and operate services installed on the lands owned or operated by the City known as H.H. Knoll Lakeview Park, including the lands designated in Schedule "A" as the Approved Food Vendor Area, and the right to grant leases or licenses, privilege or permission to install, lay, maintain and use services on, under, over or across the said lands, including but not limited to any utility or telecommunications lines. The Licensee shall not do anything or cause or permit anything to be done which will in any way interfere with the rights and privileges or permissions thereby granted.

10. ACCESS

10.1 While acting in the scope of their duties, the City, its servants or agents shall, at all times and for all work purposes, have free access to any and every part of the area identified on Schedule "A".

10.2 During the term of this Agreement, the general public shall have at all times free and unrestricted access to the lands known as H.H. Knoll Lakeview Park, including the lands designated in Schedule "A" as the Approved Food Vendor Area.

11. SECURITY

11.1 If required, the Licensee will coordinate security services for any items kept on the property. The City is not responsible for any loss or damage to the Licensee's property at any time.

12. CONSTRUCTION OF BUILDINGS OR STRUCTURES

12.1 With the exception of the food vending station outlined in Appendix A, the Licensee shall not construct or erect any permanent buildings or other structures on the said facilities without the prior written consent of the City, and all such buildings or structures shall be constructed and thereafter maintained by and at the cost and expense of the Licensee to the satisfaction of the City.

13. COMPLIANCE WITH LAW

13.1 The Licensee shall in all respects abide by and comply with all rules, regulations and by-laws of the municipality and other governing bodies in any manner affecting the said facilities.

13.2 The Licensee shall ensure that all products and services provided in respect to this contract are in accordance with and under the authorization of all applicable authorities municipal, provincial, and federal legislation, including, but not limited to; the Occupational Health & Safety Act of Ontario, Workplace Safety & Insurance Act, Environmental Protection Act, and the Ministry of Natural Resources Explosives Regulatory Division requirement.

14. ASSIGNMENT

14.1 The Licensee shall not make any assignment of this contract nor any transfer of its rights or privileges under this contract without obtaining the prior consent in writing of the City to such assignment or transfer, which consent may be arbitrarily with held in view of the special purpose nature of this contract.

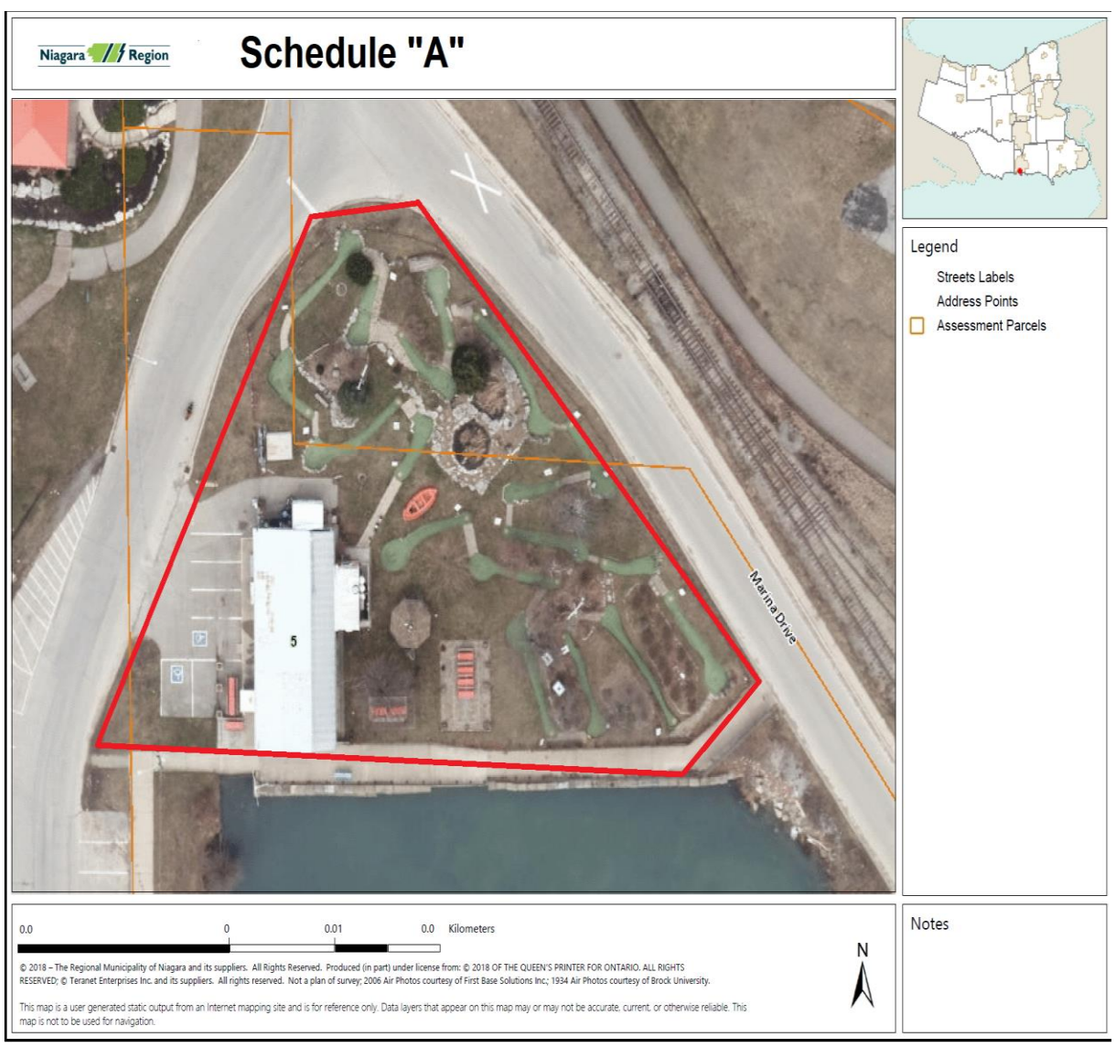
15. INABILITY TO OPERATE

15.1 Notwithstanding anything to the contrary in this Agreement, if the City or Licensee is delayed or hindered in or prevented from the performance of any term, covenant or act required hereunder by reason of being unable to obtain materials, goods, equipment, services or labour; pandemic, including any issues resulting from the current COVID-19 pandemic; or by reason of any Statute, law or Order or Direction of any Administrator, Board, Governmental Department or Office or other authority required thereby, or by reason of any other cause beyond its control, whether of the foregoing character or not, the City or Licensee, as the case may be, shall be relieved from the fulfilment of such obligation while such condition is in effect ,and the City or Licensee respectively shall not be entitled to compensation for any inconvenience, nuisance, damage or discomfort thereby occasioned.

15.2 If, by reason of the current COVID-19 pandemic and any related restrictions or closures, the Licensee is delayed or unable to set up, commence and operate the food vending station as contemplated by this Agreement, then the Seasonal Base Fees under this Agreement for the particular year shall be determined on a proportionate basis, which Seasonal Base Fees shall be based on the number of days the Licensee does in fact operate the food vending station as a proportion of the total number of days in the Operational Season for that particular year.

15.3 If, by reason of the current COVID-19 pandemic, the Licensee is unable or unwilling to operate the food vending station for any time during an Operational Season, then the entire Seasonal Base Fee for that particular Operational Season shall be waived by the City.

16. Food Vendor Area



IN WITNESS WHEREOF the parties have executed these presents.

SIGNED, SEALED AND DELIVERED	)	THE CORPORATION OF THE
	)	CITY OF PORT COLBORNE
		_____
		Mayor, William Steele
	)	
	)	_____
		City Clerk, Amber LaPointe
	)	
	)	_____
		Licensee

The Corporation of the City of Port Colborne

By-Law No. _____

Being a by-law to adopt, ratify and confirm
the proceedings of the Council of The
Corporation of the City of Port Colborne at
its Regular Meeting of May 10, 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 May 10, 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 10th day of May, 2021.

_____
William C. Steele
Mayor

_____
Amber LaPointe
City Clerk